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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
In the Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2020-000249

Government Employees Insurance Company,.....Respondent,

v.

Barbara P. Jackson, as Personal Representative
for the Estate of Vincent A. Jackson,.....Appellant.

**RECORD ON APPEAL
VOLUME II**

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1 A He was living at 9 Brown Street.

2 Q Where was the car being maintained?

3 A It was in my yard on 9 Brown Street.

4 Q Miss Jackson was asked some questions about the
5 application. This is the rental application for
6 Rast Street and it's Exhibit 15. On the first page of
7 this application, it has a number of vehicle, make and
8 model, state license and number. It's got listed a
9 Ford Explorer, license number ANS101 --

10 A All right.

11 Q -- as the vehicle that Vincent had listed that he
12 would have at the apartment. Whose vehicle was
13 that?

14 A That was my Ford Explorer.

15 Q It was a Ford Explorer that you owned?

16 A Yes, sir.

17 Q And Vincent -- was it one of the vehicles that you
18 maintained at the house that Vincent had the
19 permission to use?

20 A Yes, sir.

21 Q Did he -- would he typically use it and then bring
22 it back that very same day?

23 A Not all the time, because he used to drive
24 back and forth to work when he was -- I think when
25 he was working at the paper mill, he was driving

1 it back and forth to work every day. He would
2 brick it back on the weekend.

3 Q So would he -- where was the paper mill located?

4 A Sir?

5 Q Where was the paper mill located?

6 A The paper mill was located in -- in
7 Virginia.

8 Q So he was working out of town?

9 A Yes, sir.

10 Q So what you're saying is, when he was working out
11 of town, he would use the vehicle and, of course,
12 would keep it?

13 A Yeah, he would use my daughter's one time to
14 go to North Carolina. He would use it and bring
15 it back on the weekend, and, you know, put it back
16 in the back in the yard.

17 Q So when he would go away to work, he had the
18 privilege to use the vehicle and come back?

19 A Yes, sir.

20 Q And when he came back, it would come to you?

21 A Yes, sir. He would have no kind of vehicle
22 that was stable enough to go out of town with or
23 nothing like that.

24 Q And so when he'd come back, he'd come where?

25 A Back to 9 Brown Street.

1 Q And we were talking about the motor before and the
2 installation of the motor and the Aurora, how much
3 money was it that you gave him to buy the motor and
4 how much did you have to pay to get it installed?

5 A It was like 980-something dollars for the
6 motor and \$500 to put it in.

7 Q Did it -- did the car work fine after the motor
8 was put into it, or did it still have?

9 A It still had problems. He would drive it
10 every now and then, but it wasn't reliable. It
11 was -- you know. It wasn't reliable.

12 Q And when it wouldn't work, what did he do for a
13 vehicle?

14 A He would use one of ours.

15 Q So now let's come forward, Mr. Jackson, to
16 Christmas of 2013. At this time, Jayden would be
17 about a year and a half old. He's growing, correct?

18 A Yes, sir.

19 Q Tell us what you remember about Christmas on -- of
20 2013?

21 A Well, we -- well, my wife both -- they have,
22 let's say, Christmas Eve at her sister's house,
23 and he goes over there and wait to Christmas comes
24 in and change gifts and stuff like that.

25 MR. MURPHY: Your Honor, I'd hate to

1 object, I understand everybody has different
2 family celebrations, but we're here about
3 residency. We need to belabor on the point about
4 what the case is.

5 THE COURT: Mr. Willoughby?

6 MR. WILLOUGHBY: It bears on --

7 THE COURT: But we heard this from the
8 wife earlier, didn't we, about Christmas?

9 MR. WILLOUGHBY: The wife did speak about
10 Christmas.

11 THE COURT: So --

12 MR. WILLOUGHBY: Let me ask it -- if I
13 may ask it this way, Judge --

14 THE COURT: Please.

15 MR. WILLOUGHBY: -- and see if I can
16 relieve the objection.

17 THE COURT: Yes, sir.

18 BY MR. WILLOUGHBY:

19 Q Where did Vincent spend Christmas Eve on
20 December 24 of 2013?

21 A Christmas Eve?

22 Q Yes, sir.

23 A He spent it at home, 9 Brown Street.

24 Q And when you woke up on Christmas Day, what did
25 you all do as a family?

1 A Well, we exchanged gifts and he went and got
2 his son and Miss Jessica and came back, and we
3 gave my grandson his gifts and stuff like that,
4 and you know.

5 Q That was done at Brown Street?

6 A 9 Brown Street, yeah.

7 Q Now, come forward -- during this period of time --
8 well, I want to come forward to January of 2014.
9 Where were you on January the 17th of 2014?

10 A I was home.

11 Q Do you remember getting a call from your wife?

12 A Yeah.

13 Q And tell me what your wife told you?

14 A She told me to meet her on to Rast Street and
15 Rast Street Apartments, and it was an emergency,
16 like that. So I got up and I went over there.

17 Q Had you seen Vincent earlier that day?

18 A Yes, sir.

19 Q Where had you seen Vincent?

20 A He was home.

21 Q Had you talked with him earlier that day?

22 A Yes, sir.

23 Q And was he there at the house?

24 A Yes, sir.

25 Q Was he living at the house at that time?

1 A He was living there at the time, yes, sir.

2 Q At that time, did he have his clothes at your
3 house?

4 A Yes, sir.

5 Q Did he have his room at the family home at the
6 9 Brown Street?

7 A Yes, sir.

8 Q Is he maintaining his tools at 9 Brown Street?

9 A Yes, sir.

10 Q Did he live there for the vast majority of the
11 time he was not working?

12 A That's correct.

13 Q So you go over to Rast Street. What do you see
14 and who do you talk with when you get there?

15 A Well, I saw, you know, a bunch of people and
16 the police and my wife, and then I got the news.

17 Q Who gave you the news?

18 A My wife did.

19 Q Did you have any conversation with the coroner or
20 anyone else?

21 A No, sir. No, I didn't.

22 Q Did you provide any information to the coroner or
23 anyone else?

24 A No, sir, I didn't.

25 Q Did the coroner ask you any questions about Vince

1 about where he lived?

2 A No, sir.

3 Q Did anyone on that evening ask you where Vince
4 lived?

5 A No, sir.

6 Q What did you do after you got that news?

7 A Well, I got a little bit upset and went back
8 home.

9 Q Did people begin to come to your house?

10 A Yes, sir.

11 Q And how long did they come to your house?

12 A Late up in the morning three, four o'clock,
13 somewhere up in there.

14 Q At some point in time, did you go over to
15 Rast Street at any point in time after Vince passed
16 away?

17 A I think about -- it was awhile, you know.
18 And I think I went to help them get something out
19 of there, you know.

20 Q At any point in time when Vince was using the
21 apartment, did you ever go to see how the apartment
22 was upfitted?

23 A Yeah, I've been -- I would say two or there
24 times I was there. It was over a period of
25 time.

1 Q Was it sparsely upfitted?

2 A Well, he had, like, a couch, you know, bed,
3 stuff like that there, you know. That was it.

4 Q After that Friday night, and, actually, Saturday
5 morning, do you participate or do you talk with the
6 funeral home or provide the funeral home with any
7 information about where Vince lived at the time of his
8 death?

9 A No, sir.

10 Q Did anyone ever come and ask you?

11 A No, sir.

12 Q Was Vince still receiving some mail at home?

13 A Yes, sir.

14 (DFT. EXH. 5, Statement from Safe Federal
15 Credit Union, was marked and entered into evidence.)
16 BY MR. WILLOUGHBY:

17 Q Let me show you Exhibit 5, Jackson Exhibit 5, and
18 this is an account statement from Safe Federal Credit
19 Union for the period of time from December 13th -- or
20 December 31, 2013. Did that come to your house for
21 Vince after he had passed away?

22 A Yes, sir.

23 Q Mr. Jackson, you're aware that the issue that this
24 jury has to decide is where Vince lived on the date
25 that he passed away, correct?

1 A Yes, sir.

2 Q Tell the -- please, tell us, if you would, in your
3 own words where Vince lived on January the 17th of
4 2014?

5 A 9 Brown Street.

6 MR. WILLOUGHBY: Thank you very much.
7 Please answer any questions that Mr. Murphy may
8 have.

9 THE COURT: Mr. Murphy.

10 CROSS-EXAMINATION

11 BY MR. MURPHY:

12 Q Very briefly, the account from the credit union,
13 that was his savings account that he opened with his
14 mom when he was a teenager? The statement came -- the
15 December 13th statement was the exhibit you just
16 looked at?

17 A Yeah.

18 Q It had \$24 in it that day?

19 A Yeah, \$25. Uh-huh.

20 Q His regular checking account was with Wells Fargo.
21 That's where he had his paychecks deposited, things
22 like that?

23 A I really don't know. I don't know.

24 Q You didn't have any mail from Wells Fargo coming
25 to the Brown Street for your son, did you?

1 A I really don't know. I just go to the mail
2 every now and then. I really don't even look in
3 the mailbox.

4 Q If I understand correctly, you returned to
5 Invista. That's the old Dupont May Plant that you're
6 talking about?

7 A That's the old Dupont May Plant, right?

8 Q In Lugoff?

9 A Right.

10 Q Right on the river there?

11 A Right.

12 Q And you worked there when you were a young man?

13 A I work there now.

14 Q And you went back there in 2011?

15 A Yeah.

16 Q And you've been there ever since?

17 A Yeah, off and on.

18 Q Okay. So you haven't had to travel out of town.
19 You just commute over there to work your shifts and
20 come back home every night since 2011?

21 A Well, I worked there with a company Selden,
22 and Duke Electrical, and stuff like that. I went
23 on -- you know, moving around.

24 Q You said in your direct, though, that you returned
25 to Invista in 2011.

1 A I did, yeah. Huh-uh.

2 Q So since then you and Vincent would have been
3 traveling together out of town.

4 A No, no, no. It was just me over there at
5 Invista.

6 Q Yeah, since 2011.

7 A Right. Huh-uh.

8 Q So the times you all would have been traveling
9 together would have been from the time he started
10 being a welder until about when you went to Invista in
11 2011?

12 A Yeah, that's correct.

13 Q So any time she came over to spend the night with
14 you so you all could leave early to go to the jobs
15 that that before 2011?

16 A Yes, sir.

17 Q Okay. Now, you don't know how credit recording
18 works, whether Century 21 Hawkins reports lease
19 payments to the credit bureau, do you?

20 A I don't know. I really don't have a clue.

21 Q And, in fact, if your son was trying to establish
22 credit, you didn't even know he had an apartment until
23 after that fact and your wife told you.

24 A No, he told me.

25 Q There's a lot of better ways to build credit than

1 rent an empty apartment, aren't there?

2 A I guess so, yeah.

3 Q You could get yourself a small limit credit card
4 and maybe just use it for gas or groceries, pay it off
5 every month, and the banks are going to report that
6 good credit history someone like Experian.

7 A I don't know how the system works, you know.

8 Q So for him to establish himself, you really don't
9 know that would do it, and, certainly, renting a
10 vacant apartment wouldn't seem to be the best way or
11 the least expensive way to do that, would it?

12 A Like I said, I wouldn't know. I was telling
13 him what I was doing. You know, how I was doing.
14 You know, how I was doing, you know.

15 Q It's our generation. We're about the same age.

16 A Yeah.

17 Q Being on your own meant having your own place?

18 A No, I didn't leave home. I was, like, way
19 late '30's.

20 Q But you said Vincent wanted to be on his own,
21 isn't that what you said?

22 A Yeah.

23 Q And, in fact, that's what he said himself when he
24 leased the apartment, sir, isn't it? He said, the
25 reason he was leaving Brown Street was to be -- to

1 have own place. Isn't that what he said in that
2 application?

3 A Yeah.

4 (PLF. EXH. 15, Rental application, was
5 marked and entered into evidence.)

6 BY MR. MURPHY:

7 Q I can hand you the actual exhibit, which is
8 Exhibit 15.

9 A Uh-huh.

10 Q That's down there at the middle. So, he confided
11 in you that he wanted to be on his own and this
12 leasing that apartment was a step in that direction.
13 And you knew it would be good for him to have his
14 residence.

15 A Yeah, yeah.

16 Q That means when you report it to the IRS that
17 that's your residence, that means that you're
18 verifying that you live there to get those benefits
19 you were talking about.

20 A Well, I ain't going to quote.

21 Q Okay.

22 A You know, I can't quote on that one.

23 Q You remember that you said you lived a certain
24 place to be head of the household and to get some kind
25 of benefit from doing that, you should do that

1 honestly?

2 A I'm not going to quote on that one. I can't
3 quote on that one.

4 Q Now, can you explain how staying at your
5 sister-in-law's or his aunt's place on Center Street
6 helped build his credit?

7 A Yeah, yeah. I told him that.

8 Q How did that help his build his credit?

9 A I said it would build it if he get out there
10 on his own and she was giving him an opportunity
11 to, you know, to just --

12 Q He didn't have a lease or pay any type of rent,
13 right?

14 A No, no. He didn't have to -- you know.

15 Q And any expenses he paid toward your home, you
16 don't have any receipts for that either. He just gave
17 some cash to his mom maybe?

18 A Yeah, yeah. He paid my wife. I don't have a
19 recollection of none of that.

20 Q Okay. Now, the vehicle he was using that was
21 listed on this application, the Ford Explorer, that's
22 in 2012, correct? Is that the date on that?

23 A I guess, yes. Yes, sir. Ford Explorer.

24 Q He went to the trouble to apply for his own
25 insurance policy on the Oldsmobile in 2013. That's

1 the exhibit where you he went and got his own policy
2 in his own for the Oldsmobile?

3 A Uh-huh.

4 Q You've never insured a car that wouldn't run, have
5 you?

6 A Would I insure a car that wouldn't run?

7 Q Yeah.

8 A Yeah.

9 Q If they're sitting in the yard, you don't get an
10 insurance policy on it.

11 A I got one home like that.

12 Q But, he got a policy for his own car in 2013 and
13 he used the Rast Street address to tell that insurance
14 company, this is where I live, this is where my car is
15 garaged.

16 A Uh-huh.

17 Q Is that correct?

18 A I guess so.

19 Q And he wasn't listed on your policy with GEICO
20 that you and your wife had, was he?

21 A I don't know my wife should have known or did
22 know.

23 Q Well, only Therel was listed on that policy,
24 correct?

25 A I don't know. I'd have to see the policy.

1 Q If that's a copy of the GEICO dec page, that shows
2 you and your wife and just Therel.

3 A Yes, sir.

4 MR. WILLOUGHBY: Your Honor, you ruled on
5 the dec page and I think it's now attempting to be
6 used and you ruled it out.

7 THE COURT: Mr. Murphy?

8 MR. MURPHY: Actually, Your Honor, I
9 didn't object to it. Just redactions. It was
10 never ruled on. I just showed him the policy
11 forms.

12 MR. WILLOUGHBY: I'm more than willing to
13 put it in. If you're going to use it, it's need
14 to be in the record. We've asked that it be in
15 the record.

16 MR. MURPHY: Just like with the
17 application, we redacted everything except --
18 relevant to residency, Your Honor.

19 THE COURT: Okay. So then you want it
20 in?

21 MR. MURPHY: I'll be glad to do it. They
22 had put it up and I said with redactions, I would
23 agree.

24 THE COURT: Have you seen?
25 Mr. Willoughby, have you seen it?

1 MR. WILLOUGHBY: No, I haven't. No.

2 MR. MURPHY: I didn't agree subject to
3 that. I think it's fair game to ask about it
4 because you talked about it.

5 MR. WILLOUGHBY: So this is with GEICO.
6 Purely cherry picking. We ask that the whole
7 document be in the record. You ruled that we
8 couldn't put it in the record.

9 THE COURT: Okay.

10 MR. WILLOUGHBY: Now, he's trying to use
11 the document over your ruling.

12 THE COURT: I'm going to stay where I am
13 for the sake of consistency. I'm not going to let
14 it in Mr. Murphy.

15 MR. MURPHY: That's fine. Thank you,
16 Your Honor.

17 BY MR. MURPHY:

18 Q Mr. Jackson, you don't have any document showing
19 he was on that policy, do you?

20 A Not that I know of.

21 Q Your son had signed, not one, but two leases for
22 the apartment and had been there 18 months at the time
23 of the accident; is that correct?

24 A I guess. I don't know.

25 Q Exhibit 16 and 17, one is the original lease and

1 the renewal; is that correct, sir?

2 A I guess. I don't know. We never talked
3 about, you know, nothing like that. You know, we
4 talked about sports and cars. I don't ask
5 somebody where they live -- I mean, what kind of
6 stuff he had like that. If it was something him
7 and his mama used to talk about.

8 Q So you don't dispute that he was renting and
9 leasing and living in that apartment from June of 2012
10 until the time of the accident?

11 A I know he was there. I mean, he was going
12 back and forth there, yeah. But I didn't know
13 what kind of lease he had or nothing. That's what
14 I'm saying. I didn't ask him nothing like that,
15 so -- you know.

16 Q But to be on his own and to get something for what
17 he paid everything month for the lease, you would
18 expect he was living there?

19 A (No response.)

20 Q It wasn't a vacant apartment. There was furniture
21 and clothes and food and utensils, and things like
22 that in that apartment, right?

23 A I guess.

24 MR. MURPHY: I beg the Court for one
25 moment.

1 THE COURT: Yes, sir.

2 BY MR. WILLOUGHBY:

3 Q I just want to make one last thing clear,
4 Mr. Jackson. Did you know your son was going to lease
5 the apartment before he did it, or did you find out
6 later from your wife?

7 A I think I found out later. Like I say, he
8 never talked to me about that.

9 Q Whatever talks you all had about establishing
10 credit, this lease had nothing to do?

11 A It had nothing to do with that. No, it
12 didn't have nothing to do about a house, or
13 nothing like that.

14 Q Thank you, Mr. Jackson.

15 MR. MURPHY: That's all, Your Honor.

16 THE COURT: Mr. Willoughby.

17 MR. WILLOUGHBY: Thank you, Your Honor.

18 May it please the Court?

19 REDIRECT EXAMINATION

20 BY MR. WILLOUGHBY:

21 Q You were asked a question, Therel, about Center
22 Street, that since he wasn't paying rent at
23 Center Street, did that do anything to help with
24 credit or per diem. Was per diem also part of the
25 reason for the address at Center Street?

1 A Yes, sir.

2 Q And head of household, is that also part of the
3 reason?

4 A Yes, sir.

5 Q And do you know whether or not to establish credit
6 there in the form of the water bill at
7 Center Street?

8 A I really don't know. I don't know whether he
9 had water there or not. You know, I really
10 couldn't tell you.

11 Q You were also asked some questions about why would
12 you put insurance on the Aurora if it wasn't running.
13 Right after you put the motor and had the motor
14 installed or paid to have them installed, did the car
15 run for a while?

16 A Yes. It run for a little while and it broke
17 again. You know, I think it started running hot.
18 The radiator or something was -- the car was
19 running hot so he parked it, so, you know.

20 Q So it was only running for a short period?

21 A Short period of time.

22 Q And then you were asked about the usage of cars.
23 I want you to focus again on the period of time when
24 Jayden comes out of the hospital in July of 2012 all
25 the way through the remainder of 2012 throughout 2013

1 and up until the time that Vince passed away, did
2 Vince continue to live at 9 Brown Street?

3 A Yes, sir.

4 Q And there's no question in your mind -- and he was
5 there, even the day that he passed away?

6 A Yes, sir.

7 Q Thank you very much.

8 MR. WILLOUGHBY: Your Honor, those are
9 all my questions.

10 THE COURT: Mr. Murphy, any recross?

11 MR. MURPHY: Just briefly.

12 RECROSS-EXAMINATION

13 BY MR. MURPHY:

14 Q Per diem is when you're away from your home. It
15 doesn't matter where you live, right?

16 A That's correct. Well, you know, when me and
17 him was living together is what I'm saying. I
18 mean working together.

19 Q He gets per diem and you get per diem because you
20 all are both away from your home whether you live in
21 the same home or different homes?

22 A What do you mean different homes?

23 Q Well, whether he lived on Rast Street and you
24 lived on Brown Street, he didn't have to make up
25 Rast Street to get per diem. You all could have both

1 lived on Brown Street and you would have still gotten
2 your per diem when you were up in North Carolina or
3 Virginia or Alabama working at the power plant?

4 A Not when we were commuting together. What
5 I'm saying is, they told us we couldn't -- both of
6 us couldn't get it. That's what they told me, you
7 know.

8 Q Okay.

9 MR. MURPHY: That's all.

10 THE COURT: Mr. Willoughby.

11 MR. WILLOUGHBY: Nothing further,
12 Your Honor.

13 THE COURT: You may step down, sir.
14 Mr. Murphy, you had mentioned something about
15 someone getting here early.

16 MR. MURPHY: Well, I don't know if
17 they're available right this moment. If we took a
18 short break, I could find out, the afternoon
19 break. I don't know how you want to do that,
20 Your Honor.

21 THE COURT: Mr. Willoughby, who is your
22 next witness, sir?

23 MR. WILLOUGHBY: Jessica Wilson, I would
24 like to call.

25 THE COURT: Okay. Let's take a short

1 15-minute break, though, to do that. We're only
2 an hour and a half, two hours away from dinner for
3 some people, so let's take that break now.

4 Would you take them to the jury room,
5 sir?

6 Ladies and Gentlemen, do not discuss this
7 case among yourselves or with anyone else, please.
8 Do not begin your deliberations.

9 (Jury exits the courtroom at 3:29 p.m.)

10 THE COURT: Anything before we take our
11 break?

12 MR. MURPHY: I believe the witness may be
13 here when we finish the break, and so, since she's
14 going to be, I promise you, very short, we might
15 have her here. I tried to have her here. I tried
16 to anticipate when the breaks might be.

17 THE COURT: We'll deal with it now.
18 Okay?

19 MR. MURPHY: Thank you, Your Honor.

20 MR. WILLOUGHBY: Your Honor?

21 THE COURT: Yes, sir.

22 MR. WILLOUGHBY: May I put on the record
23 this very quickly?

24 THE COURT: Yes, sir.

25 MR. WILLOUGHBY: I have -- the Court has

1 ruled that we could not introduce the GEICO
2 declarations page or the GEICO under insured
3 motorist coverage.

4 THE COURT: Yes, sir.

5 MR. WILLOUGHBY: It was attached, I
6 think, to our pretrial brief. I'd like to tender
7 these into the evidence for preserving our rights.
8 It's Exhibit 1 and 2. I understand these won't go
9 to the jury. I understand we can't talk with them
10 about it, but I want them to be part of the record
11 in this case.

12 THE COURT: Mr. Murphy.

13 MR. MURPHY: Yeah, we never objected to
14 the dec page. We just asked that it be redacted
15 to remove the coverage information, as we did with
16 the application that we put in from Omni. So that
17 is why I asked him about it, because it does have
18 some information that could be relevant to
19 residency. Otherwise, that's why we objected to
20 the others.

21 So I didn't understand that there was
22 ever an actual ruling on the dec page, but,
23 certainly, if he wants to make them Court's
24 exhibits that's fine.

25 THE COURT: Okay, we'll do that.

1 MR. WILLOUGHBY: Thank you, Your Honor.

2 I handed to the clerk Jackson Exhibit 1, which is
3 the declaration page without any redactions. It's
4 two pages. And then Jackson Exhibit 2, which is
5 automobile policy amendment protection against
6 under insured motorist coverage amendment South
7 Carolina, which is a three pages.

8 THE COURT: Mr. Murphy, anything?

9 MR. MURPHY: No, Your Honor.

10 THE COURT: All right. See you all.

11 MR. MURPHY: Thank you.

12 (COURT EXH. 1, Declaration page without
13 redactions, was marked and put into record.)

14 (COURT EXH. 2, Automobile Policy Amendment
15 Protection, Under insured motorist coverage, was
16 marked and put in the record.)

17 (A break was taken from 3:30 p.m. to 3:46 p.m.)

18 MR. MURPHY: Ernestine Baxter is present.
19 If we are able to take her out of turn, it would
20 greatly accommodate her for her medical
21 appointment in the morning.

22 THE COURT: About how long will it take,
23 sir?

24 MR. MURPHY: I think less than five
25 minutes for me.

1 THE COURT: Okay. Any objection,
2 Mr. Willoughby, to working that out, sir?

3 MR. WILLOUGHBY: We have no objections,
4 Your Honor.

5 THE COURT: Okay. Do you want to see if
6 they're ready, sir?

7 COURT DEPUTY: Yes, sir.

8 MR. WILLOUGHBY: Your Honor, I would
9 announce to the jury that you're taking this
10 witness out of turn with our permission.

11 THE COURT: Yes, sir. Thank you.

12 (Jury enters the courtroom at 3:46 p.m.)

13 COURT DEPUTY: Jurors are all seated, Your
14 Honor.

15 THE COURT: Members of the jury, we are
16 now going to hear a witness out of order. This
17 will be a witness for the plaintiff. And the
18 defendant has agreed to cooperate, so I'm going to
19 allow us to do this for scheduling purposes.

20 Mr. Murphy.

21 MR. MURPHY: Thank you, Your Honor. May
22 it please the Court? I call Miss Ernestine
23 Baxter.

24 COURT DEPUTY: Place your left hand on
25 the Bible, raise your right hand. State your

1 name.

2 THE WITNESS: Ernestine Baxter.

3 COURT DEPUTY: Do you solemnly swear or
4 affirm that your testimony to the Court shall be
5 the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: Yes, sir.

8 COURT DEPUTY: State your name for the
9 record and spell your last name, please.

10 THE WITNESS: Ernestine Baxter,
11 B-a-x-t-e-r.

12 WHEREUPON:

13 ERNESTINE BAXTER,
14 after having been sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MURPHY:

17 Q Miss Baxter, just tell the jury where you live and
18 of your recent requirement?

19 A I live in Sumter here in Sumter, and I
20 recently retired as the director of human
21 resources for Roper Personnel Services, or Roper
22 Staffing.

23 Q Ma'am, I'm going to hand you some exhibits that
24 were already marked and entered into evidence and I
25 just ask you to review those. I believe they are

1 number is 13, 8, 1, 2 and 3. I believe those are
2 documents you're familiar with.

3 A Yes, sir.

4 Q Are those documents that Roper maintained in its
5 files regarding the application or personnel file of
6 Vincent Jackson?

7 A Yes, sir.

8 Q Can you just go briefly through those documents,
9 perhaps starting first with the health care enrollment
10 form. I forget which number it is. Tell me what that
11 document is designed for?

12 A This is an enrollment application that we
13 require for group health insurance or excuse me
14 group insurance.

15 Q Okay. And is that filled out in the applicant's
16 handwriting, to your knowledge?

17 A Yes, it is.

18 Q And what is the address lifted on this particular
19 form that Vincent Jackson submitted to Roper?

20 A The address is 251 Rast Street, Apartment E7,
21 Sumter, South Carolina, 29150.

22 Q And the date that that form was filled out by
23 Mr. Jackson?

24 A January 14th, 2014.

25 Q Okay. And then I believe this is Exhibit 8 or

1 nine, or 13 maybe. 8 or 9?

2 A 8.

3 Q 8. What is that? It's commonly known as what?

4 A This is the I-9 form.

5 Q And what is it used for? Why does Roper require
6 that?

7 A Roper requires it, and this is a federal
8 requirement to ensure that the person is eligible
9 to work in the United States.

10 Q And did Mr. Jackson fill this form out in his own
11 handwriting?

12 A Yes, sir.

13 Q And what address did he give on the I-9 form?

14 A 251 Rast Street, Apartment E7, Sumter, South
15 Carolina, 29150.

16 Q I think two of the exhibits are computer print
17 screens. Can you just explain what they are? I don't
18 have blowups of them, but identify them by number,
19 ma'am?

20 A Okay. Exhibit 1 is the -- actually, it's a
21 computer application. And this is a form that we
22 fill out from the employee's or prospective
23 employee's employment application.

24 Q So they might do a handwritten application and
25 then somebody inputs that into the computer system at

1 Roper?

2 A That's correct.

3 Q So it would have the same address as used in these
4 other documents?

5 A Yes, sir.

6 Q And what is the other print screen or computer
7 document that has been identified from Roper?

8 A Okay. And next is -- this is screen shot of
9 all of his -- of his -- the places where we placed
10 him on assignment. He initially worked for us in
11 2010 and up to 2011. And then the last -- or the
12 one at the very top is Evans Trailer where we were
13 attempting to place him prior to his death.

14 Q And again, that would have been information input
15 from the application that we've already discussed or
16 had been submitted?

17 A No. This would not have been from his
18 application. This would have been from our
19 records.

20 Q All right. And then lastly, I believe this is
21 Exhibit 13. And that's a common form used by the IRS
22 for wage earners?

23 A It is.

24 Q And what's the significance of that form for
25 Roper?

1 A This is his W-4 form. And on this form, he
2 lists what exemptions he wants to take or what --
3 the number of allowances for tax purposes.

4 Q What is the address that Roper would have used to
5 communicate with Mr. Jackson based on his application
6 for employment in January of 2014?

7 A 251 Rast Street, Apartment E7, Sumter,
8 South Carolina, 29150.

9 Q Thank you, ma'am.

10 THE COURT: Mr. Willoughby.

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

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. WILLOUGHBY:

16 Q Good afternoon, Miss Baxter. My name is Mitchell
17 Willoughby and I represent the Jackson Estate in this
18 case.

19 A Good afternoon.

20 Q Congratulations on your recent retirement. Do you
21 have those exhibits that you were just talking
22 about?

23 A Yes, sir.

24 Q Now, did you bring your -- did you bring the Roper
25 file with you?

1 A No, I did not.

2 Q And the Roper file actually contains more records
3 and information than just what is before you,
4 correct?

5 A Yes, it does.

6 Q Do you know why you weren't asked to bring those
7 other records?

8 A No.

9 Q Were you told specifically that you didn't need to
10 bring them?

11 A Well, it didn't come up.

12 Q But you weren't asked to bring anything?

13 A No.

14 Q Were you served with a subpoena?

15 A Yes.

16 Q Did the subpoena ask you to bring the records?

17 A I am not sure.

18 Q Okay. You talked about the -- I don't think you
19 ever personally talked with Vince Jackson, did you?

20 A No, I didn't.

21 Q So you have no personal knowledge of having sat
22 with him and asked him questions about where he
23 lived?

24 A No, sir.

25 Q And so all of this is information that just

1 happens to be in records that are maintained by
2 Roper?

3 A That's correct.

4 Q And would you agree with me that -- let's look at
5 Exhibit 2, for example. Exhibit 2, the first page is
6 the enrollment form plan one, and I think you
7 indicated that that enrollment form was designed to
8 determine whether he wanted health insurance.

9 A To determine whether he wanted group
10 insurance. In addition to health insurance,
11 dental insurance is listed, vision insurance, and
12 several other things are listed.

13 Q So the first page of Exhibit 2 is totally related
14 to just to the insurance coverages.

15 A Yes.

16 Q And we're talking about health, dental, vision,
17 those sorts of things?

18 A Yes, sir.

19 Q Right. Now, the second page seems to be totally
20 unrelated to the first page. It has an employment
21 record, would you agree with me? Take a look at the
22 second page and let me know if that has anything to do
23 with the first page?

24 A The second page it says -- is a copy of his
25 actual employment application that he completed,

1 to my knowledge.

2 Q Are they in order? Does the second page apply
3 to -- has anything to do with those -- denial of those
4 health insurance benefits?

5 A No. What we had was an actual application
6 packet and the employment application was a part
7 of this as well as the enrollment form for
8 insurance.

9 Q And would it be fair to say that there's a lot of
10 other pages that would come between this document and
11 that employment history?

12 A Sir, I am not sure what order those documents
13 are completed.

14 Q But, it would be true that the former -- his
15 employment history in the past really doesn't have
16 anything to do with the health insurance, vision
17 insurance, and dental insurance, correct?

18 A That's correct.

19 Q Now, let's talk about the I-9 form. Would it be
20 true that the I-9 form is designed to determine
21 whether you're a citizen or otherwise eligible to work
22 in the United States?

23 A That's correct.

24 Q And so the information that there's a -- I attest
25 under penalty of perjury that I have assisted in the

1 completion of this form -- do you see that attestation
2 there?

3 A Yes.

4 Q And then, let's see. So here, I attest under
5 penalty of perjury that I am checking one of the
6 following, a citizen of the United States, correct?

7 A Correct.

8 Q So the attestation that's under penalty of perjury
9 is just related to citizenship. It has nothing to do
10 with, really, any other information on that form,
11 correct?

12 A He is attesting to citizenship exactly.

13 Q And correct?

14 A Uh-huh.

15 Q So that's what the purpose of the I-9 form is.
16 Because if you're not eligible to work in the U.S.,
17 then Roper would not be able to help you, correct?

18 A That's correct.

19 Q Then if we look at the W-4, which is Exhibit 13, I
20 think you indicated that Exhibit -- the W-4 is
21 designed where the employee represents the number of
22 dependents that they're entitled to take; is that
23 correct?

24 A The number of allowances.

25 Q Number of allowances.

1 A Right. They desire to take.

2 Q Thank you for correcting me. So that is the --
3 when you attest under that form, that is what you are
4 attesting to, the number of allowances that you're
5 able to take. That's how you use -- you, at Roper,
6 use that form in determining how much withholding
7 needs to be taken from each pay period?

8 A That's correct. But he is required to sign
9 this form. And there is an under penalty of
10 perjury for the information that is listed on this
11 form.

12 Q That's an important question.

13 A Uh-huh.

14 Q But the penalty of perjury provision -- well, let
15 me ask this, have you read the underlying regulations
16 that go with the W-4 form?

17 A Not recently.

18 Q Would have you any reason to say that I'm
19 incorrect if I would say to you that those regulations
20 indicate that the attestation is directed at the
21 number of withholdings that you're able to select?

22 A I couldn't tell you either way.

23 Q So you don't know either way. So, as you sit here
24 today, all you know is the form says what the form
25 says, and you don't have any precise knowledge as to

1 whether or not the under of penalty of perjury relates
2 to anything other than the number before withholdings
3 that you were able to take?

4 A No, I don't. But we -- when we give them
5 this form to complete, we let them know that this
6 needs to be current information and that includes
7 the address listed. That -- their address.

8 Q And I recognize that is your standard practice.
9 But on the day that Vince was there, you really can't
10 testify here today as to what he was told, correct?

11 A I can't. No, sir.

12 Q What he may have understood, correct?

13 A No, sir.

14 Q What he may have done. You don't know about any
15 of those things, correct?

16 A No, sir.

17 Q All you know is that you were asked to go to your
18 files, copy materials and come here today and indicate
19 that these are records that Roper personnel has among
20 their records?

21 A Yes, sir.

22 Q And that would be true -- and as we look at
23 Exhibit 1, then this is information that Roper
24 completes based upon information from the application
25 file, correct?

1 A Yes, sir.

2 Q And so Vince had nothing to do with the completion
3 of Exhibit 1, correct?

4 A That's correct.

5 Q And that would be also be true for Exhibit 3,
6 correct?

7 A Correct.

8 Q Miss Baxter, thank you very much for coming and
9 please enjoy your retirement.

10 A Thank you.

11 MR. MURPHY: Just briefly, Your Honor.

12 THE COURT: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. MURPHY:

15 Q I first wanted to talk to you, the enrollment
16 form, was it inadvertently stapled together as one
17 exhibit with the separate document, which was his
18 employment application; is that correct?

19 A That's correct.

20 Q And the data print screens, Roper didn't --
21 Mr. Jackson didn't directly create them, but Roper
22 created them through information that was provided in
23 handwriting on this application by Mr. Jackson?

24 A Yes, sir.

25 Q Now, will you pull the W-4. I wanted to make sure

1 I'm clear on this. The language of penalty of
2 perjury, can you read that for me?

3 MR. WILLOUGHBY: Your Honor, I object. I
4 mean, he's going way beyond. He's on redirect,
5 just like he objected to my redirect. He's going
6 way beyond my cross.

7 MR. MURPHY: We spent at least 10
8 questions of his cross on this very form and
9 this --

10 THE COURT: I'll allow it.

11 MR. MURPHY: Thank you.

12 THE COURT: Overruled.

13 BY MR. MURPHY:

14 Q When it references certificate, is the entire form
15 the certificate?

16 A Yes, it is.

17 Q Would that include the name and address given on
18 the certificate?

19 A Yes.

20 Q So, would there be any reason for a witness not to
21 put all the information, whether it was allowances,
22 name, address accurately on this form?

23 A No.

24 Q Would there have been any reason for any potential
25 employee at Roper to be untruthful about the addresses

1 they provided on these documents?

2 A No.

3 MR. MURPHY: Thank you.

4 THE COURT: Mr. Willoughby.

5 MR. WILLOUGHBY: Very briefly, Your

6 Honor --

7 THE COURT: Yes, sir.

8 MR. WILLOUGHBY: -- on recross.

9 RE CROSS-EXAMINATION

10 BY MR. WILLOUGHBY:

11 Q You have no idea personally where Mr. Jackson
12 resided in January of 2014, correct?

13 A That's correct.

14 Q And going back to the W-4 form, you have no
15 knowledge that the IRS instructs employers, and I
16 quote, inform employees of the importance of
17 submitting an accurate form W-4 and an employee may be
18 subjected to a penalty if he or she submits a form W-4
19 that results in less tax being withheld and is
20 required. And I'm reading directly IRS topic number
21 753-4-W is a March 2019 --

22 MR. MURPHY: Your Honor, he can't quote
23 from the regulations not been recognized,
24 introduced, or provided.

25 THE COURT: Sustained.

1 BY MR. WILLOUGHBY:

2 Q Do you know -- does Roper make an effort to try to
3 inform the employee about whatever the federal
4 regulation may instruct to instruct the potential
5 employee as to how to complete the form?

6 A Do we instruct the employee how to complete a
7 form? Is that your question? I'm sorry.

8 Q Do you instruct them about the importance of the
9 form consistent with what the regulations -- the tax
10 regulations may require?

11 A Yes, sir.

12 Q That would be the intent of Roper, correct?

13 A Yes, sir.

14 Q So you don't know on this occasion whether Roper
15 did that or not and you don't know whether Roper may
16 have, through whoever was talking with Mr. Jackson,
17 whether they may have given him the instructions that
18 this particular regulation may require, do you?

19 A No, I don't, because I was not present.

20 MR. WILLOUGHBY: Thank you very much.

21 That's all I have, Your Honor.

22 THE COURT: Mr. Murphy.

23 MR. MURPHY: Nothing further, Your Honor.

24 I ask that Miss Baxter be released from her
25 subpoena so she can attend her doctor's

1 appointment tomorrow.

2 THE COURT: What say you, Mr. Willoughby?

3 MR. WILLOUGHBY: No objection.

4 THE COURT: Have a good day. Thank you
5 so much.

6 THE WITNESS: Thank you.

7 THE COURT: And your next witness,
8 Mr. Willoughby will be?

9 MR. WILLOUGHBY: Is Jessica Wilson.

10 THE COURT: Okay. May I see -- while she
11 comes forward, may I see the lawyers, please?

12 (Bench conference off the record.)

13 THE COURT: Yes, sir.

14 MR. WILLOUGHBY: Jessica Wilson.

15 COURT DEPUTY: State your name for the
16 record and spell your last name, please.

17 THE WITNESS: Yes, sir. Jessica Wilson,
18 W-i-l-s-o-n.

19 WHEREUPON:

20 JESSICA WILSON,
21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. WILLOUGHBY:

24 Q Jessica, I'm going to give you a cup of water.

25 This cup here was Miss Fowler's, so I'll exchange it.

1 May I call you Jessica?

2 A Sure.

3 Q Jessica, tell us where you live currently?

4 A I live here in Sumter, South Carolina.

5 Q And what address do you live at currently?

6 A 501 Coachman Drive here in Sumter.

7 Q And where did you grow up?

8 A I grew up on 19 Dollard Drive here in
9 Sumter.

10 Q And have you lived in Sumter your whole life?

11 A Yes, sir.

12 Q What kind of work do you do today?

13 A CNA nursing.

14 Q And where?

15 A I'm at McLeod. I just got hired at McLeod
16 out of Manning.

17 Q Have you started work at McLeod yet?

18 A Not yet. Next week.

19 Q So a lot of the information the jury has already
20 heard, so I'll try to abbreviate some of it. When did
21 you and Vince meet?

22 A Me and Vincent met in 2004, high school.
23 From high school all the way up to his death.

24 Q So you were graduating from high school
25 together?

1 A Yes, sir.

2 Q Did you all go to the prom together?

3 A We did.

4 Q That would have been your senior year?

5 A Yes, sir.

6 Q Were you actually dating at that period of time?

7 A No, sir. We actually started dating after
8 graduation.

9 Q So after graduation in 2008, what did you do?

10 A I went on and I got by CNA license at a
11 facility called Allheart.

12 Q When did you get that license?

13 A I got that license in 2010.

14 Q And the CNA license stands for?

15 A Certified nursing assistant.

16 Q And before 2010 when you got the CNA license, what
17 kind of work were you doing?

18 A I was at McDonald's.

19 Q And what did you do at McDonald's?

20 A I was a cashier.

21 Q So you worked at McDonald's for about three years?
22 Two years or three?

23 A Well, I actually worked at McDonald's longer
24 than that, during high school.

25 Q Okay. But after high school, you worked with them

1 for a couple years?

2 A A couple years after.

3 Q When you got your CNA license, what did you do?

4 A I went onto Toumi Hospital at the time.

5 Q And what did you do there?

6 A The same, CNA.

7 Q Did you have the occasion to actually know -- or
8 know Barbara Jackson --

9 A Yes.

10 Q -- from the hospital?

11 A Yes, sir.

12 Q Did you all work together?

13 A Well, she was on night shift. I was morning
14 shift.

15 Q So tell us, when did you and Vincent start to
16 date?

17 A 2009.

18 Q And where were you living at the time you began to
19 date Vince?

20 A With my mom on 19 Dollard Drive.

21 Q And who lives with your mom on 19 Dollard Drive?

22 A My grandfather and my four sisters.

23 Q Was that a big house?

24 A Yes, it was.

25 Q And all you all lived in that house together?

1 A Yes, sir.

2 Q And did you continue to live there even after you
3 all started to date?

4 A Yes, sir.

5 Q And in 2011 -- you've been in the courtroom,
6 correct?

7 A Yes.

8 Q And you heard that in 2011 or so Vince got
9 permission to use or asked to use the Center Street
10 property?

11 A Correct.

12 Q Tell us what you -- how you and Vince used the
13 Center Street property?

14 A Well, for me, it was actually a meeting place
15 for us both, and we would go there occasionally.

16 Q Did you have -- did you really keep any belongings
17 there?

18 A Not much. It was limited.

19 Q During the period of time that you used the
20 Center Street property as a meeting place, where did
21 you live?

22 A 19 Dollard Drive.

23 Q Where did you keep your clothes?

24 A Everything was at 19 Dollard Drive with my
25 mom.

1 Q All your personal effects?

2 A Everything, yes, sir.

3 Q Did you have a personal automobile at that time?

4 A I didn't.

5 Q Where did Vince live?

6 A With his mom.

7 Q Did you ever visit Vince --

8 A Yes, sir.

9 Q -- at 9 Brown Street?

10 A Yes, sir.

11 Q And were you permitted to stay overnight at

12 9 Brown Street?

13 A They didn't allow it.

14 Q Would your mom allow you to stay overnight at

15 Dollard Drive?

16 A I lived at Dollard drive.

17 Q I know. But would your mom allow you and Vince to

18 stay overnight at Dollard Drive?

19 A Oh, no.

20 Q Tell us about when you learned that you were

21 pregnant?

22 A I learned I was pregnant the end of 2011 and

23 the beginning of 2012. Going through an

24 ultrasound, they found out that my son had not

25 normal issues going on, and so I immediately went

1 on bed rest.

2 Q Now, tell us about -- about when did that occur?

3 A I would say February, March of 2012.

4 Q And so tell us what was involved in -- were you
5 working at the time before?

6 A I was before, but they took me out of work.

7 Q So you went on medical leave?

8 A Yes.

9 Q And was it unpaid medical leave?

10 A Yes.

11 Q And where did you live during the period of time
12 that you were on bed rest?

13 A My mom, 19 Dollard Drive.

14 Q Did it require you to do any monitoring?

15 A Yes, I had to monitor every day.

16 Q Now, explain to the Ladies and Gentlemen what is
17 meant by bed rest. It doesn't mean literally go to
18 bed. You were able to move about --

19 MR. MURPHY: Your Honor, I hate to
20 interrupt.

21 THE COURT: Yes, sir.

22 MR. MURPHY: But we're here about a case
23 about residency and we're going into complications
24 of someone's pregnancy, and I just don't see how
25 that's relevant to what we're here about.

1 THE COURT: Yes, sir. Mr. Willoughby,
2 how might that be relevant?

3 MR. WILLOUGHBY: Well, Your Honor, it's
4 relevant in terms of medical care that she needs,
5 in terms of where you're going to get the
6 monitoring. Where the monitor is. You know, all
7 of that sort stuff, Judge, is the importance of
8 that.

9 THE COURT: Well, I think -- go ahead.

10 MR. MURPHY: In 2011. We're talking
11 about an action that happened in 2014, so --

12 THE COURT: Yes, sir. Yes, sir. I'm
13 going to ask you, Mr. Willoughby, to please limit
14 too much of that, if you would, please.

15 MR. WILLOUGHBY: I'll be --

16 THE COURT: With the focus on --

17 MR. WILLOUGHBY: -- as narrowly
18 focused --

19 THE COURT: -- Mr. Vincent Jackson,
20 please.

21 MR. WILLOUGHBY: -- that I can be.

22 BY MR. WILLOUGHBY:

23 Q So where was the monitor maintained that you had
24 to use during this period, during your pregnancy?

25 A At my home on 19 Dollard Drive.

1 Q Did it remain at your home on 19 Dollard Drive?

2 A It had to remain in one spot.

3 Q Now, you had the ability to -- I mean, you could
4 go to a restaurant and eat, correct?

5 A Yes, sir.

6 Q You could go to a grocery store. You could move
7 about, correct?

8 A Yes.

9 Q But it did restrict activities, did it not?

10 A Yes, sir.

11 Q So we're in early 2012 and when is Jayden born?

12 A June 11.

13 Q And leading up to -- leading up to his birth, the
14 Dollard Street property, did it have a break-in?
15 Correction. The Center Street property, was there a
16 break-in?

17 A Yes.

18 Q And tell me how that made you feel about Center
19 Street?

20 A Unsafe to meet there. I didn't want to meet
21 there anymore.

22 Q So was Jayden born early?

23 A He was.

24 Q And how early?

25 A Thirty-three weeks.

1 Q Did you go into labor unexpectedly?

2 A Yes, sir.

3 Q And where did you go to deliver Jayden?

4 MR. MURPHY: Your Honor, we're still
5 getting --

6 THE COURT: Yes, sir.

7 MR. MURPHY: -- into areas that are not
8 part of this case.

9 THE COURT: Yes, sir. Mr. Willoughby,
10 I'm going to have to sustain that objection,
11 please, sir.

12 BY MR. WILLOUGHBY:

13 Q Was Jayden born with any disability?

14 A Yes, sir.

15 MR. MURPHY: Your Honor, this is what we
16 just objected to, now we're right back to it.

17 THE COURT: Yes, sir. Sustained.
18 Sustained.

19 Let me talk to you all, come on up.

20 (Bench conference off the record.)

21 BY MR. WILLOUGHBY:

22 Q Jessica, after Vince -- after Jayden was born, did
23 you and Vince go to Rast Street Apartments to apply
24 for an apartment?

25 A Yes, we did.

1 Q And tell me why you did that.

2 A Me, I wanted to start trying to be
3 independent and grow as a family with Jayden being
4 born. But with his complications, it seemed like
5 it didn't work out as I thought it should.

6 Q GEICO has put into the record Exhibit 15, which is
7 the rental application, and it's dated -- well,
8 there's a receipt that's dated June the 21st of 2012.
9 That would be about 10 days after Jayden was born.
10 Now, he was in the neonatal care unit during that
11 time.

12 A Yes, right.

13 Q So you put on this -- whose handwriting is this on
14 page 1?

15 A That's my handwriting.

16 Q And there is a reason for leaving, to have own
17 place. Is that your handwriting?

18 A Yes, sir.

19 Q And tell the Ladies and Gentlemen of the jury, why
20 you wrote that in?

21 A I wanted to try to establish a family setting
22 for me, Vincent, and Jayden.

23 Q And Rast Street was a place that you were thinking
24 that that might work?

25 A Yes, sir.

1 Q Now, tell me why that didn't prove to work?

2 A Jayden issues, and my biggest support system
3 was at home with four sisters.

4 Q So when Jayden was released from the hospital in
5 early 2012, where did you -- where did you take him?

6 A Straight home.

7 Q And where was home?

8 A 19 Dollard Drive.

9 Q Did you take him to Rast Street?

10 A No, sir.

11 Q Did you take him to Brown Street?

12 A No, sir.

13 MR. MURPHY: Your Honor, again, we're
14 here about the residency of Vincent Jackson, not
15 Jayden Jackson.

16 THE COURT: Yes, sir.

17 All right, Mr. Willoughby, I'm going to
18 ask you to move on now from that, please, sir.

19 BY MR. WILLOUGHBY:

20 Q Was Vince Jayden's father?

21 A Yes.

22 Q Did Vince care for Jayden?

23 A Yes, sir.

24 Q Did Vince try to help you with Jayden's care?

25 A As much as he could, yes, sir.

1 Q Did he have to continue to work?

2 A Yes, sir.

3 Q Was he paying all of the expenses for the
4 Rast Street apartment?

5 A Yes, sir.

6 Q You didn't pay any of them?

7 A No, sir.

8 Q Where did Vince continue to live?

9 A 9 Brown Street with his parents.

10 Q And did this continue throughout all of 2012?

11 A Yes, sir.

12 Q How frequently would you use Rast Street during
13 this period of time?

14 A We would meet about two to three times a
15 day -- a week. I'm sorry.

16 Q So, did Jayden's care and the complications that
17 you had to deal with require greater attention than
18 you would have ever thought?

19 A Yes.

20 MR. MURPHY: Your Honor, it's the same
21 objection.

22 THE COURT: Same thing.

23 MR. MURPHY: It's about Vincent Jackson's
24 residency.

25 THE COURT: Sustained. And it has been

1 asked already several times, and answered.

2 BY MR. WILLOUGHBY:

3 Q Did Jayden at home, at Dollard Street, what kind
4 of support system did you have there?

5 MR. MURPHY: Your Honor --

6 THE COURT: Sustained.

7 MR. MURPHY: -- I'm having to object to
8 almost every question.

9 THE COURT: Sustained. Mr. Willoughby.

10 BY MR. WILLOUGHBY:

11 Q Did you have any support system at Rast Street?

12 A No, sir.

13 Q Could you have lived at Rast Street if you had
14 wanted to?

15 A No, sir. Not at all.

16 Q Would Vincent stay at Rast Street without you
17 there?

18 A No, sir.

19 Q Coming forward into 2013, Vincent would be -- he
20 would turn one in June of -- correction. Jayden would
21 turn one in 2013, June of 2013, did he require care?
22 Was he hospitalized at that time?

23 MR. MURPHY: Your Honor, here we go
24 again.

25 THE COURT: Sustained.

1 BY MR. WILLOUGHBY:

2 Q Did Vincent and you ever establish a home at the
3 Rast Street Apartments?

4 A Never. No, sir.

5 Q Tell us about in 2013 and coming into 2014, tell
6 us about Christmas of 2013. Where did you spend
7 Christmas Eve?

8 A Christmas Eve, I was at home throughout the
9 day. Christmas Eve, we went over to Vincent's
10 grandparents' house -- well, aunt's house. They
11 live in the same area. They all open gifts
12 Christmas Eve at 12:00 o'clock midnight. Vincent
13 came and got me from home. We opened gifts there.
14 He took me back home. He went back home to his
15 parents.

16 Q And where did Santa Claus come for Jayden on that
17 Christmas morning?

18 A His home and my home on Dollard.

19 Q Did you take Jayden back to Brown Street that
20 morning?

21 A Yes, to his home and then back to my house.

22 Q His home being where Barbara and Therel Jackson
23 and Vincent and Therel lived?

24 A 9 Brown Street. Yes, sir.

25 Q I want to come forward into early 2014. There was

1 a dispute that you and Vincent had and GEICO has put
2 into the record an Exhibit 7 which is a booking
3 report. Are you familiar -- well, let me ask it this
4 way. Tell us, Jessica, if you would, about what
5 happened on the evening -- I think the evening was
6 January 4 of 2014?

7 A Yes, sir. When we met up there, we got into
8 an argument and an anonymous called was made and
9 the police came out because we were loud, arguing
10 very loud.

11 Q Do you know -- did you call the police?

12 A No, sir.

13 Q Did you feel threatened?

14 A No, sir.

15 Q Do you know who called the police?

16 A No, sir.

17 Q And did the police tell you why they came?

18 A No, sir.

19 Q Did you learn that maybe a neighbor had
20 complained?

21 A Yes.

22 Q So what happened when the police came?

23 A They spoke with Vincent and he seemed upset
24 because they were touching all over him and
25 everything, and they went to arrest him and take

1 him in.

2 Q And did you -- did you what wind up bailing him
3 out?

4 A Yes, sir.

5 Q Did you pay the bail money to bail him out?

6 A Yes, sir.

7 Q Did you have any support in raising that bail
8 money?

9 A Yes, sir.

10 Q Now, did you ultimately get that bail money
11 back?

12 A Yes, sir.

13 Q Were the charges dismissed?

14 A Yes, sir.

15 Q Now, I want to talk with you about a -- January 17
16 of 2014. Where were you staying on that particular
17 day?

18 A I was at home.

19 Q And home was Dollard street?

20 A Yes, sir.

21 Q And where was Vince?

22 A At his home on 9 Brown Street.

23 Q And tell me where was -- was Jayden with you?

24 A Yes.

25 Q Now, tell me what happened later that day?

1 A That evening?

2 Q Yes.

3 A Well, I went to the grocery store because I
4 wanted to cook dinner. I'm not a big cook, but I
5 wanted to do something special at the apartment,
6 so I went and got groceries. Not a lot of
7 groceries. Just a handful of things. And I
8 needed Vincent to meet me there, because it was
9 nighttime and I had a baby on my shoulder -- well,
10 not on my shoulder, but my arm, and I needed to
11 get help with groceries. And I called him and I
12 needed him to meet me at the apartment and he
13 agreed to. But when I got there, he wasn't there.

14 So that's when I started calling, texting,
15 and I started looking at his spots that he go to, like
16 the pool hall, or night stops that he would attend,
17 but he was nowhere to be found.

18 Q Were you planning to stay at the Rast Street
19 apartment that evening?

20 A No, not that night.

21 Q So you were just getting food to put in the
22 fridge?

23 A Yes.

24 Q And the plan was he was going to meet you there
25 just so you have some protection --

1 A Yes.

2 Q -- going into the apartment?

3 A Yes.

4 Q You didn't find him at any of the places where you
5 normally might be expected to hang out. Then what did
6 you do?

7 A No, sir.

8 Q Then what did you do?

9 A I left the apartment, and then I went to his
10 spots. He wasn't no where to be found. I swang
11 back by the apartment to see maybe if he came
12 there. And when I got there, I seen polices and
13 immediately start backing up because I couldn't
14 get in no parking space. And so they stopped me
15 and asked me did I know who lived in that
16 apartment number. And I told him yes. And he
17 asked me, do I know his parents and where were
18 they. I was, like, yes, and so I called his
19 parents.

20 Q So you called Barbara?

21 A Yes.

22 Q And what did you tell Barbara?

23 A That they weren't telling me anything, what
24 was going on, and maybe it pertains to Vincent.

25 Q So did you continue to stay there?

1 A Yes.

2 Q And did Barbara come to the location?

3 A Yes, sir.

4 Q Now, they told me Barbara what? Did you overhear
5 what they told Barbara?

6 A They actually ended up telling me what
7 happened because I seen the coroner that was there
8 beside me.

9 Q And who told you?

10 A I'm not sure if it was the coroner or the
11 cops that told me.

12 Q Did anyone ask you any information on that
13 evening --

14 A No, sir.

15 Q -- about where Vince lived?

16 A No, sir.

17 Q Did anyone ask you about whether Vince had a
18 job?

19 A No, sir.

20 Q Did anyone ask you about whether Vince was mad?

21 A No, sir.

22 Q They only asked you, there was -- did you know how
23 to get in touch with Vincent's parents?

24 A Yes, sir.

25 Q After Barbara came and she was given the news,

1 what did you do?

2 A I was devastated. Didn't know what to do.

3 Wasn't thinking clearly at all.

4 Q You had Jayden. What did you do with Jayden?

5 A He was asleep at the time. When I called my

6 mom -- I called my mom and my sisters came, so...

7 Q Did you go back to Dollard Street that evening?

8 A I went back home that evening. Well, I

9 went -- I went home, changed, and then I went to

10 Vince's home, to Barbara's house.

11 Q What did you do with Jayden?

12 A Jayden was there. He was there.

13 Q You brought Jayden with you?

14 A Yes.

15 Q And you went to Miss Jackson's house?

16 A Yes.

17 Q How long did you stay there?

18 A Until early that morning.

19 MR. MURPHY: Your Honor, again, we're
20 getting a little away from the residency issue.

21 THE COURT: Yes, sir.

22 BY MR. WILLOUGHBY:

23 Q So how long did you wind up staying at the Jackson
24 home?

25 A Until early that morning, about 3:00.

1 Q And the next day, when do you -- do you wind up
2 going to the funeral home?

3 A Not the next day, no, sir.

4 Q When did you go to the funeral home?

5 A The day after that.

6 Q Did anyone at the funeral home ever ask you where
7 Vince lived?

8 A No, sir.

9 Q If anyone had asked you on January 17th of 2014,
10 January the 15th, or January the 16th -- correction.
11 January the 17th, 18th or 19th of 2014 where Vincent
12 lived, what would you have told them?

13 A 9 Brown Street with his family.

14 MR. MURPHY: Your Honor, our objection
15 would be --

16 THE COURT: Wait, wait, ma'am.

17 MR. MURPHY: Our objection would be,
18 that's a hypothetical, speculation, what might
19 have been done, not what was said or done.

20 THE COURT: Can you rephrase it,
21 Mr. Willoughby, please? Sustained.

22 MR. WILLOUGHBY: I think I can, Your
23 Honor.

24 THE COURT: Otherwise sustained.

25 BY MR. WILLOUGHBY:

1 Q Were you ever asked where Vincent resided?

2 A No, sir.

3 Q Where did Vincent reside on January 17 of 2014?

4 A 9 Brown Street.

5 Q At any time, while it may have been an intent of
6 yours to use Rast Street to establish a family home,
7 was that intent ever to be fulfilled or realized?

8 A No, sir.

9 Q And why not?

10 A There was no support system there. No big
11 support system. And I needed a lot of support.

12 Q Now, Jayden has continued to grow, correct?

13 A Correct.

14 Q Despite his --

15 MR. MURPHY: Your Honor, here we go
16 outside of what we're here for.

17 THE COURT: Sustained. Sustained.

18 BY MR. WILLOUGHBY:

19 Q Is Jayden in the courtroom with your mom?

20 A Yes, he is.

21 Q Does he -- have you ever taken him over to his
22 grandparents' house?

23 A Yes, sir.

24 Q And when I say grandparents, I mean Barbara and
25 Therel Jackson.

1 A Yes, sir.

2 Q Does he know that his dad has a room at that
3 house?

4 A Yes, sir.

5 MR. MURPHY: Your Honor --

6 THE COURT: Sustained.

7 MR. MURPHY: Thank you, Your Honor.

8 THE COURT: Sustained.

9 MR. WILLOUGHBY: May I have one moment to
10 confer, Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. WILLOUGHBY:

13 Q I want to take you back just a moment to January
14 the 4th of 2014, the night that you had the argument
15 with Vince. Were you planning to stay at Rast Street
16 that evening?

17 A No, sir.

18 Q And after Vince was arrested that evening, what
19 did you do?

20 A I went back home.

21 Q To Dollard?

22 A To Dollard Drive.

23 Q Thank you very much, Jessica. Please answer any
24 questions that Mr. Murphy may have.

25 A Yes, sir.

1 THE COURT: Mr. Murphy.

2 CROSS-EXAMINATION

3 BY MR. MURPHY:

4 Q Good afternoon, Miss Wilson.

5 A Good afternoon.

6 Q I want to ask you a little bit, first of all,
7 about the incident that resulted in Vincent being
8 arrested 13 days before this accident.

9 A Yes, sir.

10 Q What time of night did that occur?

11 A I can't recall the time.

12 Q Does 12:02 a.m. sound correct?

13 A No, it don't seem to be that late.

14 Q That doesn't sound correct? So it could be
15 verified by officers that it was actually around
16 midnight that night, you wouldn't dispute that, would
17 you?

18 A It didn't seem like that time. I can't
19 recall.

20 Q But it either was or wasn't regardless of what it
21 seemed like, correct? Because the truth is, that's
22 where you all were living together at the time?

23 A We weren't living there.

24 Q Your parents would not approve of you all living
25 together and establishing a family under their roof

1 and that's why you made the decision to do it on your
2 own because that's, kind of, the tradition you grew up
3 in. That's why you all started that actually at the
4 Center Street house and lived there together until
5 your son was born?

6 A No, sir. That was actually a meeting
7 place.

8 MR. MURPHY: I beg your indulgence,
9 Your Honor.

10 THE COURT: Yes, sir.

11 MR. MURPHY: Can you find her original
12 deposition?

13 BY MR. MURPHY:

14 Q You remember giving a deposition in this case,
15 correct?

16 A Correct.

17 Q Well, let me ask you this: You used the phrase
18 "establish a family together." You meant that you and
19 Vincent and Jayden would all live in the same house.

20 A That was the plan.

21 Q Okay. And that house was 251 Rast Street.

22 A That was the plan, yes, sir.

23 Q And prior to that, you had actually lived with him
24 and considered himself your roommate at Center Street?

25 A That was a meeting spot for us.

1 Q When I asked you in your deposition who was his
2 roommate, you said me; is that correct?

3 A Correct.

4 Q So roommate and meeting place are two different
5 things. You said roommate. And you would spend some
6 nights at Center Street, but occasionally back and
7 forth to your mother's house; is that correct?

8 A Back home, correct.

9 Q Then you all looked in the paper and found the
10 apartment and went to apply for it together,
11 correct?

12 A When I looked -- when I went to look at the
13 apartment, I don't think he was with me.

14 Q So you were shopping out the apartment?

15 A Yes.

16 Q Okay. Even though you talked about the
17 complication of your pregnancy in your deposition, you
18 talked about that you lived at Center Street and you
19 moved out after Jayden was born?

20 A That was a meeting spot.

21 Q And you moved out of Center Street about the same
22 time Jayden was born. That's what you said in this
23 deposition.

24 A Okay. That was a meeting spot for me and
25 Vincent.

1 MR. MURPHY: May I open this, Your
2 Honor.

3 THE COURT: Yes, sir.

4 BY MR. MURPHY:

5 Q I'll let you turn to page 45, Miss Wilson. I'll
6 try to direct you to the page and line. I believe --
7 I think it was page 45.

8 A Okay.

9 Q I'll read the question on line 1, page 45. I'll
10 wait for you to turn there.

11 A Okay.

12 Q All right. "So when you all lived at Center
13 Street, it was before your Jayden was born?" Your
14 answer?

15 A "Yes."

16 Q "So Jayden was born, is that when you moved out?"

17 A I stated, "yes," at the time.

18 Q "And it was because Jayden was born?"

19 A I stated, "yes," at the time.

20 Q Okay. And then I asked, "After leaving Center
21 Street, where did Mr. Jackson stay," on line 16. And
22 your answer on line 17, ma'am?

23 A At the time I stated Rast Street.

24 Q And then the question, "So he went to Rast after
25 Center?" And your answer?

1 A I answered, "yes," at the time.

2 Q That's a little different from what you've been
3 saying this afternoon, isn't it, ma'am?

4 A Yes, it is.

5 Q And you realize you were under oath when that
6 deposition was taken, the same oath you took today
7 before you sat on that stand; is that correct?

8 A Yes, sir.

9 Q The incident with the detention happening at
10 midnight would seem to indicate you all were living
11 there together, wouldn't it?

12 A No, we weren't living there.

13 Q Did any other calls for 911, for EMS, or police
14 ever go out from that address and the police come for
15 any other issues that you all had there?

16 A I can't recall.

17 Q It's possible that they did, didn't they?

18 A I can't recall.

19 Q And that would also indicate that you all were
20 living there together?

21 A No, sir, we weren't.

22 Q On the night of the accident, you and your son
23 returned there very late because the accident was late
24 and saw that the coroner was there?

25 A No, sir.

1 Q And that's because -- well, you did return with
2 your son and the coroner was there?

3 A It wasn't late, but, yes, we did return
4 there.

5 Q And that's because that's where you all were
6 living at the time as a family trying to become
7 independent?

8 A Yes, sir.

9 Q If it didn't work out, why did Vincent sign on the
10 second year lease?

11 A I'm not sure.

12 Q That was a big undertaking for the two of you all,
13 wasn't it, primarily for him, the obligations in this
14 lease that he signed in 2012; is that correct?

15 A Correct.

16 Q Where he went straight from Center Street to live
17 there as you testified to in your deposition?

18 A Okay.

19 Q And then he renewed it for a whole another year,
20 correct?

21 A Correct.

22 Q And the application, you're saying that was your
23 handwriting on the application?

24 A Yes, sir.

25 Q And your reason for leaving -- his reason for

1 leaving 9 Brown Street was, in your handwriting?

2 A To have own place.

3 Q You and Jayden are listed as occupants there?

4 A Yes.

5 Q And this was all done after your son was born; is
6 that correct?

7 A Yes, sir.

8 Q And that's your signature there on page 3?

9 A Yes, sir.

10 Q "I declare that the foregoing information is true
11 and correct, authorizes verification in the obtaining
12 of a consumer credit report." You signed it, too?

13 A Yes, sir.

14 Q And you were aware that Vincent had his checking
15 account with Wells Fargo?

16 A Yes.

17 Q The coroner, when you saw him, asked who lived in
18 the apartment and you told him Vincent Jackson did,
19 didn't you?

20 A I told him I never stayed there.

21 Q And that's the address that was ultimately used
22 when the coroner use issued the death certification;
23 is that correct?

24 A Yes.

25 Q Name and address decedent's residence, and that

1 says the apartment, correct?

2 A Correct.

3 Q You didn't actually meet or give any additional
4 information other than seeing the coroner at the scene
5 that night, but he was concerned for you and he
6 actually stepped in and looked at the apartment to
7 make sure you and your son were okay?

8 A Who?

9 Q The coroner?

10 A No.

11 Q He didn't step inside your apartment?

12 A Not at all.

13 Q You deny that?

14 A No, he didn't.

15 Q Even in the back and forth, you indicated that you
16 and Vincent spent at least -- at least three nights a
17 week at the apartment?

18 A Yes, sir.

19 Q And, obviously, if he was out of town for the week
20 you wouldn't have stated there by yourself?

21 A No, sir.

22 Q But if he was in town for the week, about two or
23 three nights would have been all the nights he would
24 have been in Sumter, correct?

25 A When he was in town, it would be two or three

1 nights.

2 Q Okay. You did have baby clothes toys and diapers
3 and clothing for your son at the apartment?

4 A Yes. He was a baby at the time, so baby
5 change. I needed to change him.

6 Q You had food, a refrigerator, dishes, and
7 utensils?

8 A Limited.

9 Q You had furniture, including a kitchen table and
10 bedroom furniture and a crib, and things like that; is
11 that correct?

12 A Yes. He needed somewhere to sleep, take
13 naps, and we needed a place to eat whenever we
14 were there.

15 Q Vincent filed a state and federal tax return for
16 the year 2012, and the deadline would have been
17 April 15th of 2013. What address did he use in
18 April of 2013 when he filed his tax returns?

19 A On here it has Rast Street.

20 Q He changed his driver's license in -- or renewed
21 it in 2013, changed it in December of 2012. What
22 address did he use when he did that, ma'am?

23 A Rast Street.

24 Q He updated his voter registration. Did he use
25 Rast Street for that as well?

1 A He did.

2 Q Do you have any documents that Vincent Jackson
3 prepared, signed, or submitted from June of 2012 when
4 you all applied for the lease on the apartment until
5 the time of the accident that he indicated he lived
6 somewhere other than the Rast Street apartment?

7 A I don't.

8 Q Thank you, ma'am.

9 A You're welcome.

10 THE COURT: Mr. Willoughby.

11 REDIRECT EXAMINATION

12 BY MR. WILLOUGHBY:

13 Q Jessica, you were asked questions about how the
14 apartment was upfitted. Did you have any cable TV
15 service there?

16 A No, sir.

17 Q Did you have any Internet service there?

18 A No, sir.

19 Q Did you have Internet service at your home on
20 Dollard Drive?

21 A I did.

22 Q And did Vince have Internet service at his home at
23 9 Brown Street?

24 A He did.

25 Q Now, you've been asked the questions regarding the

1 deposition that you gave. Do you remember those
2 questions?

3 A Yes, sir.

4 Q Did Vincent, when he left, or gave up the
5 Center Street property, did he do so in part because
6 of your concern about the safety there?

7 A Yes, sir.

8 Q And were you the one looking and secured or
9 identified Rast Street as a potential place to get an
10 apartment?

11 A Yes, sir.

12 Q Were you the one that introduced Vince to the
13 Rast Street Apartments?

14 A Yes, sir, I did.

15 Q And when you filled out the application and in
16 your hand you put the words to -- let me see if I got
17 it here to make sure I get these words just directly.
18 It's 15. So when you completed this application and
19 you say reason for leaving, to have own place, and
20 that is -- reason to have own place is in your
21 handwriting, correct?

22 A Correct.

23 Q You listed 9 Brown Street, that was what was
24 Vince's address at that time?

25 A Yes, sir.

1 Q Even though Mr. Murphy would indicate that you
2 were living at Center Street, you listed that Vince's
3 address, at that time, was 9 Brown Street, correct?

4 A Yes, sir.

5 Q Did the plans that you had to make Rast Street,
6 perhaps, a home work out?

7 A No, it didn't work out at all.

8 Q And why not?

9 A Due to Jayden's health, his complications.

10 Q And the need for support that you needed from your
11 home?

12 A Yes, I needed a lot of support.

13 Q Now, you heard the -- more than an implication
14 from Mr. Murphy that you manufactured a story here
15 today to a change of story and now say that
16 Rast Street was not a home for you and Vince and
17 Jayden and that Vince continued to live at
18 Brown Street.

19 So the Ladies and Gentlemen of the jury want
20 to hear from you: Where did you live on
21 January the 17th of 2014 and where did Vince live?

22 A I lived at 19 Dollard Drive and Vincent lived
23 the 9 Brown Street.

24 Q Is there any question in your mind that that was
25 where Vince resided?

1 A No, sir.

2 MR. WILLOUGHBY: Thank you very much.

3 That's all I have, Your Honor.

4 THE COURT: Mr. Murphy.

5 MR. MURPHY: Just briefly. Very quickly,

6 Your Honor.

7 RECROSS-EXAMINATION

8 BY MR. MURPHY:

9 Q Miss Wilson, if you'll will turn to page 29 of
10 your deposition. You all did have a TV in the
11 apartment, correct?

12 A Correct.

13 Q Turn over to page 32. I think you answered
14 earlier there was no cable.

15 A There was no cable. We had DVDs. We had a
16 DVD player.

17 Q Well, if you look at page 32, my question on line
18 24 in your deposition that you gave in this case, how
19 about cable television, question mark. And what was
20 your answer?

21 A I answered at the time yes, but we didn't.

22 Q You were asked on Page 33 that the utilities were
23 water electric cable with no Internet and no gas,
24 correct?

25 A Correct.

1 Q So you had two chances to clarify in your
2 deposition that you didn't have cable. And the reason
3 you want to say there is no cable is because you
4 wanted to say that this apartment that was leased for
5 24 months a meeting place and not an apartment where
6 people lived, which is what it was.

7 A No.

8 MR. MURPHY: Okay.

9 THE COURT: Mr. Willoughby, sir?

10 REDIRECT EXAMINATION

11 BY MR. WILLOUGHBY:

12 Q Did the apartment at Rast Street have cable
13 television?

14 A It did not.

15 Q You had a TV there, correct?

16 A Correct.

17 Q And how did you use the TV?

18 A We used DVDs. I had a DVD player.

19 Q Now, are you absolutely certain here today --

20 A I'm positive today.

21 Q If you said something different previously was
22 that a mistake?

23 A It was a mistake.

24 Q Was it a direct effort to try to falsify --

25 MR. MURPHY: Your Honor, I think that's

1 beyond --

2 THE COURT: It is.

3 MR. WILLOUGHBY: -- any triple redirect
4 that we might have.

5 THE COURT: Sustained. Sustained.

6 MR. WILLOUGHBY: Thank you very much,
7 Miss Wilson.

8 THE COURT: Thank you, ma'am. Appreciate
9 it.

10 THE WITNESS: Thank you, sir.

11 THE COURT: May I speak to you all,
12 please?

13 (Bench conference off the record.)

14 THE COURT: We're not leaving now, but
15 you may retire now to your homes. Be back here in
16 the morning at 9:30 in your jury room. Do not
17 discuss this case with anyone else or among
18 yourselves, please.

19 Other than that, have a safe night and
20 we'll see you in the morning, and I thank you
21 again for your patience.

22 (Jury retired for the evening at 5:00 p.m.)

23 THE COURT: All right, sir. Did they go
24 in that room, or are they in the hallway now?

25 COURT DEPUTY: They are in the hallway.

1 THE COURT: Okay. I'll wait a minute
2 then. Folks, we'll crank it back up at 5:15.

3 MR. WILLOUGHBY: Your Honor, if it's
4 okay, I'm going to allow the Jacksons and
5 Miss Wilson and her mother to go ahead home.

6 THE COURT: That's fine with me.

7 MR. WILLOUGHBY: Okay. I just didn't
8 want you wanting --

9 THE COURT: Okay.

10 MR. WILLOUGHBY: Just for purposes of the
11 record, and to make sure I got your ruling clear,
12 I had proposed, Your Honor, to call Dr. Pitner and
13 at least qualify him in front of the jury. It's
14 my understanding that you ruled that that would
15 not be appropriate under Rule 103-C, I believe, of
16 the rules of evidence. But you are permitting us
17 to make an tender or offer proof as to why his
18 testimony would be if he were, in fact, permitted
19 to testify in court.

20 THE COURT: That's correct, sir.

21 MR. WILLOUGHBY: Thank you, Your Honor.
22 I just want the record protected.

23 THE COURT: All right. We're going to
24 allow that to happen.

25 MR. MURPHY: Yes, sir.

1 THE COURT: All right, sir.

2 MR. WILLOUGHBY: Thank you very much. We
3 would call to the stand Dr. Ronald Pitner. Come
4 around Dr. Pitner to be sworn, and, if you would,
5 take the witness stand.

6 COURT DEPUTY: Place your left hand on
7 the Bible. Raise your right hand. State your
8 name.

9 THE WITNESS: Ron Pitner.

10 COURT DEPUTY: Do you solemnly swear or
11 affirm your testimony to the court shall be the
12 truth, the whole truth, and nothing but the truth
13 so help you God?

14 THE WITNESS: I do.

15 COURT DEPUTY: Watch your step. State
16 your name for the record and spell your last name,
17 please.

18 THE WITNESS: Ronald Pitner, P-i-t-n-e-r.

19 WHEREUPON:

20 RONALD PITNER,
21 after having been sworn to tell the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WILLOUGHBY:

25 Q Good afternoon, Dr. Pitner. Thank you for coming

1 today and thank you for your patience.

2 Where is your place of employment?

3 A I work at the University of South Carolina.

4 Q And what position do you currently hold?

5 A I'm the associate dean for curriculum in the
6 college of social work, and I'm also an associate
7 professor in the college.

8 Q Have you been retained as an expert witness in
9 this case?

10 A I have been.

11 Q And I'm going to ask you about the things you've
12 done to prepare yourself. But before I do that, have
13 you been in the courtroom all day today?

14 A I have been.

15 Q Have you listened to the witnesses that have
16 testified today?

17 A Yes.

18 Q And you were able to hear the testimony under oath
19 of Barbara Jackson, Therel Jackson, and Jessica
20 Wilson; is that correct?

21 A Yes.

22 Q Have you also had the opportunity to interview
23 them and talk with them outside of the courtroom
24 setting?

25 A I have.

1 Q And did you also have the opportunity to talk with
2 Jessica's mom, Marilyn Wilson?

3 A I did not talk to her.

4 Q So you talked with Jessica Wilson, Barbara, and
5 Therel Jackson?

6 A Yes.

7 Q I'm going to hand to you, Dr. Pitner, what has
8 been marked as Jackson Exhibit 3, which purports to be
9 a curriculum vitae for you of October 2018. Would you
10 confirm for me that that is, in fact, your CV?

11 A It is.

12 Q We're going to talk with you a little bit about
13 that. Does that CV include your background and
14 qualifications?

15 A It does.

16 Q So I want to go through that background and
17 qualifications. Where did you get your Bachelor
18 degree, and in what subject?

19 A I got my bachelor's degree in psychology from
20 Lee University.

21 Q And where is Lee University located?

22 A That's in Cleveland, Tennessee.

23 Q And then after you -- what year did you complete
24 that?

25 A It was in 1990.

1 Q And after your bachelor's degree, what did you
2 do?

3 A I went to -- I went on to pursue a higher
4 education. I went to the University of Tennessee
5 in Knoxville where I received my master's degree
6 in experimental psychology.

7 Q And what year did you get your master's degree?

8 A In 1993.

9 Q And after completion of that degree, what did you
10 do?

11 A I went to the University of Michigan where I
12 entered their Ph.D. program in both social work
13 and psychology, and I started that in 1993. The
14 first year and a half I completed a master's of
15 social work, and then the rest of the time I
16 worked on my Ph.D. in both psychology and social
17 work.

18 Q And did you receive your Ph.D. in both psychology
19 and social work?

20 A I did, in 2001.

21 Q And, Dr. Pitner, tell us about the University of
22 Michigan and how it ranks in the fields of social work
23 and psychology?

24 A So, according to U.S. News & World Report,
25 the University of Michigan has always been -- they

1 are currently ranked number 1 for schools of
2 social work, but they had been ranked number 1 for
3 a long time. The whole time I was at the
4 University of Michigan, they were ranked number 1.
5 Their social psychology program is currently
6 ranked number 2 in the nation. But they -- even
7 when I was at the University of Michigan, they
8 were ranked number 1. And the social psychology
9 program is known internationally as one of the
10 best programs in the world.

11 Q And when you completed -- when you completed your
12 work, your degree work and your dissertation and
13 qualified for your Ph.D. at the University of
14 Michigan, what did you do next?

15 A I went to -- I started my first academic
16 position and that was at Washington University in
17 St. Louis in their school of social work.

18 Q And what did you do at the -- at
19 Washington University?

20 A I was an assistant professor in the school of
21 social work, and I had an adjunct assistant
22 professorship in the department of psychology.

23 Q And how long did you teach at
24 Washington University?

25 A I was there from 2002 to 2006.

1 Q And what courses did you teach and what sort of
2 research programs were you generally involved with?

3 A So at Washington University, I taught the
4 foundational level course called Human Behavior,
5 which is of course focused on the developmental
6 stages and how the social environment affects the
7 developmental stages. I also taught a course
8 called Human Diversity, which just focused on
9 diversity issues and social justice-related
10 issues. And then I taught a research course
11 called Evaluation of Programs and Services.

12 Q Did you also write during this period of time?

13 A I did. At Washington University, like the
14 University of South Carolina, is a
15 research-intensive university, so doing research
16 is a part of it. At the University -- at
17 Washington University, I pursued my research as
18 well. I published my researches. Mainly, at the
19 time, it was focused on youth. And in particular,
20 coming straight out of my dissertation, I was very
21 much focused on how youths think about and reason
22 about violence.

23 But at the Washington University, I expanded
24 my research to also focus on youth civic engagement.
25 And that's where my research went from, not just

1 looking at adolescents, which was my main focus, to
 2 youth civic engagement looking at adolescents and what
 3 is called in the developmental stage, emergent
 4 adulthood, so it would have been also looking at some
 5 youths who were in between the ages of 19, and, for
 6 me, mainly around 18 going up to around 24.

7 Q And when you left Washington University, what
 8 position did you hold?

9 A Yeah, I left Washington University because I
 10 wanted to go to an applied setting to use my
 11 research skills in an applied setting. So I moved
 12 to New Jersey where I did market research. It was
 13 for a marketing research firm called Market RX.
 14 And Market RX was a firm where we are taught --
 15 where our clients were pharmaceutical companies.
 16 So the top 20 pharmaceutical companies were our
 17 clients, but they had more clients than that, more
 18 pharmaceutical companies.

19 And it was really looking -- when I said an
 20 applied setting, it was looking more at consumer
 21 behavior, but also looking at how -- more about
 22 decision-making. So our clients were more -- if they
 23 weren't patients who were taking medications, they
 24 would have been doctors who were prescribing and
 25 looking at their decision-making on how they

1 prescribed. Or it was also looking at pharmacists'
2 behavior, too. What prescriptions were they writing
3 and how often would they recommended -- like recommend
4 something other than what the doctor had written down
5 on the prescription.

6 Q What year did you leave Washington University and
7 go to the corporate setting?

8 A I left at the very end of 2006.

9 Q And how long were you there?

10 A How long was I at Washington University?

11 Q How long were you in a corporate setting?

12 A So I started in 2007, and I left the
13 corporate setting at the very end of 2008.

14 Q So you were there essentially for two years?

15 A Uh-huh.

16 Q And when you left the corporate setting, what did
17 you do?

18 A So I -- realizing, being in a corporate
19 setting, it was a -- for me, I learned a lot in
20 how research is applied in a setting -- in a
21 corporate setting and how research is done. I
22 liked running that, but I missed my true love
23 which was academia. So I started pursuing trying
24 to get into academia again, and that led me to
25 University of South Carolina. And then part of

1 that was because at Market RX my research was very
2 client driven, but I was very used to doing my own
3 research at Washington University and I like
4 asking my own questions and conducting and coming
5 up -- developing the research study and then
6 conducting that research. I liked being an
7 independent researcher. And in academia, you can
8 do that. Where in the corporate world, you can't.

9 Q So what year did you obtain a position at the
10 University of South Carolina?

11 A It was in January of 2009.

12 Q And so you've been there for 10 years now?

13 A Yes.

14 Q Now, review for me -- we know that you are the
15 associate dean; is that correct?

16 A Associate dean for curriculum.

17 Q Tell me other positions that you have held. I
18 think you're the director of the I. DeQuincey Newman
19 Institute for Peace and Social Justice?

20 A Yes. I think it was -- where's my CV? I'm
21 not looking. I think it was in 2013 that I became
22 the director of the I. DeQuincey Newman Institute
23 for Peace and Social Justice, and I currently
24 still am the director of that institute. And also
25 I have an endowed chair. I'm the second person in

1 our college to have an endowed chair. It is a
2 university-endowed chair. Where I'm the endowed
3 chair for peace and social justice.

4 Q And are you tenured faculty member?

5 A I am.

6 Q When did you receive tenure?

7 A 2014.

8 Q Are you also accredited as a certified social
9 worker by academic for certified social workers?

10 A So I do have the -- I am certified by the
11 Academy of Certified Social Workers, which
12 essentially means the National Association of
13 Social Workers, which is the largest -- is the
14 largest organization in social work. And as a
15 professional organization, they did the
16 accrediting and the ACSW, which is the radiation
17 for that. That's the oldest accreditation in
18 social work.

19 So, really, in getting that, I had to work
20 under a person with a master's degree for two years,
21 and I had to do that after I got my master's degree in
22 social work. So I have two wears work experience
23 post-MSW, and then I had to take a six-hour exam. And
24 once I passed that exam, I was accredited, and I have
25 to renew my accreditation each year.

1 Q Do you hold that accreditation today?

2 A I do.

3 Q And describe for us what some of your
4 responsibilities are as the associate dean for
5 curriculum?

6 A Vast. They are -- as the associate dean for
7 curriculum -- so, in our college of social work,
8 we have bachelor programs, master programs, and
9 Ph.D. programs. That's the curriculum. I'm in
10 charge of managing the whole curriculum.

11 So we have a director for the bachelor
12 program, a director for the master program, and a
13 director for the Ph.D. program, all of them answer to
14 me. And it's because I have to talk about curricular
15 issues. I make all the assignments for teaching. I
16 had an assistant dean for students that worked under
17 me and another assistant dean for curriculum that
18 works under me as well.

19 But I'm considered the second person to our
20 dean. So if the dean can't do something, then people
21 come to me next.

22 Q Do you also hold a -- are you also currently
23 professor of social work?

24 A I am an associate professor in our college of
25 social work.

1 Q And tell me what responsibilities you have in that
2 role?

3 A So I -- as an associate professor, the
4 current teaching load for professors in our
5 college, they teach two classes in the fall and
6 two classes in the spring. And I was teaching
7 that. And when I became the associate dean for
8 curriculum, I now only teach one course per year.

9 So, as the associate professor, I teach just
10 one class, I do the associate dean for curriculum, and
11 I still had to have an active research agenda, so I
12 still publish.

13 Q What age group did your dissertation research
14 focus on?

15 A My dissertation research focused on high
16 school students. It was conducted in Jerusalem,
17 Israel, and I looked at high school students and
18 how they made decisions about peer and spousal
19 violence and how cultural -- how culture itself
20 influenced their thinking about that.

21 Q Did that research look at judgments and reasoning
22 in young people?

23 A It did.

24 Q And what age group did your research at
25 Washington University focus on?

1 A It started at the same age group. It was
2 still looking at adolescents. Some of my writings
3 also, I'm sure, as I published at
4 Washington University may have been earlier ages
5 as well. But then I started focusing on youth
6 civic engagement again, and started to move into
7 the 18 to 24 age range as well.

8 Q And what age groups did your commercial research
9 focus on?

10 A So, again, that was client driven, and that
11 one would have really stretched the gambit from
12 very young or older adult.

13 Q And while you were in the corporate world, did you
14 also teach at Rider University and Monmouth
15 University?

16 A I did. I taught in the Department of
17 Psychology at Rider University where I taught
18 introduction to psychology. And then at Monmouth,
19 I taught a course that focused more on human
20 behavior. It was in their school of social
21 work.

22 Q What age groups does your current research focus
23 on?

24 A Currently, I'll just say I just recently --
25 it's not reflected in my CV. I just recently got

1 a grant with one of my colleagues in our college
2 where it will focus on college students at the
3 University of South Carolina looking at their
4 experiences with racism and discrimination. So
5 currently, it's going to focus on college level
6 students.

7 Q Does your current research include the analysis of
8 behavior of young people and people in this emerging
9 adulthood group?

10 A So, I think all of my research looks at an
11 analysis of behavior because that's the
12 psychologist in me that looks at that. But I
13 think -- if you just think about what I just said
14 about looking at college students' experiences
15 with racism and discrimination, that, in itself,
16 is looking at behavior.

17 Q You mentioned that you published. About how many
18 public research findings of yours have been published?

19 A So I think I have a total of 46 publications.

20 Q Are some of those publications subject to peer
21 review?

22 A Yeah. I mean, there's approximately, I
23 think, 34. On my CV, I counted them, there are 34
24 of them that are peer reviewed.

25 Q Describe the peer review process.

1 A The peer review process is one where
2 oftentimes with journal articles, but not just
3 journal articles. Sometimes encyclopedias also
4 have this process where it's a blind review. You
5 write your manuscript and you submit it. The --
6 usually the editor of the journal will remove your
7 name and anything that identifies who you are, and
8 then they -- if I'm writing on youth violence,
9 they will identify three experts in the field who
10 do research in youth violence and they'll send it
11 to them. They will review it and critique it.
12 And at least two of the three of the reviewers
13 have to agree that it's good enough to get into
14 that journal. And that's the peer review process
15 where it's always experts in the field who review
16 your work and make the determinations on, is it
17 good enough to get into a certain level journal.

18 Some journals are journals are ranked
19 by amateurs. I'm sure it's the same, like, with
20 law reviews where some of them are higher esteemed
21 than others. The higher the esteemed journalist,
22 the tougher the review process is.

23 Q All the lawyers in this room believe the
24 University of South Carolina has one of the
25 highest-rated law reviews in the nation.

1 A Okay.

2 Q I can assure you of that. But I know that's not
3 your field, so allow us to digress.

4 Have you also participated in writing
5 chapters in books?

6 A I have. Chapters -- sometimes I really find
7 it an honor in writing chapters for books because
8 all the ones I've been a part of usually it's the
9 editor reaches out to other experts in the field
10 to write a chapter. So they usually reach out to
11 people who may have a certain level of expertise
12 to write that chapter.

13 So I have -- I think I may have about
14 12 publications that are chapters in books. And
15 usually when you look at them, if you look at my CV,
16 you will see that there's a team -- it's a team of
17 people that I typically write with and you see the
18 name of Ron Ester and Rami Benbenishty. Those two
19 names are on a lot of my chapters because they are
20 internationally renowned researchers when it comes to
21 school violence. They do research, not only
22 nationally, but in Israel, in Taiwan, in Spain, and
23 I've been a part of those studies.

24 But, definitely, writing with them, I know
25 that the chapters are well received because they are

1 internationally renowned scholars.

2 Q Are these chapters peer reviewed in the sense of
3 peer review for articles?

4 A So they are not peer reviewed. But they're
5 -- I think there's a distinction that everything
6 that's peer reviewed is empirical. But then you
7 have something some things that aren't peer
8 reviewed, but they're still empirical. So
9 textbooks would be one of those. Textbooks are
10 not peer reviewed and we use them all the time at
11 the graduate and at the undergraduate level. But
12 they are scientific in that all of what they write
13 about, they're pulling the latest research in to
14 talk about theory.

15 And also with the chapters, every chapter
16 that I've written is an empirical chapter where it's
17 always using the latest research to talk about. And
18 usually it's been -- almost all of my chapters have
19 been on violence in schools in some way.

20 Q And, Dr. Pitner, you mentioned empirical work.
21 Did your coursework for your master's and your Ph.D.
22 require you to take statistical courses?

23 A Yes. So at the undergraduate level, I took
24 one year of statistics. At the master's and Ph.D.
25 level, I took -- I think it was five additional

1 statistic courses. So I have had a full gambit of
2 statistic courses.

3 Q And do you use that statistical information and
4 training in order to do some of the analysis that
5 supports the studies that you observe?

6 A Definitely. I mean, if you were -- in any
7 empirical article you will see that in the result
8 section always -- sometimes it gets very
9 complicated, but they all involve analyses and
10 statistics.

11 Q What courses have you taught at the University of
12 South Carolina?

13 A So at the University of South Carolina, I
14 teach at the bachelor's, master's and Ph.D level.
15 At the bachelor level, I've taught a course on
16 diversity and social justice.

17 At the master level, I've taught three
18 research courses. One called research -- Social Work
19 Research Methods. One called the Evaluation of
20 Programs and Services. Another one, Evaluation of
21 Practice. And then the fourth one is one called
22 Human Behavior in the Social Environment. And then at
23 the Ph.D level, I teach a theory, slash, research
24 course, called Conceptual Modeling.

25 Q Do any of these courses cover stages of human

1 development?

2 A So two of them do. The Diversity and Social
3 Justice very slightly. It talks about biases that
4 we may have about the aging process. I'll look at
5 both younger and older adults.

6 But the one that really focuses on the
7 developmental stages is Human Behavior in the Social
8 Environment. That course is a requirement for every
9 master or bachelor level social work student in the
10 U.S.

11 And that one looks at the developmental
12 stages and how -- it really looks at the patterns of
13 behaviors that are associated with the different
14 developmental stages and how the social environment
15 plays a role in affecting behavior at each stage.

16 Q Why is teaching about the development important to
17 social workers in training?

18 A So social workers are problem solvers. The
19 majority of social workers are -- they work in the
20 mental health field, so they do mental health
21 services.

22 So why that would be important for a social
23 worker would be that, if you have a client coming in
24 with their child who may be an adolescent, it's
25 important for a social worker to know, if they're an

1 adolescent, what are patterns -- what's the empirical
2 research and what are the evidence-based theories out
3 there and what do they talk about this developmental
4 stage and what kinds of patterns of behaviors to
5 expect, and then what kinds of practices,
6 evidence-based practices are best to use at that
7 stage.

8 So those are very important for, I think, not
9 only social workers, but, of course, I have -- I
10 always tell people, this is my psychology lens and
11 this is my social work lens. Psychology also teaches
12 the developmental stages and it's also important for
13 psychology as well.

14 Q How did you come to be chosen to teach these
15 courses?

16 A So, teaching human -- all of them are just
17 Human Behavior in the Social Environment.

18 Q The Human Behavior and the Social Development.

19 A So that course, if you look at my background
20 in both psychology and social work, I am one
21 who -- I've taken a lot -- at the undergrad level,
22 I've took a lot about human behavior. But
23 throughout my master's and Ph.D. program, I have
24 had heavy doses of human behavior and theory. I
25 really enjoy teaching it, and I know a lot about

1 it.

2 But then at Washington University in
3 St. Louis, I taught that course many times. So it was
4 natural that I would teach it at the University of
5 South Carolina.

6 Our process is one where professors are asked
7 what courses they're interested in teaching and they
8 write them down, and then the associate dean will
9 determine if they can teach it or not. I know that
10 process well now since I'm currently doing that where
11 I determine who teaches what. But it's usually the
12 process of choosing who best knows the subject matter,
13 and then they become the ones that teach the course.

14 Q Did you have any involvement with the development
15 of the textbook used in the human development
16 course?

17 A So the one that we use, part -- I didn't have
18 any role in developing that course. But what I
19 had a role in was, in 2014, we changed our
20 curriculum and I was on the subcommittee for the
21 Human Behavior in the Social Environment course.

22 And on that subcommittee, we focused on how
23 we changed this course for new students coming into
24 our program. And part of what we were charged with
25 was just looking at what we call our peer or aspired

1 universities and see what they use for that course.

2 So I had a role in determining what book we were
3 going -- what particular textbook we were going to use
4 for that course. And the one that we chose was the
5 one that's widely used across the U.S. and in schools
6 of social work, and that's one -- it's called Human
7 Behavior in the Social Environment, which many of them
8 are.

9 This one by Ashford, Lecroy and Lordi. That
10 book is very, very popular. That particular book, I
11 did have a role in playing a consultant in one of the
12 chapters, which that, in itself is an honest because
13 when they -- what happens is, when they change
14 additions -- I said that textbooks are not peer
15 reviewed. But how, in a way, they are very empirical
16 is that, when they change the edition, they look to
17 experts in the field to update certain parts of the
18 chapter, and I was selected by them to update the --
19 it was a chapter on the social dimensions of human
20 behavior, but that sort of speaks to my expertise in
21 that area that they selected me to update that
22 component of their book.

23 Q Thank you, Dr. Pitner.

24 You also mentioned that you are certified as
25 a social worker. What do social workers do?

1 A So, that's a -- it's really a very broad --
2 they do a lot. Social workers, it could be
3 something like policy, working on policy issues at
4 the State House to community development in a
5 developing country. But, as I said before, the
6 majority of social workers do mental health
7 services. And the majority of mental health
8 services in America are performed by social
9 workers.

10 So in that role as a mental health
11 practitioner, social workers are oftentimes, as they
12 see clients, they have to assess their -- sort of,
13 their life circumstances as they're coming in, and
14 then thinking about what are the best -- what's the
15 best evidence out there, the most empirical evidence
16 that will, sort of, suggest what's going on with this
17 person, and then what are the best evidence-based
18 practices to work with the person.

19 Q Did you -- is part of it as well to ascertain if a
20 client's development is in a normal versus
21 pathological range?

22 A So I'll say that, you know, psychology uses
23 those terms more. It's the psychologist in me
24 that knows that. Social work oftentimes doesn't
25 use the term "pathology" as much.

1 But what social workers do is, again, those
2 developmental stages. When they see a client -- so
3 that I know your age, the first thing is, what
4 evidence do I use to try to understand your situation.
5 So knowing the developmental stages, knowing the best
6 research out there that talks about those
7 developmental stages, and also just knowing, you know,
8 what kinds of practices, evidence-based practices to
9 use are good.

10 Now, a social worker definitely will -- if
11 they -- again, if they see a adolescent coming in,
12 they know what the patterns or behaviors are for
13 adolescents, and they're they are behaviors seem to be
14 outside of the norm, again, it's more about what
15 factors are causing this person's behavior to be
16 somewhat outside that norm. Social workers do that,
17 do those kinds of things.

18 Q Do you use any skills that you've just described
19 in your research?

20 A So, yeah. So the skills -- I'll say yes.
21 The skills as a researcher, I will say that I do
22 use what's called the research process. But
23 oftentimes that research process is a deductive
24 process that I would use where the deductive
25 process -- and I think I even used it -- even when

1 I'm looking at the names, I can't turn it off
2 actually. But it's more one of -- I may see
3 something, like if I know something about age,
4 then immediately I start thinking about what does
5 theory tell me about that age. What does
6 evidence-based theory tell me about that age so
7 that's part of that deduction of thinking about
8 what theory tells me, then what kinds of questions
9 would I want to ask.

10 Even in this process today or in this process
11 of looking through all the documents, I use this
12 deductive process of thinking about age, thinking
13 about what theories to draw on, and then seeing what
14 the evidence tells me, and seeing if that's consistent
15 with what the research says out there. And ultimately
16 drawing some conclusions, so it's more of a deductive
17 process.

18 Q What role does a person's interview play in your
19 research?

20 A So, in my research in general, or the
21 research that I did for --

22 Q Let's talk in general first.

23 A So, in general, because I think -- so here's
24 the -- I was -- I would say I'm a research nerd,
25 and you probably will gather that as I talk even

1 more.

2 The interviews are qualitative research. I'm
3 trying about the qualitative and quantitative. I'm
4 trained as both a qualitative and quantitative
5 researcher. But when it comes to qualitative
6 research, throughout my research looking at youth, I
7 have done semi-structured interviews. At the
8 University of South Carolina, I've done Forbes, Wall
9 and qualitative interviews. In market research I've
10 done in-depth interviews, but that's qualitative.

11 Quantitative, I've also am trained in
12 experimental design and surveys, and a lot of my
13 research has been quantitative as well.

14 Q Are personal reviews helpful to assess behavioral
15 stages?

16 A I think that they are helpful, but they are
17 not necessary. And I say that to say that there's
18 a ton of research, a lot of validated empirical
19 research out there that shows a lot about theory,
20 theories of behavior where you can assess behavior
21 without interviewing someone. Observation is
22 another way of learning about behavior. It
23 doesn't always have to be through an interview.

24 Q But it would be true then that to assess
25 behavioral stages does not require a personal

1 interview with a person about who you are assessing
2 behavior?

3 A Oh, absolutely not.

4 MR. WILLOUGHBY: Your Honor, at this
5 point, I would offer Dr. Pitner as an expert in
6 the fields of social work, social psychology,
7 human behavior within the social environment, and
8 the developmental stages of human behavior,
9 including the developmental stages of emerging
10 adulthood.

11 THE COURT: Mr. Murphy?

12 MR. MURPHY: Your Honor, we set this out
13 pretty fully after taking his deposition for three
14 hours, and we stand by the positions on that issue
15 without belaboring them further in the middle of a
16 trial at six o'clock at night.

17 However, we do not believe he has
18 qualifications in those fields sufficient to give
19 opinions related to this case, nor do we believe
20 that anything to do with human development or
21 social work has anything to do with an insurance
22 case involving residency which is a purely factual
23 case within the common knowledge of the jury.

24 So we don't need to ask any more
25 questions, but we would like to submit the

1 deposition transcript on which the motion in
2 limine was based, at least in part. We might have
3 submitted some excerpts just as a Court's exhibit
4 and not rehash this all over again.

5 THE COURT: Yes, sir. I don't know if we
6 submitted this electronically in the new day and
7 age, or if we actually sent it up a sealed one,
8 but to protect the record and all the grounds that
9 were previously argued, we did actually make a
10 formal submission of the full deposition. I'm
11 glad to do so, since your ruling was in limine.

12 I'm not sure Rule 103 applies to rulings
13 in limine. I tried to mention that earlier, that
14 what has been done in limine was a three-hour
15 deposition. I'm not sure a proffer has to be made
16 because there is a sufficient record of what was
17 going to be testified to, including all the
18 opinions and qualifications. So I don't know that
19 Rule 103 applies. I think that's an offer when a
20 ruling is made contemporaneously with the attempt
21 to put in the evidence, but not a motion in limine
22 based on an expert's three-hour deposition.

23 With that being said, I don't have any
24 questions at this time. I'm not sure where we're
25 going from here, but I don't have any further

1 questions.

2 THE COURT: So, Mr. Willoughby, if I find
3 he's an expert in that field, then where do we go
4 from that point tonight?

5 MR. WILLOUGHBY: Well, Your Honor, what I
6 would say is, then I would simply, in my offer of
7 proof, then ask for his opinion.

8 The reason what Mr. Murphy says about the
9 deposition doesn't help, as you know, they took
10 the deposition. We really did not present
11 Dr. Pitner at that point. We didn't interrogate
12 him at that point, and this is now our
13 presentation of his testimony in this court
14 setting.

15 And so I think we're entitled to be able
16 to demonstrate it to preserve the record. I
17 certainly have no objections to the deposition
18 being tendered into record as well, but his
19 testimony is needed to preserve and protect the
20 record in this case.

21 THE COURT: So you're talking about
22 testimony beyond -- if I find that he is an
23 expert, then you're saying that you want to offer
24 more testimony.

25 MR. WILLOUGHBY: Well, I need to ask --

1 I've qualified him as an expert, I need to now ask
2 him his opinions about this case. So I need to
3 get those opinions into the record as well.

4 MR. MURPHY: Well, that's -- I think
5 we're misunderstanding what a proffer is. First
6 of all, the court is not required to make any
7 finding at this point. They can just put it in.
8 He's put in everything he wants for his
9 qualifications. The Court can stand by his prior
10 ruling and we can move on.

11 I think anything related to the opinions
12 he was going to give in this case and the subject
13 matter of this case which factored into our
14 motion -- our 703 motion is also adequately in the
15 report.

16 But if he wants to put in his opinions to
17 proffer what they would have been for another
18 Court to review, I don't understand that there's
19 any rulings to be made during this hearing.
20 That's why I don't think it's in -- to belabor it
21 and go into it. We already stated our objections
22 to the qualifications. We stated our objections
23 to the subject matter. And we stated our
24 objections to reliability by use of this
25 deposition. I just want to make sure it's in the

1 record to support your earlier ruling in limine.

2 They can proffer things that they say are
3 not in this three-hour deposition, and that's
4 fine, but that's all they're doing, is making a
5 proffer for the record.

6 THE COURT: Yes, sir.

7 MR. MURPHY: There's no basis in a
8 proffer to ask you to qualify when you've already
9 ruled they can't testify. So you've already found
10 him not to be an expert based on this case. I
11 don't want to have a conflicting ruling in the
12 record of this case when I get appealed and say,
13 well, the judge qualified him after a motion in
14 limine and shouldn't have let him testify.

15 THE COURT: Well, I --

16 MR. MURPHY: He may have significant
17 experience in the field of social work with his
18 degrees and training, but social work is not at
19 issue here. We're not talking about a standard of
20 care that was breached by a social worker or a
21 hospital or health care organization. We're
22 talking about whether someone resided in his
23 parents' house or his own apartment. And so he's
24 not an expert in regard to anything in this case,
25 and I don't see how the field of social work even

1 applies to this case.

2 And we've already been through all that,
3 and I don't understand why we're taking 45 minutes
4 to proffer when we've already done all of that
5 before, but...

6 THE COURT: Has he in the deposition, or
7 did he in his deposition offer his opinions about
8 anything in this case?

9 MR. MURPHY: He did. We briefed that
10 fully and what his opinions were.

11 THE COURT: Okay.

12 MR. MURPHY: I'm glad --

13 MR. WILLOUGHBY: Judge?

14 MR. MURPHY: -- if they want to put in
15 his opinions very briefly so they have it in the
16 record. I don't think there needs to be any
17 findings that he's an expert that would relate to
18 anything in this case. And there's no reason now
19 in the middle of a trial when he's already been
20 excluded to find him as an expert in a field that
21 has no involvement in this case.

22 So they can proffer what they want and
23 they can argue it later that you were wrong and
24 there's more qualifications, but, you know,
25 again -- I'll just hand this up. I don't know how

1 we make it a Court's exhibit. If we should file
2 electronically, I'm glad to do it. But that was
3 referenced, and I think it's appropriate to be in
4 the record because it's regarding the motion in
5 limine.

6 THE COURT: All right. So, Mr. Murphy,
7 you're saying that it's acceptable for him to go
8 ahead and offer his opinions now, and I don't need
9 to rule on his expert status? Is that what you're
10 saying?

11 MR. MURPHY: That's right. Because
12 they're just putting on the record what he would
13 have said and what they think his qualifications
14 were so that they can challenge -- because the
15 ruling has already been made, so there's no reason
16 to find -- they're just making a proffer. That's
17 what a proffer is. It gives them a chance to put
18 something on the record to protect them later, not
19 to change anything going forward. We've already
20 ruled on that.

21 THE COURT: Right.

22 MR. MURPHY: That's why it should be --
23 I'm trying to make it brief. I think everything
24 is in that deposition. We were exhausted. I
25 didn't hear anything about his background today

1 that wasn't explored. Maybe not in the same way,
2 but, I mean, it's all in there. His opinions are
3 all in there.

4 THE COURT: Right.

5 MR. MURPHY: If they want to ask them
6 what they were, that's fine.

7 THE COURT: Is there --

8 MR. MURPHY: Plus anything else we need
9 to put in there, briefly.

10 MR. WILLOUGHBY: It is true, Your Honor,
11 that what you've ruled from your -- last night,
12 you said, the issue is residency, and I simply do
13 not see where this is testimony is needed by the
14 jury.

15 THE COURT: Yes, sir.

16 MR. WILLOUGHBY: So you didn't conclude
17 anything about Dr. Pitner's expertise and
18 qualifications. You just concluded that you
19 didn't believe that the jury would be benefited by
20 expert testimony. And we are tendering both his
21 qualifications and the work that he has done in
22 this case to be able to demonstrate that we want
23 to protect this record because we respectfully
24 believe that his testimony would be very important
25 to this jury.

1 THE COURT: All right. Why don't you go
2 ahead and offer his opinions now.

3 MR. WILLOUGHBY: And I will do so, Your
4 Honor.

5 THE COURT: Okay.

6 BY MR. WILLOUGHBY:

7 Q Dr. Pitner, please provide a succinct definition
8 of emerging adulthood?

9 A So I think to describe emerging adulthood, I
10 have to at least talk about before emerging
11 adulthood came to fruition, the developmental
12 stages said that people went from adolescence to
13 adulthood -- to young adulthood. So what that
14 meant was that they went from adolescence to --
15 depending on their parents or their family to
16 young adulthood meaning that they were
17 independent. Of course, that was always
18 fictional. There's always this transition into
19 young adulthood.

20 But with emerging adulthood what the research
21 showed was that this transition phase started to -- it
22 was much longer. And research shows that this
23 transitional phase goes from 18 to approximately
24 29 years of age, so it's a lot longer.

25 Emerging adulthood is what it sounds like.

1 Adolescence is characterized by identity formation.

2 Emerging adulthood is identity exploration. And that
3 exploration is a lot about independence. Young
4 adulthood is defined by being independent.

5 Emerging adulthood is this emerging,
6 exploration, trying to become independent. But what's
7 characteristic of emerging adulthood is that, although
8 the person is trying to be independent, the realities
9 of their life are very different. And that reality is
10 that they are still very dependent on their family or
11 their parents. It is the behavior that you see that
12 shows that they want to be independent. They do
13 things that suggest that they are independent, but
14 really everything about it is that they still are very
15 dependent on their family or their parents.

16 Q When was this stage recognized?

17 A So it was the defined or was coined in the
18 '90s by a researcher named around Arnette who's a
19 really big researcher in the area. It was in the
20 '90s that he coined the phrase. And then after
21 that, there's just a ton of empirical research
22 that has validated that stage as a new
23 developmental stage. And even in our human
24 diversity book, Human Diversity -- sorry. Human
25 Behavior in the Social Environment, the book that

1 we -- the textbook that we use in our college, in
2 that book, it has emerging adulthood as one of the
3 developmental stages.

4 Q What are the hallmarks of this stage?

5 A So, again, as I said before, part of that
6 hallmark is that identity exploration. So you may
7 see them trying to be independent, show that they
8 are independent, whether they're living at this
9 place or have this job. But it seems to -- the
10 job they may explore, I have a job here, but I'm
11 changing and now I'm working here. Or, You know,
12 I'm living here, but I changed and now I'm living
13 here.

14 What's characteristic of it is that, it's
15 that exploration but then there's this inconsistency.
16 The exploration has shown that, oh, I'm an independent
17 person, but the consistent component comes with
18 they're really not independent. Everything that they
19 do is dependent upon on their family of origin or
20 their parents. Their exploration really is one about,
21 see, I'm doing this, I'm independent, but I only can
22 do this because I depend on my parents. That's the
23 inconsistency. And that's very characteristic of
24 emerging adulthood. Not so characteristic of young
25 adulthood where there's more independence, but very

1 characteristic of patterns of behaviors that we
2 typically see in emerging adulthood.

3 Q Are there bright lines of human developmental
4 stages?

5 A And when you say bright lines, what do you
6 mean?

7 Q Are they clear? Does it cut over in a particular
8 moment in time?

9 A No, no. It's always more of a continuum, a
10 transition from one stage to the other.

11 Q In this case, what did you do to prepare to give
12 testimony to this court and in this case?

13 A So, with this case, again, I read all the
14 depositions multiple times now. Also, I met with
15 Jessica and Vincent's mother and father and I
16 talked with them. And obviously now, I've
17 listened to a lot of the testimony as well.

18 Q And have you reviewed the documents that have been
19 admitted into evidence in this case?

20 A Yes. Many, many times.

21 Q Explain the basis for the opinions that I'm going
22 to ask you about in a moment.

23 A So, really, the basis for my opinion, it's
24 really -- it hinges on my level of expertise as an
25 expert -- well, first of all, just say that as a

1 person whom studied the developmental stages all
2 at the undergraduate level of the bachelor's in
3 psychology. But then, as I say, I have a master's
4 in both psychology and social work, so it's
5 another heavy dose of studying the developmental
6 stages, and then my Ph.D. But my writings have
7 also been on youth and how they think and reason.
8 But then I now teach human behavior in a social
9 environment, and I am considered to be an expert
10 when it comes to looking at social environmental
11 factors and how they affect human behavior,
12 especially looking at developmental stages. So
13 that's the basis, is that I do have that level of
14 expertise.

15 Q Did you also consult your relevant literature in
16 developing your opinions?

17 A So I already know emerging adulthood just
18 because I teach it. But when I saw this case, I,
19 at least, wanted to look to see, you know, how
20 much research has been done on emerging adulthood.

21 So I first did the psych -- that is, go to
22 psych info first just to see what is the data base,
23 how much research is out there, and I just was,
24 actually, very surprised at how much research was out
25 there on this issue of emerging adulthood. But that

1 sort of gives validity to the very fact that it's a
2 stage that's recognized world wide.

3 But also -- I mean, that was one thing that I
4 did. Sometimes I will go to symptomatic reviews,
5 which symptomatic review is -- when it comes to a
6 research article, they are considered to be at that
7 top level because they're -- as the name implies
8 symptomatic. They typically are purely comprehensive.
9 And sometimes symptomatic reviews can be over a
10 hundred pages, so sometimes a journal may be only the
11 one symptomatic review.

12 But oftentimes what they do is they are
13 comprehensive with a certain time span. So from 2015
14 to 2018, they may look at all the research that's been
15 done on emerging adulthood and they will go with the
16 details about what those research items have found.
17 So symptomatic reviews also give you a feel for not
18 only how much research is out there, but what are the
19 patterns of behaviors that research is finding.

20 Q Do experts in your field typically rely on
21 literature reviews?

22 A So, I was talking about symptomatic reviews,
23 but -- so experts definitely rely on systematic
24 reviews because they all know that they are at --
25 they're considered very high tier or high level

1 kind of research to look at.

2 But league reviews, too. Any empirical
3 article that you look at in this social sciences you
4 will see the introduction is always a lit review of
5 some sort.

6 Q Did you draw on any of your own research
7 experiences in developing your opinions in this
8 case?

9 A I mean, in my research experience in working
10 with youth. But also it's just more the research
11 process and using a deductive process in looking
12 at this evidence.

13 Q Describe how experts in your field assess the
14 developmental stage of an individual?

15 MR. MURPHY: Your Honor, I mean, I know
16 we're in a proffer --

17 THE COURT: Yes, sir.

18 MR. MURPHY: -- but I thought we were
19 letting him put in what his opinions were and how
20 they impact this case. We've been going almost an
21 hour for something that was represented to be 15
22 minutes when we're in the middle of a trial. We
23 got a three-hour deposition. If there's something
24 that's not in that deposition that he would like
25 to bring out, then I'm happy.

1 Everything I'm hearing I know is in that
2 deposition because I've done a full summary of it.
3 I haven't heard one thing in an hour that was not
4 in that deposition.

5 THE COURT: Mr. Willoughby, precisely,
6 what are his opinions? One after the other, if he
7 has any.

8 MR. WILLOUGHBY: Your Honor, I think I --
9 I appreciate the Court's patience.

10 THE COURT: Yes, sir.

11 MR. WILLOUGHBY: Mr. Murphy, can lead if
12 he chooses to do so.

13 THE COURT: Okay.

14 MR. WILLOUGHBY: I'm entitled to be able
15 to put --

16 THE COURT: All right.

17 MR. WILLOUGHBY: -- to get his opinions
18 in and the basis for those opinions.

19 THE COURT: What are going to have those
20 opinions, sir?

21 MR. WILLOUGHBY: I need to get the ground
22 work.

23 THE COURT: I've seen the curriculum
24 vitae. There's a deposition here. I guess -- it
25 seems like we continue to lay foundations as why

1 he's going to these opinions --

2 MR. WILLOUGHBY: Judge, we're right at
3 that point --

4 THE COURT: Okay. All right, sir.

5 MR. WILLOUGHBY: -- where the opinions --
6 I mean, we are there.

7 THE COURT: Okay, sir.

8 MR. WILLOUGHBY: If you'll be patient
9 with me for just a moment.

10 THE COURT: Yes, sir, I will.

11 BY MR. WILLOUGHBY:

12 Q The question was, and I think you were beginning
13 to answer, describe how experts in your field assess
14 the developmental of an individual?

15 A So here -- just to be more relevant to this
16 case, I will tell you how I went about it for this
17 case using that deductive process.

18 Q Right.

19 A So I knew looking that Vincent was 24 when he
20 was killed. I know that the empirical research
21 suggests that Vincent would be in the
22 developmental stage of emerging adulthood.

23 So, as I said, I already told you some of the
24 hallmarks of emerging adulthood and what they are. So
25 what I looked for was signs of independence because

1 emerging adulthood also -- it always suggests that
2 people in that stage are always trying to show that
3 they're independent, but it's like they're
4 experimenting in some way. So I was looking for that
5 as I was reading through this.

6 One thing that stood out to me was more --
7 this notion of credit. I know that it was already
8 mentioned today in the trial that when Vincent applied
9 for the Rast Street apartment that he did and there
10 wasn't a credit score there. And in the testimony and
11 in the deposition that suggested that he wanted the
12 Rast Street apartment to develop his credit history.

13 Now, when I read that clearly whether today's
14 testimony suggested is that the best way of developing
15 a credit history, that part I don't know. What
16 appeared to be very clear was that Vincent thought
17 that that was one way of developing his credit
18 history. But, for me, that was very adult-like
19 behavior showing independence, him trying to be
20 independent. So that one was striking to me.

21 But I went from there to also looking at -- I
22 looked at the documents. The lawyer asked a lot about
23 the documents. The documents, a lot of the paperwork
24 would suggest that for Vincent his location would have
25 been Rast Street, yet a lot of the testimony, also in

1 the deposition and the testimony I heard today, would
2 suggest that his place of residence was Brown Street.
3 So there was this inconsistency there. Part of that
4 inconsistency also was the very fact that, of course,
5 Vincent was paying rent at the Rast Street location.

6 What's common with emerging adulthood is
7 always showing this inconsistency, so paying rent is
8 showing that you're independent, yet we know just from
9 hearing from Vincent's mother that she also helped out
10 with the rent. And this is, again, a pattern with
11 emerging adulthood. I'm trying to be independent, yet
12 I have some dependency on my family.

13 But you see it in other ways, too. I mean,
14 Vincent was -- another thing that was striking was
15 that Vincent paid bills at the Brown Street location
16 as well. He paid the water bill and at times he would
17 pay the Internet. What was striking about that was
18 the water bill, Vincent's mother said that -- and his
19 father said it today, that it was their policy that if
20 you live in their house, you have to pay a bill. And
21 Vincent was paying what he could, the water bill. I
22 think in the mother's testimony or in the mother's
23 deposition she said that in 2013 he paid the water
24 bill seven times at the Brown Street location. So I
25 found that be interesting. But the Internet was also

1 one that was very interesting to me because Vincent
2 didn't have a computer at the Rast Street location.
3 His computer was at the Brown Street location. He
4 would go to the Brown Street location to use the
5 Internet. There was no Internet at the Rast Street
6 location. There was Internet at the Brown Street
7 location.

8 That, again, showing that he wants to be
9 independent. He has this apartment. But then he has
10 to go back to his parents' house, what I ultimately
11 will argue what he considered his home, where he
12 actually also relied on them showing that level of
13 dependence.

14 Another thing that was striking for me was,
15 if you look at his clothes, where were the majority of
16 Vincent's clothes, they were at the Brown Street
17 location and not at the Rast Street location. Which,
18 again, that seems somewhat inconsistent. The
19 furniture, a lot of furniture that was in the
20 Rast Street location came from the family. Again,
21 that shows a dependence on the family again, which is
22 very characteristic of emerging adulthood.

23 But then there were other things, such as
24 when Vincent -- oftentimes he didn't cook at the
25 Rast Street location. When he ate, he would go to the

1 Brown Street location. Again, showing that level of
2 dependence.

3 But, also when it comes to staying at the
4 Rast Street location, today it was mentioned two or
5 three times a week. In the deposition, it was also
6 mentioned that it was not always two or three times a
7 in the week. So he wasn't always at the Rast Street
8 location, although he paid the rent there.

9 So taking it altogether for me, it all seems
10 to suggest that, clearly -- I think that Vincent is so
11 typical of emerging adulthood. It's almost a textbook
12 case of emerging adulthood where you find, I want to
13 be independent, I'm exploring, but my dependence lies
14 with my family.

15 Q Based upon all of the evidence that you looked at
16 during the testimony, based upon all of the exhibits
17 and all of the things that he listed -- where he
18 listed the address and change his address, voter's
19 registration and the like, did you develop an opinion
20 as to whether or not Vincent was in the developmental
21 stage of human development as opposed to being in the
22 stage of a young adult?

23 A Yes. I -- my -- as I just stated, my opinion
24 is my expert opinion that Vincent is a classic
25 example of a person in the emerging adulthood

1 developmental stage.

2 Q And also based upon when you talked about a
3 comfort zone, where he found his comfort zone, that
4 being at Brown Street?

5 A So I think that that's evident in a lot of
6 the documents that you look at. Whether it's
7 going to eat at home or keeping with the clothes
8 at home, or any time there's trouble, whether
9 it's -- I'll give you an example.

10 So his buying a car, also getting insurance
11 for that car, that is, again, very independent.
12 Showing independence. Again, the inconsistency that
13 comes in with he has that, but then when his car
14 wasn't working, he had to rely on the family car to
15 travel. Oftentimes the family car that had the most
16 gas in it. That's where, you know, there's this
17 comfort with him. It's really a pattern of behavior,
18 which is why I would say that my opinion is relevant
19 for this case because sometimes when you look at the
20 inconsistency, I really think it's looking at the
21 behavior, what does the behavior tell you.

22 The behavior for Vincent not only tells me
23 that he has this comfort with this home, but that
24 comfort, I ultimately argue suggests that that was
25 because that was what he considered to be his home.

1 Q Did you hear the testimony today, had you heard it
2 previously in depositions, about the disabilities that
3 Jayden had? And you heard Jessica testify that she
4 listed on the form that they wanted -- she wanted to
5 obtain a place of their own, but that did not occur
6 because of the disabilities and the support that they
7 require. Did Jayden's disabilities factor in to the
8 inability of these two and Vincent to become
9 independent?

10 A So, I mean, here -- because that testimony is
11 one that I didn't see in the deposition, so that's
12 something that I heard today, and she's under oath
13 so I take her at her word for that. I haven't
14 talked about Jessica a lot, but I said that
15 Vincent was sort of a textbook case of being in
16 the emerging adulthood. Jessica is also a
17 textbook case of being at home, relying on
18 her family, but then also experimenting and going
19 out.

20 So I can't -- I won't speak so much to the
21 issue of Jayden just to say that, ultimately, for
22 Jessica too, she shows the same pattern of behavior
23 that Vincent showed.

24 Q Based upon a reasonable degree of certainty within
25 the disciplines of social work, psychology, and human

1 development, do you have an opinion about where Vince
2 resided on the date of his death of
3 January 17, 2014?

4 A Yes, yes.

5 Q What is that opinion?

6 A So, for me, based on Vincent's age, based on
7 the testimony of Jessica, Vincent's father and
8 mother, based on the deposition of Jessica's
9 mother, all of that points to the fact that
10 Vincent was clearly within the developmental stage
11 of emerging adulthood. Definitely the evidence
12 shows that Vincent was exploring his identity as
13 an independent person, and I think that's what the
14 other -- the lawyer on the other side was getting
15 at, that he's exploring his identity as an
16 independent person. But the inconsistency shows
17 very clearly that Vincent was very dependent on
18 his family in the comfort of his childhood home.

19 So it was my expert opinion that Vincent's
20 residence was clearly the Brown Street location.

21 MR. WILLOUGHBY: Thank you, Dr. Pitner.
22 That's all the questions that I have.

23 THE COURT: Mr. Murphy, do you have any
24 questions, sir?

25 MR. MURPHY: How about two or three.

1 THE COURT: Okay.

2 CROSS-EXAMINATION

3 BY MR. MURPHY:

4 Q So the theory of whether someone qualifies as an
5 emerging adult has nothing to do with the factual
6 issue of residency. It doesn't resolve it, does it?

7 A So again --

8 Q Yes or no?

9 MR. WILLOUGHBY: Your Honor?

10 MR. MURPHY: That requires a yes or no
11 answer.

12 THE COURT: You can answer yes or no, and
13 then you can explain your answer.

14 THE WITNESS: Can you --

15 BY MR. MURPHY:

16 Q The theory itself does not explain residency, does
17 it?

18 A The theory doesn't explain residency.

19 Q Okay. Because you could be very dependent on your
20 family, but you could live separately from them. They
21 might pay for you to have an apartment, condo, or
22 house, and that happens with many emerging adults of
23 affluent nature, correct?

24 A Yes.

25 Q So the qualification --

1 MR. WILLOUGHBY: Your Honor, he can't cut
2 him off.

3 THE COURT: Let me finish. Your answer
4 was yes, and then you can explain.

5 THE WITNESS: So, yes. However -- again,
6 what's typical of emerging adulthood --

7 MR. MURPHY: I didn't ask him what was
8 typical, Your Honor. So that's where the problem
9 is. If we were in front of a jury, I would be
10 entitled to have you answer the questions and not
11 go off a lecture or on a tangent. That's the
12 whole problem, and I've got about four questions
13 and I'm done. I'm ready to go.

14 THE COURT: Okay.

15 BY MR. MURPHY:

16 Q My question was: You could be an emerging adult,
17 yes or no, but live outside and not under the same
18 roof as your parents?

19 A Yes.

20 Q You could be dependent on your family and live
21 outside of their residence?

22 A Is that a question?

23 Q Yes.

24 A Yes.

25 Q And your opinion is basically -- would be to try

1 to tell this jury what to believe and why to believe
2 it. In other words, you're giving your opinion on the
3 credibility of all of the other evidence, you have no
4 evidence of yourself to offer at all, do you?

5 A What I'm offering is my expertise in knowing
6 the developmental stage of emerging adulthood and
7 the research, empirical research on it. And I'm
8 basing my opinion on what the research suggests
9 and my many, many years of expertise just looking
10 at human behavior and how the social environment
11 affects the human behavior at different
12 developmental stages.

13 Q But you personally have never done any research on
14 the theory of emerging adulthood?

15 A I have not done on emerging adulthood. I
16 have done research --

17 Q Answer my question.

18 MR. WILLOUGHBY: Judge, he's --

19 MR. MURPHY: He said he had, and then he
20 wants to go and tell me some other research he
21 did, Your Honor. He's not entitled to go into
22 that.

23 MR. WILLOUGHBY: Judge, he's entitled
24 to --

25 THE COURT: Mr. Willoughby, he can ask

1 the question, but then go off on another tangent
2 on what somebody else has done, because the
3 question was specific as to what he had done.

4 MR. WILLOUGHBY: But he's entitled to
5 elicit why --

6 THE COURT: He's done that already.

7 MR. WILLOUGHBY: -- applied his work, the
8 work that he's done and the study that he's done
9 that applies to this case.

10 THE COURT: That he went over in great
11 depth earlier.

12 MR. MURPHY: And it's all in the
13 deposition that I submitted, Your Honor, and his
14 research was not in the field that he was trying
15 to give an opinion on. So that's all we have.

16 THE COURT: Okay. Mr. Willoughby.

17 REDIRECT EXAMINATION

18 BY MR. WILLOUGHBY:

19 Q Dr. Pitner, are you trained in the area of
20 emerging adulthood?

21 A So my research has focused on the age group
22 of emerging adulthood. A lot of my research, I
23 always look at developmental trends as I do my
24 analyses, but the reason I'm an expert -- the
25 reason the authors of the book, Human Behavior in

1 a Social Environment contacted me is because they
2 considered me to be an expert. They could have
3 contacted many researchers in the U.S. They
4 contacted me because they consider me to be an
5 expert in Human Behavior in a Social Environment
6 and looking at the developmental stages.

7 But my research, in particular, it has
8 definitely focused on that group. So I have expertise
9 in that area. You don't have -- I don't have to -- I
10 don't have to have a research study on emerging
11 adulthood when I know that the people in my study are
12 the ones that fall into that category and I'm looking
13 at decision-making. My research still -- when I write
14 up my findings, it still has implications for emerging
15 adulthood. It doesn't have to have emerging adulthood
16 in the title.

17 Q And based upon your training and expertise, your
18 teaching, your research, your writing and review, is
19 the opinion that you've given founded upon all of
20 those years of work and study?

21 A Yes.

22 Q And teaching?

23 A Yes.

24 MR. WILLOUGHBY: Thank you very much.
25 That's all we have, Your Honor.

1 THE COURT: Thank you, sir, for your
2 patience today. I appreciate it very much.

3 THE WITNESS: Thanks.

4 MR. WILLOUGHBY: We would ask that
5 Dr. Pitner, of course, be excused, Your Honor.

6 THE COURT: Yes, sir.

7 MR. WILLOUGHBY: Thank you, Your Honor,
8 for your indulgence. I'm most appreciative.

9 THE COURT: Sure, I understand.

10 MR. WILLOUGHBY: I extend my appreciation
11 to Mr. Murphy, and Mr. Smith as well.

12 THE COURT: All right.

13 MR. WILLOUGHBY: I'm going to give the CV
14 to the court reporter.

15 THE COURT: All right, sir.

16 MR. WILLOUGHBY: And it will be part of
17 the offer of proof.

18 THE COURT: Is he -- Dr. Pitner, you are
19 allowed to leave if you wish to do so. Can he
20 exit the Court house, ma'am? Is he able to do
21 that?

22 THE CLERK: Yes, he's able to exit.

23 THE COURT: I mean, if he goes down
24 stairs, he can get out the front door?

25 THE CLERK: Yes, sir. Just use the door

1 on the left hand side.

2 THE COURT: Okay. Yes, sir,
3 Mr. Willoughby.

4 MR. WILLOUGHBY: Nothing further, Your
5 Honor.

6 THE COURT: Let me just add one thing
7 here, I made my ruling earlier about this, but I
8 want to read something into the record about --
9 further why I excluded this.

10 "If scientific, technical, or other
11 specialized knowledge..." -- and this is what you
12 all had given to me. You've heard it before.
13 Read it. "...will assist the trier of fact to
14 understand the evidence, or to determine a fact at
15 issue, a witness qualified as an expert by
16 knowledge, skill, experience, training, or
17 education may testify thereto in the form of an
18 opinion. In determining whether to not admit
19 expert testimony, the trial court must make three
20 inquiries."

21 And there are three. The second and
22 third are divided -- or connected by the
23 conjunction "and" not "or", which I read means all
24 three have to exist together, not just one of the
25 three or two of the three.

1 The first one, "Whether the evidence will
2 assist the trier of fact." That is where I made
3 my ruling yesterday. That's what I based it on.

4 It goes on further to say, "Expert
5 testimony may be used to help the jury to
6 determine a fact at issue in cases where the
7 matter falls outside the realm of ordinary lay
8 knowledge. The determination of whether the
9 subject matter after proposed expert's testimony
10 is outside the realm of lay knowledge is a
11 determination left solely to the trial judge."
12 And I have found yesterday, and I stand by my
13 ruling again, that the issue, the sole issue, to
14 my opinion, a rather simple issue of whether or
15 not residency is at one place or the other is
16 solely within the knowledge and experience of this
17 jury.

18 We're not asking them to determine a
19 complex issue of liability or medical damages,
20 simply the issue of residency.

21 Now, with that said, I want to end this
22 day by thanking you all for you all's continued
23 patience with me with this process. We will forge
24 along tomorrow at nine o'clock. I have a short
25 minor settlement, I think it is. And then at 9:15

1 a short motion on a complex litigation case, but
2 we will start at 9:30 or very, very close to it
3 after that.

4 Thank you for your patience.

5 MR. WILLOUGHBY: Thank you Your Honor.

6 MR. MURPHY: I know you addressed it.
7 Just last thing, you, yesterday, indicated you
8 adopted the arguments we made related all three
9 elements. Do you stand by those as well?

10 THE COURT: Yes, sir, I do. What I said
11 a while ago was to, I guess, elucidate better what
12 I tried to say yesterday.

13 MR. MURPHY: Thank you, sir. I
14 appreciate it.

15 THE COURT: Thank you all.

16 (Proceedings adjourned at 6:27 p.m.)
17
18
19
20
21
22
23
24
25

1 STATE OF SOUTH CAROLINA
2 IN THE COURT OF COMMON PLEAS
3 COUNTY OF SUMTER

4 Government Employees Insurance Co.,

5 Plaintiff,

6 vs.

Transcript of Record
2016-CP-43-01521

7 Barbara Jackson, Therel Jackson and
8 The Estate of Vincent A. Jackson,

9 Defendant.

10
11 May 30, 2020
12 Sumter, South Carolina
13 Volume III of III

14 B E F O R E:

15 The HONORABLE GEORGE M. MCFADDEN

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

17 J.R. Murphy, Representing the Plaintiff
18 G. Murrell Smith, Jr., Representing the Plaintiff
19 Mitchell Willoughby, Representing the Defendant
Elizabeth Ann Zeck, Representing the Defendant

20 Transcribed by SHARON G. HARDOON, CSR, II
21 from DCRP, Digital Courtroom Recorder Project
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1 THE COURT: Who is Miss April Burnette?

2 All right. Now, you, ma'am, are a member of the
3 jury.

4 Mr. Fennell, you are, sir, the foreperson
5 in this jury.

6 So, the next you all come in, Mr. Park, where
7 do you want them to sit when they come back? Where do
8 you want the foreperson to sit?

9 COURT OFFICER: I'm sorry, Your Honor.

10 THE COURT: That's okay.

11 COURT OFFIER: The foreperson will sit in
12 the first front row.

13 THE COURT: You all can do that when you
14 come back in the next time.

15 Mr. Willoughby, sir.

16 MR. WILLOUGHBY: May it please the Court,
17 we would call next to the stand Miss Marilyn
18 Wilson. Come around, Miss Wilson.

19 COURT OFFICER: Place your hand on the
20 Bible. Raise your right hand. Please state your
21 name.

22 THE WITNESS: Marilyn Wilson.

23 COURT OFFICER: Do you solemnly swear or
24 affirm the testimony you give the Court shall be
25 the truth, the whole truth, and nothing but the

1 truth, so help you God?

2 THE WITNESS: Yes, sir.

3 COURT OFFICER: Thank you. You may step
4 up there. Watch your step. State your name for
5 the record and spell your last name, please.

6 THE WITNESS: Marilyn Wilson,
7 W-i-l-s-o-n.

8 THE COURT: Proceed, sir.

9 MR. WILLOUGHBY: Thank you very much
10 Your Honor.

11 WHEREUPON:

12 MARILYN WILSON,
13 after having been sworn to tell the truth, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MR. WILLOUGHBY:

17 Q Miss Wilson, may I call you Marilyn?

18 A Yes, sir.

19 Q What is your current address?

20 A 501 Coachman Drive.

21 Q And tell us, does anyone live with you there?

22 A Yes, sir.

23 Q Who are they?

24 A Jessica and my other three daughters.

25 Q Where do you work?

1 A Sumter Behavioral Health.

2 Q And what do you do there?

3 A Manager, and counselor.

4 Q And how long have you worked there?

5 A Four years.

6 Q And what hours do you work?

7 A 7:45 to 3:45.

8 Q And how long have you lived in Sumter?

9 A All of my life.

10 Q What is your date of birth?

11 A 8/10/61.

12 Q Where did you go to high school?

13 A Maywood High School.

14 Q Is that here in Sumter?

15 A Yes, in the country.

16 Q You indicated that Jessica lives with you
17 currently. After Jessica graduated from high school
18 2008, where did she live?

19 A With me.

20 Q Were all of your daughters living with you then?

21 A Yes, sir.

22 Q What are the ages of the two older daughters? Or
23 what is their birthdays? Let me ask it that way.

24 A Their birthday? The oldest is 8/19/84,
25 8/23/82, December 22nd, '89, and the twins are

1 4/14/91.

2 Q Is Jessica's date of birth is December 1989?

3 A Yes, the 22nd.

4 Q Coming forward to 2011 when Jessica got pregnant,
5 where was she living then?

6 A With me and my daughters on Dollard Drive.

7 Q And where were you living at the time?

8 A 19 Dollard Drive.

9 Q And who was living with you at Dollard Drive at
10 that time?

11 A Me, Jessica, and the other four daughters.

12 Q Did your father live there?

13 A And my father. We moved in and took care of
14 my father.

15 Q Do you remember Jessica having to take medical
16 leave and undergo monitoring during the pregnancy?

17 A Yes, sir.

18 Q And where was she living during this time?

19 A 19 Dollard Drive.

20 Q Did the monitoring require her to be hooked up to
21 a monitoring machine at times?

22 A Yes, sir.

23 Q Where was that machine maintained?

24 A At Dollard Drive.

25 Q Do you remember when Jayden was born?

1 A Yes, sir.

2 Q Immediately before Jayden's birth and immediately
3 after, where was Jessica living?

4 A 19 Dollard Drive with me, my father, and my
5 daughters.

6 Q When Jayden was brought home in early July of 2018
7 after being released from the neonatal care unit at
8 the hospital, where did Jessica bring Jayden?

9 A 19 Dollard Drive.

10 Q Did Jayden required a lot of care and attention?

11 A A lot of care.

12 Q Did you and Jessica's sisters help?

13 A Yes, sir.

14 Q Do you continue to help today?

15 A Yes, sir.

16 Q From the time Jayden came to the family home at
17 Dollard Drive until Vince passed away on January 17 of
18 2014, where did Jessica and Jayden live?

19 A 19 Dollard Drive.

20 Q Were you aware of the Raft Street apartment?

21 A Yes, sir.

22 Q Were you aware of the house at Center Street?

23 A Yes, sir.

24 Q Did Jessica live at either place?

25 A She lived with me.

1 Q Did Vince visit Jessica and Jayden at your family
2 home on Dollard Drive?

3 A Yes, sir.

4 Q Did he stay over night?

5 A No, sir.

6 Q Did you allow Jessica and Vince to stay overnight
7 at your family home?

8 A No, sir.

9 Q Why not?

10 A I don't believe in that.

11 Q Did Jessica and Jayden visit Vince at his family
12 home on Brown Street?

13 A Yes, sir.

14 Q Do you know Barbara and Therel Jackson?

15 A Yes, sir.

16 Q Are they caring grandparents?

17 A Fantastic.

18 Q Do you know if Jessica and Vince and Jayden stayed
19 overnight at Rast Street apartment?

20 A Yes, sir.

21 Q How often do you remember that they may have
22 stayed there?

23 A About once or twice a week when he's there.

24 Q When he's in town and not working out of town?

25 A Yes, sir.

1 Q Were you always at your family home during the
2 evenings?

3 A Yes, sir.

4 Q So you had the absolute ability to observe who was
5 in our house and not in our house?

6 A Yes, sir.

7 Q Would Jessica tell you if she was planning to tell
8 stay overnight at Rast Street so you would not worry?

9 A Yes, sir.

10 Q When did you learn that Vince had had a fatal
11 accident?

12 A My daughter called me.

13 Q On the night that --

14 A On the night, yes, sir.

15 Q And what did you do after you got that call?

16 A I immediately went to meet her at the
17 apartment.

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

19 A Well, she was in the parking lot. She was
20 hysterical. And she had the baby, so my daughter
21 had to get the baby and I tried to comfort her.

22 Q Did you go to the Brown Street address that
23 night?

24 A Yes. We all leave and went to the
25 Brown Street apartment.

1 Q After the funeral, did you assist Jessica and
2 others to clean out the Rast Street apartment?

3 A Yes, sir.

4 Q And what did you observe in the apartment?

5 A There wasn't much. They had a bed, chair, a
6 table, but there was a few -- a pot -- there
7 wasn't much in there.

8 Q Was Jessica a cook?

9 A Not a good cook.

10 Q Did the apartment have a TV?

11 A Yes, sir.

12 Q Have you taken Jayden over to visit his
13 grandparents, Barbara and Therel?

14 A Yes, sir.

15 Q Have you done so recently?

16 A I picked him up from there recently.

17 MR. MURPHY: Your Honor, with all due
18 respect, the time in question is 2014, not
19 recently.

20 THE COURT: Yes, sir. Sustained.

21 MR. WILLOUGHBY: And I'm just about
22 through, Your Honor.

23 THE COURT: Okay.

24 BY MR. WILLOUGHBY:

25 Q Tell us -- I want to talk with you a little bit

1 about Christmas of 2013. Do you have a family custom
2 of gathering on Christmas Day?

3 A Yes, sir.

4 Q And do you recall where Jessica was on
5 Christmas Eve that night, where she stayed that night?

6 A She was with me Christmas Eve, but they go
7 over to Barbara's family's house and open up
8 gifts.

9 Q In the morning?

10 A Yes, sir.

11 Q But she and Jayden slept at your house --

12 A Yes, sir.

13 Q -- Christmas Eve.

14 A Yes, sir.

15 Q Did Santa Clause come for Jayden at your house?

16 A Yes, sir.

17 Q And then was he taken over to the Jackson's house
18 where he got additional gifts?

19 A Yes, sir.

20 Q You understand, Miss Wilson, that the question
21 that this jury has to decide is where Vince was
22 residing on the date of the event, do you understand
23 that to be the question?

24 A Yes, sir.

25 Q In regard to your daughter, on that date,

1 January the 17th of 2014, where did she live?

2 A 19 Dollard Drive with me.

3 Q Had she always lived there --

4 A Yes.

5 Q -- when she was -- as long as you provided that as
6 a home?

7 A Yes, sir.

8 Q Does she still continue to live with you today?

9 A Yes, sir.

10 MR. WILLOUGHBY: Thank you very much.

11 Those are all the questions I have. Please answer
12 any questions Mr. Murphy may have.

13 MR. MURPHY: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. MURPHY:

17 Q Miss Wilson, you talked about where your daughter
18 lived, but you have admitted earlier in a deposition
19 that you really don't know where Vince lived, how many
20 days he was in town, how many days he was out of town;
21 is that correct?

22 A Yes, sir.

23 Q What you know is that when he wasn't working out
24 of town he and Jessica were at the apartment
25 particularly from the time they leased it in June of

1 2012 until the time of the accident.

2 A Jessica was with me.

3 Q I didn't -- my question was: I think you
4 testified on direct that she would be over there at
5 the apartment two or three nights a week when he was
6 in town.

7 A When he was in town, yes, sir. That's
8 correct.

9 Q And you don't know exactly how many days he would
10 be out of town, but most people doing well in those
11 jobs, they're gone usually Monday through Friday,
12 usually?

13 A No, sir.

14 Q And when he would be in town, he would be at the
15 apartment?

16 A No, sir.

17 Q Now, you don't deny that the lease that was
18 applied for was indicated, and I think your daughter
19 said in her handwriting, it was so they could have
20 their own place.

21 A They were trying to get their own place.

22 Q And the reason -- one of the reasons is because
23 neither you or the Jacksons would let them live
24 together as a threesome as a family, or couple under
25 your roof; is that correct?

1 A Could you repeat that?

2 Q Your rule was they could not live together as
3 unmarried couple under your roof.

4 A Yes, sir.

5 Q And you knew the Jacksons had the same rule
6 because she's old school like you are?

7 A Yes, sir.

8 Q So if they wanted to be under the same roof, they
9 had to have a separate place to do that.

10 A That's true.

11 Q That's why they applied for the lease because they
12 wanted to make it work as a family even though they
13 were unmarried, but as Vincent, Jessica, and Jayden
14 living together under one roof, that's what they were
15 intending to do with taking out the lease?

16 A They were trying to establish a place.

17 Q And that was applies for after the premature birth
18 and the issues would have been known, yet that they
19 still went to get their own knowing all that.

20 A Could you repeat that?

21 Q Yes, ma'am. I'll be glad to show you for the
22 dates. I don't expect you to have it all memorized.
23 The lease application was dated in June of 2012 after
24 your grandson had been born?

25 A Okay.

1 Q You agree with me on that?

2 A I don't see a date on here. I don't see a
3 date on here.

4 Q It references on the front page that he was two
5 weeks old. Do you see that on the top page?

6 A Oh, yes, sir.

7 Q The apartment itself was a two bedrooms, it was
8 furnished, they had clothes there, and they had a crib
9 there.

10 A Yes, sir.

11 Q You took some milk over there one time?

12 A Yes, sir, I did.

13 Q Vincent had several suits, other types of clothes
14 there when you went to help clean out the apartment
15 out after the accident?

16 A No, sir. Suits?

17 Q Yes, ma'am.

18 A No, sir. I don't remember any suits.

19 Q I'll use the word -- I think it was outfits.

20 A Oh.

21 Q He had a couple outfits over there, didn't he?

22 A Yes, sir.

23 Q And you have no documents or other information
24 about where Vincent lived from the time that lease
25 began until the time of the accident; is that

1 correct?

2 A Correct.

3 Q Thank you, ma'am.

4 THE COURT: Mr. Willoughby.

5 MR. WILLOUGHBY: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. WILLOUGHBY:

8 Q Do you remember Mr. Murphy asking you about a --
9 the application for the Rast Street apartment being --
10 jayden being about two weeks old at that time?

11 A Yes, sir.

12 Q Did you or Jessica have any -- or anyone really,
13 at that time, have any appreciation about how
14 substantial the care would be for Jayden when he was
15 released from the hospital?

16 A Could you repeat that?

17 Q Yes. At the time -- Jayden, right after he's
18 born, do you have any real appreciation -- does anyone
19 have my real appreciation, does Jessica have any
20 appreciation of how difficult Jayden's situation would
21 be, the number of operations that he would have to go
22 through, was that all new --

23 MR. MURPHY: Your Honor, I think I can
24 object on redirect to leading, and basically
25 Mr. Willoughby wanting to testify instead of the

1 witness.

2 THE COURT: Yes, sir. Sustained.

3 MR. WILLOUGHBY: Let me rephrase it this
4 way.

5 BY MR. WILLOUGHBY:

6 Q Did you have any appreciation --

7 A Yes, sir.

8 Q -- to the issues that Jayden would have to endure
9 as a baby given his condition?

10 A Yes, sir.

11 Q You did not have any appreciation?

12 A What do you mean by appreciation?

13 Q It's my mistake. Did you -- did the family know
14 how difficult the challenges were going to be?

15 A Yes, sir.

16 Q And tell me what -- did you have a full
17 understanding of how many operations he was going to
18 have to have?

19 A Yes, sir. We did.

20 Q And how many did he have to have?

21 A Well, up to the date, he had 15 already.

22 Q But you didn't understand that in June of 2014?

23 MR. MURPHY: Leading question.

24 THE COURT: Sustained. Sustained.

25 MR. MURPHY: She already said she did.

1 THE COURT: Sustained.

2 BY MR. WILLOUGHBY:

3 Q Did you understand that in --

4 That he would have all these surgeries?

5 Q Correct.

6 A No. I didn't understand that part.

7 Q So all that came as a surprise to everyone?

8 A Yes, sir.

9 Q Thank you very much.

10 THE COURT: Mr. Murphy.

11 RECROSS-EXAMINATION

12 BY MR. MURPHY:

13 Q So certainly they would have never renewed the
14 lease the next year?

15 A I don't know what they would do. I can't say
16 that.

17 MR. MURPHY: Thank you.

18 THE COURT: Okay. Mr. Willoughby.

19 MR. WILLOUGHBY: Your Honor, I have no
20 further questions. I'd ask that Miss Wilson be
21 released so she can return to work.

22 THE COURT: Ma'am, have a good day.

23 MR. WILLOUGHBY: Your Honor, we have no
24 further witnesses and we rest our case.

25 THE COURT: All right, sir. Mr. Tomlin,

1 would you take the jury to the jury room, please?

2 Do not discuss this case. Do not begin

3 deliberations, please.

4 (Jury exits the courtroom at 10:15 a.m.)

5 THE COURT: I assume, Mr. Murphy, you

6 have some s for me.

7 MR. MURPHY: Your Honor, we would like to

8 make a motion for a directed verdict at this

9 stage. And I'll be as brief as I can, but I want

10 to make sure I put all the grounds on the record.

11 THE COURT: Yes, sir.

12 MR. MURPHY: Primarily, it's a failure to

13 establish requisite elements of the case when you

14 look at the evidence in the light most favorable

15 to the plaintiff. Although conclusionary

16 statements were made, the factual admissions were,

17 at best, that he split his time between his

18 parents' home and the apartment that he was

19 leasing, and in South Carolina does not recognize

20 dual residency for an adult child not subject to a

21 joint custody order in this context.

22 And based on that -- that's the most

23 favorable that evidence that they have, that

24 everyone acknowledged that he spent no more time

25 at Brown Street than he did Rast Street. In fact,

1 two or three nights a week at Rast Street when he
2 wasn't working out of town. That evidence is
3 boiled down to the light most favorable to the
4 defendant in this case.

5 And based on that, primarily, Your Honor,
6 realizing there's a lot of disputed facts, but the
7 undisputed facts are insufficient to establish
8 residency under South Carolina law because dual
9 residency is not recognized. And when all the
10 official legal documents show residency at Rast
11 Street, at best, you have a situation where he
12 bounced back and forth. I think all the witnesses
13 said back and forth, back and forth.

14 I would submit that back and forth is
15 insufficient under South Carolina law to establish
16 residency in this context, and, therefore, GEICO
17 is entitled to a directed verdict.

18 THE COURT: Mr. Willoughby.

19 MR. WILLOUGHBY: Your Honor, you heard
20 the testimony of mom and dad. He maintains his
21 clothes at Brown Street, tools at Brown Street,
22 his car at Brown Street, he meets his friends at
23 Brown Street, he sleeps at Brown Street, uses his
24 room that he's had his whole life at Brown Street,
25 he showers at Brown Street, and their testimony

1 was even the day that he died he spent at Brown
2 Street.

3 There's no clear case that anyone could
4 be involved with that the facts do not, taken in
5 the light most favorable to us, which is the
6 standard, that this is not a case for directed
7 verdict.

8 THE COURT: Okay.

9 Mr. Murphy, with all respect to you, sir,
10 I am going to deny your motion. I find there is
11 evidence here which could be a factual dispute for
12 the jury to decide. My analysis, not only the
13 weight, but the existence.

14 So I will respectfully deny your motion,
15 sir.

16 Anything else?

17 MR. MURPHY: No, Your Honor.

18 THE COURT: Are we ready to continue,
19 gentlemen, or do you need a break?

20 MR. WILLOUGHBY: Your Honor, it might be
21 good to -- let's talk about we got a couple of
22 evidentiary questions.

23 THE COURT: Okay.

24 MR. WILLOUGHBY: So we have two CAD
25 reports. I understand these are call reports to

1 the 911 center. And I believe Merle intends to
2 introduce -- or, one, he intends to just use to
3 refresh.

4 MR. SMITH: Yes, that's correct.

5 MR. WILLOUGHBY: One he does intend to
6 introduce. And the one that the coroner is going
7 to use to refresh his memory is one that's not in
8 the coroner's file routinely, so it's been
9 provided to the coroner today for the coroner to
10 use to refresh his memory about time. I think
11 that's inappropriate and we object to him even
12 referring to it, Your Honor. So that's item one.

13 And then item two, the officer that's
14 been subpoenaed that is an officer at the CAD
15 operations will seek to tender a report to
16 indicate that Jessica may have called -- that she
17 did call on September the 13th of 2013 with a
18 complaint in reference to her boyfriend Vincent
19 Jackson. Again, this is just being provided to us
20 late, coming to our attention, and we would object
21 to it as being untimely.

22 THE COURT: Yes, sir. Mr. Smith.

23 MR. SMITH: Judge, may it please the
24 Court? I don't know that there's any requirement
25 of authentication as to being able to refresh your

1 recollection. And so, you know, honestly, he's
2 not going to get up there and say, I refer to the
3 CAD report anymore. It's to refresh his
4 recollection. He remembers it being after
5 midnight, and this give further elucidation to it
6 and that's what he's going to testify to. I'm not
7 going to get up and say, do you want to use a CAD
8 report to refresh your recollection. It's already
9 refreshed his recollection. I provided it to Mr.
10 Willoughby because I subpoenaed it and got a copy
11 of it and showed it to the coroner and just
12 confirmed to him that this happened well after
13 midnight.

14 And so if he's asking me to get
15 Mr. Bullock to not say it was well after midnight,
16 that was his recollection before and it just
17 reaffirmed his recollection. So that's the only
18 purposes I'm using that for.

19 But, you know, I don't agree with
20 Mr. Willoughby, but regardless that's the
21 testimony. And I don't think you can prevent me
22 from asking him what time you showed up out
23 there.

24 Number 2, Judge, is, he is absolutely
25 correct. This is a -- this was subpoenaed last

1 night from Shirlene Skipper who is the director of
2 the 911 system, and that was after Jessica Wilson
3 yesterday -- and I'll point out to the Court that
4 that was in direct examination that Mr. Willoughby
5 asked about the January 4, 2014 incident. And he
6 asked her about the police coming out and were
7 they called, and what happened and she explained
8 that. And so that then triggers us, Judge, I
9 wonder if they've ever had some calls out there
10 before. And the question was asked to her, and
11 she said maybe, no, I'm not sure.

12 So, Judge, that's in direct rebuttal to
13 her testimony. I'm allowed to bring in new
14 evidence to her testimony that wasn't disclosed
15 for purposes of rebuttal. And that's what we're
16 doing here, is just getting her to come in here
17 and say there was a call on September 13, 2013
18 after midnight. Not talking about any of the
19 facts of the incident. Just going to identify the
20 records, introduce them in there, and say the call
21 from Miss -- Oh, Lord.

22 MR. MURPHY: Vincent.

23 MR. SMITH: Not Miss Vincent.

24 MR. MURPHY: Wilson.

25 MR. SMITH: Wilson. Miss Wilson about

1 Vince Jackson and that's it.

2 THE COURT: Yes, sir. Anything further
3 Mr. Willoughby?

4 MR. WILLOUGHBY: Thank you, Your Honor.
5 What I would say is that the booking report which
6 Mr. Smith mentions, they've had for literally
7 years. And so they've known all about that issue.
8 The only thing I remember Miss Wilson saying
9 yesterday, when she asked by Mr. Murphy, is that
10 she didn't recall. So I think it would be
11 entirely inappropriate to allow the officer to
12 come in and now say, I've got this record, and,
13 therefore, we maintain our objection.

14 THE COURT: All right. I'm going to --
15 first of all, as to the second one, I'm going to
16 allow that in, Mr. Smith, for the limited purpose
17 of talking about that there was a call made. That
18 was your thrust, right?

19 MR. SMITH: The one from September of
20 2013.

21 THE COURT: The one you just talked about
22 now.

23 MR. SMITH: Yes, sir. Yes, sir. The
24 September where Miss Wilson called 911 and said
25 there was -- asked -- call for assistance with

1 Vince Jackson.

2 THE COURT: And that's the extent of
3 that.

4 MR. SMITH: That's the extent of it.

5 THE COURT: And I'll allow the other
6 matter regarding refreshing their memory over your
7 objection, Mr. Willoughby.

8 MR. WILLOUGHBY: I don't have any
9 objection to that. I would ask that he not refer
10 to the report.

11 THE COURT: I don't think he plans to.

12 MR. SMITH: I don't think I will.

13 THE COURT: You don't plan to.

14 MR. SMITH: I mean he's used it now to
15 refresh his recollection. I'll just make sure he
16 doesn't say that. I'll confirm that he just
17 remembers it being after midnight around 1:00
18 a.m., and that's what he -- what was shown through
19 that record.

20 THE COURT: Anything else, gentlemen?

21 MR. SMITH: No, sir.

22 MR. WILLOUGHBY: That's all I have at
23 this point, Your Honor.

24 THE COURT: Mr. Smith, Mr. Murray, just
25 for a quick rundown here. He's got the coroner

1 here, and how many more witnesses?

2 MR. MURPHY: Miss Alford, the booking
3 officer, and the 911. Is that it? They're all
4 very brief.

5 MR. SMITH: And Pat Jefferson who is for
6 the voter registration. I think I'm going to put
7 the coroner up, then we'll do Pat Jefferson, and
8 then we'll figure out from there where we go.

9 THE COURT: I'm just trying to plan other
10 things back here for today and tomorrow, but this
11 comes first, of course.

12 All right. Gentleman, if you all are
13 ready, I'll ask --

14 MR. WILLOUGHBY: Judge, would it be a
15 good time to do a bathroom break. Why don't we do
16 that. Why don't we do that. Let's just say
17 approximately 20 till. All right? We're still
18 good on time.

19 (A break was taken from 10:25 a.m. to 10:39 a.m.)

20 THE COURT: Are we ready, Ladies and
21 Gentlemen?

22 MR. WILLOUGHBY: We're ready Your
23 Honor.

24 MR. WILLOUGHBY: We're ready.

25 THE COURT: Have that foreperson sit there.

1 Are we going to be using the equipment now?

2 MR. SMITH: Just the ELMO, yes, sir.

3 THE COURT: Okay. Just one word, if it
4 breaks, I can't help you.

5 MR. SMITH: Mr. Murphy had to turn it on
6 for me, Judge. I'm with you. That's why I always
7 say I have to have a paralegal come help me if I'm
8 going to use technology.

9 THE COURT: All right, sir. Mr. Smith.

10 MR. SMITH: Yes, sir. Your Honor, may it
11 please the Court, I call Harvin Bullock to the
12 stand.

13 COURT OFFICER: Sir, place your left hand
14 on the Bible. Raise your right hand. State your
15 name.

16 THE WITNESS: Lucious Harvin Bullock.

17 COURT OFFICER: Do you solemnly swear or
18 affirm your testimony you give to the Court will
19 be the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: I do.

22 COURT OFFICER: If you like to sit, step
23 around, like, I said, come up the ramp. State
24 your name for the record and spell your last name,
25 please.

1 THE WITNESS: Lucious Harvin Bullock,
2 B-u-l-l-o-c-k.

3 (PLF. EXH. 9, Death certificate;
4 Jackson, was marked and entered into evidence.)
5 WHEREUPON:

6 LUCIOUS HARVIN BULLOCK,
7 DIRECT EXAMINATION

8 BY MR. SMITH:

9 Q Good afternoon, Mr. Bullock. Morning.

10 A Good morning, sir.

11 Q Let me give you what's been marked as
12 Plaintiff's Exhibit Number 9 for the record.

13 A Thank you.

14 Q Can you tell the jury where you're employed,
15 please, sir?

16 A I am owner of Bullock Funeral Home, and I
17 have -- was the Sumter County coroner for eight
18 years.

19 Q And when were you Suffolk County coroner?

20 A 2000 -- I can't remember now. 2008 through
21 2010. No. My wife's correcting me. 2009.

22 Q You started in 2009?

23 A Yes. I was elected 2008, 2009 until 2014.

24 Q Okay. And were you the coroner of Sumter County
25 on January 17, 2014?

1 A Yes, I was.

2 Q All right. You also are the owner of a funeral
3 home here in Sumter?

4 A Yes, I own Bullock Funeral Home.

5 Q And are you a licensed funeral home director?

6 A Yes, sir.

7 Q And licensed by the State of South Carolina?

8 A Yes, sir.

9 Q Okay. And how long have you been that?

10 A Twenty-four years.

11 Q Okay. Are you familiar with death certificates in
12 your role as a funeral director and as former coroner
13 of Sumter County?

14 A Yes, I am.

15 Q Tell the jury a little bit about how a death
16 certificate -- the iterations you go through with a
17 death certificate in order to get filled out and filed
18 with the Department of Health and Environmental
19 Control?

20 A Okay. Initially, in order to secure that
21 certificate, the funeral director meets with the
22 family, gathers pertinent information, such as
23 name, date of birth, where you were born, parents'
24 names, et cetera, and so on, and where you live.
25 And, at that point in time, the funeral director

1 sends that on to the certifying, either physician
2 or coroner who certifies a cause of death and is
3 sent on to DHEC and the certificates are issued.

4 Q Okay. And is that how it occurred in 2014, how a
5 death certificate was filled out?

6 A Yes, yes.

7 Q All right. And when --

8 A It has not changed in 25 years.

9 Q And when you -- as a funeral director and you have
10 to fill out the pertinent information, the background
11 information, address, date of birth, social security,
12 all that information, where do you generally get that
13 information from?

14 A I get it from the next of kin, or the
15 informant.

16 Q Okay. Is there a spot on the death certificate
17 that's before you and marked as Exhibit Number 9?

18 A Yes, there is. It is -- it would be the
19 informant's name and it would give you the
20 informant's name, the informant's mailing address,
21 and whatever funeral home they use, and the
22 funeral director.

23 Q Okay. And in there where it says employment, what
24 does that mean in the funeral industry and on this
25 death certificate?

1 A That's the person supplying the information.

2 Q Okay. And so the death certificate requires you
3 to list the person who supplies you the background
4 information on the decedent?

5 A Yes.

6 Q And I'm trying to find this. My eyes are so bad.
7 I hate to say this.

8 And on this one, I think it's right there
9 where I'm pointing, is that where the informant is on
10 the death certificates that were routinely issued in
11 2014?

12 A Yes, sir.

13 Q All right. Before you is Exhibit Number 9, which
14 is the death certificate of Mr. Jackson; is that
15 correct?

16 A Yes, sir.

17 Q All right. And in that death certificate, did you
18 have to help process that death certificate?

19 A Yes, sir.

20 Q All right. Tell the jury what your role would
21 have been in processing this death certificate of
22 Mr. Jackson here that's marked?

23 A As the coroner, I went to the scene. We took
24 Mr. Jackson into the coroner's care once we
25 pronounced him dead at the scene. He was

1 transported to Toumi Regional Medical Center, the
2 morgue, and the next day he was taken to
3 Newberry Pathology for an autopsy. At that point
4 in time, when I got the information back from
5 Newberry, it gave me the information to fill out
6 the cause and manner of death.

7 Q And so that was your role in this?

8 A Yes.

9 Q Where did you receive the death -- did you receive
10 some information from a funeral home?

11 A Yes, I received the information from
12 Community Funeral Home, and Leroy T. James was the
13 funeral director of record.

14 Q Okay. And tell me, what was the address that was
15 listed of the residence of Mr. Vincent Jackson?

16 A Mr. Jackson, his address is 251 Rast Street,
17 Apartment E7, Sumter, South Carolina.

18 Q And who was informant on that death certificate
19 that provided that information to them?

20 A Barbara Jackson.

21 Q Okay. And after you complete your portion -- if I
22 understand, the death certificate comes from the
23 funeral director to you and you complete your portion,
24 and where do you send it to?

25 A It goes electronically to DHEC. And then the

1 funeral director can come to the health department
2 to pick up the copies.

3 Q Okay. And that becomes a public record with the
4 board of health?

5 A Yes, sir. Absolutely.

6 Q All right. Do you recall January 17, 2014?

7 A Yes.

8 Q Tell me -- tell me what you recall about --
9 obviously, you went to the scene, and I don't want to
10 talk about what happened there, but after the scene,
11 tell us what occurred.

12 A Well, I went to the scene, as I said, did the
13 pronouncing, recovered the gentleman's --
14 Mr. Jackson's wallet, looked on his driver's
15 license, we got an address.

16 As the coroner, I would notify the family,
17 so, you know -- or the next of kin. The Rast Street
18 address showed up. We went to Rast Street. It was
19 probably about one o'clock in the morning, and -- it
20 was definitely after 12:00. And the -- went to the
21 door initially, nobody was there, and waited in the
22 parking lot. I did have a highway patrol escort with
23 me and we were there waiting. And shortly thereafter,
24 I presumed it was his wife, but I wasn't sure. You
25 know, a young lady came, arrived on the scene, and she

1 had a young child with her who was basically in one of
2 the car carriers.

3 And she walked up and I asked her if she knew
4 Mr. Jackson. She said she did. He lived at this
5 residence. And we went up, you know, waited there.
6 She was very distraught, naturally. And I told her
7 what had happened. And she went ahead -- I think she
8 went ahead and called his father and said his mother
9 was working.

10 Q Okay. Did you ask if Mr. Jackson resided at that
11 address?

12 A Yes, I did. Yes, sir.

13 Q Did you ask his wife, or girlfriend, whomever it
14 was?

15 A And she verified that's where he lived.

16 Q Did you record her name on the coroner's file?

17 A Yes, I did.

18 Q In the notes you have?

19 A Yes, I did.

20 Q Tell the jury those notes were made
21 contemporaneously on the evening of January 14th,
22 20 -- 17th, 2014?

23 A Yes, Jessica Wilson.

24 Q Okay. And she's the one that provided you the
25 information that Mr. Jackson was residing at that

1 address on Rast Street?

2 A Yes.

3 Q Okay. Did you ask whether she was living there?

4 A I did not.

5 Q Okay. But she confirmed to you that he lived
6 there?

7 A That he lived there. And I walked -- it was
8 very cold outside. I went with her up to the door
9 to make sure because I was very concerned about
10 the child because of the temperature, and she
11 went, I think, and got some more blankets or
12 something for the child.

13 Q Did you escort her upstairs up to her apartment?

14 A Yes.

15 Q Were you able to see into the apartment?

16 A Limited, but yes.

17 Q All right. Did it look like an apartment that was
18 bare, very minimal furniture, or nobody lived in
19 there?

20 A Obviously, it looked to me like it was being
21 resided in.

22 Q Why was that?

23 A Well, I saw some furniture, some clothes, and
24 that type of thing on the floor.

25 Q Okay. And did the family eventually come to the

1 scene?

2 A Yes. She called and Mr. Jackson came and
3 arrived on the scene shortly thereafter. And then
4 a little while later, Miss Jackson came. I think
5 one of her friends brought her.

6 Q Okay.

7 MR. SMITH: I beg the Court's
8 indulgence.

9 THE COURT: Yes, sir.

10 MR. SMITH: All right. Answer any
11 questions Mr. Willoughby might have.

12 THE WITNESS: Okay.

13 MR. WILLOUGHBY: Would you just leave
14 that there. Thank you.

15 CROSS-EXAMINATION

16 BY MR. WILLOUGHBY:

17 Q Good morning, Mr. Bullock. My name is
18 Mitchell Willoughby. Thank you for being here this
19 morning.

20 You mentioned in your opening, you were asked
21 how long you were the coroner, and you said you were
22 the coroner from 2009 to 2014. Do you remember that
23 testimony?

24 A Yes.

25 Q Weren't you actually the coroner to 2016?

1 A Yes.

2 Q So is your recollection maybe a little hazy here
3 today?

4 A No, sir.

5 Q So you --

6 A I just didn't pay a whole lot of attention to
7 the dates.

8 Q So you don't remember how long you were the
9 coroner, but you do remember this one particular event
10 that night very vividly, so you say. How many deaths
11 would you have investigated during the period of time
12 that you were the coroner?

13 A Probably about three or 400 a year.

14 Q And so if you look at over eight years, you're
15 looking at somewhere in the range of 4,000?

16 A Yes, but a lot of these were either hospice
17 deaths, or things like this. This is an actual
18 out call where I actually went to the scene. And
19 oddly enough, for some unknown reason, a lot of
20 times I wish I didn't, I remember most all the
21 scenes or houses I went to where there was
22 actually a tragic death.

23 Q Now, you got the death certificate there in front
24 of you?

25 A Yes, I do, sir.

1 Q Now, it is true on this death certificate, you
2 were not the funeral home in charge, correct?

3 A Correct.

4 Q So you didn't interview the family to complete any
5 of the information on this death certificate?

6 A No, sir.

7 Q So any of the information that's on the top part
8 of this death certificate did not get completed by
9 your office, correct?

10 A No, sir. It did not. It did not get
11 completed.

12 Q It did not. The only thing that you completed was
13 the cause of death, which is part one, which is right
14 here, correct? Are you able to see it on the
15 screen?

16 A No, sir.

17 Yes, sir. Cause of death, part one,
18 strangulation lacer-- yes, sir.

19 Q So part one you completed. And then you completed
20 part two? Or did you complete part two?

21 A I would have completed part two, yes, sir.

22 Q So you completed part one and part two?

23 A Yes, sir. The coroner is to establish the
24 manner and cause of death.

25 Q Now, isn't it also true that you had the body of

1 Vincent Jackson shipped to have an autopsy
2 performed?

3 A Correct.

4 Q And so did you give the information to the family
5 as to when the body would be returned, or where the
6 body was?

7 A I gave it to the funeral director.

8 Q So on that night -- you recall meeting with
9 Barbara Jackson, do you not?

10 A I remember she came up with somebody else in
11 the parking lot and I briefly spoke to her. I
12 only spoken to her husband and girlfriend.

13 Q Do you recognize her in this courtroom?

14 A I think she's sitting next to Mr. Jackson. I
15 remember Mr. Jackson. I wasn't sure about
16 Miss Jackson. I'm not sure she got out of the car
17 when I was there, sir.

18 Q Do you remember just giving her the personal
19 effects of her son and basically saying, it's late,
20 we'll talk later?

21 A No, sir.

22 Q You didn't do that?

23 A No, sir. At the time, I did not have the
24 personal effects. Generally, we take the body to
25 the pathologist, and, at that point in time, they

1 recover any personal effects there may be because
2 of the -- just the nature of what has happened and
3 since it's basically a -- could be an ongoing
4 investigation.

5 Q Did you even go to the scene of the accident?

6 A Yes, sir, I did.

7 Q Was law enforcement already there?

8 A Yes, sir.

9 Q And did you get called by law enforcement?

10 A I got called by dispatch and was sent out
11 there, and law enforcement was there when I got
12 there.

13 Q Did law enforcement provide you with the
14 information about his driver's license?

15 A Yes, sir. Either -- I remember having the
16 driver's license. I think they already removed it
17 from his person, and that's where we got the
18 address to make the notification at his residence.

19 Q So you weren't the one that searched the body to
20 get the driver's license?

21 A I can't remember. Either I searched the body
22 and took out his license, but I think law
23 enforcement already had done that.

24 Q So you had no way of -- you had no way of knowing
25 to go to Rast Street without looking at that driver's

1 license, correct?

2 A Yes, sir. Correct.

3 Q Mr. Jackson, Vince Jackson was unable to talk with
4 you at that time, correct?

5 A Correct.

6 Q He was deceased at the scene?

7 A That's correct.

8 Q And you mentioned that you got some information
9 from Jessica Wilson and that you got a note in your
10 file. Would you show me that note, please. Is that
11 your handwriting?

12 A Yes, sir.

13 Q And tell me what on this note -- tell me what on
14 this note suggests to you that Jessica Jackson --
15 refreshes your memory that Jessica gave you
16 information?

17 A Well, she obviously gave me Miss Barbara
18 Jackson's number, and I just wrote Jessica Wilson
19 down next to it knowing that's who I was talking
20 to.

21 Q So what is that note right next to
22 Jessica Wilson?

23 A Most people can't read it, but it's
24 "girlfriend."

25 Q Girlfriend.

1 A Yes, sir.

2 Q And then you got Barbara Jackson, mom?

3 A Yes.

4 Q And then what is the name right above it?

5 A If I'm not mistaken that is the person who
6 was in the other car.

7 Q Would you interpret the writing for us? What does
8 that say?

9 A (843) 617-5158, Andy Garris.

10 Q So Andy Garris was the driver of the other car?

11 A I think so, yes.

12 Q If I told you that the driver of the other car was
13 a Conners, do you have any reason to object?

14 A No. That's fine.

15 Q So then what is Andy Garris?

16 A Andy Garris, to be honest with you, it may
17 have been the law enforcement officer who was with
18 me. And, really and truly, I was not all that
19 concerned about the driver because that falls
20 outside of what I do.

21 Q Were you told the diver -- the other driver was
22 okay?

23 MR. SMITH: Judge, I object to that.

24 That's not relevant and that's not proper

25 cross-examination.

1 THE COURT: Sustained.

2 MR. WILLOUGHBY: Your Honor, they brought
3 this witness. I'm entitled to cross --

4 MR. SMITH: Judge, I object to his
5 speaking objections in front of the jury, too.

6 THE COURT: He's already answered that,
7 Mr. Willoughby.

8 BY MR. WILLOUGHBY:

9 Q So you don't know who Andy Garris is?

10 A No.

11 Q Now, If we look at the top, that's your
12 handwriting, "Miss Jackson?"

13 A Yes, sir.

14 Q And it indicates date of birth. You got -- "DL"
15 stands for driver's license?

16 A Yes, it does.

17 Q Did you copy the driver's license number off of
18 the driver's license --

19 A Yes, I did.

20 Q -- that they gave you?

21 A Yes, sir.

22 Q And did you use that address, basically, on any
23 form that you filled out?

24 A Yes. I used -- I used the Vincent Jackson
25 251 Rast Street, Apartment E7, Sumter,

1 South Carolina. I got that off the driver's
2 license as his residence.

3 Q Okay. But that's the only information you had at
4 the moment in time that you filled out this form to
5 indicate what address he may have, correct?

6 A Yes.

7 Q You didn't talk to Vincent Jackson because he
8 couldn't talk?

9 A Couldn't talk, no, sir.

10 Q At the time you completed this form, you hadn't
11 talked with anyone else?

12 A No, sir. By the time I had written this
13 down, which were my contemporaneous notes at the
14 scene, then I went to the Rast Street address to
15 make the notification for the next of kin.

16 Q And so you were looking -- when you got there, you
17 made the determination that the next of kin would be
18 the mother and father, correct?

19 A No, I made a determination it would probably
20 be his wife or girlfriend, whoever was living with
21 him at the Rast Street address.

22 Q Well, as a legal matter, would a girlfriend be
23 next of kin?

24 A No, sir, but I had to notify somebody.

25 Q So, wouldn't it be appropriate, and didn't you do

1 that, that once you understood that the girlfriend was
2 not the wife, that you then sought who was the next of
3 kin and determined that was mom and dad?

4 A I got that from Miss Wilson who called her
5 father -- called Mr. Jackson, senior, and he came
6 to the house. So there was no reason for me to go
7 to Brown Street knowing that he was en route to
8 the Rast Street residence.

9 Q And did you hear about the Brown Street address?
10 Did you ever go to the Brown Street address?

11 A No, sir, I did not.

12 MR. WILLOUGHBY: Your Honor, we would
13 move the introduction as the next exhibit for
14 Jackson estate, his handwritten notes.

15 MR. SMITH: Judge, may we approach for a
16 second.

17 THE COURT: Yes, sir.

18 (Bench conference off the record.)

19 MR. WILLOUGHBY: What I'll do, Your Honor
20 is, we will redact the driver's license number and
21 the Social Security number so -- it's not
22 necessary. And then we'll to introduce it. I
23 think it's Jackson Exhibit 7.

24 THE COURT: Yes, sir.

25 (DFT. EXHIBIT 7, Handwritten notes, was

1 marked and entered into evidence.)

2 BY MR. WILLOUGHBY:

3 Q Thank you. Mr. Bullock, those are all the
4 questions I have.

5 THE COURT: Mr. Smith.

6 MR. SMITH: Nothing further, Your Honor.
7 I ask that Mr. Bullock be excused.

8 THE COURT: Yes, sir. Mr. Willoughby,
9 any objection?

10 MR. WILLOUGHBY: No objection.

11 THE COURT: Thank you, sir.

12 MR. MURPHY: We're trying to figure out
13 who was here and who wasn't here.

14 THE COURT: Yes, sir.

15 MR. MURPHY: We're ready to proceed. We
16 will call Miss Beth Alford to the stand.

17 THE COURT: All right.

18 COURT OFFICER: Place your left hand on
19 the Bible, please. Raise your right. State your
20 name.

21 THE WITNESS: Beth Alford.

22 COURT OFFICER: Do you solemnly swear or
23 affirm the testimony you give the Court shall be
24 the truth, the whole truth, and nothing but the
25 truth, so help you God?

1 THE WITNESS: Yes, sir.

2 COURT OFFICER: Step around and state
3 your name and spell your last name, please.

4 THE WITNESS: Beth Alford, A-l-f-o-r-d.
5 WHEREUPON:

6 BETH ALFORD,
7 after having been sworn to tell the truth, testified
8 as follows:

9 DIRECT EXAMINATION

10 BY MR. MURPHY:

11 Q Miss Alford, can you tell the jury where you work,
12 where you live, and just a little bit about you?

13 A I'm a Sumter resident. I work for Midland
14 Management, which is a property management company
15 here in Sumter. I've been there since 2008. I've
16 been in this business since I was 19 years old.

17 Q We won't ask you how long.

18 A Just a little tiny bit.

19 Q You have the file for Vincent Jackson and the
20 rental of an apartment on Rast Street here in
21 Sumter?

22 A Yes, I do.

23 Q We have marked Exhibits 15, 16, and 17 as some of
24 those documents, and then if I can -- so I might use
25 these copies and let you -- if you want to refer to

1 yours.

2 A Sure.

3 Q So 15, 16, 17. And I think there were two other
4 exhibits, the ledger and, perhaps, the credit report
5 that were marked differently.

6 So you are the person in charge of the
7 property management division at Century 21?

8 A Yes. It used to be Century 21, Hawkins &
9 Colt. We're still owned by the same people, still
10 in the same location. We've recently changed the
11 name of our company to Midland Management in
12 2016.

13 Q Okay. So the different names that are on the
14 documents we have. It's the same company just the
15 name has been changed.

16 A That's correct.

17 Q Can you explain the process that Vincent Jackson
18 went through to release the apartment there on
19 Rast Street?

20 A Yeah. They come into our office, check out
21 keys to go look at the property they want to rent.
22 When they want to rent a property, they fill out a
23 rental application. We ask for basic information
24 so we can pull a credit report. We pull a credit
25 report. And from the information we get there, we

1 make a decision if the applicant is qualified or
2 not to rent a property. Once we know they're
3 qualified, we contact the applicant, make an
4 appointment for them to come in and sign a lease
5 and pay a security deposit, and then we start a
6 rental agreement.

7 Q And all that was done by Mr. Jackson in regard to
8 the Rast Street apartment?

9 A Yes.

10 Q Let's look at the application, which I believe is
11 Exhibit 15. It indicates who is to be the tenant?

12 A Vincent Jackson.

13 Q Does that mean he's legally obligated to -- would
14 be legally obligated to fulfill all the terms of a
15 lease if he then entered a lease based on the
16 application?

17 A That's correct.

18 Q Did it indicate who else would be living in the
19 apartment?

20 A Yes, it did.

21 Q Who did it indicate?

22 A It says Jessica Wilson, girlfriend, 22, and
23 Jayden Jackson, two weeks.

24 Q And did both Miss Wilson and Mr. Jackson sign that
25 application?

1 A They both signed the application. And when
2 they filled out the application, they gave --
3 Mr. Jackson, of course, gave his ID and a copy of
4 his pay stub to verify his income. And any
5 occupant would also have to give a copy of their
6 ID, so we have a copy of Miss Wilson's ID.

7 Q Now, one of the exhibits there is the credit
8 report that you all would run; is that correct?

9 A Yes.

10 Q Can you turn and look at that for me real quickly.
11 I may grab the originally one so I can look along
12 while I'm asking you.

13 A I don't have it.

14 Q Okay. Let me --

15 A I have a credit report in my file, but I
16 don't have it in your exhibit.

17 Q Here it is.

18 A Okay, thank you.

19 Q And on page 2, it shows that your company was
20 someone that requested a credit report; is that
21 correct?

22 A That's correct.

23 Q Did your company then report to Experian or
24 Equifax or any other credit company the payment
25 history of any of your tenants?

1 A No, we don't do that.

2 Q So if someone was trying to establish credit,
3 could they do it by merely renting an apartment
4 through your company?

5 A No, sir.

6 Q The payment ledger that's up there on the desk, I
7 think it's marked as, perhaps, Exhibit 5, is that what
8 it says?

9 A 4?

10 Q 4, yes, ma'am. Is that information transmitted to
11 any credit bureau?

12 A No, sir.

13 Q Is it submitted to Experian or Equifax or anyone
14 else like that?

15 A No, sir.

16 Q That's just an internal document used at your
17 company?

18 A That's correct.

19 Q Would you have reported any payment history of
20 Vincent Jackson to any credit tracking or service of
21 that type?

22 A No, sir.

23 Q Any credit rating service at all?

24 A No, sir.

25 Q You used that to see if there's other credit for

1 other types of accounts that do report credit; is that
2 correct?

3 A The ledger?

4 Q No. The Experian credit report.

5 A The credit report?

6 Q Yes.

7 A We look at the credit report to look at a
8 credit score, payment history. Then we also look
9 at their income statement -- their pay stubs to
10 look at a debt to income ratio, and then we would
11 look at rental references if they've rented
12 before.

13 Q But in terms of -- that's how you use it, but you
14 all, yourselves, do not contribute information to a
15 service like that?

16 A No, sir. We do not.

17 Q Okay. Now Mr. Jackson was approved and he signed
18 the lease that I believe is there as Exhibit 16.

19 A Yes, sir.

20 Q And how much was he obligated to pay every month
21 for that apartment?

22 A \$575.

23 Q And he had to put a deposit of 570, I think, on
24 there?

25 A Yes, 570 was his deposit.

1 Q And how many months was he obligated to make that
2 payment?

3 A Twelve months.

4 Q At the end of the 12 months, what did he do in
5 regards to leasing that same apartment?

6 A He signed a lease renewal.

7 Q And what did that obligate him to do legally?

8 A That obligates him to another 12 months in a
9 lease.

10 Q Now, I understand after the accident you
11 terminated the lease based on his passing?

12 A That's correct.

13 Q But up until that day, he was the legal occupant
14 of Apartment E7 at 251 Rast Street?

15 A Yes.

16 Q And he was the tenant in possession. He was
17 entitled to live there and use it --

18 A Yes, sir.

19 Q -- according to the law and the terms of his
20 lease?

21 A That's correct.

22 Q And he was required to make the payments for it
23 every month?

24 A Yes, sir.

25 Q And he had done so as far as that ledger reflects

1 for approximately 18, 19 months up until the time of
2 this accident.

3 A Yes, sir.

4 Q Did anyone ever report to you that the apartment
5 looked abandoned or vacant, or anything like that?

6 A No, sir.

7 Q Do you have any information that he was not living
8 there while the terms of those lease were in effect?

9 A I do not. And if somebody does move out and
10 we don't know that they've moved out and they turn
11 their electricity off, the electricity would come
12 back into our name as we have a landlord account
13 and that did not happen, so I would have had no
14 reason to think he had abandoned, plus he was
15 making his payments.

16 Q Thank you, ma'am. Answer any questions that
17 counsel may have.

18 THE COURT: Mr. Willoughby.

19 MR. WILLOUGHBY: Thank you, Your Honor. May
20 it please the Court?

21 CROSS-EXAMINATION

22 BY MR. WILLOUGHBY:

23 Q Miss Alford, my name is Mitchell Willoughby.
24 Thank you for being here today.

25 A Yes, sir.

1 Q As you look at your file, would it be true that
2 you did not have any personal contact with
3 Vincent Jackson, correct?

4 A I would have had a lease signing with
5 Mr. Jackson.

6 Q Do you remember having a lease signing with him?

7 A No, sir. I could not begin to remember all
8 the lease signings I have.

9 Q Could it also be possible that someone else did
10 the lease signing in this case?

11 A I doubt very highly. Because Mr. Jackson
12 would have been the leaseholder, meaning he was
13 financially responsible for that rent and for the
14 agreement we made, I require that they have to
15 come sign.

16 Q My point is this: When you have a lease
17 signing --

18 A Right.

19 Q -- do other people within your office sometimes
20 witness the signing of the lease?

21 A Oh, yes, sir.

22 Q So you are not at every lease signing?

23 A Not at every one.

24 Q And it's also true that you did not observe how
25 Mr. Jackson may have used this apartment?

1 A That's correct.

2 Q So you didn't -- did you routinely go through and
3 open the apartments and look in to see how the
4 apartments were being used?

5 A No, sir. I'm not allowed to do that.

6 Q That's right. That would be an invasion of
7 privacy, wouldn't it?

8 A Yes, sir.

9 Q And so you wouldn't do that.

10 A That's correct.

11 Q So, really, as a property manager, you want to
12 know just a few things. One is you want to know
13 you're getting paid, correct?

14 A That's correct.

15 Q You want to know that the apartment is being taken
16 care of, it's not being damaged, correct?

17 A Correct.

18 Q And you want to know that the occupants of that
19 apartment are not basically a -- doing something that
20 interferes with the neighbors?

21 A That's correct.

22 Q And as long as you're getting no bad reports and
23 you're getting your money, then your firm is happy,
24 right?

25 A Yes, sir.

1 Q And, in this case, you were getting your money so
2 the firm was happy?

3 A Yes, sir.

4 Q Did you tell Mr. Jackson through the application
5 process that your firm would pull a credit report?

6 A Yes, sir.

7 Q So he would be aware that a credit report was
8 being pulled on him?

9 A Yes, sir, he would.

10 Q Is it also true that you all do not tell them that
11 you do not report to the credit bureau?

12 A That question has not been asked, so we
13 wouldn't answer it.

14 Q So, the answer to my question is correct, is that
15 you do not tell them that you do not report their
16 payment history to credit bureaus?

17 A Correct.

18 Q The documents -- what documents do you have in
19 front of you?

20 A I have a rental application. I have a lease,
21 a credit report a lease removal and his payment
22 ledger.

23 Q And so this Jackson Exhibit 6, this Experian
24 report, this is the report that you pulled for
25 Mr. Jackson as he was applying?

1 A Yes, sir. That's correct.

2 Q And would you look -- do I have the document here,
3 not available, Experian report, not available due to
4 lack of credit history?

5 A I can't see that from here.

6 Q I'm sorry.

7 A I mean, I see these on a day-to-day basis.
8 Basically, where it says "score" and you see this
9 number, a lot of times if a person doesn't even
10 have a credit score, it will give you a number
11 like this, which just let's us know that there
12 could be lack of history because he didn't use
13 credit or had not established credit yet.

14 Q So, as you look at that credit report, when you
15 look at it, you would have known -- you would have
16 known his age because he gave you a driver's license
17 as an identification?

18 A Yes.

19 Q So you would have known his age from the driver's
20 license?

21 A Yes, sir.

22 Q So you would have known he was young. At that
23 time, he would have been 21, correct?

24 A Correct.

25 Q And so you would have known he was young, pulled

1 the credit report, probably no surprise to you that
2 someone that young doesn't have, really, a credit
3 history?

4 A That's correct.

5 Q Is that what you typically would find?

6 A Typically.

7 Q And so none of that was a surprise. So what you
8 then tried to do and understand was whether or not
9 Mr. Jackson had the ability to make the rent
10 payment?

11 A That's correct.

12 Q The last thing you want to do is have someone come
13 in there, they're there for a few months, and then you
14 have to, basically, eject them from the apartment
15 because they're not paying rent?

16 A That's correct.

17 Q And he did faithfully pay the rent?

18 A Yes, sir.

19 Q I'm looking at this tenant ledger that comes out
20 of your records, Jackson Exhibit 4. And if you look
21 at the address on the top, Miss Alford, it's got
22 Mr. Jackson's address and it's got occupant Jessica
23 Wilson; is that correct?

24 A Yes, sir.

25 Q And you wouldn't have really carried if

1 Miss Wilson had stayed there by herself as long as you
2 were getting your rent, would you?

3 A That's correct.

4 Q And you would not have even known if Miss Wilson
5 was staying there by herself and Mr. Jackson never
6 even went there. As long as you were getting your
7 rent, you wouldn't go into the apartment to inspect to
8 see who was actually living there?

9 A That's correct.

10 Q And, in fact, you wouldn't have known if I had
11 been invited to come in and I would have been staying
12 there. As long as you got your rent, you would have
13 been happy?

14 A That's right.

15 Q As you look at that tenant ledger, do you see that
16 there's a lot of different checks coming in to pay the
17 rent and the numbers are really scattered all over the
18 place, looking like the checks are coming from a
19 variety of different accounts. Do you see that?

20 A I see money order payments, and then it would
21 say CHK, number -- MO and then some numbers, that
22 would mean he didn't pay with a check. He
23 actually paid with a money order, and that was the
24 money order number. Let's see, further down there
25 are a couple where he did pay with a check where

1 it just says CHK, number assigned, example 7721,
2 7720, so I know those were checks on not money
3 orders. Then we get down again, there's another
4 check number and those check numbers are way off
5 from those first two numbers I just said. And
6 then after that, we've got some more check numbers
7 that are, kind of, in line. And then there's
8 another check number that comes in that's off from
9 those numbers.

10 Q And if Vince's mom occasionally paid rent on his
11 behalf, that would be no concern of yours as long as
12 your firm is getting its money?

13 A That's correct.

14 Q You wouldn't care what the source of the money is,
15 whether it's mom, dad, or from his work, as long as
16 the money is being paid in a timely manner?

17 A Correct.

18 Q That's the goal there. And so you wouldn't even
19 know, for example, whether mom may be contributing to
20 the upkeep of this apartment and to the rent?

21 A That's correct.

22 Q And would it also be true that you didn't go into
23 the apartment and inspect to see how it was
24 furnished?

25 A I don't remember inspecting this apartment,

1 and I don't have any notes that I inspected it
2 during that time.

3 Q So, whether or not there was one chair in the
4 apartment and one bed in the apartment, that really
5 wouldn't make any difference to you as to how they up
6 fitted the apartment.

7 A That's correct.

8 Q Paying the rent is the primary concern.

9 A That's correct.

10 Q Thank you very much, Miss Alford.

11 MR. MURPHY: Nothing further. We ask
12 that she be allowed to return to her office.

13 THE COURT: Mr. Willoughby?

14 MR. WILLOUGHBY: No objections, Your
15 Honor.

16 THE COURT: Ma'am, have a good day.
17 Thank you.

18 THE WITNESS: Thank you.

19 MR. SMITH: May it please the Court?

20 THE COURT: Yes, sir.

21 MR. SMITH: I call Patricia Jefferson to
22 come to the stand please, sir.

23 COURT OFFICER: Place your hand on the
24 Bible. Raise your right hand. State your name.

25 THE WITNESS: Patricia Grant Jefferson.

1 COURT OFFICER: Do you solemnly swear or
2 affirm your testimony to the Court shall be the
3 truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: I do.

6 THE BAILIFF: Step around. State your
7 name for the record and spell your last name,
8 please.

9 THE WITNESS: Patricia Grant Jefferson,
10 J-e-f-f-e-r-s-o-n.

11 WHEREUPON:

12 PATRICIA GRANT JEFFERSON,
13 after having been sworn to tell the truth, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q Good morning, Miss Jefferson.

18 A Good morning.

19 Q I'm going to show you what's been marked as
20 Defendant's Exhibit Number 6. Is that a copy of the
21 file that you maintained. Let me start with this:
22 Tell the jury where you're employed, please?

23 A My name is Patricia Grant Jefferson employed
24 with the Sumter County Voter Registration Election
25 for 40 plus years.

1 Q Okay.

2 A As director.

3 Q And you're in the position of director now?

4 A Yes, sir, I am.

5 Q You worked for 40 years?

6 A 40 plus.

7 Q You don't look that old.

8 A Thank you for the compliment.

9 Q I look a lot older than you do.

10 So, Miss Jefferson, is that -- in front of
11 you what's marked Defendant's Exhibit Number 6, is
12 that a copy of the record of the voter file maintained
13 of Vincent Jackson by your office?

14 A Yes, sir. It does. It came from the
15 Department of Motor Vehicle, and, of course, those
16 are electrically filed to us.

17 Q I just wanted you -- obviously, you worked there
18 for a long, long time, and so just tell the jury
19 quickly, if someone wants to register to vote, how do
20 you go about registering to vote and what information
21 is needed in order to register?

22 A Well, that depends on where you're coming
23 from. Our office, of course, is at the
24 courthouse, 141 North Main Street, Room 114. If
25 an individual comes into the voter registration

1 office, the first thing we ask for is photo ID.

2 We ask them, can we help them. And if they would
3 like to register to vote, we ask them is this your
4 first time registering to vote. And, of course,
5 they would say yes or no and produce a photo
6 registration -- they will produce a photo ID.

7 With the information, we will give them an
8 application and have them fill it out. Within two
9 or three minutes a voter registration card is
10 issued to them at that time.

11 Q All right. Is there another way to apply to vote
12 through the Department of Motor Vehicles?

13 A Yes, sir. Of course, we have Motor Vehicle
14 sites available. The Department of Motor
15 Vehicles, we do the part where you can register to
16 vote at the Department of Social Services, the
17 Department of Disability Special Needs, but there
18 are 10 or 12 different agencies where one can go
19 and register to vote with a proper ID.

20 Q Okay. And then through that process, is there
21 also a way to change your voter address if you
22 initially registered to vote with the Elections
23 Commission?

24 A Yes, sir. We have change of address forms.
25 At the time, when a voter would come in and ask --

1 you know, let us know that they would like to
2 change the address, we do that. But we have the
3 change of addresses at those 10 or 12 different
4 locations, also.

5 Q Okay. And is there a form, I guess, through the
6 Department of Motor Vehicles or the other locations
7 that you can fill out to change your address for where
8 you vote and registration?

9 A That's correct. We have those forms. And,
10 of course, I made copies of those and brought them
11 with me today. And, of course, these change of
12 address forms, along with voter registration
13 application, these are in-house voter registration
14 applications. These are registration by mail and
15 they are located out through the county of
16 Sumter County. And these are change of address
17 forms that one will fill out at the polling
18 locations along with the highway department and
19 other places.

20 Q Okay. And the address where you are to register
21 to vote, is that required to be your residence?

22 A That's correct. Yes, sir.

23 Q And that's established by law in the state of
24 South Carolina?

25 A Yes, sir, it is.

1 Q So if somebody comes to you or to your office and
2 asks -- and wants to register to vote or change, do
3 you tell them you need to list your address that you
4 live?

5 A They will fill out the application with the
6 address on where they're residing at that
7 particular time, yes, sir.

8 Q All right. And before you is Mr. Jackson's file;
9 is that correct?

10 A Yes.

11 Q All right. And in there it appears -- can you
12 just tell the jury briefly when he first registered to
13 vote?

14 A Mr. Vincent Jackson first registered to vote
15 at the Department of Motor Vehicles on March the
16 18th, 2010 a voter registration card was issued to
17 him, and he resided, at that particular time, on
18 number 9 Broad -- number 9 Brown Street.

19 Q Okay. And I'm going to show you, you see the
20 screen there which is part of your exhibit, do you see
21 a Department of Motor Vehicles application for
22 voter -- with Mr. Jackson's signature on that. Is
23 that the first initial registration that he performed
24 in 2010?

25 A Yes, sir, it is.

1 Q All right. And on there I see that there's
2 something called a voter declaration. Can you tell
3 the jury what a voter declaration is?

4 A Yes. That's when a voter is telling us and
5 declaring and swearing at that particular time
6 that they are claiming Sumter County as their
7 legal residence. They have not been under a court
8 order declaring they are mental incompetent, and
9 they are, at least, 18 years or older, and they do
10 reside at this particular address.

11 Q Okay. And when I look at this, this voter
12 declaration, right under it, and it's highlighted on
13 the screen there, you're required to swear or affirm;
14 is that correct?

15 A That's correct.

16 Q And as it relates to your address, what's
17 highlighted on the screen right there, would you read
18 that to the jury, and is this a requirement for them
19 to swear or affirm in order to fill out this
20 application?

21 A Yes, sir. That's correct.

22 Q Now, tell me what it says about your address
23 there?

24 A "The address listed above is my only legal
25 place of residence and I claim no other place as

1 my legal residence."

2 Q Okay. And then right below the signature, is
3 there a provision over there that reminds the
4 applicant of the consequences of providing false
5 information on this form?

6 A Yes, sir, there is.

7 Q And what is that? Can you read that to the jury,
8 please, ma'am?

9 A Who so ever shall knowingly and willingly and
10 knowingly swear or affirm falsely has taken an
11 oath required by law shall be guilty of perjury
12 and on conviction, incur the pains and penalties
13 of the offense.

14 Q All right. So when you sign this document, you're
15 swearing under oath subject to the penalties of
16 perjury that the information is correct contained on
17 this form?

18 A That's correct.

19 Q And included on there is your address and you're
20 certifying that that is your address, your legal
21 residence; is that correct?

22 A That's correct.

23 Q Next in Mr. Jackson's file, did he change his
24 address in -- on January 30th of 2012?

25 A That's correct.

1 Q And, again, on January 30th, 2012, tell the jury
2 where he changed his address.

3 A At that time, he went to the Department of
4 Motor Vehicles also and made a change of address
5 from number 9 Brown to number 12 Center Street,
6 and that's in Sumter, South Carolina.

7 Q And, again, on here is still the same voter
8 declaration; is that right?

9 A That's correct.

10 Q And the same language on there about the address
11 listed, it's the only legal place of residence, and I
12 claim no other place as my legal residence?

13 A That's correct.

14 Q And still the same warning as to this, subject to
15 the penalties of perjury?

16 A Yes, sir.

17 Q All right. And on that date, this is signed by
18 Mr. Jackson?

19 A Yes, sir.

20 Q And so in here he's, again, swearing or affirming
21 that all this information is correct?

22 A That's correct.

23 Q All right. Lastly, did he change his address from
24 the Center Street?

25 A Yes, sir, he did.

1 Q Can you tell the jury when he did that?

2 A At the Department of Motor Vehicle again
3 December the 27th, 2012, he changed his address to
4 251 Rast Street, Apartment E7.

5 Q Okay. And, again, when -- he did that same voter
6 declaration.

7 A Yes, sir.

8 Q Same language on residence.

9 A That's correct.

10 Q And the same warning about this information, it's
11 subject to the penalties of perjury if it's not true
12 and correct?

13 A That's correct.

14 Q And so tell the jury now, if you move addresses
15 you're required to change your voter registration by
16 law?

17 A Yes, sir, you are.

18 Q Okay. And so that's advised to him at the
19 Department of Motor Vehicles when they make their
20 change of address?

21 A That's correct.

22 Q So, on January 17th, 2014, what was the address
23 that was Mr. Jackson's address of residence on the
24 file with the Sumter County Voter Registration &
25 Elections Commission?

1 A 251 Rast Street, Apartment E7.

2 Q Okay. And did he ever change his address from
3 251 Rast Street, Apartment E7 after he initially
4 registered on 12/27/2012?

5 A No.

6 Q Okay. Did he ever place as 9 Brown Street his
7 address of residence after he had changed it in 2012
8 to Center Street?

9 A No, sir.

10 Q And then I believe after his passing, you
11 administratively closed this file?

12 A That's correct.

13 Q And when it was administratively closed, what was
14 the address that was still on books for the
15 Sumter County voter registration?

16 A 251 Rast Street, Apartment E7.

17 Q Okay. Thank you, Miss Jefferson. Answer any
18 questions Mr. Willoughby may have.

19 THE COURT: Mr. Willoughby, sir.

20 MR. WILLOUGHBY: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. WILLOUGHBY:

24 Q Good morning, Miss Jefferson.

25 A Good morning, sir.

1 Q My name is Mitchell Willoughby and I represent the
2 Jackson Estate. Thank you for being here this
3 morning. Let me ask a few questions about -- and
4 thank you for your 40 years of service. That's quite
5 an impressive record.

6 A Thank you.

7 Q The voter registration declaration that you've
8 mentioned, and one -- Mr. Smith left one up, so we'll
9 look at it since it's still up. That voter
10 declaration is basically designed to make sure that
11 there's not voter fraud; is that correct?

12 A Not only not voter fraud, but also where you
13 will be eligible to vote for the proper in the
14 proper -- in the proper precinct for your location
15 and voting for the proper representations by the
16 voters.

17 Q That's right.

18 A Yes, sir.

19 Q So you want to make sure that a person is voting
20 in -- can only vote once.

21 A That's correct.

22 Q Correct?

23 A Yes.

24 Q And I presume what you do is look at a person's
25 driver's license number, Social Security number, run

1 it through a system to make sure that same person is
2 not registered in Greenville County?

3 A That's correct.

4 Q Or Florence County?

5 A That's correct.

6 Q You want them registered only one time having --
7 being entitled to vote only once?

8 A That's correct.

9 Q And so that's the predominant way. And, of court,
10 you also you want them -- you don't want someone who
11 lives in Sumter voting for people in Florence County,
12 correct?

13 A That's correct.

14 Q Because that wouldn't be -- those systems are not
15 correct.

16 Do you know whether or not the Center Street
17 address -- look on your address there, and the 9 Brown
18 Street address, they are very close to one another,
19 whether they would be voting for the same
20 representatives?

21 A No, sir. I do know that Brown Street falls
22 in the Morris College precinct. And Center
23 Street, of course, falls in another precinct, and
24 that's a distance away. Magnolia Harmony.

25 Q But they still could have the same elected --

1 they'll have the same county officials?

2 A Right.

3 Q Have the same --

4 A But not the same elected official.

5 Different areas.

6 Q Could have --

7 A Yes, sir.

8 Q They have a different representative. Do you know
9 for certain that it's a different representative?

10 A I do.

11 Q How about Rast Street, is it different than 9
12 Brown Street?

13 A It's close to Brown.

14 Q It's close to Brown?

15 A It's closer to Brown Street, yes.

16 Q Could it be in the same precinct?

17 A It's not in the same precinct, but it's a
18 split there.

19 Q So the representatives would be the same at
20 Rast Street?

21 A Some of the same, yes, sir.

22 Q So the voter fraud -- or the voter declaration is
23 primarily designed to establish a person at a
24 particular location for voter registration and for
25 voter -- the ability to cast ballots?

1 A That's correct.

2 Q Now, if a person -- let's say they work full time
3 in Virginia --

4 A Uh-huh.

5 Q -- but consider their home, their place of record
6 to be in Sumter.

7 A Yes.

8 Q That's fine as long as they don't vote -- register
9 to vote in Virginia, correct?

10 A That's correct.

11 Q And let's say when I was in the military and I
12 moved away and kept my registration at my home of
13 record.

14 A Yes.

15 Q I would return from some post and go to that home
16 of record to vote, that's fine, isn't it?

17 A It is.

18 Q And you recognize that people may be actually
19 living at some other location for various
20 responsibilities or needs, but it's okay as long as
21 they return to that location and only cast a ballot at
22 that location?

23 A That's correct.

24 Q So nobody has done anything wrong if they're doing
25 those things.

1 A It happens. Things happen.

2 Q And do you know that people from time to time will
3 establish a location or an address that may not be
4 their actual place of residence, but they might do it
5 for purposes such as establishing credit, or filing
6 tax returns, those things happen too, do they not?

7 A I'm not sure. I don't get into that. We're
8 strictly voter registration. We issue voter
9 registration cards.

10 Q Okay. And by issuing voter registration cards,
11 your goal and your objective is to make sure that the
12 voting system in this great state is kept clean --

13 A Yes, sir.

14 Q -- so that people vote, they get an opportunity to
15 vote and they only vote once?

16 A That's correct.

17 Q Do you know Therel Jackson?

18 A Yes.

19 Q Is he a good man?

20 A Yes, sir.

21 MR. SMITH: Objection, Judge?

22 THE COURT: Sustained. Sustained.

23 BY MR. WILLOUGHBY:

24 Q Thank you very much, Miss Jefferson. Thank you
25 for coming.

1 A Thank you.

2 THE COURT: Mr. Smith.

3 MR. SMITH: May it please the Court,
4 briefly?

5 REDIRECT EXAMINATION

6 BY MR. SMITH:

7 Q Miss Jefferson, let me make sure I understand a
8 couple of issues. If you're in the military the law
9 allows you to maintain residency in one place and also
10 be able to register to vote in another; is that
11 right?

12 A Yes, sir.

13 Q Okay. And that's special exception by federal law
14 for the military?

15 A That's correct.

16 Q And so as it relates to where you live different
17 precincts have different representatives?

18 A That's correct.

19 Q And so it's important that you register to vote
20 where you live to vote on the representative that is
21 up for election in that district?

22 A That's correct.

23 Q And so that's the reason why there's a voter
24 declaration under the penalties of perjury for you to
25 declare where your residence is so you can vote for

1 the people who are up for election?

2 A That's correct.

3 Q And so what it's meant to do is, you don't want
4 someone that lives in a different precinct but is
5 registered in one and voting for people who do not
6 represent where they live?

7 A That's correct.

8 Q Okay. And that is the reason why that we have on
9 these forms that you are to give your legal residence
10 under the penalties of perjury and you're swearing or
11 affirming?

12 A That's correct.

13 MR. SMITH: All right. Thank you very
14 much.

15 THE COURT: Mr. Willoughby.

16 MR. WILLOUGHBY: One final question.

17 RECROSS-EXAMINATION

18 BY MR. WILLOUGHBY:

19 Q You know that Mr. Smith is an elected --

20 MR. SMITH: Judge, objection. Objection,
21 Judge.

22 THE COURT: What is it?

23 MR. SMITH: May we approach?

24 THE COURT: Yes, sir.

25 MR. WILLOUGHBY: I'll withdraw the

1 question.

2 THE COURT: All right. Okay.

3 BY MR. WILLOUGHBY:

4 Q So if we take a -- Sumter County has a
5 congressional representative, correct?

6 A Yes.

7 Q And they go away. They say that they reside
8 wherever their home of record is. They have to be a
9 resident of the district in which they run in order to
10 be able to run for that district, correct?

11 A That's correct.

12 Q But once they get elected, they go to
13 Washington, D.C. and they may be in Washington, D.C.
14 for weeks at a time, correct?

15 A Correct.

16 Q And then they come back here, campaign, go back to
17 Washington, D.C. They may spend the bulk of their
18 time in Washington D.C., couldn't they?

19 A They could have.

20 Q That doesn't mean that they are not actually
21 living in the district in which they have put in their
22 application to run for public office, does it?

23 A Well, that's -- they file with us. They vote
24 with us, absentees. But, of course, that question
25 is asked when one comes in, do you reside at this

1 address.

2 Q And just because they are living in -- or going to
3 Washington, D.C. and working in Washington, D.C.
4 doesn't mean that they're not living in the
5 district in which they are elected.

6 MR. SMITH: Your Honor, we're not talking
7 about congressional districts. This is way
8 outside of -- just apples and oranges that's meant
9 to confuse the jury.

10 THE COURT: Yes, sir. Sustained.

11 Mr. Willoughby, she's already addressed
12 that earlier.

13 MR. WILLOUGHBY: And I think she has,
14 Your Honor.

15 THE COURT: In your prior cross.

16 BY MR. WILLOUGHBY:

17 Q Miss Jefferson, thank you again for coming.

18 A Thank you.

19 MR. SMITH: No, sir. I was just going to
20 ask if she could be excused and return to her
21 office.

22 THE COURT: Have a good day, ma'am.
23 Thank you so much.

24 THE WITNESS: Thank you so much.

25 MR. SMITH: Judge, may it please the Court?

1 THE COURT: Yes, sir.

2 MR. SMITH: Judge, I call Shirlene
3 Skipper to the stand.

4 COURT OFFICER: Place your hand on the
5 Bible. Raise your right. State your name.

6 THE WITNESS: Shirlene Skipper.

7 COURT OFFICER: Do you solemnly swear or
8 affirm that your testimony to the Court shall be
9 the truth, the whole truth, and nothing but the
10 truth, so help you God?

11 THE WITNESS: Yes, I do.

12 THE COURT: Thank you very much. Step up
13 here. State your name for the record and spell
14 your last name, please.

15 THE WITNESS: Shirlene Skipper,
16 S-k-i-p-p-e-r.

17 WHEREUPON:

18 SHIRLENE SKIPPER,
19 after having been sworn to tell the truth, testified
20 as follows:

21 DIRECT EXAMINATION

22 BY MR. SMITH:

23 Q Good morning, Miss Skipper.

24 A Good morning.

25 Q How are you?

1 A I'm good.

2 Q Can you tell the jury where you're employed?

3 A I'm at the City Police Department.

4 Q And what's your role at the City Police
5 Department?

6 A I'm the director of 911 communications.

7 Q And how long have you been employed there?

8 A The City hired me in 1977 and promoted me to
9 director in 1998.

10 Q So, my math is a little fuzzy, but you worked
11 there for about --

12 A 42.

13 Q -- 40 years also.

14 A Yes.

15 Q All right. So you and Miss Jefferson have worked
16 for a long time for the County and City?

17 A Yes, sir.

18 Q Miss Skipper, will you tell the jury what the 911
19 director does? What are you all in charge of
20 maintaining, what records you all are in charged of
21 maintaining?

22 A Any and all calls, whether it's City, County,
23 Shaw Air Force base, if you call 911, it comes
24 into our center.

25 Q Okay. And do you all maintain records of all

1 calls that come into your center?

2 A Everything.

3 Q All right. And do you have -- do you maintain
4 what we call CAD reports?

5 A Yes. It's computer-aided dispatch.

6 Q All right. I was going to ask you what CAD meant.
7 And is that a contemporaneous record of the calls that
8 come into 911?

9 A From the moment the operator answers the
10 telephone to its dispatched out to either fire,
11 EMS, Sheriff's Department, Police Department,
12 whatever the first responder is that's appropriate
13 for the call.

14 Q Okay. And tell the jury what you generally record
15 on the CAD reports?

16 A Generally, the caller's name, their telephone
17 number, location, and nature of the emergency.

18 Q Okay. And have you looked for CAD reports as it
19 relates to 251 Rast Street, Apartment E7?

20 A Yes, sir, I did. That's known as Willow Run
21 Apartments.

22 Q Okay. And what's marked as Exhibit 20, is that a
23 true and accurate copy of the record that is
24 maintained in the ordinary course of business by the
25 city of Sumter at the 911 center?

1 A Yes, sir, it is.

2 Q And are you the records custodian of that?

3 A Yes, sir, I am.

4 MR. SMITH: And, Judge, I move to enter
5 that into evidence as Exhibit Number 20.

6 THE COURT: Yes, sir. Mr. Willoughby?

7 MR. WILLOUGHBY: No objection, Your
8 Honor.

9 THE COURT: All right, sir.

10 (PLF. EXH. 20, City of Sumter 911 record,
11 was marked and entered into evidence.)

12 BY MR. MURPHY:

13 Q Just tell us, briefly, what date did you receive a
14 call from that apartment, 251 Rast Street, Apartment
15 E7?

16 A Okay. This was on the night -- it would have
17 been 9/13 of '13, of 2013, at a few minutes after
18 midnight. It's 0028.

19 Q Okay. All right. And will you tell the jury who
20 the caller was?

21 A Jessica Wilson.

22 Q And it was at what time again?

23 A 0028 and 51 seconds.

24 Q All right. For those of us, like me, who were not
25 in the military?

1 A Twenty-eight minutes after midnight.

2 Q Thank you very much. Will you tell the reference
3 that was called?

4 A This is been categorized as a domestic.

5 Q Okay. Was there a person listed in the domestic
6 report?

7 A Yes sir. The dispatcher noted that it was in
8 reference to her boyfriend, Vincent Jackson.

9 Q Okay.

10 MR. SMITH: Beg the Court's indulgence.

11 BY MR. SMITH:

12 Q Miss Skipper, answer any questions that
13 Mr. Willoughby may have for you?

14 A Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. WILLOUGHBY:

17 Q Good morning, Miss Skipper.

18 A Good morning.

19 Q Thank you very much for being here. May name is
20 Mitchell Willoughby, and I represent the Jackson
21 Estate. Thank you for your 40-plus years of service.
22 That's quite a record.

23 A Thank you.

24 Q As you look at this report and as you sit here
25 today, you have no personal knowledge of this report,

1 other than it having been maintained in your office?

2 A No, sir. I have no personal knowledge.

3 Q You didn't receive the call yourself?

4 A No, sir.

5 Q Had no contact with Miss Wilson?

6 A No, sir.

7 Q And as I look at this report, you have a date
8 there, does that date indicate that it was on a
9 Friday?

10 A It would have been after midnight, so it
11 would have been Thursday going into Friday.

12 Q So -- and let me also ask, you didn't -- you don't
13 know what disposition was made of this particular
14 report?

15 A Yes, sir. It tells me that it was code 42.
16 In our language that means subjects were
17 advised.

18 Q Subjects were advised?

19 A Correct.

20 Q And what does that mean?

21 A It means that the police officers, in this
22 case, three of them were dispatched out. I could
23 only assume that they talked to the parties and
24 they left.

25 Q And you don't even know -- the parties may not

1 have been there at the time they arrived?

2 A I have no personal knowledge, no.

3 Q So they could have been -- they could have left,
4 the call could have come in, they could have left, the
5 police officers got there, and they found nothing at
6 Rast Street, correct?

7 A There is a note by the dispatcher from her
8 radio traffic that the male went 10-8, and 10-8 in
9 our language means left the scene.

10 Q So what does that indicate, they weren't there
11 when they arrived?

12 A No. This was 20 minutes after they were on
13 scene.

14 Q So tell me what that means.

15 A The officers arrived at 0034, and at 0042,
16 they notified their dispatchers that the male went
17 10-8, which means left. And for us, in 911 world,
18 we count the clock. We count how long our
19 officers are down before they check in with us to
20 make sure everybody is okay.

21 Q So to make sure I'm clear, and I just want to make
22 sure I understand, this doesn't tell you when they
23 arrived on the scene whether Mr. Jackson was there or
24 not?

25 A No, sir. It does not.

1 Q So he could have already been gone by the time
2 they arrived on the scene?

3 A I have no way of knowing that.

4 Q And Miss Wilson could have already been gone by
5 the time they arrived on the scene?

6 A They spent 20 minutes talking to somebody.

7 Q Well, do you know if they talked with anybody?

8 A I don't know.

9 Q They could have gone there and looked?

10 A Well, they said code 42, which means subjects
11 advised. If they said code 47, it means
12 unfounded. So they talked to somebody.

13 Q But you don't --

14 A I don't know who it was.

15 Q Do you know if it was the apartment manager?

16 A I don't know.

17 Q Thank you very much, Miss Skipper.

18 A Thank you.

19 MR. SMITH: No redirect. May she also be
20 excused and go back to the office?

21 MR. WILLOUGHBY: No objection.

22 THE COURT: Have a good day, ma'am.

23 Thank you so much.

24 THE WITNESS: Thank you.

25 MR. SMITH: Judge can we a quick break.

1 I got maybe more witness. We need to confer.

2 THE COURT: Yes, sir. How long? Let's
3 see, we came back in at 10:40, almost an hour and
4 a half, let's take 15 minutes. All of us.

5 Do not discuss the case among yourselves
6 and do not begin your deliberations, please.

7 (Jury exits the courtroom at 11:50 a.m.)

8 (A break was taken from 11:50 a.m. to 12:10 p.m.)

9 THE COURT: Thank you.

10 (Jury enters the courtroom at 12:10 p.m.)

11 THE COURT: Members of the jury, we have
12 reached that point now where I will have some
13 legal matters to take up with the attorneys. They
14 are through presenting their sides of this case.
15 I am going to ask you to return at 2:00 -- I'm
16 sorry. 2:30. You can't begin your deliberations.
17 Do not discuss this case with anyone, even among
18 yourselves.

19 Now, during that long break, I am going
20 to meet with the lawyers outside of your presence
21 to further prepare the balance of this matter to
22 them for them to present to you. So, we will be
23 working sooner than you will be. But, you're free
24 now to go get your lunch.

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

1 THE COURT: See you all at 2:00, okay?

2 MR. SMITH: Yes, sir.

3 MR. WILLOUGHBY: Your Honor, I'm going to
4 ask that the court reporter, if it's possible,
5 since we don't have a copy of the exhibits, to see
6 if she can scan those exhibits in and email us.
7 Some of the information has been redacted and I
8 want to make sure I got a clear picture of what's
9 been redacted. Would that be possible?

10 THE COURT: Can you? She says yes.

11 MR. WILLOUGHBY: Perfect. Thank you.

12 (A recess was taken from 12:13 to 2:03 p.m.)

13 THE COURT: All right. Do we have some
14 motions?

15 MR. WILLOUGHBY: Yes, Your Honor.
16 Miss Zeck is going to make the motions on behalf
17 of The Jackson Estate.

18 THE COURT: All right. Ma'am?

19 MS. ZECK: May it please the Court?

20 THE COURT: Yes.

21 MS ZECK: The Jackson Estate would make a
22 directed verdict motion requesting that the Court
23 find as a matter of law that Vincent Jackson was a
24 resident of his parents' address at 9 Brown Street
25 based on -- the undisputed testimony that supports

1 this finding is that 9 Brown Street was the place
2 where Mr. Jackson slept most nights, he maintained
3 a room, he kept the majority of his clothes and
4 personal possessions, he spent time with his
5 friends, he had his laundry done, he left his car,
6 he had permission to it, in fact, used family
7 vehicles, he contributed to household bills, ate
8 meals, celebrated holidays, maintained his
9 computer, paid for Internet, and stored his work
10 tools.

11 THE COURT: Yes, ma'am. Mr. Murphy?

12 MR. MURPHY: Well, Your Honor, just as
13 with ours, there's certainly a lot of disputed
14 evidence, so, certainly, that motion should be
15 denied and submitted to the jury to resolve those
16 issues of fact.

17 One thing I would point out, and we would
18 renew our motion just to protect the record --

19 THE COURT: Yes, sir.

20 MR. MURPHY: -- at the same time, but
21 that even given all of those facts that
22 Miss Zeck has submitted, staying most nights is
23 not sufficient to establish residency because dual
24 residency is not recognized for adults. So we
25 think that's enough to deny their motion. We also

1 think it's enough to support ours, but -- without
2 going into all the facts that support GEICO's
3 position.

4 THE COURT: Miss Zeck, I respectfully
5 deny your motion. I find it's all a factual issue
6 at this stage.

7 MS. ZECK: And also again, just to
8 protect the record, we would renew our objections
9 to the denial of Dr. Pitner's testimony, and also
10 renew the motions -- the evidentiary motions that
11 we raised in limine including the objection to the
12 Exhibit 7, which is the booking report, to
13 Exhibit 8, which is the I-9 form, Exhibit 9, which
14 is the death certificate, and Exhibit 13, which
15 was the W-4 form.

16 THE COURT: Okay. Your response? Same
17 as before?

18 MR. MURPHY: Yes, Your Honor.

19 MR. SMITH: Yes, sir.

20 THE COURT: Respectfully denied, ma'am,
21 for the reasons set forth earlier.

22 MS. ZECK: Thank you, Your Honor.

23 THE COURT: Anything else? All right,
24 gentlemen, have you all had -- Mr. Smith?

25 MR. SMITH: One thing, we have lost

1 Exhibit Number 9, which is the death certificate.
2 I may have located it. Mr. Bullock just called
3 me. It's in his file. It traveled down to
4 Charleston with him, the cardiology report. I got
5 another one coming. We either remark that, mark
6 it as Number 9, or he can bring it to me. It will
7 be here tomorrow and we can just put it in the
8 record. If we need it to argue, we can mark
9 something until then. I don't know how you all
10 want to handle that.

11 THE COURT: Mr. Willoughby?

12 MR. WILLOUGHBY: Your Honor, I have no
13 objections. If they've got a duplicate of it, we
14 can -- I mean, obviously, it would have to be
15 something that's not marked up. But if they got a
16 clean duplicate --

17 MR. SMITH: I got a clean one.

18 MR. WILLOUGHBY: -- then I'm more than
19 willing to let them put a label on it, let the
20 clerk of court put a label on it, and we'll tender
21 that to the jury in lieu of the one that
22 Mr. Bullock took with him.

23 THE COURT: Okay.

24 MR. SMITH: I would think we would want
25 to have it because they will get to see the

1 exhibits, and so I think putting it in tomorrow
2 may not help.

3 MR. MURPHY: We can exchange the original
4 one.

5 THE COURT: Let's do that.

6 MR. MURPHY: I got the blue coming here,
7 Judge, before we start.

8 THE COURT: Now, have both sides had a
9 chance to look over your requested charges? Have
10 you all done that?

11 MS. ZECK: We have, Your Honor.

12 THE COURT: I let -- I let -- I thought
13 we might go back there, but I can go get them now
14 AND bring them back in here.

15 MR. MURPHY: The conference room may be
16 either easier.

17 THE COURT: If that's okay with you all.
18 It's a little more informal. Come on back.

19 (Off the record conference from 2:07 p.m.
20 to 2:56 p.m.)

21 THE COURT: That time was spent putting
22 together a copy for each of you. I should have
23 let Andrea do that.

24 Anyway, Mr. Tomlin, if you could give
25 each side one of these, please.

1 As we noted earlier, I deleted completely
2 the expert. There was no dispute about that.

3 The contract or the strict construction
4 charge, I have stricken that as being not a breach
5 of contract case.

6 As to the definition of residency, I used
7 a blend of the two offered charges, and you will
8 see how they look when you look at Number 6 from
9 Mr. Willoughby, and right behind it is Number 2
10 from Mr. Murphy. If you all wish to put anything
11 on record about that now, by all means, please do
12 so.

13 MR. WILLOUGHBY: Your Honor?

14 THE COURT: Yes, sir.

15 MR. WILLOUGHBY: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. WILLOUGHBY: We would object to
18 the -- if we go to requested charge Number 6 --

19 THE COURT: Yes, sir.

20 MR. WILLOUGHBY: -- we would object to
21 the deletion of language from the Budden case
22 that's essentially a direct quote of that
23 language. That's basically the foundation for the
24 Brazell case.

25 THE COURT: Yes, sir.

1 MR. WILLOUGHBY: And would respectfully
2 request that the judge charge that language. It
3 is -- the language is, "reside in the household,"
4 has no absolute or precise meaning, and whether a
5 person is a resident depends heavily on the facts
6 of each situation. If doubt exists the term
7 "resident" must be understood in its broadest and
8 most inclusive sense for the benefit of the
9 insureds. That's right out of Budden, and we
10 would request that charge.

11 And we would also request out of Brazell
12 case the next sentence that says, "You must
13 consider the person's actual residence and not his
14 mere legal residence," which we believe is a
15 standard that comes out of that case, and we would
16 make that --

17 THE COURT: Let me deal with Mr. Murphy
18 on that one now.

19 MR. MURPHY: Just briefly, as we
20 mentioned in chambers, Your Honor, the statement
21 in the Brazell case, the second part of that had
22 to do with a foster child and legal custody and it
23 was a statement addressing that argument in the
24 case after the Court had already adopted the three
25 elements that you are going to charge.

1 Likewise, with Budden, that case predates
2 Brazell. Brazell is specifically indicating what
3 is meant when someone resides in the household,
4 the precise language here that the jury -- the
5 verdict form is going to contain the issues that's
6 been presented as frame for the whole trial of
7 this case, and that's all that needs to be
8 charged. That together with the general overview
9 charge that I believe is our Number 4 and
10 contained is from the Budden case.

11 THE COURT: Yes, sir. Any further reply
12 to that, Mr. Willoughby?

13 MR. WILLOUGHBY: No, Your Honor.

14 THE COURT: All right. I stand by my
15 ruling on that, or my exclusion, shall we say.

16 Next objection.

17 MR. WILLOUGHBY: We also move that you
18 charge -- I think it's our Number 7.

19 THE COURT: Strict construction.

20 MR. WILLOUGHBY: Strict construction.

21 THE COURT: Yes, sir.

22 MR. WILLOUGHBY: The language -- the
23 language that's at issue in this case are those
24 four words "reside in the household." We believe
25 -- and this is somewhat similar to the point in

1 Number 6, which comes right out of the Budden
2 case, is we believe that language is language
3 that's chosen by the insurance company. We
4 believe it is most strictly construed against the
5 insurance company.

6 I would also say that the language right
7 out of the Budden case essentially says the same
8 thing in which it says precise meaning and whether
9 a person is a resident depends heavily on the
10 facts. If doubt exists, the term "resident" must
11 be understood in its broadest and most inclusive
12 sense for the benefit of the insureds.

13 So those two charges go hand in hand.

14 THE COURT: Yes, sir.

15 MR. WILLOUGHBY: And we move the Court
16 that to include that all the charge 7 -- or
17 proposed charge 7 be included in the Court's
18 charge.

19 THE COURT: Yes, sir. Mr. Murphy?

20 MR. MURPHY: Yes, Your Honor. Again, as
21 mentioned earlier, the canons of contract
22 interpretation have no application in this case
23 because we are -- number 1, the jury is just
24 deciding the factual question of a phrase that has
25 already been defined by the courts. So it is not

1 one that needs further interpretation left to the
2 jury's discretion. The elements of what that
3 phrase means is has already been established by
4 our court. In other words, the definition. So
5 there's no competing definitions or ambiguities
6 for them to resolve.

7 Moreover, any type of rule of
8 interpretation underlies the fact that
9 interpretation of language is a matter of law for
10 the Court. And so, therefore, it would have no
11 application when we submitted a factual question
12 to the jury and that the -- what the definition
13 requires factually is being charged. That's why
14 we think it's appropriate.

15 THE COURT: Yes, sir.

16 Mr. Willoughby, with utmost respect to
17 you, sir, and I mean that, I will maintain my
18 ruling on these charges, sir.

19 MR. WILLOUGHBY: Thank you, Your Honor.

20 The only other issue that I have is, I
21 thought -- it's not a big issue, but I thought the
22 jury verdict form that you had basically indicated
23 you were going to take our jury verdict form, take
24 out that first lead-in clause. Did the Court
25 change its mind in that regard?

1 THE COURT: No, sir. I probably picked
2 up the other -- I had two forms in there I was
3 working with, and I probably picked up the wrong
4 one.

5 Mr. Murphy?

6 MR. MURPHY: Yes, sir.

7 THE COURT: The one I have, is that the
8 one that we --

9 MR. MURPHY: That is our form. Now, of
10 course, the other one being written on may would
11 have to be redone to actually give to them so they
12 didn't see all the stricken out language. It's
13 very similar.

14 THE COURT: Do you have any objection to
15 using the one he proposed?

16 MR. MURPHY: Not with the --

17 THE COURT: Stricken.

18 MR. MURPHY: -- stricken parts that you
19 had. Perhaps someone can get a clean one of
20 those.

21 THE COURT: Let me go get that and --
22 bear with me just one minute.

23 (Off the record.)

24 THE COURT: I think this is the one. One
25 each. There we go.

1 MR. MURPHY: Thank you, sir.

2 THE COURT: Is that correct, gentlemen?

3 MR. WILLOUGHBY: Looks correct.

4 MR. MURPHY: Yes, sir.

5 THE COURT: Are we ready to bring the
6 jury in to argue?

7 MR. MURPHY: Yes, sir.

8 THE COURT: Ready, Mr. Willoughby.

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

10 THE COURT: Bring them in Mr. Tomlin.

11 MR. WILLOUGHBY: Yes, sir. That's
12 exactly correct.

13 THE COURT: Yes, sir.

14 (Jury enters the courtroom at 3:07 p.m.)

15 THE COURT: Ladies and Gentlemen of the
16 jury, since 2:00, we, myself and these good
17 lawyers, have been working on matters related to
18 this case. At this point, the attorneys will
19 present their arguments and then I'll give you the
20 law to apply to the case.

21 Mr. Willoughby.

22 MR. WILLOUGHBY: May it please the Court?

23 THE COURT: Yes, sir.

24 MR. WILLOUGHBY: Good afternoon, Ladies
25 and Gentlemen, as a nation, we just recognized

1 Memorial Day and paid honor to those men and women
2 who sacrificed for the freedoms and rights that we
3 enjoy in this great nation. Calvin and I are both
4 military guys and we served to help secure those
5 rights for our generation.

6 One of our most important rights is a
7 right to trial by jury. Our great constitution
8 empowers you to be the sole decider of disputed
9 facts. Not the judge, not the lawyers, no one but
10 you. Our founding father's said the right to
11 trial by jury was a sacred right. The most
12 important privilege that free men can enjoy. You
13 speak for our entire community, for Sumter, as
14 well as all of South Carolina. You represent the
15 collective conscience of our community. You
16 decide how you expect insurance companies to treat
17 their policyholders in South Carolina. You get to
18 decide what weight to attach to paper documents,
19 forms that have been completed by someone no
20 longer alive and unable to speak to you, forms
21 that were completed for a variety of reasons.

22 First, is the live testimony of his
23 loving parents, the mother of his only son, and
24 her mother.

25 You get to decide whether it's fair to

1 deny a claim of hard working mothers and
2 fathers.

3 MR. MURPHY: Your Honor, I hate to stand
4 up so early, but we're here about one issue, and
5 that's not the issue.

6 THE COURT: Sustained. Sustained.

7 MR. WILLOUGHBY: At the onset of this
8 case remember I told you that rules govern many
9 aspects of our lives, and we must all follow the
10 rules. Remember I told you that a policy of
11 insurance is a contract. It's the insurance
12 company's promise to pay if bad things happen that
13 you bought the insurance to protect against.

14 The under insured motorist benefits in
15 this case are paid if Vince resided in his parents
16 at 9 Brown Street at the time of his death. The
17 words used in the policy simply say that an
18 insured is entitled to the benefits of the
19 contract of insurance includes a relative resident
20 who resides in the household and GEICO's promise
21 to pay.

22 In a little while, the judge will charge
23 you the law and you will go to the jury room and
24 begin your deliberations and render your verdict.
25 As a jury, you've taken an oath and have three

1 jobs.

2 One of the jobs is to answer the question
3 that the judge will give to you, the jury, on the
4 verdict form.

5 Your second job is to make sure that
6 everyone follows the law that the judge gives you.

7 And, finally, before you complete the
8 verdict form you are to make sure that each person
9 explains the way he or she feels about the
10 question that you are to decide.

11 Like all cases, there are disputed facts
12 in this case that you must weigh and evaluate to
13 do your job and render a verdict. But there are
14 many facts that are not disputed and are very
15 clear and it is from these undisputed facts that
16 this case is easy to decide.

17 When Jayden was born he was premature and
18 lower intestinal tract was not formed. Fifteen
19 surgeries have occurred to date. Jayden's
20 disabilities changed everything. When Jessica
21 brought Jayden home from the hospital, she and
22 Jayden went to the family home at Dollard Drive.
23 They lived at Dollard from the time Jayden came
24 home from the hospital until Vince died. No other
25 fact is really needed.

1 But if you need more facts, it is
2 undisputed that Vince had a room at 9 Brown
3 Street, the very room he had occupied since he was
4 a young boy. He kept the majority of his clothes
5 there at his home. He brought home from his
6 out-of-town work his laundry and his mother's
7 washed his clothes. He contributed to the bills
8 at Brown Street. He secured Internet service
9 there, but did not have Internet service at
10 Rast Street or at the Center Street property. He
11 kept his work tools at Brown Street. Always
12 coming home to Brown Street first and always
13 returning to Brown Street before leaving to go
14 back to work.

15 He spent the very day that he died at
16 Brown Street talking with his mother, with his
17 father, ate food that his mother prepared for him
18 before he went out for the evening to be with
19 friends. And on that faithful night, he was
20 driving a vehicle of his father's as he was
21 accustomed to do.

22 So, yes, while there are many disputed
23 facts, I want you to focus on the facts that are
24 in evidence to suggest that these facts do not
25 exist. Please do not overlook or disregard these

1 undisputed facts, and that these undisputed facts
2 alone give you all of the information you need in
3 order to decide this case.

4 If, during deliberations, anyone should
5 say to you, what about the application for the
6 Rast Street apartment and Jessica's handwritten
7 note that they wanted to have a place of our own,
8 remind them that all that changed as they began to
9 become aware of the enormous challenges they faced
10 with baby Jayden. Jessica couldn't work. The
11 baby was in and out of the hospital with surgical
12 procedures. The enormity of the challenges was
13 not known and could not have been known just
14 10 days after baby Jayden was born when they filed
15 the application for the Rast Street apartment.

16 Even during this trial, Jessica has had
17 to rely upon family members to help her care for
18 Jayden. They couldn't pay for everything even
19 before Jayden was born and the financial stress --

20 MR. MURPHY: Your Honor, excuse me. I'm
21 not sure how the financial stress has anything to
22 do with the residency of Vincent Jackson.

23 THE COURT: Mr. Willoughby, is that part
24 of your argument as to why, in your opinion, they
25 didn't stay at Rast Street or live at Rast Street?

1 MR. WILLOUGHBY: Well, it's part of the
2 facts, Judge, that demonstrate very clearly how
3 things --

4 THE COURT: I'll allow that. There was
5 testimony about that. Over the objection,
6 Mr. Murphy.

7 MR. MURPHY: Thank you.

8 MR. WILLOUGHBY: They couldn't pay for
9 everything even before Jayden was born, and the
10 financial stress just increased after he was born.

11 There's a big difference between hope and
12 aspirations and reality, and you are to decide
13 based upon Vince's actual home, not aspirations
14 for a home.

15 If anyone should say to you during
16 deliberations, what about the Center Street house,
17 remind them that that house was being overseen by
18 Vince's aunt and he was helping her out by looking
19 after it and establishing some presence there to
20 discourage vandalism.

21 That Therel, his father, told all of us
22 about he had advised Vince about having a separate
23 address for head of household tax reasons, for
24 getting per diem, and for establishing credit.

25 Also remind them that on the application

1 form for the Rast Street apartment, Jessica listed
2 that Vince lived at 9 Brown Street as of
3 June 21, 2012 when the application was completed,
4 although Vince's driver's license at the time
5 listed the Center Street house as his address.

6 If anyone should say during
7 deliberations, why would you pay this much money
8 for an apartment that you used only occasionally,
9 remind them of the conversation that Barbara had
10 with Vince when she told him about his
11 responsibility as a man. And while they both as
12 expired to establish a home, they were just not
13 quite ready for that step. They never married,
14 and the stress of Jayden's care led to arguing and
15 the need to have some separation.

16 Also remind them that the Rast Street
17 apartment came about because Jessica feared the
18 safety of the Center Street house and Rast Street
19 was the continuation of Vince's efforts on his
20 dad's advice to establish a credit history, an
21 address where he could file taxes as head of
22 household and qualify for per diem when he
23 traveled out of town.

24 If anyone should say to you that the
25 property management company doesn't even report

1 the payment records to the credit bureau, remind
2 them that the property manager on this witness
3 stand stated that they tell applicants that they
4 will pull a credit report but do not tell them
5 that they do not report payment history to the
6 credit bureaus.

7 If anyone should say to you during
8 deliberations, what about the address listed on
9 the death certificate, remind them that no one
10 talked to Barbara or Therel about where Vince was
11 living, where he kept his clothes, tools, car,
12 Internet, contributed to the household expenses,
13 showered after work, played with his friends and
14 younger brother, received guidance and support
15 from his parents.

16 Also remind them two things about those
17 things when you receive the tragic news of your
18 child's death. Remind them that Vince died at the
19 scene. No one asked him. He couldn't talk. The
20 police searched his body, secured his driver's
21 license, and everything flowed from the driver's
22 license address where the Rast Street apartment
23 was listed, including what -- you will see that
24 address on the death certificate.

25 Remind them that the coroner didn't even

1 remember the years that he served as coroner and
2 acknowledged that he didn't complete anything on
3 the death certificate other than the cause of
4 death and some information in part three which
5 essentially listed where the wreck happened and
6 that an autopsy was done.

7 Also remind them that Barbara said that
8 the coroner insensitively gave her Vince's
9 personal effects from his body and said to her
10 that it was late and that they would talk later.
11 The conversation never occurred. It never
12 occurred. How awful for a public official to
13 treat a mother at such a heart breaking time in a
14 such callous way.

15 If anyone would say during deliberations,
16 that the voter registration forms are signed with
17 a declaration and warrant, remind them that
18 Miss Jefferson who testified this morning said
19 that the primary purpose was to prevent voter
20 fraud so that you voted at only one location.

21 Also remind them that if a United States
22 Congressman can be away from his or her district
23 for weeks at a time in Washington, D.C. and still
24 be considered a resident of his or her home in
25 their district, why can't Vince spend a few nights

1 at the Rast Street apartment with his girlfriend
2 and son and still reside at his childhood home.

3 Also remind them that the words in the
4 declaration refers to legal residence and not
5 actual residence and these may be different
6 addresses.

7 As you conduct your deliberations, I want
8 to show to you the jury verdict form. Can you put
9 that up for display?

10 So you should be able to see on the TV
11 monitors in front of us the jury verdict form that
12 you will have back in the jury room. You are
13 asked a very straightforward and simple question:
14 "Based upon consideration of all of the testimony
15 and other evidence presented at trial, we the jury
16 find as follows: Vincent A. Jackson was a
17 resident at the home of his parents, Barbara and
18 Therel Jackson, at 9 Brown Street at the time of
19 his death on January 17, 2014."

20 The judge is going to charge you -- can
21 you now put up the charge, 6. I believe it's 6th
22 charge on the law, and these numbers may be
23 different than what the Court reviewed.

24 MR. MURPHY: Your Honor, before we do
25 that, can we make sure it's the actual charge that

1 you're going to give.

2 MR. WILLOUGHBY: That's the one that he's
3 going to use. We're having a little technical
4 difficulty, but I have it here.

5 So this is one of the charges. Not the
6 only charge the Judge will give you, but one of
7 the charges. It's a simple charge. It's from the
8 Supreme Court in a case about 20-something years
9 ago. A person resides in the household of the
10 named insured if he lives under the same roof in a
11 close intimate and informal relationship and the
12 intended duration of the relationship is likely to
13 be substantial where it is consistent with the
14 informality of the relationship from which it is
15 reasonable to conclude the parties would consider
16 the relationship in contracting about such matters
17 as insurance or in their conduct in reliance
18 thereon. The Judge will charge you that, and that
19 will guide your deliberations. If you will, look
20 at the facts in the context of that charge and
21 other charges that the Court will give you.

22 As you conduct your deliberations,
23 consider that GEICO has used the forms that Vince
24 completed following his father's advice to suggest
25 that this fine family has essentially made up

1 stuff to collect under insured coverage that GEICO
2 provided as it is legally required to do. How
3 unfair is that? You lose your son, and then
4 you're attacked --

5 MR. MURPHY: Your Honor, to -- that's not
6 the issue in this case.

7 THE COURT: Sustained.

8 MR. MURPHY: Thank you.

9 THE COURT: Sustained.

10 MR. WILLOUGHBY: As you deliberate, only
11 you get to decide. Remember the undisputed facts
12 first and foremost and then use your common and
13 experience to guide you in making a decision. You
14 get to decide what conduct you'd expect.

15 In this case, when you get this -- when
16 you get this decision, when you get the -- when
17 the deliberations are concluded, you get the
18 opportunity to look at all the evidence, you get
19 the opportunity to evaluate that evidence and make
20 a decision.

21 On behalf of Barbara and Therel and
22 Jessica and their grandson, Jayden, we ask for
23 your verdict. We ask that you mark that jury
24 verdict form where it says "Yes," concluding that
25 Vince was a resident of his -- of Barbara and

1 Therel's home on the date that he died.

2 Now, I need to thank you before I step
3 away from the podium for your service. You have
4 been very attentive. And I know there have been
5 times that you been back in the jury room waiting.
6 In the military we always had that saying of hurry
7 up and wait. You had some of that that you had to
8 continue. We apologize for that. But as the
9 Judge has charged you, or told you, we've been
10 working on the issues we have as you've been in
11 your jury room.

12 Let me also say this, if any member of
13 our trial team, including myself, has done
14 anything that you find to be offending in any way,
15 please accept my apologies. This case is entirely
16 too important for some conduct of mine, or some
17 conduct of any other member of our team to
18 influence your decision in any way.

19 On behalf of Barbara and Therel, Jessica
20 and my entire trial team, Calvin Hastie,
21 Elizabeth Zeck, Maggie O'Shields, Hunter Pope,
22 Laura Leigh Andrews and myself, we thank you. And
23 we thank you for your attention, we thank you for
24 your consideration, and we urge to return a
25 verdict that finds Vince Jackson was a resident at

1 his parents' home on the fateful day that he
2 died.

3 Thank you.

4 MR. MURPHY: I beg the Court's indulgence
5 one moment to turn this on.

6 THE COURT: Yes, sir.

7 MR. MURPHY: Well, thank you. I didn't
8 mean for you to have to be even more patient than
9 you've already been, and you all have been very
10 attentive and all the parties in any lawsuit that
11 is all they can ask. We know you all watched us
12 during the trial. We watched you all too, and you
13 all have been exemplary. This is not an easy
14 case. It is a very narrow and simple case in many
15 ways, but it has real people involved.

16 And so you promised, to took an oath,
17 that you would decide the case fairly based on the
18 facts presented from the witness stand and all the
19 exhibits. We will talk about that in just a
20 moment.

21 I took an oath too, and the oath I took
22 was to give you the tools you needed to do the
23 very difficult job you had, to present to you the
24 best evidence, to be as clear as I could be and
25 hopefully concise so that you can do your job.

1 And that, when you finished your service on this
2 case, you will know that you weren't guided by
3 anything other than the evidence of the case, the
4 law that applies, and that you've given a verdict
5 that speaks the truth. That's all anyone can ask
6 of you.

7 And I would just suggest that there have
8 been some attempts to have you make decisions on
9 things that are not part of this case, not part of
10 the evidence that are related to the key issues in
11 this case. But I think you have paid very close
12 attention and understood that.

13 A couple of legal things. At the
14 beginning, one is the burden of proof. That was
15 told to you at the beginning. GEICO actually
16 initiated this case because you all are the
17 referees, the 12 referees. We could not agree on
18 the issue of whether Vincent Jackson resided in
19 his parents' home or in his own apartment at the
20 time of the accident, and you all are going to
21 decide that issue. I've done by best to give you
22 the evidence the best that it could be developed
23 on that issue. And that's the issue you're going
24 to do.

25 If you're uncertain and don't know, that

1 means that the Estate has failed their burden of
2 proof. It's kind of like in baseball, the tie
3 goes to the runner, if you can. I hope that you
4 are able to decide and that there's not any
5 question. But the burden of proving that is, of
6 course, on the Estate.

7 The elements were just put on the screen
8 to determine and how you establish. I know it's
9 kind of -- probably most of us never thought about
10 it. How do I prove where I reside.

11 Well, the first thing is, you have to
12 live under the same roof. It's a familial
13 relationship. No question that, as Vincent was
14 growing up, that's the kind of relationship he had
15 in his parents' home. But the relationship is one
16 of such duration that it's likely to be
17 substantial. And it is from which it is
18 reasonable to conclude that the parties would
19 consider the relationship in contracting about
20 such matters as insurance or their conduct and
21 reliance thereon.

22 One of the undisputed facts in this case
23 has to do with that third element because Vincent
24 had his insurance policy, his parents had theirs,
25 and they are not written on each other's

1 households.

2 As this case has gone on, you have been
3 provided with a significant number of documents
4 where Vincent Jackson did declare where he lived
5 up to three days before the accident. In order to
6 get around those documents, especially paying a
7 lease of \$575 a month for 19 months but still
8 saying you didn't live there, an excuse or a story
9 had to be made, and it's a story that only a
10 lawyer could come up with.

11 I've only ever heard of one reason for
12 renting an apartment in my 58 years, to live
13 there. Now, some people are so wealthy they can
14 have two or three places and they might live in
15 West Palm Beach in the winter and the mountains in
16 the summer. We're not talking about that. We're
17 talking about a hard working young man who was
18 making \$27,000 a year and paying his good hard
19 earned money to have his own place.

20 So somebody had to come up with a story
21 and it's changed throughout the trial as to what
22 the reason was, because to prove he didn't live
23 there, because it would not make any common
24 sense -- I mean, I don't know if any of us have
25 ever heard of a person paying \$575 a month for

1 nothing. So the first sorry was to build credit.

2 But there's inconsistencies in these
3 stories. Miss Jackson said she heard that's what
4 it was, but really it was because her father had a
5 talk with Vincent. Mr. Jackson said, no, it was
6 head of household or per diem. So there's an
7 inconsistency there between those two reasons.

8 I've got three children, if you want to
9 build credit, get a low limit credit card or buy a
10 piece a furniture on time and get pay \$50 dollars
11 a month or \$30 a month, and it will go on that
12 Experian report. And you get to use it. Maybe
13 you get a gas card. You get to use the gasoline.
14 Maybe by groceries once a week, \$30 worth, put it
15 on a small credit card, and you use everything you
16 paid for. I don't think Vince had \$575 to throw
17 down the drain every month. It doesn't seem like
18 that kind of young man. That didn't include the
19 utilities that were on top of that.

20 The head of household or per diem credit,
21 I don't think Mr. Jackson intended this, but he
22 was, kind of, insinuating that Vince might have
23 said he lived one place to get some financial
24 benefit somewhere else. Or, he was actually
25 telling the truth about where he lived. The tax

1 returns are in there. The return and refund, it
2 would have been affected by getting a head of
3 household credit, which I think he was the head of
4 the household. That was whole point, to have our
5 own place so he could become the head of the
6 household. So I don't think he did anything
7 wrong.

8 But it was insinuated that he did because
9 that is some reason to rent a place and not there.
10 A small refund that might have been affected, a
11 couple of hundred dollars, someone would pay
12 \$7,000 a year to save a couple a hundred dollars?
13 I don't think Vince was that kind of young man. I
14 don't think he could have done that, and I don't
15 think he thought about it.

16 And I've never heard a per diem being
17 dependent upon where you live. If you're out on
18 the road, your employer pays you so much for your
19 meals, and your hotel, and that type of thing. So
20 that can't be a reason. The minimal amount,
21 again, of per diem that you might have saved, for
22 \$575 a month and utilities?

23 It was a meeting place. I think there's
24 a couple things that would suggest that it's not a
25 meeting place. First and foremost Mrs. Jackson

1 wouldn't have paid her own hard earned money for a
2 meeting place. It was clear from both mothers
3 that if they wanted to live together without being
4 married and start their home, they had to do on
5 under their own roof. It was not going to happen
6 at either one of their houses. And that's what
7 they decided to do. It wouldn't be a meeting
8 place. You know, there were a couple visits late
9 at night, law enforcement, young couples have
10 disagreements. We understand life is a struggle
11 especially with a young child. It's not about
12 that at all.

13 But the time of day, day a week is very
14 instructive because people wouldn't be there at
15 midnight if it made a meeting place. They were
16 living there.

17 And in September of 2013 until the time
18 of the accident, that occurred three times, if you
19 include the night of the accident when Jessica
20 came to the apartment rather late with her son.
21 If she was living with mother, her son would have
22 been home asleep. She would have been out on her
23 own.

24 Do you, kind of -- it wasn't a meeting
25 place.

1 And lastly, it was a failed experiment.

2 And as we're going to see in the lease documents
3 the dates were very important. And the testimony
4 from Miss Wilson, and not from Mr. Willoughby, on
5 the issue was very instructive. Vince and Jessica
6 went in to apply for the apartment. She was
7 reading about it in the paper, she was looking
8 forward to it, and they made the application. She
9 filled it out in her own handwriting after her son
10 had been born, after Miss Wilson testified they
11 knew it was a serious situation.

12 Now, maybe they were an optimistic young
13 couple. They were hoping for the best, but it
14 wasn't going to work out. I think they would have
15 known before they obligated themselves to a
16 12-month lease. There was no reason Vincent
17 couldn't have waited. There was no reason Jessica
18 couldn't have waited if she was staying with her
19 mother and they were going to go there for awhile.
20 There was no reason to rush. That's the first
21 reason we know it wasn't a failed experiment.
22 When they went to do it, they did it with full
23 knowledge.

24 But why was that lease renewed in 2013?
25 If it was a failed experiment, there should have

1 been some testimony from Beth Alford that they
2 asked to get out of the lease, that they had this
3 medical emergency and were no longer able to --
4 and would they let them out. They could have at
5 least asked. I don't know what the company would
6 have done. They might have done it. They might
7 have given it to them. They never asked. That
8 would be one way to know it was a failed
9 experiment.

10 You can come in here today in 2019 and
11 say it was a failed experiment. Where were you in
12 2012? But asking to get your own place, signing a
13 lease obligating you to pay \$7,000 over the next
14 12 months and never trying to get out of it if
15 things got worse. And they may have. It may have
16 been difficult. I'm sure it was. But why would
17 you renew a lease if you weren't intending to live
18 there in year two. And you will see all of those
19 documents.

20 So it didn't change everything. You
21 can't go back and say it changed everything when
22 you didn't act at the time that it had changed
23 anything. And renewing that lease in 2013,
24 confirms that whatever the life circumstances
25 were, they were going to persevere together. And

1 from that renewal, you will see, every time
2 something happened at that apartment, they were
3 both there.

4 Now, over time, and especially with
5 people who have had a tragedy, memories fade,
6 recollections get cloudy, pulling the details
7 together, there are inconsistencies in between
8 that. For example, the routine that Vince would
9 come in on a Friday night and then come back
10 Sunday night because he was leaving earlier with
11 his dad on Monday, but Mr. Jackson said, since
12 2011, he's been working at Invista in Camden.
13 He's not on the road anymore.

14 So from the time Vince got out of high
15 school and his dad was helping him and they'd get
16 jobs together and travel together, that's stopped
17 long before all these key dates and important
18 dates.

19 And so those things, kind of, merge
20 together and memories fade. Even Mr. Bullock
21 forgot and had to have his wife tell him how long
22 he'd been the thing, but he remembers this event
23 because it was a very sad event. So don't
24 discount what he had to say about the night and
25 what was told to him about where Vince lived.

1 But the best testimony in this case came
2 from Vincent's hand. These documents don't lie.
3 They are fixed in time. They can't change or
4 modify over time. And just very simply, you have
5 the apartment and the reason was to have their own
6 place. That's the application. The lease was
7 entered into for year one and renewed for a second
8 year on July 9th of 2013, and it was in effect up
9 to the end.

10 Utilities were paid for the apartment.

11 The driver's license which was on
12 Brown Street until January of 2012. To me, Vince
13 was a very conscientious young man and changing it
14 to the house he was living in, kind of, as a favor
15 to his family. And, of course, he could have
16 stayed there. If the birth of his son changed
17 everything, there was no reason to go. He had a
18 free place. He could have either stayed there,
19 gone back to Brown Street, Jessica could have gone
20 on. But he changed that at the end of year to the
21 Rast Street apartment.

22 And, as you will note in the record, it's
23 a little hard on this copy, he renewed the lease
24 again. And we have the actual change forms in
25 evidence as well. There it is. That's the one

1 from 2012 where he changed it. And you will note
2 that the department is going to send mail to that
3 residence. That's an important residence for
4 official notifications. And the person changing
5 their address is certifying under penalty of
6 perjury that the information and statements made
7 are true and correct and that includes your
8 residence. It uses residence.

9 In 2013, he did the same thing to renew
10 his license and filled out a new complete form.
11 He didn't request a new voter registration. If
12 you see the actual document, I believe that's
13 Exhibit 19, he didn't ask for a new one. He had
14 just done that in December, but then his license
15 came up for renewal so he filled out a second form
16 with a second understanding and a second
17 certification.

18 This, of course, necessitated in changing
19 his voter registration. Again, a conscientious
20 young man who wants to do it right and vote in the
21 precinct where he actually lives and these
22 documents require that, that the address listed is
23 my only legal place of residence, and I claim no
24 other place as my legal residence, and that's his
25 signature from late 2012.

1 Three days before this accident, he
2 applied for work to go back with Roper Personnel
3 and work temp jobs with his skill of welding. He
4 filled out a number of forms. Many of us are
5 familiar with those forms. One is for the
6 Department of Homeland Security. He indicated in
7 his own handwriting that his address was the
8 Rast Street apartment, and indicated he was aware
9 federal law provides those penalties. He wasn't
10 worried about the penalties. He's told the truth
11 consistently throughout; tax returns, driver's
12 license, anything you name. The W-4, that
13 certificate is necessary. That's where his tax
14 forms are sent to unless you change it.

15 Again, no qualms on January 14, 2014 that
16 he was living and that was his residence at the
17 Rast Street apartment under a penalty of perjury.

18 So these documents are equal to, if not
19 greater than the testimony that you've heard in
20 the courtroom from memories that fade and people
21 who have an interest in things. This is pre any
22 event that would have put a dispute between GEICO
23 and the Jacksons. There is no reason to be
24 untruthful. There's no reason to remember it
25 differently.

1 He did a health insurance enrollment form
2 that day. He did the employment record as well,
3 in his own handwriting. And the information
4 provided in this application is correct to the
5 best of my knowledge. They use that information
6 to put in their computer form. Some of them are
7 in there. It's just duplicative stuff. But it
8 just shows this is the information that they rely
9 on and they use, and it's important, it was
10 necessary, and it is to be accurate, and it was
11 filed.

12 He filed his 2012 state tax return
13 probably in the spring of 2013 living at the
14 apartment, using that address. He did the same
15 thing on his federal tax return.

16 He took out his own insurance policy in
17 the spring of 2013 about the time he renewed his
18 license for his own vehicle and he said, I'm at
19 Rast Street, and my car is garaged at Rast Street.
20 Insurance companies rely on that for a number of
21 important reasons. One is to send notifications,
22 renewals, cancellations, policy documents to that
23 address where the insured is, and they use the
24 information regarding where a vehicle is garaged.
25 For important purposes of rating, that does affect

1 it. So there would be ramifications for not being
2 honest if it came out later that, no, I didn't
3 actually live there, no, I didn't actually keep
4 and garage my vehicle there. Vince was being
5 honest again, and, that document, there's no
6 reason to be dishonest on that.

7 The unfortunate result, just a couple of
8 weeks before the tragic accident -- and, again,
9 this happened and the booking was at 0029, 12:29,
10 29 minutes after midnight, the disagreement they
11 got in where someone called. So this was two of
12 those. Both occurring after midnight, which
13 indicates this is not a meeting place. This is
14 where they lived.

15 The death certificate was given.
16 Mr. Bullock was here. He remembered that night.
17 He asked if Vince Jackson lived in the apartment
18 and she said yes. That's not where that
19 information came from on the form. That's what
20 came from his recollection. The form came from
21 the information provided to the funeral home.
22 And, according to the document, the person who
23 provided that was Barbara Jackson. There's the
24 question. It's not exact, but it's what I put in
25 my presentation.

1 It's a lot of evidence, but it all points
2 to one simple conclusion, that Vince Jackson did
3 not reside at Brown Street at the time of the
4 accident. And you answer the question presented
5 to you by the Court, in accordance with the law
6 given to you, no.

7 I really appreciate the attention you've
8 given me and to all of the parties and witnesses
9 in this case. You have done so far everything
10 that's been asked of you. If you apply the law
11 given to you by the judge to the facts of this
12 case and render a verdict that is true, you've
13 fulfilled everything you said you would do when
14 you took your oath on Tuesday, and I thank you for
15 it.

16 THE COURT: Sir?

17 MR. WILLOUGHBY: May it please the Court?

18 THE COURT: Yes, sir.

19 Mr. Murphy mentioned to you that GEICO
20 brought the issue in this case and sued
21 Barbara Jackson as the personal representative,
22 and they did so because they denied the claim.
23 And then Mr. Murphy says, someone is making up a
24 story. He even suggested, only a lawyer could
25 come up with this story. So he's suggesting

1 Mr. Hastie and I have created a story to bring to
2 this jury.

3 And then he goes on to say someone had to
4 come up with a story. And then he goes on to say
5 the forms don't lie. So what he's suggesting to
6 you, which they suggested all along, is that
7 Barbara and Therel have come into this courtroom
8 and lied to you. Lied to you about where their
9 son lived. Lied to you about his clothes being at
10 their home. Lied to you about the fact that he
11 made contributions to their water bill. Paid the
12 Internet service, lied to you. That these fine
13 people have come here and perjured themselves from
14 that witness stand. How unfair is that?

15 They told you or suggested to you that we
16 lawyers had made up a story, a story to convince
17 you, or try to convince you of something that's
18 wrong. Does that seem fair to you?

19 From the very beginning, this case has
20 been about GEICO trying to avoid their duties --

21 MR. MURPHY: Your Honor, that's not what
22 this case is about.

23 THE COURT: Sustained, sustained,
24 sustained.

25 MR. WILLOUGHBY: So they suggest they

1 lie. They lie about the residence. Why did they
2 suggest that they lie? They suggest that they lie
3 because they don't want to pay. That's why --

4 MR. MURPHY: Didn't we just object to
5 that.

6 THE COURT: Sustained.

7 MR. MURPHY: He goes right back.

8 THE COURT: Yes, sir.

9 MR. MURPHY: Can we get some guidance for
10 preventing that.

11 MR. WILLOUGHBY: They refuse to
12 acknowledge --

13 THE COURT: Mr. Willoughby, hold on just
14 a minute.

15 Members of the jury, there's only one
16 issue in this case for you to decide, that of the
17 residency of Vince Jackson. Nothing else.

18 Proceed, sir.

19 MR. WILLOUGHBY: Thank you, Your Honor.

20 They talk about the concocted story.

21 That's what Mr. Murphy says, that it's a concocted
22 story. He talks about the credit. Why would they
23 pay \$575 a month. He discounts or refuses to
24 acknowledge the conversation that Mr. Threl
25 Jackson had with his son.

1 Now, it may be that everybody lives their
2 lives a little differently, every family is a
3 little different, but you heard Therel Jackson say
4 that he was told that when you go out of town, if
5 you don't have an address -- and, of course, we've
6 all done per diem. I've done per diem. And I've
7 traveled with the military. It's basically saying
8 that when you are away from a home that you have
9 some responsibility -- an address that you have
10 some responsibility for, you are able to claim per
11 diem.

12 The tax returns. Forget the tax returns.
13 He wants to talk about the tax returns. Look at
14 the tax returns, Vince claimed head of household.
15 So you heard the conversation with the property
16 manager from the apartment complex about the
17 credit report. You will see the credit report
18 where he had no credit. He was trying to -- they
19 discount and say blatantly to you that this mother
20 and father has made up, concocted a story about
21 building credit, about establishing a household --
22 head of household for tax purposes, about a per
23 diem, needing a separate address to be able to
24 appropriately claim a per diem.

25 They point out to you they don't -- they

1 say every occasion that anybody responds to
2 anything at the apartment. They got two
3 occasions. One occasions in September, one
4 occasion in early July, and then, of course, the
5 occasion when Vince passes away. That is three
6 situations. And, of course, Vince wasn't even
7 there at the place on January 17th. That should
8 give you plenty of information. He was not at
9 Rast Street on January 17th of 2014. He was out
10 on the road and died.

11 You heard Jessica testify that she was
12 looking Vince, that he was not being responsive,
13 so she had driven to a number of places to see if
14 she could find him. And then on her way back
15 home, she went through the Rast Street Apartments
16 just to see if he might have returned or come
17 there, and he was not there, and she saw the
18 police. How horrible would that circumstance be
19 if it happened to you?

20 But that's exactly what they have done to
21 reject this claim.

22 You will have your verdict form. When
23 you go back in and do your deliberations, think
24 about this mom and dad, think about family
25 situations, think about the --

1 MR. MURPHY: Your Honor, again, it's
2 improper argument, applying things outside what
3 the issues are in this case.

4 THE COURT: Yes, sir, sustained.

5 MR. WILLOUGHBY: Think about the evidence
6 in this case, what you've heard from that witness
7 stand, the documents that you received, think
8 about how they're trying to use those documents,
9 think about how they're using those documents.
10 Not in the context of how Vince may have completed
11 the documents, how he may have filled them out,
12 what he was thinking when he was filling them out,
13 think about the fact that he can't tell you what
14 was in his mind when he was there.

15 What was his purpose for doing that? The
16 only evidence you got is the evidence -- the only
17 evidence you got is the evidence from these fine
18 parents with GEICO saying that they think they are
19 lying to you.

20 When you go home after you completed all
21 your deliberations and you complete the verdict
22 form, and you go home and you talk with those with
23 those people that are years and years to you in
24 your lives, and they ask you what have you been
25 doing at this trial that you've been a juror at, I

1 want you to be able to look them in the eye, give
2 them the biggest hug you've ever given them, and
3 say I saw wrong, and I made it right.

4 We have ask for your verdict. Answer yes
5 on verdict form that Vince was a resident of his
6 parents' home. That is the only thing that makes
7 any sense in this case. Think about Jayden and
8 all the difficulties --

9 MR. MURPHY: Your Honor, again.

10 THE COURT: Sustained.

11 MR. MURPHY: Improper basis.

12 THE COURT: Sustained. Yes, sir.

13 MR. WILLOUGHBY: Think about the
14 circumstances. We're not looking for sympathy.
15 That's not our argument to you. We are asking you
16 to look at the facts. The fact is that Jayden's
17 physical circumstances turned what really had been
18 an aspiration into something that was not a
19 reality. And the reality is that they each
20 continued to live at their separate homes, each
21 relying upon the support of their parents. It
22 takes a community to raise any child. It really
23 took a community and family pulling together to
24 raise this child that was required many, many
25 procedures.

1 Thank you again for your attention.

2 Thank you for listening to us. Thank you for
3 evaluating all of the evidence, and we ask for
4 your verdict.

5 THE COURT: Ladies and Gentlemen of the
6 jury, I am now going to read to you the charge on
7 the law. I ask that you please give me your
8 careful attention as you have throughout this
9 trial.

10 I remind you that during this trial, you
11 and I have had and have certain duties to perform.
12 As the trial judge, it is my responsibility and
13 has been to preside over the trial of this case.
14 And also have and had the duty to rule on the
15 admissibility of the evidence offered during the
16 trial. You are to consider only the evidence
17 before you.

18 If there was any testimony or this
19 stricken from the record during the trial, you
20 must disregard that testimony. You are to
21 consider only the testimony which has been
22 presented from the witness stand and any exhibits
23 which have been made a part of the record of this
24 case and any stipulations of counsel.

25 I have the additional duty to charge you

1 the law applicable to this case. It is your duty
2 as jurors to accept that and apply the law as I
3 now state it to you. If you think you have any
4 idea as to what the law is or what the law ought
5 to be and it does not agree with what I tell you
6 the law is, you must forget that idea because you
7 are sworn to accept the law and apply the law
8 exactly as I state it to you.

9 In every case tried in this court before
10 a jury, the jury becomes the sole and exclusive
11 judge of the facts. A trial judge cannot comment
12 on or make any statement about the facts in a
13 case. Since you are the sole judge of the facts,
14 do not think, by anything I have said during the
15 trial, that I have an opinion about the facts of
16 this case. The law does not allow me to have an
17 opinion.

18 Regarding the burden of proof. GEICO
19 brought this action against the Jackson Estate
20 alleging that Mr. Vincent Jackson did not reside
21 with his parents on Brown Street at the time of
22 his death. The estate of Vincent A Jackson claims
23 that Vincent was the son of the insureds, Barbara
24 and Therel Jackson and resided in their household.

25 By agreement between GEICO and the

1 Jackson Estate, the Jackson Estate has the burden
2 of proof. This means that the Jackson Estate must
3 prove that Vincent resided in his parents' home by
4 the greater weight or preponderance of the
5 evidence. For this reason, the defendant,
6 Jackson Estate, has an had the right to open and
7 close the evidence and argument in this case.
8 That is, to go first and last, even though this
9 lawsuit was originally filed by GEICO as
10 plaintiff.

11 What we mean by the greater weight of the
12 evidence can be illustrated by imagining a
13 traditional set of scales. When the case begins,
14 the scales are even. After all the evidence has
15 been presented, if the scales should remain even,
16 or if they should tip, even slightly, in favor of
17 GEICO, then the Jackson Estate would have failed
18 to meet its burden of proof and your verdict
19 should be for GEICO.

20 If, on the other hand, the scales tip
21 even slightly in favor of the Jackson Estate then
22 the burden of proof will be met and your verdict
23 will be for the Jackson Estate.

24 Of course, there is no way to weigh the
25 evidence except through the exercise of good

1 common sense and judgment. It is entirely a
2 mental process. And the evidence to which you
3 should give the most weight is that evidence which
4 convinces you of its truth regardless of from whom
5 or what that evidence comes from.

6 A preponderance of the evidence simply
7 means the greater weight of the evidence. It is
8 evidence, which, as a whole, shows that the fact
9 sought to be proved is more likely true than not
10 true.

11 There are two types of evidence generally
12 presented during a trial; direct evidence and
13 circumstantial evidence. These two kinds of
14 evidence apply equally to all the parties, the
15 plaintiffs and the defendants alike, and equally
16 are good in the law if they meet the test of the
17 law. On a particular factual point, you may have
18 direct evidence, circumstantial evidence, or a
19 combination of those kinds of evidence.

20 Direct evidence is the testimony of a
21 person who claims to have actual knowledge of a
22 fact such as an eyewitness or through production
23 of the thing itself before the Court. It is
24 evidence which immediately establishes the main
25 fact to be proved.

1 Circumstantial evidence is proof of a
2 claim of fact and circumstances indicating the
3 existence of a fact. It is evidence which
4 immediately establishes collateral facts from
5 which the main fact may be inferred.

6 Circumstantial evidence is based on inference and
7 not on personal knowledge or observation. It is
8 proof that does not actually establish the fact in
9 question, but that asserts or describes something
10 else from which you may either reasonably infer
11 the truth of the fact, or at least reasonably
12 infer and increase any probability that the fact
13 is true. For circumstantial evidence to be
14 sufficient to warrant the finding of a fact, the
15 circumstances must lead to the fact which
16 reasonable certainty. The facts and circumstances
17 should be considered in light of ordinary
18 experience and common sense. The existence of a
19 fact cannot be based on speculation, surmise, or
20 conjecture.

21 Necessarily, in this case, you must
22 determine the credibility of witnesses who have
23 testified. Credibility simply means
24 believability. It becomes your duty as jurors to
25 evaluate the evidence and determine which evidence

1 convinces you it is true. In determining the
2 believability of witnesses who have testified, you
3 may believe one witness over several witnesses, or
4 several witnesses over one witness. You may
5 believe a part of the testimony of a witness and
6 reject the remaining part of that same witness's
7 testimony. You may believe the testimony of a
8 witness in its entirety or reject the testimony of
9 a witness in its entirety. You may consider
10 whether the witness has an interest in the result
11 of a trial, whether the witness is prejudiced
12 towards either party, the opportunity for the
13 witness to have seen the matters and things about
14 which the witness may testify, and the way the
15 witness acts on the witness stand.

16 Your duty is to determine whether
17 Vincent Jackson resided at the family home or
18 household of his parents, Therel and Barbara
19 Jackson at 9 Brown Street, Sumter, South Carolina
20 at the time of his death on January 14, 2014.

21 Under South Carolina law, a resident of
22 the same household is one other than a temporary
23 or transient visitor who lives together with
24 others in the same house for a period of some
25 duration, although he may not intend to remain

1 there permanently. A person resides in the
2 household with the named insured if he lives under
3 the same roof in a close intimate and informal
4 relationship and he intended -- the intended
5 duration of the relationship is likely to be
6 substantial where it is consistent with the
7 informality of the relationship and from which it
8 is reasonable to conclude that parties would
9 consider the relationship in contracting about
10 such matters as insurance or their conduct and
11 relies thereon.

12 I am going to send you to the jury in
13 just a minute with a jury form to complete, a
14 verdict form. As was, perhaps, mentioned already,
15 it simply reads: "Based on our consideration of
16 the testimony and other evidence presented at
17 jury, we the jury finds as follows: Vincent A.
18 Jackson was a resident of the home of his parents,
19 Barbara and Therel Jackson at 9 Brown Street in
20 Sumter, South Carolina at the time of his death on
21 January 14, 2014.

22 The foreman, after you do your
23 deliberation, based on your verdict checks either
24 yes or no, signs it, and dates it.

25 When that is done, you are ready to

1 present your verdict to this Court, knock on the
2 door, the bailiff will be summoned and contact the
3 Court about what you need in terms of whether you
4 wish to publish your verdict or have a question.

5 Gentlemen, any further instructions?

6 MR. MURPHY: No, Your Honor.

7 MR. WILLOUGHBY: None from us, Your
8 Honor.

9 THE COURT: All right. Do they have all
10 the exhibits ready to go here? Okay. Why don't
11 you take them. And here is the verdict form.

12 Gentlemen, may I release the alternate
13 now?

14 MR. MURPHY: Yes, sir.

15 THE COURT: All right. Who is the alternate?
16 Ma'am, you've done well. Thank you so much.

17 Now, for the balance of you, once you get
18 in your room, do not start your deliberations
19 quite yet until we send you the signal to do so.

20 (Jury exits the courtroom at 4:13 p.m.)

21 MR. WILLOUGHBY: Your Honor, for purposes
22 of the record --

23 THE COURT: Yes, sir.

24 MR. WILLOUGHBY: -- when you asked
25 anything further and I said nothing further at

1 this time --

2 THE COURT: Yes, sir.

3 MR. WILLOUGHBY: -- I made that
4 statement, of course, reserving our objections
5 that we had previously made on the record --

6 THE COURT: Sure.

7 MR. WILLOUGHBY: -- regarding the
8 requested charge. We would still renew those
9 requests --

10 THE COURT: Yes, sir.

11 MR. WILLOUGHBY: -- that the judge charge
12 the charges that we had made known to you.

13 THE COURT: Yes, sir.

14 MR. WILLOUGHBY: So I don't want to waive
15 those. And I want the record clear on that
16 part.

17 THE COURT: I note those objections. I
18 remember them and I still stand by my ruling, sir.
19 We got it covered. Anything else, gentlemen,
20 before we send the exhibits back?

21 MR. MURPHY: No, sir.

22 MR. WILLOUGHBY: No, sir.

23 THE COURT: If you will send the exhibits
24 back, sir, and tell them they may begin.

25 COURT OFFICER: Yes, sir.

1 (Deliberations begin at 4:15 p.m.)

2 (Back on the record at 4:52 p.m.)

3 THE COURT: Sir, I am told by you that
4 they have a verdict.

5 COURT OFFICER: Yes, they do, Your Honor.

6 THE COURT: All right. Okay, Ready,
7 gentlemen, lady?

8 MR. MURPHY: Yes, Your Honor.

9 MR. WILLOUGHBY: Yes, sir.

10 THE COURT: Please bring them in, sir.

11 (Jury enters the courtroom at 4:52 p.m.)

12 THE COURT: All present, sir?

13 COURT OFFICER: All seated, Your Honor.

14 THE COURT: Mr. Fennell?

15 MR. FENNEL: Yes, sir.

16 THE COURT: As foreperson of the jury, I
17 understand your jury has reached a verdict.

18 MR. FENNEL: Yes, sir.

19 THE COURT: Is it unanimous, sir?

20 MR. FENNEL: Yes, sir.

21 THE COURT: Would you please hand it to
22 Mr. Tomlin, the bailiff.

23 Sir, would you please publish that to the
24 Court?

25 THE CLERK: May it please the Court, Your

1 Honor?

2 THE COURT: Yes, sir.

3 THE CLERK: The State of South Carolina,
4 County of Sumter, being the Court of Common Pleas,
5 43 judicial court, Government Employees Insurance
6 Company, the plaintiff vs. Barbara P. Jackson, as
7 the personal representative of the estate of
8 Vincent A. Jackson, the defendant, case number
9 2016-CP-43-01521, "Based upon the consideration of
10 all the testimony and other evidence presented at
11 trial, we the jury find as follows: Vincent A.
12 Jackson was a resident of the home of the parents
13 of Barbara and Therel Jackson at 9 Brown Street
14 Sumter, South Carolina at the time of his death on
15 July the 17th, 2014, we find the defendant, no.
16 Signed foreperson, Jerry E. Fennell, date,
17 5/20/19.

18 Nothing further, Your Honor.

19 THE COURT: That would be 5/30/19?

20 THE CLERK: 5/30/19.

21 THE COURT: Thank you, sir.

22 Mr. Willoughby, Mr. Smith, MR. Murphy,
23 Miss Zeck, anything further?

24 MR. MURPHY: No, Your Honor.

25 THE COURT: Not right now.

1 All right. Mr. Tomlin, if you would
2 remove them to the jury room, please.

3 Members of the jury, before you leave the
4 room, I want to thank you for your service today,
5 your attention, and your patience with all of us,
6 and especially with me. I have tried to make this
7 whole process as accommodating as I can for you,
8 but I think you'll leave here really realizing
9 it's not done like television at all.

10 Thank you so much.

11 (Jury exits the courtroom at 4:56 p.m.)

12 THE COURT: Yes, lady.

13 MR. WILLOUGHBY: Nothing, Your Honor,
14 other than we would like a copy of the jury
15 verdict form.

16 THE COURT: Yes, sir. Mr. Smith,
17 Mr. Murphy?

18 MR. MURPHY: Nothing from us at this
19 time.

20 THE COURT: All right, sir.

21 With that, folks, I want to -- I'll get
22 you a copy Mr. Willoughby. I don't say this
23 lightly, you all have been absolutely most cordial
24 and civil with each other throughout this matter
25 and with me. And although I have been in this

1 court a little over two years, for 17 I was in
2 Family Court, and it's very taxing at times to
3 deal with lawyers who want to fight with each
4 other instead of try their cases. And I
5 appreciate that very much. And I immensely
6 appreciate your patience. You all have been so
7 good to me in this case. You all come with
8 reputations that proceed you here today and you
9 have lived up to those reputations that I heard
10 about.

11 With that said, Mr. Willoughby, I'll go
12 get you a copy, sir.

13 MR. WILLOUGHBY: Thank you, Your Honor.

14 MR. MURPHY: Thank you, Judge.

15 (The proceedings were concluded at 5:00 p.m.)
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State of South Carolina)
County of Sumter)

In the Court of Common Pleas
Third Judicial Circuit
2016-CP-43-01521

Government Employees)
Insurance Company,)

Plaintiff,)

vs.)

Barbara P. Jackson, as)
Personal Representative of)
the Estate of Vincent A.)
Jackson,)

Defendant.)
_____)

Transcript of Record

December 9, 2019
Sumter, South Carolina

B E F O R E:

The Honorable George M. McFaddin, Judge

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

John Robert Murphy, Esquire
Attorney for Plaintiff

G. Murrell Smith, Jr., Esquire
Attorney for Plaintiff

Elizabeth A. Zeck, Esquire
Attorney for Defendant

Maryann S. Nevers, CVR-M-CM, RVR, RVR-M
Circuit Court Reporter
Certified Verbatim Reporter - Master
Certificate of Merit
Realtime Verbatim Reporter - Master

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>

No exhibits were marked during proceeding.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding commenced at 11:26 a.m.)

LAW CLERK: The next one, I believe, on the roster, after some continuances, would be *GEICO v. Barbara Jackson*. It's No. 16 on the roster.

THE COURT: Yes, sir. How you doing?

MR. MURPHY: Good morning, Your Honor.

MS. ZECK: Good morning, Your Honor.

THE COURT: Whose motion?

MS. ZECK: It's my motion.

THE COURT: Okay. You ready?

THE COURT REPORTER: Yes.

THE COURT: Okay.

MS. ZECK: Okay.

THE COURT: Yeah. Proceed, ma'am.

MS. ZECK: Good morning, Your Honor. My name is Elizabeth Zeck. I'm from the law firm of Willoughby & Hoefer in Columbia. And we are here on behalf of Barbara Jackson, as personal representative for the estate of Vincent Jackson. As Your Honor will recall, earlier this year there was a trial in this matter. And what we are here today on is our -- our motion for a judgment notwithstanding the verdict and a new trial absolute. I -- in addition to the -- to the motion that we'd initially filed, I do have a memorandum which has some -- a little

1 additional law in it, which I filed this morning with the
2 -- the electronic system, and I have another copy for you.
3 And I just gave one to opposing counsel.

4 MR. MURPHY: Thank you.

5 MS. ZECK: For the reasons that are stated in the
6 motion and memo I just handed up to the Court, the Jackson
7 estate asks for a judgment notwithstanding the verdict,
8 since the record as a whole did not support the jury's
9 verdict and instead would've supported a finding that
10 Vincent Jackson was a resident with the home of his
11 parents, who were the insureds of GEICO at the time of the
12 accident which caused his death. We would rely for that
13 motion on the reasons stated in our original motion for
14 directed verdict and in the memo.

15 In addition, we move for a new trial absolute.
16 Basically, we -- there are a number of erroneous
17 evidentiary rulings which we feel that the Court took. And
18 when you -- during the course of the trial, and those
19 rulings taken individually, and particularly collectively
20 or cumulatively, require that a new trial be granted.

21 The primary error, we believe, in the course of the
22 trial was the exclusion of the estate's expert, Ronald
23 Pitner, who was an expert in human behavior and was
24 proffered by the estate to testify regarding human behavior
25 and, specifically, the -- the developmental stage of

1 emerging adulthood and the application of that -- of -- of
2 his understanding of that stage to assist the jury in
3 understanding the sometimes contradictory behavior of young
4 adults in that stage and the fact, potentially, on the
5 question of residency, which was the central issue of the
6 case.

7 We would ask the Court to remember that Rule 702 test,
8 the question is would -- for experts, its questions would
9 specialize knowledge assist the jury; does the expert have
10 the skill to provide the information; and is the kind of
11 information that the expert is proposing to provide, is
12 that reliable. Our Supreme Court has, in a number of
13 cases, accepted expert testimony from witnesses on the
14 dynamics of human -- on -- on human behavior. The *Jones*
15 case is referenced in our brief. Also, the *Anderson* case
16 and the *Whaley* case, all of those cases involved issues of
17 human behavior.

18 In one case it was eyewitness testimony that
19 explained, you know, what people really do about -- what --
20 what the developmental -- or -- what the psychological
21 evidence shows about people's ability to -- to identify
22 eyewitnesses. In the *Jones* case, it was about the behavior
23 of nonoffending caregivers in child abuse cases. And in
24 the *Anderson* case, I believe, was also a -- regarding child
25 abuse -- or about sexual abuse issues and nonreporting.

1 And so this -- these are the kind of -- it -- of
2 human-factors information that's beyond the realm of common
3 knowledge. And we've got it -- we -- Dr. Pitner testified
4 during our proffer -- and I have another copy of his
5 curriculum vitae, which is attached as an exhibit to the
6 memorandum I just handed up. He is a very -- he is and was
7 a very well-qualified expert.

8 He is the associate dean in the School of Social Work
9 at the University of South Carolina. He's a longtime
10 professor. He has Ph.D.s in psychology. He has taught at
11 the graduate level human-behavior courses, including on the
12 issue of emerging adulthood. He was an -- an -- not an
13 author, but a reviewer for the textbook that's used --
14 that's approved for use in the graduate program at South
15 Carolina.

16 And there really can't be any question that he is the
17 sort of person that should have been accepted by this Court
18 as an expert witness to testify on human development.
19 Because, remember, that the -- the test is not is he the
20 most -- not the -- the most perfect expert, but he -- he
21 just has to be better and more well-informed -- better
22 qualified is the test -- than the average juror. And we
23 have a situation where this kind of information about
24 developmental stages is actually not within the realm of
25 the average juror because it's actually taught. It is part

1 of a required course for social workers and psychologists
2 in the state -- in the state of South Carolina.

3 So, I mean, if it's something that was in the average
4 -- within the realm of the average juror, you wouldn't need
5 to teach it at the graduate level. And that is something
6 that Dr. Pitner did. He -- he did teach the -- teaches
7 this information. And he would've been able to present
8 that to the jury, had he been allowed to testify.

9 I would direct the Court's attention, on page 10 of
10 our brief, we cite to a case. It's actually out of
11 Florida. But it's a -- the *Sutherland v. Glen [sic] Falls*
12 *Insurance* case. And in that case, the Court essentially
13 held that a jury could look at a person who -- a young
14 person who is in the state of -- although the Court didn't
15 use the words "emerging adulthood."

16 But it's basically in this state, where they have an
17 -- they have an apartment separate from their parents, but
18 they're still relying heavily on their parents for
19 financial assistance; they're leaving a lot of their
20 belongings at their parents' home; they are eating most of
21 their meals at their parents' home, a case very, very
22 similar to Vincent Jackson's case.

23 And the Court held in that case that a jury could find
24 that a person like that continued to reside in his parents'
25 home. And that's exactly what Professor Pitner would've

1 testified in this case, had he been allowed to do so, and
2 that the failure of the Court to allow him to testify, to
3 provide his expert opinion about the developmental stage of
4 emerging adult and to apply what's known in the social-work
5 and psychology field to the facts of this case, was error,
6 which -- which deprived the -- the jury of the ability to
7 -- to hear that kind of expert opinion that would have
8 supported the kind of finding that the Court in the
9 *Sutherland* case indicated would support a continued
10 residence at the parents' house. So we would submit that
11 in -- that -- that that -- that was error, and that error
12 requiring a new trial.

13 In addition to the exclusion of the expert witness, we
14 would also point out as errors that occurred during the
15 trial the admission of the booking report. There was a
16 number of items on that document and in the testimony that
17 tended to paint Vincent Jackson, the decedent in this -- in
18 this case, as a criminal, basically to make him look like a
19 bad guy. You know, there's the cell location. There's the
20 -- the reference that -- to him as an inmate; you know,
21 that -- that criminal charges were brought.

22 And his character was really central to the whole
23 case. And the ability of the -- the admission of that
24 document tended to tarnish him in the eyes of the jury and
25 encourage them to make their decision based on the fact

1 that Vincent Jackson was not a nice person, rather than on
2 the facts of the case.

3 And the probative value of any were pretty -- was
4 minimal. It is true that the -- the booking report did
5 list the Rast Street apartment as the address, which
6 appeared to have been taken from the South Carolina
7 driver's license, which was already in evidence. So it was
8 merely cumulative.

9 And there was a lot of other information on that
10 booking which called into question whether or not Mr.
11 Jackson was actually interviewed as part of the preparation
12 of that piece of paper. So we would argue that the
13 admission of that exhibit was also error which contributed
14 to the erroneous verdict, which requires a new trial.

15 In addition, we objected and I believe it was error to
16 overrule the objection to the admission of the information
17 in the federal-employment records; that the forms that
18 referenced that they were signed under penalty of perjury.
19 Again, those -- those records were cumulative.

20 There was -- there were other records associated with
21 his employment application, which would've had the Rast
22 Street address on it. And the admission of these
23 particular records was problematic because the address was
24 not part of the reason that either of those documents were
25 being signed under penalty of perjury. The -- the -- the

1 W-4 form had to do with basically the number of dependents
2 because it was the question of whether you -- you -- the
3 thing that was being represented under penalty of perjury
4 were facts that would tend to establish federal tax
5 liability, and the address doesn't matter for that.

6 In addition, with respect to the -- the -- the I-9
7 form, the immigration form, the penalty-of-perjury piece is
8 attached to the citizenship question. And there's no
9 question that Mr. Jackson was a citizen of the -- of -- of
10 the United States with the right to work and that his
11 street address really didn't have anything to do with the
12 penalty-of-perjury pieces associated with that document.

13 And so what the admission of those documents allowed
14 the -- the -- GEICO to argue -- wrongly, we believe -- was
15 that these documents should be given special weight by the
16 jury because they were signed under penalty of perjury,
17 even though the penalty of perjury did not attach to the
18 residence address, which is the only thing that was
19 relevant in our case. So we believe that those -- the
20 admission of those documents was also erroneous.

21 In -- another evidentiary issue was the refusal of the
22 Court to admit or allow the reading of sections of the
23 insurance policy that was at issue in this case to provide
24 context to the jury's inquiry. The Jackson estate had the
25 right, under South Carolina law, to read pleadings to the

1 jury to give context, and that right was denied them here.
2 In addition, they would be admissions, since they were
3 attached to GEICO's complaint and not to the -- the
4 estate's answer.

5 Finally, we would request a new trial because the jury
6 was erroneously charged. The -- the -- the Jackson estate
7 requested and the Court refused that the jury be charged
8 that -- that residence -- that the residence required in
9 this context is actual residence, rather than legal
10 residence; and also, that to the extent there was any doubt
11 that -- as to residence, that the question of residence
12 must be construed most favorably to the benefit of the
13 insured. And that is the -- and case law was provided to
14 the Court at the time. Those -- those statements were
15 correct statements -- were and are correct statements of
16 law under the *Brazell* case and the *Boudin* case and they
17 should have been given.

18 And the South Carolina courts have held that, sort of
19 in the opposite situation, where you give an instruction,
20 which puts too high a burden, that that constitutes
21 reversible error. And what we have here is the failure to
22 give an instruction that would -- that would lessen the
23 burden. And so it's kind of the flip side; that implying
24 that there's a higher burden by omission. And that was
25 error and that requires a -- a new trial.

1 In addition, we would -- you know, anything that I
2 have failed to cover in this oral presentation that's in
3 the -- that's in the brief or in the motion, we would
4 continue to assert those grounds for a new trial and for
5 judgment notwithstanding the verdict. That's ---

6 THE COURT: Yes, ma'am.

7 MS. ZECK: --- what we have.

8 THE COURT: Reply, sir?

9 MR. MURPHY: J.R. Murphy, along here with Murrell
10 Smith, for the plaintiff, GEICO.

11 THE COURT: Yes, sir.

12 MR. MURPHY: Your Honor, as you recall, this was a
13 five-day trial. We spent numerous hours arguing all of
14 these issues. There have been no new grounds asserted,
15 even in the memo that was filed while I was sitting here in
16 this courtroom this morning.

17 There's nothing new. And Your Honor spent hours and
18 took some of these matters under advisement overnight
19 during the trial to rule on them. There's been no error of
20 law that's been pointed out, just a rehashing of the same
21 arguments that the Court already ruled on.

22 However, briefly, I will address those. First of all,
23 the JNOV standard is not what the record as a whole shows.
24 There would be have to be no issue of fact to allow you to
25 submit the case to the jury. And quite frankly, there was

1 overwhelming evidence supporting this verdict, not just a
2 scintilla, but an avalanche. So that is quite a meritless
3 position to argue.

4 On the new-trial points, the exclusion of an expert:
5 We argued that extensively at trial. You allowed over a
6 two-hour proffer at the end of trial one day. And we
7 basically had a witness who was going to try to tell the
8 jury how they were to interpret evidence. That's not
9 expert testimony.

10 That's not beyond the ordinary knowledge of the jury,
11 which is the first and foremost requirement under Rule 702
12 because we were talking about a factual determination of
13 where someone resided. We did not need a social-work
14 professor to tell the jury that even though he signed
15 numerous documents, including not one but two leases
16 obligating him to pay over \$600 a month, that he just did
17 that mistakenly because he really didn't live there.

18 And certainly, this expert had no knowledge and skill
19 about the subject matter of the case. He admitted -- and
20 we pointed this out in our motion in limine at the time --
21 that his theory of emerging adulthood that he acquired by
22 reading about it didn't answer the question of where Mr.
23 Jackson lived and that he certainly, therefore, has not
24 done any writing or research. His work has been with Arab
25 and Israeli children and the effects of violence. That's

1 his background; that's his Ph.D.-level work. He doesn't
2 have any skill or knowledge about where people reside.

3 And certainly, the testimony was highly unreliable.
4 The jury's job is to weigh the evidence and decide whether
5 the parents' testimony versus all of the documents and all
6 of the other witnesses who acknowledged where Vincent
7 Jackson lived was credible, not an expert witness. So the
8 exclusion of the expert was entirely proper and very
9 thoroughly assessed by the Court during the trial.

10 Briefly, the other documents: The booking report was
11 highly probative. Because not only did Mr. Jackson use the
12 address, it also showed that he was at the address at a
13 time when only a resident would be at their house, after
14 midnight. And it was within about a week or so of his
15 fatal accident. So it was highly probative, and it was not
16 prejudicial because we made no mention of the charge, just
17 the fact that he was at the apartment and the fact that he
18 used that address.

19 The federal-employment records were highly probative.
20 Those are serious documents that all jurors would be well
21 familiar with because they have to sign them themselves
22 when they are working. And so they were highly probative,
23 and there was no reason not to allow them in. And again,
24 they were within days of this accident.

25 The actual versus legal resident, Your Honor, the --

1 charged the actual elements the Supreme Court laid out in
2 the *Brazell* case. The jury considered the facts and
3 applied the law as charged. And the -- and we spent a full
4 afternoon going over the jury charge.

5 And the insurance policy -- its -- interpretation of
6 the policy was for the Court. Judge Cothran had ruled, in
7 allowing this to go to a jury trial, that the only issue
8 would be the factual determination of residency and,
9 therefore, allowing the whole insurance policy in would've
10 just complicated things. And the Court was within its
11 right and within its discretion to not put the whole policy
12 in when the issue was very narrowed by that pretrial ruling
13 from Judge Cothran.

14 So, Your Honor, there's nothing new that's been argued
15 today. We would simply ask that you deny these posttrial
16 motions.

17 THE COURT: Okay. Ma'am, anything ---

18 MS. ZECK: Very ---

19 THE COURT: --- that you ---

20 MS. ZECK: --- very briefly.

21 THE COURT: Yes, ma'am.

22 MS. ZECK: With respect to the employment documents,
23 he did it again; that basically, the reason that they
24 wanted to use those employment documents is so they could
25 say, under penalty of perjury, they're more serious;

1 everybody's familiar with this; you can't lie on them. And
2 that's exactly the problem, because the pentalty-of-perjury
3 part doesn't apply to the resident address. So that would
4 be an -- or I would just point that out to the Court.

5 And with respect to Dr. Pitner, our Supreme Court has
6 held very clearly in a case which my law firm tried and
7 took up on appeal -- and, fortunately, we were successful
8 in -- that it is perfectly permissible for an expert to --
9 you don't have to be the absolute best expert in the world.
10 You don't -- your Ph.D. topic does not need to be what
11 you're testifying about.

12 What happened in the *Maybank* case, which is cited in
13 our brief, was that Professor John Freeman had never had
14 any connection with the exact type of investment product
15 that was at issue in that case. And that was -- that was
16 -- that did not disqualify him as an expert; that he was
17 properly allowed to testify, based on his general
18 understanding of the -- the obligations of financial
19 advisors, and that he could -- he could do reading about
20 the particular involvement product in that case to learn
21 about to be able to help the jury understand the -- the
22 general topic of the obligations of financial advisors, as
23 it pertained to this particular product.

24 Similarly, what we've got here is an expert who
25 actually does have a fair amount of experience with the

1 whole concept of emerging adulthood and what it means and
2 how people react and what kind of things they're going
3 through, because he teaches it as part of the courses that
4 are required of social workers at the University of South
5 Carolina. But in addition, it -- you know, so -- so -- so
6 it's irrelevant that his particular area of research
7 interest is not the subject of his testimony to this -- was
8 not the -- the proposed subject of his testimony to this
9 Court. Instead, he was -- he was going to be able to
10 provide the jury with information that would've been
11 helpful to them in understanding the conflicted kinds of
12 behavior, where you have people who are still dependent on
13 their parents, still spending a lot of time at their
14 childhood home, while doing other activities which would be
15 reflective of some level of independence.

16 And that's what the Court in *Sutherland* found was
17 appropriate for a jury to find. And by refusing to allow
18 Dr. Pitner, who is admittedly a very qualified expert on
19 human behavior -- unless you want to question, you know,
20 the University of South Carolina's decision to make him a
21 dean -- that he really is a very qualified expert. And the
22 refusal of this Court to allow him to testify on that
23 subject deprived the jury of something that would've been
24 very helpful in their deliberations and requires a new
25 trial.

1 THE COURT: Yes, ma'am.

2 Mr. Smith, did you want to add anything?

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

4 THE COURT: I remember this trial well. It was
5 several days in length throughout here in Sumter. Mr.
6 Willoughby was a most-nimble trial lawyer. And Ms. Zeck,
7 you are indeed clearly a legal sage in many ways.

8 However, nevertheless, I respectfully deny your
9 motions, ma'am. I stand by my rulings at trial. I put a
10 lot of effort and thought into those rulings.

11 However, if a higher and more-learned body finds that
12 I made errors in that trial, I will clearly stand
13 corrected, chastened, and rebuked. Thank y'all.

14 MR. MURPHY: Thank you, Your Honor.

15 MR. SMITH: Thank you, Your Honor.

16 MR. MURPHY: Your Honor, would you like us to prepare
17 an order to ---

18 THE COURT: Yes, sir.

19 MR. MURPHY: --- submit -- okay.

20 THE COURT: Yes, sir.

21 MR. MURPHY: We will do that.

22 THE COURT: Please.

23 MR. MURPHY: Thank you, Your Honor.

24 (Whereupon, the proceeding concluded at 11:50 a.m.)

25 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR, RVR-M, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Sumter, County, South Carolina, on the 9th day of December, 2019.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.



Maryann S. Nevers, CVR-M-CM, RVR, RVR-M
Official Court Reporter

Walterboro, South Carolina
October 28, 2020

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF SUMTER) C/A NO.: 2014-CP-43-01521
3
4 Government Employees Insurance)
5 Company,)
6 Plaintiff,) DEPOSITION OF
7 vs.) RONALD O'NEAL PITNER
8 Barbara P. Jackson, as Personal) AUGUST 23, 2018
9 Representative of the Estate of)
10 Vincent A. Jackson,)
11 Defendant.)
12 _____)

13
14 Deposition on oral examination of RONALD O'NEAL
15 PITNER, reported by Patricia G. Bachand, Court Reporter and
16 Notary Public in and for the State of South Carolina;
17 pursuant to Rule 30 of the South Carolina Rules of Civil
18 Procedure; said deposition was taken at the law offices of
19 Willoughy & Hoefer, PA, 930 Richland Street, Columbia,
20 South Carolina, on Thursday, the 23rd day of August 2018,
21 scheduled for one o'clock p.m., and commencing at the hour
22 of 1:59 p.m.

23
24
25

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2
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17 ALSO ATTENDING:

18 CHRISTOPHER CAMPBELL, ESQ.
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* * * * *

Court Reporter's Legend:

dashes [--] Intentional or purposeful interruption
 ... Indicates trailing off
 [ph] Denotes phonetically written
 [sic] Written as said

1 A. Sure.

2 Q. This is not an endurance contest. And that means
3 that if you need to take a break at any point during the
4 deposition, just say, "Hey, I need to take a break." And
5 I'm happy to accommodate. During the break you are under
6 oath, so don't talk about your testimony during the break.

7 A. Okay.

8 Q. Great. I think those are all the ground rules
9 that we need to get through. Dr. Pitner, what is your
10 current role?

11 A. I am the associate dean for curriculum in the
12 College of Social Work at USC. And I'm also an associate
13 professor at our college.

14 Q. How long have you been an associate professor?

15 A. Since 2014.

16 Q. And has all that time been at the University of
17 South Carolina?

18 A. My academic career hasn't all been at the
19 University of South Carolina. When I graduated from the
20 University of Michigan, I first started off at Washington
21 University in St. Louis. And I was in their college of
22 social work, and I was there from 2002 to 2006.

23 And then I left Wash U., and I wanted to pursue -
24 - or at least go into a non-academic realm where I could do
25 research, where we could apply what I knew about my

1 theoretical understandings to market research and how
2 people thought about pharmaceuticals. And from there, in
3 2009, I started back at the University of South Carolina.

4 **Q. Have you ever been up for tenure at the**
5 **University of South Carolina?**

6 A. Yes, I achieved tenure in 2014.

7 **Q. But you're still under the designation of**
8 **Associate Professor?**

9 A. Well, 'cause you are Assistant Professor, and
10 when you get tenure you become Associate.

11 **Q. Okay. That's the difference there.**

12 A. Yeah.

13 **Q. I just want to make sure I understood, 'cause I**
14 **did not. Well, congratulations on that.**

15 **So you said you went to the University of**
16 **Michigan. Just tell me, generally, your post high school**
17 **education.**

18 A. So I did my undergrad -- my BA in psychology at
19 Lee University in Cleveland, Tennessee. And my degree was
20 in psychology. From there I went to the University of
21 Tennessee-Knoxville, where I got my master's degree in
22 experimental psychology.

23 And after that I went to the University of
24 Michigan, where I first got my master's degree in social
25 work, and then my Ph.D. in both social work and social

1 psychology.

2 **Q. Any post-doc?**

3 A. No. After I graduated from Michigan, I went
4 directly to Wash U.

5 **Q. And you said your Ph.D. was social work and**
6 **social psychology?**

7 A. Yes.

8 **Q. And then you were at Washington University in St.**
9 **Louis from 2002 to 2006?**

10 A. Yeah. And there I was -- I had full appointment
11 in the college of -- or their school of social work. But I
12 also had an adjunct faculty position in their department of
13 psychology.

14 **Q. And then you left there in 2006 to go private**
15 **sector?**

16 A. Yes. Yes.

17 **Q. And you worked with -- did you work with a**
18 **marketing firm, or did you work directly with the**
19 **pharmaceutical company?**

20 A. So I was on the supplier side and I worked with
21 -- it was a company called MarketRx. And our clients were
22 the twenty largest pharmaceutical companies. So within
23 that area of New Jersey, there were -- 75 percent of the
24 pharmaceuticals are in New Jersey, New York, and
25 Pennsylvania.

1 **Q. Sure. And you provided marketing advice or**
2 **consultation to them; is that right?**

3 A. Well, so I was -- I had the title of Project
4 Leader, which was essentially the project manager. So I
5 managed different projects for -- it was mainly the
6 pharmaceutical companies and working on different research
7 projects, and more working as the manager of those
8 projects.

9 **Q. In those roles were you using your training in**
10 **social work or psychology? Or was it outside of that role?**

11 A. It was more my research training in particular.
12 But because it was marketing and dealing with decision
13 making and how people make decisions, then I pulled in --
14 especially my social psychology background, because part of
15 my research area was focused on youth and looking at their
16 decision making and judgements.

17 **Q. And when you say your research area, are you**
18 **talking about the area that you did your dissertation in?**

19 A. Uh-huh.

20 **Q. And what was your dissertation in?**

21 A. So my dissertation was done in Jerusalem, Israel.
22 And I looked at both Arab and Jewish children, and looking
23 at how stereotypes and -- well, cultural stereotypes affect
24 how they think about and make judgements about both peer
25 violence and spousal violence.

1 **Q. That's interesting.**

2 MR. SAWYER: Off the record.

3 (Off the record.)

4 BY MR. SAWYER:

5 **Q. We're back on the record. Sorry about that. I**
6 **may do that from time to time. I don't see the need to add**
7 **unnecessary conversation on the record, at least most of**
8 **the time.**

9 So that was what your thesis -- or your
10 **dissertation was in. At the University of South Carolina,**
11 **where has your academic focus been?**

12 A. So I should probably move from -- so how -- from
13 Michigan, where my -- the lense that I looked through is
14 both the psychology lense and a social work lense, so as I
15 think about research I try to pull in both disciplines.

16 So my area was really focused on youth violence
17 and how youth make decisions. And most of my -- if you
18 look at my publication record, you'll see that a lot of --
19 a lot of it focuses on that area.

20 And when I went to Washington University, I
21 continued along those lines. But it was at Washington
22 University where I started also focusing on youth civic
23 engagement, and how youth can band together to sort of take
24 ownership of whether it was thinking about school violence,
25 or even in neighborhoods.

1 And when I came to the University of South
2 Carolina, I continued along the lines of thinking about
3 civic engagement. And I still do stuff with youth, but
4 more -- I started looking at not just school violence, but
5 violence in the community and how residents who live in
6 high crime neighborhoods could also band together to
7 reclaim ownership of their neighborhoods.

8 **Q. Great. Have you done any studies specific to**
9 **Sumter, the town -- the city of Sumter or the county of**
10 **Sumter?**

11 A. No, I didn't even know Sumter before coming here.
12 I still haven't been there yet.

13 **Q. Fair enough. Okay. And you've said the word**
14 **"youth" several times. Just so I know how you define that:**
15 **What age range are you talking about when you talk about**
16 **working with youths?**

17 A. Yeah. And it's one that I've had to define in my
18 research, and researchers define it differently, but the
19 age range that I mainly focus on when I talk about that is
20 from 11 to -- going up to like 24.

21 **Q. Okay. Eleven to 24. That's a broad range.**

22 A. Yeah, it is.

23 **Q. All right. You've been hired as an -- well, how**
24 **about this: Other than the areas of disciplines that you**
25 **just discussed, and your areas of academic interest, any**

1 **other areas that you've spent time studying?**

2 A. So again as both a social psychologist and social
3 worker, I -- the youth -- I do a lot with focusing on
4 diversity education and how -- again it comes down to
5 decision makings and judgements again, but it's more in
6 terms of thinking about how my social psychology lense
7 looks at things like biases and prejudice, and how those
8 may come into play with the social workers in how they make
9 decisions and judgements.

10 **Q. So things like implicit bias and things like**
11 **that?**

12 A. Oh, yeah. Definitely. Yeah, the area that --
13 one of the areas that I find most fascinating.

14 **Q. That's an area that's gotten a lot more attention**
15 **in the past half-decade, I'd say.**

16 A. True. True. And it does have applications to
17 law.

18 **Q. Sure. Yes, it does. All right. Okay. Have you**
19 **held any chairs or any formal appointments at the**
20 **University of South Carolina, other than being the**
21 **assistant dean and being an associate professor?**

22 A. So associate dean. But that's just a minor
23 correction --

24 **Q. Sorry. Associate dean. Okay.**

25 A. But I think in 2014, or '13, I became the

1 director of The I. DeQuincey Newman Institute for Peace and
2 Social Justice, and I still currently am the director of
3 that institute. And I also am the endowed chair for Peace
4 and Social Justice at the University of South Carolina.

5 **Q. And roughly how many publications have you**
6 **created or published?**

7 A. I think it may be around 45 or so.

8 **Q. And out of those 45 or so, how many do you think**
9 **are peer reviewed?**

10 A. Probably about -- 'cause I write in chapter --
11 chapters and -- as well. I think it may about -- be about
12 30. Thirty. Somewhere between 30 and 35.

13 **Q. Have you ever served as an expert before?**

14 A. I have not.

15 **Q. How did you come to have this case?**

16 A. I heard about it through -- I was contacted by
17 Mitch.

18 **Q. When were you contacted by Mitch?**

19 A. It was in December of last year.

20 **Q. And tell me about that.**

21 A. So Mitch -- I was -- I was in the process of
22 trying to move from one place to another, and Mitch had
23 contacted me during that time and had mentioned that one of
24 our -- at that time one of -- well, one of our faculty
25 members who lives in your neighborhood as well, had given

1 him my name, and she knew that I was an expert with youth.

2 And then another person who was a faculty in our
3 department of psychology, though she's now at the
4 University of North Carolina-Chapel Hill, she also -- Mitch
5 had mentioned that she had also given him my name.

6 **Q. Tell me, what did Mitch tell you about the case?**

7 A. Well, so he just gave me some overviews about
8 this case involved a person who had been -- a youth who had
9 been killed. And I mean, he briefly gave me some details
10 on the phone, but gave me a lot more detail when we met in
11 person.

12 **Q. And you're referring to Vincent Jackson --**

13 A. Yes.

14 **Q. -- as the youth?**

15 A. Yes.

16 **Q. And he's at the very, very top of that range you**
17 **gave me a minute ago of 11 to 24 --**

18 A. Yes.

19 **Q. -- is that correct?**

20 A. Yes.

21 **Q. And under some definitions in your field, some**
22 **individuals would not define a 24-year-old as a youth. Is**
23 **that fair to say?**

24 A. It is. And he -- and even as research more, even
25 in the file that I know that you got from us, a lot of

1 people would define that age now as, like, the emerging
2 adulthood.

3 **Q. That's right. And before emerging adulthood,**
4 **over the age of 20 oftentimes may fall in the definition of**
5 **an adult, correct?**

6 A. So it's -- so it depends on what you're looking
7 at when you think of it as falling into -- like, in legal
8 terms, it may. Still, researchers -- some researchers,
9 that broad age that I gave, some of them were defining up
10 to 24. Sometimes some researchers define that as
11 adolescent.

12 So researchers may define it differently than in
13 other fields. But how the research has been, it usually
14 goes from the developmental -- the developmental stages of
15 going from adolescence to young adulthood. And then in the
16 late '90s this emerging adulthood came -- came into play.
17 Sometimes some researchers don't define those ages by ages
18 as much as stages.

19 **Q. Sort of like defining who's a millennial, right?**

20 A. Yes. Yes.

21 **Q. I take offense at being called a millennial. But**
22 **I think under some definitions, I fall under the category**
23 **by year of birth.**

24 A. Oh, yeah.

25 **Q. So there you go, you know.**

1 A. Yeah.

2 **Q. And I'm sure I have some characteristics that are**
3 **common with that. So I guess one of the key things is**
4 **there is no industry -- or in your field there's no defined**
5 **cutoff point for when a youth becomes an adult, or when**
6 **they fall into emerging adulthood or other categories,**
7 **correct?**

8 A. Yeah. So I think it's more in terms of --
9 although some people may use age as they start what
10 patterns. And so -- and then they may start looking at
11 certain cohorts, which essentially become certain kinds of
12 age ranges that they may look at.

13 Definitely, if you look at the research on
14 emerging adulthoods they will give an age. A lot of the
15 research may go from like 18 to 29 or something. So they
16 do define an age, but the -- if I look at patterns of
17 behavior, it's more of a transition.

18 **Q. Sure. And especially when it comes to this**
19 **concept of emerging adulthood -- and is Dr. Arnett, is he**
20 **the one who sort of took the lead on this?**

21 A. Yeah, he definitely coined a term. And then
22 after that it just seemed to explode where many researchers
23 took up --

24 **Q. The lightbulb went off and everybody said, "Oh,**
25 **there it is."**

1 A. Yeah.

2 **Q. Right?**

3 A. Yeah.

4 **Q. That's how research sometimes works, right?**

5 A. Uh-huh. Uh-huh.

6 **Q. Somebody just gives you a name -- puts a name on**
7 **it and all of a sudden you know what a chair is.**

8 A. Well, yeah. Yeah. And I think even in his -- in
9 that case it was probably although researchers noticing
10 this pattern of behaviors that was -- that all of a sudden
11 was different from what the research was suggesting, that
12 people go from adolescence to young adulthood, which
13 obviously is -- people don't just -- it's not that hard
14 cutoff. It's sort of fictitious to think that people go
15 straight from adolescence to young adulthood.

16 But what researchers were noticing was that
17 somehow that transition was taking longer. And that's
18 where Arnett defined that term.

19 **Q. Sure. And I guess that's part of the change is**
20 **that -- the idea of emerging adulthood that phase as you**
21 **said is really more -- it's not so much based upon a year**
22 **of birth or the year of -- or the year of age, it's based**
23 **upon the characteristics in their life, correct?**

24 A. Yeah. But it's still -- I think that it came
25 into play with -- what was clear is that it's certain age

1 group that -- where it started to come into play. So even
2 if I had used the term "millennial," which -- who falls
3 into that category? But then when it came into play, it
4 seems like it's -- was very much attached to this
5 millennial group, in that they were the ones that were
6 transitioning a little more slowly than previous cohorts.

7 **Q. Sure. Although Arnett's research -- and I think**
8 **his dates back to what, the late '90s or early 2000s?**

9 A. Yeah. Yeah. And if you think of -- like, of
10 millennials, if they were born in 1981 or '82, then, you
11 know --

12 **Q. The broad range if you really give the long**
13 **definition of "millennial," right?**

14 A. Uh-huh.

15 **Q. Yeah.**

16 A. Yeah. Yeah.

17 **Q. And they're just reaching high school at that**
18 **early point of his research.**

19 A. Yeah. Yeah. But I think as us thinking of that
20 stage of something -- I mean, I -- my research mostly --
21 especially in social work, when I combined social work and
22 social psychology, look at the social environment, too, and
23 how -- when the social environment changes, it may change
24 it -- change human behavior.

25 And I think that Arnett works signals it. But

1 then a ton of other researchers show, too, that something
2 about the social environment makes it more conducive for
3 this longer transition from youth up into adulthood.

4 **Q. And Arnett blames that on a lot of things. One**
5 **thing is the access to contraception, right?**

6 A. Yeah.

7 **Q. Which sort of disconnects the sexual activity**
8 **from child-rearing, which he -- I think at least from what**
9 **he said, it ties pretty strongly to the ability for this**
10 **longer transition period to take place, correct?**

11 A. Uh-huh. Yeah. But, see, so if you think about
12 Arnett as being the one that came up with the term, but
13 then the -- you know, thousands of research studies done
14 after that. For me I think that when I take into account
15 the social environments, I just can't look at contracept --
16 because multiple --

17 **Q. Well, not just contraceptives.**

18 A. Yeah. Yeah.

19 **Q. That's one of the many things he blames. So he**
20 **blames, I think, contraception, the prevalence of post-high**
21 **school education, the job market, and a number of various**
22 **factors. But that's just one of the factors that he ties**
23 **in, right?**

24 A. Oh, yeah. Yeah. Yeah.

25 **Q. How much are you being paid to serve as an expert**

1 Social Workers, or the initials are ACSW.

2 Q. Anything else?

3 A. No, that's all.

4 Q. And other than teaching at Washington University
5 of St. Louis and at the University of South Carolina, have
6 you taken up a semester -- a sabbatical or anything, or
7 taught as a fellowship at any other schools?

8 A. So when I went to New Jersey, I did adjunct
9 teaching at both Rider University and Monmouth University.

10 Q. Monmouth?

11 A. Yeah.

12 Q. What did you teach at Rider?

13 A. At Rider, I taught introduction to psychology.
14 And Monmouth, I taught -- what did I teach? I can't --
15 it's probably in my CV, but I can't recall. It was
16 something -- it was a course dealing with human behavior.

17 Q. All right. Anywhere else?

18 A. No.

19 Q. Have you done any research or writing on this
20 idea of the emerging adulthood?

21 A. Not on that in particular. Mine has been just
22 more on youth who happen to fall into that category.

23 Q. And in particular, it seems like your focal point
24 has been youth and interactions with violence --

25 A. Yeah.

1 **Q. -- is that fair to say?**

2 **A. Violence. And then later with just civic -- more**
3 **civic engagement.**

4 **Q. Now, did that -- did that grow out of a -- of a**
5 **way of getting youth away from the violence culture?**

6 **A. Uh-huh. Yeah.**

7 **Q. Like just a natural outgrowth?**

8 **A. Yeah. Yeah.**

9 **Q. And since this is your first case, I don't have**
10 **to ask if you've ever been offered as an expert before in a**
11 **case, right?**

12 **A. I have not.**

13 **Q. Have you done any independent factual research in**
14 **this case? In other words, interviewed any individuals,**
15 **gone and sought out any other information or documents or**
16 **anything like that on your own.**

17 **A. No.**

18 **Q. So all the information you've gotten has been**
19 **through Mitch and Chris?**

20 **A. Uh-huh.**

21 **Q. Is that a "yes"?**

22 **A. Yes. Yes.**

23 **Q. That's all right. You're going to do it all day.**
24 **It's not a problem.**

25 **Have you spoken with Barbara Jackson or Jessica**

1 **Wilson, or any other individuals associated with this case?**

2 A. No.

3 **Q. How about this: The depositions of Jessica**
4 **Wilson, Barbara Jackson, Daryl Jackson, and Marilyn Wilson**
5 **are in the packet that you provided. Have you read through**
6 **those depositions?**

7 A. I have.

8 **Q. I would use the word "peruse," but that has two**
9 **different meanings. Have you read closely through those,**
10 **or just scanned over them?**

11 A. I carefully read it.

12 **Q. Carefully read them. Okay. How much time do you**
13 **think you've put into this case so far?**

14 A. Well, so my initial read of it, I want to think
15 that it took me probably about four hours to read through
16 it. And then I read through it again, and it probably took
17 another four hours to read through, 'cause I was just
18 trying to read it very carefully. And then -- and then
19 after that I started skimming certain parts of it.

20 **Q. So how much time total do you think you've spent**
21 **on this file?**

22 A. I would say maybe -- I mean, it could be
23 somewhere between -- between ten to 12 hours just looking
24 through it.

25 **Q. I know we talked about factual research. Have**

1 **you done any sort of academic or more professional research**
2 **in connection with this file?**

3 A. So I mean, I just looked at to see what was the
4 state of the area of emerging adulthood. And so I just did
5 -- I went on our University of South Carolina's website,
6 just to look at psych info. And that's where there was
7 just an explosion of whenever it starts to get into the
8 thousands, then for me it becomes excessive.

9 But I wanted to get a feel for, you know, other
10 people's work. 'Cause mine, even though I deal with the
11 same age group, mine becomes very specific on certain
12 things.

13 **Q. Sure.**

14 A. And I saw, just looking at it, that there just
15 had been a complete explosion of research in this area.

16 **Q. Are there any particular studies or papers that**
17 **you're relying upon to formulate any of your opinions in**
18 **this case?**

19 A. No. No. And it's really because the patterns
20 are still the same for emerging adulthood.

21 **Q. And we'll get -- we'll get into what those**
22 **patterns are in a little bit. Have you reviewed any of the**
23 **pleadings or anything else other than what's in this stack**
24 **of documents?**

25 A. The pleadings?

1 **Q. Pleadings in the case.**

2 A. No, I only looked at this.

3 **Q. After the depositions in this stack, there are**
4 **some documents that were created before -- well, most of**
5 **them were created -- not all of them, most of them were**
6 **created before Mr. Jackson -- and when I say "Mr. Jackson,"**
7 **Vincent Jackson's death. Have you reviewed those documents**
8 **as well?**

9 A. I have.

10 **Q. Generally, what do -- what do those documents**
11 **reflect?**

12 A. Well, so it reflected a few things. I mean, his
13 location, there seemed to be some question about where -- I
14 mean, for me some documents would suggest his location was
15 one place; some documents suggested another place. So
16 there were some inconsistencies.

17 **Q. Okay. Which documents -- and you understand that**
18 **the two critical locations that are discussed, I think in**
19 **this case, are Brown Street, his parent's address --**

20 A. Yeah.

21 **Q. -- and then Rast Street, an apartment, correct?**

22 A. Uh-huh. Uh-huh.

23 **Q. Is that right?**

24 A. Yeah. And I thought that there at one point was
25 another -- a discussion of another location as well.

1 **Q.** And that would be Center Street?

2 A. Uh-huh.

3 **Q.** And that would be before Rast Street, right?

4 A. Yes.

5 **Q.** What documents indicated to you that he might
6 have been living at Brown Street at the time of his death?

7 A. So at the time of -- I mean, I...

8 **Q.** By the way, do you have -- I've been assuming
9 that what you have there is this --

10 A. It is.

11 **Q.** Okay.

12 A. It is.

13 **Q.** Well, if not, I was going to hand this to you. I
14 didn't want to be hiding the ball. I just wanted to -- you
15 know.

16 A. And as I -- I mean, I was always looking through
17 it. I mean, there were some -- like this one that had the
18 Brown Street location here.

19 **Q.** And just so that we know, 'cause "this here"
20 won't help on our record.

21 A. Sorry.

22 **Q.** You're looking at Jackson-00002, which is his
23 ten-year driving record?

24 A. Yeah.

25 **Q.** And the address that's at the top, the most

1 **current address on the driving record is which address?**

2 A. Yeah, so that one is Rast.

3 **Q. But then previously at one point it was Brown**
4 **Street --**

5 A. Yeah.

6 **Q. -- correct?**

7 A. Yes. So this one that says the Brown Street
8 location here --

9 **Q. Are you looking in Jackson-04 on the bottom?**

10 A. Oh four, yeah.

11 **Q. And what is this document? Is it a rental**
12 **application?**

13 A. Yeah.

14 **Q. And do you know what residence the rental**
15 **application was for?**

16 A. Rast.

17 **Q. So this says that at the time that he's applying**
18 **for this, his residence is Brown Street.**

19 A. Uh-huh.

20 **Q. And that would have been -- is that a "yes"?**

21 A. Yes.

22 **Q. And that would have been prior to his death that**
23 **he's applying for an apartment at Rast Street. That's**
24 **before his death, correct?**

25 A. Yes. And as I recall, yeah, definitely there

1 were probably -- when I say that it was mixed, this -- this
2 is some of the mixed part that I saw. But you're right, I
3 did see things that probably when he died, there were some
4 documents that suggested that he was at Rast Street.

5 Q. How about this: What documents that were current,
6 so to speak, at the time of his death, that were created by
7 him and not by a third party, indicate the Brown Street
8 address? Are you aware of any documents that fall into
9 that category?

10 A. So, yeah. I mean, right off I can't recall any.
11 So I mean, right off I can't recall any from when I looked
12 through it.

13 Q. If you recall any, let me know. And if you want
14 to continue looking through, I'm happy to wait for you to
15 complete looking through your documents.

16 (The witness pauses to review documents.)

17 A. Okay. Sorry it took me a lot. I just wanted to
18 be careful. So I don't -- I don't see any.

19 Q. I appreciate that. How about this: We've talked
20 about a lot of different things, the one thing I haven't
21 asked you very simply is what are your opinions in this
22 case? So you can tell me what your opinions are, and then
23 we'll go into detail for each one.

24 A. Sure. So as I looked through it and -- and what
25 you pointed out was true, that it looks like the paperwork

1 suggests that he was at Rast. The depositions that I've
2 read, all that evidence that I read, my opinion just from
3 looking at that seems to strike me as how do I make sense
4 of this location is saying one thing, but all the evidence
5 sort of suggests that most of his time he spent, he was
6 living at his parents' house at Brown Street. That seems
7 to be suggested by his girlfriend, his mother, his father,
8 and the girlfriend's mother.

9 Many things that I would think that would if he
10 were living at Rast would be true for Rast, but it seems to
11 be true for Brown Street, where he would be paying money.
12 And some of the bills at the Brown Street location are
13 internet, it seemed like that was big for him. But then he
14 paid internet at the Brown Street location, but not -- they
15 didn't have internet at the Rast Street location.

16 When he comes to clothes, the majority of his
17 clothes were at the Brown Street location and only -- it
18 was reported that about two or three pairs of pants and
19 shirts were at the Rast Street location. Which seems
20 somewhat strange at first, but then how I make sense of it
21 when I think about his mother saying that he was at the
22 Rast Street location because he wanted to establish credit,
23 for me all of that, where the emerging adulthood comes into
24 play, is that it seems like these classic patterns of a
25 person who wants to -- if it comes to thinking about

1 identity and identity exploration, a person who wants to
2 show that they're an adult and show that they're
3 responsible, and Rast Street -- being at Rast Street and
4 establishing that credit is part of that.

5 But the emerging adulthood part of that is this
6 notion of you do that because you have the comfort of being
7 -- of your parents and being at home. And for him that
8 pattern is very much there, where he's at Rast where he's
9 trying to establish credit, but most of the time he's at
10 home.

11 He doesn't spend -- when it comes to his
12 girlfriend, she says that -- and he has a child, but they
13 don't -- he would not go over -- he wouldn't be at the Rast
14 Street -- the Rast Street location with his child alone,
15 his girlfriend had to be there and they seemed to be there
16 on the weekends a lot.

17 All of that seems to be -- if I think about
18 emerging adulthood as his time of transition that's
19 extended, where there's this focus on relying heavily on
20 your parents, he really fits that classic example of even
21 his location.

22 So if you're asking me what I -- what's my
23 opinion, my opinion really would be that to me, in looking
24 at all the evidence, all the paperwork, and then all the
25 depositions, that it seems clear to me that his location,

1 his residence was Brown Street. 'Cause the pattern -- as a
2 psychologist and a social worker, I'll get patterns of
3 behaviors. And his patterns of behavior seem classic to
4 emerging adulthood.

5 **Q. Do you have any other opinions in the case?**

6 A. So I mean, mine really was looking at his level
7 of where was his residence, that sort of -- that is my key
8 opinion. But it's really -- and as I said before, it's
9 really -- I look at the research, but just as a
10 psychologist and social worker it's really patterns of
11 behaviors and what seems to make sense. It makes sense
12 with the research, but his pattern seems to be a classic
13 one.

14 **Q. And, look, this is my one chance to depose you,**
15 **so I want to make sure I know all the opinions that you're**
16 **planning to give to the jury, so that I can ask you about**
17 **those --**

18 A. Sure. Sure.

19 **Q. -- and search them out. So you've talked about**
20 **him sort of fitting the bill for what you consider emerging**
21 **adulthood.**

22 A. Uh-huh.

23 **Q. And that because of that you think that, that**
24 **means that it's consistent with his residency being with**
25 **his parents; is that correct?**

1 A. Yeah. Well, I think his patterns -- all the
2 patterns that are described in the deposition are very
3 consistent with his residency being Brown Street.

4 **Q. Any other opinions?**

5 A. I don't think so.

6 **Q. When you come to that conclusion that it's**
7 **consistent with his parents -- with him living at his**
8 **parents' address -- tell me this: When it comes to emerging**
9 **adulthood, these are generalized trends amongst a large**
10 **swath of the population, correct?**

11 A. Uh-huh. Yes. Yes.

12 **Q. And they aren't particularized, and individuals**
13 **don't fit into a perfect mold for these; is that fair to**
14 **say?**

15 A. Yes. Yes.

16 **Q. So whenever someone does something, like Arnett's**
17 **study that's now been broadened to a bunch of other**
18 **peoples' studies, they're observing a broad trend that some**
19 **part of -- that a significant portion of the population may**
20 **fall into, but it's not universal; is that fair?**

21 A. Yeah, I think that human behavior is so complex,
22 that you can only describe patterns of behavior. Even if I
23 say -- as a psychologist when I think about mental
24 disorders, the strongest -- with human behavior we can't --
25 we don't establish cause/effect relationships; it's more

1 high correlations.

2 So it's patterns of behaviors that we look at.

3 So for when it comes to diagnoses, how do I know
4 schizophrenia, everyone that has schizophrenia doesn't get
5 every single thing that we know. The pattern of their
6 behavior fits the category.

7 **Q. And for schizophrenia there are a lot of studies,**
8 **and they'll have a sort of a point system or a series of**
9 **questions where if they check enough boxes, it's a pretty**
10 **strong correlation that it's a generalized accepted**
11 **principle that's applied to determine this person falls**
12 **under the category of schizophrenia, correct?**

13 **A. Yeah. And it's -- yeah, so it's their -- even if**
14 **they're not checking it, if someone else is checking it for**
15 **them, it's their pattern of behaviors are consistent with**
16 **what would be called schizophrenia.**

17 And here we're talking about emerging adulthood,
18 it's still -- it really comes out to patterns of behaviors.
19 Of course everyone's not going to fit all of them. But
20 it's really a correlation -- the high correlation of, oh,
21 it seems very consistent with this category.

22 **Q. Sure. And we talked about, say, for**
23 **schizophrenia where there are tests that have been sort of**
24 **peer reviewed and studied, and probably tested over and**
25 **over again and repeated to sort of create a series of**

1 checkboxes, and if they get a certain score or whatever it
2 might be, we can diagnose this person per diagnoses
3 standards as having schizophrenia, correct?

4 A. Yeah. But even there, with that one there's
5 still with some categories of -- they call it not otherwise
6 specified. 'Cause there's some things that are not as
7 clear, but they seem -- the pattern seems to be -- fall
8 into that -- that -- that category that we may call
9 schizophrenia.

10 Q. Sure. Like, if you're a coach, he fits all these
11 bills, he's clearly on the team. He doesn't fit any of
12 these bills, he's clearly off the team. And then there's
13 the maybe we'll make him stay for a week or two and see how
14 he does, right?

15 A. Uh-huh. Uh-huh.

16 Q. Is that fair to say?

17 A. Yeah. Yeah.

18 Q. Okay. When we're talking about emerging
19 adulthood are there any standard recognized sort of tests
20 that are applied to decide whether someone fits into this
21 mold of emerging adulthood or doesn't? Or is it just an
22 individualized assessment by the researcher?

23 A. So it's more -- yeah, it comes down to -- there's
24 not tests. 'Cause what defines how -- if a person falls
25 into adolescence, usually it would be age -- some age range

1 they're looking at, and then patterns of behavior. So
2 adolescence is defined by patterns of behaviors. Emerging
3 adulthood is defined by patterns of your behaviors.

4 So part of it could be that even if I didn't know
5 the person's age, do their behaviors, in the broad sense,
6 fit into that category, and would it make -- if I didn't
7 know their age at all, would I be able to sort of guess, do
8 they fall into this particular developmental stage.

9 **Q. Sure. But that's to some extent specific to the**
10 **researcher, 'cause there's no sort of field-recognized test**
11 **that would be applied across the board. Is that fair to**
12 **say?**

13 A. Yeah. Yeah. And that's true -- it's always been
14 true for developmental stages, whether -- as I said,
15 adolescence to old adult -- older adulthood there are --

16 **Q. The fact -- go ahead. Sorry.**

17 A. So there all defined by -- it's more about -- as
18 I said, the best we can do is patterns, what behaviors
19 correlate with these particular age groups.

20 **Q. Sure. That's right. And two researchers may**
21 **have different definitions even if whether somebody**
22 **qualifies or fits under the mold of a emerging adult,**
23 **correct?**

24 A. They could. So that's where -- so what I -- as a
25 researcher, what I will typically do when -- if there's

1 some divergent opinion is -- so one of things -- I mean,
2 sometimes I look at systematic reviews, which are just
3 these -- systematic reviews would look at a lot of research
4 in the area. And so with a -- it's like emerging adulthood
5 over a 15-year time period, how much research has been done
6 in that area.

7 And so I -- that is one thing that I did look at.
8 So from -- and I know from, like, 2000 to 2000 -- I think
9 it was '15, or 2013, one of those years, they looked at how
10 much research had been done on emerging adulthood. And
11 there were over 1300 empirical studies, which is highly
12 impressive for that amount, and what -- for that amount of
13 work to be generated in this area tells me that researchers
14 find it to be -- have a strong legitimacy --

15 **Q. That the idea in general has a strong legitimacy,**
16 **right?**

17 A. Yeah, the idea and then the patterns of behaviors
18 go along with it.

19 **Q. But there's no specific test to be applied, no**
20 **standards applied to say this person is an emerging adult**
21 **versus this person is an adolescent --**

22 A. That's correct.

23 **Q. -- or a young adult.**

24 A. Yeah, there's no -- yeah, there's no empirical
25 test for that.

1 **Q. And even at least Arnett, originally, and his**
2 **theories may have changed, but he viewed the emerging adult**
3 **as really being between that 18 to really around 25, maybe**
4 **a little past that, but that was sort of the high end of**
5 **what he generally saw --**

6 A. Yeah.

7 **Q. -- is that right?**

8 A. But I think that there are other studies that
9 talk about him going from 18 to 29 or other -- there's
10 definitely other work out there that talks about 18 to 29
11 as well.

12 **Q. So the dividing line is just -- it's undefined,**
13 **right?**

14 A. Yeah. But I think if that's the best you can do
15 for any -- when you talk about developmental stages, that's
16 why even when you asked me about youth there's a range.
17 Because the best you can do is a range. But probably
18 what's most consistent is some kind of pattern of behavior
19 that -- if it's a cohort of people who are born at a
20 certain time dealing with certain social environmental
21 factors that may make or produce a certain kind of
22 behavior.

23 **Q. What assumptions did you make in forming your**
24 **opinion in this case?**

25 A. So at first I didn't have any assumptions at all.

1 I looked at all of it in its totality. So I saw the
2 paperwork, the documentations that mentioned his residency.
3 But then as I started reading the depositions, and trying
4 to make sense of why is there such an inconsistency here,
5 it seemed clear to me then, that part of that assumption
6 that was going back to is a developmental stage that's
7 being defined, and that developmental stage was that
8 emerging adulthood.

9 'Cause this notion of -- for me, I mean, it
10 doesn't seem so strange that a person -- if I talk about
11 that age range of people not leaving home, staying at home
12 longer, but experimenting more, that doesn't seem strange
13 to me; that fits with research, that fits with human
14 behavior. Especially emerging adult -- adulthoods.

15 But then as I read more, I don't know if -- I
16 don't think it was an assumption, as much as I started to
17 feel that Vincent was fitting this pattern of this emerging
18 adulthood. But not only Vincent, but for me. Jessica as
19 well.

20 **Q. Is there certain evidence that by creating -- by**
21 **reaching this result as you try to reconcile these two sets**
22 **of information right, you have the documented information**
23 **and then the testimony information from his parents,**
24 **Jessica, and Jessica's mom, right?**

25 A. Uh-huh. Uh-huh.

1 **Q. Is that fair to say?**

2 A. Uh-huh.

3 **Q. Is that a "yes"?**

4 A. Yes. Yes.

5 **Q. By reaching this result are you discounting the**
6 **documents and giving more credit to the --**

7 A. No.

8 **Q. -- depositions.**

9 A. No. I'm weighing it all. And that's where I say
10 that this is where Vincent seems to be this classic example
11 of the emerging adulthood. Because if you think about a
12 person who is in transition, they're wanting to show that
13 they have responsibility. And that's how we oftentimes --
14 even before Arnett, that's how adulthood was defined:
15 adults are responsible. But for him, part of that
16 responsibility -- for an example of wanting to establish
17 credit, that's very adult-like.

18 **Q. I'm curious -- I'm curious about that one thing.**
19 **Because you mention establishing credit a lot, and his**
20 **parent's mentioned establishing credit. The general trend**
21 **for youth in terms of establishing credit is they take out**
22 **either a small loan, or they get a cell phone, something**
23 **that's on a payment plan, as a way of establishing credit.**
24 **Is that fair to say?**

25 **MR. WILLOUGHBY: Object to the form.**

1 **Q. You're still -- he'll put an objection on the**
2 **record. You still have to answer.**

3 A. Well, I can't say what the general trend is. I
4 mean, I'm sure youth establish credit in multiple ways.
5 But it seems like how they're defining how he was trying to
6 establish credit was by getting an apartment.

7 **Q. Do you know if this landlord reported him to**
8 **credit agencies?**

9 A. I can't recall.

10 **Q. You understand that some landlords don't report**
11 **to credit agencies, correct?**

12 A. Well, I didn't know -- I don't know.

13 **Q. For what it's worth, I've never seen any**
14 **apartments that I've had on my -- on my credit reports.**

15 A. But I -- but in saying that. though, I still say
16 that -- so part of it is -- but that's the responsible kind
17 of thing, it shows that you're being an adult. But even as
18 he established credit, his mother -- the apartment that he
19 was in -- the furniture, she said that she gave him the
20 furniture. Again relying on the family.

21 He didn't have a lot of things there. He still -
22 - when he couldn't pay the rent, his mother paid. So it's
23 that kind of transition that made me draw the conclusion
24 that this seems to be this classic example of the paperwork
25 saying one thing, the depositions are saying another. That

1 seemed to suggest that, clearly, Vincent seems to be in
2 that stage of emerging adulthood.

3 Q. And that of course -- on one assumption that
4 you're making in creating -- in reaching that result is
5 that the depositions are truthful, right?

6 A. Well, I have no reason to think that they're not.

7 Q. And in your studies when you -- when you're doing
8 studies, you deal with things like bias.

9 A. Of course.

10 Q. And motivations for deception.

11 A. Uh-huh.

12 Q. Is that a "yes"?

13 A. Yes. Yes.

14 Q. And those are -- those are things that have to be
15 taken into consideration when you're looking at sets of
16 data, correct?

17 A. Yes. Yes.

18 Q. And financial or monetary motivations can be a
19 strong motivation for giving less than the full truth
20 sometimes, or other things, correct?

21 A. This is true.

22 Q. And in fact, even sometimes, especially after a
23 serious loss, in your field you see people who believe --
24 grow to believe a set of facts that wasn't factually true,
25 but they believe it, correct?

1 and say, "This looks like it fits into emerging adulthood
2 and there we are"?

3 A. So the conclusion that I -- so I -- again weaving
4 the pattern and being a person who also looks at judgements
5 and reasoning with youth -- and also I guess what I didn't
6 mention was I teach the human behavior in the social
7 environment course in our college, which are the
8 developmental stages.

9 So I teach about emerging adulthood as well. So
10 it's really this notion of my own expertise, and what I
11 know about the research, and then what I teach that -- that
12 made the pattern clearer to me.

13 Q. But there's no standard sort of field-recognized
14 methodology that you applied here.

15 A. No. I mean, I didn't do anything empirical.

16 Q. And there's nothing that's saying another
17 researcher will be able to copy, follow a series of steps;
18 it would be their own set of approach, there's no sort of
19 standard steps that you did that are repeatable and so
20 forth, correct?

21 A. No, I didn't do anything empirical. I only again
22 used the -- I would think that other psychologists or
23 social workers who know the pattern of emerging adulthood
24 would probably use the same process of looking at patterns
25 of behaviors.

1 **Q. And this is a scientific field that you're**
2 **involved in?**

3 A. What, social work and psychology?

4 **Q. Yes.**

5 A. Oh, yeah. Both of them are.

6 **Q. I didn't mean to --**

7 A. Well, they -- well, they are -- they can be
8 applied by clear -- but I'm a researcher and --

9 **Q. And certainly research is --**

10 A. Yeah. Yeah.

11 **Q. -- supposed to be a scientific method, correct?**

12 A. Yeah. Yes.

13 **Q. But there's no formal method you applied here --**

14 A. I did not. I did not do a formal study.

15 **Q. And you're not relying upon any particular**
16 **authority -- authoritative text or studies in terms of**
17 **applying anything to the facts of this case; is that fair**
18 **to say?**

19 A. No, I just -- I'm relying on what I know about
20 emerging adulthood, youth, judgements, reasoning. And then
21 also what I teach -- 'cause I -- obviously, I teach from a
22 textbook, but I know the patterns of the developmental
23 stages.

24 MR. WILLOUGHBY: Wes, would it be
25 appropriate to take a quick bathroom break?

1 MR. SAWYER: That's fine. I could actually
2 use one myself.

3 (Off the record 2:58 p.m. to 3:09 p.m.)

4 EXAMINATION RESUMED BY MR. SAWYER:

5 Q. All right. We are back on the record after a
6 short break, Dr. Pitner. And sometimes I'll remember to
7 call you "Ron," but --

8 A. Sure.

9 Q. My dad was a Ph.D., a doctor I try to respect.
10 So I'll try to -- I'll try to remember that.

11 We've talked a lot about your opinion and some of
12 what you're relying upon and what you've reviewed. I'm
13 trying to think of where the next transition is going to
14 be, since those breaks always make me think for an extra
15 minute.

16 All right. As you went through the depositions,
17 did you see anything in there that was inconsistent with
18 this idea that Vincent Jackson was going through this
19 emerging adulthood phase?

20 A. I mean, I don't think that I saw anything
21 inconsistent. It's probably -- as I said before, it was
22 probably strengthened as I looked more carefully through
23 it. But to sort of suggest that, that -- in reality, what
24 explains that crazy pattern there was emerging adulthood.

25 Q. Did you review any of the other depositions taken

1 in the case?

2 A. I mean, I reviewed all the ones that are in this
3 document, if that's what you're referring to.

4 Q. Okay.

5 A. Yeah.

6 Q. But none that are not in this document.

7 A. No.

8 Q. So the only depositions you reviewed are Jessica
9 Wilson, Barbara Jackson, Daryl Jackson, and Marilyn Wilson?

10 A. Uh-huh.

11 Q. Is that a "yes"?

12 A. Yes.

13 Q. Okay. You've attached to the documents I
14 received from you -- it looks like -- is this a learning
15 module on emerging adulthood? Is that what this is, the
16 first document after the residence documents?

17 A. No, this one right here?

18 Q. From NOBA.

19 A. Yeah, it's somewhat of a module. And it's just
20 sort of giving the general stages of it.

21 Q. Okay. Tell me -- so this idea of emerging
22 adulthood, at least from Arnett, seems to be something
23 that's -- that's relatively new for developed countries; is
24 that correct?

25 A. Yeah, and -- and yeah, it depends on how you're

1 defining "relative."

2 Q. So he talks and refers to in particular, I guess,
3 people who would be coming in to -- or leaving adolescence
4 in the 1950s. Is that fair to say?

5 A. Yeah. But I think of -- and I -- 'cause I go
6 beyond Arnett, now --

7 Q. Of course.

8 A. -- to not just being -- so as I think about
9 emerging adulthood, it's not just for his work but others,
10 and especially in how it talks about the developmental
11 stage. But it's more -- it definitely is -- definitely the
12 '90s. It's not one of them that's been out there for a
13 long time.

14 Q. Sure. And I guess what I'm asking, though, is:
15 According to Arnett, there were not really as many emerging
16 adults in, say, the 1950s, because of the culture and
17 societal differences in that time period, right?

18 A. Yeah. Yeah.

19 Q. And those would be the characteristic of someone
20 -- I guess, jumping directly from adolescence into young
21 adulthood would be things like getting married at an early
22 age?

23 A. That could be one thing.

24 Q. And getting a trade job versus going to college
25 and going for a lengthy post-high school education?

1 A. That could -- for some, that could be also. I
2 mean, especially if you're talking about just how he's
3 defining it versus, yeah.

4 **Q. Sure. And I recognize that at least from**
5 **Arnett's comparison to 1950s, he's probably looking**
6 **primarily at middle class white men in the 1950s. Is that**
7 **fair to say?**

8 A. Yeah. Yeah.

9 **Q. It may be different for a lower socioeconomic**
10 **status. Or a very high socioeconomic status, there may**
11 **have been emerging adulthood in high socioeconomic status**
12 **for the past century, for all we know.**

13 A. Yeah. And I don't think that -- that doesn't
14 seem to be true for the research. As I said, that pattern
15 -- 'cause it's not like -- I mean, Arnett's not the only
16 one who would be studying.

17 **Q. Of course.**

18 A. I mean, there are other -- the developmental
19 psychology is the area that -- where you find many people
20 looking at the different developmental stages. But it's
21 more about something about the social -- clearly, a lot of
22 it goes with the social environment, and what changes are
23 going -- occurring in the environment that may produce this
24 kind of behavior.

25 But I think what this pattern is pointing out is

1 that something about our socio-environment now is just
2 conducive to it, where in the '50s it wasn't. It may be
3 conducive to other kinds of behaviors that are maybe
4 transitioning a little faster

5 Q. Sure. And I guess some characteristics that are
6 inconsistent with emerging adulthood, and more consistent
7 with young adulthood, the contrast there, young adulthood
8 would be someone who's entered into a steady profession?

9 A. Yeah.

10 Q. Somebody who may get a trade as opposed to going
11 to a four-year school?

12 A. Possibly.

13 Q. Somebody who gets into a committed, monogamous
14 relationship right out of high school?

15 A. Possibly.

16 Q. Someone who has a child out of high school and
17 continues to support that child?

18 A. I mean, yeah, those are all possibilities.

19 Q. Those would all be indicators of someone entering
20 into a young adulthood. Is that fair to say?

21 A. I think the -- so I can't say definitively,
22 because those also could be some traits of emerging
23 adulthood, too, just depending on the situation.

24 Q. If you package all of those together in one
25 individual, would that be more consistent with a young

1 **adult?**

2 A. So can you package them again by saying them all
3 again?

4 **Q. Sure. I'll be happy to. So a trade as opposed**
5 **to four-year school, a committed monogamous relationship, a**
6 **child that they're helping to support, those would be**
7 **something that if you packaged those together with**
8 **somebody, that's less consistent with emerging adulthood**
9 **and more consistent with the young adult?**

10 A. So I think that -- but there's a complexity that
11 -- so you've given me only a small part of it.

12 **Q. Sure.**

13 A. And so I'm sort of reluctant to say "yes" to
14 that, just because if you paired that with a person who --
15 if I even go back to Vincent who is living with his
16 parents, but is on the weekend and at times staying --
17 'cause of all the little things you just mentioned could be
18 true of a person, but then these patterns of relying on the
19 parents more may -- instead of it being young adulthood,
20 may be very much emerging adulthood.

21 **Q. How about this: Is it fair to say that an**
22 **emerging adult still may live outside of the home?**

23 A. They can. So part of that -- even when it talks
24 about instability, part of that instability is that they go
25 outside the home but then they come back. It's this notion

1 of they don't have a permanence outside the home, 'cause
2 they may -- they more than likely are coming back home.

3 **Q. Sure. And for millennials, we see that a lot.**
4 **The boomerang -- at least in America, the newer concept of**
5 **boomerang children, right?**

6 **A. Yeah. Yeah.**

7 **Q. Something that Europe has experienced for a long**
8 **time, and theirs is kind of different 'cause there's may be**
9 **sort of a comfort cultural, whereas here it's more a**
10 **necessity base. Is that fair to say?**

11 **A. Uh-huh. Uh-huh. Yeah. Yeah.**

12 **Q. Millenials who return to mom and dad's home, by**
13 **and large don't really want to for the most part; it's for**
14 **financial or job reasons that they feel confined to. Is**
15 **that fair to say?**

16 **MR. WILLOUGHBY: Object to the form.**

17 **A. And I can't just say that it's those two.**
18 **Because there could be other socio-emotional reasons why**
19 **they may go back as well, so it's not just -- I mean, it**
20 **may not be those that are driving them back, but it could**
21 **be one or two of them. But there could be other like the**
22 **socio-emotional supports that they would get from the**
23 **family as well.**

24 **Q. Sure. So at least I watched an interesting video**
25 **from Arnett, and he says, basically, these kids, if they**

1 could get out they would be out. They want their
2 independence. Is that fair to say of most emerging adults,
3 is that they desire independence?

4 A. And so I think -- so that's -- it's the -- if I
5 talk about -- where they talk about this identity
6 exploration, so part of that identity exploration is that
7 "of course I want to be an adult, of course I want this,"
8 but that -- part of that exploration only comes as possible
9 because they have that comfort in the home.

10 And they're only exploring those -- so they --
11 they can say that they want this, but then they're -- it's
12 almost like their behavior is inconsistent with what they
13 want.

14 Q. There's some dissonance.

15 A. Yeah. Yeah.

16 Q. And sorry I've been fumbling around, 'cause I was
17 looking for something that I thought I brought, but I
18 didn't. But I think we can still proceed without it,
19 obviously.

20 Looking at Arnett's discussion of emerging adults
21 -- and this is that NOBA document that was provided by you
22 in your file. I think you've got -- you're looking at the
23 -- is that the second page of it?

24 A. Uh-huh.

25 Q. And third page.

1 A. Yeah.

2 **Q. Or maybe further in are 4 and -- 3 and 4, or 4**
3 **and 5. All right. So we're looking at this document from**
4 **Arnett. And again he's the one who sort of create -- who**
5 **first coined the term "emerging adult."**

6 A. Emerging adult, yeah.

7 **Q. Is that fair to say?**

8 A. Yeah.

9 **Q. And he's considered one of the leaders on the**
10 **issue?**

11 A. He's considered a pioneer. But, yeah, there's
12 many others too.

13 **Q. And he says that it's found mainly in developed**
14 **countries; is that correct?**

15 A. So, yeah. I mean, globally, I think that you see
16 a pattern there. But definitely, it's more common in
17 developed countries.

18 **Q. And it's more common amongst middle class?**

19 A. That one, I don't -- I mean, this is what Arnett
20 suggests. I don't know if I would say that, that's -- I
21 think that the pattern is there with other groups as well.
22 But, I mean, that's what Arnett says.

23 **Q. Okay. And part of that's because middle class**
24 **lots of times have the freedom to go and spend extended**
25 **time in post-high school education.**

1 A. Uh-huh.

2 Q. Is that a "yes"?

3 A. Yes. Yes.

4 Q. And to have more flexibility with experimenting
5 with different career paths?

6 A. Yeah. But so when I say that it's not just
7 common to their case -- 'cause if you think about another
8 situation where you may want to try to establish a family
9 just like, again, Vincent. But part of your comfort zone
10 is still the family, your parents.

11 And so it's not whether it's getting an education
12 or anything else, or other reasons why you may -- your
13 comfort zone is your family, whether they become -- they're
14 just a bit -- a extremely important part of who and how you
15 define yourself. And that also becomes part of your
16 identity and that becomes a harder way -- it's harder to
17 break your way -- yourself away from them.

18 And I don't know if that's just -- that one I
19 would say, if you look at lower class, or even when you
20 start looking at ethnic groups like African-American and
21 Latino, then you may find that pattern even more
22 irrespective of --

23 Q. The middle class.

24 A. Uh-huh.

25 Q. Fair enough. But the characteristics of that may

1 be different because of the access to college or financial
2 situations, the flexibility of career choices and things of
3 that nature, so that the image or the category for emerging
4 adult for somebody like Vincent may be different than it is
5 for somebody else, right?

6 A. Yeah. 'Cause it's more about -- it's again how
7 you -- because a person -- again lower class who could be
8 exploring, they -- maybe they just have -- they get one
9 job, they're getting -- they don't have the same career
10 trajectory. But they're still emerging adults in that they
11 may go out, live here just a little, but then they go back
12 home.

13 Q. Sure.

14 A. They're -- you know.

15 Q. But during that time that they may live somewhere
16 else, they can live somewhere else and be out of the home
17 and then they may just find their way back in, in the
18 future, correct?

19 A. Some do. But then probably what's -- what is
20 common with the emerging adulthood is that it's not
21 breaking away from the family as much. And that comfort --
22 so part of that comfort zone is being home. So even -- if
23 I said identity exploration, I'm saying, "Oh, I live here."
24 But in reality, if you look at their behavior and their
25 patterns of behavior, everything would suggest that they

1 really live with their parents.

2 **Q. Sure. So they may sleep under a separate roof,**
3 **and then they may take meals with their parents, or spend a**
4 **majority of their free time at their parents' home,**
5 **correct?**

6 A. Yeah. Or even -- you know, when you say majority
7 of their free time, you know, it looks like they're
8 working. But then they come home from work, and what
9 they're coming home to is actually their parents' place.

10 **Q. But generally speaking, is it fair to say that in**
11 **emerging adults, when they get an apartment and pay rent**
12 **for an apartment, they tend to spend their nights at the**
13 **apartment?**

14 A. So definitely I would say that, that would be
15 true if I said, like, patterns of behaviors for young
16 adults.

17 **Q. Okay.**

18 A. Emerging -- so it's like how do you differentiate
19 the emerging adulthood from the young adult.

20 **Q. That's a great question.**

21 A. But that's where -- if I look at patterns of
22 behaviors, the young adult, I would say that definitely
23 research would seem to suggest that, that's how they --
24 that's what they would do, 'cause they're showing that
25 level of responsibility.

1 The emerging adulthood is that transition stage
2 where -- I mean, you would think that if they have some
3 rent here, they're going to be spending all their time.
4 But then when you look at the pattern, their comfort zone
5 still becomes their parents.

6 **Q. And I guess what I'm getting at is, they may**
7 **still have a comfort zone with their parents but they still**
8 **may sleep under a different roof; is that fair to say?**

9 A. Yeah. But if they're sleeping -- so if I said
10 that it's somewhat erratic where they're staying, part of
11 that it's not -- what's more predictable is that they may
12 still stay with their parents more than they stay outside
13 of the...

14 **Q. Generally, in terms of -- 'cause you're dealing**
15 **with an area that deals with large trends and not**
16 **specifics, right?**

17 A. Definitely.

18 **Q. So part of this is working fine, talking about**
19 **generalities.**

20 A. Uh-huh.

21 **Q. Generally, when a -- when a emerging adult moves**
22 **back in with their parents, one of the reasons is to save**
23 **up money to be able to afford to be independent. Is that a**
24 **fair -- is that a generality that's fair to say?**

25 A. Yeah. And it's a generality 'cause there are

1 multiple reasons why they may move back. But that could be
2 one for some.

3 **Q. Generally, when they are living with their**
4 **parents, they're not spending -- it would be unusual even**
5 **among emerging adults to live with your parents and pay for**
6 **a separate apartment in the same community, the same town,**
7 **and live with your parents while paying a monthly rent,**
8 **monthly utilities, cable and so forth. Is that -- is that**
9 **unusual when you're talking about general trends for**
10 **emerging adults?**

11 **A. I don't think that they're -- that is unusual for**
12 **-- I mean, I think that definitely if I said a young adult**
13 **-- I mean, if I look at patterns of behavior, then I would**
14 **not -- it would be unusual for a person who has emerged**
15 **into a young adulthood, and showing that responsibility to**
16 **pay rent somewhere and then live somewhere else, I don't**
17 **think -- I think that, that kind of erratic behavior is**
18 **very consistent with emerging adulthood.**

19 **Q. And again the defining line between a young adult**
20 **or an emerging adult there's no standards to apply, this is**
21 **just -- this is Dr. Pitner's evaluation; is that right?**

22 **A. And also just so -- but when you start looking at**
23 **the research -- so the patterns -- 'cause it's more about**
24 **what -- even if you think about adolescence, 'cause**
25 **emerging adult, there are several things about emerging**

1 adults that are consistent with adolescence -- what
2 researchers would say is adolescence. And then there's
3 some aspects that are similar to what people would say
4 young adults.

5 But it's that transition, so it's not -- part of
6 -- I'm giving you my expert opinion on what I know about
7 the research in developmental stages. But I think that
8 definitely the -- it's sort of a classic behavior, this
9 transition, and so it looks sort of erratic and
10 inconsistent. 'Cause where you would think that the
11 pattern would be, "Oh, I'm renting here, I'm going to stay
12 here," that is not a very -- emerging adults, you know that
13 a lot of their -- a lot of what they consider to be their
14 home is with their family. So they're always back and
15 forth.

16 If you think about the developmental stages again
17 in young adulthood -- and again there's not -- there's
18 never a -- it is fictional to think that there's a clear
19 cutoff. But how -- if you were thinking about young
20 adulthood as being that next stage, then what
21 differentiates them is that more permanence away.

22 **Q. How about this: So hypothetically speaking an**
23 **individual has a committed, monogamous relationship, with a**
24 **child, has their own apartment, has placed all their**
25 **addresses with that apartment, including government-issued**

1 IDs, voter registration, they've purchased their own
2 automobile insurance, and have their own car, and they have
3 a job that provides for them, those would be indicators --
4 of a hypothetical person, those would be indicators of
5 somebody who has reached young adulthood. Is that fair to
6 say?

7 MR. WILLOUGHBY: Object to the form.

8 A. So and here -- 'cause there's more to that --
9 that hypothetical --

10 Q. I'm asking that inside that hypothetical.

11 A. Can you give the hypothetical again?

12 Q. That's fine. I'll do my best. So you have an
13 individual who is in a committed, monogamous relationship,
14 has established a trade as a profession, has a child in
15 that committed, monogamous relationship, has an apartment,
16 has switched all of his government-issued IDs/his voter
17 registration to that address at that apartment, has his own
18 car, has purchased his own separate automobile insurance
19 for that car, all those categories there, and it's a -- and
20 it's a furnished apartment, pays the utilities for it, has
21 cable for that apartment, would those all be, for a
22 hypothetical individual, consistent with a young -- a
23 person who has entered young adulthood?

24 MR. WILLOUGHBY: Object to the form.

25 Q. You can still answer.

1 A. So in that scenario, or the hypotheticals that
2 you just gave -- so this person, you're saying that they
3 purchased -- or they have rent at this apartment, but what
4 you didn't say is where they live.

5 **Q. I'm saying they live in the apartment, under the**
6 **hypothetical.**

7 A. So under the hypothetical, they spend all their -
8 - when they come home, they're at their apartment.

9 **Q. That's right.**

10 A. That one -- I think that, that in itself would be
11 -- it seems like that would be consistent probably how
12 someone would define young adulthood, potentially.

13 **Q. And another sign of young adulthood versus, say,**
14 **emerging adulthood would be things like they've reached the**
15 **stage where they get their parents sort of nicer gifts for,**
16 **say, holidays and things like that?**

17 A. I can't say. 'Cause, you know, not everyone gets
18 their parents gifts.

19 **Q. Sure. Okay. Well, say, buying a living room**
20 **suite or a kitchen table for a parent for a holiday, that**
21 **would be more consistent with somebody who's a young adult**
22 **as opposed to an emerging adult.**

23 A. Well, if they're buying -- 'cause I -- well, any
24 kind of buying, any -- I probably -- it's the social worker
25 in me that --

1 **Q. You think credit.**

2 A. That makes me think that a poor person may not be
3 doing any of that -- any of that, necessarily. But I would
4 think that if a person -- a young adult would be someone
5 that's established, they are showing that they have a lot
6 of responsibility. And they may be buying things -- I
7 think what's characteristic of them is they may be buying
8 things for themselves and paying their own rent. If
9 they're affluent, they may possibly.

10 **Q. It's a big step for someone entering young**
11 **adulthood to be able to buy mom and dad something nice, or**
12 **to even pay for dinner when you go out to eat with mom and**
13 **dad, right?**

14 A. Yeah. Yeah, definitely.

15 **Q. So that would be a sign of them establishing,**
16 **saying, "Mom and Dad, I'm a young adult. And, you know,**
17 **here's a good gift for you." That's the -- that's a sign**
18 **of emerging out of adulthood into young adulthood, correct?**

19 A. So it's one -- and I don't want to necessarily --
20 I think some patterns -- if I say all the patterns what --
21 what -- what I think is -- what's more true about a young
22 adulthood is them really buying more things for themselves.
23 That -- that part I would say is buying -- it's harder for
24 me to make the leap to buying things for the -- definitely
25 --

1 **Q. Because it's so rare, right?**

2 A. Well, and I think that -- 'cause young adulthood
3 still is very much -- focuses on establishing things for
4 yourself and getting -- if you're going to be buying nice
5 things, it would probably for...

6 **Q. How about this, I guess: Emerging adults**
7 **certainly are self-centered, I think that's a statistically**
8 **recognized attribute --**

9 A. Yeah.

10 **Q. -- and it certainly is stated in Arnett's**
11 **studies, correct?**

12 A. Uh-huh. Uh-huh. Uh-huh.

13 **Q. Is that a "yes"?**

14 A. Yes. Yes.

15 **Q. So the emerging adult certainly isn't buying a**
16 **kitchen table or a living room suite for mom and dad**
17 **because they're -- that's not even in their -- in their**
18 **mind set yet as an emerging adult. Is that fair to say?**

19 A. So it's not as likely. I can't say it's a
20 definitive, but it's not as likely.

21 **Q. As opposed to someone who's a young adult -- or**
22 **maybe that's a sign of them stepping into adulthood, is not**
23 **only are they getting stuff themselves, but they've**
24 **established themselves to where they can help mom and dad**
25 **out, right?**

1 A. Yeah. Yeah.

2 **Q. I know that was a big day for me when I said,**
3 **"I'm paying for that."**

4 A. I'm thinking, "Am I doing that?"

5 **Q. The theory, in general, of emerging adulthood**
6 **really doesn't have any meaning without applying the**
7 **specifics facts, correct?**

8 A. Yeah. Well, I think, you know, for me it's
9 applying it to specific patterns.

10 **Q. But these are -- these are biases that, you know,**
11 **we're -- and I hate to use the word "bias," 'cause I know**
12 **these are based upon general observations. But they're**
13 **generalized, and you're categorizing groups, even though**
14 **individuals may or may not fit within the categories,**
15 **correct?**

16 **MR. WILLOUGHBY: Object to the form.**

17 A. So here again, this is where I go back to the
18 patterns. So, and I use examples 'cause -- for any mental
19 disorder, I could say -- obviously a person may not fit all
20 of them, but something about them fits the general
21 category. In the developmental stages it really comes down
22 to age and patterns of behaviors that may make the person
23 fit a category.

24 **Q. Okay. And this is --**

25 A. There's not a -- there's not a test, though, that

1 will say that you fall into the category.

2 Q. That's right. There's no standard methodology or
3 test to apply, correct?

4 A. Uh-huh. Uh-huh.

5 Q. Is that correct?

6 A. Yes.

7 Q. In terms of your observations of emerging adults,
8 which at this point -- 'cause of the current generation
9 that would be millennials and what's following after
10 millennials, I guess, are transitioning soon. I don't know
11 where millennials end. Do you?

12 A. Yeah, they're a large group.

13 Q. A lot of it --

14 A. I know I'm teaching them.

15 Q. So there you go. So a lot of the emerging adults
16 that you would be studying today would be millennials. Is
17 that fair --

18 A. Yes.

19 Q. -- to say?

20 A. Yeah.

21 Q. For purposes of a lot of today, going forward I'm
22 going to use "millennials" as interchangeable with emerging
23 adults just 'cause it's easier to do, not because they're
24 categorically the same. Is that fair to say?

25 A. Yeah.

1 **Q. Millennials, generally, signs of them lacking**
2 **that place of permanency aside from home would be things**
3 **like they maintain their addresses or government issues and**
4 **things like that with their parents, because there's**
5 **stability at their parents' home. Is that fair to say?**
6 **And we're talking about generalities.**

7 A. I mean, it could very well be one. Or that -- so
8 it depends. I mean, if they're trying to establish credit,
9 then they may, you know, say that "this is my address over
10 here," but they just live at the other location.

11 **Q. Well, obviously we're hung up on the credit thing**
12 **because of the depositions.**

13 A. Yeah.

14 **Q. Are there any studies at all that show youths or**
15 **millennials or emerging adults getting apartments to**
16 **establish credit? Are there any studies in your field --**

17 A. Well, I haven't --

18 **Q. -- about that?**

19 A. -- looked at any studies that have examined that.
20 I mean, I'm not saying that there aren't any studies. It's
21 just not something I've looked at.

22 **Q. Okay. So again that's just based upon taking**
23 **something from a deposition, but no connection to any**
24 **scientific studies.**

25 A. Yeah. So but then you're -- because you asked me

1 the question about a pattern and -- but with human behavior
2 being complex, I don't -- I don't know if I would
3 necessarily would say a definitive, this means that they're
4 in this category, unless I see multiple patterns of
5 behavior.

6 So it's not that I just look at one thing. For
7 me, I look at multiple things that may make me draw a
8 conclusion. So your question is harder for me, whenever
9 you're asking me something about just one specific thing.

10 **Q. Sure.**

11 A. That could be any -- any of the developmental
12 stages. But when I start hearing a series of things that
13 may make me think that, oh, there's the pattern.

14 **Q. Yeah. And I guess what I want to look at is when**
15 **we're looking at the pattern, we got to look -- we've only**
16 **got so many facts available in this particular case to**
17 **apply to the pattern. Is that fair to say?**

18 A. Sure.

19 **Q. And one of the facts that we have to deal with is**
20 **that all of the government documentation, government-issued**
21 **ID, voter registration, tax records list the Rast apartment**
22 **address; is that correct?**

23 A. Yes.

24 MR. WILLOUGHBY: Object to the form.

25 A. I mean, a lot of what I see in here have Rast.

1 **Q. You can still answer.**

2 A. Yeah. So, no, I don't know what the law is on
3 legal residence in South Carolina.

4 **Q. Sure. So for example when you talk about the**
5 **home being sort of -- it's almost like "home is where the**
6 **heart is," it's kind of the feel of what you're saying is**
7 **they may move around but they rotate -- they orbit back**
8 **towards and have this gravitational pull towards home, that**
9 **in that situation they still might, nonetheless, live under**
10 **a separate roof, correct?**

11 **MR. WILLOUGHBY: Object to the form.**

12 A. So here -- I mean, what I'm looking at is more --
13 'cause all I have -- you know, I have the general pattern
14 of the emerging adulthood, and then what I have here is
15 evidence. And so if I look at Vincent's behavior, then for
16 me -- what I know is that his mother said that he lived at
17 the home.

18 Him having most of his clothes there, or when he
19 came back into town and went there and ate there, all of
20 those seem to suggest that definitely -- it's not even this
21 notion of "home is where the heart is," his patterns of
22 behaviors seem to suggest that.

23 **Q. Sure. And I'm talking about emerging adults.**
24 **I'm not talking about Vincent in specific. I'm talking**
25 **about generally with emerging adults, they can have that**

1 **gravitational pull towards home and still be living under a**
2 **separate roof.**

3 A. Oh, definitely. Yeah. And where they're -- or
4 at least sometimes it's like "living" is a tricky word.
5 Definitely -- while they may be staying at different
6 places, 'cause that could be sort of -- sort of that
7 instability of where they're staying, but then home still
8 becomes that place where they have that comfort zone.

9 Q. Sure. And I guess here's what I'm getting at:
10 All of this -- the idea that is, assuming the truth of all
11 of the information you've looked at, assuming the truth of
12 the depositions and in the documents, then your theory is,
13 well, this is because he fits in the definition of emerging
14 adult, correct?

15 A. Uh-huh. Uh-huh.

16 MR. WILLOUGHBY: Object to the form.

17 Q. Is that "yes"?

18 A. Yeah. I mean, I think that his patterns are
19 classic.

20 Q. Okay. But if we -- but I guess what I'm saying
21 is, if the depositions were not true, and he in fact lived
22 and had an established home at the apartment, that would
23 just mean he's young adult as opposed to an emerging adult.

24 A. What's hard -- so if -- I mean, that one -- so
25 you're asking me to speculate on what that would mean?

1 Q. Yeah. If he -- if he has an established home in
2 the apartment, with a longtime girlfriend who -- with whom
3 he's fathered a child, and is paying all the bills and
4 utilities there, has a car there, has insurance there and
5 so forth, that would be a sign of him being an emerging
6 adult; and if the depositions aren't true, then he just
7 fits into emerging -- into a young adult as opposed to an
8 emerging adult, correct?

9 MR. WILLOUGHBY: Object to the form.

10 A. So in that example of living in the apartment, I
11 don't know if that necessarily would be a sign of him
12 necessarily being a young adult. But it could be a sign
13 that he's not fitting the pattern of a -- 'cause his age
14 range still may make it -- put him in that category where
15 he's not fitting the pattern of what research suggests as
16 an emerging adult.

17 Q. And so really the emerging adult theory, which is
18 what you were using in this case, doesn't answer the
19 question of where he lived; it's if he lived with his
20 parents and had this address on all his other documents,
21 this would -- this would be consistent with that.

22 MR. WILLOUGHBY: Object to the form.

23 A. If he lived with his parents? But then -- so the
24 evidence that I'm weighing suggests that he definitely did
25 live with his parents. I mean, all of what I see here

1 suggests that definitely -- what happens is -- for me, the
2 paperwork where that strengthens this notion of emerging
3 adulthood is that it's this notion of a person who's in
4 this transition.

5 Q. And I guess what I'm getting at is that's just --
6 again all of that's fitting into saying this is an emerging
7 adult versus a young adult versus an adolescent, correct?

8 A. Uh-huh. Uh-huh.

9 Q. "Yes"?

10 A. Yes.

11 Q. But it doesn't answer the question of where he
12 lived. You're assuming he lived with his parents, to reach
13 that conclusion.

14 MR. WILLOUGHBY: Object to the form.

15 A. No, I'm assuming that -- well, I actually -- I
16 think that the depositions strongly suggest that he lives
17 with his...

18 Q. So, basically, your making a factual
19 determination based upon the depositions and the evidence,
20 and then saying, "Based on what I think is the fact, he
21 fits into an emerging adult," correct?

22 A. I mean, I think that his patterns -- what I see
23 here are classic to emerging adulthood. And it makes sense
24 -- and it explains why he may have had an address at Rast,
25 especially if it was establishing credit or rendezvous.

1 But the pattern of behavior is very consistent
2 with of him staying -- going home, keeping his clothes
3 there, his friends coming there at the Brown Street
4 location to look for him, all those suggest that, that's
5 his -- where his home is.

6 **Q. And again so we're getting to you're looking at**
7 **the evidence and saying, "He lives at home." And this**
8 **theory of emerging adulthood explains the other documents;**
9 **is that correct?**

10 A. Well, it explains -- what it explains is that not
11 only the documents, but it explains his behavior of why his
12 family -- his mother, his father, his girlfriend and his
13 girlfriend's mother -- why they all seem to suggest that he
14 lives at home.

15 And it -- I think that emerging adulthood
16 explains, you know, why he -- why they're saying the Brown
17 Street location was his home. But it also explains why --
18 it seems like it would be inconsistent of why his address
19 would say something else.

20 That's where emerging adulthood has that erratic
21 aspect to it. And that's where it's that development stage
22 that explains for me, both aspects of the documents when
23 you weigh them together.

24 **Q. And you're weighing all the -- all these**
25 **documents and reaching a conclusion. But emerging**

1 **adulthood is not a methodology or a tool that's used to**
2 **establish where somebody lives, correct?**

3 A. It's one that talks about patterns of behaviors.
4 And for me, part of that behavior is: Where do you go home
5 to?

6 **Q. And I guess what I -- my question is: Is emerging**
7 **adulthood theory, or the studies, is it a methodology or a**
8 **tool designed to determine where somebody is living?**

9 **MR. WILLOUGHBY: Object to the form.**

10 A. So it's -- definitely, it's not one that has been
11 designed to just look at residence, per se.

12 **Q. That's right.**

13 A. It's the patterns of behavior. And for me
14 weighing it all -- it's just my expert opinion that it's
15 consistent with emerging adulthood, that all the patterns
16 of behaviors of having an address here but really living in
17 another location, that one seems to be very consistent.

18 **Q. What's your understanding of what -- of how many**
19 **nights a week he was living or spending at Brown Street?**

20 A. So I know that his mother seemed to suggest that
21 it was -- his mother seemed to suggest that it was two
22 days. And I think that his girlfriend's mother sort of
23 suggested sort of the same thing -- or sort of the weekend.
24 Maybe his father said that as well.

25 So I -- and, definitely, the girlfriend didn't

1 seem to -- seem to suggest that they stayed many nights
2 there. So I got the sense that it was not -- not even all
3 the time on the weekend, but sometimes on the weekend.

4 **Q. Is that Brown or Rast that you're talking about?**

5 A. Oh, Rast.

6 **Q. How often was he staying at Brown?**

7 A. So I got the sense that, definitely -- I mean, he
8 would go out of town at times for work, but then he would
9 come back and stay at Brown. So only -- the only times I -
10 - from my sense of reading the depositions, was that it was
11 the weekends that he may at times go there -- if he wanted
12 be with his child and Jessica, they would make an agreement
13 to go there, but not -- not there all time. So I got the
14 sense that a lot of the times when he wasn't working, that
15 he was at home.

16 **Q. Did you read where there was an indictment that**
17 **before his death, that his son Jaden really never spent any**
18 **time at Brown Street? Did you see that in the depositions?**

19 A. I think I did.

20 **Q. And did you see that now after his death, Jaden**
21 **spends multiple days of the week at Brown Street?**

22 A. I think I did read that.

23 **Q. Is that -- is that inconsistent with your**
24 **experience with familial relationships in youths, or young**
25 **adults that you've seen, where he would be -- you know,**

1 Jaden would have a daily, you know, three-times-a-week
2 interaction with the grandmother after the son's death, but
3 before the son's death he'd never even go over there if
4 that's where -- if that's where Vincent lived?

5 A. So after -- you know, death is one of those crazy
6 things that -- you know, the parent -- Vincent's parents
7 may -- that was their only -- maybe they would be closer to
8 Vincent just by seeing the son more -- his son more after
9 the death.

10 Q. But you don't have any knowledge. You're just
11 trying --

12 A. No.

13 Q. You're trying to reconcile the information,
14 correct?

15 A. Yeah, 'cause -- but again my -- and so as a
16 psychologist that's where -- that's where -- I mean, I
17 would be able to draw that conclusion that, that's possibly
18 what's going on there.

19 Q. Is it also possible, ignoring all these -- the
20 depositions, is it possible that Vincent had a more routine
21 relationship with Jaden at Rast, and then now that he's
22 passed away, Jaden has a more routine relationship at Brown
23 Street?

24 A. So I can't --

25 Q. Would that be consistent?

1 A. No. Because it's not -- 'cause his girlfriend
2 didn't seem to suggest that they stayed at Rast a lot. So
3 I don't know -- so you're saying his son Jaden had a
4 stronger relationship at being at Rast?

5 **Q. Well, what I'm saying is Jaden now spends -- I**
6 **think the testimony was at least three days a week at Brown**
7 **Street. Is that correct?**

8 A. I think so, yeah.

9 **Q. But beforehand, he never went to Brown Street; is**
10 **that right?**

11 A. Yeah. Yeah.

12 **Q. You would expect the amount of time that Jaden**
13 **spends at Brown Street with his grandparents to not be**
14 **substantially more than the amount of time he would have**
15 **spent with his father when his father was alive.**

16 **MR. WILLOUGHBY: Object to the form.**

17 A. I don't know if I would expect that, because I
18 don't have any expectations. But I don't -- so I don't
19 know the situation of why he wasn't at Brown Street before.
20 But again the psychologist and social worker in me would
21 -- there's an explanation for why the parents -- his
22 parents would be close and he would be spending time there
23 now. It could just be them feeling like they will have
24 some closeness to their -- their dead son.

25 **Q. And if he lived with Jessica, and they lived at**

1 **Rast, would that also be an explanation for why Jaden now**
2 **spends three days a week in Brown, but didn't before the**
3 **death? Would that be a reasonable explanation under the,**
4 **you know, universe of explanations?**

5 A. But then I don't -- I mean, I don't think -- for
6 me the psychological one makes more sense to me of why.
7 'Cause that one, I can see where grandparents may have a
8 stronger desire -- that -- for me that -- that explanation
9 works better for me, 'cause it just seems to make more
10 psychological sense.

11 If Rast were the residence -- even the
12 girlfriend's mother, she had only been there -- she said
13 she had only been there about three times. And clearly she
14 spent a lot of time with her grandson. And it would strike
15 me as strange that she would not be at the Rast Street --
16 Street location more if that were the residence. It seems
17 like she spent most of her time with Jaden at her own
18 house.

19 **Q. I guess what I want to get at is specific to the**
20 **question I asked, though. Would the fact, if it was true,**
21 **that Vincent and Jessica and Jaden lived together on Rast**
22 **Street, and spent a significant amount of time together, be**
23 **consistent with explaining why after Vincent's death now**
24 **all of a sudden Jaden spends three days a week at Brown**
25 **Street, when previously he never spent time there?**

1 A. I don't --

2 **Q. Would that be one of multiple, possible**
3 **reasonable explanations?**

4 **MR. WILLOUGHBY: Object to the form.**

5 A. So that one -- and so I can say -- first, I would
6 say I -- so I don't know. But, I mean, I guess that's
7 possible.

8 **Q. What are the indicators or markers that you view**
9 **for someone who's entered into a level of independence, I**
10 **guess, of what would be considered young adult as opposed**
11 **to an emerging adult?**

12 A. So again that independence would be where -- and
13 I think that you -- in one of your examples earlier you
14 sort of described some of that independence, where here
15 they are -- it's not like they are separating from their
16 family, but they're established -- they have established
17 something away from the home.

18 So, and then they -- they themselves are paying
19 their own bills, they're trying to develop -- they have
20 their own career, or they're developing that career. So
21 they're doing things where going home is not the first
22 instinct, or it's not -- their home really becomes this new
23 location that they're at.

24 **Q. And you said "going home," meaning going back**
25 **home to the parents versus their home being the new home**

1 **that they've established.**

2 A. Yeah. Parents or family, yeah.

3 **Q. So paying bills, developing a career,**
4 **establishing something permanent away from home.**

5 A. Yeah. Yeah. And again it's not so clear cut,
6 but -- but definitely what -- what I would say is young
7 adulthood is showing a lot more independence.

8 **Q. Sure. And young adults, even in the 1950s, and**
9 **certainly today, they still may have some financial support**
10 **from mom and dad, correct?**

11 A. Uh-huh. Yes.

12 **Q. And they may still spend time eating with mom and**
13 **dad, especially if you're in the same community.**

14 A. Yes.

15 **Q. Especially if you have a young kid and need**
16 **childcare.**

17 A. Yes.

18 **Q. That's very typical.**

19 A. Yes.

20 **Q. But, you know, paying their own bills and having**
21 **bills in their own name, that's an indicator of stepping**
22 **out in that direction, correct?**

23 A. Yes.

24 **Q. And certainly doing things like finally getting**
25 **off of mom and dad's car insurance is one of those**

1 indicators, right?

2 A. I think just, in general, establishing a lot of
3 things in your own name is a common thing for -- it's
4 showing a level of independence.

5 Q. Would it be -- and again I'm dealing with
6 generalities, but I'm also -- we're trying to deal with
7 facts in specific general -- and generalities -- specific
8 facts and generalities.

9 In your experience, is it typical for someone to
10 housesit and change their address on their license to where
11 they're house-sitting? Or would that be atypical?

12 A. So is it typical for them to be in a house and...

13 Q. To housesit. To be house sitting for an aunt and
14 change their driver's license to that address?

15 A. So, and you're talking about anyone in general?

16 Q. Well, again, you know, that's part of the
17 difficulty. We're dealing with the social science that
18 deals with generalities and dealing with specific facts,
19 right?

20 A. Yeah. So --

21 MR. WILLOUGHBY: Object to the form.

22 A. And so here are -- 'cause your question -- so I
23 don't know -- so if you're asking me -- 'cause in general -
24 - 'cause I mean, I have to look at development -- probably
25 more context needs to be added to your question. Because,

1 like, it's hard for me what's atypical unless I know more
2 about the social -- so even if it's not -- if it -- if it
3 were someone in the older adulthood or middle adulthood,
4 then definitely that gives me a little more context. So
5 I'm wondering what's going on here.

6 Or unless -- or are you asking me is it atypical
7 for someone that's 18 to 24 to have housesit, but then to
8 live somewhere else?

9 Q. Well, what I'm asking is -- and we can be
10 specific. Vincent changed his license at one point to 12
11 Center Street. At least some of the testimony in this case
12 has been that Vincent basically just housesat there and
13 stayed there a couple nights, didn't live there, never
14 established residency there, but his license is there.
15 Would you agree with me that, that's relatively atypical?

16 A. So I don't know if it's atypical for emerging
17 adulthood. So if you go back -- again just this notion of
18 this instability, and then talk about instability even in
19 where you're staying at, then that one may not be so
20 atypical for an emerging adult.

21 Q. How about this: Have you ever heard of emerging
22 adult, in all of your time studying youth, who changed
23 their driver's license to a place that they were house-
24 sitting maybe one night a week or two nights a week for a
25 few months?

1 **MR. WILLOUGHBY: Object to the form.**

2 A. So that one -- so I don't know all emerging
3 adults and I...

4 **Q. And of course I've got to deal with what you've**
5 **experienced and what you've been exposed to. Have you ever**
6 **been exposed to that set of facts before, before this case?**

7 A. So I mean, if I say in my own family? Or in my
8 own -- possibly, I do know of some people who would fall
9 into that category then.

10 **Q. Do you know of anybody specifically who does?**

11 A. That are in my -- like, extended family?

12 **Q. In your experience of professionally dealing with**
13 **studying and researching emerging adults or youths.**

14 A. No, I mean -- so I obviously -- in general -- so
15 I do know of situations where some people, there are
16 reasons why they may establish -- say that they live in one
17 place and they -- but then they're staying somewhere else.
18 I do know of situations like that.

19 **Q. Okay. Why? What are the reasons for that?**

20 A. Well, I mean, there -- there could be some --
21 sometimes the credit reasons why. But -- well, and there -
22 - I mean, obviously there could be multiple reasons. Some
23 of them could be illegal too.

24 **Q. Fair enough. For illicit reasons for hiding**
25 **location or whatever, there may be reasons for that,**

1 correct?

2 A. Yes.

3 Q. But we don't have any signs of Vincent being
4 involved in that sort of --

5 A. Definitely not.

6 Q. Do you find it unusual for Vincent to have
7 changed his driver's license to 12 Center Street, based
8 upon the testimony from his parents about what his
9 relationship was with that address?

10 A. So that one -- again he was -- I don't
11 necessarily -- I don't think so. When I think about
12 emerging adulthood, if I go back to identity exploration
13 again it could fit easily into that notion of "although I
14 don't live here, part of my -- while I'm staying here, even
15 house-sitting, I'm going to -- this is where I'm going to
16 say I am." But clearly his mail was still coming at --
17 going to his house, is my...

18 Q. What mail was going to his house versus what mail
19 was going to Rast Street? Have you looked at any --

20 A. That one I don't --

21 Q. -- pieces of mail --

22 A. -- know.

23 Q. -- going to his house?

24 A. I just -- that one I only know from the
25 depositions that I read. I don't know.

1 Q. You haven't seen pieces of mail, correct?

2 A. No.

3 Q. That's correct?

4 A. Oh, yes.

5 Q. Sorry. The way I ask questions sometimes, when
6 we read it on paper -- I know what you mean. But when we
7 read it on paper it will be confusing.

8 A. Yeah.

9 Q. And again of course, after 12 Center Street he
10 then changes his address to Rast Street on his license,
11 correct?

12 A. Uh-huh. Yes.

13 Q. And then he also changes his voter registration
14 for both of those properties over the years, correct?

15 A. Yes.

16 Q. Have you reviewed the -- have you reviewed any
17 statutes that deal with when an individual is required to
18 update their license or their registration for a vehicle?

19 A. I have not.

20 Q. Have you considered any of those in evaluating --
21 in formulating your opinions in this case?

22 A. No.

23 Q. There's a SAFE Federal Credit Union statement
24 that has the address of Brown Street on it. Did you read
25 in the testimony from Barbara Jackson, that this was the

1 account that she helped him establish in his youth?

2 A. I think I recall reading that.

3 Q. And that would be consistent in adolescence of
4 your parents getting you -- getting you to establish your
5 first checking account or bank account, correct?

6 A. I think that, that happens in adolescence.
7 Definitely.

8 Q. And then in emerging adulthood, or even young
9 adulthood, you may very well hold on to that bank account
10 down the road?

11 A. If you -- if you established it in -- in
12 adolescence, it's possible. Yeah.

13 Q. Sure.

14 MR. SAWYER: Off the record.

15 (Off the record.)

16 EXAMINATION RESUMED BY MR. SAWYER:

17 Q. All right. Tax returns, those sort of
18 significant documents sent to the federal government, are
19 those the sorts of things where typically if someone
20 resides with their parents in this emerging adulthood
21 stage, they're more likely to put their parents' address
22 than any other address?

23 A. It could be. Unless again it comes down to them
24 saying that, you know, they want to show that they're
25 establishing credit somewhere else.

1 **Q. And do you know if tax returns have anything to**
2 **do with them establishing credit?**

3 A. In their minds it could. I don't know.

4 **Q. As a factual matter, are you aware of any**
5 **connection that has to credit?**

6 A. No. As a factual matter, I don't. But in a
7 person's minds I can see how possibly they may think that.

8 **Q. Do you know how long he had this lease at Rast**
9 **Street?**

10 A. I can't recall if it's -- I can't recall.

11 **Q. You understand it was renewed at least once?**

12 A. Uh-huh.

13 **Q. Is that a "yes"?**

14 A. Yes.

15 **Q. And again for establishing credit, having it and**
16 **having had it establishes some credit if that -- if it in**
17 **fact establishes credit at all, correct?**

18 A. Yeah. So that shows that definitely if it's this
19 notion of establishing credit, it's showing that he wants
20 to continue doing it.

21 **Q. Or it could mean that it's for something beyond**
22 **establishing credit. Because if he's only establishing**
23 **credit, he doesn't renew it, correct?**

24 A. So that one I can't necessarily say. 'Cause,
25 again the pattern of -- I mean, I would think -- his mother

1 **establishing a household address, correct? That's one of**
2 **the possible things it could be?**

3 A. Possible. And another one could also show that
4 reliance on parents, and maybe not having enough money and
5 -- and, therefore, parents pitching in to helping out.

6 **Q. Sure. And in that reliance -- you can have**
7 **reliance and you can have parents pitching in even though**
8 **you live under a separate roof, correct?**

9 A. Yeah, that's true. It's just -- I guess my read
10 of this sort of suggests that in reality, even the scenario
11 that you just gave seems to -- the mother bringing milk
12 over there seems to suggest that there is more reliance on
13 the family and that dependance on the family more so than
14 living there.

15 **Q. What socioeconomic group does Vincent fall in?**
16 **Do you know? Have you --**

17 A. I don't know.

18 **Q. -- thought about --**

19 A. I don't --

20 **Q. -- an evaluation for that?**

21 A. I don't know.

22 **Q. So we can't really speak about generalities as**
23 **opposed -- for somebody who may be in a lower socioeconomic**
24 **status as opposed to lower middle class or middle class or**
25 **upper middle class. There's no -- we can't make**

1 **distinctions in this case, 'cause you don't have that data,**
2 **correct?**

3 A. No, I don't have the data.

4 **Q. Did you see the tax returns that were filed?**

5 A. I did.

6 **Q. And I think one indicated he may have been making**
7 **somewhere around \$27,000 a year; is that correct?**

8 A. Uh-huh.

9 **Q. Is that "yes"?**

10 A. Yes.

11 **Q. And that would be -- for a family of three that**
12 **would be what, lower middle class? Is that fair to say?**

13 A. I'm not up on the lower middle class or maybe
14 even -- working class or something like that.

15 **Q. Working class. Okay. And working class, if we**
16 **had that category, it's not unusual when you have working**
17 **class relatives who are in the same close community to show**
18 **that sort of interdependency even though they maintain**
19 **separate households.**

20 A. Yeah. So it's not unusual for them to show an
21 interdependence. But what happens for him, even if his
22 mother's paying his rent at times, that one shows more --
23 it's more -- not an interdependence as much as much as more
24 -- it's just a straight --

25 **Q. Dependence.**

1 A. Dependence, yeah.

2 **Q. But certainly if there's that level of straight**
3 **dependence, it's very unusual in that -- in that**
4 **socioeconomic class for someone to pay for someone to have**
5 **a fully separate apartment as opposed to saying, "You're**
6 **moving in with me, I'm not paying your rent." Right? In**
7 **terms of which one's more common.**

8 A. Yeah. I mean, I would think that -- yeah, you
9 would think that they would move in. But as you said
10 before, Jaden -- he didn't -- he wasn't at the mother's --
11 or his mother's house.

12 **Q. Exactly. And that's part of my whole point. Did**
13 **you review the personnel records that Mr. Jackson completed**
14 **just a few days before his death?**

15 A. I reviewed all the documents, but I -- can you
16 refresh my --

17 **Q. Sure. So if you'll go to the ones that say**
18 **Jackson-000028 through -32. A couple of them are -- one of**
19 **-- the first one I think is dated January 8th, and then the**
20 **other ones are dated January 14th, I believe, of 2014.**

21 A. Uh-huh.

22 **Q. And those would have been just days before Mr.**
23 **Jackson's death, correct?**

24 A. Yes.

25 **Q. And all of these documents, you agree, list the**

1 **Rast Street apartment and not his parent's address?**

2 A. Yes.

3 **Q. And that includes a document with DHS that**
4 **actually has reference to things like perjury and so forth?**

5 A. Yes.

6 **Q. Okay. Or under penalty of law, I think it says**
7 **penalty of perjury. And there's an enrollment for plans --**
8 **or a denial -- you know, a rejection of enrollment into**
9 **different benefits on Exhibit K Jackson-000032. And when I**
10 **say Exhibit K, not an exhibit to the deposition but exhibit**
11 **to your -- you know, it's listed as that in your file. And**
12 **again that one also has the Rast Street apartment.**

13 A. It does.

14 **Q. And where someone gets their mail again with this**
15 **-- you talk about this sort of instability, over and over**
16 **and over again about emerging adulthood. A common factor**
17 **in emerging adulthood due to this instability is things**
18 **like mail they may choose to have sent to a stable address,**
19 **because there is instability with where they are currently,**
20 **correct?**

21 A. Yeah. And also if -- again that's where they
22 live, they know that, that's where they always will go back
23 to.

24 **Q. Exactly.**

25 A. And the other part -- part of that instability

1 may be where they're maybe going for, like, a rendezvous or
2 something, that one maybe less stable.

3 **Q. That's right. So lots of times switching**
4 **addresses for formal things is one of the later steps of**
5 **establishing that independence, correct?**

6 A. Yeah. Yeah.

7 **Q. If we look at least under Arnett's discussion,**
8 **not necessarily at all the other studies -- but all I've**
9 **got is Arnett's, of course, so I'm kind of -- I didn't**
10 **research everything. I don't have access to the databases.**
11 **But at least under Arnett's discussion of this concept of**
12 **emerging adulthood, and why we see it as opposed to the**
13 **1950s experience, Vincent doesn't really fall neatly within**
14 **Arnett's discussion of why we see emerging adults. Is that**
15 **fair to say?**

16 A. Yeah. So it's more -- so again Arnett is one of
17 -- yeah.

18 **Q. It's what I've got.**

19 A. So I mean, I think that it's probably better to
20 think of the social environment -- what social
21 environmental factors that may be at work and why Vincent
22 does actually fit into it. So Arnett is -- the patterns
23 that Arnett described that are consistent with researches,
24 these stages right here, this identity exploration,
25 instability, those are the things that are common.

1 patterns that sort of suggest that some thing's may be
2 important to that person.

3 **Q. Sure. But you're going to first ask -- or at**
4 **least if you have the ability to ask them, right?**

5 A. Yeah. Definitely, if I -- yeah, if I had the
6 opportunity, definitely I could ask.

7 **Q. And we can't ask Vincent. But we can look at**
8 **documents that he completed for where he viewed his**
9 **residence, and every document we have right now with his**
10 **handwriting or his name on it, that he created or signed,**
11 **those all say that he thought he lived at Rast, right?**

12 **MR. WILLOUGHBY: Object to the form.**

13 A. So here again this is where consistent emerging
14 adulthood -- the paperwork says one address, everything
15 about his -- all of his clothes mainly being at his
16 parents' house, the Brown Street location, the very fact
17 that he was still paying bills also at the Brown Street
18 location --

19 **Q. Which were not in his name, correct?**

20 A. Yeah. But, still, so paying bills -- so other
21 things that are -- a lot of things seem to suggest that
22 Brown is his location, his place of residence. And the
23 very fact that you see these documents when it comes to
24 identity, it sort of suggests that, that notion of
25 transition -- you know, he wants to be this person who is

1 showing responsibility in establishing his credit, but at
2 the same time he can't breakaway from his family.

3 Q. Well, we see a lot of signs of that in
4 responsibility, correct? I mean, he's got a job where he's
5 working and traveling, and he's got a trade that gives him,
6 you know, a pretty good income, correct?

7 A. So he -- a pretty good income, yet he still --
8 his mother also pays the rent at times and...

9 Q. You're assuming that -- assuming her testimony is
10 true, correct?

11 A. Yeah. So he pays rent at times, but then his --
12 you're saying that these are showing that Rast is his -- is
13 his residence, but then his clothes are at the Brown Street
14 location. When he comes back into town, he goes to the
15 Brown Street location.

16 Q. Well, let's get back to, I guess, the question I
17 was asking which is: What he says in writing, the thing --
18 you know, we can't ask him, but we can look at what he
19 wrote before his death, and all of that evidence says "I
20 live at Rast Street," correct?

21 MR. WILLOUGHBY: Object to the form.

22 A. So the written part suggests Rast --

23 Q. That's my --

24 A. -- in totality. Yet for me -- but as for my
25 expert opinion, if that's what you want, then I have to

1 weigh all of the evidence.

2 Q. And I know what your opinion is. I'm asking
3 specific as to his written statements, they all say Rast --

4 A. They do.

5 Q. Are you aware of any written statements that say
6 otherwise close in time to his death?

7 MR. WILLOUGHBY: Object to the form.

8 A. No. I mean, as I said, I think some of it looked
9 inconsistent. But you're right, those definitely seem to
10 suggest Rast.

11 Q. Are you aware that he was arrested shortly before
12 his death?

13 A. Did I read that? That one I'm sure -- if it's in
14 here, I'm sure I read it. I can't recall it right now.

15 Q. And you didn't read the deposition of the -- of
16 the Sumter County jail or police department about what
17 address he gave during booking?

18 A. I did not read a deposition from them.

19 Q. So you just don't have any information about
20 that?

21 A. Uh-uh.

22 Q. And have you seen the booking sheet to know which
23 address he gave when he was arrested to law enforcement?

24 A. Well, I mean, again if it's in here, I may have
25 seen it. But I can't recall.

1 **Q.** Speaking in generalities from emerging adulthood,
2 the theory as a whole, it's more typical as opposed to less
3 typical, more typical of people who have the opportunity to
4 go to college, correct?

5 **MR. WILLOUGHBY:** Object to the form.

6 A. More typical -- say it again one more time.

7 **Q.** In terms of people who experience this emerging
8 adulthood experience as opposed to sort of jumping into
9 young adulthood from adolescence from, say, high school,
10 it's more typical -- the people who experience this
11 emerging adulthood more typically people who go to college,
12 correct?

13 A. So emerging adulthood is a stage -- it's a
14 developmental stage that's out there, that's common across
15 all -- so all individuals. So it's not -- so obviously all
16 of them don't go to college. So I can't say that it's
17 typical -- emerging adulthood is not one that's just --
18 it's a -- it's a -- just like adolescence is a
19 developmental stage that applies across the board.

20 **Q.** And maybe I misunderstand what at least Arnett
21 says, but emerging adulthood wasn't really a developmental
22 stage, say, in the 1950s when societal experiences were
23 different, correct?

24 A. So it's now the reason -- and it's so -- even the
25 book that I -- we teach in -- in our college, The Human

1 Behavior and the Social Environment has -- has it as one of
2 the -- one of the developmental stages. So it's now -- it
3 became -- it's a category of realizing that weighed -- you
4 know, what researchers are saying about these developmental
5 stages, but there seems to be yet another one. And that's
6 where -- well, Arnett coined term and then research focused
7 on this issue, and it is now seen as one of the
8 developmental stages.

9 **Q. That's right. But what I'm trying to get at is**
10 **at least the way Arnett describes it is this is not a**
11 **developmental stage that's always been there, it's a**
12 **developmental stage that has been added to because society**
13 **has created this period of life where people who graduate**
14 **from high school don't have to jump into adulthood, they**
15 **can have this period of instability till their sometimes**
16 **late 20s, because of changes in society that weren't in**
17 **place in the past, correct?**

18 **A. Yeah. And so -- but your question about college,**
19 **though -- when I say they're universal -- the developmental**
20 **stages are universal, they're going to apply to anyone --**
21 **so you don't have to go to college at all, some other**
22 **patterns of your behavior that may show this instability,**
23 **but there's this reliance on the family, but it doesn't**
24 **have to be college-focused.**

25 **Q. And that's why I was saying more typical. We**

1 have to go with more typical versus less typical. We can't
2 talk about specifics, 'cause again as you've said this is
3 all -- there's no standardized approach to it, correct?

4 MR. WILLOUGHBY: Object to the form.

5 A. Yeah. So the more typical I -- I have a hard
6 time saying something like college, because I don't think
7 that -- it's hard for me to say that more typically
8 everyone goes to college.

9 Q. How about -- how about more typical for those who
10 will not have children before their late 20s?

11 A. Even then that's -- it's still tricky.

12 Q. How about more typical for those who don't enter
13 into a trade?

14 A. And so -- 'cause I still think that -- probably
15 my problem with each of those questions is that -- I think
16 that for me I have to see patterns. More -- more than just
17 one behavior. 'Cause one behavior itself I can't -- it's
18 the social sides to me that will pause at just saying is it
19 more typical of whom and in what situation. So I have to
20 think about a more complex situation.

21 Q. Do you disagree with Arnett sort of categorizes
22 in this NOBA project document that's in your file?

23 A. So what I think that I agree with Arnett is that
24 definitely there's this, established now with other
25 researchers, this other developmental stage that's there.

1 And it's in other -- a lot of textbooks as well. And these
2 patterns are what I agree with.

3 Some of the other stuff I -- I don't look at as
4 much, because there's so much more research out there. But
5 the patterns have hold -- they hold true. And that's why I
6 keep talking about patterns of behavior.

7 **Q. Sure. So one thing he says on the first page of**
8 **this document that you printed is, "In developing countries**
9 **although today emerging adulthood exists only among the**
10 **middle class elite it can be expected to grow in the 21st**
11 **Century," that would be something that you disagree with,**
12 **it sounds like, correct?**

13 A. Because now as I said -- so if you look at -- so
14 social work, the master program require -- or the bachelor
15 program also requires this course "Human Behavior and the
16 Social Environment." It's a theory course. And
17 developmental stages are looked at.

18 When you look at textbooks, and now they have
19 emerging adulthood as one of the developmental stages, you
20 know that research has gone beyond just thinking about
21 middle class, in saying that all class groups that you look
22 at you see these patterns.

23 And they don't have to be tied up -- so
24 instability doesn't have to be tied to college or other --
25 but instability could be in other forms -- it's manifested

1 in other forms.

2 **Q. So generally you disagree with that statement in**
3 **his -- in this NOBA project then.**

4 A. I'm saying I -- I guess I say that research has
5 gone beyond that now to say that it's more universal, that
6 it's not just middle or adulthood.

7 **Q. But you're not referring to any particular**
8 **research, article, paper; you're just saying in general,**
9 **all the research says that?**

10 A. So I'm saying that so when you look at a
11 textbook, like a textbook that we use in our college, and
12 then it talks about developmental stages, emerging
13 adulthood is one of them. And it's not talking about it as
14 being specific to middle class. And that's why I'm saying
15 that research has gone beyond the initial writeup.

16 **Q. Generally, Arnett talks about this general idea -**
17 **- the big picture of the most distinctive characteristic of**
18 **emerging adulthood is that it is the age of identity and**
19 **explorations, that is it is an age when people explore**
20 **various possibilities in love and work as they move towards**
21 **making enduring choices, correct?**

22 A. Yeah. So, and it's one where -- and as I said --
23 so he writes it up this way, and then all the researchers
24 talk about this notion of instability and how -- and where
25 is that instability manifested. So as I said before -- so

1 the page -- which page that we were on --

2 Q. We're on page 4 of 18. If you're looking at the
3 page numbers, the very opening two sentences, I believe.
4 That's consistent with what you're talking about.

5 A. So the identity and exploration is there and
6 -- and the notion of why that exploration deserves that
7 part of it -- 'cause identity comes straight out of
8 adolescence before that. All the research talked about
9 adolescence is where identity formation occurred. This
10 notion of exploration is just this notion of the comfort of
11 still being home but exploring more.

12 Q. Sure. But what we see in Vincent is he's not
13 exploring different love opportunities, he's in a -- he's
14 in a persistent, monogamous relationship with a child,
15 correct?

16 A. Yeah. But so -- but -- but so then it becomes
17 but what's that exploration? It could be more of where.

18 Q. And I guess that's what I'm getting at. It's
19 definitely not in love, right? We don't have any evidence
20 of any exploration in love at this point in his life.

21 A. Yeah. Yeah. Yeah.

22 Q. And we don't have any evidence of exploration in
23 terms of jobs. He's a welder -- he may work for different
24 employers through temp or, you know, employment agencies,
25 but he's a welder and has been one for -- since 2009, I

1 **think. Is that right?**

2 A. Uh-huh. Uh-huh.

3 **Q. Is that a "yes"?**

4 A. Yes.

5 **Q. So he's got stability in job and in love,**
6 **correct?**

7 A. Yeah, so -- so here -- and I'm going to go beyond
8 Arnett. Because I think that to take those two phrases is
9 thinking -- that's not all of identity exploration. So let
10 me -- I'll give you another one. So identity is who am I,
11 how do I define who I am? If I say that I am a family man,
12 and I'm establishing a family, yet I still rely so heavily
13 on my parents, that's this notion of an exploration. I can
14 define myself this way, but then at the same time knowing I
15 still have the comfort of my family, my parents.

16 So it's this -- I don't think that to be stuck on
17 these two words is -- because I think that they too
18 narrowly define what identity exploration is. Identity
19 comes with how you define yourself. And it doesn't have to
20 just be in a relationship. Arnett has it here, but if you
21 were to look at other research you would see that identity
22 really comes down to this question of who -- who am I
23 defining myself as.

24 **Q. Is there any research dealing with identity as a**
25 **matter of residency?**

1 A. So not residency -- well, here I can't say.

2 **Q. Are you aware of any research?**

3 A. So I don't -- I don't -- no, 'cause I -- that's
4 not something -- but I am a person that studies identity,
5 and I know that it comes down to -- so residence can be
6 very much about -- well, even in my own research, looking
7 at violence in neighborhoods I look at how a place becomes
8 important to you and that -- and identity. So I know that
9 identity can be very much tied to a place.

10 **Q. Sure. But that doesn't -- again identity and**
11 **being tied to a place, none of that answers a question of**
12 **where somebody lives at any particular date or particular**
13 **time, correct?**

14 A. No. So again how -- why I draw that conclusion
15 is more -- it's the totality of it all. And that emerging
16 adulthood describes and may -- sort of explains why what
17 you're describing as the paperwork versus the depositions
18 that seem to suggest something else, emerging adulthoods
19 suggest that, that's seems very consistent as sort of that
20 classic pattern.

21 **Q. So it's a -- it's your way of justifying the**
22 **apparent inconsistencies?**

23 A. Well, it's my way of saying that definitely this
24 theory in this developmental stage explains why it's not so
25 stranger, not so strange at all. It seems to be

1 consistent with people that fall into the -- in this
2 developmental stage.

3 **Q. In the 1950s what would be consistent with**
4 **someone going into early adulthood from adolescence would**
5 **be a stable job, a committed relationship, and being in**
6 **their own household. Is that -- is that fair to say?**

7 A. So possibly. And -- and -- and even then I say
8 "possibly" because -- you know, if you take -- take out
9 race and all these other factors that may play a role, then
10 possibly.

11 **Q. Although, for those three things even across most**
12 **-- at least in America, even across most races that would**
13 **be an indicator of someone having reached adulthood, right?**

14 A. Definitely in the 1950s, those were consistent
15 with the developmental stages.

16 **Q. And even today if someone's established a home, a**
17 **steady profession, and a monogamous and long-term, stable**
18 **relationship -- especially today 'cause marriage is out the**
19 **door, so that's a -- those are the only factors, that's a**
20 **sign of adulthood today, correct?**

21 A. I mean, it's one where I -- if I'm talking in
22 terms of developmental stages 'cause they -- you know,
23 there's early adulthood -- I mean, there's multiple levels
24 of adulthood. I would say that -- I won't definitively say
25 that, just simply because -- again if there -- you can have

1 that at 18, what you just described, and still that person
2 would fall into that emerging adulthood. They just aren't
3 fitting the pattern of...

4 Q. But that person's less likely to be a resident of
5 their parent's home, even though they are an emerging
6 adulthood, correct?

7 A. Yeah. The one that you just described, yeah.

8 Q. I think we're getting close to the finish point
9 here. Do you need to take a break?

10 A. I'm fine.

11 Q. You're good. Okay. Great. I think we've dealt
12 with a lot, so I just want to make sure I go through a few
13 things. You haven't applied any specific methodologies to
14 reach your conclusions today, correct?

15 A. I have not.

16 Q. You haven't applied any specific statistics or
17 measurable inputs to reach your conclusion today, correct?

18 A. No.

19 Q. Is that correct?

20 A. Yes.

21 Q. You haven't applied any particular peer reviewed
22 studies to reach your results today, correct?

23 A. No. What I've applied is that my own expertise
24 in knowing this, and then teaching it, that's a -- but not
25 looked at any particular empirical studies.

1 **Q. You haven't applied any recognized standards or**
2 **tests to reach your opinions today, correct?**

3 A. No.

4 MR. WILLOUGHBY: Object to the form.

5 **Q. That's correct?**

6 A. Yes.

7 **Q. The methodology that you've used to reach the**
8 **result here is not one that's peer reviewed, correct?**

9 MR. WILLOUGHBY: Object to the form.

10 A. So my expertise is -- again relying on my
11 expertise I -- so I mean, I -- I know I didn't say it
12 before, so, like, the University of Michigan's School of
13 Social Work is the number one program in the nation --

14 **Q. Sure.**

15 A. -- their social psych program is the number two
16 program in the nation, and so it's my training from that
17 and what I know about the research and having done research
18 in the area, and then having taught it, that's what I'm
19 relying on.

20 **Q. But there's no particular peer reviewed**
21 **methodology that you're applying to do this.**

22 A. No. No.

23 **Q. That's correct?**

24 A. Yes.

25 **Q. An in terms of if someone else were to approach**

1 these facts, it's not like there's a standard repeatable
2 method that they would take. Based upon what you took,
3 they would take their own -- you know, someone in your same
4 field and your same training would approach it without any
5 standard approach as in comparison to how you did, correct?

6 MR. WILLOUGHBY: Object to the form.

7 A. So I think that -- so social sciences, if you're
8 talking about a developmental psychologist or social
9 psychologist/social worker, what they would gravitate for,
10 I would think, would be looking at developmental patterns,
11 and then looking at the patterns of behaviors that are
12 consistent with certain developmental stages.

13 Q. Are there any particular rules you followed in
14 reaching your results?

15 A. Any rules?

16 Q. Yeah.

17 A. No.

18 Q. Your opinions today depend in large part upon the
19 testimonies of Jessica Wilson, Barbara Jackson, Daryl
20 Jackson, and Marilyn Wilson; is that fair to say?

21 A. So my opinions I -- again I looked at the
22 depositions, the paperwork, and then used my own expertise
23 in understanding the developmental stages and emerging
24 adulthood to draw my conclusion.

25 Q. How about this: Would you have reached this

1 conclusion if you didn't have the depositions of Jessica
2 Wilson, Barbara Jackson, Daryl Jackson, and Marilyn Wilson?

3 A. It would have made it more difficult.

4 Q. Fair enough. You're aware that Jessica
5 considered herself to be engaged with Vincent? Did you
6 read that?

7 MR. WILLOUGHBY: Object to the form.

8 A. I'm trying to think did I read that. I can't say
9 it -- I may have read it. I just can't remember it.

10 Q. Does that have any significance in your
11 evaluation of factors that you've looked at to create your
12 opinions in this case?

13 A. That she considered herself engaged?

14 Q. Uh-huh.

15 A. But then -- so again I still think that even that
16 fact will -- I will argue that it's very consistent with
17 emerging adulthood. Because if she's engaged -- and again
18 I can't recall if I read that or not, that one didn't so
19 much influence me.

20 But where I would think that -- if it were
21 someone in a -- in a later developmental stage, where
22 definitely I may think they're establishing some residency,
23 but the totality of all that I saw here suggests that there
24 was this erraticness of all of it, where he seems to be
25 living at home. She's living at her mother's place.

1 **Q. So in the totality of all the things you're**
2 **considering, but in terms of a factor -- a specific factor,**
3 **that would be more of a sign of establishing separate**
4 **residence, right?**

5 **MR. WILLOUGHBY: Object to the form.**

6 A. Well, it's -- for me it's a sign of -- it goes
7 back to an identity thing.

8 **Q. And that would be the identity of independent**
9 **adulthood, correct?**

10 A. Yeah, or -- or being an identity of trying to
11 become -- you know, establish a -- like, a more committed
12 relationship with this person that you're with.

13 **Q. And you saw that she testified that the reason**
14 **she believed that Vincent got the Rast Street apartment was**
15 **so that they could establish a family, right?**

16 A. I saw that -- she did say that.

17 **Q. So at least there's an intent there to do so,**
18 **correct?**

19 A. But the behavior seems to be inconsistent with
20 what the intent was.

21 **Q. Sure. But the intent is another factor that**
22 **falls into a different category from the totality of the**
23 **conclusions you're reaching, correct?**

24 A. No. So the intent -- again very consistent, so
25 if you think -- so I think -- I said more than once that

1 this transition period of the intent of wanting to
2 establish credit, but then relying on parents, the intent
3 of wanting to get married but still living at home -- so
4 it's -- that's where I would say it's still very consistent
5 with the emerging adulthood.

6 And I would think even with it -- I think there
7 are other patterns in here that fit that same pattern of
8 the intent to do one thing, but then the behavior suggests
9 something completely different.

10 **Q. And there's a point -- even in emerging adulthood**
11 **there's this instability, but there's not a magic point**
12 **when all of a sudden you say "I'm stable now." At one**
13 **point when they move out of mom's and dad's house, they**
14 **don't ever come back, right?**

15 **A. Of course, yeah.**

16 **Q. Sure. So there's a point where that's going to**
17 **happen at 24, 27, 29. We just don't know in terms of a**
18 **generality applying the rules, but in terms of -- you know,**
19 **you have to look at specifics to reach that point, correct?**

20 **A. So the only specifics I have is the information**
21 **that I have in front of me. And definitely the point --**
22 **they didn't seem to be at that point of having a residence**
23 **somewhere else.**

24 **Q. Did you look at the temporal proximity, the**
25 **timing between Center Street, and then getting the**

1 apartment at Rast?

2 A. I looked at it, but I can't recall it right now.

3 Q. If Jessica testified that she and Vincent moved
4 out of Center Street when they had the baby, and then
5 within a very short period of time they went under a lease,
6 or he got a lease for Rast with her name on it, would that
7 be more indicative of establishing an outside presence and
8 residence?

9 A. So again it goes back to this intent -- clearly,
10 that's the intent.

11 Q. And there's also the practice, right? I mean,
12 we're not only talking about "we intend, we think we're
13 going to apply," they actually went and got a new
14 apartment, right?

15 A. So -- so that -- so I say intent and practice.
16 But then the behaviors that follow that were -- so the
17 mother's helping pay the rent and he's still spending most
18 of his time at his house, she's spending most of her time
19 at her mother's house, so that's where I go back again to
20 this notion of the intents there. The behavioral patterns
21 are very different, which that's where -- both of them
22 really, I keep talking about Vincent, but Jessica's
23 behavior also seems to be classic to emerging adulthood.

24 Q. But getting an apartment -- not opposed to
25 talking to it, but they're actually -- they're talking

1 about getting it, that's an action -- that's behavior
2 that's consistent with establishing something separate,
3 right?

4 A. So it is. But when I say that -- so even if I
5 say that it's identity saying that you have a location, but
6 it's more behaviors not -- you know, you don't just think
7 about one aspect. There's other behavioral --

8 Q. Sure. You're talking about the totality.

9 A. Yeah.

10 Q. I'm trying to talk about -- 'cause, you know,
11 totality's made up of individual items, right?

12 A. It is.

13 Q. That's another individual item that's consistent
14 with establishing a permanent outside residence, correct?

15 A. Yeah. Yeah.

16 Q. And especially when you're talking about going
17 from one location outside of the home, where you've gotten
18 a license and registered at, to a new location outside the
19 home, directly from one to the next, and registering,
20 getting your license, voter registration, everything else
21 there, that's a pretty strong action in terms of factors,
22 and that's another one of those facts that falls in the box
23 of establishing an outside residency, correct?

24 A. So the only -- but so that's an action. But then
25 the actions that are even more consistent are -- 'cause one

1 thing that I would expect even if I say -- divorce myself
2 from my expertise and say just as a -- just a common sense
3 thing is clothes being in an apartment, that just seems to
4 make sense. Even the basic thing is not there.

5 And that's where I go back to this notion of then
6 there's this -- whether it's identity exploration or just
7 this intent to want to be there, but then the true home for
8 her is with her mother and his true home is with his
9 parents at the Brown Street location.

10 **Q. Did you see where Jessica said that he kept food**
11 **in the refrigerator?**

12 A. So in --

13 **Q. At Rast Street.**

14 A. Okay.

15 **Q. Did you see that?**

16 A. I can't remember it. But how much -- yeah.

17 **Q. That would be consistent again with establishing**
18 **something there, correct? That's another fact -- if we're**
19 **looking at the totality, we're looking at specific facts,**
20 **that's another specific fact for establishing something**
21 **there, correct?**

22 A. So then -- so his mother said that -- 'cause
23 Jessica said that their residence was not there.

24 **Q. But Jessica said that he kept -- I'm asking about**
25 **a specific item of Jessica's testimony, which was that he**

1 A. So I know his mother said he spends a lot of his
2 -- most of his time there, and that's where his residence
3 was. Definitely when he was not working -- out working --
4 'cause he said that he was at home. And then at times on
5 the weekend he would go to his -- the Rast Street address.
6 But I didn't get the sense that, that was even every week.

7 **Q. That's how you read the depositions?**

8 A. Uh-huh.

9 **Q. Is that a "yes"?**

10 A. Yes.

11 **Q. If the testimony was that he would be gone at**
12 **work all week, and he'd be in just on the weekend, coming**
13 **late at night and spend the night at his parent's house and**
14 **then spend Saturday and Saturday night at Rast Street, and**
15 **then Sunday night before going to work with his parents,**
16 **and knowing that he might drive to and from work with his**
17 **dad because they similar work locations, would that give**
18 **you any clear indication as to where his residency is?**

19 A. Well, so what gave me clear indication is that
20 again -- so his mother said that his residence -- and
21 father, they both said his residence was the Brown Street
22 location. Then his girlfriend and her -- her mother said
23 the same thing. But again his tools were at the Brown
24 Street location.

25 **Q. Which he would sometimes go to work with his dad,**

1 so it would make sense to travel and keep the tools where
2 he's traveling, right? He doesn't need those at home, does
3 he?

4 A. Then so his tools are there, but then all of --
5 most of his clothes being there.

6 Q. Well, and how -- do we know anything about those
7 clothes?

8 A. Well, I know that -- what I do know is that
9 Jessica and -- I think it was her mother also -- definitely
10 Jessica, two of them said that he had around two or three
11 pairs of pants and shirts at the Rast location, and the
12 rest were at the Brown location.

13 Q. That's all we know, right?

14 A. Yeah. But that one -- when you -- for me that's
15 just one piece of the evidence. But taking all of it in --
16 clearly what I -- what I have is paperwork that would
17 suggest that when he died, a lot of the paperwork has Rast
18 Street.

19 But then a lot of the behavioral things would
20 suggest that, in fact, he was at the Brown Street location.
21 And that's where, for me as a social psychologist and
22 social worker/researcher and a person who teaches it, where
23 emerging adulthood comes into play thinking -- explaining -
24 - what's explaining this pattern here.

25 Q. And, generally, when you're looking at emerging

1 adulthood, kids who stay and live with their parents, one
2 of the -- one of the general characteristics of that is
3 that they're saving up money to eventually go out on their
4 own. That's one of the general characteristics, even
5 though it may not be specific to every individual. Is that
6 fair to say?

7 A. So maybe -- 'cause again socioemotional is
8 another thing, so it's not just -- you're talking about a
9 financial thing. But if there's a socio-emotional reason
10 for wanting to stay, then that's another reason why they
11 may stay.

12 Q. And even the ones who are under that socio-
13 emotional, though, it's general -- often for them to save
14 up that money, right?

15 A. Yeah. So they can save the money, or even
16 developing a stronger sense of, you know, who they are and
17 wanting to come out. 'Cause their parents -- it may be
18 something more psychological that the parents are doing for
19 them that they are staying there, but...

20 Q. But even for those -- even for that category
21 people typically --

22 A. Of course.

23 Q. -- they're saving money they're earning, right?

24 A. Yeah. Yeah.

25 Q. We don't have any evidence here of Vincent saving

1 money that's he's -- when he's staying with his parents.

2 In fact, quite to the contrary, he's paying for a separate
3 apartment with utilities and cable, correct?

4 A. Well, I mean, I don't have -- I mean, I know he's
5 paying also at Brown Street as well.

6 Q. What all was he paying at Brown Street?

7 A. Well, I got -- well, I know his mother said that
8 it was just a rule that anyone who stayed there had to pay.
9 And the very fact that he was paying something -- I think I
10 read it was the -- the internet was one of things that he
11 was paying.

12 Q. Water and internet?

13 A. I can't remember water. But it very well could
14 have been. But then the Rast Street address, he didn't
15 have internet.

16 Q. But he had cable.

17 A. Yeah.

18 Q. And paying for something extra like cable, that's
19 fairly inconsistent with someplace he didn't stay, right?

20 A. No. Well, not when his mother also helped him
21 pay.

22 Q. Well, did she ever say she paid for any of the
23 utilities?

24 A. Well, I mean -- well, paying the rent -- paying
25 some of the rent is big enough.

1 **Q. For someone in the working class it would be**
2 **unusual to pay for an apartment to stay at part-time; is**
3 **that fair to say?**

4 A. I don't know. I mean, I don't -- that, I don't
5 know.

6 **Q. You just don't have an opinion, one way or the**
7 **other?**

8 A. 'Cause it's hard -- 'cause I think that there are
9 multiple things that may come into play for why a person
10 may be -- clearly even for him, he didn't seem to be able
11 to pay it all the time.

12 **Q. But when he's got the money, he's paying for the**
13 **apartment and not putting that money towards something**
14 **else, right?**

15 A. Yeah. Yeah.

16 **Q. And that's relatively unusual for someone in a**
17 **working class, right?**

18 A. That, I don't know.

19 MR. WILLOUGHBY: Object to the form.

20 **Q. We talked about this a few times, the idea that**
21 **an emerging adult can live outside of the home and live**
22 **under a separate roof, right?**

23 A. You said "can"?

24 **Q. Yeah.**

25 A. Definitely, I think that part of that instability

1 is that they experiment with different places outside.

2 **Q. And during those periods of experimentation**
3 **they're living outside of the home under a separate roof,**
4 **right?**

5 A. Yeah. Or at least staying -- I don't know how
6 they may be defining it in their minds.

7 **Q. In terms of actuality, they're sleeping under a**
8 **different roof, right?**

9 A. Uh-huh. Uh-huh.

10 **Q. "Yes"?**

11 A. Yes. Yeah.

12 **Q. So whether someone's an emerging adult doesn't**
13 **actually help us answer the question of where somebody is**
14 **spending their nights, does it?**

15 A. No. I mean, part of -- I mean, I -- when I talk
16 of -- when I think about where he was spending his time, I
17 go by the evidence that I've seen.

18 **Q. Exactly. Which is the evidence, not the theory**
19 **of emerging adulthood, correct?**

20 A. No, the theory of emerging adulthood explains why
21 he's at home, the Brown Street location, and then why he
22 would be putting his address as something else.

23 **Q. But it doesn't actually answer where he's**
24 **staying, correct?**

25 A. The theory itself doesn't.

1 **Q. And in fact no methodologies or anything you're**
2 **applying help answer the question of where does he lay his**
3 **head at night.**

4 A. Now, for me it's just the totality of all the
5 information, and then my expertise in understanding
6 developmental stages that makes it more consistent that he
7 was spending the night most -- most of his nights -- or he
8 spent most of his nights at the Brown Street location.

9 **Q. And a jury's going to look at the totality of the**
10 **evidence and make a decision as to where he's spending most**
11 **of his nights as well, right?**

12 **MR. WILLOUGHBY: Object to the form.**

13 A. Sure.

14 **Q. And you don't need special training to make that**
15 **determination; you're going to look at the evidence and**
16 **say, "Well, where does he spend his nights and what does**
17 **the evidence say," right?**

18 **MR. WILLOUGHBY: Object to the form.**

19 A. So for me my -- what I think that -- trying to
20 understand the pattern, that's where -- I don't know what a
21 jury would know or wouldn't know. But I do know the area
22 of social psychology and I -- and these developmental
23 stages and then emerging adulthood.

24 And for me, how I've drawn the conclusion is more
25 based on -- on that more than -- how I make sense of the

1 evidence is just seeing the totality and understanding that
2 it fits perfectly with the -- with the pattern of emerging
3 adulthood.

4 Q. So your approach is, assuming that all of the
5 depositions are true, and he's staying with his parents and
6 yet assuming of course that there's these documents that
7 are there, then assuming that those are true and that he's
8 spending his nights at his parents, then emerging adulthood
9 explains that assumption, or explains why that assumption
10 can apply, correct?

11 A. So, yeah, merging adulthood explains his pattern
12 of behavior and -- and of course I could -- again the
13 pattern of behavior that I see from all the evidence that I
14 -- that I read.

15 Q. But if we assume that he was living in Rast
16 Street, and living with Jessica and Jayden and paying for
17 the bills at Rast Street, and had all these documents in
18 his name, if we didn't assume that these depositions were
19 true, then you would just say, "Well, he's a young adult
20 versus an emerging adult."

21 The assumption is critical for the conclusion
22 that there's -- that he's an emerging adult, correct?

23 MR. WILLOUGHBY: Object to the form.

24 A. So to the first part of your question I can't --
25 you maybe can't even rephrase now. But I -- it was said if

1 we assume?

2 Q. If we assume that he lived at Rast Street with
3 Jessica and with Jayden, and that, that's where he has his
4 name, his documents, his insurance, his car, all that
5 stuff, if that's true and we don't assume that the
6 depositions are true, well, then we just apply the theory
7 of him being a young adult. And then it all fits, right?

8 MR. WILLOUGHBY: Object to the form.

9 A. So I don't have a reason to assume that, knowing
10 all the evidence that I see seems to suggest that his Brown
11 Street location was his residence.

12 Q. Well, hypothetically then, if what I just said
13 was true, then that would just say, okay, well, the theory
14 that applies to him is young adult versus emerging adult,
15 right?

16 A. Say the last part again?

17 Q. Assuming that, you know, the phrase is a
18 hypothetical, you know, he lives at Rast Street with
19 Jessica and his child, he has all of his documents there,
20 he has insurance there, pays utilities there, all that good
21 stuff, assuming that, that's true then the theory of
22 development that applies there is he's now reached young
23 adulthood, right?

24 MR. WILLOUGHBY: Object to the form.

25 A. That's why I don't think that, that assumption

1 can be made. 'Cause again just based on his age, it would
2 say that definitely he's not fitting the pattern of what we
3 know as emerging adulthood, but he still definitely is in
4 that -- he's in that stage.

5 **Q. He's in the age group.**

6 A. Yeah.

7 **Q. Okay. But is there still a young adult versus**
8 **emerging adult? Are those still two separate developmental**
9 **stages?**

10 A. So yeah -- so even if you look at our -- the
11 developmental stages in the books, like for Human Behavior
12 in a Social Environment, they will -- sometimes they -- it
13 would be emerging adult, and then sometimes the middle
14 adult or young adult.

15 So they have all of these different divisions of
16 how one goes from one to the other, which is not a -- it's
17 a transition, but it's not an automatic -- like, you're
18 this age now, you're a young adult, or you're a middle
19 adult.

20 **Q. Hypothetically, in terms of the categorical stage**
21 **of young adult, that would be established residence, a**
22 **consistent, loving relationship with independence at that**
23 **location, right?**

24 A. So here the reason I still would be inclined to
25 say more than -- he's still emerging -- he falls into the

1 category of emerging adulthood, but doesn't fit the pattern
2 of...

3 **Q. Well, I'm asking a hypothetical of somebody,**
4 **assuming he lived at Rast Street, assuming that fact is**
5 **true then he fits into young adult at that point, correct?**

6 A. So he's -- so again it's almost like if you ask
7 me -- so an adolescent who has a job, doing all these other
8 things, they may fit a pattern of being older but they
9 still are an adolescent. And here I'm saying that,
10 developmentally, he's still falls into the emerging
11 adulthood -- he fell into the emerging adulthood stage.

12 **Q. Even that hypothetical person?**

13 A. It's just that his behavior doesn't fit the
14 pattern of that.

15 **Q. Okay. So then to that extent, the suggestion**
16 **appears to me that emerging adulthood, at least under the**
17 **theory you're giving me with that hypothetical, is that**
18 **it's tied to age regardless of development in some**
19 **circumstances.**

20 A. So it's more -- and so 'cause -- so in some ways
21 they are still -- researchers sometimes can disagree on
22 what the age range is. But they usually do start with an
23 age range whether here -- I mean, this one report right
24 here says 18 to 25. There's others that say 18 to 29. So
25 different age ranges.

1 But what's consistent is, like, patterns it's
2 tied -- it's somewhat tied to the age. Although the age
3 can vary a little, the patterns of behaviors are there.
4 But then as you said before, when you were asking me about
5 science and not everyone fits the pattern, I'm saying that
6 he falls into the category. But his behaviors are just not
7 -- they don't fit the pattern.

8 **Q. So even if he's an emerging adult, he may not act**
9 **like an emerging adult.**

10 A. Yeah, it's possible.

11 **Q. And he may -- you can be an emerging adult and**
12 **act like somebody who -- and have an established, separate**
13 **household and that -- and that would be possible, correct?**

14 A. It's possible, hypothetically. The research --
15 what I see here with this evidence doesn't suggest that he
16 falls into that category. His is -- his seemed to be more
17 classic.

18 **Q. Assuming that he lived with his parents but had**
19 **this apartment and he paid for utilities and everything**
20 **else and he put all of his documentation -- or most of his**
21 **documentation there, correct?**

22 A. Well, I --

23 MR. WILLOUGHBY: Object to the form.

24 A. My assumption is more with all that I just read.

25 **Q. In terms of the definition of a resident under**

1 South Carolina insurance law, you don't know if you're any
2 more qualified than a standard juror to make that
3 determination, do you?

4 A. 'Cause I don't know -- I haven't read what the --
5 what the law is.

6 Q. An ordinary person can look at a set of facts and
7 determine whether somebody's living under the same roof as
8 somebody else?

9 MR. WILLOUGHBY: Object to the form.

10 A. So I don't know what an ordinary person is, so
11 here I only say that as the researcher in me now is saying.

12 Q. And the ordinary person who functions in society,
13 relatively normally -- I mean, you know, assuming there is
14 the normal man, or normal human being -- sorry, that showed
15 bias right there, I know.

16 Assuming there's a normal person, a normal adult
17 over the age of 18, that, that normal person is able to
18 look at a set of facts and determine whether someone lived
19 under the same roof as somebody else, correct?

20 MR. WILLOUGHBY: Object to the form.

21 A. So for me that question is -- so I guess I can
22 say -- I can't answer that question in that form, because I
23 don't think that the -- it has a -- well, for me there's
24 this bias built into it by default, and how it's asked by
25 the normal.

1 And it's the social worker -- I look through a
2 psychology and a social worker lense, and the social worker
3 in me picks up on that part. But also it goes with the
4 assumption of I don't think that -- I know that people look
5 at information differently, so I don't know what the
6 average person -- how a average person would view this
7 information.

8 **Q. So, basically, different people may look at it**
9 **differently is what you're saying.**

10 A. Yeah. Yeah.

11 **Q. That doesn't necessarily mean one person is more**
12 **qualified than not to make a determination as to whether**
13 **somebody lived under the same roof as somebody else, right?**

14 **MR. WILLOUGHBY: Object to the form.**

15 A. Well, so what I'm using when I -- 'cause again
16 it's hard for me to talk about in generalities of what
17 people would think. What I'm thinking when I'm looking at
18 it is that I see, as you pointed out before, paperwork that
19 would suggest that his residence is Rast when he died.

20 And then all of these other patterns -- I don't
21 know. It's hard for me to know what an average person
22 would think. But for me my level of expertise tells me
23 that this is the part that seems to be consistent with the
24 emerging adult.

25 **Q. And with your level of expertise, you're not**

1 aware of any studies or case studies, or individuals who
2 were part of case studies, where you see this establishment
3 in terms of paying for a separate apartment, having
4 separate insurance, having separate utilities, putting that
5 separate apartment on government-issued IDs and filing
6 taxes with that separate address as being a part of a study
7 for emerging adulthood; that's not something that you can
8 say, well, this is a categorical study group that this
9 person would fit into, right?

10 A. So I'm here -- definitely, I haven't seen that
11 study. All I'm using is, again, my level of expertise to
12 say that when we -- 'cause again social -- psychologists
13 and social workers look at patterns of behaviors, and then
14 there is these developmental stages.

15 What seems to be somewhat inconsistent when I
16 look at paperwork and behavioral patterns becomes
17 consistent when you look at a theory like emerging
18 adulthood.

19 **Q. Emerging adulthood doesn't help answer the**
20 **question whether there's a close, intimate, and informal**
21 **relationship between those living inside a household,**
22 **correct?**

23 A. No. I mean, I think that here -- no. And again
24 household -- of course I could say, well, which household?
25 But no, no.

1 **Q. Yeah. A jury -- a jury can look at that and look**
2 **at the facts, and they can say this is or it's not in that**
3 **category, right?**

4 A. So a close, intimate relationship, you're talking
5 about between Jessica and Vincent? Or the parents and
6 Vincent?

7 **Q. Whoever's living in a particular household.**

8 A. So I think that -- so emerging adulthood itself
9 would suggest that -- 'cause again this transition of --
10 there's clearly this very closeness to parents or family.
11 And that's where -- whether it's exploration or testing out
12 different things, there's some closeness there.

13 I mean, that one part is true. So I would think
14 that emerging adulthood suggests that there's this level of
15 closeness, that intimate -- I don't know if I would use
16 that one, but definitely this closeness and dependence on
17 family or parents.

18 **Q. The paperwork that you are seeing under the**
19 **theory of emerging adulthood would be consistent with an**
20 **intention for a durable residency at Rast, whether the**
21 **facts actually bear it out, but his intent based upon this**
22 **theory of emerging adulthood, and the relationship he has**
23 **with Jessica, would have been to have an established and**
24 **enduring household at Rast, right?**

25 **MR. WILLOUGHBY: Object to the form.**

1 A. So you said the paperwork?

2 **Q. Well, you're looking at all of this through the**
3 **idea of emerging adulthood. And I've talked about all**
4 **these little specific facts, and you said, "Well, that**
5 **shows intent." But we're looking at the facts, right?**

6 A. Uh-huh. Uh-huh.

7 **Q. Well, in terms of intended duration of a**
8 **relationship to be substantial, right, the intended**
9 **duration -- the intended relation to appear for Jessica and**
10 **for Vincent was to live at Rast and create a family there,**
11 **right?**

12 A. Well --

13 MR. WILLOUGHBY: Object to the form.

14 A. She said that -- you know, I know that in her
15 testimony that's what -- I mean, she definitely said that.
16 So when I say that I'm looking at a totality, and I talk
17 about intent, that's where I'm saying the -- clearly that
18 was the intent. That's sort of the intent of trying to
19 become this adult, responsible person.

20 The pattern of behavior suggests emerging
21 adulthood for both of them. And both of their residences,
22 her residence seems to be with her mother and his residence
23 with his parents.

24 **Q. Do you know if they ever lived together?**

25 A. Let me think back to the -- I don't remember.

1 'Cause I'm trying to think back to Jessica's deposition
2 more than any of the others. But I don't -- I know the
3 Center Street location where they were at, but I can't
4 remember her defining them as living together there. I
5 can't -- I can't recall right now.

6 **Q. Have you taken into consideration, in your**
7 **evaluation of this case, potential biases or motivations?**

8 A. From?

9 **Q. From, say, Jessica or from anyone else?**

10 A. I definitely did.

11 **Q. Do you know what kind of money is at issue in the**
12 **case?**

13 A. I don't.

14 **Q. So to the extent you took into consideration of**
15 **those biases, you didn't -- you didn't look at it in terms**
16 **of a critical approach in terms of the level of potential**
17 **motivation or anything like that, correct?**

18 A. Well, I think then when I looked at it, I
19 probably would have found -- expected more consistencies
20 than the depositions than -- I don't think that they --
21 they -- they gave different kinds of information that
22 helped with me weighing the information. But they -- if I
23 were thinking bias were at work, I would probably think
24 some more consistency in their responses.

25 **Q. So you think that the fact that there are**

1 inconsistencies in the responses helps show that there's
2 not an evidence of bias?

3 A. As I weighed the information, I took that into
4 account.

5 Q. So you looked at consistencies, but you didn't
6 look at the financial implications of the case.

7 A. For me they all go together of -- I mean, I would
8 think that -- I don't know what the amount is. But I would
9 think that if that were guiding them, then I would expect
10 even more consistencies.

11 Q. But you don't even know what the amount is, so --

12 A. No. So I -- for me -- so it became more of a --
13 as I weighed it all, I definitely took that into account.
14 But it came down to me in thinking that I -- my expectation
15 would have been some more consistencies in their
16 depositions.

17 MR. SAWYER: I think I'm done. Let's take a
18 two-minute break. We've been going for a while, so you may
19 want to stretch your legs anyhow.

20 (Off the record.)

21 MR. SAWYER: Dr. Pitner, that's all my
22 questions for you.

23 MR. WILLOUGHBY: Thank you very much. We
24 have none at this time. And we would reserve the reading
25 and signing.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

**JACKSON ESTATE'S PROPOSED JURY
INSTRUCTIONS**

Defendant Barbara P. Jackson, as Personal Representative for the Estate of Vincent A. Jackson submits the following jury instructions to be charged to the jury at the conclusion of this trial.

Respectfully submitted,

s/Mitchell Willoughby

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This 27th day of May, 2019
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 1

[DUTIES OF JURY AND JUDGE]

I remind you that, during this trial, you and I have certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the evidence before you. If there was any testimony ordered stricken from the record during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. It is your duty as jurors to accept and apply the law as I now state it to you. If you think you have any idea as to what the law is or what the law ought to be and it does not agree with what I tell you the law is, you must forget that idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts.¹ A trial judge cannot comment on or make any statement about the facts in a case. Since you are the sole judges of the facts, do not think by anything I have said during the trial that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts.

¹ *Day v. Kilgore*, 314 S.C. 365, 444 S.E.2d 515 (1994).

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C/A No. 2016-CP-43-01521

Request to Charge No. 2

[BURDEN OF PROOF]

GEICO brought this action against the Jackson Estate, alleging that Mr. Vincent Jackson did not reside with his parents on Brown Street at the time of his death and that therefore GEICO should not be required to pay underinsured motorist coverage of \$400,000, which is due under the terms of the policy if Mr. Jackson resided at his parents' home on Brown Street on January 17, 2014.

The Estate of Vincent A. Jackson claims that because Vincent was the son of the insureds, Barbara and Therel Jackson, and resided in their household, Vincent was also covered under his parents' policy, and that therefore his estate and his sole heir, Jayden Jackson, is entitled to \$400,000 of UIM coverage benefits under the terms of the GEICO UIM policy of insurance.

By agreement between GEICO and the Jackson Estate, the Jackson Estate has the burden of proof. This means that in order for the Jackson Estate to collect under the insurance policy, it must prove that Vincent resided in his parents' home by the greater weight, or preponderance, of the evidence.¹ For this reason, the Defendant Jackson Estate has the right to open and close the

¹ *Rakestraw v. Allstate Ins. Co.*, 238 S.C. 217, 223, 119 S.E.2d 746, 749 (1962).

evidence and argument in this trial, that is, to go first and last, even though this lawsuit was originally filed by GEICO as Plaintiff.

What we mean by the greater weight of the evidence can be illustrated by imagining a traditional set of scales. When the case begins, the scales are even. After all the evidence has been presented, if the scales should remain even, or if they should tip, even slightly, in favor of GEICO, then the Jackson Estate will have failed to meet its burden of proof, and your verdict should be for GEICO. If, on the other hand, the scales tip, even slightly, in favor of the Jackson Estate, then the burden of proof will be met, and your verdict would be for the Jackson Estate.

Of course, there is no way to weigh the evidence, except through the exercise of good common sense and judgment. It is entirely a mental process – and the evidence to which you should give the most weight is that which convinces you of its truth, regardless of from whom or what source it comes.

A preponderance of the evidence simply means the greater weight of the evidence. It is evidence which, as a whole, shows that the fact sought to be proved is more likely true than not true.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

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Plaintiff,

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Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request Charge No. 3

[DIRECT AND CIRCUMSTANTIAL EVIDENCE]

There are two types of evidence generally presented during a trial, direct evidence and circumstantial evidence. These two kinds of evidence apply equally to all the parties, the plaintiffs and the defendants alike, and both are equally good in the law if they meet the test of the law. On a particular factual point, you may have direct evidence, circumstantial evidence or a combination of these kinds of evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness or the production of the thing itself before the court. It is evidence which immediately establishes the main fact to be proved.¹

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.² It is proof that does not actually establish the fact in question, but that

¹ *State v. Salisbury*, 343 S.C. 520, 541 S.E.2d 247 (2001); *Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 534 S.E.2d 672 (2000).

² *State v. Salisbury*, 343 S.C. 520, 541 S.E.2d 247 (2001).

asserts or describes something else from which you may either reasonably infer the truth of the fact or at least reasonably infer an increase in the probability that the fact is true.³ For circumstantial evidence to be sufficient to warrant the finding of a fact, the circumstances must lead to that fact with reasonable certainty. The facts and circumstances should be considered in light of ordinary experience and common sense. The existence of a fact cannot be based on speculation, surmise, or conjecture.⁴

³ *Gastineau v. Murphy*, 323 S.C. 168, 473 S.E.2d 819 (Ct. App. 1996), rev'd on other grounds, 331 S.C. 565, 503 S.E.2d 712 (1998).

⁴ *Holland v. Georgia Hardwood Lumber Co.*, 214 S.C. 195, 51 S.E.2d 744 (1949).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 4

[CREDIBILITY OF WITNESSES]

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to evaluate the evidence and determine which evidence convinces you it is true.¹¹

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether the witness has an interest in the result of the trial, whether the witness is prejudiced toward either party, the opportunity for the witness to have seen the matters and things about which the witness may testify, and the way the witness acts on the witness stand.

¹ *Small v. Pioneer Mach., Inc.*, 329 S.C. 448, 494 S.E.2d 835 (Ct. App. 1997).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

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vs.

Barbara P. Jackson, as Personal
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Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 5¹

[EXPERT WITNESSES]

Although lay witnesses are limited to testifying about facts within their knowledge and are not allowed to give opinions, certain witnesses, who by training, education or experience, are considered as experts in a particular field, may give opinions in that field based the facts of a matter. Their conclusions and opinions constitute evidence to be considered by you in connection with all the other testimony and evidence in the case. That is to say, you may consider the expert's opinion just as you do all other evidence in the case and it is for you, the jury, to give it such weight as you, in your experience and discretion, may determine. By this, I mean that you must weigh such evidence and accept or reject it in the same manner that you treat all other evidence in the case. In determining the weight to be given the expert's opinion, you should consider the qualifications and credibility of the expert and the reasons given for his opinion.

The testimony of experts on a subject which is little known to the general public is entitled to consideration. Such testimony, however, must be submitted to your judgment and

¹ Ralph King Anderson, Jr., *South Carolina Requests to Charge – Civil*, (2d.Ed. 2009), §1-6.

consideration, to be weighed by you as a part of the evidence in connection with all the other facts in this case. The testimony of experts is to aid and assist you as jurors, not to dominate or control you in the decision of questions of facts. Their opinions and deductions from the evidence before you, and their judgments and opinions, do not preclude yours. You are required to decide disputed questions after comparison and consideration of all the evidence in this case.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 6

[RESIDENT RELATIVE]

The insurance policy written by GEICO covering Barbara and Therel Jackson defines “insured” to include Barbara and Therel Jackson’s relatives who reside in their household. You are instructed that as the son of the insureds, Vincent Jackson qualified as a “relative” for purposes of this definition. Your duty is to determine whether Vincent Jackson resided at the family home or household of his parents, Therel and Barbara Jackson, at 9 Brown Street, Sumter, South Carolina, at the time of his death on January 17, 2014.

Under South Carolina law governing insurance policies, a resident of the same household is one, other than a temporary or transient visitor, who lives together with others in the same house for a period of some duration, although he may not intend to remain there permanently. The phrase “reside in the household” has no absolute or precise meaning and whether a person is a resident depends heavily on the facts of each situation. If doubt exists, the term resident must be understood in its broadest and most inclusive sense for the benefit of the insureds.¹ You must consider the

¹ *Buddin v. Nationwide Mut. Ins. Co.* 250 S.C. 332, 338 157 S.E.2d 633, 635 (1967).

person's actual residence and not his mere legal residence.²

² *State Farm Fire & Cas. Co. v. Breazell*, 324 S.C. 228, 232, 448 S.E.2d 831, 833 (1996).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 7

[STRICT CONSTRUCTION]¹

The language in a contract is to be strictly construed against the party who prepared the contract, and most liberally in favor of the other party to the contract. Where a contract is entered into upon a printed form prepared by a party, the language of the contract will be strictly construed against that party.

Doubtful language in a contract should be interpreted most strongly against the party who has selected that language, especially where it seeks to use such language to defeat the contract or its operation. In case of doubt or ambiguity, a contract will be construed most strongly against the party who drew or prepared it or whose attorney drew or prepared it. The rule is that where doubt exists as to the construction of a contract prepared by one party to the contract or its attorneys, in reliance upon which the other party has incurred an obligation, you should adopt the construction which will be favorable to the party that did not write the contract.

¹ Ralph King Anderson, Jr., *South Carolina Requests to Charge – Civil*, 2009, § 19.7 (Contract – Rules of Construction) (2009)

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

JURY VERDICT FORM

Based upon our consideration of all the testimony and other evidence presented at trial, we, the Jury, find as follows:

For purposes of the underinsured motorist coverage benefits available under the policy of insurance issued by Government Employees Insurance Company ("GEICO"), Vincent A. Jackson was a resident of the home of his parents, Barbara and Therel Jackson, at 9 Brown Street in Sumter, South Carolina at the time of his death on January 17, 2014.

Yes: _____

No: _____

FOREPERSON of the Jury

Sumter, South Carolina

Date: _____

Actually Given

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 1

[DUTIES OF JURY AND JUDGE]

I remind you that, during this trial, you and I have certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the evidence before you. If there was any testimony ordered stricken from the record during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. It is your duty as jurors to accept and apply the law as I now state it to you. If you think you have any idea as to what the law is or what the law ought to be and it does not agree with what I tell you the law is, you must forget that idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts.¹ A trial judge cannot comment on or make any statement about the facts in a case. Since you are the sole judges of the facts, do not think by anything I have said during the trial that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts.

¹ *Day v. Kilgore*, 314 S.C. 365, 444 S.E.2d 515 (1994).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

C/A No. 2016-CP-43-01521

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

Request to Charge No. 2

[BURDEN OF PROOF]

GEICO brought this action against the Jackson Estate, alleging that Mr. Vincent Jackson did not reside with his parents on Brown Street at the time of his death. [REDACTED]

The Estate of Vincent A. Jackson claims that [REDACTED] Vincent was the son of the insureds, Barbara and Therel Jackson, and resided in their household. [REDACTED]

By agreement between GEICO and the Jackson Estate, the Jackson Estate has the burden of proof. This means that [REDACTED] the Jackson Estate [REDACTED] must prove that Vincent resided in his parents' home by the greater weight, or preponderance, of the evidence.¹ For this reason, the Defendant Jackson Estate has the right to open and close the

and had

¹ *Rakestraw v. Allstate Ins. Co.*, 238 S.C. 217, 223, 119 S.E.2d 746, 749 (1962).

evidence and argument in this trial, that is, to go first and last, even though this lawsuit was originally filed by GEICO as Plaintiff.

What we mean by the greater weight of the evidence can be illustrated by imagining a traditional set of scales. When the case begins, the scales are even. After all the evidence has been presented, if the scales should remain even, or if they should tip, even slightly, in favor of GEICO, then the Jackson Estate will have failed to meet its burden of proof, and your verdict should be for GEICO. If, on the other hand, the scales tip, even slightly, in favor of the Jackson Estate, then the burden of proof will be met, and your verdict would be for the Jackson Estate.

Of course, there is no way to weigh the evidence, except through the exercise of good common sense and judgment. It is entirely a mental process – and the evidence to which you should give the most weight is that which convinces you of its truth, regardless of from whom or what source it comes.

A preponderance of the evidence simply means the greater weight of the evidence. It is evidence which, as a whole, shows that the fact sought to be proved is more likely true than not true.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

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Barbara P. Jackson, as Personal
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Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request Charge No. 3

[DIRECT AND CIRCUMSTANTIAL EVIDENCE]

There are two types of evidence generally presented during a trial, direct evidence and circumstantial evidence. These two kinds of evidence apply equally to all the parties, the plaintiffs and the defendants alike, and both are equally good in the law if they meet the test of the law. On a particular factual point, you may have direct evidence, circumstantial evidence or a combination of these kinds of evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness or the production of the thing itself before the court. It is evidence which immediately establishes the main fact to be proved.¹

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.² It is proof that does not actually establish the fact in question, but that

¹ *State v. Salisbury*, 343 S.C. 520, 541 S.E.2d 247 (2001); *Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 534 S.E.2d 672 (2000).

² *State v. Salisbury*, 343 S.C. 520, 541 S.E.2d 247 (2001).

asserts or describes something else from which you may either reasonably infer the truth of the fact or at least reasonably infer an increase in the probability that the fact is true.³ For circumstantial evidence to be sufficient to warrant the finding of a fact, the circumstances must lead to that fact with reasonable certainty. The facts and circumstances should be considered in light of ordinary experience and common sense. The existence of a fact cannot be based on speculation, surmise, or conjecture.⁴

³ *Gastineau v. Murphy*, 323 S.C. 168, 473 S.E.2d 819 (Ct. App. 1996), rev'd on other grounds, 331 S.C. 565, 503 S.E.2d 712 (1998).

⁴ *Holland v. Georgia Hardwood Lumber Co.*, 214 S.C. 195, 51 S.E.2d 744 (1949).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
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Barbara P. Jackson, as Personal
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Jackson,

Defendant.

C/A No. 2016-CP-43-01521

Request to Charge No. 4

[CREDIBILITY OF WITNESSES]

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to evaluate the evidence and determine which evidence convinces you it is true.¹¹

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether the witness has an interest in the result of the trial, whether the witness is prejudiced toward either party, the opportunity for the witness to have seen the matters and things about which the witness may testify, and the way the witness acts on the witness stand.

¹ *Small v. Pioneer Mach., Inc.*, 329 S.C. 448, 494 S.E.2d 835 (Ct. App. 1997).

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
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Government Employees Insurance Company,

Plaintiff,

vs.

C/A No. 2016-CP-43-01521

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

Request to Charge No. 6

[RESIDENT RELATIVE]

~~_____~~
~~_____~~
~~_____~~
~~_____~~
Your duty is to determine whether Vincent Jackson resided at the family home or household of his parents, Tharel and Barbara Jackson, at 9 Brown Street, Sumter, South Carolina, at the time of his death on January 17, 2014.

Under South Carolina law ~~_____~~, a resident of the same household is one, other than a temporary or transient visitor, who lives together with others in the same house for a period of some duration, although he may not intend to remain there permanently. ~~_____~~

~~_____~~
~~_____~~
~~_____~~

π2
Write
test

¹ Buddin v. Nationwide Mut. Ins. Co. 250 S.C. 332, 338 157 S.E.2d 633, 635 (1967).

PLAINTIFF'S REQUEST TO CHARGE NO. 2

A person resides in the household with the named insured if he 1) lives under the same roof; 2) in a close, intimate, and informal relationship; and 3) the intended duration of the relationship is likely to be substantial where it is consistent with the informality of the relationship, and from which it is reasonable to conclude the parties would consider the relationship in contracting about such matters as insurance or their conduct in reliance thereon.

State Farm Fire & Cas. Co. v. Breazell, 324 S.C. 228, 478 S.E.2d 831 (1996).

I AM SENDING YOU BACK INTO THE JURY ROOM WITH THE EXHIBITS
WHICH HAVE COME INTO EVIDENCE AND THE VERDICT FORM.

EXPLAIN VERDICT FORM.

YOUR VERDICT MUST BE UNANIMOUS.

DISMISS ALTERNATES.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,

Plaintiff,

vs.

C/A No. 2016-CP-43-01521

Barbara P. Jackson, as Personal
Representative for the Estate of Vincent A.
Jackson,

Defendant.

JURY VERDICT FORM

Based upon our consideration of all the testimony and other evidence presented at trial, we,
the Jury, find as follows:

Vincent A. Jackson was a resident of the home of his parents, Barbara and
Therel Jackson, at 9 Brown Street in Sumter, South Carolina at the time of his
death on January 17, 2014.

Yes: _____

No: _____

FOREPERSON of the Jury

Sumter, South Carolina

Date: _____



Tel: 1-800-841-3000

GOVERNMENT EMPLOYEES INSURANCE COMPANY
One GEICO Center
Macon, GA 31205-0001

Date issued: January 16, 2014

THEREL A JACKSON AND BARBARA
JACKSON
9 BROWN ST
SUMTER SC 29150-3805

Email Address: jacksonb1002@yahoo.com

Declarations Page

This is a description of your coverage.
Please retain for your records.

Policy Number: 4007-84-23-07

Coverage Period:

11-08-13 through 05-08-14

12.01 miles local limit at the address of the named insured.

Endorsement Effective: 01-16-14

Named Insured

Therel A Jackson
Barbara Jackson

Additional Driver

Tyrell D Jackson

<u>Vehicles</u>	<u>VIN</u>	<u>Vehicle Location</u>	<u>Finance Company/ Lienholder</u>
1 1998 Nissan Pkp/XE/SE	1N6SD16S8TC363002	Sumter SC 29150	
2 1999 Ford Explorer	1FMZU32E1XZC12543	Sumter SC 29150	
3 2003 Dodge Ram PU1500	1D7HA18D3J874173	Sumter SC 29150	
4 2002 Suzuki Aerie S/GS	JS2RA41S926105935	Sumter SC 29150	
5 1987 BMW 528E	WBADK7301H9554886	Sumter SC 29150	

Coverages*

	<u>Limits and/or Deductibles</u>	<u>Vehicle 1</u>	<u>Vehicle 2</u>	<u>Vehicle 3</u>	<u>Vehicle 4</u>
Bodily Injury Liability					
Each Person/Each Occurrence	\$100,000/\$300,000	\$78.30	\$294.30	\$78.30	\$65.90
Property Damage Liability	\$50,000	\$46.80	\$180.40	\$46.80	\$34.30
Uninsured Motorists Bodily Injury					
Each Person/Each Occurrence	\$100,000/\$300,000	\$22.00	\$30.30	\$30.30	\$30.30
Property Damage	\$50,000	\$4.70	\$4.70	\$4.70	\$4.70
Underinsured Motorist Bodily Injury	\$100,000/\$300,000	\$42.00	\$82.20	\$62.20	\$62.20
Each Person/Each Occurrence					
Property Damage	\$50,000	\$1.90	\$1.90	\$1.80	\$1.90
Six Month Premium Per Vehicle		\$193.70	\$673.80	\$222.20	\$189.30

Coverages*

	<u>Limits and/or Deductibles</u>	<u>Vehicle 5</u>
Bodily Injury Liability		
Each Person/Each Occurrence	\$100,000/\$300,000	\$65.90
Property Damage Liability	\$50,000	\$34.30

T-L
DEC_PAGE (11-11) (Page)

Coverages Continued on Back
Policy Change Page 3 of 4

Preserve

JACKSON EXHIBIT

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<u>Coverages*</u>	<u>Limits and/or Deductibles</u>	<u>Vehicle 6</u>
Uninsured Motorists Bodily Injury		
Each Person/Each Occurrence	\$100,000/\$300,000	\$30.30
Property Damage	\$50,000	\$4.70
Underinsured Motorist Bodily Injury		
Each Person/Each Occurrence	\$100,000/\$300,000	\$62.20
Property Damage	\$50,000	\$1.90
Six Month Premium Per Vehicle		\$109.30
Total Six Month Premium		\$1,368.36

*Coverage applies where a premium or \$0.00 is shown for a vehicle.

If you elect to pay your premium in installments, you may be subject to an additional fee for each installment. The fee amount will be shown on your billing statements and is subject to change.

Discounts

The total value of your discounts is	
Multi-Car (Veh 1, 2, 3, 4, 5).....	\$397.10
Driver Training (Veh 2)	\$215.30
5 Year Good Driving (Veh 1, 2, 3, 4, 5).....	\$52.80
	\$129.20

Contract Type: A30SC

Contract Amendments: ALL VEHICLES - A30SC A34SC

Unit Endorsements: A347 (VEH 1,2,3,4,5)

Important Policy Information

- Congratulations! You have earned the free Accident Forgiveness benefit. That means we will waive the surcharge associated with the first at-fault accident caused by an eligible driver on your policy.
- Please review the front and/or back of this page for your coverage and discount information.
- Reminder - Physical damage coverage will not cover loss for custom options on an owned automobile, including equipment, furnishings or finishings including paint, if the existence of those options has not been previously reported to us. This reminder does NOT apply in VIRGINIA and NORTH CAROLINA. Please call us at 1-800-841-3000 or visit us at gelco.com if you have any questions.
- The 1988 CHEV has been deleted from your policy. The 1985 CHEV has been deleted from your policy.

GEICO

Policy Number: 4007-84-23-07

Automobile Policy Amendment

**PROTECTION AGAINST
UNDERINSURED MOTORIST
COVERAGE AMENDMENT
SOUTH CAROLINA**

We agree with you as follows:

DEFINITIONS

The following definitions apply to this amendment:

1. **"Insured"** means:
 - a) **you;**
 - b) **your relatives** who reside in **your** household;
 - c) any person using an **insured motor vehicle** with **your** permission;
 - d) any person **occupying** an **insured motor vehicle** with **your** permission;
 - e) any person who is entitled to recover damages under a wrongful death statute of any state because of the death of an **insured** under a), b), c), d) or e) above.

If there is more than one **insured**, our limits of liability will not be increased.

2. **"Insured motor vehicle"** is a **motor vehicle** described in the policy and to which the liability coverage of the policy applies.
3. **"Motor vehicle"** is a self-propelled vehicle designed for use on a highway and includes trailers and semi-trailers designed for use with these vehicles.

The term **motor vehicle** does not include: (a) traction engines; (b) road rollers; (c) farm tractors; tractor cranes; (e) power shovels; (f) well drillers; or (g) any vehicle propelled by electric power from overhead wires but not operated on rails.

4. **"Property damage"** means damage or destruction of an **insured's** property.
5. **"Underinsured motor vehicle"** means a motor vehicle on which there is bodily injury liability insurance or a bond applicable at the time of the accident in an amount of at least the minimum required by law, but the amount of the insurance or bond:
 - a) is less than the amount of the **insured's** damages; or
 - b) has been reduced by payments to persons other than an **insured** injured in the accident to an

amount which is less than the amount of the **insured's** damages.

This term does not include any **motor vehicle**:

- a) which is an **uninsured motor vehicle** as defined in the Uninsured Motorists Coverage of this policy;
- b) owned by any governmental unit or agency;
- c) owned or operated by a self-insurer under any applicable motor vehicle law unless the applicable self-insurance is less than the **insured's** damages;
- d) owned by or furnished for **your** regular use or that of any **relative**; and
- e) while located for use as a residence or premises.

LOSSES WE PAY

Under this Coverage we will pay damages for **bodily injury** and **property damage** caused by an accident which the **insured** is legally entitled to recover from the owner or operator of an **underinsured motor vehicle** arising out of the ownership, maintenance or use of that **motor vehicle**.

POLICY PERIOD - TERRITORY

This amendment applies only to accidents which occur on and after the effective date hereof, during the policy period and within the United States of America or Canada.

EXCLUSIONS

When This Coverage Does Not Apply

1. This coverage does not apply to **bodily injury** or **property damage** to an **insured** if he or his legal representative has been awarded a judgment without our prior written consent.
2. This coverage does not apply to **bodily injury** or **property damage** to an **insured** while **occupying** or through being struck by an **uninsured motor vehicle** owned by an **insured** or a **relative**.
3. This coverage will not benefit directly or indirectly any workmen's compensation insurer, self-insurer, disability benefits insurer or property insurer.

JACKSON EXHIBIT

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4. There is no coverage for *property damage* if the *insured* has been compensated by insurance or otherwise.
6. *Bodily injury* or *property damage* that results from nuclear exposure or explosion including resulting fire, radiation or contamination is not covered.
8. *Bodily injury* or *property damage* that results from bio-chemical attack or exposure to bio-chemical agents is not covered.

CONDITIONS

1. None of the Insuring Agreements, Exclusions, Conditions or other provisions of the policy apply to this amendment except under Section V - General Conditions; 3. "Changes"; 4. "Assignment"; 6. "Cancellation By The Insured"; 7. "Cancellation By Us"; 8. "Cancellation By Us is Limited"; and 9. "Renewal."

2. PROOF OF CLAIM

As soon as possible, the *insured* or other person making claim must give us written proof of claim, under oath if required. This will include details of the nature and extent of *bodily injury* treatment, and other facts which may effect the amount payable. Proof of claim must be made on forms furnished by us unless we have not furnished these forms within 15 days after receiving notice of claim.

The injured person will submit to examination by doctors chosen by us as often as we may reasonably require. In the event of the *insured's* incapacity or death, his legal representative must, at our request, authorize us to obtain medical reports and copies of records.

The *insured* or other person making a claim for damage to property shall file a proof of loss in sworn statement form with us within 90 days after the loss occurs (unless we extend the time in writing). This statement must show: (a) the interest of the *insured*; (b) all others in the property; (c) any liens or other claims on the property; (d) the actual cash value at time of loss; and (e) description and amounts of all other insurance on the property. If we ask, the *insured* must show us the damaged property.

3. ASSISTANCE AND COOPERATION OF THE INSURED

After we receive notice of a claim, we may require the *insured* to take any action necessary to preserve his recovery rights against any allegedly legally responsible person or organization.

4. NOTICE OF LEGAL ACTION

If the *insured* or his legal representative files suit before we make a settlement under this coverage, he must immediately provide us with a copy of the pleadings.

We have the right to appear and defend in the name of the underinsured motorist in any action that may affect our liability. We have twenty (20) days after service of process on us to make this appearance. The evidence of service upon us shall not become part of the record.

5. LIMIT OF LIABILITY

The limit of liability as shown in the Declarations for this coverage is our maximum limit of liability for all damages resulting from any one accident. This is the most we will pay regardless of the number of:

1. *Insureds*;
2. Claims made;
3. *Motor vehicles* or premiums shown in the Declarations; or
4. *Motor vehicles* involved in the accident.

In addition to this limit, we will make an additional amount available to you or your relative if such person sustains *bodily injury* or *property damage* in an accident involving the *insured motor vehicle*. The additional amount is equal to the sum of that part of the limit on each additional *insured motor vehicle* shown in the Declarations that does not exceed the minimum limits specified by the South Carolina Motor Vehicle Financial Responsibility Act. This additional amount is the most we will pay over the stated limit of liability regardless of the number of:

1. *Insureds*;
2. Claims made; or
3. *Motor vehicles* involved in the accident.

However, no one will be entitled to receive duplicate payments for the same elements of loss.

Any amounts otherwise payable for damages which the *insured* is legally entitled to recover from the owner or operator of an *underinsured motor vehicle* because of *bodily injury* or *property damage* caused by an accident shall be reduced by all sums:

1. Paid because of the *bodily injury* or *property damage* by or on behalf of persons or organizations who may be legally responsible. This includes all sums paid under Section 1 of this policy;
2. Paid or payable because of the *bodily injury* or

property damage under any applicable Uninsured Motorist Coverage. This includes all sums paid under Section IV of this policy;

3. Paid or payable because of the *bodily injury* under any of the following or similar law:
 - a. workers' compensation law; or
 - b. disability benefits law;
4. Paid or payable because of the *bodily injury* or *property damage* under any Underinsured Motorist Coverage applicable to a vehicle (other than the *insured motor vehicle*) which the *insured* was occupying at the time of the accident; and
5. Paid because of the *property damage* under Section III of this policy or any similar coverage under any other policy.

Any payment under this coverage will reduce any amount that person is entitled to recover for the same damages under Section I of this policy.

8. OTHER INSURANCE

When an *insured* occupies a motor vehicle not described in this policy, this insurance is excess over any other similar insurance available to the *insured* for *bodily injury*. The insurance which applies to the occupied auto is primary.

If none of an *insured's* motor vehicles is involved in the accident, coverage is available to the extent of coverage on any one *insured motor vehicle*. Coverage on any other vehicle shall not be added to that coverage.

Except as provided above, if the *insured* has other similar *bodily injury* insurance available to him and applicable to the accident, the damages for *bodily injury* will be deemed not to exceed the higher of the applicable limits of liability of this insurance and the other insurance. If the *insured* has other insurance against a loss covered by the Uninsured Motorist provisions of this policy, we will not be liable for more than our pro rata share of the total coverage available.

With respect to *property damage*, this insurance shall be excess over other valid and collectible insurance applicable to the damaged property.

We will not be liable for a greater proportion or any loss under this coverage than its limit of liability bears to the sum of the applicable limits of liability of this and all such other insurance.

7. PAYMENT OF LOSS BY US

Any amount due is payable to the *insured* or his authorized representative.

8. ACTION AGAINST US

Suit will not lie against us unless the *insured* or his legal representative has fully complied with all the terms of this amendment.

9. CONFORMITY WITH SOUTH CAROLINA STATUTES

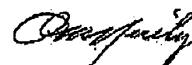
Any terms of this amendment in conflict with the laws of South Carolina are amended to conform with those laws.

THE COMPANY affirms this amendment.



W. C. E. Robinson
Secretary

GOVERNMENT EMPLOYEES INSURANCE COMPANY
GEICO GENERAL INSURANCE COMPANY



O. M. Nicely
President

4007-84-23-07

VSI-IND 270000-ROP

EMPLOYEE INFORMATION
(Must Be Filled Out)

ENROLLMENT FORM - PLAN 1

USE BLACK or BLUE INK ONLY
ESC 25 PL 13.0

Social Security Number

Date of Birth 09/01/1959

Sex ☒ M ☐ F

Name Vincent Jackson

Street Address 251 Rost St Apt E7

City Sumter State GA Zip 30711-50

Home Phone 802-236-9911

Do you or any dependents have Medicare?

☐ Yes ☒ No If Yes:

Medicare Health Insurance Claim Number (HICN)

Medicare Effective Date

Names of Covered Person(s)

1.

2.

3.

BENEFIT SELECTION

Weekly Rates

MEDICAL

- ☐ \$19.98 Employee Only
- ☐ \$33.17 Employee + Child(ren)
- ☐ \$37.96 Employee + Spouse
- ☐ \$50.55 Employee + Spouse + Child(ren)

☒ NO to all benefits.

If NO is checked, sign and date the bottom of the form.

Vincent Jackson
7-14-14

DENTAL

- ☐ YES \$ 5.23 Employee Only
- ☐ YES \$14.12 Employee + Child(ren)
- ☒ NO \$10.46 Employee + Spouse
- ☐ NO \$19.87 Employee + Spouse + Child(ren)

VISION

- ☐ YES \$2.35 Employee Only
- ☐ YES \$3.10 Employee + Child(ren)
- ☒ NO \$4.18 Employee + Spouse
- ☐ NO \$7.58 Employee + Spouse + Child(ren)

TERM LIFE

- ☐ YES \$0.60 Employee Only
- ☐ YES \$0.90 Employee + Child(ren)
- ☒ NO \$0.90 Employee + Spouse
- ☐ NO \$1.80 Employee + Spouse + Child(ren)

SHORT-TERM DISABILITY

- ☐ YES \$4.20 Employee Only
- ☒ NO

Short-Term Disability is not available to persons who work in California, Hawaii, New Jersey, New York, or Rhode Island.

You MUST enroll in the Medical Insurance Plan before adding any additional benefits. Your coverage level for the additional benefits will be identical to your medical plan selection.

REQUIRED DEPENDENT INFORMATION

Name

Social Security Number

Date of Birth

Relationship: ☐ Spouse ☐ Child ☐ Domestic PartnerSex ☒ M ☐ F

Name

Social Security Number

Date of Birth

Relationship: ☐ Spouse ☐ Child ☐ Domestic PartnerSex ☒ M ☐ F

Name

Social Security Number

Date of Birth

Relationship: ☐ Spouse ☐ Child ☐ Domestic PartnerSex ☒ M ☐ F

BENEFICIARY INFORMATION

For Term Life \Accidental Loss of Life, Limb & Sight, please write in your beneficiary information.

NAME OF BENEFICIARY

RELATIONSHIP

Accidental Loss of Life, Limb & Sight is part of the Medical Benefit.

I have read the benefit packet and understand its limitations. I understand that open enrollment is only available for a limited time and I understand that making no benefit selection is a declination of coverage.

Signature Vincent Jackson

Date 01/14/2014

EXHIBIT

2

GET/O 5-29-14

JACKSON 001188

Employment Record (Most Recent Employment First) INDUSTRIAL

Dates From To	Company Name and Address	Type of Business Size	Uses Temp. Services?	Supervisor Phone No.	Position/Duties	Reason for Leaving	Salary Starting Ending
Dec-11 Dec-9-12	LEXICON, Charleston SC	Construction shut down work	NO	843-336-371	Welder - Weld duct work and stainless walls	Shut down was over	20.00
3-20-13 8-27-13	Mancor, Lugoff SC, Hwy 601	Industrial	NO	803-438-6845	Welder - Weld coupler for tractor	Lay off	14.20
1-10-11 3-15-13	Evans Trailer, Sumter SC, 16 Smith	Industrial	Roper	803-565-6682	Welder - weld Trailers	work got slow	15.20

I hereby certify that my only purpose for making application with Roper Personnel Services, Inc. is to seek employment. The information I have provided on this application is correct to the best of my knowledge. I authorize Roper Personnel Services, Inc. to check references as shown and to check my police record for any convictions. I also understand and agree that R.P.S.I. is my employer and will pay me agreed upon rates for each assignment and benefits as outlined; that I will not give my home phone number or address to any R.P.S.I. client and will discuss any problems regarding my employment with R.P.S.I. - not the client; and that I will personally notify R.P.S.I. if any of their clients for whom I worked as a R.P.S.I. temporary make an employment offer to me within six months of my R.P.S.I. assignment with that client. I agree that if I accept authorized permanent or temporary employment as a direct or indirect result of working for a R.P.S.I. client, and the client's employment offer is made to me within six months of my R.P.S.I. assignment, that I will work the first 620 hours for the client as a R.P.S.I. temporary starting from the date that I accept the client's job offer. Further I agree that if my employer refuses to accept the 620 hours agreement with R.P.S.I. I shall terminate my employment immediately, or I will pay an agreed upon liquidated damages charge to R.P.S.I. equal to the difference between my last hourly pay rate and the corresponding hourly fee that R.P.S.I. charged the client for my services multiplied by 620 hours (i.e. 13 weeks times 40 hours). I agree to notify R.P.S.I. either by mail or telephone within 48 hours of termination of each job assignment. If I fail to give such notice, R.P.S.I. may assume that I am not available for employment.

Date 1-8-14

Signature: Vincent Jackson

S-3

Roper Temporary Services PLEASE PRINT CLEARLY

How did you hear of Roper Temporary Services? Internet PROBUDUW PAPER Highest Grade Completed: 12 Year Graduated 02 Special Training: welding Year(s) 8

Last Name: Jackson First: Vincent Middle: Anthony Social Security No. [REDACTED] Degree(s): welding cert. 1st Position Desired: welding Salary Desired: 14.00 Today's Date: 1-8-14

Address: 251 East 4th Ave E Apt. No. 7 City: Sumter State: SC Zip Code: 29150 Have you been bonded? NO Been refused bond? NO Will you accept permanent employment? Yes

Home Phone: 803-236-9911 Message Phones: Car Are you at least 18 years old? Yes Emergency Contact Name: Barbara Jackson Phone No.: 803-236-9743 Relationship: Mother

Have you ever been convicted of a crime? No List criminal convictions and dates: Public Disorderly conduct, 1-4-14 Do you own safety shoes? Yes ☒ Yes ☐ No

Check (✓) every item with which you've had experience. Circle if trained but not experienced. ✓ Items if heavily experienced.

INDUSTRIAL EQUIPMENT ☐ Fork Lift ☐ Bolt Jack ☐ Overhead Crane ☐ Floor Crane ☒ Welding ☐ Spot Welding ☐ Shot Blasting or Sand Blasting ☐ Spray Painting ☐ C.N.C. Operator ☐ C.N.C. Programmer ☐ Truck Driver ☐ Other	CONSTRUCTION OR JANITORIAL EQUIPMENT ☐ Cement Mixer ☐ Boom Crane ☐ Floor Buffer ☐ Motorized Sweeper ☐ Heavy Duty Stapler ☐ Other	SKILLED TRADE OR CRAFT EXPERIENCE ☐ Electrical Maint. ☐ Mechanical Maint. ☐ J.C. Repair ☐ Welding ☐ Roofing ☐ Piping ☐ Erection ☐ Carpenter ☐ Sheet Rock ☐ Assembler ☐ Electronic ☐ Other	DRAFTING EXPERIENCE ☐ Mechanical ☐ Machine Design ☐ Designer Draftsman ☐ Tool and Die ☐ Piping ☐ H.V.A.C. ☐ Electrical ☐ Electronic ☐ Civil ☐ Surveying ☐ Structural ☐ Architectural ☐ Other

Email Address: Jackson Vincent 7320 Yahoo.com
 Mobile #: 803-236-9911

For Office Use:

Appearance: Welder Production Typing: _____
 Dress: _____ Math: _____
 Attitude: _____ Calculator: _____
 Verbal: _____ Micro: _____
 Desire: _____ Computer: _____
 Physical: _____ Other: _____
 H.W.: _____
 Driver's License: _____
 Dependability: 100 ☒ Yes ☐ No
 Min. Pay: 14 ☒ Yes ☐ No

JACKSON 001173

SMC 7000 - Software Engineer Series (0.0) R012 RESOURCING.MTS, 10

Edit Options Breakout Help

Milestone Activity

Jackson, Vincent A. - 803-236-9311

Create Date	Code	Customer	Job Order	Sys Rep	Contact	Start Date	End Date	Pay Rate	Bill Rate	HTA	Start Time	Report to
01/14/14	P	Evan's Trailers	17893	LOBI	Coy K. Keeler	01/20/14	01/20/14	10.00	16.20	00:00:00		Coy Keeler
01/13/14	A		0	SANDRA		00/00/00	00/00/00	.00	.00	00:00:00		
01/08/14	A		0	TONYA		00/00/00	00/00/00	.00	.00	00:00:00		
03/19/13	A		0	TONYA		00/00/00	00/00/00	.00	.00	00:00:00		
01/21/11	P	Evan's Trailers	17034	WANDA FR	Coy K. Keeler	01/24/11	06/08/11	11.00	18.85	00:00:00		
01/12/11	A		0	SANDRA FR		00/00/00	00/00/00	.00	.00	00:00:00		
01/11/11	A		0	JACK		00/00/00	00/00/00	.00	.00	00:00:00		
01/04/11	A		0	SANDRA FR		00/00/00	00/00/00	.00	.00	00:00:00		
12/28/10	A		0	WANDA FR		00/00/00	00/00/00	.00	.00	00:00:00		
12/03/10	A		0	WANDA FR		00/00/00	00/00/00	.00	.00	00:00:00		
09/24/10	P	Caterpillar - Hydraulics	14124	WANDA FR	Peter Mast	09/27/10	12/03/10	9.00	12.38	00:00:00		

TEMP PLACEMENT - 2366

Records 11

Edit Add Filter Direct Hire Exit

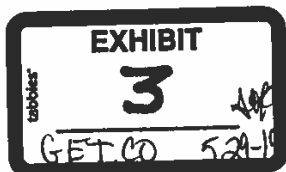
Select All Unselect All Move End Create Task

Print

01/08/15

Sort to

Southwest Menu SWS Search Applicant Screen



JACKSON 001169

NON-EMPLOYEES - SouthWare Executive Search (001) 801-111-5200 (1) 1-800-111-5200

Ctrl: Options Backout Help

Skill Search Employee Maint

* Maintain Skill Search Payroll Employees *

1. BR	06	Emp#	7802605	2. SS	
3. Name	Jackson, Vincent A.				
4. Street	261 Rast St Apt E7				
5. City, ST, ZIP	Sumter SC 29150				
6. Phone	803-236-9811				

7. Birth Date	09/10/88	19. Class?	
8. Hire Date	09/27/10	20. Wk Lo	PC
9. Last Raise	01/19/14	21. Hry/Saly	H Hourly
10. Review Date	09/22/10	22. Freq	W WEEKLY
11. Term Date	00/00/00	23. Hry/Period	.00
12. EEOQ Code		24. Wks/Period	1.00
13. Sex Code	M	25. Salary	
14. Mar Status	S	26. Regular Rate	
15. Pension?	N	27. Overtime Rate	
16. Probation?	N	28. Special Rt	
17. Leave Hours Due		29. Additional Rates	
18. Leave Hours Accum		30. Acct#	00-6050-100

31. Federal Tax Info	
Marital Status	S
Number Exempts	1
Addon Amt/Pct	.00
Exempt?	N N N
32. State Tax Info	
State ID SWT	SC 90% S000
Pct of Pwt	
Marital Status	0
# Exempts-Pers	1 Dep 0
Addon Amt	.00
SUI Exempt?	N
33. Local Tax Info	
Local IDs	
34. User Fields	
35. NPC Direct Deposit	
36. Other Info	
F8 - Sample Calculation	

F4 - Recurring Deds/Earns F5 - Salary Distributions

to change OK Cancel

Uyehle & CA Data

Prints

CHRISTIN 03/03/15

Save/Save Menu Skill Search Applicant Screen

JACKSON 001170



OMNI INDEMNITY COMPANY
2018 POWERS FERRY ROAD
SUITE 400
ATLANTA, GA 30339

APPLICATION FOR PRIVATE PASSENGER AUTO INSURANCE

APPLICANT NAME AND ADDRESS VINCENT JACKSON 251 RAST ST APT E7 SUMTER, SC 29150 Home: 803-236-9911	PRODUCER AIA AUTO INS (1000051643) 420 S PIKE E SUMTER, SC 29150 803-938-8833

PREVIOUS ADDRESS (if less than 5 Years)	POLICY #: 4276309 POLICY EFFECTIVE: March 13, 2013 to March 13, 2014

THE INSURER CAN CANCEL THIS POLICY FOR WHICH YOU ARE APPLYING WITHOUT CAUSE DURING THE FIRST 90 DAYS. THAT IS THE INSURER'S CHOICE. AFTER THE FIRST 90 DAYS, THE INSURER CAN ONLY CANCEL THIS POLICY FOR REASONS STATED IN THE POLICY.

APPLICANT INFORMATION

First	Middle	Last	Suffix	Birth Date	Marital Status	Sex	SSN
VINCENT		JACKSON		09/10/1989	Single	Male	

List all persons over 14 years of age who are residents of the same household, LICENSED OR NOT.

Name	Relationship	Excluded	License State	License Number	Date Licensed
VINCENT JACKSON	Self	No	SC	100654383	08/10/2007

DRIVER'S (Cont.)

Driver	Name	Senior Driver	SR-22 Required	State	Case Number
1	VINCENT JACKSON	N	Y	SC	

EMPLOYMENT INFORMATION

Applicant	Employer	Occupation	Years in Current Occupation	NONE
VINCENT JACKSON				

Work Phone:

VEHICLES [NO] - NAMED NON-OWNER POLICY? (If "Yes", complete Named Non-Owner Automobile Endorsement)

VEH	VIN	Year	Make and Model	Body Style	Symbol
1	1G3GS64C314262735	2001	OLDS AURORA 4.0	4 Door Sedan	13

VEHICLES (Cont.)

VEH	Vehicle Use	Damaged	Damage Detail	Anti-Theft	Restraint System
1	Pleasure	No		Anti-theft Device Installed	Double Airbag

VEHICLE RATING

VEH	Garaging Address (if different)	State Registered	Territory	Rate Class	Points
1	251 RAST ST APT E7 SUMTER, SC 29150		46	SM23	5

PERJAD 000-021-0009

**PLAINTIFF'S
EXHIBIT**

NO. 4

524
100

Page 2 of 11



CJA

South Carolina Department of Motor Vehicles
APPLICATION FOR VOTER REGISTRATION

MV-2
(Rev. 3-01)
678803.3

Social Security Number is required by the 14-7-130 S.C. Code of Laws and is used for internal purposes only. Your Social Security Number **does not** appear on any report produced by the State Election Commission nor is it released to any unauthorized individual. The Driver's Privacy Protection Act of 1994 (DPPA), 18 USC Section 2721-2725 restricts the disclosure of personal information contained in our records.

Name: JACKSON, VINCENT ANTHONY
Address: 12 CENTER ST
City, State Zip: SUMTER, SC 291505012
County: 43-SUMTER

Gender: M
Race: BK
SSN: 250-79-5922
DOB: 09/10/1989

PHONE NUMBER: Home <i>803 236 9911</i>		Work _____		INSIDE CITY LIMITS YES ☐ NO ☐		DRIVER LICENSE NUMBER <i>100654383</i>	
PRECEDENT REGISTRATION:		Precinct _____	County <i>Sumter</i>	State <i>SC</i>	REGISTRATION NUMBER		

VOTER DECLARATION – Read and sign below.

I swear or affirm that:

- I am a United States citizen.
- I am a resident of South Carolina, this county and precinct.
- I am not under a court order declaring me mentally incompetent.
- I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received pardon for the conviction.
- I will be at least 18 years old on or before the next election.
- I am not confined to any public prison resulting from a conviction.
- The address listed above is my only legal place of residence and I claim no other place as my legal residence.
- I understand that I am **not** eligible to vote until I receive a voter registration card from the county in which I live. If I do not receive a voter registration card in the mail, I will be responsible for contacting my Voter Registration Board.

Vincent Jackson
Signature

1-30-2012
Date

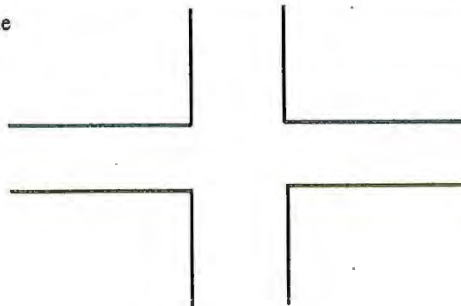
Whoever shall, willfully and knowingly, swear or affirm falsely in taking any oath required by law, shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

If you decline to register to vote, that decision will remain confidential and be used only for voter registration purposes.

If you register to vote, information regarding the office in which the application was submitted will remain confidential, again, to be used only for voter registration purposes.

If you live outside the city limits, draw a diagram of the area in which you live. Show your house in relation to local landmarks such as schools, churches, stores, etc. Be sure to label the streets or roads.

N
W E
S





South Carolina Department of Motor Vehicles
APPLICATION FOR VOTER REGISTRATION

MV-2
(Rev. 6-05)

6988033

Social Security Number is required by the 14-7-130 S.C. Code of Laws and is used for internal purposes only. Your social security number **does not** appear on any report produced by the State Election Commission nor is it released to any unauthorized individual. The Driver's Privacy Protection Act of 1994 (DPPA), 18 USC Section 2721-2725 restricts the disclosure of personal information contained in our records.

Name: JACKSON, VINCENT ANTHONY
Address: 9 BROWN ST
City, State Zip: SUMTER, SC 291503605
County: 43-SUMTER

Gender: M
Race: BK
SSN: 250-79-5922
DOB 09/10/1989

PHONE NUMBER: Home 803) 775-5254	Work () - - - - -	INSIDE CITY LIMITS YES ☐ NO ☐	DRIVER LICENSE NUMBER 100654383
PREVIOUS REGISTRATION: Precinct	County	State	REGISTRATION NUMBER

VOTER DECLARATION - Read and sign below.

I swear or affirm that:

- I am a United States citizen.
- I am a resident of South Carolina, this county and precinct.
- I am not under a court order declaring me mentally incompetent.
- I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received pardon for the conviction.

- I will be at least 18 years old on or before the next election.
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Vincent Jackson
Signature

Date

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If you live outside the city limits, draw a diagram of the area in which you live. Show your house in relation to local landmarks such as schools, churches, stores etc... Be sure to label the streets or roads.

N
W E
S

B. Rembert
3-18-10

436988033 - Jackson, Vincent - Archived/Deceased - (43) Folsom Park

Voter Notes

Voter Details	Addresses/Districts	History	Notes	Attachments

Results Found: 7

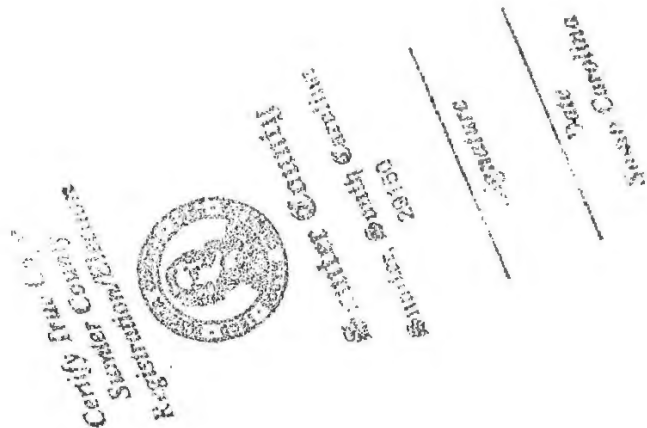
Results Shown: 1-7

View	Date	Type	Created By	County	Form Letter	Note
	01/24/2013	Voter	Patricia Jefferson	43-SUMTER	Paper VR Card without Photo	
	01/24/2013	Voter	Patricia Jefferson	43-SUMTER	Paper VR Card without Photo	
	01/24/2013	Voter	Patricia Jefferson	43-SUMTER		Motor Voter File Update Agency:105 - Division of Motor Vehicles Import Date:12/27/2012 Import ID:540 Record Number:105 SSN Old Value:250-79-5922 New Value:250-79-5922 MV Value:250-79-5922 Name Old Value:Vincent A Jackson New Value:Vincent A Jackson MV Value:VINCENT A JACKSON Gender Old Value:Male New Value:Male MV Value:Male Race



436988033 - Jackson, Vincent - Archived/Deceased - (43) Folsom Park

Voter Notes



Old
Value:Black/African
New
Value:Black/African
MV
Value:Black/African
Birth Date
Old
Value:9/10/1989
New
Value:9/10/1989
MV
Value:9/10/1989
Residence Address
Old Value:12
Center St Sumter,
SC 29150 43
New Value:251
Rast St Apt E7
Sumter, SC 29150
43
MV Value:251
RAST ST APT E7
SUMTER, SC 29150
43
Mailing Address
Old Value:
New Value:
MV Value:

09/25/2012	Voter	System	43-SUMTER	Paper VR Card without Photo	Mass Voter Query
09/22/2012	Voter	System	43-SUMTER	Paper VR Card without Photo	Mass Voter Query
02/15/2012	Voter	Nathaniel Benbow	43-SUMTER	Paper VR Card without Photo	
02/15/2012	Voter	Nathaniel Benbow	43-SUMTER		Motor Voter File Update Agency:105 - Division of Motor Vehicles Import Date:1/30/2012 Import ID:68 Record Number:105

436988033 - Jackson, Vincent - Archived/Deceased - (43) Folsom Park **Voter Notes**

SSN
Old Value:250-79-
5922
New Value:250-
79-5922
MV Value:250-79-
5922
Name
Old
Value:Vincent A
Jackson
New
Value:Vincent A
Jackson
MV
Value:VINCENT A
JACKSON
Gender
Old Value:Male
New Value:Male
MV Value:Male
Race
Old
Value:Black/African
New
Value:Black/African
MV
Value:Black/African
Birth Date
Old
Value:9/10/1989
New
Value:9/10/1989
MV
Value:9/10/1989
Residence Address
Old Value:9
Brown St Sumter,
SC 29150 43
New Value:12
Center St Sumter,
SC 29150 43
MV Value:12
CENTER ST
SUMTER, SC 29150
43
Mailing Address
Old Value:
New Value:
MV Value:

436988033 - Jackson, Vincent - Archived/Deceased - (43) Folsom Park

Voter Details

Voter Details | Addresses/Districts | History | Notes | Attachments

[Return to Previous Screen](#)

First Name Vincent Middle Name A Last Name Jackson

Status Archived Reason Deceased Proof of Identification Yes Date Of Birth 9/10/1989

SSN 250-79-5922

Gender Male

Race Black/AA

Registration

Location Division of Motor Vehicles Date 3/2/2010

Residence Address

*Street 251 Rast St

*City, State Sumter, SC 29150

Zip

County SUMTER

Override

Remove Mailing Address No

Mailing

☒ US ☐ International

Line 1

Line 2

Street 251 Rast St Apt E7

City, State Sumter, SC 29150

Zip

Phone Numbers

Previous Registration Outside of South Carolina

State

County

Address Line 1

Address Line 2

City

Zip Code

Alerts

Linked Records

Confirmation Mailing
DateCorrespondence
Method

Mail

Email

Driver's License
Number

Created By System on 3/18/2010 Updated By System on 2/6/2015



436988033 - Jackson, Vincent - Archived/Deceased - (43) Folsom Park

Voter History

☐ Participation
 ☐ Address History
 ☒ Status History
 ☐ Name History

Results Found: 3

Results Shown: 1-3

Status	Reason	Start Date	End Date	Requested By	County	Note	Trigger	Approval Status	Approver
Archived	Deceased	02/04/2015		System	State	Voter archived by the Mass Archive process	Archived	Approved	
Inactive	Deceased	01/30/2014	02/04/2015	Patricia Jefferson	43-SUMTER	Deceased per the Sumter Daily Item 1-23-2014	Voter Deceased (I-D)	Approved	Susan Rogers
Active	Active	03/18/2010	01/30/2014	System	43-SUMTER		Voter Created	Approved	



User: DOUKES,

SUMTER-LEE DETENTION CENTER

01/04/2014 09:58

BOOKING REPORT

Booking #	30116		Status		Active	
Date/Time	01/04/2014 00:29		Cell Location MAIN, G, G, 101H			
Booking Officer	WILSON, C. F. (327C)		Name ID 28724			
Fingerprint Officer	WILSON, C. F. (327C)		Prior Bookings None			
Search Officer	TOMLIN, C. R. (134C)		Security MED			
Fingerprint	N/A		Property Slip MAIN, CLST, ABC, BAG			
INMATE INFORMATION						
Name	JACKSON, VINCENT ANTHONY		Local ID (Names) N/A			
Address	281 RAPT ST E7 SUMTER, SC 29150		Race B	Sex M		
DOB	09/10/1989	Age 24	Height 5'10	Weight 180		
SSN	[REDACTED]		Marital Status Single, 0 Dependents	Time Lived In Area Unk		
Local ID (Jail)	N/A		FBI # N/A			
Juvenile	Country of Birth United States		Citizenship United States			
Employer	N/A		Religion Unk			
Employer Address	N/A		Employer Phone # N/A			
Attorney	Unk		Attorney Phone # N/A			
AKA	None					
Jail Alerts	None					
CHARGES						
Docket #	Date Arrested	Officer	Agency	Charge	UCR Type Status	Bond Amount Status Type
52350P	01/04/2014	Bruce1533	SPD	DISORDERLY / PUBLIC DISORDERLY CONDUCT	19C M PRET	\$262.50 ACTI SS
NOTES						



/book

Page 1



R-983



Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 03/31/2016

▶ **START HERE.** Read instructions carefully before completing this form. The instructions must be available during completion of this form.
ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Last Name (Family Name) Jackson		First Name (Given Name) Vincent		Middle Initial A	Other Names Used (If any)	
Address (Street Number and Name) 251 East 1st		Apt. Number E7	City or Town Sumter		State SC	Zip Code 29150
Date of Birth (mm/dd/yyyy) 09-10-1989	U.S. Social Security Number [REDACTED]	E-mail Address JacksonVincent5732@yahoo.com			Telephone Number (803) 236-9911	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- ☒ A citizen of the United States
- ☐ A noncitizen national of the United States (See instructions)
- ☐ A lawful permanent resident (Alien Registration Number/USCIS Number): _____
- ☐ An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) _____. Some aliens may write "N/A" in this field. (See instructions)

For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Number.

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: _____

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: _____

Country of Issuance: _____

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (See instructions)

3-D Barcode
Do Not Write in This Space

Signature of Employee: Vincent Jackson	Date (mm/dd/yyyy): 01/14/2014

I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator: _____		Date (mm/dd/yyyy): _____	
Last Name (Family Name) _____		First Name (Given Name) _____	
Address (Street Number and Name) _____		City or Town _____	State _____ Zip Code _____

STOP

STOP

EXHIBIT

8

GEICO

JACKSON 001174



Employee Last Name, First Name and Middle Initial from Section 1:

List A Identify and Employment Authorization	OR	List B Identify	AND	List C Employment Authorization
Document Title:		Document Title: Dr. License		Document Title: SS card
Issuing Authority:		Issuing Authority: 100654383		Issuing Authority: SS admin
Document Number:		Document Number: 04-10-2023		Document Number: [REDACTED]
Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				

3-D Barcode
Do Not Write in This Space

Certification

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ (See instructions for exemptions.)

Signature of Employer or Authorized Representative Lori Benenhaley		Date (mm/dd/yyyy) 01/14/2014	Title of Employer or Authorized Representative Account Executive	
Last Name (Family Name) Benenhaley		First Name (Given Name) Lori		Employer's Business or Organization Name ROPER PERSONNEL SERVICES INC.
Employer's Business or Organization Address (Street Number and Name) 101 S. WISE DR.			City or Town SUMTER	State SC
			Zip Code 29150	

A. New Name (if applicable) Last Name (Family Name) First Name (Given Name) Middle Initial			B. Date of Rehire (if applicable) (mm/dd/yyyy):

C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.

Document Title:	Document Number:	Expiration Date (if any)(mm/dd/yyyy):

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of Employer or Authorized Representative:

JACKSON 001175

1201



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
2012 INDIVIDUAL INCOME TAX RETURN

SC1040
(Rev. 8/10/12)
3075

Your social security number [REDACTED]	Check if deceased ☐
Spouse's social security number [REDACTED]	Check if deceased ☐

DO NOT USE THIS FORM TO FILE A
CORRECTED RETURN. SEE SC1040
INSTRUCTIONS FOR ADDITIONAL
INFORMATION.

For the year January 1 - December 31, 2012, or fiscal tax year beginning		2012 and ending		2013	
Print your first name and initial VINCENT A		Last name JACKSON		Suff. 	
Spouse's first name, if married filing jointly		Last name			
Check if new address ☐	Mailing address (number and street, Apt. no or P. O. Box) Foreign address, see instructions 251 RAST ST APT E-7				County code 43
City SUMTER	State SC	Zip 29150	Area code 803	Daytime telephone 236-9911	
Check if address is outside US ☐	Foreign country address including Postal code (see instructions)				
Check this box if you are filing SC Schedule NR (Part year/Nonresident) ☐					
Check this box if filing a composite return for partnership or "S" corporation ☐					
Check this box if you have filed a federal or state extension ☐					
Check this box if you served in a Military COMBAT ZONE during the filing period ☐					
Enter the name of the combat zone:					
Check this box if this return is affected by a federally declared DISASTER AREA ☐					
Enter the name of the disaster area:					
CHECK YOUR (1) ☐ Single (3) ☐ Married filing separately. Enter spouse's SSN here: _____					
FEDERAL FILING STATUS (2) ☐ Married filing jointly (4) ☒ Head-of-household (5) ☐ Widow(er) with dependent child					

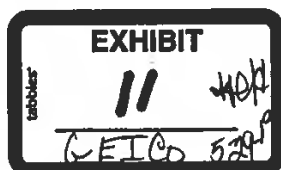
Federal Exemptions

Enter the number of exemptions from your 2012 federal return **2**
 Enter the number of exemptions listed above that were under the age of 8 years on December 31, 2012 **1**
 Enter the number of taxpayers age 65 or older, as of December 31, 2012

Dependents:

First name	Last name	Social security number	Relationship	Date of birth (MM/DD/YYYY)
JAYDEN A	JACKSON	[REDACTED]	SON	06/11/2012

30751028



JACKSON 001162

INCOME AND ADJUSTMENTS

2012

1 Enter federal taxable income from your federal form. If zero or less, enter zero here.

Dollars

Nonresident filers complete Schedule NR and enter total from line 49 on line 5 below

1

11,668.00

ADDITIONS TO FEDERAL TAXABLE INCOME

a	State tax addback, if itemizing on federal return (See instructions)	a	0.00
b	Out-of-state losses (See instructions)	b	0.00
Check type of loss: ☐ Rental ☐ Business ☐ Other		c	0.00
c	Expenses related to National Guard and Military Reserve income	d	0.00
d	Interest income on obligations of states and political subdivisions other than South Carolina	e	0.00
e	Other additions to income. Attach an explanation (See instructions)	2	0.00
2 Add lines a through e and enter the total here. These are your total additions		3	11,668.00
3 Add lines 1 and 2 and enter the total here			

SUBTRACTIONS FROM FEDERAL TAXABLE INCOME

f	State tax refund, if included on your federal return	f	0.00	Dollars
g	Total and permanent disability retirement income, if taxed on your federal return	g	0.00	
h	Out-of-state income/gain - Do not include personal service income (See instructions)	h	0.00	
Check type of income/gain: ☐ Rental ☐ Business ☐ Other		i	0.00	
i	44% of net capital gains held for more than one year (See instructions)	j	0.00	
j Volunteer deductions (See instructions) Check type of deduction:		k	0.00	
☐ Firefighter ☐ HazMat ☐ Rescue Squad		l	0.00	
☐ DNR ☐ Reserve Police ☐ Other		m	0.00	
k	Contributions to the SC College Investment Program ("Future Scholar") or the SC Tuition Prepayment Program (See instructions)	n	0.00	
l	Active Trade or Business income deduction (See instructions)	o	0.00	
m	Interest income from obligations of the US government	p-1	0.00	
n	Certain nontaxable National Guard or Reserve Pay (See instructions)	p-2	0.00	
o	Social security and/or railroad retirement, if taxed on your federal return	p-3	0.00	
p Caution: Retirement Deduction (See instructions)		p-4	0.00	
p-1	Taxpayer: date of birth	q-1	0.00	
p-2	Spouse: date of birth	q-2	0.00	
p-3	Surviving spouse #1: date of birth of deceased spouse	r	0.00	
p-4	Surviving spouse #2: date of birth of deceased spouse	s	0.00	
q	Age 65 and older deduction (See instructions)	t	3,800.00	
q-1	Taxpayer: date of birth	u	0.00	
q-2	Spouse: date of birth	4	3,800.00	
r	Negative amount of federal taxable income	5	7,868.00	
s	Subsistence allowance days @ \$8.00	6	174.00	
t	Dependents under the age of 6 years on December 31 of the tax year	7	0.00	
u	Other subtractions (See instructions)	8	0.00	
4 Add lines f through u and enter here. These are your total subtractions		9	0.00	
5 Residents subtract line 4 from line 3 and enter the difference. Nonresidents enter amount from Schedule NR, line 49. If less than zero, enter zero here. This is your South Carolina INCOME SUBJECT TO TAX		10	174.00	
6	TAX: enter tax from SOUTH CAROLINA tax tables	11	0.00	
7	TAX on Lump Sum Distribution (Attach SC4972)	12	0.00	
8	TAX on Active Trade or Business Income (Attach I-335)	13	0.00	
9	TAX on excess withdrawals from Catastrophe Savings Accounts	14	0.00	
10 Add lines 6 through 9 and enter the total here. This is your TOTAL SOUTH CAROLINA TAX		15	174.00	
11	Child and Dependent Care (See instructions)			
12	Two Wage Earner Credit (See instructions)			
13	Other non-refundable credits. Attach SC1040TC and other state return(s)			
14 TOTAL non-refundable credits. Add lines 11 through 13 and enter the total here				
15 SUBTRACT line 14 from line 10. Enter the difference BUT NOT LESS THAN ZERO here				

30752026

JACKSON 001163

2012

PAYMENTS AND REFUNDABLE CREDITS

16 SC INCOME TAX WITHHELD (Attach W-2 or SC41)	1,636.00	20 Other SC withholding (Attach Form 1099)	0.00
17 2012 estimated tax payments	0.00	21 Tuition tax credit (Attach I-519)	0.00
18 Amount paid with extension	0.00	22 Other refundable credit(s)	0.00
19 NR sale of real estate	0.00	Check type: ☐ Anhydrous Ammonia (Attach I-333) ☐ Milk Credit (Attach I-334)	
23 Add lines 16 through 22 and enter the total here..... These are your TOTAL PAYMENTS		23	1,636.00
24 If line 23 is LARGER than line 15, subtract line 15 from line 23 and enter the OVERPAYMENT		24	1,462.00
25 If line 15 is LARGER than line 23, subtract line 23 from line 15 and enter the AMOUNT DUE		25	0.00
26 USE TAX: (See instructions)		26	0.00
27 Amount of line 24 to be credited to your 2013 Estimated Tax		27	0.00
28 Total Contributions for Check-offs (Attach I-330)		28	0.00
29 Add lines 26 through 28 and enter the total here		29	0.00
30 If line 29 is larger than line 24, go to line 31. Otherwise, subtract line 29 from line 24 and enter the AMOUNT TO BE REFUNDED TO YOU (line 30a check box entry is required)..... REFUND		30	1,462.00
REFUND OPTIONS (subject to program limitations)			
30a Mark one refund choice: ☒ Direct Deposit (30b required) ☐ Debit Card ☐ Paper Check			
*SCDOR Income Tax Refund Prepaid Debit Card issued by Bank Of America			
30b Direct Deposit (for US Accounts Only) Type: ☒ Checking ☐ Savings			
Routing Number (RTN)		Must be 9 digits. The first two numbers of the RTN must be 01 through 12 or 21 through 32	
Bank Account Number (BAN)		1-17 digits	
31 Tax Due: Add lines 25 and 29. If line 29 is larger than line 24, subtract line 24 from line 29 and enter the amount ..		31	0.00
32 Late filing and/or late payment: Penalties		32	0.00
33 Penalty for Underpayment of Estimated Tax (Attach SC2210)		33	0.00
(See instructions and enter letter in box if applicable) Exception to Underpayment of Estimated Tax ☐		33	0.00
34 Add lines 31 through 33 and enter the AMOUNT YOU OWE here		34	0.00

Pay electronically free of charge at www.sctax.org. Click on DORePay and pay with Visa, MasterCard or by Electronic Funds Withdrawal (EFW) or include SC1040-V with your check or money order for the full amount payable to "SC Department of Revenue". Write your social security number and "2012 SC1040" on the payment.

Go Paperless! SCDOR will soon offer the option to receive your Form 1099-G/INT on its secure, confidential website www.sctax.org instead of receiving it in the mail. Form 1099-G/INT is used when preparing your federal tax return. The website information would allow you to print a copy of the form if needed. Check the box below and provide a valid email address to receive more information and instructions about this new program when available.

☐ Yes, I wish to receive information about accessing my 1099-G/INT information through the SCDOR website.	Email Address

I declare that this return and all attachments are true, correct and complete to the best of my knowledge and belief.

Your signature	Date	Spouse's signature (if married filing jointly, BOTH must sign)
SELF - PREPARED		
I authorize the Director of the Department of Revenue or delegate to discuss this return, attachments and related tax matters with the preparer.	Yes ☐ No ☒	Preparer's printed name

If prepared by a person other than the taxpayer, his declaration is based on all information of which he has any knowledge.

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed ☐	PTIN
	Firm name (or yours if self-employed) and address and Zip Code		FEIN	Phone No.

MAIL TO:



REFUNDS OR ZERO TAX

BALANCE DUE

SC1040 Processing Center, PO Box 101100, Columbia, SC 29211-0100

Taxable Processing Center, PO Box 101105, Columbia, SC 29211-0105

30753024

JACKSON 001164

Form **1040** Department of the Treasury - Internal Revenue Service (99) **2012** U.S. Individual Income Tax Return OMB No. 1545-0074 IRS Use Only - Do not write or staple in this space.

For the year Jan. 1-Dec. 31, 2012, or other tax year beginning . . . , 2012, ending . . . , 20 . . . See separate instructions.

Your first name and initial **VINCENT A** Last name **JACKSON** Your social security number **[REDACTED]**

If a joint return, spouse's first name and initial . . . Last name . . . Spouse's social security number . . .

Home address (number and street). If you have a P.O. box, see instructions. **251 RAST ST** Apt. no. **E-7** **▲** Make sure the SSN(s) above and on line 8c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). **SUMTER, SC 29150**

Foreign country name . . . Foreign province/state/country . . . Foreign postal code . . .

Filing Status

1 ☐ Single 4 ☒ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶

2 ☐ Married filing jointly (even if only one had income)

3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ▶ 5 ☐ Qualifying widow(er) with dependent child

Check only one box.

Exemptions

6a ☒ Yourself. If someone can claim you as a dependent, do not check box 6a

b ☐ Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ☒ If child under age 17 qualifying for child tax credit (see instructions)
JAYDEN A	JACKSON		SON	☒
				☐
				☐
				☐

If more than four dependents, see instructions and check here ▶ ☐

Boxes checked on 6a and 6b
No. of children on 6c who:
• lived with you
• did not live with you due to divorce or separation (see instructions)
Dependents on 6c not entered above
Add numbers on lines above ▶ **2**

d Total number of exemptions claimed

Income

7 Wages, salaries, tips, etc. Attach Form(s) W-2 **7** **27,968.**

8a Taxable interest. Attach Schedule B if required **8a**

b Tax-exempt interest. Do not include on line 8a **8b**

9a Ordinary dividends. Attach Schedule B if required **9a**

b Qualified dividends **9b**

10 Taxable refunds, credits, or offsets of state and local income taxes **10**

11 Alimony received **11**

12 Business income or (loss). Attach Schedule C or C-EZ **12**

13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐ **13**

14 Other gains or (losses). Attach Form 4797 **14**

15a IRA distributions **15a** b Taxable amount **15b**

16a Pensions and annuities **16a** b Taxable amount **16b**

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E **17**

18 Farm income or (loss). Attach Schedule F **18**

19 Unemployment compensation **19**

20a Social security benefits **20a** b Taxable amount **20b**

21 Other income. List type and amount **21**

22 Combine the amounts in the far right column for lines 7 through 21. This is your total income ▶ **22** **27,968.**

Adjusted Gross Income

23 Educator expenses **23**

24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ **24**

25 Health savings account deduction. Attach Form 8889 **25**

26 Moving expenses. Attach Form 3903 **26**

27 Deductible part of self-employment tax. Attach Schedule SE **27**

28 Self-employed SEP, SIMPLE, and qualified plans **28**

29 Self-employed health insurance deduction **29**

30 Penalty on early withdrawal of savings **30**

31a Alimony paid b Recipient's SSN ▶ **31a**

32 IRA deduction **32**

33 Student loan interest deduction **33**

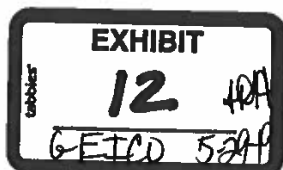
34 Tuition and fees. Attach Form 8817 **34**

35 Domestic production activities deduction. Attach Form 8803 **35**

36 Add lines 23 through 35 **36** **0.**

37 Subtract line 36 from line 22. This is your adjusted gross income ▶ **37** **27,968.**

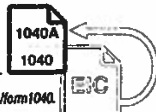
For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 11320B Form **1040** (2012)



JACKSON 001165

SCHEDULE EIC
(Form 1040A or 1040)

Earned Income Credit
Qualifying Child Information



OMB No. 1545-0074

2012

Attachment
Sequence No. **43**

Department of the Treasury
Internal Revenue Service (IRS)

▶ Complete and attach to Form 1040A or 1040 only if you have a qualifying child.
▶ Information about Schedule EIC (Form 1040A or 1040) and its instructions is at www.irs.gov/form1040.

Name(s) shown on return

VINCENT A JACKSON

Your social security number

Before you begin:

- See the instructions for Form 1040A, lines 38a and 38b, or Form 1040, lines 64a and 64b, to make sure that (a) you can take the EIC, and (b) you have a qualifying child.
- Be sure the child's name on line 1 and social security number (SSN) on line 2 agree with the child's social security card. Otherwise, at the time we process your return, we may reduce or disallow your EIC. If the name or SSN on the child's social security card is not correct, call the Social Security Administration at 1-800-772-1213.



- If you take the EIC even though you are not eligible, you may not be allowed to take the credit for up to 10 years. See page 2 for details.
- It will take us longer to process your return and issue your refund if you do not fill in all lines that apply for each qualifying child.

Qualifying Child Information	Child 1	Child 2	Child 3
1 Child's name If you have more than three qualifying children, you only have to list three to get the maximum credit.	First name Last name JAYDEN JACKSON	First name Last name	First name Last name
2 Child's SSN The child must have an SSN as defined in the instructions for Form 1040A, lines 38a and 38b, or Form 1040, lines 64a and 64b, unless the child was born and died in 2012. If your child was born and died in 2012 and did not have an SSN, enter "Died" on this line and attach a copy of the child's birth certificate, death certificate, or hospital medical records.			
3 Child's year of birth	Year <u>2 0 1 2</u> If born after 1993 and the child was younger than you (or your spouse, if filing jointly), skip lines 4a and 4b; go to line 5.	Year _____ If born after 1993 and the child was younger than you (or your spouse, if filing jointly), skip lines 4a and 4b; go to line 5.	Year _____ If born after 1993 and the child was younger than you (or your spouse, if filing jointly), skip lines 4a and 4b; go to line 5.
4 a Was the child under age 24 at the end of 2012, a student, and younger than you (or your spouse, if filing jointly)?	☐ Yes. ☐ No. Go to line 5. Go to line 4b.	☐ Yes. ☐ No. Go to line 5. Go to line 4b.	☐ Yes. ☐ No. Go to line 5. Go to line 4b.
b Was the child permanently and totally disabled during any part of 2012?	☐ Yes. ☐ No. Go to line 5. The child is not a qualifying child.	☐ Yes. ☐ No. Go to line 5. The child is not a qualifying child.	☐ Yes. ☐ No. Go to line 5. The child is not a qualifying child.
5 Child's relationship to you (for example, son, daughter, grandchild, niece, nephew, foster child, etc.)	SON		
6 Number of months child lived with you in the United States during 2012 • If the child lived with you for more than half of 2012 but less than 7 months, enter "7." • If the child was born or died in 2012 and your home was the child's home for more than half the time he or she was alive during 2012, enter "12."	<u>12</u> months Do not enter more than 12 months.	<u> </u> months Do not enter more than 12 months.	<u> </u> months Do not enter more than 12 months.

For Paperwork Reduction Act Notice, see your tax return instructions.

Cat. No. 13339M

Schedule EIC (Form 1040A or 1040) 2012

CDA

JACKSON 001166

Tax and Credits	38	Amount from line 37 (adjusted gross income)	38	27,968.
	39a	Check ☐ You were born before January 2, 1948, ☐ Blind. Total boxes ☐ If: ☐ Spouse was born before January 2, 1948, ☐ Blind. checked ☐ 39a		
Standard Deduction for— • People who check any box on line 38a or 38b or who can be claimed as a dependent, see instructions. • All others: Single or Married filing separately, \$5,950 Married filing jointly or Qualifying widower, \$11,900 Head of household, \$8,700	b	If your spouse itemizes on a separate return or you were a dual-status alien, check here ☐ 39b		
	40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	8,700.
	41	Subtract line 40 from line 38	41	19,268.
	42	Exemptions. Multiply \$3,800 by the number on line 6d.	42	7,600.
	43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	11,668.
	44	Tax (see instructions). Check if any from: a ☐ Form(s) 8814 b ☐ Form 4972 c ☐ 962 election	44	1,168.
	45	Alternative minimum tax (see instructions). Attach Form 6251	45	
	46	Add lines 44 and 45	46	1,168.
	47	Foreign tax credit. Attach Form 1116 if required	47	
	48	Credit for child and dependent care expenses. Attach Form 2441	48	
	49	Education credits from Form 8863, line 19	49	
	50	Retirement savings contributions credit. Attach Form 8880	50	
	51	Child tax credit. Attach Schedule 8812, if required	51	1,000.
	52	Residential energy credits. Attach Form 5695	52	
	53	Other credits from Form: a ☐ 3800 b ☐ 8801 c ☐	53	
	54	Add lines 47 through 53. These are your total credits	54	1,000.
	55	Subtract line 54 from line 46. If line 54 is more than line 46, enter -0-	55	168.
Other Taxes	56	Self-employment tax. Attach Schedule SE	56	
	57	Unreported social security and Medicare tax from Form: a ☐ 4137 b ☐ 8919	57	
	58	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	58	
	59a	Household employment taxes from Schedule H	59a	
	b	First-time homebuyer credit repayment. Attach Form 5405 if required	59b	
	60	Other taxes. Enter code(s) from instructions	60	
	61	Add lines 55 through 60. This is your total tax	61	168.
Payments	62	Federal income tax withheld from Forms W-2 and 1099	62	1,114.
	63	2012 estimated tax payments and amount applied from 2011 return	63	
	64a	Earned income credit (EIC)	64a	1,429.
	b	Nontaxable combat pay election ☐ 64b		
	65	Additional child tax credit. Attach Schedule 8812	65	
	66	American opportunity credit from Form 8863, line 8	66	
	67	Reserved	67	
	68	Amount paid with request for extension to file	68	
	69	Excess social security and tier 1 RRTA tax withheld	69	
	70	Credit for federal tax on fuels. Attach Form 4136	70	
	71	Credits from Form: a ☐ 2439 b ☐ 8863 c ☐ 8801 d ☐ 8885	71	
	72	Add lines 62, 63, 64a, and 65 through 71. These are your total payments	72	2,543.
Refund	73	If line 72 is more than line 61, subtract line 61 from line 72. This is the amount you overpaid	73	2,375.
	74a	Amount of line 73 you want refunded to you. If Form 8888 is attached, check here ☐	74a	2,375.
	b	Routing number ☐ e Type: ☒ Checking ☐ Savings		
	d	Account number ☐		
	75	Amount of line 73 you want applied to your 2013 estimated tax	75	
Amount You Owe	76	Amount you owe. Subtract line 72 from line 61. For details on how to pay, see instructions	76	0.
	77	Estimated tax penalty (see instructions)	77	
Third Party Designee	Do you want to allow another person to discuss this return with the IRS (see instructions)? ☐ Yes. Complete below. ☒ No			
Sign Here	Designee's name	Phone no.	Personal identification number (PIN)	
	Your signature	Date	Your occupation	Daytime phone number
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed PTIN
	Firm's name	Firm's EIN	Phone no.	

Form 1040 (2012)

CDA

JACKSON 001167

Form W-4 (2013)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2013 expires February 17, 2014. See Pub. 505, Tax Withholding and Estimated Tax.

Note. If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$1,000 and includes more than \$350 of unearned income (for example, interest and dividends).

Basic Instructions. If you are not exempt, complete the Personal Allowances Worksheet below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 601, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the Personal Allowances Worksheet below. See Pub. 505 for information on converting your other credits into withholding allowances.

Marriage income. If you have a large amount of marriage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity

income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be made accurately when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1382, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2013. See Pub. 505, especially if your earnings exceed \$130,000 (single) or \$160,000 (married).

Future developments. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted at www.irs.gov/w-4.

Personal Allowances Worksheet (Keep for your records.)

A	Enter "1" for yourself if no one else can claim you as a dependent.	A	_____
B	Enter "1" if: - You are single and have only one job; or - You are married, have only one job, and your spouse does not work; or - Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less.	B	_____
C	Enter "1" for your spouse. But, you may choose to enter "0" if you are married and have either a working spouse or more than one job. (Entering "0" may help you avoid having too little tax withheld.)	C	_____
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return.	D	_____
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above).	E	_____
F	Enter "1" if you have at least \$1,800 of child or dependent care expenses for which you plan to claim a credit (Note. Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	F	_____
G	Child Tax Credit (including additional child tax credit). See Pub. 872, Child Tax Credit, for more information. - If your total income will be less than \$85,000 (\$95,000 if married), enter "2" for each eligible child; then less "1" if you have three to six eligible children or less "2" if you have seven or more eligible children. - If your total income will be between \$85,000 and \$84,000 (\$95,000 and \$118,000 if married), enter "1" for each eligible child.	G	_____
H	Add lines A through G and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.)	H	_____

For accuracy, complete all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are single and have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the Two-Earners/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

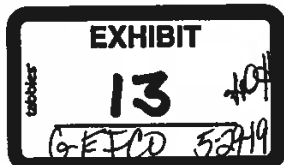
Separate here and give Form W-4 to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate OMB No. 1545-0074 2013	
1 Your first name and middle initial <u>Vincent A.</u>		2 Your social security number <u>[REDACTED]</u>	
Last name <u>Jackson</u>		3 ☒ Single ☐ Married ☐ Married, but withhold at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.	
Home address (number and street or rural route) <u>251 Bay St Apt E7</u> City or town, state, and ZIP code <u>Sumter, SC 29150</u>		4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ☐	
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)		6 Additional amount, if any, you want withheld from each paycheck	
7 I claim exemption from withholding for 2013, and I certify that I meet both of the following conditions for exemption. - Last year I had a right to a refund of all federal income tax withheld because I had no tax liability, and - This year I expect a refund of all federal income tax withheld because I expect to have no tax liability. If you meet both conditions, write "Exempt" here.		8 ☐	
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.			
Employee's signature (This form is not valid unless you sign it.) <u>Vincent Jackson</u>			
9 Employer's name and address (Employer. Complete lines 9 and 10 only if sending to the IRS.)		10 Office code (optional)	
Date <u>1-14-14</u>		Employer identification number (EIN)	

For Privacy Act and Paperwork Reduction Act Notice, see page 2.

Cat. No. 10220Q

Form W-4 (2013)



JACKSON 001176



236-9816 Cash
236-9111

Application Fee

\$20.00 for single, \$30.00 for married couple & \$40.00 for roommates

RENTAL APPLICATION

Property Address: E-7

Vincent Jackson

Name(s) of Applicant(s) [A

separate application form is to be completed when co-applicants are not married]. (the "Applicant" whether one or more) hereby applies on _____, 20____, to _____ Century 21 Hawkins & Kolb _____ (the Landlord) for rent of the following described property located in the City or County of Sumter _____ (the "Property") for occupancy beginning _____, 20____, and ending on _____, 20____, at a monthly rental of \$ 575 and initial security deposit of \$ 575.

Property address: _____ Date of birth: 9/10/89

Work Telephone: 803 773 7329

Social Security No. [REDACTED]

Driver's license no. and State of issue: 100654383 South Carolina

Other name(s) of Applicant used within last 3 years _____

Names Of Occupants, Relationship To Applicant & Age Of Occupants: Jessica Wilson Girl friend, 22

JAYDEN JACKSON, 2 yrs

Number of vehicles: 1 Make/Model/State license tag #: Ford Explorer ANS101

Number of pets (include age, weight and breed): 0

CURRENT ADDRESS: Present Address: 9 Brown St

City: Sumter State: SC Zip Code: 29150 How long? 22 yrs

Reason for leaving: to have own place Monthly rent: 0 Telephone: 803 236-9911

Name and telephone of previous Owner or Agent: Barbara Jackson

PREVIOUS ADDRESS:

Previous address within last 3 years:

From _____ to _____ Monthly rent: _____ Address: _____

Reason for leaving: _____

Name, address, and telephone of Owner or Agent: _____

From _____ to _____ Monthly rent: _____ Address: _____

Reason for leaving: _____

Name, address, and telephone of Owner or Agent: _____

From _____ to _____ Monthly rent: _____ Address: _____

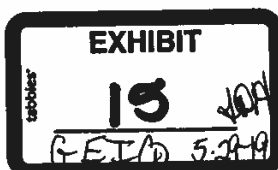
Reason for leaving: _____

Name, address, and telephone of Owner or Agent: _____

[] APPLICANT [] APPLICANT [] LANDLORD HAVE READ THIS PAGE

Century 21 Hawkins & Kolb

688 Bullman Dr
Sumter, SC 29150
803-773-0221



Form 460
PAGE 1 OF 3

Yes - Called 200 10:45

Military Personnel Only

Rank: _____ Pay Grade: _____

First Shirt: _____

EMPLOYMENT INFORMATION:

Applicant's present employer: Evans Tractor Immediate supervisor: Jim Evans

How long? 1 yr 2 months Date hired? 1/24/10 Address: Highway 15 S

Telephone: 773-7329 Employed as: Welder Monthly gross income: \$ 2,000

If employed less than one year by present employer, previous employer: _____ How long? _____

Date hired? _____ Immediate supervisor: _____

Address: _____ Telephone: _____

Employed as: _____ Monthly gross income: \$ _____

Other sources of income to be considered (Applicant need not disclose alimony, child support, or separate maintenance income or its source, unless Applicant wishes to be considered for the purpose of this application for lease):

Other income: \$ _____ Source: _____

Other income: \$ _____ Source: _____

Other income: \$ _____ Source: _____

Name of nearest relative: Barbara Jackson Relationship: MOM

Address: 9 Brown St Telephone: 775-5254

Spouse or Roommate's Name: Jessica Wilson Social Security No.: _____

Address: 19 Dollard Dr. Telephone Number: 803-236-9876

Date of birth: 12-22-89 Work telephone: 774-9000 Driver's license no. and State of issue: 100858331, SC

Other name(s) of Spouse (maiden name) used within last 3 years _____

Spouse Or Roommate's Employment Information

Spouse's or Roommate's Present Employer: Tuomey Health Care

Immediate supervisor: Laurie Kingfelt How long? 1 yr 2 months Date hired? 4/3/11

Address: Washington St. Sumter SC Telephone: 803-774-9000

Employed as: CNA Monthly gross income: \$ Out on maternity leave (\$900)

If employed less than one year by present employer, previous employer: _____

How long? _____ Date hired? _____ Immediate supervisor: _____

Address: _____

Telephone: _____ Employed as: _____

Monthly gross income: \$ _____

Other sources of income to be considered (Spouse need not disclose alimony, child support, or separate maintenance income or its source, unless Applicant wishes to be considered for the purpose of this rental application.):

Other income: \$ _____ Source: _____ Other income: \$ _____

Source: _____ Other income: \$ _____ Source: _____

Name of nearest relative: _____ Relationship: _____

Address: _____ Telephone: _____

APPLICANT [] APPLICANT [] LANDLORD HAVE READ THIS PAGE

Form 460

PAGE 2 OF 3

CREDIT REFERENCES:

Checking Institution Wells fargo
Savings Institution Wells fargo
Bank Loans/Credit Cards: Issuer: _____
Bank Loans/Credit Cards: Issuer: _____
Credit Cards: Issuer: _____

Please answer yes or no below:

Have you ever filed a petition for bankruptcy? NO
Have you ever been evicted from any tenancy? NO
Have you ever willfully or intentionally refused to
pay any rent when due? NO

Applicant authorizes Landlord to verify the foregoing information and to make credit, employment, rental history and reference inquiries deemed necessary by them, and Applicant also authorizes the release of information contained on this application or sought by such inquiries.

If this application is accepted by Landlord, Applicant agrees to execute a rental agreement of the Property in the form which has been exhibited to Applicant by Landlord, and agrees to pay the rental for one month before occupation of the Property.

The Applicant agrees that the Property Manager or Real Estate Broker representing Tenant or Landlord and all affiliated agents are not responsible for obtaining or disclosing any information contained in the South Carolina Sex Offender Registry. The Applicant agrees that no course of action may be brought against the Property Manager or Real Estate Broker representing Tenant or Landlord and all affiliated agents for failure to obtain or disclose any information contained in the South Carolina Sex Offender Registry. The Applicant agrees that the Applicant has the sole responsibility to obtain any such information. The Applicant understands that Sex Offender Registry information may be obtained from the local sheriff's department or other appropriate law enforcement officials.

I DECLARE THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, AUTHORIZE ITS VERIFICATION AND THE OBTAINING OF A CONSUMER CREDIT REPORT.

Vincent gaskin
Signature of Applicant

Jessica Wilson
Signature of Applicant

The undersigned acknowledges receipt from Applicant(s) on _____, 20____, of \$_____ by cash or personal check payable to Century 21 Hawkins & Kolb as a security deposit on the Property, which shall be refunded if this application is not accepted. Applicant hereby pays \$_____ nonrefundable application fee.

Signature of Recipient

This Rental Application is **ACCEPTED** on _____, 20____.

Signature of Landlord

The foregoing form is available for use by the entire real estate industry. The use of the form is not intended to identify the user as a REALTOR®. REALTOR® is the registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. Expressly prohibited is the duplication or reproduction of such form or the use of the name "South Carolina Association of REALTORS®" in connection with any written form without the prior written consent of the South Carolina Association of REALTORS®. The foregoing form may not be edited, revised, or changed without the prior written consent of the South Carolina Association of REALTORS®.

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Form 460

PAGE 3 OF 3

I understand that this application is subject to review and the approval of Management and I understand that Management has the sole discretion to decide if I can rent this property. I authorize Management to confirm the information listed in this application and to make any inquiries about me or any of the references listed in my application, my employer, any credit reporting agency, and any legal authority including any criminal background information. Falsification of any fact contained herein is considered breach of lease for which Management may take any action allowable by the lease or laws of the state in which I have applied.

I hereby submit \$_____ as a non-refundable Application fee and \$_____ as a Security Deposit, in the form of check or money order made payable to Century 21 Hawkins & Kolb. If Management accepts my application, it will reserve the applied for property for me for 24 hours after notification of acceptance. I agree to pay the Security Deposit within that 24-hour period. I agree to execute the Management's lease and rental agreement on or before the expected Move-In Date indicated by Management. If I fail to execute a rental agreement, I understand I receive no refund of the Application fee or Security Deposit.

Vincent Jackson
Signature Of Applicant

Jessica Wilson
Signature Of Applicant

Century 21 Hawkins & Kolb

RECEIPT		DATE <u>10-21-12</u>	No. <u>914942</u>
RECEIVED FROM <u>Jackson</u>		\$ <u>570.00</u>	
<u>E-7 Willow Run</u>		DOLLARS	
☐ FOR RENT		☒ FOR <u>Security Deposit</u>	
ACCOUNT		☐ CASH	FROM _____ TO _____
PAYMENT	<u>570.00</u>	☐ CHECK	
BAL. DUE		☐ MONEY ORDER	
		☐ CREDIT CARD	BY <u>WG</u>

Your Leasing Obligations

Dear Applicants:

Upon acceptance of your rental application you will be required to pay a security deposit to secure this property. You will later be presented a written lease, which has been approved by the South Carolina Real Estate Commission. This document establishes the rights and responsibilities of both the landlord and the tenant. It is important that you understand exactly what you can and cannot do as occupants of rental property.

The following rules and regulations are contained in the lease, each of which will be enforced by our office:

Term of the Lease

- Your lease obligates you to an initial term of one year.

Lease Renewal

- Your lease can be terminated only by a 30 day written notice. This notice must be received at least 30 days before the lease is due to expire. In the absence of such notice, your lease automatically renews on a month-to-month basis. You may choose to go month to month by stating so on your lease renewal that will be sent to you prior to expiration.
- Before you consider moving, please refer to our Property Management Department and your lease about required notices and exact termination dates. Failure to give proper notice could result in loss of security deposit and the owner's filing a claim for the balance of unpaid rent for the un-expired term.

Paying Your Rent

- Your rent is due on the FIRST day of each month, in advance. Due to holidays, weekends, etc. we permit a "grace period" of five days in which to receive your rent. All rents received after 5:30 pm on the 5th calendar day of the month are considered delinquent and will be treated as follows:
 1. Rents remaining unpaid after 5:30 pm on the 5th day of the month will be assessed a late charge of \$25.00 plus \$5/day until paid.
 2. Rents remaining unpaid after 5pm on the 11th day of the month will be referred to the proper legal authority for collection... We are not required to notify you of this action. This charge (currently \$65.00) will also be added to your amount due.

- Emergencies do arise; in this case it is your responsibility to notify our Property Management Department. The late charge, however, will not be waived.

****If you are unwilling, or unable to pay as agreed, you should not rent this property.

Manner of Payment

- You may mail your rent to Century 21 Hawkins and Kolb, 688 Bultman Drive, Sumter, SC 29150; Place it in our night drop at the same address; Bring it in to the rental office at the same address. Remember—DO NOT PUT CASH IN THE DROP BOX. We do NOT accept cash as a form of payment. We accept checks, money order, or cashiers checks.
- Checks returned by your bank without payment to the bank for any reason will result in a charge currently \$30.00. If check is returned after due date late charges will be added. If more than one check is returned, it will result in cash only for rent.
- The drop box serves as a convenience for weekend, evening, and holiday due dates. If the 6th of the month falls on a Monday or holiday and payment is not in drop box or paid already when we open for business, late charges will be added.

Repairs

- Immediately upon moving into the property, please complete and return the inspection form provided by our office. By using this form you will not be held responsible for any pre-existing damages or defects.
- Requests for actual repairs can be called in to the rental office as well as our 24 hour answering service. All requests will be handled as quickly and efficiently as possible. During extremely hot or cold spells, our repairmen are constantly getting calls, so your patience is appreciated. Also, please understand that some repairs require owners authorization before work can be done.
- Some repairs are not the owner's responsibility. For example, broken glass caused by your negligence, clogged waist disposal from food or other particles, clogged drains or toilets from hair or other objects, or air filters. If repairs are necessary due to your negligence, you will be billed upon completion of work.

Moving In

- Upon acceptance, water, gas, cable, and electric services (where applicable) is to be registered into your name with the starting date of service to begin upon your signing the lease for the property. Don't forget to notify the post office, motor vehicle, and/or anyone else who may need your new address.

Security Deposit

- The security deposit placed in escrow at the time of signing your lease is NOT the last month's rent. The deposit will be refunded, minus the cost of cleaning the carpet; as long as the property is left in the conditions specified on the cleaning list and the rent is paid. The property must be vacant and all keys turned in to our office before a refund is made. The refund will be sent by check to the tenant(s) on the lease in thirty days. Please make sure to leave your forwarding address when you leave.

Insurance

- Many tenants overlook the importance of having renter's insurance and liability coverage. The owner or agent is not responsible for fire, theft, or casualties that occur in your rental property. It is your responsibility to have your own coverage. If occurrence requires you to move from the property to another, this will also be your responsibility.

Vincent Jackson
Applicant

6-19-12
Date

Jessie Wilson
Applicant

6-19-12
Date



RESIDENTIAL RENTAL AGREEMENT

This form is not intended for use if "Option to Purchase" is in place.

State of South Carolina
County of Sumter

This rental agreement made at Sumter, South Carolina, this 29th day of June, 20 12, between Vincent Jackson Tenant(s) (hereinafter called "TENANT"), and Century 21 Hawkins & Kolb Owner (hereinafter called "LANDLORD"), shall provide as follows:

THE ☒ LANDLORD ☐ TENANT IS LICENSED UNDER THE LAWS OF SOUTH CAROLINA AS A REAL ESTATE LICENSEE.

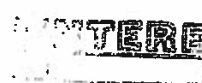
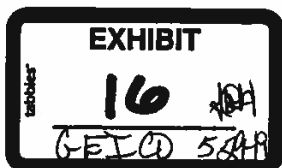
- LANDLORD TENANT ACT:** This Rental Agreement is governed by the South Carolina Residential Landlord and Tenant Act.
- LOCATION:** The Landlord hereby rents to the Tenant and the Tenant hereby rents from the Landlord a parcel of property located in the county of Sumter, State of South Carolina, which parcel of land with improvements will constitute the premises. Said parcel of land is more particularly described as follows:
251 Rast Street E-7
Sumter, SC 29150
- TERMS:** This Rental Agreement shall commence on the 29th day of June, 20 12, and end on the 30th day of June, 20 13. Tenant covenants that upon the termination of this Rental Agreement, or any extension thereof that Tenant will quietly and peaceably deliver up possession of the premises in good order and condition, reasonable wear and tear expected, free of Tenant's personal property, garbage and other waste, and return all keys to the Landlord.
- LEAD-BASED PAINT DISCLOSURE FOR MOST RESIDENTIAL PROPERTIES BUILT BEFORE 1978:** See Lead-Based Paint Disclosure Addendum attached (only applies to most rental properties built before 1978.)
- RENTAL APPLICATION:** The Tenant acknowledges that the Landlord has relied upon the rental application, a copy of which is attached hereto, as an inducement for entering into this agreement, and the Tenant warrants to the Landlord that the facts stated in the application are true to the best of Tenant's knowledge. If any facts stated in the rental application prove to be untrue, the Landlord shall have the right to terminate the residency immediately and to collect from the Tenant any damages including reasonable attorney fees resulting therefrom.
- RENT:** Tenant agrees to pay Landlord a rent of \$ 575.00 per month, payable in advance, on or before the first day of every month during said term for a total rent of \$ 6,937.80. The rent is payable to: Century 21 Hawkins & Kolb or as Tenant may be advised from time to time in writing.

NOTICE TO TENANT: IF TENANT DOES NOT PAY RENT WITHIN FIVE DAYS OF THE DUE DATE, LANDLORD CAN START TO HAVE TENANT EVICTED AND MAY TERMINATE THE RENTAL AGREEMENT, AS THIS CONSTITUTES WRITTEN NOTICE IN CONSPICUOUS LANGUAGE IN THIS WRITTEN AGREEMENT OF LANDLORD'S INTENTION TO TERMINATE AND PROCEED WITH EVICTION. TENANT WILL RECEIVE NO OTHER WRITTEN NOTICE AS LONG AS TENANT REMAINS IN THIS RENTAL UNIT.

Tenant further agrees to pay a late fee of \$ 5.00 per day if rent is paid after the 6th day of the month, and an additional fee of \$ 25.00 after the 5th day of the month.

Where the term of the Rental Agreement commences or terminates on a day other than the first day of the month, Tenant shall pay rent unto the Landlord in the amount of \$ 18.90 per day for each day of the month of commencement or termination of the Rental Agreement, payable prior to the Tenant taking possession upon

☒ TENANT ☐ TENANT AND ☒ LANDLORD HAVE READ THIS PAGE.



Form 410
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