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Apr 26 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID MELVIN GRAVES,

APPELLANT

APPELLATE CASE NO. 2021-000866

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE' S EXHIBIT #2 (911 CALL) AND STATE'S EXHIBIT #20 (CD-VIDEO
INTERVIEW)**

1 STATE OF SOUTH CAROLINA) Court of General Sessions

2

3 State of South Carolina,) Twelfth Judicial Circuit

4 Plaintiff,) Case No. 2020-GS-33-00129

5 vs.)

6 David Melvin Graves,)

7 Defendant.) Transcript of Record

8

9 -----

10 July 26-28, 2021

11 Marion, South Carolina

12 B E F O R E:

13 The Honorable Michael G. Nettles, Presiding Judge; and a jury

14

15 APPEARANCES:

16 Todd Tucker, Esquire
17 Attorney for the Plaintiff/State.

18 William Meetze, Esquire
19 Attorney for the Defendant.

20 Official Court Reporter
21 Julie Kevish

22

23

24

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1 (JURY PANEL NUMBER 1)

2 VOIR DIRE

3 WHEREUPON, the proceedings began at 9:40 a.m.)

4 THE COURT: The first case to be tried this week is
5 the State versus David Melvin Graves at indictment number
6 2020-GS-33-00129. The allegations against Mr. Graves is the
7 offense of murder and the second count is possession of a
8 weapon during the commission of a violent crime.

9 I'll give you a little bit about the facts to determine whether
10 or not you know something about this case. The events which
11 give rise to this accusation took place on December 29, 2019
12 and it involves the deceased, Wanda Jean Lewis Reaves.

13 I want to make it very clear that the fact that Mr.
14 Graves has been indicted and accused of these offenses, there
15 is no evidentiary value whatsoever, it's merely an accusation
16 that starts the criminal proceeding. As a matter of fact, as
17 Mr. Graves sits over there at the defense table he's presumed
18 to be just as innocent as me or you and that presumption stays
19 with him throughout this proceeding. I want to ask Mr. Meetze
20 and Mr. Graves to stand up and face the jury panel.

21 Thank you, Mr. Graves. Is anyone related by blood or marriage
22 or have a close social, business or personal relationship with
23 Mr. Graves? If so, please stand. No response.

24 Does anyone have a close, social, business or personal
25 relationship with the late Wanda Jean Lewis Reaves? If so,

1 please stand.

2 The event that gives rise to these accusations took
3 place on December 29, 2019. Having all of that basic
4 information does anybody know anything about this case? If so,
5 please stand. Have you heard anything about it, read anything
6 about it, whatsoever? If so, please stand. No response.

7 Pay very close attention as I give you a list of potential
8 witnesses who may testify in this case:

9 James Smith

10 Jamey Johnson, both of the Mullins Police Department

11 Matthew J. Walker, Mullins Police Department

12 mike Hartson, Mullins Police Department

13 Mike Bethea, Mullins Police Department

14 Justin Turner, Mullins Police Department

15 John Henry Pettiford, Mullins Police Department

16 Adam Paxton, Georgetown Sheriff's Department

17 Joe Pitts, Marion County EMS

18 D'Nayshia McClellan, Marion County 911

19 April Walters, Marion County 911

20 Nick Sprouse, SLED

21 Phil Phillips, SLED

22 Mary Ann Boehm, SLED

23 Nicholas Batalis, MD, Medical University of South Carolina

24 Alexis Shirmara Coleman

25 Marcus Crowner

1 Michelle Varner

2 Joseph Hardwick, Mullins Police Department

3 Is anyone related by blood or marriage or have a close
4 social, business or personal relationship with any of these
5 potential witnesses? If so, please stand. No response.

6 I'll ask Mr. Tucker if you could stand and identify
7 yourself and your co-counsel for the jury.

8 MR. TUCKER: Yes, Your Honor. My name is Todd
9 Tucker, I'm a prosecutor with the 12th Circuit Solicitor's
10 Office. Seated to my right attending the trial with me an is
11 our assistant in our office, also my wife, a Solicitor with the
12 12th Circuit.

13 THE COURT: Is anyone related by blood or marriage or
14 have a close social, business or personal relationship with any
15 of these lawyers or have they represented you in the past, if
16 so please stand. No response. Mr. Meetze, if you could stand
17 and identify yourself.

18 MR. MEETZE: Thank you, Your Honor, My name is Vick
19 Meetze and I work with the public defenders with the 12th
20 Judicial Circuit that includes Marion County and I represent
21 David Graves in this case.

22 THE COURT: Is anyone related by blood or marriage or
23 have a close business or social or personal relationship with
24 Mr. Meetze? If the so, please stand. No response. Has any
25 member of the jury panel formed or expressed an opinion about

1 any issue or matter involved in this case? If so please stand.
2 No response. Is any member of the jury panel aware of any bias
3 or prejudice towards either the state or the defendant in this
4 case? If so please stand. No response. Has any member of the
5 jury panel been a victim of a violent crime, if so please
6 stand? No response. Has any member of the jury panel who is a
7 member of or contributor to any group whose primary concern is
8 the promotion of law enforcement in a number of such
9 organizations, Mother's Against Drunk Driving (MADD); Students
10 Against Drunk Driving (SADD); (CAV) Citizens Against Violent
11 Crime? Virtually every Sheriff's Department has an
12 association, Highway Patrol has an association. Is any member
13 of the jury panel a member of these type of organizations or
14 contribute to any? If so, please stand.

15 Yes, sir? If you could come forward. Just come forward.

16 (Off the record discussion was held at
17 the bench by Court and counsel)

18 He's excused for the purpose of this trial. Victor Sanders,
19 249. Thank you.

20 Does any member of the jury panel know of any reason
21 whatsoever why you cannot serve as a juror on this case with a
22 particular emphasis being placed on your ability to be fair and
23 impartial to both the state and the defendant? If so, please
24 stand. No response. Any additional questions from the state?

25 MR. TUCKER: None from the state, Your Honor.

1 THE COURT: Any from the defense?

2 MR. MEETZE: No, Your Honor.

3 THE COURT: Very good.

4 Ladies and gentlemen of the jury panel, because of
5 COVID we have to spread out the jury selection process. We
6 have another group coming in about this size here shortly and
7 we will engage in the same process and then we're going to
8 gather at 2:00 and begin the jury selection process. I'm going
9 to ask that you return at 2:00, 2:00 sharp today. Everyone be
10 back at 2:00, 2:00 sharp. Thank you very much.

11 (Recess taken.)

12 (JURY PANEL NUMBER 2)
13 VOIR DIRE

14 THE COURT: Ladies and gentlemen of the jury, the
15 first case to be tried this week is State of South Carolina
16 versus David Melvin Graves, indictment 2020-GS-33-0129. We'll
17 ask Mr. Meetze if you and Mr. Graves will stand and face the
18 jury panel.

19 Thank you, Mr. Graves. Y'all can be seated. Is
20 anyone related by blood or marriage or have a close social,
21 business or personal relationship with Mr. Graves? I'm holding
22 my hand on the indictment. This is simply a piece of paper
23 that begins the judicial proceeding. It bears absolutely no
24 evidentiary value whatsoever, it's just merely an accusation.
25 Mr. Graves is seated there at the defense table. He's presumed

1 to be just as innocent as me and you and that presumption
2 follows him throughout this trial. He has been indicted for
3 two particular offenses, the first is murder. He's been
4 accused of the death of Wanda Jean Lewis Reaves. The facts
5 that give rise to these allegations took place on December 29,
6 2019. He is also charged with possession of a weapon during
7 the commission of a violent crime arising out of these same
8 events. Having been onto this basic information does anyone
9 know anything about this particular case? Did you witness
10 anything which gave rise to these accusations? If so, please
11 stand. Have you read anything about it or do you know anything
12 whatsoever about this matter? If so, please stand. No
13 response. I'm going to list potential witnesses in this case.
14 I'm going to ask you as I call their name whether or not you
15 are a close social, business or personal relationship with any
16 of these witnesses. Pay very close attention. All of these
17 witnesses are with the Mullins Police Department.

18 James Smith

19 Jamey Johnson, both of the Mullins Police Department

20 Matthew J. Walker, Mullins Police Department

21 Mike Hartson, Mullins Police Department

22 Mike Bethea, Mullins Police Department

23 Justin Turner, Mullins Police Department

24 John Henry Pettiford, Mullins Police Department

25 Adam Paxton, Georgetown Sheriff's Department

1 Joe Pitts, Marion County EMS
2 D'Nayshia McClellan, Marion County 911
3 April Walters, Marion County 911
4 Nick Sprouse, SLED
5 Phil Phillips, SLED
6 Mary Ann Boehm, SLED
7 Nicholas Batalis, MD, Medical University of South Carolina
8 Alexis Shirmara Coleman
9 Marcus Crowner
10 Michelle Varner
11 Joseph Hardwick, Mullins Police Department
12 Anyone related by blood or marriage or have close
13 social, business or personal relationship with any of these
14 potential witnesses? If so, please stand.
15 If you could come forward. This is the plant worker?
16 Christopher Stewart, 271.
17 (Discussion was held off the record.)
18 I'm going to speak to the lawyers about this for just
19 a moment.
20 I'll excuse you for the purposes of this trial but
21 I'll ask that you stay with us. You can have a seat right back
22 out there.
23 Barbara Stevens Collins, she'll stay with us.
24 Patricia Moody, 203, excused from this trial.
25 Mr. Tucker, I'm going to ask if you can stand and

1 identify yourself and co-counsel.

2 MR. TUCKER: Yes, Your Honor. My name is Tom Tucker.
3 I'm a prosecuting attorney with the 12th circuit solicitor's
4 office. Seated to my right is an assistant in our office.
5 He'll be helping me during this trial. Also to my right is
6 Solicitor Edward Clements. You'll see him in and out of the
7 courtroom through the process of the trial.

8 THE COURT: Is anyone related by blood marriage or
9 have a close social, business or personal relationship with any
10 of these attorneys or have they represented you in the past?
11 If so, please stand. No response. Mr. Meetze, if you can
12 stand and identify yourself for the jury.

13 MR. MEETZE: Thank you, Your Honor.
14 My name is Vick Meetze. I work as an attorney at the 12th
15 circuit Public Defender's Office as well as Marion County. I
16 represent David Graves in this case.

17 THE COURT: Anyone related by blood or marriage or
18 have a close social, business or personal relationship with Mr.
19 Meetze or has he represented you in the past? If so please
20 stand. No response. Has any member formed or expressed an
21 opinion about any issue or matter involved in this case? If so
22 place stand. No response. Is any member of the jury panel
23 aware of any bias or prejudice towards either the state or the
24 defendant in this case? If so please stand. No response.
25 Has any member of the jury panel ever been a victim of a

1 violent crime? If so please stand. No response.

2 Is there any member of the jury panel who is a member or
3 contributor to a group whose primary concern is motion of law
4 enforcement, there's a number of such organizations, Mothers
5 Against Drunk Driving (MADD), Students Against Drunk Driving
6 (SADD), CAV, Citizens Against Violent Crimes. Virtually every
7 Sheriff's Department throughout the state has an association.
8 Highway Patrol has a similar association. Is anybody a
9 contributor or member of any of these associations? If so
10 please stand. Yes, sir, if you could come forward.

11 (Juror Number 216 approached the bench.)

12 THE COURT: He stays.

13 Does any member of the jury panel know of any reason
14 whatsoever why you should not serve as a juror on this case
15 with a particular emphasis being placed on your ability to be
16 fair and impartial to both the state and the defendant? If so
17 please stand. No response. Any additional questions from the
18 state?

19 MR. TUCKER: Not from the state, Your Honor.

20 THE COURT: Any from the defense?

21 MR. MEETZE: No, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury, we're
23 going to ask that you come back at 2:00, 2:00 sharp. We will
24 select 12 jurors and two alternates and the balance of you will
25 be released and asked to call every evening after 6:00 and

1 follow the instructions. Let me remind you that this case will
2 take the balance of the week and you will need to continue to
3 check in to determine whether or not we will need your services
4 for the balance of the week. We will need to do that every day
5 starting today at 6:00, call and check your message if you're
6 not called to serve. Everyone here needs to report back at
7 2:00 except those who have been excused for the purposes of
8 this trial. Everyone is to be back at 2:00, 2:00 sharp.
9 Everyone remain seated as the jury exits the courtroom.

10 Anything from the state?

11 MR. TUCKER: Nothing from the state.

12 THE COURT: Anything from the defense?

13 MR. MEETZE: No, Your Honor.

14 THE COURT: We'll stand at ease until 2:00.

15 (Recess taken.)

16 THE COURT: Mr. Gregory D. Parker, you're free to
17 leave. Chrystle Neal, you're free to leave. Both of you need
18 the check back. Well, Mr. Parker you do not need to check
19 back. You will be transferred to a different term of court and
20 Ms. Neals, you need to check back today after 6:00.

21 And for the record, Madam Court Reporter, the issues
22 with regard to these two particular jurors, Mr. Parker and Ms.
23 Neal, I've discussed that with counsel and they are in
24 agreement with dismissal of these jurors. Both of those jurors
25 were on the random struck list so they've been blacked out and

1 ya'll will receive a copy of the struck list and we will begin
2 the jury selection. We will begin the jury selection process.
3 The state goes first. The strikes are five and ten. With
4 regard to the morning poll one witness was inadvertently left
5 off, potential witness, Joseph Hardwick, Mullins Police
6 Department. Is anyone related by blood or marriage or have a
7 close social business or personal relationship with Joseph
8 Hardwick? Yes, you can come forward. Strike Ms. Olivia Brady,
9 Number 42. Once you all have done that and gathered your
10 thoughts, we'll begin the jury selection process. The state
11 will go first. When your name is called I'll ask you, if you
12 could, come forward, stand right in front of the clerk and face
13 the back of the courtroom and bring your belongings when you
14 come.

15 THE CLERK: Juror 212, Shekeria Owens. What say the
16 state?

17 MR. TUCKER: Please present Ms. Owens.

18 THE CLERK: What say the defense?

19 MR. MEETZE: Please seat Ms. Owens.

20 THE CLERK: Juror Number 108, Angela Godbolt. What
21 say the state?

22 MR. TUCKER: Please present Ms. Godbolt.

23 THE CLERK: What say the defense?

24 MR. MEETZE: Please seat Ms. Godbolt.

25 THE CLERK: Juror Number 62, Lakendra Crawford. What

1 say the state?

2 MR. TUCKER: Please present Ms. Crawford.

3 THE COURT: What say the defense?

4 MR. MEETZE: Please seat Ms. Crawford.

5 THE CLERK: 273, Latrice Taylor. What say the state?

6 MR. TUCKER: Please present Ms. Taylor.

7 THE CLERK: What say the defense?

8 MR. MEETZE: Please seat Ms. Taylor.

9 THE CLERK: Take a seat the jury box. Juror Number
10 208, Tiffney Mullens. What say the state?

11 MR. TUCKER: Please present Ms. Mullens.

12 THE CLERK: What say the defense?

13 MR. MEETZE: Please seat Ms. Mullens.

14 THE CLERK: Ms. Mullens, you can take a seat in the
15 jury box. Juror Number 205, Corey Moore. What say the state?

16 MR. TUCKER: Please present Mr. Moore.

17 THE CLERK: What say the defense?

18 MR. MEETZE: Please excuse Mr. Moore from this case.

19 THE CLERK: You can take a seat in the audience.

20 Thank you. Juror Number 45, Norwood Canty. What say the
21 state?

22 MR. TUCKER: Please present Mr. Canty.

23 THE COURT: What say the defense?

24 MR. MEETZE: Please excuse Mr. Canty.

25 THE CLERK: You can take a seat back in the audience.

1 Thank you. Juror Number 162, Darryl Joye. What say the state?

2 MR. TUCKER: Please present Mr. Joye.

3 THE CLERK: What say the defense?

4 MR. MEETZE: Please seat Mr. Joye.

5 THE CLERK: Thank you. Take a seat in the jury box,
6 please. Juror Number 126, Donna Hansen.

7 What say the state?

8 MR. TUCKER: Please present Ms. Hansen.

9 THE CLERK: What say the defense?

10 MR. MEETZE: Please excuse Ms. Hansen.

11 THE CLERK: Thank you, Ms. Hansen. Juror number 47,
12 Brennan Carroll. What say the state?

13 MR. TUCKER: Please excuse Mr. Carroll from the trial
14 in this case.

15 THE CLERK: You can take a seat back out in the
16 audience. Thank you. Juror Number 256, Pamela Small. What
17 say the state?

18 MR. TUCKER: Please present Ms. Small.

19 THE CLERK: What say the defense?

20 MR. MEETZE: Please seat Ms. Small.

21 THE CLERK: Take a seat in the jury box, please.

22 Juror 125, Kevin Hammond. What say the state?

23 MR. TUCKER: Please present Mr. Hammond.

24 THE CLERK: What say the defense?

25 MR. MEETZE: Please excuse Mr. Hammond.

1 THE CLERK: Juror 291, Reather Waters. What say the
2 state?

3 MR. TUCKER: Please excuse Ms. Waters.

4 THE CLERK: Thank you, Ms. Waters.

5 Juror 174, Craig Legette. What say the state?

6 MR. TUCKER: Please excuse Mr. Legette.

7 THE CLERK: Thank you Mr. Legette.

8 Juror 186, Christian Magana. What say the state?

9 MR. TUCKER: Please present Ms. Magana.

10 What say the defense?

11 MR. MEETZE: Please excuse Ms. Magana.

12 THE CLERK: Thank you. Juror 117, Antonio Grant.

13 What say the state?

14 MR. TUCKER: Please present Mr. Grant.

15 THE CLERK: What say the defense?

16 MR. MEETZE: Please seat Mr. Grant.

17 THE CLERK: Please take a seat in the jury box.

18 Juror 151, Amanda James. What say the state?

19 MR. TUCKER: Please present Ms. James.

20 THE CLERK: What say the defense?

21 MR. MEETZE: Please excuse Ms. James.

22 THE CLERK: You can take a seat back in the audience.

23 Juror Number 285, Winter Turner. What say the state?

24 MR. TUCKER: Please present Ms. Turner.

25 THE CLERK: What say the defense?

1 MR. MEETZE: Please excuse Ms. Turner.

2 THE CLERK: You can take a seat back out in the
3 audience. Juror 110, Rashene Godfrey. What say the state?

4 MR. TUCKER: Please present Mr. Godfrey.

5 THE CLERK: What say the defense?

6 MR. MEETZE: Please seat Mr. Godfrey.

7 THE CLERK: You can take a seat in the jury box.
8 Juror Number 109, Nancy Godfrey. What say the state?

9 MR. TUCKER: Please present Ms. Godfrey.

10 THE CLERK: What say the defense?

11 MR. MEETZE: Please seat Ms. Godfrey.

12 THE CLERK: Juror 127, Christian Harper. What say
13 the state?

14 MR. TUCKER: Please present Mr. Harper.

15 THE CLERK: What say the defense?

16 MR. MEETZE: Please seat Mr. Harper.

17 THE CLERK: Mr. Harper, if you'll take a seat in the
18 jury box. Juror 134, Chad Herlong. What say the state?

19 MR. TUCKER: Please present Mr. Herlong.

20 THE CLERK: What say the defense?

21 MR. MEETZE: Please excuse Mr. Herlong.

22 THE CLERK: Juror 259, Callie Smith. What say the
23 state?

24 MR. TUCKER: Please present Ms. Smith.

25 THE CLERK: What say the defense?

1 MR. MEETZE: Please seat Ms. Smith.

2 THE CLERK: Take a seat in the jury box, please.

3 Juror 252, Justus Sessions. What say the state?

4 MR. TUCKER: Please present Mr. Sessions.

5 THE CLERK: What say the defense?

6 MR. MEETZE: Please seat Mr. Sessions.

7 THE CLERK: Four are alternates.

8 THE COURT: Strikes are one and two for each
9 alternate.

10 THE CLERK: Juror number 270, Barbara Stevens. What
11 say the state?

12 MR. TUCKER: Please present Ms. Stevens.

13 THE CLERK: What say the defense?

14 MR. MEETZE: Please excuse Ms. Stevens.

15 THE CLERK: Juror Number 152, Alexis Johnson.
16 What say the state?

17 MR. TUCKER: Please excuse Ms. Johnson.

18 THE CLERK: Thank you, Ms. Johnson. Juror 240, Joan
19 Richardson. What say the state?

20 MR. TUCKER: Please present Mr. Richardson.

21 THE CLERK: What say the defense?

22 MR. MEETZE: Please excuse Mr. Richardson.

23 THE CLERK: Juror 21, Erin Bennett. What say the
24 state?

25 MR. TUCKER: Please present Ms. Bennett.

1 THE CLERK: What say the defense?

2 MR. MEETZE: Please seat Ms. Bennett.

3 THE CLERK: Take a seat, please. Juror 12, Eileen
4 Bacchus. What say the state?

5 MR. TUCKER: Please present Ms. Bacchus.

6 THE CLERK: What say the defense?

7 MR. MEETZE: Please seat Ms. Bacchus.

8 THE COURT: Those remaining in the jury poll, you're
9 excused for the day. After 6:00 this afternoon, call, listen
10 to the voice mail and abide by the instructions. Thank you
11 very much, you're free to leave.

12 Ms. Callie Smith, I'm going to ask that you serve as
13 the Forelady of the jury. I'm going to ask if you could come
14 forward and change chairs with this lady right here. Yes,
15 ma'am. Thank you. Ms. Smith, you, like everyone else when it
16 comes time to deliberate have one vote. You're going to have
17 additional responsibilities. If there are questions or
18 concerns that develop throughout the case, I'm going to ask
19 that your fellow jurors communicate that question or concern to
20 you. You reduce it to writing and give to the bailiff and if
21 there's something I can help you with I'd be happy to do that.
22 In addition to that, when it comes time to deliberate you will
23 preside over the deliberation process, and that essentially
24 means that you're going to ensure that everybody's voice is
25 heard. I'm going to ask that each of you stand and raise your

1 right hand as the clerk administers the oath.

2 (Jury panel sworn at this time.)

3 THE CLERK: You shall well and truly try the issues
4 joined in this case and a true verdict give according to the
5 law and evidence, so help you God. Please answer I do. Thank
6 you.

7 THE COURT: Now, the Forelady and ladies and
8 gentlemen of the jury, we're going to release you from service
9 for today and we're going to begin the trial of this case at
10 9:30 in the morning. We have legal matters. We're going to
11 stay here and continue to work throughout the day to resolve
12 some legal matters that we do not need your assistance on. So
13 we're going to ask that you be back at 9:30 in the morning,
14 9:30 sharp.

15 I'm going to give you some admonitions to start with.
16 Do not discuss this case amongst yourselves or with anyone
17 else. I know that when you go home your significant other or
18 friends or coworkers are going to say, well, tell me what's
19 going on with jury duty. Do not answer them. As a matter of
20 fact, I'm going to order that you do not because it might be
21 that they know something about this particular incident. It
22 might be that they have an opinion about this type of
23 litigation. Do not talk to anyone about this. Everything that
24 you need to resolve this matter is going to be heard here in
25 the confines of this courtroom, so do not discuss the case. I

1 do not anticipate that there is any media here or that you
2 would read anything about it in the paper, hear anything on the
3 radio or the news, the TV news, but in the event that were to
4 happen we ask that you divert your attention, because once
5 again, you need to base your decision on what transpires here
6 in this courtroom.

7 Ladies and gentlemen, there is not anything that you
8 can't look up on Google nowadays. You can look up events, you
9 can look up the law, you can look up lawyers, you can look up
10 personalities, but once again, do not do that. Base your
11 decision on what transpires here in this courtroom. It would
12 be a contempt of court if you would indeed were to do that.
13 There's a thing I hear called social media, Facebook, Linked
14 in, Twitter, whatever, all of that stuff, there's no place for
15 social media in this proceeding. Don't tweet about your being
16 on this jury here today. Do not put anything on Facebook, do
17 not put anything on Linked in, do not do that. After the case
18 is resolved and after the verdict is rendered I'll release you
19 from that order. Until that time do not do that, does
20 everybody understand that?

21 THE JURORS: Yes, Your Honor.

22 THE COURT: Do not do any independent investigation.
23 We haven't heard anything about this case and the particulars
24 about where it transpired, but when you do, do not go around
25 and try to do any independent investigation. That would be

1 inappropriate, that would be unlawful for you to do that. Base
2 your decision on what transpires here. Madam Forelady, there
3 will be times in the morning when you all gather up in the jury
4 room and you all don't really know anything about the case but
5 what the charges are and the potential witnesses. Do not
6 discuss the case, and that order is going to go throughout the
7 trial of this case. Do not discuss the case until I give you
8 instructions to do so after you've heard all of the evidence
9 and I've charged you the law. Madam Forelady, I'm going to ask
10 that you enforce that rule. There will be no discussions about
11 this case. You can't talk about the witnesses, you can't talk
12 about the lawyers, you can't talk about the subject matter.
13 You can talk about how hot it is, you can talk about Carolina
14 Clemson football, baseball, you can talk about the olympics,
15 but you can't talk about this case. Does everybody understand?

16 THE JURORS: Yes.

17 THE COURT: Everyone remain seated as the jury exits
18 the courtroom. Let's be back at 9:30, 9:30 sharp. One other
19 thing I want to mention to you, all of us realize we're going
20 to have to go to work in the morning, we all gotta go to work
21 tomorrow, y'all will be on jury duty, so let's not lollygag and
22 watch TV late at night. Get a good night's rest because these
23 are important matters for us to resolve and you need to be
24 alert. Be here at 9:30, 9:30 sharp. Thank you very much.
25 Everyone remain seated as the jury exits the courtroom.

1 (Jury was dismissed for the day at 2:39 p.m.)

2 THE COURT: I understand we have motions. I'll refer
3 to ya'll as to which ones you want to proceed with first.

4 MR. TUCKER: Thank you, Your Honor. May it please
5 the Court. Your Honor, just for the record, the state has no
6 objections to the manner and method in which the jury was
7 selected. I just wanted to state that for the record before we
8 begin the first motion which I believe would be the Jackson v.
9 Denno Hearing.

10 THE COURT: Any objection in regard to jury selection
11 process from you, Mr. Meetze?

12 MR. MEETZE: No, Your Honor.

13 THE COURT: You may proceed forward with the Jackson
14 v. Denno matters.

15 MR. MEETZE: Thank you, Your Honor. May it please
16 the Court. At this time the state would call Lieutenant Mike
17 Hartson to the stand, please.

18 THE COURT: Sir, please come forward. I'm going to
19 ask you to have a seat in the witness chair. Pull up real
20 close to that microphone and speak loudly, clearly and slowly
21 so we can hear everything you have to say. Let's start with
22 your full name, sir.

23 THE WITNESS: Michael Joseph Hartson.

24 MR. TUCKER: Thank you, Your Honor, may it please the
25 Court.

1 Lieutenant Mike Hartson, being first duly sworn,
2 testified as follows:

3 **DIRECT EXAMINATION**

4 BY MR. TUCKER:

5 Q. Lieutenant Hartson, where do you work?

6 A. Mullins Police Department.

7 Q. How long have you worked for the Mullins Police
8 Department?

9 A. Approximately eight years.

10 Q. And in what capacity do you currently work for them?

11 A. I'm lieutenant over investigations.

12 Q. Now, were you working as lieutenant over investigations
13 on or about December 29th into December 30th, 2019?

14 A. Yes, I was.

15 Q. I want to direct your attention specifically to the
16 particulars of this case. Do you recall being notified and
17 becoming involved in an investigation at [REDACTED] Square
18 involving the murder of Wanda Reaves?

19 A. Yes, I do.

20 Q. Do you recall what your involvement was initially?

21 A. I just assisted. Detective Walker was on call. I
22 assisted him with the investigation, and that's about it.

23 Q. Let me ask you, when you say "Detective Walker," are you
24 referring to Detective Matthew Walker?

25 A. That's correct.

1 Q. Now, would it be fair to say then that he was the
2 primary investigator assigned to this case?

3 A. Yes, he was.

4 Q. And you were acting as kind of the supervisor in that
5 capacity?

6 A. That's correct.

7 Q. Now, do you recall subsequently following the initial
8 investigation, and I want to direct your attention into the
9 following day, December 30th. Do you recall becoming involved
10 in the arrest of the primary suspect in this case, Mr. David
11 Melvin Graves?

12 A. Yes, I do.

13 Q. And could you explain to the Court the facts and
14 circumstances surrounding the arrest itself?

15 A. After arrest warrants were secured I contacted SLED,
16 Fugitive Task Force, to track a cell phone which we believed
17 was in the possession of Mr. Graves.

18 Q. Now, let me stop you there, when you say "cell phone,"
19 are you referring to the victim's cell phone?

20 A. I am.

21 Q. And before you were even notified of the results of
22 their investigative assistance did you learn through the radio
23 that Mr. Graves had been spotted by one of the patrol deputies?

24 A. Yes, patrol officers, yes, sir.

25 Q. Patrol officers, I'm sorry. And what, if anything, did

1 you do after you heard that on the radio?

2 A. I responded to the scene and there was a brief foot
3 chase and Mr. Graves was taken into custody.

4 Q. Now, was Mr. Graves in custody when you arrived on
5 scene?

6 A. No, he was not.

7 Q. He was taken into custody shortly after?

8 A. Shortly after, yes.

9 Q. Now, let's be clear, when you say "in custody," he was
10 under full arrest at that point?

11 A. That's correct.

12 Q. You already had the warrants for both murder and
13 possession of a weapon during the commission of a crime of
14 violence?

15 A. That is correct.

16 Q. Did you attempt to ask Mr. Graves any questions that
17 would tend to elicit and incriminate a response then and there?

18 A. No, I did not.

19 Q. Now, was he transported subsequently from the scene
20 where he was arrested to the Mullins Police Department?

21 A. Yes.

22 Q. And subsequently was he taken into an interview room
23 commonly used for that purpose?

24 A. Yes, he was.

25 Q. And would you describe this room for the Court, please?

1 A. It's a small room, it has a desk, a couple chairs in
2 there and audio and video recording equipment.

3 Q. Now, does it have any bars or anything like that on the
4 door handle or windows?

5 A. No.

6 Q. Does it resemble a jail cell in any form or fashion?

7 A. Not at all.

8 Q. Let me also ask you, this particular interview room, is
9 it outfitted with both video and audio recording devices?

10 A. Yes, it is.

11 Q. And this is the room you commonly use for the purpose of
12 conducting interviews?

13 A. That's correct.

14 Q. Now, when you took Mr. Graves into the interview room
15 was the recording device turned on?

16 A. It was.

17 Q. And subsequently, did you enter the interview room and
18 begin speaking with Mr. Graves?

19 A. I did.

20 Q. And prior to asking him any questions, what if anything
21 did you do?

22 A. He was read and advised of a Miranda Rights Form.

23 MR. TUCKER: And if I may approach, Your Honor?

24 THE COURT: Yes.

25 Q. Lieutenant, what you have in front of you is the

1 original advisement of rights form; is it not?

2 A. That is correct.

3 MR. TUCKER: And Your Honor, if I could, I'd like to
4 have this marked as State's Exhibit 1.

5 (State's Exhibit No. 1 was marked for
6 identification.)

7 Q. Lieutenant, I'm handing you back what's now been marked
8 as State's Exhibit 1 and ask, first, if you recognize it.

9 A. Yes, I do.

10 Q. And how do you recognize it?

11 A. Because I filled it out while I advised Mr. Graves of
12 his Miranda Rights.

13 Q. And is that what that form is primarily used for?

14 A. Yes.

15 Q. And if you could, could you read the section that you
16 normally read to a suspect in custody prior to beginning an
17 interview?

18 A. Okay. Generally the heading above it says: The
19 Constitution of the United States requires me to inform you
20 that -- then I start: You have the right to remain silent --

21 Q. Now, let me ask you, as you read each one is there a
22 space out to the right of that particular statement that the
23 suspect is asked to initial if he or she understands that
24 right?

25 A. Yes.

1 Q. And what did Mr. Graves do after you read him that
2 particular statement?

3 A. He initialed next to all six of the --

4 Q. Now, at this point, did Mr. Graves appear to be
5 suffering from an initial mental defect, a defect, a
6 disability, did he understand what's going on around him?

7 A. Not at all. We communicated clearly.

8 Q. Did he appear to be inebriated in any way?

9 A. No.

10 Q. Did he appear to be intoxicated?

11 A. Not at all.

12 Q. Did he appear to, again, not understand what he was
13 doing or what he was saying?

14 A. No. He appeared to fully understand everything.

15 Q. And if you would continue back to after he initialed
16 that particular line, what, if anything, did you do next?

17 A. I read the next line which would be: Anything you say
18 can and will be held against you in a court of law.

19 Q. Did he do or say anything after you read that right?

20 A. No, he continued to listen as I read every one.

21 Q. Did he initial each one as you went through it or did he
22 come back and initial --

23 A. Afterwards I would read all of them and I would hand him
24 the paper and ask him to initial next to each on if he fully
25 understood each on.

1 Q. And you if you could continue. After that you read him:

2 A. You have a right to talk to a lawyer and have him or her
3 present with you before any questioning if you wish. Next one,
4 if you cannot afford to hire a lawyer one will be appointed to
5 represent you before any questioning if you wish.

6 Q. Now, did he indicate to you that he understood what you
7 had just read to him?

8 A. Yes.

9 Q. What, if anything, did he do after you read the
10 statement to him?

11 A. Well, there's a couple more on this form. You can
12 decide at any time to exercise these rights and not answer any
13 questions or make any statements. And then there's the sixth
14 one. Do you understand each of these rights as I've explained
15 them to you? He initialed next the first five, and on the
16 sixth one he checked, "yes," he fully understood.

17 Q. That he fully understood what he was doing in terms of
18 waiving his rights?

19 A. Yes.

20 Q. And after he checked that did he express a desire to
21 make a statement to you at that time?

22 A. Yeah. We began speaking about the situation and he
23 didn't ask for an attorney or anything. He wanted to speak
24 with us about it.

25 Q. In fact, you asked him if he wanted an attorney and

1 couldn't afford one, one would be provided to him at no cost,
2 did you not?

3 A. That's correct.

4 Q. And did you sign that particular form?

5 A. Yes, I did.

6 Q. Was there any other officer present when you signed that
7 form, as well?

8 A. There was, Detective Bobby Bethea witnessed that.

9 Q. Is Detective Bethea still employed by Mullins Police
10 Department?

11 A. He is not, he's retired.

12 MR. TUCKER: Your Honor, at this time I would move
13 what has been marked State's Exhibit 1 into evidence at this
14 time.

15 (State's Exhibit No. 1 was admitted into evidence at
16 this time.)

17 THE COURT: Any objection.

18 MR. MEETZE: I need to look at it to make sure there
19 is nothing.

20 Q. Detective Hartson, I'd like to ask you what was the date
21 given on this form with regards to the date that he actually
22 gave the statement, was it December 30th?

23 A. Yes, it was.

24 Q. And what time was noted there in terms of the time it
25 began?

1 A. 2:39 p.m.

2 Q. Now, prior to his being transported into the interview
3 room after everything was recorded did you promise him anything
4 in exchange for him giving a statement?

5 A. I did not.

6 Q. Was he coerced in any way?

7 A. No, he was not.

8 Q. Did you witness or did you perform any kinds of physical
9 abuse on him to get him to --

10 A. Absolutely not.

11 Q. Now, after he signed this form and after waived his
12 rights and indicated he wished to make a statement, it was you
13 and Detective Bethea that were present initially?

14 A. That's correct.

15 Q. Now, at some point did he ask to speak to Chief Mike
16 Bethea?

17 A. He did.

18 Q. And did you go and ask Chief Bethea if he would come in
19 to speak to Mr. Graves?

20 A. Yes, I did.

21 Q. And what did you do when Chief Bethea went in?

22 A. I immediately went to one of our computers. All our
23 computers in the office can view the interviews live, and
24 that's what I did. I sat and watched the entire interview.

25 Q. So despite not being in the room you were able to watch

1 and see everything pretty much as it was happening in realtime?

2 A. Yes.

3 Q. Now, again, while you were there, and you've had an
4 opportunity to see it live and review it afterwards, did you
5 not, the actual recording?

6 A. I did.

7 Q. Was Mr. Graves promised anything by Chief Bethea in
8 exchange for making a statement?

9 A. No, he was not.

10 Q. At any point did you hear Mr. Graves say, hey, you know
11 what, I want to stop talking to you and I don't want to talk
12 any further?

13 A. No.

14 Q. At any point after he signed that waiver form did he
15 invoke his right to an attorney and stop questioning, or stop
16 talking?

17 A. He did not.

18 Q. And again, to your knowledge was he promised anything in
19 exchange for him giving you a statement?

20 A. No.

21 Q. Now, in the statement without going into everything but
22 pretty much he admitted his responsibility in terms of Wanda
23 Reaves' death, did he not?

24 A. Yes, he did.

25 Q. And he admitted pretty much stabbing her to death, kind

1 of pretty much what you knew at that point, correct?

2 A. Yes.

3 Q. And again, this statement was recorded both audio and
4 video, was it not?

5 A. It was.

6 MR. TUCKER: I believe those are all the questions I
7 have, Your Honor.

8 THE COURT: Cross-examination, Mr. Meetze?

9 MR. MEETZE: Judge, I don't have any questions.

10 THE COURT: You may step down. Any further witnesses
11 with regard to the statement?

12 MR. TUCKER: No, Your Honor. We sent you a copy.
13 At this time, Your Honor, I would simply ask that the state be
14 allowed to use the statement as it was recorded as testified
15 here today.

16 THE COURT: Let's ask Mr. Meetze if he has any
17 evidence or any witnesses that he would like to offer in
18 regards to the Miranda Warnings, the voluntariness --

19 MR. MEETZE: I don't, Judge.

20 MR. TUCKER: At this time the state would ask the
21 state be allowed to use the statement in its case in chief.
22 Obviously, we would have to move it into evidence, but
23 certainly, we would think that at this point the state's met
24 its burden showing that the statement was voluntarily,
25 intelligently and knowingly made and that after being informed

1 of his rights Mr. Graves, again, according to Lieutenant
2 Hartson was not showing any initial mental defect or was not
3 intoxicated or inebriated to the point where he did not know
4 what he was doing or waiving and so we think that the statement
5 was voluntarily and intelligently knowingly made and certainly
6 the state would be able to use that on its case in chief.

7 THE COURT: Mr. Meetze, would you like to be heard on
8 those issues?

9 MR. MEETZE: Judge, obviously -- certainly I think
10 that the law was complied with regard to Miranda and with
11 regard to voluntariness and I don't have any argument with
12 regard to that. Mr. Tucker and I in chambers had mentioned to
13 the Court certain aspects that I do think need to be redacted
14 that I think Mr. Tucker and I will just need to sort of go over
15 and sort of hammer out, I don't have any doubt that we would be
16 able to reach an agreement on all of that, but short of some
17 things that need to be redacted that would not be appropriate
18 for the jury to hear, I don't have an objection to them.

19 THE COURT: It is incumbent upon me to make certain
20 findings. I do, indeed, find that he was under arrest which
21 triggered the Miranda Rights. He was given his Miranda Rights.
22 It's reflected on the form and I've viewed the statement and
23 the Miranda Warnings were read to him word for word, he
24 acknowledged those. The waiver pretty much speaks for itself
25 where he waived all of his rights set forth in the Miranda. As

1 far as the voluntariness of the statement, there's not anything
2 that's been offered with regard to the characteristics of the
3 defendant. He's not particularly young. He apparently is an
4 adult. Based on his interaction with the officers he seems to
5 be of average or above intelligence. There's been no offer
6 that he is uneducated, not capable of understanding his rights.
7 The environments with regard to where he was questioned was in
8 a very open questioning room. I watched the demeanor between
9 the officers and the defendant and it was certainly anything
10 but coercive. It appeared very casual and kind of open-ended
11 questions. They weren't intimidating him in any way, shape or
12 form. I've watched had his demeanor on the statement he does
13 not appear to be intoxicated and I find that he was not -- the
14 length of the questioning was not onerous. He was not punished
15 in any way. There was no promise made to him of any reward.
16 He was not deprived of food or drink and I specifically find
17 that there was absolutely no coercion and the statement is,
18 indeed, admitted. However, there are also matters in there
19 that need to be redacted and I'm going to ask that you and Mr.
20 Meetze look at that this afternoon and I would assume that you
21 all would be able to recognize the things that need to be
22 redacted. If there's any question, if ya'll could sort of
23 earmark that with the time, I'll address that first thing in
24 the morning and we will proceed forward in that fashion. My
25 general ruling is that it's admissible subject to the

1 redactions that all of you know need to be made. If there's a
2 question about what needs to be redacted we'll address that in
3 the morning.

4 MR. TUCKER: And Your Honor, just for the record, I
5 certainly understand the Court's ruling and certainly plan to
6 abide by that. I've went through the statement and made notes
7 in terms of the time during the statement which I think Mr.
8 Meetze and I can sit down and we can come to some consensus
9 about that. In terms of when the statement would be
10 introduced, Your Honor, in the state's case in chief, I
11 anticipate that probably being Wednesday morning. So that
12 would give us time to kind of pair down tonight the statement,
13 give Mr. Meetze an opportunity to look at the redacted and then
14 make sure that it complies with the Court's ruling as well as
15 what we think needs to be redacted out. And, again, if there
16 are any issues that we can't resolve, we'll certainly bring
17 those to your attention, but hopefully that will give him time
18 to look at each statement and make sure there's nothing read
19 inadvertently.

20 THE COURT: Very good. Any other motions? I think
21 there was some issue that we discussed in the chambers
22 concerning the 911 call.

23 MR. TUCKER: That's correct, Your Honor.
24 Specifically, there were two 911 calls the state intends to use
25 in its case in chief. The first of which was made as a victim

1 in this case, Ms. Wanda Reaves was traveling from her work at
2 about 10:20 p.m. on the evening of December 29th going home in
3 the presence of her co-manager who was giving her a ride home,
4 she had used her cell to call 911. The purpose of the 911 call
5 was not to report an existing emergency right at that moment,
6 but her purpose was to let 911 know that they could send units
7 to her house. She anticipated that the defendant in this case
8 was still going to be there and that there would be trouble and
9 she wanted for her safety for law enforcement to be present.
10 Now, it was in that exchange between the 911 operator and Ms.
11 Reaves that they asked about why she felt that or words to that
12 effect, why she suspected or why she feared she'd be attacked.
13 Anyway, she goes into an incident that occurred on
14 December 24th between she and the defendant in which the
15 defendant is alleged to have assaulted her. Again, the
16 co-worker witnessed abrasions and bruises on her and would be
17 able to corroborate that with testimony. But at any rate,
18 while it's true that it wasn't ongoing then, she was concerned
19 about what was getting ready to happen. She was only a minute
20 or two away from her front door, and in fact, while she's still
21 on the phone with the 911 operator she says: I pulled up in
22 front of my house, I'm in a car. It's at this point that they
23 pretty much told her that we'll send units out there after
24 explaining to her that because Mr. Graves lives there that in
25 the 911 operator's opinion they may not be able to remove Mr.

1 Graves. But, again, her primary purpose for making that call
2 was that she thought she might need law enforcement's
3 assistance based on what happened on December 24th but did not
4 call to report what happened on the 24th, on the 29th, some
5 five days later. So certainly, we feel it was non-testimonial
6 in nature, it certainly falls within.

7 THE COURT: Well, I think that presents an
8 interesting question. I was unaware of that when we initially
9 talked about it but normally things are not testimonial when
10 someone's getting broken into and they call and it's a cited
11 situation, and I don't think the first call, based on what you
12 told me, and I'll listen to it, but based upon what you tell
13 me, that does appear to be testimonial. She's calling -- that
14 juncture does not seem to be an emergency.

15 MR. TUCKER: Well, she's about to.

16 THE COURT: And I understand that. I think that's
17 different than -- and I think those calls probably should -- he
18 should be entitled to cross-examination of the statements made
19 there because it was not an excited utterance, the event had
20 not started, but I want to hear what you have to say about
21 that.

22 MR. TUCKER: Your Honor, the South Carolina Court of
23 appeals states it actually dealt with a similar issue in that
24 the victim had called 911 after the incident had occurred in
25 which he had been assaulted. Now, the difference is, of

1 course, it had happened --

2 THE COURT: He had already taken it with him, right?

3 MR. TUCKER: Right. And I mean, it was still that
4 evening still within that time.

5 THE COURT: And he was also scared -- he called and
6 was scared that she was going to come back and it was a heated
7 excited utterance at that point.

8 MR. TUCKER: Right. And that's kind of where this
9 one is an analysis to that, in Davis v. Washington, the U.S.
10 Supreme Court dealt with that. In other words, the caller did
11 not have to be suffering from an immediate apprehension of the
12 event as long as they could articulate that there was
13 connection to it. In other words, in the case feared that she
14 was going to come back and therefore assault him again and
15 Davis v. Washington the victim called and explained to law
16 enforcement that, again, these were things that had happened
17 earlier feared that the person may come back and attack him
18 again. And here's what we have here, the victim had been
19 assaulted on December 24th and feared that when she arrived
20 home -- because earlier that day she had sent the defendant a
21 text message essentially telling him to get out of her house
22 and she feared that there would be a confrontation there and
23 wanted law enforcement to stand by to make sure that there
24 wasn't any problems, and of course, we would offer it for that
25 general purpose, not for the truth of asserting that she was

1 actually attacked on December 24th.

2 THE COURT: Let me hear what Mr. Meetze has to say
3 about that, because the language. This is *State versus*
4 *Thompson*. It says: Statements are non-testimonial and made in
5 the course of police interrogation under circumstances
6 objectively indicating that the primary purpose of an
7 interrogation is to enable police assistance to meet an ongoing
8 emergency. So that might meet that test. What do you think,
9 Mr. Meetze?

10 MR. MEETZE: Judge, I don't think that this would be
11 considered non-testimonial, Judge. Looking at that Grachie
12 (phonetic) case, trying to look at the cases that it primarily
13 cites, it seems to primarily cite two cases from Crawford v
14 Washington and Davis v Washington, and distinguish between the
15 two and the Davis versus Washington case was a phone call to
16 911 that was during an attack.

17 THE COURT: Certainly, that's non-testimonial.

18 MR. MEETZE: The Crawford versus Washington case was
19 not a phone call, it was actually an appearance at law
20 enforcement where the person who appeared there was a potential
21 suspect as well and they were Mirandized, and obviously, it was
22 different from that standpoint, but that person was reporting
23 an incident that was a few hours old. We're talking about a
24 hearing that's four to five days old but in the Grachie case in
25 reviewing what the Supreme Court said in regards to Crawford

1 versus Washington and Davis versus Washington, the difference
2 between imminent and a few hours old was a key difference
3 except the Grachie case was more kin to Davis because even
4 though it wasn't in the process of happening it was much more
5 recent than just hours old as in the *Crawford versus Washington*
6 case, and I think that's a big difference. I think the fact
7 that this is several days old, at least four or five days old
8 --

9 THE COURT: She's really talking about something that
10 took place on Christmas Eve; is that right?

11 MR. MEETZE: Correct, that's right.

12 THE COURT: And this was significantly after that?

13 MR. MEETZE: Right. And it's clear, she makes this
14 911 call in the car on the way back to her house when there's
15 absolutely zero threat of any kind of imminent harm or danger
16 at that point in time. Now, unfortunately, she walked into --
17 she ended up walking into something but at the time she made
18 the call there was no imminent threat of harm or danger to her
19 whatsoever, and I think that's the distinguishing
20 characteristic as well.

21 THE COURT: Now, I have not heard the first 911 call.
22 Did she say there had been conversations between the defendant
23 and her that he said he was coming over to get or was she just
24 generally concerned?

25 MR. MEETZE: She was generally concerned. She said

1 he had been drinking. There had been an incident where he had
2 beaten her up, or words to that effect. In fact, Christmas Eve
3 he was living at the place but she wanted somebody to come over
4 there and basically remove him from the place based on fear of
5 him having been drinking and having some kind of an altercation
6 back on Christmas Eve.

7 THE COURT: Were they cohabiting at this time?

8 MR. TUCKER: They were, Your Honor, and in fact,
9 there's a rather pointed exchange between the victim and the
10 911 operator along those lines because the 911 operator asked
11 specifically whether or not the defendant is, in fact, living
12 with her, and she says, yes, he is, and that's when she
13 mentions that --

14 THE COURT: If I were to find that it was
15 non-testimonial do you think that it would be appropriate for
16 the jury to hear about the Christmas Eve event which was a
17 prior bad act?

18 MR. TUCKER: And Your Honor, I would certainly argue
19 that it was kind of one continuous thing that started on
20 December 24th and ultimately tragically ended on December 29th.
21 They had gotten into that altercation and then, of course, it
22 continued to escalate into --

23 THE COURT: You've got evidence and you've got
24 statements from the defendant, you've got ample evidence to
25 prove the instant offense.

1 MR. TUCKER: Yes, Your Honor, I would say this, the
2 state would certainly not be opposed to taking out the portion
3 of the 911 call in which he left which is the December 24th
4 incident. The 911 call also serves another purpose.

5 THE COURT: How long is that first call?

6 MR. TUCKER: That first call was probably I'd say no
7 more than two and a half, three minutes long.

8 THE COURT: Let's hear it.

9 MR. TUCKER: Okay. Your Honor, I apologize, I'm not
10 sure I have that up here. Certainly we can play that but one
11 of the things I want to point out was that the two 911 calls
12 were made virtually within minutes of one another. The first
13 one was made asking for assistance to meet her there and she
14 actually says I'm walking up to my front door at this time.

15 THE COURT: Let me ask Mr. Meetze, what do you think
16 about -- and we're going to listen to it, we'll know a little
17 better at that juncture, but it says: Statements are
18 non-testimonial when they are made in the course of police
19 interrogations under circumstances objectively indicating the
20 primary purpose of interrogation is to enable police assistance
21 to meet an ongoing emergency. The question is whether or not
22 there's an ongoing emergency at this juncture.

23 MR. TUCKER: And certainly, the state would argue
24 there was. And certainly, that's what she feared, and exactly
25 what she feared is exactly what happened. Not more than a

1 minute or two after she gets out of that car and hangs up from
2 a 911 operator a second 911 call was placed at this time where
3 she --

4 THE COURT: You agree that regardless of what my
5 ruling is with regard to the testimonial and non-testimonial,
6 you agree that the Christmas Eve event should be taken out?

7 MR. TUCKER: Yes, in reference to that 911 only. Of
8 course, the defendant references that these are --

9 THE COURT: We'll address that at a later date and
10 time.

11 MR. TUCKER: Yes, but I certainly would have no
12 problems taking that out. Again, as I wanted to mention, the
13 911 call served another purpose as well. She makes both of
14 those calls within minutes of one another from her cell phone.
15 Now, her cell phone, law enforcement arrived and canvased the
16 area trying to locate the cell phone and can't. They
17 eventually discover a witness who says he saw essentially what
18 happened or from a distance but one of the things he mentioned
19 to law enforcement was that the suspect picked up a cell phone
20 and was using the flashlight mode on it to kind of find his way
21 to escape.

22 THE COURT: So the second 911 call was not from the
23 deceased?

24 MR. TUCKER: It is, Your Honor. She makes -- she has
25 the opportunity to hit 911 and it's actually when the second

1 call picks up, it's actually her screaming.

2 THE COURT: Let's hear the first one. Let's hear
3 them one at a time.

4 (911 call #1 started playing at 3:08 p.m.)

5 THE COURT: What do you have to say about that now
6 that we've all listened to it?

7 MR. MEETZE: Judge, I would say that it should be
8 excluded in its entirety on the basis of two things. One, the
9 discussion with regards to the incident, whatever took place on
10 Christmas Eve would be overly prejudicial from the timely
11 standpoint relative from that standpoint or not admissible
12 based on the 403.

13 THE COURT: What do you think about whether it was an
14 emergency?

15 MR. TUCKER: I don't think that this would be
16 considered non-testimonial based on -- to me, I think this is
17 unequitable that it was not an emergency. She's in her car all
18 by herself on the telephone.

19 THE COURT: And this call really is more about -- the
20 discussions are more about the Christmas Eve event, although,
21 she ultimately ends up sending the police car over there. What
22 do you think about that, Mr. Tucker?

23 MR. TUCKER: Well, Your Honor, I think she's
24 explained why she needs police assistance there and that
25 necessitated the discussion of what happened on December 24th.

1 She also talks in terms of the defendant taking her cell phone
2 from her on December 24th and I think that that was because she
3 was afraid that he took her cell phone from her she wouldn't be
4 able to call 911.

5 THE COURT: I think you've said that we don't need to
6 talk about the Christmas Eve.

7 MR. TUCKER: No, Your Honor, I simply wanted to
8 establish that she feared this man and wanted law enforcement
9 to stand by when she arrived home. Now, again, the purpose of
10 the call, both calls, when Mr. Graves was arrested he has her
11 cell phone in his custody. Now, of course, proof of that would
12 be that Lieutenant Hartson will testify that he called the
13 victim's number and when Mr. Graves was taken into custody the
14 phone began to ring and he took it out of his pants. But,
15 again, this was a phone that was in the victim's immediate
16 custody just before she was murdered.

17 THE COURT: Let's hear the second one.

18 MR. TUCKER: The second one, I believe there are two
19 of those on there -- one I believe is a little bit more
20 inclusive than that, I'm not sure which one. I think Mr.
21 Meetze has both of them.

22 MR. MEETZE: I do.

23 MR. TUCKER: But the one where it picks up with the
24 screen I think is there's one --

25 MR. MEETZE: There's one by itself.

1 MR. TUCKER: Yeah, there's one that starts, I
2 believe, the 911 operator call but I believe the second one is
3 probably --

4 (911 call #2 started playing at 3:14 p.m.)

5 THE COURT: So that's the second one.

6 MR. TUCKER: That's the second.

7 THE COURT: And does the next one come up?

8 MR. TUCKER: The next one I think is just a second
9 recording of that same call and I think it's just the two phone
10 calls, if I'm not mistaken.

11 THE COURT: There's really no substance to that other
12 than she called --

13 MR. TUCKER: Yeah, she called for assistance and you
14 can clearly hear her screaming and that she's under attack.

15 THE COURT: Certainly, that falls into
16 non-testimonial, it's really not allowed.

17 MR. TUCKER: Yes, Your Honor.

18 THE COURT: That, in my mind is non-testimonial and
19 if she recorded something during that circumstance I think it
20 would be admissible.

21 MR. TUCKER: Yes, Your Honor.

22 THE COURT: But I'm going to ask that you make a copy
23 of that first one.

24 MR. TUCKER: Yes, Your Honor.

25 THE COURT: And that specifically, and I'm going to

1 make that a part of the record for appellate review, but I
2 believe that that is testimonial in nature and is not under
3 emergent situation. They are talking not this event but what
4 took place on Christmas Eve and sort of in a discussion
5 calculation about what might become an emergent situation.

6 MR. TUCKER: Yes, sir.

7 THE COURT: So I'm not going to allow the first one
8 in, I'll allow the second one in its entirety.

9 MR. TUCKER: Your Honor, I understand the Court's
10 ruling, I want to make sure I follow it. When the phone was
11 taken, the way that they identified the call and the fact that
12 they called it was the fact that of course that there were two
13 911 calls made by her, so I could at least refer to the two 911
14 calls being made without going into the substance of them as a
15 way of identifying that particular phone in her custody prior
16 --

17 THE COURT: The real problem with it is the substance
18 of the call, I don't anticipate there being a problem saying
19 that there were two 911 calls.

20 MR. TUCKER: Yes, Your Honor.

21 THE COURT: What do you have to say about that, Mr.
22 Meetze?

23 MR. MEETZE: I don't know that it's a problem, but I
24 don't know why it would be necessary. I mean, the phone number
25 could come from the second call that is being omitted.

1 MR. TUCKER: Well, just to establish that the phone
2 was in her custody just moments before she's murdered, Your
3 Honor, and that very phone winds up in the defendant's custody
4 the next day when he's arrested.

5 THE COURT: Well, that could be done with the call
6 that was heard.

7 MR. TUCKER: Yes, Your Honor, but again, the fact
8 that it's in her custody and there were two calls made within
9 minutes of one another kind of corroborates the first one, or
10 the second one rather than the first one, so we would be using
11 it for that purpose.

12 THE COURT: I'm going to allow you to do that.

13 MR. MEETZE: I don't think it would be appropriate
14 based on the Court's ruling, though, to say that a 911 call was
15 made by Wanda Reaves.

16 MR. TUCKER: But I mean, it would come from her
17 phone, Your Honor, I mean, that was the whole purpose of us
18 going into that line of inquiry was to show that both phone
19 calls came from that --

20 THE COURT: I'll allow you to say that -- and you
21 would be allowed through cross -- well, how are you going to
22 list there were two calls from that phone?

23 MR. TUCKER: Lieutenant Hartson could do that if I
24 could put the 911 operator up to say that they took a call from
25 Wanda Reaves on this date and essentially that would be it and

1 then the second 911 operator that took the second call would be
2 able to testify. And the second call, there's a comment by the
3 operator, this is a lady that just called in so I wouldn't want
4 the jurors to get confused about what happened to the first
5 call, but not going into the substance of it but just to
6 establish the fact that that first phone call was made and then
7 the second one came in minutes later that you're allowing in
8 its entirety.

9 MR. MEETZE: Again, Judge, I just think that causes
10 problems based on the Court's previous ruling.

11 THE COURT: Well, I think the problems have been
12 alleviated by not allowing it in and I'm gonna allow it and say
13 that there were, indeed, two phone calls from that phone
14 number, and of course, you'd be able to -- well, that does
15 present somewhat of a problem because he's not going to be able
16 to point out that there was a phone, a 911 call -- two 911
17 calls made from that phone, and he wants to point out that that
18 phone number -- but not necessarily her, we all know it was
19 from her.

20 MR. MEETZE: But we all know it was but the
21 assumption of calling 911 is this an emergency, and the Court's
22 ruling was that it was not an emergency and I think based on
23 that it puts a false view in the jury's mind as to what that
24 first call may have been about. The Court's ruling is it is
25 not an emergency. The assumption would be that it was since

1 you're calling 911 which is for emergencies. So I just don't
2 think that it's appropriate to bring in anything with regards
3 to the first call based on the Court's ruling that it's not
4 admissible as being testimonial.

5 MR. TUCKER: And Your Honor, I'll simply add that
6 while I understand the Court's ruling that it was non-emergency
7 for purposes of non-testimonial versus testimonial, it was a
8 call for assistance by Wanda Reaves, other law enforcement was
9 an existing condition.

10 THE COURT: Out of an abundance of caution I'm not
11 going to allow that. We're not going to make reference to the
12 first call and the second call is going to be admissible in its
13 entirety.

14 MR. TUCKER: Yes, Judge.

15 MR. MEETZE: And yes, for the record, I do object. I
16 understand the Court's ruling. Just for the record, I want to
17 object to the admissibility of the second call, primarily I
18 think, and I couldn't hear it as well from here but there was
19 some editorializing from the dispatchers.

20 THE COURT: I thought they were talking -- that was
21 911 and they were talking about something happening there.

22 MR. MEETZE: Well, like I said, I'm just going to
23 point it out.

24 THE COURT: You can point that out and you can listen
25 to it, you can comment on it --

1 MR. TUCKER: Yes, Your Honor.

2 THE COURT: But I think it is, indeed, a call -- we
3 hear other operators talking but I don't think there is any
4 editorializing that's inadmissible on that. That was, indeed,
5 an emergent situation.

6 MR. MEETZE: Yes, Your Honor.

7 MR. TUCKER: Your Honor, I believe that is it. Let
8 me check something, unless Mr. Meetze has something else.

9 MR. MEETZE: I do not have anything else.

10 THE COURT: We will stand at ease until 9:30 in the
11 morning.

12 (Concluded for the day Monday 7-26-21 at 3:24 p.m.)

13

14 **Tuesday, July 27, 2021**

15 (WHEREUPON, the proceedings continued at 9:30 a.m.)

16 THE COURT: Mr. Godfrey, I understand that you have
17 indicated to the bailiff that you have since discovered that
18 you know the defendant; is that true?

19 THE JUROR: Yes, sir.

20 THE COURT: How do you know him?

21 THE JUROR: My family knows him.

22 THE COURT: Okay. You don't necessarily know him
23 that well but your family knows him?

24 THE JUROR: I'm from the same area he's from.

25 THE COURT: Based on that, I'm going to excuse you.

1 In the future when the questions are asked whether or not you
2 know the defendant you need to divulge that early on.

3 THE JUROR: Yes, sir. I just didn't have a good look
4 at him at first. I didn't know who he was at first.

5 THE COURT: You have not had an occasion to discuss
6 the fact that you know the defendant with other jurors, have
7 you?

8 THE JUROR: Uh-uh, no.

9 THE COURT: Very good. Thank you. You're free to
10 leave.

11 THE JUROR: Thank you.

12 THE COURT: You need to call the Clerk's office for
13 the balance of the week. We're ready for the jury.

14 (Jury entered the courtroom at 9:35 a.m.)

15 THE COURT: Ms. Bennett, conflict has developed and
16 you are going to be elevated to an active juror. You will
17 participate in the deliberations. I'm going to ask that you
18 have a seat in the jury box. To our remaining alternate, I'm
19 going to ask that you remain in that seat throughout the trial.

20 Madam Forelady, ladies and gentlemen of the jury,
21 thank you all for being here and being here on time. I want to
22 talk with you a little bit about what to expect. We are about
23 to begin the trial of the case the State of South Carolina
24 versus David Melvin Graves, Indictment Number 2020-GS-33-00129.
25 As you are very well aware, you have been subpoenaed to the

1 participate as a juror in general sessions court and I pointed
2 that out to you because general sessions court is criminal
3 court. Many of you maybe have served on a civil jury before
4 where the issue that you were debating was money. A good
5 example of that would be an automobile accident, medical
6 malpractice, contract work, where you're deciding who owes who
7 money, but this is different than that. This is criminal court
8 where someone's being accused of violating the Criminal Code of
9 State of South Carolina. You know if you were sitting in the
10 back of this courtroom and you would look at the proceeding it
11 would be difficult from just what you saw to determine whether
12 it's criminal or civil court because in both forms you have a
13 jury sitting over here listening to the evidence to determine
14 what the facts are, you have a judge presiding, you have
15 litigants on both sides, but really the similarities stop there
16 because in criminal court there's certain important
17 constitution safeguards that apply in every criminal case. The
18 first to which is the defendant seated at defense table is
19 presumed to be just as innocent as me or you. It's like a
20 protective clothing, it guards him, and that presumption
21 follows him throughout this trial all the way into the
22 deliberation process until and if the state proves him guilty
23 beyond a reasonable doubt.

24 The second constitutional safeguard is that the state
25 bears the burden of proof. The defendant need not prove

1 anything. We all know in our every day lives you can be
2 accused of something, it would be absolutely impossible to
3 prove your innocence. In the United States of America you
4 aren't required to do that. The defendant, he doesn't have to
5 testify, he doesn't have to prove any evidence whatsoever. The
6 facts have to be proven and the elements have to be proven by
7 the state and there's a theoretical reason behind that because
8 we live in a free and democratic society and if the government
9 attempts to try to take your liberty they can be required to
10 prove that. In some third world countries you could be accused
11 of a crime, hauled before a court and be put in a position to
12 have them prove your innocence, that's not the way it is in the
13 United States of America. The state has the burden of proof
14 and there are some practical reasons behind that in that they
15 have all of the resources necessary. They have the Sheriff's
16 Department, they have the police department, they have SLED,
17 they have all of the resources necessary to gather the evidence
18 to bring to you and they are required to do that. The third
19 constitution safeguard is that in a civil case, imagine with
20 me, if you will, the scales of justice where the lady is
21 blindfolded from all bias and all prejudice and when the trial
22 starts the scales are even. In a civil case if the plaintiff
23 were to tip the scales ever so slightly in their favor they
24 would prevail because after all, in a civil court you're only
25 talking about money, but in a criminal case we're talking

1 about someone's very important liberties and the proof is
2 higher than that and it's proof beyond a reasonable doubt and I
3 envision that as locking up the scales, the highest burden of
4 proof known by a judicial system.

5 I want to talk to you a little about how the trial is
6 going on to progress. First of all, Mr. Tucker who represents
7 the state will have an opportunity to stand up before you and
8 give an opening statement. He'll talk a little bit about the
9 law, what he intends to prove and his theory of the case. The
10 defendant will have an opportunity to give an opening statement
11 if they elect to do so, they aren't required to do so, but they
12 will be given that opportunity. After that they will begin the
13 presentation of evidence and their evidence takes a number of
14 different forms. One of the primary forms is when the
15 witnesses come to the witness stand they put their hand on the
16 Bible, swear to tell the truth and the lawyers ask them
17 questions and what they say is the evidence for you to consider
18 so I'm going to ask that you pay very close attention. The
19 words that come out of their mouth is evidence; documents that
20 are introduced through them is evidence; and admissions and
21 stipulations of counsel are also evidence for you to consider.
22 As far as the presentation of evidence, the state goes first,
23 they have the burden of proof. They can present all their
24 evidence and then the defendant will be given an opportunity to
25 present evidence if they elect to do so, but once again, they

1 aren't required to do so and the law says that they aren't and
2 that can't be held against them in any way, shape or form. If
3 the defense would put up their evidence they would go after the
4 state, and if they put up the evidence then the plaintiff since
5 they have the burden of proof will have the opportunity for
6 reply. They would have an opportunity for a reply, that's the
7 way it operates. Ladies and gentlemen of the jury, throughout
8 the trial of this case you now have various separate and
9 distinct roles to fulfill. Mine is the trier of the law, the
10 arbiter of the law. My job is to preside over the proceeding,
11 to determine what evidence you get to hear and I charge you the
12 law at the conclusion of the case, it's the substance of law.
13 Your job is different than that, you are the triers of fact.
14 You are to listen to the evidence that comes from the witness
15 stand and determine what the true evidence is and what they've
16 been able to prove. You resolve the questions of fact.
17 Necessarily, in your jobs as triers of fact you will be called
18 upon to determine the credibility of witnesses, and the law
19 tells us how to do that and I'll charge you in greater detail
20 at the conclusion of the case but from the very outset when the
21 witness takes the witness stand you need to ask yourself what
22 opportunity this witness had to observe the things to which
23 they're testifying to. Ask yourself whether they have interest
24 or bias in the testimony that they are giving. Ask yourself if
25 what they say is corroborated by other evidence or whether it's

1 in conflict with other evidence. You can believe all of what a
2 witness says, none of what a witness says or a portion thereof.
3 We all in our every day lives go about our every day life and
4 learn through our life experience about how to determine
5 whether or not someone is telling us the truth using your good
6 common sense and the law says that you are to do that, use your
7 common sense to determine whether or not what the witness says
8 is true. It's important to pay attention to what a witness
9 says but it's also important to pay attention to the way they
10 say it. You know, any of you who have teenage children, you
11 know, you listen to what they have to say, but it's also
12 important to pay attention to how they act when they're talking
13 to you, their demeanor. The law says that you can take that
14 into consideration as well.

15 After the presentation of the evidence these very
16 fine lawyers will have an opportunity to give closing arguments
17 and they are very similar in form to the opening statements
18 that you're about to hear, but they are different that they at
19 that point in time will be truly argumentative because you will
20 have heard all of the evidence. These very fine lawyers will
21 be able to point to the evidence that's porous and relative
22 theory to the case. What they have to say is not evidence but
23 will aid you immensely in your deliberation process. You and I
24 are just involved in this case this week, however, these
25 lawyers have been involved with it for a long time, so what

1 they have to say is going to be important so pay attention to
2 it.

3 In the conclusion of the closing arguments I will
4 charge you the law. I will ask that you pay very close
5 attention. This is an important case. You've taken a solemn
6 oath to listen to them, to determine what the truth is and
7 apply it to the law and I'm going to ask that you do that.
8 It's an important case to the State of South Carolina, it's an
9 important case to the defendant, it's an important case to you
10 because you've taken a solemn oath and listened to the evidence
11 to determine what the truth is and apply it to the law, now I'm
12 going to ask that you do that. I'm going to point out that
13 you're participating in a time tested system. I'm going to ask
14 that you proceed forward with a serious and contemplated mind I
15 also want to point out that if I make an error with regard to
16 my role as arbitrator of the law, by letting some evidence
17 that shouldn't come in or if I charge the law in an
18 inappropriate way, those errors can easily be corrected,
19 however, you need to understand that if you make an error with
20 regard to the finders of facts, quite often those errors cannot
21 be corrected, so this is an important case, pay very close
22 attention. Given the nature of the case and the length of the
23 case I'm going to order and direct that you not take notes, pay
24 very close attention.
25 Mr. Tucker, recognize.

1 (Attorney Tucker presented an opening statement on
2 behalf of the State at this time.)

3 MR. TUCKER: She wanted him out of her house and he
4 killed her for it. She wanted him out of her life and he
5 killed her for it. She wanted nothing more than for him to
6 simply leave her alone and he killed her for it. Sadly, that's
7 a tale that's told in courtrooms in this country every day, but
8 today it will be told in this courtroom, in this county, by
9 this prosecutor, because as the evidence will show, on
10 December 29, 2019 Wanda Reaves wanted him out of her house and
11 David Graves killed her for it. Wanda Reaves wanted him out of
12 her life and David Graves killed her for it. Wanda Reaves
13 wanted nothing more than for him to simply leave her alone and
14 David Graves killed her for it. This is a case about senseless
15 violence. This is a case about senseless tragedy, but
16 ultimately, ladies and gentlemen, this is a case about
17 senseless murder. Now, I don't know how you would characterize
18 your lives in the days following Christmas, 2019, but for Wanda
19 Reaves, life was good. She had good friends on whom she could
20 rely, she had a good job that allowed her to put her personal
21 skills being a people person to use, and she had a good place
22 to live at 431 [REDACTED] Square in Mullins here in Marion County.
23 She had a good life but she had bad taste in men. The evidence
24 will show that on December 29, 2019 on the evening thereof,
25 Wanda Reaves was leaving work where she worked at Family Dollar

1 in Mullins. She was given a ride by a coworker who you will
2 hear from because, again, Wanda was walking to and from work.
3 They left at approximately 10:25 and a short few minutes
4 thereafter arrived in front of Wanda's house, it was a short
5 distance. Wanda got out of the car, pocketbook and cell phone
6 in hand and went walking towards her front door. Sadly, she
7 never made it through the front door. Within a couple of
8 minutes getting out of the coworker's car, Wanda Reaves makes a
9 frantic 911 call. She only manages a scream because she's
10 under attack the minute the 911 operator picks up. Mullins
11 Police Department responded almost immediately. When they
12 arrived they found Wanda Reaves in the street in front of her
13 house subsequently what appeared to be stab wounds. They
14 searched the area, they find Wanda's pocketbook on the front
15 porch in the chair, but they didn't find David Graves, Wanda
16 Reaves' boyfriend who had moved in with her. They found Wanda
17 Reaves' keys in the lock in the front door, but they didn't
18 find David Graves. They also didn't find Wanda's cell phone,
19 that cell phone that she used to call 911 the minute before she
20 was attacked, or while she was being attacked. They also
21 didn't find a knife anywhere near Wanda Reaves, but what they
22 did find was a witness. This witness was in a house adjacent
23 to where Wanda Reaves lived and he tells law enforcement what
24 he heard and what he saw and what he tells them is he heard a
25 woman screaming, he looked, he sees the silhouette of a man

1 making a stabbing motion with his arm towards the female who
2 fell thereafter. He goes outside and he sees the man pick up
3 what he thinks is a cell phone and run away with the cell phone
4 in his hand with a flashlight and moved on, sadly, that woman
5 was Wanda Reaves. Despite first responders' best efforts you
6 will hear Wanda Reaves ultimately died as a result of her
7 injuries. Law enforcement, despite their best efforts that
8 evening did not find David Graves that night, but they did find
9 him at 2:00 the next day a short distance from where Wanda
10 Reaves was murdered. When he sees law enforcement he flees
11 first on a bicycle and then on foot and was ultimately taken
12 into custody by law enforcement. When he's arrested he's still
13 wearing the same clothes he had on the night before, some of
14 which still had Wanda's blood on it. He also had in his
15 possession Wanda's cell phone, the very cell phone that she
16 used to call 911 as she was being murdered. The evidence will
17 show that after his arrest David Graves was taken to the police
18 station where he ultimately confesses to stabbing Wanda to
19 death in the street in front of her own house. She had a good
20 life, but she died a foul death at the hands of a man that you
21 will hear professed her life, and why? She wanted him out of
22 her house and he killed her for it. She ordered him out of her
23 life and he killed her for it. Wanda Reaves wanted nothing
24 more than for David Reaves to leave her alone and he killed her
25 for it. This is a case about senseless findings. This is a

1 case about senseless tragedy, but in the end, ladies and
2 gentlemen, this is a case about the senseless murder of a good
3 woman who had good friends and a good job but bad taste in men.

4 THE COURT: Thank you, Mr. Tucker. Mr. Meetze, you
5 recognize.

6 MR. MEETZE: Thank you, Your Honor. May it please
7 the Court.

8 THE COURT: Yes.

9 (Attorney Meetze presented an opening statement on
10 behalf of the State at this time.)

11 MR. MEETZE: Good morning, ladies and gentlemen. As
12 I told you yesterday, my name is Vick Meetze and I work with
13 the 12th Circuit Public Defender's Office and I'm proud to
14 represent David Graves in this case. A lot of what I'm going
15 to tell you you've already heard, so I hate to be redundant,
16 but some things you hear over and over again in this stage and
17 you do so because they're just that important. So like I said,
18 I don't want to take up too much of your time, but I do want to
19 reiterate just a few things. One of those things is that what
20 we say to you standing here in front of you is not evidence.
21 Okay? The only evidence that you're allowed to consider as
22 jurors in a criminal case or any case is testimony that comes
23 from this witness stand. Witnesses will come in here, sit
24 down, put their hand on the Bible, swear to tell the truth and
25 tell you what they may have seen or see or whatever their

1 testimony may be and there is also a potential for physical
2 exhibits, pictures or things like that which would also be
3 considered evidence once properly admitted in the case. That's
4 what you consider in this case, not what we tell you, not what
5 I'm telling you now, not what Mr. Tucker just got through
6 telling you. Secondly, I want to reiterate to you the
7 presumption of innocence. That's not just made up words,
8 that's a real thing. It's solid, it's concrete, it's something
9 that in this country we take very, very seriously and it's
10 real. It's as real as everybody in this courtroom and that
11 presumption of innocence sits with David Graves because he sits
12 here and is as innocent as anybody else in this courtroom and
13 he will be cloaked with that innocence until such time as the
14 state's able to prove his guilt beyond a reasonable doubt,
15 which brings up the next point I want to make to you, which is
16 again, something you've already heard but it's because it's
17 that important. These things are not just -- like I said, they
18 are things that you hear, and folks like myself, Mr. Tucker,
19 Judge Nettles, we sort of live it as a job, folks that are here
20 in your capacity have heard things like proof beyond a
21 reasonable doubt, but maybe haven't had to actually experience
22 what it means and all of that, but proof beyond a reasonable
23 doubt is the law and it's the burden that the state has in a
24 criminal case and that's very, very important because it's a
25 very, very powerful burden as Judge Nettles indicated to you

1 when he gave his opening remarks to you when he gave the
2 examples of the scales of justice and proof beyond a reasonable
3 doubt, so to speak, sort of locking up those scales with regard
4 to evidence. That's a very powerful image, but it's an
5 indication of how important what happens in criminal court is
6 and it doesn't matter what the charge is. Anybody sitting over
7 at that table is sitting there and their liberties are at
8 stake, and it doesn't get anymore powerful than that. It
9 doesn't get anymore important than that and in civil court, as
10 you've heard, typically you're dealing with financial issues
11 which is certainly important. We don't want to belittle that,
12 cause harm or hurt or somebody else's fault about some sort of
13 breach or some sort of legal duty, have every right, and it
14 should come into court to try to regain any financial losses
15 they have incurred that wasn't their fault, so to speak, and
16 that is important. But it doesn't measure up to the importance
17 of somebody's life. It doesn't measure up to the importance of
18 somebody's very liberties, it just doesn't, and that's why in
19 this country the burden is so high, much higher in criminal
20 court than in civil court. Civil court is more likely than not
21 to just sort of 51 percent to 49 percent situation. In
22 criminal court proof beyond a reasonable doubt is the burden,
23 and that's because of what we're dealing with in criminal
24 court, the stakes don't get any higher. Now, in this case
25 again certainly we appreciate your service in this case,

1 certainly appreciate your attention to all of the evidence. At
2 the close of the case I'll have an opportunity to come back
3 before you and at that point in time, as Judge said it's a
4 little different, it's more of an argument than just sort of
5 instructions or whatever else, what an opening statement is.
6 But at that time after all of the evidence is presented we'll
7 be coming back at you and you find a verdict that speaks the
8 truth, and in this case the only verdict that would speak the
9 truth will be not guilty. Thank you.

10 MR. TUCKER: Your Honor, may we approach?

11 (Off the record discussion was held at the bench by
12 Court and counsel.)

13 THE COURT: Instead of going downstairs, I'm going to
14 ask if ya'll could step in this room and I'm going to ask you
15 if you could just stay right there.

16 (Jury exited the courtroom.)

17 I'm going to ask that you join the jury back there
18 and ask for Antonio Grant to come out. Mr. Grant, how are you
19 doing?

20 THE JUROR: Good.

21 THE COURT: One of the witnesses in the case has
22 shown up in court and indicated that you might have gone to
23 high school with him, John Henry Pettiford. Are you real
24 familiar with him, do you have a close social, business or
25 personal relationship with him or not?

1 THE JUROR: We went to school together and graduated
2 together.

3 THE COURT: Did he ever come to your home?

4 THE JUROR: No, sir.

5 THE COURT: Have you ever been to his home?

6 THE JUROR: No, sir.

7 THE COURT: And y'all didn't hang out together, y'all
8 were just in school together?

9 THE JUROR: Yes, sir.

10 THE COURT: If called upon to serve on this jury
11 could you set aside the fact that ya'll went to the same high
12 school evaluating his testimony like you could any other
13 testimony? Is that a yes?

14 THE JUROR: (No audible response.)

15 THE COURT: What I'm saying is that I'm asking you if
16 you can set aside the fact that y'all went to high school
17 together and listen to what he has to say and evaluate his
18 testimony like you would any other testimony. You can do that?

19 THE JUROR: Yes, sir.

20 THE COURT: And you don't think about virtually the
21 fact that ya'll went to the same high school that you would
22 give greater or lesser weight or anything he has to say than
23 other witnesses, would you?

24 THE JUROR: Uh-uh.

25 THE COURT: Is that a --

1 THE JUROR: No, I could do it.

2 THE COURT: Okay, you could do that. Very good. You
3 may step back into the jury room. Could you ask Ms. Callie
4 Smith to come out, the Forelady? Ms. Smith, we've had a
5 witness, Officer John Henry Pettiford, who indicated that he
6 might have had a class with you when he was in ninth grade but
7 he couldn't even remember your name. Do you remember him?

8 THE JUROR: When I saw his face I did. I didn't
9 remember his name but when I saw his face.

10 THE COURT: This is the most important question.
11 You're called upon to serve on this jury and by virtue of the
12 fact that he was in your high school and maybe in one of your
13 classes could you set aside that and listen to what he has to
14 testify about and evaluate his testimony like you would any
15 other witness?

16 THE JUROR: Yes, sir.

17 THE COURT: And the fact that he went to school in
18 your high school you wouldn't give greater weight to anything
19 he has to say or lesser weight based on your relationship with
20 him?

21 THE JUROR: No, sir.

22 THE COURT: And you've never been to his home?

23 THE JUROR: No.

24 THE COURT: He's never been to your home?

25 THE JUROR: No, sir.

1 THE COURT: And he's one of hundreds of children.

2 THE JUROR: Exactly.

3 THE COURT: Okay. Well, thank you very much. I'd be
4 glad to hear from defense.

5 MR. MEETZE: Judge, there's only one alternate left,
6 Judge, all I would say with regards to Mr. Grant is that had I
7 known yesterday that he had been to school with Officer
8 Pettiford then I would have struck him. I did I think use nine
9 of my ten strikes so there would have been a strike available
10 for that purpose and I think that would have been a legitimate
11 reason to strike somebody and obviously I can't sit here and --
12 I'm certain in my mind that I would have struck him had I known
13 that at the time and I did not, so I would ask the Court to
14 excuse Mr. Grant and seat the second alternate with regards to
15 that situation. Judge, I guess I viewed the second juror a
16 little bit different. Like you said, she had a number of
17 dealings and all that so I think we could forward with that
18 replacing her, we wouldn't have anybody to replace her with, we
19 would ask Mr. Grant be replaced.

20 THE COURT: What's the state's position?

21 MR. TUCKER: Your Honor, I think His Honor made the
22 proper inquiry of the juror, asked if he could be fair and
23 impartial, give both sides a fair and impartial assessment of
24 the witnesses, asked if he could set aside his relationship
25 ever so slightly with Officer Pettiford and that they were high

1 school classmates but didn't go to each other's house and
2 socialize. I certainly think that that's an acceptable
3 response from him and a proper inquiry from the Bench and ask
4 that the alternate remain. Again, we only have one alternate
5 left and so if we ruled that juror out and replaced that juror
6 and got another one we're really going to be in bad shape. I
7 just wanted to add to bring it to the Court's attention,
8 Officer Pettiford was involved in the arrest and wasn't
9 involved in the investigation, wasn't involved in any of the
10 evidence handling, so essentially, his testimony would be that
11 he encountered the defendant and was one of the officers
12 involved in the arrest, and that would be pretty much his
13 testimony.

14 THE COURT: I think I have the right to rely on what
15 the juror told me. He said they were in high school together,
16 they didn't hang out together and that he could be fair and
17 impartial and that he would not give greater or lesser weight
18 to the testimony of this officer based on their relationship
19 and I think it's also important that the testimony that's going
20 to be proffered from this witness is not pivoted and based on
21 that I'm going to allow him to continue to serve. But your
22 objection is noted and you're protected on the record.

23 MR. MEETZE: Your Honor, while we've got the jury
24 out, if I could bring one other thing up. I'm assuming from
25 conversations Mr. Tucker and I had this morning that he'll be

1 introducing the 911 call at some point in time today and I just
2 wanted to renew my objection with regard to that on the record
3 and specifically say, you know, the 911 operator early on in
4 that call says that she called back from [REDACTED], used
5 the word "back" which certainly is an indication that there was
6 a previous call which has been excluded which would keep the
7 jury from knowing and sound like they are in a fight or
8 something like that and it's clearly not talking about another
9 call. There is throughout the call that you can hear
10 background voices and so from that standpoint I'm just going to
11 renew that objection while the jury is out and on that basis I
12 don't think it's appropriate. The comments part, not the call
13 itself, just the comments part, particularly when she says that
14 she called back from [REDACTED], that's certainly an
15 indication that she's talking about that call, you know.

16 THE COURT: Well, I will -- your motion is noted and
17 you're protected on the record and I'm going to allow him to
18 play it.

19 MR. MEETZE: Thank you Your Honor.

20 MR. TUCKER: Thank you, Your Honor.

21 THE COURT: We're ready for the jury. Anything from
22 the state before we bring the jury out?

23 MR. TUCKER: Nothing, Your Honor.

24 THE COURT: Anything from the defense?

25 MR. MEETZE: Nothing, Your Honor.

1 THE COURT: We're ready for the jury. Might counsel
2 approach the bench for a moment?

3 (Discussion was held off the record by Court and counsel.)

4 (Jury entered the courtroom at 10:11 a.m.)

5 THE COURT: State's to recognize. You may call your
6 first witness.

7 MR. TUCKER: Thank you, Your Honor. May it please
8 the Court? At this time the state would call April Walters to
9 the stand.

10 THE COURT: Yes, ma'am. I'm going to ask if you
11 could approach the Clerk and place your left hand on the Bible
12 and raise your right hand as the Clerk administers the oath.

13 April Walters, being first duly sworn, testified as
14 follows:

15 THE COURT: I'm going to ask you to have a seat in
16 the witness chair, pull up real close to that microphone and
17 speak loudly, clearly and slowly, we want to hear everything
18 that you have to say, and let's start with your full name,
19 please, ma'am.

20 THE WITNESS: April Walters.

21 THE COURT: Thank you, ma'am.

22 **DIRECT EXAMINATION**

23 BY MR. TUCKER:

24 Q. Ms. Walters, where do you currently work?

25 A. Marion County 911 dispatch.

1 Q. And in what capacity do you work in?

2 A. Supervisor.

3 Q. How long have you been a supervisor?

4 A. Three years.

5 Q. How long in total have you been a 911 operator?

6 A. Over two years.

7 Q. Now, what kind of a typical duties are associated with
8 that particular position in terms of being a 911 operator?

9 A. Answer calls, get calls out.

10 Q. Now, you said answer calls. What specific types of
11 calls do you frequently get there at the 911 center?

12 A. Law enforcement, EMS, rescue, fire.

13 Q. If anybody's in trouble, they call 911, you or one of
14 your colleagues there pick up the phone; is that correct?

15 A. Yes, sir.

16 Q. How does a 911 call work when it comes in in terms of
17 what you do on your end?

18 A. We ask questions, we get information, we give it out,
19 it's recorded.

20 Q. Now, are all the 911 calls that come into your center
21 recorded?

22 A. Yes, sir.

23 Q. And could you explain to the jury what a CAD report is?

24 A. Yes. When they call the information out and it has
25 everything the officer says or whatever the person says on it

1 and all the information.

2 Q. Now, when you say, "information," it's the type of call
3 that you assign the number associated with the call?

4 A. Yes, sir.

5 Q. And the time the call comes in?

6 A. Yes, sir.

7 Q. And then I would imagine the units that are dispatched
8 to respond to that call?

9 A. Yes, sir.

10 Q. And all of that is reflected in the Cad report?

11 A. Yes, sir.

12 Q. Now, in addition to being a supervisor, you also handle
13 calls, do you not?

14 A. Yes, sir.

15 Q. So you are more than a supervisor, would that be fair to
16 say?

17 A. Yes, sir.

18 Q. Now, I'm going to direct your attention to the evening
19 of December 29th, 2019, were you working as a 911 operator at
20 that time?

21 A. Yes, sir.

22 Q. Directing your attention more specifically to the 10:30
23 time frame, do you recall you personally receiving a call that
24 was associated with the victim in this case, Wanda Reaves?

25 A. Yes, sir.

1 Q. And do you recall the nature of the call when it came
2 in?

3 A. When it came in all I could hear was noise in the
4 background.

5 Q. Now, in terms of the call, ultimately were you able to
6 identify the cell number itself?

7 A. Yes, sir.

8 Q. And with regards to your involvement in this case were
9 you asked to download the actual recorded call onto a disk for
10 purposes of today's hearing?

11 A. My director was.

12 Q. And you had an opportunity to review the actual
13 recording of the 911 call?

14 A. Yes, sir.

15 MR. TUCKER: May I approach, Your Honor?

16 THE COURT: Yes.

17 (State's Exhibit No. 2 was marked for identification.)

18 Q. Ms. Walters, I'm going to show you what's been marked
19 state's Exhibit 2 which is a copy of the 911 call in question
20 on the disk. Do you recognize that?

21 A. Yes, sir.

22 Q. You've listened to it. Does it accurately and
23 completely reflect the 911 call that came into you on
24 December 29th?

25 A. Yes, sir.

1 MR. TUCKER: Your Honor, at this time I would move
2 what's been marked for identification purposes, State's Exhibit
3 2 into evidence.

4 THE COURT: Mr. Meetze?

5 MR. MEETZE: Pursuant to the previous objection.

6 THE COURT: It's into evidence over defense's
7 objection.

8 (State's Exhibit No. 2 was admitted into evidence.)

9 MR. TUCKER: Your Honor, at this time I would ask
10 your permission to publish the 911 call to the jury.

11 (911 call playing 10:15 a.m. until 10:17 a.m.)

12 Q. And that was the end of the call, correct?

13 A. Correct.

14 Q. And the call approximately lasted for two minutes and 15
15 seconds?

16 A. Yes, sir.

17 Q. Now, the scream that we heard, that was the person
18 placing the call to 911; is that correct?

19 A. Yes, sir.

20 Q. And then we heard, Marion County 911, that was your
21 voice in response thereto?

22 A. Yes, sir.

23 (State's Exhibit No. 5 was marked for identification.)

24 Q. Let me ask you, with regards to the CAD report, Ms.
25 Walters, I want to show you what's been pre-marked for

1 identification purposes State's Exhibit 5 and ask --

2 MR. MEETZE: Can I see that, I'm sorry.

3 MR. TUCKER: Sure.

4 MR. MEETZE: Can we approach?

5 (Discussion was held off the record between Court and
6 counsel at the bench.)

7 BY MR. TUCKER:

8 Q. Ms. Walters, it appeared the call itself came in at
9 exactly 10:30 p.m. and some seconds past?

10 A. Yes, sir.

11 Q. And after the call came in what did you do once the call
12 terminated?

13 A. Gave it -- well, dispatched EMS and fire.

14 Q. And besides dispatching those few minutes, and then I'm
15 assuming making sure they cleared the scene sometime
16 thereafter, did you have any additional involvement in this
17 case?

18 A. No, sir.

19 Q. And to be clear, the person never said anything, it was
20 just clearly a woman screaming; is that correct?

21 A. Yes, sir.

22 MR. TUCKER: I believe those are all the questions I
23 have, Your Honor.

24 THE COURT: Cross-examination?

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1 say. Let's start with your full name.

2 THE WITNESS: Alexis Coleman.

3 THE COURT: Very good. Mr. Tucker?

4 MR. TUCKER: Thank you, Your Honor.

5 **DIRECT EXAMINATION**

6 BY MR. TUCKER:

7 Q. Ms. Coleman, where do you live?

8 A. Nichols, South Carolina.

9 Q. And how long have you lived in Nichols?

10 A. Since I was born.

11 Q. So is it fair to say you are a life long resident of
12 Marion County, would that be correct?

13 A. Yes.

14 Q. And where do you work?

15 A. Family Dollar.

16 Q. And how long have you worked at Family Dollar?

17 A. I've been working for Family Dollar for four years but I
18 worked in Mullins for two.

19 Q. Now, the Family Dollar in Mullins, I want to direct your
20 attention to the time frame around fall of 2019. Do you recall
21 a victim in this case Wanda Reaves becoming an employee there
22 at Family Dollar?

23 A. Yes.

24 Q. And of course I'll get to the December 29th incident,
25 but how long had she worked at Family Dollar prior to the

1 December 29th incident?

2 A. Three months.

3 Q. Now, in that three-month period did she kind of work for
4 you, were you a co-manager or anything like that?

5 A. Yes.

6 Q. Would it be a fair to say that you guys would talk about
7 things while you were at work?

8 A. Yes, we did.

9 Q. And did become, I wouldn't say close, but did you get to
10 know her well I guess is what I'm asking?

11 A. Yes, we did.

12 Q. Now, were you also aware given your relationship with
13 her that she was dating or had a boyfriend in this case, David
14 Graves?

15 MR. MEETZE: Objection.

16 THE COURT: The grounds?

17 MR. MEETZE: Hearsay.

18 THE COURT: I will ask that you rephrase the
19 question.

20 MR. TUCKER: I was just asking from her own personal
21 knowledge did she become aware that Mr. Graves was Ms. Reaves'
22 boyfriend?

23 THE COURT: She can answer that. It's not
24 necessarily hearsay. She might be have observed it. Very
25 good.

1 A. Yes.

2 Q. Did you ever witness Mr. Graves come by the store to
3 visit with Ms. Reaves?

4 A. Yes, he would come visit sometimes.

5 Q. Now, I want to direct your attention specifically to the
6 evening of December 29, 2019. Were you working that evening?

7 A. Yes.

8 Q. Was Ms. Reaves also working that evening?

9 A. Yes, we closed together.

10 Q. Now, when you say, "closed," what time did you typically
11 close?

12 A. We closed the store at 10:00, we count the money and we
13 leave about 10:20, 10:25.

14 Q. Now, this particular evening had Ms. Reaves asked you to
15 give her a ride home?

16 A. I would always give her a ride home.

17 Q. So it wasn't just this evening, it was every evening?

18 A. (No audible response.)

19 Q. Did you say, yes?

20 A. Yes.

21 Q. With regards to the particular evening do you recall
22 specifically what time you left with Ms. Reaves?

23 A. 10:25.

24 Q. And how long would it typically take to get from Family
25 Dollar to her place?

1 A. Not long, probably about three to five minutes.

2 Q. And do you think that's about how long it took you that
3 evening, December 29th?

4 A. Yes.

5 Q. Now, when Ms. Reaves got out of the car in front of her
6 house did she have anything with her?

7 A. Just her phone and her purse.

8 Q. Now, did she have both those items in her hand when she
9 got out of your car?

10 A. Yes.

11 Q. And you were positive you saw?

12 A. Yes.

13 Q. Let me also ask you this. Had you ever known Ms. Reaves
14 to carry a knife or any other kind of weapon with her?

15 A. No.

16 Q. Did you have an occasion to look at a pocketbook or
17 would she have open her pocketbook in front of you regularly?

18 A. Yes, she would.

19 Q. And did you ever see a knife or any other kind of weapon
20 in it?

21 A. No, sir.

22 Q. Now, when you dropped Ms. Reaves off were you able to
23 ascertain if anybody was home then?

24 A. I could see somebody peeking out the window.

25 Q. Were you able to identify who that was?

1 A. Not really.

2 Q. Now, was that the last time that you saw Ms. Reaves?

3 A. Yes.

4 Q. And when did you find out she had been murdered?

5 A. The next morning.

6 Q. What kind of person was Ms. Reaves around the workplace,
7 was she pleasant to work with?

8 A. She was real sweet, nice, friendly.

9 MR. TUCKER: I believe those are all the questions I
10 have, Your Honor.

11 THE COURT: Cross-examination, Mr. Meetze?

12 MR. MEETZE: Thank you.

13 **CROSS-EXAMINATION**

14 BY MR. MEETZE:

15 Q. Ms. Coleman, as you just testified, after you dropped
16 her off and left that's the last -- you don't know of anything
17 that happened after that?

18 A. No, sir.

19 MR. MEETZE: I don't have anything further, Judge.

20 THE COURT: You may step down. Any objection to this
21 witness being excused?

22 MR. MEETZE: No, Your Honor.

23 THE COURT: You're free to leave. Thank you, ma'am.

24 MR. TUCKER: Your Honor, at this time the state calls
25 Sergeant Jamey Johnson to the stand.

1 THE COURT: Mr. Johnson, please come forward, place
2 your left hand on the Bible and raise your right hand as the
3 Clerk administer's the oath.

4 Jamey Johnson, being first duly sworn, testified as
5 follows:

6 THE COURT: Have a seat in the witness chair. I'm
7 going to ask you to pull that microphone up real close and
8 speak loudly, clearly and slowly, we want to hear everything
9 that you have to say. Let's start with your full name, please.

10 THE WITNESS: Jamey Johnson.

11 MR. TUCKER: Thank you, Your Honor.

12 **DIRECT EXAMINATION**

13 BY MR. TUCKER:

14 Q. Officer Johnson, where do you currently work?

15 A. I'm currently employed with Mullins Police Department as
16 a patrol sergeant.

17 Q. How long have you been employed by the Mullins Police
18 Department?

19 A. I started with Mullins in September of 2018.

20 Q. And did you have any prior law enforcement experience
21 before coming to Mullins?

22 A. Yes, sir. I started with my career in 2007 with Conway
23 Police Department and I was there were four years. I then
24 switched over to the South Carolina Highway Patrol, was there
25 for about six years. I took a little break and then came back

1 and started with Mullins in September of 2018.

2 Q. Now, I want to direct your attention specifically to
3 December 29, 2019. Were you working that evening?

4 A. Yes, I was.

5 Q. Were you a patrol sergeant at this point?

6 A. Yes, I was.

7 Q. Now, I specifically want to direct your attention to the
8 10:30 time frame, p.m. Do you recall seeing a dispatch
9 notification to respond to 431 [REDACTED]?

10 A. Yes, I do.

11 Q. And do you recall what the nature of the dispatch
12 notification was?

13 A. Dispatch stated that they needed officers to respond --

14 MR. MEETZE: Objection, Your Honor.

15 THE COURT: Sustained.

16 Q. With regards to the dispatch notification what, if
17 anything, did you do after you received it?

18 A. We responded to 431 [REDACTED].

19 Q. What did you observe when you first arrived?

20 A. First thing I observed was a subject laying down face
21 down on the concrete. That's what I seen.

22 Q. Now, when you say, face down on the concrete, in
23 relationship to where 431 [REDACTED] was a residence, where was
24 this?

25 A. It was directly in front of her residence.

1 Q. Now, was she in the street or was she on the curb or was
2 she in the yard?

3 A. She was in the street.

4 MR. TUCKER: Now, Your Honor, if I may approach?

5 THE COURT: Yes.

6 (State's Exhibit No. 3 was marked for identification.)

7 Q. Sir, for identification purposes only, I want to show
8 you what's been marked State's Exhibit 3 and ask if you
9 recognize this as the [REDACTED] area in Mullins?

10 A. Yes.

11 MR. TUCKER: Your Honor, at this time I would move
12 this into evidence as State's Exhibit 3.

13 MR. MEETZE: No objection.

14 MR. TUCKER: Send out State's Exhibit 3.

15 (State's Exhibit No. 3 was admitted into evidence.)

16 Q. Sergeant Johnson, I am going to kind of hold this up so
17 the jury can see it better. The [REDACTED] area, it runs
18 along here (indicating.) Do you recall specifically looking at
19 this where 431 was?

20 A. Without the numerics, honestly, I'm not sure.

21 Q. But now, she was kind of directly in front of her house
22 in the street; is that right?

23 A. That is correct.

24 Q. And with regards to -- your involvement after you saw
25 her in the street, what if anything did you do?

1 A. We exited our patrol car, approached the scene but was
2 able to determine that it was a female laying face down in a
3 pool of blood around her head and neck area. I had two other
4 officers with me at the time. I instructed Officer Richardson
5 to stand with her until EMS could arrive. Myself and Officer
6 Smith conducted a sweep of the residence to make sure there
7 wasn't anyone else there in harm or that could harm us.

8 Q. Did you find anybody or were you made aware of anybody
9 being in the home at that time?

10 A. No, sir.

11 Q. Was there anybody out on the exterior of the incident
12 location when you arrived?

13 A. When I arrived, no, sir.

14 Q. Did you subsequently locate the defendant in this case,
15 David Graves?

16 A. No, sir.

17 Q. Now, with regards to when you were doing the protective
18 sweep and you were doing your initial assessment as you
19 approached, what if anything did you find at the front door
20 sitting at the front door?

21 A. I observed a pocketbook of some sort that appeared to be
22 just sitting on the front porch.

23 Q. Was the pocketbook open or closed, or do you recall?

24 A. To the best I can recall it was open.

25 Q. What if anything did you notice about the front door?

1 A. Just the front door with the keys in the front door.

2 Q. Did there appear to be damage to the front door, to the
3 screen door, outer door there?

4 A. No, sir.

5 Q. Now, with regards to after you swept the residence and
6 determined nobody was there, were you able to locate a cell
7 phone of any kind that was associated with or belonging to the
8 victim in this case, Wanda Reaves?

9 A. No, sir.

10 Q. And when you were doing your initial assessment on the
11 exterior, I know weren't processed at the crime scene, but did
12 you notice there was a knife close to or in proximity to Ms.
13 Reaves?

14 A. I didn't see one.

15 Q. Now, were you made aware of a possible witness in this
16 case who saw what happened?

17 A. Yes, sir, after the fact.

18 Q. Now, again, you were there just to kind of protect the
19 perimeter and kind of secure the scene, were you not?

20 A. Yeah, basically just secure the scene, tape it off,
21 start the crime scene log and contacted the detective on call.

22 Q. And did the detective on call arrive shortly thereafter?

23 A. Yes, sir.

24 Q. And did you pretty much relay everything that you knew
25 at that point to him?

1 A. Yes, sir.

2 Q. Now, with regards to the investigator on call, did that
3 subsequently turn out to be Matthew J. Walker?

4 A. Yes, sir.

5 Q. And again, after clearing the scene and after telling
6 everything you knew to Investigator Walker did that conclude
7 your involvement in this case after you cleared the scene?

8 A. Yes, sir.

9 MR. TUCKER: I believe those are all the questions I
10 have of this witness, Your Honor.

11 THE COURT: Cross-examination, Mr. Meetze.

12 MR. MEETZE: Thank you, Your Honor.

13 **CROSS-EXAMINATION**

14 BY MR. MEETZE:

15 Q. Officer Johnson, you would have been what's sort of
16 referred to as a first responder in this case?

17 A. Yes, sir.

18 Q. And essentially there's two other officers that were
19 there roughly at the same time, correct?

20 A. Yes, sir.

21 Q. You were the first one?

22 A. I was training an officer, so me and him was in the same
23 car and we arrived first.

24 Q. And you testified as to what you did, duties as a first
25 responder, observed the scene, you said you did a protective

1 sweep while one officer stayed there in the street; is that
2 right?

3 A. That's correct.

4 Q. And part of your responsibility is to look for any
5 potential evidence?

6 A. Yes, sir.

7 Q. Look for any potential witnesses?

8 A. Yes, sir.

9 Q. Did you have on a Body 1 camera?

10 A. I think I did, yes, sir.

11 Q. Do you know if it was on?

12 A. To the best of my knowledge it was.

13 Q. You indicated that subsequently you heard of a potential
14 witness at least?

15 A. Yes, sir.

16 Q. Did you speak to that individual?

17 A. I did not.

18 Q. So you never conducted any witness interviews or
19 anything like that?

20 A. No, I did not.

21 Q. You never marked or collected anything evidentiary wise?

22 A. No, sir.

23 Q. You notified the on-call detective?

24 A. I did.

25 Q. Once that on-call detective arrived, your responsibility

1 for the crime scene and anything else was sort of passed off to
2 the detective?

3 A. Yes, sir.

4 Q. After that evening until now, that was all of the
5 involvement you had with regard to the case?

6 A. Yes, sir.

7 Q. Outside of doing an incident or anything like that?

8 A. Well, I didn't complete the incident report, Officer
9 Smith did.

10 Q. So you didn't do an incident report in this case?

11 A. No, sir.

12 MR. MEETZE: I don't have anything further, Judge.

13 THE COURT: Any redirect?

14 MR. TUCKER: Nothing on redirect, Your Honor.

15 THE COURT: You may step down. Any objection to this
16 witness being excused?

17 MR. MEETZE: No, sir.

18 THE COURT: You're free to leave. Thank you, sir.

19 Mr. Tucker, you may call your next witness.

20 MR. TUCKER: Your Honor, at this time I will call
21 Matthew J. Walker to the stand.

22 THE COURT: I'm going to ask you to place your left
23 hand on the Bible and raise your right hand as the Clerk
24 administers the oath.

25 Matthew J. Walker, being first duly sworn, testified

1 as follows:

2 THE COURT: I'm going to ask you to have a seat in
3 the witness chair, pull up real close to that microphone and
4 speak loudly, clearly and slowly, we want to hear everything
5 that you have to say, and let's start with your full name,
6 please, sir. Start with your full name.

7 THE WITNESS: Matthew Jordan Walker.

8 **DIRECT EXAMINATION**

9 BY MR. TUCKER:

10 Q. Investigator Walker, where do you work?

11 A. Mullins Police Department.

12 Q. And for how long did you work for Mullins?

13 A. Since February of 2015.

14 Q. Of 2015?

15 A. Yes, sir.

16 Q. Did you have any prior law enforcement experience before
17 coming to Mullins?

18 A. Just two years as a detention officer in Marion County
19 Sheriff's Office.

20 Q. And I may have let the cat out of the bag, but I'm
21 referring to you as an investigator, but in what capacity do
22 you currently work for Mullins?

23 A. I'm a detective and/or investigator for the City of
24 Mullins.

25 Q. And how long have you been an investigator with Mullins?

1 A. Approximately two and a half years.

2 Q. Now, what is referred to -- or would you explain what
3 being the on-call investigator means?

4 A. We don't have an investigator on the clock or on duty
5 24/7, so when I'm on call I'm off the clock, but I'm on
6 standby, essentially, so should our patrol officers need an
7 investigator at any point they can contact me and I'll come in
8 and assist.

9 Q. Now, you said that there's no one investigator working
10 24 hours a day? I would imagine that being the on-call
11 investigator means that the calls that you typically get are
12 outside of the normal working hours?

13 A. That's correct.

14 Q. Now, I want to direct your attention specifically to
15 December 29, 2019. Do you recall being the on-call
16 investigator for that particular week?

17 A. I was on call that week.

18 Q. And further directing your attention to specifically a
19 10:30 time frame. Do you recall being notified by patrol
20 Sergeant Johnson who just testified to respond to the 431 Pat
21 Mar Square in reference to a possible homicide?

22 A. I do recall that, he did.

23 Q. And what did you do, if anything, after you received
24 that call?

25 A. I immediately got up, got dressed and began traveling to

1 the incident location at 431 [REDACTED], and while en route
2 I went ahead and contacted my immediate supervisor, Lieutenant
3 Hartson and notified him what I'd been told at that point.

4 Q. And what did you do first when you arrived there at the
5 incident location?

6 A. I made contact with Sergeant Johnson and spoke with him
7 to learn what information he had gathered up to that point.

8 Q. And pretty much I would imagine there wasn't a whole lot
9 going on at this particular time because it was still early on
10 in your investigation; is that correct?

11 A. That's correct.

12 Q. And do you recall after talking to Sergeant Johnson of
13 anything you did after that?

14 A. I contacted the Marion County ER to get update on Ms.
15 Reaves.

16 Q. When you said, Marion County ER, that's the MUSC
17 Hospital?

18 A. That's correct.

19 Q. And what if anything did you learn in terms of her
20 status?

21 A. When they contacted me back they informed me that she
22 had been pronounced deceased.

23 Q. Now, after that what if anything did you do in terms of
24 your investigation?

25 A. I contacted SLED to request crime scene respond along

1 with the regional agent.

2 Q. Now, let me ask you this before you go any further,
3 Investigator Walters. Why didn't the Mullins Police Department
4 Crime Scene Unit handle this particular call?

5 A. We did not have a particular crime scene unit, a
6 specific crime scene unit.

7 Q. Since you mentioned it, you don't have a 24-hour-a-day
8 investigator who would be the same reasonable crime scene,
9 that's a bit of an expense in the Mullins Police Department
10 that you just don't have?

11 A. Correct.

12 Q. And is it routine for you or your agency to call SLED
13 for investigative decisions, particularly in processing a crime
14 scene?

15 A. Correct, that's common practice.

16 Q. And once you notified SLED did they indicate that they
17 would be willing to assist and send a crime scene unit to your
18 location?

19 A. They did.

20 Q. Now, ultimately, I want to ask you, were you able that
21 evening to locate the cell phone that Wanda Reaves used to call
22 911?

23 A. I was not able to.

24 Q. Was that a particular item of interest in terms of your
25 investigation?

1 A. It was.

2 Q. Would that be because that was the phone that she used
3 to call 911 as she was being attacked?

4 A. That's correct.

5 Q. Now, with regards to the cell phone not being located
6 that evening was there anything else in terms of the scene that
7 drew your attention particularly as in relation to the front
8 porch and the front door?

9 A. I did observe that Ms. Reaves' pocketbook was left on a
10 chair beside the front entrance door and that her keys were
11 still dangling from the doorknob.

12 Q. Now, did you have an occasion to go inside the residence
13 at some point during your investigation? Did you actually go
14 inside the residence?

15 A. I did.

16 Q. Did it appear to you in your investigative capacity that
17 there had been a struggle of any kind on the inside?

18 A. It did not appear so.

19 Q. And given the fact that her keys were in the door and
20 pocketbook still on the porch, did you conclude that she most
21 likely did make it into the house at that point?

22 A. That's correct.

23 Q. Now, with regards to -- once you were unable to locate
24 the cell phone were you able or were you made aware of the
25 recovery of any kind of knife or straight edge weapon that

1 might have been the murder weapon at the scene?

2 A. No, we weren't able to locate it.

3 Q. And ultimately, that evening, were you made aware of a
4 possible witness who may have saw some of or if not all of what
5 happened?

6 A. Yes. I spoke with Mr. Marcus Crowner.

7 Q. And were you directed to Mr. Crowner by Sergeant
8 Johnson?

9 A. I have to check my notes, I was directed to him from
10 another officer but I can't recall if it was Sergeant Johnson.

11 Q. And to me that's not really important in terms of my
12 line of questioning, but once you made contact with the witness
13 were you wearing a Body 1 camera?

14 A. I was not.

15 Q. And did you speak to him there at the scene?

16 A. I did.

17 Q. And again, I'm going into specifics of what he told you,
18 but did he indicate he saw some of what happened?

19 A. He did.

20 Q. Now, after you spoke to Marcus Crowner, what if anything
21 did you do in terms of the investigation?

22 A. After speaking with Mr. Crowner I did speak with a few
23 more individuals in the neighborhood that I was able to locate,
24 none of which indicated they witnessed or heard anything.

25 Q. Did your investigation ultimately reveal that residing

1 there at that location with Ms. Reaves was David Graves?

2 A. We did determine that, yes.

3 Q. Now, with regards to Mr. Graves were you able to locate
4 him there at the scene that night?

5 A. We were not able to.

6 Q. So he was not in the house?

7 A. He was not.

8 Q. He wasn't anywhere on the property when you arrived?

9 A. That's correct.

10 Q. And you heard Sergeant Johnson testify that he wasn't
11 there when they responded, was that your understanding?

12 A. Yes, sir.

13 Q. Now, subsequent to learning that Mr. Graves lived there,
14 with regards to what you did next, I believe that, if I'm not
15 mistaken, you went on vacation the next day?

16 A. No, I wasn't on vacation. I had to take my wife to the
17 doctor.

18 Q. I understand, but you weren't present the next day when
19 Mr. Graves was arrested, were you?

20 A. That's correct.

21 Q. And did you subsequently become aware of his arrest?

22 A. Yes.

23 Q. And were you made subsequently aware that he gave a
24 statement to Lieutenant Hartson and Chief Bethea?

25 A. That's correct.

1 Q. And at that time with regards to his arrest on
2 December 30th and following the statement of Lieutenant
3 Hartson, did you have any additional involvement in this case
4 beyond that?

5 A. No, I did not.

6 MR. TUCKER: I believe those are all the questions I
7 have.

8 THE COURT: Cross-Examination?

9 **CROSS-EXAMINATION**

10 BY MR. MEETZE:

11 Q. Detective Walker, you testified you were the on-call
12 investigator back on December 29, 2019?

13 A. That's correct.

14 Q. And you indicated before that that you had been in law
15 enforcement or had been with Mullins since 2015?

16 A. That's correct.

17 Q. And in the capacity of investigator for about two and a
18 half years now?

19 A. That's correct.

20 Q. So you've been investigator, not too terribly long at
21 that point in time, a year or so?

22 A. Not quite a year.

23 Q. Not quite a year. Okay. Now, to be a police officer
24 you have to go through training, correct?

25 A. That's correct.

1 Q. You've got to go through the police academy and that
2 kind of thing, correct?

3 A. That's correct.

4 Q. And the different training that you go through trains
5 you with regards to preserving a crime scene?

6 A. Correct.

7 Q. And preserving evidence at a crime scene, correct?

8 A. Correct.

9 Q. Interviewing witnesses, correct?

10 A. Correct.

11 Q. And doing reports, correct?

12 A. Correct.

13 Q. As the on-call investigator you weren't the first person
14 to arrive at this crime scene, correct?

15 A. That's right.

16 Q. So part of what being an investigator is, particularly
17 when you're on call and wouldn't necessarily be the first
18 person there either, you have to rely a lot of times on what
19 other officers in your department do prior to you arriving,
20 correct?

21 A. That's right.

22 Q. And a lot of what you report, maybe not a lot, but
23 whenever you are going to do a report your report is not just
24 going to include things you did, they can also include things
25 that other officers did that reported that information to you,

1 correct?

2 A. Yes, at times.

3 Q. And paperwork reports are a big part of your job

4 correct?

5 A. That's correct.

6 Q. Because it's important to -- that's one of the ways that
7 you preserve evidence, correct?

8 A. Yes, sir.

9 Q. It's very important that evidence is preserved in a
10 case, correct?

11 A. Right.

12 Q. And it's very important that evidence is preserved to
13 make sure that our memories stay as fresh as possible, correct?

14 A. Correct.

15 Q. Because cases don't come to court a week or a month or
16 even two months after things happen, correct?

17 A. Right.

18 Q. So it's important that any report that's done by either
19 yourself or other officers that may have been involved in the
20 case, it's important that those reports are as accurate as
21 possible, correct?

22 A. Correct.

23 Q. That they contain as much relevant detail as possible,
24 correct?

25 A. Correct.

1 Q. Because ya'll aren't going to be the only ones reviewing
2 those documents, correct?

3 A. Correct.

4 Q. You have a supervisor, correct?

5 A. Yes, sir.

6 Q. And that supervisor at times will review incident
7 reports that you write, correct?

8 A. Yes, sir.

9 Q. So you want to make sure that your supervisor has a good
10 understanding based on your report what happened, correct?

11 A. With respect to I do -- any step I take with any case I
12 will confer with my direct supervisor as I move along with an
13 investigation.

14 Q. But you also --

15 A. But I do document it, correct, I'm sorry.

16 Q. I apologize, I didn't want to interrupt you.

17 A. That was it.

18 Q. It's also important that your incident reports be as
19 thorough and detailed as possible because you've got to turn
20 those documents over to the prosecutor's office, correct?

21 A. Correct.

22 Q. And they need to have a good picture of what happened,
23 correct?

24 A. Correct.

25 Q. And they're gonna turn that over to defense attorneys,

1 correct?

2 A. Yes, sir.

3 Q. They need to have a good picture of what happened in a
4 particular case, correct?

5 A. Yes, sir.

6 Q. Now, you did do a report in this case, correct?

7 A. I did keep investigative notes.

8 Q. Right, and that's investigative notes I just said. Now,
9 do you have a copy of your investigative notes?

10 A. Yes, I do.

11 Q. Now, you indicated that while you were out there at the
12 [REDACTED] location that you were made aware of a potential
13 witness by one of the officers; is that correct?

14 A. Yes, sir.

15 Q. And you testified that you spoke with that individual?

16 A. Yes, sir.

17 Q. And you remember speaking with that individual?

18 A. Yes, I do.

19 Q. Did you speak with him at the scene?

20 A. Yes, I did.

21 Q. Did you speak to him any time after that?

22 A. No, I did not.

23 Q. Now, I'm not asking you to read what's down, what's on
24 the paper specifically, but on the first page of your
25 investigative notes, you've got that?

1 A. Yes, I do.

2 Q. And it appears that you've got each individual paragraph
3 as marked with a little dash?

4 A. That's correct.

5 Q. The second to the last dash, does that indicate that
6 officers spoke with this witness?

7 A. It does say officers spoke with Marcus Crowner.

8 Q. Is there anywhere in your report that you indicated he
9 spoke with Marcus Crowner?

10 A. I should have typed that "I" spoke with him, but I did
11 say "officers" instead.

12 Q. And our memories don't get better as time goes by
13 generally, do they?

14 A. Not typically, no.

15 MR. MEETZE: I don't have anything further, Your
16 Honor.

17 THE COURT: Redirect?

18 MR. TUCKER: Just one question, Your Honor.

19 **REDIRECT EXAMINATION**

20 BY MR. TUCKER:

21 Q. Investigator Walker, do you have specific recollection
22 of speaking to the witness in this case, Marcus Crowner?

23 A. Yes, I do.

24 MR. TUCKER: I believe that's all the questions I
25 have, Your Honor.

1 THE COURT: You may step down. Any objection to this
2 witness being excused?

3 MR. MEETZE: No, Your Honor.

4 MR. TUCKER: Your Honor, I was going to suggest we
5 might take a mid-morning break at this point, if that's okay
6 with the Court?

7 THE COURT: Yes. We will stand at ease for five
8 minutes.

9 (Recess taken.)

10 THE COURT: Madam Forelady, ladies and gentlemen of
11 the jury, we're going to ask that you retire to the jury room,
12 refresh yourselves, and we will be back momentarily, but once
13 again, do not discuss the case amongst yourselves, Madam
14 Forelady, I'm going to ask that you enforce that rule.
15 Everyone remain seated as the jury exits the courtroom.

16 (Jury exited the courtroom at 10:48 a.m.)

17 THE COURT: Anything from the state before we recess
18 for a moment?

19 MR. TUCKER: No, Your Honor.

20 THE COURT: Anything from the defense?

21 MR. MEETZE: No, Your Honor.

22 THE COURT: We'll stand in recess for five minutes.

23 (Jury entered the courtroom at 11:09 a.m.)

24 THE COURT: Mr. Tucker?

25 MR. TUCKER: At this time the state would call Marcus

1 Crowner to the stand.

2 THE COURT: Mr. Crowner, place your left hand on the
3 Bible and raise your right hand as the clerk administers the
4 oath.

5 Marcus Crowner, being first duly sworn, testified as
6 follows:

7 THE COURT: I'm going to ask you to have a seat in
8 the witness chair, pull up real close to that microphone and
9 speak loudly, clearly and slowly, we want to hear everything
10 that you have to say, and let's start with your full name,
11 please, sir.

12 THE WITNESS: My name is Marcus Crowner.

13 THE COURT: Mr. Tucker?

14 MR. TUCKER: Thank you, Your Honor, may it please the
15 Court?

16 **DIRECT EXAMINATION**

17 BY MR. TUCKER:

18 Q. Mr. Crowner, where do you live?

19 A. In Marion.

20 Q. And how long have you lived in Marion?

21 A. My whole life.

22 Q. A life-long resident, then, it sounds like?

23 A. Yes, sir.

24 Q. Where do you work?

25 A. I work at a company out of Charleston, South Carolina,

1 it's called BW Mitchell.

2 Q. And what do you do there?

3 A. I'm a local truck driver.

4 Q. And how long have you been employed with that particular
5 company?

6 A. Four years.

7 Q. Now, I want to direct your attention to the events of
8 December 29, 2019, specifically 10:30. Do you recall where you
9 were?

10 A. Yes, I do.

11 Q. And where was that?

12 A. I was in Mullins.

13 Q. Now, if I could show you what's been already admitted
14 into evidence as State's 3, I'm going to hold this up. Now,
15 when you say "Mullins," were you in the area of [REDACTED]?

16 A. Yes, sir.

17 Q. And so you were in a house adjacent to the residence of
18 Wanda Reaves; is that correct?

19 A. Yes, sir.

20 Q. Now, with regards to what you were doing, you were
21 dating a young lady that lived there; is that correct?

22 A. Yes, sir.

23 Q. Now, I want to direct your attention to around 10:30, do
24 you recall anything unusual happening?

25 A. Yes, sir.

1 Q. Could you describe to the jury what happened?

2 A. Well, I was in the side of the house, it's a side porch,
3 and I thought like I might have heard like some arguing going
4 on, but I heard a loud scream.

5 Q. And when you say you heard a loud scream, could you
6 identify whether the scream came from a woman or a man?

7 A. It came from a woman, it came from a woman.

8 Q. And what did you do after you heard the scream?

9 A. I heard the scream and I started looking and what I saw
10 was maybe like a, it could have been a silhouette of a man and
11 a woman and as I started walking, the curtains were closed, it
12 looked like a saw a stabbing motion so I stopped looking and I
13 went to the door. When I went to the door, the woman was on
14 the ground.

15 Q. And let me back up. When you say you were looking
16 through the curtains and you saw a silhouette --

17 A. Yes, sir.

18 Q. -- could you tell when you say you saw a silhouette of a
19 man and a woman, could you tell which of the two was making the
20 stabbing motion?

21 A. It wasn't coming from the woman, the woman was kind of
22 big, I could tell it was a guy, it was a guy, I could tell
23 that.

24 Q. And that was the figure you saw make the stabbing motion
25 with his arm?

1 A. Yes, sir.

2 Q. And then I believe you had indicated you had gone to the
3 door of the house?

4 A. Yes, sir. I went to the door, I saw a guy standing over
5 a woman, okay, and then as I looked -- I went outside and I
6 guess when the door slammed the guy looked up and saw me, left,
7 and while he was leaving I was able to see the cell phone light
8 so I saw where he ran behind houses and left. So that's what I
9 told the first, the cop, when the cop came to question me. I
10 told him what direction I saw the guy run in. The lady was
11 still on the ground. Looked through the curtains and saw a
12 silhouette.

13 Q. Could you tell who it was coming from?

14 A. It was a guy. I could tell that.

15 Q. That was the figure you saw make the stabbing motion
16 with his arm?

17 A. Yes, sir.

18 Q. You were going to the door?

19 A. I saw a guy standing over a woman and then as I looked I
20 looked outside and the door slammed, the guy looked up, saw me,
21 left, while he was leaving I was able to see the cell phone
22 light so I saw where he ran behind the houses and left, so
23 that's what I told the cop when the cop came and questioned me,
24 I told him what direction I saw the guy run. The lady was
25 still on the ground.

1 Q. And let me back up just a bit, where you saw the lady
2 laying on the ground, was that on the road just in front of 431
3 [REDACTED]?

4 A. It was directly in the front of her house.

5 Q. And the individual that you saw standing over her, the
6 male, you said you saw him with a cell phone and had the cell
7 phone light on?

8 A. Yes, sir.

9 Q. Now, with regards to the description of the man that you
10 saw standing over, could you describe him to the ladies and
11 gentlemen of the jury?

12 A. Yeah, he was, he wasn't tall, he was medium build, he
13 had on dark clothing. That's about the best I can do. I never
14 saw an actual facial description.

15 Q. Now, when you say, he was not tall, about how tall do
16 you think he was --

17 A. About my height.

18 Q. -- by relationship to your height?

19 A. Almost my height.

20 Q. And how tall are you, sir?

21 A. I'm 5'8.

22 Q. Okay. So this guy was close to your height?

23 A. Yes, sir.

24 Q. And you describe him as medium build?

25 A. Yes, sir, about my build.

1 Q. How much do you weigh?

2 A. I weigh 200 pounds.

3 Q. Now, with regards to this person, you say he had on dark
4 clothing?

5 A. Yes, sir.

6 Q. Now, again, this was December 29th?

7 A. Yes, sir.

8 Q. And had on a jacket, something of that nature?

9 A. I think it was a jacket, I'm not quite sure, but I think
10 it was, I just know he had on dark clothing.

11 Q. Now, when law enforcement approached did you tell them
12 everything that you saw?

13 A. I certainly did.

14 Q. And did you describe the direction of travel that you
15 saw the gentleman flee in?

16 A. Yes, I did.

17 Q. Let me ask you this, could you tell whether the
18 gentleman was black or white?

19 A. I could tell it was a black guy, I could tell it was a
20 black guy.

21 Q. And did you see anything in terms that he had kind of
22 short hair, long hair, or anything about his hair that you
23 noticed?

24 A. I couldn't make that as far as his hair wise.

25 Q. And pretty much that was your involvement in this

1 matter?

2 A. Yes, sir.

3 Q. Now, let me ask you this: After you saw the lady in the
4 road did you call 911?

5 A. No, I didn't. As I went to approach the lady the cops
6 came around the corner so I backed up and I let them do their
7 job.

8 Q. So almost as soon as you saw the lady in the road,
9 911 --

10 A. It was real quick.

11 Q. -- and police responded almost immediately?

12 A. Yes, sir.

13 Q. Now, let me also ask you, with regard to the victim in
14 this case, Wanda Reaves, did you know her personally?

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

16 Q. Had you ever see her before?

17 A. Off and on in the area, yes, sir.

18 Q. But you didn't know her well?

19 A. I didn't know her.

20 Q. With regards to the defendant in this case, David
21 Graves, did you know him?

22 A. No, sir.

23 Q. Had you ever seen him before?

24 A. Not that I can tell, no, sir.

25 Q. And with regards to, again, everything that you saw, you

1 told law enforcement; is that correct?

2 A. Yes, sir.

3 MR. TUCKER: I believe those are all the questions I
4 have, Your Honor.

5 THE COURT: Mr. Meetze, Cross-Examination?

6 MR. MEETZE: Thank you, Your Honor.

7 **CROSS-EXAMINATION**

8 BY MR. MEETZE:

9 Q. Mr. Crowner, how much did you say you weighed?

10 A. Two hundred pounds.

11 Q. Now, you indicated that after you saw what you saw
12 police got there pretty quick?

13 A. Yes, sir.

14 Q. And law enforcement officers came and spoke to you out
15 there; is that correct?

16 A. Yes, sir.

17 Q. Now, do you recall whether it was a uniformed officer
18 that spoke to you or somebody in --

19 A. He was a uniformed officer -- someone else and another
20 uniform officer, there was like three people.

21 Q. Now, do you recall being spoken to on that night out
22 there in the [REDACTED] area two different times?

23 A. Yes, sir.

24 Q. Outside of those two times did any other interviews with
25 law enforcement take place?

1 A. No, sir.

2 Q. Now, do you recall telling the officer you spoke to
3 first that you heard a bunch of screaming?

4 A. Yes, sir.

5 Q. That somebody got shot or stabbed?

6 A. Yes, sir.

7 Q. Do you remember saying that?

8 A. Yes, sir.

9 Q. Somebody ran through here like you were describing to
10 the officers the direction the person ran?

11 A. Yes, sir.

12 Q. And that they took a right at a stop sign you were
13 trying to point out to law enforcement; is that correct?

14 A. Yes, sir.

15 Q. And that you indicated to law enforcement that it
16 appeared that they had a cell phone that they were using to see
17 where they were going; is that correct?

18 A. Yes, sir.

19 Q. Now, in that first time you spoke with law enforcement
20 you didn't say anything to them about seeing anybody making any
21 kind of scabbing motion, correct?

22 A. Yes, sir.

23 Q. You say you did?

24 A. I didn't.

25 Q. I'm sorry?

1 A. I didn't.

2 Q. You did not, correct, you did not tell the officers that
3 you saw anybody make a stabbing motion, correct?

4 A. Yes, sir.

5 Q. In fact, like you told them, at that point in time you
6 weren't sure if somebody had been shot or stabbed?

7 A. Yes, sir.

8 Q. And you told them somebody was shot or stabbed, correct?

9 A. Yes, sir.

10 Q. Okay. And then you indicated that you spoke a second
11 time to officers, correct?

12 A. Yes, sir.

13 Q. And in that conversation it was, again, the same night,
14 correct?

15 A. Yes, sir.

16 Q. Maybe ten, 15 minutes later?

17 A. Yes, sir.

18 Q. Correct? And in that conversation do you remember
19 indicating to them that you were standing in the doorway --

20 A. Yes, sir.

21 Q. You said: I was standing in the doorway when I seen her
22 hit the ground. Is that correct?

23 A. That's exactly right.

24 Q. The first thing you heard was hollering, correct?

25 A. Yes, sir.

1 Q. You described how it appeared to you, she was dressed;
2 is that correct?

3 A. Yes, sir.

4 Q. You indicated she had on a red top, I think, is that
5 correct?

6 A. Yes, sir.

7 Q. And again, you indicated you saw her hit the ground; is
8 that correct?

9 A. Yes, sir.

10 Q. You described the clothing that the other individual
11 had, correct?

12 A. Yes, sir.

13 Q. Again, you described to the officers the direction you
14 saw the individual go, correct?

15 A. Yes, sir.

16 Q. Again, you described to the officers that they appeared
17 to have a cell phone; is that correct?

18 A. Yes, sir.

19 Q. And in that conversation with law enforcement, again,
20 the second conversation that I just talked about, you never
21 said to them that you saw anybody making a stabbing motion,
22 correct?

23 A. Yes, sir.

24 Q. Yes, sir, you never told them that?

25 A. Yes, sir, I never told them that. But as I started to

1 thinking back, when I walked in the front room, I said, wait a
2 minute, it looked like I did see what could have been a
3 stabbing motion, but I didn't say that to them at the time. I
4 just displayed the immediate details that was coming forth.

5 Q. But you're testifying here that the only two times you
6 spoke with law enforcement, these two times at this incident
7 site that you did not say anything to them about seeing anybody
8 making any kind of a stabbing motion, correct?

9 A. Yes, sir.

10 Q. You indicated to him the first thing you saw was her hit
11 the ground?

12 A. Yes, sir.

13 Q. Okay. And you also indicated to him it could have been
14 a gun or a knife?

15 A. Yes, sir.

16 Q. But you're testifying here today that you saw somebody
17 making a stabbing motion?

18 A. Yes, sir.

19 MR. MEETZE: I don't have anything further, Judge.

20 THE COURT: Redirect?

21 MR. TUCKER: Just briefly, Your Honor.

22 **REDIRECT EXAMINATION**

23 BY MR. TUCKER:

24 Q. Mr. Crowner, can you describe the lighting conditions
25 outside that night when you saw what you saw?

1 A. Where I was it was dark, but where the incident took
2 place it was under a well lit street lamp.

3 Q. And that's how you were able to make out the colors and
4 the shapes and things of that nature?

5 A. Yes, sir.

6 Q. Now, with regards to the comment that you made, again,
7 December 29th, if the guy had on a jacket could it appear that
8 he was a little heavier than he actually was to you?

9 A. Yes, sir.

10 MR. MEETZE: Objection.

11 THE COURT: Sustained leading?

12 MR. MEETZE: Sustained as speculation.

13 MR. TUCKER: No further questions, Your Honor.

14 THE COURT: You may step down.

15 MR. TUCKER: Your Honor, I'd ask that Mr. Crowner be
16 released from his subpoena.

17 THE COURT: Any objection?

18 MR. MEETZE: No, Your Honor.

19 MR. TUCKER: You're free to leave. You may call your
20 next witness. Your Honor, at this time the State would call
21 Joe Pitts to the stand.

22 THE COURT: Mr. Pitts, place your left hand on the
23 Bible and raise your right hand as the Clerk administers the
24 oath.

25 Joe Juan Carlos Pitts, being first duly sworn,

1 testified as follows:

2 THE COURT: I'm going to ask you to have a seat in
3 the witness chair, pull up real close to that microphone and
4 speak loudly, clearly and slowly, we want to hear everything
5 that you have to say, and let's start with your full name,
6 please, sir.

7 THE WITNESS: Joe Juan Carlos Pitts.

8 MR. TUCKER: Thank you, Your Honor. May it please
9 the Court.

10 **DIRECT EXAMINATION**

11 BY MR. TUCKER:

12 Q. Mr. Pitts, where do you presently work?

13 A. Marion County EMS.

14 Q. What do you do there?

15 A. I'm a paramedic supervisor.

16 Q. Now, how long have you been a paramedic supervisor for
17 Marion County EMS?

18 A. Approximately five years in Marion County.

19 Q. Now, you'll forgive me if I point out the obvious, you
20 are wearing a Horry County Fire badge?

21 A. Yes, to further my knowledge I've also gone into the
22 fire service where I received my firefighter badge to better
23 further serve the citizens of this County.

24 Q. But your primary employment is with Marion County EMS?

25 A. Yes, sir.

1 Q. Now, what kind of training did you have to undergo to
2 become a paramedic with Marion County EMS?

3 A. Well, to become a paramedic you have to obtain your EMT
4 basic which is the basic, the foundation of emergency medicine
5 and then after that you can obtain your paramedic. So it's a
6 two-year process and you also have to obtain your ACLS, your
7 PALS. There's advanced cardiac life support, pediatric life
8 support, ATLS, International Trauma, and countless others
9 certificates and training that you have to go through. It's
10 about two years and anywhere from 1400 to 2000 hours of medical
11 training.

12 Q. Do you presently have any certifications with regards to
13 being an EMT?

14 A. Excuse me?

15 Q. Do you have any kind of certifications in reference to
16 your employment as an EMT?

17 A. Yes, sir.

18 Q. And what are those?

19 A. Again, I have ACLS which is Advanced Cardiac Life
20 Support; Pediatric Advanced Life Support. Multiple
21 trauma classes. We have to continue education 40 to 60 hours
22 per year. So the amount of certifications that I have could
23 literally fill up your table there.

24 Q. Okay. And I know that no call is quite like the next
25 call but what types of services do you provide as an EMT on a

1 regular basis?

2 A. Just this year alone you never know what you're going to
3 go to when somebody calls 911. There's going to be a shooting,
4 a stabbing, delivering babies, fire, motor vehicle collisions,
5 you have to be prepared for any call just like law enforcement
6 officers, whatever comes through we have to be able to handle
7 that.

8 Q. I understand. Now, with regards to those types of
9 calls, what is your primary responsibility as an EMT when you
10 arrive on scene?

11 A. Provide life saving immediate interventions.

12 Q. Now, is the focus to try to get them to the hospital as
13 quickly as possible or is your focus to try to stabilize them
14 to some extent before you get them to the hospital?

15 A. To try to stabilize them before we get to the hospital.

16 Q. Now, I want to direct your attention to the evening of
17 December 29, 2019. Were you working as a Marion County EMS, or
18 EMT on that particular evening?

19 A. Yes, sir.

20 Q. And further directing your attention to the 10:30 p.m.
21 time frame, do you recall receiving a request for service to
22 the 431 [REDACTED] area in Mullins?

23 A. Yes, sir.

24 Q. And that particular address, this may seem like a silly
25 question, but is that in Marion County?

1 A. Yes, sir, it's in Mullins.

2 Q. And do you recall what you did after receiving a request
3 of service to that location?

4 A. Yes. Me and my partner responded to that location.

5 Q. What if anything did you observe when you got there?

6 A. When I first observed when I got there was that law
7 enforcement was actively looking for a suspect and as we were
8 getting out, normally law enforcement already has the scene
9 secured, but it obviously happened fast, and then as we were
10 getting out I observed a female lying supine on the ground.

11 Q. And what if anything did you do once you observed the
12 female lying on the ground? I assume you were directed to her
13 as the victim?

14 A. Yes. The first thing we have to do is determine her
15 level of consciousness. Is she alert, is she unresponsive, is
16 she able to follow commands? She could not. Then we go ahead
17 and we start checking for pulse and assess breathing at the
18 same time. So you do a 10 second pulse check to see if their
19 heart is in fact beating.

20 Q. And let me back you up just a minute, you indicated that
21 she was not able to respond?

22 A. She was not able to respond. She was unresponsive.

23 Q. And then you said you were trying to check --

24 A. You assess the breathing, the airway breathing and
25 circulation.

1 Q. What was your assessment at this point?

2 A. Her airway, she had took two abnormal respirations in
3 front of me so she was not -- she was taking her last breaths
4 is what that means and her circulation, her pulse, it was very
5 weak and thready, and it was about approximately 20 to 30 beats
6 per minute. So she was already decompensating from her core.

7 Q. Could you tell from that assessment where her injuries
8 or whether she was bleeding from anywhere?

9 A. The injuries that I know that were immediate life
10 threats, the puncture wounds to her chest. So that's something
11 that requires immediate intervention. No matter how much blood
12 is coming out, it's immediate intervention.

13 Q. And what were you able to do in terms of trying to
14 assist her in that regard?

15 A. To assist her in that regard we had to secure the airway
16 as quickly as possible. Because again, abnormal respirations,
17 you're not breathing adequately on your own, so we have to
18 supplement your ventilation.

19 Q. And how do you do that?

20 A. You take what's called a bag valve mask and it's a mask
21 that covers your face and we squeeze it to mechanically breathe
22 for you. What some people here might be, what I can compare it
23 to is once you're in the hospital and they put you on a
24 ventilator most commonly known as life support and they have
25 you on a machine breathing for you, but we don't have that in

1 the field so we have the mask and the bag that we do that for
2 you and can do that for you until we can get you to the
3 hospital and they can put you on an entire machine and it
4 breathes for you.

5 Q. Okay. Was she able to get to the hospital and receive
6 any kind of assistance there?

7 A. Yes, sir.

8 Q. And at what point were you made aware that she had
9 passed on from her injuries?

10 A. In the hospital she expired inside the ER, but before
11 that she had already lost all electricity of a mechanical, of
12 her heart prior the getting to the hospital.

13 Q. Are you, I guess, are you able to pronounce someone
14 dead?

15 A. Yes. Yes, on the field, in the field I am but seeing
16 somebody taking their two last breaths in front of you and they
17 still have a pulse, in my nature I'm not going to give up on
18 them, I have to morally work you to see if I can get anything
19 back, even if it's just for a family member just to come and
20 see you on that ventilator and say goodbye, you can't watch
21 somebody take their last breaths and okay, you're dead, morally
22 you've got to live with yourself after a call.

23 Q. And again, but she was actually pronounced dead at the
24 hospital is your understanding?

25 A. Yes.

1 Q. Now, with regards to, I believe you mentioned she was
2 nonresponsive, did she ever at any point from the time that you
3 encountered her until you delivered her to the hospital say
4 anything or indicate anything to you verbally?

5 A. No.

6 MR. TUCKER: I believe those are all the questions I
7 have, Your Honor.

8 THE COURT: Mr. Meetze?

9 MR. MEETZE: Thank you.

10 **CROSS-EXAMINATION**

11 BY MR. MEETZE:

12 Q. Mr. Pitts, your testimony here today is the entirety of
13 your involvement in this matter?

14 A. Yes, sir.

15 MR. MEETZE: I don't have anything further, Judge.

16 THE COURT: You may step down. You're free to leave.

17 THE WITNESS: Thank you.

18 THE COURT: Call your next witness.

19 MR. TUCKER: We'll call John Pettiford to the stand.

20 THE COURT: Mr. Pettiford, place your left hand on
21 the Bible and raise your right hand as the clerk administers
22 the oath.

23 John Pettiford, being first duly sworn, testified as
24 follows:

25 THE COURT: I'm going to ask you to have a seat in

1 the witness chair, pull up real close to that microphone and
2 speak loudly, clearly and slowly, we want to hear everything
3 that you have to say, and let's start with your full name,
4 please, sir.

5 THE WITNESS: My name is John Henry Pettiford.

6 **DIRECT EXAMINATION**

7 BY MR. TUCKER:

8 Q. Where do you work?

9 A. Mullins Police Department as a corporal as an SR at
10 Mullins.

11 Q. How long have you worked for Mullins PD?

12 A. Just about two and a half years.

13 Q. And do you have any prior law enforcement experience
14 before coming to Mullins?

15 A. Right, 2016, I started out at the City of Dillon Police
16 Department.

17 Q. I want to direct your attention specifically to
18 December 30th of 2019. Do you recall in what capacity you were
19 employed with the Mullins Police Department at that time?

20 A. Yes. I do recall that date, December 30, 2019. Myself
21 and Sergeant Seal, as resource officers we assist in helping
22 the patrol division. We got aware that Mr. David Graves was
23 out, that we're looking for him and we made contact with him on
24 Parrish Drive.

25 Q. Now, let me ask you, when you said that you were made

1 aware Mr. Graves was a suspect and had warrants out on him?

2 A. That's correct.

3 Q. Now, you were given the description of Mr. Graves; is
4 that correct?

5 A. Yes, sir.

6 Q. And so you were able to identify him and you encountered
7 him at about 2:00?

8 A. Yes, sir.

9 Q. Could you describe what happened when you encountered
10 Mr. Graves?

11 A. We exited the vehicle on Parrish Drive that day, made
12 approach to the wood line behind a house on Parrish Drive. We
13 over the radio heard notice that Officer Adam Paxton notified
14 us that he's headed towards that way. We actually encountered
15 him on a bicycle at that point.

16 Q. Okay. So Mr. Graves was on a bicycle at that point?

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

18 Q. What if anything did you do when you saw him on a
19 bicycle?

20 A. At that point we gave commands, drew weapons, gave
21 commands, told him to stop, identified ourselves as police
22 officers.

23 Q. And did he stop?

24 A. No, sir.

25 Q. And what happened then?

1 A. At that point he took off on a bicycle on Parrish Drive,
2 headed back towards West Dogwood, I initiated on foot, tried to
3 catch up with him unsuccessfully.

4 Q. And did you ever lose sight of him at that point?

5 A. At that point after about 50 yards he crossed over West
6 Dogwood and I did lose sight of him at that point.

7 Q. Now, at some point shortly thereafter were you able
8 to reacquire of Mr. Graves' whereabouts?

9 A. Yes, sir, an abandoned house at the time on Gerald Loop,
10 we acquired him in a house with the front doorstep, and
11 therefore we re-engaged him again.

12 Q. And again, did you identify yourselves as police
13 officers?

14 A. Yes, sir.

15 Q. And did you command Mr. Graves to stop?

16 A. Yes, sir.

17 Q. Did he?

18 A. He did not.

19 Q. What if anything did he do after that?

20 A. At that point he continued to run. He looked and made
21 eye contact with me, wouldn't obey my commands, he ran towards
22 North Smith Street.

23 Q. Do you see the man that you pursued that day in the
24 courtroom here?

25 A. Yes, sir.

1 Q. And could you please point him out?

2 A. David Graves.

3 MR. TUCKER: If the record would reflect, he's
4 pointing to the Defendant in this case, David Graves, Your
5 Honor.

6 Q. And after you identified him and made contact, what if
7 anything did he do then?

8 A. At that point he made contact on North Smith Street, he
9 put hands in the air, was still kind of non-cooperative
10 resisting and at that point I was able to detain him at that
11 point.

12 Q. And when you say, detain him, were you able to actually
13 place him into custody?

14 A. Yes, sir.

15 Q. And at some point did Lieutenant Hartson arrive on
16 scene?

17 A. Yes, sir. At some point Lieutenant Hartson and the rest
18 of Mullins City officers as well as other officers arrived.

19 Q. And again, in terms of following the arrest did you have
20 any involvement in the case beyond that?

21 A. No, sir, not beyond that case.

22 (State's Exhibit No. 4 was marked for identification.)

23 Q. And if I could approach. Officer Pettiford, I'm going
24 to show you what has been marked for identification purposes as
25 State's Exhibit 4 and ask you to look at it. Is this an aerial

1 map of the area where you first encountered Mr. Graves where he
2 was ultimately arrested?

3 A. Right. He was arrested at --

4 Q. And if you could step down.

5 MR. TUCKER: Your Honor, if he could step down and
6 just indicate here in front of the jury where he encountered
7 him and where he arrested him.

8 A. So I encountered him at Gerald's Loop at an abandoned
9 house and he proceeded to go towards North Smith Street.

10 Q. And he was on foot?

11 A. On foot at that point, he abandoned the bicycle at the
12 Gerald's Loop and right here somewhere in this field area on
13 North Smith we made custody of -- he actually surrendered at
14 North Smith Street.

15 Q. And is this area a map, an accurate reflection the area
16 that day?

17 A. Yes, sir.

18 MR. TUCKER: Your Honor, at this time I would move
19 State's Exhibit 4 into evidence.

20 THE COURT: Any objection from the defense?

21 MR. MEETZE: No, Your Honor.

22 THE COURT: Exhibit 4 is into evidence.

23 (State's Exhibit No. 4 was admitted into evidence.)

24 Q. Following the arrest, Officer, you didn't have any
25 involvement with the investigation, did you?

1 A. No, sir.

2 MR. TUCKER: I believe those are the questions I
3 have, Your Honor.

4 THE COURT: Mr. Meetze?

5 MR. MEETZE: Judge, I don't have any questions.

6 THE COURT: You may step down. You're free to leave.

7 MR. TUCKER: Your Honor, this may be a good time to
8 take a lunch break. We have witnesses but they are coming at
9 1:30 and we'd be able to present those witnesses shortly
10 thereafter.

11 THE COURT: Next witnesses will be available at 1:30?

12 MR. TUCKER: Yes, Your Honor, or to be on the safe
13 side, 1:45.

14 THE COURT: Let's see if we can get them here at
15 1:30. Madam Forelady, ladies and gentlemen of the jury, we're
16 going to take a break for lunch and I'm going to ask that you
17 be back at 1:30, 1:30 sharp. Do not discuss the case amongst
18 yourselves or with anyone else. Do not do any independent
19 investigation and everyone remain seated as the jury exits the
20 courtroom, 1:30, 1:30 sharp.

21 (Jury exited the courtroom at 11:36:00 a.m.)

22 (Lunch Recess taken)

23 THE COURT: Anything from the state before we bring
24 the jury out?

25 MR. TUCKER: No, Your Honor.

1 Anything from the defense?

2 MR. MEETZE: No, Your Honor.

3 THE COURT: We're ready for the jury.

4 (Jury entered the courtroom at 1:32 p.m.)

5 THE COURT: Madam Forelady, ladies and gentlemen of
6 the jury, thanks for being here and being here on time.

7 Everybody looks well fed, anxious, ready to hear some more
8 testimony, so pay very close attention. Mr. Tucker?

9 MR. TUCKER: Thank you, Your Honor. May it please
10 the Court? At this time the state would call Nicholas Sprouse
11 to the stand.

12 THE COURT: Sir, if you could please come forward and
13 we'll ask if you could place your left hand on the Bible and
14 raise your right hand as the Clerk administers the oath.

15 Nicklaus Sprouse, being first duly sworn, testified
16 as follows:

17 THE COURT: Have a seat in the witness chair. I'm
18 going to ask that you pull that microphone up real close, speak
19 loudly, clearly and slowly so we can hear everything you have
20 to say and let's start with your full name, please, sir.

21 THE WITNESS: Yes, sir, Nicklaus, N-i-c-k-l-a-u-s,
22 Sprouse, S-p-r-o-u-s-e.

23 THE COURT: Very good.

24 MR. TUCKER: Thank you, Your Honor. May it please
25 the Court?

DIRECT EXAMINATION

1

2 BY MR. TUCKER:

3 Q. Mr. Sprouse, where are you presently employed?

4 A. At Dominion.

5 Q. And that's a non-law enforcement related position, is it
6 not?

7 A. Correct.

8 Q. Now, I'm going to ask you, where were you employed on or
9 about December 29, 2019?

10 A. SLED, South Carolina Law Enforcement Division.

11 Q. And what did you do for SLED at that time?

12 A. I was a crime scene agent.

13 Q. Now, on that day looking backwards, how long had you
14 worked for SLED up until that point?

15 A. Five years, I believe, four and a half.

16 Q. And did you have any prior law enforcement experience
17 before joining SLED?

18 A. Yes, sir.

19 Q. And what was that?

20 A. I spent over a decade with the South Carolina Highway
21 Patrol.

22 Q. Now, could you tell us a little about what your duties
23 and responsibilities were on on December 29th as a Crimes Unit
24 Investigator for SLED?

25 A. Yes, sir. It was to process the scene, collect any

1 evidence, search for evidence, do any kind of forensic work
2 that was requested or the scene required.

3 Q. Now, what kind of training did you have to undergo to
4 have that position?

5 A. We did several, I believe I calculated it, basic
6 training was about 1100 hours, plus, it was just basic in-house
7 training. That was in addition to my specialty that I do is
8 crime scene reconstruction which I've taken the crime scene
9 reconstruction course and advanced courses plus any kind of
10 analysis where I analyzed blood, I've taken the basic course on
11 that, I've taken the advanced courses, shooting incident
12 reconstruction where I reconstruct crime scenes that have
13 projectiles and deal with angles and trigonometry, so with that
14 on top of responding to scenes and responding to any kind of
15 assistance calls in the state and outside of the state.

16 Q. And you mentioned assistance calls, where would those
17 typically come from?

18 A. Typically they're within the State of South Carolina.

19 Q. Would these be small agencies that would have the
20 benefit of the crime scene unit?

21 A. Yes, sir.

22 Q. Now, I want to direct your attention, again, to
23 December 29, 2019. Did you receive a call for assistance from
24 Mullins Police Department?

25 A. I did through our operations desk.

1 Q. And what did you do after receiving a request for
2 assistance?

3 A. Made a phone call from to the point of contact and they
4 responded from Columbia.

5 Q. Do you recall who the point of contact was that you
6 contacted?

7 A. No, I don't.

8 Q. But again, after talking to that person you loaded up
9 and came to Mullins?

10 A. Yes, sir. And the reason why we do that is we try to
11 get a gauge of the scene in case we need any kind of
12 specialized equipment that we don't typically carry in our
13 vehicles that may be bigger.

14 Q. I can understand that. Now, did you come by yourself or
15 did someone from SLED unit accompany you?

16 A. Special agent Russell Smegalski (phonetic) assisted me
17 on this call.

18 Q. Now, in terms of seniority, was he senior to you or
19 subordinate to you?

20 A. Subordinate, he was still in training, as a matter of
21 fact.

22 Q. I understand. Now, when you arrived in Mullins were you
23 directed or when you talked to the point of contact were you
24 directed to 431 [REDACTED] in Mullins?

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

1 Q. Is that where you went straight to from Columbia?

2 A. Yes, sir.

3 Q. And what did you do when you arrived? Well, let me
4 first ask you, when you arrived what generally do you do in
5 terms of getting started with your crime scene analysis?

6 A. I try to make a point of contact for whichever agency
7 we're working for, be it, SLED regional agents or in this case
8 Mullins Police Department. I get a gauge as to what the scene
9 is, the perimeters, we try to see where the crime scene tape
10 is, what area we need to look at first, get any kind of
11 background, maybe there's an additional scene, so we can kind
12 of get a game plan as to where we're going to do this or we may
13 separate, we may split off, one person may do this area and
14 another does this area for the efficiency, and given this case
15 that night rain was about to start to set in so we needed to
16 start processing the scene a little bit quicker than we
17 normally would as far as assessing it and trying to preserve
18 anything that we could that the weather wouldn't destroy.

19 Q. Now, as part of your crime scene analysis or crime scene
20 development, is taking photographs a part of that?

21 A. Vital.

22 Q. Now, again, you mentioned another agent with you was a
23 trainee, did you direct him to actually take photographs?

24 A. Yes, sir. He was working the secondary on this scene as
25 a trainee.

1 Q. But you were one supervisor in his direction?

2 A. I was primary, yes, sir.

3 MR. TUCKER: Your Honor, if I may approach.

4 THE COURT: Yes.

5 (State's Exhibits 6-15 were marked for identification.)

6 Q. Mr. Sprouse, I'm going to ask you to take a look at
7 what's been marked State's Exhibit for identification purposes,
8 6 through 15, and let me first ask if you recognize them.

9 A. Yes, sir.

10 Q. How do you recognize them?

11 A. This was the residence that was adjacent to the roadway
12 where the scene where we were directed to the scene. Also,
13 this does have the initials of Russell on it as well.

14 Q. Now, is he the trainee who accompanied you to this
15 location?

16 A. Yes, sir. He would be the one that was taking the
17 pictures at my direction.

18 Q. Now, do they fairly and accurately reflect the crime
19 scene that you saw that night?

20 A. Yes, sir. It was dark and that was the roadway, it
21 depicts the residence and the roadway.

22 MR. TUCKER: Your Honor, at this time I would move
23 State's 6-15 into evidence.

24 THE COURT: You showed them to Mr. Meetze?

25 MR. TUCKER: I did, Your Honor.

1 MR. MEETZE: No objection.

2 THE COURT: They are numbered what numbers again?

3 MR. TUCKER: State's 6 through 15.

4 THE COURT: Exhibits 6-15 are into evidence without
5 objection from defense.

6 (State's Exhibits 6-15 were admitted into evidence.)

7 MR. TUCKER: And Your Honor, we have the same
8 photographs on the big screen TV here, I'd ask for permission
9 to publish those to the jury.

10 THE COURT: Yes.

11 MR. TUCKER: And I'll also ask you if Mr. Sprouse can
12 step down and kind of walk us through these photos as they
13 appear on the screen?

14 THE COURT: Yes.

15 BY MR. TUCKER:

16 Q. And Mr. Sprouse, I'm showing you what's been entered
17 into evidence now as State's Number 6 and ask you if you could
18 explain what we're looking at in this photograph.

19 A. This is going to be the front view of the residence that
20 was in question that night (indicating.)

21 Q. Now, when you say, residence in question, that's the
22 incident location?

23 A. Well, the incident location to us was in front of this
24 residence, so the roadway was the main area of focus.

25 Q. Gotcha.

1 A. But this was the residence of interest for us because
2 what we were instructed that I believe the victim lived.

3 Q. Right. Okay. And I'm showing what's been moved into
4 evidence as State's Exhibit 7. Could you explain what we're
5 looking at in this photo?

6 A. Yes, sir. You're looking at an angled photo that kind
7 of gives you orientation as to where the house is in junction
8 to where this coagulated blood pool is that's in the roadway.

9 Q. Now, is it your understanding that that's where
10 the victim was when law enforcement first responded?

11 A. Yes, sir, that is the information we provided.

12 Q. Now, I'm showing you what's been moved into evidence as
13 State's Number 8. What are we looking at in that photo?

14 A. Again, this is just an orientation photo which we try to
15 let anyone that's looking at the photographs try to understand
16 where they are or where evidence is located in junction to
17 another fixed point. At this particular fixed point you can
18 see a shoe of blood, we've already seen the photographs
19 beforehand that shows the blood in front of this residence. So
20 it also shows you other residences so you can get a general
21 idea of how compact this area is.

22 Q. And if you can take a look at what's been moved into
23 evidence as State's Exhibit Number 9. What are we looking at
24 in that particular photograph?

25 A. This is more of a mid-range photograph. It's not going

1 to encompass your house, it's going to encompass other
2 residences. You can see a little bit -- that's my goal here is
3 to kind of give you a reference point as to where it's at, but
4 it's encompassing the shoe here as well as coagulated blood
5 stain.

6 Q. And this is what's been moved into evidence as State's
7 Exhibit Number 10. What are we looking at in this photo?

8 A. This is the close-up picture, obviously, of the
9 coagulated blood stain that was in the road that was in the
10 previous long-range to mid-range photograph that is unmarked at
11 this time.

12 Q. And next photo. Here we're looking at State's Number
13 11. What are we looking at in this photo?

14 A. This is a photograph that's just more onto the sidewalk
15 area, 431 residence and this is one shot of the front exterior
16 of the residence.

17 Q. And what we're looking at now is State's evidence 12.
18 What are we looking at in this photo?

19 A. This is going to be, I want to tell you, the right rear.
20 The left rear of the residence, if you're facing the residence.
21 So this is in the backyard and typically what we do beforehand
22 we take a photograph of the house all the way around so you'll
23 take multiple pictures on each side, hit the corners and
24 showing going back, so there would be some sequel photographs
25 showing this side as well.

1 Q. The next photo, this is what's been moved into evidence
2 as State's Number 13. What are we looking at here? This
3 photograph was typically taken in sequence, but if we know that
4 we're about to enter a residence or enter a doorway anywhere we
5 go we obviously back out, take a long range, and we progress in
6 so that the viewer can get an idea of what is in each area as
7 we go in, so that's the front door of the residence. Did you
8 notice that you were going to approach any what you noted as
9 damage to the front screen door at all or storm door?

10 A. I'd have to look at the pictures, it's been awhile.

11 Q. Does there appear to be any in that photo?

12 A. Nothing in that photo.

13 Q. And here we're looking at what's been moved into
14 evidence State's 14, and I believe this appears to be a picture
15 of a pocketbook on the chair on the front porch; is that
16 correct?

17 A. Yes, sir.

18 Q. And again, were you just trying to document the scene
19 with this photo?

20 A. Yes, sir. This actually looked to be out of place.
21 Typically you don't see pocketbooks, purses and wallets just
22 sitting on the front porch, so, yes, sir, it was documented.

23 Q. Okay. And you are now looking at what's been entered
24 into evidence as State's 15, and I believe this would be the
25 actual front door of the residence, would it not?

1 A. Yes, sir.

2 Q. Thank you. Mr. Sprouse, I know that law enforcement
3 directed you into the front street. Was there anything when
4 you actually went inside the residence that would have
5 indicated there was a struggle inside of any kind?

6 A. The house was kind of unkept. There wasn't any signs
7 through my past experience and education that shows that there
8 was any kind of signs of struggle within the residence.

9 Q. So you pretty much concentrated your efforts to the
10 front or the exterior of the house in terms of processing?

11 A. Yes, sir, at the main source, yes, sir.

12 Q. Let me ask you this: As you and your partner processed
13 the scene, were you able to find a cell phone that belonged to
14 the victim in this case?

15 A. I do not recall finding a cell phone during our search.

16 Q. Had you found one I'm sure you would you have documented
17 that and photographed?

18 A. If collected, yes, sir.

19 Q. And let me ask you, did you find a knife of any kind
20 that was attributed to being the murder weapon?

21 A. No, sir, we thoroughly searched inside of that
22 residence, around that residence, and up and down the roadways.

23 Q. Now, did you find anything else of any kind of any
24 evidentiary value in terms of your processing of the scene
25 there?

1 A. Pertaining to the evidence and the statements and the
2 information provided by local law enforcement that we had and
3 looking at the scene outside, there was nothing else that we
4 found of evidence inside that residence.

5 Q. Did you ultimately go to the hospital where the victim
6 was and take, I believe, scrapings from under the fingernails
7 and things of that nature?

8 A. Yes, sir, and photographs.

9 Q. And that was logged into evidence and sent to SLED for
10 analysis?

11 A. Yes, sir.

12 Q. And did that conclude pretty much your involvement in
13 this case as it relates to your --

14 A. Yes, sir, and typically, we would go to an autopsy but
15 the Mullins Police Department, any time that they are taking a
16 case they go to the autopsy in lieu of us, so that concluded it
17 for our team that night.

18 MR. TUCKER: I understand. I believe those are all
19 the questions have, Your Honor.

20 THE COURT: Cross-examination, Mr. Meetze?

21 MR. MEETZE: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MR. MEETZE:

24 Q. I'm sorry, I missed when you said where you were working
25 now.

1 A. Dominion.

2 Q. Okay. Your testimony, like you just said, it includes
3 the extent of your involvement in this case?

4 A. Yes, sir.

5 Q. Gathering some evidence, trying to preserve some
6 evidence, looking for some evidence, that kind of thing?

7 A. Yes, sir.

8 Q. You weren't involved in the location or identification
9 or anything like that of a suspect of any kind or anything like
10 that?

11 A. No, sir.

12 MR. MEETZE: I don't have any further questions, Your
13 Honor.

14 THE COURT: Redirect?

15 MR. TUCKER: Nothing on Redirect, Your Honor.

16 THE COURT: You're excused and free to leave. You
17 may call your next witness.

18 MR. TUCKER: Your Honor, at this time the State would
19 call Adam Paxton to the stand.

20 THE COURT: Mr. Paxton, please come forward. Place
21 your left hand on the Bible, raise your right hand as the Clerk
22 administers the oath.

23 Adam Paxton, being first duly sworn, testified as
24 follows:

25 THE COURT: I'm going to ask you to have a seat in

1 the witness chair, pull up real close to that microphone and
2 speak loudly, clearly and slowly, we want to hear everything
3 that you have to say, and let's start with your full name,
4 please, sir.

5 THE WITNESS: Adam Paxton, P-a-x-t-o-n.

6 MR. TUCKER: Thank you, Your Honor.

7 **DIRECT EXAMINATION**

8 BY MR. TUCKER:

9 Q. Officer Paxton, where do you presently work?

10 A. Georgetown County Sheriff's Office.

11 Q. So I should say Deputy Paxton. How long have you been
12 working for the Georgetown County Sheriff's Office?

13 A. Since November of 2020.

14 Q. Now, I'm going to direct your attention to December 29th
15 and December 30th time frame of 2019. Where were you working
16 at that time?

17 A. Mullins Police Department.

18 Q. And how long had you been working for the Mullins Police
19 Department at that time?

20 A. Since April of 2018, approximately two years.

21 Q. Did you remain an employee of the Mullins Police
22 Department immediately up until the point you went to work for
23 Georgetown?

24 A. Yes, sir.

25 Q. Now, I want to direct your attention specifically to

1 December 30th of 2019. Were you involved in the arrest and
2 apprehension of the defendant in this case, David Graves?

3 A. Yes, sir.

4 Q. Could you tell the jury a little bit about what your
5 involvement was and what you did?

6 A. The afternoon of that date we had word that he was in
7 the area. After locating him in the city after a short foot
8 chase he was taken into custody.

9 Q. Were you subsequently present at some point thereafter
10 when he was transported to the Mullins Police Department
11 shortly after he gave a statement?

12 A. Yes, sir.

13 Q. And did you actually serve the arrest warrants on him at
14 that time?

15 A. I did.

16 Q. And after that what if anything did you do in terms of
17 your connection with this case?

18 A. I served the arrest warrants on him then transported him
19 to the County jail and he was booked in.

20 Q. Now, when you say, "county jail," you're referring to
21 Marion County detention center?

22 A. Yes, sir.

23 Q. And once he was processed in did you transport anything
24 that belonged to the defendant back to the Mullins Police
25 Department?

1 A. I did, his clothing.

2 Q. So all the clothing that he had when he was arrested,
3 you took into custody and took him back to the Mullins Police
4 Department?

5 A. Yes, sir and logged into evidence.

6 Q. And you logged it into evidence?

7 A. Yes, sir.

8 Q. Did that conclude your involvement in this matter?

9 A. It did.

10 Q. And when you say, "clothing," that was everything he had
11 in terms of upper body garment, underbody --

12 A. Everything he had on was placed into the evidence bag.

13 Q. And that included shoes and everything else?

14 A. Yes, sir.

15 MR. TUCKER: I believe those are all the questions I
16 have, Your Honor.

17 THE COURT: Mr. Meetze?

18 **CROSS-EXAMINATION**

19 BY MR. MEETZE:

20 Q. That was the extent of your involvement in the case?

21 A. Yes, sir.

22 Q. You weren't there at all on the 29th?

23 A. No, sir.

24 Q. And since December 30, 2019 up until today you had no
25 other involvement?

1 A. Yes, sir.

2 MR. MEETZE: I don't have anything further.

3 THE COURT: Any redirect?

4 MR. TUCKER: Nothing on redirect, Your Honor.

5 THE COURT: You're excused and free to leave. Mr.

6 Tucker?

7 MR. TUCKER: Thank you, Your Honor. At this time the
8 state would call Joseph Hardwick to the stand.

9 THE COURT: Mr. Hardwick, please come forward, place
10 your left hand on the Bible, raise your right hand as the Clerk
11 administers the oath.

12 Joseph Hardwick, being first duly sworn, testified as
13 follows:

14 THE COURT: I'm going to ask you to have a seat in
15 the witness chair, pull up real close to that microphone and
16 speak loudly, clearly and slowly, we want to hear everything
17 that you have to say, and let's start with your full name,
18 please, sir.

19 THE WITNESS: Joseph Hardwick.

20 MR. TUCKER: Thank you, Your Honor. May it please
21 the Court.

22 **DIRECT EXAMINATION**

23 BY MR. TUCKER:

24 Q. Officer Hardwick, where do you work?

25 A. City of Mullins Police Department.

1 Q. And in what capacity do you work for Mullins?

2 A. I am the evidence custodian (SRO) in investigations.

3 Q. Wow, you wear a lot of hats it sounds like.

4 A. Yes, sir.

5 Q. How long have you been working for them?

6 A. Cumulatively probably between six and seven years.

7 Q. Now, and you were working, if my math is correct, on or
8 about December 29th, 30th time frame, 2019?

9 A. That's correct.

10 Q. And again, you mentioned that you are an evidence
11 custodian; is that correct?

12 A. That's correct.

13 Q. Could you explain a little bit about what that entails?

14 A. Basically, what that is, when evidence is collected from
15 a crime scene the officer places it into secured evidence
16 lockers within the police department. At that point I retrieve
17 it from those evidence lockers and it is logged in. Some
18 evidence has to be transported to SLED for analysis but in the
19 end it ends up in our evidence room and it's filed away in
20 certain locations and it's all computerized where it goes.

21 Q. And with regards to the evidence in this matter, you
22 just heard Deputy Paxton testified, he brought clothing that
23 belonged to the defendant the day that he was arrested back to
24 the Mullins Police Department and logged it into evidence?

25 A. Correct.

1 Q. And you just mentioned that would entail him actually
2 physically putting it into a secured evidence locker?

3 A. It actually has a lock on it, so he secured the lock
4 that he was supposed to.

5 Q. Now, again, where these lockers are, does anyone from
6 the public have access to it?

7 A. Absolutely not.

8 Q. Who has access to the evidence room itself?

9 A. My captain, myself, the Sergeant and the officer.

10 Q. Now, with regards to, there was testimony about a cell
11 phone taken from the defendant at the time of the arrest, was
12 that also logged into evidence there?

13 A. Yes, sir.

14 Q. And in fact, that stayed in the evidence room until it
15 was brought to court for purposes?

16 A. Yes, sir.

17 Q. And with regards to the clothing, particularly that Mr.
18 Graves had on when he was arrested, did you have an occasion to
19 transport that to SLED for processing?

20 A. Yes, sir.

21 Q. And when you took that, you took the items to SLED, do
22 you hang around while they process it or how does that work?

23 A. No, sir. It could take any length of time to be doing
24 it. It just depends on what all analysis has to be done to it,
25 but yes, I leave it there, it's secured with them and then

1 whenever I go back I'll take it.

2 Q. And that also included the items you took to SLED in
3 addition to his clothing and shoes. I believe that there were
4 some fingernail scrapings and some buccal swabs and stainers
5 that were collected in connection with this investigation as
6 well, correct?

7 A. Yes, sir.

8 Q. And I believe the stainers were from Mr. Graves and the
9 victim as well?

10 A. Yes, sir.

11 Q. And those were transported by you after they were kept
12 in the secured evidence area?

13 A. Yes, sir.

14 Q. And these were taken to SLED for the purposes of having
15 some sort of analyses done on those?

16 A. Correct.

17 Q. Did you have any involvement of the -- of the case?

18 A. No, sir, not at all.

19 MR. TUCKER: I believe those are all the questions I
20 have.

21 THE COURT: Cross-examination?

22 MR. MEETZE: I don't have anything, Judge.

23 THE COURT: You may step down, you're free to leave.

24 Ms. Boehn, please come forward. Place your left hand on the
25 Bible, raise your right hand as the Clerk administers the oath.

1 Mary Ann Boehm, being first duly sworn, testified as
2 follows:

3 THE COURT: I'm going to ask you to have a seat in
4 the witness chair, pull up real close to that microphone and
5 speak loudly, clearly and slowly, we want to hear everything
6 that you have to say, and let's start with your full name,
7 please, ma'am.

8 THE WITNESS: My name is Mary Ann Boehm.

9 MR. TUCKER: Thank you, Your Honor.

10 **VOIR DIRE**

11 BY MR. TUCKER:

12 Q. Agent Boehm, where do you presently work?

13 A. I work at the South Carolina Law Enforcement Division
14 commonly known as SLED.

15 Q. What do you do there?

16 A. I am assigned to the DNA case work department. I am a
17 DNA analyst and I process DNA from cases submitted to our
18 laboratory from cities and counties within our state.

19 Q. And when you say you process DNA, could you explain a
20 little about the process involved?

21 A. Yes. So I will look at the request made by the agency
22 and then based on that request I'll perform DNA analysis. I
23 take a portion of the item and follow a strict protocol which
24 is step by step instructions of what chemicals to use and
25 instruments to use to develop a DNA profile from the evidence.

1 I also do the same thing with the known standards that are
2 submitted in the case.

3 Q. And let me ask you first, now that sounds like a very
4 complicated process. I don't imagine they just let you walk in
5 off the street and start doing that, do they?

6 A. No, sir.

7 Q. And did you have to undergo any sort of particular
8 education to obtain your job?

9 A. Yes. We are actually required to have a Bachelor of
10 Science in a science. I attended James Madison University,
11 that's in Harrisonburg, Virginia, and I obtained a degree in
12 integrated science and technology with a concentration in bio
13 terminology.

14 Q. And with regards to your present position did you have
15 to undergo any sort of training to, again, do what you do?

16 A. Yes. Per my employment at SLED the training program is
17 about one year, I followed the direct supervision as a senior
18 level DNA analyst. She taught me all the proper procedures and
19 techniques in the laboratory. Before I was sent off to do my
20 own independent DNA case work I had to take a series of tests
21 to include a lab practical, a written test, an oral test and a
22 mock court.

23 Q. And have you ever been qualified as an expert in any
24 court in South Carolina?

25 A. I have.

1 Q. And in what field?

2 A. In forensic DNA analysis.

3 MR. TUCKER: And at this time the State would offer
4 Agent Boehm as an expert in the field of DNA analysis.

5 THE COURT: Any query with regard to the
6 qualifications, Mr. Meetze?

7 MR. MEETZE: No, Your Honor.

8 THE COURT: She is, indeed, qualified to testify. I
9 want to talk to you about what an expert witness is.
10 Ordinarily, a witness can only testify about things they heard
11 saw, felt, however, a person who because of education and
12 experienced is qualified by this Court as an expert, they are
13 able to testify as to things they heard, saw, felt and render
14 an opinion. She is, indeed, qualified as an expert in DNA
15 analysis.

16 MR. TUCKER: Thank you, Your Honor.

17 **DIRECT EXAMINATION**

18 BY MR. TUCKER:

19 Q. Agent Boehm, let me ask you, how does evidence come to
20 SLED for you to analyze?

21 A. So evidence is submitted through our crime scene agents
22 that there are two scenes that bring back evidence or it's also
23 accepted through local law enforcement agencies bringing the
24 evidence to SLED to be logged in.

25 Q. Now, when it's logged in what happens to it when it gets

1 to SLED?

2 A. So the evidence is given a unique -- well, the case is
3 given a unique case number that's unique to that case and then
4 each item in that case is given a unique number. The evidence
5 is then stored in a secure location until whoever is assigned
6 the case picks it up to perform the work.

7 Q. Now, I'll ask you the same question I asked Officer
8 Harden, does anybody off the street have access to that secure
9 area?

10 A. No, sir.

11 Q. Now, it remains there until you pull it and it's
12 assigned to you for purposes of conducting an analysis?

13 A. Yes, sir, or if someone maybe processed the items before
14 me, they will pick it up and then transfer it to a secure
15 location. If it's not being worked on actively it is in a
16 secure location that's only accessed by people within that
17 department in upper management.

18 Q. Let me direct your attention to the specifics of this
19 case. Were you asked to process specific items of evidence in
20 regards to this matter?

21 A. Yes, sir, I was.

22 Q. And let me direct you specifically to SLED lab number
23 L20 00054, do you have your report in front of you?

24 A. I do.

25 Q. And what were you asked to analyze?

1 A. There was two known standards that I analyzed and then
2 several items of evidence: Fingernail scrapings, the cutting
3 from the lace of a left back shoe from David Graves, coming
4 from the bottom back right leg of black jeans from David
5 Graves; swabs from the edge of a black belt from David Graves;
6 and swabs from the corner of right lens of eyeglasses from
7 David Graves.

8 MR. TUCKER: Your Honor, if I could approach the
9 witness, please?

10 THE COURT: You may.

11 (State's Exhibits 16, 17 & 18 were marked for
12 identification.)

13 Q. I'm going to show you what's been marked for
14 identification purposes State's Exhibits 17, 16 and 18. Let me
15 first ask if you recognize them.

16 A. I do recognize them. If you look at the sticker up here
17 it has the case number and the item number and then my initials
18 and the date that I sealed it are also on each item.

19 MR. TUCKER: Your Honor, I would move State's 16, 17,
20 18 into evidence.

21 THE COURT: Any objection, Mr. Meetze?

22 MR. MEETZE: No, Your Honor.

23 THE COURT: Exhibits 16, 17 and 18 without objection
24 are admitted.

25 (State's Exhibits Nos. 16, 17 & 18 were admitted into

1 evidence.)

2 BY MR. TUCKER:

3 Q. Now, you mentioned these items were analyzed for DNA.

4 How does that analysis begin?

5 A. So it depends on the evidence. If they're swabs they
6 come right up to me for DNA analysis. If it's a larger item it
7 goes through our evidence processing unit of the DNA case work
8 department. There it will be assigned to a forensic serologist
9 where they will look for, in this case it was a blood request,
10 so blood stains, a red/brown stain on the item. We'll do a
11 test to see if there's a possible indication of blood. If it's
12 positive they will cut that out and then forward that item to
13 me, the DNA unit for DNA analysis.

14 Q. Did you, in fact, at one point work back in the serology
15 lab?

16 A. I was trained in item training serology. I've never
17 specialized in doing it but we are trained in all aspects of
18 the DNA case work department which includes serology.

19 Q. And certainly familiar with the process they use there
20 at SLED; is that correct?

21 A. Yes, sir.

22 Q. Now, once these items were identified and then sent to
23 you for processing, what if anything did you do?

24 A. So I cut each item in a portion of each item and I use
25 the process, the step-by-step process to develop a DNA profile

1 from the evidence. I also did the same step-by-step process
2 for the comparison standards submitted in this case. I
3 generate DNA profiles from the evidence and from the known
4 standard and then I compared the known standards to the
5 evidence.

6 Q. Now, you also had as part of the evidence which is moved
7 in, the standard from the both the defendant and the victim in
8 this case; is that correct?

9 A. Yes, sir. I had a blood swab from David Graves' right
10 index finger that I was instructed to use as a known standard.
11 I also had a buccal swab from Wanda Reaves that is a swab
12 from the inside of her cheek.

13 Q. And again, could you just explain to the jury a little
14 about where you get DNA from in terms of the biological
15 material that comes for analysis?

16 A. Absolutely. So DNA exists in all of the cells for our
17 body except for red blood cells, it makes us who we are. We
18 get our DNA from half from mother and half from our father. It
19 gives us our physical features, our height and our hair color.
20 It's also important for passing on traits from generation to
21 generation but the exception are identical twins, no two
22 individuals have the same DNA. So in forensic science we are
23 interested in the portions of DNA that differ between
24 individuals. We test different locations and the combination
25 of these test results make up a DNA profile.

1 Q. Now, is one biological matter more preferred in terms of
2 striking DNA and making a comparison than the other? For
3 instance, like, blood compared to maybe touch DNA?

4 A. So blood has a lot more DNA present in the sample and
5 you can see it, so that helps, versus touch DNA. Now, touch
6 DNA is, skin cells are a lot of items that you're touching or
7 using an item. They are not visible to the naked eye so in the
8 chance that if I touch something it's less to leave some cells
9 behind versus if I'm bleeding and would touch something, it
10 should leave a lot more DNA behind.

11 Q. And to be clear, the biological matter that was
12 extracted from the items that you received, that was blood, was
13 it not?

14 A. There was an indication of blood, however, sometimes I
15 develop DNA profiles that are mixtures and I can't tell you if
16 those DNA profiles came from blood or if one came from blood
17 and one came from something else.

18 Q. Now, when you say, it's a mixture, you can't tell if it
19 came from one of those. If blood mixed with, say, something
20 that somebody had touched or somebody had sweated on or spit on
21 or something like that, or blood mixed in with that, is that
22 what you mean by mixture?

23 A. Yes, sir.

24 Q. Now, with regards to your findings, what if anything
25 significant did you find in terms of the items that you

1 processed the DNA comparison?

2 A. So Item 4.1.1 was the cutting from the lace of the left
3 black shoe from David Graves. I determined that the DNA
4 profile I developed was suitable for comparison. I interpreted
5 that -- determined it was a mixture from three individuals and
6 then I compared the known standard, submitted the case to that
7 evidence. So the way we do this is we perform likelihood
8 ratios. A likelihood ratio is one scenario versus the opposite
9 scenario. So for this we're gonna say, David Graves, Wanda
10 Reaves and an unidentified unrelated individual contributed to
11 the mixture, that's the first scenario, and then the second
12 scenario would be the opposite, that David Graves and two
13 unidentified individuals contributed to the mixture.

14 Q. And what did you find here?

15 A. So the DNA profile was approximately 260 thousand times
16 more likely that David Graves, Wanda Reaves and an unidentified
17 individual contributed to the mixture than if David Graves and
18 two unidentified unrelated individuals contributed to the
19 mixture.

20 Q. So it was more likely that first proposition that you
21 mentioned and described to the jury that was the likely?

22 A. Yes. It's strong support that the first scenario is
23 more likely to have contributed that profile than the latter.

24 Q. Now, again, when you say, saw strong support, the reason
25 it's not very strong support, would that be because it mixed

1 with one another in terms of the mixture?

2 A. It's possible. It is a complex mixture of three
3 individuals, so the likelihood ratio is affected by that.

4 Q. But again, that was a strong support for that being
5 Wanda Reaves' blood on the shoe laces?

6 A. David Graves, Wanda Reaves and an unrelated individual.

7 Q. And did you find any other interesting items in terms of
8 DNA analysis with regards to the presence of DNA?

9 A. So Item 4.2.1 which was the cutting from the bottom back
10 right leg of black jeans from David Graves, I developed a DNA
11 profile from that that was suitable for comparison, as well, it
12 was also a mixture of three individuals, so I had compared the
13 known standards to this item, so I did two different
14 comparisons. So my first scenario is that David Graves and an
15 unidentified, unrelated individual contributed to the mixture
16 and then the opposite is three unidentified unrelated
17 individuals contributed to the mixture. And the likelihood
18 ratio for this item, or this comparison, is the DNA profile is
19 approximately 130 billion times more likely if David Graves and
20 two unidentified unrelated individuals contributed to the
21 mixture than if three unidentified unrelated individuals
22 contributed to the mixture.

23 Q. So it's fair that that was a David Graves' blood?

24 A. That was David Graves', and it's very strong support.

25 Q. Now, with regards to any other items, I believe you

1 mentioned a cutting from the back of his pants. Were you able
2 to make any comparisons there?

3 A. So that was the first comparison to the back of the
4 pants and I also did a second comparison with Wanda Reaves.

5 Q. What did you find there?

6 A. So my scenarios were that David Graves, Wanda Reaves and
7 an unidentified unrelated individual contributed to the mixture
8 versus David Graves and two unidentified unrelated individuals
9 contributed to the mixture, and my results were that the DNA
10 profile is approximately 86 times more likely that David
11 Graves, Wanda Reaves and an unidentified unrelated individual
12 contributed to the mixture than if David Graves and two
13 unidentified individuals contributed to the mixture.

14 Q. Now, with regards to that finding we have a strong
15 support that the blood or mixture contained Wanda Reaves' blood
16 there in terms of your terminology, strong support, correct?

17 A. That's correct.

18 Q. And this one, it is, I believe from looking at it, am I
19 correct that you have on page four of your report as weak
20 support? How can it be strong verified in one area and then
21 weak in another?

22 A. Well, the profiles are different, so in this item,
23 4.2.1, it is a low-level complex mixture, meaning that not all,
24 that the DNA results were weak, or weaker, so not everything
25 had been accounted for so that likelihood ratio is going to

1 show that, that it's only 86 times more likely for a scenario
2 two.

3 Q. So if I'm understanding you correctly, the sample that
4 came from the shoe lace was a lot better than the sample that
5 came from the pants leg cuff; is that correct?

6 A. That's correct.

7 MR. TUCKER: And I believe those are all the
8 questions I have, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. MEETZE:

11 Q. You don't have any way of knowing how long the blood had
12 been on the shoe laces or the pants?

13 A. No. That's one disadvantage of DNA, we can't you how
14 long its been there or how it got there, just that that's what
15 we developed.

16 Q. And you talked a little about this, what's being
17 analyzed is very, very small, correct?

18 A. That's correct.

19 Q. And for example, you're not examining an entire strand
20 of DNA, correct?

21 A. So we target the strands of DNA, the portions of the
22 strands of DNA that differ between individuals, so we're not
23 sequencing the entire strand because we're not interested in
24 the similarities of DNA, everybody's DNA has -- for two eyes
25 and two arms and stuff like that, we're interested in portions

1 of the DNA different between individuals, so that's the
2 portions of DNA we are focusing on.

3 Q. And that portion is a small amount of an entire strand
4 of DNA is the point I'm trying to make?

5 A. Yes, sir, it's a very small amount.

6 Q. Like probably less than one percent?

7 A. I believe so.

8 Q. And you, and I'm not a scientist, so I apologize if my
9 questions don't sound very intelligent, but if they sound not
10 very intelligent it's probably because they are not, but we'll
11 give it a shot anyway. DNA, because it's so small, we can't
12 see it with the naked eye, correct?

13 A. No. You can see stains like blood with the naked eye,
14 but can't see DNA until you use a microscope.

15 Q. And in fact, in order for you to properly analyze a
16 sample you have to go through a process to sort of -- because
17 the cells that you receive are dead, correct?

18 A. Yes.

19 Q. They are no longer replicating by themselves?

20 A. That's correct.

21 Q. So you have to do a process to make them replicate?

22 A. No, sir, so what we do is we take the cells, and what
23 we're interested in is in part of the cell is the nucleus and that
24 contains the DNA. So our procedure evaluating the chemicals
25 following step-by-step process is to open the cells up and get

1 that DNA out so that we purify that DNA so we remove all the
2 other parts of the cells because we're not interesting in that,
3 there's bacteria and stuff that could be found on the item.
4 And then we target the portions of DNA that differ between
5 individuals and we make many copies of those portions so that
6 we are able to detect them on an instrument.

7 Q. So you do make copies of just the portion that you want
8 to be have read, correct?

9 A. We make copies of the areas of interest that differ
10 between individuals.

11 Q. And it's, like you said, it's the instruments that you
12 have that actually read the samples?

13 A. Yes.

14 Q. And because only the instrument -- is it a computer or
15 --

16 A. It's computer-based, so the final instrument is called
17 a capillary electrophoresis machine. When we amplify the DNA
18 there's florescent tags on it so in this final instrument there
19 is a laser in the camera that captures that florescence and the
20 computer displays it to where we can see it.

21 Q. And so to the speak, obviously the computer doesn't have
22 eyes, but from a standpoint the computer can see the DNA to be
23 able to read what it needs to read, correct?

24 A. It captures the fluorescents.

25 Q. But we can't see it ourselves, correct?

1 A. No, I believe we cannot.

2 Q. And you entered whatever needed to be entered and the
3 computer gives you the results, correct?

4 A. So I put the sample onto the instrument and then the
5 instrument captures that data.

6 Q. And there's no way for you to go check behind the
7 computer to determine whether the computer is right or wrong?

8 A. There is. We have multiple controls used in our
9 laboratory procedure. The first step is reagent blank. That
10 is started in the beginning of extraction. So we use this to
11 control for -- our reagents use the extraction process, there
12 should be no DNA in it, so if we find DNA in our reagent blanks
13 we know something went wrong with our process. We also had an
14 amplification positive control and negative control. Our
15 positive control is a known strand of DNA and at the end we
16 have to make sure that that takes correctly and it has the
17 correct profile. That is published through our manufacturer
18 and then our negative amplification control, it's like our
19 reagent blank where it should have no DNA. It controls further
20 reagents used for our amplification, and then our final control
21 is the ladder on our last instrument, it's a series of DNA
22 segments and that also has to type correctly. So between the
23 reagent blank, the positive control, the negative,
24 amplification control and the ladder, it all has to work
25 correctly and appropriately to deem that the process has

1 worked.

2 Q. And I understand the controls. My point is, there's no
3 way for you to manually do the same computations that the
4 instruments do and check and go behind the computer in that
5 way, not being able to see the DNA cells -- not being able to
6 see with the naked eye there's no way for you or another
7 scientist to manually do what the computer is doing.

8 A. So before we bring in instrumentation online it has to
9 go through a series of validation. So the instrument is tested
10 very thoroughly to make sure that it's reproducible, that we
11 get the same results every single time. There's no cross
12 contamination, that the samples are reliable. So through that
13 validation process we prove that the computer is working
14 correctly in order to use it in case work.

15 Q. That did not answer my question. Can you do it
16 manually?

17 A. I may not understand your question then, I'm sorry.

18 Q. Is there a way for you to without a computer get these
19 results that you've testified to just by yourself?

20 A. No.

21 Q. Okay. Now, you had testified with regards to likelihood
22 of you get the various findings and there's sort of a key on
23 page four of your report that sort of gives a description of
24 those various likelihoods, I suppose; is that right?

25 A. So this is what they're referring to. There's a series

1 of two tables on our report. This is on every single report.

2 THE COURT: Is that entered?

3 MR. TUCKER: It is not, Your Honor. She's testifying
4 from the report.

5 THE COURT: Do you have an objection to that?

6 MR. MEETZE: I do not have an objection to her
7 referring to it.

8 THE COURT: Very well.

9 A. So we have this table on our report kind of a guideline
10 of how much support you should put towards each like a good
11 ratio. This was developed through our validation program and
12 it is also accepted worldwide. So the first table is when the
13 first scenario of EHP has low on ratio. The second is when the
14 second scenario has cause of a likelihood ratio. So it's just
15 a table and then wherever your likelihood ratio falls it will
16 give you what kind of support should address to it.

17 Q. And if the likelihood ratio is one, that's determined to
18 be uninformative?

19 A. Yes, it's uninformative.

20 Q. And then two to 99 times is weak support?

21 A. That's correct.

22 Q. And that's when you testified one test that you did came
23 back as an 86 and that's why that fell into that category?

24 A. Yes. It says 86 times and that would be weak support.

25 Q. And then moderate support is listed as being 100 to

1 9,999 times?

2 A. That's correct.

3 Q. And then you've testified with regards to, I think, the
4 sample from the shoe string as being strong support as 260,000
5 times more likely?

6 A. That's correct.

7 Q. And the strong support range is 10,000 to 999,999,
8 correct?

9 A. That's correct.

10 Q. And then anything over a million is listed as very
11 strong support; is that correct?

12 A. That's correct.

13 Q. And you also tested scrapings from underneath Wanda
14 Reaves' fingernails?

15 A. I did.

16 Q. And that just came back attributable to Wanda Reaves?

17 A. Yes, sir.

18 Q. No mixture of any other?

19 A. No, sir, and we're not required to perform likelihood
20 ratios if it's non-probative so her DNA under her fingernail
21 scrapings is normal and should be there so we don't perform
22 likelihood ratios on those items.

23 MR. MEETZE: I don't have anything further.

24 THE COURT: Redirect.

25 MR. TUCKER: Briefly, Your Honor.

REDIRECT EXAMINATION

1

2 BY MR. TUCKER:

3 Q. Is the SLED lab in which you work accredited?

4 A. Yes, sir, we are.

5 Q. And could you tell the jury a little bit about what that
6 means, what that entails?

7 A. Sure. We are accredited by ANAB, it is a national
8 accrediting body. It has standards that we must achieve or
9 complete. It has standards for everything from management,
10 security, lab processes, everything basically under forensics,
11 you have to follow these standards to be accredited. We have
12 an outside body come every four years to go through all of our
13 files to interview us and stuff to make sure we are following
14 our protocols and meeting those standards. In DNA we also have
15 another accrediting body called the quality assurance
16 standards. This is mandated through the FBI and it's just
17 another set of standards that DNA has to follow and we are
18 accredited by them every year.

19 MR. TUCKER: I believe those are all the questions I
20 have, Your Honor.

21 THE COURT: You may step down. You are free to
22 leave. Mr. Tucker, you may call your next witness.

23 MR. TUCKER: If we could approach?

24 (Discussion was held off the record by Court and
25 counsel at the bench)

1 THE COURT: Ladies and gentlemen of the jury, have a
2 good evening, I'm going to ask that you be back at 9:30 in the
3 morning, 9:30 sharp. Once again, do not do an independent
4 investigation or discuss the case amongst yourselves or with
5 anyone else, no social media and we will see you back at 9:30,
6 9:30 sharp in the morning. Everyone remain seated as the jury
7 exits the courtroom.

8 (Jury excused for the day at 2:24 p.m. on Tuesday,
9 July 27, 2021.)

10 **Wednesday, July 28, 2021**

11 (WHEREUPON, the proceedings continued at 9:30 a.m.)

12 THE COURT: Anything from the state before we
13 proceed?

14 MR. TUCKER: Nothing from the state, Your Honor.

15 THE COURT: Anything from the defense?

16 MR. MEETZE: No, Your Honor.

17 THE COURT: We're ready for the jury.

18 (Jury entered the courtroom at 9:30 a.m.)

19 THE COURT: Good morning, ladies and gentlemen of the
20 jury. Thank you for being here and being here on time. The
21 first witness is going to be presented to you through WebEx.
22 During COVID the court system almost shut down because we
23 couldn't gather. We're getting back into live testimony and
24 live hearings and live trials and I'm not real sure we'll ever
25 get back to where we don't use WebEx for certain circumstances.

1 Dr. Batalis, I'm going to ask you if you could to
2 raise your right hand as I administer the oath.

3 Dr. Nicholas Batalis, M.D., being first duly sworn,
4 testified as follows via WebEx:

5 Very good. Mr. Tucker?

6 MR. TUCKER: Thank you, Your Honor. May it please
7 the Court? Doctor Batalis, can you both see and hear me okay?

8 THE WITNESS: Yes, I can.

9 MR. TUCKER: Okay. I want to make sure I don't block
10 the view, the jury is watching through a big screen so I just
11 wanted to make sure.

12 **VOIR DIRE**

13 BY MR. TUCKER:

14 Q. Doctor, let me first begin by asking you, where are you
15 employed?

16 A. I'm employed at the Medical University Hospital.

17 Q. And in what capacity are you employed there at the
18 Medical University?

19 A. I'm employed there as a forensic pathologist in the
20 department of pathology.

21 Q. And for how long have you been employed as a forensic
22 pathologist?

23 A. Just over 13 years now.

24 Q. What kind of an educational background do you have in
25 terms of becoming a forensic pathologist?

1 A. Sure. I graduated college from Indiana University with
2 a degree in biology -- I completed my four-year medicine
3 degree. After completing medical school I then went to
4 (indiscernible) for a residence training program. After that
5 four years (indiscernible) nationally board certified. I then
6 went on to a one-year specialty fellowship training year
7 forensic pathology at the medical examiner's office. Again, at
8 the end of that year I passed (indiscernible) at my current
9 position.

10 Q. And with regards to your current position, have you ever
11 been qualified as an expert in the Court of South Carolina
12 before?

13 A. I have. It's probably close to 100 times in Texas and
14 North Carolina.

15 Q. Now, in what field were you qualified as an expert
16 witness?

17 A. I believe in each instance it was pathology.

18 MR. TUCKER: Your Honor, at this time the state would
19 move to offer Dr. Batalis as an expert in the field of forensic
20 pathology.

21 THE COURT: Mr. Meetze, any query with regard to his
22 qualifications?

23 MR. MEETZE: No, Your Honor.

24 THE COURT: Madam Forelady, ladies and gentlemen of
25 the jury, as I had mentioned once before, an expert witness is

1 allowed to render opinions in their field of expertise. Just
2 by virtue of the fact the person is qualified as an expert
3 doesn't mean that you have to accept their opinion. You are to
4 evaluate it like you would any other testimony. I will charge
5 you at the conclusion of the case in greater detail how to
6 evaluate the expert testimony. He is qualified as an expert,
7 he is allowed to render his opinion in the field of forensic
8 pathology. Mr. Tucker?

9 MR. TUCKER: Thank you, Your Honor. May I have the
10 Court's indulgence just for a second.

11 **DIRECT EXAMINATION**

12 BY MR. TUCKER:

13 Q. Doctor, on our end it's cutting out just a little bit.
14 I will just ask you to maybe speak a little slower in terms of
15 that so we can catch everything.

16 With regards to your position as a forensic pathologist,
17 could you explain a little about what a forensic pathologist
18 does?

19 A. Sure. Pathology is a field of medicine that deals with
20 a diagnosis of a disease. So a general pathologist would be,
21 if you had a tumor or a biopsy taken by your physician the
22 pathologist would be the one to (indiscernible) and determine
23 if it is cancer or what type of cancer. A pathologist also
24 sees the clinical laboratory, so if you have any blood
25 (indiscernible) the pathologist (indiscernible) -- a forensic

1 pathologist specifically deals with medical legal aspects of
2 medicine predominantly by performing autopsies to determine a
3 cause of death.

4 Q. Let me ask you first, Doctor, how are bodies referred to
5 you or to your agency for autopsy?

6 A. Sure. So at MUSC we perform autopsies for roughly a
7 third of the state. Essentially, the orders of -- each county
8 identifies with the examination, they would then call us up and
9 provide us basic information and then transport the body to us.

10 Q. Now, when the bodies arrive at your facility are they
11 given a specific autopsy number?

12 A. Yes. Each autopsy is given a case identifier.

13 Q. I wanted to talk to you specifically about autopsy
14 FA20-0010. Is that an autopsy number created by your facility
15 or was it?

16 A. Yes, it is.

17 Q. And regarding the autopsy of the victim in this case of
18 Wanda Jean Reaves, that was the autopsy number given to her
19 particular case?

20 A. Yes.

21 Q. Now, do you recall who referred Wanda Reaves' body to
22 you for autopsy?

23 A. It looks like it was Deputy Coroner Marion County.

24 Q. And how do you begin an autopsy generally?

25 A. So what we do first is we start by taking photographs.

1 So we'll take photographs as we receive the body before we
2 collected any evidence, before we clean the body, so we'll take
3 those photographs. At that point we would then remove any
4 clothing or evidence and then continue to clean the body, and
5 then once the body is cleaned take another set of photographs
6 and examine the outer surfaces which we call our external
7 examination.

8 Q. Now, when you performed your external examination of the
9 body of Wanda Reaves, what were your findings?

10 A. With regard to Ms. Reaves the findings were through stab
11 wounds in the mid-chest and then additionally there were
12 several abrasions and scrapes on her face, chest and her upper
13 and lower --

14 (State's Exhibit No. 19 was marked for identification.)

15 Q. Okay. Doctor, I am going to show you what's been marked
16 for identification purposes as State's Exhibit 19. I want to
17 ask you if you can see it from where you are if I hold it.

18 A. I cannot see it from that far.

19 Q. I'm going to step a little closer. Can you make it out
20 now?

21 A. Could you just lift it up a little bit for me? Yes,
22 that is a diagram during the examination --

23 Q. Did you fill this particular diagram out as you were
24 doing the autopsy or shortly thereafter?

25 A. I did.

1 MR. TUCKER: Your Honor, at this time the state would
2 move what's been marked 19 into evidence.

3 THE COURT: Mr. Meetze?

4 MR. MEETZE: No objection, Your Honor.

5 THE COURT: Exhibit 19 is into evidence.

6 (State's Exhibit No. 19 was admitted into evidence.)

7 Q. Doctor, I'm going to step back so the jury can see and
8 I'm going to ask you to look at the copy that you have of your
9 diagram in front of you. Okay?

10 A. Sure.

11 Q. And you mentioned stab wounds to the upper chest. I'm
12 looking at the diagram figure, the front view which would be on
13 the left side of the paper and I am pointing to, I believe what
14 you have in terms of stab wounds to the upper on her left side;
15 is that correct?

16 A. Yes. Just in the (indiscernible) below the neck there
17 are three triangular shapes -- for them to be stab wounds.
18 There are some more circular (indiscernible) that represent
19 bruises.

20 Q. Doctor, would you bear with us just a second? I believe
21 we've lost video here on ours so I think you can still hear us,
22 can you not?

23 A. I can.

24 MR. TUCKER: Bear with us a little bit while we try
25 to restore the video.

1 Q. And you are pointing to, again, the triangular wounds
2 that you have noted on the diagram, is that correct?

3 A. Yeah, there are three triangular wounds -- upper
4 mid-chest that would be the three stab wounds.

5 Q. And did you, you said she had some abrasions to the
6 face, would those be consistent that she fell onto a road?

7 A. That's certainly possible.

8 MR. TUCKER: And Your Honor, permission to publish to
9 the document to the jury?

10 THE COURT: Yes, you may.

11 Q. And after you completed your external examination,
12 Doctor, what if anything did you do next?

13 A. After we completed we then opened the body using
14 surgical (indiscernible) to expose the (indiscernible) and then
15 we examine them for evidence of disease or trauma.

16 Q. And did you find any signs of disease with regards to
17 Ms. Reaves?

18 A. There was no evidence of internal disease but there was
19 significant signs of trauma internally.

20 Q. You said there was significant signs of trauma
21 internally?

22 A. Yes. I said internally, no evidence of natural disease
23 but there was evidence of trauma from stab wounds we saw on the
24 outside of the body.

25 Q. Could you describe a little bit about what the internal

1 examination revealed with regards to the stab wounds and the
2 trauma that you just mentioned?

3 A. Sure. The stab wound that was just right at the top
4 went through the chest wall and went through the chest wall and
5 went into the sac around the heart and into the heart itself.
6 Also the stab wound just left of midline also went through the
7 chest into the heart and the major blood vessels around the
8 heart. These wounds led to massive bleeding around the heart
9 and into the chest cavities.

10 Q. Doctor, you said it resulted in massive bleeding around
11 the heart and into the chest cavity?

12 A. Yes.

13 Q. And what effect would that have on her ability to
14 breath, to stand, to function?

15 A. So with a laceration to the heart and the major blood
16 vessels she would bleed out intrinsically very quickly and then
17 losing that oxygen saturation would cause her to pass out and
18 her organs would fail and then pass away.

19 Q. And I want to make sure I'm clear, there were a total of
20 three stab wounds; is that correct?

21 A. Yes, there were.

22 Q. Now, would there have been a lot of blood externally?
23 In other words, would the wounds have resulted in a lot of
24 blood coming from her body outward?

25 A. If somebody was stabbed in the chest and then was found

1 face down often you will have blood from those wounds but if
2 somebody was stabbed -- there may not be a lot of blood.

3 Q. Could you explain a little about cause and manner of
4 death to the jury, please?

5 A. Sure. The cause of death is simply how one died,
6 whether it was a heart attack, chest wound or there was a head
7 trauma. The manner of death is how that was caused, for
8 instance, a gunshot wound that caused death, it could be a
9 suicide, a homicide -- or potentially an accident,
10 hunting (indiscernible).

11 Q. Doctor, your expert medical opinion, do you have an
12 opinion with regards to cause of death in the case of Wanda
13 Reaves?

14 A. I do.

15 Q. What is that opinion?

16 A. Her cause of death was trauma that led then to massive,
17 again, bleeding internally that led to the death.

18 Q. And Doctor, in your expert medical opinion do you have
19 an opinion with regards to manner of death?

20 A. Yes. The manner of death is homicide because the death
21 is directly at the hands of another person.

22 MR. TUCKER: Thank you, Doctor, I believe those are
23 all the questions I have.

24 THE COURT: Mr. Meetze?

25 MR. MEETZE: Thank you, Your Honor.

CROSS-EXAMINATION

1

2 BY MR. MEETZE:

3 Q. I'm standing where Mr. Tucker was, I'm assuming you can
4 see me.

5 A. Yes.

6 Q. Doctor Batalis, is there any way from your examination
7 of the wounds to determine the type of knife involved or the
8 type of object involved?

9 A. Yes. So when we talk about a stab wound, typically
10 (indiscernible) -- in this case it would appear to be a
11 knife -- it had more of a squared off appearance and more of a
12 sharp edge -- so again, I believe this would be a typical knife
13 or a hunting knife on sharp edge on both sides.

14 Q. I'm sorry, would you repeat that?

15 A. I said it will be more -- (indiscernible) as opposed to
16 a large --

17 Q. Now, with regards to the cause of death in this case you
18 indicated there was three different stab wounds that you
19 observed?

20 A. Yes.

21 Q. Would each of those individually if it had just been
22 one, would each of those been significant enough to cause Ms.
23 Reaves' death in your opinion?

24 A. Two of the three wounds (indiscernible) -- the two I
25 described that were close to midline, both entered the heart

1 and could have led to the death. The third wound, the more
2 lateral wound of the chest just into the skin would not have.

3 MR. MEETZE: I don't have anything further, Judge.

4 THE COURT: Any redirect?

5 MR. TUCKER: Just briefly, Your Honor.

6 **REDIRECT EXAMINATION**

7 BY MR. TUCKER:

8 Q. When Mr. Meetze asked you about the type of knife, you
9 said it was more consistent with a steak knife than a hunting
10 knife; is that correct?

11 A. I was using an example of a single-edged weapon versus a
12 double-edged.

13 MR. TUCKER: Thank you, Doctor.

14 A. So -- --

15 Q. Go ahead and finish.

16 A. So I'm not saying a steak knife (indiscernible) and one
17 sharp edge so wounds are more consistent with that that has
18 sharp edge.

19 MR. TUCKER: Thank you, Doctor, those are all the
20 questions I have.

21 THE COURT: Very good. Thank you, Dr. Batalis,
22 you're free to leave.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Mr. Tucker?

25 MR. TUCKER: Your Honor, at this time the state would

1 call Lieutenant Michael Hartson to the stand.

2 THE COURT: Mr. Hartson, please come forward, the
3 Clerk is going to ask you to place your left hand on the Bible,
4 raise your right hand as the Clerk administers the oath.

5 Lieutenant Michael Joseph Hartson being first duly
6 sworn, testified as follows:

7 THE COURT: Pull that microphone up close, speak
8 loudly, clearly and slowly in order for us to hear everything
9 you have to say. Let's start with your full name, please, sir.

10 THE WITNESS: Michael Joseph Hartson.

11 MR. TUCKER: Thank you, Your Honor.

12 **DIRECT EXAMINATION**

13 BY MR. TUCKER:

14 Q. Lieutenant Hartson, where do you currently work?

15 A. Mullins Police Department.

16 Q. How long have you worked at Mullins Police Department?

17 A. Approximately eight years.

18 Q. Now, what capacity are you presently employed with
19 Mullins?

20 A. Lieutenant of investigations.

21 Q. How long have you been a lieutenant there?

22 A. Approximately three or four years.

23 Q. Now, did you have any prior law enforcement experience
24 before coming to Mullins?

25 A. I did. I worked with the City of Marion Police

1 Department for three and a half years.

2 Q. Now, I want to ask you some questions with regards to
3 your present position in terms of a supervising lieutenant.
4 What kinds of things do you do as supervising lieutenant of
5 investigation?

6 A. Supervising any investigations that take place. Anybody
7 who works under me reports to me as they proceed
8 through investigations.

9 Q. Now, does that sometimes necessitate you becoming
10 actually involved in the investigation yourself?

11 A. Yes.

12 Q. Now, I want to turn your attention specifically to
13 December 29, 2019 in the late evening. Do you recall receiving
14 notification from one of your investigators, Matt Walker,
15 regarding an incident at 431 [REDACTED] in Mullins?

16 A. Yes, I do.

17 Q. And that particular address where the incident occurred,
18 is that in Marion County?

19 A. Yes, it is.

20 Q. And what did you do after receiving that notification?

21 A. I traveled to the location and met with Detective Walker
22 and several other officers who were also on the scene.

23 Q. Now, what's one of the first things you do when you're
24 called to a scene like that?

25 A. When I arrive I speak with, generally it would be

1 Detective Walker, he was the on-call investigator, he was there
2 before I got there and just get a run down of what's going on,
3 what's happened, the status of the victim, any other
4 information I may need.

5 Q. And by the time that you got there had the victim
6 already been removed from the scene?

7 A. Yes.

8 Q. Now, did you subsequently find out what the victim's
9 status was?

10 A. I did.

11 Q. And what was that?

12 A. That she was deceased.

13 Q. And what was your understanding of what caused or in
14 terms of her cause of injury or cause of death?

15 A. That she was stabbed.

16 Q. Now, in talking to Matt Walker, did your investigation
17 turn towards a possible suspect?

18 A. Yes, it did.

19 Q. Who was that?

20 A. The defendant, Mr. Reaves.

21 Q. Did your investigation learn that Mr. Graves was the
22 live-in boyfriend of Wanda Reaves?

23 A. Yes.

24 Q. Now, with regards to once you identified Mr. Graves as a
25 possible suspect, what if anything did you do at that point?

1 A. At that point we had discovered that the victim's
2 cellular telephone was not on scene, we could not locate it.
3 We knew that that was present prior because it was used to
4 contact 911.

5 Q. And were you able to associate a particular phone number
6 with that particular cell phone?

7 A. Yes, we were.

8 Q. Again, you mentioned that that cell phone was not
9 present when you were there and when you all processed the
10 area?

11 A. That's correct, we could not locate it.

12 Q. Now, after you determined that the cell phone was
13 missing, what if anything did you do at that point?

14 A. We also determined that the suspect was observed by a
15 witness leaving the scene carrying a cell phone. At that point
16 we kind of put two and two together and figured that the
17 suspect was in possession of the victim's cell phone.

18 Q. Now, did the witness say that he saw the suspect flee
19 the area with what appeared to be a cell phone in flashlight
20 mode?

21 A. That's correct, using it as a flashlight, yes.

22 Q. And when you verified the number that called in was it
23 (843)254-4175?

24 A. 4125.

25 Q. 4125?

1 A. Yes.

2 Q. Now, I want to show you what's been marked and moved
3 into evidence State's Exhibit 3. I'm going to kind of hold it
4 this way. If you could step down and point to where the
5 instant location is 413 [REDACTED]?

6 A. Right here (indicating.)

7 Q. So the instant location was this particular location?

8 A. That's correct.

9 Q. And the victim, was your understanding that based on the
10 crime scene photos found right there in middle of the street?

11 A. Yes, right in front of the residence.

12 Q. Okay. Thank you. Now, was there anything else
13 significant in terms of the scene that you noticed that night?

14 A. I noticed a purse on the front steps or next to the door
15 on the front porch.

16 Q. Were you ultimately able to determine that purse
17 belonged to the victim, Wanda Reaves?

18 A. Yes.

19 Q. Did it also appear that Mr. Reaves' house keys were in
20 the front door?

21 A. Yes, yes, absolutely.

22 Q. Did you happen to notice any sort of damage to the storm
23 door or to the anterior front door?

24 A. No, not all. As a matter of fact, there was no evidence
25 to support that the house was broken into or anything.

1 Q. Now, with regards to Mr. Graves, was he there at the
2 scene that night?

3 A. He was not.

4 Q. And were you able to locate him that night at all?

5 A. No, we weren't.

6 Q. Now, ultimately, the following day, I want to turn your
7 attention to December 30, 2019, were you made aware that
8 officers had located Mr. Graves around 2:00 p.m.?

9 A. Yes.

10 Q. And were you actually there when officers were pursuing
11 Mr. Graves?

12 A. I was.

13 Q. And how did you receive notification that they had
14 located him and were in pursuit?

15 A. Via two-way radio.

16 Q. And once you heard that you responded to the area?

17 A. I did.

18 Q. And when you got there what if anything did you do?

19 A. When I got there we briefly searched for him around the
20 abandoned house and then he ran from the abandoned house and
21 was taken into custody just a short time later.

22 Q. And when he was taken into custody what if anything did
23 you do?

24 A. At that point I had reason to believe he was in
25 possession of the victim's cell phone. I used my department

1 issued cell phone to dial the victim's number.

2 Q. And that, again, was number (843)254-4125?

3 A. (843)254-4125.

4 Q. And again, that was the number that was associated with
5 the cell phone belonging to Wanda Reaves?

6 A. That's correct.

7 Q. When you put that number in your cell phone and dialed
8 it what if anything happened?

9 A. The cell phone that he was in possession of rang on his
10 person.

11 Q. And a search incident to his arrest, after you heard the
12 phone ringing what did it reveal in terms of the phone itself?

13 A. I viewed my cell phone number on the caller ID screen
14 when I held the phone.

15 Q. So the incoming call you had just made appeared on that
16 screen as the phone rang?

17 A. That's correct.

18 Q. Now, you took the cell phone into your possession at
19 that point?

20 A. Yes.

21 Q. And was it subsequently logged into evidence?

22 A. It was.

23 Q. Now, with regards to what happened next, Mr. Graves was
24 actually under arrest at that point; is that correct?

25 A. He was.

1 Q. What if anything did you do after that?

2 A. He was transported to Mullins Police Department and
3 seated in an interview room at which point I read him his
4 Miranda Rights which he voluntarily waived, he signed the form,
5 initialed the form, advised that he fully understood his rights
6 and wished to speak with us and an interview was conducted.

7 Q. Now, with regards to the interview room itself could you
8 describe it for the jury?

9 A. It's a small room with one desk and approximately three
10 chairs, nothing on the walls and there's also audio and video
11 recording equipment.

12 MR. TUCKER: If I may approach, Your Honor?

13 THE COURT: Yes.

14 (State's Exhibit No. 20 was marked for identification.)

15 Q. Lieutenant Hartson, I'll show you and ask first if you
16 recognize what I'm showing you?

17 A. Yes. That's the recording of the interview with David
18 Graves.

19 Q. And you've had an opportunity to review the recording?

20 A. Yes.

21 Q. And does it fairly and accurately reflect the interview
22 that was conducted on December 30, 2019?

23 A. It does.

24 MR. TUCKER: Your Honor, at this time I would move
25 the video of the interview into evidence. That is State's 20.

1 THE COURT: Mr. Meetze?

2 MR. MEETZE: No objection, Your Honor.

3 THE COURT: State's 20 admitted into evidence.

4 MR. TUCKER: And Your Honor, at this time I would ask
5 for permission to publish the interview to the jury.

6 (State's Exhibit No. 20 was admitted into evidence.)

7 (Video started playing at 10:00 a.m.)

8 (Video paused at 10:46 a.m.)

9 THE COURT: Mr. Tucker, we're going to take a break.
10 Madam Forelady, ladies and gentlemen of the jury, I want to
11 remind you to return to the jury room, refresh yourselves, and
12 once again, do not discuss the case. Madam Forelady, enforce
13 that rule. Everyone remain seated as the jury exits the
14 courtroom.

15 (Jury exited the courtroom at 10:46 a.m.)

16 (Recess taken.)

17 (Jury entered the courtroom at 11:07 a.m.)

18 THE COURT: Madam Forelady, and ladies and gentlemen
19 of the jury, I do want to mention one thing to you. As you're
20 watching the statement sometimes the film jumps a little bit,
21 and the reason for that is the parties agreed to redact some
22 irrelevant stuff and there's nothing precarious about that,
23 that was just by stipulation of counsel, so that's what the
24 jumping is. You may proceed.

25 (Video resumed playing at 11:09 a.m. until 12:07 p.m.)

1 THE COURT: Mr. Tucker?

2 DIRECT EXAMINATION (continued)

3 BY MR. TUCKER:

4 Q. I want to ask you a couple of questions about what we
5 saw in the interview. The gentleman in the beard that they
6 refer to as, Investigator Bethea, who is that?

7 A. He used to work for us, he retired shortly after this
8 incident.

9 Q. Now, the guy that the defendant called "big man," when
10 he came in, is that Chief Bethea?

11 A. It is.

12 (State's Exhibit No. 21 was marked for identification.)

13 Q. Now, with regards to the phone that was alluded to, I'm
14 going to show you what's one of your evidence bags and
15 specifically open it. Do you recognize what I'm showing you?

16 A. Can I see the bag?

17 Q. Yes, sir.

18 A. Yes. This is the phone that was located on Mr. Graves
19 when he was arrested.

20 Q. And that's the phone that belonged to Wanda Reaves?

21 A. It is.

22 MR. TUCKER: Your Honor, at this time I would move
23 the phone into evidence.

24 THE COURT: Any objection from defense?

25 MR. MEETZE: No, Your Honor.

1 THE COURT: State's Exhibit No. 21 is entered into
2 evidence.

3 (State's Exhibit 21 was admitted into evidence.)

4 Q. Lieutenant Hartson, just a couple more questions, did
5 you notice any sort of injuries to Mr. Graves while you were
6 conducting the interview?

7 A. Not that I recall.

8 Q. Other than that little, I think it was a cut to the
9 index finger?

10 A. I believe so.

11 Q. Did he complain of any injuries?

12 A. He did not.

13 Q. Now, when you left the room where did you go?

14 A. I exited and went to a computer. I don't recall exactly
15 which one, but any of them in the office can view that
16 interview live as it's going on, and that's what I did, I sat
17 down at a computer and viewed it live.

18 MR. TUCKER: Thank you, I believe that's all the
19 questions I have, Your Honor.

20 THE COURT: Cross-examination?

21 MR. MEETZE: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MR. MEETZE:

24 Q. Lieutenant Hartson, you indicated, I think, that you
25 have been with Mullins PD since 2015 or so?

1 A. 2014.

2 Q. 2014, and with Marion before that?

3 A. That's correct.

4 Q. So you've been in law enforcement for a number of years?

5 A. I have.

6 Q. You've been through a lot of training, that kind of
7 thing, correct?

8 A. Yes.

9 Q. And a lot of what ya'll do you is you do incident
10 reports or supplemental injury reports or things like that
11 during an investigation, correct?

12 A. That's correct.

13 Q. And normally, and there's certain forms that your office
14 uses to do these reports; is that correct?

15 A. Um --

16 Q. Like, you've got a standard incident report form that's
17 done whenever you do an incident report?

18 A. That's correct, it's called law track. It's a computer
19 program that holds all of that.

20 Q. And generally somebody will do, whether it's the first
21 person that gets there, somebody in the case will do an
22 incident report and then any sort of reports after that are
23 sort of deemed either supplemental, or I think Detective Walker
24 mentioned that he did investigative notes or something like
25 that, but all of that is common in your line of work?

1 A. That's correct.

2 Q. Now, you did a supplemental incident report in this
3 case, correct?

4 A. Yes. I did a brief paragraph on December 29th and
5 another brief paragraph on December 30th.

6 Q. Right, and like you say, it's a brief report that pretty
7 much just highlights the things that you've testified to here
8 as far as what you did in the case, correct?

9 A. That's correct.

10 Q. Now, an incident report was done in this case, however,
11 correct?

12 A. Yes, it was.

13 Q. Do you have a copy of that with you?

14 A. I do, if you bear with me just a moment.

15 Q. Sure.

16 A. Okay. Yes, I have it right here.

17 Q. Again, you did not do this incident report, correct?

18 A. I did not.

19 Q. But these are done in about every case you all have
20 outside of traffic tickets and things like that, correct?

21 A. That's correct?

22 Q. And even in cases where some people come in and report
23 things that may not rise as something where you think somebody
24 needed to be charged, you'll do reports in that regard,
25 correct, to have a record of somebody coming in and reporting

1 things, whether you believe that somebody has violated a
2 criminal law or not, they can be done, correct?

3 A. Correct.

4 Q. And like I said, even though you didn't do this one,
5 you've done plenty of them in your career, correct?

6 A. Yes, I have.

7 Q. Now, and there's sections in here to list where the
8 location is of an incident, correct?

9 A. Yes.

10 Q. Who the victim is, correct?

11 A. Yes.

12 Q. And who the suspect is, correct?

13 A. Yes.

14 Q. And the suspect, it also has spots for the description
15 of the suspects, correct?

16 A. Yes, it does.

17 Q. And David Graves is listed in this incident report as a
18 suspect?

19 A. He is.

20 Q. And what is listed as his height and weight?

21 A. 5'5, 165 pounds, which can be easily explained. At some
22 point somebody didn't update as he grew or gained weight,
23 somebody didn't update the master ID file. It's a simple
24 mistake.

25 Q. The incident report says he's 5'5, 165?

1 A. Yes.

2 MR. MEETZE: I don't have anything further, Your
3 Honor.

4 THE COURT: Any redirect?

5 MR. TUCKER: No redirect, Your Honor.

6 THE COURT: Madam Forelady, ladies and gentlemen of
7 the jury, we're going to recess for lunch. I'm going to ask
8 that you be back at 2:00, 2:00 sharp, no discussion about the
9 case whatsoever, no independent investigation, no social media,
10 2:00, 2:00 sharp. Everyone remain seated as the jury exits the
11 courtroom.

12 (Jury exited the courtroom at 12:13 p.m.)

13 (lunch recess taken.)

14 THE COURT: Mr. Tucker, I believe you indicated that
15 was your last witness?

16 MR. TUCKER: That is correct, Your Honor.

17 THE COURT: When the jury reconvenes we'll allow you
18 to rest on the record, then we'll recognize Mr. Meetze, but I
19 think now would be the appropriate time to entertain motions.

20 MR. MEETZE: Judge, at this point in time we're going
21 to make a motion for directive verdict in regards to both of
22 these charges, again for the record, based on the evidence
23 presented not having direct evidence or substantial
24 circumstantial evidence to support convictions on either one of
25 these charges.

1 THE COURT: Your motion is noted for the record,
2 however, I do believe there is a question of fact for the jury
3 and the motion is denied.

4 I want to go over very briefly the charges I intend
5 to charge. I'll charge the indictment is not evidence, charge
6 multiple charges and how they will be decided separately and
7 distinctly, duties of the jury and the trial judge, the
8 presumption of innocence, reasonable doubt, direct and
9 circumstantial evidence, witnesses, expert witnesses, failure
10 of the defendant testifying, if indeed that is his desire, and
11 I'll question him in detail after lunch and we'll talk about
12 that. I'm going to charge the law with regard to murder. I'm
13 going to charge the law voluntary manslaughter, self defense,
14 possession of weapon during the commission of a violent crime
15 and how to evaluate the statement of the defendant. Any
16 objections to my preliminary sketch of what I intend to charge
17 from the state?

18 MR. TUCKER: Not from the State, Your Honor.

19 THE COURT: Any from the defense?

20 MR. MEETZE: No, Your Honor.

21 THE COURT: Any additional requests from the state?

22 MR. TUCKER: Not from the State, Your Honor.

23 THE COURT: Anything from defense?

24 MR. MEETZE: No, Your Honor.

25 THE COURT: In order to give the defendant an

1 opportunity to discuss these matters with counsel, I'm going to
2 go ahead and question him with regard to his decision to
3 testify. I'm going to ask if you could stand, please, sir.
4 At this time I'm going to explain to you certain of your
5 rights. If you do not understand anything I say, please let me
6 know.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: If you want me to explain anything in
9 greater detail I'd be happy to do so. Do you understand?

10 THE DEFENDANT: Yes, sir, Your Honor.

11 THE COURT: We've now reached the stage of the trial
12 where you may present your defense. You have the right to
13 claim the protections given to you by the fifth amendment to
14 the Constitution of the United States of America which provides
15 a relevant part. No person shall be compelled in any criminal
16 case to be a witness against himself. This means that you can
17 not be required to testify in this case. You have the right to
18 testify on your own behalf, however, no one can make you
19 testify. This is a personal right and no one can waive this
20 right except you. If you decide to testify you'll be subject
21 to the same rules that govern the other witnesses. You may be
22 examined and cross examined on anything relevant in this case.
23 In addition, if you have any convictions involving dishonesty
24 or false statements or for crimes punishable by imprisonment
25 for more than one year, this Court returns that the probative

1 value of admitting this evidence outweighs its prejudicial
2 effect to you, the Solicitor will be able to introduce your
3 record to attack your credibility. If you decide to testify,
4 the decision on your part, it must be freely, voluntarily and
5 intelligently made that knowledge of the protection is given to
6 you by the fifth amendment and the consequences of your
7 decision to testify.

8 If you decide not to testify I'll instruct the jurors
9 they cannot give the fact that you did not testify any
10 consideration whatsoever. There is to be absolutely no
11 prejudice to you because you did not testify. It is left
12 entirely up to you whether or not to testify. You may talk to
13 your attorney, your family members, your friends, or anyone
14 else, but the final decision be left entirely up to you. Do
15 you understand?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: Do you have any questions about what I've
18 explained to you?

19 THE DEFENDANT: No, sir, Your Honor.

20 THE COURT: Have you discussed these matters with
21 your lawyer?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: Do you wish to talk with your lawyer any
24 further about this?

25 THE DEFENDANT: No, sir, Your Honor.

1 THE COURT: Do you wish to testify?

2 THE DEFENDANT: No, sir, Your Honor.

3 THE COURT: Very good. Thank you. Anything further
4 before we recess for lunch?

5 MR. TUCKER: Nothing from the State, Your Honor.

6 THE COURT: We will come back, I'll recognize you,
7 Mr. Tucker, and you can rest on the record. I'll recognize
8 you, Mr. Meetze, and then I want both of you to remind me that
9 we're going to address the issue about the alternate juror and
10 proceed forward in that fashion. Anything further?

11 MR. TUCKER: No, Your Honor.

12 MR. MEETZE: Judge, if the plan is to let Mr. Tucker
13 rest and then just go straight into closings, I will just go
14 ahead and renew the motions that I just made since this would
15 now be the close of all of the evidence.

16 THE COURT: And do you have any objection to doing it
17 in that fashion?

18 MR. TUCKER: I do not, Your Honor.

19 THE COURT: And Mr. Meetze, you are, indeed,
20 protected on the record and it will not be required of you to
21 renew the motions. You're protected on the record in all
22 respects in that regard. We'll stand at ease until 2:00.

23 MR. MEETZE: Thank you.

24 (Recess taken at 12:21 p.m.)

25 (WHEREUPON, the proceedings resumed at 2:02 p.m.)

1 THE COURT: The name of the juror who had a potential
2 conflict, what was his name?

3 MR. MEETZE: Grant, Your Honor, Antonio Grant,
4 G-r-a-n-t.

5 MR. TUCKER: That's correct, Grant.

6 MR. MEETZE: Judge, while he's on the way up, just
7 for the record, one thing I did previously, along with my
8 renewal of my directive verdict, I would also renew previous
9 objections.

10 THE COURT: You're protected on the record in that
11 regard.

12 MR. MEETZE: Thank you.

13 THE COURT: Mr. Grant, we're going to excuse you from
14 service. It's not as though you did anything wrong. We asked
15 a question that you answered accurately, but out of an
16 abundance of caution we're going to excuse you, you're free to
17 leave. We're about to conclude the case and begin, actually,
18 the presentation of the evidence and begin closing arguments.
19 You're free to stay if you have some interest or if you have
20 things you'd rather do you're free to leave, as well. Thank
21 you very much.

22 THE JUROR: Thank you.

23 (Jury entered the courtroom at 2:02 p.m.)

24 THE COURT: Mr. Bacchus, you originally were an
25 alternate juror. You are going to be elevated to the active

1 jury body. There's a seat way in the back, you're welcome to
2 have a seat there if you want to feel like you're one of the
3 jurors if you feel more comfortable. You'd rather sit up
4 there? Well, good, as a matter of fact, those seats might be
5 more comfortable. Mr. Tucker, you recognize.

6 MR. TUCKER: Thank you, Your Honor, and Your Honor,
7 for the record, I'd wanted to rest on the record prior to us
8 breaking for lunch, I'd like to do so now.

9 THE COURT: Ladies and gentlemen of the jury, the
10 State has rested on the record. They have completed their case
11 in chief and now we'll recognize Mr. Meetze.

12 MR. MEETZE: Thank you, Your Honor.

13 THE COURT: Madam Forelady, ladies and gentlemen of
14 the jury, you have, indeed, heard all of the evidence in this
15 case and at this juncture we will hear closing arguments. As I
16 mentioned to you before, closing arguments are very similar in
17 form to the opening statements but these are truly
18 argumentative in nature because at this time you will have
19 heard all of the evidence. These very fine lawyers will point
20 to the evidence that supports their relative theory of the
21 case. What they have to say is not evidence and it will aid
22 you immensely in your deliberation process. Pay very close
23 attention. Mr. Tucker, you recognize.

24 CLOSING ARGUMENT ON BEHALF OF THE STATE

25 MR. TUCKER: She wanted him out of her house and he

1 killed her for it. She wanted him out of her life and he
2 killed her for it. Wanda Reaves wanted him to simply leave her
3 alone and David Graves killed her for it. This is a case about
4 senseless violence. This is a case about senseless tragedy,
5 and ultimately, this is a case about senseless murder.

6 (Video playing)

7 If you have any doubt about Wanda Reaves' state of
8 mind that night, listen to the terror on that screen.
9 If you have any doubt about her sense of perception of what was
10 happening to her that night listen to the fear in that screen,
11 and if you have any doubt about her recognition of what was
12 happening to her when she realized that she was about to be
13 killed at the hands of a man who said he loved her listen to
14 that screen.

15 (Video playing from 2:12 p.m. until 2:15 p.m.)

16 December 29, 2019 started as David Graves described
17 it to you today. This whole thing started when he got a text
18 message from a Wanda Reaves telling him to leave the keys to
19 her house on the counter and get out. Why? Because as he
20 described, he had met some woman, asked her for a cigarette and
21 there was a conversation, apparently, he thought he hung his
22 phone up when talking to Wanda, but he didn't, and the whole
23 thing was recorded. Wanda described that as a betrayal and she
24 told him that, and she told him she wanted him out of her house
25 and she wanted him out of her life and he killed her for it.

1 As the judge will tell you, murder is defined in the
2 State of South Carolina as the willful felonious killing of a
3 human being with malice aforethought, that malice being either
4 express malice or implied malice. Malice defined as hatred or
5 ill will, the wrongful intent to injure another person. Malice
6 does not necessarily mean ill will toward the individual or
7 injury but signifies rather depraved or wicked spirit intent on
8 doing wrong. Malice may be conceived at the very moment the
9 act occurs. Ladies and gentlemen, you heard Dr. Batalis
10 describe in detail the wounds inflicted on Wanda Reaves. She
11 received three to her upper chest, not slice wounds, not cut
12 wounds, but stab wounds, two of which he described pierced her
13 heart. Either of those would have resulted in her death, but
14 she was stabbed in her heart twice and she was stabbed a third
15 time with that being described as non-lethal. This man took
16 what is described as a statement from Dr. Batalis and even by
17 the defendant himself. He was in the kitchen as you heard in
18 the statement, and you'll hear a little bit later in my
19 closing, preparing Kool-Aid when she came to the door. He took
20 a steak knife and plunged it into her heart twice. She never
21 made it into the front door. He chased her across the yard,
22 into the street and plunged a steak knife into her heart twice
23 and left her in the middle of the road in front of her own
24 house, that is malice. Express malice: The deliberate
25 intention to unlawfully take the life of another. Again, you

1 heard Joe Pitts, the EMT technician tell you, he literally
2 watched this woman take her last breaths and he described those
3 in agonizing detail.

4 Implied malice: When circumstances are demonstrated
5 and wanted or a reckless disregard for human life. He stabbed
6 her in the heart with a steak knife twice and left her in the
7 middle of the road in front of her own house and then picked up
8 her cell phone and took off.

9 (Video playing at 2:18 p.m. until 2:19 p.m.)

10 David Graves murdered Wanda Reaves, but don't take my
11 word for it, take that from David Graves himself when he says:
12 I ain't gonna beat around the bush, and he describes what he
13 did. But now, it didn't come out in one smooth confession. It
14 took several times over the course of an hour and a half to two
15 hours for David Graves to finally to admit what he had done.
16 Remember when had sat down with Lieutenant Hartson and with
17 Investigator Bethea, initially he tells them: Well, I was
18 there but she walked up and then I went out the back door
19 because I heard the police coming. I figured somebody called
20 the police and I heard them coming so I went out the back door
21 and then I had to find out the next day from Facebook when
22 somebody told me, rest in peace, and I thought they were
23 joking. That was a lie. And then he tells the second version
24 of what happened: I was there, she came to the door, I go out,
25 she's got a knife, she swings it at me, I take it from her, and

1 I swung and I missed and then I swung again but I hit her in
2 the shoulder. And remember the statements you'll hear a little
3 later when Chief Bethea asked him to repeat it: When you say,
4 hit her with a knife, what do you mean? And then he finally
5 says: I stabbed her, but I only stabbed her once. That's a
6 lie. Dr. Batalis told you she was stabbed three times, two
7 times in her heart. What did Marcus Crowner tell you? He told
8 you that he heard a woman scream, he goes outside, before he
9 left he sees a silhouette make a stabbing motion and he sees
10 the woman fall down. He stabbed her in the heart two times, a
11 total of three times, but it takes a while for him to fully
12 tell what he's done, and even then he doesn't tell it all.

13 The evidence, again, folks, this is not a who done
14 it. David Graves himself tells you he did it but even without
15 that we know David Graves fled the scene. He was not there
16 when law enforcement arrived and we know Marcus Crowner tells
17 us when he says he came back out the front, Marcus Crowner
18 tells us when he walked outside and was standing under that
19 streetlight he sees him get the phone on the front of it, but
20 flees the scene on foot, he's not seen until 2:00 the next day
21 and then he doesn't go up to the police and say, hey, let me
22 tell you what I know about the situation, no, what he does is
23 he flees on bicycle first and then when they lose sight of him
24 he hides in an abandoned house and then when they corner him he
25 flees on foot, so he fled three times. Now, Graves is arrested

1 less than 16 hours later with Wanda Reaves' cell phone in his
2 possession. How do we know this? Because Lieutenant Hartson
3 has already identified the number belonging to that phone and
4 as he's approaching David Graves he calls him with his own cell
5 phone, and what do you think happens? The phone starts ringing
6 in David Graves' own pocket. He's still wearing the same
7 clothes he had on from the night before, clothing that has from
8 what the DNA experts said, there was a presumption that the
9 blood in the back of the pants was Wanda's and there was a
10 strong support of evidence that the blood found on the shoe
11 strings was Wanda's. It's not a who done it, but he even
12 admits he did it, but we've got DNA, we've got her cell phone
13 in his pocket. Now, why is the cell phone important? As you
14 heard from that 911 call, Wanda had that phone in her
15 possession as she was being murdered. She called 911 and then
16 as she was being murdered, had it in her hand, and that very
17 same cell phone is found less than 16 hours later in possession
18 of her killer, David Graves, but he even tells us he does it,
19 so folks this is not a who done it.

20 The timeline, the timeline tells us all that we need
21 to know about what happened here. What did we hear from Alexis
22 Coleman? This is Wanda's coworker at the Family Dollar. She
23 tells us that she gives Wanda a ride home not just that day,
24 every day and she says it takes a couple to three minutes to
25 get there. She says they left at 10:25, they arrived three to

1 five minutes later from the Family Dollar store. She also says
2 that she never says that she never saw Wanda carry a knife. I
3 asked her specifically, did you ever look in her pocketbook?
4 All the time. Did you ever see her with a knife? No, I have
5 not. Did you ever know her to carry a weapon? No, sir. Now,
6 when she pulls up she sees someone looking through the blinds.
7 Now we know that someone is David Graves. Now, when Wanda gets
8 out of her car she's walking towards the door, she's got her
9 pocketbook in one hand and her cell phone in the other.
10 Tragically, we now know Wanda never made it in the front door.
11 She dropped her pocketbook, took her keys out and went to open
12 the front door and she was ambushed. The timeline is too
13 tight. At 10:25 when they leave, three to five minutes, that
14 puts her around 10:28, 10:29, 10:30. Why is that important?
15 Because at exactly 10:30, as we just heard the 911 call, Wanda
16 calls 911 under attack. She's being attacked as she calls,
17 that comes in at 10:30. There was only a minute or two between
18 when she arrives, has time to walk up to the front door, drop
19 her pocketbook, get her keys, put the keys in the door in the
20 lock, open the door and she comes down the driveway and she is
21 stabbed to death by the defendant while she is standing in the
22 road in front of her own house, two times in the heart with a
23 steak knife. The timeline is too tight for what the defendant
24 ultimately described what happened, and we'll hear that again
25 shortly. We know that Jamey Johnson is dispatched to 431 Pat

1 Mar Square at 10:31 and within a minute almost, a little more,
2 he was there, he gets there, in fact, Mr. Graves says he even
3 heard police coming. We know that at least is true because
4 Marcus Crowner tells us that because when Marcus says that when
5 he saw the woman lying there when he backs up before he even
6 gets an opportunity to call 911 he hears the police coming
7 already and he backs out of the way and he told them what he
8 heard and what he saw. Now, what did he tell you, he tells you
9 that the guy was dressed in dark clothing, was about his
10 height, he says he's 5'6, David Graves is 5'5, that is
11 consistent. He said the guy had a median build, he said, about
12 190, 200 pounds, and I asked him, is it possible that he had a
13 jacket on that made him look heavier than he was? But
14 everything that he told us was consistent. Now, when Sergeant
15 Johnson arrives at 431 [REDACTED] there are a couple things
16 that he sees. He sees Wanda Reaves lying in the middle of the
17 street in front of her own house, and then ultimately he'll
18 make his way up, and again, imagine Wanda getting dropped off
19 here, getting out, walking up, pocketbook in hand, setting her
20 pocketbook down, putting her keys in the front door, opened the
21 door, that took some time, as well, not a lot of time, but some
22 time. And then again, less than a minute after being dropped
23 off she's calling 911 and she's under attack. Again, we can
24 see here right in the middle of the road, her shoes were still
25 lying in the center of the street. What's interesting is there

1 is no damage to the front door to the storm door and there's no
2 damage to the front door. Now, as David Graves described to
3 you, Wanda actually got her foot in the door preventing him
4 from coming out. Now, it's odd that he claims she wanted to
5 pull the knife and try to swing it on him, but she's trying to
6 keep him from coming out, but which is it? She's trying to
7 attack him or she's trying to keep in him in the house? He
8 says he pushed on the door at the top and heard the police
9 coming initially, but there's no damage to that door
10 whatsoever. Wanda's pocketbook is still on the chair on the
11 front porch. We know she never made it inside because she
12 never got a chance to reach back and pick it up and take it
13 inside with her, and her keys are still in the front door.
14 Both Sergeant Johnson and Nicklaus Sprouse both told you they
15 found that unusual. And as Mr. Sprouse said, it's unusual you
16 find a woman's pocketbook there, she usually takes that with
17 her. Now, again, going back to what Dr. Batalis told you with
18 regards to the wounds, there were two triangular steak wounds
19 to the chest, either one of those would have resulted most
20 likely in her death, but both of them together, we know it
21 killed her.

22 Cause and manner of death: Cause: Stab wounds to
23 the upper torso. Manner: Homicide, meaning she died at the
24 hands of another. She died at the hands of a man who claimed
25 he loved her. Dr. Batalis also told us that she has some

1 abrasions consistent with her falling onto the road. When we
2 talk about self defense in this case, and you'll hear the judge
3 give you the law, now, the defendant claims that he was inside,
4 she came home, he goes up to the front door and she's got her
5 foot on the front door, he can't open it, he says that she
6 turned and went away, he turned and went back the way she was
7 going, came back outside and he says that she had a knife at
8 this point. He said he saw it from the back from her
9 pocketbook but at some point she approaches him with a knife
10 and swings it and he blocks her, takes the knife from her.
11 Now, according to him, he swung and missed and then he swung
12 and hit her in the shoulder. That takes time but by his own
13 admission he says he took the knife away from the woman and
14 then while she was there he swings it at her and then he stabs
15 her. Dr. Batalis told us she was stabbed three times, two
16 times in the heart.

17 Self defense, I argue does not apply in this case.
18 Even if you take what the defendant says at face value, even if
19 you believe what he tells you about Wanda Reaves' pulling the
20 knife on him first, he takes the knife from her and then he
21 stabs her three times with it, right before Wanda is ultimately
22 found by law enforcement, she's in the middle of the street in
23 front of her own house. She was in the process of trying to go
24 into her own house when she was attacked. This goes back to
25 that text message that she sent David Graves earlier that day:

1 Leave the key in my house on the counter and get out of my
2 house, in essence, get out of my life, in the essence, leave me
3 alone. And he waited until she got home and when she got home
4 and she was coming through that front door he admits he was in
5 the kitchen. Where do you find the steak knives? He even
6 admits that it was a steak knife involved, Dr. Batalis tells
7 you the same thing, consistent with where is it you're most
8 likely to find a steak knife? In the kitchen where David
9 Graves by his own omission tells you it was just before Wanda
10 got home. There was not enough time for it to happen the way
11 David Graves tells you it happens. There was not enough time
12 for him to go to the door, try to get out, Wanda blocks him
13 from going, he goes back and get his shoes, come back out, had
14 a confrontation with Wanda, takes the knife from her and then
15 stabs her. Then she falls and he says: Then I walked away.
16 Then heard her say, oh, and then I went back and got her cell
17 phone. How do we know there wasn't a enough time? Because the
18 timeline tells us there was not a enough time. It was a
19 lightening fast attack almost from the beginning the minute
20 Wanda walked up and put those keys in the door. He was waiting
21 on her with that steak knife and that attack was as quick as it
22 was brutal.

23 Imminent danger without fault. She told him to get
24 out of her house. She told him, essentially, get out of my
25 life, but he didn't. He was there. He's at fault and causing

1 a confrontation. He knew there would be one, in fact, that's
2 why he was there, that's who he was waiting on. He is with
3 fault in causing this whole thing. Imminent danger, he admits,
4 if you believe, and I'm not suggesting that you do at this
5 point at all because I think what happened is that he was
6 waiting on her with a knife, she never had a knife, again, the
7 coworker said she never saw her with a knife and never knew her
8 to carry one. He was waiting on her with that knife, but he
9 admits even with his own statement that he took the knife from
10 her and then used it on her stabbing her a total of three
11 times. This is not a case of self defense, ladies and
12 gentlemen, this is a case of cold-blooded, brutal murder, and
13 don't take my word for it, take David Graves'.

14 (Video playing.)

15 He swung at her and that's a lie. Dr. Batalis tells
16 you that she was stabbed, she was stabbed twice in the heart
17 and then another time it was not lethal, not swinging motions,
18 stabbing motions. Dr. Batalis also told you that anyone of
19 those to the hit of the heart would have been lethal. Marcus
20 Crowner tells you he saw the man make a stabbing motion, not a
21 swinging motion, a stabbing motion.

22 (Video playing.)

23 He can't fight this. He can't fight the mountain of
24 evidence that the state has against him. He can't fight the
25 facts. He can't fight the testimony of the witnesses that you

1 heard from, and he knows it. Again, this is not a case of self
2 defense, this is not a case of voluntary manslaughter, as the
3 judge will charge you on that law. This is cold-blooded
4 deliberate brutal murder.

5 (Video playing)

6 How many times does it take to tell the truth? Once.
7 How many times does it take David Graves to tell the story?
8 It's at least three times. He says there was a confrontation
9 but there was no attack, there was no assault. He says there
10 was an assault but only hit her in the shoulder. Then finally
11 he says, he asked how many times did you stab her? I don't
12 know, I don't remember. There is only one opportunity to tell
13 the truth and it takes him over three.

14 (Video playing.)

15 David Graves murdered Wanda Reaves, don't take my
16 word for it, take his. He stabbed her until that steak knife
17 started bending and then he took the steak knife with him along
18 with her phone.

19 (Video playing.)

20 That's why he takes the cell phone, it's got motive
21 on it. He's lacking in self defense. Why take the knife, why
22 take the cell phone at all? It's because David Graves knows
23 he's just committed murder.

24 (Video playing.)

25 I know I f'd up, that's what he wants to call it. I

1 call it cold-blooded premeditated murder. When she told him to
2 get out of her house he got mad and he waited and he waited
3 until she got home and went into the kitchen while he was
4 there, got a steak knife and came out and he attacked her right
5 when she started coming through the door. The timeline is too
6 tight to even remotely happen the way he described it.

7 (Video playing.)

8 It's not self defense, it's self preservation, he's
9 more concerned about that, about what was going to happen to
10 him than he ever was about what he did to Wanda Reaves and at
11 one point he even says: The ol' girl's dead, I don't believe
12 it. The entire time he's giving that statement he doesn't get
13 emotional, he doesn't get choked up, he doesn't shed a tear,
14 and this is a woman that he says several times in there, I love
15 her. He was right, he loved her to death. She wanted him out
16 of her house and he killed her for it. She wanted him out of
17 her life and he killed her for it. Wanda Reaves wanted him to
18 simply leave her alone and David Graves killed her for it.
19 Wanda Reaves had good friends, she had a good job, and she had
20 a good life and on December 29, 2019 at 431 [REDACTED] in
21 Mullins in Marion County David Graves took all of that from
22 her, took each plunge of that knife into her heart, he took
23 everything she had and everything she was going to have, but
24 folks, it's time to give Wanda something back, with a verdict
25 of guilty for murder and a verdict of guilty for possession of

1 a weapon during the crime of violence, Wanda can get justice.

2 THE COURT: Thank you, Mr. Tucker. Ladies and
3 gentlemen of the jury, I'm going to ask you to stand up to
4 stretch just a minute as the state has concluded their closing
5 arguments and we'll recognize Mr. Meetze here. You've been
6 sitting for awhile. Mr. Meetze will give a closing argument,
7 you all pay close attention. Y'all may be seated. Mr. Meetze,
8 you recognize.

9 MR. MEETZE: Thank you, Your Honor. May it please
10 the Court?

11 THE COURT: Yes, sir.

12 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

13 MR. MEETZE: Ladies and gentlemen, as I told you
14 yesterday, this case, like every criminal case, is all about
15 the standard of proof, the burden of proof in this case beyond
16 a reasonable doubt. A very powerful burden is one the state
17 must meet in order to convict anybody of anything that they are
18 charged of and in this case this just does not rise to that
19 burden. You hear a lot of speculation. It has also been said
20 in our country and other places that our system of justice in
21 America is the greatest system of justice ever created and the
22 reason for that is because of folks like you that come here and
23 listen to evidence and listen to what's presented and what's
24 not presented, because the burden of proof beyond a reasonable
25 doubt does not just come from things that you hear from this

1 stand or that you see in exhibits and things like that, it also
2 comes from things you don't get to hear. You get to consider
3 all of that and wonder why didn't we get to see that. That
4 creates a reasonable doubt as well, and our system of justice
5 is so great that we don't convict people on speculation, it
6 takes evidence and it takes facts to meet that burden. As
7 you've heard already, it's a powerful burden and it's so
8 powerful because of what we're dealing with here. We're
9 dealing with people's lives and their liberties, and the stakes
10 just don't get any higher than that. You know, one thing that
11 Mr. Tucker said, and it's not a big thing, but he makes a point
12 in a lot of his questioning, he was talking about whether there
13 was any damage to the door, any damage to the door. Nobody
14 said there was damage to the door, so the fact that there was
15 no damage to any door, notice nobody ever claimed there was.
16 The only claim there was with regard to the door was some sort
17 of tug of war between the screen door and Ms. Reaves on one
18 side and Mr. Graves on the other. So that's not a very good
19 reason, that's not a very good reason, but it's something that
20 was brought up a number of times and, no, there may not have
21 been damage to the door, nobody's claiming there was damage to
22 the door.

23 First of all, as you heard with murder, murder is
24 fairly straight forward, taking someone else's life with malice
25 aforethought. If there's no malice aforethought there is no

1 murder. I submit to you in this case there is no malice.
2 There is no proof of malice but in order to prove malice you
3 either express or imply and without malice you don't have a
4 murder. Credibility of witnesses is always a humongous part of
5 any trial, what's believable and what's not believable, and
6 it's no different in this case. What can you know, what do you
7 know from what folks have told you? You got to hear from the
8 SLED chemist with regard to the DNA. What do we know from
9 that? Well, first of all, it's a science, nothing's perfect,
10 but it is a science the Courts have relied on. There were
11 several things tested, some DNA from a shoe lace from Mr.
12 Graves' shoe, I think some DNA from the back of a pant leg from
13 Mr. Graves' pants and a swab, but the first two are the ones
14 she spent time talking about: Shoe lace and the pants. Both
15 of those samples probability-wise and at high level of
16 probability, Mr. Graves' DNA was part of that sample, well,
17 that shouldn't surprise you with Mr. Graves' pants and Mr.
18 Graves' shoe lace. One of those, the higher probability was
19 that, and I think the shoe lace contained Ms. Reaves' DNA, I
20 think that was the strong probability, 260,000 times. Okay.
21 Another thing is that each of those things tested containing
22 DNA from three people. Now, the third person is unidentified,
23 they didn't have a standard for three folks, just two folks,
24 just two, but that part is unequivocally. There were three
25 different people's DNA in those samples. We have no idea who

1 that third person was. We also don't have any idea, and she
2 testified we have no idea when those samples got there. We
3 don't know. It could have been the week before, a month
4 before, it could have been any time. That part, they have no
5 way of knowing, but whenever it happened, it happened at a time
6 when three people could have deposited those samples because
7 three people's DNA are in the samples that she tested, and that
8 part is not in dispute and because that's not in dispute and
9 it's three different people's DNA, it caused the question
10 whether or not, when that DNA got there, how it got there and
11 all of that, you just don't know. What you do know, that it's
12 three people and what that does, it creates a reasonable doubt
13 with regards to the DNA evidence, it just does, and that's
14 common sense.

15 You also heard from Marcus Crowner. He said he saw
16 her scream, he saw a stabbing motion and all of that. Well,
17 guess what? Talking about credibility, he saw somebody making
18 stabbing motions, that's the first time he said that by his own
19 admission. The night this all happened, I mean, just minutes
20 after it happened, he talked to the police. He never mentioned
21 he saw somebody making a stabbing motion. He never mentioned
22 it. He had two opportunities. He said, I talked to officers
23 on two separate occasions, that was it, just those two
24 interviews, they didn't bring him back to the police station,
25 they didn't call him in to question him further or take any

1 further statements from him like they did with Mr. Graves and
2 they can call any witness and have them in that same room to
3 pull his statement and all of that, but they did not do that in
4 this case. The only time that they talked to Mr. Crowner
5 before he came and testified yesterday was there at the scene.
6 And at the scene he had two opportunities to tell them what he
7 saw. The first time he said he heard the scream, he went out
8 there, he didn't know what it was. He said he didn't know what
9 it was that caused it, could've been a gun, could've been a
10 knife. And then all of a sudden he gets in here and says, oh,
11 I saw somebody standing over a female doing a stabbing motion.
12 Folks, that lacks any credibility whatsoever. It completely
13 lacks credibility. You can't go from, could have been a gun,
14 could have been a knife, which he admitted, that's what he told
15 the police that night, too: Oh, somebody was there making a
16 stabbing motion. It lacks all credibility. And the second
17 time they talked to him, same thing. He never mentioned a
18 stabbing motion. His statement from the beginning was: The
19 first thing I saw was her fall. If that's the first thing you
20 saw you didn't see what led up to that. Alright? But, yet, he
21 comes in here all of the sudden however months later, 18,
22 whatever, and says: I saw somebody standing over making a
23 stabbing motion. Well, our memories don't get better the more
24 time goes by. Our memories are best when it's in the moment
25 and it's fresh, and that was on December 29, 2019. That's when

1 he told the police what he saw, what he actually saw. That is
2 the part that's more credible than what he came in here and
3 said from this stand, what he said then, and what he said then
4 didn't even come close to even mentioning a stabbing motion,
5 it's not there, and because of that his testimony lacks any
6 credibility, and when you lack credibility it creates a
7 reasonable doubt. Now, I mentioned reasonable doubt can come
8 from evidence that you do get to hear or evidence that you
9 don't get to hear, and you heard officers say, I think
10 Detective Walker said that he did go into the house, but they
11 didn't do an exhaustive search of anything in the house, it
12 felt like this happened out in the road and there was nothing
13 of evidentiary value to be found in the house. Maybe that's
14 true, maybe that's not, but you certainly look and you
15 certainly try. What's an example of something that could have
16 been located in the house, or better yet, maybe not located?
17 You know, go through the drawers, see if there's a set of steak
18 knives with one missing. Okay? That's potential evidence that
19 you might have been able to hear about, but you didn't, and the
20 reason you didn't is because they didn't even make the effort
21 and that creates the reasonable doubt. Reasonable doubt can
22 come from the things not just that you get to hear and see, it
23 comes from the things that you don't get to hear and see. You
24 have a right to hold the state to their burden and you have the
25 right to question why you haven't been able to consider all of

1 the potential evidence in this case.

2 Now, David Graves did give a statement and he gave a
3 statement that indicated that Ms. Reaves came at him first with
4 the knife, and that essentially in defending himself he was
5 able to take the knife from her and he stabbed her. Now,
6 obviously, just as you're the judge of Mr. Crowner's
7 credibility, you're the judge of all of the witness's
8 credibility. I will say this, the state relies on, I think her
9 name was Alexis Coleman who testified as a coworker of Ms.
10 Reaves, she drove her home and they asked her about, did you
11 know her to carry a knife, did you see a knife in her purse
12 that night or anything like that, and she said, no, and that's
13 fine, but there's a picture of the purse here that's in
14 evidence. You all can look at that, and that's a lot of stuff
15 in this purse. That's a pretty full purse. Okay? Glancing at
16 the purse without going through it, moving things, seeing
17 what's in there, certainly just because somebody looks in that
18 purse and doesn't see a knife doesn't mean there wasn't a
19 knife. Okay? It doesn't mean that David Graves isn't telling
20 the truth. We don't know. Okay? We don't know, maybe so,
21 maybe not, but just because Ms. Coleman says she looked in the
22 purse that night and didn't see one doesn't mean there wasn't a
23 knife and the state wants you to believe parts of what Mr.
24 Graves said and disregard the others, and that's certainly
25 within your province as jurors, but I submit to you there is

1 nothing in the evidence that will indicate from that standpoint
2 that Mr. Graves is not telling the truth with regards to that.
3 Unfortunately, only two people were there, regardless of what
4 Mr. Crowner says here, his testimony, I submit, just lacks any
5 credibility, and unfortunately, it's very, very sad, Ms. Reaves
6 is not here, but Mr. Graves is, and he gave his statement to
7 the police and the statement he gave rises to self defense and
8 if you believe that he was defending himself, that certainly
9 creates all kinds of doubt with regards to this case, and
10 certainly, he can be justified in doing what he did if this was
11 an action done in self defense.

12 Folks, like I said, the state, in general sessions
13 court, in criminal court, we're dealing with people's lives,
14 dealing with people's very liberties. The state's burden in
15 this case is extremely powerful, it's extremely high, it's a
16 very difficult burden to meet and the judge is going to give
17 the law to you, it takes locking the scales of justice out, and
18 I submit to you they have not been able to do that in this
19 case. I submit to you the only verdict that speaks the truth
20 here is a verdict of not guilty and that's what we're asking
21 you to do. Thank you.

22 THE COURT: Thank you, Mr. Meetze. Ladies and
23 gentlemen of the jury, you've heard all of the evidence, you've
24 heard the closing arguments. I noticed throughout the trial of
25 this case when witnesses were testifying, when the lawyers

1 would ask the questions, y'all were paying very close
2 attention. I've got all of the tools necessary to resolve the
3 factual issues, but in order for you to fulfill your duty you
4 have to pay attention and understand the law. I wish that
5 there was an easy or entertaining way to do that but there is
6 not. I know it's the mid-afternoon and we've had a lunch and
7 everything. These are important matters. So I'm going to ask
8 that you perk up a little bit and pay very close attention to
9 these very important matters.

10 JURY CHARGE

11 THE COURT: Madam Forelady, ladies and gentlemen of
12 the jury, the indictment charges the Defendant with murder, the
13 lesser included offense of manslaughter, and possession of a
14 weapon during the commission of a violent crime. I remind you
15 that the fact that the defendant was arrested, charged and
16 indicted is not evidence, not to be considered by you as
17 evidence of guilt, nor does it create any presumption inference
18 of guilt.

19 This document is simply the formal written instrument
20 which contains the charges made against the defendant. It is
21 the formal document on which this case is brought to court.
22 Each indictment charges a separate and distinct offense. You
23 must decide each indictment separately on the evidence in the
24 law applicable to it uninfluenced by your decision as to any
25 other indictment. The defendant may be convicted or acquitted

1 on any or all of the offenses charged. You will be asked to
2 write a separate verdict of guilty or not guilty for each
3 indictment.

4 Ladies and gentlemen of the jury, I remind you that
5 during this trial you and I have certain duties to perform. As
6 a trial judge it is my responsibility to preside over the trial
7 and I also have the duty to rule on the admissibility of
8 evidence. You are to consider only the competent evidence
9 before you. You are to consider only the testimony which has
10 been presented from this witness stand, any exhibits which have
11 been made part of the record and any stipulations of counsel.
12 I have an additional duty to charge you the law and as a
13 presiding judge I'm the sole judge of the law and it is your
14 duty as jurors to accept and apply the law as I now state it to
15 you. If you already have an idea as to what the law is or what
16 the law ought to be and it does not agree with what I now tell
17 you the law is, you must abandon this idea because you were
18 sworn to accept the law and apply the law exactly as I state it
19 to you.

20 Every case tried before a jury, the jury becomes the
21 sole and exclusive judge of the facts. The trial judge cannot
22 intimate, state, comment on or make any statement to a trial
23 jury about the facts. Since you the jury are the sole judge of
24 the facts you are not to infer from what I have said due to the
25 progress of this trial and ruling upon the admissibility of

1 evidence or otherwise or anything that I say now during the
2 course of this instruction to you that I have any opinion about
3 the facts. The law simply does not allow me to have an opinion
4 about the facts. This is a matter solely for you, the jury, to
5 determine. As jurors, it is your duty to determine the effect,
6 the value and weight and the truth of the evidence.

7 The defendant has pled not guilty to this indictment,
8 and that plea puts the burden on the state to prove the
9 defendant guilty. The person charged with committing a
10 criminal offense in South Carolina is never required to prove
11 himself innocent.

12 I charge you that it is an important rule of law that
13 the defendant in a criminal trial, no matter what the
14 seriousness of the charge may be, will always be presumed to be
15 innocent of the crime for which the indictment was issued
16 unless the guilt has been proven by evidence satisfying you of
17 that guilt beyond a reasonable doubt. Presumption of innocence
18 does not end when you begin your deliberations, but it
19 accompanies the defendant throughout the trial once you reach a
20 verdict of guilt based on the evidence satisfying you of that
21 guilt beyond a reasonable doubt.

22 The presumption of innocence is like a robe of
23 righteousness placed about the shoulders of the defendant which
24 remains with the defendant until it has been stripped from the
25 defendant by evidence satisfying you of the defendant's guilt

1 beyond a reasonable doubt. The presumption of innocence is not
2 a mere legal theory. It is not just a legal phrase. It is a
3 substantial right to which every defendant is entitled unless
4 you, the jury, are satisfied of the evidence of defendant's
5 guilt beyond a reasonable doubt.

6 What is reasonable doubt in the law? Reasonable
7 doubt is the kind of doubt that would cause a reasonable person
8 to hesitate to act. The state has the burden of proving the
9 defendant guilty beyond a reasonable doubt. Some of you may
10 have served as jurors in civil cases, where you were told that
11 it is only necessary to prove that a fact is more likely true
12 than not true, such as by the greater weight or preponderance
13 of the evidence. In criminal cases, the state's proof must be
14 more powerful than that. It must be beyond a reasonable doubt.

15 Proof beyond a reasonable doubt is proof that leaves
16 you firmly convinced of the defendant's guilt. There are very
17 few things in this world that we know with absolute certainty,
18 and in criminal cases the law does not require proof that
19 overcomes every possible doubt. If, based on your
20 consideration of the evidence, you are firmly convinced that
21 the defendant is guilty of the crime charged, you must find the
22 defendant guilty. If on the other hand, you think there is a
23 real possibility that the defendant is not guilty, you must
24 give the defendant the benefit of the doubt and find him not
25 guilty.

1 There are two types of evidence which are generally
2 presented during a trial, direct evidence and circumstantial
3 evidence. Direct evidence directly proves the existence of a
4 fact and does not require deduction. Circumstantial evidence
5 is proof of a chain of facts and circumstances indicating the
6 existence of a fact.

7 Crimes may be proven by circumstantial evidence. The
8 law makes no distinction between the weight or value to be
9 given to either direct or circumstantial evidence. However, to
10 the extent the state relies on circumstantial evidence, all of
11 the circumstances must be consistent with each other, and when
12 taken together, point conclusively to the guilt of the accused
13 beyond a reasonable doubt. If these circumstances
14 merely portray the defendant's behavior as suspicious, the
15 proof has failed.

16 The State has the burden of proving the defendant
17 guilty beyond a reasonable doubt. This burden rests with the
18 state regardless of whether the state relies on direct
19 evidence, circumstantial evidence, or some combination of the
20 two.

21 Necessarily, you must determine the credibility of
22 witnesses. Credibility simply means believability. It becomes
23 your duty as jurors to analyze and evaluate the evidence and
24 determine which evidence convinces you if its true.

25 In determining the believability of witnesses who

1 have testified, you may believe one witness over several
2 witnesses or several witnesses over one witness. You may
3 believe a part of the testimony of a witness and reject the
4 remaining part of the testimony of that same witness. You may
5 believe the testimony of a witness in its entirety or reject
6 the testimony of a witness in its entirety. You may consider
7 whether any witness has exhibited to you any interest, bias,
8 prejudice, or other motive. You may also consider the
9 appearance and manner of a witness while on the witness stand,
10 their demeanor.

11 The rules of evidence ordinarily do not permit
12 witnesses to testify to opinions or conclusions. An exception
13 to this rule exists for witnesses we call "expert witnesses".
14 A witness who, by education and experience has become an expert
15 in some art, science, profession, or calling may state an
16 opinion as to relevant and material matter, in which the
17 witness claims to be an expert, and may also state the reasons
18 for the opinion.

19 You should consider any expert opinion received in
20 evidence, and, like any other evidence, give it the weight you
21 think it deserves. If you decide that the opinion of an expert
22 is not based on sufficient education and experience, or if you
23 conclude that the reasons given in support of the opinion are
24 not sound, or that the opinion is outweighed by other evidence,
25 you may disregard the opinion entirely.

1 An expert witness' testimony is to be given no
2 greater weight than that of other witnesses simply because the
3 witness is an expert. Further, you are not required to accept
4 an expert's opinion, even though it is not contradicted.

5 Ladies and gentlemen of the jury, a statement alleged
6 to have been made by the defendant has been admitted into
7 evidence. While the Court has determined that the statement is
8 admissible, I instruct you that you make the ultimate decision
9 of whether or not the defendant made the statement. If the
10 defendant did make the statement, you must determine whether
11 the statement was made by the defendant voluntarily and of his
12 own free will. This means that the statement was not caused by
13 pressure, force, fear, threats, coercion or intimidation or by
14 hope or a promise of leniency or an award of any kind. In
15 determining whether the statement is voluntarily you should
16 consider both the characteristics of the defendant and the
17 details of the question. Some of the factors you may consider
18 are the age of the defendant, the defendant's education or lack
19 of education, the defendant's mental ability or capacity, the
20 defendant's IQ or intelligence, the defendant's background and
21 environment, the place and length of detention, the nature of
22 the questioning and the bias or lack thereof to the defendant
23 of his constitutional rights including but not limited to the
24 right to remain silent and any statements could be used against
25 him in the court of law, the right to have a lawyer present and

1 if he could not afford a lawyer a lawyer would be appointed to
2 represent him without any cost and that he could stop making a
3 statement at any time. You must carefully consider all of the
4 surrounding circumstances before you give any weight to an
5 alleged statement.

6 The State has the burden of proving beyond a
7 reasonable doubt if an alleged statement was voluntary. If you
8 determine it was, you may give the statement any further
9 consideration that you deem proper. You must decide what
10 weight, if any, should be given to an alleged statement. You
11 determine whether the alleged statement was not a free and
12 voluntary statement of the defendant, or you should not
13 consider the statement at all.

14 Ladies and gentlemen of the jury, I instruct you and
15 emphasize that the fact the defendant did not testify is not a
16 fact to be considered by you in any way in your deliberation
17 and in your consideration on the question of the guilt or on
18 the innocence of the defendant. It must not be considered by
19 you in any manner whatsoever. A defendant has the
20 constitutional right to remain silent, and the assertion of
21 this right must not be considered by you in your deliberations.
22 I repeat, under your oath, you are to draw no conclusion
23 whatsoever from the fact that the defendant did not testify.
24 The fact that this defendant did not testify should not even be
25 discussed in the jury room. Madam Forelady, I'm going to ask

1 that you enforce that rule, there will be no discussion about
2 this issue. The burden of proof, as I have stated to you, is
3 on the state. The defendant is not required to prove his
4 innocence. The burden of proof remains on the state to prove
5 guilt beyond a reasonable doubt.

6 Ladies and gentlemen of the jury, I will charge you
7 the substantive law of murder. Pay very close attention.
8 The defendant is charged with murder. The state must prove
9 beyond a reasonable doubt that the defendant killed another
10 person with malice aforethought.

11 Malice is hatred, ill will, or hostility towards
12 another person. It is the intentional doing of a wrongful act
13 without just cause or an excuse and with an intent to inflict
14 an injury or under circumstances that the law would infer an
15 evil intent.

16 Malice aforethought does not require that malice
17 exists for any particular time before the act is committed, but
18 malice must exist in the mind of the defendant just before and
19 at the time the act is committed. Therefore, there must be a
20 combination of the previous evil intent and the act.

21 Malice aforethought may be express or inferred.
22 theses terms "express" and "inferred" do not mean different
23 kinds of malice but merely the manner in which malice may be
24 shown to exist. That is either by direct evidence or by
25 inference from the facts and circumstances which are proved.

1 Express malice is shown when a person speaks words which
2 express hatred or ill will for another or when the person
3 prepared beforehand to do the act which was later accomplished.

4 Ladies and gentlemen of the jury, if you find the
5 state has failed to prove beyond a reasonable doubt that the
6 defendant committed murder, you may consider whether the state
7 has proved beyond a reasonable doubt that the defendant
8 committed voluntary manslaughter.

9 To prove voluntary manslaughter the state must prove
10 beyond a reasonable doubt that the defendant took the life of
11 another in the sudden heat of passion based on sufficient legal
12 provocation. Both heat and passion and sufficient legal
13 provocation must be present at the time of the killing to
14 constitute voluntary manslaughter.

15 Sudden heat of passion may, for a time, affect a
16 person's self control and temporarily disturb a person's
17 reason. Sudden heat of passion must be the type that would
18 make an ordinary person unable to coolly reflect on his actions
19 and would produce an uncontrollable impulse to do violence.
20 Sufficient legal provocation must be the type that would make a
21 person of ordinary reason and caution become enraged and to
22 lose control temporarily. The provocation needed for mandatory
23 manslaughter must come from some act of, or related to, the
24 victim. Words alone, however vulgar or insulting are not
25 enough to be legal provocation. Where death is caused by the

1 use -- bear with me just one moment. The exercise of a legal
2 right, no matter how offensive it is to another, is never
3 sufficient legal provocation for voluntary manslaughter.

4 If the heat of passion had cooled, or if there was
5 enough time between the provocation, if any, and the killing
6 for the passion of a reasonable person to cool, the killing
7 would not be voluntary manslaughter. In deciding whether a
8 reasonable person would have had enough time to cool off, you
9 should consider all of the circumstances surrounding the
10 killing. You may consider the nature of the provocation, if
11 any, the defendant's mental health and physical state; and the
12 circumstances and relationships between the parties.

13 The defendant has raised the defense of self defense.
14 Self defense is a complete defense and if it is established you
15 must find the defendant not guilty. The state has the burden
16 of disproving self defense of proof beyond a reasonable doubt.
17 If you have a reasonable doubt of the defendant's guilt after
18 considering all of the evidence including the evidence of self
19 defense then you must find the defendant not guilty. If on the
20 other hand, you have no reasonable doubt of the defendant's
21 guilt with after considering all of the evidence including the
22 evidence of self defense, you must find the defendant guilty.

23 The following elements are required to establish self
24 defense. First, the defendant must be without fault in
25 bringing on the difficulty. If the defendant's conduct was the

1 type which was reasonably calculated to and did provoke a
2 deadly assault, the defendant would be at fault for bringing on
3 the difficulty and would not be entitled to an acquittal based
4 on self defense. The second element of self defense is that
5 the defendant was actually in imminent danger of death or
6 serious bodily injury and that the defendant actually believed
7 he was in imminent danger of death or serious bodily injury.
8 If the defendant was actually in imminent danger it must be
9 shown that the circumstances would have warranted a person of
10 ordinary prudence and firmness and courage to strike a fatal
11 blow to prevent death or serious bodily injury. If the
12 defendant believed he was in imminent danger of death or
13 serious bodily injury you must be shown that a reasonably
14 prudent person of ordinary firmness and courage would have had
15 the same belief. In deciding whether the defendant actually
16 was or believed he was in imminent danger of death or serious
17 bodily injury, you should consider all of the facts and
18 circumstances surrounding the crime including the physical
19 condition and characteristics of the defendant and the victim.
20 Relative sizes, ages and weights of the defendant and the
21 victim may be considered in deciding an apparent and actual
22 need of force and self defense in the amount of force needed.
23 The final element of self defense is that the defendant had no
24 other probable way to avoid the danger of death or serious
25 bodily injury to act as the defendant did in this particular

1 instance.

2 Defendant is charged with possession of a weapon
3 during the commission of a violent crime. The state must prove
4 beyond a reasonable doubt that the defendant was in possession
5 of a deadly weapon during the commission of a violent crime. A
6 knife means an instrument or a tool with a sharp cutting blade
7 whether or not fastened to a handle which can be used to
8 inflict or cut, slash or wound. In order to find the defendant
9 guilty of possession of a weapon during the commission of a
10 violent crime you must first find the defendant guilty of
11 either committing a violent crime or attempting to commit a
12 violent crime. The purpose of this statute murder and
13 voluntary manslaughter are violent crimes. The state must
14 prove beyond a reasonable doubt the weapon furthered, advanced,
15 or helped in the commission of a crime.

16 Madam Forelady, I'm coming forward to share with you
17 the verdict form. Madam Forelady, you are going to be charged
18 with the responsibility to apply the deliberations. That
19 essentially means that you are going to ensure that everybody's
20 voice is heard. I'm going to ask that you stand, I'm going to
21 go over this verdict form with you: State of South Carolina,
22 County of Marion. Its got the defendant's name, State of South
23 Carolina versus David Melvin Graves. We're in the Court of
24 General Sessions, Criminal Court, it's entitled: Verdict Form.

25 The first offense for you to consider is: We, the

1 jury, find by unanimous consent, Defendant David Melvin Graves,
2 not guilty or guilty. If you find the state has failed to
3 prove beyond a reasonable doubt that the defendant committed
4 murder, you must consider whether the state has proven beyond a
5 reasonable doubt whether the defendant committed the lesser
6 included offense, voluntary manslaughter. It has a place for
7 you to consider that. I will point out that these two offenses
8 are mutually exclusive, they're different things. You can't be
9 guilty of murder and voluntary manslaughter. You can be not
10 guilty of both, but you can't be guilty of both. Do you
11 understand?

12 MADAM FORELADY: Yes.

13 THE COURT: That's spelled out in this asterisk right
14 there (indicating.) If you find the defendant guilty of count
15 one or two, then you may consider a count three. The reason
16 why I say that is, in order to be guilty of possession of a
17 weapon during the commission of a violent crime you have to be
18 guilty of one of these two offenses and there's a place for you
19 to say, not guilty or guilty. The verdicts must be unanimous.
20 They can't be an 11 to 1; 6 to 6; 8 to 4, everyone has to
21 agree. When you've reached a verdict I'm going to ask that you
22 sign that, date it, and notify the bailiff and we'll bring you
23 back in. I'll ask that you have a seat. I have a few more
24 comments to make.

25 Madam Forelady, it's important that everybody

1 participate in all of the deliberations. If someone gets up to
2 use the restroom, stop deliberations because everybody has to
3 hear all of the deliberate comments. If there are questions
4 developed throughout the deliberations I'm going to ask that
5 you produce those questions to writing and sign and give it to
6 the bailiff and I'll be happy to answer if I could but you've
7 listened to the law. I can't answer the difficult questions,
8 the questions of fact, that's what you're here for, ya'll have
9 to do that. Ya'll listen and you're equipped to resolve those
10 issues. I don't anticipate that there is going to be any
11 questions. If there's a question and you can't decide whether
12 there's a question of law or a question of fact, write it down.
13 The legal issues, I can help you with. I'm going to ask that
14 you retire to the jury room and I'll always tell you when you
15 leave, do not begin deliberations. Once again, I'm going to
16 ask that you not do that because I'm going to have to ask these
17 very fine lawyers if they have an objection as to the manner in
18 which I've charged the jury and charged the law and if there is
19 some clarification I have to make, I'll bring y'all back in,
20 we'll tend to those matters. If there is not then we will
21 gather up all the documentary evidence, the bailiff will bring
22 that to you along with some paper and pencils to aid you in the
23 deliberation process and tell you to begin, but once again, do
24 not begin deliberations until you receive instructions to do
25 so. Everyone remain seated as the jury exits the courtroom.

1 (Jury exited the courtroom.)

2 THE COURT: Any objections to the jury charge from
3 the state?

4 MR. TUCKER: Not from the state, Your Honor.

5 THE COURT: Any from the defense?

6 MR. MEETZE: No, sir, Your Honor.

7 THE COURT: I'm going to put something on the record
8 that I was not very clear on earlier. I previously ordered
9 that the juror in question, I have right to allow his responses
10 and I think that's true, but really the ultimate question is
11 whether or not the defense when they struck that juror had the
12 known relationship. We had one more alternate and I thought
13 out of an abundance of caution that was the better thing to do.
14 I'm going to ask each of you to come forward and to look at all
15 of the documentary evidence and I'm going to ask each of you on
16 the record if everything that's in the piles in evidence, if
17 there's anything in the pile that's not in evidence.

18 (Deliberations began at 3:30 p.m.)

19 THE COURT: Mr. Tucker, is everything in that pile
20 into evidence?

21 MR. TUCKER: It is, Your Honor.

22 THE COURT: Is there anything in the pile that's not
23 in evidence?

24 MR. TUCKER: No, Your Honor, not that I saw.

25 THE COURT: Mr. Meetze, is there anything in that

1 pile that's not into evidence?

2 MR. MEETZE: No, Your Honor.

3 THE COURT: Is there everything in that pile into
4 evidence?

5 MR. MEETZE: Yes, Your Honor.

6 THE COURT: I'm going to ask that you give the
7 documents in evidence to the bailiff and I'll ask the bailiff
8 to tell them when to begin jury deliberations. Anything from
9 the state before we stand at ease?

10 MR. TUCKER: No, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. MEETZE: No, Your Honor.

13 THE COURT: I'm going to ask y'all to stay close in
14 case they have a question.

15 (Jury entered courtroom at 4:28 p.m.)

16 JURY QUESTION

17 THE COURT: Madam Forelady, the question has been
18 posed to get clarification between the law pertaining to murder
19 and voluntary manslaughter. Pay very close attention.

20 The defendant is charged with murder. The state must
21 prove beyond a reasonable doubt that the defendant killed
22 another person with malice aforethought. Malice is hatred, ill
23 will or hostility towards another person. It is the
24 intentional doing of a wrongful act without just cause or
25 excuse and with an intent to inflict an injury or under

1 circumstances that the law will infer an evil intent.

2 Malice aforethought does not require that malice
3 exists for any particular time before the act was committed,
4 but malice must exist in the mind of the defendant just before
5 and at the time the act is committed. Therefore, there must be
6 a combination of the previous evil intent and the act.

7 Malice aforethought may be expressed or inferred.
8 These terms "express" or "inferred" do not mean the different
9 kinds of malice but merely which the malice may be shown to
10 exist. That is either by direct evidence or by inference from
11 the facts and circumstances which are proved. Express malice
12 is shown when a person speaks words which express hatred or ill
13 will for another or when the person prepared beforehand to do
14 the act which was later accomplished.

15 To prove voluntary manslaughter, the state must prove
16 beyond a reasonable doubt that the defendant took the life of
17 another in the sudden heat of passion based on sufficient legal
18 provocation. Both heat of passion and sufficient legal
19 provocation must be present at the time of the killing to
20 constitute voluntary manslaughter. Sudden heat of passion may,
21 for a time, affect a person's self-control and temporarily
22 disturb a person's reason. The sudden heat of passion must be
23 the type that would make an ordinary person unable to coolly
24 reflect on his actions and would produce an uncontrollable
25 impulse to do violence.

1 Sufficient legal provocation must be the type that
2 would make a person of ordinary reason and caution become
3 enraged and to lose control temporarily. The provocation
4 needed for voluntary manslaughter must come from some act of,
5 or related to the victim. Words alone, however vulgar or
6 insulting, are not enough to be legal provocation. Where death
7 is caused by the use of a deadly weapon, the words must be
8 accompanied by some overt act, threatening act which could have
9 produced the heat of passion.

10 The exercise of a legal right, no matter how
11 offensive it is to another, is never sufficient legal
12 provocation for voluntary manslaughter. If the heat of passion
13 had cooled or if there was enough time between the provocation,
14 if any, and the killing for the passion of a reasonable person
15 to cool, the killing would not be voluntary manslaughter. In
16 deciding whether a reasonable person would have had enough time
17 to cool off, you should consider all of the circumstances
18 surrounding the killing. You may consider the nature of the
19 provocation, if any, the defendant's mental and physical state
20 and the circumstances and relationships between the parties.
21 I'm going to ask that you return to the jury room to resume
22 your deliberations.

23 (Jury exited courtroom to resume deliberations at 4:23 p.m.)

24 (Recess taken.)

25 THE COURT: We've been informed that the jury has

1 reached a verdict. I want to acknowledge that these are all
2 difficult times for everybody. My job is to preside over this
3 proceeding and to ensure that there's order maintained in the
4 courtroom. Now, I understand this is an emotional situation
5 and if anybody in the courtroom feels as though they cannot
6 maintain their composure, I'm going to ask that they leave the
7 courtroom now because any outbursts will not be tolerated, and
8 I'm going to direct these law enforcement officers to take
9 anyone who has an outburst into custody, and we'll deal with
10 them. Anything from the state before we bring the jury out?

11 MR. TUCKER: Nothing from the state, Your Honor.

12 THE COURT: Anything from the defense?

13 MR. MEETZE: No, Your Honor.

14 THE COURT: We're ready for the jury.

15 (Jury entered the courtroom at 4:45 p.m.)

16 VERDICT

17 THE COURT: Madam Forelady, have you reached a
18 verdict?

19 MADAM FORELADY: Yes, sir.

20 THE COURT: Is it unanimous?

21 MADAM FORELADY: Yes.

22 THE COURT: I'm going to ask if you can give the
23 bailiff the verdict. The verdict form is in proper order. I'm
24 going to ask that you publish.

25 THE CLERK: The State of South Carolina, County of

1 Marion, State of South Carolina versus David Melvin Graves, in
2 the Court of General Sessions, Twelfth Judicial Circuit,
3 Indictment Number 2020-G-S-33-00129, Count of Murder: We, the
4 jury find by unanimous consent, Defendant, David Melvin Graves:
5 Guilty. Voluntary manslaughter: We, the jury find by
6 unanimous consent Defendant, David Melvin Graves: Not guilty.
7 Possession of a Weapon During the Commission of a Violent
8 Crime: We, the jury find by unanimous consent, Defendant,
9 David Melvin Graves: Guilty.

10 If this is your true verdict, please signify that by
11 the raising of your hand.

12 THE COURT: Any additional requests for polling?

13 MR. MEETZE: No, Your Honor.

14 THE COURT: Madam Forelady, ladies and gentlemen of
15 the jury, I want to thank you for your time that you dedicated
16 towards this. Ya'll have been able to do what nobody in this
17 courtroom has been able to do, to give this matter some
18 finality and I appreciate that. We'll release you from your
19 order, you can talk to anybody you want to about this matter,
20 it's a public forum, but if someone were to try to talk to you
21 about it and you don't want to talk to them, tell them that.
22 If they persist in their efforts, identify them as best you
23 can, notify me, and I will deal with them accordingly. I don't
24 anticipate that will be the case. You've earned a
25 three-year exemption if called upon to serve in this court

1 within the next three years, you have earned an exemption. If
2 you're called for this courtroom, you've earned an exemption.
3 Thank you very much. You will receive a handsome pay for your
4 services this week, not very much but a small token of
5 appreciation on behalf of the State of South Carolina. You're
6 released for the week. As far as the proceedings go here,
7 y'all are the ones that determine the factual matters and
8 render a verdict, and of course, it is my job to sentence a
9 defendant who has been convicted. Y'all have a vested interest
10 in this thing because you've participated in it. This is,
11 indeed, a public forum. You don't have to, I'm not encouraging
12 you to, but those of you who wish to be here and observe the
13 sentencing, y'all just remain in your seats, however, the
14 balance of you who do not want to participate in that or
15 observe that, you're free to leave at this time. Do any of
16 y'all have any questions? Those of you who would like to be
17 excused, you're free to leave at this time. Everyone remain
18 seated as the jury exits the courtroom.

19 (Jury exited the courtroom at 4:51 p.m.)

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SENTENCING

THE COURT: Mr. Meetze, I'm going to ask you to bring the defendant forward and I'd be glad to hear from the state with regard to sentencing.

MR. TUCKER: Yes, Your Honor. Your Honor, certainly I won't go into the facts. You heard them as everybody else did as did the jury. Certainly, you were privy to what the jury didn't know with regards to Mr. Graves in terms of there was a history of antagonism from this Defendant towards the victim, particularly on Christmas Eve. He had assaulted her, she actually showed up at work with a black eye. Unfortunately that wasn't the first time, there were others prior to that. I think the victim's sister can certainly tell the Court better than I can about the history there, but certainly it was every bit the brutal crime that I described in closing. Certainly a woman who was 38 years of age had one son in the Navy that I know of, but was brutally stabbed right in front of her own house for no apparent reason other than she wanted him out of her house. Your Honor, I will forego what I normally say in terms of letting the victim's sister talk, but I will give you his current record:

It looks like a '93 conviction for burglary second degree; it looks he got a six-year sentence to run concurrent, it looks like a while away; in '95 a possession of cocaine, crack cocaine, convicted. It looks like he received a second

1 sentence for five years; '96 assault and battery; it looks like
2 later in '96, it looks like there were three or four counts
3 grand larceny for which he was convicted. It appears as if he
4 received some kind of a consecutive sentence, but he received a
5 nine-year sentence in '97; 2005 criminal domestic violence;
6 2005 later it looks like an additional grand larceny, received
7 an 18-month sentence for that; giving false information in
8 2010, and there a litany of magistrate-level offenses,
9 shopliftings, things of that nature. What's of particular note
10 is in 2014 he was charged with murder and he was convicted or
11 pled guilty to voluntary manslaughter and received a seven-year
12 sentence; again, served a parole violation in 2018; and I think
13 in the statement he mentioned he'd only been out a few months
14 when he met the defendant, moved in with her and certainly that
15 ended as tragically any situation could. So certainly, Your
16 Honor, it would be the State's position that if ever a
17 gentleman qualified for a life sentence, it certainly would be
18 Mr. Graves, in my opinion. The victim's family, I believe the
19 sister of the victim wants to address the Court at the
20 appropriate time.

21 THE SISTER: Your Honor, I ask that on the conviction
22 of this on the second my sister's life was lost, my nephew
23 never, ever seen his mother again. He didn't get to see her
24 because last time he came home was for her funeral. He hasn't
25 been able to be here today because he's been on deployment. I

1 ask that David Graves never have the privilege to walk out of
2 the door to ever be able to have the freedom to ever speak to
3 someone freely, to be able to even make a decision of his own
4 freely, to ever have the privilege of anything freely, to ever
5 see a day in the life of freedom. If you would consider that I
6 would appreciate it.

7 THE COURT: Thank you very much. I'm sorry for your
8 loss.

9 MR. TUCKER: Judge, I did want to add just one thing
10 briefly. Everybody that we spoke to, we went to where she
11 worked, there were people that worked in the stores on either
12 side of her and down the way, everybody to a person said how
13 wonderful and delightful her personality was and I don't think
14 I heard one negative thing from coworkers, everyone was
15 concerned with what happened and certainly I would just offer
16 that for what it's worth to the Court.

17 THE COURT: Mr. Meetze, you recognize?

18 MR. MEETZE: Thank you, Your Honor.
19 May it please the Court? First off, I renew all of my previous
20 motions, I'll renew all of my objections and I will just add a
21 motion for a new trial in this case for the record based on the
22 evidence presented not being sufficient enough to sustain the
23 verdict. Judge, on top of that, just on Mr. Graves' behalf,
24 certainly he understands sentencing is up to the Court. He
25 understands that as he now stands convicted the least he could

1 get is 30 years which is certainly an extremely significant
2 sentence. He's 45 years old as he stands here today. Judge,
3 obviously this is a terrible situation, there is no other way
4 to put it. I do believe that Mr. Graves is sorry for what
5 happened. I think that if he could take it back he would, but
6 he can't. Judge, there's not a whole else to say on his
7 behalf. We're certainly asking for as much mercy or leniency
8 that you would believe would be appropriate, but otherwise,
9 Judge, like I said, just as much mercy as you believe you can
10 extend on his behalf in light of the fact that certainly as
11 he's convicted he's looking at no less than a 30-year
12 day-for-day sentence.

13 THE COURT: How much time has he served?

14 MR. MEETZE: He has been in 578 days. Excuse me,
15 Your Honor, I think one less, I think it's 577.

16 THE COURT: Mr. Graves, I'd be glad to hear from you
17 if you'd like. It's not necessary that you speak, but if you'd
18 like to I'd be glad to hear from you. Just direct your
19 comments to me and not anyone else.

20 THE DEFENDANT: Judge, I'm sorry for what happened.
21 I ask you to have mercy on me, sir.

22 THE COURT: Mr. Graves, on Indictment
23 2020-GS-33-0129, Murder, the sentence of the Court is that you
24 be committed to State Department of Corrections for a period of
25 40 years. The sentence is to run consecutive and credit for

1 578 days.

2 With regard to Indictment 2020-GS-33-00129,
3 Possession of Weapon During the Commission of Violent Crime,
4 the sentence of the Court is you be committed to the State
5 Department of Corrections for a period of five years. The
6 sentence is to run consecutive and credit for 578 days. Good
7 luck to you.

8 MR. TUCKER: Thank you, Your Honor.

9 MR. MEETZE: Thank you, Your Honor.

10 THE COURT: We will stand in adjournment until 10:00
11 in the morning.

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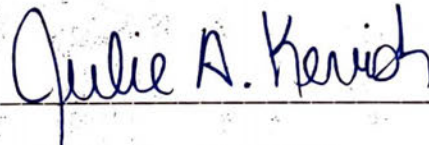
STATE OF SOUTH CAROLINA

COUNTY OF MARION

I, Julie A. Kevish, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of Common Pleas for Horry County, South Carolina, on the 28th of July, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 28, 2021

A handwritten signature in blue ink that reads "Julie A. Kevish". The signature is written in a cursive style and is positioned above a horizontal line.

JULIE A. KEVISH
OFFICIAL COURT REPORTER

WITNESSES

Matthew J Walker Mullins Police Department

Todd Tucker

ARREST WARRANT NUMBER

2019A3310100734 2019A3310100735

A .ON OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Joseph P. Vane 07-30-2020
Foreperson of Petit Jury Date:

DOCKET NO. 2020-GS-33-00129

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

AUGUST TERM 2020

THE STATE

vs.

DAVID MELVIN GRAVES

TRUE BILL

Indictment for

**MURDER
AND
POSSESSION OF A WEAPON DURING A
VIOLENT CRIME**

FILED
2020 JUL 30 PM 3:52
MARION COUNTY SC
CLERK OF DISTRICT COURT

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARION)

MURDER, AND POSSESSION OF A WEAPON
DURING A VIOLENT CRIME

At a Court of General Sessions, convened on JULY 30, 2020 the Grand Jurors of MARION County present upon their oath:

COUNT ONE- MURDER

That **DAVID MELVIN GRAVES** did in Marion County, on or about December 29, 2019, willfully, feloniously, and intentionally kill the victim, Wanda Jean Lewis Reaves, with malice aforethought, either express or implied, by means of stabbing her multiple times about the upper body, and the victim did die as a proximate result thereof on or about December 29, 2019 in Marion County, in violation of Section 16-03-0010, 16-03-0020, S. C. Code of Laws, 1976, as amended.

COUNT TWO- POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That **DAVID MELVIN GRAVES** did in Marion County, on or about December 29, 2019, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

0-545

102

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion

STATE

INDICTMENT/CASE#: 2020-GS-33-00129

VS.

David Melvin Graves

AKA:

AW#: 2019A3310100735Race: Black Sex: M Age: 45Date of Offense: 12/29/2019DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-23-0490Address: 431 [REDACTED]CDR Code #: 0549City, State, Zip: Mullins, SC 29574-2218

SENTENCE SHEET

DL#* [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

Solicitor

SC Bar # 13601

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 7-28-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 578 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. David Melvin Graves INDICTMENT/CASE#: 2020-GS-33-00129

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

FILED
2021 JUL 29 AM 8:32
MARION COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

Christy M. Gray
Julie Davis

Michael H. Hall
2145
7/28/21

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion

STATE

VS.

INDICTMENT/CASE#: 2020-GS-33-00129David Melvin GravesA/W#: 2019A3310100734

AKA:

Date of Offense: 12/29/2019Race: Black Sex: M Age: 45S.C. Code §: 16-03-0010; 16-03-0020DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0116

Address:

City, State, Zip:

DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010; 16-03-0020 the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

Solicitor

SC Bar # 13601

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 40 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 7-28-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 578 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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STATE VS. David Melvin Graves INDICTMENT/CASE#: 2020-GS-33-00129

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
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§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

FILED
 2021 JUL 29 AM 8:32
 MARION COUNTY SC
 CHRISTY M. GRAY
 CLERK OF COURT

Christy M. Gray
Julie Lewis

Michael H. Miller
 7/28/21

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Apr 26 2022

SC Court of Appeals



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of April, 2022.