

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONNIELLE K. MATTHEWS,

APPELLANT.

APPELLATE CASE NO. 2021-000677

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
(803)734-5253

JIMMY A. RICHARDSON
Solicitor, Fifteenth Judicial Circuit
PO Box 1276
Conway, SC 29526
(843) 915-5460

ATTORNEYS FOR RESPONDENT

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THE FOLLING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT #1 (DVD MARTIN BODY CAMERA), STATE'S EXHIBIT #14 (DVD BEAUDOIN BODY CAMERA), STATE'S EXHIBIT #33 (DVD FRANKLIN BODY CAMERA); AND STATE'S EXHIBIT #89 (DVD MATTHEWS INTERVIEW)

1	STATE OF SOUTH CAROLINA	TRANSCRIPT OF RECORD
2	COUNTY OF HORRY	2017-GS-26-4252

3 _____

4 **B E F O R E:** The Honorable Steven John
 July 28-29, 2020

7 STATE OF SOUTH CAROLINA,

8 Plaintiff,

9 || vs.

10 DONNIELLE K. MATTHEWS,

11 Defendant.

12 -----

13 || APPEARANCES:

14 Martin Spratlin, Esq.
15 Seth Oskin, Esq.
 Attorney for the State/Plaintiff.

18 Ralph Wilson, Sr., Esq.
 Attorney for the Defendant.

20

21 Natalie Dahl, RPR
Court Reporter:

21

25

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1 EXHIBITS

2 COURT'S EXHIBITS

3 1 Stipulation 221 --

4

5 STATE'S EXHIBITS MARKED ADMITTED

6 1 Disk (7-28-20) 6 17

7 2 Disk (7-28-20) 42 46

8 3 Voluntary Statement 42 44

9 4 Disk (7-28-20) 77 78

10 5 Miranda rights 108 108

11 6 Disk (7-8-17) 112 112

12 7 Colored Picture 191 191

13 8 Colored Picture 191 191

14

15 DEFENSE EXHIBITS:

16 1 Arrest Warrant 119 --

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: We're going to start the Protection
3 of Persons hearing, or more commonly known as "Stand
4 Your Ground" hearing, as reflected in the filed motion
5 of State of South Carolina, County of Horry, versus
6 Donnielle Matthews-Green.

7 Where is Ms. Green at?

8 MR. WILSON: In the hallway.

9 UNIDENTIFIED SPEAKER: They wouldn't allow her in
10 until --

11 THE COURT: Okay. Well, that's okay.

12 MR. WILSON: Are you ready for her to come in?

13 THE COURT: Yes. Yes. Has she filled out the
14 Covid questionnaire? I should have explained this.
15 So what we're allowing is a representative of the
16 victim to come in, assuming they filled out the Covid
17 questionnaire, had their temperature taken downstairs,
18 and passed that.

19 On the defense side, obviously the defendant and
20 a representative for the defendant. Again, everyone
21 has to fill out the Covid questionnaire. They must
22 have passed the temperature test downstairs before
23 they came up; hopefully that was done. So make sure
24 they passed the temperature test. If that hasn't been
25 done, send them back downstairs and take the

1 temperature test.

2 MR. SPRATLIN: I think our officers went in so
3 early that they didn't do the temperature test. I'll
4 check with the victim's advocate and get them sent
5 back downstairs.

6 THE COURT: Okay. Great.

7 (Off the record.)

8 MR. SPRATLIN: All the witnesses, and I believe
9 even the defendant went downstairs to get the
10 temperature test. I wasn't sure if that was done this
11 morning.

12 THE COURT: All right. Very good. Thank you.

13 DEPUTY: Do you want the questionnaires?

14 THE COURT: Yes, sir. Thank you.

15 DEPUTY: They are in the process of getting
16 temperatures taken right now.

17 THE COURT: Great. Good deal. Thank you.

18 (Off the record.)

19 MR. SPRATLIN: Your Honor, while the witnesses
20 are still downstairs, there might be a couple of
21 preliminary matters that we could just address real
22 quick.

23 THE COURT: Sure. That's fine. Not a problem.

24 MR. SPRATLIN: Defendant is in the courtroom.

25 This morning we received an e-mail from

1 Mr. Wilson's office containing several messages from a
2 Facebook account purported to be the defendant's
3 Facebook account; that was sent this morning. I
4 discussed that with him, and he tells me he does not
5 intend to introduce those in his case in chief;
6 rather, they are just for the purposes of impeachment
7 if our witnesses do not testify, or if these witnesses
8 get called and do not testify, or inconsistent with
9 the statement. So we are not really having any
10 objection to the receipt of that information as long
11 as it is not being used in the case of chief by the
12 defendant, even though it was sent about an hour
13 before the hearing.

14 Also, Your Honor, we've been given a disk that we
15 were told contains at least one of their witness'
16 statements that was previously recorded. All we ask
17 is -- I believe that the Jackson v. Denno hearing is
18 approximately -- at least one of the interviews is
19 over two-and-a-half hours, and the other ones are
20 probably about an hour altogether, meaning we're
21 looking at about three-and-a-half hours. We ask that
22 prior to this witness being called, preferably over
23 lunch, we can have a chance to listen to the
24 statement.

25 THE COURT: All right. Very good. Good deal.

1 All right. So we are commencing the hearing in --
2 under the Persons and Property Protection Act, or more
3 commonly called the stand-your-ground-hearing as filed
4 by the defendant, Donnielle Matthews-Green, that
5 having been filed with the clerk of court on May 29 of
6 this year, requesting a hearing.

7 There was also a motion to suppress filed
8 June 30th, 2020, by the defendant in this matter
9 asking to suppress her voluntary statement.
10 Obviously, that decision will need to be made after
11 those statements are played in their entirety, so
12 we'll just do that during the regular course of the
13 conduct of this hearing when the witness is called by
14 the State, whoever conducted the interview, and seeks
15 to play those. We'll play those; and after that, the
16 Court will hear from counsel on both sides as to
17 whether or not those statements should be used or not
18 in this hearing.

19 All right. Mr. Wilson.

20 MR. WILSON: Yes, sir.

21 THE COURT: It is your motion?

22 MR. WILSON: Yes, sir.

23 THE COURT: Before you call witnesses, anything
24 you want to say to the Court?

25 MR. WILSON: Yes, sir. Your Honor, the only

1 thing I would say at this point is that on the Stand
2 Your Ground motion is that we intend to offer -- and
3 it is really uncomfortable with this thing -- we
4 intend to offer --

5 THE COURT: I'll say that if while you are
6 talking, if you want to remove it while talking, if
7 that is easier, I would be glad for you to do that,
8 okay.

9 MR. WILSON: Thank you.

10 What I wanted to say is that what we intend to do
11 is we intend to offer evidence of Battered Spouse
12 Syndrome as a part of our state of mind defense, as
13 part of our self-defense argument, I guess, is a
14 better way to put it. That testimony, primarily, will
15 come from the defendant and from one other witness
16 that we have placed on our witness list.

17 Now, Your Honor, I'm also asking the Court to
18 rule on the admissibility of the two statements, and
19 I'm just especially concerned about any statements
20 made at Seacoast Hospital and any statements made at
21 Grand Strand Hospital. I'm not as concerned -- and it
22 is almost a separate matter -- about the third
23 statement, which was given at -- given in Orangeburg,
24 I think at the police department or police station,
25 that is a whole separate issue in terms of whether we

1 believe it is admissible or not.

2 So, primarily, at this point I'm asking the Court
3 to consider not allowing the testimony or statements
4 from Seacoast Hospital, and then the statements from
5 Grand Strand. There was a written statement taken, I
6 think, at Grand Strand as well, which they have
7 labeled as a "voluntary statement," and I'm also
8 asking that that be not admitted.

9 THE COURT: All right. Well, how do you want to
10 proceed on that?

11 MR. WILSON: Well, I would think, Your Honor,
12 that we would do it as a normal Jackson hearing where
13 the State has to show that the hearing -- that it
14 would, in fact, be admissible and that the burden
15 shifts to them, at least for that purpose, in this
16 hearing. And, then, depending how the Court rules,
17 then we go on and the burden shifts back to me to put
18 evidence in the record for the Stand Your Ground.

19 THE COURT: Solicitor.

20 MR. SPRATLIN: Your Honor, we actually agree with
21 Mr. Wilson in that regard. We were preparing to do
22 the Jackson v. Denno hearing prior to, hoping that we
23 could play the statements for the Court during Jackson
24 v. Denno, and then while the witnesses are testifying,
25 just reference back to the previous interview.

1 I know that the cross-examination of the
2 defendant will contain cross-examination on those
3 statements; thus, I think the voluntariness of those
4 statements would be relevant to whether or not the
5 State could use them in the purposes of the
6 cross-examination.

7 THE COURT: All right. Well, if you want to
8 proceed in that fashion, then I'm fine with you all
9 doing that.

10 MR. WILSON: Thank you, Your Honor.

11 MR. SPRATLIN: Your Honor, we're ready to proceed
12 with the Jackson v. Denno. I believe one of my
13 officers was getting his temperature check, Officer
14 Martin, Mark Martin.

15 (MARK MARTIN, having been duly sworn,
16 testified as follows:)

17 THE CLERK: State and spell your name for the
18 court.

19 THE WITNESS: M-A-R-K, M-A-R-T-I-N.

20 THE COURT: Before we get started, Mr. Martin,
21 you indicated in your questionnaire you have been
22 tested for Covid; can you tell me the results of that,
23 please?

24 THE WITNESS: It was a negative result.

25 THE COURT: And you also indicated that someone

MARK MARTIN - DIRECT EXAMINATION

1 in your household had been confirmed as having Covid,
2 I need you to explain that situation.

3 THE WITNESS: That is a mistake. I was in
4 contact with a co-worker that was positive for Covid.
5 No one in my family has had Covid.

6 THE COURT: All right. And as a result of that,
7 is that why you had the test?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Very good.

10 You may proceed.

11 MR. SPRATLIN: Thank you, Your Honor.

12 DIRECT-EXAMINATION

13 BY MR. SPRATLIN:

14 Q Where are you currently employed?

15 A Horry County Police Department.

16 Q What is your job there?

17 A Patrol officer.

18 Q How long have you been with the Horry County
19 Police Department?

20 A A little over three years.

21 Q Did you work anywhere else in law enforcement
22 prior to working at the Horry County Police Department?

23 A Yes, sir. I worked for the Myrtle Beach Police
24 Department.

25 Q How long did you work there?

MARK MARTIN - DIRECT EXAMINATION

1 A Roughly, two-and-a-half, three years.

2 Q So about six years total in law enforcement?

3 A Yes, sir.

4 Q As a patrol officer, what is some of your job
5 duties at the Horry County Police Department?

6 A I patrol a designated area, respond to calls for
7 service, make positive contact with the community,
8 stuff like that.

9 Q Back in 2017, July in particular, July 7, 2017,
10 were you in that position?

11 A I was.

12 Q Did you have a chance to be at Seacoast Medical
13 Center on July 7, 2017?

14 A Yes, sir.

15 Q And why were you there?

16 A I tend to do my reports there because some of the
17 nurses would leave in the middle of the night, and they
18 felt safer with a police officer there, so that is
19 where I typed my reports.

20 Q At some point, did you become involved in an
21 incident that we're here about today?

22 A Yes, sir.

23 Q How did that come about?

24 A I was contacted by hospital security, said there
25 was a potential stabbing victim that came to the

MARK MARTIN - DIRECT EXAMINATION

1 hospital.

2 Q What did you do after speaking with security?

3 A I did my body cam, went in and confronted --
4 well, spoke to the defendant, I guess.

5 Q And the defendant in the case, is that
6 Ms. Donnielle Matthews-Green seated at the defense
7 table?

8 A Yes, Your Honor -- or yes, sir.

9 Q Now, again, for the record, where did you first
10 come into contact with her at?

11 A In the lobby at the emergency room of Seacoast
12 Medical Center.

13 Q How was she acting when you first came into
14 contact with her?

15 A Very erratic, yelling, screaming, cursing.

16 Q At that point, was she a suspect in any kind of
17 crime or anything like that?

18 A No, sir.

19 Q So what was the purpose of you talking with her?

20 A Gather information to what happened with her
21 husband, tried to establish a crime scene, possible
22 suspects, trying to eliminate potential threat that was
23 ongoing.

24 Q At that point that you began speaking with her,
25 and throughout the time of speaking with her, was she

MARK MARTIN - DIRECT EXAMINATION

1 in any way in custody?

2 A No, sir.

3 Q Was she in any way handcuffed?

4 A No, sir.

5 Q Was she restrained in any way that you are aware
6 of?

7 A No, sir.

8 Q Did you or anyone in your presence do or say
9 anything that restrained her freedom in the slightest?

10 A No, sir.

11 Q Did you feel it necessary to advise her about
12 anything involving her rights prior to speaking with
13 her?

14 A No, sir.

15 Q And why was that?

16 A I was just in the information-gathering phase.
17 She was not a suspect. I was not questioning her in
18 regards to anything.

19 Q In your six years of experience with law
20 enforcement, have you had a chance to come in contact
21 with people under the influence of drugs or alcohol?

22 A Yes, sir.

23 Q What are some of the outward symptoms that people
24 under the influence of drugs or alcohol show?

25 A Boisterous, go from mood swings of happy to

MARK MARTIN - DIRECT EXAMINATION

1 angry, glassy eyes, unsteady on their feet, slurring
2 words.

3 Q Did you have an opportunity during your time
4 speaking with the defendant to observe her actions?

5 A Yes, sir.

6 Q Did it appear to you that she was under the
7 influence of some sort of alcohol or other substance?

8 A It did.

9 Q Did that substance appear to prohibit her from
10 understanding what you were talking to her about?

11 A No.

12 Q Did it appear to restrain her ability to
13 understand the words that were coming out of her own
14 mouth?

15 A No.

16 Q Now, as far as her appearance, did you notice or
17 see any kind of injuries on the defendant when you came
18 in contact with her at the hospital?

19 A I did not.

20 Q Did you or anyone in your presence do or say or
21 threaten any sort of violence upon her to get her to
22 speak with you?

23 A No.

24 Q Did you or anyone in your presence make her any
25 leniency promises or promises to help her out in any

MARK MARTIN - DIRECT EXAMINATION

1 way, shape, or form prior to her speaking with you?

2 A No, sir.

3 Q You said that the first -- one of the first
4 things you did after being advised by security is you
5 activated your body cam?

6 A Yes.

7 Q To the best of your knowledge, did your body
8 camera capture your interactions with the defendant
9 that day?

10 A Yes, sir.

11 (State's Exhibit 1 marked.)

12 MR. SPRATLIN: Rather than hand it to the
13 witness, if I could just show it through the
14 plexiglass?

15 THE COURT: Yes, sir, please.

16 MR. SPRATLIN: May I approach?

17 THE COURT: Yes, sir.

18 Q Officer, do you recognize the item I'm showing
19 you?

20 A Yes, sir.

21 Q Have you had a chance to view the contents of
22 this disk prior to coming into court today?

23 A I have.

24 Q What is that?

25 A That is my body cam from the night in question.

MARK MARTIN - DIRECT EXAMINATION

1 Q Is it a fair and accurate reflection of the
2 events as you recall it?

3 A Yes, sir.

4 Q Does it appear to fully capture your interactions
5 with the defendant from that night that you recall?

6 A Yes, it does.

7 MR. SPRATLIN: Your Honor, at this time the State
8 would introduce for the purposes of this hearing
9 State's 1 and ask to publish to the Court certain
10 portions of that.

11 THE COURT: Any objection to it being published
12 to the Court for purposes of the hearing?

13 MR. WILSON: No objections for the purposes of
14 this hearing.

15 THE COURT: You may do so.

16 MR. SPRATLIN: Permission to go to the
17 television?

18 THE COURT: Yes, sir, please.

19 (State's Exhibit 1 admitted.)

20 Q (MR. SPRATLIN) Officer, let me ask you, would it
21 be best to fast forward when you come into the
22 hospital; would that be the beginning of your
23 interaction with the defendant that day?

24 A Yes, sir.

25 (State's Exhibit 1 published to the Court.)

MARK MARTIN - DIRECT EXAMINATION

1 Q (MR. SPRATLIN) Let me ask you what happens after
2 I shut the video off?

3 A I believe I go out to the vehicle and look at the
4 vehicle.

5 Q And did anyone come to pick the defendant up at
6 some point?

7 A Yes; a family member, I'm not sure which side of
8 the family.

9 Q And where did they all go, if you know?

10 A Grand Strand Medical Center.

11 Q Why was that?

12 A The victim was transferred there.

13 Q Let me ask you about the defendant's demeanor
14 that we just observed. Did it appear that she was, in
15 addition to being under the influence of some sort of
16 substance, also upset?

17 A Yes.

18 Q Was she crying?

19 A Yes.

20 Q Were some of the issues understanding her due to
21 the crying?

22 A Yes, sir.

23 Q Was she able to tell you her name?

24 A Yes.

25 Q Was she able to tell you the victim's name?

MARK MARTIN - CROSS-EXAMINATION

1 A Yes.

2 Q Was she able to tell you down to the room number
3 where they were staying?

4 A Yes.

5 Q Was she able to tell you -- was she able to talk
6 to you about what gas station this allegedly occurred?

7 A She mentioned several gas stations, yes.

8 Q So she was able to have a conversation with you
9 even though she was under the influence of whatever she
10 was under the influence of?

11 A Yes.

12 MR. SPRATLIN: Thank you, Officer. That is all I
13 have in regards to this statement.

14 THE COURT: Cross-examination.

15 MR. WILSON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. WILSON:

18 Q Officer, now you said that she understood what
19 you were asking her?

20 A Yes. Yes, sir.

21 Q Well, she tells you she doesn't even know where
22 she is; in fact, you asked her -- you all were having a
23 discussion right at the very end of the conversation,
24 you had a discussion about where you were and she --
25 you said she's in Little River, and she said, No, I'm

MARK MARTIN - CROSS-EXAMINATION

1 not in Little River, didn't she?

2 A Yes, sir.

3 Q So she didn't even know where she was at.

4 What is a 95?

5 A Arrest.

6 Q 95 is an arrest?

7 A Yes.

8 Q So you at some point said that she was 95?

9 A That's not true.

10 Q What did you say?

11 A She's about to be 95.

12 Q For what?

13 A Disorderly conduct.

14 Q Disorderly conduct? Because her actions and her
15 reactions were out of control; were they not?

16 A Yes.

17 Q Is there any question about the fact that she was
18 not in control?

19 A No, she was in control. She could turn it on and
20 off.

21 Q She could turn it on and on off? Well, tell me
22 when she turned it on.

23 A When I got there, she was all over the place, and
24 then she would be calm enough to have a rational
25 discussion, and then back to....

MARK MARTIN - CROSS-EXAMINATION

1 Q Well, let's talk about that for a second.

2 Actually, what you did -- she was in the middle of the
3 floor laying down when you came in, right?

4 A Yes.

5 Q You and another officer or security officer
6 actually lifted her up physically and stood her up; did
7 you not?

8 A I assisted her up.

9 Q Did two officers, you and another officer on each
10 side of her, grab her arms and lift her up off the
11 floor?

12 A No; just myself.

13 Q You didn't see the other officer on the video
14 helping you get her off the floor?

15 A No. No. My recollection is I put gloves on and
16 I said I'm going to grab you by this arm, grab you
17 under here and lift you up.

18 Q So you are saying you grabbed her by both arms?

19 A I assisted her up, yes, sir.

20 Q And got her up off the floor?

21 A Assisted her to sit down.

22 Q Not only did she tell you that, you said that she
23 was hysterical. What does hysterical mean to you?
24 When a person is hysterical, what does that mean?

25 A Just -- in my terminology, just crying. Just

MARK MARTIN - CROSS-EXAMINATION

1 crying and just, you know, that's pretty much it.

2 Q So anyone who is crying is hysterical? So if I
3 stand here and just start crying, that means I'm
4 hysterical?

5 A Possibly.

6 Q Wouldn't that require something more than just
7 crying?

8 A Possibly.

9 Q For instance, being -- having a belligerent kind
10 of attitude in addition to crying might be important;
11 would you not think?

12 A Possibly. Yes, sir.

13 Q Yeah. Or just ranting, having a rant where you
14 are just saying stuff that makes no particular sense?
15 In fact, Officer, when you were questioning her about
16 the gas station, the Solicitor asked you whether or not
17 she told you about a gas station; in fact, you had
18 difficulty trying to determine where the gas station
19 was from her; did you not?

20 A And that's why my answer was she mentioned
21 several gas stations.

22 Q Right. She mentioned several gas stations. She
23 was all over the place about what she had done and
24 where she had been. In fact, at one point in time, you
25 were discussing whether or not she was at Thee Doll

MARK MARTIN - CROSS-EXAMINATION

1 House when all of this supposedly happened; is that
2 correct?

3 A Possibly, yes. Yes, sir.

4 Q Yeah. Yeah. So there were all of these various
5 scenarios about what she was trying to say.

6 How did you get the information that she was from
7 Georgia?

8 A From her driver's license.

9 Q Okay. So you got that from her driver's license.
10 What information is it that you are claiming that you
11 got from her?

12 A The victim's name, date of birth, and her name,
13 first and last.

14 Q Anything else?

15 A To my recollection, no.

16 Q So based on what you are saying, is that what you
17 got from her, was the victim's date of birth and her
18 date of birth as well?

19 A The victim's name, full name, first, last,
20 junior, date of birth.

21 Q How many times during the course of your
22 interaction with her on this video did she tell you "I
23 don't know"?

24 A Several.

25 Q Several. Would you say as many as eight separate

MARK MARTIN - CROSS-EXAMINATION

1 times she tells you "I don't know," and you persist to
2 question her about these things, right?

3 A I didn't -- I'll take your word for eight, yes,
4 sir.

5 Q Well, seven, eight, whatever.

6 Let me ask you this: When she is there, you tell
7 the Solicitor that -- he asked you, "Did you notice
8 any bruises on her"; right?

9 A Yes, sir, he did.

10 Q All right. Did you?

11 A No, I did not.

12 Q All right. Did you look to see if there were
13 bruises; would that be something that might catch your
14 attention?

15 A If a -- yeah, a noticeable bruise will catch my
16 attention.

17 Q Did you notice when you were picking her up that
18 her fingernails had been broken off?

19 A I did not see that.

20 Q You didn't see that?

21 A No.

22 Q So you didn't see any bruises, you didn't see the
23 broken fingernails, and this is a person you are
24 questioning to try to find out what happened, right?

25 A I was trying to determine location, what actually

MARK MARTIN - CROSS-EXAMINATION

1 happened, gather information.

2 Q Wouldn't it be important then to know, one, she's
3 with a person who has been stabbed, right?

4 A Yes, sir.

5 Q You know that much, right?

6 A Yes, sir.

7 Q And she is the only person there with him, right?

8 A To my knowledge, yes, sir.

9 Q As far as you knew?

10 A Yes.

11 Q So wouldn't it be just plain old commonsense
12 either she knows something about it, or she may know
13 something about it, or she's involved in it, right?

14 A Right.

15 Q So wouldn't you want to know if her fingernails
16 are broken or if she has cuts or bruises on her;
17 wouldn't that be important?

18 A Possibly, yes, sir.

19 Q All right. Because if you see these things, then
20 she's no longer just a potential witness, she would
21 then, in your mind, become a suspect, right?

22 A I wasn't even at that point in the investigation
23 there.

24 Q I understand you weren't there, that is why I'm
25 asking you these questions, because you are saying you

MARK MARTIN - REDIRECT EXAMINATION

1 weren't there at that point. You hadn't made that
2 assessment that she could possibly be a victim or a
3 suspect, right?

4 A Yes, sir.

5 Q And my point is that since you are the initial
6 officer arriving on the scene, wouldn't it be important
7 to look at those things and make that assessment?

8 A Yeah.

9 Q But you looked at it, but you didn't come up with
10 that assessment?

11 A Based on what I saw, no, I did not.

12 Q And there is no question, in your mind, she was
13 under the influence of alcohol?

14 A In my professional experience, yes, sir.

15 Q And there is no question in your mind she was
16 hysterical?

17 A To my definition of hysterical, yes, sir.

18 Q And there is no question in your mind that she
19 was ranting?

20 A Yeah, you're correct.

21 Q All right.

22 MR. WILSON: I have no questions.

23 MR. SPRATLIN: Briefly in redirect?

24 THE COURT: Yes, sir.

25

MARK MARTIN - REDIRECT EXAMINATION

1 REDIRECT-EXAMINATION

2 BY MR. SPRATLIN:

3 Q Officer, one of the things Mr. Wilson asked you
4 about is Little River and her not knowing she was in
5 Little River. How close is Seacoast Medical Center to
6 not being in Little River?

7 A Less than a mile.

8 Q So what city is it closest to?

9 A North Myrtle Beach.

10 Q Okay. And so she was unclear on whether she was
11 in Little River?

12 A Yes, sir.

13 Q Regarding her being hysterical, when Mr. Wilson
14 asked you about that; was she still able to have a
15 conversation with you?

16 A Yes.

17 Q Was she still able to answer your questions?

18 A Yes.

19 Q Was she still able to ask you questions?

20 A Yes.

21 Q Was she even able to correct you about gas
22 stations?

23 A Yes.

24 Q As far as Mr. Wilson's questions regarding
25 whether or not she was a suspect, witness, a victim,

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1 whatever the case may be, how else are you supposed to
2 find out unless you talk to her?

3 A That is the only way. There's an incident, ask
4 questions, get answers, and then notify the appropriate
5 people to follow up.

6 Q And at this point you have no idea what happened?

7 A No clue.

8 Q So the only way you have to find out what
9 happened is to ask her questions?

10 A Yes, sir.

11 MR. SPRATLIN: Thank you. I have no further
12 questions, Officer.

13 THE COURT: Anything else?

14 MR. WILSON: Nothing further, Your Honor.

15 THE COURT: Thank you. You may step down, sir.

16 MR. SPRATLIN: May this witness be excused
17 pending recall on a 30-minute notice to --

18 THE COURT: Any problem with that?

19 MR. WILSON: No. No, sir.

20 THE COURT: You may do so.

21 Arguments, Mr. Wilson, on this statement?

22 MR. WILSON: Yes, sir, Your Honor. Our position
23 is that while I do understand that simply being
24 intoxicated alone is not sufficient to make a person
25 unable to give a voluntary statement, I do understand

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1 that, however, you have more than that here. You
2 don't just have a person who is under the influence of
3 alcohol, you have a person who is, in the words of the
4 officer, "hysterical," which I think is a bar to
5 giving a statement. When a person is hysterical,
6 normally that means or entails that that person is not
7 acting rationally. They are not acting reasonably.
8 They are not acting according to what the norms would
9 require, and I do think that that -- that that is a
10 problem in giving a voluntary statement.

11 The officer says not only that, but he says,
12 look, she was almost 95, meaning he was at the verge
13 of arresting her for being intoxicated and being
14 disorderly; but, yet, at the same time he wants to
15 say, well, yeah, she was hysterical and she was
16 intoxicated and she was acting up and couldn't
17 remember and said "I don't know," but in spite of all
18 that, she knew exactly what she was doing, and she
19 gave a voluntary -- free and voluntary statement to
20 him. I would submit to this Court that, Your Honor,
21 it is just inconsistent with everything that is on
22 that video.

23 THE COURT: Solicitor.

24 MR. SPRATLIN: Yes, Your Honor. I do have two
25 cases I ask to be able to hand up to the Court.

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1 THE COURT: Do you have copies for Mr. Wilson?

2 MR. SPRATLIN: I provided them to him.

3 THE COURT: Very good. Thank you.

4 MR. SPRATLIN: State v. Saxon, Supreme Court case
5 from 1973, addressed the issue of intoxication and a
6 voluntary statement. On Page 4 of that handout, Your
7 Honor, the Court states: The fact that one is
8 intoxicated at the time a confession is made does not
9 necessarily render him incapable of comprehending the
10 meaning and the affect of his words; therefore, proof
11 that an accused was intoxicated at the time he made a
12 confession does not render the statement inadmissible
13 as a matter of law, unless the accused intoxication
14 was such that he did not realize what he was saying.
15 Proof of intoxication, short of rendering the accused
16 unconscious of what he is saying, goes to the weight
17 and creditability to be accorded to the confession,
18 but is not required in the confession to be excluded
19 from evidence.

20 In that case, there was a night of drinking in
21 which a shooting occurred after that night of
22 drinking, and the person that was arrested for the
23 shooting gave an inculpatory statement against
24 himself. The Court of Appeals addressed this issue as
25 most recently as August of 2019 in State v. Sledge, a

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1 driving under the influence case, where on Page 11 of
2 that handout the deputy testified that the
3 individual -- when he pulled him over -- appeared to
4 be intoxicated. Again, the Court goes into that
5 intoxication alone is not enough. While it is true,
6 and the officer's testimony is clear, and anyone
7 watching that video would certainly agree that Ms.
8 Green was under the influence of something that day,
9 and what is also clear is that she was in control of
10 her faculties enough to have a conversation. She
11 proceeded to provide the officer right down to the
12 room number the location of where they were staying.
13 She also provided the officer the name of the victim,
14 and in a loose story about what had occurred. In
15 fact, the part that Mr. Wilson discussed about Little
16 River I think actually goes to show that she knew
17 exactly what she was doing because she says, Not
18 Little River yet, confirming that she knew she was
19 heading towards Little River, which is less than a
20 mile outside of North Myrtle Beach, which is a town
21 before there, which is where Thee Doll House -- which
22 was previously mentioned in the defendant's
23 statement -- is located.

24 Regarding the argument that her being hysterical
25 somehow makes her statements untrustworthy or

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1 inadmissible, I would argue that precedent goes
2 exactly the opposite way. In the hearsay exception,
3 one of the most notable exceptions is the excited
4 utterance. When someone is under the pressure of an
5 exciting event, we treat what they say as having
6 special value because it is so close to that startling
7 event.

8 In this case, obviously her husband had just been
9 stabbed, by her own hands as it turns out, but at this
10 time, her husband just had been stabbed. She's
11 acting, she is crying, she is upset. I'm not
12 insinuating that all the tears were not legitimate;
13 however, there were portions in that video where you
14 will see that she suddenly stops acting hysterical,
15 that she gets into a confrontation almost with the
16 officer, that she cuts him off, correcting him, that
17 when he says something -- that when she overhears
18 something on his mic, she proceeds to correct him.

19 She's clearly, clearly aware of the words that
20 are coming out of her mouth. While she is
21 intoxicated, while she might be hysterical, she
22 understands the words coming out of her mouth and what
23 she is saying; for that reason, Your Honor, I believe
24 the statement is admissible and should be considered
25 as evidence by this Court for the purposes of this

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1 hearing.

2 MR. WILSON: Your Honor, can I just briefly reply
3 to that?

4 THE COURT: Yes, sir.

5 MR. WILSON: In fact, I want to refer to the case
6 that the Solicitor handed up, Saxon. In that very
7 paragraph that he read, and I'm not going to read the
8 whole paragraph, that one statement says: Therefore,
9 proof that an accused was intoxicated at the time he
10 made a confession does not render the statement
11 inadmissible as a matter of law unless the accused
12 intoxication was such that he did not realize what he
13 was saying.

14 I would submit to the Court that when you look at
15 everything that was said and done in this case, she
16 clearly was not knowing what she was saying or doing,
17 because she was acting hysterical and irrational.

18 THE COURT: All right. Thank you.

19 Clearly, in this situation, the defendant was not
20 in custody, not under arrest, was not detained in any
21 fashion. She was free to leave and, in fact, did
22 leave. So none of those factors apply. The officer
23 engaged the defendant in a conversation. Clearly, she
24 was upset about the situation. Her actions, though
25 indicating that she was dramatically upset about the

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1 situation, do not indicate that she did not know what
2 she was doing.

3 From the video, she had the ability to control
4 her emotions. She was upset at certain times, and not
5 at certain times. She responded to the questions
6 asked. The fact that someone does not know an answer
7 to the question does not mean that they do not know
8 what they're doing. They may not know at the time the
9 answer to the question, but she clearly gave distinct
10 answers to questions being asked by the officer;
11 again, those including where she was staying, room
12 number, name of the victim, some brief indication as
13 to what may have happened going back to her actions.

14 Certainly, it is clear that she is still upset by
15 the situation, going into the category of the excited
16 utterance. She's still acting under -- the proper
17 word is under the influence of the situation, the
18 traumatic event. Her words carry meaning when you are
19 still affected by the event that happened. In the
20 Court's estimation, while in the officer's statement
21 she may have been under the influence of some
22 substance, alcohol or whatever, that did not prevent
23 her -- and from the observation of the video, did not
24 keep her from responding to the questions.

25 In the Court's estimation, she did know what she

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1 was saying. She realized the situation, and whatever
2 intoxication there was -- and, again, it was based on
3 the officer's indication -- did not prevent her from
4 understanding or knowing what was going on, based upon
5 the Court's observation of the video.

6 I'm going to allow the statement in evidence.
7 Obviously, at the time of trial, if there is a trial,
8 that is for the jury's determination and other
9 standards. My determination is different, obviously,
10 than what would be proved by the State at trial, but
11 under the -- at this point in time, or in the Court's
12 estimation, it is a voluntary statement of the
13 defendant. The Court finding that despite the
14 surrounding circumstances, that she knew what she was
15 doing. Still suffering the effects of being involved
16 in a traumatic situation, her responses to it were
17 still rational; though, I would clarify it as an
18 excited utterance. Again, her being under the
19 influence of narcotics or drugs or alcohol, whatever
20 it was, if she was; again, that is only based on the
21 officer's statement. I don't know that she was, but
22 if she was, that did not prevent her from realizing
23 and knowing what she was doing and what she was
24 saying.

25 Thank you very much.

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 MR. SPRATLIN: Thank you.

2 May I retrieve the exhibit?

3 THE COURT: Yes, please, and give it to the court
4 reporter.

5 MR. SPRATLIN: I'll call Officer Brandon
6 Beaudoin.

7 (BRANDON BEAUDOIN, having been duly sworn,
8 testified as follows:)

9 THE CLERK: State your name for the Court and
10 spell it.

11 THE WITNESS: Brandon Beaudoin, B-E-A-U-D-O-I-N.

12 THE COURT: Hold on just a second.

13 MR. SPRATLIN: Yes, sir.

14 (A brief pause in the proceedings.)

15 THE COURT: You may continue.

16 DIRECT-EXAMINATION

17 BY MR. SPRATLIN:

18 Q Mr. Beaudoin, where are you currently employed?

19 A City of North Myrtle Beach, sir.

20 Q And what's your job there?

21 A Public safety officer.

22 Q How long have you been with the North Myrtle
23 Beach Police Department?

24 A Approximately four years, sir.

25 Q Did you work anywhere else in law enforcement

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 prior to that?

2 A No, sir, I did not.

3 Q What is your current job title?

4 A Patrolman first class.

5 Q So how long have you been in that position?

6 A For two years.

7 Q What were you before that position?

8 A Just public safety officer.

9 Q So back on July 2017, you would have just been a
10 public safety officer?

11 A That's correct, sir.

12 Q What are the job duties of a public safety
13 officer?

14 A Handle calls on a daily basis during my shift.

15 Q Now, Officer Beaudoin, did you have a chance to
16 respond to Grand Strand Regional Medical Center in
17 regards to the incident we're here about today?

18 A Yes, sir.

19 Q Were you one of the first officers at that
20 medical center, if you recall?

21 A Yes, sir, I was.

22 Q Do you recall about what time you responded to
23 the hospital?

24 A Early in the morning. I think I came in right
25 around shift change; I would say around 6:00 a.m. in

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 the morning, a little after that.

2 Q Was the defendant Donnielle Matthews-Green there
3 at the hospital when you got there?

4 A Yes, sir.

5 Q Did she identify herself as being any relation to
6 the alleged victim in this case?

7 A Yes, sir. If I recall correctly, she stated she
8 was his wife.

9 Q Officer Beaudoin -- I apologize.

10 A It's okay, sir.

11 Q Did you have a chance to talk with the defendant
12 while you were at the hospital?

13 A Yes, sir, I did.

14 Q Where did you speak with her at?

15 A I spoke to her in the lobby of the hospital
16 there, right outside of the main entrance of Grand
17 Strand.

18 Q Who all was around her while you were speaking
19 with her?

20 A Her and some of her family that was there; I
21 don't recall their names.

22 Q At the time you were speaking with her, was she
23 under arrest in any way?

24 A No, sir, she was not.

25 Q Was she at that point even a suspect in this

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 crime?

2 A No, sir, she was not.

3 Q Did she have any restraints on her?

4 A No, sir, she did not.

5 Q Was her liberty to move about restrained in any
6 way as far as you were concerned?

7 A No, sir, she was not.

8 Q What was the point in you talking to her at the
9 hospital?

10 A Upon arrival, it was just basically an
11 information gathering to figure out what exactly
12 happened. She was possibly a witness to what had
13 happened to cause her husband to be injured and sent to
14 the hospital.

15 Q Earlier we heard from an Horry County officer; do
16 you know why North Myrtle Beach was called in?

17 A My understanding is that the incident possibly
18 happened anywhere inside of our jurisdiction. From
19 what she had stated, it happened anywhere between Thee
20 Doll House, which is in Atlantic Beach, all the way up
21 to the Little River section possibly at a gas station
22 on Sea Mountain and U.S. Highway 17.

23 Q So that would have been North Myrtle Beach's
24 jurisdiction?

25 A Correct.

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 Q So you kind of took point on the case?

2 A Correct, sir.

3 Q Given that she was free to leave and was not
4 being restrained in any way, did you find it necessary
5 to tell her anything about her rights?

6 A No, sir, because she wasn't a suspect at the
7 time.

8 Q When you were speaking with her, was she pretty
9 much free to leave the hospital at any time, as far as
10 you were concerned?

11 A Yes, sir.

12 Q Did she leave the hospital on her own free will,
13 or are you not sure?

14 A I'm not sure. While I was there, she was still
15 seated in the waiting room there.

16 Q Did you or anyone in your presence threaten the
17 defendant in any way to get her to talk to you?

18 A No, sir.

19 Q Did you or anyone in her presence make her any
20 promises of leniency or that you would help her out in
21 any way, shape, or form in order to get her to talk to
22 you?

23 A No, sir.

24 Q When you spoke to her, did it appear she
25 understood the English language?

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 A Yes, sir.

2 Q Were her responses appropriate?

3 A Yes, sir.

4 Q Was there ever a time when speaking with the
5 defendant that she requested something that wasn't
6 given?

7 A No, sir, not that I recall.

8 Q Had she requested food, water, bathroom break
9 would that have been available to her?

10 A Oh, absolutely.

11 Q Officer, you've been in law enforcement for four
12 years, at that point it would have been one year?

13 A Yeah, just about a year.

14 Q In that time, have you had a chance to come into
15 contact with people who were under the influence of
16 drugs or alcohol?

17 A Yes, sir.

18 Q What are some of the outward symptoms that those
19 people will appear to exhibit?

20 A Swaying, slurred speech, odor of intoxicating
21 beverages on their breath.

22 Q When you spoke to the defendant that morning, did
23 she appear to have any of those symptoms?

24 A No, sir.

25 Q Did it appear she understood the words coming out

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 of your mouth?

2 A Correct, sir.

3 Q Did it appear that she actually understood what
4 she was saying as well?

5 A Yes, sir.

6 Q So even had she consumed alcohol or some other
7 substance prior to you speaking with her, it is your
8 opinion that the effects had worn off?

9 A What was that?

10 Q Even if she had consumed alcohol or drugs earlier
11 when you spoke with her, you didn't see any signs of
12 any intoxication?

13 A No, sir.

14 Q Now, Officer, you got a written statement from
15 the defendant, correct?

16 A Yes, sir.

17 (State's Exhibits 2 and 3 marked.)

18 Q (MR. SPRATLIN) When speaking with the defendant,
19 you asked her for a written statement?

20 A Correct.

21 Q Was that done on a special form or anything?

22 A Yes, a standard form that the department
23 provides.

24 Q Did you or anyone threaten or coerce her into
25 providing that written statement?

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 A No, sir.

2 Q In your opinion, did she do it freely and
3 voluntarily as she could?

4 A Yes, sir.

5 MR. SPRATLIN: Permission to approach the
6 witness?

7 THE COURT: Yes, sir.

8 Q (MR. SPRATLIN) Let me show you through the
9 plexiglass what has been marked State's Exhibit No. 3;
10 do you recognize that?

11 A Yes, sir; that is the voluntary statement.

12 Q Whose voluntary statement is that?

13 A Ms. Green's.

14 Q Has it been signed by her?

15 A Yes, sir, it has.

16 Q Was this done at your request?

17 A Yes, sir.

18 Q Is it in every way a fair and accurate copy of
19 the statement you took from Ms. Green in writing that
20 day?

21 A Yes, sir.

22 MR. SPRATLIN: I would tender this into evidence,
23 State's 3.

24 THE COURT: Any objection for the purposes of the
25 motion hearing?

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 MR. WILSON: None, Your Honor.

2 THE COURT: It's in evidence without objection.

3 (State's Exhibit 3 admitted.)

4 MR. SPRATLIN: I'll publish it to the Court, if
5 possible.

6 THE COURT: Yes, sir.

7 (A brief pause in the proceedings.)

8 THE COURT: All right, sir.

9 MR. SPRATLIN: Thank you, Your Honor.

10 Q (MR. SPRATLIN) Officer, in addition to that
11 written statement, did you also speak to her verbally?

12 A Yes, sir.

13 Q Did she tell you what she stated had happened
14 verbally?

15 A Verbally, she stated that they had gone to a bar,
16 Rickey's Dockside in Little River.

17 Q Without going into the details for right now, she
18 did tell you what her side of what happened?

19 A Correct, sir.

20 Q Were you wearing a body cam at that point?

21 A Yes, sir.

22 Q And have you had a chance to review your body
23 camera footage?

24 A Yes, sir, I have.

25 Q Did it fairly and accurately reflect the

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 defendant's statements to you?

2 A Yes, sir.

3 Q Let me show you --

4 MR. SPRATLIN: Permission to approach the witness
5 again?

6 THE COURT: Yes, sir.

7 Q (MR. SPRATLIN) I'll show you State's Exhibit
8 No. 2; do you recognize this item?

9 A Yes, sir.

10 Q What is it?

11 A My body cam copy.

12 Q Have you had a chance to review this before
13 court?

14 A Yes.

15 Q Have you initialed it showing you reviewed it?

16 A Yes.

17 Q Is it in every way a fair and accurate copy of
18 your body camera from that day?

19 A Yes, sir.

20 Q Is it in every way a fair and accurate copy of
21 the statements that the defendant gave you that day?

22 A Yes, sir.

23 MR. SPRATLIN: At this time I would tender
24 State's 2 into evidence for purposes of this hearing.

25 THE COURT: Any objection to State's 2 being

BRANDON BEAUDOIN - DIRECT EXAMINATION

1 placed in evidence?

2 MR. WILSON: None for the purposes of this
3 hearing.

4 (State's Exhibit 2 admitted.)

5 MR. SPRATLIN: I will publish. There are certain
6 sections I'll skip where he walks away from the
7 defendant.

8 THE COURT: Very good.

9 At any point in time, Mr. Wilson, if you want
10 those played for some reason, you know, just let me
11 know.

12 MR. WILSON: Yes, sir. Thank you, Your Honor.

13 (State's 2 published to the Court.)

14 Q (MR. SPRATLIN) Officer, I know it was a little
15 difficult to hear; what was basically the summation of
16 what she stated to you there?

17 A Stated that they had gone to Rickey's Dockside,
18 had a few drinks, went down to Thee Doll House, had a
19 few drinks, and then traveling back north, and
20 somewhere between Thee Doll House and the gas station,
21 possibly at 9 and Highway 17 at Coastal North, it had
22 been reported that he had been injured and was
23 bleeding.

24 Q Was she able to give you any specifics about
25 which gas station?

BRANDON BEAUDOIN - EXAMINATION BY THE COURT

1 A The first set of gas stations she talked about is
2 the one at the opposite end of 9 and Sea Mountain
3 Highway. Across from O'Reilly there is a Circle K
4 there as well, but then she stated that one was closed
5 and it was possibly the one before that, which is the
6 only one in that section when traveling northbound.

7 Q Okay. Was her statement she gave to you orally,
8 was it pretty much in line with the statement she gave
9 you written?

10 A Yes, sir.

11 MR. SPRATLIN: Those are all the questions I
12 have. Please answer any questions that Mr. Wilson
13 might have.

14 THE COURT: Before you ask questions, Mr. Wilson,
15 let me ask one or two.

16 EXAMINATION

17 BY THE COURT:

18 Q Officer, your best estimation as to the time of
19 day that this interview with the defendant took place?

20 A Approximately, 6:30 to 7:00, early morning.

21 Q Okay. At any point in time during your
22 conversation, interview, talking with the defendant,
23 did you consider placing her under arrest or detaining
24 her or taking control of her in any fashion?

25 A No, sir.

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 THE COURT: Thank you very much. You may
2 proceed.

3 MR. WILSON: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. WILSON:

6 Q Officer, let me ask you, as I understand it, you
7 got a dispatch from -- was that from Myrtle Beach for
8 you to go?

9 A Where I went to? Yeah. It came in through our
10 dispatch in North Myrtle Beach that an incident took
11 place at Seacoast Hospital; that was the original one.
12 A med crew had encountered Ms. Green and an injured
13 party and transferred them to Grand Strand Hospital,
14 and then it was advised through our dispatch that the
15 incident possibly happened within our city limits, and
16 then they dispatched me to go get the information.

17 Q His Honor asked you earlier if you considered
18 placing her under arrest or detaining her in some way?

19 A That's correct, he did ask that.

20 Q And you said that you did not?

21 A No, sir.

22 Q But in your report -- in fact, you said that you
23 observed her fingernails having been broken off, and
24 you also observed her having bruises on her face, and
25 also bruises on her right hand?

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 A Correct, sir.

2 Q And when you left -- the Solicitor turned the
3 video off, when you left -- when the video turned off,
4 where did you go?

5 A I ended up going directly in front of the two
6 doors there.

7 Q For what reason?

8 A To speak with the supervisor away from her.

9 Q What did you tell the supervisor?

10 A At that point in time, that some of her story was
11 not making sense.

12 Q That's right. And that you were concerned about
13 her story at that point in time?

14 A Correct.

15 Q And that was based on the fact that her
16 fingernails had been broken, she had scars or bruises
17 on her face, there was a bruise on her right hand, you
18 observed all of that, and that was causing you some
19 concern about whether she may or may not have been
20 involved?

21 A Correct, sir.

22 Q And so you did consider it, that she might then
23 be a suspect?

24 A Correct.

25 Q After you had your conversation with your

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 supervisor, where did you go then?

2 A I went back and finished gathering all of the
3 information from her.

4 Q Did you go to back in the back where the nurses
5 and the doctors are and have a conversation with them?

6 A Correct, sir; I did.

7 Q Tell us what conversation you had.

8 A So after gathering the information and went back
9 to gather and see the status of her husband there, it
10 was informed to me by one of the nursing staff there
11 that he had passed.

12 Q And did you tell them not to tell the family yet?

13 A Correct, sir.

14 Q And the reason for that was what?

15 A Being a new officer, I didn't really know if that
16 was appropriate to do, because I had detectives on the
17 way, and I didn't want to overstep my bounds being a
18 new officer.

19 Q Was any part of that because you thought that she
20 might be a suspect and, therefore, you didn't want her
21 to know yet that he was already dead, because that
22 would change everything?

23 A Correct, sir, it would.

24 Q And is that why you didn't tell her that he was
25 dead at that point?

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 A No, sir. Because shortly thereafter the same
2 nurse that informed me that he had passed turned around
3 and said, I gave you bad information, he is now, in
4 fact, alive. They got him back, and he was still alive
5 at that point in time.

6 Q So what is the period of time between the time
7 you told them not to tell the family, and the time that
8 she came back to you and gave you the news that, in
9 fact, he was not dead?

10 A I don't recall. It was probably a couple of
11 minutes.

12 Q And during that couple of minutes, did you have
13 any more conversation with your supervisors?

14 A Yes, sir, I did.

15 Q Tell us about the conversation that you had with
16 the supervisor after you learned that he was still
17 alive.

18 A I contacted the supervisor and advised that he
19 had passed, and then the injuries that I saw made me
20 suspect that there might be more to the story than what
21 was there. It was advised by my supervisor to hold
22 tight until the detectives got there and not notify,
23 let the detectives do that instead of just me as the
24 green officer.

25 Q Okay. So to be fair, when you had that second

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 conversation with your supervisor, you basically said
2 to him, look, based on everything I've seen, she may
3 very well be a suspect?

4 A Correct.

5 Q And so at that point there is no question that
6 you knew that she was potentially a suspect in this
7 case, right?

8 A I had an inkling she could be.

9 Q When I look at your report it indicated that the
10 voluntary statement you took -- and maybe it is just
11 out of order --

12 MR. WILSON: Your Honor, may I approach?

13 THE COURT: Yes, sir.

14 You are supposed to be wearing gloves, both of
15 you.

16 THE WITNESS: Okay. I apologize, sir. I'll grab
17 some right here, sir.

18 THE COURT: All right, sir.

19 Q (MR. WILSON) In your report that you have there,
20 is that the report you filed?

21 A Yes, sir; that is correct.

22 Q Look at that report. At the very bottom of the
23 report it indicates that at some point in time you
24 actually made an assessment about her and the fact that
25 she had the broken fingernails, the fact that she had

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 bruises, and the fact that I think her right hand had a
2 bruise or something on it, and when you talked with
3 your supervisor, you explained that to them?

4 A I don't recall. I would have to look at the
5 video, but I recall taking photographs of the injuries
6 as well and letting her know -- "her" being my
7 supervisor -- that she quite possibly was involved.

8 Q Did you do that before you took this voluntary
9 statement from her, or after?

10 A That was after.

11 Q So after you took the voluntary statement from
12 her, then you contacted your supervisor, and then
13 informed them what you had found, took pictures of her
14 bruises, took bruises of her hand, nails being broken
15 for the purposes of evidence, I would assume?

16 A Correct, sir; documentation for the court.

17 Q All right. Now, after you -- and then as I
18 understand it, your supervisor is then going to send
19 some investigators to come and follow up?

20 A Correct. They were already on the way.

21 Q On the way. All right. Did you leave at that
22 point, or did you stay until they arrived?

23 A I stayed until they arrived.

24 Q What was your purpose in staying there until they
25 arrived?

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 A For us, it is just a chain of command, just
2 giving face-to-face so you can bring up to the
3 investigator, Listen, this is what I have so far, so
4 that there is no redundancy in asking questions or
5 gathering information. They know what I've gathered
6 and brought up to them at this point in time, and then
7 they can go from there in their direction that they
8 choose to.

9 Q And did you actually meet with your --
10 investigators who showed up?

11 A Correct.

12 Q Who was that?

13 A It was Detective Franklin and Detective Lynch.

14 Q Detective Lynch and Franklin?

15 A Correct.

16 Q All right. Now, did you relay the information to
17 them about your suspicions?

18 A Correct, sir, I did.

19 Q And did you leave at that point after you relayed
20 that to them?

21 A No. I went back and checked on his status again,
22 and allowed them to talk to Ms. Green.

23 Q Allowed the detectives to talk to Ms. Green?

24 A Correct.

25 Q And do you know whether or not when they talked

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 to Ms. Green at that point in time, if they read her
2 Miranda rights?

3 A I do not know. I was not privy to that.

4 Q Did you ever read her her Miranda rights?

5 A No, sir, I did not.

6 Q So even after you became suspicious about her and
7 about her -- the role she may or may not have had in
8 this, you still did not go back and read her Miranda?

9 A Correct. And I didn't actually ask any more
10 questions after that.

11 Q All right. And now you asked her to write the
12 statement?

13 A Yes, sir.

14 Q And she asked you what do you want me to put in
15 here?

16 A Correct, sir.

17 Q And then you told her what it is you wanted her
18 to put in there?

19 A Yeah, I just informed her exactly what you told
20 me, where the incident happened, what you recall, that
21 type of stuff.

22 Q In fact, she puts exactly what you tell her. In
23 fact, you recount to her what you want her to say --
24 I'm sorry, I think you have it.

25 A Here. Would you like it, sir?

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 Q Hold on one second.

2 MR. SPRATLIN: Do you want the statement?

3 MR. WILSON: No, I got it. Thank you.

4 (A brief pause in the proceedings.)

5 MR. WILSON: May I approach?

6 THE COURT: He's got the exhibit.

7 MR. WILSON: No, sir. This is a statement.

8 THE COURT: It's in evidence. Just give him the

9 one in evidence.

10 MR. WILSON: Oh, okay. All right. May I?

11 THE COURT: Yes, sir, please.

12 A Thank you.

13 Q (MR. WILSON) The things she recounts in there,
14 you recall what you told her you wanted her to put in
15 there?

16 A Yeah, her voluntary statement was almost
17 identical to exactly what I explained to her what I was
18 looking for.

19 Q All right. And she wrote that and gave it back
20 to you?

21 A Correct, sir.

22 Q When did your involvement in all of this end?

23 A After I spoke with the detectives, I went back
24 and checked on his status again, which they said he was
25 up in surgery, touch and go. I went back to the

BRANDON BEAUDOIN - CROSS-EXAMINATION

1 detectives and said this is what I got so far, what
2 else can I do for you, and they said I was set to go
3 back, to return back to service.

4 Q Okay. So then you left?

5 A Correct, sir.

6 Q Did you ever go back at any point to her and let
7 her know that she was a suspect?

8 A No, sir, I did not.

9 Q You said when you were speaking with the
10 Solicitor that it didn't appear to you that she was
11 intoxicated?

12 A Correct.

13 Q Did you get close enough to her to smell her
14 breath? Do you know whether or not you smelled
15 alcohol, or do you recall?

16 A I do not recall, but I remember sitting in close
17 proximity that I would be able to smell that, if that
18 was the case.

19 Q Okay. And the Solicitor asked you earlier about
20 your ability to detect alcohol on an individual; you
21 have that ability, right?

22 A Correct.

23 Q And based on your experience, I think is the way
24 he asked the question?

25 A Correct.

BRANDON BEAUDOIN - REDIRECT EXAMINATION

1 Q And based on that experience, it was your opinion
2 that she was not under the influence of alcohol?

3 A Correct, sir.

4 MR. WILSON: No other questions, Your Honor.

5 May I approach to get the document back?

6 THE COURT: Yes, sir.

7 Any redirect, Solicitor?

8 MR. SPRATLIN: Yes, Your Honor.

9 REDIRECT-EXAMINATION

10 BY MR. SPRATLIN:

11 Q Now, Officer, even after she was identified as
12 being a suspect or a person of interest, did you or
13 anyone in your presence do anything to stop her from
14 leaving the hospital?

15 A No, sir.

16 Q Did you put her in any kind of restraints?

17 A No, sir.

18 Q Did you tell her she had to stay there?

19 A No, sir.

20 Q Did you do anything to you [sic] that would imply
21 that she was not free to leave?

22 A No, sir.

23 Q Regarding her written statement, you said that it
24 was basically pretty much what you told her to put
25 down; the stuff you were suggesting to her, where did

BRANDON BEAUDOIN - REDIRECT EXAMINATION

1 you get that from?

2 A From her previous voluntary -- just verbal
3 talking to me.

4 Q So were you giving that to her kind of as an
5 example of what sort of information would be useful?

6 A Correct.

7 Q So you weren't telling her what to say?

8 A Correct.

9 Q But she did wind up putting down what you said?

10 A Yeah.

11 Q At any point when you were talking to her, did it
12 appear she wasn't making any sense?

13 A No, sir.

14 Q Did she appear to have a good grasp on her story?

15 A Yes, sir.

16 Q Did she tell it to you multiple times?

17 A Yes, sir, certain situations were told several
18 times.

19 MR. SPRATLIN: Thank you. That is all I have.

20 THE COURT: Mr. Wilson, anything further?

21 MR. WILSON: Nothing further.

22 THE COURT: You may step down.

23 MR. SPRATLIN: Can the officer be excused subject
24 to a 30-, 45-minute recall notice?

25 MR. WILSON: No objection.

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1 THE COURT: You are free to leave, sir.

2 All right. Mr. Wilson, arguments about the
3 statement?

4 MR. WILSON: Your Honor, obviously this statement
5 is very different than the first because we're talking
6 about maybe 45 minutes in time difference and, yet,
7 there is a world of difference in what is going on.

8 First of all, what I see is that when this
9 officer comes in and he speaks to her, he notices
10 right away -- the first officer claimed he didn't
11 notice it, he didn't see the scars, he didn't see the
12 bruises, he didn't see the broken nails, he didn't see
13 anything other than she was acting up.

14 This second officer now says -- and we're talking
15 maybe 45 minutes, as best as I can determine, later,
16 and she's not intoxicated. He doesn't smell alcohol.
17 And he sees all of these things, which he puts in his
18 report. And what is interesting is that in his
19 narrative, what he does is he says -- and I just want
20 to share this with you. In his narrative, what he
21 says is that -- and I'll read the little part that is
22 relevant. He says -- let me find the starting place:
23 "Ms. Green told me that they left Thee Doll House and
24 went on -- north on Highway 17 through our
25 jurisdiction, and that is when she was unable to

MOTIONS

1 recollect what happened next. Ms. Green told me her
2 and her husband stopped at a gas station, possibly in
3 the City or in the Little River section of Horry
4 County, and purchased cigarettes. Ms. Green told me
5 that after the time that when her husband told her he
6 needed medical assistance, that he had been stabbed.
7 Ms. Green drove her husband to Seacoast where he was
8 promptly transported -- sorry, transferred to the
9 nearest trauma facility. Ms. Green could not recall
10 where she stopped at or where her husband had been
11 stabbed other than it was Circle K near 17."

12 And this is the important part: "Ms. Green also
13 informed me that she did not recall how she had
14 obtained some injuries to her left cheek, her right
15 hand, and how some of her acrylic nails had been
16 broken. I had Ms. Green fill out a voluntary
17 statement on what she could recall to the best of her
18 ability."

19 Now, he says all of these things making her a
20 suspect, then he says I had her fill out the voluntary
21 form. The order in which he places this is what I
22 think is important; because he clearly, in his mind,
23 at least at that point, believed her to be a suspect
24 in this case and, still, he has her sign the voluntary
25 form. In fact, he tells the Court in his narrative

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1 that he actually even took pictures of these things.
2 And I asked him specifically: Were you taking those
3 pictures for evidence? And what he says is, yes.

4 My point is you can't have it both ways. They
5 want to say, oh, well, she gave a free and voluntary
6 statement and could leave any time she wanted to, but
7 clearly -- clearly, Your Honor, at this point she is a
8 suspect in this particular case. Nobody reads her her
9 rights. Nobody tells her she has a right to leave, if
10 she wants to leave. And, in fact, they are hiding
11 information from her. For instance, when he thought
12 to show you that this is not just by happenchance, he
13 knows -- or at least believes -- that her husband is
14 dead, but he tells the staff at the hospital not to
15 tell her at this point. The reason being, he thinks
16 that she's a suspect; he doesn't want her armed with
17 that information.

18 THE COURT: He didn't say that, though.

19 MR. WILSON: No, sir, he didn't say that. I'm
20 saying that as part of my --

21 THE COURT: Your argument.

22 MR. WILSON: Yes, sir. He didn't say that. I'm
23 saying that that is what was going on. Clearly, what
24 he did say is he did tell the people not to tell them.
25 I'm adding the other part because the only logical

MOTIONS

1 reason for that -- there is no other reason for him to
2 not tell them what is going on other than he thinks
3 that this lady is now a suspect.

4 THE COURT: Well, I mean, other than the
5 statement he made is that he's a green officer, maybe
6 a year on the job, and it's not his job to be a
7 detective and he would probably get called on the
8 carpet for doing things he's not supposed to do. So
9 he was very cognizant of that, and that is what he
10 told you. That is why he didn't tell anyone anything.
11 He's going to let the people assigned to those duties
12 do so; that is what he says.

13 MR. WILSON: You know, and I understand that.
14 But, anyway, the other point that I would simply argue
15 to the Court is this: Clearly, Your Honor, by his own
16 admission, she became a suspect before he left the
17 hospital -- before he left the hospital. And he says,
18 as best as I can recall, that he conveyed all of this
19 information to the next officers who were coming on,
20 and he conveyed that information to his supervisor in
21 the calls he made back to the supervisor.

22 So my point is simply that at some point, you
23 know, no one wants her to be a suspect because it's
24 not convenient because everything -- because if she
25 becomes a suspect, then she has these rights, which

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1 they are not wanting to provide her with at this
2 point. And, you know, the reason he stayed at the
3 hospital, I submit to this Court, was simply, one, to
4 wait for the other officers to come, but to make sure
5 that she was there when they got there, because that
6 was part of what he was doing. He didn't tell her,
7 "You can't leave," no; but he didn't do it for a
8 reason. My point simply is -- and I'm not going to
9 belabor this -- is that I think she was a suspect and
10 that she was entitled to Miranda at this point.

11 THE COURT: All right.

12 Solicitor.

13 MR. SPRATLIN: I'm going to disagree with
14 Mr. Wilson regarding the suspect delineation here.
15 The fact that someone is identified as a suspect does
16 not require Miranda. The fact that I think they might
17 be involved in a crime doesn't mean that the law
18 enforcement officer is required to read them their
19 rights; it is only if they are subject to a custodial
20 interrogation; that is the trigger for Miranda
21 warnings. If they are in custody, subject to
22 questioning by law enforcement, then they are entitled
23 to Miranda warnings.

24 The fact that she was identified -- even if she
25 was for argument's sake -- identified by this officer

MOTIONS

1 as a suspect, as soon as he walked in he said, Broken
2 nails, bruises somewhere, I think she has something to
3 do with it, even if he did that, it doesn't change the
4 fact that she was free to leave, that doesn't change
5 what was in her mind about being able to be free to
6 leave and not in custody. The fact of the matter is
7 that she did not have any restraints on her, no one
8 stopped her from walking out, no one told her she
9 couldn't go anywhere, no one did anything to hinder
10 her freedom in the slightest.

11 Even if she was identified as a suspect, which
12 is -- just for argument's sake -- that does not mean
13 Miranda warnings are required; only if she was in
14 custody. I would argue that the officer was not
15 required to read Miranda warnings, and certainly he
16 did not. I would argue that the statements are free
17 and voluntarily given.

18 I believe one of the things Mr. Wilson brought up
19 on his argument was the fact that this officer did not
20 think she was under the influence, alleging that there
21 was some sort of hiding the ball and the fact that she
22 was under the influence. I would argue the fact that
23 she didn't show -- or that the officer didn't believe
24 she was under the influence, because if you compare
25 how she was acting at Seacoast that we saw earlier, to

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1 45 minutes to an hour later at this hospital, it is
2 night and day. She's on the floor screaming, crying,
3 yelling at Seacoast; calm, cool, and collected 45
4 minutes later. I would submit to you that that
5 explains why the officer didn't believe she was under
6 the influence of drugs or alcohol, because of the
7 demeanor and how drastic the change there had been
8 since Seacoast.

9 In summation, Miranda warnings were not required.
10 No one coerced or forced her to give these statements,
11 and we feel that both statements, the verbal one given
12 to the officer as reflected on the body camera, as
13 well as the written one introduced into evidence, are
14 admissible against the defendant.

15 THE COURT: Okay. Thank you.

16 From the matters presented to the Court, I do not
17 find that the defendant was in a custodial situation
18 in any fashion. She was not under arrest. She was
19 not detained. Her freedom of movement was not
20 restrained in any fashion. She was not told she was
21 restrained in any fashion, nor did the officer's
22 actions indicate to her that she was restrained in any
23 fashion. He asked her if she would speak to him; she
24 consented to speak to him. They had a very logical
25 conversation, as noted by both counsel. There is a

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1 marked change in the demeanor of the defendant.

2 I noted in the video at one point in time, at
3 Seacoast, the first video, a clock on the desk and it
4 said 5:38 a.m. I asked the officer when did he
5 believe he conducted the interview, and he said 6:30
6 to 7:00. Obviously, you could tell from the outside
7 it was much more light, and obviously time had passed
8 between the two.

9 The defendant's demeanor was very calm. She was
10 composed. She gave clear and concise answers.
11 Whether or not she was under the influence at any
12 point in time, that clearly was not apparent to anyone
13 at the time of the second interview. I did note in
14 the first interview that certainly at times she was
15 distraught; and at other times, she wasn't.

16 The officer says at no point during the interview
17 did he consider arresting her or placing her into
18 detention or controlling her movements in any fashion.
19 The statement, orally and written, was a voluntary
20 statement of the defendant, which she freely gave to
21 the officer. While she did answer in the written
22 portion of the statement what took place on the
23 statement, the officer merely repeated to her the
24 answers she had voluntarily given to him earlier.
25 Comparing the two, there is no difference between what

MOTIONS

1 she says before she wrote the statement, and what is
2 in the written statement; they are the same.

3 Her Miranda rights were not required to be given
4 to her. The fact that the officer noted certain
5 things about the defendant's appearance does not mean
6 she was in custody. He did not indicate to her in any
7 way that she was in custody; he did not indicate that
8 to her in any fashion. Photographs taken, as he
9 indicated, obviously were taken after she gave the
10 voluntary statement because it's not on the video.
11 And the video shows his initial contact with her
12 outside of the hospital in going directly to the lobby
13 and sitting down and talking to her.

14 So, obviously, the photographs that were talked
15 about didn't take place until after she gave the
16 voluntary statement, both orally and in writing, to
17 the officer. If there is some statement that she gave
18 to the detectives that the Court is to look at, the
19 fact that the officer relayed to the detectives that
20 this information and that there might be some
21 inconsistencies, that can go into what the mind of the
22 detectives were if they questioned her, and that is
23 before the Court; but none of that was relayed to the
24 defendant, and it occurred after she voluntarily gave
25 all of the information to the officer.

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1 Again, freely and voluntary statement; Miranda
2 rights not required. She was not detained. She was
3 free to leave. Nothing by the officers' questions or
4 movements, actions, would indicate to the defendant
5 that she was in custody in any fashion. Thank you
6 very much.

7 Are there other statements?

8 MR. SPRATLIN: There are two more. The next one
9 is fairly brief; the last one is fairly extensive.
10 How long?

11 MR. OSKIN: Just short of three hours.

12 THE COURT: Where did all of these take place?

13 MR. SPRATLIN: The next one is another one from
14 the hospital. It is from the detective that
15 responded. I'm not sure if it is a detective that
16 spoke with that officer or not.

17 THE COURT: We'll need to explore that as to what
18 he was told, and I would expect that, what he was told
19 by the patrolman first class and what he knew and what
20 suspicion the patrolman had before he talked to her.

21 MR. SPRATLIN: Yes, sir.

22 We call Andrew Franklin.

23 (ANDREW FRANKLIN, having been duly sworn,
24 testified as follows:)

25 THE CLERK: State and spell your name for the

ANDREW FRANKLIN - DIRECT EXAMINATION

1 court reporter.

2 THE WITNESS: Andrew Franklin, A-N-D-R-E-W,
3 F-R-A-N-K-L-I-N.

4 THE COURT: Before you start, Solicitor, I have
5 to ask him questions.

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

7 THE COURT: Detective, you indicated that you
8 have been tested for Covid; is that correct?

9 THE WITNESS: Yes, sir.

10 THE COURT: And the results?

11 THE WITNESS: Were negative.

12 THE COURT: You indicated that someone in your
13 household has been in close contact or confirmed to
14 have Covid; is that correct?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: What is that situation?

17 THE WITNESS: They were tested; they were
18 negative and quarantined for two weeks.

19 THE COURT: So that has already taken place?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: Thank you very much.

22 You may proceed.

23 MR. SPRATLIN: Thank you, Your Honor.

24

25

ANDREW FRANKLIN - DIRECT EXAMINATION

1 DIRECT-EXAMINATION

2 BY MR. SPRATLIN:

3 Q Where are you currently employed?

4 A North Myrtle Beach Public Safety.

5 Q How long have you been with North Myrtle Beach
6 Public Safety?

7 A Nine years.

8 Q What is your current job?

9 A Detective.

10 Q How long have you been a detective?

11 A Going on four years.

12 Q So in 2017 you would have been a detective?

13 A Yes.

14 Q Was North Myrtle Beach PD your first job in law
15 enforcement?

16 A Yes, sir.

17 Q Officer Franklin, did you have a chance to
18 respond to the Grand Strand Regional Medical Center in
19 response to the stabbing of Dennis Green that we're
20 here about today?

21 A Yes.

22 Q When you first arrived, did you have a collapsed
23 to speak with the defendant Donnielle Matthews-Green?

24 A Yes.

25 THE COURT: Can you speak up just a little bit,

ANDREW FRANKLIN - DIRECT EXAMINATION

1 please?

2 THE WITNESS: Yes, Your Honor.

3 Q (MR. SPRATLIN) Prior to speaking with the
4 defendant, did you speak with any other officers at
5 the scene?

6 A I spoke with Officer Beaudoin shortly.

7 Q And did he express to you that there might have
8 been a chance that the defendant might have been
9 involved in something?

10 A Possibly.

11 Q You weren't alone when you went to Grand Strand
12 Regional, were you?

13 A No.

14 Q Who else was with you?

15 A Detective Will Lynch.

16 Q Were both of you present when you talked to
17 Donnielle Matthews-Green?

18 A Yes. Detective Lynch did step away for a short
19 time, but I was with her the entire time.

20 Q Do you recall, approximately, what time of day it
21 was that you got to the hospital?

22 A Can't recall off the top of my head. Roughly,
23 around 8:30, 9 o'clock?

24 Q A.m. or p.m.?

25 A P.m.

ANDREW FRANKLIN - DIRECT EXAMINATION

1 Q Approximately, 8:30, 9 o'clock. Do you recall
2 where you spoke with the defendant Donnielle
3 Matthews-Green at?

4 A Yes. I made contact with her in the lobby, and
5 then we stepped outside to sit on a bench outside.

6 Q Who all was around you when you were speaking
7 with her?

8 A Officer Lynch was with me until he stepped away
9 for a short time.

10 Q At the time you were speaking with her, was she
11 under arrest?

12 A No.

13 Q Was she being detained in any way, shape, or
14 form?

15 A No.

16 Q Did she have any kind of restraints on her?

17 A No.

18 Q Did you feel it necessary to put restraints on
19 her?

20 A No.

21 Q Did you ever think about putting restraints on
22 her?

23 A No.

24 Q Was she acting in any manner that you thought
25 required restraints?

ANDREW FRANKLIN - DIRECT EXAMINATION

1 A No.

2 Q Was she at all times that you were speaking with
3 her free to leave if she wanted?

4 A Yes.

5 Q And at end of the interview, where did she go?

6 A Walked back into the lobby, and I left the scene.

7 Q So you never took her into custody that day?

8 A No.

9 Q At the time you were talking with her, were you
10 certain she was a suspect in a crime?

11 A No.

12 Q What was the point of you talking with her?

13 A Get as much information as I could, but primarily
14 figure out where the incident location took place.

15 Q Why was that important?

16 A Primarily to establish jurisdiction.

17 Q Did you or anyone in your presence, Detective
18 Lynch, yourself, or any other law enforcement
19 personnel, or even hospital personnel, do anything that
20 would insinuate to the defendant that she wasn't free
21 to leave?

22 A Not to my knowledge.

23 Q Or that she was detained or had to stay there?

24 A Not to my knowledge, no.

25 Q When you spoke with Ms. Green -- or

ANDREW FRANKLIN - DIRECT EXAMINATION

1 Matthews-Green, excuse me, did she appear to understand
2 the English language?

3 A Yes.

4 Q Were her questions appropriate to -- her answers
5 appropriate to the questions you were asking?

6 A Yes.

7 Q Did you do or say anything threatening to her to
8 get her to speak with you?

9 A Absolutely not.

10 Q Did you or Officer Lynch or any other officers
11 promise her any sort of leniency in exchange for
12 speaking with you?

13 A No.

14 Q Was there ever a time in speaking with the
15 defendant that she requested something that wasn't
16 given?

17 A No.

18 Q Had she requested a bathroom break, would she
19 have been allowed to go?

20 A Absolutely.

21 Q Had she requested food or water, would that have
22 been provided?

23 A Yes.

24 Q Was she in an area where those items were readily
25 available?

ANDREW FRANKLIN - DIRECT EXAMINATION

1 A Yes.

2 Q In your nine years of law enforcement, four years
3 as a detective, nine years total, had you had a chance
4 to come into contact with individuals under the
5 influence of drugs or alcohol?

6 A Yes.

7 Q What are some of the signs of someone who is
8 intoxicated?

9 A Slurred speech, unsteadiness, unable to keep
10 train of thought, sometimes their emotions can be calm
11 one second, and then immediately rise and then fall
12 back down; several different symptoms.

13 Q Did it appear that she was exhibiting any of
14 those symptoms?

15 A No.

16 Q Now, Officer, when you went to the hospital, were
17 you wearing a body camera?

18 A I was.

19 Q If you know, was Detective Lynch wearing one?

20 A I don't believe so, no.

21 Q Was that because he was leaving from his house to
22 get there?

23 A Yes.

24 Q So your body camera is the only capture of the
25 interview that you are aware of?

ANDREW FRANKLIN - DIRECT EXAMINATION

1 A Correct.

2 MR. SPRATLIN: Permission to approach the court
3 reporter?

4 THE COURT: Yes, sir.

5 (State's Exhibit 4 marked.)

6 MR. SPRATLIN: Permission to approach the
7 witness?

8 THE COURT: Yes, sir.

9 Q (MR. SPRATLIN) I'll show you what is marked for
10 identification as State's 4 for ID purposes; do you
11 recognize the item?

12 A Yes.

13 Q Is that your initials right there?

14 A It is.

15 Q Have you had a chance to observe this prior to
16 coming into court?

17 A Yes.

18 Q What is it?

19 A A copy of my body cam.

20 Q Is it a fair and accurate copy of your body
21 camera in every way?

22 A Yes.

23 Q Had there been any material additions or
24 deletions that you are aware of?

25 A No.

ANDREW FRANKLIN - DIRECT EXAMINATION

1 Q Does it fairly and accurately capture the
2 statements that the defendant gave you on that day?

3 A Yes.

4 MR. SPRATLIN: Your Honor, at this time I tender
5 State's 4 into evidence for the purposes of this
6 hearing and ask to publish.

7 MR. WILSON: No objection for the purposes of
8 this hearing.

9 THE COURT: It is allowed for the hearing. You
10 may proceed.

11 MR. SPRATLIN: It might be easier if I give you
12 the remote to turn it up and down.

13 THE COURT: Just leave it the way it is now, and
14 if it is, then we can move it. It was fine the last
15 time, so hopefully it will continue.

16 (State's Exhibit 4 admitted and published to the
17 Court.)

18 THE COURT: Start that over again, please.

19 (State's Exhibit 4 published to the Court.)

20 Q (MR. SPRATLIN) Officer Franklin, was that pretty
21 much the end of your conversation with the defendant
22 that day?

23 A Yes, sir.

24 Q Let me ask you some questions about the statement
25 you got from her. When you first approached her, it

ANDREW FRANKLIN - DIRECT EXAMINATION

1 appeared that she stated "I'm not going to write
2 anything," or something to that effect?

3 A Yes.

4 Q What did you take that to mean?

5 A She didn't want to write a statement.

6 Q Did that mean she didn't want to speak with you
7 or talk with you at all?

8 A No.

9 Q Whose idea was it to have this conversation
10 outside?

11 A Detective Lynch.

12 Q Was she agreeable to that?

13 A Yes.

14 Q During your entire conversation, did it appear
15 she was coherent and heard and answered your questions
16 appropriately?

17 A Yes.

18 Q Did she correct you when you said something that
19 was wrong that she didn't say?

20 A I believe so.

21 Q Was she allowed to smoke a cigarette?

22 A Yes.

23 Q Now, at one point during the video or statement
24 from her, she shows you her phone; what was the purpose
25 of that?

ANDREW FRANKLIN - DIRECT EXAMINATION

1 A She was trying to -- because we were discussing
2 about whether or not she met anyone at the club that
3 she might have had an issue with, and she was
4 discussing that she did have a minor incident that
5 happened in there, and I thought it might be on her
6 phone when she made the recording, so we watched the
7 recording, but nothing was on there.

8 Q So she pulled the recording up and showed it to
9 you?

10 A Correct.

11 Q That was because there may have been someone who
12 did this at -- which bar was the recording from; do you
13 recall?

14 A I think -- I don't recall. I pretty much watched
15 it to make sure that there wasn't a retaliation thing
16 that might have happened.

17 Q At times of the interview, was she kind of even
18 jovial with you and Detective Lynch?

19 A Yes.

20 Q Did she appear to be cooperative with you all?

21 A Yes.

22 Q About half way through the interview, you walked
23 away and then come back, and she is backing up; do you
24 recall was that someone saying she couldn't smoke
25 there, or what was that?

ANDREW FRANKLIN - DIRECT EXAMINATION

1 A I think that might have been someone saying you
2 need to move off a little further to smoke, but that
3 was pretty much it.

4 Q I'm not sure if I heard that or not, but that is
5 your recollection?

6 A From my recollection, I believe that is what it
7 was, because we were too close to the doors and
8 bringing the smoke in.

9 Q Was she allowed to freely roam?

10 A Yes.

11 Q And at the end of the interview, was she allowed
12 to leave?

13 A Yes.

14 Q Did you or Detective Lynch ever restrict her
15 movements during this interview?

16 A No.

17 Q Just briefly, and I won't ask you to go into
18 depth, but some of it was kind of hard to hear, but
19 what was the summation of her story to you?

20 A That they had gone to a BP station to pick up
21 cigarettes, he came back into the car and started
22 driving, and he told her to take over because he was
23 hurting, and she saw he was stabbed, and at that point
24 she switched seats and drove him to the hospital.

25 Q As far as you know, have you had any other

ANDREW FRANKLIN - CROSS-EXAMINATION

1 interactions with the defendant after that day?

2 A No.

3 Q So that is your total interaction with the
4 defendant as far as this case is concerned?

5 A Yes.

6 Q Again, approximately, what -- I think you
7 answered this already, but approximately what time of
8 day do you believe that the interview happened?

9 A Probably 8:30, 9 o'clock in the morning.

10 MR. SPRATLIN: Please answer any questions
11 Mr. Wilson might have.

12 THE COURT: Go ahead, sir.

13 MR. WILSON: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. WILSON:

16 Q Officer Franklin, you and Detective Lynch went
17 there, and you were a detective as well; is that
18 correct?

19 A Yes, sir.

20 Q And how long had you been a detective in 2017?

21 A Approximately, eight months.

22 Q So you were kind of new on the job?

23 A Yes.

24 Q And Detective Lynch would have been more the
25 senior detective?

ANDREW FRANKLIN - CROSS-EXAMINATION

1 A Yes.

2 Q And when you got there -- and let me back up.

3 You guys were sent for -- by patrol officers who were
4 already on the scene, correct?

5 A There was actually another detective that was the
6 on-call detective; he was notified by patrol, and I was
7 actually on my way into work, and he called and asked
8 for help. He was actually out checking different gas
9 stations for video footage at the time and asked me to
10 head down there.

11 Q So then he asked you to go to the hospital?

12 A Correct.

13 Q To do what?

14 A To speak with the defendant.

15 Q Specifically, he asked you to go to the hospital
16 to speak to her, correct?

17 A Correct.

18 Q And when you got there -- let me back up. Before
19 that, did he make you aware that they had already taken
20 a statement from her, written statement?

21 A I believe -- I wasn't aware of a written
22 statement, to my recollection. I believe Officer
23 Beaudoin was trying to get a written statement.

24 Q Did you know that when you went there?

25 A Yes. I believe that's what he and I discussed

ANDREW FRANKLIN - CROSS-EXAMINATION

1 when I arrived to the hospital, because she didn't want
2 to write a written statement.

3 Q Sorry, what now?

4 A I believe when we arrived there, I think she was
5 stating that she did not want to write the written
6 statement.

7 Q She told you she didn't want to do another
8 statement, right? When you got there, she told you
9 that she did not want to do another statement, that she
10 had already given a written statement?

11 A Right.

12 Q Right. She didn't want to write a statement?

13 A Yes.

14 Q And you understood that to mean?

15 A She didn't want to write a statement.

16 Q That she wasn't gonna write anything. All right.
17 And did you understand that to mean that she didn't
18 want to talk any more about whatever had happened?

19 A No.

20 Q You didn't understand?

21 A No, I didn't take it as that --

22 Q All right. And were you informed by whoever the
23 detective was that you talked with, and whoever the
24 officer was on scene when you arrived, about her
25 possibly being a suspect in this matter?

ANDREW FRANKLIN - CROSS-EXAMINATION

1 A Officer Beaudoin made mention that some of her
2 statements were blurred and could possibly lead to
3 that, but I would rather have spoken to her to get my
4 own feelings instead of going off the opinion of
5 another.

6 Q Okay. Now -- and while you were at the hospital,
7 you were in communication with the other officer who
8 was out trying to track down these BP stations or gas
9 stations?

10 A Yes, very briefly.

11 Q At some point in time, being aware that she is a
12 potential suspect, did you look at her hands to see if
13 her nails were broken as was stated by the other
14 officers?

15 A Just the one nail that she had; I think it was
16 the thumb.

17 Q So only one nail was broken when you saw her?

18 A Yes. I wasn't examining her hands at the time.
19 I saw the one nail that she had that she was talking to
20 me with.

21 Q You are saying "one nail," meaning one left?

22 A No. I physically only saw one nail at the time,
23 that is why I asked her, "What happened to your nail?"

24 Q So when you asked her what happened to her nail,
25 did you look at the rest of her hand to see what was

ANDREW FRANKLIN - CROSS-EXAMINATION

1 the status of the other nine nails would have been?

2 A I don't recall, and I don't believe I did.

3 Q So you don't recall whether or not other nails on
4 her hand were broken, other than the one that you were
5 describing?

6 MR. SPRATLIN: Objection, asked and answered.

7 THE COURT: I'll allow it. Continue.

8 A From memory, no, sir. The only one I can
9 remember seeing is the thumb.

10 Q (MR. WILSON) All right. Now, when you got to
11 the hospital and you went to speak with the defendant,
12 did you at any point in time think it necessary to
13 read her her Miranda warnings?

14 A No, sir.

15 Q So was she a suspect in your mind?

16 A No, not at the time.

17 Q So even though you had been told, according to
18 you, by the other officers that she was a suspect, you
19 did not believe she was one?

20 A No, sir. People can form their own opinions, but
21 I like the facts, actual truth.

22 Q Let me ask you this: When you say that, you
23 actually say that you wanted to form your own opinion,
24 correct?

25 A Correct.

ANDREW FRANKLIN - CROSS-EXAMINATION

1 Q And so that is why you were trying to talk with
2 her if she said she wouldn't give you a statement? So
3 you saw the one fingernail, and you stopped at that;
4 that was satisfactory to you, not to look at the
5 scarring or see bruises that was on her or anything
6 else, just to look at one fingernail and walk away; is
7 that what you are saying?

8 A No. We were midway through the conversation and
9 I saw the nail, but I was asking her to finish her side
10 of the story. But the main thing we were trying to
11 figure out is where did it happen at, because we were
12 having an issue to even establish jurisdiction to even
13 go further with the investigation.

14 Q All right. So at the time you left, had you
15 determined whether or not this was going to be North
16 Myrtle Beach, or not?

17 A We did not. We had a good understanding and we
18 thought it would be in Horry County, because we only
19 had two BP gas stations at the time in our city, and we
20 were just trying to verify it with the other officer
21 who was going to the gas stations and checking.

22 Q So having made that determination that you did
23 not believe it was one of the gas stations in your
24 jurisdiction, you would not have gotten an arrest
25 warrant or detained her in the first place, because it

ANDREW FRANKLIN - CROSS-EXAMINATION

1 wasn't your jurisdiction?

2 A Correct; it was not my case to truly investigate.

3 Q And so did you have a conversation with Horry
4 County Police Department regarding her?

5 A That day?

6 Q Yes.

7 A I don't recall speaking to Horry County that day.
8 I did speak with detectives a day later when we
9 established it wasn't -- in their jurisdiction, and we
10 handed over the evidence.

11 Q So it was the next morning that you established
12 that it was not a North Myrtle Beach case; in fact, it
13 was going to be Horry County?

14 A Yes.

15 Q And you turned over what you had to Horry County?

16 A Correct.

17 Q Did you convey to Horry County that you believed
18 that she was a suspect?

19 A I don't recall if I did or didn't. All I
20 remember is handing them over the evidence.

21 Q Now, did she also tell you during the
22 conversation that she was having bad anxiety and that
23 she may need anxiety medication?

24 A Yes; that she was prescribed anti-anxiety.

25 Q All right. And did that have any relevance at

ANDREW FRANKLIN - CROSS-EXAMINATION

1 all to you when she said that?

2 A I don't think at the time it didn't, no.

3 Q No. Okay.

4 (A brief pause in the proceedings.)

5 Q (MR. WILSON) Just one last thing in regards
6 to -- you said that you and Detective Lynch were there
7 together?

8 A Yes, sir.

9 Q And you were the one doing the questioning?

10 A I was the one speaking with the defendant, yes.

11 Q And Detective Lynch was just there; did he have
12 any part in the conversation?

13 A Other than what was seen on the body cam, I
14 believe he walked away a couple times to speak on the
15 phone with the detective that was going to gas station
16 to gas station, and I believe he may have stepped
17 inside to speak with the family, but you would have to
18 ask him to be sure of that.

19 Q As I understand it, he was not wearing a body
20 cam, as best you recall?

21 A No.

22 Q If the defendant had said to you I don't want to
23 speak to you, and I won't talk to you at all, would you
24 have just walked away; is that what you are saying?

25 A Pretty much. I can't force her to speak with me.

ANDREW FRANKLIN - REDIRECT EXAMINATION

1 Q Okay.

2 MR. WILSON: I don't have any other questions.

3 THE COURT: Follow-up?

4 MR. SPRATLIN: Real briefly, Your Honor.

5 REDIRECT-EXAMINATION

6 BY MR. SPRATLIN:

7 Q So we're clear, at the first of the interview she
8 refuses to give you a written statement?

9 A Correct.

10 Q Did you have to pry any verbal statement out of
11 her, or was she freely giving you information?

12 A She was freely giving it because she stated she
13 didn't want to sound dumb.

14 Q Is it unusual for detectives to show up to
15 reinterview potential witnesses to a crime?

16 A No.

17 Q When she discussed having anxiety, was that
18 towards the end of the interview?

19 A Yes.

20 Q This is for summation: Did you or anyone in your
21 presence ever restrict the movements of Ms. Donnielle
22 Matthews-Green that day?

23 A No.

24 Q Did you or anyone in your presence do anything or
25 say anything that could have caused her to believe that

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 she wasn't free to leave?

2 A No.

3 MR. SPRATLIN: No other questions.

4 MR. WILSON: Nothing further.

5 THE COURT: Let's go back to the beginning of the
6 video, please. Back it up. That's fine. That's fine
7 right there.

8 (Video was played.)

9 All right. Go ahead and stop it.

10 EXAMINATION

11 BY THE COURT:

12 Q So who is the officer that was in the dark
13 uniform walking in front of you?

14 A Officer Beaudoin.

15 Q So it was him, Detective Lynch, and yourself?

16 A Yes, sir.

17 Q So three of you approach her?

18 A Yes, sir.

19 THE COURT: Continue on.

20 (Video is played.)

21 Q (THE COURT) That's Detective Lynch?

22 A Yes.

23 THE COURT: Stop.

24 Q What did she say to you?

25 A She said, I'm not writing anything else.

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 Q Did she say she didn't want to talk to you?

2 A No, she didn't say she didn't want to talk to me.

3 THE COURT: Continue on.

4 (Video is played.)

5 THE COURT: All right. Stop.

6 Q She indicates reluctance to talking to you, you
7 continued to ask her, "We want to talk to you,"
8 correct?

9 A Yes, Your Honor.

10 THE COURT: Thank you. That it is all I want to
11 hear.

12 Arguments, Mr. Wilson?

13 MR. WILSON: Yes, sir. Your Honor, my concern is
14 the cumulative effect in all of this, and we've gone
15 through three different officers now who all had
16 conversations with her, or attempted to have
17 conversations with her, and the range of emotion goes
18 from her being hysterical, to calm on the second video
19 that we went through; but we also have all of the
20 information from all of them being passed from one
21 officer to the next officer. When each officer
22 engages her, he is already armed with the information
23 that he got from the previous officer.

24 This officer, when he approaches her, she tells
25 them that she doesn't want to talk. She doesn't want

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 to write anything. She doesn't want to talk. And
2 even then, they don't try to advise her of anything.
3 He just says to her, Well, we need to talk to you at
4 some point, and then he asked her to come outside and
5 let's talk, and then she gets up and goes.

6 Now, to me, that is a command from the officer.
7 He's wearing a uniform. He says, "Let's go outside."
8 What are you going to do at that point? My position
9 is that it's not free and voluntary after that moment.
10 From that moment on, there is no free and voluntary,
11 and anything that is said from that point on, once he
12 asked her to go outside and let's talk, you know,
13 ought to be stricken.

14 THE COURT: Solicitor.

15 MR. SPRATLIN: Your Honor, my argument would be,
16 first off, regarding the statement. As the Court
17 heard it, the cumulative effect of this matter is that
18 is exactly the importance of it. The fact that she
19 gives a similar statement, elaborates a little bit on
20 the statement, elaborates further on that statement,
21 and then finally, as you hear in the next interview,
22 admits that those are all lies. That is jumping a
23 little ahead of -- horse before the cart on this one
24 -- or cart before the horse, excuse me.

25 Regarding this statement, Your Honor, there was

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 some reluctance on her to talk; I think that is clear
2 to the Court; however, I don't believe the officer
3 said why -- come outside with us. He asked, Would you
4 like to go outside, or, How about coming outside, and
5 she was amenable, got up, came outside. I do not
6 believe that rises to the level of custody requiring
7 Miranda warnings, which is the whole crux of this
8 argument, whether or not Miranda was required.

9 Clearly, she was free to leave. Clearly, she did
10 leave. Clearly, she walked about freely. If we look
11 at her actions outside, she seems very calm, cool, and
12 collected, not like someone who would be acting if
13 they were in custody. She doesn't seem to be
14 restricted in any way; in fact, when someone says
15 something about smoking a cigarette so close to the
16 door, she gets up, backs up, and keeps going, and the
17 officers walk with her. What was in her mind was not
18 I'm incarcerated or in custody or I'm not free to
19 leave, these guys are interrogating me; it was she was
20 having a conversation.

21 I submit to the Court Miranda was not required.
22 I understand the reluctance at first; however, I'm not
23 aware of anything that prohibits the officers from
24 asking twice. So I would ask the Court to allow the
25 statement to come in for the purposes of -- if the

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 Court was unwilling to let it in in the case in chief,
2 we ask that it comes in for the purposes of
3 impeachment, because it was not force or any coercion;
4 it was freely born by her. For the purposes of
5 impeachment, if the Court was not inclined to
6 introduce it in our case in chief.

7 THE COURT: Back it up again a little bit and
8 play it, please.

9 (Video was played.)

10 THE COURT: You can stop it.

11 MR. SPRATLIN: I would add, it seems to be her
12 idea to go out, as I rewatch.

13 THE COURT: I didn't get that. I heard --

14 MR. SPRATLIN: I'm not a hundred percent certain,
15 but I did hear....

16 THE COURT: I heard an officer say, Why don't we
17 go outside.

18 MR. SPRATLIN: I thought I heard her say.

19 THE COURT: Yes, sir. I'm glad -- back it up. I
20 don't think that is what happened.

21 MR. SPRATLIN: I might be wrong. I apologize if
22 I am.

23 THE COURT: That's all right.

24 (Video is played.)

25 THE COURT: Stop there. She's indicating

ANDREW FRANKLIN - EXAMINATION BY THE COURT

1 reluctance at that point in time.

2 MR. SPRATLIN: She is, Your Honor.

3 THE COURT: And he says, That's fine. And she
4 says, Really don't want to. And then continued on and
5 he says, We really need to talk to you again at some
6 point in time. Okay. So go ahead and play it.

7 (Video is played.)

8 THE COURT: "Do you want to go outside," it
9 follows right after "We really need to talk to you
10 again at some point in time; do you want to go
11 outside."

12 MR. SPRATLIN: If I can back it up one more time,
13 I promise she does say "go outside."

14 (Video is played.)

15 MR. SPRATLIN: I believe she says, "We can go
16 outside."

17 THE COURT: I can tell you, I'm really concerned
18 that three officers come, she's sitting down, and
19 there's three officers standing over her; one she's
20 already talked to, and two more. I will take this
21 under advisement because I'm -- anyway, I'll take it
22 under advisement at this point in time.

23 Let's break for lunch and come back at 2 o'clock.

24 MR. SPRATLIN: Yes, sir. Thank you for humoring
25 me.

JUDGE'S RULING

1 THE COURT: That's all right, no problem.

2 (A lunch break was taken.)

3 THE COURT: All right. As to the statement of
4 the defendant that is reflected in State's Exhibit 4,
5 the Court recognizes that there was some reluctance on
6 the part of the defendant when she was initially
7 approached by the officers. The situation was two
8 detectives and the uniformed police officer, that she
9 previously had spoken to, which the Court did find was
10 voluntary, approached her when she was sitting in the
11 lobby with two other unnamed females, which she
12 apparently was engaged in the conversation with them.
13 The two detectives and the officer approached her.
14 While there was three of them, they were at a
15 respectful distance. They were not on top of her.
16 They did not act in any kind of threatening manner of
17 any kind, or any kind of manner that the Court would
18 consider to be coercive.

19 The detective indicated that he wanted to speak
20 to her at some point in time when they initially
21 approached. She did indicate that she did not want to
22 give another written statement, which they agreed to
23 -- or answered in the affirmative to her. They did
24 indicate that at some point in time they wanted to
25 talk to her. She did suggest going outside. There

JUDGE'S RULING

1 was some kind of interaction between her and one of
2 the other ladies seated in the lobby, and after that
3 occurred, she suggested going outside, which the
4 detectives basically followed her -- or he said, Do
5 you want to go outside, and she got up and they
6 basically all went outside.

7 The tone and tenor of the interaction between the
8 defendant and the detectives thereafter cannot be
9 considered anything other than open, direct, not
10 confrontational of any kind. Basically, the
11 detectives were with her. They spoke to her briefly
12 in the outside of the entrance. She moved to the
13 bench. One of detectives moved with her and sat down
14 with her. After they sat down, they had a
15 conversation.

16 At one point in time, she indicated that she
17 wanted to smoke, and they certainly were agreeable to
18 that. They were instructed -- I don't know -- but it
19 appeared maybe a representative of the hospital that
20 they needed to move further away because they were at
21 the entrance, and they needed to move further away
22 from the entrance for her to smoke; she did. The
23 detectives basically followed in her wake to wherever
24 it was that she stopped. Then, they had an extended
25 conversation.

JUDGE'S RULING

1 The defendant at no point in time appeared
2 reluctant. When she went outside, there was never any
3 hesitation or reluctance on her part of any kind in
4 discussing the matters. Again, the officers were not
5 confrontational, coercive. They did not place her
6 into custody at any point in time. They didn't tell
7 her she was being detained at any point in time; in
8 fact, she was never detained. They left. She went
9 back inside the hospital, and they left. So she was
10 never detained by North Myrtle Beach at any point in
11 time.

12 I think it is important to note that at that
13 point in time -- and one of the reasons that the
14 detectives were talking to the defendant -- was they
15 were unsure if they even had jurisdiction to be
16 investigating the matter; they were trying to clear
17 that up. They apparently had one detective going to
18 various gas stations to try to get video to see if
19 something might have happened to establish; and, in
20 fact, the next day they discovered that they, in fact,
21 were not the proper agency to be investigating it. It
22 was the Horry County Police Department. The incident,
23 to the best of their knowledge, turned out to have
24 occurred within the jurisdiction of the Horry County
25 Police Department, and not within the jurisdiction of

JUDGE'S RULING

1 the North Myrtle Beach Public Safety Department.

2 There was an indication that the North Myrtle
3 Beach police officer who did the initial conversation
4 with the defendant, through his conversation,
5 developed what he believed to be relevant information
6 that he thought might lead to the defendant being a
7 suspect. I think we have to take into consideration
8 that this was an officer who had been on the job
9 probably less than a year, and he was relaying
10 information to detectives. From my impression, it
11 appeared that the detectives were in some way
12 reluctant to follow the lead of the rookie officer and
13 wanted to make their own determination as to the
14 situation.

15 Even though they were informed of some matters,
16 they did not indicate they thought that the defendant
17 at the time of their initial contact with her was a
18 person they believed was a suspect in the incident
19 that led to the stabbing of the victim, Dennis Green,
20 who obviously later died.

21 I do not find that Miranda warnings were
22 required. The defendant indicated she didn't want to
23 give a written statement; she already had given one.
24 They didn't press her for one. They didn't ask her
25 for one. They did ask her for one. They did indicate

GREG LENT - DIRECT EXAMINATION

1 they wanted to talk to her again. Because of some
2 banter she had with another female in the lobby, it
3 appears she indicated she wanted to go outside, which
4 they agreed to and conducted the conversation with her
5 outside. She was never in their custody and control.
6 Her freedom of movement was never restrained. She was
7 free to come and go. So I do find that statement of
8 the defendant, as set forth through State's Exhibit 4,
9 is a free and voluntary statement of the defendant and
10 can be used for all purposes in this motion and for
11 trial.

12 All right, sir.

13 MR. SPRATLIN: Thank you, Your Honor.

14 THE COURT: Where are we at?

15 MR. OSKIN: The State would call Sergeant Lent
16 with the Horry County Police Department, Greg Lent.

17 (GREG LENT, having been duly sworn, testified
18 as follows:)

19 THE WITNESS: Gregory Lent, L-E-N-T.

20 THE COURT: You answered the witness Covid
21 questionnaire. You indicated that you had been tested
22 for Covid; is that correct?

23 THE WITNESS: I did, Your Honor.

24 THE COURT: And the results of that were?

25 THE WITNESS: I tested positive on July 3rd.

GREG LENT - DIRECT EXAMINATION

1 THE COURT: What happened as a result of that?

2 THE WITNESS: Stayed out of work for two weeks,
3 and had a return-to-work note which placed me back to
4 work on July 20th.

5 THE COURT: Have you had another test since then?

6 THE WITNESS: No; they would not test me again
7 after that.

8 THE COURT: All right, sir. And you've indicated
9 since that time you've been free of the Covid symptoms
10 as is recognized them to be today?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: And you got your temperature taken
13 when you came in?

14 THE WITNESS: Yes, twice.

15 THE COURT: I'm assuming, since you wouldn't be
16 there. Thank you very much.

17 Go ahead, Solicitor.

18 MR. OSKIN: Thank you, Your Honor.

19 DIRECT-EXAMINATION

20 BY MR. OSKIN:

21 Q Sergeant Lent, good afternoon, sir. I appreciate
22 your patience. What is your current occupation?

23 A Sergeant with the Horry County Police Department,
24 Major Crime Homicide Unit.

25 Q How long have you worked in law enforcement, sir?

GREG LENT - DIRECT EXAMINATION

1 A Since October of 2007.

2 Q How long has that time been with the Horry County
3 Police Department?

4 A All of it; almost 13 years.

5 Q Your entire career?

6 A Yes.

7 Q And you said your current assignment is sergeant
8 of the Violent Crimes Unit?

9 A Yes.

10 Q And you have been in that assignment for how
11 long?

12 A About a year now.

13 Q What was your effective rank in July of 2017?

14 A I was a senior detective assigned to the Major
15 Crime Homicide Unit.

16 Q And I'm sure some of those duties overlap, but if
17 you would explain to the Court what is some of the
18 duties as a detective in the Violent Crimes Unit?

19 A My job function, at that time, I was assigned any
20 homicide or death-related investigation to include
21 suicides, overdoses, or natural deaths, and any other
22 major crimes that could result in death: Shootings,
23 stabbings, aggravated assaults.

24 Q Same job capacity early of July 2017?

25 A Yes.

GREG LENT - DIRECT EXAMINATION

1 Q I'll point your attention to around the date of
2 July 7 of that year. What, if any, involvement did you
3 have in regards to the case against the defendant
4 Donnielle Matthews-Green?

5 A I have assisted the lead detective at that time,
6 Detective Jack Johnson, now Sergeant Jack Johnson, with
7 the investigation, helped him to conduct interviews.

8 Q Throughout your part of this investigation, did
9 you interview this defendant directly?

10 A I did.

11 Q Where did you interview her, sir?

12 A It was with the office of -- I think with the
13 Orangeburg County Sheriff's Office.

14 Q Outside of the jurisdiction?

15 A Yes, it was.

16 Q And at the time of that interview, had Dennis
17 Green been declared dead?

18 A He had.

19 Q Let's talk about the defendant's background from
20 your interactions with her. Do you know about how old
21 this defendant is -- or was at the time you spoke with
22 her?

23 A I don't recall at the moment, no.

24 Q Do you recall what her education level is?

25 A I believe during the interview she told us she

GREG LENT - DIRECT EXAMINATION

1 got her GED.

2 Q From your conversation with her, did she appear
3 to be able to understand the English language?

4 A Yes.

5 Q Did she seem to answer the questions in response
6 to what you were, in fact, asking?

7 A Yes.

8 Q Throughout your law enforcement career, have you
9 had the opportunity to come into contact with people
10 who are under the influence of alcohol or drugs?

11 A Yes.

12 Q What are some of the symptoms, sir?

13 A Slurring speech, unsteady on their feet,
14 bloodshot or glassy eyes.

15 Q During your interview with her in Orangeburg, did
16 she exhibit any of those symptoms at that time?

17 A No, she did not.

18 Q Did she -- she didn't slur her words?

19 A No.

20 Q She didn't have trouble following along with you?

21 A No.

22 Q Didn't do anything else that would cause you to
23 think that she was under the influence?

24 A No.

25 Q You indicated that you went to Orangeburg to

GREG LENT - DIRECT EXAMINATION

1 interview her, do remember why you had to do that?

2 A That is where she was located and we had to go
3 meet her.

4 Q Prior to your arrival in Orangeburg, did you
5 contact her and let her know that you were requesting
6 to interview her?

7 A I know that I had gone out to, I believe it was,
8 Seacoast Medical Center at the time of the call, and
9 she had left from there. She had been for some time,
10 so we decided we wouldn't conduct an interview there.
11 I don't recall the exact conversation we had with her
12 at that time. I imagine we would have followed up with
13 her in Horry County.

14 Q But she did agree to meet with you once you came
15 down to Orangeburg County to interview her?

16 A Yes.

17 Q And that interview was done at the Orangeburg
18 County Sheriff's Department?

19 A Yes.

20 Q At the very beginning of the statement
21 verbatim -- and we'll play the audio for the Court and
22 defense counsel -- did you notify her that this was, in
23 fact, a death investigation?

24 A Yes.

25 Q Because of that notification and the

GREG LENT - DIRECT EXAMINATION

1 circumstances arising from the original stabbing, did
2 you go -- did you read her rights to her? Did you go
3 through your process of letting this defendant know her
4 Miranda rights?

5 A Yes.

6 Q What information did you give her about her
7 rights?

8 A I advised her she had a right to remain silent,
9 anything she said would and could be used in a court of
10 law, that she had the right to an attorney, and if she
11 could not afford one, one would be appointed to her,
12 and that if she did decide to answer any questions, she
13 could stop at any time.

14 Q And part of your investigatory process, do you
15 have what is known as an "Advisement of Miranda Rights"
16 form?

17 A Yes.

18 Q Do you have defendants initial those, I guess, to
19 further back up that you did, in fact, read off those
20 rights to the defendant before questioning?

21 A Yes.

22 Q Or potential defendant?

23 A Yes.

24 Q Did you do that in this case?

25 A Yes.

GREG LENT - DIRECT EXAMINATION

1 Q I'll show you what is marked -- I'll keep my
2 distance here, but I'll show you what is marked as
3 State's 5; can you recognize what that is?

4 A Yes. That looks like my handwriting at the top.

5 Q Do you need me to approach a little bit closer?

6 A No. That is the form we use with the defendant.

7 Q Are those initials indicative of the defendant's
8 initials?

9 A Yes.

10 Q And that is after you asked her about her Miranda
11 rights, so she would have waived them when she spoke to
12 you?

13 A Yes.

14 (State's Exhibit 5 marked.)

15 MR. OSKIN: I'll show defense counsel the
16 advisement of Miranda rights, Your Honor, if I may?

17 MR. WILSON: I have no objection for the purposes
18 of this hearing.

19 THE COURT: For purposes of this hearing, State's
20 5 is in evidence without objection.

21 (State's Exhibit 5 admitted.)

22 MR. OSKIN: Your Honor, would you prefer I
23 publish it to the Court at this time, or is testimony
24 suffice?

25 THE COURT: Testimony is suffice, I mean.

GREG LENT - DIRECT EXAMINATION

1 MR. OSKIN: Okay. I'll carry on then.

2 THE COURT: Yes, sir.

3 Q (MR. OSKIN) I believe you touched on it broadly
4 -- well, you went over it specifically. You did go
5 over the form with the defendant?

6 A I did.

7 Q You told her she had a right to remain silent and
8 refuse to answer any questions?

9 A Yes.

10 Q Anything she said would and could be used against
11 her in a court of law?

12 A Correct.

13 Q She had a right to an attorney?

14 A Yes.

15 Q And if she could not afford one, one would be a
16 provided to her?

17 A Yes.

18 Q Did you do -- you had her initial, I apologize.
19 During any time in your interview with her, did
20 she state that she wished to not speak with you?

21 A No.

22 Q Did she state at any time that she requests a
23 lawyer?

24 A No.

25 Q Did the defendant during your questioning

GREG LENT - DIRECT EXAMINATION

1 insinuate that she wished to end the conversation?

2 A No.

3 Q Did she invoke any of her rights that you went
4 over with her?

5 A No, she did not.

6 Q Let's talk about this conversation. You've
7 viewed this interview prior to your court testimony
8 today?

9 A I have.

10 Q It's roughly a three-hour interview; is that
11 correct?

12 A Correct.

13 Q I believe at which point you give her a break in
14 the middle; is that correct?

15 A Yes.

16 Q Throughout that interview, do you make her any
17 promises of any deals or anything if she cooperates, or
18 do you threaten or coerce her in any way?

19 A No.

20 Q Did you tell the defendant anything about what
21 she needed to tell you?

22 A No.

23 MR. OSKIN: If I may approach the witness, Your
24 Honor?

25 THE COURT: Yes, sir, please.

GREG LENT - DIRECT EXAMINATION

1 Q (MR. OSKIN) I'll show you what is marked as
2 State's Exhibit No. 6 and ask if you recognize that?

3 A I do. I notice my initials there at the bottom
4 of the disk.

5 Q Is this the copy of the interview audio you've
6 been testifying about here today?

7 A Yes.

8 Q Are those your initials on the disk?

9 A They are.

10 Q Nothing has been edited, altered, or materially
11 changed on this interview?

12 A No.

13 Q You have watched it?

14 A Yes.

15 Q And it was the interview in its entirety?

16 A Yes.

17 Q For the Court's understanding, since this is a
18 long interview, and Mr. Wilson has a couple different
19 versions as to how the discovery was transmitted, this
20 states "Part "1 and "Part 2," correct?

21 A Yes.

22 Q However, after viewing it, "Part 2" just has a
23 couple extra minutes from "Part 1"; is that correct?

24 A Correct.

25 Q And, therefore, the rest of the stuff on "Part 2"

GREG LENT - DIRECT EXAMINATION

1 is contained on "Part 1," correct?

2 A Yes. Right.

3 MR. WILSON: No objection for the purposes of
4 this hearing.

5 THE COURT: What number?

6 MR. OSKIN: State's 6, and I seek to move it into
7 evidence.

8 THE COURT: State's 6 is in evidence for the
9 purposes of this motion hearing without objection.
10 You may publish 6.

11 (State's Exhibit 6 marked and admitted.)

12 MR. OSKIN: I want Your Honor to know it is
13 lengthy, and with your permission, I'll sit by the
14 computer so if there is any time I need to pause it --

15 THE COURT: That's fine. That, or if there are
16 any parts that Counsel can agree are not necessary to
17 be played, that is fine; but other than that, we'll
18 play the whole thing. Go ahead.

19 Is there an extended period of time before the
20 detective comes in?

21 MR. OSKIN: No, sir. He's about to come in.

22 (State's Exhibit 6 published to the Court.)

23 THE COURT: Can you stop for a second, please.

24 Detective, who is the other person that came in
25 the room?

GREG LENT - DIRECT EXAMINATION

1 THE WITNESS: Detective Jack Johnson.

2 THE COURT: All right, sir. Go ahead.

3 (State's Exhibit 6 published to the Court.)

4 Q (MR. OSKIN) At this time, you and Sergeant
5 Johnson left the interview room; is that correct?

6 A Correct.

7 Q What was that for?

8 A She wanted to smoke a cigarette.

9 Q And you honored that request?

10 A Yes.

11 MR. OSKIN: Please resume.

12 (State's Exhibit 6 published to the Court.)

13 Q (MR. OSKIN) I believe you are about to serve her
14 with another warrant?

15 A Yes.

16 Q Are you talking about logistics as far as getting
17 her back from Orangeburg County to Horry County; is
18 that on that video?

19 A Correct.

20 Q And that is the portion played in the next nine
21 minutes; is that correct?

22 A Correct.

23 Q You didn't ask her any questions about --

24 A No. At that point we served the warrant and
25 transferred her to Orangeburg.

GREG LENT - DIRECT EXAMINATION

1 Q And it was your testimony earlier that the
2 portion on that second disk before was shown in this
3 first statement?

4 A Yes; it is all duplicate.

5 Q Thank you.

6 MR. OSKIN: Your Honor, it certainly is
7 Mr. Wilson's call to make that -- that would complete
8 the publication of the interview from Sergeant Lent.

9 THE COURT: Do you want the State to play the
10 rest of it?

11 MR. WILSON: No, sir.

12 THE COURT: All right.

13 MR. OSKIN: Court's indulgence, Your Honor.

14 THE COURT: Yes, sir.

15 (A brief pause in the proceedings.)

16 Q Sergeant Lent, I know that was short of a
17 three-hour statement, and I want to direct your
18 attention to, roughly, the 1 hour and 47 minute mark.
19 You confronted -- do you remember -- you just saw this
20 entire interview, correct?

21 A Yes.

22 Q Do you remember the defendant at any point in
23 this interview mentioning the word "lawyer" or speaking
24 to a lawyer?

25 A Yes. At some point, when we came back into the

GREG LENT - CROSS-EXAMINATION

1 room and put it in front of her, with some of the gaps
2 in the story, she said, Oh -- I can't remember her
3 exact wording, but made some comment, Well, now you all
4 make me wish I said something about a lawyer before,
5 and I took that as when she was speaking with some of
6 the officers earlier.

7 Q When officers first responded to Seacoast
8 Hospital?

9 A Correct. Correct.

10 Q And in addition to that -- and we can watch the
11 video again if you need to refresh your memory -- she
12 immediately continued speaking, correct?

13 A There was no stopping in the conversation, and it
14 was never at a point where it was....

15 Q So based off of your testimony just now, you were
16 unsure --

17 A I did not take her statement to be an indication
18 for her rights at all.

19 Q Okay.

20 MR. OSKIN: Nothing further from me. Please
21 answer any questions from Mr. Wilson.

22 THE COURT: Go ahead.

23 MR. WILSON: Thank you, Your Honor.

24 CROSS-EXAMINATION

25

GREG LENT - CROSS-EXAMINATION

1 BY MR. WILSON:

2 Q Sergeant Lent, as I understand it, you didn't
3 take her statement that she should have asked for a
4 lawyer earlier to mean that she wanted one?

5 A She made no comments to me that she wanted to
6 stop questioning, that she didn't want to answer any
7 questions, or that she wanted an attorney with her
8 there at that moment.

9 Q So not only would you need her, in your opinion,
10 to say that she wished she had a lawyer, but she would
11 also need to say that she needed to stop, that she
12 wanted to stop talking, in addition to wanting a
13 lawyer?

14 A No.

15 Q She would need to say all of that in order for
16 her to, in your opinion, be entitled to get a lawyer
17 and stop the process at that point?

18 A No. If she would have told me, "I think at this
19 point I would like an attorney," the interview would
20 have stopped right then and there.

21 Q Now, let's go back a little bit. As I understand
22 it, when you left Conway to go to Orangeburg, you
23 already had an arrest warrant for her?

24 A Correct.

25 Q And so when you tell her in the interview that

GREG LENT - CROSS-EXAMINATION

1 she's not under arrest, that is really not true, is it;
2 she was under arrest?

3 A At that point, it was still an interview. If she
4 would have gone in there and been honest and provided
5 us with a plausible reason that she had not committed
6 this crime, I wouldn't have executed the arrest
7 warrant.

8 Q What you are telling me is that even though a
9 judge issued that warrant, you would cancel it based on
10 your own volition? If she said something that you felt
11 was justifiable, you would have made that decision?

12 A What I said is I would not have executed it if
13 she provided information that would lead to more
14 follow-up.

15 Q In your opinion?

16 A I'm not going to cancel a judge's warrant, but if
17 she gave a statement that made me believe more
18 follow-up would have had to be done, I would have held
19 onto the warrant and continued my investigation.

20 Q All right. Why did you tell her -- why did you
21 go out of your way to tell her when she's sitting there
22 that she's not under arrest, when you knew that you had
23 the arrest warrant in your pocket to serve on her? Why
24 would you go to the trouble of telling her that she was
25 not under arrest?

GREG LENT - CROSS-EXAMINATION

1 A At that point, we didn't -- at that point, we
2 didn't know what she was going to tell us. We did go
3 up there with an arrest warrant, and had plans had she
4 provided information, she would have been taken into
5 custody. But there was still quite -- I mean, there
6 was gaps in the story that we needed clarification from
7 Ms. Green.

8 Q You needed a statement to clarify what she had
9 done, correct?

10 A Correct.

11 Q But my point is -- who went to the magistrate to
12 get the warrant?

13 A Mr. Wilson, I mean, this is over three years ago,
14 I don't remember who signed the warrant.

15 THE COURT: You want him to look at the original
16 documentation?

17 MR. WILSON: Yes, sir. This is a copy, if I may
18 approach?

19 THE COURT: Okay. We've got the original, so if
20 you and the Solicitor want to compare them and make
21 sure they are the same, and use that as an exhibit,
22 I'm fine with that.

23 MR. WILSON: Yes, sir.

24 THE COURT: Solicitor, come up and look at the
25 warrant and make sure that the document is the same

GREG LENT - CROSS-EXAMINATION

1 thing.

2 MR. WILSON: They are the same, Your Honor.

3 THE COURT: Very good. Why don't you have the
4 court reporter mark it.

5 (Defense Exhibit 1 marked.)

6 MR. WILSON: May I approach him now, Your Honor?

7 THE COURT: Yes, sir, please.

8 A Mr. Wilson, I can tell you that is not my
9 signature; I imagine it is Detective Johnson's.

10 Q (MR. WILSON) Detective Jack Johnson?

11 A I would imagine, yes.

12 Q Okay. And when did you first see the warrant?

13 A Mr. Wilson, I don't recall. I might have seen it
14 on the way there. I mean, this is three years ago.

15 Q Okay. Well, you know -- let me ask you this: A
16 warrant is an affidavit, right?

17 A Yes.

18 Q A sworn statement that you made -- or you or
19 Detective Johnson made to the Court?

20 A Correct.

21 Q That you had probable cause to arrest her?

22 A Correct.

23 Q Is that correct?

24 A Correct.

25 Q And you had the judge sign off on that agreeing

GREG LENT - CROSS-EXAMINATION

1 for you to go and arrest her, to serve and execute that
2 warrant?

3 A With the information we had at that time, yes.

4 Q Did you get any more information from the time
5 you had the judge sign the warrant, until the time you
6 got to Orangeburg?

7 A No, not from the time we got to Orangeburg. Once
8 we left Orangeburg, we had more information.

9 Q So your intent was when you went to Orangeburg to
10 execute that warrant, one of the things you wanted to
11 do was to execute that warrant on her when you got to
12 Orangeburg?

13 A When we got to Orangeburg for our interview with
14 the defendant, if this warrant was still palpable, the
15 information contained within it, yes, we would have
16 served it, which is what we did. I worked other
17 homicide cases where I've obtained warrants, people
18 came forward and provided alibi information, which was
19 then investigated and ruled to be false. But when I
20 had that warrant, it wasn't executed because I made
21 sure that I investigated the information that I was
22 given fully.

23 Q But throughout this -- and you say that, but
24 throughout your diatribe in this video, you constantly
25 say she is guilty. You constantly say that she stabbed

GREG LENT - CROSS-EXAMINATION

1 him, right? You constantly tell her that you knew she
2 did it?

3 A I'm trying to get information from her, yes.

4 Q And that was your opinion when you left Conway to
5 go to Orangeburg, and that didn't change the entire
6 time you were there?

7 A No, it didn't, because she told me she did.

8 Q That is my point, is that you already had gotten
9 a warrant based on those facts that you believed to be
10 facts, right?

11 A Correct.

12 Q You or one of your fellow officers got that
13 warrant, and you went there armed with that warrant,
14 and you simply went there because you also wanted to
15 get information from her, and the way to do that was to
16 convince her that she was not going to jail right now,
17 so if -- and that way she would be more compliant in
18 speaking with you?

19 A I don't know that -- if I was trying to convince
20 her that she wasn't going to jail. I don't think I
21 ever told her at some point that she wasn't going to go
22 to jail. I never told her that she was or wasn't.

23 Q You also tell her that -- I think your words were
24 did you tell anything about what she needed, and you
25 said she needed to tell you what happened, right? Did

GREG LENT - CROSS-EXAMINATION

1 you tell her that at some point?

2 A Yeah, I'm sure.

3 Q And that she needed to tell you what happened,
4 right?

5 A Yes.

6 Q And she kept telling you repeatedly that she
7 didn't know what happened, right?

8 A Correct; she did state that for quite awhile.

9 Q And you continued to give her bits and pieces of
10 information about what you said did happen; did you
11 not? In fact, you told her, did you not, that they had
12 gone to certain clubs, that you had information as to
13 how many minutes it was from the time they left before
14 they got to the hospital, what the time frame was; did
15 you not explain all of that to her in the video we just
16 heard?

17 A I did confront her with things that she had said
18 that were untrue in order to convince her that what she
19 needed to do was to tell the truth.

20 Q Other than -- other than telling you in this
21 three-hour video that she doesn't remember -- that she
22 doesn't remember how she stabbed him, but that she
23 stabbed him, what else did she tell you in this
24 three-and-a-half hour video that you didn't first tell
25 her?

GREG LENT - CROSS-EXAMINATION

1 A She told me where the knife was. She described
2 what the knife was to me, right. She described what
3 the murder weapon was.

4 Q Right -- go ahead, I'm sorry.

5 A Go ahead, Mr. Wilson.

6 Q She told you where the knife was?

7 A Correct; in the cup holder.

8 Q Where was the knife?

9 A She stated the knife was in the cup holder.

10 Q In the cup holder in the car?

11 A Right.

12 Q That is my point.

13 Anything she told you, other than what you told
14 her, other than the fact that she stabbed him with a
15 knife?

16 A Again, Mr. Wilson, I would say that what I did
17 was confront her with the untruth that she had been
18 telling prior to that, but I did not give her any
19 information to tell me.

20 Q Well, didn't you give her information about how
21 you said that the stabbing happened; and, in fact, you
22 told her, did you not, that Dennis was stabbed twice?

23 A I did.

24 Q And before that -- and she said, "What?" kind of
25 in surprise?

GREG LENT - CROSS-EXAMINATION

1 A During the interview, she never told me how many
2 times she stabbed Dennis. She didn't provide that
3 information; I provided it to her.

4 Q Right. Right. That is my point.

5 Throughout this statement -- and the other thing
6 is during this statement when you are talking to her,
7 one of the things that I noticed is that you get up
8 from your chair sitting at the far end, when she's not
9 responding and she's not giving you the answers that
10 you want, and you approach her and actually touch her?

11 A At one point, I do make physical contact.

12 Q And not only one point, but you actually stand
13 over her for a considerable period of time having a
14 strong conversation with her; do you recall that?

15 A I don't know what -- you mean by speaking a
16 little more louder than normally?

17 Q Yes. Yes.

18 A I don't know if I consider that a strong
19 conversation. I can tell you the times I reached out
20 and touched Ms. Green. I can't tell you that I did not
21 have any empathy for the situation she was in. You can
22 sit here and describe what I did as some form of
23 trickery or strategy, but I would tell you that it was
24 empathy.

25 Q In fact, it was trickery or strategy, right? I

GREG LENT - CROSS-EXAMINATION

1 mean, your point was that you wanted to get certain
2 information from her, however you needed to get it, and
3 if it required you to be ugly to her, then you did a
4 little bit of that. If it required you to be nice to
5 her, you did a little bit of that. But the important
6 thing was to get to where you were going, which was to
7 get her to admit that she did the stabbing, right?

8 A What was the question in that?

9 Q The question was: Did you not stand over her --
10 not only did you stand over her, but go to her and
11 actually touch her and invade her space in order to get
12 information from her?

13 A Again, at one point, yes, I touched Ms. Green and
14 I think I was rubbing her shoulder as she was telling
15 the story. That was not a way to elicit information;
16 it was empathy. I felt bad for the position she was
17 in. Like I said in the interview, it was a tragedy for
18 everyone, and I believe that to this day. Was I
19 speaking louder in that room at times than other times?
20 Probably. If I was confronting her with something that
21 she said that was knowingly false, I imagine I would
22 raise my voice.

23 Q Okay. At any point in time -- at any point in
24 time, prior to serving the warrant on her, did you tell
25 her that she was a suspect in this matter, at any time?

GREG LENT - CROSS-EXAMINATION

1 A Yes, sir. I think at one point I asked her
2 straight out, "Did you do this to Dennis?" I told her,
3 "You are his wife, we're going to ask anybody this
4 question."

5 Q Yeah. Okay. And -- but that's really towards
6 the end of the conversation that you had with her?

7 A I would say closer to the middle, but either way
8 it was within the conversation.

9 Q You also told her -- as I remember, you said -- I
10 think these are your words, you said to her that if it
11 -- if there's something that happened with you and
12 Dennis in the car, you need to talk about that, and now
13 is the time, right?

14 A Correct.

15 Q You also then start to talk with her about
16 emotional things about leniency. You ask her what she
17 thinks the person who did this would deserve, leniency
18 or a second chance; do you recall asking her that?

19 A The question is: What kind of punishment do you
20 believe that someone who had done something like this
21 would deserve? And the next follow-up question would
22 be: Someone who had done something like this, do you
23 think they would deserve a second chance?

24 Q Yes. No question about it; you asked that?

25 A Yes. Those are pretty typical interview

GREG LENT - CROSS-EXAMINATION

1 questions.

2 Q What is the purpose in asking that?

3 A It is a behavioral question to see what her
4 response would be to that.

5 Q Not to get her to believe that somehow if she
6 tells you, then now you are going to be more lenient
7 with her and that she somehow will get a second chance;
8 that wasn't your intention, I'm sure?

9 A Absolutely not. I don't believe anyone would
10 take that.

11 Q All right. You also tell her that in the time
12 that you are attempting to coddle her, you tell her
13 that you saw the bruising on her legs, right? Do you
14 recall that?

15 A At some point there was a conversation and, yeah,
16 she said -- she talked about -- and I don't remember
17 what point you are pointing to, Mr. Wilson, but I do
18 know that during the conversation, during the
19 interview, she talked about always being hurt, always
20 having some type of bruising or scratching, or whatever
21 it might be.

22 Q You also tell her that it's not fair to your mom,
23 to your grandma to not tell what happened; what was the
24 purpose of that?

25 A To elicit a response.

GREG LENT - CROSS-EXAMINATION

1 Q So elicit a response? All right.

2 A And we picked her up, I believe it was, at her
3 mother's house. I can't recall, but I believe that is
4 where she had gone. The family there was concerned for
5 the situation.

6 Q And at some point, then, you ask her to tell you
7 what happened with -- let me rephrase it.

8 You asked her, is the better way to put it, what
9 would she say to Dennis' mother, right?

10 A I believe so.

11 Q That was near the end of your conversation. You
12 also tell her -- even though she tells you that she
13 doesn't know what happened, you tell her something
14 happened in that car, and then you say, Were you all
15 fussing and you lost your mind? That's the first time
16 after that that she says that they were fussing. Is
17 there any point in time prior to that when you made
18 that statement to her that she tells you that they are
19 fussing, other than when you tell her specifically
20 "Something happened in that car, tell me what happened
21 you all were fussing and you lost your mind?"

22 A During the course of the interview, she stated to
23 us that her and Dennis fussed all the time, and we had
24 witness statements that detailed the fact that they had
25 been arguing.

GREG LENT - CROSS-EXAMINATION

1 Q Where is the information that they fussed in the
2 car prior to the stabbing?

3 A Well, that was from the defendant herself.

4 Q Yeah, after you told her that.

5 A And witness statements throughout that
6 investigation. We had witnesses provide statements
7 stating that Ms. Green and Mr. Green had been fussing
8 throughout the night.

9 Q All right. But my point is: She never told you
10 that she was fussing with Dennis at any point in time
11 prior to you telling her that they were fussing; you
12 suggested to her that there was fussing and she lost
13 her mind?

14 A No, Mr. Wilson. You can say I suggested to her,
15 and I would say I asked her a question.

16 Q All right. One of the other things is when she's
17 seated, you walk around the desk or the table and you
18 kind of stand over her, and you're talking loud; what
19 was your purpose in doing that?

20 A Most interviews are interrogations. Sometimes if
21 someone is speaking an untruth or giving information
22 that I don't believe to be accurate, it's like any
23 other conversation, I do it with my 12-year-old
24 step-daughter, if I don't believe she's telling me the
25 truth, my voice is probably going to increase.

GREG LENT - CROSS-EXAMINATION

1 Q Yeah. And it can be intimidating, right? You
2 don't deny that, right?

3 A I don't know if anything had occurred in the
4 course of that interview, which was pretty tame,
5 anything that occurred in that room that I would
6 consider intimidating. I've had some pretty
7 confrontational conversations with people suspected of
8 committing murder.

9 Q You are what, 6'1", 6'2"?

10 A About that, yes.

11 Q 240, 250?

12 A You are being kind.

13 Q Well, look at me (laughing). But my point is you
14 are a big, tall man, healthy. She is a very small
15 woman. She's seated, and you are standing over her in
16 a loud voice, and you don't think that that is
17 intimidating to her?

18 A I don't believe I was acting in an intimidating
19 way, and if I think my size and weight alone would
20 cause that, Mr. Wilson, then I would state I guess we
21 need to find smaller detectives to do interviews.

22 Q Okay. You also asked her whether or not she was
23 right-handed?

24 A Correct.

25 Q And do you know whether she's right-handed or

GREG LENT - CROSS-EXAMINATION

1 ambidextrous?

2 A I believe she stated she was right-handed, but
3 she uses her left hand equally.

4 Q She told you she could shoot a gun with her left
5 hand?

6 A Yeah, I think that was the statement.

7 Q So you are telling us -- you're telling us that
8 even though -- let me back up and ask you this: How
9 did you get Donnielle to come down to the station?

10 A I believe we went to her mother's house. I don't
11 recall the conversation we had with Ms. Green. It was
12 out of an apartment of Orangeburg, at her mom's house.
13 I don't recall the conversation. I know that we spoke
14 with, I think it was, her mother afterwards, because I
15 think I might have even called her mom after we left
16 and let her know that Ms. Green was okay.

17 Q You still -- I don't know if you answered my
18 question; and if you have, I missed it. What I'm
19 asking is: How did Donnielle know to come down to the
20 Orangeburg Police Department to meet with you?

21 A We went to her mom's apartment to where she was.

22 Q Did you leave a message, talk to Donnielle? Who
23 did you speak with?

24 A I know she was there.

25 Q You spoke to her?

GREG LENT - CROSS-EXAMINATION

1 A I believe so, yes.

2 Q And you agreed to meet her at the station, when?
3 The same day?

4 A I would imagine, but I'm not quite sure that she
5 agreed to ride with us down there, but I believe that
6 she rode with us.

7 Q So you think she rode with you to the station?

8 A Yes.

9 Q And would you have told her if she rode with you
10 to the station that she didn't have to go with you if
11 she didn't want to?

12 A I'm sure we gave her the option to voluntarily
13 come with us. Now, granted, if she had not voluntarily
14 come with us, we had that arrest warrant. We would
15 have executed it at that time, and there probably would
16 not have been much of an interview after that.

17 Q That's right. If she said at any point in time
18 that she wouldn't go with you to the station to have
19 this interview, you would have placed her under arrest
20 and served that warrant on her; is that correct?

21 A Correct. And what we did instead is we had her
22 voluntarily come so she could, hopefully, for her sake,
23 provide a plausible explanation for what happened.

24 Q All right. Thank you.

25 THE COURT: Further questions from the State?

GREG LENT - REDIRECT EXAMINATION

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REDIRECT-EXAMINATION

BY MR. OSKIN:

Q To be clear on a couple things, Sergeant Lent, this was a custodial interrogation, correct?

A It was.

Q Let's back up to why you had to meet with this defendant in Orangeburg in the first place. You initially responded to the hospital as part of your duties on the homicide team, violent crimes team?

A Correct.

Q Your interview stated that she was inaudible, tired, mumbling, unable to speak to you at that time?

A Correct.

Q From that point, I believe you testified that you would meet her after some rest; is that correct?

A We did, yes.

Q But you attempted that to be in Horry County?

A We did expect to speak to her in Horry County.

Q What happened when you went and checked on the hotel records or apartment records with regards to where Ms. Matthews-Green was supposed to be; what did you find out then?

A She had left.

GREG LENT - REDIRECT EXAMINATION

1 Q Where did she go?

2 A To Orangeburg.

3 Q And that is where her mother lived?

4 A Correct.

5 Q So you made arrangements for her to talk to you,
6 right?

7 A Again, it's been three years. I don't recall
8 what conversations we had prior to driving to the
9 interview.

10 Q It is in the interview. You said you would have
11 rather done this in Conway, but you came to Orangeburg?

12 A Correct.

13 Q The reason for you talking to her at that point
14 was because of Mr. Green passing away?

15 A Correct.

16 Q Without bringing in hearsay into this portion,
17 you followed up on investigations, and was it your
18 determination that her stories didn't quite add up?

19 A Correct.

20 Q And there is specific testimony with regards to
21 time from the passenger in the car with them; is that
22 correct?

23 A Yes.

24 Q To when that person was dropped off --

25 A Yes.

GREG LENT - REDIRECT EXAMINATION

1 Q -- at their home? And I believe you have
2 hospital surveillance footage that shows the time that
3 Mr. Green was walking into the hospital stabbed on his
4 right side, correct?

5 A Correct.

6 Q About what time frame, without taking this
7 further and avoiding hearsay, based off of your portion
8 of this investigation, from that witness being dropped
9 off at her house until Ms. Matthews-Green going to that
10 hospital, about how long was that?

11 A I believe it was between seven to nine minutes.
12 A very short period of time.

13 Q And this defendant talked about two gas station
14 stops?

15 A Correct.

16 Q All gas stations you followed up on?

17 A Yes.

18 Q The victim in this case was not seen on any
19 footage at any gas station that this defendant said he
20 was at, correct?

21 A Correct.

22 Q Is that probable cause: Lies, short time frame,
23 only two people in the car?

24 A Correct.

25 Q And in the very beginning of this interview, and

GREG LENT - REDIRECT EXAMINATION

1 I'm going to be blunt here, and I'm not saying this to
2 offend either one of you, but you are from New York,
3 correct?

4 A I am.

5 Q Defendant is from Baltimore?

6 A Correct.

7 Q Different cultures talk, as I am now, talk
8 louder, correct, compared to how we do here in Horry
9 County?

10 A Correct.

11 Q You are trying to start this conversation with
12 her, and I believe, as you testified earlier, before
13 you do anything, as you testified to earlier, you get a
14 Miranda notice, notify them of Miranda rights because
15 it is a custodial interrogation?

16 A Yes.

17 Q And that is to cover you whether she says she has
18 5,500 grenades, or they sunk a ship, or if she stabbed
19 Dennis?

20 MR. WILSON: I object, even though I know this is
21 his witness.

22 THE COURT: All right, sir.

23 Q (MR. OSKIN) Let's get refocused here. Warrants
24 can be rescinded, as you stated?

25 A They can be.

GREG LENT - REDIRECT EXAMINATION

1 Q Was the example you gave to the Court, a valid
2 alibi -- if an alibi checks out, you then rescind
3 that?

4 A Some years ago I worked a homicide with an arrest
5 warrant. The individual came, I met with him, he gave
6 me an alibi and had someone come up and also provide a
7 statement corroborating that alibi. I didn't execute
8 the warrant even though I had the individual in front
9 of me. I let him go. I followed up on that alibi. I
10 was able to disapprove it, and eventually arresting
11 that same person within 48 hours.

12 Q Because as you told Ms. Matthews-Green, your goal
13 is the truth, correct?

14 A It is.

15 Q But it is also to elicit responses when you are
16 investigating witnesses or suspects?

17 A Correct.

18 Q Let's talk about some ways that Mr. Wilson said
19 you are promising Ms. Matthews-Green stuff. I think
20 you answered it, but did you respond to Mr. Wilson that
21 "what" and "do you" -- what are those? That is the
22 beginning of a, what? What in the beginning of a
23 statement is a -- what is that?

24 A I don't understand the question, I'm sorry.

25 Q Were you promising Ms. Matthews-Green anything

GREG LENT - REDIRECT EXAMINATION

1 when you confronted her on her inconsistent
2 statements?

3 A No. At no point during the interview did we
4 promise Ms. Green anything.

5 Q Let's talk about the physical contact that was
6 made. You did move your chair around; is that correct?

7 A Yes.

8 Q You touched her arm?

9 A I did.

10 Q I need to rephrase this question. Did you touch
11 her arm?

12 A I did.

13 Q Shortly thereafter, or at any point in that
14 interview, did Ms. Matthews-Green, in fact, touch you
15 back?

16 A She did.

17 Q At the end of that interview, is it true that you
18 asked her if you have been fair to her?

19 A Yes.

20 Q How did she respond?

21 A That I had been.

22 Q Did you also ask her that you didn't beat her up?

23 A Yes.

24 Q I assume you meant that verbally?

25 A Correct.

GREG LENT - RECROSS-EXAMINATION

1 Q She rode with you from her mother's house to the
2 station?

3 A She did.

4 Q Signed the Miranda form, once you could get it
5 signed from her, and then you began the interview of
6 her?

7 A Correct.

8 MR. OSKIN: Nothing further from me.

9 THE COURT: Mr. Wilson, yes, sir.

10 RECROSS-EXAMINATION

11 BY MR. WILSON:

12 Q Are you certain that she rode with you from her
13 mother's house to the station, or could it have been
14 another arrangement?

15 A I would imagine from past practices and
16 everything else, she would have rode with me and
17 Detective Johnson.

18 Q My question was --

19 A There were some Orangeburg County deputies with
20 us, because of -- I mean, we were in their
21 jurisdiction, but I don't think we would have her ride
22 in a patrol car if we were going to conduct an
23 interview.

24 Q My question -- and maybe I'm unclear. Are you
25 certain that that is the way it happened?

GREG LENT - RECROSS-EXAMINATION

1 A It's three years ago. No, I can't say that I
2 remember Ms. Green being in the car with us; but,
3 again, I would think that that is what occurred.

4 Q Fair enough. That's fair enough. Thank you.

5 THE COURT: Anything further from this witness?

6 MR. WILSON: No, sir, not from defense.

7 THE COURT: From the State?

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

9 THE COURT: You may step down.

10 Are you going to have further witnesses from the
11 State as to this particular witness?

12 MR. OSKIN: Nothing from the State. We ask that
13 Sergeant Lent -- well, he'll be back for the main
14 hearing, so he wouldn't be excused, but temporarily
15 excused, but subject to recall.

16 THE COURT: No problem with that?

17 MR. WILSON: I don't think so. What I wanted to
18 ask the Court to do was to actually go back and
19 play --

20 THE COURT: We're not done, okay.

21 MR. WILSON: Yes, sir.

22 THE COURT: What I was going to ask you first is:
23 Do you intend to present testimony as to this
24 particular statement?

25 MR. WILSON: No, sir.

GREG LENT - RECROSS-EXAMINATION

1 THE COURT: Very good. What is that you wanted
2 me to play back?

3 MR. WILSON: The statement where there is a
4 conversation about the lawyer.

5 MR. OSKIN: At one forty-seven.

6 THE COURT: We're going to do that, but not now.
7 We'll do it when we come back tomorrow morning. Key
8 it up and we'll do it tomorrow morning, 9:30, and
9 resume at that point in time. Then I'll hear --
10 again, you all decide if you want to present any other
11 testimony. I'll give you overnight to think about
12 that for the State and defense as to this particular
13 statement, and then I'll hear it. If there is none,
14 we'll hear the arguments from the defense and the
15 State, okay. Thank you very much.

16 (The proceedings on July 28, 2020, concluded.
17 The following was had on July 29, 2020:)

18 THE COURT: Solicitor, you ready to start the
19 video?

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

21 THE COURT: Go ahead.

22 MR. OSKIN: I believe we left court yesterday at
23 1 hour and 47 minutes into it, Your Honor.

24 THE COURT: Wherever it is. I don't know where
25 it is, but wherever it is that you have this question

GREG LENT - RECROSS-EXAMINATION

1 about talking to a lawyer, so wherever it is.

2 MR. OSKIN: Yes.

3 (Video published to the Court.)

4 THE COURT: Do it again, please.

5 (Video published to the Court.)

6 THE COURT: All right.

7 Mr. Wilson, I think you wanted to say some other
8 matters to the Court?

9 MR. WILSON: Yes, sir. And, Your Honor, just so
10 I'm clear, there is no additional testimony regarding
11 these issues.

12 THE COURT: All right. I should have asked, and
13 I appreciate you asking. Is there anyone else you
14 wanted to present regarding the testimony regarding
15 this particular issue or this particular statement?

16 MR. SPRATLIN: No, Your Honor, I believe the
17 statement speaks for itself.

18 THE COURT: With the?

19 MR. SPRATLIN: With the testimony.

20 THE COURT: All right. That's already been
21 presented, all right.

22 And also, Mr. Wilson, do you want to have anybody
23 testify, defendant or anyone else, about this
24 particular issue?

25 MR. WILSON: Yes, sir. I would like to call the

THELMA MATTHEWS - DIRECT EXAMINATION

1 mother; she's here, seated here.

2 THE COURT: Okay. She was there.

3 MR. WILSON: She was there.

4 THE COURT: Okay. All right. Fine.

5 Come around, then. Please come all around up
6 front right there.

7 (THELMA MATTHEWS, having been duly sworn,
8 testified as follows:)

9 THE COURT: Before you start, Mr. Wilson, state
10 your name for the record.

11 THE WITNESS: Thelma Matthews.

12 THE COURT: Ms. Matthews, you filled out the
13 witness Covid questionnaire and stated that you have
14 been tested for Covid; is that right?

15 THE WITNESS: Yes, sir.

16 THE COURT: And the result?

17 THE WITNESS: Negative.

18 THE COURT: There are no other questions that
19 pertain to this matter.

20 You may proceed.

21 MR. WILSON: Thank you, Your Honor.

22 DIRECT-EXAMINATION

23 BY MR. WILSON:

24 Q State your full name for the record.

25 A Thelma Matthews.

THELMA MATTHEWS - DIRECT EXAMINATION

1 Q Ms. Matthews, you are the mother of Donnielle,
2 the defendant in this case?

3 A Yes.

4 Q And so we have a little bit of foundation, so
5 there is some understanding, you were down here with
6 her in Myrtle Beach when this incident occurred?

7 A Yes.

8 Q Now, after the incident occurred, where did you
9 all go, after the hospital?

10 A After the hospital, we went to a hotel, got
11 permission from Detective Lent, and there were two
12 other detectives.

13 Q So you got permission from Detective Lent?

14 A To move into a hotel, because we checked out of
15 the resort after the hospital. And because the scene
16 was chaotic and felt intimidated, there was a lot of
17 people coming, and we told -- I said we didn't know the
18 outcome. He had not passed, as far as we knew. And I
19 said we're going to get a hotel and stay as close to
20 the hospital as we can, which we did. We stayed at the
21 hospital after which one of the detectives came and
22 told us he had passed. When that happened, she told
23 us --

24 Q The detective?

25 A It was a female detective, yes. She told us,

THELMA MATTHEWS - DIRECT EXAMINATION

1 well, you know, the family is at the hospital. They
2 want to fight us, you know, cussing and going crazy, so
3 I don't think you guys should go back to the hospital.
4 So my mom lives in Orangeburg, so I asked can we go to
5 Orangeburg, and she said, yes. I had already talked to
6 Mr. Lent before we left the hospital. Initially, we
7 just wanted to go to Orangeburg, but we thought let's
8 stay here near the hospital before we leave.

9 Q So you already spoke to Greg Lent prior to
10 speaking to the female officer?

11 A Yes.

12 Q And as a result of that, you went to the hotel,
13 then you left the hotel and went to Orangeburg to your
14 mother's home?

15 A Yes; after the detective gave us notice.

16 Q When you said you went to your mother's home, who
17 went with you?

18 A My mother, who lives in Orangeburg, my grandson,
19 my niece, my daughter, and myself.

20 Q And tell me when it was that you got home, got
21 back to Orangeburg? What time of day or night did you
22 get back to Orangeburg? And this would have been on
23 the 7th?

24 A Yes.

25 Q The 7th of July?

THELMA MATTHEWS - DIRECT EXAMINATION

1 A I want to say she came to the hotel around
2 1 o'clock in the afternoon; could have been a little
3 later. Immediately after that, we checked out of the
4 hotel and went back to Orangeburg. It was about a
5 two-hour-, two-and-a-half-hour drive. We went directly
6 to my mom's house in Orangeburg.

7 Q Was Donnielle with you when you went?

8 A Yes. Yes.

9 Q You drove back to Orangeburg. Did you hear
10 anything else from Detective Lent after that?

11 A Not until the next day.

12 Q Okay. So on the 8th?

13 A Yes.

14 Q Tell us about the contact that you had with
15 Detective Lent on the 8th.

16 A On the 8th, he called me on my cell phone and
17 said to me he needed to speak to Donnielle further.
18 And I said, Well, you want me to meet you somewhere,
19 what do you want me to do? He said, I'll come to where
20 you are. He and another detective came a couple hours
21 later. He said, No hurry, I'll come later and I'll
22 call you when I get there. He called and said, I'm
23 here. He came with about four or five other detectives
24 from Orangeburg Sheriff's Department. It scared us
25 because so many police came. And I was like, I thought

THELMA MATTHEWS - DIRECT EXAMINATION

1 you were coming just to question her?

2 Q Were they all in one vehicle or multiple?

3 A They were in multiple vehicles.

4 When he came and knocked on the door, she came
5 out and he said she needed to go with him, and she
6 needed to --

7 Q Back up, because this is what I wanted to ask you
8 about. When Officer Lent showed up at the house in
9 Orangeburg, be as specific as you can about what he
10 said to you or to Donnielle in your presence.

11 A He said to Donnielle, I need -- we need to ask
12 you some more questions about what happened to your
13 husband. He said, I'm sorry for what happened. And,
14 you know, I was telling him how it is a loss for
15 everybody. And he said, We just need to, you know,
16 talk to her, and we can't do it here, we have to take
17 her to the facility in Orangeburg to speak with her.
18 And he said, I'll drive and, you know, once I finish
19 talking to her and everything, I'll bring her back
20 here. You don't have to worry about anything, I'll
21 bring her back once we finish talking to her. And that
22 is what I thought, it was just a conversation with her.

23 Q Did he ever tell you that he had a warrant for
24 her arrest?

25 A He never told me that.

THELMA MATTHEWS - DIRECT EXAMINATION

1 Q All right. Now, did he have any conversation
2 with Donnielle in your presence?

3 A No more than, We'll bring her back, we just have
4 to talk to you and get more information.

5 Q Was Donnielle already dressed when they got
6 there?

7 A I believe she had on pajamas.

8 Q When he put her in the car, whose car did she get
9 in?

10 A She got into the car that he was driving from
11 here. I assume it was his car.

12 Q Was she in the front or back?

13 A I don't remember.

14 Q Was there any other officers in the car with him?

15 A No.

16 Q And that was -- did you hear any more from
17 Detective Lent after he took Donnielle that day?

18 A After he took her, it seemed like forever. I
19 hadn't heard anything. I wondered what is going on,
20 Oh, my God, what is happening? Finally, he called and
21 said -- I said, "What is going on?" He said, "Well, I
22 won't bring her back; we placed her under arrest. She
23 told us she did this, and we placed her under arrest."

24 Q Okay.

25 MR. WILSON: I don't have any other questions.

THELMA MATTHEWS - CROSS-EXAMINATION

1 Thank you, Your Honor.

2 THE COURT: Cross-examination?

3 MR. SPRATLIN: Yes, sir. Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. SPRATLIN:

6 Q I'm sorry, your last name is Matthews?

7 A Yes.

8 Q Ms. Matthews, how are you today?

9 A I'm doing well.

10 Q I have just a couple of questions for you. You
11 are the mother of the defendant, as you stated?

12 A Yes.

13 Q And you were on vacation in Myrtle Beach at the
14 time that this accident occurred?

15 A Yes.

16 Q Where were you staying?

17 A Initially, we were at Myrtle Wood; it was a
18 resort.

19 Q When this incident occurred, when did you first
20 find out about the stabbing?

21 A Donnielle called me, I want to say -- I'm not
22 exactly sure of the time. I want to say she called me
23 around 4 o'clock in the morning saying they were at a
24 hospital. She was trying to tell me where it was. And
25 then Dennis' sister got on the phone, and she ended up

THELMA MATTHEWS - CROSS-EXAMINATION

1 giving us the correct address where Donnielle was. She
2 was just screaming and not able to tell me what was
3 going on.

4 Q So early morning hours of July 7th?

5 A Yes.

6 Q Now, you went to the hospital, Grand Strand
7 Regional Medical?

8 A Yes. I think it was the second hospital, I
9 believe.

10 Q It would have been close to where you were?

11 A I assume. I don't know the area.

12 Q "Close" is kind of relative, but would be within
13 a short drive?

14 A It was the only hospital I went to.

15 Q All right. And you and Donnielle were there for
16 quite some time?

17 A Yes; along with my mom and niece and nephew.

18 Q And as you stated, you did talk with Detective
19 Lent, and I believe you talked with Detective Johnson?

20 A Whoever was there.

21 Q And you all discussed that they need to talk to
22 Donnielle further, but she needed to go home and take a
23 nap or go to sleep because she was tired?

24 A Well, when they were at the hospital, she was
25 outside talking to them. I wasn't a part of the

THELMA MATTHEWS - CROSS-EXAMINATION

1 conversation. I did not hear any of that.

2 Q But at the hospital, after the officers briefly
3 talked with her, she was free to leave with you, and
4 she went back with you to where you were all staying?

5 A Once the family -- a lot of people started coming
6 to the hospital and the atmosphere became hostile. At
7 that point, Mr. Lent said -- you know, he actually told
8 us come on, come with me, because we were all upstairs.
9 We didn't hear what was going on. Because a couple of
10 times the hospital asked Donnielle that they needed to
11 do another procedure, another surgery or something. It
12 was who is going to give permission: Her or the
13 mother? After all of this happening, more and more
14 people were coming to the hospital, and Detective Lent
15 said, you know, I'm going to let you guys go ahead and
16 leave; you know, give me your information, and that is
17 when I said I'm going to Orangeburg.

18 Q So we're clear, anyone showing animosity towards
19 you, that was not law enforcement?

20 A No.

21 Q They were very kind to you and assisted you the
22 best they could at the hospital?

23 A They were cordial.

24 Q And then you all left and went to Orangeburg?

25 A No. We left and went to the hotel in Myrtle

THELMA MATTHEWS - CROSS-EXAMINATION

1 Beach, because we checked out of the resort.

2 Q You checked out of the -- or you talked to an
3 officer and said -- is it possible, and I don't expect
4 you to know the difference, but is it possible you
5 talked to a victim's advocate from the police
6 department?

7 A It was a female officer. I thought she was a
8 detective; I thought that is what she said. She came
9 to the hotel to tell us that he passed.

10 Q But it wasn't Detective Lent or --

11 A It was not. It was a female.

12 Q And that -- and that officer didn't talk to you
13 or tell you or Donnielle in your presence anything
14 about this incident?

15 A She did.

16 Q You all then, at your own behest, left and went
17 to Orangeburg?

18 A Yes.

19 Q Which is about a three-hour drive from here?

20 A Something like that.

21 Q And when you went home, Donnielle went to sleep?

22 A Uh-huh.

23 Q And got a good night's sleep, or as good a
24 night's sleep she could given the circumstances? And
25 then the next day, Officer Lent called you?

THELMA MATTHEWS - CROSS-EXAMINATION

1 A Yes.

2 Q And he said we want to talk to Donnielle again,
3 and you offered to meet them somewhere?

4 A Uh-huh.

5 Q And Detective Lent said, Well, why don't we just
6 come to you all, and this was not a surprise because he
7 said he was going to reach you all at the hospital,
8 didn't he?

9 A Uh-huh.

10 Q So when --

11 THE COURT: Sorry, ma'am, was that yes or --

12 THE WITNESS: I'm sorry, yes. Yes.

13 A I apologize.

14 Q (MR. SPRATLIN) That's fine.

15 So after going -- Officer Lent calls you, and
16 about three hours, give or take, maybe more than that,
17 Officer Lent and other officers show up?

18 A Yes.

19 Q Now, do you recall Officer Lent telling you that
20 the reason that he had other officers with him was
21 because of the area that they were going into,
22 Orangeburg Police Department had concerns about
23 officers outside of their jurisdiction going into?

24 A He did not tell me that. As a matter of fact, I
25 was surprised, because he said he was just coming to

THELMA MATTHEWS - CROSS-EXAMINATION

1 talk to her that -- it scared us, you know. The fact
2 that they were officers and -- I mean they didn't have
3 on riot gear, but they were dressed in their full
4 service uniforms with weapons and everything; that
5 scared me.

6 Q But Donnielle went with Detective Lent freely?

7 A Yes.

8 Q In fact, you said she rode in the car with
9 Detective Lent?

10 A Yes.

11 Q Isn't it true that she kind of rode in the front
12 seat with Detective Lent?

13 A I don't know. I don't remember.

14 Q You don't remember her getting in the car?

15 A I didn't follow her out, because my mom lives on
16 the second floor. I didn't follow her just to go to
17 the car. I didn't want to be following the police and
18 a bunch of police officers. I don't want to do that,
19 because I thought she was just going for questions. I
20 didn't know it was something else going on.

21 Q And then the next thing you know, I think you
22 said about several hours later, Officer Lent talks to
23 you again and said that she admitted stabbing Dennis?

24 A She was placed under arrest, yes.

25 Q And he talked to you for quite a while about what

THELMA MATTHEWS - CROSS-EXAMINATION

1 the next steps were, didn't he?

2 A Well, I asked, you know. I said, "We're just
3 talking about the loss and crying, and everyone is
4 upset, and the family is there." I'm telling him what
5 happened. And I said, "What should I do? What do you
6 want me to do?" He said, "Don't do anything. You'll
7 hear from somebody. Somebody will call you or she'll
8 call you once everything gets settled."

9 Q He talked to you about the situation involving
10 bond and when she would be transferred to Horry County?

11 A He did talk to me about bond; he just said
12 someone would call me about that.

13 Q Detective Lent, in your presence, never
14 threatened your daughter, to your knowledge, did he?

15 A No.

16 Q He never promised her that she was going to not
17 have any consequences, did he?

18 A No.

19 Q He never did anything that was aggressive towards
20 her that you saw?

21 A Not in my presence, no.

22 Q What about Detective Johnson, did Detective
23 Johnson do anything aggressive in your presence?

24 A I don't remember, to be honest.

25 Q So he didn't do anything; you don't even remember

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 dealing with him?

2 A Detective Lent was more the one doing the
3 talking.

4 Q Okay. So in no way, shape, or form did any
5 police officers, or an Orangeburg police officer at
6 that point, threaten your daughter --

7 A Not in my presence.

8 Q And no one made any sort of promises towards here
9 of any leniency in your presence?

10 A Not in my presence.

11 MR. SPRATLIN: Thank you, ma'am. I believe that
12 is all I have.

13 THE COURT: Anything else?

14 MR. WILSON: Nothing of this witness.

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

16 MR. WILSON: I would call the defendant.

17 THE COURT: Very good. Come forward, please.

18 Would you stay there for one second and let him clean
19 -- the defendant can stay right there for just a
20 second so the clerk can clean off the area, please.

21 (DONNIELLE MATTHEWS-GREEN, having been duly
22 sworn, testified as follows:)

23 THE CLERK: State and spell your name for the
24 Court.

25 THE WITNESS: Donnielle Matthews.

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

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DIRECT-EXAMINATION

BY MR. WILSON:

Q Ms. Matthews, let me ask you -- and I'm going to limit my conversation with you to -- I apologize -- to when the officer picked you up and where he took you and what happened during the course of that event.

THE COURT: Can we stop for just a second. Come over here and talk to me just one second.

(Whereupon, a bench conference was had.)

Q (MR. WILSON) Let me go back and start like this and ask you: You understand when you take the stand and you testify, even at this stage, that the Solicitor can ask you anything he wants to ask you about anything that happened during the course of these events, including what happened in the car that night?

A Yes.

Q And we discussed that; have we not?

A Yes.

Q And you understand that?

A Yes.

Q And in spite of that, you still want to be heard?

A Yes.

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 Q All right. Let me ask you -- and for my
2 questioning, I'm pretty much going to be asking you
3 about what happened when Officer Lent came back to pick
4 you up. So what I want you to do is tell us what
5 happened on the 8th, morning or afternoon of the
6 8th, when Officer Lent came to Orangeburg to see you.

7 A My mom called me --

8 Q Speak clear, because you are muffled because you
9 have a --

10 A My mom called and told me that she had spoken to
11 Detective Lent, and he told her he was bringing me my
12 keys, I believe, and they just wanted to talk to me.
13 So I didn't know that he was taking me to the police
14 station to do that three-hour interrogation, or
15 whatever that was.

16 Q And so where were you when your mom called you?
17 You said your mom called you, where were you when your
18 mom called?

19 A I was at my grandmother's house.

20 Q Where was your mom?

21 A They went to get me some Ensure because I hadn't
22 eaten, and I was just out of it.

23 Q So your mom called and told you that Detective
24 Lent was on his way?

25 A Yes.

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 Q And it was your understanding that he was coming
2 to get you for what reason?

3 A To talk to me, I guess, about what had happened
4 and to bring me my car keys and keys to my house.

5 Q Tell us when -- where were you when Officer Lent
6 came to Orangeburg? You were at your grandmother's at
7 that point?

8 A Yes.

9 Q And who else was present at the house at your
10 grandmother's house, as best you can recall, when
11 Detective Lent arrived?

12 A My mom, my grandmother, my aunt, my cousin, my
13 nephew.

14 Q And yourself?

15 A Uh-huh, and myself.

16 Q All right. And when Detective Lent showed up,
17 tell us what happened once they pulled up in the yard?

18 A Well, how -- they didn't pull up in front of my
19 grandmother's house; they pulled on the side. You
20 could hear the brakes. We always joke about the police
21 brakes being squeaky, so we heard before they came. I
22 guess he called my mom and said he was outside, came
23 outside, he came walking around the corner.

24 Q How many came to the door?

25 A Him and, I guess, Detective Johnson came actually

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 to the door. They had, like, two here down the steps,
2 like they were posted, you know. I don't know what
3 they thought I was going to do, but there was a lot of
4 them.

5 Q And so there were multiple officers, and Officer
6 Johnson and Officer Lent come to the door to you?

7 A Yes.

8 Q Tell me what conversation you had with either
9 Detective Johnson or Detective Lent at that point?

10 A Detective Lent just said, hey, he kept calling me
11 Donnie Lynn. He was just like, "We want to ask you
12 questions. We'll bring you right back." And my aunt
13 asked him first, she said, "Do you want us to follow
14 you to the police station?" And my mom is like, "Yeah,
15 do you want us to come behind you?" And he said, "No,
16 she's okay. I just want to talk to her. We'll bring
17 her right back."

18 Q Did he ask you at any point if you wanted to go
19 talk with him?

20 A There was never no question if I wanted to; it
21 was like we're going to go do this, and you're coming.

22 Q And so you went with him?

23 A Yes.

24 Q And tell us what happened -- how far is your
25 grandmother's house from where you guys ended up at the

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 police station?

2 A Maybe 2 miles, two-and-a-half miles.

3 Q In the car that you were with -- in with
4 Detective Lent, how many other people were in that
5 vehicle with you?

6 A Just him and myself.

7 Q Him and yourself. Where did you sit?

8 A In the front seat.

9 Q You sat in the front passenger's seat?

10 A Uh-huh.

11 Q Did you have any restraints on at that point?

12 A No, I did not.

13 Q Now, after you got on the way, was there any
14 conversation in the vehicle between you and Detective
15 Lent as you traveled from your mom's house -- sorry,
16 your grandmother's house to the station?

17 A Just him saying, I'm sorry I keep calling you
18 Donnie Lynn, I have a friend, you know. He's telling
19 me about this friend and how do you pronounce your
20 name, and I might slip up again and call you Donnie
21 Lynn. You know, just being friendly, just trying to
22 get me to be comfortable. We're going to ask you this
23 or that; it was never that. It was like he knew me,
24 spoke as if we were buddies.

25 Q When you got to the police station, did you all

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 get out immediately and go inside, or did the two of
2 you stay in the car and talk more?

3 A We had gotten to the police station. He was
4 saying -- by the time we got there, he got into the
5 conversation about the family told him that Dennis and
6 I were like best friends and we were so close. And I
7 said, Yeah, I was talking to my sister and my sister
8 was just saying I can't believe this, you know, you
9 need to go tell those police everything he had going
10 on. I know you don't want to get him in trouble, but
11 go ahead and tell him what was going on. And I said
12 that to him, and then we went inside and all of the
13 rest of it is on video.

14 Q So when he is telling you that you need to go
15 ahead and tell -- or is he saying --

16 A No. I was saying to him about a conversation I
17 was having with my sister. My family didn't know what
18 had happened. They were just saying as far as me
19 keeping a secret, if you were fighting, tell them. If
20 it was drug-related, tell them whatever you need to
21 tell them so they can deal with the situation.

22 Q Okay. All right. Do you know whether or not he
23 had a -- let me ask you this: How was Detective Lent
24 dressed, in a uniform or plain clothes?

25 A Plain clothes.

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 Q Do you know whether he had a body camera on at
2 any point in time during that conversation?

3 A No. I knew at one point when we were sitting in
4 the room at the police station in Orangeburg, one of
5 them had a recorder, and I don't know which one it was,
6 but one had a recorder. So I didn't think that was
7 being recorded the whole time. And there was a part on
8 there when I asked him, "Okay, so are you going to
9 start recording so I can tell you all the truth and the
10 whole story and everything," and that is probably what
11 the last part of it was, that conversation. I got up
12 to go to the bathroom.

13 Yesterday, Detective Lent said I went to smoke a
14 cigarette when I went out to use the bathroom. He
15 came to the bathroom behind me. We came back, and I'm
16 like, "Okay, are you going to start recording now?"

17 Q So you were not aware they were recording at the
18 beginning?

19 A No, I was not.

20 Q No one told you that?

21 A No, they did not.

22 Q And at the time you signed the waiver form on the
23 video, had they told you then that everything was being
24 recorded at that point?

25 A No.

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 Q At what point, if any, did they tell you that it
2 was being recorded?

3 A They didn't. Like I said, once I started crying
4 and he actually got it out of me, you know -- I said I
5 had to go to the bathroom and we talked on the way to
6 the bathroom. And I said, "Are you going to record
7 this?" And he's like, "Yeah." There was a thing where
8 it was like, "Now I'm going to record it with the
9 recorder that I have in my pocket."

10 Q Now, let me ask you in regards to Detective Lent
11 saying some things to you -- let me get my notes so I
12 can accurately try to quote him.

13 One of the things he asked you was: What should
14 happen to the person who did this to Dennis? And he
15 asked you: Does that person deserve a second chance,
16 or some kind -- do you recall that?

17 A Yes.

18 Q What did you understand that to mean, to you?

19 A He wasn't the first one to ask me that.

20 Q I know, but I'm asking you specifically about
21 Detective Lent. What did he -- what did you understand
22 he was saying to you?

23 A Like I said, the same as all the other officers
24 asking me, like, what are you -- what do you want me to
25 say? And me knowing what happened and knowing what had

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 gone on, I didn't feel like they were saying it as if,
2 you know, we knew it was you, what do you think we
3 should do.

4 Q Yeah. What I'm asking you is he asked you
5 specifically what should happen to the person, and --

6 MR. SPRATLIN: Objection, Your Honor.

7 THE COURT: Yes, sir.

8 MR. SPRATLIN: Asked and answered.

9 THE COURT: I'll allow it.

10 Q (MR. WILSON) What I'm asking you is he asked you
11 specifically what that meant -- what I'm asking you, I
12 guess, is what that meant to you when he said to you
13 that what do you think the person -- what should
14 happen to the person whether they should have a second
15 chance, I think were his words? What did that second
16 chance mean to you? What did you understand him to be
17 saying to you?

18 A I really didn't think anything of it, because
19 like I said, there were other officers that asked the
20 same question, so I never gave it any thought. I never
21 thought about, you know, if it was me, I just -- I
22 really didn't -- I didn't think about it at all, one
23 way or the other about it.

24 Q Let me ask you this: How would you describe his
25 interrogation of you at the police station? How did it

DONNIELLE MATTHEWS-GREEN - DIRECT EXAMINATION

1 affect you? Tell me how his interrogation of you
2 affected you.

3 A I mean, it got me to break down finally and start
4 admitting to some things. Like I said, in the
5 beginning, he's always come at me. It's always been
6 like you are trying to be my buddy and friend. And all
7 of a sudden, I wasn't saying the things he wanted me to
8 say and, you know, now it's like I'm this big, tough
9 guy. I was intimidated by all of the officers from the
10 beginning to even now. I'm kind of like -- so I'm just
11 saying anything.

12 Q Were you intimidated by Detective Lent's style of
13 questioning you during that time?

14 A Not too much. I just felt he's going to beat me
15 down, and I think I said that one thing, like, "Are you
16 all going to beat me down about it, let's just end
17 this," because it started to get, like, a little
18 hostile.

19 Q And do you believe, in your own opinion, that he
20 beat you down until you said what he wanted to hear?

21 A Me, being in the state of mind and emotions that
22 I was going through, yeah, at the time.

23 Q All right. Now, let me ask you: Did you
24 understand when you got into the car that you were
25 under arrest?

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 A No.

2 Q When did you realize that you were actually under
3 arrest?

4 A When they came in with the warrant and said, you
5 know, we're going to take you to Orangeburg County.
6 And I don't even remember the rest. I just remember
7 they came with the warrant, came with the cuffs, and
8 that was at the end of the conversation on the video.

9 MR. WILSON: I don't have any other questions,
10 right now. Thank you.

11 THE COURT: All right. Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. SPRATLIN:

14 Q Good morning. You go by "Matthews" or "Green"?

15 A Yeah, I changed my name back to Matthews.

16 Q How are you today?

17 A I'm all right. How are you?

18 Q Good. I have a couple of questions for you.
19 First off, I want to ask you about the night this all
20 happened.

21 A Uh-huh.

22 Q You and Dennis were out with a lady name
23 Antoinette?

24 A I don't know her name, but another female.

25 Q And you actually had gone and picked her up at

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 her house?

2 A Yes.

3 Q And that is different than what you told the
4 officers what happened, isn't it?

5 A Yes.

6 Q You all went and picked her up at her house and
7 went for several drinks; isn't that correct?

8 A Uh-huh; that's correct.

9 Q You went to a place called Dockside or Rickey's
10 Dockside?

11 A Yes.

12 Q And following that, you all went to Thee Doll
13 House?

14 A Yes.

15 Q And I think you said earlier that you were
16 drinking Hennessey and Pepsi?

17 A That was at the condo. Dennis had a bottle of
18 Hennessey that we were, like, baby-sitting, just
19 sipping here and there. When we went out, we were,
20 like, taking shots. I drink Jack Daniels, so more than
21 likely, that is what it was.

22 Q So you drink Jack pretty much straight?

23 A Uh-huh.

24 Q Can you estimate how many shots of Jack you did
25 that night?

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 A No, I cannot.

2 Q After you left Thee Doll House, that was about
3 4:30ish, give or take?

4 A I have no idea. All I know is when we left the
5 condo, it was close to 12:00 or after 12:00. Once we
6 got out, I can't tell you what time.

7 Q Once you all left there, you all went to Denny's?

8 A Yeah.

9 Q And when you first come into Denny's, you and the
10 girl, Antoinette, or whatever her name was, you went to
11 the restroom together?

12 A Yeah.

13 Q You were in there for about 15 minutes, give or
14 take?

15 A Once we started, you know, partying, so to speak,
16 I don't have any sense of time.

17 Q But awhile?

18 A Uh-huh.

19 Q And do you remember while at Denny's making
20 several statements to Dennis and Antoinette about how
21 Dennis should be with Antoinette, and not you?

22 A No.

23 Q Did that never happen, or you don't remember?

24 A I don't ever recall that conversation or why
25 would that even have come up.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q When you all left Denny's, could it have been
2 approximately 5 o'clock that you left Denny's?

3 A I guess. Maybe. Possibly.

4 Q And when you all left Denny's, you got in the
5 car?

6 A Uh-huh.

7 Q It was Dennis driving, correct?

8 A Yes.

9 Q You were seated in the back seat?

10 A Yes.

11 Q And Antoinette was seated in the front seat?

12 A Yes.

13 Q And you all drove to Antoinette's house?

14 A Yes.

15 Q And dropped her off?

16 A Yes.

17 Q However, before you left Denny's parking lot, do
18 you remember getting upset with Dennis?

19 A While we were still inside of Denny's, I guess,
20 upset, you could say that. I forget what it was that
21 he said, and he called -- excuse my language -- he
22 said, "You bitch," something. And I said, "Your mother
23 is a bitch." And he said, "Well, your daddy is a
24 bitch." And I picked up my phone and called my dad.
25 We were still inside of Denny's, and there was an

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 argument. We weren't -- there wasn't an argument. We
2 weren't upset or -- by the time we left, everybody was
3 still....

4 Q Okay. And so when you left Denny's, you all got
5 in the car. Dennis was driving. You were in the back,
6 and Antoinette was in the front seat?

7 A Yeah.

8 Q Do you remember punching Dennis?

9 A I did not.

10 Q Are you saying you didn't, or you don't remember?

11 A I'm saying that I did not.

12 Q So you are saying that anyone who said you did
13 would be lying?

14 A Absolutely.

15 Q But you were upset with Dennis previously?

16 A Not upset enough to punch somebody.

17 Q All right. But it's true that you and Dennis
18 kind of -- I think you said in the interview that
19 fighting with him is like fighting with my brother?

20 A That is me making an excuse for being abused by
21 my husband.

22 Q But you also hit him?

23 A I have.

24 Q Okay. But you are saying you didn't this night?

25 A Absolutely not.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q However, on the ride back to Antoinette, do you
2 remember sending a text message to your father?

3 A I sent a text message to my father while we were
4 still in Denny's.

5 Q And do you remember sending him a text saying,
6 and I quote: "He's showing off for somebody else. I
7 told him he ain't no man and called him a bitch. He
8 said my daddy is a bitch, so I called you do he [sic]
9 could say it to go himself [sic]. He hangs up the
10 phone. The next time I bring this muthafucker to
11 Baltimore to better beat his ass [sic]."

12 A I don't remember exactly that that is what it
13 was, but something to that effect, yeah.

14 Q So something to the effect of the next time I
15 bring him home, we're going to beat his you-know-what?

16 A Not "we." I didn't say "we." That's not what I
17 said.

18 Q Okay. Your daddy is going to beat his
19 you-know-what?

20 A I mean, yeah; but he wasn't.

21 Q But you were obviously very upset with Dennis to
22 ask your father to commit an assault against him?

23 A No.

24 Q So this is just something you do all the time?

25 A Not to my father. When speaking to my father,

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 like, I wouldn't get -- tell anyone, Oh, beat him up.

2 Q But you told your father that night?

3 A I said that that night. And my dad is, like,
4 Well, what do you all got going on? He said he knew
5 that something was -- you know, that's not normal.

6 Q So that night was not normal?

7 A That particular situation right there where you
8 just read me that text message that I sent to my dad
9 was out of character, yeah. Does that make more sense?

10 Q Out of character. So your actions and you're
11 upset and you're asking someone to beat up your husband
12 was out of character for you?

13 A At that moment.

14 Q Do you remember posting on Facebook back on
15 May 4, 2017, and I quote: "The nigga will do
16 everything in his power and put a fuckin ACT when he
17 realizes you're fed up with the dumb shit...but put
18 forth absolutely NO EFFORT to keep you once ya dumb ass
19 decides to stay and "work it out" for the tenth time!!
20 Yo don't deserve you sis..walk away and live ya life.
21 Do you BayBay in my -- and then hash-tag --
22 #InMyTMacVoice. I personally would rather suffer
23 through the #GucciBagBlues than deal wit a muthafucker
24 that secretly doesn't give a fuck aboutchu and only
25 wants to control you!!!..but that's just me. [sic]

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 You further go on to post, "NOTHING in this world
2 worse than a muthafucker close to you that TRIES their
3 lor hardest to play on your intelligence
4 #BitchIWillKillYou and cry at you're funeral
5 #StopFuckinPlayin." [sic]

6 A Okay. I put some kind of stuff on Facebook.

7 Q Okay. So that was from May, May 4 of 2017?

8 A Okay.

9 Q So that was several months prior. So you were
10 upset with Dennis in May, too?

11 A How do you know that was about Dennis?

12 Q Who was it about?

13 A It was about another situation and someone else's
14 relationship that that person and I had spoken about.

15 Q Okay.

16 A If it was about Dennis, then this is my friend on
17 Facebook and I would absolutely tag him in the post
18 like I have before.

19 Q So you would have tagged your husband in a post
20 that you'll kill him and cry real tears at his funeral?

21 A If I was speaking to him, yeah.

22 Q Now, you said you sent that text message I read
23 earlier to your father earlier at Denny's, right?

24 A Uh-huh.

25 Q And you said again in there, "He's showing off

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 for someone else"?

2 A Okay.

3 Q Did you?

4 A You have the paper; is that what it says?

5 Q That is what I read. Is that what you said?

6 A Okay. If that is what it says on that.

7 Q You don't deny you made that statement?

8 A No.

9 Q All right. It bothered you that night that he
10 was trying to impress Antoinette, didn't it?

11 A No.

12 Q Didn't bother you that your husband is, quote,
13 "showing off for another girl"?

14 A He shows off for anybody, for everything. He's a
15 show-off.

16 Q You don't recall telling Antoinette several times
17 that Dennis ought to be with her because they look good
18 together?

19 A I said you all look together. That was at the
20 strip club. I took a picture of them and everything.
21 What does that -- if I'm upset, why am I complimenting
22 and taking pictures?

23 Q This wasn't an uncommon occurrence for you and
24 Dennis to go out with another female, was it?

25 A No.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q You are all in what is called "an open marriage,"
2 for lack of a better term?

3 A Yes, for lack of a better term.

4 Q You actually I think in the interview said you
5 are more attracted to females?

6 A That's true.

7 Q Do you recall trying to make out with Antoinette
8 several times during the night?

9 A I recall us going in the bathroom at Denny's and
10 her showing me her nipple piercings, and we had been
11 talking about it at Thee Doll House.

12 Q Do you remember trying to kiss her and her
13 pushing you away?

14 A No.

15 Q Do you remember getting upset after that?

16 A Upset about what?

17 Q Her pushing you away.

18 A It didn't happen.

19 Q All right. So you all leave Denny's and take
20 Antoinette home?

21 A Uh-huh.

22 Q Antoinette gets out and goes in her house; you
23 stay in the back seat of the car?

24 A Uh-huh.

25 Q Do you remember Antoinette looking at you and

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 saying, Why don't you get in the front?

2 A I remember she stepped out of the car. She moved
3 the seat up for me to get out, and she said, Are you
4 getting up here? And I said, No, I'm not getting up
5 there with him.

6 Q So at that point you were so upset that you
7 weren't going to sit next to your husband in the front
8 seat of the car?

9 A I was not upset. I knew he was upset for
10 whatever reason, and that could possibly turn into us
11 getting into a physical altercation, so I stayed in the
12 back seat away from him to avoid that, and that is
13 where I was going to sit until I got back to my mom's
14 condo where I knew he wouldn't hit me or try to fight
15 me.

16 Q According to your interview with the police
17 department, though, you didn't stay in the back seat.
18 You said you were sitting in the front seat when you
19 stabbed Dennis, right? So prior to stabbing Dennis,
20 you climbed over the seat and did sit next to him?

21 A That is actually not what happened.

22 Q The truth is you actually came up over the top of
23 him from behind and went stab, stab, didn't you?

24 A No, that is not what happened.

25 Q You stabbed him though, didn't you?

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 A I never said I didn't.

2 Q Is that a yes, you stabbed him?

3 A Yes.

4 Q You stabbed him twice?

5 A From my understanding, yes.

6 Q In fact, the only injuries he had on him was
7 those two stab wounds and a slice to his thumb?

8 A I don't know if his thumb was sliced or not.

9 Q You didn't have any stab wounds on you?

10 A No.

11 Q In fact, when you went to the hospital, you
12 didn't have bruises or marks or anything?

13 A I had bruises. I had marks.

14 Q When you went to the hospital, you didn't tell
15 Officer Martin that you had bruises or marks?

16 A I did not tell anyone anything.

17 Q In fact, at the hospital you said something about
18 there being -- there being -- there being a stop for
19 cigarettes, or something along those lines?

20 A Uh-huh.

21 Q Truth is you never stopped?

22 A No, we didn't.

23 Q You left Antoinette and drove away, and the
24 stabbing occurred without ever stopping?

25 A We stopped in the middle of the street, but as

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 far as stopping at a store or something, no, we didn't.

2 Q You told the officers at the hospital moments
3 after this, while you were hysterical, that you stopped
4 for cigarettes; so you already had your story set up
5 minutes after the stabbing occurred?

6 A Well, my husband said to me after the stabbing
7 occurred, Calm down, calm down. When we get in here --
8 his exact words -- don't tell them people shit. I'm
9 crying, hysterical at the time. He said, Matter of
10 fact, tell them that I stopped at the store and you
11 don't know what happened.

12 Q Dennis helped you come up with the story; is your
13 statement?

14 A Yeah.

15 Q Didn't tell officers anything about being abused
16 by Dennis?

17 A No, and I wasn't.

18 Q And at the hospital, you were crying?

19 A Uh-huh.

20 Q To quote you, were those the real tears?

21 A Yeah.

22 Q Went and spoke with another officer at another
23 hospital, correct?

24 A I don't know how many, who or what -- multiple
25 officers at both hospitals.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q All right. In fact, do you recall riding over
2 with Dennis' mom and sister to the hospital?

3 A Yes.

4 Q Do you remember almost getting in a fight in the
5 car with them?

6 A No. I remember me and his mom had a screaming
7 match in the car. Why would I fight them? I don't
8 fight them.

9 Q Maybe not a physical fight, but a screaming
10 fight?

11 A A verbal, yeah.

12 Q Because you were very angry?

13 A No, I wasn't angry.

14 Q So you were just screaming just to be screaming?

15 A I forgot what was said. She was on the phone
16 talking to somebody, and I said something to her about
17 what she said. She screamed at me; I screamed at her.

18 Q And do you recall after this screaming match with
19 them going to the other hospital, and then being much
20 more calm when you spoke with the second officer?

21 A I calmed down a lot. By the time I got there,
22 his other sisters were there. And they were like,
23 Girl, your wig is on backwards, fix your hair, calm
24 down, stop acting stupid, all of that. So, yeah, they
25 helped me to calm down a lot.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q When you spoke with the other officers throughout
2 the day, everybody was nice to you, weren't they?

3 A Pretty much, yeah.

4 Q Some people at the hospital may not have been
5 nice, but all of the law enforcement was fine?

6 A Yeah.

7 Q Okay. In fact, after -- you were actually
8 allowed to leave Orangeburg. I mean, you were actually
9 allowed to leave Grand Strand Hospital, right?

10 A One of the officers had said -- they told me that
11 I'm tired, I needed to get some rest, and they told my
12 mom that she could take me out, I guess, to a hotel or
13 whatever.

14 Q They actually told you -- and correct me if I'm
15 wrong -- they wanted to talk to you, but you appeared
16 tired?

17 A We talked.

18 Q But not in depth?

19 A We didn't go into depth about anything. I talked
20 to several officers. It was a female officer and two
21 other male officers, and we were upstairs at the time
22 sitting in that room. And they said, you know, I can
23 see you are out of it. You are tired. We'll talk to
24 you later. They told my mom she could take me home and
25 that they would be in touch with us to let us know my

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 husband's status.

2 Q And then you found out after you left the
3 hospital that your husband had passed?

4 A I found out on Facebook. Someone made a post on
5 Facebook saying, "Rest in peace."

6 Q And that was as a result, as far as you know,
7 from the two stab wounds that you gave him that day?

8 A Yeah.

9 MR. SPRATLIN: I'm sorry, Your Honor, I was
10 reaching over the microphone.

11 Q (MR. SPRATLIN) And the next morning you --
12 sorry. Did you get to the part when you went to
13 Orangeburg?

14 A No.

15 Q So you left the hospital, went back to the hotel,
16 and then left the hotel and went to Orangeburg?

17 A Like I said, I found out that he passed on
18 Facebook. And the female officer -- the same one of
19 the ones that was at the hospital that suggested I go
20 home and rest, one of them came to the hotel to tell
21 us. I had already known. I was outside, actually,
22 when she came. When I came back inside, she was
23 already talking to my mom and grandmother. At the time
24 I hear them talking, I see them standing there, but I'm
25 like totally oblivious to whatever is being said. I

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 went in the bathroom, came out of the bathroom, and I
2 heard her telling my mom that the family was going
3 crazy at the hospital. They were trying to fight the
4 police and it's crazy down there. And my mom and my
5 grandmother, who is 85, is, like, I don't feel
6 comfortable being up here anymore, so I guess they told
7 her if they wanted to still talk to me -- my mom had
8 been in contact with them the entire time. She gave
9 everybody her business card; she collected cards from
10 them. So she asked is it okay if we go to my mom's in
11 Orangeburg.

12 Q The reason the officer is talking with your mom
13 is at the hospital you gave Detective Johnson your
14 phone?

15 A I gave someone my phone; they had on a badge and
16 said they were a police officer.

17 Q I know it is hard to recognize with the masks,
18 but could it have been Detective Johnson?

19 A It could have been anybody. Could have been you.

20 Q Okay. So you went back to Orangeburg, and the
21 next morning you got a call that the police wanted to
22 meet with you?

23 A It was maybe later that afternoon, late afternoon
24 probably.

25 Q You said they actually talked with your mom?

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 A Yeah. No one spoke with me.

2 Q You weren't with your mom, you were somewhere
3 else?

4 A I was at my grandmother's house. My mom went to
5 the store to get me Ensure so I would have nourishment,
6 because I hadn't been eating, and I was just laying
7 around and being sluggish.

8 Q All right. And then the officers arrived, and it
9 was Detective Lent and Detective Johnson?

10 A I guess. It was two officers, I guess, that were
11 supposed to be from Horry County, and the rest, like
12 maybe ten, Orangeburg County sheriffs.

13 Q And they told you that the reason they had to
14 have these Orangeburg sheriffs was the Sheriff's Office
15 didn't want them to go into the area that you were all
16 in without some sort of law enforcement escort?

17 A Yeah. They said they were out of their
18 jurisdiction; that is what was said.

19 Q Exactly. And they were worried about someone in
20 that area wanting to, quote, fight with the police?

21 A I don't remember hearing that.

22 Q Okay. But it was for, kind of, an escort, which
23 is why they had law enforcement with them?

24 A Yeah. They said they were out of their
25 jurisdiction so they had to go and notify, I guess, the

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Orangeburg Sheriff's Office and have them escort them
2 there. They never said anything about somebody
3 fighting Po-Po or, you know, being afraid; never heard
4 any of that.

5 Q All right. The area that it was, though, there
6 were incidents in that area?

7 A Yes.

8 Q And some incidents -- and there is not a lot of
9 love for law enforcement?

10 A I don't live there. I'm not from there. Stuff
11 happens everywhere. I'm not aware of any of that.

12 Q So you get in the car, and you said on direct
13 examination by Mr. Wilson that it was just you and
14 Detective Lent, but isn't it true that Detective
15 Johnson was riding in the back seat?

16 A Not that I remember.

17 Q Do you remember sitting in the car -- and there
18 is a recording, which I'm sure you are aware of, I'm
19 sure you heard it -- where you asked for some water; do
20 you remember that?

21 A No.

22 Q And you ask for water, and Detective Lent said
23 several times that all I have is hot ones, I don't have
24 any cold ones.

25 A Not that I remember.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q Okay.

2 A Only conversations I remember is my conversations
3 with Detective Lent. Detective Johnson, I just know
4 now that that is the name of the other person that was
5 there.

6 Q Okay. Well, let's just kind of skip over that.
7 In that car ride, nobody threatened you, did they?

8 A No.

9 Q In fact, they were very nice to you?

10 A Yeah.

11 Q You said on direct that Mr. Lent said, "I'm sorry
12 if I call you by the wrong name, I have a friend by
13 another name"?

14 A Yeah.

15 Q I think it was Donnie Lynn, right?

16 A Yes.

17 Q But at no point during that car ride did Officer
18 Lent or Detective Johnson, if he was there, threaten or
19 intimidate you in any way, shape or form?

20 A No.

21 Q They were very nice to you?

22 A They didn't get aggressive until we got inside of
23 the police department in Orangeburg.

24 Q Do you remember anything about a water in the
25 car? Do you remember asking for a water, asking for

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 it, saying you can't drink cold water?

2 A If I said that then -- because I don't drink cold
3 water. I absolutely don't remember having a
4 conversation with Detective Johnson about anything.

5 Q But could have happened?

6 A It could have.

7 Q But nobody threatened you in that car ride?

8 A Huh-huh.

9 Q And no one really talked to you about what was
10 going to happen in that car ride, it was just jovial
11 conversation?

12 A Yeah, trying to be friendly, trying to get me, I
13 guess, to be comfortable to talk to them and tell them
14 whatever it was they were trying to find out.

15 Q And once you got to the police station, you all
16 went into that room, which we saw the video of
17 yesterday?

18 A Uh-huh.

19 Q And during that interview, nobody threatened you,
20 did they?

21 A Nobody threatened me.

22 Q We saw it. So you are not taking anything that
23 anybody did in that video as --

24 A Well, you know, getting close to me. I told you
25 I felt intimidated every time an officer approached me.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q But Officer Lent actually sat down and tried to
2 comfort you as best he could, didn't he?

3 A Not really.

4 Q When he was on video, patting your arm; you don't
5 consider that comforting?

6 A When he was sitting next to me, it was kind of
7 like he jumped over with his chair and he's like, Just
8 tell me -- tell me what happened, tell me what
9 happened. So it wasn't -- absolutely I didn't feel
10 like he was trying to comfort me, at all.

11 Q Okay. And Detective Johnson was most of the
12 interview --

13 A He was just there.

14 Q Sitting there. And Mr. Wilson asked you on
15 direct about what should happen to somebody that did
16 this, I believe he actually used the exact language
17 about should they get a second chance, and you said you
18 weren't surprised by that because another officer asked
19 you that?

20 A More than one officer asked me that before that
21 day.

22 Q And you didn't take that to mean you were going
23 to walk free from that police station?

24 A I didn't think it to mean I would be arrested
25 either.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q In that interview, you said you knew it was
2 coming, don't you?

3 A No. What I said is you didn't come all the way
4 here to talk to me, or something to that effect.

5 Q So you were suspicious when the officers were
6 coming all the way to Orangeburg --

7 A I absolutely got suspicious when they came to my
8 grandmother's house with all of the police officers
9 just to come and talk and bring me my keys, and then
10 bring me right back.

11 Q And, again, they talked to your mom, not you?

12 A Uh-huh.

13 Q And no doubt about it, officers went over your
14 rights. I'm not going to hand it up to you, but I'll
15 show it to you. You signed this form saying you
16 understood your rights, State's Exhibit 5?

17 MR. SPRATLIN: Can I approach if I need?

18 THE COURT: Yes, sir, go ahead.

19 A I'm not saying I didn't. Yeah, that's my
20 signature. But, like I said, it was never a thing with
21 them that I thought I was under arrest, because I
22 wouldn't have said anything. So me signing -- and just
23 like the hospital, I'm writing stuff, signing stuff,
24 I'm not coherent, as you guys said, or trying to say,
25 but I'm signing whatever, saying whatever just to kind

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 of get them out of my face.

2 Q (MR. SPRATLIN) If you remember, during that
3 interview at the three-hour interview, give or take,
4 several times you said, "I don't remember what
5 happened"?

6 A Because I didn't.

7 Q But now you do?

8 A And there are still things three years later that
9 are not clear.

10 Q Isn't it more likely you saying "I don't know"
11 was you hoping that they would just quit asking it?

12 A Really, like I said from the beginning, I just
13 wanted them to leave me alone, let me gather myself.

14 Q But you never asked to be left alone?

15 A I probably didn't. I'm not in right -- like I
16 said, I was saying anything, I was doing anything just
17 to get them away from me, get them out of my face and
18 leave me alone so I would process even the fact that my
19 husband is....

20 Q Passed away, I understand.

21 One of the things that Detective Johnson did do
22 in that interview was took photos of you; do you
23 remember that?

24 A I remember someone taking pictures at the
25 hospital. I remember someone taking pictures of my

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 face and hands, I think.

2 Q But do you remember in that interview room
3 Detective Johnson leaned over and took pictures of you?

4 A No, I don't remember.

5 (State's Exhibits 7 and 8 marked.)

6 Q (MR. SPRATLIN) I won't hand them to you; I'll
7 show you through the glass. Do you recognize Exhibits
8 7 and 8?

9 A That's my lip, my chin, my finger, and my face,
10 and this is my ear and this side of my face, the left
11 side.

12 Q Are these fair and accurate representations of
13 how you appeared on July 8, 2017, as far as you recall?

14 A That is the scarf I had on.

15 Q Does it appear to be fair and accurate?

16 A Yeah.

17 MR. SPRATLIN: I would tender into evidence.

18 MR. WILSON: No objection.

19 (State's Exhibits 7 & 8 marked and admitted.)

20 THE COURT: What are they marked as?

21 MR. SPRATLIN: State's 7 and 8.

22 THE COURT: Just give them to the court reporter.
23 Exhibits 7 and 8 are in evidence for purposes of this
24 hearing without objection.

25 MR. SPRATLIN: Thank you.

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 Q (MR. SPRATLIN) Is it fair to say, Ms. Green --
2 Ms. Matthews, excuse me, that you had a slight scratch
3 on the side of your cheek? And I can't see any injury
4 on State's Exhibit No. 7; can you show any injury on
5 that?

6 A I don't even know what the purposes of that was.
7 There are other pictures of fresher marks and fresher
8 scratches taken at the hospital. My hand was swollen;
9 there are supposed to be pictures of that. Those are
10 two days here.

11 Q Hand was swollen?

12 A Yeah. Yeah.

13 Q Could it be because you punched Dennis?

14 A Could be because of the altercation in the car.

15 Q But could have been because you punched Dennis?

16 A No.

17 Q But it was swollen?

18 A Yeah.

19 Q Consistent with you punching Dennis?

20 A My hand wouldn't swell up just from me punching
21 someone, like, that's not....

22 Q These are pretty minor injuries, aren't they?

23 A Yeah; and almost healed, they look like.

24 Q One day later?

25 A I mean, I guess. I don't even know what day it

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 was that they came to see me. I don't know if it was
2 the day after. I don't know if it was two days later.
3 I woke up and I was at Orangeburg County, and that
4 might have been the 10th or 11th of July.

5 Q According to State's 5, the form I showed you
6 that you signed, it says July 8, 2017; does that seem
7 accurate? And that would be the next day after Dennis
8 was stabbed, right?

9 A Well, yeah.

10 THE COURT: I'm sorry, ma'am. He asked you a
11 question. Was that accurate?

12 A Yes.

13 THE COURT: Thank you.

14 Q (MR. SPRATLIN) Okay. So one day later this is
15 what your face looks like?

16 A Okay.

17 Q Is that a yes?

18 A Yes.

19 Q And Dennis is dead with two stab wounds inflicted
20 by you, and you have a swollen hand and he has no other
21 marks on him, that you are aware of?

22 A That I'm aware of, no.

23 Q Other than an injury to his thumb?

24 A I don't know.

25 Q Could have. And you have what looks like a

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 slight scratch and no injury to your lip?

2 A That is what it looks like on those pictures.

3 Q As you said, those are a fair and accurate
4 representation of how you looked that day?

5 A Yes. But I know there were other pictures taken
6 and there are more scratches and bruises and things; I
7 see that.

8 Q Those were taken at the hospital?

9 A Uh-huh.

10 Q You stabbed Dennis in the car that night, didn't
11 you?

12 A Yes.

13 Q You pulled the knife out of the cup holder and
14 stabbed him twice on the right side of his body while
15 he was in the driver's seat?

16 A Okay. Yeah.

17 Q That's what happened?

18 A Yes.

19 Q And you did that from the back seat, didn't you?

20 A No, I did not.

21 Q You did it from the front seat?

22 A I was in the front.

23 Q So at some point in the night, you did crawl over
24 the seat?

25 A I didn't crawl over the seat; I was pulled to the

DONNIELLE MATTHEWS-GREEN - CROSS-EXAMINATION

1 front of the car.

2 Q Okay. While Dennis was driving, he pulled you
3 from the back seat over the center console into the
4 front seat?

5 A The car is not that big. He was not driving. He
6 stepped on the brake; we stopped at that point.

7 Q Stopped, turned around in the driver's seat,
8 reached over, grabbed you and pulled you --

9 A That is not how it happened.

10 Q Well, then, how did it happen?

11 A I reached in the front, actually, to grab my cord
12 to plug in my phone to play music, and then in the
13 midst of me reaching, he stepped on the brake and
14 pulled me up in the front. So it wasn't that I climbed
15 up and sitting straight up in the seat; I'm actually
16 down in the floor.

17 Q But you were able to grab the knife from the cup
18 holder and stab him twice in his side?

19 A I don't know where I stabbed him. I didn't know
20 where I stabbed him until after it happened.

21 Q But you did stab him in the side?

22 A That is the side -- yeah.

23 MR. SPRATLIN: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 MR. SPRATLIN: All right, Ms. Matthews, I believe

MOTIONS - ARGUMENTS

1 that is all the questions I have in relation to this
2 hearing. Thank you for your time.

3 THE WITNESS: Thank you.

4 MR. WILSON: Your Honor, I won't offer anything
5 else at this point, since she'll be testifying in full
6 in the next phase of this hearing.

7 THE COURT: All right. Very good. You may step
8 down now.

9 Further testimony from the defense?

10 MR. WILSON: Nothing further, Your Honor.

11 THE COURT: Anything else as far as testimony
12 from the State?

13 MR. SPRATLIN: No, Your Honor, I don't. We don't
14 feel it is necessary.

15 THE COURT: All right. Very good.

16 Mr. Wilson, let me hear your arguments about the
17 statement being allowed in evidence.

18 MR. WILSON: Your Honor, let me start, I guess,
19 with the idea that a confession which is obtained
20 through either coercion, or force, or with a promise
21 or even with the hope of promise or leniency, or hope
22 of leniency, or with compulsion, or with an inducement
23 is in and of itself an involuntary statement. And I
24 think that in this case when you look at the totality
25 of circumstances that we have here, you have an

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1 officer who is, by his own admission, 6-foot whatever
2 he said, two or whatever, and 200 plus pounds, 250
3 pounds, whatever, and then you have a female defendant
4 that he has in his custody.

5 Let me also address, Your Honor, the issue of
6 whether she's in custody at this time. There is no
7 question when you look at the facts, Your Honor,
8 that --

9 THE COURT: That's not even a matter for
10 discussion. As soon as they arrived at Orangeburg and
11 took custody and control of her, she was in custody,
12 okay. She was in custody right then. There is no
13 question about that, so let's not even argue about
14 that.

15 MR. WILSON: And my point is once she's in
16 custody and he has control of her, then all of these
17 other things occur. One, he asked her -- and I
18 thought this was really -- he kept -- and she's right,
19 one of the other officers asked her that earlier in
20 one of the other scenarios, in one of the other
21 statements that she had given, asking her, Well, what
22 should happen to the person; should they get a second
23 chance, you know, indicating to her, well, you know,
24 if you did it -- essentially, if you did it, and you
25 tell us, then there's going to be some leniency and

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1 you might deserve a second chance because of that.

2 I think the case law is clear that even if there
3 is -- if the officer even holds out the hope of
4 leniency, then the statement is involuntary. But I
5 think even in this case it is greater than that,
6 because you have a multitude of things that this
7 officer did. One, I think the intimidation factor.
8 The officer, not only does he yell at her, he gets up
9 and goes over to her, stands up over her for an
10 extended period time, you know, talking to her within
11 inches of her face, invading her space, trying to
12 overcome her will. Then, when that doesn't work, what
13 he does is grabs a chair, pulls up next to her, and
14 begins to touch her, which clearly is improper. For
15 him to put his hands on her in any way, shape, or form
16 other than to cuff her is improper; but he does that,
17 and he does it more than one time during the course of
18 this event.

19 If that ain't enough, Your Honor, what happens
20 also is that, you know, he tells her over and over
21 again -- well, he tells her first that, Well, you
22 know, you need to go ahead -- what if Dennis were in
23 this room with us, what would he want you to do? Then
24 he tries to tell her about -- again, trying to use
25 undue influence and coerce her to give a statement --

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1 what about his family, what about your family, you
2 need to tell them, they need to know; all of these
3 things.

4 I will agree there is not one of these things
5 alone that may be enough, but when you look at the
6 combination of these things that this officer did over
7 a three-and-a-half hour interrogation --
8 three-and-a-half hours. This is not, you know, a
9 situation -- he beat her down until she finally said
10 what he wanted to hear. Not only did he do that,
11 throughout the course of the interview, he provides
12 her with what his theory of the case is and tells her
13 what he says happened.

14 Finally, he tells her, "Look, it happened in that
15 car. It happened in that car. What happened in that
16 car? You need to tell me what happened in that car."
17 Well, again, all of these things together -- not one
18 alone -- I think makes the statement necessarily
19 invaluable. When you look at the totality of
20 circumstances in this case and what this officer did
21 and how this interrogation was conducted, I think that
22 certainly you would have to agree that she was
23 intimidated and she felt that she was being
24 overwhelmed by this officer and his presence and his
25 conduct of this statement.

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1 Now, I submitted some case law to His Honor for
2 your review. I won't stand here and go through every
3 one of them. Your Honor, you have them, and I just
4 ask that they be made a part of the record so if we --
5 if necessary, they are there for later. But one of
6 the things that I want to read is a statement is not
7 -- a statement is involuntary if it is not the product
8 of a rational intellect and free will. The test for
9 determining whether a confession is voluntary is
10 whether the defendant's will was overborne at the time
11 he confessed. A confession may be found involuntary
12 if extracted by threats or violence, obtained by
13 direct or implied promises.

14 And that is the other part, the implied promise
15 here was that if, you know, you tell us now, then
16 there's going to be some leniency, which is why he
17 asked her that question. There is no other basis for
18 asking her "what should happen to the person who did
19 this." The whole idea was to convey to her you are
20 going to get a second chance. If you did this, maybe
21 there is a second chance out there for you; that is
22 implied.

23 It is not a direct promise, but certainly the
24 implication there is that somehow this person is going
25 to get some kind of leniency. My point simply is,

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1 without belaboring it, is it is the totality of the
2 circumstances of that interview, and all of the things
3 that I have submitted to this Court that makes this
4 statement involuntary on her part.

5 Your Honor, I would say to you that if you look
6 at the statement -- and you did, you saw the video --
7 a lot of the times during the course of this process
8 she has her head completely down on the desk, laying
9 flat down like this (indicates), and he is still
10 coming onto her, coming onto her. She even tells him
11 at the outset, which is what we played at 1:47 in the
12 tape, where she says -- talks about a lawyer.
13 Again --

14 THE COURT: So let's talk about that. Tell me
15 exactly what she said.

16 MR. WILSON: As I understood what she said -- and
17 they were talking about -- he was wanting her to give
18 a statement. She says to him, Well, I don't know that
19 I should do that. I don't know that I should be
20 talking about it. Maybe I need a lawyer, or I should
21 have a lawyer with me, is what I understand her to be
22 saying. Then, he really is talking over her, "I don't
23 want to talk about that. We need to talk about what
24 this lady -- I don't want to talk about the lady."
25 Because she was -- as I understood what she was trying

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1 to say, she was trying to say she needed a lawyer
2 because he was saying that the woman -- the other
3 woman was accusing her of having done it, and she was
4 saying, "Maybe I need a lawyer; because if that's
5 true, I need a lawyer." He says, "Oh, you don't need
6 to worry about that. We don't need to worry about
7 that. We need to talk about something else. We need
8 to talk about what was in the car." So he pushed her
9 away from it and kept talking over her, so she never
10 got a chance to really expound on it.

11 But, Your Honor, as I said, my position is that
12 it's not any one of these individual things. It is
13 the combination of all of them collectively when you
14 are looking at the totality of the circumstances. And
15 I'll say this to the Court, and I do understand why
16 the officer who is out of his jurisdiction would need
17 other officers to go, but I think, too, this was part
18 of the intimidation process. They didn't need ten
19 officers or eight officers to go pick up this lady.
20 Even if they are in -- look, Myrtle Beach is about as
21 bad as you get when you get to murder and killing, and
22 I can't imagine they would have taken 10, 12 officers
23 to go pick her up in Myrtle Beach. At no time when
24 they went to Myrtle Beach did they do that. That
25 whole process was designed to intimidate her, which is

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1 what happened, and to get her.

2 The other thing that the officer said, which I
3 think was important, he always -- when he left there,
4 he says if she had not -- when I was cross-examining
5 him, he says, "If she hadn't gone with me to do that
6 statement, I was going to arrest her right then with
7 all of these officers there." That is why he took
8 these officers, for an intimidation factor, so that
9 she would go. Because if he's asking her for a
10 voluntary statement, he never says to her, Look, you
11 can drive your own car.

12 I understand you've already said that you
13 understand that this was, in fact, a detention or
14 arrest --

15 THE COURT: I mean, there is no question. She
16 was in their custody and control when they showed up,
17 and she went; there is no question about that.

18 MR. WILSON: Yeah. And so --

19 THE COURT: Whatever that means. But she's
20 clearly in their custody and control.

21 MR. WILSON: And I'm going to be through. My
22 point is simply that when you look at all of the
23 things that happened in this case and what this
24 officer did with this three-and-a-half hour detention,
25 I think that this statement is involuntary and the

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1 statement should not come in.

2 THE COURT: All right. So let me clear about the
3 cases you wanted me to look at. That was **Smith versus**
4 **State**, a 1990 decision of the Court of Appeals of
5 Alaska found at **787 P.2d. 1038 (1990)**; is that
6 correct?

7 MR. WILSON: Yes, sir.

8 THE COURT: And also United States versus
9 Ferrara, F-E-R-R-A-R-A, a 1967 decision of the United
10 States Court of Appeals for the Second Circuit; is
11 that correct?

12 MR. WILSON: Yes, sir.

13 THE COURT: And also a Supreme Court case of
14 United States of America, **Bram versus United States**
15 found at **168 U.S. 532, 18 S.Ct. 183, 42 L.Ed. 568**, a
16 decision of the United States Supreme Court dated
17 December 13, 1897; is that correct?

18 MR. WILSON: Yes, sir. And, Your Honor, one
19 other one. I didn't know -- I thought I sent it up,
20 but maybe I didn't, **People versus Linton**, which is --

21 THE COURT: I don't have that one. I do have
22 **State versus Aguilar**, that is also the decision from
23 the Court of Appeals of Oregon, **133 Or App 304, 891**
24 **P2d 668 (1995)** decision of the Court of Appeals of
25 Oregon. If there is another one, I don't have that.

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1 MR. WILSON: I agree. It is sitting here on my
2 desk, and I'll hand it up to you right now.

3 THE COURT: Very good. This is **People versus**
4 **Linton, 158 Cal. Rptr. 3d 521, 302** second -- Pacific
5 Third, I'm sorry, **927**, a 2013 decision of the Supreme
6 Court of California.

7 MR. WILSON: Thank you.

8 THE COURT: Yes, sir.

9 From the State?

10 MR. OSKIN: Yes, sir, Your Honor. Your Honor
11 made it very clear that the defendant was in custody,
12 which we agree. The defendant stated herself that she
13 was going to be when officers decided to go to
14 Orangeburg to further speak with her.

15 What is important for the record, after that
16 point, Your Honor, is at the very beginning of the
17 conversation, once they were recorded at the
18 Orangeburg Sheriff's Department, is that she was, in
19 fact, given her Miranda warnings. She was notified by
20 Sergeant Lent throughout her rights and what that
21 details. She initialed the form indicating that she
22 knew that; that was roughly within the first four
23 minutes of that video.

24 The mention of the word "lawyer" itself, which
25 I'll get to in a moment, was 1 hour and 47 minutes

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1 into the video, not the first minute, if there is any
2 clarification or dispute there. Certainly, the video
3 speaks for itself.

4 No doubt it was a custodial interrogation, which
5 is what this was, so Miranda applied. Sergeant Lent
6 got this defendant to waive her rights once she was in
7 that statement -- once she gave that statement.

8 First, I'll address the alleged coercion by
9 Mr. Wilson. As this defendant admitted on the stand,
10 she told multiple stories before meeting with
11 Detective Lent, and when she met with Detective Lent.
12 She also at the beginning of the statement said she
13 loves to talk, and it's been proven through the
14 statements issued to the Court that she is, in fact,
15 talking. She talked to every officer and talks
16 throughout the 2-hour-and-54-minute statement, not a
17 three-and-a-half-hour statement --

18 If she were coerced or intimidated or felt
19 threatened by Detective Lent and Detective Johnson's
20 presence, an intimidated person would have shut down
21 and not continued talking. An intimidated or coerced
22 person could have invoked for a lawyer; she did not do
23 those things, Your Honor. Instead, once she was
24 confronted with inconsistencies of her statement, she
25 continually replied, "I don't know." I'll submit to

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1 Your Honor she continually said "I don't know" because
2 she was buying herself time. She admitted to
3 Solicitor Spratlin that when she said she didn't know,
4 she was hoping they would stop asking her the
5 question. It is Detective Lent's job to confront her
6 with the inconsistencies in her statement. He lets
7 her know that there is other witnesses present prior
8 to Mr. Green being stabbed, which she fully denied
9 being there up until the end of the statement.

10 He does -- when he gets closer to her, he
11 testified that he felt empathy for her throughout the
12 interview. He has to get a description, which I'm
13 still unsure from the defendant's statement the true
14 depiction of where she was in the car when she stabbed
15 him; she gave three or four versions of that. But he
16 does touch her shoulders in a non-aggressive manner;
17 the words will speak -- the words support that.
18 Shortly thereafter, she speaks back to him. There is
19 constant laughing. They have comradery from places
20 where they are from. She says she loves to talk.

21 I do not think his physical presence or demeanor
22 in that video, as shown by the evidence, not what
23 Mr. Wilson or I say, as shown by his words and actions
24 in the video, prove that he was not unduly coercing
25 her, was not threatening her, and most importantly,

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1 did not make her any promises. He never promised any
2 sort of reward for her testimony. He gave her every
3 chance to tell the story, to which she didn't -- she
4 stuck with the original story of she didn't know.
5 Then it was made -- "they made two stops at a gas
6 station, and he got stabbed at one, and she didn't
7 know where he got stabbed." And then it was "there
8 was a knife and I don't know how it happened." And
9 then it became, "I stabbed him." Now, as you can tell
10 where this is going, now it is, "I stabbed him because
11 he beat me."

12 Her and her mother had an opportunity to hear
13 testimony yesterday, to hear rulings, but that
14 happened yesterday, but the interview states that
15 Ms. Matthews has family in law enforcement, I believe
16 she said close to 50 years. She said when he served
17 the warrant, that they weren't slick, that she knew it
18 was coming. She was aware that she -- she continued
19 to give DNA or stated that sometimes those can get
20 misplaced and I don't want that to happen.

21 She also states -- again, just to prove her
22 knowledge of the situation and how she was in control
23 of her emotional state, she states, "I feel like you
24 are going to tell me I have a right to an attorney and
25 blah, blah, blah and it's gonna take forever." To

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1 which the tech said, "Let me explain to you and answer
2 those questions." She said, "So if I feel like you
3 are trying to beat me down -- not saying that you
4 are"; so I think that goes against the argument that
5 she was so coerced and intimidated.

6 Further, Your Honor, roughly, approximately, at 2
7 hours and 40 minutes into the statement, when
8 Detective Lent and this defendant are sitting
9 together, he says, "I haven't been mean to you? I
10 haven't been unfair to you? I haven't beat you down?"
11 Which she affirmatively agrees with him by nodding.

12 So I think I would submit to Your Honor that the
13 video is the best evidence that she was not coerced,
14 threatened. She knew it was coming when she went.
15 She did waive Miranda when she spoke. Her "I don't
16 knows" were her buying time. She was caught in her
17 lies, Your Honor, which leads to the most important
18 next part -- and also I would rely on her testimony,
19 again, when she said, "When I answered 'I don't know,'
20 I was hopeful they would just stop asking," and that
21 she regrets speaking to them.

22 She told Solicitor Spratlin that she didn't take
23 anything that Detective Lent said as a promise, and
24 the transcripts will be there for that. Most
25 importantly, at 1:47 in this video there is mention of

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1 the word "lawyer." State versus Kennedy says the
2 right to counsel to a defendant applies when they
3 present the desire sufficiently enough and clear and
4 reasonable -- or sufficiently clear that a reasonable
5 police officer would understand the statement to be a
6 request for an attorney, and ambiguity or equivocation
7 exists in that statement.

8 Again, the video itself is the best evidence of
9 this, but what she says is, "Maybe I should have
10 talked to a lawyer back then"; and in the context of
11 that statement, she was referring to when she first
12 spoke with officers with the North Myrtle Beach Police
13 Department or in the hospital. But she said, "Maybe I
14 should have talked to -- asked for a lawyer then"; not
15 in the present time. "Maybe" itself is ambiguous, and
16 I rely on the Davis case for that where it verbatim
17 says -- talking about "maybe I need a lawyer" is not
18 sufficient with regards to that case, the Supreme
19 Court case. But relying back to Kennedy -- and this
20 ties to the first point as well where Mr. Wilson said
21 he was browbeating her, not only does she say that,
22 she says, "Maybe I should have talked to one then,"
23 the State would submit that is ambiguous. It's
24 equivocal. It is not a clear, sufficient indication
25 to a right of counsel that no reasonable officer would

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1 interpret that as an indication of rights; Detective
2 Lent testified to that as well on the stand.

3 Further, Your Honor, you have to understand that
4 she immediately continued talking. It was not even a
5 full "one Mississippi" before she starts talking.
6 Sergeant Lent wasn't standing over her at that time;
7 in fact, he was against the wall the furthest away he
8 could be in that room, and that is when he said, "I'm
9 not worried about the girlfriend." She is trying to
10 explain the girlfriend, and that is what she was
11 talking about she was confused about or didn't know,
12 when she said she should have maybe said something
13 different in the beginning. She was getting caught in
14 her lies, Your Honor, and that is how she reacted.

15 Therefore, it is the State's position that she
16 did not invoke a right to counsel. Any mention of the
17 word itself was simply that. It was ambiguous at
18 best. It was not an indication. She immediately
19 continued talking, and I'll rest on that, Your Honor.

20 THE COURT: All right. And the two cases that
21 you submitted to the Court were **Robert L. Davis versus**
22 **United States**, a U.S. Supreme Court case found at
23 **512 U.S. 452, 114 S.Ct. 2350, 129 L.Ed.2d 362 (1994)**,
24 decision of the United States Supreme Court; and **State**
25 **versus Kennedy** found at **333 S.C. 426, 510 S.E.2d**

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1 (1998), decision of the South Carolina Supreme Court;
2 is that correct?

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

4 THE COURT: All right. Very good.

5 Regarding this particular matter, we'll deal with
6 the indication of a lawyer, part of the Miranda
7 rights. As the Court indicated, clearly, she was in
8 custody. Miranda was required. It was a custodial
9 interrogation; no question about that.

10 Did they give her her Miranda rights? Clearly
11 they did from the documentation provided, from the
12 observation by the Court of the video. The defendant
13 clearly understood her rights and knowingly and
14 intelligently waived them. At the time of her waiving
15 the rights, there is no indication of any kind -- of
16 any kind of intimidation, threats, force, coercion,
17 promises of leniency, hope of leniency, any
18 inclination of leniency of any kind. It's very
19 straightforward. Both orally and in writing she
20 indicates that she understands her rights and are
21 giving them up; that is without question.

22 Did she after -- as indicated -- an hour and 47
23 minutes, or however long it is, invoke the right to
24 request an attorney? Now, as indicated by the two
25 cases submitted by the State, United States Supreme

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1 Court and our South Carolina Supreme Court have
2 indicated that whether or not the accused actually
3 invoked their rights to counsel is an objective
4 inquiry requiring some statement that can be
5 reasonably construed to be an expression of a desire
6 for an attorney's assistance. If the reference is
7 ambiguous or equivocal, in that a reasonable offer in
8 light of circumstances would only have understood that
9 the suspect might be invoking their right to counsel,
10 the officers are not required to stop questioning the
11 suspect.

12 South Carolina has indicated that trial court is
13 to consider whether the accused's statements can
14 reasonably be construed to be an expression of a
15 desire for the assistance of an attorney. If the
16 desire for counsel is presented sufficiently clearly
17 that a reasonable police officer in the circumstances
18 would understand that the statement to be a request
19 for an attorney, no ambiguity or equivocation exists,
20 then all questions must cease until the person can
21 consult counsel or the accused voluntarily
22 re-initiates the conversation.

23 Here, no such request or expression for the
24 assistance of counsel at the time it was stated was
25 requested by the defendant. The Court finds it to be

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1 that in the context of the conversation that maybe in
2 the past she should have asked for an attorney. She
3 did not in any way indicate to the interrogating
4 officer or other officer present that she wanted to
5 stop the interview. She didn't indicate in any way by
6 her words, actions, how she appeared, in no way did
7 she indicate she wanted to stop. She did not request
8 at that point in time the assistance of an attorney.
9 Nothing she said would cause a reasonable police
10 officer at that time to have stopped questioning the
11 defendant and ended the interview. She did not invoke
12 her right to an attorney.

13 Regarding the issues of whether or not the
14 confession was free and voluntary, nothing that the
15 officer did from the Court's observation extended to
16 her any hope for leniency, promise of leniency,
17 anything that could be construed that if she gave a
18 statement, there would be leniency. The Court does
19 not find the actions of the officer to be intimidating
20 in any fashion. Should he have touched -- you
21 shouldn't touch anybody without their permission; he
22 shouldn't have done that. But in the context of the
23 interrogation, it was not intimidating. It was not
24 forceful. It did not cause her will to be overborne
25 in any fashion. It did not cause her to be scared or

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1 afraid or say, "Well, now I have to talk"; that just
2 didn't happen. Viewing the video, that did not
3 happen. Proper police procedure would probably
4 indicate you should not touch anyone. It wasn't done
5 forceful or mean in any way, but be that as it may,
6 you shouldn't touch anyone unless they give you
7 permission; just shouldn't do it. But it didn't
8 affect or effect the interrogation in any way. It did
9 not cause the defendant to continue to talk, answer
10 any questions, cause her to be under the will of the
11 officer in any way.

12 Looking at the entirety of the interview, the
13 officer's actions were not coercive. They were not
14 intimidating. He did not overpower her will. Her
15 will was not overborne. She clearly engaged in
16 conversations with the officers. Clearly, when they
17 felt she was not responding to questions or giving
18 answers, which she now admitted the "I don't know's"
19 were stalling for time, they have the right, duty, and
20 obligation to challenge her for that; that's their
21 job.

22 There have been a number of cases in South
23 Carolina and United States all over jurisdictions,
24 officers can lie. They can deliberately tell people
25 they are interrogating things that are not true in the

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1 hope that they will give a statement, and that is not
2 illegal. That is not improper. From an interrogating
3 technique, the defendant believes then that they are
4 friendly in some fashion; that is a technique. It's
5 proper.

6 So, again, no implied promises, leniency, hope of
7 leniency of any kind, no coercion, no threats, no
8 indication of a lawyer. Her will was not overborne.
9 She talked and voluntarily talked and gave a
10 statement; certainly, inconsistent statements, but
11 statements, nonetheless, that she decided that she
12 would give. Therefore, I will allow the statement to
13 be used in the motion hearing and in the trial of this
14 case. Thank you very much.

15 All right. Any statements we need to decide on
16 the Jackson v. Denno?

17 MR. WILSON: Your Honor, before you move on to
18 that; in regards to this statement, one of the things
19 that troubles me is that during the course of this
20 statement is this officer goes on several tirades
21 about what he says happened --

22 THE COURT: That is a different issue.

23 MR. WILSON: Yes, sir.

24 THE COURT: I'm allowing the statement in, but
25 you haven't made a motion yet --

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1 MR. WILSON: Right.

2 THE COURT: -- to redact portions of the
3 statement. If you are going to do that, I would
4 expect you to do so, but we probably need to be more
5 clear. You have to go to the video. You have to go
6 to -- okay, come up with a list, you know, at 32
7 minutes and 10 seconds the officer says X, and I want
8 that redacted. You are going to have to go through
9 that whole thing, and I would ask you to submit that
10 to the State and see if they don't agree that those
11 things ought to be taken out, okay. Then, if you all
12 can't come to an agreement, I'll be glad to hear from
13 you all and make a decision on that, but I certainly
14 expect you to do that.

15 MR. WILSON: Yes, sir.

16 THE COURT: But that's not before the Court at
17 the present time.

18 MR. WILSON: That's correct. And the reason I
19 raised it now, Your Honor, is that I wanted to make
20 sure we're all on the same page that the State -- I'm
21 not agreeing to the statement coming in as is, at this
22 point.

23 THE COURT: Oh, I understand that. And I expect
24 that motion, but, you know, when you make that
25 motion -- it is hard to deal with generalities. That

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1 one really needs to be specific to the question and
2 answer and where it is located, and that sort of
3 thing.

4 Other than that, anything else on the Jackson v.
5 Denno?

6 MR. WILSON: No, sir.

7 THE COURT: From the State?

8 MR. SPRATLIN: Nothing for the Jackson. I had
9 one additional pretrial matter.

10 THE COURT: Yes, sir.

11 MR. SPRATLIN: Me and Mr. Wilson and Mr. Oskin
12 have all entered into a stipulation as to the cause of
13 death, not requiring any sort of testimony on the
14 cause of death being --

15 THE COURT: From Dr. Proctor?

16 MR. SPRATLIN: Yes.

17 THE COURT: So rather than calling Dr. Proctor?

18 MR. WILSON: For the purposes of this hearing.

19 THE COURT: For this hearing, right. Right. I
20 understand at trial, but for the purposes of this
21 hearing.

22 MR. SPRATLIN: And I have a copy of it, Your
23 Honor.

24 THE COURT: All right. Have you shown that to --

25 MR. WILSON: Yes, sir, I have a copy.

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1 THE COURT: Very good. So for the purposes of
2 the Persons and Protection Act hearing, or Stand Your
3 Ground hearing, that is a stipulation; is that
4 correct?

5 MR. WILSON: That is correct.

6 MR. SPRATLIN: I put in there it is only for the
7 purposes of the Stand Your Ground hearing subject to
8 South Carolina law, blah, blah, blah, and only for
9 that hearing.

10 THE COURT: Very good.

11 MR. SPRATLIN: So it should be very clear.

12 THE COURT: Very good. So the statement being
13 that Dennis Earl Green died on July 7, 2017 at Grand
14 Strand Regional Medical Center as a result of two stab
15 wounds to the front, right side of his body below his
16 chest and nipple region, and above his hip area;
17 that's a stipulation by the State, correct?

18 MR. SPRATLIN: It is.

19 THE COURT: And by defense?

20 MR. WILSON: Yes, sir.

21 THE COURT: Very good. So you all are ready to
22 proceed with the Persons and Protection hearing, or
23 Stand Your Ground hearing?

24 MR. WILSON: Yes, sir.

25 THE COURT: Let's take a short break, about five,

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1 ten minutes and then we'll get started with that.

2 (A recess was taken.)

3 THE COURT: Counsel, I appreciate the fact that,
4 you know, we've scheduled this for yesterday and
5 today. Obviously, it is going to go into tomorrow. I
6 don't think there is any question that it will go into
7 tomorrow. So, I mean, that's fine. We'll just
8 rearrange the schedule that we had. With that, I do
9 have a meeting at 12:30. So what is -- is this
10 something we can accomplish before then, or would you
11 rather just wait until I'm done with that and then
12 start -- let me know.

13 Mr. Wilson, you are going to be starting first,
14 so.

15 MR. WILSON: Yes, sir. Your Honor, I would like
16 to have about 20 minutes anyway, if the Court would
17 allow that.

18 THE COURT: Okay.

19 MR. WILSON: And I know that would --

20 THE COURT: Get us basically to that time,
21 anyway. All right. So I don't have a problem with
22 that, give you the time that you need. We'll resume
23 at 1:45. Let's resume at 1:45 and we will proceed in
24 that fashion.

25 The stipulation, did you want me to mark that as

MOTIONS - ARGUMENTS

1 Court's Exhibit 1 so it is part of the record?

2 MR. SPRATLIN: That is acceptable.

3 (Court's Exhibit 1 marked.)

4 THE COURT: Very good. All right, gentlemen,
5 I'll see you at 1:45 then.

6 (A discussion was had off the record and a
7 recess was taken.)

8 THE COURT: The defense in this matter filed a
9 petition for immunity and dismissal of this case
10 against the defendant pursuant to the Protection of
11 Persons and Property Act, or commonly known as a Stand
12 Your Ground hearing, regarding the indictment set
13 forth in 2017-GS-26-4252 where the defendant was
14 indicted by the Horry County Grand Jury back on
15 November 29, 2017 -- November 29, 2017, for the crime
16 of murder.

17 The indictment alleges that the defendant,
18 Donnielle K. Matthews, did in Horry County, on or
19 about July 7, 2017, willfully and feloniously and
20 intentionally killed the victim, Dennis Green, with
21 malice aforethought, either expressed or implied, by
22 means of stabbing. The victim did die as a proximate
23 result thereof on or about July 7, 2017 in the Little
24 River section of Horry County; violation of the Code
25 of Laws in South Carolina 1976 as amended.

MOTIONS - ARGUMENTS

1 Is the defense ready to go forward with its
2 motion?

3 MR. WILSON: Your Honor, at this time I've
4 discussed this with the defendant, and the defendant
5 wishes to withdraw the motion.

6 THE COURT: If you would stand up, please,
7 Ms. Matthews.

8 Place her under oath.

9 (DONNIELLE MATTHEWS-GREEN, having been duly
10 sworn, testified as follows:)

11 THE COURT: Ms. Matthews, your attorney has
12 filed in this action a motion, as I've indicated and
13 I've just put on the record, and it's under the
14 Protection of Persons and Property Act, that is the
15 official title, but it is more commonly called the
16 Stand Your Ground hearing; whereby, there is an
17 accompanying code section that has been enacted by our
18 state legislature, and that being 16-11-450. There's
19 also code sections that apply: 16-11-440, 420. It
20 has been interpreted several times by our state
21 supreme court; but, in essence, it indicates that --
22 it was the intent of the legislature to put in the law
23 of this state what we used to have by common law or
24 general practice and acceptance what was called the
25 "Castle Doctrine" to be able to defend yourself. It's

MOTIONS - ARGUMENTS

1 more expansive in the Protection of Persons and
2 Property Act, and it allows a person to use deadly
3 force when permitted by this action. You can, as your
4 attorney has, request a hearing for the Court to
5 determine whether or not you get that protection,
6 whether or not you get that immunity. If the Court
7 granted that immunity, that is the end of this matter.

8 Now, that can be appealed by the State to the
9 Supreme Court, but as far as right now, that would be
10 the end of it. If I gave you the immunity, then the
11 State can't go forward with the prosecution under the
12 indictment; you understand that?

13 MS. MATTHEWS: Yes.

14 THE COURT: And regarding this particular request
15 that your attorney has filed for you, the evidentiary
16 standard, or the standard that I'm supposed to use, is
17 a good bit different than what the State has to use if
18 they go forward with a trial. If the State goes
19 forward with a trial, they have to prove to a jury, 12
20 men and women, "beyond a reasonable doubt," that you
21 committed the crime for which they have indicted you,
22 okay; you understand that?

23 MS. MATTHEWS: Yes.

24 THE COURT: But my standard in whether or not you
25 get the immunity is under what is called

MOTIONS - ARGUMENTS

1 "preponderance of evidence." Now, we explain this in
2 civil court all the time; the greater weight or the
3 preponderance of evidence is we ask the jury to
4 imagine a set of scales, and until you tip the scales
5 ever so slightly in your favor, that's the greater
6 weight or the preponderance of the evidence. So that
7 is a lot -- for lack of a better word -- easier
8 standard than what the State would have in a
9 prosecution, "beyond a reasonable doubt." It is
10 tipping those scales ever so slightly. So do you
11 understand everything we've talked about?

12 MS. MATTHEWS: Yes.

13 THE COURT: Now, your attorney indicated that the
14 two of you have had a discussion, and I don't want to
15 know what you all have talked about, but have you
16 fully discussed with him the motion, what it entails,
17 what would happen in the motion hearing, to the best
18 that he can tell you? Obviously, things come up that
19 no one can expect, but to the best he can tell you
20 what the procedure is and what you can expect to have
21 happen; did you go over all of that?

22 MS. MATTHEWS: Yes, we did.

23 THE COURT: And you went over, I'm sure, in
24 anticipation of the questions that the State would ask
25 you about what happened?

MOTIONS - ARGUMENTS

1 MS. MATTHEWS: Yes.

2 THE COURT: All right. Your attorney indicated
3 that you want to give up your right to have this
4 motion hearing heard. Now, if you waive or give up
5 that right, it's gone. You can't later on say, well,
6 now I want to rescind that, and now I want to have the
7 hearing. Now is the time, and the Court has allotted
8 more than -- any time that is necessary at all, any
9 time that is necessary to have this full and complete
10 hearing, you know, whatever time or how many days or
11 whatever time it takes, we're ready to do that for
12 you, okay.

13 MS. MATTHEWS: Yes.

14 THE COURT: Before I ask you what you want to do,
15 do you want to ask Mr. Wilson any questions?

16 MS. MATTHEWS: No.

17 THE COURT: Do you want to give up your right to
18 have this hearing under the Protection of Persons and
19 Property Act, or the Stand Your Ground hearing?

20 MS. MATTHEWS: Yes, I do.

21 THE COURT: And understanding that, giving it up,
22 you are giving it up and it cannot be now brought up
23 again; you understand that?

24 MS. MATTHEWS: Yes.

25 THE COURT: All right. Thank you, ma'am. I

MOTIONS - ARGUMENTS

1 appreciate it very much.

2 All right. So the Court finds that the defendant
3 has knowingly and intelligently waived her right to
4 have the motion heard that was filed by the defense
5 for the Court's determination under the Protection of
6 Persons and Property Act, or the Stand Your Ground
7 hearing. She understands the standard that the Court
8 would use. She's discussed the matter with her
9 attorney, and she's made a decision to give up this
10 right understanding that that cannot be then
11 rescinded. So we will mark the motion as withdrawn by
12 the defense with the understanding that it cannot be
13 brought up again.

14 Anything further from the defense?

15 MR. WILSON: Not on that issue, Your Honor.

16 THE COURT: Anything else on that issue from the
17 State?

18 MR. SPRATLIN: Not on that issue, Your Honor.

19 THE COURT: Counsel, anything else?

20 MR. WILSON: Yes, sir, Your Honor, and I don't
21 know if this interests the Solicitor at all, but we
22 also filed a motion to have her declared indigent. I
23 know that the -- because I did, I received a response
24 from SCCID, from the South Carolina Indigent Defense
25 Fund, and I would ask the Court to consider that

MOTIONS - ARGUMENTS

1 matter as soon as you can so that either way, if it is
2 granted or denied, we know where we are before trial.
3 I don't know what the Solicitor's time table is for
4 trial. I know they want to try this case as soon as
5 they can, and in order to get prepared, I will need
6 certain expert witnesses, which right now she cannot
7 afford.

8 THE COURT: All right. Now -- and in that -- I'm
9 not going to go into any detail about this, but as far
10 as your status representing the defendant, I
11 understand basically you were substituted in for
12 previous counsel that had been hired to represent
13 Ms. Green; that Mr. Gibson, who was then elected, is
14 now the Solicitor of the Fifth Judicial Circuit?

15 MR. WILSON: Yes, sir.

16 THE COURT: Does your status remain, and do you
17 anticipate it to remain, as "retained" in this matter?

18 MR. WILSON: Yes, sir.

19 THE COURT: All right. Very good. So you
20 understand the matter is raised by the Indigent
21 Defense as to the points they've made -- I will
22 communicate with both of you all, Indigent Defense and
23 yourself, about that matter. I don't know if there is
24 any information that I need to receive or if further
25 arguments are proper. Certainly, if you would like

MOTIONS - ARGUMENTS

1 the matter heard on the record and have that motion
2 heard, then I'm glad to do that and we'll tell
3 Indigent Defense to send somebody to argue regarding
4 that motion; if you want me to do that, just let me
5 know.

6 MR. WILSON: Yes, sir, I do.

7 THE COURT: Okay. So we will do that. What I'll
8 do is I'll find a date and time looking at the
9 schedule. As you know, the State's schedule for
10 circuit judges is in a state of flux where they are
11 allowing some visiting judges, but right now they are
12 only allowing them that will travel to and from home;
13 so that kind of limits people that can come to Horry
14 County to, basically, probably to Judge Seals and
15 Judge Nettles probably, in Florence. Judge Seals is
16 in Marion, and Judge Nettles is in Florence.

17 We may or may not be resuming jury trials. I
18 know you have some connection with federal court and
19 you know they are not trying any cases til January.
20 But South Carolina state court has asked us to have a
21 couple of cases, and they are going to see how it
22 goes. I just don't know what they are going to do.
23 But with all of that, I don't know my schedule right
24 now, really, except for the next two weeks; no judge
25 does. So I'm going to have to wait a little bit and

MOTIONS - ARGUMENTS

1 see how this all plays out. I will schedule the
2 motion hearing as quickly as I can so that we can get
3 that motion resolved. I just want to tell you I just
4 can't put it down on a calendar right now, but I will
5 as soon as it is feasible to put it down and get it
6 heard.

7 MR. WILSON: Thank you, Your Honor.

8 THE COURT: Yes.

9 Solicitor.

10 MR. SPRATLIN: Our only request is since Your
11 Honor has heard the Jackson v. Denno, we'll ask the
12 Court to maintain jurisdiction for the trial of this
13 matter.

14 THE COURT: Well -- and I appreciate that.
15 Again, you've heard my explanation to Mr. Wilson.
16 Until we get a concept of how things are going to
17 proceed, what Court Administration is going to do, I'm
18 the administrative judge for general sessions
19 certainly through the end of this year; so if that's
20 going to be the case, you know, I very well may do
21 that. Right now, I can't commit to that until I get a
22 better understanding from Court Administration what's
23 their plan. Are we going to have jury trials the rest
24 of this year? Are we going to follow the federal
25 court and not have them until January? What are we

MOTIONS - ARGUMENTS

1 going to do? I don't think they know the answer to
2 that; much less I can't. You know, I can't foresee
3 what they are going to do. So we'll -- I'll take your
4 request under advisement and see how things proceed.

5 Anything else?

6 MR. WILSON: Nothing further.

7 MR. SPRATLIN: Nothing further.

8 THE COURT: Thank you.

9 (Whereupon, the proceedings concluded.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2017-GS-26-04252

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

June 14-18, 2021

DONNIELLE MATTHEWS GREEN,)

Defendant.)

B E F O R E:

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

Martin D. Spratlin, Esquire
Seth A. Oskin, Esquire
Attorney for Plaintiff

Ralph J. Wilson, Sr., Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

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State v. Matthews Green - 2017-GS-26-04252
MOTIONS

14

1 **JUNE 14, 2021 - DAY 1 OF 5**

2 **ON THE RECORD - 9:41 A.M.**

3 MOTIONS:

4 THE COURT: All right. So, on Donnielle Matthews, what
5 motions are there that are outstanding, if any?

6 MR. OSKIN: Your Honor, the state would move to amend the
7 indictment. It currently reads that Donnielle K. Matthews did
8 in Horry County, on or about July 7th, 2017, willfully,
9 feloniously, and intentionally killed the victim and did so
10 with malice and aforethought either expressed or implied by
11 means of stabbing, and the victim did die as a proximate
12 result thereof on or about July 7, 2017, in the Little River
13 section of Horry County.

14 Your Honor, we first, we would move to amend her name
15 Donnielle K. Matthews to Donnielle K. Matthews Green, which
16 was her married name at the time. Second, we would move to
17 strike in the Little River section of Horry County language
18 from the indictment. We spoke to Mr. Wilson about this Friday
19 and at that time, he said there was no objection.

20 THE COURT: All right.

21 MR. WILSON: I have no -- no objections, Your Honor.

22 THE COURT: All right. So, both those are granted then
23 to add Green to the defendant's name and strike the
24 information about Little River.

25 All right. Anything else from the state?

State v. Matthews Green - 2017-GS-26-04252
MOTIONS

15

1 MR. OSKIN: Not at this time, Your Honor.

2 MR. SPRATLIN: Your Honor, there is one, I told Mr.
3 Lampke about this. We received a request this morning for the
4 redactions that Mr. Wilson would like in the defendant's
5 interview.

6 THE COURT: Okay.

7 MR. SPRATLIN: I'm prepared to do those redactions
8 tonight. I believe -- I believe I can agree to pretty much
9 all those redactions. I will prepare the redactions tonight
10 and have a fresh copy of that interview available for Mr.
11 Wilson in his office for his review tomorrow. From speaking
12 with him, he did not have any objections or motions to redact
13 or exclude portions of the first, second, or third interviews
14 that were previously admitted at the *Jackson v. Denno* hearing
15 that was held last year.

16 THE COURT: All right. Very good. All right. Mr.
17 Wilson, any matters you need to raise to the Court's
18 attention?

19 MR. WILSON: Yes, sir. First of all, we apologize. I
20 think I handed up some of my motions and requests to charge.
21 I don't think I handed up all of them.

22 THE COURT: Okay.

23 MS. WILLIAMS: So, let me hand up the remainder ---

24 THE COURT: Okay.

25 MR. WILSON: --- of those, if I might.

1 THE COURT: Please, sir.

2 MR. WILSON: And, Your Honor, these have all been served
3 on the state.

4 THE COURT: All right. Very good.

5 All right, sir. Anything else that you need to bring to
6 my attention?

7 MR. WILSON: Yes, sir.

8 THE COURT: All right.

9 MR. WILSON: I have several motions. Do you actually
10 want to hear the motions now?

11 THE COURT: Well, how about tell me what they are,
12 please, sir.

13 MR. WILSON: Okay. I have a motion -- I filed a motion
14 to redact the video recorded statement. I've talked with the
15 solicitor about that. We actually have been talking about it
16 for several days now, but he has agreed to redact some of the
17 things that I want. And until I see the actual redacted
18 video, I won't know ---

19 THE COURT: For sure.

20 MR. WILSON: --- for sure.

21 THE COURT: All right. Very good.

22 MR. WILSON: And he's working on that. So, that was one
23 motion. Also, Your Honor, I had a motion to sequester non-
24 expert witnesses during the course of the trial, and obviously
25 I know normally it's the practice of the Court to allow at

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1 least the chief investigator to stay with the state, and we
2 understand that. I don't -- other than that, I would just ask
3 the Court to sequester all non-expert witnesses who might
4 testify in the trial of the case.

5 THE COURT: Any objection to that from the state?

6 MR. SPRATLIN: No, Your Honor, we would just ask for
7 reciprocity in that; that his witnesses be sequestered.

8 THE COURT: So, both for the state and the defense then
9 we'll sequester the witnesses that are not expert witnesses.

10 MR. WILSON: Yes, sir. Your Honor, the other thing was,
11 was that there was -- I filed a motion -- there was some
12 telephone calls when the defendant was in J. Reuben Long, and
13 there were several phone calls the -- the officer went out to
14 the jail, went through the phone records of the defendant,
15 then about two weeks later got a search warrant and went back
16 and actually got the records. We filed a motion asking that
17 that's the fruit of the poisonous tree, under *Ellefson* and
18 asking that it be excluded. The solicitor informed me this
19 morning that he has no intentions of -- of using those
20 records. But my motion doesn't go just to the records or to
21 the phone conversations; it goes to anything that flows
22 directly from the information they gained from those phone
23 records.

24 THE COURT: All right. So, let me hear from the state as
25 to the person that listened to the records; did you develop

1 any information from that or not?

2 MR. SPRATLIN: Your Honor, my understanding is that those
3 phone records were listened to well after the arrest was made.
4 I do not believe any additional information or investigation
5 was gained. I can certainly check with the investigating
6 officer.

7 THE COURT: All right, sir, how about confirm that with
8 them and find out and make sure that they did not then develop
9 any new information based upon listening to the recorded
10 conversations.

11 MR. SPRATLIN: Yes, sir, Your Honor, and just so it's
12 clear on the record, we are not consenting that these are in
13 fact seized in violation of the defendant's fourth amendment
14 rights.

15 THE COURT: I understand that, but you don't intend to
16 use them in your case in chief?

17 MR. SPRATLIN: No, sir.

18 THE COURT: All right. Very good. So, just so go ahead
19 and confirm that information with the investigator.

20 MR. SPRATLIN: And, Your Honor, furthermore, I mean, we
21 don't even intend on using them in cross. I don't believe
22 there's really much evidentiary value to them.

23 THE COURT: All right. Very good. All right.

24 Yes, sir, Mr. Wilson?

25 MR. WILSON: Your Honor, one of the other things I guess

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1 I need, and maybe this is more a point of clarification than
2 -- than -- than a motion. When we have the -- when His Honor
3 did the stand your ground hearing that we did back and we
4 withdrew the motion, and the Court made it very clear at that
5 time that when we withdrew that we lose the right to come back
6 on that issue and I'm clear on that. What I am asking the
7 Court, though, is we also did a *Jackson v. Denno* hearing
8 during that time and the Court made a ruling.

9 THE COURT: Right.

10 MR. WILSON: Now, is that ruling binding for this trial
11 or do we do that all over again, I guess is what ---

12 THE COURT: Well, I mean we can do it all over again, but
13 I don't see the necessity of doing it. The state presented
14 their arguments, you presented your arguments, and I made a
15 ruling. Since I'm gonna be the Trial Judge, if I wasn't the
16 Trial Judge and some other Judge has heard it ---

17 MR. WILSON: Right, sir.

18 THE COURT: --- maybe we could it all over again, but I
19 don't see the necessity. And so, I would just indicate on the
20 record that I stand by the previous ruling of the Court in the
21 *Jackson v. Denno* matter.

22 MR. WILSON: Very well. And, Your Honor, my point was
23 simply that what I would like to do is introduce the
24 information and testimony from the *Jackson* hearing and the
25 original at that stand your ground hearing into the record of

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1 this particular case, so that if there is an appeal at some
2 point, the record will be clear as to what happened at the
3 *Jackson* hearing?

4 THE COURT: Any problem with that, gentlemen?

5 MR. OSKIN: Not to that point, Your Honor; no, sir.

6 THE COURT: All right. So, we'll just say for the record
7 that the prior ruling of the Court regarding the *Jackson v.*
8 *Denno* matter and the arguments and the information presented
9 to the Court is made a part of the record in this particular
10 trial that we're going forward in, and then the Court's ruling
11 and information to counsel regarding the stand your ground
12 hearing, which was withdrawn by the defense.

13 MR. WILSON: And, Your Honor, I don't know that it's
14 necessary, but just for the record, so -- for a point of
15 clarification, the defense would take exception to the Court's
16 ruling that at that time for this hearing.

17 THE COURT: In what regard, what are we taking exception
18 to?

19 MR. WILSON: To the fact that the Court permitted the --
20 the -- the testimony from the -- from the ---

21 THE COURT: So, the Court's ruling on the *Jackson v.*
22 *Denno* matter ---

23 MS. WILLIAMS: Yes, sir.

24 THE COURT: You continue to object to the Court's ruling?

25 MR. WILSON: Continuing, yes, sir.

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1 THE COURT: Okay. All right. I understand that. I just
2 wasn't clear what you ---

3 MS. WILLIAMS: Yes, sir.

4 THE COURT: But, obviously, I understand that you
5 disagree with the Court's ruling ---

6 MR. WILSON: Yes, sir.

7 THE COURT: --- made on the *Jackson v. Denno*?

8 MR. WILSON: Yes, sir.

9 THE COURT: I understand.

10 MR. WILSON: And I think that's it, Your Honor.

11 THE COURT: Okay. All right.

12 Since we've got a minute, let's look at the requested
13 voir dire real quick. Let me just go through that.

14 I'll have to go and look at it, but I can make sure --
15 but, I developed a four-question questionnaire about domestic
16 abuse and it's similar to the one that we normally use on a
17 criminal -- criminal sexual conduct case or in the same vein
18 as that. So, that will probably take both the state's and the
19 defense's questions or issues about domestic abuse or domestic
20 violence.

21 So, number 3 for the defense, I'm not going to ask that,
22 Mr. Wilson, or number 4. Let's see, 5 and 6, I will ask
23 questions that I believe will elicit that information when
24 we're picking the jury; and also 7.

25 Looking at the state's, so I always ask about victim of

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1 We appreciate your service. We appreciate the time that
2 you will invest in this matter, but our criminal justice
3 system in this state and in this country cannot operate
4 without participation of its citizens, and I want to thank you
5 for that.

6 Solicitor?

7 MR. SPRATLIN: Thank you, Your Honor.

8 OPENING BY SPRATLIN:

9 MR. SPRATLIN: Good morning, ladies and gentlemen -- or
10 good afternoon now, I should say.

11 Life can change in an instant. That's a saying that each
12 and every one of you has probably heard hundreds if not
13 thousands of times in your life. You hear it so often. You
14 hear it so much in your life because it's true. In an
15 instant, your life, your whole world can get turned upside
16 down. In an instant you could walk out in traffic and get hit
17 by car, you can get struck by lightning, you could have a
18 stroke, have a heart attack. In an instant everything can
19 change. In an instant you could also be filled with such
20 jealous hatred, ill will, hostility towards your husband, stab
21 him twice in the side, leaving him to bleed out and die. It's
22 an incident like that that leads us here today. It's an
23 incident like that that puts that woman on trial for murder,
24 because the evidence is gonna show you that on July 7th, 2017
25 in those early morning hours, 5 o'clock, 5:20, that timeframe,

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1 the defendant stabbed her husband, the victim in this case,
2 Dennis Green, twice, one of which pierced an artery causing
3 him to bleed out internally and leading to his death.

4 Now, let me first -- I'm sorry for being rude; I didn't
5 even introduce myself before I started talking. I'm Martin
6 Spratlin. I'm one of the assistant solicitors trying this
7 case. My self, along with Seth Oskin, are charged with
8 prosecuting this case. As the Judge said, we have the burden
9 of proving guilt beyond a reasonable doubt. And this is the
10 part of the trial called opening statements where I get to
11 tell you a little bit about the evidence you are going to see.
12 Not to trivialize it, but opening statements should be thought
13 of as kind of like a trailer to a movie. It's not gonna give
14 you all the details; you're not -- you'll get the highlights,
15 but you're not gonna hear everything; that comes from the
16 witness stand. Nothing I'm saying now, when Mr. Wilson gets
17 up if he chooses to give an opening statement, nothing he says
18 will be evidence. The only evidence y'all are gonna see today
19 is from that witness stand and the various exhibits, videos,
20 witness statements, statements of the defendant that you hear.

21 Murder, what does it mean? Murder is the killing of
22 another with malice aforethought, hatred, ill will, hostility.
23 Murder is not necessarily premeditated. You don't have to lay
24 in wait. You don't have to wait for the person to get there.
25 Murder and malice can occur in an instant, and that's what

1 happened here in an instant. But actually, the malice is
2 formed in the minute and moments leading up to the stabbing.
3 And I'm gonna go into that a little bit later on with you when
4 I talk about what you're gonna hear from that witness stand.
5 Let me go ahead and get this out of the way at the very
6 beginning. I think I've been talking for about five minutes
7 now. So, let me go ahead and tell y'all, this isn't a case of
8 who done it. The evidence is gonna show you she stabbed her
9 husband. You're gonna hear a statement from her where she
10 talks to an officer and admits she stabbed her husband. Now,
11 she doesn't admit it right away. This is, I think, the fourth
12 statement that she gives law enforcement about what happened
13 that night, and you're gonna see each and every one of those
14 statements. You are going to also have a unique opportunity.
15 In very few murder cases do we have video evidence of the
16 demeanor, the actions of the defendant minutes after stabbing
17 the defendant or the victim in this case. And in this case,
18 we have that. You are gonna hear from Officer Mark Martin.
19 He's gonna be in fact the first witness that takes that stand
20 today. You are going to see his body camera and what it
21 captured. Because see, he's sitting in the -- you're gonna
22 hear that he's sitting in the parking lot of Seacoast Hospital
23 up in Little River section of Horry County. You are going to
24 hear how he got a call about a stabbing victim being brought
25 into the hospital, and you're gonna see his body camera when

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1 he goes in there and how it shows the defendant acting; how it
2 shows her -- what she's telling him happened, the way she is
3 talking, the way she is out of control. You're gonna see
4 that. You're gonna see the anger, you're gonna see the ill
5 will, you're gonna see the hostility for yourself on that
6 video.

7 You're also gonna hear she already had a story. A story
8 about what happened, other than she -- the truth, that she
9 stabbed her husband. You're gonna hear that even minutes
10 after, she'd already concocted a story where they stopped for
11 cigarettes, and he got stabbed by somebody else, and then they
12 switched out and she drove him to the hospital. So, even
13 minutes later, she's already got that. This is not gonna be a
14 whodunit; this is gonna be a why.

15 Now, one question you might have and might have when you
16 watch this evidence is, if she stabbed him, why did she drive
17 him to the hospital. I submit the evidence is gonna show you
18 that she regretted her actions, probably the instant after she
19 did it, but what happens in an instant can't be taken back.
20 And in that instant when she stabbed him, that cost him his
21 life. No matter how sad she felt after, no matter how bad, no
22 matter what she did to try to not make him die, can't undo
23 what she did in that instant full of jealous rage, hatred, and
24 ill will.

25 Now, I told you you're going to see her minutes after the

1 incident. You're also gonna hear how she was feeling and what
2 she was saying minutes before the incident. You're gonna see
3 a text message from her phone where she texted her dad, who is
4 known as Big Donny. I guess her name is Donnielle; his name
5 is Big Don or Big Donny. You're gonna see that text message
6 where she is so angry, so upset with her husband, so full of
7 jealousy, that she tells her dad the next time I bring him
8 home, you need to beat him. Minutes later, he's stabbed.

9 The statement about them stopping for cigarettes and him
10 getting stabbed is not just observed by the initial officer at
11 the hospital. You're gonna see the statement that was given
12 several hours after she dropped him off at the hospital where
13 she is telling another officer the same general story; it'll
14 be a little different. And then you're gonna see a third
15 statement, where she tells a different officer the same story,
16 maybe a little different. And you're gonna see the fourth
17 statement where she tries to tell that same story to another
18 officer. It's only in that fourth interview that she finally
19 realizes the gig's up and says, yeah, I stabbed him, but I did
20 so because he was abusive towards me.

21 Why was she so full of jealous anger, hatred, malice, ill
22 will; why was she so full of that that night? But that,
23 ladies and gentlemen, is a story as old as time, another
24 woman. You see -- and this is important here and it's
25 something that I'm not sure how much of an experience any of

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1 y'all have with this, but the defendant and the victim in this
2 case were, while they were married, they were in what is
3 commonly referred to, or at least we'll refer to, as an open
4 marriage. And you're gonna hear her talk about that in her
5 statement where she says that she was free to date other
6 people; he was free to date other people; engage in sexual
7 relations; and sometimes they engaged in sexual relations
8 together with another person, a female person. This night was
9 a date. This night was a chance for a girl that the victim
10 had met here in Horry County, because he's from Horry County.
11 They live in Atlanta now or lived in Atlanta back in 2017, but
12 he was originally from Horry County, came to Horry County
13 regularly; he's from here. You're gonna hear that he met a
14 girl in Horry County and started dating her. You're gonna
15 hear that this night was the night to meet the Mrs. They were
16 all gonna go out, and they did. They went and picked up the
17 girl at her house, drove to a bar, drove to another bar, and
18 finally wound up at Denny's, North Myrtle Beach, which I
19 believe is now shut down, but there used to be a Denny's in
20 North Myrtle Beach. They wound up there in the early morning
21 hours of the 7th. You're going to hear and see the video from
22 the Denny's. And that's important because you will see how
23 she acts towards that other girl. You will see that she's
24 trying to be flirtatious with the other girl; she's trying to
25 get the other girl to like her. I suspect you're gonna hear

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1 from that stand when the other girl testifies -- her name is
2 Antoinette, by the way -- when that other girl testifies, you
3 are going to hear that she rebuffed the advances by the
4 defendant. You're gonna hear that she was interested in the
5 man but not her. She was so upset up at the Denny's, and
6 Antionette is gonna tell you that she was so upset at the
7 Denny's that when they got in the car to leave she punched the
8 victim in the face. She sat in the backseat; Antoinette sat
9 in the front passenger seat; he drove. It was a teeny little
10 car, a small car, and she goes off and punches him straight in
11 the face as he's backing up to leave the Denny's.

12 Now, Antionette didn't see the stabbing. Antionette got
13 dropped off at her house. Within 13 to 14 minutes of dropping
14 Antionette off at her house, Dennis Green, the victim in this
15 case, is walking into Seacoast ER with two stab wounds. The
16 funny thing is, in the statements I talked about you're gonna
17 hear from the defendant, you don't hear about Antionette. You
18 don't hear about her in the first statement to the officer
19 immediately after the stabbing. You don't hear about her in
20 the second statement to the officer hours later. You don't
21 hear about her in the third statement to the officer. You
22 don't really hear about her in the fourth statement until the
23 end when she finally admits the gig is up, because Antionette
24 can show malice. Antionette can show anger, hatred, ill will.
25 Antionette is the explanation for why this all happened.

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1 You are going to see a lot of evidence in this case.
2 That evidence is gonna show you that she stabbed her husband,
3 and that evidence is gonna show you that she did so with ill
4 will, hatred, and malice. As I said, this isn't a whodunit;
5 that's gonna be set out straight in the beginning, whodunit.
6 This is a why they did it. And once you look at all the
7 evidence, once you see it all, once you think about it, and
8 once you look at what she said and what she didn't say, how
9 she acted, how she didn't act, how she looked, how Dennis
10 looked, you will see that she is guilty of murder. At the end
11 of this trial after all the evidence has been given to you, my
12 co-counsel, Mr. Oskin, is gonna get up here and he's gonna
13 tell you exactly how the evidence shows that she's guilty of
14 murder. So, the most important thing I ask of y'all for this
15 entire trial, is to pay attention. Listen to what comes from
16 that witness stand. It's not all gonna be exciting. It's not
17 all gonna be solacious. A lot of it is gonna be very dry and
18 very boring, but it is very important for each and every one
19 of you to pay attention to it, because the devil is in the
20 details. And in order to find out what Antionette did -- I
21 mean, what Donnielle did in that instant when she stabbed
22 Dennis, you have to pay attention to the details. That's all
23 I ask of y'all.

24 Thank you. Please pay attention. Thank you.

25 THE COURT: All right, Mr. Wilson?

1 MR. WILSON: Thank you very much, Your Honor.

2 OPENING BY WILSON:

3 MR. WILSON: Madame Forelady and ladies and gentlemen, I
4 am Ralph Wilson. I represent Donnielle Matthews, who is the
5 accused in this case. I tell you at the outset, did she stab
6 him? Yes. Did he die as a result? Yes. Is she guilty of
7 anything? The answer is no. Every single person has a right
8 to defend themselves. When is enough enough? How many times
9 can your husband or your boyfriend beat you, beat you? I'm
10 not talking about fight you, because he -- and the evidence
11 will show, he was almost six-foot tall, 225 pounds. Stand up
12 Donnielle; stand up for me. He is six-foot tall, 225 pounds,
13 in his early 30s. You really think that there would be a
14 fight if the two of them were going at it or is it a beating?
15 What I will show you, what the evidence will show in this case
16 is that for years, not for days or weeks or this particular
17 night, he had beat her until enough was enough. That's what
18 the evidence will show.

19 When is enough enough? When is it that a woman, or man
20 for that matter, I guess, when is it enough that you've taken
21 enough beatings that you can defend yourself? When does that
22 happen? At what point does it happen? After the first
23 beating; does he have to beat you three times or nine times or
24 twelve times; how much do you have to take, when is enough
25 enough? I say one time is too many.

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1 Let's talk about some things. The solicitor says she is
2 charged with murder. Well, what is murder? Murder is the
3 unlawful killing -- and note that word, unlawful, because it's
4 not unlawful to defend yourself. It is not unlawful to defend
5 yourself. The murder has to be an unlawful killing; that's
6 the first thing, it has to be unlawful. And then it has to be
7 with malice aforethought. So, you've got to have two things;
8 you've got to have the killing, but you also got to have it to
9 be unlawful. The killing has to be unlawful. If you're
10 defending yourself, that is not unlawful because every person
11 has the right to defend themselves, and that's what you're
12 gonna hear happened that night.

13 What is malice? Malice is hatred, ill will, a heart void
14 of social duty and fatally bent on mischief. That's what
15 malice is. Malice is a term in the law in which deports
16 wickedness and evilness. None of that existed. What you're
17 gonna hear is that he was beating her one more time, one more
18 time. And, you know, what is amazing? When I listen to the
19 solicitor's story, he leaves out some important things. This
20 lady, Antionette, that he's talking about, is the girlfriend
21 of the defendant -- of the victim, who is dead. Now, you will
22 not hear one single person, nobody, say that there was any
23 friction between the two of them; that is between the victim
24 and this defendant on the night this happened, no friction, no
25 licks passed, no slapping. The only person who says that is

1 the other girlfriend, who comes in after she finds out that he
2 had been killed and then she said that. So, oh, well, when we
3 got in the car, he slapped -- she slapped him. Well, the
4 problem for that is, there will be a witness, Amy Jackson, who
5 worked at Shoney's who watched them get in the car. She
6 didn't see that. She has absolutely no reason to come in here
7 and tell you anything but the truth, but she's gonna come, and
8 I'm gonna put her on that stand and she will tell you that
9 when they left Denny's -- actually the two girls she thought
10 were a couple because they were getting along so good. And
11 yeah, there was some jealousy going on that night, but it was
12 the victim who was jealous, because his new girlfriend took to
13 her and not to him, and then he was upset about it. He was
14 the one raising his voice in -- in Denny's. There will be
15 testimony that his was the only voice that they could hear
16 raising his voice in Denny's at any point in time, and he was
17 ready to go, that he was mad.

18 What you will hear, and I tell you right now, she will
19 testify because I want you to hear exactly what happened that
20 night. There is no burden on the defendant to testify. The
21 law does not require her to testify and you can't -- the judge
22 will tell you that even if they don't testify, you can't hold
23 it against them; but I tell you now, she's going to testify,
24 because she wants to tell her side of it. You see, when you
25 get arrested, you don't get the opportunity to -- to defend

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1 yourself. The police come out, they put you in cuffs, they
2 take you to jail, and put you in J. Reuben Long, and until you
3 can get a bond, you sit there. And when you get out on your
4 bond, hopefully you go hire you a lawyer at some point, and
5 then you can try to defend yourself. It's her day in court
6 now. This is her day, and that's what this jury system is all
7 about, to give every defendant the opportunity to defend
8 themselves, even though there is no burden on them to do it.

9 I don't have to prove anything, nothing. The state has
10 the burden of proving. When they charge someone, they assume
11 the responsibility to prove it to you beyond a reasonable
12 doubt. That's their burden; they chose that burden. This is
13 one they cannot meet in this particular case. They cannot
14 meet it; they can't even come close to meeting it. But that
15 doesn't mean that you can't be charged. You can charge
16 anybody. You can charge a ham sandwich if that's what you
17 want to do, because all it is is a piece of paper that you
18 write out and you get -- you get it signed and you bring it in
19 here and say, oh, well, you know, this is what we charged them
20 with. That's not proof; that's not evidence. And, what the
21 solicitor said to you is not evidence, and what I'm saying to
22 you is not evidence. We're both advocates. Our job is to
23 advocate for our side; his for the state and me for my
24 defendant. And I am proud to represent her in this case
25 because she was an abused person for years, and I will show

1 you the text messages and everybody knew it. The family of
2 the victim knew it, they all knew it, and nobody did anything.
3 When is enough enough? How many beatings do you have to take?
4 Let's talk for a minute about self-defense. Self-
5 defense, the simple word means defending yourself, having the
6 right to defend yourself against anyone who attacks you.
7 There are four requirements in order to claim self-defense.
8 The defendant must be without fault in bringing on the
9 difficulty. Now, the reason I raise that first is because,
10 even though that's just one of the four, because the solicitor
11 said, oh, well, she slapped him when they got in the car.
12 Nobody else saw that, other than this girlfriend, who he had
13 been sneaking around with, but that's what they say. So, and
14 the reason for that is they need to try to show that maybe
15 there was some fault on her part in creating this problem. It
16 didn't happen; there was no slap. And even if there was,
17 which I tell you there was not, but even if there was, it
18 would've been 15, 20 minutes later. So, she would've sat in
19 the car for 15 to 20 minutes after she tried to hit him and
20 then just jumped up and stabbed him for no reason. That's
21 what they would try to have you believe.

22 The second thing is, so the defendant must be without
23 fault of bringing on the difficulty. The defendant must have
24 been in actual imminent danger of losing his life or
25 sustaining serious bodily injury. And, if you've got a 225-

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1 pound man who is six-foot tall, who works doing lawncare and
2 whatever else that he does and he's beating you in the head
3 with his fists -- and I'm gonna show you -- I'm gonna show you
4 that he beat her so much with his fists that he had bruises on
5 his knuckles. I'll show you the pictures. Or sustains bodily
6 injury, or he must have actually believed he was in imminent
7 danger of losing his life or sustaining bodily injury. If his
8 defense is based upon his belief of imminent danger, a
9 reasonably prudent person of ordinary firmness and courage
10 would have entertained the same belief. That is simply saying
11 if what they did was reasonable; would an average person have
12 thought and felt the same way. And you tell me one average
13 person, if you're being beaten with a fist by a 225-pound,
14 six-foot man, if you're being beaten that it's not reasonable
15 to defend yourself, if you are 5'1" or 5'2" woman weighing 130
16 pounds.

17 The defendant had no other probable means of avoiding the
18 danger of losing his own life or sustaining serious bodily
19 injury than to act as he did. If you're in a car, just the
20 two of you, where are you gonna go? Where are you gonna go?
21 How are you gonna avoid the danger if he's beating you with
22 his fists? How are you gonna -- how are you gonna avoid that?
23 The burden is not on me or on the defense to prove self-
24 defense; it's on the state to disprove, to disprove every
25 single element of self-defense; they got to disprove it,

1 beyond a reasonable doubt. Because if you -- if they can't do
2 that, then you are obligated to find the defendant not guilty.
3 That's not because Ralph Wilson thinks that's a good idea;
4 that's because it's the law.

5 Self-defense is a complete defense. What that means is
6 that, if you actually are defending yourself and you have
7 those four elements present, then you have the right to do
8 whatever is necessary, even, even when it means taking the
9 other person's life. You don't have to wait until they kill
10 you to try to defend yourself to kill them. You have the
11 right to act on appearances. And I'll tell you something else
12 that's gonna happen in this trial, we're gonna show you, give
13 you evidence that this was a violent person; that this victim
14 was a violent person, and she knew it.

15 Reasonable doubt. Now, everybody here has got a
16 reasonable doubt, and you've probably watched the television
17 shows and you see them and say, oh, reasonable doubt,
18 reasonable doubt, reasonable doubt. Well, what does that
19 really mean? It's a doubt for which you as an honest juror
20 would hesitate to act based on that. I'll give you an
21 example. Let's say you went to the bank and you were gonna
22 deposit every dollar that you had, but then you heard from a
23 reliable source that that bank was getting ready to fold and
24 that they weren't protected anymore by the FDIC, and you've
25 got \$250,000 that you're getting ready to put in there. What

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OPENING BY WILSON

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1 are you gonna do? You're gonna hesitate to put your money in
2 that bank, because you have a reasonable doubt about whether
3 that bank is gonna be able to protect your money. Well,
4 that's the kind of doubt they're talking about. You can have
5 doubt about anything. You can doubt whether the ocean is
6 still in Myrtle Beach. Well, that's not a reasonable doubt;
7 that's a foolish doubt, a whimsical doubt, and nobody has to
8 prove anything beyond that kind of doubt, because that would
9 be impossible, because you know the ocean is still over there.

10 Now, I know that when you got the jury summons, you could
11 think of a hundred things you had rather do than to come down
12 here for three, four, and five days and listen to a bunch of
13 lawyers go at it, but let me say this to you, your presence
14 here is necessary. The jury is actually the backbone of our
15 judicial system. It makes it work. Without you, it wouldn't
16 work; it can't work. And, you know, there are a lot of
17 systems all over the world; there ain't none as good as ours.
18 And I'm not just saying it because I'm an American and this is
19 our system. When you compare our system to any country in the
20 world -- and it's not perfect, don't get me wrong, our system
21 is not perfect, but it's way better than the next best thing.
22 You, sometimes sit at home and you see something happening in
23 the world and you say, my goodness, how in the world could
24 that happen, or how could that jury have done such and such,
25 or how could they -- well, you don't have to ask that question

1 today. You are the jury. And I say this almost every time I
2 stand up in front of a jury, justice is not in the solicitor;
3 it's not even in this building. The walls of this building is
4 not justice; it's you. It's in your hearts and your minds.
5 That's where justice is, because if it doesn't exist in your
6 heart and in your mind, it doesn't exist. You're justice in
7 Horry County, and you're gonna be justice in this case.
8 You're gonna determine whether or not the State of South
9 Carolina has done its job and whether they've brought you
10 proof beyond a reasonable doubt that this defendant, Donnielle
11 Matthews, committed a murder; not that she told some stories
12 that were different to the police, that's not what you're here
13 for. Y'all are here to determine, well, she didn't tell the
14 first time, she didn't tell it all the second time, she didn't
15 tell it all the third time, but she told it on the fourth
16 time. No, that is not what you're here for. You're here to
17 determine whether or not she is guilty of murder, the unlawful
18 killing of one human being by another with hatred, malice, ill
19 will.

20 Lastly, I simply ask you this, this will be a several-day
21 trial in all likelihood. Listen to the evidence, listen to
22 the witnesses as they testify, ask yourselves what does this
23 witness have to gain by lying, what does this witness have to
24 gain by telling the story that the witnesses tell you, how did
25 the witness act when they were on the stand, their demeanor,

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BY THE COURT

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1 how is it how they're acting? You are the judges of the
2 facts, sole judges of the facts. His Honor is the judge of
3 the law and he will tell us what the law is, and if I've said
4 anything that's inconsistent with what he tells you the law
5 is, you disregard what I've said, and you disregard what the
6 solicitor said, too. He is the final authority in this
7 courtroom on what the law is, but you are the final authority
8 on what the facts are.

9 So, I simply ask you to listen tentatively, and I know
10 you will, and because this is going to be a several-day trial,
11 listen to the witnesses before you make up your mind, until
12 you've heard both sides and the whole story as Paul Harvey
13 says, now the rest of the story, because that's what you're
14 gonna get, the rest of the story, not just the part that the
15 state intends to bring to you.

16 Thank you very much for listening to me.

17 THE COURT: Mr. Wilson, Solicitor, y'all come up and talk
18 to me for one second.

19 (REPORTER'S NOTE: Bench conference is held off the record in
20 the presence of but outside the hearing of the jury.)

21 BY THE COURT:

22 THE COURT: All right, ladies and gentlemen, the clerk is
23 gonna hand out to you a pad and pen for the taking of notes
24 during the evidentiary portion of the trial. Now, in doing
25 so, I do want to -- and I'll tell you at the very beginning,

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1 obviously, some people are better notetakers than others, and
2 just because somebody writes something down on a piece of
3 paper, doesn't make it so. We are going to rely on your
4 collective judgment and your collective wisdom as to the facts
5 in this particular matter. So, when the clerk hands out to
6 you the pads and the pens, please do write your name at the
7 top of the page, that will be your notepad throughout this
8 trial.

9 All right. Solicitor, your first witness, please.

10 MR. SPRATLIN: Your Honor, the state would call Officer
11 Mark Martin to the stand.

12 THE COURT: All right. Very good.

13 All right, sir, come all the way around up front, please.

14 THE CLERK: Please raise your right hand and place your
15 left hand on the Bible.

16 MARK MARTIN, HAVING BEEN DULY SWORN
17 TESTIFIES AS FOLLOWS:

18 THE CLERK: Please state your full name and spell your
19 last name.

20 MR. MARTIN: Mark Martin, M-A-R-T-I-N.

21 THE COURT: Go ahead, solicitor.

22 DIRECT EXAMINATION OF MARK MARTIN BY MR. SPRATLIN:

23 Q: Officer Martin, I'm gonna ask you to kind of speak up a
24 little bit. Our microphones are actually out, so you don't
25 even really have to worry about that. Just speak up loud

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1 enough for the jury to hear you. Where are you currently
2 employed?

3 A: Horry County Police Department.

4 Q: How long have you been working at Horry County Police
5 Department?

6 A: A little over four years.

7 Q: What's your job at the Horry County Police Department
8 currently?

9 A: Patrol officer.

10 Q: All right. And before working at the Horry County Police
11 Department, did you work anywhere else?

12 A: Yes, sir. I worked at the Myrtle Beach Police
13 Department.

14 Q: So, how many years would you say total you have in law
15 enforcement?

16 A: Roughly seven.

17 Q: Seven years. All right. Were you working for the Horry
18 County Police Department back in July of 2017?

19 A: Yes, I was.

20 Q: And were you a patrol officer at that point as well?

21 A: I was.

22 Q: Did you have a chance to come in contact with the
23 defendant on the day of July -- the early morning hours of
24 July 7th, 2017?

25 A: Yes, I did.

1 Q: Where did you come in contact with her at?

2 A: At Seacoast Hospital in Little River.

3 Q: What were you doing at the Seacoast Hospital?

4 A: I was in the parking lot. I usually go there to type my
5 reports, you know, the nurses felt safe with me being out
6 there, so I would sit there and type my reports.

7 Q: Before I go into that, since you were mentioning typing
8 reports, what is the job of a patrol officer?

9 A: A patrol officer, we patrol the neighborhoods to try to
10 deter crime, take reports for larcenies or petty crimes, major
11 crimes, and then once we do most of our duties, we have to sit
12 down and type a full report of what took place during that
13 call.

14 Q: And the reports was what you were writing in the early
15 morning hours on the 7th?

16 A: Yes, sir.

17 Q: All right. How did you come to find out there was an
18 incident at the hospital?

19 A: I was alerted by security.

20 Q: All right. And what did you do -- what were exactly
21 alerted by security about?

22 A: That there was a stabbing victim that came in by POV,
23 which is personal vehicle.

24 Q: And what did you do when you found out about that?

25 A: I immediately stopped what I was doing with my reports

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1 and went and seen what I could do to assist the security guard
2 at the hospital.

3 Q: Did you go into the hospital itself?

4 A: I did.

5 Q: Is that where you saw the defendant, Ms. Donnielle
6 Matthews?

7 A: Yes, sir.

8 Q: How was she acting when you first came in contact with
9 her?

10 A: Very, very hysterical; she was crying, swearing, just
11 being belligerent.

12 Q: At the point you were talking to her, was she even a
13 suspect in anything at that point?

14 A: No, she was not.

15 Q: What was the purpose of you trying to talk to her?

16 A: She was -- I was treating her as a witness to find out
17 what happened, where it happened, how it happened and, you
18 know, what we could do to find the person that did it.

19 Q: Was she in custody in any way?

20 A: No, she was not.

21 Q: Did you or anyone in your presence threaten her with any
22 kind of harm in order to get her to speak to you?

23 A: No. No, sir.

24 Q: Did you or anyone in your presence promise her anything
25 to get her to speak to you?

1 A: No, sir.

2 Q: Was she restrained; was her freedom of movement
3 restrained at all?

4 A: No, sir.

5 Q: At the point that she wasn't a suspect, did you find it
6 necessary to read her anything about her rights?

7 A: I did not.

8 Q: Why not?

9 A: I wasn't questioning her as a witness or as a suspect.

10 Q: Okay. In your experience as a law enforcement officer
11 for --I think you said seven years, correct?

12 A: Roughly; yes, sir

13 Q: Have you had a chance to come in contact with people who
14 are under the influence of drugs or alcohol?

15 A: Yes.

16 Q: Did the defendant appear to be under the influence of
17 either drugs or alcohol that day?

18 A: Yes, she did.

19 Q: All right. What sort of things did you observe to think
20 she was under the influence?

21 A: Red, glassy eyes, slurred speech, smell of alcoholic
22 beverage coming from her mouth.

23 Q: Did she seem so intoxicated that she didn't understand
24 what she was doing?

25 A: I think she understood what she was doing.

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1 Q: All right. Did she seem to understand the questions that
2 you were asking her?

3 A: Yes, sir.

4 Q: Did she seem to respond somewhat appropriately?

5 A: Yeah, somewhat, yeah.

6 Q: Did you think there was any kind of language barrier or
7 anything like that between you and the defendant?

8 A: Not at all.

9 Q: All right. When you saw the defendant, did you notice
10 any kind of injuries or wounds to her?

11 A: I did not.

12 Q: Now, at the time you came in contact with the defendant
13 -- well, let me back up a second -- what is a body camera?

14 A: It's a camera that we wear on our chest that videos -- we
15 have to video everything that goes on from start to finish of
16 a patrol call.

17 Q: And does it -- does it fairly and accurately record what
18 happens?

19 A: Yes, sir.

20 Q: At the point that you came into the hospital, were you
21 wearing a body camera?

22 A: I was.

23 Q: To the best of your knowledge, did it caption your
24 interaction with the defendant that morning?

25 A: Yes, it did.

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1 Q: Let me show you what has been marked State's Exhibit
2 Number 1.

3 MR. SPRATLIN: Your Honor, permission to approach?

4 THE COURT: Yes, sir.

5 MR. SPRATLIN: Actually, I need to show this to Mr.
6 Wilson.

7 MR. WILSON: I have no objection, Your Honor.

8 BY MR. SPRATLIN:

9 Q: Mr. Martin -- Officer Martin, do you recognize State's
10 Exhibit Number 1?

11 A: Yes, I do.

12 Q: What is that?

13 A: It's the DVD copy of my bodycam.

14 Q: Have you had a chance to review it before court?

15 A: I have.

16 Q: Did you initial that you have reviewed it before court?

17 A: Yes, I did.

18 Q: Is it a fair and accurate copy of your body camera from
19 that day?

20 A: Yes, sir.

21 Q: Did it accurately record and capture your interactions
22 with the defendant?

23 A: Yes, sir.

24 MR. SPRATLIN: Your Honor, I would tender State's 1 into
25 evidence at this time?

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1 THE COURT: And you indicated no objection, Mr. Wilson?

2 MR. WILSON: No objections, Your Honor.

3 THE COURT: All right. So, it's into evidence without
4 objection.

5 STATE'S EXHIBIT NUMBER 1

6 ADMITTED INTO EVIDENCE

7 MR. SPRATLIN: Your Honor, I'd ask to publish to the jury
8 at this point in time.

9 THE COURT: You may do so.

10 (REPORTER'S NOTE: State's Exhibit Number 1 published to the
11 jury. Audio not transcribed herein.)

12 BY MR. SPRATLIN:

13 Q: Let me ask you, officer, real quick?

14 A: Yes, sir.

15 Q: What is a 5-19?

16 A: It's called a File 19; it's our internal code for drug
17 use.

18 Q: Okay.

19 (REPORTER'S NOTE: State's Exhibit Number 1 published to the
20 jury. Audio not transcribed herein.)

21 BY MR. SPRATLIN:

22 Q: Officer Martin, those people that just walked on the
23 video, did you eventually find out who they were?

24 A: I believe they were the victim's mother and another
25 family member.

1 (REPORTER'S NOTE: State's Exhibit Number 1 published to the
2 jury. Audio not transcribed herein.)

3 BY MR. SPRATLIN:

4 Q: Officer Martin, in that bodycam footage, did you observe
5 any injuries to the defendant?

6 A: I did not.

7 Q: When you were at the hospital, did you observe any
8 injuries to the defendant?

9 A: No, I didn't.

10 Q: Did she have any trouble walking?

11 A: No, sir.

12 Q: Did she act like she was in any sort of pain from a
13 physical ailment?

14 A: No, sir.

15 Q: Did she have any bruises or redness on her face?

16 A: No.

17 Q: Did you even notice a scratch on her cheek?

18 A: No.

19 Q: Anything at all that you saw that would have led you to
20 believe she was just the victim of an assault?

21 A: No, sir.

22 Q: Now, after that video shuts off, is the victim
23 transported to Grand Strand?

24 A: Yes, sir.

25 Q: And did they go to Grand Strand as well?

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1 A: I believe so.

2 Q: As far as you know?

3 A: As far as I know, yes.

4 Q: All right. Now, I have one more line of questioning for
5 you, officer.

6 MR. SPRATLIN: Your Honor, permission to approach?

7 THE COURT: Yes, sir.

8 BY MR. SPRATLIN:

9 Q: Let me show you what's been marked State's Exhibit Number
10 2. What does that appear to be?

11 A: It looks like a map of Little River, South Carolina.

12 Q: Does that reflect where the Seacoast Medical Center is?

13 A: Yes.

14 Q: All right. And there's another address -- how long have
15 you been working up in that area?

16 A: I worked Little River probably about three years.

17 Q: Are you familiar with the whole general area?

18 A: Yes, sir.

19 Q: Are you familiar [REDACTED] Sunny Heights Road and where that
20 is?

21 A: I'm familiar with Sunny Heights Road; yes, sir.

22 MR. SPRATLIN: Your Honor, I would ask for the witness to
23 come down to demonstrate for the jury on the map?

24 THE COURT: Any objection, Mr. Wilson?

25 MR. WILSON: I have no objections, Your Honor.

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MARK MARTIN - DIRECT BY SPRATLIN

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1 MR. SPRATLIN: Your Honor, first I would tender it into
2 evidence.

3 THE COURT: All right.

4 MR. WILSON: No objection.

5 THE COURT: State's 2 is into evidence without objection.
6 You may publish.

7 STATE'S EXHIBIT NUMBER 2

8 ADMITTED INTO EVIDENCE

9 BY MR. SPRATLIN:

10 Q: Now, officer, I'm gonna ask you with this Sharpie to draw
11 on this map where or just draw a circle around Seacoast
12 Medical Center and will you put an H in that circle? And I'm
13 gonna ask you to draw where -- circle around Sunny Heights
14 Road, and will you put an A in that circle? All right. Now,
15 let me ask if you were to leave Sunny Heights Road at say
16 5:05, is there any way that you could've left the boundaries
17 of Horry County and still wind up at Seacoast Hospital at
18 5:19?

19 A: It's highly doubtful.

20 Q: Is it even possible?

21 A: I don't believe it's possible.

22 Q: And this is a ways away from the border of North
23 Carolina, correct?

24 A: Yes, sir.

25 Q: A good ways?

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MARK MARTIN - DIRECT BY SPRATLIN

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1 A: Oh, yeah.

2 Q: So, leaving this area, traveling and winding up at the
3 hospital at 5:19, you can't really leave the boundaries of
4 Horry County?

5 A: No, sir.

6 Q: All right. Please return to your seat. And that's with
7 even leaving the Sunny Heights area at 5:05; if you left
8 later, that would even be more difficult?

9 A: Yes.

10 Q: If not impossible?

11 A: Correct.

12 Q: In fact, it probably is impossible?

13 A: That's correct.

14 Q: Do you see the person that you came in contact with at
15 the hospital that night in this courtroom?

16 A: Yes, sir; I do.

17 Q: Would you please point her out and identify an article
18 of clothing she's wearing?

19 A: The young lady with the blue top on and black mask, gray
20 pants.

21 Q: And is that the woman that you had the interaction with?

22 A: Yes, sir.

23 Q: Thank you. No further questions, officer. Please answer
24 any questions Mr. Wilson might have.

25 THE COURT: Cross-examination?

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MARK MARTIN - CROSS BY WILSON

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1 MR. WILSON: Thank you very much, Your Honor.

2 CROSS-EXAMINATION OF MARK MARTIN BY MR. WILSON:

3 Q: Tell me what time it was this night that you got to the
4 hospital?

5 A: Oh, gosh, maybe 4:45, 4:30, possibly.

6 Q: All right. Looking at the video, did you see the clock
7 in the video that was on the desk in the hospital?

8 A: Yes, I did.

9 Q: And what time does that clock say?

10 A: The last time I recall seeing it, it was 5:38 a.m.

11 Q: Okay. So, was it 5:38 a.m. or was it 4:40 a.m.; what
12 time was it?

13 A: The last time I saw was 5:38 a.m.

14 Q: All right. So, you're telling us, you're telling this
15 jury that there's no question at 5:38 a.m. y'all were at
16 Seacoast Hospital?

17 A: Yes, sir.

18 Q: Is there any question about that?

19 A: No question.

20 Q: So, if anybody says anything different than that, it
21 ain't correct, right?

22 A: Absolutely.

23 Q: All right. 5:38 a.m. you're at Seacoast Hospital?

24 A: Yes.

25 Q: All right. Now, you said that you didn't see any bruises

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1 or any scratches; you ain't seen nothing, right?

2 A: That's correct.

3 Q: All right. And did you look at her fingernails?

4 A: I don't recall.

5 Q: You don't recall?

6 A: I don't recall.

7 Q: Would it surprise you to know that they were all broken
8 off?

9 A: I mean, it wouldn't surprise me.

10 Q: All right. Let me show you these two pictures and ask
11 you if you think you can identify these photographs?

12 A: Can I identify these photographs?

13 Q: Yes, sir.

14 A: I've never seen these photographs before in my life.

15 Q: Okay. But I didn't ask you if you ever seen them; what I
16 asked you is can you identify them from the video that you
17 had?

18 A: No.

19 Q: Okay. You can't?

20 A: No.

21 Q: Okay. All right.

22 MR. WILSON: Your Honor, I'd just ask these marked for
23 identification purposes only at this time.

24 THE COURT: All right. Mark them as defendant's
25 exhibits.

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MARK MARTIN - CROSS BY WILSON

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1 MR. WILSON: Thank you, ma'am.

2 THE COURT: It's 1 and 2?

3 THE COURT REPORTER: Yes, sir.

4 THE COURT: All right.

5 DEFENDANT'S EXHIBIT NUMBER 1 AND 2

6 MARKED FOR IDENTIFICATION

7 BY MR. WILSON:

8 Q: Now, let me ask you, were you the first officer to arrive
9 on the scene?

10 A: First county, yes; first police officer, yes.

11 Q: Okay. All right. And so, when you got there, what
12 would've been your responsibility as the first arriving
13 officer where you're looking for somebody, I guess, as a
14 victim or defendant in a -- in a stabbing or whatever you call
15 it at that point?

16 A: My first priority is scene safety and then gather
17 information.

18 Q: Okay.

19 A: And assist as needed.

20 Q: Okay. And in gathering information, the only person
21 there at that point was Donnielle Matthews, right?

22 A: Correct.

23 Q: All right. And I'm sure you took pictures of her, I
24 mean, her face, her hands to see what was going on with her;
25 did you take any pictures of her?

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1 A: It's not my common practice to take pictures of
2 witnesses; no, sir.

3 Q: Okay. So, when you say you didn't see any, you didn't
4 try to find any either by looking and taking pictures to
5 preserve any that may or may not've been, right?

6 A: Well, yeah, like I said, it's not my practice to take
7 pictures of witnesses when there is no claim of assault.

8 Q: If you're the first officer who arrives, wouldn't you
9 want to get the best information that you can so that when the
10 other officers, detectives, or whoever come in after you,
11 they'll have that information fresh from you because you're
12 the first person there, so you want to preserve it to give to
13 them, right.

14 A: Absolutely, that's why we wear bodycams.

15 Q: Right. Right. And so, did you take that bodycam then
16 and focus in on her, on her face, on her hands, on her legs,
17 on her head, to show what was going on physically with her
18 when you got there?

19 A: No, that's not our common practice.

20 Q: Okay. Because you know as well as I do -- and you'd
21 agree with me, wouldn't you -- if I take a video of the back
22 of the room, I'm not gonna be able to see any details; I can
23 see the back of the room, but I can't see a spot that might be
24 on that wall back there.

25 A: Well, as ---

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1 Q: Unless it's a big spot, right?

2 A: Yeah, I was pretty close to the defendant with my body
3 camera.

4 Q: Okay. And as close as you got is what's shown on this
5 video, right?

6 A: Yes, sir.

7 Q: Is there any question about that?

8 A: No, sir.

9 Q: You didn't get any closer than that?

10 A: No, sir.

11 Q: All right. So, if you can't see it on that video, you
12 didn't film it?

13 A: Correct.

14 Q: All right. Now, let me ask you this, how long would you
15 say that you were there at the hospital, Seacoast?

16 A: From start to finish, probably 30 minutes, roughly.

17 Q: Okay. Did any other officers come in while you were
18 there?

19 A: Yeah, the North Myrtle Beach Officer arrived.

20 Q: All right. How many?

21 A: I don't recall.

22 Q: All right. Did you brief them -- that is did you tell
23 them what you had observed and what you knew; did you pass
24 that on to North Myrtle Beach?

25 A: I passed it on -- actually, I passed it on to another

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- 1 officer, Officer Nick Isner (spelled phonetically) that came
2 to relieve me because I was going off duty. I worked all
3 night, and I let him know, briefed him, and I briefed my
4 sergeant the whole time I was on the phone.
- 5 Q: Was he from North Myrtle Beach or was he ---
- 6 A: Officer Isner is from Horry County. North Myrtle Beach
7 came and relieved ---
- 8 Q: All right. So, you didn't have contact with North Myrtle
9 Beach; you had it with Detective Isner?
- 10 A: No, only with Isner and my sergeant.
- 11 Q: Okay. I think we're saying the same thing?
- 12 A: Yes.
- 13 Q: That you talked to Isner?
- 14 A: Yes.
- 15 Q: Who then talked to North Myrtle Beach, but you didn't?
- 16 A: I assume. I don't -- I'm not sure.
- 17 Q: You don't know. All right. Now, you said that you
18 suspected that she might be either high either with alcohol
19 and/or drugs?
- 20 A: Yes, sir.
- 21 Q: Is what you suspected, right?
- 22 A: That's what I suspected, yes.
- 23 Q: All right. Did you do a test to determine whether either
24 of those things were in fact true?
- 25 A: No, she wasn't under arrest, or she wasn't being detained

1 for that specific reason.

2 Q: Okay. Did you smell alcohol?

3 A: Yes, I did.

4 Q: Okay. And -- and would you say that the alcohol smell

5 that you smelled was pretty strong?

6 A: It was strong enough for me to smell, yes, sir.

7 Q: Okay. And actually, they told you or she told you that

8 they had been to some bars, right, or some clubs or whatever

9 you want to call it?

10 A: Correct.

11 Q: All right. So, and what people generally do when they go

12 there to Myrtle Beach, they drink; some people use drugs too,

13 right?

14 A: Most likely.

15 Q: But we don't know -- did you ask her how much she had to

16 drink?

17 A: No.

18 Q: All right. Did you ask her if she smoked any marijuana?

19 A: No, I did not.

20 Q: Did you ask her if she used any other kind of drugs?

21 A: I don't believe so.

22 Q: Okay. But when you arrived, is there any question she

23 was hysterical; I think that's what you told the solicitor,

24 that's the word you used, right?

25 A: Yes.

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MARK MARTIN - REDIRECT BY SPRATLIN

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1 Q: All right. Is there any question about that?

2 A: No.

3 Q: All right. She was physically hysterical when you
4 arrived?

5 A: She was very emotional; yes, sir.

6 Q: All right. Laying in the middle of the floor?

7 A: Absolutely.

8 Q: Okay. No other questions.

9 THE COURT: Redirect?

10 MR. SPRATLIN: Yes, Your Honor, very briefly.

11 REDIRECT EXAMINATION OF MARK MARTIN BY MR. SPRATLIN:

12 Q: Officer Martin, Mr. Wilson asked you about a time on the
13 clock; that was at the end of the video, correct?

14 A: Yes. Yes, sir.

15 Q: So, they -- do you remember what time you were
16 dispatched?

17 A: I don't recall.

18 Q: If I showed you your report, would that refresh your
19 recollection?

20 A: Yes, sir; it would.

21 MR. SPRATLIN: If I could have that marked.

22 STATE'S EXHIBIT NUMBER 10

23 MARKED FOR IDENTIFICATION

24 MR. SPRATLIN: Your Honor, may I refresh the witness'
25 recollection with his report?

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MARK MARTIN - REDIRECT BY SPRATLIN

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1 THE COURT: Just ask him and see if he can identify the
2 document first?

3 BY MR. SPRATLIN:

4 Q: Let me ask you, officer, do you recognize State's Exhibit
5 Number 10?

6 A: Yes, sir, it's a Uniform Crime Report.

7 Q: And whose Uniform Crime Report is it?

8 A: It's mine.

9 Q: Does that refresh your recollection about what time you
10 were dispatched out to Seacoast Hospital?

11 A: Yes, sir.

12 Q: And would that have been when you first radioed in?

13 A: That's -- yeah, that would be when I called it in over
14 the radio.

15 Q: All right. And what time was it that all this began?

16 A: It looks like 5:25 a.m.

17 Q: And it's 5:25 a.m., but when you went in there, it
18 appeared that the defendant had been there for a while before
19 you went in, correct?

20 A: I would assume so, yes, sir.

21 THE COURT: What's the -- I know you're not introducing
22 it, but for its identification; what number is it?

23 MR. SPRATLIN: State's 10, Your Honor.

24 THE COURT: State's 10. All right.

25 Anything else, Solicitor?

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MARK MARTIN - RECROSS BY WILSON

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1 MR. SPRATLIN: Lastly, Your Honor.

2 BY MR. SPRATLIN:

3 Q: All the areas you marked on this map earlier, they're in
4 Horry County, correct?

5 A: Yes, sir.

6 Q: Thank you.

7 MR. SPRATLIN: That's all the questions I have, Your
8 Honor.

9 THE COURT: Anything, Mr. Wilson?

10 MR. WILSON: Yes, sir.

11 RECROSS-EXAMINATION OF MARK MARTIN BY MR. WILSON:

12 Q: Just to follow up on his question. So, if you got -- if
13 you got the call from dispatch at 5:25, it took you 20-plus
14 minutes to get to the hospital; is that what you're saying?

15 A: No, not at all.

16 Q: Well, then I'm confused.

17 A: Okay.

18 Q: Because the clock says 5:48, which is on the video. You
19 say that you got the call from dispatch at 5:25, so what
20 happened in that 23 minutes in between?

21 A: That was 20 minutes prior to me looking at the clock.
22 I'd been there 20 minutes before. That 5:38 a.m. was towards
23 the end of the call I was there, not the beginning.

24 Q: So, you didn't turn the video on until then?

25 A: I turned the vide on, but I didn't turn my body towards

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BY THE COURT

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1 that clock probably until then on the counter.

2 Q: I don't have any other questions.

3 BY THE COURT:

4 THE COURT: All right. You wish the witness to be
5 excused?

6 MR. SPRATLIN: Your Honor, we'd ask that he be excused.

7 THE COURT: Any objection?

8 MR. WILSON: No objection, Your Honor.

9 THE COURT: All right, sir, you're released from your
10 subpoena; you may go back to your regular duties.

11 All right, ladies and gentlemen, we're gonna take a short
12 break. Go to your jury room. We'll come back in about five
13 or ten minutes. Leave your pads and pens in your seat.

14 (REPORTER'S NOTE: Jury exits courtroom 4:01 p.m.)

15 THE COURT: All right. We'll be at ease for about five
16 minutes or so.

17 MR. SPRATLIN: Thank you, Your Honor.

18 THE COURT: Thank you.

19 RECESS - 4:02 P.M.

20 *****OFF THE RECORD*****

21 ON THE RECORD - 4:12 P.M.

22 THE COURT: Mr. Brown, Theodore Brown, would you stand
23 up? When at the end of the proceedings before the break, your
24 cell phone went off. What was the situation?

25 MR. BROWN: No, that was my alarm for work. My work

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BY THE COURT

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1 alarm, I had the sound turned off, but the alarm, I forgot all
2 about it.

3 THE COURT: All right. When you leave the courtroom
4 today, they'll give you your cellphone back. You can sit
5 down. There are signs downstairs, there's a sign on the door.
6 To everyone, don't have your phone go off; it won't be going
7 home with you, along with a hefty fine to the clerk of court.
8 Okay? Thank you very much.

9 The state ready for the jury?

10 MR. SPRATLIN: The state is ready, Your Honor.

11 THE COURT: Defense?

12 MR. WILSON: Ready, Your Honor.

13 THE COURT: Ask the jury to come in.

14 (REPORTER'S NOTE: Jury enters courtroom @ 4:15 p.m.)

15 THE COURT: All right, Solicitor, your next witness,
16 please?

17 MR. SPRATLIN: Your Honor, the state would call Matthew
18 Harden to the stand.

19 THE COURT: All right. All right, Mr. Harden, come all
20 the way around up front, please.

21 THE CLERK: Please raise your right hand and place your
22 left hand on the Bible.

23 MATTHEW HARDEN, HAVING BEEN DULY

24 SWORN TESTIFIES AS FOLLOWS:

25 THE CLERK: If you'll state your full name and spell your

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 last name.

2 MR. HARDEN: Matthew Harden, H-A-R-D-E-N.

3 THE COURT: Go ahead, Solicitor.

4 MR. SPRATLIN: Thank you, Your Honor.

5 DIRECT EXAMINATION OF MATTHEW HARDEN BY MR. SPRATLIN:

6 Q: Mr. Harden, how old are you?

7 A: I'm 30 years old.

8 Q: Thirty years old?

9 A: Yes, sir.

10 Q: What do you currently do for work?

11 A: I am currently employed with the Horry County Sheriff's
12 Office as a transportation officer.

13 Q: How long have you been at the Horry County Sheriff's
14 Office?

15 A: Since 2017.

16 Q: 2017. Do you remember about when in 2017 it was that you
17 moved over to the sheriff's office?

18 A: My hire date with the Sheriff's Office was August 21st of
19 2017.

20 Q: August 21st, 2017. All right. Where were you working
21 before you got hired on at the sheriff's office August 21st,
22 2017?

23 A: I was employed Allied Universal, positioned at Seacoast
24 Hospital in the Little River section of Horry County.

25 Q: All right. Allied Universal; what kind of company is

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 that?

2 A: That is a private security company.

3 Q: What was your job at Seacoast Hospital while working for
4 Allied Security?

5 A: My job was as a security officer. At the closing of my
6 employment there, I was the nightshift supervisor.

7 Q: Nightshift supervisor. As part of your supervisor
8 duties, were you responsible or able to access the
9 surveillance system that was in place at Seacoast?

10 A: I was.

11 Q: All right. The surveillance system in place at Seacoast,
12 did it have several cameras?

13 A: It did.

14 Q: Did those cameras actively capture what occurred at the
15 hospital?

16 A: Yes.

17 Q: Did those cameras have a timestamp associated with them?

18 A: They did.

19 Q: To your knowledge, was that timestamp correct?

20 A: It was.

21 Q: At your point near your job, did you ever notice any
22 large discrepancy in the times regarding the video versus what
23 time it actually was?

24 A: I never noticed a discrepancy.

25 Q: Were you working the night of July 7th, 2017?

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 A: Yes, sir.

2 Q: Did you have a chance to come in contact with the
3 defendant, Donnielle Matthews?

4 A: I did, yes, sir.

5 Q: Can you tell the Court a little bit about how you came in
6 contact with her?

7 A: That night she entered the emergency room with another
8 gentleman that was injured. She was alone with that patient
9 whenever she arrived at the emergency department. I was
10 positioned at the front entrance of the emergency room when
11 they arrived, that's how I came in contact with her.

12 THE COURT REPORTER: Sir, could I get you to slide up
13 just a little bit. Can you get you to slide up just a little
14 bit?

15 THE COURT: She wants you to come closer to the
16 microphone.

17 THE COURT REPORTER: Thank you.

18 MR. SPRATLIN: Your Honor, permission to approach?

19 THE COURT: Yes, sir.

20 BY MR. SPRATLIN:

21 Q: Officer, let me show you what's been marked State's
22 Exhibit Number 4. Do you recognize this disc?

23 A: I do.

24 Q: What is it?

25 A: That is a disc of the security footage from McLeod

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 Hospital that night.

2 Q: And this is a security footage that you routinely used in
3 the course of your employment?

4 A: I did, yes, sir.

5 MR. SPRATLIN: Your Honor, I would tender State's Exhibit
6 Number 4 into evidence?

7 THE COURT: Any objection?

8 MR. WILSON: No objections, Your Honor.

9 MR. SPRATLIN: Your Honor, may I publish it to the jury?

10 THE COURT: All right. It's into evidence without
11 objection. You may publish.

12 STATE'S EXHIBIT NUMBER 4

13 ADMITTED INTO EVIDENCE

14 BY MR. SPRATLIN:

15 Q: Mr. Harden, can you see this camera footage from where
16 you're sitting?

17 A: Yes, sir.

18 MR. WILSON: Your Honor, may I ---

19 THE COURT: Yes, sir, you may.

20 (REPORTER'S NOTE: State's 4 published to the jury. No
21 audio.)

22 BY MR. SPRATLIN:

23 Q: Where at Seacoast would this camera footage be from?

24 A: That is from the front entrance of the emergency
25 department reception/lobby area.

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 Q: Okay. Go to the next one. Now, Officer or Deputy
2 Harden, where would this camera footage be from?
3 A: That is inside the lobby facing the check-in area at the
4 emergency department.
5 Q: Let me go ahead and ask you, what's the timestamp on this
6 one, if you need to move, I would ask permission for him to
7 come off the bench, to see this ---
8 THE COURT: You can step down.
9 A: The timestamp would be 5:19 a.m.
10 Q: And that is a.m. because this system uses 24-hour clock?
11 A: It does.
12 Q: All right. The individual that just came out of there,
13 was that you?
14 A: In the uniform, sir?
15 Q: Yes, sir.
16 A: Yes, sir.
17 Q: All right. Mr. Harden, let me ask you real quick, was
18 this a different security officer; was there another security
19 officer there that day as well?
20 A: There was, yes, sir.
21 Q: Okay. And what was his name?
22 A: Devlin Middleton.
23 Q: Okay. Now, Mr. Harden, who was that who just came in the
24 frame?
25 A: I believe it was Officer Martin with the Horry County

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MATTHEW HARDEN - DIRECT BY SPRATLIN

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1 Police Department.

2 Q: Was it you or the other officer that went out to get him
3 in the parking lot?

4 A: That was me.

5 Q: And what time is on the video when Officer Martin
6 appears?

7 A: I believe it says 05:27.

8 Q: Do you recall any injuries on the defendant that day?

9 A: I don't recall any injuries.

10 Q: Did you notice or see her having trouble walking?

11 A: I don't recall.

12 Q: Did she seem to be in any sort of pain or suffering in
13 any way?

14 A: No, sir.

15 Q: All the events on that video, that occurred in Horry
16 County?

17 A: They did; yes, sir.

18 Q: And they occurred on or about July 7th, 2017?

19 A: Yes, sir.

20 Q: And they occurred -- the video footage shows them
21 entering the hospital at 5:19 in the morning, correct?

22 A: Yes, sir.

23 Q: Thank you. That is all the questions I have. Please
24 answer any questions Mr. Wilson might have.

25 Mr. Wilson, do you need me to leave this set up?

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MATTHEW HARDEN - CROSS BY WILSON

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1 MR. WILSON: No, thank you.

2 CROSS-EXAMINATION OF MATTHEW HARDEN BY MR. WILSON:

3 Q: Officer, what was your name again, last name?

4 A: Harden.

5 Q: Officer Harden.

6 A: Yes, sir.

7 Q: Now, you were a security officer that night and you were
8 on duty; is that fair?

9 A: Yes, sir.

10 Q: All right. And when Ms. Matthews Green came into the
11 hospital, were you looking for bruises on her, or were you
12 looking for any injuries that she might've had? I mean, what
13 was your responsibility there that night; what were you trying
14 to do as a security agent?

15 A: Throughout the night or that particular instance?

16 Q: Specifically speaking of with her.

17 A: With her, my only goal was to try to ascertain
18 information about the patient, Mr. Green.

19 Q: The solicitor asked you if you saw bruises on her. Did
20 you take any pictures of her that night?

21 A: No, sir.

22 Q: All right. Did you do a closeup of anyway to examine her
23 to determine if there were bruises that might be on her?

24 A: No, sir.

25 Q: Do you even know whether she was wearing bracelets that

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MATTHEW HARDEN - CROSS BY WILSON

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1 night when she was at the hospital?

2 A: I -- I don't recall.

3 Q: And looking at the video, can you look at the video and
4 tell whether she was wearing bracelets on her arms that night
5 when she was at Seacoast?

6 A: Not that I can observe, sir.

7 Q: Okay. The video is not that great in terms of clarity
8 and trying to actually see what somebody is -- you can see the
9 general appearance of the person, generally what their
10 clothing is, but you can't see specific minor things like a
11 bracelet on the arm or a bruise that might be on your cheek or
12 a bruise that might be behind your ear; would you agree with
13 that?

14 A: I could agree with that; yes, sir.

15 Q: All right. Now, were you there the entire time when Ms.
16 Matthews Green was there?

17 A: No, sir.

18 Q: All right. You left at some point to go get the officer
19 who was outside?

20 A: Yes, sir.

21 Q: All right. And you brought him back in?

22 A: Yes, sir.

23 Q: Did you brief him on what was going on when you went to
24 get him?

25 A: I gave him a general update of what arrived at the

1 emergency department and what we were dealing with.

2 Q: Okay. All right. And -- and so, when he came in he was
3 armed at least with that much information that you had
4 provided him with?

5 A: Yes, sir.

6 Q: Okay. Now, did he -- that is did the officer ask you to
7 do anything in particular regarding Ms. Matthews Green?

8 A: Not that remember.

9 Q: All right. Now, at some point, she is actually laying on
10 the floor in there, right?

11 A: Yes, sir.

12 Q: All right. And are y'all talking to her, you -- meaning
13 when I say y'all, you and any of the other officers, were
14 y'all talking to her, trying to get her up?

15 A: I believe we were just trying to console her at that
16 time.

17 Q: Okay. Is there any question in your mind that she was
18 hysterical when you were there in your presence?

19 A: She was; yes, sir.

20 Q: All right. I don't have any other questions.

21 THE COURT: Redirect?

22 MR. SPRATLIN: No redirect, Your Honor.

23 THE COURT: Do you wish the witness to be excused?

24 MR. SPRATLIN: I would ask that.

25 MR. WILSON: No objections, Your Honor.

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MICHAEL THROWER - DIRECT BY SPRATLIN

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1 THE COURT: All right, sir, you're released from your
2 subpoena and may go back to your regular duties.

3 MR. HARDEN: Thank you, sir.

4 THE COURT: All right, Solicitor, your next witness.

5 MR. SPRATLIN: Your Honor, the state would call Officer
6 Michael Thrower.

7 THE COURT: All right, Officer, come all the way around
8 up front, please.

9 THE CLERK: Please raise your right hand and place your
10 left hand on the Bible.

11 MICHAEL DAVID THROWER, HAVING BEEN
12 DULY SWORN TESTIFIES AS FOLLOWS:

13 THE CLERK: State your full name and spell your last
14 name.

15 MR. THROWER: Michael David Thrower, last name, T-H-R-O-
16 W-E-R.

17 THE COURT: Go ahead, Solicitor.

18 MR. SPRATLIN: Thank you, Your Honor.

19 DIRECT EXAMINATION OF MICHAEL AARON THROWER BY MR. SPRATLIN:

20 Q: Mr. Thrower, where are you currently employed?

21 A: North Myrtle Beach Department of Public Safety.

22 Q: How long have you been working for the Department of
23 Public Safety?

24 A: I've been working there since 2014.

25 Q: 2014. What's your current job at the department?

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MICHAEL THROWER - DIRECT BY SPRATLIN

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- 1 A: I'm in uniform patrol.
- 2 Q: And what was your job back in 2000 -- in July of 2017?
- 3 A: It was also uniform patrol.
- 4 Q: As a patrol officer in North Myrtle Beach, what are some
5 of your responsibilities?
- 6 A: We answer calls for service that come into dispatch at
7 911 from traffic stops, roaming patrol through neighborhoods.
- 8 Q: Did you have a chance to response to Seacoast Hospital in
9 the early morning hours of July 7th, 2017?
- 10 A: I did.
- 11 Q: What was the purpose of you going there?
- 12 A: We received a call for service that a vehicle that was
13 involved with a attempted murder was located at that location.
- 14 Q: And did you wind up gonna Seacoast Hospital?
- 15 A: I did.
- 16 Q: And what did you see when you got there?
- 17 A: I arrived, and I saw a dark-colored four-door sedan with
18 a Georgia tag parked out front of Seacoast Hospital.
- 19 Q: Were there any other vehicles anywhere around that?
- 20 A: There were Horry County police officers were on the
21 scene.
- 22 Q: Okay. But no other pedestrian vehicles?
- 23 A: No.
- 24 MR. WILSON: I have no objections, Your Honor.
- 25 MR. SPRATLIN: Permission to approach the witness?

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MICHAEL THROWER - DIRECT BY SPRATLIN

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1 THE COURT: Yes, sir.

2 BY MR. SPRATLIN:

3 Q: I'm showing you what's been marked State's Exhibit Number
4 5, 6, 7, 8, and 9 -- I think one of them didn't get marked --
5 5, 6, 7, 8, 9, and 11. Please take a second to look at those
6 items, if you would. Do you recognize those photos?

7 A: Yes, I do.

8 Q: What do they appear to be?

9 A: These are the photographs that I took that morning at
10 Seacoast Hospital.

11 Q: Are they a fair and accurate representation of the
12 vehicle that you saw at Seacoast that day?

13 A: Yes.

14 Q: In every way, shape, and form, a fair and accurate
15 representation?

16 A: Yes.

17 MR. SPRATLIN: Your Honor I would tender state's exhibits
18 into evidence?

19 THE COURT: Any objection?

20 MR. WILSON: None, Your Honor.

21 THE COURT: They're in evidence without objection.

22 STATE'S EXHIBIT NUMBERS 5, 6, 7, 8, 9, AND 11

23 ADMITTED INTO EVIDENCE

24 MR. SPRATLIN: Your Honor, as far as publishing with the
25 jury, I would ask the Court's indulgence of whether or not to

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MICHAEL THROWER - DIRECT BY SPRATLIN

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1 pass the photos or if they would prefer that I show them on
2 the television?

3 THE COURT: You can do either one you would like.

4 MR. SPRATLIN: Yes, sir. I wasn't sure with COVID
5 protocols.

6 THE COURT: At this point in time, I'll allow you to do
7 either one.

8 BY MR. SPRATLIN:

9 Q: Now, officer, after taking the photos, what did you do
10 with the vehicle?

11 A: At that point, we contacted a wrecker or our next wrecker
12 on rotation, and then we had the vehicle towed to our North
13 Myrtle Beach Safety Impound.

14 Q: What was the purpose of having it towed to the impound
15 lot?

16 A: To get a search warrant and then process the vehicle for
17 any physical evidence.

18 Q: Did you follow the vehicle back to North Beach impound
19 lot?

20 A: Yes.

21 Q: After that vehicle was towed or placed in the impound
22 lot, was the impound lot secured?

23 A: Well, I don't remember if I stayed with the vehicle or if
24 the gate was locked, but it was secured and kept in the
25 impound.

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MICHAEL THROWER - CROSS BY WILSON

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1 Q: So, whether you stayed or whether it was locked, it was a
2 secured vehicle?

3 A: Yes.

4 Q: And were you actually there for the processing of the
5 vehicle?

6 A: Yes.

7 Q: Who all processed the vehicle?

8 A: It was myself, Detective Bellamy, and Detective
9 Abercrombie.

10 Q: Thank you, Officer; that is all the questions I have.
11 Please answer any questions that Mr. Wilson might have.

12 THE COURT: Cross-examination?

13 MR. WILSON: Thank you, Your Honor.

14 CROSS-EXAMINATION OF MICHAEL DAVID THROWER BY MR. WILSON:

15 Q: Officer Thrower, you had the car towed, right?

16 A: Yes, sir.

17 Q: How did you know that that was the car that was involved?

18 A: Horry County Police were already on scene, and at the
19 time I also observed the vehicle did appear to have a red
20 liquid inside the vehicle that was visible and appeared to be
21 blood.

22 Q: Right. And now, this is the early morning hours, so you
23 used a flashlight to look inside to kind of see what was going
24 on or what?

25 A: I mean, I don't recall where the sun was at at the time I

1 arrived, but ---

2 Q: Well, what time did you arrive?

3 A: I got called on my way in; so, just before 6 o'clock.

4 Q: Okay. And this is what month?

5 A: It's July.

6 Q: July. All right. So, the sun was up?

7 A: I know it rises earlier, but ---

8 Q: You don't recall whether you used ---

9 A: I don't recall where the sunrise was at that time.

10 Q: Do you recall whether you used artificial lighting in any

11 way to look in the car or whether you were able to see just

12 looking in there with your eyes?

13 A: If I used any artificial light, it would have been a

14 flashlight.

15 Q: Okay. All right. But my point is, you looked in the

16 car, you saw a red substance, you secured the car. Is there

17 any question in your mind that whatever was in that car that

18 remained in that car, and nobody put anything new in that car

19 from the time you got there at you say what time?

20 A: I got called on my way in right before 6:00. So, I was

21 already in route by 6:00.

22 Q: Okay. So, before 6:00 a.m. when you got there, you

23 secured that car, had it towed away, took it, and had it

24 placed at a place where y'all could get a search warrant and

25 then go through the car and see what evidence was in the car,

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MICHAEL THROWER - CROSS BY WILSON

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1 right?

2 A: Yes.

3 Q: Right. And you did that, so that if there was any
4 physical evidence in that car, you wanted to preserve that
5 physical evidence to show what might have gone in that car,
6 right?

7 A: Correct.

8 Q: All right. And -- and to be fair, not a single soul put
9 anything in that car after you got it at 6 o'clock or around
10 6:00, thereabouts.

11 A: No.

12 Q: No question about that is there?

13 A: No, sir.

14 Q: So, whatever was in that car when you got there, remained
15 in that car and nothing new until you guys went in and
16 searched it and found whatever was there?

17 A: Right, correct.

18 Q: All right. Did you participate in the actual search of
19 the vehicle itself?

20 A: I assisted in the processing, yes.

21 Q: Okay. What was your role in the processing?

22 A: I processed the passenger side door.

23 Q: Okay. All right. And how many other officers did you
24 have assisting you in processing the vehicle?

25 A: We had two detectives.

1 Q: Did y'all do it that night or the next morning? Well, I
2 said the next morning -- actually, it was -- you said it was
3 6:00 a.m. already?

4 A: We did it that morning.

5 Q: Okay. All right. And what did you find when you were
6 searching?

7 A: I believe there were fingernails, press-on nails, that
8 were located. There was, again, that red substance that we
9 believed to be blood located. I believe we also lifted the
10 fingerprints off the doors.

11 Q: Okay. Fingerprints on the doors, red substance -- where
12 was the red substance found?

13 A: Both inside and outside the vehicle.

14 Q: Inside and outside the vehicle, and you said something
15 about fingernails; where were these fingernails found?

16 A: They were inside the vehicle.

17 Q: Okay. Was there some in the front and the back?

18 A: I don't recall where it was at.

19 Q: You don't recall. All right. All right. Did -- was
20 there any disarray in the car, like things that were out of
21 place that you could tell, like change on the floor or
22 something that might've been in the cupholder on the floor or
23 a broken card, any of that thing; did you notice any of those
24 things?

25 A: I don't recall.

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MICHAEL THROWER - CROSS BY WILSON

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1 Q: Okay. So, who -- who else would've participated that
2 would've made notes about those particular things in the car?

3 A: Detective Bellamy and Detective Abercrombie were also
4 there.

5 Q: Okay. All right. Now, you were taking pictures of the
6 car because, as I understand it, you said that you thought or
7 at least it had been reported to you that there was some kind
8 of attempted murder, right?

9 A: Yes, sir.

10 Q: And that was what you were looking into?

11 A: Yes, sir.

12 Q: All right. Now, did you go into the hospital where Ms.
13 Matthew Green was and take any pictures of her or get, you
14 know, to look at her to see what was going on with her?

15 A: By the time I arrived, she and Mr. Green had already been
16 transported down to Grand Strand.

17 Q: Okay. So, they left Seacoast and went to another
18 hospital?

19 A: Yes, sir.

20 Q: Was that through a transport from the hospital, that is
21 EMS or whatever the transport system is that moves people from
22 one hospital to another?

23 A: I believe EMS transported them.

24 Q: Okay. All right. Did you go to Myrtle Beach Hospital

25 A: I did not.

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MICHAEL THROWER - CROSS BY WILSON

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1 Q: Okay. So, the only contact you had was removing the car
2 from Seacoast and taking it to the impound to -- to -- to
3 check?

4 A: Yes, sir.

5 Q: All right. Thank you, sir.

6 THE COURT: Any redirect?

7 MR. SPRATLIN: No, Your Honor.

8 THE COURT: Do you wish the witness to be excused?

9 MR. SPRATLIN: I would ask that.

10 MR. WILSON: No objections, Your Honor.

11 THE COURT: All right, sir, you're released from your
12 subpoena, you may go back to your regular duties.

13 MR. THROWER: Thank you, Your Honor.

14 THE COURT: Thank you. Gentlemen, come up and talk to me
15 for just one second.

16 (REPORTER'S NOTE: Bench conference is held off the record in
17 the presence of but outside the hearing of the jury.)

18 THE COURT: All right. Next witness, please.

19 MR. SPRATLIN: The state would call Mr. Scott Herman to
20 the stand.

21 THE COURT: All right.

22 THE CLERK: Please raise your right hand and place your
23 left hand on the Bible.

24 SCOTT HERMAN, HAVING BEEN DULY SWORN

25 TESTIFIES AS FOLLOWS:

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SCOTT HERMAN - DIRECT BY SPRATLIN

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1 THE CLERK: Thank you. Please be seated. Speak into the
2 microphone, state your full name, and spell your last name.

3 MR. HERMAN: Scott Herman, H-E-R-M-A-N.

4 THE COURT: Go ahead, Solicitor.

5 MR. SPRATLIN: Thank you, Your Honor

6 DIRECT EXAMINATION OF SCOTT HERMAN BY MR. SPRATLIN:

7 Q: Good afternoon, Mr. Herman?

8 A: Good afternoon.

9 Q: How old are you currently?

10 A: Thirty-nine.

11 Q: And what county do you live in?

12 A: Horry.

13 Q: How long you lived in Horry County?

14 A: Since 2012.

15 Q: And what is your current job or occupation?

16 A: My current job is I'm a co-owner and general manager of
17 DenH2 (spelled phonetically), LLC, which is a franchisee of
18 Denny's.

19 Q: Denny's is a restaurant?

20 A: That's correct, a family restaurant.

21 Q: How long have you been involved with the Denny's
22 restaurants?

23 A: Since 2012.

24 Q: You would've been involved with the Denny's restaurant
25 back in 2017; is that correct?

1 A: Yes, sir.

2 Q: All right. In July of 2017, how many different Denny's
3 were you responsible for?

4 A: At that time, six.

5 Q: Where were they?

6 A: One -- I'm sorry -- four were in Horry County: one in
7 North Myrtle; 8th Avenue South in Myrtle Beach; one was in
8 Surfside; and the other was -- I guess it technically has a
9 Myrtle Beach address, Loyola Drive; and then I had two in
10 Charleston; and one in Anderson.

11 Q: Let me ask you about the one in North Myrtle Beach. Are
12 you familiar with that store?

13 A: Yes.

14 Q: Were you familiar the security and surveillance system in
15 that store?

16 A: Yes, sir.

17 Q: Who in fact had actually installed the surveillance
18 system in that store?

19 A: I did.

20 Q: Was that surveillance system outfitted with several
21 cameras?

22 A: Yes, sir.

23 Q: Did those cameras fairly and accurately record what was
24 occurring at the Denny's?

25 A: Yes, sir.

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SCOTT HERMAN - DIRECT BY SPRATLIN

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1 Q: Did they modify or change what was happening at the
2 Denny's?

3 A: No, sir.

4 Q: Did that security system also have a clock?

5 A: Yes.

6 Q: To your knowledge, was that clock accurate?

7 A: To my knowledge.

8 MR. WILSON: No objections, Your Honor.

9 MR. SPRATLIN: May I have permission to approach?

10 THE COURT: Yes, sir.

11 BY MR. SPRATLIN:

12 Q: Mr. Herman, let me show you what's been marked State's
13 Exhibit Number 3. If you would open that envelope and dump
14 out the contents into your hand. What does that appear to be?

15 A: A flash drive.

16 Q: Before coming into court, have you had the chance to
17 observe the contents of that flash drive?

18 A: Yes, sir.

19 Q: Does it appear to be a copy of the surveillance footage
20 from the Denny's in North Myrtle Beach?

21 A: Yes, sir.

22 Q: Does it appear to be from July 7th, 2017?

23 A: Yes, sir.

24 Q: Is it in every way, to the best of your knowledge, a fair
25 and accurate copy of the surveillance footage from that day?

1 A: Yes.

2 Q: Did you see anything to cause you to question its
3 authenticity or validity?

4 A: No.

5 MR. SPRATLIN: Your Honor, I would tender State's 3 into
6 evidence at this time seeking to publish through a later
7 witness?

8 MR. WILSON: No objection.

9 THE COURT: All right. So, State's 3 is in evidence
10 without objection.

11 STATE'S EXHIBIT NUMBER 3

12 ADMITTED INTO EVIDENCE

13 MR. SPRATLIN: Your Honor, that concludes my questions
14 for this witness.

15 THE COURT: All right. Cross-examination?

16 MR. WILSON: Yes, sir, just briefly.

17 CROSS-EXAMINATION OF SCOTT HERMAN BY MR. WILSON:

18 Q: Sir, were you on duty the night or morning of July 7th of
19 2017?

20 A: Can you please clarify what kind of duty?

21 Q: Working at the building -- at the facility; were you
22 actually at the location?

23 A: No.

24 Q: All right. I don't have anything other questions.

25 THE COURT: Anything else, Solicitor?

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BY THE COURT

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1 RECESS - 4:51 P.M. - END OF DAY ONE

2 *****OFF THE RECORD*****

3 JUNE 15, 2021 - DAY TWO

4 ON THE RECORD - 9:30 A.M.

5 THE COURT: Thank you very much. You may be seated.

6 Thank you.

7 THE COURT: State ready?

8 MR. SPRATLIN: Ready, Your Honor.

9 THE COURT: Defense?

10 MR. WILSON: I'm ready, Your Honor.

11 THE COURT: Ask the jury to come in, please.

12 (REPORTER'S NOTE: Jury enters courtroom @ 9:32 a.m.)

13 THE COURT: All right, Solicitor, your next witness
14 please?

15 MR. SPRATLIN: Thank you, Your Honor. The state would
16 call Ms. Lakella Clarida to the stand?

17 THE CLERK: Please raise your right hand and place your
18 left hand on the Bible.

19 LAKELLA CLARIDA, HAVING BEEN
20 DULY SWORN TESTIFIES AS FOLLOWS:

21 THE CLERK: State your full name and spell your last.

22 MS. CLARIDA: My name is Lakella Clarida. Last name is
23 spelled C-L-A-R-I-D-A.

24 THE COURT: Go ahead, Solicitor.

25 MR. SPRATLIN: Thank you, Your Honor.

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LAKELLA CLARIDA - DIRECT BY SPRATLIN

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1 DIRECT EXAMINATION OF LAKELLA CLARIDA BY MR. SPRATLIN:
2 Q: Good morning, Ms. Clarida, how are you today?
3 A: Good.
4 Q: Let me ask to begin let's introduce yourself a little
5 bit. How old are you?
6 A: Thirty-eight.
7 Q: Thirty-eight years old.
8 A: No, 37.
9 Q: Thirty-seven; all right. And what county do you live in?
10 A: Horry.
11 Q: And what part of Horry County do you live in?
12 A: Little River.
13 Q: Little River. How long have you lived in Little River?
14 A: All my life.
15 Q: Did you know the victim in this case, Dennis Green?
16 A: Yes.
17 Q: How did you know him?
18 A: He was my cousin.
19 Q: Cousin. I'm gonna ask you to speak up a little bit. I
20 think that microphone might be having trouble picking you up.
21 A: Okay. My cousin.
22 Q: Your cousin?
23 A: Uh-huh, (affirmative response).
24 Q: Was he your blood cousin?
25 A: Yes.

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LAKELLA CLARIDA - DIRECT BY SPRATLIN

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- 1 Q: Was that on your mother's side or your father's side?
- 2 A: My mother's side.
- 3 Q: Was he older or younger than you?
- 4 A: Older.
- 5 Q: You know how much older he was?
- 6 A: Like two years.
- 7 Q: Two years older than you. Growing up, how often would
- 8 you see Dennis?
- 9 A: Every day. I used to actually kind of live with them.
- 10 So ---
- 11 Q: So, you lived in the house with them -- with Dennis?
- 12 A: Uh-huh, (affirmative response).
- 13 Q: What other siblings were living in the house?
- 14 A: Sabrina, Robin, Wanda, Cedric (spelled phonetically) was
- 15 older, so not really much him.
- 16 Q: Okay. So, about if you can approximately, how many other
- 17 children or other kids were living in that house with you
- 18 growing up?
- 19 A: Six.
- 20 Q: Okay. How close were you and Dennis growing up?
- 21 A: We were very close.
- 22 Q: Now, back on July 7, 2017 -- or prior to July 7, 2017,
- 23 where was Dennis living at that point in time?
- 24 A: Atlanta.
- 25 Q: Atlanta, how long had he been living in Atlanta?

1 A: I think maybe two years.

2 Q: Two years. Before he lived in Atlanta -- so, let me back
3 up a second. So, until probably about 2015, you say it would
4 be about fair for him living in Atlanta?

5 A: Yeah, maybe.

6 Q: Okay. As far as prior to him living in Atlanta, where
7 was he living?

8 A: Here, Little River.

9 Q: Little River. Okay. When Dennis was living in Little
10 River as an adult and you were an adult, how often would you
11 see him?

12 A: Every day.

13 Q: Every day? And when Dennis moved to Atlanta, how often
14 would you see him?

15 A: Every weekend, sometimes he may skip some weekends, but
16 normally it was every weekend he would come home.

17 Q: All right. He would come home pretty much every weekend?

18 A: Uh-huh, (affirmative response).

19 Q: What was the purpose of that if you know?

20 A: To see his family and his kids.

21 Q: Do you know the defendant, Donnielle Matthews?

22 A: Yeah.

23 Q: How did you come to meet her?

24 A: I met her through Dennis.

25 Q: Do you remember about how long ago it would've been that

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LAKELLA CLARIDA - DIRECT BY SPRATLIN

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1 you met Donnielle?

2 A: No. Maybe six or seven years maybe; I don't know.

3 Q: Six or seven years from now or six or seven years ---

4 A: From now.

5 Q: From now. So, roughly 2000 -- would it've been about the

6 same time he moved to Atlanta?

7 A: No.

8 Q: It would've been before that?

9 A: Maybe about 2012 or something like that, maybe.

10 Q: Okay. So, 2012 or around that time is when you first met

11 Donnielle?

12 A: Yeah.

13 Q: All right. And you said you met her through Dennis?

14 A: Uh-huh, (affirmative response).

15 Q: All right. At that point, was there some sort of

16 romantic relationship between the two?

17 A: Yeah, they were in a relationship.

18 Q: If you now, where was Donnielle living at the time that

19 she and Dennis first got together?

20 A: I don't know.

21 Q: Did she tell you that she was living in a different

22 state, anything like that?

23 A: She told me she was from Baltimore.

24 Q: Baltimore. Okay. At some point, did Donnielle and

25 Dennis begin living together?

- 1 A: Yeah.
- 2 Q: How long into the relationship was that?
- 3 A: Probably -- kind of like immediately, maybe.
- 4 Q: Okay. How did -- at some point during that relationship,
5 did they separate temporarily?
- 6 A: Yeah, they did separate.
- 7 Q: Okay. All right. However, you know when -- were they
8 living in Atlanta together; do you know that?
- 9 A: I don't really know for sure, but I mean ---
- 10 Q: When Dennis would come home, would she sometimes come
11 home with him?
- 12 A: Yeah, sometimes.
- 13 Q: Did it appear that they were together when she would come
14 home?
- 15 A: Uh-huh, (affirmative response).
- 16 Q: Did you ever go to Atlanta to visit?
- 17 A: I did, but he stood me up one time.
- 18 Q: All right. Regarding the night of July 7th, 2017, did
19 you have a chance to -- or the early morning hours I should
20 say of July 7th, 2017, did you have a chance to see your
21 cousin, Dennis Green?
- 22 A: Yes.
- 23 Q: Where did you see him?
- 24 A: Ricky's Dockside.
- 25 Q: What kind of place is Ricky's Dockside?

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LAKELLA CLARIDA - DIRECT BY SPRATLIN

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- 1 A: It's a bar.
- 2 Q: Where is that bar located?
- 3 A: In Little River.
- 4 Q: Was Dennis alone at Ricky's Dockside or were there other
- 5 people with him?
- 6 A: There were other people with him.
- 7 Q: Who all was with him?
- 8 A: It was Donnielle and Antionette.
- 9 Q: Let me ask you, Donnielle -- eventually, at some point
- 10 prior to obviously to this night, she became Dennis' wife;
- 11 isn't that right?
- 12 A: Uh-huh, (affirmative response)
- 13 Q: You have to answer yes, or no?
- 14 A: You said what now?
- 15 Q: They got married at some point, right?
- 16 A: Yeah.
- 17 Q: So, it was Dennis and Donnielle; was there anybody else
- 18 with them?
- 19 A: Antionette.
- 20 Q: Antionette. At this point, did you know Antionette?
- 21 A: No, I didn't know Antionette.
- 22 Q: All right. Was it unusual for you to see Dennis and
- 23 Donnielle with another female?
- 24 A: No.
- 25 Q: Was it something that was not out of the ordinary?

- 1 A: Huh-uh, (negative response).
- 2 Q: I'm sorry you have to answer yes or no.
- 3 A: No. I'm sorry.
- 4 Q: Okay. What were y'all doing at Ricky's Dockside?
- 5 A: Well, I got there probably like maybe 1:30, 1:45, they
- 6 were about to close, and they were walking out when I was
- 7 walking in. So, we all stopped and talked.
- 8 Q: And, I'm sorry, you said they; who explicitly do you mean
- 9 was walking out when you were walking in?
- 10 A: Donnielle, Dennis, and Antionette.
- 11 Q: Were they all leaving together?
- 12 A: Yes.
- 13 Q: Do you know where they were going?
- 14 A: No, I don't know.
- 15 Q: Did it appear to you at that time that Dennis was
- 16 intoxicated?
- 17 A: No.
- 18 Q: Did it appear to you that Antionette was intoxicated?
- 19 A: No.
- 20 Q: Did it appear to you that Donnielle was intoxicated?
- 21 A: No.
- 22 Q: Did you notice or see any sort of trouble or altercation
- 23 at that point in time?
- 24 A: No.
- 25 Q: Did you see or observe anything that caused you to be

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LAKELLA CLARIDA - DIRECT BY SPRATLIN

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1 concerned for your cousin?

2 A: No.

3 Q: Did you see them leave Ricky's Dockside?

4 A: No, I didn't see them.

5 Q: The next morning, how did you find out that Dennis had
6 passed?

7 A: I got -- well, he hadn't passed yet, I had got a phone
8 call from Sabrina stating that I needed to come to the
9 hospital.

10 Q: And which hospital did you go to?

11 A: Grand Strand.

12 Q: And where is that at?

13 A: Myrtle Beach.

14 Q: Myrtle Beach. Okay. When you got there, did you happen
15 to see Donnielle?

16 A: Yes.

17 Q: Was she wearing the same clothes that she was wearing the
18 night before?

19 A: I really remember that.

20 Q: You don't remember that? All right. Did she appear to
21 have any injuries or marks on her at Grand Strand that you
22 noticed?

23 A: Yeah, she had one -- she had a scratch on her neck and
24 her nails were broken.

25 Q: Did you have a chance the night before to observe her

1 nails?

2 A: Yeah.

3 Q: Were her nails in order and proper the night before?

4 A: Yes.

5 Q: However, you said this morning, they were broken off

6 A: Uh-huh, (affirmative response).

7 Q: I have no further questions. Please identify the person
8 you know as Donnielle Matthews, by pointing her out and
9 identify an article of clothing that she was wearing.

10 A: Flowered shirt.

11 MR. SPRATLIN: Please let the record reflect the witness
12 has identified the defendant.

13 BY MR. SPRATLIN:

14 Q: Thank you very much. Please answer any questions that Mr.
15 Wilson may have.

16 THE COURT: All right. Cross-examination.

17 MR. WILSON: Thank you very much, Your Honor.

18 CROSS-EXAMINATION OF LAKELLA CLARIDA BY MR. WILSON:

19 Q: Ms. Clarida, you say that you were close to Dennis?

20 A: Uh-huh, (affirmative response)

21 Q: And y'all essentially lived in the same house together
22 for a substantial period of time. How many years would you
23 say that y'all lived in the same house together; five, ten,
24 two?

25 A: Maybe, three, four, five, something like that; we were

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LAKELLA CLARIDA - CROSS BY WILSON

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1 kids.
2 Q: All right. So, y'all were kids when -- when -- when you
3 were living with Dennis?
4 A: Yes, we were kids.
5 Q: All right. And at some point, you moved out on your own?
6 A: No, I wasn't like actually living, living with them like
7 that, like but I was there like most of the time, like ---
8 Q: So, you were visiting frequently; you weren't living
9 there, you were visiting?
10 A: I would spend nights, very many nights there.
11 Q: Okay. So, you were visiting frequently, staying
12 overnight frequently with the family as y'all were growing up
13 as young people?
14 A: As kinds, yes.
15 Q: Okay. And, and that relationship continued with Dennis
16 over the years; is that a fair statement?
17 A: Yes.
18 Q: Okay. And so, you would know him very well, right?
19 A: Yes.
20 Q: You would know his personality, right?
21 A: Uh-huh, (affirmative response), yes.
22 Q: Okay. And you know what he did for a living?
23 A: Yes.
24 Q: What?
25 A: Landscaping.

1 Q: And what else?

2 A: What do you mean what else?

3 Q: Well, you know exactly what I mean. What I'm asking you
4 is, what else did he do other than landscaping?

5 A: Just landscaping.

6 Q: Just landscaping. So, did you know whether or not Dennis
7 was selling drugs?

8 A: No, I didn't know that.

9 Q: And that was his activity and that -- you said that he
10 came down every weekend, did you not?

11 A: Yes.

12 Q: And you said that he came down every weekend; on what day
13 of the week did he come down to Myrtle Beach?

14 A: On the weekends.

15 Q: What day of the week did he come down to Myrtle Beach;
16 was it Friday, was it Saturday, was it Thursday?

17 A: Saturday -- Saturday.

18 Q: He came down on Saturday. So, he came down on Saturday
19 and left on Sunday to go back to Atlanta; is that what you're
20 saying?

21 A: I'm assuming that's what happened.

22 Q: You deny that he was coming on Thursday night and staying
23 till Sunday?

24 A: I deny that?

25 Q: Yes, I'm asking you, do you deny that?

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LAKELLA CLARIDA - CROSS BY WILSON

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1 A: I really don't know what days he came, but I know he was
2 here on the weekends. I'm not -- I don't know exactly what
3 day he was here, but I know he was here on the weekends.

4 Q: All right. And now, you say that you know Dennis well,
5 right, and you have since y'all were youngsters?

6 A: Yes.

7 Q: And you know that he was convicted of selling drugs; you
8 know that, don't you?

9 A: I mean, I'm not, that's not my job to do that, so I don't
10 know that. I don't know for sure that's what he -- I don't if
11 that's what he was really doing.

12 Q: That wasn't my question. My question was, you, being a
13 close personal friend of Dennis and a relative, you were aware
14 that he was convicted of selling drugs; you were aware of
15 that?

16 A: Yeah, I'm aware of that, but I don't know for sure if he
17 was selling drugs.

18 Q: Right.

19 A: I don't know that.

20 Q: Let -- let's talk about this, too. Now, Dennis had
21 another wife before this, didn't he?

22 A: A wife?

23 Q: Yeah, or girlfriend, live-in, whatever you want to call
24 it, I don't know.

25 A: He had a girlfriend, but not a wife.

1 Q: All right. Who has some kids for him?

2 A: Yes.

3 Q: What's her name?

4 A: Alethia.

5 Q: Alethia. And how many kids does Alethia have for him?

6 A: Two.

7 Q: Okay. Do you know whether or not Dennis and Alethia had

8 fights between them?

9 A: No, I don't know that.

10 Q: You don't know that. How long -- how old are the

11 children that Alethia and Dennis have?

12 A: Minor 2 , he'll be 10 or 11; maybe 10.

13 Q: Okay. 10 or 11. So, their relationship was 10 or 11 or

14 12 years ago, however long, right, long enough for them to get

15 the kids and for them to get to be 10 years old or 11 years

16 old?

17 A: Uh-huh, (affirmative response).

18 Q: All right. And how often would you see Alethia during

19 the course of your -- her involvement with Dennis?

20 A: I would see her all the time.

21 Q: Okay. And y'all never had any conversations about that?

22 A: About them fighting?

23 Q: Yeah.

24 A: No.

25 Q: Okay. So, you didn't know nothing about that?

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LAKELLA CLARIDA - CROSS BY WILSON

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- 1 A: No.
- 2 Q: All right. And you knew nothing about any fights between
- 3 Dennis and Donnielle?
- 4 A: No.
- 5 Q: Didn't know nothing about that either?
- 6 A: No.
- 7 Q: Okay. Did you know that they even ever argued; did you
- 8 know that much?
- 9 A: I mean, yes, of course, every relationship argues, no one
- 10 is perfect.
- 11 Q: Have you ever seen them argue?
- 12 A: No, I've never seen them argue.
- 13 Q: So, you don't even know that, right?
- 14 A: No, I don't.
- 15 Q: Okay. All right. Now, did Dennis ever confide in you
- 16 about any problems that they were having, y'all being close
- 17 cousins?
- 18 A: Only the one time when she left.
- 19 Q: Okay. She left him and went where?
- 20 A: Back home.
- 21 Q: Back to Maryland, right?
- 22 A: Uh-huh, (affirmative response).
- 23 Q: And that was been what, 2013?
- 24 A: I'm assuming, I don't know what years it was, but ---
- 25 Q: Okay. And she was gone for a long time, right?

1 A: Yes, she was gone for a while.

2 Q: Why did she leave?

3 A: Now that, I don't know.

4 Q: You don't know?

5 A: No.

6 Q: But she just up and left and went back to Maryland where
7 she came from, and do you know how she ended up coming back to
8 Dennis?

9 A: Yeah, they decided to get back together.

10 Q: Decided to get back together. Now, do you know who
11 Sabrina is?

12 A: Yes.

13 Q: Who is Sabrina?

14 A: His sister.

15 Q: All right. And do you know -- did you ever have any
16 conversations with Sabrina about why she left?

17 MR. SPRATLIN: Objection.

18 MR. WILSON: I didn't ask her to tell me what she knows,
19 Your Honor. I just want to know if she ever had a
20 conversation.

21 THE COURT: All right. So, just let's limit it to that.

22 BY MR. WILSON:

23 Q: Did you ever have a conversation with Sabrina about why
24 it was she left?

25 A: I don't remember, no.

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LAKELLA CLARIDA - CROSS BY WILSON

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1 Q: You don't remember, or you don't know?

2 A: No.

3 Q: No. Okay. Now, but there's no question that Sabrina is
4 his sister, right; no question about that, is there?

5 A: Huh-uh, (negative response).

6 Q: Okay. And are you and Sabrina close as well?

7 A: Yeah.

8 Q: Okay. And what about Lafayette; do you know who
9 Lafayette is?

10 A: Yeah, I know Lafayette.

11 Q: All right. Are you close to Lafayette?

12 A: Yeah.

13 Q: Okay. And you ever have any discussions with Lafayette
14 about the fact that he was beating her or abusing her?

15 A: No.

16 Q: No. So, you had no conversations with anybody that you
17 knew of about that. What about Dennis' mother, did you ever
18 have a conversation with her about that?

19 A: No.

20 Q: All right. But you're close to Dennis and know all about
21 him, right?

22 A: (No audible response.)

23 Q: Let's talk about something else, let's talk about the
24 night of the -- of the 7th of July. Y'all were at a club.
25 You all were drinking. Were you drinking that night?

1 A: I wasn't drinking; I had just got there and the bar was
2 about to close.

3 Q: Very well. You weren't drinking, so you were sober. You
4 certainly were able to understand and see whatever was going
5 on, because you had nothing to drink, no alcohol, no drugs in
6 your system, you were clear thinking without question, right?

7 A: Yes, yes.

8 Q: All right. And what time of night are we talking when
9 you arrive at the club and you see them, because they're
10 already there, according to your story to the solicitor,
11 right?

12 A: Uh-huh, (affirmative response).

13 Q: What time of night do you get there?

14 A: About 1:30 or 1:45, I don't know the exact time, but it
15 was in between then.

16 Q: Okay.

17 A: The bar was closing.

18 Q: Very well. And you get there, they're there; are there
19 any other people in the club other than you, your cousin, and
20 -- I'm sorry, your brother-in-law, I think it was; is that
21 right?

22 A: Uh-huh, (affirmative response).

23 Q: Your brother-in-law and -- and Donnielle, Dennis, and the
24 other young lady that was with them?

25 A: Yes.

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LAKELLA CLARIDA - CROSS BY WILSON

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1 Q: Was anybody else in the club other than those people?

2 A: Yeah, there was a lot of people in there; it was a bar.

3 Q: Okay. All right. And when you got there, I think the
4 solicitor -- I don't know if the solicitor asked you this or
5 not. Were they drinking?

6 A: No, they were leaving.

7 Q: Okay. So, they were already leaving when you came in?

8 A: Yeah, they were walking out the door.

9 Q: All right. So, you just passed them in passing?

10 A: Yeah, and we stopped and talked to each other.

11 Q: Okay. And but y'all talked for how long?

12 ten

13 Q: Okay. So, what were y'all talking about for ten minutes?
14 minutes is a long time, how long were y'all -- what were y'all
15 talking about for ten minutes?

16 A: Well, Donnielle introduced Antionette as their new baby
17 momma, and she was saying, oh, she think she's a pretty fine
18 glass of water, like introducing her as their new thing, their
19 new partner or whatever.

20 Q: Okay. So, who introduced her, Donnielle introduced her,
21 not your cousin?

22 A: Yes, Donnielle did.

23 Q: I'm sorry?

24 A: Yeah, Donnielle did.

25 Q: Donnielle introduced the other young lady, I think

1 Verlene or whatever her name is; she introduced -- Donnielle
2 introduced her to you?
3 A: Uh-huh, (affirmative response).
4 Q: Okay. And she introduced her how, by saying what?
5 A: She was their new baby momma.
6 Q: New baby momma?
7 A: Uh-huh, (affirmative response).
8 Q: And what does that mean, she's their new baby momma?
9 A: Because she was gonna be their new baby momma. I don't
10 know.
11 Q: Is she gonna have a baby and be its momma?
12 A: I guess.
13 Q: Or does -- I mean, does that mean that they -- she was
14 gonna be their love toy or ---
15 A: Yeah, I'm assuming so.
16 Q: Okay. So, we don't know, just guessing, but that's what
17 you thought; is that right?
18 A: Yes.
19 Q: Okay. Fair enough. Now, when you saw Donnielle, she was
20 dressed, right?
21 A: Yes.
22 Q: And you actually ended up going to the hospital later on?
23 A: Uh-huh, (affirmative response).
24 Q: Now, the solicitor asked you the next day, he said, oh,
25 well, you know, when you saw her the next day. Well, it was

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- 1 actually only a few hours, right, from the time you saw her at
2 the club till the time you saw her at the hospital, right?
- 3 A: Yeah.
- 4 Q: Okay. Because you saw her at the hospital around 1:30
5 a.m. according to you, right? I'm sorry, I apologize. You
6 saw her at the club at 1:30 a.m.?
- 7 A: Yes.
- 8 Q: Then you see her again sometimes around 5-ish-30 or
9 whatever at the hospital, right?
- 10 A: No, it probably was about 7-something.
- 11 Q: So, you didn't get to the hospital until 7?
- 12 A: Yeah, I went to Grand Strand, not Seacoast.
- 13 Q: Okay. So, you go to Grand Strand?
- 14 A: Yes.
- 15 Q: All right. And when you get to -- that night when you
16 see her, there is no question, because you told the solicitor
17 her fingernails were fine; they weren't broken; they were long
18 and they were, whatever it is that women have with long
19 fingernails; they were fine, right?
- 20 A: Where at now?
- 21 Q: At the club?
- 22 A: Yes, at the club.
- 23 Q: No question about that, they were not broken, right?
- 24 A: No.
- 25 Q: And you got close to her, right? Y'all were talking for

1 ten minutes, so you were close to her, closer than I am to
2 you, right?

3 A: Uh-huh, (affirmative response).

4 Q: Tell me how close you were to her and just ask me ---

5 MR. WILSON: Your Honor, may I just approach her?

6 THE COURT: Yes, sir.

7 BY MR. WILSON:

8 Q: Tell me when to stop -- how close y'all were when y'all
9 were having a conversation, you and her, at the club?

10 A: Closer than that.

11 Q: Or right up on each other?

12 A: Yes.

13 Q: Okay. So, you could see her face, right?

14 A: Yes.

15 Q: You could see if there were any marks or scars on her
16 face and there weren't any, were they?

17 A: No.

18 Q: When you saw her at the club, she didn't have no
19 scratches on her face, she had all her fingernails intact,
20 right?

21 A: Uh-huh, (affirmative response), yes.

22 Q: But when you saw her at the hospital, it was a different
23 story, wasn't it?

24 A: Yeah.

25 Q: Yeah. No question about it, when you saw her at the

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1 hospital several hours later, fingernails are all broken off,
2 scratches on her neck, because you told -- and that's what you
3 told the police that night, didn't you?

4 A: Yes.

5 Q: Yeah, when they asked you about it. And did you ask
6 Donnielle what happened? Did you ask her is what I'm asking
7 you?

8 A: No, huh-uh, (negative response); no.

9 Q: No. Now, that night at the hospital, well let me -- well
10 let me back up. The night when y'all were at the hospital,
11 when you got to the hospital and you say you got there around
12 7:00 a.m.; is that fair?

13 A: Yeah.

14 Q: Okay. And when you get there, Donnielle is there; tell
15 me what's going on with her at that point. What do you see
16 with her? You've told me that she had the scratches, you've
17 told me about the fingernails, what else is going on with her?
18 How is she acting? Is she crying? Is she laying in the
19 floor? What is she doing?

20 A: She was crying. Well, she actually -- I got off the
21 elevator, when I got off the elevator, she came and hugged me
22 and was crying.

23 Q: Okay. All right. And have you and Donnielle -- prior to
24 all of this on July 7th, had y'all had any difficulty between
25 the two of you?

1 A: No.

2 Q: Never. In fact, y'all got along well, I mean, as well as
3 in-laws or family members get along, right?

4 A: Yes.

5 Q: All right. Now, let me ask you, you say, I'm going back
6 to Dennis again. During the -- the -- the years that y'all
7 knew each other, you and Dennis, did you ever see Dennis with
8 Alethia?

9 A: Yes.

10 Q: Okay. You ever see -- did you see him with the children?

11 A: Yes.

12 Q: Did you see Donnielle with the children?

13 A: Yes.

14 Q: Do you know that Alethia and the children went to live
15 with Donnielle and Dennis?

16 A: Yes.

17 Q: All right. Did you know that they were doing the
18 threesome ---

19 A: Yes.

20 Q: --- during that time?

21 A: Yes.

22 Q: That is the mother of his two kids, Donnielle, and him
23 living in the same house; was that in Atlanta or was that
24 here?

25 A: Here.

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LAKELLA CLARIDA - REDIRECT BY SPRATLIN

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1 Q: Okay. How long did that go on?

2 A: I don't know.

3 Q: Okay. Do you know why Alethia ended up leaving that
4 relationship, sordid as it may have been; why did she leave
5 that relationship?

6 A: I don't know.

7 Q: Do you know?

8 A: No, I don't.

9 Q: Do you know whether or not it was because he was beating
10 her, too?

11 A: No.

12 Q: You don't know?

13 A: No.

14 Q: Thank you, ma'am.

15 THE COURT: Redirect?

16 MR. SPRATLIN: Yes, Your Honor. Thank you.

17 REDIRECT EXAMINATION OF LAKELLA CLARIDA BY MR. SPRATLIN:

18 Q: Ms. Clarida, Mr. Wilson asked about a prior conviction
19 that Dennis had for selling drugs. Was that conviction in
20 2006?

21 A: I don't know, I guess.

22 Q: Was it well before he met Donnielle?

23 A: Yes.

24 Q: How often -- were you -- who was the first person in the
25 family to meet Donnielle?

1 A: I think it was me.

2 Q: And how often would you see Donnielle?

3 A: Every time I seen him.

4 Q: And did you ever notice any marks, bruises, injuries to

5 her?

6 A: No.

7 Q: How often would you go out with them?

8 A: I don't think we would really go out, out, but we -- you

9 know, where -- they would come to my house a lot. We wouldn't

10 really like go out, out to clubs or nothing.

11 Q: When they would come to your house, would they

12 occasionally drink?

13 A: Every now -- yeah, we would have drinks.

14 Q: Were there any problems that you saw with Dennis when he

15 was drinking?

16 A: No.

17 Q: Do you ever have your fingernails done?

18 A: Uh-huh, (affirmative response).

19 Q: If you were to assault someone, would you expect those

20 fingernails to be ---

21 MR. WILSON: I'm gonna object.

22 THE COURT: Sustained. Sustained.

23 MR. SPRATLIN: I have no further questions.

24 MR. WILSON: Nothing further, Your Honor.

25 THE COURT: All right. Do you wish the witness to be

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VERLENE ANTIONETTE VEREEN - DIRECT BY OSKIN

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1 excused?

2 MR. SPRATLIN: I would ask that, Your Honor.

3 MR. WILSON: No objections, Your Honor.

4 THE COURT: All right, ma'am, you are released from your
5 subpoena; you may leave or go as you choose.

6 All right. Next witness, please?

7 MR. OSKIN: Thank you, Your Honor. The state would next
8 call Antionette Vereen.

9 THE CLERK: Please raise your right hand and place your
10 left hand on the Bible.

11 VERLENE ANTIONETTE VEREEN, HAVING
12 BEEN DULY SWORN TESTIFIES AS FOLLOWS:

13 THE CLERK: Thank you. You may be seated. State your
14 full name and spell your last name.

15 MS. VEREEN: My name is Verlene Vereen. My last name is
16 spelled V-E-R-E-E-N.

17 THE COURT: Go ahead, Solicitor.

18 MR. OSKIN: Thank you, Your Honor.

19 DIRECT EXAMINATION OF ANTIONETTE VEREEN BY MR. OSKIN:

20 Q: Good morning, Ms. Vereen.

21 A: Good morning.

22 Q: How old are you?

23 A: I'm 28 years old.

24 Q: Just stay close to that microphone. Okay? Where do you
25 currently reside?

1 A: Sunny Heights Road in the Longs area.
2 Q: Okay. Is that in Horry County?
3 A: Yes.
4 Q: Did you know a man named Dennis Green?
5 A: Yes.
6 Q: How did you meet him?
7 A: I met him first by him messaging me through Facebook and
8 then I met him at a club one night.
9 Q: Okay. You began talking to him at that point?
10 A: Uh-huh, (affirmative response).
11 Q: You need to say yes or no for the court reporter. Okay?
12 A: I'm sorry.
13 Q: You began talking to him at that point?
14 A: The first time, no. The second attempt at the club, I
15 did.
16 Q: Okay. About how long did you hang out there after
17 meeting him?
18 A: Some months.
19 Q: Okay. Did you learn that he was married during those
20 months?
21 A: Yes, he told me.
22 Q: Okay. Did you learn anything else about the dynamics of
23 his marriage?
24 A: Yes, basically, that they had an open relationship where
25 they brought other women into their marriage.

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1 Q: Okay. So, you had hung out with him in person during
2 this time?

3 A: Uh-huh, (affirmative response); yes.

4 Q: Okay. And did you continually talk to him or did it kind
5 of fizzle out?

6 A: We steady talked.

7 Q: Okay. So, did you -- did there come a time -- were you
8 hanging out with him personally after meeting him at the bar
9 or no?

10 A: Yes.

11 Q: Okay. Were you talking to him -- when -- when -- I
12 apologize. What year was that when you first started talking
13 to him?

14 A: 2017, that same year.

15 Q: Okay. When -- do you remember meeting the defendant in
16 this matter in 2017?

17 A: I met her the night we went out.

18 Q: Okay. But you had been hanging out with Dennis for a
19 couple of weeks before that; is that correct?

20 A: Yes.

21 Q: Okay. Was his relationship situation still the same?

22 A: Yes.

23 Q: All right. And you agreed to hang out with him in person
24 during this time?

25 A: Yes.

1 Q: Had you hung out with him in person earlier, or you just
2 talked and met at the bar?

3 A: The night at the bar, I spoke to him, we talked, we hung
4 out afterwards.

5 Q: Okay. But it's just that night; I guess that's what I'm
6 asking for clarity?

7 A: Yes.

8 Q: Okay. So, it was later in 2017 that you resumed like
9 actually physically hanging out?

10 A: Correct.

11 Q: Okay. During -- and you still knew about his marriage
12 situation; is that correct?

13 A: I did.

14 Q: During that time, had you guys become intimate?

15 A: We did.

16 Q: Okay. And so, this night out you're talking about, this
17 was the night to meet his wife, correct?

18 A: Correct.

19 Q: And that would be the defendant?

20 A: Uh-huh, (affirmative response).

21 Q: Okay. And that was on July 7th of 2017?

22 A: 2017.

23 Q: Okay. So, you'd agreed to hang out this night. And,
24 where did you first see the defendant and Dennis that night?

25 A: When they picked me up from my home.

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1 Q: Okay. And that's your home in the Longs area that you
2 described?

3 A: Yes.

4 Q: Okay. What was -- where did you sit when you got in the
5 car?

6 A: The front seat.

7 Q: Okay. Did you sit in the front seat throughout the
8 entire night?

9 A: I did.

10 Q: How did that make you feel?

11 A: Uncomfortable.

12 Q: Well, why is that?

13 A: Because I never sat in the front seat of a married
14 couple's car at all.

15 Q: Okay. This is a different situation; is that correct?

16 A: Yes.

17 Q: Different relationship?

18 A: Yes.

19 Q: So, you were trying to just figure out where you fit in?

20 A: Exactly.

21 Q: Okay. Where is the first stop you made after they picked
22 you up, that would be the defendant and Dennis?

23 A: Okay. We went to, I guess, where his family lives.

24 Q: Okay.

25 A: We stopped there for a few moments.

1 Q: Okay. How long were you there; you said a few moments?
2 A: Only -- I would say no more than five minutes.
3 Q: Okay. Did you drink anything there or no?
4 A: No.
5 Q: Okay. Where did you go next?
6 A: Ricky's Dockside.
7 Q: All right. Where is Ricky's?
8 A: In Little River.
9 Q: Okay. Did you meet any of his other family members
10 there?
11 A: Yes, on our -- well, while we were there, it was just me
12 and him and her sitting beside each other, so the only people
13 that we actually spoke to on the way out was Kella and her
14 family, I guess.
15 Q: Okay. Would Kella be Lakella?
16 A: Yes.
17 Q: Okay. Who was doing most of the talking there out of the
18 three of you at Ricky's?
19 A: Donnielle.
20 Q: And don't tell me what she said, I just wanted to ask who
21 was talking. About how many drinks did you have at Ricky's?
22 A: Probably two.
23 Q: All right. What was your drink?
24 A: No more than three. Ciroc.
25 Q: Okay. Did you also drink Patron and pineapple?

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- 1 A: Yes, I had one.
- 2 Q: Okay. Is that the drink you prefer?
- 3 A: Uh-huh, (affirmative response).
- 4 Q: Okay. About how many drinks did the defendant have at
- 5 Ricky's?
- 6 A: She had more than me. She had at least had like three.
- 7 Q: Do you remember what she was drinking?
- 8 A: Not -- no; I can't recall.
- 9 Q: Okay. What about her husband, Dennis?
- 10 A: No.
- 11 Q: Do you remember what he was drinking?
- 12 A: No.
- 13 Q: Okay. About how long would you say you were at Ricky's?
- 14 A: Anywhere between 30 minutes to a hour.
- 15 Q: Okay. And what time of night was that?
- 16 A: Let's see. I'd say it had to be around 1:00-ish, 1:30,
- 17 2:00.
- 18 Q: Okay. And backtracking just a little bit, they picked
- 19 you up late?
- 20 A: Yeah, they picked me up late. They picked me up around
- 21 it was like 12:30-ish when they picked me up.
- 22 Q: Okay. And then you went by the family's house?
- 23 A: Uh-huh, (affirmative response).
- 24 Q: And then to Ricky's?
- 25 A: Yes.

1 Q: Okay. Where did you go after Ricky's Dockside?
2 A: Went to Thee DollHouse.
3 Q: Okay. Is that in the -- kind of like where North Myrtle
4 Beach and Atlantic Beach meet?
5 A: Yeah, right in the middle.
6 Q: Okay. Did you have some more drinks at Thee DollHouse?
7 A: We did.
8 Q: Is that where you were drinking Patron and pineapple?
9 A: That's when I got drunk, yes.
10 Q: Okay. About how many?
11 A: I think I had like one drink there, maybe two.
12 Q: Okay. What about -- again, what about the defendant,
13 what was she drinking?
14 A: I can't recall.
15 Q: Could it've been Hennessy and Coke?
16 A: Could've been; I can't recall.
17 Q: Okay. Do you remember about how much she was drinking
18 there?
19 A: (Indicates negatively.)
20 Q: Okay. Just maybe a yes or no for the court reporter.
21 A: Oh, no.
22 Q: Okay. And again, Dennis, was he drinking at Thee
23 DollHouse?
24 A: Yes.
25 Q: Okay. About how much?

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1 A: I would say he probably had one drink, if that, yeah.
2 Q: Okay. All right. And how long were y'all at Thee
3 DollHouse together?
4 A: Maybe probably about an hour and a half, two hours,
5 longer than we was at Ricky's Dockside.
6 Q: Okay. Did you continue to converse with the defendant at
7 Thee DollHouse; were you talking with her?
8 A: Well, she was doing most of the speaking.
9 Q: Okay. I understand. And you were aware from earlier,
10 that it was an open marriage?
11 A: Yes.
12 Q: Okay. Did -- did the defendant try to come on to you at
13 all ---
14 A: She did.
15 Q: --- at Thee Doll House?
16 A: Yeah, she did.
17 Q: How so?
18 A: When we first got in there, she ended up, I guess there
19 were some older guys in there that was looking at me ---
20 Q: All right. Without telling me what she said.
21 A: Okay. And she stood in front of me, basically, like not
22 wanting them to look at me, I guess.
23 Q: Okay.
24 A: And when we ended up -- I ended up having to use the
25 bathroom, and which she followed, and we got in the bathroom

1 and she tried to kiss me.

2 Q: Okay. How did you respond to her trying to kiss you in
3 the bathroom?

4 A: I mean, not in a bad way, but at the same time, it was
5 kind of uncomfortable being that that was the first time I met
6 her.

7 Q: I gotcha. So, is it accurate to say you were -- you knew
8 the situation of their relationship?

9 A: Uh-huh, (affirmative response). Yes.

10 Q: You were open to it maybe going somewhere?

11 A: Yes.

12 Q: But in that moment with her kissing you, it made you
13 uncomfortable?

14 A: Yes.

15 Q: You weren't ready yet?

16 A: No.

17 Q: Okay. After the bathroom, about how much longer did
18 y'all stay at Thee DollHouse?

19 A: It had to've been an hour.

20 Q: Okay. Did you go anywhere after Thee DollHouse?

21 A: We went to Denny's.

22 Q: Okay. Did you go to Denny's with the defendant and Mr.
23 Dennis?

24 A: Yes.

25 Q: Where did y'all go -- where did you guys go?

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1 A: Oh, Denny's in North Myrtle Beach.

2 Q: Okay. That's a breakfast house, right?

3 A: Yes, breakfast.

4 Q: Okay. Do you recall about what time y'all went there?

5 A: It could've been around 4:00

6 MR. OSKIN: Your Honor, I beg the Court's indulgence?

7 THE COURT: Yes, sir.

8 BY MR. OSKIN:

9 Q: Ms. Vereen, would you be able to identify yourself on the
10 video surveillance from the Denny's?

11 A: Yes.

12 MR. OSKIN: Your Honor, at this time, the state would
13 seek to publish to the jury State's Exhibit Number 3. It's
14 already been authenticated and entered into evidence.

15 MR. WILSON: I have no objections, Your Honor.

16 THE COURT: All right. You may publish.

17 MR. WILSON: Your Honor, I'd ask the Court to allow me to
18 move over ---

19 THE COURT: Yes, sir. Yes, sir.

20 MR. OSKIN: Your Honor, while he's doing that, I would
21 ask -- with your approval, I would ask that this witness be
22 allowed to come down from the witness stand and point herself
23 out.

24 THE COURT: All right. She can do that, just stand to
25 the side so you don't block the jury's view. Okay? Thank

1 you.

2 BY MR. OSKIN:

3 Q: Don't block their view, Ms. Vereen, and make sure that
4 Madame Court Reporter can hear what you're saying. Okay? So,
5 just come and stand to the -- come a little closer where His
6 Honor is saying, so they kind of can all see.

7 A: Okay.

8 MR. OSKIN: Are you able to see as well, Your Honor?

9 THE COURT: I'm fine.

10 MR. OSKIN: Okay.

11 (REPORTER'S NOTE: State's 3 published to the jury. No
12 audio.)

13 BY MR. OSKIN:

14 Q: Are you able to see yourself on that?

15 A: Yes. That's me right here.

16 Q: Okay.

17 THE COURT: You need to go back to the witness stand now
18 or not?

19 MR. OSKIN: No, sir, not at this time.

20 THE COURT: Okay. She just needs to speak up.

21 MR. OSKIN: Yes, sir.

22 A: Okay. Sorry.

23 THE COURT: That's all right. Not a problem.

24 BY MR. OSKIN:

25 Q: Just remember that mic is right there for the court

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1 reporter. Okay?

2 Who is that with you there?

3 A: At the bathroom?

4 Q: Is that where you're going?

5 A: Yes.

6 Q: Okay.

7 A: That was Donnielle.

8 Q: Okay. Who is that?

9 A: Dennis.

10 Q: So, y'all went to the bathroom as soon as you got into

11 Denny's?

12 A: Yes.

13 Q: All right. You were in there for a little bit?

14 A: Yes.

15 Q: Okay. What was going on in that bathroom?

16 A: Well, I wanted to use the bathroom. I had female issues

17 going on at the same time.

18 Q: Okay.

19 A: But her, when I got out, she was already out of the stall

20 and she was just standing there.

21 MR. OSKIN: If you would please show the bathroom angle,

22 Mr. Spratlin.

23 BY MR. OSKIN:

24 Q: All right. This is you walking in, correct?

25 A: Yes.

1 Q: And you immediately go to the bathroom?

2 A: Yes.

3 Q: Did the defendant try to come on to you in that bathroom
4 as well or no?

5 A: Yeah, she tried to kiss me.

6 Q: Okay. Same response by you?

7 A: Yes.

8 Q: But you're having fun that night, a long night?

9 A: Yes.

10 MR. OSKIN: Your Honor, if I could indicate for the
11 record that the video, State's 3, is being played in fast
12 forward.

13 THE COURT: Is that a problem, Mr. Wilson?

14 MR. WILSON: No, sir.

15 THE COURT: All right. Very good.

16 MR. OSKIN: Thank you.

17 BY MR. OSKIN:

18 Q: I'm gonna have you tell the jury when you come back on
19 the screen, okay?

20 A: Okay.

21 Q: Are you back on the screen there?

22 A: Yes.

23 Q: Walked past the table a little bit, huh?

24 A: Yes.

25 Q: Okay. That's the defendant pushing you into the table

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1 there?

2 A: Yes.

3 Q: At some point, does she come and sit by you?

4 A: Yes, she did.

5 Q: And that was shown on the video?

6 A: Right there.

7 Q: Without telling me what anybody said, what's going on

8 here; it looks like the menus were just placed down?

9 A: Yes, we -- well, when I was seated, you can't see me in

10 the corner, but I was looking through the menu and Ms.

11 Matthews is just talking.

12 Q: Is she on her phone right there?

13 A: Yes, she pulled out her cell phone.

14 Q: But you don't know what she was saying on that phone or

15 anything?

16 A: No, I don't.

17 Q: About how long do you think y'all sat at that table,

18 minutes wise?

19 A: Altogether maybe 35 or 40 minutes.

20 Q: And it would be -- what's going on right there?

21 A: One of the times when she leaned in, like she put her arm

22 around my neck and like grabbed me trying to forcibly kiss me.

23 Q: Okay. And how did you respond at that time?

24 A: I was like gonna pull my head away, but she was like ---

25 Q: Okay. How did -- how did she respond to you trying to

1 pull away from her?

2 A: In no way, like she said, she kept trying to kiss me.

3 Q: Okay. How did Dennis respond at that time?

4 A: By that time, he was like, he was like back up from her,

5 like give her some space.

6 Q: Give her some space. Okay.

7 A: Yeah.

8 Q: Did he say that angrily, or did he say that ---

9 A: He didn't say it angrily, no.

10 Q: Okay. Okay. Did the waitress place the check on the

11 table?

12 A: Yes.

13 Q: I apologize, it might be a napkin; it looks like ---

14 A: Yeah, that's napkins, yeah.

15 Q: I apologize. It's moving fast. About how long did y'all

16 sit there after the food arrived?

17 A: Maybe anywhere between 25 to 30 minutes it could've been.

18 Q: And again, it's been a long night at this point?

19 A: Yes.

20 Q: Yes?

21 A: Yes.

22 Q: Without telling me what anyone said, was there any

23 arguing or hostility going on at the table at this time?

24 A: No, not that I recall.

25 Q: The three of you are getting along at this point?

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- 1 A: Yes.
- 2 Q: Did that change at any point?
- 3 A: Yes. Dennis was ready to go by a certain point before we
4 left.
- 5 Q: Okay.
- 6 A: Because at the same time, he could tell that I was
7 uncomfortable.
- 8 Q: Okay. And that's the check that was just placed on the
9 table; is that correct?
- 10 A: Yes; uh-huh, (affirmative response).
- 11 Q: I believe this is -- were you be able to see her on the
12 cell phone?
- 13 A: Yes.
- 14 Q: I think that's what we were talking about earlier,
15 correct?
- 16 A: Yes.
- 17 Q: Lighting it up -- the video is moving fast. Does she
18 appear upset to you at that time or angry?
- 19 A: A little bit. I wouldn't say that she was like
20 completely mad.
- 21 Q: Okay.
- 22 A: But you could tell that her attitude shifted a little
23 bit.
- 24 Q: Okay. And Dennis was ready to just call it a night?
- 25 A: Yes.

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1 Q: Ms. Vereen, I'm gonna have you return to the stand,
2 please.

3 MR. OSKIN: But I am gonna play a separate angle, Your
4 Honor, from this admitted evidence so the jury sees the full
5 -- the full exhibit.

6 THE COURT: All right, sir.

7 BY MR. OSKIN:

8 Q: That's still you on the video, Ms. Vereen?

9 A: Yes.

10 Q: Different camera angle?

11 A: Yes.

12 Q: Bunch of different camera angles in that restaurant that
13 night?

14 A: Yes.

15 Q: So, your table was in the back corner of the restaurant?

16 A: The last booth, yes.

17 MR. OSKIN: That concludes the published video of this
18 witness' direct testimony, Your Honor, but I still have
19 questions for this witness.

20 THE COURT: All right. Very good.

21 MR. OSKIN: Court's indulgence as we remove this.

22 THE COURT: Yes, sir, not a problem.

23 BY MR. OSKIN:

24 Q: One moment, Ms. Vereen, let me ask some more questions.

25 All right. So, you stated that you got the check and

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1 Dennis and yourself were ready to leave; is that correct?

2 A: Yes, yes.

3 Q: Okay. And you had rode there with the defendant and
4 Dennis?

5 A: Yes.

6 Q: Okay. And you -- you were gonna have to get a ride home
7 at that point?

8 A: Yes.

9 Q: In the same car with them?

10 A: Yes.

11 Q: Did you go to the car after you left the booth there at
12 Denny's?

13 A: Yes.

14 Q: Okay. Did you leave immediately, or did you hang out --
15 did y'all hang out in the parking lot for a few minutes?

16 A: We ended up staying in the parking lot for maybe like two
17 or three minutes.

18 Q: And if it was five minutes, is that possible, too?

19 A: Yeah, it could've been.

20 Q: Okay. Okay. And I know it sounds repetitive, but it's
21 important. Where did you sit when you got in that car?

22 A: In the front seat.

23 Q: Okay. And where was the defendant?

24 A: In the back seat.

25 Q: All right. So, Dennis was driving?

1 A: Yes.

2 Q: Okay. What was going on in that car?

3 A: After Denny's? Well, we was sitting ---

4 Q: Well, before you leave the Denny's parking lot, are y'all

5 all talking? Without telling me what you said or ---

6 A: I wasn't saying anything, but Donnielle said things.

7 Q: Okay. Did she do anything in addition to saying things

8 or she was speaking to Dennis then?

9 A: Yes.

10 Q: Okay. And you're sitting in there ---

11 A: Ready to go home.

12 Q: Okay. What -- what -- what got your attention next?

13 A: When she hit him from the back seat.

14 Q: Okay.

15 A: She hit him in the side of his face.

16 Q: She hit him with a closed fist?

17 A: A closed fist.

18 Q: Okay. How -- what happened next?

19 A: After that, that's when I heard her say, she told him,

20 you shouldn't have married me; you should've married her.

21 Q: Her being you?

22 A: Her being me.

23 Q: Okay. Did he hit her back?

24 A: No, he didn't. He looked at me and asked me ---

25 Q: Without telling me what he said?

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1 A: Okay. He just looked at me and made sure I was okay, and
2 he told me he'd take me home.
3 Q: Did you in fact go home after that?
4 A: Straight home.
5 Q: Okay. And again, I know it's a long night, you're from
6 that area, correct?
7 A: I am.
8 Q: About how long to your house from the Denny's?
9 A: Anywhere between four to seven minutes.
10 Q: Okay. So, and it was approximately ten minutes, that
11 sounds -- that's possible, too?
12 A: Yes.
13 Q: Depending on ---
14 A: Traffic lights.
15 Q: --- depending on traffic. Okay. But it's early morning
16 hours?
17 A: Yeah, early morning hours. There wasn't a lot of
18 traffic.
19 Q: Okay. So, he took you straight home?
20 A: Yes.
21 Q: Okay. And then you got out of the car; is that correct?
22 A: Yes.
23 Q: Did you say anything at that point getting out of the
24 car?
25 A: I did.

1 Q: What did you say?

2 A: I asked Donnielle if she wanted to get in the front seat.

3 Q: Okay. Did you even enable the chair for her to be able

4 to come around?

5 A: I did.

6 Q: Okay. What did she say to that?

7 A: With an attitude, she said no, I'll sit in the back seat.

8 Q: Okay. So, she did not sit in the front ---

9 A: No.

10 Q: --- at that point. Did -- did -- did you go in the house

11 pretty much after that?

12 A: Yes.

13 Q: Okay.

14 A: I got my purse out of the trunk and I walked straight in

15 my house.

16 Q: Okay. She was still sitting in the back when you ---

17 A: Still sitting in the back seat.

18 Q: Okay. And you texted Dennis after you got back in the

19 house; is that correct?

20 A: I did.

21 Q: Do you remember what you said to him; do you remember

22 when you texted him by chance?

23 A: I do.

24 Q: When did you text him?

25 A: It was exactly at 5:13 a.m.

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1 Q: Okay. How are you able to remember that?

2 A: Because I still have that phone.

3 Q: Do you remember what you said exactly or ---

4 A: Not word for word, but I know the terms of what I was
5 saying, basically, regardless of how she acted, I still didn't
6 have a problem with him.

7 Q: Okay. So, about how -- taking you back here because the
8 timeline is important, how -- about how long after that video
9 ended, did y'all leave the Denny's parking lot?

10 A: It could've been five minutes.

11 Q: Okay. And how long after you got home did you text him?

12 A: I know it was no more than ten minutes for sure. It had
13 to've been five, maybe five or seven minutes.

14 Q: But it was about as quick as it took you to change into
15 your night ---

16 A: Yeah, as quick as I could change my clothes basically.

17 Q: And I know you knew the gist, but would you be able --
18 would it refresh your memory to see exactly what you texted
19 him that night?

20 A: Yes.

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

22 THE COURT: Yes, sir.

23 MR. OSKIN: Madame Court Reporter.

24 STATE'S EXHIBIT NUMBER 12 AND 13

25 MARKED FOR IDENTIFICATION

1 BY MR. OSKIN:
2 Q: I show you what's been marked as State's 12 and 13 and
3 ask if you recognize those, just the content of the texts?
4 A: Yes.
5 Q: This refreshes your memory?
6 A: Yes. Yes, it does.
7 Q: And what did you text him at that point?
8 A: At 5:13 I said I still love you regardless of what so
9 know that, just wish it would have ended differently because
10 you know I don't do dumb.
11 Q: Dumb?
12 A: Cuss word, bleep.
13 Q: Okay, don't cuss ---
14 A: And I said shaking my head, I said call me whenever you
15 get a chance.
16 Q: Okay. Did you say anything else there in regards to that
17 timeframe?
18 A: The last one that I -- message I said I love you.
19 Q: Did you say anything about missing him?
20 A: That was -- yes, I'm sorry. It said -- it was at 5:29
21 a.m., I texted him and said I can't even sleep, up thinking,
22 and 5:44 I texted him and said I miss you already.
23 Q: Okay. So, I'm just throwing a lot at you.
24 A: Yeah, and it's ---
25 Q: I appreciate it. The first stop of the night -- they

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1 picked you up at first to begin the night, correct?
2 A: Correct.
3 Q: And then you said you went to his family's house briefly?
4 A: Yes.
5 Q: And then you went to Ricky's Dockside?
6 A: Correct.
7 Q: Around 1:30; is that correct?
8 A: Correct.
9 Q: And you were there for about an hour or so?
10 A: Correct.
11 Q: After that, you went to Thee DollHouse?
12 A: Correct.
13 Q: You were there for a while?
14 A: Yes.
15 Q: After you went to Thee DollHouse, you went to Denny's for
16 a while?
17 A: Yes.
18 Q: Okay. You left there, I believe close to about 4:57 or 5
19 o'clock in the morning; does that sound about right?
20 A: Correct, correct.
21 Q: Okay. And you were in that parking lot you stated for
22 five minutes or so?
23 A: Yes, yes.
24 Q: And then you went immediately -- he took you straight
25 home ---

1 A: Straight 0home.

2 Q: --- after the Denny's, and that took anywhere from seven
3 to ten minutes?

4 A: Yes.

5 Q: So, that's about 5:09-ish?

6 A: Yes.

7 Q: Okay. And you stated that you were home for a few
8 minutes?

9 A: Yes.

10 Q: And you texted him at 5:13?

11 A: 5:13.

12 Q: Please answer the questions from Mr. Wilson.

13 A: Okay.

14 THE COURT: Cross-examination?

15 MR. WILSON: Thank you, Your Honor.

16 CROSS-EXAMINATION OF VERLENE ANTIONETTE VEREEN BY MR. WILSON:

17 Q: Ms. Vereen, you said you were how old now?

18 A: Twenty-eight.

19 Q: Twenty-eight, and so you would have been what, 23, 24?

20 A: I was 24 at the time.

21 Q: Okay. Were you in school, were you working, what were
22 you doing?

23 A: I was working.

24 Q: Okay. Where did you work?

25 A: During the time, I think I was working at KFC.

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- 1 Q: KFC?
- 2 A: Uh-huh, (affirmative response).
- 3 Q: Which one?
- 4 A: North Myrtle Beach.
- 5 Q: Okay. Did you work anywhere else other than KFC?
- 6 A: Ivory Jerk the Jamaican Restaurant.
- 7 Q: Okay. How long did you work there?
- 8 A: For some months.
- 9 Q: Okay. Where are you working now?
- 10 A: Right now, I'm working at Zaxby's in North Myrtle Beach.
- 11 Q: Okay. And how long have you been working at Zaxby's?
- 12 A: Maybe two or three weeks.
- 13 Q: Okay. Do you have any job between KFC and Zaxby's?
- 14 A: Yes, I worked at Logan's Roadhouse in North Myrtle Beach.
- 15 Q: Okay. And how long did you work there?
- 16 A: Like a year and a half.
- 17 Q: Anywhere else you worked since between 2017 and now?
- 18 A: I worked at a Dollar General in North Myrtle Beach.
- 19 Q: Any other place? That's all you can think of?
- 20 A: Yeah, that's all I can think of right now.
- 21 Q: Okay. Let me ask you, because as I understand it, y'all
- 22 were getting together to have a threesome?
- 23 A: No, we weren't.
- 24 Q: You weren't?
- 25 A: No, it was just for me so we could meet.

1 Q: So, y'all weren't gonna have a threesome; that wasn't
2 what this was about?

3 A: No, not that particular night.

4 Q: So, you were just gonna date her husband, but you weren't
5 intending on being a part of their relationship; just you and
6 him, is that what you're saying?

7 A: No, I'm not saying that. It could've led to that, but
8 that night, it was just for her to meet me and for me to meet
9 her.

10 Q: Well -- well, let's talk about that, because he told you
11 he was married, right?

12 A: Correct.

13 Q: And he told you that he wanted you and him and his wife
14 to get together, right?

15 A: He told me that he wanted me to meet her.

16 Q: Okay. And what did you -- you didn't think that that
17 meant that the three of y'all were gonna -- you said that he
18 had an open relationship, right?

19 A: Correct.

20 Q: And you didn't think that that meant that y'all were
21 going -- the three of y'all were gonna sleep together; you
22 didn't think that?

23 A: It would've possibly led to that.

24 Q: All right. Yeah, I mean, that's what a threesome is,
25 right, where you get together, three people, and do whatever

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1 you do, right?

2 A: Correct.

3 Q: All right. And you knew that -- you knew that going into
4 this, ain't no question about that, you knew that's what was
5 -- that's where you were heading, right?

6 A: Possibly, yes.

7 Q: In this relationship?

8 A: Yes.

9 Q: All right. And Dennis had come down to the beach on how
10 many other weekends and been with you sexually before you ever
11 met his wife?

12 A: Multiple times.

13 Q: Multiple times?

14 A: Uh-huh, (affirmative response).

15 Q: And you don't know that his wife knew about you those
16 multiple times until she came down here on this particular
17 weekend?

18 A: No, he told me that he told her about me.

19 Q: When?

20 A: Basically, it could've been like the third time I was
21 around him.

22 Q: Okay. So, y'all had been together three times before he
23 told you that he told her?

24 A: Yes.

25 Q: Is that what you're saying? All right. And the whole

1 idea of the threesome, it would seem to me is, you would want
2 your spouse to like the other person so that you could have
3 the threesome; I mean, that just makes sense to me, I mean,
4 would you agree with that?

5 A: Yes.

6 Q: Because if she -- if he -- if she didn't like you, then
7 the threesome probably ain't gonna happen and he's gonna be
8 displeased, right? If the idea is to get y'all together,
9 right? I'm just asking. Right?

10 A: Correct.

11 Q: All right. And -- and so, why would then he be upset or
12 why would she be upset for that matter if she liked you and if
13 y'all were getting along good?

14 A: Because I think she was more so jealous of how he maybe
15 had looked at me. She wanted me for herself.

16 Q: Let's talk about that, too.

17 A: Uh-huh, (affirmative response).

18 Q: Now, the truth is, you told her that you had breast
19 piercings, right?

20 A: Uh-huh, (affirmative response).

21 Q: You told her that at Thee DollHouse, right? Now, this is
22 the lady you're uncomfortable with; you're totally
23 uncomfortable with her, but you tell her that you had breast
24 piercings at Thee DollHouse and then y'all go to the bathroom
25 ---

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- 1 A: Uh-huh, (affirmative response).
- 2 Q: --- at Denny's so you can show them to her?
- 3 A: No, I didn't.
- 4 Q: You didn't show them to her in Denny's bathroom?
- 5 A: I did not.
- 6 Q: When did you show them to her then?
- 7 A: I did not show her my boobs.
- 8 Q: Well, how would she know that you had breast piercings if
- 9 you didn't either tell her and show her?
- 10 A: We had a conversation. I never said that I didn't tell
- 11 her.
- 12 Q: You talked to her at Thee DollHouse about the breast
- 13 implants and the first thing y'all did when you got out of --
- 14 I mean piercings -- and the first thing you do when you get to
- 15 the restaurant at Denny's is you go into the bathroom. You're
- 16 in the bathroom 12 minutes, you and her?
- 17 A: Uh-huh, (affirmative response), correct.
- 18 Q: Twelve minutes; that's a long time, isn't it? And the
- 19 whole time, what are you doing for twelve minutes in the
- 20 bathroom, you and her?
- 21 A: Well, I wasn't showing her my breasts.
- 22 Q: Well, what were y'all talking about, Santa Claus or
- 23 Christmas; what were y'all talking about?
- 24 A: No, when I went into the restroom, I was actually having
- 25 female issues going on at the time, so of course it would take

1 me longer for me to come out the stall. When I got out of the
2 stall, that's when she -- I washed my hands, she stood there,
3 she washed her hands, and that's when she attempted to kiss
4 me.

5 Q: All right. So, she -- she tries to kiss you?

6 A: Uh-huh, (affirmative response).

7 Q: All right. And -- and the other thing you say is is
8 that, well, when y'all were -- let's go back to Dockside.

9 A: Uh-huh, (affirmative response).

10 Q: Okay. When y'all were at Dockside, this was a bar,
11 right?

12 A: Correct.

13 Q: And no question about the fact that y'all are all
14 drinking -- is there any question about that, all three of you
15 are drinking alcohol?

16 A: Yes, we were.

17 Q: All right. And you say Dennis had how many at Thee
18 DollHouse; two, three, how many, four?

19 A: I can't recall exactly how many drinks he had.

20 Q: Well, didn't you tell the solicitor that you thought he
21 had two or three?

22 A: Yeah, two.

23 Q: Okay. So, two or three at least, right, so, your memory
24 is getting better now, right? All right. He had two or three
25 at Thee DollHouse, I'm sorry, at the -- at Dockside, then

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1 y'all -- how many did you have at Dockside?
2 A: I had two.
3 Q: You had at least two at Dockside. How many did Donnielle
4 have at Dockside?
5 A: She could've had like three.
6 Q: She had three. Okay. But you only had two?
7 A: Yes.
8 Q: All right. Then y'all leave there and you go to where;
9 Thee DollHouse, right?
10 A: Yes.
11 Q: You drink more at Thee DollHouse. All right. How many
12 you got at Thee DollHouse?
13 A: At Thee DollHouse, I could've had -- me drink?
14 Q: Yeah.
15 A: Two.
16 Q: You had two.
17 A: Uh-huh, (affirmative response).
18 Q: So, now you're up to four or five, right?
19 A: Four.
20 Q: Thus far. Okay. Four. How many does Donnielle have at
21 Thee DollHouse?
22 A: She could've probably had three.
23 Q: All right. So, she had three, so now she's at six?
24 A: Uh-huh, (affirmative response).
25 Q: How many does Dennis have?

1 A: One drink.

2 Q: One, so now he's only at three, right, or four, depending
3 on how you're counting, right?

4 A: Uh-huh, (affirmative response).

5 Q: All right. And there ain't no arguments when y'all are
6 at the Dockside, right?

7 A: No arguments?

8 Q: Yeah.

9 A: No.

10 Q: All right. In fact, everybody is getting along famously.
11 You are laughing and talking and having just a good ole time,
12 right?

13 A: She was talking; I was listening.

14 Q: She was talking?

15 A: Uh-huh, (affirmative response).

16 Q: Nobody was talking this whole time, four-and-a-half hours
17 that you guys are out except for Donnielle. Everybody else
18 not saying a word, just Donnielle's just talking, talking,
19 talking and nobody else, right?

20 A: Correct.

21 Q: All right. Correct. All right. That's your story,
22 right?

23 A: Uh-huh, (affirmative response).

24 Q: All right. Then y'all leave Dockside and go to Thee
25 DollHouse. Now, Thee DollHouse is a strip club, right?

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1 A: Yes.

2 Q: All right. And so, were y'all watching strippers, is
3 that what you were doing? Is that what ---

4 A: We were just sitting around the table, yeah.

5 Q: Well, I mean, the purpose of gonna a strip club is to
6 watch the strippers, right? So, that's the thing you were
7 into, stripping -- watching strippers; is that what y'all do?

8 A: What I was into? No.

9 Q: Well, why would they take you there or why would Dennis
10 take you there if you're not into that?

11 A: Just trying to have something to do.

12 Q: All right. Just trying to have something to do. All
13 right. So, anyway, y'all go to the strip club and -- but you
14 don't -- you're not into that. Now, you say you met Dennis
15 online, right?

16 A: Yes.

17 Q: So, was that on like Facebook or ---

18 A: Facebook.

19 Q: --- or was that like on Snapchat or ---

20 A: It was Facebook.

21 Q: Facebook?

22 A: Uh-huh, (affirmative response).

23 Q: All right. And you met him on Facebook, y'all got
24 together, started having sex, then somebody -- you say he said
25 he told his wife, and then y'all were gonna get together at

1 some point, right? Do you remember on this night ---

2 MR. OSKIN: Objection, Your Honor, she wasn't able to
3 answer the question.

4 THE COURT: If you're asking a question, Mr. Wilson ---

5 MR. WILSON: Thank you, Your Honor.

6 THE COURT: --- please let her answer. Thank you.

7 BY MR. WILSON:

8 Q: You want to?

9 A: When I met Dennis, yes, he reached out to me through
10 Facebook. No, I didn't talk to him right then. I ended up
11 seeing up a while later at a club.

12 Q: Okay.

13 A: Is where we started being around each other.

14 Q: What club?

15 A: It was at Empire in Little River.

16 Q: Empire what?

17 A: In Little River.

18 Q: Empire at Little River?

19 A: In Little River.

20 Q: And that's some of a club?

21 A: Yes.

22 Q: Like what kind of club?

23 A: A night club.

24 Q: I mean, do they have strippers at that club?

25 A: No.

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- 1 Q: I'm sorry.
- 2 A: No, they don't.
- 3 Q: Okay. What do they do at that club?
- 4 A: Party, shoot pool, dance, drink.
- 5 Q: So, you hang out there?
- 6 A: No.
- 7 Q: Was that your hangout back then; how did you meet him
- 8 there is what I'm asking?
- 9 A: I was with a friend.
- 10 Q: Okay. All right. And so, you were with a friend, he is
- 11 at that club. Was that just by happen chance or did y'all
- 12 plan this?
- 13 A: Just by chance.
- 14 Q: Just by chance. So, now this guy that you're seeing on
- 15 the internet, on Facebook, just happened to be in Myrtle Beach
- 16 -- he lives in Atlanta, but he just happens to be in Myrtle
- 17 Beach and happens to be at that particular club, and you just
- 18 happened to be there that night with a friend, and y'all just
- 19 happened to get together; that's what you're saying?
- 20 A: Yes.
- 21 Q: All right. Now, let's talk about Dennis' other
- 22 relationships. Did -- did he tell you that you were not the
- 23 first woman that he had as a threesome in his relationship
- 24 with his wife?
- 25 A: Yes, he did.

1 Q: All right. Did he tell you about his ex-wife, Alethia,
2 being a part of that threesome?

3 A: He did.

4 Q: He told you about that?

5 A: Yes.

6 Q: Okay. And so, you knew about that, so you knew going
7 into this what -- what was expected and what was supposed to
8 happen and how it was supposed to be, right; you knew that?

9 A: Correct.

10 Q: All right. And now, ma'am, you had I think you said four
11 drinks total, but you weren't intoxicated, right?

12 A: No.

13 Q: All right. So, normally when you go out in a four or
14 five-hour period, you drink four drinks or more and you're not
15 intoxicated; is that what you're saying?

16 A: I could've been tipsy, but I wasn't to the point where I
17 didn't know what was going on.

18 Q: Okay. So, you didn't have a buzz or feel like you were,
19 you know, high, I guess is what folks say?

20 A: I just would say tipsy.

21 Q: All right. So, what about Dennis?

22 A: No, he wasn't drunk at all.

23 Q: Okay.

24 A: He wasn't intoxicated.

25 Q: All right. Now, when y'all get to Thee DollHouse, do

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- 1 y'all go to the restroom then?
- 2 A: Not directly when we first got in there, no.
- 3 Q: Okay. Did at some point, did you go in there?
- 4 A: Yes, we did.
- 5 Q: Okay. And did both of y'all go in Thee DollHouse in the
- 6 bathroom?
- 7 A: Me and Donnielle?
- 8 Q: Yes.
- 9 A: Yes.
- 10 Q: How long were y'all in the bathroom together in Thee
- 11 DollHouse?
- 12 A: I cannot recall. Enough time to use the bathroom and I
- 13 think she took a picture in the bathroom.
- 14 Q: Took a picture?
- 15 A: Uh-huh, (affirmative response).
- 16 Q: A picture of who?
- 17 A: I know it was dancers that was in the bathroom, and I
- 18 think they were changing or something.
- 19 Q: All right. Did she take a picture of you, or did you and
- 20 she take a picture anytime during the night together?
- 21 A: Yes, at Thee DollHouse.
- 22 Q: Okay. Y'all took a picture together. Were y'all hugging
- 23 or just ---
- 24 A: I can't recall the exact picture, no.
- 25 Q: I was watching the video earlier. Do you recall when

1 y'all were coming out the bathroom that you're hugging up?
2 A: Yes, where she was holding onto me, my arm.
3 Q: Yeah.
4 A: Yes.
5 Q: But she was holding onto you, but you weren't holding
6 onto her?
7 A: I had her hand.
8 Q: You had her hand, yeah.
9 A: Uh-huh, (affirmative response).
10 Q: So, what does that mean. Now, this is a woman that
11 you're rebuffing because you don't like her advances, but
12 you're holding her hand coming out of the bathroom?
13 A: Yes, because I didn't want her to feel uncomfortable.
14 Q: You didn't want her to feel uncomfortable, but you were
15 already uncomfortable?
16 A: Yes, I was.
17 Q: You were so uncomfortable that when y'all got into the
18 car, she told you to get in the front seat; you got in the
19 front seat, right?
20 A: It wasn't that easy. I told her I would get in the back
21 seat, but she insisted that I got in the front seat.
22 Q: You got in the front seat; is there any question about
23 the fact that when y'all left that house at your place, you
24 got in the front seat?
25 A: Yes.

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1 Q: Is there any question that when y'all went to his -- I
2 guess it was his momma's house? Where did y'all stop at
3 first?
4 A: I don't know if it was mom's house or not; I just know
5 it's his family.
6 Q: When they made that first stop, you stayed in the front
7 seat?
8 A: Yes.
9 Q: When you got to Dockside, you stayed in the front seat?
10 A: I did.
11 Q: When you got to Thee DollHouse, you stayed in the front
12 seat?
13 A: I did.
14 Q: When you got to Denny's, you stayed in the front seat?
15 A: I did.
16 Q: When you left Denny's, you stayed in the front seat?
17 A: Yes.
18 Q: No question about that, is there? But, you were
19 uncomfortable, but you didn't ever get out of that front seat
20 the entire time, the entire night, did you?
21 A: No, I didn't.
22 Q: No, you didn't. And you were uncomfortable with her --
23 you say by the time y'all got to Thee DollHouse, you were
24 feeling uncomfortable with her, but then you get to Denny's
25 and stay 12 minutes in the bathroom with her doing God knows

1 what, right?

2 A: In your words, yes.

3 Q: No, I'm asking you, is that true or not?

4 A: We went to the bathroom. I used the bathroom, yes.

5 Q: Okay. Did you stay in the bathroom so long that Dennis

6 was upset and wanted to find out where you guys were and what

7 y'all were doing?

8 A: No, he wasn't upset.

9 Q: He wasn't upset?

10 A: No.

11 Q: Well, what did he say when y'all came back to the table?

12 Didn't he ask you where y'all been, what y'all been doing?

13 A: No.

14 Q: Did a waitress come and knock on the door to try to get

15 y'all out of there ---

16 A: No.

17 Q: --- because y'all stayed so long?

18 A: Not that I recall.

19 Q: You don't recall that either?

20 A: No.

21 Q: Okay. All right. Do you deny -- and before you answer

22 this, I'm gonna tell you -- well, just let me ask you this

23 way. Do you deny that it was you, it was you coming on to her

24 ---

25 A: No.

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1 Q: --- the entire night? You deny that?

2 A: Yeah, not coming onto her, no.

3 Q: You deny that you were flirting with her, especially at
4 Denny's, that you were flirting with her, trying to make eyes
5 at her and making hug -- you guys were hugging in the booth;
6 were you not hugging in the booth?

7 A: No, she, as you could see in the video, she sat Dennis'
8 side first and she jumped across and everything she did after
9 that was like she was trying to make Dennis jealous.

10 Q: So, she was trying to make Dennis jealous?

11 A: That's what it seemed like to me.

12 Q: But what I'm struggling with here and what I'm asking
13 you, why would Dennis be jealous if y'all are getting along,
14 because that's the idea of the threesome is for y'all to get
15 along, right?

16 A: Because the whole time at the table, Donnielle kept
17 saying, oh, bay, I like your girlfriend, I want her to myself.

18 Q: Okay. So, now, they've had all these other women, but
19 all of a sudden now, she just wants you and she doesn't want
20 Dennis anymore; is that what you thought?

21 A: I don't know, but I knew she wanted me, obviously; she
22 kept saying it. She said it multiple times that night.

23 Q: Well, was Dennis not upset because he didn't want the
24 night to end? He wanted and expected that the three of y'all
25 were gonna go back somewhere and be together?

1 A: No.

2 Q: No?

3 A: He knew that wasn't gonna happen.

4 Q: But she told you, that is Donnielle -- and you answer

5 this, did she not tell you that she couldn't stay out too late

6 because her momma had -- she had to drive her momma to the

7 airport and go to Charleston and back to Orangeburg the next

8 morning?

9 A: No, she did not say that at all.

10 Q: She didn't tell you that?

11 A: At all.

12 Q: All right. So, you didn't know that?

13 A: She didn't say it.

14 Q: Okay. All right. Now, let -- let's talk for a minute

15 about, do you recall y'all's waitress at Denny's?

16 A: Yes.

17 Q: Okay. And -- and had you met the waitress before this

18 particular night?

19 A: No.

20 Q: Do you know what her name is?

21 A: No.

22 Q: If I told you her name was Amy Jackson, would you know

23 whether that was true or not?

24 A: I don't know if that's true or not.

25 Q: Okay. But the waitress that waited on you that night was

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1 a white female?

2 A: Yes.

3 Q: Any question about that?

4 A: Yes, that's true.

5 Q: All right. You remember the color of her hair or
6 anything like that?

7 A: I think -- not really.

8 Q: All right. And do you know of any reason that she would
9 lie on you?

10 A: No.

11 Q: Any reason that she would have to make up something about
12 you and tell it that wasn't true?

13 A: No.

14 Q: Okay. And the only time you ever saw this lady was that
15 night at Denny's, right?

16 A: Yes.

17 Q: Okay. All right. Now let's talk about when y'all got
18 ready to leave Denny's.

19 A: Okay.

20 Q: Because you say that Dennis gets up and -- in fact, in
21 the video, right at the very end, you can see him getting up
22 standing at the corner of the table, can't you; did you see
23 that?

24 A: Yes.

25 Q: All right. And he's ready to go, isn't he?

1 A: Yes; me, too.

2 Q: Yeah, he's ready to go. He comes and you two are still
3 sitting there, right, but he's standing up because he's ready
4 to go.

5 A: Correct.

6 Q: Y'all then get up and y'all leave, right?

7 A: Yes.

8 Q: And as you leave, going outside, you get in the front
9 seat of the car again?

10 A: Yes.

11 Q: Now, let's talk for a minute, because you told the
12 solicitor that -- that Donnielle reached over and -- with a
13 closed fist and hit him side the face, right?

14 A: Yes, she did.

15 Q: Okay. All right. And -- and now, explain to me how that
16 happened because you're in a small car with two seats and two
17 doors. So, she was getting in the same passenger door that
18 you're getting in?

19 A: Yes.

20 Q: And she's getting in the back?

21 A: Yes.

22 Q: But while she's getting in the back, according to you,
23 and you're still standing at the door, right?

24 A: No, I was in the vehicle -- while she was getting in the
25 car?

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- 1 Q: Yeah.
- 2 A: Yes.
- 3 Q: All right. So, you told the police, if I remember
4 correctly, that as she was getting in the backseat of the car,
5 she reached over and hit him side the face?
- 6 A: No, I never said that.
- 7 Q: You didn't tell the police that?
- 8 A: I said she was already in the car.
- 9 Q: So, now, you're saying you didn't -- my question is, did
10 you tell the police that or not?
- 11 A: No.
- 12 Q: All right. You didn't tell them that?
- 13 A: No.
- 14 Q: So, now you're saying that you told them that she was in
15 the car, she reached over and hit him from the back?
- 16 A: Yes.
- 17 Q: So, she's in the back. Which side is she on; is she on
18 the passenger side or on the driver's side?
- 19 A: She was sitting in the passenger side, but she kept
20 moving from the middle of the seat to the side of the seat.
- 21 Q: Okay. So, you're saying she reached over ---
- 22 A: Yes.
- 23 Q: --- after she's seated in the car?
- 24 A: Uh-huh, (affirmative response).
- 25 Q: And hit him on the side of the face?

1 A: She did.

2 Q: All right. And he did nothing?

3 A: He turned around and asked her like, are you serious?

4 Q: And what did she say?

5 A: That's when she say you shouldn't have married me, you
6 should've married her.

7 Q: Okay. So, she was wanting him to marry you, right?

8 A: That's what she said.

9 Q: All right. All right. Now, at any point in time, at any
10 point in time, because now the problem is, there's nobody in
11 this car at this point but you and Dennis and her, right?

12 A: Correct.

13 Q: There are no cameras like there were at Denny's, right?

14 A: Correct.

15 Q: There are no cameras like there were at Thee DollHouse or
16 waitresses or whatever at any other place. Nothing happened
17 until you're in the car, the car doors are closed, and that's
18 when you say that she hit him?

19 A: That's when she hit him.

20 Q: And nobody else saw that in the whole world except you?

21 A: Yes, being that it was just me, him, and her in the car.

22 Q: Yeah. Yeah. Yeah. All right. And now, after this, you
23 say she hit him, nothing happens. Y'all drive eight, ten
24 minutes to your house and nothing else happens, right?

25 A: No.

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- 1 Q: She doesn't hit him again, right?
- 2 A: No, she doesn't hit him again.
- 3 Q: He doesn't fuss back at her?
- 4 A: No.
- 5 Q: They're fine, right, for the 10-minute drive to your
- 6 house, right?
- 7 A: Correct.
- 8 Q: All right. Now, on the drive home, on the drive back to
- 9 your house from Denny's, what was said, what was being said in
- 10 the car; it's a ten-minute drive, eight to ten-minute drive to
- 11 your house, what is being said by anybody in this car that
- 12 eight to ten minutes?
- 13 A: I don't recall anything being said. I know I didn't say
- 14 anything.
- 15 Q: Okay. Well, I mean, did Dennis say he was upset and mad?
- 16 A: He wasn't at all. He didn't even show it.
- 17 Q: All right. So, he was fine, right?
- 18 A: Uh-huh, (affirmative response).
- 19 Q: Was -- was Donnielle saying anything?
- 20 A: Not that I recall.
- 21 Q: Okay. Well, you wouldn't recall if she was in there
- 22 saying I'll kill you, I will beat you to death, I will fight
- 23 you; you would recall that, wouldn't you?
- 24 A: I don't remember her saying anything like that, but she
- 25 did say something referencing to that when was at Ricky's

1 Docksides.

2 Q: Oh, now tell me about that. When was the first time that
3 you told this story now? Tell us what this story is?

4 A: I said it in my interview.

5 Q: Okay. Tell me what she said.

6 A: That's exactly what she said was that she's to the point
7 to where she was killed, not direct that to saying who she
8 would kill.

9 Q: Saying she'd do what now?

10 A: She was to the point to where she would kill, she had
11 been through so much to the point to where she would kill.

12 Q: She'd been through so much. Been through so much what?
13 Beating by Dennis? Is that what you're talking about?

14 A: I wouldn't believe that.

15 Q: You wouldn't believe that?

16 A: At all.

17 Q: Oh, no, you wouldn't believe that. So, if -- if Dennis
18 had been beating her to the point that she is tired of it, you
19 wouldn't believe that, would you?

20 A: No, because he has never showed that to me.

21 Q: Well, you'd only known him three weeks, right?

22 A: No, I had known him longer than three weeks.

23 Q: Well, I thought you told the solicitor that y'all had
24 been dating three weeks, that you had talked to him on the
25 internet, but that you'd only been together for three weeks?

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1 A: No, I said some months.
2 Q: So, now you've been together some months?
3 A: Yes.
4 Q: Okay. So, what month did y'all get together now?
5 A: It was in March.
6 Q: March of what year?
7 A: 2017.
8 Q: March of 2017, and this is -- I'm sorry.
9 A: It was after my birthday.
10 Q: Okay. And then this is July. All right. So, tell me
11 about your relationship from March to when you start having
12 sex, because I thought you told the solicitor -- and you tell
13 me if I'm wrong -- I thought you told the solicitor that you
14 talked to him on the internet, but you didn't have anything to
15 do with him until you met him at that club that night and then
16 y'all started having sex after that.
17 A: When he messaged me on Facebook, I didn't really pay the
18 message no attention. I didn't feed into it. After that, I
19 seen him at a club, where he insisted and kept coming up to me
20 trying to talk to me. So, I was like okay, give it a try.
21 Q: Okay. All right. So, so, that was in March that you met
22 him in the club?
23 A: Yes.
24 Q: Okay. And so, when you met him in the club, how often
25 did y'all start seeing each other after you met him at the

1 club in March?

2 A: Not long after that.

3 Q: Huh?

4 A: Not long after at all.

5 Q: Not long after what?

6 A: After seeing him in the club.

7 Q: A week, two weeks, a month, two months?

8 A: It could've been a week.

9 Q: All right. So -- so -- so, let me see if I'm hearing you
10 correctly.

11 A: Uh-huh, (affirmative response).

12 Q: Because maybe I'm just confused. So, now are you saying
13 that y'all weren't having a relationship, y'all were having a
14 relationship and it was longer than three weeks or four weeks;
15 is that what you're saying now?

16 A: Yes, it was longer than three weeks.

17 Q: Okay. All right. But it was three weeks when you were
18 talking to the solicitor, but now it's months, right?

19 A: I mean ---

20 Q: Okay. Let me ask you this. Let's go back to the car and
21 let's go back to when y'all were getting in the car to drive
22 away. When they're walking from Denny's, there are cameras,
23 right?

24 A: Yes. In Denny's?

25 Q: Yeah. There are cameras in the parking lot at Denny's

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1 where y'all were walking from Denny's, outside Denny's going
2 outside into the parking lot, there are cameras that catches
3 everything on video. You know that, right?

4 A: There should be, yes.

5 Q: Yeah. Yeah. You know that. And y'all go to the car,
6 there ain't nobody fighting, ain't nobody hitting nobody,
7 ain't nobody doing nothing except getting along, right?

8 A: Yes.

9 Q: Yeah. Yeah. Yeah. The only time that anything untoward
10 happens, according to you, is once y'all get in the car, and
11 they ain't no cameras in there, nobody can see what's going
12 on, and it's just you and her and him. And then all of a
13 sudden, she's attacking him.

14 A: Yes, right.

15 Q: All right. If the Court will bear with me just one
16 second.

17 You called him that night after -- after -- after you
18 left Denny's and he dropped y'all off, you called him you said
19 after you got home and you got dressed, right?

20 A: Yes.

21 Q: Undressed or whatever the word is and you tell him, I
22 miss you, Daddy, already?

23 A: Uh-huh, (affirmative response).

24 Q: So, that's what your nickname for him after three weeks
25 was Daddy?

1 A: I just said it was not three weeks; it was months.
2 Q: It says, I can't -- I'm sorry.
3 A: Go ahead.
4 Q: Go ahead; no, I'm sorry. I didn't mean to cut you off.
5 A: I said it was not weeks that I was talking to him.
6 Q: Okay. I can't even sleep, up thinking. All right.
7 That's you, right?
8 A: Yes.
9 Q: Love you. Call me whenever you get up -- get a chance
10 and alone?
11 A: Uh-huh, (affirmative response).
12 Q: So, you didn't want her to hear whatever it was y'all got
13 to say, you wanted him to call you when he got alone; that's
14 your text to him, correct?
15 A: Correct.
16 Q: All right. I just wish I would have ended -- I just wish
17 ---
18 A: It would have ended.
19 Q: --- it would have ended differently, because, you know, I
20 don't like -- I don't be with dumb S-word.
21 A: Right.
22 Q: I love you regardless of what, so know that S.
23 A: Right.
24 Q: All right. That's you, right?
25 A: That was me.

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- 1 Q: All right. No question about that, that was you. All
2 right. And you don't say anything in this text about I can't
3 believe she hit you. I can't believe that she struck you?
- 4 A: That was the purpose of me telling him to call me when he
5 got a chance.
- 6 Q: Yeah. All right. Wasn't it to tell him that you were
7 upset because y'all thought you were gonna get together, you
8 and Dennis, which is -- y'all had planned this. You and
9 Dennis had planned this evening, the two of you planned it.
10 She wasn't in on the planning of it, the two of y'all planned
11 it -- isn't that correct -- that y'all were gonna get together
12 this weekend?
- 13 A: No, from my acknowledgement, she did know, which is the
14 reason why she pulled up in my yard with him.
- 15 Q: She came with him, there's no question about that.
- 16 A: Correct.
- 17 Q: My question to you is, you and Dennis planned this
18 evening together, that y'all were gonna get together with her,
19 because she wasn't even down here at the beginning of the week
20 with Dennis, was she?
- 21 A: I don't know.
- 22 Q: Well, now come on now.
- 23 A: When I was around, she wasn't around, but I don't know if
24 she was here with him.
- 25 Q: Do you know which day of the week she -- Dennis had been

1 here for several days before this night, right?

2 A: Uh-huh, (affirmative response).

3 Q: And do you know that she wasn't here with him; don't you

4 know that?

5 A: No, I don't know.

6 Q: You don't know that?

7 A: No.

8 Q: Well, you say that you and Dennis were close and y'all

9 had this relationship, but he didn't tell you whether or not

10 she was down here with him for all those days?

11 A: No.

12 Q: How many days -- how many times did you see Dennis this

13 particular week leading up to the 7th?

14 A: I can't recall that.

15 Q: Well, did you see him any?

16 A: I don't even know if I seen him that week.

17 Q: Well, then okay.

18 A: I know the weekend prior I did, but I don't know if I

19 seen him that week, that specific week before we went out.

20 Q: All right. So, when did y'all plan it; did y'all plan

21 this the week before?

22 A: The week before, he asked me would I be interested in

23 meeting her ---

24 Q: Okay.

25 A: --- since he told her about me.

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1 Q: Okay. All right. And what did you say?

2 A: If she was okay with it, I would be fine; but if she had
3 a problem, I wouldn't do it.

4 Q: Okay. And so, did he say -- did he come back to you at
5 some point and say, oh, it's a go, and we're gonna do it this
6 weekend.

7 A: He said it's a go and that she'll be with him.

8 Q: Okay. All right. And sure enough, she came with him,
9 right?

10 A: Uh-huh, (affirmative response).

11 Q: All right. Now, is there anything that you know of
12 that's different about you and about the other dozen women
13 that they had in their relationship?

14 A: I never seen any of those women, so I can't speak on
15 that.

16 Q: Well, but you know about some of them, because you told
17 me earlier that you knew about Alethia.

18 A: Yeah, when she said that Donnielle was aggressive towards
19 her, which is the reason why she ended up leaving.

20 Q: Okay. All right. So, Alethia left because she didn't
21 like Donnielle?

22 A: No, because Donnielle was basically acting aggressive
23 towards her like she was jealous of her.

24 Q: Like she was jealous ---

25 A: That's what I was told.

1 Q: I'm sorry.

2 A: That's what I was told.

3 Q: That's what Dennis told you, you say?

4 A: Uh-huh, (affirmative response).

5 Q: Okay. Got ya. All right. Did she -- did Dennis tell
6 you that he used to beat her, too?

7 A: No.

8 Q: Did he tell you that?

9 A: No.

10 Q: No. I don't have any other questions. Thank you.

11 THE COURT: Redirect?

12 MR. OSKIN: Briefly for clarity, Your Honor.

13 REDIRECT EXAMINATION OF VERLENE ANTIONETTE VEREEN BY MR.

14 OSKIN:

15 Q: Just a few questions to clarify these situations that are
16 important.

17 A: Uh-huh, (affirmative response).

18 Q: Let's be clear to this jury. You were open to the idea
19 of a three-way relationship ---

20 A: Yes, I ---

21 MR. WILSON: Your Honor ---

22 THE COURT: I believe it's redirect.

23 MR. WILSON: Yes, sir.

24 THE COURT: I believe it's proper. I'm gonna allow it.

25 Thank you.

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1 BY MR. OSKIN:

2 Q: If I may finish the question, I apologize. So, you're
3 open to the idea of a three-way relationship?

4 A: Yes.

5 Q: Okay. But once you met the defendant, you weren't -- is
6 it safe to say you weren't really feeling her?

7 A: I wasn't at all.

8 MR. WILSON: May I ---

9 THE COURT: Yes, sir.

10 MR. WILSON: My objection is not the content; my
11 objection is the form of the question that he's asking.

12 THE COURT: Don't lead.

13 MR. OSKIN: Yes, sir.

14 BY MR. OSKIN:

15 Q: Were you into the defendant that night after meeting her?

16 A: At first, she seemed cool, she seemed like a cool person,
17 but once I seen how her attitude shifted, it was a turn off
18 for me.

19 Q: Okay. And to be clear, you're not on trial here, but
20 some issues have came up, I have to ask this question.

21 A: Uh-huh, (affirmative response).

22 Q: You said when -- did you -- you -- were you in the
23 bathroom for several minutes at both Thee DollHouse and the
24 Denny's?

25 A: Yes.

1 Q: Did you previously state that you had some, I believe you
2 said, and I apologize if I misquote you, did you say that you
3 had some lady issues going on at that time?
4 A: Yes.
5 Q: Did that cause you to be in the bathroom longer than an
6 average bathroom break, whatever that is, for any person?
7 A: Exactly.
8 Q: Okay. And in both of these bathrooms -- while you were
9 in both of these bathrooms, did the defendant try to kiss you?
10 A: Yes, she did.
11 Q: She did in fact kiss you; is that right?
12 A: She grabbed my face and kissed me.
13 Q: Okay. And where were you sitting in that booth; were you
14 sitting towards the window or were you sitting towards the
15 aisle?
16 A: The window.
17 Q: Okay. Who was sitting beside you?
18 A: Donnielle.
19 Q: So, you were cornered into the window; is that correct?
20 A: Yes.
21 Q: And you previously stated that -- is it safe to say that
22 you felt awkward at times throughout this night?
23 A: That's a good word for it.
24 Q: Okay. And it was a long night; is that correct?
25 A: Yes.

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VERLENE ANTIONETTE VEREEN - REDIRECT BY OSKIN

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1 Q: So, let's talk about your employment. You stated that
2 you work at -- you have worked at a lot of restaurants; is
3 that correct?
4 A: Yes.
5 Q: None of those restaurants were the Denny's, correct?
6 A: Yeah, I never worked at Denny's.
7 Q: Okay. And you sat here and indicated yourself on those
8 -- on this television screen in front of this jury and you saw
9 yourself inside the Denny's, correct?
10 A: I did.
11 Q: At any point, on all the angles that came up, did you see
12 any camera pointing towards the outside of the parking lot?
13 A: No.
14 Q: Okay.
15 A: Not that I recall.
16 Q: Okay. And you're not familiar with the setup of their
17 security system?
18 A: Not outside, no.
19 Q: Okay. You don't know what -- what the waitress' name
20 was; is that correct?
21 A: Exactly.
22 Q: You saw the inside of the videos?
23 A: Yeah.
24 Q: Or the inside of Denny's on those videos; is that
25 correct?

- 1 A: Yes.
- 2 Q: Okay. You told this jury that -- is it -- from the
3 beginning, did you feel awkward sitting in the front of the
4 car?
- 5 A: Yes, I did.
- 6 Q: Did you even ask the defendant again when you were
7 leaving the Denny's, if she -- I apologize. After you got
8 dropped off ---
- 9 A: Uh-huh, (affirmative response).
- 10 Q: --- did you ask her again if she wanted to sit up front?
- 11 A: Yes, I did.
- 12 Q: What did she -- did she move to the front?
- 13 A: No, she didn't.
- 14 Q: Okay. And you texted Dennis after you got inside; is
15 that correct?
- 16 A: Correct.
- 17 Q: That's, as Mr. Wilson indicated, and I believe we did as
18 well, but you stated just wish it would've ended differently,
19 because you know I don't be with the dumb...; is that correct?
- 20 A: Correct.
- 21 Q: Is that correct?
- 22 A: Uh-huh, (affirmative response).
- 23 Q: What are you referring to when you say the dumb stuff?
- 24 A: Basically, how she was acting; irate.
- 25 Q: Did that include how she was acting towards you at the

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BY THE COURT

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1 previous locations throughout the night?

2 A: Throughout the night, no, she was fine throughout the
3 night, it was just that she was more so aggressive like
4 towards me, like I could tell that she liked me.

5 Q: I understand. So, this is in reference to how she was
6 acting at the Denny's; is that correct?

7 A: Yes.

8 Q: And I know it's been some time and you've been asked a
9 lot of personal questions. Are you able to identify the
10 defendant here today in this courtroom?

11 A: Yes.

12 Q: All right. Could you please point her out; what is she
13 wearing?

14 A: A flowered blouse.

15 MR. OSKIN: Nothing further from the state, Your Honor.

16 MR. WILSON: Nothing further, Your Honor.

17 THE COURT: All right. Do you wish the witness to be
18 excused?

19 MR. OSKIN: The state does, Your Honor.

20 MR. WILSON: No objections, Your Honor.

21 THE COURT: All right, ma'am, you're released from your
22 subpoena and may go back to your regular duties.

23 BY THE COURT:

24 THE COURT: All right, ladies and gentlemen of the jury,
25 we're gonna take a short break, and then we'll come back and

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BY THE COURT

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1 resume the trial. Just leave your pads and pens in the
2 courtroom. Thank you. Everyone else remain seated until the
3 jury retires, please.

4 (REPORTER'S NOTE: Jury exits courtroom @ 11:27 a.m.)

5 THE COURT: Solicitor, anything before we take a break?

6 MR. SPRATLIN: No, Your Honor.

7 THE COURT: Mr. Wilson?

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

9 THE COURT: All right. We'll take a short break. Thank
10 you very much.

11 **RECESS - 11:28 A.M.**

12 *****OFF THE RECORD*****

13 **ON THE RECORD - 11:38 A.M.**

14 THE COURT: The state ready for the jury to come in?

15 MR. SPRATLIN: State is ready, Your Honor.

16 THE COURT: Defense?

17 MR. WILSON: We're ready.

18 THE COURT: Ask the jury to come in, please.

19 (REPORTER'S NOTE: Jury enters courtroom @ 11:40 a.m.)

20 THE COURT: All right, Solicitor, your next witness,
21 please.

22 MR. SPRATLIN: The state would call Officer Brandon
23 Beaudoin to the witness stand.

24 THE COURT: All right. All right, sir, come all the way
25 around right up front, please.

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 THE CLERK: Please raise your right hand and place your
2 left hand on the Bible.

3 BRANDON BEAUDOIN, HAVING BEEN DULY
4 SWORN TESTIFIES AS FOLLOWS:

5 THE CLERK: Be seated. State your full name and spell
6 your last name.

7 MR. BEAUDOIN: Brandon Beaudoin, Last name, B-E-A-U-D-O-
8 I-N.

9 THE COURT: Go ahead, Solicitor.

10 MR. SPRATLIN: Thank you, Your Honor.

11 DIRECT EXAMINATION OF BRANDON BEAUDOIN BY MR. SPRATLIN:

12 Q: Mr. Beaudoin, where are you currently employed?

13 A: The City of North Myrtle Beach.

14 Q: And what is your job at the City of North Myrtle Beach?

15 A: Police officer.

16 Q: How long have you been a police officer in the City of
17 North Myrtle Beach?

18 A: Since 2016.

19 Q: 2016. What's your current job at the North Myrtle Beach
20 Police Department?

21 A: I'm a corporal now.

22 Q: You're a corporal. Are you in investigations over the
23 road or what's your current assignment?

24 A: Correct. Any calls for service that happen during my 12-
25 hour shift to investigate to the fullest of my ability.

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 Q: Back in July of 2017, what was your job at the North
2 Myrtle Beach Police Department?

3 A: Police Officer.

4 Q: Police Officer. And were you in the patrol division then
5 as well?

6 A: Yes, sir.

7 Q: What's a patrol officer's responsibilities one more time?

8 A: To investigate any call for service during that 12-hour
9 period to the best of my ability.

10 Q: Okay. On July 7th, 2017, in the early morning or the
11 morning hours, did you receive a call to go to Grand Strand
12 Emergency Room?

13 A: Yes, sir; I did.

14 Q: What was the nature of that phone call?

15 A: To respond to a possible stabbing that had happened
16 somewhere within our jurisdiction.

17 Q: Okay. When you got there, did you come in contact with
18 the defendant?

19 A: Yes, sir; I did.

20 Q: What, if any, relationship do you believe she was to the
21 victim in this case?

22 A: To my understanding, it was his wife.

23 Q: When you got there, did you attempt to speak with her?

24 A: Yes, sir; I did.

25 Q: Where did this conversation take place?

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 A: In the main entrance of the hospital there on the
2 backside of the building.

3 Q: At the time that you spoke with her, was she a suspect in
4 any way at that time?

5 A: No, sir.

6 Q: Why were you speaking with her?

7 A: She is a potential witness to the incident that may've
8 happened.

9 Q: Prior to speaking with her, did you or anyone in your
10 presence threaten her with any kind of harm to get her to talk
11 to you?

12 A: No, sir.

13 Q: Did you or anyone in your presence give her any sort of
14 promises of leniency to get her to talk?

15 A: No, sir.

16 Q: Did -- at the time she talked to you, did she appear to
17 be able to understand the words that you were saying?

18 A: Yes, sir.

19 Q: Did it appear that English was her main language?

20 A: Yes, sir.

21 Q: Did it appear that she was able to response appropriately
22 to the questions you were asking?

23 A: Yes, sir.

24 Q: Did you have any reason to think that she did not know
25 what she was saying to you?

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 A: No, sir.

2 Q: Now, officer, you've been in law enforcement at this
3 point for five years?

4 A: Yes, sir.

5 Q: Have you had a chance in that time to come in contact
6 with people who were under the influence of drugs or alcohol?

7 A: Yes, sir.

8 Q: Did the defendant exhibit any symptoms that made you
9 think she was under the influence of drugs or alcohol on that
10 morning hours?

11 A: No, sir.

12 Q: When you were speaking with the defendant, did you have a
13 body camera on?

14 A: Yes, sir.

15 Q: And just to be clear, to your common knowledge, what is a
16 body camera?

17 A: It's a camera that records all my interactions with the
18 public during my -- any shift-time, part-time, full-time, gigs
19 that I have within the department.

20 Q: Did the -- your camera record and memorialize your
21 conversations with the defendant that day?

22 A: Yes, sir.

23 Q: Thank you.

24 MR. WILSON: No objections, Your Honor.

25 MR. SPRATLIN: Your Honor, permission to approach?

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 THE COURT: Yes, sir.

2 BY MR. SPRATLIN:

3 Q: Officer Beaudoin, let me show you what's been marked for
4 identification purposes at this time as State's Number 14.
5 Have you had a chance to observe this prior to coming to
6 court?

7 A: Yes, sir; I have.

8 Q: Is it a fair and accurate copy of your body camera
9 footage from that day?

10 A: Yes, sir.

11 Q: Has it had to be edited to remove certain things that
12 were not appropriate for court?

13 A: I believe so; yes, sir.

14 Q: Is that your initials right there indicating that this is
15 your body camera?

16 A: That is correct, sir.

17 MR. SPRATLIN: Your Honor, I would tender State's Number
18 14 into evidence.

19 THE COURT: As I understand it, Mr. Wilson, no objection?

20 MR. WILSON: That is correct, Your Honor.

21 THE COURT: All right. So, in evidence without
22 objection.

23 STATE'S EXHIBIT NUMBER 14

24 ADMITTED INTO EVIDENCE

25 MR. SPRATLIN: Your Honor, I seek to publish in a couple

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 of minutes.

2 THE COURT: All right, sir.

3 BY MR. SPRATLIN:

4 Q: Officer Beaudoin, in addition to speaking with the
5 defendant, did you ask her to provide a written statement in
6 this matter?

7 A: Yes, sir.

8 MR. WILSON: No objections, Your Honor.

9 THE COURT: All right. Very good.

10 MR. SPRATLIN: Permission to approach?

11 THE COURT: Yes, sir.

12 BY MR. SPRATLIN:

13 Q: Officer, let me show you what's been marked State's
14 Exhibit Number 23 for identification purposes. Do you
15 recognize that form?

16 A: Yes, sir; I do.

17 Q: What is it?

18 A: That is a department issued voluntary statement form.
19 It's a carbon copy form. One gets sent to the department; one
20 stays with the individual that provided it.

21 Q: Is that essentially the exact same form that you gave to
22 Ms. Matthews Green on July 7, 2017?

23 A: Yes, sir; it is.

24 Q: Does it appear to be her recorded statement?

25 A: That is correct, sir.

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 Q: Is it written in her own handwriting?

2 A: Yes, sir.

3 Q: Was it written in your presence?

4 A: Yes, sir.

5 Q: Is it in every way a fair and accurate copy?

6 A: Yes, sir.

7 MR. SPRATLIN: Your Honor, I would tender into evidence
8 State's Exhibit Number 23.

9 THE COURT: There appears to be no objection to that,
10 correct, Mr. Wilson?

11 MR. WILSON: That is correct, Your Honor.

12 THE COURT: All right. So, it's in evidence without
13 objection.

14 STATE'S EXHIBIT NUMBER 23

15 ADMITTED INTO EVIDENCE

16 BY MR. SPRATLIN:

17 Q: Officer, let me ask you, what phone number does Ms. Green
18 give on that report?

19 A: Area Code [REDACTED].

20 Q: Okay. And if you could, just for publication to the
21 jury, rather than handing it to them, I'm gonna ask you to
22 read the contents of her statement.

23 A: Sure. We left Myrtle Wood Villas on 48th Avenue around
24 12:30 a.m. Went to Ricky's Dockside in Little River and
25 stayed for about an hour and left to go to Thee DollHouse in

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 North Myrtle. We stopped for cigarettes somewhere between the
2 Dodge's and the BP Gas Station right past Applebee's in North
3 Myrtle Beach. Got in the car and gave me the cigarettes,
4 drove close to O'Reilly's and pulled over and told me to take
5 him to the hospital. End of statement.

6 Q: Thank you, officer. If you would sit that aside for one
7 second.

8 A: Yes, sir.

9 MR. SPRATLIN: Your Honor, permission to approach again?

10 THE COURT: Yes, sir.

11 BY MR. SPRATLIN:

12 Q: Officer, did you also, after speaking or while speaking
13 with the defendant in this matter, did you also happen to take
14 some photographs of her?

15 A: Yes, sir.

16 Q: What was the purpose of taking those photographs?

17 A: Documentation of injuries that I saw while on scene.

18 Q: Let me show you what's been marked for identification
19 purposes as State's 15, 16, 17, 18, 19, 20, 21, and I guess
20 22. Please take a second to look through those items. Do you
21 recognize those items?

22 A: Yes, sir.

23 Q: What are they?

24 A: Those are the photographs I took while at Grand Strand
25 Regional Medical Center.

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 Q: Are they a fair and accurate copy of the defendant's --
2 any injuries or marks you noticed on the defendant that
3 morning?

4 A: That is correct, sir.

5 MR. SPRATLIN: I would tender state's exhibits into
6 evidence, Your Honor.

7 THE COURT: Any objection?

8 MR. WILSON: No objections, Your Honor.

9 THE COURT: 15 through 22 are into evidence without
10 objection.

11 STATE'S EXHIBIT NUMBERS 15 THROUGH 22

12 ADMITTED INTO EVIDENCE

13 MR. SPRATLIN: Your Honor, at this time, I would seek to
14 publish the body camera footage, and I will also seek to
15 publish the photographs using the television.

16 THE COURT: You may do so.

17 (REPORTER'S NOTE: State's 14 published to the jury. Audio
18 not transcribed herein.)

19 BY MR. SPRATLIN:

20 Q: Officer Beaudoin, before I play the second half of your
21 body camera footage, I know it's a little hard to hear in
22 there. Did she ever tell you she went to Denny's that night?

23 A: No, sir, not that I recall.

24 Q: Did she ever mention another female being with them?

25 A: No, sir, not that I recall.

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1 Q: I'm going to publish the second part of your body camera.

2 (REPORTER'S NOTE: State's 14 published to the jury. Audio
3 not transcribed herein.)

4 Q: Officer Beaudoin, real quick question. Did she just ask
5 you if you -- you should take pictures of her hands?

6 A: That's correct, she did.

7 Q: Okay. So, it was her idea to take the pictures of her
8 hands?

9 A: Yes, sir.

10 Q: All right.

11 (REPORTER'S NOTE: State's 14 published to the jury. Audio
12 not transcribed herein.)

13 BY MR. SPRATLIN:

14 Q: And, Officer Beaudoin, after that, you essentially take
15 photographs of what -- her hands and the other injury that you
16 noted, correct?

17 A: Yes, sir.

18 Q: Let me ask you, regarding the scratch on the face, did
19 you actually point that out to her, or did she tell you about
20 that?

21 A: I can't recall.

22 Q: Okay. But the bodycam would speak for itself on that?

23 A: Yes.

24 Q: All right.

25 MR. SPRATLIN: Your Honor, if I may, I would ask the

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 witness to step down while I publish the photographs I entered
2 into evidence to the jury on the television.

3 THE COURT: He may do so.

4 All right, sir, you can step down. You just need to make
5 sure you keep your voice up.

6 A: Yes, sir.

7 BY MR. SPRATLIN:

8 Q: All right. Officer Beaudoin, come on down for a second.

9 A: Yes, sir.

10 Q: Let me ask you, is this the photograph that you took of
11 the defendant's hands that day?

12 A: Yes, sir.

13 Q: All right. Next. Does that look like a little bit of
14 redness right there on the knuckle?

15 A: Yes, sir.

16 Q: Next. Did you see any injuries or scrapes or anything on
17 the palm of her hands?

18 A: No, sir. You might see just a little bit of residual
19 blood right there.

20 Q: Does that appear to be dried blood to you, or does that
21 appear to be her blood?

22 A: It appears to be dried blood.

23 Q: Okay. Is this her other hand?

24 A: Yes, sir.

25 Q: Do you notice any kind of injuries or traumas to the palm

1 of those hands?

2 A: No, sir, just a little bit of blood there and there.

3 Q: Okay. Again, does that appear to be dried blood or fresh

4 blood?

5 A: It appears to be dried blood.

6 Q: Okay. Is this the top of her other hand?

7 A: Correct, sir.

8 Q: This would be her left hand, if I'm not mistaken,

9 correct?

10 A: Correct.

11 Q: Do you see any trauma or injury other than to the nails

12 on that hand?

13 A: Other than the nails, no.

14 Q: Next. This is a photo of the defendant's face, correct?

15 A: Yes, sir.

16 Q: What injury did you notice on there?

17 A: The marks here, and here, and appears to be a little bit

18 of redness right there.

19 Q: Okay. Next. Is this a little closer zoom in?

20 A: Yes, sir.

21 Q: All right. Did you notice any kind of swelling or

22 anything that -- like that on her face?

23 A: Not that I recall, just these items here.

24 Q: And next. Is this the other side of her face?

25 A: Correct, sir.

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BRANDON BEAUDOIN - DIRECT BY SPRATLIN

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1 Q: Do you notice any kind of injuries or trauma over there?

2 A: No, sir; I do not.

3 Q: All right. Next. All right, Officer Beaudoin, please
4 return to the witness stand.

5 A: Yes, sir.

6 MR. SPRATLIN: Your Honor, permission to move the
7 television back?

8 THE COURT: Yes, sir.

9 BY MR. SPRATLIN:

10 Q: Now, Officer Beaudoin, these photos were taken at Grand
11 Strand Regional Hospital, correct?

12 A: Yes, sir.

13 Q: And that's in the city limits of Myrtle Beach?

14 A: Correct, sir.

15 Q: Did you respond to Seacoast Hospital at all?

16 A: No, sir; I did not.

17 Q: Did you ever see the defendant at Seacoast Hospital?

18 A: No, sir.

19 Q: Can you say with 100 percent certainty that the injuries
20 that you saw on her at Grand Strand she had at Seacoast?

21 A: I cannot, sir.

22 Q: And you cannot offer opinion evidence about how or under
23 what circumstances she came to get those injuries?

24 A: No, sir.

25 Q: Thank you. That's all the questions -- one other

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BRANDON BEAUDOIN - CROSS BY WILSON

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1 question. Do you see the individual you spoke with and took
2 photos of that day here in court?

3 A: Yes, sir; I do.

4 Q: Would you please point her out and just identify an
5 article of clothing she's wearing?

6 A: She's wearing a white-flowered shirt today.

7 Q: Thank you, officer, I have no further questions. Please
8 answer any questions Mr. Wilson might have?

9 A: Yes, sir.

10 THE COURT: Cross-examination?

11 MR. WILSON: Thank you, Your Honor.

12 CROSS-EXAMINATION OF BRANDON BEAUDOIN BY MR. WILSON:

13 Q: Sir, let me -- the state introduced a photograph which is
14 marked as State's Exhibit 22. Take a look at that, please.

15 A: Yes, sir.

16 Q: Then I want you to take a look at this blowup?

17 A: Yes, sir.

18 Q: Tell me if they're consistent with each other and if they
19 -- that's a copy of the picture that you took, just blown up.

20 A: Yes, sir; it appears that's it.

21 Q: All right.

22 MR. WILSON: Your Honor, I'm gonna ask that this be
23 marked as Defendant's ---

24 THE COURT REPORTER: 3.

25 MR. WILSON: 3.

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1 THE COURT: Any objection; has the state seen it?

2 MR. SPRATLIN: Your Honor, I'll just look at it real
3 quick. I don't believe I'll have any objection.

4 No objection.

5 THE COURT: All right. Very good.

6 DEFENDANT'S EXHIBIT NUMBER 3

7 ADMITTED INTO EVIDENCE

8 BY MR. WILSON:

9 Q: Let me show you ---

10 THE COURT: Do we know which state's exhibit it is a
11 blowup of?

12 MR. WILSON: Yes, sir, I apologize, I thought I said it.

13 A: It looks like 22.

14 MR. WILSON: 22, Your Honor.

15 THE COURT: All right. Thank you.

16 BY MR. WILSON:

17 Q: Now, let me show you what's marked as State's Exhibit
18 Number 20?

19 A: Okay.

20 Q: Take a look at that, and that's a picture that you took
21 as well, right?

22 A: That's correct.

23 Q: And let me hand you this blowup and ask you if that is
24 consistent with that picture a blowup -- of being a blowup of
25 the picture that you took, Number 22?

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1 A: Yes, sir; it is.

2 MR. WILSON: And Your Honor, I would ask that this be
3 marked as defendant's exhibit as well.

4 MR. SPRATLIN: No objection, Your Honor.

5 THE COURT: Defendant's 4?

6 MR. WILSON: Yes, sir.

7 THE COURT: You're offering those into evidence?

8 MR. WILSON: Yes, sir; I am.

9 THE COURT: All right. They're in evidence without
10 objection.

11 DEFENDANT'S EXHIBIT NUMBER 4

12 ADMITTED INTO EVIDENCE

13 BY MR. WILSON:

14 Q: Now, is there any question in your mind, officer, that
15 what I hold in my hand now, which is now marked as Defendant's
16 Exhibit 4 and Defendant's Exhibit 3, that these were pictures
17 that you took the night or the morning of -- I guess it's the
18 7th; is that when this is?

19 A: Uh-huh, (affirmative response).

20 Q: Yes. And that means yes, right?

21 A: Yes, sir.

22 Q: All right. And those marks were on her; how they got
23 there, you don't know, but they were there?

24 A: Correct, sir.

25 Q: Is there any question about the fact that they were

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BRANDON BEAUDOIN - CROSS BY WILSON

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1 there, and you -- what time did you get to Grand Strand
2 Hospital?

3 A: Early in the morning, sir; I'd have to say around 6:00,
4 7:00. I'd have to look at the incident report to see ---

5 Q: So, you got there around 6:00 or 7:00. Did you go to
6 Seacoast where they had been earlier?

7 A: No, sir; I did not.

8 Q: All right. Did you talk to any of the officers who were
9 at Seacoast?

10 A: No, sir.

11 Q: Do you know how she got from Seacoast to Grand Strand?

12 A: No, sir.

13 Q: All right. Do you know what time she left Seacoast and
14 got to Grand Strand?

15 A: No, sir.

16 Q: All right. All you know is that when you got there, she
17 was there?

18 A: Correct.

19 Q: All right. Did she give you any difficulty when you were
20 trying to talk to her or ask her anything?

21 A: No, sir.

22 Q: All right. She answered questions for you, right?

23 A: Yes, sir.

24 Q: She signed a voluntary statement for you?

25 A: Yes, sir.

1 Q: All right. And she agreed to let you look at her
2 fingernails and take photographs of them?

3 A: Correct, sir.

4 Q: And there's no question those fingernails were broken
5 off, weren't they?

6 A: Correct, sir.

7 Q: All right. When you took those pictures, those
8 fingernails were gone. Now, were they gone off of both hands
9 or just one hand?

10 A: I'd have to look at the picture, but there are nails
11 missing on both hands, sir?

12 Q: Okay. Nails missing on both hands and you know how many
13 were broken or missing from each hand?

14 A: I do not recall, no.

15 Q: But the pictures you took speak for themselves ---

16 A: That's correct.

17 Q: --- and they show what -- what was -- what was there.
18 Now, I notice that when you had your body camera on and you
19 were talking to her, that there were actually no photos of her
20 face in the body camera; it was all her body from this part
21 down where you couldn't see her face. Maybe, I think, maybe a
22 glimpse once or twice during the entire time. Was that on
23 purpose or was that just a bad camera angle?

24 A: No, that's just where I had -- that particular camera
25 sits right here on my person, so wherever my torso leans is

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BRANDON BEAUDOIN - CROSS BY WILSON

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1 what it catches.

2 Q: Okay. So, it wasn't intentional, it was just that you
3 were sitting a certain way, the camera was pointed a certain
4 way and just caught that angle?

5 A: Correct, sir.

6 Q: All right. Now, at the time you got to the hospital,
7 were there any other officers from your department there?

8 A: Not at the hospital, it was just me when I got there.

9 Q: Okay. So, you were the first officer from which
10 department?

11 A: North Myrtle Beach.

12 Q: North Myrtle Beach. Well, was North Myrtle Beach present
13 at Seacoast?

14 A: Correct, they sent an officer up to Seacoast during my
15 time there.

16 Q: So -- so, an officer from North Myrtle Beach Police
17 Department had already met with her, or at least been in
18 contact with her at Seacoast before she went to Grand Strand?

19 A: No, sir.

20 Q: No?

21 A: No. She had already arrived at Grand Strand, and I
22 arrived and met with her, and then we sent an officer to where
23 -- the vehicle at Seacoast.

24 Q: Okay.

25 A: And nobody was there with the vehicle at Seacoast. So, I

1 was the first one to speak with her.

2 Q: Okay. So, what you're saying is the officer who went to
3 Seacoast got there too late; they had already left Seacoast
4 and gone to Grand Strand?

5 A: Correct, sir.

6 Q: All right. And then so, and you met with them at Grand
7 Strand or you got there shortly after they did?

8 A: Correct, sir. That's where I was dispatched, straight to
9 the hospital.

10 Q: Very well. All right. And the time again that you think
11 that this was, do you have a report or anything, which has the
12 actual time that you were sent to Grand Strand?

13 A: They should have a report right there.

14 Q: That's fine. I just wanted to get an idea of the
15 timeframe, and I'm just trying ---

16 A: Yeah, I start at 6:00 a.m., and I was dispatched shortly
17 after 6:00 a.m.

18 Q: Okay. So, sometime after 6:00 a.m., maybe before 7:00?

19 A: Correct.

20 Q: You get there. That's fair enough. All right. And --
21 and while you were there, did you talk to anyone else other
22 than Donnielle?

23 A: No other friends -- I talked to a friend that was in the
24 lobby and then made a phone call to my supervisor.

25 Q: Okay. All right. And while you were -- after you took

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1 the statement, the handwritten statement, did you leave then?

2 A: To my ability, yeah, I think I left and made another
3 phone call.

4 Q: Okay. After that, did that end your involvement with
5 Donnielle at that point?

6 A: Pretty much, sir, I just held tight until detectives
7 came.

8 Q: Okay. And who were the detectives that were coming to
9 replace you?

10 A: Detective Lynch, and I believe it was Detective Franklin
11 showed up.

12 Q: Okay. And were they there before you left?

13 A: Correct, sir. I stayed with her until they got there,
14 and then I was relieved.

15 MR. WILSON: Your Honor, I would like to publish these,
16 Defendant's Exhibit 3 and 4 to the jury, if that's okay.

17 THE COURT: You may do so.

18 BY MR. WILSON:

19 Q: The only other thing that I think that I would ask you
20 is, and I think you told the solicitor you didn't smell any
21 alcohol?

22 A: No, sir.

23 Q: Did you ask her if she had been drinking or had anything
24 to drink that night?

25 A: No, sir; I did not.

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BRANDON BEAUDOIN - REDIRECT BY SPRATLIN

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1 Q: All right. All right. And you said, I think, also that
2 she didn't appear to you in any way, to be intoxicated?

3 A: That is correct, sir.

4 Q: All right. All right. Have you -- have you seen the
5 video of her at Seacoast?

6 A: No, sir; I have not.

7 Q: Okay. Have you seen it thus far?

8 A: No, sir; I have not.

9 Q: Okay. No other questions, officer. Thank you so much.

10 A: Yes, sir.

11 THE COURT: Redirect?

12 MR. SPRATLIN: Just real briefly, Your Honor.

13 REDIRECT EXAMINATION OF BRANDON BEAUDOIN BY MR. SPRATLIN:

14 Q: Officer Beaudoin, the injuries that you took photographs
15 or the photos that you took, those were the only injuries you
16 observed on the defendant that day, correct?

17 A: That's correct, sir.

18 Q: Did you notice any sort of stab wounds or cuts on her?

19 A: No, sir.

20 Q: Did she tell you anything about being assaulted?

21 A: Not that I recall, sir.

22 Q: Thank you. No further questions.

23 THE COURT: Anything on those questions, Mr. Wilson?

24 MR. WILSON: Yes, sir.

25 RE CROSS-EXAMINATION OF BRANDON BEAUDOIN BY MR. WILSON:

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BRANDON BEAUDOIN - RECROSS BY WILSON

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1 Q: Just that you said -- did you notice any other wounds --
2 let me show you what is marked in this case and as State's
3 Exhibit Number 18; is that a photograph that you took?

4 A: Yes, sir.

5 Q: All right. And you and the solicitor were having a
6 discussion -- well, let me show you this blowup first.

7 A: Okay.

8 Q: Take a look at that. See if that is the same hand and
9 just a blowup of a picture that you took?

10 A: Yes, sir; that is correct.

11 Q: All right. Now, the solicitor ---

12 MR. WILSON: Your Honor, I'd ask for this to be marked
13 first for identification purposes and ---

14 MR. SPRATLIN: No objection, Your Honor.

15 THE COURT: What's the number?

16 MR. WILSON: This will be Number 5, Your Honor, Defense
17 Number 5.

18 THE COURT: All right. You want it in evidence?

19 MR. WILSON: Yes, sir.

20 THE COURT: It's in evidence without objection.

21 DEFENDANT'S EXHIBIT NUMBER 5

22 ADMITTED INTO EVIDENCE

23 BY MR. WILSON:

24 Q: Now, take a look at the markings in her hand. You'll see
25 that there are two markings in her hand?

1 A: Correct, sir.

2 Q: All right. And those markings are, what, maybe three
3 inches, four inches apart?

4 A: Yeah, I'll give you that.

5 Q: Well, whatever you think. Tell me what you think if
6 that's not correct.

7 A: Offhand like that, probably about an inch apart looking
8 at these two.

9 Q: Okay. So, you think they're about an inch apart?

10 A: Uh-huh, (affirmative response).

11 Q: But there are two marks in her hand; here and here?

12 A: Correct, sir.

13 Q: Do you know what those marks are?

14 A: No, sir. There appears to be dried blood in them.

15 Q: You think that there's dried blood? You can't tell if
16 that's a bruise? You don't know?

17 A: No, sir; I don't.

18 Q: Okay. All right. But you know that it's dried blood
19 either, do you?

20 A: Correct. It's some kind of dirt or debris.

21 Q: That's what you think?

22 A: Yes.

23 Q: All right.

24 A: Here you go, sir.

25 MR. WILSON: Your Honor, I'd ask that I be allowed to

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1 publish State's -- Defendant's Exhibit Number 5?

2 THE COURT: You may do so.

3 (REPORTER'S NOTE: Defendant's 5 published to the jury.)

4 BY MR. WILSON:

5 Q: Now, I noticed in the video and from your photographs
6 that she was wearing a bracelet on her hand; which hand is the
7 bracelet on?

8 A: That would be her right hand, sir.

9 Q: Okay. And I'm referring to a photograph that you did,
10 which is State's Exhibit Number 17, and there is a -- a black
11 bracelet, beaded bracelet of some type on her hand; is that
12 fair? Let me show it to you.

13 A: Yes, sir.

14 Q: All right. And did you find any blood or markings or
15 anything else on that right hand where the beads are?

16 A: May I take a look at the photo again, sir, just to
17 confirm? Yes, sir.

18 Q: And I referring to -- I thought it was 18. 17, did I say
19 17?

20 A: Yes, sir. There appears to be some dried blood right at
21 the bottom of her palm.

22 Q: All right.

23 A: There you go, sir.

24 Q: Where is that, show me where that is on there?

25 A: (Indicating.)

1 Q: That's the spot. You're talking about that spot down
2 there?

3 A: Uh-huh, (affirmative response).

4 Q: Okay. All right. Now, and this is which hand?

5 A: It should be the right hand, sir.

6 Q: All right. And how many nails are broken off on the
7 right hand?

8 A: Let's see, it looks like just about every one of them is
9 broken.

10 Q: Okay. Go ahead.

11 A: Yeah, right, I can't see the thumb, though.

12 Q: Okay. And let me show you what's marked as State's
13 Exhibit Number 15; how many are broken off of that?

14 A: So, one, two, the tip of that one is missing, three, and
15 I still can't see the thumb on that one.

16 Q: Okay. All right. And now, there is a bracelet on that?

17 A: Uh-huh, (affirmative response).

18 Q: And it also has a dangling little medallion?

19 A: Correct, sir.

20 Q: All right. And are they still intact?

21 A: Yes, sir.

22 Q: All right. And when you saw her it was intact?

23 A: Correct, sir.

24 Q: And that's her right hand?

25 A: Yes, sir; that's her right hand.

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BY THE COURT

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1 Q: Is there any question about any of that?

2 A: No, sir.

3 Q: All right.

4 MR. WILSON: I don't think I have any other questions,
5 Your Honor. Thank you.

6 THE COURT: You wish the witness to be excused?

7 MR. SPRATLIN: I would ask so, Your Honor.

8 MR. WILSON: No objection, Your Honor.

9 THE COURT: All right, sir, you are released from your
10 subpoena; you may go back to regular duties.

11 MR. BEAUDOIN: Thank you, sir.

12 THE COURT: All right, solicitor, your next witness,
13 please.

14 MR. SPRATLIN: Your Honor, the state would call Officer
15 Andrew Franklin to the stand.

16 Your Honor, prior to Officer Franklin, can me and Mr.
17 Wilson approach real quick?

18 THE COURT: Yes, sir.

19 (REPORTER'S NOTE: Bench conference is held off the record in
20 the presence of but outside the hearing of the jury.)

21 BY THE COURT:

22 THE COURT: Ladies and gentlemen, I apologize. I should
23 have looked at the clock, but in this witness, there is going
24 to be a video that's gonna be approximately -- at least 30
25 minutes long, and so, considering the time, we're gonna stop

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BY THE COURT

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1 now. We'll come back -- I want you to come back 1:35. I want
2 you to come back at 1:35. All right?

3 Thank you very much.

4 Please remember, don't talk about the case.

5 (REPORTER'S NOTE: Jury exits courtroom @ 12:32 p.m.)

6 THE COURT: All right. Anything from the state at this
7 time?

8 MR. SPRATLIN: Your Honor, there is. With an order of
9 sequestration, it might be better if the witness waited
10 outside. I do have some photos I'm gonna ask -- I think Mr.
11 Wilson might have an objection to. They are this next
12 witness' photos.

13 THE COURT: All right. Sir, you'll need to step outside.
14 Why don't you show those to Mr. Wilson.

15 MR. WILSON: I've seen them, Your Honor.

16 THE COURT: Have they been marked already.

17 MR. SPRATLIN: No, Your Honor, I will have them marked.
18 I believe these are the ones you have objection to.

19 MR. WILSON: Yes.

20 THE COURT: So, you don't intend to use those other ones
21 then?

22 MR. WILSON: I don't object to these.

23 MR. SPRATLIN: There's no objection to those.

24 THE COURT: Oh, well you might as well have them marked
25 since she's marking them.

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BY THE COURT

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1 MR. SPRATLIN: Well, I'm not -- actually, depending on
2 the outcome of these, I may or may not be introducing these.

3 THE COURT: All right. All right. So, let me see the
4 ones that you object to.

5 All right. So, the Court is looking at for
6 identification State's 28; one of them didn't get marked.

7 Thank you.

8 All right. So, I'm looking at for identification State's
9 24 through 29.

10 Yes, sir, Mr. Wilson?

11 MR. WILSON: Your Honor, my -- my objection is, is that
12 these are bloody -- a bloody shirt, which adds or take away
13 nothing from the evidence in this case. It doesn't add
14 anything. It's just some bloody shirts showing that the
15 defendant's shirt, the victim's shirt was bloody. I mean, I
16 don't understand what relevance that would be. There's no
17 question in this particular case, because we've already
18 admitted it that he was stabbed. That's not -- so that's not
19 even up as an issue, and so I'm not sure what it goes to
20 prove.

21 THE COURT: All right. Solicitor, what -- what's the
22 intention regarding these photographs?

23 MR. SPRATLIN: Your Honor, I believe that they go to
24 show, not only the seriousness of the injury, the amount of
25 blood that the victim lost, they also go to show where the --

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BY THE COURT

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1 the size of the stab wounds. Obviously, there are two slices,
2 which we are contending are the stab wounds on those T-shirt
3 -- on that T-shirt. I believe it goes to show the size of
4 those stab wounds, which the jury could then see and compare
5 to the knife that is described later on by the defendant in a
6 subsequent statement as to whether or not that is accurate or
7 not.

8 THE COURT: All right. State's 25, I'm not going to
9 allow State's 25 into evidence. I am going allow state's 24,
10 and then 26 through 29 into evidence over the objection of the
11 defense, assuming that they are properly identified and -- and
12 qualified by the witness. I do find that while there may be
13 some prejudicial value, that the probative value far outweighs
14 it in that it shows the extent of the wounds and can help the
15 jury decide the credibility and believability of the witnesses
16 by showing what did occur.

17 MR. WILSON: Thank you, Your Honor.

18 THE COURT: Thank you very much.

19 MR. SPRATLIN: Thank you, Your Honor.

20 STATE'S EXHIBIT NUMBER 24, 26, 27, 28, 29

21 ADMITTED INTO EVIDENCE

22 THE COURT: All right. So, be back at 1:35 then.

23 MR. SPRATLIN: Yes, sir, Your Honor. Thank you.

24 RECESS @ 12:35 P.M.

25 *****OFF THE RECORD*****

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1 ON THE RECORD - 1:36 P.M.

2 THE COURT: All right. Is the state ready for the jury
3 to come in?

4 MR. SPRATLIN: The state is ready, Your Honor.

5 THE COURT: And defense?

6 MR. WILSON: We're ready, Your Honor.

7 THE COURT: And your witness, you want to just call him
8 into the courtroom and have him in the courtroom?

9 MR. SPRATLIN: Yes, sir.

10 THE COURT: All right. And ask the jury to come in.

11 MR. SPRATLIN: Andrew Franklin.

12 (REPORTER'S NOTE: Jury enters courtroom @ 1:37 p.m.)

13 THE COURT: All right, Solicitor, your next witness
14 please.

15 MR. SPRATLIN: Your Honor, the state would call Officer
16 Andrew Franklin to the stand.

17 THE COURT: All right, sir, please come around and be
18 sworn.

19 THE CLERK: Please raise your right hand and place your
20 left hand on the Bible.

21 ANDREW FRANKLIN, HAVING BEEN DULY
22 SWORN TESTIFIES AS FOLLOWS:

23 THE CLERK: Be seated. State your full name and spell
24 your last.

25 MR. FRANKLIN: Detective Andrew Franklin. Franklin is

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1 spelled F-R-A-N-K-L-I-N.

2 THE COURT: Go ahead, Solicitor.

3 MR. SPRATLIN: Thank you, Your Honor.

4 DIRECT EXAMINATION OF ANDREW FRANKLIN BY MR. SPRATLIN:

5 Q: Officer Franklin, where do you work?

6 A: City of North Myrtle Beach.

7 Q: And what's your current job there?

8 A: I am a detective.

9 Q: How long have you been a detective at the City of North
10 Myrtle Beach?

11 A: Approximately five years.

12 Q: So, you were in that position back in July of 2017?

13 A: Yes, sir.

14 Q: What is it -- what does it mean to be a detective at
15 North Myrtle Beach Police Department.

16 A: North Myrtle Beach, investigations, we are assigned to
17 investigate crimes ranging from simple stuff like shopliftings
18 all the way up to murder.

19 Q: You said you'd been with the -- how long have -- you said
20 you were a detective for five years or you've been in law
21 enforcement for five years?

22 A: I've been in law enforcement ten years, and I've been a
23 detective with the city for five years.

24 Q: Perfect. Thank you sir. I was a little confused on
25 that.

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1 On July 7th, 2017, did you have a chance to respond to
2 the Grand Strand Hospital?
3 A: Yes, sir.
4 Q: Where is that hospital located?
5 A: In Myrtle Beach, Horry County.
6 Q: What was the purpose of you going there?
7 A: I received a phone call from Detective Bellamy that
8 Detective McGartlin was working a possible stabbing case and
9 to respond down there to speak with the other female that was
10 present at the time.
11 Q: Okay. And that other female, did that wind up being
12 Donnielle Matthews?
13 A: Yes, sir.
14 Q: All right. When you got there, did you have a chance to
15 speak with her?
16 A: Yes, sir.
17 Q: Was anyone else with you when you spoke with her?
18 A: Detective Lynch
19 Q: Detective Lynch, who is that?
20 A: Detective Lynch was my partner at the time up in
21 investigation but has since retired.
22 Q: Okay. So, you went down to speak with her. Did you get
23 a chance to speak with her?
24 A: Yes, sir.
25 Q: Where did this interview take place?

1 A: Outside of the waiting room at Grand Strand Hospital.

2 Q: Prior to speaking with her, did you or Detective Lynch or
3 anyone else in your presence threaten her with any kind of
4 harm to get her to speak with you?

5 A: No, sir.

6 Q: Did you or anyone in your -- did you, Detective Lynch, or
7 anyone in your presence make her any promises of leniency in
8 order to get her to speak with you?

9 A: No, sir.

10 Q: Did she in every way, shape, and form, freely and
11 voluntarily speak with you?

12 A: Yes, sir.

13 Q: Did she appear to understand you?

14 A: Yes, sir.

15 Q: Did she appear to speak English?

16 A: Yes.

17 Q: Did she answer your questions appropriately?

18 A: Yes, sir.

19 Q: At the point that you spoke with her, was she a suspect
20 or was she simply a witness?

21 A: She was just simply a witness at that point.

22 Q: But the investigation was still ongoing?

23 A: Correct.

24 Q: Now, as a detective, are you required to wear a body
25 camera?

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ANDREW FRANKLIN - DIRECT BY SPRATLIN

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1 A: No, but we wear one anyway.

2 Q: You wear one anyway. Were you wearing one on July 7th,
3 2017?

4 A: Yes, sir.

5 Q: Have you had a chance to observe the footage from that
6 body camera?

7 A: Yes, sir.

8 Q: Did it capture the conversations that you Detective Lynch
9 had with the defendant?

10 A: Yes, sir.

11 Q: Is it a fair and accurate copy in every way?

12 A: Yes.

13 MR. SPRATLIN: Let me get it marked.

14 Thank you.

15 MR. WILSON: No objections, Your Honor.

16 MR. SPRATLIN: Permission to approach?

17 THE COURT: Yes, sir.

18 BY MR. SPRATLIN:

19 Q: Let me show you what's been marked as State's Exhibit 33
20 at this point. Have you had a chance to observe this disc
21 prior?

22 A: Yes, sir.

23 Q: What is it a copy of?

24 A: My bodycam footage from that date.

25 Q: And you've already stated this, but let me ask you again,

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1 is it a fair and accurate copy in every way?

2 A: Yes.

3 MR. SPRATLIN: Your Honor, at this time, I would tender
4 State's Exhibit Number 33 into evidence and ask to publish to
5 the jury.

6 THE COURT: And I understand there's no objection?

7 MR. WILSON: No objection, Your Honor.

8 THE COURT: All right, sir, so it's into evidence without
9 objection.

10 STATE'S EXHIBIT NUMBER 33

11 ADMITTED INTO EVIDENCE

12 THE COURT: You may publish.

13 MR. SPRATLIN: Your Honor, permission to retrieve the
14 television?

15 THE COURT: Yes, sir, please.

16 (REPORTER'S NOTE: State's 33 published for the jury. Audio
17 not transcribed herein.)

18 BY MR. SPRATLIN:

19 Q: Officer Franklin, it's a little hard to understand, I
20 know, a quick question though, when you're asking about the BP
21 Station, why are you asking about that at this point?

22 A: We weren't exactly sure if it occurred in our
23 jurisdiction for me to even truly investigate.

24 Q: And so, this was based off information she was giving you
25 that you believed the gas station was still involved?

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1 A: Yes.

2 (REPORTER'S NOTE: State's 33 published for the jury. Audio
3 not transcribed herein.)

4 BY MR. SPRATLIN:

5 Q: Officer Franklin, did you just ask her about her nails?

6 A: Yes.

7 Q: What was her response?

8 A: I believe she just said that, that's why I wanted to show
9 you to take pictures.

10 (REPORTER'S NOTE: State's 33 published for the jury. Audio
11 not transcribed herein.)

12 BY MR. SPRATLIN:

13 Q: Officer Franklin, what sort of video are you watching
14 here?

15 A: I believe it was, if I remember correctly, she was
16 filming herself while inside the club.

17 Q: Okay. Did you see any sort of assault or injury or
18 anything like that on that video?

19 A: No, if I recall correctly, it was dark in there.

20 Q: Okay. Thank you.

21 (REPORTER'S NOTE: State's 33 published for the jury. Audio
22 not transcribed herein.)

23 BY MR. SPRATLIN:

24 Q: Detective, at the end of that portion of the body camera,
25 do you get a phone call?

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ANDREW FRANKLIN - DIRECT BY SPRATLIN

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1 A: I do.

2 Q: And you walk away for a minute, correct?

3 A: Yes, sir.

4 Q: And then you come back and continue the interview, right?

5 A: Yes, sir.

6 (REPORTER'S NOTE: State's 33 published for the jury. Audio
7 not transcribed herein.)

8 BY MR. SPRATLIN:

9 Q: If you recall, Officer Franklin, what was going on at
10 this point, why were y'all getting up and leaving this area?

11 A: I honestly don't recall.

12 Q: Okay. Could it have been that smoking wasn't allowed so
13 close to the hospital?

14 A: I believe that would be correct.

15 (REPORTER'S NOTE: State's 33 published for the jury. Audio
16 not transcribed herein.)

17 BY MR. SPRATLIN:

18 Q: Can I ask you, Officer Franklin, is there any more useful
19 information that's gained from the defendant during the course
20 of that interview?

21 A: No, sir.

22 Q: Okay. All right. Thank you. I will have some
23 additional questions, but no longer need to publish the video.

24 Officer Franklin, I know that video was a little hard to
25 hear. In general, did the defendant tell you that her husband

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1 had been stabbed at a gas station?

2 A: Yes, sir.

3 Q: Did she tell you anything about the assault or being
4 battered or hit by him herself?

5 A: No.

6 Q: As a part of your duties as a police officer in this
7 case, were you charged with collecting the evidence from the
8 defendant or the victim at the hospital?

9 A: Yes.

10 Q: Let me show you what has been marked -- let me show you
11 what's been marked as State's Exhibit Number 24, 26, 27, 28,
12 29, 30, 31, and 32.

13 MR. SPRATLIN: Permission to approach, Your Honor.

14 THE COURT: Yes, sir.

15 BY MR. SPRATLIN:

16 Q: Do you recognize those photographs I just handed you?

17 A: Yes, sir; I do.

18 Q: What are they photographs of?

19 A: They are photographs of the clothing that the victim was
20 wearing at the time he was brought to the hospital.

21 Q: And how did you come into possession of those items?

22 A: During the course of the treatment by the medical staff,
23 they typically cut off the clothing that he is currently
24 wearing to access and see where the wounds are, and they
25 typically put it in a biohazard bag, which I then retrieve.

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ANDREW FRANKLIN - DIRECT BY SPRATLIN

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1 Q: In those photographs, do you document the size of what
2 looks like stab wounds on those -- that T-shirt?

3 A: Yes, sir.

4 Q: Do they fairly and accurately in every way, shape or form
5 reflect the items of evidence you received from the hospital
6 that day?

7 A: Yes, sir.

8 MR. SPRATLIN: Your Honor, at this time, I would tender
9 state's exhibits into evidence and would publish to the jury?

10 MR. WILSON: Subject.

11 THE COURT: All right. So, hand those to me. Now, as I
12 understand it, there was no objection to 30, 31, and 32; is
13 that correct?

14 MR. WILSON: That is correct, Your Honor.

15 THE COURT: All right. And then 24, 26, 27, and 28, and
16 29 are in evidence over the objection of the defense, and the
17 other three are into evidence without objection, 30, 31, and
18 32.

19 STATE'S EXHIBITS NUMBER 30, 31, AND 32

20 ADMITTED INTO EVIDENCE

21 MR. SPRATLIN: Your Honor, may I publish to the jury?

22 THE COURT: Yes, sir.

23 BY MR. SPRATLIN:

24 Q: Officer Franklin, you mentioned that Detective McGartlin
25 was originally handling this case?

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1 A: That's correct.

2 Q: Do you know why it was sent from North Myrtle Beach to
3 Horry County Police Department?

4 A: Because it was determined that the incident did not occur
5 within my jurisdiction.

6 Q: And North Myrtle Beach is actually in Horry County
7 regardless, correct?

8 A: Yes.

9 Q: Did you have any other involvement in this case?

10 A: No. Once it was determined that it was a county matter,
11 we stopped everything and handed everything over to the county
12 detectives.

13 Q: Do you see the lady you spoke with here in the courtroom
14 today?

15 A: Yes.

16 Q: Would you please point her out and identify an article of
17 clothing she's wearing?

18 A: The light-in-color blouse.

19 Q: Thank you.

20 MR. SPRATLIN: Please let the record reflect the witness
21 has identified the defendant.

22 I have no further questions, Your Honor.

23 THE COURT: Mr. Wilson?

24 MR. WILSON: Thank you, Your Honor.

25 CROSS-EXAMINATION OF ANDREW FRANKLIN BY MR. WILSON:

1 Q: I just have a couple of questions actually.

2 A: Yes, sir.

3 Q: What time did you say you got to the hospital?

4 A: I don't recall; I don't think I did. It was -- I got
5 called on my way into work, so I would roughly say, roughly
6 sometime around 8:15, 8:30.

7 Q: Okay. And that's the morning of the 7th or the 8th?

8 A: The 7th.

9 Q: Morning of the 7th. And prior to your getting there, had
10 any other officers briefed you on what they had observed with
11 ---

12 A: Officer Beaudoin was the originating responding officer
13 out at Seacoast when he first showed up there. He did give us
14 a brief on that.

15 Q: Okay. And what did he tell you?

16 A: A brief synopsis of what supposedly had already happened.

17 Q: Okay. So, when you -- when you arrived, you were the --
18 you were going to be the detective on the scene. He was the
19 first responding officer, but you were gonna be the actual
20 detective to handle the case, fair?

21 A: Detective McGartlin was going to be the main one, but he
22 requested help, so I went and responded to speak with her.

23 Q: Okay. All right. But you were the detective at that
24 point, you were fairly new, about a year?

25 A: Yes, sir; that's correct.

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- 1 Q: Okay. And -- and what was the name of the other
2 detective that was going to actually be the lead on the case
3 if it had've stayed with North Myrtle Beach?
- 4 A: Detective McGartlin.
- 5 Q: Now, that night, or morning actually, when you got there
6 did she give you any difficulty?
- 7 A: No, she did not.
- 8 Q: That is from Ms. Matthews Green?
- 9 A: No.
- 10 Q: Did she curse at you or mistreat you or belligerent to
11 you in any way whatsoever?
- 12 A: No, sir; she was not.
- 13 Q: All right. All right. And she told you a version of
14 facts, her version, right?
- 15 A: Correct.
- 16 Q: All right. Now, I noticed in, somewhere during that
17 time, you had your body camera on and you could see her. Did
18 you ever take any photographs of her hands, or her face, or
19 any part of her body; did you take any photographs whatsoever?
- 20 A: I did not.
- 21 Q: All right. Was there any particular reason that you
22 didn't take any?
- 23 A: I believe Officer Beaudoin had either already documented
24 it or was going to.
- 25 Q: Okay. And -- and in the video, she's telling you about

1 her fingers, right?

2 A: Yes.

3 Q: And what -- does she tell you about any other damage or
4 injuries, however you want to put it, did she tell you about
5 anything else?

6 A: I believe there was a scratch to the face.

7 Q: All right. So, she got a scratch on her face. All
8 right. Did you ask her how she got the scratch on her face?

9 A: I don't recall if I did the scratch; I know I did the
10 fingernails.

11 Q: Did you ask her how she got the fingernails broken?

12 A: I did ask.

13 Q: I'm sorry?

14 A: I did ask her.

15 Q: Yeah, that's what I'm asking you; what did she tell you?

16 A: I believe she said that she does it all the time, but I
17 can't recall what she actually said on how they got ---

18 Q: All right. You pointed out at one point that one of the
19 fingers was -- the nail was all the way, what I call the
20 quick, down to the meat of her finger, right?

21 A: Yes.

22 Q: And that would've been very painful if nothing else,
23 right?

24 A: I would assume so, yes.

25 Q: And -- and -- and you observed that; is there any

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- 1 question about the fact that you observed that?
- 2 A: That is correct, sir; yes.
- 3 Q: Right. And there were actually seven or eight nails
- 4 missing from her hands; any question about that?
- 5 A: I don't recall. I just remember seeing the one prominent
- 6 one that was closest to me.
- 7 Q: Okay. The one -- one hand or one nail?
- 8 A: Just that one particular nail that I recall for sure.
- 9 Q: Okay. And do you know which hand that was on?
- 10 A: I believe it was the right hand.
- 11 Q: Okay. All right. You think it was the right hand?
- 12 A: Yes.
- 13 Q: Okay. All right. Did you see her left hand at all?
- 14 A: I know I seen her left hand, but I don't recall.
- 15 Q: At one point during the video, she takes her left hand
- 16 and puts it over here to show you where the wound was that he
- 17 had; do you -- do you recall that?
- 18 A: I do recall that, yes.
- 19 Q: All right. Do you recall seeing her fingernails at that
- 20 point?
- 21 A: No, that wasn't my focal point.
- 22 Q: Okay. So, you weren't focused on that even after she
- 23 told you and -- and was encouraging you to look at it or see
- 24 it, right?
- 25 A: I wasn't paying attention to that; I was paying attention

1 to her story.

2 Q: Did you look at the palm of her hands, either the right
3 or the left or both?

4 A: I don't recall if I did.

5 Q: Okay. At that point in time, when you saw broken nails,
6 you saw the scratches on her face, as an officer, wouldn't you
7 wonder if she's been in a fight of some kind?

8 A: Yes, sir.

9 Q: And that was kind of where your thinking was, having
10 thought that, that she must've been in some kind of fight,
11 wouldn't you think it even more pressing to find out from her
12 how she got all these broken nails and how she got these
13 scratches in her face that she's sitting there talking to you
14 about within a few hours after somebody has been stabbed that
15 she was with?

16 A: I'm sorry, sir. Can you repeat the question?

17 Q: What I'm asking you is, do you feel like it would've been
18 incumbent upon you to ask her about the nails that are broken
19 down to the quick of her fingers, six or seven or eight of
20 them gone, scratches in her face, a man in the hospital with
21 two stab wounds, and you never think to ask her how she got
22 those scratches, how she got those nails?

23 A: Well, I did ask her how she injured her nails, and that's
24 why I offered up whether she had gotten into a fight.

25 Q: Okay. So, you did ask her about the nails and you said

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1 she told you what now?

2 A: I don't think she actually gave me an actual excuse for
3 why the nail was broken.

4 Q: Okay. All right. So, you asked her, but she never gave
5 you answer or excuse as to why they were broken. And so, at
6 that point, in your mind, wouldn't you think that that person
7 might very well be a suspect in whatever happened, or at least
8 a participant in some kind of an altercation?

9 A: It could've been possible that she was involved in an
10 altercation; yes, I would agree with that.

11 Q: All right. And were you aware of any other altercation
12 that went on with her that night other than being at the
13 hospital with a stabbing victim?

14 A: She did say that she had words with a person at the club
15 that she was at earlier that night.

16 Q: Okay. What club was that?

17 A: I believe that was Thee DollHouse.

18 Q: All right. So, she had words with them; what were the
19 words, if you recall?

20 A: I don't recall.

21 Q: Well, did you check on that to see if in fact it had been
22 some type of an altercation at wherever the club was?

23 A: I did not because, by that time, it was already
24 established that it was an Horry County matter and not mine,
25 and the club also resides in Horry County's jurisdiction.

- 1 Q: Okay. All right. Now, when you realized that you no
2 longer had jurisdiction and that the case would then be
3 transferred to Horry County, what did you do in order to
4 inform Horry County about what your interview had revealed to
5 you?
- 6 A: I didn't; I just provided them with a copy of my bodycam
7 footage so they can watch it and observe it for themselves.
- 8 Q: Well, being the detective who now has observed firsthand
9 these injuries to her hand, these scratches in the face, and a
10 stabbing victim in the hospital, did you say to them, hey
11 look, I think she might be suspect; maybe there was something
12 going on between the two of them; he's stabbed, she's bruised,
13 she's got broken fingernails?
- 14 A: I don't recall.
- 15 Q: Okay. Other than -- well, let me ask you one other
16 thing. At the very end of the recording that the solicitor
17 played for you, there was -- you were asking her something and
18 she said something to you about anxiety and being on
19 medication; do you recall that?
- 20 A: I do.
- 21 Q: All right. What was the -- tell us what that was about.
- 22 A: She wanted to speak with somebody and possibly be
23 prescribed something, and she says that she is prescribed
24 something but hasn't been taking her medication.
- 25 Q: Okay. I don't think I have any more questions. Thank

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1 you so much, sir.

2 A: Thank you, sir.

3 THE COURT: Redirect?

4 MR. SPRATLIN: None, Your Honor.

5 THE COURT: All right. You wish the witness to be
6 excused?

7 MR. SPRATLIN: I would ask that.

8 MR. WILSON: Without objection, Your Honor.

9 THE COURT: All right, sir, you're released from your
10 subpoena; you may go back to your regular duties.

11 MR. FRANKLIN: Thank you, Your Honor.

12 THE COURT: All right. Next witness, please.

13 MR. SPRATLIN: The state would call Officer Chris Bellamy
14 to the stand.

15 THE COURT: Come all the way around up front, please.

16 THE CLERK: Please raise your right hand and place your
17 left hand on the Bible.

18 CHRIS BELLAMY, HAVING BEEN DULY SWORN

19 TESTIFIES AS FOLLOWS:

20 THE CLERK: Be seated. State your full name and spell
21 your last.

22 MR. BELLAMY: Christopher Morgan Bellamy, B-E-L-L-A-M-Y.

23 THE COURT: Go ahead, Solicitor.

24 MR. SPRATLIN: Thank you, Your Honor.

25 DIRECT EXAMINATION OF CHRIS BELLAMY BY MR. SPRATLIN:

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1 Q: Mr. Bellamy, where are you currently employed?

2 A: The City of North Myrtle Beach.

3 Q: What sort of job do you do in the city of North Myrtle
4 Beach?

5 A: I'm a detective.

6 Q: How long have you been with the city of North Myrtle
7 Beach?

8 A: Going on 11 years now.

9 Q: Eleven years? How long have you been in the detective
10 division?

11 A: About seven years now.

12 Q: Seven years. Regarding a stabbing incident that occurred
13 back on July 7th, 2017, did you have an involvement in that
14 case?

15 A: I did.

16 Q: What was your involvement?

17 A: I was contacted by Detective McGartlin, who gave me a
18 brief synopsis of what was going on and that the vehicle was
19 being towed back to our impound and asked me to secure a
20 search warrant for the vehicle.

21 Q: Were you able to secure a search warrant for that
22 vehicle?

23 A: I was.

24 MR. SPRATLIN: Permission to approach, Your Honor?

25 THE COURT: Yes, sir.

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1 STATE'S EXHIBIT NUMBER 34

2 MARKED FOR IDENTIFICATION

3 BY MR. SPRATLIN:

4 Q: Let me hand you, officer, what's been marked State's
5 Exhibit Number 34. Do you recognize that item?

6 A: I do.

7 Q: What is it?

8 A: It is a copy of the search warrant.

9 Q: Okay. You can set that aside.

10 A: Okay.

11 Q: So, after getting that search warrant, did you have a
12 chance to go to the impound?

13 A: I did.

14 Q: Who all went with you?

15 A: Myself, Detective Abercrombie, and Officer Thrower.

16 Q: Detective Abercrombie, does he still work for North
17 Myrtle Beach?

18 A: No, sir; he is currently retired.

19 Q: Currently retired. All right. As a detective involved
20 with a crime scene or in this case a vehicle where the crime
21 occurred, what sort of things are you looking to do with that
22 vehicle of the defendant?

23 A: Search it, gain any evidence that may have been used. I
24 was told that the victim was stabbed. There was apparent
25 blood in the car that we could see. To obtain any evidence of

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1 what may have happened, anything that would lead us to
2 possibly who may have done it, just any evidence from the car
3 in general.

4 MR. SPRATLIN: I'm sorry, I forgot to mark these. Where
5 did we start with those, Kay?

6 THE COURT REPORTER: 35.

7 BY MR. SPRATLIN:

8 Q: Okay. Let me show you, officer, what's been marked as
9 State's Exhibit Number 35 through 86.

10 A: Okay.

11 Q: Just take a second to look through these and see if you
12 recognize these photographs.

13 MR. SPRATLIN: Your Honor, while the officer is looking
14 through those, can we set up the television?

15 THE COURT: Yes, sir, go ahead.

16 BY MR. SPRATLIN:

17 Q: What are those photographs of?

18 A: These photographs are of the car in question, a 2012,
19 red-in-color Nissan Altima that we executed the search warrant
20 upon.

21 Q: Are they in every way a fair and accurate copy of your
22 processing of the vehicle that day?

23 A: Yes, sir.

24 Q: Have there been any material changes or additions to
25 those photos since you took them?

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1 A: No, sir.

2 Q: All right.

3 MR. SPRATLIN: Your Honor, I would tender state's
4 exhibits into evidence.

5 THE COURT: Any objections for State's 35 through 86?

6 MR. WILSON: No objections, Your Honor.

7 THE COURT: All right. So, they're in evidence without
8 objection.

9 MR. SPRATLIN: Thank you.

10 DEFENDANT'S EXHIBIT NUMBERS 35 THROUGH 86

11 ADMITTED INTO EVIDENCE

12 MR. SPRATLIN: Your Honor, I'd ask for the witness to be
13 able to come down off the witness stand for publishing to the
14 jury.

15 THE COURT: You may do so.

16 A: You want me to bring the pictures?

17 MR. SPRATLIN: No, sir. You can leave them right there.

18 MR. WILSON: May I come around, Your Honor.

19 THE COURT: Yes, sir, please.

20 Solicitor, he's gonna be talking about photographs on the
21 screen. I'm sure they don't have the exhibit number on the
22 screen, do they?

23 MR. SPRATLIN: No, Your Honor, they do not.

24 THE COURT: So, he'll probably need to have those in his
25 hand to say which one he's looking at.

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1 BY MR. SPRATLIN:

2 Q: Officer, does this appear to be State's Exhibit Number
3 35?

4 A: Yes.

5 Q: All right. Do you recognize this item?

6 A: I do.

7 Q: What is this a photograph of?

8 A: The 2012 red-in-color Nissan Altima that was in the
9 impound.

10 Q: And what's the purpose of taking this photograph?

11 A: We document anything as we see it to start with and we
12 document all four -- document by photographing all sides of
13 the vehicle, surrounding views, and then the interior as we
14 go.

15 Q: Let me show you what's been marked and entered as State's
16 Exhibit Number 36. What is this a photograph of?

17 A: The driver's side of the car.

18 Q: All right. Let me show you what's been marked 37. What
19 is this a photograph of?

20 A: The rear of the car.

21 Q: Let me show you what's been marked State's Exhibit Number
22 38. What is that?

23 A: The rear and passenger side.

24 Q: Number 39?

25 A: The passenger side.

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- 1 Q: All right. State's Exhibit Number 40?
- 2 A: The passenger side and front.
- 3 Q: State's Exhibit Number 41?
- 4 A: It will be the driver's side door.
- 5 Q: State's Exhibit 42?
- 6 A: We started by fingerprinting the car. All the little
- 7 things of tape you see on the car, are once we dust it, if you
- 8 find any fingerprints, those are -- we apply the fingerprint
- 9 tape and that is the actual fingerprints -- the tape on the
- 10 car before we pulled the prints.
- 11 Q: So, the stuff that looks like kind of clear packing tape,
- 12 that's fingerprint tape?
- 13 A: Yes, yes.
- 14 Q: Next exhibit, State's Exhibit Number 43?
- 15 A: This is the interior of the car from the driver's side.
- 16 Q: Then we go to number, next, State's Exhibit Number 44?
- 17 A: A closer-up view.
- 18 Q: Do you notice anything in there that's concerning?
- 19 A: Yes, in the driver's seat on the inside is a pool of
- 20 blood, and then there's some fingernail -- fingernails in the
- 21 driver's side floorboard and I think one in the seat, also.
- 22 Q: Next, State's Exhibit Number 45?
- 23 A: A picture, a closer-up picture of the driver's seat
- 24 inside with all the blood and the fingernail.
- 25 Q: State's Exhibit Number 46?

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1 A: It will be a water bottle laying in the back floorboard.
2 Q: State's Exhibit, next, State's Exhibit Number 47?
3 A: It would be another picture of the interior of the car in
4 the front.
5 Q: State's Exhibit Number 48?
6 A: Another closeup of the pool of blood in the driver's seat
7 and the fingernail.
8 Q: State's Exhibit 49?
9 A: It will be a kind of a far-away shot from the driver's
10 side view of the front of the car.
11 Q: State's Exhibit Number 50?
12 A: Moving in just a little bit better view, black Panthers
13 hat.
14 Q: Is there anything in that -- is there anything in that
15 picture that caused you to be concerned?
16 A: Yes, sir. On the outside of the passenger seat, there is
17 some blood, also.
18 Q: On the bottom ---
19 A: At the bottom of the seat; yes, sir.
20 Q: Okay. What side is that on?
21 A: The passenger side.
22 Q: Okay. Next. What about 51?
23 A: A closeup of that blood.
24 Q: Next. 52?
25 A: That would be the passenger side floorboard with a

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1 fingernail in that, also.

2 Q: Next. State's Exhibit 53?

3 A: Another picture of just the overall -- the car.

4 Q: Does there appear to be any damage that you can see on

5 that photo to the gear shifter, the parking brake, the

6 cupholder or anything?

7 A: No.

8 Q: Okay. State's Exhibit 54?

9 A: Another closeup of the blood. We took a lot of pictures.

10 Q: Can you tell what this item is right here?

11 A: It appears to be a bracelet. I'm not a 100 percent sure.

12 Q: State's Exhibit 55?

13 A: Appears to be a little blood stain there on the center

14 console area.

15 Q: Next. State's Exhibit 56?

16 A: Another picture of front passenger side floorboard.

17 Q: Next. State's Exhibit 57?

18 A: That would be the driver -- the passenger side door, I

19 mean.

20 Q: Next. State's Exhibit 58?

21 A: That would be one of the doors.

22 Q: Next. State's Exhibit 59?

23 A: Another of the driver's side floorboard.

24 Q: And is there anything of interest in this photograph?

25 A: Two fingernails in the floorboard.

1 Q: And is that where they were when you found them?

2 A: Yes, it is. Yes, sir.

3 Q: Next. State's Exhibit 60?

4 A: Just a closer-up picture.

5 Q: Next. State's Exhibit 61?

6 A: We normally swab the blood just in case we need any

7 evidence and know whose blood it is. So, we did collect a few

8 swabs, and this was one of the swabs collected.

9 Q: You collect swabs even though you might not want or need

10 them, correct?

11 A: Correct.

12 Q: Just in case you do?

13 A: Correct.

14 Q: Next. State's Exhibit Number 62?

15 A: A pair of sunglasses that were in the seat.

16 Q: Does there appear to be anything on those sunglasses?

17 A: Yes, sir, blood smeared.

18 Q: Next. 67 -- or excuse me, 63?

19 A: A closer-up picture of that.

20 Q: All right. Next. 64?

21 A: We collected -- that's the passenger seat, we collected a

22 smear since they were opposite seats, we collected a smear

23 from there also, just to -- in case we needed to know is it

24 the same blood, or different blood, or ---

25 Q: State's Exhibit -- next. State's Exhibit 65?

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- 1 A: It appears to be a red substance on the door.
- 2 Q: Next. State's Exhibit 66?
- 3 A: A closer-up picture of it.
- 4 Q: All right. Next. State's Exhibit 67?
- 5 A: That is a picture of the exterior of the car.
- 6 Q: Is there potentially something in this area?
- 7 A: Yes, there is; there's blood right here.
- 8 Q: Next. State's Exhibit 68?
- 9 A: I believe that's when we slid the front seat forward and
10 took a picture of it as it was.
- 11 Q: Do you see anything that was of interest to you regarding
12 this picture?
- 13 A: There's a water bottle in the floor, and you can't see it
14 in this picture too good, but there was what appeared to be a
15 shoe impression on that seat, on the back seat.
- 16 Q: Next. State's Exhibit 69?
- 17 A: Just another picture of the back seat.
- 18 Q: Okay.
- 19 A: A little closer up.
- 20 Q: May I ask you, what does this appear to be in this area?
- 21 A: It appears to be what could be a shoe print. I think it
22 was a little clearer on the other side.
- 23 Q: Next. State's Exhibit 70?
- 24 A: Another picture of the same area.
- 25 Q: Next. State's Exhibit 71?

1 A: A picture of the center console area.
2 Q: Next. State's Exhibit 72?
3 A: That was a duct-taped wallet.
4 Q: Okay. Did you find any sort of identification or
5 anything in that wallet?
6 A: Yes, sir; we did.
7 Q: Whose identification did you find?
8 A: Mr. Green.
9 Q: Next. State's Exhibit 75?
10 A: Another swab from outside the car that we collected.
11 Q: And that was that mark we saw on the car earlier?
12 A: Yes, sir.
13 Q: All right. Next. State's 74?
14 A: Another picture of the back seat.
15 Q: All right. Do you see anything of interest in that?
16 A: Just a pattern that appears to be possible shoe print.
17 Q: Okay. Next. State's Exhibit 75?
18 A: Yes, a picture of the backseat.
19 Q: Is there anything of interest in here?
20 A: Can I point to it?
21 Q: Yes, please.
22 A: Right here seems to be a pattern of a shoe print.
23 Q: Okay. Let me ask if you recall what that is?
24 A: I don't offhand. I want to say it may've been like an
25 eyeliner or makeup or something, I'm not positive.

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1 Q: All right. An eyeliner or something like that?
2 A: I'm not positive.
3 Q: Well, what about that little thing there?
4 A: That would be a fingernail.
5 Q: And this over here, this looks like a Yoo-hoo; is that
6 right?
7 A: Correct.
8 Q: Next. State's Exhibit 77?
9 A: That's a closeup of the fingernail.
10 Q: All right. Can you tell better what that thing is now or
11 ---
12 A: It's about the same. I don't remember; it was four years
13 ago. I don't remember off the top of my head exactly.
14 Q: All right. Next. State's Exhibit 78?
15 A: Just a closer-in on the seat.
16 Q: Is there anything of interest in this one?
17 A: Possible shoe print pattern.
18 Q: Are there multiple shoe print patterns?
19 A: I don't -- I don't recall.
20 Q: Okay. Next. State's Exhibit 79; anything of interest?
21 A: There's a fingernail under the seatbelt buckle here.
22 Q: I'm sorry. Am I pointing to it?
23 A: Correct.
24 Q: Next?
25 A: Just a closer-up picture.

1 Q: Next. State's Exhibit 80?

2 A: Another overall picture of the backseat.

3 Q: All right. Next. State's Exhibit 81?

4 A: A little closer to the right side showing the Yoo-hoo

5 bottle, and I think it was a white towel.

6 Q: A white towel. Anything on that white towel that you

7 recall?

8 A: Not that I recall. I don't remember.

9 Q: Okay. Next. State's Exhibit 82?

10 A: This is the purse, looks like that was located, and the

11 contents.

12 Q: What does that appear to be?

13 A: A flip style cell phone.

14 Q: All right. What does that appear to be?

15 A: A box of cigarettes, a carton of cigarettes.

16 Q: And this item in the front righthand of the seat, what is

17 that?

18 A: Just personal items that were in the purse, I believe.

19 Q: Regarding this phone, did you eventually secure a search

20 warrant for it?

21 A: Yes, sir; I did.

22 Q: Next.

23 A: This was on the passenger side window on the interior.

24 It appears to be cast off blood droplets.

25 Q: State's Exhibit 83, by the way. So, the purpose of this

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1 photo was to show the blood droplets?

2 A: Yes, we're trying to photograph it. And with the light
3 you couldn't see it good, so we put some cards behind it, just
4 so you could see that was droplets on the window.

5 Q: Next. All right. State's Exhibit 84?

6 A: This was the interior. If I remember correctly, we
7 couldn't get -- we couldn't open the trunk, so we went in
8 through the backseat.

9 Q: Okay. Next. State's Exhibit 86?

10 A: This was the contents of what was in the trunk.

11 Q: I'm sorry. That was actually State's Exhibit 85. Next.
12 State's Exhibit 86?

13 A: Just more pictures of the contents of the trunk.

14 Q: All right. Anything of any evidentiary value recovered
15 from that trunk area?

16 A: I don't believe so.

17 Q: Did that kind of complete the processing of the vehicle?

18 A: Yes, sir.

19 Q: Thank you. I would ask that you return to the witness
20 stand.

21 MR. SPRATLIN: And I'd ask Mr. Oskin's assistance in
22 moving this television back.

23 MR. SPRATLIN: I need just to mark this for ID purposes
24 only.

25 BY MR. SPRATLIN:

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1 Q: Now, officer, you mentioned that you secured a search
2 warrant for that flip phone?

3 A: Yes, sir.

4 STATE'S EXHIBIT NUMBER 87

5 MARKED FOR IDENTIFICATION

6 BY MR. SPRATLIN:

7 Q: Let me show you ---

8 MR. SPRATLIN: Your Honor, permission to approach?

9 THE COURT: Yes, sir.

10 THE COURT: Yes, sir.

11 BY MR. SPRATLIN:

12 Q: Let me show you what's been marked for identification
13 purposes as State's Exhibit 87. What does that document
14 appear to be?

15 A: This would be a copy of the search warrant that was secured
16 for the cell phone.

17 Q: And were you able to get that search warrant signed?

18 A: I was.

19 Q: By a judge?

20 A: Yes, sir.

21 Q: And gives you the right to -- to go into the phone?

22 A: Correct.

23 Q: All right. How, as an officer, would you go about going
24 into the phone?

25 A: I would have one of our technicians do a Cellebrite.

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- 1 Q: Cellebrite. Are you, and somebody is gonna testify more
2 on this later, but are you familiar with Cellebrite?
- 3 A: I am.
- 4 Q: All right. Does it basically get the contents off the
5 phone?
- 6 A: Correct.
- 7 Q: And in your return on that search warrant, is that what
8 you were specifying?
- 9 A: Correct.
- 10 Q: All right. All right. Officer Bellamy, do you recall
11 what all items you wound up receiving out of that car and
12 taking into evidence?
- 13 A: I do. You want me to read them?
- 14 Q: Can you please tell the jury what you did recover from
15 that vehicle?
- 16 A: We recovered one DNA blood lift collected from the
17 driver's seat; and a second one collected from the passenger
18 seat; several broken fingernails -- seven broken fingernails
19 collected from the interior of the vehicle.
- 20 Q: Hold on let me stop you there. Several or seven?
- 21 A: Seven.
- 22 Q: Seven, as in the number seven?
- 23 A: Yes.
- 24 Q: Okay.
- 25 A: One black-in-color Panthers hat; one white-in-color T-

1 shirt and a white-in-color towel; one cigarette butt; one pair
2 of bloody sunglasses; one flip style cell phone; and 18 latent
3 fingerprint cards.

4 Q: And that was all the evidence you -- you obtained from
5 the car?

6 A: Correct.

7 Q: And took into evidence. And all those items, they were
8 documented and photographed as we have discussed earlier?

9 A: Correct.

10 Q: Thank you, Officer Bellamy. Please answer any questions
11 that Mr. Wilson may have.

12 A: Yes, sir.

13 THE COURT: Cross-examination?

14 MR. WILSON: Thank you, Your Honor.

15 CROSS-EXAMINATION OF CHRIS BELLAMY BY MR. WILSON:

16 Q: Officer Bellamy, let me show you these photographs and
17 just -- I'm sorry -- and ask you if you can ---

18 MR. WILSON: May I approach him, Your Honor?

19 THE COURT: Yes, sir.

20 BY MR. WILSON:

21 Q: Look at these, based on the photographs that you entered
22 earlier and see if these blowups actually comport with what
23 you recall of the vehicle?

24 A: Yes, sir.

25 Q: All right. Let me show you this one?

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1 A: Yes, sir.

2 Q: And all these comport with the photographs that you
3 actually took of the car except that they're blowups of it?

4 A: Yes, sir.

5 Q: All right. Thank you.

6 MR. WILSON: Your Honor, I would offer these photographs
7 as defendant's exhibits.

8 MR. SPRATLIN: No objection, Your Honor.

9 MR. WILSON: Any order you want is fine.

10 THE COURT REPORTER: 6 through 9.

11 MR. WILSON: Thank you very much.

12 DEFENDANT'S EXHIBIT NUMBER 6, 7, 8, and 9

13 MARKED FOR IDENTIFICATION

14 BY MR. WILSON:

15 Q: Let me show you what's marked as Defendant's Exhibit
16 Number 6, Officer -- Officer Bellamy, and ask you to take a
17 look at that. That is the car that we're speaking of, right?

18 A: Correct.

19 Q: All right. And that picture accurately depicts the size
20 of that vehicle; would you agree with that?

21 A: As per scale, yes.

22 Q: Yes, sir. All right. Obviously, I'm sorry. Now, let me
23 show you what's marked as Defendant's Exhibit Number 7, which
24 is a picture of the floorboard of the vehicle.

25 A: Okay.

1 Q: Now, looking at Defendant's Exhibit Number 7, what do you
2 notice in that photograph?

3 A: It's the driver's side floorboard with two possible
4 fingernails.

5 Q: Okay. The driver's side floorboard. That is where the
6 pedal is for the gas?

7 A: Correct.

8 Q: And under that, there are two fingernails; is that
9 correct?

10 A: Correct.

11 Q: No question about that; what color are the fingernails
12 that you see there?

13 A: Appear to be white, clear white, I think.

14 Q: Okay. All right. Now ---

15 A: This one (inaudible).

16 Q: I'm sorry?

17 THE COURT: You have to say it out loud, sir.

18 A: I'm sorry, this one is definitely -- this one appears to
19 be -- but yes.

20 BY MR. WILSON:

21 Q: This one appears to be what?

22 A: Fingernails.

23 Q: All right. These -- both of these?

24 A: Correct.

25 Q: All right. Now, let me show you another photograph,

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1 which is Defendant's Exhibit Number 8. Now, what area of the
2 vehicle is that?

3 A: The driver's seat.

4 Q: That is the driver's seat; there is a fingernail here.

5 Where is that fingernail located in reference to the driver's
6 seat of the vehicle?

7 A: It's on the driver's seat.

8 Q: It's on the driver's seat. And then there's blood on the
9 driver's seat, right?

10 A: Yes, sir.

11 Q: And a penny, correct?

12 A: Correct.

13 Q: Okay. All right. Now, I notice that there is a scuff
14 mark or some kind of mark here, that white thing here; is that
15 correct?

16 A: Appears to be, yes, sir.

17 Q: What is that?

18 A: Appears to be a scuff mark on the seat.

19 Q: It appears to be a scuff mark on the seat, and of which
20 seat?

21 A: The driver's seat.

22 Q: Of the driver's seat. Now, let me show you Defendant's
23 Exhibit Number 9, which is another photograph of the interior,
24 front interior of the vehicle and ask you if you can recognize
25 that?

1 A: Yes.

2 Q: Now, what is that white object depicted in that picture?

3 A: It appears to be a fingernail and a white phone charger.

4 Q: A white phone cord. And the white phone cord is laying

5 where; on the floor?

6 A: Correct.

7 Q: Okay. Now, I asked you these questions because you said

8 to the solicitor that you thought that you recognized some

9 footprints or what you presumed or thought might be

10 footprints, right?

11 A: Correct.

12 Q: In -- in -- in various photographs; I think there were

13 three or four of them, actually. And these footprints were

14 over different places, right?

15 A: Yes.

16 Q: All right. And do you know how those footprints got

17 there, or when they got there, or who put them there, or how

18 long they'd been there; do you have any clue?

19 A: No, sir.

20 Q: All right. Do you even know that they are actually

21 footprints?

22 A: They appear to be, they could be something else, but they

23 -- from my experience, they appear to be footprints.

24 Q: Did you do any kind of tests; did you send it to SLED;

25 did you take that picture and send it to SLED for them to have

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1 a document examiner look at it to make a determination as to
2 whether or not these are actually footprints or some markings
3 or something else?

4 A: I did not. We actually transferred all the evidence to
5 county.

6 Q: All right. So, there was no attempt made to determine
7 whether they were footprints or not footprints, but that's
8 just your opinion that you thought that they might be?

9 A: Correct.

10 Q: All right. Just like you think that that might be a
11 scuff mark, but we don't really know that either, do we?

12 A: No. It could be wear on the seat, yes.

13 Q: I'm sorry?

14 A: Yes, sir, correct.

15 Q: Yes, sir, I'm correct, we don't know?

16 A: Correct.

17 Q: All right. Now, let me ask you, in regards to that whole
18 picture-taking that you did, were you the final investigator
19 for this case or did somebody else take it over after you?

20 A: No, sir; I was assisting.

21 Q: You were assisting who?

22 A: We started with the case and then we turned it over to
23 Horry County.

24 Q: Okay. All right. So -- so after you gathered these
25 pictures that the solicitor had just introduced, you then

1 turned your case over to Horry County and then they would have
2 continued whatever investigation they might've done. When you
3 turned it over to them, would you have told them, hey, look,
4 there might be some footprints in there. We need to have this
5 tested to see if they are actually footprints; did you -- did
6 you share that with them?

7 A: I know we discussed -- I don't remember everything. I
8 don't know if that was one of them or not.

9 Q: You say you found seven fingernails. You found seven.
10 How many in the front of the car?

11 A: I'll have to go back and look at the pictures.

12 Q: Okay. But they were scattered; they weren't all one
13 place; they are all over the car?

14 A: Correct.

15 Q: All right. And -- and not only that, the door, the
16 passenger door, there's some serious scratch marks on the
17 passenger door. The solicitor actually showed you a picture.

18 THE COURT REPORTER: I'm sorry.

19 MR. WILSON: That's all right. Thank you.

20 MR. WILSON: If the Court will bear with me for just one
21 second; I'll sort this out here. Your Honor, let me check my
22 notes. Oh, here it is, as soon as I say that.

23 BY MR. WILSON:

24 Q: Let me show you what's marked as State's Exhibit 66 and
25 65. Take a look at those two marks.

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- 1 A: Okay.
- 2 Q: Those are scratch marks of some type, are they not?
- 3 A: They appear to be.
- 4 Q: And they're at -- where are they located in the vehicle?
- 5 A: On the lower portion of the passenger side door.
- 6 Q: All right. And actually, those marks are so deep they
- 7 actually scratch or scrape the paint off of the inside
- 8 interior of the bottom of the door?
- 9 A: Appear to, yes.
- 10 Q: Okay. All right. And we don't know how that got done
- 11 there, right?
- 12 A: No, sir.
- 13 Q: All right. After you completed your processing of this
- 14 scene, did you have any conversations with Donnielle Matthews?
- 15 A: No, sir.
- 16 Q: All right. All right. Your -- your -- your sole
- 17 responsibility in this was to gather what evidence might be
- 18 available from the vehicle and preserve that as best you
- 19 could?
- 20 A: Correct.
- 21 Q: And that's what you were doing?
- 22 A: Correct.
- 23 Q: Let me ask you about the flip phone. What was your
- 24 purpose in gathering the flip phone that was found in the car?
- 25 A: Normally, when -- people carry a lot of information in

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1 their phones. So, we had a man that was stabbed at the
2 hospital. We were trying to see if there might be some
3 evidence of that in the phone.

4 Q: Okay. Now, that flip phone was supposed to belong to
5 him?

6 A: I'd have to look. I want to say -- I'm not sure if it
7 was his or hers.

8 Q: Okay.

9 A: Or whose it was at that point.

10 Q: Either way, you wanted to preserve it just in case?

11 A: Correct.

12 Q: All right. That's fair enough. And so, you got the flip
13 phone, and you took that and you turned that over to Horry
14 County as well?

15 A: Correct.

16 Q: All right. So, they would've had that to get whatever
17 information they wanted from it, if they needed it. All
18 right. Now, other than take these pictures and conduct the
19 search warrant, did you do anything else?

20 A: No, sir.

21 Q: All right. Just I think there's one other thing that I
22 wanted to ask you about. Let me show you what's marked as
23 Defendant's Exhibit Number 9 again. Can you tell me what
24 these marks are here in the floor?

25 A: Those look like scuff marks.

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1 Q: It looks like scuff marks. All right. And tell me what
2 this item is; do you know what that is, the little -- that
3 white item that's in the middle of the floor?

4 A: I don't recall.

5 Q: Okay.

6 A: I can't tell from the picture.

7 Q: All right. How -- how -- in looking at what's now marked
8 as State's Exhibit -- State's Exhibit Number 6, which is a
9 picture of the car ---

10 THE COURT: Defendant's?

11 MR. WILSON: I'm sorry, I apologize, Your Honor.

12 THE COURT: That's all right.

13 BY MR. WILSON:

14 Q: Defendant's exhibit, old habits die hard. But the --
15 this particular exhibit, which is Defendant's Exhibit Number
16 6, looking at that vehicle, what do you -- how wide would you
17 say the interior of this car is; how many feet across from
18 window to window?

19 A: I'd probably say -- five feet, six feet.

20 Q: Okay. All right. And this is a two-door vehicle, not a
21 four-door, right?

22 A: Correct.

23 Q: All right. So, that means there ain't but two ways to
24 get in?

25 A: Right.

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1 Q: Thank you. I don't have any other questions.

2 THE COURT: So, 6, 7, 8, 9, you offered those into
3 evidence?

4 MR. WILSON: I think I did, Your Honor.

5 THE COURT: And there's no objection from the defense, I
6 mean from the state?

7 MR. SPRATLIN: No objection from the state.

8 THE COURT: All right. Very good. So, for the record,
9 6, 7, 8, and 9 are in evidence without objection.

10 DEFENDANT'S EXHIBIT NUMBERS 6, 7, 8, AND 9

11 ADMITTED INTO EVIDENCE

12 THE COURT: Any redirect?

13 MR. SPRATLIN: Yes, Your Honor.

14 REDIRECT EXAMINATION OF CHRISTOPHER MORGAN BELLAMY BY MR.

15 SPRATLIN:

16 Q: All right. Let's see. Detective Bellamy, when we first
17 asked you about those scratches on the door that defense asked
18 you about, you said there's no way to know how they got there.
19 There's no way to know when they got there either, is there?

20 A: No, sir.

21 Q: They could've been there for months?

22 A: Possibly.

23 Q: Could've been there for years? I'm sorry, is that a yes?

24 A: Yes.

25 Q: All right. Let me ask you, let me show you what's been

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1 marked State's Exhibit or Defense Exhibit, excuse me, was it
2 Number 7 that you showed Mr. Wilson, that had scuff marks,
3 Defense Exhibit 7?

4 A: He showed me 9.

5 Q: 9.

6 A: The inside of the driver's seat.

7 Q: Oh. Right here?

8 A: Correct.

9 Q: Any way to tell when that got there?

10 A: Not to my knowledge.

11 Q: Any way to tell how that got there?

12 A: No, sir.

13 Q: Your job as a vehicle processor is to document; is that
14 correct?

15 A: Correct.

16 Q: And your job is to take as many photographs as possible
17 so that -- to preserve the crime scene?

18 A: Correct.

19 Q: And that's the purpose of all of this?

20 A: Yes.

21 Q: You can't really offer up how the evidence got where it
22 was.

23 A: No.

24 Q: Just that it was there.

25 A: Correct.

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1 Q: When you processed the vehicle.

2 A: Correct.

3 Q: Thank you. No further questions.

4 MR. WILSON: Nothing further, Your Honor.

5 THE COURT: All right. Do you wish the witness to be
6 excused?

7 MR. SPRATLIN: I would ask so, Your Honor.

8 MR. WILSON: No objection, Your Honor.

9 THE COURT: All right, sir. You're released from your
10 subpoena; you may go back to your regular duties. Thank you.

11 MR. BELLAMY: Thank you.

12 THE COURT: Can y'all come up and talk to me for a
13 second, please?

14 (REPORTER'S NOTE: Bench conference is held off the record in
15 the presence of but outside the hearing of the jury.)

16 BY THE COURT:

17 THE COURT: All right. Ladies and gentlemen, I apologize
18 to you. There is some other duties that the Court has to
19 attend to this afternoon. Something that's come up that I
20 must attend to. So, it won't happen again during the course
21 of this trial, but we're gonna have to stop for the day. We
22 will come back tomorrow morning just as you did this morning,
23 so we can come in the courtroom at 9:30. The bailiff will
24 tell you when to actually arrive. Please leave your pads and
25 pens in your seats.

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1 Remember, don't talk about the case; don't talk about it
2 at home or with anyone or among yourselves.

3 See you back tomorrow morning at 9:30.

4 Thank you.

5 (REPORTER'S NOTE: Jury exits courtroom @ 3:08 p.m. The
6 following takes place outside the presence of the jury.)

7 THE COURT: All right. Anything from the state at this
8 time?

9 MR. SPRATLIN: Nothing further, Your Honor.

10 THE COURT: From the defense?

11 MR. WILSON: Nothing, Your Honor.

12 THE COURT: Gentlemen, since you do have a little bit of
13 time this afternoon because of me stopping early, if you have
14 exhibits that you have not yet marked with the court reporter,
15 how about take some time this afternoon and get all those
16 marked and the state so that can be -- at least speed that
17 process a little bit.

18 MR. SPRATLIN: Yes, sir, and I apologize.

19 THE COURT: No, that's all right. Just if we -- if we
20 can do that for the state and the defense. Okay?

21 MR. WILSON: Yes, sir.

22 MR. SPRATLIN: Yes, sir.

23 THE COURT: Thank you. Y'all see y'all back tomorrow
24 morning at 9:30. Please be back by 9:15.

25 MR. WILSON: Yes, sir.

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1 MR. SPRATLIN: Yes, sir.

2 THE COURT: Thank you.

3 MR. SPRATLIN: Thank you.

4 **RECESS - 3:10 P.M. - END OF DAY TWO**

5 *****OFF THE RECORD*****

6 **JUNE 16, 2021 - DAY THREE**

7 **ON THE RECORD - 9:28 A.M.**

8 THE COURT: Is the state ready?

9 MR. SPRATLIN: Your Honor, there's actually on matter
10 that Mr. Wilson just brought to my attention.

11 THE COURT: Okay.

12 MR. SPRATLIN: As we discussed earlier, I prepared
13 redactions on the interview Detective Lynch did with the --
14 that -- that Greg Lent did with the defendant in this case in
15 accordance with the motion that he filed. I believe I've
16 complied substantially with it. There was one portion that he
17 didn't realize until he was looking through it last night, I
18 believe, that he wanted redacted. It's at the beginning of
19 the interview. I do not have the equipment with me to redact
20 it at this point in time. However, what I can do is I can
21 silence the recording during the playing of that portion if we
22 can just get the exact times he wants me to stop it, and then
23 before we send it back to the jury when they receive the case,
24 I will prepare another redaction taking that portion out.
25 It's all of about ten seconds I would imagine.

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BY THE COURT

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1 MR. WILSON: That is correct. It shouldn't be a big
2 deal, Your Honor. It's actually just before the reading of
3 the rights.

4 THE COURT: All right.

5 MR. WILSON: So, it's pretty easy to get to it.

6 MR. SPRATLIN: If you just want to tell me the times.

7 MR. WILSON: I don't know the exact time. I can tell you
8 it's within the first five minutes of the conversation.

9 THE COURT: All right. Are we gonna do that -- is that
10 coming up right now?

11 MR. SPRATLIN: This will be the third witness today.

12 THE COURT: Okay. All right. So, if you need time
13 before that witness comes up to get all that accomplished, let
14 me know.

15 MR. SPRATLIN: Yes, sir.

16 THE COURT: Okay. Just indicate somehow and we'll take a
17 break or whatever we need to do. All right.

18 MR. SPRATLIN: All the other redactions are fine?

19 MR. WILSON: Everybody -- everything else is fine.

20 THE COURT: All right. So, with that then, is the state
21 ready for the jury then?

22 MR. SPRATLIN: The state is ready, Your Honor.

23 THE COURT: And defense?

24 MR. WILSON: We're ready, Your Honor.

25 THE COURT: All right. Ask the jury to come in, please.

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1 (REPORTER'S NOTE: Jury enters courtroom @ 9:31 a.m.)

2 THE COURT: All right, Solicitor, your next witness,
3 please.

4 MR. SPRATLIN: The state would call Officer James
5 Jernigan to the stand.

6 THE COURT: All right. Very good. All right, sir, come
7 all the way around up front please, sir.

8 THE CLERK: Please raise your right hand and place your
9 left hand on the Bible.

10 JAMIE JERNIGAN, HAVING BEEN DULY
11 SWORN TESTIFIES AS FOLLOWS:

12 THE CLERK: Be seated. Please state your name and spell
13 your name for the Court.

14 MR. JERNIGAN: Jamie Jernigan. J-A-M-I-E; Last name,
15 Jernigan, J-E-R-N-I-G-A-N.

16 DIRECT EXAMINATION OF JAMIE JERNIGAN BY MR. SPRATLIN:

17 Q: Officer Jernigan, I'm not sure if the microphone is
18 picking you up. We might be having technical difficulties.
19 Will you try it again?

20 A: Jamie Jernigan. J-A-M-I-E; Last name, Jernigan, J-E-R-N-
21 I-G-A-N.

22 Q: All right. I just WAS having a little trouble hearing
23 you, so I thought maybe the jury might be.

24 Mr. Jernigan, what is your current employment?

25 A: I'm a sergeant with the Horry County Sheriff's Office,

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1 the Office of Professional Standards and Internal Affairs.

2 Q: So, you're currently with the Horry County Sheriff's
3 Office?

4 A: I am.

5 Q: And that's different than the Horry County Police
6 Department, correct?

7 A: Yes, sir.

8 Q: And what were you -- where were you working back on July
9 of 2017?

10 A: I was a detective with the Horry County Police
11 Department. I was assigned to the Criminal Investigative
12 Division's homicide unit.

13 Q: When did you switch over from the County Police to the
14 County Sheriff?

15 A: September of last year.

16 Q: All right. Both are law enforcement agencies, correct?

17 A: Yes, sir.

18 Q: All right. So, you were a detective with the Horry
19 County Police Department in July of 2017?

20 A: Yes, sir.

21 Q: Did you have a chance to assist another detective
22 regarding the case against Donnielle Matthews?

23 A: Yes, sir.

24 Q: If I can, what sort of assistance did you provide at
25 first?

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1 A: Initially, I was called to a meeting by our Sergeant John
2 Martin at the time. He provided a briefing on an incident
3 that occurred the early morning hours of July 7th, 2017. At
4 the conclusion of that briefing, I was assigned to assist lead
5 detective, Jack Johnson with the investigation to, at the
6 time, a stabbing of Mr. Dennis Green. My initial assignment
7 was to do the background victimology, if you will, all the
8 involved parties that were known at the time, to pull up what
9 I could as far as background histories and things of that
10 nature.

11 Q: Okay. In addition to that, at some point during your
12 assistance, were you requested to do a search warrant?

13 A: I was.

14 MR. SPRATLIN: Your Honor, permission to approach?

15 THE COURT: Yes, sir.

16 MR. WILSON: No objection, Your Honor.

17 THE COURT: All right.

18 STATE'S EXHIBIT NUMBER 88

19 MARKED FOR IDENTIFICATION

20 BY MR. SPRATLIN:

21 Q: Detective, let me show you what's been marked for
22 identification purposes at this time, State's Exhibit Number
23 88. Do you recognize that document? Take a couple of seconds
24 to look through it.

25 A: I do.

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1 Q: What is it?
2 A: It's a search warrant for a cell phone.
3 Q: Whose cell phone was it a search warrant for?
4 A: It was the defendant, Ms. Donnielle Matthews Green.
5 Q: Okay. And does that search warrant say who got the -- or
6 who got ---
7 A: I'm sorry?
8 Q: Does it say it's Donnielle Matthews Greens phone?
9 A: Yes, sir.
10 Q: Okay. Sorry. With a search warrant, do you have to
11 present it to a magistrate?
12 A: You do.
13 Q: And were you the one that presented it to the magistrate?
14 A: I was.
15 Q: And did the Magistrate Judge agree that a search warrant
16 was appropriate?
17 A: He did.
18 Q: And did he sign that search warrant?
19 A: Yes, sir.
20 Q: All right. And like I said, I'm not tendering into
21 evidence, but let me ask you about the return. Is there a
22 return on that search warrant?
23 A: There is.
24 Q: What's the purpose of a return on a search warrant?
25 A: To make notification with the court of any evidence that

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1 was collected and to return the original copies back to the
2 issuing judge.

3 Q: And does that return state that digital extraction of the
4 phone was done?

5 A: It does.

6 Q: Thank you. If you will, please sit that aside.
7 Detective Jernigan, was that the end of your assistance in
8 this case?

9 A: No, sir.

10 Q: Did you have a chance to go and see if you could obtain
11 any sort of surveillance footage in this matter?

12 A: We did. Later that same day, the latter part of the
13 afternoon, Sergeant Martin and myself teamed up and went back
14 out to the area of Highway 57 -- well, between Highway 9 on
15 Highway 57 and Sunny Heights Road. Myself and other
16 detectives canvassed the area for any items of potential
17 evidence from the case that may've been thrown from a moving
18 vehicle. After completing that search of the area -- well,
19 during the canvas, we had begun to look for buildings or
20 structures with potential video cameras and things of that
21 nature. After completing the canvas, we tried to start doing
22 follow-ups in attempts to obtain video surveillance. And then
23 even later in the evening, Sergeant Martin and myself did a
24 route; we timed that route from Denny's restaurant in North
25 Myrtle Beach back to an address on Sunny Heights.

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1 Q: Okay. Well, let me ask you first about the looking for
2 cameras. In your entire -- your involvement looking for
3 surveillance footage, were you able to find any additional
4 surveillance footage that was of any value?

5 A: Not that was of any value to the case; no, sir.

6 Q: Nothing that would call out the car traveling on the
7 road, to your knowledge?

8 A: No, sir.

9 Q: Now, you stated that y'all -- you and Detective Martin, I
10 should say -- and just real quickly, Detective Martin, is he
11 with the Horry County Police Department any longer?

12 A: It was Sergeant John Martin, and he's no longer with the
13 Horry County Police Department. He's in, I think,
14 Pennsylvania policing somewhere.

15 Q: So, he's still in law enforcement, just in Pennsylvania?

16 A: Yes, sir.

17 Q: Okay. You stated that you all did a drive from where to
18 where?

19 A: It was an address on Sunny Heights Road. I believe the
20 numeric was [REDACTED]. It was a location where an individual had
21 been dropped off at some point in the early morning hours
22 prior to the victim arriving at the hospital there in Little
23 River, and we -- we left that location and went to the Denny's
24 in North Myrtle Beach, which was also a location that we had
25 learned at some point in the investigation that the victim had

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1 patronized and -- and developed a time from the Denny's
2 restaurant to that location, the drive time.

3 Q: Okay. So, you drove from a house on Sunny Heights to the
4 Denny's, and just for clarification purposes, was that the
5 Denny's in North Myrtle Beach?

6 A: It was.

7 Q: And you drove from Sunny Heights to the Denny's, and how
8 long did it take you to do that?

9 A: It was just under nine minutes, I believe. It was
10 actually -- what I documented was eight minutes and 45
11 seconds.

12 Q: And the purpose of this was to establish a timeline?

13 A: The amount of time that it would take to drive from the
14 restaurant to that location; yes, sir.

15 Q: While you were at the Denny's did you also obtain the
16 video footage that had been previously requested?

17 A: We did. I believe we got a call while we were in route
18 timing the drive from Detective Hardwick that she had received
19 a call that the video that had previously been requested was
20 available for pickup. So, while we were there, we retrieved a
21 copy of the video.

22 Q: Thank you, Detective Jernigan, that's all the questions I
23 have. Please answer any questions Mr. Wilson may have.

24 THE COURT: Cross-examination?

25 MR. WILSON: I just have a couple of questions. This is

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1 State's Exhibit Number 88 for identification purposes; is that
2 correct?

3 MR. SPRATLIN: Yes.

4 CROSS-EXAMINATION OF JAMIE JERNIGAN BY MR. WILSON:

5 Q: Let me have you look at that second page. Tell us what
6 it was that you were looking for and why you got the search
7 warrant?

8 A: The purpose of the search warrant?

9 Q: Well, let me back up and ask you. First, were you the
10 officer who actually presented the search warrant to the
11 Magistrate in order to get the search warrant signed?

12 A: Yes, sir.

13 Q: All right. And so, you were what we call the affiant?

14 A: Yes, sir.

15 Q: What was it that you were telling the Magistrate that you
16 wanted to get in this particular -- with this particular
17 warrant?

18 A: What we were asking for was to be able to do a forensic
19 download of the phone, a Cellebrite, and to also have the
20 ability to do a manual search of the phone.

21 Q: Okay. Would that include -- what would that include for
22 the phone?

23 A: Well, as far as the Cellebrite is concerned, it would --
24 it would essentially you hook the phone to a device, there
25 would be a data transfer, and it would pull things such as

1 photographs, text messages, phone calls, call logs, you know,
2 information ---
3 Q: How about Facebook?
4 A: Not to my knowledge.
5 Q: Okay. Did you ask for that in this warrant?
6 A: I'm sorry?
7 Q: Did you ask for Facebook information in this warrant?
8 A: I'd have to review it.
9 Q: Would you look at it?
10 A: Yes, sir.
11 Q: Okay. So, you asked for Facebook information. Did you
12 -- and that Facebook information would come from where?
13 A: It could be a part of the Cellebrite download.
14 Q: Okay. So, that Facebook information would be a part of
15 Cellebrite. So, any information on Facebook that's on that
16 phone, you would be able to retrieve it -- is that fair --
17 from the Cellebrite?
18 A: Possibly, I'm not a Cellebrite expert. I mean, I know
19 there is some phones that are compatible, some that aren't.
20 There's some phones that are compatible; you get certain
21 things that others don't. It depends on the device. There
22 are phones, there are instances where that is part of the
23 results, part of the things that are available in the report;
24 yes, sir.
25 Q: Okay. But -- but my point simply is, you were trying to

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1 get Facebook account from -- you said this is -- you were
2 seeking the phone records of this defendant, correct?

3 A: Well, the information from the physical phone itself;
4 yes, sir.

5 Q: All right. And -- and you wanted all information
6 including Facebook account records that might be helpful to
7 you in this case, right?

8 A: That's correct; yes, sir.

9 Q: All right. And having that phone, gave you -- and
10 Cellebrite would give you access to all of that information,
11 right?

12 A: It sometimes does; yes, sir.

13 Q: Phone calls that might be in there, right?

14 A: Yes.

15 Q: Facebook messages that might be in there, right?

16 A: Yes, sir.

17 Q: So, if somebody messaged her on Facebook, you would be
18 able to get that from your -- from that Cellebrite account,
19 unless somebody deleted it, right?

20 A: Well, in some cases you can; yes, sir.

21 Q: All right. Same thing with phone calls, and even if
22 they're deleted sometimes, you can still get it, right?

23 A: In some cases; yes, sir.

24 Q: All right. And the purpose of getting this information
25 was so that you could find out what she had been doing up to

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1 that period, right; that's why you want to know what's in her
2 phone, so you can know what she was doing, who was calling
3 her, who she was calling, what was being said, right?

4 A: Is that a question?

5 Q: Yes, sir; that's a question.

6 A: Well, the purpose of doing the Cellebrite and the manual
7 manipulation of the cell phone, sir, was to do a number of
8 things. One is because she was the person who drove the
9 victim to the hospital, she was an involved party. Initially,
10 there was limited information that was made available to the
11 investigation itself. So, anytime we get a statement from
12 anyone in a case, the first thing we try to do is either rule
13 them in or out of a person of interest as far as any
14 wrongdoing. So, obviously, in this instance, it was confirmed
15 that she had the phone with her through the evening the night
16 before during the time she was with the victim. We were
17 trying to extract as much information as possible from the
18 phone to, one, corroborate her whereabouts, details of the
19 statements that she had provided, and of course any other
20 information that may have been pertinent to furthering the
21 investigation.

22 Q: That's right. In order to prove or disprove something
23 that she may say or not say, right?

24 A: Yes, sir.

25 Q: That's what you're looking for. That's the whole purpose

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1 of doing the search warrant, was to get information, which
2 might be either consistent with what she says or inconsistent
3 with what she says, right?

4 A: Yes, sir.

5 Q: Right. One last thing, you said that you went back to do
6 a time travel, I guess, from Denny's to Sunny Heights?

7 A: Yes, sir; that's correct.

8 Q: And -- and -- and it took you, you say nine minutes?

9 A: I believe it was eight minutes, 45 seconds, yes, sir.

10 Q: Eight minutes and 45 seconds. Are you in a police
11 vehicle or are you in a regular passenger personal vehicle or
12 what?

13 A: It was a police vehicle. It was an unmarked Impala, if I
14 recall correctly.

15 Q: Okay. And did you make this trip alone or were you with
16 someone else?

17 A: Sergeant Martin.

18 Q: All right. Did you make any stops between that nine-
19 minute or eight-minute-and-45-second interval?

20 A: Only like a stop sign or stop light or, you know, not a
21 stop as far as putting the car in park and getting out
22 somewhere.

23 Q: Do you know whether or not you had to stop for more than
24 one stop sign or more than stop light in that eight-and-a-
25 half, nine minutes?

1 A: Yes, sir.

2 Q: All right. Yes, sir, you did or yes, sir, you didn't?

3 A: Yes, sir; there was multiple traffic lights and

4 intersections.

5 Q: Okay. How many of them caught you, the traffic lights

6 I'm talking about?

7 A: I don't recall.

8 Q: You don't recall. All right. Now, you also said, as I

9 understand it, that you went to -- you were looking at this

10 route from -- from -- from Sunny Heights to or from, I guess

11 from -- I apologize -- from Sunny Heights to wherever, the

12 hospital, I guess, looking to see where the car might have

13 stopped or if there was some kind of debris or something that

14 would help you determine where this event happened?

15 A: Correct, evidence of a crime scene or -- or evidence

16 pertinent to the crime itself; yes, sir.

17 Q: Okay. And in your travel from Sunny Heights to -- did

18 you go to Seacoast? Is that where you went from Sunny Heights

19 to Seacoast?

20 A: Yes, sir.

21 Q: Okay. And going from Sunny Heights to Seacoast, is this

22 daytime or nighttime that you guys are looking ---

23 A: Daytime.

24 Q: All right. Did you find anything?

25 A: No, sir.