

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

RECEIVED

Apr 15 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROY GENE SUTHERLAND, III

APPELLANT

APPELLATE CASE NO 2018-002148

RECORD ON APPEAL

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2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5) 2018-GS-42-1409
6 Roy Gene Sutherland, III,)
7 Defendant.) November 26 - 29, 2018
8) Spartanburg, South Carolina
9)

10 B E F O R E:

11 J. DERHAM COLE, JUDGE; and a jury
12
13

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Jury qualification

1 be introduced during the course of the trial.

2 At the trial's conclusion you'll deliberate the case.
3 In other words, you'll consider all of that evidence. You
4 will decide the facts as they relate to the allegations
5 made against the defendant.

6 Where you're able to determine the facts, you'll then
7 apply the law that I will have provided you. And the jury
8 will determine whether or not the defendant's guilt has
9 been proven beyond a reasonable doubt. And if it has been
10 so proven, then the verdict would be guilty. If it has not
11 been so proven, then the verdict would be not guilty.

12 Now, before we begin with jury selection in the case
13 I've got some folks to introduce to you. I'm going to be
14 introducing the defendant, the deceased's family members.
15 Some are present. I'll also be introducing the various
16 witnesses that might be called during the trial of the
17 case. I'll introduce the lawyers involved in the trial of
18 the case.

19 The purpose of these introductions is to find out if
20 any juror knows anybody who's going to be involved in the
21 trial of this case. So I need to find out if you are
22 connected by blood or by marriage to anybody who's
23 introduced to you. I need to find out if you have any sort
24 of personal relationship or connection with them through
25 employment, through school, through church, or do you

Jury qualification

1 socialize with any of these folks.

2 I also just need to know if you've ever met them, do
3 you know who they are, have you run into them somewhere, do
4 you have any connection whatsoever, or, and/or, whether or
5 not you just simply know who they are.

6 If you do or if you have such a connection, then I
7 need for you to stand as that person's name is called or
8 that person is introduced. And we'll determine what that
9 connection or knowledge is. And then I'll ask you whether
10 or not that connection or knowledge of that person would
11 have any bearing upon your decision in the case if you were
12 selected to serve as a juror.

13 After that I've got some other questions I'll ask you
14 in order to determine each of your abilities to be fair and
15 impartial if selected as a juror in the case.

16 So, first of all, as I've already told you, the
17 defendant, the person who is accused of having committed
18 the crimes of murder and possession of a knife during the
19 commission of that crime, is Roy Gene Sutherland, III.
20 He's also referred to as Danny Sutherland. This is
21 Mr. Sutherland.

22 (Whereupon, the defendant stood.)

23 THE COURT: Look at the jury. Don't look at me. Look
24 at the jury.

25 (Pause.)

Jury qualification

1 THE COURT: Okay. Thank you.

2 Representing Mr. Sutherland -- in other words, his
3 lawyers assisting him in the trial of this case -- are
4 Suzanne White and Paul Neely. They are each assistant
5 public defenders for the Seventh Judicial Circuit.

6 (Whereupon, Ms. White and Mr. Neely stood.)

7 THE COURT: The person who is alleged to have been the
8 victim of the murder is Lanham Joseph Wood. Obviously,
9 Mr. Wood's not present. But we do have some family members
10 who are.

11 And, Mr. Barnette, if you can, introduce those family
12 members.

13 MR. BARNETTE: If y'all would stand up and I will
14 introduce you to the jury.

15 THE COURT: These are family members that are being
16 introduced to -- perhaps you might not know Mr. Wood or
17 didn't know Mr. Wood, but you might know a family member,
18 so.

19 BRENDA CRENSHAW: Brenda Crenshaw, his aunt.

20 TINA FORD: Tina Ford, his sister.

21 WILLIAM LAWRENCE ASHCRAFT: William Lawrence Ashcraft,
22 one of her Sunday school teachers, a deacon in the church.

23 BETTY JOHNSON: I'm Betty Johnson, his sister.

24 MS. WHITE: Your Honor --

25 MATTHEW ASHCRAFT: Matthew Ashcraft, friend of the

Jury qualification

1 family.

2 MS. WHITE: May we approach briefly?

3 THE COURT: Yes, ma'am.

4 (Bench conference held off the record.)

5 THE COURT: All right. Presenting the case on behalf
6 of the state is Barry Barnette. He is your elected circuit
7 solicitor for the Seventh Judicial Circuit.

8 The following persons are potential witnesses. As I
9 say, I need to find out if you have any connection with
10 them.

11 And the reason some family members were introduced is
12 because I also need to know if you happen to have a
13 connection or contact with any family members of anybody
14 who's been introduced or is going to be introduced. So not
15 just the person being introduced or identified, but it's
16 also if you have some connection with anybody related to
17 them. I need to know that too.

18 All right. So potential witnesses include -- and the
19 first number of witnesses I'm going to call out until I
20 stop are all employed by the Spartanburg County Sheriff's
21 Department -- Spartanburg County Sheriff's Department.
22 These are all employed with the sheriff's department. If
23 they're present, they can stand. If they're not present
24 and you think you know somebody by that name -- they'll
25 have to be working at the sheriff's department -- but if

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: Are there any matters that need to be
4 addressed regarding jury selection by the state?

5 MR. BARNETTE: None from the state, Your Honor.

6 THE COURT: By the defendant?

7 MS. WHITE: None. Hold on one second, Your Honor.

8 (Pause.)

9 MS. WHITE: Your Honor, the issue we addressed at the
10 bench regards to --

11 THE COURT: Okay. We'll address that shortly.

12 MS. WHITE: Okay.

13 (Whereupon, the remaining members of the jury venire
14 were excused.)

15 THE COURT: All right. Ms. White.

16 MS. WHITE: Your Honor, the defense just wanted to
17 place an objection on the record. When Your Honor was
18 talking to the jury panel about the possible witnesses that
19 they would know and be aware of, Your Honor indicated that
20 the state had present the victim's family members, had them
21 stand up.

22 In addition to that though the state presented two
23 different people that they presented as family -- as
24 friends of family. They also raised issues having to do
25 with their church membership, them being deacons and so on.

1 And I think in this case we've talked about not
2 allowing -- or the state was trying to keep out certain
3 evidence regarding drug use and things like that, out. And
4 in this case it's simply kind of a way to run around to
5 make this appear more of a true motive -- excuse me -- a
6 murder compared to what our defense is or what even their
7 own witness says, which was this was a result of a
8 drug-deal situation.

9 So we would just object to them being able to present
10 these people and having them speak to the jury indicating
11 that they're involved with the church and deacons.

12 THE COURT: I mean, what do you perceive the harm to
13 be there?

14 MS. WHITE: Well, Your Honor, I just think that it's
15 an attempt to almost bolster the credibility of the victim
16 in this situation and make this appear kind of more of a
17 heinous crime perhaps.

18 THE COURT: Okay. Well, let me say this.

19 It's not uncommon that there are folks seated behind
20 the prosecution and behind the defense table that aren't
21 going to be witnesses in the case. And it's not uncommon
22 that the jury goes back and during the course of the trial
23 a juror asks about -- they'll say, well, I knew that person
24 that wasn't introduced, which creates more problems than
25 introducing someone does in my view.

1 So of course we had a sidebar about it. Mr. Barnette
2 did not intend to introduce anyone who was not actually a
3 family member. And so that was just an accidental
4 occurrence, but I don't see any harm and I don't see any
5 prejudice to the defendant. And so what remedy were you
6 seeking?

7 MS. WHITE: Your Honor, you know, obviously that's
8 kind of a difficult position because essentially the remedy
9 would be to throw out the whole jury panel, and I don't
10 know that that's a feasible --

11 THE COURT: Is that what you're asking me to do?

12 MS. WHITE: Essentially, yes, Your Honor, we would
13 ask.

14 THE COURT: What do you mean -- essentially?

15 MS. WHITE: Well, yes.

16 THE COURT: Okay. I'm going to deny that request.

17 MS. WHITE: Okay. Thank you, Your Honor.

18 THE COURT: All right. What else?

19 MR. BARNETTE: Your Honor, the state has several
20 motions. First one is a 404(b) motion. I did a -- gave
21 notice to the defense on that, and that's been filed, Your
22 Honor. I did a memo of law concerning that, Your Honor.
23 I'd like to mark that as Court's Exhibit 1. I think I
24 passed it up to the Court earlier in chambers.

25 THE COURT: Okay.

1 MR. BARNETTE: And make that part of the record
2 concerning that, Your Honor.

3 (Memo of law and documents marked Court's Exhibit No.
4 1.)

5 MR. BARNETTE: Also, I made a third-party-guilt motion
6 concerning in this case, Your Honor. I've also filed that
7 with the defense, Your Honor.

8 I also filed a Rule 609 motion about his prior crimes,
9 being able to use it if he testifies concerning this way
10 from there, Your Honor. But I filed these three pretrial
11 motions.

12 THE COURT: All right. Well, let's do this.

13 I'll review the -- I'll review the memo and the
14 attachments to the 404(b) issue, and I'll address that in
15 the morning.

16 The 609 issue can be addressed when and if the
17 defendant elects to take the witness stand.

18 And what was the other?

19 MR. BARNETTE: Third-party guilt, Your Honor.

20 THE COURT: Third-party guilt.

21 Is the defendant going to claim that there's some
22 other suspect out there somewhere that might have been done
23 this?

24 MS. WHITE: With the exception of testimony and
25 cross-examination of the codefendant, Amy Berridge, as to

1 her culpability in it, we do not intend to allege that
2 there was a third person that committed this crime.

3 THE COURT: Okay. And Ms. Berridge was also charged?
4 Is that --

5 MR. BARNETTE: That's correct, Your Honor.

6 The only thing is, obviously, third-party guilt cannot
7 be inconsistent with his own guilt. That's the only thing
8 about third-party guilt. And I don't know how that
9 presents from there and --

10 THE COURT: I'm not sure either.

11 MR. BARNETTE: -- obviously, she was a -- she was a
12 codefendant. No question about it. It just depends on how
13 the presentation would be.

14 THE COURT: Well, as I understand it, Ms. White
15 doesn't intend to accuse anybody other than Ms. Berridge of
16 being the perpetrator. So she's a codefendant. So I
17 assume the state believes she's one too.

18 MR. BARNETTE: Yes, sir.

19 THE COURT: Okay. All right. Well, that issue should
20 be resolved then.

21 All right. Anything else we need to --

22 MR. BARNETTE: I didn't know if they had any motions.

23 THE COURT: -- address before in the morning?

24 MS. WHITE: Your Honor, I wanted to address the issue
25 that we discussed in chambers. I know that Mr. Barnette

1 had originally filed a motion to exclude the victim's
2 toxicology. I wanted to just verify that based on our
3 conversations we agree that essentially the drug use, drug
4 deal, was part of the res gestae of this crime and that we
5 would be allowed to go into that on both the defendant,
6 codefendant and victim's behalf.

7 MR. BARNETTE: Your Honor, I made a motion in limine
8 concerning his toxicology.

9 The way they're going to present this, they're going
10 to say that the codefendant from here. I don't think
11 there's any allegations that the defendant -- self-defense
12 or anything like that. Is there something else that
13 they're alleging here that would make that relevant to this
14 case?

15 THE COURT: I don't know.

16 MS. WHITE: And I guess I need to ask for
17 clarification.

18 Is he meaning drug use in general or is he saying
19 actual toxicology report that shows Mr. Wood had
20 methamphetamine in his system?

21 THE COURT: From what y'all told me there was a -- the
22 motion to exclude was to exclude the results of the
23 toxicology exam or analysis on the victim's blood.

24 I understood that there was no -- there was not going
25 to be an objection to prohibit the discussion about drug

1 usage or drug transactions going on at this location during
2 this event. Is that -- did I miss something?

3 MR. BARNETTE: Well, it depends if the codefendant
4 winds up testifying. It may not. I don't know at this
5 point. We have to wait and see how the evidence presents
6 itself from there to see.

7 MS. WHITE: Your Honor, I mean, obviously, we would
8 want to be able to start off argument in opening statements
9 perhaps with that. And if Mr. Barnette is saying he wants
10 to have the ruling based on how the testimony proceeds, I
11 think that's going to put us at a disadvantage for being
12 able to prepare our case fully to present.

13 MR. BARNETTE: I guess what I'm saying, Your Honor, if
14 they're planning to go through the defendant's testimony,
15 there's no question that it comes in. I'm not going to say
16 it doesn't from that standpoint. But it may not come in
17 through the state's case. I don't know at this point.

18 THE COURT: Well, of course in order for something to
19 be admissible it's got to be relevant to something, and of
20 course I don't know what -- I don't know what this case is
21 about except the basic understanding of it, and so I don't
22 know what all things might be relevant and what things
23 might be not or more prejudicial than probative. So y'all
24 have to help me with that but --

25 MS. WHITE: Your Honor, if you'll allow me, I'll kind

1 of give some details as to how the drugs were involved in
2 this situation.

3 The codefendant herself gave testimony or has told the
4 police in written statements that they were going to either
5 buy or sell dope and that that is what led to the
6 interaction between the defendants and Mr. Wood.

7 The other suspects, as the investigation proceeded,
8 many of the officers, they were linked to other suspects,
9 ultimately linked to these folks because of people that
10 were connected through the drug trade. I don't believe --

11 THE COURT: Well, I understand. Well, I mean, I'm
12 going to interrupt you for just a minute, but I'm going to
13 let you continue. But we had a discussion in chambers.
14 But, now, all of that depends upon what the state
15 introduces. I mean, if those witnesses don't take the
16 witness stand and testify, then, obviously, that testimony
17 doesn't come in unless you call them as witnesses.

18 MS. WHITE: Right.

19 THE COURT: So if the codefendant -- whatever the
20 codefendant or whatever Ms. Berridge has said might be
21 truthful and accurate, but it doesn't come in without her
22 testifying about it, and that might cause other things to
23 come in. But if she does not testify, then perhaps the
24 idea of a drug transaction being the -- involved in this
25 event is not relevant. It doesn't come in unless she

1 establishes it, or some other witness. But I don't know
2 how they're going to present the case. So, you know,
3 sometimes it's easy to do evidentiary matters pretrial, and
4 sometimes it's not, because it depends on what's presented.

5 You know, sometimes you anticipate presenting
6 something, and then you don't, and the Court's made a
7 ruling on something that's not going to happen. But it's
8 dependent upon it happening.

9 So I guess what we'll have to do is we won't be able
10 to -- or at least the defense won't be able to comment on
11 what they think the evidence is going to show, because you
12 don't know what the state's going to present, and you can't
13 comment upon what the defense's evidence is going to show
14 unless you have made the decision and the defendant's made
15 a decision that he's going to testify or present that
16 evidence.

17 Now, if you have a witness that you intend to call and
18 you expect they're going testify to something and it's
19 relevant, you can talk about it in opening statement. But
20 that's the problem with lawyers talking about things in
21 opening statements that don't then occur in the trial. And
22 the jury's going to be exposed to something that they're
23 not going to see during the trial. And that's extraneous
24 information that they're not entitled to be privy to or to
25 consider. So that's one of the perils of talking about the

1 facts in opening statements, because unless you know you're
2 going to present it, then we're not certain that it's going
3 to be introduced during the trial.

4 So my ultimate point is, is that if y'all agree on
5 facts or evidence that's going to be presented during the
6 trial of this case, I have absolutely no problem with y'all
7 talking about it in opening statements, but if there's a
8 disagreement or there's a motion to preclude it, it depends
9 on the context. And so you can't discuss it in opening
10 statements until it's been ruled admissible.

11 MS. WHITE: And, Your Honor, I guess that's where I
12 was trying to get clarification, because from my
13 understanding Mr. Barnette was on the same pages we were.

14 It's the fact that their search warrants, the
15 investigation, everything discusses illicit drug use and
16 transactions.

17 So in regards to introducing evidence, in regards to
18 introducing how and when the folks were in contact with
19 Mr. Wood, my understanding is that is part and parcel of
20 the argument that they -- essentially is one in the same.
21 It can't be presented as to how they connected with him and
22 what the purpose was without the use of discussing the drug
23 use.

24 Obviously, if Your Honor wants we can not discuss it
25 in opening statements, and I certainly would not want to

1 bring up anything that could create any additional issues.
2 But we would argue that that is going to be part of the
3 ultimate issue with how they connected, what led to perhaps
4 the incident that led to Mr. Wood's death and entirely why
5 we're here today, Your Honor.

6 THE COURT: Well, I understand and from what I gather
7 from Mr. Barnette is that might be something that he
8 doesn't intend to establish, but he's going to let you
9 establish it if you want to through your own calling of
10 witnesses and the like. But it might be that it's got to
11 come out in the state's case.

12 In any event, I think we can resolve all of that
13 shortly. We'll discuss it in chambers and resolve that
14 issue, I think.

15 MS. WHITE: Your Honor, I do also have a motion to
16 preclude anything, the victim's statement, as hearsay.

17 He indicated, apparently from my understanding from
18 reading the various incident reports -- there's never a
19 written statement that was given. But from reading the
20 incident reports he made several statements to both his
21 neighbor that he went and touched base with to have call
22 9-1-1. He made statements to the neighbor, who made
23 statements to the neighbor's son-in-law, who was an
24 off-duty at that time officer. And then that word kind of
25 progressed. You know, multiple other officers kind of

1 shared the information second and third hand. But we would
2 argue that anything that the victim said is going to be
3 hearsay.

4 THE COURT: All right. And where were these
5 statements made?

6 MS. WHITE: They were made from my understanding on
7 the steps of the neighbor's home as he was talking to him
8 and asking him to call 9-1-1. Mr. Wood did not have a
9 phone on him.

10 THE COURT: This was immediately after the attack
11 that's alleged?

12 MS. WHITE: Within a few minutes, Your Honor, from our
13 understanding.

14 THE COURT: All right.

15 MS. WHITE: And that he discussed some things. He --
16 there's an allegation that he made a mention of he was
17 robbed. That's one of the issues, Your Honor.

18 I think even the sheriff himself on the T.V. had
19 indicated they didn't think it was a robbery based on the
20 fact that Mr. Wood still had his money and his debit cards
21 in his -- in his wallet.

22 They haven't been charged with armed robbery or
23 robbery, so I think that is a major issue. But then also
24 based on the information he gave, I think that without us
25 being able to confront him as to that, without us being

1 able to cross-examine him, that it's a violation of my
2 client's confrontation rights, as well as hearsay.

3 THE COURT: Well, as you know, some statements come in
4 because they're deemed to be sufficiently reliable or
5 credible based upon the circumstances in which they were
6 given, and I don't know if that's the case here. But Mr.
7 Barnette can comment on that.

8 MR. BARNETTE: Yes, sir.

9 what it is through the investigation and everything
10 they found out the defendant, along with his codefendant,
11 had a U-Haul.

12 The victim in this case had went to Spinx on Southport
13 Road. We have the times on those. And he left Southport
14 Road around 4:57, left the Spinx there on Southport Road.

15 We've had where the defendant -- the U-Haul they were
16 driving, it has a red panda on the side -- had actually
17 drove there. We've got them on Britt Automotive which is
18 right near Spinx coming in and actually went through the
19 parking at the time there close to 4:57, came back out and,
20 obviously, picked up Mr. Wood, went by Britt Automotive at
21 that time. That time was almost 5:00 o'clock.

22 Obviously, they had to drive down Southport Road, hit
23 Cedar Springs Road, went to Mr. Wood's residence. The
24 testimony would be Mr. Lanford, his neighborhood -- him and
25 his wife was watching T.V. They heard a knock on the back

1 door shortly after 5:00 o'clock. He went out to check, and
2 Mr. Wood had actually went away from the deck. There was
3 blood on the window and on the porch.

4 They saw him there and started talking to him. He was
5 coherent at that point, made the statement basically they
6 had robbed him and beat him and they were in a U-Haul, they
7 picked him up in a U-Haul.

8 He also gave some additional information about Jackie
9 Lance going to the McDonald's and so forth. Of course his
10 wife called his son-in-law, which was an officer with the
11 sheriff's department. He shortly thereafter started to
12 basically going out at that point.

13 E.M.S. arrived there, took him to the hospital, which
14 he shortly died after that.

15 The 9-1-1 call was made at 5:09, so, obviously, this
16 happened at a very --

17 THE COURT: Who made the 9-1-1 call?

18 MR. BARNETTE: His wife.

19 THE COURT: Okay.

20 MR. BARNETTE: And that call was made at 5:09, so this
21 happened in a very quick period of time from there.

22 Like I said, they have them going by Britt Automotive
23 around 5:00 o'clock, from that standpoint, as well as the
24 Get N Go, which is also another video that's across from
25 K.F.C. on Cedar Springs Road that saw that.

1 Therefore, we'd argue it's obviously a dying
2 declaration or present sense impression that's an exception
3 to the hearsay rule in this situation, and we'd ask for it
4 to be admitted.

5 THE COURT: All right. Well, do you want to be heard?

6 MS. WHITE: I do, Your Honor.

7 In regards to the allegation that it's a dying
8 declaration, Your Honor, case law, State vs. Brown, as
9 specifically states that it has to be, obviously, a
10 statement made by the declarant -- no question about
11 that -- while believing that his death, the declarant's
12 death, was imminent.

13 Your Honor, from my understanding from the testimony
14 that has been given to me, or the statements, Mr. Wood even
15 asked. He didn't even realize he had actually been stabbed
16 at the time. He made no mention in any of his
17 conversations to officers, his neighbor or E.M.S. I'm
18 dying, I'm not going to make it.

19 Officers on body-worn cameras even said it's one --
20 when he was being -- he's going to make it, that's fine.
21 There's no indication that his actual state of mind at the
22 time the statement was made reflected that he believed he
23 was going to die from this, Your Honor.

24 And at that point the state of mind -- you can look at
25 everything from the facts and circumstances, but I think

1 the fact that he did not specifically say anything about
2 his impending death, the fact that he believed death was
3 imminent, the ultimate outcome, the fact that he did die,
4 does not automatically make this an exception as a dying
5 declaration.

6 Your Honor, it's based on the state of mind of the
7 declarant at the time they made the statement, and I think
8 that the -- the statements that we were given, from what he
9 indicated he was able to coherently say please go get my
10 friend Jackie Lance at the McDonald's.

11 He made no mention as this being a last request,
12 anything about indicating that he believed he was about to
13 die.

14 So we would argue that it's certainly not a dying
15 declaration, Your Honor.

16 In regards to any other kind of exception --

17 THE COURT: 803(1) talking about that?

18 MS. WHITE: I'm sorry?

19 THE COURT: 803(1) talking about the --

20 MS. WHITE: Is there a present sense impression, Your
21 Honor?

22 Your Honor, to my understanding present sense
23 impression is when the statement is made while perceiving
24 something.

25 THE COURT: Or immediately thereafter.

1 MS. WHITE: Or immediately thereafter, Your Honor.

2 But I think that the statements at the time, the
3 credibility of those, are called into question when he says
4 he was robbed.

5 The victim actually apparently indicated to the
6 neighbor, because the neighbor specifically told the cops
7 he had \$80 in debit cards and he says he was robbed.

8 The wallet was found, Your Honor. The debit cards
9 were in there. He had \$50 in his wallet.

10 I think that the fact that he says something about
11 being robbed is a question of his credibility at that
12 point, and the fact that he was not making a statement
13 while perceiving something is part of the issue with the
14 present sense impression, Your Honor.

15 I mean, there's also statements that are made. And
16 I'm not sure if this was something that was a -- I don't
17 know where this came from. I don't know if this was
18 something that was misinterpreted by someone. One of the
19 search warrants that the police got indicate that the
20 victim told them it was an unidentified black man that did
21 this. That's written out in the affidavit by the officers.

22 Your Honor, so I'm not sure what information they had,
23 what he gave to them. But I think that present sense
24 impression is called into question when there's issues of
25 credibility for what he said. And that would, again, be an

1 issue with confrontation cause for my client not having the
2 ability to cross-examine him based on the variety of
3 statements that are attributed to the victim at this point.

4 MR. BARNETTE: Your Honor, I can answer.

5 The search warrant didn't come from the victim, that
6 information. Supposedly, there were different people that
7 were staying with him at different times. That information
8 supposedly about the black man came from that information,
9 not from the victim himself in this case.

10 And, like I said, it happened right afterwards. It's,
11 obviously, immediately there. It's his present sense
12 impression. Mr. Langford also looked at him. He saw him.
13 He will testify about him seeing the stab wounds.
14 Basically, he was so opened up he was scared to put his
15 hands in there to try to do anything pressure-wise, as well
16 as injuries to his head in this case.

17 THE COURT: Well, just from what y'all tell me, it's
18 likely that I would allow it, but, obviously, that
19 foundation would have to be laid through testimony so we'll
20 know that the foundation is laid and that it is properly
21 admitted under either a dying declaration or under 803(1).
22 But it sounds like it's likely to come in, but I won't
23 really know until the foundation has been established. All
24 right.

25 MS. WHITE: Your Honor, I think that's all we have at

1 this time.

2 MR. BARNETTE: Your Honor, I do have some pictures or
3 something we need to discuss with you. I talked with them
4 earlier about that, and we'll probably have to discuss with
5 you in chambers or at a side bar.

6 THE COURT: All right. Court is in recess until --
7 we've got to bring the jury back.

8 Let me see y'all all just a minute.

9 (Bench conference held off the record.)

10 THE COURT: Ladies and gentlemen, we're not going to
11 be able to begin with the trial this afternoon, but we will
12 begin in the morning starting at 10:00 o'clock.

13 So you're going to be excused right now, but
14 understand that now that you've been selected you can't
15 talk about the case with anybody.

16 I know you don't know anything yet really, but you
17 can't talk about the case with anybody in any fashion
18 whatsoever. So no discussions with family members,
19 friends, neighbors. No discussions even among yourselves
20 with your fellow jurors. You can't do that until jury
21 deliberations, and that doesn't happen until the trial's
22 conclusion. So no discussions about the case.

23 Also, any time a jury decides a case it has to be
24 based upon what's seen and heard during the trial. You
25 can't allow yourselves to be influenced by any outside or

1 extraneous information.

2 So in addition to having no discussions with anybody,
3 you also can't conduct any research or do your own
4 investigation into any issue that might arise.

5 And you can't go on the internet and see if there's
6 something about the case. That's the reason I asked you
7 about exposure to media coverage earlier, because what you
8 see and hear outside of the courtroom, outside of the
9 trial, might be wrong. It might be incorrect. And so
10 that's why you -- it's not something that you can consider
11 or be exposed to. So you have to avoid any type of
12 discussions; you have to avoid any type of media
13 exposure -- television, radio or newspaper. And you have
14 to avoid any type of research or investigation on your own.

15 You just have to base your decision upon what you see
16 and hear during the trial of the case, and you can't be
17 influenced by any outside or extraneous information.

18 So with that, do have a good evening. Please report
19 to your jury room at 10:00 o'clock in the morning --
20 10:00 o'clock in the morning.

21 And I need to see Ms. Ramirez before you leave.

22 (The following takes place outside the presence of the
23 jury.)

24 (Bench conference held off the record with Juror No.
25 144, Madalyn Ramirez, outside the presence of the jurors.

1 Juror 144 had a child with a doctor's appointment on
2 November 27, 2018.)

3 THE COURT: Court is in recess until 10:00 o'clock in
4 the morning.

5 END OF PROCEEDINGS NOVEMBER 26, 2018
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1 (Proceedings November 27, 2018)

2 (State's Exhibits 1 through 104 marked by Mr.
3 Barnette.)

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

6 THE COURT: Are there any matters to be addressed
7 prior to the jury being sworn?

8 MR. BARNETTE: Yes, sir.

9 The state had made some motions. We'd made a
10 third-party-guilt motion, and I understand from the
11 defense -- and they can correct me -- is the only person
12 they are looking at third-party guilt potentially is the
13 codefendant at this point.

14 MS. WHITE: That's correct, Your Honor.

15 THE COURT: And there's no objection to that?

16 MR. BARNETTE: None.

17 THE COURT: Okay.

18 MR. BARNETTE: The state had made a motion in limine
19 about the toxicology report concerning the victim's -- what
20 was found in his blood, and we'd ask -- and I think the
21 defense will agree that the present law is that that would
22 be kept out at this point.

23 MS. WHITE: Your Honor, as it pertains specifically to
24 the toxicology report and the actual levels of drug use in
25 the victim, we agree that based on the case law that that

1 is not admissible at this time.

2 However, we did address with Your Honor in chambers
3 the introduction of evidence and our desire to try to
4 introduce evidence, whether it's in opening or through
5 cross-examination of drug use, of the knowledge of Ms.
6 Berridge of Mr. Wood, its proclivity and the home being
7 used for drug use.

8 And I understand from Your Honor's ruling or
9 discussion that you feel like until testimony is presented
10 you can't really decide if it's relevant or not.

11 We would ask for leeway in that somewhat, but we
12 understand that we can't introduce anything until testimony
13 begins.

14 THE COURT: That's true.

15 Oftentimes the lawyers agree on what the evidence is
16 going to show when it's presented. And if that's the case
17 and you both agree, then I don't have any objection to you
18 talking about that in opening statements.

19 But if there is a disagreement as to what will be
20 presented or what is relevant or what the evidence will
21 be -- will show as presented, then it should not be
22 commented upon during opening statements and should not be
23 addressed in front of the jury unless and until the Court
24 has addressed the admissibility of it.

25 So I realize that that hampers you in some way perhaps

1 in opening statements, but opening statements are not
2 necessarily designed to try the case and to present the
3 facts because no evidence has been presented. That's
4 ordinarily reserved for closing statements.

5 So the bottom line is where y'all agree as to what you
6 can say in opening statements or it's clear what you can
7 address, then you can. But if it's disputed, then it'll
8 have to be reserved until such time as that evidence is
9 actually admitted into the trial of the case.

10 MS. WHITE: Thank you, Your Honor.

11 THE COURT: Anything else?

12 MR. BARNETTE: Yes, sir.

13 The state had made a motion under rule 404(b), the
14 South Carolina, evidence, Your Honor.

15 I'd served notice of that by a motion earlier on the
16 defense and filed that. I've handed up an amendment of law
17 to the Court, Your Honor, on 404(b) evidence. I'd like to
18 mark that as Court's Exhibit No. 1 in this case.

19 Basically, Your Honor there's a -- we feel like it
20 goes to intent in this situation. I understand. I've
21 listened to several jail phone calls. There's a statement
22 of the defendant in this case, or statements he's given and
23 the potential story that he may tell.

24 I know this may be -- like I say, we'll have to wait
25 and see if the evidence develops, but I just want to make

1 sure that the Court was on notice, as well as the defense,
2 in this memo, that his prior bad acts in Greenville in 2012
3 where he did a very similar type of action to an individual
4 there, a black male, at that time basically put a knife to
5 his throat and -- he actually pled to attempted armed
6 robbery, as well as ABHAN, in those cases.

7 And of course the memo goes into that. It has the
8 statement of the victim in there, as well as his sister was
9 the one that actually turned him in -- the defendant's own
10 sister did. And she gave a statement, as well as the
11 codefendant in that case. The codefendant was also a
12 female in that case. He basically tried to blame the
13 female in that case where -- which he's basically trying to
14 do in this case.

15 So I think it was definitely similarities and
16 definitely goes to intent in showing what -- what his
17 intent was in this event. And I believe it's not the story
18 he'd been telling. So I think it would go to that effect.

19 Like I said, that may be something we deal with as the
20 evidence develops.

21 THE COURT: Well, in my understanding of what you're
22 saying, you would likely be offering that for the purposes
23 of impeaching testimony or statements made by the
24 defendant?

25 MR. BARNETTE: Yes, sir.

1 THE COURT: All right. But you're not intending to
2 offer that in the state's case in chief?

3 MR. BARNETTE: Not at this point, Your Honor, based
4 off our in-chambers conversations from that standpoint.

5 THE COURT: Okay. All right. Well, we'll -- we'll
6 simply -- for the present time it'll be excluded until such
7 time as it's shown to be relevant on proper 404(b) grounds.
8 And if that's the case, then we'll address that outside the
9 jury's presence before that evidence is introduced in front
10 of the jury.

11 MR. BARNETTE: So if I decide to go -- if I'm starting
12 to go that route, feel like it should go that route, make
13 sure I notify the Court first so that we can do that
14 outside the presence of the jury.

15 THE COURT: Exactly. So we can make that proffer
16 before the jury hears that evidence.

17 MR. BARNETTE: Yes, sir. I understand.

18 THE COURT: As far as the defendant's -- excuse me --
19 as far as the deceased's statements are concerned, I
20 understand that the defense has objected to those
21 statements being introduced.

22 I have given a preliminary indication that those
23 statements will be allowed, but that's under the assumption
24 that the proper foundation is laid.

25 So, Mr. Barnette, you will lay that foundation prior

1 to any witness being asked what the deceased actually said
2 to the witness. And then at that time the defense can make
3 their objections to it and I'll address it.

4 MR. BARNETTE: And, Your Honor, just to build the
5 record on that, let me get one document here.

6 (Pause.)

7 MR. BARNETTE: Your Honor, just to build the record a
8 little bit about that, because some of this testimony will
9 come after that witnesses from that standpoint, but at the
10 Spinx, Your Honor, where the victim went there -- Lanny
11 Wood, Your Honor -- we have him actually going in the Spinx
12 4:49 p.m. on January 6th of 2018. That's State's
13 Exhibit 32. That's a still shot from the video that was
14 taken from that store.

15 We have a still shot, State's Exhibit 33, Your Honor.
16 This winds up being a -- of the van -- the U-Haul van with
17 the red panda that was driven by the codefendant, as well
18 as the defendant was in it, Your Honor, at 4:57 that day,
19 Your Honor.

20 We have it where it's coming and going by Britt
21 Automotive on Southport Road. It actually goes by -- back
22 at 5:00 p.m. that day, back on Southport Road, back towards
23 Cedar Springs Road, that intersection.

24 At that time we have a witness that actually saw a man
25 picked up in the U-Haul. He'll be testifying here today.

1 And of course that was after he was picked up. That's
2 5:00 o'clock. These times are correct, and I think the
3 people will testify to that, Your Honor.

4 The 9-1-1 call, Your Honor, they'll -- the witness
5 will testify this -- that he actually came to that porch
6 shortly after 5:00 o'clock. The 9-1-1 call is made at
7 5:09, and that's when the police received the notification
8 to be there. So that happened in a very short period of
9 time.

10 I just wanted to have that evidence along with the
11 testimony of the witness to be put on the record so that
12 for the present-sense-impression argument. I just wanted
13 to go ahead and state that.

14 And those are State's Exhibits 32, 33, 34 and 35 for
15 I.D. purposes, but I'll enter them in at the appropriate
16 time, Your Honor. I just wanted to build that record and
17 make sure it was on the record.

18 THE COURT: Okay.

19 MR. BARNETTE: Your Honor, two other things the state
20 would bring up.

21 Your Honor, State's Exhibits 95, 96, 97 and 98 are
22 actually black-and-whites. We'd met in chambers with Your
23 Honor. The defense had some concerns about those pictures,
24 so I've made them black and white and actually cut parts of
25 one picture off, which is State's Exhibit 97.

1 what I've done is I've actually entered the actual
2 pictures. I've actually had the actual colored pictures as
3 court's exhibits. Court's Exhibits 2, 3, 4 and 5, are
4 those pictures. And we're going to enter those as court's
5 exhibits. The actual pictures are going to be black and
6 white for the jury to see. And I understand the defense is
7 fine with that from that standpoint.

8 THE COURT: Okay.

9 (State's Exhibit No. 95 marked Court's Exhibit No. 2;
10 State's Exhibit No. 96 marked Court's Exhibit No. 3; State's
11 Exhibit No. 97 marked Court's Exhibit No. 4; State's Exhibit
12 No. 98 marked Court's Exhibit No. 5; photograph marked
13 Court's Exhibit No. 6.)

14 MR. BARNETTE: And then the other exhibit, Your
15 Honor -- we do have an exhibit of the defendant in this
16 case. It's marked as State's Exhibit 99.

17 The original picture is Court's Exhibit 6. And what
18 we've done, we've cut off at his wrist area just to be able
19 to show his two -- basically knuckles on his right hands,
20 the reason why the state's interested in it.

21 The original picture is Court's Exhibit No. 6. The
22 redacted version cutting off from his -- at his wrist or
23 whatever is going to be State's Exhibit 99, and I shared
24 that with the defense also.

25 And, Your Honor, there is one other matter. The state

1 made an offer this morning to the defendant. He is at this
2 point charged with murder and possession of a weapon during
3 a violent crime.

4 He is facing a life sentence without parole if he's
5 convicted on those charges because of his previous
6 attempted armed robbery conviction in Greenville County.

7 We offered this morning to let him plead -- to remove
8 the life-without-parole notice, let him plead to voluntary
9 manslaughter and possession of a weapon during a violent
10 crime straight up in front of Your Honor.

11 I understood he's rejected that. I'd just like to
12 have that put on the record if we could at this time.

13 THE COURT: All right. Ms. White, you've heard what
14 Mr. Barnette told me about the offer made by the state.

15 MS. WHITE: I do, Your Honor. Co-counsel -- Mr. Neely
16 and I -- spoke with my client and discussed the offer with
17 him, discussed the options with him. And he has chosen to
18 reject the offer and go forward with the trial.

19 THE COURT: And do you believe that his decision that
20 he made is freely, voluntarily, knowingly and intelligently
21 made, having an understanding of the consequences of that,
22 rejecting the state's offer?

23 MS. WHITE: I do, Your Honor.

24 THE COURT: All right. Mr. Sutherland, you heard what
25 Mr. Barnette told me. You heard what your lawyer, Ms.

1 White, told me. Are you in agreement with it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand what the offer was? It
4 was made to you.

5 THE DEFENDANT: Yes, sir. It was simple as -- it was
6 the Alford plea, Alford, North Carolina plea.

7 THE COURT: well, they would allow you to plead guilty
8 to voluntary manslaughter. They would withdraw the
9 life-without-parole notice, and they would allow you to
10 plead guilty to the lesser offense of voluntary
11 manslaughter as opposed to the greater offense of murder
12 and then leave the sentencing up to the Court.

13 THE DEFENDANT: I understand, sir.

14 THE COURT: And your lawyer says that she's discussed
15 that with you and that you have an appreciation of the
16 consequences of the rejection of that offer. Is that true?

17 THE DEFENDANT: I do, sir.

18 THE COURT: And you're satisfied with your decision?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you need to discuss it with your
21 lawyers any further?

22 THE DEFENDANT: No, sir. I don't.

23 THE COURT: Okay.

24 MR. BARNETTE: Your Honor, we'd revoke the offer at
25 this time.

1 THE COURT: Okay. All right. Now, with regard to
2 the -- you can have a seat -- with regard to the exhibits
3 which have been referenced, I also have a list, state's
4 exhibit list, which appears to have 105 separate exhibits.
5 Are these all admitted without objection, Ms. White?

6 MS. WHITE: No, Your Honor.

7 THE COURT: All right. So we'll just address those as
8 they're introduced?

9 MS. WHITE: I believe so. I know that we did discuss
10 some issues with the clothing that he had indicated that
11 they were wanting to introduce.

12 THE COURT: That's fine. We'll just address it as
13 they come in.

14 Y'all make your objections if you have one. I just --
15 I thought this was by agreement. If it's not, that's fine.

16 All right. Anything else we need to address before
17 the jury is sworn?

18 MR. BARNETTE: Nothing from the state, Your Honor.

19 MS. WHITE: Nothing from the defense, Your Honor.

20 THE COURT: Okay. Bring them in. Ask Mr. Williams,
21 Juror 191, to take the foreperson's seat.

22 (The following takes place in the presence of the
23 jury.)

24 THE COURT: Good morning, ladies and gentlemen.

25 We are ready to begin with the trial of the case for

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1 you are not to begin making up your minds or formulating
2 your opinions as to what you think the ultimate decisions
3 in this case ought to be until after all of the evidence
4 has been received, until you've heard the final summations
5 of the lawyers, until I have instructed you on the law
6 that's applicable and until you've been asked to go back
7 and to begin with your deliberations at the trial's
8 conclusion.

9 That is the process that has been designed over the
10 last 240-odd years to ensure that you can arrive at a fair
11 and just decision in this case and any case that you might
12 be called upon to participate in.

13 So I do want to thank you in advance for your
14 participation as jurors in the case. I'll also thank you
15 in advance for your careful attention and consideration to
16 all of the evidence and the arguments of the lawyers.

17 So I would ask that you please give the lawyers your
18 attention now as they give you their opening statements.

19 Mr. Barnette.

20 MR. BARNETTE: May it please the Court, Your Honor.

21 Mr. Foreman and ladies and gentlemen of the jury, I
22 want to take you back to January the 6th of 2018, this
23 year.

24 Mr. Lanford -- you'll be hearing from him shortly --
25 him and his wife was sitting down watching T.V. in their

Opening statements

1 residence at [REDACTED] Road. They were getting
2 ready to watch T.V.

3 They hear something at their back door. Mr. Lanford
4 goes there. He sees blood on the door. He looks out on
5 the sidewalk. He sees his neighbor, Lanham Wood, commonly
6 known as Lanny.

7 He goes out, checks on him. Found out he'd been
8 stabbed several times. Wounds to his head and has blood on
9 him and everything.

10 His wife calls 9-1-1. This is around 5:00 o'clock, a
11 little bit after 5:00.

12 Sheriff's department is called there. They start
13 their investigation. They go to a news bulletin,
14 basically, letting the public know that they need
15 information about anything involving Mr. Wood from that
16 standpoint.

17 Aaron Price, which you'll hear from here, notifies the
18 sheriff's department about seeing a gentleman picked up in
19 a U-Haul, box thing, up on Southport Road near the Spinx
20 station.

21 If you're familiar with this area, this is on 295, 56
22 going across there. You've got the neighborhood Wal-Mart.
23 You've got the K.F.C.

24 If you go down Southport Road you've got Britt
25 Automotive; you've got the Spinx there. E.P. Todd is in

Opening statements

1 that area too if you go to the left of that.

2 The sheriff's department goes out and starts looking
3 at videos at Britt Automotive, as well as the Spinx. They
4 see Lanny Wood go in. You'll see these videos and you'll
5 see these pictures off these videos going into the Spinx
6 that day. He went and actually got kerosene or get
7 kerosene in the thing. You'll see him on there. This is
8 about 4:57 on the Spinx when he leaves there.

9 You will see a U-Haul box vehicle come through there.
10 It had like a red panda on the side of it. You will see
11 this on the video.

12 Police saw -- the sheriff's department saw that and
13 was able to get the numbers and realized where that U-Haul
14 was bought from. And you'll see the U-Haul actually comes
15 back towards Cedar Springs, back to where Lanny Wood lives
16 about 5:00 p.m.

17 They find out that this U-Haul was rented to 95
18 Kensington Drive. And the U-Haul was rented by the
19 mother of Amy Berridge, one of the codefendants -- the
20 codefendant of the defendant in this case, Roy Sutherland.

21 When they realize that the sheriff's department keeps
22 working and whatever, and they find out that the sheriff's
23 department had actually made a stop on a Q.T. up on
24 Reidville Road, up, you know, where the Fuddruckers is and
25 everything there. They made a stop.

Opening statements

1 Amy Berridge was driving the U-Haul van, and the
2 defendant, Roy Sutherland, was in the passenger side. And
3 this was the morning of, around 2:00 a.m. that morning on
4 January 6th of 2018, the same day the murder happened.

5 They had interaction with him. You'll see that on the
6 body cams from there. Deputy Shue will be testifying. At
7 that time you'll see that there are several knives that
8 Mr. Sutherland has on him. You'll also see he is wearing a
9 certain kind of tennis shoe, gray type tennis shoe from
10 there.

11 He is later let go at that time. It was just
12 basically investigative stop.

13 Based off the information they find out sheriff's
14 department actually tracks him down January 9th of 2018.
15 They're still in the same U-Haul. And the U-Haul you'll
16 see, Mr. Sutherland is still in the passenger side.
17 Ms. Berridge was driving in this case.

18 And through their investigation they did process the
19 U-Haul. They found blood, the victim's blood, Lanny's
20 blood, in -- on the passenger side near the doorframe, the
21 passenger seat. And you'll have somebody from SLED, state
22 law enforcement division, testify about that blood there.

23 They kept working. They found out that both of them
24 had went to [REDACTED] Road. That's where Amy
25 Berridge's grandmother lives. They was actually moving

Opening statements

1 stuff into a trailer in the back.

2 Sheriff's department went there, gathered evidence.

3 They found the tennis shoes that you'll see in the video,

4 and on those tennis shoes there is a blood spot on it, and

5 that blood spot comes back to the victim, Lanny Wood, in

6 this case.

7 Ladies and gentlemen, the evidence will show that both

8 of those individuals were involved in the murder of Lanny

9 Wood. The evidence is clear from that standpoint that this

10 defendant had the blood on his shoes that he was wearing

11 that day.

12 It also shows it was in that U-Haul. And you'll see

13 the pictures of the U-Haul and everything. And you'll see

14 where Lanny Wood actually went by Britt Automotive and

15 never came back through. He was picked up by them and

16 taken to his house where he was later murdered and was

17 found in Mr. Lanford's back yard.

18 Like I said, you'll hear the evidence in the case.

19 I'll be coming back to you once you hear all of that and

20 ask you to return a verdict of guilty against this

21 defendant based off his involvement in this case. Thank

22 you very much.

23 Thank you, Your Honor.

24 THE COURT: Ms. White.

25 MS. WHITE: Thank you. May it please the Court.

Opening statements

1 Thank you, jury, for being here. I'm going to start
2 off with a little introduction.

3 This is my client, and you've heard him called Roy
4 Gene Sutherland. I also want to let you know that he goes
5 by the name of Danny Sutherland. Partially because I want
6 you to understand and not be confused, I tend to call him
7 Danny. All of the folks that knew him when he was growing
8 up called him Danny.

9 He was born and named Danny Ray Clayton, but at the
10 age of 12 his father took custody of him and changed his
11 name to Roy Gene Sutherland, III. So when you hear us
12 refer to someone as Danny, that is that gentleman over
13 there. When you hear the state refer to him as Roy Gene
14 Sutherland, that is that gentleman over there. So I want
15 you to kind of understand that so you're not confused from
16 the get-go.

17 One of the things that I was thinking of when I was
18 going through the case looking at the evidence, thinking
19 about what I would say to you, it kind of took me back to a
20 time when as a child I went through those
21 drawing-by-numbers. You know, you had to go one, two,
22 three.

23 When you first looked at it, it's a jumble of numbers.
24 You see no picture; you see no design. It's just a mess of
25 numbers.

Opening statements

1 As long as you follow one, two, three, four, by the
2 time you get to the final number you're going to have a
3 clearer picture. You're going to have something that looks
4 like something. You're going to have something that's
5 clear.

6 You totally understand what it is at that point. But
7 to be able to get to that point you have to follow all of
8 the numbers. You have to go in order. You can't skip a
9 number. You can't be impatient like I might have been,
10 think you know what the picture is going to be and go ahead
11 and draw it out, because if you do that you're going to end
12 up with a picture that's either warped, a picture of
13 nothing or you're missing some pieces on that.

14 In this case here we agree with the majority of what
15 Mr. Barnette said. Mr. Wood was killed on January 6th. My
16 client and Ms. Berridge, the codefendant, did pick him up
17 in a U-Haul.

18 The difference though that we believe you'll see is
19 that based on connecting these dots, Amy Berridge has
20 already pled guilty to voluntary manslaughter.

21 MR. BARNETTE: Your Honor, I have an objection at this
22 point.

23 THE COURT: Let me see y'all just a minute.

24 (Bench conference held off the record in the presence
25 of the jury but out of the hearing of the jury.)

Opening statements

1 MS. WHITE: We're here for you to decide if my client,
2 Danny Sutherland, was involved in the death of Mr. Wood,
3 did he commit murder, did he kill Mr. Wood.

4 There's going to be evidence that you hear from Mr.
5 Barnette, but I think that when you hear the evidence and
6 you try to connect those dots you're going to see that
7 there's not a clear picture. It's not an automatic
8 all-the-dots-connect, I see a clear picture and that's what
9 it is.

10 There are going to be some missing lines. There are
11 going to be some warped lines. There are going to be some
12 lines that may have gone to the wrong number.

13 The picture is not going to be clear, and if you don't
14 have a clear picture -- the state is required to give you
15 proof beyond a reasonable doubt of my client's guilt. And
16 I would say that if the picture is not clear, if there's
17 something missing, there's a warped picture, then you have
18 to come back with a decision that my client is not guilty,
19 because they have failed to give you that picture and
20 failed to meet their burden. Thank you.

21 THE COURT: Mr. Barnette.

22 MR. BARNETTE: Your Honor, I do have a matter of law I
23 need to take up.

24 THE COURT: All right. Ladies and gentlemen, let me
25 ask you to please go to your jury room.

1 Don't talk about the case. I'll bring you back in
2 just a few minutes.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: All right. Mr. Barnette.

6 MR. BARNETTE: Your Honor, may I have a second to
7 confer with my family real quick?

8 THE COURT: Okay. Do you want to take a break?

9 MR. BARNETTE: Yes, sir, if I could.

10 THE COURT: All right. We'll take ten minutes.

11 (Whereupon, a recess was taken.)

12 THE COURT: All right. Any matters to address before
13 the jury is brought back?

14 MR. BARNETTE: Your Honor, the state would like to ask
15 for a mistrial in this case.

16 When defense counsel mentioned to the jury about the
17 codefendant, Amy Berridge, pleading guilty to voluntary
18 manslaughter, I think it created a burden on the state,
19 which the first thing, there's no relevance in there. What
20 the other codefendant -- unless she testifies or something
21 like that, because of her bias or something like that, it's
22 hearsay at this point. It's not relevant at this point.

23 Basically, what their argument is that they both went
24 to the scene and that she did the crime and she's pled
25 guilty to it and he hasn't and therefore he's not guilty,

1 would be the argument from that standpoint.

2 So I think it creates a huge problem for the state to
3 overcome. It was improper at this point until the evidence
4 is provided if any evidence is provided to that fact from
5 there. It kinda creates like a reverse Brewton issue. In
6 Brewton, for example, we can't introduce another
7 codefendant's statement because, obviously, it can't be
8 used to prove his guilt when the defendant decided not to
9 do that.

10 Just because she went ahead and pled guilty should not
11 be used against -- used to their advantage in this
12 situation.

13 And therefore I'd ask for a mistrial motion based of
14 all of those reasons, hearsay reason, relevance reason and
15 from the prejudicial effect it has on the state's case.

16 The other issue may be too I don't know if voluntary
17 manslaughter is going to be charged in this case or not.
18 Obviously, we'll have to see all of the evidence before
19 that decision is made. But right now it's murder or not
20 guilty. So that creates another issue for the jury.

21 The jury now can say, well, she was found guilty of
22 voluntary manslaughter, why can't he not be found guilty of
23 voluntary manslaughter. Murder and not guilty is the only
24 two choices we have.

25 It may develop that voluntary is an option down the

1 road. I don't know. But at this point it is not an
2 option.

3 So for all of those reasons I would state -- we'd ask
4 for a mistrial motion on behalf of the state.

5 THE COURT: Ms. White.

6 MS. WHITE: Your Honor, obviously, the defense's whole
7 defense as we discussed in chambers and prior to with our
8 discussion of third-party guilt was both of the players
9 were there, but my client didn't do it, Ms. Berridge did
10 it.

11 I understand the arguments as to hearsay and
12 relevance. Obviously, we were under the impression we have
13 a court record that she had pled guilty under Alford to
14 voluntary manslaughter. And our intent was purely to
15 support our defense and to proceed as we had discussed in
16 chambers with the argument that not my client but Amy did
17 this.

18 I don't know how the state is going to be able to
19 proceed without testimony coming in about Ms. Berridge to
20 be able to even have probable cause to arrest my client.

21 They had to have her statement originally because they
22 didn't have probable cause to arrest him on the murder at
23 that point, Your Honor.

24 I think based on the fact that even Mr. Barnette
25 includes in his 404(b) argument that this is to present a

1 full and clear picture, I think that it's necessary for the
2 jury to know that.

3 We would leave it in your discretion as to the
4 mistrial, obviously, Your Honor, but we just think that
5 ultimately that information is going to be vital to my
6 client having a fair trial and having all of the evidence
7 presented to the jury for a full and complete picture of
8 what happened.

9 THE COURT: All right. Well, as I stated at the
10 outset, that's the peril of talking about things that might
11 come out during the trial in opening statements that don't
12 actually come out during the trial. And then the jury has
13 already been exposed to it when they should not have been.

14 Ordinarily, the disposition of a codefendant's case is
15 not relevant to -- in the trial of a codefendant's case.
16 Sometimes it is; sometimes it's not.

17 In this case I know that the codefendant is listed as
18 a witness, and it might very well be that what Ms. White
19 has disclosed to the jury would come out during the course
20 of that testimony or some other witness' testimony perhaps,
21 and it could be relevant to and probative to particular
22 issues in the trial.

23 But at this point it's not relevant, because, as I
24 say, the disposition of the codefendant's case is not
25 relevant to the trial of another codefendant, generally

1 speaking. And so that's why it's not appropriate for that
2 information to be conveyed to the jury without that
3 relevance being established prior to.

4 However, I'm not certain exactly what is going to be
5 presented during the trial of the case, and it might very
6 well be that that information would be relevant and would
7 be presented before the jury.

8 If that were the case, then if I had already granted a
9 mistrial there wouldn't be any need for it and wouldn't be
10 a reason for it because it's something that the jury would
11 be exposed to. But right now I don't if it's going to
12 become relevant or not. I know right now it's not
13 relevant, but it may become relevant.

14 So I will defer ruling on the state's motion for a
15 mistrial until the evidence has been developed and I see
16 whether or not the disclosure of that information to the
17 jury is unfairly prejudicial to the state's case.

18 All right. Anything else?

19 MR. BARNETTE: Your Honor, Mr. Lanford will be the
20 first state witness in this case. I know there was an
21 objection that we talked about in pretrial motions.

22 How are you going to handle that? Do you want me to
23 put up --

24 THE COURT: He's the one that's going to testify about
25 what Mr. Wood stated --

1 MR. BARNETTE: Yes, sir.

2 THE COURT: -- when he went to his house?

3 well, from what you have presented with respect to
4 what you intend to show by way of evidence, it would appear
5 to me that that, those statements, would be admissible
6 under 803(1).

7 So as long as that information or that evidence is
8 established and introduced during the state's presentation,
9 then I think it would support the admission of those
10 statements. But I understand you're kind of taking it out
11 of order?

12 MR. BARNETTE: Right. well, I'm actually going to
13 call him first. We have a conflict with one of the other
14 witnesses.

15 THE COURT: I understand.

16 What I'm saying is the other evidence that would tend
17 to establish the support for 803(1) will come after Mr.
18 Lanford's testimony.

19 MR. BARNETTE: Yes, sir. And I know the Court knows
20 this, but for the present sense impression the statement
21 must be describing or explaining an event or condition,
22 which it will. The statement must be contemporaneously
23 with the event or shortly after that, and basically it will
24 in this case. And that's the reason I explained the time
25 factor. It happened in a very short period of time

1 obviously. And then the victim in this case did personally
2 perceive the event obviously that happened to him.

3 THE COURT: I understand that.

4 What I'm saying Mr. -- Mr. Lanford is not going to be
5 able to establish a timeframe.

6 MR. BARNETTE: No, sir.

7 THE COURT: He's just going to establish --

8 MR. BARNETTE: That'll be established by --

9 THE COURT: -- the condition of Mr. Wood and what he
10 stated.

11 MR. BARNETTE: Yes, sir.

12 THE COURT: But you -- you're representing to me that
13 those other factors, which are important to establishing as
14 an 803(1) exception, will be presented.

15 MR. BARNETTE: Yes, sir. They will.

16 THE COURT: All right. And so in that event I'll
17 allow it.

18 MS. WHITE: Your Honor, I just want to follow up with
19 making sure that this defense's objection to that was on
20 the record, not only as hearsay, arguing that it doesn't
21 fall within the present sense impression based on the lack
22 of establishment yet of the timeframe and foundation, but
23 also, more importantly, that it violates my client's
24 confrontational rights to be able to confront witnesses
25 against him.

1 From my understanding of the evidence there's been
2 some different statements as to what might have been said
3 versus, you know, what was clearly said by the victim, Your
4 Honor.

5 I think in this case that was a testimonial statement,
6 a statement that was asked for the pure plan of later
7 introducing it at trial, and therefore we think under
8 confrontation clause rules it was not needed for any
9 additional treatment. It's not needed to detect if there
10 was any additional threat to society.

11 We would argue that pursuant to Crawford and State vs.
12 Daves, South Carolina case, that this should be excluded
13 because it violates his constitutional rights to confront
14 the witnesses.

15 THE COURT: All right. Note your exception.
16 Ready for the jury?

17 MR. BARNETTE: One other matter, Your Honor.

18 I do have Robert Britt Taylor will be testifying. He
19 came shortly afterwards and basically heard a lot of the
20 same information. So it'll be the same argument from that
21 standpoint. I have two witnesses.

22 THE COURT: This is a separate witness who will
23 testify to the same statement?

24 MR. BARNETTE: Similar statement from that standpoint.
25 He came. He wasn't there the whole time. He was there for

1 part of the time. He got there. He was right there before
2 the ambulance and the police got there.

3 THE COURT: Okay.

4 MR. BARNETTE: Just to let you know from that
5 standpoint.

6 MS. WHITE: Your Honor, just to follow up on that.

7 I know, again, that's kind of -- they're talking about
8 present sense impression. This is, again, a later
9 timeframe that the victim said that. So we're getting
10 farther and farther away from the actual incident.

11 This was Mr. Langford or Lanford's son-in-law that's
12 an off-duty officer. So, again, I would argue that any
13 statement he took and questions he asked are testimonial in
14 nature.

15 THE COURT: Well, now, that's different.

16 Are these statements that were subject to questions by
17 someone or just --

18 MR. BARNETTE: No. Well, I can do this just to cut it
19 out. I can just call Mr. Lanford, and that will be,
20 because Mr. Lanford is totally different from, obviously, a
21 police officer.

22 THE COURT: Okay. All right. Bring the jury in,
23 please.

24 (The following takes place in the presence of the
25 jury.)

William Lanford
Direct examination by Mr. Barnette

1 THE COURT: The jury is present. You may proceed.

2 MR. BARNETTE: I would like to call William Lanford as
3 the first witness, Your Honor.

4 WILLIAM LANFORD, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BARNETTE

7 Q Mr. Lanford, I'll ask you to speak up loud so they can
8 hear you in the back row.

9 Could you give me your full name, please?

10 A William Harvey Lanford.

11 Q And where do you live at, Mr. Lanford?

12 A [REDACTED] Road, Spartanburg, South Carolina.

13 Q And who lives there with you, sir?

14 A My wife, Rhonda.

15 Q And how long have y'all lived at that location?

16 A Thirty-one, thirty-two years.

17 Q Okay. What kind of work do you do, sir?

18 A I am a mechanic. I own my own automotive shop.

19 Q Back on January 6th of 2018 was you and your wife at
20 home that day?

21 A We were.

22 Q And around 5:00 o'clock, or a little bit after that,
23 what was y'all doing that day?

24 A We were getting ready to watch a movie. She had
25 rented some movies. We were going to watch a movie and

William Lanford
Direct examination by Mr. Barnette

1 then -- go ahead. I'm sorry.

2 Q Yeah, no. Please go ahead and tell the jury what
3 happened from that point on if you would.

4 A Well, then there was a loud knock on the back door,
5 and I went to the back door, and there was blood on the
6 washing machine, the dryer, the storm door, the floor. And
7 nobody was there. So I opened the door, and he was going
8 down the sidewalk, and he was kind of about to fall out.

9 Q And can you tell them who he is?

10 A Oh, I'm sorry. Lanny.

11 Q And how -- how do you know Lanny, or who is he?

12 A Lanny is my next-door neighbor, and I've known them,
13 well, for the whole time that I've been there. But we kind
14 of grew up together.

15 Q Please continue on.

16 A Well, I hollered for -- I hollered his name, and he
17 turned around. And he just started asking for help, please
18 help me, Chip, please help me.

19 And so I hollered for my wife to get me a blanket and
20 some towels, because I could see the blood. And I just
21 wrapped him in the blanket to keep him warm.

22 And he showed me -- he said, "I think they stabbed
23 me," and pulled his shirt up. And it was just a gruesome
24 stab. And there wasn't much I could do. I just put the
25 towel on him and I just kept him warm and kept him talking,

William Lanford
Direct examination by Mr. Barnette

1 keep him coherent.

2 And I asked him what happened to him, and he said --
3 he told me the story that he had went to get kerosene and
4 got picked up by a man and a woman in a U-Haul and that
5 they had done this to him.

6 And then he told me he had a -- would I please go tell
7 his girlfriend at McDonald's. I mean, he was talking. He
8 knew what he was saying. But then shortly thereafter the
9 ambulance got there and took him to the hospital where he
10 passed.

11 Q Did you look at his wounds and everything?

12 A I did.

13 Q And, if you would, tell the jury about that.

14 A It was -- it was a very gruesome -- it didn't look
15 like just a stab. I mean, it was a cut like it was sawing.

16 MS. WHITE: Your Honor, objection to lack of
17 knowledge, lack of personal knowledge. He's not expert in
18 talking about what type of wounds they were or how they
19 could --

20 THE COURT: He's describing, as I understand it. He's
21 describing what he saw.

22 Is that correct?

23 THE WITNESS: That's correct.

24 THE COURT: You may continue.

25 MS. WHITE: Thank you, Your Honor.

william Lanford
Direct examination by Mr. Barnette

1 Q Go ahead, sir, if you would.

2 A Well, I think I got through with the -- the stab
3 wound, but then he was bleeding out of his head too several
4 different places. I don't know how many. I didn't count.
5 I was more concerned with his stomach.

6 Q And he told you the story about them picking him up?

7 A He did. He said -- well, he said a man and a woman in
8 a U-Haul truck picked him up and did this to him. He
9 didn't give me any names or anything. I don't know if he
10 knew them. I don't know.

11 Q Let me show you what's been marked as State's
12 Exhibits, well, No. 4 and No. 11. Do those pictures fairly
13 represent what you saw that day?

14 A Yeah.

15 Q Afterwards?

16 A That's the back of my house, yeah.

17 Q Okay. And in this picture here, what's State's
18 Exhibit No. 11, sir?

19 A Excuse me?

20 Q What's State's Exhibit No. 11 there?

21 A That's where Lanny was at when I was -- that's his
22 blankets and all where I had him wrapped, yes, sir.

23 MR. BARNETTE: Your Honor, I'd like to move State's
24 Exhibits 4 and 11 into evidence at this time.

25 MS. WHITE: Without objection, Your Honor.

William Lanford
Direct examination by Mr. Barnette

1 THE COURT: They're admitted.

2 (Photograph marked State's Exhibit No. 4; photograph
3 marked State's Exhibit No. 11.)

4 MR. BARNETTE: Permission to publish it to the jury,
5 Your Honor.

6 THE COURT: You may.

7 Q Okay. And your residence, is it in Spartanburg
8 County, sir?

9 A It is.

10 MR. BARNETTE: Showing the jury State's Exhibit No. 4
11 here.

12 Q What is that a picture of, sir?

13 A That's a picture of my back door and back steps.

14 Q And where was the blood at, if you could?

15 A Well, it was inside the door on the floor. The washer
16 and dryer is to the right, and then it was handprints all
17 on the storm door, and then the drops of blood all down the
18 steps where he walked off.

19 Q And show you State's Exhibit No. 11.

20 A And that's where I got Lanny to lay down, and that's
21 where we stayed until the ambulance got there.

22 Q And then they took over at that point, sir?

23 A Yeah. They sure did.

24 Q If you would, please answer any questions the defense
25 may have for you, sir. Thank you.

William Lanford
Cross-examination by Ms. White

1 A You're welcome.

2 CROSS-EXAMINATION

3 BY MS. WHITE

4 Q Thank you. It's Mr. Lanford or Langford?

5 A Lanford, L-A-N-F-O-R-D.

6 Q Okay. Thank you. I wanted to make sure I had it
7 right.

8 Mr. Lanford, you said that he told you they stabbed
9 him. Is that right?

10 A Yeah. He said a man and a woman picked him up and
11 they stabbed him.

12 Q Okay. Now, you gave a statement to police on the
13 night that this happened, is that right?

14 A I did.

15 Q And do you recall that?

16 A I think it was pretty much verbatim what I just said.

17 Q Okay. Now, the statement. Do you recall how long it
18 was before you gave a statement in relation to the incident
19 and when the police came? Was it within minutes?

20 A Oh, no.

21 Q Was it a couple of hours?

22 A No. It was -- they were doing their thing outside.
23 It was probably -- I don't really know, but it was probably
24 maybe an hour.

25 Q Okay. If the statement reflects that it was around

William Lanford
Cross-examination by Ms. White

1 9:53 p.m., could that be possible?

2 A Yeah, it could be.

3 Q Okay. And you told the police at the time that he
4 asked you to get the woman at McDonald's -- Jackie -- as
5 you said. He asked you -- you asked him where it happened.
6 He said at his house. He got a ride taking care of Senon's
7 [sic] house. He says he was beaten and robbed. Is that
8 what you told the police then?

9 A He said that happened and that he was concerned about
10 his debit card. He said, "I think they took my debit
11 card."

12 Q Okay. But in here you just said he told you that he
13 was beaten. So he didn't say -- you didn't say anything to
14 the police about the fact that he said they did it or a man
15 and a woman picked him up.

16 A Well, I -- I don't remember exactly what I did. That
17 was ten or eleven months ago.

18 Q Okay.

19 MS. WHITE: May I approach, Your Honor?

20 THE COURT: You may.

21 Q And I'm just going to show you just to get -- let you
22 take a look at the statement that you gave police. And if
23 you will, just kind of read over that silently for me.

24 (Pause.)

25 A Okay. I didn't -- I didn't say the cash, and I didn't

William Lanford
Cross-examination by Ms. White

1 know what he had in his pockets.

2 Q Okay. So but you agree with me that when you gave
3 your statement to police that night you didn't mention
4 anything in your written statement that it was a man and
5 woman that picked him up.

6 A No. According to that, I didn't.

7 Q And you didn't say anything about they stabbed him or
8 they beat him.

9 A I mean, I guess I didn't at that time, because you got
10 it right there on paper.

11 Q Okay. And your understanding of how memory works, is
12 your memory probably of the incident and what he told you
13 better four hours after it happened or is it better almost
14 a year after it happened?

15 A Well, I could still see it in my mind just as clear as
16 I can see you.

17 Q But in your memory of what you said, what you put on
18 the paper several hours after it happened, compared to what
19 you're recalling today for us --

20 A Well, I'm sure when I wrote that statement right there
21 I was pretty shook up. So I think my memory's fine though.

22 Q Okay. But you would agree that you didn't say --

23 A Sure --

24 Q -- the exact same words that you've told us today.

25 A That's right.

William Lanford
Redirect examination by Mr. Barnette

1 Q Okay. It was just a generic he got a ride, he was
2 beaten.

3 A Well, he did use the word they picked me up.

4 Q But you didn't tell the police in your statement that.

5 A Obviously not.

6 Q Okay. That's all I have. Thank you, Mr. Lanford.

7 MR. BARNETTE: Just one question on followup, Your
8 Honor.

9 REDIRECT EXAMINATION

10 BY MR. BARNETTE

11 Q Mr. Lanford, your wife called 9-1-1, is that right?

12 A That's correct.

13 Q And did you talk to 9-1-1 after -- after you got
14 there, I mean, after the ambulance got there and everything
15 else from there?

16 A I don't remember if I did or not.

17 Q But you'd told them to them or to --

18 MS. WHITE: Your Honor, I would object. He's just
19 stated he doesn't recall what he -- if he even spoke to
20 9-1-1. I don't believe he can say what he said to them if
21 he doesn't recall speaking with them.

22 THE COURT: Sustained.

23 Q But what's your memory of -- like you said, you
24 remembered this yesterday. What's your memory of what he
25 said to you that day?

Aaron Earl Price
Direct examination by Mr. Barnette

1 A I didn't put it on that paper, but I'm sure he said
2 that a man and a woman picked him up and took him back to
3 his house.

4 Q Okay. And they did this to him?

5 A And that's what he said, they did this to me.

6 Q Thank you, sir.

7 THE COURT: You may step down.

8 MR. BARNETTE: We ask the witness be excused, Your
9 Honor.

10 THE COURT: He may be.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: Your Honor, I'd like to call Aaron
13 Price to the stand.

14 AARON EARL PRICE, having been
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q If you would, sir, please state your full name for the
18 record.

19 A It's Aaron Earl Price.

20 Q And where do you live at, sir?

21 A Pacolet, South Carolina.

22 Q And what kind of work do you do, sir?

23 A I work in a paper mill.

24 Q Back -- did you see any news or anything about this
25 case?

Aaron Earl Price
Direct examination by Mr. Barnette

1 A I did.

2 Q And what did you see on the news? I mean, based off
3 seeing the newscast did you hear about a man being murdered
4 or dying?

5 A Yes.

6 Q And did you hear information about the sheriff's
7 department wanting to contact potential witnesses?

8 A Yes.

9 Q And based off that did you contact the sheriff's
10 department?

11 A I did.

12 Q And what did you see? What did you see that you felt
13 like you needed to contact the sheriff's department about?

14 A Well, we was coming down Southport Road, and we was at
15 the red light at the Spinx station. And they was a U-Haul
16 pulled into the -- it used to be a Li'L Cricket. I don't
17 know what it is now. And then there was a guy on the
18 sidewalk with a gas can. And he went around and -- to the
19 passenger side of the U-Haul. Then as the light turned
20 green, we went on, and I didn't see the guy, and the U-Haul
21 was still there after we passed.

22 Q Okay. And so you saw this gentleman get in the U-Haul
23 there near the Spinx right there.

24 A Yeah.

25 Q And did you notify the sheriff's department about

Aaron Earl Price
Cross-examination by Ms. White

1 that?

2 A Yes.

3 Q And if you would, please answer any questions that the
4 defense may have for you.

5 MS. WHITE: One moment, please.

6 (Pause.)

7 CROSS-EXAMINATION

8 BY MS. WHITE

9 Q Mr. Price, when you saw the U-Haul could you see who
10 was in it?

11 A No.

12 Q Were you driving by at the time, you said, or were you
13 at a stoplight?

14 A We was at the stoplight after I saw the gentleman walk
15 around to the passenger side. Then we went past the
16 U-Haul.

17 Q Okay. Did you ever actually see him get in, or did
18 you just see him walk around the passenger side?

19 A I seen him walk around to the passenger side.

20 Q Okay. So after he walked around, you have no
21 knowledge of what happened.

22 A No.

23 Q Okay. Thank you.

24 MS. WHITE: That's all I have, Your Honor.

25 THE COURT: You may step down.

Lakeisha Elaine Henry
Direct examination by Mr. Barnette

1 MR. BARNETTE: Ask the witness be excused, Your Honor.

2 THE COURT: He may be.

3 (Whereupon, the witness was excused.)

4 MR. BARNETTE: Your Honor, I would like to call
5 Ms. Henry to the stand.

6 LAKEISHA ELAINE HENRY, having
7 been first duly sworn, testified as follows:

8 DIRECT EXAMINATION BY MR. BARNETTE

9 Q Ms. Henry, if you would, give your full name for the
10 record, please.

11 A Lakeisha Elaine Henry.

12 Q I know you're soft spoken. You have to speak louder
13 so the jury can hear you back here. Okay.

14 A Lakeisha Elaine Henry.

15 Q Okay. Thank you.

16 Where do you work at, ma'am?

17 A I am the general manager at the Spinx station on
18 Southport Road.

19 Q And how long have you worked for Spinx, ma'am?

20 A Since 2003.

21 Q Okay. And part of your duties is involving the video
22 system at the Spinx?

23 A Yes.

24 Q And in this case did the sheriff's department contact
25 you about getting video from January 6th of 2018?

Lakeisha Elaine Henry
Direct examination by Mr. Barnette

1 A Yes, they did.

2 Q And did you download that video for them?

3 A I did.

4 Q And did you provide them a copy of that?

5 A I did.

6 Q Let me show you what's been marked as State's Exhibit
7 No. 12. Does that appear to be a copy of the information
8 you gave to the sheriff's department?

9 A It is.

10 Q And you're located at the Southport Road where the 295
11 ball fields is there?

12 A 1989.

13 Q Okay.

14 MR. BARNETTE: Your Honor, I'd like to have State's
15 Exhibit...

16 Q And this is the information you gave the sheriff's
17 department.

18 A Yes, it is.

19 MR. BARNETTE: Your Honor, I'd like to move State's
20 Exhibit No. 12 into evidence at this time.

21 MS. WHITE: Your Honor, I think I have an objection as
22 to authentication. May we approach?

23 THE COURT: Sure.

24 (Bench conference held off the record in the presence
25 of the jury but out of the hearing of the jury.)

Tyler Lewis Davis
Direct examination by Mr. Barnette

1 MS. WHITE: No objection, Your Honor.

2 (Video from Spinx marked State's Exhibit No. 12.)

3 MR. BARNETTE: Your Honor, I'll publish this at a
4 later time through another witness.

5 THE COURT: Okay.

6 Q Please answer any questions the defense may have for
7 you, ma'am.

8 A Okay.

9 MS. WHITE: I don't have any questions for this
10 witness.

11 THE COURT: All right. You may step down. You may
12 also be excused if you'd like.

13 THE WITNESS: Thank you.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: Thank you, Your Honor.

16 I'd like to call Tyler Davis at this time.

17 TYLER LEWIS DAVIS, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BARNETTE

20 Q If you would, sir, please state your full name for the
21 record.

22 A Tyler Lewis Davis.

23 Q And where do you work at, sir?

24 A I'm the service manager of Britt Automotive.

25 Q And where is your business located at, sir?

Tyler Lewis Davis
Direct examination by Mr. Barnette

- 1 A [REDACTED] Road.
- 2 Q And how long have you been with them, sir?
- 3 A Two years today.
- 4 Q And is one of your duties handling the video equipment
- 5 there at the store?
- 6 A Yes. I handle it, update it and view it daily.
- 7 Q Daily. So you check. That's part of your job from
- 8 that standpoint.
- 9 A Yes, sir.
- 10 Q And on January 6th of 2018 was the sheriff's
- 11 department -- did they approach you about getting a video
- 12 from your video system?
- 13 A Yes, and sent an investigator out to take a look at
- 14 the video with me.
- 15 Q And then investigator -- one of the investigators from
- 16 the sheriff's department came and got it, is that right?
- 17 A Yes.
- 18 Q And let me show you what's been marked as...
- 19 MR. BARNETTE: Excuse me one second, Your Honor.
- 20 (Pause.)
- 21 Q Let me show you what's been marked State's Exhibit No.
- 22 13. Is that a copy of the information that was provided to
- 23 the sheriff's department from y'all's video system that
- 24 day?
- 25 A Yes, it is.

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q And the times are correct on this as far as you know?

2 A Yes, sir.

3 Q Okay.

4 MR. BARNETTE: Your Honor, I'd like to move State's
5 Exhibit 13 into evidence at this time.

6 MS. WHITE: Without objection, Your Honor.

7 THE COURT: It's admitted.

8 MR. BARNETTE: Thank you, Your Honor.

9 (Video from Britt Automotive marked State's Exhibit No.
10 13.)

11 MR. BARNETTE: I'm not going to publish it at this
12 time, Your Honor. I'll publish it through another witness.

13 Q Please answer any questions the defense may have for
14 you.

15 MS. WHITE: We don't have any questions of this
16 witness.

17 THE COURT: You may step down. You may also be
18 excused if you'd like.

19 THE WITNESS: Thank you.

20 (Whereupon, the witness was excused.)

21 MR. BARNETTE: Thank you, Your Honor.

22 I'd like to call Investigator Jon Guest to the stand.

23 JON MICHAEL GUEST, having been
24 first duly sworn, testified as follows:

25 DIRECT EXAMINATION BY MR. BARNETTE

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q If you would, sir, please state your full name for the
2 record.

3 A Jon Michael Guest.

4 Q And where do you work at, sir?

5 A Spartanburg County Sheriff's Office.

6 Q And what's your position there, sir?

7 A I'm an investigator in the violent crimes unit.

8 Q And how long have you been in law enforcement, sir?

9 A Twelve years. Four years at the city of Spartanburg;
10 eight with the sheriff's office.

11 Q Was you part of the investigation, event, that
12 happened at [REDACTED] Road?

13 A I was.

14 Q And that was when Lanny Wood was killed --

15 A Yes, sir.

16 Q -- back on January the 6th of 2018?

17 A Yes, sir.

18 Q Did y'all receive a tip about somebody possibly --
19 somebody being picked up in a U-Haul near the spinx?

20 A Yes, sir, we did.

21 Q And once you received that tip, what did you do then,
22 sir?

23 A I was asked to check the Cedar Springs area along
24 Southport Road and Cedar Springs Road for any surveillance
25 video that may have captured that vehicle traveling to or

Jon Michael Guest
Direct examination by Mr. Barnette

1 from Mr. Wood's house.

2 Q And did you also see if you could see anything on
3 Lanny Wood from the videos too?

4 A Yes, see if we could capture him walking. We were
5 told he walked to the spinx.

6 Q Just let me do this. Let me show you State's
7 Exhibits 2 and 18. I believe these are maps of the area.
8 Take a look at those, sir, and see if those maps represent,
9 fairly represent, the area.

10 A Yes, sir. That one does. Yes, sir.

11 MR. BARNETTE: Your Honor, I'd like to enter State's
12 Exhibits 2 and 18 into evidence at this time.

13 MS. WHITE: Without objection, Your Honor.

14 THE COURT: They're admitted.

15 (Map marked State's Exhibit No. 2; map marked State's
16 Exhibit No. 18.)

17 MR. BARNETTE: Your Honor, permission to publish it to
18 the jury.

19 THE COURT: You may.

20 Q This is showing the map here. This is State's Exhibit
21 No. 2.

22 THE COURT: Be careful of that microphone, please.

23 THE WITNESS: Okay. I'm sorry.

24 Q [REDACTED] Road. Is that where Lanny Wood
25 lived at?

Jon Michael Guest
Direct examination by Mr. Barnette

1 A Yes, sir, yes, sir.

2 Q And up here just showing. I'll zoom it in so you can
3 actually see. And there's a Wal-Mart there, a Walgreens,
4 Hardees and the Waffle House.

5 A Yes, sir.

6 Q If you go down Southport Road is this Britt
7 Automotive, where it's located at?

8 A Yes, sir.

9 Q And a Li'L Cricket or a store is there?

10 A Yes, sir.

11 Q And then the Spinx.

12 A Yes, sir.

13 Q And did you go to Spinx and Britt Automotive to look
14 and see if their video systems --

15 A I went to recover the video from the Spinx. I believe
16 they'd already been reviewed by another investigator. I
17 went and recovered that copy. And then I went to Britt
18 Automotive to see if they had any surveillance cameras that
19 picked up Southport.

20 Q And you recovered that video also.

21 A I did.

22 Q And then State's Exhibit 18 is just an aerial of the
23 same area, is that right?

24 A Yes, sir, yes, sir.

25 Q Showing the area around there. In reviewing the Spinx

Jon Michael Guest
Direct examination by Mr. Barnette

1 video and the Britt Automotive video, what did you see on
2 those videos, sir? If you would, tell the jury about it.

3 A Can I refer to my notes here to make sure I have the
4 times right?

5 Q Yes, sir, you can.

6 A Reviewing that Spinx video, you can see an individual
7 that we identified as Lanny Wood based on the clothing he
8 was wearing and his physical characteristics.

9 He came into the store or walked onto the property at
10 approximately 4:47 p.m. He walked to the register at
11 4:53 hours p.m. and then exited the property at 4:57 p.m.
12 That's all for this Spinx video that you've seen.

13 Q Did you see the -- did you see a U-Haul actually go
14 through the parking lot at that time?

15 A Later on on that video if you continue to review it,
16 you do see a U-Haul come through the parking lot, and it
17 comes through -- let me find the time so I'm correct.

18 Q Okay. Let me do this. Let me show you State's
19 Exhibits 32 and 33. Are these still photos from the video
20 itself?

21 A Yes, they are.

22 Q Okay. And you actually printed those videos off of
23 the video that's in evidence.

24 A I did. This photograph is Mr. Wood entering the
25 Spinx. This photograph is the U-Haul that pulls in the

Jon Michael Guest
Direct examination by Mr. Barnette

1 parking lot, circles the parking lot, does not stop.

2 According to this still image, it's 4:57 p.m., which is
3 roughly the same time that he exited the parking lot.

4 MR. BARNETTE: Your Honor, permission -- I'd like to
5 enter 32 and 33 into evidence at this time.

6 MS. WHITE: No objection, Your Honor.

7 THE COURT: They're admitted.

8 (Photograph marked State's Exhibit No. 32; photograph
9 marked State's Exhibit No. 33.)

10 MR. BARNETTE: Permission to publish these items, Your
11 Honor?

12 THE COURT: You may.

13 MR. BARNETTE: I'm going to go ahead and do the
14 pictures. Then I'll probably show the video after these.

15 A I think it's important to note the times on these
16 cameras are per the camera time. Britt Automotive -- I did
17 ask if their camera times were correct. I was told they
18 should be correct as far as they know, to their knowledge.

19 Q So both of these times on both videos should be
20 correct.

21 A To my knowledge they are correct, according to me.

22 Q So this is him walking into the store at that time?

23 A Yes.

24 Q And what time was that, sir, according to the video?

25 A 4:49 p.m.

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q And that's located at the bottom of it?

2 A Yes, sir.

3 Q Let me show you State's Exhibit 33. Was this the
4 U-Haul that you saw drive through the Spinx parking lot?

5 A Yes, sir.

6 Q And about what time was that, sir?

7 A 4:57 p.m. per the video.

8 MR. BARNETTE: Your Honor, permission to publish Spinx
9 video. I think it is State's Exhibit No. 12.

10 THE COURT: You may.

11 Q And on these videos, are there multi-cameras on these
12 videos?

13 A Yes.

14 (Whereupon, the video was played for the jury.)

15 Q What the jury is seeing now, are these just the
16 multiple cameras from different locations in the store?

17 A Yes. That's correct.

18 (Whereupon, the video was played for the jury.)

19 Q I apologize. My computer is not the fastest in the
20 world.

21 (Whereupon, the video was played for the jury.)

22 Q And these are all the different locations, is that
23 right?

24 A It is. The one where he walks is the front door on
25 the far right, the second one down, right there.

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q Thank you.

2 (Whereupon, the video was played for the jury.)

3 Q I'll play it here and then you can describe it from
4 there.

5 (Whereupon, the video was played for the jury.)

6 A The victim, Mr. Wood, coming in, meeting the
7 description and the clothing he was wearing, black
8 toboggan, camouflage jacket, dark pants entering the Spinx.

9 Q And you got the still from that video, is that right,
10 sir?

11 A Yes, sir.

12 Q Let me go back to the outside parking lot.

13 A Yes. Pumps one or pumps two would probably be the
14 video that -- where you capture the U-Haul coming by. This
15 is it.

16 Q Go back. What does it appear that he is doing from
17 what you can tell from the video?

18 A The U-Haul or Mr. Wood?

19 Q Mr. Wood.

20 A Mr. Wood coming into the store. I believe he even
21 sets down a kerosene or some type of gas container at a
22 pump, comes into the store, goes back outside to it and
23 then leaves on foot headed back towards his house, south on
24 Southport. There he is. He's carrying an item.

25 (Whereupon, the video was played for the jury.)

Jon Michael Guest
Direct examination by Mr. Barnette

1 A That actually may not have been him.

2 (Whereupon, the video was played for the jury.)

3 Q Is there a gentleman up there at the top left?

4 A That -- I think -- I believe, yes. I believe Spinx
5 only has, like, one pump for kerosene, so that's where he's
6 at.

7 Q Is that him coming across?

8 A That's him right there, yeah.

9 (Whereupon, the video was played for the jury.)

10 Q And, obviously, he comes back out at some point.

11 A He does and walks back in the same direction that he
12 came.

13 (Whereupon, the video was played for the jury.)

14 A 4:57. I think he's seen walking off the property.

15 Q So he'll come back out of the store and go back with
16 the kerosene.

17 A Yes, sir.

18 (Whereupon, the video was played for the jury.)

19 Q Is this Mr. Wood shown there?

20 A Mr. Wood there, yes, sir.

21 (Whereupon, the video was played for the jury.)

22 Q And you still see him in the left-hand corner up
23 there?

24 A Yes, sir.

25 (Whereupon, the video was played for the jury.)

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q Is that him walking off?

2 A Now he's leaving the property. He walks on the left
3 side of the road facing traffic.

4 Q And shortly after that do you see a U-Haul come
5 through the parking lot?

6 A In just a minute or two you're going to see him come
7 right to left.

8 (Whereupon, the video was played for the jury.)

9 A There's the U-Haul, and it is 4:57. He's been off the
10 property 30 or 40 seconds roughly.

11 Q And was that in the direction where he was walking
12 towards?

13 A That U-Haul was going towards the direction he was
14 walking towards, yes, sir.

15 Q Would that be consistent -- I know you heard the last
16 witness. Would that be consistent with where the location
17 was where they would be at?

18 A Yes, sir.

19 Q Let me show you what's been marked as State's
20 Exhibit -- the Britt Automotive. You reviewed that audio
21 also, right, sir?

22 A I did.

23 Q Let me show you what's been State's Exhibits 34 and
24 35. Are they still shots you took from that video?

25 A Yes, they are.

Jon Michael Guest
Direct examination by Mr. Barnette

1 Q And do those fairly represent what you saw?

2 A Yes.

3 MR. BARNETTE: Your Honor, I'd like to enter State's
4 Exhibits 34 and 35 into evidence at this time.

5 MS. WHITE: No objection, Your Honor.

6 THE COURT: They're admitted.

7 (Photograph marked State's Exhibit No. 34; photograph
8 marked State's Exhibit No. 35.)

9 MR. BARNETTE: May I publish these to the jury, Your
10 Honor?

11 THE COURT: You may.

12 Q Showing you State's Exhibit 34. I apologize. That
13 sun is bright even in the picture, so. Could you tell us
14 what this picture is showing to the jury, sir?

15 A This photograph is from a camera on the outside of
16 Britt Automotive. That camera angle was aiming back up
17 Southport Road towards Reidville Road and the Spinx where
18 Mr. Wood was seen.

19 That U-Haul is the same U-Haul based on the markings
20 on it, the only one seen in the area.

21 It pulls down to the Spinx and pulls through the
22 parking lot after he leaves. It is 4:56 p.m.
23 approximately.

24 At this time he's still at the kerosene tank, pumps,
25 getting ready to leave the property. You're a couple of

Jon Michael Guest
Direct examination by Mr. Barnette

1 hundred yards away from the Spinx where Britt Automotive
2 is.

3 Q Let me show you State's 35. If you would, tell us
4 what this is showing, sir.

5 A Same camera angle, same business. It's now 5:00 p.m.
6 on the dot according to the camera times.

7 That Spinx -- that U-Haul is the same U-Haul that we
8 observed pulling through the parking lot at the Spinx gas
9 station. It's, obviously, a few minutes after. It is
10 traveling back towards Cedar Springs Road on Southport Road
11 towards the victim's house from the Spinx.

12 Q And what time is this, sir?

13 A According to the camera time, it's 5:00 o'clock on the
14 dot.

15 MR. BARNETTE: And permission to publish -- permission
16 to publish State's Exhibit 13 to the jury at this time,
17 Your Honor. It's already been entered into evidence.

18 THE COURT: You may.

19 Q Do you remember which ones?

20 A These are all going to have -- there's -- they're
21 large and small files. So we -- I don't recall exactly off
22 the top of my head. It's right around where you're at now,
23 I believe. We'll know by the time on the camera. It's
24 going to be after that one, I think.

25 Q Yes, sir.

Jon Michael Guest
Direct examination by Mr. Barnette

1 (Whereupon, the video was played for the jury.)

2 A I think if you right click you can open them in
3 windows Media Player. It might be faster than having to go
4 through the player, yeah.

5 Q I'm going to go down a little bit and see. Let me do
6 this. Let me let you do it.

7 A I can do that.

8 (Whereupon, the witness left the stand.)

9 (Pause.)

10 MS. WHITE: Your Honor, if Investigator Guest is not
11 doing anything, I think he could get back on the stand
12 instead of standing at the prosecution table. Thank you.

13 MR. BARNETTE: I don't understand. I mean, he wasn't
14 doing anything other than trying to help with the video,
15 Judge.

16 THE COURT: well, if he's helping with the video, he
17 can. That's for sure.

18 (Pause.)

19 MR. BARNETTE: I think I finally figured it out. I
20 apologize.

21 (Pause.)

22 A I believe 4:42 is going to be what you're...

23 (Pause.)

24 Q I think that's 4:40.

25 A Uh-huh.

Jon Michael Guest
Direct examination by Mr. Barnette

1 (Pause.)

2 A There we go.

3 Q And what will the jury see on the left of the road
4 here in a little bit?

5 A At 4:42 p.m., roughly, which would have been in about
6 a minute, you'll see a gentleman walking on the far side of
7 the road, same camera angle we talked about before with the
8 U-Haul going and coming. You'll see a gentleman walking on
9 the far side of the road towards the Spinx away from Cedar
10 Springs Road, obviously carrying something in his hand.
11 Looks like a can of some kind. Appears to match the
12 clothing that the -- the clothing that Mr. Wood was
13 wearing.

14 (Whereupon, the video was played for the jury.)

15 A Now you see him walking just on the other side of the
16 roadway where that car is passing now.

17 (Whereupon, the video was played for the jury.)

18 Q You see him walking towards the Spinx. Do you ever
19 see him walking on the video from the Spinx?

20 A No, no, you do not.

21 (Whereupon, the video was played for the jury.)

22 Q In about 20 something seconds will we see the U-Haul
23 approach there?

24 A Yes, we will.

25 Q And which direction is it going towards?

Jon Michael Guest
Direct examination by Mr. Barnette

1 A It is going from Cedar Springs Road towards the Spinx,
2 towards the Westgate area. It'll be on the -- coming from
3 left to right.

4 (Whereupon, the video was played for the jury.)

5 A There it is.

6 Q And later on you did see it come back around
7 5:00 o'clock?

8 A You do.

9 Q So you'll see it come back from the other direction,
10 back towards --

11 A You will in about 18 seconds. It will come from right
12 to left. It's coming from the Spinx back towards Cedar
13 Springs Road.

14 (Whereupon, the video was played for the jury.)

15 A Here it is. That's it.

16 Q Thank you, sir.

17 Once you received that information about the U-Haul
18 and everything, was that passed on to other patrol officers
19 or other law enforcement agencies?

20 A Yes, it was.

21 Q And was later information gained about a previous stop
22 to this?

23 A Yes, there was.

24 Q And who was the officer involved in that stop?

25 A Trooper Shue had stopped the U-Haul the night before.

Jon Michael Guest
Cross-examination by Ms. White

1 Q And in that stop did y'all receive information who had
2 rented that U-Haul?

3 A We did. We were under the impression and got
4 information that Roy Sutherland was in the U-Haul, and an
5 Amy subject, Amy Berridge.

6 Q If you would, answer any questions the defense may
7 have for you, sir. Thank you.

8 CROSS-EXAMINATION

9 BY MS. WHITE

10 Q Thank you.

11 I'm going to follow up on Mr. Barnette's question.
12 He asked if you got any information about who had
13 actually rented that U-Haul.

14 A Oh, then I don't know about renting. I don't recall
15 renting. I remember who I was told was in it.

16 Q Okay.

17 A I don't remember who was renting it.

18 Q Okay.

19 A That would be a question for someone.

20 Q And you weren't there at the prior stop.

21 A No, no.

22 Q Okay. So any information you have is from other
23 folks.

24 A Yes.

25 Q In regards to the videos, you showed us the Spinx

Jon Michael Guest
Cross-examination by Ms. White

1 video where we see the victim, Mr. Wood, walking in,
2 walking away. We see a U-Haul coming through. There's
3 never any video of him actually getting into the U-Haul, is
4 there?

5 A No. That's correct.

6 Q Okay.

7 A There's not.

8 Q And there's no license plate that you can see on that
9 U-Haul.

10 A No.

11 Q In any of those videos, Britt Automotive or the Spinx.

12 A No.

13 Q And there's no person. You don't identify my client
14 as driving or passenger through those videos, do you?

15 A No. I do not.

16 Q Okay.

17 MS. WHITE: I think that's all I have at this time,
18 Your Honor.

19 MR. BARNETTE: We ask this witness be excused, Your
20 Honor.

21 THE COURT: You may step down. You may also be
22 excused.

23 MS. WHITE: Your Honor, if we need to recall him, we
24 would like to ask for him to be available for recall.

25 THE COURT: All right. You remain under subpoena in

1 the event you need to be recalled.

2 THE WITNESS: Yes, sir.

3 MS. WHITE: Thank you, Your Honor.

4 MR. BARNETTE: Your Honor, at this time, might be a
5 good time to take a break.

6 THE COURT: All right. Ladies and gentlemen, we're
7 going to recess for lunch.

8 Keep in mind my caution previously given you. No
9 discussions about the case; no research, no investigation,
10 no type of media exposure. Do not permit anyone to discuss
11 it with you.

12 Have a good lunch. Report to your jury room this
13 afternoon at 2:15, 2:15 this afternoon.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Court is in recess until 2:15.

17 (Whereupon, a recess was taken.)

18 THE COURT: All right. Any matters to address before
19 the jury is brought in?

20 MR. BARNETTE: None for the jury.

21 There was one body-cam video I think maybe they want
22 to review before the witness testifies. We can take a
23 break at that time.

24 THE COURT: Okay.

25 MS. WHITE: That's it, Your Honor. Nothing from the

Dr. John David Wren
Direct examination by Mr. Barnette

1 defense.

2 THE COURT: Okay. Bring them in.

3 (The following takes place in the presence of the
4 jury.)

5 THE COURT: Good afternoon.

6 The jury is present. You may proceed.

7 MR. BARNETTE: Your Honor, the state would like to
8 call Dr. Wren.

9 DR. JOHN DAVID WREN, having
10 been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. BARNETTE

12 Q Dr. Wren, if you would, state your full name, please.

13 A John David Wren.

14 Q And where do you work at, sir?

15 A I work at -- I work for the Carolinas Pathology Group.
16 We have the contracts in Spartanburg, South Carolina, Union
17 and at Pelham. I'm the -- I work at Spartanburg Regional
18 Medical Center, and I'm the laboratory director of five
19 different locations.

20 MR. BARNETTE: And, Your Honor, I've talked to the
21 defense. I think they'll stipulate to his qualifications
22 as a forensic pathologist.

23 MS. WHITE: We do, Your Honor.

24 THE COURT: All right. He is so qualified.

25 BY MR. BARNETTE

Dr. John David Wren
Direct examination by Mr. Barnette

1 Q Dr. Wren, do you perform autopsies here in the
2 Spartanburg area and other parts of the state also? But
3 here in Spartanburg, is that right, sir?

4 A That's correct.

5 Q Did you perform an autopsy on Lanny Wood in this case,
6 or Lanham Wood?

7 A I did an autopsy on Lanham Joseph Wood in the
8 Spartanburg Medical Center Autopsy Room on January the
9 7th of 2018 beginning at approximately 1:35 p.m.

10 Q And -- after you did that autopsy during -- do you
11 take notes during an autopsy, sir?

12 A I take a few, yes.

13 Q And did you do a diagram concerning the stab wounds
14 and the wounds, other wounds, that Mr. Wood had?

15 A Yes.

16 Q Let me show you what's been marked as State's
17 Exhibit 31 and see if that copy represents what you did.

18 A Basically, it does. There are some number
19 discrepancies here that I didn't notice when I -- I think I
20 picked up the wrong sheet, because I redo them sometimes.
21 But there is a discrepancy on the stab wounds, those two,
22 eight and nine.

23 Q Okay. I'll let you explain that to the jury.

24 A Okay.

25 Q Was there also pictures taken during that time also?

Dr. John David Wren
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Let me show you what's been marked as State's Exhibits
3 96, 95, 97 and 98. Do those pictures fairly represent what
4 you saw?

5 A Yes. These are black and white photographs taken at
6 the autopsy showing wounds to the head and a stab wound to
7 the back, lower back, lower right back.

8 MR. BARNETTE: Your Honor, at this time I'd like to
9 introduce into evidence State's Exhibits 31, 95, 96, 97 and
10 98, I believe.

11 MS. WHITE: Your Honor, pursuant to what we had
12 discussed earlier, the state -- I mean, the defense does
13 object to autopsy photos being entered because of the risk
14 of prejudice. And in this case the diagram, Your Honor,
15 since Dr. Wren has indicated that there's some
16 discrepancies in there, we would ask that that not be
17 allowed to be entered if it's not a proper representation
18 of what he did at the autopsy and where the wounds were.

19 THE COURT: well, he's going to clarify any
20 discrepancy, and it'll be corrected on the exhibit, or
21 another exhibit can be substituted.

22 Aside from that, your exceptions are noted, but
23 objection is overruled.

24 MS. WHITE: Thank you, Your Honor.

25 (Autopsy diagram marked State's Exhibit No. 31;

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Direct examination by Mr. Barnette

1 photograph marked State's Exhibit No. 95; photograph marked
2 State's Exhibit No. 96; photograph marked State's Exhibit
3 No. 97; photograph marked State's Exhibit No. 98.)

4 Q Before I get into the diagrams and everything here,
5 let me show you what's been marked as State's Exhibit
6 No. 7.

7 Was this a blood sample that was taken from the victim
8 that was supplied to the law enforcement and to SLED
9 eventually, sir?

10 A Yes. I believe it was taken by the evidence officer
11 for the county.

12 Q And was you present when that was collected?

13 A Yes. I was standing there when it was collected.

14 MR. BARNETTE: Your Honor, I move State's Exhibit 7
15 into evidence at this time.

16 MS. WHITE: No objection, Your Honor.

17 THE COURT: It's admitted.

18 (Blood standard from Lanham wood marked State's Exhibit
19 No. 7.)

20 MR. BARNETTE: Thank you, Your Honor.

21 Q I guess it might be easier to start with the pictures
22 starting with State's Exhibit 96. We may have to make this
23 black-and-white whiter.

24 If you would, Dr. Wren, please, describe the picture
25 and what's in it.

Dr. John David Wren
Direct examination by Mr. Barnette

1 A This is the decedent's forehead with his anterior
2 hairline there. The hair on the right, his right side, had
3 been pulled back somewhat to show some of the wounds.

4 Starting from the jury's right is a gaping laceration,
5 which was done by a partially sharp edge but blunt object.

6 The next one over is an abrasion which did not
7 significantly lacerate the skin. Then there's another
8 irregular abrasion, I mean, laceration in the third one
9 over that's back into the hairline.

10 And then right at the posterior end of this hairline,
11 which I think we shaved some of the hair off, shows the
12 third one that's anterior.

13 There are two other lacerations in the back of the
14 head, all consistent with the same weapon.

15 Q Let me show you State's Exhibit 97. That may be the
16 two that you're talking about, sir.

17 A That's correct. Those are in the -- in the back of
18 the head and near the vertex for the smaller one up toward
19 the top of the photograph.

20 Q And let me show you State's Exhibit 95. What is this
21 a picture of, sir?

22 A This is the decedent's chest. It should be --
23 actually turn it.

24 Q Which way would you like to turn it?

25 A Clockwise, I mean, counterclockwise.

Dr. John David Wren
Direct examination by Mr. Barnette

1 Q Is that correct?

2 A That's correct. The area down along the left lower
3 border is actually a thoracotomy incision where the chest
4 was opened when he was being resuscitated so they could
5 massage the heart and check to see if there were any
6 injuries to the heart. And it's been resutured because he
7 passed away on the autopsy -- I mean -- on the
8 operating-room table.

9 And then this wound here, I have pulled it to where it
10 shows the wound in better configuration because it was
11 gapping open without the -- without the tape there. You
12 can see in that instance on the right side of the
13 photograph is a sharp edge for a knife blade, and on the
14 left is a blunt edge for the knife blade.

15 Q So this is a single-edge knife that went in.

16 A Yes, single edge. It looks relatively large, but it's
17 not quite that large in real life.

18 Q Actually from there.

19 Was there also another wound? I'll show you State's
20 Exhibit 98. Where was this wound located at, sir?

21 A That one is in the lower back. I think it should be
22 turned another 90 degrees.

23 Q Yes, sir.

24 A Counter.

25 Q Like that?

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Direct examination by Mr. Barnette

1 A Yes.

2 Q Okay.

3 A It was in the lower right back. I did make a diagram,
4 I mean, a stab-wound chart and laceration-wound chart of
5 all of the measurements I took, which are correct on the
6 sheet, by the way.

7 They actually number the wound where it is in
8 location, how far it is from the top of the head and to
9 the -- which side of midline it's on -- a length, a width
10 and a diameter if it has one -- and which way the wounds
11 are directed and then some notes on that sheet also. It's
12 called stab, slash, laceration wound chart.

13 Q Let me show you State's Exhibit 31. I believe this is
14 going to be actually the second page of it. I'll just
15 publish it right here. If you would, sir, please describe
16 those diagrams if you would.

17 A That's the head diagram showing the approximate
18 locations of the wounds on a -- on a head with the hair
19 missing where they were in relation to the -- to the body.

20 And one can see the three in the front. No. 1, 2, and
21 3 are lacerations in contrast to stab wounds, because a
22 laceration will have tissue bridging between the sides of
23 the wound.

24 If everyone's had a deep laceration they -- you can
25 look down into the wound and you can see it's not a clean

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1 cut as deep as it goes. It has little tissue bridges
2 between that. And if it's a glancing blow, it will also
3 have abrasion borders rather than a clean edge, which these
4 did. So these are lacerations.

5 Then I did not describe the one in the lower right
6 eyelid in detail because it was a -- just a very
7 superficial laceration, was nonsignificant except for an
8 injury. And then the abrasion I labeled just as an
9 abrasion because it would have been redundant to do
10 anything else on it.

11 Q Let me show you the first page of this, and let me let
12 you make a correction on there if you would, sir, you're
13 talking about.

14 A Do you want me to just mark through the -- the
15 erroneous one or what?

16 Q Yes, sir, if you would. And just initial it if you
17 would.

18 (Pause.)

19 Q Thank you, sir.

20 Let me let the defense look at it first.

21 A And, by the way, I can describe them off the stab
22 wound chart in detail of which --

23 Q Is that the chart?

24 A The chart is part of the record.

25 MR. BARNETTE: Permission to publish it to the jury,

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1 Your Honor.

2 THE COURT: You may.

3 Q And I think what happened is -- and correct me if I'm
4 wrong, Dr. Wren -- you actually had two nines and it should
5 have been nine, eight, seven, six.

6 A That's right.

7 Q Okay. So you just corrected -- the stab wounds are
8 correct. It's just the number wasn't correct.

9 A That's correct. They are correct on the stab wound
10 chart, not on the diagram.

11 Q I got you.

12 A Because we changed the numbers as we were going.

13 Q And I think the jury can see that. You had two nines
14 at one point, and you just corrected those numbers.

15 A That's correct.

16 Q If you would, please, go ahead and describe this to
17 jury if you would, sir.

18 A Okay. These are actual stab wounds.

19 The one up at the No. 9 up at the top is the one that
20 the photograph shows that was stretched out. That was
21 the -- probably the fatal wound more likely because it went
22 medially into the chest. And it actually incised the
23 cartilage that joins the ribcage to the sternum.

24 And then it went into the -- superficially into the
25 right ventricle of the heart. It did not go into the

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1 chamber of the heart. It actually stopped in the muscle
2 there. But it was bleeding into the pleural -- into the
3 pericardial sac which surrounds the heart.

4 And when they opened the chest cavity they further
5 opened that stab area in the pericardial sac, which is a
6 relatively rigid sac of scar -- scar-like tissue that
7 surrounds the heart and protects it from any external
8 environment to massage the heart to see if they needed to
9 actually try to repair that.

10 And, like I said, it was not completely into it, the
11 chamber of the heart, or if it had have been it would be
12 leaking outside. Every time the heart would beat it would
13 squirt blood out of the stab wound. But it did not reach
14 into the ventricle itself. But it, nevertheless, did bleed
15 into the pericardial sac.

16 And then he had a hemothorax on that side, which is
17 accumulation of blood there. They did put a chest tube in
18 there. When they put the chest tube in, it sort of blindly
19 at the start -- the chest tube actually pushed in a little
20 too far and pressed up against the top of the thoracic
21 cavity and was ineffective in removing a considerable
22 amount of blood, which he had, I think, it was 120 ccs of
23 residual blood in there, even though they opened the chest
24 cavity on that side to investigate. So that's No. 9.

25 Six, seven and eight was an in-and-out in the arm.

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1 No. 6 was laterally and more superiorly. No. 7 was where
2 it came out toward the inside of the heart. And then it
3 went into the chest cavity -- not the chest cavity. It
4 went into the chest wall. It did not penetrate the chest
5 cavity itself.

6 It was a relatively insignificant wound as far as
7 bleeding was concerned, because it did not hit any major
8 vessels in the arm and certainly not in the chest. But it
9 was, nevertheless, an in-and-out stab wound, because No. 6
10 was irregular. And that's why it looks like it does there.
11 So that's the ones in the front.

12 And then the one in the back, No. 10, is in the right
13 lower back. From the diagram one can see that the sharp
14 edge in this case is toward the elbow. The blunt edge is
15 toward the middle of the back. And that thrust went
16 upward, lacerated the hilum of the kidney and bled into the
17 peritoneal cavity, which is abdominal cavity, and into the
18 retroperitoneal soft tissues and accumulated bleeding there
19 also.

20 I have the measurements of each one of them, but I
21 thought the one in the chest was the most significant one.
22 And that one I outlined on the final summary that -- I
23 think I did.

24 Q And this was the chart that you did, is that right,
25 Dr. Wren?

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Direct examination by Mr. Barnette

1 A Yes. That's it.

2 In that case we can just go directly to No. 9. It
3 appeared 16 inches from the top of the head and 5.25 inches
4 to the left of midline.

5 That wound -- that blade -- when you measure wounds on
6 the body you have a length and a width, and then the depth
7 has to be probed. If it's into solid tissue one can tell
8 how deep it goes. But sometimes when there's a space like
9 in the thoracic cavity or in the abdomen you can't -- one
10 cannot tell exactly how deep it goes because there's
11 nothing there to probe through, because there's no solid
12 tissue there.

13 But that was 2.17 inches in length in the body and not
14 very wide at all. I have some of the others that are
15 listed as a width of .38 -- I'm sorry -- 7.5 and 5.25.
16 That's the distances. Those widths were less than a tenth
17 of an inch in width, and they were all from a single-edged
18 blade.

19 The best I could do with the length of the weapon,
20 which would be the knife-blade length itself and
21 corresponds to the depth, was I measured in the chest wall.
22 I put the distance from the exit -- entrance to the exit in
23 the arm is at least two and a half -- two and a quarter
24 inches. And the depth in the wound in the back is
25 2.6 inches.

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Direct examination by Mr. Barnette

1 So from the entrance on the left arm through the
2 medial portion of the arm and then into the chest itself
3 was at least 4.85, almost 5, inches. So there were no hilt
4 marks there. So one can say the blade had to be at least
5 4.85 inches in length and was probably about a tenth of an
6 inch in width.

7 Now, that does not correspond exactly to weapons,
8 because when the skin is stretched and a stab goes in, it
9 makes a longer -- longer length when the skin relaxes after
10 it's not pulled tight any more.

11 On the other hand, if it's loose and you pull it
12 tight, it'll be longer. So a rule of thumb in measurements
13 is plus or minus 25 percent.

14 In other words, if a wound measures one inch in length
15 it could be 1.25 or one and a quarter inches in length, and
16 it could be three-quarters of an inch in length depending
17 on whether the skin was stretched or loose when the wound
18 was inflicted.

19 Q Dr. Wren, if I can ask about, so one of these wounds
20 actually went through the arm into the chest or into the
21 bottom?

22 A Yes.

23 Q And which one was that?

24 A Six was the entrance, seven was the exit, and then
25 eight was the reentry into the chest. But it did not go

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1 into the pleural cavity. It was going backwards to where
2 it glanced off the ribcage and went into the soft tissues
3 of the back. It wouldn't have been fatal unless it got
4 infected.

5 Q And No. 9 was the fatal blow. That's the only one
6 that --

7 A Essentially. Now, No. 10 helped because he had a good
8 bit of bleeding from there too.

9 Q But ten was also potentially fatal.

10 A It was significant. Including the head wounds too.

11 Q The head wounds could have been potentially fatal too?

12 A Yes. I didn't mention it, but two of these wounds in
13 the head had defects in the skull. It did not fracture the
14 skull, but it did sort of chip the bone loose. It probably
15 caused some concussion or did cause some concussion beneath
16 the wounds as the -- as the skull bent a little bit as it
17 was hit.

18 Q Let me ask this too. The -- were these two different
19 weapons that was used for the head attack and the body?

20 A Yes. The ones in the -- in the thorax in the back --
21 the thorax is the chest and abdomen and -- and of course
22 the back is part of the thorax too, but it's posterior.

23 Those were stab wounds. The ones in the head were a
24 blunt force object with sort of a sharp edge, something
25 like a -- could have been a wide piece of like a 1 by 12, I

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1 mean, a 1 by 4 or 2 by 4 or some kind of metal object.

2 From the pictures one can see the abrasion borders,

3 and then the laceration is from -- it's not a stab wound.

4 I mean, it's not an incised or stab wound. It's actually a

5 laceration from the tissue stretching.

6 Q So like --

7 A It's really hard to tell on this. Do you have a
8 pointer?

9 Q I do. Do you want to come up here and use my pen?

10 (Whereupon, the witness left the stand.)

11 A My pictures are better. The one back in the -- in the
12 hair here has a minor abrasion border one can see along
13 this side. But this one has abrasions. The outline of the
14 laceration is where I'm outlining it. And then the
15 abrasion you can see from here across here, so whatever
16 inflicted it actually hit that area and sort of hit the
17 other side where you see the little abraded areas. And it
18 pulled the skin back and lacerated.

19 This is just an abrasion here. Could have been a
20 glancing blow.

21 This one on the one that's more anterior has an
22 abrasion border along this side. You can see the skin torn
23 toward the left -- left ear back towards the posterior part
24 of the left ear.

25 So you would look for a weapon that looked -- that

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1 looked something like that in some area on it.

2 Q And just showing you -- that's State's Exhibit No. 96.

3 This is 97.

4 A Yes. This one has a little bit less evidence because
5 there was hair in the way, but one can see in this area the
6 wound I'm outlining there. There's very little abrasion
7 there, but you can see the tissue bridging in between
8 there. And this one was a little bit more toward the front
9 of the head, and it was not quite as deep as the one in the
10 back.

11 Q And showing you State's Exhibit 95.

12 A There are no abrasion borders around that. This is
13 the -- this end where the tape was -- well, tape on both
14 sides. But towards this area a sharp edge and on this --
15 on this other end is a slightly rounded edge. But one
16 could push it together and it would be a blunt edge.

17 Q And then State's Exhibit 98.

18 A This is a good one here also. One can see that --
19 that in this case the blade went in. This is the sharp
20 edge down here, and then this is the blunt edge. It's
21 slightly at an angle there. But the blade was moving up
22 this way, that way, when it went in because his kidneys are
23 on up this -- up in this location.

24 This is his crease of his buttocks here, there. And
25 then the wounds up here, his waistline, and it was going

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1 upward toward his left shoulder, passed through the --
2 where the blood vessels come into the kidneys on the -- on
3 the left side, I believe.

4 Q Yes, sir. Thank you Dr. Wren.

5 (Whereupon, the witness returned to the stand.)

6 A Actually I noticed -- I said it was the right kidney.
7 It went a little bit more medial than I thought it did. It
8 was the right kidney it lacerated.

9 Q Thank you.

10 Let me show what's been marked be for identification
11 at this point State's Exhibits 101 and 102. The knife you
12 see in those two pictures, is that the knife that did the
13 stab wounds?

14 MS. WHITE: Your Honor, I would object to that based
15 on his information. He says it's given -- we have no -- no
16 foundation laid for the knife that he's producing in those
17 photos as to what size it was, where it was found,
18 anything.

19 MR. BARNETTE: Well, Your Honor, I'll be glad to lay a
20 foundation through another witness but --

21 THE COURT: Well, let me ask you this.

22 As I understand, the photograph -- what photograph are
23 you referring to?

24 MR. BARNETTE: Let me let you see it, Your Honor.

25 MS. WHITE: And I'd like to see it. I'm not sure

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1 exactly.

2 MR. BARNETTE: May I approach, Your Honor?

3 THE COURT: All right. And the question of the
4 witness is whether or not the knife displayed in
5 Exhibit 102 is consistent with or could have been used?

6 MR. BARNETTE: Yes, sir. What I want to know is if
7 it's the same knife in both, it's the same knife, different
8 pictures of it.

9 THE COURT: I understand, but I'm talking about what
10 you're asking this witness --

11 MR. BARNETTE: Yes, sir.

12 THE COURT: -- is whether or not the wounds that he
13 has observed could have --

14 MR. BARNETTE: Yes, sir.

15 THE COURT: -- or are consistent with the use of this
16 type of knife?

17 MR. BARNETTE: Yes, sir.

18 THE COURT: All right.

19 MS. WHITE: Your Honor, in those photos there's no
20 scale, there's no measurement. So we don't even have an
21 indication, a true indication, of whether or not that's a
22 proper scale.

23 THE COURT: Okay. Let me see y'all just a minute.

24 (Bench conference held off the record in the presence
25 of the jury but out of the hearing of the jury.)

Dr. John David Wren
Direct examination by Mr. Barnette

1 THE COURT: All right. Overrule the objection. To
2 the extent that the witness does have an opinion, he is
3 able to express it.

4 Q Doctor, let me ask the question again.

5 Looking at State's Exhibits 101 and 102. Knowing what
6 you know from past experience based off the wounds that you
7 saw on Mr. Wood concerning the stab wounds, could this
8 knife be the one that could do wounds of that nature or be
9 consistent with it?

10 A Well, if it were over -- if it was at least 5 inches
11 long it probably -- it's consistent with it, because it
12 does have a sharp edge and a blunt edge. And it's tapered
13 toward the end, which would explain the differences in the
14 actual length of the wounds on the body. And without
15 knowing how wide it was, I can't say, you know, for sure.
16 But it's consistent with it but not -- obviously, it's not
17 it for sure.

18 Q No. What I'm saying is that knife could do --

19 A It could have done it, yes.

20 Q And that it could be consistent with those type
21 wounds.

22 A Yes. What I meant by hilt marks is if you take a
23 weapon and you jam it into something, what'll happen is
24 around these wounds you'll see the actual imprint of the
25 handle as it gets down to the skin. It makes little

Dr. John David Wren
Direct examination by Mr. Barnette

1 abraded areas in it. And you can see that there's none on
2 any of these. There were abraded areas. So it did not go
3 in all the way to the hilt to stop it. It stopped before
4 it got there.

5 Q Yes, sir.

6 A So that would tell you how -- you know, I told you it
7 was at least 4.85 inches. So that's not exactly right.
8 Let's just say it were 5 inches. So a quarter of 5 inches
9 is one and a quarter. So it could only be 3.75 inches if
10 the skin was -- were -- if the body was stretched. And if
11 it were loose, it could have been even longer than that.

12 MR. BARNETTE: And, Your Honor, I'll introduce these
13 through another witness -- the exhibits.

14 Q So the cause of death in this case was what, Dr. Wren,
15 just to make sure it's clear for the record?

16 A I assigned the cause of death as internal and external
17 hemorrhage secondary to blunt force injuries to the head
18 and stab wounds to the body, because I can't tell exactly
19 what happened.

20 I mean, he was alive when all of those happened. He
21 could have been unconscious when some of that was
22 happening, and he could have actually -- the heart can keep
23 beating for a while, so, after one dies up to several
24 minutes, up to 15 minutes in some cases of hanging but/and
25 decapitation. They can -- the heart can beat a while

Dr. John David Wren
Cross-examination by Ms. White

1 longer because it doesn't -- it's not stimulated to beat
2 from the -- from the brain itself. It has all of automatic
3 stipulation to beat.

4 Q But no question that these injuries caused his death.

5 A No. There's no question about that.

6 Q If you would, please answer any questions the defense
7 may have for you, sir. Thank you.

8 CROSS-EXAMINATION

9 BY MS. WHITE

10 Q Thank you, Dr. Wren. Just real quickly.

11 At the end of your testimony just now you mentioned
12 talking about the heart continuing to beat and decapitation
13 and hanging. None of that is related to this incident.

14 A No, no. I was just saying it could beat longer than.
15 I was just giving an example of things that could be, keep
16 beating even if a person is dead or essentially dead.

17 Q Okay. All right. In regards to knowing, you can't
18 know definitively what weapon caused these injuries, can
19 you?

20 A No. One can't assign a definite weapon hardly in any
21 case unless someone shot someone and they had a contact
22 wound and they had blowback into the -- into the barrel and
23 they analyze that tissue. Then it'd be pretty
24 straightforward that that's what caused the blowback. And
25 then blunt force trauma, you just have to look for trace

Trevor Lee Shue
Direct examination by Mr. Barnette

1 evidence on what could have done it.

2 Q Okay. And based in all of -- your autopsy determines
3 cause of death, but there's no determination of who did it,
4 why it happened, anything like that, correct?

5 A No. People don't leave their signatures on them.

6 Q Thank you very much, Dr. Wren.

7 MR. BARNETTE: Your Honor, no more questions. I ask
8 for the witness to be excused.

9 THE COURT: You may step down. Thank you. You may
10 also be excused.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: I'd like to call Deputy Shue to the
13 stand, Your Honor.

14 TREVOR LEE SHUE, having been
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q If you would, sir, please state your full name for the
18 record.

19 A Trevor Lee Shue.

20 Q Where do you work at, sir?

21 A At the Spartanburg County Sheriff's Office.

22 Q And what's your position there, sir?

23 A Right now I'm an investigator with the sheriff's
24 office.

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

Trevor Lee Shue
Direct examination by Mr. Barnette

1 A Approximately four years.

2 Q And back in January of this year, where was you
3 working, sir?

4 A I was assigned to uniform patrol, Westgate side of
5 town.

6 Q Okay. On the morning of January 6th of 2018, was you
7 working that morning?

8 A Yes, sir.

9 Q And did you stop a U-Haul that morning?

10 A Yes, sir.

11 Q If you would, tell the jury about that.

12 A I was on uniform patrol at Westgate. I was on East
13 Blackstock Road.

14 I observed a U-Haul pull into an address. As soon as
15 I got behind the vehicle it turned off on -- to an address
16 on Sierra Road. I've worked that area for a long time.
17 It's 2:00 o'clock in the morning. Kind of hung around that
18 general area.

19 U-Haul comes back onto Sierra Road, down Old Anderson
20 Mill Road, turns into the Pure gas station. At that time
21 the gas station was closed. I kind of felt at that time
22 the car was trying to evade me for whatever reason.

23 Later on the vehicle leaves, heads down East
24 Blackstock Road, travels onto Reidville Road and pulls into
25 the Q.T.

Trevor Lee Shue
Direct examination by Mr. Barnette

1 I then felt at that time that the vehicle was just
2 trying to evade me, so I got out with the vehicle for
3 reasons of suspicion.

4 Q And did you have a body cam on at that time, sir?

5 A Yes, sir.

6 Q Let me show you State's Exhibit 26. Does this fairly
7 represent your body cam that morning?

8 A Yes, sir.

9 MR. BARNETTE: Your Honor, I'd like to enter --
10 introduce State's Exhibit 26 into evidence at this time.

11 MS. WHITE: Your Honor, no objection pursuant to the
12 redactions and the things we discussed prior.

13 THE COURT: Okay. It's admitted.

14 (B.W.C. marked State's Exhibit No. 26.)

15 MR. BARNETTE: Your Honor, I'd like permission to
16 publish it to the jury at this time.

17 THE COURT: You may.

18 Q On this body cam, sir, once -- the first 30 seconds,
19 do we hear any sound on it?

20 A No, sir.

21 Q Why is it, or is that the way they're designed?

22 A That's the way they're designed.

23 Q So --

24 A From the moment I turn it on, you have a 30-second
25 delay before you actually hear sound through it.

Trevor Lee Shue
Direct examination by Mr. Barnette

1 Q And that's familiar to every body-cam video.

2 A As far as I know, yes, sir.

3 Q Not yours. The sheriff's department said --

4 A Yes, sir.

5 Q One thing I forget. I notice the time is 6:41 on the
6 video. Is that -- can you explain that to the jury, what
7 this is -- zulu?

8 A Yeah. It's the time on the B.W.C. footage, isn't
9 always exactly correct for whatever reason.

10 Q Is that what we call zulu time?

11 A Yes, sir.

12 Q Standard time?

13 A Yes, sir.

14 Q So is it four hours off this time?

15 A Yes, sir.

16 (Whereupon, the video was played for the jury.)

17 Q Does that video fairly represent what you saw that
18 night?

19 A Yes, sir.

20 Q Let me show you some pictures from that video. Let me
21 show you what's been marked as State's Exhibits 100, 101
22 and 102. Does those fairly represent what you saw that
23 night?

24 A Yes, sir.

25 Q And let me show you what's been marked as State's

Trevor Lee Shue
Direct examination by Mr. Barnette

1 Exhibits 103, 104 and 105. Does those pictures fairly
2 represent what you saw that night?

3 A Yes, sir.

4 Q Okay.

5 MR. BARNETTE: Your Honor, I'd like enter these into
6 evidence at this time.

7 MS. WHITE: Your Honor, we would object based on
8 relevance at this time.

9 THE COURT: Let me see y'all.

10 (Bench conference held off the record in the presence
11 of the jury but out of the hearing of the jury.)

12 THE COURT: All right. Exhibits 100, 101 and 102,
13 103, 104, 105, each of those are photographs.

14 The defense?

15 MS. WHITE: Your Honor, we did have an objection to
16 their relevance.

17 THE COURT: All right. Overrule the objection. They
18 are admitted.

19 MR. BARNETTE: Thank you, Your Honor.

20 (Photographs marked State's Exhibits Nos. 100 through
21 105.)

22 Q Showing you State's 100. And I believe these are
23 stills off the video we just saw.

24 A Yes, sir.

25 Q And was this a picture, a fair representation off your

Trevor Lee Shue
Direct examination by Mr. Barnette

1 video?

2 A Yes, sir.

3 Q And this item right here, what is that?

4 A That was a knife that was in a sheath hanging on his
5 belt buckle.

6 Q Was that one -- some -- obviously, one of the other
7 knives you took off of him?

8 A Yes, sir.

9 Q Showing you State's Exhibit 101. Is this also another
10 picture from the body-cam video we just saw?

11 A Yes, sir.

12 Q And who are you handing the knife to?

13 A Deputy Cole.

14 Q Okay. And did he take the knife? And I believe he's
15 here to testify next. Did he take the knife and actually
16 put it in the windshield of his car at some point?

17 A Yes, sir.

18 Q And is that the knife right there?

19 A Yes, sir.

20 Q And also during that time -- let me show you State's
21 Exhibit 103. I believe you actually see this better in the
22 video than you can on the still sometimes. Did it show the
23 tennis shoes that he was wearing that night?

24 A Yes, sir.

25 Q And let me show you State's -- does that fairly

Trevor Lee Shue
Direct examination by Mr. Barnette

1 represent what you saw that night?

2 A Yes, sir.

3 Q Showing you State's 104. Is that a fair
4 representation of what shoes he was wearing that night?

5 A Yes, sir.

6 Q And State's 105. Is that another picture of the shoes
7 he was wearing that night?

8 A Yes, sir.

9 Q Okay. I'm going to play the video again so the jury
10 can see where we're talking about the pictures. Actually
11 going to fast forward a little bit. What was on the side
12 of the U-Haul, do you remember, sir, from the video?

13 A I know there's a fairly large animal on the side of
14 it.

15 Q Could you repeat that again, sir? I am --

16 A Had a very large animal was on the side of it.

17 THE COURT: Let me ask you to speak into that black
18 microphone there.

19 A It was a fairly large animal that was on the side of
20 the U-Haul.

21 (Whereupon, the video was played for the jury.)

22 Q Let me ask one question I forgot to ask you
23 essentially. Ms. Berridge -- did she have black eyes this
24 morning?

25 A She did have bruising on her eyes this morning.

Trevor Lee Shue
Direct examination by Mr. Barnette

1 (Whereupon, the video was played for the jury.)

2 Q Thank you, sir.

3 And afterwards did you give a warning ticket to the
4 driver in this case?

5 A Yes, sir.

6 Q And what was the time and date on that ticket that you
7 gave to her?

8 A 02/06/18 at 0200, which is 2:00 o'clock in the
9 morning.

10 Q So it was the morning of January 6th of 2018?

11 A Yes, sir.

12 MR. BARNETTE: Your Honor, I'd like to enter State's
13 Exhibit No. 62 into evidence at this time.

14 MS. WHITE: No objection, Your Honor.

15 THE COURT: It's admitted.

16 (Photograph marked State's Exhibit No. 62.)

17 MR. BARNETTE: Permission to publish 62 to the jury,
18 Your Honor.

19 THE COURT: You may.

20 Q I don't know if you're going to be able to see it on
21 this or not.

22 And you left that with her that morning, is that
23 right?

24 A Yes, sir.

25 Q If you would, please, answer any questions that the

Trevor Lee Shue
Cross-examination by Ms. White

1 defense may have for you, sir. Thank you.

2 CROSS-EXAMINATION

3 BY MS. WHITE

4 Q Is it Deputy Shue?

5 A Yes, ma'am.

6 Q Okay. Deputy Shue, first question is other than that
7 warning ticket to Ms. Berridge, there were no other
8 citations or anything.

9 A No, ma'am.

10 Q Okay. And that was at 2:00 a.m. on the 6th?

11 A Yes, ma'am.

12 Q So in the next 15 hours before the incident occurred
13 with Mr. Wood, as they've been talking, you had no idea
14 what happened or transpired in that timeframe.

15 A No, ma'am.

16 Q Thank you. That's all I have at this time.

17 MR. BARNETTE: No further questions. Ask for this
18 witness to be excused, Your Honor.

19 THE COURT: You may step down. You may also be
20 excused.

21 (Whereupon, the witness was excused.)

22 MR. BARNETTE: Your Honor, the defense has indicated
23 my next witness -- she wanted to review the video before
24 the witness.

25 THE COURT: okay. All right. Let me ask the jury to

Nathan Todd Cole
Direct examination by Mr. Barnette

1 please go to your jury room while we deal with an
2 evidentiary issue.

3 Don't discuss the case. I'll bring you back as soon
4 as we conclude.

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

7 THE COURT: We'll take -- we'll come back at 3:45.
8 That's a little over ten minutes -- 12 minutes.

9 (Whereupon, a recess was taken.)

10 THE COURT: Are we ready for the jury?

11 MR. BARNETTE: The state's ready, Your Honor.

12 MS. WHITE: The defense is ready, Your Honor.

13 THE COURT: All right. Bring them in.

14 (The following takes place in the presence of the
15 jury.)

16 THE COURT: The jury is present. You may proceed.

17 MR. BARNETTE: I'd like to call Deputy Cole to the
18 stand, Your Honor.

19 NATHAN TAYLOR COLE, having
20 been first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BARNETTE

22 Q If you would, sir, please state your name for the
23 record.

24 A Nathan Todd Cole.

25 Q And where do you work at, sir?

Nathan Todd Cole
Direct examination by Mr. Barnette

- 1 A The Spartanburg County Sheriff's office.
- 2 Q And what is your position there, sir?
- 3 A I'm a uniform patrol deputy.
- 4 Q And how long have you been at the sheriff's
- 5 department, sir?
- 6 A Three years.
- 7 Q Back on January 6th of 2018, was you working that
- 8 morning?
- 9 A Yes, sir. I was.
- 10 Q And was you part of a traffic stop at the Q.T. there
- 11 on Reidville Road?
- 12 A Yes, sir.
- 13 Q And who else was with you on that? Was Trooper Shue
- 14 the other trooper -- Deputy Shue?
- 15 A Yes, sir. Deputy Shue was out there.
- 16 Q And did you have your body cam on?
- 17 A Yes, sir, I did.
- 18 Q And during that time did you take possession of a
- 19 knife or more than one knife? Did you take possession of
- 20 knives from Deputy Shue?
- 21 A Yes, sir, I did.
- 22 Q And where did you place those knives?
- 23 A I took them to my patrol vehicle and sat them right
- 24 there on the windshield, in front of -- in front of the
- 25 windshield.

Nathan Todd Cole
Direct examination by Mr. Barnette

1 Q After the stop did you return the knives back?

2 A Yes, sir, I did. I put them in the door of the
3 U-Haul. That way I didn't give him possession but he got
4 his knives back.

5 Q And so you put them in the door of the U-Haul?

6 A Yes, sir. I did.

7 Q And where did -- did he go back in the passenger seat?

8 A Yes, sir. He did.

9 Q Let me show you State's Exhibit 28. Does this fairly
10 represent what happened that night or what you saw that
11 night?

12 A Yes, sir. It does.

13 MR. BARNETTE: Your Honor, I'd like to enter State's
14 Exhibit 28 into evidence at this time.

15 MS. WHITE: No objection, Your Honor.

16 THE COURT: It's admitted.

17 (B.W.C. marked State's Exhibit No. 28.)

18 MR. BARNETTE: Permission to publish it to the jury,
19 Your Honor.

20 THE COURT: You may.

21 (Whereupon, the video was played for the jury.)

22 Q Let me show you what's been marked or entered into
23 evidence as State's Exhibits 101 and 102. Is that one of
24 the knives that you took possession of?

25 A Yes, sir. It is.

Nathan Todd Cole
Cross-examination by Ms. White

1 MR. BARNETTE: And, Your Honor, permission to publish
2 101 and 102 back to the jury.

3 THE COURT: You may.

4 Q Showing you State's 101. Was that the knife that
5 Deputy Shue took off of Mr. Sutherland?

6 A Yes, sir.

7 Q And State's Exhibit 102. Was that the knife that --
8 is that where you placed the knife originally? I guess you
9 placed the other knife with it. Is that the first knife
10 you laid down on the windshield?

11 A Yes, sir. It is.

12 Q And that was the knife that he took off of Mr.
13 Sutherland.

14 A Yes, sir.

15 Q And that was returned back along with the other knife.

16 A Yes, sir. They were both returned.

17 Q If you would, please, answer any questions that
18 defense may have for you, sir.

19 CROSS-EXAMINATION

20 BY MS. WHITE

21 Q You have to excuse me. I put a cough drop in so I
22 won't cough.

23 Deputy Cole, you put the knives when you returned them
24 back to Mr. Sutherland and put them in the U-Haul, you put
25 them in the door. Is there like a cubby essentially?

Wanda Anne Cooper
Direct examination by Mr. Barnette

1 A Yes, ma'am. There's a little place. Most vehicles
2 have them right there in the door. I just laid them right
3 there.

4 Q Okay. And after that point, after your interaction
5 with them, over the next 15 hours you don't know who had
6 access to the knives or who had possession of either one of
7 those knives, do you?

8 A No, ma'am.

9 Q Thank you.

10 MS. WHITE: That's all I have, Your Honor.

11 MR. BARNETTE: We ask this witness be excused, Your
12 Honor.

13 THE COURT: You may step down. You may also be
14 excused.

15 (Whereupon, the witness was excused.)

16 MR. BARNETTE: Your Honor, I'd like to call Anne
17 Cooper to the stand, please.

18 WANDA ANNE COOPER, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, ma'am, please, give your full name for
22 the record.

23 A Wanda Anne Cooper.

24 Q I'm going to have to ask you to talk louder. I'm
25 sorry. But we're going to have to hear you right here.

Wanda Anne Cooper
Direct examination by Mr. Barnette

- 1 A Wanda Anne Cooper.
- 2 Q Thank you, ma'am.
- 3 And where do you work at, ma'am?
- 4 A At Kensington Storage.
- 5 Q And where is that located at, ma'am?
- 6 A 95 Kensington Drive right off Reidville Road.
- 7 Q And was you working there back on January 4th, I
- 8 believe? I want to make sure I get the right date.
- 9 January 4th of 2018.
- 10 A Yes, sir.
- 11 Q And at that time did y'all rent U-Hauls out?
- 12 A Yes, sir. We did.
- 13 Q And did you rent a U-Haul that day at that time to
- 14 Ms. Loftis?
- 15 A Yes.
- 16 Q Let me show you the agreement, State's Exhibit 15. Is
- 17 that a copy of the agreement that was signed by her?
- 18 A Yes. It is.
- 19 Q And did she have anybody else with her when she came
- 20 to rent the U-Haul?
- 21 A Mr. Sutherland was standing there. Then he went out
- 22 and came back.
- 23 Q So you remember Mr. Sutherland from that event.
- 24 A Yes.
- 25 Q So he was with her that day.

Wanda Anne Cooper
Direct examination by Mr. Barnette

1 A Yes. He was.

2 Q And what kind of U-Haul is it that was rented out?

3 A I can't remember if it was a T-T or -- I mean, a
4 20-foot or a 26-foot, because I can't see that on -- on --
5 let me look. That was a 10-foot U-Haul.

6 Q And is that a box, like a box, style truck like we
7 have been seeing on the screen, I guess?

8 A Yes, yes.

9 Q And I'll go back. So Mr. Sutherland was there with
10 her at the time?

11 A Yes. He came in, stepped in, and went back out.

12 Q Okay. And so you did rent this U-Haul to Ms. Loftis.

13 A Yes, sir.

14 Q And I'll get into it, but is there also a video camera
15 there also at y'all's location?

16 A Yes, sir. There is.

17 MR. BARNETTE: Your Honor, I'd like to enter State's
18 Exhibit 15 into evidence at this time.

19 MS. WHITE: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (Copy of contract marked State's Exhibit No. 15.)

22 MR. BARNETTE: Permission to publish it to the jury,
23 Your Honor.

24 THE COURT: You may.

25 Q Like I said, this is the type of U-Haul that was

Wanda Anne Cooper
Direct examination by Mr. Barnette

1 rented to them. A box type, I guess, from there.

2 A Yes, sir.

3 Q And that was the customer signature, Ms. Loftin's
4 signature?

5 A Yes, sir.

6 Q Loftis. Going to the next page of it, when was it
7 rented out? What date, ma'am?

8 A January the 4th.

9 Q And about what time was it rented out? I'll make that
10 bigger for you. If you need to see it, I'll be glad to
11 hand it.

12 THE COURT: Yeah. Just hand her those documents so
13 she can.

14 A At 3:05 p.m.

15 Q And when was it supposed to be checked back in?

16 A On the next day, 1/5, at 3:00 o'clock in the
17 afternoon.

18 Q Okay. Thank you, ma'am. If I can hand it, I am going
19 to publish it to the jury so they can see it. And this is,
20 again, State's Exhibit No. 15. And this is the time it was
21 rented out, is that right, the date and time?

22 A Yes, sir.

23 Q And this is when it was due back.

24 A Yes, sir.

25 Q And was it returned?

Wanda Anne Cooper
Cross-examination by Ms. White

1 A No, sir.

2 Q If you would, please, answer any questions the defense
3 may have for you, ma'am. Thank you.

4 A Okay.

5 CROSS-EXAMINATION

6 BY MS. WHITE

7 Q Thank you, Ms. Cooper.

8 You recall giving your statement to police about this,
9 don't you?

10 A Yes, ma'am.

11 Q Okay. And do you recall that when you told police you
12 said that Rhonda Loftis came in to rent a U-Haul for her
13 daughter?

14 A Yes.

15 Q Okay. So when you mentioned was there anyone else
16 there and you mentioned just Mr. Sutherland, there was no
17 other person there?

18 A That's all I can remember, because that's all I can
19 remember, is the three people that were there.

20 Q Okay. Three people. Tell me who the --

21 A The mother rented it, and he was standing there with
22 her when she came in and rented it because I remember his
23 last name and I commented on it. I asked him was he a
24 relative to somebody that I used to work with.

25 Q Okay. And who was the third person?

Wanda Anne Cooper
Cross-examination by Ms. White

1 A I saw them on the outside. I never saw her.

2 Q Okay. I'm going to approach.

3 MS. WHITE: May I approach, Your Honor?

4 Q This is a copy of your statement. I just want to get
5 you to read for me silently.

6 So you do recall telling the police that when they
7 were leaving that her daughter -- meaning Ms. Loftis'
8 daughter -- and a man were outside and Ms. Loftis' daughter
9 was -- they were getting stuff and putting it in the
10 U-Haul.

11 A Yes, ma'am.

12 Q Okay. So it wasn't just Mr. Sutherland there with
13 Rhonda Loftis. She said she was renting it for her
14 daughter. And the daughter was present.

15 A Yes, ma'am.

16 Q Okay.

17 MS. WHITE: One moment, please, Your Honor.

18 (Pause.)

19 Q Now, according to the rental agreement, the U-Haul was
20 due back on the 5th, is that right?

21 A Yes, ma'am.

22 Q So it was a 1-day rental.

23 A Right.

24 Q So after the 5th you didn't have any -- any reason or
25 any interaction with the U-Haul or the folks that were in

Kelly Jo Gaw
Direct examination by Mr. Barnette

1 it on the 6th, did you?

2 A No.

3 Q Did you have any interaction with them or know
4 anything that happened with that U-Haul over the next week
5 maybe?

6 A No, ma'am. I didn't.

7 Q Okay. So the last time you saw it was on the 4th.

8 A Right. When I rented it out.

9 Q Thank you, Ms. Cooper.

10 MR. BARNETTE: We ask for this witness to be excused,
11 Your Honor.

12 THE COURT: You may step down. You may also be
13 excused.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: I'd like to call Ms. Dobbs [sic] to the
16 stand, Your Honor.

17 KELLI JO GAW, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BARNETTE

20 Q If you would, ma'am, please state your full name for
21 the record.

22 A Kelly Jo Gaw.

23 Q And where do you work at, ma'am?

24 A Kensington Storage.

25 Q And what's your position there, ma'am?

Kelly Jo Gaw

Direct examination by Mr. Barnette

1 A I'm a regional manager.

2 Q And how long have you worked there, ma'am?

3 A Four years.

4 Q And as part of your duties -- I guess y'all have a
5 video system there.

6 A We do.

7 Q And do you help man or control -- not control I
8 guess -- man that video or check on it?

9 A Yes, sir.

10 Q And in this case on January 4th of 2018, was y'all's
11 recording working that day, or the video working?

12 A Yes. It was.

13 Q And did the Spartanburg County Sheriff's Department
14 come and ask you for a copy of that video?

15 A Yes, sir.

16 Q And let me show you State's Exhibit No. 16. Is that a
17 copy of the video that you downloaded and gave it to the
18 sheriff's department?

19 A Yes, sir.

20 MR. BARNETTE: Your Honor, I'd like to move State's
21 Exhibit 16 into evidence at this time.

22 MS. WHITE: Without objection.

23 THE COURT: It is admitted.

24 (Video from Kensington Storage marked State's Exhibit
25 No. 16.)

Kelly Jo Gaw
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, permission to just --
2 there's a lot of it, but just to show -- publish part of
3 the exhibit to the jury.

4 Q Ms. Dobbs, is there three different cameras that were
5 involved with this or that y'all used at that time?

6 A There's multiple. I think there's three that would
7 pick up the front.

8 (Whereupon, State's Exhibit No. 16 was played for the
9 jury.)

10 Q And just for clarification, is this off by an hour?

11 A It is, yes, sir.

12 Q And did y'all have to get it replaced because of that?

13 A We did.

14 Q If you would, please, answer any questions the defense
15 may have for you, ma'am.

16 A Yes, sir.

17 Q Thank you.

18 MS. WHITE: We have no questions for this witness,
19 Your Honor.

20 THE COURT: You may step down.

21 MR. BARNETTE: Your Honor, we'd ask that the witness
22 be excused.

23 THE COURT: She may be.

24 (Whereupon, the witness was excused.)

25 MR. BARNETTE: Your Honor, I would like to call Deputy

Brady Douglas Branson
Direct examination by Mr. Barnette

1 Branson to the stand.

2 BRADY DOUGLAS BRANSON, having
3 been first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. BARNETTE

5 Q If you would, sir, please state your full name for the
6 record.

7 A Brady Douglas Branson.

8 Q And where do you work at, sir?

9 A Spartanburg County Sheriff's Office.

10 Q And what is your position there, sir?

11 A I work for the warrant division.

12 Q And how long have you been in law enforcement, sir?

13 A Going on about seven years.

14 Q And back on January 9th of 2018, were you working that
15 day, sir?

16 A Yes, sir.

17 Q And did you receive a BOLO concerning a U-Haul?

18 A Yes, sir.

19 Q If you would, tell the jury about that if you would,
20 sir.

21 A I received a BOLO in reference to a U-Haul with a
22 panda on the side of it. I believe we also had the tag
23 number as well, which is -- was out of Oklahoma.

24 Q And did you see this U-Haul?

25 A Yes, sir.

Brady Douglas Branson
Direct examination by Mr. Barnette

1 Q And where did you see the U-Haul at?

2 A When I first saw the U-Haul I was at Pottery Road and
3 New Cut, which is in Spartanburg County.

4 Q And what did you do once you saw the U-Haul?

5 A Once we saw the U-Haul originally, I ended up getting
6 behind the U-Haul to confirm the tag number on it. Once I
7 confirmed that the tag actually matched the BOLO, I
8 requested additional units.

9 Q And what happened then, sir?

10 A Once additional units got to me, we approached the
11 U-Haul and furthered the investigation.

12 Q Did you have your body cam on at that time, sir?

13 A I did.

14 Q Let me show you what's been marked as State's Exhibit
15 52. And that may change, change that number. State's
16 Exhibit 52.

17 A Okay.

18 Q Does this fairly represent what you saw that night?

19 A It does.

20 MR. BARNETTE: And, Your Honor, I'd like to enter
21 State's Exhibit 52 at this time.

22 MS. WHITE: No objection, Your Honor.

23 THE COURT: It's admitted.

24 MR. BARNETTE: Thank you, Your Honor.

25 (Photograph marked State's Exhibit No. 52.)

Brady Douglas Branson
Direct examination by Mr. Barnette

1 MR. BARNETTE: I'd like to publish it to the jury at
2 this time.

3 THE COURT: You may.

4 Q And with this one also -- and your body cam's off the
5 first 30 seconds, is that right?

6 A Correct.

7 Q And that's for every body cam.

8 A Correct.

9 (Whereupon, State's Exhibit No. 52 was played for the
10 jury.)

11 Q Deputy Branson, does that fairly represent what
12 happened that night when you made the stop?

13 A Yes, sir. It does.

14 Q Okay. And did you find any knives on him?

15 A I believe he had a box cutter on him.

16 Q Let me show you State's 102. Did he have that knife
17 on him?

18 A He did not, not when I dealt with him.

19 Q Yes, sir. And the knife that was in the -- the one
20 that you saw, did Investigator Gaddy later gather that when
21 he came out to the scene?

22 A He did.

23 Q And did he place that -- well, don't answer that
24 question. He took -- he took control of that knife, is
25 that right?

Brady Douglas Branson
Direct examination by Mr. Barnette

1 A Correct.

2 Q And did you transport later on? What did you do with
3 the suspect?

4 A I took the suspect to the sheriff's office for further
5 investigations.

6 Q If you would, sir, please answer any questions the
7 defense may have for you.

8 MS. WHITE: Beg the Court's indulgence.

9 (Pause.)

10 BY MR. BARNETTE

11 Q Just one other question. This was on September 9th --
12 or January 9th. Do you remember what time it was or --
13 from there?

14 A This incident took place at the start of my shift,
15 which I start shift at 7:00 a.m. So it was somewhere
16 around 7:00 a.m.

17 MS. WHITE: Beg the Court's indulgence.

18 (Pause.)

19 MS. WHITE: May we approach just briefly, Your Honor?

20 THE COURT: Yes, ma'am.

21 (Bench conference held off the record in the presence
22 of the jury but out of the hearing of the jury.)

23 THE COURT: We've got to take a quick break. We've
24 got to cue up some more video.

25 So I'll ask you to please go to your jury room. Don't

Brady Douglas Branson
Direct examination by Mr. Barnette

1 discuss the case. I'll bring you back in just a few
2 minutes.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: All right. We're going to take ten
6 minutes.

7 The witness can step down.

8 Don't discuss your testimony.

9 (Whereupon, a recess was taken.)

10 THE COURT: All right. Bring the jury in, please.

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

13 THE COURT: All right. The jury is present.

14 You may proceed.

15 MS. WHITE: Thank you, Your Honor. The defense
16 actually has no questions for this witness.

17 THE COURT: All right.

18 MR. BARNETTE: We'd ask for the witness to be excused,
19 Your Honor.

20 THE COURT: You may be. Thank you. Step down.

21 (Whereupon, the witness was excused.)

22 MR. BARNETTE: Your Honor, I'd like to call
23 Investigator Gaddy to the stand.

24

25

Mark Christopher Gaddy
Direct examination by Mr. Barnette

1 MARK CHRISTOPHER GADDY, having
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, sir, state your full name for the
5 record, sir.

6 A Mark Christopher Gaddy.

7 Q And where do you work at, sir?

8 A The Spartanburg County Sheriff's Office.

9 Q And what's your position there, sir?

10 A I'm a sergeant in the investigative division.

11 Q And how long have you been in law enforcement, sir?

12 A Twenty-five years.

13 Q Back on January 9th of this year was you called to a
14 scene near McDonald's on New Cut Road there?

15 A Yes. I was.

16 Q And was that a part of the investigation concerning
17 this case?

18 A Yes. It was.

19 Q And at that time there was a U-Haul van or cab. I
20 think we've seen pictures of it in the video.

21 A Yes, sir.

22 Q Did you go into the, like the, dash of that and did
23 you pick a knife out of that?

24 A I did. I did, sir.

25 Q And why did you do that?

Mark Christopher Gaddy
Direct examination by Mr. Barnette

1 A It was part of an investigation we were working.

2 Q Okay. Let me show you State's Exhibit 39 for I.D.
3 purposes. Is that the knife that you collected from the
4 U-Haul that was out on the shelf?

5 A It has my signature on it. Do you want me to open it
6 up?

7 Q Let me enter it into evidence first before we do that,
8 sir.

9 A Yes, sir.

10 MR. BARNETTE: Your Honor, I'd like to move this into
11 evidence at this time.

12 MS. WHITE: No objection, Your Honor.

13 MR. BARNETTE: Your Honor, permission for him to open
14 and publish it to the jury.

15 THE COURT: He may.

16 What was the number of that?

17 MR. BARNETTE: Thirty-nine, Your Honor.

18 (Fixed blade knife marked State's Exhibit No. 39.)

19 Q If you would, sir, go ahead. And what kind of sheath
20 is it in, sir?

21 A It's in a black Mossy Oak sheath.

22 Q And can you pull that knife out, please, sir?

23 (Whereupon, the witness complied.)

24 Q And what kind of handle is on that knife?

25 A A wood handle, and metal.

Mark Christopher Gaddy
Cross-examination by Ms. White

1 Q Okay. I believe you've seen the pictures that we
2 showed earlier in earlier exhibits.

3 A Yes, sir.

4 Q Is that a different knife than the bone knife?

5 A It is, sir.

6 Q And is that a different sheath also?

7 A It is.

8 Q If you would, sir, please, place it in.

9 And after you obtained that from the U-Haul, did you
10 place that into evidence, sir?

11 A I did, sir.

12 Q If you would, please, answer any questions the defense
13 may have for you, sir.

14 CROSS-EXAMINATION

15 BY MS. WHITE

16 Q Investigator Gaddy, do you recall where you located
17 that knife in the U-Haul?

18 A It was in the front compartment. I guess you would
19 best say in between the seats in the driver's compartment.
20 In or around the driver's compartment.

21 Q Okay. You complete your incident reports and you do
22 that for purposes of having an accurate depiction of what
23 happened, is that right?

24 A Yeah, yes.

25 Q Okay. And you said how many years have you been

Mark Christopher Gaddy
Cross-examination by Ms. White

1 working in law enforcement?

2 A Twenty-five.

3 Q Okay. So you've been trained to do the most complete
4 and accurate report that you can.

5 A Yes, ma'am.

6 Q Document everything appropriately. So if the knife
7 you located was in the console, then I would expect to see
8 that in the incident report, is that right?

9 A It was located in the driver's -- in the seating area
10 of the front of the vehicle.

11 Q Okay.

12 MS. WHITE: Can I show something to refresh his
13 recollection?

14 Q Or do you have a copy of your incident reports?

15 A I've got a copy of my writeup.

16 Q Okay. I'm not sure if it's the same page numbering
17 that we have.

18 A Okay.

19 THE COURT: You can show him.

20 Q Okay. I'm going to approach if you don't mind,
21 Investigator Gaddy. Obviously, I've got mine kind of
22 highlighted. You know, we've got different page numbers.

23 A Yes, ma'am.

24 Q What I'm looking at is do you have the --

25 A Is that right there? "I then changed gloves and took

Mark Christopher Gaddy
Cross-examination by Ms. White

1 possession of a switchblade knife."

2 Q Yes.

3 A Yes, ma'am.

4 Q And after reading that to yourself does it refresh
5 your recollection as to where the knife was --

6 A At that --

7 Q -- located?

8 A At that point it was on the -- the driver's hood. So
9 I assumed that it was moved in, because on the video, I
10 mean, obviously, you heard Officer Branson talk about a
11 knife, and then that would have probably been moved to
12 secure it, is the only thing that I can think of.

13 Q Okay. Now, Officer Branson mentioned he took a box
14 cutter.

15 A Right.

16 Q I don't know that he actually mentioned a knife and a
17 sheath.

18 A Okay.

19 Q So in referencing where that was located --

20 A It says it was taken from the driver's-side hood.

21 Q Okay.

22 A And was said to have been taken from Amy's side of the
23 vehicle, which she would have been driving according to the
24 video.

25 Q Okay. And so from your recollection that evening

Mark Christopher Gaddy
Cross-examination by Ms. White

1 then, or that morning -- it was early morning actually --

2 A Uh-huh.

3 Q -- when the knife that has just introduced into
4 evidence, the fixed blade Mossy Oak knife --

5 A Uh-huh.

6 Q -- was recovered from the driver's side of the
7 vehicle, which was the side that Ms. Amy Berridge was
8 driving at the time.

9 A Yes, ma'am.

10 Q Okay.

11 MS. WHITE: Beg the Court's indulgence one minute.

12 (Pause.)

13 Q Investigator Gaddy, and this -- once you take the
14 evidence into custody, essentially, you took it, and you
15 secured it so that it could be looked at later, is that
16 right?

17 A Right. By placing it in that envelope and sealing it,
18 doing the appropriate paperwork and turning it into the
19 evidence section.

20 Q Okay. Are you familiar with or do you know if any
21 additional testing was done on that knife?

22 A I do not.

23 Q Okay. So you weren't involved with any of the
24 laboratory or the testing of that.

25 A No.

Mark Christopher Gaddy
Redirect examination by Mr. Barnette

1 Q Okay. All right. Thank you.

2 MS. WHITE: That's all I have at this time, Your
3 Honor.

4 MR. BARNETTE: Just one question in followup.

5 REDIRECT EXAMINATION

6 BY MR. BARNETTE

7 Q Is that a big knife that would get attention of an
8 officer at a traffic stop?

9 A Absolutely.

10 Q Thank you, sir.

11 MR. BARNETTE: No further questions.

12 THE COURT: All right. You may step down. You may
13 also be excused.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: Thank you, Your Honor.

16 THE COURT: Ladies and gentlemen, we're going to
17 recess for the afternoon.

18 Keep in mind the caution previously given. No
19 discussions about the case, no research, no investigation,
20 no type of media exposure -- television, radio or
21 newspaper.

22 Have a good evening. Please report to your jury room
23 at 9:30 in the morning, 9:30 in the morning.

24 (The following takes place outside the presence of the
25 jury.)

1 THE COURT: Court is in recess until 9:30 in the
2 morning.

3 END OF PROCEEDINGS NOVEMBER 27, 2018
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James Coby Stepp
Direct examination by Mr. Barnette

1 (Proceedings November 28, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are there any matters to address before
5 the jury is brought in?

6 MR. BARNETTE: None from the state, Your Honor.

7 MS. WHITE: Nothing from the defense, Your Honor.

8 THE COURT: All right. Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 As you know, when we recessed yesterday the state was
13 still in the midst of their presentation of evidence. So
14 we will continue with that presentation this morning.

15 Mr. Barnette.

16 MR. BARNETTE: May it please the Court, Your Honor.
17 I'd like to call Investigator Stepp to the stand.

18 JAMES COBY STEPP, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, sir, please give your full name for the
22 record.

23 A James Coby Stepp.

24 Q Where do you work at, sir?

25 A Spartanburg County Sheriff's Department.

James Coby Stepp
Direct examination by Mr. Barnette

1 Q What is your position there, sir?

2 A Crime scene investigations.

3 Q And how long have you been working with the sheriff's
4 department, sir?

5 A About to finish up 20 years and get 21.

6 Q Going back to January 6th of this year, 2018, was you
7 called to a crime scene at [REDACTED] Road?

8 A Yes, sir. I was.

9 Q And who else was with you when you went there, sir?

10 A Sergeant Lawson, team leader.

11 Q And did you process the scene there, sir?

12 A Yes, sir. I assisted Sergeant Lawson.

13 Q And during that time did you collect pieces of
14 evidence from the scene also?

15 A Yes, sir. I did.

16 Q Let me show you some pictures. Let me show you
17 State's Exhibits 37, 38, 40, 48 -- get this in order -- 49,
18 50 and 51. If you would, take a look at those pictures and
19 see if those pictures fairly represent what you saw that
20 night.

21 A Yes, sir. It is.

22 MR. BARNETTE: Your Honor, I would like to move these
23 into evidence at this time.

24 MS. WHITE: No objection, Your Honor.

25 THE COURT: They are admitted.

James Coby Stepp
Direct examination by Mr. Barnette

1 (Photographs marked State's Exhibits Nos. 37, 38, 40,
2 48, 49, 50 and 51.)

3 MR. BARNETTE: Permission to publish to the jury, Your
4 Honor.

5 THE COURT: You may.

6 Q While this is warming up, this is located in
7 Spartanburg County, isn't it?

8 A Yes, sir. It is.

9 Q Okay. What is this, sir, a picture of?

10 A It's a picture of the mailbox depicting the address of
11 the location that we're at.

12 Q That's State's Exhibit 37.

13 State's Exhibit 38. What is this a picture of, sir?

14 A The exterior front of the residence.

15 Q Showing you State's Exhibit 40. What is that a
16 picture of, sir?

17 A Appears to be the back rear of the residence.

18 Q And was there a wooden fence around this back yard of
19 the area back there?

20 A Yes, sir, there was a wooden-area fence.

21 Q And was there a building in the back of that location?

22 A Yes, sir, there was a building at the back.

23 Q And did you process -- where did you find -- where did
24 y'all find blood at the crime scene at?

25 A Well, one area we found was on a gate that went in

James Coby Stepp
Direct examination by Mr. Barnette

1 between 261 and 257, the address right beside it.

2 Q All right. Let me go ahead -- I'll go ahead. And
3 since you mentioned that, we'll go ahead and go to this.
4 State's Exhibit 50. What is that, sir?

5 A That's the gate that leads in between the two
6 addresses I just mentioned.

7 Q Okay. So the wooden fence, there is a gate, like you
8 say, between the neighbor, which is 257, and 261.

9 A Yes, sir.

10 Q Okay. And showing you State's 51. What did you find
11 on that gate from this?

12 A That's a dried reddish-brown matter. Appeared to be
13 transfer.

14 Q And transfer blood?

15 A It tests positive for blood.

16 Q And where else did you find blood at, sir, at the
17 scene?

18 A Found some on a piece of wood that was just outside
19 the front of the building area. Also, some shelving inside
20 the building, of overturned shelf area, and also on the
21 carpet area inside the building as well.

22 Q Let me show you what's when marked as State's
23 Exhibit 47 or 49. Excuse me. What is that a picture of,
24 sir?

25 A That's a picture of the glasses that was laying on the

James Coby Stepp
Direct examination by Mr. Barnette

1 ground on top of that carpet and a piece of wood that was
2 outside near the step area of the building.

3 Q And was there blood in that area, sir?

4 A On No. 7, yes, sir. It tests 'positive.

5 Q And did you collect a sample from that, sir?

6 A Yes, I did collect a sample from that area, No. 7.

7 Q Let me show you State's Exhibit No. 7. Was that the
8 swab that you -- or swabs that you collected from that
9 piece of wood there?

10 A Yes, sir.

11 Q And did you place this into evidence later, sir?

12 A Yes, sir, I did. I sealed it and packaged it.

13 MR. BARNETTE: Your Honor, I'd like to move State's
14 Exhibit 7 into evidence at this time.

15 THE COURT: I think it's already in. Seven is in.

16 MR. BARNETTE: I've got to change the number. That's
17 a different number. Let me see.

18 (Pause.)

19 BY MR. BARNETTE

20 MR. BARNETTE: It should be No. 1.

21 Q Let me show you State's Exhibit No. 1. I apologize
22 for that.

23 A That's okay.

24 Q Take a look at that, sir. Is that the swab you
25 actually collected off the piece of wood, sir?

James Coby Stepp
Direct examination by Mr. Barnette

1 A From [REDACTED] Road at 11:01 p.m., yes, sir.

2 Q So you collected that, and that's the sample you
3 placed into evidence.

4 A Yes. That is.

5 Q And that's a swab from the block, is that right?

6 A The wood block, yes, sir.

7 MR. BARNETTE: Your Honor, I'd like to enter State's
8 Exhibit 1 into evidence at this time. I apologize. The
9 seven was the sheriff's department.

10 MS. WHITE: No objection, Your Honor.

11 THE COURT: It is admitted.

12 (Swabs from wood marked State's Exhibit No. 1.)

13 Q And was this later sent to SLED for testing -- state
14 law enforcement division, sir?

15 A Yes. It was later sent. To my knowledge, it was,
16 yes, sir.

17 Q Yes, sir.

18 State's Exhibit 48. It may be better to turn it this
19 way. What was these items there, sir, that you found?

20 A No. 8 was a black wallet and No. 9 was an area that
21 later tested positive for blood on the shelf that was
22 overturned, appeared to be disturbed inside.

23 Q Let me show you what's been marked as State's
24 Exhibit 106. Was this the wallet that you collected from
25 the -- in that picture from the scene?

James Coby Stepp
Direct examination by Mr. Barnette

1 A Yes, sir. It's sealed. My signature, yes, sir. That
2 is the wallet.

3 MR. BARNETTE: Your Honor, I'd like to move State's
4 Exhibit 106 into evidence at this time.

5 MS. WHITE: Without objection, Your Honor.

6 THE COURT: It's admitted.

7 (Victim's wallet marked State's Exhibit No. 106.)

8 MR. BARNETTE: Your Honor, permission to publish it to
9 the jury.

10 THE COURT: You may.

11 Q And does this wallet appear to be the victim's wallet
12 that was found?

13 A Yes, sir. It was.

14 Q And I believe it has cards in here, different, social
15 security number and things like that.

16 A Yes, sir, with the contents.

17 Q And I think there was money also, but that money is,
18 obviously, secured in a different area.

19 A Yes, sir.

20 Q How much money was found in that, sir?

21 A I'm not sure offhand.

22 Q That was placed into evidence?

23 A Yes, sir. Everything was placed into evidence and
24 separated.

25 Q Okay. And afterwards, like you said, you entered this

James Coby Stepp
Cross-examination by Ms. White

1 evidence in. You took the pictures and everything. And
2 after y'all processed the scene, was the blood sample that
3 was taken sent to SLED?

4 A Yes, sir. To my knowledge it was.

5 Q Okay. If you would, please. Answer any questions the
6 defense may have for you.

7 THE WITNESS: Yes, ma'am.

8 MS. WHITE: Beg the Court's indulgence for just one
9 moment.

10 (Pause.)

11 CROSS-EXAMINATION

12 BY MS. WHITE

13 Q Officer Stepp --

14 A Yes, ma'am.

15 Q -- thank you very much. Sorry for taking a moment
16 there.

17 A That's okay. No problem.

18 Q So you're the officer -- you said for 20 years you've
19 been working with the sheriff's office.

20 A Yes, ma'am.

21 Q Have you been doing crime scene investigation that
22 whole time?

23 A No, ma'am.

24 Q What -- give me kind of a breakdown of your years of
25 experience.

James Coby Stepp
Cross-examination by Ms. White

1 A Been a road patrol officer; been an S.R.O.; and been a
2 crime scene investigator. Also, before that I was in
3 probation and parole.

4 Q Okay. S.R.O. is school resource office?

5 A Yes, ma'am.

6 Q Okay. I wanted to make sure everybody knows exactly
7 what you've been doing.

8 How long have you been handling crime scene
9 investigations?

10 A Since about April of 2011.

11 Q Okay. So about -- at this point it was a little over
12 six and a half years?

13 A Yes, ma'am.

14 Q And what kind of training do you get to be able to go
15 into crime scene investigations?

16 A They give us specific classes to go to like death
17 investigations, homicide investigations, suicide
18 investigations, just specific skills kind of investigating
19 classes you get sent to at various times.

20 Q Okay. And in the training for the homicide
21 investigations, they talk with you about collecting
22 evidence, viewing the scene, I imagine.

23 A Yes, ma'am.

24 Q Do they tell you how to take the pictures?

25 A They kind of go over with you on how to take pictures

James Coby Stepp
Cross-examination by Ms. White

1 and go over from how you start wide and go into a scene at
2 various levels, yes, ma'am.

3 Q Okay. So that is to give context kind of to where
4 you've located things.

5 A Yes, ma'am.

6 Q Did they talk with you about taking of the swabs and
7 locations? Do they discuss with you, you know, to take
8 from various locations or focus on one area?

9 A Various locations depending on what type of scene that
10 you have.

11 Q Okay. And does it -- I would assume it matters if you
12 already know what kind of happened versus there's a lot of
13 questions.

14 A It kind of -- you know, it kind of helps in a way,
15 yes, but, I mean, if you've got blood here and blood there,
16 you just go to where it leads you to --

17 Q Okay.

18 A -- and do what you need to do at each particular area
19 involved.

20 Q I guess -- and my question wasn't very clear -- but I
21 was trying to -- basically, if you have a lot of questions,
22 you don't know who committed the act, you don't know
23 exactly what happened, what weapons were used -- in a case
24 like that you would most likely take more pictures, more
25 swabs than a case where you went and they said there was a

James Coby Stepp
Cross-examination by Ms. White

1 physical altercation between these two people and this is
2 what happened.

3 A Uh-huh.

4 Q Is that correct?

5 A I'm not quite understanding your question, ma'am, so.

6 Q And I might be making it kind of clear. All right.

7 We've got two -- say we've got two different cases
8 hypothetically.

9 A Yes, ma'am.

10 Q One is a case where you've gone in as a crime scene
11 investigator and the victim and the perpetrator were on the
12 scene, were seen by people, were known.

13 A Yes, ma'am.

14 Q The collection of evidence for that case might be
15 different from a collection of evidence from a case where
16 there's no one on the scene, no clues as to who the
17 perpetrator was, no weapon found.

18 A Well, I come from it, just you do what the scene gives
19 you, see what you see. You follow what you follow. A lot
20 of times you may not know how exactly it got there. You
21 just know that you've located it at this point. And then
22 you go to the next point where it leads you to on the
23 scene.

24 Q So in any scene from your perspective it's important
25 to collect as much information, as much evidence as you

James Coby Stepp
Cross-examination by Ms. White

1 can.

2 A As much as you can. And, like I say, sometimes you
3 have known things and sometimes you don't have known
4 things.

5 Q All right. When you talked with -- when you were
6 answering questions from Mr. Barnette, one of the things is
7 the yellow gate between the fence. And I think they showed
8 that to the jury, right?

9 A Yes, ma'am. They showed the yellow gate that was in
10 between the two properties.

11 Q And it had some blood smear or transfer on it.

12 A At first that's what it appeared to be.

13 Q Okay. Do you recall how many photos you took of that?

14 A Well, I wasn't the one, the officer, taking photos on
15 the scene.

16 Q Okay.

17 A So I didn't take any pictures.

18 Q Okay. So the pictures that he's shown you, you
19 recognize just from being on the scene.

20 A Yes, ma'am.

21 Q Not from taking photos?

22 A That's right, yes, ma'am.

23 Q And who took the photos?

24 A If I recall, it was Detective Graham.

25 Q Detective Graham?

James Coby Stepp
Cross-examination by Ms. White

1 A Investigator Graham.

2 Q Okay.

3 A If I recall correctly.

4 Q All right. You said that when you approached the
5 outbuilding you saw blood on the front step, is that
6 correct?

7 A On a piece of wood to the side of it, like.

8 Q Okay. On a piece of wood.

9 MS. WHITE: Let me if I can approach, Your Honor, to
10 see.

11 Q This is State's Exhibit No. 49.

12 A That's No. 6 with the eye glasses.

13 Q All right. But I'm sorry. The number for the state
14 is No. 49 down here that we've introduced.

15 A Yes, ma'am.

16 Q Okay. So No. 6 is the eye glasses. You said that
17 is -- what is No. 6?

18 A It was a pair of eye -- a pair of glasses.

19 Q I'm sorry? That's an evidence marker, right?

20 A Oh, yes. It is a placard.

21 Q As you go through the scene where -- how do you decide
22 what to put a marker on?

23 A Well, where you start at No. 1, that if you decide
24 that piece of evidence is going to be collected, then you
25 go to the next, Item No. 2, 3, 4, 5, 6, leading in to where

James Coby Stepp
Cross-examination by Ms. White

1 you're going. You know, like I say, you find one piece of
2 evidence and let it kind of lead you to the next.

3 Q So each marker is placed at a piece of evidence that
4 you intend to collect.

5 A Yes, ma'am.

6 Q Would that be accurate?

7 A Be accurate.

8 Q Okay. So in this picture we have the eye glasses that
9 you collected at No. 6, correct?

10 A Correct.

11 Q And then you indicated that No. 7 was where there was
12 some blood smear that you collected.

13 A Yes, ma'am.

14 Q Okay. Now, there was blood on the glasses, was there
15 not?

16 A There appeared to be. I'm not exactly sure if there
17 was or not.

18 What we do is when we collect it we send everything to
19 SLED to do their processing if it's something that we can
20 send to them. So, once again, I'm not sure what all was
21 sent to. The team leader gets with the lead detective to
22 decide what all parts are sent and versus what's not sent.

23 Q But you're the one that took swabs of places you saw
24 blood, correct?

25 A Yes, ma'am, at the area I saw some blood.

James Coby Stepp
Cross-examination by Ms. White

1 Q So --

2 A Not all places that had blood on the scene were
3 swabbed.

4 Q Right. And that's what I'm saying. No. 7 is where
5 you said you took a swab, correct?

6 A Yes, ma'am.

7 Q And then on this front stoop there was blood on the
8 glasses, blood on --

9 A Appeared to be the lens -- appeared to be on the lens.

10 Q On the lenses. Blood on a broken plate, blood on that
11 plastic container, correct?

12 A It appeared to be. Those areas were not tested --

13 Q Okay. So it appeared to be blood on those.

14 A -- on the sene.

15 Q However, they weren't swabbed or tested to be blood.

16 A Yes, ma'am.

17 Q Okay. You also indicated that there was some blood --
18 there was a smear on the book shelf, is that right?

19 A Yes, ma'am.

20 Q Okay. And so you took a swab of that, is that right?

21 A Yes, ma'am. On the book shelf inside the building.

22 Q And then you took a swab of some blood inside --

23 A On the --

24 Q -- from the carpet.

25 A On the carpet area inside.

James Coby Stepp
Cross-examination by Ms. White

1 Q Okay.

2 MS. WHITE: Your Honor, may I approach the court
3 reporter and get these marked for identification?

4 (Photographs marked Defendant's Exhibits Nos. 1 through
5 4 for Identification.)

6 Q I'm going to hand you some photos that have been
7 marked --

8 A Yes, ma'am.

9 Q -- just for identification purposes. Can you look at
10 those and tell me if you recognize those as from the scene
11 that you saw that evening as well?

12 A Yes, ma'am.

13 Q Okay. And that appears to be how you recall the scene
14 looking that evening.

15 A Yes, ma'am.

16 Q Okay.

17 MS. WHITE: Your Honor, at this time I would like to
18 introduce these photos as Defense's 1, 2, 3 and 4.

19 MR. BARNETTE: No objection, Your Honor.

20 THE COURT: They're admitted.

21 (Photographs marked Defendant's Exhibits Nos. 1 through
22 4.)

23 MS. WHITE: May I publish to the jury, Your Honor?

24 THE COURT: You may.

25 Q This is a photo of the inside of that outbuilding, is

James Coby Stepp
Cross-examination by Ms. White

1 that right?

2 A Yes, ma'am.

3 Q Can you recall, is that as you walk into the left of
4 the building or --

5 A I can't recall, no, ma'am.

6 Q Okay. Let me ask you this. As you walk into the
7 building was it divided into two kind of rooms, left and
8 right, from your recollection?

9 A From my recollection it appeared to be in divisions.

10 Q Okay. All right. Now, did you find blood on the
11 inside of that building anywhere?

12 A On the -- on the shelving that was overturned.

13 Q Okay.

14 A And I think on the carpet or the floor area inside as
15 well.

16 Q This is Defense Exhibit No. 3. It's a little hard to
17 see. I know you looked at these. Is this a piece of duct
18 tape? Does it appear to be a piece of duct tape?

19 A It appears to be something there. I can't really --

20 Q Okay. Let me show you close up, and that might help a
21 little bit. It's harder to see, I think, on that.

22 A It appears to be some type of silver type material.

23 Q Okay. And around that tape there were various
24 droplets, what appear to be blood.

25 A Yes, ma'am, what appears to be blood at the time.

James Coby Stepp
Cross-examination by Ms. White

1 Q Okay. And then I'm going to show you Exhibit No. 4.
2 That appears to be four large swatches of blood, isn't that
3 right?

4 A That's what it appears to be, yes, ma'am.

5 Q Okay. This is Photo 4. So we've seen lots of photos
6 of little droplets of blood at various places.

7 A Yes, ma'am.

8 Q These two were significantly larger, wouldn't you say,
9 than the majority of the blood spots?

10 A Yeah. They're all various in sizes and on the
11 location of the scene, yes, ma'am.

12 Q Okay. But compared to the droplets that are on this
13 scene, the small droplets, you would agree with me that
14 that's a larger sized splotch, would you not?

15 A Yes, ma'am.

16 Q Okay. Now, do you recall also seeing this fan?

17 A I don't recall seeing the fan in particular.

18 Q Okay. Do you see this No. 11, the placard down there?

19 A Yes, ma'am. I do see No. 11.

20 Q So that would have been something that you would have
21 placed down there, is that correct?

22 A Yeah. Right there beside the toboggan.

23 Q Okay. So -- so beside the toboggan you placed that
24 placard No. 11. So that was directly beside this fan where
25 there's smears of blood all on the top, is that right?

James Coby Stepp
Cross-examination by Ms. White

- 1 A Appears to be, yes, ma'am.
- 2 Q Okay.
- 3 A Correct.
- 4 Q Now, the smears I showed you on the fan, did you swab
- 5 any of those?
- 6 A No, ma'am.
- 7 Q The blood that was around the front stoop, other than
- 8 that one place on the wood, did you swab any of those?
- 9 A No, ma'am.
- 10 Q Okay. The blood that was with those, the piece I
- 11 guess of the duct tape, do you recall if you swabbed any of
- 12 those blood spots?
- 13 A I don't recall exactly where the piece -- my placard
- 14 would be beside the area.
- 15 Q Okay. So -- so when you say you took some swabs from
- 16 the carpet, that's on the carpet, correct?
- 17 A Yes, ma'am.
- 18 Q And then this piece is on the carpet, correct?
- 19 A Correct.
- 20 Q So out of those you took swabs from one of those
- 21 areas.
- 22 A Yes, ma'am.
- 23 Q Okay.
- 24 A That's correct.
- 25 Q Okay. So we've got three samples of blood that have

James Coby Stepp
Cross-examination by Ms. White

1 been taken from this entire scene, correct?

2 A Four, I think, ma'am.

3 Q From inside, from the building. I'm sorry.

4 A Oh, yes, ma'am. You're correct on that.

5 Q I'm sorry.

6 A I was looking at the overall. Sorry about that.

7 Q And the fourth swab you're mentioning was from the
8 gate, is that right?

9 A Actually the -- the first swab I took on scene was
10 item No. 2, and that there was from the gate area. So that
11 was No. 1 starting with the whole scene, yes, ma'am.

12 Q Okay. So one of four was the gate.

13 A Yes, ma'am.

14 Q Two of four was the blood splotch on the corner of the
15 door stoop.

16 A You talking about the wood, ma'am?

17 Q Yes.

18 A Yes, ma'am.

19 Q The -- a third swatch or a third swab was taken from
20 the overturned shelf, is that right?

21 A Yes, ma'am.

22 Q And then one sample or one swab was taken from one of
23 the places of blood in the carpet.

24 A The carpet inside, yes, ma'am.

25 Q Okay. And at the time that these were all taken y'all

James Coby Stepp
Cross-examination by Ms. White

1 didn't know what had happened, right?

2 A No, ma'am.

3 Q You didn't know if there had been multiple people
4 inside that building.

5 A Have no idea.

6 Q You didn't know if there had been a mutual fight.

7 A No, ma'am.

8 Q You didn't know if it had been an attack with any kind
9 of particular weapon.

10 A No, ma'am. Not at the time, I didn't.

11 Q So this was your -- your chance and your opportunity
12 to take all of the evidence to be able to help
13 investigators determine what happened.

14 A Yes, ma'am.

15 Q Okay. But we only took three -- three blood spots
16 from inside -- swabs. And the fourth was from the gate
17 where we know the victim crossed through, right?

18 A Yes, ma'am. That's what I was told, that the victim
19 had went through there.

20 Q Okay. So you didn't think it was important to get
21 multiple other blood swabs from areas that could have been
22 tainted or could have been touched by or blood from someone
23 involved in the incident other than the victim?

24 A Like I say, I was under -- doing what I was told to do
25 at the scene.

James Coby Stepp
Cross-examination by Ms. White

1 Q Okay. So someone else told you which areas to take
2 swabs from.

3 A That's correct, ma'am.

4 Q And who was that that told you that?

5 A Sergeant Lawson.

6 Q Sergeant Lawson. Was that Andy Lawson who is the --

7 A No. Jonathan Lawson.

8 Q Jonathan Lawson who is -- and is he involved in the
9 crime scene investigation team as well?

10 A Yeah. He's the team leader at the time.

11 Q Okay. So he is the team leader.

12 A Yes, ma'am.

13 Q So Sergeant Lawson goes through and observes the area
14 and then comes back and says, "Investigator Stepp, I want
15 you to swab these areas. I want you to place markers here
16 and we're going to take this evidence."

17 A Yes, ma'am, yes, ma'am.

18 Q Okay. Thank you.

19 MS. WHITE: Beg the Court's indulgence.

20 (Pause.)

21 MS. WHITE: I think that's all I have for this
22 witness, Your Honor.

23 MR. BARNETTE: Just a couple, just one or two
24 followup, Your Honor.

25

James Coby Stepp
Redirect examination by Mr. Barnette

1 REDIRECT EXAMINATION

2 BY MR. BARNETTE

3 Q Let me show you what's been marked as State's Exhibit
4 107. Did you collect that item, sir?

5 A Sir?

6 Q Did you collect that item?

7 A Yes, sir. It says black toboggan. That was collected
8 on the floor inside the building.

9 Q Okay. Was that the item No. 11 that's at the placard?

10 A Item No. 11, yes, sir, on the floor.

11 Q If you would, go ahead and open that up, please.

12 MS. WHITE: Your Honor, may we approach just briefly?

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 MR. BARNETTE: Is it okay to go forward, Your Honor?

16 THE COURT: Uh-huh.

17 Q If you would, go ahead and pull that out, sir. I know
18 the reason you have gloves on. Was this the black toboggan
19 you got in your -- I mean -- in this case?

20 A Yes, sir. It is.

21 Q Does it have blood all through it?

22 A Yes, sir. It does appear to have that dried still on
23 the fabric.

24 Q Okay.

25 MR. BARNETTE: Your Honor, permission to enter 107

James Coby Stepp
Redirect examination by Mr. Barnette

1 into evidence at this time.

2 MS. WHITE: Your Honor, the defense would still state
3 that its objection is that relevance and based on the lack
4 of identity for that toboggan.

5 THE COURT: Okay. Overrule your objection.

6 MR. BARNETTE: Thank you, Your Honor.

7 (Black toboggan marked State's Exhibit No. 107.)

8 MR. BARNETTE: Permission to publish it to the jury.

9 THE COURT: Well, that's got to be --

10 MR. BARNETTE: Well, put plastic -- no. What I meant,
11 I'm not going to hand it to them. I was just going to show
12 it to them, Your Honor. Would you rather have it in a
13 plastic bag before we do that?

14 THE COURT: Yes.

15 MR. BARNETTE: Okay. I understand.

16 THE COURT: You can publish that photograph if you
17 have one.

18 MR. BARNETTE: I have a different photo. But, like I
19 said, I have the actual item. That's the reason I was
20 going to publish it.

21 THE COURT: That way they'll know what the item is.
22 You can show it to them later if you need to.

23 MR. BARNETTE: Okay. We'll get a plastic bag for it.

24 Q Thank you, sir. Please answer any other questions the
25 defense may have for you.

James Coby Stepp
Recross-examination by Ms. White

1 RECROSS-EXAMINATION

2 BY MS. WHITE

3 Q Just briefly, Investigator Stepp. You took the
4 toboggan as Item 11 into evidence, is that right?

5 A That's correct, ma'am.

6 Q Did you swab it at that time?

7 A No, ma'am. Usually they'll -- involving clothing,
8 they'll send it off to SLED for that type of analysis.

9 Q Okay. And are you aware if your office ever sent that
10 off for analysis?

11 A I'm not sure, no, ma'am. I am not.

12 Q All right. Thank you. That's all.

13 THE COURT: You may step down.

14 MR. BARNETTE: No further questions of this witness,
15 Your Honor.

16 I'd like to call Investigator Cantrell to the stand,
17 Your Honor.

18 NATHAN CANTRELL, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, sir, please state your full name for the
22 record.

23 A Nathan Cantrell.

24 Q Where do you work at, sir?

25 A Spartanburg County Sheriff's Office.

Nathan Cantrell

Direct examination by Mr. Barnette

1 Q And what's your position there, sir?

2 A I am a senior investigator in the violent crime
3 homicide division.

4 Q And how long have you worked for the sheriff's
5 department, sir?

6 A This coming June will be 20 years.

7 Q Was you involved in the part of the investigation on
8 the murder of Lanham Wood in this case back on January 6th
9 of 2018?

10 A Yes, sir.

11 Q And the initial call, did it come in at 5:09 that
12 evening or whatever?

13 A According to the incident report, yes, sir.

14 Q And was you part of the team that worked on this case?

15 A Yes, sir. I came in later that evening.

16 Q And later on through y'all's investigation did you
17 determine that Amy Berridge was one of the two suspects in
18 this case?

19 A Yes, sir. That's correct.

20 Q And did you find out a location where her and the
21 defendant had went to later on after this incident?

22 A Yes, sir. She had --

23 MS. WHITE: Objection, Your Honor. That might call
24 for hearsay.

25 THE COURT: All right. Let me see y'all just a

Nathan Cantrell
Direct examination by Mr. Barnette

1 minute.

2 MR. BARNETTE: I can rephrase the question, Your
3 Honor.

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 Q Through the investigation did y'all go to [REDACTED]
7 [REDACTED] Road at some point here in Spartanburg?

8 A Yes, sir, we did.

9 Q And whose residence is that location?

10 A That was Amy's grandmother's residence -- her
11 grandparents.

12 Q And what's the owner's name there?

13 A I'm sorry?

14 Q Who was the owner of that residence?

15 A Bear with me. A Dorothy Pilkington.

16 Q And did y'all get consent to search the residence
17 there?

18 A We did. Myself and Investigator Amy Lawson responded
19 to that address, and we spoke with Ms. Pilkington and
20 identified ourselves, who we were and why we were there.

21 Q And did you -- if you would, describe this. Was there
22 a residence and another trailer or something behind it?

23 A Yes, sir. On the property there was the main
24 residence. I believe it may have been a mobile home as
25 well. But on that property -- so that was the main

Nathan Cantrell
Direct examination by Mr. Barnette

1 residence where Ms. Pilkington and her ailing husband
2 lived. But on the property there was at least one other
3 mobile home that didn't have power to it. It was almost
4 used just like a storage area where they -- they stored
5 certain items. And they were various other outbuildings
6 and things on the property.

7 Q And once you got that consent to search was
8 Investigator or Sergeant Lawson called in to process the
9 scene or to look at the scene?

10 A Yes, sir. That's correct.

11 Q And did y'all go back into the -- well, did y'all look
12 at all of the property, the back trailer property?

13 A Yes, sir, we did. We -- we searched all the main
14 residence, the mobile home, the vacant mobile home that was
15 on the property, along with other outbuildings.

16 Q And Investigator Lawson. Did he collect evidence from
17 the trailer at a later time or did he -- after processing
18 did he collect the evidence in this case?

19 A Yes, sir. He did.

20 Q And he would be the best one to answer that.

21 A Yes.

22 Q If you would, please, answer any questions that
23 defense may have for you, sir. Thank you.

24 MS. WHITE: I don't think I have any questions for
25 Investigator Cantrell.

Jonathan Lawson
Direct examination by Mr. Barnette

1 THE COURT: You may step down.

2 MR. BARNETTE: Your Honor, we'd ask for the witness to
3 be excused.

4 THE COURT: He may be.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: Your Honor, I'd like to call Sergeant
7 Lawson to the stand.

8 JONATHAN LAWSON, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q If you would, sir, please, state your full name for
12 the record.

13 A Jonathan Lawson.

14 Q And back on January of 2018, where was you working at
15 that time, sir?

16 A The Spartanburg County Sheriff's Office. I was the
17 sergeant over the crime scene division.

18 Q And how many years did you work with the sheriff's
19 department, sir?

20 A Three or three and a half years, somewhere in that,
21 that area.

22 Q Prior to that, had you been in law enforcement before
23 that?

24 A I have.

25 Q And where was that at, sir?

Jonathan Lawson
Direct examination by Mr. Barnette

1 A I was -- prior to that I was with the Spartanburg
2 County Coroner's Office as a death investigator, and prior
3 to that I worked for the Spartanburg City Police Department
4 as a canine handler and uniform patrol and narcotic
5 investigator.

6 Q And what's your present position today?

7 A I am the assistant chief for the Spartanburg County
8 Coroner's Office.

9 Q Back on January 6th of 2018 was you called in to work
10 or process the crime scene in this case?

11 A I was. Any time that a violent incident occurred or a
12 homicide occurred in Spartanburg County, I was always
13 notified by the on-call investigator, which I had to
14 respond to all incidents. I didn't physically have to work
15 each incident. My job at that point was to assign duties
16 to individuals on the scenes.

17 Q Okay. And did you go out on the crime scene [REDACTED]
18 [REDACTED] Road?

19 A Yes, sir. I did.

20 Q And who else was with you when you went out, sir?

21 A On that night due to the fact that we have -- we had
22 a -- a group of individuals that were set up on different
23 teams. That night it was Investigator Lathier Graham and
24 Investigator Coby Stepp, were the on-call crime scene
25 investigators, at which time I called those two in to the

Jonathan Lawson
Direct examination by Mr. Barnette

1 scene.

2 Q And in processing the scene did y'all go through and,
3 obviously, collected pieces of evidence and things of that
4 nature? And you did that in this case.

5 A That is correct.

6 Q Later on was you called in to process a U-Haul in this
7 case?

8 A I was.

9 Q Let me let you look at State's Exhibits 53, 54, 55,
10 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70. If
11 you would, take a look at those pictures, sir, and see if
12 they fairly represent when you processed the U-Haul.

13 (Pause.)

14 A Yes, sir. They do.

15 MR. BARNETTE: Your Honor, at this time I would like
16 to enter these pictures into evidence.

17 MS. WHITE: May we approach, Your Honor?

18 THE COURT: Yes, ma'am.

19 (Bench conference held off the record in the presence
20 of the jury but out of the hearing of the jury.)

21 THE COURT: All right. The exhibits are admitted.
22 Items 59, 60, 61, 63, 64 and 65 are admitted over
23 defendant's objection based upon relevance and prejudice.

24 MR. BARNETTE: Thank you, Your Honor.

25 (Photographs marked State's Exhibits Nos. 53, 54, 55,

Jonathan Lawson
Direct examination by Mr. Barnette

1 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70.)

2 MR. BARNETTE: Permission to publish these.

3 THE COURT: You may.

4 Q And showing you State's Exhibit 53. What's that a
5 picture of in this case, sir?

6 A This is a picture of a U-Haul truck with the panda
7 bear on the -- the side.

8 Q And then showing you State's Exhibit 56. What is that
9 a picture of, sir?

10 A That is the back of the -- the same U-Haul vehicle
11 showing the -- the tag on the back of the vehicle.

12 Q Okay. Showing you State's Exhibit No. 54. What is
13 that a picture of, sir?

14 A That is the back of the same U-Haul vehicle with
15 the -- the rear lift door opened up on it to show the
16 contents in the rear.

17 Q And State's Exhibit 55. Is that just a closeup of the
18 items found in the back of the U-Haul?

19 A Yes, sir. That is.

20 Q And State's Exhibit 57. Can you tell the jury what
21 this is here?

22 A This is driver's side front seat of the U-Haul vehicle
23 showing the steering wheel area and the driver's
24 compartment.

25 Q Okay. State's Exhibit 58. What is that a picture of,

Jonathan Lawson
Direct examination by Mr. Barnette

1 sir?

2 A That is the -- showing the center console, a couple of
3 areas where some items were located as far as clothing and
4 different types of items. I think that's a little bag
5 there behind that.

6 Q Let me show you State's Exhibit 59. What is this a
7 picture of, sir?

8 A This is a photograph of a folding type knife. It was
9 in the center console beside the -- the cup there.

10 Q State's Exhibit 60. What is that, sir?

11 A This is the passenger-side front seat of the vehicle
12 just showing the -- the location of that area.

13 Q State's Exhibit 53. Is that the same passenger area
14 from that standpoint?

15 A It is. That was after items had been removed from the
16 seat and the floor. These were items that were underneath
17 those.

18 Q State's Exhibit 63. What is that a picture of, sir?

19 A I can't really see what that -- I think it's a
20 cigarette butt possibly.

21 Q Okay. And the placard, showing you State's
22 Exhibit 64. What is a picture of, sir?

23 A That looks like a sheath for a knife.

24 Q And the two knives, did you collect those two knives
25 and place them into evidence?

Jonathan Lawson
Direct examination by Mr. Barnette

1 A I did. I collected the knives and the -- there was a
2 hatchet in the picture a moment ago.

3 Q Then State's Exhibit 65. What is that a picture of,
4 sir?

5 A That's another photograph of a knife on the center
6 console with the evidence placards beside it that I
7 photographed.

8 Q Showing you State's Exhibit 66. What is that a
9 picture of, sir?

10 A That was the area that was on the passenger side of
11 the vehicle that at the time there was a brown dried
12 substance that appeared to be blood that did field test
13 positive for the presence of human blood.

14 Q State's Exhibit 67. Is that just a closeup?

15 A That is. It's showing it being scaled and -- and
16 the -- the width of the area.

17 Q State's Exhibit 68. Is that the placard and marker
18 you made from that?

19 A That is correct.

20 Q And did you collect a swab from that substance?

21 A Yes. I did.

22 Q Let me show you what's when marked as State's Exhibit
23 No. 3. Is that the swab you collected from that spot?

24 A That's correct. On the actual envelope that I fill
25 out, it had the item number, case number, two blood swabs,

Jonathan Lawson
Direct examination by Mr. Barnette

1 and it puts a location on where it was recovered from,
2 which is the passenger side of vehicle.

3 Q And you placed that into evidence, is that right, sir,
4 or secured it?

5 A That is correct. I secured in the evidence bag,
6 sealed it. Then I turned it into evidence with an evidence
7 sheet.

8 MR. BARNETTE: Your Honor, I'd like to enter State's
9 Exhibit No. 3 at this time.

10 MS. WHITE: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (Swabs from U-Haul marked State's Exhibit No. 3.)

13 Q State's Exhibit 69. What is this a picture of, sir?

14 A That is also the passenger front seat of the vehicle.
15 It's on the back portion. It's a zoomed-in picture of the
16 back portion of the seat or where the back rest would be of
17 the seat. Those are smaller areas of what appeared to be
18 blood as well.

19 Q And State's Exhibit 70. What is that a picture of,
20 sir?

21 A That is a photograph of where a latent print was
22 recovered. The "A" is marking the -- the number. Instead
23 of a number, it was a letter that utilized for a latent
24 print. And the arrow pointing up is just showing that that
25 would be the top of where the latent print was at.

Jonathan Lawson
Direct examination by Mr. Barnette

1 Q Let me show you State's Exhibit 17. Is that a copy of
2 the print that you lifted off of that spot at point A?

3 A That is correct.

4 Q And this print was supplied to the sheriff's
5 department for analysis?

6 A It was. All prints -- any prints that I ever collect
7 are turned into the AFIS division at the sheriff's office
8 to be compared through AFIS.

9 MR. BARNETTE: Your Honor, I'd like to enter State's
10 Exhibit 17 into evidence at this time.

11 MS. WHITE: No objection, Your Honor.

12 THE COURT: It's admitted.

13 (Fingerprints from U-Haul marked State's Exhibit No.
14 17.)

15 Q And the swab of blood you collected, that was sent to
16 SLED, is that right?

17 A That is correct.

18 Q Did you also process a trailer at [REDACTED]
19 Road?

20 A Yes, sir. I did.

21 Q Before I go there let me do this real quick.

22 Let me show you State's Exhibits 45 and 46. Was this
23 the two knives that you collected from the U-Haul?

24 A Yes. State's Exhibit 46 was a black folding knife I
25 got from the center console and 45, which is also State's

Jonathan Lawson
Direct examination by Mr. Barnette

1 Exhibit 45, was a knife and a sheath that was recovered
2 from the left side of the passenger front seat of the
3 U-Haul vehicle.

4 Q Going back to 45. That's a knife that's marked as
5 Exhibit No. 45. That's the knife that's in that exhibit?

6 A Correct.

7 Q And 46 is the black-handled knife?

8 A That is correct.

9 MR. BARNETTE: Your Honor, I'd like enter these two
10 exhibits into evidence at this time.

11 MS. WHITE: Your Honor, the defense has the same
12 objections that we had to the photos of those of relevance
13 and of prejudice.

14 THE COURT: They're admitted over objection.

15 MR. BARNETTE: Thank you, Your Honor.

16 (Knife in sheath marked State's Exhibit No. 45; black
17 folding knife marked State's Exhibit No. 46.)

18 MR. BARNETTE: Permission to publish these to the
19 jury. Just let him open.

20 THE COURT: You may.

21 Q If you would, go ahead and open 45.

22 MR. BARNETTE: Your Honor, permission to publish that
23 to the jury.

24 THE COURT: You may.

25 Q And if you would, come around here, sir, if you would

Jonathan Lawson
Direct examination by Mr. Barnette

1 for a second.

2 (Whereupon, the witness left the stand.)

3 Q Now, the knives y'all received and everything, did
4 y'all process these knives to see if they were presumptive
5 for tests for blood or anything from there?

6 A On this one here we did process. It was checked for
7 any type of substance, any type of item that would be
8 consistent with blood or any type of evidence whatsoever.

9 Q So the red-like substance on it, that's from testing
10 that y'all did.

11 A That is correct.

12 Q And y'all tested. Did it test presumptive for blood
13 in this case?

14 A No. It didn't.

15 Q Okay. If you will, go ahead now and pull the 46 out.
16 And was this the knife you found in the console, I guess,
17 where the cup area was?

18 A That is the knife I found in the console.

19 Q Was that tested or anything from there?

20 A No. It wasn't. It was overlooked or actually looked
21 over to see if there was any type of physical evidence you
22 could see on, blood, and it was not tested either.

23 Q So does it appear to have blood on it or anything?

24 A No. It did not appear to have any blood or any type
25 of substance.

Jonathan Lawson
Direct examination by Mr. Barnette

1 Q If you will, go ahead and open it. Thank you, sir.

2 (Whereupon, the witness returned to the stand.)

3 Q Now, there was a knife collected earlier by
4 Investigator Gaddy, and that was placed into evidence. Did
5 there appear to be any blood on that knife or anything?

6 A Not that I recall, no, sir.

7 Q Let me show you State's Exhibit 62. This is already
8 entered into evidence. Is that a warning that was found
9 inside the U-Haul when you processed it?

10 A That is correct.

11 Q And that's the picture you took of it?

12 A That is correct, yes, sir.

13 MR. BARNETTE: Your Honor, permission to republish 62
14 to the jury.

15 THE COURT: You may.

16 Q So this was also found inside the U-Haul, is that
17 right?

18 A That is correct.

19 MR. BARNETTE: One moment, Your Honor. I'm trying to,
20 looking for, just one picture to find here.

21 (Pause.)

22 MR. BARNETTE: I just found it.

23 Q Let me show you State's Exhibits 101 or 102. When you
24 processed this U-Haul did you ever see a knife or find a
25 knife like that knife?

Jonathan Lawson

Direct examination by Mr. Barnette

1 A No, sir. I never found anything like that.

2 Q Okay.

3 MR. BARNETTE: Your Honor, I'd like to publish 102 and
4 101 to the jury.

5 THE COURT: You may.

6 Q So this knife you never found in the U-Haul.

7 A No. I did not.

8 Q And I guess that's just another picture of it. So
9 that knife was not found in the U-Haul when you processed
10 it.

11 A No, sir.

12 Q Now, later on did you process the scene at [REDACTED]

13 [REDACTED] Road?

14 A I did.

15 Q This has been marked as State's Exhibits 81, 82, 83,
16 84, 85, 86, 87, 88, 89. Look at those for a second. Do
17 those pictures fairly represent what you saw that day or
18 that night?

19 A That's correct. I took those photographs myself.

20 MR. BARNETTE: Your Honor, I'd like to move 81, I
21 think, through 90 or 89 -- excuse me -- 81 through 89 into
22 evidence.

23 MS. WHITE: No objection, Your Honor.

24 THE COURT: They're admitted.

25 (Photographs marked State's Exhibits Nos. 81 through

Jonathan Lawson
Direct examination by Mr. Barnette

1 89.)

2 MR. BARNETTE: Permission to publish them to the jury,
3 Your Honor.

4 THE COURT: You may.

5 Q Show you State's Exhibit 81. What's that a picture
6 of, sir?

7 A This is a photograph of the -- it was a mobile home
8 behind the residence, the actual main living residence, at
9 [REDACTED] Road in Spartanburg County.

10 Q State's Exhibit 82. What is that a picture of, sir?

11 A That's showing the door, the front door, inside the --
12 it's like a little enclosed porch area to the front of this
13 mobile home.

14 Q State's Exhibit 83. What is that a picture of, sir?

15 A That is actually the enclosed area for the front
16 porch.

17 Q And what does this appear to be, sir?

18 A Appears to be a set of car keys.

19 Q State's Exhibit 84.

20 A That's just more photographs of the interior of this
21 walk-in porch area and the back of an old refrigerator.

22 Q State's Exhibit 85. What does that appear to be, sir?

23 A That is actually when you open up the door of the
24 residence and walk in. This is the item -- some items that
25 were just laying there in the floor.

Jonathan Lawson
Direct examination by Mr. Barnette

1 Q State's Exhibit 86.

2 A These are more items that were just laying upon pieces
3 of old furniture. As you can, there's a bench just sitting
4 there.

5 Q State's Exhibit 87.

6 A This is the kitchen area of that same vacant
7 residence.

8 Q State's Exhibit 88. What are these or what is this,
9 sir?

10 A That's a pair of tennis shoes that was right in front
11 of when you walk in the door sitting on a -- on a box there
12 at the front door of that vacant residence.

13 Q And State's Exhibit 89. What is that, sir?

14 A That's the same photo -- photo you've seen, an
15 up-close picture of it with the shoes. It's got a brown
16 like substance, at the time believed to be blood, on them.

17 Q And did you collect those shoes, sir?

18 A Yes. I did.

19 Q Showing you what's been marked as State's Exhibit 5.
20 Are those the shoes you collected and placed into evidence,
21 sir?

22 A Yes. That's one pair of gray Air Jordan tennis shoes,
23 size eight and a half.

24 MR. BARNETTE: Your Honor, I'd like to move State's
25 Exhibit 5 into evidence at this time.

Jonathan Lawson
Direct examination by Mr. Barnette

1 MS. WHITE: Without objection, Your Honor.

2 THE COURT: It's admitted.

3 (Air Jordan tennis shoes marked State's Exhibit No. 5.)

4 Q And did you take pictures of these shoes?

5 A Yes. I did.

6 Q Let me show you State's Exhibits 90, 91, 92. If you
7 would, take a look at those pictures, sir. Does these
8 fairly represent after you collected the shoes and took
9 pictures of them?

10 A Yes, sir. That's taken inside of our lab at the
11 sheriff's office.

12 MR. BARNETTE: Your Honor, I'd like to introduce 90,
13 91 and 92 into evidence at this time.

14 MS. WHITE: No objections, Your Honor.

15 THE COURT: They're admitted.

16 (Photographs marked State's Exhibits Nos. 90, 91 and
17 92.)

18 MR. BARNETTE: Permission to publish it to the jury,
19 Your Honor.

20 THE COURT: You may.

21 Q If you would, tell the jury what this is a picture of,
22 sir, if you could.

23 A This is a picture taken in what we consider in the
24 crime scene world as a controlled environment. It's inside
25 of our lab. It's set on a table with a protective barrier

Jonathan Lawson
Direct examination by Mr. Barnette

1 underneath it.

2 Then you have the item of evidence you put over that,
3 which in this case is the pair of shoes. And it's got a
4 ruler out beside it to show the imaging scale. On the
5 shoes here there's several areas of a reddish-brown
6 substance on there believed to be blood at the time.

7 Q Okay. And did you do a presumptive test on those
8 items?

9 A I did. I utilized a field testing reagent that we --
10 we purchase. It's called Bluestar OBTI. It tests for the
11 presence -- field tests for the presence of blood and human
12 blood. And I received a presumptive positive results,
13 which at that point I would send those items to be sent off
14 to be tested at SLED.

15 Q And State's Exhibit 91. Was that -- what is that a
16 picture of, sir?

17 A That's the -- looks like the left shoe on the interior
18 or to the inside of the left shoe near the sole. There's a
19 larger area of brownish-red substance on the side and on
20 the webbing and at the sole believed to be blood.

21 Q And State's Exhibit 92. What is that a picture of,
22 sir?

23 A That is the top of one of the shoes near the laces and
24 there's -- you can see there's a reddish-brown substance
25 there believed to be blood as well. And that was scaled as

Jonathan Lawson
Direct examination by Mr. Barnette

1 well.

2 Q Okay. So that was also tested -- presumptive test for
3 blood.

4 A That's correct.

5 Q And, like you said, those shoes were taken into
6 evidence, and they were sent to SLED for testing.

7 A That is correct.

8 Q And they did the swabbing process for those shoes.

9 A That is correct. They have access at SLED for testing
10 D.N.A. We don't have that at Spartanburg County.

11 Q If you would, go ahead and pull the shoes out. I've
12 got a pair of gloves there.

13 (Pause.)

14 Q Are those the pair of tennis shoes you collected from
15 that scene?

16 A Yes, sir. They are.

17 Q And, like I said, they were sent to SLED for testing,
18 is that right?

19 A That is correct.

20 Q If you would, just place them back in the bag. I just
21 wanted the jury to see them.

22 In processing this scene did you -- showing you
23 State's Exhibit 102. Did you ever find a knife like that
24 at that scene?

25 A No, sir. Never found a knife like that at all.

Jonathan Lawson
Direct examination by Mr. Barnette

1 Q And through the investigation was there also buccal
2 swabs taken from the -- Ms. Berridge and Mr. Sullivan in
3 this case?

4 A I believe so, yes, sir.

5 Q And they're State's Exhibits 8 and 9. And was they
6 collected by the sheriff's department and placed into
7 evidence for testing?

8 A Yes, sir. These were collected as well.

9 Q Okay.

10 MR. BARNETTE: Your Honor, I'd like to move these into
11 evidence at this time.

12 MS. WHITE: No objection, Your Honor.

13 THE COURT: They're admitted.

14 (Buccal swabs marked State's Exhibit No. 8; buccal
15 swabs marked State's Exhibit No. 9.)

16 Q And buccal swabs, that's collected from inside the
17 mouth basically.

18 A It is. Well, usually it's collected from the inside
19 the mouth.

20 We use a sterile swab, and you basically take and rub
21 the inside of the cheek area on each side. You use two
22 swabs, and then place those in the sealed envelope inside
23 of a paper carton.

24 MR. BARNETTE: One moment, Your Honor, please.

25 (Pause.)

Jonathan Lawson
Cross-examination by Ms. White

1 Q If you would, sir, please answer any questions the
2 defense may have for you.

3 A Yes, sir.

4 MS. WHITE: One moment, please. Let me get my notes
5 together.

6 (Pause.)

7 CROSS-EXAMINATION

8 BY MS. WHITE

9 Q Sergeant Lawson, you testified that you had been
10 sergeant over the crime scene division, I think, three or
11 four years.

12 A Between three and four years. Somewhere in that.

13 Q Okay. Process a lot of crime scenes in that time?

14 A Yes, ma'am.

15 Q Okay. And are they always homicide cases, or do you
16 process other scenes too in that position?

17 A No. The crime scene unit does an array of things,
18 anywhere from a broken windshield to a car up to a
19 homicide.

20 Q And that could involve looking for fingerprints,
21 looking for blood, testing for blood, touch D.N.A.

22 A Yes. We -- we do those things.

23 Q Okay. You've also got -- let's see. Let me make sure
24 I'm clear as to what you've got.

25 The touch D.N.A. You've got blood that you can look

Jonathan Lawson
Cross-examination by Ms. White

1 for. Fingerprints. Are there any other, I guess, physical
2 things that would connect people to items that you can test
3 for?

4 A I mean, you can use gunshot residue, hair samples,
5 things of that nature.

6 Q Okay. And in this case do you go in and observe the
7 scene initially before you do anything? How does your
8 process work?

9 A Any scene, we try to find out what -- as much
10 information as we can to help us start a point where we
11 need to process. And then we -- we go around and conduct
12 the walkthrough of the scene without touching anything at
13 that point.

14 Then we start beginning our process of the scene by
15 taking overall photographs.

16 Then we'll go back and look for items of evidence that
17 possibly need to be collected, photograph those items as
18 well, then mark each item with evidence.

19 It's -- it's a pretty significant long process. It's
20 not something that takes ten minutes. We're usually there
21 hours at a time.

22 Q Okay. And with that hours at a time you've gone
23 through and looked at surfaces. You've looked at floors;
24 you looked at walls; you've looked outside; you look
25 inside, is that right?

Jonathan Lawson
Cross-examination by Ms. White

1 A That's correct.

2 Q Okay. And in this case the outbuilding -- and it
3 might be kind of hard to describe. It's not a very large
4 outbuilding, is that right?

5 A That's correct.

6 Q And is it correct to say that when you walk in it's
7 kind of divided into two areas?

8 A It did. It had a self-standing-built wall in the
9 middle of it. You can stand on one side and still see part
10 of the other side.

11 Q Okay. And when you went to the scene first, what was
12 your first observation of the blood? Was it on the door
13 stoop right there?

14 A Well, when I first got on scene it was extremely dark,
15 and there's no power to that residence. And due to the
16 fencing around it, I had to obtain lighting fixtures to put
17 up so I could see the scene.

18 Q And I think we have seen some pictures from Mr.
19 Barnette. There were some long extension cords. Maybe
20 some tall yellow things.

21 A Correct.

22 Q Those are lights then that y'all bring in to
23 illuminate the scene.

24 A That's correct.

25 Q Okay. So the items that you were able to look at,

Jonathan Lawson
Cross-examination by Ms. White

1 touch, swab, you did that evening using that light source?

2 A We use different lights, yes, ma'am.

3 Q Okay.

4 A Not just that one.

5 Q But these weren't -- you didn't wait until the next
6 day when light --

7 A No. I did go back to the next day after we done the
8 initial and conducted another walkthrough to make sure
9 there was nothing else that Investigator Andy Lawson wanted
10 me to collect on that scene.

11 Q Okay. So as you were going through you saw the blood
12 on the front stoop. You instructed Investigator Stepp to
13 take the glasses and take a swab of one spot of blood, is
14 that right?

15 A Yes, I did.

16 Q Okay. You didn't instruct him to take any swabs of
17 any of the other blood spots that were on that stoop, on
18 the doorframe, maybe of the 50 or so blood spots that were
19 there.

20 A No. I did not.

21 Q Okay. You didn't take any blood swabs off the fan
22 that was in there, right?

23 A I didn't take any blood swabs at all myself.

24 Q I'm sorry. You didn't instruct anyone to take blood
25 swabs.

Jonathan Lawson
Cross-examination by Ms. White

1 A No. I did not.

2 Q Okay. And you instructed them to obtain certain
3 pieces of evidence -- the swab from the shelving unit.

4 A That's correct.

5 Q Okay. You instructed them to take a swab from one
6 area of the carpet, is that right?

7 A Yes, because of the area of the carpet where the swab
8 was taken from, the blood that was there was all
9 consistently together, which can -- can say that it came
10 from the same person.

11 Q And you don't know that though because you didn't take
12 samples of all of the blood, did you?

13 A I did not. I didn't take any samples actually.

14 Q Again, instruct anybody to take samples.

15 A Correct.

16 Q And you would agree with me when we looked at the
17 pictures that there were some smaller droplets of blood
18 separate in an area from some two significantly larger
19 splotches of blood.

20 A Yes. There were -- there were areas of smaller.

21 Q Okay. So the samples of the blood, you indicated that
22 you assumed that they were from the same person. But they
23 were different sizes, were they not?

24 A They were different sizes.

25 Q And they were in different locations, were they not?

Jonathan Lawson
Cross-examination by Ms. White

1 A That's correct.

2 Q But you took samples of one.

3 A I didn't take any samples.

4 Q Mr. Lawson, I understand, and I'll be a little more
5 specific for you.

6 You instructed as the sergeant of that division to
7 take samples of one, is that right?

8 A Of different areas on the -- on the scene, yes, ma'am.

9 Q One swab from the blood on the carpet.

10 A That is -- one swab was taken from the carpet, I
11 believe, is the way his notes were stating.

12 Q Okay. You instructed them to take blood swabs from
13 the -- the gate where the victim is said to have gone
14 through to the neighbor's house, right?

15 A That's correct.

16 Q Okay. Now, the next scene that, I guess, you
17 processed, that you helped process, was the U-Haul, is that
18 right?

19 A Yes. I actually processed that one myself.

20 Q Okay. What date did you process that U-Haul?

21 A I'll have to refer back to my notes. I don't recall.
22 It's been a while.

23 Q Okay.

24 (Pause.)

25 A I believe it was on January 9th of 2018.

Jonathan Lawson
Cross-examination by Ms. White

1 Q Okay.

2 A I believe, yeah. I think so.

3 Q All right. January 9th. And the incident of
4 Mr. Wood's passing was on January 6th. Does that sound
5 correct?

6 A That sounds right.

7 Q Okay. And you said that you took -- I'm going to put
8 just a couple of pictures up here. You took a good number
9 of pictures from the U-Haul, is that right?

10 A That's correct.

11 Q The U-Haul was kinda messy. Is that an accurate
12 description?

13 A There was stuff strown throughout inside and the back
14 area as well.

15 Q There was some food and drink items.

16 A That's correct.

17 Q Okay. Now you took the -- give me just a minute here.
18 (Pause.)

19 Q Let me do this without the pictures right now.

20 Mr. Barnette showed you a picture of the doorframe of
21 the U-Haul.

22 A That's correct.

23 Q And you had seen what you thought was blood, is that
24 right?

25 A That's correct.

Jonathan Lawson
Cross-examination by Ms. White

1 Q So you took a swab of that.

2 A That is correct.

3 Q Okay. And that was on the doorjamb. Is that a good
4 way to phrase it?

5 A The rubber seal that's inside the door itself.

6 Q Okay. So not outside the door, not inside like on the
7 handle but --

8 A It was on the door seal.

9 Q -- the rubber seal when it would be closed.

10 A Correct. It was at the top portion of the door seal
11 on the passenger door.

12 Q Okay. You also indicate that had you saw spots of
13 what you believed to be blood on the back of the passenger
14 seat.

15 A That's correct.

16 Q Okay. You didn't take any swabs of those, did you?

17 A No. They were field tested, and I didn't get a
18 response from that field test just because the areas were
19 so small.

20 Q Okay. Well, we could see the photo. We could see the
21 swabs or the spots on the photo, correct?

22 A That's correct.

23 Q But you said they were too small to be taken?

24 A That's -- they were too small to get a sample test
25 from -- from my field test.

Jonathan Lawson
Cross-examination by Ms. White

1 Q Okay. And you generally as you type up your reports,
2 you generally indicate everything that you do in your
3 incident report, is that right?

4 A I -- I usually put everything in my reports.

5 Q Okay. So the fact that you checked the blood on the
6 back of the seat and that it did not come back with a
7 presumptive test, that would be in here?

8 A It should be. If not, it was something that was
9 accidentally overlooked.

10 Q Okay. I'm going to just approach. May I for one
11 moment? You have to excuse my notes. But if you'll look
12 for me, that bottom paragraph, and kind of read that to
13 yourself.

14 (Pause.)

15 A Which one are you talking about, this one here?

16 Q Yes.

17 A Yeah.

18 Q Okay. That doesn't indicate anywhere in there that
19 you did a presumptive test for blood on the back of the
20 passenger seat, does it?

21 A That paragraph there was where I took the presumptive
22 test off of the rubber door seal.

23 Q And the sentence right below moves on to where you
24 processed for latent prints.

25 A I did. I believe that's how it was written on that

Jonathan Lawson
Cross-examination by Ms. White

1 report.

2 Q Okay. And if you'd like, you can look through the
3 report and tell me if you see a place where it says you did
4 test that for blood.

5 A If it's not in there, then I didn't put it in the
6 report.

7 Q Okay. But your testimony is that you generally
8 include everything in your report that you do. But there's
9 nothing in there about testing the back of the passenger
10 seat.

11 A That's what I said. I must have accidentally left it
12 out, yes, ma'am.

13 Q Okay. So that was overlooked. You tested the
14 fingerprints or took fingerprints to see if there were any
15 on the outside of the vehicle, is that right?

16 A I did. I processed the exterior of the U-Haul.

17 Q Okay. And in the fingerprints, there was no other
18 blood or D.N.A. type evidence that you saw on the outside
19 connected with those fingerprints, were there?

20 A No. As I say, I collected the fingerprints from the
21 passenger-side door, and the -- the blood that was on the
22 door seal itself was collected.

23 Q Okay. Now, the other scene you processed was the
24 unoccupied trailer, I guess, over at [REDACTED] Road.

25 A Yes.

Jonathan Lawson
Cross-examination by Ms. White

1 Q Quick -- quick backtrack.

2 The last picture that Mr. Barnette showed you of the
3 U-Haul showed a warning ticket that was in there. That
4 ticket had been issued to an Amy Berridge, is that right?

5 A That's correct.

6 Q Okay. The [REDACTED] Road was Amy Berridge's
7 grandmother's home, is that right?

8 A That's what I was informed by investigators on the
9 scene.

10 Q Okay. And were you present on the scene to collect
11 evidence there?

12 A I was.

13 Q All right. And the only evidence that we've shown
14 that you collected was a pair of tennis shoes. But there
15 were other items collected, is that right?

16 A There were other items collected.

17 Q Can you tell us what items were collected from there?

18 A Yes, if I can refer back to my notes.

19 Q Certainly. Thank you.

20 (Pause.)

21 A Collected a black and white pair of Air Jordan tennis
22 shoes, size 11, from inside that residence; a pair of gray
23 Air Jordan tennis shoes; a TrueTimber coat; camouflage
24 jacket; a plaid Bobby Brook shirt; a Bluestar which is
25 similar to liminal; Fruit of the Loom thermal pants; a

Jonathan Lawson
Cross-examination by Ms. White

1 green blanket; a polar fleece camo pants and Browning camo
2 coat.

3 Q Okay. And from all of those items, you said the
4 tennis shoes were the only items that actually tested
5 positive for blood, is that right?

6 A It was the only one that I could see that had what
7 appeared to be blood on it at the time.

8 Q And you actually tested one of the camouflage jackets
9 later.

10 A That's correct.

11 Q Is that correct?

12 A That is correct.

13 Q And you recall that it showed a presumptive positive
14 for blood but then did not come back actually as blood, is
15 that right?

16 A I'll have to refer back to the notes to see that.

17 Q Okay.

18 (Pause.)

19 A On one of the jackets I did use -- utilize an
20 alternative light source to -- well, actually checked all
21 of the jackets. But the only one that showed any type of
22 presence of a suspicious substance was one of the items,
23 which was Item No. 59, that we marked as Item 59, which is
24 a Browning camo coat.

25 After seeing that with an alternative light source I

Jonathan Lawson
Cross-examination by Ms. White

1 utilized a reagent known as Bluestar, which is similar to
2 lumino1. It's just a nontoxic, noncorrosive type of
3 chemical that we utilize. And I sprayed the jacket with
4 that and had a reaction. But it did come back as a
5 negative results with the field test kit.

6 Q Okay. So none of the jackets or the pants that you
7 collected ever tested positive for any signs of blood.

8 A Not that I recall.

9 Q Okay. And you talked about using a Bluestar lumino1.
10 Is that something y'all use on a regular basis to test?

11 A Bluestar is just to help. We use Bluestar just
12 because it's nontoxic. It does not destroy the factor of
13 D.N.A., opposed to lumino1 could destroy that factor. It's
14 a harsh chemical, and you have to use an alternative light
15 source with it as opposed to Bluestar, you don't. You use
16 ambient lighting.

17 Q Okay. And that's something you can use on most
18 surfaces?

19 A No, not on most surfaces, no, ma'am.

20 Q Okay. Can you use it on the seats of the vehicle?

21 A You could. It just depends on -- on the type of
22 texture of the -- of the fabric.

23 Q Okay. You used it on fabric, on the clothing, right?

24 A That's correct.

25 Q Okay. What about on a knife?

Jonathan Lawson
Cross-examination by Ms. White

1 A You can use light on a knife.

2 Q Okay. so the black folding knife, you indicated that
3 you observed it and didn't think there appeared to be
4 anything on there. But you can't see D.N.A., can you?

5 A The blood you can see, or substance that appears to be
6 blood.

7 Q Right. But D.N.A., touch D.N.A., you can't see.

8 A No.

9 Q Okay. But you didn't do any testing or Luminol
10 Bluestar on the -- the black folding knife.

11 A No. I did not.

12 Q Okay. I will open this back up for you. This is
13 Exhibit 45, which is the knife, I believe, that we have
14 shown earlier.

15 Now, there appears to be red on the knife.

16 A That's correct.

17 Q On the handle, on both sides of the knife.

18 A Right.

19 Q More so on one than the other but --

20 A Correct.

21 Q But there's a little bit on both.

22 Now, you indicated earlier that that was the result of
23 testing that y'all do.

24 A That was the result of a fingerprint testing. That's
25 what that was.

Jonathan Lawson
Cross-examination by Ms. White

1 Q Okay. So this red substance is now on this knife, and
2 that is the material you used to test for fingerprints?

3 A It's not a material. It's usually a powder. That --
4 it depends on -- we have different colored powders we can
5 utilize just for different surfaces, different light.

6 Q Okay. And all of your officers know that that's --
7 that would be it. This is a powder?

8 A Yeah. Most of the -- I mean, anybody in the crime
9 scene unit would know that that's a type of powder. If
10 it's utilized with super glue, it'll adhere to it.

11 Q So does it have a texture? The powder is not able to
12 be brushed off?

13 A Sometimes it will. Sometimes it's smooth.

14 Q Okay. So it permanently stains items when you test.

15 A Yes. Fingerprint powder stains.

16 Q Okay. So you never tested this before for any kind of
17 blood, paint, anything like that.

18 A No. I don't have any way to test for paint.

19 Q Well, to rule out paint.

20 A I don't have any type of exercise I can go to test for
21 any type of paint. No field test.

22 Q You have a field test that can tell you if it was
23 blood though.

24 A Yes.

25 Q Okay. And that would rule out paint, right, if it

Jonathan Lawson
Cross-examination by Ms. White

1 showed it was blood?

2 A Couldn't say it was paint or not, so.

3 Q If it shows it's blood, it would not be paint, is that
4 right?

5 A That would be correct. If it showed as a presumptive
6 positive it'd be paint -- or blood. Excuse me.

7 Q Now, do you take pictures of all of the items that you
8 end up collecting for evidence as a rule?

9 A You talking about after it's collected, or before?

10 Q From the scene, I guess, when you're -- when you're
11 taking pictures of the scene, for example, from [REDACTED]
12 Road. We saw a lot of photos of the inside of this
13 abandoned mobile home.

14 A Correct.

15 Q We see pictures of boxes. We saw the shoes located in
16 a box before they were taken. Do you take pictures of the
17 entire scene including the items you end up collecting in
18 their original location?

19 A We take -- our unit all takes overall photographs of
20 entire scenes usually.

21 Q Let me ask more specifically.

22 The items that you collected, did you take photos of
23 them where they were originally found on the scene?

24 A Yes. There -- if we pull an item back, say, for
25 example, if that would have had a jacket on top of it, of

Jonathan Lawson
Cross-examination by Ms. White

1 course we remove the jacket. And if we seen the substance
2 on the shoes, we'd photograph it where it was located, mark
3 it with an evidence placard and then photograph it again
4 and then collect it. Does that answer your question?

5 Q It does.

6 A Okay.

7 Q So if there's no pictures of the camo coat, the polo
8 and fleece camo pants, they're not marked with any placards
9 in any of those photos even though you took those as
10 evidence, right?

11 A Not in the photos that were presented today, they
12 weren't.

13 Q Okay. But is it your testimony that you did mark them
14 with placards?

15 A I believe I did I mark those with placards --

16 Q Okay.

17 A -- unless I didn't have that numbered placard.

18 Q Okay.

19 MS. WHITE: Beg the Court's indulgence.

20 (Pause.)

21 Q Investigator Lawson, the items that Mr. Barnette
22 showed you of the tennis shoes, you said that you did a
23 presumptive positive and that there was blood on a smear on
24 the arch side of the left shoe, is that right?

25 A There was the presence of blood. I didn't call it a

Jonathan Lawson
Cross-examination by Ms. White

1 smear, I don't think.

2 Q Okay. I called it a smear. I'm sorry. That's my
3 name for it. But there was a positive for the presence of
4 blood.

5 A Yes, ma'am.

6 Q Okay. On the left shoe.

7 A I don't if --

8 Q There was also presence of blood on the right shoe, is
9 that right?

10 A That's correct. I believe so. I'd have to look at
11 the shoe again to tell.

12 Q Okay. I think you testified there was something up
13 near the laces.

14 A Yeah. I just don't know what shoe that was. I
15 couldn't tell on the picture. But there was something up
16 near the lace, near the toe.

17 Q Okay. So on both -- both shoes though there was a
18 presumptive positive for blood.

19 A We -- we can utilize -- the kit comes with a 2-factor
20 test basically. It's two tests in one thing. And you can
21 utilize both -- both kits out of one test.

22 Q All right. And when you send items in to SLED for
23 testing do you request certain things for them to be done
24 on the shoes, or do you just send them all and say test
25 these?

Jonathan Lawson
Cross-examination by Ms. White

1 A No. Usually we complete a -- we get with the lead
2 investigator of the case, the crime scene technician. We
3 would get with the lead investigator.

4 We determine at that point which items of evidence are
5 the most important at that time to send because SLED has a
6 protocol that we can only send a very small limited amount
7 of D.N.A. items at first before those test results come
8 back due to the backlogs that they have at SLED.

9 With that being said, when we go to send off something
10 for testing we discuss what we want to have it tested for.
11 So I'll put in the I-lab report that I send off if there
12 were -- I need you to test this for latent prints or I need
13 you to test this for possibility of blood. So the items
14 that we -- we would send off.

15 Q So this is the tennis shoe I was referring to if you
16 can see the little blood splotch right up there. Is that
17 what you marked?

18 A I did, yes, ma'am.

19 Q Okay. And so you would have requested SLED to test
20 that area specifically for blood since it came back for
21 D.N.A. -- it came back presumptively being blood, is that
22 right?

23 A I will ask them to test the -- the shoe. I don't send
24 a specific area for them to test. We send the entire item
25 for them to make that decision on.

Jonathan Lawson
Redirect examination by Mr. Barnette

1 Q Okay. And are you aware if they tested that shoe?

2 A I could not tell you if they tested anything to be
3 honest with you. I don't get the reports back.

4 Q Okay. In regards to the shoes themselves, you found
5 them at the abandoned mobile home at Amy Berridge's
6 grandmother's, right?

7 A That's correct.

8 Q You don't have any knowledge who was wearing those at
9 any time, do you?

10 A I don't know who was wearing any -- any shoes or any
11 clothing at that.

12 Q Okay. You just found all of the items and took them,
13 is that right?

14 A Right, at the request of the investigator that was on
15 the scene.

16 Q Okay.

17 MS. WHITE: Your Honor, I think that's all I have for
18 Investigator Lawson.

19 MR. BARNETTE: One moment, Your Honor.

20 (Pause.)

21 (Bench conference held off the record in the presence
22 of the jury but out of the hearing of the jury.)

23 REDIRECT EXAMINATION

24 BY MR. BARNETTE

25 Q Let me show you, sir, what's been marked as State's

Jonathan Lawson
Redirect examination by Mr. Barnette

1 Exhibit No. 10.

2 A This is a finger -- fingernail scrapings from the
3 hands of the victim, Mr. Wood.

4 Q Okay. And did you receive those and were those placed
5 into evidence, sir?

6 A Yes. I collected those myself from before the autopsy
7 began.

8 Q So these are the fingernail scrapings underneath the
9 fingernails.

10 A That is correct.

11 MR. BARNETTE: Your Honor, I'd like to move State's
12 Exhibit 10 into evidence at this time.

13 MS. WHITE: Without objection, Your Honor.

14 THE COURT: It's admitted.

15 (Package with fingernail scrapings marked State's
16 Exhibit No. 10.)

17 (Black Air Jordan tennis shoes marked State's Exhibit
18 No. 108 for Identification; camo coat marked State's Exhibit
19 No. 109 for Identification.)

20 Q Let me show you State's Exhibit 108. I know the
21 defense has questioned you about the other pair of tennis
22 shoes.

23 A That's correct.

24 Q Is that the pair of tennis shoes that you collected
25 from, the other pair?

Jonathan Lawson
Redirect examination by Mr. Barnette

1 A Yes. This is the black and white Air Jordan shoes,
2 size 11.

3 Q Okay. And those were sent to SLED and they did a --
4 they tested on those, is that right?

5 A Yes. They were.

6 Q And then she asked you about the camo joke -- coat.
7 I'm sorry. Camo coat, 109. If you would, take a look at
8 that and see if that's the coat that you collected from
9 that scene.

10 A That is the coat.

11 Q And was that sent also to SLED for testing?

12 A Yes, it was.

13 Q Okay.

14 MR. BARNETTE: Your Honor, I'd like to enter these
15 into evidence at this time -- 108 and 109.

16 MS. WHITE: Without objection, Your Honor.

17 THE COURT: They're admitted.

18 (Black Air Jordan tennis shoes marked State's Exhibit
19 No. 108; camo coat marked State's Exhibit No. 109.)

20 Q Thank you, sir.

21 Please answer any questions the defense may have for
22 you.

23 A Yes, sir.

24 MS. WHITE: Just one moment, please, Your Honor.

25 (Pause.)

Jonathan Lawson
Recross-examination by Ms. White

1 RECROSS-EXAMINATION

2 BY MS. WHITE

3 Q I'm just going to approach briefly. I know Mr.
4 Barnette just talked to you about the Browning camo coat.
5 Is this the coat?

6 MS. WHITE: And is it all right if I pull it out, Your
7 Honor?

8 Have you got some gloves?

9 MR. BARNETTE: I don't. I apologize.

10 (Pause.)

11 Q I know you've looked in here, but I want to make sure.
12 This is, you said, a Browning. Is that the brand?

13 A Yes, ma'am.

14 Q And that has a little -- to demonstrate the brand
15 there's a little deer.

16 A Yeah. You can see it better on the actual tag if you
17 look at the tag.

18 Q I'm not sure if everybody is familiar with Browning,
19 but/and this is a jacket. There's a little tag on the back
20 as well. This is the jacket that was found at the [REDACTED]
21 [REDACTED], is that correct?

22 A Yes, I believe so, yes, ma'am.

23 Q Okay. It's kind of a puffy jacket. Is that what
24 you'd call it or a --

25 A Yes, ma'am.

Jonathan Lawson
Recross-examination by Ms. White

1 Q Okay. And, ultimately, there was no blood or anything
2 found on the back, sleeves or anything of this jacket,
3 correct?

4 A Not that I can recall. You couldn't see it with it
5 being camo like that. So that's why it was sent to SLED as
6 well.

7 Q But it was -- right. But you -- it was sent to SLED.
8 And from as far as you know --

9 A As far as I know, they sent it back.

10 Q Okay.

11 A I don't know the results of the testing.

12 Q All right.

13 MS. WHITE: Your Honor, I think that's all I have for
14 Investigator Lawson.

15 MR. BARNETTE: Your Honor, we'd ask for the witness to
16 be excused.

17 THE COURT: You may step down. You may also be
18 excused.

19 (whereupon, the witness was excused.)

20 THE COURT: We're going to take a break.

21 I'll ask the jury to please retire to your jury room.
22 Do not discuss the case. I'll bring you back after that
23 break.

24 (The following takes place outside the presence of the
25 jury.)

Courtney Burgess
Direct examination by Mr. Barnette

1 THE COURT: We'll be in recess for 15 minutes.

2 (Whereupon, a recess was taken.)

3 THE COURT: All right. Are we ready for the jury?

4 MR. BARNETTE: The state is ready, Your Honor.

5 MS. WHITE: The defense is ready, Your Honor.

6 THE COURT: Bring them in.

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

9 THE COURT: All right. The jury is present.

10 You may proceed.

11 MR. BARNETTE: I'd like to call Courtney Burgess to
12 the stand, Your Honor.

13 COURTNEY BURGESS, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BARNETTE

16 Q If you would, ma'am, please state your full name for
17 the record.

18 A Courtney Burgess.

19 Q And where do you work at, ma'am?

20 A Spartanburg County Sheriff's Office.

21 Q And what is your position there, ma'am?

22 A I'm a latent fingerprint examiner.

23 Q And how long have you been in that position, ma'am?

24 A Since March of 2015. So going on four years now.

25 Q Prior to that where did you work at, ma'am?

Courtney Burgess
Direct examination by Mr. Barnette

1 A I worked at Spartanburg City Police Department as a
2 crime scene investigator for approximately nine years.

3 Q Okay. And prior to that where did you go to school,
4 ma'am?

5 A I have a bachelor of science in forensic
6 identification from West Virginia University.

7 Q And, if you would, tell the jury a little bit about
8 your training concerning fingerprints and crime scenes.

9 A Okay. Well, obviously, I took a lot of fingerprint
10 training at W.V.U., science and technology of fingerprint
11 identification, which basically goes over what a
12 fingerprint is, how to identify a fingerprint, how to
13 recognize patterns, look for points in a fingerprint, and
14 also just latent fingerprint comparison, which is basically
15 the whole class. You just compare latent fingerprints or
16 the fingerprints from crime scenes to known fingerprints or
17 the inked fingerprints.

18 Both of those classes were kind of a dual effort
19 through W.V.U. and the F.B.I.

20 Since then I've taken an advanced latent ridgeology
21 which is just a more advanced fingerprint comparison class
22 through Sirchie Fingerprint Laboratories which is in North
23 Carolina near Raleigh.

24 And I've also had an advanced latent palm print
25 comparison, which is just comparing palm prints, also

Courtney Burgess
Direct examination by Mr. Barnette

1 through Sirchie.

2 Q How many fingerprints have you looked at through the
3 years?

4 A Oh, thousands.

5 Q How many times have you been qualified as a
6 fingerprint examiner?

7 A Six times now, all in general sessions.

8 Q And in this court also, is that right?

9 A Yes.

10 MR. BARNETTE: Your Honor, I would move her as an
11 expert on latent prints.

12 MS. WHITE: Without objection, Your Honor.

13 THE COURT: She is so qualified.

14 Q Ma'am, did you receive a latent print that was taken
15 by Sergeant Lawson? I know he testified earlier about it.
16 State's Exhibit 17. Did you receive that latent print?

17 A Yes.

18 Q And at that time did they have some known -- known
19 people that they wanted you to look at at that time?

20 A They did.

21 Q Let me show you State's Exhibit No. 19. Is that a --
22 I guess the second page of that. Is that the fingerprint
23 card that the -- from this defendant's arrest on this case?
24 Was that the fingerprint card that you received from the
25 jail?

Courtney Burgess
Direct examination by Mr. Barnette

1 A Yes. It is.

2 Q And is that your analysis comparing the print that
3 Sergeant Lawson did comparing the defendant's print from
4 the jail?

5 A Yes. This is a chart that I generated after doing the
6 analysis on the fingerprints. It's just a visual aid to
7 show, just comparing the two fingerprints.

8 Q No problem.

9 MR. BARNETTE: Your Honor, State's Exhibit 17 is
10 already in evidence, but I'd like to introduce State's
11 Exhibit No. 19.

12 MS. WHITE: Without objection, Your Honor.

13 THE COURT: It's admitted.

14 (Fingerprint analysis marked State's Exhibit No. 19.)

15 MR. BARNETTE: May I publish both items to the jury,
16 Your Honor?

17 THE COURT: You may.

18 Q Showing State's Exhibit 17. Can you see from there
19 okay, ma'am, or would you like to step down?

20 A I probably need to step down for those.

21 Q Please do.

22 (Whereupon, the witness left the stand.)

23 Q I'll try to make this bigger.

24 A Okay.

25 Q Okay. When you received this print, what did you do,

Courtney Burgess
Direct examination by Mr. Barnette

1 ma'am?

2 A When we receive a fingerprint from the crime scene
3 investigators, the first thing we're going to do is look at
4 the card as a whole and see how many actual readable or
5 useable fingerprints are on there.

6 There was one on this card. There's a little arrow
7 pointing to it right there. It's kind of hard to see on
8 this overhead, but it's this -- this print right here.

9 Q And actually let me just show you part of State's
10 Exhibit No. 19. Is this the fingerprint card that you
11 received with a known print from the defendant in this
12 case?

13 A Yes. This is what's called a ten print card or a
14 known card or an inked card. Those are all
15 interchangeable, but we usually call it the ten print.
16 This is the fingerprint card from the arrest.

17 Q Okay. And so did you do analysis on the print that
18 you received from Sergeant Lawson?

19 A Yes.

20 Q To compare to the defendant's print?

21 A Yes.

22 Q If you would, tell the jury about that.

23 A Like I said, this is the visual aid. This print on
24 this side is just sent in a large version of the print you
25 saw a minute ago on the card. This is the latent print or

Courtney Burgess
Direct examination by Mr. Barnette

1 the print from a scene, the unknown print. This is the
2 known print. This would be from the inked card.

3 Q There's a lot more to the victim's finger. Maybe
4 that's better. If you would, tell them what you did. And
5 whose print was the one on the left?

6 A Okay. The -- the comparison between the two prints
7 shows that this print is the No. 3 finger or the middle,
8 the right middle, finger -- I'm sorry -- of Roy Gene
9 Sutherland, III.

10 When we look at a fingerprint we look at the -- we
11 don't just look at, hey, there's a fingerprint there. We
12 look at the details within that fingerprint or the minutia,
13 and we -- we find each point of minutia that we can that
14 corresponds between the two fingerprints.

15 Your points of minutia can either be an ending ridge,
16 which is when you look at the black lines. Those are the
17 ridges on the fingerprint, these black lines. That's a
18 ridge.

19 When you see one that ends, it just comes to a stop
20 like this one right here how it comes along and just ends,
21 that's what we call an ending ridge.

22 We also look for bifurcations, which is kind of like
23 if you're looking at a road, it's a fork in the road. It's
24 where as one line comes along and splits into two, that's
25 what we have right -- right here. This line's coming

Courtney Burgess
Direct examination by Mr. Barnette

1 along. It splits into two.

2 So we look for those points in each print. If we find
3 any that correspond, they have to be in the same
4 arrangement, they have to be the same distance from each
5 other and they have to be the same type of point in one
6 print to the next, in the same arrangement.

7 Q And did you find those in the unknown print at the
8 time?

9 A Yes.

10 Q And did they correspond with the known print in this
11 case?

12 A Correct. We -- we actually look at the unknown print
13 and find the points in that, and then we compare it to the
14 known.

15 So I'll just show a couple of points over here. This
16 number two right here, that's our ending ridge. If you
17 come over here to the known print, ending ridge.

18 If you count over one ridge, you've got a bifurcation.
19 Over one ridge, there's a bifurcation. And then we just
20 continue on throughout the whole print.

21 Q Okay. So this print came from Mr. Sutherland --

22 A It did.

23 Q -- in this case. Thank you. Have a seat.

24 (Whereupon, the witness returned to the stand.)

25 Q If you would, please answer any questions that the

Courtney Burgess
Cross-examination by Ms. White

1 defense may have for you, ma'am.

2 A Okay.

3 CROSS-EXAMINATION

4 BY MS. WHITE

5 Q Thank you, Ms. Burgess.

6 When you're given the card or from -- Investigator
7 Lawson took these prints from the U-Haul, he testified. Do
8 you know when the prints were left on the U-Haul? You
9 can't -- can you tell that from the fingerprint analysis?

10 A No. We can't. We can just tell that there's a
11 fingerprint there. Sometimes we can find out whose it is,
12 but we cannot tell how long it's been there.

13 Q And you can only examine fingerprints that are given
14 to you from the police officers when they do the
15 investigation, is that right?

16 A Correct.

17 Q Okay.

18 MS. WHITE: That's all I have at this time.

19 MR. BARNETTE: I'd ask for this witness to be excused,
20 Your Honor.

21 THE COURT: You may step down. You may also be
22 excuse.

23 (Whereupon, the witness was excused.)

24 MR. BARNETTE: Your Honor, I'd to call Ms. Herrera to
25 the stand.

Verona Herrera
Direct examination by Mr. Barnette

1 VERONA HERRERA, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, ma'am, please give us your full name.

5 A Verona Herrera.

6 Q And where do you work at, ma'am?

7 A The South Carolina Law Enforcement Division, which we
8 refer to as SLED.

9 Q And what is your position there, ma'am?

10 A I'm a forensic serologist in the D.N.A. casework
11 department.

12 Q Okay. And how long have you worked for SLED, ma'am?

13 A Approximately two and a half years.

14 Q And, if you would, tell the jury what SLED is to start
15 with.

16 A SLED is the state law enforcement division. We
17 provide support to agencies when they request it. We also
18 run the state's forensics lab that services all the
19 counties in this state.

20 Q And what is your position? Specifically, what do you
21 do, ma'am?

22 A We take larger pieces of evidence. We look at those
23 for body fluids or we try to collect touch D.N.A. samples
24 or ownership samples.

25 we also evaluate hair to see if it needs to be

Verona Herrera
Direct examination by Mr. Barnette

1 forwarded for further D.N.A. testing.

2 Q And how many cases have you worked on, ma'am? How
3 many?

4 A Thousands.

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

6 A I think I'm up to about 65 or 70 now.

7 Q Let me show you -- did you receive several items for
8 testing in this case?

9 A I did, yes, sir.

10 Q And did you generate a report in this case?

11 A I did, yes, sir.

12 Q Let me show you what's been marked as State's
13 Exhibit 29 and see if that is a copy of your report, ma'am.

14 A Yes, sir. It appears to be.

15 MR. BARNETTE: Your Honor, I'd like to enter State's
16 Exhibit 29 into evidence at this time.

17 MS. WHITE: No objection, Your Honor.

18 THE COURT: It's admitted.

19 (Copy of serology report marked State's Exhibit No.
20 29.)

21 Q In this case did you receive, like I say, several --
22 did you receive a small wooden-handled knife?

23 A Yes, sir.

24 Q Two pairs of tennis shoes. Here. I'll just publish
25 it. It might be easier.

Verona Herrera
Direct examination by Mr. Barnette

1 A Okay.

2 Q A small wooden-handled knife. Did you receive it,
3 that right there?

4 A That is correct.

5 Q And then you received an Air Jordan's tennis shoes,
6 size 11 --

7 A Yes, sir.

8 Q -- in this case. And then you received an Air Jordan
9 size 8.5.

10 A Correct.

11 Q And you also received a camo jacket, is that right?

12 A Yes, sir.

13 Q And going through these items, the wooden-handled
14 knife, was -- did you check that for blood, ma'am?

15 A I did, yes, sir.

16 Q And what was that result?

17 A The presumptive testing for blood was negative.

18 Q How about the Air Jordan shoes, size 11?

19 A I'm sorry. Also the presumptive test for blood was
20 negative.

21 Q Okay. Let me show you what we have in evidence. I'm
22 not going to go through all of those if they're negative,
23 but the Air Jordan's tennis shoes, size five, which is Item
24 5. What was that test, ma'am?

25 A There was a location that I sub-itemed or took from

Verona Herrera
Direct examination by Mr. Barnette

1 the item, a set of swabs that tested positive for the
2 presumptive test for blood.

3 Q Let me show you State's Exhibit 5 here. Let you look
4 at it and see if that's the item that you --

5 A Yes, sir. This is Item 5.

6 Q If you would, can you come around and just show the
7 jury if you would where you examined these items at?

8 (whereupon, the witness left the stand.)

9 A We -- I visualized the entire item. We or I -- excuse
10 me -- look at which samples appear to be the strongest for
11 tests with our presumptive test to be the strongest.

12 In this case this item tested positive -- areas tested
13 positive. There was also an area here that tested
14 positive. This is the area I collected on swabs and
15 forwarded for further testing to the D.N.A. section.

16 Q So can you turn it to the side so that everybody can
17 see?

18 A This is the area that tested positive but was not
19 collected, and this is the area that tested positive but we
20 did -- I did collect and forwarded for further testing.

21 Q So you processed those from that case. But both shoes
22 tested positive for blood.

23 A That is correct.

24 Q Thank you.

25 (whereupon, the witness returned to the stand.)

Verona Herrera
Direct examination by Mr. Barnette

1 Q Let me show you State's Exhibit 5.1. Is this the swab
2 that you took off the tennis shoe that you was talking
3 about earlier?

4 A Yes, sir, it is. I can tell that because my initials
5 and the date that I sealed it are here. This is my
6 handwriting. And on the back of this envelope, there is
7 initials and date on it as well.

8 Q Thank you, ma'am.

9 MR. BARNETTE: Your Honor, I'd like to enter State's
10 Exhibit 5.1 into evidence at this time.

11 MS. WHITE: Without objection, Your Honor.

12 THE COURT: It's admitted.

13 (Swabs from Air Jordan tennis shoes marked State's
14 Exhibit No. 5.1.)

15 Q Let me do this since I know the jury's already seen
16 the camo jacket.

17 Can you just show them the other pair of tennis shoes
18 that did not test positive for blood? And this is State's
19 Exhibit 108. And you tested it and, I guess, one tennis
20 shoe.

21 A Yes, sir. It's a tennis shoe. Yes, sir.

22 Q I'm sorry. Go ahead.

23 A The entire item was swabbed and tested with our
24 presumptive testing for blood, and these are the areas
25 where I marked that that testing was performed and it was

Verona Herrera
Cross-examination by Ms. White

1 negative.

2 Q So it was negative for blood on that tennis shoe.

3 A Yeah, for the presumptive test, yes, sir.

4 Q Okay. So the 5.1, the swab, was sent for D.N.A.
5 testing.

6 A That is correct.

7 Q And you sealed it and it was sent to D.N.A. You
8 sealed the envelope and everything before it was sent.

9 A Yes, sir.

10 Q If you would, please, answer any questions the defense
11 may have for you.

12 CROSS-EXAMINATION

13 BY MS. WHITE

14 Q Ms. Herrera, in regards to the swabs, the gray tennis
15 shoes that we looked at --

16 A Yes, ma'am.

17 Q -- you said that there were -- there was an area on
18 the left tennis shoe that presumptively tested positive for
19 blood, and an area on the right shoe. But you chose only
20 to test the left shoe, is that right?

21 A That's correct.

22 Q Okay. And was that requested from Spartanburg or was
23 that a decision you made on your own?

24 A We receive such a large number of items at SLED,
25 unless there is an indication that multiple people were

Verona Herrera
Cross-examination by Ms. White

1 bleeding, we don't typically test every spot that tests
2 positive for blood. Usually, what's on one shoe is on the
3 other.

4 It can be requested that we go back and retest those
5 other items that were positive. That's the reason in our
6 bench notes we do indicate that there are other areas that
7 could have been tested.

8 Q So if the officers had indicated to you maybe on that
9 lab report that Officer Lawson indicated they send with
10 specific requests that it's possible someone else other
11 than the victim had been bleeding on the scene, then you
12 most likely would have tested that as well?

13 A Either in that document, or we also often receive the
14 incident report that the agency generates, and that gives
15 us a lot of information as to how many people may be
16 bleeding at the location.

17 Q Do you know if you received any indication, any
18 additional information, other than the lab report in this?

19 A I think there was an incident report but it would --
20 if it had have indicated there were multiple people
21 bleeding, I would have taken more than one cutting from the
22 shoe or more than one swabbing from the shoes.

23 Q Okay. So officers didn't indicate to you that one of
24 the suspects might have been bleeding.

25 A No, ma'am. We did not have that information.

Verona Herrera
Cross-examination by Ms. White

1 Q Okay. You also indicate on the black tennis shoe that
2 you showed us a couple of different spots that you do for
3 the presumptive testing for the blood.

4 A Yes, ma'am.

5 Q Do you do that same on each shoe or -- and let me
6 clarify the question, I guess. You did that on the black
7 tennis shoe. Do you also test for the presence of blood on
8 the bottom of the gray tennis shoes?

9 A What we do is we visualize the item first. If there's
10 any areas that looks like it could potentially be a blood
11 stain, we test that item with the quick color change
12 presumptive test.

13 If there are no areas that we can determine appear to
14 be a blood stain or if all of the areas that visually look
15 like a blood stain test negative, then we swab the entire
16 shoe in sections and test those sections.

17 And in the case of the black tennis shoe there was no
18 areas that looked as it might be a blood stain. So the
19 entire item was swabbed.

20 Q Okay. And just to clarify, because I'm not sure I
21 understand exactly what you were saying. But so you did
22 test the entire shoe on the -- the black one. But because
23 you saw a blood stain on the gray one, you only tests where
24 you see the blood stain.

25 A That is correct.

Verona Herrera
Cross-examination by Ms. White

1 Q Okay. So we don't know if the shoes had been ever in
2 the presence, I guess, walked in blood and it wore off or
3 anything like that, because you don't do any kind of the
4 testing to see if there ever was the presence of blood on
5 the base of the shoes.

6 A Not routinely if there is visible areas that test
7 positive for the presumptive test for blood.

8 Q Okay. Do you recall how many -- do you have the -- I
9 guess it's the I-lab report? Is that what you receive when
10 you receive all the items?

11 A We receive. It's something we call a packing slip,
12 which contains the information, yes, ma'am.

13 Q Okay. And can you tell me how many blood swabs from
14 the wood or from, I guess, what appeared to be the scene of
15 the crime you were sent?

16 A I do not have that information. I only printed off
17 the -- the packing slip that was associated with the
18 evidence I processed. So that information is not on here.

19 Q Okay.

20 MS. WHITE: May I approach just briefly, Your Honor?

21 Q I will just have you look. And you may not recognize
22 this at all. Is this something similar, or have you seen
23 that?

24 A This is the one that I printed off, yes, ma'am. I
25 just didn't realize. If there -- there appear to be other

Verona Herrera
Cross-examination by Ms. White

1 submissions that came in at a later time.

2 So if this is the only submission, then, yes, these
3 blood swabs from the passenger side and then the blood card
4 and then from the wood would be all we received. But I'm
5 unsure if there were other submissions.

6 Q Okay. But on this particular packing slip you
7 received a blood swab from wood, the small wooden-handle
8 knife, the blood swab from the door trim, the two tennis
9 shoes we've looked at and the Browning camo jacket.

10 A And then --

11 Q The blood standards.

12 A The standards from other people, yes.

13 Q Right.

14 A And from the -- the victim.

15 Q Okay. So on this packing slip there's no other items
16 of blood swabs that would have been from a crime scene that
17 you received.

18 A No. SLED did not receive any other blood swabs on
19 this -- on this submission. If there were other
20 submissions, they may be there.

21 Q Okay. I think that's all I have. Thank you.

22 A Thank you.

23 MR. BARNETTE: No further questions, Your Honor. We
24 ask that the witness be excused.

25 THE COURT: You may step down. You may also be

Adrienne Riley Hefney
Direct examination by Mr. Barnette

1 excused.

2 (whereupon, the witness was excused.)

3 MR. BARNETTE: I call Adrienne Hefney to the stand,
4 Your Honor.

5 ADRIENNE RILEY HEFNEY, having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. BARNETTE

8 Q If you would, ma'am, please give us your full name.

9 A Sure. Adrienne Riley Hefney.

10 Q And where do you work at, ma'am?

11 A With the South Carolina Law Enforcement Division, more
12 commonly known as SLED.

13 Q And what's your position there, ma'am?

14 A I'm a forensic D.N.A. analyst.

15 Q And how long have you been there, ma'am?

16 A Twenty-one years.

17 Q And tell the jury a little bit about your training and
18 education if you would, ma'am.

19 A Sure. I have a bachelor of science degree in biology
20 from the University of South Carolina. I also have a
21 master's of business administration degree from Winthrop
22 University.

23 I joined SLED in November of 1997 as a forensic D.N.A.
24 technician in the D.N.A. casework department, was promoted
25 to analyst in March of 1999 where I have since served.

Adrienne Riley Hefney
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1 I was trained by a court-qualified analyst on the job.
2 Each year we're required to attend at least eight hours of
3 continuing education, and that can be traveling to a
4 conference and staying abreast of any changes in D.N.A.

5 Q And how many samples have you looked at over the
6 years?

7 A Thousands at least, yeah.

8 Q And how many times have you been qualified as a D.N.A.
9 analysis expert?

10 A Over 70 times in both state and federal courts.

11 MR. BARNETTE: Your Honor, I would move her as an
12 expert in D.N.A. analysis at this point.

13 MS. WHITE: Without objection.

14 THE COURT: She is so qualified.

15 Q Did you receive several items on this case, ma'am?

16 A I did.

17 Q And did you generate a report concerning those items?

18 A I did.

19 Q Let me show you State's Exhibit 30. I believe you
20 have an original report and a supplemental with that.

21 A I do. This is my original report, and then also
22 attached is my supplemental report.

23 Q Thank you, ma'am.

24 MR. BARNETTE: Your Honor, I'd like to enter State's
25 Exhibit 30 into evidence at this time.

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1 MS. WHITE: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (D.N.A. analysis report marked State's Exhibit No. 30.)

4 MR. BARNETTE: Your Honor, permission to publish this
5 at this time.

6 THE COURT: You may.

7 Q In this case did you receive three known samples, in
8 this case?

9 A I did. I received a blood standard from Lanham Wood,
10 buccal swabs from both Amy Berridge and Roy Sutherland.

11 Q So this contained their D.N.A. for each one of those
12 individuals.

13 A Yes, sir.

14 Q And if you would, tell the jury a little bit about
15 D.N.A. and what it is.

16 A Sure. D.N.A. is a chemical substance that's found in
17 the cells of our body. It's what makes us human.

18 A lot of our D.N.A. is the same. Probably 99 percent
19 of our D.N.A. is the same because it's D.N.A. that gives us
20 two arms and two legs and two eyes and a nose. But of
21 course we look around this courtroom, we know everybody is
22 different because we get half of our D.N.A. from our mother
23 and half of our D.N.A. from our father.

24 So no two people will have the same D.N.A. with the
25 exception of identical twins. We use that forensically to

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Direct examination by Mr. Barnette

1 make comparisons. We'll compare evidence that was left
2 behind at a crime scene to known standards like what I just
3 explained with the blood standard from Mr. Wood,
4 Ms. Berridge and Mr. Sutherland.

5 Q Thank you, ma'am.

6 So you received items here, and we have those here.
7 Did you receive State's Exhibit 1, which is a swab, I
8 guess, from the wood at the scene?

9 A Yes, sir, I did. Here are my initials on the piece of
10 the pouch.

11 Q And each one of these?

12 A And here.

13 Q State's Exhibit 3. Did you receive this, I guess, the
14 passenger-side doorjamb at the U-Haul?

15 A I did.

16 Q And this has your initial.

17 A Yes.

18 Q I'm sorry. I didn't mean to cut you off or whatever.

19 A Right there.

20 Q Okay. And then I guess you received this from
21 serology, the lady that testified before. State's Exhibit
22 5.1. Is that the swab you received from her from the
23 tennis shoe?

24 A Yes, sir, it is. It's complete with my initials and
25 date.

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1 Q And did you also receive the fingernail scrapings from
2 Mr. Wood that was collected?

3 A I did.

4 Q And is that State's Exhibit 10?

5 A Yes, sir. It is.

6 Q And then the three known samples, you received the
7 blood standard from Mr. Wood, the victim in this case,
8 State's Exhibit 7.

9 A Yes, sir.

10 Q And then you received the buccal swab for Amy Berridge
11 in this case, State's Exhibit 8.

12 A Yes, sir. I did.

13 Q And then the buccal swab from Gene Sutherland or Roy
14 Gene Sutherland, State's Exhibit 9. You received it also.

15 A Yes, sir. I did.

16 Q Going through your analysis here, would you rather sit
17 there or would you rather come here?

18 A Well, I can -- I can sit here and read off my original
19 report.

20 Q Okay. Taking the swab of wood that was collected from
21 the crime scene, did you do an analysis on that, ma'am?

22 A I did. First, I did a presumptive test for blood,
23 which was positive. And then I did a D.N.A. -- developed a
24 D.N.A. profile from the piece of wood.

25 And I read directly from my report. "The D.N.A.

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1 profile matches the D.N.A. profile of Lanham Wood. The
2 probability of randomly selecting an unrelated individual
3 having a D.N.A. profile matching this item is approximately
4 one in 29 octillion."

5 So that is when we make a -- or we visualize a match
6 with D.N.A. from an unknown, which was the piece of wood,
7 to a known, will give a statistical weight to it.

8 If you were to line up 29 octillion people you should
9 only expect to see that D.N.A. profile one time, and that's
10 what I mean about that stat that's on the report.

11 Q How many people are in the world today approximately?

12 A It's about 6.7 billion, I believe, in the world.

13 Q So what 1.29 or 29 octillion -- how much bigger number
14 is that than the people in the world?

15 A That octillion is a one followed by eight groups of
16 zeroes, eight groups of three zeroes. So that's
17 probably -- I'd have to get a calculator to do that, but a
18 lot more.

19 Q I understand. So the blood from the wood is a match
20 with the victim in this case, Lanham Wood.

21 A Yes, sir. It was.

22 Q Okay. Look at the next one, which is Exhibit, State's
23 Exhibit, 3. The swabs from the passenger-side door trim in
24 the U-Haul. Could you tell us about that, ma'am?

25 A Yes, sir. I also did a presumptive test for blood,

Adrienne Riley Hefney
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1 which was positive. The D.N.A. profile matched the D.N.A.
2 profile of Lanham Wood. The probability of randomly
3 selecting an unrelated individual having a D.N.A. profile
4 matching this item is approximately one in 29 octillion.

5 Q The same number you got off those others.

6 A Yes, sir.

7 Q So this is a match. The blood that came from that
8 passenger-side door trim is a match with Mr. Wood.

9 A That is correct.

10 Q Going to the next one, which is the swab that you
11 received from serology concerning the tennis shoe, the gray
12 tennis shoe, Air Jordan tennis shoe, can you tell us about
13 that, ma'am?

14 A Yes. We received -- I received swabs from the arch
15 side of the left Air Jordan tennis shoe. The D.N.A.
16 profile matches the D.N.A. profile of Lanham Wood, and the
17 probability of randomly selecting an unrelated individual
18 having a D.N.A. profile matching this item is approximately
19 one in 29 octillion.

20 Q So this sample that came from the gray Air Jordan
21 tennis shoes is a match from the victim in this case,
22 Lanham Wood.

23 A Yes, sir.

24 Q And you also did an analysis on the hand scrapings or
25 the fingernail scrapings of Mr. Wood. If you would, tell

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1 us about that.

2 A And then I received both the left-hand and the
3 right-hand fingernail scrapings from Mr. Wood. I made
4 comparison to the three known standards that were
5 previously analyzed.

6 And I read again from my supplemental report:
7 "Presumptive testing for item -- Item 10.1, left-hand
8 fingernail scrapings of Lanham Joseph Wood presuming
9 testing -- presumptive testing for blood was positive. The
10 D.N.A. profile developed is a mixture of at least two
11 individuals. The D.N.A. profile of the major contributor
12 is consistent with the D.N.A. profile of Lanham Wood. The
13 D.N.A. profile of the minor contributor is from
14 unidentified individual A, and this profile is suitable for
15 comparison but not suitable for entry into our database
16 known as CODIS."

17 Q Let me ask you this. So the major contributor was
18 Mr. Wood, the victim.

19 A Correct.

20 Q And would you expect that to be in his fingernails
21 obviously?

22 A Yes, sir.

23 Q The other sample did not match Mr. Wood, Ms. Berridge
24 or Mr. Sutherland, is that right?

25 A That is correct.

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1 Q Now, this sample. Could you just merely get that from
2 shaking hands with somebody or just having, touching
3 anybody from there?

4 A Absolutely. And these fingernail scrapings were
5 collected with a stick on a piece of paper. So what I
6 would do is swab the stick and the piece of paper. So it
7 could have been transfer on the paper. And it is a very
8 minor profile. But the major contributor was the owner of
9 the fingernails.

10 Q So it could be any kind of contact whatsoever with any
11 items or under his fingernails that could have been
12 anybody.

13 A Yes, sir.

14 Q And showing you 10.2. I guess is the other -- is the
15 right-hand fingernail scrapings.

16 A It's the right hand, and the presumptive testing for
17 blood was positive on that one as well. The D.N.A. profile
18 developed is a mixture of at least two individuals.

19 The D.N.A. profile of the major contributor is
20 consistent with the D.N.A. profile of Lanham Wood. And due
21 to the inability to calculate a statistic, no further
22 interpretation will be offered regarding the minor
23 contributor. So that one was too low to even apply
24 statistical weight to it if I had someone to compare it to.

25 Q So you really couldn't use that for comparison anyway.

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1 A No, sir.

2 Q That way. So, like I said, that could have been from
3 shaking hands, touching, anything like that.

4 A Yes, sir.

5 Q It could have been --

6 A It was very minor.

7 Q But, like I said, everything you had matched Lanham
8 Wood in some way. Either the sample that you received
9 earlier, the swabs from the door, the wood, as well as the
10 tennis shoes was definitely his blood or definitely his
11 D.N.A.

12 A Yes, sir.

13 Q And then the other one, you definitely had D.N.A.,
14 just had, like I said, a very minor D.N.A.

15 A Yes, sir. It was a mixture, and he was the major, and
16 there was a minor contributor from somewhere else.

17 Q If you would, please answer any questions the defense
18 may have for you. Thank you.

19 MS. WHITE: Beg the Court's indulgence.

20 (Pause.)

21 MS. WHITE: Thank you, Your Honor.

22 We have no questions. Thank you very much.

23 THE COURT: Thank you. You may step down.

24 MR. BARNETTE: We'd ask that the witness be excused,
25 Your Honor.

1 THE COURT: She may be.

2 (Whereupon, the witness was excused.)

3 MR. BARNETTE: May we approach for a second, Your
4 Honor?

5 THE COURT: Yes, sir.

6 (Bench conference held off the record in the presence
7 of the jury but out of the hearing of the jury.)

8 THE COURT: All right. Ladies and gentlemen, we're
9 going to break for lunch.

10 Keep in mind my caution. No discussions, no research,
11 no investigation, no media exposure.

12 Have a good lunch. Please report to your jury room at
13 2:15, 2:15 this afternoon.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Court is in recess until 2:15.

17 (Whereupon, a recess was taken.)

18 (Air Jordan tennis shoes marked Defendant's Exhibit No.
19 5 for Identification.)

20 THE COURT: All right. Mr. Barnette, have you made a
21 decision about whether you wish to present any additional
22 evidence?

23 MR. BARNETTE: No, sir. The state would rest at this
24 point.

25 THE COURT: All right. Ms. White, have you got

1 motions?

2 MS. WHITE: Thank you, Your Honor.

3 At this point the defense would make a motion for a
4 directed verdict in this case. The state has charged my
5 client with murder, which is the killing of another with
6 malice aforethought.

7 The standard is that in the light most favorable to
8 the state if there has been substantial circumstantial
9 evidence presented, then it should go to the jury.

10 Your Honor, we're arguing that there has not been
11 substantial circumstantial evidence presented. Obviously,
12 we acknowledge there is circumstantial evidence that they
13 have presented in the presentation of their case.

14 Specifically, as to the element of the charge for
15 malice aforethought, Your Honor, I don't believe that there
16 has been any evidence that's been presented, substantial or
17 anything that has been presented, to allow the jury to
18 consider that my client was present and having an
19 interaction with Mr. Wood where he had the opportunity to
20 establish malice aforethought and in any kind of
21 interaction that would resulted in Mr. Wood's death.

22 Based on that and based on the purely circumstantial
23 evidence, we would think that the jury -- and that a
24 verdict of not guilty should be directed in this case.

25 THE COURT: All right. Mr. Barnette.

1 MR. BARNETTE: Thank you, Your Honor.

2 First thing, I think malice has been definitely proven
3 here. You saw how Mr. Wood died. He had injuries all
4 through his body from actually it looks like two different
5 weapons was used on him.

6 You heard the testimony of Dr. Wren. I'm sure malice
7 can be inferred from that alone.

8 Involving the case itself, we have evidence that they
9 had the U-Haul, had got it on January the 4th, went to
10 Kensington place and got it.

11 We saw this same U-Haul that was driven through the
12 Spinx parking lot as evidence shows there at the same time
13 that the victim in this case, Mr. Wood, was.

14 We saw Mr. Wood actually walking by Britt Automotive.
15 We saw the U-Haul actually go that direction. Never saw
16 Mr. Wood come back. The U-Haul came back from there, and
17 that was at 5:00 o'clock, a little bit after. I think it
18 was 5:00 o'clock and two seconds when we saw the Britt
19 Automotive on the one exhibit.

20 They go back to his residence at [REDACTED].
21 He is stabbed and beat multiple times with a blunt
22 instrument in the head.

23 He goes to his next-door neighbor almost immediately
24 after that. The neighbor -- he talks to them, talks about
25 a man and a woman picked him up in a U-Haul. And basically

1 they had beat him and robbed him in this case.

2 The 9-1-1 call, basically, the officers were notified,
3 was 5:09 p.m., shortly after that. Started working the
4 case. They got the lead. Basically, the gentleman, the
5 next day, Mr. Price, called in saying they saw the U-Haul
6 near Spinx where a gentleman went around just like he was
7 going to get in.

8 From that standpoint the sheriff's department did get
9 the Spinx and Britt Automotive and started working on that,
10 actually started making BOLOS about that U-Haul, found that
11 Deputy Shue had actually stopped that U-Haul earlier that
12 morning around 2:00 a.m. on January 6th of 2018.

13 When they approached it it was the same U-Haul from
14 that standpoint. You see the wall -- I don't know if it's
15 the same animal on the side of it that was on the previous
16 ones from there. You get a tag number and everything.
17 That's how they tracked it back to Kensington Place.

18 When Trooper or Officer-Deputy Shue was talking to him
19 the defendant has obviously the two knives on him. One of
20 them is a boned-hand knife on the sheath there. They
21 turned back to him to show that after the interaction with
22 law enforcement.

23 Later on when the U-Haul is -- when they actually
24 stopped the U-Haul he doesn't have that knife on him in the
25 same location. He actually has on different clothing,

1 period.

2 He's actually telling them a different name than he
3 told them the first time. He told them Danny Sutherland.
4 Now he tells them Roy Sutherland.

5 He has knives in the compartment of the U-Haul. None
6 of these knives are the bone-hand knife that was there.
7 Actually, he says one of them that she just bought for him,
8 the one I think that Investigator Lachika [sic] took into
9 position. That's his name. it was not the bone-hand knife
10 form that standpoint.

11 Law enforcement keeps working. They do a consent
12 order where Amy Berridge's grandmother lived at where they
13 were storing stuff. I guess what they were using the
14 U-Haul for.

15 They find a pair of gray tennis shoes. If you look on
16 the video that Trooper or Deputy Shue had, basically, you
17 can see the tennis shoes that he's wearing that night is
18 almost, in my opinion, identical to the tennis shoes they
19 find. Obviously, it's very similar.

20 They gather the shoes. They're taken into evidence.
21 They're sent down to SLED, along with a -- the U-Haul was
22 done, a blood swab that was done on the passenger side
23 along the doorframe where the defendant was on both times
24 with the video.

25 That swab is sent down, plus a swab off the shoes is

1 taken by SLED in this case, and they come back to the
2 victim's blood, the same swab -- there was a swab taken at
3 the scene, which is his blood also.

4 To me, Your Honor, there's ample evidence to send this
5 on to a jury. I'd ask the Court to deny their motion.

6 THE COURT: Ms. White.

7 MS. WHITE: Your Honor, obviously, as I indicated, I
8 do believe there's some circumstantial evidence that's been
9 presented.

10 From what I have heard and what we've seen, Your
11 Honor, the predominant evidence to me supports that Amy
12 Berridge was involved. She rented the U-Haul. They were
13 seen in a U-Haul earlier in the morning. They were seen in
14 the U-Haul three days later.

15 I don't believe that anything more than circumstantial
16 evidence -- not enough for substantive and substantial
17 circumstantial evidence -- sorry -- Your Honor, has been
18 presented that would place my client in the U-Haul or at
19 the scene when Mr. Wood was killed.

20 THE COURT: All right. Well, my view of it is there
21 has been presented substantial circumstantial evidence
22 tending to establish Mr. Sutherland's commission and/or
23 participation in the death of Mr. Wood. And from the
24 manner in which the death did occur it's clear that a jury
25 could find malice aforethought; and therefore your motion

1 for a directed verdict is denied.

2 MS. WHITE: Thank you, Your Honor.

3 THE COURT: All right. Is your client going to
4 testify?

5 MS. WHITE: I do not believe so, Your Honor.

6 THE COURT: All right. Mr. Sutherland, you're charged
7 with a crime.

8 Any time you're charged with a crime and you come to
9 trial on that charge you always have an absolute right to
10 remain silent, which of course means nobody can make you
11 take the witness stand and testify, nobody can require that
12 you ever make any statement or answer any questions that
13 might tend to prove your own guilt.

14 You have a right to remain silent and to require the
15 state to come into court with sufficient evidence to
16 establish your guilt to the satisfaction of this jury
17 beyond a reasonable doubt, and you never have to assist
18 them in their efforts to prove you guilty by you testifying
19 or answering questions that might tend to prove your own
20 guilt.

21 So you don't have to testify during the trial, but if
22 you wish to and you wish to provide this jury with
23 additional information yourself, then now is the only
24 opportunity that you'll have to do so.

25 If you take the witness stand and you do testify

1 you'll have to answer not only your lawyer's questions, but
2 you'll have to answer the questions to the extent that they
3 are relevant posed of you by the prosecutor even if the
4 responses to those questions might tend to prove you guilty
5 of the crime they claim you committed.

6 If you elect not to testify I'm going to instruct the
7 jury, as I already have, that they can't consider that,
8 they can't hold it against you, they can't discuss it, they
9 can't allow it to enter into their determinations or in
10 their determination as to whether or not your guilt has
11 been proven beyond a reasonable doubt.

12 Have you and your lawyers discussed your right to
13 testify and not testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you understand that right?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that you're the person
18 that has to make that decision?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have you and your lawyers discussed the
21 advantages and disadvantages of testifying, as well as not
22 testifying?

23 THE DEFENDANT: We have, sir.

24 THE COURT: And do you appreciate what those
25 advantages and disadvantages are?

1 THE DEFENDANT: I do, sir.

2 THE COURT: And have you had time to reflect upon your
3 decision?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And have you made a decision?

6 THE DEFENDANT: Yes, sir. I have.

7 THE COURT: And what is that decision?

8 THE DEFENDANT: I'm not testifying today.

9 THE COURT: Is that a decision that you made of your
10 own free will and accord?

11 THE DEFENDANT: Of my own free will.

12 THE COURT: And you're satisfied with that decision?

13 THE DEFENDANT: I am.

14 THE COURT: Do you need to discuss it with your
15 lawyers any further?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you have any questions you'd like to
18 ask me about it?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. Do you have other witnesses
21 you want them to call?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Are they here?

24 MS. WHITE: They are, Your Honor.

25 THE COURT: Okay. All right. Anything else we need

1 to address before the jury is brought back?

2 MS. WHITE: If I could just have one minute just to
3 let -- talk with each of the witnesses.

4 THE COURT: Okay.

5 MS. WHITE: Thank you, Your Honor.

6 (Pause.)

7 MR. BARNETTE: Your Honor, may I have a moment to talk
8 to one of -- I talked to one of the witnesses, if I can
9 talk to the other witness real quick.

10 (Pause.)

11 MR. BARNETTE: Thank you, Your Honor.

12 THE COURT: All right. Bring the jury in, please,
13 sir.

14 (The following takes place in the presence of the
15 jury.)

16 THE COURT: Ladies and gentlemen, I apologize for the
17 delay in having you brought back, but it could not be
18 avoided. We had some logistical issues relating to some
19 additional witnesses, and those had to be resolved. But
20 they have been now.

21 So we will continue with the trial of the case.

22 Mr. Barnette.

23 MR. BARNETTE: The state would rest at this point.

24 THE COURT: All right. That is all of the testimony
25 or other evidence to be offered by the state, at least in

Trevor Lee Shue
Direct examination by Ms. White

1 their case in chief. So we'll now proceed with any
2 additional evidence to be offered by the defense.

3 Ms. White.

4 MS. WHITE: Thank you, Your Honor.

5 We would call Deputy Shue to the stand.

6 THE COURT: Mr. Shue, you've previously been placed
7 under oath in this case. So you remain under oath for the
8 purpose of these questions also.

9 TREVOR LEE SHUE, having been
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MS. WHITE

12 Q Thank you, Deputy Shue.

13 If you wouldn't mind just giving your full name again.

14 A It's Trevor Lee Shue.

15 Q Okay. And we heard from you, I know, maybe just
16 yesterday. Seems like it might have been several days ago,
17 but I think it was just yesterday.

18 A Yes, ma'am.

19 Q About an interaction you had with the U-Haul that's
20 been discussed a lot with Mr. Sutherland and Ms. Amy
21 Berridge.

22 Do you recall the date and time of that interaction?

23 A It was January 6th, I believe, at 2:00 o'clock in the
24 morning.

25 Q Okay. So January 6th at 2:00 o'clock in the morning,

Trevor Lee Shue
Direct examination by Ms. White

1 early that morning. You interacted predominantly with
2 Mr. Sutherland, is that right?

3 A Yes, ma'am.

4 Q But as you were talking to him, Ms. Berridge talked
5 with you some, did she not?

6 A Most of my interactions with Ms. Berridge from what I
7 remember is when she was on the driver's seat of the
8 vehicle and I was interacting with Mr. Sutherland on the
9 passenger side.

10 Q And I think we saw part of the video. She talked
11 about how she could see things look suspicious. She was
12 explaining to you about moving and doing some things like
13 that, is that right?

14 A Yes, ma'am.

15 Q Okay. So you did have some conversation with her.
16 She -- using her hands in any way? Was she hands on the
17 steering wheel? Do you recall how she was -- whether she
18 was demonstrative or not?

19 A Honestly, at that point in time my nearest threat was
20 Mr. Sutherland because I was on the passenger side. So I
21 really wasn't paying attention to her, really what -- what
22 her hand gestures were as much as his.

23 Q Okay. You did watch the video yesterday, right?

24 A Yes, ma'am.

25 Q Do you recall from the video?

Trevor Lee Shue
Direct examination by Ms. White

1 A From the hand -- I mean, from what I recall from the
2 video I still would have -- I can't tell you where my eyes
3 were at that point in time -- but I still would think they
4 would have been more dedicated on Mr. Sutherland rather
5 than her.

6 Q Right. But I'm saying from now. Yesterday --

7 A Yes, ma'am.

8 Q -- when you had a chance to review the video, not from
9 your perspective at the time but from reviewing the video
10 yesterday, do you recall seeing her --

11 A Yes, ma'am.

12 Q -- talking and using her hands?

13 A Yes, ma'am.

14 Q Okay. Did you see any kind of injury to her hand?

15 A I can't recall yay or nay. I mean, I truly would
16 have -- I don't believe I would have been able to see that.

17 Q Okay. And I know Mr. Barnette asked you about a -- a
18 black eye.

19 A Uh-huh.

20 Q If she had a black eye.

21 A Yes, ma'am.

22 Q To your understanding was there further discussion
23 with any of the officers that day about her black eye?

24 MR. BARNETTE: Your Honor --

25 A I believe as I was dealing with --

Trevor Lee Shue
Direct examination by Ms. White

1 THE COURT: Wait just a minute.

2 MR. BARNETTE: Your Honor, I -- is she asking what an
3 officer said or what he knows?

4 MS. WHITE: I'm asking what -- if he understands from
5 his understanding was there any further interaction or
6 discussion. I'm not asking for anything specific.

7 THE COURT: Interaction by who, by him?

8 MS. WHITE: No. By any of the other officers with
9 Ms. Berridge.

10 THE COURT: Okay. Well, you can answer if you know.
11 You can't answer what may have occurred, but you can answer
12 whether you know of anything, yes or no.

13 A Yes. There were other officers that spoke with
14 Ms. Berridge on the scene.

15 Q Okay. And you've been involved in police work for how
16 many years?

17 A Four years total.

18 Q When you interact with folks, obviously, you indicated
19 that this was a stop just based on suspicious activity.

20 A Yes, ma'am.

21 Q As you talk with folks in your general practice if
22 there is any kind of indication of -- of injury or a
23 concern that you have of someone being hurt in any manner
24 you -- you would generally follow up on that and if
25 necessary do other steps, whether it's additional

Trevor Lee Shue
Cross-examination by Mr. Barnette

1 investigation, recommend someone go to the hospital if they
2 appeared to be injured. There are other things that you
3 would do if y'all had concern.

4 A Yes, ma'am.

5 Q Okay. And did anything like that happen this night?

6 A No, ma'am.

7 Q Okay.

8 MS. WHITE: That's all I have at this time, Your
9 Honor.

10 MR. BARNETTE: Your Honor, just one or two questions
11 on followup.

12 CROSS-EXAMINATION

13 BY MR. BARNETTE

14 Q I know the jury has seen the video and I'm not going
15 to play the video again and go through all of that. I know
16 they've seen it twice already. But who had the knives on
17 them?

18 A Mr. Sutherland.

19 Q And Ms. Berridge had two blacks eyes, is that right,
20 or had black eyes?

21 A Yes, yes, sir.

22 Q And you could see that coming across. But you wasn't
23 focused on her hands or anything at that time.

24 A No, sir.

25 Q And, obviously, you're -- the threat you felt beside

Allyson Marie Viscuso
Direct examination by Ms. White

1 it had --

2 A That had all of the knives on him, sir.

3 Q Yes, sir. And he actually had more than one knife on
4 him, didn't he?

5 A Yes, sir.

6 Q Thank you.

7 MR. BARNETTE: That's all the questions I have.

8 MS. WHITE: Nothing further, Your Honor.

9 THE COURT: You may step down.

10 MS. WHITE: And, Your Honor, at this time we would
11 call Deputy Allison Viscuso.

12 ALLYSON MARIE VISCUSO, having
13 been first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MS. WHITE

15 Q Deputy Viscuso, I might be butchering that, but can
16 you please say your name and perhaps spell your last name
17 for us?

18 A Allyson Marie Viscuso. Last name is V as in Victor;
19 I-S-C-U-S-O.

20 Q Okay. And what do you do right now for work?

21 A I kind of work all around the jail. Mainly I work in
22 booking most of the time.

23 Q How long have you been employed at the detention
24 center?

25 A About two and a half years.

Allyson Marie Viscuso
Direct examination by Ms. White

1 Q Okay. And throughout that time, your experience in
2 booking, what are some of the duties that you do when you
3 are working in the booking area?

4 A Started out I was just booking people in when they
5 come in, searching them. And then after that it went to
6 taking pictures, fingerprints, running their backgrounds.

7 Q So it can kind of run the gamut of just filling in
8 paperwork to getting physically involved with the folks.

9 A Yes.

10 Q Okay. And do you recall taking photos on
11 January 9th of 2018 of Amy Berridge?

12 A Yes.

13 Q Okay. I'm going to...

14 MS. WHITE: May I approach, Your Honor?

15 THE COURT: You may.

16 Q I'm going to show you what's been marked for
17 identification as Defense Exhibit 5. Does that look like
18 the photo, one of the photos, you took of Ms. Berridge?

19 A Yes, ma'am.

20 Q Okay.

21 MS. WHITE: Your Honor, at this time we would move to
22 introduce this into evidence.

23 MR. BARNETTE: No objection.

24 MS. WHITE: May I publish it to the jury?

25 THE COURT: You may. What number is it?

Allyson Marie Viscuso
Direct examination by Ms. White

1 MS. WHITE: It's Defense Exhibit 5, Your Honor.

2 THE COURT: Thank you.

3 (Photograph marked Defendant's Exhibit No. 5.)

4 Q And can you tell the jury as they're looking at this,
5 when you took this picture, and from your picture, does
6 that appear to be an injury to her finger?

7 A Yes, ma'am. Looks like a cut.

8 Q And can you tell what hand that is from how the
9 picture is taken?

10 A Her left hand, I think it was.

11 Q Okay. And was this a -- this was on January 9th, is
12 that correct?

13 A Yes.

14 Q And was that a fresh cut? Was it open and bleeding or
15 was it partially healed?

16 A It wasn't open and bleeding. I think it was maybe --
17 it was maybe a day old possibly.

18 Q And you don't know -- I was going to say you don't
19 know --

20 MR. BARNETTE: Objection, Your Honor. She asked the
21 question.

22 THE COURT: You can answer it.

23 A I mean, it wasn't -- it wasn't like open and bleeding
24 everywhere. We didn't have to put a band-aid on it.

25 Q Right. And so this was partially healed. You don't

Allyson Marie Viscuso
Cross-examination by Mr. Barnette

1 know how long it had been --

2 A No.

3 Q -- on her finger.

4 A Like, we didn't have to call a nurse for it or
5 anything.

6 Q Right.

7 A So I don't know.

8 Q And from your interpretation -- or excuse me -- not
9 from your interpretation but from your knowledge other than
10 knowing this is a partially-healed cut, you don't know how
11 long it had been on her finger, do you?

12 A No.

13 Q But you do know it wasn't open and bleeding.

14 A Correct.

15 Q Okay.

16 MS. WHITE: Beg the Court's indulgence.

17 (Pause.)

18 MS. WHITE: Your Honor, that's all we have for Deputy
19 Viscuso. Thank you.

20 MR. BARNETTE: One moment, Your Honor, please.

21 (Pause.)

22 CROSS-EXAMINATION

23 BY MR. BARNETTE

24 Q We can see on this, because the face is not there.
25 But did she have black eyes?

Allyson Marie Viscuso
Cross-examination by Mr. Barnette

1 A Yes.

2 Q So she had the black eyes when you saw her on
3 January 9th?

4 A Yes.

5 Q And did you also book in the defendant in this case --
6 Roy Sutherland?

7 A Yes, sir.

8 Q And did you also take pictures of him?

9 A Yes, sir.

10 Q Did you take pictures of his hands that day?

11 A Yes.

12 Q Let me show you what's been marked State's Exhibit
13 No. 99. Is that a picture of his hands from that time when
14 he was booked in?

15 A Yes.

16 MR. BARNETTE: Your Honor, I'd like to enter State's
17 Exhibit 99 into evidence.

18 MS. WHITE: Your Honor, may we approach?

19 THE COURT: Yes, ma'am.

20 (Bench conference held off the record in the presence
21 of the jury but out of the hearing of the jury.)

22 THE COURT: It's admitted.

23 MR. BARNETTE: Thank you, Your Honor.

24 (Photograph marked State's Exhibit No. 99.)

25 Q On Mr. Sutherland's right hand, does there appear to

Allyson Marie Viscuso
Redirect examination by Ms. White

1 be an injury on that hand?

2 A Yes.

3 Q And that's what you saw that day.

4 A Yes.

5 MR. BARNETTE: Your Honor, permission to publish
6 State's Exhibit 99 into evidence at this time.

7 THE COURT: You may.

8 MR. BARNETTE: Thank you.

9 Q So that was his hands, is that right, that you saw on
10 that day?

11 A Yes.

12 Q And that was his right hand as it appeared to you that
13 day when he was booked in, is that right?

14 A Yes.

15 Q Thank you. Please answer any questions.

16 MS. WHITE: Leave that up there, Barry, if you don't
17 mind.

18 REDIRECT EXAMINATION

19 BY MS. WHITE

20 Q Deputy Viscuso, looking at this picture, you're not an
21 expert in -- you don't test fingers for blood or
22 substances, do you?

23 A No.

24 Q Could that be red paint on his hand?

25 A Possibly.

Allyson Marie Viscuso
Recross-examination by Mr. Barnette

1 Q Okay. To your recollection there was no injury to his
2 hand that required medical treatment.

3 A I -- I don't remember.

4 Q I'm sorry?

5 A I don't remember.

6 Q Okay. So you don't recall medical treatment having to
7 be performed.

8 A On him, no, I don't.

9 Q Okay. All right. Thank you. That's all.

10 MS. WHITE: That's all I have, Your Honor.

11 MR. BARNETTE: Just one.

12 RECROSS-EXAMINATION

13 BY MR. BARNETTE

14 Q But that's what it appeared to you the day it
15 happened, right?

16 A Uh-huh.

17 Q Did that appear to be red paint or does that appear to
18 be injury to his hand?

19 A I don't remember red paint but --

20 Q Right. You would have known no red paint, wouldn't
21 you?

22 A Yeah. I don't remember red paint, but I don't
23 remember if it was an injury or not, but I don't remember
24 red paint.

25 Q But that's the way it appeared to you when you took

Allyson Marie Viscuso
Redirect examination by Ms. White

1 that picture.

2 A Yes, yes.

3 Q Thank you.

4 MS. WHITE: Just briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. WHITE

7 Q Again, the picture that was taken that day, was it the
8 same day as Amy Berridge's picture, which was January 9th?

9 A Yes.

10 Q Okay. Thank you.

11 THE COURT: You may step down.

12 MS. WHITE: One moment, please, Your Honor.

13 (Pause.)

14 MS. WHITE: Your Honor, the defense has no other
15 witnesses.

16 THE COURT: Does the state have any reply?

17 MR. BARNETTE: No, sir.

18 THE COURT: All right. Ladies and gentlemen, that is
19 all of the testimony or other evidence to be offered in the
20 trial of this case.

21 What remains to be done are the lawyers' final
22 summations, after which I'll provide you an instruction on
23 the law, and then you'll begin with your deliberations.
24 And that's likely to take longer than what we have left for
25 the afternoon, so we're going to recess now.

1 We will resume in the morning with the final
2 summations, my instruction as to the law and then the
3 beginning of your deliberations.

4 So in the meantime keep in mind the caution already
5 previously given. You're to have no discussions about the
6 case; you're to conduct no research; you're not to do any
7 sort of investigation; you are not to allow yourselves to
8 be exposed to any type of media coverage that might relate
9 to the trial.

10 Do have a good evening, and please report to your jury
11 room in the morning at 9:30, 9:30 in the morning. Have a
12 good afternoon.

13 (The following takes place outside the presence of the
14 jury.)

15 THE COURT: Ms. White, do you want to renew your
16 motions?

17 MS. WHITE: Yes, Your Honor.

18 The state [sic] would renew our motions, objections
19 that we've made to certain evidence and testimony coming in
20 but also renewing our directed-verdict motion at this time.

21 THE COURT: All right. Those motions are again
22 denied.

23 Do y'all have jury-instruction requests?

24 MR. BARNETTE: Your Honor, I know your normal
25 instructions. I'm assuming it's going to be murder or not

1 guilty based off the evidence from here. And I'd ask for a
2 hand-of-one-hand-of-all charge, accomplice liability
3 charge.

4 MS. WHITE: Your Honor, I don't have anything
5 additional specific right now, but if I can have some time
6 to confer with counsel we'll email a copy to Mr. Barnette
7 as well.

8 THE COURT: Okay. Good enough.

9 MR. BARNETTE: Your Honor, there is one other thing.
10 Your Honor, I did ask for a mistrial originally in the
11 opening, and I'd ask for a curative charge concerning that.

12 THE COURT: All right. I'm going to deny the motion
13 for a mistrial, but I will provide the jury with the
14 instruction as to the fact that they are not to consider
15 the disposition of any other codefendant's case in their
16 deliberations and/or determination as to the guilt of
17 Mr. Sutherland. And so I'll prepare that instruction and,
18 in fact, I have prepared an instruction. It's not the one
19 that you have been informed about, but it's similar. But,
20 in any event, I have it and I'll provide it to you and to
21 allow you an opportunity to comment on it. Okay.

22 MR. BARNETTE: Thank you, Your Honor.

23 MS. WHITE: Thank you, Your Honor.

24 THE COURT: Would you prefer I just email it to you?

25 MS. WHITE: Email is fine, yes, Your Honor.

1 THE COURT: okay.

2 MR. BARNETTE: Yes, sir.

3 (Pause.)

4 THE COURT: All right. Court is in recess until
5 9:30 in the morning.

6 END OF PROCEEDINGS NOVEMBER 28, 2018

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1 (Proceedings November 29, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Do we have any matters to address prior to
5 the jury coming in?

6 MR. BARNETTE: None from the state, Your Honor.

7 MS. WHITE: Are we going to discuss any jury charges,
8 Your Honor?

9 THE COURT: We can.

10 MS. WHITE: Your Honor, we -- I know that the state
11 intended to ask for a jury charge on hand of one, hand of
12 all. We would object to that.

13 Your Honor, I think in -- in my review of the case
14 law, Your Honor, under accomplice-liability theory it
15 states a person must either personally commit the crime or
16 be present at the scene and intentionally or through a
17 common design aid, abet or assist in the commission of the
18 crime through some overt act. That's reported in State vs.
19 Condrey.

20 Your Honor, in this situation I think that the
21 evidence that the state has presented has rested solely on
22 their accusation that one person killed Mr. Wood and that
23 was Danny or Roy Gene Sutherland.

24 I don't believe that any evidence has been presented
25 that would support an accomplice-liability theory or a hand

1 of one, hand of all, that there was anything that would
2 indicate that there was prior knowledge by my client that a
3 crime was going to be committed or any assistance that he
4 had involving that at the time and knowledge ahead of time
5 of that.

6 I don't think that there's been anything presented by
7 the state that would support that; and therefore we would
8 ask that you deny their request for a hand of one, hand of
9 all and charge them entirely on that he must either be
10 found guilty as a principal of murder or not at all.

11 THE COURT: Mr. Barnette.

12 MR. BARNETTE: Your Honor, I'm going argue to the jury
13 two people did this.

14 Basically, Dr. Wren said two different weapons was
15 used at the time. We've got evidence that they were
16 together all the time.

17 They were together when they got the U-Haul, at Amy
18 Berridge's mom. We've got them together, you know,
19 prior -- 15 hours prior to that morning, the day of the
20 murder, got them together. We've got them together at the
21 U-Haul, together. They're together all the time from this
22 standpoint. Every time you -- they -- anybody has any
23 contact with them, they're together.

24 Basically, the next-door neighbor, Mr. Lanford, they
25 said a man and a woman picked him up in a U-Haul and they

1 did this to him from there.

2 I mean, there's -- the evidence is two people did
3 this, and that's what I'm going to argue from there. And,
4 obviously, accomplice liability applies to that in my
5 opinion. If you go through all the evidence in this case,
6 from there there's no question. It indicates two people
7 was involved. And there has been no evidence contrary to
8 that. So therefore I think it's definitely an appropriate
9 charge to be charged in this case.

10 MS. WHITE: I just have a brief reply, Your Honor.

11 In regards to the evidence, I know Mr. Barnette
12 mentioned that they're always together. They certainly
13 have proven they were together 15 hours before and three
14 days later.

15 There's no evidence that's been presented whatsoever
16 that they were together committing an act at the time that
17 they're alleging that Mr. Wood was killed.

18 Furthermore, Your Honor, the fact that he's going to
19 argue that, I know that the jury's also going to be
20 instructed to not consider what may or may have been said
21 by Ms. Berridge or may or may not have been a result of her
22 case and that this is just to be in consideration of Roy
23 Gene Sutherland's case solely.

24 Your Honor, I would ask that based on that, I think
25 that it's only appropriate that they be charged solely that

1 he's either guilty of murder or not at all.

2 MR. BARNETTE: I don't think I disagree with that. I
3 think murder or not guilty --

4 THE COURT: Yeah. They are going to be charged that
5 he's guilty of murder or not guilty.

6 MS. WHITE: He is guilty of murder as a principal or
7 not at all, Your Honor. I should have clarified that.

8 THE COURT: Well, as you know, the jury has been
9 informed that another person who is charged in this case
10 has entered a plea of guilty to voluntary manslaughter, and
11 so the jury has been informed that there is -- there are
12 codefendants in this case and that they were acting
13 together.

14 The evidence in the case, although it be
15 circumstantial there's plenty -- there is substantial
16 circumstantial evidence to establish that Ms. Berridge and
17 Mr. Sutherland were acting together when this crime was
18 committed; and so therefore I find that clearly based upon
19 what this jury has been presented there's sufficient
20 evidence to establish that Mr. Sutherland either was the
21 actual principal perpetrator with Ms. Berridge being an
22 accomplice or she was the principal perpetrator and
23 Mr. Sutherland was acting as an accomplice.

24 So either way, under either theory, he could be found
25 guilty of murder. But there's certainly the same evidence,

1 that would establish him as the principal perpetrator also
2 establishes that he could have been an accomplice.

3 MR. BARNETTE: And, Your Honor, just to follow up too,
4 I mean, we've got evidence that the U-Haul goes by Britt
5 Automotive right at 5:00 o'clock.

6 We have a -- law enforcement was notified at 5:09 p.m.
7 Obviously, it takes time for them to get to the residence
8 of the victim where the victim was stabbed and beaten and
9 attacked getting to his neighbor, and his neighbor telling
10 his wife to call 9-1-1 at that point. So it's a very short
11 timeframe, obviously, and all of this happened in a short
12 timeframe, two different ways.

13 THE COURT: Yes. And of course Mr. Wood did mention
14 that there were two -- or at least he referred to they --
15 and the evidence establishes in this case or it's
16 reasonably inferred that they is Ms. Berridge and
17 Mr. Sutherland.

18 So, in any event, I find it appropriate to submit the
19 case to the jury, him being a principal and/or an
20 accomplice, and therefore a charge on accomplice liability
21 is appropriate.

22 All right. Anything else?

23 MS. WHITE: Nothing from the defense, Your Honor.

24 THE COURT: All right. Bring this jury in, please.

25 (The following takes place in the presence of the

Closing arguments

1 jury.)

2 THE COURT: Good morning, ladies and gentlemen.

3 As you know, what remains to be done now are the
4 lawyers' final summations, after which I'll instruct you on
5 the law that's applicable in the case. Then you'll be
6 asked to begin with your deliberations.

7 So please give the lawyers your attention now as they
8 give you their final summations.

9 The way that's accomplished is the state of course has
10 the burden of proof, so they'll go forward first in their
11 final summation followed by the defense counsel, and then
12 the state is permitted to make a brief reply to matters
13 raised by the defense in their final summation.

14 Mr. Barnette.

15 MR. BARNETTE: May it please the Court, Your Honor.

16 Mr. Foreman, ladies and gentlemen of the jury, this
17 case has unbelievable malice, and the judge will talk to
18 you about malice. Malice is an evil thought, a heart bent
19 and done on recklessness, a wrongdoing. It can happen in a
20 split second from that standpoint.

21 You heard Dr. Wren talk about the wounds that Mr. Wood
22 received from two different weapons. Not one but two.
23 You'll have the pictures back there where he was stabbed
24 once in the back. You remember the upward slide, right up
25 in the kidney area. The artery was severed. And the one

Closing arguments

1 on the right side that went into his heart, the ones on the
2 top of his head. You'll have all of this evidence. You
3 look at it.

4 Malice is not a question in this case from that
5 standpoint. It was done with that. And I'll show you some
6 other things to consider and look at.

7 You'll have the pictures. I'm going to show you some
8 of the videos later here. I'm going to go through the case
9 basically with you first and show you what I'm trying to
10 point out from that standpoint.

11 But we know that the defendant was with his
12 codefendant, Amy Berridge, in a U-Haul van. They were with
13 her mom when they rented it on January 4th.

14 You saw them the morning of this murder together, and
15 at that time you saw the knives that this defendant had on
16 him. You'll have the pictures and you'll see the knives
17 which is basically -- I call it a bone-handle handler type
18 knife. You'll see that it's obviously a very distinctive
19 knife that was taken off him. He had it right here the
20 morning of the murder from that standpoint.

21 You'll see that he has the gray shoes on, and we've
22 got pictures of that, the gray tennis shoes that he was
23 wearing that morning. You go from there, basically there.
24 The officers got the information they needed to try to
25 track them down, about the U-Haul and things like that.

Closing arguments

1 But then go back. Go to 5:00 o'clock or a little bit
2 before 5:00 o'clock. We know they drove the U-Haul van at
3 4:53 past Britt Automotive, which was right beside the
4 Spinx. You saw Lanham Wood walking to go to -- with his
5 can to go get kerosene. You saw him go into the Spinx at
6 4:49. You see him go back out and get the kerosene. He's
7 getting the kerosene at 4:57. He leaves.

8 The one thing I want you to watch -- I'm going to show
9 you this on the video shortly. The U-Haul comes this
10 direction, comes up above it and comes back after he drives
11 through and goes right to where Mr. Wood is where Mr. Price
12 saw them pick him up over at the Li'L Cricket right beside
13 the Spinx. It's like they were looking for somebody and
14 they found the person that they were looking for, an
15 elderly gentleman that had went to get kerosene that day.

16 They go by Britt Automotive at 5:00 o'clock that
17 evening. And we know -- how we know that, it's on the
18 video. You'll see the time. It takes a while because you
19 go down. There's a stoplight there if you're familiar with
20 that intersection at the McDonald's, the Wal-Mart. There's
21 a Walgreens. There was a Rite-Aid there -- the Bi-Lo.

22 It's going to take a little bit of time to get to his
23 residence, which is beyond the K.F.C. there. He's on the
24 way. And you've got the map to show that. So it's going
25 to take a little bit of time to do that.

Closing arguments

1 Then they get out at the house and then they attack
2 him. And he wasn't ready for this. If you look,
3 especially, why is his wallet out? That's a question that
4 when I was looking at this case, I said here's a man and
5 his wallet's out just like that. He's got his license, his
6 social security, everything. And it's out like that.

7 And he got stabbed in the back. He probably never saw
8 it coming. I don't know why -- why they took his wallet,
9 why they had it out. I don't know. But I do know this.
10 He gets attacked by two different people with two different
11 weapons.

12 And you see the gate where he runs out. And you've
13 got the picture where his glasses -- or the glasses are
14 found. I'm alleging that these are his glasses. There's
15 not evidence to show that, but glasses there with his
16 blood, I mean, the blood right beside on the block shows
17 him going through to his neighbor to ask for help. He goes
18 to his neighbor, Mr. Lanford. You saw his testimony.

19 Here's a man that's been living there for 30-something
20 years with this family as his neighbors. You saw the
21 emotion that he had that he -- basically, never thought he
22 would base on. He's a man that works every day as a
23 mechanic. He goes. He gets -- he sees the blood and he
24 sees his neighborhood kinda going back down the sidewalk.
25 He goes to him, and he is just bleeding. He told you what

Closing arguments

1 he saw and he told you what he said to him. He says man
2 and a woman picked him up in a U-Haul. They did this to
3 me -- they did this to me.

4 And of course he tells his wife to call 9-1-1. We
5 know law enforcement was notified at 5:09 p.m. that day.
6 This happened so quickly. This happened. They planned it.
7 They knew that they were going to do this to Mr. Wood. He
8 didn't know it. They worked together to do this.

9 The sheriff's department. They contacted the news.
10 Police contacted, and Mr. Price came forward, and that's
11 what started giving them the leads that they needed to
12 solve this case.

13 He told them about the U-Haul beside the Spinx. They
14 went to the Spinx like they should have. Went to Britt
15 Automotive. Brought the videos that you saw. I'm going to
16 show you two of them again today.

17 Working off that they started talking to other
18 sheriff's deputies, have you seen a U-Haul with this red
19 panda on the side. That's when they find out about the
20 morning that was involving Deputy Shue where Deputy Shue
21 saw him in that U-Haul with Amy Berridge that day with his
22 knives, bone-handle knife, on the side, and the shoes that
23 he was wearing that night.

24 They kept working the case. They found them on
25 January 9th, found them at McDonald's up on New Cut Road.

Closing arguments

1 Went up there. Deputy Branson, professional, goes through
2 and said, you know, we're just detaining you and we're just
3 making sure. And he is patting him down. He said, you
4 know, you notice the first time he says he's Danny
5 Sutherland and the second time he said he was Roy
6 Sutherland, which I thought was interesting.

7 Then, you know, he doesn't have any knives on him. He
8 just has a box cutter on him, and he said what are you
9 checking me for. He said, well, I'm checking you for --
10 got the big knife right there, right there.

11 And what does he say? He says she just bought that
12 for me today. That's a pretty big knife. You'll have it
13 back there. That was the knife they got out of the U-Haul
14 that replaced the knife that he had the morning of, because
15 they processed. They looked at him. They processed the
16 U-Haul. They don't find a bone-handle knife. And you
17 heard Dr. Wren say it could be consistent with the wounds,
18 the stab wounds that Mr. Wood received.

19 You'll have these back too. He has all kinds of other
20 knives on him, or in that cab. I don't know if it was in
21 the cab that they collected. Remember these. Here is the
22 knife that was in the floor; here was the knife that was in
23 the center console.

24 Deputy Sergeant Lawson does the processing of the
25 U-Haul, and you'll have that too where he collected the

Closing arguments

1 items that we're talking about, the two knives and things
2 like that.

3 He says he also notices blood on the U-Haul on the
4 passenger side on the doorframe or the rubber part of the
5 doorframe that seals the door when it shuts.

6 And you'll get to look at this. We've got several
7 pictures of this. This is the one was marked and put out.
8 That's collected, and that is a big one. So question about
9 it. You heard the D.N.A. lady from SLED testify. That is
10 the victim's blood, and it's a match. And you'll have that
11 report back there with you.

12 There's also other blood that was found on there, plus
13 a fingerprint that was also found. And that fingerprint
14 comes back to the defendant. All on the passenger side of
15 the car.

16 And the videos that you saw when he was in there,
17 which side of the U-Haul was he in? He was on the
18 passenger side, and you can see that.

19 They keep working the case, and you remember they're
20 moving stuff. So they go to [REDACTED] Road where Amy
21 Berridge's grandmother was. They find that there's items
22 back in the trailer behind it, abandoned type trailer used
23 basically for storage. They go in the trailer and start
24 looking. And you'll see the tennis shoes that they find
25 appears to have a brown-like substance, appears like it is

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1 blood.

2 These tennis shoes look like exactly the same tennis
3 shoes that he was wearing the morning of the murder. These
4 tennis shoes were collected by the sheriff's department.
5 They're sent to SLED for testing.

6 You heard from one lady. She swabbed the shoes. Both
7 shoes tested positive. She said one was swabbed in. The
8 swab comes back, no question, to the victim in this case,
9 Lanny Wood. The same with the block of wood at the
10 entrance of the building, same as the blood that was in the
11 U-Haul on the passenger-side doorframe, same as what's on
12 the tennis shoes.

13 You'll have the actual tennis shoes back there with
14 you, and you can look and compare them to the pictures.
15 And look at the video if you need to from that standpoint
16 and see that it matches the same shoes he was wearing that
17 night or that morning.

18 One thing I'd like to talk to you before I start
19 showing you the other exhibits and everything. The judge
20 is going to charge you on the law what we call in South
21 Carolina the hand of one is the hand of all.

22 What that means is if you have two or more people
23 involved and they commit the crime together or they help
24 each other in overt acts, they're basically helping each
25 other doing it, they're guilty of the principal offense,

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1 which is murder in this case.

2 And he'll charge you more specifically beyond that
3 that the hand of one is the hand of all, basically. He'll
4 tell you about it and he'll explain to you about accomplice
5 liability. And, basically, it's somebody that either does
6 it or helps somebody. They're just as guilty either way.
7 And he'll explain that to you.

8 And also he'll be talking about reasonable doubt. And
9 this is probably the charge Judge Cole will give you here
10 shortly about reasonable doubt. Please listen to him on
11 the law. And, like I said, he'll give, explain this to
12 you.

13 But he'll read to you proof beyond a reasonable doubt
14 is proof that leaves you firmly convinced of the
15 defendant's guilt. There are -- are very few things in
16 this world that we know with absolute certainty. In
17 criminal cases the law does not require proof that
18 overcomes every possible doubt. If based, off the
19 consideration of the evidence in this case, you are firmly
20 convinced that the defendant is guilty of some crime that
21 the state claims he's committed you must find the defendant
22 guilty. And if, on the other hand, you think there's a
23 real possibility that the defendant is not guilty of that
24 particular crime for which he's been charged, then you must
25 give him the benefit of that doubt and return a verdict of

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1 not guilty as to that charge.

2 And, ladies and gentlemen, I submit to you that the
3 evidence in this case should leave you firmly convinced of
4 this defendant's guilt.

5 I'd like to show you a couple of other things very
6 quickly. What I'd like to show you here -- trying to get
7 this laser pointer too -- right here is Mr. Wood. He has
8 already went inside. He's already got it, paid for it, and
9 he's getting his kerosene.

10 He starts walking this direction. After he starts
11 walking this direction and goes off, I want you to watch
12 this direction as the U-Haul comes here and comes back in
13 that screen. And you'll see him up here. He's walking
14 back and going towards the Li'L Cricket there.

15 After he goes off the screen you can see he's walking
16 across there in this direction. See the U-Haul. Turns in.
17 You can see it coming back through right in this direction.
18 There you can see as Mr. Wood's walking this way. They see
19 him and come back around and let him in.

20 And we know Britt Automotive, and you'll have these
21 pictures back with you. And I apologize. That sun looks
22 like it's the sun during the day. And that's just the way
23 it looks from there. But you see. This is the U-Haul with
24 the red panda on the side. It's at 4:56 p.m.

25 We have him coming in -- Mr. Wood. He's wearing a

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1 black toboggan I entered in yesterday that has an
2 unbelievable amount of blood. We're going to put it in a
3 plastic bag to help protect you in case you want to look at
4 that. But he's walking in with what he's wearing, the
5 clothing.

6 And you saw him go back out to kerosene heater or
7 kerosene tank to fill up his -- here's the U-Haul as it
8 came back around, what we were talking about earlier. They
9 started here and came here and came back through and came
10 out. You see the red panda on the side.

11 You will see, and the thing too if you watch the
12 video. Mr. Wood before the U-Haul went through had walked
13 up this way. You never see him come back. You heard
14 Investigator Guest testify about that. And there's the
15 U-Haul again. It's 5:00 o'clock. And remember law
16 enforcement is contacted at 5:09. Show you how quickly
17 this can happen.

18 Show you State's Exhibit 2. And this is where.
19 You'll have this back there. There's the Spinx where it
20 started. You've got the Li'L Cricket in this area. And
21 Mr. Price said he was at that stop light there and he saw
22 Mr. Wood basically get into the U-Haul.

23 They've still got to drive here. There's a stoplight
24 here. And they come down here and then come to his house.
25 That's going to take a minute or two there. See how fast

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1 his timeline is from that standpoint.

2 You'll also have these videos back with you you can
3 review.

4 I'm going to show you Deputy Shue's video. And
5 they're fairly quickly as y'all know. Just point out a
6 couple of things.

7 (Pause.)

8 (Whereupon, the video was played for the jury.)

9 MR. BARNETTE: And you see the handle of the knife.
10 It's on his side. He has it with him in the sheath. And I
11 want you too also look, and you can see a glimpse of it --
12 his shoes down there. Like I said, you can see it on the
13 video.

14 (Whereupon, the video was played for the jury.)

15 MR. BARNETTE: I could try to stop them, but you can
16 see the shoes that he's wearing. It's the exact same shoes
17 that was found later in the mobile home.

18 I could play you Officer Cole's video -- Deputy
19 Cole's -- but I think you saw where the knives were placed
20 back into the truck in the doorway. So I don't think
21 there's any need to show that because I know you've seen
22 that before.

23 But I'd like to show you Deputy Branson's video.

24 (Pause.)

25 (Whereupon, the video was played for the jury.)

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1 MR. BARNETTE: I want to play it back a little bit. I
2 want you to watch what he's watching. You'd think he'd be
3 talking to the police officer. Look who he is looking at.

4 (Whereupon, the video was played for the jury.)

5 MR. BARNETTE: You notice he's using Roy instead of
6 the other name he used the other night. Plus, he's
7 watching her. Why is he watching, afraid she's going to
8 say something to him or whatever at that point? It's just
9 interesting he's not talking to the officers at that time.

10 (Whereupon, the video was played for the jury.)

11 MR. BARNETTE: "She just bought it for me tonight."
12 And, like I say, you'll have the knife. It's the same type
13 sheath, the type that you hang off belt to replace the one
14 he had three -- three mornings -- I mean, three days ago.

15 (Whereupon, the video was played for the jury.)

16 MR. BARNETTE: And you notice which side he was always
17 on, the passenger side. And, like I said, I know you'll
18 have this back with you.

19 But you'll have the D.N.A. report and be able to
20 review it. The swab of wood from the building itself came
21 back to match Lanny Wood in a huge number.

22 The swabs from that passenger-side-door trim that was
23 collected by Sergeant Lawson is a match to Mr. Wood, and
24 the swab in the arch of the left shoe of the air Jordans
25 that were found at [REDACTED] Road in a trailer that

Closing arguments

1 they were loading stuff out was found there, and it was a
2 match to Lanny Wood.

3 Ladies and gentlemen, I submit to you every piece of
4 evidence points to one conclusion in this case. It points
5 to this man and Amy Berridge killing Lanny Wood. And it
6 was done with malice aforethought.

7 It was so severe -- I can show you the pictures. I'm
8 not going to go through those with you.

9 And the thing that really -- like I said, you'll have
10 them. I'm not going to put them up there right now. But
11 you've seen them.

12 The thing I always wonder about is why his wallet is
13 hanging out. You'll have that with you too. And,
14 basically, a person's wallet is their life. And you'll
15 have that back there with you. But the driver's license,
16 you'll see his age. Born in [REDACTED]. He's got
17 his social security card in there. His life.

18 It's laying on the floor away from him. Why is it
19 laying on the floor? I submit to you because these people
20 knew exactly what they were going to do. They were going
21 to attack and beat him and take something from him and then
22 kill him.

23 But, ladies and gentlemen, I'll get a brief time to
24 talk, like the judge, said after the defense. I may have a
25 few other things to say. But, ladies and gentlemen, this

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1 leaves you firmly convinced. His family and me both are
2 asking you to return a verdict of guilty against
3 Mr. Sutherland. Thank you very much for your time.

4 Your Honor, do you want me to move, remove, these
5 items?

6 THE COURT: Just for the -- are you going to need the
7 projector?

8 MS. WHITE: No, sir. I'm just going to use that.

9 THE COURT: You can just use that. You're going to
10 need it later. Just push it towards the end of the jury
11 box.

12 MR. BARNETTE: Okay.

13 MS. WHITE: May it please the Court.

14 THE COURT: Yes, ma'am, Ms. White.

15 MS. WHITE: Thank you.

16 324 days is how long Danny Sutherland, my client, Paul
17 Neely's client, has been waiting to give you the
18 opportunity to have 12 people listen to the evidence that
19 the state alleges proves that he did something. 324 days
20 he's been waiting for you to find out the same thing that
21 we know, that his family knows and this he knows.

22 He did not kill Lanham Wood. The state has the
23 burden, and we've told you that. They are the ones that
24 have brought this charge. They're the ones that have
25 accused Danny of killing Mr. Wood. And because of that

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1 they have the burden of proof of demonstrating to you
2 beyond a reasonable doubt that he did this.

3 In the beginning I talked with you a little bit about
4 connecting the dots and how this was going to be an issue
5 where there were going to be some gaps, going to be some
6 places that aren't fully explained. There are going to be
7 some places that you might have questions in your mind.

8 In this case we don't have to explain those. We don't
9 have to give you answers to the questions that Mr. Barnette
10 and the state have left in your mind. That's their
11 responsibility. And those questions, those gaps in this
12 picture, are what I believe are the reasonable doubt that
13 you should have that this was committed by Danny.

14 I was thinking a little bit about drawing pictures and
15 how this all comes up and thought. I don't know how many
16 of y'all remember, maybe 10 or 15 years ago it became real
17 popular to have these pictures that are, I guess I'd say,
18 abstract where you look at them and they look like a bunch
19 of just designs drawn. But yet supposedly if you focused
20 in and you really stared in the middle and you kind of
21 crossed your eyes, your focus went back and forth, you were
22 going to see a picture kind of pop out. And you might look
23 at it, and somebody would say, oh, that's going to be
24 sharp. You know, or if you keep looking at it you're going
25 to see a bear.

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1 I don't know about y'all, but I had trouble seeing
2 those. Maybe I wasn't skilled, maybe I didn't know how to
3 do it. But somebody could say to me that's a shark, and I
4 could maybe almost imagine it. I could kind of squint my
5 eyes. I could kind of turn my head a little bit and I
6 could pretend almost that I saw a shark. But I really
7 didn't see it.

8 And that's the case that we've got right here. You're
9 going to have to use your imagination to make the leaps
10 that Mr. Barnette wants you to make.

11 Let's talk about what they have proven about Danny.
12 He was in a U-Haul at 2:00 a.m. on January 6th. He had a
13 knife on him. He was riding in the passenger side with Amy
14 Berridge. They got stopped. They got released. That was
15 15 hours before Mr. Wood was killed.

16 Next time we know where Danny was was almost 80 hours
17 later, three days later. He's riding in a U-Haul sitting
18 in the passenger side smoking a cigarette going through
19 McDonald's.

20 Now, what Mr. Barnette wants you to believe and what
21 he told you was that they were always together, they were
22 riding in that U-Haul. Eighty something hours, three days.
23 They weren't riding in that U-Haul together the whole time.
24 He didn't sit his rear in that passenger seat the whole
25 time. They didn't -- she didn't drive. They didn't just

Closing arguments

1 cruise around town. Probably stopped somewhere and went to
2 sleep, probably got out and switched who drove.

3 She said they're moving stuff. That means they went
4 to one house. They went to another house. Maybe they
5 stopped and got something to eat. Maybe they went to see
6 his mama. Maybe they went to see a movie. We don't know
7 that because we don't know where Amy and where Danny were
8 at any time before in between 2:00 a.m. and the 6:00 a.m.
9 on the 9th.

10 They've got pictures and they've got a video of the
11 U-Haul driving, nobody that can say who was driving it,
12 nobody that can say who was in the passenger side.

13 I asked Mr. Price. He said, yeah, I saw Mr. Wood
14 going over to the passenger side. He walked over there.
15 Did you see him get in? No. Did you see who was driving?
16 No. Did you see who was in the passenger side? No.

17 Asked the officers. You saw the video. Could you
18 tell who was driving? Could you even see in there if it
19 was a man or a woman? No. Could you see the license tag?
20 No. There's a red panda on the side. That's what they
21 saw.

22 The state's also proven that my client had some
23 knives. My 11-year-old nephew has knives. He collects
24 knives. Now, not a fan of it. Tell him it's dangerous.
25 He's 11. Maybe not the most responsible person.

Closing arguments

1 Did you hear Mr. Sutherland say on there we're moving,
2 I'm cutting open boxes, we're doing things? This wasn't
3 something that was -- he's not carrying around these
4 knives. He's got a purpose. He likes the knives. He has
5 them.

6 That doesn't make him a murderer. Having knives does
7 not make somebody a murderer just like the fact that he had
8 a knife on him and then he didn't have a knife on him 80
9 something hours later.

10 How many places could they have been in between there
11 where he might have changed clothes, taken stuff out of the
12 front seat of the car, laid a knife down, picked up a new
13 knife?

14 Mr. Barnette made a big deal of she bought me this
15 knife tonight. Well, okay. She bought him a new knife.
16 Maybe he wanted to carry the new knife. Maybe we didn't
17 want to carry the old knife.

18 Again, to make the leap you have to use your
19 imagination, and that's not what we're here for. We're
20 here for facts. We're here for evidence and proof beyond a
21 reasonable doubt. We're not here for y'all to come up with
22 a story and what you imagine might have happened based on
23 the fact that we don't know what happened in these gaps.

24 Some of the other things we've proven. We've talked
25 to Investigator Lawson. He's sergeant over the crime scene

Closing arguments

1 unit. He told us we try to get as much evidence as
2 possible. We don't know what happened when we're at any
3 crime scene, whether it's a broken windshield, a stolen
4 vehicle, a homicide. When we get to the crime scene we
5 don't know what happened so we try to collect as much
6 evidence as possible. And that makes sense, because they
7 want to be able to figure out what happened. Probably the
8 more evidence you collect at the front end the better off
9 you are.

10 In all the pictures that you'll see there's various
11 droplets of blood. There was blood on carpet. There's
12 some larger blood spots on carpet. There's a blood smear
13 on a box fan that looks like it might have been damaged.
14 Officer said he didn't notice that at the time. There is a
15 blood smear on an overturned shelf that they say is in
16 there.

17 Out of all that they took four swabs of blood, four
18 swabs, one of which was the gate between Mr. Wood's house
19 and his neighbors. I think that's pretty -- pretty solid
20 that we would assume that was Mr. Wood's blood.

21 But what they're wanting you to realize or what
22 they're wanting you to think is all of this blood taken,
23 the one swab that they actually sent to SLED that you'll
24 see on the report that the state can produce, the one swab
25 was right on the doorframe, touch D.N.A.

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1 Investigator Lawson said you can go in and search for
2 touch D.N.A., you can look for hair fibers, you can look
3 for clothing fibers. We can do all of that. But they
4 didn't. They didn't. They collected one swab of blood
5 that they sent in.

6 You heard from the serologist that said when I look at
7 things I take -- they get a report. The police can put on
8 the report certain requests. If you look at the date -- I
9 believe the report was introduced and the officer testified
10 that she gets it. It's obviously after the incident date,
11 probably weeks.

12 And they have these two tennis shoes. There was a
13 smear on the left arch side and there was kind of a large
14 drop on the right shoe. They sent them both in. One got
15 tested. They could have requested that both of those got
16 tested. But, you know, what she said was we don't assume
17 that there might have been two people bleeding. We don't
18 assume that somebody else might have been there and gotten
19 hurt. If they don't tell us, if they don't tell us that,
20 we're just looking for one person's blood.

21 Now, Mr. Barnette has said that they believe Amy
22 Berridge and Danny Sutherland committed this together. We
23 showed you a picture of Amy Berridge with a nasty wound on
24 her finger three days after this incident. It's a cut
25 right to her third finger. And when you look at the

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1 picture you can see it's pretty deep. This isn't -- this
2 isn't a paper cut. This isn't a cut of "I by accident hit
3 myself with my razor while I was shaving." It's a pretty
4 deep cut, and it started to heal but not completely. You
5 can see the skin is not grown over. It's scabbed up, but
6 it's partially healed.

7 Three days after this incident they had that
8 information. Which officer went back and said, you know
9 what, let's go back and collect more blood spots, let's
10 make sure we haven't overlooked anything? We've got a
11 suspect in here who has a cut on her finger. We are
12 alleging, we're saying, that this man was stabbed to death
13 with a knife. Let's go back and make sure we didn't miss
14 anything. We want to know who did this, right? They
15 didn't. Nobody did. They'd already made up their mind.
16 They arrested him, so they didn't need to do anything more.

17 But that means that leaves you with the responsibility
18 of using your imagination again to fill in these blanks, to
19 come up with a story that Mr. Barnette has given you. He
20 says things as if they're very matter of fact. They were
21 in the U-Haul. They were riding around together. They did
22 this together. There was malice. He had a knife. There
23 were two weapons used and two people that did it.

24 That's not what has been shown in evidence. The --
25 the gentleman that's the neighbor, he got up here and at

Closing arguments

1 first said -- he said a man and a woman did it.

2 On cross-examination I asked him to look back over his
3 statement which he had given just a couple of hours after.
4 All he says is that Mr. Wood says he was beaten and robbed.
5 There's nowhere in there he says they. There's nowhere in
6 there that he says a man and a woman.

7 After he talked to law enforcement, after he's been
8 participating in investigation, and as he comes to up to
9 testify today, that's when that comes up. That's when the
10 man and the woman and they is part of his testimony.

11 He also said but I remember it, I remember like it was
12 yesterday, I can see it in my mind. Mr. Barnette said you
13 remember when -- do you remember if you called 9-1-1 or if
14 you talked to them. Yeah. I don't remember if I talked to
15 them. So he's wanting us to trust the memory of a man who
16 can't recall if he called 9-1-1 or talked to 9-1-1 but who
17 swears he can see it just like it was yesterday.

18 We're talking about some of the investigation and the
19 focus on my client having knives. Investigator Lawson came
20 up and there's one knife covered with something looks like
21 a red stain. He says, oh, that must have been fingerprint
22 dust stained it. We don't have any records. We don't have
23 any kind of demonstration that anything was done to that
24 knife.

25 We've got another knife. I said was it tested for

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1 fingerprints, was it checked for blood. Well, I looked. I
2 looked at it and didn't look like there was any blood on
3 it. Right. D.N.A. No. He says he writes everything in
4 his report. He's been doing this for years. Very, very
5 focused, very conscientious. I asked him if it's in his
6 report. No. Maybe I overlooked it.

7 Ladies and gentlemen, we do have a man that is dead.
8 There is no question. Mr. Wood was killed. And we have
9 officers overlooking things. I might not have seen the box
10 van. I didn't notice it when I was in there. I overlooked
11 that knife.

12 Same thing about the U-Haul. There's some blood on
13 the doorjamb. If you look at the picture to me it looks
14 like one of those areas that when you close the door, the
15 door had to have been opened for the blood to be there. We
16 don't know how it got there. We don't know if Mr. Wood
17 placed his hand there at some point walking by. We don't
18 know how it got there.

19 There's also spots that he said appear to be blood on
20 the back seat of the passenger side. Those weren't
21 swabbed. He said, well, they looked too small to be
22 swabbed. Okay. He could have gone back. He could have
23 tested that. No swabs, no test, nothing.

24 They've done the minimum to create the story that they
25 believe in their minds that Danny Sutherland did this. And

Closing arguments

1 now they want you to create that same image in your mind by
2 using your imagination and filling in these gaps.

3 Let's talk about his fingerprints. His fingerprints
4 are on the passenger-side window or on the passenger-side
5 door. Okay. Three days before he was in the passenger
6 side. The day he was arrested you saw just on the video he
7 was in the passenger side. He had the window cracked
8 because he was smoking a cigarette. Of course his
9 fingerprint is going to be on the passenger side. But what
10 they want you to make the leaping conclusion to is that
11 that means he's the only person who was in that passenger
12 side, he is the only person who ever touched that door
13 window.

14 That's just too big of a leap, ladies and gentlemen.
15 That requires too much imagination. Too much of a leap.
16 You are here to see evidence, to hear testimony that will
17 prove beyond a reasonable doubt what they say happened. At
18 this point you're having to fill in the gaps. You're
19 having to figure out what happened.

20 Mr. Barnette says we know that they did this, that two
21 people did this, that there were two weapons. Could one
22 person have used two weapons? Could one person have gotten
23 into a fight with Mr. Wood and done that? Very possible.
24 Just as possible as it is that two people did it. But we
25 don't know that. There is no proof that two people

Closing arguments

1 attacked Mr. Wood and used -- each using a different
2 instrument. There is no evidence.

3 Dr. Wren testified he had stab wounds. There's no
4 doubt he had stab wounds. We don't question that. There's
5 no doubt he had injuries to his head. He asked him could
6 this have been the knife that did it. It could have been
7 consistent with, I believe is what the words were. It
8 could have been consistent with the knife that created
9 those wounds.

10 Are you willing to say beyond a reasonable doubt that
11 someone is guilty of murder based on could have been
12 consistent? That's not very definite to me. That's not
13 beyond a reasonable doubt. That's looking at it. I'm
14 looking at the picture. I don't have it. But, yeah, it
15 looks like it might have been.

16 There is a man that is on trial for the charge of
17 murder, and he wants you to base your decision on could
18 have been, could have been consistent. I overlooked that,
19 didn't notice that when I was in there.

20 He also talked about his wallet. Now, why is his
21 wallet out? I don't know. They're not charged with
22 robbery. The wallet was found and had all of his debit
23 cards in it, had \$50 of cash in it. It's laying on a
24 shelf. Does that mean that Danny murdered him? No. Does
25 that mean anything? It doesn't.

Closing arguments

1 The philosophy they have is the more information they
2 can place before you, the more pictures, the more video,
3 the more evidence that that would make you think, gosh,
4 they've got all of this, then he must have done it.

5 But you have to look at the evidence that's being
6 presented. You have to look at the pictures. You have to
7 look at what they've provided. Just because there's a lot
8 of information does not mean it's quality information or
9 that it's information that's going to help you make a
10 decision. You have to look at everything.

11 And there's a reasonable-doubt standard. It's kind of
12 hard to explain. I know Mr. Barnette gave you a little bit
13 of a blurb of what Judge Cole is going to tell you.

14 In different court cases there are different burdens
15 of proof. I don't know if you've involved in a civil case.
16 You know, maybe a car accident, maybe a personal injury.

17 The burden in that one is preponderance of the
18 evidence. And how they explain that to us in law school is
19 you've got a scale. You're at half and half.

20 Preponderance of the evidence means that the scale
21 just tips ever so slightly for one side more than the
22 other. So just ever so slightly. That's the burden of
23 proof in a civil case -- personal injury, motor vehicle
24 accident.

25 You have a family court case. The state is trying to

Closing arguments

1 take your kids away from you. That's clear and convincing
2 evidence. Clear and convincing evidence is the standard
3 for the state to take your children.

4 We're even higher than that. Beyond a reasonable
5 doubt is even a higher standard than the state uses to
6 determine if they can take your kids away from you.

7 There's been a lot of speculation. There's been a
8 story presented to you, and that story presented is what
9 the state believes happened and what they want you to
10 believe happened. But that story is going to require you
11 to use a lot of imagination. You're going to have to
12 imagine what happened in this period of 80 hours. You're
13 going to have to imagine who was in a U-Haul. You're going
14 to have to imagine what was used. You're going to have to
15 imagine what happened at the Spinx, what happened at his
16 house.

17 To do that you've got to imagine and suppose that
18 Danny rode in that U-Haul that entire time in that
19 passenger side, that Danny went to Amy's grandma's house
20 where they found tennis shoes, that the pair of tennis
21 shoes that he says look identical are a pair of gray Nikki
22 Air Jordans, pretty generic pair of tennis shoes. Now, if
23 they had some real marks on them, then I could say you
24 could look at them maybe and say those are definitely those
25 tennis shoes. But they want you to believe because he's

Closing arguments

1 got on a pair of gray tennis shoes early that morning that
2 he must have kept them on the whole time, he never took
3 them off and, in fact, that those are the same tennis
4 shoes, that nobody else could have been wearing tennis
5 shoes like that and riding in that U-Haul with Amy
6 Berridge.

7 But that's not proof. That's not proof beyond a
8 reasonable doubt. That's you having to suppose, having to
9 speculate, having to use your imagination to come up with a
10 story that they want you to have.

11 We hear a lot of cases. The state will say thank you
12 for your service, we appreciate you being here, this is a
13 civic duty. And I'm sure it's true. They do thank you for
14 your service.

15 But who really appreciates your service is Danny
16 Sutherland who's been sitting here for 324 days waiting on
17 this opportunity to come before you, to have you listen to
18 what the state's accused him of, the evidence that they're
19 using to say he did that and to know what we know and what
20 he knows that he is not guilty.

21 So we're going to ask you to go in and look at the
22 evidence. Look at it closely. That's fine. See if what
23 they have provided you is sufficient for you to find him
24 guilty beyond a reasonable doubt. And I would argue that
25 without you having to make some leaps, without you having

Closing arguments

1 to squint, kind of cross your eyes and look, that picture
2 is not there. And we ask that you find him not guilty.
3 Thank you.

4 THE COURT: Mr. Barnette.

5 MR. BARNETTE: May it please the Court, Your Honor.

6 Ladies and gentlemen, you've got the facts, you've got
7 the evidence. You will have it with you showing you what
8 this defendant did, what he was involved in.

9 The one thing you'll bring and Judge Cole is going to
10 tell you about is the common sense that each person brings
11 when they come and sit on a jury. You've got everyday real
12 life, real life experience, and you know what's happened.
13 You know. You can figure out things from that standpoint.
14 And that's what I'm asking you to bring here.

15 Common sense will tell you that just looking at this
16 evidence alone, I mean, there's no question he was -- he
17 was there. No question there was two weapons used; no
18 question there's a stab in the back on the right side on
19 his head, on the back of his head, from that standpoint.

20 They talk about, well, we can't prove the U-Haul at
21 the time. The funny thing was, you know, when they even
22 picked up the U-Haul, remember Ms. Cooper from the U-Haul
23 place, Kensington Place, she said he was with them. She
24 said he was there. He was there with Ms. Berridge from
25 that standpoint.

Closing arguments

1 And she talks about the crime scene. Is it realistic
2 to check every drop of blood? I mean, that's not -- that
3 makes no common sense.

4 These officers did a great job going and getting
5 video, going through everything. Every drop they got came
6 back to the victim. We know he was found. We know he bled
7 profusely. You'll have it in the back. You've seen the
8 pictures from there.

9 The defense makes a big deal out of the cut on Amy
10 Berridge's hand, but that doesn't mean anything to me. You
11 heard the officer from the jail. She testified to what I
12 thought was a day old. And the defense said, well, you're
13 not an expert now. That's what I'm saying. Common sense.
14 Here's the person that sees people every day and takes
15 photographs of them, their injuries, everything with them.
16 This happened three days before.

17 And we know she didn't get the two black eyes from the
18 fight, because she had the two black eyes prior to this
19 event.

20 You remember Deputy Shue in his video, what he
21 testified to. And she still has the black eyes on
22 January the 9th if you look at the photos in this case.

23 And even if that cut was in a fight it doesn't prove
24 anything different. Both of them did it together and both
25 of them, as the judge will charge the hand of all, is

Closing arguments

1 responsible for this.

2 I could sit and talk to you all day long. And we do
3 appreciate y'all's service because we need you here to do
4 justice in this case. And one thing I'd like to show you
5 and show the defense first.

6 MS. WHITE: Without objection.

7 MR. BARNETTE: The defense talked about collecting the
8 dots and making the dots and everything. I'm going to show
9 you something.

10 We did puzzles when we were kids, puzzles when me went
11 to school. Maybe you don't got all of the pieces, but you
12 got enough of the pieces to make sure what that puzzle is.

13 I wish I could take credit for this, but I was in
14 where Investigator Lawson said Trey Gowdy showed this
15 puzzle the first time, showed a puzzle like this one.

16 But, ladies and gentlemen, you've got enough pieces to
17 see what this is. You've got enough pieces to leave you
18 firmly convinced that this defendant here along with Amy
19 Berridge killed and murdered Lanham Wood. I'd ask you to
20 return a verdict of guilty on both counts. Thank you very
21 much.

22 Thank you, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, we're
24 going to take a short break before I give you the
25 instruction on the law.

Jury charge

1 So I'll ask you to please go to your jury room. Don't
2 talk about the case. I'll bring you back in just a few
3 minutes to conclude with the instruction.

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

6 THE COURT: We will be at ease for ten minutes.

7 (Whereupon, a recess was taken.)

8 THE COURT: All right. Bring the jury in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Mr. Foreman and ladies and gentlemen of
12 the jury, you of course have heard and seen all of the
13 evidence in the case, as well as the final summations of
14 the lawyers; and therefore it becomes by obligation and
15 duty now to instruct you on the law that's applicable in
16 the case. And then you'll be asked to go back and to begin
17 with your deliberations. And through that process you'll
18 examine the evidence, decide the facts, apply the law and
19 arrive at a fair and impartial decision.

20 It is your exclusive prerogative to determine what the
21 facts are, and you do that through your own common sense
22 examination and evaluation of all of the testimony and the
23 other evidence received during the trial of this case.

24 You 12 jurors alone will decide what weight, value and
25 effect to give to any particular testimony or other

Jury charge

1 evidence in the case. Again, your sole objective is to
2 simply reach a fair and impartial decision based upon the
3 evidence presented and the law that's applicable as I will
4 have provided it to you.

5 Now, in this case, as you know, the state through the
6 prosecutor has charged the defendant, Roy Gene Sutherland,
7 III, with having committed the crime of murder. The state
8 alleges by way of the indictment that he did commit that
9 offense on January the 6th of 2018.

10 They allege that he did with malice aforethought kill
11 one Lanham Joseph Wood by beating him about the head and/or
12 stabbing him with a knife and that Mr. Wood died as a
13 proximate result of those wounds.

14 They also allege in count two of the indictment that
15 he did on the same date and time visibly display a knife
16 during the commission of a violent crime, that violent
17 crime being the murder which is alleged in count one of the
18 indictment.

19 Now, as to those allegations and as to each of the
20 charges the defendant has entered a plea of not guilty. As
21 I've told you, that plea of not guilty places upon the
22 state the burden of proving the allegations that they have
23 made by way of the indictment, the burden of proving each
24 of the essential elements that constitute the crimes that
25 are alleged against the defendant; and therefore the burden

Jury charge

1 is upon the state to establish the defendant's guilt to the
2 satisfaction of you 12 jurors beyond a reasonable doubt
3 before any verdict of guilty could be returned.

4 The burden is never upon a defendant or a person
5 accused of a crime to prove that they are not guilty or to
6 prove that they are innocent because in some cases that
7 might not be possible. The burden is always upon the state
8 because they made the accusation and they brought the
9 charge to establish the defendant's guilt beyond a
10 reasonable doubt.

11 You are instructed that it is a vital, important and
12 cardinal rule of law that every defendant in a criminal
13 trial, no matter how great or how serious the offense might
14 be for which that person stands charged, that person shall
15 always be presumed innocent of that charge. And that
16 presumption of innocence remains with any defendant, as it
17 does with this defendant, from the time that he is placed
18 under arrest, throughout the course of the criminal process
19 and even throughout the course of the actual trial in the
20 case.

21 As I've told you, that presumption of innocence will
22 be with Mr. Sutherland even as you go back into your jury
23 room to begin with your deliberations at this trial's
24 conclusion.

25 That presumption of innocence will be with him in that

Jury charge

1 jury room, and it'll be with him forever unless you 12
2 jurors determine that he's no longer entitled to the
3 presumption of innocence.

4 In other words, after you have carefully considered
5 all of the evidence in the case, and from that evidence you
6 have been able to determine the facts as they relate to the
7 allegations made against the defendant, and after deciding
8 those facts you apply the law that I will have provided
9 you, if you 12 jurors unanimously determine that his guilt
10 has been proven beyond a reasonable doubt, then he would no
11 longer be entitled to the presumption of innocence. But it
12 is only if, unless and until you are satisfied of his guilt
13 beyond a reasonable doubt that the burden or that the
14 presumption of innocence would no longer be applicable.

15 Now, the state does have the burden of proving the
16 defendant's guilt to your satisfaction beyond a reasonable
17 doubt. That does not mean however that the state has to
18 prove his guilt beyond all doubt or beyond any possible
19 doubt, but it does require the state to prove his guilt to
20 your satisfaction beyond a reasonable doubt.

21 The term reasonable doubt should be given its plain
22 and ordinary meaning. A reasonable doubt is the kind of
23 doubt that would cause a reasonable person to hesitate to
24 act upon the information provided.

25 A defendant in a criminal trial is entitled to any

Jury charge

1 reasonable doubt that arises from the evidence or lack of
2 evidence in a case, and if upon any factual issue essential
3 to a finding of a verdict of guilty you have some
4 reasonable doubt as how that issue should be resolved, it
5 would be your duty to resolve that reasonable doubt in
6 favor of the defendant.

7 Now, while there are various forms of evidence such as
8 testimony, photographs, videos, documents, charts and other
9 types of physical exhibits, there are really only two types
10 of evidence that may be used to prove any fact in issue.
11 But the two types of evidence are direct evidence and
12 circumstantial evidence. Either or both of those types of
13 evidence may be used to prove any fact in issue in the
14 case.

15 Direct evidence is the testimony of a person who
16 testifies from actual knowledge of the fact. It is
17 testimony by a person who has perceived the existence of
18 some fact by means of her senses and then they come into
19 court and they testify as to what they have previously seen
20 or heard, or felt for that matter.

21 Circumstantial evidence, on the other hand, is the
22 proof of some other fact or set of facts which taken either
23 singly or collectively may prove the existence of a fact in
24 question as a necessary consequence. That is through an
25 inference.

Jury charge

1 An inference is simply a deduction of fact that may
2 logically and reasonably be drawn from the proof of some
3 other facts or set of facts. In other words, it's not a
4 fact proven by the direct testimony of a witness based upon
5 their personal perception or observation, but it is a fact
6 that may be proven by other facts or other circumstances.

7 You may infer that a particular event occurred or that
8 a particular fact exists based upon the proof of sufficient
9 factual circumstances which would reasonably warrant your
10 arriving at a particular conclusion.

11 The commission of a crime, as well as any particular
12 element necessary to establish that crime, may be proven by
13 direct evidence. It may be proven by circumstantial
14 evidence, or it may be proven by a combination of both
15 direct evidence and circumstantial evidence.

16 The law makes no distinction between the weight or the
17 value to be given to direct evidence or to circumstantial
18 evidence.

19 However, to the extent that the state relies upon
20 circumstantial evidence in order to establish the
21 commission of a crime, all of the circumstances proven must
22 be consistent with each other and when taken together point
23 conclusively to the guilt of the accused beyond a
24 reasonable doubt. And if these circumstances merely
25 portray the defendant's behavior as suspicious the proof is

Jury charge

1 insufficient and it fails.

2 The burden rests with the state, regardless of whether
3 the state relies upon direct evidence or circumstantial
4 evidence or a combination of the two types of evidence, to
5 prove the defendant guilty beyond a reasonable doubt.

6 Proof beyond a reasonable doubt is proof that leaves
7 you firmly convinced of the defendant's guilt. There are
8 very few things in the world that we know with absolute
9 certainty. And in criminal cases the law does not require
10 proof that overcomes every possible doubt.

11 If, based on your consideration of the evidence and in
12 the exercise of good judgment and common sense
13 conscientiously applied to the testimony and evidence in
14 the case, you are firmly convinced that the defendant is
15 guilty of the crime for which he now stands charged, you
16 must find the defendant guilty of that crime.

17 And if, on the other hand, you think there's a real
18 possibility that the defendant is not guilty of the crime
19 for which he stands charged, you must give him the benefit
20 of that doubt and find him not guilty.

21 Now, as I told you, you are the sole judges of the
22 facts in this case, and you are therefore necessarily the
23 sole judges of the credibility and the believability of
24 each witness that has testified during the course of the
25 trial.

Jury charge

1 You 12 jurors alone will decide what weight, value and
2 effect to give to any particular witness' testimony or even
3 portions of it.

4 There are however a number of factors which you should
5 consider in arriving at your determination as to a witness'
6 credibility and believability, and so I'm going to list
7 those factors for you.

8 You should consider the demeanor of the witness. That
9 is how the witness appeared to you as the witness testified
10 from that witness stand. Was the witness straightforward
11 in responding to questions or was the witness hesitant or
12 evasive in responding to questions that were posed of the
13 witness? Simply put, did the witness appear to you to be
14 telling the truth and to have knowledge of the facts to
15 which that witness has testified.

16 You should also consider whether or not the testimony
17 of a witness is consistent, or is it inconsistent with that
18 witness' own testimony provided here in court or whether it
19 was consistent or inconsistent with some other statement
20 made by that same witness, whether it was in court or
21 outside of court.

22 You should consider whether or not the testimony of a
23 witness is consistent, or is it inconsistent with other
24 witnesses' testimony or other evidence received during the
25 course of the trial.

Jury charge

1 You should also consider how the witness came to know
2 the facts to which that witness has testified. In other
3 words, what was that particular witness' opportunity and
4 ability to perceive the existence of those facts to which
5 that witness has testified by having previously used his or
6 her senses. And then what is that witness' ability to be
7 able to come into court and to accurately recollect to you
8 as to what they have previously perceived.

9 You should also consider any bias or prejudice or
10 interest that you find a witness might have with respect to
11 the case. In other words, do you find some reason that a
12 particular witness would come into court and would testify
13 one way or another to help or hurt one side or the other.

14 You may consider any interest that a witness might
15 have in the outcome if you determine that an interest does
16 have -- excuse me -- that a witness does have such an
17 interest and you find that that interest would bear upon
18 that particular witness' credibility.

19 You should also consider whether or not the testimony
20 of a witness is strengthened, or it is weakened by other
21 testimony or other evidence received during the course of
22 the trial.

23 Now, you as the finders of the facts, and you are as
24 the judges of the credibility and believability of each
25 witness that has testified, are permitted to believe as

Jury charge

1 much or as little of what a witness has testified to as you
2 deem is appropriate in the exercise of good judgment and
3 common sense.

4 So you may believe everything that a witness testified
5 to. You may choose to believe none of it. You may believe
6 some portion of a witness' testimony and reject some other
7 portion of that same witness' testimony.

8 In a given case you could believe one witness as
9 opposed to several, or several as opposed to one. But
10 whatever your good judgment and common sense tells you is
11 the most believable and credible testimony is the testimony
12 you should accept, and you should reject any testimony or
13 other evidence that you find not to be credible or
14 believable.

15 Again, your sole objective is to simply render a fair
16 and impartial decision based upon the evidence and the law
17 applicable to the case.

18 The same law that provides that you are the judges of
19 the facts also provides that I am the judge of the law.
20 That simply means that nobody's going to tell you how to
21 arrive at your determination of fact in this case.

22 You do that, as I've already stated, through the
23 exercise of good judgment and common sense conscientiously
24 applied to the testimony and evidence received during the
25 course of the trial.

Jury charge

1 You must however under your oath as a juror accept the
2 law as I provide it to you as being the law that you are to
3 apply in the case. In other words, you're never to concern
4 yourself with what you thought the law was before you came
5 to serve as a juror this week or what you think the law
6 ought to be.

7 Under your oath as a juror you must accept the law as
8 I provide it to you as being the law that's applicable in
9 this case, and then you take that law and you apply it as
10 you 12 -- to the facts as you 12 jurors determine those
11 facts to be based upon your common-sense examination and
12 evaluation of the evidence in the case.

13 Now, in this case, as you know, the defendant is
14 accused of the crime of murder and of possession of a knife
15 during the commission of that crime.

16 Murder is a statutory offense. It's set forth in
17 Section 16-3-10.

18 These are the code of laws. There are a lot of them.
19 And every year the legislature meets from January to June.
20 During that legislative session that pass a number of laws
21 and rules and regulations that govern our conduct in a
22 variety of ways. But some of the laws that they pass are
23 criminal-penalty statutes. And that just means that they
24 classify certain conduct as a criminal offense. And where
25 a citizen is found to have committed the crime or violated

Jury charge

1 that statute which prohibits certain types of conduct, then
2 it subjects that person to some form of punishment or
3 penalty as a result.

4 But please understand that you are never to be
5 concerned with any punishment or penalty that might be
6 imposed as a result of any decision that you make. You
7 don't decide punishment or penalty. It's provided for by
8 law. But your sole obligation and duty as a juror is to
9 determine whether or not a person has been proven guilty of
10 a crime beyond a reasonable doubt, and you are to do that
11 without any consideration being given to any consequence of
12 that decision.

13 But the statute that the defendant in this case is
14 alleged to have violated is Section 16-3-10, and that is
15 the statute that prohibits the crime of murder, and it
16 defines what that crime consists of.

17 That statute defines murder as the killing of any
18 person with malice aforethought, either expressed or
19 implied -- the killing any person with malice forethought,
20 either expressed or implied.

21 In order for you to find the defendant to be guilty of
22 the crime of murder in this case it would be necessary that
23 the evidence in this case has established to your
24 satisfaction beyond a reasonable doubt that the defendant,
25 Roy Gene Sutherland, III, or an accomplice -- and I'll

Jury charge

1 instruct you on the law of accomplice liability later on in
2 the instruction, in this instruction -- but that the
3 defendant, Mr. Sutherland, or an accomplice did commit some
4 act or some acts which proximately caused the death of
5 Lanham Joseph Wood and that that killing was done with
6 malice aforethought.

7 Malice aforethought is an essential element of the
8 crime of murder. So what is malice aforethought? Well,
9 malice as an essential element of the crime of murder is a
10 state of mind connoting an ill will and having the intent
11 to do harm.

12 The term intent means the state of a person's mind
13 which directs his actions towards a specific object or
14 goal, and intent would include those consequences which
15 represent the very purpose for which an act is done, as
16 well as those consequences which are known to be
17 substantially certain to result, whether actually intended
18 or not.

19 Malice is a technical term importing wickedness and
20 excluding just cause or legal excuse. It is something
21 which springs from depravity, from a heart devoid of social
22 duty and fatally bent on mischief. It is a state of mind
23 indicating an extreme disregard for or an extreme
24 indifference to human life.

25 Malice may be likewise defined as a state of mind

Jury charge

1 which indicates a formed purpose and design to do a
2 wrongful act under circumstances that exclude any legal
3 right to do it.

4 The words expressed or implied malice do not mean
5 different kinds of malice but merely the manner in which
6 malice may be shown to have existed. That is to say either
7 malice being established by direct evidence or malice being
8 established by circumstantial evidence, that is evidence
9 which would reasonably imply or infer the existence of
10 malice.

11 Malice may be expressed as where there is an expressed
12 threat to kill or a lying in wait or where the
13 circumstances show directly that an intent to kill was
14 entertained by the killer.

15 Malice may be inferred, though no expressed intent to
16 kill is proven by direct evidence, where the facts and the
17 circumstances which have been proven by the evidence in the
18 case satisfy you beyond a reasonable doubt that malice was
19 present in the mind of the killer at the time that any
20 killing took place.

21 The existence of malice may be inferred from acts,
22 declarations and conduct of the killer, as well as from any
23 other circumstances shown to have existed at the time of
24 the event from which you might reasonably infer the
25 existence of malice as often the state of a person's mind

Jury charge

1 can only be proven by circumstantial evidence.

2 Malice as an essential element of the crime of murder
3 does not necessarily require proof of an ill will or a
4 hatred towards the particular individual who was killed,
5 nor does it necessarily require proof of an actual or
6 specific intent to take human life, even though there may
7 be such evidence tending to prove that fact introduced
8 during the trial.

9 But malice necessarily to establish the crime of
10 murder refers to a state of mind accompanying conduct
11 signifying a general malignant recklessness and an extreme
12 disregard for or an extreme indifference to human life.

13 So even if the facts and circumstances that have been
14 proven by the evidence in the case are sufficient to raise
15 an inference of malice, such an inference is simply an
16 evidentiary fact which may be taken into consideration by
17 you 12 jurors along with all of the other evidence in the
18 case, and you shall give such inferences any weight, if
19 any, that you determine they should receive, if any.

20 The state is required to prove malice, just as it must
21 prove any other essential element of the crime charged, and
22 it is for you 12 jurors to determine whether or not the
23 evidence in this case establishes malice beyond a
24 reasonable doubt.

25 It's also essential that that malice exist

Jury charge

1 aforethought. The law does not however require that malice
2 must exist for any appreciable length of time before the
3 commission of an act proximately causing the fatal result.
4 In fact, it may be conceived at the very moment that the
5 fatal act is committed.

6 It is sufficient in the law so long as the state does
7 prove beyond a reasonable doubt both the existence of
8 malice and the commission of an act or acts by the
9 defendant or by an accomplice which proximately caused the
10 fatal result.

11 You must determine whether or not malice aforethought
12 existed based upon your consideration of all of the
13 evidence introduced during the trial of the case and any
14 reasonable inferences that might be derived from that
15 evidence.

16 Now, while the state must prove beyond a reasonable
17 doubt that a killing did occur and that that killing was
18 accompanied by malice aforethought, in order to establish
19 the crime of murder it is not necessary that the state
20 prove any motive for the killing, although there may be
21 some evidence relating to that fact introduced during the
22 trial of the case. But motive is not an essential element
23 of the crime of murder.

24 Section 16-23-490 is the criminal offense known as
25 possession of a firearm or a knife during the commission of

Jury charge

1 a violent crime, and that statute provides that it shall be
2 an additional criminal offense if a person is in possession
3 of a firearm or visibly displays what appears to be a
4 firearm or visibly displays a knife during the commission
5 of a violent crime and that person is convicted of
6 committing that violent crime.

7 Section 16-1-60 defines what offenses are violent
8 crimes, and that statute provides that the crime of murder
9 is classified as a violent crime under the law.

10 So in order to be found guilty of a violation of this
11 particular statute you must find that the defendant was
12 guilty of the crime of murder and at the time that that
13 crime was committed he was in possession or did visibly
14 display a knife.

15 You are further instructed that one who is charged
16 with the commission of a crime may be convicted as a
17 principal offender or by being an accomplice with the
18 principal offender.

19 An accomplice is one who knowingly and voluntarily and
20 with a common intent and purpose unites with a principal
21 offender in the commission of criminal acts resulting in
22 the commission of a crime.

23 An accomplice is sometimes referred to as an aider or
24 as an abettor in the commission of a crime. In order to be
25 an aider or to be an abettor or an accomplice in the

Jury charge

1 commission of a crime a person must be a participant in the
2 crime and be chargeable with knowledge of the principal
3 offender's criminal conduct.

4 In this case the state alleges that the defendant, Roy
5 Gene Sutherland, III, is guilty of the crime of murder
6 either as the principal offender or as an accomplice with a
7 principal offender.

8 It is the law in this state that when two or more
9 people act together with a common intent and purpose and
10 they combine, they conspire, plan or otherwise agree to the
11 commission of a crime, each person who is present with the
12 intention of aiding, abetting, assisting and otherwise
13 participating in the commission of the crime are equally
14 guilty of any crime or crimes accomplished by the efforts
15 of all who participate. The hand of one is deemed to be
16 the hand of all. The acts of one are deemed to be the acts
17 of all.

18 Any person who joins with another to accomplish an
19 illegal purpose is held to be criminally responsible for
20 everything done by any other person which occurs as a
21 natural and probable consequence of the acts done pursuant
22 to and in furtherance of the common plan, purpose or
23 scheme.

24 In order for the defendant to be found guilty under
25 the legal theory of aiding or abetting or accomplice

Jury charge

1 liability it must be proven that the defendant was not only
2 present at the scene where some crime was committed but
3 that the defendant was present with the intention of
4 aiding, abetting, assisting and participating in a common
5 plan or scheme which culminates in the commission of a
6 crime.

7 Under the legal theory of accomplice liability two or
8 more persons may be guilty of an unlawful homicide even
9 though only one person actually commits the fatal act which
10 is directly responsible for the death of another.

11 Where two or more persons combine, conspire or
12 otherwise agree to the commission of a crime, and in the
13 commission of the criminal acts done in furtherance of that
14 crime a homicide is committed by one of the participants,
15 which is incidental to and a natural and probable
16 consequence of those acts done in furtherance of a common
17 plan, each person who is present and participating in the
18 criminal acts are equally as responsible as the one whose
19 act or acts directly caused the fatal result.

20 The common purpose may not have been to kill anyone at
21 all, but if during the commission of a criminal offense a
22 homicide is committed by one of the participants which is
23 incidental to and a natural and probable consequence of
24 acts done in furtherance of a common plan, each person who
25 is present aiding, abetting, assisting and participating in

Jury charge

1 the common design are equally guilty of any unlawful
2 homicide committed by any one of the participants. As I've
3 stated, the hand of one is deemed to be the hand of all.
4 The act of one is deemed to be the acts of all.

5 Not only must the state prove beyond a reasonable
6 doubt each of the essential elements of the crime of murder
7 as charged in the indictment before the defendant may be
8 found guilty of that particular crime, but the state must
9 also prove beyond a reasonable doubt that it was the
10 defendant and/or an accomplice who committed the crime.

11 In this case the state must not only prove that the
12 crime of murder was committed by some person or some
13 persons, but the state must also prove beyond a reasonable
14 doubt that it was this defendant who has committed that
15 crime either as a principal offender or as an accomplice as
16 I have explained that term for you during the course of
17 this instruction.

18 If, after your careful consideration of all of the
19 evidence received during the trial of this case, including
20 any evidence relating to the issue of the identification of
21 this defendant as the perpetrator of any crime proven to
22 have been committed by someone, you have a reasonable doubt
23 as to the accuracy of the identification of this defendant
24 as the perpetrator of that crime, it would be your duty to
25 resolve that reasonable doubt in his favor and to return a

Jury charge

1 verdict of not guilty.

2 If, on the other hand, you have no reasonable doubt as
3 to the accuracy of the identification of this defendant as
4 the perpetrator of a crime alleged against him in the
5 indictment, then it would be your corresponding duty to
6 find him guilty of any crime that you find beyond a
7 reasonable doubt was committed by the defendant.

8 Now, during the opening statements accomplished by the
9 lawyers at the beginning of this trial the defense counsel
10 mentioned as a fact that another person also charged in
11 this case has previously entered a plea of guilty to the
12 commission of an unlawful homicide relating to the death of
13 Lanham Joseph Wood.

14 The fact that a person enters a plea of guilty to the
15 commission of an unlawful homicide does not by itself mean
16 that that person admitted to having committed any act that
17 directly caused the unlawful death of another.

18 You are therefore not permitted to speculate as to
19 whether any admission or any statement may or may not have
20 been made at any time by any other person who may have been
21 charged in this case, because no evidence of any admission
22 or any statement or the contents of such if made by that
23 person has been introduced as evidence in this trial.

24 The only case before you today and the only case that
25 you are to consider today is the case against Roy Gene

Jury charge

1 Sutherland, III, and you are to make your decision in this
2 case based upon the evidence presented during this trial
3 and the applicable law, and you are to determine your
4 verdict in this case without any consideration being given
5 to any disposition of a case against any other person
6 charged with a crime related to the case being tried today.

7 Now, Mr. Foreman and ladies and gentlemen of the jury,
8 as I have previously instructed you, and I emphasize to
9 you, that the fact that a defendant during a criminal trial
10 does not take the witness stand or testify during the trial
11 of the case is not a fact or circumstance that may be
12 considered in the slightest degree against the defendant.

13 As I've told you, the burden is never upon a defendant
14 or a person accused of a crime to prove that they are not
15 guilty or to prove that they are innocent, because in some
16 cases that might not be possible.

17 The state has the burden of proving the defendant's
18 guilt beyond a reasonable doubt because they made the
19 accusation and they brought the charge; and therefore you
20 may not draw any inference nor reach any conclusion from
21 the fact that a defendant does not testify during the
22 course of the trial, nor may that fact even be discussed by
23 you jurors while you are engaged in your deliberations.

24 Now, Mr. Foreman and ladies and gentlemen of the jury,
25 I am not in any way concerned with what your decisions are,

Jury charge

1 but you are instructed that the verdicts of the jury have
2 to be unanimous. All 12 must be in agreement.

3 Now, Mr. Foreman, as you've been told, you are going
4 to be tasked with the responsibility of presiding over jury
5 deliberations in the jury room simply to ensure that those
6 deliberations are carried out some in some orderly fashion,
7 but all jurors are expected to participate in the
8 deliberations, because, as I've said, the verdicts have to
9 be unanimous. All of you have to be in agreement.

10 Now, in addition to the evidence which has been
11 introduced during the trial, Mr. Foreman, you're going to
12 have the indictment, and that indictment's going to serve
13 as the verdict form.

14 As I told you, it's not evidence. It doesn't prove
15 anything; it doesn't establish anything. So its purpose in
16 being in the jury room with you is simply to serve as the
17 verdict form.

18 You'll see on the back of the indictment in the lower
19 left-hand corner, you'll see the word verdict. Beneath
20 that word I have written in count one and count two. So
21 you have two crimes alleged in the indictment, as you know.

22 Count one is the count alleging murder; count two is
23 the count alleging possession of a knife during the
24 commission of the crime of murder, which is a violent
25 crime.

Jury charge

1 And so you'll insert the jury's decisions as to each
2 of those counts in the spaces provided, count one relating
3 to the crime of murder, count two relating to possession of
4 a knife.

5 Once you and your fellow jurors have reached your
6 decision indicate that decision in the space provided. You
7 have two potential forms. Those two forms are guilty and
8 not guilty. So whatever that decision is, insert it in the
9 space provided. In the applicable or the appropriate place
10 sign your name as the foreperson. You're the only juror
11 that has to sign the verdict form. And place the current
12 date, which is November the 29th.

13 Once you have reached a decision and you've indicated
14 those decisions on the indictment and signed the verdict
15 form, knock on the door. Tell the bailiff that you have
16 reached your unanimous decisions. And then we'll bring you
17 back into the courtroom to receive your verdict.

18 Now, Mr. Foreman, when you notify the bailiff that
19 you've reached your decision, you will hold on to the
20 verdict form. The bailiff may take possession of the
21 evidence in the case, but you will hold on to the verdict
22 form. And I'll receive that from you after you and your
23 fellow jurors come back for us to receive your decision.

24 Now, during the trial -- excuse me -- during
25 deliberations there may come a time where you have some

Jury charge

1 question about the evidence or facts involved in the
2 matter.

3 Please understand that I am never permitted to respond
4 to any questions as they relate to evidence or issues of
5 fact. You have to determine the facts based upon the
6 evidence presented, and I'm not permitted to comment upon
7 that, nor am I permitted to answer questions about the
8 evidence in the case, and nor is any additional evidence
9 allowed to be introduced now that the case is closed.

10 So as you go back to deliberate if you think there's
11 something else out there that you might like to have and
12 you wonder if it exists to be able to have it, whether it
13 exists or not doesn't matter because you can't have it.
14 The evidence is closed. So don't inquire about evidence
15 that has not been introduced during the trial.

16 If you ever have a question about a witness' testimony
17 that was provided during the course of the trial, we can
18 bring you back to have a witness' testimony replayed in
19 whole or in part if that will assist the jury in answering
20 a question as it relates to the testimony.

21 So while I can't comment on the evidence or the facts,
22 no additional evidence can be introduced. If you have a
23 question that can be answered by rehearing testimony, you
24 can rehear the testimony. I don't have transcripts, but we
25 can bring you back into the courtroom for that purpose.

Jury charge

1 And you can hear a witness' testimony in its entirety or
2 just some portion of it if that's all you need to hear.

3 If you have a question about the law that's
4 applicable, I am always permitted to answer those
5 questions, and I'll be happy to give you a complete
6 reinstruction if you need it, or if you just need to have
7 some parts of the instruction clarified or me to explain
8 some portion of it, I'm happy to provide that reinstruction
9 or that explanation or that clarification should it be
10 necessary.

11 Mr. Foreman, if at any time you have some issue,
12 question or matter that needs to be addressed to me, if
13 you'll write it on a piece of paper, give it to the bailiff
14 and he or she will provide it to me and I'll respond
15 accordingly.

16 I don't know if we have any smokers on the jury, but
17 if we do you can smoke during deliberations, but you cannot
18 smoke in the courthouse. Although some think it might be a
19 good idea to burn it down, we're not going to. But if you
20 do wish to smoke, let the bailiff know and you can be taken
21 outside for that purpose. But understand that
22 deliberations have to stop and deliberations may only be
23 engaged in when all 12 jurors are present so that all may
24 participate in those deliberations.

25 Now, the lunch orders have been taken, so I assume all

Jury charge

1 of you do eat lunch. And you of course will be permitted
2 to do that. When the lunches come they'll be provided to
3 you. If you want to stop and eat lunch and resume
4 deliberations after lunch or if you want to deliberate
5 while you're eating lunch, that's up to y'all. You can do
6 that however you like.

7 I think that covers everything, but if it doesn't I'm
8 sure one of these lawyers will be happy to remind me that I
9 have neglected to provide you with some information that
10 perhaps I should have. And if I agree with that, then I'll
11 bring you back to provide you with that additional
12 information. If I do not need to bring you back for any
13 reason, I'll simply send word by way of the bailiff that
14 you may begin with your deliberations, and in that event he
15 or she will bring to the jury room all of the exhibits
16 which have been introduced.

17 And to you, Mr. Foreman, he or she will also bring the
18 indictment which serves as the verdict form.

19 There are some videos that were introduced during
20 trial, and so you'll have those there too and a computer to
21 play those videos on. If for some reason you can't get it
22 to work, let us know. We'll try to assist you with getting
23 the videos to be properly played.

24 All right. If you will -- and right now the alternate
25 can go with the jurors. But don't begin deliberations. As

Jury charge

1 I say, I've got to address some matters with the lawyers.
2 If I don't need to bring you back, then I'll send word by
3 way of the bailiff that you may begin deliberations. And
4 in that event the alternate will come back to the courtroom
5 with me.

6 So please retire. But don't begin deliberations until
7 I send you word to do so.

8 (Whereupon, the jury retired to deliberate at
9 12:08 p.m.)

10 THE COURT: Are there any exceptions taken to the
11 instruction or requests for additions to the instruction by
12 the state?

13 MR. BARNETTE: None from the state, Your Honor.

14 THE COURT: By the defendant?

15 MS. WHITE: Your Honor, we just renew our objection to
16 the hand-of-one-hand-of-all and accomplice liability.

17 THE COURT: Okay. Let me ask y'all to verify all of
18 the exhibits, please, before they go back.

19 (Pause.)

20 THE COURT: All right. All of the exhibits have been
21 accounted for?

22 MR. BARNETTE: Yes, sir, Your Honor.

23 MS. WHITE: Yes, sir.

24 THE COURT: You may send them back. Tell the jury to
25 begin deliberations and notify us when they've concluded.

Verdict

1 we'll be at ease while the jury is deliberating.

2 (whereupon, the exhibits were submitted to the jury at
3 12:25 p.m.)

4 (whereupon, the alternate was excused.)

5 (whereupon, a recess was taken.)

6 THE COURT: I'm told the jury has reached a decision.
7 Are we ready to receive it?

8 MR. BARNETTE: The state's ready, Your Honor.

9 MS. WHITE: The defense is ready, Your Honor.

10 THE COURT: Okay. Bring them in, please.

11 (whereupon, the jury returned to the courtroom at
12 2:02 p.m. to report its verdict.)

13 THE COURT: Mr. Foreman, have you and your fellow
14 jurors reached unanimous decisions as to the charges
15 contained in the indictments?

16 THE FOREMAN: Yes, sir.

17 THE COURT: And did you reflect those decisions on the
18 verdict form as requested?

19 THE FOREMAN: Yes, Your Honor.

20 THE COURT: Did you sign it and date it?

21 THE FOREMAN: Yes, sir.

22 THE COURT: If you will, please, hand that up by way
23 of the bailiff.

24 THE FOREMAN: I actually forgot to date.

25 THE COURT: Sir?

Verdict

1 THE FOREMAN: I forgot to date. I signed it.

2 THE COURT: Okay. Have you got your pen with you?

3 Today is the 29th of November.

4 (Pause.)

5 THE COURT: You may publish the verdicts.

6 THE CLERK: Indictment No. 2018-GS-42-1409, the State
7 of South Carolina, County of Spartanburg, the State vs. Roy
8 Gene Strickland [sic], III, indictment for, count one,
9 murder, possession of a firearm during the commission of a
10 violent crime, count two, we, the jury, find the defendant
11 guilty as to count one, guilty as to count two. Signed by
12 the foreperson on November 29th of 2018.

13 Ladies and gentlemen of the jury, if this is your
14 verdict and still your verdict, please raise your right
15 hand.

16 (Whereupon, all responded in the affirmative.)

17 THE CLERK: So say you all.

18 THE COURT: All right. Does the defendant wish to
19 have the jury polled?

20 MS. WHITE: Yes, Your Honor.

21 THE COURT: All right. Poll the jury please, ma'am.

22 THE CLERK: Ladies and gentlemen of the jury, I will
23 pose a question to you after I -- after which I will ask
24 you to stand individually and respond to my question, the
25 question being is this your verdict and still your verdict.

Verdict

1 No. 191, Andrew Williams, is this your verdict and
2 still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 174, Stephen Terry, is this your
5 verdict and still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Okay. Juror No. 159, James Sherbert, is
8 this your verdict and still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 144, Mandalyn Ramirez, is this
11 your verdict and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 32, Ken'dre Dowdle, is this your
14 verdict and still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror No. 99, Amanda Massey, is this your
17 verdict and still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Juror No. 170, Elizabeth Stevens, is this
20 your verdict and still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Juror No. 15, Clifton Brown, is this your
23 verdict and still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror No. 28, Barry Dardar, is this your

Verdict

1 verdict and still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 98, Carmen Martz, is this your
4 verdict and still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Juror No. 154, Teresa Salters, is this
7 your verdict and still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror No. 5, Jolene Barron, is this your
10 verdict and still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: The jury has been polled.

13 THE COURT: All right. Any other matters that need to
14 be addressed with the jury present?

15 MR. BARNETTE: None from the state, Your Honor.

16 MS. WHITE: None from the defense.

17 (Whereupon, the trial jury was excused.)

18 MR. BARNETTE: May we approach for a second, Your
19 Honor?

20 THE COURT: Okay.

21 (Bench conference held off the record.)

22 MR. BARNETTE: Your Honor, may I have a second just to
23 correct something for a second, Your Honor?

24 (Pause.)

25 THE COURT: Okay. Anything further prior to the

Sentence

1 imposition of sentence?

2 MR. BARNETTE: Your Honor, I do have some exhibits I
3 need to enter in.

4 Court's Exhibit 1 has already been entered in the
5 record. That's concerning the incident that happened in
6 Greenville County. Your Honor, the 404(b) motion, and
7 that's the basis for the life-without-parole notice that's
8 been given here.

9 In 2013, Your Honor, he was convicted of ABHAN, as
10 well as attempted armed robbery in there.

11 (Notice of life sentence marked Court's Exhibit No. 7;
12 affidavit marked Court's Exhibit No. 8; affidavit marked
13 Court's Exhibit No. 9.)

14 MR. BARNETTE: I've marked as Court's Exhibit 7, was
15 the packet of the notice of life sentence pursuant to
16 Section 17-25-45(A). That was served on the defendant and
17 on his counsel, Suzanne White, in this case, Your Honor.
18 That's Court's Exhibit 7.

19 Court's Exhibit 8, Your Honor, is Investigator Greg
20 Phillips from our office delivered this personally on the
21 defendant, Roy Gene Sutherland, on July 12th of 2018.

22 It was filed, and then it was also given to Paul
23 Bennett at the public defender's office to be served on Ms.
24 White. And that's marked as Court's Exhibit No. 9, Your
25 Honor, that affidavit is.

Sentence

1 I'd like to enter those in the record. I did show
2 those to Ms. White prior to entering them into the record,
3 Your Honor.

4 THE COURT: All right. Ms. White, are you in
5 agreement?

6 MS. WHITE: I am, Your Honor.

7 THE COURT: Okay.

8 MR. BARNETTE: Your Honor, I have spoken to the
9 family. The family knows the sentence has to be life based
10 off his prior record. And this statute was made for
11 somebody like this defendant, based off his prior record.

12 THE COURT: All right. Ms. White.

13 MS. WHITE: Thank you, Your Honor.

14 Obviously, we realize that based on the statutory
15 requirements that Your Honor has no discretion as to the
16 sentence. I don't know if this is an appropriate time for
17 us to move -- make any motions.

18 THE COURT: It is.

19 MS. WHITE: We would move for a new trial, Your Honor,
20 at this point based on our prior objections and, in
21 particular, items that we would like to introduce, as well
22 as our belief that the jury instruction of hand-of-one-
23 and-hand-of-all was not appropriate in this case.

24 Your Honor, we would also argue that the jury would
25 not have had complete time to even review all of the

Sentence

1 evidence in this case when they went back and didn't
2 properly go over that. And so we would ask for a new trial
3 at this time.

4 THE COURT: That motion is denied.

5 MS. WHITE: Thank you, Your Honor.

6 So, Your Honor, at this time I think we are ready for
7 sentencing.

8 MR. BARNETTE: Your Honor, just one other note.

9 There was a count two, the possession of a weapon
10 during a violent crime, but under the statute the way I
11 understand is there'll be no sentence given on that since
12 the murder will be a life sentence.

13 THE COURT: That's true.

14 All right. Ms. White.

15 MS. WHITE: Thank you, Your Honor.

16 I've had the pleasure of representing Mr. Sutherland.
17 He's always been an extreme gentleman and very kind to me,
18 and I am very sorry that we are at this point, but I
19 understand that you're -- you have no discretion now, so.

20 THE COURT: All right. Mr. Sutherland, would you like
21 to say anything before sentence is imposed?

22 THE DEFENDANT: If I may to the family of the
23 deceased.

24 THE COURT: Okay.

25 THE DEFENDANT: I'm very sorry for your loss, but it

Sentence

1 really wasn't me. I understand just wanting -- I
2 understand you want somebody to go down for this, but I'm
3 sorry it had to be me. I never knew your brother, ma'am,
4 aunt. I never knew this guy, and I'm sorry I'm going to
5 have to be the one to go down for it. But I understand
6 y'all have to have somebody to go down for it, and I
7 understand y'all want revenge in your brother's death. And
8 I have family also, and I'd want the same thing. But I am
9 innocent of this. And I wish you the best, ma'am.

10 THE COURT: Anything else?

11 MS. WHITE: Nothing from the defense, Your Honor.

12 THE COURT: All right. On Indictment 2018-42-01409,
13 an indictment for murder and possession of a knife during
14 the commission of a violent crime, the jury having found
15 you guilty of the crime of murder, the Sentence of the
16 Court is you be confined to the South Carolina Department
17 of Corrections for the period of your natural life.

18 As to count two, having been found guilty of
19 possession of a knife during the commission of a violent
20 crime, the sentence for that offense is not applicable
21 because the defendant has been sentenced to life in prison
22 without parole; and therefore it's not going to -- the
23 sentence for the count two will not be imposed pursuant to
24 16-23-490.

25 MS. WHITE: Thank you, Your Honor.

1 MR. BARNETTE: Thank you.

2 THE COURT: Okay. Mr. Sutherland, let me say this.

3 You do have a right to appeal the verdict of the jury
4 and the Sentence of the Court. You must file any notice of
5 your intent to appeal those decisions within ten days of
6 today's date. Okay. Your lawyers will help you with that.

7 END OF REQUESTED TRANSCRIPT OF RECORD

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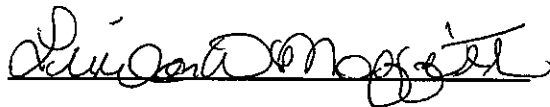
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 26th through 29th day of November 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

April 26, 2019

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

1. SENTENCE MADE ☒ WITNESSES ☐
2. REPORT ENDED ☒ COMPUTER ☐
3. CARD FILLED ☒
Spartanburg County Sheriff's Office
4. INDEXED ☐
5. CHECKED WARRANTS ☐
6. CHECKED SIGNATURE ☐
7. ASSESSMENT AND FINE CARD MADE ☒ COMPUTER ☐
8. TRAFFIC VIOLATION COPY ☐

ARREST WARRANT NUMBER

2018A4210100062

2018A4210100063

ACTION OF GRAND JURY

CR

MAR 23 2018

Foreperson of Grand Jury
Date:

VERDICT

Count 1: guilty
Count 2: guilty

Foreperson of Petit Jury
Date:

11-29-18

DOCKET NO. **18-GS-42-1409**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 26 2018

TERM

THE STATE

v.

ROY GENE SUTHERLAND, III
(aka Danny)

Indictment for
MURDER (Count 1)

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

POSSESSION OF FIREARM
DURING COMMISSION OF A VIOLENT

CRIME (Count 2)

SC Code: 16-23-490

CDR Code: 549

Class FEL/F

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

11.20.2018

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

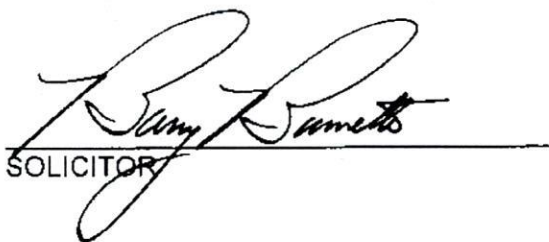
COUNT ONE - MURDER

That the Defendant, Roy Gene (aka Danny) Sutherland, III, did in Spartanburg County on or about January 6, 2018, feloniously, willfully, and with malice aforethought, kill one Lanham Joseph Wood, by beating him about the head and/or stabbing him with a knife, and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

**COUNT TWO - POSSESSION OF FIREARM DURING COMMISSION
 OF A VIOLENT CRIME**

That the Defendant, Roy Gene (aka Danny) Sutherland, III, did in Spartanburg County on or about January 6, 2018, visibly display a knife during the commission or attempted commission of a violent crime, to-wit: Murder, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE VS.

Roy Gene Sutherland

INDICTMENT/CASE#: 2018GS4201409

A/W#: 2018A4210100062

Date of Offense: 1/6/2018

S.C. Code § 16-03-0010; 16-03-0020

CDR Code #: 0116

AKA:

Race: WHITE Sex: M Age: 35

DOB: SS#:

Address: 594 Cannon Ford Rd

City, State, Zip: Inman, SC 29349

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder - Count One☒ CONVICTED OF or ☐ PLEADS

SENTENCE SHEET

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: *Barry Barnett*

SCB13039

SCB78225

BARNETTE, BARRY

SC Bar#

Defendant

White, Suzanne

SC Bar#

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed — years
and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
of \$ —; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: *L. Moffitt*

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2053

Sentence Date: 11/29/2018

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/ Kathrine H. Hudgins

Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Apr 15 2020

SC Court of Appeals

This 15th day of April, 2020.