

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable D. Craig Brown, Circuit Court Judge

RECEIVED

Jan 08 2021

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH WAYNE CARLISLE,

APPELLANT

APPELLATE CASE NO 2019-001702

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
S.C. Bar No. 4806

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #5 (VIDEO INTERVIEW), #8 (VIDEO INTERVIEW), #105, #107,
#110, #113, #118, #120, and #125 (SECURITY CAMERA VIDEOS)**

1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD

2 COUNTY OF HORRY) MOTIONS

3 -----
August 9, 2019

4 BEFORE: The Honorable D. Craig Brown

5 -----
STATE OF SOUTH CAROLINA,

6 CASE NOS.:
Plaintiff, 2017-GS-26-4254 & 4255

7 vs.

8 KENNETH WAYNE CARLISLE,



9 Defendant.

10 -----

11 STATE OF SOUTH CAROLINA, CASE NOS.:

12 Plaintiff, 2017-GS-26-4446 & 4447

13 vs.

14 JORDAN MARIE HODGE,

15 Defendant.

16 -----

17 APPEARANCES:

18 George DeBusk, Esq.
19 Seth Oskin, Esq.
Attorneys for the State.

20 Ralph Wilson, Sr., Esq.
21 Attorney for the Defendant Hodge.

22 Martin Spratlin, Esq.
23 Attorney for the Defendant Carlisle
Official Court Reporter

24 Certified Court Reporter:
Natalie Dahl

25

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

2 THE COURT: All right. State ready to proceed?

3 MR. DeBUSK: Yes, Your Honor.

4 THE COURT: Defense counsel?

5 MR. SPRATLIN: Martin Spratlin for Kenneth
6 Carlisle, and we're ready, Your Honor.

7 MR. WILSON: For Jordan Hodge, we're ready to
8 proceed, Your Honor.

9 THE COURT: Where are the defendants?

10 DEPUTY: They're bringing them in.

11 (A brief pause in the proceedings as the
12 defendants enter courtroom.)

13 THE COURT: What would you like to deal with
14 first? I know you sent me motions and responses, et
15 cetera.

16 MR. DeBUSK: We have a Blair hearing with
17 Ms. Hodge. The examiner is here from MUSC, if we
18 could get her here.

19 And also, just for the record, we served this
20 morning on the defendant indictments for criminal
21 conspiracy that will go along with the murder -- for
22 the same murder charges we have today. Those are
23 Indictments 2019-GS-26-4214 and 4215, 4214 for Jordan
24 Hodge; and 4215 for Kenneth Carlisle. They'll be
25 going to the grand jury in the August term, Your

1 Mr. Carlisle. Based on the testimony today, and a
2 possibility of apparently a battered spouse type of
3 defense, I think it is relevant to this case. Are we
4 allowed to provide it to Mr. Spratlin?

5 THE COURT: Yeah, I think you should.

6 MR. SPRATLIN: I was going to make that request,
7 thank you.

8 MR. DeBUSK: We'll do so.

9 THE COURT: Anything else on that issue?

10 MR. DeBUSK: Nothing further.

11 MR. WILSON: Nothing, Your Honor.

12 THE COURT: Next issue?

13 MR. OSKIN: For the record, with regards to
14 Mr. Spratlin's representation of Kenneth Carlisle, he
15 provided notice of myself days after he received
16 discovery that he had prosecuted the victim in this
17 case, William Clemmons. He provided that notice, and
18 I want to put on the record that I have received that
19 notice, and I'll let him elaborate.

20 THE COURT: Yes, sir.

21 MR. SPRATLIN: Yes, sir, Your Honor. Previously,
22 before being employed with the Public Defender's
23 Office, I was an assistant solicitor in Horry County
24 for eight years. During that time, one of the victims
25 in this case, William Clemmons, I prosecuted him for a

1 charge. It wound up being a guilty plea with
2 probationary sentence. I really had no recollection
3 of the specifics of the case, just when I saw the
4 name, recognized it as a name I previously prosecuted.
5 I did inform my client of that information, and I had
6 him sign a notice that I had told him about that and
7 that he has been fully explained of all of that and
8 has no issues for my continuing representation. I
9 would like to mark that as an exhibit for the Court,
10 if I could in a second.

11 I also did go and tell Assistant Solicitor Oskin,
12 who was at that point the solicitor assigned to the
13 case, and he saw no issues. The charge which I
14 prosecuted Mr. Clemmons for I believe occurred either
15 2014, allegedly, and was completely unrelated to
16 anything that involves the situation we're here on, so
17 I did not see any kind of conflict. I have spoken
18 with other attorneys to advise me if there is any
19 other conflict that they see, and basically with
20 everyone agreeing to waive any sort of -- be put on
21 notice about this and waiving any issues, no one sees
22 any conflict.

23 THE COURT: Okay. Mr. Carlisle stand up, please.

24 (KENNETH CARLISLE, having been duly sworn,
25 testified as follows:)

1 (Court's Exhibit 3 marked.)

2 EXAMINATION

3 BY THE COURT:

4 Q You are Kenneth Carlisle?

5 A Yes, sir.

6 Q You've been sitting there with your attorney
7 while he's put on the record the fact that he
8 previously prosecuted Mr. William Clemmons; is that
9 right?

10 A Yes, sir.

11 Q He's made -- or handed up a notice of prior
12 involvement with the alleged victim, William Clemmons,
13 which appears to have your signature on this document;
14 is that correct?

15 A Yes, sir.

16 Q Let me ask you this question, and I'm not asking
17 you this to try to embarrass you in any way, but you
18 can read, correct?

19 A Yes, sir.

20 Q And you've had the opportunity to read this
21 document yourself?

22 A Yes, sir.

23 Q And this is, in fact, your signature on what is
24 marked as Court's Exhibit No. 3?

25 A Yes, sir.

1 Q Did anyone use any threats, force, pressure or
2 intimidation to get you to sign this document?

3 A No, sir.

4 Q Did anyone make any specific promises to you to
5 get you to sign this document?

6 A No, sir.

7 Q Do you have any questions about this document,
8 whatsoever?

9 A No, sir.

10 Q You fully understand after reading this document,
11 talking to your lawyer and me discussing this with you
12 her in court today, you fully understand that?

13 A Yes, sir. It was fully explained.

14 Q And you understand it without someone explaining
15 it to you, because you were able to read it?

16 A Yes.

17 Q Do you have any questions you want to ask me?

18 A No, sir.

19 THE COURT: Mr. Spratlin, anything else?

20 MR. SPRATLIN: No, I believe you covered it all.

21 THE COURT: You may be seated, thank you.

22 MR. OSKIN: Defendant Carlisle's motion for
23 severance.

24 THE COURT: Yes, sir.

25 MR. SPRATLIN: Thank you, Your Honor. Your

1 Honor, I believe the Court did receive a copy of my
2 motion for severance; I have another copy.

3 THE COURT: I have it here. Let me ask this
4 question first, and I don't mean to cut you off, but
5 I'm trying to cut to the chase, all right.
6 Mr. Wilson, Mr. Spratlin filed this motion pursuant,
7 in essence, concerning that you are going to use a
8 battered spouse syndrome defense.

9 MR. WILSON: Correct.

10 THE COURT: Now, pursuant to Section 17-23-170,
11 which is that particular applicable statute here,
12 Subsection E of that section requires that you file
13 some written notice with the court of your intention
14 to assert such.

15 MR. WILSON: Yes, sir.

16 THE COURT: Has such been filed?

17 MR. WILSON: It has not as of today, no, sir.

18 THE COURT: Is it your intention to file it?

19 MR. WILSON: Yes.

20 THE COURT: When?

21 MR. WILSON: Probably within the next week.

22 THE COURT: Okay. Pursuant to what you told me
23 today, I'll hear from you, Mr. Spratlin.

24 MR. SPRATLIN: Yes, Your Honor. My concerns with
25 Mr. Wilson pursuing some sort of battered spouse

1 defense is that since his client and my client were
2 involved in a romantic relationship, that his
3 co-defendant is on trial here, that his claim would be
4 that my client was abusive towards Ms. Hodge. That
5 causes issues for many reasons. First and foremost,
6 there is absolutely no evidence of any sort of abuse
7 that I'm aware of. No party has provided any
8 discovery showing any police reports, photographs,
9 witness statements, nothing showing any sort of abuse
10 by my client; that is my first issue. That is more of
11 an evidentiary issue.

12 My concern with this defense even being presented
13 at a joint trial of these two parties is that
14 normally, under the law as I laid out in my
15 memorandum, and I would ask that to be made as an
16 exhibit for the Court, if I could, prior bad acts --
17 accused prior bad acts, even acts that have no basis
18 in reality or basis in fact cannot simply be presented
19 to the jury. The jury is to decide a case based only
20 on the evidence presented as to the crimes charged.
21 They are not to hear about things that the defendant
22 has done bad in the past. They are not to hear about
23 prior domestic violence incidents unrelated at all to
24 the crimes charged, because there is a true danger, as
25 I laid out in my analysis in State v. Gore, there is a

1 true danger that with these prior bad acts, that the
2 jury might make a judgment, might render a verdict,
3 might decide guilt or innocence on the basis of
4 something other than the evidence presented as to the
5 crimes charges. I have copy of Gore if the Court so
6 needs.

7 THE COURT: Copy of what?

8 MR. SPRATLIN: State v. Gore, the case cited in
9 my memorandum.

10 In response to my memorandum and motion, the
11 State filed a retort. In that retort -- and I don't
12 disagree with a lot of what Mr. Oskin put in that
13 retort. I'm not raising an issue involving the
14 confrontation clause. Clearly, if Ms. Hodge or any
15 other witnesses would testify and say that my client
16 was abusive towards her, that is something that I
17 would be able to cross-examine them on, question them.
18 The confrontation clause would be satisfied.

19 My issue with these pieces of evidence or
20 statements coming into evidence at trial is the
21 relevancy of it and, obviously, for Mr. Wilson it is
22 irrelevant, because he has asserted a defense of
23 battered spouse. He is able to apply whatever defense
24 he feels is appropriate to this case; however, if it
25 interferes with a specific trial rate of my client,

1 then severance is required. Here, Your Honor, we have
2 that.

3 We have a trial right of my client, that being
4 for the jury not to hear about uncharged, unindicted,
5 unrelated, unfounded claims of domestic violence. He
6 has that right at trial under State v. Lyle --

7 THE COURT: Let me ask you this question. I
8 spent the entire day yesterday looking at Battered
9 Spouse Syndrome, not just in this state, and it kind
10 of goes to you as well, Mr. Wilson.

11 MR. WILSON: Yes, sir.

12 THE COURT: Not just in this state, but in cases
13 throughout this country, and I did not find one
14 case -- and I'm not saying it is not there, just
15 telling you I didn't find one case wherein a Battered
16 Spouse Syndrome defense was allowed or even asserted
17 wherein a codefendant claimed such in a case for
18 reason of the underlying charge. In every one of the
19 cases that I saw, it related to a victim asserting
20 such for the reasons of the defendant having committed
21 the crime, not in the scenario we are talking about
22 here; does that make sense?

23 MR. WILSON: Yes, sir.

24 THE COURT: I mean, do you have any case law on
25 that yet?

1 MR. WILSON: No, sir. I'll get you some, but
2 this is how I approach it. When we do any other
3 murder case, the defendant's -- if the defendant is
4 under the direction or under the dominion and control
5 of the other person, then that is certainly something
6 that can be brought out when that person testifies or
7 that person can show that, look --

8 THE COURT: Assuming that your client testifies.

9 MR. WILSON: Assuming she testifies. We ought to
10 be able to bring out that she was under the dominion
11 and control of the other defendant when the act
12 occurred. And especially in this case where what we
13 are alleging is that this defendant did everything --
14 she just cooperated out of fear for her own safety and
15 own life, and if those things were true, and I'm not
16 expressing an opinion one way or the other, I'm just
17 saying if those are true, she has every right to
18 testify to that and put in evidence to show that she
19 was under his dominion and control prior to and
20 leading up to the homicide.

21 THE COURT: And I'm not necessarily disagreeing
22 with you on that. Based upon my review of the Rules
23 of Evidence, case law, it was brought up that there
24 was a prior interview that was recorded concerning
25 some of these issues, which I don't think as we stand

1 right now that such would be admissible, under any
2 Rule of Evidence, which could run afoul or create
3 Bruton issues, clearly.

4 MR. SPRATLIN: The reason why I did not raise any
5 Bruton issues is the State, in my conversation with
6 them, they don't intend on playing any of those
7 recorded interviews.

8 THE COURT: Right. Right, and I saw that.

9 MR. SPRATLIN: My issue is still if Mr. Wilson
10 intends on bringing up evidence, calling witnesses,
11 questioning witnesses to establish acts of domestic
12 violence unrelated to the two murders which we now
13 stand here before trial, I believe that that violates
14 my client's constitutional rights.

15 THE COURT: In my reading of the case law
16 yesterday as well, it doesn't necessarily -- because
17 defenses are antagonistic -- entitle your client
18 automatically to a severance, and there is case law
19 out there that says just because a co-defendant
20 asserts that he did it and not me, or she did it and
21 not me does not automatically entitle your client to
22 severance; is that right?

23 MR. SPRATLIN: I agree a hundred percent, Your
24 Honor. But here we are not just dealing with an
25 antagonistic defense. If all we were dealing with was

1 Ms. Hodge saying that at the time these murders
2 occurred, my client was the shooter, or Ms. Hodge was
3 the shooter, I would not be standing up here asking
4 for a severance. I agree that under State v. Dennis,
5 that mutually antagonistic defenses are not in and of
6 themselves enough to require severance; however, we
7 have something more here than mutually antagonistic
8 defenses. We have a defendant seeking to enter
9 evidence of other crimes or wrongdoings on behalf of
10 the codefendant unrelated --

11 THE COURT: That is another whole evidentiary
12 issue for me to decide, whether or not it is
13 admissible.

14 MR. SPRATLIN: It would, Your Honor, but if you
15 found it was so admissible, I believe my client's
16 rights would be violated, and that is why I believe
17 the severance is required, because we are not -- if it
18 works out that my client's rights are not violated,
19 then so be it. But if it works out that they are, I
20 would be asking for a mistrial. My client's rights
21 are substantially at risk by allowing him to go to
22 trial with a codefendant who plans on asserting a
23 defense contingent upon the fact that he committed
24 multiple other crimes unrelated to the ones which he
25 is on trial for.

1 THE COURT: Well, you know, our supreme court --
2 what I'm seeing is very much against allowing prior
3 bad acts, prior charges, not letting that in because
4 of prejudicial effect to a defendant, but I hear what
5 you are saying.

6 MR. SPRATLIN: And that is my concern, Your
7 Honor. My client is at a substantial risk by a joint
8 trial given the defense that the co-defendant intends
9 on using.

10 THE COURT: Mr. Wilson, anything you want to add?

11 MR. WILSON: No, sir. I don't have a strong
12 position one way or the other in terms of whether we
13 sever or stay together. I mean, I'm comfortable
14 either way, but I don't know how this is very
15 different than, say, two defendants rob a bank and one
16 says that the other, in his defense, says, look, he
17 drew a gun on me when we got to the bank and told me I
18 had to participate. That is certainly evidence of a
19 crime of another crime other than the robbery, and
20 that defendant is certainly entitled to testify that
21 that is what happened, which put him in the position
22 of being a participant in the robbery.

23 THE COURT: Even under a 404(b) prior bad acts or
24 crimes are admissible to show motive, intent,
25 identity.

1 MR. WILSON: Yes, sir. And that is the thing
2 here, there is a history which led to this, and which
3 we think anyway, directly led to my client's
4 involvement or participation in this crime. You know,
5 I don't think that -- you know, the thing about the
6 co-defendant has a right to say, well, yeah, but you
7 can't bring it up, or, yeah, I get all of those things
8 or maybe they're true, but you can't bring it up
9 because I'm in the trial, I have a problem with that.
10 Whatever the Court's decision is, that is fine with
11 me.

12 MR. SPRATLIN: If I may respond. Mr. Wilson's
13 analogy to the bank robbery is completely different.
14 In that case you are talking about an act that
15 occurred at or contemporaneous with the crime. Here
16 we're talking about alleged prior bad acts that
17 occurred possibly months, years, ahead of the crime.

18 Additionally, I'm not saying that Mr. Wilson
19 cannot address that. I'm not saying that Mr. Wilson
20 cannot explain to the jury why he believes his client
21 was coerced or under duress to commit the crimes she
22 committed. What I am simply saying is that my client
23 should not be on trial along with her if the basis of
24 that is that he did all of these bad things to her six
25 months ago, a year ago and that is why she did it. He

1 should be severed.

2 THE COURT: Thank you. You all may be seated.

3 MR. OSKIN: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 MR. OSKIN: First and foremost, the State has
6 planned to proceed in the trial of these two
7 defendants as a joint trial. It is appropriate for
8 Your Honor to do so. It is within your discretion.

9 Focusing on the State versus Tucker analysis,
10 charges can be joined in the same indictments and
11 tried together where they arise out of the same chain
12 of circumstances, are proved by the same evidence or
13 of the same general nature, and no real right of the
14 defendant has been prejudiced.

15 In this case, this is all supplemented by my memo
16 turned over to your clerk. I would like to make that
17 a Court's exhibit as well.

18 THE COURT: Do you have copies?

19 MR. SPRATLIN: I do.

20 MR. OSKIN: I provided that in our mutual e-mail.
21 This whole string of events started as a missing
22 peoples (sic) case. When initially questioned by the
23 Conway Police Department, both of these defendants
24 told Conway police that her grandmother had --
25 grandmother's husband had a family emergency in Ohio

1 and they didn't give any explanation of why they had
2 to go there, they just up and went, and that they were
3 given the truck that belonged to both victims at that
4 time.

5 Fast forward 12 days. The bodies of these
6 victims are found at a landing in Bucksville, so that
7 differs from where they said they, in fact, were. The
8 State is arguing that is under the
9 hand-of-one-hand-of-all theory, which they are being
10 tried under, and that is where it begins.

11 From there, Your Honor, multiple uses of the
12 debit card by both defendants evidenced by BB&T still
13 photographs. I'm not trying to read the whole memo to
14 you line-by-line, but they are both seen on Walmart
15 surveillance video both making purchases, both in
16 possession of that debit card and spending roughly
17 \$500 a day until they were arrested.

18 So Argue Point No. 1: It arises out of a single
19 chain of circumstances. They lie about the victims'
20 whereabouts and starts at the debit card usage, in the
21 meantime, to where they are arrested.

22 Two, they are proved by the same evidence, they
23 are of the same general nature. The important issue
24 here that you quickly got to the point of where there
25 is no rights of the defendant, and no right of

1 Defendant Carlisle be prejudiced by being tried with
2 Defendant Hodge, is that I agree with Mr. Spratlin
3 that Mr. Wilson's bank robbery example does not line
4 up with this, but I think the bank robbery example and
5 Hodge's statement is evidence of duress, not evidence
6 of Battered Woman Syndrome, properly analyzed under
7 the 401, 403 admissibility test by Your Honor. You
8 are a circuit court judge for a reason, no doubt.

9 I believe under State v. Dennis, this claim on
10 how it will affect his rights at trial and prejudice
11 him, it lines up more as an antagonistic defense.
12 Defendant Hodge will be subject to cross-examination,
13 and I think that is appropriate. There is the
14 amendments and statutes and process for a reason.
15 Outlier cases are possibilities and have not -- I
16 can't find them in case law, and I think they are most
17 properly handled at the time of trial under the 401,
18 403 admissibility test.

19 In addition to that, Defendant Hodge gives
20 multiple statements inconsistent from her claim here
21 today. The State will be able to cross her on that.
22 Attorney Spratlin on Carlisle's behalf will be able to
23 cross-examine her on that. Therefore, I believe that
24 all Constitutional due processes have been assured to
25 him at this point. We have not been made aware of any

1 prior acts; can't find them. This happened -- first
2 claim we got of any of this is the jailhouse
3 conversation referenced by Mr. Spratlin almost two
4 years after arrest, Your Honor.

5 To further make the point of how it applies to
6 Defendant Carlisle's right, I certainly agree with
7 Your Honor how you encompassed Battered Woman's
8 Syndrome and how it applies, where it can and how it
9 doesn't here, and we would echo that and present that
10 at trial. Thank you.

11 THE COURT: Anything further?

12 MR. SPRATLIN: No, Your Honor. I stand on my
13 prior argument, as well as my memo.

14 THE COURT: He has to get a copy. He has his own
15 copy, and I have my own copy that I've marked up, so
16 once they get back with a clean copy, it will be
17 marked as a Court's exhibit.

18 MR. SPRATLIN: It is actually my fault. He was
19 nice enough to provide me with another copy, so I took
20 his extra copy.

21 THE COURT: That's all right.

22 MR. OSKIN: We'll have that momentarily, Your
23 Honor.

24 THE COURT: Couple of things right now. With
25 regards to the motion to sever, I'm going to hold my

1 ruling in abeyance on that right now. I looked at
2 your memos and I've looked at some case law. In
3 fairness to you, at this point, I'm inclined not to
4 grant it at this point, but I'll hold off because
5 there is a couple other things I want to look at.

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

7 THE COURT: I guess, Mr. Wilson, as it pertains
8 to your potential filing of your intent to in some way
9 use the Battered Spouse Syndrome, I kind of told you
10 what my research has been on it.

11 MR. WILSON: Your Honor, it may be -- and I say
12 Battered Spouse Syndrome, to be fair, it is probably
13 more dominion in control of one person by another. It
14 may not fit 100 percent within the Battered Spouse
15 Syndrome, but it is certainly when one person abuses
16 the other to the point that that person is totally
17 dominated and controlled by them, that's kind of where
18 we are and where we're going. Whether we call it
19 "battered spouse" or "under the dominion or control of
20 another," that is where we're headed.

21 THE COURT: I don't think, and I may be wrong,
22 but when I looked at 17-23-170 in the law throughout
23 the country, I didn't find a situation as we have
24 here. I mean, it's always been a defendant asserting
25 such pursuant to prior actions of a victim.

1 MR. WILSON: Right. That's correct.

2 THE COURT: Not the dominion and control
3 situation as what you are alleging here that took
4 place.

5 MR. WILSON: Yes, sir.

6 THE COURT: Which I think goes into a whole other
7 issue pertaining to the admissibility under the rules.
8 It clearly, under the Rules of Evidence, is not to be
9 allowed to be asserted through a third party, so to
10 speak, because that is clearly hearsay. It clearly
11 affects Mr. Carlisle's rights as argued by
12 Mr. Spratlin here; there is no question about that.

13 So, like I said, there is a couple of things I
14 want to look at with regards to that, and I'll make a
15 final ruling on it, obviously, before the trial.

16 MR. OSKIN: Thank you, Your Honor.

17 THE COURT: Next issue.

18 MR. DeBUSK: Your Honor, I believe
19 Mr. Spratlin's motion in limine regarding GPS data,
20 ankle monitor.

21 MR. SPRATLIN: That's correct.

22 THE COURT: Yes, sir.

23 MR. SPRATLIN: I did prepare and send up the
24 motion and memorandum to your law clerk as well.

25 THE COURT: I've seen it and reviewed it.

1 MR. SPRATLIN: As the Court is aware in reading
2 the memorandum, in the statement of facts, at the time
3 the incidents occurred, my client was on an ankle
4 monitor as a condition of bond out of several charges
5 from North Carolina, Davidson County. During part of
6 the investigation by the Horry County Police
7 Department, a search warrant was executed on a company
8 called Omni-link, based out of Atlanta, Georgia. I
9 believe they were the provider and monitor of the
10 device that he was required to wear, GPS monitoring
11 device. Results were returned, including several
12 location coordinates going from June 1st, 2017
13 through June 25, 2017, and then some sporadic data
14 regarding any time thereafter. There was a letter
15 sent by Omni-Link personnel stating that the ankle
16 monitor was not functional during the time of these
17 alleged murders.

18 My objection to any sort of evidence coming in
19 regarding the ankle monitor, the charges for which he
20 was on bond for in North Carolina, as well as the fact
21 he was on bond for any charges, is part and parcel of
22 my previous argument regarding why these trials should
23 be severed. I believe this constitutes prior bad
24 acts, which is not admissible against my client. I
25 believe it would prejudice the jury against my client.

1 First off, he has not been convicted of any of
2 these crimes in North Carolina. They are still
3 pending, to my knowledge, and have not been resolved
4 or disposed of. I do not believe that any mention of
5 what the charges are, or the fact that he is even
6 facing charges in North Carolina, would be appropriate
7 in any way, under any circumstances.

8 Regarding the fact that he was on a GPS
9 monitoring device, Your Honor, as I stated, there was
10 no information provided about his whereabouts at the
11 time that these incidents allegedly occurred; in fact,
12 as I stated, the Omni-link personnel said it was not
13 operational at that time. What my concerns are with
14 that, Your Honor, is that clearly the average citizen
15 walking down the street, average person is not on an
16 ankle monitor. I'm not on one. I assume Mr. Wilson
17 is not one, and I assume the State is not on one.

18 THE COURT: Whether you know it or not, that
19 phone you carry around is a monitor.

20 MR. SPRATLIN: Unfortunately, I'm well aware of
21 it.

22 THE COURT: My wife calls it electronic
23 monitoring. I'm sorry go ahead.

24 MR. SPRATLIN: Yes, sir. In regards to the
25 actual ankle monitor my client was wearing, this would

1 obviously import to the jury some knowledge of prior
2 involvement with the criminal justice system,
3 something that is improper for them to consider in
4 reaching a verdict based solely on the evidence
5 presented as to the crimes charged.

6 So I believe that any mention of the ankle
7 monitor, any mention of the charges and any mention
8 that he was on bond for anything should be excluded at
9 the trial.

10 MR. DeBUSK: Your Honor, GPS monitoring,
11 particularly the ankle bracelet, is surprisingly
12 common in America today.

13 THE COURT: It is. And before you get down this
14 road, I looked at this issue yesterday. It is clear
15 -- it's clear that there are cases throughout the
16 country where such evidence has been admissible and
17 admitted that places defendants at a crime scene,
18 right. I think there's been -- there was one case I
19 think in South Carolina, I think it was State v.
20 Brown, which is 424 S.C. 479, which is a 2018 case,
21 but the issue in that case was not -- was not whether
22 such is admissible. The issue -- I mean, it was --
23 the issue is whether the State properly authenticated
24 the information for it to be admissible, and our
25 supreme court said that they had not properly

1 authenticated it, and it was error to admit it, but it
2 wasn't reversible error.

3 MR. DeBUSK: Was found harmless error.

4 THE COURT: What we have in this case -- and,
5 again, I didn't see a case throughout the country that
6 kind of fits this fact scenario here. I understand
7 that he was on a monitor. I understand from what the
8 defense -- because the State didn't present any memo
9 in opposition here, and that is fine, but from defense
10 counsel, the memo that was submitted to me, it was
11 clear he was on a monitor, and I hadn't heard anything
12 different, that it wasn't working at the time. If I
13 remember correctly, it said that the State's position
14 would be that he intentionally let the battery die so
15 they couldn't track him.

16 MR. DeBUSK: As a matter of circumstantial
17 evidence, yes, sir.

18 THE COURT: Well -- and so his concern, as his
19 argument has been here today, is that even allowing
20 the fact that he was on an ankle monitor is certainly
21 more prejudicial than probative, right?

22 MR. SPRATLIN: Yes, Your Honor, 403.

23 THE COURT: So tell me, please, sir, why it is
24 not?

25 MR. DeBUSK: That is what it comes through, 403,

1 probative versus prejudice. In this case, what it
2 shows is that the day before the murders occurred, for
3 the only time he was wearing it, the battery was
4 allowed to die, and then it brought back up the day
5 after the bodies were disposed of. That is
6 circumstantial evidence in preparation and that is
7 what the probativity is, Your Honor.

8 The prejudice can be minimized. We don't want to
9 get into the reason why he was wearing the ankle
10 monitor, of course, just that he was wearing one, he
11 was required to keep it charged, and the only time he
12 did not keep it charged was right before the murders
13 were committed, and right after --

14 THE COURT: Let me ask you this.

15 MR. DeBUSK: Yes, Your Honor.

16 THE COURT: Is that position -- or that argument
17 not more so supposition than fact?

18 MR. DeBUSK: It is circumstantial. It is a
19 circumstantial argument, it is. Part of a case that
20 is too great to be circumstantial. There is some
21 direct evidence, but each link of a chain is very
22 important in circumstantial evidence.

23 THE COURT: Let's take away the ankle monitoring
24 in its entirety; does that cut the State's legs from
25 under it?

1 MR. DeBUSK: I don't know that it cuts our legs
2 from under it; it does take a piece of our chain.

3 THE COURT: A piece of your argument?

4 MR. DeBUSK: Yes, sir.

5 THE COURT: You are assuming that is part of a
6 chain.

7 MR. DeBUSK: Circumstantial chain, yes, sir.
8 We're arguing it is part of the chain. We're not
9 assuming, we're arguing it.

10 THE COURT: Anything else?

11 MR. DeBUSK: Oh, no, Your Honor. As you said, it
12 comes to 401, 403.

13 THE COURT: I think based upon what our supreme
14 court has been handing down recently, I believe that
15 it would be more prejudicial than probative, and I'm
16 going to grant the defendant's request as it relates
17 to that. Unless you can give me case law otherwise on
18 that issue, and I'm just telling you that the supreme
19 court clearly came down on those issues now.

20 MR. DeBUSK: Your Honor, I would -- I agree with
21 the Court. The only case in South Carolina that we
22 could find was State v. Brown, but it wasn't allowed
23 in trial.

24 THE COURT: It was. Because the issue was -- it
25 put him at the crime scene. We have a different issue

1 here. And from what I saw in the facts of this case,
2 I understand -- I certainly and clearly understand
3 what your argument is here, but the other side is,
4 from what I've seen through the facts and what you
5 have submitted to me, is that this defendant was found
6 in the decedent's truck with blood all over the place,
7 with the utilization of their credit cards of taking
8 approximately \$500 a day and some.

9 MR. DeBUSK: More than that.

10 THE COURT: Okay. More than that. So, I mean,
11 in and of itself, it is very damaging, so to speak, as
12 it relates to each of these defendants here. I
13 clearly understand your argument. And, again, I
14 looked country-wide for a case, in any capacity, that
15 lined up with what your potential argument was here
16 today, and not just from the state, but from our U.S.
17 Supreme Court all the way down, and found not one
18 case. So I'll give you some time if you want to
19 reargue this issue, but my ruling right now is I think
20 it's more prejudicial than probative at this point. I
21 understand what you are saying, but based upon what
22 I've seen, and based upon my reading of the law, that
23 is my ruling at this time.

24 MR. DeBUSK: I understand, and we'll check again,
25 but we did check as you did and reached similar

1 conclusions about what was out there, but we'll check
2 again.

3 THE COURT: Any other issues? I don't remember
4 seeing any other specific ones.

5 MR. SPRATLIN: There is a Jackson v. Denno.

6 THE COURT: You want to do that -- you are
7 prepared to do it today?

8 MR. OSKIN: Yes, sir.

9 THE COURT: All right. I need to take a break
10 before.

11 (A recess was taken.)

12 THE COURT: Thank you. All right, what's next?

13 MR. OSKIN: I will state for the record with
14 regards to the motion to sever, I laid a clean copy of
15 my memo in front of Your Honor.

16 (Court's Exhibits 4 & 5 marked.)

17 MR. OSKIN: Your Honor, at this time the State
18 calls Gregory Lent with Horry County Police.

19 MR. SPRATLIN: Your Honor, I believe this is a
20 Jackson v. Denno only to Defendant Hodge.

21 MR. OSKIN: That's correct.

22 THE COURT: The law clerk told me there are three
23 statements all pertaining to Ms. Hodge?

24 MR. SPRATLIN: No. My guy has one statement, but
25 this particular witness, I won't have any questions

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY)

The State,	)	
	)	
Plaintiff,	)	
	)	2017-GS-26-4254, 4255
vs.	)	
	)	
Kenneth Wayne Carlisle,	)	
	)	
Defendant.	)	
	)	Transcript of Record
The State,	)	September 30, 2019
	)	through
Plaintiff,	)	October 3, 2019
	)	
vs.	)	
	)	2017-GS-26-4446, 4447
Jordan Marie Hodge,	)	
	)	
Defendant.	)	

B E F O R E:

Honorable D. Craig Brown
Horry County Courthouse
Conway, South Carolina

A P P E A R A N C E S:

George H. DeBusk, Jr., Esquire
Seth A. Oskin, Esquire
Attorneys for Plaintiff

Ralph J. Wilson, Sr., Esquire
Attorney for Defendant, Jordan Marie Hodge

Martin D. Spratlin, Esquire
Attorney for Defendant, Kenneth Wayne Carlisle

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

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Voir Dire

14

1 (On the record, September 30, 2019. The following takes
2 place in the presence of the jury venire.)

3 THE COURT: Thank you. Be seated, please. Can the
4 lawyers approach a minute real quick, please?

5 (Whereupon, a bench conference is held in the presence,
6 but out of the hearing of the jury venire.)

7 THE COURT: All right. Is the State ready to proceed?

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

9 THE COURT: Defense counsel ready to proceed, Mr. Wilson?

10 MR. WILSON: We're ready, Your Honor.

11 THE COURT: Mr. Spratlin?

12 MR. SPRATLIN: Yes, Your Honor.

13 THE COURT: All right. If you'd call your case, please.
14 Call your case, please.

15 MR. OSKIN: Thank you. Your Honor, at this time, the
16 State of South Carolina would move forward in its case against
17 Jordan Hodge and Kenneth Carlisle, both charged with two
18 counts of murder, true-bill indictment 2017-GS-26-04446 with
19 regards to count one against Ms. Hodge in the death of Linda
20 McAllister, true-bill indictment 2017-GS-26-04447 that is,
21 again, against Defendant Hodge in the death of William Chester
22 Clemons, true-bill indictment 2017-GS-26-04254 with regards to
23 Defendant Kenneth Carlisle, that's the count with the death of
24 Linda McAllister, and a true-bill indictment 2017-GS-26-04255
25 is for the death of -- for his involvement in the death of

Voir Dire

15

1 William Chester Clemons. The State's ready to proceed with
2 jury selection, Your Honor, at this time.

3 THE COURT: All right. All right. Ladies and gentlemen,
4 the State has called the case of the State of South Carolina
5 versus Jordan Marie Hodge and the State of South Carolina
6 versus Kenneth Wayne Carlisle. Each of these Defendants are
7 charged with two counts of murder by indictment which I am
8 going to read to you. As it relates to Jordan Marie Hodge, on
9 2017-GS-26-04446 the indictment reads as follows: that Jordan
10 Marie Hodge did in Horry County on or about July 3, 2017,
11 willfully, feloniously and intentionally kill the victim,
12 Linda McAllister, with malice aforethought, either express or
13 implied, by means of circumstances of peril, and the victim
14 did die as a proximate result thereof on or about July 3,
15 2017, in Horry County in violation of Section 16-3-10 of the
16 South Carolina Code of Laws. Under indictment 2017-GS-26-
17 04447, that indictment reads that Jordan Marie Hodge, excuse
18 me, did in Horry County on or about July 3, 2017, willfully,
19 feloniously and intentionally kill the victim William Clemons
20 with malice aforethought, either express or implied, by means
21 of circumstances of peril, and the victim did die as a
22 proximate result thereof on or about July 7, 2017, in Horry
23 County in violation of Section 16-3-10 of the South Carolina
24 Code of Laws. As it relates to Kenneth Wayne Carlisle, on
25 indictment 2017-GS-26-4254 that indictment reads that Kenneth

1 MR. SPRATLIN: Your Honor, we're still waiting on Mr.
2 Wilson.

3 Your Honor, in the meantime if I could approach? I've
4 already given a copy to the State. These are two cases that I
5 will be talking about, using in my argument. Nothing complex
6 on them, I just wanted the Court to have a copy.

7 THE COURT: Thank you.

8 (Mr. Wilson enters courtroom.)

9 MR. WILSON: Your Honor, I apologize for being tardy in
10 getting back here.

11 THE COURT: That's all right. What's the first matter we
12 need to deal with?

13 MR. OSKIN: Your Honor, the State would propose that we
14 first take up the matter of the second indictment against
15 Defendant Hodge, 2017-GS-26-04447. The State's ready to
16 proceed in that argument at your discretion.

17 THE COURT: Yes, sir, let me hear from you.

18 MR. OSKIN: Thank you, Your Honor. As it was read off
19 and reviewed, the State is arguing that it has a scrivener's
20 error where it states that the victims died as a proximate
21 result thereof on or about July 7th, 2017. The State is
22 arguing for a scrivener's error under Section 17-19-100 of the
23 South Carolina code. If an indictment contains any defect or
24 on the trial of any case there shall appear to be any variance
25 between the allegations of the indictment and the evidence

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1 offered in proof thereof, the trial court may amend the
2 indictment if such indictment does not change the nature of
3 the offense charged. Here, Your Honor, it does not change the
4 nature. It's still murder, and it is statutorily sufficient
5 under S.C. Code 17-19-30 which states that the crime of murder
6 is a composite one, that the assault contained or the assault
7 committed upon a person with the intent to kill resulting in
8 the death thereof from that assault that it's sufficiently
9 indicated on the indictment. State v. Rector is the case law
10 for that as well and would, would proceed and ask the Court
11 that we continue along that indictment under the scrivener's
12 error.

13 THE COURT: All right. Thank you, sir.

14 MR. OSKIN: Yes, sir.

15 THE COURT: Mr. Wilson.

16 MR. WILSON: Your Honor --

17 MR. OSKIN: I'd move to amend the indictment. I
18 apologize, Your Honor. All right, Ralph.

19 MR. WILSON: Your Honor, I would, I would object to the
20 amendment. The -- it does change what the Defendant has to
21 answer to, and, and, and the date that's in this indictment is
22 obviously an incorrect date. I don't know that that's a
23 scrivener's error as much as it changes everything because
24 when we -- when, when, when we're indicted we look to answer
25 to the content of the indictment. This alleges a murder on a

1 certain date. There is no murder on that date, and, and so,
2 therefore, I would say that, that, that it's more than a
3 scrivener's error. Scrivener's error would be if, if the name
4 is spelled wrong or if, you know, or if they use the wrong
5 word and said he as opposed to that. That might be a
6 scrivener's error. That -- this is not a scrivener's error.

7 THE COURT: All right. With all due respect, Mr. Wilson,
8 I am going to allow the State to amend the indictment.
9 Indictment -- the indictment reads, excuse me, under 2017-GS-
10 26-4447, [as read], "That Jordan Marie Hodge did in Horry
11 County on or about July 3rd willfully, feloniously and
12 intentionally kill the victim." It alleges she killed the
13 victim William Clemons on July 3rd, 2017. It further states in
14 the indictment that he didn't die until July the 7th. That's
15 when it states he dies, but in any, any event, pursuant to
16 State v. Quarles, 261 S.C. 413, State v. Quarles stands for
17 the proposition that an indictment may be amended to state the
18 correct time or date of the alleged crime when the time or
19 date is not of the, of the essence of the crime. I do not
20 believe that it is of the essence of the crime, and it is --
21 an amendment in this case is warranted, but your objection is
22 so noted for the record.

23 MR. WILSON: Thank you, Your Honor.

24 THE COURT: Thank you.

25 THE COURT: What I'm going to do is strike through the 7th

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1 and put the 3rd on here and initial it.

2 MR. OSKIN: Yes, sir. Thank you, Your Honor.

3 THE COURT: All right. The next matter?

4 MR. DEBUSK: Your Honor, we have a motion to suppress
5 evidence made by Defendant Carlisle.

6 THE COURT: All right. Is the State ready to proceed?

7 MR. DEBUSK: Yes, Your Honor.

8 THE COURT: All right. Let's go.

9 MR. DEBUSK: We'd like to present some evidence from --
10 we'd call Detective Heath Watford.

11 Whereupon, Joel Heath Watford is called to the stand,
12 duly sworn by the clerk and testified as follows:

13 EXAMINATION

14 BY MR. DEBUSK:

15 Q Detective Watford, who is your employer?

16 A The City of Conway Police Department, sir.

17 Q What were your duties --

18 THE COURT: Hold on a minute. Hold on a minute. State
19 your full name for the record.

20 A Joel Heath Watford.

21 THE COURT: I'm sorry. Go ahead, Mr. DeBusk.

22 MR. DEBUSK: Thank you, Your Honor.

23 By MR. DEBUSK:

24 Q What were your duties back in July of 2017?

25 A I was an investigator for the criminal investigation

1 division for the police department.

2 Q The Conway Police Department?

3 A Yes, sir.

4 Q Were you involved in the investigation of a missing
5 persons case involving Linda McAllister and William Chester
6 Clemons?

7 A Yes, sir, I was.

8 Q With that part of the investigation, for the missing
9 persons part, what was your role?

10 A I was actually off-duty that night that the call came in.
11 I was called in to assist with a missing persons trying to
12 help locate them.

13 Q Uh-huh.

14 A I responded to the residence on Dewberry Drive that was a
15 primary.

16 Q Did you ultimately become the lead investigator in the
17 case?

18 A I did, sir.

19 Q Okay. During the course of that investigation did you
20 encounter a 2011 blue Dodge RAM pickup truck?

21 A I did, sir.

22 Q Where did you encounter that?

23 A Well, the correct address was 2611 Pleasant Union Drive
24 in the Galivants Ferry Section of Horry County.

25 Q Did you make a decision to seize that truck?

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- 1 A I did, sir.
- 2 Q Let's talk a little bit about the basis of knowledge you
- 3 had when you made that decision.
- 4 A Okay.
- 5 Q What did you learn about the disappearance of the -- what
- 6 victims, Linda McAllister and --
- 7 A In regards to the truck that that was their primary means
- 8 of transportation, that that was their only means to go
- 9 anywhere.
- 10 Q From whom did you learn that?
- 11 A Ms. McAllister's daughter, Dara Hodge.
- 12 Q So you spoke with the family members?
- 13 A Yes, sir.
- 14 Q Okay. Did you ask them whether the victims would be
- 15 liable to lend out that truck?
- 16 A I did.
- 17 Q What did you find out?
- 18 A She said that that truck was never allowed to be driven
- 19 by anybody, that they were very particular about the truck,
- 20 that --
- 21 Q And despite -- okay. I'm sorry. Go ahead.
- 22 A They usually -- only Chet even drove the truck.
- 23 Q Now, did you talk -- get a story from the victims that
- 24 differed from that -- what you heard from the family? I'm
- 25 sorry, from the Defendants?

- 1 A Yes, sir, I did.
- 2 Q What did you learn from the Defendants?
- 3 A I learned that -- from the Defendants their story to me
4 was on the -- on July 4th of the same year that they were at
5 the victims' home because their vehicle had broken down. In
6 the course of talking with them, the victims got a call or
7 Chet got a call from Ohio saying a family emergency and that
8 they had to leave immediately and that they -- the victims
9 loaned the truck to the Defendants for -- because their truck
10 was broken down and for them to maintain their house and their
11 dogs while they were gone.
- 12 Q So at that point you had two different stories. One was
13 that the truck would not be lent out --
- 14 A Yes, sir.
- 15 Q -- and was their sole transportation, the other it had
16 been lent out?
- 17 A Yes, sir.
- 18 Q Did you do anything to follow up on this story about the
19 family emergency in Ohio?
- 20 A Yes, sir. I did, actually. I contacted some family
21 members and phone numbers I had obtained from -- of Chet's
22 family in Ohio. They stated that he had not shown up there
23 and nor had they called him about any family emergency that
24 they were aware of.
- 25 Q So there was no family emergency despite the story of the

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1 Defendants?

2 A Yes, sir.

3 Q At the scene, at the Dewberry house --

4 A Yes, sir.

5 Q -- were there indications there that the Defendants had
6 left in a hurry, that they had left items out?

7 A Yes, sir.

8 Q What -- could you explain to the Court what that was?

9 A There were two dogs in the house.

10 Q Uh-huh.

11 A There was fecal matter from the dogs that was dried. It
12 had been there obviously for days and days. All throughout
13 the house you could smell dog urine.

14 Q Was that -- did you ask the family if that was
15 characteristic of, of how --

16 A I did. They said the dogs were well -- usually well
17 taken care of and went everywhere with the two victims.

18 Q And was there any food left out?

19 A There was. There was frozen, I believe it was actually a
20 frozen lasagna sitting on the counter when we walked through
21 and it was actually you could tell it was still frozen. The
22 package it had actually started to mold.

23 Q Okay. So it had been there quite a while?

24 A It'd been there, yeah, quite some time.

25 Q Well, when you arrived at the -- there was a second

- 1 residence where the Defendants lived. Where was that?
- 2 A That was on Pleasant Union Road in Galivants Ferry.
- 3 Q When you arrived there did you locate this truck?
- 4 A I did, sir.
- 5 Q Where was it?
- 6 A It was parked behind the house up against a woodline.
- 7 Q Okay.
- 8 A And it --
- 9 Q Were there other vehicles in the area?
- 10 A There was. There were a couple of -- found the truck
- 11 sitting in the, in the -- it was in the backyard. We pulled
- 12 up and went to the backyard of the house which appeared to be
- 13 the normal way of entrance.
- 14 Q Did it appear to you that it might have been concealed to
- 15 some extent at that residence?
- 16 A Like I said, the rest of the cars were parked up in the
- 17 front of the house. This one was backed all the way down
- 18 behind it and backed up with the back of the truck completely
- 19 up against the woodline. You couldn't walk behind it really
- 20 or anything like that.
- 21 Q And when you were there did you speak to the Defendant
- 22 Kenneth Carlisle?
- 23 A I did, sir.
- 24 Q What did you determine from his statements to you?
- 25 A When I asked about the truck he said that it was left in

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1 their care with them to drive, and I noticed they had pulled
2 up in another vehicle and asked about that. They said that
3 they borrowed it as well because they didn't want the truck --
4 they were told the truck was very meticulous, not to be
5 driving it a whole lot, to keep it very clean, not to smoke in
6 it or anything like that so.

7 Q Was it clean?

8 A No, sir. It was extremely -- it was covered in mud.
9 That was the first thing I noticed.

10 Q What did you determine about or what did you observe
11 about Mr. Carlisle's demeanor when he was speaking to you
12 about the truck?

13 A Once I started asking about the truck he became very,
14 very nervous, standoffish, looking away. His hands were
15 shaking. I noticed the carotid artery in his neck starting
16 to, to pulse a little bit more. He kept looking at the truck
17 every time I would ask him something about the truck. Those
18 are, those are signs that are indicative from my training of,
19 of talking to people with interdiction and stuff that they're,
20 they're nervous or hiding something about to said particular
21 item that you're asking about.

22 Q Now, this truck being the property of the missing
23 victims, Linda and Chet --

24 A Yes, sir.

25 Q -- did you feel you had probable cause to search that

1 because it was their property?

2 A Absolutely, sir. I did.

3 Q Did you have any concerns about potential evidence being
4 tampered with or, or destroyed?

5 A Yes, sir, because it being a vehicle I was scared it
6 would be driven away, taken away or something of that nature.

7 Q Uh-huh. And were the Defendants at that time under
8 arrest or were they free to leave?

9 A They were free to go. They were free to go.

10 Q And the truck was at their residence; correct?

11 A Yes, sir. It was.

12 Q Okay. And that residence is it in the city, in a rural
13 area?

14 A It's in a rural area of Horry County. I actually had
15 Horry County Police out there with me due to jurisdictional
16 issues with me the whole time.

17 Q So it could have easily been tampered with?

18 A Absolutely, sir.

19 Q Based on your concerns what did you choose to do with
20 that truck?

21 A The truck was impounded for evidentiary purposes. It was
22 towed by Squeaky's Garage and towed to Horry County Police
23 Department's impound lot for security.

24 Q And so it was, it was safeguarded there?

25 A Safeguarded there till a search warrant could be obtained

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1 for it.

2 Q Did you search that truck before you obtained a search
3 warrant?

4 A No, sir.

5 Q All you did was secure it for --

6 A I secured it. Yes, sir.

7 Q Okay. Based on your concerns that possible evidence was
8 in that truck and that evidence could be tampered with?

9 A Yes, sir.

10 Q And you had already received inconsistent stories from
11 the Defendant?

12 A From the Defendant compared to the family members of the
13 victims, yes, sir.

14 Q And you, you also observed the Defendant's demeanor being
15 --

16 A Yes.

17 Q -- nervous?

18 A Very nervous and standoffish when questions were asked
19 about that particular item.

20 Q Thank you.

21 A Yes, sir.

22 Q Answer any questions the Defense might have.

23 THE COURT: Mr. Spratlin.

24 MR. SPRATLIN: May it please the Court, Your Honor?

25 THE COURT: Yes, sir.

1 EXAMINATION

2 BY MR. SPRATLIN:

3 Q Good afternoon, Detective Watford.

4 A How are you, sir?

5 Q I'm good. Hope you're doing well.

6 A Yes, sir.

7 Q I do have a couple of questions for you.

8 A Okay.

9 Q Now, at the time that you went over to the Pleasant Union
10 where the truck was seized, did you know the eventual fate of
11 Linda McAllister or William Clemons?

12 A At that time, no, sir, I did not.

13 Q Okay. And you were just investigating a missing persons
14 case at that time?

15 A Yes, sir.

16 Q Regarding the vehicle that you saw at the residence, did
17 you expect to find that vehicle at the residence?

18 A I was told it was at the residence before I got there,
19 yes, sir.

20 Q So prior to going over to the residence, and I'm assuming
21 that was by speaking with Dara Hodge; correct?

22 A Yes, sir.

23 Q You had spoken with Dara Hodge and she had told you that
24 the -- she had seen the truck over at the residence?

25 A Yes, sir.

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- 1 Q So going over there you had full knowledge that that
2 truck was, in fact, there?
- 3 A Or may be there.
- 4 Q Okay. Possibly there?
- 5 A Possibly there.
- 6 Q Probably there, could be there?
- 7 A Could have been.
- 8 Q That truck was never reported stolen; right?
- 9 A To my knowledge I do not know. I never checked it.
- 10 Q You spoke with the Defendants in this case, Kenneth
11 Carlisle, Jordan Hodge, and they both told you that the truck
12 had been given to them to use by the -- by Linda McAllister
13 and William Clemons; right?
- 14 A Yes, sir.
- 15 Q You had no information to directly dispute that; did you?
- 16 A I had inconsistent stories and had it confirmed that they
17 had not been to Ohio at that point and that was their only
18 means of transportation.
- 19 Q So you had known that they hadn't been to Ohio, but as
20 far as them letting them borrow the truck, you had no direct
21 information other than what the family members had told you
22 about their -- the common practice of them not to let anybody
23 drive the truck that this truck was not given to them?
- 24 A Correct, sir.
- 25 Q In fact, before you seize the vehicle you actually ask I

- 1 think Jordan Hodge for the keys for the car; correct?
- 2 A I asked both of them for the keys.
- 3 Q They had told you that the keys were lost or misplaced?
- 4 A Yes, sir.
- 5 Q So your intention was to gain entry into the truck right
- 6 there at the scene; right?
- 7 A No, sir.
- 8 Q What were you, what were you going to do with the keys
- 9 then?
- 10 A I was going to -- we were seizing the truck for
- 11 evidentiary purposes and it was for the tow truck drivers once
- 12 they were called to be able to properly tow the vehicle.
- 13 Q Okay. Now, where this truck was parked was clearly on
- 14 their property; right?
- 15 A I assume. I don't know what the property lines are out
- 16 there.
- 17 Q And but it was, it was in a vicinity where it, it kind of
- 18 went with the house; right?
- 19 A Yes, sir.
- 20 Q At the point that you seized this truck neither Jordan
- 21 Hodge nor Kenneth Carlisle were under arrest; were they?
- 22 A No, sir.
- 23 Q At the time that you seized this truck there were no
- 24 arrest warrants pending for either of them; was there?
- 25 A No, sir.

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1 Q At the time that you seize this truck you were not
2 investigating a murder; were you?

3 A No, sir, I was investigating a missing persons.

4 Q At the time that you seize this truck you had no
5 knowledge about what contents were in that truck?

6 A No, sir.

7 Q At the time that you seize that truck you had no
8 information that that truck had been used in any sort of
9 crime?

10 A Just that it may hold information that the whereabouts of
11 where the victims would be.

12 Q And once you took that truck you took it to the impound
13 lot at Horry County PD; correct?

14 A Yes, sir.

15 Q And it stayed there for about 24 hours until a search
16 warrant was obtained?

17 A Somewhere around about that time, yes, sir.

18 Q This was on, I believe, a Thursday; does that sound
19 right?

20 A I believe so.

21 Q Would it have been possible to go to the magistrate or
22 the county -- yeah, it would have been the magistrate. Is it
23 possible to have gone to the magistrate on the 13th and gotten
24 a search warrant that night?

25 A That night, the night of it it was late in the evening.

1 There was -- since it was being secured there was no need to
2 wake up judges or anything else for that matter. We decided
3 to wait and do it the next day which is --

4 Q Do you recall what time the next day you actually went
5 and got the search warrant?

6 A No, sir, I do not.

7 Q Was it first thing in the morning?

8 A It was somewhere close to that, yes, because it was one
9 of the duties on my list to do when I came back in the next
10 morning.

11 Q So the truck was seized without any sort of warrant in
12 possession of you at that time; correct?

13 A Yes, sir, I don't need a warrant to seize evidence.

14 Q And this truck was taken out of possession of these
15 Defendants?

16 A Yes, sir.

17 Q And at the time that you were seizing that truck you were
18 not investigating a murder?

19 A No, sir.

20 Q You had no information about the contents of what was in
21 that truck, just that there might be something in there?

22 A Yes, sir.

23 Q You also knew that before you seized that truck you had
24 asked both Jordan Hodge and Kenneth Carlisle to go to the
25 police department and speak with you all; isn't that true?

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1 A Yes, yes, sir.

2 Q So they were actually leaving the residence where the
3 truck was to go to the police department to meet with you?

4 A Yes, sir.

5 Q So they would not have been at that residence to, in
6 fact, tamper with that truck if that was your concern?

7 A They could have afterwards.

8 Q It also would have been possible to have stationed a
9 guard there to make sure that they did not enter that truck;
10 would that have been possible?

11 A It's possible, but I followed our normal protocols of
12 seizing evidence and securing it till a search warrant could
13 be obtained.

14 Q So hypothetically you could have asked an Horry County
15 police officer to stand by, keep an eye on the truck to make
16 sure that no one tampered with any potential incriminatory
17 evidence therein?

18 A We could have, I guess.

19 Q Thank you. I believe that's all the questions that I
20 have, Detective Watford. Mr. Wilson might have some.

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

22 THE COURT: Any redirect?

23 MR. DEBUSK: Yes, sir.

24 REEXAMINATION

25 BY MR. DEBUSK:

1 Q If you had placed a guard on that truck and denied them
2 access to that truck would it have been just as much seized?

3 A It would have been the same thing as having a -- being a
4 seizure, sir.

5 Q And had they left -- when they left after giving the
6 interview at Conway Police Department were they under arrest?

7 A No, sir.

8 Q They could have gone right back to where that truck was;
9 is that correct?

10 A Yes, sir.

11 Q At that point when you had the stories from the Defendant
12 that didn't match what the family was telling you or what the
13 people in Ohio was telling you, did you have concerns for the
14 safety of the people you were searching for?

15 A Absolutely.

16 Q So though it wasn't a murder case yet, it was a missing
17 persons case? You did have concerns?

18 A Yes, sir.

19 Q And what time was this when you worked this scene at the
20 Pleasant Union house?

21 A At that point it was probably eight, 9:00 o'clock, eight,
22 eight or nine or so in the evening. It had just started to
23 get dark. It was in the middle of the summer. So probably
24 close to 9:00 o'clock.

25 Q What time did you leave that scene?

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- 1 A I left, went to the police department for the interviews
2 and went back out to the -- to that scene. It was probably --
3 it was, venture to say, probably two in the morning.
- 4 Q And it was the next morning that you got the, the search
5 warrant?
- 6 A Yes, sir. A matter of, you know --
- 7 Q A few hours?
- 8 A -- a matter of a few hours.
- 9 Q Not 24?
- 10 A No, sir.
- 11 Q And once again, you, you had -- would you think it
12 unusual that a person who is found with a -- say a stolen
13 vehicle would tell a story that pertains that the vehicle
14 wasn't stolen?
- 15 A Yes, sir.
- 16 Q That's, that's likely to happen; correct?
- 17 A Yeah.
- 18 Q So you look at all the facts surrounding that vehicle;
19 correct?
- 20 A Yes, sir.
- 21 Q In this case you already knew that they had lied about a
22 or, or had reason to believe they lied about a family
23 emergency in Ohio?
- 24 A A family emergency in Ohio. Yes, sir.
- 25 Q And you had testimony from the family that, one, they

1 would not be likely to lend out that truck, and two, it was
2 their only means of transportation?

3 A Yes, sir.

4 Q So at that point you had to judge one story against the
5 other?

6 A Yes, sir.

7 Q Thank you.

8 MR. SPRATLIN: Your Honor, real briefly.

9 REEXAMINATION

10 BY MR. SPRATLIN:

11 Q Detective Watford?

12 A Yes, sir.

13 Q At the time that the Defendants were meeting with you at
14 the Conway Police Department you actually did get a search
15 warrant for their house; correct?

16 A I -- the one was typed up and through Horry County --
17 through us in Horry County Police Department, yes, sir.

18 Q So a search warrant was prepared for the house in the
19 time that -- in that night? So a judge was woken up for that
20 purpose?

21 A Yes, sir.

22 Q But not for the truck?

23 A No, sir.

24 Q Okay. Thank you.

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

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1 A Thank you, sir.

2 MR. DEBUSK: Your Honor, next the State would call
3 Detective Matthew Singleton.

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

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

7 MR. SINGLETON: Spell the last name? Detective Matthew
8 Singleton, S-I-N-G-L-E-T-O-N.

9 EXAMINATION

10 BY MR. DEBUSK:

11 Q Detective Singleton, who is your employer?

12 A Horry County Police Department.

13 Q So you're not in the same department as Detective
14 Watford?

15 A No, sir.

16 Q Did you have -- participate in the investigation of the
17 incident involving the victims in this case?

18 A Yes, sir.

19 Q What was the nature of investigation when you took over?

20 A I took over Saturday morning approximately 7 a.m., 7,
21 8:00 o'clock a.m. when two bodies were found in the woods off
22 of Browns Chapel Avenue in Conway.

23 Q Did you have reason to believe those bodies were Linda
24 McAllister and William Chet Clemons?

25 A It was our belief at the time that it was a high

- 1 probability that they -- that that, in fact, was them.
- 2 Q So you had a murder investigation; is that correct?
- 3 A At that point, yes, sir, I had a murder investigation.
- 4 Q In the course of that murder investigation did evidence
5 recovered from the blue truck come into play?
- 6 A Yes, sir.
- 7 Q Was blood found in the truck?
- 8 A Yes, sir.
- 9 Q Was it found in the cab?
- 10 A It was found in the cab, yes, sir.
- 11 Q Was it also found in the bed?
- 12 A Yes, sir.
- 13 Q Was that blood ultimately matched to the victims?
- 14 A Yes, sir. It was forensically tested.
- 15 Q And also was a 25-caliber projectile recovered at
16 autopsy?
- 17 A Yes, sir.
- 18 Q And were any casings from 25-caliber projectiles
19 cartridges found in the truck?
- 20 A Yes, sir.
- 21 Q In the cab?
- 22 A Yes, sir.
- 23 Q And was a GPS unit recovered from the truck?
- 24 A Yes, sir.
- 25 Q Did that truck ever go to the location where the bodies

23 Q So you have nothing to add basically as to the state of
24 mind of the officers when they took that truck into the
25 possession of the Conway Police Department; do you?

1 A Other than appeared to be standard protocol.

2 Q Thank you. No further questions.

3 THE COURT: Any redirect?

4 MR. DEBUSK: None, Your Honor.

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

6 A Thank you, sir.

7 MR. DEBUSK: Your Honor, that would be the State's
8 showing. Our argument is that based on the knowledge of
9 Detective Watford when he was investigating the scene at
10 Pleasant Union Road he had reason to believe that there was
11 evidence in that truck and that the truck -- that evidence
12 could potentially be tampered with. That was the basis for
13 seizing the truck. Had he put a guard on it, it would have
14 been just as seized. It was taken to the impound lot and it
15 was not searched. It was not searched until a warrant had
16 been obtained. It was seized only for the purpose of the
17 exigent circumstances of possible evidence tampering and
18 protecting it from that.

19 As for standing, Your Honor, we would argue that the
20 Defense doesn't have standing to, to argue this because they
21 have no property interest in the truck. The basis is the, the
22 truck, the evidence in the case as outlined by Detective
23 Singleton it shows that the truck was not, in fact, borrowed.
24 The family had already told, the family in Ohio had already
25 told the police that there was no family emergency. There was

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1 indications that the, that the victims were killed in the
2 truck and the truck was not rightfully in the possession of
3 the Defendant. That's as a matter of standing, Your Honor,
4 that the truck was stolen as a matter of, of the state of mind
5 of Detective Watford at the time, that was merely to establish
6 exigent circumstances. The rest of the presentation was to,
7 to show that there was, in fact, no standing because the truck
8 was not taken by borrowing but was taken by murder. Thank
9 you, Your Honor.

10 THE COURT: Mr. Spratlin.

11 MR. SPRATLIN: Thank you, Your Honor. I would disagree
12 with Mr. DeBusk's statement that there is no standing in this
13 matter for my client to raise an objection to this truck being
14 seized. I understand how he believes that the case eventually
15 played out. However, the question for an illegal search and
16 probable cause to basically take a vehicle without a warrant
17 rests in the mind of the officer at the time that he actually
18 takes the vehicle, and I do believe at that point my client
19 had standing. The only information that had been directly
20 relayed to Conway Police Department was that that truck was
21 given by consent by the registered owners of that vehicle to
22 my client and the Codefendant for use -- for their personal
23 use. One of the cases I handed up, Your Honor, is U.S. v.
24 Byrd. It's -- can be found at 138 Supreme Court 1518.
25 Basically in that case, Your Honor, this was a rental car

1 where the driver of the rental car was not the person on the
2 rental agreement, had no actual interest in, in the vehicle,
3 however, was using it by consent of the person who had rented
4 the car. That did not deprive him of a right or an expectation
5 of privacy in that vehicle. So the same standard that would
6 apply for anyone with an expectation of right applied to that
7 individual even though it was a car that he was not on the
8 rental lease for. Similarly here, Your Honor, my client's not
9 the registered owner of that vehicle, but if what the -- the
10 information the police had at that point he had an expectation
11 of privacy in that vehicle. So we have to look at what was in
12 the officer's mind at the time that he seized that truck.
13 First off, Your Honor, regarding the inability to get a
14 warrant, I, I find fault in that because while as the officer
15 testified to on re-cross at the time that these individuals
16 were at the Conway Police Department meeting with the Conway
17 Police Department a warrant was actually obtained and executed
18 on the house. So clearly a warrant could have been obtained
19 for the truck and could have been executed on the truck to
20 take the truck properly into police custody. A warrant was
21 obtainable. This was not a situation where it was 3 a.m. in
22 the morning, no magistrate within 50 miles and they had no
23 other choice. It was a very simple phone call to get a
24 magistrate to issue a warrant. The taking of the truck is
25 troublesome to me, Your Honor, in addition to the fact that I

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1 don't believe they had probable cause at that point to take
2 the truck because they had no knowledge that a crime was
3 committed. They had no knowledge that these individuals were
4 suspects in a murder case. They had no direct knowledge that
5 this vehicle had wound up in their possession unlawfully. It's
6 further troubling to me with the fact that the police went
7 over to the residence knowing that the truck was going to be
8 there. The officer testified that he had spoken to Dara Hodge
9 and that Dara Hodge had relayed to him that the truck was
10 there. One of the cases that I did not hand up but the State
11 actually referenced in its response that was sent to myself,
12 co-counsel and the Court was Kentucky v. King. In Kentucky v.
13 King there is a very long discussion, and I do have a copy if
14 the Court needs it, there was a very long discussion of the
15 police not being able to bring about the exigency that
16 requires them to seize the vehicle. For instance, if they go
17 over to a known drug dealer's house and smell marijuana, they
18 can't then say, "Well, exigent circumstances, we can go in
19 and, and take the marijuana." That doesn't make sense. They
20 can't create the exigency that allows them to act without a
21 warrant or judicial oversight. Here they did just that. They
22 got in the vehicle, got in their police cars, went over to the
23 residence of Kenneth Carlisle, Jordan Hodge knowing or at
24 least with a reasonable expectation that that vehicle was
25 going to be at that residence, and once there said, "Exigent

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1 circumstances, tow the vehicle Squeaky." That's not proper
2 police conduct. I understand it might be, might be Conway
3 protocol but that's not proper conduct. Proper conduct is
4 take your probable cause if you have it, which I don't believe
5 at this point they did, take your probable cause to a
6 magistrate if you know the property is there at the residence
7 that you're going to and get a search warrant to take
8 possession of the vehicle. They didn't do it, Your Honor.
9 They didn't act in good faith. They took possession of the
10 vehicle without a right to take possession of the vehicle from
11 individuals who do have standing to raise this issue. I would
12 ask the Court to find that the truck was seized unlawfully,
13 and I would ask the Court as fruit of the poisonous tree to
14 suppress any and all evidence that was seized from that truck
15 as a result of Conway unlawfully taking possession of it.
16 Thank you, Your Honor.

17 MR. WILSON: Your Honor, just for the --

18 THE COURT: Let me ask you this, Mr. Spratlin.

19 MR. WILSON: Your Honor, just for the record, we join in
20 this motion in its entirety.

21 THE COURT: And I think Mr. Spratlin had told me that up
22 at sidebar earlier.

23 MR. WILSON: Yes, sir.

24 THE COURT: Thank you for putting that on the record.

25 Mr. Spratlin, you're not arguing in its entirety your client's

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1 position as to who had possession and, and, I mean, the
2 authority to have possession?

3 MR. SPRATLIN: Your Honor --

4 THE COURT: Let me, let me finish.

5 MR. SPRATLIN: Yes. I'm sorry.

6 THE COURT: Other than what law enforcement's testified
7 here to today, your client as well as --

8 MR. SPRATLIN: Yes, Your Honor.

9 THE COURT: -- Ms. Hodge, excuse me, can testify in this
10 hearing limited to this issue, but I heard testimony only from
11 law enforcement concerning conflicting stories from your
12 client and family about this truck, but does that -- are you
13 asking me to rely solely upon what was stated by your clients
14 to law enforcement when they showed up with a warrant to
15 search their house?

16 MR. SPRATLIN: Your Honor, actually when they showed up
17 they did not have a warrant to search the house. The -- they
18 --

19 THE COURT: I misunderstood that.

20 MR. SPRATLIN: -- they had shown up to ask them to go to
21 the police station and speak with them.

22 THE COURT: Okay.

23 MR. SPRATLIN: They got the warrant to search the house
24 while they were at the police department giving statements.
25 Your Honor, I'm not asking the Court to rely solely on what my

1 clients told the police. I'm asking the Court to put
2 themselves -- put Your Honor in the position of the police
3 officer and what was in the police officer's head at the time
4 that he took possession of the truck because that is the
5 ultimate question as to what the police thought.

6 THE COURT: Well, separate and apart from, from, from
7 that, what, what I believe we know here is you've got two
8 individuals that are missing; correct?

9 MR. SPRATLIN: Yes, Your Honor.

10 THE COURT: Your client and Ms. Hodge in possession of an
11 automobile that, that they are not lawful owners of.

12 MR. SPRATLIN: Yes, Your Honor.

13 THE COURT: Okay. That there is knowledge that this
14 automobile is owned, whether it was jointly or by one of the
15 victims at their residence and solely taking possession of it
16 and subsequently obtaining a warrant to search the vehicle;
17 correct?

18 MR. SPRATLIN: Yes, Your Honor.

19 THE COURT: So you do have conflicting stories as to
20 authorization, simply authorization, and so you're, you're
21 boiling it down to the fact that it was simply on their
22 property and law enforcement didn't have a right to take it
23 because it was solely on their property regardless of the fact
24 that, one, they, they didn't own the vehicle, presented no
25 ownership interest or anything concerning such, but law

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1 enforcement knew that it did belong to the alleged victims in
2 this case.

3 MR. SPRATLIN: I agree that law enforcement knew that it
4 did belong to the alleged victims. I believe my clients had
5 custody, dominion and control over the vehicle.

6 THE COURT: Based upon what they said period.

7 MR. SPRATLIN: And, and based upon it being found on
8 their property.

9 THE COURT: And, and again, that, that is solely from
10 their point of view.

11 MR. SPRATLIN: I understand that, Your Honor.

12 THE COURT: Am I right or wrong on that?

13 MR. SPRATLIN: You are right that it is from the
14 statement that they told the police is what we are basing the
15 -- basing interpreting what was in the officer's head at the
16 time that he took that truck 100 percent.

17 THE COURT: Well, let me ask you this with regards to
18 what the State argued and kind of along the lines of what you
19 set out there on your cross-examination about placing an
20 officer there to wait till you got a warrant, what's the
21 difference between that and simply seizing the property as
22 they did here, having it in their custody and control for
23 safekeeping until they did get a warrant because the testimony
24 was that they did not search this vehicle until a warrant was
25 obtained. What's the difference if you can differentiate that

1 for me?

2 MR. SPRATLIN: Your Honor, I would, I would say there
3 really is and agree with the Solicitor in this regard that
4 there really is no difference. The reason I asked that
5 question was to show that there were least or less obstructive
6 or less intrusive means to accomplish the same goal
7 essentially arguing some sort of the police did not take the
8 least obstructive manner to reach their motives at the end of
9 securing that vehicle. They took the nuclear option of taking
10 the vehicle from the property of my client and taking it to a
11 police yard where then a search warrant was not obtained until
12 the next day.

13 THE COURT: Do you -- does it not at that point turn to
14 you to show some kind of prejudice to your clients on that
15 because that -- of that, of it taking place that way?

16 MR. SPRATLIN: Your Honor, I think the burden is on the
17 State during this, this entire hearing to show that they had a
18 proper exception to this warrantless seizure of property.

19 THE COURT: Does that not turn solely upon probable
20 cause?

21 MR. SPRATLIN: It does, Your Honor.

22 THE COURT: Okay. And you're saying they didn't have
23 probable cause to take the truck period?

24 MR. SPRATLIN: I'm saying they did not have probable
25 cause to take the truck. They didn't even get a search

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1 warrant for the truck until the very next day. The only -- my
2 client does have standing in the mind of the officer
3 regardless of what eventual evidence uncovered and, and
4 whatever Matthew Singleton testified about, whatever
5 information eventually came out we are talking about this
6 moment in time, this, this picture frame, if you will, of what
7 was in Detective Watford's head at the time that he made the
8 decision to seize that truck, and I would say, Your Honor,
9 that he did not have probable cause, first off, and my client
10 did have standing. The standing -- the discussion about them
11 getting possession of the vehicle is more geared towards
12 showing that there is standing to challenge this search
13 because the officer at the time that he seized this vehicle
14 did not know that my client did not have standing. This is
15 not like -- one of the things the Solicitor said in his
16 response, he didn't mention at all in his response today but
17 in the responses that he emailed was that he had compared this
18 to a case in which an officer seized a vehicle that has been
19 reported stolen, and the officer then takes responsibility of
20 that. This is not that situation. This is not a situation
21 where that vehicle was reported stolen. This is not a
22 situation where you have a registered owner or anyone with a
23 property interest saying, "Hey, those people don't have a
24 right to have my property." This is a situation where you
25 have one group of people saying, "They never would let

1 anybody borrow this truck," and you have a another group of
2 people, equal footing at that point saying, "Well, they let us
3 borrow this truck."

4 THE COURT: All right. Go ahead. I'm sorry. I didn't
5 mean --

6 MR. SPRATLIN: And, and I believe that that would in the
7 time, in the picture frame of when Detective Watford took that
8 truck that would establish that my client had standing to
9 challenge the search of this truck and the seizure of this
10 truck.

11 THE COURT: What about the testimony concerning the
12 reaction of your client when he was questioned about the
13 truck? Where does that play into the probable cause side of
14 things?

15 MR. SPRATLIN: Your Honor, while we would contend that
16 it was a mischaracterization of my client's reaction.
17 However, based on what Detective Watford --

18 THE COURT: I mean, I don't have -- you can argue that,
19 but there's no testimony to the contrary.

20 MR. SPRATLIN: I understand, Your Honor, but Detective
21 Watford at that point -- mere nervousness under the case law
22 is never enough to justify probable cause. The fact that my
23 client may or may not have been acting nervous, sweating,
24 having -- I think he testified about a vein bulging in his
25 neck, that does not rise to the level of probable cause to

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1 say, "We're going to take your truck." If it was, every time
2 someone got pulled over by the police they would be able to
3 say, "You're acting a little nervous. I'm going to get you
4 out, search your car or I'm going to tow it to the impound
5 lot, get a warrant and search your car." There was not
6 probable cause to take this vehicle. My client has standing
7 to challenge the search. For that reason, Your Honor, I would
8 ask the Court to suppress any and all evidence obtained
9 unlawfully by the Conway Police Department.

10 THE COURT: Okay. Thank you, Mr. Spratlin. Mr. Wilson,
11 anything you want to add?

12 MR. WILSON: Nothing in addition to that, Your Honor.

13 THE COURT: Yes, sir.

14 MR. DEBUSK: Your Honor, I would just like to rebut one
15 thing that -- said by the Defense here. Standing does not
16 derive from what the officer had in his mind at the time the
17 seizure was made. Standing is an absolute issue. Exigent
18 circumstances are based on what the officer had in his mind.
19 That's why Detective Watford testified. Standing is more an
20 issue of absolute ownership rights. In this case the
21 remainder of the evidence in this case showed that that truck
22 was taken from the victims when they were dead, that it was
23 taken illegally.

24 THE COURT: Well, standing doesn't necessarily go hand in
25 hand with ownership rights. I mean, it doesn't have -- he

1 doesn't have to have ownership rights in it to have standing.

2 MR. DEBUSK: He would have to have at least -- I'm sorry.

3 THE COURT: No, you're fine.

4 MR. DEBUSK: He would have -- at least have to have
5 proper -- had to have been lent to him, borrowed in some way
6 --

7 THE COURT: That's what, that's what they're arguing.

8 MR. DEBUSK: -- and not just to have been taken without
9 any, any property rights.

10 THE COURT: That's what they're arguing.

11 MR. DEBUSK: That's what they're saying. That's -- in,
12 in this -- if that -- if that argument were taken to its
13 extreme anyone who stole a car if they killed the owner and
14 the owner couldn't report it as stolen would always have
15 standing to, to stop a search of the car. That's not how it
16 works, Your Honor. The -- they had reason to believe that the
17 car was stolen when they made the decision to seize it, but
18 the rest of the facts in the case show that car was, in fact,
19 stolen and that, therefore, they would not have standing in or
20 any property interest in that stolen car.

21 THE COURT: Okay.

22 MR. DEBUSK: I just wanted to make sure that -- to make
23 the point that standing is not based on what the officer knew
24 at the time but on the absolute ownership rights in that car.

25 THE COURT: All right.

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1 MR. DEBUSK: Thank you, Your Honor.

2 THE COURT: All right. Anything else on that issue?

3 MR. DEBUSK: No, Your Honor.

4 THE COURT: All right. And --

5 MR. SPRATLIN: Your Honor, I, I would just throw out
6 there that I do not believe that you can justify illegal
7 police conduct by the eventual result of the investigation.

8 THE COURT: Well, I hadn't found that there was illegal
9 police conduct yet, and I think that's a mischaracterization
10 --

11 MR. SPRATLIN: Well --

12 THE COURT: -- of what --

13 MR. SPRATLIN: -- that's what we're, we're, we're
14 arguing.

15 THE COURT: Right. Right. Well, in fairness to you,
16 you've handed me a couple of cases. I'm going to look at the
17 cases that you've handed up here, and I'm going to do that in
18 fairness to you. All right?

19 MR. SPRATLIN: Thank you, Your Honor.

20 THE COURT: Anything else? What's the next issue?

21 MR. OSKIN: Your Honor, we'd next move in the Jackson v.
22 Denno with regards to Defendant's, Carlisle statement, same
23 witness from earlier, Detective Heath Watford from Conway.
24 We'd call him to the stand at this time.

25 THE COURT: All right.

1 Whereupon, Heath Watford is called to the stand and
2 testified as follows:

3 THE COURT: I remind you you're still under oath. Okay?

4 MR. WATFORD: Yes, sir.

5 THE COURT: Go ahead.

6 MR. OSKIN: Thank you, sir.

7 EXAMINATION

8 BY MR. OSKIN:

9 Q Some of this is going to be repetitive, but it's
10 important for the record; okay?

11 A Okay.

12 Q Please state your name for the record.

13 A Joel Heath Watford.

14 Q What's your current occupation, sir?

15 A I'm a criminal investigator for the Conway Police
16 Department.

17 Q All right. You in that same role in July of 2017?

18 A I was, sir.

19 Q Did you have a chance to become involved in the missing
20 people case of Linda McAllister and William Chet Clemons?

21 A I did, sir.

22 Q During that, during that investigation did you have the
23 opportunity to get an interviewed statement from Defendant
24 Carlisle?

25 A I did, sir.

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- 1 Q All right. Let's back up before that, and I think you
2 testified to it earlier so we can wrap it all in. When you
3 went to Pleasant Union Road did these Defendants appear on the
4 property?
- 5 A Yes, sir. After we were there for a short time they did.
- 6 Q Talk to someone else before that; right?
- 7 A Yes, sir.
- 8 Q All right. During your talks with these -- did you speak
9 with both Defendants?
- 10 A I did.
- 11 Q Okay. Did you ask if they'd both come down to the
12 station at Conway?
- 13 A I did.
- 14 Q Did they agree to come down?
- 15 A Yes, sir, they did.
- 16 Q Okay. When you -- were you assisted by any other
17 detective in this matter?
- 18 A Detective Tyres Nesmith was with me at the time.
- 19 Q Is she present in the courtroom today?
- 20 A Yes, sir. She is.
- 21 Q Okay. Did you guys go back to the station after they
22 agreed to meet you there?
- 23 A Yes, sir, we did.
- 24 Q All right. Who arrived first at the Conway Police
25 station?

- 1 A The Defendants arrived before we did.
- 2 Q Okay. So they were waiting for you when you got there?
- 3 A Yes, sir. They actually, unfortunately due to
- 4 circumstances on the scene, they had -- they waited a
- 5 considerable amount of time, but still decided to wait on us
- 6 to get there.
- 7 Q All right. Well, what I'm getting at is that they
- 8 voluntarily came down?
- 9 A Yes, sir.
- 10 Q Okay. And this Court and these attorneys have seen
- 11 Defendant Hodge's statements at a previous date?
- 12 A Yes, sir.
- 13 Q Are you aware of that?
- 14 A Yes, sir.
- 15 Q Okay. And correct me if I'm wrong, but Detective Nesmith
- 16 interviewed Jordan Hodge, you interviewed Kenneth Carlisle?
- 17 A Yes, sir. That's correct.
- 18 Q All right. Once you got to his interview room had you
- 19 already -- was he there when you got there?
- 20 A Yes, sir. They were down -- they were downstairs in our
- 21 waiting room and we brought them upstairs to the interview
- 22 rooms.
- 23 Q All right. At any point during your talks with him or
- 24 prior was he under custodial interrogation?
- 25 A No, sir.

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1 Q Well, let's expand on that just a little bit. In your
2 experience are you able to tell when someone is demonstrating
3 intoxication or anything like that?

4 A Yes, sir.

5 Q Was Defendant Carlisle exhibiting any of those behaviors
6 at that time?

7 A No, sir.

8 Q Did you threaten him in any -- at any manner at that
9 interview?

10 A No, sir.

11 Q Did you tell him he needed to tell you something?

12 A No, sir.

13 Q This was purely an investigation based off the missing
14 persons case at that time?

15 A Yes, sir.

16 Q Was he handcuffed or anything?

17 A No, sir, not at all.

18 Q And just again, for the record, he was not in custody?

19 A No, sir.

20 Q He, he agreed to come?

21 A He was free to get up and leave my interview room anytime
22 he wanted to.

23 Q He was aware of that?

24 A Yes, sir.

25 Q All right.

1 MR. OSKIN: Your Honor, at this time the State would seek
2 to publish to the Court the statement of Kenneth Carlisle. I
3 have an exact time of the statement, 21 minutes, six seconds.
4 The Court's indulgence as we set that up.

5 THE COURT: All right. Go ahead.

6 MR. OSKIN: My assistant, Lacey Miller, will set this up
7 for us.

8 MR. DEBUSK: Your Honor, while the -- that's being set
9 up, if I could correct the record, one point I, I made during
10 arguments, I said that standing turns on absolute ownership
11 rights, I meant absolute possessory rights. You have to have
12 proper possessory rights to have standing. Thank you, Your
13 Honor.

14 THE COURT: All right.

15 MR. SPRATLIN: Your Honor, if I may have leave to move
16 about the courtroom so I can get a better angle.

17 THE COURT: Oh, yeah. Yes, sir.

18 MR. SPRATLIN: Thank you.

19 THE COURT: You're going to turn it around?

20 MR. OSKIN: Yes, sir. I believe the Court and Defense
21 counsel are aware the quality's not perfect but it is legible.

22 MR. SPRATLIN: You edited it out them just sitting there;
23 right?

24 MR. OSKIN: Yes, sir. This is, this is edited out.

25 (State's Exhibit Number One played in open court.)

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1 BY MR. OSKIN:

2 Q Ask you one last question, Detective Watford, throughout
3 that interview he wasn't mirandized?

4 A No, sir.

5 Q Is that correct?

6 A Yes, sir. That's correct.

7 Q And is that, again, because he wasn't under custodial
8 interrogation?

9 A He was not under arrest or anything else. I was trying
10 to gather information for a missing person case.

11 Q Thank you. Answer any questions from Defense counsel.

12 A Yes.

13 Q I'm back here behind the TV.

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

15 MR. WILSON: No questions, Your Honor.

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

17 A Thank you, sir.

18 MR. OSKIN: Your Honor, the State would, the State would
19 seek to move that statement into evidence.

20 MR. SPRATLIN: Based upon the case law that I reviewed
21 and, Your Honor, I have no objection to it.

22 THE COURT: Well, without objection the statement will be
23 admitted.

24 All right. Anything else?

25 MR. OSKIN: Nothing from the State for this afternoon,

1 Your Honor. I will get this marked with madam court reporter.

2 THE COURT: Mr. Wilson, anything?

3 MR. WILSON: I have, I have nothing else, Your Honor.

4 THE COURT: Mr. Spratlin?

5 MR. SPRATLIN: No, Your Honor. We are, we are still
6 working through everything and, and I have nothing further for
7 the Court at this point in time.

8 THE COURT: All right. Well, what I'm going to do I'm
9 going to stand down and look at these cases that Mr. Spratlin
10 gave to me.

11 MR. SPRATLIN: Your Honor, just, just so you know, the --
12 one of the -- the Bailey case I handed up that just stood for
13 the proposition that the burden is on them to establish the
14 exception to the warrantless search.

15 THE COURT: Well, I mean, I'm kind of and maybe I am
16 showing my ignorance here, Mr. Spratlin, the search of the
17 automobile itself was conducted pursuant to a search warrant.
18 So I'm -- so you kind of -- your argument, I believe, is
19 solely on the seizure, on the seizure and, and not -- I don't
20 think we rise to the level of the State having to establish
21 exigent circumstances to search the vehicle without a warrant
22 because that's not what took place here. Right or wrong?

23 MR. SPRATLIN: Your Honor, they did not search the
24 interior of the vehicle. However, the Fourth Amendment does
25 not only guarantee against unreasonable searches, it also

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1 guarantees against unreasonable seizures, searches and
2 seizures.

3 THE COURT: Right.

4 MR. SPRATLIN: The seizing --

5 THE COURT: But you --

6 MR. SPRATLIN: -- of this property.

7 THE COURT: You keep arguing about a warrantless search,
8 and I'm reading into the subsequent search of the vehicle with
9 the warrant.

10 MR. SPRATLIN: It, it -- not regarding the warrant part
11 of it, Your Honor, however, the initial seizure was
12 warrantless.

13 THE COURT: Right.

14 MR. SPRATLIN: And they do need to establish an exigent
15 circumstance to be able to conduct that initial warrantless
16 seizure of the property. I make have said search during that,
17 Your Honor, but that is actually the seizure of the property,
18 which is what I have the objection to is that initial seizure
19 of the property was done without a warrant, without probable
20 cause at a time where they had no direct information that this
21 truck was not lawfully in the possession of my client and the
22 Codefendant. So that's the basis of my objection.

23 THE COURT: Well, I mean, the testimony was that they did
24 have direct information that, that it was, it was an
25 automobile that wasn't lent out, that it was the victims'

1 primary means of transportation period.

2 MR. SPRATLIN: I agree there was some evidence on the
3 record that there was conflicting information coming from one
4 side of the family versus this side of the family.

5 THE COURT: Right.

6 MR. SPRATLIN: When I mention direct evidence I mean
7 there is no -- nothing from the actual owner of the vehicle or
8 the property owner who would be able to provide access to the
9 vehicle to say that they did not have a right to have access
10 to the vehicle.

11 THE COURT: Right.

12 MR. SPRATLIN: Unlike, for instance, in the response that
13 Mr. DeBusk filed he, again, kind of analogized this to a
14 possession of a stolen vehicle case, whereas that's not what
15 we have here. We do not have a vehicle that was reported
16 stolen by the registered owner or a possessor of the vehicle,
17 rather we have a vehicle that by all accounts could have come
18 into possession lawfully of a family member, and we have
19 another family member saying, "Nah. I don't think grandma
20 would ever do that." I don't believe that that rises to the
21 level to allow the police to seize possession of that truck
22 without a warrant.

23 THE COURT: All right. Very well. All right. I'll
24 stand down. I'm going to look at these cases you have handed
25 up. Anything else?

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1 MR. DEBUSK: Your Honor, I would like to say that, once
2 again, standing comes from actual possessory interest, not
3 what was in the mind of the officer at the time of his
4 seizure. A person can't -- if it was a roadside stop for a
5 stolen car and the person says, "Well, I borrowed this car, I
6 didn't steal it," and they have other reason to believe it was
7 stolen, that doesn't -- it's the absolute possessory right.
8 If it later turns out to have been stolen he doesn't have a
9 right to, to protect that car from search and seizure.

10 THE COURT: Well, I mean, it's a different argument in
11 your case, I mean, because the car wasn't reported stolen.

12 MR. DEBUSK: Yes, sir.

13 THE COURT: All right.

14 MR. SPRATLIN: Thank you, Your Honor.

15 THE COURT: We'll stand down a few minutes.

16 MR. DEBUSK: Thank you, Your Honor.

17 OFF THE RECORD

18 (On the record. The following takes place outside the
19 presence of the jury.)

20 THE COURT: All right. Anything further from the State?

21 MR. DEBUSK: No, Your Honor.

22 THE COURT: Defense counsel?

23 MR. WILSON: Nothing, Your Honor.

24 MR. SPRATLIN: Nothing, Your Honor.

25 THE COURT: All right. I've had an opportunity to review

1 the two cases handed up by Mr. Spratlin, excuse me, State v.
2 Bailey, 276 S.C. 32, as well as United States, excuse me,
3 Byrd, B-Y-R-D, versus United States, 138 Supreme Court 1518.
4 The Bailey case, and, Mr. Spratlin, you correct me if I'm
5 wrong, stands for the proposition of the burden being upon the
6 State to justify a warrantless search; correct?

7 MR. SPRATLIN: Yes, Your Honor.

8 THE COURT: All right. And I believe you indicated that
9 that was the sole basis of that case?

10 MR. SPRATLIN: That, that's why I handed it up to the
11 Court, Your Honor, just to make that evident.

12 THE COURT: All right. The Court further reviewed the
13 Byrd case. In that particular case, there was an individual
14 that rented an automobile. The individual that rented the
15 automobile was a young lady by the name of Latasha Reed who
16 subsequently upon walking -- well, let me back up. She
17 rented a vehicle, did not list any other individuals as
18 being authorized drivers, walked out of the rental car
19 agency, handed the keys to an individual by the name of
20 Terrence Byrd. Mr. Byrd was subsequently stopped in that
21 automobile. A marijuana cigarette was in the ashtray of the
22 car, I believe. Law enforcement subsequently searched that
23 automobile on the basis of him not being listed as an
24 authorized driver of that rental automobile, and in essence,
25 asserting that he had no expectation of privacy because he was

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1 not listed as an authorized driver of that automobile. The
2 court in its analogy or in its analysis, excuse me, states,
3 page 1522, I believe, it says, [as read], "The Court has not
4 set forth a single metric or exhaustive list of relevant
5 considerations, the legitimation of expectation of privacy
6 must have a source outside of the Fourth Amendment either by
7 reference to concepts of real or personal property law or to,
8 or to understandings that are recognized and permitted by
9 society. These concepts may be linked. One of the main
10 rights attaching to property is the right to exclude others
11 and one who owns or lawfully possesses or controls property
12 will in all likelihood have a legitimate expectation of
13 privacy by virtue of the right to exclude." Mr. Spratlin's
14 argument here, in essence, is that his client was in lawful
15 possession of this car, which gave him a right or a reasonable
16 or legitimate expectation of privacy; is that right, Mr.
17 Spratlin?

18 MR. SPRATLIN: Your Honor, my argument is more that the
19 police did not have any reason to believe that he did not have
20 lawful access to that car.

21 THE COURT: Well, isn't that what I just, in essence,
22 just said?

23 MR. SPRATLIN: Yes, Your Honor.

24 THE COURT: Okay. In the Byrd case it was clear that
25 Byrd, based upon the facts, that Byrd had lawful possession

1 after Reed exited the rental car agency and gave him the keys.
2 So it was clear he had lawful expectation or lawful possession
3 of the automobile. In the case before me, the only evidence,
4 the only evidence argued or asserted that Mr. Carlisle and Ms.
5 Hodge had lawful possession are simply their assertions they
6 were merely in possession of this vehicle. The Byrd case goes
7 on to say, [as read], "Byrd's proposal that a rental car sole
8 occupant always has expectation of privacy based on mere
9 possession and control," in essence, what we have here, the
10 assertion that Carlisle and Hodge have an expectation of
11 privacy based solely on mere possession and control. That's
12 the assertion here. The Court says, [as read], "Would without
13 qualification include thieves or others who have no reasonable
14 expectation of privacy." So based upon what I've heard here
15 today and based upon my review of these cases merely being in
16 possession and control would not in and of itself create an
17 expectation of privacy in this automobile. Assuming for
18 argument's sake I've, I've ruled that they -- I don't think
19 they had an expectation of privacy based solely upon their
20 assertion pursuant to the Byrd case, but assuming for argument
21 sake they do, assuming for argument sake they do, I agree with
22 you, Mr. Spratlin, then the burden would be upon them to
23 establish exigent circumstances. The problem I have in
24 getting down that road is the proposal that a law enforcement
25 officer be stationed at the house before instead of seizing

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1 the automobile. In essence, I think each of them in, in, in
2 large respects mirror that of a seizure because it's
3 prohibiting the use, possession, control, any further use,
4 possession and control of that vehicle by Mr. Carlisle, the
5 same of which occurred when it was impounded and taken to the
6 impound, Horry County impound, wherever it was taken, prior to
7 actually obtaining a warrant to search the vehicle. I think
8 the State has established through testimony conflicting
9 stories as to authorization, two victims in this case that
10 were missing, the location of the truck at the residence, the
11 nervousness, the standoffish, offish -- standoffish, if that's
12 a word, of the Defendant, Carlisle, the pulsing of his carotid
13 artery, all of which were indications based upon law
14 enforcement's training and experience. The officers were
15 lawfully present at the residence. They observed the truck in
16 its location. So I think all of those under the totality of
17 the circumstances allowed seizure of the truck at the
18 residence to be taken to impound and not searched until an
19 actual warrant was obtained, but your objection is so noted
20 for the record.

21 MR. SPRATLIN: Yes, Your Honor. In order to preserve it
22 my, and see if this is satisfactory to the Court, I was simply
23 going to whenever evidence coming from that pickup truck is
24 introduced say subject to my earlier objection.

25 THE COURT: And I think you absolutely have to to

1 preserve your client's interest.

2 MR. SPRATLIN: Yes, Your Honor, thank you.

3 THE COURT: Okay. All right. Anything else, Mr.
4 Spratlin?

5 MR. SPRATLIN: I have nothing further, Your Honor.

6 THE COURT: Mr. Wilson?

7 MR. WILSON: Nothing else in that regard, Your Honor.

8 MR. OSKIN: May we approach, Your Honor?

9 THE COURT: Yes.

10 (Whereupon, a bench conference is held.)

11 THE COURT: All right. We'll see you all at 9:00 o'clock
12 in the morning.

13 (Adjourned for day.)

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

3 THE COURT: Yes, sir.

4 MR. OSKIN: I believe Your Honor was covering it, only
5 concern from the State at this time would, would -- is that we
6 would object to any live streaming --

7 THE COURT: Well, I mean --

8 MR. OSKIN: -- this week of trial.

9 THE COURT: -- I signed two media requests yesterday.
10 One was from the *Horry Independent*, which was just for
11 yesterday.

12 MR. OSKIN: Yes, sir.

13 THE COURT: I also signed one for the *Sun News* yesterday
14 which requested coverage from yesterday through the duration
15 of the trial. I had two that were handed to me this morning,
16 one from WMBF, as well as one from WPDE, and don't have a
17 problem addressing some of that, but the rule requires that
18 they submit a timely request to be in here, and they were
19 given to me today, and so I've told the jury to be back here
20 at 9:00 o'clock for us to start the trial and I'm not going to
21 hold up the proceedings of this trial for them to come in here
22 and set up at this point in time. So the only person, as of
23 right now the only agency or media coverage that's authorized
24 at this point is the *Sun News* because they requested it in a
25 timely fashion, I signed it yesterday for yesterday through

1 the duration. Ma'am, I don't know who you are in the back but
2 you need to get off your phone, put it up. I'm sure there's
3 an authorization or, or -- on the door outside but there --
4 are you with the *Sun News*?

5 MS. YOUNG: Yes.

6 THE COURT: Okay. I don't want any -- still, I don't
7 want any real-time stuff going on; okay? Tell me your name,
8 please, ma'am.

9 MS. YOUNG: Anna Young.

10 THE COURT: I'm sorry?

11 MS. YOUNG: Anna Young.

12 THE COURT: Okay. You're the only media authorized in
13 here at this point in time because you, you all did timely get
14 a request to me. So I apologize for that, but I don't want
15 any real-time tweets like was conveyed yesterday or real-time
16 streaming or anything such as that. Okay. Thank you very
17 much, ma'am.

18 All right. Yes, sir.

19 MR. OSKIN: With that, Your Honor, the State's ready to
20 proceed to opening argument.

21 THE COURT: All right. Can you find out if I got all my
22 jurors? When I came out I was still waiting on three, I
23 believe. All right. It's my understanding we're waiting on
24 one juror. So I'm going to stand down until we've got -- have
25 that juror here. Okay?

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1 MR. OSKIN: Yes, sir.

2 OFF THE RECORD

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

5 THE COURT: All right. It's my understanding that this
6 juror we're waiting on is probably about 25 minutes out, had
7 some car trouble this morning. So we're going to wait,
8 obviously, on that juror before we get started.

9 Sir, tell me your name, please.

10 MR. KLEIN: Ian Klein.

11 THE COURT: Ian what?

12 MR. KLEIN: Klein.

13 THE COURT: Klein?

14 MR. KLEIN: Yes, sir.

15 THE COURT: C-L-I or K-L-I?

16 MR. KLEIN: K-L-E.

17 THE COURT: K-L-I? I've received your, your media
18 request here. I want you to understand that why -- the reason
19 I held you out the rule provides that, that we be given
20 reasonable notice. It was handed to me at a quarter till nine
21 this morning. We were supposed to start at 9:00 o'clock.
22 That's not reasonable notice and that's why I held you out.
23 Okay? The rule further provides that two cameras may be
24 operating. The *Sun News* requested yesterday from, from
25 yesterday through the duration, and I signed that

1 authorization yesterday and that's who is to your immediate
2 right. The rule further provides that there may be two videos
3 operated by one person. If there's more than one request then
4 a pooling agreement is, is necessary prior to any recording.
5 Now, I don't know, and maybe it's just ignorance on my part,
6 but what is UREU? What does that mean?

7 MR. KLEIN: What was that?

8 THE COURT: On your request or the request submitted by
9 WMBF what does UREU mean?

10 MR. KLEIN: I do not know.

11 THE COURT: Sir?

12 MR. KLEIN: I do not know.

13 THE COURT: Okay. So you didn't submit this?

14 MR. KLEIN: Correct. That was our editor.

15 THE COURT: Okay. Well, I'm striking through that
16 because I have no idea what it is and you don't even know what
17 it is. Okay? Second of all, there will be absolutely no live
18 streaming during the course of this trial. Okay? I conveyed
19 to the *Sun News* yesterday no photographs of my jurors and no
20 live streaming, live tweeting, etcetera, whether it be
21 Twitter, Instagram or some other social media avenue that at
22 my age I don't even know about but I guarantee you my kids do
23 and, and you all do, too. Okay? The request that was
24 submitted here was for today, nothing beyond today. So if you
25 want it beyond today you all need to get another request in,

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1 but I'll allow you to be in here on -- under the guidelines
2 that I've set forth. Okay, Mr. Klein?

3 MR. KLEIN: Thank you, Your Honor.

4 THE COURT: Thank you. All right. Ma'am, in the, in the
5 white -- red blouse, white jacket, yes, you're here with the
6 *Horry Independent*?

7 MS. ROPP: Yes, sir.

8 THE COURT: All right. I signed an authorization
9 yesterday --

10 MS. ROPP: Yes, sir.

11 THE COURT: -- pursuant to a request. Your request
12 yesterday was just for yesterday.

13 MS. ROPP: Okay.

14 THE COURT: Okay. So you need to submit another request
15 as provided, as provided by the rules.

16 MS. ROPP: Can I just amend the one that I did yesterday
17 and hand it back up to you?

18 THE COURT: Well, let me say this, you came in while I
19 was going through the rule with Mr. Klein from WMBF. The, the
20 rule provides for two cameras. Okay. The rule further
21 provides that we be given adequate notice or reasonable notice
22 prior to coming in here, the media coming in here. Okay?
23 That is what the rule provides. You all have an absolute
24 right to be in here. All right? Absolute right, but the
25 rules are in place so that these things aren't given to us at

1 the 11th hour, and the reason I held WMBF out this morning
2 until an issue came up with one of my jurors was we were
3 supposed to start at 9:00 o'clock this morning. One of my
4 jurors has had some car trouble. They're on the way, but I
5 was not going to hold up the bringing in of my jury for media
6 to set up. Okay? I've already signed two orders, one for the
7 *Sun News* that gives them from yesterday through the duration,
8 and I signed an order this morning for WMBF that gives a
9 camera, a tripod, cell phone, etcetera. So I'm at the rule
10 now of two cameras. In fairness or, well, not necessarily in
11 fairness, but I'm going to sign it for you and allow it, but
12 you all in the media need to understand what the rule says,
13 have a copy of that rule and get these requests to us judges
14 in a timely fashion so we can deal with it and not at the, at
15 the 11th hour. Okay?

16 MS. ROPP: Yes, sir. I'm sorry. I just thought what I
17 have handed in --

18 THE COURT: I, I understand and, and you may, based
19 upon my discussions with Mr. Klein, he couldn't -- in fairness
20 to him, he couldn't even define a term that was used in their
21 request. So it obviously wasn't submitted by Mr. Klein, and
22 I'm not sure. Was it submitted by you, ma'am, your request?

23 MS. ROPP: I did submit mine, yes, sir.

24 THE COURT: Tell me your name again.

25 MS. ROPP: Kathy Ropp.

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1 THE COURT: Okay. I'll let you come up here -- come on
2 up -- well, I, I tell you what, how long do you want it for,
3 Ms., Ms. Ropp?

4 MS. ROPP: Yes, sir.

5 THE COURT: How long do you want it for?

6 MS. ROPP: Well, actually probably until like a lunch
7 break would be good for me.

8 THE COURT: Today? You coming back tomorrow?

9 MS. ROPP: Not tomorrow, but I'll probably be here
10 Thursday and Friday if you are still going.

11 THE COURT: Well, I tell you, you don't have to come up
12 here. I just wrote on here September 30th through the
13 duration, and I initialed it for you.

14 MS. ROPP: Okay. Thank you, Your Honor.

15 THE COURT: But I'm just trying to give you -- ma'am?

16 MS. ROPP: I said thank you so much.

17 THE COURT: I'm just trying to give you all a heads up.
18 Other judges do it different ways I'm sure, but, but I'm very
19 much a stickler for, for doing it at least according to the
20 rules, okay.

21 MS. ROPP: Thank you.

22 THE COURT: And I've kind of gone outside the rule a
23 little bit for you, but you all are tasked and, and, and
24 responsible for knowing what the rule says and, and getting
25 your request in to whether it be me or some other judge in a

1 timely fashion. Okay? All right. We'll stand down till my,
2 my juror gets here.

3 MR. OSKIN: Yes, sir.

4 OFF THE RECORD

5 (On the record. The following takes place outside the
6 presence of the jury.)

7 THE COURT: Thank you. Be seated, please. All right.
8 It's my understanding that we have all the jurors now.

9 Anything from the State before I bring the jury in?

10 MR. OSKIN: No, sir, Your Honor. Ready for the opening.

11 THE COURT: Defense counsel, Mr. Wilson?

12 MR. WILSON: Nothing, Your Honor.

13 THE COURT: Mr. Spratlin?

14 MR. SPRATLIN: No, no, Your Honor.

15 THE COURT: Bring me the jury, please, ma'am.

16 (Whereupon, the following takes place in the presence of
17 the jury.)

18 THE COURT: Good morning, ladies and gentlemen. I hope
19 you all are doing well this morning and are ready to proceed
20 here today. Before we begin, I'm going to ask my clerk to
21 come around and swear you all, please.

22 (Whereupon, the jury is sworn by the clerk.)

23 THE COURT: All right. Ladies and gentlemen, we're about
24 to try the case of the State of South Carolina versus Jordan
25 Marie Hodge and Kenneth Wayne Carlisle, and before we began a

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1 trial I want to tell you this trial will probably be different
2 from what you might expect. Many people do not have the
3 chance to attend actual court sessions as you're doing now and
4 may think from watching television or movies or reading books
5 that trials are always full of high drama, intense action and
6 riveting circumstances. Now, while all of these things may be
7 true at times, this trial is not for entertainment. It is a
8 fundamental part of our democracy and effort to make sure that
9 justice is done between the parties before the Court. In
10 making sure that justice is done between the parties, the
11 process is often slow, deliberate and repetitive, the opposite
12 of what you may have seen on television, in movies or read in
13 books. This courtroom is a place of honor dedicated to the
14 protection and preservation of citizens' rights through what
15 many have called the greatest justice system ever created.

16 The attorneys that will be appearing before you, ladies
17 and gentlemen, are advocates for the parties that they
18 represent, but first and foremost, they are officers of the
19 court sworn to uphold the integrity and fairness of our
20 judicial system. You should expect them to be professional,
21 competent and ethical in the representation of their client's
22 interest.

23 Now, what I will now say to you, ladies and gentlemen, is
24 intended to serve as an introduction to the trial of this
25 case. These remarks are not a charge on the law in this case.

1 I will instruct you on the law applicable to this case at the
2 end of the trial before you retire to consider your verdict.
3 This is merely an explanation of the procedure that we will
4 follow during the trial so that you may better understand what
5 may be happening.

6 The Defendants in this case, ladies and gentlemen, are
7 charged by indictments with the crime of murder. Each of them
8 are charged with two counts of murder. The indictments in
9 this case, ladies and gentlemen, is simply the charging
10 document which brings this, this case into this court and it
11 is not in any sense evidence of any of the allegations that it
12 contains. The Defendants have pled not guilty to these
13 charges in the indictment. Therefore, the State of South
14 Carolina bears the burden of proving each of the elements of
15 the indictment beyond a reasonable doubt, and it will be your
16 duty, ladies and gentlemen, to decide whether the State has
17 met that burden. Your purpose as jurors is to find and
18 determine the facts. You are the sole judge of the facts. If
19 it at anytime I make any comment regarding the facts, you must
20 disregard it. You, ladies and gentlemen, are to determine the
21 facts from the testimony that you hear and other evidence that
22 may be introduced in court during the course of this trial.
23 It is up to you to determine the inferences which you feel may
24 properly be drawn from the evidence. It is especially
25 important that you perform your duty of determining the facts

Opening Instructions by Court

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1 diligently and conscientiously because ordinarily there is no
2 way to correct an erroneous determination of the facts by a
3 jury. On the other hand and with equal emphasis, the same law
4 that makes you the judge of the facts makes me the judge of
5 the law. The law as given by the court is the only law that
6 you may consider. You must accept and follow it even though
7 you may disagree with it. I cannot, I cannot tell you all,
8 ladies and gentlemen, what the facts are in this case, and you
9 cannot disagree with me about what the law is or should be.
10 Your job is to take the law as I give it to you and apply it
11 to the facts as you find them from the testimony of the
12 witnesses and any other evidence that is introduced. After
13 doing that, you will render your verdict under the solemn oath
14 that you just took as jurors.

15 Now, until I tell you to begin your deliberations, ladies
16 and gentlemen, you must not, you must not discuss this case
17 with anyone, including your fellow jurors, friends, family
18 members and anyone involved in the case. The attorneys and
19 parties, as I told you yesterday, have been advised that they
20 are not to talk to you at all. So if you see anyone involved
21 in this case outside of this courtroom and they don't speak to
22 you, as I told you yesterday, they're not being unfriendly.
23 They're simply following this Court's instructions. Now,
24 during your deliberations you may only discuss the case in the
25 jury room with your fellow jurors because they have seen and

1 heard the same evidence that you have. You must not discuss
2 the case with anyone other than your fellow jurors until you
3 have returned a verdict and the case is at an end. I remind
4 you that you must decide this case based solely on the
5 evidence presented here in this courtroom. This means that
6 during the trial you must not conduct any independent research
7 about the case, the facts of the case, the evidence presented
8 in the case or the people or organizations involved in any way
9 in the case. Please do not try to find out information from
10 any source outside of this courtroom. In other words, you
11 must not look at dictionaries or other reference materials,
12 search the Internet, websites or blogs or use any other
13 electronic tools to get information about the case to help you
14 decide the case. You may not use computers, telephones, cell
15 phones, smart phones, smart watches, the Internet or other
16 tools of technology with communication capabilities at any
17 time while you are in the courtroom or during your
18 deliberations.

19 Now, during your breaks for meals or overnight if
20 necessary you may use those devices, but you may not use those
21 devices to communicate with anyone about the case until the
22 case is over. This means you must not use phone calls,
23 emails, text messages, instant messages, Twitter or any blog,
24 chat room or website, including Facebook, Google Plus,
25 MySpace, Linked, YouTube or any social media websites to send

Opening Instructions by Court

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1 or receive information about this case. This includes
2 information about a party, a witness, an attorney or court
3 officer, news accounts about the case, research on topics
4 raised or any topics you may think would be helpful in
5 deciding the case or any testimony presented by any witness.
6 During the trial you are not to read, listen to or watch any
7 news reports about this case. This includes anything that may
8 be in the newspapers, on the Internet, radio or television.
9 You must not consider anything, ladies and gentlemen, that you
10 may have read or heard about the case outside of this
11 courtroom, whether before or during the trial. Information on
12 television, radio, the Internet or from other sources might be
13 wrong or incomplete. In our judicial system it is important
14 that you are not influenced by anything or anyone outside of
15 this courtroom. If you become aware of another juror's
16 violation of these instructions, please inform the Court
17 immediately. It is, excuse me, it is important, ladies and
18 gentlemen, that you keep an open mind and not decide any issue
19 in this case until all of the evidence has been presented, the
20 parties have made their closing arguments and I have
21 instructed you on the law in this case. It is your solemn
22 responsibility to determine whether the State has proven the
23 Defendants' guilt beyond a reasonable doubt, and your verdict
24 must be based solely on the evidence as it is presented to you
25 in this trial and on the law as I instruct you during and at

1 the close of the trial.

2 Now, in just a moment, ladies and gentlemen, the
3 prosecutor or the solicitor will make what is called an
4 opening statement in which the prosecutor will explain to you
5 the issues in this case or at least what they believe the
6 issues are in this case. The attorneys for the Defendants may
7 also make an opening statement, although they are not required
8 to do so. What the attorneys tell you during their opening
9 statements, ladies and gentlemen, is not evidence in this
10 case. It is only their contention as to what the issues are.
11 The evidence in this case, ladies and gentlemen, will be
12 presented to you by the testimony of sworn witnesses from the
13 witness stand and/or by exhibits that may be introduced into
14 evidence.

15 Now, during the course of this trial, ladies and
16 gentlemen, there may be times where you hear one of the
17 attorneys say something like, "Your Honor, I believe that we
18 have a question or a matter of law to discuss with you," or
19 they may request permission to approach the bench or sometimes
20 I myself might find it necessary to excuse you from the
21 courtroom for a short while so the attorneys and I can discuss
22 a matter of law. The reason for this, ladies and gentlemen,
23 is because you are the judge of the facts in this case and
24 sometimes when I am discussing matters of law with the
25 attorneys it may be necessary for me to make some comment as

Opening Instructions by Court

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1 to the facts in connection with ruling whether or not a
2 particular law applies. I am not, I am not supposed to tell
3 you what I think the facts in this case are. So I will excuse
4 you from the courtroom while these discussions take place so
5 that in no way will you be influenced by anything that I might
6 say or do in connection with the facts. Now, in determining
7 what the facts are in the case, ladies and gentlemen, you must
8 decide whether or not the testimony of the witnesses is
9 believable. It will be my responsibility to rule as a matter
10 of law as to whether certain testimony is admissible or not,
11 but once the testimony is admitted, whether or not you believe
12 it is solely for you to determine.

13 Now, in deciding whether to believe a witness you have
14 the right to consider the interest of any witness, the bias of
15 any witness, the prejudice of any witness, the opportunity for
16 the witness to have seen the matters and things about which
17 the witness may testify and the way the witness acts on the
18 witness stand. You have the right to consider anything,
19 ladies and gentlemen, that is in the record that will help you
20 evaluate the testimony of the witness. That means that it is
21 your duty, ladies and gentlemen, to pay close attention to
22 these witnesses, to observe the witnesses, to listen to the
23 witnesses and to pay close attention to the attorneys and to
24 the Court. Please don't let your thoughts wander but give
25 strict attention to the testimony in this case so that at the

1 end of all the testimony after the arguments of counsel and my
2 charge on the law to you, you will then be in a position to
3 determine what the, what the facts are and to apply the law to
4 those facts and thus render a verdict. Now, later in the
5 case, ladies and gentlemen, a foreperson will be selected to
6 preside over deliberations in the jury room. It will be the
7 foreperson's added duty to be the jury's spokesperson here in
8 court. It will also be the foreperson's duty to write the
9 verdict, but I will give the foreperson further instructions
10 about that at the conclusion of the case.

11 Now, in order to preserve everyone's rights I will give
12 the parties an opportunity to object to anything that I have
13 said. Any exception or objection to anything that I've said
14 to the jury from the State?

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

16 THE COURT: Mr. Wilson.

17 MR. WILSON: No, sir.

18 THE COURT: Mr. Spratlin.

19 MR. SPRATLIN: No, Your Honor.

20 THE COURT: All right. Ladies and gentlemen, we will now
21 begin the trial of this case. The State is recognized for
22 opening statement.

23 MR. DEBUSK: Thank you, Your Honor. May it please the
24 Court?

25 THE COURT: Yes, sir.

Opening by Mr. DeBusk

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1 MR. DEBUSK: Ladies and gentlemen, like most criminal
2 trials this trial is a story. It's a story of how Linda
3 McAllister and William Chester Clemons end up in the woods
4 down by the Waccamaw River south of Conway with a bullet hole
5 in each of their left temples. It's a long and sometime
6 complex story, and this is my chance to come before you and
7 sort of give you a guide so you can follow it better, like a
8 little AAA guide to the roads we're going to travel together,
9 your roadmap of the things you'll see along the way, and it's
10 particularly important for Mr. Oskin and I that you follow the
11 story because as the Judge just told you we have the burden in
12 this case. We're solicitors. We represent the State, and we
13 have the burden of proof proving the Defendants guilty beyond
14 a reasonable doubt. It's one of the most important guarantees
15 of the Constitution for an American citizen is the right to be
16 presumed innocent till proven guilty. We take that seriously.
17 Because we take it seriously, it's very important to us that
18 you be able to follow the story. Now I'm saying that we'll
19 travel a road together, but we're really not going to travel
20 at all. It's all going to happen right here on the stand, the
21 evidence, evidence you'll hear. It's going to be a
22 combination of direct evidence. Direct evidence is evidence
23 that proves a fact directly, what someone saw, what they said,
24 what they did. DNA analyst might testify about whose DNA
25 matches certain samples. It's direct evidence. GPS

1 coordinates from a, from a truck, direct evidence. There'll
2 also be some circumstantial evidence. Circumstantial evidence
3 is important because that's where the facts that prove another
4 fact indirectly by, by deduction. The classic example is
5 before you go to bed you hear thunder and when you wake up the
6 whole neighborhood is wet, all the houses, all the cars, the
7 streets, and the ditches are full of water. That's
8 circumstantial evidence that it rained last night. Nobody saw
9 it rain because you were asleep, but you can tell by the
10 circumstances that it rained. That's circumstantial evidence.
11 Circumstantial evidence is important because in a crime like
12 murder nobody wants to commit it when anybody else is around
13 to see it. So there may not be direct evidence of murder, may
14 be just circumstantial evidence of who did it. So watch for
15 both kinds of evidence, direct and circumstantial, and to
16 complicate it just a little bit more sometimes direct evidence
17 is important in and of itself is also part of a circumstantial
18 chain to prove another fact. So you have to watch them all.
19 You have to remember it all, and it's going to be a lot of it.
20 So I ask you for careful, careful attention.

21 The first part of our little guide here I want to talk a
22 little bit about the cast of characters. There's four main
23 characters in the story you're going to hear. The first two
24 are victims. Linda McAllister, she lived here in Conway. She
25 was in her mid 60s, a mother, grandmother, smalltime

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1 contractor. She worked all over, all over the county doing,
2 doing small contracting jobs. She was married to the other
3 victim, William Chester Clemons. Everybody called him Chet.
4 Chet was a little younger than Linda. He was in his mid-40s.
5 They were married, not the first marriage for either of them.
6 Chet ran a mobile mechanics business. He went from place to
7 place fixing people's cars, and he worked on cars in his spare
8 time and also did odd jobs. Sometimes he would help Linda
9 with her, her contract jobs. They were married, and they
10 lived in a house south of Conway in a suburban area on a road
11 called Dewberry Drive. Linda had just bought that house with
12 proceeds from selling another house. They were still fixing
13 up the Dewberry Drive house. They had sold a river house and
14 had some money left over and there was also some money in the
15 bank, in a BB&T account, tens of thousands of dollars left
16 over from the sale of that house in Linda's name.

17 Now, both Linda and Chet had children, and Linda, in
18 fact, had grandchildren, and one of those grandchildren was
19 the Defendant, Ms. Hodge. Jordan Hodge grew up in Conway, and
20 you'll hear from the testimony that, that her grandmother,
21 Linda, was a big part of her life. Listen carefully to the
22 testimony, especially her statement to the police, the Conway
23 Police and you'll find that that, that relationship was
24 sometimes strained, probably often strained.

25 Now, Jordan Hodge lived near Aynor on a road called

1 Pleasant Union with her Codefendant and boyfriend, Kenneth
2 Carlisle. Kenneth Carlisle is not -- didn't grow up in Horry
3 County. He's from North Carolina. So that's your cast of
4 characters.

5 Now, the story begins when Linda McAllister's family
6 becomes concerned because they hadn't seen or heard from her
7 for a while. They tried calling her, her family, her friends,
8 couldn't get a hold of her. They actually contacted the
9 Defendant, Jordan Hodge, and they heard a story, a story that
10 was repeated later to the Conway Police, a story that Linda
11 and Chet had gone to Ohio for a family emergency, but the
12 family wasn't satisfied with that. So they contacted the
13 Conway Police Department and begins an investigation. At this
14 point it's a missing persons case. It's not a murder case, a
15 missing persons case, and that's the Conway Police because
16 that house on Dewberry Drive where they live that's in the
17 City of Conway.

18 As the course of the investigation went along several
19 other police agencies became involved. In fact, there were
20 four total law enforcement agencies that worked on this case,
21 and you'll hear from agents of all of them, and they began an
22 investigation, where did Chet and Linda go. They start
23 looking around. One of the things the police found was the
24 last person to see Linda alive. That was on the afternoon of
25 July 3rd, 2017, and that afternoon Linda was in -- near Aynor

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1 at a place called Golden Leaf Road doing a wallpaper job for a
2 lady named Muriel Roberts. She left in the early afternoon
3 around 3:00 o'clock and also you'll hear about Chet Clemons.
4 They had a picture of him on July 3rd safe and sound using an
5 ATM machine in Conway. This was in the morning about 8:00
6 o'clock. Remember that picture, that becomes very important
7 later, and the police continue their investigation.

8 The next thing they found out was that the vehicle that
9 belonged to Linda and Chet, it was a blue 2011 Dodge RAM
10 pickup truck. Remember that pickup truck, it becomes very
11 important in the rest of this case. They found out that that
12 truck was at the house of the Defendants up there on Pleasant
13 Union Road near Aynor. So they went up there to investigate,
14 and they, they found the Defendants, and they said, "Hey,
15 we've got a missing persons case. Would you mind coming down
16 to the station and talking to us? Maybe you can help us find
17 out where Linda and Chet went. So they did. They came down
18 to the police station. You will hear that interview that they
19 had because it was recorded. You get to, get to watch it, and
20 during the course of that interview they told that story
21 again, both of them tell the same story separately in separate
22 rooms with separate officers, same story about Linda and Chet
23 gone to Ohio on a family emergency, and watch both, both of
24 those statements carefully, see if they're telling the same
25 story down to the details, vague, one is vague, detailed, the

1 other is detailed. Remember that -- those stories very
2 carefully because most of the remainder of this case shows
3 those stories were a lie.

4 The next day after those interviews the police find out
5 something else that Jordan Hodge had Linda's ATM card, and she
6 was carrying out a spending spree, had the card and the pin
7 number and spending in just a few days, a little over a week
8 \$8000 of that money Linda had saved from the sale of her river
9 house. A lot of it was spent at Walmart. Walmart has
10 cameras. So you'll see videos and still photos of them at
11 Walmart spending this money. Watch those carefully. Watch
12 their demeanor, especially when the spending spree begins at
13 about one in the morning on July 4th, 2017, when they go to the
14 Walmart there. Watch those, those carefully.

15 They also spent money at other places, for instance,
16 Advance Auto Parts. The day after Linda and Chet were last
17 seen they went to Advance Auto Parts and bought new floor
18 mats. You'll, you'll hear about that. You'll get bank
19 records. So you'll see all the other, other places they spent
20 money, and they also went to ATMs and got lots and lots of
21 cash. You'll see several pictures of them making visits to
22 ATMs different parts of the county using Linda's ATM card to
23 draw out that cash saved from the sale of the river house,
24 \$8000 in just about eight or nine days.

25 The police also found in their investigation, they

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1 learned this from Jordan Hodge herself, that she was supposed
2 to be taking care of, of Linda's beloved dogs, had some dogs
3 at her house that were her pets, she'd take -- was very, very
4 careful about it, and Jordan Hodge claimed she was supposed to
5 be taking care of them. Those dogs hadn't been cared for.
6 When they went and looked at the house there were -- was dog
7 droppings all over the place, that the bowls of the dogs were
8 empty. Nobody had been taking care of those dogs. Again,
9 something that, that Linda wouldn't have tolerated.

10 Now, the police at this point were a little concerned
11 because Linda and Chet were missing and the dogs hadn't been
12 taken care of and things weren't adding up. So they went back
13 to that blue truck and they said there might be some evidence
14 in this blue truck since it belonged to Chet and Linda and
15 where Chet and Linda went. So they got a search warrant and
16 they searched that truck. What they found was blood, blood in
17 the floorboards, blood in the bed, blood dripping down the
18 center console, blood in a, a storage unit -- a storage
19 compartment in the back, back floorboard, blood on the paper
20 towels in the bed of the truck, blood on a camouflage hat, and
21 remember that camouflage hat carefully because I told you
22 about that picture of Chet on the morning of July 3rd at the
23 bank ATM, look carefully at the hat he was wearing at that ATM
24 photo, and the bloody hat that was found in the back of that
25 truck. Those are important things to look at in our little

1 trip here.

2 They also found something else in that truck. Well,
3 actually, the police didn't find it the first time. They
4 searched the truck and they actually missed it. There were
5 some cartridges, cartridge casings in that truck from fired
6 bullets. When they turned the truck back over to the family,
7 soon as the family drove it out of the parking lot they moved
8 a seat and they heard one of those casings fall and they
9 called the police back. The police searched and they found
10 another one. They found two casings, 25 caliber. The police,
11 when they process that truck, they, they took samples of the
12 blood and they took those casings and sent them off to another
13 law enforcement agency called the South Carolina Law
14 Enforcement Division, SLED, to be forensically examined, to
15 look and see what, what, what they could determine from there.

16 Now, a lot of the witnesses you're going to hear, several
17 of them are just there to trace the chain of custody of those
18 DNA samples that were sent to SLED, to tell you how they were
19 collected, how they were packaged, who handled them along the
20 way till they got to the analyst, show you that they were,
21 they were intact and un-tampered with when they got to the
22 analyst, and then you're going to hear from the DNA analyst
23 that works for SLED, and she's going to tell you what she
24 found that blood, the profiles in that blood matched the
25 profiles of the victims.

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1 Now, for Linda it was fairly easy because they had a
2 sample from her, a known sample, a standard sample from her
3 toothbrush that they found at her house. They didn't have one
4 for Chet because Chet was -- it just his sample didn't yield
5 anything, but they found it in a creative way and listen to it
6 carefully and you'll, you'll find it interesting, too. What
7 they did was they went to Chet's son and his son's mother,
8 Chet's ex-wife. They got their DNA, and they were able to
9 match Chet's DNA using the DNA of his offspring and his ex-
10 wife, and they'll give you statistics and you'll, you'll hear
11 all how they did it. That's -- it's an interesting twist in
12 this case that, that you should listen to when the DNA analyst
13 testifies.

14 You'll also hear the story of a gun. You heard about the
15 two casings, 25 caliber. You'll hear in a moment about a
16 bullet collected at autopsy. It was in, in Linda's hair where
17 she had been shot in the head and that analyst said -- found
18 it was also 25 caliber. Most importantly you'll hear
19 testimony about a 25-caliber handgun. Listen carefully for
20 that testimony and in whose hand that gun was. It's one of
21 those things that's important that you have to watch for.

22 So by this time that missing persons case was looking
23 kind of grim, blood in the truck, there were bullet casings,
24 the dogs hadn't been cared for, the story that was told isn't
25 working out, and the family and the police were worried, and

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1 it became much grimmer very soon after that, just a day or two
2 after that when they found some individuals were down at the
3 end of Browns Chapel Avenue. It's near Bucksville, south of
4 Conway. This road runs down from the river into the woods,
5 and they were down there at the end of the river, and they
6 followed their curiosity to a very bad smell that they
7 detected, and there they found the bodies of Linda McAllister
8 and Chet Clemons hidden under a tree but there they were.
9 They had been there for some time because they were largely
10 just skeletons at that point.

11 At this point, the second agency becomes involved because
12 Browns Chapel Avenue is actually in Horry County. So the
13 Horry County Police take over the investigation, only now it's
14 not missing persons anymore. Now it's a murder investigation
15 because both those bodies in their left temple had a small
16 bullet hole. They'd been murdered, killed.

17 You'll hear from the autopsy surgeon, from the surgeon
18 that did the autopsy about those bullets. There are some
19 things I want you to watch carefully for. First of all, Linda
20 was identified by her dental records. Her teeth were still
21 intact. Her dentist actually came and examined her teeth and
22 said that, that's Linda McAllister. Chet, you will hear, had
23 no teeth. He wore dentures. He was completely, completely
24 toothless, and so was the second body at that scene. Listen
25 very carefully for the placement of those bullet holes in the

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1 temple and the measurements of those bullet holes, the size of
2 them. The autopsy surgeon will tell you about that. Now, the
3 similarity of the bullet holes, placement, size, look at both
4 of them and compare them.

5 Now the -- probably the most important source of
6 information came, again, from that blue 2011 Dodge RAM pickup
7 truck. It was equipped with one of those screens in the dash,
8 and in that screen was a GPS. That GPS device, one of the
9 detectives from, from Horry County thought, "Well, maybe it
10 saves some of the places that truck has been." So with the
11 help of the FBI he collected that GPS console, and they sent
12 it off to Quantico, Virginia, to the FBI where an expert in,
13 in electronic devices was found that all from memory, the
14 memory that stored things temporarily, that stored the track
15 of that truck for several days before it was collected.
16 You'll get to hear about that, that GPS data saved in that
17 truck and it'll show you exactly where the truck had been use
18 -- has sort of ground truth because that truck was tracked to
19 the places where the money was spent. You look at the bank
20 records, money was spent at Walmart, placed the truck at
21 Walmart. You have videos from Walmart. There's the truck in
22 the video. Money taken out of the ATM, got a picture from the
23 ATM. There's the truck on GPS at the ATM, but the most
24 important thing to watch on this GPS device is where that
25 truck went on July 3rd, 2017. It'll start out just as Muriel

1 Roberts tells you at Golden Leaf Road where she was doing that
2 job, comes back to Conway to the Dewberry Drive house. At
3 some point it, it drives actually down to Bucksport Marina
4 where they had a RV for sale there, stays for just a moment,
5 comes back, but most importantly at 9:00 in the -- in the
6 evening, that truck drove from Dewberry Drive through Conway
7 up Highway 701 and 319 to Pleasant Union Drive where the
8 Defendants lived, and you can compare that route to the route
9 that it was usually driven to, to Aynor area when Chet and
10 Linda had that truck, the route that they took, compare it
11 later to the routes taken when the Defendants had charge of
12 that truck, but along the way, there's a spot where you turn
13 off of Edwards Road onto Pleasant Union Road. It's a spot
14 where just fields and, and some woods, aren't any houses right
15 close by, and right there beside the road in the ditch that
16 truck stops for about 12 minutes, then that truck goes to the
17 house just down the road of the Defendants, stays there for a
18 while, and then the truck starts moving again, goes to the gas
19 station in Aynor for just a few minutes and then it drives
20 through back roads through a route avoiding the center of the
21 City of Conway right down to the end of Browns Chapel Road, a
22 spot so desolate that a body could lay there for 10 days and
23 not be detected. It stays there sometime, the exact spot
24 where Chet and Linda were later found dead, and then it leaves
25 from there and it goes to Chet and Linda's house. Remember

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1 that house. You'll hear a lot about the search of that house,
2 and in that house was a wallet that belonged to Linda, had her
3 ID in it and her cards, but all her cards except one, the BB&T
4 card that she usually used. That card was found in the house
5 on Pleasant Union belonging to Jordan Hodge and Kenneth
6 Carlisle. You also see that card on Walmart videos. Watch
7 carefully who uses that card to pay for all the things bought.
8 Watch carefully for the demeanor of both the Defendants while
9 they're shopping with that card. You'll see that card at ATM
10 machines where they're using it to draw out large amounts of
11 cash. Then after leaving that, the victim's house, it was a
12 very short visit, it made a short visit to a carwash, not a
13 carwash where people work but a carwash that you put coins
14 and, and, and use. It's open all night, no attendant there to
15 watch anything, stays there a few minutes. Then that truck
16 goes to the Walmart here in Conway on Church Street. Walmart
17 has cameras everywhere, and in case you didn't know, anything
18 you do in Walmart is on camera, and you'll be able to see them
19 -- see who gets out of that truck. This is just 59 minutes
20 after they leave that desolate spot where Linda and Chet's
21 bodies were dumped. Out of that truck comes the Defendants
22 and they go on and begin that spending spree. Watch carefully
23 for their demeanor. Watch what they're doing.

24 Now, at that point you got all the parts. You've got the
25 25-caliber gun. You've got the spending spree. You've got

1 the GPS data. You've got the injuries to the victims. You've
2 got the statements, the lies. You get to put it all together.
3 At the end we would ask you to come out and draw the only
4 conclusion that argue you'll be able to find in this case, but
5 before we go I just want to say something about the law. The
6 Judge has told you he's going to charge you the law at the end
7 of the case and that's the law you follow, but I want to give
8 you an idea just to look at when you're thinking about all the
9 data, all the evidence in this case. Murder is the killing of
10 another with malice aforethought, and malice just means the
11 ill will, intent to harm another, but aforethought, although
12 you may think it means premeditation, doesn't. It just means
13 at the time that the fatal blow was struck, the time the
14 bullet was shot that they had that malice, that intent to
15 harm, that ill will towards the victim. Now, if you look,
16 watch carefully, you may see circumstantial evidence of
17 premeditation and that can go to malice aforethought. That's
18 part of it. Remember, you also have to look at the nature of
19 the wounds and malice aforethought only has to be had right
20 at the time the, the bullet was fired and just before.

21 Another thing that may have occurred to you already, we
22 have two people accused of murder, two people shot with one
23 shot in the head, two fingers can't be on the same trigger at
24 the same time. This comes down to a concept called hand of
25 one, hand of all that I want you to keep in mind as we go

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1 through this case. Hand of one, hand of all means that if two
2 people commit a crime together one may pull the trigger, the
3 other one that's there present aiding and abetting is also
4 guilty. Called accomplice liability, but look through this
5 case for evidence that the motive was the same and they worked
6 together, who was there, what the purpose of this crime might
7 have been, look at all these things, and at the end Mr. Oskin
8 is going to come and he's going to talk to you in a closing
9 argument and tell you how it all fits together. For now we
10 just ask you for your close attention. It's going to be kind
11 of a long case, lots of witnesses. You're going to have to
12 exercise your memories, but I do thank you for your attention
13 and, and we look forward to working with you. Thank you.

14 THE COURT: Mr. Wilson.

15 MR. WILSON: Thank you, Your Honor.

16 Good morning, ladies and gentlemen. I know that when
17 each of you got your summonses for coming to jury duty you
18 probably thought of a hundred things that you would much
19 rather do than to be sitting here all week long with a bunch
20 of lawyers going at it back-and-forth, but this is our system,
21 and the system works very well. It's not perfect. It's got
22 its ups and downs like anything else, but it's the best system
23 that I know of, and I tell you at the outset of this trial
24 that Jordan Hodge is not guilty and she's not guilty because
25 Ralph Wilson says she's not guilty. She's not guilty because

1 the law says she is not guilty as she sits here today. That's
2 a right that every citizen enjoys in this country. You are
3 presumed, and that's not just some hollow words that we use
4 when we talk about these things. This is important that she
5 is presumed innocent, not just her, every Defendant who comes
6 into this courtroom is presumed innocent and unless and until
7 the State of South Carolina can satisfy you beyond a
8 reasonable doubt that she actually murdered because that's
9 what they've charged her with. Okay. They didn't say -- they
10 didn't charge her with using a credit card improperly or
11 driving a vehicle improperly. That is not what she's charged
12 with. She is charged with murder. That means that they're
13 saying that she shot and killed her grandmother. That's what
14 they're saying. There will not be one iota of proof that that
15 ever happened, not one. Nobody will get up here and say, "Oh,
16 yeah, she shot him, she shot her grandmother, she shot her
17 grandfather or step-grandfather," not one person will tell you
18 that. What the State is trying to do is go backwards and say,
19 "Okay, well, let's look at what happened afterwards. We don't
20 want to know -- we don't know what happened in there -- in the
21 killing. We don't really know, but we know some things that
22 happened afterwards so we're going to look at those things and
23 try to say, 'Okay, well, she must have done it because those
24 things are true.'" They call that circumstantial evidence,
25 and let me tell you about circumstantial evidence. The

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1 circumstantial evidence, unfortunately, folks, can mislead
2 you. Give you an example, when I was a young lawyer there was
3 this lawyer he'd always talk about circumstantial evidence,
4 and he told me, he said, he told me the story that I will
5 share with you. He says that with circumstantial evidence
6 there was a little boy who was eight years old. He -- they
7 lived out in the country area. His mother made a cherry pie,
8 and her custom was once she made it she put in the window, it
9 would cool till daddy came home for dinner. Well, a little
10 boy being eight years old decided that he wanted to eat some
11 of the cherry pie before daddy got home from work. Okay. So
12 what does he do? He goes, he eats as much of the pie as he
13 wants to eat. Then he takes the cat, puts the cat feet in the
14 cherry pie. The cat jumps down off the counter onto the floor
15 and runs out the house. So when mama comes back what does she
16 think? The cat ate the pie. No. Circumstantial evidence can
17 be misleading. That's why it's important that you listen
18 very, very care closely, very, very attentively as we go
19 through this process.

20 The other thing that the solicitor said, he said, "Oh,
21 well, you know, we have GPS. We got GPS." The GPS will not
22 say that Jordan Hodge was in that truck. The GPS will not say
23 that. No GPS expert's going to get up here on this stand,
24 say, "Oh, yeah, Jordan Hodge was in that truck," because GPS
25 can't tell you that. They can tell you where the truck was.

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1 They can't tell you who was in it. Circumstantial evidence.

2 Now, can circumstantial evidence be suspicious? Oh,
3 absolutely, it can, but we don't convict people based on
4 circumstantial evidence that leads only to a suspicion. You
5 must have proof beyond a reasonable doubt. That's a
6 substantial doubt. That's not some whimsical doubt because
7 you can have a whimsical doubt about anything. You could
8 doubt whether or not the ocean's going to be in Myrtle Beach
9 next week. Well, that's a whimsical doubt. We all know it's
10 going to be there. We're not talking about that kind of
11 doubt. We're talking about a substantial doubt, a doubt for
12 which you as an honest juror who's seeking the truth can give
13 a reason, and I promise you throughout this trial there will
14 be multiple reasons why you should find this Defendant, Jordan
15 Hodge, not guilty.

16 You know, when the State elects to indict a person, they
17 don't get a say so. Nobody calls you up and say, "Hey, you
18 know, this is the police department," or, "this is the
19 solicitor's office, we're going to indict you next week. You
20 got anything to say about it?" No. Doesn't happen that way.
21 They indict you. They put you in jail and then you get a
22 trial at some point in time. That's how our system works.
23 Maybe that's, maybe, maybe that's not the greatest way but
24 that's how it works. They decide those things, and they
25 decided that they wanted to charge Jordan Hodge in this

Opening by Mr. Wilson

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1 particular case with this homicide, with this murder. The
2 challenge they have, I would submit to you, ladies and
3 gentlemen, is putting a 25-caliber pistol in the hands of
4 Jordan Hodge and showing that she pulled the trigger. Then
5 they say, "Oh, well, you know, if -- let's just say for
6 instance that if she didn't pull the trigger maybe she was
7 present aiding and abetting." There is not one soul who's
8 going to say that she was present when the shooting occurred,
9 not one. So you -- in order to be the hand of one, the hand
10 of all you must be present at the time of the commission of
11 the offense and not only must you be present you must be doing
12 something to, to cause it to happen, to aid, to assist in the
13 killing. They can't prove any of those things.

14 You know, I, I, I say to you in these cases the State is
15 really the one who's on trial here, and you say, "Well, why in
16 the world would you say that?" Because they have the burden
17 of proof. The Defendant has no burden of proof, none. The
18 State is on trial, and their, their burden is to prove to your
19 satisfaction beyond a reasonable doubt everything that they
20 put in the indictment. That's what their burden is. So
21 they're on trial. So you're, you're trying to determine did
22 they prove beyond a reasonable doubt every element of the
23 crime of murder, and if they cannot prove each and every
24 element beyond a reasonable doubt then there is only one
25 verdict that speaks the truth and that is not guilty because

Opening by Mr. Wilson

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1 think about it for second. It is virtually impossible to
2 prove you didn't do something. If I am home 10:00 o'clock at
3 night watching TV and Conway National Bank gets robbed and
4 they come to my house and say, "Oh, you know, we got you Ralph
5 Wilson. We're going to take you down here to the jail because
6 we think you robbed Conway National Bank." Well, ain't nobody
7 home but me. It's 10:00 o'clock at night. How am I going to
8 prove I didn't do it. I can say I didn't do it. Well, that's
9 kind of what we got here. You can say it all you want to.
10 That doesn't stop them from arresting you and putting you in
11 jail, and simply because somebody is arrested doesn't mean
12 they're guilty. Now, if they wanted to charge them with using
13 those credit cards after the fact, have at it. That ain't
14 murder. They say, "Well, you know, but it looks, just looks
15 suspicious, so, you know," and, and that's what they want you
16 to do. They want you to take suspicion and convict somebody
17 of murder, and that's wrong. The only thing I ask of you,
18 ladies and gentlemen, is you listen. Listen to the evidence
19 as it comes from this witness stand, and, and, and, you know,
20 sometimes it's not so much what the State says or what a
21 witness says, it's what they don't say that's important.
22 The last thing I'll say to you, if you've already made up
23 your mind in this case then this system doesn't work. It
24 doesn't work. If you come into this jury room with a
25 preconceived notion that somebody is guilty or not guilty for

Opening by Mr. Spratlin

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1 that matter or, well, you're supposed to presume that they're
2 not guilty, but if you presume that they're guilty before you
3 even sit in this chair then the system doesn't work and it's
4 failed before we even start. I simply ask you to listen
5 because nobody, if you listen to the evidence of the witnesses
6 who are going to take this stand and who are going to testify
7 in the course of this trial and then you get His Honor's
8 instructions on the law and you go and you deliberate and you
9 render a verdict that speaks the truth, the truth, a verdict
10 that speaks the truth because that's what your oath says then
11 nobody, nobody has any reason to complain about what you have
12 done, not the State of South Carolina, not the Defendant, no
13 one because the only thing that you're required to do is
14 render a verdict that speaks the truth. You have no friends
15 to reward. You have no enemies to punish. Thank you.

16 THE COURT: Mr. Spratlin.

17 MR. SPRATLIN: Thank you, Your Honor. May it please the
18 Court?

19 Ladies and gentlemen, timing is everything. That's a
20 phrase that you've probably heard hundreds if not thousands of
21 times in your life. You hear it so often because it's true.
22 If you watch football or any sport for that matter and you'll
23 hear the commentators talk about how a certain player was in
24 the right place at the right time or sometimes in the wrong
25 place at the wrong time, and that is because timing truly is

1 everything.

2 As I already told you, I'm Martin Spratlin. I represent
3 Kenneth Carlisle seated to the far side of that table over
4 there. One thing that's important for all of you to
5 understand is my representation goes only to Mr. Carlisle. I
6 do not represent Jordan Hodge. Me and Mr. Wilson are not on
7 the same team. We are seated at the same table by necessity
8 because of the size of this courtroom there's only two tables.
9 One's the State. One's Defense. So I'm seated over there.
10 Mr. Carlisle is seated over there out of necessity. Does not
11 mean we're on the same team. My representation is only Mr.
12 Carlisle. Mr. Wilson's representation is only Jordan Hodge.
13 Also, out of necessity, somebody has to go last, and in this
14 case that somebody is likely going to be me. I'm the last
15 person you're going to hear from for opening statements. I'm
16 likely going to be the last person you hear from questioning
17 each and every witness that testifies. Now, there's something
18 you need to understand very importantly about that. While
19 we're not on the same team, any questions that are asked by
20 any lawyer apply to all. You see, I'm not going to get up
21 here and re-ask every question Mr. Wilson asked just because I
22 want the same question asked. That would be a waste of your
23 time, a waste of this Court's time and these gentlemen
24 wouldn't let me get away with it because it's not proper. A
25 lot of the questions Mr. Wilson asked, a lot of the questions

Opening by Mr. Spratlin

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1 Mr. Oskin or Mr. DeBusk ask, in fact, will be questions that I
2 want to ask, but since I'm going last I don't get to ask those
3 questions because presumably the answer of the witness would
4 be the same, so you already have that information. What I am
5 going to ask you to do though is when I do ask questions, when
6 I do get up and I do question a witness pay as much attention
7 to what I'm asking as you would Mr. DeBusk, Mr. Oskin, who
8 will probably be going first, Mr. Wilson who'll probably be
9 going second, and by then, by the time they're done you might
10 be a little tired. So I'm asking you to kind of perk up a
11 little bit and just listen and pay attention even though it
12 may have been a long direct examination, cross-examination and
13 now I'm getting up and asking questions because the questions
14 that I ask are important.

15 Now, let me go back to timing is everything because when
16 I first got up here, gave that little spiel, you're probably
17 like what's he talking about, why is he -- did he just want to
18 get a sports reference in, why is he talking about timing.
19 Timing is very important to this case because the State is
20 going to show a lot of bad things that Mr. Carlisle did.
21 They're going to show that -- I suspect they're going to show
22 that he was with Jordan Hodge at the Walmart when she used the
23 debit card and bought a ton of stuff. He's loading the
24 packages up. You're going to see the videos. You're going to
25 see that they were driving around in a pickup truck. You're

1 going to see all that, but that is why timing is so important
2 because every bit of evidence, and evidence, let me -- you
3 all, you all hear the phrase evidence a lot as jurors, and I
4 remember the first time I served on jury duty I didn't know
5 what evidence was. Evidence is just statements that come from
6 that witness stand, papers, videos, pictures, demonstrations,
7 that sort of stuff. It's just a fancy way for saying all of
8 that. You deal with evidence all day every day in your normal
9 lives without even knowing you're dealing with them. There's
10 nothing super special about evidence in a court of law versus
11 evidence that you deal with. It's all about the same, but
12 what I want you to do with this evidence, the question I want
13 you to ask because now is not the time for me to tell you what
14 the case is going to show and why my client's not guilty of
15 this crime. That's going to be at the end of this case, at
16 the end of closing arguments when you're finally going to get
17 to consider all of the evidence. What I ask you to do every
18 piece of evidence is ask the question when did the evidence
19 occur? Did that evidence occur months before any murder? Did
20 it occur after any murder or did it occur during a murder
21 because as the State stated and as Mr. Wilson stated, and
22 again, things that they state apply to all just like when they
23 talked about proof beyond a reasonable doubt, presumption of
24 innocence, I'm -- I didn't talk about that, but all of that
25 still applies to Mr. Carlisle just the same.

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1 The State is not going to be able to show you who shot
2 Linda McAllister or William Clemons. Rather I suspect that
3 they're going to allege that all of these bad things that
4 they're going to show happened show that my client is guilty
5 of murder under that theory of hand of one is hand of all that
6 got mentioned earlier and you're going to hear that phrase a
7 lot more times than you ever thought you ever would in your
8 entire life, but one thing that's important about hand of one,
9 hand of all there has to be an agreement, and it has to be in
10 agreement either at the time of the murder or before the
11 murder, can't be an agreement after, can't retroactively
12 validate someone killing someone else and then you're just as
13 liable as they are, no, before or during. Ask that question.
14 Keep that in mind.

15 As I said, I suspect that you're going to see a lot of
16 bad things that my client did, but ladies and gentlemen,
17 timing truly is everything and when you keep that in mind
18 you're going to reach the right verdict in this case.
19 Speaking of timing, my time is now up. Let's begin this
20 trial. Thank you all.

21 THE COURT: Call your first witness, please.

22 MR. OSKIN: Thank you, Your Honor. The State would
23 please call Robin Cole.

24 Whereupon, Robin Cole is called to the stand, duly sworn
25 by the clerk and testified as follows:

1 THE CLERK: State your name for the Court and spell your
2 last name.

3 MS. COLE: Robin Cole, C-O-L-E.

4 DIRECT EXAMINATION

5 BY MR. OSKIN:

6 Q Good morning, Ms. Cole.

7 A Good morning.

8 Q How old are you?

9 A Okay.

10 Q I said how old are you?

11 A Oh, how old am I?

12 Q Yes, ma'am. Sorry to ask.

13 A 53.

14 Q Okay. Where do you live?

15 A Conway, South Carolina.

16 Q What brings you here today for this case?

17 A That I had spoke with Linda and we had plans to get
18 together on the 4th of July.

19 Q Okay. Let's talk about Ms. Linda. How long had you
20 known Linda?

21 A About 10 years.

22 Q And her last name is what, was what?

23 A McAllister.

24 Q Okay. Friends?

25 A Huh?

Robin Cole - Direct by Mr. Oskin

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- 1 Q Were you guys friends?
- 2 A Oh, yeah. Very much so. We were very close.
- 3 Q Close friends?
- 4 A Oh, yeah.
- 5 Q Was she your best friend?
- 6 A Yeah. She was a really special person to me.
- 7 Q Did you have a nickname for Ms. Linda?
- 8 A Mama.
- 9 Q Why'd you call her that?
- 10 A Because her and her late husband, Gary, they would host
- 11 parties and such and they always kind of overseen everything
- 12 and made sure everybody was okay like they were everybody's
- 13 mama and papa, and it just that's -- it just stuck because she
- 14 truly was like that. She always wanted to make sure everybody
- 15 was okay, everybody was happy, everybody had what they needed,
- 16 you know.
- 17 Q Okay. Were you in good contact with Ms. Linda around
- 18 July of 2017 in the beginning of it?
- 19 A Yeah.
- 20 Q All right. Did you guys have any plans for the July 4th
- 21 holiday?
- 22 A Yes. She was going to come over to my house for a
- 23 barbecue around noontime.
- 24 Q Was Ms. Linda fond of July 4th?
- 25 A Oh, yeah. Any, any occasion just to get together and

- 1 enjoy people.
- 2 Q Do you remember the last time you spoke with Ms. Linda?
- 3 A That was the 3rd --
- 4 Q Okay.
- 5 A -- of July.
- 6 Q Did you guys have intentions to see each other after the
- 7 3rd?
- 8 A Yeah. The holiday there, yeah.
- 9 Q Okay.
- 10 A We were actually firming up those plans on that phone
- 11 conversation as well.
- 12 Q Were you hosting a party? Were you guys going to a
- 13 party? What, what were the exact --
- 14 A It was a party at my house.
- 15 Q Okay. Did she show up --
- 16 A No.
- 17 Q -- to that party?
- 18 A No.
- 19 Q Did you talk to her -- have you ever talked to her since
- 20 that day, July 3rd?
- 21 A No.
- 22 Q Was this out of the ordinary?
- 23 A Yes.
- 24 Q Did you try to reach her?
- 25 A Yes.

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1 Q By which way?

2 A Two ways, leaving her a voicemail on the phone and
3 texting.

4 Q At any point during your 10-year friendship had you been
5 unable to reach her with that type of effort before?

6 A Never.

7 Q All right. At which point did you become concerned or
8 did you become concerned?

9 A Yes.

10 Q At what point?

11 A A couple of days later, you know, I thought it was
12 strange that she didn't show for the party, but we were so
13 busy with everything I said, "Well, she'll give me a call,"
14 and when she didn't is when I, I text her and said, you know,
15 "What's going on?" Didn't hear anything, and then I gave her
16 a phone call and left a message and still didn't hear anything
17 and, you know, I did text again and actually text a couple of
18 other times after that, and then at one point I was a little
19 agitated, you know, I told her, you know, "Come on. We all
20 have time. Why aren't you getting a hold of me here," and
21 then when I still didn't hear anything that's when the last
22 text was, "I'm worried now."

23 Q Okay. I'm going to focus your attention to around on or
24 about July 8th. Okay?

25 A Uh-huh.

- 1 Q Did you receive a call that day?
- 2 A Yes.
- 3 Q Who did you receive that call from?
- 4 A From Robert Byrd.
- 5 Q Did Robert Byrd know you and Ms. Linda?
- 6 A Yes, and my husband.
- 7 Q Okay. What type of work did he do or does he do?
- 8 A Contractor.
- 9 Q Okay. At that time was he contracted to do work for
- 10 Linda?
- 11 A Yes. Yes.
- 12 Q All right. At which residence?
- 13 A At her Dewberry home.
- 14 Q All right. Had you been to that residence before?
- 15 A Yes.
- 16 Q Had you been inside of it?
- 17 A Yes.
- 18 Q Are you familiar with the layout?
- 19 A Yes.
- 20 Q You ever seen her bedroom?
- 21 A Yes.
- 22 Q Girl stuff, correct?
- 23 A Uh-huh.
- 24 Q You're, you're familiar, you're familiar with Ms. Linda?
- 25 Did Mr. -- when Mr. Byrd called you on the 8th what did you

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1 learn from that call? Without telling me what was
2 specifically said, what did you learn from that call?

3 A That she --

4 MR. WILSON: Your Honor, Your Honor, I object to whatever
5 it is she learned. It'd have to be hearsay if she learned it
6 from the phone call.

7 THE COURT: Sustained.

8 Q After you got that call did that set forth -- did that
9 begin a cause of -- course of action by your part?

10 A Yes.

11 Q Okay. Did you respond to the Dewberry residence?

12 A I had contacted family members.

13 Q Okay. Without telling me what you told them, who did you
14 contact?

15 A At first I tried to get a hold of Jordan. Then I tried
16 to get a hold of Dara and then I finally successfully got a
17 hold of her son, Bo.

18 Q And Bo, what's his last name? You, you know Bo's last
19 name?

20 A I did, but it just went poof.

21 Q It's okay. It's all right.

22 A Sorry.

23 Q That's okay. Is he present in this courtroom today?

24 A Yes. He's right there.

25 Q After you made contact with Bo, what, what did you guys

1 -- what happened next?

2 A Well, I had expressed that she wasn't available for a job
3 that was supposed to be completed and that the person who had
4 told me this had also said that appeared to be there --

5 MR. WILSON: Your Honor --

6 Q Without telling me what anybody said in, in order with
7 the Judge --

8 A Uh-huh.

9 Q -- that applies to anything you say on this stand. Okay?

10 A Uh-huh.

11 Q Was --

12 THE COURT: Hold on. And if it necessitates a yes or no
13 response give me a yes or no as opposed to uh-huh or huh-uh.

14 A Okay.

15 THE COURT: This young lady down here is my court
16 reporter. I want it clear for the record what it is. Okay?

17 A All right.

18 THE COURT: Thank you, ma'am. Mr. Oskin, you may
19 continue.

20 MR. OSKIN: Yes, sir. Thank you, Your Honor.

21 BY MR. OSKIN:

22 Q I know this is an emotional event. I know there's a lot.
23 Obviously mind went blank on a person you've known for a long
24 time. Let me, let me focus you and that's on me. Okay?

25 After you spoke with Bo did you go to the Dewberry residence

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- 1 after that?
- 2 A Yes.
- 3 Q Okay. Did you go inside that residence?
- 4 A Yes.
- 5 Q All right. Did you go towards -- did you go in Linda's
- 6 bedroom?
- 7 A Yes.
- 8 Q Did you notice anything in there out of the ordinary?
- 9 A Yeah.
- 10 Q All right.
- 11 MR. OSKIN: Your Honor, if I may approach the witness?
- 12 THE COURT: Yes.
- 13 BY MR. OSKIN:
- 14 Q Ms. Cole, I'm showing you what's been pre-marked as
- 15 State's Exhibit Number Two.
- 16 A Uh-huh.
- 17 Q Are you able to recognize that?
- 18 A Yes.
- 19 Q What is that?
- 20 A That's the wedding picture of Chet and Mama Linda.
- 21 Q Had you personally seen this in her bedroom before this
- 22 picture was taken?
- 23 A Yes.
- 24 Q When you were in that room what condition was this photo
- 25 frame in?

1 A It was down.

2 Q When you say down, was it down on the ground or was it
3 turned down?

4 A No. It was turned down on the counter, the desktop.

5 Q Okay. And, and this desktop that's close to the bedside?

6 A Yeah. That's her nightstand.

7 Q Okay.

8 A Because the lamp's right there.

9 Q Okay. Anything been materially altered, edited or
10 deleted from this photo that you're able to recognize?

11 A No.

12 Q It is the wedding photo that, that you know to be of
13 Linda and Chet?

14 A Oh, yeah. Certainly.

15 Q That's, that's them in the photo?

16 A Yeah, definitely.

17 MR. OSKIN: Your Honor, at this time I would seek to move
18 into evidence State's Exhibit Number Two.

19 THE COURT: Any objection, Mr. Wilson?

20 MR. WILSON: Just relevance. I'm not sure what the
21 relevance is but my objection would just be relevance. I, I
22 don't see any relevance.

23 MR. OSKIN: If we can sidebar, we can do it outside the
24 presence of the jury, Your Honor.

25 MR. SPRATLIN: Your Honor, just for the record I would

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1 join in that.

2 THE COURT: Can you all approach over here?

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

5 THE COURT: Objection's sustained.

6 MR. WILSON: Thank you, Your Honor.

7 BY MR. OSKIN:

8 Q When you left the residence that night was that the last
9 time you had been to Dewberry?

10 A Yeah.

11 Q The Dewberry residence?

12 A Well, other than when the police were there.

13 Q Okay.

14 A But actually to go in, no.

15 Q Okay. You didn't go in when the police were there?

16 A No. They wouldn't let anybody. They had questions for
17 me and they asked me outside.

18 Q Lastly, let's have you focus back to July 3rd, and I
19 promise I'll be done with you. That phone call -- you had a
20 phone call with Linda on July 3rd; correct?

21 A Yes.

22 Q About what time of day was that call on July 3rd?

23 A Between three and four.

24 Q Did she tell you where she was headed after that phone
25 call?

1 MR. SPRATLIN: Objection, Your Honor.

2 THE COURT: Let him finish the question, please, and then
3 if you have an objection state your objection and your
4 grounds. Mr. Oskin.

5 MR. OSKIN: Quote the rule, Your Honor. This would be
6 intention, intention and state of mind.

7 THE COURT: State your question again, please.

8 BY MR. OSKIN:

9 Q During the course of your phone call with Linda did she
10 mention anything to you about what she planned to do later
11 that afternoon?

12 A Yes.

13 MR. SPRATLIN: Your Honor, I did have an objection to
14 that question.

15 THE COURT: Objection overruled.

16 MR. SPRATLIN: Yes, sir.

17 MR. OSKIN: And that would be under 803(3), Your Honor,
18 as you're well aware.

19 BY MR. OSKIN:

20 Q Where did she state she was headed that afternoon?

21 MR. WILSON: Your Honor, I think this --

22 THE COURT: Can you all approach a minute, please?

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

25 MR. OSKIN: May I proceed, Your Honor?

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1 THE COURT: Hold on just a second. Yes, sir. You may.

2 MR. OSKIN: Thank you, Your Honor.

3 BY MR. OSKIN:

4 Q So I want to ask -- I'm trying to keep you organized,
5 okay, so we don't ask the same thing and get objected to again
6 off the same thing.

7 A Uh-huh. Yes.

8 Q Where did she state she was going later that afternoon?

9 A That she was finishing up with her job that she was on.
10 She was going to do some errands and that she was going to see
11 Hodge, Little Hodge, which is Jordan.

12 Q Who is Little Hodge?

13 A Is Jordan.

14 Q Please answer any questions that the Defense may have for
15 you.

16 CROSS EXAMINATION

17 BY MR. WILSON:

18 Q Good morning.

19 THE COURT: Mr. Wilson, cross examination.

20 MR. WILSON: Yes, sir.

21 BY MR. WILSON:

22 Q Ma'am, the solicitor asked you whether or not you had
23 some conversation with Ms. McAllister on the 3rd; is that
24 correct?

25 A Yes.

- 1 Q And you said you did.
- 2 A Yes.
- 3 Q Okay. And did you all talk every day?
- 4 A Pretty much, yes.
- 5 Q Okay. Twice, once a day, twice a day, three times a day?
- 6 A Depend on what her activity was and my activity.
- 7 Q Okay.
- 8 A We would usually touch base once a day, once every other
- 9 day. It'd depend.
- 10 Q And, and you knew her daughter?
- 11 A Yes.
- 12 Q Okay. How well did you know her daughter?
- 13 A Fairly well. There were functions and such that we would
- 14 all be together at.
- 15 Q Okay. What was the relationship like between her and her
- 16 daughter?
- 17 A A typical mother-daughter relationship. They, you know,
- 18 would talk on the phone and be involved with each other.
- 19 Q Well --
- 20 A Mama would leave her little gifts and stuff, little I
- 21 love you gifts and things, you know.
- 22 Q Well, you said that you knew Ms. McAllister really,
- 23 really well. Right?
- 24 A Uh-huh.
- 25 Q So did she talk --

Robin Cole - Cross by Mr. Wilson

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1 THE COURT: Is that a yes?

2 A Yes. I'm sorry. Yes.

3 THE COURT: Thank you. I'm sorry, Mr. Wilson, go ahead.

4 Q So in, in those conversations she talked with you about
5 some difficulties she was having with her daughter recently?

6 She talk to you about that?

7 MR. OSKIN: Objection, Your Honor. Calls for hearsay.

8 THE COURT: Sustained.

9 Q Well, let me ask you this, were you aware that there was
10 difficulty between the two of them?

11 A Difficulty?

12 Q In this usual sense of the meaning of the word
13 difficulty?

14 A In the usual sense of the meaning.

15 Q Trouble in paradise.

16 A Well, yeah.

17 Q Yeah. And, and you knew that before the 3rd; did you not?

18 A Yes.

19 Q All right. And you also knew that she had a much better
20 and closer relationship with Jordan; right?

21 A I wouldn't say closer, just a different relationship with
22 Jordan, yes.

23 Q Well, would you agree with me that she spent more time
24 with Jordan, that she did more for Jordan?

25 A Yes.

Robin Cole - Cross by Mr. Wilson

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- 1 Q Yeah. And that -- let me ask you this, in regards to --
2 and you said that on this day she said she was going to go see
3 Jordan. That wouldn't be unusual at all; would it, for her to
4 see Jordan?
- 5 A Not normally.
- 6 Q Yeah. They'd see each other three, four times a week;
7 right?
- 8 A No.
- 9 Q How many times?
- 10 A That'd depend on the situation at, at the time what was
11 going on in her life.
- 12 Q Well, just give me an average if you know.
- 13 THE COURT: Hold on a minute.
- 14 MR. WILSON: I apologize.
- 15 THE COURT: I don't want both of you talking at the same
16 time.
- 17 MR. WILSON: I'm, I'm talking too fast.
- 18 THE COURT: Let her finish her response before you start
19 asking a question. Go ahead, ma'am. I'm sorry.
- 20 A Okay.
- 21 Q How many times would you say per week that the two of
22 them would see each other?
- 23 A In a week, well, probably like four times.
- 24 Q Okay. So they were constantly in contact with each
25 other; right?

Robin Cole - Cross by Mr. Wilson

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- 1 A Yeah.
- 2 Q All right.
- 3 A Yes.
- 4 Q And, and, and now, let me ask you in regards to -- did
- 5 she ever tell you about loaning her vehicle or her car or her
- 6 credit cards to Jordan?
- 7 A No.
- 8 Q So you didn't know anything about that?
- 9 A No.
- 10 Q Never heard of that?
- 11 A No.
- 12 Q Okay. All right. Now, and when you saw her or talked
- 13 with her on the 3rd where was she at the time you were having a
- 14 conversation with her?
- 15 A She was finishing up a job.
- 16 Q Okay. So was she still at the jobsite?
- 17 A I believe she was there getting ready to leave.
- 18 Q All right. But you don't know?
- 19 A No.
- 20 Q You're just guessing that that's where she was?
- 21 A Well, she said she was finishing up the job and then
- 22 getting ready to do the errands, and so.
- 23 Q Okay. All right. And you say she was getting ready to
- 24 do the errands and you said that with an S. So other than
- 25 seeing Jordan what were the other errands that she was going

- 1 to do?
- 2 A She didn't tell me.
- 3 Q Okay. So you don't know what the other errands were. Do
- 4 you know whether or not she was going to do those errands
- 5 before she saw Jordan or was this something she was going to
- 6 do after she had had her meeting with Jordan?
- 7 A No. She was going to do them first.
- 8 Q She was going to do the errands first?
- 9 A Uh-huh.
- 10 Q All right. And you don't know what those errands were?
- 11 A No.
- 12 Q And you said you talked with her around three. What time
- 13 was it, around three?
- 14 A Between three and four.
- 15 Q I'm sorry?
- 16 A Between three and four.
- 17 Q Between three and four on the 3rd is when you had your
- 18 conversation with her?
- 19 A Yes.
- 20 Q And that's the last time that you had any conversation
- 21 with her?
- 22 A Unfortunately, yes.
- 23 Q And you don't know what happened between the 3rd --
- 24 between 3:00 o'clock or 4:00 o'clock? You don't know anything
- 25 about what happened after that?

Robin Cole - Cross by Mr. Spratlin

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1 A No.

2 Q Okay. I don't have any other questions.

3 THE COURT: Mr. Spratlin.

4 MR. SPRATLIN: Real briefly, Your Honor.

5 CROSS EXAMINATION

6 BY MR. SPRATLIN:

7 Q Good morning, Ms. Cole.

8 A Good morning.

9 Q You actually went over to the house twice; correct?

10 A Uh-huh. Uh-huh. Yes.

11 Q The first time you had gone over there to meet Dara?

12 A Uh-huh.

13 Q Right?

14 A Well, that was actually the second time I had gone over
15 there. I had gone over there before that to check on the
16 animals to see if I could get in to, you know, see what was
17 going on with the animals.

18 Q Did you make entry into the house?

19 A No. Not that time I didn't feel comfortable after seeing
20 the conditions of, of everything. I chose not to do that.

21 Q Okay. So it was the second time you went over there that
22 you actually got entry into the house?

23 A That's correct.

24 Q And to your knowledge you weren't the first person to get
25 entry into that house?

- 1 A No.
- 2 Q Somebody -- Dara had already been in there to your
3 knowledge?
- 4 A No. Dara and I and Anthony and my husband Andy all went
5 in the first time as far as I know together.
- 6 Q How did you get -- but, but you don't know who may have
7 gone in the interim?
- 8 A No.
- 9 Q How'd you gain entry into the house?
- 10 A The back room, the side entrance to the back room.
- 11 Q How did it appear? Was it locked? Did you have to force
12 it open? How'd you get in?
- 13 A No. We went in.
- 14 Q So that, that door was unlocked at that point?
- 15 A Uh-huh.
- 16 Q Did it have a key that you would have to get access to?
17 Was it able to be locked, in other words?
- 18 A I don't know.
- 19 Q Okay. All right. Thank you. That's all the questions I
20 have.
- 21 THE COURT: Any redirect?
- 22 MR. OSKIN: Briefly, Your Honor, with regards to both
23 attorneys' questions.
- 24 REDIRECT EXAMINATION
- 25 BY MR. OSKIN:

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- 1 Q First, Ms. Cole, with regards to what Mr. Wilson asked
2 you about Linda, did she do a lot for Jordan? I know that's a
3 broad question. Let me be more specific. Did she ever lend
4 Jordan money to your knowledge?
- 5 A To my knowledge, no.
- 6 Q In the course of --
- 7 A Well, in the course of their relationship, yeah, she --
- 8 Q I'm not talking -- okay.
- 9 A She helped her out, yes, financially, yes. She had.
- 10 Q Okay. Did she just give her money because she asked or
11 were there conditions on that, on that?
- 12 A As far as I know there was usually conditions.
- 13 Q All right. What would those conditions be?
- 14 A It would be you could work it off, you know, "Help me out
15 with the wallpaper," do that sort of thing, you know, or help
16 her out with other little errands or what have you that she
17 may need.
- 18 Q Okay. Did you ever know of Linda to let Jordan or
19 anybody borrow that -- borrow her vehicles?
- 20 A No.
- 21 Q Let's focus on what Mr. Spratlin asked you about that. I
22 know there's times and this has been two years and there's
23 times that you went to the house and then there's times
24 everything came together. Let's focus on when you're inside
25 that residence.

- 1 A Uh-huh.
- 2 Q Were there dogs in that residence?
- 3 A Yes.
- 4 Q What was the condition of that house with regards to
- 5 those dogs at the Dewberry residence?
- 6 A Poor.
- 7 Q Poor. I need you to be more specific for this jury.
- 8 What, what do you mean when you say poor? What did you
- 9 observe personally?
- 10 A No food, no water, excrement all over the place from the
- 11 animals.
- 12 Q Okay. Was Linda fond of those dogs?
- 13 A More so than herself.
- 14 Q Would she leave them in that condition?
- 15 A Never.
- 16 Q At that time would she have let Jordan watch her dogs?
- 17 MR. WILSON: Your Honor --
- 18 MR. SPRATLIN: Objection.
- 19 THE COURT: Sustained.
- 20 MR. OSKIN: No further -- nothing further from the State,
- 21 sir.
- 22 MR. WILSON: Nothing further.
- 23 MR. SPRATLIN: Nothing further.
- 24 THE COURT: Mr. Wilson, anything further?
- 25 MR. WILSON: Nothing further, Your Honor.

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1 THE COURT: Mr. Spratlin?

2 MR. SPRATLIN: Nothing further, Your Honor.

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

4 A Okay.

5 MR. OSKIN: Your Honor, we ask that she be released from
6 her subpoena.

7 THE COURT: Any objection, Mr. Wilson?

8 MR. WILSON: No objection.

9 THE COURT: Mr. Spratlin?

10 MR. SPRATLIN: No objection.

11 THE COURT: Ma'am, you're free to go. You have no
12 further responsibility here. Have a nice day.

13 All right. Ladies and gentlemen of the jury, we've been
14 going about an hour and a half. We're going to take a break
15 for just a few minutes. I'm going to ask you to step to the
16 jury room. Do not discuss the case. I'll get you back out
17 here in just a minute. Okay. If you'll, if you'll, while
18 you're back -- let me say this. While you all are back there
19 why don't you all go ahead and select a foreperson. I will
20 tell you the foreperson cannot be Mr. Zerbian. I hope I
21 pronounced that correctly.

22 JUROR NUMBER 350: Zerbian.

23 THE COURT: Zerbian, I'm sorry. Cannot be Mr. Zerbian or
24 Mr. Strickland. Your foreperson cannot be one of those two
25 individuals. If you'll write that down on a piece of paper,

1 give it to my bailiff when you come back out so he can give it
2 to me, and also, when you are ready to come back out, I know
3 there are 14 of you, I don't know how any restrooms are back
4 there, but once you all have gone to the restroom knock on the
5 door, let Mr. Bobby know that you all are ready to come back
6 in here and we'll get you back in here. Okay? Thank you. Do
7 not discuss the case.

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. We'll stand down for just a few
11 minutes.

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

13 MR. SPRATLIN: Thank you.

14 OFF THE RECORD

15 (On the record. The following takes place outside the
16 presence of the jury.)

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

19 MR. OSKIN: Ready to proceed, Your Honor.

20 THE COURT: Mr. Wilson?

21 MR. WILSON: We're ready, Your Honor.

22 THE COURT: Mr. Spratlin?

23 MR. SPRATLIN: Ready to proceed.

24 THE COURT: Bring me the jury, please.

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

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1 the jury.)

2 THE COURT: All right. Mr. Brungard --

3 JUROR NUMBER 40: Yes, sir.

4 THE COURT: -- Juror Number 40.

5 JUROR NUMBER 40: 40.

6 THE COURT: You're my foreman?

7 JUROR NUMBER 40: Yes, sir.

8 THE COURT: That will be your assigned seat throughout
9 the remainder of this trial. Okay? The only other
10 individuals that have assigned seats are Mr. Zerbian and Mr.
11 Strickland. You all need to sit in either one of those two
12 seats that you're currently sitting in. The remainder of my
13 jury, as you come in and out of the courtroom, you can sit
14 wherever you so desire. You do not have an assigned seat.
15 Okay? At this time we're going to continue the case.
16 Recognize the State. Call your next witness, please.

17 MR. OSKIN: Thank you, Your Honor. At this time the
18 State would next call Mr. Robert Byrd.

19 Whereupon, Robert Byrd, Sr., is called to the stand, duly
20 sworn by the clerk and testified as follows:

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

23 MR. BYRD: Robert Byrd, Sr., B-Y-R-D.

24 DIRECT EXAMINATION

25 BY MR. OSKIN:

- 1 Q Good morning, Mr. Byrd.
- 2 A Morning.
- 3 Q What's your current occupation?
- 4 A I'm a carpenter.
- 5 Q All right. How long have you been in that work?
- 6 A Forty plus years.
- 7 Q Okay. Did you know Linda McAllister and Chet Clemons?
- 8 A Yes. I did.
- 9 Q All right. How did you meet them?
- 10 A I met them through some friends, Andy and Robin Cole, and
- 11 also did some work for them.
- 12 Q Okay. About how long did you know them?
- 13 A A couple of years.
- 14 Q Okay. Did you contract to do some housework with Linda
- 15 McAllister in July of 2017?
- 16 A Yes. I was working on her house. It wasn't contract
- 17 work. It was just some custom stuff.
- 18 Q Okay. And what residence was that?
- 19 A I don't even remember the name of that development.
- 20 Q Was it in the City of Conway?
- 21 A Yeah.
- 22 Q All right. What type of work were, were -- did you agree
- 23 with Ms. Linda to do for her?
- 24 A I was finishing up some siding, doing some custom
- 25 woodworking.

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1 Q Okay. And were you set to go to that residence on July
2 8th of 2017?

3 A Yes.

4 Q Okay. What -- was Linda there when you got there?

5 A No.

6 Q Did you go inside the house or, or -- let me back up.
7 What did you notice once you got there?

8 A That no one was home.

9 Q Okay. What'd you do next?

10 A Proceeded to do my work.

11 Q Okay. At any point did your work -- did you do any work
12 inside the house?

13 A I had to step in to what Linda called her game room.

14 Q Okay.

15 A And that's when I noticed that there was dog feces all
16 over the inside of the house and the dogs had no water.

17 A Did you see the dogs themselves?

18 A Yes.

19 Q What condition did they appear to be in?

20 A Very erratic, barking constantly.

21 Q All right. What -- you, you stated some specifics, but
22 what condition was the house in?

23 A There was dog feces on the floor. It, it wasn't like it,
24 it always was, you know.

25 Q So that struck you as suspicious?

1 A Yes.

2 Q Did that strike you as suspicious? I apologize. At that
3 point did you make a phone call to anybody?

4 A Yeah. I called Andy Cole.

5 Q And is Andy Cole Robin Cole's husband?

6 A Yes, sir.

7 Q Please answer any questions that the Defense may have for
8 you, sir.

9 MR. WILSON: I don't have any questions.

10 MR. SPRATLIN: No questions, Your Honor.

11 MR. OSKIN: We ask that Mr. Byrd be released from his
12 subpoena.

13 THE COURT: Any objections?

14 MR. WILSON: Without objection.

15 MR. SPRATLIN: No objection, no objection.

16 THE COURT: Sir, you're free to go. You have no further
17 responsibility here. Have a nice day.

18 A Thank you, sir.

19 THE COURT: Call your witness, please.

20 MR. OSKIN: Yes, sir, Your Honor. At this time the State
21 would call Muriel Roberts.

22 Whereupon, Muriel Roberts is called the stand, duly sworn
23 by the clerk and testified as follows:

24 THE CLERK: State your name and spell your name for the
25 Court.

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1 MS. ROBERTS: Okay. My name is Muriel Roberts, M-U-R-I-
2 E-L, R-O-B-E-R-T-S.

3 DIRECT EXAMINATION

4 BY MR. OSKIN:

5 Q Good morning, Ms. Roberts.

6 A Good morning.

7 Q What's your current occupation?

8 A I'm retired.

9 Q Okay. What'd you used to do?

10 A Well, I was an assistant teacher, worked at AVX and a
11 farmer.

12 Q Okay. Where do you currently reside?

13 A I reside between Cool Springs and Aynor.

14 Q Okay. Is this the same location you resided in in 2017?

15 A Yes.

16 Q You don't have to give me a specific address, but you
17 live on or about Golden Leaf Road?

18 A I do.

19 Q Okay. Did you know a woman by the name of Linda
20 McAllister?

21 A Yes.

22 Q All right. How long did you know her for?

23 A I first met her in 2008.

24 Q Okay. How did you meet her?

25 A She was referred to me by Sherwin-Williams to put

- 1 wallpaper up for me.
- 2 Q Okay. Did you talk to Linda often or was it more of a
3 business relationship?
- 4 A Just a business relationship.
- 5 Q Okay. And did you call her with regards to doing some
6 work at your house in 2017?
- 7 A I did.
- 8 Q Okay. When did you call her?
- 9 A Around the middle of June.
- 10 Q Okay. Did she agree to do some work for you?
- 11 A She did.
- 12 Q All right. What type of work was she supposed to be
13 doing for you?
- 14 A She was going to hang my wallpaper and paint some
15 ceilings.
- 16 Q Okay. At any point did she come out to your residence to
17 begin the work?
- 18 A She came out on Thursday before the 4th of July was the
19 next week on Tuesday.
- 20 Q Okay. Was she with anybody that Thursday or was she by
21 herself?
- 22 A She was by herself.
- 23 Q All right. Did she come again?
- 24 A She came back on Friday and worked Friday and her husband
25 came with her.

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1 Q Okay. Did she come to your residence again after that?

2 A They came back on Monday.

3 Q Okay. I believe you testified that Tuesday was the 4th;
4 is that correct?

5 A Tuesday was the 4th.

6 Q So that would make her at your house on the 3rd; is that
7 correct?

8 A She was at my house on the 3rd.

9 Q Okay. Did she finish the work that she needed to do for
10 you that day in its entirety?

11 A She did not. She said she would be back on Wednesday.

12 Q Okay. Did she show up on that Wednesday?

13 A She didn't.

14 Q Did you try to contact her?

15 A I called that afternoon, left a message.

16 Q All right.

17 A And I called again on Thursday, left a message and on
18 Friday I called and I said, "Linda, this is not like you.
19 Please call me. I'm getting worried."

20 Q Okay. So at any point were you able to contact her?

21 A I, I did not.

22 Q And this was different than the previous dealings you had
23 had with her?

24 A Yeah. Yeah. Very, very different.

25 Q Please answer any questions the Defense may have for you,

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- 1 A Yes, sir. I do.
- 2 Q What was your relationship with her?
- 3 A She was my mother.
- 4 Q Did you speak to her often?
- 5 A I would about every two weeks, yes, sir, every two weeks
- 6 via text or phone just checking in.
- 7 Q All right. I know -- I can imagine it's emotional.
- 8 Please just speak in the microphone so the court reporter can
- 9 hear you, His Honor can and this jury. Okay? Did you speak
- 10 to her regularly while she was married to Chet Clemons?
- 11 A I did.
- 12 Q Okay. What sort of relationship did you have with your
- 13 mother? Did you get along with her well?
- 14 A I did. She was my mom. I loved her. She loved me.
- 15 There were moments I gave her feedback and whether or not she
- 16 listened to that feedback on just to guide her through life
- 17 and her finances, etcetera, she took it or she didn't. I felt
- 18 as if that was my role at this time in, in the same way the
- 19 other way around, but she was very proud of me and, and I, I
- 20 love her.
- 21 Q When did you last speak with your mother?
- 22 A Right around Father's Day, June 18th.
- 23 Q Did you try to come in contact with her in early July
- 24 around July 4th, 2017?
- 25 A Not around that date, no, sir.

- 1 Q When did you, when did you try to get a hold of her?
- 2 A I received a phone call from Robin Cole on July 8th.
- 3 Q Okay. And what did you learn from that?
- 4 A I learned that my mom was -- it was -- Robin had concerns
- 5 that my mother was missing and, and more so that the dogs were
- 6 very much so left unintended and in bad shape.
- 7 Q Okay. Let's talk about those dogs for a second. Do you
- 8 have any knowledge of Linda's relationships with her dogs?
- 9 What I'm asking here is how did she treat her dogs?
- 10 A Those dogs would eat before she would. Those were -- she
- 11 would drive through the drive-thru and buy them cheeseburgers.
- 12 Q All right. Once you were informed that she was missing
- 13 did you try to reach out to her at that point?
- 14 A Every day.
- 15 Q Were you able to successfully reach her?
- 16 A No, sir.
- 17 Q At any point in time did you and your family file a
- 18 missing persons report for her?
- 19 A Yes, sir. We did.
- 20 Q Did you contact any other, any other member of your
- 21 family at that time with regards to her whereabouts?
- 22 A I sure did. I immediately called my sister, Dara, and,
- 23 and Anthony on that same day of July 8th just to do a drive-by
- 24 on the home just to reconfirm or confirm what Robin had shared
- 25 to me as I live out of town.

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1 Q At any point in time did you come in contact with Jordan
2 Hodge?

3 A I did.

4 Q How did you reach out to her?

5 A Via text.

6 MR. OSKIN: If I may approach this witness, Your Honor.

7 THE COURT: Yeah.

8 BY MR. OSKIN:

9 Q I'm showing you what's marked as State's Exhibit Number
10 Three. There's four pages there. I'll ask that you look
11 through those and see if you can identify them.

12 A Yes. I identify with those.

13 Q What are these photos of?

14 A Those are photos of my text message chain with my niece,
15 Jordan.

16 Q How do you know that?

17 A Well, I'm in yellow there and, and that's me, and I'm
18 Uncle Bo and Jordan is the, the one in white there at the 843-
19 698-0187 number.

20 Q And you know, in fact, that this is your phone that's
21 photographed here?

22 A I sure do because, yes, I couldn't -- yes. It was my
23 phone.

24 Q Do those -- is it safe to call those screenshots of your
25 conversation with Jordan at that time?

1 A Those are screen shots that I shared with officers on the
2 evening of July 13th in front of my mom's residence and they
3 took the pictures.

4 Q Okay. Have they been altered, edited, deleted in any
5 shape or form or fashion from when the officers took the
6 photographs?

7 A No, sir.

8 Q Okay. They encapsulate everything as told to you by
9 Jordan?

10 A One hundred percent.

11 MR. OSKIN: Your Honor, at this time the State would seek
12 to move into evidence State's Exhibit Number Three. Defense
13 counsel is aware of this. They have informed me they have no
14 objection. I'll ask them now.

15 MR. WILSON: Have no objections, Your Honor.

16 MR. SPRATLIN: No objection, Your Honor.

17 THE COURT: Without objection State's Exhibit Number
18 Three is admitted.

19 (State's Exhibit Number Three [Text Messages] admitted
20 into evidence and appropriately marked.)

21 BY MR. OSKIN:

22 Q You stated that you first tried to reach her on -- you
23 spoke -- you first reached out to Jordan on July 8th; correct?

24 A Yes, sir.

25 Q Did you ask her about your mother's whereabouts at that

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1 time?

2 A I did.

3 Q All right. What response were you given?

4 A She heard from Nanner two days ago. The family had an
5 emergency in Ohio. Nanner was my mom. That's what Jordan
6 called her grandmother.

7 Q Do you have kids as well?

8 A I do.

9 Q Do they call Linda Nanner?

10 A No. They call her G-Ma.

11 Q Okay. But you're aware that Jordan called her Nanner?

12 A One hundred percent.

13 Q Okay. So she told you your mother was where on July 8th?

14 A Family emergency in Ohio.

15 Q And you're welcome to reference that if you need to if
16 you don't remember it, but I'll just -- I'll ask you about it.

17 A Yeah. I just read it.

18 Q Okay. Did you accept that at that time?

19 A I did not.

20 Q All right. Did you reach back out to her after July 8th?

21 A I did. I actually asked her to call me on that same date
22 of July 8th.

23 Q Did she call you?

24 A Yes.

25 Q And is that where she said what you told this jury that

- 1 they were in Ohio?
- 2 A She reiterated that in addition to the text here, but she
3 also advised that -- I clearly knew that the dogs had not been
4 taken care of. She advised she was taking care of the dogs.
5 I asked her or reiterated that the dogs had not been cared
6 for, to which she told me she had a migraine headache and did
7 not go for a day or two.
- 8 Q Okay. When is the last time you tried to reach Jordan?
- 9 A July 12th, 2017.
- 10 Q Did she respond to you on that date?
- 11 A Yes.
- 12 Q What did she say to you at that date?
- 13 A I asked her if she checked on the dog, had she heard from
14 mom. She said, "I've checked on the dogs, and I'm sorry. I
15 can't talk right now. I'm at work."
- 16 Q Okay.
- 17 A And that's the -- she gave me that same message, "I'm at
18 work. I can't talk right now," back to back.
- 19 Q Okay. On or about this time did your family file the
20 missing persons report?
- 21 A July 13th.
- 22 Q July 13th. Focus on the questions here. Were you later
23 informed that, that her body -- well, that her, that her body,
24 that her body and Chet's body were found?
- 25 A I was.

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1 Q Were you told -- were you familiar with where they were
2 found?

3 A Not specifically, no. I knew it -- it's -- I knew it was
4 relatively close to where my mom had her house on the river
5 before she sold it.

6 Q Okay. Do you have any knowledge of whether or not Jordan
7 was familiar with this location where they were found?

8 A I do.

9 Q Were you familiar with the vehicle your mother and Chet
10 often drive?

11 A Yes. I was there when they purchased the vehicle.

12 Q And what vehicle did they purchase when you saw that?

13 A That 2011 blue RAM.

14 Q Okay. Who was that truck registered to?

15 A My mom.

16 Q Okay. Did she drive that truck?

17 A She loved that truck and loved the radio system inside of
18 it.

19 Q Did she let Chet drive that truck sometimes?

20 A I mean, to my knowledge, yes. He was there when, when it
21 was offloaded.

22 Q Okay. I want to circle back to your mother and Chet's
23 relationship real quick.

24 A Okay.

25 Q How old was your mother?

- 1 A 63.
- 2 Q All right. How old was Chet to your knowledge?
- 3 A About 45.
- 4 Q Okay. Your mother was a worker; is that fair to say?
- 5 A Extremely hard worker.
- 6 Q Was she a woman of means? What I'm asking there was she
- 7 financially wealthy?
- 8 A She was not wealthy.
- 9 Q Well, at the time of July 3rd had she recently acquired
- 10 some wealth?
- 11 A She sure did.
- 12 Q How did she do that?
- 13 A She sold her main residence on Riverfront South which she
- 14 owned free and clear and received cash from that proceeds --
- 15 took those proceeds and purchased the home on Dewberry Drive
- 16 with cash.
- 17 Q Okay. Did those proceeds have some left over?
- 18 A They did.
- 19 Q All right. Did she, did she purchase a house with those
- 20 proceeds?
- 21 A She sure did.
- 22 Q And where was that residence located?
- 23 A Dewberry Drive.
- 24 Q Is that in the City of Conway?
- 25 A It sure is.

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- 1 Q Within Horry County?
- 2 A Yes, sir.
- 3 Q Okay. Talk about those -- that money real fast.
- 4 A Uh-huh.
- 5 Q Do you have knowledge that there was money left over
- 6 after that home was bought, the Dewberry house?
- 7 A I do.
- 8 Q Are you aware of its amount?
- 9 A Roughly.
- 10 Q Do you know which bank that account was in?
- 11 A Ultimately the BB&T account.
- 12 Q Okay. Did she also have accounts from another bank?
- 13 A She had a CNB bank.
- 14 Q All right. To your knowledge was Chet's name on that
- 15 bank account with her?
- 16 A Which account?
- 17 Q The BB&T account?
- 18 A Not to my knowledge.
- 19 Q Her relationship with Chet, who made the executive
- 20 decisions in their relationship or was it a mutual or was
- 21 there an executive in that relationship?
- 22 A It was my mom.
- 23 Q And who made the decisions with regards to, to what they
- 24 would do?
- 25 A I'm -- my mom, I'm sure she, you know, they were a

1 partnership, but she -- whatever she ultimately said would --
2 they would kind of go that direction.

3 Q Okay. Let me ask you this, if Chet just wanted to tell
4 her where to go at any given time without her input, does that
5 sound like the way it was?

6 MR. WILSON: Your Honor, that's, that's pure speculation
7 as to --

8 THE COURT: If he knows the answer to the question I'll
9 allow him to answer it.

10 Q If you don't know, you don't know.

11 A Would you ask again?

12 Q So what I'm asking here is if Chet directed Linda to do
13 something would she automatically do it or would she put in
14 her input as well?

15 A She would absolutely put her input in.

16 Q I know I've gone down this thing two ways. I'm going to
17 straighten back up here.

18 A Okay.

19 Q I apologize. Let's focus back on that blue truck.

20 A Sure.

21 Q After you were made aware that their bodies were found,
22 did you see that blue truck at a later date?

23 A I did.

24 Q All right. Where did you see that truck?

25 A At the sheriff's station and compound the back.

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1 Q Okay. Who was present with you?

2 A We went to see Detective Singleton and my sister and
3 Anthony were with me.

4 Q Were you guys going to view the truck or were you going
5 to take the truck?

6 A We were going to retrieve the vehicle.

7 Q Okay. Anything happen that caused you concern once you
8 were inside that vehicle?

9 A Absolutely.

10 Q What was that?

11 A We pulled, we pulled the truck out of the gate, parked it
12 on their premises of the sheriff station or right outside the
13 fence and started to go through that truck. What caused
14 concern was the condition of the vehicle. They gave us a
15 notice that it was not in great condition. It may have been a
16 biohazard. We went through the truck. There was fast food
17 trash everywhere. There was stains everywhere. There was
18 coagulated blood on the bolt of the seat affixing it to the
19 frame of the vehicle. It was not my mom's truck.

20 Q Okay.

21 A In addition, in going through the vehicle, sorry, just
22 have to go through my mind here. When the passenger seat was
23 moved forward, one shell casing fell out of the back of the
24 seat between the part that goes up and down and the part that
25 you sit on, fell out onto the rear floorboard.

- 1 Q Okay. What did you immediately do after you noticed
2 that?
- 3 A I called Detective Singleton directly within seconds.
- 4 Q After that call did anybody from the Horry County Police
5 respond to where you were at with the truck?
- 6 A Within moments.
- 7 Q All right.
- 8 A He came right out with a lead CSI.
- 9 Q All right. Let's be clear for this jury. I know you
10 stated you live out of town. In Horry County we have the
11 sheriff and the county police. I think we're one of, if not
12 the only one, that does that, but were you at the county
13 police station when this happened?
- 14 A I was at the one right beside the U.S. Post Office.
- 15 Q Okay. In the City of Conway?
- 16 A Yes.
- 17 Q Or in the County of Conway [sic]?
- 18 A Uh-huh.
- 19 Q Horry County. All right. When crime scene responded,
20 did they further inventory that truck?
- 21 A They did.
- 22 Q Did they find anything else once they responded?
- 23 A They found the exact similar shell casing that fell out
24 of the same seat. They found that.
- 25 Q So to be clear for this jury, you found one, and at that

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- 1 time crime scene responded; is that correct?
- 2 A We found one, and then crime scene responded at that
- 3 exact moment or moments after and they found another.
- 4 Q So you observed two casings in total?
- 5 A Correct.
- 6 Q Safe to assume you weren't happy when you found the
- 7 casing there?
- 8 A One hundred percent correct, yeah.
- 9 Q Focus back on your mother real fast, when you knew her
- 10 did she ever ride motorcycles?
- 11 A She did.
- 12 Q All right. She ever had any accidents while she was on
- 13 that motorcycle?
- 14 A She did.
- 15 Q All right. Did she sustain any serious injuries?
- 16 A Yes. She -- yeah. She did.
- 17 Q All right. What did she injure specifically if you
- 18 remember?
- 19 A She at least broke her, her, her left arm and I believe
- 20 it was her left arm and had a metal rod placed in her arm
- 21 because of that.
- 22 Q She'd ever -- she had to have surgery for it?
- 23 A She had surgery. I met with her after and certainly
- 24 questioned that.
- 25 Q I know I've been going down the same twofold. Back to

1 the bank accounts. What was the amount in that BB&T account
2 roughly?

3 A Roughly, after the purchase of the Dewberry home, about
4 \$126,000.

5 Q All right. Mr. Moran, I thank you. Please answer any
6 questions the Defense may have for you.

7 CROSS EXAMINATION

8 BY MR. WILSON:

9 Q Mr. Moran, I just have a few questions. As I understand
10 it, you are -- your mom had how many children, just you and
11 Ms. Dara?

12 A My sister Dara, uh-huh.

13 Q Okay. It's just the two of you? And Jordan then would
14 be your niece?

15 A Correct.

16 Q All right. Now, let's talk about that for a second.
17 What kind of relationship, if any, did you have with Jordan
18 prior to these events?

19 A The reason -- the, the relationship I had with her was
20 one where if I called or she needed something I would answer
21 and she would answer.

22 Q Okay. Well, just let ask you this, prior to July the 8th
23 when is the last time that you had a conversation with her,
24 with Jordan?

25 A I, I don't know that answer.

James Moran - Cross by Mr. Wilson

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1 Q A year or two?

2 A Oh, within -- no, it wasn't that long.

3 Q Okay. Now, and let me ask you, when you were talking to
4 the solicitor earlier he was asking you about your

5 relationship with your mom and did you have a strained

6 relationship with your mom? Would you say that'd be fair?

7 A No.

8 Q Okay. What would you -- how would you describe it?

9 A Mr. Wilson, I would say that I love my mom and she
10 certainly loved me.

11 Q Okay.

12 A And I wanted to make sure and share with her that she
13 surrounded herself that made her remain the winner that she
14 was, and if that was in jeopardy I would let her know that and
15 vice versa. She -- I'm, I'm a, I'm a grown man. I have kids.
16 Right. She'd give me feedback.

17 Q All right. Were you unhappy that she was married to Chet
18 or was seeing him? Was, was that a part of the more recent
19 problems between you and her?

20 A Again, I had no problems with my mom.

21 Q Well, my question was were you -- did you have any issues
22 with the fact that she was seeing this much younger man?

23 MR. OSKIN: Object. Asked and answered, Your Honor, and
24 it's a different format.

25 THE COURT: I'm going to overrule it. I'm going to allow

1 him to answer the question.

2 A I've got no concerns with Chet and her relationship.

3 Q All right. Let's go back to Jordan and in your
4 relationship with Jordan. You said you don't know when the
5 last time was but it wasn't a year; right?

6 A That's correct.

7 Q Okay. And now on July the 8th you text the phone -- well,
8 how -- well, first, let me ask you, how would you know that
9 that was her phone number that you were texting?

10 A Well, I either had it within my phone and/or if it wasn't
11 the correct one verified it with my sister.

12 Q So are you saying that you did verify it with your
13 sister, Dara, or, or you had it in your phone and you used the
14 one that you had in your phone?

15 A Well, I'm -- I used the one initially had in my phone
16 which clearly wasn't the correct one.

17 Q Due to -- did you know or were you aware that she was
18 sharing a phone with someone else? Did you ever know that or
19 were you even aware of that?

20 A I -- that's -- I have no knowledge on that.

21 Q Okay. So if you were texting a number that she was
22 sharing a phone with with someone else then you wouldn't have
23 been talking with her at all; would you or may not have been?

24 A In, in my opinion in texting her directly and then having
25 her call me and having a conversation with her from that same

James Moran - Cross by Mr. Wilson

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1 number it clearly was her.

2 Q I'm coming to the call in just a second, but right now
3 I'm just asking you about the texting that occurred because
4 the texting occurred on what two, three separate occasions
5 between the 8th and the 12th; right?

6 A Yes.

7 Q All right. And, and then you talked to her after the
8 12th?

9 A Talked to who?

10 Q Jordan?

11 A No, sir.

12 Q When did you talk to her?

13 A On or about July 8th and/or 9th.

14 Q Now, you brought us -- what you got there is a list of
15 text messages. You show, you show any calls to that number on
16 that day, on the 8th or the 12th or any time in between, any
17 telephone calls?

18 A Not on this text strand.

19 Q You went to the trouble of taking pictures of the text
20 messages that you say you had; right?

21 A I did.

22 Q All right. And you turn that over to law enforcement;
23 right?

24 A I did.

25 Q All right. But you did not take the time to, to show the

1 phone calls that you say you made?

2 A It was a singular phone call.

3 Q Huh?

4 A It was one phone call.

5 Q One phone call, but you didn't take a photograph of that
6 phone call?

7 A I did not.

8 Q Any particular reason that you didn't do that when you
9 took a picture of the, of the text messages?

10 A No. There's not specifically, but the only reason is
11 because the text to me clearly showed the dogs were not cared
12 for and the timing did not work.

13 Q Okay. All right. Now, let's talk for a second about
14 the, the truck incident. You said that -- that the solicitor
15 was asking you about the truck that you picked up from the
16 police department; right? You went to the Horry County Police
17 Department and you picked up the vehicle; right, the blue
18 truck?

19 A Correct.

20 Q All right. And, and do you know when that was?

21 A I don't have the exact date. I do in my bag.

22 Q Okay. Was it after the 12th of July?

23 A Oh, it certainly was.

24 Q Okay. Was it in August?

25 A I don't have the exact date of when that was.

James Moran - Cross by Mr. Wilson

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1 Q Okay.

2 A But it was hot.

3 Q It was hot. So, okay, we assume it's the summer. So
4 sometimes you got the truck. Now, when you got the truck, you
5 were picking it up from you said -- I think you referred to
6 them as CSI. You were picking it up from the people who had
7 already, that is the police department, had already gone
8 through and searched that vehicle and done a CSI on the
9 vehicle; right, before you picked it up?

10 A That's correct. That's my 100 percent understanding.

11 Q All right. So they had gone through it and searched that
12 vehicle and done everything they wanted to do to it and then
13 released it to you?

14 A Yes.

15 Q Because they were done with it; correct?

16 A Yes.

17 Q All right. And then you get the truck and then you find
18 what they didn't find which was that you found a shell casing
19 in the truck and then you called them and said, "Hey, look, I
20 found a 25-caliber shell casing or a shell casing," whatever
21 the wording that, that you may have used, and then they came
22 out and, lo and behold, there was a second 25-caliber shell
23 casing in the vehicle; right?

24 A That is correct, and it was on the same premises just
25 outside the gate of where we picked it up from the impound

- 1 lot.
- 2 Q Okay.
- 3 A We had not left the premises.
- 4 Q Do you know how long that vehicle had been in the custody
- 5 of law enforcement while they had been searching it before you
- 6 came along and found those two shell casings that they
- 7 couldn't find?
- 8 A I don't know the exact time.
- 9 Q Okay. Would it have been weeks?
- 10 A It probably would have been one month.
- 11 Q Weeks. All right. And you said not only that, you said,
- 12 as I understood it, the truck was in total disarray; right,
- 13 inside? I mean, there was trash, there was stains, there was
- 14 -- it was all over the place; right, the seat had been moved,
- 15 everything; right?
- 16 A The truck was in bad shape.
- 17 Q Bad shape, certainly not like your mom would have had it
- 18 when she was alive; right, based on your experience with her?
- 19 A That's what I said earlier.
- 20 Q Yeah. Okay. Now, let me ask you this one last thing,
- 21 then I'm going to be done. Do you know whether your mom had a
- 22 will?
- 23 A I do.
- 24 Q Okay. Did she have one?
- 25 A She did not.

James Moran - Cross by Mr. Spratlin

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1 Q All right. I don't have any other questions. Thank you
2 so much.

3 THE COURT: All right, Mr. Spratlin.

4 MR. SPRATLIN: Real briefly, Your Honor.

5 CROSS EXAMINATION

6 BY MR. SPRATLIN:

7 Q Almost afternoon now. Good afternoon, Mr. Moran. I just
8 have a couple of questions for you. I'm touching on a little
9 of the questions Mr. Oskin and Mr. Wilson asked you. When you
10 went to the police impound lot to pick up the truck who again
11 went with you?

12 A My sister Dara and my brother-in-law Anthony.

13 Q Okay. And how did the truck get from the impound lot to
14 where you parked it to go through it?

15 A My brother-in-law Anthony drove [sic] it because Dara
16 and I were in no shape to drive that truck.

17 Q All right. So Anthony was alone in the truck driving it
18 from the impound lot to where you parked it or where it was
19 parked, excuse me?

20 A Well, he drove the truck. He wasn't alone.

21 Q Was it -- were -- did you all ride in the truck with him?

22 A No. We did not.

23 Q Okay. So you all weren't in the truck when he drove the
24 truck from the impound lot to where it was parked?

25 A To the 20 yards to where he parked it, no. We were

1 walking.

2 Q Okay. And going through the truck it was not just you
3 going through the truck, your sister Dara was going through
4 the truck, too; right?

5 A Yes.

6 Q And Anthony was going through the truck, too; right?

7 A That's correct.

8 Q And this truck had sat in an impound lot for a month you
9 stated?

10 A Approximately.

11 Q With the police department; correct?

12 A Approximately.

13 Q Okay. And that was the first, to your knowledge, of
14 shell casings ever being found in the vehicle?

15 A Yes.

16 Q With regards to questions Mr. Wilson asked you about the
17 text messages that have already been introduced into evidence,
18 did you have any reason to believe that you weren't talking to
19 Jordan?

20 A No, sir.

21 Q Who referred to Linda McAllister as Nanner?

22 A Jordan.

23 Q Thank you. That's all the questions I have.

24 MR. DEBUSK: Your Honor, I'll be brief with my redirect.

25 REDIRECT EXAMINATION

James Moran - Redirect by Mr. Oskin

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1 BY MR. OSKIN:

2 Q Mr. Moran, I'm going to be blunt, but I'm going to be
3 quick. I'm going to get to the matter of what Mr. Wilson is
4 alluding to. Did you plant that casing in that truck?

5 A No, sir.

6 Q All right. And was that truck on the same premises from
7 when you all -- from when it was taken into possession to
8 where you all searched it again?

9 A 20 yards away.

10 Q 20 yards?

11 A We, we parked it there on purpose.

12 Q On the same premises that, that you'd gotten it on?

13 A Yes.

14 Q All right. To the best of your knowledge did anyone have
15 any time to plant another casing in that truck during that 20
16 yard timeframe?

17 A No.

18 Q And you stated that you called crime scene; correct?

19 A Immediately.

20 Q And didn't -- you testified that they found an additional
21 one?

22 A They sure did.

23 Q That would be a second one; correct?

24 A I was beside myself.

25 MR. OSKIN: Nothing further from me, Your Honor.

1 THE COURT: Mr. Wilson.

2 MR. WILSON: Nothing further, Your Honor.

3 THE COURT: Mr. Spratlin?

4 MR. SPRATLIN: Nothing further, Your Honor.

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

6 MR. OSKIN: We ask that he be released from his subpoena,
7 Your Honor. I'll retrieve the evidence from the stand. He is
8 a statutory victim as well.

9 THE COURT: Any objection?

10 MR. WILSON: No objections, Your Honor.

11 MR. SPRATLIN: No objection.

12 THE COURT: All right. Without objection he's released
13 from his subpoena. Call your next witness, please.

14 MR. DEBUSK: Yes, Your Honor. May we approach real
15 quickly for a scheduling question?

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

18 MR. DEBUSK: The State calls Sara Lewis.

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

21 THE CLERK: State your full name, first and last, and
22 spell it for the court reporter, please.

23 MS. LEWIS: Sara Lewis, S-A-R-A, L-E-W-I-S.

24 DIRECT EXAMINATION

25 BY MR. DEBUSK:

Sara Lewis - Direct by Mr. DeBusk

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1 Q Ms. Lewis, in what state do you live?

2 A Columbus, Ohio.

3 Q Okay. I notice from your condition you're undergoing
4 some medical treatment?

5 A Yes.

6 Q I appreciate you taking time out to come help us out
7 today, but did you know William Chester Clemons?

8 A Yes.

9 Q How did you know him?

10 A I have a son with him.

11 Q Okay. What's that son's name?

12 A William Clemons.

13 Q Okay. Is he present in the courtroom today?

14 A Yes. He is.

15 Q Okay. How long were you -- were you married to Mr.
16 Clemons or were you in a relationship?

17 A No. We was just in a relationship.

18 Q How long were the two of you together?

19 A For about 10 years.

20 Q Okay. And just to be clear, was William Chester Clemons
21 the biological father of your child?

22 A Yes.

23 Q He wasn't, wasn't adopted or anything?

24 A No.

25 Q So you were the two biological parents; correct?

- 1 A Yes.
- 2 Q Okay. Did you consent at any point in time to your mouth
- 3 swabbed for DNA pursuant to this case?
- 4 A Yes.
- 5 Q Where did that happen?
- 6 A Columbus, Ohio.
- 7 Q Okay. Did you meet an individual named David Rusty
- 8 Crocker?
- 9 A Yes.
- 10 Q What did he do?
- 11 A He come to my house and swabbed my mouth with a tissue.
- 12 Q And when he swabbed your mouth did he take that sample in
- 13 his own possession?
- 14 A Yes.
- 15 Q Okay. Thank you. Please answer any questions the
- 16 Defense might have.
- 17 A You're welcome.
- 18 THE COURT: Mr. Wilson?
- 19 MR. WILSON: I have no questions.
- 20 MR. SPRATLIN: No questions, Your Honor.
- 21 THE COURT: Ma'am, you may step down. Thank you.
- 22 A Thank you.
- 23 MR. DEBUSK: Your Honor, may Ms. Lewis be released from
- 24 her subpoena?
- 25 THE COURT: Any objection?

David Crocker - Direct by Mr. DeBusk

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1 MR. WILSON: Without objection, Your Honor.

2 MR. SPRATLIN: No objection.

3 THE COURT: Ma'am, you're released from your subpoena.
4 You have no further responsibility here. Have a nice day.
5 Thank you.

6 MR. DEBUSK: I have another short witness if you have
7 time.

8 THE COURT: All right. Go ahead.

9 MR. DEBUSK: Thank you. The State calls Rusty Crocker.

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

12 THE CLERK: State your full name and spell your last name
13 for the court reporter.

14 MR. CROCKER: My name is David Crocker, C-R-O-C-K-E-R.

15 DIRECT EXAMINATION

16 BY MR. DEBUSK:

17 Q Who is your employer?

18 A 15th Circuit Solicitor's Office.

19 Q How long have you been employed by the solicitor's
20 office?

21 A With the solicitor's office, January will be three years.

22 Q How long you been in law enforcement?

23 A 25 years.

24 Q Okay. What other?

25 A I started my career with the Conway Police Department.

1 Worked there for approximately six. The remaining of my
2 career I worked for the Horry County Police Department.

3 Q And now that you're with the solicitor's office what are
4 your duties?

5 A My duties here are basically what I do is I -- as cases
6 are prepared or getting ready to go to trial they're handed to
7 me for any follow-up work that may be necessary because it --
8 sometimes it takes a little while for things to get to court.

9 Q Okay. As far as your responsibilities with the
10 solicitor's office did you meet Ms. Sara Lewis?

11 A Yes. I did.

12 Q Under what circumstances?

13 A We -- the -- what had occurred was we needed a sample, a
14 DNA sample from Ms. Lewis. So the decision was made that I
15 would go to her home in Columbus, Ohio. I met with her,
16 obtained the DNA sample and came back to, to Horry County.

17 Q What did you do to get that sample?

18 A It -- the -- it's called a buccal swab. It's just
19 basically two long Q-tips that just have one end. What you do
20 is there's a cardboard tube. You take the two swabs. You rub
21 them on the inside of the person's cheek. Once you've done
22 that, you take them, you put them, place them in the cardboard
23 tube and then at that time you seal up, seal up the tube with
24 evidence tape and that's prepared and sent to the lab.

25 Q Okay. Pause one moment and ask the reporter to mark

David Crocker - Direct by Mr. DeBusk

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1 something. What did you do with that buccal swab once you
2 obtained it?

3 A Once I obtained it I immediately placed evidence tape on
4 the outside of the container, and that container containing
5 those two swabs was maintained in my possession until I
6 returned home to Conway, and then I took it personally and
7 placed it into the Horry County evidence locker.

8 Q Now, since you're not -- no longer an Horry County
9 Police Department employee would you have -- were you able to
10 put that in directly yourself or did you have to have a --

11 A Well, I, I was able to put it in the locker myself. I --
12 because of the people that I know work there I was able to get
13 someone to open the door to where their evidence lockers were
14 at so that I could place it in there.

15 Q Okay. So the locker is a secured location?

16 A The lockers are secured location and then we came back on
17 a Saturday. So the normal office personnel would not have
18 been there to receive it from me. So after hours at -- under
19 Horry County Police Department policy after hours those
20 lockers are maintained as a place where the officers can drop
21 off evidence and secure it so that it cannot be reopened until
22 the next day when the office personnel come in and open it
23 from the other side.

24 Q And only the evidence custodians, the office personnel
25 have access?

1 A Only the evidence technicians have access to it.

2 Q Okay. This is State's Exhibit Four. Ask you if you
3 recognize that. If need be, you can open it with this.

4 A It's the outside of the package that they would have
5 placed it in, but that's not the state that I would have put
6 it in.

7 Q Okay. Do you need to open it to identify it?

8 A No. They, they would have sealed it as soon as it was
9 obtained from the other side of the, the locker.

10 Q While it was in your custody, control, did you alter or
11 change it in any way?

12 A No.

13 Q Did you keep it secure?

14 A Yes.

15 Q And you relinquished it to Horry County evidence?

16 A Yes.

17 Q Thank you. Please answer any questions the Defense might
18 have.

19 THE COURT: What number was that marked as?

20 MR. DEBUSK: I'm sorry, Your Honor. That is State's
21 Exhibit Four for the record.

22 THE COURT: For identification only?

23 MR. DEBUSK: At this time, Your Honor.

24 THE COURT: Mr. Wilson?

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

David Crocker - Direct by Mr. DeBusk

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1 THE COURT: Mr. Spratlin?

2 MR. SPRATLIN: No questions, Your Honor.

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

4 A Thank you, sir.

5 THE COURT: All right. Ladies and gentlemen of the jury,
6 what we're going to do at this point we're going to go ahead
7 and take lunch. It's my understanding that it ought to be in
8 route to you all here in the next few minutes, not yet, but in
9 the next few minutes. I've been advised that the next witness
10 is going to be somewhat lengthy, that which is going to be
11 presented may be a little bit lengthy. So I'm going to go
12 ahead and let you go to the jury room. Your lunch will be
13 here very shortly. Once you all have eaten and finished, just
14 knock on the door, let Mr. Bobby know you all are finished
15 eating and are ready to return and we'll get you back in here.
16 Okay? Do not discuss the case. Do not discuss the case.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. Anything from the State before we
20 stand down?

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

22 THE COURT: Mr. Wilson?

23 MR. WILSON: No, sir, Your Honor.

24 THE COURT: Mr. Spratlin?

25 MR. SPRATLIN: No, Your Honor.

1 THE COURT: Okay. We'll stand down. Lunch for the
2 jurors was supposed to be back here at 12:30. So if you all
3 can be ready to go around one.

4 MR. WILSON: Thank you.

5 MR. SPRATLIN: Yes, sir.

6 MR. DEBUSK: Yes, Your Honor.

7 THE COURT: Okay. Thank you.

8 OFF THE RECORD

9 (A bench conference is held.)

10 (A bench conference is held with Devon Ward, reporter, no
11 attorneys present.)

12 (On the record. The following takes place outside the
13 presence of the jury.)

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

15 All right. Anything from the State before I bring the
16 jury back out?

17 MR. OSKIN: The State would inquire as to the Defense's
18 ability to watch the redacted videos from their clients'
19 statements.

20 MR. WILSON: We've, we've watched it, and it seems to be
21 fine.

22 MR. SPRATLIN: Ditto, Your Honor.

23 MR. WILSON: We don't have any objections.

24 THE COURT: All right. Very well.

25 MR. OSKIN: Lastly, I know we said Tyres would be first,

State v. Carlisle, Hodge

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1 we're going to put William Clemons, the son. That closes that
2 DNA that we did before lunch, and then we'll break into our
3 lengthy witnesses.

4 THE COURT: I didn't hear you when they coughed, whoever
5 coughed. I'm sorry.

6 MR. OSKIN: I apologize. Again, I'll make sure the
7 Defense can hear me. We're going to put the son up, William
8 Clemons, to close that DNA loop.

9 THE COURT: Okay.

10 MR. OSKIN: That Sara and Rusty testified to. After that
11 we have Detective Nesmith, which is Jordan's statement. We
12 have Detective Watford, which is Kenny's statement. That will
13 probably carry us through the afternoon. I have four
14 witnesses on standby after them that will be brief.

15 THE COURT: What I would like to do is go as long as we
16 can today --

17 MR. OSKIN: Yes, sir.

18 THE COURT: -- and tomorrow to kind of see how things are
19 shaking out as we get into possibly into Thursday.

20 MR. OSKIN: Yes, sir.

21 THE COURT: So have those, whatever witnesses you have on
22 standby to, to let's see how far we can go today.

23 MR. OSKIN: They'll be physically available, yes,
24 sir.

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

William Clemons - Direct by Mr. DeBusk

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1 (Whereupon, the following takes place in the presence of
2 the jury.)

3 THE COURT: All right. Mr. Foreman, ladies and gentlemen
4 of the jury, I hope you all had a nice lunch and are ready to
5 proceed this afternoon. At this time I'm going to recognize
6 the State. Call your next witness, please.

7 MR. DEBUSK: Thank you, Your Honor. The State calls
8 William Clemons.

9 Whereupon, William Clemons is called to the stand, duly
10 sworn by the clerk and testified as follows.

11 THE CLERK: State your name and if I could get you to
12 spell your last name.

13 MR. CLEMONS: William Clemons, C-L-E-M-O-N-S.

14 DIRECT EXAMINATION

15 BY MR. DEBUSK:

16 Q Mr. Clemons, where do you live? Where do you live?

17 A I live in South Carolina, Conway.

18 Q Okay. I'm -- can't help but notice the similarity of
19 your name to one of our victims. Were you related to William
20 Chester Clemons?

21 A Yes, sir. He was my father.

22 Q Okay. By father you mean biological father, not adopted?

23 A Yes, sir.

24 Q So he was your biological father. When would -- when did
25 you last spend time with him or visit with him, live with him

William Clemons - Direct by Mr. DeBusk

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1 or anything?

2 A About three years ago.

3 Q Okay. To your knowledge and memory did he have any
4 teeth?

5 A No, sir. He had none at all.

6 Q What happened to his teeth?

7 A He had problems with them when he was a younger
8 gentleman. He had took them all out, got them pulled.

9 Q Okay. Did he wear dentures?

10 A No. He did sometimes, but he didn't really like them.

11 Q Okay. Now, was there -- did there come a time when you
12 gave a DNA sample in this case?

13 A Yes, sir.

14 Q Where did you -- where'd that happen?

15 A In J. Reuben Long.

16 Q Just so the jury'll know, what were you in J. Reuben Long
17 for?

18 A Strong armed robbery.

19 Q Had you -- did you plead guilty to that?

20 A Yes, sir.

21 Q Is your sentence complete?

22 A Yes, sir.

23 Q Okay. Do you remember who took the swab?

24 A Detective Matthew Singleton.

25 Q Okay. How'd he take it?

1 A With the oral, a cotton swab.

2 Q Okay. And did he keep possession of the swab after?

3 A Yes, sir.

4 Q Okay. Thank you. Please answer any questions the
5 Defense might have.

6 THE COURT: Mr. Wilson?

7 MR. WILSON: I don't have any questions, Your Honor.

8 THE COURT: Mr. Spratlin?

9 MR. SPRATLIN: No questions, Your Honor.

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

11 MR. DEBUSK: Your Honor, we would ask that Mr. Clemons be
12 released from his subpoena.

13 THE COURT: Any objection?

14 MR. WILSON: Without objection.

15 MR. SPRATLIN: No objection, Your Honor.

16 THE COURT: All right. Without objection, sir, you are
17 released from your subpoena. Thank you. Call your next
18 witness, please.

19 MR. DEBUSK: Thank you, Your Honor. If I may have the
20 Court's indulgence one moment just to make an exhibit marked.
21 The State calls Tyres Nesmith of the Conway Police Department.

22 Whereupon, Tyres Nesmith is called to the stand, duly
23 sworn by the clerk and testified as follows:

24 THE CLERK: State your name and spell it.

25 MS. NESMITH: Detective Tyres Nesmith, spelled T-Y-R-E-S,

Tyres Nesmith - Direct by Mr. DeBusk

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1 last name N-E-S-M-I-T-H.

2 DIRECT EXAMINATION

3 BY MR. DEBUSK:

4 Q Detective Nesmith, who's your employer?

5 A Conway Police Department.

6 Q How long have you been with Conway Police?

7 A Fourteen and a half years.

8 Q How long have you been in law enforcement?

9 A Fourteen and a half years.

10 Q Well, you -- your whole career with Conway?

11 A Whole career with Conway.

12 Q How long you been a detective?

13 A About six years.

14 Q So you were a detective in July of 2017?

15 A Correct.

16 Q Did you work on the case that involved the disappearance
17 of Linda McAllister and William Chet Clemons?

18 A I did.

19 Q What was your involvement?

20 A I was one of the assisting detectives.

21 Q Okay. Did you go to the house on Dewberry Lane?

22 A I did.

23 Q I'm sorry. Dewberry Drive. Excuse me. Did you examine
24 that scene?

25 A I did.

- 1 Q Did, did you go in the bedroom?
- 2 A I did.
- 3 Q Did you notice anything awry in there?
- 4 A There was on the nightstand to the right of the bed there
- 5 was a photograph that was face down.
- 6 Q Let me show you State's Exhibit Two and ask if you
- 7 recognize that?
- 8 A Yes, sir.
- 9 Q What is that?
- 10 A That's the photograph that was face down.
- 11 Q What was in the photograph?
- 12 A A wedding photo of the deceased.
- 13 Q Why did that draw your attention?
- 14 A It just seemed odd that -- one of the questions that I
- 15 did ask, I'm not sure exactly who at the time, did she keep
- 16 the house clean. They're like, "Yeah," and I know I'm a
- 17 female. So to have my wedding photo turned down would really
- 18 be bad. So that kind of struck a chord with me that a wedding
- 19 photo would be turned down.
- 20 Q Thank you. Now, during the course of your work did you
- 21 encounter the Defendant, Jordan Hodge?
- 22 A I did.
- 23 Q Where did you first encounter her?
- 24 A At the residence. I'm not -- I don't remember the, the
- 25 address, in Aynor, Galivants Ferry.

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- 1 Q Pleasant, Pleasant, Pleasant Union Road?
- 2 A Correct.
- 3 Q Okay. What happened there?
- 4 A We spoke with them. Well, when we first got there no one
- 5 was there other than the roommate, but then they arrived on
- 6 scene. We spoke with them, Detective Watford and I, and we
- 7 did ask would they come to the police department just to kind
- 8 of give us some more information about her grandmother.
- 9 Q Well, now, you were working on this case. At that point
- 10 what kind of case was it?
- 11 A It was a missing persons case.
- 12 Q And it was involving Linda McAllister and Chet Clemons?
- 13 A Correct.
- 14 Q Okay. Where did you ask them to meet you?
- 15 A At the Conway Police Department.
- 16 Q Is that here in downtown Conway?
- 17 A Yes.
- 18 Q Okay. When she arrived, was she under arrest?
- 19 A No.
- 20 Q Did you have any warrants for her?
- 21 A Did not.
- 22 Q Okay. How did she get to the police station?
- 23 A They drove themselves.
- 24 Q So when she arrived were you there or did she have to
- 25 wait for you?

- 1 A She had to wait for me. I was still at her residence.
- 2 Q Okay. Now, did you order her to come talk to you or was
- 3 this voluntary?
- 4 A Voluntary.
- 5 Q Okay. And again, I don't want to beat a dead horse, but
- 6 what was the purpose of, of the interview?
- 7 A Just to get background information, just to kind of
- 8 figure out how we could find the missing couple.
- 9 Q Well, when she came in, where did you go, I mean, when
- 10 you arrived and you arrived into the station where'd you go?
- 11 A We took them upstairs to our conference room.
- 12 Q Does that have a recording system?
- 13 A Yes. It does.
- 14 Q Okay. At that time was she free to leave if she wanted
- 15 to?
- 16 A Sure.
- 17 Q Okay. Was she free to leave throughout the interview?
- 18 A Yes, sir.
- 19 Q Did you deny her anything she wanted or needed to get her
- 20 to talk?
- 21 A No, sir.
- 22 Q Did you threaten her in any way?
- 23 A No, sir.
- 24 Q Okay. And was she in custody at any point that night?
- 25 A No, sir.

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1 Q How did she leave?

2 A She -- they both of them left and drove off in their own
3 vehicle.

4 Q What was the primary reason you asked them to come over
5 there and talk to you?

6 A Just to get more information about the -- her grandmother
7 and her husband just to kind of figure out what happened to
8 them, where they might have went.

9 Q Were you aware of a, a blue Dodge truck that, that was in
10 their possession?

11 A Yes.

12 Q Was that part of the reason that you wanted to talk --
13 speak to them?

14 A We -- I was going to talk to every -- regardless if the
15 truck was there or not I would want to talk to them.

16 Q That's right. Because they're close to the deceased --
17 the missing people at that point. Did she seem willing to
18 talk?

19 A Yes.

20 Q Did she understand the questions?

21 A She did.

22 Q And did you record that interview?

23 A I did.

24 Q Let me show you what's been marked as State's Exhibit
25 Five and ask if you recognize that.

1 A Yes.

2 Q Now, that's a -- what is it?

3 A This is a recording of our interview on September 13.

4 Q Okay. When the interview began, who was present?

5 A When it began it was myself, Detective Watford and the
6 male Defendant.

7 Q Okay. That'd be Mr. Carlisle?

8 A Mr. Carlisle.

9 Q Thank you. Did Detective Watford and Mr. Carlisle stay
10 with you throughout the interview?

11 A They did not. At one point I asked him to go and take
12 him to the other room so if she and I could talk and he could
13 talk with him.

14 Q Okay. Where did they go?

15 A They went to -- we have an adjacent room. They went
16 right across the hall from where we were.

17 Q But they were separate, talking in separate offices?

18 A Correct.

19 Q Okay.

20 MR. DEBUSK: Your Honor, we would at this time move to
21 publish State's Exhibit Five to the jury.

22 THE COURT: Has it been admitted into evidence?

23 MR. DEBUSK: We would move it into evidence, Your Honor.

24 THE COURT: Mr. Wilson?

25 MR. WILSON: I have no objection, Your Honor. I have no

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1 objections.

2 THE COURT: All right. Without objection. Mr. Spratlin?

3 MR. SPRATLIN: No objection.

4 THE COURT: Without objection so admitted. You may
5 publish it to the jury.

6 (State's Exhibit Number Five [CD - Statement of Defendant
7 Hodge] admitted into evidence and appropriately marked.)

8 MR. DEBUSK: Your Honor, just for the record, this is
9 subject to prior redactions at the request of the Defense and
10 the agreement with the State.

11 THE COURT: I did not hear you with that coming across
12 the courtroom.

13 MR. DEBUSK: I'm sorry, Your Honor. Just for the record
14 this is -- contains prior reactions requested by the Defense
15 and agreed to by the State.

16 THE COURT: Ordered by the Court.

17 MR. DEBUSK: And ordered by the Court.

18 THE COURT: Correct.

19 MR. DEBUSK: Thank you, Your Honor.

20 MR. WILSON: Your Honor, may we request permission to --

21 THE COURT: Absolutely. Yes, sir. Mr. Wilson, Mr.
22 Spratlin, when they -- if something is published such as this
23 you don't have to ask. Just move where you can see if you
24 need to.

25 MR. WILSON: Thank you, Your Honor.

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1 THE COURT: Okay.

2 MR. SPRATLIN: Yes, sir. Thank you, Your Honor.

3 (Whereupon, State's Exhibit Number Five played in open court.)

4 MR. DEBUSK: The Court's indulgence for a moment while we
5 remove the --

6 BY MR. DEBUSK:

7 Q Detective Nesmith, let me ask a couple of more questions
8 about the personnel at that interview. At the beginning, it
9 was you, I think you testified Detective Watford; correct?

10 A Yes, sir.

11 Q I noted that a third detective came in a few minutes into
12 the interview with a very -- he was shaved, a very closely
13 shaved, cut hair.

14 A Uh-huh.

15 Q Who was that?

16 A That was Detective Greg Lent.

17 Q Does he work for Conway Police?

18 A No, sir, he works for Horry County Police Department.

19 Q Was Horry County helping you with the case at that time?

20 A Yes, sir.

21 Q At the end a fourth individual comes in in sort of a
22 light orange shirt and a crew cut. Who was that?

23 A Detective Mark Bobbitt.

24 Q Does he work for Conway Police Department?

25 A Yes, sir.

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1 Q Okay. I just want to talk about what, what you were told
2 in that interview. Did they say -- did she say that she went
3 over to see Linda McAllister and Chet Clemons?

4 A Yes.

5 Q On what day did she?

6 A Fourth of July.

7 Q Did she say who went with her?

8 A I'm sorry. I keep forgetting. The --

9 Q Kenneth Carlisle?

10 A Yes, sir.

11 Q Okay. What was the purpose of that visit?

12 A Their car broke down. So they went to him because he was
13 able to fix their -- he was a mechanic. So they said they
14 would be able to go -- they walked to their house to get the
15 car fixed.

16 Q Did the car make it to Linda and Chet's house?

17 A No. The car broke down. She describes -- we -- the last
18 that we came up with was somewhere around Mill Pond and 378.

19 Q Okay. Is there a street called Grisette?

20 A Grainger.

21 Q Grainger?

22 A Grainger is directly across from Mill Pond. So that
23 intersection can either -- depending on which way you go
24 you're going to -- one side is Mill Pond. One side is
25 Grainger.

- 1 Q Highway 378 also known as Wright Boulevard sometimes?
- 2 A Yes, sir, intersects both.
- 3 Q And then right there where Mill Pond comes across it
- 4 becomes Grainger on the other side?
- 5 A Correct.
- 6 Q And that's, that's where she ended up going with him?
- 7 A Yes, sir.
- 8 Q Okay. And what did she tell you about the whereabouts of
- 9 her grandmother?
- 10 A She just told us that they received a phone call, that
- 11 there was an emergency and that they had to leave.
- 12 Q Okay. And how did she explain being in possession of
- 13 that blue RAM pickup truck?
- 14 A That they said they could borrow it and that they left
- 15 before Linda and her husband left.
- 16 Q Okay. And did she say she was responsible for the dogs?
- 17 A Yes.
- 18 Q Okay. From your personal observations were the dogs
- 19 cared for?
- 20 A No.
- 21 Q What, what did you see that showed that?
- 22 A When we first went into the home that day there was
- 23 mounds of -- they were large dogs. So there was a lot of dog
- 24 fecal matter and you can see where there are large urine spots
- 25 everywhere on and it looked -- that home looked like it had

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1 just been renovated. So it was new flooring and it was like
2 ruined. They just didn't look very well taken care of.

3 MR. DEBUSK: The Court's indulgence one moment.

4 Q When you first began a -- you had Kenneth Carlisle in
5 there with you? You remember that; correct?

6 A Yes, sir.

7 Q At any point was he given an opportunity to write a
8 statement?

9 A I believe they wrote their statements prior to us getting
10 there when they first got to the police department.

11 MR. DEBUSK: The Court's indulgence one moment.

12 BY MR. DEBUSK:

13 Q Let me show you what's been marked as State's Exhibit Six
14 and ask if you recognize that.

15 A This appears to be a statement by Kenneth Carlisle.

16 Q When a statement is -- a written statement is taken like
17 that does an officer witness it?

18 A Yes, sir.

19 Q Who, who signed to witness that?

20 A I did.

21 Q Okay. So that'd be the statement given, the written
22 statement given by Kenneth Carlisle?

23 A Yes, sir.

24 Q Okay.

25 MR. DEBUSK: Your Honor, we would move to admit this into

1 evidence at this time, State's Six.

2 MR. SPRATLIN: No objection, Your Honor.

3 MR. WILSON: No objection.

4 THE COURT: Without objection so admitted.

5 (State's Exhibit Number Six [Written Statement of Kenneth
6 Carlisle] admitted into evidence and appropriately marked.)

7 MR. DEBUSK: Your Honor, may I publish it to the jury?

8 THE COURT: Yes.

9 BY MR. DEBUSK:

10 Q In the course of that interview, did Jordan Hodge mention
11 hair dye?

12 A Yes, sir.

13 Q Did she mention what her mother -- grandmother thought
14 about hair dye?

15 A If memory serves correct if it -- because she refers to
16 grandmother as Linda and Nanner that Nanner did not like it
17 but Linda would be okay.

18 Q Okay. Did you do anything to follow up on, on hair dye
19 with, with Jordan Hodge?

20 A That night, no.

21 Q Later?

22 A Yes.

23 Q What did you do?

24 A We asked her about the -- I believe we showed her
25 pictures of the Walmart whenever they were coming out and her

Tyres Nesmith - Direct by Mr. DeBusk

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1 hair was a different color. I'd have to look at my notes to

2 --

3 Q Did you write a report in this case?

4 A I did.

5 Q Would viewing that report help refresh your memory?

6 A Yes.

7 Q I'm going to hand you something, ask if you could tell
8 the jury what it is you're looking at?

9 A These are my notes that I took through the course of the
10 investigation.

11 Q Could you take a moment to review the section about the,
12 the hair dye and, and before you testify?

13 A Yes, sir. I noted that during the interview she told us
14 that her grandmother didn't like that she dyed her hair and
15 had a piercing. When I got the photos from Walmart she
16 purchased the hair dye on July the 5th, 2017, and when she was
17 seen on the video July 7th, 2017, she had hot pink hair. She
18 stated her grandmother did not like hair dye. According to
19 Jordan the last time she saw her grandmother was July the 4th,
20 2017, which contradicts her statement about the, about the
21 timeline, in parentheses I put if she's referring to the
22 recent hair dye.

23 Q Thank you. So you found inconsistency with the, with the
24 applying on the hair dye incident?

25 A Yes, sir.

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

3 THE COURT: Mr. Wilson?

4 CROSS EXAMINATION

5 BY MR. WILSON:

6 Q I'm not sure, hair dye, before I go into this other
7 stuff, let me ask you about the hair dye. Her hair was one
8 color on the 3rd and it was one -- another color on the 8th; is
9 that what you're saying?

10 A I have to look at that again. Yes, sir, whatever I read.
11 Yes, sir.

12 Q Right. Is there any -- I mean, is there something
13 against changing the color of your hair?

14 A Oh, not at all, and that's why I put in parentheses if
15 she's referring to that specific hair dye.

16 Q Okay.

17 A She could have dyed her hair at a different point.
18 That's why I just made a note of it.

19 Q Okay. People do that all the time?

20 A Yes, they do.

21 Q Change their hair, or now, let me ask you, you had Jordan
22 there for how many hours would you say?

23 A Roughly maybe an hour and a half, two, somewhere in
24 there.

25 Q All right. And before that you'd gone out to the house;

Tyres Nesmith - Cross by Mr. Wilson

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1 right?

2 A Yes, sir.

3 Q And, and did you have other officers with you when you
4 went out to the house?

5 A Detective Watford was with me at the house.

6 Q Okay.

7 A And then later Horry County officer, Detective Skellett I
8 believe is the other officer that showed up.

9 Q Okay. And at any point in time did she give you any
10 resistance? Did she refuse to cooperate with you, tell you
11 you had to have a search warrant to come to her house? Did,
12 did she do anything to, to run you off or keep you from doing
13 your investigation?

14 A No. She did not.

15 Q All right. In fact, not only did she do that, you asked
16 her if she would come down to the police station voluntarily?

17 A Yes, sir. I did.

18 Q And she came; right?

19 A Yes, sir.

20 Q All right. And for an hour and a half you had four
21 separate investigators and how much experience do you have
22 doing investigations? You said 14 years; right?

23 A Fourteen as a police officer.

24 Q Fourteen years.

25 A Six years as an investigator.

1 Q Six years as an investigator, 14 years as a police
2 officer. So you've done probably hundreds of investigations
3 and, and interviews of Defendants or suspects; have you not?

4 A Roughly. Yes, sir.

5 Q Okay. And not only that, you had Detective Greg Lent who
6 is a very seasoned investigator as well; right?

7 A Yes, sir.

8 Q And he's been doing it for probably as long as if not
9 longer than you have?

10 A I'm sure longer. Yes, sir.

11 Q All right. And he was there and he got to ask any and
12 all questions that he wanted to ask during that hour and a
13 half or two hours that you're there; right?

14 A Yes, sir.

15 Q All right. And then you had -- what was the other?
16 Detective Bobbitt, he was there. How long has he been doing
17 this?

18 A Maybe four years.

19 Q Okay. He was there, and then you had what was the other
20 detective name? There were four of you there.

21 A Well, it started with Detective Watford and I and then he
22 left.

23 Q Detective Watford. I apologize. So he was there. Now,
24 is he a detective with the county or the city?

25 A Conway City.

Tyres Nesmith - Cross by Mr. Wilson

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1 Q Conway City. And how long has he been a detective,
2 longer than you or less?

3 A Less than I.

4 Q Okay. So you were the senior detective at least from the
5 city during this time?

6 A Correct.

7 Q All right. And then Detective Greg Lent came in from the
8 county?

9 A Correct.

10 Q As a -- as an, as an additional investigator to help with
11 the case?

12 A Yes, sir.

13 Q All right. And, and the four of you all traded back and
14 forth with these -- with Jordan Hodge for that period of time
15 asking her different questions and then you would even go
16 outside and discuss it about what else you needed to ask?

17 A Yes, sir.

18 Q All right. And, and she not one time refused to ask --
19 to answer any question that you asked her?

20 A She did not.

21 Q Did not. And, and was cooperative in every possible way
22 she could have been cooperative as far as you know at that
23 time?

24 A Yes, sir.

25 Q All right. Now, let's talk for a minute about the, the,

- 1 the blue truck. When you went to her house, that is to
2 Jordan's house, you and, you and the other officer, you said
3 that the blue truck was there in the yard?
- 4 A Yes, sir.
- 5 Q All right. And were they driving the truck?
- 6 A No, sir.
- 7 Q All right. Did you see them in the truck?
- 8 A No, sir.
- 9 Q Did you have them go in the truck while you were there?
- 10 A No, sir.
- 11 Q All right. Now, you asked them to go with you downtown.
12 You left the truck in the yard; is that correct?
- 13 A No. We had the, the tow -- the -- I'm sorry. Excuse me.
14 The truck was towed. We did not leave until after the truck
15 was towed.
- 16 Q All right. Did Jordan and -- did Jordan leave before the
17 truck was towed or after the truck was towed?
- 18 A It could have been before or during. I'm not -- I
19 couldn't.
- 20 Q Don't remember?
- 21 A I don't remember exact but it was -- we were still there
22 and they were gone.
- 23 Q Okay. But, but you were there but the entire time that
24 you were there they did not have access to the truck while you
25 were there?

Tyres Nesmith - Cross by Mr. Wilson

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- 1 A Correct.
- 2 Q All right. And you transported the truck to the county
- 3 or to the city?
- 4 A No. I did not transport the truck.
- 5 Q Well, you had it --
- 6 A I had it towed. Yes, sir.
- 7 Q Had it towed. I apologize. You had it towed to an
- 8 impound at M.L. Brown; would that be where it would be?
- 9 A At the secure lot, yes, sir.
- 10 Q All right. At the M.L. Brown which is out near the post
- 11 office. You had it towed out there, and the purpose of having
- 12 it towed out there was so that you could search that vehicle
- 13 and find out whatever evidence there was inside of that
- 14 vehicle; correct?
- 15 A Yes, sir.
- 16 Q All right. And now, did you participate in the actual
- 17 search of the vehicle?
- 18 A No, sir.
- 19 Q All right. Do you know who did?
- 20 A No, sir.
- 21 Q All right. All right. And do you know how long it was
- 22 after it was towed and placed out at, at, at the M.L. Brown
- 23 Building before it was actually searched by law enforcement?
- 24 A No, sir. I do not.
- 25 Q So you don't how long it sat there?

1 A No, sir.

2 Q Do you know who else had access to it from the time that
3 it was towed from the house which you say you were present
4 when it was towed from the house until it was later in the
5 possession of Mr. Moran?

6 A Can you repeat that question?

7 Q My question was do you know who else had access to the
8 vehicle, to the blue truck that we've been talking about here,
9 who else had access to that blue vehicle from the time it was
10 towed from the house --

11 A Uh-huh.

12 Q -- that is Ms., Ms. Hodge's home and placed in the
13 impound lot and then given later to Mr. Moran and other family
14 members?

15 A I do not know who would have had access.

16 Q All right. Now, were you present when Mr. Moran found
17 the extra bullets in the or shell casings in the vehicle?

18 A No, sir. I was not.

19 Q All right. When did you become aware that there were two
20 shell casings extra found in the vehicle?

21 A I really don't even know. I'm going to be honest with
22 you. I, I remember hearing about it, but I really don't know
23 when that date was.

24 Q Okay. Now, at some point in time did you continue to be
25 the chief investigating officer since this was a city case or

Tyres Nesmith - Cross by Mr. Wilson

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1 did that transfer over to Greg Lent or someone else at the
2 county?

3 A I was never the chief officer. I was always an assisting
4 as I stated earlier. However, it did transfer to the county
5 and then we all just worked jointly together.

6 Q Well, when you say you were assisting, when, when, when
7 you went to the house who were you assisting?

8 A I was assisting Detective Mark Bobbitt and Detective
9 Watford and I were called in to assist him.

10 Q Okay. So you were assisting him?

11 A Correct.

12 Q At that time. Now, now, just so I'm clear, when you have
13 Ms. Hodge down to the station you didn't read her any Miranda
14 rights or anything like that; right?

15 A Not at all.

16 Q And the reason you didn't do that was because she
17 voluntarily came down there to talk with you; right?

18 A Yes.

19 Q All right. And, and, and if she had been in custody then
20 you would have read her her rights?

21 A Yes, sir.

22 Q All right. And, and this was not then a custodial
23 interrogation as such; right?

24 A No, sir.

25 Q All right. Now, when you let Ms. -- well, let me back

1 up. At the -- during the, during the interview that you were
2 having with her at the station, you were asking her about the
3 whereabouts of her grandmother?

4 A Yes, sir.

5 Q And, and Mr. Clemons as well, and she told you that she
6 had had a conversation with them; is that -- that's your
7 testimony; right?

8 A Yes, sir.

9 Q And, and that, that at some point they ask her to look
10 after the dogs?

11 A Yes, sir.

12 Q And entrusted her with the vehicle?

13 A Yes, sir.

14 Q All right. And, and when -- let me see how I want to ask
15 this. Did she ever tell you anything different than that,
16 that is Ms. Hodge, in this video, in this statement that we
17 just saw?

18 A Different than --

19 Q Than what I just --

20 A -- than taking care of the dogs or taking or the dogs.

21 Q That, that --

22 A Both statements?

23 Q Yes. That her, that her grandmother had entrusted the
24 truck to her and had entrusted the care of the dogs to her?

25 A That's what she told me. Yes, sir.

Tyres Nesmith - Cross by Mr. Wilson

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- 1 Q All right. All right. Now, at some point in time did
2 you, did you get her cell phone records?
- 3 A I did not.
- 4 Q You did not?
- 5 A No, sir.
- 6 Q All right. Do you know who did?
- 7 A No, sir, I do not.
- 8 Q All right. Were you aware or did you become aware of some
9 kind of text messages between her and her uncle, Mr. Moran?
- 10 A No, sir.
- 11 Q All right. You were not aware of those?
- 12 A I was not aware. I, I was with her. So I don't --
13 whatever took place at the house I didn't know.
- 14 Q Okay. All right. Now, there was a search at her home;
15 right?
- 16 A That's what I was told.
- 17 Q Okay. But you did not participate in that search?
- 18 A No, sir.
- 19 Q All right. And other than, other -- well, let me ask it
20 this way. After, after you remove the truck did -- and you
21 had the interview with her, did that end your involvement with
22 the -- with this case?
- 23 A I had a little bit more but that was the primary for the
24 moment.
- 25 Q Okay. So that was the primary -- that was the, the vast

- 1 majority of your participation with it?
- 2 A Yes, sir.
- 3 Q Okay. All right.
- 4 MR. WILSON: If the Court'd give me just one second.
- 5 THE COURT: Yes, sir.
- 6 BY MR. WILSON:
- 7 Q You said that you went to the house and that, that, that
- 8 the dogs that were there were large size animals?
- 9 A Yes, sir.
- 10 Q Okay. You know what kind of animals they were?
- 11 A Oh, gosh, and I, I have no clue.
- 12 Q And I'm just asking that question.
- 13 A They were just big dogs.
- 14 Q I'm sorry?
- 15 A They were big dogs.
- 16 Q The reason I asked that question was simply to try to get
- 17 some idea of the size of the dogs. Did you get --
- 18 A I would say if you -- if I had like a full-size Labrador,
- 19 something like that.
- 20 Q Okay.
- 21 A A full-size dog.
- 22 Q All right. And how many dogs were there?
- 23 A I saw two.
- 24 Q All right. You saw two. And, and when you went to the
- 25 house do you know what date it was that you'd gone to the

Tyres Nesmith - Cross by Mr. Wilson

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1 house?

2 A I have to look at my notes. I believe it was the 13th I
3 believe, July the 13th.

4 Q Okay. So this would have been nine or 10 days after Ms.
5 McAllister and Mr. Clemons had been missing or allegedly
6 missing at that point?

7 A According -- yes, sir --

8 Q All right.

9 A -- to the days I was given.

10 Q Based on the information you all had at that point?

11 A Correct.

12 Q And, and, and did you know that when you went there on
13 the 13th that other people had gone there on several occasions
14 before that?

15 A I knew somebody went. I believe it was the best friend.
16 I don't recall her name that testified this morning.

17 Q Okay.

18 A But and I believe the mother, Ms. Dara, went.

19 Q Okay. So at least two people that you know of have gone
20 in there since then between the time that they were supposedly
21 missing and the time you went in but nobody cleaned up?

22 A I don't know.

23 Q Okay. You just know that when you got there on the 13th
24 that's what you found?

25 A Yes, sir.

1 Q All right. And what -- when you got to the house did you
2 find, for instance, evidence of violence in the house?

3 A No, sir.

4 Q Okay. Did you find any bloodstains? Did you find any
5 broken objects, broken chairs, anything that would suggest
6 that there was a fight or a scuffle or some kind of
7 altercation inside the premises?

8 A No, sir.

9 Q Okay. All right. And did you look about the yard of Ms.
10 McAllister to see if you saw anything in the yard that would
11 lead you to believe that there was some violent act which
12 occurred on the property?

13 A I didn't go --

14 Q For instance, just for instance, gun shells or shell
15 casings or broken glass or anything that would give you the
16 impression that some kind of violent or physical altercation
17 may have taken place in the -- on the premises itself?

18 A I didn't go in the backyard because the dogs were there.
19 I'm afraid of dogs.

20 Q Okay.

21 A So I did not go in the backyard. The front yard, no.

22 Q Okay. When you say the dogs were there, now, these are
23 the same two dogs?

24 A Yes, sir.

25 Q Okay. So somebody -- who put them in the backyard?

Tyres Nesmith - Cross by Mr. Spratlin

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1 A I do not know.

2 Q Okay. But so when you got there they were not in the
3 house? They were in a little --

4 A They were outside.

5 Q -- fence outside? Were they in a fence?

6 A I'm not sure if it was fenced or not. I think it was
7 fenced but I'm not a hundred percent.

8 Q Okay. All right. I don't think I have any questions.
9 Thank you, ma'am.

10 A Yes, sir.

11 THE COURT: Mr. Spratlin.

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

13 CROSS EXAMINATION - BY MR. SPRATLIN:

14 Q Good afternoon, Detective Nesmith.

15 A Good afternoon.

16 Q I do have a couple of questions for you. I'm going to be
17 brief. Your main involvement was to go to the Pleasant Union
18 address, the address of the Defendants, and also to speak with
19 Jordan Hodge at the police department; correct?

20 A Correct.

21 Q That was your main role of this case?

22 A Yes, sir.

23 Q And you said you spent about an hour and a half, two
24 hours speaking with Jordan Hodge; correct?

25 A Yes, sir.

1 Q During that time did you notice any sort of marks or
2 injuries on her?

3 A No, sir.

4 Q Did she appear to be under any kind of duress or afraid
5 of anything?

6 A Not at all. No, sir.

7 Q Initially, I believe the interview started with both her
8 and Mr. Kenny Carlisle in the room; correct?

9 A Correct.

10 Q And then Detective Watford went to talk to Mr. Carlisle
11 somewhere else?

12 A Yes.

13 Q And that was done to basically expedite the process of
14 the interview; correct?

15 A Yes, sir.

16 Q And so Jordan was alone in a room with you for an hour
17 and a half to two hours; right?

18 A She was alone with me, but other officers came in. Yes,
19 sir. Yes, sir.

20 Q Along, along with police officers?

21 A Yes, sir.

22 Q Able to tell you all anything and everything she wanted
23 to tell you?

24 A Yes, sir.

25 Q Okay. Towards the end of that interview there I think it

Tyres Nesmith - Cross by Mr. Spratlin

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1 was Officer Bobbitt or you get a phone call; correct, during
2 the interview?

3 A I think so.

4 Q When you get a phone -- you get a -- you get a phone call
5 from the interview -- in the interview where someone asks you
6 to ask her about guns that were found at the house; correct?

7 A Yes, sir.

8 Q And did you identify to her what guns specifically you
9 were asking about?

10 A I think I did just ask her about a gun that was found in
11 the house. I don't think I --

12 Q Asked her about guns plural; right?

13 A I believe so. I'd have to go back and look at the video.

14 Q Okay. And she said they were hers; right?

15 A Yes, sir.

16 Q She, in fact, went through this whole process of
17 registering the guns or talking about registering or trying to
18 register them; right?

19 A Yes, sir.

20 Q Went on for about five minutes. One of those guns she
21 says she bought it at a tattoo shop; correct?

22 A Yes, sir.

23 Q While getting a tattoo done or something to that effect?

24 A Yes, sir.

25 Q Thank you, Detective Nesmith. That's all the questions I

1 have.

2 THE COURT: Any redirect?

3 MR. DEBUSK: Very briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. DEBUSK:

6 Q Detective Nesmith, just to -- I think you might have
7 answered this already, but I got to ask based on what Mr.
8 Wilson asked you. At this point was there a crime when you
9 were conducting this interview? Was there a crime you were
10 interviewing or was it just a missing person?

11 A It was a missing person case.

12 Q So you weren't interviewing anybody for a crime? So
13 that's -- this wasn't a suspect interview; right?

14 A Not at all, just missing persons.

15 Q Thank you.

16 MR. DEBUSK: No further questions.

17 THE COURT: Mr. Wilson?

18 MR. WILSON: Nothing further, Your Honor.

19 THE COURT: Mr. Spratlin?

20 MR. SPRATLIN: Nothing, Your Honor.

21 THE COURT: Officer Nesmith.

22 MR. DEBUSK: May Detective Nesmith be excused from
23 her subpoena so she can return to her duties?

24 THE COURT: Yes. Ma'am, you may step down.

25 MR. DEBUSK: Thank you.

Tyres Nesmith - Redirect by Mr. DeBusk

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1 THE COURT: Any objection, Mr. Wilson?

2 MR. WILSON: No objection to her being excused, Your
3 Honor. I would ask her to be on standby. We might need her
4 later.

5 THE COURT: I'll release you today but you're still under
6 subpoena. How about that?

7 A Yes, sir.

8 THE COURT: All right. You may step down.

9 MR. DEBUSK: Thank you, Your Honor.

10 THE COURT: All right. Ladies and gentlemen, we've been
11 going a little over two hours. What we're going to do at this
12 time I'm going to let you step to the jury room. We're going
13 to take a short break, get you back out here as quickly as
14 possible. All right. Don't talk about the case. Can I get
15 that exhibit back that you all -- and, and we'll give it back
16 to you when you come back in. Okay? Just put it there on the
17 -- on -- that'll be good. Thank you very much.

18 JUROR: You're welcome, sir.

19 (Whereupon, the following takes place outside the
20 presence the jury.)

21 THE COURT: All right. We'll stand down a few minutes.

22 MR. SPRATLIN: Thank you, Your Honor.

23 OFF THE RECORD

24 (On the record. The following takes place outside the
25 presence of the jury.)

1 THE COURT: Thank you. Be seated, please. Anything from
2 the State before I bring the jury back?

3 MR. OSKIN: Your Honor, I've talked to Defense counsel.
4 I project that we'll be able to get five witnesses done in the
5 remainder of our time. I've showed them the exhibits that
6 I'll be seeking to introduce. They have no objections.

7 MR. SPRATLIN: Assuming proper foundation is laid, Your
8 Honor.

9 MR. WILSON: That is correct.

10 MR. OSKIN: Certainly --

11 THE COURT: All right. Well, tell them to bring the
12 jury. She went to get me a cup of ice I think. While they're
13 coming back, can, can the lawyers come up here a minute,
14 please?

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

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

19 THE COURT: All right. Ladies and gentlemen of the jury,
20 go ahead, Mr. Foreman, you can hand that back. I know this
21 young lady in the burgundy sweater was looking at it, one of
22 you in the back. You can pass it back and then I noticed that
23 you all are not seated in the same seats other than my foreman
24 and my alternates. Has everyone on the front seen that
25 exhibit?

Pamela Lampley - Direct by Mr. Oskin

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1 JUROR: Yes, sir.

2 THE COURT: Okay. Those on the back I don't think have
3 seen it as of yet. So you all can look at it as we proceed.
4 Call your next witness, please.

5 MR. OSKIN: Thank you, Your Honor. The State would next
6 call Pamela Lampley, please.

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

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

10 MS. LAMPLEY: Pam Lampley, L-A-M-P-L-E-Y.

11 DIRECT EXAMINATION

12 BY MR. OSKIN:

13 Q Good afternoon, Ms. Lampley. Who is your employer?

14 A The Conway National Bank.

15 Q All right. Is there a specific branch that you are
16 located at?

17 A I'm at the main office, 1400 Third Avenue.

18 Q Is that in the City of Conway?

19 A Yes.

20 Q How long have you been employed there, ma'am?

21 A Twenty-five years.

22 Q All right. And what is your official job title, job
23 title?

24 A Banking officer/security officer.

25 Q Okay. And what are some of the duties that are included

1 in that position?

2 A I handle all the fraud investigating. I handle all our
3 surveillance cameras at the branches, ATMs, that kind of
4 stuff.

5 Q I know you mentioned you've been with the bank quite a
6 while. Have you been in that position for, for that length of
7 time?

8 A Been in that position for ten.

9 Q 10 years. Okay.

10 THE COURT: Is that a yes?

11 A Oh, yes. Sorry.

12 THE COURT: Okay. Thank you.

13 Q And if I interrupt you, please, I'll be told.

14 THE COURT: I see you shaking your head in the
15 affirmative, but I need a verbal yes or no for my court
16 reporter, please.

17 A All right.

18 THE COURT: Thank you. You may continue, Mr.
19 Oskin.

20 MR. OSKIN: Thank you, Your Honor.

21 BY MR. OSKIN:

22 Q And you touched on it, but do some of your duties include
23 keeping computer records of transactions that the bank has
24 participated in?

25 A Yes.

Pamela Lampley - Direct by Mr. Oskin

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1 Q Does that also include surveillance photos?

2 A Yes.

3 Q Do those surveillance photos do they extend to ATM
4 machines, perhaps teller windows that show the transactions
5 that the bank is involved in?

6 A Yes.

7 Q And are those photos kept in the ordinary course of
8 business?

9 A Yes.

10 Q Do you have -- you do have access to those photos of the
11 business transactions?

12 A Yes.

13 MR. OSKIN: If I may approach the witness, Your
14 Honor.

15 THE COURT: Yes.

16 BY MR. OSKIN:

17 Q Ms. Lampley, I'm showing you what's been pre-marked as
18 State's Exhibit Number Seven. There's four photos there.
19 I'll ask that you review them and I'll ask you if you can
20 identify them or recognize them?

21 A Okay.

22 Q All right. And what are these photos of?

23 A Pictures from my drive-through lane.

24 Q All right. How are you able to know that?

25 A Because it specifies which lane and where the location

1 is.

2 Q Okay. Is that present on each photo there?

3 A Yes.

4 Q Is that just a CNB bank or is it the CNB that you work
5 at?

6 A It is the CNB that I work at, but it's the drive-through.

7 Q Okay. I always use the ATM. So that would be a, a
8 personal transaction with a teller at the window?

9 A Correct. At the drive-through. Yes.

10 Q Okay. And I haven't -- have those photos been edited,
11 altered, deleted, materially changed in any way?

12 A No.

13 MR. OSKIN: Your Honor, at this time the State would seek
14 to tender these exhibits into evidence under Rule 803(6)

15 THE COURT: What, what are the numbers?

16 MR. OSKIN: It is State's Exhibit Number Seven, sir.

17 There's four photos but we've, we've stapled them together and
18 Madam Court Reporter has marked it as one.

19 THE COURT: Any objection, Mr. Wilson?

20 MR. WILSON: No, sir, Your Honor.

21 THE COURT: Mr. Spratlin?

22 MR. SPRATLIN: None, Your Honor.

23 THE COURT: All right. Without objection State's Exhibit
24 Number Four, which includes four photographs be admitted into
25 evidence without objection -- Number Seven.

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1 (State's Exhibit Number Seven [Four Photographs of Conway
2 National Bank] admitted into evidence and appropriately
3 marked.)

4 BY MR. OSKIN:.

5 Q Were these photographs requested of you?

6 A Yes.

7 Q All right. And you turned those over at that time?

8 A I did.

9 MR. OSKIN: Your Honor, at this time I'd seek to publish
10 those photos to the jury.

11 THE COURT: Yes, sir.

12 BY MR. OSKIN:

13 Q Ms. Lampley, I have no further questions. Please answer
14 any.

15 MR. WILSON: I have no questions.

16 THE COURT: Mr. Spratlin?

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

18 MR. OSKIN: Your Honor, I apologize and, Madam Court
19 Reporter, I have color photocopies of -- they're the same as
20 Exhibit Number Seven. I'd ask that they be allowed to be
21 substituted.

22 MR. WILSON: I don't have any objections, Your Honor.

23 MR. SPRATLIN: No objection.

24 MR. OSKIN: They're the same.

25 THE COURT: All right.

Jerry Bullard - Direct by Mr. Oskin

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1 MR. OSKIN: Same basis, same foundation. No questions
2 from Defense?

3 MR. WILSON: No questions.

4 MR. OSKIN: All right. I'd ask that she be released from
5 her subpoena, Your Honor.

6 THE COURT: All right. Ma'am, you may step down. Thank
7 you and you may -- any objection to her being released?

8 MR. WILSON: Without objection, Your Honor.

9 MR. SPRATLIN: Without objection, Your Honor.

10 THE COURT: You're released from your subpoena. You're
11 free to go. Have a nice day.

12 Call your next witness.

13 MR. OSKIN: Thank you, sir. Your Honor, the State would
14 next call Mr. Jerry Bullard.

15 Whereupon, Jerry Bullard is called to the stand, duly
16 sworn by the clerk and testified as follows.

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

19 MR. BULLARD: Jerry Bullard, B-U-L-L-A-R-D.

20 DIRECT EXAMINATION

21 BY MR. OSKIN:

22 Q Good afternoon, Mr. Bullard. Who is your current
23 employer?

24 A Advance Auto Parts.

25 Q All right. And what location of Advance are you employed

Jerry Bullard - Direct by Mr. Oskin

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1 at?

2 A 2300-B Church Street, Conway, right across from the high
3 school.

4 Q All right. And how long have you been employed there,
5 sir?

6 A Five years.

7 Q All right. What's your official job title there?

8 A General manager.

9 Q All right. And what, what are some of the duties
10 included in your position?

11 A Got 14, about 14 people that work for me, keep the store
12 running, the finances of the store, stocking of the store,
13 just normal business procedures.

14 Q Okay. Some of those duties include keeping the records
15 of transactions that the store has participated in?

16 A Yes.

17 Q Are you able to retrieve receipts of purchase as part of
18 your duties as the general manager?

19 A Yes.

20 Q And these records or these receipts are they kept in the
21 ordinary course of business, sir?

22 A Yes.

23 Q If I'm repetitive I apologize, but you have access to
24 that?

25 A Yes.

1 MR. OSKIN: If I may approach this witness, Your Honor.

2 THE COURT: Yes, sir.

3 BY MR. OSKIN:

4 Q Let me show you what's been marked as State's Exhibit
5 Number Ten, sir, and I'll ask if you're able to recognize
6 that.

7 A Yeah. That's receipt from our store.

8 Q From the location you've just testified to being employed
9 at?

10 A Yes.

11 Q Okay. Let's talk a little bit more about that receipt.
12 What are the items on that receipt? Are you able to tell what
13 was purchased?

14 A Yes.

15 Q All right. Would you please tell this jury what was
16 purchased?

17 A I've got a steering wheel cover, runner floor mat, that
18 would probably be for the back that goes all the way across
19 and then floor mats for the front and back.

20 Q Has anything changed to that receipt? Is that, that a
21 receipt from your store?

22 A Yeah. Date 7-4 of 2017. It's even got the time on it.

23 Q Does it indicate if it was paid for in cash or by a debit
24 card or credit card?

25 A It's either debit or credit, Visa.

Jerry Bullard - Cross by Mr. Wilson

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1 Q All right. Does it say which name that card belonged to?

2 A Looks like Linda Duval McAllister.

3 MR. OSKIN: At this time, Your Honor, the State would
4 seek to move into evidence State's Exhibit Number 10.

5 THE COURT: Any objection, Mr. Wilson?

6 MR. WILSON: I have no objection.

7 THE COURT: Mr. Spratlin?

8 MR. SPRATLIN: No objection, Your Honor.

9 THE COURT: Without objection, State's Exhibit Number 10
10 admitted into evidence.

11 (State's Exhibit Number 10 [Advance Auto Receipt]
12 admitted into evidence and appropriately marked.)

13 BY MR. OSKIN:

14 Q Mr. Bullard, that's all the questions I have. Please
15 answer Defense -- from the Defense if they have any questions.

16 THE COURT: Mr. Wilson?

17 MR. WILSON: Yes, sir. I just have one question.

18 CROSS EXAMINATION

19 BY MR. WILSON:

20 Q Do you know who made that purchase?

21 A No, sir.

22 Q All right.

23 A I, I didn't do the transaction, so I could not tell you
24 specifically.

25 Q Okay. That's the only question I had. Thank you.

1 MR. SPRATLIN: No, no questions, Your Honor.
2 THE COURT: Any redirect on that question?
3 MR. OSKIN: No, sir, Your Honor. Thank you.
4 THE COURT: You may step down, Mr. Bullard.
5 MR. OSKIN: We do ask that Mr. Bullard be allowed to
6 return to his family and work duties.
7 THE COURT: Any objection, Mr. Wilson?
8 MR. WILSON: No objection, Your Honor.
9 THE COURT: Mr. Spratlin?
10 MR. SPRATLIN: No objection, Your Honor.
11 THE COURT: Sir, you are excused. You have no further
12 responsibility here. Have a nice day.
13 A Judge, thank you.
14 THE COURT: Call your next witness, please.
15 MR. OSKIN: Thank you, sir. The State would next call
16 Ms. Britzi Waddell.
17 THE COURT: Mr. Bobby, you have that other exhibit over
18 there?
19 MR. OSKIN: Return to?
20 THE COURT: Please give that, give that back to my court
21 reporter, please. Thank you.
22 Whereupon Britzi Waddell is called to the stand, duly
23 sworn by the clerk and testified as follows:
24 THE CLERK: Can I get you to state your name and spell
25 your whole name?

Britzi Waddell - Direct by Mr. Oskin

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1 MS. WADDELL: Okay. It's Britzi Waddell, B-R-I-T-Z-I, W-
2 A-D-D-E-L-L.

3 DIRECT EXAMINATION

4 BY MR. OSKIN:

5 Q Good afternoon, Ms. Waddell.

6 A Good afternoon.

7 Q How old are you, ma'am? Sorry I have to ask.

8 A I'm 38.

9 Q Okay. Are you currently employed?

10 A Yes.

11 Q All right. Where are you employed?

12 A I own my own business selling used tires.

13 Q Selling tires, okay. Where do you sell tires at?

14 A I sell it to the different tire shops around like Tire
15 World, Parts Warehouse, things like that.

16 Q In Horry County?

17 A Yes, sir.

18 Q Okay. Are you from Horry County?

19 A I'm originally from Kentucky.

20 Q All right.

21 A But I've been here since I was 11.

22 Q Okay. Are you familiar with the Browns Chapel Avenue
23 Road?

24 A Yes, sir.

25 Q And that's in the Bucksville area; is that correct?

- 1 A Yes, sir.
- 2 Q Okay. How are you familiar with that area?
- 3 A I actually lived on that road.
- 4 Q Okay. Anybody in your family still live there or lived
- 5 there recently?
- 6 A They moved out about a year ago.
- 7 Q Okay. Is there what -- I guess what a South Carolinian
- 8 would call a landing at the end of that road?
- 9 A Yes, sir.
- 10 Q Okay. And you've observed that landing?
- 11 A Yes, sir.
- 12 Q You've been to -- have you ever been to that landing?
- 13 A Yes.
- 14 Q Have -- more than once maybe?
- 15 A Yes. More than -- on a couple of occasions.
- 16 Q Okay. Were you at that landing during the early morning
- 17 hours of July 15th, 2017?
- 18 A Yes, sir.
- 19 Q All right. Who were you there with?
- 20 A Shaun McBee and I don't remember the other guy's name.
- 21 He was from Ohio, one of his friends.
- 22 Q Okay. I'm not asking you this to embarrass you by any
- 23 stretch, but I do have to ask it and I will need you to answer
- 24 truthfully. Okay?
- 25 A Yes, sir.

Britzi Waddell - Direct by Mr. Oskin

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1 Q Were you romantically involved with either of the
2 gentlemen there that night?

3 A Yes, sir.

4 Q Okay. And which man was that?

5 A Shaun McBee.

6 Q Okay. Why were you guys down at the landing that night?

7 A We was just out there having fun camping, went swimming.

8 Q Okay. Any alcohol?

9 A No, no alcohol.

10 Q About -- now, you mentioned swimming.

11 A Yes.

12 Q Was there anything that stood out to you out of the
13 ordinary while you were swimming?

14 A Just a distinctive smell.

15 Q Okay.

16 A There was a very bad smell.

17 Q All right. Were you able to tell where it was coming
18 from?

19 A You can -- every time the wind would shift you would
20 smell like a little thing. It was like a little patch of
21 woods right there. That's where it seemed to be coming from.
22 Every time the wind would shift you could smell it coming from
23 there.

24 Q Okay. All right. What, what did you do next?

25 A That morning a friend of ours -- actually, we was there,

1 we was all there. He was from Ohio, and we were trying to
2 prove to him there was alligators out there. I know it sounds
3 funny, but that next morning we went to go in there because we
4 thought it may have been a dead animal or something that was
5 there, and he had come running out saying there was a dead
6 body in there, and he had -- I told him that was a lie or I
7 was like, "Quit lying. That's nothing to joke about." He
8 went and took a picture and showed me the picture of the
9 skull.

10 Q After that was discovered did, did you guys call law
11 enforcement?

12 A Yes. I called --

13 Q Did they, did they respond to the scene at that time?

14 A Yes, sir.

15 Q Did you guys tell -- did you guys -- did you give him a
16 statement at that time?

17 A Yes, sir. I had wrote a statement and showed them where
18 we had seen the bodies.

19 Q Ms. Waddell, please answer any questions from the
20 Defense. All right?

21 A Okay. Yes, sir.

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

23 THE COURT: Mr. Wilson, Mr. Spratlin?

24 MR. SPRATLIN: Just real briefly.

25 CROSS EXAMINATION

Britzi Waddell - Cross by Mr. Spratlin

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1 BY MR. SPRATLIN:

2 Q Ms. Wadell, you, you don't have any information of how
3 the bodies got there or anything like that; right?

4 A No, sir.

5 Q Just --

6 A Just found them.

7 Q -- somebody said they saw them in the woods, called the
8 police?

9 A Yes, sir.

10 Q Thank you.

11 A You're welcome.

12 Q No other questions.

13 THE COURT: Any redirect?

14 MR. OSKIN: Nothing for this witness, Your Honor. We'd
15 ask that she be released from her subpoena.

16 THE COURT: Any objection?

17 MR. WILSON: No objection, Your Honor.

18 MR. SPRATLIN: No objection, Your Honor.

19 THE COURT: Ma'am, you're released from your subpoena and
20 you're free to go. Have a nice day.

21 A Thank you.

22 MR. OSKIN: Your Honor, the State would next call
23 Corporal Adam Skellett with the Horry County Police
24 Department.

25 Whereupon, Adam R. Skellett is called to the stand, duly

Adam Skellett - Direct by Mr. Oskin

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1 sworn by the clerk and testified as follows:

2 THE CLERK: State your name and then spell your last
3 name.

4 MR. SKELLETT: Sure. Corporal Adam R. Skellett, S-K-E-L-
5 L-E-T-T.

6 DIRECT EXAMINATION

7 BY MR. OSKIN:

8 Q Good afternoon, Corporal Skellett.

9 A Yes, sir.

10 Q Who's your current employer?

11 A Horry County Police Department, sir.

12 Q All right. How long have you been employed with them?

13 A This'll be -- employed 2011, so eight, eight and a half
14 years.

15 Q Okay. Do you have any prior law enforcement experience
16 before your time at Horry County Police?

17 A No. No, sir.

18 Q Okay. And what is your current assignment, sir?

19 A Corporal at the south precinct, uniform patrol division.

20 Q Okay. And does -- did this differ from your assignment
21 that you were assigned to back in July 15th of 2017?

22 A Yes, sir. I was a lance corporal at that time, which was
23 just a -- once you make the five-year mark with Horry County
24 Police Department they promote you up to as a lance corporal,
25 still a patrol officer though.

Adam Skellett - Direct by Mr. Oskin

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1 Q Okay. And what were some of your duties in that
2 assignment, sir?

3 A Basic calls for service, responding to 911 calls or
4 suspicious activity calls.

5 Q Okay. Focusing your attention to July 15th, did you
6 respond to a call with regards to potential bodies found in
7 the Bucksville area?

8 A I did, sir, in the Conway Section of Horry County near
9 Bucksville, yes, sir.

10 Q Do you recall where in Bucksville you responded to?

11 A Yes, sir. If I can just look at my notes with that, at
12 the end of Browns Chapel Avenue at Browns Chapel Landing.

13 Q Okay. And, and I think you referenced it, but is that in
14 the unincorporated area of Conway?

15 A Yes, sir.

16 Q And that's within Horry County?

17 A Yes, sir.

18 Q All right. What did you observe once you got there?

19 A As I arrived on scene at that time Corporal Dailey was my
20 corporal at the time and Sergeant VanVorhees [spelled
21 phonetically] were already on scene. They advised me that
22 they met with entities one, two and three. I'm sorry. I'll
23 get their names for you right here, a Shaun McBee, a Brittany
24 [sic] Waddell and an Anthony Henry. I was advised that they
25 were staying near the river that night. They advised me that

1 they were around there about 3:00 o'clock in the morning where
2 they could -- said -- they said a foul odor was in the wooded
3 area. I was advised that around 6:15 those parties then
4 checked the wooded area and found skeletal remains. At that
5 time Sergeant VanVorhees advised me to rope off the scene --
6 I'm sorry, crime scene tape the scene. At that point also a
7 crime scene log was started for all parties that would go in
8 and out of the crime scene for that time and voluntary
9 statements were collected from the parties that were on the
10 scene.

11 Q Okay. I apologize if this is repetitive. I know you
12 covered a lot there. Were you able to confirm that there
13 were, in fact, bodies at that location?

14 A Yeah. Yes, sir. I, I did not go too far close to the
15 bodies, but I could see from a distance where they were
16 pointing them out to see the skeletal remains.

17 Q Okay. After those logs that you testified to were
18 completed, did you do anything else?

19 A No. At that time we pretty much had put crime scene tape
20 on the scene, called the major crimes division and just made
21 sure the scene was secure until they could arrive for further
22 investigation.

23 Q And did you stay there until detectives arrived on scene?

24 A I, I believe if I recall I stayed there until some of the
25 detectives arrived on scene. I had left shortly thereafter

Adam Skellett - Direct by Mr. Oskin

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1 for calls of service that had started backing up in the area
2 to start responding to more calls.

3 Q And so then that completed your involvement other than
4 being here today?

5 A Yes, sir. Yes, sir.

6 Q All right. Corporal, please answer any questions the
7 Defense may have of you.

8 MR. WILSON: I have no questions.

9 MR. SPRATLIN: I have no questions either, Your Honor.

10 THE COURT: All right. Sir, you may step down.

11 A All right. Thank you.

12 MR. OSKIN: We do ask that Corporal Skellett be excused
13 from his subpoena, sir.

14 THE COURT: Any objection?

15 MR. WILSON: Without objection, Your Honor.

16 MR. SPRATLIN: No objection, Your Honor.

17 THE COURT: Corporal, you're released from your subpoena.
18 You have no further responsibility here. Have a nice day.

19 MR. OSKIN: Your Honor, the State --

20 THE COURT: Call your next witness.

21 MR. OSKIN: Thank you. Your Honor, the State would next
22 call Detective Heath Watford, Conway Police Department.

23 Whereupon, Heath Watford is called to the stand, duly
24 sworn by the clerk and testified as follows:

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

1 MR. WATFORD: Detective Heath Watford, W-A-T-F-O-R-D.

2 DIRECT EXAMINATION

3 BY MR. OSKIN:

4 Q Detective Watford, who's your current employer, sir?

5 A Conway Police Department.

6 Q All right. How long have you been employed by them?

7 A Nine years.

8 Q Do you have any prior law enforcement experience --

9 A I do.

10 Q -- besides Conway?

11 A I do.

12 Q Where from?

13 A I started my career in Surfside Beach Police Department.

14 Q All right. What's your current assignment, sir?

15 A I'm a detective in the criminal investigations unit.

16 Q Do you do anything in addition to those duties?

17 A I am a special deputized federal agent for the Safe
18 Streets FBI Task Force as well.

19 Q In what capacity were you employed in July of 2017?

20 A I was a detective in the unit.

21 Q All right. And what are some of your duties as a
22 detective with the Conway Police Department?

23 A Cases that are collected by patrol or that need further
24 investigation, they're assigned to us by our departments --
25 our unit sergeant, and we follow up on those cases, get them

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1 ready for court, prepare case files to send to the solicitor's
2 office for prosecution.

3 Q Okay. And in July of 2017 did you become involved in a
4 missing persons case that originated out of the City of
5 Conway?

6 A I did.

7 Q Were the persons missing named Linda McAllister and
8 William Chet Clemons?

9 A Yes, sir. They were.

10 Q Without telling me what anybody said, how did you become
11 involved in this missing persons case?

12 A I was called to the scene that night by the watch
13 commander to assist Detective Mark Bobbitt with a missing
14 persons case from a residence on Dewberry Lane, which is
15 inside the city limits.

16 Q Okay. And correct me if I'm wrong, is the residence on
17 Dewberry Lane is that the, the first residence you --
18 residence you responded to?

19 A Yes, sir.

20 Q Okay. When did you first go there?

21 A Sir?

22 Q What time of day did you go there?

23 A It was roughly 6:30, 7:00 o'clock I think that evening.

24 Q All right. Was that a home?

25 A It's, it's a residence. Yes, sir.

1 Q All right. And who did that residence belong to?

2 A I learned that belonged to Linda McAllister and William
3 Chet Clemons.

4 Q All right. Did you physically enter the residence at
5 that time?

6 A I did, sir.

7 Q All right. What did you observe upon entering that
8 residence?

9 A The first thing I observed was a lot of dog feces all
10 over the house, urine stains, strong smell of urine. The
11 feces was -- lots of the feces was dried like it had been
12 there for a while.

13 Q Okay.

14 A Molded frozen food dinners sitting on the counter in the
15 kitchen.

16 Q All right. Let me stop you there. What type of food did
17 you see on the counter?

18 A I believe, if I remember correctly, it was a frozen
19 Stouffers lasagna meal.

20 Q Okay. And it was not in the refrigerator?

21 A No, sir. It was sitting on the counter beside the sink I
22 believe.

23 Q All right. What condition was that food in?

24 A It was actually thawed and molded.

25 Q Molded?

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1 A Yes. It was still in the complete package like it had
2 been taken out to put in the oven.

3 Q Did you do a, a walk-through of the residence at that
4 time?

5 A I did, sir.

6 Q Notice anything else in addition to what you've already
7 told this Court and this jury?

8 A Yes. I then entered the bedroom area, which we
9 determined to be the two victims, Linda and Chet.

10 Q Okay.

11 A Soon as I walked in there noticed the bathroom light was
12 on. The television was on. There was a picture on the
13 nightstand that was like turned down just laying face down on
14 the nightstand, phone chargers in the wall, toothbrushes in
15 the, toothbrushes in the master bathroom, had en suite
16 bathroom. The light was on in there. I, I looked in there.
17 I noticed that there were, you know, various normal, everyday
18 toiletry items along with toothbrushes, hairbrushes, stuff
19 like that.

20 Q For the next step in your investigation did you respond
21 to another location that same evening?

22 A Yes. And also, if I may, on -- with the walk-through of
23 the house I was taken to the outside patio of the house as
24 well.

25 Q Okay. What did you observe out there?

1 A It looked fairly normal for the exception of by the patio
2 table and grill area there were two what I later found out to
3 be live 38-caliber revolver rounds laying just on the patio.

4 Q Did you learn who a 38-caliber would have belonged to?

5 MR. SPRATLIN: Objection, Your Honor, calls for hearsay.

6 THE COURT: Sir?

7 MR. SPRATLIN: It calls for hearsay.

8 THE COURT: I'm going to allow him to answer the
9 question. Overruled.

10 MR. SPRATLIN: Yes, sir.

11 A I did learn through some interviews that night with Linda
12 McAllister's daughter that William Chet Clemons did own and
13 normally carried with him a derringer style pistol and my
14 experience as a, as a firearms person that most of those are
15 38 caliber.

16 Q Okay. Did that complete your investigation at that home
17 at that time?

18 A Yes, sir. It did.

19 Q All right. Were you directed to go to another residence?

20 A I was.

21 Q All right. Which residence was that?

22 A It was a residence of Jordan Hodge and Kenneth Carlisle.
23 I think it was 2611 Pleasant Union Road. It's in Galivants
24 Ferry area of Horry County.

25 Q Okay. Is -- and now, that's -- take that's county

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1 jurisdiction?

2 A Yes, sir.

3 Q Now, as a Conway officer how were you able to respond
4 there?

5 A We went out there and also had a county police officer
6 respond with us for jurisdictional purposes.

7 Q And was that in furtherance of the missing peoples case
8 filed in the City of Conway?

9 A Yes, sir. Yes, sir.

10 Q Okay. And is that why you went to that residence?

11 A We went there because we were told that the -- we were
12 told that the last people known of to speak to -- maybe have
13 spoken to the two missing people were Jordan Hodge and Kenneth
14 Carlisle and that their main means of transportation, a blue
15 Dodge RAM truck was supposedly at that residence. So we went
16 out there to further investigate to see if we can find any --
17 find the whereabouts of the, the missing couple.

18 Q Okay. And so it's at that time that you went to Pleasant
19 Union Road?

20 A Yes, sir.

21 Q All right. Once you got them -- let's focus on once you
22 got there now. Once you got on 2611 Pleasant Union Road did
23 you notice a blue Dodge RAM pickup truck located on the, on
24 the premises?

25 A I did, sir.

1 Q Did you observe anything else on the property out of the
2 ordinary at that time?

3 A Nothing out the ordinary. There was a couple of --
4 another broken -- a couple of trucks, you know, parked there
5 in the property as well.

6 Q Okay.

7 A This truck was parked kind of away from the house and
8 back down towards the woodline behind the house.

9 Q All right. And what type of neighborhood was this?

10 A It's a normal mobile home community.

11 Q Okay. Were there other mobile homes around it?

12 A Yes, sir.

13 Q All right. Where was the, the blue truck located on the
14 premises with regards to 2611?

15 A 2611 actually faces Pleasant Union Road, the front door
16 does. You turn down another dirt driveway and come up to the
17 back side of that residence. That truck was sitting the far
18 back side of what appeared to be the lot for that mobile home
19 sitting on the far back side of it behind the house backed up
20 to the, the woodline area that separated a field and that
21 mobile home community.

22 Q Okay. All right. Now, you stated that you saw the
23 truck. In what condition did the truck appear when you first
24 observed it?

25 A It was extremely dirty. It had mud and debris and stuff

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1 slung all over the, the back and the front of it like it had
2 been driven down a, you know, a coquina style road maybe.

3 Q All right. And through your duties as a detective,
4 through your abilities as a detective, were you able to figure
5 out who that truck was registered to?

6 A Yes. Yes, sir. It was registered to Linda McAllister.

7 Q While you're in 2611 Pleasant Union Road, did you speak
8 with anybody while you were there?

9 A I did.

10 Q All right.

11 A The first person I spoke to was -- I learned was a part-
12 time roommate, a Mr. Robert Bell.

13 Q Okay. Was he the only person on the premises when you
14 first arrived?

15 A When I first arrived, when Detective Nesmith and I first
16 arrived, yes, sir.

17 Q Okay. Did you speak to anybody immediately after or
18 thereabout after speaking with Mr. Bell?

19 A Yes, sir. A female emerged from the, the back door area
20 onto the back patio who I identified as Jordan Hodge.

21 Q Okay.

22 A Spoke to her and then Mr. Carlisle came out, identified
23 as, as to him, and I spoke to him as well.

24 Q All right. Let's focus on Hodge for a second.

25 A Okay.

- 1 Q You, you notice Jordan Hodge in this courtroom here
2 today?
- 3 A Yes, sir. I do.
- 4 Q Where's she at?
- 5 A She's sitting there beside Mr. Wilson.
- 6 Q Same woman you talked to that night at 2611?
- 7 A Yes, sir.
- 8 Q At that time did you ask her about the whereabouts of her
9 grandmother and her grandmother's husband?
- 10 A I did.
- 11 Q What'd she say?
- 12 A She said that they had gone to Ohio for a family
13 emergency that with some of -- they called him Chet, with his
14 family and had left them with the truck and to take care of
15 the dogs and stuff at their house.
- 16 Q You were informed that both of them left town?
- 17 A Yes, sir.
- 18 Q Told that they both left town?
- 19 A Yes, sir.
- 20 Q You touched on it, but did you ask her how she came into
21 possession of that blue truck?
- 22 A I did.
- 23 Q What did she tell you?
- 24 A She said her grandmother had loaned her the truck because
25 theirs was broke down and since they had to go out of town on

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1 an emergency to borrow that truck until they got theirs fixed
2 and to take care of their house and dogs.

3 Q All right. Were there other vehicles on the property at
4 2611 Pleasant Union Road at that time?

5 A There was.

6 Q What type of vehicles?

7 A There was another Chevrolet truck parked by the porch
8 where we were standing at, and then when Jordan and Kenneth
9 arrived on the scene they arrived in a black, I believe it was
10 a black or either dark gray Jeep Cherokee.

11 Q Okay. And did you question her as to why she was using
12 the Jeep when she had permission to use the blue truck?

13 A I did.

14 Q All right. And what was her explanation then?

15 A That her grandmother was very particular about that
16 truck. It was fairly new. They didn't want it -- she kept it
17 really clean. They didn't want smoking in it, didn't want a
18 lot of miles on it. So they borrowed that car from someone
19 else.

20 Q Did you not just tell this jury previously that that
21 truck was not in a clean condition?

22 A Yes, sir. I did.

23 Q Are you able to remember her demeanor when you first
24 spoke with her?

25 A Jordan appeared to be fairly nervous. She was kind of

1 shaking and standoffish, kind of looking away from me as I
2 would ask questions to her, but she was more than cooperative
3 in answering anything. She didn't, didn't deny me any answers
4 of anything I've asked.

5 Q At that time did you next ask her to come down to the
6 Conway Police Department and give a statement about --

7 A We -- Detective Nesmith and I asked her both and Kenneth
8 if they would, they would mind driving to the police
9 department to speak with us further so we could gather
10 information.

11 Q All right. And you've sat through, through the day with
12 us? She's still present, Detective Nesmith?

13 A Yes.

14 Q That's who just testified before you; correct?

15 A Yes, sir.

16 Q All right. Let's clarify you all's roles with regards to
17 the missing persons case, and if it's necessary. If it's not,
18 tell this jury how it worked out. Was there a lead detective
19 from the Conway Police Department in this case?

20 A Not really at that point. Detective Bobbitt was the on-
21 call detective that week. He was called to that scene
22 originally. He needed assistance, called us to assist him.

23 Q So it -- is it typical in law enforcement to arrive to
24 scenes with a partner?

25 A Yes, sir.

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- 1 Q And just to be clear for this jury, at that time while
2 you're at 2611 Pleasant Union Road it was still a missing
3 persons case; correct?
- 4 A Yes, sir.
- 5 Q Did Defendant Hodge agree to come down to the station?
- 6 A Yes, sir. She did.
- 7 Q All right. And you stated that you noticed a couple of
8 vehicles on the property. Did you ask her about driving the
9 truck down specifically, that being the blue truck, the blue
10 Dodge?
- 11 A They said they had driven it some and --
- 12 Q Did you ask them to drive it down at that time or --
- 13 A No. I did not. I just asked them if they would go down.
- 14 Q All right. Did you ask them for the keys to that truck?
- 15 A I did.
- 16 Q Okay.
- 17 A I asked Kenneth for the keys for that truck.
- 18 Q Did you first ask Jordan about the keys?
- 19 A Yes. I did.
- 20 Q All right. What did she tell you at that time?
- 21 A She said they had lost the keys to that truck.
- 22 Q At that time -- when did you first talk to Defendant
23 Carlisle?
- 24 A Right after I spoke with Defendant Jordan.
- 25 Q Okay.

- 1 A Jordan, Defendant Hodge.
- 2 Q Did you inform him that you needed the keys to the truck?
- 3 A I did.
- 4 Q All right.
- 5 A I informed him I'd like to have them.
- 6 Q How did he respond?
- 7 A He was very normal, and as soon as -- soon as I asked
- 8 about the keys to the truck his demeanor completely changed.
- 9 He became extremely nervous, shaking. He started sweating.
- 10 Every time I would mention something with the truck he would
- 11 turn and look at the truck. I noticed his pulse rate
- 12 accelerate extensively. You could actually -- I could
- 13 actually see the carotid artery in his neck start to, start to
- 14 actually start pulsing.
- 15 Q And you're able to understand, observe and indicate what
- 16 a carotid artery is based off your law enforcement experience?
- 17 A My law enforcement and medical experience.
- 18 Q Okay. What's your medical experience?
- 19 A I was a firefighter, lieutenant and an EMT for about 12
- 20 years.
- 21 Q Okay. At that time did the Defendants explain where the
- 22 keys were?
- 23 A He said that he had misplaced or lost them while drinking
- 24 with a friend the night before.
- 25 Q Okay. And who -- did they further indicate who this

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1 friend was?

2 A I believe if my memory correct says all they knew his
3 name was Don.

4 Q So they didn't know -- they didn't have a last name for
5 him?

6 A Did not have a last name or could not tell me where they
7 were -- where they lived at.

8 Q Okay. What did you do next?

9 A I advised them that just due to the circumstances, the,
10 the truck being missing and everything, I, I did walk over and
11 actually look at the truck.

12 Q I'm sorry. I was looking down -- but you did go look at
13 the truck?

14 A I did.

15 Q Okay.

16 A I did walk over and look at, look at the truck and look
17 through the window at the truck.

18 Q All right. What were you able to observe then?

19 A The truck honestly was a mess. There was papers and
20 debris, looked like fast food wrappers everywhere,
21 specifically even after they had said that, what struck my
22 attention they said that Linda didn't want anybody smoking in
23 the truck.

24 Q Okay. Did you see anything in there that --

25 A I did. I actually observed a cigarette pack laying in

1 the front seat of the truck.

2 Q All right. At that point or shortly thereafter did you
3 begin the process of preparing a search warrant for that
4 residence with the assistance of the Horry County Police?

5 A Yes, sir. We did along with, along with making a
6 decision to for evidence purposes taking possession of, of
7 that truck and having it impounded to get a search warrant for
8 it as well.

9 Q All right.

10 MR. SPRATLIN: Your Honor, just to preserve my earlier
11 objection I'm going to object to the talking about the
12 impounding of the truck, just to preserve my earlier
13 objection.

14 THE COURT: Objection so noted. The Court's rulings
15 remain the same. You may continue.

16 MR. OSKIN: Thank you, Your Honor.

17 BY MR. OSKIN:

18 Q I'm going to keep your night chronological; okay? After
19 the search warrant of the residence was executed, did you then
20 go to the station to perform the interviews that you guys
21 requested of Carlisle and Hodge?

22 A Actually went to the station first and did the interviews
23 while the search warrant was being prepared.

24 Q Okay. And were the Defendants -- did you have to wait on
25 the Defendants or were they there before you or, or how did

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1 you meet them at the station?

2 A The Defendants were there waiting on us. We actually had
3 a few minutes of delay for us actually and they said they were
4 -- I called the station. The desk officer said they were fine
5 with waiting on us.

6 Q All right. Do you remember what vehicle they drove down
7 to the station?

8 A It was that dark colored Jeep Cherokee.

9 Q Okay. It was testified to earlier and trying to keep
10 straight for the jury your role at this point. Based off the
11 investigation Detective Nesmith interviewed Jordan Hodge;
12 correct?

13 A Yes, sir.

14 Q And did you, in fact, interview Carlisle, Defendant
15 Carlisle?

16 A Yes, sir. I did.

17 Q All right. Prior to your interview with him did you
18 observe a written statement that he had filled out?

19 A I did, sir.

20 MR. OSKIN: If I may approach, Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. OSKIN:

23 Q Just briefly I'll ask you if you recognize that. It's
24 already admitted into evidence, State's Exhibit Number Six.

25 A I do.

- 1 Q All right. Is that -- what is that?
- 2 A That is a written -- a Conway Police Department written
- 3 statement form that is completed by Mr. Kenneth Carlisle, Jr.
- 4 Q Okay. After you looked at the written statement did you
- 5 request that he give an interview or did you, did you question
- 6 him?
- 7 A I, I'd asked him if he would mind sitting in an interview
- 8 with me and his answering some questions about the information
- 9 and whereabouts of the two, the two missing people.
- 10 Q All right. Was that video and audio recorded?
- 11 A Yes, sir. It was.
- 12 Q Did you mirandize him at that time?
- 13 A No, sir. I did not.
- 14 Q All right. And why didn't you mirandize him?
- 15 A It was not a custodial interview or anything. I was just
- 16 trying to gather information of the whereabouts of -- to help
- 17 us find the whereabouts of two missing people.
- 18 Q All right. In your law, law enforcement experience and
- 19 training when, when are you supposed to mirandize Defendants?
- 20 A If we're having a custodial interrogation.
- 21 Q And it's your position that this was still investigation
- 22 in furtherance of the missing persons case?
- 23 A Yes.
- 24 MR. OSKIN: May I approach again, Your Honor?
- 25 THE COURT: Yes.

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1 BY MR. OSKIN:

2 Q I'm asking you you recognize State's Exhibit Number
3 Eight?

4 A Eight. Yes, sir.

5 Q All right. What is that?

6 A That is a CD-ROM recording from our interview room at
7 Conway Police Department of my interview with Kenneth
8 Carlisle.

9 Q Exception to the motions on this, is this an accurate and
10 fair copy of everything that was recorded that night by
11 Defendant Carlisle?

12 A Yes, sir.

13 Q Okay.

14 MR. OSKIN: Your Honor, at this time the State would seek
15 to publish State's Exhibit Number Eight to the jury.

16 THE COURT: Been admitted into evidence yet?

17 MR. OSKIN: And admit it into evidence, yes, sir, Your
18 Honor.

19 THE COURT: Mr. Wilson?

20 MR. WILSON: I have no objections, Your Honor.

21 MR. SPRATLIN: No objection, Your Honor.

22 THE COURT: Without objection so admitted.

23 (State's Exhibit Number Eight [CD - Kenneth Carlisle
24 Interview] admitted into evidence and appropriately marked.)

25 THE COURT: You may publish it.

1 MR. OSKIN: Thank you, Your Honor. Ask for the Court's
2 indulgence as we set up.

3 THE COURT: Yes, sir.

4 MR. SPRATLIN: Your Honor, permission to move about the
5 courtroom to have a better view?

6 THE COURT: Yes, sir.

7 (State's Exhibit Number Eight played in open court.)

8 MR. OSKIN: Your Honor, I do have more questions of this
9 witness. I ask for the Court's indulgence, move this TV, not
10 distract the jury or Defense counsel.

11 THE COURT: Yes, sir.

12 BY MR. OSKIN:

13 Q Detective Watford, during the course of that interview,
14 did you ask Kenneth Carlisle if he -- when's the last time he
15 had spoken -- spoke to Linda and Chet, spoke or seen them?

16 A I did, sir.

17 Q All right. What'd he say?

18 A He said it was on the evening of July 4th.

19 Q All right. Did he mention a family emergency in Ohio?

20 A He did, sir.

21 Q Did he mention anything about Chet's demeanor at the time
22 of the alleged emergency in Ohio?

23 A Just said he was very upset, very vocal about Linda
24 getting ready and they needed to go.

25 MR. OSKIN: The Court's indulgence, Your Honor. Nothing

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1 further. Don't want us distracting the jury. Take a brief
2 pause so we don't have distractions for the jury. We're going
3 to proceed. Thank you, Your Honor.

4 BY MR. OSKIN:

5 Q I last asked you about the alleged emergency in Ohio;
6 correct?

7 A Yes, sir.

8 Q And I apologize for the pause. Did he -- did you ask him
9 if it was normal for Chet and Linda to go on trips like this?

10 A I did.

11 Q All right. What did he say at that time?

12 A He said it was not really abnormal. They would do just
13 sporadic off-the-wall things sometimes.

14 Q Okay. In order to clarify for this jury, I know the
15 audio situation isn't a hundred percent perfect. Did he state
16 that Chet carried a gun?

17 A He did mention Chet carried a, a small, a small handgun
18 and had it in his hand when he was -- come out of the bedroom
19 at one point that afternoon when they were getting ready.

20 Q Did he state that he took that gun -- did -- just further
21 clarification. Did he state that he took that gun with him
22 when the family emergency allegedly occurred?

23 A They said they were -- they left before they did.

24 Q Okay.

25 A Before Chet and Linda did. He said he -- I believe -- he

- 1 believed he, if my memory corrects, he'd said he remembered
2 seeing Chet put it in his pocket.
- 3 Q Okay.
- 4 A In his pocket, his, in Chet's pocket.
- 5 Q In Chet's own pocket?
- 6 A Yes, sir.
- 7 Q He didn't put it in Kenneth's pocket?
- 8 A No, sir.
- 9 Q Kenny's saying Chet put a gun in Chet's pocket?
- 10 A Yes.
- 11 Q All right. It's, it's important to clarify for the jury.
- 12 A Yes.
- 13 Q I do apologize. After that interview did you later
14 respond to 2611 Pleasant Union Road?
- 15 A I did, sir.
- 16 Q All right. Why'd you go there?
- 17 A To assist Horry County Police Department, Horry County
18 Crime Scene with the execution of the search warrant of that
19 residence.
- 20 Q Okay. So you were present at the scene when the search
21 warrant was executed?
- 22 A Yes, sir. They had already started it when I got there
23 and then I entered the residence.
- 24 Q All right. Please answer this for me, for this Court,
25 for this jury --

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1 A Sure.

2 Q -- why wasn't Conway Crime Scene out at Pleasant Union
3 Road?

4 A Conway Police Department does not have a crime scene
5 unit, at that time. We have now one crime scene officer. We
6 actually have a mutual aid agreement with the Horry County
7 Police Department with their crime scene unit to help us with
8 large-scale investigations.

9 Q Okay. And to be clear, it's still a missing persons case
10 at this point?

11 A Absolutely, sir.

12 Q Okay. And while you're on 2611 Pleasant Union Road, did
13 you enter that residence while the search warrant was being
14 executed?

15 A I did, sir.

16 Q What did you observe inside that residence upon entering?

17 A Lots of brand-new items. On typical older single wide
18 mobile home, if anybody is familiar, you walk in it's kind of
19 a living room, kitchen area. Table had brand-new like kitchen
20 appliances in it, knife sets. There were brand-new window
21 unit air conditioner units in the mobile home, Walmart bags
22 sitting around of different items for kitchen, silverware,
23 plates. There was actually, I believe, a brand-new weed-eater
24 laying in the middle of the, of the living room floor.

25 Q Okay. Stated you observed a lot of Walmart bags?

- 1 A Yes, sir. Lots of Walmart bags.
- 2 Q When I say a lot it means like three or four?
- 3 A There was probably five, six of them sitting right there
- 4 in the general kitchen, living room area that appeared to be
- 5 full of new merchandise.
- 6 Q Okay. Did you personally locate anything during the
- 7 execution of that search warrant?
- 8 A I did.
- 9 Q What did you locate, sir?
- 10 A The rear bedroom that we determined to be Jordan Hodge
- 11 and Kenneth Carlisle's in the closet of that bedroom I located
- 12 on the top shelf of the closet I located a keychain lanyard
- 13 with the name Linda on it along with a Conway, I believe it
- 14 was a Conway National Bank debit card with Linda McAllister's
- 15 name on it.
- 16 Q Okay. Were there any --
- 17 MR. OSKIN: If I may approach Madam Court Reporter?
- 18 BY MR. OSKIN:
- 19 Q Were there any contents inside that Conway National Bank
- 20 bag?
- 21 A I -- the bag, the bank bag was found at a different,
- 22 different spot in the bedroom. That was what I located in top
- 23 of the closet. It was a Conway National debit card, Conway
- 24 National Bank debit card and the keychain.
- 25 Q Okay.

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1 MR. OSKIN: If I may approach the witness, Your Honor.

2 THE COURT: Yes, sir.

3 BY MR. OSKIN:

4 Q Try to straighten this out for your, for your testimony?

5 A Yes, sir.

6 Q First show you what's State's -- what's marked as State's
7 Exhibit Number 11.

8 A Yes, sir. That's the keychain with Linda's name on it,
9 with the name Linda printed on it.

10 Q And that's what you first testified to that you noticed?

11 A Yes, sir. That was in the top -- on the top shelf of the
12 closet.

13 Q Okay.

14 A In their bedroom.

15 Q And then was it, was it in the Defendants' bedroom?

16 A Yes, sir.

17 Q All right. You were present when that photo was taken?

18 A Yes, sir. I was.

19 Q Has that photo been edited, materially, materially
20 altered, anything deleted from, changed in any way?

21 A No, sir.

22 Q It's a true and accurate reflection of the bedroom
23 surroundings --

24 A Yes, sir.

25 Q -- and where everything -- where you --

1 A Yes, sir. Very much so.

2 Q Now show you -- first -- well, this is a little more
3 complicated.

4 MR. OSKIN: Your Honor, now I would seek to admit State's
5 Exhibit Number 11.

6 THE COURT: Any objection, Mr. Wilson?

7 MR. WILSON: No objections, Your Honor.

8 MR. SPRATLIN: Without objection, Your Honor.

9 THE COURT: Without objection so admitted.

10 MR. OSKIN: Thank you, sir.

11 (State's Exhibit Number 11 [Photograph] admitted into
12 evidence and appropriately marked.)

13 BY MR. OSKIN:.

14 Q Focus here on State's Exhibit Number Nine. I'll ask you
15 if you recognize that photo?

16 A I do.

17 Q All right. Were you present when those items were
18 photographed?

19 A I was, sir.

20 Q Please tell this jury what's on that photo.

21 A That is a money bank bag from the Conway National Bank, a
22 Conway National Bank MasterCard -- debit MasterCard in the
23 name of Linda McAllister.

24 Q Is that the same one that you just mentioned?

25 A Yes, sir.

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1 Q Okay.

2 A There's some bullets there if I -- memory corrects. I
3 believe they were 38-caliber --

4 Q Okay.

5 A -- sitting there and numerous sets of keys. It looks
6 like three typical house keys.

7 Q Let's focus on those keys for a moment.

8 A Okay.

9 Q And you were getting there. In addition to the house
10 keys, do you see automobile keys there in that photo?

11 A I do, sir. I see I'll tell you three -- four, actually
12 four keys for four different types of automobiles here.

13 Q Okay. And is one of those a Dodge RAM or a Dodge
14 vehicle? I apologize.

15 A It is. The key -- large key fob with the red panic
16 button at the top of it.

17 Q Let me show this jury, please?

18 A And a set of keys right here. I know that, that's a late
19 model Dodge vehicle key fob that actually that is the key fob
20 to enter the vehicle and the actual key to start the vehicle.

21 Q All right. My daddy sells cars, so I can notice keys a
22 little bit. You have any education or prior experience,
23 training that allows you to identify the other keys in that
24 photo?

25 A I do, sir.

1 Q All right. And what would that be? Please tell this
2 Court?

3 A I have a degree in both automotive technology and repair
4 and diesel technology repair from National Auto Diesel
5 College.

6 Q Okay.

7 A I worked as a mechanic, as a certified mechanic for a few
8 years before deciding to go into public safety along with two
9 years of precollege education as a mechanic as well through
10 Conway High School.

11 Q All right.

12 A And I still build cars today as a hobby.

13 Q Okay. Are you able to identify the other key -- and I
14 may -- I'm sorry if it's repetitive.

15 A Sure.

16 Q It's important to lay the proper foundation --

17 A Sure.

18 Q -- for not only this Court but anything else. What are
19 those other keys?

20 A The next key fob here, the round one, that is to probably
21 a 2000 to mid-2000 General Motors style vehicle. The next
22 sets on the little round keychain that is a very early model
23 probably I'm going to say 1980 to older General Motors vehicle
24 and then on the black key fob that's on the Dodge, for the
25 Dodge, the first key laying there that is a typical Ford

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1 ignition key.

2 Q Now, based off your knowledge and I -- it's important to
3 ask you this. Now, that's not -- is that your opinion about
4 those keys or is that your direct knowledge based off your
5 training, your experience, your prior work?

6 A That's knowledge of my training and experience with
7 automobiles, sir.

8 Q All right. Let's focus on that Dodge key fob again --

9 A Yes, sir.

10 Q -- just a second. Do you know anything special about
11 Dodges? Do you have any special attention? You, you -- are
12 you able to recognize a Dodge key from a GMC key?

13 A Absolutely. Absolutely. I actually have owned several
14 Dodge trucks and my youngest son actually owned a Dodge
15 Charger at the time of this incident --

16 Q Okay.

17 A -- who had the exact same key fob as this.

18 Q All right.

19 A And I actually drove a Dodge Charger as a police car at
20 one point.

21 Q I'm going to ask you this then, about -- do you have any
22 idea when they would have switched over to key fobs?

23 MR. SPRATLIN: Your Honor, I'm, I'm going to object at
24 this point. I think this has gone a far afield of layman's
25 knowledge and going into the field of expertise when he has

1 not been qualified as an expert. So I think it's --

2 THE COURT: He can answer. He doesn't have to be
3 qualified as an expert under the rule. He can answer the
4 question based upon his knowledge and experience and training.

5 MR. SPRATLIN: Yes, Your Honor.

6 THE COURT: Overruled -- if you know the answer to the
7 question?

8 A Yes, sir.

9 Q Only if you know the answer, and that question is do you
10 know the year that they switched over to key fobs instead of
11 --

12 A The actual using the key for the Dodge?

13 Q Yes, sir.

14 A I believe it was around 2009, 2010.

15 Q Moving forward, you testified to the debit card and which
16 bank that it was issued from. Make clear for the jury what
17 bank that debit card was issued.

18 A Conway National Bank.

19 MR. OSKIN: All right. At this time the State would seek
20 to admit into evidence State's Exhibit Number Nine.

21 THE COURT: Any objection, Mr. Wilson?

22 MR. WILSON: I have no objections, Your Honor.

23 MR. SPRATLIN: Without objection, Your Honor.

24 THE COURT: Without objection so admitted.

25 MR. OSKIN: Thank you, sir.

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1 (State's Exhibit Number Nine [Photograph] admitted into
2 evidence and appropriately marked.)

3 BY MR. OSKIN:.

4 Q Did you -- throughout the course of this investigation
5 did you see bank records pertaining to the victims in this
6 matter, Linda McAllister and Chet Clemons?

7 A I did, sir.

8 Q All right. From which banks?

9 A I received them from -- the majority of them was from
10 BB&T, and I also received some photographs and other
11 transaction history from Conway National Bank.

12 Q Okay. And you received photos from both?

13 A Yes, sir.

14 Q All right. And you spoke to the representatives from
15 both?

16 A I did.

17 Q All right. Let's circle back to the truck here. What
18 point in the night did law enforcement come into possession of
19 the blue Dodge truck?

20 MR. SPRATLIN: Your Honor, I'm going to object again just
21 to preserve my previous objection.

22 THE COURT: Objection is so noted but the Court's rulings
23 remain the same.

24 A We came into possession of that truck the night that we
25 were called out, I believe was the 13th of July, I believe. My

1 -- I'm going by memory there, sir. I believe the 13th of July
2 when we were called out for the missing persons call.

3 Q Yes, sir. And I --

4 A Yes.

5 Q -- I believe the video shows it was later in that
6 evening?

7 A Yes. It was later in that -- it was later in that
8 evening, probably it was just getting dark, probably eight,
9 9:00 o'clock, maybe.

10 Q All right. About when do you approximate law enforcement
11 came in possession of the truck?

12 A The truck was --

13 Q That being the blue Dodge truck. I know we've testified
14 to other vehicles --

15 A Yeah.

16 Q -- and sets of keys here now. Stay clear for the jury.

17 A The blue Dodge truck, the truck was towed from the
18 property at Pleasant Union Road roughly around 9:00 o'clock
19 that night.

20 Q Okay. Was a search warrant later executed on that truck?

21 A It was, sir. First thing the next morning -- it was
22 drafted the next -- first thing the next morning. I didn't
23 clear that scene till roughly around 2 a.m.

24 Q And were you, and again, I know what you're saying.

25 A Yes, sir.

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1 Q But to clarify for the record and for the jury, were you
2 present when that search warrant was executed on the blue
3 Dodge truck?

4 A Yes, sir. I was.

5 Q All right. Did you -- was the -- were the keys to that
6 truck, in fact, found?

7 A Yes, sir.

8 Q So you -- where were they found?

9 A The set of keys with that Conway National Bank bag were,
10 were the keys to that truck.

11 Q And that's important to clarify for this jury. So it
12 wasn't just a Dodge -- a set of Dodge keys. It was, in fact,
13 the keys to --

14 A It was, in fact, the keys to that truck because, in fact,
15 I started that truck with that set of keys.

16 Q Okay. And where were those keys found?

17 A Those were keys -- the keys that were found in that
18 picture inside the Conway National Bank bag inside the bedroom
19 of Jordan Hodge and Kenneth Carlisle.

20 Q Thank you. I promise I won't ask you that one again.

21 A Not a problem, sir.

22 Q Now, after you -- what part of the truck did you open
23 first? Was it the bed of the truck or, yes, the bed of the
24 truck or the cab?

25 A It was --

1 MR. SPRATLIN: And, Your Honor, if I may, just for the
2 record, I would ask that my objection be continuing throughout
3 this line of testimony.

4 THE COURT: Yes, sir. So noted.

5 A The first part of the truck I opened, sir, was the, the
6 bed of the truck. It was covered with a like fiberglass
7 hardcover, tonneau cover, if anyone's familiar with that, just
8 a hardcover that goes over the bed. It actually had to be
9 opened prior to opening the tailgate.

10 Q Okay. And what was located in the inside of that truck
11 or truck bed as, as you're --

12 A Soon as I opened it, the first thing it was an extremely
13 strong odor of chlorine bleach that, that just overtook all
14 three of us that were standing there.

15 Q Anything else that you were not expecting or anything
16 else out of the ordinary, rather?

17 A What struck me right off the bat was there was a hat
18 laying there.

19 Q What type of hat?

20 A It was a baseball style hat. It was, if I remember
21 right, it was partially camouflage with an American flag and
22 an eagle, and a bald eagle kind of woven through the American
23 flag. I had actually seen a picture of that hat.

24 Q You had previously seen a picture of that hat?

25 A Yes, sir.

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1 Q Okay.

2 MR. OSKIN: The Court's indulgence, Your Honor, prepare
3 an exhibit.

4 THE COURT: Yes.

5 MR. OSKIN: If I may approach this witness, Your Honor.

6 THE COURT: Yes.

7 Q Detective Watford, I'm showing you what's been pre-marked
8 as State's Exhibit Number 12. You recognize that photo?

9 A I do, sir.

10 Q What's that a photo of?

11 A That is the, the hat that was in the bed of the truck
12 that I'd saw.

13 Q Is that the hat that your -- that you've been previously
14 explaining?

15 A Yes, sir.

16 Q You were present when that photo was taken?

17 A Yes, sir. I was.

18 Q Apologies. Let me gather myself here.

19 A No problem, sir.

20 Q So that is a photo of what was present when the, when the
21 truck bed was opened?

22 A Yes, sir. Yes, sir.

23 Q Nothing's been altered, edited, deleted, materially
24 changed in that photo?

25 A No, sir, not at all.

1 MR. OSKIN: Your Honor, at this time the State would seek
2 to move into evidence State's Exhibit Number 12.

3 THE COURT: Any objection, Mr. Wilson?

4 MR. WILSON: No objections, Your Honor.

5 THE COURT: Mr. Spratlin?

6 MR. SPRATLIN: Your Honor, subject to my prior objection.

7 THE COURT: Subject to prior objection, so admitted over
8 such.

9 (State's Exhibit Number 12 [Photograph] admitted into
10 evidence and appropriately marked.)

11 BY MR. OSKIN:.

12 Q I believe you were getting there, but I'm going to re-ask
13 it.

14 THE COURT: Hold on a second. Let me see the picture,
15 please, please?

16 A Okay.

17 Q I'll ask you to look over State's Exhibit Number Seven,
18 please, if you'll review those photos?

19 A Yes, sir. I'm familiar with those photos.

20 Q All right. Are those the photos that you earlier
21 testified to retrieving from the Conway National Bank?

22 A I did.

23 Q Is there anything distinct about that hat in State's
24 Exhibit Number Seven?

25 A Yes, sir.

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1 Q What would that be?

2 A It appears to be the same hat that's in State's Exhibit
3 12, which is the, the hat I located with the bloodstains on
4 it, what presumed at that time to be bloodstains in the bed of
5 the truck that belonged to Linda McAllister.

6 Q And I appreciate that. Let's keep it simple for now
7 though.

8 A Uh-huh.

9 Q How are you able to tell or approximate or estimate
10 that's the same hat?

11 A Just looking at the design of it. I had received this
12 picture prior to executing the search warrant.

13 Q Okay. What's the design on the hat?

14 A It is camouflaged with an American flag and like a -- I
15 thought it was an eagle, but it is a duck is what it appears
16 to be, but it's camouflaged and an American flag.

17 Q And before I publish -- before I request to publish to
18 the jury --

19 A Sure.

20 Q -- this is a photo of the hat while you were present at
21 the search warrant of the truck?

22 A Yes, sir.

23 MR. OSKIN: At this time, Your Honor, the State would
24 seek to publish both exhibits to the jury.

25 THE COURT: So granted.

1 BY MR. OSKIN:

2 Q After the bed of the truck, Detective Watford, did you,
3 did you open the cab of the truck?

4 A I did.

5 Q Okay. Was anything -- what, what, what did you observe
6 once you did that?

7 A There was lots of like food wrappers, cigarette packages.
8 There was a -- what appeared to be a -- maybe a piece of paper
9 towel or something laying in the, the back floorboard area
10 that appeared to have blood on it.

11 Q All right. It appeared to have blood?

12 A Yeah.

13 Q Were DNA swabs taken at that time?

14 A They were by Horry County crime scene technicians.

15 Q And that is because they do crime scene for the Conway
16 Police; correct?

17 A Yes, sir.

18 Q That was taken from who with the Horry County Police
19 Department?

20 A I believe it was Robbie Caulder.

21 Q All right. And that was from the blue Dodge RAM truck?

22 A Yes, sir.

23 Q Okay.

24 MR. OSKIN: If I may approach or pre-mark it first.

25 MR. SPRATLIN: Subject to my previous objection.

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1 MR. OSKIN: Yes, sir. If I may now approach the witness,
2 Your Honor.

3 THE COURT: Yes.

4 BY MR. OSKIN:.

5 Q I'm showing you what's been marked as State's Exhibit
6 Number 13.

7 A Okay.

8 Q Are you able to recognize that?

9 A Appears to be the, the swabs that were collected and
10 placed into Horry County evidence.

11 Q Are they, in fact, itemized on there?

12 A Yes, sir. They are.

13 Q And that's sealed there correctly?

14 A Yes, sir. It is.

15 Q Or correct rather.

16 A Yes, sir. It's sealed and marked as Dodge RAM rear
17 passenger floorboard, Dodge RAM storage rear floorboard, Dodge
18 RAM bed of truck.

19 Q Okay, and those were submitted into evidence, or let me
20 ask you this, did you put them in evidence at the Conway
21 Police Department?

22 A No, sir. These were kept in Horry County's -- Horry
23 County took possession of these at that time and placed them
24 into their evidence and then they transfer them to me and I
25 placed them and then I take them to the police department and

- 1 placed them in our evidence.
- 2 Q Okay. That's --
- 3 A Yes.
- 4 Q So that's where we --
- 5 A Yes.
- 6 Q I know I keep saying --
- 7 A It's a, it's a, it's a chain of custody for this purpose
- 8 that every person that touches it has to document why they
- 9 touch it.
- 10 Q All right. And that's why it's just so important to
- 11 clarify for this jury.
- 12 A Yes.
- 13 Q Because it's Conway but it's County, it's --
- 14 A Yes. Horry County collected them. They placed them in
- 15 the packaging and everything, put them in their evidence
- 16 areas, then signed the evidence over to me. I took possession
- 17 of it, then take it to my evidence locker, place it in our
- 18 evidence lockers that only our evidence custodian has control
- 19 of.
- 20 Q And who is that evidence custodian at the Conway Police
- 21 Department?
- 22 A She is Lisa Hill.
- 23 Q Okay. And that's because it was still a missing persons
- 24 case at this time; correct?
- 25 A Yes, sir.

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1 Q In fact, Horry County getting it, logging it, giving it
2 to you, send it to Conway, that's -- that is -- you mentioned
3 that that's --

4 A That is just normal chain of custody procedures.

5 Q That's protocols based off your law enforcement training
6 and experience?

7 A Yes, sir.

8 Q All right. And did you state who the evidence custodian
9 is for Conway? I apologize.

10 A Yes. It's Officer Lisa Hill.

11 Q Let's focus on the bed of the truck here. Any other
12 items of evidentiary value that you retrieved at that point?

13 A There were some, if I recall correctly, there was some
14 floor mats in the bed of the truck that looked, appeared to
15 have blood on them as well.

16 Q Any wrappers or anything?

17 A Floor mats. There was, there was a lot of paper towels
18 and different like packing materials. There was wallpaper
19 materials.

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

21 THE COURT: Yes.

22 BY MR. OSKIN:.

23 Q Showing you what has been marked as State's Exhibit
24 Number 14, ask if you recognize it?

25 A Yes, sir, I do.

1 Q All right. What is that?

2 A That is a -- like a gigantic wad of like paper towels.

3 Q Okay. Is that the paper towels you were just --

4 A Yes, sir, that we referred to I found in the bed of the
5 truck area that appeared to have blood on them.

6 Q Okay. Again, I know this is repetitive, but it's
7 important. Those were, excuse me, taken from Horry County
8 Police?

9 A Yes, sir, same thing, Horry County Police collected this
10 as the crime scene investigators put it into their evidence
11 area. They did a property, a property chain sheet, signed it
12 over to me. I then took possession of it and then put it in
13 our evidence.

14 Q That package is sealed?

15 A Yes, sir.

16 Q Has anything been edited, changed, deleted, altered about
17 it?

18 A No, sir.

19 Q I'm not going to make you open it up, but it's your
20 testimony that does include the paper towels that you observed
21 that night?

22 A Yes, sir. Yes, sir.

23 Q And you stated that you put that in evidence at the
24 Conway Police Department?

25 A Yes, sir.

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1 Q The same evidence custodian that it was --

2 A Yes, sir.

3 Q -- for, for the items?

4 A Yes.

5 MR. OSKIN: Your Honor, at this time the State would seek
6 to move State's Exhibit Number 14 into evidence. The State is
7 aware of Attorney Spratlin's continuing objection.

8 THE COURT: Mr. Wilson, any objection?

9 MR. WILSON: No, sir.

10 THE COURT: Without objection. Mr. Spratlin's objection
11 so noted for the record. The Court's rulings remain the same.

12 (State's Exhibit Number 14 [Paper Towels] admitted into
13 evidence and appropriately marked.)

14 THE COURT: Was 13 moved into evidence, Madam Court
15 Reporter?

16 REPORTER: No, sir.

17 THE COURT: Okay. I didn't think so.

18 MR. OSKIN: Your Honor, based off -- I just had to locate
19 it. I do apologize. State would seek to move State's Exhibit
20 Number 13 into evidence as well. That's the DNA swabs, aware
21 --

22 THE COURT: Any objection, Mr. Wilson?

23 MR. WILSON: No, sir.

24 THE COURT: Subject to your prior objection, Mr.
25 Spratlin?

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

2 THE COURT: So noted for the record. The Court's rulings
3 remain the same.

4 (State's Exhibit Number 13 [DNA Swabs] admitted into
5 evidence and appropriately marked.)

6 MR. OSKIN: Thank you for your patience, Your Honor.

7 THE COURT: Yes, sir.

8 BY MR. OSKIN:

9 Q After, after the truck was searched, were the bodies of
10 Linda McAllister and Chet Clemons later found?

11 A Yes, sir. They were.

12 Q All right. Where were they found?

13 A I was -- I got a phone call saying they had been found in
14 the Bucksport area. I believe it was Browns Way Landing, I
15 think, something of that nature. I did not go to that scene.

16 Q Okay. That's -- is that, is that county jurisdiction or
17 is it city?

18 A Yes, sir. It's Horry County jurisdiction.

19 Q At that point did this case become a murder case?

20 A Yes, sir. Once the bodies were identified as, as our two
21 missing victims, yes, sir.

22 Q The last thing I'm going to ask you. In your experience
23 as a detective with the Conway Police Department, are you
24 familiar with the coin-operated carwash that's located on 16th
25 Avenue in the city limits of Conway?

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1 A Yes, sir. Very familiar with it.

2 Q What are the hours to that business? Is it 24 hours? Is
3 it, is it dayshift, what --

4 A It's, it's manned somewhat during the day, but it's
5 available 24 hours a day, seven days a week. It's a self-
6 serve carwash. You just pull up. They have change, change
7 machines that work off of quarters that you can change dollar
8 bills, five dollar bills, wash your car, vacuum your car.

9 Q Okay.

10 A You can go through the drive-through carwash or pull into
11 one of the bays and use the brush yourself and the spray
12 nozzles and stuff.

13 Q Sound like you been there before.

14 A Quite a few times. We actually used to wash our patrol
15 cars there when I was on the patrol division.

16 Q Okay. Please answer any questions Defense counsel may
17 have of you.

18 THE COURT: All right. Let me ask this, ladies and
19 gentlemen of the jury, before we begin cross examination we've
20 been going about an hour and 50 minutes. Does anyone need a
21 break? All right. Mr. Wilson, cross-examination.

22 MR. WILSON: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. WILSON:

25 Q Detective Watford, I'm going to try not to go back over

1 the things that I covered with Detective Nesmith.

2 A Okay.

3 Q But I just need to ask you some things that you brought
4 up that she did not cover. For instance, one, you talked
5 about finding, and I assume this is when you're at the house
6 that is the home of Ms. McAllister and Mr. Clemons?

7 A Okay.

8 Q You said that you found two live 38-caliber rounds; is
9 that --

10 A Yes, sir. I did not find them. I was -- Detective
11 Bobbitt had located them prior to my arrival and he showed
12 them to me doing a walk-through of the house.

13 Q Okay. And where did he find those live rounds?

14 A They were on the outside patio area.

15 Q Okay. And --

16 A There was, I think, a, a patio table and a grill and
17 stuff.

18 Q All right. And you said to the solicitor that you had
19 information that he had carried a 38 derringer or something?

20 A Yes, sir.

21 Q A small handgun?

22 A Yes, sir.

23 Q All right. And, and so those live rounds you thought
24 belonged to, to that weapon?

25 A Possibly.

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1 Q All right.

2 A Yes, sir.

3 Q Now, you, you also said that when you got to the house
4 that you had a conversation with Jordan Hodge, you went to her
5 house and that you had a conversation with her?

6 A Yes, sir.

7 Q Okay. And you said -- I think you used the word
8 standoffish, that when she first came out that she was
9 standoffish in talking with you?

10 A Yeah. Just her demeanor was standoffish.

11 Q And would you explain that to me as best you can?

12 A She --

13 Q What, what is it?

14 A -- kind of put --

15 THE COURT: Hold on. Let him finish his question.

16 A Okay.

17 THE COURT: Go ahead, Mr. Wilson.

18 Q Explain to me what it was about her actions that made you
19 believe that she was standoffish?

20 A She -- some people, I mean, it could be just her. She
21 put a good bit of distance, as much as she could in between
22 she and I when I was asking her just normal questions. She
23 was folding her arms. She was looking away from me, not
24 making direct eye contact with me.

25 Q Okay. Well, did, did you see the video at -- that she

- 1 did at the police station a few minutes later?
- 2 A With Detective Nesmith?
- 3 Q Uh-huh.
- 4 A Yes, sir, I did.
- 5 Q All right. And, and would you describe her demeanor as
- 6 being standoffish when she's on that video?
- 7 A No, sir. She was very -- appeared to be very comfortable
- 8 with Detective Nesmith.
- 9 Q Okay. And that was, what, 30 minutes later, 40 minutes
- 10 later?
- 11 A Somewhat. It could have even been longer than that, sir.
- 12 Q Well, I'm just asking you.
- 13 A Yeah.
- 14 Q I mean, I don't know.
- 15 A It could have been.
- 16 Q All right.
- 17 A Thirty, 40 minutes to an hour later.
- 18 Q Okay. And, and, and there was no standoffishness in that
- 19 interview at all; was there?
- 20 A No, sir.
- 21 Q All right. She was open. She was candid, and she was
- 22 forthright at least in her presentation?
- 23 A Yes, sir.
- 24 Q All right. Now, you also brought up the fact that you
- 25 -- that Mr., Mr. Carlisle had told you that he had lost his

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1 phone?

2 A No, sir, I don't recall that about losing a phone.

3 Q In your conversations with the solicitor you asked him --
4 there was a conversation about whether or not he currently had
5 a telephone. He said that he did not. Do you not recall
6 that?

7 A That was in the interview room with him, yes.

8 Q Right.

9 A Yes, sir. I just asked him if he had a cell phone, if he
10 had a phone number I could reach him at.

11 Q All right. And he told you that he had lost his phone?

12 A Okay.

13 Q I'm, I'm asking you the question.

14 A Okay. Yeah, I do recall that, yes, sir.

15 Q Did he not tell you that?

16 A I thought you were speaking when we were talking at the
17 house. My, my apologies, sir.

18 A I apologize. I jumped from one to the other, but he had
19 -- when you got down to the interview he told you that he had
20 had a telephone but -- or cell phone but that he had lost it?

21 A Yes, sir, he did.

22 Q Did he tell you how long it had been lost before these
23 events occurred?

24 A No, sir, he did not.

25 Q All right. Did he tell you whether or not it had gotten

1 lost after these events had occurred?

2 A No, sir. He did not.

3 Q All right. Did he -- did you ask him, in fact, you did
4 say that you asked him where he lost it?

5 A I believe I referred to the set of car keys, sir, not his
6 phone.

7 Q I'm asking you specifically now about the, the
8 conversation that you had with him at the interview.

9 A Yes, sir.

10 Q And he says, "I don't know where I lost it." Do you not
11 recall him saying?

12 A That was referring -- I was referring to the keys to the
13 truck, sir, not his cell phone.

14 Q Well, I hadn't gotten there yet, I mean, because he
15 hadn't talked with --

16 THE COURT: We need to play the video again we can play
17 the video, he remembers it, he remembers.

18 Q Well, well --

19 MR. WILSON: Thank you, Your Honor.

20 A I don't -- I do, I do not recall asking him anything
21 about the whereabouts of his cell phone --

22 Q Okay.

23 A -- after he said he had lost it, sir.

24 Q All right. Do you recall saying that he told you that he
25 lost -- last saw Mr. Clemons and Ms. McAllister on July the

Heath Watford - Cross by Mr. Wilson

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1 4th? Do recall that?

2 A Yes, sir.

3 Q All right. And now let's talk about because you brought
4 up the, the keychain and the, and the debit card in your
5 conversations. Let me ask you about the, the keychain. When
6 you were at the house, that is at Mr. -- at Ms. Hodge's house
7 and you had a conversation with both Ms. Hodge and with Mr.
8 Clemons; is that correct?

9 A Yes, sir. I did.

10 Q All right. And Mr. -- you asked Ms. Hodge where the keys
11 were and she told you that the keys were lost; correct?

12 A Yes, sir.

13 Q All right. And then you asked Mr. Clemons -- I'm, I'm
14 sorry. You asked Mr. Carlisle where the keys were or if he
15 knew where the keys were; right?

16 A Yes, sir. I did.

17 Q All right. And Mr. Carlisle told you that he had lost
18 them while doing what now? How did he lose them?

19 A He was drinking at a friend's house.

20 Q That he had the keys and that he lost them while drinking
21 at a friend's house. Is that not what he told you?

22 A That's what he told me.

23 Q All right. All right. So the key chains that he found,
24 that you found in the closet of their bedroom he had told you
25 that those keys had been lost while he was doing something

1 else, but you actually found those keys in the bedroom in the
2 closet in the top of the closet?

3 A I found a set of keys with a lanyard, with a lanyard on
4 it with Linda's name on it. Yes, sir.

5 Q Okay. And that actually turned out to be the very keys
6 to the truck that you were trying to find or asking him and
7 Ms. Hodge about; right?

8 A No, sir. The --

9 Q Well, did you not --

10 A -- the keys to the truck were actually in the bank bag,
11 sir. That's -- that was a separate lanyard that was up in the
12 top of the closet.

13 Q I apologize. The keys, whether they were on the keychain
14 or whether they were in the bank bag, was found in the house
15 in the closet after he told you that he had lost the keys?

16 A The bank bag was not found in the closet.

17 Q It doesn't matter where the bank bag was found. My
18 question simply is didn't he tell you that he had lost the
19 keys and that you went in the house and you found the keys?
20 That's all I'm trying to get.

21 A Yes, sir.

22 Q All right. All right. And now, is there any question
23 that the keys that you found, whether they were in the bank
24 bag or in the closet or in the house or wherever they were at,
25 that those were the keys to the blue Dodge truck that we have

Heath Watford - Cross by Mr. Wilson

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1 been discussing for the last day?

2 A No, sir.

3 Q Okay. So there was no key in the bank bag that went --
4 that fit the truck?

5 A No, sir. Those were the exact keys for that truck.

6 Q I'm sorry?

7 A That was the key for that truck.

8 Q That's --

9 A Yes, sir.

10 Q -- that's what I asked. Okay. So you found -- those
11 were the keys?

12 A Yes, sir.

13 Q Okay. And, and, and those were the keys to the blue
14 Dodge truck?

15 A Yes, sir.

16 Q All right. No question about that?

17 A No, sir. None whatsoever.

18 Q All right. And no question about the fact that Mr., Mr.
19 Carlisle had told you that he had lost them?

20 A Yes, sir.

21 Q All right. Now, when, when the truck was towed, were you
22 present when, when it was actually being towed from the, the
23 yard?

24 A Yes, sir. I was there while they were loading the truck
25 up.

1 THE COURT: Hold on. Hold on. Did you finish your
2 question?

3 MR. WILSON: Yes, sir.

4 THE COURT: I'm sorry. You can answer the question now.

5 MR. WILSON: Yes, sir. I apologize if I went too fast.

6 A Yes, sir. I was there when they were loading the truck
7 onto the rollback.

8 Q Very well. And, and did you follow the truck or go with
9 them to the impound lot after they left?

10 A No, sir. I did not.

11 Q All right. So when is the next time that you -- from the
12 date that the truck was moved to the impound lot when is the
13 next time that you were present when the truck -- in the
14 presence of the truck? When was the next time that you were
15 there with the truck?

16 A Late the next morning when we executed the search warrant
17 on the truck, sir.

18 Q Okay. All right. And when you executed the, the search
19 warrant on the truck you say you found a hat?

20 A Yes, sir.

21 Q All right. And, and that hat was pictured in, I think it
22 was State's Exhibit Number --

23 THE COURT: My foreman's holding it over here, Mr.
24 Wilson. The photos are right over there if you need them.

25 MR. WILSON: Oh, that's where I was looking. Thank you.

Heath Watford - Cross by Mr. Wilson

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1 JUROR: Number 12.

2 MR. WILSON: Thank you.

3 Q What's marked as State's Exhibit Number 12; is that
4 correct?

5 A Yes, sir.

6 Q All right. And, and then you also had State's Exhibit
7 Number Seven?

8 A Yes, sir.

9 Q All right. And you're saying that those are the same
10 hats? Is that --

11 A They appear to be.

12 Q Okay. All right. And who's wearing that hat in the
13 photograph that you have?

14 A William Clemons.

15 Q All right. All right. Now, did you find any hat or
16 anything else belonging to Ms. Hodge in that truck that you
17 identified?

18 A No, sir. I did not. No, sir.

19 Q All right. Now, as I understand it you -- while you were
20 present, I assume while you were present because you were
21 present when they -- when the CSI people went through the
22 truck and did the swabbing?

23 A Yes, sir. I was.

24 Q All right. And, and there were swabs taken for the
25 purpose of sending to be tested?

1 A Correct, sir.

2 Q All right. And you would have sent those to SLED?

3 A Yes, sir, they eventually went to SLED.

4 Q Now, whose responsibility would that have been to make
5 sure that they got to SLED?

6 A The evidence custodian.

7 Q All right. And who was that?

8 A Our evidence custodian for the City of Conway is Lisa
9 Hill.

10 Q All right. Now, the solicitor asked you about a coin-
11 operated carwash on 16th Avenue and was there something
12 involving a truck with the carwash at 16th Avenue?

13 A At that time not to my knowledge.

14 Q All right. I don't have any other questions. Thank you,
15 sir.

16 THE COURT: Mr. Spratlin.

17 MR. SPRATLIN: Yes, sir, Your Honor. Thank you.

18 CROSS EXAMINATION

19 BY MR. SPRATLIN:

20 Q How are you this afternoon, Detective Watford?

21 A I'm good, sir. How are you?

22 Q Pretty good. I know it's getting a little late in the
23 day. I'm not going to be too long.

24 A Okay.

25 Q This might be jumping around a little bit, but I, I kind

Heath Watford - Cross by Mr. Spratlin

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1 of wrote my questions in the order that the solicitor was
2 first addressing them. So I'm going to go back to kind of
3 that order. The first thing you did on this case was you went
4 to the residence with, I think you said, Detective Bobbitt of
5 Linda McAllister and William Clemons; is that right?

6 A Yes, sir.

7 Q And you're about the third person who's testified about
8 some wedding photo on the nightstand. Do you remember that?

9 A Yes, sir. I do.

10 Q Said it was turned upside down or something like that?

11 A Facedown.

12 Q Facedown. Was that photo ever fingerprinted or any
13 evidentiary tests ever done on that photo to your knowledge?

14 A I do not know, sir.

15 Q Okay.

16 A I did not do any crime scene processing. So I could not
17 answer that question.

18 Q So you have no real knowledge of any relevance that that
19 photo has to what we're talking about here?

20 A Just in the position that it was in seemed odd.

21 Q Okay. The next thing you did after going to Linda
22 McAllister and, and William Clemons's residence is you went to
23 my client's residence; correct?

24 A Yes, sir.

25 Q And that residence is actually occupied by two other

- 1 people than my client, that being a gentleman I think by the
2 name of Robert Bell.
- 3 A Yes, sir.
- 4 Q Does that name sound familiar?
- 5 A Yes, sir.
- 6 Q You came into contact with him first; correct?
- 7 A Yes, sir.
- 8 Q And then the other occupant of the house was the
9 Codefendant here Ms. Jordan Hodge?
- 10 A Correct, sir.
- 11 Q You came in contact with her second?
- 12 A Yes, sir.
- 13 Q And then you talk to my client, I believe, third?
- 14 A Yes, sir.
- 15 Q All right. Now, one of the things you mentioned was that
16 you kind of thought it was odd that there were so many
17 vehicles in the yard; is that correct? Maybe not odd but you
18 noticed that?
- 19 A But just -- I noticed it. Yes.
- 20 Q But in that area of town it's not necessarily unusual for
21 a large number of pickup trucks to be parked in the yard; is
22 it?
- 23 A No.
- 24 Q Thank you. You said that when you talked to my client he
25 appeared to be, I think you said, nervous; correct?

Heath Watford - Cross by Mr. Spratlin

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1 A Once I mentioned the truck. Yes, sir.

2 Q Okay. It's not uncommon for people to be nervous when
3 having conversations with police; is it?

4 A Not, not, not un-normal, but when someone is talking
5 seems to be not nervous or anything like that, then when you
6 mention a certain item or certain thing and it like triggers
7 something and then they become extremely nervous about
8 questions about that specific item, yes, sir, that is a
9 little.

10 Q But even so, knowledge of potential evidence in, in
11 somewhere does not mean guilt of the crime that the evidence
12 shows; does it?

13 A No, sir.

14 Q And this interview, this meeting with my client occurred
15 well after any alleged murder here occurred; correct?

16 A Which meeting, sir?

17 Q The meeting with my client at the, the house, I think you
18 said you the 13th?

19 A Okay. I was investigating the missing persons complaint,
20 sir.

21 Q Okay. But nobody had seen or heard from Linda McAllister
22 or William Clemons for several days or a week and a half
23 before this meeting; right?

24 A According to them it was on the 4th of July.

25 Q Okay. In fact July 3rd was the last time that anyone

1 had ever been in contact with either one of them to your
2 knowledge; right? Or do you not have knowledge to that?

3 A There -- your client said it was July 4th.

4 Q Okay. So all of this that you're describing here in the
5 conversations, the searching of the truck, all that happened
6 well after the last time someone had had contact with William
7 Clemons and --

8 A Yes, sir. Yes, sir.

9 Q -- and Linda McAllister? Excuse me. Talked a lot about
10 a 38-caliber shell casings I believe you said were found by
11 Detective Bobbitt at the Dewberry Lane house; is that right?

12 A Yes, sir. They were actual bullets. They weren't shell
13 casings. They were actually live rounds.

14 Q Oh, I'm sorry, bullet.

15 A Yes, sir.

16 Q Actual bullets?

17 A Yes, sir.

18 Q And I think you talked about William Clemons, commonly
19 called Chet, having a 38-caliber derringer type gun?

20 A A derringer type pistol.

21 Q You don't have any knowledge here today that a 38-caliber
22 gun of any kind was involved in the murders we're hear about;
23 do you?

24 A No, sir.

25 Q Regarding the keys that were found at the -- Mr. Wilson

Heath Watford - Cross by Mr. Spratlin

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- 1 asked a lot about them. The solicitor asked a lot about and
2 were introduced over -- in the -- in one of the photos there.
3 Where were those found in the house again?
- 4 A They were in a Conway National Bank bag in a like
5 nightstand, I believe, beside the bed.
- 6 Q Okay. In whose bedroom were those found?
- 7 A Then Kenneth Carlisle's and Jordan Hodge's.
- 8 Q So both of their bedrooms?
- 9 A Yes, sir.
- 10 Q All right. And you said also along with that key was a
11 debit card with or credit card with the name Linda McAllister
12 on it; correct?
- 13 A Yes, sir. Yes sir.
- 14 Q My client would never be able to pass as a Linda
15 McAllister; would he?
- 16 A Not to me he wouldn't.
- 17 Q The bank bag was found in a common area of the house
18 accessible to both Defendants?
- 19 A I would assume so.
- 20 Q Were you the officer that called Detective Nesmith to get
21 her to ask about the guns?
- 22 A No, sir. I was not.
- 23 Q Okay. All right. Thank you, Detective. That's all the
24 questions I have.
- 25 A Thank you, sir.

1 THE COURT: Any redirect?

2 MR. OSKIN: Very, very brief, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. OSKIN:

5 Q Detective Watford, first with regards to Attorney
6 Wilson's questions, when you first spoke with Defendant Hodge
7 she, in fact, first told you that the keys were inside the
8 residence; is that correct? You do not remember?

9 A Defendant Hodge, when she told? I, I don't recall that.

10 Q If you saw a copy of your report would that help refresh
11 your memory?

12 A Absolutely, sir.

13 Q Direct you to line 21 from the top. See -- tell this
14 jury what that says about Jordan Hodge's first response to you
15 about the keys belonging to the truck. It's not numbered.
16 You'll have to count down.

17 A Okay. Okay. Yes. When I did ask about it Jordan then
18 stated that she had to go inside to find the keys of the
19 truck.

20 Q Okay. Let me stop you there. Immediately after that is
21 that when you first spoke to Defendant Carlisle?

22 A Yes. Soon -- when she walked, according to my notes it
23 says when she entered the residence a male walked out and he
24 was identified as Kenneth Carlisle.

25 Q You ask him about the keys. You testified to that?

Heath Watford - Redirect by Mr. Oskin

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1 A Yes, sir.

2 Q And he told you that they weren't there?

3 A Yes.

4 Q At that time did you re-ask Jordan Hodge about the
5 whereabouts of the keys or let me better ask it this way. Did
6 she change her story about where the keys were?

7 A Yes, sir, she did. At that point --

8 THE COURT: Hold on a minute.

9 MR. WILSON: He's leading his witness and suggesting to
10 his witness the answers to the questions, you know, whether or
11 not she lied to him or whether or not she -- these are all
12 suggestive questions that he's asking and this is his witness.

13 MR. OSKIN: Your Honor, I'm on redirect and I can
14 certainly --

15 THE COURT: It's on, it's on redirect. I'm going to
16 allow him to clear it up. Go ahead.

17 MR. OSKIN: Thank you, Your Honor.

18 BY MR. OSKIN:

19 Q Let's be real clear.

20 A Okay.

21 Q Real succinct. Where, where did Jordan say the keys were
22 that first time you asked her for them?

23 A Inside the house.

24 Q Did she tell you a different location for the keys after
25 that?

- 1 A Yes, sir.
- 2 Q Where were they then?
- 3 A Lost.
- 4 Q To -- where did she lose them?
- 5 A At their friend Don's house.
- 6 Q Did she know Don's last name?
- 7 A No. She did not.
- 8 Q Did she remember where Don lived?
- 9 A No, sir. She did not.
- 10 Q Were you told that she was able -- that she was given
- 11 permission to drive that truck?
- 12 A I was told by her that she was given permission to drive
- 13 that truck.
- 14 Q Did you see her drive -- what vehicle did she drive to
- 15 your station?
- 16 A A dark-colored Jeep Cherokee.
- 17 Q Did she mention that that Jeep had broken down previously
- 18 and that's why she had the blue truck?
- 19 A One of their vehicles had broken down.
- 20 Q Okay. Last question. I know there's a lot of keys in
- 21 this situation.
- 22 A Uh-huh.
- 23 Q The Dodge key --
- 24 A Yes, sir.
- 25 Q -- I'll focus solely on the Dodge key?

Heath Watford - Recross by Mr. Wilson

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1 A Okay.

2 Q Did that key start the blue truck?

3 A Yes, sir. It did.

4 Q Did you personally do it?

5 A Yes, sir. I did.

6 Q Thank you.

7 MR. OSKIN: Nothing further from the State.

8 THE COURT: Mr. Wilson.

9 RECROSS EXAMINATION

10 BY MR. WILSON:

11 Q Now, may I see the statement that you just read?

12 A Absolutely, sir.

13 Q Now, you testified, if I'm not badly mistaken, you
14 testified when the solicitor asked you on direct examination
15 that Jordan Hodge came out of the house, she asked -- you
16 asked her where the keys were. She told you that she didn't
17 know that the keys -- that she didn't know where the keys
18 were. Now you're saying now that you're saying, "Oh, no,
19 that's not true, that she actually told me that the keys were
20 in the house, that she had to go in the house to get them."
21 Now, which is true? It -- both can't be true.

22 A I didn't --

23 Q So did she tell you that or not?

24 A I don't recall, sir, and after looking at my notes, it
25 has been almost -- it's been over two years at this point. It

1 was a memory refresher.

2 Q You also said that Jordan was standoffish, but in your
3 report that's not what you say at all; is it? You say, "The
4 whole time I was speaking to Jordan she was shaking and
5 appeared to be very nervous"?

6 A Standoffish.

7 Q So this is, this is a whole different than what you've
8 just testified to; right?

9 A No, sir, nervous, standoffish. It's --

10 Q I know I specifically asked you to describe to me what
11 standoffish meant to you; right? Do you recall that?

12 A I believe I mentioned nervous, too, sir.

13 Q We'll let the record speak for itself for that. Let me
14 also ask you this. Now, in regards to Ms. Carlisle, I'm
15 sorry, Ms. Hodge coming out of the house, so which is it,
16 which is it so that we're all clear. When she came --

17 MR. OSKIN: Objection, asked and answered, Your Honor,
18 referencing his report.

19 THE COURT: Let him finish his question first, please.
20 Finish your question, Mr. Wilson.

21 Q Which is it, because you've given two versions. You've
22 said on the one hand to the solicitor that in this -- based on
23 this report that you're saying now that she said she had, she
24 had to go in the house and find the keys for you. Okay?

25 A Uh-huh.

Heath Watford - Recross by Mr. Wilson

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1 Q You told the solicitor and me in the beginning that she
2 told you she didn't know where the keys were, and what I'm
3 simply asking you is which of those versions is true? Which
4 happened?

5 A The one in my report is what happened, sir.

6 Q So what you told us before is not true; is that what
7 you're saying?

8 A No, sir. I was -- that was a memory collect. I did not
9 recall everything that happened.

10 Q Okay.

11 A That was a mistake on my part, sir. It was she, she, she
12 came out. I had forgotten about the part she said the keys
13 were inside and that's why she went back in to go get them.

14 Q Okay. Now, you also said that Mr. Carlisle, that Mr.
15 Carlisle told you that he lost the keys while he was with a
16 friend or at a friend's house or something to that effect;
17 right?

18 A Yes, sir.

19 Q All right. Now, is that true?

20 A Yes, sir.

21 Q All right. And so is that still true now?

22 A Yes, sir.

23 Q All right. And, and that friend name was Don?

24 A Yes, sir.

25 Q All right. And is there any question that according to

1 you Mr. Carlisle told you that he, he lost the keys at a
2 friend named Don's house?

3 A No question to that. He never changed that story.

4 Q All right. And, and what -- and let me ask you this,
5 based on your first, on your second story that Jordan went in
6 the house to find the keys, did she ever come back out with
7 any keys?

8 A No, sir.

9 Q All right. I don't have any other questions.

10 THE COURT: Mr. Spratlin.

11 MR. SPRATLIN: Real briefly, Your Honor.

12 THE COURT: Yes, sir.

13 RE CROSS EXAMINATION

14 BY MR. SPRATLIN:

15 Q To follow up a little bit on that, Detective Watford, Ms.
16 Hodge did tell you that the keys were lost as, as well as my
17 client; correct?

18 A Yeah. At one point, yes, sir.

19 Q Is it possible or conceivable in your experience dealing
20 with vehicles that there may have been more than one set of
21 car keys?

22 A There could have been.

23 Q So one set could have been lost. One set could have been
24 in the Conway National Bank bag, a hundred percent possible?

25 A It's possible, yes.

Heath Watford - Recross by Mr. Spratlin

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1 Q And I think you said that one of the things that gave you
2 concern about my client was his nervousness; correct?

3 A Yes, sir.

4 Q You -- and Ms. Hodge was also very nervous; correct?

5 A Yes, sir. Both of them were, especially when the truck
6 was started to be mentioned.

7 Q Thank you. No further questions.

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

9 A Thank you, sir.

10 THE COURT: All right. Ladies and gentlemen, it's
11 pushing about 23 till six. I told you it'd be very rare that
12 I'd keep you here beyond 6:00 o'clock, pushing it today,
13 pushing it today, but I'm going to let you go home at this
14 point for the, for the day, for the evening. Instructions
15 remain the same, do not discuss this case at all with anyone.
16 Do not do any independent investigation on your own. As I
17 told you from the outset, you're to decide this case based
18 solely upon the evidence and testimony that's presented in
19 this courtroom and nowhere else. I'd ask that you be back
20 here at 9:00 o'clock in the morning, be back at 9:00 o'clock
21 in the morning and let's try to start as promptly at that time
22 as possible. Thank you all. You have a good evening.

23 (Whereupon, the following takes place outside the
24 presence of the jury.)

25 THE COURT: Anything from the State before we break for

1 the day?

2 MR. OSKIN: No, sir, Your Honor. Thank you.

3 THE COURT: Defense counsel, Mr. Wilson?

4 MR. WILSON: No, sir, Your Honor.

5 THE COURT: Mr. Spratlin?

6 MR. SPRATLIN: No, Your Honor.

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

8 MR. OSKIN: Yes, sir.

9 (Whereupon, a bench conference is held.)

10 THE COURT: See you all tomorrow morning. All right.

11 Thank you.

12 (Adjourned for the day.)

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State v. Carlisle, Hodge

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

3 THE COURT: Thank you. Be seated, please. All right.
4 Good morning, ladies and gentlemen, anything from the State
5 before I bring the jury out?

6 MR. OSKIN: Nothing from the State, Your Honor. Would
7 like to note for the record with regards to our first witness
8 which Your Honor is aware of and in the media limitation
9 thereof, Defense counsel has had an opportunity to look at his
10 NCIC, misdemeanor convictions, driving offenses, anything
11 impeachable on that, but they've had the opportunity to do
12 that.

13 THE COURT: All right, Mr. Wilson, anything?

14 MR. WILSON: Nothing, Your Honor.

15 THE COURT: Mr. Spratlin?

16 MR. SPRATLIN: Nothing, Your Honor.

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

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

20 THE COURT: All right. Good morning, ladies and
21 gentlemen. I hope you all had a good evening yesterday and
22 are ready to proceed here today. At this time I'm going to
23 recognize the State. Call your next witness.

24 MR. OSKIN: Thank you, Your Honor. The State would first
25 call to the stand Mr. Ernest Yost.

Ernest Yost - Direct by Mr. Oskin.

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1 Q All right. At any point that you knew them did you ever
2 sell any, any guns to them?

3 A I sold them two.

4 Q Okay. What was the first gun that you sold to them?

5 A 25.

6 Q All right. Who you'd sell that to directly?

7 A Kenny.

8 Q When you say a 25, does that mean a 25-caliber?

9 A Yes, sir.

10 Q All right. Do you remember when or about you sold that
11 weapon?

12 A It was like sometime in May.

13 Q In May?

14 A Yes, sir.

15 Q And was that in the year of 2017?

16 A Yes, sir.

17 Q At a later date did you sell them another gun?

18 A Yes, sir.

19 Q Do you remember when or about that date was?

20 A It was like three days before they got arrested.

21 Q What type of -- caliber was that?

22 A That was a 40.

23 Q Did they purchase -- where, where did they purchase that
24 at?

25 A The tattoo shop.

- 1 Q They were both present there?
- 2 A Yes, sir.
- 3 Q Did, did they buy anything else like a tattoo or
- 4 anything?
- 5 A She got a tattoo.
- 6 Q Ms. Hodge got a tattoo?
- 7 A Yes, sir.
- 8 Q Do you recall what type of tattoo?
- 9 A It was a rainbow butterfly.
- 10 Q Did you see them -- did you happen to notice what vehicle
- 11 they drove to the shop?
- 12 A Some kind of truck.
- 13 Q All right. Do you remember the color?
- 14 A I remember something was on the back of the window.
- 15 Q Okay.
- 16 A And if I'm not mistaken it was blue.
- 17 Q All right. Did it get your attention though?
- 18 A Yeah. I tried to buy it.
- 19 Q Tried to buy it. And let's be clear for this Court and
- 20 this jury and this record. You don't want to be here today;
- 21 do you?
- 22 A No. Not at all.
- 23 Q You're here because you're under subpoena; is that
- 24 correct?
- 25 A Yes, sir.

Ernest Yost - Cross by Mr. Wilson

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1 Q All right. Please answer any questions the Defense may
2 have.

3 THE COURT: Mr. Wilson?

4 MR. WILSON: I just have a couple of questions.

5 CROSS EXAMINATION

6 BY MR. WILSON:

7 Q Did I understand you to say that you sold two guns to Ms.
8 Hodge and Mr. Carlisle?

9 A Yes, sir.

10 Q All right. And --

11 THE COURT: Speak up, speak up, please.

12 Q -- and that was on two separate occasions or on one
13 occasion?

14 A Two separate occasions.

15 Q All right. How -- what's the time difference in when you
16 sold the first gun versus the second one; do you know?

17 A From May until they got locked up.

18 Q May until you got locked up?

19 A Till, till they got locked up. It was three days before
20 they got locked up.

21 Q From May -- okay. Some times in May till July; is that
22 what you're saying?

23 A Yes, sir.

24 Q All right. And the first gun was a what?

25 A A 25.

1 Q All right. And who'd you sell that to?

2 A Kenny.

3 Q I'm sorry?

4 A Kenny.

5 Q Kenny, Mr. Carlisle, and, and what about the 40-caliber?

6 A Sold it to him, too.

7 Q To him, too?

8 A Yes, sir.

9 Q Okay. Thank you.

10 THE COURT: Mr. Spratlin.

11 MR. SPRATLIN: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. SPRATLIN:

14 Q Good morning, Mr. Yost. How are you today?

15 A All right.

16 Q Just got a couple of questions for you. The times that
17 these guns were sold I think you said they were in May of 2017
18 and then July of 2017. Does that sound about right?

19 A Yes, sir.

20 Q Both Mr. Carlisle and Ms. Hodge were there both times the
21 gun were sold; right?

22 A Yes, sir.

23 Q So both were present at the time that both guns were
24 purchased on separate days. Do you -- how well do you recall
25 the May 2015 or 2017 gun purchase?

Ernest Yost - Cross by Mr. Spratlin

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1 A Well, I, I don't really even know him. I just met him
2 that one time, sell him the gun, he come up and bought a gun.

3 Q How, how well do you recall the actual transaction and
4 what happened that day?

5 A I remember it well now after all this.

6 Q Okay. Do you recall him taking that gun and handing it
7 to Ms. Hodge after buying it from you?

8 A I didn't pay no attention.

9 Q You didn't pay any attention to what he did with it but
10 he could have, could have given it to Ms. Hodge. You weren't
11 paying attention; right?

12 A Yeah.

13 Q In fact, he never told you or, or stated any kind of
14 purpose for this gun; did he?

15 A No, sir.

16 Q And do you recall what color this gun was?

17 A It was -- had a little blue grip on it and silver.

18 Q And this is a smaller caliber handgun; right?

19 A Yes, sir.

20 Q The handgun that was purchased the second time in July of
21 2017, again, both Mr. -- I mean, Ms., Ms. Hodge and Mr.
22 Carlisle both came for that gun purchase as well; right?

23 A Yes, sir.

24 Q And during that gun purchase that was a 40-caliber
25 handgun; correct?

- 1 A Yes, sir.
- 2 Q And again, don't know -- and again, you say you sold it
- 3 to Mr. Carlisle?
- 4 A Yes, sir.
- 5 Q And again, you don't know what he did with it after
- 6 getting it; right?
- 7 A No, sir.
- 8 Q Don't know if he gave it to Ms. Hodge or not?
- 9 A No. I don't know.
- 10 Q But that same day Ms. Hodge did buy a tattoo from you as
- 11 well; right?
- 12 A Yes, sir.
- 13 Q And you're actually a tattoo artist on top of, of selling
- 14 guns; correct?
- 15 A Yes, sir.
- 16 Q And you also discussed the blue truck?
- 17 A Yes, sir.
- 18 Q And again, both Ms. Hodge and Mr. Carlisle were in that
- 19 blue truck?
- 20 A Yes, sir, and one of my artists was in there with them.
- 21 Q One of your artists, one of your tattoo artists?
- 22 A Yes, sir.
- 23 Q Okay. All right. Thank you. That's all the questions I
- 24 have, Mr. Yost.
- 25 THE COURT: Any redirect?

Ernest Yost - Redirect by Mr. Oskin

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1 MR. OSKIN: One question.

2 REDIRECT EXAMINATION

3 BY MR. OSKIN:

4 Q Was there any price difference between the 25-caliber and
5 the 40-caliber weapons you sold them?

6 A Yeah.

7 Q What was that price or what were those prices? I'm
8 sorry.

9 A The 25 was 125 and the 40 was 500.

10 MR. OSKIN: Nothing further from the State, sir.

11 THE COURT: Mr. Wilson?

12 MR. WILSON: Nothing further.

13 THE COURT: Mr. Spratlin?

14 MR. SPRATLIN: Nothing, Your Honor.

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

16 A Thank you.

17 MR. OSKIN: Your Honor, the State does ask that Mr. Yost
18 be excused from his subpoena.

19 THE COURT: Any objection?

20 MR. WILSON: No objections, Your Honor.

21 THE COURT: Mr. Spratlin?

22 MR. SPRATLIN: No objection, Your Honor.

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

25 A All right. Thank you. Thank you.

John Caulder - Direct by Mr. DeBusk

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1 MR. OSKIN: Your Honor, beg the Court's indulgence for
2 the media to set up our --

3 THE COURT: Call your next witness, please.

4 MR. DEBUSK: Your Honor, the State calls Robbie
5 Caulder.

6 Whereupon, John Caulder is called to the stand, duly
7 sworn by the clerk and testified as follows:

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

9 MR. CAULDER: John Caulder, C-A-U-L-D-E-R.

10 DIRECT EXAMINATION

11 BY MR. DEBUSK:

12 Q Mr. Caulder, who is your employer now?

13 A I currently work for Action Fence Company.

14 Q Did you ever work for the Horry County Police Department?

15 A Yes, sir. I did.

16 Q How long did you work for them?

17 A 20 years.

18 Q 20 years. You retired now?

19 A I retired in May of this year.

20 Q What did you do while you were working for the Horry
21 County Police Department?

22 A I was a senior investigator for the crime scene unit.

23 Q How long did you work with the crime scene unit?

24 A For 17 years.

25 Q So almost your whole career?

John Caulder - Direct by Mr. DeBusk

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1 A Yes, sir.

2 Q Okay. When you retired -- or, or let me ask you about
3 this. In July of 2017 what were your duties?

4 A I still was a senior investigator in the crime scene
5 unit.

6 Q And what would an investigator in the crime scene unit
7 do?

8 A Basically we responded and assisted other detectives,
9 patrol officers, other departments and assisting with the
10 processing of scenes ranging from homicides to, to rapes to
11 assaults.

12 Q Were you involved in the investigation of the missing
13 persons case and then murder investigation that involved Linda
14 McAllister and William Chet Clemons?

15 A Yes, sir, I was.

16 Q And what was your role?

17 A I was the initial responding crime scene person. The
18 City of Conway called and asked for assistance with the crime
19 scene unit in reference to two missing persons from the city.

20 Q So initially you were helping City of Conway?

21 A That is correct.

22 Q At that time was that a missing persons case?

23 A Yes, sir.

24 Q Okay. Later did that become a murder case for the Horry
25 County Police Department?

1 A It did. A few days later I also responded to, since I
2 was the initial responder on the missing persons case, I was
3 called to respond to Bucksport area in reference to two
4 persons being found.

5 Q And where those people were found that was not in the
6 City of Conway; correct?

7 A That is correct.

8 Q So that would have been county jurisdiction?

9 A That is correct.

10 Q Hence this change in departments?

11 A Yes, sir.

12 Q Let me show you State's Exhibit 15 and ask if you
13 recognize this.

14 A Yes, sir. It's an overall -- looks -- appears to be like
15 a Google map of the Conway area and maybe the Loris area.

16 Q Are there markers on that map?

17 A Yes, sir, there is.

18 Q What do those markers indicate?

19 A 3016 Dewberry Drive is the initial residence of the two
20 original missing persons. Then it has 2611 Union -- Pleasant
21 Union Road, which is in the Loris area. It is the address
22 which was a single wide mobile home that I responded to where
23 the two -- the granddaughter and her boyfriend resided at and
24 then the end of Browns Chapel Avenue, which is down in the
25 Bucksport area, is where I responded to where the two bodies

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1 were located.

2 Q Based on your many years as an officer is that a fair and
3 accurate representation of the geographic location of those?

4 A Yes, sir.

5 MR. DEBUSK: Your Honor, at this time we'd move this into
6 evidence.

7 THE COURT: Mr. Wilson.

8 MR. WILSON: I don't have any objections.

9 MR. SPRATLIN: No objection, Your Honor.

10 THE COURT: Without objection State's Exhibit Number 15
11 admitted into evidence.

12 MR. DEBUSK: Thank you, Your Honor.

13 (State's Exhibit Number 15 [Photograph] admitted into
14 evidence and appropriately marked.)

15 BY MR. DEBUSK:

16 Q Now what -- you said you started helping the City of
17 Conway. What was the first scene you visited?

18 A The first scene was the Dewberry Drive scene.

19 Q Let me show you State's Exhibit 16 and ask if you
20 recognize that.

21 A Yes, sir. It's an overview of the residence there on
22 Dewberry Drive.

23 Q Is that a fair and accurate representation of the
24 residence?

25 A That is correct.

1 MR. DEBUSK: Your Honor, we'd move State's 16 into
2 evidence.

3 THE COURT: Mr. Wilson?

4 MR. WILSON: No objections, Your Honor.

5 MR. SPRATLIN: No objection.

6 THE COURT: Without objection State's 16 is admitted.

7 (State's Exhibit Number 16 [Photograph] admitted into
8 evidence and appropriately marked.)

9 BY MR. DEBUSK:

10 Q Now, when you arrive at a scene where you're working
11 what's the first thing you do?

12 A The first thing I initially do when I arrive at any scene
13 was get up with the whoever who is the responding detective
14 and find out what information from them and the road officers
15 that they may have acquired and basically what, what I'm there
16 for, to find out that. After that the initial thing to do is
17 to photograph the outside of the residence, in this case was a
18 residence, just try to give perimeter shots as to show the
19 scene as it depicted as when I arrived. Then we go through --
20 once a search warrant is obtained or if permission was gained
21 by the detective they pass that information along to me and
22 then I continue on into the interior of the home.

23 Q Let me start with State's 17 and ask if you recognize
24 that?

25 A Yes, sir. It's a photograph of mine depicting the front

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1 of the residence.

2 Q And then I'm going to ask you about 18, 19, 20 and 21 and
3 22. Ask you if you recognize those?

4 A Yes, sir. All are photographs of the interior and
5 exterior places of the, the home.

6 Q Did you take those pictures?

7 A I did.

8 Q Let me start, show it to Defense.

9 MR. DEBUSK: Your Honor, the State would move 18 through
10 -- 17 through 22 into, into evidence at this time.

11 THE COURT: Any objection?

12 MR. WILSON: No objections, Your Honor.

13 MR. SPRATLIN: Without objection, Your Honor.

14 THE COURT: Without objection State's 17 through 22 is
15 admitted.

16 (State's Exhibit Number 17 through 22 [Photographs]
17 admitted into evidence and appropriately marked.)

18 BY MR. DEBUSK:

19 Q Let's start with State's 17. What, what again does that
20 show?

21 A It depicts the front of the residence at the time of my
22 arrival. It's just an overview of the front of the house.

23 Q Did you do a walk around of the house as well?

24 A That is correct.

25 Q Did you notice anything amiss in the yard or the

1 driveways?

2 A No, sir. Just appeared like a regular residence.

3 Q State's 18, what does that show?

4 A It depicts a photograph of the kitchen area/dining room
5 of the interior of the residence.

6 Q Okay. On the counter closest to the camera there is a
7 rectangular item. What is that?

8 A That is a tray of food frozen heat to eat, brown and
9 serve type lasagna type meal that had been taken out recently
10 and had been left on the, the counter there in the kitchen.

11 Q Was that the, the -- okay. We've already had testimony
12 about that. Thank you.

13 Q State's 20, and ask if you recognize that.

14 A That is a photograph into the master bedroom or master
15 bathroom from the master bedroom.

16 Q Let me show you State's -- well, it's not marked yet.
17 Now marked as State's Exhibit 67 and ask if you recognize
18 that?

19 A Yes. It is a -- it is a SLED packaging of a -- Linda
20 McAllister's toothbrush that I collected from the master
21 bathroom.

22 Q From that bathroom in the picture?

23 A That is correct.

24 Q What was the purpose of collecting that toothbrush?

25 A After -- dealing with multiple missing person cases in

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1 the past, it become -- had, had become a common practice that
2 we find something that had belonged to the missing persons.
3 That way in case if something were to turn up whether, A, they
4 were found or if they were found deceased later on that we'd
5 have some type of known DNA to compare.

6 Q So a toothbrush is a good source of DNA?

7 A That is correct.

8 Q Okay. Thank you.

9 MR. DEBUSK: The State moves State's 67 into evidence.

10 MR. WILSON: I have no objections, Your Honor.

11 MR. SPRATLIN: No objection, Your Honor.

12 THE COURT: Without objection so admitted.

13 (State's Exhibit Number 67 [Toothbrush] admitted into
14 evidence and appropriately marked.)

15 BY MR. DEBUSK:

16 Q Let me show you what's been marked as State's Exhibit 19
17 and ask if you recognize that.

18 A That is the left side of the master bed in the master
19 bedroom and it depicts a picture of the evidence item number
20 two which was a -- appears to be a gray woman's clutch or
21 purse that was collected from the master bedroom.

22 Q Let me go ahead and show you what's not in evidence which
23 has been marked as State's Exhibit Two and ask if you
24 recognize that.

25 A That is a photograph of the two missing persons that,

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1 that I photographed that was on one of the dressers in the
2 master bedroom.

3 Q The same room the purse was in?

4 A That is correct.

5 Q Now, the purse that was in State's 19, in reference to
6 that, now State's Exhibit 68 and ask if you recognize that.

7 A Yes, sir. It is item number two that I collected from
8 the master bedroom that was later determined to be that of Ms.
9 McAllister's.

10 Q Does it have the, the cards in it as it was collected?

11 A That is correct.

12 Q Okay.

13 MR. DEBUSK: Your Honor, we would move State's Exhibit 68
14 into evidence.

15 THE COURT: Any objection?

16 MR. WILSON: No objections.

17 MR. SPRATLIN: That is the purse. No objection, Your
18 Honor.

19 THE COURT: Without objection so admitted.

20 (State's Exhibit Number 68 [Purse] admitted into evidence
21 and appropriately marked.)

22 BY MR. DEBUSK:

23 Q Now, this -- in this wallet are a number of cards;
24 correct?

25 A That is correct.

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1 Q And they speak for themselves, but let me ask you about
2 one item. It's the debit card belonging to Linda McAllister.
3 What is unique about that card?

4 A It is a BB&T Visa debit card and it has a logo with the,
5 the common that when you first get a debit card that says to,
6 to activate call a certain number and it --

7 Q Logo, that's --

8 A -- and it's made out to Linda Duval McAllister.

9 Q And that sticker would be taken off when the card is
10 activated; correct?

11 A Some people do, most people do, yes, sir.

12 Q And do BB&T -- I'm sorry. Were there any other BB&T
13 cards in the wallet when it was collected?

14 A Not that I recall no, sir.

15 Q Okay. This yellow and black card, what is that? That
16 was part of the wallet when collected; correct?

17 A That is correct. It's a Chet Clemons Auto Repair
18 business card.

19 Q Okay. The rest of it would be forensic evidence.
20 State's 21, what area of the house does that show?

21 A It is a photo of the garage area of the residence.

22 Q You didn't collect anything from there?

23 A No, sir.

24 Q And State's 22, ask you if you recognize that.

25 A It's the Pontiac GTO that was in the front driveway of

1 the residence.

2 Q Is there a vehicle beside it as well?

3 A There is a Chevy Z71 and there appears to be another
4 older model vehicle to the left of the Pontiac.

5 Q Oh, okay. Thank you. Excuse me just a moment, got lots
6 of things to ask you about. Now, when you collected something
7 at the scene, what would you do with it?

8 A When it is first collected it's photographed in place.
9 Then it's photographed in place with a number. That number is
10 to -- for tracking purposes where we can track to see each
11 individual item of evidence. Once the item to be physically
12 collected is placed into a bag or a carton, depends on the
13 type of evidence it is, then it is sealed and carried back to
14 the Horry County Police Department when I'm, when I'm done
15 with the scene.

16 Q In reference to State's 67 there's two sets of packaging
17 there, a clear plastic package and a Manila type folder. Is
18 either of that packaging you would put -- normally put an item
19 in?

20 A The first package, the, the folder --

21 Q Manila --

22 A -- or the, the envelope is the, the where I'd first
23 package it. The plastic packaging is that when we transport
24 the evidence to SLED, which is the South Carolina Law
25 Enforcement Division, they package it in the plastic, then we

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1 initial and sign or whoever's transporting it to the evidence
2 room.

3 Q There seems to be a sort of red tape appears to say
4 evidence on it.

5 A That is correct. That is mine.

6 Q Okay. That would be part of the manila folder, the
7 packaging that you put on?

8 A That is correct.

9 Q Before it goes to SLED. When items are placed into
10 evidence are you an evidence custodian?

11 A No. Ms. Lori Dudley is the evidence custodian. We have
12 access. We grant access through her.

13 Q Uh-huh.

14 A At that point in time and still we would -- we worked in
15 tandem with the evidence section. So, basically, even though
16 we were crime scene person, we were also evidence personnel,
17 which means there were only seven total in the unit that had
18 access throughout the department to the evidence items. So we
19 could check in or sign in certain bits of our own evidence and
20 then we could also sign it out, but Ms. Dudley was in charge
21 of things had to be sent to SLED. She would initiate which
22 investigator would take that item to SLED.

23 Q Okay. And part of your duties occasionally involved
24 taking things to SLED?

25 A That is correct.

1 Q We'll get back to that in a minute. What was the next
2 scene you visited?

3 A The next scene I visited was the single wide trailer on
4 Pleasant Union Road in the Loris area.

5 Q Where is Pleasant Union Road in the county?

6 A If you're familiar with highway or 701 if you head
7 northbound up 701, hit Highway 19, which takes you to the --
8 I'm trying to think of the name of the area, but if you take
9 19 like you're going up to Green Sea, it is in the area of I
10 think the -- I can't remember the name of the highway if it's
11 45 or 65.

12 Q Is it near say Cool Springs in Aynor?

13 A There -- well, it's --

14 Q That general part of the county?

15 A Yes.

16 Q Yeah. It's on the -- State's Exhibit 15 clearly shows
17 where it was.

18 A That is correct.

19 Q Okay. Let me show you State's 23 and 24 and ask if you
20 recognize these?

21 A Yes, sir. They both appear to be a Google map image of
22 actual Pleasant Union Road and then a closer view of Pleasant
23 Union Road and the mobile home.

24 Q Okay. On the closer view of the mobile home, when you
25 hold the picture with the Pleasant Union Road at the bottom,

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1 which trailer is it that you, you went to?

2 A It's the first --

3 THE COURT: Hold on. What exhibit are you referring
4 to?

5 A 24, sir.

6 THE COURT: Thank you.

7 MR. DEBUSK: Thank you, Your Honor.

8 THE COURT: Thank you.

9 A On, on Exhibit 24 it is the trailer closest to the
10 Pleasant Union Road on the left-hand side.

11 Q Okay. Thank you.

12 MR. DEBUSK: Your Honor, the State moves 23 and 24 into
13 evidence.

14 MR. WILSON: I, I have no objection.

15 MR. SPRATLIN: No objection, Your Honor.

16 THE COURT: Without objection so admitted.

17 (State's Exhibit Number 23 and 24 [Photographs] admitted
18 into evidence and appropriately marked.)

19 BY MR. DEBUSK:

20 Q Again, when you arrived, would, would you take pictures
21 of the area?

22 A That is correct.

23 Q Okay. Let me show you 23 and 26 and ask if you recognize
24 these.

25 THE COURT: Hold on a minute. You said 23. 23's --

- 1 Q I'm sorry. I, I --
- 2 A 25.
- 3 MR. DEBUSK: I misread it, Your Honor. It's 25 and 26.
- 4 THE COURT: Thank you.
- 5 MR. DEBUSK: Thank you.
- 6 A 25, Exhibit 25 is the front of the mobile home and
- 7 Exhibit 26 is the rear of the mobile home.
- 8 Q Did you do a walk around of that area?
- 9 A I did.
- 10 Q Did you find any burn pits in that area?
- 11 A Next to the -- on Exhibit 26, if you look right there by
- 12 the back porch area, there was a -- like a little burn area
- 13 that appeared to be fresh.
- 14 Q Uh-huh. Did you look at that area carefully?
- 15 A Say again.
- 16 Q Did you look at that area carefully?
- 17 A Yes, sir.
- 18 MR. DEBUSK: The Court's indulgence one moment.
- 19 BY MR. DEBUSK:
- 20 Q State's 69 and 70, ask you if you recognize these.
- 21 A 69 appears to be what was recovered from the burn pit
- 22 itself. It's like a small holster for a small handgun. 70,
- 23 Exhibit 70 appears to be a burnt like some type of cellular
- 24 phone, maybe an iPhone.
- 25 Q Those from the burn pit?

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1 A That is correct.

2 Q 69 and 70 -- well, let's start with 25 and 26.

3 MR. SPRATLIN: No objection to those.

4 THE COURT: Mr. Wilson, any objection?

5 MR. WILSON: No objections, Your Honor.

6 MR. SPRATLIN: No objections, Your Honor.

7 THE COURT: Without objection so admitted.

8 (State's Exhibit Number 25 and 26 [Photographs] admitted
9 into evidence and a appropriately marked.)

10 Q Just for clarity, which exhibit did you see the burn pit
11 area on?

12 A It's on 26, Exhibit 26, which is the rear of the mobile
13 home.

14 Q And does that -- Exhibit 26 show the red and white truck?

15 A That is correct.

16 Q So the one with the red and white truck is the area with
17 the burn pit?

18 A Yes, sir.

19 MR. DEBUSK: Your Honor, the State would moves State's 69
20 and 70 into evidence.

21 THE COURT: Mr. Wilson, any objection?

22 MR. WILSON: No objections, Your Honor.

23 THE COURT: Mr. Spratlin?

24 MR. SPRATLIN: No objection.

25 THE COURT: Without objection so admitted.

1 (State's Exhibit Number 69 [Holster] and State's Exhibit
2 Number 70 [Cell Phone] admitted into evidence and
3 appropriately marked.)

4 BY MR. DEBUSK:

5 Q And you say that did appear -- area appeared fresh?

6 A Yes, sir.

7 Q Do you recall how many vehicles were at the scene when
8 you arrived?

9 A Just the two.

10 Q Okay. At that time was a blue pickup truck there?

11 A Not that I'm recalling.

12 Q So it had been towed away by that time?

13 A Say again.

14 Q That the vehicle, the blue pickup truck had been towed
15 away by that time?

16 A That is correct.

17 Q Okay. Now, did you search the trailer?

18 A We did.

19 Q Did you have a search warrant?

20 A Yes. We did.

21 Q Okay. 27, 28, 29, 30, 31, 32, ask if you recognize
22 these?

23 A 27 through 32 all appear to be the interior of the single
24 wide mobile home.

25 Q Were those photos you took?

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1 A Yes, sir.

2 MR. DEBUSK: 27 through 32. Your Honor, the State moves
3 27 through 32 into evidence.

4 THE COURT: Any objection, Mr. Wilson?

5 MR. WILSON: No objection, Your Honor.

6 THE COURT: Mr. Spratlin?

7 MR. SPRATLIN: No objection, Your Honor.

8 THE COURT: Without objection so admitted.

9 (State's Exhibit Number 27 through 32 [Photographs]
10 admitted into evidence and appropriately marked.)

11 BY MR. DEBUSK:

12 Q In general, did you observe anything about the interior
13 of the house?

14 A Other than the fact it was clean in one area, dirty in
15 the, the far left bedroom or the far end bedroom to the left.
16 Then the far right bedroom on the far right end of the house
17 was -- it just had one single mattress.

18 Q Did you notice a lot of new merchandise in the trailer?

19 A There was a lot of new merchandise throughout the home.

20 Q State's 27 shows which room?

21 A This is the front living room area between the kitchen
22 and the -- what I'd call the master bedroom since it was the
23 bigger bedroom on the left end of the house.

24 Q Okay. State's 28?

25 A It's the kitchen area, which is just to the right of the

1 living room but in the -- it was centrally located in the
2 home.

3 Q And State's 29?

4 A Another view of the living room just looking from towards
5 the master bedroom back towards the kitchen.

6 Q Did there appear to be lots of new merchandise in those
7 areas of the house?

8 A There was a new weed wacker there in the center of the
9 living room, a new PlayStation. There was a, there was a
10 small dog. I don't see him in this photograph, but he was in
11 a cage there in the living room, and then a lot of food items
12 that had been recently purchased.

13 Q Did the kitchen contain new items as well?

14 A That is correct, such as like a cutting block for knives
15 with knives in them, just, just a, a whole bunch of food.

16 Q Now, how many bedrooms were in the trailer?

17 A Two.

18 Q Let me show you State's 30 and ask you what that shows.

19 A That is the bedroom to the right of the back door. It's
20 the end -- the opposite end of the mobile home that contains
21 the blowup mattress. It was pretty void of anything.

22 Q Pretty sparse?

23 A Yes.

24 Q How about State's 31 and 32, what do they show?

25 A 31 and 32 both were of the master, what I refer to as the

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1 master bedroom, which was on the opposite end of the left side
2 or left end of the mobile home. It's complete disarray.

3 Q Okay.

4 A It showed -- it had various items that also were new, new
5 women's underwear, men's underwear, all different types of
6 packaging, keys, drones.

7 Q A drone, is, is the drone visible in that?

8 A Yes. It is visible on the bed.

9 Q Okay. Now, did you search that house carefully?

10 A Yes. We did.

11 Q Okay. Let me ask you about a few items and where they
12 were located. We have here State's 30, 33, 34, Nine already
13 in evidence and 11 already in evidence. Ask you if those, if
14 those are pictures you took.

15 A Yes. They're all photographs that I took.

16 Q What are they of?

17 A State's Exhibit 33 is my evidence item number three,
18 which was a small two shot derringer that was collected from
19 the closet in the master bedroom. Also is State's Exhibit 34
20 is of a large bag that contained a CNB or Conway National Bank
21 money bag with a zippable top that contained a bunch of keys
22 and debit card belonging to Linda McAllister. That's depicted
23 in State's Exhibit Number Nine, which is my State's or my
24 evidence number eight which is everything is laid out that was
25 inside of that Conway National bag. State's Exhibit 11 is a

1 photograph of the keys with the name Linda on the, the key
2 band that was collected from the master bedroom.

3 MR. DEBUSK: Your Honor, at this time we would seek 33
4 and 34 into evidence. The other two are already into
5 evidence.

6 THE COURT: Any objection, Mr. Wilson?

7 MR. WILSON: No, Your Honor, no objections.

8 MR. SPRATLIN: No, no objection, Your Honor.

9 THE COURT: Without objection so admitted.

10 (State's Exhibit Number 33 and 34 [Photographs] entered
11 into evidence and appropriately marked.)

12 BY MR. DEBUSK:

13 Q And again that gun in 33 was found in the closet at the
14 Pleasant Union house?

15 A That's correct. It was in a coat pocket that was hanging
16 in the closet.

17 Q And the CNB bag and keys were found in the closet as
18 well?

19 A They were found in -- I'm trying to recall. I think it
20 was lying in the center of the room near the bed.

21 Q And we're talking about the master bedroom; correct?

22 A That is correct.

23 Q And just State's 34 shows where the CNB bag was found?

24 A That is correct.

25 Q And State's 11 shows where the keys were found?

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1 A That's correct.

2 Q Inside the closet in the master bedroom?

3 A That's the closet in the master bedroom, yes, sir.

4 Q 71, 72 and 73, ask if you recognize these.

5 A Yes, sir. State's Exhibit 71 and 72 are the Conway
6 National bag and the items from the Conway National bag, and
7 State's Exhibit 73 are the set of car keys with the name Linda
8 on the lanyard collected from the master bedroom closet.

9 Q Thank you.

10 MR. DEBUSK: Your Honor, at this time the State moves
11 71, 72 and 73 into evidence.

12 THE COURT: Any objection, Mr. Wilson?

13 MR. WILSON: No, sir, Your Honor.

14 THE COURT: Mr. Spratlin?

15 MR. SPRATLIN: No objection, Your Honor.

16 THE COURT: 71, 72 and 73 is admitted into evidence
17 without objection.

18 (State's Exhibit Number 71 [Conway National Bag], State's
19 Exhibit Number 72 [Conway National Items] and State's Exhibit
20 Number 73 [Car Keys] admitted into evidence and appropriately
21 marked.)

22 BY MR. DEBUSK:

23 Q Okay. After you completed your analysis of the Pleasant
24 Union Drive scene, do you recall what you did next?

25 A I've -- without recalling the, the -- or seeing my

1 paperwork I don't know what the next stage was if I searched
2 the, the blue Dodge truck or --

3 Q Would it help you to review your, your notes?

4 A Yes, please.

5 Q Now, this happened two years ago, right, and you are
6 retired now?

7 A Yes, sir. Thank you.

8 Q Well, tell the jury what you're looking at.

9 A I am looking at my investigative report that I filed
10 along with this case report that goes along with the, the
11 detectives' reports.

12 Q Just in general, why do you make reports?

13 A So I can recall it at times like this.

14 Q Exactly. Thank you.

15 A Yes. The next day, which would have been July the 14th,
16 where -- I did execute the warrant on a 2011 Dodge RAM truck.

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

19 THE COURT: So noted but the Court's rulings remain the
20 same.

21 MR. SPRATLIN: And Your Honor, I just ask that my
22 objection be ongoing.

23 THE COURT: Yes, sir.

24 Q Okay. I'm going to show you State's 35, 36 and 37 and
25 ask if you recognize these?

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1 A Yes, sir. They are photographs of the exterior of the
2 Dodge truck.

3 Q Did you take those photographs?

4 A I did.

5 MR. DEBUSK: The State would move 35, 36 and 37 into
6 evidence.

7 THE COURT: Mr. Wilson?

8 MR. WILSON: I have no objections, Your Honor, to the
9 photos.

10 MR. SPRATLIN: Just my previously stated objection, Your
11 Honor.

12 THE COURT: Over Mr. Spratlin's previous objection they
13 are so admitted.

14 (State's Exhibit Number 35 through 37 [Photographs]
15 admitted into evidence and appropriately marked.)

16 BY MR. DEBUSK:

17 Q Let me ask you in general what was the condition of the
18 truck seen in State's, State's 35?

19 A It was free from dents, but it was dirty like it had been
20 driven down one of the many coquina/dirt roads in Horry
21 County.

22 Q State's 36, is there something visible in the background
23 there?

24 A There is a marlin, it's what it appears to be a marlin
25 fish.

1 Q Is that a design?

2 A It says -- it's, it's like a design. It's a tint, but
3 it's just an overlay on the back window.

4 Q So you can see through it from one side to the other side
5 looks like a marlin?

6 A That's correct.

7 Q Okay. State's 37, there appears to a sticker in the
8 passenger side front of the windshield. Did you notice what
9 that sticker was?

10 A It's an Ocean Lakes Campground sticker, pass.

11 Q Thank you. Okay. Did you collect anything from the dash
12 area -- oh, oh, let me go -- first let me go through these,
13 State's 38, 39, 40, 41, 42, 43, 44, 45 and 46 and ask if --
14 what those pictures are?

15 A State's Exhibit 38 is a photograph of an overview of the
16 front compartment area of the interior of the truck. It's
17 just basically a photograph of everything in the front seat
18 area, front driver and passenger seat to include the center
19 console area. State's Exhibit 39 is a photograph of the rear
20 passenger and center area floorboard of the truck. State's
21 Exhibit 40 is a photograph of underneath the rear passenger
22 seat and to include the rear passenger floorboard. State's
23 Exhibit 41 is a collection photograph which means it has
24 pictures of a number, number three in this case depicting a
25 red substance on the rear center console on the back side of

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1 the center console. State's Exhibit 42 is another photograph
2 for evidentiary purposes photographing number four, five and
3 six of collection items that I took just in the back
4 floorboard area of the truck. 43 is a photograph of the rear
5 passenger side floorboard of the truck depicting my evidence
6 items seven and eight. State's Exhibit 44 shows the, the
7 tonneau cover of the back of the truck that had been lifted
8 upon searching. It's just a complete overview of the back bed
9 of the truck.

10 Q Let me ask you that, you reference a tonneau cover. For
11 those that might not know that don't drive pickup trucks what
12 does that do?

13 A It's a hard shell cover that just covers the bed of the
14 truck. It's lockable and open, but it protects the bed of the
15 truck in case -- some people use it for carrying luggage, you
16 know, it keeps your luggage dry, but it's just a complete
17 cover of the bed of the truck.

18 Q And when it's closed you can't see what's in the truck?

19 A That is correct.

20 Q In the bed of the truck, I'm sorry?

21 A That is correct.

22 Q Thank you.

23 A State's Exhibit 45 is my evidence item 13 which is some
24 tissue and plastic with some -- a red substance on it, and
25 there again, State's Exhibit 46 is a picture of my evidence

1 item 14. It depicts the rear of the truck after everything --
2 we had searched everything, everything been pulled off the
3 back of the truck or the bed of the truck. It just depicts
4 that I have taken a -- an evidence swab from the back of the
5 truck.

6 MR. DEBUSK: Your Honor, State moves State's 38 through
7 46 into evidence.

8 THE COURT: Any objection, Mr. Wilson?

9 MR. WILSON: No objections, Your Honor.

10 THE COURT: Mr. Spratlin, subject to prior objections?

11 MR. SPRATLIN: Prior objection, Your Honor.

12 THE COURT: Over Defendant Carlisle's prior objections --
13 Q State's 38 did you find --

14 THE COURT: -- and without, and without objection from
15 Mr. Wilson they're so admitted.

16 (State's Exhibit Numbers 38 through 46 [Photographs]
17 admitted into evidence and appropriately marked.)

18 Q State's 38, did you find anything of evidentiary value in
19 the dash area of the truck?

20 A Not in the front dash area. I did not.

21 Q Okay. And you did not alter the front dash area in any
22 way?

23 A No, sir.

24 Q State's 39, did you observe anything of importance in the
25 rear, I guess you would call it rear foot well of the truck?

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1 A Yes, sir, during the time of the initial search and
2 photographs of the truck there appeared to be or appeared to
3 be reddish-brown stains that collected in -- on the rear, in
4 the rear floorboard area as well as the rear side of the truck
5 or the back of the seats, the back of the center console,
6 which were later tested for, presumptively for the presence of
7 blood, and they were positive initially for the presumptive.
8 So and that's hence -- we, we went forward with that, removing
9 the back floor mats.

10 Q How do you do a presumptive blood test?

11 A A presumptive blood test it just tests for the presence
12 of it could be animal or human blood. It just gives you a
13 negative or a positive as far as, you know, if it is blood.
14 It doesn't, doesn't give us any information as far as DNA or
15 whether it's human or it's animal.

16 Q But you did find -- your test showed it was blood?

17 A That is correct.

18 Q Okay. And just to be clear, this picture, this truck has
19 two rows of seating; right?

20 A That is correct.

21 Q A front row, which is where the dash picture I showed you
22 and this is the foot well of the rear row; correct?

23 A That is correct.

24 Q And that item with the red streaks going down it that's
25 the center console?

1 A That is correct.

2 Q State's 40, what does that show?

3 A 40 depicts under the rear or the actual rear side of the
4 passenger seat. It shows the area up under the seat, and you
5 can kind of see to the left of the photograph you can see the
6 back of the center console. It also depicts reddish brown
7 stains in that localized area.

8 Q And State's 41, what does that show?

9 A State's 41 is the actual my evidence number three which
10 means that I took DNA swabs of the reddish-brown stains that
11 were on the back side of the center console.

12 Q How do you take one of those swabs?

13 A The swabs are used -- are collected by using sterile
14 cotton applicators, along with sterile water, then they are
15 boxed in identifying boxes that identifies the evidence number
16 and my -- the date and my initials and they're sealed. They
17 have two perforated sides that allow it to air dry. They're
18 packaged and then sent to a DNA lab.

19 Q State's 42 has more of those yellow numbers, again?

20 A It depicts the, there again, the back floorboard of the
21 truck from the passenger side. It depicts my evidence items
22 number four, number five and number six. Number four or
23 number -- just give me just one second.

24 Q Yes. Again, you're consulting your report?

25 A That is correct. Evidence item number five was a

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1 Marlboro 100 cigarette box that had reddish-brown stains
2 around the box. Evidence item number four were two DNA swabs
3 collected of the reddish-brown stain in the floorboard and
4 item number six is also from under the rear seats where the
5 seats fold and lift of the rear seats and DNA swabs of the
6 reddish-brown stains were collected from there.

7 Q State's 74, what is, what is that?

8 A That is the evidence item number five that I collected
9 from the back floorboard, the Marlboro 100s box with the
10 reddish-brown stains.

11 MR. DEBUSK: Your Honor, the State would offer 74 into
12 evidence at this time.

13 MR. WILSON: I have no objections.

14 MR. SPRATLIN: Just prior objection, Your Honor.

15 THE COURT: 74?

16 MR. DEBUSK: Yes, Your Honor.

17 THE COURT: So admitted.

18 (State's Exhibit Number 74 [Marlboro 100s Box] admitted
19 into evidence and appropriately marked.)

20 BY MR. DEBUSK:

21 Q Now, you take lots of swabs at a scene like this;
22 correct?

23 A That is correct.

24 Q To your knowledge, are they all sent to SLED together?

25 A If -- they are predetermined. SLED has protocol in place

1 that we follow and abide by. They only accept a certain
2 amount of swabs at one time, which at that time were five sets
3 of swabs they would take for a homicide case. So we sent as
4 many as they would allow that first time. Since there's so
5 many it is the lead detective, myself and Ms. Dudley does go
6 in together and decide which has the more probative value for
7 SLED purposes, which ones to send first.

8 Q Let me show you State's 43 and State's already in
9 evidence 13 and ask if you recognize those.

10 A State's 43 is a photograph of evidence item, my evidence
11 item number seven and number eight, which is the rear
12 floorboard of the -- on the passenger side of the truck which
13 indicates that I took two swabs from the rear passenger
14 floorboard again, and also, there is a small, it's like a
15 small plastic storage area that's set into the floorboard of
16 the truck that swabs were collected from inside of that
17 storage area.

18 Q And the other item that you --

19 A Item number or the State's Exhibit 13 it has packaging of
20 DNA swabs VS7 which were -- was my indicator for my, my
21 vehicle search evidence item number seven, eight and 14.
22 Seven was from the rear passenger floorboard of the Dodge RAM.
23 Eight was the storage rear floorboard of the Dodge RAM, and 14
24 was the bed of the truck or the bed of the Dodge RAM.

25 Q Does the number seven and eight on this one and this

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1 exhibit correspond?

2 A That is correct.

3 Q Did you go on and search the bed of the truck?

4 A We did.

5 Q Did you take some swabs?

6 A We did.

7 Q Did you take all of the items out of the bed of the
8 truck?

9 A Every item was removed from the truck, photographed
10 before, during and after.

11 Q Does State's 44 show what the truck bed was like when you
12 first started?

13 A That is correct. It's, it's quite a mess. It was --

14 Q Full of stuff?

15 A Yes.

16 Q Let me show you State's 12 and ask if you recognize that.

17 A Yes. That is a hat with reddish-brown stains that was
18 collected from the bed of the truck.

19 Q State's 75, ask if you recognize that?

20 A Yes, sir, that is the Ducks Unlimited camouflage hat that
21 was collected from the rear of the truck, my evidence number
22 10.

23 Q Okay. And I believe 12 is already in evidence.

24 MR. DEBUSK: At this time, Your Honor, the State would
25 move 75 into evidence.

1 THE COURT: Mr. Wilson?

2 MR. WILSON: I have no objections.

3 MR. SPRATLIN: Just subject to my prior objection, Your
4 Honor.

5 THE COURT: Over Defendant Carlisle's prior objection and
6 without objection from Mr. Wilson so admitted.

7 (State's Exhibit Number 75 [Hat] admitted into evidence
8 and appropriately marked.)

9 BY MR. DEBUSK:

10 Q State's 45, ask you if you recognize that.

11 A That is the tissue that was removed, paper towels and
12 tissues that were removed from the bed of the truck labeled as
13 my evidence item 13 that contained reddish-brown stains.

14 Q State's 14 already into evidence, ask you if you
15 recognize that.

16 A That is my evidence, the same evidence number 13. It is
17 the towels and the paper towels that were collected from the
18 bed of the truck.

19 Q And finally State's 46, what does that show?

20 A That depicts evidence, my evidence item number 14. It
21 depicts a picture of the bed after we had through, been
22 through searching the bed. It also shows the reddish-brown
23 stains in the bed of the truck, and swabs were collected as
24 number 14 from the bed of the truck.

25 Q That's kind of hard to see the number on that one; is

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1 that correct?

2 A That is correct.

3 Q But there's a smaller number on the bottom that's 14?

4 A That's correct.

5 Q Okay. Referencing back to State's 13, is that as well
6 14?

7 A That is -- it corresponds with the bed of the truck.
8 It's the -- or the swabs collected in this, this container.

9 Q Okay. Just for the jury's information, why are these
10 three swabs packaged together and in this plastic seal?

11 A The plastic seal -- it's sealed because it had been sent
12 to SLED and that's their packaging that they use.

13 Q So those were the items that you chose out of the --

14 A The bed of the truck or the truck itself, yes, sir.

15 Q The towels, the hat and the swabs, when you collected
16 them what did you do with them?

17 A Once I collected them I put them in their proper
18 packaging, which in this, this case is this manila envelope.
19 The swabs are actually in cartons inside of that or that
20 manila folder, and the, the hat was collected in a paper bag
21 to allow it to breathe and dry. They are sealed, and then
22 they are placed into evidence.

23 Q Were the hat and the towels also among the items that
24 were sent to SLED?

25 A That is correct.

1 Q On State's 44 let me ask you specifically or point out to
2 you, the side here where the red letters AFT are visible on
3 the packaging, what were you -- what was that?

4 A Those are floor bed or bed floor mats.

5 Q Floorboard mats?

6 A Yeah. Floorboard mats.

7 Q What scene did you go to next or let me withdraw that for
8 a moment. The scenes that you visited first, Dewberry,
9 Pleasant Union and the truck, was that done on behalf of
10 Conway for the missing persons case?

11 A That is correct.

12 Q Did there come a time when, when you visited the Browns
13 Chapel Road area?

14 A The -- on the 15th day of July, which was the day after
15 searching the Dodge RAM.

16 Q Okay. Why did you respond to that area?

17 A I was requested to respond to the Browns Chapel Avenue
18 area in reference to two deceased persons being located in a
19 wooded area.

20 Q Let me show you State's 47 and ask if you recognize that.

21 A That is the end of Browns Chapel Avenue and also
22 depicting the Waccamaw River.

23 Q Okay.

24 MR. DEBUSK: The State moves 47 into evidence, Your
25 Honor.

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1 MR. WILSON: Without objection.

2 MR. SPRATLIN: No objection, Your Honor.

3 THE COURT: Without objection so admitted.

4 (State's Exhibit Number 47 [Photograph] admitted into
5 evidence and appropriately marked.)

6 BY MR. DEBUSK:

7 Q Let me show you 48 and 49 and ask if you can -- did you
8 take those pictures?

9 A Yes, sir. I did.

10 Q What do they depict?

11 A They depict the end of Browns Chapel Avenue. You can see
12 the Waccamaw River in the background. The wooded area where
13 the two deceased persons were found is to the right of this
14 photograph. State's Evidence 49 is -- it's depiction of the
15 trail that leads into. It's like a fishing trail where people
16 will walk down to the edge of the riverbanks to fish. It's a
17 little walk path off of the right side of Browns Chapel Avenue
18 that lead in -- leads to where the two deceased persons were
19 found.

20 MR. DEBUSK: Now State moves 48, 49 into evidence.

21 MR. WILSON: Without objection.

22 MR. SPRATLIN: No objection, Your Honor.

23 THE COURT: Without objection so admitted.

24 (State's Exhibit Numbers 48 and 49 [Photographs] admitted
25 into evidence and appropriately marked.)

1 BY MR. DEBUSK:

2 Q What kind of road is that?

3 A It's like a coquina, dirt road, one of the typical Horry
4 County roads.

5 Q Thank you. From this area depicted on State's 48, where
6 the road ends, where the bodies were, about how far was it?

7 A It was off the road approximately maybe 75 yards from the
8 edge of the roadway.

9 Q Let me show you 50, 51 and 52 and ask if you recognize
10 these?

11 A Yes, sir. They are photographs that I took of where the
12 two persons -- two deceased persons were found.

13 Q What was their condition when they were found?

14 A Highly decomposed.

15 Q Were they mostly skeleton?

16 A Yes.

17 MR. DEBUSK: Your Honor, the State would move 50, 51 and
18 52 into evidence.

19 BAILIFF: Judge, some of the jurors need a break.

20 THE COURT: Okay. Just a second here, just a second.

21 Any objection, Mr. Wilson, 50, 51 and 52?

22 MR. WILSON: 51 and 52, no, no, sir, I, I don't have any.

23 THE COURT: I'm sorry. Say that again.

24 MR. WILSON: I have no objections to 51 and 52.

25 THE COURT: Okay. 50?

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1 MR. WILSON: Yes, sir, I do have an objection.

2 THE COURT: Mr. Spratlin?

3 MR. SPRATLIN: Your Honor, I'm in the same boat. I have
4 no objection to 51 and 52, but I do have that objection to 50,
5 which I believe would be the same as Mr. Wilson's.

6 THE COURT: All right. I'm going to admit 51 and 52
7 without objection.

8 (State's Exhibit Number 51 and 52 [Photographs] admitted
9 into evidence and appropriately marked.)

10 THE COURT: What I'm going to do at this point I'm going
11 to let the jury step to the jury room. Do not discuss the
12 case. Do not discuss the -- sir.

13 BAILIFF: Just about five minutes.

14 THE COURT: No. Go ahead and let them go now. Step to
15 the jury room. Do not discuss the case. I'll get you back
16 out here. If you'll knock on the door and let my bailiff know
17 when you're ready to come back in. All right. Step to the
18 jury room, please.

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 MR. DEBUSK: Your Honor, I'll just hand these up, items
22 up to the Court so you can examine them.

23 THE COURT: Can I see those photos? All right. What's
24 your objection to --

25 MR. WILSON: Your Honor, my --

1 THE COURT: Mr. Wilson, if -- no, hold on a minute.

2 MR. WILSON: I'm sorry.

3 THE COURT: Let me finish my question. Okay?

4 MR. WILSON: Right.

5 THE COURT: What's your objection to number 50?

6 MR. WILSON: My objection, Your Honor, is is that it, it
7 shows a skeletal, a partial skeletal remain, and, and I think
8 it's, it's graphic, and I think if it were in black and white
9 it wouldn't be as prejudicial, but I find it extremely
10 prejudicial especially because it's in color, and it's more of
11 a close-up than, than just a picture which would show where
12 the, where the skeletal remains were. So I think that there
13 is certainly a less, I won't say intrusive, but a way to, to
14 present that same evidence without the extensive prejudicial
15 effect that comes from the way it, it is in that photograph.

16 THE COURT: All right. Mr. Spratlin.

17 MR. SPRATLIN: Your Honor, all I would add and I would
18 join in Mr. Wilson's objection here is that I do ask -- the
19 prejudicial effect would be the potential to inflame the
20 passions of the jury by seeing this body in a decomposed
21 state, in a decomposed manner in a photo that I believe has
22 very limited probative value to what the State is seeking to
23 prove, which is the location of where the bodies were found. I
24 believe there are least restrictive, less prejudicial matters
25 -- manners in which the State could present that evidence. So

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1 I believe under State v. Collins it would be inappropriate to
2 introduce that photo into evidence as it currently sits.

3 THE COURT: Mr. DeBusk, anything in response?

4 MR. DEBUSK: Yes, Your Honor. We feel that there is
5 probative value in State's 50 that is not in the other two
6 photos. Those two photos show the bodies as they were found
7 as they were partially covered. It's the only photo that
8 shows them in the position they were found. It shows their
9 proximity to each other, shows their position when they were
10 found that, that can be argued as to how they were carried
11 there, Your Honor. That's not shown in the other photos.

12 THE COURT: It's not showing what? I'm sorry.

13 MR. DEBUSK: It's not shown in the other photos.

14 THE COURT: I didn't hear you when he coughed.

15 MR. DEBUSK: I'm sorry, Your Honor.

16 THE COURT: Maybe I need to go get my hearing checked.
17 You know? I did turn 50 this year, and I believe it's about
18 that time. I'm sorry. Say that again.

19 MR. DEBUSK: State's 50 shows the bodies uncovered, not,
20 not covered as they were in the other two, show exactly how
21 they were found. It shows their position relative to each
22 other. It shows the position of the bodies which would allow
23 us to argue how they were carried there, Your Honor. It's not
24 shown in the other photos.

25 THE COURT: Okay. Pursuant to State v. Collins, 409 S.C.

1 524, which is a South Carolina Supreme Court case, it's clear
2 in this case that these photographs, and I say photographs,
3 primarily photograph number 50 is relevant, clear that this
4 photograph is relevant. Throughout Collins it talks about the
5 introduction of some very gruesome photographs of a child that
6 was mauled by a pack of dogs resulting in that child's death.
7 I'm just going to hit on some highlights from that case. I'm
8 going to admit photograph 50 over the objection of Mr. Wilson
9 and Mr. Spratlin, but in that case, once it's determined it's,
10 it's relevant, which it clearly the photograph number 50 is
11 clearly relevant. I want to point out the fact that this
12 photo, number 50, simply mirrors the unfortunate reality of
13 this case. Furthermore, the fact that a photograph is
14 gruesome is not reason in and of itself for non-admission.
15 This photograph number 50 serves to corroborate testimony, and
16 furthermore, it is being introduced for the purpose of showing
17 the unaltered condition of the victims upon finding their
18 remains. In State v. Collins it cites the case of Camargo,
19 that's C-A-M-A-R-G-O, v. State, which is 327 -- strike the
20 327. I'll do this, 940 S.W.2d 464 at page 467, which is a
21 1997 Arkansas case. When our Supreme Court cites this
22 Camargo case it stands for the proposition that even the most
23 gruesome photographs may be admissible if they tend to shed
24 light on any issue, to corroborate testimony or, or if they
25 are essential in proving a necessary element of a case or

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1 useful to enable a witness to testify more effectively or
2 enable the jury to better understand the testimony. Other
3 acceptable purposes are to show the condition of the victims'
4 bodies, the probable type or location of the injuries and the
5 position in which the bodies were discovered. So having
6 reviewed ad nauseam, so to speak, State v. Collins,
7 understanding and certainly respecting the objections of both
8 Mr. Wilson and Mr. Spratlin, the photograph number 50 will be
9 admitted. All right?

10 (State's Exhibit Number 50 [Photograph] admitted into
11 evidence and appropriately marked.)

12 MR. SPRATLIN: Yes, Your Honor.

13 MR. WILSON: Thank you, Your Honor.

14 THE COURT: All right. We'll stand down for just a
15 minute, stand down for just a minute. Hold on. Hold on. Mr.
16 Caulder, you may step down, but you are not allowed to discuss
17 your testimony at all. When we come back in here I'll have
18 you come up to the stand before I bring the jury in so you'll
19 be seated in that same spot when they come back in. Okay?

20 A Yes, sir. Thank you, Your Honor.

21 THE COURT: Thank you.

22 OFF THE RECORD

23 (On the record. The following takes place outside the
24 presence of the jury.)

25 THE COURT: Thank you. Be seated, please. Mr. Caulder,

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1 if you'd come back up. All right. Mr. Caulder, before we
2 broke I told you not to discuss your testimony at all. Did
3 you comply with the Court's instructions?

4 A I did, Your Honor.

5 THE COURT: Very well. All right. Anything from the
6 State before I bring the jury back out?

7 MR. DEBUSK: No, Your Honor.

8 MR. WILSON: Nothing, Your Honor.

9 THE COURT: Mr. Spratlin?

10 MR. SPRATLIN: Nothing, Your Honor.

11 THE COURT: Bring me the jury, please. Mr. DeBusk, you
12 want to come back and get these photos right here?

13 MR. DEBUSK: Yes, Your Honor.

14 (Whereupon, the following takes place in the presence of
15 the jury.)

16 THE COURT: All right. All the jurors are back, present,
17 ready to proceed. Mr. DeBusk, you may continue.

18 MR. DEBUSK: Thank you, Your Honor. Your Honor, State's
19 50, 51, 52 into evidence or 50, 51 and 52?

20 THE COURT: 51 and 52 are admitted without objection. 50
21 is admitted over the objection of Defense counsel.

22 BY MR. DEBUSK:

23 Q Let me ask you about State's 52 first and ask what does
24 that show?

25 A State's Exhibit 52 is a photograph of the wooded area and

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1 on the left side of the photograph you can see the two bodies
2 that were covered with the wooded debris were like when they
3 were placed there. Trees and shrubbery was poured over on top
4 of them.

5 Q In an effort to conceal them?

6 A That is correct.

7 Q Were both the skulls visible in that photo?

8 A Yes.

9 Q Let me show you State's Exhibit 51 and ask if you
10 recognize that.

11 A That is a skull that was just to the right of that
12 photograph. This is State's Exhibit 51. This is -- it's just
13 a view of the skull that was to the right. It was by itself.

14 Q That skull, that skull had been separated from the body?

15 A Yes.

16 Q And that was as they were found; correct?

17 A That is correct.

18 Q Did you take the brush off of them to recover them?

19 A Eventually, yes, sir, we did.

20 Q What does State's 50 show?

21 A State's 50 is when the brush had been removed and a
22 photograph of the victims in their state after the, the brush
23 and woods, wood had been removed.

24 Q Okay. Does that accurately show the position they were
25 found in?

- 1 A That is correct.
- 2 Q Could you tell how long the bodies had been there?
- 3 A I could not determine that, no, sir, but I could tell
- 4 from doing it for some time that they had been a while.
- 5 Q What was the weather like that time of year?
- 6 A Warm, highly warm, real hot.
- 7 Q July?
- 8 A Like most, most southern, yeah. It's --
- 9 Q Pretty much the hottest part of the year?
- 10 A Yes, sir.
- 11 Q Not to be too gross about this, but was there a strong
- 12 smell?
- 13 A There was.
- 14 Q Other than one skull being separated, were the bodies
- 15 largely intact?
- 16 A Yes, sir.
- 17 Q Okay. Did you notice any injuries?
- 18 A At that present time after we started looking around,
- 19 yes, we noticed injuries to the one skull that did have what
- 20 appeared to be a gunshot wound to the skull.
- 21 Q Okay. Were they -- what was done with the bodies?
- 22 A One of the bodies was partially clothed.
- 23 Q No, no, I mean how did the bodies leave the scene is what
- 24 I mean? What was done?
- 25 A Oh, we -- basically what happens at the scene when a --

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1 it comes to decomp bodies is we try to get as far under with
2 removing dirt and the bodies at the same time in case any --
3 when the bodies are decomposing if any evidence were to sink
4 down into the dirt, that dirt is collected as well so it is
5 later gone through to make sure that there's any jewelries,
6 things like that that may be or bullets or anything indicating
7 the type of crime would -- could be found.

8 Q Okay. And who were the bodies turned over to?

9 A They were turned over to the coroner's office, which
10 transports them to -- for autopsy.

11 Q Did you attend the autopsy?

12 A I did not attend the autopsy.

13 Q But somebody from county would have?

14 A That's, that's correct.

15 Q After you went to the -- well, let me step back for a
16 minute away from this scene and back to the, the blue truck.
17 Did you search that truck thoroughly?

18 A Thoroughly, yes, sir.

19 Q And you took lots of samples of blood?

20 A That's correct.

21 Q Did you move the seats?

22 A We did manipulate them some, yes, sir, to, to get to be
23 able to see up under the seat and how far the or the areas
24 where the, where the stains may -- how far under the seats
25 they did go.

1 Q Did you see any bullet casings in there?

2 A Not at that time. Later on when the -- after, I guess,
3 all the manipulation of the truck, another investigator under
4 me did locate and find a casing when the truck was moved.

5 Q Okay. And is it unusual that something that small get
6 missed in a --

7 A Yes.

8 Q But --

9 A It, it, it happens. It does especially if it gets lodged
10 in the, the tracking system of the seats behind something else
11 that may have been stuck itself to begin with. The movement
12 or manipulation of the truck, truck seats, things tend to fall
13 out at that point in time.

14 Q What was the next scene you visited while you were down
15 there in Bucksport area?

16 A I went to the Bucksport Marina.

17 Q What was there?

18 A One of the -- I don't know who it was registered to, but
19 there was an RV that belonged to either Ms. McAllister or Mr.
20 Clemons. I'm not sure who owned it, but we went down there
21 just to make sure that there was nothing, nothing occurred
22 within that since we originally started with a missing persons
23 and now we have two deceased persons. We didn't know what had
24 transpired. So we wanted to make sure all our bases were
25 covered. So we secured a search warrant and went to the RV,

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1 which was being stored down at Bucksport Marina.

2 Q Well, let me do these out of order. What's State's 54?

3 A State's 54 appears to be a Google map photo of the
4 Bucksport Marina area down at the Bucksport Landing.

5 Q Where was the RV in this?

6 A In this photograph the RV was parked to the right of the
7 Bucksport Road or to the right bottom, mid bottom of this
8 photograph.

9 Q In that large parking lot there?

10 A Yes.

11 Q Is the -- is there a large white building at the
12 Bucksport Marina?

13 A There is, in the center of this photograph, and it was
14 located to the right of that.

15 Q And State's 53, ask you if you recognize that?

16 A State's 53 is the photograph I took of the RV where it
17 sat.

18 Q Is that large white building visible in there?

19 A It is in the first, the top photograph.

20 Q Was there a for sale sign in the window of the RV?

21 A On the driver's side, yes, sir.

22 MR. DEBUSK: Your Honor, State moves 53 and 54 into
23 evidence.

24 THE COURT: Any objection, Mr. Wilson?

25 MR. WILSON: No objections, Your Honor.

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1 THE COURT: Mr. Spratlin?

2 MR. SPRATLIN: No objection, Your Honor.

3 THE COURT: Without objection so admitted.

4 (State's Exhibit Number 53 and 54 [Photographs] admitted
5 into evidence and appropriately marked.)

6 BY MR. DEBUSK:

7 Q Where did you go next?

8 A I -- then I went the next or the next day or two days
9 later I went to Mermaid Lane in the Myrtle Beach Section which
10 was in Ocean Lakes Campground.

11 Q The same Ocean Lakes as the sticker in the truck
12 windshield?

13 A That is correct.

14 Q What was there?

15 A We search -- I can't remember whose residence if it was
16 -- it was a family member, mother, something. I'm not quite
17 sure who the person that owned the, the properties was.

18 Q Mother of, of the Defendant?

19 A I'm -- I knew it was a mother. I just didn't know whose,
20 and so --

21 Q Okay. Got you.

22 A So we went and searched the properties there. She had
23 like a single wide trailer there that was set up in that Ocean
24 Lakes Campground. Inside in the back far bedroom were some,
25 some 38-caliber rounds, a box of 38-caliber rounds located in

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1 the back bedroom.

2 Q State's 58, I believe?

3 A 55.

4 Q 55, do you recognize that?

5 A That is the outside of the mobile home there in the --
6 off Mermaid Lane in the Ocean Lakes Campground.

7 Q Thank you.

8 MR. DEBUSK: State moves 55 into evidence, Your Honor.

9 MR. WILSON: No objections.

10 MR. SPRATLIN: No objection.

11 THE COURT: Without objection so admitted.

12 (State's Exhibit Number 55 [Photograph] admitted into
13 evidence and appropriately marked.)

14 BY MR. DEBUSK:

15 Q What did you do next?

16 A After we searched that and found the, the, the 22-caliber
17 handgun and a box of 38-caliber ammunition the next day I
18 executed a search warrant for a Jeep -- on a Jeep Grand
19 Cherokee that was being operated by a Mr. Kenneth Carlisle and
20 Jordan Hodge.

21 Q State's 56, I ask if you recognize that?

22 A Yes, sir. These are photographs of the Jeep Cherokee
23 itself, the driver side and the rear.

24 Q Okay. Thank you.

25 MR. DEBUSK: State's 56, the State moves it into

1 evidence.

2 THE COURT: What number, 56?

3 MR. DEBUSK: 56, Your Honor.

4 MR. SPRATLIN: Without objection.

5 MR. WILSON: No objections, Your Honor.

6 THE COURT: Without, without objection so admitted.

7 (State's Exhibit Number 56 [Photograph] admitted into
8 evidence and appropriately marked.)

9 BY MR. DEBUSK:

10 Q Did you examine any other scenes?

11 A That was it for me. No, sir.

12 Q Did you attend a search of the river?

13 A I did not.

14 Q You did not. Was the river searched?

15 A It, it did. The Horry County Fire and Rescue dive team
16 went down and tried to, I guess, went down there next to the
17 end of the Browns Chapel Avenue, even though I was not
18 present, and they attempted to see if they could locate any
19 weapon.

20 Q Was anything ever located?

21 A No, sir.

22 Q Now, in addition to examining crime scenes do your
23 responsibilities or did your responsibilities include
24 transporting evidence to SLED?

25 A Yes, sir. It was.

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1 Q Let me ask you about a few items. Or let's start with
2 foundation. What's SLED?

3 A SLED is the State Law Enforcement Division. Its main
4 office is located off Broad River Road in Columbia. That is
5 where they have a forensics lab. The -- any type of DNA,
6 firearms, things like -- of that nature of forensic value have
7 to be transported to that state lab for testing.

8 Q How often is items taken to SLED or were they when you
9 worked there?

10 A It depends. We tried to go at least twice a month. Some
11 things happen, homicide cases, big major cases, rape cases,
12 assaults, things like that, we may have to go once a week, but
13 for the most part, we tried to go twice a month.

14 Q Let me ask you about a number of items here that -- did
15 you transport some items to SLED, specifically -- well, it's
16 not marked yet. Several items, items 13, State's 13, those
17 swabs you testified about before?

18 A That is correct.

19 Q Did you transport those to SLED?

20 A I did on the 20th of July in 2017.

21 Q Uh-huh. When they arrived at SLED I think you already
22 testified, do they alter the packaging?

23 A They don't alter the packaging that -- when I originally
24 bring it, they just put it into this plastic sleeve. They
25 heat seal it. I put a -- an initial and a date by the seal,

1 then I fill out the front information with my name, the police
2 department, the date and the police department along with the
3 case number for the police department. Later on during the
4 course of its travels within the forensics labs, the DNA
5 analyst, this is their packaging inside of the packaging.

6 Q So when you take it to evidence, your packaging is --
7 remains intact and they put their packaging on the
8 outside?

9 A That is correct.

10 Q And it's sealed with your initials?

11 A That's correct.

12 Q Let me show you two other items now marked as State's 76
13 and 77, that SLED goes on this end, ask if you handled those
14 or took those to SLED?

15 A I'd have to look at a different paperwork. If you'd give
16 me just a minute to find it, and I don't seem to have that
17 paperwork or the SLED printout for this.

18 Q Well, well, let me show you, ask you if you recognize
19 this paperwork?

20 A That is the SLED evidence intake form.

21 Q Okay. These being SLED's nine and -- anyway, can you see
22 if you took those into evidence?

23 A Yes. I submitted it or took it to SLED. I'm trying to
24 see the date.

25 Q But you submitted them to SLED?

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1 A On -- yes, on August the 9th, or no, excuse me, correction
2 July the 31st, 2017 is when they went.

3 Q Okay.

4 A I'm trying to follow a, a pattern here. So the 20th of
5 July is when I initially took it. Then it has all the
6 movement within SLED --

7 Q Right.

8 A -- below that.

9 Q So you, you signed them into SLED. When you pick these
10 items up to take them to SLED are they in evidence in, in
11 Horry County Police in Conway?

12 A That's correct.

13 Q While they're in your custody during transport do you
14 alter them or change them in any way?

15 A No, sir.

16 Q Do you open the packaging during the transport?

17 A I do not.

18 Q Okay. So these items were taken as collected as in
19 evidence to SLED?

20 A That is correct.

21 Q Now, all these scenes you visited, all these places you
22 went, did you recover any firearms?

23 A Other than the, the Mermaid Lane, the Pleasant Union and
24 that was the only two, two places where firearms were
25 recovered.

1 Q And were any of them a 25-caliber handgun?

2 A No, sir.

3 Q Okay.

4 A Let me make sure. No, sir, they were not.

5 MR. DEBUSK: Your Honor, at this time may I publish
6 State's 15 to 56 to the jury?

7 THE COURT: What numbers again?

8 MR. DEBUSK: 15 through 56.

9 THE COURT: All right. Hold on. So granted.

10 MR. DEBUSK: Thank you, Your Honor. I'm just checking to
11 make sure they aren't -- they're not in sequence. Your Honor,
12 there were -- and also authenticated by this witness, but
13 already in evidence, State's 12, 11 and Nine.

14 THE COURT: Yes.

15 MR. DEBUSK: Thank you, Your Honor. Thank you, Mr.
16 Caulder. Please answer any questions the Defense might have.

17 MR. WILSON: I just have a couple of questions.

18 CROSS EXAMINATION

19 BY MR. WILSON:

20 Q Let me ask --

21 THE COURT: Hold on a minute, Mr. -- hold a minute.
22 You're, you're fine. Mr. Brungard, as you look at one pass it
23 on down, sir.

24 FOREPERSON: Yes, sir.

25 THE COURT: If you don't mind, please, sir. All right,

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1 Mr. Wilson, I'm sorry.

2 MR. WILSON: Thank you, Your Honor.

3 BY MR. WILSON:

4 Q I just have a couple of questions. Let me ask you, did
5 you ever have any conversations with Jordan Hodge?

6 A No, sir, I did not.

7 Q Okay. And when you did the search of the vehicle that
8 was at the impound lot at the, at the county?

9 A That is correct.

10 Q All right. And were you being assisted by any other
11 officers in, in that search of the, of the blue vehicle, blue
12 truck?

13 A I don't recall off the top of my head, but generally
14 there's another -- either another one of my investigators are
15 with me. We encourage the detective to be there as well, but
16 sometime doesn't happen that way, but for the most instances
17 me by myself with at least somebody to assist.

18 Q Okay. And so, normally, it would be you and at least one
19 other person, and you would go through that truck to try to
20 preserve any evidence that you might find?

21 A That's correct.

22 Q And that's what you did in this case and that's what you
23 have done hundreds of times before this?

24 A Yes, sir.

25 Q All right. I don't have any other questions.

1 THE COURT: Mr. Spratlin?

2 MR. SPRATLIN: Yes, Your Honor.

3 CROSS EXAMINATION

4 BY MR. SPRATLIN:

5 Q Good morning, Mr. Caulder, how are you?

6 A Good morning, sir.

7 Q Hope you're enjoying retirement. You seem a lot more
8 relaxed than the last time I saw you.

9 A That is true.

10 Q I'm going to take you kind of back to the Pleasant Union
11 search of the Defendants' property. You were present for
12 that; correct?

13 A That is correct.

14 Q And one of the things you testified about when Mr. DeBusk
15 was asking you is that you found a burn pile; is that right?

16 A That's correct.

17 Q It's not unusual in that area for people to burn their
18 trash; is it?

19 A That is, that is true.

20 Q Okay. And in that pile you said you found a holster for
21 a gun; correct?

22 A Yes, sir.

23 Q And you found a cell phone?

24 A That is correct.

25 Q Weren't able to get any kind of identifying information

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1 off of either one; right?

2 A That I'm not, I'm not sure of. I don't know after once
3 it's turned in, the evidence goes to other units, I, I don't
4 know.

5 Q But you didn't get anything?

6 A I did not. No, sir.

7 Q All right. And the -- were you the -- when you were on
8 scene did you call Conway Police Department to ask about the
9 guns and who they belonged to at the scene? Were, were you
10 that officer or did you not contact anyone at Conway Police
11 Department other than --

12 A Detective Watford was with me on scene at Pleasant Union.
13 So I'm not -- I had -- didn't call anybody from.

14 Q So you didn't call Tyres Nesmith to ask her who the guns
15 belonged to?

16 A I did not. No, sir.

17 Q Okay. All right. Thank you. Now, the evidence that you
18 discussed out of that pickup truck, let me ask you about that.
19 That doesn't show you anything about how the people were shot;
20 correct?

21 A That is correct.

22 Q It just shows you evidence about what happened? Doesn't
23 show you who did it?

24 A No, sir, it does not.

25 Q And when you process that truck you were obviously

1 processing it at that point a missing persons case; right?

2 A Up until I got to the back floorboard, yes, sir.

3 Q Okay. And once you got to the back floorboard kind of
4 raised your stakes a little bit; right?

5 A Yes, sir.

6 Q And that was because of the blood and everything that was
7 seen in the floorboard?

8 A That is correct.

9 Q And so you were searching that vehicle pretty thoroughly?

10 A Yes, sir.

11 Q All right. Moving to the next step of your process, the,
12 the scene where the bodies were found off Browns Chapel Road,
13 that's kind of a remote area of Horry County; isn't it?

14 A Yes, sir.

15 Q Not something that someone from out of town would just
16 stumble upon; right?

17 A It's more of a locals' area, yes, sir.

18 Q You'd have to kind of be local and know where that place
19 is in order to get there?

20 A Unless you were just driving around aimlessly, yes, sir.

21 Q All right. And I think the last question I have about
22 you mentioned the search of Mermaid Lane -- I had actually
23 some more questions -- Mermaid Lane address; right?

24 A That's correct.

25 Q And you said you found some 38-caliber rounds in a back

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1 bedroom?

2 A Yes. And a 22-caliber handgun, yes, sir.

3 A 22-caliber handgun. Is there anything unusual about 38-
4 caliber rounds? They're a pretty common round; aren't they?

5 A For a 38-caliber, yes, sir.

6 Q Okay. So it's not unusual to have a, have a 38-caliber
7 round sitting in a house somewhere?

8 A It, it is if you don't have a gun for it. I mean, it's
9 kind of strange to have, but --

10 Q But if you'd sold -- if you'd had a 38, sold it or
11 something like that --

12 A Yes.

13 Q -- wouldn't be unusual to have --

14 A That's --

15 Q -- 38s just sitting there?

16 A I would agree with that, yes, sir.

17 Q All right. And then the Jeep Cherokee that you searched,
18 you didn't get any real evidentiary value out of that; right?

19 A No, sir.

20 Q Okay. All right. Mr. Caulder, I have no other questions.

21 A Thank you, sir.

22 THE COURT: Any redirect?

23 MR. DEBUSK: One thing that Mr. Spratlin's cross-
24 examination brought to mind.

25

REDIRECT EXAMINATION

1 BY MR. DEBUSK:

2 Q What was the date you searched the blue truck?

3 A The date of the blue truck, the, the Dodge RAM truck was
4 searched on the 14th of July, 2017.

5 Q Thank you.

6 THE COURT: Mr. Wilson?

7 MR. WILSON: Nothing, Your Honor.

8 THE COURT: Mr. Spratlin?

9 MR. SPRATLIN: Nothing, Your Honor.

10 THE COURT: Mr. Caulder, you may step down. Thank you.

11 A Thank you, Your Honor.

12 MR. DEBUSK: May Mr. Calder be excused from his subpoena
13 so he can return to his present business?

14 THE COURT: Mr. Wilson, any objection? Mr. Spratlin?

15 MR. WILSON: No, sir, Your Honor.

16 THE COURT: Any objection?

17 MR. SPRATLIN: No, Your Honor.

18 THE COURT: Sir, you're released from your subpoena. You
19 have no further responsibility. Have a nice day.

20 A Thank you, Your Honor.

21 THE COURT: Call your next witness, please.

22 MR. OSKIN: Can I approach the attorneys real quick? The
23 State is ready to proceed, Your Honor. The State would next
24 call to the stand Mr. Mike Dowd.

25 Whereupon, Mike Dowd is called to the stand, duly sworn by

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1 the clerk and testified as follows:

2 THE CLERK: State your name and just spell your last
3 name.

4 MR. DOWD: Okay. My name is Michael Dowd, D-O-W-D.

5 DIRECT EXAMINATION

6 BY MR. OSKIN:

7 Q Good morning, Mr. Dowd. Thanks for joining us. Sir, who
8 is your employer?

9 A BB&T Bank.

10 Q All right. And do you work at a specific branch of BB&T?

11 A My office is based out of the Surfside Beach branch
12 location.

13 Q Okay. And how long have you been employed by BB&T?

14 A Since 2007.

15 Q All right. What's your official job title with BB&T?

16 A Corporate investigator.

17 Q Okay. What are some of your duties that are included as
18 a corporate investigator?

19 A We handle a variety of different types of cases which
20 includes check fraud, debit or credit card fraud, missing
21 night bag claims, transaction disputes with clients, elder
22 exploitation cases as well as teller shortages, internal
23 issues.

24 Q Okay. And how long have you been in that position with
25 BB&T?

- 1 A Since 2007.
- 2 Q Okay. Prior experience in corporate security or banking
3 security?
- 4 A Yes.
- 5 Q All right. From where, sir?
- 6 A I was with Wells Fargo previously. It was Wachovia Bank
7 and it was First Union Bank before that, and then a, a
8 smaller, CoreStates Bank --
- 9 Q Okay.
- 10 A -- since 1996.
- 11 Q Okay. And that, and that would have been my next
12 question. So you've worked in banking since 1996?
- 13 A Yes, sir.
- 14 Q And I'm an attorney. My math's bad. I think that's 23
15 years. How many years in corporate security or banking
16 security out of that 23?
- 17 A 23.
- 18 Q Okay. All, all? Okay.
- 19 A Except for six months.
- 20 Q We'll give you 23.
- 21 A Okay.
- 22 Q As part of your duties -- oh, let me ask you this. What
23 region of BB&T branches do you oversee with regards to client
24 security as, as corporate security?
- 25 A I cover from Hilton Head, South Carolina, up to Little

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1 River, as far west as Florence, and then I cover the
2 southeastern part of North Carolina from all the way up to
3 Jacksonville and then out to Pinehurst area.

4 Q Okay. And as part of your duties and responsibilities do
5 you have access to computer records of transactions that the
6 bank or its clients have participated in?

7 A I do.

8 Q Okay. Would this give you access to -- would this
9 include giving you access to bank records, ATM surveillance
10 photos?

11 A Yes.

12 Q Are the records of these transactions and these photos
13 are they kept in the ordinary course of BB&T's business?

14 A Yes.

15 Q All right. Just to be clear, I did ask the records and
16 the photos; correct?

17 A Correct.

18 Q Okay. Got a couple sets of different exhibits for you,
19 Mr. Dowd, and Madam Court Reporter, I'll start with this one.
20 I'll ask that you staple it together. You can mark this as
21 one.

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

23 THE COURT: Yes, sir.

24 BY MR. OSKIN:

25 Q Mr. Dowd, I'm showing you what's been pre-marked as

- 1 State's Exhibit Number 78, and I'll have you review that.
- 2 Just a moment. Are you able to recognize what that is?
- 3 A Yes. It's a, it's a bank statement.
- 4 Q Okay. And from which bank is that from?
- 5 A It's from our bank, from BB&T.
- 6 Q All right. And which -- does that set of papers there
- 7 indicate which client of BB&T's those bank records belong to?
- 8 A Yes.
- 9 Q And who is that?
- 10 A It belongs to Linda Duval McAllister and William C.
- 11 Clemons.
- 12 Q Okay. Would that make that a joint account?
- 13 A Yes.
- 14 Q And then this is, for clarification, when there's a joint
- 15 account is there still -- is there like a principal and then
- 16 or -- let me stop saying a thousand words at you. Is there
- 17 equal access to that account by both people?
- 18 A Yes.
- 19 Q Okay. Have you been able to review those records in
- 20 front of you in their entirety?
- 21 A Yes.
- 22 Q Have they been edited, altered, deleted, manipulated in
- 23 any way?
- 24 A No.
- 25 Q No material changes to them?

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1 A No.

2 MR. OSKIN: At this time, Your Honor, the State would
3 seek to move into evidence State's Exhibit Number 78.

4 THE COURT: Any objection?

5 MR. WILSON: Without objection, Your Honor.

6 MR. SPRATLIN: No objection, you honor.

7 (State's Exhibit Number 78 [BB&T Records] admitted into
8 evidence and appropriately marked.)

9 BY MR. OSKIN:.

10 Q Mr. Dowd, if you will, sir, will you please tell this
11 jury or answer this question for me first, were you requested
12 by law enforcement to pull those records in regards to those
13 BB&T clients?

14 A Yes.

15 Q What dates of the records were you requested to pull
16 from?

17 A I believe it was from July 4th through whatever the --
18 however long the, the transactions had occurred.

19 Q All right. And if you're able to look at the records
20 you'd see when the date started; right, from, from when you --
21 however far you pulled back to when you stopped?

22 A Correct.

23 Q All right. What's that first date, and I know it's a
24 black-and-white photo, but --

25 A I believe it says at least it was June 29th.

1 Q Okay.

2 A 2019.

3 Q All right. And what is the last date on that sheet of
4 records?

5 A July, July 12th, 2019, but it was posted on the, on the
6 13th, the next day, July 13th.

7 Q Okay. Based off your experience and, and your access to
8 records such as those, are you able to see the amount of money
9 that was in that bank account?

10 A Yes.

11 Q All right. Tell -- please tell this jury how much money
12 was in that bank account?

13 A It looks like as of June 29th there was over \$75,888.39.

14 Q All right. Did it have any pending debits or anything
15 like that?

16 A I mean, that was the, the balance that was posted there.

17 Q Okay. Let's narrow down to the day of July 3rd. From
18 that point till July 13th are you able to tell how much money
19 was spent on that account?

20 A Yes.

21 Q And to, and to be clear, these records are from July
22 2017. I may have misspoke and said 19. I apologize.

23 A Yes.

24 Q Those records are from 2017. How much money was debited
25 -- spent on that account from July 3rd to July 13th?

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1 A Well, the, the balance is -- was down as of July 13th was
2 down to 64,565.65.

3 Q Okay. And, and what did --

4 A So it was over \$11,000.

5 MR. OSKIN: Indulgence, please. Madam Court Reporter,
6 I'll have you mark this. If I may approach again, Your Honor?

7 THE COURT: Yes, sir.

8 Q Mr. Dowd, I'm showing you what's been pre-marked as
9 State's Exhibit Number 79. Are you able to recognize that?

10 A Yes.

11 MR. OSKIN: Before I proceed, Your Honor, is State's
12 Number 78 admitted into evidence?

13 THE COURT: Yes, sir.

14 MR. OSKIN: I'll return it to the court reporter. Thank
15 you, ma'am.

16 BY MR. OSKIN:

17 Q Mr. Dowd, what does that record indicate?

18 A It's a bank statement.

19 Q And is it from BB&T as well?

20 A Yes.

21 Q All right. Is -- what account is that from?

22 A It's a, a joint account belonging to William Clemons and
23 Marie Linda Duval.

24 Q Is that the same account that you prior testified to?

25 A This account ends in 4030.

1 Q Okay. Is it the same joint account?

2 A I'm not certain if that's -- if they had multiple
3 accounts there.

4 Q Would you be able to know if I showed --

5 A If you showed it to me, yes. There are two different
6 accounts.

7 Q Okay. But that second account belonged to William
8 Clemons?

9 A Yes.

10 Q Okay. And the same thing, you're able to tell that it
11 was a BB&T account?

12 A Correct.

13 Q Nothing's been changed, materially altered in that
14 account?

15 A Correct.

16 Q It is -- and that was requested of you as well?

17 A Yes.

18 Q And it's a copy of what you sent over?

19 A Yes.

20 Q All right.

21 MR. OSKIN: At this time, Your Honor, the State would
22 seek to move into evidence State's Exhibit Number 79.

23 THE COURT: Mr. Wilson, any objection?

24 MR. WILSON: I don't -- could we just have a sidebar real
25 quick on this?

Michael Dowd - Direct by Mr. Oskin

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1 THE COURT: Yes.

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

4 THE COURT: Any objection, Mr. Wilson?

5 MR. WILSON: No objections, Your Honor.

6 THE COURT: Mr. Spratlin?

7 MR. SPRATLIN: No objection, Your Honor.

8 THE COURT: Without objection, so admitted.

9 MR. OSKIN: Thank you, sir.

10 (State's Exhibit Number 79 [BB&T Records] admitted into
11 evidence and appropriately marked.)

12 BY MR. OSKIN:

13 Q Patience for a moment, Mr. Dowd. We've got a couple of
14 different sets of items here.

15 MR. OSKIN: May I approach, Mr. Dowd?

16 THE COURT: Yes.

17 BY MR. OSKIN:

18 Q Mr. Dowd, I'm showing you what's been pre-marked as
19 State's Exhibit Number 80. I'll ask if you recognize that.

20 A I do.

21 Q All right. What is that a -- what is that a copy of?

22 A It's the, it's debit card activity for, for Ms.
23 McAllister.

24 Q What -- based on what you can see there, and I'll
25 certainly let you compare if you need to, is that the same

- 1 account we've testified to in the prior exhibits?
- 2 A Yes.
- 3 Q What -- that -- those copies of the records appear to be
- 4 different than what I would suggest is a, is a -- just a bank
- 5 statement. Would I be accurate in saying that that's a bank
- 6 statement?
- 7 A The previous documents you handed to me?
- 8 Q Yes, sir.
- 9 A Yes.
- 10 Q Okay. That appears to be a little different. Why is
- 11 that?
- 12 A These -- it's a breakdown of the, of the transactions
- 13 that were done with the client's debit card.
- 14 Q Okay. And from which dates?
- 15 A It's hard to --
- 16 Q I understand.
- 17 A -- hard to read.
- 18 Q If you're not able to.
- 19 A It's around July 4th I think through July 12th. It's hard
- 20 to, hard to say.
- 21 Q I understand. Is, is that the same timeframe that the
- 22 records were requested of you?
- 23 A Yes.
- 24 Q Is that why you pulled them?
- 25 A Yes.

Michael Dowd - Direct by Mr. Oskin

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1 MR. OSKIN: Your Honor, at this time the State would seek
2 to move into evidence State's 80.

3 THE COURT: Any objection, Mr. Wilson?

4 MR. WILSON: No objections, Your Honor.

5 THE COURT: Mr. Spratlin?

6 MR. SPRATLIN: No objection.

7 THE COURT: Without objection so admitted.

8 (State's Exhibit Number 80 [BB&T Records, Debit Card
9 Activity] admitted into evidence and appropriately marked.)

10 MR. OSKIN: I'm trying to keep myself organized. I
11 appreciate everyone's patience, especially you, Madam Court
12 Reporter. I'll have you pre-mark this.

13 BY MR. OSKIN:

14 Q Mr. Dowd, I'm showing you what's been pre-marked as
15 State's Exhibit Number 81. Are you able to recognize that?

16 A Yes.

17 Q All right. What is that a -- that's a copy; is that
18 correct?

19 A Yes.

20 Q What is that a copy of?

21 A It's a, a transaction of a \$500 ATM withdrawal.

22 Q Okay. ATM withdrawal, would that be a cash withdrawal?

23 A Yes.

24 Q All right. And on which date was that cash withdrawal?

25 A It was done on July 10th, 2017.

1 Q Are you able to indicate which location?

2 A Yes.

3 Q What location would that be?

4 A It's the North Conway BB&T branch.

5 Q And you're again, you're able to recognize that through
6 your experience, your work duties?

7 A Yes.

8 Q You testified that's a copy, but has anything else been
9 changed to that receipt that you would have pulled, edited,
10 deleted, changed in any way?

11 A No.

12 MR. OSKIN: Your Honor, the State would seek to move into
13 evidence State's 81.

14 THE COURT: Any objection?

15 MR. WILSON: No objections, Your Honor.

16 MR. SPRATLIN: No objection, Your Honor.

17 THE COURT: Without objection so admitted.

18 (State's Exhibit Number 81 [BB&T Records, \$500
19 Withdrawal] admitted into evidence and appropriately marked.)

20 MR. OSKIN: The Court's indulgence as the court reporter
21 marks these.

22 BY MR. OSKIN:

23 Q Mr. Dowd, I'm going to show you what's been pre-marked as
24 State's Exhibit Number 82 through 85. I'll have you review
25 those. Are you able to, are you able to tell what those

Michael Dowd - Direct by Mr. Oskin

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1 photos are?

2 A Yes.

3 Q And what are they photos of?

4 A It's an ATM withdrawal.

5 Q Is that from a BB&T Bank?

6 A Yes. It is.

7 Q All right. Have those photos been changed, altered,
8 edited, deleted in any way?

9 A No.

10 Q Are you able to tell --

11 MR. OSKIN: At this time, Your Honor, the State would
12 seek to move those photos into evidence.

13 THE COURT: Any objection?

14 MR. WILSON: Without objections, Your Honor.

15 MR. SPRATLIN: No objection, Your Honor.

16 THE COURT: Without objection so admitted.

17 (State's Exhibit Numbers 82 through 85 [Photographs]
18 admitted into evidence and appropriately marked.)

19 BY MR. OSKIN:.

20 Q Are you able to tell the date that those withdrawals were
21 done?

22 A Yes.

23 Q All right. And what was that date?

24 A It was July 4th, 2017.

25 Q All right. Now, what time of day?

- 1 A 1:26 p.m.
- 2 Q Okay. At what branch?
- 3 A It's the Saybrook branch in Myrtle Beach.
- 4 Q Where would the -- where -- is that branch still open?
- 5 A No. It's not.
- 6 Q Okay. But it was open at that time?
- 7 A At that time it is. Yes.
- 8 Q Okay.
- 9 A Or was.
- 10 Q And where is the Saybrook branch of BB&T?
- 11 A It's on Highway 544 about a mile down the road from the
- 12 Walmart in Surfside Beach.
- 13 Q Okay. And, and you mentioned your branch is at Surfside
- 14 as well?
- 15 A Correct.
- 16 Q I don't need you to give me specifics, but are you
- 17 familiar with the Surfside, Murrells Inlet area? Do you live
- 18 in that area?
- 19 A Yes.
- 20 Q Do you know where Ocean Lakes is by chance?
- 21 A Yes.
- 22 Q Would the Saybrook branch be close to Ocean Lakes?
- 23 A It's a few miles down the road.
- 24 Q Okay. And those were photos requested of you as part of
- 25 this investigation?

Michael Dowd - Direct by Mr. Oskin

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- 1 A Correct.
- 2 Q And to be clear for this Court and this jury, you don't
- 3 know any of the parties involved personally? These were just
- 4 requested of you and you submitted them to law enforcement?
- 5 A Correct.
- 6 Q As part of your duties?
- 7 A Yes.
- 8 Q I will ask you this though, are you able to tell what
- 9 color that truck is?
- 10 A Yes.
- 11 Q What color is that truck?
- 12 A It's blue.
- 13 Q Is it a male or female in that truck?
- 14 A It's a male.
- 15 Q Mr. Dowd, as you can probably tell I'm going by date of
- 16 the withdrawal. Mr. Dowd, I'm showing you what's been marked
- 17 as State's Exhibit 86, 87 and 88. I know these questions are
- 18 getting redundant, but I'll ask if you're able to recognize
- 19 those?
- 20 A Yes.
- 21 Q All right. What are those photos of?
- 22 A It's an ATM withdrawal done at our Saybrook branch.
- 23 Q Is that, is that the same branch that you just previously
- 24 testified to?
- 25 A Yes.

1 Q And are you able to tell that based off those photos?

2 A Yes.

3 Q Have those photos been changed, edited, altered in any
4 way since you turned them over to law enforcement?

5 A No.

6 Q Okay.

7 MR. OSKIN: Your Honor, the State would seek to move 86,
8 87 and 88 into evidence.

9 THE COURT: Any objection?

10 MR. WILSON: No objection.

11 MR. SPRATLIN: No objection, Your Honor.

12 THE COURT: Without objection so admitted.

13 (State's Exhibit Numbers 86, 87 and 88 [Photographs]
14 admitted into evidence and appropriately marked.)

15 BY MR. OSKIN:

16 Q And again, I'll be more succinct that time. Are you able
17 to tell what color that vehicle is?

18 A Yes.

19 Q Male or female driver?

20 A It's a male.

21 Q But is -- is that, that photo is of an ATM transaction;
22 is that correct?

23 A Yes.

24 Q Would you please tell this jury where that camera comes
25 from with regards to the ATM?

Michael Dowd - Direct by Mr. Oskin

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1 A Where it comes from? I mean, that's -- it comes from the
2 branch, the Saybrook branch ATM.

3 Q All right. And I, I might be asking a stupid question,
4 but with like proximity to the ATM machine itself?

5 A That's, that's an internal -- the picture that you're
6 showing me there's -- well, there's two different angles.
7 One's an internal camera that's from inside the ATM pointing
8 outwards, facing outwards.

9 Q Okay. So if someone were to make a withdrawal they'd be
10 looking right at the camera?

11 A Correct.

12 MR. OSKIN: May I approach the witness again, Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. OSKIN:

15 Q Mr. Dowd, I'm handing you what's been pre-marked as
16 State's Exhibit 89 through 95. You know what questions are
17 coming, but I've got to ask it. Are you able to recognize
18 those photos?

19 A Yes.

20 Q What are they photos of?

21 A It's an ATM withdrawal done at the BB&T North Conway
22 branch.

23 Q Okay. So that's a separate branch from the Saybrook
24 branch?

25 A Yes.

1 Q Okay. And on what date were those withdrawals done?

2 A July 10th, 2017.

3 Q And so I don't misspeak, is that -- are those photos of
4 the same transaction, that is the same withdrawal? Are you
5 able to tell?

6 A Yes.

7 Q Okay. And the bank records that you testified to first,
8 that would reflect the amounts withdrawn from these photos; is
9 that correct?

10 A Yes.

11 Q Okay. Again, you don't know the parties involved, but is
12 a male or female driving that vehicle?

13 A Female.

14 Q All right. And what type of vehicle is that? Are you
15 able to tell?

16 A I'm sorry.

17 Q Are you able to tell what type of vehicle that is?

18 A I can tell by the lettering it looks like on the, on the
19 bottom of the, on the panel, side panel there. It looks like
20 a, a Cherokee I think.

21 MR. OSKIN: At this time, Your Honor, the State would
22 seek to move into evidence 89 through 95.

23 THE COURT: Any objection?

24 MR. WILSON: No objections, Your Honor.

25 MR. SPRATLIN: Without objection, Your Honor.

Michael Dowd - Direct by Mr. Oskin

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1 THE COURT: Without objection so admitted.

2 (State's Exhibit Number 89 through 95 [Photographs]
3 admitted into evidence and appropriately marked.)

4 MR. OSKIN: If I may approach this witness one last time,
5 Your Honor.

6 THE COURT: Yes.

7 BY MR. OSKIN:

8 Q Mr. Dowd, I'm showing you what's been pre-marked as
9 State's Exhibit 96 through 99, I believe; is that correct?

10 A The same transaction, is that what you're asking?

11 Q If they are 96 through 99?

12 A Yes.

13 Q Okay.

14 A Sorry.

15 Q Are you able to recognize those exhibits?

16 A Yes.

17 Q All right. And what are they photos of?

18 A It's an ATM withdrawal done at our North Conway BB&T
19 branch.

20 Q Okay. Anything changed, altered, edited, deleted in
21 those photos?

22 A No.

23 Q Are you able to tell which branch?

24 A Yes.

25 Q And again, based off your duties and experience?

1 A Yes.

2 Q And what type of vehicle -- what color of vehicle was in
3 that photo?

4 A It's blue colored.

5 Q All right. Who's -- male or female driving that?

6 A Male.

7 Q All right. The last question I have --

8 MR. OSKIN: Your Honor, I would seek to move those
9 exhibits into evidence, 96 through 99.

10 MR. WILSON: No objections.

11 MR. SPRATLIN: No objection.

12 THE COURT: Without objection so admitted.

13 (State's Exhibit Numbers 96 through 99 [Photographs]
14 admitted into evidence and appropriately marked.)

15 BY MR. OSKIN:

16 Q Throughout your review of this case and the retrieval of
17 these records, were you able to determine how many BB&T
18 locations were used by that car during that timeframe?

19 A Yes.

20 Q How many were used?

21 A There was four.

22 Q All right. And which locations were they?

23 A It was the Conway Main branch, the North Conway branch,
24 the Saybrook branch and then the Highway 544 branch.

25 Q Okay. North Conway branch, is that the one here by Food

Michael Dowd - Cross by Mr. Spratlin

414

1 Lion?

2 A It's on Main Street. I think it's 30 -- is it 3600 Main
3 Street, I believe.

4 Q Is -- has that -- is that one still open or no?

5 A That one's still open.

6 Q Okay. Is there another branch -- the other branch in
7 Conway is it will open?

8 A No. That has been closed.

9 Q Is the, is the location on 544 still open?

10 A That one has been closed.

11 Q How about Saybrook? I think you already testified to it?

12 A That one's been closed.

13 Q But they all were open and accessible at the time
14 requested from you, that is July, early July of 2017?

15 A Correct.

16 Q Mr. Dowd, please answer any questions the Defense may
17 have.

18 THE COURT: Mr. Wilson.

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

20 THE COURT: Mr. Spratlin.

21 MR. SPRATLIN: Just one question, Your Honor.

22 CROSS EXAMINATION

23 BY MR. SPRATLIN:

24 Q All of these transactions occurred after July 3rd;
25 correct?

1 A Yes.

2 Q Thank you.

3 MR. SPRATLIN: No other questions.

4 THE COURT: Any redirect?

5 MR. OSKIN: No, sir, Your Honor. The State would seek
6 that Mr. Dowd be released from his subpoena.

7 THE COURT: Sir, you may step down. Any objection to
8 that, Mr. Wilson?

9 MR. WILSON: None, Your Honor.

10 THE COURT: Mr. Spratlin?

11 MR. SPRATLIN: No, Your Honor.

12 THE COURT: Sir, you're released from your subpoena. You
13 have no further responsibility. You have a nice day.

14 A Okay. Thank you. You, too.

15 THE COURT: Call your next witness, please.

16 MR. DEBUSK: Thank you, Your Honor. The State calls
17 Dennis Lewis.

18 Whereupon, Dennis Lewis is called to the stand, duly
19 sworn by the clerk and testified as follows:

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

21 MR. LEWIS: Okay. Dennis Lewis, L-E-W-I-S.

22 DIRECT EXAMINATION

23 BY MR. DEBUSK:

24 Q Investigator Lewis, who is your employer?

25 A Horry County Police Department.

Dennis Lewis - Direct by Mr. DeBusk

416

- 1 Q How long you been with them?
- 2 A About 15 years.
- 3 Q Okay. How long have you been in law enforcement?
- 4 A With Horry County about 15 years.
- 5 Q Okay. How long have you worked as a crime scene
- 6 investigator?
- 7 A Almost six years.
- 8 Q Okay. Were your duties the same in July of 2017 as they
- 9 are now? Were your duties the same in July?
- 10 A It was. Yes, sir.
- 11 Q Were you involved in the investigation of the murders of
- 12 Linda McAllister and William Chet Clemons?
- 13 A Yes, sir.
- 14 Q What was your role?
- 15 A I assisted Senior Investigator Robbie Caulder.
- 16 Q Okay. As an assistant, did you write a report or collect
- 17 any evidence from the scenes where Mr. Caulder worked?
- 18 A No, sir.
- 19 Q Did you end up collecting any evidence in this case?
- 20 A I did.
- 21 Q Where and when was that?
- 22 A It was on August the 25th, 2017.
- 23 Q Okay. Where?
- 24 A At the Horry County Police Department.
- 25 Q At the police department where, where was it?

- 1 A South -- about the -- in the parking lot.
- 2 Q Okay. From where did you collect it? What --
- 3 A From a 2011 Dodge RAM.
- 4 Q Blue?
- 5 A Blue.
- 6 Q Okay. At that point who was in possession of that
- 7 vehicle?
- 8 A I think they released it to the family.
- 9 Q Okay. Why did you go look at that vehicle?
- 10 A They had found and located two spent casings in the
- 11 vehicle.
- 12 Q Now, Investigator Caulder and you had, had searched this
- 13 vehicle already; right?
- 14 A We did.
- 15 Q Did you miss those casings?
- 16 A Evidently we did.
- 17 Q Does that happen sometimes?
- 18 A It does.
- 19 Q Are these casings large or small?
- 20 A Small.
- 21 Q Okay. 25-caliber is a very small?
- 22 A Yes, sir.
- 23 Q Okay. Let me show you State's Exhibits 100 and 101,
- 24 we've hit the century mark, ask if you recognize these?
- 25 A I do.

Dennis Lewis - Direct by Mr. DeBusk

418

1 Q Okay. What are they?

2 A They're the photographs that I took behind the front
3 passenger seat of the Dodge RAM.

4 Q Were they behind the seat or under the seat?

5 A Well, they was right near the edge of the seat, under it
6 really if you --

7 Q Okay. Okay.

8 MR. DEBUSK: Your Honor, the State moves 100 and 101 into
9 evidence.

10 THE COURT: Any objection?

11 MR. WILSON: I have no objections, Your Honor.

12 MR. SPRATLIN: Just subject to my prior objection, Your
13 Honor.

14 THE COURT: Subject to Mr. Spratlin's prior objection
15 they are admitted.

16 (State's Exhibit Numbers 100 and 101 [Photographs]
17 admitted into evidence and appropriately marked.)

18 BY MR. DEBUSK:

19 Q On State's 100 what does it show?

20 A You say what did it show?

21 Q Yes.

22 A Two spent casings, item of evidence number one and number
23 two.

24 Q So those big numbers there are the --

25 A Yes, sir. They identifying the evidence that was there.

1 Q Okay. What did you do with those casings?

2 A I collected them.

3 Q Let me show you State's Exhibit 76 and ask if you
4 recognize it.

5 A Yes, sir.

6 Q What are they?

7 A They're the 25-caliber spent casings.

8 Q Are those as you packaged them?

9 A They are.

10 Q And as you collected them?

11 A Sir?

12 Q As you collected them?

13 A Yes, sir.

14 Q What, what did you do with them once they were collected?

15 A I take them -- took them back into the police department
16 and sealed them in, in this with tamper proof tape, yes, sir.

17 Q And were they placed into evidence?

18 A They was placed into evidence, yes, sir.

19 Q Okay. I believe 76 is already in evidence; is that --

20 THE COURT: No, sir.

21 MR. DEBUSK: At this time, Your Honor, we'd move 76 into
22 evidence.

23 THE COURT: Any objection, Mr. Wilson?

24 MR. WILSON: No, sir.

25 THE COURT: Mr. Spratlin?

Dennis Lewis - Direct by Mr. DeBusk

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1 MR. SPRATLIN: Just subject to my prior objection, Your
2 Honor.

3 THE COURT: Admitted into evidence.

4 (State's Exhibit Number 76 [25-Caliber Spent Casings]
5 admitted into evidence and appropriately marked.)

6 BY MR. DEBUSK:

7 Q What caliber were those casings you found?

8 A 25-caliber.

9 Q Among your responsibilities as a crime scene investigator
10 do you sometimes take evidence to SLED?

11 A Yes, sir, I do.

12 Q Let me show you a couple of items and ask if you
13 transported these to SLED, State's 14, State's 75?

14 A Yes, sir, I know I did this one.

15 Q And State's 102, it's a companion to the, to the State's
16 75. Ask if you recognize those. At this point if you need to
17 open it to, to read it.

18 A I don't see any markings or anything on it.

19 Q Well, let me show you SLED chain of custody and see if
20 you can --

21 A Uh-huh.

22 Q Let me show you to refresh your memory. What's this --
23 what is this document?

24 A It's a State Law Enforcement Division chain of custody.

25 Q And does it show who submitted item 16, the camouflage

- 1 hat?
- 2 A Let me see if I can find it. I don't see an item 16 on
3 it.
- 4 Q I might draw your attention to this line right here?
- 5 A Okay. Yeah. Item 16. Yes, sir.
- 6 Q Okay. And who submitted that from Horry County?
- 7 A I did.
- 8 Q Okay. Why do they keep chains of custody, documents like
9 this?
- 10 A To show that it didn't leave -- what the chain of custody
11 show where it went, who had it in possession.
- 12 Q So you did take that hat?
- 13 A I did. Yes, sir.
- 14 Q And you did take those paper towels?
- 15 A I did. Yes, sir.
- 16 Q When you transport something like that, do you draw them
17 out of evidence yourself?
- 18 A Do I drive them?
- 19 Q Do you take them out of the evidence yourself?
- 20 A No, sir. I don't, I don't take them out.
- 21 Q It's -- you're given them by Lori Rabon?
- 22 A Yes, sir.
- 23 Q And then you transport them to SLED. While you're
24 transporting them do you alter them or change them in any way?
- 25 A No, sir.

Dennis Lewis - Cross by Mr. Spratlin

422

1 Q Okay. Now, when you, when you searched the truck and
2 found the casings, when the family called you over how many
3 casings had they found?

4 A Two.

5 Q Did they find them both or did they just find just one?

6 A I'm not sure. When I got there Detective Singleton was
7 there and directed me to the truck and there was two casings
8 on the floor.

9 Q You collected two?

10 A I did.

11 Q Okay. Thank you. Okay. Thank you. Please answer any,
12 any questions the Defense might have.

13 A Thank you.

14 THE COURT: Mr. Wilson?

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

16 THE COURT: Mr. Spratlin?

17 CROSS EXAMINATION

18 BY MR. SPRATLIN:

19 Q Investigator Lewis, those were 25-caliber casings that
20 you recovered; right?

21 A Correct. Yes, sir.

22 Q And that's obviously larger than a 22-caliber; correct?

23 A Yes, sir.

24 Q So no 22 could shoot a 25-caliber; right?

25 A No, sir.

Lisa Hill - Direct by Mr. DeBusk

423

1 Q And did you do anything with those casings except take
2 them into evidence?

3 A That's, that's all I did.

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

5 THE COURT: Mr. DeBusk.

6 MR. DEBUSK: Nothing further, Your Honor. We'd ask that
7 Investigator Lewis be released from his subpoena.

8 THE COURT: Any objection, Mr. Wilson?

9 MR. WILSON: None, Your Honor.

10 THE COURT: Mr. Spratlin.

11 MR. SPRATLIN: No, Your Honor.

12 THE COURT: Sir, you may step down. You're released from
13 your subpoena.

14 A Thank you, Your Honor.

15 THE COURT: Have a nice day.

16 A Yes, sir.

17 THE COURT: Call your next witness.

18 MR. DEBUSK: Your Honor, the State calls Lisa Hill.

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

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

23 MS. HILL: Lisa Hill, H-I-L-L.

24 DIRECT EXAMINATION

25 BY MR. DEBUSK:

Lisa Hill - Direct by Mr. DeBusk

424

1 Q Officer Hill, who's your employer?

2 A Conway Police Department.

3 Q How long have you been with them?

4 A I've been with them for 13 years. I've been with
5 property and evidence for four, a little over four.

6 Q Okay. In July of 2017 were your duties the same,
7 property and evidence?

8 A Yes, sir.

9 Q What do you do in property and evidence?

10 A I'm responsible for the safekeeping and storage of all
11 the evidence that comes into the department.

12 Q Do you recall whether -- if you received in July 2017
13 some evidence from the search of a truck, 2011 blue Dodge RAM
14 pickup truck?

15 A Correct.

16 Q Okay. That was given to Conway PD by Horry County crime
17 scene officer; is that correct?

18 A Correct.

19 Q Who checked it into your evidence?

20 A I checked it into evidence.

21 Q Okay. Let me show you State's 13, 14 and 75. Were these
22 -- I'm sorry -- among the items that were checked into Conway
23 evidence?

24 A Yes, sir.

25 Q Okay. And just to be clear Horry County checked those

Lisa Hill - Direct by Mr. DeBusk

425

1 items in because they were helping Conway with the crime?

2 A Correct.

3 Q Okay. Did you safeguard these items in evidence?

4 A Yes. Once I check them into evidence they're in a secure
5 room that has an alarm and --

6 Q Were they altered or changed in any way?

7 A No, sir.

8 Q Where they returned to Horry County evidence?

9 A Yes, sir.

10 Q Okay. And while you had them they were in safekeeping?

11 A Yes, sir.

12 Q Thank you. Please answer any questions the Defense might
13 have.

14 A Okay.

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

16 MR. SPRATLIN: I have no questions either, Your Honor.

17 MR. DEBUSK: Your Honor --

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

19 A Okay. Thank you.

20 MR. DEBUSK: We would move to let Officer Hill be
21 released from her subpoena.

22 THE COURT: Any objection?

23 MR. WILSON: I didn't quite understand what he said.

24 MR. DEBUSK: I asked her to be released from the
25 subpoena.

Jill Domogauer - Direct by Mr. DeBusk

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1 THE COURT: Asked if she could be released from her
2 subpoena.

3 MR. WILSON: Oh, without objection, Your Honor.

4 MR. SPRATLIN: Without objection.

5 THE COURT: Ma'am, you're released from your subpoena,
6 have no further responsibility. You have a nice day.

7 A Thank you.

8 MR. DEBUSK: Your Honor, the State calls Jill Domogauer.

9 Whereupon, Jill Domogauer is called to the stand, duly
10 sworn by the clerk and testified as follows:

11 THE CLERK: Spell your last name for the Court, *state your name*

12 MS. DOMOGAUER: Jill Domogauer, D-O-M-O-G-A-U-E-R.

13 DIRECT EXAMINATION

14 BY MR. DEBUSK:

15 Q Investigator Domogauer, who's your employer?

16 A I'm employed by the Horry County Police Department.

17 Q How long have you been with the Horry County?

18 A For Horry County I've been there going on maybe 10, 11
19 years, if not longer.

20 Q How long have you been in law enforcement?

21 A 22 years.

22 Q Okay. What are your duties now?

23 A I'm currently assigned to the crime scene division.

24 Q How long have you been a crime scene investigator?

25 A 10 years with Horry County, and prior to that maybe seven

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1 or eight years with the City of Conway.

2 Q Okay. Same duties in August of 2017?

3 A Yes, sir.

4 Q As part of your responsibilities do you sometimes
5 transport evidence to SLED?

6 A When called upon to do so, yes, sir.

7 Q Let me show you what's been marked as State's Exhibit 103
8 and ask if you recognize that.

9 A Yes, sir. I recognize it.

10 Q What is it?

11 A It is a buccal swab that was turned in by an officer and
12 subsequently packaged and transported to SLED.

13 Q What officer turned it in?

14 A I believe it was Matthew Singleton.

15 Q And can you tell from that package who took it to SLED?

16 A Can I tell from the bag when I took it?

17 Q Okay. Or did you take it to SLED?

18 A Yes. I did take it to SLED on August 22nd of 2017.

19 Q While it was in your custody, control did you alter or
20 change it in any way?

21 A No. You can tell -- if you can look closely there's red
22 evidence tamper tape that has Matthew Singleton's initials on
23 it. That's how it was received in our evidence division.

24 Basically, I'm just its ride. So it was sealed prior to me
25 ever touching it, and then when I take it to SLED it's sealed

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1 from the original sealer, and when I bring it back you can
2 tell this is a heat-sealed bag.

3 Q So when you get it to SLED they, they put it in their own
4 heat-sealed bag?

5 A When I took this item to SLED it was in an envelope that
6 was sealed and, again, the tamper tape on the end of the
7 swabs. I'm the one who put it in this bag because it's their
8 protocol to put it in this bag, and you can see where I filled
9 out the information. That's my signature. That's my date and
10 it's heat-sealed.

11 Q Thank you. Please answer any questions the Defense might
12 have of you.

13 A Yes, sir.

14 THE COURT: Mr. Wilson.

15 MR. WILSON: I have no -- no questions.

16 THE COURT: Mr. Spratlin.

17 MR. SPRATLIN: No questions for this investigator, Your
18 Honor.

19 THE COURT: You may step down.

20 A Thank you, sir. Do you want me to leave this up here?

21 MR. DEBUSK: I'll get it. May Investigator Domogauer be
22 released from her subpoena, Your Honor?

23 THE COURT: Any objection, Mr. Wilson?

24 MR. WILSON: No, sir, Your Honor.

25 THE COURT: Mr. Spratlin?

Rebecca Phillips -- Direct by Mr. DeBusk

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1 MR. SPRATLIN: No objection.

2 THE COURT: Ma'am, you're released from your subpoena.
3 You're free to go. You have no further responsibility here.
4 Have a nice day.

5 A Thank you. Yes, sir.

6 MR. DEBUSK: The State calls Rebecca Phillips.

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

9 THE CLERK: Please state your name and spell your full
10 name.

11 MS. PHILLIPS: My name is Rebecca Phillips, R-E-B-E-C-C-
12 A, Phillips, P-H-I-L-L-I-P-S.

13 DIRECT EXAMINATION

14 BY MR. DEBUSK:

15 Q Investigator Phillips, who's your employer?

16 A Horry County Police Department.

17 Q How long you been with them?

18 A 19 years.

19 Q What is your current assignment?

20 A I am currently assigned to the crime scene investigation
21 unit.

22 Q How long you been there?

23 A A year and nine months.

24 Q Okay. In June of 2019 were you also in the -- June of
25 this year?

Rebecca Phillips -- Direct by Mr. DeBusk

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1 A Yes. Yes.

2 Q Okay.

3 A This year.

4 Q Among your responsibilities as a crime scene investigator
5 do you sometimes take items to SLED?

6 A Yes.

7 Q Let me show you what's been marked as State's Exhibit
8 Four and ask if you handled this.

9 A I did. It has my signature and initial on it.

10 Q What did you do with it?

11 A I -- it was transferred to me from Horry County evidence
12 and I transported it to SLED in Columbia.

13 Q Okay. While it was in your custody and control did you
14 alter or change it in any way?

15 A Did it change in any way?

16 Q Did you alter or change it in any way?

17 A No.

18 Q Was it packaged as it is now when you lift it up and when
19 you turned it?

20 A Correct.

21 Q Okay. And when you got it to SLED they put a new
22 packaging on it?

23 A SLED, SLED, I put it in this and then I initial it, and
24 they put a label on it.

25 Q Okay.

1 A So it's the same packaging at SLED.

2 Q So the clear plastic packaging was put on when you submit
3 it to SLED?

4 A Correct.

5 Q Thank you. Please answer any questions the Defense might
6 have.

7 THE COURT: Mr. Wilson.

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

9 THE COURT: Mr. Spratlin.

10 MR. SPRATLIN: No questions for this investigator.

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

12 MR. DEBUSK: Your Honor, at this time we'd move State's
13 Four into evidence.

14 THE COURT: Any objection, Mr. Wilson?

15 MR. WILSON: None, Your Honor.

16 THE COURT: Mr. Spratlin?

17 MR. SPRATLIN: No, no objection, Your Honor.

18 (State's Exhibit Number Four [Buccal Swabs] admitted into
19 evidence and appropriately marked.)

20 MR. DEBUSK: We'd ask that Investigator Phillips be
21 excused from her subpoena.

22 THE COURT: Mr. Wilson, any objection?

23 MR. WILSON: No objections, Your Honor.

24 THE COURT: Mr. Spratlin?

25 MR. SPRATLIN: No objection.

Lori Dudley -- Direct by Mr. DeBusk

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1 THE COURT: Ma'am, you're released from your subpoena and
2 you're free to go. Have a nice day.

3 A Thank you, sir.

4 MR. DEBUSK: Your Honor, the State calls Lori Dudley.

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

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

8 MS. DUDLEY: Lori Dudley, D-U-D-L-E-Y.

9 DIRECT EXAMINATION

10 BY MR. DEBUSK:

11 Q Ms. Dudley, who's your employer?

12 A Horry County Police.

13 Q How long you been with them?

14 A 23 years.

15 Q You're getting close now.

16 A I am.

17 Q What are your duties?

18 A I'm currently the evidence supervisor.

19 Q How long have you been -- had those duties?

20 A 20 years.

21 Q Did -- were the same in July of 2017?

22 A I was.

23 Q Okay. Since you've been doing it 20 years, I guess

24 that's obvious. Let me ask you about a few items. In

25 general, first, if Horry County crime scene assisted other

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1 agencies, say Conway Police Department, with a crime scene and
2 they collect evidence do they -- what do they do with it?

3 A If we adopt a case the evidence is brought to our
4 facility and it's entered into our inventory.

5 Q If it's not adopted immediately would it go to Conway?

6 A Yes. It would.

7 Q Okay. In this case, did you receive some items back from
8 Conway that had been sent over there from a crime scene
9 investigation?

10 A I did.

11 Q Let me show you State's Exhibit 13 and ask if that was --
12 included some of the items.

13 A Yes. It is.

14 Q Okay. Now, when a number of samples are taken from a
15 crime scene or in this case a vehicle are they all sent to
16 SLED?

17 A Not at one time. SLED has a protocol we can only send
18 five at the time.

19 Q Okay. How is it decided which samples will be sent?

20 A Myself, as well as the investigator and the crime scene
21 investigator'll decide.

22 Q So once those items are received back from, from Conway,
23 at some point a decision was made to send them to SLED?

24 A Yes.

25 Q And they would have been, at that point, packaged

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1 together as they are now?

2 A Yes. They would.

3 Q And when someone takes them to SLED how do they check it
4 out of evidence?

5 A We just sign a chain of custody and they take it to
6 Columbia.

7 Q While items are in evidence are they maintained without
8 altering or changing them in any way?

9 A Yes. They are.

10 Q All right. And do the crime analysts, crime scene
11 investigators have access to the evidence?

12 A Yes. They have care, custody and control.

13 Q So they can sign it in and sign it out?

14 A Yes.

15 Q Okay. Let me ask you, two other items, now State's 75
16 and 14, were these among the items received back from Conway
17 and subsequently sent to SLED?

18 A This has our label on it. It says paper towels from the
19 bed of the truck.

20 Q Uh-huh.

21 A And this is a hat from the blue truck.

22 Q Were both those items taken from Conway retained in
23 Conway -- in county evidence?

24 A Yes. They were.

25 Q And ultimately sent to SLED?

Lori Dudley -- Direct by Mr. DeBusk

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- 1 A Yes. They were.
- 2 Q I'm going to show you item 103. Was that also received
- 3 by county evidence?
- 4 A Yes. It was.
- 5 Q Submitted by whom?
- 6 A Submitted to SLED or --
- 7 Q No. Submitted to county evidence by whom?
- 8 A Matthew Singleton, the officer that collected it.
- 9 Q And was that the item that was ultimately checked out to
- 10 Investigator Domogauer to go to SLED?
- 11 A Yes. It was.
- 12 Q And State's Four, was that received by evidence?
- 13 A Yes. It was.
- 14 Q And was that item ultimately sent to SLED?
- 15 A Yes. It was.
- 16 Q And what is it?
- 17 A It is a buccal swab for Sara Lewis.
- 18 Q And who was that one received from?
- 19 A Rebecca Phillips.
- 20 Q I mean, who, who, who put it into evidence?
- 21 A I'm sorry. I'm not quite sure.
- 22 Q Actually, we've had testimony about that already so
- 23 they'll --
- 24 A Okay.
- 25 Q Item 77, was that received by county evidence?

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1 A Yes. It was.

2 Q And was it sent to SLED?

3 A Yes. It was.

4 Q And all these items that were received by county evidence
5 and sent to SLED -- oh, I missed one, State's 67.

6 A Yes. This is -- has our tag on it as well.

7 Q Okay. And when these items were in Horry County evidence
8 were they altered or changed in any way?

9 A No. They were not.

10 Q Were they safeguarded?

11 A Yes.

12 Q Who decides who takes them to SLED?

13 A I do.

14 Q Okay. And so you would have assigned an officer to do
15 that?

16 A Yes. I would.

17 Q I'm sorry. It's been a long day. I forgot one. State's
18 76, the same questions, that was an item put into evidence and
19 sent to SLED?

20 A Yes. It is.

21 Q Okay. Let me gather all these items back, and thank you.
22 Please answer any questions the Defense might have.

23 THE COURT: Mr. Wilson.

24 MR. DEBUSK: Oh, if I could, I have one more.

25 THE COURT: All right.

1 MR. DEBUSK: The Court's indulgence.

2 BY MR. DEBUSK:

3 Q State's 102, in reference to State's 75, what's happened
4 there?

5 A This is the packaging that the hat was contained inside.

6 Q Why are they separated from one another?

7 A Because you wanted the jury to be able to see the hat.

8 Q Right. So it was, it was not visible in the prior
9 packaging?

10 A That's right.

11 Q Did you remove it yourself?

12 A I did.

13 Q And it's packaged separately?

14 A Yes. It is.

15 Q Okay.

16 MR. DEBUSK: Your Honor, we'd, we'd move State's 102,
17 just a separate packaging, into evidence.

18 THE COURT: Any objection?

19 MR. WILSON: None, Your Honor.

20 MR. SPRATLIN: And Your Honor, only as it relates to the
21 truck and my subsequent objection.

22 MR. DEBUSK: Your Honor, may I ask the court reporter to
23 staple 75 and 102 together since they've been related by
24 testimony. Thank you. Now please answer any questions the
25 Defense may have.

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1 THE COURT: They're admitted into evidence without
2 objection from Mr. Wilson, subject to Mr. Spratlin's
3 objection.

4 (State's Exhibit Number 102 [Packaging] admitted into
5 evidence and appropriately marked.)

6 THE COURT: Cross examination, Mr. Wilson?

7 MR. WILSON: I have no questions.

8 THE COURT: Mr. Spratlin?

9 MR. SPRATLIN: No, Your Honor.

10 THE COURT: All right. Ma'am, you may step down.

11 MR. DEBUSK: Oh, Your Honor, may Ms. Dudley be released
12 from her subpoena?

13 THE COURT: Objection?

14 MR. WILSON: Without objection.

15 MR. SPRATLIN: No objection.

16 MR. OSKIN: If we may approach real quick, Your Honor.

17 THE COURT: Ma'am, you may -- you're released from your
18 subpoena. You're free to go. Thank you for being here.

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

21 THE COURT: All right. All right. Ladies and gentlemen,
22 we're going to take a short break right now. I'm going to ask
23 you to step to the jury room. Do not discuss the case. I'll
24 get you back out here in just a second.

25 (Whereupon, the following takes place outside the

1 presence of the jury.)

2 THE COURT: All right. We'll stand down for just a few
3 minutes.

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

5 (Whereupon, a bench conference is held.)

6 OFF THE RECORD

7 (On the record. The following takes place outside the
8 presence of the jury.)

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

11 MR. OSKIN: Nothing from the State, Your Honor.

12 THE COURT: Mr. Wilson?

13 MR. WILSON: Nothing, Your Honor.

14 THE COURT: Mr. Spratlin?

15 MR. SPRATLIN: Your Honor, just that in accordance with
16 the motion in limine the Court heard earlier I have spoken
17 with the State regarding the evidence they're going to present
18 next, and it has been modified to comply with the motion in
19 limine regarding my client's device, a monitoring device.

20 THE COURT: Your client's what?

21 MR. SPRATLIN: The monitoring device that was the subject
22 of the motion in limine.

23 THE COURT: My understanding it was removed, the photo or
24 whatever.

25 MR. OSKIN: Yes, sir. The video was, was transformed to

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1 a photo. All, all that, evidence of any ankle monitor was
2 removed from thereof. Mr. Spratlin's had an opportunity to
3 review that. I apologize for misspeaking at our, at our
4 sidebar. I will do these exhibits date-by-date as I did with
5 Mr. Dowd. Just wanted the court reporter and Your Honor to
6 know that.

7 THE COURT: All right. Bring me the jury, please, ma'am.
8 Is your witness in the courtroom?

9 MR. OSKIN: Robin O'Kane.

10 THE COURT: Okay. Get them in the courtroom, please.

11 MR. OSKIN: Yes, sir.

12 THE COURT: So when, when the jury gets in here they can
13 step on up.

14 MR. OSKIN: Yes, sir.

15 THE COURT: Thank you.

16 MR. OSKIN: She is present and available, Your Honor.

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

19 THE COURT: All right. All the jurors are present.
20 Recognize the State. Call your next witness, please.

21 MR. OSKIN: Thank you, Your Honor. The State would next
22 call Ms. Robin O'Kane.

23 Whereupon, Robin O'Kane is called to the stand, duly
24 sworn by the clerk and testified as follows:

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

1 MS. O'KANE: Robin O'Kane, O'K-A-N-E.

2 DIRECT EXAMINATION

3 BY MR. OSKIN:

4 Q Good afternoon, Ms. O'Kane. Are you currently employed?

5 A I am.

6 Q Where at?

7 A Walmart.

8 Q All right. And which Walmart location?

9 A The one at 2709 Church Street here in Conway.

10 Q All right.

11 MR. OSKIN: Madam Court Reporter. If I may approach this
12 witness, Your Honor.

13 THE COURT: Yes.

14 BY MR. OSKIN:

15 Q Ms. O'Kane, before we get going, I'm going to ask -- show
16 you what's been pre-marked as State's Exhibit 104, ask if
17 you're able to recognize that.

18 A That would be the front of my store.

19 Q Okay. Is that an accurate photocopy of -- thereof?

20 A Yes. It is.

21 Q Nothing edited, changed, deleted, altered in that?

22 A No, sir.

23 Q That's the store you work at?

24 A Yes, sir.

25 Q Okay.

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1 MR. OSKIN: At this time, Your Honor, the State would
2 seek to move into evidence State's Exhibit 104.

3 THE COURT: Any objection?

4 MR. WILSON: No objection.

5 MR. SPRATLIN: No objection, Your Honor.

6 THE COURT: So admitted.

7 (State's Exhibit Number 104 [Photograph] admitted into
8 evidence and appropriately marked.)

9 BY MR. OSKIN:

10 Q What is your current position or job title, Ms. O'Kane?

11 A I work as an asset protection associate.

12 Q Okay. And what are your duties in that position?

13 A I review videos, protect Walmart's assets, its
14 merchandise, its cash and its buildings and properties.

15 Q Okay. And how long have you been employed at that
16 position?

17 A Since 2013.

18 Q Okay. And do you have any prior asset protection
19 experience anywhere else other than Walmart?

20 A I'm -- I also served with the South Carolina Army
21 National Guard as a staff sergeant in the military police.

22 Q Okay. Focusing on your duties at Walmart, and I, and I
23 think you touched on it, maybe ask you to go a little bit more
24 specific. What -- and when protecting Walmart's assets what
25 are some of your skills and, and what's required of you during

1 your work duties?

2 A Well, I observe customers mainly during my work duties,
3 but I do that via videos, and I research cash register
4 receipts and other transactions, that was also theft and
5 accidents.

6 Q It seems obvious enough from what you just stated, but do
7 you monitor video surveillance as part of your duties?

8 A I do.

9 Q All right. And you're able to retrieve transaction
10 receipts?

11 A I can.

12 Q All right. Are you -- are you also able to capture still
13 shot photos from video surveillance?

14 A Yes. Yes. Walmart has that abilities.

15 Q Are you able to retrieve all these records by specific
16 dates and times if requested?

17 A Yes.

18 Q And how are you able to do that?

19 A Walmart's video system is synced directly to its receipt
20 registers. So they're -- how do I put it, I mean, it's, it's
21 synced. Whatever is on the register is going to happen on
22 video at the same time, and it's all recorded and maintained
23 via DVR system through the home office.

24 Q Okay. And you were employed in that same capacity in
25 July of 2017?

Robin O'Kane - Direct by Mr. Oskin

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- 1 A I was.
- 2 Q You said that's at the Church Street Walmart?
- 3 A Correct.
- 4 Q Do you recall early July of that month that you were
- 5 asked to -- by the Conway Police to obtain surveillance
- 6 footage and transaction receipts with regards to purchases
- 7 made by the Defendants before you today?
- 8 A Well, I didn't know they were the Defendants, but I --
- 9 that request was made.
- 10 Q Okay. Through the -- did you honor that request?
- 11 A I did.
- 12 Q Through that surveillance -- did you review that
- 13 surveillance that you pulled?
- 14 A I did.
- 15 Q Are you able to recognize the Defendants from the
- 16 surveillance that you pulled?
- 17 A Yes.
- 18 Q Okay. And that is for the matter in which you're
- 19 testifying today?
- 20 A Correct.
- 21 Q And to be clear for this jury, His Honor and these
- 22 attorneys, you don't know those people?
- 23 A No, sir.
- 24 Q Okay. In other than a court proceeding you don't know
- 25 anything else about it?

1 A Correct.

2 Q You were asked to turn over surveillance footage and
3 transaction receipts to law enforcement?

4 A That's right.

5 Q And you did so. All right.

6 MR. OSKIN: If I may approach this witness, Your Honor.

7 THE COURT: Yes.

8 Q I'm showing you what's been marked as State's Exhibit
9 105. Are you able to recognize that?

10 A Yes.

11 Q What is that a video of?

12 A This would be the video of any movement or transactions
13 that the police had requested of me.

14 Q Okay. Now, did you edit or alter or delete that video,
15 anything before turning it over to law enforcement?

16 A No. I don't have the ability to do that.

17 Q Did you just give it to them for the time it was
18 requested?

19 A Right.

20 Q Okay.

21 MR. OSKIN: And, Your Honor, at this time the State would
22 seek to move into evidence State's Exhibit 105.

23 THE COURT: Any objection, Mr. Wilson?

24 MR. WILSON: No objection.

25 THE COURT: Mr. Spratlin?

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1 MR. SPRATLIN: No objection, Your Honor.

2 THE COURT: So admitted without objection.

3 (State's Exhibit Number 105 [CD - Walmart] admitted into
4 evidence and appropriately marked.)

5 BY MR. OSKIN:..

6 Q Direct your attention to State's Exhibit 106. Are you
7 able to recognize what that is?

8 A Yes. This is a photocopy of a Walmart transaction
9 report.

10 Q Okay. And from which Walmart?

11 A This one would be from 00586 which is the one on Church
12 Street.

13 Q Okay. And how are you able to tell based on looking at
14 that copy?

15 A Up in the top line it would say ST number and then 0586.

16 Q Is ST store?

17 A Yes.

18 Q Okay. Which date did that transaction occur?

19 A July 4th, 2017.

20 Q Okay. And at what time on July 4th, 2017?

21 A At 1:34:47 in the morning.

22 Q Okay. And to, to which amount was spent at that time?

23 A My goodness. The debit amount looks to be \$505.34.

24 Q Okay. Before I go any further, has anything, and again,
25 I know repetitive, anything changed, altered, deleted on that

1 transaction receipt?

2 A No, sir.

3 Q Other than it is a photocopy of the original?

4 A Other than it's a photocopy of, yes.

5 Q All right.

6 MR. OSKIN: You Honor, at this time the State was seek to
7 move into evidence State's Exhibit 106.

8 THE COURT: Any objection, Mr. Wilson?

9 MR. WILSON: No objection.

10 THE COURT: Mr. Spratlin?

11 MR. SPRATLIN: No objection.

12 THE COURT: Without objection so admitted.

13 (State's Exhibit Number 106 [Receipt - Walmart] admitted
14 into evidence and appropriately marked.)

15 BY MR. OSKIN:

16 Q Ms. O'Kane, due to your work experience are you able to
17 tell whether or not a cash withdrawal was made at that time in
18 addition to the purchases?

19 A Yes.

20 Q Was there one made?

21 A Give me just a second. Yes.

22 Q Okay. In what amount?

23 A It looks to be \$100.

24 MR. OSKIN: Madam Court Reporter. The Court's
25 indulgence. If I may approach this witness, Your Honor?

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1 THE COURT: Yes.

2 BY MR. OSKIN:

3 Q And Ms. O'Kane, I do apologize. A lot of these questions
4 are the same. I have to ask them. The jury is tired of me
5 having to ask these questions, but they are important for His
6 Honor and the record. Okay? I'm going to show you what's
7 been marked as State's Exhibit Number 107, 108 and 109. Okay.
8 And ask if you recognize those?

9 A I do.

10 Q Okay. And starting with 107, what is that?

11 A This would be the video copy of any transactions that
12 occurred at Walmart that was requested of me.

13 Q Based on your involvement in this case, does that video
14 transaction coincide with those receipts?

15 A From what I can tell, yes.

16 Q All right. I'll ask you to review those receipts real
17 fast or actually to be accurate --

18 A No. That's fine.

19 Q -- ever how much time you need.

20 A Okay.

21 Q Are you able to recognize those receipts?

22 A I can.

23 Q Anything been changed, altered, edited, deleted,
24 materially changed on those?

25 A No.

1 Q Okay. Those are accurate reflections of the copies?
2 They're photocopies?

3 A They are photocopies of receipts.

4 MR. OSKIN: Your Honor, at this time the State would seek
5 to move into evidence State's 107, 108 and 109.

6 THE COURT: Any objection, Mr. Wilson?

7 MR. WILSON: No objection.

8 THE COURT: Mr. Spratlin?

9 MR. SPRATLIN: No objection, Your Honor.

10 THE COURT: Without objection so admitted.

11 (State's Exhibit Number 107 [CD - Walmart], State's
12 Exhibit Number 108 [Receipts - Walmart] and State's Exhibit
13 Number 109 [Receipts - Walmart] entered into evidence and
14 appropriately marked.)

15 BY MR. OSKIN:

16 Q So the record's clear so the jury can understand, is
17 State's 108 and 109, are they, are they the same thing?

18 A Basically they are. 108 is the customer register
19 receipt.

20 Q I'll have you show this jury, please, so they can tell
21 what we're talking about?

22 A This is the receipt that you receive from any retail
23 store, the customer receives when they make their receipt.

24 109 is the electronic journal receipt for that same
25 information, and it's the same exact receipt. The only thing

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1 that's missing is the Walmart identifier up top. All the
2 other information is the same.

3 Q Thank you. Approach you again, Ms. O'Kane. I'll ask if
4 you recognize State's Exhibit Number 110, 111 and 112?

5 A I do recognize them.

6 Q And start with 110, what is that?

7 A 110 would be a video of the transactions pertaining to
8 this, that it was requested of me.

9 Q You learn quick. Is that video surveillance of those
10 receipts?

11 A Yes, sir. It is.

12 Q And nothing's been changed, altered, edited, deleted,
13 materially manufactured on there?

14 A No, sir.

15 Q True and accurate reflection of copies of what was
16 requested from you?

17 A Yes, sir.

18 MR. OSKIN: Your Honor, at this time the State would seek
19 to move into evidence State's 110, 111 and 112.

20 THE COURT: Any objection, Mr. Wilson?

21 MR. WILSON: No objections, Your Honor.

22 THE COURT: Mr. Spratlin?

23 MR. SPRATLIN: No objection.

24 THE COURT: Without objection so admitted.

25 (State's Exhibit Number 110 [CD - Walmart], State's

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1 Exhibit Number 111 [Receipts - Walmart] and State's Exhibit
2 Number 112 [Receipts - Walmart] entered into evidence and
3 appropriately marked.)

4 BY MR. OSKIN:

5 Q And, and again, to be clear, these 111 and 112 are they a
6 copy of the same thing, different formats?

7 A Yes, sir. They are.

8 Q Borrow 111 from you. Ask you to direct your attention to
9 112. All right.

10 A Yes.

11 Q As part of your duties, experience and ability at
12 Walmart, able to read a receipt; correct?

13 A Yes, sir.

14 Q All right. How much, how much -- what is the total debit
15 purchase on that receipt?

16 A The total debit purchase on this receipt for merchandise
17 is going to be \$704.21 and then there's \$100 cash back.

18 Q Okay. Anywhere on that receipt is any sort of gaming
19 device purchased?

20 A The Sky Viper was purchased.

21 Q Okay. Is there any --

22 A A PS -- a PS4 game purchased.

23 Q Okay.

24 A PS4 game was purchased. You talking about the gaming
25 system?

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1 Q The game system, yes, ma'am, and the --

2 A Okay. Yeah. If you're looking for a gaming system, the
3 PS4 one tablet SL was purchase.

4 Q Okay.

5 A For \$299.

6 Q Any games purchased with that PS4 or to go along with
7 that PS4 presumably?

8 A That would be that first item I mentioned, the PS4 game
9 for \$39. If I'm not mistaken the DS Four Wave Blue is also.

10 Q Okay.

11 A The PS4 software, there's several games actually on here
12 for that game ware.

13 Q All right. Direct your attention to the last line before
14 subtotal, do you, do you see what I'm seeing?

15 A Subtotal, last line, three-year service plan.

16 Q And what would that apply to?

17 A That's a service plan that Walmart offers in addition to
18 the factory warranty, so if you drop it, break it, spill your
19 coffee on it.

20 Q Okay. And just a couple of lines above that, one line
21 above sensor three, what does that say?

22 A Hair dye.

23 Q All right. Well, one line above that, what does that
24 also say?

25 A Hair dye.

1 MR. OSKIN: Approach the witness, Your Honor.

2 THE COURT: Yes.

3 BY MR. OSKIN:

4 Q You know what I'm going to ask.

5 A Yes, sir.

6 Q Are you able to recognize those exhibits, State's
7 proposed 113, 14 and 15?

8 A Yes, sir.

9 Q All right. What is that a video of?

10 A 113 would be a video of the transactions that were
11 requested of me of, of these transactions, yes.

12 Q Nothing edited, altered, deleted, materially changed?

13 A No, sir.

14 Q Are those copies of the receipts?

15 A Yes.

16 Q Same thing, different format?

17 A Same thing, different format.

18 MR. OSKIN: Again, at this time, Your Honor, the State
19 would seek to move into evidence State's 113 and 114 and 115.

20 THE COURT: Any objection, Mr. Wilson?

21 MR. WILSON: None, Your Honor.

22 MR. SPRATLIN: No, Your Honor.

23 THE COURT: Without objection so admitted.

24 (State's Exhibit Number 113 [CD - Walmart], State's

25 Exhibit Number 114 [Receipts - Walmart] and State's Exhibit

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1 Number 115 [Receipts - Walmart] entered into evidence and
2 appropriately marked.)

3 BY MR. OSKIN:

4 Q Ms. O'Kane, how much money was spent during this
5 transaction?

6 A The debit tended was 48-39.

7 Q I'll direct you to the first item purchased. Will you
8 please tell this jury what that item was, if you're able to
9 tell?

10 A This would be Febreze carpet --

11 Q Okay.

12 A -- stuff.

13 Q How about one line under that?

14 A That's a scrubbing sponge.

15 Q All right. How about two lines beneath the sponge?

16 A Clorox.

17 Q And then is Febreze mentioned anywhere else on that
18 receipt?

19 A Yes. There's another -- there's a second Febreze carpet,
20 I don't know, like, you know, sprayer or powder.

21 Q Direct your attention to State's 116 and 117, ask if
22 you're able to view those?

23 A These are the same receipts just different formats.

24 Q All right. You know protocol by now. What was the total
25 debit purchase or what time was this transaction made?

1 A This transaction occurred at 12:07:42 on July 7th.

2 Q All right. What was the total debit purchase at that
3 time?

4 A The total debit purchase is going to be -- the total
5 debit was \$542.53. It was \$442.53 for merchandise and \$100
6 cash back.

7 Q And that's indicated on the receipt; correct?

8 A Yes, sir.

9 Q Appears to be largely food items; is that correct?

10 A Yes, sir. A couple of men's shirts, but mostly food
11 items.

12 MR. OSKIN: Your Honor, these exhibits are moved into
13 evidence?

14 THE COURT: No.

15 MR. OSKIN: Your Honor, the State would seek to move into
16 evidence State's 116 and 117.

17 THE COURT: Any objection, Mr. Wilson?

18 MR. WILSON: No, sir, Your Honor.

19 THE COURT: Mr. Spratlin.

20 MR. SPRATLIN: No objection, Your Honor.

21 THE COURT: Without objection so admitted.

22 MR. OSKIN: Thank you.

23 (State's Exhibit Number 116 [Receipts - Walmart] and
24 State's Exhibit Number 117 [Receipts - Walmart] entered into
25 evidence and appropriately marked.)

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1 BY MR. OSKIN:

2 Q A few more dates here, Ms. O'Kane. Ask you about 118 and
3 119. What is 118?

4 A 118 is a video of Walmart surveillance concerning the
5 information that was requested of me.

6 Q And 119?

7 A Is a copy of a Walmart cash register receipt.

8 Q And they coincide with each other?

9 A Yes, sir, they do.

10 Q Nothing edited, changed, altered or materially deleted?

11 A No, sir.

12 Q The second item purchased on that receipt, what is that?

13 A It'd be a chain.

14 Q All right. How much?

15 A A security chain for \$98.

16 MR. OSKIN: Your Honor, I would seek to move into
17 evidence State's 118, 19.

18 THE COURT: Any objection?

19 MR. WILSON: No objections, Your Honor.

20 MR. SPRATLIN: No objection, Your Honor.

21 THE COURT: Without objection so admitted.

22 (State's Exhibit Number 118 [CD - Walmart] and State's
23 Exhibit Number 119 [Receipts - Walmart] entered into evidence
24 and appropriately marked.)

25 BY MR. OSKIN:

- 1 Q Mr. O'Kane, appreciate everybody's patience. 120, 121,
2 ask if you recognize that?
- 3 A I do.
- 4 Q What is 120?
- 5 A 120 is a video of Walmart surveillance concerning
6 information that was requested of me.
- 7 Q And how about 121?
- 8 A 121 is a copy of an electronic journal receipt.
- 9 Q All right. And do those two exhibits coincide with each
10 other?
- 11 A They do, sir.
- 12 Q Been changed, edited --
- 13 A Nothing.
- 14 Q -- deleted or altered?
- 15 A No, sir.
- 16 Q All right. Let's look at --
- 17 MR. OSKIN: At this time, Your Honor, State would seek to
18 move into evidence State's --
- 19 A 21.
- 20 MR. OSKIN: -- 120 and 121.
- 21 THE COURT: Any objection, Mr. Wilson?
- 22 MR. WILSON: No objections, Your Honor.
- 23 THE COURT: Mr. Spratlin?
- 24 MR. SPRATLIN: No objection, Your Honor.
- 25 THE COURT: So admitted without objection.

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1 (State's Exhibit Number 120 [CD - Walmart] and State's
2 Exhibit Number 121 [Receipts - Walmart] admitted into evidence
3 and appropriately marked.)

4 BY MR. OSKIN:

5 Q What's the total debit purchase on that receipt?

6 A The total amount charged was going to be \$484.97. That's
7 384.97 in merchandise and another hundred dollars in cash
8 back.

9 Q What is the -- the last two items purchased, I believe,
10 if I'm wrong, correct me, I believe they're about a \$200
11 purchase?

12 A They were \$134 each.

13 Q Okay. And what, what was that? Are you able to tell?

14 A That would be an AC unit like a window air-conditioning
15 unit I believe.

16 Q Do you sell those at Walmart?

17 A Yes, sir.

18 Q Those were purchased that day?

19 A It was purchased on the -- yeah, the 10th of July.

20 Q Okay.

21 A Two of them.

22 MR. OSKIN: We have two dates left, Your Honor. May I
23 approach Ms. O'Kane?

24 THE COURT: Yes.

25 BY MR. OSKIN:

- 1 Q Let's start with these, with 123 and 124. Are you able
2 to recognize those?
- 3 A I am.
- 4 Q What are -- what is that?
- 5 A 123 is a still frame from the camera video of Walmart's
6 exit, entrance, market side, grocery store.
- 7 Q Okay. Is that the Walmart you work at?
- 8 A Yes. It is.
- 9 Q Did you retrieve those photos?
- 10 A I did.
- 11 Q Nothing edited or changed on them?
- 12 A No, sir.
- 13 MR. OSKIN: Your Honor, the State would seek to move into
14 evidence 123 and 124.
- 15 THE COURT: Any objection, Mr. Wilson?
- 16 MR. WILSON: No objections, Your Honor.
- 17 THE COURT: Mr. Spratlin.
- 18 MR. SPRATLIN: No objection, Your Honor.
- 19 THE COURT: Without objection, 123, 124 admitted.
- 20 (State's Exhibit Number 123 [Receipts - Walmart] and
21 State's Exhibit Number 124 [Receipts - Walmart] entered into
22 evidence and appropriately marked.)
- 23 BY MR. OSKIN:
- 24 Q I'll ask that you look at the receipt, and that -- in the
25 interest of time and helping something here, we're going to

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1 put the same copy of the same thing together, save us a
2 number, save my court reporter some stickers. What is 122?

3 A 122 is a, is a copy of the cash register receipt for
4 merchandise that was purchased along with the electronic
5 journal of the same receipt.

6 Q Okay. And what's the total debit purchase on that date?

7 A \$948.94, \$848 in merchandise and another \$100 cash back.

8 MR. OSKIN: If they have not been, the State would seek
9 to move these into evidence.

10 THE COURT: Which numbers?

11 MR. OSKIN: State 122, 123 and 24.

12 THE COURT: Any objection, Mr. Wilson?

13 MR. WILSON: No objections, Your Honor.

14 THE COURT: Mr. Spratlin?

15 MR. SPRATLIN: No objection.

16 THE COURT: Without objection so admitted.

17 (State's Exhibit Number 122 [Receipts - Walmart] admitted
18 into evidence and appropriately marked.)

19 BY MR. OSKIN:

20 Q The line right above the subtotal, would you tell this
21 jury what item that was?

22 A It's a cookware set, pots and pans.

23 Q How much -- all right. How much did that cost?

24 A \$159.

25 MR. OSKIN: Lastly, Your Honor.

1 BY MR. OSKIN:

2 Q Approach you one last time, Ms. O'Kane. I so much
3 appreciate your patience. First 125 and 126?

4 A 125 is a video, a copy of video surveillance for
5 Walmart's videos.

6 Q Requested from you?

7 A Requested from me, yes.

8 Q Coincides with that receipt?

9 A Yes. It does.

10 Q Nothing changed, edited, altered, deleted?

11 A No, sir.

12 Q Then --

13 MR. OSKIN: I apologize. We've done this so much. I
14 forgot what I'm saying. That's remarkable. Your Honor, the
15 State would seek to move into evidence 125 and 126.

16 THE COURT: Any objection, Mr. Wilson?

17 MR. WILSON: No objections.

18 THE COURT: Mr. Spratlin.

19 MR. SPRATLIN: No objection, Your Honor.

20 THE COURT: Without objection so admitted.

21 (State's Exhibit Number 125 [CD - Walmart] and State's
22 Exhibit Number 126 [Receipts - Walmart] admitted into evidence
23 and appropriately marked.)

24 MR. OSKIN: If I may retrieve 126 for a moment, ma'am.

25 Thank you.

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1 Q What's the total debit purchase on that receipt?

2 A The total debit purchase is \$575.45, \$475.45 in
3 merchandise and \$100 cash back.

4 MR. OSKIN: The Court's indulgence, Your Honor. Your
5 Honor, at this time the State would seek to publish to the
6 jury what's already been admitted into evidence State's
7 Exhibit 105, 107, 110, and for the record, 107 and 110 have
8 been redacted subject to the motion in limine by Attorney
9 Spratlin. State's 113, State's 118, State's 120 and State's
10 125, we ask to be able to publish that to the jury, Your
11 Honor.

12 THE COURT: Yes, sir.

13 MR. OSKIN: The Court's indulgence while Ms. Root and I
14 set up the system.

15 MR. SPRATLIN: Your Honor, permission to move about the
16 courtroom?

17 THE COURT: Yes, sir.

18 MR. OSKIN: Are you able to view it properly, Defense
19 counsel?

20 MR. SPRATLIN: Yes, sir.

21 MR. WILSON: Yes.

22 (State's Exhibit Number 107 played in open court.)

23 MR. OSKIN: For the record, the State's about to publish
24 State's Number 105 to the jury.

25 THE COURT: What was just published before that?

1 MR. OSKIN: That would be State's 107, Your Honor.

2 THE COURT: Okay.

3 (State's Exhibit Number 105 played in open court.)

4 MR. OSKIN: Your Honor, that concludes 105. Before we
5 proceed, I'd inform the Court that Ms. O'Kane has informed me
6 she's, she's available for this afternoon. I'm not going to
7 starve yourself and certainly not this jury. I recognize it
8 is 12:50. We'll, we'll continue if you direct me to.

9 THE COURT: All right. What we're going to do, we're
10 going to stand down at this point. I've been advised that
11 your lunch is here. Lunch is here. All right. Let you step
12 to the jury room. Again, do not discuss this case at all. Do
13 not discuss the case at all. Mr. Foreman, when you all are
14 finished if you'll knock on the door and let the bailiff know
15 that you are ready to return I'll get you back in here as
16 promptly as possible. Okay? Thank you.

17 FOREPERSON: Yes, sir.

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

20 THE COURT: All right. Hold on just a minute.

21 Ms. O'Kane, I'm going to allow you to step down during
22 the lunch break. Do not discuss your testimony at all. You
23 all need to be ready to go at 1:30.

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

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

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1 A Yes, sir.

2 OFF THE RECORD

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

5 THE COURT: All right. Anything from the State before I
6 bring the jury back out?

7 MR. OSKIN: No, sir, Your Honor. I've been informed that
8 Ms. O'Kane is present and ready to get back on the stand.

9 MR. WILSON: Nothing, Your Honor.

10 MR. SPRATLIN: Nothing, Your Honor.

11 THE COURT: Ms. O'Kane, if you'd come back down here,
12 please, ma'am.

13 MS. O'KANE: Okay.

14 (Ms. O'Kane returns to stand.)

15 THE COURT: Ms. O'Kane, before we broke for lunch I
16 instructed you not to discuss your testimony with anyone. Did
17 you comply with the Court's order?

18 MS. O'KANE: I did, sir.

19 THE COURT: Very well. Bring me the jury, please.

20 (Whereupon, the following takes place in the presence of
21 the jury.)

22 THE COURT: All right. Mr. Wilson, Mr. Spratlin, if you
23 all want to come back up.

24 MR. WILSON: Thank you, Your Honor.

25 MR. SPRATLIN: Thank you, Your Honor.

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1 THE COURT: All right. Ladies and gentlemen of the jury,
2 we're going to continue at this time. I'll recognize Mr.
3 Oskin. You may continue.

4 MR. OSKIN: Thank you, sir. Mr. Spratlin, you need a
5 chair or anything?

6 MR. SPRATLIN: No. I'm fine.

7 MR. OSKIN: At this time, Your Honor, the State would
8 seek to publish to the jury what's already been admitted into
9 evidence, which is State's Exhibit 110.

10 THE COURT: Thank you.

11 (State's Exhibit Number 110 played in open court.)

12 MR. OSKIN: That concludes that exhibit, Your Honor.

13 THE COURT: All right.

14 MR. OSKIN: Moving next, the State would seek to
15 introduce what's already been admitted into evidence or seek
16 to publish, I apologize, State's Exhibit 113.

17 (State's Exhibit 113 played in open court.)

18 MR. OSKIN: Let the record reflect that concludes State's
19 118 or 113. I apologize.

20 There are two exhibits left, Your Honor. The State would
21 seek to publish what's been admitted into evidence 118. Two
22 after this one.

23 (State's Exhibit 118 played in open court.)

24 MR. OSKIN: That concludes 118, Your Honor. The State
25 would next seek to publish State's 120.

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1 THE COURT: All right.

2 (State's Exhibit 120 played in open court.)

3 MR. OSKIN: Lastly, Your Honor, the State would seek to
4 publish State's 125 to the jury.

5 THE COURT: Very well.

6 (State's Exhibit 125 played in open court.)

7 MR. OSKIN: That concludes the video of this portion,
8 Your Honor. The Court's indulgence as we move this TV back
9 and let the Defense attorneys get set.

10 MR. SPRATLIN: Your Honor, may myself, Mr. Oskin, Mr.
11 DeBusk and Mr. Wilson approach?

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

14 THE COURT: Go ahead.

15 BY MR. OSKIN:

16 Q In order to complete a debit transaction at Walmart you
17 have to know the pin code to do that?

18 A For a debit card, yes, sir.

19 Q Nothing further from the State. Please answer any
20 questions from these gentlemen.

21 THE COURT: Mr. Wilson?

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

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

24 THE COURT: You may step down.

25 A Thank you, Your Honor.

1 MR. OSKIN: Ask that Ms. O'Kane be excused from her
2 subpoena, sir.

3 THE COURT: Any objection, Mr. Wilson?

4 MR. WILSON: No objections, Your Honor.

5 MR. SPRATLIN: No objection, Your Honor.

6 THE COURT: Ma'am, you're released from your subpoena,
7 and you're free to go. Have a nice day.

8 A Thank you, Your Honor.

9 THE COURT: Call your next witness.

10 MR. DEBUSK: Your Honor, may we approach, just --

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

13 MR. DEBUSK: The State calls Cynthia Schandl.

14 Whereupon, Cynthia Schandl is called to the witness
15 stand, duly sworn by the clerk and testified as follows:

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

18 MS. SCHANDL: Cynthia Anna Schandl, S-C-H-A-N-D-L.

19 DIRECT EXAMINATION

20 BY MR. DEBUSK:

21 Q Good afternoon, Dr. Schandl. Who is your employer?

22 A I work at the Medical University of South Carolina in
23 Charleston, South Carolina, in the department of pathology and
24 laboratory medicine.

25 Q Are you a duly licensed physician and surgeon?

Cynthia Schandl - Direct by Mr. DeBusk

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- 1 A Yes. I am.
- 2 Q In which states?
- 3 A I'm licensed to practice medicine in Florida, South
4 Carolina and North Carolina.
- 5 Q How long have you been licensed?
- 6 A I have been licensed since 1999.
- 7 Q And you might have answered this already but are you
8 presently engaged in the practice of your profession?
- 9 A Yes. I am.
- 10 Q At MUSC?
- 11 A That's correct.
- 12 Q Could you tell the jury your educational background?
- 13 A Of course. So I completed my bachelor's degree at the
14 California State University system in San Bernardino,
15 California. After that I came to Charleston, South Carolina,
16 where I did my medical school training as well as graduate
17 school training, so that was eight years of training, and
18 following medical school and graduate school I received my MD
19 and my PhD degrees, and after medical school there are
20 frequently additional training programs, and I went to what's
21 called a pathology residency program where I specialized in
22 anatomic pathology and clinical pathology. That's four years,
23 and then an additional year as a fellowship program in
24 forensic pathology, so that's yet another year of training,
25 and after those trainings I'm now board certified by the

1 American Board of Pathology in anatomic pathology, clinical
2 pathology and forensic pathology.

3 Q Okay. Probably an obvious question, too, but does your
4 work include performing autopsies?

5 A It does as a forensic pathologist. Yes.

6 Q About how many have you performed?

7 A More than 2000.

8 Q And again, another obvious question, do you specialize in
9 a particular branch?

10 A Well, my, my subspecialty is forensic pathology, yes.

11 Q Could you tell the jury what forensic pathology is?

12 A Sure. So the way I think of it is sort of the
13 intersection of pathology, which is the study of disease and
14 the law. So any of these cases, usually in our case what we
15 do involves people who have died and then where those deaths
16 might have some legal implications. So sometimes that means
17 that there might be a lawsuit, sometimes that means that
18 somebody might have killed somebody else, lots of different
19 reasons that somebody's death might have something to do, some
20 sort of legal implication.

21 Q Are you a member of any specialized medical, scientific
22 groups or associations?

23 A Yes, a number. Just a couple include the College of
24 American Pathologists, the Association of Molecular Pathology,
25 the National Association of Medical Examiners and some others.

Cynthia Schandl - Direct by Mr. DeBusk

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1 Q Have you been qualified as an expert in court of laws in
2 pathology, forensic pathology in particular?

3 A Yes, sir.

4 Q How many times?

5 A More than a hundred.

6 MR. DEBUSK: Your Honor, we'd would offer Dr. Schandl as
7 an expert in forensic pathology.

8 THE COURT: Mr. Wilson, anything?

9 MR. WILSON: I have no objections, Your Honor, to her
10 qualifications.

11 THE COURT: Any questions concerning qualifications?

12 MR. WILSON: No, sir.

13 THE COURT: Mr. Spratlin?

14 MR. SPRATLIN: No, Your Honor, no objections and no
15 questions.

16 THE COURT: All right. Ladies and gentlemen, let me give
17 you a brief charge real quick before the doctor gives any
18 further testimony. Normally when a person testifies, they
19 cannot give opinion testimony. Normally when a person
20 testifies they must testify as to what they either saw, heard
21 or sensed by smell or something of that nature. However,
22 there is an exception when someone is qualified because of
23 education and experience. In those situations they are
24 permitted to give their opinion in certain areas if the Court
25 qualifies them to do so. This witness is being qualified as

1 an expert in the field of forensic pathology to give opinion
2 testimony. That does not mean that you must accept the
3 opinion but is evidence for you to use in any way that you see
4 fit and give it the weight and credibility that you deem
5 appropriate. You may continue, sir.

6 MR. DEBUSK: Thank you, Your Honor.

7 BY MR. DEBUSK:

8 Q Dr. Schandl, what is an autopsy?

9 A An autopsy is a medical and surgical procedure performed
10 on someone who has already died, and during this procedure we
11 will look at the external parts of the body, so all the skin
12 surfaces, and we do that in order to document things that
13 might have identifying features, so how tall was somebody,
14 what color were their eyes, those sorts of things, as well as
15 whether there were any injuries or issues with the skin, and
16 then the procedure continues to an internal examination where
17 we look at all the organs that are inside of the body. So
18 that's the surgical part, and then in most cases we'll also
19 take specimens, so bits and pieces of the organs to look at
20 under the microscope to look for disease processes, and then
21 depending upon the type of autopsy and the scope involved,
22 there are some ancillary tests, so extra tests that we might
23 do such as x-ray examinations and toxicology tests and those
24 sorts of things.

25 Q Did you have occasion to perform autopsies on Linda

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1 McAllister and William Chester Clemons?

2 A Yes, sir.

3 Q Okay. Where did you do those autopsies?

4 A Those, at the Medical University of South Carolina in our
5 autopsy facility.

6 Q If we may, let's go through them one by one. Let's talk
7 about Linda McAllister first. What was the condition of Linda
8 McAllister's body when you received it?

9 A So we received her remains in a, in a body bag, and they
10 were in a state of some decomposition. So much of the skin
11 was absent from particularly the front of her body and her
12 face and head and many of her organs were absent as well. So
13 she was beginning to decompose.

14 Q Would you have a way of telling how much time had passed
15 since death?

16 A It's very difficult to determine that because there are
17 so many variables, including the time of year, how hot it was,
18 whether there's water or not, whether there are -- you know,
19 how much earth was on top of a person or not, whether they
20 were, you know, outside just free. So I can't give you a good
21 estimate. Usually I say in those cases is that investigation
22 is your best chance of finding how long someone has been died
23 -- has been dead.

24 Q Is it fair to say that decomposition happens faster in a
25 warm wet environment?

1 A Yes. It certainly does. So if you -- if, if -- and you
2 can just think commonsense like they find things that are in
3 really good shape that are in the ice, and if you are in the
4 desert then you're going to not be in as good shape, and if
5 you have both heat and humidity, like we do here, the, the
6 process is even more quick.

7 Q How were you able to identify Ms. McAllister?

8 A Now, Ms. McAllister, she had a couple of identifying
9 things. So when we have somebody who's starting to decompose
10 and you can't look at their face and, and someone can't
11 recognize them, we have to use other ways to do it. So for
12 her we had some dental x-rays that were taken before she died
13 by her dentist and those were provided to me and then we took
14 our own set of x-rays to compare those, and there were no
15 inconsistencies between the x-rays that I took and the ones
16 that I got from her dentist. So we call that a scientific
17 identification based upon her, her dentition or her teeth.
18 The other things that she had or something in particular was
19 she had a history of having a broken wrist, and associated
20 with that broken wrist was a piece of metal hardware, and so
21 we were able to document the presence of that metal hardware
22 and the lot number that it came from to, to corroborate that
23 as well, but specifically, the scientific evidence for her
24 identification that I had was based upon her teeth.

25 Q Did you collect the teeth to send to, to -- for further

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1 analysis?

2 A Yeah. So in addition to my exam the jaws were also
3 provided for later investigation if it was needed.

4 Q Okay. Did you turn those over to the Horry County
5 Police?

6 A Yes. Do you need to know to whom?

7 Q If you could, please?

8 A Absolutely. Give me one sec. Oh, what I have here,
9 these are my case files for the two individuals that we're
10 talking about here, and so I don't need -- I'm just looking at
11 my report. Okay. So Detective King E. Hemingway of Major
12 Crimes Division, Horry County Police.

13 Q Thank you. Other than the healed broken arm with the,
14 with the pin in it or the rod in it, what other injuries did
15 you observe on Ms. McAllister?

16 A So her skull showed defects. There was a small round
17 defect to the right -- to -- I'm sorry, to the left side of
18 her head and a larger defect that was also somewhat round to
19 the right side of her head, and I concluded that that was a
20 single gunshot wound that went through and through. So it
21 entered in the left and exited through the right, and the way
22 that we know that usually we have skin to look at, right, so
23 we can tell entrance and exit by the -- by how the skin looks
24 where the bullet goes in as it's twirling around and, and
25 where it comes out looks a little bit different. With the

1 skull what we use is that the skull has two different layers
2 of bone, and so depending on where -- which direction the
3 bullet is, if it's going to go through the first layer, the
4 first layer of bone on the same side of the skull, it's going
5 to have a smaller hole than the second layer because this one
6 pushes on that one. So on the entrance wound with a skull you
7 get what we call inward beveling. So you have this hole and
8 then sort of a bevel, and then as it travels to the other side
9 it does a very similar thing except we call it an outward
10 beveling where the, the hole on the inside of the skull as
11 it's traveling out is a little bit smaller than on the outside
12 edge of the skull. So we can tell that without skin on the
13 skull, where we can't tell that on a lot of other places in
14 the body just because the skull is made up of, of a two layer,
15 two layers of bone.

16 Q Let me show you what's been marked as State's Exhibits 58
17 of 59 and ask you if you recognize these?

18 A Yes, sir.

19 Q Would that help you explain to the jury the location and
20 size of those wounds and the trajectory of the --

21 A Yes. It would.

22 Q And then State's Exhibit 61 -- oh, just tell the jury
23 what, what those show.

24 A Sure. So State's Exhibit 58 shows Ms. McAllister's skull
25 from the left-hand side and there's a little A. So A is where

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1 I put to designate where the entrance wound is and then you
2 can see there's a little defect in the skull there associated
3 where the bullet entered her skull and State's, State's
4 Exhibit 59 is the other side of the skull, and so I have a
5 little B. So it -- we just sort of make a little label A and
6 B. A is for entrance in this case and B is the exit, and this
7 is above the, the defect to the right side of her skull where
8 the, where the bullet had exited.

9 Q Let me ask you about the size of the entrance wound.

10 A Okay.

11 Q Did you measure it? What, what was the size of that?

12 A Yes. And again, I'm going to refer to my notes. So I
13 measured it in parts of inches. So the entrance wound is 0.28
14 by 0.28 inch, so a little bit bigger than a quarter inch by a
15 quarter inch.

16 Q Okay. How about the exit wound?

17 A And the exit is 0.4 by 0.4 inch, so a little bit bigger
18 than the quarter inch entrance but not quite a half inch.

19 Q Is there a reason that the exit wound would be bigger
20 than the entrance wound?

21 A Well, sometimes it's because the bullet, after it hits
22 the first part of the body, may not be going exactly in its
23 little spirally pathway anymore. It may be tumbling or
24 otherwise not going quite as -- in quite a straight fashion.
25 So sometimes it's not going to hit on the very end of the

1 bullet but it might hit on the side or, or some other way. So
2 that, that can create an exit that is larger than the
3 entrance, but it isn't always the case.

4 Q Okay. Let me show you State's Exhibit 61 and ask if you
5 recognize that.

6 A Yes, sir.

7 Q And what is that?

8 A So this is another picture from the autopsy room, and in
9 this case we're looking at Ms. McAllister's head from the top.
10 She's laying down. So we're looking at it from the top like
11 that, so like, and so what I've done in this case is passed a
12 metal rod or stick from the entrance wound to the exit wound
13 to show the, the approximate pathway of the bullet through the
14 head, through the skull in this case.

15 MR. DEBUSK: Your Honor, subject to that foundation move,
16 move to admit State's 59 and 60 -- 58, 59 and 61.

17 MR. DEBUSK: Subject to Mr. Wilson?

18 MR. WILSON: Yes, subject to a sidebar.

19 MR. SPRATLIN: Subject to a sidebar, Your Honor.

20 THE COURT: Those exhibits are admitted subject to such.

21 (State's Exhibit Numbers 58, 59 and 61 [Photographs]
22 admitted into evidence and appropriately marked.)

23 BY MR. DEBUSK:.

24 Q Did you find any projectiles in or around Ms.
25 McAllister's body?

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1 A Yes. So what happened in this case, it was really kind
2 of neat, so from my point of view, apologies. So what we do
3 when we have someone come in who's in a state of decomposition
4 frequently and not all of the skin surfaces are intact, we'll
5 take a series of x-rays from the top to the bottom just to
6 look at everything to make sure that there aren't any
7 projectiles or other things that are radiopaque that we might
8 not see with our eyes, and in this case there was a bullet
9 that was sort of embedded in Ms. McAllister's hair in the body
10 bag with her, and so, yes, I did find a bullet. It was in her
11 hair, and so since she was starting to decompose her hair was
12 not really attached anymore, but it was in there next to her.

13 Q Show you State's 128 and ask you what that shows?

14 A State's 128 is, is that x-ray that I was referring to,
15 and so this x-ray is going from front to back of her body and,
16 and it shows her skull, including her lower jaw, which is kind
17 of disarticulated in this x-ray, and then up towards her
18 right-hand side of her head is sort of a -- well, you can see
19 something that looks like a bullet and it is indeed a bullet.
20 It's radiopaque, very dense, and the stuff around it was her
21 hair.

22 Q Did you collect that bullet?

23 A Yes, sir.

24 Q Let me show you State's 127 and ask if you recognize
25 that.

1 A Yeah. So State's 127 is a photograph of the bullet that
2 we recovered from her hair.

3 Q Thank you.

4 MR. DEBUSK: Your Honor, subject to that foundation we'd
5 move State's 127, 128 into evidence.

6 THE COURT: Mr. Wilson?

7 MR. WILSON: No objections to --

8 MR. DEBUSK: 127.

9 MR. WILSON: -- 127 and our objection would remain the
10 same as to the sidebar on -- what's the number?

11 MR. DEBUSK: 128.

12 MR. WILSON: 128.

13 MR. SPRATLIN: I'd, I'd join in those.

14 THE COURT: 127 is admitted with -- Mr. Spratlin, any
15 objection?

16 MR. SPRATLIN: I'd join in that objection, Your Honor.

17 THE COURT: All right. 127 is admitted without
18 objection. 128 is admitted over objection.

19 MR. DEBUSK: Okay.

20 (State's Exhibits Numbers 127 and 128 [Photographs]
21 admitted into evidence and appropriately marked.)

22 BY MR. DEBUSK:

23 Q What did you do with that bullet?

24 A So when I find a bullet or something of, of evidentiary
25 value, useful for the investigators, one of the things that I

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1 do is take a picture of it. So I take several pictures to
2 show sort of its size and its shape so that, you know, when we
3 come to court we can say, "Yeah, that's the same one," and
4 then it also went as evidence to -- I apologize, Detective
5 King E. Hemingway of Major Crimes Division.

6 Q Okay. Just for -- it's probably clear, but just to make
7 clear, State's 128 there is an object that seems to be a
8 chain. What, what was that?

9 A Yeah. So what she -- it's, it's a necklace. So she has,
10 has -- had been potentially wearing a necklace and now it's
11 sort of involved around her neck area, and we can see that
12 well in this x-ray.

13 Q So it's just a line from jewelry?

14 A That's correct.

15 Q Did you do a toxicology screen as part of this autopsy?

16 A Yes. We did. So she didn't have any blood, which was
17 our -- which is certainly our preferred specimen, but since
18 she was starting to decompose what we were able to get was
19 some skeletal muscle, and what she had on board was some
20 caffeine, some acetaminophen, which is also called Tylenol,
21 and then there was a breakdown product just from decomposition
22 and it's got kind of a long name, hang on. It's not something
23 that I see every day, so, beta-phenylethylamine. So that,
24 that's just a product of decomposition.

25 Q So basically painkiller, over-the-counter painkiller,

- 1 caffeine and something from the decomposition?
- 2 A Right. Yes.
- 3 Q And nothing -- any of those have anything to do with the
- 4 cause of death?
- 5 A No, sir.
- 6 Q Based on this autopsy, within the bounds of reasonable
- 7 medical certainty, did you form an opinion concerning the
- 8 cause of Ms. McAllister's death?
- 9 A Yes, sir.
- 10 Q What is that?
- 11 A A gunshot wound to the head.
- 12 Q Let's talk now about Mr. Clemons. Did you perform that
- 13 autopsy the same day?
- 14 A Yes. I did.
- 15 Q Around the same time?
- 16 A Right around the same time.
- 17 Q What was the condition of his body when you received it?
- 18 A It was similarly in a state of decomposition, a little
- 19 bit more advanced than Ms. McAllister. There were no organs
- 20 left. She had a couple of organs left that we could look at,
- 21 but in a similar state of decomposition.
- 22 Q Were you able to identify him through medical records --
- 23 sorry, dental records?
- 24 A No. So in, in his case, although we had both of his
- 25 jaws, he didn't have any teeth, and since the jaws were nice

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1 and healed, so they were -- they're nice and smooth now after
2 the teeth had been gone for a long time. So he hadn't had
3 teeth in, in sometime, long enough for, for his jaws to have
4 healed over. So I couldn't identify him using the same
5 methods that I did for Ms. McAllister because he didn't have
6 any teeth. So, so in his case we sent some materials, and,
7 and with her, too, in case they needed to do further testing
8 for identification, but we sent some materials with the
9 investigator for molecular testing, so either DNA from his
10 cells or DNA from the mitochondria in his cells, something
11 that they would be able to match up with either his family or
12 something of his.

13 Q Let me show you what's been marked as State's Exhibit 62
14 and ask if you recognize that.

15 A Yes. Here -- this is a picture, photographs of those
16 jaws just showing that there aren't any teeth.

17 Q And again, that he had been a while -- some time without
18 teeth. That's why it's healed?

19 A That's correct.

20 MR. DEBUSK: Your Honor, subject to that foundation we
21 would move State's 62 into evidence.

22 THE COURT: Subject to prior?

23 MR. WILSON: Yes, sir.

24 MR. SPRATLIN: Yes, Your Honor.

25 THE COURT: So admitted.

1 (State's Exhibit Number 62 [Photograph] admitted into
2 evidence and appropriately marked.)

3 BY MR. DEBUSK:

4 Q Did you see any visible injuries on Mr. -- I'm sorry, I
5 blanked there for a minute, Mr. Clemons?

6 A Yes. Actually, again, we, we did a similar procedure
7 since he was missing a lot of his skin, and we took x-rays all
8 the way down and didn't -- did not find a projectile
9 associated with his body, but he had a very similar pattern of
10 gunshot wounds to his head, very, very similar in that the
11 entrance was, again, on the left and the exit, again, on the
12 right, for those same reasons we talked about earlier that you
13 can tell which way a bullet's going because of the two layers
14 of skull. So again, he had a gunshot wound to the head.

15 Q Let me show you State's Exhibit 63 and 64 and ask if you
16 recognize these?

17 A State's -- yes, I do. State's Exhibit 63 is a photograph
18 of Mr. Clemons' skull, again, with the A over the, the
19 entrance wound site on the left side of his skull, and the
20 reason that I know one from the other, I mean, you can tell
21 the skulls based, you know, can tell sex based on how they
22 look, but I also have a marker in here that tells me my case
23 number. So I'm not -- it's not magic or anything. I have it,
24 I have it marked in the case photograph so that, so that they
25 don't get mixed up, but in any case, so there is an A above

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1 the entrance wounds in State's 63, and similar to Ms.

2 McAllister, there's a B above the exit defect to the right

3 side of the skull in State's 64.

4 Q And do those show the similarity, those along with the
5 prior picture, show the similarity between the two autopsy?

6 A Yes. Yes. They do.

7 Q And does it help you show the trajectory of the bullet?

8 A They would. Yes.

9 MR. DEBUSK: Your Honor, subject to that foundation we
10 would move State's 63 and 64 into evidence.

11 THE COURT: Subject to Defense --

12 MR. WILSON: Yes, sir.

13 THE COURT: Over Defense attorneys' objection being
14 admitted.

15 (State's Exhibit Numbers 63 and 64 [Photographs] admitted
16 into evidence and appropriately marked.)

17 BY MR. DEBUSK:.

18 Q Did you do anything to, to illustrate the path of the
19 projectile?

20 A Yes. I believe I also did the same thing and passed the
21 metal rod so that you could see how the entrance and exit
22 wounds meet up, which way the bullet went.

23 Q Let me show, show you State's 66 and ask if you recognize
24 that.

25 A Yes. So this is a picture, again, from the top of his

1 head forward where you can see the direction of the gunshot
2 wound with a metal rod through the entrance and exit.

3 Q You put the autopsy number on there. Is the autopsy
4 number completely visible on that one?

5 A It isn't. It's the, the last digit is masked by what
6 looks like my thumb.

7 Q That goes with State's 63 and 64.

8 A That's correct.

9 Q Which is the number ending in four.

10 A That's correct.

11 Q Which was the autopsy of Mr. Clemons; correct?

12 A Yes. It is.

13 MR. DEBUSK: Your Honor, subject to, to that foundation
14 State's 66 move it into evidence.

15 THE COURT: Admitted subject to their objection.

16 MR. WILSON: Thank you, Your Honor.

17 (State's Exhibit Number 66 [Photograph] admitted into
18 evidence and appropriately marked.)

19 BY MR. DEBUSK:

20 Q Just, just to, to review a bit, A for entrance, B for
21 exit?

22 A That's correct.

23 Q Take pictures?

24 A Yes.

25 Q And then the rod is associated with the -- those wounds?

Cynthia Schandl - Direct by Mr. DeBusk

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1 A That's correct.

2 Q Show the trajectory. What was the size of the entrance
3 wound on Mr. Clemons?

4 A The entrance wound for his is 0.31 by 0.25, so a quarter
5 inch by a little over a quarter inch, kind of an ovoid looking
6 thing, a round looking thing.

7 Q Is it fair to say a small, small caliber?

8 A Yeah. So usually and I, I can't tell you caliber by the
9 wounds necessarily, but they measure caliber frequently in
10 inches, too. So, for example, a 38 caliber might be .38, but
11 there -- it's -- it -- it's not sort of a one to one. You
12 can't always tell based on the size of the hole.

13 Q Did you do a toxicology screen on Mr. Clemons?

14 A Yes, sir.

15 Q Did you find anything in Mr. Clemons?

16 A Yes. So he had the same decomposition product, beta-
17 phenylethylamine, and then he also had caffeine and that was
18 it.

19 Q Okay. And did any of those contribute to his death?

20 A No, sir.

21 Q Based on this autopsy, within the bounds of medical
22 reason, reasonable medical certainty, sorry, have you formed
23 an opinion concerning cause of, of his death?

24 A Yes, sir.

25 Q What was that?

1 A A gunshot wound to the head.

2 Q Let me ask you, you said you provided some samples for
3 possible analysis to the officer that was there. What did you
4 provide from Mr. Clemons?

5 A Let's see. The things that I provided from Mr. Clemons
6 include jeans, Wrangler size 33 by 32, skeletal muscle from
7 his leg. So, again, he still had some tissue left but only
8 like on his, his legs, CD with autopsy images, his femur bone,
9 so that's the thigh bone. They'll frequently use that to test
10 for mitochondrial DNA, a one dollar bill, one quarter, a white
11 disposable lighter and a yellow pocketknife.

12 Q How about for Ms. McAllister?

13 A Ms. McAllister she had these things transferred, a T-
14 shirt brand OP size XXL, shorts, brand Faded Glory, size 10,
15 red bra, brand Smart & Sexy, size 42D, yellow metal necklace
16 with clear stones, bullet, upper and lower jaws, skeletal
17 muscle and CD with autopsy images.

18 Q Thank you. Please answer any questions the Defense might
19 have for you.

20 A Yes, sir.

21 THE COURT: Mr. Wilson?

22 MR. WILSON: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. WILSON:

25 Q Doctor, let me ask you in regards to the wounds that you

Cynthia Schandl - Cross by Mr. Wilson

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1 say you found on Ms. McAllister and the wounds that you found
2 on Mr. Clemons, what was the, was the size of the entrance
3 wound for Ms. McAllister?

4 A So keep in mind that an entrance wound usually refers to
5 the skin, but the size of the defect in the skull for Ms.
6 McAllister is 0.8 by 0 point -- I'm sorry, 0.28 by 0.28 inch.

7 Q Okay. Now, are you saying that if the skin had been
8 there that wound might have been smaller?

9 A No. What I'm saying is that the usual way that we
10 describe an, describe an entrance wound is based upon the
11 defect to the skin, not the underlying tissues.

12 Q Okay. And then the, the, the wound on Mr. Clemons was
13 0.31?

14 A His was 0.31 by 0.25.

15 Q Okay. Help me understand by the 25, is that -- I
16 understand that the 31 it's the circular hole in the skull?

17 A Well, so we're measuring it in two dimensions. So the
18 first one is more circular perhaps than the second one. One
19 might suggest that the bullet wasn't completely, you know,
20 perpendicular. There are a lot of different variables that
21 can account for different sizes of wounds, including different
22 sizes of bullets, but also including different -- the way the
23 bullet might be traveling, the trajectory, whether it's going
24 more down then it might make a larger hole than it's going
25 straight perpendicular. There are many different variables

1 that can account for differences in size of entrance wound and
2 it doesn't -- it's not a good way to determine the caliber of
3 the weapon.

4 Q Okay. All right. So the holes that you found would not
5 necessarily be a good way to determine what caliber of
6 ammunition were used to fire?

7 A I, I wouldn't do that, no.

8 Q Okay. Let me ask you in regards to the angle of these
9 shots, you said that the entrance was from right to left; is
10 that correct, as far as Ms. McAllister was concerned?

11 A No. Both, both of the pathways were from left to right.

12 Q From left to right?

13 A Yes, sir.

14 Q So both were from left to right?

15 A That's correct.

16 Q What -- were they straight across or was there an angle
17 and especially I'm interested in regards to Mr., Mr. Clemons.
18 Was, was that more angled than the shot that went through Ms.,
19 Ms. McAllister?

20 A Oh, okay. Well, we do -- we -- I do describe the
21 pathways. So Ms. McAllister's pathway is slightly down,
22 slightly forward and to the right, and Mr. Clemons' pathway is
23 slightly down, slightly back and to the right.

24 Q Okay. I don't have any other questions. Thank you so
25 much.

Cynthia Schandl - Cross by Mr. Spratlin

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1 A You're welcome, sir.

2 THE COURT: Mr. Spratlin?

3 MR. SPRATLIN: May it please the Court, Your Honor?

4 CROSS EXAMINATION

5 BY MR. SPRATLIN:

6 Q So, Doctor, following up on what Mr. Wilson just asked,
7 regarding the entrance and exit wounds in the heads that you
8 examined you could not tell what caliber weapon was used to do
9 this?

10 A No, sir.

11 Q So hypothetically, they could have been shot with the
12 same weapon?

13 A That is possible.

14 Q Okay. Thank you. No other questions.

15 THE COURT: Any redirect?

16 MR. DEBUSK: Briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. DEBUSK:

19 Q You did find the projectile associated with Ms.
20 McAllister's?

21 A I did, sir.

22 Q And as for the trajectory of the projectile, you have
23 State's Exhibit 61 and 66 that show the trajectory rods?

24 A That's correct.

25 Q That's the best demonstration of the --

1 A I agree.

2 Q Thank you.

3 MR. DEBUSK: Nothing further, Your Honor.

4 THE COURT: Mr. Wilson?

5 MR. WILSON: Nothing further, Your Honor.

6 MR. SPRATLIN: Real briefly just following up on what Mr.
7 DeBusk just asked about the trajectory rods.

8 RECROSS EXAMINATION

9 BY MR. SPRATLIN:

10 Q Trajectory doesn't necessarily tell you about position;
11 is that correct?

12 A That is entirely correct. So if you think about it,
13 we're talking about I have an object and it's just sitting
14 there in front of me not doing anything. I can, you know,
15 measure all I want and put a rod and I can do whatever I want,
16 but if that person is alive, they can do this, they can do
17 this, they can, you know, move their head around, they can
18 move their body around, and every time they move, it's, you
19 know, even if the bullet is coming from a very specific
20 direction it's going to look different to me in the end by how
21 it actually goes through the skull. So it doesn't tell me how
22 the two individuals were positioned.

23 Q So you can't say based upon the trajectory whether the
24 victims were standing or sitting?

25 A That's correct.

Cynthia Schandl - Recross by Mr. Spratlin

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1 Q Can't tell how tall or short the person who shot them
2 would have been?

3 A I cannot.

4 Q Thank you.

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

6 A Thank you, sir.

7 MR. DEBUSK: We would ask that Dr. Schandl be excused
8 from her subpoena, Your Honor.

9 THE COURT: Any objection, Mr. Wilson?

10 MR. WILSON: No objections, Your Honor.

11 MR. SPRATLIN: No objection.

12 THE COURT: Ma'am, you're released from your subpoena.
13 You're free to go. Have a good day.

14 A Thank you, sir.

15 THE COURT: Call your next witness.

16 MR. DEBUSK: Thank you, Your Honor. The State calls King
17 Hemingway.

18 Whereupon, King Hemingway is called to the stand, duly
19 sworn by the clerk and testified as follows:

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

22 MR. HEMINGWAY: King Hemingway, last name H-E-M-I-N-G-W-
23 A-Y.

24 DIRECT EXAMINATION

25 BY MR. DEBUSK:

- 1 Q Detective Hemingway, how long -- who's your employer?
- 2 A The Horry County Police Department.
- 3 Q How long have you been with Horry County?
- 4 A 16 years.
- 5 Q How long have you been a detective?
- 6 A For five years.
- 7 Q Okay. Has your whole law enforcement career been with
- 8 Horry County?
- 9 A Yes, sir.
- 10 Q Okay. Now, were you, were you also a detective on July
- 11 -- in July of 2017?
- 12 A Yes, sir. I was.
- 13 Q Did you -- well, were you involved in the investigation
- 14 of the murders of Linda McAllister and William Chet Clemons?
- 15 A At the request of the Lead Detective Singleton he
- 16 requested I attend the autopsy.
- 17 Q Was that at MUSC?
- 18 A Yes, sir, it was.
- 19 Q What was your role?
- 20 A My role?
- 21 Q Yeah.
- 22 A Just bring back any evidence that is collected or any
- 23 information that's discovered during the autopsy.
- 24 Q Did you watch the autopsy?
- 25 A I did.

King Hemingway - Direct by Mr. DeBusk

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1 Q Okay. Who conducted that autopsy?

2 A The doctor that was previously on the stand.

3 Q Was that Dr. Cynthia Schandl?

4 A Yes.

5 Q Okay. Did you collect some evidence?

6 A I did.

7 Q What'd you collect?

8 A She handed me first items belonging to Mr. William
9 Clemons which was a pair of Wrangler jeans, skeletal muscle, a
10 CD with the pictures of the autopsy, the femur bone, \$1 cash,
11 a white disposable lighter, and a \$0.25 quarter piece and a
12 yellow pocket knife from him.

13 Q Okay.

14 A And from Ms. McAllister it was a T-shirt, extra-large T-
15 shirt, a pair of shorts that was faded, size 10, a red bra, I
16 believe it was labeled Smart Sexy, a yellow metal necklace
17 with clear stones, a bullet, a bullet, upper and lower jaws,
18 skeletal muscle, and a CD with the autopsy images.

19 Q What did you do with these items when you collected them?

20 A After I left MUSC I first went to Dr. Lee's office in
21 Conway, the City of Conway who is --

22 Q Who is Dr. Lee?

23 A He's a certified dentist. I went to his office to assist
24 with verifying the dental records of Ms. McAllister to the
25 records he has and he positively identified the remains as Ms.

1 McAllister.

2 Q Okay. And the remaining items what did you do with them?

3 A After that I entered them into the Horry County evidence.

4 Q Let me show you what's been marked as State's 77 and ask
5 if you recognize that.

6 A Yes, sir.

7 Q What is it?

8 A It's the bullet that was recovered from Ms. McAllister's.

9 Q Did you take that bullet and put it into evidence?

10 A I did.

11 Q Okay.

12 MR. DEBUSK: Your Honor, at this time the State would
13 move State's 77 into evidence.

14 THE COURT: Any objection, Mr. Wilson?

15 MR. WILSON: No objection.

16 MR. SPRATLIN: No objection, Your Honor.

17 THE COURT: Without objection so admitted.

18 (State's Exhibit Number 77 [Bullet] entered into evidence
19 and appropriately marked.)

20 BY MR. DEBUSK:

21 Q Thank you, Detective Hemingway. Please answer any
22 questions the Defense might have.

23 MR. WILSON: Your Honor, I have no objections.

24 THE COURT: Any questions? You --

25 MR. WILSON: I have no questions.

Ryan Seipt - Direct by Mr. DeBusk

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1 THE COURT: Mr. Spratlin?

2 MR. SPRATLIN: No questions, Your Honor.

3 THE COURT: Officer, you may step down. Call your next
4 witness.

5 MR. DEBUSK: We'd call Detective Ryan Seipt.

6 Whereupon, Ryan Seipt is called to the stand, duly sworn
7 by the clerk and testified as follows:

8 THE CLERK: Please state your name and spell your last
9 name

10 MR. SEIPT: First name is Ryan, last name is Seipt. It's
11 spelled S-E-I-P-T.

12 DIRECT EXAMINATION

13 BY MR. DEBUSK:

14 Q Detective Seipt, who's your employer?

15 A It's Horry County Police.

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

17 A 12 years.

18 Q Okay. What are your current duties?

19 A I'm currently assigned to the FBI as a task force
20 officer.

21 Q What does that mean?

22 A Basically I report to the FBI office. I investigate
23 crimes, and when I'm not performing my own investigation, I'm
24 assisting local police officers with anything that they need.

25 Q Fair to say you're a bit of a liaison with the FBI?

1 A Yes, sir.

2 Q Okay. How about in July of 2017?

3 A I had the same occupation.

4 Q Okay. Were you involved in the investigation of the
5 murders of Linda McAllister and William Chet Clemons?

6 A Yes, sir.

7 Q What was your role?

8 A I was contacted by Detective Matt Singleton to look at a
9 truck for possible extraction of a GPS unit.

10 Q Where in the truck would the GPS unit be?

11 A Inside in the front like basically if you're sitting in
12 the driver seat like right in the middle where the navigation
13 unit is.

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

16 THE COURT: So noted. Over, over, over such objection.

17 MR. SPRATLIN: I'd ask that it be a continuing objection.

18 THE COURT: Yes, sir.

19 Q State's 38, already in evidence, I ask you is this what
20 you're referring to seen in that photo?

21 A Yes, sir.

22 Q Is it the screen in the middle of the console?

23 A Yes, sir.

24 Q Okay. Did you have assistance in, in retrieving that?

25 A Yes. I did.