

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County

Honorable Robert E. Hood, Circuit Court Judge

ODOM BRYANT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000332

APPENDIX

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1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD

2 COUNTY OF HORRY)

3 CASE NO: 2013-GS-26-2849, 2850

4 -----
5 **B E F O R E:** The Honorable Benjamin Culbertson
6 January 12th through the 15th, 2015
7 -----

8 STATE OF SOUTH CAROLINA,

9 Plaintiff

10 vs.

11 ODOM BRYANT,

12 Defendant.

13 -----
14 APPEARANCES:

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18
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21
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Court Reporter
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24
25

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25

JURY SELECTION

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

2 (State's Exhibit Nos. 1 through 8 marked.)

3 THE COURT: Let me see the attorneys for a second.

4 (Whereupon, a bench conference was had.)

5 THE COURT: Ladies and Gentlemen, we are about to
6 start a trial of the case of the State of South
7 Carolina versus Odom Bryant. Now, all of you have been
8 qualified to serve as jurors for this term of court,
9 but I now have questions to go over with you, what is
10 commonly referred to as "voir dire questions," and it
11 is to determine whether or not you are qualified to
12 serve as jurors in this case, and it also gives the
13 attorneys additional information that assists them in
14 the jury selection process.

15 So as I told you during jury qualifications,
16 jurors are constantly taking oaths, just like
17 witnesses. So if all members of the jury panel would
18 please stand and raise your right hand.

19 (Whereupon, the jury panel was duly sworn.)

20 THE COURT: Thank you. You may be seated. First
21 of all, is there any member of the jury panel that did
22 not respond to the oath by saying "I do;" if so, please
23 stand.

24 Ladies and Gentlemen, this is the case of the
25 State of South Carolina versus Odom Bryant. Now,

JURY SELECTION

1 Mr. Bryant is charged by two indictments, each
2 indictment charging Mr. Bryant with murder. The
3 allegations are being that on or about August 19th,
4 2012 Mr. Odom willfully, feloniously and intentionally
5 killed Thomas Hatfield and Amos Hatfield. Where is
6 this alleged to have occurred?

7 MR. RICHARDSON: Off of Red Bluff Road in the
8 Longs/Loris section -- Loris section of Horry County.

9 THE COURT: Off of Red Bluff Road in Loris
10 section, Horry County, South Carolina. Is there any
11 member of the jury panel that has heard anything, read
12 anything, discussed anything or knows anything about
13 this case; if so, please stand?

14 As I said, the Defendant in this case is Odom
15 Bryant. Is there any member of the jury panel related
16 by blood or marriage, have a close personal
17 relationship, business relationship, social
18 relationship or any other type of relationship with
19 Mr. Bryant; if so, please stand?

20 The alleged victims in this case are Thomas
21 Hatfield and Amos Hatfield. Is there any member of the
22 jury panel related by blood or marriage, have a close
23 personal relationship, business relationship, social
24 relationship or any other type of relationship with
25 either Thomas Hatfield or Amos Hatfield; if so, please

JURY SELECTION

1 stand.

2 Please listen carefully as these are the potential
3 witnesses who may testify in this case, and it is kind
4 of a long witness list, so please listen because I'm
5 going to ask if you know or are related to any of these
6 witnesses. Possible witnesses are: Tim Bazinet,
7 B-A-Z-I-N-E-T, Steve Blair, Heather Brummett, Bill
8 Burhans, B-U-R-H-A-N-S, Martha Carmichael, Detective
9 Jim Chatfield, Officer Todd Cox, C-O-X, Jennifer
10 Dalmida, D-A-L-M-I-D-A, Jill Domogauer,
11 D-O-M-O-G-A-U-E-R, Robert Edge, Nehemiah James Evans,
12 E-V-A-N-S, Neil Frebowitz, James Green, G-R-E-E-N,
13 Benjamin Larry Hardee, Renee Hardick, Clayton Hatfield,
14 Faye Hunt, Jonathan Martin, Teresa Phillips, Steve
15 Rogerio, R-O-G-E-R-I-O, Major Jerry Sarvis, Detective
16 Alex Smith, Matthew Stevenson, Officer Brandon
17 Strickland, Officer Matthew Tindall, Detective Damon
18 Vescovi, Detective Brian Wilson and Doris Yarborough.
19 Is there any member of the jury panel related by blood
20 or marriage, have a close relationship, business
21 relationship, social relationship or any other type of
22 relationship with any of these attorneys -- witnesses,
23 excuse me? Your name and number?

24 JUROR: 234, Samantha Norris.

25 THE COURT: Ms. Norris, who is it that you know?

JURY SELECTION

1 JUROR: Damon Viscovi, and I'm not quite sure, but
2 I know a Benjamin Hardee.

3 THE COURT: Let me ask you as far as Officer
4 Viscovi.

5 JUROR: Acquaintances. I went to school with him.
6 They are a few years younger than me. Friends, I would
7 say.

8 THE COURT: Do you socialize together?

9 JUROR: I do not. Not often.

10 THE COURT: Are you a member of any civic
11 organizations, churches or anything like that together?

12 JUROR: No.

13 THE COURT: Is the relationship such that your
14 acquaintance would affect your ability to give both the
15 State and the Defendant in this case a fair and
16 impartial trial?

17 JUROR: I think I can be fair.

18 THE COURT: I appreciate your honesty in thinking
19 you think you can be fair. I have to be sure, though,
20 that you are not influenced by any outside source or
21 any outside relationship.

22 JUROR: I would not be. I can be fair.

23 THE COURT: Would you be able to disregard your
24 association with Officer Viscovi in its entirety and
25 base your decision in this case exclusively on the

JURY SELECTION

1 testimony and evidence presented in this case?

2 JUROR: Yes. I also wanted to state that I didn't
3 realize at the time that you asked the question if I
4 had heard about the case. I didn't at the time, but I
5 do know --

6 THE COURT: All right. First, let me ask you
7 before we go onto that. You said you might know
8 Benjamin Hardee?

9 JUROR: Yes, sir.

10 THE COURT: What do we know about Hardee?

11 MR. RICHARDSON: It is a common name. This is a
12 Benjamin Hardee who resides in Tabor City and manages
13 two Vascos.

14 JUROR: No.

15 THE COURT: It is a different one?

16 JUROR: Yes.

17 THE COURT: If you would come forward.

18 (The following is had out of the presence of the
19 jury panel.)

20 THE COURT: What is it that you know about the
21 case?

22 JUROR: I haven't really -- I just wanted -- can I
23 ask a question? Is this the one that happened at the
24 Hot Spot, near the Hot Spot on Red Bluff Road?

25 MR. RICHARDSON: No, ma'am, it happened at a

JURY SELECTION

1 mobile home.

2 JUROR: Near the Hot Spot, yeah, it is. I just
3 know I -- I live in the area. I don't know the
4 details, but I've heard, you know -- I mean, I ride by
5 there every day. I know exactly where it is, and I
6 know the victim's daughter, Crystal Gerald. Is that
7 her dad?

8 MR. RICHARDSON: I know Sylvia is one of the
9 daughters. I can't remember her last name.

10 THE COURT: That's the daughter?

11 MR. RICHARDSON: Sylvia Atkins.

12 JUROR: I live like 4 miles from the Hot Spot, so
13 I probably live within a 5-mile radius of this home.

14 THE COURT: Number one, you've just heard about
15 it?

16 JUROR: Yeah, I don't know the details. I do
17 believe I can be fair.

18 THE COURT: Let me ask you this. How well do you
19 know the victims?

20 JUROR: I used to work with the daughter at Horry
21 Telephone, if it is the Christy Gerald, but the girl I
22 know was estranged. I don't think they had a good
23 relationship, so I just know the girl.

24 MR. RICHARDSON: I don't remember the daughter
25 Crystal Gerald. I know Sylvia Atkins, and Tommy is the

JURY SELECTION

1 only other sibling I'm aware of.

2 THE COURT: Well, we've got --

3 JUROR: I work at the Chamber of Commerce so I
4 know a lot of people in Loris, but I don't know many
5 things about this case.

6 THE COURT: Have you discussed this with any of
7 the jury panel?

8 JUROR: I'll be honest and say when -- the girl
9 sitting beside me, I know her and I was like, He just
10 asked if we heard about the case, and I said is that
11 Crystal? Because I wanted to answer truthfully, and I
12 asked her a question, but I don't think she heard, she
13 said, What? I realized I couldn't ask, so I apologize
14 for that.

15 THE COURT: That is not a problem at all. I think
16 out of sense of precaution, we have enough --

17 MR. RICHARDSON: Without objection.

18 THE COURT: I'll excuse you from this particular
19 case. Stay with us right now, but I'll excuse you from
20 this case, but don't discuss any of this with any of
21 the other jurors.

22 JUROR: I won't.

23 (The following was had in the presence of the jury
24 panel.)

25 THE COURT: Yes, ma'am, your name and number?

JURY SELECTION

1 JUROR: Four, Judy -- Judith Aldridge.

2 THE COURT: Ms. Aldridge, who is it that you know?

3 JUROR: Chatfield.

4 THE COURT: Detective Chatfield?

5 JUROR: Yes, sir.

6 THE COURT: How do you know him?

7 JUROR: I would like to talk to you.

8 THE COURT: Okay, come forward.

9 (The following was had out of the presence of the
10 jury.)

11 MR. RICHARDSON: Detective Chatfield will not be
12 called.

13 THE COURT: How do you know him?

14 JUROR: Through my son. He arrested him several
15 times over his teenage years.

16 THE COURT: I got you. Would that -- and I don't
17 know if -- Officer Chatfield may not be called, but
18 would the fact that he had arrested your son affect
19 your ability to be fair and impartial to the State and
20 the Defendant in this case?

21 JUROR: Oh, no, I was so glad he did it. I could
22 scream, I'll be honest.

23 THE COURT: Would you be able to disregard it in
24 its entirety and base your decision conclusively on the
25 testimony and evidence in this case?

JURY SELECTION

1 JUROR: Yes, sir.

2 THE COURT: Thank you very much.

3 (The following was had in the presence of the jury
4 panel.)

5 THE COURT: Anyone else? Yes, ma'am.

6 JUROR: Kathy Ferrari, 93.

7 THE COURT: Kathy L Ferrari?

8 JUROR: Yes, sir.

9 THE COURT: Who is it that you know?

10 JUROR: I know several of the officers and Renee.
11 I used to work for Greg McCollum, Attorney Greg
12 McCollum.

13 THE COURT: Do you know any of them outside of
14 your employment with Mr. McCollum?

15 JUROR: No.

16 THE COURT: Do you socialize with any of them on a
17 regular basis?

18 JUROR: No.

19 THE COURT: Are you in any civic organizations or
20 members of the same church, anything of that nature
21 with any of them?

22 JUROR: No.

23 THE COURT: Is your relationship with any of these
24 officers such that it would affect your ability to give
25 both the State and the Defendant a fair and impartial

JURY SELECTION

1 trial?

2 JUROR: No, sir.

3 THE COURT: Would you be able to disregard that
4 association in its entirety and base your decision in
5 this case exclusively on the testimony and evidence in
6 this case?

7 JUROR: Yes, sir.

8 THE COURT: Now, I understand Mr. McCollum, he did
9 a lot of criminal defense work?

10 JUROR: That is all he did, yeah.

11 THE COURT: Is any of your association with these
12 law enforcement officers outside any normal work you
13 would have done with Mr. McCullum in his area of
14 criminal defense?

15 JUROR: No.

16 THE COURT: All right. Thank you for bringing
17 that to our attention. Anyone else know any of these
18 potential witnesses; if so, please stand?

19 All right. Mr. Brad Richardson and Ms. Monica
20 Wooten are prosecuting this case on behalf of the State
21 of South Carolina. Mr. Dean Mureddu and Mr. Casey
22 Brown are the Defendant's attorneys in this case. Any
23 member of the jury panel related by blood or marriage,
24 have a close personal relationship, business
25 relationship, social relationship or any other

JURY SELECTION

1 relationship with any of these attorneys; if so, please
2 stand?

3 Thank you. You can be seated.

4 MR. RICHARDSON: Thank you, Your Honor.

5 THE COURT: Any member of the jury panel related
6 to any of these attorneys; if so, please stand?

7 Any member of the jury panel ever been involved in
8 any legal action in which any of these attorneys
9 represented another party to that action; if so, please
10 stand?

11 Any member of the jury panel either personally,
12 have a family member or a close personal friend
13 employed with the 15th Circuit Solicitor's Office, the
14 Law Firm of Monckton Hembree Mureddu and Humphries or
15 the 15th Circuit Public Defender's office; if so,
16 please stand.

17 Has any member of the jury panel ever been the
18 victim of a violent crime; if so, please stand? All
19 right. And I'll apologize, each time you stand I have
20 to -- since we're making a record, I have to get your
21 name.

22 JUROR: No. 93, Kathy Ferrari.

23 THE COURT: Ms. Ferrari, if you would come forward
24 please.

25 (The following was had out of the presence of the

JURY SELECTION

1 jury panel.)

2 THE COURT: Was this you?

3 JUROR: My son. We have a pending case with Nancy
4 Livesay for attempted murder on my son a year ago.

5 THE COURT: He was a victim on the attempted
6 murder charge, and it is the pending now?

7 JUROR: Yes.

8 MR. RICHARDSON: Nancy is prosecuting it.

9 JUROR: Yeah, Nancy is.

10 THE COURT: I'll excuse you from this particular
11 case.

12 (The following was had in the presence of the jury
13 panel.)

14 THE COURT: Anyone in the jury panel either
15 personally, have a family member or close personal
16 friend been a victim of a violent crime; if so, please
17 stand? All right. Let's start, I guess, the gentleman
18 closest to me in the black T-shirt.

19 JUROR: Gary Kirschenmann, 162.

20 THE COURT: How do you pronounce it?

21 JUROR: Kirschenmann.

22 THE COURT: If you would, come forward.

23 (The following was had out of the presence of the
24 jury panel.)

25 THE COURT: Was this you or a family member?

JURY SELECTION

1 JUROR: My daughter.

2 THE COURT: What kind of crime?

3 JUROR: She was raped by her step-father.

4 THE COURT: How long ago was this?

5 JUROR: Four years ago.

6 THE COURT: Has that case concluded?

7 JUROR: Yes, sir.

8 THE COURT: Would that affect your ability to give
9 the Defendant and the State in this case a fair and
10 impartial trial?

11 JUROR: I think so.

12 THE COURT: I appreciate your honesty, I'll excuse
13 you.

14 (The following was had in the presence of the jury
15 panel.)

16 THE COURT: Yes, sir. Your name and number --
17 excuse me, Mr. Kirschenmann, if you would stay with us
18 for a minute, just come and have a seat.

19 JUROR: 299, John Steere.

20 THE COURT: Mr. Steere, if you would come forward,
21 please.

22 (The following was had out of the presence of the
23 jury panel.)

24 THE COURT: Was this you?

25 JUROR: A good friend of mine.

JURY SELECTION

1 THE COURT: What happened?

2 JUROR: 1996, he was stabbed to death in North
3 Myrtle Beach and I was there. I was going to be a
4 witness for the prosecution, but it never got that far,
5 they plea bargained.

6 THE COURT: Would that incident and your
7 involvement in that incident keep you from being a fair
8 and impartial juror?

9 JUROR: No, sir.

10 THE COURT: Would you be able to disregard that
11 occurrence in its entirety and base a decision in this
12 case conclusively on the evidence and testimony in this
13 case?

14 JUROR: Yes, sir.

15 THE COURT: Thank you.

16 (The following was had in the presence of the jury
17 panel.)

18 JUROR: Laurie Causey, 45.

19 THE COURT: Lori D. Causey. If you would, come
20 forward please.

21 (The following was had out of the presence of the
22 jury panel.)

23 THE COURT: Was this you?

24 JUROR: My seventeen-year-old son was a victim in
25 an attempted murder trial in this court system. They

JURY SELECTION

1 were found guilty, and he was still harassed. We moved
2 him out of the area, and he was killed in a car
3 accident, and I do not want to be involved in this.

4 THE COURT: I can appreciate that. How long ago
5 was that?

6 JUROR: August 23, 2013.

7 THE COURT: When was the crime he was involved in?

8 JUROR: 2011, I believe.

9 THE COURT: Was it here in Horry County?

10 JUROR: Yes, sir.

11 THE COURT: Would that involvement affect your
12 ability to give the State and defense --

13 JUROR: Yes. I'm not happy with this judicial
14 system. I cannot be impartial.

15 THE COURT: I appreciate you bringing that to our
16 attention, I'll excuse you from this case, but stay
17 with us.

18 (The following was had in the presence of the jury
19 panel.)

20 THE COURT: Ma'am, your name and number?

21 JUROR: Maryjo Novi, No. 236.

22 THE COURT: If you would, come forward.

23 (The following was had out of the presence of the
24 jury panel.)

25 THE COURT: Was this you or a family member?

JURY SELECTION

1 JUROR: Aunt, uncle and cousin were all murdered,
2 tortured and murdered during a course of a robbery 20
3 years ago, and the effects it had on our entire family
4 makes me think --

5 THE COURT: Would that incident affect your
6 ability to be fair and impartial to the State and the
7 Defendant in this case?

8 JUROR: Yes, it would.

9 THE COURT: Thank you. I'll excuse you from this
10 particular case.

11 (The following was had in the presence of the
12 jury.)

13 THE COURT: Anyone else who either personally,
14 family member or close personal friend that has been a
15 victim of a violent crime; if so, please stand? Yes,
16 ma'am, your name and number?

17 JUROR: Nancy Minor, 215.

18 THE COURT: 215, Ms. Minor, if you would come
19 forward please.

20 (The following was had out of the presence of the
21 jury panel.)

22 THE COURT: Is it you or close --

23 JUROR: Wingler (phonetic), he murdered her, his
24 wife.

25 THE COURT: Would that -- was that a friend of

JURY SELECTION

1 yours?

2 JUROR: Yes.

3 THE COURT: Would that affect your ability to be
4 fair and impartial to both the State and the Defendant
5 in this case?

6 JUROR: I don't believe it would, no, sir.

7 THE COURT: And I appreciate your honesty and you
8 say you don't believe it, but if you think it would
9 affect your decision for the State or the Defendant in
10 any way --

11 JUROR: No, sir.

12 THE COURT: Would you be able to disregard that
13 for its entirety and disregard everything about that
14 case?

15 JUROR: Yes, sir.

16 THE COURT: And be able to base your decision in
17 this case exclusively on the testimony and evidence in
18 this case?

19 JUROR: Yes, sir.

20 THE COURT: Thank you, Ms. Minor. Thank you.

21 (The following was had in the presence of the jury
22 panel.)

23 THE COURT: Anyone else, personally, family member
24 or close personal friend who was a victim of a violent
25 crime; please stand? Yes, sir.

JURY SELECTION

1 JUROR: Steve Terrell, 307.

2 THE COURT: Mr. Terrell, come forward please.

3 (The following was had out of the presence of the
4 jury panel.)

5 JUROR: My daughter, about a year ago, she was
6 delivering pizza for Dominos in Tabor City and was held
7 at knifepoint to give her tips. She gave her tips.
8 There was no recourse. He took off and they caught the
9 guy. My daughter wouldn't press charges.

10 THE COURT: How long ago was this?

11 JUROR: About a year.

12 THE COURT: Would that occurrence affect your
13 ability to give both the State and the Defendant in
14 this case a fair and impartial trial?

15 JUROR: I don't believe so.

16 THE COURT: And I appreciate your honesty. I have
17 to be sure, though, that that case does not influence
18 your decision in this case in any way. If you think it
19 might influence your decision in this case, we need to
20 know.

21 JUROR: I'm not a prejudiced man, but he happened
22 to be black. I mean, she had to quit her job and she
23 moved back to Connecticut and I just recently got her
24 to be able to come back down, but she'll never deliver
25 pizzas again in Tabor City. So was I bitter? Yeah, I

JURY SELECTION

1 think so, sir.

2 THE COURT: Out of precaution, I'll excuse you
3 from this particular case.

4 JUROR: All right, sir.

5 THE COURT: Thank you.

6 (The following has had in the presence of the
7 jury.)

8 THE COURT: Anyone else personally, family member
9 or close personal friend who was a victim of a violent
10 crime; if so, please stand?

11 Any member of the jury panel formed or expressed
12 an opinion about any issue or matters involved in this
13 case; if so, please stand?

14 Any member of the jury panel aware of any bias or
15 prejudice towards either the State of South Carolina or
16 the Defendant in this case; if so, please stand?

17 Any member of the jury panel that was a member of
18 the Grand Jury that issued the indictments in this
19 case; if so, please stand?

20 Is there any member of the jury panel who is a
21 member of or a contributor to any group which has as
22 its primary concern the promotion of law enforcement or
23 victim's rights; some of these organizations are
24 Mothers Against Drunk Drivers, commonly referred to as
25 MADD; Students Against Drunk Drivers, SADD; Citizens

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1 Against Violent Crime, or CASA, Citizens Against
2 Spousal Abuse? Any member of the jury panel either a
3 contributor to or a member of any of these
4 organizations or any similar organizations whose
5 concern is the promotion of law enforcement and/or
6 victim's rights; if so, please stand?

7 Any member of the jury panel know of any reason,
8 whatsoever, why he or she should not serve as a juror
9 in this case with particular emphasis placed on your
10 ability to be fair and impartial to both the State and
11 the Defendant; if so, please stand?

12 Any additional questions from the State?

13 MR. RICHARDSON: No, sir, Your Honor, I believe
14 that covers it.

15 THE COURT: Defense?

16 MR. MUREDDU: None from the defense, Your Honor.

17 THE COURT: All right. Let me see the attorneys
18 for a second.

19 (Whereupon, a bench conference was had.)

20 THE COURT: Ladies and Gentlemen, those who are
21 not excused from this particular case will be the jury
22 panel for this case. What happens is your name is fed
23 into a computer, it is generated at random and the
24 Court will call the names in the order in which the
25 computer presents your name on a list. If your name is

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1 called, you'll need to come forward and you'll stand
2 here in front of the bench, turn and face the
3 attorneys, and the State's attorney is going to look at
4 you and look at his notes and look back at you and look
5 at his notes more and decide whether or not he wants
6 you as a juror. If he wants you as a juror, then the
7 Defendant's attorneys will look at their notes and talk
8 and decide if they want you. We go through this
9 process until we get 12 jurors and two alternates.

10 So if your name is called, if you would, please,
11 come forward and bring any coats, umbrellas, books,
12 whatever you have. If you are selected as a juror, the
13 bailiff will direct you into the jury box. If you are
14 stricken from the case, don't take it personally, it
15 just means that for whatever reason you do not fit a
16 certain profile that the attorneys are looking for in
17 this particular case. I do know of many cases where
18 someone is struck in the first case, and then the party
19 that struck them takes them in the second case, they
20 take them in one case and strike them in the next. So
21 there is no rhyme or reason, it just means on this
22 particular case, for whatever reason, you do not match
23 a certain profile that the attorneys are looking for.
24 So listen carefully, and if your name is called, come
25 forward, stand in the center, turn and face the

JURY SELECTION

1 attorneys.

2 THE CLERK: Juror 78, Nancy Dougherty. What say
3 the State?

4 MR. RICHARDSON: Please present Ms. Dougherty.

5 THE CLERK: Defense?

6 MR. MUREDDU: Please swear Ms. Dougherty.

7 THE CLERK: Please be seated in the jury box.

8 259, Dennis Raynor. What say the State?

9 MR. RICHARDSON: Please presents Mr. Raynor.

10 THE CLERK: Defense?

11 MR. MUREDDU: Please excuse Mr. Raynor for this
12 case.

13 THE CLERK: You're excused from this case. No.

14 98, Patricia Freeman. What say the State?

15 MR. RICHARDSON: Please present Ms. Freeman.

16 THE CLERK: Defense?

17 MR. MUREDDU: Please swear Ms. Freeman.

18 THE COURT: Please be seated in the jury box.

19 8, Harriett Anderson. What say the State?

20 MR. RICHARDSON: Please present Ms. Anderson.

21 THE CLERK: Defense?

22 MR. MUREDDU: Please swear Ms. Anderson.

23 THE CLERK: Please be seated in the jury box.

24 199, Dennis McGahan. What say the State?

25 MR. RICHARDSON: Please present Mr. McGahan.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. MUREDDU: Please excuse Mr. McGahan from this
3 case.

4 THE CLERK: You're excused from this case. 13,
5 Reebekah Austin. What say the State?

6 MR. RICHARDSON: Please present Ms. Austin.

7 THE CLERK: Defense?

8 MR. MUREDDU: Please swear Ms. Austin.

9 THE CLERK: Please be seated in the jury box.
10 163, Jennifer Knorr, K-N-O-R-R. What say the State?

11 MR. RICHARDSON: Please present Ms. Knorr.

12 THE CLERK: Defense?

13 MR. MUREDDU: Please swear Ms. Knorr.

14 THE CLERK: Please be seated in the jury box. 26,
15 John Branyon. What say the State?

16 MR. RICHARDSON: Please present Mr. Branyon.

17 THE CLERK: Defense?

18 MR. MUREDDU: Please excuse Mr. Branyon from this
19 case.

20 THE CLERK: You're excused from this particular
21 case. 42, Dawn Carter. What say the State?

22 MR. RICHARDSON: Please present Ms. Carter.

23 THE CLERK: Defense?

24 MR. MUREDDU: Please excuse Ms. Carter from this
25 case.

JURY SELECTION

1 THE CLERK: You're excused from this particular
2 case. 103, Michael Gaston. What say the State?

3 MR. RICHARDSON: Please present Mr. Gaston.

4 THE CLERK: Defense?

5 MR. MUREDDU: Please swear Mr. Gaston.

6 THE CLERK: Please be seated in the jury box.

7 49, Andrew Chandler. What say the State?

8 MR. RICHARDSON: Please present Mr. Chandler.

9 THE CLERK: Defense?

10 MR. MUREDDU: Please excuse Mr. Chandler from this
11 case.

12 THE CLERK: You're excused for this particular
13 case. 121, Bruce Hardee. What say the State?

14 MR. RICHARDSON: Please present Mr. Hardee.

15 THE CLERK: Defense?

16 MR. MUREDDU: Please excuse Mr. Hardee from this
17 particular case.

18 THE CLERK: You are excused from this particular
19 case. 50, Lori Chappelle. What say the State?

20 MR. RICHARDSON: Please present Ms. Chappelle.

21 THE CLERK: Defense?

22 MR. MUREDDU: Please swear Ms. Chappelle.

23 THE CLERK: Please be seated in the jury box. 76,
24 Marcia Dluhos. What say the State?

25 MR. RICHARDSON: Please present Ms. Dluhos.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. MUREDDU: Please swear Ms. Dluhos.

3 MR. CLEKIS: Please be seated in the jury box.

4 90, Jill Fary. What say the State?

5 MR. RICHARDSON: Please present Ms. Fary.

6 THE CLERK: Defense?

7 MR. MUREDDU: What is her number again?

8 THE CLERK: 90.

9 MR. MUREDDU: Please swear Ms. Fary.

10 THE CLERK: Please be seated in the jury box.

11 285, Sylvia Shelley. What say the state?

12 MR. RICHARDSON: Please present Ms. Shelley.

13 THE CLERK: Defense?

14 MR. MUREDDU: Please swear Ms. Shelley.

15 THE CLERK: Please be seated in the jury box.

16 229, Richard Napolio. What say the State?

17 MR. RICHARDSON: Court's indulgence, please.

18 (A brief pause in the proceedings.)

19 MR. RICHARDSON: Please present Mr. Napolio.

20 MR. MUREDDU: Please present Mr. Napolio.

21 THE CLERK: Please be seated in the jury box.

22 147, Correna Jamison, what say the State?

23 MR. RICHARDSON: Please present Ms. Jamison.

24 THE CLERK: Defense?

25 MR. MUREDDU: Please swear Ms. Jamison.

JURY SELECTION

1 THE CLERK: Please be seated in the jury box.

2 THE COURT: Let's choose an alternate. State gets
3 one strike, defense gets two.

4 THE CLERK: 315, Mary Tweedie. What say the
5 State?

6 MR. RICHARDSON: Please present Ms. Tweedie.

7 THE CLERK: Defense?

8 MR. MUREDDU: Please swear Ms. Tweedie.

9 THE CLERK: Please be seated in the jury box.

10 THE COURT: Choose another alternate. State gets
11 one, defense two.

12 THE CLERK: 124, Joanna Harmon. What say the
13 State?

14 MR. RICHARDSON: Please present Ms. Harmon.

15 THE CLERK: Defense?

16 MR. MUREDDU: Please swear Ms. Harmon.

17 THE CLERK: Please be seated in the jury box.

18 THE COURT: Ladies and Gentlemen, you will be the
19 jury that will preside over this first case. I'll
20 excuse you back to the jury room for a few minutes
21 while I release the remainder of the jury panel, and it
22 will show you where you will be and give you an
23 opportunity to stretch your legs and get something to
24 drink. Don't discuss the case even among yourselves,
25 don't talk about the case or anything going on. We'll

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1 bring you back in in a few minutes. Everyone else
2 remain seated while the jury is excused.

3 (The jury exits at 2:56 p.m., and the
4 following is heard out of the presence of the jury.)

5 THE COURT: Any challenges to the selection or
6 examination by the State?

7 MR. RICHARDSON: If we may have one moment?

8 THE COURT: All right.

9 (A brief pause in the proceedings.)

10 MR. RICHARDSON: If we may approach?

11 THE COURT: All right.

12 (Whereupon, a bench conference was had.)

13 THE COURT: We have our jury for the first case,
14 but we have to address some issues with the attorneys,
15 so I'll excuse you back to the jury panel room for just
16 a few minutes while we address these legal issues and
17 then I'll be with you just like the remaining jury
18 panel in a few minutes. Bear with us for a few
19 minutes. I'll excuse you back to the jury room panel
20 room and we'll be with you momentarily. Thank you very
21 much.

22 (Prospective jury panel exits at 3:00 p.m.)

23 THE COURT: I understand, Mr. Richardson, the
24 State raised Batson motion under the claim that all of
25 the defense's strikes struck white jurors, and all but

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1 one were male, correct?

2 MR. RICHARDSON: That is correct, and the State
3 does acknowledge there was one white male that was
4 placed on the jury and several white females.

5 THE COURT: Mureddu -- am I pronouncing that
6 right?

7 MR. MUREDDU: Mureddu, and that is correct.

8 THE COURT: Let's go down the list. First reason,
9 Juror 259, Dennis J. Raynor.

10 MR. MUREDDU: If I could see him I would have a
11 better -- Your Honor, he -- we have on our notes he was
12 like a comptroller -- or I got the impression that it
13 was some sort of government affiliated job, that is
14 what we have in our notes. We were kind of on the hole
15 looking to avoid anyone who worked in the field
16 government related in that we have numerous law
17 enforcement and other government officials, so that was
18 my red flag on him. When I look at the notes, as far
19 as his employment that I have, that is some type of
20 government.

21 THE COURT: All right. Juror 199, Dennis McGahan.

22 MR. MUREDDU: Your Honor, our notes reflect he is
23 an active security guard, that is his employment. He
24 works as a security guard or a security guard function;
25 again, quasi law enforcement.

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1 THE COURT: All right. Juror No. 26, John C
2 Branyon.

3 MR. MUREDDU: Your Honor, while he's a real estate
4 agent, his wife, she had some affiliation that she is a
5 youth pastor at the church, that type of over Biblical
6 question, for lack of a better term. It was
7 specifically with him in connection to his wife's
8 employment being a youth pastor.

9 THE COURT: All right. Juror 42, Dawn J. Carter.

10 MR. MUREDDU: We have her as the CEO of Horry
11 County, I think, HTC. Again, while that type of
12 thing -- I mean, I don't know that you would call HTC a
13 government agency, but in the utility range, again,
14 these are official duties, and specifically in this
15 case in regards to her, there is some phone record
16 evidence that we are challenging. I think that he is
17 laying a foundation for that. That is one of the
18 issues at pretrial, but there would be some specific
19 telephonic evidence in this case that is at issue.

20 THE COURT: All right. Juror 49, Andrew D.
21 Chandler.

22 MR. MUREDDU: We have his affiliation in the Army
23 National Guard. I don't know how the National Guard,
24 whether you say it is active in the guard or not, but
25 we have it in our notes as him being somehow affiliated

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1 with the military, and I think probably not only is the
2 victim in this case, I believe, one of the retired
3 military, but so many law enforcement officers you find
4 are from that background as well.

5 THE COURT: All right. Juror 121, Bruce J.
6 Hardee.

7 MR. MUREDDU: To be honest, when I look at this,
8 so much of the time, while we have notes and such like
9 that, I'll look at a juror and look at their demeanor
10 and get a feel for what I think that -- what side they
11 might be inclined to sympathize with, and in more than
12 21 years of doing this, sometimes I see people that
13 just their body language tells me they are going to
14 convict. I would say generally he fell under that
15 category. If I could put a name to a face when I
16 reached him in the jury box and my notes, and when I
17 look at what Mr. Brown made on him -- I don't know.
18 That is the best I can give you on that individual. It
19 was just a feeling towards this individual, but I will
20 say this, it was not on the basis of race or gender,
21 so.

22 THE COURT: Okay. And I understand that.
23 Mr. Richardson, those are the reasons for his striking.
24 I think the burden shifts to the State to show that
25 those are not valid reasons or not -- I forget the

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1 actual term that the appellant courts use.

2 MR. RICHARDSON: Race gender neutral, Your Honor.
3 Juror 78 is the first juror. She is retired Georgia
4 Power, which to me is a utility power company. She
5 worked human resources there. She indicated downstairs
6 that her husband was a pilot for the Georgia State
7 Patrol. I think in one instance that Mr. Mureddu said
8 one of those worked for a power company or something.
9 Here we have a husband worked for the Georgia State
10 Patrol in law enforcement, so there is a difference
11 there. Juror 13 said that she is retired military
12 pilot, and he talked about the Guard being the reason
13 for Juror 49 being struck. No. 50 -- and her husband
14 was retired, he had been in the Navy for eight years,
15 but retired now. Then No. 50, as far as working for
16 governmental agency, No. 50 is placed on the jury and
17 she is the mental health director for Waccamaw Mental
18 Health, so she works directly with government agencies
19 as well, Your Honor. Those are people they put on the
20 jury without objection seated. Your Honor, I believe
21 that does suffice to meet the burden in that these were
22 not race and gender neutral.

23 THE COURT: All right. You get to respond now as
24 to why you seated some that were in the military and
25 government, but then chose these.

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1 MR. MUREDDU: Again, Your Honor, I mean, quite
2 honestly, one of the reasons why I have Mr. Brown here
3 is to take notes on these things, but I look at
4 somebody and it is just a feeling. I take into
5 consideration these notes when I represent to the Court
6 is accurate and truthful, but I just see some people
7 and their demeanor looks angry, and some don't. When I
8 specifically -- one of the things in the initial
9 qualifications is how somebody presents themselves, are
10 they soft, demure spoken? Do they speak firmly in a
11 more leader-ish type of way? Those are the factors
12 that I, myself, take into consideration more than
13 anything at all, and when it comes down to that, I
14 don't -- my notes consists of checks and Xs. But, Your
15 Honor, that is my response to that. I've survived
16 through that, and I dispute -- I hate to say
17 allegations, that is a bit strong, but I'll say it
18 anyway, the allegation that the Solicitor is making.

19 I will throw in that, again, when we get into
20 specifically into race, co-counsel tells me that
21 92 percent of Horry County, we're looking at an
22 overwhelming majority of white folks. Be that as it
23 may -- that is just like I try a case in Georgetown,
24 and I think when you look at the average jury pool in
25 Georgetown, there are much more ethnic variations,

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1 particularly African-American population there. Our
2 region is more Caucasian, white folks. Again, that is
3 what we all deal with in this.

4 So, I mean -- again, our position is -- my
5 specific position is -- I made the decisions, I got the
6 jury pool or panel that I wanted, the jury pool that I
7 thought would be fair and impartial to my client,
8 Mr. Bryant, with no ulterior motives or illegal
9 motives, improper legal motives. That is my
10 presentation to the Court.

11 THE COURT: I'll grant the motion. I think the
12 law requires that there be an articulated reason that
13 shows that it is both race and sexually neutral reason
14 for striking potential jurors. As I understand, once
15 you see a pattern, and the pattern here is struck white
16 males predominantly, then you have to give the reason,
17 the burden shifts to the State, State has shown that
18 there were people employed in the government that were
19 seated, and there were people in the military that were
20 seated. There were females versus males, which is the
21 reason that you gave for striking the Jurors 259, 199,
22 42 and 49. So then the reason comes back to you. I
23 understand what you are saying, but I have to go on
24 whether or not there is an articulated justification
25 for striking a juror that is racially and gender

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1 neutral, and I don't really see a reason as to why you
2 seated females that have military ties and didn't seat
3 males that had military ties, so I'm going to grant the
4 motion.

5 Now, my question is -- I think that we just put
6 them back in the panel, use the same panel, generate
7 another list?

8 THE CLERK: Yes. They have to be put back in the
9 whole pool to pull another list.

10 THE COURT: Okay. What do you mean another list?
11 Can we get the same --

12 THE CLERK: In a different order, no. Only way is
13 if we cut them in strips and pull them. There is no
14 way to put them into the whole pool and pull the same
15 ones in a different order.

16 THE COURT: Okay.

17 THE CLERK: If you want to keep the same ones, we
18 can use the capsules we were going to this morning and
19 randomly pulling them out like that.

20 THE COURT: Any objection in taking the same list,
21 the ones I've excused, don't put them, but take the
22 other names and put them in the capsules and draw the
23 names at random?

24 MR. RICHARDSON: No objection from the State.

25 MR. MUREDDU: I don't know how to respond. I

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1 object that I don't get that jury, so I would be
2 opposed.

3 THE COURT: I understand your objection. My
4 question is now that I ruled against you, how do we go
5 about -- because the law basically says you just put
6 the jury back into the panel and redraw the jury, but
7 the law is kind of geared towards not anticipating
8 counties like Horry having a whole panel of a hundred
9 jurors and you selected a subpanel of 45, so I think we
10 go with the subpanel of 45.

11 MR. MUREDDU: Actually, Your Honor, now that I
12 think about it, our position would be we don't have a
13 subpanel. We take the entire jury panel that has been
14 qualified, not setting aside 45 or however many, the
15 entire one. If we're going to narrow it down just with
16 no necessary logic behind it, as in, Well, there is 300
17 people out there, we'll cut it down to 45, I guess just
18 for convenience sake, I would say that if we're going
19 to arbitrarily -- that is the word I'm looking for --
20 arbitrarily limit a number of potential jurors, I don't
21 think that that would -- legally that may be allowed,
22 but since I'm having to repick a jury, I would like a
23 chance to get them all.

24 THE COURT: What is the State's position?

25 MR. RICHARDSON: Well --

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1 THE COURT: I don't know the answer.

2 MR. RICHARDSON: Out of an abundance of caution,
3 if the Court so elects to do so, I would -- State has
4 no objection to bringing in the panel. I think once we
5 pared it down we had a total of, I think, 60 -- 66.

6 THE CLERK: I think so.

7 MR. RICHARDSON: So you are talking about bringing
8 in 20 more. We can start fresh in the morning and draw
9 from that panel. Considering the Defendant's rights --

10 THE COURT: Well, now we have to voir dire the
11 whole group again.

12 MR. RICHARDSON: Yes, sir.

13 THE COURT: I don't know that that is the way the
14 law is designed, going through voir dire all over again
15 with everybody in these same questions. Let's sit
16 tight and let me do a little research and see what I
17 come up with, okay. Take about a ten-minute recess.

18 (A recess was taken at 3:16 p.m. to 3:39 p.m.)

19 THE COURT: Please be seated.

20 (Whereupon, a bench conference was had.)

21 THE COURT: Let's bring the jury in.

22 (The jury enters at 3:40 p.m., and the
23 following is heard in the presence of the jury.)

24 THE COURT: Ladies and Gentlemen, welcome back. I
25 appreciate your patience, both of who have been

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1 selected on the jury, as well as the remaining jury
2 panel. It has come to the Court's attention there was
3 an error made during the jury selection process, so we
4 need to do the jury selection over. We have to do
5 another panel for that. So what we'll do is I'll
6 excuse everyone, both the jury panel and the jurors,
7 for the remainder of the day. You will need to be back
8 in the jury room panel downstairs tomorrow morning at
9 9 o'clock, okay. Now, the exception to that is Juror
10 No. 234, Samantha Norris; Juror 45, Lori D. Causey;
11 Juror No. 307, Steven S. Terrell; Juror 162, Gary
12 Kirschenmann; Juror No. 93, Kathy L. Ferrari; Juror
13 236, Maryjo Novi, I have excused you from this
14 particular case, so you will not need to come back
15 tomorrow morning, but you will need to call the Clerk
16 of Court after 6:00 p.m. tomorrow, just those.

17 The rest of you need to be back tomorrow morning
18 at 9 o'clock. Those names I just called, you will need
19 to call the Clerk of Court's Office after 6:00 p.m. for
20 further instructions. I hope everybody has a good
21 evening, and I apologize for any inconvenience, but
22 sometimes these things arise. I'll excuse everyone for
23 the remainder of the day and report to the jury room
24 tomorrow morning at 9:00 a.m. Thank you very much.
25 Also, hand your jury button to the bailiff as you enter

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1 the jury box. All right. Thank you very much.

2 (The jury panel and jury exits at 3:44 p.m., and
3 the following is had out of the presence of all
4 potential jury panel members.)

5 MR. MUREDDU: May we approach?

6 THE COURT: Yeah, come on up.

7 (Whereupon, a bench conference was had.)

8 MR. RICHARDSON: With regard to search warrants, I
9 have discussed the matters with defense counsel,
10 Mureddu, and he agrees that there will not be -- they
11 are waiving any issues with regard to the search of the
12 crime scene, that being [REDACTED] Red Bluff Road, in the
13 Loris section of Horry County.

14 Additionally, it is my understanding he waives any
15 issues with regard to the search of one red Dodge Neon
16 that was done in Tabor City, one Kia automobile, that
17 search was done at the Horry County impound lot, police
18 department.

19 THE COURT: Sorry, the crime scene and what was
20 the first vehicle?

21 MR. RICHARDSON: Red Dodge Neon.

22 THE COURT: The second one was?

23 MR. RICHARDSON: Kia, K-I-A, four-door sedan
24 rental. It was found off of Galloway Drive and it was
25 transported to the Horry County Police Department, the

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1 impound lot. It was searched there.

2 THE COURT: All right. Anything else?

3 MR. MUREDDU: Your Honor, I would agree with what
4 the Solicitor said. Basically, Judge, my idea was
5 to -- some of the motions that I was going to make
6 pretrial, we discussed everything together to see if we
7 could agree and have Your Honor adopt these -- these
8 rulings. One of the motions that I was going to make,
9 that the Solicitor said that he would agree to, have no
10 problem with, was a sequestration motion of all the
11 witnesses in the case. For brevity's sake, if you need
12 me to go through and lay a foundation as to why I want
13 it done, I'll be happy to, but I think by the end of it
14 you'll get tired of me talking.

15 THE COURT: Does the State agree to sequester?

16 MR. RICHARDSON: The State does agree, Your Honor.
17 In this instance, Brandon Strickland is my lead
18 investigator on this case.

19 THE COURT: So he'll be allowed to stay in the
20 courtroom?

21 MR. RICHARDSON: Yes, sir.

22 THE COURT: Brandon?

23 MR. RICHARDSON: Strickland.

24 MR. MUREDDU: We agree. We would not contest
25 that.

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1 MR. RICHARDSON: None of the victims -- or
2 victims' family are potential witnesses, they are not
3 listed on the witnesses list and, of course, they would
4 be allowed to stay in the courtroom anyway, but just to
5 cover that, Your Honor.

6 THE COURT: All right. So the motion to
7 sequester -- Defendant's motion to sequester is granted
8 with the consent of Plaintiff. Everybody agrees that
9 Officer Brandon Strickland will be allowed to stay in
10 the courtroom as the chief investigator, and the
11 Defendant will be allowed to stay in the courtroom and
12 any members of the victims' family, none of whom are
13 scheduled to testify, will be allowed to stay in the
14 courtroom; is that correct?

15 MR. RICHARDSON: Yes, Your Honor.

16 MR. MUREDDU: That is my understanding, Your
17 Honor.

18 THE COURT: What else?

19 MR. MUREDDU: There are two codefendants to this
20 crime; one of them the case is still pending, another
21 has been tried and convicted. The one who has been
22 tried and convicted, her name is Sandy Locklear
23 Hatfield, I suppose, but she's known as Sandy Locklear.
24 The one whose case is pending is Nehemiah James Evans.
25 The way the case is going to be presented, I think by

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1 both sides, it is going to be undeniable, and really no
2 way to avoid it, these two codefendants, their names
3 and certain information are going to come up during the
4 course of the trial. My motion is specifically for a
5 ruling that no mention of the outcome, particularly in
6 Sandy Locklear's case, be allowed to be heard by the
7 jury, that witnesses for the State be instructed that
8 nobody mentions the outcome of Sandy Locklear's case.

9 I would also -- again, the final outcome, the fact
10 that she was tried and convicted, I don't think it
11 would be appropriate to discuss the lack of an outcome
12 and/or that the status -- is a better way to put it --
13 of the Nehemiah James Evans case, that it is pending.
14 I think the Solicitor agrees that that information
15 should not come in front of a jury, should not have any
16 weight or bearing on the decision they make as to my
17 client's guilt or innocence surrounding the charge.
18 Any probative value it could have is substantially
19 outweighed by its prejudicial value. The Solicitor
20 said that he would consent and instruct his witnesses
21 that no one is to mention the outcome of Sandy
22 Locklear's case, nor the status pending or no outcome
23 of the Nehemiah James Evans case.

24 THE COURT: And the State's position?

25 MR. RICHARDSON: We will not mention anything, and

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1 we'll instruct our witnesses not to mention the
2 disposition of Ms. Locklear's case or Mr. Evans' case.
3 I think the only time they will mention it is typically
4 during the investigation they'll say this person was
5 charged and this person was charged, without going into
6 any other great detail.

7 MR. MUREDDU: And, Your Honor, that is fine.
8 Actually, I think some of the -- again, the jury is
9 clearly going to know that two other people were
10 charged, and I think there is going to be testimony
11 unavoidably some details of that. Again, my motion
12 strictly is restricted to the outcome of -- or the
13 status of either of those cases in the judicial system.

14 THE COURT: All right. Well, with the consent of
15 the State, I'll grant your motion; however, I do see
16 where Nehemiah Evans was listed as a potential witness,
17 so if on cross-examination or something, if the door is
18 opened, they are able to go into it. You know, I
19 didn't -- in other words, I can see where he is listed
20 as a potential witness in this case, and if he takes
21 the stand, they won't be able to get into any of this
22 unless on cross-examination somehow you open the door
23 as to there is pending charges against him and he
24 hasn't gone to trial, then it might come out.

25 MR. MUREDDU: I understand. It is my

MOTIONS

1 understanding -- and the Solicitor and I discussed this
2 at length, it is my understanding that the Solicitor
3 put his name on the witness list not to limit his
4 options, but strategically it is my understanding that
5 he is not going to call the -- that person as a
6 witness, but I understand your ruling, and we would not
7 quibble.

8 THE COURT: And I understand that. So I'll grant
9 your motion with the consent of the State, with the
10 exception that if the -- if the door is opened by the
11 defense, we can readdress the issue.

12 MR. MUREDDU: Thank you, Your Honor. The only
13 other -- that would be the extent of my pretrial
14 motions at this time. I understand we don't have a
15 jury now, so that leaves us to potential other matters.
16 I think that the only thing that is left, my
17 understanding, is conducting the Jackson hearing.
18 Based on your ruling, then, addressing if the statement
19 comes in in certain context, that we're going to be
20 asked to have redacted. I think there are a few search
21 warrant matters that the defense is not agreeing to
22 consent to, and I think that is what we're left with.

23 THE COURT: As I understand, according to the
24 State, the Defendant waives any challenge to the search
25 of the crime scene, the red Dodge Neon and the Kia

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 four-door sedan?

2 MR. MUREDDU: We agree, Your Honor.

3 THE COURT: So these are other search warrants for
4 other things?

5 MR. RICHARDSON: Yes, Your Honor. Specifically
6 with regard to [REDACTED] Fair Bluff, as well as a search
7 warrant conducted of a phone number. That search,
8 Detective Vescovi would testify with regard to that.

9 THE COURT: So how do we want to proceed?

10 MR. RICHARDSON: I was going to call Major Sarvis.
11 I would like to get him back to Tabor City as quickly
12 as possible.

13 THE COURT: So this is in regard to?

14 MR. RICHARDSON: With regard to [REDACTED] Fair Bluff
15 Road.

16 THE COURT: Regarding a search warrant executed at
17 [REDACTED] Fair Bluff Road, Tabor City?

18 MR. RICHARDSON: Yes. The home of Sandy Locklear.
19 State calls Major Jerry Sarvis.

20 THE COURT: All right.

21 (JERRY SARVIS, having been duly sworn,
22 testified as follows:)

23 DIRECT-EXAMINATION

24 BY MR. RICHARDSON:

25 Q Could you tell us where you are employed, how long

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 and in what capacity?

2 A Employed at this time in Tabor City Police
3 Department for approximately eight years over there.

4 Q How long total in law enforcement?

5 A About 36 years.

6 Q Formerly with Horry County?

7 A Horry County and City of Loris.

8 Q As a member -- as a major and a member of Tabor
9 City Police Department, are there times where you
10 assist other agencies outside of your jurisdiction?

11 A Yes, sir. If they ask us to help them, we help
12 them in way with any warrants or search warrants.

13 Q Did you receive a request from the Horry County
14 Police Department back on August 20, 2012?

15 A Yes, sir, I did.

16 Q Could you educate us a little bit about with whom
17 you spoke and what kind of assistance was requested?

18 A Talked with Brandon Strickland. They wanted me to
19 get a search warrant for [REDACTED] Fair Bluff Road.

20 Q And was it just over the phone, text, in person or
21 what?

22 A They came to the police department itself.

23 Q And that meeting took place on August 20, 2012?

24 A Yes, sir.

25 Q You met with Sergeant Strickland and --

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 A I met with some of the officers, but I don't
2 remember who they were.

3 Q And they approached you regarding getting a search
4 warrant on [REDACTED] Fair Bluff Road, Tabor City, North
5 Carolina?

6 A Yes, sir.

7 Q Is that located within your jurisdiction?

8 A Within the city limits, yes, sir.

9 Q And on receiving such a request, what information
10 was provided to you?

11 A They provided to me what they were looking for and
12 where they wanted the search, the house. I took that
13 information and got a search warrant then.

14 Q And was all of that done on that day?

15 A Yes, sir.

16 Q Upon receiving the request and necessary
17 information, what steps did you take?

18 A Oh, we had to type it up and had to contact the
19 magistrate and swear with the magistrate to get the
20 search warrant, and I think I also put down Vescovi
21 being part of that.

22 Q Where did you prepare the search warrant?

23 A In my office at the police department.

24 Q How long did it take?

25 A Oh, probably about an hour. We had to ascertain,

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 you know, everything we needed to get the order.

2 Q Once the affidavit and search warrant and request
3 was prepared, do you remember what judge you went to?

4 A I want to think it is Lanier (phonetic). I'll
5 have to look.

6 Q Let me show you State's Exhibit 3. Do you
7 recognize State's 3?

8 A (Witness examines document.) Yes. Yes, sir.

9 Q What is State's No. 3?

10 A A copy of the original search warrant for [REDACTED] Fair
11 Bluff Road.

12 Q Is that a fair and accurate copy of the search
13 warrant you requested that day?

14 A Yes, sir.

15 MR. RICHARDSON: At this time, for purposes of
16 this hearing, we would introduce this warrant.

17 THE COURT: Any objection?

18 MR. MUREDDU: None.

19 THE COURT: How is it identified?

20 MR. RICHARDSON: State's 3.

21 THE COURT: Purposes of this hearing, State's 3
22 admitted into evidence without objection.

23 (State's Exhibit 3 admitted.)

24 Q (MR. RICHARDSON) From that search warrant,
25 reviewing that warrant, could you tell us what judge

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 you met with?

2 A Judge Lanier.

3 Q Is he a Court of competent jurisdiction?

4 A Yes, sir, magistrate.

5 Q He's a magistrate. In North Carolina, he's
6 capable --

7 A Yes, sir.

8 Q In front of Judge Lanier, who all was present?

9 A I want to think it was me and Vescovi, if I'm not
10 wrong.

11 Q And when you met with Judge Lanier, what happened?
12 Did you read the affidavit? Were you sworn in? What
13 happened?

14 A Yes, sir. I read my affidavit, told him what we
15 were looking for and the items we were looking for and
16 handed him a copy of the search warrant. He also kind
17 of proofreads it, looked it over to see if it was
18 within standards.

19 Q Did anyone else speak other than you?

20 A If I remember correctly, I think Vescovi did.

21 Q And Detective Vescovi had an opportunity to speak
22 with the judge?

23 A Yeah. I believe it was Vescovi.

24 Q So he conveyed the information that was contained
25 in the affidavit as well?

MAJOR JERRY SARVIS - DIRECT EXAMINATION

1 A Yeah.

2 Q Detective Vescovi was able to give some
3 information as well?

4 A Yes.

5 Q What time was the search warrant signed?

6 A Looks like 7:08 we received it, and executed it at
7 08:15, which is p.m.

8 Q So it was executed about 8 o'clock that evening?

9 A Looks like 8:15, is what I have written down.

10 Q And you already indicated [REDACTED] Fair Bluff Road is
11 located in Tabor City Police's jurisdiction. Did you
12 personally go out to that address?

13 A Yes.

14 Q And Detective Vescovi. And at that time, did
15 Detective Strickland go with you all?

16 A I'm not sure who all went as far as detectives,
17 but I know there was more than one detective.

18 Q And you were with them?

19 A Yeah, I was with them at all times.

20 Q Along with Horry County police officers?

21 A Yeah.

22 Q And were there any items recovered during that
23 search?

24 A Yes, sir.

25 Q Could you tell us about those items?

MAJOR JERRY SARVIS - CROSS-EXAMINATION

1 A We seized two insurance policies located in a
2 briefcase under the bed, a black pocketbook with cell
3 phones.

4 Q And these items were taken into custody from [REDACTED]
5 Fair Bluff Road. Was custody maintained at Tabor City,
6 or transferred?

7 A We transferred it to Horry County.

8 Q Horry County Police Department?

9 A Yeah.

10 Q And when was that?

11 A That night.

12 Q That night?

13 A Correct.

14 Q And is that the basics of this search of [REDACTED]?

15 A Yes. Yes, that is it.

16 MR. RICHARDSON: Thank you, Major Sarvis. Answer
17 any questions defense may have.

18 CROSS-EXAMINATION

19 BY MR. MUREDDU:

20 Q Officer, did you speak personally with any of the
21 private citizens who claimed to have knowledge of the
22 articles you all seized?

23 A Not that I remember. You are talking about that
24 night?

25 Q No. I mean in your search warrant it is

MAJOR JERRY SARVIS - CROSS-EXAMINATION

1 represented that you all had information from private
2 citizens that there would be these things found in this
3 residency; can we agree on that?

4 A Okay. That came from Horry County detectives.
5 They told me, and I went on their face value being
6 honest and telling me the truth.

7 Q I'm with you. So you didn't talk yourself with
8 the --

9 A No, sir.

10 MR. MUREDDU: Thank you. Nothing further.

11 THE COURT: Redirect?

12 MR. RICHARDSON: No, sir, Your Honor.

13 THE COURT: You may step down.

14 MR. RICHARDSON: State asks that Major Sarvis be
15 relieved.

16 MR. MUREDDU: No objection.

17 THE COURT: He is free to go.

18 MR. RICHARDSON: The State would submit that the
19 search warrant was valid and issued by a court of
20 competent jurisdiction. There was an affidavit and a
21 return signed, and the search warrant is all there.
22 Information was provided to Detective Sarvis and he
23 also had Detective Vescovi with him to provide the
24 information they received from the Horry County Police
25 Department.

MAJOR JERRY SARVIS - CROSS-EXAMINATION

1 THE COURT: All right.

2 MR. MUREDDU: Your Honor, my only concern is you
3 have a witness, that officer right there, swearing to
4 hearsay information. He did not get the information
5 himself, yet he was the one who pursued the warrant.
6 The legality of that could be questionable, so we would
7 object to the admission, and we would say that the
8 search was deficient because the individual who
9 represented to the issuing judge under oath was
10 offering testimony of information that he had
11 absolutely no personal knowledge of; it was hearsay
12 information, and I understand it was from law
13 enforcement, but, again, it was -- hearsay is hearsay.
14 He was swearing to something that he had no personal
15 knowledge of, and we question the legality of the
16 search.

17 THE COURT: Anything in reply?

18 MR. RICHARDSON: This is common practice, and that
19 is how things transpire. We sent an agent from Horry
20 County to provide that information, and we got the
21 agencies from the local jurisdiction to present it to
22 the magistrate while present.

23 THE COURT: All right. I'm going to deny the
24 motion to suppress; I'll allow the search warrant. I
25 think it is validly executed, or at least it's an issue

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 that goes to the jury.

2 MR. RICHARDSON: State calls Detective Damon
3 Vescovi.

4 (DAMON VESCOVI, having been duly sworn,
5 testified as follows:)

6 DIRECT-EXAMINATION

7 BY MR. RICHARDSON:

8 Q Could you please tell us about your place of
9 employment, how long and in what capacity?

10 A Employed with Horry County Police Department, been
11 employed there for approximately 14 years.

12 Q And back in August of 2012, with what division
13 were you assigned?

14 A I was assigned to the Violent Crimes Section,
15 Criminal Investigations Division as a detective.

16 Q In the course of your duties with Horry County
17 Police Department, Violent Crimes Unit, did you have an
18 opportunity to become involved in the investigation of
19 the murders and possible rape that occurred at [REDACTED] Red
20 Bluff Road, August 19, 2012?

21 A Yes, sir, I did.

22 Q In what manner did you assist the investigation?

23 A I responded to the scene after the complaint was
24 made as an assisting investigator to the lead detective
25 assigned to the case.

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 Q Now, in your -- did you take -- did you help out
2 with some of the electronic searches that were done?

3 A Yes, sir.

4 Q Specifically, cell phones?

5 A Yes, sir.

6 Q Call you tell us about your training, and whatnot,
7 with regard to cell phone intercepts?

8 A Yes, sir. I have attended formal training in the
9 area of cellular data analysis, which is basically a
10 course that instructed me on how to obtain information
11 from different phone providers concerning phone detail
12 records, area location concerning cell and data
13 analysis and telephone towers, sectors thereof, also
14 concerning the media that goes along with the
15 interaction of those devices, be it MMS or SMS, which
16 is basically text messaging.

17 Q When you go through cell phone collection, what
18 information -- in this particular case, what, if any,
19 information were you given in an attempt to make a cell
20 phone intercept or data collection in this particular
21 case?

22 A Initially, we made a request concerning the
23 cellular telephone of Ms. Locklear, and I believe in
24 the same time frame the victims -- deceased victims'
25 phones that we learned about.

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 Q Sandy Locklear, who gave you the cell phone number
2 for her?

3 A I believe she did.

4 Q She did. And when and where did this occur?

5 A The information was provided on scene. The actual
6 request was made back at our office at a time just as
7 we left the scene and went back to the office.

8 Q At the time you received this cell phone number,
9 what information did you have or what information did
10 you have with regard to the crime? What was pertinent
11 about this?

12 A Initially, the alleged events were that two
13 persons unknown entered the home in the fashion of a
14 home invasion, both Sandy Locklear and her husband,
15 Thomas Hatfield I believe is his name, I believe that
16 is his name, and his son were victims in that house.
17 During the course of those events, she was a victim of
18 rape, and the other two were victims of murder. During
19 those events, she described her phone and car were
20 stolen by the two unknown assailants.

21 Q So she indicated that her phone was stolen during
22 the commission of this robbery?

23 A Yes, sir.

24 Q And from your training and your knowledge, can you
25 use a phone to track someone?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A Absolutely.

2 Q Is that what you were hoping to do in this case?

3 A Yes, sir.

4 Q Now, once you got that cell phone number, did you
5 learn what provider?

6 A I believe it was Verizon.

7 Q And once you learned it was Verizon, what kinds of
8 requests did you put forward to Verizon, if any?

9 A On the exigent request, it is a pretyped form.
10 Some companies pretype forms to make such a request,
11 others do not. I believe in this matter, Verizon has a
12 pretype form, and in it I checked off the appropriate
13 boxes for the investigation that we were conducting,
14 and those were I believe SMS text messages and detail
15 -- a call detail record and cell phone tower
16 information concerning the transactions of those
17 particular call detail records.

18 Q I'll show you State's 4. Take a moment and look
19 at that and tell me if you recognize it?

20 A This is the request that I just described, and the
21 fax cover letter.

22 Q And at this point, when you made this request,
23 Sandy Locklear was claiming to be a victim?

24 A Yes, sir.

25 Q And the attackers had taken her phone?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A Yes, sir.

2 Q Now, this request, how and when was it transmitted
3 to Verizon?

4 A Initially a phone call was made to their 24-hour
5 service line, who essentially sent me the form here in
6 question. I explained to them briefly over the phone,
7 filled out the sheet provided by them and faxed it to
8 their office at 800-345-6720. That was done on the
9 19th at 2:43 p.m.

10 Q Ms. Locklear, she was at the police department
11 from about 11 o'clock that morning?

12 A Sorry?

13 Q Ms. Locklear was taken into custody about 11
14 o'clock that morning?

15 A Around about that time, yes, sir.

16 Q And what information did you provide to Verizon
17 again? This is the exigent search request you sent off
18 to Verizon?

19 A Yes, sir.

20 Q And no doubt about it, this is it?

21 A Yes, sir, it is.

22 MR. RICHARDSON: State seeks to introduce State's
23 4 for this hearing.

24 THE COURT: Any objection?

25 MR. MUREDDU: No objection.

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 THE COURT: State's 4 admitted into evidence for
2 the purposes of this hearing, without objection.

3 (State's Exhibit 4 admitted.)

4 Q (MR. RICHARDSON) What were you requesting?

5 A The request was for subscriber information, cell
6 site information, incoming and outgoing calls, which is
7 what I referred to as a call detail record, text
8 messaging activity to include content from August 17,
9 2012 to the present time of this request.

10 Q In addition to this request, had Ms. Locklear
11 given you consent to look at her phone or through the
12 phone records?

13 A Yes, sir. Yes, sir. At the time, she was
14 considered a victim.

15 Q She granted consent for you to look at it?

16 A Yes, sir.

17 Q This was provided verbally?

18 A Yes, sir.

19 Q So the request once again -- what is the purpose
20 of exigent request?

21 A It is a request with the understanding that the
22 information that essentially is requested is urgent,
23 usually concerning, you know, the threat of harm to
24 others or the community.

25 Q Now, why did you request subscriber information?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A To be able to corroborate that, in fact, the
2 records being obtained is from the person that we
3 believe the records belong to, just a way of
4 corroborating information that we are receiving.

5 Q And cell site location?

6 A That is mainly what we were wanting at the time,
7 and that is to use that record to see where the phone
8 or the device in question traveled.

9 Q Incoming and outgoing calls?

10 A Investigative avenues to corroborate that
11 information as well.

12 Q And text message activity?

13 A The same.

14 Q And text message consent?

15 A The same. Text messaging content and detail are
16 only different in that the detail is basically an
17 itemized chronological order of that activity. The
18 content is what message was being sent from the device
19 to the device.

20 Q Did you get information back from Verizon?

21 A Yes, sir, I did.

22 Q It is marked as State's 7. Do you recognize
23 State's 7?

24 A Yes, sir, I do.

25 Q What is State's No. 7?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A This is the text messaging content of the device
2 belonging to the number of [REDACTED]-7987, to our
3 understanding belonging to Sandy Locklear.

4 Q That is a number she provided as hers?

5 A Yes, sir.

6 MR. RICHARDSON: State seeks to introduce
7 State's 7.

8 THE COURT: Any objection?

9 MR. MUREDDU: No objection.

10 THE COURT: State's Exhibit 7 admitted for the
11 purposes of this hearing.

12 (State's Exhibit 7 admitted.)

13 Q (MR. RICHARDSON) When did you get that information?

14 A Fairly soon after the request was made.

15 Q Same day as the murder?

16 A Yes, sir.

17 Q Once you got that information, you provided it to
18 other law enforcement officers?

19 A Yes, sir.

20 Q After you got this exigent request and the phone
21 records, did there come a time when you performed an
22 actual search warrant?

23 A Yes, sir. It was followed by a search warrant
24 request.

25 Q When was that?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A I don't have the date for memory, I apologize. It
2 was sent thereafter.

3 Q I'll show you State's 5. Do you recognize State's
4 5?

5 A (Witness examines document.) Yes, sir.

6 Q And State's No. 5, what is State's 5?

7 A The follow-up search warrant to the exigent
8 request described awhile ago concerning Ms. Locklear's
9 data records?

10 Q And the search warrant you did with regard to the
11 data records -- the -- what was the purpose of doing
12 the search warrant? You'd already gotten these hits
13 from the exigent circumstances; why do another search
14 warrant?

15 A Formality, mainly. It is still a legal document,
16 still legally binding. Obviously, when you make the
17 request there is an exigent set of circumstances that
18 does not allow the time sufficient enough for an
19 investigator to essentially wake up a judge, type up a
20 search warrant and get it all signed; therefore, after
21 an exigent request is made, and the necessity to
22 blanket that exigent circumstances fulfilled a search
23 warrant as is a legal document is followed up to, I
24 guess appease the system, for lack of better words.

25 Q So you are just covering the basis?

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 A Yes, sir.

2 Q When was that applied for?

3 A Dated August 27, 2012.

4 Q And did you receive information based on that
5 search warrant?

6 A Yes, sir.

7 Q How was it transmitted to Verizon?

8 A Via fax.

9 Q Via fax?

10 A Yes, sir.

11 Q And on this search warrant it went before Judge
12 Butler?

13 A This search warrant was -- yeah, sorry, Judge
14 Butler.

15 Q What information did you provide to Judge Butler?

16 A Basically what the affidavit has, a homicide
17 occurred at [REDACTED] Red Bluff Road in Loris, two males
18 entered the home, shot and killed two live-in residents
19 execution style. A female witness to the incident made
20 a 911 call to report an incident, but later became a
21 suspect by the records that were obtained, and that
22 there is probable cause based on that information.

23 Q You swore to this, and Judge Butler found probable
24 cause?

25 A Yes, sir.

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 Q And that is the search warrant from phone records,
2 the Sandy Locklear phone number?

3 A Yes, sir.

4 Q You filled out a return for Judge Butler?

5 A Yes, I did.

6 Q When was that return?

7 A 27th of August.

8 Q So close in time?

9 A Yes, sir.

10 Q Finally, I'll show you State's 6 and 8.

11 A Yes, sir. State's Exhibit 6 is pertaining to a
12 black cellular phone located on scene at the time. The
13 owner was unknown. There was a search warrant filled
14 out for that as well requesting similar records.
15 State's 8 --

16 Q What was the model on the first one?

17 A Sorry?

18 Q The model of the phone, was it a Kyocera?

19 A Yes, sir. State's Exhibit 8, sort of the same set
20 of circumstances, it was -- it was the actual phone
21 used to dial 911 to report the incident. I don't
22 recall from memory, but I believe this particular phone
23 belonged to one of the other victims, but needless to
24 say, this was a phone found at the scene, like I said,
25 to call 911; therefore, a search warrant was made.

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 Q Common practice to look in phones found at the
2 scene?

3 A Yes, sir.

4 Q For what purpose?

5 A Multiple purposes. I mean, in today's society,
6 everyone has a phone. We communicate by phones, a lot
7 of Smart phones. There is a lot of information
8 pertaining to phones this day and time, so you find a
9 device on scene like this and we don't know if it
10 belongs to a suspect, if it was used to facilitate the
11 crime. There are many, many, many reasons why,
12 particularly in these cases such as the first one, it
13 was mainly to locate two unknown assailants who pose a
14 threat to the community; whereas these were mainly for
15 investigative purposes not knowing where they came
16 from, who utilized it for what purpose. They were used
17 and found at the crime scene where two victims were
18 shot and murdered.

19 Q The probable cause that you listed in the
20 affidavit on State's Exhibit No. 6 --

21 A You want me to read it?

22 Q Yes, sir.

23 A On August 19, 2012, a double homicide occurred at
24 [REDACTED] Red Bluff Road in which two male subjects entered
25 the home and shot two of the live-in residents in the

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 back of their heads. A black Kyocera made cellular
2 phone was located by law enforcement after execution of
3 a search warrant for the residence. The identity of
4 the owner of the phone is unknown at this time. Based
5 on these facts, there is probable cause for material
6 and data requested in this affidavit.

7 Q And Judge Butler signed off on that?

8 A Yes, sir.

9 Q Was a return made?

10 A Yes, sir. Not signed.

11 Q But Judge Butler found probable cause?

12 A Yes, sir.

13 Q And I believe you indicated in State's 8 it was a
14 LD phone?

15 A State's 8 is an LG track phone, which is an AT&T
16 prepaid version device, and that too was signed by
17 Judge Butler.

18 Q And what did you -- what did you swear to Judge
19 Butler on that one?

20 A The affidavit reads: On August 19, 2012 at [REDACTED]
21 Red Bluff Road in which two male suspects entered the
22 home and shot two of the live-in residents in the back
23 of the heads. A female was a witness at the incident
24 and made a 911 distress call to report the incident
25 from a cellular device utilizing phone number

DETECTIVE DAMON VESCOVI - DIRECT EXAMINATION

1 [REDACTED]-2429. This phone was located by law
2 enforcement after execution of a search warrant for the
3 residence. Based on these facts, there is probable
4 cause for the material and data requested in this
5 affidavit.

6 Q And you swore to that before Judge Butler?

7 A I did.

8 Q He signed it?

9 A Yes, sir.

10 Q And after that, you did the search and filed a
11 return?

12 A Same thing, there is a return, but I don't know if
13 it is the original signed document or not.

14 Q You conducted these searches as part of your
15 investigation. Did all of these searches occur in
16 Horry County?

17 A Yes, sir, they did.

18 Q And Judge Aaron Butler is a court of competent
19 jurisdiction for Horry County?

20 A Yes, sir.

21 MR. RICHARDSON: The State would seek 6 and 8,
22 along with 3 and 5 into evidence for this hearing.

23 THE COURT: I got 3, 4, and 7 are in.

24 MR. RICHARDSON: State moves for 5, 6, 8.

25 THE COURT: Any objection to State's Exhibit 5, 6

DETECTIVE DAMON VESCOVI - CROSS-EXAMINATION

1 or 8?

2 MR. MUREDDU: No objection.

3 THE COURT: State's Exhibits 5, 6 and 8 are
4 admitted without objection.

5 (State's Exhibits 5, 6 and 8 admitted.)

6 Q (MR. RICHARDSON) Final questions, Detective. The
7 consent given by Sandy Locklear to look into her phone
8 records, this was given to you or you witnessed this?

9 A Yes, sir. Yes, sir. That was at the scene prior
10 to the shift of the investigation, yes, sir.

11 Q And the other information whenever she provided
12 it, you are observing when she was being interviewed?

13 A Yes.

14 Q So some of the information you personally
15 observed?

16 A Yes.

17 MR. RICHARDSON: Nothing further at this time.

18 THE COURT: Cross?

19 CROSS-EXAMINATION

20 BY MR. MUREDDU:

21 Q Detective, this phone -- you testified that
22 basically you are tracking the phone of Sandy Locklear;
23 is that correct?

24 A Yes, sir.

25 Q You're tracking not only what was sent out of it,

DETECTIVE DAMON VESCOVI - CROSS-EXAMINATION

1 text messages, not only what was to the text message,
2 but the calls that went to the other number, and the
3 physical location of the phone; were you looking for
4 all of those, is that fair to say?

5 A You are referring to Ms. Locklear's phone?

6 Q Ms. Locklear's phone.

7 A Yes, sir.

8 Q Did you ever find her phone, the actual physical
9 phone?

10 A I'm really not sure if we did or not. I was
11 pretty much limited to what I just testified to other
12 than the apprehension of certain persons.

13 Q You, yourself --

14 A I personally did not.

15 Q You did not? To your knowledge, your involvement
16 with other detectives in this investigation, did anyone
17 ever find that phone?

18 A I'm not sure. I don't know.

19 Q You don't know one way or the other?

20 A No, sir.

21 Q All right. Were you involved --

22 MR. MUREDDU: No further questions.

23 THE COURT: Redirect?

24 MR. RICHARDSON: None, Your Honor.

25 THE COURT: All right. I'll find that the search

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 warrants -- well, I guess it would be -- do I have to
2 make a finding on the exigent cell request, or is it
3 covered by the search warrant?

4 MR. RICHARDSON: I think it is covered in the
5 search warrant. The exigent request, there was consent
6 there, the State would move it is in by consent, as
7 well as the circumstances based on the knowledge, that
8 way we don't lead into fruit of the poisonous tree.

9 THE COURT: I will find that the search warrants
10 and the exigent cell phone requests are valid searches
11 for the cell phones and text messages.

12 MR. RICHARDSON: Thank you. State asks that
13 Detective Vescovi be excused.

14 MR. MUREDDU: No objection, Your Honor.

15 THE COURT: All right. Free to go. Thank you. I
16 think we need to take a break, because I understand you
17 need to make a call?

18 COURT REPORTER: I figured it out, Judge.

19 THE COURT: Oh, okay.

20 MR. RICHARDSON: The actual interview -- the next
21 will be Jackson V. Denno, and it is about an hour to
22 hour to an hour-and-a-half.

23 THE COURT: Let's take a break.

24 (A recess was taken.)

25

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EXAMINATION

1 MR. RICHARDSON: May we approach?

2 THE COURT: Yes.

3 (Whereupon, a bench conference was had.)

4 THE COURT: We have a Jackson V. Denno hearing?

5 MR. RICHARDSON: That's correct. We call Sergeant
6 Strickland.

7 THE COURT: All right.

8 (BRANDON STRICKLAND, having been duly sworn,
9 testified as follows:)

10 THE WITNESS: Brandon Strickland,
11 S-T-R-I-C-K-L-A-N-D.

12 DIRECT-EXAMINATION

13 BY MR. RICHARDSON:

14 Q Could you tell us where you are employed, how long
15 and in what capacity?

16 A I'm currently employed with the Horry County
17 Police Department, this is my tenth year and I'm
18 currently a sergeant on patrol in the west precinct.

19 Q And back in August 2012, specifically August 19,
20 2012, could you tell us where you were employed and in
21 what capacity?

22 A Horry County Police Department. At the time, I
23 was a detective in the Violent Crimes Division, the
24 Criminal Investigation Division.

25 Q As a detective assigned to violent crimes -- it is

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 now Major Crimes, correct?

2 A Yes. Correct.

3 Q Did you have the opportunity to become involved in
4 the investigation of Amos and Tommy Hatfield?

5 A I did.

6 Q Could you give us a brief summary of the crime?

7 A On August 19, 2012, I was contacted by my
8 sergeant, at the time Chip Squires, to respond to Red
9 Bluff Road for a death investigation.

10 Q That is where the bodies of Amos and Tommy
11 Hatfield were found?

12 A Yes, sir.

13 Q And they were shot execution style?

14 A Yes, sir, back of the head.

15 Q And was there another victim on scene?

16 A On my first arrival, yes, Sandy Locklear.

17 Q And in addition to the murders, were there any
18 other crimes complained of at that time?

19 A At that time Ms. Locklear was reporting that she
20 had been a victim of kidnapping and a sexual assault.

21 Q On August 19, 2012, what steps were taken with
22 regard to Ms. Locklear here?

23 A Say that again.

24 Q What steps were taken with regard to Sandy
25 Locklear?

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EXAMINATION

1 A Initially, officers on scene -- she was
2 transported to the hospital for an evaluation for the
3 assaults she was alleging. She was then transported to
4 the police department where she was questioned about
5 the incident.

6 Q Was anyone taken into custody that day?

7 A Later on that evening, Ms. Locklear.

8 Q And she made a statement that day?

9 A She what?

10 Q Made a statement that day?

11 A Yes, sir.

12 Q Was she Mirandized?

13 A Yes, sir, she was.

14 Q During the course of her statement, did Ms.
15 Locklear provide additional suspects based on her
16 statements?

17 A She did.

18 Q You developed additional suspects based off of
19 physical and electronic evidence?

20 A Yes, sir.

21 Q After getting that evidence, whose names popped up
22 after getting that evidence?

23 A The names of James, and a street name at the time
24 of Bobo PooPoo.

25 Q Those were identified as Nehemiah James Evans and

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 Odom Bryant?

2 A Yes, sir.

3 Q How were you able to ascertain who James was?

4 What prompted your investigation in Tabor City?

5 A As a result of the interview with Ms. Locklear, I
6 traveled to the Vasco Convenience Store located in the
7 Tabor City a short distance from Ms. Locklear's
8 residence.

9 As a result of that interview, it was learned that
10 the suspects in this case utilized her lawn mower for a
11 lawn service company, and they frequented that gas
12 station. I traveled to the Vasco where I met with Mr.
13 Hardee at that location. As a result of that
14 interview, I obtained surveillance and pictures of
15 James, who later identified as Nehemiah James Evans,
16 and PooPoo, later identified as Odom Bryant.

17 Q Was James -- when was James apprehended?

18 A I believe it was about a week after the incident.
19 He turned himself in.

20 Q And he got arrested on, like, a Friday, and the
21 incident occurred Sunday?

22 A I believe so. I wasn't present for the arrest.

23 Q To your knowledge, did James give a statement upon
24 his apprehension?

25 A Yes, sir.

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 Q But not to you?

2 A Not to me, no.

3 Q When was Odom Bryant apprehended?

4 A I believe the date was about a month after -- I
5 believe it was September 18th, because I interviewed
6 him along with Detective Frebowitz on September 19th.

7 Q Did you personally apprehend him on the 18th of
8 September?

9 A No, I did not. Officers with the U.S. Marshals
10 Task Force apprehended him in Columbus County.

11 Q Once he was taken into custody in Columbus County,
12 did you or anyone to your knowledge have the
13 opportunity to speak with the Defendant, Odom Bryant?

14 A I did.

15 Q And when and where did that occur?

16 A That occurred on, I believe, September 19th at the
17 Columbus County Detention Center, Sheriff's Office.

18 Q Take us through what happened upon your arrival at
19 the Columbus County Detention Center.

20 A Upon arrival of myself and Detective Frebowitz, we
21 asked to speak to Mr. Bryant -- excuse me.

22 Q If you need water, it is there.

23 A Thank you. He was in the jail at the time. We
24 requested to transport him over to the Sheriff's
25 Office, because they didn't have an adequate interview

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EXAMINATION

1 room to sit down and speak with him in private. He was
2 handcuffed and escorted -- literally there is a
3 driveway between the two buildings, across the street,
4 along with a Columbus County deputy to the Sheriff's
5 Office building.

6 Q No doubt about it, Odom Bryant was in custody? He
7 was not free to leave?

8 A He was not free to leave. He was wearing
9 handcuffs and uniform from the detention center.

10 Q So you walk him from the detention center over to
11 the Sheriff's Office in Columbus County?

12 A Yes, sir.

13 Q When you get there, can you describe the room
14 which you are situated?

15 A It was upstairs. It has -- pretty much like a
16 small office with a desk and three, four chairs. That
17 is about the extent of it.

18 Q Who all was in the room?

19 A Myself, Detective Neil Frebowitz and Mr. Odom
20 Bryant.

21 Q Was he still handcuffed at this point?

22 A Yes, he was.

23 Q Was it too hot or too cold?

24 A No, sir. It was regular room temperature.

25 Q How did the Defendant appear to you?

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 A Honestly, relaxed. Kind of like normal conversing
2 at the time.

3 Q Did he appear intoxicated in any way?

4 A No, he was not.

5 Q And who led the interview?

6 A The interview was led by Detective Frebowitz with
7 me assisting.

8 Q So no doubt you were present throughout the whole
9 interview?

10 A Yes, sir.

11 Q And you participated?

12 A Yes, sir.

13 Q And you participated and were witnessed to
14 everything the Defendant said?

15 A Yes, sir.

16 Q And in speaking with the Defendant, could you
17 ascertain if he spoke the English language?

18 A He did.

19 Q He seemed to understand the English language?

20 A He did, yes, sir.

21 Q And his answers to your all's questions and Mr.
22 Frebowitz', did they appear appropriate?

23 A Yes, sir.

24 Q Didn't appear to be under the influence?

25 A No, sir.

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EXAMINATION

1 Q You said he seemed relaxed, so he wasn't overly
2 uncomfortable?

3 A No, sir.

4 Q What time of day did the interview take place?

5 A I believe it was early afternoon. Sometime
6 between lunch and 2 o'clock, maybe.

7 Q Prior to speaking with the Defendant, or taking
8 this interview down, did you or anyone in your presence
9 take any measures to be sure that the Defendant was
10 aware of his rights?

11 A Oh, yes, sir.

12 Q How was this accomplished?

13 A He was -- a Miranda rights form was presented to
14 him. He was allowed to read it, as well as it being
15 read out loud to him, which was recorded, and he
16 advised that he understood his rights and waived them
17 and spoke to us and initialed and signed the form.

18 Q I'll show you what is marked as State's 2. Do you
19 recognize State's 2?

20 A Yes, sir, it is the advisement of the Miranda
21 rights for Odom Bryant.

22 Q And that is the one he signed in your presence?

23 A Yes, he did. I witnessed it.

24 Q Or a copy of it?

25 A Copy of it.

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EXAMINATION

1 Q You witnessed it?

2 A Yes, sir.

3 Q So it is a fair and accurate copy of the Miranda
4 form that was being read to the Defendant and he
5 signed?

6 A Yes, sir.

7 Q Statement?

8 MR. RICHARDSON: State seeks admission of 2 and
9 publish it.

10 MR. MUREDDU: No objection.

11 THE COURT: State's 2 admitted into evidence
12 without objection for purposes of this hearing.

13 (State's Exhibit 2 admitted.)

14 MR. RICHARDSON: Thank you.

15 Q Could you read State's 2 for us?

16 A You have the right to remain silent. Anything you
17 say can and will be used against you in a court of law.
18 You have the right to talk with a lawyer and have him
19 present with you while you are being questioned. If
20 you cannot afford to hire a lawyer, one will be
21 appointed to represent you before any questioning if
22 you so desire. If you make a statement or answer any
23 questions, you have the right to stop at any time.

24 Q After being read this document, reading it and
25 signing it indicating he understood his rights, did the

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 Defendant agree to speak with you?

2 A He did.

3 Q Did you or anyone in your presence, to your
4 knowledge, unduly threaten the Defendant in any manner
5 in order to obtain a statement from him?

6 A No, sir.

7 Q Take any measures to coerce the statement by
8 force?

9 A No, sir.

10 Q Withhold restroom privileges in any manner?

11 A No, sir.

12 Q Did you or anyone, to your knowledge, or in your
13 presence, make any undo promises of leniency or reward
14 in exchange for a statement?

15 A No, sir.

16 Q And was this recorded?

17 A It was digitally recorded, audio.

18 Q And did Columbus County have video recordings?

19 A They did not.

20 Q So you took your tape recorder?

21 A Yes, sir.

22 Q During the interview, did the Defendant make any
23 request to stop and cease the interview?

24 A During the interview, one time he asked to turn
25 the tape off and Detective Frebowitz advised we

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EXAMINATION

1 wouldn't stop the tape, we would leave it on to record
2 what was conversed between us.

3 Q And so he kept on speaking?

4 A Yes, he kept speaking.

5 Q Did he ever unequivocally request an attorney?

6 A He did at one point. He requested -- he said he
7 needed to speak to a lawyer. I think the words was he
8 wanted to talk to a lawyer before he talked with us any
9 further, and at that time the interview was ended.

10 Q So about 30, 45 minutes into the interview?

11 A I believe so.

12 Q He mentioned he needed to speak to an attorney?

13 A Yes, sir.

14 Q And what happened when he said this?

15 A All questioning ceased at that time. The
16 recording was stopped. Detective Frebowitz and myself
17 stood up and began to walk him back over -- Mr. Bryant
18 back over to the detention center to be booked back in.

19 Q And you collected all of your stuff?

20 A Everything was collected, notepad and everything.

21 Q As you were collecting the notepad and preparing
22 to take him back to the detention center, did you or
23 Detective Frebowitz reinitiate the questioning of the
24 Defendant?

25 A No, sir, but the Defendant began asking us

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1 questions and referring to "James," the codefendant.

2 Q What were his statements?

3 A He began asking questions about what James had
4 told us, and we told him we weren't going to discuss it
5 and weren't going to interview him any further. He
6 made a comment to the effect of, James couldn't deal
7 with it, and we told him we would not respond, and he
8 said he wanted to give a statement.

9 Q So even though he was asking questions, at that
10 point he's requesting an attorney, you said, We can't
11 talk to you anymore?

12 A Right. We advised we would not interview him
13 anymore because he requested counsel.

14 Q And was this all caught on tape?

15 A No, it wasn't. The interview was ended and the
16 tape was cut off and stowed away in Detective
17 Frebowitz' folder.

18 Q When he said, I want to talk, what happened?

19 A We turned around, started -- I don't even think we
20 made it all the way down the stairs yet. We walked
21 back to the room where we were, started the recording
22 back up and began speaking with him again on the
23 record.

24 Q Was he re-Mirandized?

25 A He was reminded of his rights, that he had the

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1 right to counsel before speaking with us, which he
2 stated he understood.

3 Q And what measures, if any, were taken to ensure
4 that the re-initiation of this interview was the
5 product of the Defendant's own freewill?

6 A I believe Detective Frebowitz -- I know that he
7 reminded -- he requested a lawyer and it was his right,
8 and on tape I believe he went into the fact that
9 Mr. Bryant requested to speak with us further, and put
10 something on the tape, a statement.

11 Q Sounds to me like it was a bang-bang play. I
12 mean, you pack everything up, go downstairs and he
13 wants to start talking?

14 A It was less than five minutes.

15 Q Now, in those few minutes, after the first
16 interview ceased and the second began, you are saying
17 it was recorded, correct?

18 A The?

19 Q The second part.

20 A The second part, yes, sir.

21 Q Did you or anyone in your presence, to your
22 knowledge, threaten the Defendant in any manner?

23 A No, sir.

24 Q Make any promises of leniency or reward of any
25 sort?

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EXAMINATION

1 A No, sir.

2 Q Take any measures to coerce the Defendant in any
3 way to get him to talk again?

4 A No, sir.

5 Q And the second interview was recorded?

6 A Yes, sir, it was.

7 Q Did there come a time when the recorder was turned
8 off again?

9 A Yes, there was.

10 Q For what purpose?

11 A Mr. Bryant stated he wanted to call his mother and
12 asked for privacy, and Detective Frebowitz stopped the
13 recording for him to speak with his mother in private.

14 Q Whose phone did he use?

15 A I believe Detective Frebowitz' phone.

16 Q Was this phone call recorded?

17 A No. We couldn't -- Detective Frebowitz offered to
18 cut the recorder off so he could speak with his mother
19 in private.

20 Q After speaking with his mama, was the recorder
21 turned on then?

22 A Yes.

23 Q And the last portion, was it recorded as well?

24 A Yes.

25 Q I'll show you what is marked as State's Exhibit

JACKSON V. DENNO - BRANDON STRICKLAND - DIRECT
EXAMINATION

1 No. 1. Have you had an opportunity to review that?

2 A I have.

3 Q Can you tell us what State's 1 is?

4 A It is a CD containing the interview of Odom Bryant
5 on September 19, 2012.

6 Q And it has been edited some?

7 A Yes, sir.

8 Q And that was to take out hearsay from other
9 defendants, correct?

10 A Yes, sir.

11 Q Is this a fair and accurate copy of the
12 Defendant's statements made to you, that you witnessed?

13 A Yes, sir.

14 MR. RICHARDSON: Your Honor, the State would seek
15 to introduce and publish State's 1 at this juncture.

16 THE COURT: Any objection?

17 MR. MUREDDU: No objection.

18 THE COURT: State's 1 admitted into evidence
19 without objection for the purposes of this hearing.

20 (State's Exhibit 1 admitted.)

21 MR. RICHARDSON: Your Honor, I believe previously
22 we provided a copy of the transcript to the Court, as
23 well as to Mr. Mureddu, bearing in mind that the
24 transcript provided to both the Court and Mr. Mureddu
25 contained the entire unedited interview. There are

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1 portions that are struck through. Those are portions
2 already removed. I understand from conference with the
3 defense that there is requests that he is making.
4 Those were highlighted and flagged for expediency, Your
5 Honor.

6 MR. MUREDDU: Your Honor, I just want to say it
7 this way, and I think the Solicitor wouldn't have a
8 problem with it. Basically, there is an unedited
9 version of the tape. The Solicitor tells me that what
10 he is planning on playing is an edited version of the
11 tape. Now, the reason why there is an edited version,
12 those were the things that the Solicitor and I could
13 agree upon, that if the statement was going to be
14 introduced after the post-Jackson hearing, that we did
15 want redacted, so you are listening to an edited
16 version rather than a full version, and I don't know if
17 that causes the Court any concern.

18 THE COURT: If it is with the defense's consent, I
19 don't have a problem with it.

20 MR. MUREDDU: We agree to the edited version.

21 THE COURT: Any objection by the defense with the
22 transcript prepared by the State?

23 MR. MUREDDU: No. No. No. No objection.

24 THE COURT: So the defense acknowledges that the
25 transcript is an accurate recitation of the statement

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1 that appears --

2 MR. MUREDDU: Yes, sir. I read it numerous times,
3 and I agree that the transcript is an accurate
4 representation of what we're going to hear on this
5 tape.

6 THE COURT: Okay. Sounds good.

7 MR. RICHARDSON: Can the Court hear that?

8 (Whereupon, State's Exhibit 1 was published to the
9 Court.)

10 Q Was that coerced in any manner?

11 A No, sir it wasn't. Was.

12 Q Was it a voluntary product of the Defendant's own
13 free will?

14 A Yes, sir.

15 Q Freely and voluntarily given?

16 A Yes, sir.

17 MR. RICHARDSON: Answer any questions Mr. Mureddu
18 may have.

19 MR. MUREDDU: No questions, Your Honor.

20 THE COURT: All right. You may step down.

21 MR. RICHARDSON: That is it, Your Honor.

22 THE COURT: Mr. Mureddu, anything?

23 MR. MUREDDU: I have nothing to present.

24 THE COURT: All right. I find that the statement
25 is given voluntarily and, therefore, it will be

THE COURT AND COUNSEL - MOTION

1 admissible. All right. Anything further?

2 MR. MUREDDU: Yes, sir. Your Honor, the reason
3 why I didn't present anything, I think the Solicitor
4 made a showing that my client was advised of his rights
5 and that he voluntarily waived them. He was not
6 coerced, and he gave a free and voluntary statement.
7 Having said that, Your Honor, I think there are several
8 things contained on that statement that would not be
9 admissible that encompass several things and that is
10 hearsay, that would not be admissible under any
11 circumstance, and there is also a few things that bear
12 on the Defendant's character that are outside of the
13 scope of any probative value that he may or may not
14 have been involved in this, but are overly prejudicial
15 that bear upon him having prior criminal convictions
16 that would only be admissible in front of a jury if he
17 were to take the stand and if the Court made a ruling
18 that they were, in fact, admissible. So what I would
19 like to do today -- or right now is address issues on
20 this statement that I think should be redacted.

21 As you heard before, this is an edited version,
22 and the reason why it is edited is because I pointed
23 out several things in my meetings with the Solicitor
24 that he agreed were improper that should not be -- that
25 should be redacted from the tape, and what is left is

THE COURT AND COUNSEL - MOTION

1 three specific sections -- or maybe two, I think he may
2 reconsider his one position on a third.

3 THE COURT: Before we go forward, I'm assuming on
4 the prepared transcript, the transcribed statement that
5 has been -- those portions that have been struck
6 through and did not appear on the audio, is the
7 portions of the interview that the State agrees should
8 be redacted?

9 MR. RICHARDSON: Yes, sir. Out of an abundance of
10 caution, and in the light most favorable to the
11 defense, the State looked at that and decided that
12 those were portions that definitely needed to be
13 stricken.

14 THE COURT: So what we're addressing now are
15 portions of the statement that are transcribed, written
16 transcript, that you could hear on the audio version,
17 but have not been stricken through by the State?

18 MR. RICHARDSON: Correct.

19 MR. MUREDDU: Correct, Your Honor.

20 THE COURT: All right. Go ahead.

21 MR. MUREDDU: All right. The first one is on Page
22 2. You and I should have -- should be working off the
23 same document. On Page 2, at the very top, it is
24 No. 3, and it is Frebowitz. It is that sentence that
25 reads as follows, and he's talking to my client:

THE COURT AND COUNSEL - MOTION

1 You've been named in some -- in some of the craziest
2 things I ever heard in my life, to be honest with you.
3 You are the last person we're talking about this.

4 Specifically where Frebowitz says to my client,
5 You've been named in something, all right. We know
6 what the "something" is, it is a killing, murder. He's
7 charged with two murders. So, basically, what
8 Frebowitz is repeating is -- if he was on the witness
9 stand, he couldn't say in front of a jury, even with my
10 ability to cross-examine, he couldn't say to the jury,
11 Hey, Ladies and Gentlemen, he's been named in this
12 murder, because the idea he's communicating is somebody
13 told him -- meaning Frebowitz -- that my client is
14 guilty.

15 It is something that he couldn't say on the stand,
16 Hey, Ladies and Gentlemen, he's been named in the
17 killing. So I don't know how in world -- just because
18 it is on an audio tape -- that it would be allowed.
19 What he is referencing is -- the point he is making is,
20 I have been told by other people something. It's
21 clearly hearsay, without question. Frebowitz is not
22 even here -- my understanding is that he won't be a
23 witness in the case. So even if Your Honor was
24 considering allowing that, I'm not going to be able to
25 confront Frebowitz on that statement under the

THE COURT AND COUNSEL - MOTION

1 confrontation clause because they aren't calling him as
2 a witness. So the statement in and of itself is
3 hearsay and shouldn't be allowed, because what
4 Frebowitz is saying in there is something that somebody
5 else told him about what my client may have done or
6 not. He continues that down in his next statement. My
7 client responds to that, Uh-huh. Then Frebowitz
8 continues to say -- and I specifically -- I don't know
9 if that is a good thing or not -- and I highlighted my
10 portion -- We've already heard everybody else's story,
11 and to be honest with you, everybody is pointing the
12 finger at you.

13 That is more detail and a more specific saying of
14 the exact same concept that I addressed before. Neil
15 Frebowitz is basically communicating an idea of, I have
16 been told by other people that you did -- you were
17 involved in the killing. This is something that
18 Frebowitz, if he was here to testify, he couldn't say
19 to the jury, Hey, Folks, everybody else is naming Odom
20 Bryant as the killer. He couldn't say that, because it
21 is hearsay. He is testifying to things that other
22 people -- he doesn't have personal knowledge of. They
23 are not here to make the allegations themselves to
24 where I could confront them in a Constitutionally
25 guaranteed way.

THE COURT AND COUNSEL - MOTION

1 Further on down that he says, I'll get -- Line 10:
2 Things happen for a reason and, you know, everybody got
3 a story.

4 Again this is Frebowitz. The entire portion that
5 I want stricken, which begins at No. 3 and goes all the
6 way down to the No. 13. Detective Frebowitz is
7 basically communicating an idea that he has been told
8 by other people stories that point to the guilt of the
9 Defendant. I think it is hearsay and inadmissible
10 under any scenario, and I think it should be stricken.

11 THE COURT: Mr. Richardson.

12 MR. RICHARDSON: Your Honor, that is no more than
13 the recitation of the warrants that are presented. It
14 is not getting into the meat of the matter. Sandy
15 Locklear told us that you walked into the house and he
16 pulled a gun and pulled the trigger. It is merely a
17 globalization or summary of this is why we're here
18 today, people pointing the finger at you, enough so
19 that we have a warrant. Sergeant Strickland said they
20 had a warrant and utilized the U.S. Marshal service to
21 serve that and bring him into custody.

22 So it is not going into the truth of the matter as
23 much as it is why we are at this point, why we are at
24 this juncture, why we are at the Columbus County
25 Detention Center speaking to you.

THE COURT AND COUNSEL - MOTION

1 He goes further, Things happen for a reason and,
2 you know, you ain't as cold blooded, you're just not.
3 He sanitizes anything he says before. Basically, I
4 know I don't believe that as much, but I want to get
5 your story.

6 THE COURT: I mean, is he going to testify and say
7 that he doesn't believe it?

8 MR. RICHARDSON: No, sir, but if you are drawing
9 the inference there from the prior statements that
10 everybody is pointing the finger at you, then you also
11 have to draw the inference when he says, You know you
12 ain't that cold blooded, you're just not, you're just
13 not that kind of guy. We talked to your people, you're
14 not that cold blooded, cold blooded.

15 THE COURT: I'll grant Defendant's motion. I'll
16 exclude on Page 2, Line 3 through the first part of 14
17 where it says, So I know you're not.

18 MR. RICHARDSON: Yes, sir. For the record, I've
19 actually -- in speaking with Mr. Mureddu, that would be
20 approximately a minute mark of 01:04 to 01:48.

21 THE COURT: Okay. All right. What else?

22 MR. MUREDDU: The second part of the statement
23 that I'm looking to have redacted begins on Page 38.
24 I'm going to try -- I will have to explain to you the
25 back story about what it is so then -- so it will make

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1 my argument cogent and understandable. I'm starting at
2 Line 10 -- actually, Line 11 with Frebowitz on 38, and
3 I'm asking the Court to strike everything up until Page
4 42 at Line 6 on Page 42. So that is about six pages.

5 THE COURT: This was -- evidently there was an
6 argument with somebody at a store?

7 MR. MUREDDU: It is story, Judge. The Solicitor
8 is going to introduce evidence, and there is videotape
9 of this incident. The incident is this: Basically,
10 about seven or eight hours after this crime occurred,
11 my client was present at a gas station, Vasco. He was
12 down there. The Solicitor is going to present
13 evidence, videotape evidence, I think specifically
14 still pictures, that he was there at Vasco and that he
15 had a gun in his possession. He's going to introduce
16 pictures to where you can see that it was, in fact, a
17 gun.

18 I think that other than at this time, my client
19 will ultimately admit that he was at Vasco seven or
20 eight hours later with the gun, and he describes the
21 gun. There is other evidence surrounding him being
22 there seven or eight hours later with a gun that they
23 are going to say is similar or the murder weapon, all
24 right. That is not the only evidence. This evidence
25 is basically the police went down to Vasco -- how they

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1 obtained this videotape evidence is they went down and
2 interviewed people and talked specifically with the
3 clerk. He confirmed that, yeah, the Defendant was down
4 there, Mr. Bryant was down there, I saw him with a gun.
5 The clerk went on to describe he got into a
6 confrontation with a customer. So when the police,
7 when they interviewed Mr. Bryant, they got him to go
8 into that, what happened seven or eight hours later in
9 this altercation that he had with some customer.

10 They basically elicited out of him -- tell us what
11 happened at Vasco. So over this six pages it's him
12 saying, okay, here is what happened. I was there with
13 some friends. They were cursing. Some guy came and
14 confronted us on the cursing, and he and I had an
15 exchange. He tells the whole story about what happened
16 between him and the man that he had the altercation
17 with. It wasn't physical, but it was an argument.

18 He goes into specifics of what that man was saying
19 he was doing, and it reflects poorly on him. It is
20 about your right to speak in public, should you curse
21 or not curse. The bottom line is it has absolutely no
22 relevance as to whether or not my client committed the
23 crime he's accused of. It has no probative value as to
24 whether or not he was a knowing participant in a murder
25 of Thomas and Amos Hatfield. What it is is it is a --

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1 I'll call it a bad act, prior bad act or some type of
2 bad act that reflects on the nature of my client's
3 character.

4 It would not be admissible for the detective or
5 anybody else to say, Hey, let's tell you about another
6 bad act other than this murder that we say he
7 committed, the double murder, he is also down there
8 with a gun confronting some customer on something
9 completely unrelated.

10 Again, I would say it is highly prejudicial,
11 extremely prejudicial, but more importantly, it has
12 zero probative value as to whether or not he was
13 involved in the murder of Thomas and Amos Hatfield. It
14 is irrelevant. The only relevance it would have, I
15 would submit, is to make him look bad, show bad
16 character on his part. It certainly has no relevancy
17 to whether or not he is guilty of those two murders,
18 and it has no probative value towards that.

19 In my mind, and my argument here today is that --
20 and it is also a specific act of conduct. I think that
21 even when we get into when defendants testify and
22 whether or not bad character is admissible or prior
23 records or something, even when the court finds that
24 we'll allow certain evidence of prior bad character,
25 courts always found on the specifics of the incident

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1 that bear upon that.

2 So this is a specific incident, no probative
3 value, highly prejudicial. The only thing it could
4 elicit to the jury is let us give you another example
5 of how Odom Bryant is a bad, evil man. I think it
6 should be stricken.

7 THE COURT: All right. Mr. Richardson.

8 MR. RICHARDSON: The State would concede that if
9 we're putting forth character evidence purposes, it is
10 improper, but that is not the purpose here. As Mr.
11 Mureddu said, this is taking place at the convenient
12 store seven or eight hours after the murders take
13 place. By the Defendant's own statement, he witnessed
14 a double homicide, he was tricked into being present
15 and, yet, seven or eight hours later, in the cool light
16 of the day, he's out at Vasco.

17 It is a very vanilla argument. He doesn't talk
18 about blows struck or anything. It is not put forth
19 for character, but as far as his demeanor during that
20 period of time and close proximity to the crime, not
21 for character. In fact, he said there was no arguments
22 or blows, no kicks, no punches, didn't assault the man
23 in any way.

24 While I understand Mr. Mureddu's argument, there
25 is case law when it comes to first degree burglary when

THE COURT AND COUNSEL - MOTION

1 the defense is willing to stipulate to two prior
2 crimes, stipulate this is a first degree burglary --

3 THE COURT: What is the probative value of this
4 testimony as to whether or not he committed the two
5 murders?

6 MR. RICHARDSON: We'll put the stills in, Your
7 Honor. At that point, he's admitting to being at the
8 store that day seven or eight hours afterwards --

9 THE COURT: I mean --

10 MR. RICHARDSON: They are being left -- the jury
11 would be left wondering why is he talking about that
12 now, when are we talking about that he had the gun at
13 Vasco.

14 THE COURT: I mean, what is the -- him being at
15 Vasco, what is the relevance of that at all, him being
16 at Vasco with the gun?

17 MR. RICHARDSON: I'm sorry.

18 THE COURT: That is what I'm trying to wrap my
19 head around. If you are saying that the murders
20 occurred in the victims' home here, what is the
21 relevancy of him being at Vasco seven hours later?

22 MR. RICHARDSON: You are talking specifically with
23 regard to the arguments, or in general?

24 THE COURT: The arguments, him being there. Why
25 do you want this portion in? How does it prove that he

THE COURT AND COUNSEL - MOTION

1 committed two murders?

2 MR. RICHARDSON: He has a pearl handle pistol in
3 his possession.

4 THE COURT: So you are offering it to show that he
5 had a pearl handle pistol in his possession seven hours
6 later?

7 MR. RICHARDSON: In one regard. But to counter
8 his argument later on, I'm just a witness to the crime,
9 basically I was shocked by what went on, but he's going
10 on about his life afterwards to the point he's at Vasco
11 Convenience store. So it counters about how shocked he
12 was at the murders he witnessed that he was duped into
13 being present for.

14 THE COURT: I'm not following you.

15 MR. RICHARDSON: On one hand --

16 THE COURT: How does it prove that he was not
17 duped into being at the house?

18 MR. RICHARDSON: It would be behavior inconsistent
19 with being in shock, or whatever he said he was in. It
20 is to prove that he had the pearl handle -- a very
21 unique pistol, which he described.

22 THE COURT: That is the murder weapon?

23 MR. RICHARDSON: It was a .25 caliber that was
24 used, and there was one that was given to Amos Hatfield
25 who, likewise, gave it to Sandy Hatfield, and that

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1 weapon is no longer present. It disappeared. He even
2 talks about it in the statement, The pistol I had with
3 me, that is mine; it looks exactly like Sandy's pistol,
4 but different.

5 THE COURT: Okay. So the probative value is to
6 show that he was in possession of what they suspect to
7 be the murder weapon?

8 MR. MUREDDU: I understand, and I'll agree with
9 the Solicitor to this extent. I think that he can
10 clearly introduce evidence that says that my client --
11 that shows my client was at Vasco seven or eight hours
12 with a gun. He has independent evidence of that
13 outside of my client's statement, a videotape, still
14 pictures that he's going to try to introduce, and I
15 think the Court will allow him.

16 So the evidence that he was at Vasco with a pistol
17 seven hours later, I will agree is relevant, but an
18 argument with a customer, those are two different
19 things. That -- what happened while he was at Vasco,
20 he was down there arguing with somebody over something,
21 has no relevance. It is completely prejudicial. What
22 the Solicitor -- here is where we disagree. The
23 Solicitor is saying I want this in to prove he was at
24 Vasco with a gun. He has all kinds of evidence
25 independent of that that we don't disagree with, but

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1 what he is wanting to do is, Oh, by the way, not only
2 was he there with the gun, but let me tell you what
3 happened, he got into it with another guy. He was
4 maybe flashing a pistol or whatever, arguing about a
5 man who had kids there and there was a confrontation
6 with the man confronting him saying you shouldn't be
7 cursing in front of my kids.

8 The whole thing I'm asking to be redacted is the
9 specific interaction while he's at Vasco with the gun
10 with an individual surrounding something that could be
11 evidence of -- is unflattering, paints a picture of a
12 man that the jury should not hear. It is a specific
13 incident of bad conduct. I certainly think it is bad
14 conduct. If he was down there handing out pamphlets to
15 go to the local church and collecting money for poor
16 kids, that would be good conduct. Arguing with a man
17 saying I've got a right or my friends have a right to
18 curse in front of your nine-year-old kid, I would say
19 is evidence of bad conduct. It is a specific incident
20 of bad conduct. It has no probative value as to
21 whether or not he was involved in the murders.

22 I have a problem -- last thing, I have no problem
23 with him presenting evidence that Odom Bryant was there
24 seven hours later with a gun, but what he actually did
25 there, the interaction and argument with a customer, I

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1 absolutely have a problem with that, and we're asking
2 that it be stricken.

3 THE COURT: All right. Hold for a second.

4 (A brief pause in the proceedings.)

5 THE COURT: Mr. Richardson, I was inclined to deny
6 the motion, but I looked through the statement and I
7 don't see where there is even a mention about a gun in
8 his possession at Vasco throughout that whole
9 statement. From Page 38, Line 10 to Page 42, Line 6,
10 there is not even a mention much a gun. All it talks
11 about is getting into an argument with a man at Vasco.

12 MR. RICHARDSON: Yes, sir.

13 THE COURT: As I understand, you have a video that
14 they are not trying to suppress that shows him at
15 Vasco. And as I understand, the probative value is to
16 show that he is in possession of a gun at Vasco. This
17 portion of the statement, Page 38 to 42, doesn't
18 mention a gun anywhere.

19 MR. RICHARDSON: No, sir. No, sir. It links back
20 up -- and I apologize, Your Honor, I'm trying to find a
21 portion.

22 THE COURT: I think you are talking about that
23 portion --

24 MR. RICHARDSON: Starts at -- below, Your Honor,
25 Maybe you have something in your pocket, maybe you have

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1 something in your pocket to protect yourself.

2 THE COURT: He's not asking to suppress that
3 portion.

4 MR. MUREDDU: Exactly right.

5 MR. RICHARDSON: And they follow it back up on
6 page -- trying to find -- towards the --

7 THE COURT: Okay. Well, I'll grant his motion to
8 suppress Page 38, Line 10 through Page 42, Line 6. All
9 of that deals with is talking about an argument that he
10 had with a guy at Vasco. It doesn't mention a gun.
11 Then there is other portions of the statement that
12 deals with him being at Vasco.

13 MR. RICHARDSON: Yes, sir, Your Honor. That is
14 through Page 42, Line 6.

15 THE COURT: Yeah. So Page 38, Line 10 through
16 Page 42, Line 6.

17 MR. RICHARDSON: Okay. And then, Your Honor, with
18 regard to -- I hate to jump the gun, but I believe
19 starting on Page 67, Line 3 the State consents to
20 remove through Page 70, Line 2.

21 THE COURT: Wait a minutes. Let me write this
22 down so I don't lose track.

23 MR. RICHARDSON: Yes, sir.

24 THE COURT: So you are skipping over now to
25 Page 67?

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1 MR. RICHARDSON: Line 3 through Page 70, Line 2.
2 Basically, the Defendant is discussing about him
3 running because he was on parole. That would get into
4 prior criminal history.

5 THE COURT: Okay. So you consent to suppress
6 Page 67, Line -- the highlighted portion on my
7 transcript, Page 67, Line 3 through Page 70, Line 2.

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

9 THE COURT: Does that take care of the balance of
10 your argument?

11 MR. MUREDDU: Yes, sir, that was the three things
12 I was asking.

13 THE COURT: So I'm going to rule that the
14 statement is voluntary, satisfies the requirements of
15 Jackson V. Denno; however, based upon the arguments of
16 Counsel, I am suppressing Page 2, Lines 3 through 14 --
17 or that first part of 14 that ends with "so I know
18 you're not."

19 MR. RICHARDSON: Highlighted portion?

20 THE COURT: Correct. Page 38, Line 10 to Page 42,
21 Line 6, and Page 67, Line 3 to Page 70, Line 2. If it
22 is agreeable so that we have a clear record, I'm going
23 to take the statement that was handed to me, I'll make
24 it Court's Exhibit 1 for the purposes of this Jackson
25 V. Denno hearing.

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1 MR. RICHARDSON: Agreeable.

2 MR. MUREDDU: No objection.

3 (Court's Exhibit 1 marked.)

4 MR. RICHARDSON: I'll make the necessary editing.

5 MR. MUREDDU: Your Honor, there is a motion I want
6 to make at some point in the trial, and I think it is
7 after the jury is sworn, and we touched on it a bit.
8 My client's -- there is three indictments, two counts
9 of murder and one count of burglary in the first
10 degree. Solicitor indicated he is going forward only
11 on two murders. At some point in time, and I think
12 procedurally it is something that I would need to do --
13 or may not -- wait until after the jury is sworn. What
14 I'll ask is to have him on the record agree to dismiss,
15 null pros, with prejudice the burglary in the first
16 degree, or if he is unwilling to do that, to get a
17 ruling from the Court basically saying if you are going
18 to go after it, if you have to go after it here and now
19 or forever waive it.

20 THE COURT: We'll address it at that time, but
21 what I'll need, and what I'll look to you, is can I
22 make that ruling? Is that simply a defense that you
23 would have to raise if they subsequently wanted to
24 bring the burglary charge; is it a double jeopardy
25 issue then? I understand what you are saying. I just

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1 don't know that I can rule that any subsequent
2 prosecution of the burglary indictment is prohibited.

3 MR. MUREDDU: Let me put this on the record. I
4 think you understand, but I need to say this. Judge,
5 the reason I'm doing that is this. I can envision a
6 scenario, as far fetched as it may be, that we go to
7 trial of these two murders and he's acquitted and the
8 Solicitor goes, You know what, that's been indicted, I
9 never did try it, I'll try to get a bite at the apple
10 again, so I'll have a separate trial and try to get him
11 on the burglary, and clearly I don't think that --

12 THE COURT: I understand what you are saying.

13 MR. MUREDDU: Yes.

14 THE COURT: My question is: Do you have to wait
15 until he says, okay, I'm going to prosecute this
16 burglary, and then raise your double jeopardy argument
17 to have the case dismissed at that time, or before they
18 even bring the case can I rule as a matter of law once
19 you swear the jury and they -- you know, if they say,
20 Look, Judge, we're going forward on the murders, I'm
21 not null prosing the burglary, I won't agree to
22 dismissal with prejudice, can I rule at that time that
23 they cannot subsequently bring it at a later time? I
24 don't know. I've never seen case law out there where a
25 judge made that ruling without them pursuing it.

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1 MR. MUREDDU: I don't think the Solicitor will do
2 it, but let me give you one analogy. If -- I think
3 that if the Court didn't do it, in theory he could
4 break this up as three separate crimes, three separate
5 trials. I'll try him on one murder, and then another
6 trial and -- so you see what I'm saying?

7 THE COURT: I understand your arguments, but I
8 think what you will have to do is -- let's say he did
9 that, you go to the first murder and it is acquitted.
10 So he says, I'll try him on the second murder charge,
11 and when he files that second and brings it to trial,
12 you make your motion in front of the judge saying,
13 Judge, this is double jeopardy, we tried this case, he
14 can't pursue it again, and then that judge will make a
15 ruling as to whether or not it is double jeopardy for
16 that murder trial. If it is thrown out and he says,
17 I'll charge him on the burglary, when he brings that to
18 trial, you go to the judge and say it is double
19 jeopardy, he can't do it, we tried him on the murder
20 case, he was acquitted, tried another murder, it was
21 thrown out -- I don't think I can do it on the
22 front-end. I think you have to wait until the
23 Solicitor takes the improper action, if you will,
24 before you can get a ruling from the Court.

25 MR. MUREDDU: Understand.

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1 THE COURT: Now, I don't know that. This is not
2 dispositive of your motion. This will give you an
3 opportunity to do research and come before the Court,
4 and if it says I can do it on the front-end, we'll
5 address it. I've never seen it done that way.

6 MR. RICHARDSON: What time for the jury tomorrow,
7 Your Honor?

8 THE COURT: The jury panel is coming back at 9:00.
9 Once they are back at 9:00 they have to draw a jury
10 panel of 45 and send them up here to the courtroom. I
11 anticipate taking the bench probably between 9:15 and
12 9:30. I don't know how long it will take them to get
13 the jury in the jury panel room, draw another panel of
14 45 and those 45 are sent up here and seated. So as
15 soon as they get that done, I'll take the bench.

16 MR. RICHARDSON: Yes, sir, Your Honor.

17 THE COURT: Let me put it this way: It will not
18 be before 9:15.

19 MR. RICHARDSON: Be here at 9:15.

20 THE COURT: Yes. Thank you very much. Let me
21 also go over this with you all. Since I have not said
22 anything to the jury, I hesitate to keep them long
23 after 5:00 the first day. I don't mind keeping them
24 and running late, but I feel obligated to let the jury
25 know if we are going late Wednesday, okay, we'll

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1 probably have to go after 5 o'clock Wednesday, so if
2 you need arrangements, make them.

3 MR. RICHARDSON: I have two witnesses that are
4 flying in tomorrow evening to testify Wednesday. I do
5 have a SLED witness coming in tomorrow afternoon, that
6 is when I had the disposition of thinking I would be
7 pushing to make sure I had witnesses here tomorrow
8 afternoon. I anticipate that Agent Green, firearms,
9 his testimony is relatively short, so I wouldn't
10 anticipate anything later than 5:30. I think we can
11 get through him.

12 THE COURT: That is fine. And what I'll do is
13 I'll stop at close to 5:00 as I can tomorrow. I have
14 no problems with going as late as we need to go on
15 Wednesday and Thursday, or whatever, because at least
16 then I'll have given the jury a heads-up to make
17 arrangements.

18 MR. RICHARDSON: Yes, Your Honor.

19 **(Whereupon, the proceedings for January 12, 2015**
20 **concluded and the following was had on January 13,**
21 **2015.)**

22 THE COURT: Thank you very much, please be seated.
23 Good morning, Ladies and Gentlemen. We are, again,
24 going to be going through a jury selection process for
25 this first case. Now, all of you -- some of you may

JURY SELECTION

1 have heard this before if you were in yesterday's jury
2 panel, but I don't know we'll go through the same
3 procedures. I do have some questions with you. All of
4 you have been qualified to serve as jurors for this
5 term of court; however, the next series of questions
6 are called voir dire to determine your qualifications
7 to serve as jurors on this particular case, and it also
8 gives the attorneys some additional information that
9 assists them in the jury selection process. If I
10 could, please, all members of the jury panel, stand and
11 raise your right hand.

12 (Jury panel is duly sworn)

13 THE COURT: Thank you. Please be seated. Any
14 member of the jury panel that did not respond to the
15 oath by saying "I do"; if so, please stand? Please
16 listen up, Ladies and Gentlemen. We're getting ready
17 to start the trial of the case of State of South
18 Carolina versus Odom Bryant. Mr. Bryant is charged
19 with two indictments, each indictment charges Mr.
20 Bryant with the crime of murder. The allegations
21 being that on or about August 19th of 2012, Mr. Bryant
22 willfully, feloniously and intentionally killed Thomas
23 Hatfield and Amos Hatfield, this occurring in the
24 Loris section of Horry County, South Carolina.

25 Is there any member of the jury panel that has

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1 heard anything, read anything, discussed anything or
2 knows anything about this case; if so, please stand?

3 As I said the defendant in this case is Odom
4 Bryant, any member of the jury panel related by blood
5 or marriage, have a close personal relationship,
6 business relationship, social relationship or any
7 other type of relationship with Mr. Bryant; if so
8 please stand? Thank you.

9 The victims in this case are Thomas Hatfield
10 and Amos Hatfield, any member of the jury panel
11 related by blood or marriage, have a close personal
12 relationship, social relationship or any other type of
13 relationship with either Thomas Hatfield or Amos
14 Hatfield; if so, please stand?

15 Please listen carefully as these are the
16 potential witnesses who may testify in this case, and
17 it is kind of a long list, so listen carefully as I go
18 through these names with you. Tim Bazinet, Steve
19 Blair, Heather Brummett, Bill Burhans, Martha
20 Carmichael, Detective Jim Chatfield, Officer Todd Cox,
21 Jennifer Dalmida, Jill Domogauer, Robert Edge,
22 Nehemiah James Evans, Detective Neil Frebowitz, James
23 Green, Benjamin Larry Hardee, Renee Hardwick, Clayton
24 Hatfield, Faye Hunt, Detective Jonathan Martin,
25 Theresa Phillips, Steve Rogerio, Major Jerry Sarvis,

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1 Detective Alex Smith, Officer Matthew Stevenson,
2 Officer Brandon Strickland, Officer Matthew Tindall,
3 Detective Damon Vescovi, Detective Brian Wilson and
4 Doris Yarborough, any member of the jury panel related
5 by blood or marriage, have a close personal
6 relationship, business relationship, social
7 relationship or any other type of relationship with
8 any of these potential witnesses; if so, please stand?

9 Attorneys Brad Richardson and Monica Wooten
10 are prosecuting this case on behalf of the State of
11 South Carolina. Attorneys Dean Mureddu and Casey
12 Brown represent the Defendant. Any member of the jury
13 panel related by blood or marriage have a close
14 personal relationship, business relationship, social
15 relationship or any other type of relationship with
16 any of these attorneys; if so, please stand?

17 Yes, sir, your name and number

18 JUROR: Charles McElveen, 197.

19 THE COURT: Mr. McElveen, who is it that you know?

20 JUROR: Mr. Richardson.

21 THE COURT: How do you know him?

22 JUROR: Grew up in the same town.

23 THE COURT: Do you socialize on a regular basis
24 now?

25 JUROR: Not on a regular basis, no, sir.

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1 THE COURT: Are you a member of the same civic
2 organizations or go to the same church, socialize in
3 the same circles? How often do you see each other?

4 JUROR: Maybe once a year.

5 THE COURT: Is the relationship such that it would
6 affect your ability to give both the State and the
7 Defendant in this case a fair and impartial trial?

8 JUROR: I don't think so, no, sir.

9 THE COURT: And I appreciate your honesty in
10 saying you don't think so, but I have to be sure that
11 no juror is influenced in this case by any outside
12 source or relationship, and so if you think that the
13 relationship might influence your decision in any way,
14 I need to know that. Do you feel that you can
15 disregard your all's association in its entirety or do
16 you think you might be influenced to some degree by
17 simply knowing Mr. Richardson?

18 JUROR: I think I would be influenced some by
19 knowing him.

20 THE COURT: Thank you. I will excuse you from
21 this particular case, but if you would stay with us for
22 right now.

23 Anyone else have any type of relationship with any
24 of these attorneys; if so, Please stand?

25 Any member of the jury panel ever been represented

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1 by any of these attorneys; if so, please stand?

2 Any member of the jury panel ever been involved in
3 any legal action which any of these attorneys
4 represented another party to that action; if so, please
5 stand?

6 Any member of the jury panel either personally,
7 has a family member or a close personal friend employed
8 with the 15th Circuit Solicitor's Office, law firm of
9 Monckton Hembree Mureddu and Humphries in Myrtle Beach
10 or the Horry County Public Defender's Office; if so,
11 please stand?

12 Any member of the jury panel either personally,
13 had a family member or close personal friend that has
14 been a victim of a violent crime; if so, please stand?

15 Yes, ma'am, your name and number?

16 JUROR: 123.

17 THE COURT: Rose Hardwick?

18 JUROR: Correct.

19 THE COURT: If you will, come forward please.

20 (The following was had out of the presence of the
21 jury panel.)

22 THE COURT: Was this you or a family member?

23 JUROR: Family member, my grandfather was
24 murdered.

25 THE COURT: How long ago?

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1 JUROR: Numerous years, maybe a good 35 years,
2 maybe.

3 THE COURT: Would that occurrence affect your
4 ability to give the State and the Defendant a fair and
5 impartial --

6 JUROR: No, sir.

7 THE COURT: Would you be able to disregard your
8 grandfather's murder in its entirety and base your
9 decision on this case exclusively on the testimony and
10 evidence in this case?

11 JUROR: Yes, sir.

12 THE COURT: Any member of the jury panel,
13 personally, has a family member or close personal
14 friend or family member that has been a victim of a
15 violent crime; if so, please stand?

16 Does any member of the jury panel formed or
17 expressed an opinion about any matter involved in this
18 case; if so, please stand?

19 Any member of the jury panel aware of any bias or
20 prejudice towards either the State or the Defendant in
21 this case; if so, please stand?

22 Any member of the jury panel -- is there any
23 member of the jury panel that was a member of the Grand
24 Jury that issued the indictments in this case; if so,
25 please stand?

JURY SELECTION

1 Any member of the jury panel a member of or a
2 contributor to any organization which has as its
3 primary concern the promotion of law enforcement or
4 victim's rights; some of these organizations are MADD,
5 Mothers Against Drunk Drivers; CAVE, Citizens Against
6 Violent Crime; SADD, Students Against Drunk Driving or
7 similar organizations? Any member of the jury panel a
8 contributor or member of such organizations? Yes, sir,
9 your name and number?

10 JUROR: Should I approach?

11 THE COURT: If you could give me your name and
12 number.

13 JUROR: 196, McDonald.

14 THE COURT: Mr. McDonald, what organization are
15 you a member or contributor to?

16 JUROR: Member of Fraternal Order of Police. I'm
17 a member Police Alumni Association, member of Coastal
18 Carolina Shields.

19 THE COURT: Would your membership in those
20 organizations affect your ability to give --

21 JUROR: I pay annual dues.

22 THE COURT: Would your membership affect your
23 ability to give both the State and the Defendant in
24 this case a fair and impartial trial?

25 JUROR: I don't believe it would.

JURY SELECTION

1 THE COURT: And I appreciate your honesty like the
2 prior gentleman, that you don't believe it would, but I
3 have to be sure that any membership and any
4 organization does not influence you in this case.
5 Would you be able to disregard your membership in those
6 organizations in its entirety?

7 JUROR: I would.

8 THE COURT: Could you base your decision in this
9 case exclusively on the testimony and evidence in this
10 case?

11 JUROR: I would.

12 THE COURT: Thank you for bringing that to our
13 attention.

14 Anyone else a member of any such organization; if
15 so, please stand, or a contributor to such
16 organization, please stand?

17 Any member of the jury panel know of any reason,
18 whatsoever, why he or she should not serve as a juror
19 in this chase with particular emphasis placed on your
20 abilities to be fair and impartial to both the State
21 and the Defendant; if so, please stand?

22 Any additional questioning from the State?

23 MR. RICHARDSON: I believe we discussed yesterday
24 maybe a little more extensive questioning if anyone has
25 done research and whatnot.

JURY SELECTION

1 THE COURT: Has any member of the jury panel
2 conducted any independent research into this case, gone
3 on the Internet, looked in the newspaper, discussed
4 anything with anyone or tried to find out anything
5 about this case; if so, please stand?

6 Any additional questions?

7 MR. RICHARDSON: None from the State.

8 THE COURT: Defense?

9 MR. MUREDDU: None from the defense, Your Honor.

10 THE COURT: Ladies and Gentlemen, I know some of
11 you have been through this process before, but what
12 will happen is your names have been fed into a computer
13 and generated at random on a list. Now, if your name
14 is called you will need to come forward, stand in front
15 of the attorneys, turn and face the attorneys and bring
16 with you any pocketbooks, coats, any umbrellas,
17 whatever you would have with you. We go through a
18 process where each side gets a certain number of
19 strikes. They may use their strikes, or they may not
20 use their strikes, but if both sides decide they want
21 you as a juror, we follow this procedure until we get
22 12 jurors and two alternates. If you get struck from
23 the case, don't take it personally. It means that, for
24 whatever reason, you don't fit a certain profile that
25 they are looking for in this particular case. There is

JURY SELECTION

1 no rhyme or reason. As I have already explained, I've
2 known jurors who were struck in one case and accepted
3 in the next by the same party. I also have known them
4 to be accepted in one case and struck in the next by
5 the same party, so each case has its own unique
6 characteristics and a certain juror that they are
7 looking for, so please do not take it personally.

8 Listen up, and if your name is called, come
9 forward, stand in front of the attorneys, turn and face
10 the attorneys.

11 THE CLERK: Juror 49, Andrew Chandler. What say
12 the State?

13 MR. RICHARDSON. Please present Mr. Chandler?

14 THE CLERK: Defense?

15 MR. MUREDDU: Please swear Mr. Chandler.

16 THE CLERK: Please be seated in the jury box.

17 227, Lafaye Myers. What say the State?

18 MR. RICHARDSON: Please present Ms. Myers.

19 THE CLERK: Defense?

20 MR. MUREDDU: Please swear Ms. Myers.

21 THE CLERK: Please be seated in the jury box.

22 315, Mary Tweedie. What say the State?

23 MR. RICHARDSON: Please present Ms. Tweedie.

24 THE CLERK: Defense?

25 MR. MUREDDU: Please swear Ms. Tweedie.

JURY SELECTION

1 THE CLERK: Please be seated in the jury box.

2 26, John Branyon. What say the State?

3 MR. RICHARDSON: Please present Mr. Branyon.

4 THE CLERK: Defense?

5 MR. MUREDDU: Please excuse me Mr. Branyon from
6 this case.

7 THE CLERK: You're excused. 78, Nancy Dougherty.
8 What say the State?

9 MR. RICHARDSON: Please present Ms. Dougherty.

10 THE CLERK: Defense?

11 MR. MUREDDU: Please swear Ms. Dougherty.

12 THE CLERK: 199, Dennis McGahan. What say the
13 State?

14 MR. RICHARDSON: Please present Mr. McGahan.

15 THE CLERK: Defense?

16 MR. MUREDDU: Please excuse Mr. McGahan for this
17 case.

18 THE CLERK: You're excused. 4, Judith Aldridge.
19 What say the State?

20 MR. RICHARDSON: Please present Ms. Aldridge.

21 THE CLERK: Defense?

22 MR. MUREDDU: Please swear Ms. Aldridge.

23 THE COURT: Please be seated in the jury box.

24 5, Leroy Alford. What say the State?

25 MR. RICHARDSON: Please present Mr. Alford.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. MUREDDU: Please swear Mr. Alford.

3 THE CLERK: Please be seated in the jury box.

4 206, Carolyn Mercer. What say the State?

5 MR. RICHARDSON: Please present Ms. Mercer.

6 THE CLERK: Defense?

7 MR. MUREDDU: Please swear Ms. Mercer.

8 THE CLERK: Please be seated in the jury box.

9 260, Joseph Riccardi. What say the State?

10 MR. RICHARDSON: Please present Mr. Riccardi.

11 THE CLERK: Defense?

12 MR. MUREDDU: Please swear Mr. Riccardi.

13 MR. JIRAK: Please be seated in the jury box.

14 211, Charlotte Michalski. What say the State?

15 MR. RICHARDSON: Please present Ms. Michalski.

16 THE CLERK: Defense?

17 MR. MUREDDU: Please swear Ms. Michalski.

18 THE CLERK: Please be seated in the jury box. 75,

19 Elisa Dicapua. What say the State?

20 MR. RICHARDSON: Please present Ms. Dicapula.

21 THE CLERK: Defense?

22 MR. MUREDDU: Please swear Ms. Dicapua.

23 THE CLERK: 58, Sarah Collins. What say the

24 State?

25 MR. RICHARDSON: Please present Ms. Collins.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. MUREDDU: Please swear Ms. Collins.

3 THE CLERK: 8, Harriett Anderson. What say the
4 State?

5 MR. RICHARDSON: Please present Ms. Anderson.

6 THE CLERK: Defense?

7 MR. MUREDDU: Please swear Ms. Anderson.

8 THE COURT: Let's choose alternates. State gets
9 one, against two.

10 THE CLERK: 42, Dawn Carter. What say the State?

11 MR. RICHARDSON: Please excuse Ms. Carter.

12 THE CLERK: You are excused from this case. 145,
13 Christopher James. What say the State?

14 MR. RICHARDSON: Please presents Mr. James.

15 MR. MUREDDU: Please present Mr. James.

16 THE COURT: Second alternate. State gets one,
17 defense two strikes.

18 THE CLERK: 184, Emily Lowes. What say the State?

19 MR. RICHARDSON: Madam Clerk, the number?

20 THE CLERK: 184.

21 MR. RICHARDSON: I apologize. Please present
22 Ms. Lowes.

23 THE CLERK: Defense?

24 MR. MUREDDU: Please swear Ms. Lowes.

25 THE CLERK: Please be seated in the jury box?

JURY SELECTION

1 THE COURT: Ladies and Gentlemen, you are the jury
2 that will preside over this first case. I'll excuse
3 you in the jury room, and while you are in the jury
4 room, if I could get you to do me a favor, and that is
5 to select a foreperson for this jury. You might not
6 know everyone, and if you can't select a foreperson,
7 don't worry about it, I can appoint someone to serve.
8 Many judges appoint their own foreperson, but I like to
9 give the jury the opportunity to select a foreperson on
10 their own accord, if they are able to do so.

11 The foreperson has no more authority, no more
12 influence, no more importance than any other juror.
13 The sole function of the foreperson is to act as a
14 liaison between the Court and the jury. If the jury
15 has a need, the foreperson lets the Court know. If the
16 jury has a question, the foreperson lets the Court
17 know. When it is time to deliberate, the foreperson
18 will preside over the deliberations, but other than
19 that, the foreperson has no more influence, authority
20 or focus than any other juror. The only requirement is
21 that Mr. James and Ms. Lowes, as alternates, you are
22 not eligible to serve as foreperson because you are
23 alternates at this point in time. Any of the rest can
24 serve as foreperson, so if you can select a foreperson,
25 write his or her name on a sheet of paper with the jury

JURY SELECTION

1 number and give it to the bailiff, and we'll bring you
2 back into court. The foreperson will always occupy the
3 first seat on the front row closest to the witness
4 stand. The alternates will occupy the seat where you
5 sit unless you become a part of the 12 panel jury. The
6 rest of you can sit in whatever seat you like. If you
7 want to sit in the same seat throughout the trial, you
8 can do that. If you want to alternate, you can do that
9 as well. The only requirement is that we have the
10 alternate occupy the alternate seats, and the
11 foreperson sitting in the first seat on the front row.

12 I'll excuse you back to the jury room for a few
13 minutes. Don't discuss the case or talk to anyone
14 about the case, and we'll bring you back out in a few
15 minutes. Thank you very much.

16 (The jury exits at 10:06 a.m., and the
17 following is heard out of the presence of the jury.)

18 THE COURT: Any challenges to the selection or
19 composition of the jury by the State?

20 MR. RICHARDSON: None from the State.

21 THE COURT: Any from the defense?

22 MR. MUREDDU: None from the defense, Your Honor.

23 THE COURT: All right. Ladies and Gentlemen,
24 those who remain in the panel, we have a jury for this
25 first case, so I'll excuse you for the remainder of the

JURY SELECTION

1 day. You should have that number to the Clerk of
2 Court's Office. You need to call that after 6:00 p.m.
3 today, and that will give you further direction as to
4 when you need to return, or if you need to return. I
5 want to thank you for your service.

6 As I said during qualifications, even if you are
7 not selected on a jury this week, don't feel you
8 haven't fulfilled your duty; you have. As we speak,
9 cases are getting resolved because we have panels like
10 you ready to hear cases, and I want to thank you for
11 that service. You are free to go for the remainder of
12 the deal and call that number after 6:00 p.m. Thank
13 you very much.

14 (Jury panel exits at 10:08.)

15 THE COURT: Let's give the jury a five-minute
16 break and see if they can select a foreperson. We'll
17 bring them back in, swear them and go straight into
18 opening arguments.

19 MR. RICHARDSON: For scheduling purposes -- and I
20 discussed it with Mr. Mureddu, and of course
21 co-counsel, when to set up the PowerPoint for the third
22 witness. I assume we can do opening with two
23 relatively quick witnesses and then take the morning
24 break.

25 THE COURT: So your third witness is?

JURY SELECTION

1 MR. RICHARDSON: Crime scene. And as I recall, it
2 took an hour-and-a-half, two just on direct whenever I
3 did this trial before.

4 THE COURT: Okay. All right. I'll try to -- make
5 sure you remind me after the second witness.

6 MR. RICHARDSON: I will. I just wanted to put the
7 Court on notice.

8 THE COURT: Sounds good. Let's take a five-minute
9 break.

10 MR. RICHARDSON: I do know there is a motion
11 tomorrow, and we can take care of it tomorrow.

12 THE COURT: Motion?

13 MR. RICHARDSON: I think Mr. Mureddu wants to
14 proffer testimony to get a ruling from the Court,
15 whether or not it should be allowed.

16 THE COURT: So that it is on a later witness?

17 MR. RICHARDSON: Yes, sir, she'll be coming in
18 this evening.

19 THE COURT: All right. Sounds good. Just make
20 sure you remind me, don't leave it up to me.

21 MR. RICHARDSON: No, sir. No, sir. That is just
22 for notice purposes.

23 THE COURT: Sounds good.

24 (A recess was taken.)

25 (State's Exhibits 9 through 120 marked.)

JURY SELECTION

1 THE COURT: Jury sent out a piece of paper and
2 Andrew D. Chandler, Juror 49, was selected at
3 foreperson.

4 Anything from the State before we bring the jury
5 in?

6 MR. RICHARDSON: No, sir.

7 THE COURT: Defense?

8 MR. MUREDDU: Nothing, Your Honor.

9 (Court's Exhibit 2 marked.)

10 (The jury enters at 10:32 a.m., and the
11 following is heard in the presence of the jury.)

12 THE COURT: Ladies and Gentlemen, welcome back. I
13 apologize for keeping you so long. We're getting ready
14 to start the trial of this case of State of South
15 Carolina versus Odom Bryant. I understand Mr. Chandler
16 is selected as foreperson; is that correct?

17 FOREPERSON: Yes, sir.

18 THE COURT: Thank you for serving in that
19 capacity. If you will, always be seated where you are
20 now, and if our alternates will occupy where you now
21 sit. As I told you earlier, the rest of you are at
22 liberty to sit in whatever seat you want, whether it is
23 the same seat during the trial of the case or
24 alternates, whatever makes you feel comfortable.

25 As I told you during qualifications and voir dire,

THE COURT ADDRESSES THE JURY

1 jurors are constantly taking oaths just like a witness,
2 so I need every member of the jury to stand and raise
3 your right hand while the Clerk of Court administers
4 the oath to serve as jurors in this particular case.

5 (Jury was duly sworn.)

6 THE COURT: Any member of the jury that did not
7 respond to the oath by staying "I do"; if so, please
8 stand. Thank you.

9 Before we begin the trial, I want to talk to you a
10 little bit about the procedure that we'll follow and
11 what you can expect during this trial and your duty as
12 jurors. From watching movies, TV shows, reading books,
13 things of that nature, it is full of suspense, a lot of
14 anxiety, and while that might be the case in this
15 trial, it probably won't be the primary function for
16 the search of the truth to determine what happened, and
17 that is often a slow, deliberate, repetitive process,
18 the exact opposite what you might be accustomed to when
19 you watch a trial for entertainment purposes.

20 I hope you find the trial entertaining, and I hope
21 you find it educational. I'll thank you from the
22 outset for serving as jurors in this case.

23 Now, the attorneys appearing before you are
24 advocates for the parties they represent, but first and
25 foremost, they are officers of the court. They are

THE COURT ADDRESSES THE JURY

1 sworn to uphold the integrity and fairness of the
2 judicial system and to help you in a search for the
3 truth in this case. You should expect them to be
4 professional, competent and ethical in the
5 representation of their client's interest.

6 What I'll now say is intended to serve as an
7 introduction to the trial of this case. These remarks
8 are not a charge on the law in this case. I will
9 instruct you on the law applicable to this case at the
10 end of the trial before you retire to consider your
11 verdict. This is merely an explanation of the
12 procedure that we'll follow in the trial of this case
13 so you can better understand what is happening.

14 Now, the Defendant is charged by two indictments,
15 here are the indictments. The Defendant is charged by
16 two indictments with murder, the elements which I'll
17 explain to you at a later time. These indictments are
18 simply the charges by which this case is brought into
19 court, and they are not, in any sense, evidence of any
20 of the allegations contained in the indictments. The
21 Defendant has pled not guilty to both of these
22 indictments. The State, therefore, has the burden of
23 proving each of the elements of the indictments beyond
24 a reasonable doubt. It will be your duty, Ladies and
25 Gentlemen, to decide whether or not the State has met

THE COURT ADDRESSES THE JURY

1 that burden. Your purpose as jurors is to find and
2 determine the facts of this case. You are the sole
3 judge of the facts of this case. If at any time I make
4 comment regarding the facts of this case, you must
5 disregard my comments. You are to determine the facts
6 of this case from the testimony you hear and the other
7 evidence introduced into court. It is up to you to
8 determine the inference which you feel may properly be
9 drawn from that evidence.

10 It is especially important that you perform your
11 duty of determining the facts diligently and
12 consciously, because ordinarily there is no way to
13 correct an erroneous determination of the facts by a
14 jury. On the other hand, and with equal emphasis, the
15 same law that makes you the judge of the facts, makes
16 me the judge of the law. The law as given by the Court
17 is the only law that you can consider. You must accept
18 and follow the law as I give it to you, even though you
19 may disagree with it. Just as I cannot tell you what
20 the facts of this case are, you cannot disagree with me
21 about the law to be applied in this case. Your job is
22 to take the law as I give it to you and apply it to the
23 facts as you find those facts to be from the testimony
24 of the witnesses and any other evidence that is
25 introduced. After doing that, you will render your

THE COURT ADDRESSES THE JURY

1 verdict a true and just verdict under the solemn oath
2 that you just took as jurors.

3 Until I advise you to begin your deliberations,
4 you must not discuss this case with anyone. Do not
5 discuss it with your fellow jurors, do not discuss it
6 with any friends or family members or anyone involved
7 in the case. After the case is submitted to you, you
8 can discuss the case, but only in the jury room with
9 your fellow jurors. The attorneys and parties in this
10 case have been advised they are not to talk to you at
11 all, so if anyone involved in the case does not speak
12 to you or say hello, they are not being rude, they are
13 just following the instructions of the Court.

14 During the trial, you are not to read or listen or
15 watch any news reports about the case, if there is any.
16 This includes anything in the newspaper or on the
17 internet or television. You must not consider anything
18 you may have read or heard about the case outside of
19 the courtroom, rather before or during the trial of
20 this case. It is important that you keep an open mind
21 and not decide any issue in this case until all of the
22 evidence has been presented to you and the parties have
23 then made their closing arguments and I've instructed
24 you on the law of the case.

25 As your solemn responsibility to determine the

THE COURT ADDRESSES THE JURY

1 guilt or innocence of the Defendant, and your verdict
2 must be based solely on the evidence as it is presented
3 to you in this trial and on the law as I instruct you
4 during and at the close of the trial. In just a
5 moment, the Solicitor will make an opening statement in
6 which the Solicitor will explain to you the issues in
7 this case, or what the Solicitor thinks the issues in
8 this case are. The attorney for the Defendant may also
9 make an opening statement, although he is not required
10 to do so.

11 What the attorneys tell you during their opening
12 statements is not evidence in this case, it is only
13 their contention as to what they feel the issues in
14 this case are and what they feel the evidence will
15 show. The evidence in this case will be presented to
16 you by testimony of sworn witnesses from the witness
17 stand and any exhibits that may be introduced into
18 evidence. In determining what the true facts in this
19 case are, you must decide whether or not the testimony
20 of a witness is believable. It will be my
21 responsibility to rule as a matter of law whether
22 certain testimony is admissible at all or not.
23 However, once testimony is admitted into evidence,
24 whether or not you believe it is solely for you to
25 determine. In deciding whether to believe a witness,

THE COURT ADDRESSES THE JURY

1 you have the right to consider the interest of any
2 witness, bias of any witness, prejudice of any witness,
3 opportunity for the witness to have seen the matters
4 and things about which the witness may testify, and the
5 way the witness acts on the witness stand. You have
6 the right to consider anything that is in the record
7 that will help you evaluate the testimony of the
8 witnesses; that means that it is your duty to pay close
9 attention to the witnesses, to observe them, listen to
10 them and to pay close attention to the attorneys and to
11 the Court. Don't let your thoughts wander, but give
12 strict attention to the testimony in this case so at
13 the end of all the testimony and after the arguments of
14 counsel and the charge of the law by the Court, you are
15 in a position to determine what the true facts are in
16 this case and to apply the law to those facts and thus
17 render a true and just verdict.

18 I understand some of you have requested that you
19 be allowed to take notes in this case. I will allow
20 you to take notes, but there are rules and guidelines
21 we have to follow. You will be given a pad and pen or
22 pencil, a writing instrument, and you are to write your
23 name on the first sheet of your notepad, if you choose
24 to take notes, because your notes are personal to you.
25 You cannot share them with anyone else. You cannot

THE COURT ADDRESSES THE JURY

1 share them with any other juror. It is your personal
2 notes.

3 Number two, you don't have to take notes if you
4 don't want to. Some people are better note-takers than
5 others. Some people can recall testimony from just
6 listening to the testimony without taking notes, so you
7 are not required to take notes, but you are allowed to
8 take notes if you choose to do so. Now, if you take
9 notes, please do not try to write down everything that
10 a witness says, because then you are going to miss
11 something. The sole purpose of notetaking is to
12 refresh your memory as to certain testimony that you
13 feel is important. So if you hear testimony that you
14 feel is important and you want to remember it, jot a
15 quick note to remind you of the testimony and don't try
16 to write down everything that is said.

17 When you leave the courtroom, you will be required
18 to leave your notepads in the jury box here; you can't
19 take them with you. So you'll leave them in the jury
20 box, and when you come back in the courtroom, we'll
21 give the writing pads back to you. You have to be sure
22 that you have your own notepad and not anyone else's.

23 Any additional charges or challenges by the State?

24 MS. WOOTEN: None, Your Honor.

25 MR. MUREDDU: None, Your Honor.

OPENING STATEMENT - MS. WOOTEN

1 THE COURT: Have we got the writing pads? Let's
2 hand those out to the jurors so if they want to take
3 notes you can, but you are not required to, if you
4 choose not to.

5 (A brief pause in the proceedings.)

6 THE COURT: Everybody that wants a pad have a pad
7 and writing utensil? Write your name on the front of
8 the pad so you make sure that you get yours every time
9 you come back in the jury box, if you choose to take
10 notes.

11 Ladies and Gentlemen, we'll begin with the opening
12 statements from the attorneys. As I told you during
13 the opening charges, it is not evidence in this case,
14 it is simply the lawyer's contention as to what they
15 feel the issues are and what evidence will show.

16 Opening the State.

17 MS. WOOTEN: Thank you, Your Honor. May it please
18 the Court?

19 THE COURT: Yes, ma'am.

20 MS. WOOTEN: Good morning. Lies are pretty
21 tricky. I'm not a very good liar. You have to be --
22 have to have a pretty good memory in order to keep up
23 with your lies because you can't just tell one lie,
24 because when you get questioned about that lie, what
25 happens? It leads to another lie and another lie and

OPENING STATEMENT - MS. WOOTEN

1 another lie to the point where you are so tangled up in
2 your own lies, you don't even know where you began.
3 This case is about lies. This case is about the
4 Defendant's, Mr. Odom Bryant, lies. It is about the
5 web of lies that he put together throughout the
6 investigation of this trial.

7 I read something recently that pieced it together
8 and resonated with me when I was preparing for this
9 case, and it put it so much more eloquently than I
10 could ever put it. It said, One lie leads to another,
11 that's always the case. You first tell the first lie,
12 and that is deception, and then the second is to save
13 face, but when you are faced with the truth, the truth
14 you will deny, and at that point to lie, it just comes
15 so easy, so you just tell another lie.

16 That is why we are here today. That is why Odom
17 Bryant is charged with murder of Amos and Tommy
18 Hatfield on August 19th, 2012. The investigation began
19 that morning, very early, around 4:00 a.m. You'll hear
20 from a 911 employee with Horry County 911 that a woman
21 named Sandy Locklear called in, a distress call, around
22 4:00 a.m. on August 19th. She said that -- and you
23 will hear this statement -- she had been raped, tied
24 up, that two men, a white man and mixed race or
25 Hispanic man came into her home, the home that belonged

OPENING STATEMENT - MS. WOOTEN

1 to Amos and Tommy Hatfield at [REDACTED] Red Bluff Road.
2 Those two men came in there, tied her up, raped her and
3 at the same time they shot and killed Amos and Tommy
4 Hatfield.

5 You'll hear from Matthew Tindall, the responding
6 officer with Horry County Police Department. You will
7 hear about when he arrived on scene and what he saw.
8 He walked in to find both Amos and Tommy Hatfield face
9 down on the floor of their mobile home at [REDACTED] Red
10 Bluff Road. They were within feet of each other. Both
11 of them found dead at the scene, shot, execution style
12 through the back of the head. When I mean execution
13 style -- and you will see the photos, go through the
14 crime scene in detail with Detective John Martin -- a
15 pillow was placed over the back of their head, and then
16 they were shot through that pillow and killed.

17 The detective showed up, started the
18 investigation. At the time, Ms. Locklear was a victim.
19 She was a victim of rape. Her husband and stepson were
20 dead. Two people had broken into the home and she was
21 left there. So the police took her to get checked out
22 at the hospital, and they take her down to the police
23 station to take her statement. She was the remaining
24 only eyewitness, only person that was there that was
25 still alive. So they took the statement. Then, the

OPENING STATEMENT - MS. WOOTEN

1 first web of lies begin.

2 This case is about Odom Bryant, and I'm going to
3 explain how we got to Odom Bryant. It is not about
4 Sandy Locklear or any other defendant, but we have to
5 start with Ms. Locklear who led us here today. Her
6 interview started out as a victim, but she wove her web
7 of lies. A web has holes, you can see right through
8 it. Investigators, all the sudden, realized this woman
9 isn't telling us truth, there is more to the story, and
10 she ended up being a suspect in the murder of Amos and
11 Tommy Hatfield.

12 As she told her story, investigators -- you'll
13 hear from many detectives involved in this case, she
14 sent them on so many leads and, eventually, it led to
15 the arrest of two more suspects. It wasn't a white man
16 and a Hispanic man that came into the house, it was two
17 people that she knew, and she admits to it. One -- and
18 you'll hear the detectives explain in detail -- was a
19 guy named James. He was her yardman in Tabor City
20 where she lived, ended identifying him later as
21 Nehemiah James Evans. That investigation lead us to
22 Odom Bryant, a man she called Bobo or PooPoo, by his
23 street name. The investigation that you'll hear about
24 in detail led us to identify PooPoo or Bobo, whoever he
25 is to be, the Defendant in this case, Odom Bryant.

OPENING STATEMENT - MS. WOOTEN

1 So once Odom Bryant is arrested a month later, we
2 find him, sit him down and you'll hear from Sergeant
3 Brandon Strickland, who was part of the interview, he
4 waived his rights and he talked to them. He started to
5 build his delicate, fragile web of lies. There are so
6 many, the web is so big, but that is the funny thing
7 about the web, it is thin and delicate strands, and it
8 has holes. When you have a structure held up by lies,
9 eventually it breaks down. Like I said, I'm not a good
10 liar. You have to have a good memory to keep up with
11 that amount of lies, and he couldn't.

12 When one lie leads to another, and one is to
13 deceive and one is to save face, and when you put the
14 truth in the face, you deny and you just keep lying and
15 lying and lying. You will hear the testimony of the
16 Defendant, and you will hear the investigation that led
17 to the questions that were asked in that testimony and
18 his interview.

19 The first is that his relationship with Sandy
20 Locklear, the woman that was the victim in the
21 beginning of the case, at first he says he knew Sandy,
22 we live in Tabor City. She bought marijuana from me.
23 I was just her weed dealer, that is about it. And then
24 it was, well, James knew her. Oh, okay, we are faced
25 with the truth, and we'll deny it. Well, we were her

OPENING STATEMENT - MS. WOOTEN

1 garden men too, but I don't know her that well, never
2 hung out with her. We're not that close. I sell weed
3 to her, just her yardman. Well, the investigator show
4 all the truth and a foundation for that truth, he has
5 to come up with more ways to web his lies. Eventually,
6 he admits, okay, I know her a little bit better. We've
7 hung out with her. We've had drinks with her while
8 mowing her lawn. I met with her a few times at the gas
9 station. We see each other a little bit more, but I
10 don't know her number, I don't even know my own number.
11 He can't remember anything.

12 Then the detectives show him the phone records of
13 Sandy Locklear and the phone records of his phone, and
14 he's faced with the truth that the phone records show
15 that he was at the scene right before and during the
16 murder of Amos and Tommy Hatfield. You'll hear
17 evidence and you'll -- see evidence and hear testimony
18 about the phone records from Odom's phone -- Mr.
19 Bryan's phone -- saying, The door is locked, meaning
20 you can't get in. Then you'll see a text coming from
21 Sandy's phone saying, It's open, which means come on
22 in.

23 We can show the location of those phones right at
24 the time that these two men were murdered, and Odom
25 Bryant was right there. So he was faced with the

OPENING STATEMENT - MS. WOOTEN

1 truth, can't deny it anymore. Let's web some more
2 lies. Okay, I know Sandy Locklear. She went to James
3 and she said I need help with something, and James came
4 to me. I had nothing to do with it. I was just
5 helping my friend, James. We were just supposed to
6 scare them, go in there and scare Tommy and Amos,
7 nothing else was supposed to happen. So you have been
8 in Sandy's car? No. No. I've never been with Sandy,
9 what are you talking about a car? No. No. No. James
10 knows Sandy better than I do. I don't know anything
11 about that. Well, we found the vehicle, the get-away
12 vehicle that was burnt to a crisp just miles away from
13 the murder scene. We know you were in that car. We
14 know you were riding with Sandy and James. We know you
15 were there now. Okay, I burnt the car. We went in.
16 Sandy did everything; we had nothing to do with it.
17 Things got out of hand, people got killed. I had to
18 get rid of everything, so I burned the car.

19 You'll hear testimony that Ms. Locklear's home and
20 Odom Bryant's aunt's home and car were searched as
21 well, because he used her car to get around. It was a
22 red Neon. So we have the burnt Kia, and now a red
23 Neon. How did he get back for Tabor City? Well, I
24 don't tell you that, I told you so much already. My
25 web is falling apart right in front of me. I can't

OPENING STATEMENT - MS. WOOTEN

1 tell you that.

2 So we go search the red Neon, since that is the
3 car that he always drove when he was doing his lawn
4 service and selling his weed. Come to find out, you'll
5 hear testimony that the trunk was trenched in gasoline,
6 grass clippings, sand throughout the car. There is a
7 letter addressed to the codefendant in it. We know
8 they rode in that car together.

9 At this point, the lies are so big and the web is
10 so fragile, he realizes what he is facing. What about
11 the murder weapon? I don't know anything about a gun,
12 he says. I don't what you are talking about. We
13 didn't have a gun; it was a baseball bat. It was
14 burned in the car. They were shot in the head,
15 execution style, there has to be a gun.

16 Now, will you see a gun in this case? Was a gun
17 ever recovered? No. But when he's faced with the
18 truth that we know there is a gun out there and we know
19 what kind, he had to web more lies. Okay, I saw a gun
20 and I -- I had a gun on me right afterwards. I know
21 what you are talking about, a few hours after this all
22 happened. We burned the car, I went to my girlfriend's
23 house and a few hours I went to the Vasco store in
24 Tabor City, and I know they have cameras there. He is
25 right, there are cameras there. We saw that he had a

OPENING STATEMENT - MS. WOOTEN

1 gun on him similar to the one that Amos Hatfield owned,
2 .25 caliber pearl handled gun, small. You'll see photo
3 stills from the Vasco station, and the detectives that
4 obtained those pictures. You'll see within hours of
5 two people being brutally murdered, a car bursts into
6 flames, and he's hanging at Vasco and he has a gun on
7 him.

8 He says, well, that is not the gun. I don't know
9 what you are talking about. I just happen to have a
10 gun that looks exactly like the gun that Amos Hatfield
11 owned, a .25 caliber pearl handled pistol. You'll hear
12 from Clayton Hatfield, who gave the gun to Amos, a
13 family member that gave him that gun. So we know that
14 Amos had that gun, but we still haven't found it. So
15 where is it? We never found some other gun that looked
16 just like the gun used to kill the victims in this
17 case.

18 You'll hear from Special Agent Green that says
19 that the bullets removed from the victims' head were
20 .25 caliber. We can't tell you the exact gun it came
21 from, but we do know it came from a .25 caliber, and we
22 know that Amos Hatfield had a .25 caliber. We know he
23 had it, the Defendant had a .25 caliber --

24 MR. MUREDDU: Objection, that is argumentive.

25 THE COURT: Overruled. Go ahead.

OPENING STATEMENT - MS. WOOTEN

1 MS. WOOTEN: Thank you, Your Honor.

2 Last, but not least, in the testimony -- he was
3 asked over and over again, why? You don't even know
4 these people. You know Sandy, but you don't know Amos
5 and Tommy Hatfield. Why? I don't know why she wanted
6 to kill them, he says. I have no idea. Well, did she
7 offer you money? I mean, doesn't make any sense to us.
8 I don't know anything about money, he says. Deny.
9 Deny. Deny. But that deny doesn't make any sense, it
10 doesn't. Why would he do this?

11 The word on the street was that there is an
12 insurance policy. An insurance policy. A life
13 insurance policy. You will hear from the detectives in
14 this case that searched Sandy Locklear's house and
15 recovered an insurance police, the million dollar
16 insurance policy. At that point, the web had just
17 fallen apart, and the truth was so clear, you didn't
18 even have to look through it.

19 At that point, the web of lies had broken down,
20 and lie after lie after lie, the Defendant painted
21 himself into a corner. The evidence in this case, the
22 testimony you will hear, the physical evidence that you
23 will see and the Defendant's own statement will leave
24 you knowing and understanding beyond a reasonable doubt
25 that the Defendant in this case murdered in cold blood

OPENING STATEMENT - MR. MUREDDU

1 Amos and Tommy Hatfield. Thank you.

2 THE COURT: Defense want to make an opening
3 statement?

4 MR. MUREDDU: Yes, Your Honor. May it please the
5 Court?

6 THE COURT: Yes, sir.

7 MR. MUREDDU: Good morning, Ladies and Gentlemen.
8 Folks, the reason why we are all here today is because
9 Sandy Locklear murdered her husband Amos Hatfield, and
10 his son Thomas Hatfield. Sandy Locklear killed the two
11 Hatfields with a pistol. She killed them, these two
12 poor men in cold blood. She did it for the oldest
13 reason in the world, money.

14 She tricked a lonely man into believing that she
15 loved him. She conned him into marrying her. What you
16 are going to discover during the course of this trial
17 is that the Hatfields are not the only ones who were
18 tricked, and the Hatfields aren't the only ones who
19 were victims of the evilness of Sandy Locklear. She
20 also conned two young men from the neighborhood. She
21 tricked these two young men into putting themselves
22 into a position where they could be accused of rape,
23 where they could be accused of murder. My client, Odom
24 Bryant, is one of those two men who fell victim to the
25 evilness and trickery of Sandy Locklear. Odom is here

OPENING STATEMENT - MR. MUREDDU

1 today fighting for his life. He's here today falsely
2 accused of rape and murder. He's here today
3 desperately trying to free himself from a web of lies
4 that Sandy Locklear put out there.

5 Now, you all are going to hear a lot of things
6 during the course of the trial, and you are going to
7 hear a lot of things that deal with the evilness and
8 trickery of Sandy Locklear here. I will agree with
9 this much of what Ms. Wooten said, and that is the most
10 important piece of evidence that I believe that you
11 will hear today is an interview and a statement that
12 Odom Bryant gave to law enforcement. He sat down with
13 them in a lengthy interview and he told them exactly
14 what happened.

15 Now, you heard Ms. Wooten give her rendition of
16 what Odom told the police. I would encourage you, and
17 I know that you will, to draw your conclusions from
18 what he said, from what Odom said, not from what
19 Ms. Wooten said. I'll ask you to listen very carefully
20 to what he told the police, because I will submit to
21 you that it is not the way it's been presented today.
22 There was some accuracy in some of the things that you
23 heard from Ms. Wooten, but, again, what is the old
24 saying, Get it straight from the horse's mouth. I want
25 you to listen to what Odom told the police.

OPENING STATEMENT - MR. MUREDDU

1 Now, I won't lie to you all. When you hear what
2 the State has to say, when you hear the evidence that
3 they put forward, they are going to present to you a
4 case where they will attempt to set forth a scenario to
5 where Odom was a partner in these horrific crimes with
6 Sandy Locklear. That is what they are going to try to
7 do today, and during the course of this trial. I will
8 admit, it will certainly arise some suspicion within
9 you all. There is no doubt about it. When you listen
10 to it, it might even make sense from a far, but what
11 we're going to ask you to do here today, and what your
12 duty as jurors is today, we're going to ask you to
13 reserve your judgment until the very last word is
14 spoken in this trial. We're going to ask you to pay
15 close attention to what we, myself and Mr. Bryant, are
16 going to present to you today and throughout the course
17 of this trial. We're going to ask you that if you, as
18 your duty as a juror is, if you, along with me, will
19 scrutinize the evidence that you hear during the course
20 of this trial, if you do all of those things, it will
21 become clear to you that Odom did not commit these
22 horrific crimes. He was not a partner in crime with
23 that evil black widow of a person, Sandy Locklear. He
24 was not a knowing participant in these murders. Odom
25 was a patsy, a mark for Sandy Locklear here. He was

BILL BURHANS - DIRECT EXAMINATION

1 set up from the very beginning to take the fall for a
2 crime that only would benefit Sandy Locklear here.

3 So I'm going ask you, as I said, listen to what
4 Odom told the police. Listen to the information that
5 he gave. Listen to what I'll present to you, and when
6 you do that, it will become clear to you all that he is
7 not guilty at the end of the case of these murders.
8 Thank you.

9 THE COURT: Ladies and Gentlemen, we'll begin the
10 evidentiary portion of the trial at this time. The
11 State can call their first witness.

12 MS. WOOTEN: State will call Bill Burhans.

13 (BILL BURHANS, having been duly sworn,
14 testified as follows:)

15 THE CLERK: State your full name and spell your
16 last.

17 THE WITNESS: Bill Burhans, B-U-R-H-A-N-S.

18 DIRECT-EXAMINATION

19 BY MS. WOOTEN:

20 Q Thank you for being here today. Could you tell us
21 a little bit about your place of employment?

22 A I work for Horry County 911. We assist the public
23 and visitors to Horry County with the emergency and
24 non-emergency telephone calls for service and dispatch
25 police, fire and EMS.

BILL BURHANS - DIRECT EXAMINATION

1 Q And how long have you been with Horry County 911?

2 A I started working with 911 May of 2002, so over
3 12-and-a-half years.

4 Q Could you tell us in your years of experience kind
5 of what the overall purpose is of what you all do in
6 Horry County 911?

7 A We gather information from callers and enter it
8 into the computer and then dispatch fire, police and
9 EMS, public safety officers to assist the public and
10 document what they do and the times they do it.

11 Q So if there is a problem, they call you and you
12 send the right people their way?

13 A Yes, ma'am.

14 Q And was this in practice back on August 19, 2012?

15 A Yes, ma'am.

16 Q You were all doing this in 2012?

17 A Yes, we did.

18 Q And were you making recordings of the phone calls
19 that came in in 2012?

20 A Yes. We automatically record everybody, emergency
21 and non-emergency 911 calls that come in the center.

22 Q What is the purpose of that?

23 A It's a law to record it and maintain it so that we
24 can gather information and present it later on.

25 Q And how do you all preserve -- just the recording,

BILL BURHANS - DIRECT EXAMINATION

1 how is it preserved?

2 A It's a computer hardware that digitally records
3 all of our media telephone calls, radio transmissions,
4 even the screens on our computers.

5 Q Do you record the entire conversation, or just
6 once you pick up the phone?

7 A Once they start dialing the phone, we record every
8 bit of the call from that point on.

9 Q Interesting. So you can even hear them dialing?

10 A Yes.

11 Q The recording device that is in operation, is it
12 capable of making a telephone conversation, recording
13 it and putting it onto another device so you can listen
14 to it later on?

15 A Yes, it is. At my work station, computer at work,
16 I can pull up the recording by date and time from an
17 incident number, and then make secure copies of those
18 wav. files, and turn them over to the people requesting
19 them.

20 Q Can you transfer that onto another -- like a disc
21 or -- I don't know -- any electronic media you can
22 listen to later on?

23 A Right. The normal way we do it is put it onto a
24 disk -- it can't be tampered with -- and turn it over
25 to the agency that requested the information.

BILL BURHANS - DIRECT EXAMINATION

1 Q And how exactly do you do that? Do you do it on
2 the program on the computer that you recorded the phone
3 conversation on?

4 A Yes. Capture 911, I pull it up by date and time
5 and listen to the recordings and figure if that is
6 applicable to what they are looking for, and then I
7 save the information to a disk and turn it over to the
8 agency that is requesting it.

9 Q And what kind of experience -- I know you have
10 been there for 12 years, what kind of experience do you
11 have in working with this device and transferring the
12 conversations over to another device?

13 A I'm the quality assurance specialist for Horry
14 County 911, so my day-to-day duties, I pull telephone
15 calls and regular dispatch calls from my co-workers and
16 evaluate them on what they do. So I use the equipment
17 daily, and then if we have a request for information, I
18 use the same to pull that.

19 Q So after 12 years, you have a lot of experience
20 with this?

21 A Yes, ma'am.

22 MS. WOOTEN: May I approach?

23 THE COURT: Yes.

24 MS. WOOTEN: Thank you, Your Honor. I'll show the
25 witness State's Exhibit 20.

BILL BURHANS - DIRECT EXAMINATION

1 MR. MUREDDU: No objection.

2 Q (MS. WOOTEN) Do you recognize this item?

3 A Yes, I do.

4 Q How do you recognize it?

5 A I reviewed this yesterday and put my initials on
6 it when I reviewed it.

7 Q Could you tell us what it is?

8 A It's a recording of the telephone call that
9 occurred on -- I don't have the date off the top of my
10 head, but the requested call for this case.

11 Q Is it the recording that concerns the 911 call at
12 the murder investigation of this case?

13 A Yes, it is.

14 Q And like you said, you had an opportunity to
15 review this recording, correct?

16 A Yes.

17 Q Did you initial that you listened to it?

18 A Yes, I did. It is an accurate recording of what
19 came in that day.

20 Q August 19, 2012?

21 A Yes, ma'am.

22 MS. WOOTEN: Your Honor, at this time the State
23 moves to enter State's Exhibit 20 and publish to the
24 jury.

25 THE COURT: Any objection?

BILL BURHANS - CROSS-EXAMINATION

1 MR. MUREDDU: No objection.

2 THE COURT: State's 20 admitted into evidence
3 without objection, you can publish it to the jury.

4 (State's Exhibit 20 admitted.)

5 MR. RICHARDSON: It will take a moment, Your
6 Honor.

7 (State's Exhibit 20 published to the jury.)

8 Q (MS. WOOTEN) Do you know of any additions or
9 deletions made to this recording?

10 A There were none made.

11 Q So to your knowledge, this is the exact recording
12 that occurred on the morning of August 19, 2012?

13 A Yes, ma'am.

14 MS. WOOTEN: Thank you. Answer any question that
15 defense counsel may have.

16 THE COURT: Cross-examination?

17 CROSS-EXAMINATION

18 BY MR. MUREDDU:

19 Q You didn't take the call?

20 A No, sir.

21 Q Did you trace the telephone number of the phone
22 that made the call?

23 A I believe it was entered into the computer in a
24 dispatch report.

25 Q Do you know --

MATTHEW TINDALL - DIRECT EXAMINATION

1 A I don't know the phone number.

2 MR. MUREDDU: Nothing further.

3 THE COURT: Redirect?

4 MS. WOOTEN: Nothing on redirect, Your Honor.

5 THE COURT: You may step down.

6 MS. WOOTEN: May he be excused?

7 THE COURT: Any objection?

8 MR. MUREDDU: No objection.

9 THE COURT: He's free to go. State, call your
10 next witness.

11 MR. RICHARDSON: State would call Patrolman First
12 Class Matthew Tindall.

13 (MATTHEW TINDALL, having been duly sworn,
14 testified as follows:)

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

16 THE WITNESS: Matthew Tindall, T-I-N-D-A-L-L.

17 DIRECT-EXAMINATION

18 BY MR. RICHARDSON:

19 Q Good morning, Officer Tindall.

20 A Good morning.

21 Q Could you tell us about yourself, where you work,
22 where you are from, what your job is, what your job
23 entails?

24 A I'm from Horry County, work for the Horry County
25 Police Department. I've worked there a little over six

MATTHEW TINDALL - DIRECT EXAMINATION

1 years. I work in the West Precinct Division as a
2 patrol officer.

3 Q And, Officer Tindall, can you move closer to the
4 microphone? This is a big courtroom, and the sound
5 gets eat up in here. All right.

6 As a patrol officer with Horry County Police
7 Department, what are your typical duties?

8 A Responding to 911 calls anywhere from domestic
9 complaints to civil complaints, just riding around the
10 area making sure everything is okay.

11 Q Is there a particular area of Horry County which
12 you work?

13 A Normally, around Aynor, but if anyone happens not
14 to be there or happens to carry another area, around
15 Loris and Green Sea.

16 Q That is part of the Western Precinct?

17 A Western Precinct.

18 Q Covers from Loris --

19 A Loris, Aynor, Green Sea.

20 Q [REDACTED] Red Bluff Road, is that within that precinct?

21 A That is in the Loris section of Horry County, West
22 Precinct.

23 Q Were you employed as a patrol officer working on
24 the early morning hours of August 19, 2012?

25 A I was.

MATTHEW TINDALL - DIRECT EXAMINATION

1 Q Now, what time did you go on duty that night?

2 A 5:45 in the afternoon.

3 Q You are working onto the next morning?

4 A Yes, sir.

5 Q During the normal course of your duties, did you
6 have the opportunity to be dispatched to 1163 Red Bluff
7 Road?

8 A I did.

9 Q And what was the purpose of that response or
10 dispatch?

11 A I was dispatched to a call in reference to a
12 burglary in progress at that residence.

13 Q Back up. Where were you when you got the call?

14 A I was sitting in the City of Loris at the
15 magistrate's office, located inside the City of Loris.

16 Q Any other officers there?

17 A Officer Matthew Stevenson.

18 Q So you and Officer Stevenson are at the Loris
19 magistrate's office?

20 A Uh-huh.

21 Q You get a call from dispatch about a shooting down
22 on Red Bluff Road. Take us through how that
23 transpired, what happened and whatnot.

24 A We were sitting in our patrol cars in the parking
25 lot in the Loris magistrate office, and we were

MATTHEW TINDALL - DIRECT EXAMINATION

1 dispatched in reference to a burglary in progress.
2 Moments later, they updated us and told us that one of
3 the people had possibly been shot. While we were in
4 route to the incident location, we were getting updates
5 about how long ago this possibly occurred, and that the
6 victim's husband had been possibly shot in the head.

7 Q So, I mean, you get the dispatch to a home evasion
8 in progress and a shooting, and blood goes up, right?

9 A Yes, sir.

10 Q How fast do you get down the road?

11 A From the time we were dispatched to the call,
12 until we pulled up at the residence, it was less than
13 five minutes.

14 Q So you all are hitting it pretty hard trying to
15 get there?

16 A Going pretty quick.

17 Q Dangerous situation?

18 A Yes, sir.

19 Q Now, that particular address, [REDACTED] Red Bluff Road,
20 in which county is that located?

21 A Horry County.

22 Q We have to establish jurisdiction, so thank you.

23 Now, do you recall what time you got the call and
24 what time you arrived?

25 A I believe it was right at 4 o'clock in the

MATTHEW TINDALL - DIRECT EXAMINATION

1 morning, arriving at 4:05, around there.

2 Q So around 4:00 a.m. the call comes in, 4:05 you
3 are there?

4 A Yes, sir.

5 Q Now, you said Officer Stevens (sic) was following
6 you, correct?

7 A I was following Officer Stevenson because I don't
8 normally work the area. He is a little more familiar
9 with it, but we pulled into the driveway together.

10 Q So both of you pulled in at the same time?

11 A Same exact time.

12 Q When you first arrived, you have an active
13 shooter, home evasion. Take us through what happened
14 when you arrived; when.

15 A We arrived, Officer Stevenson pulled in right
16 before I did, so he was out of his vehicle first. As I
17 was getting out of my vehicle, he was walking up the
18 doorsteps to the front of the house. As I was
19 approaching to where he was at, he noticed the door was
20 locked, so he come down from the steps, at which time I
21 got in front of him. As we walked to the back side of
22 the house, as we approached the back, we saw that the
23 back door was wide opened where you could visibly see
24 inside the house.

25 Q So the front door was locked, the door facing Red

MATTHEW TINDALL - DIRECT EXAMINATION

1 Bluff Road?

2 A The road facing the highway was locked, screen
3 door closed, front door closed.

4 Q This was a mobile home?

5 A Mobile home.

6 Q Double wide, single, do you recall or could you
7 tell?

8 A It was a double wide.

9 Q Older?

10 A Older.

11 Q So you all go around the back side, and you are in
12 the league at this point?

13 A Yes.

14 Q When you get to the back side, back door, is the
15 door on the ground, steps, what?

16 A There was a few steps leading up to the back door,
17 small steps, and the back door was wide opened, so from
18 where we were standing outside in the yard, you could
19 see directly into the house.

20 Q Did you take any care to search the yard prior to
21 going in?

22 A As we were approaching the house, we scanned the
23 yard with a flashlight, make sure no one was running
24 around or hiding in the edge of the woods.

25 Q What is the purpose of that?

MATTHEW TINDALL - DIRECT EXAMINATION

1 A Safety.

2 Q Safety. So you scanned the yard. Did you see
3 anybody?

4 A I didn't see anyone.

5 Q So you are in the league, and the door is wide
6 open. When you enter the house, tell us what you
7 encounter?

8 A First thing I could see whenever we -- even before
9 walking into the house, I could see a male laying face
10 down in the living room floor. As we were walking into
11 the house, I could see another person face down in the
12 kitchen area.

13 Q How far apart, 5 feet, 10 feet, 15 feet?

14 A About 20 feet apart.

15 Q Between the two of them?

16 A In the kitchen area was a little bar section, so
17 you had to -- you couldn't really see -- if the two
18 people were laying there, they couldn't really see each
19 other.

20 Q So you had to walk around the bar to get to the
21 other body?

22 A Yes, sir.

23 Q Were the lights on or off in the house?

24 A There were a couple lights on. It wasn't well
25 lit, but you could see without needing any other

MATTHEW TINDALL - DIRECT EXAMINATION

1 assistance.

2 Q So did you have a flashlight out?

3 A We had one out just in case you were to have dark
4 areas that you would need to use a light to see better.

5 Q You may have said it and I didn't catch it, did
6 you have your weapon drawn?

7 A Yes, sir, we both did, due to the situation and
8 the call we were responding to.

9 Q So you saw no one outside of the house, and you
10 are inside the house and found two bodies. Are you on
11 the radio at this point?

12 A At that time, we were not, just due to the
13 situation where you want everything to be very quiet,
14 that way, if there is someone left inside the house,
15 they don't really hear you, giving them an advantage if
16 suspects are still at the residence.

17 Q You have two deceased people right here in this
18 front room as you come in, kitchen and front room.
19 Where do you go from there?

20 A Well, whenever I went in, me, being lead person, I
21 could hear a female voice. I can't recall what she was
22 saying, but she was in distress, one way or another,
23 that is why I was going directly to her. I walked into
24 the house and go straight to where I hear the voice
25 coming from in the bedroom.

MATTHEW TINDALL - DIRECT EXAMINATION

1 Q And you hear her. I mean, is she screaming,
2 crying, hollering?

3 A She's calling for someone to come to her. I can't
4 remember the exact words if it's "help" or the exact
5 words, but that is the reason why I was going to her.

6 Q Did you locate her?

7 A We did, in the bedroom.

8 Q Could you tell us in what condition she was when
9 you found her?

10 A She was on the bed, appeared to be very upset, in
11 her night clothes as if it was out of the -- she still
12 didn't seem to know what all was going on.

13 Q And were you able to identify this person later?

14 A I was, yes, sir.

15 Q Who was that?

16 A Ms. Locklear.

17 Q Sandy Locklear?

18 A Sandy Locklear.

19 Q Sandy Locklear, how big a woman was she?

20 A Best I recall, maybe about 5'7", 160, 170 pounds.

21 Q Not a big, strapping woman?

22 A No.

23 Q Certainly smaller than me?

24 A A little bit maybe, yeah.

25 Q Now, you find Ms. Locklear, Sandy Locklear. She

MATTHEW TINDALL - DIRECT EXAMINATION

1 appears distraught. She's in the bedroom. Did you
2 have the opportunity to speak with her at that point?

3 A I did. Just from the information we were given by
4 dispatch there was no one else at the residence, and
5 seeing the two people on the floor in the other rooms,
6 I wanted to try to get as much information I could from
7 her since she was at the house.

8 Q Without going into what she said, we don't want
9 hearsay, did you identify her as a victim or defendant?

10 A At that time, she was a victim.

11 Q And so you didn't give her her rights or anything?

12 A No, sir.

13 Q Now, what efforts, if any, did you take -- or
14 Officer Stevens (sic) -- to ensure the security or
15 safety of Sandy Locklear here at this point?

16 A Officer Stevenson, after I went to where Ms.
17 Locklear was, he cleared the house to make sure no one
18 else was inside the house that could do harm. As he
19 came to my location in the bedroom, Ms. Locklear, being
20 the victim, I assisted her outside of the bedroom
21 because she was -- appeared to be upset. So I was kind
22 of trying to help her walk out of the house and keep
23 her diverted from the two people laying on the floor
24 trying to get her to look the other way, look up
25 towards the wall as I assisted her outside of the house

MATTHEW TINDALL - DIRECT EXAMINATION

1 to get her away from the crime scene.

2 Q Now, after you spoke to Sandy Locklear and took
3 her outside, where do you take her?

4 A We have her sit in the backseat of the patrol car.

5 Q Officer Stevens' (sic) patrol car?

6 A Officer Stevenson's patrol car.

7 Q You had her sitting there and spoke to her.

8 Without saying what she said, were you able to put
9 together a time line for what happened to give to the
10 detectives?

11 A We were.

12 Q What kind of a time line was that?

13 A Short time frame originally. As best as I can
14 recall I think it was a couple of hours, like an hour
15 and 45 minutes, something like that.

16 Q So you are called out at 4 o'clock, so your time
17 line was it happened sometime between an hour and 45
18 minutes before?

19 A That's right.

20 Q This is what you told the detectives?

21 A That's right.

22 Q Officer Tindall, look at State's 21. Do you
23 recognize that?

24 A That's Red Bluff Road.

25 Q And how do you recognize Red Bluff Road?

MATTHEW TINDALL - DIRECT EXAMINATION

1 A This one here is the incident location where we
2 responded to, just the surrounding streets.

3 Q Fair and accurate depiction of that?

4 A Yes, sir.

5 MR. RICHARDSON: State would seek to introduce
6 State's 21, Your Honor.

7 MR. MUREDDU: No objection.

8 THE COURT: State's 21 admitted into evidence
9 without objection.

10 (State's Exhibit 21 admitted.)

11 MR. RICHARDSON: If I could have him come down?

12 THE COURT: Make sure he is near a microphone.

13 Q (MR. RICHARDSON) Can you tell us what we're seeing
14 here? We were talking about it up there, but on
15 State's 21, can you point out the incident location?

16 A Right here.

17 Q That is the home which you responded, [REDACTED]?

18 A Yes, sir.

19 Q And the wood line you were looking at, is that
20 here?

21 A Yes, sir. Behind the residence, this patch of
22 woods, because this here -- the yard was lit up, and
23 this here is the only area that you couldn't really
24 visibly see without flashlight.

25 Q Is there any lighting outside?

MATTHEW TINDALL - DIRECT EXAMINATION

1 A There was an outside light, I can't recall where
2 it was exactly, but pretty much -- on a utility pole.

3 Q We have north, south, east and west on this map.
4 If you run back up, say, southeast, where do you head
5 to, taking a left out of the driveway?

6 A Heading to -- I can't remember exactly.

7 Q Back up to 905?

8 A It would lead back up 905.

9 Q That's the main artery?

10 A Yes, sir.

11 Q Does this fairly and accurately depict the
12 condition it would have been that night, how rural it
13 is?

14 A Yes, sir.

15 Q So it is surrounded by woods, isolated. Go ahead
16 and take the stand again.

17 The purpose to have Ms. Locklear in the patrol car
18 is for her safety?

19 A Yes, sir.

20 Q She's a victim at this point?

21 A She is a victim, and there was no other way to put
22 her in a secure place other than in the backseat of the
23 car where we can keep an eye and make sure no one does
24 harm to her.

25 Q Did you or Officer Stevenson take any precautions

MATTHEW TINDALL - DIRECT EXAMINATION

1 to secure the crime scene itself?

2 A Officer Stevenson put up crime scene tape to show
3 the area.

4 Q And his car got trapped in there?

5 A His car was stuck on the inside; mine was on the
6 outside.

7 Q So he was low man on the totem pole, he got stuck
8 inside?

9 A At that point in time.

10 Q Were you on scene when detectives arrived?

11 A No, sir.

12 Q Your car was outside of the tape?

13 A It was on the outside of the tape.

14 Q Why did you leave?

15 A I had to leave due to the time frame, I had to go
16 and start the original report and get it documented.

17 Q And there were other officers in the Loris West
18 Precinct area?

19 A In the West Precinct, normally -- at any time
20 there could be four, five people covering the whole
21 area.

22 Q You had detectives on the way and other officers
23 on the way?

24 A Yes, sir. At that time, a supervisor was already
25 on location, so Officer Stevenson was not left alone.

MATTHEW TINDALL - CROSS-EXAMINATION

1 Q That was Sergeant Boyd?

2 A Yes, sir.

3 Q So you didn't leave him out there by him lonesome
4 with Ms. Locklear?

5 A No, sir.

6 Q You left the scene at that point?

7 A I did.

8 Q Were you involved in any way with the search for
9 these men who allegedly broke into the home?

10 A No, sir.

11 Q And after you left, did you do anything else with
12 regard to this case other than type your report?

13 A Just doing the original report, that is all I did.

14 MR. RICHARDSON: Thank you very much.

15 CROSS-EXAMINATION

16 BY MR. MUREDDU:

17 Q Thank you very much. May it please the Court?

18 Good morning, Officer Tindall.

19 A Good morning.

20 Q Now, when you got to the house on Red Bluff Road,
21 the back door was opened; is that right?

22 A Yes, sir.

23 Q And you went inside, based on the information you
24 had been given, as far as the crime had been reported?

25 A We went inside with the information we were

MATTHEW TINDALL - CROSS-EXAMINATION

1 provided and due to the fact I could visibly see a
2 person laying face down in the living room floor.

3 Q I think once you went inside, you saw what you saw
4 and you found Sandy Locklear to be in one of the back
5 bedrooms; is that right?

6 A Yes, sir, she was in the bedroom.

7 Q Now, the Solicitor said -- without actually going
8 into specifics of what she said -- it was represented
9 to you or you were aware that she had been attacked by
10 two unknown men, raped and tied up or taped up and
11 bound to the bed, that was your understanding of or
12 what was represented to you; fair to say?

13 A While we were in the room, that is what was
14 provided to me.

15 Q All right. Now, when you saw her and when you got
16 to the room, was she bound up or tied up in any way?

17 A No, sir.

18 Q She wasn't restrained to the bed? She was not at
19 all bound or tied or taped up?

20 A No, sir.

21 Q Now -- and that was reported to you or you became
22 aware of that allegation, that she had been bound, tied
23 up, taped up?

24 A It was reported that she had been.

25 Q But when you got to her, she was free?

MATTHEW TINDALL - CROSS-EXAMINATION

1 A She was free to move around.

2 Q Now, do you recall seeing on the scene at any time
3 some crumpled up or wadded up tape in and around the
4 walking area?

5 A I do.

6 Q But that tape wasn't attached to her or anything
7 like that, agree?

8 A That tape wasn't.

9 Q And there is no independent evidence -- that
10 crumpled amount of tape, there is no independent
11 evidence that she was ever tied up, bound up by that
12 tape, is there, independent evidence?

13 A Not that I can recall, other than....

14 Q Her word?

15 A Her word and a piece of tape.

16 Q But looking at that crumpled up tape, you couldn't
17 tell by visually looking at it that it had been around
18 her or tied to the bed; is that fair to say?

19 A Can't say that that piece was on her.

20 Q Did you see any piece of tape -- you say "that
21 tape," did you see any piece of tape that convinced you
22 that proved that, you know what, at some point in time
23 she was tied up and bound up to the bed?

24 A She was pulling tape off her that matched the same
25 description of that tape when I arrived in that

MATTHEW TINDALL - CROSS-EXAMINATION

1 bedroom.

2 Q She was pulling tape off of her?

3 A She had tape on her person, on the arms or legs.
4 She was pulling little pieces off.

5 Q This is a copy of your incident report in response
6 to that scene; is that correct?

7 A Yes, sir.

8 Q You prepared this -- this incident happened two,
9 two-and-a-half years ago, about?

10 A Yes, sir.

11 Q About how long did you prepare that report of what
12 you did and what you witnessed in response to that
13 call?

14 A Within two hours.

15 Q All right. Now, you indicate -- do you indicate
16 in that report that she was actually removing tape from
17 her body in your presence?

18 A No, sir.

19 Q Based on the allegations she was making, I think
20 the Solicitor indicated you were treating her as a
21 victim?

22 A Yes, sir.

23 Q And the allegations of her as a victim was that
24 she was tied up, taped up, bound up, that was her --

25 A Yes, sir.

MATTHEW TINDALL - CROSS-EXAMINATION

1 Q You believed her to be a victim?

2 A Yes, sir.

3 Q Evidence consistent with her story that she was,
4 in fact, taped up, that would be so important to the
5 case; don't you agree?

6 A Yes, sir.

7 Q Rather than just her word, there is independent
8 evidence that backs up, not only what she is saying,
9 but I can see it for myself?

10 A Yes, sir.

11 Q You didn't feel that it was important to include
12 it to your report, that you actually saw tape on her?

13 A Not at that time, no. There is several other
14 small little things that I may have noticed and didn't
15 document.

16 Q And I'm not trying to call you a liar. I mean,
17 you've worked a bunch of cases in the last
18 two-and-a-half years; is that fair?

19 A Yes, sir.

20 Q You are sure, based on your memory, even though it
21 is not in your report, that you actually saw her with
22 some tape on her?

23 A I did see her pull a piece of tape off of her.

24 Q Now, any proof that the tape she was pulling off
25 of her was done by someone other than herself?

MATTHEW TINDALL - CROSS-EXAMINATION

1 A No, sir.

2 Q So the tape you saw her fiddling with was a large
3 amount, small amount?

4 A Small amount.

5 Q Was it part of that big wad, or was it an
6 individual piece?

7 A Individual. Wasn't part of the big wad.

8 Q Do you know what happened to that individual
9 piece, where it was disposed of?

10 A I would assume around the bed area.

11 Q You didn't take it out of the house?

12 A No, sir, I didn't remove anything.

13 Q In your presence, you didn't see any other
14 officers or Stevenson take it out of the house?

15 A No, sir.

16 Q So if she had a piece of tape, small piece of tape
17 independent of that big crumpled up tape that was lying
18 on the floor that you saw her remove, that should have
19 been in that bedroom to be found; is that fair?

20 A Yes, sir.

21 Q You and Stevenson were on routine patrol working
22 the streets; is that fair to say?

23 A Yes, sir.

24 Q So when you respond to a call like this, of course
25 you and guys like Stevenson in uniform are going to be

MATTHEW TINDALL - CROSS-EXAMINATION

1 first responders and, ultimately, on serious crimes,
2 maybe all crimes, but on serious crimes you are going
3 to call for backup, call in detectives, CSI, stuff of
4 that nature; that is the protocol, is it not?

5 A Yes, sir.

6 Q That is actually what you did in this case?

7 A Yes, sir.

8 Q I think you said that you all made those calls,
9 and eventually you had to leave because you had to get
10 out and do the rest of your patrol?

11 A I had to continue on with the documentation of the
12 case.

13 Q And continue working your shift as well?

14 A Yes, sir.

15 Q So, basically, you left it in CSI detectives'
16 hands, and you fill your reports and go along with your
17 other police duties; is that fair?

18 A Yes, sir.

19 Q I'll use this. This is a picture of Red Bluff
20 Road, an aerial view of the area; we agree on that
21 (indicates)?

22 A Yes, sir.

23 Q And if you could, like the Solicitor did, I would
24 ask you to come down and let's show the jury a few
25 things. Thank you. Could you point out which one is

MATTHEW TINDALL - CROSS-EXAMINATION

1 the house, [REDACTED]?

2 A (Indicates.)

3 Q All right. So this is the house you responded to,
4 right?

5 A Yes.

6 Q This is Red Bluff Road?

7 A Yes, sir.

8 Q Now, there is woods on the back side and front
9 side of that house?

10 A Yes, sir.

11 Q And if you look here, you can see where the
12 trailer is and Red Bluff, but the back woods are closer
13 to the house than Red Bluff; do you agree with that?

14 A Yes, sir.

15 Q I think you said that when you and Stevenson
16 responded, that you kind of did a protective or -- you
17 scanned the area, I think you said, on the outside; is
18 that fair to say?

19 A Yes, sir.

20 Q Now, did you search any of the wooded area before
21 you departed the scene?

22 A No, sir, we never went inside the woods.

23 Q So you say "we," so when you were there, neither
24 you nor Stevenson ever searched any of the wooded area
25 for any clues or anything like that; is that right?

MATTHEW TINDALL - CROSS-EXAMINATION

1 A Other than walking the perimeter of the yard.

2 Q Which is the yard, not the woods?

3 A Not the woods.

4 Q You didn't look in the woods, and no one in your
5 presence, like Stevenson, looked in the woods?

6 A That's correct. Correct.

7 Q You can have a seat. I don't mean to go on and
8 on, but no search of the woods?

9 A No, sir.

10 MR. MUREDDU: Nothing further.

11 MR. RICHARDSON: No, sir, Your Honor. I would ask
12 that Officer Tindall be excused and returned to his
13 duties.

14 THE COURT: Any objection?

15 MR. MUREDDU: No objection, Your Honor.

16 THE COURT: Free to go.

17 MR. RICHARDSON: The next witness might be quite
18 lengthy if we wanted to take lunch ten minutes early
19 today.

20 THE COURT: I don't think it is here yet. We'll
21 take a morning break. I'll excuse you to the jury
22 room, let you stretch your legs, use the restroom,
23 whatever the case may be. Leave your notepads in the
24 jury box, and we'll give them back to you when you come
25 back into the courtroom. Do not discuss the case, even

MATTHEW TINDALL - CROSS-EXAMINATION

1 among yourselves. Don't conduct any independent
2 investigations. We'll take a 10-, 15-minute break and
3 bring you back. Everyone else remain seated while the
4 jury exits.

5 (The jury exits at 11:55 a.m., and the
6 following is heard out of the presence of the jury.)

7 THE COURT: Anything from the State before we take
8 a break?

9 MR. RICHARDSON: No, sir.

10 THE COURT: From the defense?

11 MR. MUREDDU: Nothing, Your Honor.

12 THE COURT: Take about a 10-, 15-minute break.

13 (A recess was taken.)

14 MR. RICHARDSON: We're rearranging a witness. We
15 will have Jennifer Dalmida with Verizon to testify.

16 THE COURT: Are you ready, or do you need a longer
17 break?

18 MR. RICHARDSON: Five minutes, and that should be
19 the final witness before lunch.

20 THE COURT: Okay. Anything from the State before
21 we bring the jury in?

22 MR. RICHARDSON: No, sir.

23 THE COURT: Anything from the defense?

24 MR. BROWN: Your Honor, I beg the Court's
25 indulgence for a second.

JENNIFER DALMIDA - DIRECT EXAMINATION

1 (A brief pause in the proceedings.)

2 THE COURT: Ready for the jury?

3 MR. MUREDDU: Ready, Your Honor.

4 THE COURT: Bring the jury in.

5 MR. RICHARDSON: Today is the day you want to work
6 until about 5:00.

7 THE COURT: Yeah, if we needed to go late tomorrow
8 I'll let the jury know.

9 MR. RICHARDSON: Certainly. I wanted to be sure
10 that....

11 (The Jury enters at 12:22 p.m., and the following
12 is heard in the presence of the jury.)

13 THE COURT: Welcome back. We're ready to proceed
14 with the trial of the case. Please check your notepads
15 and make sure you have your own pad and no one else's
16 if you are taking notes. State can call your next
17 witness.

18 MR. RICHARDSON: State calls Jennifer Dalmida,
19 doing business as Verizon Wireless.

20 (JENNIFER DALMIDA, having been duly sworn,
21 testified as follows:)

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

23 THE WITNESS: Jennifer Dalmida, D-A-L-M-I-D-A.

24 DIRECT-EXAMINATION

25

JENNIFER DALMIDA - DIRECT EXAMINATION

1 BY MR. RICHARDSON:

2 Q Good afternoon, Ms. Dalmida.

3 A Good afternoon.

4 Q And welcome to Horry. Could you tell us about
5 your place of employment, where you work, how long and
6 in what capacity?

7 A I'm an executive relations analyst for Verizon
8 Wireless. I've been there going on eight years, and
9 I'm also a custodian of records for the company.

10 Q And by "custodian of records," what do you mean?

11 A I'm able to interpret any type of business records
12 that we provide in compliance with subpoena, court
13 orders or search warrants.

14 Q So, basically, your business records, you can
15 identify them and say, yes, they are ours?

16 A Yes.

17 Q They are accurate. Could you tell us about
18 Verizon Wireless, what type of business it conducts,
19 what kinds of records it keeps and so forth?

20 A Verizon is a telecommunication business.
21 Basically we provide cell phone service and Internet
22 service to customers throughout the U.S.

23 Q And you all serve some of the pay-by-month phones?

24 A Resellers, correct, uh-huh.

25 Q Now, these records, what kind of records are kept?

JENNIFER DALMIDA - DIRECT EXAMINATION

1 A We keep any type of data transmitted on our
2 network such as in-coming or out-going calls, text
3 messages, sent or received, content of text messages,
4 sent or received, and cell site addresses and listing.

5 Q And by cell site location, you're talking about
6 which tower is being used?

7 A Correct.

8 Q Now, can you tell us how these records are kept?

9 A These records are kept in a computer database
10 pulled directly from the switch, so they are kept
11 electronically.

12 Q So if I understand, I pick up my cell phone and
13 make a call, it goes off this tower and that
14 information is sent to Verizon?

15 A To the switch, yes.

16 Q And that is the type of records you keep?

17 A Yes.

18 Q And say I make that call, what type of information
19 will Verizon --

20 A Once you make that call, we keep track of the date
21 and time that the call was placed, who it was placed to
22 or who it came from, the cell tower that initiated the
23 call, the sector that initiated the call, and the cell
24 tower and sector that ended the call, and the length of
25 call in seconds.

JENNIFER DALMIDA - DIRECT EXAMINATION

1 Q So, for example, it would say my phone number
2 called at 12:24 and some seconds to whatever phone
3 number I called?

4 A Correct.

5 Q And you all would have that information?

6 A Yes.

7 Q Now, how about texting?

8 A We have two type of text records. We have our
9 text detail report, which indicates the date and time
10 that the text was sent and delivered to who and from,
11 and we also have our text contact report which actually
12 indicates the content of the actual message.

13 Q And so you all do receive the content of text
14 messages?

15 A Yes.

16 Q How long are those kept?

17 A It could go up to three, five days, just depends
18 on capacity.

19 Q That is in the normal ordinary course?

20 A Yes.

21 Q So say if your contact says I want the text
22 messages from this day, you can remove those and store
23 them in a more permanent location?

24 A Yes.

25 Q Now, all of these records are kept in the normal

JENNIFER DALMIDA - DIRECT EXAMINATION

1 ordinary course of business by Verizon?

2 A Yes.

3 Q And then the information contained in those
4 records, the entries of those records, do they
5 accurately reflect the call data or text from certain
6 phone numbers?

7 A Yes.

8 Q And, now, you do keep some of the text
9 information. How about the calls, are they recorded?

10 A No.

11 Q But the actual text is?

12 A Yes.

13 Q And these records are complete and stored in the
14 ordinary course of business?

15 A Yes.

16 Q And once those records are stored by Verizon, can
17 they be retrieved at a future date?

18 A Yes, they can.

19 Q You received a subpoena to come to court today?

20 A Yes.

21 Q And in conjunction with that, you did a little bit
22 of homework?

23 A Yes.

24 Q What was asked of you to review?

25 A Yes.

JENNIFER DALMIDA - DIRECT EXAMINATION

1 Q From your research, were you able to obtain or
2 tell at all who the [REDACTED]-7987 belonged to?

3 A No.

4 Q That was a monthly phone?

5 A Correct.

6 Q On August 19, 2012, could you tell us if your
7 company received an exigent search request with regard
8 to that number?

9 A Yes, we did.

10 Q For identification only, I'll show you State's 4.
11 Is that a copy of the exigent request received by
12 Verizon Wireless?

13 A Yes.

14 Q That was August 19, 2012?

15 A Correct.

16 Q Could you tell us who made the request?

17 A This was from Detective Vescovi?

18 Q With Horry County Police Department?

19 A Yes.

20 Q And can you tell us when and where this request
21 was sent?

22 A This was sent to our alert office, which is in
23 Basking Ridge, New Jersey?

24 Q Do you know if that request was honored?

25 A It was.

JENNIFER DALMIDA - DIRECT EXAMINATION

1 Q And what was being requested of Verizon?

2 A Subscriber information, cell site location
3 information, in-coming and out-going calls, text
4 message activity and text content.

5 Q You said before -- I asked you if you had the name
6 of the subscriber, and you said you didn't have that?

7 A Correct.

8 Q But you had the other information?

9 A Correct.

10 Q I'll show you State's Exhibit No. 121.

11 (State's Exhibit 121 marked.)

12 Q You can identify that item?

13 A Yes.

14 Q Could you tell us how you identified 121?

15 A This is a copy of our text content for that
16 subscriber.

17 Q Is this a record that is kept in the ordinary
18 course of business?

19 A Yes.

20 Q And State's 121, is that actually the records
21 provided to the Horry County Police Department upon
22 their request on August 19, 2012?

23 A Yes.

24 Q It is a fair and accurate copy of what you sent to
25 them?

JENNIFER DALMIDA - DIRECT EXAMINATION

1 A Yes.

2 Q When I say "you," I'm using Verizon. You didn't
3 personally send it out, correct?

4 A Correct.

5 Q Ms. Dalmida, no doubt about it, it is an accurate
6 and fair copy?

7 A Yes.

8 MR. RICHARDSON: We introduce State's 121.

9 THE COURT: Any objection?

10 MR. MUREDDU: I would like to examine it.

11 (A brief pause in the proceedings.)

12 MR. MUREDDU: No objection, Your Honor.

13 THE COURT: State's Exhibit 121 admitted into
14 evidence without objection 121.

15 (State's Exhibit 121 admitted.)

16 Q (MR. RICHARDSON) We have taken the liberty to tab
17 State's 121 --

18 MR. RICHARDSON: Permission to publish?

19 THE COURT: All right.

20 Q (MR. RICHARDSON) I'll start you off -- I have a few
21 questions. I'll start there. Could you tell me --
22 can you tell us what is contained in State's 121?

23 A This report, basically, it would indicate the
24 person who actually originated the text and the person
25 who received the text, as well as the date, time and

JENNIFER DALMIDA - DIRECT EXAMINATION

1 content of the text.

2 Q And with regard to that -- those records on
3 State's 121, does this just contain the texts, the
4 calls?

5 A Specifically for text messaging.

6 Q Does this contain the actual verbiage of the text?

7 A Yes.

8 Q Now, as we look through there, there is some
9 terms. See if you could help us define what they mean
10 so we all understand. There is term "log written"?

11 A The log written would indicate the time that the
12 message was delivered.

13 Q And "message arrival"?

14 A That is the time that the message arrived to the
15 network.

16 Q So "log written" is whenever I send a message out?

17 A Correct. The "message arrival" is when you send
18 the message out, and the "log written" and "final
19 disposition" is when the message is delivered.

20 Q So what is an "originating DN"?

21 A That would indicate the actual telephone number
22 that initiated the text, so that is who the text came
23 from.

24 Q So the originating phone number could be this
25 particular number or whoever is sending the text to the

JENNIFER DALMIDA - DIRECT EXAMINATION

1 this number.

2 A Correct.

3 Q So whoever the originating DN is, that is the
4 person who initiates?

5 A Correct.

6 Q And "terminated DN"?

7 A Is the person who received the text message.

8 Q There was a term, "terminated MSID"?

9 A That is for routing purposes, so it has no
10 relevance.

11 Q There is a text -- looking at the phone records,
12 let's flip to that tab. Can you tell if there is a
13 text with an originating DN of [REDACTED]-0698?

14 A Yes.

15 Q So that would be the originating DN, that is the
16 person initiating this text?

17 A Yes.

18 Q And could you tell us who the terminating DN is on
19 that?

20 A This went to [REDACTED]-7987.

21 Q That's who you got the request about?

22 A Yes.

23 Q That is who you provided service for?

24 A Correct.

25 Q Can you tell us what time this text was received

JENNIFER DALMIDA - DIRECT EXAMINATION

1 or accessed or sent?

2 A This text was received on the network at 2:39 a.m.

3 Q What is the verbiage in that text?

4 A "Unlock door."

5 Q So at [REDACTED] number sent a text "unlock door"?

6 A Correct.

7 Q After that text was received, according to State's
8 121, what happened next?

9 A The next text I have is August 19, 2012 at
10 2:42 a.m.

11 Q Approximately three minutes later?

12 A Correct.

13 Q Who is the originating DN on that?

14 A [REDACTED]-7987.

15 Q Terminating?

16 A [REDACTED]-0698.

17 Q So this is a text in response to that 2:39 text?

18 A Yes.

19 Q And what is the verbiage used in that text?

20 A "The back is on."

21 Q After "the back is on" text is sent from the
22 [REDACTED] 7987 number, is there a response?

23 A Yes.

24 Q Who is the originating DN on the response?

25 A [REDACTED]-0698.

JENNIFER DALMIDA - DIRECT EXAMINATION

1 Q So by all appearances, this conversation is
2 between those two phones?

3 A Yes.

4 Q What is the verbiage sent?

5 A "It's locked."

6 Q Finally -- what time is that?

7 A 2:44 a.m.

8 Q So you've got the first initiating at 2:39,
9 response at 2:42, and another at 2:46, you said?

10 A Yes. 2:39, 2:42 and 2:44.

11 Q 2:44, sorry. Two minutes later. After the 2:44,
12 "it's locked," is there a response from [REDACTED]-7987?

13 A Yes.

14 Q What time is that?

15 A 2:51 a.m.

16 Q Who is that sent to?

17 A [REDACTED]-0698.

18 Q What is that response?

19 A "The back is open."

20 Q "The back is open." Now, whoever has that
21 [REDACTED]-7987 is telling the other party "the back is
22 open"?

23 A Correct.

24 Q Now, the times that we see on your records,
25 State's 121, are these a.m., p.m., military time, 24

JENNIFER DALMIDA - DIRECT EXAMINATION

1 hour clock?

2 A Military, yes.

3 Q So 02:39 will be 2:39 in the morning?

4 A A.m.

5 Q And the receiving times would be in the morning
6 also?

7 A Yes.

8 Q And your company also received a search warrant
9 after the 19th, correct?

10 A Yes.

11 Q I'll show you State's previously marked for
12 identification only State's 5.

13 MR. MUREDDU: No objection.

14 Q (MR. RICHARDSON) You've done your homework and
15 looked at everything that Verizon has. Can you tell
16 me if you recognize State's 5?

17 A Yes.

18 Q State's No. 5, is this a search warrant you all
19 received?

20 A Yes.

21 Q Do you know when you all received that?

22 A August 27, 2012.

23 Q August 27, 2012. And what was requested of
24 Verizon at this point?

25 A Call detail record, tower listing and RTT report,

JENNIFER DALMIDA - DIRECT EXAMINATION

1 text message and content, and text history report.

2 Q I know you are not the engineer that develops the
3 towers, but can you explain the terminology what is
4 being requested in layman's terms?

5 A The call detail report, it is basically a report
6 that displays all in-coming and out-going calls that
7 were made from the subscriber. With the cell tower
8 listing, it will indicate the physical address, as well
9 as the longitude and latitude of every cell tower that
10 crosses on that call detail report.

11 Q They did request that information at some point?

12 A Yes, sir.

13 Q So they followed the exigent request with a search
14 warrant trying to get everything?

15 A Correct.

16 Q Let me show you State's 122.

17 (State's Exhibit 122 marked.)

18 Q It is two separate documents combined together.
19 Can you recognize State's 122?

20 A Yes.

21 Q What is State's 122?

22 A RTT report.

23 Q And what is an RTT report?

24 A Basically, a report taken from a realtime tool
25 that allows us to see the distance a call was placed

JENNIFER DALMIDA - DIRECT EXAMINATION

1 from a specific tower.

2 Q That would include what numbers, called and
3 whatnot?

4 A Correct.

5 Q And is it transmitted in the paper fashion, this
6 fashion?

7 A It was electronic.

8 Q So what we have here is printouts from what was
9 transmitted to Horry County Police Department?

10 A Correct.

11 Q No doubt these are records provided to the Horry
12 County Police Department?

13 A Correct.

14 Q This would identify the location of where the cell
15 phones were?

16 A Correct.

17 MR. RICHARDSON: State would seek to introduce
18 State's 122.

19 MR. MUREDDU: No objection.

20 THE COURT: 122 admitted into evidence without
21 objection.

22 (State's Exhibit 122 admitted.)

23 Q In your research, were you able to find out -- was
24 there anything else that was requested?

25 A Just the device ID.

JENNIFER DALMIDA - CROSS-EXAMINATION

1 Q And that was just to help you identify the phone
2 if it was ever found?

3 A Correct.

4 MR. RICHARDSON: Thank you. If you'll answer any
5 questions Mr. Mureddu would have.

6 CROSS-EXAMINATION

7 BY MR. MUREDDU:

8 Q Ma'am, do you know much or a lot about the
9 tracking of a longitude and latitude of a cell phone
10 when it is just -- when it's on? Do you know how it
11 works as far as how to triangulate the location?

12 A With the information on the cell tower?

13 Q Yes, ma'am.

14 A Yes.

15 Q So if Solicitor Richardson there, maybe contrary
16 to the judge's instruction, had his phone on, just on,
17 could you track where his location is based on the
18 triangulating an area of his location from the cell
19 tower?

20 A Once a call is placed or received.

21 Q What if it is just on?

22 A No. We send a signal out to locate the actual
23 phone.

24 MR. MUREDDU: Nothing further.

25 THE COURT: Redirect?

JENNIFER DALMIDA - CROSS-EXAMINATION

1 MR. RICHARDSON: No, sir, Your Honor.

2 THE COURT: All right. You may step down.

3 MR. RICHARDSON: She can be excused.

4 MR. MUREDDU: No objection.

5 THE COURT: She's free to go. Thank you very
6 much.

7 Ladies and Gentlemen, we'll break for lunch.
8 We've ordered lunch for you, so your lunch will be in
9 the jury room for you. We will take about an hour
10 break, and then we'll resume the trial. Leave your
11 notepads in the jury box and don't discuss the case
12 among yourselves. Don't conduct any independent
13 investigations into the case. Don't find out anything.
14 I will allow you to check cell phones or do whatever
15 you need to do, return calls over lunch if you choose
16 to do so, but as I said, don't discuss this case. We
17 will take about an hour break and then we'll come back
18 and resume the trial at that time. You are free to go.

19 (The jury exits at 12:45 p.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: Anything from the State before we
22 recess for lunch?

23 MR. RICHARDSON: No, sir. 1:45?

24 THE COURT: We'll try do get started about 1:45,
25 if we can. Anything from the defense?

JONATHAN MARTIN - DIRECT EXAMINATION

1 MR. MUREDDU: Nothing.

2 (A lunch recess was taken.)

3 THE COURT: Anything from the State before we
4 bring the jury in?

5 MS. WOOTEN: Nothing, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. MUREDDU: Nothing, Your Honor. We're ready to
8 go.

9 THE COURT: Bring the jury in.

10 (The jury enters at 2:00 p.m., and the
11 following is heard in the presence of the jury.)

12 THE COURT: Ladies and Gentlemen, welcome back.
13 We're ready to resume the trial of this case. Make
14 sure you have your own notepads. I don't know if you
15 have your cell phones, make sure they are turned off at
16 this point in time.

17 State can call their next witnesses.

18 MS. WOOTEN: Thank you, Your Honor. May it please
19 the Court. We call Detective Jonathan Martin with
20 Horry County Police Department.

21 (JONATHAN MARTIN, having been duly sworn,
22 testified as follows:)

23 THE CLERK: State your name.

24 THE WITNESS: Jonathan Lee Martin.

25 DIRECT-EXAMINATION

JONATHAN MARTIN - DIRECT EXAMINATION

1 BY MS. WOOTEN:

2 Q Good afternoon. Could you tell us about yourself,
3 where you are from and where you are employed?

4 A From Pennsylvania. I'm employed with the Horry
5 County Police Department, and I've been with them about
6 eight years. I'm a detective in the Major Crimes Unit.

7 Q What is your current position right now?

8 A Currently, I'm a detective with Major Crimes.
9 There was a time where I was a crime scene investigator
10 also?

11 Q I think that you -- so at one point in time, you
12 were a crime scene investigator?

13 A Yes. There was a portion of time in 2011 --
14 sorry, '12, from March to September, where I filled in
15 with crime scene.

16 Q So from 2011 to part of 2012?

17 A Yes.

18 Q And what kind of education or background do you
19 have in order to work in crime scene?

20 A I received training from the South Carolina
21 Criminal Justice Academy in basic patrol, and also
22 detective, which part of it included crime scene. I
23 have my master's degree in forensic medicine from
24 Philadelphia of Osteopathic Medicine in Philadelphia,
25 and a major part was doing criminal investigations,

JONATHAN MARTIN - DIRECT EXAMINATION

1 processing scenes, working with evidence.

2 Q Could you tell us a little bit about crime scene
3 investigations just for your basic duties and what the
4 crime scene unit does?

5 A Crime scene mainly functions as a supplemental to
6 the detective unit. You come in and you are
7 responsible for processing the evidence, collecting any
8 evidence and taking pictures of the scene before anyone
9 has taken any items from it. So pretty much, as a
10 jury, you can look at the pictures or evidence and see
11 what it looked like when police arrived, and from that
12 try to conclude what occurred.

13 Q Is CSI here in Horry County -- or, really,
14 anywhere -- is it like what you see on TV?

15 A Much longer, and it is not as fancy and not as
16 quick. There is no magic button we can push. You
17 know, I see on TV where they will -- within an hour
18 they have DNA evidence and say this is the person that
19 did it, this is on the system, and everyone has their
20 DNA somewhere. It is not that way. It takes a long,
21 intensive amount of time, and DNA sometimes could take
22 years and sometimes may not even give you evidence at
23 all. There is not a magic button or machine we have in
24 the office that gives us the answers.

25 Q And not every crime scene, majority of crime

JONATHAN MARTIN - DIRECT EXAMINATION

1 scenes, would you say, probably doesn't even have DNA?

2 A There could be DNA on all scenes, the thing is you
3 don't know where it is. There is no magic, just blood
4 everywhere. We showed up and found blood on every
5 scene, it would be good; we would have evidence. DNA
6 evidence, people can wear gloves, and when they touch
7 things, their DNA does not transfer. Saliva, you don't
8 know where they licked or touched. So it is not like
9 you can look at something and say there is DNA there.

10 Q Doesn't highlight it for you?

11 A No. No magic.

12 Q And how does the Crime Scene Unit get involved
13 with any kind of criminal case when they need crime
14 scene to come out?

15 A Mainly the cases we get involved in are the more
16 violent crimes or like a high property value, something
17 damaged or stolen. They would be called to the scene
18 to work hand-in-hand with the detectives investigating.

19 On TV, the detectives -- or crime scene does
20 everything, interviews, talking, collecting evidence,
21 but in real life it is more separated. There is
22 detectives doing the work with the interviews and, you
23 know, talking with witnesses, and then the crime scene
24 is left more with taking pictures of the scene and
25 processing actual evidence.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Do you usually get to the crime scene whenever
2 they need the Crime Scene Unit to come out and do
3 searches and things like that; do you get there at the
4 beginning?

5 A Usually right before or about the same time we'll
6 get there, and then the detectives are usually the ones
7 that obtain the search warrants and show up and walk
8 the scene with the investigators, and then we'll be the
9 ones that do the processing and taking photographs and
10 collecting.

11 Q When you first get to a crime scene, what is your
12 initial duties as a crime scene investigator?

13 A Pretty much you are looking at the scene as a
14 whole and taking in details that maybe some people
15 might not have noticed, were doors open, lights on;
16 from that, you take photographs of everything before it
17 is collected.

18 So as you will see pictures, this is what it
19 looked like when we got there that day as opposed to,
20 you know, showing up and taking a couple of pictures.
21 We take pictures all-around the outside, inside of each
22 room, what you would have seen if you had showed up
23 there with us that day.

24 Q Does crime scene do anything to preserve the
25 evidence that is already there before you start taking

JONATHAN MARTIN - DIRECT EXAMINATION

1 photos?

2 A The photos, if something -- say it is going to
3 rain or something, we'll do it pretty much as quick as
4 we can to collect the evidence, evidence that might go
5 away quickly. You know, maybe if a knife is sitting
6 outside and blood on it and it is raining, that type of
7 evidence we collect immediately, take a quick picture
8 and pick it up to collect it, but mainly the majority
9 of evidence is photographed first.

10 Q Do you usually set up a perimeter of any kind?

11 A Patrol is one of the main responsibilities, their
12 arrival, in establishing that this is a crime scene
13 that will need crime scene. They'll surround it in
14 that yellow crime scene tape, that you probably see on
15 TV. Sometimes, if it is an apartment building, just
16 securing the front of the apartment might be enough,
17 but when you have a residence, you want to secure the
18 entire property, that way if there is any foot traffic
19 around in the grass or other items, you may be able to
20 locate them.

21 Q Were you working as a crime scene investigator for
22 Horry County Police Department in 2012?

23 A I was.

24 Q Were you on duty August 19th, 2012?

25 A I was called out. It was very early in the

JONATHAN MARTIN - DIRECT EXAMINATION

1 morning.

2 Q You weren't actually on duty that day?

3 A It was my day off. One of the detectives phoned
4 in to work that day, so I came out.

5 Q While you were working back in 2012, you were
6 working on that day, did you have anything to do with
7 the investigation of this particular case?

8 A I did.

9 Q And was it as a crime scene investigator?

10 A It was.

11 Q Through the course of your investigation, did you
12 go to the crime scene?

13 A I did. I was called at approximately 4:40 in the
14 morning. I don't live too far away. I got there
15 probably about 5:15.

16 Q When you got there, could you tell us what was the
17 residence that you went to?

18 A Do you mind if I look at my notes? I don't
19 remember the exact location. It is [REDACTED] Red Bluff Road
20 in the Loris section of Horry County near the
21 intersection of Suggs Street and Red Bluff Road.

22 Q Before we get into your actual investigation, were
23 you the only crime scene investigator at this scene?

24 A I was.

25 Q Did you have anyone assisting you?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Alex Smith, Detective Alex Smith. He assisted
2 with following along writing what I told him to write
3 down. Sometimes it helps to have a second pair of
4 hands to do that.

5 Q Like you said, when you first get there, you take
6 photos. Did you take photos at this scene?

7 A I did.

8 Q Again, where did you start with your photos, and
9 why did you take those photos?

10 A Upon my arrival, the residence was secured,
11 actually, a large area with crime scene tape. It was a
12 large size property, probably over an acre was
13 surrounded with the yellow crime scene tape. Inside,
14 there was a patrol vehicle that was parked next to the
15 residence, and there was -- at the time there was a
16 witness who was in there. I started my investigation
17 there so she could be removed as quickly as possible
18 from the crime scene area.

19 Q Whenever you started your photos and you had them
20 altogether after the complete processing was done at
21 crime scene and anything else you investigated, what do
22 you do with those photos?

23 A The photos are uploaded to our RMS system, and
24 they are turned over then for prosecution.

25 Q Are they protected?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A They are. Every photo is taken, so even when you
2 take that bad photo that maybe has a finger in front of
3 it or whatnot, that photo is included with what we turn
4 in. So there is no sign that maybe you threw a photo
5 away or took something that you don't want somebody to
6 see.

7 Q Okay.

8 MS. WOOTEN: May I approach?

9 THE COURT: Yes, ma'am.

10 Q (MS. WOOTEN) It is going to be a lot of them, but
11 allow me to show you -- I need you to look through
12 each one. It starts with State's Exhibit 23 for
13 identification purposes through State's Exhibit 119,
14 so 23 through 119, and State's Exhibit 125.

15 MR. MUREDDU: We have no objection at this time.

16 THE COURT: You want them in evidence?

17 MS. WOOTEN: Just for identification at this
18 point.

19 A (Witness examines documents.)

20 Q (MS. WOOTEN) Do you recognize all of those photos?

21 A Those were photos that I took that morning, and
22 then some of them were taken two days following on the
23 21st.

24 Q So your investigation wasn't just the actual crime
25 scene, it extended to anything that needed --

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Processing. I completed processing on -- there
2 was two vehicles with photos included there also.

3 Q The photographs, were they altered in any way?

4 A No.

5 Q From when you took them?

6 A Yes.

7 Q So you could say it was a fair and accurate
8 representation of them?

9 A I could.

10 MS. WOOTEN: At this time the State would request
11 to enter State's Exhibit 23 through 119, and State's
12 Exhibit 125.

13 MR. MUREDDU: For the record, I had an opportunity
14 to inspect each and every one of those photographs
15 before trial, so I know what is on them, and we have
16 absolutely no objection.

17 THE COURT: State's Exhibits 23 through 119, and
18 State's Exhibit 125 admitted without objection.

19 (State's Exhibits 23 - 119 and State's 125 admitted.)

20 Q (MS. WOOTEN) Do you recognize this?

21 A It is the PowerPoint presentation for photos made
22 for this purpose.

23 Q Did you get a chance to look at the PowerPoint?

24 A I did.

25 Q This is State's Exhibit 120 for identification

JONATHAN MARTIN - DIRECT EXAMINATION

1 purposes. The PowerPoint, is it all of the photos we
2 just entered into evidence?

3 A They are.

4 Q Have they been added or altered in any way?

5 A No.

6 Q They are a fair and accurate representation of the
7 crime scene in the investigation in this case?

8 A Yes.

9 MS. WOOTEN: At this time I would like to enter
10 State's Exhibit 120 and publish it for the jury.

11 THE COURT: Any objection?

12 MR. MUREDDU: For the record, I've seen it as
13 well, and we have no objection.

14 THE COURT: State's Exhibit 120 admitted into
15 evidence without objection.

16 (State's Exhibit 120 was admitted.)

17 Q (MS. WOOTEN) Could you tell us how you got involved
18 in this case? You said you were called close to 5
19 o'clock and got there around 5:15; how did that come
20 about?

21 A I was contacted by the crime scene investigation
22 supervisor, Detective Cestare.

23 Q And did he ask you to go to the scene?

24 A He asked me that I assume crime scene
25 responsibilities with the investigation.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Were you provided any information -- were you
2 provided any information by Lieutenant Cestare whenever
3 he called you about the crime scene?

4 A I was notified that there was a possible sexual
5 assault and two deceased persons at a residence
6 believed to be a homicide.

7 Q When you arrived around 5:10, 5:15, what was going
8 on?

9 A Pretty much they were waiting for detectives and
10 investigators. Patrol on scenes of this type, their
11 responsibility is to arrive and secure, go into the
12 residence and make sure no one is in there. In
13 circumstances like this, there could still be someone
14 hiding in a closet with a gun, say, you just don't
15 know. So patrol will respond, they will do a security
16 sweep of the residence, and they will go in. If the
17 victims are apparently deceased, they'll take one or no
18 more than two EMS workers with them to just make sure
19 there is no pulse, some form of life. If it is
20 confirmed they are deceased, they'll pull out from the
21 residence after the security sweep is done, and just
22 secure around it and wait for detectives and crime
23 scene to show up. They don't attempt to go in there.
24 They won't let their police officer buddies walk
25 through it. It is best to secure the scene.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q By the time you got to the crime scene, the only
2 people that had entered that residence or protective
3 sweep purposes, or for medical purposes, would have
4 been Officer Tindall and EMS or anything like that?

5 A I believe there was Officer Tindall and another
6 patrol officer who did the sweep together, and then
7 they escorted the EMS workers in. One of the patrol
8 duties for this is they will make sure that everyone
9 who enters or exits the crime scene is noted on a crime
10 scene log. The log is a way we can determine who
11 enters and leaves and what time -- what their reason --
12 it is a good way to keep people who want to just go
13 look out of scenes.

14 Supervisors will show up, but they don't want to
15 be involved in the investigation, so this way it makes
16 it more responsibility for everyone that shows up that
17 they are there for the sole purpose of investigating.

18 Q Slide 2. You got there around 5:00 in the
19 morning. Is this what the crime scene looked like when
20 you arrived?

21 A It is.

22 Q At this point in your investigation, do you know
23 whose home this belonged to?

24 A I believe the patrol officers informed me that it
25 belonged to Amos Hatfield.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q After talking with the officers on scene, did they
2 tell you anything else about anything about the crime
3 that was going on?

4 A They said upon their arrival they were met with
5 the female, Sandy Locklear. She identified there had
6 been some form of a sexual assault. Unknown males came
7 into the residence, had tied her up and she believed
8 shot the two, Amos Hatfield and Thomas Hatfield. She
9 didn't see it, but she was tied up in the other room
10 when it occurred.

11 Q Did you get a chance to speak with her?

12 A I briefly spoke to her. My duties were more
13 involved with evidence. Due to the fact she was
14 claiming some form of a sexual assault, you know,
15 preserving the evidence that may be on her, including
16 hair, that will be done by a sexual assault kit at the
17 hospital. She was sitting in the rear driver's seat of
18 the patrol vehicle right there. Because there was
19 gunshots, apparent gunshots to both victims, I
20 completed a gunshot residue test on Ms. Locklear here.
21 We swabbed the hands of anyone involved at the scene to
22 make sure that they may or may not have fired a handgun
23 or long gun. The GSR is not -- it can be washed off.
24 It doesn't stay on there forever. SLED is slowly
25 moving away from it, in fact. It only allows six hours

JONATHAN MARTIN - DIRECT EXAMINATION

1 after the scene. If you find someone six hours after
2 the homicide occurred, their viewpoint is that you
3 can't say yes or no that there is gunshot residue from
4 that length of time.

5 So I took a gunshot residue test on Ms. Locklear.
6 She identified two locations that the unknown suspects
7 had touched her or grabbed her, and I took swabs from
8 her skin using a standard cotton swab, touch DNA. You
9 wet the swab and rub it on the area, and that is to get
10 the oils from the suspect's hand that might have ended
11 up on her skin, and I took photographs of her also.

12 Q Is this Sandy Locklear?

13 A That is Sandy Locklear, yes.

14 Q Is this how she appeared on the morning of
15 August 19, 2012?

16 A It is.

17 Q And is this the photo you took while you were
18 collecting all of the evidence?

19 A It is.

20 Q As you explained, because she thought -- she was
21 saying that she was a sexual assault victim, and she
22 was the only eyewitness to the crime, her body was
23 actually evidence?

24 A It was.

25 Q And this is a picture of Ms. Locklear's hands.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Could you tell us why photos were taken of her hands?

2 A A lot of times in assaults there may end up being
3 injuries, maybe if she got into a physical altercation,
4 maybe she cut her hands, or they may be defensive or
5 offensive wounds, like injuries to the knuckles. She
6 didn't present as one that was involved in a fight.
7 She didn't have any bruising that was apparent on her,
8 but so the jury can look at her hands, I took photos of
9 them.

10 Q Did you see any injuries on her hands?

11 A I did not note any injuries.

12 Q Just a quick note. Did you notice anything around
13 her arms where you could see a bit of white? On the
14 left-side photo.

15 A I don't know which one you are pointing to.

16 Q I apologize. I'll explain. On the left-side
17 photo, bottom, right-hand corner, there is a white mark
18 on her arm there; do you know what that was?

19 A No, I do not. I believe that may have been
20 something with the light.

21 Q Okay. Ms. Locklear, she claimed that she was tied
22 up at one point?

23 A Yes.

24 Q What was she tied up with?

25 A She said she was tied up with tape.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Could it be possible that --

2 MR. MUREDDU: Objection, leading.

3 THE COURT: Sustained.

4 Q (MS. WOOTEN) I'll move on. So there was no cuts or
5 bruises on Ms. Locklear?

6 A No.

7 Q So you did a GSR, gunshot residue, and you took a
8 buccal swab of her?

9 A Yes.

10 Q And you discussed the DNA evidence you tried to
11 collect off of her since she was harmed?

12 A It was more in the areas that she felt soreness.
13 I didn't note bruising, but she said, This is where
14 they touched me, it hurts here. So that is why I took
15 swabs at those locations.

16 Q What did you do once you collected them?

17 A They were entered into evidence at Horry County
18 Police Department, stored in our evidence facility, and
19 I believe we initially forwarded those to SLED.

20 Q After you spoke with Ms. Locklear, what did you
21 examine next? Did you go straight inside?

22 A I did not. We were waiting on a search warrant to
23 be obtained from the residence. Our initial belief is
24 that Mr. Hatfield and his son were the only residents.
25 To control better, make sure there wasn't a third

JONATHAN MARTIN - DIRECT EXAMINATION

1 person that lived there who has some expectation of
2 privacy, we obtained a search warrant.

3 Q So what did you do while waiting on the search
4 warrant?

5 A I completed exterior photographs of the residence,
6 around all sides, the doors from the outside.

7 Q In this photo you can see the patrol vehicle.
8 Could you explain what the second -- the vehicle in the
9 -- beside the house, right side of the house --

10 A It was a Pontiac -- I'm not sure. I can look it
11 up, but it was a vehicle that supposedly, I believe,
12 belonged to someone in the house.

13 Q You didn't look at that at that point in time?

14 A Not at that point. That is something also
15 considered. Without knowing the owner, it would be
16 considered where someone would have an expectation of
17 privacy. The search warrant we obtained for the
18 residence included both the house and all vehicles on
19 the property.

20 Q And while you were taking these photos, what was
21 it like inside? Light? Dark?

22 A As the photos represent, it was still dark. It
23 was slowly -- the light was coming out. I believe by 7
24 o'clock when we went in, the sun started coming out.

25 Q What was the weather like outside?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A It was warm, July. It was a little chilly at
2 first thing, but it slowly warmed up.

3 Q As you are taking photos of the exterior of the
4 house, did you notice windows open?

5 A No. All the windows were shut.

6 Q And the doors?

7 A The front door was shut; back door was opened.
8 That was the door that patrol officers made entry into.
9 It had been left open. It was hanging open.

10 Q What are we looking at?

11 A The front porch. This is one of the photos that I
12 explained that they are not all good photos, and we
13 don't get rid of them. As you can see, it is dark
14 there so you miss out on the steps, but that is the
15 front porch area.

16 Q And you said that this front door was locked?

17 A It was locked.

18 Q Before we get into photos of the exterior, could
19 you tell us about the house? Was it a mobile home,
20 regular home?

21 A A mobile home, maybe the size of this hallway from
22 that area to maybe the wall, single wide.

23 Q What color was it?

24 A I believe it was white-ish, off-white-ish.

25 Q What are we looking at here?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A The front door of the residence. That is the one
2 that faces the doorway. You are looking on the
3 left-hand side just the door. On the right-hand side
4 you are looking on the frame. The door was locked, and
5 I took photos to show there was no damage to the front
6 like a pry mark.

7 Q Was there any signs of forced entry?

8 A There was no signs of forced entry on the front
9 door.

10 Q This is the door facing the roadway, which roadway
11 is that?

12 A Red Bluff Road.

13 Q What are we looking at here?

14 A Sideview from closer towards the roadway of the
15 front of the residence.

16 Q Where were you moving at this point?

17 A This is the actually towards the back of the
18 residence. That door you see opened is actually the
19 rear door of the house.

20 Q What side of the house is this?

21 A The rear of the residence.

22 Q The rear of the residence. What is that facing?

23 A That is facing, I believe, wood line and some
24 fields.

25 Q And after you took photos of all the exterior,

JONATHAN MARTIN - DIRECT EXAMINATION

1 what did you do next?

2 A About that time is when the search warrant showed
3 up. That is when we made entry into the rear door of
4 the residence where, obviously, we knew once it was
5 controlled the officers entered that way.

6 Q You didn't obtain the search warrant, correct?

7 A No. I believe it was Officer Strickland -- or
8 Detective Strickland, I'm sorry, at that time. He's
9 Sergeant Strickland now.

10 Q And you executed the search warrant?

11 A Yes.

12 Q Before we go into the interior of the home, I
13 would like to show you for identification purposes
14 State's Exhibit 22.

15 A Yes.

16 Q Call you tell us what it is?

17 A A blown-up PowerPoint presentation that I made of
18 the residence to describe the location of everything.
19 It is not to scale, but a rough estimate of how
20 everything looked.

21 Q Did you put this together?

22 A I did.

23 Q Did you use this after you worked the scene?

24 A I did this from the office. There was more of a
25 hand drawing -- something similar to that, but it was

JONATHAN MARTIN - DIRECT EXAMINATION

1 not as presentable as this.

2 Q And like you said, this is not to scale?

3 A Not to scale, no.

4 MS. WOOTEN: At this time I would like to
5 introduce Exhibit No. 22, State's 22, into evidence and
6 publish to the jury.

7 THE COURT: Any objection?

8 MR. MUREDDU: No objection, Your Honor.

9 THE COURT: State's Exhibit 22 admitted without
10 objection.

11 (State's Exhibit 22 was admitted.)

12 MS. WOOTEN: Is it okay if I ask him to step down
13 briefly?

14 THE COURT: As long as he's near a microphone.

15 Q (MS. WOOTEN) So tell us again what exactly are we
16 looking at?

17 A This is the residence at [REDACTED] Red Bluff Road.
18 This is the front porch right here is the one that is
19 on the opposite side of that building there. I
20 described that is the one you would see from the
21 roadway. This is the rear of the residence, which
22 actually that photo portrays there. You can see there
23 is two windows. There is a small window, and there is
24 the large window. You're looking at it from this way
25 (indicates).

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q When you entered the home you said -- was it still
2 dark outside?

3 A It was just about to start coming up.

4 Q And around what time did you enter the home?

5 A It was about 7:00 a.m.

6 Q And which access did you gain entry?

7 A We came into this rear door you can see on this
8 photo also.

9 Q Why did you choose the rear entrance?

10 A Well, when we did our initial walk around the
11 building, the front door was locked. So to go in that
12 door it would have been forced entry, and the rear was
13 wide open, so it was the easiest way to make entry.

14 Q In what condition did you find the rear door in?

15 A It was maculated. It was not damaged. Usually in
16 these mobile homes the doors are sometimes made cheaper
17 and they damage easily. They are easy to pry open.
18 This one was not pried at all.

19 Q And at this point, would you mind briefly
20 explaining to the jury kind of the room you went to
21 first and what room we're looking at, give them an idea
22 of how you went through, before we get to the photos of
23 each room?

24 A Entry was made in this back door. This here is a
25 form of a kitchen area. There was no kitchen table,

JONATHAN MARTIN - DIRECT EXAMINATION

1 but a normal family would place a table there. This is
2 the kitchen area, stove, refrigerator. There is like
3 an eating island, and then this is your living room.
4 There is the front door outside of the living room. As
5 you go down this hallway here, there is a full bathroom
6 with a toilet, shower, bathtub. Go straight down, this
7 is the master bedroom. It has a half bath with just a
8 toilet and a sink. This here was another bedroom. It
9 had a bed, and this was probably considered a third
10 bedroom, but it didn't have a bed or anything, it was
11 more of a storage room.

12 Q What order did you process the scene?

13 A I worked in clockwise. I entered here and worked
14 around this way ending to the bathroom there.

15 Q Would you say that -- since you were crime scene,
16 is this an extensive investigation?

17 A This residence isn't that large. There is not
18 that much -- like a three-story house or an apartment
19 building, there is no exterior sheds or garage. It is
20 a fairly small scene controlled by only two entrances.

21 Q But you were in there for quite sometime
22 processing?

23 A I was in there for several hours just to make sure
24 that collection was done properly and evidence was
25 collected.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q While I have you off the stand, I'm not the best
2 at measurements, so if someone says 20 feet, I don't
3 really understand what it means; I can't visualize it.
4 Could you visualize -- I guess in strides -- in your
5 opinion, since you were in there so long, how many
6 strides it would take from the rear door to the front
7 door?

8 A Maybe about ten. It can't be from this here to
9 there, probably a shorter distance.

10 Q Between --

11 A Ten large strides.

12 Q Between the jury box and that table over there?

13 A About that.

14 Q How about from the kitchen area to the back master
15 bedroom?

16 A Probably slightly more. The house had kind of
17 like a square shape, so it was almost the same distance
18 wide as it was long. Slightly more, maybe 12, 13
19 strides.

20 Q I think that is all I have about the diagram,
21 thank you, Detective Martin.

22 We are at Slide 11. You went through the back
23 door. Is that a screen door I see?

24 A It is a glass door.

25 Q So are there two doors in the back?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Yes. More of like a storm door, and then the
2 actual door.

3 Q And neither had damage?

4 A Neither had damage.

5 Q What are we looking at here?

6 A Rear stone steps that go up to the back door.

7 Q Why did you take a pictures of the stone steps?

8 A To show what type of steps they were. It wasn't
9 like a large porch where people could be standing out
10 there. You would have to walk up there. The top steps
11 are very small, probably about a foot, and then they
12 get larger, I believe about 18 inches on the lower
13 stones.

14 Q I know this is confusing if you had not seen these
15 photos, but this is two pictures here. Could you tell
16 us on the left side --

17 A That is the door frame. As you are looking at it,
18 that is where the door latches. As you can see, that
19 metal piece to the outside storm area, storm door latch
20 and then the second inner area is where the hand lock
21 and dead bolt would lock. You can note no damage on
22 the metal piece. When you go further in, the weather
23 stripping is also not damaged.

24 Q On the right side, is that the back door -- not
25 the storm door, but the other one?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A That is the main door on the back. It opens
2 inward towards the left. That is the deadbolt and the
3 handset, and neither of those note any damage on the
4 lock frame there.

5 Q When it comes to doors with a crime scene, do you
6 test the doorknob or anything?

7 A Normally we'll take swabs of the doors. I believe
8 in this instance the doors were opened when the
9 officers got there. We'll take DNA swabs around the
10 door in case maybe one of the suspects entered or
11 exited from that door.

12 Q As we move inside the residence, immediately when
13 you walk in through the rear door, like in the diagram,
14 what room are you in in the house?

15 A There is the kitchen or dining room area. I'm
16 taking the photo from that area. It is looking into
17 the kitchen area.

18 Q Given that it was August 19th at this point, was
19 there air conditioning on in the house?

20 A There was some air on. It wasn't doing nearly
21 enough. As it heated up, it got very warm, but there
22 was air on.

23 Q So you would say the conditions inside were warm?

24 A Warmish, yes. The door had been left open for
25 several hours, so I think that allowed some of the

JONATHAN MARTIN - DIRECT EXAMINATION

1 warmth to go in.

2 Q When you enter the home in the kitchen, were there
3 any lights on where you could see around?

4 A The lights in the kitchen area I believe were on,
5 and then the TV -- there were TVs on and a bathroom
6 light on.

7 Q During the investigation, some of the lights are
8 off; do you turn them on to assist you?

9 A Initially, when the photos are taken, they are
10 left off. It helps to have light when you look for
11 evidence. The initial photos should be -- as I
12 described before -- as-is when you -- so you can see
13 what we saw when we walked in.

14 Q You said the televisions were on, do you remember
15 if the volume was high or hearing anything?

16 A I personally don't remember. It wasn't loud
17 enough I had to turn it down.

18 Q Starting with this Slide No. 18, could you
19 describe what we are seeing here in the kitchen area?

20 A On the floor is Mr. Amos Hatfield. He is laying
21 prone, or chest. His head is facing the dining room
22 area, his feet is facing the wall of that wall. That
23 wall borders around the driveway, so you get a better
24 feel for how the house is set.

25 Q At this portion of the house, at the rear portion

JONATHAN MARTIN - DIRECT EXAMINATION

1 of the house, if you walk right back out the door, what
2 is facing --

3 A If you turned left and walked out, you would be
4 looking at the woods and the field.

5 Q So we understand where we are. How did you know
6 this was Amos Hatfield?

7 A He was an older gentlemen, you know, and based on
8 the information patrol provided me.

9 Q Prior to entering the scene, did you know if
10 anyone had touched or moved anything inside the crime
11 scene including a body?

12 A I asked patrol and they said EMS had gone in and
13 done a standard test, I believe it is the neck, to make
14 sure there was no pulse. There wasn't like machines
15 hooked up to him or anything. It became apparent with
16 the injuries that they noted that he was deceased.

17 Q So as far as you know, and to your knowledge, this
18 is exactly where Mr. Amos Hatfield was located upon
19 arrival on the scene?

20 A Yes.

21 Q In your opinion, since you were in there for so
22 long, what size would you say Mr. Amos Hatfield is?

23 A Probably about six foot, maybe a little under. It
24 is hard to tell when someone is laying down.

25 Q Would you say he was of average weight?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Yes.

2 Q What is the purpose of taking photos -- we'll see
3 several ahead of Mr. Amos Hatfield. What is the
4 purpose of taking all the different photos?

5 A You take as many possible angles. Sometimes they
6 reflect a little more of the situation. You know, you
7 are taking it looking at that little screen and
8 sometimes you get back to the office and it wasn't such
9 a good photo, maybe blurry. So you want to be sure
10 that you have -- this right here you are looking at is
11 very important, you are looking at Mr. Hatfield, how he
12 died.

13 Q Did you notice any wounds on Mr. Hatfield?

14 A Until we moved him, there was immediately apparent
15 a gunshot wound to his head, a hole consistent, and I
16 believe there was a laceration on the forehead. You
17 can't see it here until the body was moved.

18 Q You said there was a possible gunshot wound to the
19 head; was there an exit wound?

20 A We did not find an exit wound. When he was moved
21 and taken to autopsy, there was none noted.

22 Q Did you see any other wounds or injuries on
23 Mr. Hatfield?

24 A I did not.

25 Q Again, is this just a different angle?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Yes, from standing behind looking towards the
2 dining room.

3 Q Back to this photo. What is surrounding Mr. Amos
4 Hatfield; anything to note, for example, the pillow?

5 A The green pillow was found just sitting several
6 inches in front of his head, and there was a circular
7 mark going through the pillow with a corresponding exit
8 hole, and the one side of the pillow had burn pattern
9 to indicate that gun was most likely against it while
10 being fired.

11 Q If you could go to the next slide, please. Here
12 there is -- No. 2, could you tell me what that is?

13 A I believe No. 2 is a cigarette butt -- sorry, it
14 is hard to tell.

15 Q What does "No. 2" mean?

16 A We put markers down. It makes it easier in
17 situations like this. What we'll do is we'll take a
18 photo back a little bit so you can see a piece of
19 evidence in the area, in the scene, and then we'll move
20 and take a closer shot with just the -- with the
21 numerical marker and it will be closer so you can see
22 what it is. From the outside, it is hard to tell. It
23 could be the pillow, something smaller, which I'm
24 guessing we'll figure out.

25 Q Whenever you see an evidence number marker, does

JONATHAN MARTIN - DIRECT EXAMINATION

1 that mean you've collected it?

2 A It doesn't always mean you'll collect it.

3 Sometimes it means that it is something you want to
4 note, that we have an ID or something we know is
5 important. If, say, it was the refrigerator and there
6 was a hole in the refrigerator, I may not take the
7 refrigerator, but I would take a shot with the
8 corresponding number on it so we can make sure that
9 that item is recorded and -- so you guys can look at
10 it.

11 Q Whenever you are looking back on the photos, does
12 it help you to remind you of what exactly you were
13 trying to focus on in the photos?

14 A Yes.

15 Q Did you collect the pillow in this picture?

16 A I did.

17 MS. WOOTEN: May I approach the witness with
18 State's Exhibit 10 for identification purposes?

19 THE COURT: Yes.

20 MR. MUREDDU: I have not examined it, so if it is
21 all right.

22 MS. WOOTEN: I apologize.

23 MR. MUREDDU: If I could approach the witness and
24 observe it?

25 THE COURT: That is fine.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q (MS. WOOTEN) Could you tell me what we are looking
2 at on State's Exhibit 10?

3 A This is the pillow we collected from the scene; it
4 is shown right there.

5 Q Did you collect this pillow?

6 A I did.

7 Q Is this a fair and accurate depiction of what the
8 pill -- I know it was in storage, but what it looked
9 like the day you collected it?

10 A It is. As I'm holding it now is how it was found.
11 This here was on the top, and this side was the bottom.

12 Q Was the pillow found exactly like that? Was it on
13 his head, or positioned where it is in the photo?

14 A As it is in the photo, slightly above his head,
15 maybe a couple of inches in front.

16 MS. WOOTEN: At this time the State would like to
17 enter State's 10 into evidence.

18 THE COURT: Any objection?

19 MR. MUREDDU: No objection.

20 THE COURT: State's 10 entered without objection.

21 (State's Exhibit 10 was admitted.)

22 Q (MS. WOOTEN) Is that -- was there a pillowcase on
23 that pillow at any point in time?

24 A It's not the type of pillow. It has its own case.
25 This is exactly how it was. I think it is one of those

JONATHAN MARTIN - DIRECT EXAMINATION

1 where it is built into a case.

2 Q Did you see a case anywhere in the house that
3 would particularly fit this pillow?

4 A I didn't notice any.

5 Q Could you tell us -- the only damage to the pillow
6 you said, was?

7 A There is a straight hole through on this side,
8 right there, with a corresponding mark right there.
9 There is blood evidence, and that is from his head.
10 Here are burns, which there was an ashtray on the floor
11 and there was a cigarette butt, and that may have been
12 from laying there, you know.

13 Q Did you notice any scorch marks or anything on the
14 pillow?

15 A No, just down here on the bottom.

16 Q And the blood on the pillow, did you discover if
17 it was anyone else's blood?

18 A We took swabs and sent them off, but based on
19 being immersed in his blood, we didn't continue with
20 that analysis.

21 Q And what picture does this show? What part of the
22 house are we moving towards?

23 A On your extreme left is Mr. Hatfield's leg, you
24 can see on the lower, left corner. There is the
25 breakfast bar where you might eat, and then on your

JONATHAN MARTIN - DIRECT EXAMINATION

1 right is the living room area.

2 Q So, like you said, in this photo, on the left
3 side, you can see who?

4 A On the left, lower side I can see Amos Hatfield's
5 legs.

6 Q And on the right side?

7 A In the corner you can see slightly Thomas
8 Hatfield, the younger Hatfield.

9 Q How close would you say these two bodies were?

10 A Maybe 20 feet, 15.

11 Q Could you put that in strides for me?

12 A Five, four -- five strides.

13 Q So like one, two, three, four, five
14 (demonstrates)?

15 A About that, yeah.

16 Q So about that much length. And you say this is
17 the living room area?

18 A The living room area you are looking at, on the
19 right side.

20 Q How did you know that was Thomas Hatfield?

21 A By the description provided by Ms. Locklear and
22 his age. He was younger than the male in the kitchen.

23 Q Again, just to make sure that the evidence was
24 preserved, had Tommy Hatfield's body been moved at all
25 before you arrived on scene?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A No, it had not.

2 Q Did EMS check his body as well?

3 A I believe they did.

4 Q Was Tommy Hatfield pronounced dead on scene?

5 A He was.

6 Q In this photo, and I'm going to have to point it
7 out to you, and I don't have a pointer, but towards the
8 end of Tommy's body you can see a little face of a dog.
9 I know it is black and white, but I want to be sure --
10 was there a dog found on scene when you arrived?

11 A Yes. It was, I believe, Amos' dog, a small
12 terrified type. It sat on the body there, on the back
13 leg portion of the body. It hadn't come out with the
14 door open the entire time; really, very quiet. I kind
15 of shooed it out the front door after we established
16 there was no damage inside the door.

17 Q I believe this dog is female, so I'll say "she."
18 Did she -- she was located in the house when you
19 arrived on scene?

20 A Yes.

21 Q And did she have any blood on her or anything?

22 A I didn't notice any. She had dark hair.

23 Q Do you know if she was a part or got into any part
24 of the crime scene?

25 A I didn't notice any smears or anything if the dog

JONATHAN MARTIN - DIRECT EXAMINATION

1 ran around with blood or tracks around the house, I
2 didn't note it.

3 Q Once the photo was taken of the dog and where the
4 dog was located, that is where the dog was removed?

5 A Yes.

6 Q What was the purpose of that?

7 A So it wouldn't be in the way. Some dogs can be
8 defensive when you are dealing with their master.

9 Q We'll continue with this photo, Slide 25. What
10 did you first notice? What observations did you make
11 about Tommy Hatfield's body?

12 A Also in the prone position laying on his chest.
13 His head is facing the rear of the residence, kitchen
14 area. His feet faced the front door. The door you see
15 in the picture is the front of the residence. His left
16 arm is actually extended and goes beneath the couch
17 almost like someone would be reaching for something.

18 Q Just to explain, could you tell us the objects
19 around the floor?

20 A Immediately in front of his head is similar to
21 Mr. Amos Hatfield, a pillow. Just left of the victim's
22 body is a coffee table with like granite shingles, and
23 it is flipped completely over.

24 Q What injuries, if any, did you observe on Tommy
25 Hatfield?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Immediately apparent is similar to Amos Hatfield
2 gunshot wound to the head. There was a laceration
3 noted on his right -- above his right forehead.

4 Q And besides the laceration on the forehead and
5 gunshot to the back of the head, was there any other
6 injuries you noticed?

7 A I did not notice any.

8 Q What is that -- I understand it is black and
9 white. The pillow in front of his head, what is
10 directly to the right of that?

11 A That red is blood spray.

12 Q Did you determine if that was Tommy Hatfield's
13 blood spray?

14 A Based on its location. We didn't test for
15 additional blood. It was coming actually straight from
16 him.

17 Q You mentioned his left arm under the couch. Did
18 you at any point in time observe underneath the couch?

19 A We did we lift up the couch and noted there was
20 nothing under there.

21 Q What sides or what height would you say Tommy
22 Hatfield was?

23 A Probably similar, if not a little shorter than his
24 father, 5'11", 6-foot.

25 Q Was it average weight, or a little heavier?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A He was slightly heavier than his father, probably
2 closer to what I weigh.

3 Q On Slide 26, could you tell us what we're looking
4 at here?

5 A The pillow that sat directly in front of the
6 younger Hatfield, Thomas Hatfield's head.

7 Q This was the pillow in the last photo directly in
8 front of his head?

9 A Yes.

10 Q And it is marked by Evidence Marker 3. Was this
11 pillow collected?

12 A It was.

13 Q If you could go to the next slide please.

14 MR. RICHARDSON: Yes, ma'am.

15 Q (MS. WOOTEN) What are we looking at here?

16 A The hole on the top of the pillow. As you can
17 note, the burn pattern on that one. There was a
18 corresponding hole on the pillow.

19 Q What is a burn pattern from, in your experience?

20 A Close contact with a gun when it fires off. There
21 is a lot of heat, and sometimes a flash can cause burns
22 on someone's hand or to fabric.

23 Q We don't have a photo up on the slide, but did you
24 observe the back side of the pillow?

25 A I did.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q What did it look like?

2 A A corresponding hole without that burn area.

3 Q So on both pillows there is an entry hole, and an
4 exit hole?

5 A Yes.

6 Q You said you collected that pillow?

7 A I did.

8 MS. WOOTEN: Your Honor, may I approach the
9 witness with State's Exhibit 12 for identification
10 purposes?

11 THE COURT: All right.

12 Q (MS. WOOTEN) Do you recognize this item?

13 A I do.

14 Q Could you tell us what it is?

15 A This is the pillow in No. 3. More apparent on
16 this pillow than the other one, mainly because of the
17 color and this is a lighter pillow. You can see the
18 burn right there, the dark pattern. This is
19 corresponded by a very dark -- this is bloodstain here.
20 There is a corresponding hole. It is a little hard to
21 see because the blood is dried on it, right there.
22 This is the one sitting upright like this. This is the
23 side laying down. It was approximately 3, 4 inches in
24 front of his head.

25 Q To your knowledge, did anyone move this pillow

JONATHAN MARTIN - DIRECT EXAMINATION

1 before you processed the scene?

2 A No, it had not been moved.

3 Q And the blood side, of course -- to your
4 knowledge, it was blood side down when you found it?

5 A Yes. And it corresponded to the bloodstain that
6 went from the younger Hatfield's head. It was
7 immediately apparent it was his.

8 Q So, to your knowledge, this is a fair and accurate
9 depiction of the way the pillow was collected on
10 August 19th?

11 A Yes.

12 MS. WOOTEN: At this time I would like to move
13 State's Exhibit 12 into evidence.

14 THE COURT: Any objection?

15 MR. MUREDDU: No objection.

16 THE COURT: State's 12 admitted without objection.

17 (State's Exhibit 12 was admitted.)

18 Q (MS. WOOTEN) What angle is this picture taken at?

19 A This is taken -- Mr. Hatfield -- my back would be
20 facing the driveway, or pretty much standing in the
21 living room area.

22 Q Where you are standing, what is to your left?

23 A The front door of the residence.

24 Q And to your right?

25 A The kitchen and rear door of the residence.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Next slide here. What are we looking at here?

2 A That was a pillow sitting on the couch in the
3 living room. The couch which sat right next to the
4 younger Hatfield. On the left side, the pillow, you
5 can see some slight rub which appeared to be blood.

6 MS. WOOTEN: Could you go back one?

7 MR. RICHARDSON: Yes, ma'am.

8 MS. WOOTEN: Thank you.

9 Q (MS. WOOTEN) Where is that pillow we looked at in
10 this photo?

11 A Approximately, maybe 2 1/2, 3 feet from the
12 victim's head on top of the couch.

13 Q I see this is marked by State's Exhibit 4?

14 A It is.

15 Q Did you collect this pillow as well?

16 A It was.

17 MS. WOOTEN: May I approach the witness with
18 State's Exhibit No. 13 for identification purposes?

19 THE COURT: All right.

20 Q (MS. WOOTEN) Could you tell us if you recognize
21 this item?

22 A This is the pillow in No. 4. As you can see, it
23 was facing this way, and there is the reddish rub right
24 there.

25 Q What did you observe and what was the whole

JONATHAN MARTIN - DIRECT EXAMINATION

1 reasoning in collecting this pillow?

2 A Just possibly if it was blood from the suspect or
3 whatnot. At that time we weren't sure.

4 Q And do you know -- did you determine if it was
5 anyone else's blood besides Tommy or Amos Hatfield's?

6 A I don't believe we sent it off. Based on
7 testimony evidence, it was unnecessary.

8 Q It was unnecessary?

9 A Unnecessary.

10 MS. WOOTEN: I would like to move State's Exhibit
11 13 into evidence.

12 MR. MUREDDU: No objection.

13 THE COURT: 13 admitted into evidence without
14 objection.

15 (State's Exhibit 13 was admitted.)

16 Q (MS. WOOTEN) What angle of the living room are we
17 looking at here?

18 A I am actually in the corner of the living room,
19 and directly to my left would be Thomas Hatfield. I'm
20 facing towards the kitchen/dining room area. You can
21 see the rear door of the residence in that picture.

22 Q That is the door you entered from?

23 A That is the door I entered from.

24 Q What is directly in front of you down on the
25 floor?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A The coffee table with, like, granite shingles.

2 Q Did you observe anything about the coffee table?

3 A That was flipped completely over.

4 Q Did you look to see if there were any objects on
5 the table before it was flipped over?

6 A When it was moved it appeared that it may have
7 been on top of the shingles. There was a couple of
8 items, to include a cell phone, cigarette butts,
9 cigarette ashtray. I took photos of that.

10 Q Is this what you are talking about?

11 A Yeah. You can note the remote in there. The
12 phone can be seen, it is just above the remote there,
13 and a pair of scissors, lighter fluid.

14 Q What was the purpose of looking underneath the
15 table?

16 A There could be evidence in there, gun, things left
17 by the suspect.

18 Q Slide 34, these are materials underneath the
19 coffee table?

20 A Yes.

21 Q And did you collect anything from the items
22 underneath the coffee table?

23 A I believe the main thing collected was the cell
24 phone. You can see it near the pocket knife, in a
25 camouflaged case. I believe we determined that phone

JONATHAN MARTIN - DIRECT EXAMINATION

1 to be the younger Hatfield's phone.

2 Q At the time, did you know whose phone it was?

3 A No.

4 Q Why do we collect cell phones?

5 A Pretty much it's the life blood of anyone anymore.
6 You have a cell phone on you at all times and don't go
7 anywhere without it, so sometimes people drop them on
8 scene or use them to make calls that might help figure
9 out what happened.

10 Q And within the investigation and throughout the
11 investigation, you later determined, you said, to be
12 the younger Hatfield's phone?

13 A I believe it was determined. My goal was to
14 collect evidence. The detectives would have handled
15 looking into all of the phones.

16 Q This was marked by Evidence Marker 5?

17 A It is. It was a Kyocera brand, not Smart phone.
18 It was just a regular phone, and it has a camouflage
19 case around it.

20 Q Next slide. So we understand where we are in the
21 mobile home, what am I looking at here?

22 A This is the couch, and that is the front door at
23 the top of the screen.

24 Q And what would be behind me?

25 A The rear door.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q And what am I looking at at this point?

2 A You are standing at the edge of the couch and
3 looking at the rear door of the residence.

4 Q What is behind me?

5 A The front door. This is a representation of what
6 you are looking at if you were at the front door, if
7 you were looking at the rear door, how many steps and
8 feet it would be.

9 Q So it depicts the size of the house from this
10 angle (indicates)?

11 A It does. In the right corner you could see Thomas
12 Hatfield's body. It's maybe 6 feet to that breakfast
13 bar, and maybe another 7, 8 feet to the back door.

14 Q What is the purpose of taking photos like that?

15 A Just so you can -- like today, you can get a
16 better representation of where everything was sitting
17 and how it felt to the look in that room.

18 Q This is the final photo of the living room
19 portion. What are we looking at -- looking into at
20 this point?

21 A You can see slightly there is a hallway right
22 there at the edge of the dining room area. There is
23 three photos that come from the back door, and then it
24 turns into a hallway.

25 Q Next slide. Where are we at at this point?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A This is the hallway to -- from this view I would
2 have been standing in the dining room area taking it
3 down the hallway towards the bedrooms of the residence.

4 Q So we understand --

5 MS. WOOTEN: May I approach the witness?

6 THE COURT: Yes, ma'am.

7 Q (MS. WOOTEN) Just in case, I've seen them so many
8 times I know it forwards and backwards, but so the
9 jury understands, could you point to where you were
10 and where you were headed?

11 A From here, I would be standing right here, and I
12 would be taking the photo down this hallway.

13 Q Thank you. So at this point you are looking
14 towards all the bedrooms and bathrooms of the home?

15 A Yes. You can see the one door on the left, that
16 would have been the corner bedroom of the residence.
17 There is a master bedroom, which you can't see.

18 Q For the record's purposes --

19 MS. WOOTEN: Your Honor, I was asking the witness
20 to point out the location of the home on State's
21 Exhibit 22.

22 THE COURT: All right.

23 Q In the hallway, what are we looking at on the
24 floor?

25 A That, on the floor, is black duct tape. It was

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1 wrapped up in a clump in long portions. From the
2 description that was provided to the officers by
3 Ms. Hatfield, that weighs similar to what she was tied
4 up with and broken free from before contacting law
5 enforcement.

6 Q And just to note the general area -- back up one
7 question. In the back you can see that the lights are
8 off, but it looks to the right, I believe that is one
9 of the bathrooms, the lights were on; is that how it
10 was found?

11 A It was.

12 Q Next, please. And now on this slide a lot more
13 lights are on?

14 A Yes.

15 Q So you probably would have turned on the lights?

16 A Yes.

17 Q You say that it is a clump of black tape?

18 A Yeah, like a black duct tape.

19 Q That black tape is marked by Evidence Marker 8,
20 and you stated -- would you tell us again what the
21 significance of that was?

22 A Similar to what was described by Ms. Hatfield as
23 she was wrapped or taped up. She said she was secured
24 with tape, and it was just sitting there all stretched
25 out.

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1 Q At this point did you have any idea how that tape
2 got in the hallway?

3 A No.

4 Q You were just collecting evidence?

5 A I was only photographing and collecting.
6 Sometimes, as you collect the evidence, it is almost
7 good not to have the full story by the detectives
8 giving it because you focus too much -- because if
9 someone says over here, you only focus there, but when
10 you look at it in a broad sense, without having the
11 whole picture, your eyes open wide up and you see much
12 more of the scene.

13 Q Is this just the closeup of the same thing?

14 A It is.

15 Q And we're still in the hallway. What is the
16 significance of that photo?

17 A It just shows in relationship to the washer and
18 dryer, and also a shelf above the washer/dryer which
19 has significance.

20 Q What are we looking at here?

21 A Next to the purple washing fluid is a roll of
22 black tape.

23 Q Is this roll, from your observation, when you are
24 processing the scene, did that roll of tape appear
25 similar to the roll of tape --

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1 A It was a similar color and style.

2 Q Next. It is marked as Evidence Marker 9, does
3 that mean it was most -- I know you are trying to point
4 out the tape at this point with the marker, do you know
5 if it was collected?

6 A We did.

7 Q Did you collect the tape on the floor?

8 A We did. No. 8 was collected also.

9 Q And the purpose was to -- because it was part of
10 the scene?

11 A At this point, you know, we really don't know what
12 we have. Ms. Locklear had been taken -- to talk to the
13 officers, so it may not have been that tape that she
14 was talking about, but we felt that collecting anything
15 that might be pertinent. You really only have one bite
16 at the apple after you leave. If you come back,
17 everything is not quite as secure, so it is best to get
18 it right away. That is a closeup without the "No. 9."

19 Q Where is this in relation to the washer and dryer?

20 A As you can see, the purple container is right next
21 to the washer and dryer. This is a vanity style
22 cabinet, which you normally would find over the toilet,
23 that you would put in your bathroom. It is placed as a
24 storage compartment in the hallway.

25 Q Was this the condition you found the bathroom

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1 storage container in?

2 A It is.

3 Q So the doors were opened like that?

4 A It is.

5 Q Next slide. We have Evidence Marker No. 14, do
6 you know the significance of that?

7 A I do. It is a little hard to see. One of the
8 reasons, again, why we take the distance shots is so
9 you can see it as a whole. No. 14 marks what appeared
10 to be bloodstain. As we get closer with the next shot,
11 you should see there is a redness. That is No. 14. It
12 was swabbed scene there.

13 You know, it easily could be our victim's blood.
14 You never know, it could be the suspect's blood that
15 came from an injury or fight. We take those very
16 seriously because that could be the best evidence.

17 Q Do you know if this evidence, in particular, at
18 all, resulted in anything significant?

19 A We didn't send that one off. We had testimonial
20 evidence that it wasn't needed, wasn't needed to be
21 processed.

22 Q Next slide. One more question about the floor.
23 We know what the black tape is. What is beyond the
24 black tape? What is the white stuff and the blue item?

25 A Like a first aid style kit. It seems like things

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1 were just knocked out of the toiletry cabinet in the
2 hallway there.

3 Q And the contents of the first aid kit are all over
4 the floor?

5 A All over the floor.

6 Q Next slide, please. What room are we looking
7 into?

8 A This room is a storage room. It sits right off
9 the hallway there. If you were going down the hallway,
10 it is the first on the left.

11 Q State's Exhibit 22. I'll have you point for the
12 jury.

13 A This room right here. It doesn't have any bed in
14 it; it is more of a storage room.

15 Q Next slide, please. Thank you. Is this the same
16 room?

17 A It is.

18 Q Next slide. Is this in the same room as well?

19 A Yes, a closet.

20 Q This one as well?

21 A Yes.

22 Q And this one as well?

23 A Yes.

24 Q Did you find anything of evidentiary value in this
25 storage empty room?

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1 A We did not. There really wasn't anything marked
2 of value or anything.

3 Q Next slide, please. We're back to the hallway?

4 A Again, I would be standing pretty much in the
5 dining area.

6 Q Where did you head next?

7 A Next would have been the bedroom that is believed
8 to be Mr. Thomas Hatfield's, which is the one you can
9 see the door in there straight on.

10 Q Is this the same room?

11 A It is.

12 Q Whose room did you discover this to be?

13 A Thomas Hatfield's. It was determined by the
14 clothing, workout bench, there were things that had
15 Thomas Hatfield's name on there.

16 Q And Thomas Hatfield is the younger of the two
17 victims?

18 A Yes.

19 Q Next slide, please. What did you notice -- what
20 is the purpose -- with a home invasion crime, what is
21 the purpose of taking so many photos of the rooms?

22 A Think if someone were to go in looking for
23 something, if they were to go in your house, people
24 keep personal property worth something to them in the
25 most secured place, in your bedroom usually. In your

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1 kitchen cabinets, you don't know who goes in your
2 cabinets, but in your bedrooms people keep more
3 important property, pictures, valuables, guns, things
4 like that.

5 Q And were any of the drawers open or gone through?

6 A The bottom drawer on the left was slightly
7 cracked, but none others were opened up or disturbed.
8 Something we notice a lot in the home invasion is the
9 beds are flipped up and over. So many people keep
10 their guns under their mattresses, especially in
11 residences where you don't have children, they'll keep
12 it close so when they hear someone at the back door,
13 they can quickly grab something. You notice the bed
14 here is completely maculated.

15 Q And, next, Mr. Tommy Hatfield's room, was there
16 anything of evidentiary value located in this room?

17 A There was not.

18 Q Was a gun found in this room?

19 A There was no guns found in the residence at all.

20 Q The next are additional photos of the same room?

21 A Yes.

22 Q That is the closet inside Tommy's room?

23 A This is not a large house. The rooms -- I'm
24 standing against a wall and literally taking a picture
25 that seems to be zoomed in, but it is not. The rooms

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1 are very small.

2 Q We're back to the hallway. You searched the
3 bedroom on the left and bedroom straight ahead, where
4 do you head to next?

5 A The next is the master bedroom. The door is
6 actually shut. It has a white knob, straight on there.

7 Q Was the door in that condition whenever you
8 searched the scene?

9 A It was.

10 Q Next slide. Same door?

11 A Yes.

12 Q I guess you opened the door?

13 A We did.

14 Q What are we looking at here?

15 A This is the bed frame of the master bedroom. You
16 can see the pillows straight on.

17 Q And do you -- looking at the top of the master
18 bedroom, what are those items, if you recall, on top of
19 the bed?

20 A I believe there are one or two beer steins,
21 glassware. There are also two -- I believe they put
22 them out at Christmastime, the Coca-Cola bottles that
23 look like ornaments, two sitting on top.

24 Q This is just another angle for the master bed.
25 Were any of those items on the master bed frame, did

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1 they look, in your opinion, when you were processing
2 the room, like they were touched or moved in any way?

3 A Everything was sitting upright. One thing I noted
4 when I took the photos is that I would assume, just
5 laying in bed in general, the balls would fall over.
6 It is a ball with a slight little platform on the
7 bottom. Any sort of shaking would make them roll over.
8 They were sitting upright.

9 Q Next slide. What is this view from?

10 A From the wall facing the door entering that
11 bedroom.

12 Q And this is just another view of the items on top
13 of the bed.

14 A Yes. There are the two, I want to say, Coke or
15 Pepsi....

16 Q Tell us where we are in the bedroom now.

17 A With my back pretty much against the entry door of
18 that room. It is facing -- on the far right you can
19 see a door, that actually goes into the master
20 bathroom, and then to your left there is the bed and
21 cupboard.

22 Q While we're looking at the master bedroom, was
23 there anything of evidentiary value located on the
24 floor?

25 A There wasn't anything taken from the floor. We

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1 did take items from the bed.

2 Q How about in the bathroom?

3 A This is from a view looking right into the
4 bathroom. Like I said, there was a toilet and sink
5 only. There was no items of note in there either.

6 Q Is this also a photo of the master bathroom?

7 A Yes. It is maybe a five-by-four bathroom, very
8 small. This is the view from the doorway, again facing
9 the television.

10 Q Was the --

11 A I'm sorry -- yeah, this is from the doorway.

12 Q This television was found on?

13 A It was also on. I know that volume was not turned
14 up. I didn't touch the volume at all.

15 Q Next slide. What are we looking at here in this
16 photo?

17 A The black thing sitting on the edge of the bed,
18 those were underwear and a bra on the edge there. It
19 is a little hard to see, but I think there is further
20 pictures.

21 Q It's not that much better.

22 A No. 10 is the underwear, and 11 is the bra.

23 Q 11 is what?

24 A The bra.

25 Q What is the significance of taking these photos?

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1 A You know, with the initial statements to patrol
2 that there was a sexual assault, sometimes with any
3 sort of clothing, including underwear, you know, there
4 might be some good evidence, including semen or DNA
5 touch evidence.

6 Q And you were taking specific care in the photos in
7 the master bedroom.

8 Next. That is better. So the black is underwear?

9 A The black is the underwear, and the bra is -- it
10 is crumpled up, but it is a off-white item.

11 Q Did you change your mind?

12 A No. The white -- off-white bra sitting next to
13 the underwear.

14 Q What condition did you find them in?

15 A As you are looking at them now. The underwear is
16 stretched -- almost stretched opened, and the bra is
17 just popped open.

18 Q So they were damaged?

19 A They were damaged.

20 Q I don't want to get into what was said to you, but
21 from what you were told by the officers before you
22 processed, I know you didn't want to know too much
23 about the crime scene because you wanted to focus on
24 everything, but were you told that a possible sexual
25 assault occurred in the back bedroom?

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1 A Yes. That is what she told patrol, that is where
2 she was tied up and left.

3 Q And they relayed that message to you?

4 A Yes.

5 Q Were these items collected?

6 A They were.

7 Q What are we looking at in 12?

8 A 12 is the sheets. I believe that is the cover
9 sheet.

10 Q Do you know if that item was collected?

11 A It was.

12 Q Why do you collect sheets?

13 A Often, in a sexual assault there could be DNA
14 evidence. A lot of times the suspect doesn't ejaculate
15 in the victim, sometimes it is around the victim or the
16 sheets around the victim. Sometimes you can get really
17 good semen or bloody evidence or anything like that.

18 Q Did you notice any type of blood or semen or
19 anything like that in the bedroom?

20 A I didn't notice any, no.

21 Q Next item. And back out to the hallway. We
22 covered all three bedrooms and the master bath. Was
23 there one other room?

24 A Yes, the final bathroom. It is the full bathroom,
25 has your shower, bathtub, toilet and your sink.

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1 Q Was anything of evidentiary value collected or
2 noticed or observed in this bathroom?

3 A No.

4 Q Were there any other rooms that you evaluated
5 inside the house or processed?

6 A No, that was every room.

7 Q And what else, if anything, did you collect inside
8 the home at that point?

9 A That is everything, the sheets, underwear, the
10 tape. There was another item of tape located near the
11 fish tank, which I don't believe we marked, but it was
12 similar tape as was found in the hallway, black tape to
13 secure wires of the fish tank to show maybe it was
14 something that was found in the house normally, maybe
15 it was located in the house all along, and then whoever
16 had either stretched it out, had found it there.

17 Q As you exit the house, do you remember if the sun
18 was out?

19 A At that point, the sun was out. You will notice
20 in some of the photos are a little brighter.

21 Q Next -- like this photo?

22 A Yes.

23 Q In this photo, could you tell us the angle we're
24 looking at?

25 A Right here we're looking at the corner rear of the

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1 residence. There is a bunch of cars in the off
2 distance there on the roadway. That is the distance it
3 is from the house to the roadway.

4 Q And the roadway again?

5 A Red Bluff Road.

6 Q And a vehicle that you can see in the left side of
7 this photograph, do you know whose vehicle that is?

8 A I believe that was -- do you mind if I look at my
9 notes?

10 Q Not at all. At the time, did you know whose
11 vehicle it was?

12 A I did not. I believe we later determined it
13 belonged to Amos Hatfield.

14 Q Did you process this vehicle?

15 A I did. It was actually secured. We found keys
16 and were able to enter it and was completely clean.
17 There was no items found in it.

18 Q Where did you find the keys to the vehicle? Was
19 the vehicle unlocked whenever you found it?

20 A It was registered to Amos Hatfield. The
21 vehicle -- and didn't notice if it was locked or
22 unlocked.

23 Q Do you know, based on your memory and in your
24 report, if anything of evidentiary value was collected
25 from this car?

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1 A No. It was pretty much clean. We went through
2 the trunk, interior. We didn't note anything of
3 evidentiary value.

4 Q And what was the make and model of this car?

5 A It was a Pontiac Grand Am. I don't have the year
6 noted, but I have a tag that you can see there.

7 MS. WOOTEN: Court's indulgence, Your Honor.

8 THE COURT: All right.

9 Q (MS. WOOTEN) At any point did you collect or locate
10 any weapon of any kind at the [REDACTED] Red Bluff Road
11 residence?

12 A There was no guns located or identified at the
13 scene or in the vehicle or during the search on that
14 date.

15 Q And what about any -- we discussed the camo cell
16 phone. Was there any other cell phones obtained at
17 this location?

18 A There was a cell phone collected by the patrol
19 officer, Officer Tindall. He had been provided that
20 phone by Ms. Locklear on his arrival. She had it in
21 her possession.

22 Q So Private First Class Tindall, who we heard from
23 earlier, received a cell phone from whom?

24 A Ms. Locklear.

25 Q Sandy Locklear?

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1 A Sandy Locklear.

2 Q And did she have that phone in her possession
3 whenever she handed this over?

4 A He provided to me. He identified that he received
5 it from Ms. Locklear.

6 MS. WOOTEN: May I approach the witness?

7 (State's Exhibit 126 marked.)

8 Q What is this?

9 A It is an LG model cell phone, just a plain, normal
10 cell phone.

11 Q Let's talk about the bag it came in so we can
12 understand the process. When you collect evidence and
13 it is placed in the bag, what is the red taping around
14 it?

15 A It will be sealed with this evidence tape, which
16 is a very sticky, yet easily broken, tape that is
17 placed over it. The initials would be placed on it,
18 and it will be dated, and then the next time -- say if
19 it were to be reviewed by a detective or an officer,
20 then they take the tape and initial. It helps to
21 remain in the custody -- it is not broken. So as you
22 can see on this one here, I placed the numbers on here,
23 and then placed the tape and sealed it on 8/20 of '12.

24 Q Do you know if this evidence was ever tampered
25 with or messed with, and if anyone that has access at

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1 the Horry County Police Department?

2 A No.

3 Q So you did collect this phone?

4 A We did, and it was reviewed I believe within the
5 day.

6 Q And at this point in time, when you got the phone
7 from Private First Class Tindall, did you know whose
8 phone it was or who it belonged to?

9 A I did not.

10 Q Did you know if it was Sandy's phone?

11 A I did not.

12 Q You just know that it came from Sandy?

13 A It came from Sandy.

14 MS. WOOTEN: At this time I would like to enter
15 State's Exhibit 126 into evidence.

16 THE COURT: Any objection?

17 MR. MUREDDU: No objection.

18 THE COURT: States 126 admitted without objection.

19 (State's Exhibit 126 was admitted.)

20 Q (MS. WOOTEN) It is a cellular phone, and on the
21 front it is listed as an LG cellular phone.

22 Were you able to locate anything else at the
23 property of evidentiary value?

24 A We collected a blue tube sock located near the
25 edge of the residence. You could see it briefly in one

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1 of those photos. It just seemed like it was laying
2 there out of place. There you go. Do you see that
3 blue item near the -- mid picture, blue tube sock. We
4 didn't know with maybe EMS' arrival, they sometimes
5 carry items that may need to be put on someone.

6 MS. WOOTEN: Court's indulgence, Your Honor.

7 Q (MS. WOOTEN) Once we finish questions, I didn't
8 know if you wanted to give the jury a break before I
9 move to the next part?

10 THE COURT: We need a break soon. I didn't know
11 if you wanted to do it.

12 MS. WOOTEN: I have two more questions, and then
13 we can do that.

14 THE COURT: Go ahead.

15 Q (MS. WOOTEN) Before you left the scene, I
16 understand crime scene wasn't -- it is was for the
17 incident location, but not for the entire
18 investigation. I know Ms. Locklear, as you said, was
19 on scene when you arrived. Did you ever locate a
20 purse of hers at the scene?

21 A I did not observe a purse.

22 Q An overnight bag?

23 A There were no female clothes in the residence
24 except the bra and panties.

25 MS. WOOTEN: Your Honor, that is all the questions

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1 I have just about the incident location at Red Bluff
2 Road, if you want to give the jury a break.

3 THE COURT: So you are not through with your
4 direct examination?

5 MS. WOOTEN: No, but close.

6 THE COURT: We'll take a 10-, 15-minute break and
7 give you a chance to stretch your legs. Do not discuss
8 the case even among yourselves. We'll take about a
9 15-minute break and bring you back. Thank you very
10 much.

11 (The jury exits at 3:38 p.m., and the
12 following is heard out of the presence of the jury.)

13 MS. WOOTEN: The last part of the crime scene
14 questions, there is not much, just two vehicles.

15 THE COURT: All right. We're still in the middle
16 of your testimony, so you cannot discuss your testimony
17 with anyone whether it is what you testified to thus
18 far, or what you anticipate testifying to in the
19 future. You can step down from the witness stand, but
20 don't discuss your testimony or anticipated testimony
21 with anyone, including the State.

22 THE WITNESS: Okay.

23 THE COURT: Anything from the State before we
24 break?

25 MS. WOOTEN: To correct myself, it is two

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1 vehicles, and I do have a couple of autopsy questions,
2 and other than that, then we're done.

3 THE COURT: Okay. I don't know if we can get in
4 as much as we can.

5 MR. RICHARDSON: We are ready if we have space --
6 everyone else is local and I can bring them in.

7 THE COURT: I don't know how long cross will be on
8 this. It will be close to 4:00 before we start back,
9 so we'll try to -- I don't know if we'll get all of
10 direct or recross back in, but we'll get as much as we
11 can. Anything from the State before we break?

12 MS. WOOTEN: No, Your Honor.

13 MR. MUREDDU: Nothing, Your Honor.

14 THE COURT: Take about a 15-minute break, and
15 we'll come back in a second.

16 (A recess was taken.)

17 THE COURT: Anything from the State before we
18 bring the jury back in?

19 MS. WOOTEN: No, Your Honor.

20 THE COURT: Defense?

21 MR. MUREDDU: Nothing, Your Honor.

22 THE COURT: Bring the jury back in.

23 (The jury enters at 4:04 p.m., and the
24 following is heard in the presence of the jury.)

25 THE COURT: Welcome back, Ladies and Gentlemen.

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1 Make sure you have your own notepads. Ms. Wooten, you
2 can continue.

3 MS. WOOTEN: May it please the Court.

4 Q (MS. WOOTEN) At this point in your investigation,
5 did you observe or process anything else at [REDACTED] Red
6 Bluff Road?

7 A At that residence, no.

8 Q And what did you do next within the investigation
9 of this case as crime scene?

10 A Immediately from there, I went to 2560 Main Street
11 in Conway and turned over all the evidence I collected
12 to the secured facilities, which is monitored by
13 cameras and secure boxes that only CSI personnel has
14 access to.

15 It was maybe an hour of that I went to Myrtle
16 Beach Grand Strand Hospital where I attended the
17 autopsies of both Hatfields.

18 Q And back to where you hold the evidence. If it is
19 collected by Horry County Police Department Crime Scene
20 Investigation Unit, it is in a warehouse?

21 A The items were at that point taken -- we have a
22 facility in the main building, which is accessed by key
23 card and only CSI personnel can get to that, and that
24 is where I took all of my evidence. Because at that
25 point, it wasn't packaged for storage, and so the

JONATHAN MARTIN - DIRECT EXAMINATION

1 following day we go through it a lot more and take
2 photos, if there was more that needed to be processed
3 or packaged to be sent to SLED.

4 Q Now that you are a major crime scene detective
5 instead of an investigator, do you have access now to
6 the evidence locker?

7 A I do not.

8 Q Before we get into some of the vehicles that were
9 searched in this investigation, did you do anything
10 else on the 19th involving the investigation?

11 A As I described, I went to Grand Strand Hospital
12 and attended post-examination or autopsy completed by
13 Dr. Proctor, who is the physician that does all of the
14 autopsies for the county.

15 Q Why would a crime scene investigator go to the
16 autopsies of the victims?

17 A At that time, we'll be there to collect any
18 evidence that comes off of the body. Sometimes, as you
19 saw at the scene, the victims are clothed. When we go
20 through the autopsy, the clothing is taken off. Crime
21 scene collects the clothing, because you don't know if
22 there can be evidence on the clothing. Also, we'll
23 photograph the body during the process to show if there
24 is any injuries. We can make a good determination and
25 representation of what happened to the body.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q And do you know exactly when on the 19th these
2 autopsies took place?

3 A It was about 1:00 in the afternoon, about
4 1:00 p.m.

5 Q How long would it have last?

6 A Each one takes approximately an hour, maybe an
7 hour and 15 minutes.

8 Q And when -- you explained that sometimes evidence
9 is collected from the bodies. Did you do anything else
10 at the autopsy while you were there?

11 A At this time I collected buccal swabs from both
12 victims. A buccal swab is a general swab from the
13 mouth, and that is so we have a representative sample
14 of the victim's DNA. Oftentimes in an investigation,
15 you might find blood evidence you need to compare it
16 to. At that time, we got swabs from the victims'
17 mouths, and also there were items taken from the
18 victims' -- the injuries.

19 Q And do you take photos of those.

20 A I do.

21 Q Who was present at the autopsy besides yourself?

22 A At that time, I believe it was me and Dr. Proctor
23 and his assistant, which is Leroy Rush.

24 Q And Dr. Proctor and the assistant, were they the
25 ones actually performing the autopsy?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A They are the ones that completed the examination,
2 the cutting. He is a medical doctor, so he's able to
3 make a medical analysis of those injuries.

4 Q And you said you collected a few items besides the
5 clothing from the victims?

6 A Yes.

7 MS. WOOTEN: May I approach the witness with
8 State's 11 for identification purposes?

9 THE COURT: All right.

10 MS. WOOTEN: I'll show the defense what it is.

11 Q Could you tell me if you recognize this?

12 A There is two boxes in here and tape on the outside
13 similar to that other piece of evidence. This is --
14 this is a projectile box that has cloth in it -- or
15 cotton, I'm sorry, which is used to keep so there is
16 not any scratches to the projectile and -- there it is.
17 It is a projectile piece, is the first one. This one
18 is from Thomas Hatfield as described by the box, and it
19 was secured with the tape and initialed by me.

20 Q And can I borrow that box from you real quick?
21 Thank you. So this box contains a projectile?

22 A The projectile. It is the fired portion of the
23 bullet. When you see it in this form, it has gunshot
24 powder, the primer, casing. A majority of that isn't
25 fired, it actually explodes. The main portion that

JONATHAN MARTIN - DIRECT EXAMINATION

1 goes out of the gun is the projectile portion in this.
2 It is a small -- small caliber, could be in the low
3 20s.

4 (State's Exhibit 127 marked.)

5 Q So the two boxes contained in State's 11, and the
6 projectile that you were just describing concerning
7 Tommy Hatfield is now State's Exhibit 127 for
8 identification purposes. You said this was removed
9 from Tommy's head during the autopsy?

10 A It was at the point of autopsy. After the
11 injuries had been -- exterior injuries were
12 photographed and noted by Dr. Proctor, opened up the
13 victim's skull and was able to take out the projectile.

14 Q Because the projectile was able to be collected at
15 the autopsy, that means that the projectile entered --
16 could you explain? Did the projectile exit?

17 A There was an entry, I believe in my notes, as he
18 noted, there was an entry wound into the head. There
19 was no corresponding exit wound. The bullets entered
20 and never left, which is why it was collected. There
21 was an x-ray done prior to going into the skull to
22 confirm there was a bullet in there.

23 Q Before we get into the next box, can you take us
24 through the process as a crime scene investigator, when
25 Dr. Proctor removes the projectile from Mr. Tommy

JONATHAN MARTIN - DIRECT EXAMINATION

1 Hatfield's head during autopsy, what is done to secure
2 that evidence and protect it?

3 A One thing you see on TV is they'll take a pair of
4 metal pliers pulling the bullet out, that is not the
5 way it happens. The doctor will use his hands or
6 something soft to pull the bullet out because you don't
7 want to scratch it on the sides, that is where you get
8 striations, which a gunshot examiner can compare it to
9 the fired gun or other projectiles that are collected.
10 From there, you can pull it out, briefly wash it off.
11 We obviously know where it came from, and then it is
12 placed into a box, this box. At that point, it was
13 sealed up and taken as evidence and taken to the MR
14 Brown building.

15 Q So only you had that box in your possession until
16 it was put into evidence storage?

17 A Yes. And at that point it was reopened and
18 packaged up for transport to SLED. We do not have a
19 gunshot expert or ballistic expert at Horry County
20 Police Department; we utilize SLED, the state law
21 enforcement agency, to do all of the processing of the
22 guns.

23 Q That is all I have with State's 127 contained in
24 Exhibit 11.

25 (State's Exhibit 128 marked.)

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Can you tell me what is in that particular
2 container?

3 A Similar to the other one, it is a box with the
4 cotton or fabric inside, and then there is also a
5 projectile, which, as you can tell from looking
6 briefing at it, it is a similar small caliber, bronze
7 in color, just the projectile portion, and it looks
8 similar.

9 Q The projectile from Thomas Hatfield -- did you say
10 this is a projectile from?

11 A This is from Amos Hatfield.

12 Q And that was removed from his head during the
13 autopsy?

14 A Removed from Amos' -- during Amos' autopsy. Amos
15 was done second. There was no commingling of items.
16 It was first Thomas, all his evidence was collected,
17 sealed, and then Amos was begun.

18 Q And once the projectile is collected, does it go
19 through the same process again?

20 A Yes. It is sealed up with that -- with the tape,
21 Horry County police tape here, and was initialed by me.
22 This has been opened by me twice, and then it was sent
23 off to SLED for processing.

24 Q Just for purposes of the chain and who touched the
25 evidence, to make sure the evidence stays secure, how

JONATHAN MARTIN - DIRECT EXAMINATION

1 is the box sealed and then sealed into the bag?

2 A When it was transported off to SLED, it was left
3 pretty much open air in this fabric. It is sealed.
4 When SLED gets it, their ballistic expert will bag it
5 up one time, which it was initialed with one of the
6 people at SLED, and when the expert reviewed it, they
7 actually put it in the second bag and initialed it
8 again and gave it an ID number, which is right here,
9 SLED ID number. So anything bagged up here is SLED's
10 portion, and this is our portion here (indicates).

11 Q And how are these seals tamper resistant, because
12 this is important evidence, in any case? How would you
13 assure that this evidence wasn't tampered with prior to
14 opening it up?

15 A Before it seals, it is a very sticky tape, but
16 very weak. The second you start messing with it, it
17 will break. At SLED they will be there. If this item
18 showed up there and had broken edges, they would not
19 accept it. It has to have a full chain of custody to
20 show where it started and where it ended.

21 Q Do they do -- do you do any unique coding besides
22 SLED, two sets of numbers or anything like that?

23 A We give it an Horry County case number. On this
24 one it is 12083828030. The first numbers up to the 030
25 are going to be the case number, which is an Horry

JONATHAN MARTIN - DIRECT EXAMINATION

1 County Case No. 12083828. Those last three numbers,
2 030, is this item number, and that corresponds to a
3 system we have, it has a bar code; that way, when we
4 keep track of it, we can scan it and we know exactly
5 where it is at at a given point. Where this item was
6 brought to court, it was scanned by the evidence
7 personnel and handed over to me, and I initialed it.
8 They know it was given to a detective. It is able to
9 track where everything goes. There is quite a bit of
10 evidence collected, even in a case like this, possibly
11 a hundred pieces of evidence. Keeping delicate track
12 is very important.

13 Q The warehouse, again, is this the same warehouse
14 that you keep all of the evidence where only certain
15 people would have access to the warehouse?

16 A The warehouse is a -- it's a secured building. It
17 has -- you actually have to have an ID card, which only
18 evidence personnel has. There is cameras, and it is
19 surrounded by -- I believe it is a 12-foot high fence
20 with barb wire.

21 Q And to your knowledge, you were the one that
22 placed these two projectiles obtained at autopsy of
23 both victims in this case? You are the one that placed
24 them in the box, sealed them and placed them in this
25 bag?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Yes.

2 Q Were you the detective or the officer that handled
3 this evidence before and transported it to SLED?

4 A No. This evidence, I believe, was CSI
5 Investigator Domogauer was the one that transported the
6 items to SLED, and there is a chain of custody in that
7 case also.

8 Q To your knowledge, with handling these specific
9 pieces of evidence, is this a fair and accurate
10 depiction of the projectiles that were removed and
11 collected from Amos and Tommy Hatfield?

12 A It is.

13 Q And they were removed and collected on August 19,
14 2012?

15 A They were.

16 MS. WOOTEN: At this time I would like to move
17 State's Exhibit No. 11, which contains State's Exhibit
18 127 and State's Exhibit 128.

19 MR. MUREDDU: No objection.

20 THE COURT: In evidence without objection.

21 (State's Exhibits 11, 127 and 128 admitted.)

22 Q Was there anything else that you obtained from
23 either victim at the autopsy?

24 A There was a fragment of a plastic or hard item
25 that was taken from the youngest Hatfield, Thomas

JONATHAN MARTIN - DIRECT EXAMINATION

1 Hatfield's head. Upon autopsy, there was a smaller,
2 but severe laceration above the head that was collected
3 and pulled out. It was like a piece of plastic.

4 Q Hatfield, which victim was that?

5 A That was the first one that was autopsied, but the
6 youngest one, laying in the living area, living room
7 area.

8 MS. WOOTEN: May I approach to show --

9 MR. MUREDDU: May I approach, also?

10 MS. WOOTEN: We'll approach with State's Exhibit 9
11 for identification purposes.

12 Q Can you tell me what you see here?

13 A As before, it is a manila envelope marked like the
14 others with the scanned ID. It indicates the black in
15 color unknown item from T. Hatfield's skull, secured
16 with the Horry County evidence tape. It is marked with
17 dates, as you can see. Inside is one of those
18 projectile boxes, like before, with the fabric cloth,
19 and there is a black, slightly discolored object in
20 there, which was collected from the skull of Thomas
21 Hatfield during the autopsy.

22 Q And were you able to determine at that point in
23 time what exactly material this is?

24 A I was not. It looks either like plastic or hard
25 -- I think hard plastic.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q You said that you observed yourself that this was
2 removed from the front portion of Tommy Hatfield's
3 head?

4 A Above the right forehead.

5 Q And this was all sealed in the same way and
6 fashion as the projectiles in the case?

7 A Pretty much treated as a projectile, thought it
8 was not. It's the same container, sealed it with tape,
9 initial it, date it and then secure it in this Horry
10 County manila envelope with all the markings, secured
11 by me again and entered into the storage facility.

12 MS. WOOTEN: If I may enter State's Exhibit 9?

13 THE COURT: Any objection?

14 MR. MUREDDU: No objection.

15 THE COURT: Entered into evidence without
16 objection.

17 (State's Exhibit 9 was admitted.)

18 Q You said -- I know that we don't know what it is,
19 but the two projectiles, you say they were similar in
20 nature in color?

21 A Bronze in color, small caliber, having similar
22 characteristics. You can look at them and identify
23 they are from a similar type of weapon.

24 Q And after the 19th, did you get involved in any
25 other particular investigation in this case?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A I did. On the 21st I conducted two search
2 warrants, completed two search warrants on two
3 vehicles.

4 Q And which vehicle did you process first?

5 A I believe it was the other vehicle. I don't
6 believe it was the Kia first. Do you mind if I look at
7 my notes?

8 THE COURT: Go ahead.

9 A The Kia was first, I'm sorry. It was 11:02 that
10 day, the 21st. I conducted a search of a Kia that was
11 brought to Horry County Police Department. It was
12 stored in the -- in our evidence facility. We have a
13 covered garage where cars are brought there that need
14 processing. They are loaded underneath so they are
15 protected from the elements.

16 Q And do you know how the Kia sedan got to the Horry
17 County impound lot?

18 A It was located the day of the incident. Within
19 hours of this initial call, it was located, burned in
20 the area -- I believe it was in the area of Fremont in
21 Longs. It was completely destroyed. It matched
22 similar characteristics of a vehicle that was
23 identified and taken from Ms. Locklear during this
24 supposed robbery.

25 Q If you could go to the next slide, please.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Is this the Kia we're speaking about and how you
2 investigated it?

3 A It is. When the item is towed in, it is
4 surrounded by crime scene tape securing it showing it
5 hadn't been entered. Obviously, this one there is not
6 a whole lot to see.

7 Q Prior to your investigation, did you just arrive
8 at the impound lot and you were assigned to process
9 this, or did you know anything else about the Kia
10 besides where it came from?

11 A I knew it matched the similar time line, and there
12 had been a Kia that was taken by -- I believe rented by
13 Ms. Locklear and Mr. Hatfield. It was a newer model
14 Kia that I think was borrowed from Kia Myrtle Beach,
15 and it was missing, and it matched the same style. You
16 couldn't immediately identify it because, as you can
17 see, there is no tag, it's burned up. You can't even
18 tell the color. But based on its location and the
19 similar circumstances, that it is completely burned
20 within an hour of finding this scene at the Hatfield
21 residence, we believed it was most likely the same
22 vehicle.

23 Q And this is just more of the damage of the
24 vehicle. So you didn't go out and see the burning
25 vehicle, though?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A I did not.

2 Q But it was within -- from your knowledge --

3 A I believe it was within the hour. I believe it
4 was 6:00 a.m. that it was located.

5 Q And based on -- I apologize. You said based on
6 the location, do you know or do you remember
7 approximately how far away it was down the road when
8 they located the vehicle?

9 A It was located on Bell Clair Road and Galloway
10 Drive in Longs. I would assume it is not more than 8
11 to 10 miles.

12 Q Based on your knowledge of the area?

13 A Yeah.

14 Q What time did your limited search -- because it is
15 barely there, what did you limited search of the Kia
16 take place?

17 A 11:02 we did the search of the Kia. We received a
18 search warrant on that vehicle to enter it, even though
19 it is completely burned. There may be some expectation
20 of privacy as to whoever's car it was. There could be
21 something in the trunk that you could look in and say
22 there is not much in the car, but there could be
23 something in the trunk. You have to make sure that all
24 protocols was followed and a search warrant was
25 obtained. We started the search at 11:02.

JONATHAN MARTIN - DIRECT EXAMINATION

1 Q Is this -- what are we looking at here?

2 A That is the seats. You are looking in the back
3 window. As you can tell, there is nothing in there.
4 It is completely burned. Any fabric and the metal is
5 burned down and melted. Cars burn very quickly and
6 very hot, and leave very little.

7 Q What are you looking at here?

8 A The engine block after the front hood was pried
9 open.

10 Q And what is this ID?

11 A That is a VIN plate located on the engine. Most
12 times in these vehicles there are VIN numbers located
13 numerous places in the car. If it is stolen or burned,
14 certain VIN numbers are much more resilient; they'll
15 take the heat. Most won't. You'll see one under the
16 hood, that burns up real quick. The ones on your
17 engine, they are not easily seen; you have to know what
18 you are looking for. This one is the VIN found and it
19 matches the VIN number that we had been notified that
20 was loaned to Ms. Locklear and Mr. Hatfield.

21 Q So she, to your knowledge, didn't -- Mr. Hatfield
22 and Ms. Locklear did not own the car, they rented it?

23 A Not so much rented, but provided the vehicle
24 during maintenance of an owned vehicle.

25 Q Due to the extensive damage, were you able to --

JONATHAN MARTIN - DIRECT EXAMINATION

1 beside identifying this vehicle with the VIN number,
2 were you able to obtain anything of evidentiary value
3 from the vehicle?

4 A There was nothing located or collected.

5 Q Was there another vehicle that you had to process
6 at crime scene?

7 A There was a Dodge Neon, which was processed in
8 Tabor City Police Department in North Carolina.

9 Q And can you tell us how this vehicle is involved
10 in this case and why it was --

11 A On the 21st, I was notified that there was a
12 vehicle that possibly that belonged to Ms. Catterra.
13 She had been identified as a possible girlfriend of a
14 suspect. I was not made aware how; I didn't speak to
15 the parties, but I was notified there was a vehicle
16 being brought into the Tabor City Police Department
17 that needed to be search in reference to it. Tabor
18 City Police took the search warrant for the vehicle. I
19 believe she had given consent also, but they felt more
20 comfortable -- being that she wasn't on scene -- to do
21 a search warrant.

22 Q I know in your testimony you said it was red. I
23 don't know why -- for the record, it is red, but I
24 don't know why it looks like that on the screen,
25 though. Did you process the car while it was on this

JONATHAN MARTIN - DIRECT EXAMINATION

1 tow truck, or was it taken down?

2 A They dropped it back a little bit so I could work
3 on it. It is a cherry red type in color. It doesn't
4 really appear that way on screen. Maybe one of the
5 side shots would be better.

6 MS. WOOTEN: If I could use the hard copies and
7 publish to the jury on this vehicle?

8 MR. MUREDDU: No objection.

9 THE COURT: Are the hard copies already in
10 evidence?

11 MR. MUREDDU: Yes, Your Honor. I can tell, and
12 I've seen, that -- I don't know the reason, but that is
13 a red car. For brevity purposes, we agree.

14 MS. WOOTEN: Thank you, Mr. Mureddu.

15 Q So this was -- belonged to Catterra Todd, you found
16 out through your investigation?

17 A Yes.

18 Q Tabor City, North Carolina?

19 A Tabor City, North Carolina. It was their police
20 department.

21 Q And next item please. What is this?

22 A Bill of sale for the vehicle Catterra Todd is
23 listed as the owner.

24 Q Continue, please. And what side of the vehicle
25 are we looking at here?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A Driver's side, opened up.

2 Q Did we obtain anything of evidentiary value at
3 this point?

4 A We did not.

5 Q What do you see on the floor area of the vehicle
6 at this point?

7 A There is a lot of dirt. It is not very clean,
8 trash.

9 Q Which side of the vehicle is this?

10 A Passenger's seat.

11 Q What is that packaging material in the back side
12 of the picture?

13 A On the bottom?

14 Q Yes, on the floor.

15 A I believe it was just trash, like papers.

16 Q Did you notice anything or observe anything about
17 the floorboard of the passengers side of the car?

18 A A lot of grass, cigarette butts, pieces of food,
19 paraphernalia, top of a soda can there.

20 Q And in the backseat?

21 A Very similar to the front, or lot of dirt, sand,
22 oil, things you might keep in your car, trash. That is
23 the back driver's side.

24 Q Did you collect any of these items we're looking
25 at now?

JONATHAN MARTIN - DIRECT EXAMINATION

1 A I did not.

2 Q And next photo. What part of the car is that?

3 A That is the trunk.

4 Q What observations did you make about the trunk?

5 A Very dirty, a lot of grass. There was a strong
6 odor of gasoline coming from the trunk, it was strong
7 enough that it was almost overpowering.

8 Q Did you remove any of the items inside the trunk
9 or anything?

10 A I moved them around. It pretty much was trash.

11 Q Was anything inside the trunk covered with
12 gasoline?

13 A I did not see anything covered with gasoline; you
14 could smell it, though.

15 Q Did you obtain anything inside the trunk -- or
16 into evidence?

17 A I believe it was in the glove compartment there
18 was an envelope addressed to Nehemiah Evans in Tabor
19 City.

20 Q Why was that important?

21 A Nehemiah Evans was named to the detectives as a
22 possible suspect.

23 Q At this point in the investigation, this was
24 August 21st after you had gone through the autopsy and
25 the scene, written your reports and the two vehicles,

JONATHAN MARTIN - CROSS-EXAMINATION

1 were you involved in anything else in this case as a
2 crime scene investigator?

3 A Past sending things off to SLED -- I didn't
4 physically drive them, no.

5 Q At this point in time, since you did not search
6 anything else, was there any weapons or any other cell
7 phones located by you or investigated by you at this
8 point?

9 A No.

10 MS. WOOTEN: That is all I have. Answer any
11 questions Mr. Mureddu may have.

12 CROSS-EXAMINATION

13 BY MR. MUREDDU:

14 Q Good afternoon, Detective. Before we get started,
15 one of your investigative reports, does that appear to
16 be a copy of your CSI investigative report, which I
17 would say includes the processing of the Hatfield house
18 and the observations at the autopsy?

19 A (Witness examines document.) it is.

20 Q I may defer to this later.

21 A I have a copy of it, also.

22 Q Let's go back to you being called out to the
23 Hatfield house. When you got to the scene of the
24 Hatfield house, Sandy Locklear was present?

25 A Yes.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q You were made aware that there was an allegation
2 by her that she had been sexually assaulted?

3 A Yes.

4 Q While the rape -- the claim of rape turned out to
5 be false, you didn't know that at the time, did you?

6 A No.

7 Q Now, when there is an allegation of rape and you
8 are a CSI worker, would that cause you, in general, to
9 focus specific attention on gathering evidence bearing
10 on or that would be consistent with a sexual assault?

11 A It would. As a crime scene officer, you aren't
12 trained to collect sexual assault evidence. There are
13 specific nurses, sexual assault nurse examiner. They
14 are responsible for collecting that type of evidence,
15 being that it is happening on a live body. They go to
16 the hospital and they'll be placed in a room, speak to
17 a doctor, speak to the nurse examiner, and at that time
18 they'll examine what allegations they have. Was
19 they're ejaculation? Was it anal? Oral? You know,
20 did pull your hair, do anything? Hurt you anywhere?

21 At that time, photographs are collected. Being
22 that a sexual assault is a very personal and traumatic
23 experience, having an officer on scene do that would
24 probably be horrifying.

25 Q Let me be more specific, and I'm referencing your

JONATHAN MARTIN - CROSS-EXAMINATION

1 report. I have highlighted, and I'll read it. Your
2 pages are not numbered. I'm on Page 3 about there.
3 I'll read what you wrote: Because of the allegation of
4 sexual assault, I collected bed linens which consisted
5 of sheets and such.

6 What I'm getting at is -- as indicated in your
7 report -- if you receive an allegation of sexual
8 assault, you may do specific things or gather specific
9 pieces of evidence to see if they are consistent with
10 that; can we agree on that?

11 A Yes.

12 Q So, again, just to clarify my overall point, if
13 you receive some notification or some allegation that
14 there is a sexual assault in a crime scene, not the
15 victim, but in a crime scene that I'm processing, you
16 may look for certain pieces of evidence or see certain
17 pieces of evidence to see if it is consistent with the
18 allegation of sexual assault?

19 A Yes.

20 Q And according to your report, you actually did
21 that in response to there being that, specifically
22 collecting sheets and such?

23 A Yes.

24 Q That is what I'm trying to get at. Okay.

25 Now, I'd like -- you said earlier in your direct

JONATHAN MARTIN - CROSS-EXAMINATION

1 examination that oftentimes when you are assessing a
2 crime scene and looking for certain evidence, sometimes
3 it is better for you not to have the back story.

4 A You need to have some back story. I mean, if you
5 went to a house and didn't know there was a shooting,
6 you wouldn't know what to look for, slightly. Knowing
7 the actual details of who was standing where, who was
8 over this person, who pulled the trigger here, things
9 like that might limit your focus. If I told you to go
10 to a house and you don't even -- no one says there was
11 a shooting, you are not looking for bullet holes, you
12 may not find that type of stuff; sometimes it is very
13 small. With this, we knew there was a shooting, there
14 was an allegation of sexual assault, so I could
15 somewhat focus towards those crimes. But looking for
16 specific items of evidence, it is better to be a little
17 more broad.

18 Q Let me rephrase that in a different way. When you
19 are looking at evidence without a back story, sometimes
20 you can draw certain conclusions just based on a visual
21 inspection; is that fair to say?

22 A Yes, sir.

23 Q And would Thomas Hatfield and Amos be, perhaps, an
24 instance to where you would rather see it with your own
25 eyes than hear the story to give you a clearer picture

JONATHAN MARTIN - CROSS-EXAMINATION

1 of what may happen; is that fair -- sometimes?

2 A Yes, sir.

3 Q So, again, let's get to the story that you were
4 provided with. You were informed that Sandy Locklear,
5 she made an allegation that she had been sexually
6 assaulted numerous times?

7 A Yes. I wasn't sure how many times, I wasn't given
8 that detail, but she was sexually assaulted.

9 Q Part of the back story was that Sandy Locklear, to
10 your understanding, had been sexually assaulted?

11 A Yes.

12 Q And another part of the back story was that she
13 had been bound up, tied up with tape?

14 A Yes.

15 Q Another part of the back story is that she was
16 bound up, tied up with tape and bound to the bed in the
17 master bedroom; is that correct?

18 A I don't know about bound to the bed, just found in
19 general.

20 Q But this binding and this sexual assault, the back
21 story provided to you was that it occurred in the back
22 master bedroom?

23 A Yes.

24 Q That is your back story. Okay.

25 Now, specifically with the time -- and I'm going

JONATHAN MARTIN - CROSS-EXAMINATION

1 to come off of your report, and I think there is -- at
2 the end of it there is an itemized list of what you
3 took out at the scene, but can we agree -- I think this
4 is page -- does that paragraph deal with --
5 particularly at the beginning -- the tape evidence that
6 you identified and secured?

7 A It does.

8 Q Can we agree that when it comes to tape evidence
9 that you observed and took into custody or examined,
10 that there were three specific items dealing with duct
11 tape?

12 A There were.

13 Q Now, let me go through the last one first. I want
14 to go right to this sentence, and I'll read this
15 sentence. The tape I'm referring to is not in this
16 picture, it is going to be one that was around the TV
17 where the aquarium was. I will read your line and see
18 if you agree with this. I'll say "this" instead of
19 "the." The tape -- or this tape -- was used to secure
20 wires and appeared to have been there for sometime.

21 Do you recall writing that?

22 A Yes.

23 Q You remember -- tell the jury where that was and
24 the nature of that tape, to your recollection or your
25 report?

JONATHAN MARTIN - CROSS-EXAMINATION

1 A On top of the TV there was maybe a 2-foot
2 aquarium. It doesn't show it in the picture, but it
3 was in the living room area. On the wires that hung
4 down behind, that is where I found that black tape.
5 Like I noted, and you just reiterated, it appeared like
6 it was a little older and had been there for some time,
7 but it exhibited all the same properties of the tape
8 that we were finding in the living room area -- or
9 hallway area.

10 Q In plain language, it looked like that tape?

11 A It looked the same.

12 Q But it had been there for some time and didn't
13 appear to have been tampered with?

14 A It didn't appear that someone did it that night.
15 It looked like the tape belonged there.

16 Q Got you. Now, again, operating under -- let's
17 look at what's in Slide 40 there. I'll walk over here.
18 This bundle right here on the floor in the hallway,
19 based on the back story that you had, did that appear
20 to be consistent with the tape that Sandy Locklear
21 reported was used to bind her up, been bound up and
22 that she freed herself from?

23 A It did seem similar, yes.

24 Q But she had reported that she had been bound up,
25 she had to work herself free, all of this occurring in

JONATHAN MARTIN - CROSS-EXAMINATION

1 the bedroom, mind you, but with that report and that
2 back story, that appeared to be -- or is consistent
3 with that tape that she claimed to have been bound up
4 with; can we agree with that?

5 A Yes, sir.

6 Q Now, up there -- so that is the second taped item,
7 or two of the three taped items that you processed,
8 looked at, et cetera; can we agree on that?

9 A Yes, sir.

10 Q Now, the third item would be that roll of black
11 tape neatly placed up there on that shelf; is that the
12 third black duct tape item that you observed?

13 A It is.

14 Q As I said, that one is neatly placed on the shelf;
15 can we agree upon that?

16 A It is on the shelf, yes.

17 Q And the bundle is directly underneath it or in
18 very close proximity to it in the hallway; is that
19 correct?

20 A Yes, sir.

21 Q Did you find any tape at all other than those
22 three items of tape, the aquarium and those two?

23 A No.

24 Q Did you find any tape at all in the bedroom?

25 A No.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q There wasn't any single individual tape or any
2 other tape item found in the bedroom?

3 A No.

4 Q Yet, she did report that she was bound up, taped
5 up, and the assault occurred in the bedroom, to your
6 understanding; is that correct?

7 A Yes.

8 Q Now, you examined the bedroom, the master bedroom
9 where the alleged sexual assault occurred; is that
10 correct?

11 A Yes, sir.

12 Q And I'm going to go back to this line right here
13 about what you did in relation to the sheets. Again,
14 I'll read it, not to be redundant. Because of the
15 allegation of sexual assault, I collected bed linens
16 which consists of the two sets of fitted tan sheets and
17 a tan cover sheet; do you agree with that?

18 A Yes, sir.

19 Q Now, you did that, collected the linens,
20 specifically for the purpose of examination or
21 purposely in response to that is where a sexual assault
22 was supposed to have occurred?

23 A Supposed to have, yes.

24 Q Did you collect the sheets in the master bedroom,
25 or did you collect the sheets in the other bedroom as

JONATHAN MARTIN - CROSS-EXAMINATION

1 well?

2 A I did not collect them in the other bedroom, just
3 the master. That is where she said it happened.

4 Q Okay. Now, these two pictures, which the State
5 introduced into evidence, do you recognize those?

6 A Yes, sir.

7 Q Is it fair to say that the pictures depict the
8 bed, the condition of the bed and the contents on the
9 bed in that master bedroom?

10 A Well, there was the bra and female underwear that
11 would have been down here. It was since removed. This
12 is a shot where the sheets and that -- I don't know if
13 they can see it, but the top portion is as it was seen
14 with the two pillows and sheets there.

15 Q Let me show you another -- you say two pillows.
16 Look at that. Can we agree there were actually three
17 pillows?

18 A Three pillows, yes.

19 Q Can we agree that those three pillows, based on
20 this pictures, had pillowcases on them?

21 A They do.

22 Q And there were some pillow evidence earlier, and I
23 noticed you made a distinction about pillows to where
24 one specific pillow in evidence you described as not a
25 bedroom-type of pillow, and the other one being a

JONATHAN MARTIN - CROSS-EXAMINATION

1 bedroom-type of pillow; would you agree on that?

2 A Yes.

3 Q So, clearly, in your observation you had described
4 pillows in the house and differences between what
5 pillows would be commonly used as bedroom pillows, and
6 pillows not commonly used as bedroom pillows?

7 A Yes.

8 Q So in the master bedroom there is three pillows on
9 that bed, the bedroom-type of pillows, and all three
10 had pillowcases?

11 A Yes.

12 Q Thank you. Now, I showed you these pictures that
13 I was provided and that I made copies of before you got
14 on the stand. We agreed, did we not, that those
15 pictures that you are holding in your hand would be
16 pictures that you took when you processed the crime
17 scene; can we agree on that?

18 A Yes.

19 Q You took those pictures?

20 A I did.

21 Q And that would been in that entire -- along with
22 those pictures, some of the pictures that State
23 introduced evidence, but you processed them, took them?

24 A Yes.

25 Q Take a look at that picture. That is, can we

JONATHAN MARTIN - CROSS-EXAMINATION

1 agree, the other bedroom in the house that actually
2 contained a bed and was used for sleep?

3 A Yes, the one we believed was Thomas Hatfield's
4 bedroom.

5 Q Can we agree that there are two pillows on that
6 bed?

7 A There is.

8 Q Can we agree that these two pillows are
9 bedroom-type of pillows?

10 A They are.

11 Q Can we agree that there are pillowcases on those
12 and surrounding them?

13 A Yes.

14 Q So as far as the bedrooms that you processed, can
15 we agree that all of the bedroom-style pillows in the
16 two bedrooms had pillowcases on them?

17 A Yes.

18 Q Now, one of -- there was another bedroom style
19 pillow without a hole in it that was on the couch close
20 to Thomas Hatfield's body; can we agree upon that?

21 A Yes, sir.

22 Q I believe this is it?

23 A It is.

24 Q This was on the couch where Thomas Hatfield
25 appeared to be laying at, during or before the

JONATHAN MARTIN - CROSS-EXAMINATION

1 shooting; can we agree upon that?

2 A I'm not aware where he was laying before, but it
3 is near where he was laid out on the couch.

4 Q This was in close proximity where --

5 A Yes, sir. Yes, sir.

6 Q This is a bedroom-style pillow?

7 A Yes, sir.

8 Q And it has a pillowcase on it; can we agree upon
9 that?

10 A It does.

11 Q So far, can we agree that you have seen six
12 bedroom-style bedroom pillows that have pillowcases on
13 the; can we agree upon that?

14 A Yes.

15 Q Now there was -- I took the glove off too soon.

16 This pillow, can we agree, was found in close
17 proximity to Mr. Amos Hatfield; you would agree with
18 that.

19 A Yes, sir.

20 Q Would you agree that this is not a bedroom-style
21 pillow?

22 A It's not a normal type of pillow. It doesn't have
23 the normal form. It could be more of like a lounging
24 type of pillow. It does not have pillowcases.

25 Q I guess what I'm getting at is, is it fair to say,

JONATHAN MARTIN - CROSS-EXAMINATION

1 in your opinion, and I don't think either one of us are
2 experts on pillows, but this pillow may not be the type
3 of pillow --

4 MS. WOOTEN: Objection based on speculation. He
5 just did the crime scene and he couldn't actually give
6 an opinion as to where that particular pillow could be
7 placed. He is not an interior decorator.

8 THE COURT: Overruled. I'll allow it a little
9 bit.

10 Q (MR. MUREDDU) Would you expect a pillowcase to be
11 on this style of pillow?

12 A No, it is a little longer than normal pillow.

13 Q That is all. And a pillowcase was not, in fact,
14 on this pillow?

15 A There was no pillowcase on that pillow.

16 Q This pillow introduced into evidence, this was the
17 pillow found in close proximity to Thomas Hatfield; can
18 we agree upon that?

19 A Yes, sir.

20 Q And we agree -- and I'll let you look -- that this
21 is a bedroom-type of style of pillow?

22 A It is.

23 Q Can we agree there is no pillowcase on it?

24 A Yes.

25 Q All right. So, three pillows in the bedroom with

JONATHAN MARTIN - CROSS-EXAMINATION

1 pillowcases in the master bedroom, correct?

2 A Yes, sir.

3 Q Two in Thomas Hatfield's bedroom that are pillow
4 or bedroom type of pillows that also have pillowcases
5 on them, agree?

6 A Yes, sir.

7 Q And a bedroom style pillow on the couch in close
8 proximity to Thomas Hatfield that has a pillowcase on
9 it?

10 A Yes, sir.

11 Q So out of all of the bedroom style pillows you
12 found in the house, only one did not have a pillowcase
13 associated with it; can we agree upon that?

14 A Yes, sir.

15 Q That one would be the one that had what appears to
16 be bullet holes in it; is that correct?

17 A The one bullet hole probably going through it,
18 yes, sir.

19 Q But the one bedroom style pillow, the only bedroom
20 style pillow that doesn't have a pillowcase on it is
21 the one that has the hole in it; can we agree upon
22 that?

23 A Yes.

24 Q You would not be in a position to say that when --
25 or if a gun was fired through that pillow, that didn't

JONATHAN MARTIN - CROSS-EXAMINATION

1 have the pillowcase on it, the bedroom style pillow,
2 you could not say whether or not it had one on it when
3 the gun was fired, would you?

4 A The pattern on the other side of it seemed
5 consistent with the spray blood. I would think it may
6 not have been on there if it was in close proximity to
7 the head. If you look on the back side, there is blood
8 that looks like it was more right on top of him. Like
9 it was -- like when it was fired.

10 Q Let me get into that. You didn't -- you are not
11 an expert on spatter or splatter blood evidence?

12 A No.

13 Q And you are not giving an opinion as to
14 forensically, angle wise or otherwise, that a certain
15 blood spatter or splatter should be a certain way based
16 on firing? You are not giving that opinion, are you?

17 A On the pillow, if it is on or off, I don't know,
18 is my opinion.

19 Q So you don't know, that is fair. I think that in
20 me response to Ms. Wooten's questions, one of the
21 things she asked you about the pillows in proximity to
22 the Hatfields was, did they appear to have been moved
23 or had they been moved, to your knowledge, when you saw
24 them?

25 A Just in general moved?

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q In general.

2 A I do not believe they were on top of their heads.
3 They would have had to have been moved off of their
4 heads. They had to have been at least held on or in
5 close proximity.

6 Q Exactly what I'm getting at. So when you say they
7 didn't appear to be moved, your opinion was in relation
8 to law enforcement?

9 A That is how I took her question.

10 Q We can agree that if a shooter were to have fired
11 a gun through a pillow into the head of either of these
12 individuals, and the pillow wasn't on top of the head,
13 they would have had to have been moved; can we agree
14 upon that?

15 A Yes.

16 Q Because if they hadn't been moved, they would
17 logically have been located on top of their heads?

18 A Yes.

19 Q And they were not located on top of --

20 A No.

21 Q Now, again, let's talk about that blood evidence
22 that you are talking about. When you talked about the
23 blood that was on the bedroom style pillow without the
24 pillowcase, the location of it, if it had been moved in
25 various ways, that could have affected, could it not,

JONATHAN MARTIN - CROSS-EXAMINATION

1 where the blood would have collected on the pillow or
2 the pattern it would have developed?

3 A Yes.

4 Q So to try to draw a conclusion as to what the
5 blood stains mean, as far as how the gun was fired or
6 something, that would be very difficult to do if you
7 knew that the pillow had been moved? That could
8 influence the outcome, couldn't it?

9 A Yes.

10 Q But, again, six bedroom style pillows, five of
11 them -- actually seven bedroom style pillows, six of
12 them with pillowcase and one with bullet holes with no
13 attached pillowcase; can we agree on that?

14 A Yes, sir.

15 MR. MUREDDU: Court's indulgence, Your Honor.

16 THE COURT: All right.

17 (A brief pause in the proceedings.)

18 Q (MR. MUREDDU) Let's stay with the scene just for a
19 minute. You prepared this diagram of the Hatfield
20 house; is that correct?

21 A Yes, sir.

22 Q Can we agree that this is one -- basically a
23 combination of a room, for lack of a better?

24 A It is similar to a open-air aspect, yes.

25 Q And there are actually three separate rooms that

JONATHAN MARTIN - CROSS-EXAMINATION

1 could be bedrooms or bedroom style rooms; although, I
2 know only two were being used, do you want to agree
3 with that?

4 A Yes, sir.

5 Q And there is a bathroom here, and then another
6 bathroom contained within the master bedroom; can we
7 agree upon that?

8 A Yes, sir.

9 Q So would it be fair to say that we have one, two,
10 three -- five areas in that house that could be closed
11 off with their own door?

12 A Yes.

13 Q Private areas. There is a door you can close, you
14 can't see what is behind it? They are their owned
15 contained rooms?

16 A Yes, sir.

17 Q Small, whatever. You have two bedrooms that have
18 their own contained rooms with doors, and three
19 bedrooms with their own contained rooms with doors?

20 A Yes.

21 Q And then there is a hallway that leads to these
22 rooms or access to these rooms, and depending if you
23 are going that way or leads to the common area; is that
24 correct?

25 A Yes, sir.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q Now, if someone were to have come into this house
2 and they were going to search the house, or inspect the
3 house, to see if there were any people in the areas not
4 in plain view in the front room, there are basically
5 five different rooms that they would have to go into to
6 see if anyone was in; is that fair to say?

7 A Yes, sir.

8 Q You photographed, I believe, all five of these
9 rooms that are -- I'll call them self-contained; is
10 that correct?

11 A Yes, sir.

12 Q When you go through that hallway into these rooms,
13 depending on your proximity within the room, the view
14 is such that you can't see -- or it is obstructed into
15 the main room area out of all five rooms; can we agree
16 on that?

17 A There is locations in all five rooms where you
18 couldn't see the living area, yes.

19 Q So if someone went in the house and went to search
20 in these rooms, the view of the main room could be
21 obstructed by walls, doors, et cetera, can we agree, if
22 they were to go into these doors?

23 A The location of all five of those rooms have areas
24 that could not be seen to the main area, yes.

25 MR. MUREDDU: Court's indulgence, Your Honor.

JONATHAN MARTIN - CROSS-EXAMINATION

1 (A brief pause in the proceedings.)

2 Q (MR. MUREDDU) Just a few more questions, Detective.
3 I'm not going to hold you to it, Detective, but just
4 in general, you pretty much searched every square inch
5 of that house, the important areas; can we agree upon
6 that?

7 A Yes, sir.

8 Q You secured the whole crime scene, photographed,
9 et cetera?

10 A Yes, sir.

11 Q Very thoroughly?

12 A Yes, sir.

13 Q Now, did you access this aerial view? Can we
14 agree this is an aerial view, or do you know that this
15 is an aerial view of the Red Bluff Road location?

16 A It looks like Red Bluff Road, yeah.

17 Q Did you provide this or do that as part of your --
18 or do you remember?

19 A I believe I may have looked at it when I was
20 trying to establish north, east, south, west. I don't
21 believe I -- I'm not sure. I have looked at the
22 overall view.

23 Q So you are familiar enough with the aerial view of
24 that area, that that is what this is?

25 A Yes.

JONATHAN MARTIN - CROSS-EXAMINATION

1 Q And about right there is the house, I think it is
2 the white one.

3 A Okay.

4 Q Now, there are woods, a heavy wooded area, right
5 in proximity to that house; can we agree upon that?

6 A Yes, sir.

7 Q And, actually, when you look at this, and when you
8 look at where the back door is, I think you testified
9 earlier that the back door was on the wooded side of
10 the residence; is that correct?

11 A Yes, sir.

12 Q And the story was the entrance, by whoever, was
13 through the back door; is that correct?

14 A Yes, sir.

15 Q And it appears that your inspection, and folks in
16 general, the Hatfields, Ms. Locklear, the back door was
17 a common going in and coming out of area?

18 A I felt that way, yes.

19 Q And the woods are actually closer to the house
20 than the road is, would you agree upon that, on visual
21 inspection?

22 A Yes, sir. Yes, sir.

23 Q Now, you searched the house and you inventoried
24 the cars. Did you search, yourself, in the woods for
25 any disposed of evidence, clues, et cetera?

THE COURT TO THE JURY

1 A No, sir.

2 Q To your knowledge, were the woods searched by
3 anyone with the county police or any law enforcement
4 agency who investigated this crime?

5 A No, sir.

6 MR. MUREDDU: Thank you. I have nothing further.

7 MS. WOOTEN: No questions on redirect.

8 THE COURT: You may step down.

9 MS. WOOTEN: May this witness be excused?

10 MR. MUREDDU: No objection.

11 THE COURT: All right. You are free to go. Thank
12 you very much. Ladies and Gentlemen, it is about ten
13 after 5:00. It is a good time to break for us to break
14 for the day, so I'll excuse you for the remainder of
15 the day. Leave your notepads in the jury box. I'll
16 need you to be back in the jury room at 9:15 tomorrow
17 morning. We'll try to start as soon after 9:15 as we
18 can, but that will give you an opportunity to get back
19 and get a cup of coffee or something of that nature.
20 We'll start around 9:30.

21 Now, because of this juncture, ordinarily we try
22 to stop as close to 5 o'clock as we can; however, we've
23 got a good number of witnesses we still have to go
24 through, so you probably need to make arrangements for
25 tomorrow and possibly Thursday to work later. I don't

THE COURT TO THE JURY

1 know if anyone has to pick up children or be anywhere,
2 but if you have to be somewhere at 5:00, you probably
3 need to make arrangements to work a little bit later
4 tomorrow and possibly Thursday. I want to be sure we
5 get this case this week, so I'd rather work later
6 tomorrow and Thursday than go into Saturday or next
7 week, so make arrangements if you need to. I'll excuse
8 you for the remainder of the day.

9 Do not discuss the case, even among yourselves.
10 Don't conduct any independent investigation, look
11 through the Internet or newspaper or find out anything
12 about the case. Leave your pads in the jury box, and
13 we'll see you tomorrow morning at 9:15. Thank you very
14 much.

15 (The jury exits at 5:14 p.m., and the
16 following is heard out of the presence of the jury.)

17 THE COURT: Anything from the State?

18 MR. RICHARDSON: No, sir.

19 THE COURT: Defense?

20 MR. MUREDDU: Nothing, Your Honor.

21 THE COURT: All right. Have them come back at
22 9:15. I'll take the bench right at 9:30.

23 (Whereupon, the proceedings for January 13, 2015
24 concluded and the following was had on January 14, 2015
25 out of the presence of the jury.)

THE COURT TO THE JURY

1 MR. RICHARDSON: I ask Clay Hatfield be allowed to
2 sit in here. It's not really -- nothing he will be
3 testifying to in any way relates to anything that --

4 THE COURT: Any objection?

5 MR. MUREDDU: No objection on Mr. Hatfield staying
6 in.

7 THE COURT: All right. We'll allow him to stay
8 in.

9 MR. RICHARDSON: We have one witness on her way
10 and another one that should be here momentarily.

11 THE COURT: Do we have anyone to call now?

12 MR. RICHARDSON: Yes, Ms. Domogauer and
13 Mr. Hatfield.

14 THE COURT: Anything from the State before we
15 bring the jury in?

16 MR. RICHARDSON: No, sir.

17 MR. MUREDDU: Nothing.

18 (The jury enters at 9:36 a.m., and the
19 following is heard in the presence of the jury.)

20 THE COURT: Welcome back. I hope everyone had a
21 good evening. We are now ready to resume with the
22 trial of this case. I remind you to check your
23 notepads and make sure you have your own notepads and
24 not anyone else's notepads.

25 All right. State can call their next witness.

JILL DOMOGAUER - DIRECT EXAMINATION

1 MR. RICHARDSON: Out of a matter of precaution,
2 could you inquire from the jury to make sure they
3 didn't watch the news or anything?

4 THE COURT: All right. Anyone on the jury read
5 anything, saw anything, discussed anything or know
6 anything about this case other than what was presented
7 in trial yesterday? Did anyone watch the news, go on
8 the Internet, read the newspaper or find out about this
9 case? I don't know that there was anything, because I
10 didn't see anything, but if anybody did see anything,
11 they need to let us know. All right.

12 MR. RICHARDSON: Thank you. State calls Detective
13 Jill Domogauer Horry County police department.

14 THE COURT: All right.

15 (JILL DOMOGAUER, having been duly sworn,
16 testified as follows:)

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

19 THE WITNESS: Jill Domogauer, D-O-M-O-G-A-U-E-R.

20 DIRECT-EXAMINATION

21 BY MR. RICHARDSON:

22 Q Investigator Domogauer, could you tell us your
23 place of employment, how long and in what capacity?

24 A Currently employed with Horry County Police
25 Department. I'm a forensic crime scene lab

JILL DOMOGAUER - DIRECT EXAMINATION

1 investigator. I've been with the county police for
2 approximately -- going on five years. I've been with
3 the crime scene for maybe about three years. Prior to
4 that, I was a City of Conway officer for 11-and-a-half
5 years, seven of those years I was a crime scene
6 investigator.

7 Q And in the course of your duties as crime scene
8 investigator, both in Conway and now with the county,
9 was it common practice for you to handle evidence in
10 cases?

11 A Absolutely. It is one of our duties as a crime
12 scene officer, and also within evidence collection
13 there is transportation and such.

14 Q We heard a lot about what crime scene
15 investigators do with regard to investigating crime
16 scenes, but in addition to investigating crime scenes
17 and picking up evidence and analyzing it, do you have
18 any other duties with regard to maintaining the
19 integrity of evidence?

20 A Yes. We have many different duties. We wear many
21 different hats. Part of being a crime scene
22 investigator with Horry County, and also with the City
23 of Conway, we are also evidence technicians, that is
24 the second hat we wear. We package, photograph,
25 handle, store, transport various pieces of evidence,

JILL DOMOGAUER - DIRECT EXAMINATION

1 whether it be our cases or the department's.

2 Q And as far as maintaining the integrity, could you
3 tell us how evidence, such as fired projectiles, are
4 handled and stored at the Horry County Police
5 Department?

6 A Yes. There is various different ways. They could
7 be cartridge boxes, which looks like a small cardboard
8 box, like a ring box, per se. With that, you put
9 identifiers on the top of the box and seal it with
10 evidence tamperproof tape, which would indicate that
11 seal was broken and you would immediately see. Then,
12 it might go into another envelope with the evidence
13 tamper seal, or you could use a heat seal packaging
14 with heat seal and a tamperproof side to it.

15 Q We heard testimony with regard to tamperproof tape
16 used particularly in something fragile.

17 A A pain in the butt, yes, sir.

18 Q So you can tell if someone went into a box?

19 A Yes.

20 Q Now, once these items are stored -- say I have a
21 Box A, fired projectile, stored at the Horry County
22 Police Department; it's under lock and key?

23 A Yes.

24 Q Who has access to the evidence once it is stored?

25 A With the Horry County Police Department -- it is

JILL DOMOGAUER - DIRECT EXAMINATION

1 best for me to explain the whole process. A road
2 officer or detective would put a piece of evidence in a
3 locker. Our locker can only be accessed to officers on
4 the outside. Our evidence technicians could -- they
5 can only access on the inside, so there is never a
6 cross-contamination inside.

7 Once they get it, they then log it in, give it a
8 barcode, storage facility, where it will go, label it
9 so everything keeps track of it. The only people who
10 have access to that are the evidence clerks, my
11 lieutenant, evidence supervisor, of course, and your
12 crime scene division, and it's by keycard entry only.

13 Q So you can track if someone's disturbed the
14 evidence?

15 A Yes, sir.

16 Q So, say, you pick up Box A out of evidence, do you
17 throw it in your pocket and go wherever you need to go?

18 A No, sir.

19 Q What steps do you take?

20 A You have to log it out, it gets assigned to you.
21 From there, it goes -- it's constantly assigned to you
22 until it goes elsewhere. Also, with crime scene
23 there's intake/outtake, storage facilities, everything
24 is under a 24-hour surveillance.

25 Q For what purpose would evidence be taken out of

JILL DOMOGAUER - DIRECT EXAMINATION

1 Horry County Police Department?

2 A You have several different purposes. You take it
3 out for court. You can take it out to be transported
4 to the State lab or other lab facilities for testing.

5 Q That would be the State Law Enforcement Division?

6 A Horry County uses SLED.

7 Q Is that part of your duties?

8 A Yes, sir.

9 Q And were you employed with Horry County Police
10 Department and function those duties back in September
11 of 2012?

12 A Yes, I was.

13 Q Allow me to show you what has been previously
14 marked and admitted into evidence State's 127 and 128.
15 Tell me if you recognize those items?

16 A Yes, I do.

17 Q And how do you recognize those items?

18 A These are what I was describing before as
19 cartridge boxes in reference to a case I had to
20 transport.

21 Q And in those two boxes -- are those the original
22 boxes they were packaged in?

23 A Yes, sir.

24 Q Now, did there come a time when you took those
25 into your custody?

JILL DOMOGAUER - DIRECT EXAMINATION

1 A Yes, sir.

2 Q Do you know when that was?

3 A May I refer to my notes?

4 THE COURT: Yes.

5 A I believe it was September 12th, sir.

6 Q (MR. RICHARDSON) 2012?

7 A Yes, I'm sorry.

8 Q And when you took those into your custody, for
9 what purposes were you taking them into your custody?

10 A Transport from the Horry County Police Department
11 to the State Law Enforcement Division in Columbia.

12 Q That is two years and some months ago, almost
13 two-and-a-half-years ago?

14 A Yes, sir.

15 Q When you picked those boxes up, what condition
16 were they in?

17 A At the time, these boxes -- you can see the
18 evidence tape. If you look at the edges, you'll see
19 how sensitive they were. They were sealed with
20 Investigator John Martin's signature. When they were
21 in my custody, they get sealed in a tan envelope, and
22 then that is how I bring them to SLED.

23 Q I'll show you what previously has been marked as
24 State's 11. Do you recognize State's 11?

25 A Yes, I do.

JILL DOMOGAUER - DIRECT EXAMINATION

1 Q How do you recognize State's 11?

2 A This is the envelope that these cartridge cases go
3 together, so they stay together. It is with that
4 tamperproof seal.

5 Q You wouldn't put those two sealed boxes in the
6 envelope?

7 A They were already put in the envelope.

8 Q Now, you said they were sealed; no doubt they were
9 sealed on that day?

10 A Absolutely.

11 Q What happened if the seal was broken?

12 A SLED would have rejected it. I inspect it prior
13 to transportation when the paperwork is done, and when
14 I got to SLED, another officer outside of our agency, a
15 SLED agent, logs it in and inspects it.

16 Q So as I understand it, you took the envelope that
17 already had two boxes, and it was sealed?

18 A Yes, sir.

19 Q You didn't look inside?

20 A No. I felt it to feel the two boxes. I have done
21 this long enough to feel the two boxes.

22 Q And it was relatively apparent there were two
23 boxes?

24 A Yes, sir.

25 Q Once you took the envelope, you said you were

JILL DOMOGAUER - DIRECT EXAMINATION

1 taking them to SLED?

2 A Yes, sir.

3 Q Where is that located?

4 A Columbia, right off of Broad River Road maybe
5 two-and-a-half hours from here.

6 Q For what purposes were you taking them to SLED?

7 A To transfer it to the State Law Enforcement
8 Division for forensic testing and ballistics.

9 Q By "ballistics," firearm tool marking?

10 A Firearm Division, yes, sir.

11 Q So you get to SLED two-and-a-half hours away?

12 A Yes, sir.

13 Q At that point when you get to SLED, it's later on
14 on the 12th?

15 A Yes, sir.

16 Q And what happened when you get to SLED?

17 A I log in with the SLED evidence technician, the
18 loggers. They review my paperwork, my packaging, if it
19 meets the standards, it is submitted for further
20 testing to the Firearms Division.

21 Q Do you know what SLED employee you met that day?

22 A I believe her name is Dodie, I think, Yarborough.

23 Q You have it in your notes?

24 A Sorry, Doris Yarborough.

25 Q She goes by Dodie, correct?

JILL DOMOGAUER - DIRECT EXAMINATION

1 A Yes, sir.

2 Q So when you met with Doris, you handed this
3 envelope and she inspected it?

4 A She inspects my paperwork and my envelope, yes,
5 sir.

6 Q And in your presence, while you are there, does
7 anything else happen with the --

8 A Yes. When she inspects the envelope, she checks
9 the seal. She does not, on her level, open the
10 envelope. She checks the seal and my paperwork. In
11 front of me, she puts it in a see-through plastic
12 evidence bag. It is heat sealed. She gives it back to
13 me and I inspect the heat seal's integrity. I put my
14 initials on the heat seal along with case numbers and
15 identifiers.

16 Q So it is made tamperproof once again?

17 A Yes.

18 Q And all of this occurred on September 12, 2012?

19 A Yes, sir. I believe so, yes, sir.

20 Q As I understand your testimony, you took that
21 envelope to SLED at that point, which was sealed?

22 A It might have been September 6th --
23 September 12th. I'm sorry, my paperwork doesn't have a
24 date.

25 Q You say September 6th?

JILL DOMOGAUER - DIRECT EXAMINATION

1 A I'm sorry, I misread the paperwork.

2 Q September 6, 2012?

3 A Yes.

4 Q Easy enough to understand. So on September 6,
5 2012, you took the envelope with these boxes to SLED?

6 A Yes, sir.

7 Q And you can feel the two boxes in there?

8 A Yes, sir.

9 Q Your seal was on there, you handed it to Doris
10 Yarborough, seal is intact?

11 A Yes, sir.

12 Q Put it in a heat seal pack, and you initialed it?

13 A Yes, sir. I initial and date it, I'm sorry.

14 Q Okay, initial and date it. So no doubt about it,
15 this is what you transported?

16 A Yes, sir.

17 Q Thank you. Please answer any questions.

18 MR. MUREDDU: No questions, Your Honor.

19 THE COURT: You may step down.

20 MR. RICHARDSON: I ask that she be excused.

21 THE COURT: Any objection?

22 MR. MUREDDU: No objection.

23 THE COURT: She's free to go. State can call
24 their next witness.

25 (CLAYTON HATFIELD, having been duly sworn,

CLAYTON HATFIELD - DIRECT EXAMINATION

1 testified as follows:)

2 THE CLERK: State your full name and spell your
3 last.

4 THE WITNESS: Clayton Hatfield, H-A-T-F-I-E-L-D.

5 DIRECT-EXAMINATION

6 BY MR. RICHARDSON:

7 Q Mr. Hatfield, good morning.

8 A Good morning.

9 Q Could you tell us about yourself? How old are
10 you, where are you from and what line of work are you
11 in?

12 A I'm seventy years old. I was an accountant for
13 several years, but now I'm retired. I live in the
14 State of Florida, in St. Petersburg.

15 Q Are you originally from Florida?

16 A No, I'm originally from West Virginia.

17 Q Now, I know we've talked before and, once again, I
18 want to thank you for being with us. Could you tell us
19 how you are or were related to Tommy and Amos Hatfield?

20 A I beg your pardon?

21 Q Could you tell us how you are related to Amos and
22 Tommy Hatfield?

23 A Tommy is my nephew, and Amos was my brother.

24 Q And how close were you and Amos prior to his
25 murder?

CLAYTON HATFIELD - DIRECT EXAMINATION

1 A Very close. Very close.

2 Q Can you briefly tell us about growing up with
3 Amos, where you grew up?

4 A We grew up in West Virginia, sort of a poor
5 family.

6 Q Just you two? Was it just you two brothers?

7 A Oh, no, there was seven boys.

8 Q Where did you all fit in on the scale?

9 A I was the older, and he was the next from me,
10 third one from the bottom of the younger ones.

11 Q So you were in the middle?

12 A Yes.

13 Q And you were closer in age?

14 A Yes.

15 Q So you grew up, so you were close with him?

16 A Yes.

17 Q Did there come a time when Amos moved to South
18 Carolina?

19 A He retired from the military to South Carolina,
20 yes.

21 Q Retired from military, what branch?

22 A He was in the Air Force.

23 Q So after Amos retired from the United States Air
24 Force, he moved to South Carolina. Do you know about
25 when that was?

CLAYTON HATFIELD - DIRECT EXAMINATION

1 A In the late '80s, I believe.

2 Q Late '80s. Once he moved to South Carolina, where
3 did you live?

4 A Where was I?

5 Q Yes, sir.

6 A I was living in St. Petersburg, Florida.

7 Q So you've been there for some time?

8 A 47 years.

9 Q That is quite awhile. While Amos was living here
10 in South Carolina, was it always here in Horry County?

11 A Yes.

12 Q Is there times when you would visit with Amos?

13 A Quite often.

14 Q And you have been in Florida for 47 years, so
15 Tommy was born while you were in Florida, correct?

16 A Yes.

17 Q Tommy was about 40 at the time of his death,
18 correct?

19 A Yes.

20 Q Now, you said that you would see Amos from time to
21 time while he was living in South Carolina; how would
22 that occur?

23 A Well, every time I went to West Virginia on
24 vacation, I always stopped by and saw him and his wife.
25 My home office was in Columbia, so I came up several

CLAYTON HATFIELD - DIRECT EXAMINATION

1 times, and I would always spend the weekend with him
2 and his wife.

3 Q You say him and his wife, are you talking about
4 Sandy Locklear?

5 A No, his first wife.

6 Q Tommy's mama?

7 A Yes.

8 Q And Sylvia's mama?

9 A Yes.

10 Q So you would see him when you traveled to West
11 Virginia, and you saw him whenever you came to your
12 home office in Columbia?

13 A Right.

14 Q So you stayed pretty close together?

15 A Yes.

16 Q Was he your closest brother?

17 A We were all pretty close.

18 Q Tight-knit family?

19 A Right.

20 Q Prior to the murder of Tommy and Amos, when was
21 the last time you had seen Amos?

22 A I can't remember the date, but it was within, oh,
23 probably a couple of years.

24 Q Within a couple of years of his death?

25 A Right.

CLAYTON HATFIELD - DIRECT EXAMINATION

1 Q At the time of Amos' murder, was he married?

2 A I didn't think he was.

3 Q Did he have a relationship with another woman at
4 that point?

5 A I found that out, yes.

6 Q Sandy Locklear?

7 A Yes.

8 Q Had you ever met Sandy Locklear before?

9 A I still haven't met her.

10 Q At the time of Amos' murder, was there a time you
11 traveled to South Carolina for his funeral?

12 A Yes.

13 Q And during that period of time, did you have the
14 opportunity to speak with a Horry County law
15 enforcement officer?

16 A Yes, I did.

17 Q And did you inform the officers of any items you
18 had lent to Amos?

19 A I did.

20 Q Can you tell us about that?

21 A Several years ago I bought this little .25 caliber
22 automatic pistol. I kept the box and the receipt, but
23 I loaned the pistol to Amos.

24 Q When had you loaned that to Amos in relationship
25 to his death?

CLAYTON HATFIELD - DIRECT EXAMINATION

1 A I would say probably about 10, 15 years ago,
2 something along those lines.

3 Q So you bought the pistol about 20 years ago?

4 A At least.

5 Q And shortly thereafter, you loaned it to Amos?

6 A It wasn't too long after that, yes.

7 Q Could you describe this pistol?

8 A It was, again, a .25 caliber automatic pistol,
9 silver color, white handles. I don't know if they were
10 plastic or what, but they were white.

11 Q Looked like a pearl handled weapon?

12 A Yes.

13 Q White handle, silver pistol, small?

14 A Yes, pretty small.

15 Q Did you get that back from Amos?

16 A No.

17 Q Let me show you what is marked as State's 16.

18 A This is the pistol box that I gave to the
19 investigating officer. At the funeral, I especially
20 wanted to see him to give this to him.

21 Q And this is the box that the pistol came in that
22 you loaned to Amos?

23 A Yes.

24 MR. RICHARDSON: State's 16.

25 MR. MUREDDU: No objection, Your Honor.

CLAYTON HATFIELD - CROSS-EXAMINATION

1 THE COURT: State's Exhibit 16 admitted into
2 evidence without objection.

3 (State's Exhibit 16 was admitted.)

4 Q (MR. RICHARDSON) That was a Lorcin .25 caliber
5 pistol?

6 A Yes.

7 Q Other than informing the police about this silver,
8 pearl, white handled .25 caliber pistol, did you have
9 any other knowledge about this murder?

10 A Not really. Just what we picked up here and
11 there. When I was notified, I was just told that he
12 had been murdered.

13 Q Thank you very much.

14 MR. RICHARDSON: If you will, answer any questions
15 of Mr. Mureddu.

16 MR. MUREDDU: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. MUREDDU:

20 Q Good morning. I want to say I'm very sorry for
21 your loss. Just one question. I think you testified
22 to it earlier, but the gun that you loaned to your
23 brother was a silver gun?

24 A Silver color, yes.

25 MR. MUREDDU: Thank you.

CLAYTON HATFIELD - CROSS-EXAMINATION

1 THE COURT: Redirect?

2 MR. RICHARDSON: None, Your Honor. I ask that the
3 witness be excused to return to Florida.

4 MR. MUREDDU: No objection.

5 THE COURT: You may step down. You are free to
6 go.

7 MR. RICHARDSON: If we may approach?

8 THE COURT: All right.

9 (Whereupon, a bench conference was had.)

10 THE COURT: I'm going to excuse you to the jury
11 room for a matter of law. It is not that we're trying
12 to hide anything or keep anything from you, but from
13 time to time legal issues come up about the law being
14 applied and what procedure we'll follow. As I told you
15 in my opening charges, you, and you alone, decide what
16 the facts of this case are, and you decide those facts
17 exclusively on the testimony of the witnesses.
18 Sometimes when the attorneys and I discuss the law in
19 this case, it requires that the judge and the attorneys
20 address factual issues. What we say is not evidence,
21 so we do not want you to be influenced by anything that
22 I might say when discussing the facts or what the
23 attorneys say when they discuss the facts. We don't
24 want that to influence you, and that is why we excuse
25 you back to the jury room.

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 Please leave your notepads in the jury box, and do
2 not discuss the case, even among yourselves, at this
3 point in time, and we'll bring you back shortly.

4 (The jury exits at 10:01 a.m., and the
5 following is heard out of the presence of the jury.)

6 THE COURT: Mr. Richardson, you want to proffer
7 some testimony?

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

9 THE COURT: Call your witness.

10 MR. RICHARDSON: Faye Hunt.

11 (FAYE HUNT, having been duly sworn, testified
12 as follows:)

13 THE CLERK: State your full name and spell your
14 last.

15 THE WITNESS: My name is Faye Hunt, H-U-N-T.

16 DIRECT-EXAMINATION (PROFFER)

17 BY MR. RICHARDSON:

18 Q First of all, just on the record, I want to
19 caution you that we cannot mention the prior trial
20 during the course of this trial, so we can't mention
21 Sandy Locklear's trial, all right?

22 Ms. Hunt, just so we're not speaking into a void,
23 are you familiar with Sandy Locklear?

24 A Yes, sir.

25 Q And that is your cousin?

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 A First cousin.

2 Q And at the time of the murder of Amos and Tommy
3 Hatfield, what was your relationship like with Sandy
4 Locklear?

5 A After this?

6 Q Before.

7 A It was okay. I mean, I hung out at her house a
8 lot.

9 Q You socialized, hung out there a lot?

10 A Yes.

11 Q And were you familiar with her husband at that
12 time?

13 A Yes, sir.

14 Q And that was Amos Hatfield?

15 A Amos Hatfield, yeah.

16 Q Did you have the opportunity to meet Amos
17 Hatfield?

18 A Yes, sir.

19 Q How often would you see Amos?

20 A Either when he come by and bring food or
21 cigarettes or beer.

22 Q When you say "come by," where did he come by?

23 A At Sandy Locklear's house.

24 Q Where is that located?

25 A Tabor City.

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 Q So Amos would travel to Tabor City to bring food,
2 cigarettes, whatever to Sandy Locklear?

3 A Yes, sir.

4 Q Did there come a time when you witnessed Amos
5 delivering papers to Sandy?

6 A Yes, sir.

7 Q And at that point, what, if anything, did you
8 learn about those papers?

9 A It was an insurance policy, life.

10 Q When Amos gave those to Sandy, he gave them to
11 her?

12 A Gave them to her.

13 Q Did Amos stick around after that?

14 A Not really. Maybe ten minutes, to tell you the
15 truth.

16 Q Now, after Amos left, did Sandy make any
17 statements with what she thought about the paperwork?

18 A Yes, sir.

19 Q What did she say, if anything?

20 A Can I say the words?

21 Q Yes, ma'am.

22 A She said, Girl, that son-of-a-bitch died today I'd
23 be a rich bitch tomorrow.

24 Q And you witnessed her say this?

25 A Yes, sir.

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 Q Do you know how soon she said this prior to the
2 murders of Amos and Tommy?

3 A She said --

4 Q Was it close in time, summer or springtime?

5 A When they was murdered?

6 Q When did you witness her say this, the rich
7 bitch --

8 A The same day.

9 Q The same day he gave her papers?

10 A Yeah.

11 Q I'm looking for the timing when she got the
12 paperwork, was it within a month or two when he was
13 murdered, or longer?

14 A It was way before he was murdered, like a year.

15 Q About a year. And she said that?

16 A Yes, sir.

17 Q She'd be a rich bitch?

18 A Yes, sir.

19 Q Did there come a time when you witnessed Sandy
20 with a pistol?

21 A Yes, sir.

22 Q Could you describe the pistol?

23 A I can't tell you what color it is, but it was a
24 pearl handle.

25 Q Pearl handled pistol?

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 A A little pistol that she asked my boyfriend did he
2 want to buy it.

3 Q When did you see her with this pistol?

4 A The day that she called my boyfriend and asked him
5 did he want to buy it.

6 Q How close in time was it when Sandy went to jail,
7 a month before, two months before?

8 A It was like months before, I don't know how many.

9 Q A few months before she had a pearl handled, small
10 caliber pistol?

11 A Yes, sir.

12 MR. RICHARDSON: Your Honor, I believe that is the
13 testimony that is at contention.

14 THE COURT: All right. Any questions or
15 challenges at this time?

16 MR. MUREDDU: Judge, one of the things that the
17 Solicitor said when he's referencing was, "Was it
18 before Sandy went to jail," and I would ask him to not
19 say that. Again, that is going to the direction of an
20 outcome, or whatever. I don't think when he's
21 referencing a time he needs to say that specific thing.
22 Other than that, I don't think that I'm going -- I'll
23 have questions for Ms. Hunt, but I don't think I have a
24 problem with what I heard.

25 MR. RICHARDSON: Your Honor, with regard to that,

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 I wasn't trying -- whenever she was arrested on the
2 murder charges. There is testimony that she was
3 arrested and charged with murder.

4 MR. MUREDDU: That's fine.

5 THE COURT: All right. Ms. Hunt, you can step
6 down at this time. We'll probably call you back in a
7 few minutes.

8 MS. HUNT: Thank you, sir.

9 THE COURT: Anything from the State before we
10 bring the jury in?

11 MR. RICHARDSON: No, sir.

12 THE COURT: From the defense?

13 MR. MUREDDU: Nothing, Your Honor.

14 THE COURT: Let's bring the jury in.

15 MR. RICHARDSON: I believe we can reach a
16 stipulation on the record when the jury gets here.

17 [REDACTED]-7987 is the phone number that belonged to
18 Sandy Locklear, and she did not place the 911 call from
19 [REDACTED]-7987.

20 THE COURT: You are going to put that stipulation
21 when they get in?

22 MR. RICHARDSON: Yes, sir, I'll take care of that
23 real quick. I didn't want it to get away from us.

24 (The jury enters at 10:11 a.m., and the
25 following is heard in the presence of the jury.)

PROFFER TESTIMONY OF FAYE HUNT - DIRECT EXAMINATION

1 THE COURT: Ladies and Gentlemen, welcome back.
2 Please make sure you have your own notepads and you do
3 not have anyone else's. Mr. Richardson I understand
4 the State has a stipulation.

5 MR. RICHARDSON: Yes, defense and I reached a
6 stipulation to avoid -- I believe we're in agreement
7 that there is a stipulation that the number
8 [REDACTED]-7987 was the number that belonged to and
9 computed to Sandy Locklear, that was her phone number,
10 mobile phone number. Further, that the 911 call placed
11 that the jury listened to yesterday did not originate
12 from that phone number.

13 THE COURT: All right. Is that your
14 understanding?

15 MR. MUREDDU: That is my understandings, Your
16 Honor, and the defense would so stipulate.

17 THE COURT: All right. Ladies and Gentlemen, the
18 parties stipulated -- and they'll give you -- I'll
19 charge you on the law with regards to stipulations when
20 I charge you on the law before you deliberate in this
21 case, but the parties have stipulated that the number
22 -- cell number or phone number [REDACTED]-7987, that the
23 subscriber of that number was Sandy Locklear, and that
24 that was not the number which was placed from where the
25 911 call was placed in this case. Those are the facts

FAYE HUNT - DIRECT EXAMINATION

1 that the State sought to prove, and that the defense is
2 acknowledging, in fact, is factually accurate in this
3 case.

4 Anything further from the State with regard to
5 that?

6 MR. RICHARDSON: No, sir, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. MUREDDU: Nothing, Your Honor.

9 THE COURT: State can call the next witness.

10 MR. RICHARDSON: State calls Faye Hunt.

11 (FAYE HUNT, having been duly sworn, testified
12 as follows:)

13 THE CLERK: State your full name.

14 THE WITNESS: Faye Hunt, last name is H-U-N-T.

15 DIRECT-EXAMINATION

16 BY MR. RICHARDSON:

17 Q Thank you for being with us here and this morning.

18 A You're welcome.

19 Q Can you tell us where you live and where you're
20 from?

21 A I'm from Dillon, but I live in Scranton, South
22 Carolina.

23 Q Suburb of Dillon?

24 A That's the country part.

25 Q Country part, okay. You grew up in Dillon County.

FAYE HUNT - DIRECT EXAMINATION

1 In the course of growing up in Dillon County, did you
2 know Sandy Locklear?

3 A Yes, sir.

4 Q How did you know Sandy?

5 A She's my first cousin.

6 Q And you all grew up together in Dillon?

7 A Well, she lived in the country, and I lived in
8 town, but we had sleepovers.

9 Q So you all were pretty tight growing up?

10 A She and I was.

11 Q As first cousins, you had overnights or stayed at
12 each others' house?

13 A Yes.

14 Q How often would this occur?

15 A Oh, well, it would be on the weekends or, you
16 know, when school was out.

17 Q So as you grew up as children, you all hung out.
18 Did there come a time where either one of you moved
19 away from Dillon?

20 A Yeah, she moved away.

21 Q How old was she when that happened about?

22 A She ran away about, I think, 15, 14.

23 Q In her teenage years?

24 A Yes.

25 Q At that point, did you continue to be real close?

FAYE HUNT - DIRECT EXAMINATION

1 A No.

2 Q Because she was gone?

3 A I didn't know where she was at the time.

4 Q Did there come a time whenever you all came back
5 together?

6 A Yes, sir.

7 Q About when was that?

8 A I want to say -- I'm not good with time or dates
9 -- 2004 or '05.

10 Q When you all came back together -- you said it was
11 a while back, correct?

12 A Right.

13 Q You weren't keeping a calendar saying me and Sandy
14 are back together now?

15 A Exactly.

16 Q How did it occur that you all came back in close
17 contact?

18 A My daughter had a house in Aynor and she --
19 somebody told her where my daughter was living, my
20 daughter never met her, but she heard me talk about
21 her. She went to my daughter's house, and so my
22 daughter wrote me to meet me in Peedee. I grabbed my
23 pillow that I take with me everywhere, and I went to
24 her house and stayed about a week, and I went back
25 home.

FAYE HUNT - DIRECT EXAMINATION

- 1 Q Where was Sandy living at this time?
- 2 A Tabor City.
- 3 Q She was living in Tabor City, and you were living
- 4 where?
- 5 A Scranton?
- 6 Q In Florence County?
- 7 A Lake City.
- 8 Q Good barbecue.
- 9 A Yeah, The Schoolhouse.
- 10 Q Your daughter is living in Aynor, and Sandy comes
- 11 over to Aynor to try to find you. How close is Aynor
- 12 to Tabor City?
- 13 A Oh....
- 14 Q 20, 30 minutes?
- 15 A The way she drove, possibly 30 minutes.
- 16 Q So you all hooked back up, and the first time you
- 17 get back together, you go and stay in Tabor City?
- 18 A Yes, sir.
- 19 Q Where was she living in Tabor City; what kind of
- 20 house?
- 21 A Nice brick house.
- 22 Q Is that around 2011 or so?
- 23 A What, the house?
- 24 Q When you got back together and --
- 25 A Oh, yeah. Yeah. Yeah.

FAYE HUNT - DIRECT EXAMINATION

1 Q You get back together and hanging out. How often
2 would you all hang out?

3 A It seemed like every weekend.

4 Q And what would you all do when you hung out?

5 A We'd drink beer. She smoked weed, but I didn't.
6 Sat out in the garage and smoked cigarettes, because
7 she didn't smoke in the house.

8 Q At this point, where she's living in Tabor City in
9 a nice big house, was she married, unmarried?

10 A At the time she wasn't married, and then about two
11 or three months into we getting back together, she and
12 I, that is when she got married to Amos, Mr. Amos.

13 Q Hatfield?

14 A Hatfield, yeah.

15 Q Now, Amos married Sandy. Is there an age
16 difference between them?

17 A Yes, sir.

18 Q About?

19 A About 30.

20 Q And how often would you see Amos when you would go
21 over to Sandy's house?

22 A It wasn't much, like I said, but it was only when
23 it was convenient.

24 Q Convenient for Sandy, or Amos?

25 A For Sandy.

FAYE HUNT - DIRECT EXAMINATION

1 Q In this big house she was living in, do you know
2 who bought the house for her?

3 A Yes, sir.

4 Q Who was that?

5 A Amos Hatfield.

6 Q Was Amos living in the house with her?

7 A No, sir.

8 Q You know where he was living at the time?

9 A Yes, sir.

10 Q Where was that?

11 A Loris.

12 Q So Amos is living in Loris and bought Sandy a
13 house, and she's living in Tabor City. You would visit
14 that house from time to time?

15 A Uh-huh.

16 Q Sandy's?

17 A Sandy's, yeah.

18 Q And you would hang out and drink and whatever.
19 Did there come a time when you hung out at Sandy's that
20 Amos came over to bring paperwork?

21 A Yes, sir.

22 Q And you were there during this period of time?

23 A Yes, sir.

24 Q And what type of paperwork was it?

25 A It was a life insurance policy.

FAYE HUNT - DIRECT EXAMINATION

1 Q And how did you come to learn of this life
2 insurance policy?

3 A She told me.

4 Q So Sandy told you it is a life insurance policy?

5 A Yes, sir.

6 Q After Amos hands her this life insurance policy,
7 does he stick around?

8 A No, he said put it up somewhere safe and he left.

9 Q After Amos leaves, left the life insurance policy
10 with Sandy, does Sandy say anything, what she thinks
11 about this policy?

12 A Yes, sir.

13 Q What does she say?

14 A After he left, she located me and she said, Girl,
15 if that son-of-a-bitch died today I'd be a rich bitch
16 tomorrow.

17 Q So she thought that if he died, she'd be rich?

18 A Yes, sir.

19 Q Now, the life insurance policy, did you witness
20 her do anything with it?

21 A Yeah. She put it in the kitchen drawer.

22 Q And once she put it in the kitchen drawer, did you
23 ever see that life insurance policy again?

24 A No, sir.

25 Q Did there come a time whenever you traveled to

FAYE HUNT - DIRECT EXAMINATION

1 Conway, South Carolina to speak with police?

2 A Yes, sir.

3 Q Did there come a time when you learned about the
4 murder of Amos Hatfield?

5 A Yeah, on the news.

6 Q When it was broadcasted on the news?

7 A Yes, sir.

8 Q He and his son was murdered. And once you learned
9 that, what, if anything, did you do?

10 A Say that again.

11 Q Once you learned that Amos and Tommy had been
12 murdered, what did you do?

13 A I called Sandy's phone and no one would answer.

14 Q Did you make any trips after that?

15 A Yes, I did. I went to the -- I went to see a
16 detective in Conway.

17 Q So you drove from Scranton over to Conway to speak
18 with a detective?

19 A Yes, sir.

20 Q When you spoke with that detective, did you just
21 tell him everything? Did he ask questions?

22 A I went because my nephew -- like I said, my nephew
23 called and said that he heard that I was hiding from
24 the cops because I helped murder Amos and Tommy
25 Hatfield, so I went to Conway to clear my name.

FAYE HUNT - DIRECT EXAMINATION

1 Q You were living in Scranton?

2 A I was living in Scranton.

3 Q So when you came, you spoke to detectives with the
4 Horry County Police Department. Did you tell them
5 about this life insurance policy?

6 A Yes, sir.

7 Q You told them about what Sandy said when she
8 received this policy?

9 A Yes, sir.

10 Q Now, in speaking with the detectives, did you tell
11 them about any types of handguns you witnessed Sandy
12 have?

13 A Yes, sir.

14 Q And what did you tell them?

15 A I told them I didn't know what color it was, but I
16 knew it was pearl handle and she called my boyfriend
17 and asked did he want to buy it. He called it a
18 woman's gun; he didn't want it. He said he didn't want
19 a woman's gun, as he put it.

20 Q Small gun?

21 A Small gun, pearl handle.

22 Q And she had this in her possession?

23 A She had it on top of the refrigerator.

24 Q And you saw it?

25 A Yes, sir. I seen it.

FAYE HUNT - DIRECT EXAMINATION

1 Q On top of the refrigerator?

2 A Uh-huh.

3 Q Now, you remember when you saw the news story
4 about Amos being murdered?

5 A Yes, sir.

6 Q With regard to when you saw that news story, how
7 soon before that had you seen the pistol?

8 A I didn't --

9 Q A week, a month, two months before?

10 A Before?

11 Q Before the murder. Before the murder.

12 A Oh, wow.

13 Q When was the last time you saw the pistol before
14 the murder?

15 A About four, five months before.

16 Q So four, five months before, she had a small pearl
17 handled pistol in her possession?

18 A Yes, sir.

19 Q How close were you to the pistol when you saw her?
20 Me to you?

21 A No. Standing beside each other.

22 Q So you were standing near one another?

23 A Yeah, just like this. Like this, you know,
24 standing in front of each other. She was showing it to
25 me.

FAYE HUNT - DIRECT EXAMINATION

1 Q For the record, 2, 3 feet away?

2 A Yes.

3 Q Thank you. So you got a good look at it?

4 A Yeah, I did. But like I said, I don't know what
5 color it was. I knew it was pearl handled.

6 Q You contacted the police to tell them all about
7 this?

8 A Yes, I did.

9 Q And of your own accord, you drove down to Conway
10 the day after the murder to tell them about this?

11 A Yes, sir.

12 MR. RICHARDSON: Court's indulgence.

13 THE COURT: All right.

14 Q (MR. RICHARDSON) Is there a time....

15 (A brief pause in the proceedings.)

16 Q (MR. RICHARDSON) Was there a time when you were in
17 Tabor that you saw Sandy getting her yard cut?

18 A Yes, sir.

19 Q And was she cutting her own grass?

20 A She was cutting her own grass until she gave it
21 away.

22 Q Gave what away?

23 A Her new riding lawnmower.

24 Q After that point, did you witness the people
25 taking care of her yard work?

FAYE HUNT - CROSS-EXAMINATION

1 A I mean, it was two black guys, but I couldn't --

2 Q You didn't speak to them?

3 A I didn't know them.

4 Q You didn't know them, but it was two black males
5 taking care of her yard?

6 A Yes, sir.

7 Q And she had given the tractor to one of them?

8 A The deal was that if they cut her grass and Amos'
9 grass, they could keep it.

10 Q And so she had given them the lawnmower to cut her
11 grass?

12 A Yes, sir. Can I add something? Amos got upset
13 about it.

14 Q Okay. Thank you. Answer any questions he may
15 have.

16 MR. MUREDDU: May it please the Court?

17 CROSS-EXAMINATION

18 BY MR. MUREDDU:

19 Q Ms. Hunt, I think the Solicitor walked you through
20 where you came from where you lived in Scranton, I
21 believe, to Horry County and met with the police back
22 in August of 2012 to tell -- give them information
23 about what you knew about this murder; is that fair to
24 say?

25 A I didn't know nothing about the murder, I was just

FAYE HUNT - CROSS-EXAMINATION

1 seeing about what I saw on TV.

2 Q You came, met with detectives. You testified on
3 cross-examination you met with the detective and gave a
4 statement?

5 A Yes, sir.

6 Q You actually -- I have in my hand here the written
7 statement that you gave to Detective Wilson labeled
8 August 20, 2012 at 3:30 p.m. I want you to look at
9 that and confirm that what I just said is correct.

10 A (Witness examines document.) you want me to read
11 the whole thing?

12 Q No. Is that the statement that you wrote out, or
13 your daughter helped you write out, when you met with
14 the detectives?

15 A Yes, sir.

16 Q And that is more than two years ago, isn't it?

17 A Yes, sir.

18 Q Now, you testified earlier that you saw about
19 four, five months before the murder that Sandy had a
20 pistol, right?

21 A Correct.

22 Q Now, you described that pistol as having a pearl
23 handle?

24 A Yes, sir.

25 Q You said you don't remember what color it was?

FAYE HUNT - CROSS-EXAMINATION

1 A No, sir.

2 Q I want you to look at this statement that you
3 wrote out two-and-a-half years ago when it was fresher
4 in your mind, and look at what I highlighted how you
5 described that pistol.

6 A And the reason why I --

7 Q Just tell the jury what you wrote as far as the
8 color of that pistol you saw four to five months before
9 the murder?

10 A Golden.

11 Q Golden. So the pistol you saw four to five months
12 before the murder that Sandy had -- you told the police
13 two-and-a-half years ago, that you remembered that
14 pistol to have a pearl handle and to be gold; is that
15 correct?

16 A Correct. But I had called my boyfriend to find
17 out what color it was, because he told -- he's the one
18 that told me what color it was.

19 Q The Solicitor said that -- established that you
20 were from here to there, and you got a good look at
21 that pistol?

22 A Like I said, I didn't pay no attention. I knew it
23 was pearl handled.

24 Q So you paid attention that it had a white or pearl
25 handle, but you are saying you don't remember today

FAYE HUNT - CROSS-EXAMINATION

1 what color it was?

2 A If it was pink or gold, I didn't know if it was
3 pink or gold. I didn't know what color there was. It
4 could have been green, until I called my boyfriend and
5 he told me what color it was. She described it to him.

6 Q But you wrote in that statement to the police --
7 that is your writing, isn't it?

8 A Yes, sir.

9 Q Your boyfriend wasn't at the --

10 A They let me call him.

11 Q Was he -- he wasn't with you?

12 A Huh-huh.

13 Q And you told the police that the pistol that you
14 saw, and that you wrote down, that she had four, five
15 months before, it was a gold one?

16 A But they still let me call him in the room with
17 the detectives.

18 Q Did you see her with any other gun?

19 A No, sir.

20 Q But we can agree that you wrote -- you told the
21 police and wrote in your statement that the pistol you
22 saw was gold with a pearl handle?

23 A I was going by what my boyfriend told me what
24 color this was. I knew it was pearl handle.

25 MR. MUREDDU: Nothing further.

FAYE HUNT - REDIRECT EXAMINATION

1 REDIRECT-EXAMINATION

2 BY MR. RICHARDSON:

3 Q You said you called your boyfriend. Take us
4 through that. Was your boyfriend present when Sandy
5 showed you that gun?

6 A No, sir.

7 Q How did he get a look at that gun?

8 MR. MUREDDU: I object. He's asking her to answer
9 a question that somebody else -- what they saw, what
10 they know, how they saw it; that is not within her
11 personal knowledge.

12 THE COURT: How is she going to have personal
13 knowledge?

14 MR. RICHARDSON: I believe there was a picture
15 taken with her cell phone and sent to her boyfriend.

16 THE COURT: Did she take it?

17 MR. RICHARDSON: It was --

18 MR. MUREDDU: May we -- there is a matter of law.

19 THE COURT: I sustained the objection. Go ahead.

20 Q (MR. RICHARDSON) Did you ever photograph the gun?

21 A Yeah, I think she sent it to him.

22 MR. RICHARDSON: Nothing further.

23 MR. MUREDDU: Your Honor --

24 THE COURT: Sustain the objection.

25 THE WITNESS: I don't know what "sustain" means.

FAYE HUNT - RECROSS-EXAMINATION

1 THE COURT: You can only testify as to what you
2 have personal knowledge of.

3 Q (MR. RICHARDSON) Whenever you were viewing the gun,
4 was your boyfriend personally present?

5 A No, sir.

6 RECROSS-EXAMINATION

7 BY MR. MUREDDU:

8 Q You wrote to the police, in your statement, that
9 two and-a-half-years ago -- told the police that you
10 saw a gold gun; that is what you wrote, isn't it?

11 A I told them my boyfriend was --

12 Q Did you write it?

13 A Yeah, I wrote it gold, because he told me it was
14 gold.

15 Q You wrote it was gold?

16 A Yeah.

17 MR. MUREDDU: No further questions.

18 THE WITNESS: I went by --

19 THE COURT: That is it.

20 MR. RICHARDSON: Can Ms. Hunt be excused?

21 MR. MUREDDU: No objection.

22 THE COURT: Free to go.

23 MR. RICHARDSON: I'm seeing which witness is
24 available.

25 THE COURT: Okay.

THE COURT AND ATTORNEYS - JURY OUT

1 (A brief pause in the proceedings.)

2 MR. RICHARDSON: I believe there is a matter of
3 law that we need to take up prior to Detective Cox.

4 THE COURT: Ladies and Gentlemen, I need to excuse
5 you back to the jury room for a few minutes. Do not
6 discuss the case, even among yourselves, at this point
7 in time. Thank you.

8 (The jury exits at 10:33 a.m., and the
9 following is heard out of the presence of the jury.)

10 THE COURT: Mr. Richardson.

11 MR. RICHARDSON: Yes, sir. There is one matter
12 Mr. Mureddu and I discussed yesterday. The State would
13 be seeking testimony with Detective Cox with regard to
14 part of the search they did for the defendants, there
15 came a point in time in which Detective Cox became a
16 part of a search for the Defendant Nehemiah James
17 Evans. They were involved with the girlfriend of
18 Nehemiah James Evans and the red Neon Dodge we saw
19 yesterday. They were taken to the house that she
20 shared with Nehemiah. Upon reaching the house,
21 Detective Cox saw Nehemiah James Evans, and his
22 testimony is that he introduced himself as, Nehemiah,
23 we're looking for you, and he took off on foot and ran
24 from him. I know Mr. Mureddu has exception as to how
25 that is attributed to his client, but it goes to res

THE COURT AND ATTORNEYS - JURY OUT

1 gestae of how the search was conducted, who they were
2 looking for, what steps they were taking while they
3 were doing what they were doing in addition, under the
4 theory of the hand-of-one-hand-of-all, all of this is
5 in conspiracy to escape with the crime.

6 THE COURT: Was Mr. Bryant present when Mr. Evans
7 ran?

8 MR. RICHARDSON: He was not, Your Honor.

9 THE COURT: All right. So -- okay. Let me hear
10 from you.

11 MR. MUREDDU: Your Honor, I understand -- I know
12 Detective Cox. I heard the reporting of the whole
13 incident, and so I'm familiar with it and discussed it
14 with him. My exception is that the Solicitor -- and I
15 think there is relevant testimony that he has in his
16 duties in investigating this crime, and I have no
17 problem with that. I take exception to the Solicitors
18 going to explore that he came upon a codefendant, Mr.
19 Nehemiah James Evans, not my client, and the
20 codefendant saw the police, in a nutshell, I'll say it
21 in plain language, and ran.

22 That portion has absolutely no relevance as to his
23 involvement, any culpability on his part. It is not
24 probative of whether or not he was a knowing
25 participant, et cetera. What it is, I would submit, is

THE COURT AND ATTORNEYS - JURY OUT

1 evidence that could be attributed to him or make him
2 look bad. Police come, his friend running away,
3 fleeing from the police as if guilty people run, the
4 association.

5 Your Honor, I don't think that Detective Cox'
6 testimony should be explored into I came across the
7 codefendant, he saw us and he ran away. If that would
8 have been my client who saw the police and ran away,
9 clearly it is relevant, but it being the actions of the
10 codefendant, which could be somehow, by the jury,
11 negatively attach to my client, it has no relevance as
12 far as his involvement in this. It is overly
13 prejudicial. It certainly is prejudicial, but it has
14 no probative value as to what Mr. Bryant's role would
15 be and we would ask the Court not to allow the
16 Solicitor to explore that particular information with
17 the detective.

18 THE COURT: Mr. Richardson, I mean, the fact that
19 Nehemiah James Evans ran, what is the relevance in the
20 trial of Odom Bryant?

21 MR. RICHARDSON: It is part and parcel showing the
22 jury the full extent of what the investigation unfolded
23 and what steps they used as far as using the marshal
24 service.

25 THE COURT: I mean, I still don't see -- I don't

THE COURT AND ATTORNEYS - JURY OUT

1 understand. I mean, let's say on a totally separate
2 crime he went to search a residence and the defendant
3 ran, and that defendant was acquainted with Mr. Bryant
4 in this case? I mean, I'm having trouble seeing how
5 Mr. Evans running when he sees police who execute a
6 search warrant is relevant in this case when Mr. Bryant
7 was not there, he did not run. I mean, how do we know
8 Mr. Bryant wouldn't have cooperated and would say, I'm
9 here?

10 MR. RICHARDSON: I'll stay away from it, Your
11 Honor.

12 THE COURT: I'll sustain the objection.

13 MR. MUREDDU: Thank you, Your Honor.

14 THE COURT: You know, that is my preliminary
15 ruling. If the door is opened -- I mean, I'm trying to
16 figure out, too, how does the fact that Mr. Evens ran,
17 how does that adversely affect Mr. Bryant?

18 MR. MUREDDU: Well, Judge, first of all, again,
19 and not to go back to law school, but all evidence that
20 is relevant is admissible. That is not relevant. I
21 don't think it is admissible based on the relevance.
22 But if we're going to hear from my client, hear there
23 was an association with that guy, it is entirely likely
24 for the jury to -- at the end of the thing -- say those
25 guys probably were in it together and they were of like

THE COURT AND ATTORNEYS - JURY OUT

1 mind, so if one ran, the other would have if he was
2 there.

3 There is no relevance first and foremost. It
4 should not be admitted based on just that. But I think
5 there is a certain risk that it could cast a negative
6 light -- like if they put up a bunch of testimony that
7 he hangs out with drug dealers, any of that stuff. He
8 hangs out -- when you talk about the actions of other
9 people, the State can always argue, well, that has
10 nothing to do with him. I don't know why they would
11 want to get into it unless they would expect that it
12 could paint a negative light on my client. There is no
13 relevance, and I think it is improper. We object.

14 MR. RICHARDSON: If I may be heard? I would say
15 that it would be different if I said Nehemiah James
16 hangs out with drug dealers and he robbed a bank two
17 weeks before, whatever. In this instance, by his own
18 statement, which is admitted in trial in the course of
19 -- at the ruling of the Jackson v. Denno, the Defendant
20 himself said that he and James had nothing to do with
21 it, they were just there, and then they returned to
22 Tabor City.

23 This is a conspiracy-based crime,
24 hand-of-one-hand-of-all theory, if two or more conspire
25 to commit an act together, so that is where it would

THE COURT AND ATTORNEYS - JURY OUT

1 be --

2 THE COURT: I understand the hand of one is hand
3 of all, but that fact doesn't imply that Mr. Bryant
4 would have.

5 MR. RICHARDSON: Certainly, and that is why I'll
6 stay away from it.

7 THE COURT: All right. I'll sustain the
8 objection.

9 MR. RICHARDSON: For scheduling purposes, what we
10 have at this time, we would have Agent Green. He is a
11 SLED agent, firearm analyst. Detective Cox and
12 Detective Wilson. After that, we have one rather
13 lengthy witness, Brandon Strickland, with the statement
14 and everything. For scheduling purposes -- and I
15 assume we're ordering lunch again?

16 THE COURT: Yep.

17 MR. RICHARDSON: If you want to break about noon,
18 we could start at about 1:00 and get through the
19 remainder of the witnesses today.

20 THE COURT: Can we try to get lunch here by noon?

21 MR. RICHARDSON: I didn't want to start Brandon
22 Strickland and break in the middle for lunch.

23 THE COURT: We'll stop right at about noon, then.

24 MR. RICHARDSON: The statement alone would take --
25 that is about an hour-and-a-half, hour and 20 I think.

TODD COX - DIRECT EXAMINATION - JURY IN

1 THE COURT: Right. Anything from the State before
2 we bring the jury in?

3 MR. RICHARDSON: No, sir.

4 THE COURT: Anything from the defense?

5 MR. MUREDDU: No, sir.

6 THE COURT: Bring the jury.

7 (The jury enters at 10:43 a.m., and the
8 following is heard in the presence of the jury.)

9 THE COURT: Ladies and Gentlemen, welcome back.
10 We're ready to presume the trial of the case. Make
11 sure you have your own notepads and not anyone else's.
12 Mr. Richardson, call your next witnesses.

13 MR. RICHARDSON: We call senior Detective Todd
14 Cox.

15 (TODD COX, having been duly sworn, testified
16 as follows:)

17 DIRECT-EXAMINATION

18 BY MR. RICHARDSON:

19 Q Could you please tell us where you're employed?

20 A Major crime detective at the Horry County Police
21 Department. In two weeks I'll start my 21st year or
22 have 21 full years in law enforcement. I've been a
23 detective with the county police since 1999, other than
24 about a nine-month break within the 15 years, I've been
25 a major crime detective.

TODD COX - DIRECT EXAMINATION

1 Q Slide the microphone over. I can hear you fine,
2 but Madam Court Reporter needs to hear you, too. You
3 have been a detective for 15 years now?

4 A Yes, sir.

5 Q Doing investigation?

6 A Yes, sir.

7 Q You said you were with major crimes?

8 A Yes, sir.

9 Q That Department of Major Crimes is a new
10 development?

11 A Yes.

12 Q Prior to -- when did major crimes begin?

13 A Maybe 2013 or '14. It is a fairly recent
14 organizational change.

15 Q Prior to that, how did the investigative divisions
16 divide?

17 A Prior to that it was divided into three parts. We
18 had Narcotics and Vice, which as you would think like
19 on TV they are plain clothes, blue jeans and T-shirts.
20 As far as more formal attire, it was divided into two
21 parts: Property crimes, they would investigate
22 forgeries, larcenies, burglaries, as the title says
23 "property crimes." The other part of the house, which
24 is where I work, and continue to work, is violent
25 crimes, and that is primarily crimes against people,

TODD COX - DIRECT EXAMINATION

1 felonious assaults, homicides, any suspicious death is
2 investigated by that section, sex crimes, special
3 victim type of crimes. So at that -- at the time of
4 this case, we were divided in those three ways, and I
5 worked with violent crimes.

6 Q And you are in the investigative division, that is
7 separate from patrol?

8 A Yes, sir.

9 Q Tell us how cases originate in the investigation
10 division -- or the criminal investigation division; how
11 do they originate?

12 A There are a couple of different ways they
13 originate. They all start out with a call for service.
14 The police are called, be it 911 or a non-emergency
15 line, and a patrol officer responds to that scene. The
16 officer assesses the situation and either writes a
17 police report, and then that case is subsequently
18 assigned to a detective after being reviewed by a
19 supervisor, typically within 24 hours, the following
20 day. Those cases are reviewed by the supervisor and
21 assigned by the detectives to adopt the investigations.

22 The other way they are assigned, and was the case
23 in this situation, when a crime is responded to or a
24 911 call is responded to by patrol, they get on scene
25 and see it is freshly committed or of such a heinous

TODD COX - DIRECT EXAMINATION

1 nature it requires immediate action by detectives.

2 Then, the supervisor is contacted and that -- our
3 supervisor contacts the on-call detective, who then
4 responds to the scene.

5 Q Once that call comes in, you begin to roll?

6 A That's correct.

7 Q How are the cases assigned?

8 A They are assigned by -- I'm not sure what you are
9 looking for. As far as which detective gets which
10 case?

11 Q Yes. Yes.

12 A If it is an on-call situation, we have one
13 detective on-call 24 hours a day. There is always a
14 major crime detective on-call, at this time there was
15 always a violent crime detective on-call. If I say
16 "major crime" or "violent crime," I mean the same
17 thing; they are synonymous.

18 The major crime detective is on-call 24 hours. If
19 an incident happens in the middle of the night that
20 requires the response of a violent crime detective, the
21 supervisor, my sergeant, gets a phone call from the
22 patrol supervisor, and then my sergeant would call me
23 out if I'm the on-call detective. I get out of bed,
24 get dressed, go to work and begin addressing that crime
25 immediately.

TODD COX - DIRECT EXAMINATION

1 Q Once you are assigned to an investigation, say
2 something happens tonight and you get assigned, how
3 does the investigation transpire?

4 A A call out, or an assigned case?

5 Q A call out.

6 A The first thing that happens is patrol would
7 secure the crime scene, typically with yellow crime
8 scene tape, don't let anyone inside the perimeter,
9 maintain a log that would reflect the integrity that
10 that crime scene remains secured. The on-line
11 detective responds out to the scene, briefed by the
12 responding patrol units, find out what happened and
13 determine if additional resources are needed to
14 initiate the investigation.

15 Q So the agent on scene makes some of those calls?

16 A That's correct. Typically, the on-call detective,
17 when he responds on scene, he is the person in charge
18 until one of his supervisors -- if one of his
19 supervisors were to respond, obviously that supervisor
20 would be in charge, but for that time being, the
21 on-call detective assumes supervision of the case, so
22 to speak.

23 Q What are your duties as senior detective?

24 A I usually say that means that you've been around
25 for a long time, but there are some additional

TODD COX - DIRECT EXAMINATION

1 responsibilities with that. There is training
2 responsibilities associated with that. When new
3 detectives get promoted and come into the unit, you
4 kind of guide them through the process. There is some
5 Grand Jury responsibilities associated with it. There
6 are some additional responsibilities associated with
7 it.

8 Q Were you assigned to the violent crimes division
9 back in August of 2012?

10 A Yes, sir, I was.

11 Q Specifically in August 19, 2012, did you have the
12 opportunity to become involved in the investigation of
13 the murders of Amos and Tommy Hatfield?

14 A I did.

15 Q And how did you become involved, what happened?

16 A I was called. I was off. I wasn't the on-call
17 detective or anything, but I was called. It was
18 sometime after 4:00 in the morning, maybe around
19 4:00 in the morning. I was called by Lieutenant Jamie
20 DeBarry (phonetic). My immediate supervisor, my
21 sergeant, was away on vacation or he was unavailable.
22 So the lieutenant called and woke me up and asked that
23 I respond to [REDACTED] Red Bluff Road for a double homicide.

24 Q And upon arrival at [REDACTED] Red Bluff Road, what did
25 you do? Were you the senior detective on scene at that

TODD COX - DIRECT EXAMINATION

1 point?

2 A No. The case agent -- I was probably the senior
3 as far as seniority, but there were numerous detectives
4 called. It wasn't just a situation where one detective
5 was called out. They knew by the nature of the crime
6 that it would require more than one investigator to
7 pursue all leads, so probably about our whole unit was
8 called out there. I think I was probably the senior
9 detective on scene, but there wasn't an assigned case
10 agent. There was a lead detective there as well.

11 Q Who was the lead detective?

12 A Detective Neil Frebowitz.

13 Q And Detective Frebowitz, as a lead detective on
14 the case, what would his duties be?

15 A He was kind of the hub, I guess is the best way to
16 describe it. All the other detectives are the spokes
17 in the hub. All leads and information generated by the
18 other detectives working various aspects of the
19 investigation, all of that information is brought back
20 to that case agent or lead detective. He ultimately --
21 or she -- is responsible. They are responsible for
22 compiling all of the information, making heads or tails
23 out of it, organizing it and really directing the
24 investigation in the direction that he or she deems
25 necessary.

TODD COX - DIRECT EXAMINATION

1 Q And Detective Frebowitz has since left the
2 department?

3 A That's correct.

4 Q Now, once you got on scene, you met with Detective
5 Frebowitz?

6 A I did.

7 Q You said you got called out by Lieutenant DeBarry?

8 A Yes, sir.

9 Q Detective Buchanan there?

10 A Yes, sir.

11 Q So we had all of the powerful people there?

12 A Yes, sir. There is not typically that much rank.

13 Q This is a double homicide, I think you said it
14 would be an exhaustive investigation?

15 A Absolutely.

16 Q What were your first duties to which you were
17 assigned?

18 A The first thing I was assigned to do is to go to
19 an undeveloped subdivision off of Highway 905 North for
20 a burned vehicle. When I responded to Red Bluff Road,
21 I was briefed on the situation, and that was the first
22 assignment I was given.

23 Q Do you know for what purpose you were being sent
24 to a burnt vehicle?

25 A Yes, sir. The information was that Sandy Locklear

TODD COX - DIRECT EXAMINATION

1 was an alleged victim still on scene at the time. She
2 obviously had not been killed during the course of this
3 incident, and she claimed that the two perpetrators in
4 this incident had stolen her vehicle and left with it.
5 Shortly thereafter, patrol got a call of a vehicle
6 fully engulfed in flames in that general area of the
7 county, and being the close time frame the vehicle was
8 fully engulfed in flames at that time of morning, they
9 felt it prudent to send a detective to see if it was
10 related.

11 Q So while at the murder scene, you get a call of a
12 burning car. About how far away was the burning car?

13 A 5 miles maybe. I don't know exactly.

14 Q That was around the Galloway Drive area?

15 A Yes, sir.

16 Q So you responded to the burning vehicle?

17 A Correct.

18 Q Who was on scene when you got to the burning
19 vehicle?

20 A There was a patrol officer, fire department I
21 guess just left. But there was a patrol officer,
22 Officer Calvert (phonetic), if I remember correctly,
23 myself and Detective Brian Wilson responded.

24 Q So you and Detective Wilson went out. Was the car
25 still on fire when you get there?

TODD COX - DIRECT EXAMINATION

1 A No, sir.

2 Q What was the condition of the car?

3 A Destroyed. It was burned, bad.

4 Q Toast?

5 A Yes, sir.

6 Q Allow me to show you what is marked State's 123.

7 (State's Exhibit 123 marked.)

8 Q Do you recognize State's 123?

9 A Yes, sir.

10 Q How do you recognize State's 123?

11 A It is a map of the Loris section of Horry County,
12 or a part of Loris section. It has [REDACTED] Red Bluff Road
13 with a red star it. Red Bluff Road is annotated with a
14 red line, and then Galloway Court, which is where this
15 vehicle was located burned, is annotated with a red
16 star, and that is -- I think that is Highway 905 North
17 that is annotated with a red line.

18 MR. RICHARDSON: State seeks to introduce 123 in
19 evidence.

20 MR. MUREDDU: No objection.

21 THE COURT: Without objection.

22 (State's Exhibit 123 was admitted.)

23 MR. RICHARDSON: Permission to publish at this
24 point?

25 THE COURT: Yes, that is fine.

TODD COX - DIRECT EXAMINATION

1 Q So we're looking at the jury's left side is the
2 crime scene?

3 A Yes, sir.

4 Q And down here a short distance away is where you
5 found the burned vehicle?

6 A That's correct.

7 Q Fairly and accurately represents the area?

8 A Yes, sir.

9 Q And the distance?

10 A Yes, sir.

11 Q You said you got on scene at Galloway Court,
12 Galloway Drive, and the fire department just left, so
13 the fire is out?

14 A Correct.

15 Q Now, what steps did you take at this point? I
16 mean, you said the vehicle was obliterated?

17 A It was, yes, sir. Badly burned.

18 Q What, if anything, did you do?

19 A We photographed the vehicle as it sat. We didn't
20 disturb it any. It was still smoking, too hot to touch
21 and I wouldn't have touched it anyway. We photographed
22 it and requested that it be impounded to be processed
23 by a crime scene tech, or whoever is capable of
24 processing the vehicle, in hopes that they can identify
25 and find a VIN and figure whose vehicle it was, what

TODD COX - DIRECT EXAMINATION

1 type and that type of thing. That information wasn't
2 visible to me.

3 Q To your knowledge, was there ever a VIN number
4 recovered?

5 A There was.

6 Q Were you able to trace the VIN number to find the
7 owner?

8 A Yes, sir.

9 Q What was it?

10 A It was a Kia that belonged to the Kia dealership
11 in Myrtle Beach. It was subsequently determined that
12 that vehicle was a loaner vehicle that the dealership
13 had given to Sandy Locklear on the day or day prior to
14 this incident occurring. She took the vehicle she
15 owned to the dealership and requested a loaner while
16 that vehicle be serviced, so this was the loaner
17 vehicle they gave her. It was actually given the day
18 prior.

19 Q This was a sedan?

20 A Correct.

21 Q Now, how long were you at the burnt vehicle scene?

22 A Maybe an hour.

23 Q And you are waiting on scene for towing?

24 A Yes, sir. Squeaky's has to come from Conway, and
25 so it is probably an hour.

TODD COX - DIRECT EXAMINATION

1 Q Once Squeaky's Towing comes and picks up this
2 burnt vehicle that belongs to the Kia dealership, the
3 rental, what do you do?

4 A I called Detective Frebowitz, told him what we
5 found, what we did with the vehicle and asked what they
6 would like done next. We were directed to go back to
7 the county police station in Conway where we would get
8 together and kind of fan out from there.

9 Q Kind of a powwow session?

10 A Correct.

11 Q To see what are the next steps?

12 A Yes, sir.

13 Q While you were at the ML Brown building, do you
14 remember what time of day you got there?

15 A No. It was morning. It was daylight, obviously.
16 I don't know. Maybe 8:00, 9 o'clock, something like
17 that, if I had to guess.

18 Q And in this particular case, a double murder,
19 father and son, can you just describe everything that
20 was going on at this point?

21 A It is -- probably the best way I can put it from a
22 personal standpoint is it is one of the few things my
23 job -- what I do with my job, I do it every day and it
24 becomes kind of a common place, as most people's jobs.
25 Every day is a little different, but the same types of

TODD COX - DIRECT EXAMINATION

1 crimes. They are somewhat redundant. In a case like
2 this, it is not redundant. You know, when you have a
3 loss of life, let alone two, double loss, and it is a
4 homicide, it evokes adrenaline and a desire to do our
5 job, really, to the absolute best, you know not leave
6 any stone unturned. That is just not for me, I'm
7 talking about as a human, multiple detectives with
8 multiple years of experience, that is how we
9 collectively and individually respond.

10 Q So everyone is hitting the ground running?

11 A Absolutely.

12 Q Not taking breaks or anything?

13 A No. No.

14 Q The detectives aren't?

15 A No. It is full bore, wide open. Everything you
16 have physically, emotionally, intellectually,
17 everything is wide open.

18 Q As senior detective with 15 years or so of
19 experience in investigations, you had the opportunity
20 to interview people before?

21 A Yes, sir.

22 Q And in the course of your duties, do you ever take
23 the opportunity to monitor others' interviews?

24 A All the time.

25 Q How is that accomplished?

TODD COX - DIRECT EXAMINATION

1 A Our interview rooms are equipped with audio and
2 video equipment so that a detective or two detectives
3 could be in an interview room with a witness or suspect
4 obtaining a statement, conducting an interview, and
5 that interview can be monitored remotely. You can
6 watch it, listen to it, almost like TV, but it is
7 realtime.

8 Q Did there come a time while you are at ML Brown
9 building that Sandy Locklear was brought back in?

10 A Yes, sir.

11 Q For what purpose?

12 A She was a witness. She alleged that she was
13 sexually assaulted, so she was a victim. Obviously,
14 she's the lone living witness victim in this case, so
15 her statement was crucial to the initial part of this
16 investigation.

17 Q Was she transported straight from the murder scene
18 to the ML Brown building?

19 A No. I think she was taken to Conway Hospital.
20 Again, she was a victim of a rape, sexual assault, and
21 our protocol is that those victims are taken to the
22 hospital where the sexual assault evidence kit is
23 collect from them. So one detective was assigned to
24 take her to Conway Hospital. At the conclusion of the
25 process at the hospital, she was then given a ride to

TODD COX - DIRECT EXAMINATION

1 the police department to be interviewed.

2 Q And so Sandy Locklear was eventually interviewed
3 at the department?

4 A She was.

5 Q Do you remember what time of day that began?

6 A It was that morning. I don't recall the time.

7 Q Late morning?

8 A Yes, sir.

9 Q She was being talked to as the victim, did you
10 participate in that?

11 A No, sir.

12 Q Did there come a time when you participated in the
13 remainder of the interview?

14 A Yes, sir.

15 Q Sandy Locklear was there late morning?

16 A Uh-huh.

17 Q And do you remember how long she was interviewed
18 as a victim?

19 A I don't. I do not.

20 Q Long time, short time?

21 A Long time.

22 Q Did there come a time when it turned?

23 A Yes, sir.

24 Q And we can't get into what she said, but do you
25 know what transpired without telling us what she said.

TODD COX - DIRECT EXAMINATION

1 What happened, transpired, to terminate the interview?

2 A Yeah, and I'm trying the best way to explain it.

3 One of the reasons why somebody monitors these

4 interviews is because information -- time is of the

5 essence in these cases. Time is very important to us.

6 There is the TV show called "The First 48," and there

7 is a lot of truth to that. The first 48 hours of an

8 investigation are crucial to us. So time is very, very

9 important. So one of the reasons why we monitor these

10 interviews is because as a witness or victim is

11 providing information, that can immediately be followed

12 up. We want an ability to send someone out in the

13 field to follow up on these leads as they are coming

14 out of the witness' mouth.

15 For a long period of time, Sandy Locklear would

16 give us pieces of information that were easy to follow.

17 I mean, something as easy as there is a blue car parked

18 in the first parking space, you can send a detective

19 and look in the first parking space and see it is

20 brown. So these can be followed up immediately. Sandy

21 Locklear provided us bits and pieces of information

22 during her victim statement. We were sending

23 detectives out to follow up on those pieces of

24 information. After several of those leads that she was

25 providing us proved to be false, things started to

TODD COX - DIRECT EXAMINATION

1 change, and that is when her interview and statement
2 became an interrogation.

3 Q And at this point, was she Mirandized?

4 A She was.

5 Q And that is to advise her of her rights?

6 A Correct.

7 Q And during the course of the interview -- she was
8 there for awhile?

9 A She was there for a long time, yes, sir.

10 Q Was she being talked to the entire time?

11 A No, sir.

12 Q Was she given ample breaks?

13 A She was given breaks, food, offered food,
14 beverages.

15 Q Restroom?

16 A Allowed to smoke, restroom. Absolutely.

17 Q She was given cigarettes, restroom breaks and you
18 continued to interview her?

19 A That's correct.

20 Q Did there come a time where you presented her with
21 any of evidence?

22 A She was presented with cell phone records.

23 Q So she was eventually presented with her cell
24 phone records. Now, at the conclusion of her
25 interview -- it went into the evening, correct?

TODD COX - DIRECT EXAMINATION

1 A Yes, sir.

2 Q And at the conclusion of her interview, what
3 happened to Sandy Locklear?

4 A She was placed under arrest and taken to jail.

5 Q And she was charged with?

6 A Murder, two counts.

7 Q So she was charged with murder. Following her
8 interview -- without saying anything she said -- were
9 you able to identify a person of interest or other
10 suspects?

11 A Yes, we were.

12 Q Who was that?

13 A One was Nehemiah James Evans, who had cut her
14 grass, and then a street name that was "PooPoo."

15 Q Once you had the names, what efforts did you in
16 take in identifying PooPoo?

17 A We went to -- the information was that Sandy -- or
18 Ms. Locklear lived in a portion of Tabor City. She
19 wasn't a resident of South Carolina or even Red Bluff
20 Road; she lived in Tabor City, North Carolina. When we
21 got the information that Nehemiah James Evans cut her
22 grass at her residence in Tabor City, our investigation
23 shifted from Red Bluff to Tabor City.

24 Q Did you just go up there and say, We're from Horry
25 County?

TODD COX - DIRECT EXAMINATION

1 A No, sir.

2 Q What resources did you use in Tabor City?

3 A We used Tabor City Police Department, their
4 municipals. They have their own police department.
5 They lie within Columbus County, North Carolina, so we
6 used their sheriff's office. Ultimately, we used the
7 U.S. Marshall, so it became a multi-jurisdictional
8 investigation.

9 Q At some point during the course of your
10 investigation, were you able to determine anything with
11 regard to the girlfriend of Nehemiah --

12 A Yes, sir.

13 Q Who was that?

14 A Catterra Todd was her name.

15 Q And were you able to locate Ms. Todd?

16 A We did.

17 Q Did she have a street name?

18 A Pig.

19 Q Not a flattering name.

20 A No, sir, but that was her street name.

21 Q Upon locating Ms. Todd, did you have an
22 opportunity to speak with her?

23 A I did.

24 Q Did you learn anything with regard to where she
25 was living, who she was living with?

TODD COX - DIRECT EXAMINATION

1 A Yeah. She said that she lived at [REDACTED] Queen
2 Street, a single family dwelling within the city limits
3 of Tabor City, and informed us that Nehemiah James
4 Evans lived there with her.

5 Q Did she indicate anything with regard to her
6 vehicle? What kind of vehicle did she have?

7 A It was a red Dodge -- something small. I can't
8 remember the name.

9 Q Small four-door sedan?

10 A Yes, sir.

11 Q Red, and a Dodge?

12 A Yeah.

13 Q She indicated that she and James lived together,
14 did you go to search that house?

15 A We did.

16 Q Did you find evidence that James lived there?

17 A We did. We found identification in one of the
18 bedrooms.

19 Q Now, while you were searching the house, inside
20 the house, did you locate James?

21 A No.

22 Q Was Nehemiah James Evans arrested that day?

23 A No.

24 Q Did there come a time whenever Nehemiah James
25 Evans was apprehended?

TODD COX - DIRECT EXAMINATION

1 A Yes, sir.

2 Q And did you know about when that was?

3 A I don't know if it was on the 24th or 25th of that
4 month, so within four, five days of the incident, maybe
5 six days. I know I met him face-to-face on the 25th of
6 that month.

7 Q So this occurred on the 19th, so about a week
8 later?

9 A Yes, sir, within a week.

10 Q And he turned himself in?

11 A I believe he did, yes, sir.

12 Q And you indicated earlier you used the Columbus
13 County Sheriff's Department, Tabor City Police
14 Department and the U.S. Marshall service in this
15 investigation?

16 A Yes, sir. SLED did some stuff. As far as boots
17 on the ground, actually working in the field, yes.

18 Q Now, you said you ended up meeting with Nehemiah
19 James Evans on the 25th?

20 A Yes, sir.

21 Q He was taken into custody. Was he charged?

22 A He was.

23 Q What was he charged with?

24 A Murder, two counts.

25 Q Two counts of murder. Did you have the

TODD COX - DIRECT EXAMINATION

1 opportunity to speak with him at that point?

2 A Yes.

3 Q And you Mirandized him?

4 A Yes, sir.

5 Q We won't get into what he said. Anybody threaten
6 or coerce him in any way?

7 A No, sir, not in any way.

8 Q No promises of leniency or reward?

9 A Absolutely not.

10 Q Now, you said you had a street name of "PooPoo,"
11 were you able to identify who "PooPoo" was?

12 A Yes.

13 Q Who was that?

14 A The Defendant.

15 Q Odom Bryant?

16 A That's correct.

17 Q Now, the Defendant Nehemiah James Evans was taken
18 into custody on the 25th about a week after the murder.
19 Do you know when the Defendant was taken into custody?

20 A I know it was some weeks later. It was in
21 September sometime, I think.

22 Q So he wasn't taken into custody at the same time?

23 A Correct. I don't know the exact date, but it was
24 the following month.

25 Q You weren't present when he was taken into

TODD COX - CROSS-EXAMINATION

1 custody?

2 A No, I was not.

3 Q Did you have any interaction with Odom Bryant?

4 A Never, no, sir.

5 Q To your knowledge, was there ever a pistol
6 recovered in this murder?

7 A I don't believe so, no, sir.

8 Q Is that the extent of your involvement into the
9 investigation of the murders of Tommy and Amos
10 Hatfield?

11 A Yes, sir.

12 THE COURT: Cross-examination?

13 CROSS-EXAMINATION

14 BY MR. MUREDDU:

15 Q Detective Cox, we've known each other for awhile?

16 A Yes, sir.

17 Q We both have been doing this for awhile, is that
18 fair to say, and, yet, I can't get your name right.
19 Detective, having done this for awhile, I assume you
20 have testified in court before?

21 A I have, yes, sir.

22 Q Do you have any idea how many times? Is it
23 frequent?

24 A In General Sessions court, probably 50.

25 Q So this ain't your first rodeo, as they say?

TODD COX - CROSS-EXAMINATION

1 A No, sir.

2 Q Now, during your course of years in law
3 enforcement, have you been called to cooperate with
4 other jurisdictions?

5 A Yes, sir.

6 Q And you said in this case there were multiple
7 jurisdictions, out of state, federal working this case?

8 A Correct.

9 Q So it is a common thing for other jurisdictions
10 out of state, federal to cooperate with each other in
11 investigations?

12 A Yes, sir.

13 Q Now, have you ever -- you said you testified in
14 court around 50 times. Have you ever had to actually
15 testify in other jurisdictions on other cases that you
16 may have assisted on?

17 A Yes, sir.

18 Q So that is also not uncommon?

19 A Not uncommon.

20 Q Okay. Now, you testified earlier that Neil
21 Frebowitz was lead detective?

22 A Yes, sir.

23 Q You still have contact information on Neil
24 Frebowitz?

25 A No, sir.

TODD COX - CROSS-EXAMINATION

1 Q He is with another government agency, to your
2 knowledge?

3 A I have no idea.

4 Q You don't know?

5 A No, sir.

6 Q All right.

7 MR. MUREDDU: Nothing further.

8 THE COURT: Redirect?

9 MR. RICHARDSON: No, sir. I ask that Senior
10 Detective Cox be excused and returned to his duties.

11 MR. MUREDDU: No objection.

12 THE COURT: You may step down. Thank you. Let's
13 take a break. Ladies and Gentlemen, we'll take about a
14 ten-minute break, give you opportunity to stretch your
15 legs. Do not discuss the case, even among yourselves,
16 at this point in time. Leave your notes in the jury
17 box, and we'll call you back in a minute. Thank you
18 very much.

19 (The jury exits at 11:14 a.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: Anything from the State before we take
22 a break?

23 MR. RICHARDSON: No, sir.

24 THE COURT: Defense?

25 MR. MUREDDU: Nothing, Your Honor.

JAMES GREEN - DIRECT EXAMINATION

1 THE COURT: Let's take a 10-, 15-minute break.

2 (A recess was taken.)

3 THE COURT: Anything from the State before we
4 bring the jury in?

5 MR. RICHARDSON: No, sir.

6 THE COURT: Defense?

7 MR. MUREDDU: Nothing, Your Honor.

8 THE COURT: Let's bring them in.

9 MR. RICHARDSON: For the record, Detective Brian
10 Wilson is in here, and Mr. Mureddu has no objection to
11 him being here. The next witness is Jamie Green from
12 SLED, and he's not a fact witness as much as an expert
13 witness.

14 THE COURT: Any objection?

15 MR. MUREDDU: No objection. We discussed that.

16 THE COURT: That is fine. Thank you.

17 (The jury enters at 11:38 a.m., and the
18 following is heard in the presence of the jury.)

19 THE COURT: Welcome back. Please make sure you
20 have your own pads.

21 State, call your next witness.

22 MS. WOOTEN: May it please the Court. Special
23 Agent Jamie Green.

24 (JAMES GREEN, having been duly sworn,
25 testified as follows:)

JAMES GREEN - DIRECT EXAMINATION

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

3 THE WITNESS: James William Green, G-R-E-E-N.

4 DIRECT-EXAMINATION

5 BY MS. WOOTEN:

6 Q Good morning. Thank you for being here today.
7 Could you tell us about yourself, where you are
8 employed?

9 A Employed by the South Carolina Law Enforcement
10 Division, commonly referred to as SLED.

11 Q What do you do at SLED?

12 A Forensic firearm examiner in the forensics
13 services laboratory.

14 Q How long have you been a forensic firearm
15 examiner?

16 A Since June of 2005.

17 Q Could you tell us your background in order to be a
18 forensic firearm examiner?

19 A I have a bachelor of arts from Charleston Southern
20 University and a master's in science and criminal
21 justice from Charleston Southern University. When I
22 was hired at SLED I began and successfully completed
23 the course instruction of firearm and toolmark
24 identification. It is roughly a three-and-a-half year
25 apprentice program studying under court qualified

JAMES GREEN - DIRECT EXAMINATION

1 examiners to learn what I do now.

2 Q Could you tell us what you do as a forensic
3 firearms identification --

4 A Firearms identification is a discipline of
5 forensic science, which basically tries to answer a
6 common source. If bullets are submitted, were they
7 both fired by the same gun, and if a firearm is
8 submitted, were they both fired by this firearm or by a
9 separate firearm. The same with cartridge cases, were
10 they fired by this gun, one gun, two guns, three guns.

11 Q So not only do you look at bullets, you look at
12 projectiles, all kinds of guns?

13 A Yes, ma'am. We look at firearms, ammunition
14 components, bullets, cartridges cases, shotgun shells,
15 toolmarks.

16 Q And I know you know a lot more than I do when it
17 comes to any kind of firearm. Could you explain to us
18 a little bit about what -- how a firearm can make
19 markings, its own fingerprint on a bullet?

20 A Yes, ma'am. When firearms are made the tools used
21 to make the working surfaces of the firearm -- and what
22 I mean is the part that contacts the bullet or the
23 cartridge case. The tools used to make those are made
24 of metal, and they remove metal from the surfaces of
25 the firearm. By how metal and metal interact together,

JAMES GREEN - DIRECT EXAMINATION

1 studies have shown and taken many types of proficiency
2 tests and competency tests, no two firearms will mark
3 the same. If every one of you jurors are a firearm,
4 based on how the manufacturing process makes, you all
5 would mark the bullets and cartridge cases
6 individually. You would have some commonalties, but a
7 trained examiner can tell which of the firearms fired
8 which component.

9 Q So if I had two firearms and they are the exact
10 same make and model and made on the same day, and I
11 fired the same caliber bullet out of it, they both
12 would make two different marks on the projectiles?

13 A Yes, ma'am.

14 Q So does that mean that for each firearm the
15 projectile can possibly be linked to that particular
16 firearm almost every time, if you have a firearm?

17 A Yes, ma'am.

18 Q And can you just tell us the difference between a
19 bullet and a projectile?

20 A They are the same thing. We call it a bullet,
21 which is the technical term that firearm examiners use.
22 Projectile is like a general term that some people use.
23 My dad says he's going to Walmart and buying bullets,
24 but actually he's buying complete unfired cartridges.
25 Projectiles is like slang for a bullet.

JAMES GREEN - DIRECT EXAMINATION

1 Q Is there anything you can tell us just by looking
2 at a fired projectile -- what are you looking at?

3 A In a case where only a bullet or projectile is
4 submitted, we can look at what we call the OPC, the
5 observable physical characteristics. From those, we
6 can get the weight and measurement of the base, which
7 gives us the approximate caliber of the bullet.

8 Q With your experience with forensic firearms
9 investigation and identification, how many analysis of
10 firearms or projectiles or shell casings have you done
11 over the years?

12 A It is in the tens of thousands.

13 Q And have you previously testified before in court
14 as an expert in the field of forensic firearms
15 analysis?

16 A Yes, ma'am.

17 Q How many times have you testified as an expert?

18 A 35.

19 MS. WOOTEN: At this time I would like to -- this
20 witness to testify and give an opinion regarding
21 forensic firearms as an expert.

22 THE COURT: Any questions on challenges?

23 MR. MUREDDU: Defense would agree that Special
24 Agent Green is qualified to give expert testimony.

25 THE COURT: I'll qualify this witness to be an

JAMES GREEN - DIRECT EXAMINATION

1 expert in the field of forensic firearm examinations.

2 Ladies and Gentlemen, I'll charge you on the law
3 with regard to expert testimony when I charge you in
4 this case, but for the time being, all you need to know
5 is ordinarily a person can only testify as to their
6 personal knowledge, what they saw, tasted, smelled,
7 things of that nature. There is an exception for
8 witnesses who are classified as experts, which means in
9 addition to testifying as to his personal knowledge,
10 what he saw and smelled, he can render an opinion in
11 the field in which he is qualified as an expert. All
12 right.

13 MS. WOOTEN: Thank you, Your Honor.

14 Q (MS. WOOTEN) Agent Green, could you tell us about
15 the mechanics of when you fire any kind of firearm?

16 A When you fire a firearm, what will happen -- let's
17 talk about a pistol. The firing pin or striker will
18 contact a primer of the unfired cartridge. The primer
19 will crush and send a small flame through the flash
20 holding in the cartridge case and it ignites the gun
21 powder. It will start burning in different rates and
22 build up gasses. When it reaches a critical point, the
23 cartridge case mouth will slightly open, and the bullet
24 is expelled from the cartridge case down the barrel to
25 the intended target. If the bullet is going one way,

JAMES GREEN - DIRECT EXAMINATION

1 the cartridge case is forced backwards and breach face
2 of the firearm, possibly taking any marks left during
3 manufacture.

4 Q Could you tell us about what "caliber" means,
5 "ammunition," things like that?

6 A Caliber is the -- there is two definitions. We're
7 talking strictly about bullets. It is the diameter of
8 the bullet at the base. A .25 auto caliber bullet is
9 approximately .251 inches in diameter at the base. A
10 40 SNW caliber bullet is approximately .40 inches.
11 Strictly speaking of the width of the projectile or the
12 bullet at the base, and that is the caliber. There are
13 different calibers of firearms made.

14 Q And when we're talking about projectiles, are we
15 specifically talking about once the gun is fired and
16 something is expelled from the gun, the bullet is
17 expelled from the gun; is that what we mean?

18 A Yes, ma'am. It is what the -- usually the copper
19 coated lead portion of the cartridge -- unfired
20 cartridge expelled down the barrel towards the target.

21 Q Is there any way you can tell from a fired
22 projectile bullet, what kind of caliber it is?

23 A Yes, ma'am. By looking at the OPC, weighing it
24 and measuring it at the base, we can get a nominal or
25 approximate caliber of the bullet.

JAMES GREEN - DIRECT EXAMINATION

1 Q And are there different kinds of firearms -- do
2 different kinds of firearms fire different kind of
3 calipers?

4 A Yes, ma'am.

5 Q And are certain guns -- do we -- I know every gun
6 has a kind of caliber, can you interchange those
7 calibers for a specific gun?

8 A Some calibers are interchangeable in firearms that
9 are not chambered for that specific caliber. Like you
10 can shoot .22 shorts in firearms chambered for .22
11 longs. You can shoot .22 longs in firearms chambered
12 for .22 long rifle cartridges. Some, you cannot. You
13 cannot take a .45 caliber bullet and fire it in a .22
14 caliber firearm; it simply will not fit.

15 Q What about a .25 caliber pistol?

16 A .25 caliber pistol will not fit anything larger
17 than a .25 auto caliber cartridge.

18 Q Can it hold something smaller?

19 A There is a subcaliber device, yes, ma'am, but I do
20 not know of any subcaliber devices that would fit a .25
21 auto caliber pistol.

22 Q How about a .22 caliber firearm, can it fire a .25
23 caliber bullet?

24 A No, ma'am.

25 Q So, typically, what you are saying is a .25

JAMES GREEN - DIRECT EXAMINATION

1 caliber handgun fires a .25 caliber bullet?

2 A Yes, ma'am.

3 Q And there is no such thing -- do you have .25
4 caliber long guns or rifles?

5 A There is a rifle chambered for that, but the
6 bullets have a different profile. It is longer and
7 heavier and slightly larger.

8 Q Back in 2012, getting into this case, were you
9 employed with South Carolina Law Enforcement Division?

10 A Yes, ma'am.

11 Q Did you, by any chance, work with any evidence
12 having to do with this case, the murder of Amos and
13 Tommy Hatfield?

14 A Yes, ma'am.

15 Q Before we get into that, could you tell us how
16 SLED typically receives evidence that needs to be
17 tested and analyzed?

18 A Yes, ma'am. When the forensic services
19 laboratory -- we provide services for all 46 counties
20 of the state. What will happen is if Horry County
21 wants to submit evidence, they will log onto our system
22 and pre-log their evidence. They enter into the
23 computer system what they want to bring. Then they
24 come to the laboratory, and it is submitted to our
25 evidence control department. At that time, the

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1 submitting agency transfers custody of the evidence to
2 SLED and charges us with what examination they want us
3 to perform on the evidence.

4 Evidence control technicians will take the
5 evidence and put it in a secured vault, for this
6 instance, in the firearm section. A case number is
7 then assigned to the evidence, and on a rotating basis
8 firearm examiners are assigned cases. Whenever that
9 assigned examiner is notified they have an assignment,
10 they make an appointment to go downstairs and take
11 custody of the evidence from the evidence control
12 department, and then it comes back upstairs to our
13 department. Each individual examiner has an evidence
14 locker they put the evidence in still sealed, locked
15 behind a door and stays in the evidence locker until
16 the time the examiner can work the case.

17 Q We heard from Ms. Domogauer earlier about how it
18 goes from Horry County Police Department in the
19 evidence lockers all the way to SLED in Columbia before
20 testing. We discussed the -- State discussed with her
21 the process of the bagging and everything. What
22 happens if once Ms. Domogauer gets it to SLED it goes
23 into that evidence chamber you are speaking of --

24 A Yes, ma'am.

25 Q -- what happens if you go to test something and

JAMES GREEN - DIRECT EXAMINATION

1 the heat seal on that plastic bag is tampered with or
2 opened in any way?

3 A I'll close the package up, put it in the evidence
4 locker and make phone calls to figure out or try to
5 figure out what happened to it. I won't do anything
6 else until we get to the bottom of why it is not
7 sealed.

8 Q So you don't touch any evidence until it is
9 perfectly sealed?

10 A Yes, ma'am.

11 MS. WOOTEN: May I approach and show him State's
12 19 for identification purposes?

13 THE COURT: All right.

14 Q (MS. WOOTEN) Do you recognize this?

15 A Yes, ma'am, certified chain of custody for SLED
16 Laboratory Case No. L12-10850, which is the case that
17 we're here for today.

18 Q And I understand what you mean by "certified
19 chain," but could you explain in more detail what
20 exactly that document means?

21 A What it means is it lists every piece of evidence
22 submitted to SLED in this form. It goes line by line
23 and tells you what day it came in, who submitted it,
24 then it went to whomever, it follows the chain of
25 custody for each individual item of evidence. So each

JAMES GREEN - DIRECT EXAMINATION

1 item of evidence submitted to SLED in this case, the
2 custody is all recorded in this document.

3 Q Is that document for a bunch of different cases,
4 or just for this case in particular?

5 A Just this one case.

6 Q So you are saying that that document lists every
7 piece of evidence that the State or police department
8 sent to SLED to be tested?

9 A Yes, ma'am.

10 Q Is this the kind of record that is normally kept
11 in the course of business at SLED?

12 A Yes, ma'am. For every case submitted there is an
13 electronic chain of custody, and when cases go to trial
14 or Freedom of Information Act requests, or anyone wants
15 information on a particular case, you can obtain a
16 verified chain of custody that shows what items were
17 submitted and who had custody while in SLED.

18 Q Do you make this document, or is it made by
19 someone whenever it is --

20 A It is electronically tracked by the evidence
21 control tracking system, but when chain of custody
22 requests come in, they are all handled by Sharon Hunt,
23 who is the assistant to the SLED laboratory director.

24 MS. WOOTEN: At this time I would like to enter
25 this as State's 19.

JAMES GREEN - DIRECT EXAMINATION

1 THE COURT: Any objection?

2 MR. MUREDDU: No objection.

3 THE COURT: State's 19 admitted without objection.

4 (State's Exhibit 19 was admitted.)

5 Q (MS. WOOTEN) Agent Green, could you tell us how the
6 integrity of evidence -- how can you ensure that the
7 integrity of the evidence is kept when you work with
8 the evidence? Explain the process. Say you were
9 assigned to work with something in this case, whenever
10 you go down to get the evidence and work with it, and
11 thereafter.

12 A When I go downstairs to pick up evidence in cases,
13 I usually go down and pick up multiple cases at a time,
14 because we get so many requests and cases in. I will
15 send an evidence control list of cases that I want to
16 pick up and the evidence in those cases. Whenever they
17 transfer custody to me, piece-by-piece or box-by-box,
18 when they hand it to me, before I take it, I look at
19 the seals. If they are intact, I put it in my buggy
20 and put it in my evidence locker. When I retrieve
21 evidence from my locker, I make sure seals are still
22 intact, because then I would have checked it twice,
23 once when I received the evidence, and once when I
24 worked the case. When I work cases, no other cases are
25 open in my office. I work one case at a time so I know

JAMES GREEN - DIRECT EXAMINATION

1 there is no chance of mixing up one bullet to another
2 case.

3 Also, each individual item gets marked on so I
4 know that this is Item 1, Item 2 and there is no chance
5 of me mixing those up.

6 Q So not only is there the records, so every hand
7 that touches any piece of evidence that SLED receives,
8 it is kept in that record?

9 A Yes, ma'am.

10 Q And on top of that, you do those precautions to
11 make sure none of it is tampered with in any way?

12 A Yes, ma'am.

13 Q And I know I've asked you this before, but to
14 clarify, did you work on any evidence in this case
15 involving the murders of Amos and Tommy Hatfield?

16 A Yes, ma'am.

17 MS. WOOTEN: May I approach the witness?

18 THE COURT: Yes.

19 Q (MS. WOOTEN) This is State's Exhibit No. 11, and
20 within it is State's Exhibit 127 and 128. Do you
21 recognize these items?

22 A Yes, ma'am. State's Exhibit 11 is the envelope
23 that the evidence was submitted in, the outer
24 container. State's Exhibit 128 is the SLED item.
25 Exhibit 127 is the Item 9 bullet and bullet fragment?

JAMES GREEN - DIRECT EXAMINATION

1 Q Did you have a chance to examine any of this
2 evidence?

3 A Yes, ma'am, I examined both of the bullets.

4 Q How are you positive that you are the one that
5 examined these bullets?

6 A I can see my markings on the bullet, as small as
7 they are, and the bag that I placed each one in,
8 State's Exhibit 127 and 128, they are still heat sealed
9 and bear my initials.

10 Q When you are looking at State's Exhibit No. 19,
11 does it say on the record of who touched what evidence
12 in this case?

13 A Yes, ma'am.

14 Q Does it say your name on there, that you worked
15 with this evidence at some point in time?

16 A Yes, ma'am. For State's 127, I took custody of
17 the evidence September 11, 2012, and for State's
18 Exhibit 128 I also took custody of it on September 11,
19 2012.

20 Q When did you test these products, and was there
21 anyone that touched these two projectiles in between
22 when you were testing them?

23 A That actually had the evidence open? No, ma'am,
24 it was just me. I received the evidence from Patricia
25 Crooks, and when I took it back downstairs to evidence

JAMES GREEN - DIRECT EXAMINATION

1 control, they were sealed up and I took it to Niki
2 Hughes.

3 Q When you received it from Patricia Crooks, what
4 condition was the evidence in?

5 A May I refer to my notes?

6 Q Of course.

7 A State's Exhibit 127 and 128 were each in their own
8 cardboard box, which was evidence taped sealed, and the
9 seals were intact. They were both in State's Exhibit
10 No. 11, which was Container B, which was evidence taped
11 envelope.

12 Q After you were done examining the projectiles,
13 what condition was both pieces of evidence in whenever
14 you handed them to the next person?

15 A I put each of the bullets, State's 127 and 128, in
16 its own separate heat sealed bag. I took the boxes
17 they came in and put them in their own Ziploc bag,
18 which was heat sealed, and put them back in State's
19 Exhibit 11, which was evidence tape sealed.

20 Q So they were sealed when you got them and sealed
21 before you handed them to anyone else?

22 A Yes, ma'am.

23 Q And the purpose of all of this?

24 A Preserve the integrity of the evidence.

25 Q And does it look -- I know it's been opened. Does

JAMES GREEN - DIRECT EXAMINATION

1 it look any different from when you worked it that day?

2 A The exterior packages, yes, ma'am. Everything was
3 opened, but the interior package containing State's 127
4 and 128 is still as I had packed it.

5 MS. WOOTEN: I note that the two pieces of
6 evidence, State's Exhibit 11, and inside is 127 and
7 128, just for the record, Your Honor, we would like to
8 establish that the chain is complete of custody at this
9 point in time.

10 THE COURT: Okay. Any challenges?

11 MR. MUREDDU: No challenge, Your Honor.

12 Q (MS. WOOTEN) Agent Green, you said that you tested
13 these products, what were you testing them for?

14 A Since no firearm was submitted, I was trying to
15 see, one, what caliber each one was and, two, if they
16 were fired by the same firearm or not.

17 Q How did you perform that analysis?

18 A We have a balance which we weigh the evidence
19 items on, and we have calibers which measure the
20 diameter, and then we have a comparison microscope,
21 which is two microscopes hooked together by a bridge to
22 look at multiple items simultaneously, so I could look
23 at each bullet at the same time to look at the markings
24 to see if they were fired by the same firearm.

25 Q Did you know anything about these bullets, where

JAMES GREEN - DIRECT EXAMINATION

1 they came from or anything like that?

2 A The only thing I know about cases when I work them
3 is what is on the evidence submission form, so whatever
4 the submitting agency lists. I know that State's
5 Exhibit 127 says "from body Thomas Hatfield," and
6 Exhibit 128 says "from body of Amos Hatfield," that is
7 all I know. I don't know anything else other than
8 that.

9 Q You didn't know there was a whole murder
10 investigation, you just knew that it came from someone,
11 a person, and to that box and given to you?

12 A Yes, ma'am.

13 Q And what are the results of your analysis of the
14 two projectiles?

15 A I was able to determine they were both --
16 actually, let me back up. State's Exhibit 127 was in
17 two pieces. There is a small fragment in the bullet.
18 Using fracture matches, which is basically putting a
19 puzzle together, I could determine that these were both
20 the same bullet at the same time. When I looked at
21 State's Exhibits 127 and 128 together, they were both
22 consistent with being .25 auto caliber bullets, but the
23 comparisons between the two were inconclusive, which
24 means I can't tell you if they were fired by the same
25 gun or not.

JAMES GREEN - DIRECT EXAMINATION

1 There were some limited similarities, same
2 rifling, widths and specifications, but there was not
3 enough markings for me to say that they were fired by
4 the same gun, and there were too many common markings
5 to say they were not fired by the same gun. So I could
6 not say if they were from the same gun or not. I
7 believe my report says it cannot be determined whether
8 Items 9 and 10 were fired by the same firearm or by
9 different firearms with similar rifling specifications.

10 Q Does that happen sometimes?

11 A Yes, ma'am. Sometimes firearms don't mark well.
12 It's just how metal reacts to metal.

13 Q Did you come to a conclusion of what kind of
14 caliber these two projectiles were?

15 A Yes, ma'am. They were most consistent with
16 bullets loading in some .25 auto caliber cartridges.

17 Q Can you tell us how you came to that conclusion?

18 A They both -- let me check my notes. Based on
19 their weights -- common weights for .25 auto caliber
20 ammunition is 50 grains. A penny weighs about 4
21 grains, so it gives you like a starting point. They
22 both measured in the 250 ranges for the diameter base.
23 They were damaged, slightly damaged, so they were
24 slightly long, so I measured the longest point and
25 smallest point and got an average when you can make it

JAMES GREEN - DIRECT EXAMINATION

1 back to the same size.

2 Q Is it possible that they could have been fired
3 from any larger caliber firearm?

4 A If they were, you would be able to tell based on
5 the rifling engagement, and I saw nothing on either
6 State's 127 or 128 that led me to believe they were
7 fired in anything other than a .25 auto caliber.

8 Q So not even a smaller firearm?

9 A No, ma'am.

10 Q And do you know what kind of -- a particular make
11 or model or kind of handgun it came from?

12 A The FBI gives us a general rifling characteristic
13 or GRC database. In instances such as this when we
14 have fired bullets that have the same rifling
15 specifications, we can take the width of the lance and
16 grooves, coupled with the caliber and the number of
17 lance and grooves, put it in the database provided to us
18 by the FBI and it gives us a list of manufacturers that
19 have rifling specifications that match those.

20 So we give out a GRC list to as many agencies as
21 an investigative tool saying you might be looking for
22 one of these firearms.

23 Q Did you have a gun to look at that you knew that
24 the bullets came from in this case?

25 A No, ma'am.

JAMES GREEN - DIRECT EXAMINATION

1 Q All you had were the two bullets, and one was in
2 pieces?

3 A Yes, ma'am.

4 Q And what hypothesis or conclusion did you come to
5 when it came to the origin or the family that these
6 bullets came from?

7 A I gave -- I provided the agency with a list I
8 believe of 50 manufacturers that have specifications
9 that match those found on State's 127 and 128.

10 Q So because we don't have the actual weapon that
11 fired those two bullets, you can't limit it down as far
12 as to make and model or kind of firearm?

13 A No, ma'am. It is a very common rifling pattern.

14 Q Would these -- we do know it is a .25 caliber?

15 A Yes, ma'am.

16 Q Since we know it is a .25 caliber, can you say, as
17 an expert, that these two projectiles could have been
18 fired from a Lorcin pistol .25 caliber?

19 A Let me see. Lorcin is on the list, yes, ma'am.

20 Q Is there anything else you can tell us regarding
21 these two projectiles?

22 A No, ma'am, not in the report. No, ma'am.
23 Everything I have is in the report. They were
24 inclusive with each other, and it could have been fired
25 by the same firearm, but there is not enough

JAMES GREEN - CROSS-EXAMINATION

1 information for me to say they are.

2 Q Thank you.

3 MS. WOOTEN: Answer any questions Mr. Mureddu may
4 have.

5 CROSS-EXAMINATION

6 BY MR. MUREDDU:

7 Q Let me see if I can get this straight, and I think
8 I'm referring to you talking about the GRC database,
9 and like Ms. Wooten, I don't know a whole lot about
10 firearms.

11 Was I correct in hearing you to say that there are
12 50 different gun manufacturers that make a type of gun
13 that could have fired those slugs you tested?

14 A Yes, sir.

15 Q Now, she asked you could you tell or was there
16 evidence that a specific manufacturer, she said Lorcin,
17 fired that gun, and you responded, yes, because it is
18 one of the 50, right?

19 A Right.

20 Q It is on the list. Again, there is 50
21 manufacturers. When we come to manufacturers, almost
22 all of these gun manufacturers on these lists make
23 numerous models of their type of gun; would you agree
24 with that?

25 A Yes.

JAMES GREEN - CROSS-EXAMINATION

1 Q Say Lorcin or Glock, whatever, it is common that a
2 manufacturer that manufactures .25 caliber pistols will
3 make several different models of a .25 caliber, not
4 just one; that is common as well?

5 A Yes, sir.

6 Q So without having a gun to test against these
7 slugs, which you did not have?

8 A Correct.

9 Q To narrow it down to a single gun, it's impossible
10 for you to do?

11 A Without a submitted firearm, yes, sir.

12 Q And without that, even narrowing it down to what
13 the manufacturer -- what type of -- be it Smith and
14 Wesson, whatever manufacturer made the gun, you can't
15 narrow that down? There is a choice of 50?

16 A Correct. With these specifications, they are very
17 general, so it is kind of hard to narrow it down
18 without a firearm.

19 Q So can you put a number on -- I mean, are we
20 talking about thousands of different guns that exist
21 out there that could --

22 MS. WOOTEN: I apologize. I'll object because it
23 might be outside his expertise.

24 THE COURT: Overruled. I'll allow it.

25 Q (MR. MUREDDU) I lost my train of thought. Are we

JAMES GREEN - CROSS-EXAMINATION

1 in the thousands, tens of thousands, hundreds of
2 thousands, millions of guns out there that have been
3 made by the 50 manufacturers that could have been the
4 source or the -- where that gun was fired from, can
5 you give me a number?

6 A It would be in the hundreds of thousands, if not
7 millions, of different firearms in each manufacturer
8 and model. They make a lot of them.

9 Q Let me try to resay it. Because there is 50
10 different manufacturers that make various models of .25
11 calibers, there could be -- with the gun that fired
12 this gun, it could be in the hundreds of thousands to
13 the millions as far as which specific gun it was?

14 A Yes, sir.

15 MR. MUREDDU: No further questions.

16 THE COURT: Redirect?

17 MS. WOOTEN: None, Your Honor.

18 THE COURT: You may step down.

19 MS. WOOTEN: We ask that Special Agent Green be
20 excused, if he wishes to.

21 THE COURT: Any objection?

22 MR. MUREDDU: No objection.

23 THE COURT: Free to go.

24 State, call your next witness. Let me see the
25 attorneys.

1 (Whereupon, a bench conference was had.)

2 THE COURT: Ladies and Gentlemen, we'll break for
3 lunch. We ordered you lunch. I'll excuse you to the
4 jury room. Leave your pads in the jury box, don't
5 discuss the case even among yourselves, it is still too
6 early for deliberations. We'll take about an hour
7 break and bring you back after about an hour.

8 (Whereupon, the jury exits the courtroom at 12:12
9 p.m., and the following is had out of the presence of
10 the jury.)

11 THE COURT: Anything from the State before we
12 break for lunch?

13 MR. RICHARDSON: No, sir.

14 THE COURT: Defense?

15 MR. MUREDDU: Nothing, Your Honor.

16 THE COURT: We'll break for lunch until about
17 1:15.

18 (Whereupon, a lunch recess was taken.)

19 THE COURT: Anything from the State?

20 MR. RICHARDSON: No, sir. We have a witness here
21 and the coroner should be here 3:00, 4 o'clock. He's
22 the final witness.

23 THE COURT: Anything from the defense?

24 MR. MUREDDU: Nothing from the defense, Your
25 Honor.

BRIAN WILSON - DIRECT EXAMINATION

1 THE COURT: Let's bring them in.

2 (Whereupon, the jury enters the courtroom at 1:20
3 p.m. and the following is had in the presence of the
4 jury.)

5 THE COURT: Welcome back. We're ready to resume
6 the trial of the case. Make sure you have your own
7 notepads and no one else's.

8 State, call your next witness.

9 MR. RICHARDSON: We call Detective Brian Wilson.

10 (BRIAN WILSON, having been duly sworn, testified
11 as follows:)

12 DIRECT-EXAMINATION

13 BY MR. RICHARDSON:

14 Q How are you?

15 A Well.

16 Q Thank you for being with us. Can you tell us
17 about your place of employment, how long and what
18 capacity?

19 A Horry County Police Department. I've been with
20 them nine-and-a-half years. I'm currently assigned to
21 the Major Crimes Unit.

22 Q I think we're all familiar with how Major Crimes
23 Unit works. Were you so employed on August 19, through
24 the 21st, 2012?

25 A Yes, I was.

BRIAN WILSON - DIRECT EXAMINATION

1 Q At that time, it was Violent Crimes?

2 A Yes.

3 Q And you were in that unit?

4 A Yes, sir.

5 Q In the course of your duties with the Horry County
6 Police Department, particularly Violent Crimes Unit,
7 did you have an opportunity to become involved in the
8 investigation of the murders of Amos and Tommy
9 Hatfield?

10 A Yes, I was.

11 Q When did you begin to assist in the investigation?

12 A We were called out just after 4:00 a.m. that
13 Sunday morning. I arrived on scene just after 5:00
14 a.m.

15 Q And you assisted some throughout that day?

16 A Yes.

17 Q And with that case -- I think we heard testimony
18 that it was all in, everybody working together?

19 A Uh-huh.

20 Q You stayed involved in the case?

21 A Yes, I did.

22 Q Now, we've heard all about the murder and whatnot.
23 I want to move forward to the next day, on the 19th,
24 2012 to the 20th. On that particular day, did you have
25 the opportunity to meet with and interview any

BRIAN WILSON - DIRECT EXAMINATION

1 witnesses in this case?

2 A Yeah. Faye Hunt came to the police department. I
3 just happened to be sitting there following up on
4 stuff. She came down voluntarily, and we didn't know
5 about her. She came to the front window saying she
6 wanted to clear her name, her name had come up in this
7 investigation.

8 Q At that point, had you heard of her?

9 A No.

10 Q Didn't know her from Adam's house cat at that
11 point?

12 A No.

13 Q Do you remember if it was morning, afternoon?

14 A Late morning.

15 Q Now, when you met with Faye, you introduced
16 yourself and whatnot. How does the interview start
17 off? First off, where does it take place?

18 A One of the interviews room at the ML Brown
19 building. I didn't know what she had to offer, so I
20 brought her into one of the interview rooms and sat
21 down with her.

22 Q Was it you, yourself, by yourself?

23 A Yes.

24 Q And at that point, did she give you a statement?

25 A Yes, she did.

BRIAN WILSON - DIRECT EXAMINATION

1 Q Now, during the course of this interview, was it
2 free flowing, were you asking questions, was she
3 volunteering information; how did it go?

4 A It was very free flowing. She started off and
5 just kept on going through her -- I literally had to
6 stop her to ask questions.

7 Q And without giving us what she told you, what type
8 of questions were you asked?

9 A How did she know what she was telling me, who she
10 knew, how is she related, whatnot.

11 Q How long did you all speak?

12 A Like 45 minutes.

13 Q And at the conclusion of the interview, did she
14 reduce her statement to writing?

15 A Yes.

16 Q And that statement, handwritten statement, did it
17 include everything she told you?

18 A No. The meat and potatoes.

19 Q Did you tell her what to say at any point?

20 A No, I did not.

21 Q Now, you said it went for how long?

22 A About 45 minutes, maybe an hour.

23 Q At the conclusion of the interview, after taking
24 her statement, reviewing it, did you share that
25 statement with anyone?

BRIAN WILSON - DIRECT EXAMINATION

1 A Yeah. I contacted the lead investigator at the
2 time and told him what she had given me a statement
3 about.

4 Q And based off of the information you received, did
5 you take any actions on that same day?

6 A Yeah. We went up to -- I believe we went up to
7 North Carolina to obtain a search warrant for a home
8 that she had described to us in North Carolina.

9 Q That is in Tabor City?

10 A Yes, sir.

11 Q Now, you went to Tabor City to get a search
12 warrant?

13 A Yes.

14 Q Now, did you -- are the times where you cross
15 state lines to conduct investigation?

16 A Yes.

17 Q And whenever you do so, do you just go on your
18 own, do you utilize locals?

19 A We utilize the police department within that
20 jurisdiction.

21 Q And in this particular case, which police
22 department?

23 A Tabor City Police Department.

24 Q Now, whenever you contacted the Tabor City Police
25 Department, I believe you said you were getting a

BRIAN WILSON - DIRECT EXAMINATION

1 search warrant, do you recall the address where you
2 were going to search?

3 A Not off the top of my head, no.

4 Q Did you have other detectives with you?

5 A Yes, I did.

6 Q Who was that?

7 A Basically the crowd up there again.

8 Q Damon Vescovi?

9 A Yes, sir.

10 Q Let me show you what's been marked for
11 identification only, State's 3. Do you recognize
12 State's 3?

13 A Yes.

14 Q What is State's 3?

15 A Search warrant for the house in Columbus County,
16 Tabor City.

17 Q After reviewing that, are you able to recall the
18 address?

19 A [REDACTED] Fair Bluff Road.

20 Q Now, once you all got the search warrant, you went
21 and swore before a judge?

22 A Yes.

23 Q To your knowledge, whose house was this?

24 A That was a house that Mr. Hatfield bought for
25 Sandy Locklear.

BRIAN WILSON - DIRECT EXAMINATION

1 Q So Sandy Locklear was living there?

2 A Yes.

3 Q You go there, and what time of day is it whenever
4 you get the search warrant?

5 A Later in the afternoon.

6 Q Late afternoon?

7 A Yes.

8 Q And this is summertime in August?

9 A Yeah.

10 Q So there is some light?

11 A Yes.

12 Q Now, do you end up executing that search warrant?

13 A Yes.

14 Q And you go to [REDACTED] Fair Bluff Road?

15 A Yes, we do.

16 Q Whenever you go to that residence, is it just
17 county officers, or you do have anyone else with you?

18 A Tabor City police officers with us.

19 Q Whenever you went to [REDACTED] Fair Bluff Road, was
20 there any particular items you were looking for?

21 A Yeah, we were looking for life insurance policies
22 that Ms. Hunt had told us about that sparked our
23 interest.

24 Q And were there any particular areas of the house
25 in which you were looking?

BRIAN WILSON - DIRECT EXAMINATION

1 A We looked through the whole house, but she
2 described it in a drawer in the kitchen, and we looked
3 through there.

4 Q Were you looking for any weapons at this time?

5 A Yeah, we were looking -- she said that there was a
6 .25 caliber pearl and gold gun that was trying to be
7 sold to Faye's boyfriend at the time.

8 Q Now, did you ever find this pearl handled .25?

9 A No, we did not.

10 Q You said you looked in the kitchen for insurance
11 papers, did you find them in there?

12 A No, we didn't.

13 Q Allow me to show you what has been marked at this
14 time for identification as State's 14 and 15; do you
15 recognize those items?

16 A These were the documents that we found in a
17 bedroom off of the kitchen, the master bedroom.

18 Q [REDACTED] Fair Bluff?

19 A Yes, sir.

20 Q In Tabor City, North Carolina?

21 A Yes, sir.

22 Q Take us through the search. You searched the
23 kitchen and didn't find anything?

24 A Yes.

25 Q Where did you proceed next?

BRIAN WILSON - DIRECT EXAMINATION

1 A There was four of us, so we all kind of took a
2 different area. Myself and Detective Smith and Vescovi
3 concentrated on the bedroom. We took a section of the
4 bedroom going through every drawer, every nook and
5 cranny, and I believe it was Detective Smith who
6 actually found the documents in like a portfolio type
7 of briefcase under the bed.

8 Q When he found those what, if anything, happened?

9 A We stopped what we were doing and focused to see
10 if that is what we were looking for.

11 Q So you saw Detective Smith extract the portfolio,
12 and inside were these papers?

13 A Yes. We actually opened them.

14 Q So you opened these papers. No doubt these are
15 the papers you found?

16 A Yes, sir.

17 MR. RICHARDSON: The State would seek to introduce
18 and publish 14 and 15.

19 THE COURT: Any objection?

20 MR. MUREDDU: No objection.

21 THE COURT: That is State's Exhibits 14 and 15
22 admitted into evidence without objection.

23 (State's Exhibits 14 and 15 admitted.)

24 MR. RICHARDSON: Court's indulgence, Your Honor.

25 THE COURT: All right.

BRIAN WILSON - DIRECT EXAMINATION

1 (A brief pause in the proceedings.)

2 MR. RICHARDSON: Your Honor, if Counsel and I may
3 approach?

4 THE COURT: All right.

5 (Whereupon, a bench conference was had.)

6 MR. RICHARDSON: If I may approach?

7 THE COURT: All right.

8 (State's Exhibits 137 and 138 marked.)

9 Q (MR. RICHARDSON) Had you reviewed -- this is marked
10 State's 137. Is that the policy that was found inside
11 the envelope?

12 A Yes, it is.

13 Q Have you had time to review this previously?

14 A Yes.

15 Q And who is the insured in this? Whose life is --

16 A Amos Hatfield.

17 Q So Amos is insured. From your view of this
18 document, who is the beneficiary in this?

19 A Sandy Locklear and Amos' daughter, I forget her
20 name.

21 Q Sylvia Atkins?

22 A Yes.

23 Q And that appears here in this document?

24 A Yes.

25 Q Do you remember from your prior review of State's

BRIAN WILSON - DIRECT EXAMINATION

1 137, do you remember the amount of coverage on there?

2 A Off the top -- Faye told us it was a million
3 dollar life insurance policy.

4 Q For particular types of accident or death?

5 A Correct.

6 Q And that is spelled out a million dollars in other
7 classes?

8 A Yes.

9 Q So the policy limit is a million. If I could get
10 you -- looks like the fourth page of life and benefits,
11 if you could read.

12 A "A" is a hundred percent payable life. Class 2 is
13 an injury of 30 percent, and Class 3 is an injury of
14 20 percent.

15 Q When you first read this, did you realize it
16 wasn't necessarily a million dollar policy?

17 A Yeah.

18 Q But this was life insurance policy on Amos
19 Hatfield?

20 A Yes, it is.

21 Q And this was found in the home of Sandy Locklear?

22 A Yes, it was.

23 Q Did the Horry County police know about these
24 policies prior to speaking with Faye?

25 A No.

BRIAN WILSON - CROSS-EXAMINATION

1 MR. RICHARDSON: Thank you. If you'll answer any
2 questions Mr. Mureddu has.

3 MR. MUREDDU: If it pleases the Court.

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. MUREDDU:

7 Q I think I have one question, and I think you
8 answered it, but I'm going to ask you again.

9 Ms. Hunt described a gun that Ms. Locklear owned
10 or had, right?

11 A Yes.

12 Q And she described the color of that gun and wrote
13 it in a statement, the color of the gun, as being pearl
14 and gold?

15 A Yes.

16 MR. MUREDDU: Nothing further, Your Honor.

17 THE COURT: Redirect?

18 MR. RICHARDSON: Just as a matter for the record,
19 I had Detective Wilson identify 137 as being that which
20 was put into -- taken out of the envelope, I seek to
21 move it into evidence.

22 THE COURT: Any objection?

23 MR. MUREDDU: No objection.

24 THE COURT: State's Exhibit No. 137 admitted into
25 evidence without objection.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 (State's Exhibit 137 was admitted.)

2 THE COURT: You're free to go. State can call
3 your next witness.

4 MR. RICHARDSON: Brandon Strickland.

5 (BRANDON STRICKLAND, having been duly sworn,
6 testified as follows:)

7 THE CLERK: State your name and spell your last
8 for the Court.

9 THE WITNESS: Brandon Strickland,
10 S-T-R-I-C-K-L-A-N-D.

11 DIRECT-EXAMINATION

12 BY MR. RICHARDSON:

13 Q Sergeant Strickland, if you could, tell us where
14 you are employed and in what capacity.

15 A I'm currently employed by the Horry County Police
16 Department as a sergeant over patrol in the west
17 precinct.

18 Q How long have you been a sergeant in patrol?

19 A Over two years now.

20 Q How many years total with Horry County Police?

21 A My tenth year.

22 Q Prior to working with Horry County Police
23 Department, where were you?

24 A United States Coast Guard for six years.

25 Q As a member of the United States Coast Guard, were

BRANDON STRICKLAND - DIRECT EXAMINATION

1 you involved somewhat in law enforcement?

2 A Yes, sir, I was.

3 Q Back in August of 2012, were you assigned as a
4 sergeant to patrol at that point?

5 A No, sir. I was promoted in December of 2012. At
6 that time, I was a detective in the Violent Crimes
7 Division of Criminal Investigation.

8 Q As a member of the Violent Crimes -- detective in
9 Violent Crimes, we heard about all the duties, did you
10 have the opportunity to come to be involved in the
11 murder investigation of Tommy Hatfield and Amos
12 Hatfield?

13 A I did.

14 Q And on that day, how did you become involved?

15 A That morning around 4 o'clock I received a phone
16 call from my supervisor, I believe it was Jamie
17 DeBarry, requesting I respond to Red Bluff Road. I got
18 up, took a shower and headed that way. That was the --
19 I was the first detective on the scene.

20 Q And as first detective, you weren't the lead
21 detective on it?

22 A No. Detective Frebowitz.

23 Q I'll adjust your microphone a little bit. There
24 you go. Now, when you got on scene, what were you
25 detailed to do?

BRANDON STRICKLAND - DIRECT EXAMINATION

1 A When I arrived on scene, I was briefed by a patrol
2 officer, supervisor, contacted Detective Frebowitz and
3 we spoke briefly on the phone. He advised me to secure
4 a search warrant for the residence.

5 Q You were there to assist in the investigation?

6 A Yes, sir.

7 Q What was the purpose of getting the search warrant
8 for the murder residence?

9 A At that time we didn't know what had taken place
10 other than what patrol had. This was a double homicide
11 and alleged sexual assault. We did not know who had an
12 expectation of privacy in that home, and that is just
13 common practice in a situation as that, to get a search
14 warrant.

15 Q So you go and get a search warrant; how long does
16 that take?

17 A I left the scene, went to an office we have in
18 Loris and typed a search warrant. I had to find a
19 judge at 4 o'clock in the morning.

20 Q Not an easy case?

21 A Not an easy task. I had to go to his house wake
22 him up, have him sign it and go back to the scene with
23 the signed search warrant.

24 Q Once you returned back to the scene with that
25 search warrant, who all was present?

BRANDON STRICKLAND - DIRECT EXAMINATION

1 A When I returned -- at the time he was a crime
2 screen investigator, John Martin, was on scene, as well
3 as other detectives with the Violent Crimes Division?

4 Q Once again, it was all hands-on deck?

5 A That's right. I believe pretty much everybody was
6 there, to include our captain was there and lieutenant.

7 Q Now, once you returned with a search warrant and
8 handed it off to who?

9 A I personally handed it to John Martin.

10 Q Because he was going to do the crime scene?

11 A That's correct.

12 Q So who was the first person in the house?

13 A It would have been Investigator John Martin.

14 Q At some point after Detective Martin begins doing
15 his work-up, processed the house, taking photographs
16 and everything, did you have the opportunity to
17 actually go in and walk through the crime scene?

18 A I did.

19 Q Now, in your walk-through, did you disturb
20 anything?

21 A No, I didn't.

22 Q Whenever you returned with the search warrant, was
23 Sandy Locklear here still on scene?

24 A No, sir, she already left, I believe was
25 transported to Conway Hospital.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q Was there any other personnel there other than law
2 enforcement?

3 A The scene was secured. The only people inside the
4 tape was law enforcement officers.

5 Q Now, when you walked through the crime scene, did
6 you walk in one room, or how did that occur?

7 A I entered through the back door of the residence,
8 which was opened. Both Amos and Thomas Hatfield were
9 still on scene at that location; their bodies were not
10 moved. Investigator Martin already did his preliminary
11 photographing and checking the residence. I walked
12 through just to get an overall visual of the case that
13 we were investigating.

14 Q Now, from your years of experience in law
15 enforcement and investigation, were you able to make
16 any determinations after walking through the crime
17 scene?

18 A I did. The information I had been provided that
19 came from detectives and officers who had spoken with
20 Ms. Locklear, the scene didn't appear to match up to
21 the crime with all the information being reported. It
22 seemed like there was something....

23 Q Anything in particular that drew your attention?

24 A In the master bedroom where the sexual assault
25 occurred the bed wasn't -- didn't appear to be a

BRANDON STRICKLAND - DIRECT EXAMINATION

1 struggle in that room.

2 Q And at that time point, you are involved in a
3 investigation and it is pretty fresh?

4 A Yes, sir.

5 Q And Amos and Tommy are still on the floor. Are
6 you looking for any particular suspect at this point?

7 A At that time it was two unknown males.

8 Q You are basing that off of a 911 call?

9 A That Ms. Locklear provided, yes. I believe she
10 said white male and possibly a Hispanic male.

11 Q Now, at some point during that day the testimony
12 of Sandy Locklear was being taken as a victim. Were
13 you present at the ML Brown building that day?

14 A Part of the day, yes, sir.

15 Q Were you present while she was there?

16 A During some of the time. I was there some of the
17 time, yes, sir.

18 Q Did you or anyone else, to your knowledge, have
19 the opportunity speak with Sandy Locklear there at the
20 ML Brown building?

21 A I did.

22 Q And other officers as well?

23 A And other officers with the Violent Crimes
24 Division.

25 Q Do you remember about how long her complete

BRANDON STRICKLAND - DIRECT EXAMINATION

1 interview lasted?

2 A She got back -- she got to the police department
3 from the hospital, I want to say -- it was somewhere
4 around 10:00, 11:00 p.m. She was interviewed as a
5 victim until other avenues seemed to be fictitious.
6 Her interview went into the evening time, I believe.

7 Q Did there come a time where you went home?

8 A I wasn't going home. When information was
9 provided by Ms. Locklear regarding certain events
10 taking place, just her information, the day prior, I
11 was one of the people that went out -- I'm from Loris
12 and know a lot of people, so I would check the actual
13 areas to see if there was surveillance video or
14 anything to corroborate her story that she was
15 providing.

16 Q So you were participating in attempts to track
17 down information provided?

18 A I was.

19 Q You went to Loris?

20 A I did, sir.

21 Q And some of the other areas -- and I believe you
22 indicated you had an opportunity to speak with Sandy
23 Locklear?

24 A I did.

25 Q Now, without going into exactly what she said in

BRANDON STRICKLAND - DIRECT EXAMINATION

1 speaking with her, at the conclusion of her interview,
2 did you have additional suspects?

3 A We did. As a result of that interview, a male who
4 cut her grass known as James, and another male by the
5 name of -- street name of PooPoo were identified.

6 Q You have those names, James who cuts grass and
7 PooPoo; pretty vague?

8 A Yes, sir.

9 Q This is towards the end of the interview?

10 A Yeah, I believe so.

11 Q At that point, what happens to Ms. Locklear at the
12 conclusion of the interview?

13 A She was arrested and transported to J. Reuben
14 Long.

15 Q Charged with two counts of murder?

16 A Yes, and filing a false police report.

17 Q And that was later?

18 A Yes.

19 Q You all had been going at it all day. I think you
20 said you were called 4:00 in the morning, and this is
21 later in the evening?

22 A Yes.

23 Q Do you keep with the investigation throughout the
24 night?

25 A We did. For a brief time after that I finally got

BRANDON STRICKLAND - DIRECT EXAMINATION

1 a few hours of sleep before returning back the next
2 morning.

3 Q When returning to work, were you still working on
4 this investigation?

5 A I was.

6 Q What steps did you take the next day, August 20,
7 2012?

8 A As a result of the interview the night before, we
9 received information, as I stated earlier, of James and
10 PooPoo, that they cut Ms. Locklear's grass, her
11 residence. They used the Vasco store up from her house
12 to obtain fuel. I traveled to Tabor City to see what
13 information I could find at the Vasco.

14 Q So you are looking at Vasco near 905 and Fair
15 Bluff Road?

16 A Yes, sir.

17 Q How far away is it?

18 A I would say maybe two houses between hers. It is
19 in town. Not far, not even an eighth of a mile.

20 Q So you knew you were heading to the right
21 direction?

22 A Yes, sir.

23 Q When you arrived at Vasco, what time of day was
24 it?

25 A It was morning. I don't know the exact time

BRANDON STRICKLAND - DIRECT EXAMINATION

1 without looking at my notes.

2 Q And did you have the opportunity to speak with
3 anybody?

4 A I did. The manager, Mr. Hardee was on scene.

5 Q After speaking with Mr. Hardee, what kind of
6 information were you looking for?

7 A What was I looking for?

8 Q Yes. What type of information?

9 A I had spoke with Mr. Hardee to attempt to identify
10 who this male -- wanting to verify Ms. Locklear's
11 story, and determined if there was -- if he knew a male
12 by the name of James or street name PooPoo that
13 frequented the store that cut her grass.

14 Q After speaking with him -- you spoke with him for
15 some time?

16 A I did, sir.

17 Q And was he able to be of assistance?

18 A He was. As a result of that interview, he
19 identified Nehemiah James, who cut Ms. Locklear's
20 grass, and he did have an associate named PooPoo.

21 Q After speaking to Mr. Hardee, did you make any
22 requests?

23 A I did. I requested -- I asked if there was any
24 surveillance video at the store, which he advised that
25 there was. I requested to view the surveillance video

BRANDON STRICKLAND - DIRECT EXAMINATION

1 when he stated -- of the time that he stated that
2 PooPoo and James were last in the store.

3 Q That was the day before?

4 A Yes, the day before.

5 Q The 19th, same day as the murders?

6 A Yes. August 19th.

7 Q Did you obtain a copy of the video?

8 A I did. I viewed it on scene and obtained a copy
9 of the video and still shots from the morning of the
10 19th.

11 Q You had been to that Vasco several times?

12 A I have, sir.

13 Q Would you be able to identify it from a picture?

14 A I would.

15 (State's Exhibits 124, 129 through 135 marked.)

16 Q (MR. RICHARDSON) This is State's 124, 129, 130,
17 131, 132, 133, 134, and 135. Take a moment and tell
18 me if you recognize them?

19 A (Witness examines documents.) I do.

20 Q How do you recognize those?

21 A These were the still-shot photos that I received
22 from the manager, Mr. Hardee, of Odom Bryant, at the
23 time known as PooPoo.

24 Q So these are fair and accurate pictures of what
25 you watched on video?

BRANDON STRICKLAND - DIRECT EXAMINATION

1 A They are.

2 MR. RICHARDSON: State seeks to introduce State's
3 124, 129, 130, 131, 132, 133, 134 and 135.

4 MR. MUREDDU: No objection, Your Honor.

5 THE COURT: Without objection.

6 (State's Exhibits 124, 129 130, 131, 132, 133,
7 134, 135 admitted.)

8 Q (MR. RICHARDSON) I'll hand you 124, 129 and 130.

9 MR. RICHARDSON: Permission to publish?

10 THE COURT: All right.

11 Q (MR. RICHARDSON) Looking at those pictures, what
12 aspect are we looking at in the store?

13 A This camera -- in this picture, this is the camera
14 by the front door that faces the register and towards
15 the back of the store.

16 Q And the fellow in the white shirt, who is that?

17 A Odom Bryant, PooPoo. This is the same from the
18 same camera angle, as well as this one.

19 Q Is there a time stamp and date stamp on those
20 photographs?

21 A Yes. 8/19/2012 at approximately 11:06 a.m.

22 Q So this is 11:00 in the morning, morning of the
23 19th?

24 A Yes, sir.

25 Q As we look at the remainder of the pictures, 131

BRANDON STRICKLAND - DIRECT EXAMINATION

1 through 135, where are we looking at now?

2 A All five of them was from a camera outside of the
3 front door from this angle. Just to the right would be
4 the front door of the business, as well as each and
5 every other picture in this group.

6 Q Is there a time and date stamp on those as well?

7 A August 19, 2012 between the times of 11:11 a.m.
8 and around 11:13 a.m.

9 Q Shortly after these photographs?

10 A Yes, sir.

11 Q Looking at State's Exhibit 131 through 135, you
12 identified it is Odom Bryant in the picture?

13 A Yes.

14 Q Did you notice anything that caught your interest
15 with regard to Odom Bryant?

16 A I did in State's Exhibit 131, 132.

17 Q What is that?

18 A I'll start with 131. 131, here in the front of
19 Mr. Bryant's pants, inside of the pocket is a white
20 object, as well as in State's 132, also the upper
21 pocket of the pants is what appears to be a white
22 handle of a firearm.

23 Q Appears to be a white handled firearm?

24 (A brief pause in the proceedings.)

25 Q (MR. RICHARDSON) You noticed what appeared to be a

BRANDON STRICKLAND - DIRECT EXAMINATION

1 white handled firearm in the pocket?

2 A I did.

3 Q At this point you have the name of PooPoo?

4 A I did, sir.

5 Q Subsequently, did you learn the identity of
6 PooPoo?

7 A Yes, sir.

8 Q How did that occur?

9 A Upon leaving the store, I traveled in Tabor City
10 where we received information that James -- who at that
11 time was identified only as James -- lived prior to
12 Taborville Apartments. I spoke with a lady there who
13 identified, yes, there was a James that lived there and
14 had a girlfriend known as Caterra, street name Pig, but
15 no longer lived at the location. When I was riding out
16 there, I received a call back from the Vasco store that
17 the gentleman known as James, later identified as
18 Nehemiah James Evans, and PooPoo was just in the store
19 and left, so I traveled back to that location.

20 Q Eventually, were you able to -- you were able to
21 obtain identification who PooPoo was?

22 A I was. When I returned to the store I watched the
23 video and received a couple more still shots of a
24 gentleman known as PooPoo and James. I contacted
25 major -- I think he was a major at the time -- Major

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Jerry from Tabor City Police Department, and met with
2 him.

3 Q Once you had the identity of Nehemiah James Evans
4 and Odom Bryant, you started looking for them?

5 A We did.

6 Q Now, Sandy Locklear had been taken into custody on
7 the 19th?

8 A That's correct.

9 Q Did there come a time in which Nehemiah James
10 Evans was taken into custody?

11 A He was. It was five, six, seven days later after
12 the incident.

13 Q Did you have anything to do with taking this
14 Defendant into the custody, Nehemiah James Evans?

15 A Wasn't present for that.

16 Q So about a week after the crime he's taken into
17 custody?

18 A Yes, sir.

19 Q How about the Defendant Odom Bryant, was he taken
20 into custody?

21 A He was.

22 Q Do you know when and how that occurred?

23 A Can I look at my notes?

24 Q Will it help refresh your recollection?

25 A It will for the date.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 THE COURT: Go ahead.

2 THE WITNESS: September 19th, about a month later
3 he was taken into custody by the United States Marshal
4 Service.

5 Q (MR. RICHARDSON) So you didn't personally assist in
6 the arrest of the Defendant?

7 A No. He was taken into custody in Columbus County
8 and transferred to their detention center.

9 Q On the 18th of September?

10 A I believe it was the 18th.

11 Q After Odom Bryant was taken into custody, did you
12 or anyone else, to your knowledge, have the opportunity
13 to speak with him?

14 A I did. We were notified Mr. Bryant had been taken
15 into custody. Myself and Detective Neil Frebowitz
16 traveled to the county detention center in Whiteville,
17 North Carolina to interview Mr. Bryant.

18 Q Whenever you went over there, you went to the
19 Columbus County Detention Center?

20 A Yes, sir.

21 Q Who was present when you first met with him?

22 A We went to the detention Center and requested to
23 speak with Mr. Bryant. He was brought out for us. He
24 was handcuffed, escorted over across the driveway to
25 the Columbus County Sheriff's Office to be interviewed.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q At this point is he in cuffs, or what?

2 A He is in handcuffs, not free to leave. He has
3 clothing consistent with the detention center.

4 Q No doubt he was in custody?

5 A Yes, he was in custody.

6 Q You take him over to an interview room at the
7 Columbus County Sheriff's Office. Can you describe the
8 room?

9 A Yes. It is -- the Sheriff's Department is a
10 two-story building. They have interview rooms and
11 offices upstairs. He was escorted upstairs to a small
12 room where I believe they had a desk and three, four
13 chairs in it. Just a blank room.

14 Q And the room, how many people were in the room
15 whenever they interviewed him?

16 A Mr. Bryant, myself and Detective Neil Frebowitz.

17 Q What were you doing; were you standing over,
18 sitting down?

19 A Sitting down like I am now.

20 Q Did the Defendant remain in handcuffs?

21 A Yes, he did.

22 Q Now, when you spoke with him, the condition of the
23 room, was it too hot, too cold?

24 A No, it was room temperature.

25 Q And in speaking with the Defendant, did he seem to

BRANDON STRICKLAND - DIRECT EXAMINATION

1 understand the English language?

2 A Yes, he did.

3 Q Did he respond to your questions appropriately?

4 A He did.

5 Q You have been an officer for awhile made DUI
6 arrests?

7 A I have.

8 Q So you are familiar with how people act when they
9 are intoxicated?

10 A I do and he did not appear to be under the
11 influence of drugs or alcohol at the time.

12 Q Did he appear to have any problems understanding
13 you at all?

14 A No.

15 Q In speaking with the Defendant, did you or
16 Detective Frebowitz or anyone, to your knowledge, take
17 any measures to threaten the Defendant in any manner?

18 A Not at all.

19 Q Did you or anyone else, to your knowledge, or in
20 your presence make any promises of leniency or reward
21 to the Defendant?

22 A Not at all.

23 Q Did you or anyone else, to your knowledge, at this
24 point take any measures to coerce a statement from this
25 Defendant?

BRANDON STRICKLAND - DIRECT EXAMINATION

1 A No, we didn't.

2 Q Now, you have him in custody and he understands
3 what you are saying. You are talking back and forth?

4 A Yes, sir.

5 Q Prior to interviewing, do you all take any
6 measures to ensure the Defendant is aware of his
7 Miranda rights?

8 A We do. We have a county police approved form of
9 Miranda rights. It is prepared by the police
10 department for us to use.

11 Q Allow me to show you what has previously been
12 marked for identification as State's 2. Do you
13 recognize that?

14 A I do.

15 Q Sergeant Strickland, can you tell us what State's
16 2 is?

17 A This is the Horry County Police approved form for
18 advertisement of Miranda rights for Odom Bryant,
19 completed on September 19, 2012 at approximately 3:13
20 p.m. at the Columbus County Sheriff's Office, in which
21 I witnessed.

22 Q How was this presented to him?

23 A Upon arriving in the interview room, Detective
24 Frebowitz cut on his digital recorder for the
25 interview, and this form was read to Mr. Bryant, along

BRANDON STRICKLAND - DIRECT EXAMINATION

1 with him allowing him to read it. He was read his
2 rights and stated he understood, which he checked the
3 designated spot for "yes" and "no," and he printed and
4 signed his name.

5 Q I'm sure we'll hear in a moment, but could you
6 read what was read to him that day?

7 A I can.

8 MR. RICHARDSON: We seek to introduce that into
9 evidence, State's 2.

10 MR. MUREDDU: No objection.

11 THE COURT: State's 2 admitted without objection.

12 (State's Exhibit 2 was admitted.)

13 A It states: You have the right to remain silent.
14 Anything you can say can and will be used against you
15 in a court of law. You have the right to talk with a
16 lawyer and have him present with you while you are
17 being questioned if you so desire. If you make a
18 statement or answer any questions, you have the right
19 to stop at any time. Do you understand your rights?

20 Q (MR. RICHARDSON) Now, after he signed this, you
21 witnessed it?

22 A I did, sir.

23 Q Once the Defendant signed this Miranda form
24 indicating he understood his rights, he agreed to speak
25 with you guys?

BRANDON STRICKLAND - DIRECT EXAMINATION

1 A He did.

2 Q In this interview, I think Detective Frebowitz
3 turned on his recorder, or prior to reading Miranda; so
4 it was recorded audibly?

5 A Yes, sir. Columbus County Sheriff's Office did
6 not have capabilities at that time of audio and video
7 recording in the room we were in.

8 Q At any point -- you said he agreed to speak with
9 you. At any point did the Defendant in any way
10 indicate he wished to remain silent?

11 A No, he didn't.

12 Q Did he tell you, Hey, I'm done talking?

13 A At one point he did.

14 Q Tell us about that.

15 A After interviewing Mr. Bryant for a time period,
16 he -- at one time he requested the recorder be cut off,
17 and we advised him we could not do it, just for the
18 integrity of the interview, keep it on. Questioning
19 proceeded from there, and at one time -- towards the
20 end of the initial part -- he said he would like to
21 speak with his lawyer before speaking with us further.
22 At that time, all questioning stopped, stated the
23 interview was concluded and we stood up to begin
24 escorting Mr. Bryant back to the detention center
25 across the driveway.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q So when he tells you he's done talking, wants to
2 speak with an attorney, you cease the interview?

3 A Yes.

4 Q Recorder goes off?

5 A Yes.

6 Q Because the interview has to stop?

7 A That's right.

8 Q Does there come a time whenever he asked to speak
9 with you all more thoroughly?

10 A Yes. After cutting off the recorder and gathering
11 up our paperwork, begin walking out the door down the
12 stairs, Mr. Bryant inquired about the -- one of the
13 codefendants, Mr. Evans, and stated something to the
14 effect --

15 MR. MUREDDU: Objection. At this time it is not
16 part of the record. It is outside after counsel had --
17 we may need to be heard on this.

18 THE COURT: What was the question?

19 MR. RICHARDSON: I'll move on.

20 THE COURT: All right. Sustained.

21 Q (MR. RICHARDSON) At some point after you ceased the
22 interview, did the Defendant express to you that he
23 wished to resume the interview?

24 A He did.

25 Q And that he wished to waive his rights to counsel

BRANDON STRICKLAND - DIRECT EXAMINATION

1 he just invoked?

2 A That's right, he did.

3 Q Now, how long after you ceased the interview did
4 this occur?

5 A Less than five minutes.

6 Q Less than five minutes. So in that time, you had
7 time to turn off the recorder, gather everything up and
8 start to escort him back to the detention center?

9 A Yes, sir. We were still in the building.

10 Q And so when he says, I want to talk again, was it
11 recorded?

12 A It was not.

13 Q That is because the recorder was turned off?

14 A That's correct.

15 Q Now, once he says, I want to talk again, are there
16 any precautions made whenever the recorder is turned
17 back on?

18 A Yes. He's escorted back to the room he was in,
19 the recorder was cut back on and he was advised of his
20 right to have a lawyer present, and he stated he wanted
21 to give a statement.

22 Q In this less than five-minute period, did you or
23 Detective Frebowitz make any threats?

24 A No threats.

25 Q Any promises to give a statement, Hey, man, give

BRANDON STRICKLAND - DIRECT EXAMINATION

1 us a statement and we'll get you a candy bar, anything?

2 A No, nothing of that sort.

3 Q Any promises of leniency or reward of any kind?

4 A No, there wasn't.

5 Q And at any point did you threaten or coerce him in
6 any way to get him to resume speaking to you?

7 A No.

8 Q Was there any doubt in your mind that the
9 Defendant was the one that wanted to start speaking
10 again?

11 A That's correct.

12 Q When he did start speaking again, it was recorded?

13 A It was.

14 Q Did there come a time after that as well, after he
15 resumed speaking again, in which the interview ceased
16 for even a moment?

17 A Yes. After speaking with Mr. Bryant in more
18 detail, he requested to speak with his mother on the
19 telephone and asked the recorder to be turned off while
20 he made a private phone call, which we agreed to let
21 him speak with his mom.

22 Q Whose phone did you use?

23 A Detective Frebowitz'.

24 Q So you allowed him to speak with his mom?

25 A Yes.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q On his request?

2 A On his request.

3 Q After he spoke with his mother, did you talk to
4 him again?

5 A We did.

6 Q Was that recorded as well?

7 A At the conclusion of his phone call, the recorder
8 was cut back on and we spoke more.

9 Q Allow me to show you State's 136. See if you can
10 identify that.

11 (State's Exhibit 136 marked.)

12 A I can.

13 Q What is State's 136?

14 A 136 is a disk containing the interview of Odom
15 Bryant conducted by myself and Detective Frebowitz.

16 Q To be fair, Detective Frebowitz led the interview?

17 A Yes, sir.

18 Q You were there the whole time?

19 A Yes, sir.

20 Q Is this a fair and accurate depiction of the
21 statement the Defendant gave you?

22 A It is.

23 MR. RICHARDSON: State would seek to introduce 136
24 and publish.

25 MR. MUREDDU: No objection.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 THE COURT: State's 136 admitted into evidence
2 without objection.

3 (State's Exhibit 136 was admitted.)

4 (Whereupon, a bench conference was had.)

5 THE COURT: Ladies and Gentlemen, they told me the
6 statement might last awhile, so we'll take a break and
7 give you an opportunity to get something to drink, use
8 the restroom. Leave your pads in the jury box. Do not
9 discuss the case among yourselves. We'll take a 10-,
10 15-minute break and we'll come back and get started.

11 (The jury exits at 2:10 p.m., and the
12 following is heard out of the presence of the jury.)

13 THE COURT: Officer Strickland, we're still in the
14 middle of your testimony, so do not discuss your
15 testimony with anyone, whether it is whatever you
16 testified thus far or whether what you anticipate
17 testifying to in the future. You can step down, but
18 don't discuss your testimony.

19 Anything from the State before we take a break?

20 MR. RICHARDSON: I want one matter on the record.
21 One of the items contained in State's 14 is a copy of
22 the search warrant and return. As a matter of
23 precaution, we have taken that out. I don't know if it
24 needs to be sub-numbered. I just know typically we
25 can't send search warrants back due to the hearsay

BRANDON STRICKLAND - DIRECT EXAMINATION

1 evidence in search warrants.

2 THE COURT: That was part of State's Exhibit 14?

3 THE WITNESS: Yes, sir.

4 THE COURT: Make sure it is on the record what you
5 are doing. So make that State's Exhibit 14A. So
6 State's 14A was part of State's Exhibit 14, which was
7 admitted into evidence without objection, but now by
8 agreement of the parties we are distracting State's 14A
9 from the exhibits that can go to the jury.

10 MR. RICHARDSON: Yes. And these are items we had
11 released from a prior trial that is still under
12 appellant review, that is why we are tracking these in
13 that way, so that there is some record when the
14 appellant courts are looking for the evidence.

15 THE COURT: All right. Is that agreeable with the
16 defense?

17 MR. MUREDDU: It is.

18 THE COURT: Anything further?

19 MR. RICHARDSON: No, sir.

20 MR. MUREDDU: No, sir.

21 (State's Exhibit 14A marked.)

22 (A recess was taken.)

23 THE COURT: Thank you very much. Anything from
24 the State before we bring the jury back in?

25 MR. RICHARDSON: No, sir. We're prepared to go

BRANDON STRICKLAND - DIRECT EXAMINATION

1 forward, and we have the statement ready to play.

2 MR. MUREDDU: Defense is ready.

3 THE COURT: Bring the jury in. Mr. Strickland,
4 you are still under oath.

5 MR. RICHARDSON: Your Honor, the coroner has been
6 in here, and Mr. Mureddu said he had no objection if he
7 came back in.

8 MR. MUREDDU: That's correct.

9 THE COURT: Who is that?

10 MR. RICHARDSON: Robert Edge, the coroner.

11 THE COURT: All right. That is fine. If you
12 could instruct the jury if they have a problem hearing
13 to let us know.

14 (The jury enters at 2:25 p.m., and the following
15 is had in the presence of the jury.)

16 THE COURT: Ladies and Gentlemen, welcome back.
17 We are ready to resume the trial of this case. Make
18 sure you have your notepads and no one else's. We're
19 ready to present State's No. 136. It is an audio
20 recording, so if you have any problem hearing it, raise
21 your hand. I think we have amplifiers where you should
22 be able to hear, but if it is too low, let us know.
23 Mr. Richardson.

24 MR. RICHARDSON: Thank you, Your Honor.

25 (State's 136 published to the jury.)

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q. I know we've been going at this for a little
2 while, so I'll try to be as quick as I can.

3 Did you do anything after he requested an
4 attorney?

5 A. No, sir.

6 Q. Short time period, correct?

7 A. Very short.

8 Q. Now, we heard something during there about
9 photographs or whatever. Did you or Detective
10 Frebowitz use any props or exhibits?

11 A. Detective Frebowitz had his case file present that
12 had some pictures in it that he utilized and showed
13 Mr. Bryant.

14 Q. That is what we're hearing? Crime scene
15 photographs?

16 A. Yeah, if I'm not mistaken, I don't think I am, but
17 I think you entered into evidence like a floor plan
18 picture.

19 Q. Was this the first interview you participated in?

20 A. For -- I participated with Sandy Locklear and then
21 this is --

22 Q. In your law enforcement career.

23 A. No, sir.

24 Q. Have you been trained on how to interview?

25 A. Yes, sir, I have.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 Q. Is there a term that you use in interrogation?

2 A. Yes, sir.

3 Q. Can you tell us what that means with regard to
4 interviews?

5 A. My understanding is that when you speak with
6 someone they are telling you a partial truth, but still
7 holding back to keep from putting themselves too deep
8 into a situation.

9 Q. And you have used the phrase, Tell us your side of
10 the story?

11 A. Yes, sir, I have.

12 Q. When you use that, what do you mean?

13 A. When I tell someone to tell me your side of the
14 story, I'm saying, hey, tell me what your -- what your
15 involvement is in the case.

16 Q. What is the purpose in that?

17 A. Just to get their side of the story.

18 Q. Have you used statements such as "you've been
19 honest with us" before?

20 A. I have.

21 Q. Do you always mean, hey, you told us the truth?

22 A. That doesn't mean --

23 Q. Why do you say stuff like that?

24 A. I'll ask someone, hey, be honest with me or, hey,
25 have you been honest with me. I'm giving them the

BRANDON STRICKLAND - DIRECT EXAMINATION

1 opportunity when I'm speaking with them to pass that
2 along, you know, to be honest. People sometimes tell
3 you the truth, and then they say -- sometimes they are
4 lying to your face and saying they are honest.

5 Q. So it is to keep the flow of the question going,
6 get them to talk a little more?

7 A. That's right.

8 THE COURT: Excuse me one second.

9 (Whereupon, the bailiff and judge confer.)

10 THE COURT: I have been advised that one of the
11 jurors needs a break. We'll take about a 10-minute
12 break. Do not discuss the case at this point in time.
13 Leave your pads in the jury box, and we'll be out in
14 about 10 minutes.

15 MR. RICHARDSON: Thank you, Your Honor.

16 (The jury exits at 3:45 p.m., and the
17 following is heard out of the presence of the jury.)

18 THE COURT: I don't know which juror it was, but
19 the bailiff said that one of the jurors needed a break.

20 MR. RICHARDSON: And that was about an
21 hour-and-a-half worth of statement.

22 THE COURT: Anything from the State before recess?

23 MR. RICHARDSON: No, sir, Your Honor.

24 MR. MUREDDU: Nothing, Your Honor.

25 THE COURT: We'll take 10 minutes.

BRANDON STRICKLAND - DIRECT EXAMINATION

1 (A recess was taken.)

2 THE COURT: Anything from the State before we
3 bring the jury in?

4 MR. RICHARDSON: No, sir.

5 THE COURT: Anything from the defense?

6 MR. MUREDDU: No, sir.

7 THE COURT: Bring the jury in. Mr. Strickland, if
8 you will take the stand. You are still under oath.

9 (The jury enters at 3:57 p.m., and the
10 following is heard in the presence of the jury.)

11 THE COURT: Welcome back, Ladies and Gentlemen.
12 We're ready to proceed. Make sure you have your own
13 notepads.

14 Q. (BY MR. RICHARDSON) There was some discussion
15 during the course of the interview, Sergeant
16 Strickland, about a table in there; do you remember
17 seeing the table in the crime scene?

18 A. Yes. The coffee table in the middle of the area.

19 Q. When you were at the crime scene, it was flipped
20 over?

21 A. Yes, flipped over upside down beside Thomas
22 Hatfield.

23 Q. Did you make any attempts to move that table?

24 A. When we were in there -- I don't know if it was me
25 or one of the other ones, as they were processing it,

BRANDON STRICKLAND - DIRECT EXAMINATION

1 attempted to move it.

2 Q. And can you describe it by weight?

3 A. That was the heaviest coffee table that I've ever
4 seen. I mean, it was metal and had some type of stones
5 on the top of it. I don't really know the dimensions,
6 but it was a heavy table.

7 Q. So it would have taken some strength to flip it
8 over?

9 A. Yes, it would.

10 Q. As we're going through the interview, before we
11 broke, I asked had you conducted interviews before?

12 A. Yes, sir.

13 Q. Numerous times?

14 A. Hundreds.

15 Q. Are there particular techniques you use in
16 interviewing suspects?

17 A. Yes, sir.

18 Q. Can you give us examples of interviewing
19 techniques you use in trying to get a story out?

20 A. Number one thing is build a rapport with someone,
21 try to sit down and build a rapport and open the
22 channels of conversation. Some people may call it
23 befriending a person, but more or less opening the
24 channels, not being closed down, speaking freely. You
25 know, also, another technique that I use, and others

BRANDON STRICKLAND - DIRECT EXAMINATION

1 do, they let people talk. If they start on a road
2 going one way, but continue down it, whether it is a
3 truth or lie, but pick up little things along the way
4 to come back to later to bring it back to --

5 Q. Trying to build a rapport and let them talk, is
6 that why you use techniques like, I believe you, or,
7 You are not a bad guy?

8 A. Oh, yes. If you start off an interview with, You
9 are a liar, and this and that, I mean, a person will
10 shut down.

11 Q. And you start out by hitting them with --

12 MR. MUREDDU: Objection, leading.

13 THE COURT: Sustained.

14 Q. What, if any, steps do you take with regard to
15 revealing physical evidence in interviews you conduct?

16 A. First off, you want to gather -- the first part of
17 the interview I try to gain as much information as
18 possible, evidence information gathering. Slowly as
19 you progress, bring in different articles of evidence,
20 different things like that to present slowly and push
21 the truth forward to check for a response. In your
22 casual conversation, throw something out there to see
23 how they respond and go off of that as you go.

24 Q. And during the course of the interview we heard, I
25 think it was, Mr. Bryant said you should find

BRANDON STRICKLAND - DIRECT EXAMINATION

1 fingerprints on the pillow?

2 A. Yes.

3 Q. In your experience, have you tried to take
4 fingerprints before?

5 A. I have taken many fingerprints in my career, and a
6 pillow would not be a surface that would be easy to get
7 a fingerprint from.

8 Q. So you couldn't get anything from it?

9 A. No, sir.

10 Q. I think at one point you said, towards the end of
11 the interview, I want to figure out how she suckered
12 you boys into this; what did you mean by that?

13 A. That is a statement trying to see what his
14 response would be, how did she talk you guys into
15 getting into this situation, finding out primarily if
16 there is some type of monetary reason, personal reason,
17 different things like that.

18 Q. And once again, what did the Defendant tell you
19 about the gun used in this crime?

20 A. He said the gun -- in his statement he stated that
21 he did not have a gun in the house, that Sandy Locklear
22 had a gun, pearl handled handgun.

23 Q. How did that compare with the gun he had; did he
24 say?

25 A. He said that gun was exactly like the one he had

BRANDON STRICKLAND - CROSS-EXAMINATION

1 at the Vasco store later on in that day, other than he
2 said it had a black strip in it, or something to that
3 extent.

4 MR. RICHARDSON: Answer any questions, Mr. Mureddu
5 may have.

6 CROSS-EXAMINATION

7 BY MR. MUREDDU:

8 Q. Officer Strickland, I want to get into some
9 matters I want to tie up about Sandy Locklear here, and
10 then we'll get into Odom's interview with you.

11 A. That's fine.

12 Q. All right. Now, I think that we've had
13 discussion, and it's been established, that Neil
14 Frebowitz was on-call and he was actually the lead
15 detective in the case?

16 A. Yes, sir.

17 Q. So him being on-call would be a case that he would
18 catch probably first, but because where you lived, your
19 proximity to where the Hatfield house was, even though
20 Frebowitz was on-call and it would have made him kind
21 of lead detective, you were the first detective to
22 arrive there?

23 A. I was.

24 Q. Now, I think you established that you're on the
25 horn with Frebowitz and he's saying get a search

BRANDON STRICKLAND - CROSS-EXAMINATION

1 warrant and do other things, so you are doing that
2 while others are arriving; is that fair to say?

3 A. That's correct.

4 Q. When you first get there, Sandy Locklear is there?

5 A. Yes.

6 Q. She's still there, but you leave the scene, and at
7 some point in time you get back to the scene, and then
8 she's gone to wherever she's gone; is that fair to say?

9 A. Yes, sir.

10 Q. But I think that you had said that you were
11 involved in, I think, to a significant degree in
12 various interviews of her, and her story or varying
13 stories about what actually happened; is that fair to
14 say?

15 A. Yes, sir.

16 Q. So you had enough interaction with Sandy Locklear
17 in listening to what she had to say and discussions
18 with other officers, you pretty much know the gist of
19 everything that she claimed happened during this
20 incident; is that fair to say?

21 A. That would be fair to say. I don't know
22 everything, I wasn't there -- I have a good working
23 knowledge.

24 Q. Okay. Let's see if we established stuff, and I
25 think you know this, but let's find out. You are aware

BRANDON STRICKLAND - CROSS-EXAMINATION

1 that it was reported by her that she was bound up with
2 duct tape and raped repeatedly; you were aware of that?

3 A. Yes.

4 Q. Now -- and you are aware that she said that
5 happened, bound up and then the two unknown people fled
6 the scene and she was still there bound up?

7 A. Yes.

8 Q. Now, she said that she was bound up trying to free
9 herself, but before she actually called 911, that she
10 actually while bound up left the house, hopped to the
11 neighbor's house and tried to get help?

12 A. Yes, sir.

13 Q. So you are familiar with that, okay. So she said
14 that she did this while she was bound up and before she
15 called 911? She went to the neighbor's house first
16 bound up, tried to get help, nobody was there, finds
17 the home and then calls 911?

18 A. I don't know if she said exactly like that, but
19 when she called 911, officers responded.

20 Q. And you also know that she placed herself outside
21 of the house before the officers got there?

22 A. Yes, sir. In her initial interview she did state
23 that she went to get somebody next door.

24 Q. That is what I'm trying to establish. You're
25 aware that the phone that she called 911 on was not her

BRANDON STRICKLAND - CROSS-EXAMINATION

1 phone, that number that has been stipulated to
2 [REDACTED]-7987, she didn't called 911 on that number,
3 her phone, did she?

4 A. No, she didn't.

5 Q. She said that her phone was gone, apparently
6 stolen during the robbery, so she found that -- the one
7 she called 911 on and used it, that was a story she
8 told, right?

9 A. Yes, that's correct.

10 Q. Just to get this clear, some of the lies she told
11 or stories she told was that -- story, I should say,
12 she told was while bound up, she hops out of the house,
13 tries to get help, can't do it, nobody is home, comes
14 back and then calls 911 from somebody else's phone; is
15 that fair to say?

16 A. That is fair to say, yes, sir.

17 Q. Now, let's get in a bit about the interview. When
18 you sat down with you -- when you and Neil Frebowitz
19 sat down with Odom Bryant and interviewed him, I think
20 you said it was Columbus County jail or some detention
21 center in North Carolina; is that right?

22 A. Yes, sir. It was next door, literally right
23 across the driveway in the Sheriff's Office.

24 Q. And that was -- I mean, you tell me, I'm not
25 trying to put words in your mouth, but that was about a

BRANDON STRICKLAND - CROSS-EXAMINATION

1 month after this crime occurred, wasn't it, give or
2 take a few days?

3 A. I think it was -- this crime occurred on
4 August 19th, and this was September 19th, a month.

5 Q. So there -- so between the night the crime
6 occurred and when you all sat down and talked with him,
7 a significant period of time occurred?

8 A. Yes, sir.

9 Q. And during this period of time, that 30 days, that
10 is when you were working the case, interviewing folks.

11 (A cell phone rings and there is a pause in the
12 proceedings.)

13 Q. Between the 30-day period when the crime occurred
14 and when he was in custody being interviewed, that is
15 when you were conducting your investigation,
16 interviewing people, combing the areas of Loris and
17 Tabor City; is that fair to say?

18 A. Yes.

19 Q. And it involved a bunch of private citizens being
20 questioned and things like that?

21 A. Yes.

22 Q. And Tabor City/Loris area, that ain't the
23 metropolis of areas, would you call it?

24 A. No. No, sir.

25 Q. Small towns?

BRANDON STRICKLAND - CROSS-EXAMINATION

1 A. Small towns.

2 Q. Both of them. Word filters, people talk?

3 A. Yes, sir.

4 Q. And you all had a significant law enforcement
5 presence in that area asking questions investigating;
6 fair to say?

7 A. Fair to say.

8 Q. Now, the interview we just heard, about how long
9 would that thing last? Like an hour and 20 minutes,
10 something like that from end to end, what we heard; is
11 that about right?

12 A. I would say so, somewhere in that time.

13 Q. Well over an hour?

14 A. It was over an hour, yes, sir.

15 Q. I won't try to hold you to the minute or second.
16 I want to go through -- I think there was some talk
17 about -- there was a period of time when you all first
18 sat down with him, went through his Miranda rights and
19 began the interview; do you recall that?

20 A. Yes, I do.

21 Q. And then there was a significant period of time, I
22 have it at about 45 minutes, but that might be off,
23 give or take. There was about a 45-minute stretch from
24 when you started to where the tape cut off, because he
25 mentioned maybe I should talk with a lawyer, or

BRANDON STRICKLAND - CROSS-EXAMINATION

1 something like that; is that about right?

2 A. I don't know the time, but....

3 Q. More than five minutes?

4 A. More than five minutes, yes, sir.

5 Q. But, again, 35, 45 minutes, would you be
6 comfortable in saying that?

7 A. Yeah.

8 Q. Now, let's just call it -- regardless of how long
9 it was, let's call it the time when you started and the
10 first time the tape was cut off because he mentioned
11 the lawyer.

12 A. Okay.

13 Q. Now, it was during that period of time when you
14 all were questioning him about his relationship to
15 Sandy Locklear that he told you several things that he
16 ended up recanting and admitting were lies; would you
17 agree with that?

18 A. Yes, sir.

19 Q. Let me go through a few of them. Again, we're
20 talking about in the first 45 minute thing before it
21 stopped. One was that he denied in that first part
22 before the tape was cut off of being at the Hatfield
23 residence?

24 A. That's correct.

25 Q. He basically denied associating with Sandy

BRANDON STRICKLAND - CROSS-EXAMINATION

1 Locklear outside of cutting the grass and smoking or
2 selling her a couple of blunts, a little bit of weed;
3 that is how he limited his involvement with her in the
4 first part, right?

5 A. Yes, sir.

6 Q. He denied ever riding in a car with her or James
7 or anything like that during that portion?

8 A. I believe so, yeah. I can't remember where the
9 cut offs are.

10 Q. But the first part is that he was distancing
11 himself and denying that he knew anything about the
12 crime or anything like that?

13 A. That's correct.

14 Q. I think Neil Frebowitz said something like have
15 you ever been in a car ride and all, but that was about
16 the first 45 minutes?

17 A. Yes, I'll agree with you.

18 Q. And he denied that, and it was a lie. He later
19 recanted?

20 A. Yes, sir.

21 Q. He denied ever during that period -- first 45
22 minutes having any involvement at all with that
23 residence or with that crime; can we agree?

24 A. Yes, he did.

25 Q. Now, around the 45-minute mark, that is when you

BRANDON STRICKLAND - CROSS-EXAMINATION

1 all start ramping up the pressure, you start
2 confronting him with inconsistencies, story, some of
3 your conflicting evidence?

4 A. That sounds about right.

5 Q. That is when he asked or mentioned a lawyer and/or
6 should I talk with a lawyer, and you immediately
7 terminated that interview?

8 A. We did.

9 Q. And I think you described that, you know, it was
10 -- you all started folding up tents, so to speak, and
11 there was about a five-minute period or less to where
12 -- when you all started to leave, he changed his mind
13 and decided, hey, no, let me sit back down with you all
14 and let's talk more?

15 A. That's correct.

16 Q. And he initiated that?

17 A. He did.

18 Q. And you consented, because as you said, you all
19 wanted to keep him talking, or at least hear more of
20 the story?

21 A. Yes.

22 Q. Now, when this -- all of this occurred within that
23 first 45 minutes or so, the first portion of the tape
24 from the beginning to the first stop, that all happened
25 during that time?

BRANDON STRICKLAND - CROSS-EXAMINATION

1 A. Yes, sir.

2 Q. So when he reinitiated the interview, according to
3 him, basically, he told you all, Okay, I was lying, now
4 I'm going to tell you really what happened, can you sum
5 it up, something like that? Do you want me to say it a
6 different way?

7 A. I'll say exactly what he told me. He said as
8 we're walking out, he said, James cut a deal, didn't
9 he; that is what he said to me.

10 MR. MUREDDU: Your Honor, there is a matter of law
11 that we need to take outside of the presence of the
12 jury.

13 THE COURT: Ladies and Gentlemen, we need to
14 address a matter of law. I'll dismiss you and we'll
15 bring you back in a second.

16 (The jury exits at 4:16 p.m., and the
17 following is heard out of the presence of the jury.)

18 THE COURT: All right.

19 MR. MUREDDU: Your Honor, that statement that he
20 just made was part of the interview or part of
21 communications that the Solicitor and I had and were in
22 agreement that were to be redacted to not be discussed.
23 They started to get into it on direct, and that is when
24 I objected, and the Solicitor moved along. We did not
25 put this on the record, I will concede. But I think

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1 that was enough communication between both sides, and
2 throughout the course of the trial, the motions that I
3 made as far as nobody was supposed to get into hearsay
4 information about what either of the other codefendants
5 said, that that testimony or that evidence was not to
6 be discussed, breached, presented to the jury, and now
7 it is out there.

8 THE COURT: This isn't what a codefendant said,
9 this is what your client said in response. You asked
10 the question that he said he wanted to talk further,
11 and he was saying what your client said, so this isn't
12 a statement by a third --

13 MR. MUREDDU: Your Honor, I'll put it this way.
14 At this time I'll make a motion for a mistrial. I
15 don't think that that is -- again, this is between the
16 discussions with the Solicitor about the evidence that
17 was going to be covered, testified to. I think that
18 this is something that is improper, and I think that it
19 is something that the jury should not have heard.

20 THE COURT: Mr. Richardson.

21 MR. RICHARDSON: I will concede there were
22 portions during the actual recording of the initial
23 interview where they discussed about -- started going
24 down the path of James cut a deal, and then there is
25 tit-tat back with Neil Frebowitz saying we're not

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1 telling you what he is saying.

2 This is completely different. Mr. Mureddu is
3 asking what changed the nature, why he decided to start
4 speaking again or turn the recorder back on, and this
5 is what was testified to during the Jackson v. Denno
6 when it was asked to show the voluntariness what
7 transpired while the recording was off. Sergeant
8 Strickland testified that he asked what was said.

9 Now, we retracted it during the case in chief, but
10 when defense goes into what had changed, the Defendant
11 had an epiphany and started to tell the truth after
12 lying -- the Defendant went out, and it is not a
13 hearsay statement, it gives a reason why he changed his
14 mind. It fully informs the jury what is in the
15 Defendant's mind. I believe Sergeant Strickland would
16 testify they never said anything about what Nehemiah
17 James said, or what Sandy Locklear said at that point.

18 THE COURT: Anything in reply?

19 MR. MUREDDU: That was just an unresponsive
20 question to what I asked. I didn't ask him that
21 question as the Solicitor indicates, but obviously I
22 made the motion.

23 THE COURT: I'm going to deny your motion for a
24 mistrial. You asked the question. It is not hearsay.
25 It was a statement made by your client indicating why

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1 he wanted to go back and continue with the questions.

2 MR. MUREDDU: Your Honor, can I ask for
3 clarification then? In redirect, is the Court going to
4 -- I would like to get an idea what latitude the Court
5 will give Solicitor Richardson in exploring that?
6 Because my position is this: I didn't open the door to
7 that. I asked him a question, and he gave --

8 THE COURT: What was the question you asked?

9 MR. MUREDDU: The question was, Didn't he want to
10 give you his own version of the truth when he
11 reinitiated the interview and tell his story.

12 THE COURT: I thought you asked why he wanted to
13 -- that he indicated that he wanted to reinstate the
14 interview, and he said, yes. His exact question was,
15 The codefendant made a deal, didn't he. He was telling
16 you exactly -- maybe I misunderstood your question. I
17 thought it was responsive to the question you asked.

18 MR. MUREDDU: I didn't ask him the open-ended
19 question when leading is on cross about why did he do
20 this. I was asking him a leading question as he did
21 this for the purpose to tell you the truth. His
22 response was it would either have been yes or no, not,
23 no, he said something completely differently, which is
24 his response. That is like if I asked him how tall he
25 was and he told me how much he weighed. I'm asking

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1 something about him, but I'm asking a specific
2 question, Didn't he ask or reinitiate the interview so
3 he could tell you the real truth of what happened, and
4 his response was not "yes" or "no," it was this is why
5 he did it -- or he basically blurted it out.

6 THE COURT: I think it was responsive enough. I
7 think it was -- it was not "yes" or "no," but it was
8 responsive to your question sufficiently, I think. So
9 I'll allow it. What is it you are asking me?

10 MR. MUREDDU: Where do we go from here?

11 THE COURT: I'll address it when it comes up. If
12 there is an objection, raise your objection. I don't
13 know if they are going to have redirect; if they do, I
14 don't know what extent they'll go into it.

15 MR. RICHARDSON: Your Honor, I can answer that.

16 THE COURT: Well....

17 MR. RICHARDSON: If I may, just to save Court
18 time. The only question I would ask with regard to
19 that is, Did you provide any information to him with
20 regard to statements made by Nehemiah James Evans, and
21 I believe the answer would be "no."

22 THE COURT: Okay. All right. Anything from the
23 defense before we bring the jury back in?

24 MR. MUREDDU: Nothing.

25 THE COURT: Anything from the State?

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1 MR. RICHARDSON: No, sir.

2 THE COURT: Bring the jury back in.

3 (The jury enters at 4:35 p.m., and the
4 following is heard in the presence of the jury.)

5 THE COURT: Welcome back.

6 Q (By Mr. Mureddu) Let me continue asking you
7 questions. Listen to my specific question and answer
8 the question that I ask you. When the interview was
9 reinitiated by both Odom and law enforcement, Odom
10 gave you his version of what happened at the
11 Hatfields?

12 A. Yes, he did.

13 Q. And he told you that -- from that point that it
14 started on from there, he told you that he had lied in
15 the past; can we agree on that?

16 A. We can.

17 Q. And that he told you now what he was telling you
18 was the entire truth of what happened at the Hatfield
19 residence; that is what he told you, whether you
20 believe him or not?

21 A. That is what he told me.

22 Q. All right. Let's go through what he told you that
23 was the real truth in the remaining parts of the
24 interview, okay?

25 A. Okay.

BRANDON STRICKLAND - CROSS-EXAMINATION

1 Q. Now, what he told you when he reinitiated the
2 interview, he described his relationship between he and
3 James -- Nehemiah James Evans?

4 A. That is correct.

5 Q. He described it they cut grass together, had a
6 landscaping business together?

7 A. That's correct.

8 Q. And he represented, basically, hey, we were tight,
9 we were good friends?

10 A. That's correct.

11 Q. He said several times, yeah, he's my dude, he's my
12 dude, stuff like that?

13 A. That's right.

14 Q. So after he reinitiated, he went through his
15 relationship with Evans and said we're super tight,
16 he's my good friend?

17 A. That's correct.

18 Q. He told you all that that's how he came to meet
19 Sandy Locklear, through James from cutting her grass
20 and landscaping; isn't that what he told you?

21 A. Yes.

22 Q. And when you all did your independent
23 investigation and you were asking around about the
24 parties of Sandy Locklear and James Evans and PooPoo,
25 the investigation seemed to bear that out to be true,

BRANDON STRICKLAND - CROSS-EXAMINATION

1 that Odom met Sandy through James in that grass-cutting
2 business; would you agree on that?

3 A. I would.

4 Q. So you would agree that that part of his statement
5 was true?

6 A. I would.

7 Q. Through an independent investigation?

8 A. That's correct.

9 Q. Now, not only did he tell you that that is how he
10 came to meet Sandy Locklear through James, that he
11 didn't know her all that long before the night of this
12 crime?

13 A. I believe so.

14 Q. And, again, the investigation bore that out?

15 A. Yes, sir.

16 Q. Let's go through the day -- I'll say the day or
17 the night of when the crime occurred, basically. The
18 crime occurred at like in the morning hours of the
19 19th; you agree with that?

20 A. Yes, sir.

21 Q. But when Odom starts talking about how he and
22 James got out there with Sandy, that appears to be --
23 there may be an overlap between the 18th and
24 19th maybe; would you agree with that?

25 A. Uh-huh.

BRANDON STRICKLAND - CROSS-EXAMINATION

1 Q. I want to say that the day or the night of the
2 crime, but it --

3 A. I got you. I know what you are saying.

4 Q. 18th/19th type of thing, that is the period of
5 time.

6 A. Not of the 18th, but more of the 19th.

7 Q. Right. Right. As far as what Odom said happened.

8 A. All right.

9 Q. I just want to be sure that you understand what
10 I'm asking.

11 A. All right.

12 Q. Now, he told you all that that period of time that
13 James Evans called him up on the phone and said, hey, I
14 want to get with you, got something I want you to help
15 me do.

16 A. That's correct.

17 Q. That is what Odom told you all?

18 A. That's correct.

19 Q. So a call from James, meet up, got something I
20 want you to do?

21 A. That's right.

22 Q. Now, he told you all that in response to that call
23 that later on he ended up meeting up with James over at
24 his aunt's house or Catterra Todd's house?

25 A. I believe so.

BRANDON STRICKLAND - CROSS-EXAMINATION

1 Q. Now, let's explain to the jury this kind of
2 relationship. Catterra Todd, it is true that that lady
3 is Odom's aunt?

4 A. From my investigation, yes.

5 Q. But she's also the girlfriend of Nehemiah James
6 Evans?

7 A. Correct.

8 Q. So, basically, with Catterra Todd it was his aunt,
9 James' girlfriend, kind of a connection on both sides?

10 A. That's correct.

11 Q. So James calls him up, got something I want you to
12 help me to do. He's like, all right, cool. He goes to
13 meet James at Catterra Todd's house, which is where
14 James would be, because that is his girlfriend, and he
15 has a family connection, that is his aunt, that is what
16 he told you?

17 A. Yes, I believe so.

18 Q. Now, he told you that when he went over there and
19 met up with James, he eventually told you that Sandy
20 came over to that location; agree upon that, that is
21 what Odom said?

22 A. He said the three ended up together, I can't
23 remember where they said they met.

24 Q. I think he says eventually she came over, and that
25 is when they got in the silver car; does that sound

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1 right?

2 A. Yeah.

3 Q. Now, Odom already told you that when he got up to
4 James, it wasn't discussed on the phone what James
5 wanted with him, right?

6 A. Correct.

7 Q. And, basically, Odom tells you that Sandy Locklear
8 eventually came over there to Catterra Todd's house, and
9 they all three were together?

10 A. Correct.

11 Q. And Odom tells you that that is when it was laid
12 on him as far as what this something to do was going to
13 be; you understand?

14 A. Yeah, I got you. Yes.

15 Q. And the something to do was -- basically, he said
16 that when those three got together over at Catterra
17 Todd's, he says that that is when it's laid on him by
18 Locklear that she wants he, Odom, and Evans -- his
19 words were to scare a dude up?

20 A. That's correct.

21 Q. Again, he says that that was -- that's when -- at
22 Catterra Todd's house when they got together, that is
23 when this favor appeared being asked of him, that is
24 when he got the information that -- what the favor was
25 and what Sandy Locklear wanted done?

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1 A. That's correct.

2 Q. Now, he told you when he gets into the "scaring
3 the dude up," he tells you basically that Sandy
4 Locklear lays a story on him about Tommy Hatfield,
5 Amos' son, he stays at the house with Amos, doesn't do
6 anything but smoke dope, do drugs, spends up all
7 Daddy's money, that is when Sandra laid the back story
8 as to why she wanted Tommy Hatfield scared up?

9 A. Yeah, that's correct. I agree.

10 Q. So, again, I want you to go in, Locklear tells
11 him, Tommy is trouble, spending his Daddy's money doing
12 drugs, scare him up, kind of like an intervention type
13 of thing, get him out of the house or something,
14 confront him about these things. She's unhappy, fair
15 to say, that is what he says was told to him?

16 A. Yeah, to scare him.

17 Q. But I'm getting into the reason. If she's going
18 to say I want you to scare a dude up, it is logical to
19 inform Odom as to why it is, whether you believe it or
20 not?

21 A. And that is what he stated.

22 Q. And that is what he said. He said that at some
23 point during a discussion when he and James were going
24 to scare Tommy up, that it was communicated to him --
25 I'll put it like this. I admitted the text messages as

BRANDON STRICKLAND - CROSS-EXAMINATION

1 far as Sandy would leave the back door unlock and send
2 the signal to come in?

3 A. Yes.

4 Q. And the evidence we heard about the text messages
5 about back is on, those type of things, he admits that
6 that was part of the plan, back door was going to be
7 unlocked, they were going to get the signal through the
8 text when to come in?

9 A. That's correct.

10 Q. Whether you believe the scare-up story, it was
11 getting the text and then going through the back door,
12 and it being unlocked, the investigation proved that to
13 be true?

14 A. That's correct.

15 Q. Now, you all asked him about, okay, you are going
16 to scare this guy up, I think you and Frebowitz -- it
17 might have been Frebowitz that asked him -- but at some
18 point in time you asked him, Were you getting paid, was
19 there anything in it for you; that question arose?

20 A. Yes.

21 Q. And what Odom told you was, you know, his
22 understanding was, no, we're going to go in and scare
23 the dude up. He said he had money in his pocket, he
24 didn't need any?

25 A. He did say that.

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1 Q. And he said he wasn't getting paid?

2 A. That's correct.

3 Q. He said his understanding was going to get hurt?

4 A. Correct.

5 Q. That is what he said?

6 A. Yes, sir.

7 Q. He basically said since he wasn't getting paid
8 and, you know, nobody was getting hurt, he told you all
9 that, hey, James asked me to do something, he's my
10 dude, I'll back up my dude?

11 A. That is what he said.

12 Q. So, basically, no money involved, nobody will get
13 hurt, he's doing it out of loyalty to a friendship,
14 doing the dude a favor; that is what he said?

15 A. That is what he said.

16 Q. But denied that he was going to be paid by Sandy
17 Locklear out of an insurance policy; he denied that?

18 A. He did.

19 Q. Now, when you all asked him, well, you are going
20 in there, I think there was -- it was asked about guns.
21 He was adamant, he said he was not armed with a gun
22 going into that house; that is what he said?

23 A. That's correct.

24 Q. And he also said that as far as he knew, nobody
25 was going to have a gun, not him or Evans, not Sandy

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1 Locklear, not the Hatfields?

2 A. That's correct.

3 Q. So he said that as far as he knew, nobody is
4 packing a gun, nobody is armed with a gun and nobody is
5 going to get hurt; that is what he said?

6 A. Correct.

7 Q. He did say that even though he didn't have a gun,
8 he wasn't armed with a gun, that he did have a wooden
9 baseball bat with him when he went in?

10 A. Yes, he said.

11 Q. And he said that he was assured that nobody in the
12 house, the Hatfields or anybody else, nobody in the
13 house would have a gun?

14 A. That is what he said. He said that Sandy told him
15 no one will have a gun.

16 Q. Now, let me get into the specifics of the actual
17 shooting as he described it to you and Neil Frebowitz?

18 A. Okay.

19 Q. Now, as far as the shooting went, Odom told you
20 all that he and Evans went into the house through the
21 unlocked back door?

22 A. That's correct.

23 Q. He said that everybody kind of froze, specifically
24 Tommy, because they were scared, didn't know what was
25 going on?

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1 A. He said Tommy slid down on the floor.

2 Q. Didn't he say that everybody kind of froze, Tommy
3 was froze and scared?

4 A. He may have. If you are saying it's in there, I
5 will not dispute it.

6 Q. Now, he said that when he and James Evans went in,
7 that they went through the house, through the rooms to
8 make sure nobody else was in the house other than who
9 they could see, the Hatfields, two Hatfields and Sandy
10 Locklear?

11 A. Yes.

12 Q. That is what he said. And we've seen the diagram.
13 There is basically five different rooms, even though
14 that trailer is small, that have closed doors that
15 could conceal somebody, that is the layout of the
16 house, isn't it?

17 A. Correct.

18 Q. So whether you believe it will or not, he said
19 that when they went in, he and Evans, and they saw
20 everyone freeze, that is when they were going in to
21 make sure nobody else was in the house, that is
22 basically the first thing they did when they went in
23 through the back door; that is what he said?

24 A. That is what he said, yes, sir.

25 Q. Now, he told you that while he and Evans were

BRANDON STRICKLAND - CROSS-EXAMINATION

1 going through that house checking the rooms, that that
2 is when Sandy Locklear -- a gun somehow came out, or
3 that is when she shot the Hatfields during the period
4 of time when he and Evans was going through the house;
5 that is what he told you all?

6 A. He said he heard a pop.

7 Q. And he wasn't in the room when he heard the first
8 pop?

9 A. That's correct.

10 Q. And not only was he not in the room, he was in, I
11 think, the back room checking?

12 A. Yes.

13 Q. So he said he was back checking through the house
14 when Sandy unexpectedly takes a gun and shoots the
15 Hatfields; that's what he said? Whether it is true or
16 not, that is what he said?

17 A. Okay. Yes, sir.

18 Q. Now, as far as Sandy Locklear shooting the
19 Hatfields, as he said it occurred, he told you all that
20 it was completely unexpected by him?

21 A. Correct.

22 Q. He told you that he had no idea Sandy Locklear was
23 going to kill anyone?

24 A. Correct.

25 Q. He said it wasn't part of the plan that he was led

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1 in on?

2 A. Correct.

3 Q. He said he didn't even have any idea that she even
4 had a gun?

5 A. That's correct.

6 Q. And he said after the shootings occurred, almost
7 immediately after, that he and Evans left in that
8 silver car that they had ridden up there in; is that
9 right?

10 A. That's correct.

11 Q. In response to him telling you and Frebowitz his
12 version of events, that version we just went through, I
13 think there was some follow-up questions asked by both
14 of you all; is that fair to say?

15 A. Yes, sir.

16 Q. Some of the follow-up you were asking -- and I
17 don't remember which one of the two of you it was, but
18 it was about her being tied up and raped, you asked him
19 about that during that second portion of the tape where
20 he told you his version of events of what happened at
21 the Hatfields; is that correct?

22 A. I asked that question.

23 Q. Good. You'll be more familiar with it, then. His
24 response to, you know -- I think you asked him who tied
25 Sandy up, he said he didn't tape her or tied her up?

BRANDON STRICKLAND - CROSS-EXAMINATION

1 A. That's correct.

2 Q. He said -- obviously, he denied raping her?

3 A. That's correct.

4 Q. He said that Evans didn't do either one either,
5 tie her up or rape her or anything like that?

6 A. That's correct, that is what he stated.

7 Q. He denied her ever being tied up, taped up in her
8 presence or while he was there?

9 A. Yes, sir.

10 Q. He said he didn't take away from the scene the gun
11 that she used to kill the Hatfields?

12 A. That is what he said.

13 Q. He said he did not take that from the scene?

14 A. That's what he said.

15 Q. He said he didn't take anything away from the
16 scene as far as steal anything, dispose any evidence,
17 anything like that, didn't he?

18 A. All he said was baseball bat that burned in the
19 car.

20 Q. Anything other than the silver car, which I'll get
21 back to in a minute. So he leaves the house, she was
22 not tied up?

23 A. Correct.

24 Q. He said he didn't take any guns or any
25 instrumentalities of the crime?

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1 A. Correct.

2 Q. Didn't take anything from the scene that he didn't
3 bring, which was the bat?

4 A. Correct.

5 Q. And he said that he and Evans basically left the
6 scene in that silver car that they had ridden?

7 A. Correct.

8 Q. Sandy driving -- basically, he left in a car that
9 he was carried into the scene to begin with?

10 A. Correct.

11 Q. Now, he said that when he and James Evans took the
12 silver car, they eventually took it to an area and
13 burned it up; he admitted that?

14 A. That's correct.

15 Q. And he said that when the car was burned up, the
16 wooden baseball bat was left in the car, and it got
17 burned up in the car?

18 A. Correct.

19 Q. Now, that was his truthful version, that he says
20 was truthful, as far as his involvement that night at
21 the Hatfields? That is what he said was basically the
22 entire story about what happened; can we agree upon
23 that?

24 A. We can.

25 Q. Now, let's change gears here for a minute. Let's

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1 talk about Vasco. Let's see if we can agree upon this.
2 I'll go from what the investigation revealed rather
3 than what he said in the interview.

4 A. I understand.

5 Q. But it may overlap. Now, about seven, eight --
6 well, I'll come there in a minute. Let's go through
7 the time of the telephone information. I think that
8 the text from Sandy Locklear to him about coming
9 through the back door, I think the last one was sent
10 around 2:51, a little bit before 3:00 in the a.m.?

11 A. I don't know exactly, but I won't dispute that.

12 Q. It is somewhere in there?

13 A. It was early morning hours, before 4 o'clock.

14 Q. And that is what I'm getting at. So around 2:51,
15 and I'll verify that in a minute if we have to, but
16 that is when the last text was sent to Odom from Sandy
17 Locklear about coming through the back door?

18 A. I believe that is correct.

19 Q. A little bit before 3:00 a.m.?

20 A. Agreed.

21 Q. The 911 call placed by Sandy Locklear was at
22 4:00 a.m.?

23 A. I believe so, somewhere around that time.

24 Q. So we're talking about between 2:50-ish and
25 4:00 a.m., at least an hour, a little bit more, time

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1 period, telephone to Evans; you agree with that?

2 A. I would agree.

3 Q. Odom said that after Sandy shot them, he got out
4 of there quickly and got away from the scene
5 immediately after, is pretty much the way he told them?

6 A. Correct.

7 Q. So if that is true, and I know you don't believe
8 it, but if that is true, you have Sandy Locklear being
9 in that house alone with, unfortunately, the Hatfields
10 being there for around an hour -- 45 minutes to an hour
11 by herself, that is the time frame, if what he is
12 saying is true?

13 A. If what he is saying is true, yes.

14 Q. Is the time frame right, operating under what he
15 told you?

16 A. Correct.

17 Q. Alone in the house maybe as much as an hour, Sandy
18 Locklear?

19 A. Between the phones, yes.

20 Q. Now, Vasco. 911 call goes in at -- around
21 4 o'clock?

22 A. Yes.

23 Q. Officers are there quickly, within minutes,
24 really?

25 A. Yes, sir. Within five minutes.

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1 Q. Now, seven, eight hours from 4:00 a.m. or
2 whatever -- seven to eight hours later, around
3 11:00-ish in the morning, that is when Odom is at
4 Vasco?

5 A. That's correct.

6 Q. So we're talking about a window of time, about
7 seven to eight hours after this crime occurred; you
8 agree with that?

9 A. I agree.

10 Q. And he -- you all talked about Vasco and he didn't
11 deny that he was at Vasco, said he went there all the
12 time, said it is right down the street from where his
13 girlfriend, Theresa Phillips, lives. He admitted when
14 you asked him about Vasco? He didn't deny he was there
15 in that time frame?

16 A. No, he did not.

17 Q. And through investigation and independent video
18 surveillance, you aren't going to just take his word,
19 that was confirmed through independent investigation
20 regardless of what he said about that?

21 A. That's correct.

22 Q. But he didn't deny being at Vasco seven, eight
23 hours after this crime?

24 A. He did not.

25 Q. Now, when Neil Frebowitz in the first part of the

BRANDON STRICKLAND - CROSS-EXAMINATION

1 interview asked him about having a gun at the Vasco,
2 during that first part of the interview, he didn't deny
3 it? I think he said something like, Plead the Fifth.
4 He just didn't answer the question; can we agree?

5 A. Yes, we can.

6 Q. When you went back on the record and he told you
7 what he claims to be the whole truth, he did admit,
8 didn't deny at all, that he had a gun on him at the
9 Vasco when he was there 11:00 a.m.? He admitted to
10 that, didn't he?

11 A. He did.

12 Q. And he described the gun to you all, what it
13 looked like, what caliber, et cetera?

14 A. Correct.

15 Q. And he told you all it was a pearl handle, white,
16 silver, chrome .25 caliber gun; that is how he
17 described it?

18 A. Yes.

19 Q. Now, he was adamant that that gun was a different
20 gun than the gun that Sandy Hatfield used or Sandy
21 Locklear used to kill the Hatfields, didn't he?

22 A. He did.

23 Q. He said there were two different guns, the one he
24 had was not the murder weapon, it was not Sandy
25 Locklear's gun, two different guns?

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1 A. Correct.

2 Q. Now, he actually -- in describing the gun that he
3 had, he actually told you all or gave you all a source
4 of where that gun came from, who that gun belonged to,
5 didn't he?

6 A. He did.

7 Q. He actually gave you a name. He said that that
8 gun that he had belonged to a fellow by the name of Joe
9 Hardee?

10 A. That's correct.

11 Q. And he gave you the information about what his
12 connection to Mr. Hardee, Mr. Joey Hardee, was, and
13 that was his girlfriend, Theresa Phillips, had kids and
14 he was the father of one or some of them?

15 A. That's correct.

16 Q. So he told you that the gun that he had at Vasco
17 was not the murder weapon?

18 A. That's what he stated.

19 Q. He said that it wasn't Sandy Locklear's gun?

20 A. Correct.

21 Q. He said it was a gun that belonged to Joe's
22 Hardee?

23 A. Correct.

24 Q. His girlfriend's baby's daddy?

25 A. I believe so.

BRANDON STRICKLAND - CROSS-EXAMINATION

1 Q. Gave her name, Theresa Phillips, and he said that
2 he actually had that gun because Joey Hardee wanted it
3 sold, pawned, he was supposed to sell it or pawn it for
4 Joey Hardee; is that right?

5 A. Yes.

6 Q. Now, listen carefully to exactly what I ask you
7 and answer the question I ask you. Did you interview
8 Theresa Phillips about this gun?

9 A. I do not believe so.

10 Q. Did you?

11 A. No, do not believe so. I talked with a lot of
12 people, but I don't believe she was one of them.

13 Q. Did you interview Joey Hardee -- his real name is
14 Ronny Joey Hardee -- did you interview this fellow,
15 Hardee fellow, about this gun that Odom had claiming it
16 belonged to the Hardee boy? Did you?

17 A. I did not.

18 Q. Did you personally follow up on this gun that he
19 gave you all?

20 A. I personally did not.

21 Q. Let's see if we can agree upon something. If he's
22 lying about that gun, as has been suggested during the
23 course of this trial, it being the murder weapon and it
24 coming from the Hatfield family, that would have been a
25 very important lead to follow up; would it not?

BRANDON STRICKLAND - CROSS-EXAMINATION

1 A. Yes, that would be.

2 Q. Because he has told you all, The gun I have, I
3 have it because of my girlfriend, Theresa Phillips. It
4 belongs to her baby's daddy, Ronny Joey Hardee. It is
5 his gun. I have it because he wants me to sell it for
6 him. If you follow up on that lead and you interview
7 these two people, you are going to know conclusive
8 whether or not that is a lie, or whether or not that is
9 their version of events, they back up his story; can we
10 agree upon that?

11 A. Yes, sir, we can.

12 Q. And you did not follow up on that gun lead in
13 either direction, did you?

14 A. I did not.

15 Q. Not through Theresa Phillips and seeking her out
16 to interview her, and not seeking out Ronny Joey Hardee
17 to interview him?

18 A. Me, personally, no.

19 Q. I'll ask you, because you were heavily involved in
20 the investigation, did you search the wooded area
21 outside of the Hatfield -- behind the Hatfield
22 residence in close proximity of the house, did you
23 search the woods for any clues, evidence or anything
24 like that?

25 A. I walked through the yard around the perimeter in

BRANDON STRICKLAND - REDIRECT EXAMINATION

1 the wood line, but not into the woods, no, sir.

2 Q. Do you know of anybody in the course of an
3 investigation searching the woods to see, if anything,
4 was disposed of in that wooded area?

5 A. I do not know personally, no, sir.

6 Q. And this is a large wooded area out there, we've
7 seen it?

8 A. A lot of acreage of woods.

9 Q. And in very close proximity to the Hatfield house?

10 A. Directly behind it.

11 Q. Actually, the woods are closer to it than the
12 road?

13 A. It would be fair to say.

14 MR. MUREDDU: No further questions.

15 THE COURT: Redirect?

16 REDIRECT-EXAMINATION

17 BY MR. RICHARDSON:

18 Q. You testified about what changed whenever the
19 interview was reinitiated, did you or Detective
20 Frebowitz ever inform this defendant what his
21 codefendant said?

22 A. No.

23 Q. And Mr. Mureddu asked about in his second
24 interview, after he reinitiates, the Defendant says now
25 he's going to tell you the real truth. In your

BRANDON STRICKLAND - REDIRECT EXAMINATION

1 experience, have you had defendants tell you, I'm going
2 to tell you the real lies now?

3 A. I've been told that, yes.

4 Q. You have had defendants tell you they are going to
5 just start lying?

6 A. No, that they are going to tell me the real truth.

7 Q. As a matter of fact, at the beginning of the first
8 part of the interview, what does he say?

9 A. Something to the effect of I'll tell you the
10 truth.

11 Q. And later on, he admits it is a lie?

12 A. He does.

13 Q. Mr. Mureddu asked about James, Cattera, Cattera
14 being the Defendant's aunt. Approximately how old was
15 she, Pig, and James?

16 A. I can't remember. I think they are all pretty
17 well close in age. I don't know exactly, but I would
18 say between 25 and 35, to be safe.

19 Q. So they are close in age?

20 A. Yes.

21 Q. Prior to you and Detective Frebowitz talking to
22 the Defendant about the call and text -- texts between
23 Sandy Locklear and him, talking about your knowledge of
24 it, did he volunteer information prior to that?

25 A. No, sir.

BRANDON STRICKLAND - RECROSS-EXAMINATION

1 Q. And, once again, the Defendant -- what did he
2 indicate with regard to how Sandy was holding the gun
3 when she shot it?

4 A. I believe he stated that she was holding the gun
5 inside of a pillowcase.

6 Q. Inside of a pillowcase?

7 A. Yes.

8 Q. Did he say anything about the pillowcase being
9 transparent?

10 A. No, he did not.

11 Q. Can you see through a pillowcase?

12 A. No, sir.

13 Q. Once again, what did he tell you about the gun
14 that Sandy had with regard to the gun he had at Vasco?

15 A. They were exactly -- just alike.

16 Q. With regard to being at Vasco, what, if anything,
17 did you all tell him about how you all found out about
18 how he is at Vasco?

19 A. About the video surveillance at the location.

20 MR. RICHARDSON: Nothing further.

21 RECROSS-EXAMINATION

22 BY MR. MUREDDU:

23 Q. The Solicitor asked about people lying to you in
24 previous interviews?

25 A. Correct.

ROBERT EDGE - DIRECT EXAMINATION

1 Q. You have been a police for a long time?

2 A. Yes, sir.

3 Q. Interviewed 500 or something. You have had people
4 who initially lied to you, and then told you the whole
5 truth before; that has happened before?

6 A. It has.

7 MR. MUREDDU: Thank you.

8 THE COURT: You may step down. Call your next
9 witness.

10 MR. RICHARDSON: State call Coroner Robert Edge.

11 (ROBERT EDGE, having been duly sworn,
12 testified as follows:)

13 THE CLERK: State your full name and spell your
14 last.

15 A. Robert Edge, E-D-G-E.

16 DIRECT-EXAMINATION

17 BY MR. RICHARDSON:

18 Q. Could you tell us about your position?

19 A. I'm the coroner for Horry County, been here about
20 26 years. My official duties are to pronounce the
21 person deceased, order autopsy and certify death
22 certificates.

23 Q. So to some degree you assist in the investigation
24 of death?

25 A. Yes, sir.

ROBERT EDGE - DIRECT EXAMINATION

1 Q. And you are not a medical doctor?

2 A. No, sir.

3 Q. Coroner Edge, I believe you said you order
4 autopsies, is that one of the tools you use in
5 investigating deaths?

6 A. Yes, sir. In our county, the county police
7 jurisdiction does crime scene and we come in and take
8 charge of the remains, order the autopsy and produce
9 the proper paperwork to the investigative agencies.

10 Q. With regard to the death certificates in this
11 county, you sign off on those?

12 A. Yes, sir.

13 Q. Now, in the deaths of Amos Hatfield and Tommy
14 Hatfield -- rather murders -- did you become involved
15 in that investigation of the cause of their death?

16 A. Yes. I was on-call and I responded to the scene.

17 Q. So you went out there that morning?

18 A. Yes, sir.

19 Q. When you got to the scene, what condition were the
20 bodies in?

21 A. Pardon?

22 Q. What condition were the bodies in when you
23 arrived?

24 A. When I arrived, we were waiting on crime scene. I
25 did not go in until they performed their duties, and

ROBERT EDGE - DIRECT EXAMINATION

1 then I went in. There were two males in the home, and
2 they had been shot in the back of the head and side of
3 the head.

4 Q. So from your observation, both victims -- some
5 distance apart -- had been shot in the back of the
6 head?

7 A. Yes, sir.

8 Q. While crime scene completed, you had the bodies
9 removed?

10 A. Once they were completed we did, yes, sir.

11 Q. And for what purpose?

12 A. For an autopsy, document the trauma to the body.

13 Q. That autopsy, that was performed that day?

14 A. Yes, sir. That morning at Grand Strand Hospital
15 around 7 o'clock, 8:00, something like that I think.

16 Q. And that was by Dr. Proctor?

17 A. Yes, sir.

18 Q. Now, were you there at the autopsy?

19 A. No, sir, I did not go to the autopsy.

20 Q. Did you have the opportunity -- did Dr. Proctor
21 prepare a report for your use?

22 A. Yes, sir. One for each one.

23 Q. One for each one. Did you utilize such a report
24 in forming the basis of your conclusions for the cause
25 and demeanor of death?

ROBERT EDGE - DIRECT EXAMINATION

1 A. Yes, sir. The manner of death I decide, and I
2 decided it was a homicide. The cause of the death is
3 what he provided for us, gunshot wound to the head.

4 Q. In reviewing the autopsy report, and from your
5 view at the scene, did you see any other particular
6 trauma other than gunshot wounds to the back of their
7 heads?

8 A. Mr. Amos I think had a contusion or bruise or
9 scrape to the front of the face, somewhere around this
10 area, if my memory is right. The other gentleman, I
11 didn't see anything.

12 Q. Mr. Amos Hatfield, when you saw him, he was down
13 on the floor?

14 A. Yes, sir.

15 Q. He had turned him slightly. So you ruled this was
16 a homicide?

17 A. Yes, sir.

18 Q. And a homicide -- what defines a homicide?

19 A. Death by others that is not of a natural
20 occurrence.

21 Q. Cause of death was?

22 A. Gunshot wound to the head.

23 Q. For both Amos and Tommy?

24 A. Yes, sir.

25 MR. RICHARDSON: Court's indulgence.

ROBERT EDGE - CROSS-EXAMINATION

1 THE COURT: All right.

2 (A brief pause in the proceedings.)

3 MR. RICHARDSON: No further questions.

4 THE COURT: Cross-examination?

5 CROSS-EXAMINATION

6 BY MR. MUREDDU:

7 Q. Coroner, I want to hand you these two pathology
8 reports. I think they have -- I've highlighted you
9 signing off on them. Would those be the reports that
10 Dr. Proctor prepared as a result of him performing the
11 autopsies on the two Hatfields?

12 A. Yes, sir.

13 Q. We can agree that is what that is?

14 A. Yes, sir.

15 Q. Let's start --

16 MR. MUREDDU: If I may approach?

17 THE COURT: Yes, sir.

18 Q (By Mr. Mureddu) I don't mean to climb atop of
19 you, but let's work on Thomas Hatfield first. That
20 report, that is the pathology report on Thomas
21 Hatfield?

22 A. Yes, sir.

23 Q. Let me direct you to this page where I have
24 highlighted -- if you want to flip that over. Now,
25 before I ask you about that, I want to ask you in