

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Perry H. Gravely, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DECOTA CASTLE BROWN,

APPELLANT

APPELLATE CASE NO. 2021-000744

RECORD ON APPEAL

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1 In the Court of General Sessions for the
2 State of South Carolina, County of Oconee

3

4 Case No.: 2019GS3700932

5 2019GS3700933

6 State of South Carolina,

7 Plaintiff(s),

8 vs. Transcript of Record

9 Decota Castle Brown,

10 Defendant(s).

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16 June 28, 2021 through July 1, 2021

17 Walhalla, South Carolina

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22 BEFORE:

23 The Honorable Perry Gravely

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OPENING STATEMENT BY THE STATE

1 of leads the discussion and communicates with
2 the Court. That is really the only -- it is
3 not a lot more, but it is something that is
4 important. I think the pay is the same, all of
5 y'all are getting. They don't give you any
6 kind of a pay raise for that.

7 But with those kind of preliminary
8 remarks, at this time I am going to ask that
9 the attorneys give you their opening statement.
10 The state.

11 MR. ALDERMAN: Thank you, Your Honor. Ms.
12 Hodges. May it please the Court.

13 THE COURT: Yes.

14 OPENING STATEMENT BY THE STATE

15 MR. ALDERMAN: Ladies and gentlemen, on
16 March 9th, 2019, Geraldine Castle was in a home
17 at [REDACTED] Maple Avenue in Seneca, South Carolina.
18 This was not her home. This was the home of
19 her daughter, Dee Brown, and her son-in-law,
20 Eric Brown, seated right out here. You will
21 hear from Dee shortly that Geraldine didn't
22 live there, she was staying there because she
23 had a doctor's appointment the next day. Their
24 home was closer to the doctor than Geraldine's
25 home, so it just made sense for her to visit

OPENING STATEMENT BY THE STATE

1 with them and stay overnight and have a shorter
2 trip to the doctor the next morning.

3 Now, Dee and Eric were at work that day,
4 and Geraldine was home alone. And you will
5 hear that at about 5:00, the defendant, Decota
6 Brown, and friend of his, Mr. Hunni -- or
7 Hunter Lee Hunnicut approached the home.

8 You will here from Hunnicut himself. They
9 were there with a very simple plan. They were
10 there to commit a burglary, to steal guns, just
11 that simple. And that they knew guns were
12 there because defendant, Mr. Brown, used to
13 live in the home. Dee and Eric are his
14 parents.

15 Decota went to the house first, as you
16 will hear from Hunter. He walked around the
17 house, he looked into the windows, he knocked
18 on the door. He made phone calls to his
19 parents just to confirm that no one was home.
20 And then he whistled for Hunter, because he was
21 standing a few houses down the road waiting for
22 the signal it was all clear.

23 He will tell you that he came down to the
24 house and that the two of them tried to enter
25 through a walk-out basement window, and tried

OPENING STATEMENT BY THE STATE

1 to pry the window open with a small pry bar.
2 But they couldn't seem to get it open, so they
3 just smashed it. And Hunter, being the smaller
4 of the two, crawled through the window and
5 opened that basement door for the defendant.

6 Now, at that time, the two of them in the
7 home, walked up a flight of stairs to the main
8 level of the home. They went in through a
9 walk-out basement, one flight of stairs up.
10 Hunter will tell you that he got to the top of
11 the stairs, and when he looked to the right he
12 could see into a living room area, and there he
13 saw Geraldine Castle. She was sitting in a
14 chair, 73 years old, by herself at home
15 watching TV, minding her own business.

16 He will tell you that he turned to the
17 defendant and said, Somebody is here. And the
18 defendant looked. He didn't seem surprised at
19 all to see her there. Remember, he walked
20 around looking through the windows and you will
21 hear later that she was sitting right in front
22 of one of them, so it stands to reason that he
23 knew that she was there before they went in.

24 That he walked past Hunter, walked over to
25 his grandmother. He will tell you they had

OPENING STATEMENT BY THE STATE

1 words that were not friendly. And then, at
2 that point, the defendant did the unthinkable,
3 pulled out a pistol and fired five shots at his
4 grandmother.

5 Now, Hunter will tell you at this point he
6 is in fear for his own life because he didn't
7 expect any of this. And he will tell you the
8 defendant calmly walked back past him down the
9 hall and kicked in his parents' bedroom door
10 and proceeded to try to get into the safe what,
11 what they were there for in the first place.

12 That he had trouble getting into the safe,
13 the keys wouldn't fit, struggling to get into
14 the safe. And all the while Geraldine Castle
15 is screaming and crying from the other room,
16 because she was not dead. And then he turned
17 to Hunter and said, Shut her up. And Hunter
18 will tell you, he walked out there and he
19 looked at this woman and said, you need to be
20 quite, you have got to be quite. And then
21 while he's trying to tell her over and over
22 again to be quite, after not being able to get
23 into the safe, that this man walked past him
24 calmly, coolly, without saying another word to
25 her while she's screaming and crying, and put a

OPENING STATEMENT BY THE STATE

1 gun to the left side of her head and pulled the
2 trigger and shot her one more time.

3 At that point the two of them run out the
4 house, down the stairs, and through the
5 backyard and into the woods. They wait there
6 in the woods for a little while, trying to
7 clear their thoughts, figure out what they were
8 going to do. And then they cut through the
9 woods, called for a ride, and someone picked
10 them up.

11 Ladies and gentlemen, that is the long and
12 short of it. That is why we are here. Now,
13 the hard part is that Ms. Castle, at that
14 point, having been shot at five times in the
15 chest and then a shot one more time in the
16 head, she was not dead. That while they are
17 running off into the woods thinking that she
18 had died, she woke up and picked up her phone
19 and called for help. Despite her injuries,
20 again, not the least of which was a bullet to
21 the side of her head, she called her daughter,
22 Dee Brown. Now, because of the injuries to her
23 head, she was not able to articulate or say
24 anything. But her daughter took what she was
25 trying to say is that she was hurt.

OPENING STATEMENT BY THE STATE

1 Now, Dee is a nurse. And her mind went to
2 stroke or fall and hit her head. She is in
3 some sort of distress. But as you have heard,
4 and they came to find out not too long after
5 that, the truth was very much worse. Geraldine
6 Castle died four days later on Sunday, the 11th
7 of that month, 2019.

8 So, folks in order to prove that to you
9 beyond a reasonable doubt, we are going to
10 present the testimony of Mr. Hunnicut, the only
11 other person who was there and saw what
12 happened. But we are not just going to ask
13 you to believe what he says, we are also going
14 to give you evidence to corroborate what he
15 says, testimony from eyewitnesses who saw two
16 people in the yard around the time running
17 through the backyard. Testimony of the person
18 who picked them up when they called and needed
19 a ride. Testimony of the person who helped
20 dispose of the weapon. Cell phone data.
21 Forensic evidence from the pathologist who
22 performed the autopsy. And the testimony of
23 defendant's own parents. And after that, you
24 will know beyond a reasonable doubt exactly
25 what he did.

OPENING STATEMENT BY THE STATE

1 The Judge has pointed out to you that you
2 are going to get a lot of instructions on the
3 law at the end of this. So, I won't belabor
4 those points, but I do think that it's
5 important for you to hear some of the elements
6 of the crimes and some of the concepts. So,
7 when you hear the facts you can have an idea of
8 how they fit into the law.

9 The charge is burglary first degree. In
10 order to prove that, essentially, it is that he
11 entered without consent with the intent to
12 commit a crime therein. And for burglary first
13 degree, in addition to that, that he was armed
14 with a weapon and hurt someone inside.

15 Of course, the charge of murder. In order
16 to prove murder, we will have to show that
17 Geraldine Castle was, in fact, killed, that she
18 was killed for no lawful reason, and that her
19 killer killed her with malice aforethought.
20 Which is an odd term that we don't generally
21 use, but in this context essentially means that
22 he understood the consequences of his actions,
23 probable and likely consequences of pointing a
24 pistol at her and pulling the trigger.

25 And then finally the charge of possession

OPENING STATEMENT BY THE STATE

1 of a weapon during the commission of a violent
2 crime, essentially, is self explanatory. Just
3 asking the question for to you determine, that
4 when he committed the murder he was, in fact,
5 armed with a deadly weapon.

6 The other concept that I will touch on
7 briefly is the hand of one is the hand of all.
8 That is a concept in South Carolina law, which
9 essentially means that if two or more people
10 set out to commit a crime, they are all equally
11 responsible for the other people's actions.
12 That is, if they are there, for example, to
13 commit a burglary and one of them commits a
14 murder, or the other one commits a murder, or
15 together they commit a murder, they are equally
16 guilty in South Carolina, hand of one is the
17 hand of all. And I ask you to keep that in
18 mind as you hear the facts and try to determine
19 who did what and when.

20 Ladies and gentlemen, the next few days
21 are going to be difficult. You are going to
22 hear a lot of difficult testimony. I just want
23 you to know we appreciate you being here. We
24 can't have trials without you and we don't take
25 that for granted. I appreciate the attention

OPENING STATEMENT BY THE DEFENSE

1 you have given me to this point, and ask that
2 you do the same for Ms. Hodges as she comes and
3 speak to you on behalf of her client.

4 THE COURT: Ms. Hodges.

5 MR. SMITH: Thank you, Your Honor. May it
6 please the Court. Mr. Alderman.

7 OPENING STATEMENT BY THE DEFENSE

8 MR. SMITH: Ladies and gentlemen, I want
9 to thank you for your service today and
10 throughout the course of this week. As Mr.
11 Alderman said, there's no way that we can have
12 the criminal justice system that we have in our
13 country without jurors who are willing to
14 serve.

15 One of the things that COVID has taught me
16 is, even though my mom always told me I had a
17 big mouth, sometimes I don't. So, if at some
18 point you are not able to hear me, or any of
19 the other witnesses, the judge in this case,
20 please get our attention, please let us know so
21 that we can ensure that you are able to hear
22 all of the evidence. Because, as the Judge
23 told you, you are the finders of fact and you
24 are the people that will determine, you know,
25 what the facts are in this case at the end of

OPENING STATEMENT BY THE DEFENSE

1 the day or at the end of the week, as it may
2 be.

3 Decota Brown is an innocent man when he
4 walked into this courtroom. Although he may
5 have been charged and accused of doing some
6 horrible things, and he has a co-Defendant who
7 is going to testify to you that says, you know,
8 that he was the ringleader and he was, you
9 know, the person that was driving this train
10 and he was the one that was all about this
11 horrible, horrible incident, he is an innocent
12 man.

13 When the detective gets on the stand and
14 tells you, this is what they found at the crime
15 scene, this is what they found in the woods,
16 this is what they found when they executed
17 search warrants on mobile phone companies and
18 received results, Decota Brown is an innocent
19 man. He remains an innocent man up until
20 somebody, this jury, determines whether he's
21 guilty or not. But you can't determine whether
22 he's guilty or not simply based on opening
23 statements, based on a summary of the facts,
24 based on a summary of what the state expects to
25 show you.

OPENING STATEMENT BY THE DEFENSE

1 Because the witnesses that come up before
2 you is also going to be subject to
3 cross-examination. That means that, as a
4 defense, we get to, not necessarily challenge,
5 if you will, but it is challenge, the veracity,
6 the consistency, the thoroughness, the logic of
7 what witnesses are telling you.

8 So it's just as important to hear what
9 somebody tells you happened, or that they
10 observed, or what they saw, as it is to listen
11 to what you don't hear. What are the
12 inconsistencies? What is missing? How
13 thorough was somebody in investigating the
14 case? How thorough was somebody in terms of
15 documenting it. Any there any inconsistencies
16 in documentation? Each and every one of those
17 things also add up to reasonable doubt.

18 Because at the end of the day, and at the
19 end of the trial, your job is going to be to
20 tell the Judge and tell this courtroom whether
21 the state has proven its case beyond a
22 reasonable doubt.

23 It's not one of those cases where tie goes
24 to the runner so the state happens to, you
25 know, automatically, well, they did good

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 enough. No, no, it has to be beyond a
2 reasonable doubt. It is like a brick wall.
3 You have got bricks and you have got the
4 mortar. You lay a brick down and you slather
5 some mortar on top, you trim it off, and put
6 the next brick on. Slather some mortar on,
7 trim it off, put the next brick on. But if
8 there is holes in that mortar, is there is
9 chinks in those brick, it is ultimately the
10 foundation of that brick wall will not stand.
11 That, ladies and gentlemen, is reasonable
12 doubt.

13 But listen to the evidence carefully,
14 because at the end of the trial I am going to
15 come back to you and ask you to find Decota
16 Brown not guilty of the crimes for which he's
17 charged. Thank you.

18 THE COURT: State, you may call your first
19 witness.

20 MR. STOUDEMIRE: Your Honor, the state
21 would call Dee Brown.

22 Thereupon,

23 DEE ANNA BROWN
24 was called as a witness, having been first duly
25 sworn, was examined and testified as follows:

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDÉMIRE

1 MR. STOUDÉMIRE: May it please the Court.

2 THE COURT: Yes, you may proceed.

3 MR. STOUDÉMIRE: Thank you.

4 DIRECT EXAMINATION

5 BY MR. STOUDÉMIRE:

6 Q Ms. Brown, can you give us your full name
7 for the record please?

8 A Dee Anna Castle Brown.

9 Q Thank you. And you seem to be pretty soft
10 spoken. I do just want to point out before we get
11 started that these people are in, frankly, a clear
12 egg crate and can sometimes be a little difficult to
13 hear. So, if you could just kind of be cognizant of
14 that and try to speak up as much as you can.

15 A Okay.

16 Q Where do you reside?

17 A [REDACTED] Maple Avenue, Seneca, South Carolina.

18 Q And how long have you lived at that
19 address?

20 A A little more than five years.

21 Q And are you married?

22 A Yes.

23 Q Who are you married to?

24 A Eric Brown.

25 Q How long have y'all been married?

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 A Twenty-six years in November.

2 Q How many children do you have, if any?

3 A We have seven children.

4 Q Okay. And what are their names -- I don't
5 have seven kids,`so I will forgive you if you forget
6 one?

7 A Brittany, Richard, Kyle, Chelsea, Decota,
8 Garrett, and Austin.

9 Q And how many live with you at the home
10 currently, if any?

11 A Two.

12 Q All right. And which ones are those?

13 A Kyle and Chelsea are living at home.

14 Q Okay. And back in March of 2019, how many
15 were living with you there?

16 A It was just Austin.

17 Q Okay. Now, you said Decota was one of
18 your children, correct?

19 A Yes, Decota is my son.

20 Q And would that be Decota Brown over here?

21 A Yes.

22 Q Okay. Now, is Decota your biological son?

23 A No.

24 Q Do you need a glass of water?

25 A Please.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q We will get you one. You okay answering a
2 couple while we get that?

3 A Uh-huh. (Indicating affirmatively.)

4 Q Now, you said that he's not your
5 biological son. `Tell me how Decota came to live
6 with you?

7 A Decota is my biological nephew. My
8 brother is his biological father. And my brother
9 and his wife, Decota's birth mother, have drug
10 problems and the children were removed from them
11 when -- I don't know if you want -- the children
12 were removed from their custody and given to us by
13 the state.

14 Q When you say "the state", was that the
15 state of South Carolina?

16 A No, that was Florida.

17 Q All right. And were you living in Florida
18 at that time?

19 A Yes, we were.

20 Q Okay. So, Decota came to live with you as
21 a result of that?

22 A Decota, Garrett, and Austin, yes.

23 Q Okay. All three of them?

24 A Yes.

25 Q Okay. And how old was Decota then, do you

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDÉMIRE

1 remember?

2 A Three.

3 Q And do you remember what year that was?

4 A 2001.

5 Q Okay. ` So he -- is it fair to say he lived
6 with you beginning in 2001?

7 A Full-time with us, yes.

8 Q Okay. And at some point, did you and your
9 husband go through with adoption proceedings?

10 A We did in -- it was a two-year process.

11 Q And the adoption, did that happen in
12 Florida as well?

13 A It did.

14 Q Okay. So, for all intents and purposes,
15 do you see Decota as your son or as your nephew?

16 A Decota is my fifth son. He is my child.

17 Q Okay. Now, in Decota growing up, good
18 child?

19 A Decota was challenging and difficult.

20 Q Okay, okay. And I'm sure as parents, all
21 of us will say, at least to some extent children can
22 be challenging and difficult. Would he be more or
23 less challenging and difficult than some of the
24 other children?

25 A More than some and less than others.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Fair enough. Let me turn, turn to the
2 date of this incident back in March of 2019. I
3 believe March 7th is what we are talking about.

4 Were you with -- where were you living at that time?

5 A [REDACTED] Maple Avenue, Seneca, South Carolina.

6 Q And that is in the city limits of Seneca?

7 A Yes, it is.

8 Q And where were you -- were you working
9 anywhere outside of the home at that time?

10 A Yes, I worked for Prisma Health Greenville
11 Memorial Hospital at that time.

12 Q Okay. And what type of work were you
13 doing there?

14 A At that time I was the supervisor for the
15 patient access department in the ER.

16 Q Okay. What is the patient access
17 department?

18 A We are the annoying people that come and
19 get all of your information.

20 Q Okay. So, you had to drive from your
21 house over to Greenville everyday?

22 A Yes, sir.

23 Q What were your work hours?

24 A 4:00 p.m. to 12:30 a.m.

25 Q Okay. So, long day. Now, your mother was

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Geraldine Castle, correct?

2 A Yes.

3 Q All right. Now, where did Ms. Castle live
4 at that time?

5 A She lived in Walhalla at some apartments.
6 Sorry, the address is out of my head.

7 Q That is okay. But she lived in an
8 apartment in Walhalla?

9 A Yes.

10 Q Did she have any health difficulties?

11 A Yes, she did. She was having a lot of
12 trouble with her back. She was unable to get up and
13 down easily. She was not walking well. And we
14 believe that she was at the beginning of dementia.

15 Q Okay. And anything other than that?

16 A She had diabetes and high blood pressure.

17 Q Okay.

18 A And she had -- I'm sorry, she had had a
19 stroke, she had had a small stroke.

20 Q Okay, that as well. Now, with someone
21 like that, did you have to take her to the doctor
22 every now and then?

23 A Yes, we were -- as I said, we believe that
24 she had begun the process of going down with
25 dementia and we were in the beginning of doing

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 testing for that. We had had a neurological
2 evaluation.

3 Q Okay. And in March, or on March 7th,
4 2019, did Ms. Castle have any doctor's appointments
5 that day?

6 A Not on the 7th. She was scheduled on the
7 8th. The 7th was a Thursday, she was scheduled
8 Friday morning for a sleep deprived brain wave test.

9 Q Okay. And where was that appointment
10 supposed to be?

11 A It was in Greenville.

12 Q So, what was the plan with getting her to
13 that appointment?

14 A Well, it was sleep deprived, so she had to
15 be kept awake. She could only have four hours of
16 sleep. So, being that I got home at midnight, or
17 actually, 12:30. Actually I got off at 12:30, so I
18 got home at 1:30. I figured that I could keep her
19 awake. Austin was very much a night owl, so he
20 could stay up with her until I got home. And then
21 that way we could cut an hour out of the time in the
22 morning, because it was a 20 to 25 minutes to drive
23 to get from my house to her apartment, load her up
24 in the car which was not easy anymore, and then
25 drive back past my house to go to Greenville.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Okay.

2 A So, we had just decided to have her spend
3 the night.

4 Q Okay. So, was she at -- when you went to
5 work on March 7th, was she at your home then?

6 A Yes, sir. I picked her up before work. I
7 don't remember exactly what time. But I know that I
8 left for work about 10 til 3 and she was at my house
9 at that time. It is an hour drive for me, so I need
10 a little more than an hour.

11 Q Okay. All right. So, was anybody else at
12 the house with her at that time?

13 A No.

14 Q Now -- so, you picked up your mom, got her
15 to the house, and then went on to work?

16 A Yes, sir.

17 Q What time did you get to work?

18 A I would say around 3:40.

19 Q Okay. And did you receive any phone calls
20 that day while you were at work?

21 A I did.

22 Q Okay. Let me ask you this: Do you
23 normally get phone calls while you are at work?

24 A Not unless it is an emergency.

25 Q Okay.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 A Usually texts if it's something, mom, what
2 is the dinner plan or that kind of thing.

3 Q Okay.

4 A But phone calls are limited.

5 Q Right, the kids got to eat. So, you got a
6 phone call while you were at work?

7 A Yes.

8 Q About what time did that phone call come
9 in?

10 A I think it was about 10 til 5.

11 Q All right. And that phone call that came
12 in, did that go to a work phone or a cell phone?

13 A My cell phone.

14 Q All right. Do you have various numbers
15 for family members plugged into your cell phone?

16 A Yes.

17 Q Okay. Did any of those names of family
18 members pop up on this phone call?

19 A No, it was an unknown number.

20 Q Okay. Do you recall what the number was?

21 A It was 784 -- it was 864-78 --

22 MR. STOUDEMIRE: Your Honor, may I
23 approach the witness briefly?

24 THE COURT: You may.

25 BY MR. STOUDEMIRE:

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Ms. Brown, I'm going to show you this
2 document. And I just want you to look at it
3 briefly. Don't describe what is in it or anything,
4 just look at it briefly.

5 ` Okay. Does looking at that document
6 refresh your memory about that phone number?

7 A Yes.

8 Q Okay. And having had your memory
9 refreshed, can you tell me what that phone number is
10 now?

11 A 864-784-9888.

12 Q All right. Thank you. And when you
13 answered -- did you answer that call?

14 A I did answer that call.

15 Q Okay. Why would you answer that call from
16 a number that you didn't recognize?

17 A Because it is a Seneca number, or that
18 area. And sometimes my sons, my younger three,
19 Decota, Garrett, and Austin, would use a friend's
20 phone to call me if their phones had died or didn't
21 have service at that time.

22 Q All right. And when you answered that
23 phone call, did you hear anyone on the other end?

24 A No, it was clear -- it was what I would
25 call a butt dial, just movement, outdoor noises.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Okay. All right. And what did you do
2 then?

3 A I hung up.

4 Q All right. Did you receive any other
5 phone calls that day?

6 A Yes, I got another call from that same
7 number. And then I got --

8 Q How long after the first call?

9 A They felt like they were back to back.

10 Q Okay. Did you hear anything on that
11 second phone call?

12 A Yes, I did. I heard pocket sounds again,
13 movement. I heard one voice that I did not
14 recognize, say, What are we going to do now. And I
15 heard a voice I did recognize, I heard Decota say,
16 Just get in the car.

17 Q Okay. Now, you say you heard Decota say,
18 Just get in the car?

19 A Yes, sir.

20 Q How do you know it was Decota?

21 A Because he is my son.

22 Q All right. Did you try to call that
23 number back or anything?

24 A No, I -- I felt very panicky. And I
25 called out, Decota, Decota, hello. And he didn't

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 answer and the phone disconnected.

2 Q All right. And what did you do then?

3 A I was also receiving calls from my mom's
4 phone number.

5 Q Okay.

6 A And I tried to answer and it disconnected.

7 Q Okay. Let me ask you this: Your mom's
8 phone number, was that one of the phone numbers you
9 had stored in your phone?

10 A Yes.

11 Q Okay. So, when you say that you got it
12 from your mom's phone number, did her name show up
13 on your phone screen or anything?

14 A Yes, yes, mom.

15 Q All right. And then, about what time did
16 you get a phone call from your mom?

17 A I think that it was going on six.

18 Q Okay. Was it before or after the second
19 phone call where you heard Decota's voice?

20 A I believe that it was after.

21 Q Did you -- was there anything on that
22 phone call? Were you able to speak with your mom?

23 A Not the first two. It disconnected right
24 away and she had asked me if there was a charger at
25 home, she had texted me, and I told her that she

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 would have to get the charger after Eric got back
2 home. So, I assumed her battery was dying.

3 Q When did she send you that text, do you
4 recall?

5 A About 4:00 that day.

6 Q So, well before all of these other phone
7 calls?

8 A Yeah, yeah.

9 Q Okay. All right. So, you said the first
10 how many calls from your mom?

11 A She called, and then when it didn't go
12 through or it disconnected, I called her back and it
13 was busy. And then I hung up and her phone number
14 came up on my screen again. And I tried to answer,
15 and it disconnected. And I called back and it was
16 busy. And then, the third time, she answered and I
17 said, Mom, and she said something that was very
18 groggily, it didn't sound right. It was her, her --
19 and I said, Mom, are you okay, and it disconnected.

20 Q Okay. And so, and I'm sorry to even ask,
21 did that cause you concern?

22 A I was very concerned after the first few
23 phone calls.

24 Q Okay. And after that last phone call with
25 your mom, what did you do?

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDÉMIRE

1 A I think I tried to call my daughter at
2 that point to get someone to the house to check on
3 my mom.

4 Q Okay.

5 A And then I called my husband because he
6 was supposed to be going home soon. My daughter
7 didn't answer the first call. My husband didn't
8 answer. And I think that is when I called 911.

9 Q Okay. Well let me -- before you get to
10 that, did you try to get in touch with any of your
11 other children during this period of time?

12 A I did call Kyle.

13 Q Okay. Did Kyle answer?

14 A Not right away. He didn't answer the
15 ringing, but he texted me within a minute.

16 Q Okay.

17 A And I think I said, Call me in the text
18 and he called and I told him I thought something was
19 really wrong at home.

20 Q Okay.

21 A I thought that maybe grandma had fallen or
22 had a stroke.

23 Q Okay.

24 A And I needed someone to get to the house
25 to check.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Okay. And did he agree to go?

2 A Yes, he said that he would go.

3 Q Okay. And so, while Kyle was going to the
4 house, what did you do?

5 A I called 911, and at some point -- and I
6 had told them that I thought something was wrong
7 with my mom, that she was alone.

8 Q Okay. Now, you were in Greenville,
9 correct?

10 A Uh-huh. (Indicating affirmatively.)

11 Q So, when you dialed 911, did it connect to
12 Oconee County?

13 A No, it connected to Greenville because it
14 connects from where you call from.

15 Q Okay.

16 A So, I had to ask for Oconee and they had
17 to transfer me. And I called and got somebody at
18 Oconee Sheriff's dispatch and told them the same
19 thing. And then they had to connect me to Oconee
20 Memorial EMS. And I explained to EMS that I needed
21 an ambulance at my house.

22 Q Okay. Did you give them any information
23 about your mother's medical condition or anything
24 like that?

25 A I told them that maybe she had fallen.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q Okay.

2 A Or possibly had had a stroke, based upon
3 how she had said the one word that she had said.

4 Q Okay.

5 A And she couldn't get anything else out.

6 Q Okay. And did you stay on the phone with
7 911, or did you disconnect with them?

8 A No, I disconnected with them. I
9 disconnected with them after I gave them the
10 information to EMS.

11 Q Okay. And at that point, with all of this
12 going on, what did you do?

13 A Well, like I said, I was the supervisor,
14 so I actually had a trainee and I had to go put her
15 with a team member and I had to call my boss and
16 tell her I was leaving, there was something wrong.
17 And I left, I tried to leave the hospital to head
18 home and --

19 Q So, did it take you a few minutes to
20 accomplish all of those tasks?

21 A Yes. I think that I left the hospital at
22 20 after 6.

23 Q All right. And got in your car and headed
24 where?

25 A I headed home.

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q All right. Did you make it home?

2 A No. I only got a little way down the road
3 and they called me from EMS and said that they were
4 with my mom and they told me that they thought that
5 she had a head injury.

6 Q Okay.

7 A But they also asked about her medical
8 history. They said that her blood pressure was
9 really high and her sugar level was over 400 and
10 asked me if that was normal.

11 Q Was it normal?

12 A No, at her highest it was usually two
13 something.

14 Q Okay. So, even though she had diabetes,
15 did she do a pretty good job at keeping that under
16 control?

17 A Most of the time.

18 Q 400, fair to say that is high?

19 A 400 is an insane blood sugar level. It is
20 very bad.

21 Q And so, given all of that information that
22 you received from EMS, that you were able to give
23 EMS, what did you do then?

24 A They told me that they were bringing her
25 to Memorial, so I --

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 Q When you say "Memorial", what do you mean?

2 A They were going to bring her to Greenville
3 Memorial to the trauma center instead of taking her
4 to Oconee, so I turned around and went back to the
5 hospital.

6 Q All right. And who made it to the
7 hospital first, you or your mom?

8 A I did.

9 Q Okay. So, you had to sit there and wait
10 on her?

11 A Yes, sir.

12 Q How long?

13 A It felt like forever, but maybe half an
14 hour.

15 Q Okay. All right. And did anybody join
16 you at the hospital?

17 A Eric came to the hospital.

18 Q Eric is?

19 A My husband.

20 Q Your husband, correct. Okay. Did he get
21 there before or after your mom did?

22 A I'm not really sure. I stayed back in the
23 ER area waiting for her ambulance to arrive.

24 Q All right.

25 A But when I came out, then I went to the

DIRECT EXAMINATION OF DEE ANNA BROWN BY MR.
STOUDEMIRE

1 waiting room.

2 Q Is it fair to say the last thing that you
3 were doing was looking at your watch during all of
4 this?

5 A Nò, I was not.

6 Q You had other things on your mind, right?

7 A Yeah.

8 Q So you waited in the trauma unit, were you
9 able to speak with anybody about your mom and her
10 condition?

11 A Not really. At that time, I saw her come
12 in and then I was told to go wait in the family
13 area, so I went to wait.

14 Q Okay. Did you try to speak with her?

15 A I made eye contact with her. But it
16 didn't look like she knew who I was.

17 Q All right. So, she went straight back?

18 A She went right to a trauma bay.

19 Q All right. And without, without getting
20 into exact diagnoses or anything like that, were you
21 able to find out what was wrong with your mom? Had
22 she suffered a stroke?

23 A No, she had not suffered a stroke.

24 Q Had she suffered a fall?

25 A No.

CROSS EXAMINATION OF DEE ANNA BROWN BY MS. HODGES

1 Q What had happened to your mom?

2 A The chaplain came in to see me and told me
3 that they had found something in her during the CT,
4 when they took a CT. And she said that there were
5 bullets in my mom. And then the trauma doctor
6 talked to me and wanted to know if I knew how my mom
7 ended up with two bullets in her. And I said I
8 didn't know.

9 Q Okay.

10 MR. STOUDEMIRE: Ms. Brown, thank you very
11 much. That is all of the question that I have
12 for you. Please answer any questions that Ms.
13 Hodges may have.

14 THE COURT: Cross examination.

15 MS. HODGES: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MS. HODGES:

18 Q Mrs. Brown, do you remember giving a
19 statement to law enforcement probably on March the
20 26th, 2019?

21 A Yes.

22 Q All right. And that statement, do you
23 remember whether it was something that you wrote or
24 did somebody prepare that statement for you?

25 A I wrote it.

CROSS EXAMINATION OF DEE ANNA BROWN BY MS. HODGES

1 MS. HODGES: Judge, may I approach the
2 witness?

3 THE COURT: You may.

4 BY MS. HODGES:

5 Q I'm just going to ask, is this the
6 statement that you wrote?

7 A Yes.

8 Q So you actually typed it up for law
9 enforcement; is that correct?

10 A Yes.

11 Q Today you have been giving us -- and I'm
12 just going to call it "civilian" time numbers, you
13 are saying approximately 10 minutes til 3 and 20
14 after 6, those sorts of times. In your statement
15 you have it written out on a 24-hour time clock. Is
16 that something that you normally do?

17 A Yes.

18 Q Okay. And is that based on your medical
19 training, is it part of your medical training?

20 A No.

21 Q Okay. Is it part of training or habit?

22 A Previous job experience.

23 Q Okay, got it. I think that you worked as
24 a dispatcher previously; is that correct?

25 A No, ma'am, I worked as a call-in

CROSS EXAMINATION OF DEE ANNA BROWN BY MS. HODGES

1 specialist.

2 Q Call-in specialist?

3 A Yes, ma'am.

4 Q And what is that?

5 A I took reports from deputies.

6 Q Okay. You had indicated in your report
7 that you had tried to call Kyle at 18:30, which I
8 think if I am doing my math correct, is 6:30 in the
9 evening; is that correct?

10 A Yes.

11 Q Okay. And you testified today that it was
12 probably about 6:00 or so that you thought you had
13 called him. Would you say that your recollection
14 two years ago is better than today?

15 A My recollection, in that statement I
16 looked at my call log from my phone.

17 Q Okay. So you actually had something to
18 look at to be able to pinpoint with accuracy the
19 numbers in this statement?

20 A Yes.

21 Q Okay.

22 MS. HODGES: Beg the Court's indulgence
23 one moment, Your Honor.

24 (Pause.)

25 MS. HODGES: Thank you, ma'am. That is

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 all that I have.

2 THE COURT: Any redirect?

3 MR. STOUDEMIRE: Judge, we have no
4 redirect. We would ask that the witness be
5 excused.

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

7 (Witness exits the witness stand.)

8 THE COURT: All right. Do you want to
9 call your next witness?

10 MR. STOUDEMIRE: Your Honor, we would call
11 Amber Watts of the Seneca Police Department.

12 THE COURT: Officer Watts, come forward
13 and be sworn.

14 Thereupon,

15 AMBER WATTS

16 was called as a witness, having been first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. STOUDEMIRE:

20 Q Investigator Watts, can you give us your
21 full name for the record, please ma'am?

22 A Amber Watts.

23 Q Thank you. And Ms. Watts, where are you
24 employed?

25 A At the Seneca Police Department.

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 Q Thank you. And how long have you been
2 employed with Seneca Police Department?

3 A I have been there since 2011.

4 Q All right. Is that your entire time in
5 law enforcement, or were you with other agencies
6 prior to Seneca PD?

7 A Yes, sir, that is my entire time.

8 Q What are your current job duties with
9 Seneca Police Department?

10 A I am an investigator at the police
11 department.

12 Q Prior to being an investigator, what were
13 your job duties?

14 A I was on the road as a police officer and
15 just took initial reports, initial calls.

16 Q How long have you been in investigations?

17 A Going on three years, I would say.

18 Q Okay. Now, back on March 7th, 2019, were
19 you on the road or in investigations at that time?

20 A I was in investigations at that time.

21 Q Were you on duty that day?

22 A I was on duty that day.

23 Q Okay. Did you receive a phone call or a
24 call out, so to speak, to [REDACTED] Maple Avenue in
25 Seneca?

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 A Yes, I did.

2 Q Okay. Where were you when you got that
3 call?

4 A I was already home from work and I
5 received the call while I was home.

6 Q Okay. So, you had already worked a full
7 day that day and had to go back out?

8 A Yes, sir.

9 Q Okay. All right. Who did you receive a
10 call from?

11 A My supervisor, which was Captain Casey
12 Bowling.

13 Q And is that the Captain Bowling that is
14 now Chief Bowling?

15 A Yes, sir.

16 Q Okay. And he was your supervisor in
17 investigations at that time?

18 A Yes, sir.

19 Q Okay. And based on your phone call from
20 him, did you go to [REDACTED] Maple Avenue?

21 A Yes. I got the call from him, advised
22 that there was a shooting and a burglary that
23 occurred there. And I responded to [REDACTED] Maple
24 Avenue, which is in the city limits of Seneca.

25 Q All right. When you got to that scene,

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 was it daytime or nighttime?

2 A It was nighttime.

3 Q All right. I'm going to show you
4 briefly --

5 MR. STOUDEMIRE: Your Honor, may I
6 approach the witness?

7 THE COURT: You may.

8 BY MR. STOUDEMIRE:

9 Q I'm going to show you briefly what has
10 been marked as State's Exhibit No. 1. Can you
11 identify that for me, please, ma'am?

12 A Yes, sir, that is the home of [REDACTED] Maple
13 Avenue.

14 Q And is that the way that it looked that
15 evening?

16 A Yes.

17 Q Is it a fair and accurate depiction of the
18 way the home looked that evening?

19 A Yes.

20 THE COURT: All right. Any objection?

21 MS. HODGES: No, sir.

22 THE COURT: All right.

23 MR. STOUDEMIRE: Judge, I beg the Court's
24 indulgence, I think that we have had an
25 opportunity for Ms. Hodges to review all of

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 these photos prior, but if you would prefer I
2 would be happy to go ahead and ask her.

3 THE COURT: That is fine. I just wanted
4 to make sure that we have -- this is State's
5 what?

6 MR. STOUDEMIRE: This is State's 1.

7 THE COURT: I mean, do you have a list of
8 them? I mean, she's agreed to all of them?

9 MS. HODGES: I believe so, Judge. Let me
10 look through them real fast.

11 MR. STOUDEMIRE: I don't plan on going
12 through all of the photos with this particular
13 witness, Judge, but --

14 MS. HODGES: Judge, these are the stack of
15 photos that we previously agreed upon prior to
16 the trial.

17 THE COURT: These are in without
18 objections.

19 THE COURT REPORTER: And that is 1 through
20 45, Judge.

21 THE COURT: Okay.

22 *(Whereupon, State's Exhibit No(s). 1-45*
23 *marked for identification and received in*
24 *evidence.)*

25 BY MR. STOUDEMIRE:

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 Q And, again, this is way that the home
2 looked that evening; is that correct?

3 A Yes.

4 Q All right. When you arrived at the
5 residence that evening, were you the first officer
6 there other than Investigator Bowling?

7 A No, there were several other officers on
8 scene.

9 Q Okay. And when you say "several", are we
10 talking more than two?

11 A Yes.

12 Q Okay. And in this particular type of
13 situation where you have a possible shooting and a
14 possible shooting and a possible burglary, would
15 that be normal for Seneca PD to have multiple
16 officers out on the scene?

17 A Yes.

18 Q Okay. Once you arrived on the scene, can
19 you describe what you saw?

20 A When I arrived on scene, I saw several
21 patrol vehicles already there, other officers on
22 scene. And when I approached I met with Captain
23 Bowling, began speaking with him.

24 Q Okay. And when you spoke with Captain
25 Bowling, did you receive instructions from your

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 supervisor as to what duties he wanted you to
2 undertake next?

3 A Yes, sir. He advised me that there were
4 witnesses on scene and that -- to go ahead and
5 obtain written statements from those witnesses.

6 Q Okay. When we are saying "witnesses", are
7 we talking suspects?

8 A No.

9 Q So, these are just possible witnesses to a
10 crime?

11 A Yes.

12 Q All right. And when you take just witness
13 statements when they are not suspects, do you
14 Mirandize all of those people?

15 A No, I do not.

16 Q Why do you not Mirandize all of those
17 people?

18 A Because they are not suspects.

19 Q Are they subject to interrogation at that
20 point?

21 A No.

22 Q Okay. And who did you take statements
23 from?

24 A I took statements from Chelsea Brown, Kyle
25 Brown, and David Field.

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 Q All right. And Chelsea and Kyle Brown,
2 who are they?

3 A They are children of Eric and Dee Brown.

4 Q And Ms. -- and you said David Fields; is
5 that correct?

6 A Yes.

7 Q Okay. Who is David Fields?

8 A David Fields is a neighbor.

9 Q Okay. Does he live in the same -- when
10 you say "neighbor", how far away from the Brown
11 residence does he live?

12 A He doesn't live far, like caddy-cornered
13 from the front of their house.

14 Q Okay. So if you are looking out this
15 front window, and I am going to show you again
16 State's Exhibit 1. If you are looking out the front
17 door through the front yard, which direction would
18 he be?

19 A He would be to the right.

20 Q Would it be off to this side that I'm
21 pointing to?

22 A Yes, yes, to the right but across the
23 street.

24 Q Okay.

25 A Not on the same side of the street.

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 Q All right. Okay, thank you. And did each
2 of those individuals give you a written statement?

3 A Yes, sir.

4 Q Okay. Did you have any problem with
5 getting a statement from them?

6 A No, sir.

7 Q Were any of them hesitant in any way?

8 A No, sir.

9 Q And after getting those statements, what
10 did you do then?

11 A Then I found Captain Bowling again. I
12 told him that I had obtained statements. And he
13 advised that we would go into the home and start
14 processing the crime scene. Or he advised me to
15 help assist in processing the crime scene with
16 Sergeant Miller.

17 Q To this point, had you been inside the
18 residence?

19 A No, I had not.

20 Q Can you describe -- which door did you go
21 in?

22 A I went into the side door that is under
23 the carport.

24 Q Okay. And when you enter the carport,
25 what room do you enter when you enter through that

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 door?

2 A When I entered through that door, I
3 entered into the kitchen of the home.

4 Q Okay. And describe what you saw upon
5 entering the home.

6 A When I entered through the kitchen, I
7 noticed on the kitchen countertop four shell
8 casings. When I looked to the left I could see the
9 living room, and I could see a brown chair. Looking
10 at the chair, I could tell that there was blood on
11 the chair, a lot of blood, and two bullet holes in
12 the chair.

13 Q Okay.

14 A I also observed, behind the chair, a
15 bullet hole in the wall.

16 Q All right. And I am going to be jumping
17 around a little bit. I'm sorry on the numbers on
18 this. I'm going to be showing you next what has
19 been admitted as State's Exhibit No. 27. Can you
20 tell me what that is?

21 A That is the kitchen countertop, and that
22 is four shell casings that was placed on the
23 countertop.

24 Q Is my pen pointing to the shell casings
25 right there on the edge?

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 A Yes.

2 Q All right. And again, State's Exhibit No.
3 28, can you tell me what that is?

4 A That is the same shell casings on the
5 kitchen` countertop.

6 Q Okay. Just from a different, closer-up
7 angle?

8 A Yes, just a closer picture of them.

9 Q Okay. And just for the record, I don't
10 know if I stated, that is State's Exhibit 28.

11 Now, you said that you saw those.
12 Were you able to determine, just by looking at them,
13 what caliber weapon those were from?

14 A I wasn't by just looking at them like
15 that, no.

16 Q Okay. And you said, from the kitchen you
17 were able to look into the living room?

18 A Yes, sir.

19 Q Okay. Would that have been to your left
20 or right?

21 A To the left.

22 Q Okay. And you said you saw what when you
23 looked into the living room?

24 A When I looked into the living room, I
25 noticed a brown chair. I noticed the brown chair

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 had a lot of blood on it. I noticed two bullet
2 holes in the chair.

3 Q Okay. I'm going to show you what has been
4 marked as State's Exhibit No. 13. Can you tell me
5 what that is?

6 A That is the brown chair that I observed in
7 the living room, and it is covered with blood.

8 Q Okay. And when you say "covered with
9 blood", on what cushion? Is it all covered with
10 blood, or is there just blood on some portions of
11 it?

12 A Blood on some portions of it.

13 Q Okay. Well, let me ask you, this over
14 here, is that blood, or is that just wear and tear?

15 A That is going to be blood.

16 Q Okay. And what about back here on this
17 back cushion?

18 A That also would be blood.

19 Q All right. And I'm going to show you
20 State's Exhibit No. 14 that has been admitted. Is
21 that the same chair?

22 A Yes, it is.

23 Q Okay. And obviously, is that what looked
24 like blood at that point?

25 A Yes.

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 Q And also, this area on the back cushion as
2 well?

3 A Yes.

4 Q Thank you. And again, State's Exhibit No.
5 15, is that the same chair?

6 A Yes, it is.

7 Q Okay. Were you able to determine whether
8 or not there was a bullet hole on the chair? I
9 think you said that you saw some.

10 A I saw two bullet holes in the chair.

11 Q Okay. And State's Exhibit No. 16 that has
12 been admitted, does that show you the bullet hole?

13 A Yes.

14 Q Or a bullet hole rather?

15 A Yes.

16 Q Okay. And is this, where my pen is
17 pointing, is that the bullet hole?

18 A Yes, it is.

19 Q All right. Thank you. And you said that
20 you also saw a hole in the wall; is that correct?

21 A Yes, I observed a bullet hole in the wall
22 right behind the chair to the left above.

23 Q Okay. I'm going to show you what has been
24 admitted as State's No. 19. Is that the hole in the
25 wall that you are speaking of?

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 A Yes.

2 Q Thank you. Okay. So, after observing
3 that, obviously the victim of the shooting is not in
4 the chair when these photos were taken; was that
5 victim on scene when you arrived?

6 A No.

7 Q All right. Did you know where the victim
8 was?

9 A Yes, she was at Greenville Memorial
10 Hospital.

11 Q All right. And had other officers been
12 dispatched to Greenville Memorial Hospital?

13 A Yes, another investigator responded to the
14 hospital.

15 Q And who was that, if you recall?

16 A That was investigator Teramano.

17 Q What is Investigator Teramano's first
18 name?

19 A Michael.

20 Q Okay. And after observing those things
21 that we have discussed in the photos, what did do
22 you then?

23 A Then I went with -- I was with Sergeant
24 Sudduth and Captain Bowling and we just continued to
25 work the scene.

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1 Q Okay. When you say "Sergeant Sudduth",
2 what is his name?

3 A Noe Sudduth.

4 Q Okay. And who is Sergeant Noe Sudduth?

5 A He, at that time, was our crime scene
6 tech.

7 Q Okay. Now, you said that you noticed
8 those particular -- those particular bullet casings
9 and those particular bullet holes; did you find any
10 other evidence of a shooting?

11 A Yes, I did. As we are, you know, looking
12 around the scene, I did locate a shell casing behind
13 the trash can in the kitchen. I also found a shell
14 casing under the countertop of the kitchen, but it
15 was facing the dining room area, the countertop that
16 faces the dining room.

17 Q Okay. I want to show you what has been
18 marked as, and admitted as State's Exhibit No. 30.
19 Can you tell me what that is?

20 A That is the shell casing.

21 Q Okay. And that was -- was that one of the
22 ones that you found that you just described?

23 A Yes.

24 Q Okay. Do you recall which one that was?

25 A That one is the one under the countertop.

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1 Q Okay. In the --

2 A In the kitchen. Well, they were both in
3 the kitchen.

4 Q Okay.

5 A But I would say that is the one that was
6 under the countertop.

7 Q Okay. And I'm going to show you what has
8 been admitted as State's Exhibit No. 31. Can you
9 tell me what that shows?

10 A And that is the shell casing that I found
11 behind the trash can.

12 Q Okay. And when you say "behind the trash
13 can", is that in the kitchen area as well?

14 A Yes.

15 Q Okay.

16 A And if you had a bigger picture, I might
17 could tell -- yeah, I'm pretty -- I'm positive that
18 was the one behind the trash can.

19 Q Okay. All right. Thank you. So seeing
20 all of this in a very confined space, you said that
21 you and Sergeant Sudduth and Captain Bowling
22 continued to go through the house together, I guess;
23 correct?

24 A Yes.

25 Q All right. What other evidence did you

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1 gather from the home at that time?

2 A We walked from the living room down the
3 hall where Eric and Dee's room is located. I
4 noticed damage to the door, to their door frame. As
5 if the door had been kicked in. I noticed inside of
6 that room in their closet was a large safe. And
7 after that, we walked down to the basement.

8 Q Okay.

9 A When we were down in the basement, I
10 noticed a washer and dryer. And above the washer
11 was a window that had been broken and also pushed
12 up. I noticed glass in front of the washer.

13 Q Okay. Now, you said that you noticed that
14 a window had been broken?

15 A Yes, sir.

16 Q Okay. Now, was this window on the front
17 of the house or the rear of the house?

18 A The rear of the house.

19 Q All right. And I'm going to show you what
20 has been admitted as State's Exhibit No. 4. Can you
21 tell me what that is?

22 A So, that is the rear of the house and that
23 is the basement door that leads into the basement.

24 Q Okay.

25 A And the broken window is to the left.

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1 Q Okay. The one that is opened here?

2 A Yes.

3 Q Thank you. And State's Exhibit No. 5 that
4 has been admitted, can you tell me what that is?

5 A That is the window that is above the
6 washer, and it is lifted. It had broken glass,
7 pieces of it was broken. And then the screen that
8 is supposed to be on that window is laying on the
9 ground.

10 Q All right. And is that the way it looked
11 on the evening when you were there?

12 A Yes.

13 Q Okay. And State's Exhibit No. 6 that has
14 been admitted --

15 (Juror has head down making a noise.)

16 MR. STOUDEMIRE: Sorry, Judge, I thought
17 that I was more interesting.

18 THE COURT: Let's take a break.

19 MR. ALDERMAN: Judge, I think this might
20 be an emergency.

21 THE COURT: Yes, we need a break. All
22 right. Let's take a break if we can. Are you
23 okay? Why don't we take a short break. Are
24 you all right to go back there?

25 I guess the rest of you need to also go

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1 back to your jury room. And do not discuss the
2 case.

3 (The jury exits the courtroom at 3:24
4 p.m.)

5 MR. ALDERMAN: Judge, if we are taking a
6 recess, can the witness step down?

7 THE COURT: Yes. You can't discuss your
8 testimony with anyone.

9 (Recess.)

10 THE COURT: All right. And just for the
11 record anyway, the juror is fine. She had a
12 little sinking spell, but she's fine. And I
13 spoke with her with the clerk present and she
14 said that she wished to resume her position in
15 the jury box. And in talking with her I felt
16 like she was fine and she could proceed. So,
17 anything else from the state before we bring
18 the jury back in?

19 MR. STOUDEMIRE: No, sir.

20 THE COURT: Anything from the defendant?

21 MS. HODGES: No, sir.

22 THE COURT: All right. Are they ready?

23 (The jury enters the courtroom at 3:52
24 p.m.)

25 THE COURT: All right. I hope that

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1 everyone is doing okay now. You know, it
2 worked out good, it was about time for us to
3 take a break anyway. I'm trying to make light
4 of it.

5 One thing too, I have been advised during
6 our break, that those cubicles are a little
7 hotter than probably up here. So I think that
8 y'all are protected, if you feel comfortable,
9 since people are at a distance, that you can
10 take your masks off while you are in the little
11 cubicles.

12 All right. Okay. If you want to resume
13 your direct examination Mr. Stoudemire.

14 MR. STOUDEMIRE: Thank you, Your Honor.

15 May it please the Court.

16 BY MR. STOUDEMIRE:

17 Q Investigator Watts, when last we left, I
18 think that we were talking about State's Exhibit No.
19 6. Can you tell me -- can you tell me what that is?

20 A That is a close-up picture of the basement
21 window that had been broken and opened.

22 Q All right. And that is the same basement
23 window we were speaking about before?

24 A Yes, sir.

25 Q Now, with all of these things that you

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1 saw, you said that Officer Sudduth was with you as
2 well, correct?

3 A Yes, sir.

4 Q All right. And you said he was a crime
5 scene technician at the time?

6 A Yes, sir.

7 Q So, whose job would it have been to take
8 the photographs, gather pieces of evidence, and put
9 them in bags; would that have been Officer Sudduth's
10 job or kind of split between all of you?

11 A Yes, that would be Officer Sudduth's job.
12 Now, if he needed help for me to get a bag or a
13 holder bag or, you know, something like that, I
14 would. But for the most part, it is his, it is his
15 job.

16 Q Okay. So, he is the primary person
17 gathering the evidence itself?

18 A Yes, sir.

19 Q Okay. And would that also include the
20 taking fingerprints?

21 A Yes.

22 Q Okay. And did Officer Sudduth take some
23 fingerprints?

24 A Yes, he did lift some fingerprints.

25 Q Okay. And those, of course, have to be

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1 sent off for examination, right?

2 A Yes.

3 Q All right. Now, after you gathered what
4 evidence you could and finished up at the scene, was
5 that all that you were able to do that evening?

6 A Yes.

7 Q Were you able to locate any suspects at
8 that time, on March 7th?

9 A No.

10 Q Okay. So, did you leave the scene at some
11 point that evening?

12 A Yes.

13 Q And what did you do then?

14 A When we left the scene, we went back to
15 our office, not far from the incident location, and
16 just met there and spoke about what we had and, you
17 know, our next steps.

18 Q Okay. And when you say -- when you say
19 "we", who are you talking about that was in that
20 conversation?

21 A Me, Investigator Teramano who was back, at
22 that point, from the hospital, Captain Bowling,
23 probably Sergeant Sudduth.

24 Q Okay. And was any other evidence
25 attempted to be gathered that evening by you?

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1 A By me, no.

2 Q Okay. And what about by the team so to
3 speak?

4 A Investigator Teramano was working on an
5 emergency request form for the phone records for the
6 defendant's number that called Dee Brown.

7 Q And when you say "defendant's number", are
8 you talking about the number that Dee Brown received
9 a call from?

10 A Yes.

11 Q Okay. And did you get information back on
12 that request that evening?

13 A I know he received an email back. I don't
14 remember if it was that night or the next day.

15 Q Okay. But he could speak to that,
16 Detective Teramano?

17 A Yes.

18 Q Okay. And after, after talking about next
19 steps on the evening of the 7th, what did you do
20 then?

21 A Then we all went home, tried to get, you
22 know, a good night's rest and just start again in
23 the morning, start fresh in the morning.

24 Q Okay. So the investigation spilled over
25 onto the 8th, correct?

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1 A Yes, sir.

2 Q And what did you do that day?

3 A So, that day I was with Captain Bowling in
4 his office, and he had received a phone call from
5 dispatch. He got information that someone called
6 the Sheriff's Department.

7 MS. HODGES: Objection, hearsay.

8 MR. STOUDEMIRE: Don't, try not to say --
9 I apologize, try not to say what anybody said.

10 THE WITNESS: Okay.

11 THE COURT: Sustained.

12 A So, he received information that someone
13 called the Sheriff's Office dispatch.

14 Q Okay. And was this a number that he was
15 able to call back?

16 A Yes, he did call the number back.

17 Q All right. And as a result of that phone
18 call, did anybody come into the office that day?

19 A Yes, later that day.

20 Q All right. And who came into the office
21 to speak with y'all that day?

22 A Hunter Hunnicut.

23 Q Okay. Did he come voluntarily?

24 A He was brought to our office by an
25 officer.

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1 Q Okay. But an officer from Seneca PD?

2 A Yes.

3 Q Okay. And when y'all spoke with Mr.

4 Hunnicut, where did you speak with him?

5 A At our building, at our office building.

6 Q Okay. And was -- did he give a statement?

7 A He did give a statement.

8 Q Okay. Was his statement taken in a
9 similar fashion from the other witnesses you spoke
10 to?

11 A No.

12 Q Okay. How was it different?

13 A It was different because he was considered
14 a suspect, and he was read his Miranda rights.

15 Q Okay. And when he was read his Miranda
16 rights, is that something that is normally done
17 verbally, or is it also in writing?

18 A Both, it's verbal and writing. You read
19 it to them and they initial saying they understand
20 their rights and understand what you explained to
21 them.

22 Q Okay. And did Mr. Hunnicut indicate that
23 he understood all of these things?

24 A Yes.

25 Q All right. Did you take a statement --

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1 well, let me back up a little bit, I apologize. Who
2 spoke with Mr. Hunnicut?

3 A Captain Bowling spoke with Hunter
4 Hunnicut.

5 Q Okay. Were you present during that?

6 A I was present during that.

7 Q Okay. Did you ask any questions?

8 A I do not think I asked any questions. I
9 know Captain Bowling was the primary interviewer for
10 it.

11 Q Okay. All right. And what did you do
12 during that interview?

13 A I did write, write down everything that he
14 stated.

15 Q Okay. And after writing down what -- when
16 you say what "he" stated, who are we speaking of?

17 A Hunter Hunnicut.

18 Q All right. And after you wrote down what
19 Mr. Hunnicut wrote, did you read it back to him?

20 A I did. I read it back to him and asked
21 him if anything needed to be changed, if it was
22 correct. And then he read over it. I read it to
23 him. And he looked over it and said that it was,
24 and he signed it.

25 Q All right. And after this interview, what

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1 did you do next?

2 A So, after this interview --

3 Q Well let me -- I apologize, let me
4 withdraw that question. Let me ask you a different
5 question.

6 A Okay.

7 Q Did Mr. Hunnicut give you statements that
8 were helpful to you in your investigation?

9 A Yes.

10 Q Did it appear that he had knowledge of
11 what went on over on Maple Avenue the previous day?

12 A He did. He had specific details that only
13 someone who would have been there would have known.

14 Q Okay. And based on that information, were
15 you able to then start exploring other areas of
16 investigation?

17 A Yes.

18 Q All right. What other avenues were you
19 able to explore?

20 A I was able to contact other people to
21 speak with. I obtained search warrants for phone
22 records on different phone numbers.

23 Q Okay. When you say "different phone
24 numbers", who were these numbers for?

25 A So, I obtained search warrants for phone

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1 records on the defendant, and for Hunter.

2 Q I'm sorry, when you say the "defendant",
3 you mean Decota Brown?

4 A Yes, Decota Brown, Hunter Hunnicut, and
5 Lisa Broach, and Steve Broach.

6 Q Okay. Who are Lisa and Steve Broach?

7 A Lisa and Steve are friends of the
8 defendant and Hunter.

9 Q Okay. And when you say that you obtained
10 search warrants, what were these search warrants
11 for?

12 A For their cell phone records.

13 Q Okay. Now, when you obtained a search
14 warrant for, you said, Decota Brown's cell phone
15 record, was his phone in his name?

16 A It was not in his name.

17 Q What name was his phone in?

18 A It was -- the subscriber for that phone
19 was to Jackie Bragg.

20 Q Okay. And when we are talking about
21 obtaining search warrants for Decota Brown's cell
22 phone records, are we talking about the same number
23 that Dee Brown talked about?

24 A Yes, sir.

25 Q Okay. And that was the 784-9888 phone

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1 number?

2 A Yes, that's correct.

3 Q Okay. And you were able to get search
4 warrants for Steve and Lisa Broach's names?

5 A Yes.

6 Q Okay. Were their phones held in their
7 names?

8 A Yes.

9 Q All right. And what about Mr. Hunnicut's
10 phone, was it in his name?

11 A His was in his dad's name. I think his
12 name was James -- I can't remember. I think it is
13 James Hunnicut or -- but I believe that it was in
14 his dad's name.

15 Q All right. All right. So, after -- after
16 going through the process of seeking those search
17 warrants, did you -- were you able to get those
18 search warrants granted by a Judge?

19 A Yes.

20 Q Okay. Then after you get them granted by
21 a Judge, what do you do with them then?

22 A So, then I faxed the search warrant to the
23 carrier, Verizon, TMobile, whoever the carrier was
24 for that phone number. And then they -- I wait for
25 them to send me the results back.

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1 Q Okay. Does that usually -- does that take
2 some time to get those results back?

3 A Yeah, it usually does.

4 Q Okay. Were you able to get results back
5 that day on any of these search warrants?

6 A No, not the day that I obtained them.

7 Q Okay. And also on the 8th, did you have
8 occasion to take any more witness statements?

9 A Yes, a statement was taken from Lisa
10 Broach.

11 Q Okay.

12 A And another, another neighbor gave a
13 statement as to what she saw that night, of the 7th.

14 Q The other neighbor, do you recall her
15 name?

16 A Her name was Sarah Brown Howard.

17 Q Okay. And where does she live in relation
18 to Dee and Eric Brown's home where this occurred?

19 A She lives just to the right of the home.

20 Q Is that as you are facing the home, or as
21 you are looking out from the front door?

22 A If you are looking out from the front
23 door, it is to the right.

24 Q Okay. So, they are next door neighbors?

25 A Yes, sir.

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1 Q Okay. And did you obtain a written
2 statement from Ms. Brown?

3 A I did.

4 Q All right. Was she Mirandized?

5 A No, she was not.

6 Q Did it appear that she had any involvement
7 in this?

8 A No.

9 Q All right. Was Lisa Broach Mirandized?

10 A No.

11 Q Okay. Also that day, based on the
12 information that you had at that point, did you seek
13 arrest warrants for anyone?

14 A I obtained a warrant on the defendant and
15 Hunter for attempted murder and burglary first
16 degree.

17 Q Okay. And attempted murder why?

18 A Because Geraldine was not dead at that
19 time.

20 Q Okay. So, on the 8th she was still alive,
21 she was -- was she still in the hospital?

22 A She was still in the hospital and was
23 alive.

24 Q All right. And burglary, why burglary?

25 A Because they entered the home without

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1 permission and was trying to steal guns.

2 Q Okay. Was anybody -- was there any
3 indication that anybody was armed while they were in
4 the home?

5 A Yes.

6 Q Okay. And is it fair to say that is the
7 result of the bullets that you found?

8 A Yes, sir.

9 Q And the warrant that you sought for
10 burglary, was that burglary first degree?

11 A Yes, sir.

12 Q All right. Okay. So, what did we do
13 after the 8th?

14 A So, after the 8th, on the 9th, the morning
15 of the 9th, the defendant was located by the
16 Sheriff's Office in Clemson, or near Clemson, and
17 was arrested for those warrants.

18 Q Okay.

19 A And he refused to talk to us.

20 MS. HODGES: Objection.

21 THE COURT: Jury strike that from the
22 record.

23 BY MR. STOUDEMIRE:

24 Q Okay. Let's not talk about that. Was he
25 arrested and transported to the law enforcement

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1 center?

2 A He was arrested and transported to the
3 Oconee County Detention Center.

4 Q Okay. And was he served with the two
5 warrants that you had obtained the previous day?

6 A Yes.

7 Q All right. Now, when did Ms. Castle pass
8 away?

9 A She passed away on the 11th.

10 Q Okay. Was an autopsy performed after she
11 passed away?

12 A Yes, the autopsy was performed on the
13 12th.

14 Q And were you present at the autopsy?

15 A I was.

16 Q All right. Who else would have been
17 present at the autopsy?

18 A Sergeant Sudduth.

19 Q Okay. And what medical personnel would
20 have been there?

21 A Dr. Woodard.

22 Q Is that Dr. Brett Woodard?

23 A I don't know his first name. All I know
24 is Dr. Woodard.

25 Q Okay. And was he, was he the physician

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1 actually performing the autopsy?

2 A Yes.

3 Q Was further evidence gathered at the
4 autopsy?

5 A Yes.

6 Q And would Officer Sudduth have been the
7 one to take possession of that evidence and log it
8 in with Seneca PD?

9 A Yes.

10 Q Okay. At any point in time did anyone --
11 well, let me ask you this. Sorry, going back a
12 little bit. After getting the statement from Hunter
13 Hunnicut, you said that you obtained warrants for
14 him, correct?

15 A Yes.

16 Q Okay. Was he served and arrested for
17 those warrants?

18 A He was arrested.

19 Q Okay. Was he transported to the law
20 enforcement center up here in Walhalla as well?

21 A Yes.

22 Q Okay. Did you speak with him any more
23 after that?

24 A I did not, but Captain Bowling did.

25 Q Okay. On what day -- do you recall what

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1 day Captain Bowling spoke with him?

2 A I believe it was on the 13th that Captain
3 Bowling met with Hunter at the Sheriff's Office and
4 obtained another statement from him.

5 Q Okay. And not going into the content of
6 that statement, did you receive any instructions on
7 any follow-up investigation from Captain Bowling as
8 a result of his conversation?

9 A Yes. So, while Captain Bowling was there
10 speaking to Hunter, I received a call from him and
11 he gave me information that after the incident the
12 defendant and Hunter hid some items in some pipes in
13 the woods not far from the incident location.

14 Q Okay. And did you go out to try to find
15 these items hidden in pipes?

16 A Yes, Investigator Teramano and I began
17 searching for these pipes. And we did locate these
18 pipes at the end of Dogwood Drive. The pipes were
19 located at the very end of the road that backs up to
20 the woods. There is a small like old dirt road next
21 to the pipes, you know, it is a very secluded area.

22 Q Okay. I'm going to show you what has
23 previously been marked as State's Exhibit No. 36 and
24 admitted. Can you tell me what that is?

25 A Yes, that is the pipes that we located.

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1 And that is at the end of Dogwood Drive.

2 Q Thank you. And the information that you
3 obtained from Investigator Bowling, was it able to
4 lead you to that area easily?

5 A Yes.

6 Q Okay. And State's Exhibit No. 37 that has
7 been admitted, can you tell me what that is?

8 A That is looking inside of one of the
9 pipes. And as you can see, items are very deep
10 inside the pipe.

11 Q Okay. And State's Exhibit No. 38. I know
12 that one is probably a little -- I know that one is
13 probably a little bit easier to see on the TV screen
14 than the fold-down screen.

15 A That is looking into another pipe. And
16 what you see -- that is a glove that has like a hard
17 shell on the knuckles.

18 Q Okay. Were there items in more than one
19 pipe?

20 A Yes.

21 Q Okay. And in State's Exhibit 39 that has
22 been admitted, can you tell me what that is?

23 A That is inside of another pipe. And what
24 that is is a glove right there to the left. And I
25 think that is a black ski mask is what that is.

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1 Q Okay. So, this area is a black ski mask?

2 A Yes, I'm pretty sure that is -- it is
3 either the black ski mask or toboggan, but I think
4 that was the black ski mask.

5 Q All right. Well, let me ask you: Were
6 these items all removed from these pipes?

7 A So, when we located them, we did -- we
8 took pictures of the pipe, we took pictures of the
9 items inside the pipe, and then we took them out of
10 the pipe, took more pictures, and then collected
11 everything.

12 Q Okay. And then, State's Exhibit No. 40
13 that has been admitted, were these the items that
14 were in the pipe, or pipes I should say?

15 A Yes, sir.

16 Q Tell me what items are there, please
17 ma'am.

18 A You can see a book bag right here to the
19 left. And you can see Adidas body spray. You can
20 see a crowbar.

21 Q Okay. And I'll try to point to these as
22 you go. Is that the crowbar?

23 A Yes, that is the crowbar.

24 Q And, obviously, the Adidas body spray?

25 A And the glove that has the hard shell on

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1 the knuckles.

2 Q Where is that, is that this?

3 A That and that.

4 Q That and that?

5 A Yes.

6 Q Okay.

7 A And then the jacket is a Green Bay Packers
8 jacket.

9 Q That is this?

10 A Yes.

11 Q Okay. Was there anything inside the
12 pockets of the jacket?

13 A Yes, there were stuff inside of the
14 pockets, and there were stuff you know in the book
15 bag. I think some of that stuff, like the peanut
16 butter, the spray, some of those items were in the
17 book bag and taken out.

18 Q So, were most of these items in this book
19 bag?

20 A I don't know if I would say most of the
21 items. Some of the items, but then as you see in
22 other pictures, some of them were -- like, the glove
23 was just laying in there.

24 Q And is this the ski mask that you were
25 talking about?

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1 A Yes.

2 Q Or that, one of the two?

3 A Yes, I can't tell from that picture.

4 Q All right. Well, I'll go ahead and ask
5 the elephant in the room kind of, did you find a
6 firearm?

7 A No, I did not.

8 Q Did you ever find a firearm?

9 A No, we did not.

10 Q All right. And after this search occurred
11 and Ms. Castle had passed away, were any further
12 warrants issued?

13 A Yes. After she passed away, I obtained
14 warrants for murder and possession of a weapon
15 during a violent crime on the defendant and Hunter.

16 Q Okay. And were both, were both Hunter
17 Hunnicut and the defendant, Mr. Brown, served with
18 those warrants?

19 A Yes.

20 MR. STOUDEMIRE: Beg the Court's
21 indulgence one moment.

22 (Pause.)

23 MR. STOUDEMIRE: Okay, Your Honor, may I
24 approach the witness?

25 THE COURT: You may.

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1 MR. STOUDEMIRE: Let's go ahead and tag
2 this one.

3 THE COURT: Show it to defense counsel.

4 MR. STOUDEMIRE: May I approach?

5 THE COURT: You may.

6 BY MR. STOUDEMIRE:

7 Q Investigator Watts, I want to show you
8 what has been marked as State's Exhibit No. 62. Can
9 you tell me what that is?

10 A This is black stocking cap that came
11 from -- in the backpack, and a ski mask.

12 Q How do we know what is in that bag?

13 A Because it is written under the
14 description. And we always write what is in the bag
15 on the description part.

16 Q Does it say who it was put in the bag by
17 or who it was found by?

18 A Yes, it says it was collected by me.

19 Q Does it have a date as to when it was
20 collected?

21 A Yes, on the 13th.

22 Q When you say the 13th, what is the full
23 date?

24 A March 13th, 2019.

25 Q All right. So, did you go ahead and put

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1 that in the bag at the scene where the pipes were?

2 A No, most likely we collected everything
3 and we would bring it back to our office, which is
4 another secured building of the police department.
5 And we would package everything there.

6 Q Okay. Once you found the ski mask, did
7 you remove it from the pipe, or was it removed from
8 the pipe in your presence?

9 A Yes.

10 Q Was it out of your presence at any time
11 prior to being placed in that bag?

12 A No.

13 Q Okay. And when you place a piece of
14 evidence in a bag such as that, I believe you have
15 gone over how you mark the bag; do you seal the bag
16 in any way?

17 A Yes, I mark the bag. We will fill out
18 everything on it. And I close it. I don't remember
19 if I taped it. I think the evidence tech taped it.

20 Q Okay.

21 A But I would have closed it.

22 Q Okay. And when the tape is put on there,
23 are there markings that are put on the tape as well?

24 A Yes, most of the time.

25 Q Are there in this case?

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 A There are markings from the evidence tech
2 on this one.

3 Q Okay. Is there, is there a date on there?

4 A On this one, it is -- I can't read it. It
5 looks like -- I can't read the date. It is six
6 something.

7 Q Okay.

8 A I think it is from where she might have
9 had to -- I don't know, I can't read what she wrote
10 on there, the date on there.

11 Q Okay. Was this evidence reviewed by you
12 prior to the trial?

13 A Yes.

14 Q Okay. And was it reviewed in your
15 presence and also in the presence of other people?

16 A Yes.

17 Q Okay. When you last viewed it, did it
18 appear in the same condition that it was in when it
19 was placed in the bag?

20 A Yes.

21 Q Had it been changed, altered, or tampered
22 with in any way?

23 A No.

24 MR. STOUDEMIRE: Your Honor, at this time
25 we would move to have State's No. 62 moved into

DIRECT EXAMINATION OF AMBER WATTS BY MR. STOUDEMIRE

1 evidence.

2 THE COURT: Any objection?

3 MS. HODGES: Judge, if I could have the
4 tag number for that particular piece of
5 evidence?

6 MR. STOUDEMIRE: Yes. What is the tag
7 number? Let's see.

8 And Judge, just for the record. The tag
9 number for that is 1900303.

10 MS. HODGES: One second. I have no
11 objection, Your Honor.

12 THE COURT: All right. In without
13 objection.

14 *(Whereupon, State's Exhibit No(s). 62*
15 *marked for identification and received in*
16 *evidence.)*

17 MR. STOUDEMIRE: Thank you.

18 BY MR. STOUDEMIRE:

19 Q Investigator Watts, can you go ahead and
20 open that bag for us? Do you need a knife or
21 scissors? I'm sure we can find you some.

22 A I might can get it. Do you want me to
23 take it out?

24 Q Sure, if you would please go ahead and
25 take it out. And if you could hold it up for the

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 jury so that they will be able to see it, please.

2 A (Witness complies).

3 Q Thank you. And again, that was one of the
4 items that you found in those blue pipes that you
5 were directed to by Officer Bowling?

6 A Yes, sir.

7 Q Thank you. If you could, go head and just
8 place it back in the bag.

9 MR. STOUDEMIRE: Thank you, ma'am. That
10 is all of the questions that I would have.
11 Please answer any questions that Ms. Hodges may
12 have for you.

13 THE COURT: Cross examination, Ms. Hodges.

14 MS. HODGES: Thank you, Your Honor. May
15 it please the Court.

16 CROSS EXAMINATION

17 BY MS. HODGES:

18 Q Is it Investigator Watts?

19 A Yes, ma'am.

20 Q So, talking about that item, item number
21 62 that you just had, how -- when you went to these
22 pipes to look for evidence, did y'all use any sort
23 of gloves or anything to collect the evidence?

24 A Yes, ma'am, we did wear gloves to collect
25 the evidence.

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 Q But you just don't have gloves here today
2 to handle the evidence?

3 A I guess that I could have asked for some,
4 but I didn't.

5 Q Okay. Tell me again, because I didn't
6 quite understand your testimony. You did not bag
7 the separate pieces of evidence there where you
8 found them on Dogwood Drive; is that correct?

9 A Yes, ma'am. So, we collected everything
10 from the pipe and brought it to our building where
11 our office is. And that is where we would have
12 bagged everything, packaged everything. Because out
13 there when we found it we didn't have everything
14 that we needed to put in, you know, in each separate
15 package.

16 Q But you knew that you were going out
17 looking for evidence, correct?

18 A Yes, ma'am.

19 Q So, you could have taken all the materials
20 that you needed to be able to properly handle it on
21 scene with you; is that correct?

22 A I believe that we probably had some, but
23 just not enough to carry everything.

24 Q Okay. So, how did you carry it?

25 A So, we placed it in our patrol vehicles

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 and transported it to our office.

2 Q So, did you put anything that was not in
3 the backpack in the backpack in order to take it
4 from the pipes to your patrol vehicle?

5 A I could have. I don't -- I don't recall.

6 Q Okay. If you had done that, would you
7 have documented it somewhere?

8 A Yes. I believe when I filled out the
9 evidence sheet and when I packaged it, I put with --
10 what came out of where. Like, if it came out of the
11 backpack, it is from the backpack or --

12 Q So, did you fill out those property and
13 evidence sheets there on scene?

14 A No, it would have been at the office.

15 Q So on scene you essentially saw the items,
16 took them out of the pipes, photographed them,
17 packaged them back up some way, somehow, and took
18 them to the patrol vehicle and back to the office?

19 A Yes, ma'am.

20 Q Okay. And you obtained that evidence, I
21 believe you said, on March the 13th, 2019; is that
22 correct?

23 A Yes, ma'am.

24 Q Do you have an explanation as to why it
25 was not logged in initially into the system at

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 Seneca Police Department until March the 20th, seven
2 days later?

3 A Yes, ma'am. So, like I said, we bring --
4 we brought the items back to our building, which is
5 another secured building at the police department.
6 And the evidence was secured in our building. And
7 just reviewing everything, making sure that we
8 packaged everything properly, if we needed any more
9 pictures, that is why it was secured at my office
10 before I actually secured it into the evidence
11 property room on that date.

12 Q So, how is it secured in your office?

13 A I have an office that has a door with a
14 lock on it. And our building is not opened to
15 anyone. You have to have a key to get into our
16 building.

17 Q So it was in your office, but it wasn't
18 like put up like in its own banker's box or anything
19 like that, it was just basically put in your office
20 and you knew that it was for this particular case,
21 and waited until you had the chance to be able to
22 take it and then package it properly at the evidence
23 room?

24 A Yeah, I packaged it, you know, packaged it
25 there at my office and then brought it to --

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 Q So, you individually packaged it in your
2 office into separate bags and marked the bags at
3 your office?

4 A Yes, ma'am.

5 Q Okay. And then you took them all to the
6 evidence room?

7 A Then took it to the evidence property
8 room.

9 Q Okay. Was there anybody there with you
10 when you were packaging that material into your --
11 into those individual bags at your office?

12 A Yes, Sergeant Sudduth would have been
13 there with me. And Investigator Teramano would have
14 been there with me just helping.

15 Q So, would they have been also bagging
16 property, or packaging property?

17 A Yes, it is possible. We all help each
18 other.

19 Q I understand it's possible, but do you
20 have a recollection as to what actually happened
21 that day in this case?

22 A I don't remember, you know, who might have
23 put this actual item into a bag, no, I don't
24 remember that. But I do know that we all work
25 together and we all would have just been doing it

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 together.

2 Q Okay. The jacket, the Green Bay Packers'
3 jacket, you indicated that there was something in
4 that jacket; do you remember what was in that
5 jacket?

6 A There were items in the pockets of the
7 jacket. I do not remember what the items were.

8 Q All right. Did any of those items have
9 Hunter Hunnicut's name on it, or Decota Castle
10 Brown's name on it?

11 A No, ma'am.

12 Q All right. Did anything on that ski mask
13 have any identifying marks as to who owned the ski
14 mask?

15 A No, ma'am.

16 Q All right. Was there anything in -- of
17 the pictures that we saw, in State's Exhibit No. 40,
18 was there anything in any of that that had any
19 identifying marks on it as to who actually owned
20 those items?

21 A No, ma'am, there's not any identifying
22 marks on the items themselves.

23 Q And the only reason that you were able to
24 find these items in the blue pipes on Dogwood was
25 because Hunter Hunnicut is the one who told you that

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 is where they were?

2 A Yes, Hunter told us that they were there
3 and they hid them there after the incident.

4 Q Okay. Did he tell you exactly when they
5 were hidden there?

6 A Yes, he said right after they left the
7 house that night.

8 Q Okay. And what time did they leave the
9 house that night?

10 A I don't -- I don't remember the exact
11 time.

12 Q Okay.

13 A But I know if I saw the phone, the phone
14 records, I probably could give you a better, a
15 better time frame.

16 Q Are you considered to be the lead
17 investigator on this case?

18 A Yes, ma'am.

19 Q Okay. I believe you had also testified
20 that the arrest warrants that were served on Decota
21 Brown and Hunter Hunnicut for the attempted murder
22 and the burglary first essentially was based on what
23 you all had seen at the house on Maple Avenue and
24 Hunter Hunnicut's statement, and that is essentially
25 the information that you had at that point; is that

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 correct?

2 A No, ma'am, I had more information than
3 that. We had the phone calls that were made before
4 and after the incident by the defendant. We had
5 Hunter's statement. We had spoken to another
6 witness, Lisa Broach, who picked up the two, the
7 defendant and Hunter, right after -- right after the
8 incident.

9 Q Okay. The phone calls that you had, were
10 those the emergency phone search that Investigator
11 Teramano had received?

12 A Yes, ma'am.

13 Q All right. And do you know, were those
14 phone calls based off of the cell phone pinging off
15 of a cell tower or something else?

16 A I mean, I don't know how -- I guess that
17 is how they do it. I don't know how they do it, I
18 just know that they send us the results. And what
19 the results showed was, you know, the defendant had
20 called his parents before and after the incident.
21 And he had called Lisa to pick them up right after
22 the incident.

23 Q So, it shows phone calls being made one
24 way or the other, but it doesn't actually show like
25 location of where that phone is?

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 A From the emergency request that we had got
2 back, I don't remember. It could have shown like
3 GPS locations, but I don't remember.

4 Q Okay. All right. The bullets that were
5 found, you said you found -- how is it that you
6 found those bullets? Tell us a little bit about how
7 you actually found those two bullets. The one that
8 was under the bar, and the one that was behind the
9 trash can.

10 A So, when I went into the home to help
11 assist Sergeant Sudduth and Casey Bowling, we, you
12 know, part of being an investigator is looking for
13 evidence. So we are all looking to see what we
14 could find. And I just happened to notice the shell
15 casing behind the trash can. And then later on,
16 found the one under the counter.

17 Q Okay. And you found them in that order,
18 the one behind the trash can and then under the
19 counter?

20 A Yes, ma'am, I did.

21 Q Okay. How many people had been in that
22 home since the incident occurred and you found those
23 two bullets?

24 A I know that Kyle Brown was in that home,
25 because he initially found the shell casings.

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 Q But he didn't find those shell casings,
2 they were different shell casings that he found?

3 A Not those, yes, different.

4 Q I just wanted to make sure that our record
5 is clear.

6 A Yes, ma'am. And he found the broken
7 window. And found the door to the basement was
8 unlocked. And then after that, when police were
9 called, whatever officers responded on scene and
10 made entry into the home to --

11 Q Do you know how many of those officers
12 there were?

13 A I don't know.

14 Q The record reflects that at least there
15 was Corporal Peterson, and then Officer McCall, and
16 then I believe an Officer Boward; does that sound
17 right?

18 A Yes, ma'am, that does sound correct.

19 Q All right. Do you know if there were any
20 other investigators that had already entered the
21 home after those three individuals, those three
22 officers?

23 A I would -- I believe Captain Bowling, he,
24 he arrived on scene before me.

25 Q Do you know of -- if Sergeant Sudduth had

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 gone into the residence at that point?

2 A I don't know at that point.

3 Q But it is a possibility?

4 A Yes, it is possible.

5 Q Anyone else that you can think of? Other
6 investigators or other members of the Seneca Police
7 Department that might have gone in?

8 A No, I can't remember.

9 Q Do you know how many members from EMS
10 responded?

11 A No, I do not know.

12 Q When you were asked to search for the
13 evidence, were you asked to search in a particular
14 pattern or particular grid or particular location,
15 in terms of like something methodical, or was it
16 just a matter of, go look, seek forth?

17 A It was more, we were together and just
18 went from room to room, you know, just looking and
19 making sure we wasn't missing anything.

20 Q Did you mark any of the evidence as you
21 were finding it, or did you find it and just direct
22 Sergeant Sudduth's attention to it? Tell me how
23 that worked.

24 A Yes, so, I found it. And I told Sergeant
25 Sudduth, Hey, here is a shell casing behind here.

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 And then he would take pictures, he would mark it,
2 and he would collect it.

3 Q But there are no evidence markers that we
4 saw in the pictures?

5 A That might have been before or either
6 before or maybe he didn't mark that one. But I know
7 that he did take -- he did take pictures of the
8 evidence and then collected it.

9 Q Okay. But you don't know what, how the
10 crime scene was actually marked in terms of this is
11 piece of evidence number one that we found and you
12 put like a number one marker next to it. You don't
13 know how any of that worked?

14 A I mean, I know how that works. I just --
15 I can't remember if it was done to that shell casing
16 or the other shell casing.

17 Q Would it surprise you that there are no
18 markers for evidence in any of the crime scene
19 photos?

20 A It doesn't surprise me. I mean,
21 sometimes, you know, he doesn't use them I guess.

22 Q Okay. The four shell casings that were
23 found on the kitchen counter, I'll show you what is
24 marked as State's Exhibit No. 27. Are -- is that --
25 does that picture represent how you saw those shell

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 casings on that counter?

2 A Yes, ma'am.

3 Q But you were not there obviously when Kyle
4 Brown found those shell casings, right?

5 A No, ma'am.

6 Q So, you don't know if they were actually
7 put by Mr. Brown on the countertop in that lined up
8 row; is that correct?

9 A I did not see him place the shell casings
10 on the countertop.

11 Q Okay. You don't know where he actually
12 found those casings; is that correct?

13 A I know where he told me he found them.

14 Q Okay. Where was that?

15 A One was in front of the ottoman in the
16 living room. One was, I think, at the entryway of
17 the living room from the kitchen. Another one was
18 in the kitchen.

19 Q Do you remember where the fourth one was?

20 A I can't remember. If I could look at the
21 statement I took from him I could tell you for sure.

22 Q Okay. You indicated that the items on the
23 chair, or the stains on the chair appeared to be
24 blood. Or you actually said that it was blood. Was
25 it ever actually tested?

CROSS EXAMINATION OF AMBER WATTS BY MS. HODGES

1 A No, ma'am.

2 Q Okay. Were you a part of finding any of
3 the markings on the floor that might have appeared
4 to be blood or some other bodily substance?

5 A Say that again.

6 Q There were some markings that were found
7 on the floor, and there were photographs and swabs
8 taken, were you part of finding that?

9 A I would have been there with Sudduth.

10 Q Okay. Do you remember actually finding
11 that?

12 A I remember seeing blood on the floor.

13 Q Okay. And, again, was it tested to
14 determine if it was actually blood or not?

15 A No, it wasn't tested, because we knew that
16 it was Geraldine's blood.

17 Q There has been some mention in the EMS
18 report of some vomit on the floor, did you see that?

19 A I don't remember that. And I didn't see
20 the EMS report.

21 Q Okay. Were there any measurements taken
22 while you were present on the crime scene of the
23 ground to the window sill in the back that was
24 broken?

25 A I didn't take measurements, but I don't

REDIRECT EXAMINATION OF AMBER WATTS BY MR.
STOUDEMIRE

1 remember if there was measurements taken.

2 Q So, you didn't see any measurements taken
3 while you were there?

4 A Not that I remember.

5 Q Okay.

6 MS. HODGES: Beg the Court's indulgence
7 for just a moment.

8 (Pause.)

9 MS. HODGES: That is all that I have.
10 Thank you, Your Honor.

11 THE COURT: Any redirect?

12 MR. STOUDEMIRE: Just a couple, Your
13 Honor, if I may.

14 REDIRECT EXAMINATION

15 BY MR. STOUDEMIRE:

16 Q Investigator Watts, you were asked by Ms.
17 Hodges that you were guided to the blue pipes based
18 on a statement that Mr. Hunnicut gave to
19 Investigator Bowling; is that correct?

20 A Yes, sir.

21 Q And that is where they had stashed things
22 from the crime scene?

23 A Yes, sir.

24 Q They, not he, correct?

25 A Correct.

REDIRECT EXAMINATION OF AMBER WATTS BY MR.
STOUDEMIRE

1 Q Thank you. Now, when this evidence was
2 gathered, specifically at the location where the
3 evidence was found in the blue pipes, were you with
4 investigator Teramano there; is that right?

5 A Yes, sir, I was.

6 Q All right. Was anybody else at that
7 scene, other than the two of you?

8 A No, sir, it was just us two.

9 Q Okay. And when you took those items from
10 the blue pipes, was anything else taken and placed
11 with those items in your vehicle?

12 A No, sir.

13 Q All right. And when they were taken from
14 your vehicle back to your office, did you stop
15 anywhere along the way to eat lunch, get gas, grab a
16 snack?

17 A No, sir, we would have went right to the
18 office.

19 Q Okay. When you got to the office, was
20 anybody there other than officers from the Seneca
21 Police Department?

22 A No, sir.

23 Q In fact, are civilians allowed in that
24 particular portion of the Seneca Police Department?

25 A No, sir, our building is separate from the

REDIRECT EXAMINATION OF AMBER WATTS BY MR.
STOUDEMIRE

1 actual police department building. And it only has
2 our offices in it, investigations division.

3 Q Okay. And that is basically due to space?

4 A I guess. That is where they put us.

5 Q Okay. And there you bagged up the
6 evidence; is that correct?

7 A Yes, sir.

8 Q All right. And who was president --
9 excuse me, who was president -- who was present when
10 you did that?

11 A It would have been me, Investigator
12 Teramano, and Sergeant Sudduth.

13 Q Okay. Did you and investigator Teramano
14 travel to this, the location with the blue pipes in
15 the same vehicle?

16 A Yes.

17 Q Did you travel from the location with the
18 blue pipes back to the police department in the same
19 vehicle?

20 A Back to our office, yes.

21 Q Okay. At any time was this evidence out
22 of your presence?

23 A No, sir.

24 Q And when you took it into the Seneca
25 Police Department to bag up, was it ever out of your

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 This is a law clerk. He's a graduate of law
2 school. And he assists with research and that
3 type of stuff. Just so you won't wonder who is
4 that guy sitting up there, he's the one who
5 comes up with all the good information and
6 tells me, and I act like I know what I'm
7 talking about.

8 Anyway, with that being said, we'll --
9 State, you can call your next witness.

10 MR. ALDERMAN: Thank you, Judge. At this
11 time, we call Sergeant Noe Sudduth.

12 THE COURT: Okay. If you would come
13 forward.

14 Thereupon,

15 NOE SUDDUTH

16 was called as a witness, having been first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ALDERMAN:

20 Q Sergeant Sudduth, where are you employed?

21 A Seneca Police Department.

22 Q How long have you been with Seneca Police
23 Department?

24 A Started in 2017, so, going on three years.

25 Q How long have you been in law enforcement

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 total?

2 A Starting in 2008, so, 12, 13 years.

3 Q And what is your current rank and
4 assignment, your duties with the Seneca Police
5 Department?

6 A I'm an investigator, a detective with the
7 police department.

8 Q Was that your assignment in March of 2019?

9 A No, I was the evidence tech.

10 Q Okay. And what exactly does the evidence
11 tech do?

12 A You get called to a scene either by the
13 investigators or maybe road patrol to come out.
14 They have a crime that's larger than something they
15 can handle. To take pictures, collect evidence,
16 preserve it to bring it back for court.

17 Q Is that still a part of your duties or
18 not?

19 A Yes, sir. We have the main one and I'm, I
20 guess, like the backup. If she's out of town,
21 vacation, training, something of that nature, I
22 would still help with the court evidence.

23 Q Who trained her?

24 A I did.

25 Q So, were you on duty on the evening of

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 March the 7th, 2019?

2 A No, sir, I was already off work. I worked
3 that day.

4 Q So, were you then called back in?

5 A I was.

6 Q All right. Can you explain the nature of
7 the call and where you went?

8 A I recall being at home and Captain Bowling
9 calling me and saying they had a break-in and there
10 had been a shooting and get there as soon as I
11 could. And I drove to the scene.

12 Q And is that what you did?

13 A Yes.

14 Q Okay. So, when you got there, what's the
15 first thing you saw?

16 A There was a ton of police cars. I
17 remember having to park at the top of the hill. It
18 was already roped off. I just remember walking down
19 and making contact with Captain Bowling and him
20 telling me that he wanted me to start taking
21 pictures while they were still talking to people.

22 Q So, when you show up to a scene like that,
23 generally, if you would just explain the steps you
24 might go through to document the scene and to
25 document the evidence?

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Normally, like I said, I'll pull up, kind
2 of see where everything's at. You know, I don't
3 want to pull too close or anything like that. I
4 might drive over shell casings or -- you know, I
5 don't want to drive my car into the crime scene
6 necessarily. I'll speak with whomever called me to
7 kind of get an idea of what they're dealing with or,
8 like, maybe certain areas that they want me to focus
9 on taking pictures or certain stuff they want to
10 collect.

11 From then, I'll go get my equipment
12 out of the car, such as my bag that has fingerprint
13 powder, my camera, you know, maybe, like in this
14 incident, I needed lights because it was nighttime
15 or it was dark outside. So I get those, brought
16 them to the scene, set them up in the front yard so
17 you could actually see some of the pictures y'all
18 have already seen, you know, actually lit up instead
19 of looking at a dark hole.

20 Then I start working my way around.
21 Like in this instance, I know I went kind of
22 counterclockwise around the house. Captain Bowling
23 said start taking pictures. So, I start from the
24 outside and work my way towards the house. I went
25 around it. I recall when I got to the back of the

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 house, there was the window y'all have already seen
2 that was broken open. I saw, like, the screen
3 laying on the ground, the broken glass. I took the
4 pictures. I kept moving around the house. I want
5 to say even recall when I got to the front, I can
6 remember seeing the TV on in the house. And I think
7 there was a screen on the front that was like pried
8 open, too, but it wasn't completely pulled off. And
9 I believe the homeowner stated that was preexisting
10 damages.

11 But after that, I went into the door
12 through the carport. And I try to do it so it's not
13 as confusing with pictures, you know, like, take
14 picture here, hop somewhere else. So I went ahead
15 and did the complete upstairs of the house, just
16 doing my first-over taking pictures. I went into
17 the kitchen area there from the carport. And, of
18 course, when you walk in the door, you can see the
19 counter where y'all know the four shell casings were
20 seen. And I worked my way through.

21 You got the kitchen, then you have
22 the door opening to my left, which would have went
23 to the living room. I kept going straight through
24 the dining room where the -- I call it dining room,
25 anyway, where's the table they sit down and eat.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 Went through there, just my initial taking pictures
2 to start with, and worked my way around the hall,
3 back through the bedrooms and to the end of the hall
4 until I came to the master bedroom where I noticed
5 the door had been kicked in, the lock was busted.
6 Took pictures of the room and in the closet where
7 the gun safe was at. I did make mention in my
8 report, I believe, to me, I didn't notice anything
9 with the safe that appeared to be like it was
10 tampered with or anything of that nature.

11 But I come back out. And then I
12 worked my way back down the hallway. And then I
13 came in from -- if I stopped at the end of the
14 hallway, on my left would have been the dining room.
15 And then, if you kind of stay to the right, it would
16 be like the den with a TV, and the victim had been
17 shot in that area, where the front door is. And I
18 continued taking pictures that way, all the way to
19 the chair, back to the kitchen.

20 And then at that point, I talked to,
21 at the time, Captain Bowling and Investigator Watts.
22 And then they kind of tell me, you know, like, what
23 they want to collect for their case, to build it.
24 You know, like I said, my job is to collect and
25 preserve for court. So they tell me what they want

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 collected to build their case.

2 And that's when -- I can't remember
3 exactly what point, but Detective Watts had found
4 two more shell casings, one behind a trash can and
5 the one that was in the dining room, kind of below
6 the bar that connected the kitchen and the dining
7 room. I photographed that. And then also in the
8 dining room, there's kind of like a -- I don't know
9 if it's a table or, like, dresser-type thing on the
10 back wall, it had some paperwork on it. They wanted
11 me to collect -- I believe it was Ms. Castle's,
12 like, doctor paperwork or something like that that
13 had her information on it. I remember collecting
14 it.

15 And I also -- I can't remember if I
16 just said this a while ago or not, before we
17 collected evidence, we went downstairs and I took
18 pictures from the broken window inside the basement,
19 as well, where they had made entry. I could see,
20 you know, the window open, glass on the ground, but
21 I couldn't tell if anything downstairs -- it didn't
22 look like anything was, from what I could tell,
23 like, rumbled through or, you know, messed with,
24 other than the entry being made.

25 Anyway, like I said, back up to the

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 room where the victim was shot. I remember
2 seeing -- there was a small hole in the wall behind
3 the chair, some holes in the chair itself. And on
4 an ottoman beside the chair, I want to say there
5 was, like, a TV remote, a cell phone and a book. I
6 don't know if it was in that order, but,
7 nonetheless, it was on the ottoman. There was blood
8 on the cell phone, and I did see blood on the floor.
9 I remember taking swabs of the blood that was on the
10 floor. And I collected the cell phone for evidence
11 as well. As, you know, I'm going through collecting
12 stuff, I take it with me.

13 And then we -- I go down to the
14 basement and I dusted for fingerprints on the
15 window. There was a washer right beside the window.
16 And I also dusted the door frame. Trying to
17 explain, like, if you guys are sitting in the
18 kitchen looking straight ahead, the door frame was,
19 like, say, is that right square on the screen there
20 looking into the chair where Ms. Castle was shot.
21 So, the door frame would be on the left side. I
22 dusted it, and that's where I was able to get a
23 print off of it. And to the right side would have
24 been where the shell casing behind the trash can
25 would be at.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 Once I collected the prints, I put
2 them on print cards. And I had taken all of the
3 evidence straight back to the office. And it's kind
4 of different being the evidence tech. You know,
5 officer on the road, if they collect something, they
6 might lock it in the evidence lockers we have and
7 then, the next day, when I come to work, I'd pull it
8 out and enter it. Me, I'm directly there, so I take
9 it straight into the main holding and log it in and
10 that kind of stuff.

11 Like, the fingerprints had to be sent
12 to a lab. In this case, they're sent to Greenville
13 County where they analyze the fingerprints, do all
14 their fancy stuff or whatever, and come back with
15 names. Three of the prints that I pulled, two off
16 of the window, and I believe it was a palm print
17 that I got off the washer from the entry being made,
18 come back to a Hunter Hunnicut. And the one that
19 come off the wood door frame, I want to say the name
20 was a Burlin Dewayne Whitfield (phonetic) was who it
21 came back to.

22 Once I got that the information I did
23 a supplement for the results from Greenville, and I
24 gave a copy to Captain Bowling. I was trying to
25 think if there was anything else.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 Q Let's go through some of those pictures
2 that were collected so we can better see what you
3 were talking about. When you were talking just a
4 moment ago about the view from the dining room
5 through the doorway into the living room, let me
6 show you what's been entered as State's 13. Is that
7 the view from that doorway?

8 A Yes, sir. Just a little further back,
9 but, yes.

10 Q All right. Did you collect any evidence
11 from that chair itself?

12 A Yes, sir. We actually cut out the cushion
13 and -- I can't remember if it was just the cushion
14 or maybe a little bit of the armrest, as well. And
15 when we were cutting that out, Captain Bowling found
16 two projectiles, bullets in the chair. One lodged
17 in the wood frame of the chair and one that was kind
18 of like stuck in the cloth material or cotton or
19 whatever material is it for cushioning.

20 Q I'll show you State's 21. If you'll just
21 explain to us what we're looking at here.

22 A That would have been the upper frame,
23 like, the back side of the chair where the bullet
24 was stuck.

25 Q Maybe to give us a better understanding of

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 that, State's 20.

2 A Yes.

3 Q What are we looking at here?

4 A The upper right would have been the wood.

5 And I believe the one stuck in the cotton would have
6 been --

7 Q So, where I'm pointing with my pen?

8 A Yes, sir.

9 Q Okay. And State's 22, what do we have
10 here?

11 A That would have been the bullet from --
12 that was stuck in the material, the cotton or
13 whatever that is, cushion.

14 Q Okay. Did you find any evidence of
15 projectiles outside of the chair, other than the
16 shell casings, State's 19?

17 A We noticed a hole in the wall. We did try
18 to pry and look to see if we could see it, but we
19 did not cut into the wall to retrieve it.

20 Q Was that just a decision you guys made to
21 not tear out the walls in someone's house?

22 A Yes, sir. With a family member being
23 killed in their home, we didn't want to cause any
24 more turmoil by them having to look at a hole. Me
25 having to sawzall that out, have a big chunk in the

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 wall. And if it fell down, I would have had to cut
2 into the floor. We thought with the ones we pulled
3 from the chair, that there was no more damage needed
4 to be done.

5 Q You mentioned collecting pictures and
6 swabs of blood. I'm going to show you State's 24.
7 Tell us what we're looking at there and where you
8 found that.

9 A Yes, sir. That's in front of the chair in
10 the living room where Ms. Castle was shot.

11 Q And 25?

12 A That's also in front of the chair on the
13 floor.

14 Q Now, you mentioned that you collected the
15 bullets and the shell casings. I want to show you a
16 few things here. Bear with me while we mark these.

17 (Pause.)

18 Q All right, sir, I'm going to hand you
19 what's been marked for identification as State's 63.
20 Can you tell me what that is?

21 A This would be the shell casings from under
22 the dining room bar/counter that connects, you know,
23 the dining room and the kitchen, and the shell
24 casings from behind the trash can.

25 MS. HODGES: Sorry, if I could ask him to

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 speak up just a little bit.

2 THE COURT: Did you show this to her?

3 MR. ALDERMAN: We reviewed it, yes.

4 MS. HODGES: Yes, prior to today.

5 THE WITNESS: These are the shell casings
6 from the dining room under the bar that is
7 between the kitchen, and the dining room was
8 where that -- this shell casing. The other
9 shell casing is the one from behind the trash
10 can and the four shell casings that were
11 located on the counter that were put there
12 before our arrival.

13 Q And did you personally collect those and
14 bag it?

15 A I did, yes.

16 Q How do you know that?

17 A Because this is my handwriting and I
18 sealed it.

19 Q Does it appear that it's been tampered
20 with or altered in any way that you can discern?

21 A No, other than I know that we opened all
22 of this up when you all come down to view the
23 evidence before court.

24 Q In your presence?

25 A Yes.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 Q And resealed in your presence?

2 A Yes.

3 MR. ALDERMAN: Judge, at this time, we
4 would seek to enter State's 63.

5 THE COURT: Any objection?

6 MS. HODGES: No, sir.

7 THE COURT: Okay. Entered without
8 objection.

9 *(Whereupon, State's Exhibit No(s). 63*
10 *marked for identification and received in*
11 *evidence.)*

12 BY MR. ALDERMAN:

13 Q Sir, could you open that for us? And we
14 have provided gloves today.

15 A Thank you. Do you have something I could
16 open this with? With the gloves on, it's kind of
17 hard to open.

18 Q Sure.

19 A A pen or anything I can stick in there.
20 Each individual?

21 Q Please.

22 A This would be the shell casing from behind
23 the trash can.

24 Q Now, Sergeant Sudduth, you collected each
25 of these individually. You had a chance to look at

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 them there at the scene and when you packaged them.
2 Would you say that each one is substantially similar
3 to the other?

4 A Yes, sir.

5 Q Okay. So, if you could just open that one
6 and then show it to the jury and describe it, with
7 particularity, the head stamp.

8 A So everybody can see it. It's a brass --
9 it appears to be a brass shell casing. The imprint
10 on the back -- with this lighting, it's hard to see.
11 It is .32 Auto, it looks like imprint -- this
12 particular one is hard to see. It looks like NW is
13 the imprint on the back of the .32 Auto NW spent
14 shell casing.

15 Q And the other five, each .32 Auto?

16 A Yes, sir.

17 Q Okay. If we could just rebag that, if you
18 don't mind.

19 A Every single one?

20 Q Yes, just throw them back in the big bag,
21 please. Now, I'm going to show you what has
22 previously been marked as State's 64. And if you
23 could just tell us what that is.

24 A This would be the bullet from the top back
25 of the chair, the one that was stuck in the wood and

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 the bullet from inside the cushion.

2 Q How can you tell?

3 A This is my handwriting and I put it in
4 here. My initials are on the seal.

5 Q And just as before, it doesn't appear to
6 be altered or tampered or manipulated in any way?

7 A No, sir.

8 MR. ALDERMAN: Judge, at this time, we'd
9 seek to admit State's 64?

10 THE COURT: Any objection?

11 MS. HODGES: No objection.

12 THE COURT: All right. In without
13 objection.

14 *(Whereupon, State's Exhibit No(s). 64*
15 *marked for identification and received in*
16 *evidence.)*

17 BY MR. ALDERMAN:

18 Q If you would open that, please. And just,
19 for example, if you will open one of those and show
20 it to the jury.

21 A Okay. This is the bullet from -- the one
22 that was stuck in the wood. I'll have to pull it
23 out, it's all together, so you can see.

24 Q And if you would repackage that, please.
25 Sergeant Sudduth, if you would take a look at what's

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 been marked as State's 65 and State's 66 for
2 identification. And, again, tell us what it is, how
3 you recognize it, and if it's been altered, tampered
4 with or manipulated in any way?

5 A All right. These are the two projectiles
6 that I collected at the autopsy. I know this
7 because I put these in the packaging, and I sealed
8 it and placed it in evidence.

9 Q We will just leave that sealed.

10 MR. ALDERMAN: Judge, at this time, we
11 will move State's, I believe, 65 and 66 in
12 evidence.

13 THE COURT: Any objection?

14 MS. HODGES: Judge, I don't have an
15 objection, but a question. Sixty-five is which
16 one?

17 BY MR. ALDERMAN:

18 Q If you will turn that over.

19 A Sorry, 65 is going to be the post spine
20 and other is post neck.

21 MS. HODGES: No objection.

22 THE COURT: All right. In without
23 objection.

24 *(Whereupon, State's Exhibit No(s). 65-66*
25 *and 66 marked for identification and received*

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 *in evidence.)*

2 BY MR. ALDERMAN:

3 Q Sergeant Sudduth, since these have
4 biological material on them, we're not going to open
5 them, but you did have a chance to view them; did
6 you not?

7 A Yes, sir.

8 Q Did they appear, at least in your
9 estimation, you know, without being a ballistics
10 expert, to be substantially similar to the
11 projectiles that you removed from the house?

12 A Yes.

13 Q Sergeant Sudduth, I'm going to show you
14 what has been marked for identification as State's
15 67. And, again, if you would tell us what that is,
16 how you know, and if it's in the same condition as
17 when it was entered into evidence.

18 A This is the iPhone that was found on the
19 ottoman that belonged to the victim, Ms. Castle.
20 This is the packaging I put it in. And I did seal
21 it.

22 MR. ALDERMAN: Judge, we would move
23 State's 67 in evidence.

24 THE COURT: Any objection?

25 MS. HODGES: No, sir.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 THE COURT: All right. In without
2 objection.

3 *(Whereupon, State's Exhibit No. 67 marked*
4 *for identification and received in evidence.)*

5 BY MR. ALDERMAN:

6 Q Sergeant Sudduth, if you would open that
7 package, please. And without opening that sealed
8 interior package --

9 A Yes, it does have blood on it. This is
10 the iPhone.

11 MR. ALDERMAN: Judge, permission to
12 publish to the jury personally, to show it to
13 them more closely?

14 THE COURT: You may.

15 *(Published iPhone to the jury.)*

16 BY MR. ALDERMAN:

17 Q What, if any, material did you see on the
18 back of the phone here?

19 A Blood.

20 Q Tell us again where that was found.

21 A It would have been in the living room next
22 to the chair that Ms. Castle was shot in. It would
23 have been to the left of the chair when I arrived.

24 Q Let me show you State's 11. Can you tell
25 us where in this picture the phone was located?

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Center of the frame, the phone would be on
2 the left side of the ottoman.

3 Q Is that about where my pen is pointing?

4 A Yeah, about there.

5 Q `And a closer view, State's 12?

6 A Yes.

7 Q Okay. Sergeant Sudduth, I'm going to show
8 you what has been marked as State's Exhibit 68. If
9 you can tell us what that is.

10 A It's a metal pry bar, small. And I guess
11 it was located in the backpack.

12 Q Okay. When you say the backpack?

13 A I believe it's the one that Detective
14 Watts located.

15 Q So this is not evidence that you collected
16 on the scene?

17 A No, sir.

18 Q But you were, nevertheless, the evidence
19 custodian at the time?

20 A Yes, I would have checked it in when she
21 turned it in.

22 Q And did you?

23 A Yes.

24 Q And is it in substantially the same
25 condition as when it was checked in?

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Yes, sir.

2 Q Altered, changed, manipulated in any way?

3 A Other than the new evidence tag. When we
4 reviewed it the other day, she resealed the
5 packaging.

6 Q Okay. In your presence?

7 A Yes.

8 MR. ALDERMAN: Judge, at this time, we
9 would move State's, I believe that was 68 in
10 evidence.

11 THE COURT: Any objection?

12 MS. HODGES: No, sir.

13 THE COURT: All right. In without
14 objection.

15 *(Whereupon, State's Exhibit No(s). 68*
16 *marked for identification and received in*
17 *evidence.)*

18 BY MR. ALDERMAN:

19 Q Sergeant Sudduth, if you would open that
20 for us, please.

21 A (Witness complies.)

22 Q And if you could just show that to the
23 jury.

24 A (Witness complies.)

25 Q I'll show you what's been previously

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 entered as State's 40. Now, were you there when
2 that was collected?

3 A No, sir.

4 Q All right. Have you had a chance to
5 review this photograph before trial today?

6 A Yes, sir.

7 Q And as you look at that pry bar and look
8 at this picture, do they appear to be the same?

9 A They do.

10 Q All right. And if you could repackage
11 that for us.

12 A (Witness complies.)

13 Q I'm going to show you what's been marked
14 for identification as State's 69. And once again,
15 if you could tell us what that is and how you know?

16 A This is a black Green Bay jacket. It's
17 marked as A as the item, and it states, Leather-like
18 material. This was collected, according to the
19 signature, by Detective Watts. And I do know I
20 checked this into evidence when she turned it in.

21 Q And is it in substantially the same
22 condition as when you checked it in?

23 A Yes, other than the sign with the seal,
24 the new tag.

25 Q Okay.

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 MR. ALDERMAN: Okay. Judge, we'd move
2 State's 69 into evidence.

3 THE COURT: Any objection?

4 MS. HODGES: No.

5 THE COURT: Without objection.

6 *(Whereupon, State's Exhibit No(s). 69*
7 *marked for identification and received in*
8 *evidence.)*

9 *(Whereupon, State's Exhibit No(s). 70*
10 *marked for identification.)*

11 BY MR. ALDERMAN:

12 Q Sergeant Sudduth, if you would, open that
13 and hold it up to the jury.

14 A (Witness complies.)

15 Q Thank you. And I'm handing you what has
16 been marked as State's 70 for identification. Once
17 again, if you can tell us what that is and how you
18 know.

19 A The description says, I guess, it's Tammy
20 Hoag, "Dark Horse" book, torn page from book
21 containing message, says, Jail incident report, same
22 as also in here, just a book. It's a jail incident
23 report, torn page from the book containing the
24 message and the "Dark Horse" book.

25 Q And who brought that into evidence?

DIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Detective Watts.

2 Q Would you have been the evidence
3 technician at that time?

4 A Yes, sir.

5 Q Okay. And has it been altered or changed,
6 or is it in substantially the same condition as when
7 it was logged in?

8 A It is.

9 Q And if you would, just go ahead and open
10 that for us.

11 A (Witness complied.)

12 Q And then, Sergeant Sudduth -- actually,
13 I'll take that for now and we will get to the
14 contents of that just a little while later.

15 MR. ALDERMAN: And, Judge, if I --

16 MS. HODGES: I understand that's marked
17 for identification. There's more foundation
18 that needs to be laid before it can come into
19 evidence.

20 MR. ALDERMAN: This is 70, Judge. And we
21 do have an additional witness to firm that up.

22 THE COURT: All right.

23 Q Sergeant Sudduth, I know that was a little
24 tedious, but is it fair to say that the extent of
25 your involvement in the case that night and

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 immediately after was to collect, to document, and
2 to preserve evidence?

3 A Yes, sir.

4 MR. ALDERMAN: Thank you. And if you
5 would answer any questions Ms. Hodges may have
6 for you.

7 THE COURT: All right. Cross-examination.

8 MS. HODGES: Yes, sir. May it please the
9 Court.

10 CROSS-EXAMINATION

11 BY MS. HODGES:

12 Q So, are you Detective Sudduth now?

13 A Yes, ma'am.

14 Q Still sergeant or?

15 A No, just detective.

16 Q Just detective, okay. I understand with
17 rank comes certain privileges, so I don't want to
18 not give you the respect that you're due.

19 The evidence that you collected at
20 the scene, my understanding from your testimony is
21 that you walked through -- essentially, photographed
22 the outside of the house. Did you actually walk
23 around the outside of the house, like, give it kind
24 of a once-over before photographing, or just started
25 photographing?

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A I started photographing from, like I said,
2 like the road, looking at the house and then --

3 Q And counterclockwise?

4 A Yes, ma'am.

5 Q Okay. When you were photographing, did
6 you notice the fingerprints and things that were on
7 the window sill at the back of the house, or did you
8 discover that when you kind of --

9 A That was later when I dusted for the
10 prints.

11 Q Okay. So, did you dust for the prints at
12 the time as you were photographing?

13 A No, ma'am, when I come back through.

14 Q Okay. Then you start in the house. Do
15 you have a particular protocol or pattern that you
16 normally start documenting inside the home?

17 A If I understand the question correctly, do
18 I do it the same way every time? For the most part,
19 I try to just stick to starting in a room, and then
20 work my way methodically through house. I mean,
21 whether it's clockwise, counterclockwise, just
22 depends on the scene.

23 Q Do you start photographing the scene
24 inside the home in terms of just kind of doing like
25 an entire overview at first, or what are you doing?

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A Yeah, when I first go in, I like to try to
2 get -- cover the whole house to get a good view of
3 it. And then as we go through and collect evidence,
4 take pictures again as we go through it.

5 Q All right. So, that's why you kind of
6 have some pictures that are sort of like the entire
7 living room, for example, and then you have other
8 pictures that are close-ups of particular items of
9 interest?

10 A Yes, ma'am.

11 Q Okay. So, when -- and do you talk to --
12 in this particular case, did you talk to Captain
13 Bowling and Detective Watts, basically, you know,
14 prior to starting photographing the home on the
15 inside?

16 A Well, I met them at the door on the
17 inside.

18 Q Okay.

19 A And then, kind of tell me what's going on
20 so I know where to start.

21 Q And when you were called out, you actually
22 were already told that there was a break-in and a
23 shooting; is that correct?

24 A I believe so.

25 Q So you already knew at that point that

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 there had been a shooting in that home?

2 A Yes.

3 Q Okay. You also made a comment that they,
4 basically, told you what they wanted to build the
5 case. Can you elaborate on that a little bit better
6 for me?

7 A As we go through any scene, like, it's
8 their case. So, if they see something that they
9 know is evidence or they're going to use, they would
10 tell me, Hey, we need to collect this, and I would
11 collect it.

12 Q Do they also indicate to you stuff that,
13 you know, might be of some evidentiary purpose but
14 they don't know it yet?

15 A That's possible. Like, for instance, you
16 take a blood swab. We don't know if it's going to
17 be evidence or not, but we would still collect it.

18 Q But, basically, they're telling you what
19 they want to be taken into evidence?

20 A Yes, ma'am.

21 Q Okay. And so, your job as you mentioned,
22 was to, basically, collect, preserve, and report?

23 A Yes, ma'am.

24 Q So, I collected item X. You -- now, do
25 you actually at the scene put it into the envelope

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 or paper bag at the scene?

2 A Yes, ma'am.

3 Q So then, you actually at the scene are
4 putting -- you see the shell casing, you photograph
5 it, you pick it up, and put it in the bag?

6 A Yes, ma'am.

7 Q And it's sealed there on scene or?

8 A Not necessarily with tape, I don't carry
9 that with me, but it's closed.

10 Q And what do you do with it on scene once
11 you -- so, for example, you know, you picked up the
12 shell casing in the kitchen behind the trash can.
13 You put it in the envelope, you kind of, you know,
14 secure it. Then how is that -- how is the -- what
15 do you do with the evidence at that point?

16 A I keep it with me. It moves -- as I'm
17 moving along, they're coming with me.

18 Q You carry bags and you get more and more
19 bags in your hand?

20 A That would be the reason why Detective
21 Watts and Captain Bowling were going through there
22 with me, so they would help hold bags, you know, if
23 I'm having to take a picture or dust for prints.

24 Q So, basically, y'all are holding onto it
25 as you're walking through?

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A Yes, ma'am.

2 Q And everybody was gloved?

3 A As far as I can remember, yes, ma'am. I
4 know that I had gloves on.

5 Q You had gloves on because that's,
6 certainly, part of your protocol in collecting
7 evidence is to make sure that you've got gloves on,
8 A, to protect you and B, to protect the evidence,
9 right?

10 A Yes, ma'am.

11 Q But you don't know whether Detective Watts
12 or Captain Bowling at that time were wearing gloves?

13 A Like I said, a hundred percent off of the
14 top of my head, I can't say yes or no.

15 Q And you had indicated -- and this is the
16 part where I lost a little bit of being able to hear
17 what you were saying. Was it downstairs that you
18 were indicating that nothing looked rumbled through?

19 A Yes, ma'am.

20 Q Okay. So, that was in the actual
21 basement. Looking at the window, it didn't look as
22 if anything had been either knocked off of the cart
23 or shelf or washer or whatever once somebody came
24 through that window?

25 A Yes, ma'am.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 Q Is that right? Okay. And the -- you
2 indicated that you took swabs of what y'all assumed
3 to be blood on the floor. Was that ever actually
4 tested to determine if it actually was blood or
5 something else?

6 A No, ma'am.

7 Q And do you know -- did you see any of the
8 vomit that was documented by EMS?

9 A I don't know if they referred -- maybe she
10 spit up blood, I don't know, or if it was vomit. I
11 just saw what you saw in the pictures of what was on
12 the floor.

13 Q And there were two spots or two stains on
14 the floor; is that right?

15 A Yes, ma'am.

16 Q Did you take swabs from both of them?

17 A Yes, ma'am, the pictures were the two
18 separate swabs.

19 Q Okay. And I understand that -- at what
20 point -- did you take pictures first and then go
21 around and start dusting for prints? Was that your
22 testimony?

23 A Yes, ma'am.

24 Q Okay. And the fingerprints that matched
25 Mr. Hunnicut were all on that downstairs window that

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 was broken?

2 A Two from the window, and I believe there
3 was one palm print from the top of the washer.

4 Q Top of the washer, okay. Do you remember
5 where on top of the washer that thumb print was?

6 A Looking directly down on it, it would be,
7 like, the front left corner closest to the window,
8 the corner.

9 Q Okay. The -- in order to become an
10 evidence tech, did you take any specialized training
11 or courses?

12 A Yes, ma'am, over the years, yes.

13 Q Okay. And what were the purpose of those
14 courses?

15 A To help better me in my job, to get
16 knowledge of things to look for and assist the
17 investigators throughout their case.

18 Q In any of those courses, were you trained
19 to take measurements of items and things?

20 A Yes, ma'am.

21 Q Okay. Did you measure the height of the
22 window in the back of the home that was -- that had
23 been broken?

24 A Where the entry was made?

25 Q Right.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A No, ma'am.

2 Q Why not?

3 A We didn't.

4 Q Just didn't. And that is actually on

5 a hill that's on a slope; is that correct?

6 A Yes, ma'am.

7 Q Did you photograph -- take any

8 measurements on the inside of the home in terms of

9 from that window, from the floor to the window seal?

10 A No, ma'am.

11 Q Why not?

12 A We didn't.

13 Q You just didn't?

14 A No, ma'am.

15 Q Even though you have been taught that

16 you're supposed to take measurements of things, you

17 just chose not to?

18 A There's no set guidelines stating that I

19 have to measure things. We just chose not to.

20 Q That would not have been helpful to you in

21 your investigation to know how far the window was

22 from the ground?

23 A Collecting evidence and preserving it was

24 my job.

25 Q Okay. So, because you weren't asked to do

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 that, you just didn't do it?

2 A Yes, ma'am.

3 Q Okay. Photographs 24 and 25. This is
4 State's 24. Do you know if you actually used a
5 scale on that photograph at some point?

6 A I think one of the other pictures had a
7 picture of a scale with it.

8 Q Okay. State's 26, is that the one -- is
9 that the same?

10 A It appears to be the same.

11 Q Okay. And that actually has a scale to
12 it?

13 A Yes, ma'am.

14 Q Okay. And what was the purpose of putting
15 the scale on it?

16 A Just for reference later if you, you know,
17 review if some reason -- I didn't know if the void
18 was there because maybe the shell casing was in it
19 that was picked up before my arrival.

20 Q Does that appear to be about the size of
21 what a shell casing might leave as a void?

22 A It could be.

23 Q Could be, all right. Did you actually do
24 any sort of comparison or measurement of the shell
25 casings to be able to compare to see if that might

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 more scientifically be a possible void?

2 A No, ma'am.

3 Q No, okay. The shell casings that you saw
4 in the kitchen, which is shown in one picture,
5 State's 27, that lined up -- were those shell
6 casings in that formation when you got into the
7 home?

8 A Yes, ma'am.

9 Q Okay. Do you know how many people had
10 actually been in the home prior to you starting to
11 collect evidence?

12 A No, ma'am.

13 Q Any guestimate?

14 A I have no idea.

15 Q Fair to say several people had been?

16 A It's possible, yes.

17 Q Well, at least we know that EMS had
18 arrived before any law enforcement did. Have you
19 had a chance to actually review the case file in
20 terms of the other incident reports or supplemental
21 reports written by other officers?

22 A I have seen some, yes, ma'am.

23 Q So my understanding is that there had
24 been, at least, road patrol officers that had
25 initially responded to the initial call, after EMS

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 was there, and said, It looks, appears she had been
2 injured?

3 A Yes, ma'am.

4 Q And then Detective Watts and Captain
5 Bowling were already at the scene when you got
6 there?

7 A Yes.

8 Q Were there any other investigators or
9 other road officers that were in the home when you
10 entered?

11 A I do recall at one point, the coroner,
12 Karl Addis, had came, but I can't think of anyone
13 else off of the top of my head.

14 Q Other than the coroner, did he have an
15 assistant or anybody with him?

16 A Honestly, I can't recall. I just remember
17 talking to him.

18 Q The shell casings that were found under
19 the bar and in the kitchen behind the trash can, did
20 you fingerprint those shell casings?

21 A No, ma'am.

22 Q Why not?

23 A I was not asked to.

24 Q Okay. A lot of times, fingerprints can be
25 obtained from harder surfaces and not so much coarse

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 ones; is that correct?

2 A Yes, ma'am.

3 Q So, have you ever had an occasion to --
4 have you ever been asked to fingerprint a shell
5 casing?

6 A Most times, from, like, a magazine in a
7 gun that hasn't been fired yet.

8 Q So then, because that would show -- have
9 you ever been able to actually get prints off of a
10 casing in a magazine of a gun?

11 A I mean, I've done several. I would
12 imagine maybe partials. I don't know if I've ever
13 gotten an actual, like, confirm --

14 Q Match for prints?

15 A Yes.

16 Q But you have gotten partial prints?

17 A I believe so.

18 Q Did you compare or send those shell
19 casings to be compared by a ballistics expert to
20 determine whether they had actually been fired from
21 the same weapon?

22 A We didn't have the weapon, so we couldn't
23 send it for ballistics.

24 Q So, you couldn't send it to ballistics to
25 actually match the particular weapon, but you could

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 send it to ballistics to be able to determine
2 whether the shell casings had all been fired from
3 the same, couldn't you?

4 A I'm not an expert on that. I have no
5 idea. I mean, I know they were shot because there
6 was no bullet in the casing.

7 Q Right. Right. Are you familiar with the
8 term -- the phrase lands and grooves?

9 A You're talking about, I guess, when the
10 round is chambered and it's fired?

11 Q When the round is chambered and it gets
12 ejected, and actually there is a distinctive pattern
13 that's -- you know, it's almost like a toolmark
14 that's imprinted on the shell casing.

15 A I understand what you're saying, but, no,
16 it wasn't sent for that kind of --

17 Q It wasn't sent to just compare those lands
18 and grooves?

19 A No, ma'am.

20 Q And you indicated that they all were
21 substantially similar, essentially, because they
22 all, basically, had the same head stamp, same .32
23 Auto or ACP whatever?

24 A Yes, ma'am.

25 Q Do you know what the NW stands for?

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A I would imagine the brand or the
2 manufacturer, but I don't know.

3 Q But you don't know?

4 A No.

5 Q Okay. Why was the iPhone -- you
6 photographed the iPhone there on scene, why was it
7 pulled out a couple days later to be rephotographed?

8 A I can't remember if the unit -- maybe to
9 get the serial number or IME, or whatever it is, to
10 be able to do a search warrant on it or the phone
11 dump, I'm not sure.

12 Q Okay. You were asked to do it, so you did
13 it?

14 A Yes, ma'am.

15 Q Okay. The small pry bar, I believe that
16 was item 68. This is Detective Watts' handwriting
17 --

18 MS. HODGES: May I approach the witness,
19 Judge?

20 THE COURT: Yes, you may.

21 BY MS. HODGES:

22 Q This is Detective Watts' handwriting; is
23 that correct?

24 A I believe so.

25 Q Okay. It's not yours?

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 A No.

2 Q Okay. When you received this item, was it
3 given to you, basically, already in this envelope?

4 A I imagine with her handwriting on it, yes,
5 ma'am. Off the top of my head, I -- she may have
6 collected it in a different manner, and then put in
7 it the bag.

8 Q Okay.

9 A But as far as me --

10 Q But when you received it, you received it
11 in this format?

12 A Yes, ma'am.

13 Q This indicates that it was collected on
14 March the 13th of 2019; is that correct?

15 A Yes, ma'am.

16 Q Do you track on the envelope themselves
17 when they are logged into evidence, or do you do
18 that on your --

19 A On the evidence sheet.

20 Q On the evidence sheet?

21 A Yes, ma'am.

22 Q Okay. So, the evidence sheet indicated
23 that it was logged in on the 20th of March?

24 A Yes, she could have collected it and then
25 turned it in.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 Q Okay.

2 A As we discussed yesterday, it was just a
3 few days later.

4 Q Okay. So, in terms of it being found in
5 the backpack, you only know that because that's what
6 was written on the envelope?

7 A Yes, ma'am.

8 Q Because you weren't there?

9 A No, ma'am.

10 Q Okay. And the pictures that were taken
11 were obviously taken -- you know, I think Detective
12 Watts indicated that she took those pictures,
13 correct?

14 A Yes, ma'am.

15 Q Okay. When you photograph things like
16 that that are -- have you ever had the opportunity
17 to find things kind of out in the woods or --

18 A (Witness nodded.)

19 Q When you photograph them, do you
20 ordinarily photograph them, basically, as you see
21 them in place?

22 A Yes, ma'am. Before I move them is what
23 you're talking about?

24 Q Yes.

25 A Yes, ma'am.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 Q Okay. And say, for example, there were
2 several items in the backpack, how do you normally
3 photograph that thing?

4 A I take a picture of the backpack itself
5 before it's opened or anything, and then as you go
6 into it.

7 Q Would you open it and then take a picture
8 of what you see in the backpack before you start
9 removing items?

10 A In my opinion, that would be a preference.

11 Q And then you photograph each individual
12 thing that comes out of the backpack?

13 A You could, or like she did, lay it all
14 out.

15 Q Okay. Would you have -- would the
16 evidence tape have already been on the package when
17 it was turned in to you, the red evidence tape, or
18 is that something that you all put on?

19 A I'll put it on. They will bring it to me
20 and I put it on.

21 Q So, they will bring it to you in the
22 envelope, not necessarily sealed, but secured?

23 A Yes, ma'am.

24 Q How was it secured?

25 A Well -- you talking about before it gets

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 to me?

2 Q Yeah, in terms of when the envelope is
3 brought to you, how is it secured?

4 A Like, it could be rolled over, sometimes
5 they may staple it, just depending, you know, on the
6 bag. They hand deliver it to me.

7 Q Do you actually open it to see what's in
8 there to verify that actually, yes, that's the pry
9 bar inside the envelope?

10 A No, ma'am. I work on -- as they state,
11 that's what it is.

12 Q You take, literally, the face value of the
13 outside of the envelope at face value?

14 A Yes, ma'am.

15 Q But then you apply the red evidence tape
16 as it goes into storage?

17 A Yes, ma'am. Yes, ma'am.

18 Q Okay. During the course of time that you
19 have either seen these items or reviewed them in
20 preparation for trial, did you ever see any glass
21 shards or anything on that pry bar?

22 A Not that I can remember, no, ma'am.

23 Q And didn't see anything on any of the
24 clothes; is that correct?

25 A No, ma'am.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 Q All right. The clothing, was it -- like
2 the ski mask and the Green Bay jacket, those sorts
3 of things, was any -- do you know whether any
4 analysis was done on those to determine if there
5 was, like, any blood splatter or anything like that
6 on the clothing?

7 A No, ma'am.

8 Q Are you trained in blood splatter
9 analysis?

10 A Not certified or anything of that nature,
11 no, ma'am.

12 Q You know about it because you've seen
13 crime scenes with it?

14 A Yes, ma'am. It could have been in a class
15 and we talked about it, but it's not like I'm an
16 expert by any means.

17 Q I understand. I understand. But you have
18 on occasion been able to have clothing or things
19 like that that may be contaminated by blood from a
20 crime scene, they would either collect swabs or
21 samples and then send it off to SLED for testing?

22 A Yes, ma'am.

23 Q Anyone ask you to do any of that in this
24 case?

25 A No, ma'am.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 MS. HODGES: The Court's indulgence one
2 moment.

3 (Pause.)

4 BY MS. HODGES:

5 Q So, the palm print that you said was from
6 a person named Whitfield; is that correct?

7 A I believe it was Burlin Dewayne Whitfield,
8 yeah, the one off the door frame.

9 Q The kitchen door frame?

10 A Yes.

11 Q So, it was on the left-hand side of the
12 kitchen door frame, Is that correct?

13 A Yes.

14 Q And it was a palm print is my
15 understanding?

16 A Yes.

17 Q Do you remember if it was a left palm
18 print, a right palm print?

19 A Off the top of my head, no, ma'am.

20 Q Okay. But the palm print is there, and
21 that's, basically, an area from which bullets --
22 trajectory looks like bullets may have been fired;
23 is that correct?

24 A Yes, ma'am.

25 Q Did you all do any -- based on kind of

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 where you saw the bullet and bullet hole where it
2 was lodged in the back of the chair or the one that
3 was in the side, kind of more towards the side of
4 the chair, did y'all, like, do any sort of
5 trajectory determining kind of which direction those
6 bullets came from?

7 A Visually standing from the kitchen in the
8 location of where the shell casings were found, we
9 knew the shots came from the kitchen towards the
10 chair in the living room or den, whatever you want
11 to call it. As far as doing, like, actual
12 trajectory rods or anything of that nature, I don't
13 know if EMS -- if they bumped that chair two or
14 three inches would have changed the whole course, so
15 without having a body there or --

16 Q So, we really don't even know if the chair
17 was actually in that spot when EMS arrived?

18 A I know it had to have been in the room.

19 Q Right.

20 A But that exact same, no, I don't.

21 Q All right. And the bullet casings, you
22 say that you know that the shooting came from the
23 kitchen because the casings on an automatic weapon
24 are going to automatically eject from --

25 A Yes, ma'am.

CROSS EXAMINATION OF NOE SUDDUTH BY MS. HODGES

1 Q From the weapon when it's fired?

2 A I mean, I don't know if every shot was
3 taken in there, because the other rounds -- or shell
4 casings had already been moved.

5 Q Right. We don't know about those four.
6 But, basically, because the casings were found in
7 the kitchen, either they were shot from the kitchen
8 or they had gotten, you know, bumped, kicked,
9 whatever into those positions, right?

10 A Yes, ma'am.

11 Q And we don't know which?

12 A No.

13 Q You can't tell from the crime scene which
14 happened?

15 A No, ma'am.

16 Q Have you done any training or anything in
17 terms of with Detective Watts or Investigator
18 Teramano about evidence collection? I know you said
19 you trained your replacement, but have you actually
20 conducted training sessions for other members of the
21 Seneca Police Department?

22 A We have had training before.

23 Q Is it something that you have done, or is
24 it something that somebody else comes in and does?

25 A I do recall one time I spoke about dusting

REDIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 for fingerprints, that kind of thing, but I don't
2 know to what detail the training was.

3 Q Do you remember who all was in those
4 sessions?

5 A It was the entire police department. I
6 don't know who was absent that day or on vacation.

7 Q Do you know about when you would have done
8 those training sessions?

9 A It would have been the time frame I've
10 been in Seneca, so from 2017 to --

11 Q To now?

12 A To now, yes, ma'am.

13 Q So you don't have really any reference
14 around the time frame of March of 2019, how close or
15 recent any of those training sessions might have
16 been?

17 A No, ma'am.

18 MS. HODGES: Thank you, Your Honor.

19 That's all the questions that I have.

20 THE COURT: Any redirect?

21 MR. ALDERMAN: Briefly, Judge.

22 REDIRECT EXAMINATION

23 BY MR. ALDERMAN:

24 Q Ms. Hodges pointed out a difference
25 between a date when a thing was collected and a date

REDIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 when it was actually logged into evidence. Why
2 would that be?

3 A You know, we go out with the detectives,
4 like, say, for this instance, collect things. They
5 review them. And if it's not evidence, we don't
6 want to turn something in that's not evidence. So,
7 I mean, they could hold it to review it. Or like
8 the cell phone instance, maybe they're going to
9 directly take it because they're the ones that deal
10 with the cell phone dumps or the search warrants on
11 them.

12 Q How about a road officer, if they collect
13 evidence and they put it in a locker and, say,
14 you've got the next two days off?

15 A It would stay in the locker until I come
16 back.

17 Q And there would be a discrepancy between
18 the date on the bag and the date it was logged in in
19 your system; is that correct?

20 A Yes.

21 Q Now, you mentioned that you had a chance
22 to review some reports since the incident, because
23 at the time you were the evidence tech. But,
24 nevertheless, you have a broader knowledge of it now
25 as an investigator; is that fair to say?

REDIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Yes, sir.

2 Q Based on your review, has anyone else,
3 road officers, investigators, anyone else collect,
4 log, and log in evidence from that scene, or was
5 that just your job?

6 A That would have been me, I want to say,
7 that entire time for this case, yes.

8 Q We talked about comparing shell casings
9 and bullets. In your experience, have you ever sent
10 anything to SLED to compare ballistics-wise without
11 a weapon to compare it to?

12 A No.

13 Q You talked about unfired rounds from a
14 magazine or a magazine itself with unfired rounds
15 and taking fingerprints from that?

16 A Yes.

17 Q Why do you take it from that and not from
18 a fired shell casing?

19 A Well, as you know, whether it's a revolver
20 or an automatic gun, when it's in the chamber that's
21 fired, the shell casing is meant to expand to create
22 that pressure so the round can be fired, and then
23 the gases blow it back. It could be the temperature
24 taking off the dust from gunpowder. I mean, there's
25 all kinds of variables that could make it not have a

REDIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 print.

2 Q Ms. Hodges pointed out some measurement
3 questions. Did you take measurements of the window
4 to the ground behind the house?

5 A No, sir.

6 Q But you were there?

7 A Yes.

8 Q Could you ballpark for me. If I asked you
9 to stand up and say about how high was it, could you
10 tell me?

11 A Yes, sir.

12 Q Okay. Would you?

13 A I would say, as far as climbing up in,
14 what I remember it being up high because of the --

15 Q Okay. But you didn't measure that?

16 A No, sir.

17 Q Did you measure the space from the floor
18 to the top of the ottoman where you found the phone?

19 A No, sir.

20 Q Did you measure the length of the dining
21 room table?

22 A No, sir.

23 Q Did you measure the roof?

24 A No.

25 Q Why?

REDIRECT EXAMINATION OF NOE SUDDUTH BY MR. ALDERMAN

1 A Because it wasn't needed.

2 MR. ALDERMAN: Thank you.

3 MS. HODGES: I didn't hear your answer.

4 THE WITNESS: It was not needed.

5 THE COURT: Okay. `Thank you. You may
6 step down.

7 THE WITNESS: Thank you.

8 THE COURT: All right. Ladies and
9 gentlemen, we've gone a little over an hour. I
10 want to go ahead and let you take a break for
11 the morning.

12 Now, as I told you before, this is when
13 you need to select your foreperson from the
14 first 12 of you. When you have selected a
15 foreperson, if you would write that down on a
16 piece of paper and give that to the bailiff.

17 Okay. At this time, take your break and
18 do not discuss the case.

19 (Jury exits the courtroom at 10:50 a.m.)

20 THE COURT: All right. Short break, and
21 then the state will be ready to go.

22 (Brief recess.)

23 THE COURT: Is the state ready?

24 MR. ALDERMAN: Yes, Your Honor.

25 THE COURT: Defense ready?

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 writing the questions and giving that to the
2 bailiff. That's the purpose of that. But I
3 appreciate you serving in that role.

4 State, if you will call your next witness.

5 MR. ALDERMAN: Judge, at this time, we
6 call Eric Brown.

7 THE COURT: All right. Come around and be
8 sworn.

9 Thereupon,

10 ERIC BROWN

11 was called as a witness, having been first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. ALDERMAN:

15 Q Mr. Brown, would you please give us your
16 full name.

17 A Eric Bruce Brown.

18 Q And where do you live?

19 A [REDACTED] Maple Avenue, Seneca, South Carolina.

20 Q How long have you lived there?

21 A August will be six years.

22 Q Where do you work?

23 A Home Depot.

24 Q Did you have a career before then?

25 A I did. I'm retired law enforcement.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 Q How long were you in law enforcement?

2 A Seventeen years.

3 Q Was that here locally, or here and
4 somewhere else?

5 A I started for a sheriff's office down in
6 Florida, and then finished up up here. I worked
7 with Seneca, Westminster, and the Oconee County
8 Sheriff's Office.

9 Q We've been through a little bit of this
10 with the testimony of your wife earlier, but if you
11 could tell us again how Decota came to be your son?

12 A Decota's biological parents, his father,
13 which is Dee, my wife's brother, had a history of
14 drug problems, got into some other criminal
15 problems. Several incidents with the three boys led
16 to them having to be placed outside the home. In
17 Florida they typically like to try to place them
18 with family members. We lived in the area. They
19 placed him with us, until such time that their
20 rights were taken away by the state of Florida.

21 Q And when did Decota stop living with you?

22 A Decota was probably 17, 17 and a half when
23 he stopped living with us.

24 Q So, in March of 2019, was he still living
25 in the home?

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 A He was not.

2 Q And why not?

3 A His mother and I had seen some changes in
4 him. We believed drug use was a problem he was
5 dealing with. He had requested at one point for us
6 to pick him up at a Greyhound bus stop over in
7 Greenville and we said we would. And we had been
8 talking to him about a week or so prior to that.
9 And his mother told him, We'll pick you up, but
10 you're going to need to find some place to live
11 because you can't live with us. I reiterated that
12 with him. We had told him that several times
13 throughout the week leading up to us picking him up.

14 We picked him up. And we asked him
15 again, Are you sure you're going to be able to stay
16 with this friend of yours? And he said, Yes, I've
17 just got to call him and finalize the arrangements.
18 So we stopped, we had lunch, we went home, back to
19 our house.

20 I believe his mother then had to go
21 to work. Decota was home, visiting with his
22 brothers, with me. And I finally told him, I said,
23 Decota, it's time, you can't stay here. Your mother
24 told you, I told you. So he got what things he had
25 together and I took him away from the house.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 Q Where did you take him?

2 A Initially, it was to an apartment on
3 Hillsborough Avenue there in Seneca, where he said
4 this friend was supposed to be agreeing to letting
5 him stay there. The friend wasn't there and he
6 couldn't stay there. So I asked Decota, I said,
7 Where now? I said, Do you have another friend,
8 another place? And he said, Well, I've got some
9 place, but you're not going to like it, dad. I
10 said, Where is it? He said, The Mill Hill.

11 I dropped my son off in the middle of
12 the Mill Hill. And the last time I saw him, he was
13 walking away across the parking lot. That is the
14 last place that I wanted my son to be, but I didn't
15 feel like I could have him at our house either.

16 Q You said that was the last time?

17 A It was the last time I saw him, yes, sir.

18 Q Last time you saw him. Is that the last
19 time you spoke to him?

20 A That was the last time I spoke to him.

21 Q And how, how far before the incident,
22 Geraldine's killing, was that day?

23 A I believe that was December 30th or 31st
24 of 2018, so it was two and a half months, two
25 months.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 Q On the day your mother-in-law was shot,
2 the 7th, where were you?

3 A I was at work.

4 Q And is that Home Depot locally, or is it
5 somewhere else?

6 A The Home Depot that I was working at at
7 the time is on South Pleasantburg, it's called the
8 southwest Greenville store.

9 Q Did you receive a call that day from an
10 unknown number?

11 A Yes, I did.

12 Q Did you later discover who made that call
13 or where that number came from?

14 A I believe it had come -- after speaking
15 with my wife, realizing we had both gotten phone
16 calls, I just figured it was Decota.

17 MS. HODGES: Objection, speculation.

18 MR. ALDERMAN: Judge, it's in regard to
19 his personal perception, what he perceived or
20 believed.

21 THE COURT: I'm going to sustain. I don't
22 think there's a basis for that.

23 MS. HODGES: Move to strike.

24 THE COURT: And that will be stricken
25 until you can lay a better foundation.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 MR. ALDERMAN: Yes, Your Honor.

2 BY MR. ALDERMAN:

3 Q Let me ask you this, did Decota ever call
4 you and not leave a message?

5 A Yes, Decota would tell you he doesn't like
6 talking to machines, he's not going to leave a
7 message. If you can't pick up, then, you know,
8 he'll call you later or whatever.

9 Q So, would you say then, just in your
10 experience with your son -- I mean, I realize that
11 people calling and not leaving a message is not
12 exactly a unique thing, but in that moment or that
13 time, did you perceive that to be a call from
14 Decota?

15 A I did.

16 MS. HODGES: I'm sorry, I didn't hear the
17 answer.

18 THE WITNESS: I did.

19 BY MR. ALDERMAN:

20 Q How did you find out that Geraldine was
21 hurt?

22 A I was supposed to get off of work at six
23 o'clock that night, but I was working later. I had
24 some stuff that I did to do with a display of AC
25 units. My wife had called me, which was not

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 unusual. What I found to be unusual is she called
2 me a second time. Because, she knows, if I'm busy
3 at work, she will leave me a message or text me. So
4 I answered the second call and she told me that she
5 thought something was wrong with her mother. And
6 that was, I think, around 6:30. So, I said, Okay,
7 I'm leaving now. I said, I'll go to the house.

8 Q Is that where you went?

9 A No, I was -- I hadn't even made it a
10 quarter into my trip home, because it takes about 50
11 minutes to get from the store to my house. As I was
12 going down 153 towards 123, my wife called me and
13 said that EMS had contacted her and they were taking
14 her mom to Greenville Memorial. So, I diverted and
15 went to the hospital to meet my wife.

16 Q Once you got there, what did you do next?

17 A I sat in the waiting room. Once my wife
18 came out, we were sitting there together. We were
19 waiting to get some news on her mother.

20 Q Did you eventually get some news about her
21 mother?

22 A We did.

23 Q What was that?

24 A We were in a conference room with the
25 chaplain and the chaplain had come in and told us

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 that it looked like her mother had been shot.

2 Q When did you head back to the house?

3 A Right after that conversation.

4 Q So you get to the house, and tell me what
5 you see.

6 A There were several cruisers in the
7 driveway, along the road. I walked up to the
8 driveway. I knew I couldn't enter. I did meet with
9 then Captain Bowling. And he told me that as soon
10 as they would finish up, I would be able to, you
11 know, do a walk-through and let him know what was
12 missing with anything, whatever. Two of my
13 children, Chelsea Brown and Kyle Brown were there,
14 so I spoke with them.

15 Q When you eventually did that walk-through
16 of the house, what did you see that was missing or
17 out of place or damaged?

18 A The only thing I saw damaged was the
19 basement window, which sits like right above or in
20 front of the washing machine. My bedroom door had
21 been kicked in. And, of course, the chair that my
22 mother-in-law usually sat in.

23 MR. ALDERMAN: Permission to approach the
24 witness, Judge?

25 THE COURT: You may.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 BY MR. ALDERMAN:

2 Q Mr. Brown, I'm going to show you what's
3 been marked as State's 61 for identification. Can
4 you just look that over and tell me what you see
5 here.

6 A That would be a layout of my house.

7 Q And as you look at that, is it a fair and
8 accurate representation of the house?

9 A Yes, sir.

10 MR. ALDERMAN: Judge, we would move
11 State's 61 into evidence.

12 THE COURT: Any objection?

13 MS. HODGES: No objection, Your Honor.

14 THE COURT: All right. And that's 61?

15 MS. HODGES: Yes, sir.

16 MR. ALDERMAN: Yes, sir.

17 *(Whereupon, State's Exhibit No(s). 61*
18 *marked for identification and received in*
19 *evidence.)*

20 BY MR. ALDERMAN:

21 Q Just so that the jury can understand the
22 layout of the house and what happened and where, can
23 you point us to the master bedroom?

24 A The top left corner up there.

25 Q Up here?

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 A Yes, sir.

2 Q Is that the door that was kicked in?

3 A That is.

4 Q Do you have a gun safe in that room?

5 A I do. It's actually in the walk-in
6 closet, which is behind that door.

7 Q Now, when you say behind that door, you
8 mean over here?

9 A Correct.

10 Q Okay. In the area -- you mentioned the
11 area where your mother-in-law was shot, where would
12 that have been?

13 A In the living room towards the bottom
14 right-hand corner.

15 Q So, that would be about here?

16 A Right about there, yes, sir.

17 Q It's not indicated on here, but is there a
18 window right there next to the chair?

19 A There is a window.

20 Q Okay. I'm going to show you what's been
21 entered as State's 32. If you could just describe
22 what you see, tell us what we're looking at here.

23 A That is my bedroom door from the inside of
24 my bedroom. It's looking into the hallway to a
25 bedroom across the way, which was Austin's bedroom

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 at the time. Then there's a bathroom that leads off
2 to the right in between there.

3 Q So, that would be standing in the room
4 looking out?

5 A Standing in my room, looking into the
6 hallway.

7 Q And State's 33?

8 A That would be my bedroom door.

9 Q State's 35?

10 A That is my walk-in closet. The large gray
11 black thing there on the right behind the door is my
12 gun safe.

13 Q Why was that door locked in the first
14 place?

15 A We've had too many problems with stuff
16 being taken out of our room over the years. Not
17 from people breaking in, kids taking stuff. But
18 when money and stuff started going, we swapped out a
19 bedroom doorknob, which just has a little key punch,
20 to an entry door knob that has a key lock. And that
21 prevented prying eyes and fingers from going in and
22 rooting through dressers and taking money.

23 Q Is it fair to say that Decota would have
24 known that door to be locked?

25 A Oh, yes, he did.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 Q Okay. That -- the safe, was anyone able
2 to get into it? That night, did it appear to have
3 been opened?

4 A No, sir.

5 Q Is it a combination or a key lock?

6 A It is a key lock. The key is not a
7 typical key. It's a circular key that has to go
8 into a circular hole to actually engage tumblers.

9 Q Do you keep a key ring with a lot of keys
10 on it at home?

11 A I do.

12 Q Where would you have kept that?

13 A I keep that in my dresser drawer.

14 Q And at some point, would the key to the
15 safe have been on that key ring?

16 A Yes, sir.

17 Q Was it that night?

18 A It was not.

19 Q Why not?

20 A Because I had taken stuff that I did not
21 feel that Decota needed once and I put it in there,
22 figuring he wouldn't be able to get to it. I found
23 out sometime after that, that he actually went in my
24 room, picked up my key ring, went into the safe, and
25 took what I took from him.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 MS. HODGES: Judge, I'm going to object to
2 this based on relevance.

3 MR. ALDERMAN: Judge, it's going,
4 specifically, to why he had to take the key off
5 of the key ring, the fact that it wasn't there
6 that night.

7 THE COURT: Overruled.

8 BY MR. ALDERMAN:

9 Q As you were saying?

10 A So, once I found out that Decota had gone
11 into my dresser, entered my gun safe -- he was
12 making some wooden little pipes and stuff. And at
13 the time, I think he was 16 and I didn't think he
14 needed to have them, so I had taken them from him.
15 But once I found out he did that, I moved the key
16 ring and took the key off of it.

17 Q Where did you keep that key?

18 A After that?

19 Q Yes, sir.

20 A In my pocket.

21 Q That day, where was that key?

22 A In my pocket.

23 Q Did you notice any valuables taken from
24 the home?

25 A No, sir.

DIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 Q Would there have been any valuables there
2 for someone to take?

3 A Absolutely.

4 Q Like what?

5 A My wife had some jewelry, some necklaces,
6 some rings. I might have had a watch or two. There
7 was some cash on my dresser. We had electronics,
8 flat screen TVs, computers.

9 Q Based on your knowledge of the house and
10 your years of training in law enforcement, did it
11 appear to you that someone came there with a
12 specific purpose to get in that room for a specific
13 reason?

14 A Yes, sir.

15 Q Okay. Have you ever met Hunter Hunnicut?

16 A No, sir, I have not.

17 Q Ever heard his name before all this?

18 A No, sir.

19 Q Known him to be in your house before that
20 day?

21 A No, sir.

22 MR. ALDERMAN: Mr. Brown, thank you. And
23 please answer any questions Ms. Hodges may
24 have.

25 THE COURT: Cross-examination.

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

1 MS. HODGES: Thank you, Your Honor. May
2 it please the Court.

3 CROSS-EXAMINATION

4 BY MS. HODGES:

5 Q Mr. Brown, are you familiar with a person
6 named Burlin Dewayne Whitfield?

7 A I can't say that I am, no.

8 Q Okay. You've never given a person by that
9 name permission to be in your home at any point,
10 have you?

11 A Not unless they delivered an appliance or
12 had worked on something, but no, I can't say that I
13 specifically know that person or allowed that person
14 in my home.

15 Q So you don't have an explanation as to why
16 his left palm print would be on the doorway
17 looking -- going from the kitchen into the living
18 room or den area of your home?

19 A Like I said, I didn't give this individual
20 by that name permission unless they came in to do
21 work or something. I really couldn't tell you.

22 Q All right. The time line in terms of when
23 your wife called -- because with your wife calling
24 you -- well, you got the unknown phone number call
25 first. What time was that?

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

1 A It was a little after 5:00. I think
2 around 5:15ish maybe.

3 Q Okay. Do you remember giving a statement
4 to Seneca Police Department?

5 A Yes, ma'am.

6 Q Did you write that statement or type that
7 statement, or did they type it for you?

8 A I wrote it, but I believe that they may
9 have retyped it up.

10 Q Did you have an opportunity to sign it?

11 A Yes, ma'am.

12 Q So, in that statement, you indicated you
13 received that phone call at 1710 or, I guess, would
14 be 5:15; is that correct?

15 A Correct.

16 Q Or 5:10?

17 A 5:10, yes.

18 Q And you were basing your times at that
19 point, because it looks like the statement was given
20 on March the 27th, so that was 20 days after the
21 incident had occurred?

22 A Correct.

23 Q So, your memory in terms of time and
24 things like that was much fresher to you then than
25 it would be a little over two years later?

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

1 A Correct.

2 Q And it looks like you indicated that your
3 wife called you next, was it like 6:21; does that
4 sound right?

5 A I believe so.

6 Q And then, she called again, you have 1835,
7 which would have been 6:35 p.m.?

8 A That's correct.

9 Q Do you remember approximately how long it
10 was from the time that your wife called the second
11 time to when she called to tell you that EMS was
12 taking your mother-in-law to the hospital?

13 A For me to let my other managers know that
14 I needed to leave, get out to my car and go through
15 traffic, part of which was on 85, so it was probably
16 20 minutes maybe.

17 Q Okay. So, 20 minutes would have been,
18 essentially, about five minutes of 7:00?

19 A About that, yeah.

20 Q Okay. And how long did you all stay at
21 the hospital?

22 A My wife was there pretty much all night.
23 I --

24 Q Okay. So, she stayed after you left to go
25 to the house?

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

1 A Correct.

2 Q Do you remember approximately when you
3 left the hospital?

4 A Probably between 7:30 and 8:00.

5 Q And then approximately what time would you
6 have gotten to the house?

7 A Oh, well, under normal circumstances, it
8 would have been 50 minutes later, so it probably
9 would have taken me 40, 45 minutes.

10 Q Okay. So, approximately between 8:45 and
11 nine o'clock, you were back at your home?

12 A I believe so.

13 Q At that point, you indicated that there
14 were several police vehicles already, I guess,
15 inside the crime scene tape as well as others that
16 were around responding?

17 A Correct.

18 Q How long was it before you were able to
19 actually enter the home to do the walk-through?

20 A It was a couple of hours. I think it was
21 early morning before I got a chance to go through.

22 Q And the information that you had indicated
23 in terms of when you had removed the key ring to
24 the -- let me stop and try again. When you had
25 removed the key from the key ring, the one that goes

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

1 to the safe, you had done that when Decota was
2 approximately 16 years of age?

3 A Correct.

4 Q So, that would have been, at that point,
5 probably, at least, a year prior to?

6 A It would have been about two and a half to
7 three years.

8 Q Two and a half to three years prior to
9 this incident?

10 A Yes, ma'am.

11 Q Do you remember how much cash you had
12 sitting on the dresser?

13 A I don't. I just remember when I did my
14 walk-through, I just looked at the dresser and said,
15 well, there's cash there.

16 Q Right. Where were your watches and your
17 wife's jewelry?

18 A My wife's jewelry was on top of her
19 dresser, and my watches would have been on top of my
20 dresser and in the top drawer.

21 Q So readily accessible?

22 A Correct.

23 Q So, if somebody was coming through, they
24 could have grabbed them and gone?

25 A Correct.

CROSS EXAMINATION OF ERIC BROWN BY MS. HODGES

- 1 Q Was there any damage to the safe itself?
- 2 A No, ma'am.
- 3 Q My understanding is that your family has
- 4 two dogs; is that right?
- 5 A That's correct. At that time, we had two,
- 6 yes.
- 7 Q At that time, right. Are they larger
- 8 dogs?
- 9 A I don't think so.
- 10 Q Well, let's start from the time -- from
- 11 the reference point that my small dog is 60 pounds.
- 12 A Okay.
- 13 Q So are they larger dogs, or medium or
- 14 small dogs?
- 15 A My German Shepherd, Zoe, is approximately
- 16 80 pounds.
- 17 Q Okay.
- 18 A My Border Collie, Peanut, is about 60.
- 19 Q Okay. Then, you also have a cat; is that
- 20 right?
- 21 A Yes, we did at the time; he's gone now.
- 22 Q What was the cat's name?
- 23 A Moses.
- 24 Q Moses. The dogs had been secured. So,
- 25 they were not in the house when you got home, right?

REDIRECT EXAMINATION OF ERIC BROWN BY MR. ALDERMAN

1 A They were in my daughter's car.

2 Q Okay. But Moses was still in the house?

3 A Yes.

4 Q Okay.

5 MS. HODGES: Beg the Court's indulgence `
6 one moment, Your Honor.

7 (Pause.)

8 MS. HODGES: Thank you, sir. That's all
9 that I have.

10 THE COURT: Any redirect?

11 MR. ALDERMAN: Briefly, Judge.

12 REDIRECT EXAMINATION

13 BY MR. ALDERMAN:

14 Q Mr. Brown, when did you move into that
15 house?

16 A August 30th, 2015.

17 Q Do you know when the house was built?

18 A I believe it was in 1967.

19 Q Do you know much of anything about who may
20 have come and gone in the house between the time
21 that it was built and the time you moved in?

22 A No.

23 MR. ALDERMAN: Thank you.

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

25 Do you have another witness?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 MS. HODGES: Yes, sir.

2 THE COURT: All right. Jury ready?

3 THE BAILIFF: Yes.

4 THE COURT: Are you ready?

5 THE BAILIFF: Maybe.

6 THE COURT: Come on, bring them in.

7 (The jury enters the courtroom.)

8 THE COURT: I hope that everybody had a
9 good lunch. So if you will recall, it is still
10 the state's case. Would you call your next
11 witness?

12 MR. STOUDEMIRE: Your Honor, if it pleases
13 the Court, the state will call Hunter Hunnicut.
14 Thereupon,

15 HUNTER LEE HUNNICUT
16 was called as a witness, having been first duly
17 sworn, was examined and testified as follows.

18 DIRECT EXAMINATION

19 BY MR. STOUDEMIRE:

20 Q Mr. Hunnicut, give me your full name for
21 the record.

22 A Hunter Lee Hunnicut.

23 Q I know that you are being kind of soft
24 spoken already. So, pull that mike -- I'll tell you
25 what, if you can pull that microphone down a little

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 bit, just the arm of it, I think that we might be
2 able to hear you a little bit better.

3 A All right.

4 Q You don't have to be right up on it. But
5 just try and make sure that we can hear you. And I
6 think if we can't, we will let you know.

7 Mr. Hunnicut, how old are you?

8 A I'm 19.

9 Q And where are you from? Where were you
10 born?

11 A Seneca.

12 Q Okay. Did you grow up in Seneca?

13 A Yes, sir.

14 Q Okay. Who did you grow up with?

15 A My mom and my dad.

16 MS. HODGES: I couldn't hear him.

17 BY MR. ALDERMAN:

18 Q Speak up for me just a little bit, if you
19 can, please.

20 A My mom and my dad.

21 Q Okay. And your mom, what was her name?

22 A Kim Mitchell.

23 Q Kim Mitchell. Now, is that your
24 biological mom?

25 A No.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 Q So, your biological mom, who was that?

2 A Betty, Hunnicut.

3 Q Betty Hunnicut. And did you grow up with
4 Betty Hunnicut for any period of time?

5 A `Yes, yes, sir.

6 Q And how long did you stay with her?

7 A Until I was like 12 years old.

8 Q All right. And did y'all live in Seneca?

9 A Yes, ma'am. Yes, sir.

10 Q All right. Anywhere else?

11 A Stayed -- kind of stayed everywhere.

12 Q Okay. Like everywhere in Seneca or --

13 A I stayed in Port Bass. I have stayed in
14 Salem.

15 Q Okay.

16 A And I have stayed in Seneca.

17 Q Okay. And you went to live, at some
18 point, with Kim Mitchell?

19 A Yes.

20 Q All right. So, is Kim Mitchell a
21 biological relative of yours?

22 A Yes, sir.

23 Q What would -- what relative is she?

24 A She's really my aunt.

25 Q Okay. But you still refer to her as mom?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUEMIRE

1 A Yeah, that is my mama.

2 Q Okay. Now, did you go to school in Seneca
3 as well?

4 A Yes, sir.

5 Q Okay. What is the highest grade you
6 finished?

7 A Ninth grade.

8 Q All right. And how old were you when you
9 finished the ninth grade?

10 A Like 15.

11 Q Okay. Did you just stop going?

12 A No, I got kicked out of school and never
13 went back.

14 Q Okay. All right. After you got kicked
15 out of school, did you continue to live at home with
16 Kim Mitchell?

17 A Not really, I just went everywhere.

18 Q Okay. Ever -- where would you stay if you
19 weren't staying with her?

20 A At the Mill Hill.

21 Q Okay. And when you say the "Mill Hill",
22 what town or city are you referring to?

23 A Seneca, South Carolina.

24 Q Okay. Any particular place on the Mill
25 Hill?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 A At the compound.

2 Q Now, we have heard a little bit about the
3 compound. Tell me what the compound is, or was.

4 A It is a place where everybody goes to hang
5 out at.

6 Q Okay. Well, describe it to me. How big
7 is it?

8 A Two different trailers, and got a camper
9 there.

10 Q Okay. And by "trailer", you are talking
11 mobile home?

12 A Yes, sir.

13 Q Okay. So, a couple of trailers. And how
14 many campers?

15 A One.

16 Q Just one. Now, would you -- did you live
17 at the compound?

18 A I really didn't live nowhere, I just
19 stayed wherever.

20 Q Okay. Just wherever you put your head at
21 night is wherever you were?

22 A Yeah.

23 Q Okay. How long did you stay out there?

24 A A year, I really don't know.

25 Q Okay. And were you working at that time?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 A No, sir.

2 Q Okay. Well, what were you doing to
3 survive?

4 A Just ask my mom for money.

5 Q Okay. And would your mom give you money?

6 A Yes, sir.

7 Q Now, when you say "mom", you are referring
8 to Kim Mitchell again?

9 A Yes, sir.

10 Q Betty Hunnicut, is she in your life now?

11 A Not really, sir.

12 Q Okay. But Ms. Mitchell, she is?

13 A Yes, sir.

14 Q Okay. Now, at some point while you were
15 living at the compound, did you come to meet or get
16 to know the defendant, Decota Brown?

17 A Yes, sir.

18 Q Okay. Did y'all know each other in
19 school?

20 A No, sir.

21 Q All right. How did you get to know him?

22 A Through my brother.

23 Q Okay. What is your brother's name?

24 A Terry Smith.

25 Q Terry Smith?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 A Yes, sir.

2 Q Okay. Again, try to speak up for me a
3 little bit, I'm sorry. And Decota, did you -- what
4 did you call Decota?

5 A Kid.

6 Q Okay. Is -- was Kid a name he normally
7 went by?

8 A Yes, sir.

9 Q Okay. Did other people call him that?

10 A Yes, sir.

11 Q Okay. Did it stand for anything that you
12 knew of?

13 A Yes, sir.

14 Q Okay. What did it stand for, that you
15 knew of?

16 A Killer In Disguise.

17 Q Okay. Did you always call him Kid?

18 A Yes, sir.

19 Q Okay. Now, at the time that you knew
20 Decota, Kid, was he living at the compound as well?

21 A Yes, sir.

22 Q How long had y'all known each other --
23 well, do you recall when y'all met?

24 A No, sir.

25 Q Okay. Did y'all stay together in the same

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 trailer or anything?

2 A Yes, sir.

3 Q Okay. Were there other people living
4 there as well?

5 A Not really, sir.

6 Q Okay. Just the two of y'all?

7 A (Nods.)

8 Q And were y'all in one of the trailers or
9 the camper?

10 A Trailer.

11 Q Now, the other people that stayed at the
12 compound, were they like people that paid rent?

13 A Na, just a bunch of people that used to
14 get high together stayed there.

15 Q Okay. And that was kind of who you hung
16 out with?

17 A Yes, sir.

18 Q And is that what you did too?

19 A Yes, sir.

20 Q Is that what Mr. Brown did?

21 A Yes, sir.

22 Q Okay. And did you have a job at that
23 time?

24 A No, sir.

25 Q Okay. Did you know of Mr. Brown having a

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 job at that time?

2 A No, sir.

3 Q Okay. Now, how -- I want to turn your
4 attention to the date of this, the date of this
5 crime, which is March 7th, 2019. Do you recall that
6 day?

7 A Yes, sir.

8 Q All right. How long had you known Mr.
9 Brown or Kid at that time?

10 A Like a month, sir.

11 Q Okay. And could it have been longer?

12 A Maybe.

13 Q Okay. I mean, did you have a calendar?

14 A No, sir.

15 Q So you weren't keeping track of days on a
16 calendar or anything?

17 A No, sir.

18 Q Okay. At some point, did you and Mr.
19 Brown talk about robbing anybody?

20 A Yes, sir.

21 Q All right. Walk me through a little
22 bit -- tell me how that came up.

23 A We are just talking about guns, sir. And
24 he said that he knew a place where we could go get
25 some guns.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 Q Okay. Why were you going to go get some
2 guns?

3 A Because people wanted guns.

4 Q So, if you got guns, what was the plan?
5 Was the plan to keep the guns?

6 A Yeah, and sell them too.

7 Q Okay. And just sell them on the street?

8 A Yes, sir.

9 Q Okay. So, did he tell you where this
10 place was where you could get guns?

11 A Yes, sir.

12 Q All right. Did he give you an address or
13 anything like that?

14 A No, sir, we just went.

15 Q Okay. Now, before y'all went, did -- when
16 y'all were having this conversation about knowing
17 somewhere to get guns, was that the day all of this
18 happened, or was that another day?

19 A That was the day before, sir.

20 Q Okay. Did y'all talk about some sort of
21 plan as to how y'all would go and get these guns?

22 A Yes, sir.

23 Q Okay. And who came up with the plan?

24 A Decota Brown, sir.

25 Q Okay. Did you have any part of coming up

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 with the plan?

2 A No, sir.

3 Q Okay. Even though you were there talking
4 with him, did you -- you said that you didn't know
5 where y'all were going?

6 A I knew where we were going, but I didn't
7 -- at the time I did not.

8 Q Okay. You found out?

9 A Yeah.

10 Q Okay. Where were you going?

11 A To Maple Avenue. I don't know that
12 address.

13 Q All right. And when did you find out that
14 you were going over to Maple Avenue?

15 A When we got there, sir.

16 Q Okay. Well, let's start that, let's start
17 that morning on the 7th, what had y'all been doing
18 the day before?

19 A Getting high.

20 Q Okay. And when you say "getting high,"
21 what are we talking about, drug-wise; what are we
22 doing?

23 A Method, weed, Xanax.

24 Q Okay. Just whatever y'all had?

25 A Yes, sir.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 Q Okay. Was it just you?
2 A It was me and Decota.
3 Q Okay. Anybody else with y'all?
4 A No, sir.
5 Q Okay. And did y'all go to bed that night?
6 A No, sir.
7 Q And when I say "that night," I'm referring
8 to the night before all of this, which would have
9 been March the 6th; did y'all go to bed that night?
10 A No, sir.
11 Q Okay. So, the next, the next day, when
12 did y'all start heading over towards Maple Avenue?
13 A I don't know the time, sir.
14 Q Okay. Well, what did you take with you?
15 A A book bag.
16 Q Okay. Did you have the book bag, or did
17 Decota?
18 A Decota.
19 Q Okay. Do you know -- did you know at the
20 time what was in the book bag?
21 A Not really, sir.
22 Q Okay. Were you there when he put stuff in
23 it?
24 A There was stuff already in it when we
25 left.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 Q Okay. Was it normal for you to keep
2 several belongings in a bag?

3 A Yes, sir.

4 Q Okay. And did you keep your personal
5 belongings in a bag in a similar fashion?

6 A Yes, sir.

7 Q Okay. Why was that?

8 A So you would have all of your stuff with
9 you, you ain't got to worry about nobody trying to
10 take it or nothing.

11 Q Okay. So, you left out some time that day
12 on the 7th, where did you go?

13 A Went to the soup kitchen.

14 Q Okay. And that is the soup kitchen where?

15 A In Seneca.

16 Q All right. And what did you do there?

17 A I just -- well, me and Decota just ate
18 there.

19 Q Okay. Try to speak up a little bit.

20 A We ate there.

21 Q I'm having trouble hearing you. Sorry.

22 A We ate there.

23 Q Okay. And after that, what did you do?

24 A Got on the CAT bus and headed to the house
25 that we was planning to rob.

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STOUDEMIRE

1 Q Okay. Had y'all done drugs that morning?

2 A Yes, sir.

3 Q Okay. So, the day before you did drugs
4 and you did drugs that morning?

5 A Yeah, we never stopped.

6 Q Okay. How did you get over to Maple
7 Avenue?

8 A CAT bus took us and then we stopped,
9 because the CAT bus like broke down or something.
10 And then me and Decota got off of the CAT bus and
11 walked the rest of the way.

12 Q Okay. How long of a walk was it?

13 A Not far, sir.

14 Q Okay. Now, if I had showed you a map of
15 the neighborhood, would you be able to recognize
16 that at all?

17 A Yes, sir.

18 MR. STOUDEMIRE: Okay. I'm trying to
19 figure out a way to show you this and to show
20 the jury this at the same time. And Ms.
21 Hodges, if you want to see it, unfortunately, I
22 have to turn it away from you for them to see
23 it.

24 MS. HODGES: That is okay, I can see it.

25 BY MR. STOUDEMIRE:

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 Q Okay. Do you recognize this?

2 A Yes, sir.

3 Q Now, if I ask you --

4 MR. STOUDEMIRE: Judge, may I approach the
5 witness?

6 THE COURT: You may.

7 BY MR. STOUDEMIRE:

8 Q Now, could you point out for me the house
9 on Maple Avenue that y'all were going to rob?

10 A I think it's that house, sir. I think so,
11 sir.

12 Q Okay, let's see.

13 A Because that is a little creek right
14 there?

15 Q Yes.

16 A That is it.

17 Q It is that one?

18 A Yes, the creek runs by it.

19 Q Okay. So I can -- just so I can move it
20 over here, y'all went to rob this house that my pen
21 is pointing at; is that correct?

22 A Yes, sir.

23 Q Okay. Now, how did y'all walk over to
24 Maple Avenue? What street did you go on? Or did
25 you go through the woods, or how did you get there?

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STOUDEMIRE

1 A We went through the woods first and then
2 we come back around on to Maple Avenue.

3 Q Okay. So, the woods back here?

4 A Yeah.

5 Q Okay. When you say you came back around
6 on Maple Avenue, if you are back here in the woods,
7 which direction did you come to Maple Avenue from?

8 A Where the four-way is.

9 Q Up here?

10 A (Nods.)

11 MR. STOUDEMIRE: Can y'all see this at
12 all? I know some of you can probably see it
13 better than others.

14 Q Okay. So, you are at the four-way there.
15 And then where did you go from there?

16 A I walked down Maple Avenue.

17 Q Did both of you walk down Maple Avenue?

18 A No, we split up.

19 Q Okay. Was there a plan at this point?

20 A Yeah. Yes, sir.

21 Q Okay. Has you and Decota discussed this
22 plan?

23 A Yes, sir.

24 Q Okay. So, as y'all were walking over to
25 Maple Avenue, what was the -- what was the plan with

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STOUDEMIRE

1 where you would be and where he would be?

2 A I was going to stand at the top of the
3 road -- well, not exactly at the top of the road,
4 but at the top of the road, and he was going to walk
5 behind where the woods is and go through`the woods
6 and see if anybody was there.

7 Q Okay. When you say "go behind through the
8 woods," behind what?

9 A Behind the house.

10 Q Okay. And that is the house that y'all
11 were going to rob?

12 A Yes, sir.

13 Q Okay. Now -- and you were off to the side
14 of this house?

15 A I was up at the top of the road.

16 Q Okay. From your vantage point, were you
17 able to see the front of the house or the rear of
18 the house?

19 A The front of the house.

20 Q And what were you wearing at that time?

21 A Green Bay jacket and some black pants --
22 well, some khaki pants.

23 Q Okay. Anything on your head?

24 A Yes, sir, I had a hat on.

25 Q Okay. Now, did y'all -- did y'all both

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STOUDEMIRE

1 have cell phones?

2 A Yes, sir.

3 Q Okay. And were y'all communicating with
4 each other by cell phone at this point?

5 A No, sir.

6 Q Okay. And so, when Hunter was -- excuse
7 me, when Mr. Brown was going to the back of the
8 house, what was the plan for him to do at the back
9 of the house?

10 A He was going to look and see if anybody
11 was home.

12 Q Okay. And from your vantage point, off to
13 the corner being able to see the front of the house,
14 were you able to see him at any point?

15 A Yeah, when he walked around the house to
16 the front door.

17 Q Okay. So, even though he was initially in
18 back, he walked around the house to the front door?

19 A Yeah, to see if anybody was there. He
20 checked the back of the house and then he checked
21 the front of the house.

22 Q Okay. Did you see whether or not he
23 walked -- does this house have a front porch?

24 A Yes, sir.

25 Q Okay. I'm going to show you briefly what

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STOUDEMIRE

1 has been marked as State's No. 1. Is that the house
2 we are talking about?

3 A Yes, sir.

4 Q Okay. And the front porch, is that the
5 area I'm pointing at with my pen?

6 A Yes, sir.

7 Q Okay. Now, did he actually go up on that
8 porch?

9 A Yes, sir.

10 Q Okay. Did you see whether or not he
11 looked into any windows?

12 A Yes, sir.

13 Q All right. And after you saw him look
14 into windows, where did you see Mr. Brown go next?

15 A He whistled and told me to come down
16 there.

17 Q Okay. Did he gesture with his hands or
18 anything like that?

19 A No, he just whistled.

20 Q Okay. And were you still at the vantage
21 point you were at where you could see the front of
22 the house?

23 A Yes, sir.

24 Q Okay. As we are looking at the house
25 right here in this photo, Exhibit 1. Which side

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STOUDÉMIRE

- 1 would you have been on?
- 2 A Your right, you right side.
- 3 Q Off to this side? Okay. And how far away
- 4 from the house were you?
- 5 A Like a football field away.
- 6 Q Okay. And so did you walk to the house?
- 7 A I walked to the house.
- 8 Q Okay. While you were at that vantage
- 9 point -- let me back up a little bit. While you
- 10 were at that vantage point, were you hiding or just
- 11 standing; what were you doing?
- 12 A I was just standing there.
- 13 Q Did anybody come by?
- 14 A Yeah. Somebody drove by and like they
- 15 slowed down and we looked at each other and then he
- 16 just kept on going.
- 17 Q Okay. Did you know who that was?
- 18 A No, sir.
- 19 Q Had you ever been to this neighborhood
- 20 before?
- 21 A No, sir.
- 22 Q Okay. Now, this house that we are
- 23 showing, had you ever been inside this house before?
- 24 A No, sir.
- 25 Q At this point, did you know whose house it

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STOUDEMIRE

1 was?

2 A Yes, sir.

3 Q Okay. How did you know whose house it
4 was?

5 A Because he kept calling his mama to see if
6 she was there, so I just . . .

7 Q Okay. Were you with him when he called
8 his mom?

9 A Yes, sir.

10 Q Okay. Did he ever have a conversation
11 with his mom that you heard?

12 A No, sir.

13 Q Okay. So was it just call and then see if
14 there was a voice and hang up?

15 A No, he just kept calling and nobody would
16 ever pick up.

17 Q Okay. So, going back to where we were, he
18 whistles for you to come to the house; where did you
19 go?

20 A To the back of the house.

21 Q Okay. Did -- was he already walking to
22 the back of the house?

23 A Yes.

24 Q When y'all -- when y'all went towards the
25 back of the house, around which side of the house

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STOUDEMIRE

1 did you go?

2 A Through the carport, sir.

3 Q Okay. Did y'all go through the actual
4 carport?

5 A Yes, sir.

6 Q Okay. What was in the back of the house?

7 A Nothing, sir. Just the backyard.

8 Q Okay. Let me show you -- I am going to
9 show you what has been marked as State's Exhibit No.
10 3. Is that the back of the house?

11 A Yes, sir.

12 Q Is that roughly the way it looked then?

13 A Yes, sir.

14 Q Okay. And what did you do when you got to
15 the back of the house?

16 A Went to the back window by the door.
17 Tried the door. And tried to pry the windows open.

18 Q Okay. I'll tell you what, I am going to
19 show you what has been marked as State's Exhibit No.

20 4. Which window did you say that you tried to pry
21 open?

22 A The window at the left, sir.

23 Q Okay. And that would be the one that I'm
24 pointing at with my pen?

25 A Yes, sir.

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STOUDEMIRE

1 Q Okay. And this is on a slope; is that
2 fair to say?

3 A Yes, sir.

4 Q All right. How high was that window to
5 you?

6 A Not that high, sir.

7 Q Okay. Well I tell you what, would you
8 mind standing up and just showing me on your body
9 kind of where it would be?

10 A Like right here, sir. (Indicating.)

11 Q Okay. Thank you. And was the window
12 opened?

13 A No, sir.

14 Q Was it unlocked?

15 A No, sir.

16 Q Okay. How do you know?

17 A Because we tried to pry it open, sir.

18 Q Okay. What did you try to pry it open
19 with?

20 A Crowbar.

21 Q All right. Was this a large crowbar?
22 Describe this crowbar for me.

23 A Just like a normal crowbar. It ain't a
24 big crowbar, it is just a normal, like a roofing
25 crowbar.

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STOUDEMIRE

1 Q Speak up a little bit.

2 A Like a roofing crowbar.

3 Q Okay. I'll tell you what, Mr. Hunnicut, I
4 will show you what has previously been admitted as
5 State's Exhibit No. 68. Do you recognize this?

6 A Yes, sir.

7 Q And what is it?

8 A Crowbar.

9 Q Okay. How do you recognize this specific
10 crowbar?

11 A Because it is the one that Decota tried to
12 pry the window open with.

13 Q Okay. So, Decota tried to pry the window
14 open?

15 A Yes, sir.

16 Q Okay. And after Decota tried to pry the
17 window open, did it work?

18 A No, sir.

19 Q So, what did y'all do then?

20 A I busted the window, and Decota unlocked
21 it, and I climbed through the window to unlock the
22 back door.

23 Q What did you bust the window with?

24 A That same crowbar.

25 Q Okay. So, you took the crowbar from

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1 Decota --

2 A Yes, sir.

3 Q -- and busted the window?

4 A Yes, sir.

5 Q What did you do with the crowbar after you
6 busted the window?

7 A Set it outside of the window, sir, down by
8 the book bag.

9 Q Okay. You said at that point -- did you
10 go in through the broken window?

11 A Yes, sir.

12 Q Okay. Well, how did you -- did you get
13 cut?

14 A No, sir.

15 Q How did you go through a broken window and
16 not get cut?

17 A Because we raised the window.

18 Q Okay. What was inside?

19 A The washer and the dryer. It is like a
20 basement down there.

21 Q Okay. I'm going to show you what has been
22 admitted as State's Exhibit No. 8. Can you tell me
23 what that is?

24 A Where I crawled through the window at.

25 Q Okay. You recognize that as the basement

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1 of this house?

2 A Yes, sir.

3 Q All right. And you said that you crawled
4 through this window that's open in the photograph,
5 correct?

6 A Yes, sir.

7 Q All right. How did you get down to the
8 floor?

9 A On top of the washer, or I don't know if
10 that is the dryer or the washer, but on top of it.

11 Q All right. And like stepping on to it,
12 hands first?

13 A My hands was first because I crawled
14 through the window.

15 Q Okay. All right. So, you had your palm
16 down on the washer?

17 A Yes, sir.

18 Q Okay. And once you got into the basement,
19 what did you do then?

20 A I unlocked the door so Decota could come
21 through.

22 Q Okay. Tell me how that door was locked,
23 if you remember.

24 A I don't remember, sir. I think that it
25 was just a deadbolt though.

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1 Q Okay. So, you went around and opened the
2 door?

3 A Yes, sir.

4 Q Okay. The door I'm pointing to with the
5 pen, is that the door that you opened?

6 A Yes, sir.

7 Q Okay. Did you have to break anything on
8 that door?

9 A No, sir.

10 Q All right. And Decota came back -- Decota
11 came through that door?

12 A Yes, sir.

13 Q All right. Did y'all close the window
14 back or leave it open?

15 A Leave it open, sir.

16 Q All right. Once you are inside the
17 basement, what did y'all do then?

18 A We started -- headed upstairs.

19 Q Okay. Were y'all talking with each other
20 at this time?

21 A Not really, sir.

22 Q Okay. Who went up the stairs first?

23 A I did, sir.

24 Q Okay. Why did you go up first?

25 A I really don't know. I just went up

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1 first.

2 Q Okay. I'm going to show you what has been
3 admitted as State's No. 10. Are those the stairs
4 you went up?

5 A Yes, sir.

6 Q Just so you know, if these pictures are
7 hard to see there, there's also a screen behind you
8 that sometimes may be a little clearer. So those
9 are the stairs that you went up?

10 A Yes, sir.

11 Q Okay. Once you were at the top of the
12 stairs, tell me what you saw.

13 A A little wall, and then I saw his grandma
14 was sitting there.

15 Q Okay. Now, was Mr. Brown at the top of
16 the stairs with you?

17 A Yes, sir.

18 Q Okay. When you say that you were at the
19 top of the stairs, were you still in that stairwell?

20 A No, I was right outside in the doorway.

21 Q I am sorry I'm showing up you a bunch of
22 stuff, but I am trying to make sure that we
23 understand. I am going to show you what has been
24 admitted as State's Exhibit No. 61. That is the
25 interior of the home. If this is the stairwell,

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1 were you here?

2 A Yes, sir.

3 Q Okay. You were at the top there. Now,
4 when you say there was a little wall, is this the
5 little wall that you were talking about?

6 A Yes, sir.

7 Q Were you able to look around that wall?

8 A Yes, sir.

9 Q Okay. And you said that you saw a lady in
10 a room?

11 A Yes, sir.

12 Q Okay. Did you know who it was?

13 A No, sir.

14 Q All right. Did you expect to see a lady
15 in a room?

16 A No, sir.

17 Q Did you expect anybody to be there?

18 A No, sir.

19 Q What did you do, if anything, when you saw
20 somebody sitting in that room?

21 A I told Decota that there was somebody
22 here.

23 Q Okay. And I'm going to show you next what
24 is being admitted as State's Exhibit No. 11. Is
25 that kind of the vantage point that you had looking

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STOUDEMIRE

1 into that room?

2 A Yes, sir.

3 Q Okay. Can you tell me where the lady was
4 sitting?

5 A In that far chair on the right, sir.

6 Q And far chair on the right would be this
7 chair?

8 A Yes, sir.

9 Q Okay. Do you know whether or not she saw
10 you?

11 A No, sir.

12 Q Okay. Did she speak to you?

13 A No, sir.

14 Q Okay. Was the television on or off?

15 A I can't remember, sir.

16 Q Okay. Do you remember whether or not
17 there was sound?

18 A Yes, sir, but the dogs were barking, sir,
19 so I couldn't tell if there was a TV on.

20 Q Okay. And these dogs, how many dogs are
21 we talking about?

22 A Two dogs.

23 Q Okay. Were they small dogs?

24 A No, they were big dogs.

25 Q Okay. Big dogs, like what type of dog?

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STOUDÉMIRE

- 1 A German Shepherds.
- 2 Q German Shepherds, okay. Where were the
3 dogs?
- 4 A On that couch.
- 5 Q Which couch?
- 6 A The one on the right, sir.
- 7 Q Okay. Is that this couch over here?
- 8 A Yes, sir.
- 9 Q So, they are barking, are they looking at
10 you?
- 11 A Yeah.
- 12 Q Okay. And you said that you told Decota
13 that there was somebody in the room?
- 14 A Yes, sir.
- 15 Q Okay. How did Decota seem when you told
16 him that?
- 17 A He was just, Don't worry about it, and he
18 walked and they had their words.
- 19 Q Okay. Where did -- you said that Decota
20 walked, did he walk past you?
- 21 A Yeah, he walked past me into that room.
- 22 Q Okay. I'm going to go back to State's No.
23 61 here. He walked past you into the living room or
24 over -- where did he walk?
- 25 A Into the living room.

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STOUDEMIRE

1 Q Okay. So, you are still standing here; is
2 that right?

3 A Yes, sir.

4 Q Okay. So, he walks past you into this
5 room?

6 A Yes, sir.

7 Q Okay. Did he go -- you said that he went
8 into that room; what did you see him do in that
9 room?

10 A Him and that lady had words.

11 Q Okay. Could you hear specifically what
12 was said?

13 A No, sir.

14 Q Could you tell what the tone of anybody's
15 voice was?

16 A She sounded like she was scared, sir.

17 Q Okay. And after they had words, what
18 happened then?

19 A He come back around and went through that
20 doorway right by the carport.

21 Q Okay. So, he came back to you?

22 A Yes.

23 Q And he went where?

24 A Around into the kitchen.

25 Q So, he went around this way?

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STOUDEMIRE

1 A Yes.

2 Q Okay. Did you lose sight of him at any

3 point?

4 A Yes, sir, I didn't see him.

5 Q Okay. So you stayed here that whole time

6 while he's walking?

7 A Yes, when he walked past me he told me to

8 go to the back room.

9 Q Okay. And by "back room," did you know

10 which back room?

11 A No, sir.

12 Q Okay. Did you start walking towards the

13 back room?

14 A Yes, sir.

15 Q Okay. Were -- which back room did you go

16 to?

17 A The one on the left, sir.

18 Q Okay. Well, we have got several here. We

19 have got this one, this one.

20 A That one.

21 Q This one?

22 A Yes, sir.

23 Q Okay. Was that door opened?

24 A Yes, sir.

25 Q All right. And while you were walking to

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1 that room, did anything happen?

2 A Yeah, he started shooting, shooting that
3 lady.

4 Q Okay. How did you know?

5 A Because I heard the gunfire and the woman
6 was screaming.

7 Q Okay. Did you see it?

8 A No, sir.

9 Q All right. How many gunshots did you
10 hear?

11 A I think five, sir.

12 Q Could it have been more, could it have
13 been less?

14 A Yes, sir.

15 Q Okay. And when you say "he shot," how do
16 you know that Mr. Brown was the one that shot?

17 A Because he had the pistol.

18 Q How did you know he had a pistol?

19 A Because he always carried one.

20 Q Okay. Did you know what kind he carried?

21 A At this time it was a little .32.

22 Q And when you heard the shots, what was the
23 next thing you heard?

24 A She was screaming, and then Decota ran
25 back there to kick in his parents' door.

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STOUDEMIRE

1 Q All right. Where were you when he ran
2 towards the back of the house?

3 A In the left bedroom.

4 Q Okay. What was going through your head
5 when you heard shots?

6 A I was scared, sir.

7 Q When you went over there to go to this
8 house, what had you planned on doing in this house?

9 A To go get some guns, sir.

10 Q All right. And did you plan on anybody
11 shooting anything?

12 A No, sir.

13 Q Okay. Did you have a gun with you?

14 A No, sir.

15 Q So, you were in this back bedroom?

16 A Yes, sir.

17 Q And Decota ran from the living room
18 towards the back of the house?

19 A Well, he didn't run, but he sped walk.

20 Q Okay. Walked -- it's fair to say he
21 walked fast?

22 A Yes, sir.

23 Q Okay. And what did do you next?

24 A He asked me what I was doing, because
25 apparently I went into the wrong --

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STOUDEMIRE

1 Q Speak up, I am sorry, say that again.

2 A He asked me what I was doing, because
3 apparently I was in the wrong bedroom. I was
4 supposed to go to the one on the right where the
5 door was closed.

6 Q Okay. When you say the one on the right,
7 you are talking about this bedroom?

8 A Yes, sir.

9 Q Okay. And this door, even though this
10 marks it as opened?

11 A It was closed.

12 Q It was closed?

13 A Yes, sir.

14 Q All right. And did you go in that room?

15 A Yes, sir.

16 Q How did you get in that room?

17 A Decota kicked the door in.

18 Q Did he try the knob first?

19 A No, sir.

20 Q So, he just walked up to it and kicked it?

21 A Yes, sir.

22 Q All right. Did he have to kick it more
23 than once?

24 A No, sir.

25 Q Okay. So, after he goes in that room, did

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1 you go in that room as well?

2 A Yes, sir.

3 Q And what did you do in that room?

4 A I was standing outside the closet while he
5 was trying to get into the safe.

6 Q And when you say that you were standing
7 outside of the closet, I want to show you what has
8 been admitted as State's No. 35. Is that the closet
9 that we are talking about?

10 A Yes, sir.

11 Q And is that the safe that we are talking
12 about?

13 A Yes, sir.

14 Q Okay. Was Decota able to get in the safe?

15 A No, sir.

16 Q How does this safe work? Is it a
17 combination lock?

18 A I don't know, sir.

19 Q Okay. How long did Decota try to get in
20 the safe?

21 A Maybe 30 seconds to a minute.

22 Q All right. And what else is going on
23 while he's trying to get in the safe?

24 A The dogs barking and that lady screaming.

25 Q All right. Did Decota ask you to do

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1 anything, or tell you to do anything?

2 A Yes, sir. He told me to go tell her to be
3 quiet.

4 Q Okay. Were those his words?

5 A He told me to go shut her up.

6 Q Okay. And what did do you?

7 A I walked into the hallway and I told her
8 to be quiet.

9 Q Okay. And going back to State's 61.
10 Sorry to keep jumping around. Back to State's 61,
11 you said that you walked down the hallway?

12 A Yes, sir.

13 Q And you told her to be quiet, right?

14 A Yes, sir.

15 Q All right. How far did you get down the
16 hallway?

17 A I didn't never go past -- I never went
18 into the living room. I was standing right there
19 about where I was standing --

20 Q So right in this area?

21 A A little farther back, sir. I never
22 really left the hallway, yes, sir.

23 Q Okay. Okay. And what tone of voice were
24 you using?

25 A I wouldn't say that I was screaming, but I

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1 was talking loudly.

2 Q All right. Were you able to see this
3 lady?

4 A Yes, sir.

5 Q Okay. How did she appear to you?

6 A Like she was hurting.

7 Q Okay. And the dogs, were they still in
8 the same place?

9 A Yes, sir.

10 Q And they were still barking?

11 A Yes, sir.

12 Q All right. And what happened, what
13 happened then, after you were telling her to be
14 quiet?

15 A Decota walked past me and he just shot the
16 woman.

17 Q Did he say anything?

18 A No, sir.

19 Q He just walked past you?

20 A Yes, sir.

21 Q So, he went into the living room, correct?

22 A Yes, sir.

23 Q All right. Now, I'm going to go back to
24 State's No. 11, that photograph that we looked at
25 before. Let's see. Was the lady still sitting in

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1 the same chair?

2 A Yes, sir.

3 Q And if I remember correctly, that is this
4 chair my pen is pointing at?

5 A Yes, sir.

6 Q Is that right?

7 A Yes, sir.

8 Q Okay, where did -- did Decota go and stand
9 in front of her?

10 A No, he was probably about where that
11 ottoman, that ottoman is.

12 Q Okay. So, right in this area, or over
13 here more?

14 A Over where your pen was just at.

15 Q Right around here?

16 A Yes, sir.

17 Q And then shot again. Where did he shoot
18 her, do you know?

19 A It looked like he was aiming for the head,
20 sir.

21 Q Okay. Did you see him raise the gun?

22 A Yes, sir.

23 Q Did you see the shot?

24 A Yes, sir.

25 Q Did you go in to check on this lady?

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- 1 A No, sir.
- 2 Q Why not?
- 3 A Because I was scared.
- 4 Q What were you scared of?
- 5 A He had the gun and I didn't.
- 6 Q What did do you?
- 7 A Took off running.
- 8 Q Took off running where?
- 9 A Down the stairs and out the back door.
- 10 Q Okay. And did you have anything with you?
- 11 A No, sir.
- 12 Q Did you take anything from the house?
- 13 A No, sir.
- 14 Q Did Decota run out of the house with you?
- 15 A Yes, sir.
- 16 Q When you ran out of the house, what -- you
- 17 said that you ran down the stairs?
- 18 A Down the stairs.
- 19 Q Okay. So, down the stairs. And again,
- 20 that is State's No. 61. Down the stairs, into the
- 21 basement. Did you go out the window?
- 22 A No, we went out the basement door, sir.
- 23 Q Okay. Who went out first, you or Decota?
- 24 A I did, sir.
- 25 Q Was Decota carrying anything with him from

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1 the house that you could see?

2 A No, sir.

3 Q Did either of y'all get guns from the
4 house?

5 A No, sir.

6 Q Did you try to get guns from the house?

7 A Yes, sir.

8 Q Did you have permission to be in that
9 house?

10 A No, sir.

11 Q The only -- did anybody tell you you could
12 go in that house, other than Decota?

13 A No, sir.

14 Q And, again, the way that you got in that
15 house was breaking a window and climbing in?

16 A Yes, sir.

17 Q After you got out of the house, where did
18 you go?

19 A We ran through the woods back there.

20 Q Speak up a little bit.

21 A We ran through the woods behind the house.

22 Q Okay. There's woods behind the house.

23 And let me pull this really awkward photograph out
24 again. Sorry.

25 So, when you say that you ran out of

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1 the woods -- out of the house. If this is the house
2 that we are talking about here -- can you see the
3 house, I'm sorry?

4 A Yes, sir.

5 Q Okay. So, when you ran -- when you say
6 you ran out of the door of the basement, it's back
7 here; right?

8 A Yes, sir.

9 Q Okay. Where did you run, what direction?

10 A To the left.

11 Q To this side or this side?

12 A That side.

13 Q This side?

14 A Yes, sir.

15 Q Okay. So, did you run straight this way,
16 like at an angle?

17 A No, we had -- yea, like at an angle.

18 Q Okay. And are there woods back there?

19 A Yes, sir.

20 Q Where, where, where did you go from there?

21 A We -- there is a little trail back there
22 and we just kept going straight.

23 Q Okay. Who was in front, you or Decota?

24 A I was in front.

25 Q Okay. And what time of day was this?

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1 A Middle of the day.

2 Q Okay. So, you were able to see, this
3 wasn't night like when these pictures were taken?

4 A No, sir.

5 Q Okay. And you got`on this trail, is this
6 like a dirt trail; what is it?

7 A Like a dirt, dirt trail.

8 Q Okay. And how far did that trail go?

9 A Not far, just up to the main road, the
10 highway right there.

11 Q Did you run all the way down this trail?

12 A To where we took our jackets off and
13 Decota put his book bag in this pipe.

14 MS. HODGES: I am sorry.

15 Q Speak up again, you are being --

16 A We ran until we went to these blue pipes,
17 and that is when we stopped and we took our jackets
18 off and put them in the pipes.

19 Q Okay. And is that kind of a little open
20 area?

21 A Yeah, kind of.

22 Q Okay. I'm going to show you what has been
23 marked as State's Exhibit No. 36. Are those the
24 blue pipes that you are talking about?

25 A Yes, sir.

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1 Q Okay. And did y'all put everything in one
2 pipe or more than one pipe, do you know?

3 A I don't know, sir.

4 Q Okay. And you said you took off your
5 jacket?

6 A Yes, sir.

7 Q Why did you take off your jacket?

8 A Because we just busted in this house and a
9 robbery went on and somebody seen me driving -- when
10 they was driving down, so I didn't want them to see
11 us, see me in my jacket.

12 Q Okay. Whose idea was it to take off these
13 jackets and stuff?

14 A Both of ours really.

15 Q I may have to put gloves on for this one.
16 I'll show you next what has been marked as State's
17 Exhibit 69. That has been admitted. And I want you
18 to tell me if you recognize it. You recognize this?

19 A Yes, sir.

20 Q What is it?

21 A It is the jacket I was wearing.

22 Q Okay. Was it your jacket?

23 A Nah, it is originally my brother's.

24 Q Okay. But you had it at that time on that
25 day?

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1 A Yes, sir.

2 Q All right. Even though your name is not
3 written inside of it or anything?

4 A Yes, sir.

5 Q All right. And is that one of the items
6 you took off and put in that pipe?

7 A Yes, sir.

8 Q What else went into that pipe; what else
9 went in those pipes?

10 A The stuff in the book bag.

11 Q Do you know everything that was in the
12 book bag?

13 A No, sir.

14 Q Okay. And again, was it your book bag?

15 A No, sir.

16 Q Okay. Do you know whether Mr. Brown
17 picked up the crowbar or pry bar and put it back
18 after you used it?

19 A No, sir.

20 Q Okay. Is it fair to say that most things
21 were in a book bag, or just on your person at that
22 time?

23 A Yes, sir.

24 Q Okay. And you said you were wearing a hat
25 earlier, did you take that off too?

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- 1 A No, sir.
- 2 Q Okay. So you kept the hat on?
- 3 A (Nods in the affirmative).
- 4 Q Okay. After you -- after you stashed this
5` stuff in these blue pipes, what do you then?
- 6 A Decota -- well, before we took all of the
7 stuff off, Decota was on the phone with Lisa.
- 8 Q Hold on. Before -- tell me who Lisa is;
9 do you know Lisa's full name?
- 10 A Lisa Broach.
- 11 Q Okay. And do you know Lisa Broach?
- 12 A Yes, sir.
- 13 Q How do you know Lisa Broach?
- 14 A Because somebody I -- her son, I grew with
15 her son Steven.
- 16 Q Okay. And do you call her Lisa?
- 17 A Yes, sir.
- 18 Q Did Mr. Brown call her Lisa?
- 19 A No, sir, he called her Ma.
- 20 Q Ma, okay. And you said that he used his
21 phone to call Lisa?
- 22 A Yes, sir.
- 23 Q All right. Were you able to hear any of
24 that conversation?
- 25 A Yeah, he was trying to tell her where we

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1 were so she could come pick us up.

2 Q Okay. Now, where were you?

3 A Right behind Time Drive In.

4 Q Okay. Is that where this trail comes out?

5 A Well, it comes out to the main road and
6 you take a right and you could go to Time Drive In.

7 Q So, it comes out on that road that Time
8 Drive In is on?

9 A Yes, sir.

10 Q That kind of goes through downtown Seneca?

11 A Yes, sir.

12 Q And comes out right at 123, is that fair
13 to say, right at that intersection with Ingles and
14 all of that stuff?

15 A Yes, sir.

16 Q All right. Were y'all standing right out
17 there on the road?

18 A No, sir. By the time that we got to the
19 end of the road, we saw her car and we jumped in it.

20 Q Okay. Who all was in the car?

21 A Me, Decota, and Lisa.

22 Q All right. And how long was it after you
23 stashed the stuff in the blue pipes, how long was it
24 before y'all got picked up by Lisa?

25 A Not long, sir.

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- 1 Q Minutes?
- 2 A Maybe not even five minutes.
- 3 Q Where did you go then, after you got in
- 4 the car with Lisa?
- 5 A Back to the compound.
- 6 Q All right. Did the three of y'all talk on
- 7 the way?
- 8 A No, sir.
- 9 Q All right. How long did it take to get to
- 10 the compound from where you got picked up?
- 11 A Like three minutes, sir.
- 12 Q Okay. And when you got to the compound,
- 13 what did do you then?
- 14 A We both went into the bottom trailer.
- 15 Q When you say "we," who are you talking
- 16 about?
- 17 A Me and Decota.
- 18 Q Okay. And is this the trailer where you
- 19 were staying at the time?
- 20 A Yes, sir.
- 21 Q What did you do in the trailer?
- 22 A Sat there. And Steve come in the house
- 23 and Decota started talking to him.
- 24 Q Wait, hold on, who is Steve?
- 25 A Steve Broach.

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1 Q Okay. So, we have got Lisa Broach and
2 Steve Broach?

3 A Yes, sir.

4 Q Is Lisa in the trailer?

5 A No, sir.

6 Q But Steve comes in the trailer?

7 A Yes, sir.

8 Q All right. And did either you or Decota
9 talk to Steve?

10 A Decota did.

11 Q Okay. And do you recall what, if
12 anything, Decota told Steve?

13 A Decota told him I did it. And Steve
14 started crying, telling him that he was going to end
15 up like his other son.

16 Q Did all of y'all stay there the rest of
17 the day?

18 A No, sir. Him and Decota left with Lisa.

19 Q All right. Did they tell you where -- did
20 Decota tell you where they were going?

21 A No, sir.

22 Q Okay. And after they left, were you at
23 that trailer by yourself?

24 A Well, there was a couple of people there,
25 but they left when Decota left.

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1 Q Okay. So, when those other people left,
2 Decota left, Steve and Lisa left, was there anybody
3 left at the trailer other than you?

4 A Yes, this girl, but I can't recall her
5 name.

6 Q Okay. In this trailer where you stayed,
7 did people come and go often?

8 A Yes, sir.

9 Q And would it be commonplace for you to not
10 know the names of people who came in and out?

11 A Yes, sir.

12 Q Okay. So, was it surprising to you to see
13 somebody in this trailer that you didn't know?

14 A Yes -- no, sir.

15 Q What did you do then?

16 A I just stayed there getting high.

17 Q Okay. And did you already have drugs
18 there?

19 A Yes, sir.

20 Q What, when you got -- when you say that
21 you stayed there getting high, what did you get high
22 on?

23 A Meth.

24 Q Okay. Just meth?

25 A I was high on Xanaxes too.

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1 Q Okay.

2 MR. STROUDEMIRE: Okay. Beg the Court's
3 indulgence for one moment.

4 (Pause.)

5 BY MR. STROUDEMIRE:

6 Q After Decota left, did you see him again?

7 A No, sir.

8 Q Did y'all have any communication at all
9 after he left?

10 A Yes, sir, he texted me.

11 Q Okay. Do you remember his phone? Do you
12 remember his phone number at all?

13 A No, sir.

14 Q Okay. But he texted you?

15 A (Nods in the affirmative).

16 MR. STOUDEMIRE: Your Honor, may I
17 approach the witness?

18 THE COURT: You may.

19 BY MR. STOUDEMIRE:

20 Q Hunter, I'm going to show you what has
21 been marked as State's Exhibit No. 71 for
22 identification. I have got to be honest, your eyes
23 I'm hoping are better than mine, because I can't
24 even read this without glasses. Can you tell me
25 what that is?

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1 A Yes, sir.

2 Q Speak up.

3 A Yes, sir.

4 Q Okay. What is it?

5 A It is where Decotà texted me.

6 Q Okay. And how do you recognize that as

7 being a communication from Decota to you?

8 A Because he was asking me if I was high and

9 telling me --

10 Q Let's not go into the content of what is

11 said, let's go into, how do you recognize that that

12 is from Decota?

13 A I don't know, sir, to tell you.

14 Q Let me ask you this, are you involved in

15 this text conversation?

16 A Yes, sir.

17 Q Okay. Do you respond to those texts?

18 A Yes, sir.

19 Q So, is that fair to say that you are a

20 party to that conversation?

21 A Yes, sir.

22 Q Okay. And can you identify it based on

23 your being a party to this text conversation?

24 A Yes, sir.

25 MR. STOUDÉMIRE: Your Honor, at this time

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1 we would move to admit State's Exhibit No. 71.

2 MS. HODGES: I don't think that sufficient
3 foundation has been laid as to what phone
4 numbers are involved and how to identify those
5 phone numbers being the defendant on trial or
6 the defendant testifying.

7 THE COURT: All right. I am going to --
8 I'll let you get a little more.

9 BY MR. STOUDEMIRE:

10 Q Just very briefly, who did you believe
11 that you were talking to?

12 A Decota.

13 Q Was that a number that you had received
14 texts from Decota on before?

15 A No, but he called me on it before though.

16 Q Okay. So, he had called you on that
17 number before?

18 A Yes, sir.

19 Q So, you had communicated with him from
20 that particular phone to your phone before?

21 A Yes, sir.

22 MR. STOUDEMIRE: Your Honor, at this time
23 we move to admit.

24 MS. HODGES: Renew my objection, Your
25 Honor.

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1 THE COURT: I believe that he has laid a
2 foundation. Overruled. It is admitted over
3 your objection.

4 MR. STOUDEMIRE: Thank you, Your Honor.

5 MS. HODGES: Yes, sir.

6 *(Whereupon, State's Exhibit No(s). 71*
7 *marked for identification and received in*
8 *evidence.)*

9 BY MR. STOUDEMIRE:

10 Q At this time, can you go ahead and tell me
11 who was the first person to speak in this text
12 conversation?

13 A Decota.

14 Q Okay. And what does Decota say?

15 A He says, Yo, little brother.

16 Q All right. Do you respond?

17 A Yes, sir. I say, Yo.

18 Q All right. And what is the next thing
19 Decota says?

20 A He says, Love you little bro, stay Gucci.
21 He said, Love you little bro, stay Gucci.

22 Q Excuse me being old, but what does "stay
23 Gucci" mean?

24 A Stay good.

25 Q Stay good. Okay. And who is the next

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1 person to speak after that?

2 A Me.

3 Q Okay. What do you respond?

4 A I say, You ain't going nowhere, I love you
5 bro. Love you too, bro.

6 Q Okay. And what is Decota's response?

7 A He didn't say nothing. So I said, You
8 good.

9 Q All right. Did he respond then?

10 A Yes, sir. He said, Yeah, bro, I'm Gucci,
11 you good.

12 Q All right. And any more to the
13 conversation?

14 A Yes, sir.

15 Q Okay. What is next?

16 A I say, Yeah. And then he asked me did I
17 get a ride, and I told him no I wasn't leaving
18 because the compound was hot. I didn't want people
19 to know where I was.

20 Q Okay. When you texted him and said the
21 compound was hot, what did that mean to you?

22 A Like there was a bunch of people around, I
23 ain't trying to leave, I didn't want nobody to know
24 where I was.

25 Q Why didn't you want anybody to know where

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1 you were?

2 A Because I just committed a robbery, sir.

3 Q Okay. And what was Decota's response to
4 that?

5 A He said -- I don't know what he said,
6 something about how no why. I don't know.

7 Q Let me see?

8 A Oh. He said, How and why.

9 Q How and why?

10 A Yeah.

11 Q Okay. And what did you respond?

12 A That we was wanted on the news.

13 Q And his, go ahead.

14 A "How did they identify you?" I said, I
15 don't know, I guess fingerprints. And then Decota
16 said, Yeah.

17 Q Okay. Anything after that?

18 A No, sir.

19 Q All right. Wait a minute, there is one
20 line you --

21 A Oh, yeah, yeah.

22 Q Hold on. You said that they identified
23 you by fingerprints?

24 A Yes, sir.

25 Q And then what did Decota respond to that?

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1 A "You remember what we said."

2 Q All right. And what was your response to
3 that?

4 A "Yeah."

5 Q Okay. So, when Decota asked you, did you
6 remember what we said, what did you believe him to
7 be referring to?

8 A Telling us not to tell.

9 Q Not to tell?

10 A (Nods in the affirmative).

11 Q Not to tell who?

12 A The police.

13 Q Not to tell them about what?

14 A What just went on in that house.

15 Q Okay. And after that, did you leave the
16 compound?

17 A No, sir.

18 Q Okay. Did you make any phone calls to
19 anybody?

20 A Yes, sir.

21 Q Okay. Who did you call?

22 A My mama called me, and I called Casey
23 Bowling.

24 Q You called Casey Bowling?

25 A (Nods in the affirmative).

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1 Q All right. Did you specifically ask for
2 Casey Bowling?

3 A No, sir.

4 Q Okay. So, when you called Casey Bowling,
5 where did you call?

6 A The Sheriff's Office.

7 Q Okay. Or police department?

8 A Yes, sir.

9 Q Okay. Why did you call them?

10 A Because I was scared and didn't know what
11 to do.

12 Q Okay. And what did you tell them on the
13 phone?

14 A That I was there when that crime happened.

15 Q Okay. And did, did you -- were you
16 speaking to a person when you did that?

17 A Yes, sir.

18 Q Okay. Did anybody call you back?

19 A Yes, sir, Casey called me back and was
20 wanting to meet up with me. But I went back to the
21 compound and -- I went back to the compound and I
22 was asleep, I fell asleep.

23 Q Okay. You fell sleep?

24 MS. HODGES: Sorry.

25 BY MR. STOUDÉMIRE:

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1 Q Go ahead and say that again, I'm not sure
2 that we all heard.

3 A I said, I went back to the compound to the
4 trailer I was staying at and I fell asleep.

5 Q All right. When you woke up, what
6 happened then?

7 A Barry Owens' truck was outside.

8 Q Okay. Who is Barry Owens?

9 A The police.

10 Q Okay. Is that with the police department
11 or Sheriff's Office, do you know?

12 A Sheriff's Office.

13 Q Okay. And did he pick you up?

14 A Yes, sir.

15 Q Where did he take you?

16 A To Seneca Police Department.

17 Q Okay. Who did you meet with there?

18 A Casey Bowling.

19 Q All right. Did you sit down and have a
20 conversation with Captain Bowling?

21 A Yes, sir.

22 Q All right. Did he read you your Miranda
23 rights?

24 A Yes, sir.

25 Q And did you understand them?

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1 A Yes, sir.

2 Q Okay. Did you give him any sort of a
3 statement?

4 A Yes, sir.

5 MR. STOUDEMIRE: Just a moment, Your
6 Honor.

7 (Pause.)

8 BY MR. STOUDEMIRE:

9 Q All right. When you gave Captain Bowling
10 this statement, did you write it?

11 A No, sir.

12 Q Okay. Did someone else write it for you?

13 A Yes, sir.

14 Q And just looking at -- is Officer Watts
15 the one that wrote it for you?

16 A Yes, sir.

17 Q Okay. Now, let's just go ahead and say
18 it, you gave some statements after this one,
19 correct?

20 A Yes, sir.

21 Q Okay. Why did you give more than one
22 statement?

23 A Because the first statement I wrote wasn't
24 true.

25 Q Okay. Well, when you gave this first

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1 statement at the police department to Captain
2 Bowling, why would you say something that wasn't
3 true?

4 A Because I was scared, and I really
5 don't -- I really wanted to look cool.

6 Q Okay. What were you thinking at that
7 point?

8 A That if I was going to tell the police
9 something, I was trying to throw them off. And I
10 was trying to look cool. And I knew that you wasn't
11 supposed to talk to police and I was talking to
12 them, so I didn't want to tell them all of the
13 truth.

14 Q When you say that you were trying to throw
15 them off, what did you mean by that?

16 A I told them that we both did it.

17 Q Okay. When you say we both did it, what
18 do you mean?

19 A Talking about killed that woman.

20 Q Okay. Well, when you say "we," who do you
21 mean?

22 A Me and Decota.

23 Q And you said that you said both of you
24 shot her?

25 A Yes, sir.

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1 Q Okay. And, again, you said that both of
2 you shot the lady why?

3 A I don't know, sir. Because she was in the
4 house.

5 Q Okay. Well, why would you say that?

6 A Really I was trying to look cool, sir.

7 Q Okay. What happened to you then?

8 A I went back to the sheriffs -- to the
9 jail.

10 Q Did you get arrested?

11 A Yes, sir.

12 Q Okay. So, after you were arrested, did
13 they serve warrants on you?

14 A Yes, sir.

15 Q Okay. And they took you to the Sheriff's
16 Department?

17 A No, I was at the jail.

18 Q Okay. So, you went to the jail?

19 A They served warrants on me in the jail.

20 Q Okay. Have you been there ever since?

21 A Yes, sir.

22 Q All right. When you gave the statement,
23 that first statement to Captain Bowling, did you
24 know the name of the lady who got shot?

25 A No, sir.

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- 1 Q Did you ever find out her name?
- 2 A Yes, sir.
- 3 Q Okay. Do you remember her name?
- 4 A Geraldine.
- 5 Q Okay. When did you find that out?
- 6 A After I seen us on the news.
- 7 Q Okay. All right. So, you were up at the
- 8 jail, and did you end up talking to anybody else in
- 9 law enforcement after you were up at the jail?
- 10 A Yes, sir, Casey come back and talked to
- 11 me.
- 12 Q Okay. Did you ask to talk to him, or did
- 13 he ask to talk to you?
- 14 A I guess he asked to talk to me.
- 15 Q Okay. Where did y'all meet, do you
- 16 remember?
- 17 A The Sheriff's Office.
- 18 Q Okay. Was it in an interview room?
- 19 A Yes, sir.
- 20 Q Okay. Anybody in the room but the two of
- 21 you?
- 22 A No, sir.
- 23 Q And did he go over your rights again?
- 24 A Yes, sir.
- 25 Q Okay. And did you understand all of that?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 A Yes, sir.

2 Q Okay. And why were you willing to talk to
3 Captain Bowling again after you had already given
4 him one statement?

5 A Because I wanted to tell him the truth.

6 Q Okay. Why did you decide to tell them the
7 truth?

8 A Because that family needed some closure.

9 Q Okay. When you say "that family," who are
10 you talking about?

11 A The Browns.

12 Q And what did you tell Captain Bowling in
13 that second statement?

14 A What really went on.

15 Q Okay. And when you say what really went
16 on, is that what you are testifying to today?

17 A Yes, sir.

18 Q Okay. Did you tell them about the blue
19 pipes in the first statement?

20 A I can't remember, sir.

21 Q Okay. Did you tell them about that in the
22 second statement?

23 A Yes, sir.

24 Q Now, do you remember how many days it was
25 between the two statements that you gave?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 A No, sir.

2 Q Was it more or less than a week, do you
3 remember?

4 A I don't remember. Probably like three
5 days or something.

6 Q Okay. Now, how old were you when you were
7 taken to the jail and arrested?

8 A Seventeen, sir.

9 Q Seventeen. So, at 17 did they put you
10 back in the cells with just the general population?

11 A No, sir, I was locked behind a door.

12 Q Okay. When you say you were locked behind
13 a door, where do you mean? Were you separated from
14 everybody else?

15 A Yes, sir.

16 Q Do you know why?

17 A Because I was 17, I was under age.

18 Q Okay. But old enough to be charged as an
19 adult?

20 A Yes, sir.

21 Q While you were up at the jail, did Decota
22 come to be up there as well?

23 A Yes, sir.

24 Q All right. Do you know where he was put
25 initially?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

- 1 A Yes, sir in C dorm.
- 2 Q And you were up front, is that close to C
- 3 dorm?
- 4 A Yes, sir.
- 5 Q Okay. How close?
- 6 A Like just down the hallway.
- 7 Q Okay. Did he ever -- was he ever put in a
- 8 holding cell or somewhere closer to you?
- 9 A Yes, sir, he was put -- I was in transport
- 10 and then Decota got moved from C to transport and
- 11 they moved me to booking.
- 12 Q Okay. And are those two places close to
- 13 each other?
- 14 A Yes, sir.
- 15 Q Are they close enough where the two of you
- 16 could talk?
- 17 A We could send kites.
- 18 Q You could send what?
- 19 A Send messages back and forth.
- 20 Q Well, what did you call it first?
- 21 A A kite.
- 22 Q A kite, like K-I-T-E?
- 23 A Yes, sir.
- 24 Q Like a kite that you fly?
- 25 A Yes, sir.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUEMIRE

1 Q What is a kite?

2 A Like you send each other messages.

3 Q How would these messages be sent?

4 A Through books, through COs.

5 Q All right. And did`the two of you send
6 messages to each other at that time?

7 A No, sir, he sent me a message.

8 Q He sent you a message?

9 A (Nods in the affirmative).

10 Q Did he tell you that he was going to be
11 sending you a message?

12 A No, sir.

13 Q Okay. Did you receive a message from him?

14 A Yes, sir.

15 Q All right. Well, just a moment. When you
16 got a note you say was from Decota, how did it
17 arrive to you?

18 A In a book.

19 Q In a book, was this book small, large?

20 A Normal-sized chapter book.

21 Q Okay. Paperback, hardback?

22 A Paperback.

23 Q Okay. And when you get notes like this,
24 are they written on separate pieces of paper?

25 A No, they are written in the book paper.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 Q Okay. And you said that you received one
2 from Decota?

3 A Yes, sir.

4 Q Okay. Without going into what was
5 actually said in the note, how did you know that the
6 note was from him and not from somebody else at the
7 jail?

8 A Because it said Kid on it.

9 Q Okay. And, again, Kid is who?

10 A Decota.

11 Q All right. And I believe that you said
12 earlier that that stood for something?

13 A Yes, sir.

14 Q What did it stand for?

15 A Killer in disguise.

16 MR. STOUDEMIRE: Sorry I keep having to
17 put on gloves and stuff.

18 BY MR. STOUDEMIRE:

19 Q And, Mr. Hunnicut, I'll show you next what
20 has been marked as State's Exhibit No. 70 for
21 identification. I want you to tell me first, don't
22 tell me what it says, I just want you to tell me if
23 you recognize it. Okay. I would never make it as a
24 surgeon.

25 Do you recognize that?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 A Yes, sir.

2 Q All right. First, what is it?

3 A A note from Decota.

4 Q All right. Is that one of these that you
5 referred to as a kite earlier?

6 A Yeah, kite.

7 Q Okay. And this, that is with it, what is
8 that?

9 A A book.

10 Q Okay. And, again, is that how they
11 normally arrived?

12 A Yes, sir.

13 Q How do you know this note is from Decota?

14 A Because it says Kid.

15 Q Okay. Is there any other -- well, is it
16 fair to say Kid is not that uncommon of a nickname?

17 A It is not that uncommon.

18 Q Okay. How do you know that this Kid is
19 Decota?

20 A Because I have seen him come in and make
21 phone calls.

22 Q Is there anything else on that note that
23 would let you know that it is from Decota Kid as
24 opposed to another?

25 A Yeah, because he said that he's mad that

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 we got caught up in this.

2 Q Okay. How is it signed?

3 A It says, Kid, killer in disguise, Kid.

4 Q It says killer in disguise?

5 A Yes, sir.

6 Q And the Kid, killer in disguise, does that
7 indicate to you who it is from?

8 A Yes, sir.

9 Q Any doubt?

10 A No, sir.

11 Q And then, who is it from?

12 A Decota Brown.

13 Q All right.

14 MR. STOUDEMIRE: Your Honor, at this
15 time -- I believe that Ms. Hodges has seen a
16 copy of this. Your Honor, at this time, we
17 would move to admit State's No. 70 into
18 evidence.

19 MS. HODGES: Your Honor, there's still a
20 break in the chain of custody.

21 THE COURT: Anything else?

22 MS. HODGES: No, sir.

23 MR. STOUDEMIRE: Judge, I believe that
24 it's been testified to that this went from
25 Detective Watts who took it into custody, and

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 then for the Seneca Police Department. And
2 then it was testified earlier today by Sergeant
3 Noe Sudduth that he took it from Ms. Watts --
4 excuse me, Investigator Watts, and placed it in
5 custody with the Seneca Police Department. I
6 think that is the entire chain.

7 MS. HODGES: Judge, I don't know how
8 Investigator Watts seized it unless she was
9 notified by someone else that that was found at
10 the Oconee County jail, because that is not
11 where she would be working or anything Judge.

12 THE COURT: All right. As for now, I'm
13 going to sustain the objection.

14 BY MR. STOUDÉMIRE:

15 Q Moving on from that, did you have any
16 other communication with Decota Brown after that?

17 A I mean, we seen each other when he was
18 making a phone call.

19 Q Outside of that written kite, did y'all
20 have any other written communication at the jail?

21 A No, sir.

22 Q Outside of seeing him making a phone call,
23 did you have any other conversations with him, even
24 written?

25 A No, sir, not since I moved to population.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 Q Mr. Hunnicut, going back in time a little
2 bit to that first statement that you gave to Captain
3 Bowling, do you remember telling him who shot Ms.
4 Castle?

5 A Yes, sir.

6 Q Okay. I need you to speak up. I know
7 that you get quiet, but I need you to speak up.
8 What did you tell Captain Bowling?

9 A That we both shot her.

10 Q Okay. Did you tell him that you both shot
11 her how?

12 A I really can't remember, sir.

13 Q Well. Did you use the same gun?

14 A Yes, sir.

15 Q Okay. Well, do you remember if you told
16 him who shot first?

17 A No, sir.

18 Q Okay. Do you remember if you told him who
19 shot where?

20 A No, sir, I really can't remember.

21 Q And do you remember how many shots?

22 A Yes, sir, it was six shots total.

23 Q Okay. Six, okay.

24 MR. STOUDEMIRE: Beg the Court's
25 indulgence one more time.

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUEMIRE

1 THE COURT: Yeah.

2 (Pause.)

3 MR. STOUEMIRE: Sorry.

4 BY MR. STOUEMIRE:

5 Q Had you and Decota ever talked about
6 shooting anybody before?

7 A No, sir.

8 Q You can't recall any of that?

9 A Say what now?

10 Q You don't recall having a conversation
11 with Decota about shooting anybody?

12 A No, sir.

13 Q Did you have a conversation with him about
14 shooting anybody after this incident?

15 A No, sir.

16 Q Okay. Nothing about how many times?

17 A Oh, well, afterwards.

18 Q Afterwards, when?

19 A When we was at the compound.

20 Q When you were back at the compound when,
21 what day; do you recall?

22 A Right after it happened.

23 Q The same day that this happened?

24 A Yes, sir.

25 Q Okay. Well, what did Decota tell you?

DIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 A Remember five to the chest and one to the
2 head.

3 Q Okay. Thank you. That is all that I
4 would have. Please answer any questions Ms. Hodges
5 would have.

6 THE COURT: I think we have been going
7 over an hour and a half, let's take a short
8 break.

9 MS. HODGES: Yes, sir.

10 THE COURT: All right. We will take a
11 short break. Don't discuss the case, and we
12 will have you back out in just a few moments.
13 All right. We will take ten minutes.

14 (The jury exits the courtroom at 2:30
15 p.m.)

16 (Brief recess.)

17 THE COURT: All right. Is the jury ready?
18 Is the state ready?

19 MR. STOUDÉMIRE: We are.

20 THE COURT: Defense ready?

21 MS. HODGES: Yes, sir.

22 (The jury enters the courtroom at 2:44
23 p.m.)

24 THE COURT: All right. Ladies and
25 gentlemen, we are now on cross-examination by

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 the defense.

2 MS. HODGES: Yes, sir.

3 CROSS EXAMINATION

4 BY MS. HODGES:

5 Q Mr. Hunnicut, what kind of deal have you
6 struck with the state in consideration for your
7 testimony this morning, or this afternoon?

8 A I have not had a deal with the testimony.
9 I have not had it.

10 Q You have not had any sort of consideration
11 given to you for your testimony today is what you
12 are telling me?

13 A Yes, ma'am.

14 Q All right. So, in November of 2020, you
15 pled guilty to burglary and voluntary manslaughter;
16 is that correct?

17 A Yes, ma'am.

18 Q All right. You were originally charged
19 with burglary and attempted murder. That attempted
20 murder changed to murder, and then also possession
21 of a weapon during the commission of a violent
22 crime; isn't that correct?

23 A Yes, ma'am.

24 Q All right. But you are not going to be
25 sentenced on murder, are you?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A No, ma'am.

2 Q All right. And that is in consideration
3 of your testimony today, right?

4 A Yes, ma'am.

5 Q So you have been given a deal in order to
6 testify today?

7 A No, ma'am, my lawyer told me to plea to
8 that. I have not been sentenced or nothing.

9 Q You have not been sentenced, but you have
10 pled to lesser charges?

11 A Yes, ma'am.

12 Q All right. And you don't consider that a
13 deal?

14 A No, ma'am.

15 MR. STOUDEMIRE: Judge, I object at this
16 point. I think that it is asked and answered.

17 THE COURT: I'll let her go a little
18 further.

19 BY MS. HODGES:

20 Q And you don't consider that to be a deal,
21 to be allowed to plea to a reduced charge of
22 voluntary manslaughter from murder?

23 A No, ma'am, because I committed a crime and
24 I am going to be a man and step up and plead guilty.

25 Q So, even though you are facing

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 significantly less time on a voluntary manslaughter
2 charge, you don't consider that to be a deal?

3 A No, ma'am.

4 Q Okay. You have given different statements
5 to law enforcement over the course of this
6 investigation and while this case has been pending;
7 is that correct?

8 A Yes, ma'am.

9 Q How many times have you met with the
10 Solicitor's office in preparation for your testimony
11 today?

12 A Like six times, ma'am.

13 Q Six times. And where did you meet with
14 them?

15 A At the Sheriff's Department.

16 Q You actually get taken from the jail over
17 to the Sheriff's Department to meet with them?

18 A Yes, ma'am.

19 Q You go up the stairs to like where a
20 conference room is?

21 A No, I stayed on the bottom floor.

22 Q Stayed on the bottom floor.

23 So, you said that the incident
24 happened at the -- Mr. Brown's house, Mr. Eric
25 Brown, during daylight hours?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

- 1 A Yes, ma'am.
- 2 Q Okay. Was it like full sun daylight?
- 3 A I would say so, yes, ma'am.
- 4 Q Okay. So it wasn't starting to get dark?
- 5 A No, ma'am.
- 6 Q Okay. And you all had been to the soup
7 kitchen prior to that; is that right?
- 8 A Yes, ma'am.
- 9 Q And that is the soup kitchen in Seneca?
- 10 A Yes, ma'am.
- 11 Q Do you know if the soup kitchen has
12 certain hours that they are open?
- 13 A Yes, ma'am.
- 14 Q Okay. And do you know what time they
15 close?
- 16 A No, ma'am.
- 17 Q All right. But you were definitely there,
18 obviously, before they closed?
- 19 A Yes, ma'am.
- 20 Q And how long did it take y'all -- did you
21 go basically from the soup kitchen straight down to
22 Maple Avenue?
- 23 A Yes, ma'am.
- 24 Q Okay. And y'all said you took the CAT
25 bus?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A Yes, ma'am.

2 Q How long -- at some point the CAT bus
3 broke down?

4 A Yeah. I don't really know what happened,
5 but it --

6 Q But basically it wasn't going anywhere at
7 that point?

8 A Yes, ma'am.

9 Q So it was either wait for another bus or
10 start walking?

11 A Yes.

12 Q Okay. And how long did it take you to
13 walk from where you got off of the CAT bus to Maple
14 Avenue?

15 A Not even five minutes, ma'am.

16 Q Okay. And y'all were walking kind of just
17 a regular pace; were you walking fast, kind of slow?

18 A I would say kind of fast. Not slow.

19 Q Okay. But you were not like jogging or
20 anything?

21 A No, no.

22 Q The -- you had said that you had met
23 Decota at the compound maybe a month or so before
24 this all happened?

25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q And you met him through your brother?

2 A Yes, ma'am.

3 Q But you don't know exactly how long you
4 had known him?

5 A No, ma'am.

6 Q All right. How was it that you started
7 staying at the compound?

8 A Because I know Steve all of my life.

9 Q Steve Broach?

10 A Yes, ma'am.

11 Q Okay. You say that you have known him all
12 of your life, how do you know him?

13 A Through my biological mother.

14 Q Okay. And so is Steve like in charge of
15 the compound?

16 A Yeah, he owns it.

17 Q He owns it. Okay, so he owns -- is it all
18 like on one lot, or are there like different lots
19 that the trailers and camper are on?

20 A It is like one big lot. It has got a big
21 fence around it and it has got a fence that
22 separates it, so I guess that you would call it two
23 lots.

24 Q All right. And it's right there on
25 Padgett Street; is that right?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A Yes, ma'am.

2 Q Okay. And so, do you know how long you
3 had been staying at the compound?

4 A No, ma'am.

5 Q Like years, months?

6 A Probably like a month.

7 Q About a month, okay. So, about the same
8 time that you had been staying at the compound was
9 around the same time that you met Decota Brown?

10 A Yes, ma'am.

11 Q And you said that basically the compound
12 is a group of folks that basically get high and just
13 kind of stay there doing drugs or crashing that
14 don't have somewhere else to go?

15 A Yes, ma'am.

16 Q Okay. On this particular day, March the
17 7th, I think that you had actually testified that
18 you had actually been doing drugs the night before;
19 is that right?

20 A Yes, ma'am.

21 Q All right. What kind of drugs were y'all
22 doing the night before?

23 A Meth and Xanaxes.

24 Q Meth and Xanaxes. How much meth had you
25 used?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A To be honest, I don't know, but a lot.

2 Q A lot. Xanax, do you know what strength
3 they were that you were using?

4 A I think -- they were the green military
5 bars, the green ones.

6 Q And how many Xanaxes had you used?

7 A Probably took about five of them.

8 Q About five?

9 A Yes, ma'am.

10 Q Is there a reason why you are using meth
11 and Xanax together?

12 A No, ma'am, just like to get high.

13 Q Okay. How long have you used
14 methamphetamine?

15 A Not long before that incident.

16 Q I'm sorry?

17 A Probably about two months, three months,
18 not long.

19 Q So, you used about two or three months
20 before this incident happened in March?

21 A Yes, ma'am.

22 Q Any other drugs that you used, other than
23 methamphetamine and Xanax?

24 A I smoke weed and I drink.

25 Q You smoke weed and drink. Had you been

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 smoking any weed -- and I assume, only because I
2 have been around a block or two, by weed you mean
3 marijuana?

4 A Yes, ma'am.

5 Q Okay. So, you said that you had smoked
6 weed, did you smoke any the night before?

7 A Yes, ma'am, I always smoked weed.

8 Q Okay. How much weed do you smoke in a
9 day?

10 A A lot. I can't tell you.

11 Q A lot for you and a lot for me is
12 something probably two different amounts so --

13 A Probably about 10 grams a day.

14 Q 10 grams. All right. Anything else? Had
15 you drunk -- drank any alcohol that day?

16 A No, ma'am.

17 Q Okay. So, no drinking on March the 6th?

18 A No, ma'am.

19 Q And y'all stayed up all night?

20 A (Nods.)

21 Q Is that a yes?

22 A Yes, ma'am.

23 Q Okay. And the reason why I ask is the
24 court reporter, if she is not looking at you she is
25 not going to know what your answer is.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A I got you.

2 Q So, you had not drank any that night and
3 you stayed up all night. Do you remember about what
4 time y'all went to the soup kitchen?

5 A Probably around lunchtime.

6 Q Lunchtime, okay. And how long did you
7 stay at the soup kitchen?

8 A Thirty minutes.

9 Q Okay. And then y'all went to Maple
10 Avenue?

11 A Yes, ma'am.

12 Q Okay. How long had y'all been on the bus
13 prior to getting off of the bus and walking to Maple
14 Avenue?

15 A Not long. Probably like not even 10
16 minutes.

17 Q Okay. Ten minutes on the CAT bus, and
18 then it was about a five-minute walk from Maple
19 Avenue to there?

20 A Yes, ma'am.

21 Q Okay. That day, March the 7th, when did
22 you start using drugs again?

23 A When we woke up. Well, we didn't wake up,
24 but like when everybody else woke up. We was all
25 getting high. Never stopped really using drugs.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q You were just kind of using that night,
2 through the night, and you kept on that day?

3 A Yes, ma'am.

4 Q All right. And you said when other folks
5 woke up, about when was that; do you know?

6 A Probably about three o'clock in the
7 morning.

8 Q Three o'clock in the morning. Okay. And
9 what were you using on March the 7th?

10 A Meth and Xanaxes.

11 Q Did you smoke any weed that day?

12 A Yes, ma'am.

13 Q Did you drink any alcohol?

14 A No, ma'am.

15 Q All right. How much methamphetamine did
16 you use that day?

17 A A couple of grams.

18 Q Do you smoke it, shoot it?

19 A Yes, ma'am, I smoke it.

20 Q And how many Xanaxes did you take that
21 day?

22 A Probably about two or three.

23 Q Two or three. And the same military bars?

24 A Yes, ma'am.

25 Q And how much weed did you smoke?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A A couple of blunts.

2 Q And by blunts, are you talking about like
3 a cigarette or cigar that is mixed with tobacco and
4 marijuana?

5 A No, you dump all of the tobacco out of the
6 cigar and use the cigar.

7 Q Okay. So you pack the cigar wrapping with
8 the marijuana?

9 A Yes, ma'am.

10 Q Okay. What kind of cigars were they?
11 Were they . . .

12 A Swisher Sweets.

13 Q Swisher Sweets, okay.

14 At what point did you stop using
15 drugs on March the 7th?

16 A To be honest with you, I didn't.

17 Q You didn't, okay. So, were you like
18 smoking anything or taking Xanax or anything while
19 you were at the house?

20 A No, ma'am.

21 Q Okay. Did you smoke or take anything
22 while you were standing at that four-way
23 intersection while you were waiting, as you
24 testified to before, for a signal?

25 A No, ma'am, I did not.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q What about -- you said that you didn't do
2 anything in the house; did you do anything when you
3 ran into the woods?

4 A No, ma'am.

5 Q Okay. How long would you say that you
6 were actually inside the home when the incident
7 happened with Ms. Castle?

8 A Maybe a couple of minutes tops.

9 Q Like two minutes tops?

10 A Three, a couple.

11 Q All right. What about -- how long did it
12 take y'all to -- for you to break in through the
13 window and then get upstairs?

14 A A couple of minutes.

15 Q So, you are saying that all of that,
16 breaking into the window, going upstairs, Ms. Castle
17 first being shot, going down to the bedroom,
18 checking out the safe, coming back, her getting shot
19 again, and running outside, all of that happened in
20 three minutes?

21 A No, it probably happened in about ten
22 minutes, ma'am.

23 Q Okay. So now your testimony is that it
24 was ten minutes?

25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q Okay.

2 A Never really looked at a watch to be able
3 to tell how many minutes.

4 Q I understand. I understand that you are
5 not taking minute minutes of what you are doing. I
6 am just trying to get an understanding of how long
7 you are actually there.

8 A Yes, ma'am.

9 Q Do you remember the first statement that
10 you gave to, I guess he was then Captain Hunnicut
11 (SIC)?

12 A Say what now?

13 Q Do you remember the first statement that
14 you gave to Captain Hunnicut (SIC)?

15 A I didn't give no --

16 Q Not Captain Hunnicut, I apologize, Captain
17 Bowling.

18 A Yes, ma'am.

19 Q I apologize. And Investigator Watts
20 actually wrote that statement for you; is that
21 correct?

22 A Yes, ma'am.

23 Q Did you have an opportunity to read
24 through the statement before you signed it?

25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q Okay. And is that the statement that was
2 taken at approximately -- it was taken the day after
3 the incident happened; is that right?

4 A Yes, ma'am.

5 Q Okay. And it was taken about 7:00 that
6 evening; is that correct?

7 A I couldn't really tell you, ma'am,
8 probably.

9 Q Was it still light outside, dark outside?

10 A It was going dark.

11 Q It was going dark, okay. And it was done
12 at the Seneca PD; is that right?

13 A Yes, ma'am.

14 Q And so you tell them first that you tried
15 prying the window open with a crowbar but it didn't
16 work, so you punched the window out?

17 A Yes, ma'am.

18 Q Did you actually punch the window out?

19 A Yes, ma'am, I punched it with the crowbar.

20 Q You punched it with the crowbar.

21 A Yes, ma'am.

22 Q Okay. But your statement doesn't say
23 that, it just says, I punched the window out; right?

24 A Yes, ma'am.

25 Q You didn't get any cuts from crawling over

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 the glass through the window?

2 A No, ma'am.

3 Q Because there was glass on the window
4 sill, right?

5 A Yes. Well, no because --

6 Q There was no glass on the window sill?

7 A No, ma'am, we wiped it off before we went
8 in.

9 Q You wiped the glass off before you went
10 in. All right. Where did you wipe it?

11 A In the -- like we just brushed it off.

12 Q Okay. Which direction did you brush it
13 off?

14 A In front, like the front.

15 Q Like brush it to the outside, so it was
16 like laying on the ground outside?

17 A Yes, ma'am.

18 Q Okay. What about the glass that
19 supposedly went through the window?

20 A I guess it was still on the floor. I
21 couldn't tell you where it is.

22 Q All right. So you crawled through the
23 window. Did you go head first?

24 A Yes, ma'am.

25 Q Okay. And how did you get off of the

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 window on to the washing machine?

2 A It was right there, all I had to do was
3 crawl.

4 Q So you just kind of crawled over on to it?

5 A Yes, ma'am.

6 Q Did you knock anything off?

7 A Not that I remember.

8 Q Okay. There was a rack of stuff, though,
9 right there at the window; isn't there?

10 A Yes, ma'am.

11 Q And you unlocked the door. And you said
12 that y'all went upstairs. Now, my understanding is
13 that you stayed for a good amount of time kind of at
14 the hallway; is that right?

15 A Yes, ma'am.

16 Q Okay. And we are putting back up Exhibit
17 No. 61. So, you come up the stairs and you are
18 basically right here; is that right?

19 A Yes, ma'am.

20 Q And that is where you see Ms. Castle
21 sitting over here in this corner in the living room;
22 is that right?

23 A Yes, ma'am.

24 Q All right. So, at this point you -- how
25 long are you standing there? And basically tell --

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 you claim that you tell Decota that, you know,
2 there's somebody here?

3 A I couldn't tell you, ma'am.

4 Q Just like a minute, a couple of minutes?

5 A Yeah, like a minute.

6 Q Okay. And tell me what happens next?

7 A He walks around me.

8 Q Okay. And goes into the dining room?

9 A No.

10 Q Walks around you and goes where?

11 A Into the living room.

12 Q So he goes around you and into the living
13 room?

14 A Yeah.

15 Q Okay. And what -- and where is he in the
16 living room?

17 A Like inside by the TV.

18 Q Inside by the TV?

19 A Yeah, the TV would be --

20 Q All right. This is where her chair is;
21 where is the TV in relationship to the chair?

22 A Across.

23 Q Across this way?

24 A No, to -- diagonally.

25 Q Diagonally, so it is this way?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A Yes.

2 Q Okay. Is it kind of in the middle, or is
3 it closer to the hallway?

4 A Kind of in the middle.

5 Q All right. So, he would be coming in the
6 middle, kind of about where the words "living room"
7 are, right?

8 A Yes.

9 Q Okay. So he goes in to where the TV is?

10 A Not to where the TV is, but like in the
11 middle of the room, the living room.

12 Q Okay. To the middle of the living room.

13 A Kind of like that.

14 Q All right. And what happens?

15 A Him and his grandma have some words.

16 Q Okay. And you can't hear what they are
17 saying?

18 A Not really.

19 Q Okay. And then what happens?

20 A He comes back around and tells me to go to
21 the back room, so I --

22 Q He tells you to go to the back room and
23 you go to this back bedroom?

24 A Yes, ma'am.

25 Q All right. And at some point, it is while

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 you are in this back bedroom that you say that you
2 hear shots?

3 A Yes, ma'am.

4 Q All right.

5 A Well, I heard the shots when I was walking
6 down the hallway.

7 Q You heard shots when you were walking down
8 the hallway, okay. What did you do at that point?

9 A Ma'am, I was just standing there. I was
10 scared. I didn't know what to do.

11 Q Okay. Do you know how many shots you
12 heard?

13 A I think that it was five, ma'am.

14 Q All right. And then what happened?

15 A He runs -- he speed walks back there and
16 kicks it -- he asks me what I was doing, and he
17 kicks his ma's bedroom in, or his dad --

18 Q Right, so he kicks the bedroom in and that
19 is where you are basically standing outside of the
20 closet door with the safe?

21 A Yes, ma'am.

22 Q All right. And then what happens?

23 A He told me -- because she was screaming,
24 he told me to go tell her to shut up.

25 Q All right. So, that is specific. He

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 actually told you to go tell her to shut up; isn't
2 that correct?

3 A Yes, ma'am.

4 Q Not to, Shut her up?

5 A No, he said, Shut her up. And --

6 Q Which one is it because you have written
7 both in different statements?

8 A I don't --

9 Q So which one is the truth?

10 A He said -- he said, Go tell her to shut
11 up. Shut her up.

12 Q Okay. So, Go tell her to shut up.

13 All right. So, Go tell her to shut
14 up. All right. You say in your first statement
15 that the grandmother said that you were robbing her
16 and she was calling the law so you shot her in the
17 chest?

18 A Yes, ma'am.

19 Q All right. But that is not correct?

20 A No, ma'am.

21 Q All right. And why did do you that? Why
22 did you say that?

23 A To be honest, I was really high and I
24 didn't really know what to do, so I just told them a
25 bunch of lies.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q Because you were still under the influence
2 even like, you know, a day later, you were still
3 under the influence of methamphetamine and Xanax,
4 weren't you?

5 A Yes, ma'am.

6 Q And marijuana?

7 A Yes, ma'am.

8 Q In fact, you were telling people on the
9 phone that you had smoked a lot of weed prior to
10 that day happening?

11 A Yes, ma'am.

12 Q All right. And you didn't -- in fact, you
13 didn't understand how they could charge you with
14 anything because you had smoked a lot of weed?

15 A Say what now?

16 Q You said on the phone you didn't
17 understand how they were charging you with anything
18 because you had smoked a lot of weed?

19 A Yes, ma'am.

20 Q Okay. And so in the first statement you
21 said that you kicked the door in, but now you are
22 saying that that is not true?

23 A No, ma'am, I didn't kick the door in.

24 Q Okay. And then you also say, though, that
25 you went into the living room with a knife that you

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 had and told her to shut up?

2 A I never went into the living room. I

3 stayed at the hallway.

4 Q You stayed at the hallway.

5 A I wasn't getting near them big ol' dogs.

6 Q But you don't say anything about those big

7 ol' dogs in the statement, do you?

8 A Yes, ma'am, I'm pretty sure I did.

9 Q Really? Are you sure about that?

10 A No, I really ain't but I --

11 Q Okay. So you are not sure about that.

12 You are telling us now -- you are still lying to us

13 on the stand now, first you are pretty sure and then

14 you are not. Is that right?

15 A Yes, ma'am.

16 Q Okay. So you went into the living room

17 with a knife that you had and told her to shut up.

18 That is what you say in your first statement.

19 A Yes, ma'am.

20 Q Did you have a knife with you?

21 A No, ma'am.

22 Q Not at all?

23 A No, ma'am. The knife was outside by the

24 window.

25 Q Knife was outside by the window, where you

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 left it when you were trying to break into the home?

2 A Yes, ma'am. Same thing with the book bag
3 and the crow bar.

4 Q And what type of knife was it?

5 A It was a sword.

6 Q A sword, all right. And that was your
7 sword?

8 A Yes, ma'am.

9 Q Okay. So, Decota tells you in your first
10 statement to go in there and tell her to shut up?

11 A Yes, ma'am.

12 Q You go in there -- according to your first
13 statement, you go in there with a knife and tell her
14 to shut you?

15 A Yes, ma'am.

16 Q And you only go, basically, as far as like
17 the door here to the living room?

18 A Yes, ma'am, I never went past that couch.
19 I didn't even get close to it.

20 Q Never went past the couch. State's
21 Exhibit No, 11, you never went past this couch,
22 right?

23 A Yes, ma'am.

24 Q All right. This wall here, the wall you
25 say when you come up the stairs and you see the

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 wall; is that like a half wall, a full wall?

2 A What do you mean? Like --

3 Q A half wall is kind of like, you know,
4 basically like a little bit of both as far as here
5 in the courtroom?

6 A No, it was a full --

7 Q It was a full, like floor to ceiling wall?

8 A Yes, ma'am.

9 Q Okay. So you -- so you never get any
10 farther than the couch. Why didn't you go running
11 back downstairs and out the door at that point?

12 A Well, because Decota had a gun, and if I
13 turned around and run --

14 Q Decota had a gun, but he was in the back
15 of the master bedroom; he was not with you during
16 that first statement?

17 A When I come back -- what are you talking
18 about, when I come back in the hallway to tell her
19 to be quiet?

20 Q Yeah, with the knife from the first
21 statement.

22 A Oh, I don't know.

23 Q Decota is in the back bedroom, isn't he?

24 A Yeah, ma'am.

25 Q All right. So, you could have escaped?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

- 1 A Yes, ma'am.
- 2 Q But you didn't?
- 3 A No, ma'am.
- 4 Q Okay. Also in your first statement you
- 5 say that he comes in and shoots her one more time in
- 6 the head?
- 7 A Yes, ma'am.
- 8 Q And that is when y'all leave?
- 9 A Yes, ma'am.
- 10 Q And you run out to the woods and into the
- 11 briars?
- 12 A Yes, ma'am.
- 13 Q And you say someone then picks you up.
- 14 You don't tell them who the someone is the first
- 15 time, do you?
- 16 A No, ma'am.
- 17 Q Why not?
- 18 A Because I didn't want to get Lisa in
- 19 trouble.
- 20 Q Well, you have gotten her in trouble now,
- 21 haven't you?
- 22 A Yes, ma'am.
- 23 Q Okay. You also tell them that the gun is
- 24 a .32 Beretta?
- 25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q How do you know that?

2 A Because I seen the gun.

3 Q Okay. Are you pretty familiar with guns?

4 A I mean, I wouldn't say familiar, but I

5 know guns.

6 Q Well, I mean, do you handle them a lot?

7 A I had a pistol, yes, ma'am.

8 Q Okay. In fact, you even told the police

9 that first time that you talked to them, you told

10 them about a whole other incident in which you claim

11 that you went in and shot somebody up?

12 A Yes, ma'am.

13 Q And robbed her of \$20,000, didn't you?

14 A Yes, ma'am.

15 Q Was that the truth?

16 A No, ma'am.

17 Q All right. So, you are telling

18 investigators, number one, lies about -- what you

19 say now are lies about what happened on March the

20 7th. And you also then lied to investigators about

21 killing somebody else in Oconee County?

22 A Yes, ma'am.

23 Q And you did that because you were scared?

24 A Yes, ma'am, I was just telling them what

25 they wanted to hear.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q So you think the police wants you to tell
2 them stories at 7:00 at night after they have been
3 out half the night investigating a murder?

4 A Yes, ma'am. I really didn't know what I
5 was thinking.

6 Q Because you were high?

7 A Yes, ma'am.

8 Q Because it didn't happen that way?

9 A It didn't.

10 Q All right. So then in a second statement,
11 that is when you turn everything on to Decota;
12 right?

13 A Yes, ma'am.

14 Q And that statement is given on March the
15 13th of 2019?

16 A Yes, ma'am.

17 Q And that is given at approximately 12:13,
18 I'm assuming that is like lunchtime?

19 A You said what time?

20 Q Like 12:13.

21 A Yeah.

22 Q I mean, they are not talking to you at
23 midnight, right?

24 A No.

25 Q When you give the second statement?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A No, no.

2 Q So it was like middle of the day?

3 A Yes, ma'am.

4 Q Okay. And so, in that statement you said
5 that you did not shoot the grandmother and that it
6 was all on Decota?

7 A Yes, ma'am.

8 Q All right. But you also still say that
9 you went to the living room and told her to shut up?

10 A Yes, I did.

11 Q All right. Did you have the knife with
12 you on that, that time?

13 A No, ma'am.

14 Q And that is when you say that he only shot
15 her from a couple of feet away?

16 A Yes, ma'am.

17 Q Last time. Okay. How long were you in
18 the woods?

19 A Not long, ma'am.

20 Q All right. Do you remember telling
21 investigators that you stayed in the woods until you
22 started hearing sirens?

23 A No, ma'am.

24 Q You don't remember telling them that?

25 A No, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q Well, is that what happened?

2 A No, because as soon as we left the house,
3 we took off to them blue pipes and he was on the
4 phone with Lisa and --

5 Q Okay. So you didn't tell officers in the
6 second statement that you stayed in the woods until
7 we heard sirens, even though it's written down in
8 your statement?

9 A Yes, ma'am.

10 MS. HODGES: May I approach the witness,
11 Your Honor?

12 THE COURT: You may.

13 BY MS. HODGES:

14 Q Did you have the opportunity to review the
15 statement before you signed it with Investigator
16 Watts and Hunnicut (SIC)? Sorry, Investigator
17 Bowling.

18 A Yes, ma'am.

19 Q You had an opportunity to read this before
20 you signed it?

21 A Yes, ma'am.

22 Q All right. And do you see where it says
23 that you basically stayed in the woods until we
24 heard sirens?

25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q All right. So, was that true, you stayed
2 in the woods until we heard sirens?

3 A No, ma'am.

4 Q All right. So you are lying to the police
5 again in your second statement; is that`right?

6 A Yes, ma'am.

7 Q And at that point you actually do give up
8 Lisa and said that she is the one that came and
9 picked you up?

10 A Yes, ma'am.

11 Q Okay. All right. And she picked you up
12 either -- was it actually at the Time Drive In or
13 just near it?

14 A Near it.

15 Q Okay. Was it actually on the main street
16 or --

17 A The main road.

18 Q I am sorry?

19 A The main road.

20 Q The main road. So, like at 123?

21 A Yes, ma'am.

22 Q Okay. All right. At one point folks at
23 the jail find a statement that you have written
24 about the incident that you had in your jail cell,
25 and that was around, in June of 2020; do you

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 remember that?

2 A Yes, ma'am.

3 Q Okay. Why did you have notes in your jail
4 cell as to supposedly what happened?

5 A I don't know, ma'am.

6 Q Was it so you could try and remember the
7 versions of what you told the police?

8 A No, ma'am.

9 Q So you just had it there for no reason at
10 all?

11 A I just wrote down everything that
12 happened.

13 Q All right. And when did you do that?

14 A I don't know, ma'am.

15 Q All right. You do it at or around the
16 time that you were arrested in March of 2019?

17 A No, ma'am.

18 Q All right.

19 A Them papers was signed when I -- a year
20 later when I got moved to population.

21 Q Okay. So, you wrote it at some point
22 while you were still segregated because of your age?

23 A No, I wrote it in population.

24 Q You wrote it in population?

25 A Yes, ma'am.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q Okay. And you don't know why you did
2 that?
3 A No, ma'am.
4 Q So, the crowbar is what was used to punch
5 out the window; is that right?
6 A Yes, ma'am.
7 Q Okay. And then reached through and undid
8 the locks so that the window could be pushed up; is
9 that right?
10 A Yes, ma'am.
11 Q Okay. And how did you get from the ground
12 into the window?
13 A I hopped. I hopped.
14 Q You hopped?
15 A And I pulled myself through the window.
16 Q Okay. Is it fair to say that that window
17 is -- the house is built on a slope or plane; is
18 that right?
19 A Yes, ma'am.
20 Q So there are parts of that window that are
21 closer to the ground than others; is that right?
22 A Yes, ma'am.
23 Q Okay. So which end of the window did you
24 use to hop up?
25 A I just crawled in through right at the

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 middle.

2 Q Right at the middle. Okay.

3 I'm showing you what is marked as
4 State's Exhibit 4. So you are saying that you
5 hopped up in the window right here in the middle?

6 A Yes, right around there, yes, ma'am.

7 Q Okay. And you are sure about that?

8 A Yes, ma'am.

9 Q Okay. You said that you had started doing
10 methamphetamine only a couple of months before this
11 incident. When did you start using Xanaxes?

12 A I have always used Xanaxes.

13 Q I am sorry?

14 A I have used Xanax since I was about 14
15 years old.

16 Q Okay. What about marijuana?

17 A I have smoked marijuana my whole life
18 basically.

19 Q Your whole life?

20 A About, since middle school, since the
21 start of middle school.

22 Q Okay. So when you were like 12 or so?

23 A Yes, sir. Yes, ma'am, I meant. My bad.

24 Q I understand. And you were 17 when this
25 incident happened, right?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A Yes, ma'am.

2 Q Okay. And so, the reason why you took
3 everything to the pipes is so you could hide
4 evidence?

5 A Yes, ma'am.

6 Q Okay. You never took your hat off? Is
7 that a no?

8 A No, I did not.

9 Q Okay. And you had -- you stayed at the
10 compound when you say that Decota and Lisa left;
11 right?

12 A Yes, ma'am.

13 Q Okay. And how long did you stay at the
14 compound?

15 A Until, until they come and picked me up.

16 Q Until who came and picked you up?

17 A Barry Owens.

18 Q Okay. So, until the deputy came and
19 picked you up. So, was that like -- it was on into
20 the evening following the incident; right?

21 A Yes, ma'am.

22 Q All right. And you said that you had
23 actually fallen sleep at the compound?

24 A Yes, ma'am.

25 Q All right. So do you remember when you

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 called to try and get a message to Casey Bowling to
2 try and talk to him about the issue?

3 A Not really, ma'am.

4 Q Okay. But was it like in the morning, the
5 afternoon?

6 A I think that it was in the afternoon.

7 Q Okay. So like after lunchtime?

8 A Yes, ma'am.

9 Q So, what were y'all doing between, you
10 know, I guess you say that it was like daytime, so
11 basically what were you doing from -- after you
12 dropped the stuff in the pipes and went back to the
13 compound, I mean, what did -- you just stayed and
14 used more drugs?

15 A Yes, ma'am.

16 Q After they left?

17 A Yes, ma'am.

18 Q Okay. Did you fall sleep at all before
19 you called law enforcement?

20 A No, ma'am.

21 Q All right. So you fell sleep afterwards
22 in the afternoon?

23 A Yes, ma'am.

24 Q Okay. How many drugs -- how much drugs
25 did you do while you were at the compound with this

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 unnamed woman?

2 A A couple grams of meth.

3 Q A couple grams of meth. How many Xanax?

4 A Probably about five.

5 Q Five Xanax. And how much weed did you
6 smoke?

7 A A couple of blunts.

8 Q A couple of blunts. How were you
9 functioning? How were you able to put one foot in
10 front of the other at that point?

11 A I don't know.

12 Q How are you getting your drugs?

13 A Everybody.

14 Q From everybody, so everybody just sort of
15 brings a stash and shares?

16 A Yes, ma'am.

17 Q And the money that your mom is giving you
18 to sustain on, what are you using that for?

19 A To buy drugs, buy food, cigarettes.

20 Q How much money are you getting from your
21 mom on a regular basis?

22 A Whenever I asked for it.

23 Q Okay. And how much would she give you at
24 a time?

25 A \$20, \$50.

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 Q \$20 or \$50, and you are buying
2 methamphetamine, Xanax, marijuana, food, and
3 cigarettes on \$20 at a time?

4 A I really didn't have to buy drugs.

5 Q You didn't have to buy drugs.

6 A There was always drugs --

7 Q They were always given to you?

8 A Yes, there is always drugs at the
9 compound.

10 Q Okay. This is where Steve -- and Steve
11 Broach owns this drug den?

12 A Yes, ma'am.

13 Q Okay. And you only knew that somebody was
14 looking for you or what the name of -- let me strike
15 that and start over again. You only knew the name
16 of the lady once you saw it on the news; is that
17 correct?

18 A Yes, ma'am.

19 Q All right. Had you -- did you know at
20 that point that the police were looking for you when
21 you saw the news?

22 A Yes, ma'am.

23 Q All right. And you think that they were
24 able to figure out who you were because of the
25 fingerprints that you left on the window sill?

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 A No, ma'am.

2 Q All right. How do you think that they
3 knew who you were?

4 A Because I called the Sheriff's Department
5 and Casey knew my voice.

6 Q So then you lied to Decota telling him
7 that that is how you thought that they found you?

8 A Yes, ma'am.

9 Q Okay.

10 A Why would I tell somebody -- my thing is,
11 why would I tell somebody that just killed some
12 woman how they identified us?

13 Q I don't know, you tell me, you are the one
14 that did it.

15 A That is why I lied to him.

16 Q Okay. And that is why you lied to the
17 police more than once, and that is why you even
18 changed your story on the witness stand today?

19 A Yes, ma'am.

20 Q Okay.

21 MS. HODGES: Beg the Court's indulgence
22 one moment.

23 (Pause.)

24 BY MS. HODGES:

25 Q The soup kitchen is only open between

CROSS EXAMINATION OF HUNTER LEE HUNNICUT BY MS.
HODGES

1 10:30 and 1:30; isn't that right?

2 A Say what now?

3 Q The soup kitchen is only open from like
4 10:30 to 1:30; is that right?

5 A Yes, ma'am.

6 Q Okay. So, was it like closer to 1:30,
7 closer to 10:30 when y'all were there, or somewhere
8 in the middle?

9 A Somewhere in the middle.

10 Q All right. And are you familiar with
11 somebody named Leslie Wilson?

12 A Who?

13 Q Leslie Wilson.

14 A No, ma'am.

15 Q You don't know that name. Okay.

16 Who all was in the car with you when
17 Lisa picked you up?

18 A Lisa, me, and Decota.

19 Q So just the three of you?

20 A Yes, ma'am.

21 Q Y'all didn't stop and pick up this Wilson
22 lady somewhere along the way?

23 A Yeah, we picked up her.

24 Q So you do know her?

25 A I don't know her though, I do not know

REDIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDEMIRE

1 her. But we did pick up some woman, yes.

2 Q So, the woman that y'all picked up was the
3 same woman that was still hanging out at the
4 compound whose name you didn't know?

5 A Yes, ma'am.

6 Q Okay. Was Eddie McJunkin in that car at
7 any time?

8 A Eddie -- no.

9 Q No. Do you know who he is?

10 A Yes, ma'am.

11 MS. HODGES: Okay. That is all I have,
12 Your Honor.

13 THE COURT: Redirect?

14 MR. STOUDEMIRE: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. STOUDEMIRE:

17 Q Mr. Hunnicut, you talked a lot about
18 inconsistencies in your statement on cross
19 examination. In your first statement, did you say
20 that Decota Brown shot his grandmother?

21 A Yes, ma'am. I mean yes, sir.

22 Q That is all right. In your second
23 statement to Captain Bowling, did you say that
24 Decota Brown shot his grandmother?

25 A Yes, sir.

REDIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 Q Today on the stand, are you saying that
2 Decota Brown shot his grandmother?

3 A Yes, sir.

4 Q In your first statement, did you say that
5 Decota Brown helped you burglarize a home?

6 A I can't remember that first statement,
7 sir, so I can't tell you.

8 Q Okay. Did he go into the home with you in
9 that first statement?

10 A Yes, ma'am. Yes, sir.

11 Q Did y'all have permission to be in that
12 home in the first statement?

13 A No, sir. No, sir.

14 Q Okay. What about the second statement?

15 A Yes, sir.

16 Q Okay. Same thing?

17 A Yes, sir.

18 Q And today, are you saying the same thing?

19 A Yes, sir.

20 Q All right. Now, you had been doing drugs
21 for how many days straight before this happened?

22 A Probably about five. I mean, I never
23 really stopped using drugs.

24 Q And does methamphetamine keep you awake or
25 help you go to sleep?

REDIRECT EXAMINATION OF HUNTER LEE HUNNICUT BY MR.
STOUDÉMIRE

1 A Yes, sir. It keeps you awake.

2 Q All right. So, for -- is it fair to say
3 for several days you had been doing methamphetamine?

4 A Yes, sir.

5 Q And during all of these days of doing
6 methamphetamine, did you look at a watch?

7 A Not really, sir.

8 Q Did you look at a calendar?

9 A No, sir.

10 Q Did you keep up with the days of the week?

11 A No, sir.

12 Q Did you have a schedule somewhere that you
13 were keeping to?

14 A No.

15 Q Did you keep track of time other than
16 daylight or nighttime?

17 A No, sir.

18 MR. STOUDEMIRE: May we approach, Your
19 Honor, briefly?

20 THE COURT: Yes, sir.

21 (Off-the-record discussion held.)

22 MR. STOUDEMIRE: That is all of the
23 questions that I have for you, Mr. Hunnicut.

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

25 (Witness exits the witness stand.)

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUEMIRE

1 is just a live testimony that she's doing that
2 is virtual. And they have consented to it. Is
3 that correct, from the state?

4 MR. ALDERMAN: That's correct.

5 THE COURT: From the defendant?

6 MS. HODGES: That's correct.

7 THE COURT: If you could, at this time, if
8 you could state your name for the record?

9 THE WITNESS: Hillary Rapson.

10 THE COURT: Can everybody hear that?

11 (Jurors nod in the affirmative.)

12 Thereupon,

13 HILLARY RAPSON

14 was called virtually as a witness, having been first
15 duly sworn by the Court, was examined and testified
16 as follows:

17 THE COURT: All right. Mr. Stoudemire,
18 you may proceed.

19 DIRECT EXAMINATION

20 BY MR. STOUEMIRE:

21 Q Ms. Rapson, who are you employed with?

22 A T-Mobile.

23 Q And is T-Mobile, does -- y'all either
24 absorbed or merged with Sprint recently; is that
25 correct?

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUDEMIRE

1 A Correct.

2 Q So, is that fair to say that you represent
3 both T-Mobile and Sprint for our purposes?

4 A Yes.

5 Q And as part of T-Mobile's business, do
6 they regularly keep records of cell phone
7 subscribers?

8 A Yes.

9 Q Okay. And what type of records are kept?

10 A For a subscriber, it would be the name,
11 the address, and then the account information, like
12 account number, their Social. And it also depends
13 on whether it is a postpaid or a prepaid. So, with
14 a prepaid service, we don't verify information.
15 Postpaid means that they pay a monthly bill, and we
16 verify their information by ID.

17 Q And also, in the regular course of doing
18 business as T-Mobile, do you keep call logs and
19 records of that sort with regard to the phone
20 numbers that you have?

21 A Yes.

22 Q Okay. How far back do those records go,
23 generally?

24 A For the incoming and outgoing calls and
25 texts, it would be two years.

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUDEMIRE

1 Q Okay. So, if someone were to send you,
2 say, a subpoena or a request for records and give
3 you a date range, would you be able to provide
4 records within that date range, as long as it was
5 within that two-year period?

6 A Correct. It would be within the two years
7 of the date we received the legal demand.

8 Q Okay. And did you receive such a subpoena
9 or legal demand from this particular case?

10 A Yes.

11 Q Can you tell me what phone number you
12 received that for?

13 A One second. We received two separate
14 subpoenas for two separate phone numbers.

15 Q Okay.

16 A The first was 864-722-4390. And then the
17 second was 864-784-9888.

18 Q 9888?

19 A Correct.

20 Q Okay. And what was the date range
21 requested for the records?

22 A Let's see. For the number ending in 4390,
23 the date range was March 7th, 2019 to March 8th,
24 2019.

25 Q All right.

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUDEMIRE

1 A And then for the number ending in 9888,
2 the date range was March 1st, 2019 to March 28th,
3 2019.

4 Q Okay. And on either of the subpoenas that
5 you received for these phone numbers, were there
6 subscribers' names included on that subpoena?

7 A Let me see. Technical error on my side.

8 Okay. For the number ending in 9888,
9 the subscriber was listed as a Jackie Bragg.

10 Q Okay. And what about the number ending in
11 4390?

12 A And that one was listed to a James
13 Mitchell.

14 Q James Mitchell, okay. And were you able
15 to furnish records for the subpoenas?

16 A Yes.

17 Q Okay. And who were you sending -- who
18 were you asked to furnish the records by?

19 A The Seneca Police Department.

20 Q Okay. And what type of records were being
21 requested?

22 A It looks like for the 4390 number it was
23 subscriber information and call detail with cell
24 sites, which would be the towers that the calls hit
25 off of.

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUDEMIRE

1 Q Okay.

2 A And then for the 9888 number it was also
3 subscriber information CDR with cell site. And then
4 this one also requested IPDR, which would be your
5 data records with cell site, and PCMD records.

6 Q Okay. What does CDR record mean?

7 A That is call detail records. So, those
8 would be your incoming and outgoing calls, and then
9 showing of texts that were sent and received, but
10 not the content of texts.

11 Q Okay. And what were the other things that
12 you mentioned?

13 A IPDR, which are your data records. So
14 that would be the data accessed by the phone. And
15 then PCMD, which is per call measurement data. And
16 those are usually records that we provide upon
17 request that is for accuracy or finding -- similar
18 to the cell sites, or the location of where that
19 phone call is at.

20 Q Okay. And all of the records that you
21 were asked to provide, are those records that
22 T-Mobile keeps in the normal course of doing
23 business?

24 A Yes.

25 Q And are those records that you can provide

DIRECT EXAMINATION OF HILLARY RAPSON BY MR.
STOUDÉMIRE

1 upon request in the normal course of doing business?

2 A Yes.

3 Q And would you consider responding to a
4 subpoena in this fashion part of your normal course
5 of doing business?

6 A Yes.

7 Q All right. And where -- you said that you
8 were asked to furnish these two to Seneca Police
9 Department. Were you, in fact, able to furnish the
10 records requested to the Seneca Police Department?

11 A Yes.

12 Q Okay. And when were those -- when were
13 those records sent to Seneca PD?

14 A The number ending in 4390 were sent on
15 March 30th, 2019 by email. And then the records for
16 the 9888 number were sent on April 4th, 2019 by mail
17 to the police department.

18 Q By mail. So, were they printed out, or
19 were they in another form, format; do you know?

20 A Usually when we send them out, you would
21 have your cover letter in paper format and then all
22 of the records would be on a CD.

23 Q Okay. And then so you would put the CD in
24 the computer and then extract the information from
25 the CD?

CROSS EXAMINATION OF HILLARY RAPSON BY MS. HODGES

1 A Correct.

2 Q Okay. And with the email, would there be
3 either a link or a document included in the email
4 that would have the records attached to it?

5 A They would be the documents. It would be
6 an Excel or Word document, pdf sometimes, depending
7 on the record.

8 Q All right. Thank you. All right. Thank
9 you for your patience today. Sorry about the
10 difficulty in setting it up. That is all of the
11 questions that I have for you. Please answer any
12 that opposing counsel may have. Thank you.

13 THE COURT: Ms. Hodges.

14 CROSS EXAMINATION

15 BY MS. HODGES:

16 Q Ms. Rapson, are you able to hear me?

17 A Yes.

18 Q My name is Kathleen Hodges and I actually
19 represent the defendant in this case. The records
20 that I'm going to focus on the records ending in
21 9888.

22 A Okay.

23 Q You had mentioned that -- and I want to
24 make sure that I got the initials right. It is
25 IPBR, as in boy, or D as in data?

CROSS EXAMINATION OF HILLARY RAPSON BY MS. HODGES

1 A D as in data.

2 Q So it is IPDR?

3 A Correct.

4 Q Okay. And those data records, could you
5 give me an example of what you mean by data access?

6 A Any time that they are accessing like
7 Facebook on their phone or the Internet, it has the
8 start and stop time of when they accessed that data
9 on their phone.

10 Q Does that information also include the
11 actual content of what they accessed on Facebook or
12 via the Internet?

13 A No.

14 Q And the call data record that is basically
15 information based on like a phone pinging off of a
16 cell tower site; is that correct?

17 A Correct.

18 Q Does that involve any sort of GPS location
19 data?

20 A No, it is just the location of the tower
21 they used, and so you would find the phone in a
22 general vicinity to that tower based on the record.

23 Q Do you have, within your expertise, any
24 additional information in terms of the accuracy of
25 the actual general data locations, in terms of like

CROSS EXAMINATION OF HILLARY RAPSON BY MS. HODGES

1 how accurate it is that a particular cell phone was
2 within 5 miles of that cell tower?

3 A I don't have -- I'm not an expert. That
4 would be an engineer's job. They would know like
5 specific, how accurate it is within a certain
6 degree. Usually we say on average it is up to 2
7 miles.

8 Q Okay. And you had also said that the
9 PCMD, the per call measurement data, that is similar
10 to the location data based on cell sites; is that
11 right?

12 A Correct.

13 Q So that doesn't also involve like any
14 actual GPS coordinates or anything like that?

15 A Just of the towers as well.

16 Q All right. And all -- so, to your
17 knowledge, all that was asked of T-Mobile and Sprint
18 was to basically provide the data to the Seneca
19 Police Department, no additional analysis was
20 requested; is that right?

21 A Correct.

22 Q All right. I ask you to bear with me just
23 one moment.

24 A Sure.

25 (Pause.)

DIRECT EXAMINATION OF FRED POWELL BY MR. STOUDEMIRE

1 MS. HODGES: All right. Ms. Rapson, thank
2 you, that is all that I have.

3 THE COURT: Any redirect?

4 MR. STOUDEMIRE: None, Your Honor.

5 THE COURT: All right. Thank you, Ms.
6 Rapson, for your patience. At this time, you
7 are free to go.

8 THE WITNESS: Thank you.

9 THE COURT: Is this the next one, Fred
10 Powell?

11 MR. STOUDEMIRE: Yes, Judge, it is.

12 THE COURT: Mr. Powell, can you hear us?

13 THE WITNESS: Yes.

14 THE COURT: Can you turn your video on?

15 THE WITNESS: Yes.

16 THE COURT: This is your next witness?

17 MR. STOUDEMIRE: Yes, it is.

18 THE COURT: Calling who?

19 MR. STOUDEMIRE: We are calling Fred
20 Powell with Verizon.

21 THE COURT: All right. Can you state your
22 name for the record?

23 THE WITNESS: Fred Powell.

24 Thereupon,

25 FRED POWELL

DIRECT EXAMINATION OF FRED POWELL BY MR. STOUDEMIRE

1 was called virtually as a witness, having been first
2 duly sworn, was examined and testified as follows:

3 THE COURT: And I will let you know that
4 you are on video in the courtroom here in
5 Oconee County and we have the jury observing
6 this as well.

7 So, Mr. Stoudemire, you may proceed with
8 your questions.

9 MR. STOUDEMIRE: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. STOUDEMIRE:

12 Q Mr. Powell, are you employed with Verizon?

13 A Yes, sir.

14 Q All right. And as part of working with
15 Verizon, do y'all keep records of subscribers in the
16 regular course of doing business?

17 A Yes, we do.

18 Q Okay. If you were furnished with a
19 subpoena or an official request for records with a
20 phone number and a name attached to that, would you
21 be able to provide certain records pursuant to that
22 request?

23 A Yes, we would.

24 Q All right. What type of records would you
25 be able to provide?

DIRECT EXAMINATION OF FRED POWELL BY MR. STOUDEMIRE

1 A Well, whatever the subpoena asks for. But
2 to give you a general idea, call detail records,
3 text messaging, data sessions, a person used their
4 phone to use the Internet. We also provide cell
5 site information, meaning the addresses of cell
6 sites, text messaging content if it's available.

7 Q All right. And did you receive subpoenas
8 in this particular case for cell phone records of a
9 Lisa Broach and Steve Broach, or Steven Broach?

10 A Yes.

11 Q All right. And can you tell me which
12 phone numbers those requests were related to?

13 A Well, I have 864-533-0085 and
14 864-533-0087.

15 Q Okay. And are those phone numbers that
16 are associated with Lisa Broach and Steve Broach?

17 A Well, according to our records I have both
18 numbers are associated with Lisa Broach.

19 Q Okay. Thank you. So, two numbers under
20 her name?

21 A Yes, sir.

22 Q Okay. And what records were you asked to
23 provide?

24 A Cell site information, location
25 information, incoming and outgoing calls, IT

DIRECT EXAMINATION OF FRED POWELL BY MR. STOUDEMIRE

1 sessions, device ID, text messaging, photos, RTT
2 records, and subscriber information.

3 Q All right. And when did you receive that
4 request?

5 A That was -- bear with me a second -- the
6 20th of March, 2019.

7 Q And is there a date range associated with
8 those requests?

9 A Yes, sir. March 1st, 2019 to March 28th,
10 2019.

11 Q Thank you. And were you able to provide
12 records to the Seneca Police Department pursuant to
13 that March 20th request?

14 A Yes, sir.

15 Q All right. And the records that you
16 provided, that I think that you detailed before what
17 was asked for, are those records that Verizon keeps
18 in the normal course of doing business?

19 A Yes.

20 Q And responding to a subpoena of this type
21 or another request of this type, is responding to
22 these requests something that Verizon would consider
23 the normal course of doing business?

24 A Yes, sir.

25 Q Okay. Where were these -- where was the

DIRECT EXAMINATION OF FRED POWELL BY MR. STOUDEMIRE

1 information sent to regarding these requests?

2 A An Officer Amber Watts, Seneca Police
3 Department.

4 Q Okay. Was it furnished in writing, by
5 email?

6 A It would have been sent by disc through
7 the mail.

8 Q Okay. And the disc, obviously, you would
9 put that in a PC or computer and be able to open
10 that, and then the records would be available on
11 that disc; is that fair to say?

12 A That is true, yes.

13 Q All right. And can you tell me when that
14 request was responded to by Verizon?

15 A Unfortunately, I don't. Let me look.
16 Hold on. Yes, we do. April 11th, 2019.

17 Q Okay. And you said those were sent by
18 mail in the form of discs; is that correct?

19 A That's correct.

20 Q Could they have possibly been sent by
21 email or another format?

22 A They could have been, but customarily we
23 send them through mail to the court.

24 Q Okay. But it is possible that it could be
25 sent by email with an attachment?

CROSS EXAMINATION OF FRED POWELL BY MS. HODGES

1 A Could be, yes.

2 Q Okay. All right. And if it was by email,
3 that email would have gone to Amber Watts with the
4 Seneca Police Department?

5 THE COURT: Mr. Powell, can you hear us?

6 (Video interference.)

7 BY MR. STOUDEMIRE:

8 Q And Mr. Powell, I think that the last
9 question I had for you -- I don't know if you quite
10 got it -- is, if these requests were responded to by
11 email, would that be to the Amber Watts individual
12 that you spoke -- that you named earlier?

13 A Yes.

14 Q Okay. And just one last question. Do
15 y'all really have the best 5G coverage available?

16 A Absolutely.

17 MR. STOUDEMIRE: Thank you. Please answer
18 any questions that Ms. Hodges may have.

19 CROSS EXAMINATION

20 BY MS. HODGES:

21 Q Good afternoon, Mr. Powell. I am Kathleen
22 Hodges. Are you able to hear me, sir?

23 A Yes, I am.

24 Q All right. The information that was sent,
25 or I guess that was requested, I have received most

CROSS EXAMINATION OF FRED POWELL BY MS. HODGES

1 of them but I think that there was an acronym or
2 something in there that started with an R?

3 A TT.

4 Q RTT. Can you tell us what that is,
5 please?

6 A It tells the round trip tool. What it
7 does is it measures the time that it takes for a
8 signal to go from a phone to a tower and back to the
9 phone.

10 Q And all of the data that, in terms of --
11 that was provided is based on cell phone sites that
12 the phones are essentially pinging off of as opposed
13 to any sort of GPS coordinates; is that correct?

14 A That's correct.

15 Q So, the location data that you mentioned
16 is basically, essentially where the phone is in
17 relationship, allegedly, to the cell phone tower?

18 A Yes.

19 Q Okay. And do you actually have a record,
20 a specific record of how the records in this
21 particular case were sent to the Seneca Police
22 Department?

23 A I don't. I didn't check that, no. I
24 wouldn't be able to answer that.

25 Q All right. Do you have that available to

CROSS EXAMINATION OF FRED POWELL BY MS. HODGES

1 you?

2 A Let me look. There's nothing in these
3 records that tell how they were sent.

4 Q All right. Thank you, sir.

5 THE COURT: Any redirect?

6 MR. STOUDEMIRE: None, Your Honor, thank
7 you.

8 THE COURT: Thank you, Mr. Powell. You
9 can step down.

10 THE WITNESS: Thank you very much.

11 THE COURT: Take care. That is it?

12 MR. STOUDEMIRE: That is it.

13 THE COURT: And, ladies and gentlemen, I
14 will let y'all know that during COVID this was
15 how -- and mostly on the civil side, criminal,
16 on the general sessions side, which is the
17 criminal side of court, we used this a little
18 bit. But on the civil side, this was everyday.
19 We had hearings everyday using these systems
20 right here so that we could keep going and keep
21 having hearings. Not, of course, jury trials.
22 But we used this a lot during the pandemic, so
23 it allowed us to kind of keep things moving.
24 And we kind of got used to it.

25 I just wanted to let y'all know that. All

DIRECT EXAMINATION OF SARAH HOWARD BY MR. ALDERMAN

1 right. It is 15 after 4:00, I'm sure that
2 y'all have a witness that y'all can add in
3 there.

4 And if anyone needs to stretch.

5 MR. ALDERMAN: Judge, we do have another
6 witness. We call Sarah Howard to the stand.

7 THE COURT: All right.

8 Thereupon,

9 SARAH HOWARD

10 was called as a witness, having been first duly
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ALDERMAN:

14 Q Ms. Howard, how are you today?

15 A I am doing well.

16 Q Thank you very much for being here. Could
17 you tell me where you live?

18 A I live in Cumming, Georgia.

19 Q Okay. Can you tell me where you lived in
20 March 2019?

21 A [REDACTED] Maple Avenue, Seneca.

22 Q Did you know or know of the Brown family
23 at [REDACTED] Maple Avenue?

24 A I did. I did.

25 Q How did you know them?

DIRECT EXAMINATION OF SARAH HOWARD BY MR. ALDERMAN

1 A The two older boys helped me in the yard
2 with a lot of my yard work.

3 Q Was one of those older boys Decota?

4 A Yes.

5 Q Now, on the afternoon of March 7th of 2019
6 when Ms. Geraldine was shot, did you see anyone at
7 the Brown's house that afternoon?

8 A I saw them -- they had to have left the
9 house. They came across the back of my lot and up
10 the power easement going towards the dirt road up
11 there.

12 Q When you say "dirt road," is this sort of
13 a trail in the woods behind the house?

14 A No, it was partially paved at one time. I
15 think that they were going to build and didn't do
16 it.

17 Q Okay. So, would this be -- well, let me
18 ask you this. Were you the Brown's next door
19 neighbor?

20 A Yes.

21 Q Next door and on the same side of the
22 road?

23 A Uh-huh. (Indicating affirmatively.)

24 Q And behind both of your houses, was it
25 developed or did it run into the woods?

CROSS EXAMINATION OF SARAH HOWARD BY MR. HODGES

1 A It was a power easement that then turned
2 into woods on the other side.

3 Q So a clearing with power lines and then
4 woods behind that?

5 A (Nods in the affirmative).

6 Q Now, you said that you saw "them" running
7 from the house, across the easement and towards the
8 road, the dirt road?

9 A Right.

10 Q All right. And who was "them"?

11 A Them was -- the stockier one I took to be
12 Decota. I didn't see his face. But from his build
13 and the clothes that he had on I recognized. The
14 other one I didn't know.

15 Q Was the other one shorter than the one
16 that you perceived to be Decota?

17 A Maybe a little shorter, but he was
18 slimmer.

19 MR. ALDERMAN: Okay. Ma'am, that is all
20 that I have to ask you. Thank you. Please
21 answer any questions that Ms. Hodges may have.

22 CROSS EXAMINATION

23 BY MS. HODGES:

24 Q Good afternoon, Ms. Howard. How are you
25 doing today?

CROSS EXAMINATION OF SARAH HOWARD BY MR. HODGES

1 A Very well, thank you.

2 Q I noticed in your statement that you gave
3 to the police department back when they interviewed
4 you in March of 2019, that you used Sarah Brown
5 Howard; is that correct?

6 A Yes.

7 Q Are you related at all to the Browns that
8 lived next door to you?

9 A No, not at all.

10 Q Kind of like Johnsons, there is a lot of
11 them in the same town?

12 A Or Smith.

13 Q All right. Were you able to determine
14 any -- well, you were not able to see the face of
15 the stockier boy that you saw running across the
16 yard; is that correct?

17 A No, I just saw him from the rear.

18 Q All right. So, you think that it was
19 Decota, but you are not absolutely sure; are you?

20 A If you ask me if it was him, I would say
21 yes.

22 Q Okay. But you didn't tell the police that
23 back in March of 2019, did you?

24 A They didn't ask me.

25 Q Okay. So, the police didn't ask you if

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 you knew who the boys were that ran across your
2 yard?

3 A No.

4 Q Okay. Thank you, ma'am.

5 THE COURT: Any redirect?

6 MR. ALDERMAN: No, Your Honor.

7 THE COURT: All right. Thank you, Ms.

8 Howard. You may step down. Thank you.

9 MR. ALDERMAN: Judge, we have one more
10 relatively short witness if you would like us
11 to proceed.

12 THE COURT: Everybody good? Yeah?

13 MR. ALDERMAN: Judge, at this time the
14 state would call Mr. David Field.

15 Thereupon,

16 DAVID FIELD

17 was called as a witness, having been first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ALDERMAN:

21 Q Mr. Field, how are you?

22 A I'm doing well.

23 Q Where are you employed?

24 A I am self-employed.

25 Q What do you do?

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 A I'm a property manager.

2 THE COURT: Get him to state his full name
3 for the record.

4 Q Mr. Field, if you would state your full
5 name for the record and spell your last name.

6 A David Craig Field, F-I-E-L-D.

7 Q And I am sorry, you were saying what you
8 do for a living?

9 A I am a property manager.

10 Q Where do you live?

11 A I live at [REDACTED] Maple Avenue.

12 Q Okay. How long have you lived there?

13 A Eighteen years.

14 Q Are you familiar, then, with the Brown
15 family?

16 A I know them, you know, from just coming
17 and going in the neighborhood. I have -- we have
18 never actually had interaction with each other.

19 Q But do you know them to be your neighbors?

20 A Yes, sir.

21 Q Okay. You recognize individuals as living
22 in that home or coming and going from that home?

23 A Yes, sir. Yes, sir.

24 Q Okay. Where is your house relative to
25 theirs?

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 A I would be three houses down on the other
2 side of the street from them.

3 Q All right. Is there a change in elevation
4 from their house to yours that is significant?

5 A Well, there is a creek that runs through
6 the neighborhood and their house is on the creek and
7 I'm across the street from the house on the creek,
8 so, yeah, there is kind of a bottom there.

9 Q Would you say that your house sits higher
10 than theirs?

11 A Yes, maybe slightly.

12 Q Okay. Do you remember the afternoon of
13 March 7th, 2019?

14 A Yes, sir, I do.

15 Q All right. Did you work that day?

16 A I did.

17 Q Do you know approximately what time you
18 came home?

19 A I came home between 5:15 and 5:30.

20 Q Okay. And when you drove into the
21 neighborhood, did you notice anybody that stood out
22 to you, that caught your eye?

23 A Yes, sir, there was a young man standing
24 on a road behind some bushes a couple of houses up
25 the hill from the Brown family.

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 Q So, closer to the four-way intersection
2 where you come in?

3 A Exactly. At the intersection of Willow
4 Creek Circle and Maple Avenue.

5 Q So I have`a really awkward and clunky map
6 to show you.

7 A Okay.

8 Q And I'm going to hold it here, if I could
9 get your help and have you hold that end.

10 A Okay.

11 Q And maybe turn it a little bit so that the
12 jury can see it.

13 A All right.

14 Q And can you show me where you saw this
15 individual?

16 A He was -- he was approximately here at
17 these bushes looking down the hill, down this way.

18 Q Okay. And this other house that you
19 pointed to, which house is that?

20 A This house would be the Browns' family's
21 house.

22 Q All right. And can you point to your
23 house on that map?

24 A This is my house. (pointing)

25 Q All right. And do you have a clear line

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 of site from your house to their house?

2 A Yes, sir, I can see -- I can see the side
3 of their house and their backyard from my driveway
4 to up the hill here where the trees start.

5 Q All right. Thank you.

6 A Yes, sir.

7 Q So you are pulling in and you see this
8 individual standing at that corner up high before
9 you drop in past the Browns' house and the drive to
10 yours?

11 A Yes, sir.

12 Q When you got home, what did you do?

13 A I went in and saw my wife, you know,
14 probably had a glass of water, talked about the day,
15 and then took our Pomeranian out for a walk.

16 Q Okay. And where would you then walk him?

17 A I generally walk off the porch, take a
18 slight left and then up the hill. I have some
19 shrubs and some blueberry plants and stuff up that
20 way, I like to walk around and check them out, and
21 then down to the mailbox and back into the home on
22 the driveway.

23 Q While you were doing that, did you happen
24 to look from your yard where you were standing down
25 to the Brown house?

DIRECT EXAMINATION OF DAVID FIELD BY MR. ALDERMAN

1 A Yes, sir, I did. At that point in time I
2 saw two individuals in the backyard on the power
3 line right-of-way, which was kind of grown up at the
4 time. It's been cleared off since then. And they
5 were kind of fidgeting around in some taller brush
6 there.

7 Q All right. You said two individuals. Did
8 you recognize one of those individuals to be a
9 fellow that you saw when you first pulled in?

10 A Yes, sir, I did.

11 Q Okay. And the other individual, did you
12 recognize him?

13 A Yes, sir, I could tell that it was one of
14 the people that resides at the home.

15 Q Okay. One of the people that resides at
16 the home. As you sit here today and one of the
17 people who used to reside in the home is sitting
18 right there, can you tell me if that is him?

19 A That is him.

20 MS. HODGES: Judge, I object to the
21 identification as being leading and improper.

22 THE COURT: I am going to allow it.
23 Overruled.

24 MR. ALDERMAN: No further questions,
25 Judge.

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 THE COURT: Cross-examination.

2 MS. HODGES: Thank you.

3 CROSS EXAMINATION

4 BY MS. HODGES:

5 Q Mr. Field, at what point did you know --
6 did you learn of the incident that occurred at the
7 Browns' home?

8 A When we had -- when we had, you know, I
9 don't know, 50 police cars out in the yard.

10 Q Do you remember about what time it was
11 that those police cars started showing up?

12 A It would have been, you know, around dark,
13 so 6:30 to 7:00.

14 Q Okay. Do you remember whether you saw EMS
15 arrive prior to the police officers or the police
16 cars?

17 A No, ma'am, I don't. I don't remember who
18 showed up first. I went back in the house, we had
19 dinner, I watched the news, came out and there are,
20 you know, blue lights and a bunch of people out
21 there.

22 Q Got you. And that is pretty much going to
23 be noticeable to anybody?

24 A Yes, sir. Yes, ma'am. Yes, ma'am.

25 Q Okay. At the time that you gave a

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 statement, I believe you actually gave it to
2 Investigator Watts that evening; is that correct?

3 A Yes, ma'am.

4 Q Okay. And did she write the statement for
5 you?

6 A She did.

7 Q And the statement was, you said that you
8 saw two people, the one gentleman that you seen kind
9 of standing at the top of the hill when you came
10 home, and then there is a second person. But you
11 didn't identify the person in the yard at that time,
12 did you?

13 A I don't recall that.

14 Q If I showed you a copy of your statement,
15 would that help refresh your recollection?

16 A That would be fine.

17 Q Okay. I am going to hand you what I
18 believe to be the statement that you gave to
19 Investigator Watts.

20 A Okay.

21 Q I'll let you look at that. Yep, that is
22 it. In that statement you don't actually mention
23 the fact that you recognized one of the gentleman
24 that you saw in the yard?

25 A Well, that is because I didn't take him as

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 being out of place at that point in time.

2 Q In fact you thought they were playing like
3 hide and seek in the woods at that time?

4 A Something in that nature, yes, ma'am.

5 Q And so you actually saw these people while
6 you are actually out walking your dog?

7 A Correct.

8 Q Okay. All right. And you mentioned that
9 you didn't call another neighbor -- I guess it is
10 another neighbor, you mentioned a Thomas Glenn,
11 about you didn't call Thomas Glenn about seeing
12 people near his property, right?

13 A No, ma'am, I didn't do that.

14 Q Because at that point you felt that they
15 were actually, legitimately in that yard?

16 A I am a property owner as well as a
17 property manager, and I know all of the property
18 lines and boundaries in the neighborhood. I have
19 lived in Seneca all of my life. And I know Thomas
20 Glenn and I recognize that the right-of-way for the
21 power line goes across his property, not other
22 peoples.

23 Q Are you saying that you saw them near the
24 property, near the right-of-way?

25 A They were on the right-of-way.

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 Q On the right-of-way?

2 A Yes.

3 Q All right. And this would -- basically
4 you indicated that it was about 100 feet away from
5 the back of the [REDACTED] house in the tall grass, bush
6 area?

7 A That is pretty close.

8 Q I'm just trying to get some size, because
9 I don't live in that neighborhood.

10 A Well, the right-of-way are the large
11 towers.

12 Q Right.

13 A You know, they are probably 150 feet tall.

14 Q Right.

15 A And most everyone in the last couple of
16 years have cleaned off the right-of-way, but at that
17 point in time there was only, you know, maybe a
18 25-yard strip that had been cut across there. They
19 were working their way up to the power line, up to
20 the power pole, power.

21 Q But it appeared to you that they were
22 actually playing in the yard as opposed to anything
23 that was suspicious at that time that you saw them
24 at that point?

25 A Yes, there was nothing suspicious about

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 it.

2 MS. HODGES: Thank you. Thank you, sir.

3 That is all that I have.

4 THE COURT: Any redirect?

5 MR. ALDERMAN: No, Your Honor.

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

7 All right. Ladies and gentlemen, I think
8 that's the last witness. I think that the next
9 witness would be too long to get started with.
10 We are going to go ahead and break for the
11 evening. Now, we have something that is
12 unrelated to this case scheduled at 9:30 in the
13 morning that is going to take us probably about
14 20 minutes, so I am going to have you come in
15 at 10:00.

16 And just to make sure that we -- I want to
17 make sure that we keep this case going and we
18 get as much testimony as we can tomorrow, so we
19 may take a little bit shorter lunch. And let
20 me know in the morning if anyone has a problem
21 if we maybe go to about 5:30 tomorrow. All
22 right? Because, I would like to get as much
23 testimony in as possible tomorrow.

24 All right. Other than that, okay, here is
25 my four rules that you get every time that you

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 have to take a break. That is, do not discuss
2 the case with each other, with family, friends,
3 anything like that. Do not pay any attention
4 to any media coverage, that is TV, newspaper,
5 social media, anything. Please do not do any
6 kind of investigation on your own, or Google
7 any of the parties, the names, anything like
8 that.

9 And if anybody contacts you other than
10 someone from the clerk's office, please let the
11 bailiffs know. Other than that, y'all have a
12 good evening and we will see you in the morning
13 at 10:00.

14 (The jury exits the courtroom at 4:35
15 p.m.)

16 THE COURT: All right. He can stay in
17 here for the discussion. What are y'all
18 looking at in -- and I don't think -- I think
19 that I mentioned to y'all, I have an SVP
20 probable cause at 9:30 in the morning. At
21 least when we scheduled it we didn't know that
22 we were going to have this. It should only
23 last about 20 minutes. So, do y'all think that
24 y'all are going to be able to get through the
25 testimony tomorrow?

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 MR. ALDERMAN: I think we should, Judge.

2 THE COURT: We may take a short lunch and
3 we may run to 5:30, just because I want to make
4 sure we don't run too much later or into the
5 week next week.

6 MR. ALDERMAN: We realistically will
7 finish testimony, maybe a little late in the
8 day, and then we can close and charge early the
9 next day.

10 THE COURT: That would be great if we
11 could do that. And then they will have the
12 opportunity, of course, to present any
13 testimony that they would like to. We will
14 discuss that at the appropriate time. But that
15 is what I would like to do is shoot for trying
16 to finish this case up as far as the evidence
17 tomorrow. And I think y'all should. It looks
18 like they can go a little bit late, so I think
19 everybody needs to -- I'm not talking about
20 running real late, but I would like to -- if it
21 looks like we are going to be close, we can run
22 it up to like 5:30. All right. See you in the
23 morning.

24 (Trial adjourned for the day.)

25 * * *

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 6-30-2021 PROCEEDINGS

2 MS. HODGES: Judge, may we approach?

3 THE COURT: You may.

4 (Off-the-record discussion held.)

5 THE COURT: Is the state ready?

6 MR. ALDERMAN: Yes, sir.

7 THE COURT: Is the defense ready?

8 MS. HODGES: Yes, sir.

9 THE COURT: All right. We will bring the
10 jury in. Sorry. Yes, make sure that he's in
11 first. Yes, he's good. I wanted to make sure
12 that Mr. Brown was in here. Good morning, Mr.
13 Brown.

14 (The jury enters the courtroom.)

15 THE COURT: Good morning, ladies and
16 gentlemen. I hope that everybody had a good
17 evening. Like I said, we had another matter
18 and we got that the resolved. So, thank you
19 for your patience in that.

20 We are getting ready to -- I mean, the
21 state is still presenting evidence. So we are
22 still in that part of the case. But I needed
23 just to touch base with you. And don't worry,
24 nobody is in trouble on this, but we understand
25 that there may have been an inadvertent

CROSS EXAMINATION OF DAVID FIELD BY MS. HODGES

1 communication, nothing to do with the case,
2 with a possible witness in the case. But I
3 just wanted to make sure if anybody had any
4 communications about anything about this trial
5 or any information, and make sure that
6 everybody can still be fair and impartial.
7 Like I said, it was just -- it had something to
8 do with a car that was broken down, that is
9 all, just to make sure.

10 So, if you did not have any communications
11 about anything about this trial and you can
12 still be fair and impartial, just please say, I
13 do.

14 (All jurors comply.)

15 THE COURT: All right. Anybody feels like
16 they had any communications that relates in any
17 way to this case, please let me know. So, done
18 that, I just had to check on that. So, no
19 problem there. All right. Anything else from
20 the state, in that regard?

21 MR. ALDERMAN: No, Your Honor.

22 THE COURT: From the defendant, in that
23 regard?

24 MS. HODGES: No, sir.

25 THE COURT: Okay. Mr. Alderman, you may

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 call your next witness.

2 MR. ALDERMAN: Your Honor, at this time
3 the state would call Lisa Broach.

4 Thereupon,

5 LISA BROACH

6 was called as a witness, having been first duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ALDERMAN:

10 Q And could you state your full name for us
11 and spell your last name for the record?

12 A Lisa Broach, B-R-O-A-C-H.

13 Q And where are you employed?

14 A At Hampton Inn in Clemson.

15 Q There is something that I want to get out
16 of the way, just on the front-end; you do have a
17 criminal record, is that correct?

18 A I do.

19 Q Are you the same Lisa Broach that was
20 convicted in forgery '96, and 2003 and 2004?

21 A I am not the same, I have changed a good
22 bit.

23 Q All right. But you were convicted of
24 those at that time?

25 A Yes, sir.

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 Q Okay. How about forgery in 2014?

2 A Yes, sir.

3 Q And neglect 2014?

4 A Yes, sir.

5 Q And Methamphetamine that same year?

6 A Yes, sir.

7 Q And identity fraud, financial identity

8 fraud in 2019?

9 A Yes, sir.

10 Q And nothing at all since then?

11 A No, sir.

12 Q Okay. Where did you live in March of

13 2019?

14 A At [REDACTED] Murphy Drive.

15 Q Okay. Where is the compound?

16 A That is [REDACTED] and [REDACTED] Padgett Street.

17 Q And what was your relationship with the

18 compound?

19 A The guy that lives there is my husband.

20 Q So, you were living somewhere else at the

21 time?

22 A Yes, sir.

23 Q How often would you say that you came to

24 the compound, although you were living somewhere

25 else?

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 A Everyday, every other day.

2 Q Okay. Do you know or did you know Decota
3 Brown?

4 A I do.

5 Q Okay. How do you know him?

6 A I met him at ■ Padgett Street where he
7 was staying with my husband.

8 Q At the compound?

9 A Yes. Well, no, that address is actually
10 down the road from the compound.

11 Q Okay. Clear up for us, if you would, the
12 addresses that make up what is called the compound?

13 A That is ■ and ■.

14 Q Okay.

15 A I mean, I am sorry, yes, ■ and ■. So, 9
16 Padgett is where I met Decota.

17 Q Okay. So, just to clear that up, you met
18 him at 9 and the compound was ■ and ■?

19 A Correct.

20 Q Okay. How long had you known him before
21 the date of the incident?

22 A I don't recall knowing him at all before
23 then.

24 Q Okay.

25 A Oh, before -- I had known him probably

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 just a couple of months.

2 Q Okay. Before March the 7th, 2019?

3 A Yes.

4 Q Okay. Did you ever give him a ride
5 anywhere?

6 A I'm sure that I did.

7 Q Okay. Did you ever know him to have a
8 car?

9 A No, sir.

10 Q So, if he needed a ride, would it have
11 been uncommon for him to ask you for one during that
12 time period that you knew him?

13 A Not at all.

14 Q Okay. Let's fast forward to March 7th of
15 2019, did you receive a call from the defendant that
16 afternoon?

17 A I did.

18 Q Okay. And what was that call about?

19 A Asking me could I pick him up, that
20 everything was fine with him, but he just needed a
21 ride.

22 Q Said everything was fine?

23 A Uh-huh. (Indicating affirmatively.)

24 Q When you spoke to him, did you think that
25 everything was fine?

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 A I didn't.

2 Q Why not?

3 A I could just tell -- I mean, I didn't know
4 what was wrong with him, but I knew that he was
5 upset.

6 Q So, did you pick him up?

7 A I did.

8 Q Where at?

9 A Forgive me. I am not great with names, so
10 I'll just have to give you landmarks. On the
11 road -- I picked him up right below Time Drive In in
12 Seneca.

13 Q When you say "below," do you mean closer
14 to 123 than, say, downtown?

15 A Midway, yeah.

16 Q Or on the 123 side?

17 A Yes.

18 Q Did he call you once, or did he call you
19 several times; how did that go?

20 A I recall the one call.

21 Q All right.

22 A And then after that I think that I called
23 him because I couldn't find him. And, I don't know,
24 he could have called me back, but I can't recall.

25 Q Okay. When you picked up the defendant

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 just below the Time Drive In, was anyone with him?

2 A There was.

3 Q Who was that person?

4 A Hunter.

5 Q And how did you know Hunter?

6 A Hunter's brother and my son were best
7 friends.

8 Q So, how long had you known Hunter?

9 A His whole life.

10 Q His whole life. Did he frequent the
11 compound?

12 A Not that I can recall, no.

13 Q So when you picked them up, what, if
14 anything, did the defendant say?

15 A He didn't say too much of anything, he
16 just assured me that he was okay. And I asked him
17 where they were going and he told me, you know, back
18 to 16 -- or back to 14 Padgett Street.

19 Q Okay. Now can you remember anything about
20 their demeanor, what did they look like, what did
21 they act like, beyond what they said?

22 A Hunter was in the back seat, and he didn't
23 say anything at all that I can remember. Decota was
24 beside me in the front seat. And, like I said, he
25 was upset but he didn't say too much of anything

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 either.

2 Q So, did you take him back to 14 Padgett
3 Street?

4 A I did.

5 Q And what happened when you got back there?

6 A I followed him inside and I asked him if
7 he was okay. And, you know, clearly he wasn't. And
8 he said he needed to speak with Steve. So, I went
9 up to 16 and I told Steve that Decota needed to
10 speak with him.

11 Q And did Steve go down there to where they
12 were?

13 A He did.

14 Q Let me ask you this, when he came back out
15 of that trailer at 14 Padgett Street, did he have
16 anything in his hands?

17 A He did.

18 Q And what was that?

19 A A bag.

20 Q Tell me about this bag.

21 A It is a liquor bag, and I want to say it
22 was a Pecan Praline liquor bag.

23 Q When you say "liquor bag" I think Crown
24 Royal bag, is that --

25 A It is the same, yeah.

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 Q Okay. Did he have that in his hand when
2 he left 16 to go to 14?

3 A No.

4 Q But when he left 14 he had it?

5 A Yes.

6 Q When he went from 16 to 14 with -- Steve,
7 was he upset, that you could tell?

8 A Yes.

9 Q And when he came out of 14?

10 A Yes.

11 Q After talking to, presumably, the
12 defendant and Hunter, did he appear to be upset?

13 A Yes.

14 Q What did you do next?

15 A After Steve come back up, I asked him was
16 everything okay and he told me, no.

17 MS. HODGES: Objection. Hearsay, Your
18 Honor.

19 THE COURT: Sustained.

20 MS. HODGES: Move to strike.

21 THE COURT: I don't think she said
22 anything. But, ladies and gentlemen, that -- I
23 have stricken that, and anything that I have --
24 that I strike from the record, that means that
25 you are not supposed to consider that

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 information in any way during your deliberation
2 of this matter.

3 BY MR. ALDERMAN:

4 Q Ms. Broach, going forward, if we could
5 just avoid repeating what anyone else said to you
6 unless it was the defendant. So Steve comes out,
7 has a bag in his hands, you speak to him. What do
8 you do next?

9 A Me and Steve and Amber, we go to -- and,
10 forgive me again, I might have these roads confused,
11 but I think that it was at Murr (phonetic) Road and
12 we go across the bridge and I pull over and Steve
13 gets out of the car.

14 Q Tell me who Amber is?

15 A Amber is Steve's girlfriend.

16 Q So, he gets out of the car on this bridge;
17 where does he go, that you could tell?

18 A As far as I could follow him with my eyes,
19 because I didn't get out to -- I'm assuming, but I
20 don't know, to the water, but I could see him --

21 MS. HODGES: I object, speculation.

22 MR. ALDERMAN: Judge, it is what she
23 perceived basically, parked next to the water.

24 THE COURT: I am going to allow it, so
25 overruled.

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 BY MR. ALDERMAN:

2 Q So, he goes down in the direction of the
3 water, out of your line of sight; is that fair to
4 say?

5 A (Nods in the affirmative).

6 Q Could you estimate how long he was there?

7 A Maybe 5, 10 minutes.

8 Q All right. And what happened next?

9 A Then, he come back and got in the car and
10 we drove back to ■ Padgett Street.

11 Q So, when he got out of the car, did he
12 have that liquor bag in his hand?

13 A He did.

14 Q When he got back in the car from walking
15 down to the water, did he have that bag in his hand?

16 A When he got back in, no, he didn't.

17 Q At some point that night, did you and
18 Steve travel towards Clemson?

19 A We did.

20 Q All right. Tell me about that.

21 A We went to the hotel. And I don't know
22 the name of the hotel, but it's right off the 123 on
23 the left-hand side of the road. And we got a room.
24 And then Decota and Jackie and Carey come down.

25 Q So, they came separately?

DIRECT EXAMINATION OF LISA BROACH BY MR. ALDERMAN

1 A Yes.

2 Q So, let me ask you this, did you speak
3 with Decota that night while you were at the hotel?

4 A Yes, I'm sure I did.

5 Q Okay. And during the course of that
6 conversation, did you talk about the incident that
7 happened or what he should do about it?

8 A There really wasn't that much of a
9 conversation, because Decota was sleeping a good
10 part of the time. But there was conversation
11 amongst us all about turning himself in to police.

12 Q After that night, did you ever talk to him
13 or see him again?

14 A I might have talked to him one time maybe.

15 Q Did he ever call you and ask you for a
16 ride again?

17 A He did.

18 Q When was that?

19 A The day -- I can't recall. He, and I want
20 to say that maybe he was in Clemson, but that's been
21 almost two years ago, so I really can't recall.

22 Q But presumably sometime between when you
23 saw him at the hotel the night of the incident and
24 when he was picked up by authorities?

25 A Yes.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 Q Okay. Did you give him a ride?

2 A I didn't.

3 MR. ALDERMAN: Beg the Court's indulgence.

4 (Pause.)

5 BY MR. ALDERMAN:

6 Q Ms. Broach, one more question. Do you
7 recall if your phone number at that time was
8 864-533-0087?

9 A Yes.

10 MR. ALDERMAN: Thank you.

11 THE COURT: Cross examination?

12 MS. HODGES: Thank you, Your Honor. May
13 it please the Court.

14 CROSS EXAMINATION

15 BY MS. HODGES:

16 Q Ms. Broach, you said that you were at the
17 compound or ■ and ■ Padgett Street back in 2019
18 around March basically everyday or every other day;
19 is that right?

20 A That's correct.

21 Q And you didn't know that Hunter was
22 staying there?

23 A I did not.

24 Q How many people would stay at the compound
25 on average?

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 A It could be one day, nobody, and the next
2 day there could be ten people there.

3 Q Okay. Did you do any drugs at the
4 compound on March 7th?

5 A It's possible, yes, ma'am.

6 Q It's possible, you don't remember?

7 A I mean it's possible. For that particular
8 day, I don't remember.

9 Q Were you actively using drugs in March of
10 2019?

11 A Off and on.

12 Q What kind of drugs were you using off and
13 on?

14 A Methamphetamines.

15 Q And how much Methamphetamine would you
16 use, on average, at a time?

17 A Quantity, I couldn't, because it was no
18 more than maybe smoke a bowl with somebody that was
19 there one or two times. It was nothing dramatic or
20 anything.

21 Q When you say smoke a bowl with somebody
22 that was there one or two times, I want to break
23 that down. How much Methamphetamine would go into a
24 bowl?

25 A I'm not sure. I'm sure that you could --

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 I mean, I'm not sure.

2 Q Okay. And then you said one or two times,
3 does that mean like one or two times a day?

4 A If I was using and we were passing the
5 bowl around, then I mean that I would take a hit
6 once or twice off of the bowl.

7 Q So basically you would share a bowl with
8 somebody and take maybe one or two hits off of it?

9 A That's correct.

10 Q And how often would you do that?

11 A Maybe twice, three times a day. And maybe
12 some days it wasn't even that.

13 Q Were you using any pills or anything, like
14 Xanax, anything at the time?

15 A No, ma'am. Now, it's possible that I
16 might have taken a pain pill but --

17 Q Okay. What kind of pain pills would you
18 take?

19 A It would have been a Lortab.

20 Q Do you know what strength the Lortab was?

21 A I don't. I mean --

22 Q Do you know how many times a day, you
23 know, on average, you would use the Lortabs?

24 A If I took it, it would have just been like
25 one or two that day.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

- 1 Q One or two that day?
- 2 A Yes, ma'am.
- 3 Q What about marijuana, did you smoke
- 4 marijuana?
- 5 A No, ma'am.
- 6 Q Are you still currently using drugs?
- 7 A No, ma'am.
- 8 Q When is the last time that you used?
- 9 A Probably three months ago.
- 10 Q And what did you use then?
- 11 A Methamphetamine.
- 12 Q And how much did you smoke back then,
- 13 about three months ago?
- 14 A The same thing, just a bowl with someone.
- 15 Q I take it that you and your husband are
- 16 married but you don't live together; is that
- 17 correct?
- 18 A That's correct.
- 19 Q And you picked up -- your testimony is
- 20 that you picked up Decota and Hunter near the Time
- 21 Drive In in Seneca?
- 22 A That's correct.
- 23 Q Okay. And y'all went immediately to --
- 24 back to the compound?
- 25 A That's correct.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 Q And at that point, your understanding is
2 that Decota -- did Decota and Hunter both go to the
3 same trailer or camper at the compound when you
4 dropped them off?

5 A They did.

6 Q Okay. Which one was that?

7 A That is the one on 14 Padgett Street.

8 Q Is that the one that had the big, tall
9 fence and stuff around it?

10 A Well, they both had fences around it, but
11 now it is the one that has got the brown fence up in
12 front of it.

13 Q Like a brown privacy fence?

14 A Yes, ma'am.

15 Q Okay. And your husband was in 16, is that
16 correct?

17 A That's correct.

18 Q And it was your husband that came out with
19 the bag in his hands?

20 A Yes, ma'am.

21 Q Okay. And it was you -- I want to make
22 sure that I understand your testimony currently, it
23 was you, Steve, and Amber that got in the car and
24 drove to a bridge?

25 A Yes, ma'am.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 Q Just the three of you?

2 A Yes, ma'am.

3 Q Okay. Was Ed McJunkin in the car with
4 you?

5 A He wasn't.

6 Q And do you -- and you don't remember if
7 you had taken any drugs at that point?

8 A I don't. It's possible, but I don't.

9 Q It's possible. And I don't mean to
10 quibble with you, but is it on the more probable
11 side of possible or not?

12 A That particular day, it probably wasn't
13 because I worked that day.

14 Q Okay. And you said that you are working
15 at the Hampton Inn?

16 A Yes, but at that time I would have been at
17 the Hampton Inn in Seneca.

18 Q In Seneca. So, when y'all went and got a
19 room, where was the room, it was actually in
20 Clemson?

21 A That was in the Clemson. I am not sure of
22 the name of the hotel, but it is the last one going
23 out of Clemson on the left-hand side of the road.

24 Q Going out of Clemson, are we talking like
25 coming from Seneca going towards Greenville?

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 A Yes.

2 Q You actually pass over the Anderson
3 cut-off where you go down to Anderson, and actually
4 just almost right before you start getting on that
5 long stretch of highway.

6 A Yes, ma'am.

7 Q Okay. Is that a Days Inn, do you think?

8 A Right on the other side of 93.

9 Q And you say that it is on the left-hand
10 side heading towards Greenville?

11 A Yes, ma'am.

12 Q Okay. And who all was in that room with
13 you?

14 A It was me, Decota, Steve, Amber, Carey,
15 and Jackie.

16 Q Who is Carey?

17 A Carey was a mutual friend.

18 Q Do you know his last name?

19 A Tollison.

20 Q Who is Jackie?

21 A His girlfriend. And her last name is
22 Bragg.

23 Q So, Jackie Bragg and Carey Tollison are
24 boyfriend and girlfriend?

25 A They were at the time, correct.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

- 1 Q What is Amber's last name?
- 2 A Manning.
- 3 Q Manning?
- 4 A Uh-huh.
- 5 Q M-A-N-N-I-N-G, like the town?
- 6 A I think it's M-E-N-N-I-N-G. But I could
- 7 be wrong on that spelling though.
- 8 Q Okay. But it's not Smith?
- 9 A Definitely not Smith.
- 10 Q Okay. And you don't have any memory
- 11 whatsoever of when you actually talked to -- or you
- 12 said that you talked to Decota again?
- 13 A Right.
- 14 Q After that. And you didn't see anything
- 15 that -- basically, when you parked the car at the
- 16 bridge, and did you say that it was Sitton Mill
- 17 (phonetic) Road?
- 18 A Yes.
- 19 Q Okay. You just saw Steve get out of the
- 20 car and kind of walk that direction towards the
- 21 water, but you didn't actually see him down at the
- 22 water, you didn't see him do anything?
- 23 A No, ma'am.
- 24 Q Just that he didn't have that bag anymore?
- 25 A Yes, ma'am.

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 Q And just you, Steve, and Amber that were
2 in the car at that point?

3 A Yes, ma'am.

4 MS. HODGES: Beg the Court's indulgence.

5 (Pause.)

6 BY MS. HODGES:

7 Q Okay. So did you ever -- when you all
8 went from the compound -- I mean from picking up at
9 Time Drive In to the compound, did y'all pick up
10 anybody else in the car?

11 A I don't remember picking up anybody else.
12 I just remember it being -- as a matter of fact, I'm
13 positive. Because it was just me, and Decota was up
14 front, and Hunter was in the back seat.

15 Q All right. So, you didn't pick up Leslie
16 Wilson?

17 A When we went to ■ Padgett Street there
18 was a girl already in the trailer. I don't know who
19 she was.

20 Q Did she get in the car with you at any
21 time?

22 A Not that I remember, no, ma'am.

23 Q And that woman was at ■ Padgett, the
24 trailer that Steve and Amber went to?

25 A No, this woman -- when I followed him,

CROSS EXAMINATION OF LISA BROACH BY MS. HODGES

1 Decota and Hunter at and, she was already in the
2 room where me, Decota, and Hunter went into at 14.

3 Q Okay. Well, you said 16 so I am trying to
4 --

5 A I apologize.

6 Q Okay. And you did give Decota a ride back
7 from the motel in Clemson?

8 A No.

9 Q Are you sure?

10 A No.

11 Q Okay.

12 A I'm sitting here trying to think, I don't,
13 I don't remember giving him a ride back.

14 Q Okay. But it's been over two years?

15 A Right and it's possible that he might have
16 rode back with me and Steve, but I honestly, I don't
17 remember that.

18 Q Okay. And it's fair to say that you have
19 done drugs between then and up to three months ago?

20 A Correct.

21 Q Okay. And that is something that will
22 hamper with your memory and ability to remember
23 things, right?

24 A Small things, yes, ma'am.

25 Q Okay. And small things can be important

DIRECT EXAMINATION OF MICHAEL TERAMANO BY MR.
ALDERMAN

1 details, right?

2 A Yes, ma'am.

3 MS. HODGES: Thank you, ma'am.

4 THE COURT: Any redirect?

5 MR. ALDERMAN: Briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. ALDERMAN:

8 Q Ms. Hodges touched on small things, let's
9 talk about big things. Do you remember picking up
10 the defendant on the side of the road next to Time
11 Drive In that afternoon?

12 A I do.

13 Q Did he call you to get picked up?

14 A He did, he did.

15 Q Did you encourage him to turn himself in
16 later that night?

17 A Yes, I did.

18 MR. ALDERMAN: Okay, thank you.

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

20 MR. STOUDEMIRE: The state would call

21 Michael Teramano of the Seneca Police

22 Department.

23 Thereupon,

24 MICHAEL TERAMANO

25 was called as a witness, having been first duly

DIRECT EXAMINATION OF MICHAEL TERAMANO BY MR.
ALDERMAN

1 sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. STOUDEMIRE:

4 Q Investigator Teramano, could you please
5 give us your full name for the record?

6 A Michael Teramano.

7 Q Thank you. And where are you employed?

8 A Seneca Police Department.

9 Q How long have you been there?

10 A Around fifteen years.

11 Q And what are your job duties there?

12 A I'm an investigator, so I investigate
13 crimes of a serious nature. I am given those cases
14 by other officers.

15 Q And you have been there 15 years; is that
16 your entirety in law enforcement, or were you with
17 other agencies prior?

18 A That is my entirety.

19 Q Have you held other positions at Seneca PD
20 prior to being investigator?

21 A Yes, when I started there I started on
22 road patrol, moved to corporal's position, like a
23 supervisory position, and then to a sergeant over a
24 shift, and then to investigations ten years ago.

25 Q Okay. So, you have been in investigations

DIRECT EXAMINATION OF MICHAEL TERAMANO BY MR.
ALDERMAN

1 over ten years?

2 A Correct.

3 Q Okay. As part of your duties with
4 investigations, have you been involved in the
5 investigation in this case involving the murder of
6 Ms. Geraldine -- excuse me.

7 A Ms. Castle, yes I have.

8 Q Geraldine Castle, excuse me?

9 A Yes.

10 Q What were your duties in this particular
11 case?

12 A Being part of the investigative team, I
13 would be notified by the Captain in this case to
14 join the investigation or to come and assist with
15 the investigation. That is how, in this case, I was
16 notified by Captain Bowling, we need you to, you
17 know, respond and assist with this.

18 Q All right. And did you become involved
19 with this investigation on the actual day of the
20 incident?

21 A I did.

22 Q What did you have to do on the incident
23 date itself?

24 A When Captain Bowling called me, he asked
25 me to go to Greenville Hospital because the victim

DIRECT EXAMINATION OF MICHAEL TERAMANO BY MR.
ALDERMAN

1 had been transported there, so I went directly to
2 Greenville Hospital.

3 Q Were you able to speak with the victim at
4 all while she was there?

5 A No, when I arrived I talked to medical
6 staff, and the victim was intubated, so she was not
7 able to communicate.

8 Q Okay. Was she receiving medical treatment
9 at that time.

10 A She was.

11 Q Were you able to speak with anyone else
12 while you were at Greenville?

13 A Yes, I met with Dee Brown, the victim's
14 daughter.

15 Q And were you able to gain any information
16 from Dee Brown that was germane to the
17 investigation?

18 A Yes, Ms. Brown indicated to me that she
19 had received --

20 MS. HODGES: Object to hearsay.

21 MR. STOUDEMIRE: I can phrase it another
22 way.

23 THE COURT: All right.

24 BY MR. STOUDEMIRE:

25 Q Without going into anything that Ms. Brown

DIRECT EXAMINATION OF MICHAEL TERAMANO BY MR.
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1 told you, were you able to -- well, no, let me go
2 back, I'm sorry. After speaking with Dee Brown,
3 where did you go then?

4 A Well, I -- I actually got ahold of Ms.
5 Brown's phone, Dee Brown, she gave me her phone.
6 And I looked at her phone and had seen where she had
7 received some phone calls, so I was able -- I
8 observed that on her phone, on her call log.

9 Q Perfect. Were you able to make note of
10 any of the numbers that she received in her call
11 log?

12 A Yes, I was able to make note of one
13 particular phone number, which was 864-784-9888.

14 Q Okay. Thank you. And were you also able
15 to make note of the time any calls were received
16 from that phone number?

17 A Yes, I would have to see my report or
18 notes to know the exact. I remember though at the
19 time looking at those -- looking at the call log,
20 those times fit the window, so to speak, of our
21 investigation. Certainly the times that I had been
22 given from Captain Bowling. You know, obviously, I
23 -- when Captain Bowling called me, I want to say,
24 okay, give me the nuts and bolts of this thing, you
25 know, what -- give me an idea here. And so he would

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1 say, well, at this time this happened or whatever.
2 So, like having understood the time frame that we
3 were working under in the investigations, the times
4 that this phone -- that these phone calls had come
5 in, they matched up with our time line.

6 Q All right. Was this just one phone call
7 from the 784-9888?

8 A No, there was more than one.

9 Q Were there other phone calls either to or
10 from Ms. Brown's phone around that same time?

11 A Yes, that I later determined to be family,
12 people that we were able to identify as her family.

13 Q Okay.

14 A Kids and her spouse.

15 Q Okay. And were some of those phone
16 numbers listed along with names in the phone?

17 A Yes, yes, it was easy to identify for me,
18 just telling me who it was, instead of having to ask
19 her what are these digits, you know, of course it
20 was stored in there like a typical cell phone, the
21 name being stored.

22 Q But the 784-9888 that you are speaking of,
23 that was not stored in the phone, so it just came up
24 as digits?

25 A That's correct.

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ALDERMAN

1 Q And after getting that information, did
2 you keep the cell phone or return it back to Ms.
3 Brown?

4 A I don't remember taking it with me, no. I
5 think that it stayed with her.

6 Q Okay. Did you stay down there the
7 remainder of the evening?

8 A No, no, I left probably not long after
9 that.

10 Q Okay. And did you continue helping with
11 the investigation the rest of that day?

12 A I did. So, at that point I went back to
13 my office. Well, I went to the scene first to meet
14 the investigative team and then I ended up back at
15 my office not long after that.

16 Q Okay. What did do you back at the office?

17 A Back at the office I started researching
18 the phone number, the 9888 number. I began
19 researching it just to see if it would give me, or
20 give us, a jumping off point, so to speak, if that
21 number would give me any direction, or send us in
22 any direction or give me information that might be
23 helpful.

24 Q Okay. How do you go about doing that?

25 A Typically, when I say "research a phone

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1 number," I mean going to the Internet and starting
2 with Google, for example. You can type in a phone
3 number in Google and you would be surprised if you
4 got a result, or I wouldn't be surprised if you got
5 some result. For example, if your ever -- if your
6 phone number was on your workplace website, it might
7 pop up on a generic Google search if you just typed
8 in your phone number. So we start doing research
9 like that. Facebook, oftentimes people connect
10 their phone number to their Facebook, so I will go
11 to Facebook and type in the phone number and just
12 see if it gives us any results.

13 Q So, when you start -- is it fair to say
14 that you start with just things that are available
15 to the public?

16 A Oh, absolutely, yes.

17 Q Were you able to obtain any information on
18 this phone number that we are speaking of from those
19 public websites?

20 A No, I don't think so.

21 Q Okay. Do you have any other investigative
22 tools that you use to obtain information about phone
23 numbers?

24 A We do. The police department subscribes
25 to or has access to different databases. One of the

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1 ones that we use, and this is the one that I -- one
2 of the ones I used in this particular case was
3 something called TLO. When I say TLO, it is tlo.com
4 that is why we call it TLO. And tlo.com is owned
5 and operated and ran by TransUnion, which is one of
6 the consumer credit reporting agencies, one of the
7 three major credit reporting agencies in the
8 country.

9 Q Okay.

10 A And TransUnion, or TLO rather, it stores
11 and maintains information about people, names,
12 address history, phone number history, and things
13 like that.

14 Q Okay. And the Seneca Police Department
15 subscribes to their service?

16 A That is correct, yes.

17 Q Were you able to plug this phone number
18 into TLO?

19 A Yes, I did.

20 Q And did you receive any information back
21 from your search with them?

22 A Well, it appeared that it was in the --
23 when I say that TransUnion keeps, you know, address
24 history and phone history, one of the potential
25 names that came up was Jackie Bragg might be the

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1 owner or had been an owner of that phone number.

2 Q Okay. All right. And so, with that --
3 with that information in hand, what did you do then?

4 A So, then at that point I had what I would
5 call an emergency request to -- let me back up a
6 little bit. So, part of my research is also able to
7 tell me who the phone carrier is, TLO or TransUnion
8 sometimes -- often will have the carrier. There are
9 also public access websites that I have a list of in
10 my office where I can go there and you can just type
11 in a phone number and it will tell you who the phone
12 carrier is. That isn't necessarily something that
13 is considered private. So, if you type your phone
14 number in these websites it will, with pretty good
15 accuracy, it'll say who the carrier is, so it will
16 tell you if it is Sprint or TMobile or Verizon and
17 things like that. And TLO had also reflected who
18 the carrier was. So, then what I did was I sent an
19 emergency request to the phone carrier for this 9888
20 number for information.

21 Q Who was the phone carrier for this phone?

22 A It was -- I would have to look at my
23 notes. It was TMobile or Sprint. We had several
24 numbers to look up.

25 Q Okay. So, you sent this request to

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1 TMobile or Sprint; Did you receive any information
2 back? Well, let me ask first, what information --
3 when you make that request on an emergency basis, is
4 that a search warrant or anything like that?

5 A Let me just back up and clarify. When I
6 call a carrier, I'll have them confirm that the
7 number is carried by them before I submit a request.
8 So, all of these carriers have some type of law
9 enforcement support number. We will call them. And
10 they won't provide any information back to us, they
11 will just say, yes that is carried by our network,
12 so you can submit whatever legal process you want.
13 So, I confirmed that it was carried by this
14 particular carrier in this case.

15 Q Okay.

16 A To answer your question about the
17 emergency response, typically, in order for us to
18 get cell phone records, it is either -- they always
19 ask for a search warrant or a subpoena. And that is
20 kind of their classic line. So, we in law
21 enforcement, or at least I typically use a search
22 warrant to get cell phone records. But in this
23 case, because it's considered an emergency, most of
24 these carriers have some type of procedure or policy
25 in place where you tell them that you have an

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1 emergency, and these are the details of the
2 emergency and that is why I'm requesting this
3 information without having completed the steps for a
4 search warrant and submitting to them a search
5 warrant. And that is what I did in this case.

6 Q Did you get any information back pursuant
7 to that request that evening?

8 A Yes, I got back -- I requested two things.
9 I requested CDR, which is call detail record. I
10 also requested GPS location.

11 Q Okay. Did you get either of those things
12 back?

13 A I got back the CDRs. It was for seven
14 days. And the CDR is essentially phone calls made
15 to and from that particular, the target number is
16 what we call it, made to and from the target number.
17 It'll often include some type of cell tower
18 information. It might even include longitude and
19 latitude coordinates. And it did in this case, that
20 spreadsheet that they sent back to me included all
21 of that.

22 Q Okay. Were there any phone numbers --
23 with this call information that comes back, does it
24 tell you which numbers this phone called or received
25 calls from?

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1 A Yes. So, it'll come in as -- it will come
2 in as a call log, and it is in chronological order.
3 So, it will say, phone call, and it will tell you
4 whether it is an incoming or outgoing to the target
5 number, to the 9888. So, it will say incoming phone
6 call to 9888 and it will give you the number that
7 called them. Or it will say, outgoing phone call
8 from 9888 and it will tell you the number that it
9 called. And it is in chronological order. So I
10 reviewed all of that.

11 Q All right. And, at this time since you
12 had been able to get the phone from Dee Brown, had
13 you been able to make note of her phone number?

14 A Yes, so I was able to corroborate that
15 there were phone calls to Dee Brown's phone number
16 from the 9888.

17 Q Were there any phone calls from that 9888
18 number, either to or from that number, since the
19 phone calls to Dee Brown?

20 A And after, yes, chronologically after
21 that, yes, there were. Yes.

22 Q Okay. Were you able to make note of any
23 of those numbers?

24 A Yes. One in particular was 864-533-0087.

25 Q Okay. Thank you. And did you know who

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1 that phone number belonged to at that time?

2 A No, but I did my research again on TLO,
3 and it indicated that it was Lisa Broach's number.

4 Q Okay. And that was through the TLO
5 service that you previously spoke of?

6 A That's correct.

7 Q Okay. And subsequent to that you said
8 that you normally would have to go through a search
9 warrant procedure to be able to obtain records?

10 A That's correct.

11 Q Okay. Did you start that, or did someone
12 from the police department start that with regard to
13 any phone numbers?

14 A Yes, so then after that, four search
15 warrants were sent to different carriers for cell
16 phone information on four different numbers.

17 Q Okay. And what were those numbers, do you
18 recall? Let me ask you this, was the 784-9888 one
19 of the numbers that you sought a search warrant?

20 A Yes, it was.

21 Q And the 533-0087 that has been attributed
22 to Lisa Broach, did you do a search warrant for that
23 phone number?

24 A Yes. We also did a search warrant for
25 533-0085, which was attributed to Lisa Broach but we

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1 determined it to be Steve Broach's phone number.

2 Q Were there any -- and you said there was
3 one other phone number?

4 A There was another phone number that we had
5 determined to be Hunter Hunnicut's number. And it
6 ended in 4290.

7 Q Okay.

8 A I don't remember the digits. There are a
9 lot of digits here.

10 Q If I say 722, does that sound right?

11 A Yes.

12 Q Okay. And that is 4390?

13 A 4390, that would be right, yes, sir.

14 Q And did that come back to Hunter Hunnicut?

15 A The subscriber?

16 Q Yes.

17 A No, no, when we submit our search
18 warrants, we typically just do the target number
19 because we often don't necessarily know who the
20 subscriber is, it could be in a parent's name or a
21 spouse's name or things like that. So, we would
22 send that and they would send the subscriber back,
23 which that one came back to a James Mitchell.

24 Q Okay. And were you able to determine who
25 James Mitchell is?

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1 A Yes, that is Hunter's dad or stepdad.

2 Q Okay. All right. So, you received back
3 records -- did you receive back eventually cell
4 phone records for all four of those numbers?

5 A Yes, eventually, yes. So, over the next
6 several weeks those four carriers responded to our
7 legal requests and we received the records back on
8 all four of those phone, those target numbers.

9 Q And who was Lisa Broach's carrier.

10 A Verizon.

11 Q And is that for the 0087 and the 0085?

12 A Yes, both of those numbers.

13 Q And with regard to the phone that you
14 eventually attributed to Hunter Hunnicut, what
15 carrier was that, do you recall?

16 A Gosh, one was TMobile and one was Sprint.
17 If I could look at the number.

18 Q And they have since merged?

19 A Yes, they have since merged so.

20 Q Okay. And then I think you said the phone
21 number, 784-9888, I believe you said that was either
22 Sprint or TMobile as well?

23 A Right, one was one and one was the other,
24 like I said. If I could look at the search warrants
25 that would refresh my memory.

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1 Q But it came back to one of those?

2 A Yes, it did.

3 Q Not Verizon?

4 A No.

5 Q And how long does it take, or how long did
6 it take for you to get those results back from these
7 search warrant?

8 A Well, it took into April. I know that we
9 didn't get the last one until sometime into April.
10 So, I would call it a few weeks as far as -- but
11 they didn't arrive all at the same time, so those
12 four arrived on different dates.

13 Q Different dates?

14 A Right.

15 Q And did they also arrive in different
16 formats, or all in the same format?

17 A No, we got Decota Brown's back by mail.
18 And then Hunter's and Lisa's and Steve's back by
19 email.

20 Q Okay. And when you get it back by email,
21 was there an attachment to that email?

22 A That is how -- that is typically how it
23 happens, and that is how it happened in this case,
24 that there was an attachment that we then retrieved.

25 Q Okay. And while you are waiting for these

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1 results, is the investigation stagnant, or are you
2 still doing other things?

3 A No, we are still doing other things.

4 Q Okay. And while you are waiting for this
5 -- or while you are waiting on these results to come
6 back, were you instructed to do anything else by
7 Captain Bowling or by anybody else in this
8 investigation?

9 A Yes, at one point Investigator Watts and I
10 ended up traveling to an area to locate some pipes
11 that had been described and some property that might
12 be located in those pipes.

13 MR. STOUDEMIRE: Just a moment, I am
14 trying to find the correct awkward thing to
15 show you so we can figure this out.

16 (Pause.)

17 MR. STOUDEMIRE: Your Honor, may I
18 approach the witness?

19 THE COURT: You may.

20 BY MR. STOUDEMIRE:

21 Q Investigator Teramano, I'm going to show
22 you this display. Can you tell me what that is of?

23 A This is a bird's-eye view of what I would
24 refer to as like the eastern --

25 THE COURT: Turn it so the jury can see

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1 it.

2 Q Angle it.

3 A There you go. Sorry. I would refer to
4 this as like a bird's-eye view of an eastern part of
5 Seneca.

6 Q Okay. And there are a few things circled
7 on there. Tell me what is circled on there?

8 A Down here is circled ■ Padgett Street.

9 Q And is that what we have been talking
10 about as the compound area?

11 A It is.

12 Q Okay.

13 A And then up here I have got circled 611
14 East North First Street.

15 Q Okay.

16 A And that would be Time Drive In.

17 Q Okay.

18 A That is Time Drive In, yes.

19 Q Okay. And the top left circle?

20 A The top left is ■ Maple Avenue, which is
21 the incident location.

22 Q All right. So the incident location, ■
23 Maple Avenue, are you able to point out on that map
24 where the blue pipes were, were discovered by and
25 you Investigator Watts.

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1 A Yes. So, traveling east on East North
2 First Street from Time Drive In, when you get to
3 here, this is Dogwood. And I remember when the
4 description came to us about the, about the pipes
5 and the road and all of that, I was initially -- I
6 had an idea about where that was referring to. I
7 mean, only because driving around Seneca on night
8 shift for five years, you just learn every nook and
9 cranny, so to speak. So, I had an idea of where we
10 were going, and sure enough, as we drove down
11 Dogwood, which is this road here.

12 Q If you will point to it. You can stand if
13 you need to.

14 A So this road here, Dogwood, right here,
15 and so we drove, we went down Dogwood, and we
16 located the pipes at the end of this Dogwood right
17 here.

18 Q Okay. Were they in a clearing or a wooded
19 area?

20 A They were in these trees right here.
21 There's a clearing off behind it, but there is --
22 there is trees right here. So, as you come, just as
23 you are coming down here and you start to get into
24 these trees, they were on the right right there.

25 Q Okay. And we can clearly see that Dogwood

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1 has -- it is a road, is that paved at that point?

2 A Dogwood is paved. And then the pavement
3 stops and it turns into some gravel, some dirt, and
4 there is a little bit of pavement in this area here.
5 There is a hill that drops down into this power line
6 right-of-way, and it is paved a little but there, so
7 it is kind of a mixed -- it is kind of a mixed
8 surface.

9 Q Is there kind of a trail through there?

10 A There is. There is a road, or a
11 rudimentary road, so to speak.

12 Q And does that connect up to the back of
13 [REDACTED] Maple Avenue?

14 A It does through the power lines. So you
15 have to -- you have to come across the power lines
16 there. The road itself actually connects here,
17 which is East North Fifth, or East North Fourth
18 right there, it does connect back in there, but it
19 runs along, along, parallel to the power lines right
20 here, just behind [REDACTED] Maple Avenue.

21 Q Okay. All right. Thank you. I
22 appreciate it.

23 And that is where those pipes were
24 found, correct?

25 A Yes, sir.

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1 Q And the evidence that Investigator Watts
2 spoke of earlier, were you with her when that was
3 recovered?

4 A Yes.

5 Q Okay. Do you recall what date that was?

6 A I don't.

7 Q Okay. And subsequent to that date and
8 taking those items into evidence from the pipes, did
9 you get information back from the cell phone
10 carriers pursuant to your subpoena request?

11 A Yes. All, yes.

12 Q All right. And I believe that you talked
13 about how you received that back. What information,
14 specifically, did you request from these carriers?

15 A I would have to look back at these
16 specific search warrants, but we would ask for CDRs,
17 the call detail records, which would provide the
18 incoming and the outgoing. Text message content or
19 text message information, IP or Internet, data use
20 information as well. And then also we asked for
21 detailed information about the actual cell towers.
22 In other words, where are the cell phone towers
23 located and anything in particular about the cell
24 phone towers that we might need to know when all of
25 this information gets processed and analyzed and

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1 turned into something that we could use other than
2 just a spreadsheet full of numbers.

3 Q Okay. So, it is fair to say what you get
4 back is just a spreadsheet full of numbers?

5 A That's correct, yes, multiple. Multiple
6 sheets and pages of, you know, of documents.

7 Q Okay. You said that that arrived either
8 as an attachment to an email or on a CD?

9 A Correct.

10 Q Okay. Whose email was that sent to?

11 A That was sent to Investigator Watts.

12 Q Okay. And what did you do with those
13 emails when you got them back?

14 A When emails came in I got -- when these
15 emails came in I downloaded the attachment and
16 burned it to a CD.

17 Q Okay. How many CDs did you burn it to, do
18 you recall?

19 A That would be three.

20 Q Okay.

21 A Because the fourth one came by mail.

22 MR. STOUDEMIRE: I'm looking for CDs. You
23 know what, they are down here. I remember.

24 (Pause.)

25 BY MR. STOUDEMIRE:

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1 Q All right. Now, when you get these CDs,
2 you said that you downloaded this information on to
3 a number of CDs. Do you keep that information and
4 analyze it?

5 A No.

6 Q Okay. What do you do with it?

7 A I will, I will take this information, I
8 will take it to Detective Arflin with the Clemson
9 Police Department. And that is what we did with
10 these.

11 Q Who is Detective Arflin?

12 A He is -- he is our go-to guy for cell
13 phone forensics, so when we get a spreadsheet full
14 of numbers that we can't interpret, or a spreadsheet
15 full of numbers from a cell phone carrier, we take
16 the information to him.

17 Q Okay. And in the course of your job, how
18 did you find out about Detective Arflin? Is this
19 something that he normally does?

20 A Yes, this is something that he normally
21 does. I was referred to him at some point by
22 another agency of saying, hey, whenever you need
23 cell phone forensics, take it to Arflin, he is the
24 guy, he is the one who can do all of that. So, we
25 take things to him. So, we will take things that

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1 when I refer, or we would refer to it as a phone
2 dump. So, if we have a physical device and we want
3 to extract data from it, we might take it to him
4 also. But in this case, it was the phone carrier
5 information that we took to him.

6 Q Is this the first time that you have taken
7 anything to him?

8 A Oh, no, no.

9 Q So, if you need anything done like this in
10 any case, he is the person that you are taking this
11 to?

12 A Yes, I have taken things to him many times
13 over the years.

14 Q Okay. And what were you asking Detective
15 Arflin to do with this information?

16 A To analyze the data and provide us with
17 something, information that I can understand.
18 Because I can't understand a spreadsheet full of
19 numbers, and so tell me what -- you know, tell me
20 something, what this means or what can I understand
21 from this data.

22 Q Were you looking -- what type of specifics
23 were you looking for?

24 A Oh, location information, if they could
25 tell us where these devices had been, how -- any

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1 other information about phone calls made to or from,
2 something that could better understand, anything
3 that was done with these -- through the carrier
4 information that was sent.

5 Q Would whether or not -- whether the phones
6 were together at any period of time, is that
7 something that you would be seeking?

8 A Well, that was part of his analysis,
9 typically, is I would ask him, if I give you more
10 than one phone number or phone carrier results, can
11 you tell me if they share any information, share any
12 locations, do they overlap and where they went to
13 where they were at a given time.

14 Q And all of that is based on the
15 information that you received from the carriers?

16 A Yes.

17 Q Now, when you got this information from
18 the carriers, and you said that you downloaded it to
19 discs, the ones that were in email. Did you change
20 that information or alter it in any way?

21 A No, sir.

22 Q How did you take it from the email to the
23 disc, basically drag and save?

24 A Yes. Sitting at the computer, just drag
25 it as the attachment right over to -- I mean, put a

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1 blank disc in and drag it and drop it.

2 Q Okay.

3 A And it burns, it ejects, and it burns, and
4 then put it in a sleeve.

5 Q Okay. So, at this point are you opening
6 this information and trying to analyze it in any
7 way?

8 A No, I wouldn't know what it said anyway.

9 Q Okay. And with regard to the CD, do you
10 do anything with that CD outside of taking it
11 directly from when you received it to Detective
12 Arflin?

13 A No, I mean, the only thing that might
14 happen is it might go to our evidence property room
15 if there is going to be some delay between if I call
16 Arflin and he's out of town for a week, then it
17 might go to our evidence property room or, you know.

18 Q So you don't want to take it down there
19 and have it sit in his office for a number of days,
20 you want to make sure when he is available you take
21 it.

22 A It is typically set up as an appointment
23 thing. He says, hey, bring it at this time and this
24 date.

25 Q And is that what you did in this

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1 particular case?

2 A Yes, contacted him and said, when are you
3 available for forensics.

4 Q Okay. Who took the -- who took the discs
5 that you had downloaded and received from the
6 providers; who took those down to Arflin?

7 A Investigator Watts and I took those discs
8 to Detective Arflin.

9 Q Okay. Physically y'all took them and
10 handed them to him?

11 A Yes, physically brought them to him, yep.

12 Q Okay. And at that point do you just -- do
13 you wait while he does the things that he does?

14 A For the phone dump, he can almost always
15 do it immediately. But for the phone carrier
16 results, it is typically a wait and he will let me
17 know when it's ready kind of thing.

18 Q Okay. So, with these four search
19 warrants, it is fair to say that this was a wait and
20 he will let you know when he's done kind of thing?

21 A Yes.

22 Q Okay. When he sends you information back,
23 how does it come back to you?

24 A He, he puts his information analysis thing
25 onto another disc. So, he creates or produces

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1 another disc for us.

2 Q Okay. All right. And is he able to
3 instruct you how to open this, look at it, tell what
4 you it means?

5 A Yes.

6 Q Okay. So you still need his expertise to
7 be able to understand what he's done?

8 A Yes, he produced another thing that I have
9 to then -- he has to tell me how to use that thing
10 that was produced.

11 Q Okay. Not something that you have at your
12 office?

13 A No.

14 Q And certainly not something that you
15 normally do?

16 A No, he is the guru.

17 MR. STOUDEMIRE: Just a moment, Your
18 Honor.

19 (Pause.)

20 MR. STOUDEMIRE: May I approach the
21 witness again?

22 THE COURT: You may.

23 BY MR. STOUDEMIRE:

24 Q Investigator Teramano, I'll show you what
25 has been marked as State's Exhibit No. 76 for

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1 identification. Can you tell me what that is,
2 please, sir?

3 A This is a CD containing Sprint phone
4 records.

5 Q All right. And how do you know that?

6 A Because I wrote "CD containing Sprint
7 phone records".

8 Q Okay.

9 A Yeah.

10 Q All right. Sarcasm is extra. So, that is
11 your handwriting?

12 A Yes, this is my handwriting. I wrote,
13 collected by me, the date and the time of
14 collection, and filled all of this out. Yes, that
15 is my handwriting, yes.

16 Q All right. And what was the date that was
17 collected?

18 A So, this was collected on the 8th at one
19 o'clock in the morning.

20 Q Okay. And was that pursuant to one of the
21 search warrants?

22 A No. So, this is going to be the emergency
23 request that I did the night of the incident after I
24 got back to my office from the hospital.

25 Q Okay. And is that the information that

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1 you spoke about earlier that you received from that
2 provider?

3 A Correct, this is the 9888 number carried
4 by Sprint. And this is the request -- this is the
5 results of the request that I submitted, the
6 emergency request that I submitted.

7 Q Okay. Do you remember if that came back
8 to you -- well, did that come back to you in an
9 email, or on a disc?

10 A That is an email that they send me
11 directly.

12 Q Okay.

13 A Yes.

14 Q And you would have been the one to put it
15 on a disc?

16 A That's correct, yes.

17 Q Okay. Thank you. And since this time,
18 did you take this disc down to Arflin?

19 A No.

20 Q Okay. So it's been in, been in here ever
21 since?

22 A Yes.

23 Q Okay. Thank you. And was this sealed by
24 you or by a different evidence technician?

25 A This was sealed by a different evidence

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1 technician, upon review of the disc to verify that
2 it is still in the same condition as when I produced
3 it.

4 Q Has it been changed, hasn't been altered
5 since that time?

6 A No.

7 Q And the tape, does it appear to be broken?

8 A No.

9 MR. STOUDEMIRE: Your Honor, at this time,
10 we would offer State's Exhibit No. 76 in
11 evidence.

12 THE COURT: Any objection?

13 MS. HODGES: No, sir.

14 THE COURT: All right. In without
15 objection.

16 *(Whereupon, State's Exhibit No(s). 76*
17 *marked for identification and received in*
18 *evidence.)*

19 BY MR. STOUDEMIRE:

20 Q And next I am going to show you what has
21 been marked as State's Exhibit No. 77 for
22 identification. Can you tell me what that is?

23 A This is the five discs containing phone
24 records. So, this would be -- this is five discs
25 that contain different information.

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1 Q Okay. Were these the discs that we have
2 been speaking of?

3 A They are, including the discs that
4 Detective Arflin produced.

5 Q Okay. Are were these discs that were
6 prepared by you?

7 A Yes.

8 Q All right. Excluding the one prepared by
9 Detective Arflin?

10 A Right, and -- but also the one that was
11 received by mail. So, this is going to include the
12 one received by email and the three different
13 produced by me as a result of the email, and the one
14 produced by Arflin.

15 Q Okay. Okay. So, three prepared by you,
16 one received by mail, and one from Detective Arflin?

17 A Correct. The one that he produced
18 afterward.

19 Q Okay. Did you give Detective Arflin --
20 I'm trying to understand. We had information from
21 three separate providers, is that right?

22 A Yes.

23 Q Okay. Verizon, Sprint, and TMobile?

24 A Yes.

25 Q Okay. So three separate providers, three

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1 discs? Or we have one extra disc. Did you give
2 Detective Arflin the original disc, or did you make
3 a copy of that disc?

4 A I will -- let me just try to clarify it.

5 Q Okay, please.

6 A We got a disc by mail, which was Decota
7 Brown's number, the 9888.

8 Q Okay.

9 A Yes. And then we have a disc that has
10 Hunter Hunnicut's information on it, Lisa Broach's
11 information on it, and Steve Broach's information on
12 it.

13 Q Okay.

14 A Because they are target numbers, we would
15 submit different search warrants and they will
16 respond on different discs. They wouldn't
17 necessarily combine, for example, from Verizon.
18 Sorry, Verizon would produced two discs for us.

19 Q Okay.

20 A No, sorry, Verizon would have sent us two
21 emails, which would be two different target numbers.
22 And then you have got the other email for Hunter
23 Hunnicut. And we physically got the disc back from
24 Decota.

25 Q Okay.

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1 A And then Mike Arflin produced the fifth
2 disc, which is the five in here.

3 Q Okay. Perfect. Thank you.

4 A Uh-huh.

5 Q And have you had an opportunity to review
6 those discs prior to coming into court today?

7 A Yes.

8 Q Were you able to determine whether or not
9 those discs are the same discs that you prepared or
10 that the Seneca Police Department received from
11 these various people?

12 A Yes, and yes.

13 Q Would you mind opening up -- well, let me
14 ask you: The writing on this, is that writing that
15 is germane to this particular case?

16 A Yes.

17 Q Okay. And whose handwriting -- who
18 initially put the discs in the bag?

19 A Amber Watts.

20 Q Okay. And have you been able to review it
21 since Amber Watts put them in the bag?

22 A I have.

23 Q Have you materially changed them or
24 altered them in any way since they were created?

25 A No.

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1 Q All right. And would you be able to
2 unseal that at this time and look at the discs
3 themselves?

4 A Yes.

5 Q Do you need scissors or anything? We have
6 got some.

7 A Thank you. Yes, I can confirm these are
8 the five discs. And I have reviewed these discs.
9 Yes, these are them.

10 Q Okay. Those are the ones that you
11 received from the provider, and also the one that
12 you -- the ones that you created and the one from
13 Detective Arflin?

14 A Yes.

15 Q All right. How do you know?

16 A Well, this one, in particular, has notes,
17 or instructions rather, from Detective Arflin. That
18 says, use this, click on this, double click this,
19 open this, load this, so instructions that he wrote
20 on here.

21 Q Right. Is that -- when you have gotten
22 stuff back from him in the past, have you gotten it
23 back in a similar fashion?

24 A Yes.

25 Q And does it usually have handwriting on

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1 the back that way?

2 A Yes, because I can never remember how to
3 open it, so he has to write the instructions every
4 time.

5 Q Okay. So you recognize that? Is the
6 writing similar in fashion that you normally get?

7 A Oh, yes, that is his.

8 Q Do you recognize that as his handwriting?

9 A Oh, yes.

10 Q And the other discs, how do you recognize
11 those?

12 A Well, we make notes on them of what they
13 were, what is on the sleeve. Or, you know, we make
14 notes on the sleeve of what is on the disc, and all
15 of those notes reflect all of those things. And
16 then this particular disc is different. This is the
17 one we received by mail. It has got a case number
18 written on here that doesn't coincide with our case
19 number. It would be a case number that the carrier
20 had generated on their end, so to speak. You know
21 --

22 Q So, that is their particular account
23 number?

24 A That is their particular case number for
25 this, for this search warrant request, right.

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1 Q Okay.

2 A So, this is Decota's Sprint results.

3 Q And how do you know that is Decota's
4 Sprint results?

5 A It says, "Decota's Sprint results" on it.
6 And then I went back and reviewed all of these discs
7 recently to say that these are the same discs.

8 Q Okay. And are the phone numbers for the
9 various search warrants listed on the disc as well?

10 A Yes, they are all listed. And then when I
11 went back and reviewed the results of the documents
12 that are on the disc, I was able to confirm that the
13 disc was in the sleeve, that the numbers match up,
14 that the carriers match up, all of the descriptors
15 match up.

16 Q Okay. Let me collect these back from you.

17 MR. STOUDEMIRE: Your Honor, at this time,
18 we move to admit State's Exhibit No. 77, which
19 is the packet containing the five discs that
20 the investigator has been speaking of.

21 THE COURT: All right. Any objection?

22 MS. HODGES: Judge, I don't think --
23 obviously, Detective Arflin hasn't testified.
24 To the extent that anything is done with that
25 one that is from Detective Arflin, I would

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1 object to it. Because I don't think that
2 testimony has been had to lay the foundation
3 and appropriateness for that disc. But as to
4 the other four, I have no objection.

5 THE COURT: I think that there has been a
6 proper foundation laid, as far as having the
7 discs moved in, as far as the information on
8 there. We may need some more foundation for
9 that, but in that regard I'll overrule it and
10 allow all five discs be allowed to be put in at
11 this time.

12 MR. STOUDEMIRE: Thank you, Your Honor.

13 *(Whereupon, State's Exhibit No(s). 77*
14 *marked for identification and received in*
15 *evidence.)*

16 MR. STOUDEMIRE: Investigator Teramano,
17 thank you very much. Please answer any
18 questions that opposing counsel may have for
19 you.

20 THE COURT: All right. Cross examination.

21 MS. HODGES: Yes, sir, thank you.

22 CROSS EXAMINATION

23 BY MS. HODGES:

24 Q Investigator Teramano, let me talk first
25 to you about when and you Investigator Watts went

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 out to Dogwood Drive or Lane?

2 A Dogwood Road.

3 Q Okay. All right. So, went out to Dogwood
4 and found items in the pipes. On that particular
5 day, were you all actually, specifically, going `
6 looking for evidentiary items?

7 A Yes, sorry, yes.

8 Q Did you have information at that point
9 that, from Mr. Hunnicut, that items had been stashed
10 in blue pipes, and kind of gave you a basic
11 description of where that area was, right?

12 A Right, yes.

13 Q So, you actually were intending on going
14 and then looking for evidence that, if it was there,
15 that you would actually plan on collecting, is that
16 right?

17 A Yes, that's correct.

18 Q Okay. But you didn't take any evidence
19 bags or gloves or anything in order to actually
20 package that information or that evidence if you
21 found it on scene?

22 A I don't remember saying that.

23 Q Okay. Well, were you here for
24 Investigator Watts' testimony?

25 A Yes.

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1 Q Okay. Let me ask you this: Did you hear
2 her say that you all just basically packed --
3 brought it, picked it up, and just put it in the
4 patrol car and took it back to the office?

5 A I heard her say that, yes.

6 Q Did you actually package it there on scene
7 into individual bags or individual containers or
8 something to be able to transport it?

9 A I don't remember packaging it individually
10 on scene, no.

11 Q Do you remember how you gathered it and
12 put it in the -- were y'all in one car?

13 A Yes, we were in the same car.

14 Q Okay. So, do you remember how you all
15 packaged it up and put it into your patrol vehicle?

16 A Well, you mentioned about not having
17 gloves. I remember having gloves. I don't know
18 about the no glove detail. But we would have been
19 wearing gloves and put them into our car and then
20 took them to our office.

21 Q Okay. And where in the car would you have
22 put it?

23 A The back seat.

24 Q But was it contained like in a garbage bag
25 for example, to protect it from any other potential

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1 contamination of anything?

2 A I don't remember.

3 Q And then it was taken, when you got from
4 the vehicle to your office, where did it go?

5 A At the office?

6 Q Right. You pick it up from the pipes.

7 A Right.

8 Q And y'all laid it out and photographed it.
9 Pick it up, put it back in the vehicle, and took it
10 to the office. You all went straight to the office?

11 A Yes.

12 Q Okay. Where did it go when you get to --
13 out of the vehicle and you are at Seneca Police
14 Department?

15 A Well, we go to our building, our office,
16 and it would be there until it gets taken to the
17 evidence and property room.

18 Q Okay. So where was it stored before it
19 was taken to, evidence and property?

20 A Where were these items?

21 Q Yes.

22 A These items were secured in our building
23 before they were taken to the evidence locker.

24 Q Where in your building?

25 A Well, we all have offices.

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 Q Right.

2 A And then inside of our building. So I
3 don't remember --

4 Q Do you remember whose office it was stored
5 in? I mean, I assuming that you are saying that it
6 was stored in somebody's office.

7 A Yes, I don't remember so.

8 Q All right. And you all went out to that
9 scene pretty much like the day after or so, or
10 within a few days? I think it was March the 13th
11 actually. Does that sound about right?

12 A Sounds about right. The days run together
13 so --

14 Q All right. Do you know why there was a
15 week-long delay from collecting the evidence to
16 actually turning it over to the evidence room?

17 A Well, that is -- I mean, that -- we
18 collect items, especially in this case, there were a
19 lot of items. We want to make sure that we go
20 through everything. We want to make sure that we,
21 we look through everything. If there is pockets to
22 dig through, if there are receipts to look at, if
23 there are particular markings to look at. You know,
24 if there is something that I want to look for, maybe
25 somebody's initials are carved in anything and

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1 things like that. So, for there to be delays in
2 things going, for example, from our building to
3 actually being logged into evidence or property
4 room, it is not uncommon, and that seems -- and that
5 would be what happened in this case as well. So, as
6 we are combing through things, and I may need to
7 follow up with this one thing, or maybe there is a
8 reference to this item that we may have seen
9 previously or call somebody and ask them, Hey did
10 you, or something like that. So, the delay would be
11 something that might happen.

12 Q All right. So it would have taken you all
13 a week to go through all -- a backpack, a jacket, a
14 couple of hats, and a jar of peanut butter, plus
15 some other miscellaneous items?

16 A I can't testify, though, to the crime
17 scene tech or whatever, when they entered it into
18 their system and why those dates might be. So I
19 might have -- it may have been taken from our office
20 to the evidence room, you know, after four and a
21 half days and then they have it in their intake area
22 before they log it in. But I can't, I can't clarify
23 or testify to what they did.

24 Q So, there is no way to be able to kind of
25 determine the exact time frame, in terms of the date

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1 and time collected, everything that has gone
2 through, when it's turned into evidence and property
3 and when it's logged in?

4 A Well, I mean, I just know, secured in our
5 car. Then secured in our office. And then secured
6 in the evidence property room.

7 Q All right. Where in the evidence property
8 room does it get secured before it is getting logged
9 in?

10 A Oh, you will have to talk to the evidence
11 tech about their procedural things on that.

12 Q You don't have -- like if the evidence
13 tech is not there at midnight and you have got to
14 turn something in to evidence and property room,
15 what do you do with it?

16 A Well, there's a couple of options. Number
17 one, the police department has a locker system where
18 evidence is secured after hours and then -- but for
19 those of us in investigators, like I said, so we
20 have the building and our offices and it's secured
21 in.

22 Q And is your office, where investigations
23 is housed, is that in the same building as the
24 evidence and property?

25 A No.

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 Q Is your office -- throughout the court I
2 have seen reference to something called the Oasis
3 building.

4 A Right.

5 Q Is that your offices is called the Oasis
6 building?

7 A The Oasis building is the building where
8 investigators are, it is where detectives are, so
9 that is where Investigator Watts and I would be.

10 Q And how far is that from the evidence and
11 property room?

12 A As the crow flies, maybe a mile.

13 Q So, it is not there where, like on Walnut
14 Street or whatever where you have got the police
15 department and then your evidence building, it is a
16 separate building?

17 A Right. Correct, it is a separate
18 building. It is a hop, skip, and a jump around the
19 corner.

20 Q But a mile, about a mile?

21 A Yeah.

22 Q Okay. You had indicated that when you did
23 the emergency request, you mentioned GPS location.
24 Are you sure that you actually received GPS location
25 information?

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 A No, I didn't. I don't think that I
2 testified that I received GPS. I just received the
3 CDR.

4 Q Just the call detail records?

5 A That is what I remember, yes.

6 Q Basically, to and from phone calls from
7 the targeted numbers, and basically when they start
8 and when they end, that sort of thing?

9 A If I could see it. I could clarify some
10 of the columns for you.

11 Q Yes, just to make sure that this is -- we
12 are talking about the same thing.

13 A Yes. Thank you.

14 (Pause.)_

15 A So, yes, this has the calling number, the
16 dialed digits, the start date, the end date, the
17 duration. It has some other columns with various
18 headings, that I wouldn't necessarily know what
19 those were. But I'm familiar with looking at these
20 as being what I have been as CDRs. I wasn't
21 surprised by getting this back from them that night
22 that I requested it.

23 Q Okay. And so -- and does -- do you know
24 for a fact if it gives you any of the actual cell
25 tower numbers or cells?

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 A Well, a couple of those categories, they
2 say cell, you know, so first cell and last cell, and
3 that might be what that is.

4 Q But you don't know?

5 A I don't know, I wouldn't be able to tell.

6 Q And you wouldn't claim any expertise to be
7 able to present that to this jury?

8 A No, no.

9 Q Okay. There's nothing in the information
10 that you received back from either the search
11 warrants or the emergency request that you made that
12 actually specifically connects Mr. Brown, Decota
13 Brown, with that number, 864-784-9888; is that
14 correct?

15 A No, we, through other investigative
16 measures, we determined that that was Decota Brown's
17 phone.

18 Q All right. But there is nothing that, you
19 know, that is from any of the records that indicate
20 that that was his phone?

21 A Right. And the records typically would
22 just show us who the subscriber was. And, like I
23 said, it is not uncommon for us to see the
24 subscriber might be, you know, a friend or a
25 relative, or something like that.

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 Q Okay. The records that we received in
2 response to the search warrants that were emailed,
3 they were emailed to Investigator Watts directly; is
4 that correct?

5 A That's correct.

6 Q Did you access Investigator Watts' email?

7 A Yes.

8 Q She didn't forward them to you as
9 attachments?

10 A No.

11 Q You actually accessed her email?

12 A Right, sitting at her computer with her
13 email open I went there and did the dragging, yes.

14 Q And drag and clip, or drag across. And
15 you didn't look at those records at all before
16 burning them to a CD?

17 A The only thing that I might have done was
18 to look -- is to make sure that there aren't like a
19 corrupted file or a file that was actually
20 something. If I double-clicked on it and it said,
21 wop, wop, well, then I would know that there was a
22 problem and I would need to, you know, call the
23 carrier and say, hey, what you sent me didn't come
24 through, or didn't work, or something like that.

25 Q Okay. What is the distance from -- I

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 think that you said that it was East North Street,
2 East North First Street, basically to -- from that
3 street up Dogwood to where the pipes were? I know
4 I'm jumping around, sorry.

5 A No, that is fine. I am just -- so, you
6 said from East North First along Dogwood to the
7 pipes?

8 Q Because I assume that that is the way you
9 accessed it was from East North Street.

10 A I could have gone the back way to Fifth.
11 It wraps around and goes by the right-of-way because
12 that would have put me kind of coming in from the
13 incident. If that makes on the map, you know, when
14 I came -- I might have come in the other way and
15 kind of come in from the [REDACTED], the back of [REDACTED] Maple
16 Ave and come up that way, but to answer your
17 question, it is a couple hundred yards along Dogwood
18 there. There is only one residence there on
19 Dogwood. It is not very long, so it is probably
20 just a couple hundred yards after you turn off East
21 North First Street to get to the pipes.

22 Q And how far it is from the incident
23 location, [REDACTED] Maple Avenue, to those pipes, going
24 along the lines that we believe Hunnicut --

25 A Yeah, a little bit longer than a couple

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 hundred yards from East North First. And, like I
2 say, I could just point it out again on the map.
3 But it is --

4 Q Is it as much as half a mile or --

5 A I don't know, that is tough.

6 Q So you basically, you didn't measure it
7 and I'm kind of putting you on the spot in terms of
8 giving us a guesstimate?

9 A No, I don't know.

10 Q Okay. That is fair. Were you able to
11 actually drive on the road that you were, you know,
12 up to it -- were you able to drive kind of like up
13 to the pipes, or did y'all have to hike it?

14 A No, we were able to drive. And so like I
15 said -- and so this is kind of like a -- it is
16 irrelevant what my memory is back when I worked road
17 patrol is that there was a builder who was trying to
18 maybe build back there or develop back there in that
19 area, and it never amounted to anything. So, it
20 kind of got overgrown and the gravel and the dirt
21 and the concrete just kind of went into disrepair,
22 so to speak. So, I am familiar with this as being
23 like a thing that you can drive on, but it is just
24 not something that is typically driven on by anyone
25 else. It's kind of off in its own little hole. And

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 I think that the pipes have been there as a result
2 of this developer trying to develop the property.

3 Q All right. When you take the discs to
4 Detective Arflin to analyze the data information
5 from the call search warrants, did you actually make
6 a copy of them prior to sending them to him?

7 A No, I don't think I did.

8 Q Okay. Did you -- was there a reason why
9 you decided to combine the records for three
10 different responses and at least two different
11 carriers on the one CD?

12 A I don't remember combining them on a CD.

13 Q Well, you said that there's one CD that --
14 did you put the Broach, Lisa Broach's records on one
15 CD by themselves?

16 A Yes.

17 Q And then Steve Broach's on one CD?

18 A Yes.

19 Q So, they are actually combined -- I mean,
20 they are all on their own separate CDs?

21 A Yes.

22 Q Okay. The CD that you got picked up at
23 the mail, did you make a copy of that CD at all?

24 A No, I don't think so.

25 Q Is there a reason why not?

CROSS EXAMINATION OF MICHAEL TERAMANO BY MS. HODGES

1 A To make a copy?

2 Q Right.

3 A No.

4 Q So, you weren't worried about, you know,
5 the evidence potentially either getting lost or
6 mishandled, you know, in terms of -- because those
7 records are kind of what you are kind of basing --
8 part of what you are basing your case on today,
9 right?

10 A Right.

11 Q So you were not at all concerned about
12 those records and the integrity of those records and
13 them not getting lost?

14 A I mean, I could ask for them back from the
15 carrier again. You know, they retain those records,
16 so I could if there was an issue with that.

17 Q Okay.

18 MS. HODGES: Beg the Court's indulgence
19 for a moment.

20 THE COURT: Okay.

21 (Pause.)

22 MS. HODGES: Thank you. That is all that
23 I have.

24 THE COURT: Any redirect?

25 MR. STOUDEMIRE: None, Your Honor.

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 y'all are okay with that.

2 All right. You may call your next
3 witness.

4 MR. STOUDEMIRE: Thank you, Your Honor.

5 At this time, the state would call Mike Arflin
6 of the Clemson Police Department.

7 Thereupon,

8 MIKE ARFLIN

9 was called as a witness, having been first duly
10 sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. STOUDEMIRE:

14 Q Sir, if you could, please give us your
15 name for the record?

16 A It is Michael Arflin.

17 Q Thank you. And is it detective, officer,
18 or what do we call you?

19 A It is sergeant now, I'm no longer an
20 investigator.

21 Q Okay. Sergeant Arflin, where are you
22 employed?

23 A I'm employed at Clemson City Police
24 Department.

25 Q How long have you been with Clemson City?

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 A I've been there since February of 2008.

2 Q Okay. Were you in law enforcement prior
3 to that?

4 A Yes, sir, I was.

5 Q Where were you before that?

6 A Anderson County Sheriff's Office.

7 Q How long were you with Anderson County?

8 A November 1998 until leaving to go to
9 Clemson. And Anderson City for a short stint as
10 well.

11 Q Okay. How long with Anderson City?

12 A Two or three years.

13 Q So, do you have any idea about how long in
14 law enforcement total?

15 A I am three years and five months from
16 being able to retire. I would have to look at my
17 clock.

18 Q But needless to say, you are tracking them
19 at this point?

20 A I am counting the minutes.

21 Q So, in that time in law enforcement, tell
22 me a little bit about what you have done in your
23 career in law enforcement?

24 A Of course, it is obvious, been in patrol,
25 served on various SWAT teams in different agencies.

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 I think more important at this point, became an
2 investigator in 2013, March 2013, got moved to
3 investigations. In 2014 I started taking classed in
4 mobile forensics, cell phone technology. That led
5 all the way into 2019. The last class I took was
6 during that time frame. During that I have
7 processed countless phones, either for the cell
8 phone dumps that Investigator Teramano talked about
9 earlier, or building maps. First by hand, and then
10 through the technology advances, it actually tracks
11 it.

12 Q Okay. Tell me a little bit about these
13 classes that you took with regard to cell phone
14 technology?

15 A In 2014 I attended two separate classes,
16 both put on by a public agency, Training Councils
17 Technology Division. The first was cellular
18 technology. In that class we discussed how cell
19 phones work, how cell phone towers work, cell phone
20 theory, and we started building the base for mapping
21 call detail records at that point. At that time in
22 2014 we were doing it by hand. So, it was actually
23 looking at the CDRs, the Excel sheets that the
24 companies send back, and you actually had to go
25 through and physically pull the data, correspond it

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 with tower information that the companies send us,
2 and then we would plot the tower and then plot the
3 azimuths and et cetera. But we would build the maps
4 by ourselves.

5 Q Okay. So, you are having to measure and
6 look at all of these coordinates, things like that,
7 to come up with these maps?

8 A Yes, sir, back originally, yes, sir.

9 Q And you said that y'all begin -- you began
10 developing the technology?

11 A I didn't develop it. The technology was
12 developed and brought to us. We actually came to
13 learn about the technology that we use now because
14 of the Cole and Black trial or the Cole and Black
15 incident in Spartanburg.

16 Q Okay.

17 A That of course originated out of Anderson
18 city. I have some colleagues that work there, that
19 we work in the same specialty field with cell phones
20 and et cetera, and we used to talk back and forth
21 about things. He was actually one of the active
22 investigators in that for the missing persons case
23 that originated in Anderson. And the software we
24 use today actually led to them locating that young
25 lady and subsequently the trial of Cole and Black

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 and everything else.

2 He told me that. Of course, he
3 explained his capabilities to me. Whereas I was
4 building maps by hand and it was taking me three and
5 four weeks to plot a day or two worth of
6 information. We would literally drill down to what
7 we wanted and it would take me that long to just
8 build one map over those corresponding data it
9 takes. And he was taking 30,000 or 40,000 lines of
10 code or of Excel information from these, the
11 companies, as sent, and developing a map within
12 three or four minutes.

13 Q Okay. So, before were you having to take
14 the same 30,000 or 40,000 lines or code or
15 information and develop those maps by hand?

16 A Yes.

17 Q Okay. And coming up with the same
18 accuracy that the computer could come up with in
19 just a fraction of the time?

20 A And more so.

21 Q Okay. What other -- what other training
22 have you gone through?

23 A Of course, that same years I took the
24 smart phone forensic class, which was the second
25 part of the cellular technology class, which got me

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 certified through public agency Training Council
2 Technology as smart phone forensics.

3 And past that, in 2015, I took the
4 Oxygen certification course. Oxygen is a company
5 that makes forensic software for mobile devices,
6 cell phones, tablets, et cetera. I actually took
7 the course and became certified in that.

8 And then in 2019, after we had
9 already been using ZetX tracks for a little while, I
10 was actually able to get seated in their class. One
11 of their cell phone technology or investigation
12 using cellular technology, criminal investigation
13 using cellular technology, which expanded on what I
14 have been taught already in PDAC. And of course,
15 technology had changed from 2014 to 2019, so there
16 were advances in technology. And we actually dug
17 down and became -- or got more carrier specific, as
18 to what each carrier would provide us and learn more
19 RF theory, or radio frequency theory and how it
20 corresponds to our records that we receive back and
21 what those records produce.

22 And we also learned that we had
23 gotten it wrong for a long time when we were mapping
24 them by hand. So, I mean, it was an eye-opening
25 experience that consisted of a lot of instruction, a

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 lot of case studies. It was not one of the courses
2 that law enforcement is so famous for where you show
3 up and sit through it and you walk away with a
4 certificate. This was actually a course where we
5 had to do what they were teaching us. We had case
6 studies throughout the training period that we
7 actually had to complete, complete to a standard
8 before they would move us to the next section.

9 Q Is it fair to say the training that you
10 were doing at that point was very hands-on?

11 A Very, very.

12 Q Okay. And it -- and very detailed, very
13 involved?

14 A Yes, sir.

15 Q How long did that training take?

16 A That was a 40-hour course, full week-long
17 course.

18 Q Okay. So eight hours a day you are in a
19 classroom going at it?

20 A They say 40 hours, but I don't think we
21 walked out on time any day that week.

22 Q Okay. So, 40 plus?

23 A Yes, sir.

24 Q Okay. And so, all tolled, if you had to
25 look back on your experience -- well, let me ask

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 first, any other training that you have had to go
2 through with what you have been doing with regard to
3 mapping cell phones?

4 A That would be all of the training that I
5 have done, the rest has come through practical
6 application.

7 Q Okay. Speaking of practical application,
8 with regard to -- before you were able to start
9 doing it by aid of computer technology, how many
10 would you say you did by hand?

11 A More than 70.

12 Q More than 70.

13 A Between 2014 and 2019 when we picked up
14 the information -- or 2018, May of 2018 we picked up
15 TraX.

16 Q And since that time, how many would you
17 say that you have mapped?

18 A Ninety-four.

19 Q Ninety-four, okay. So, getting close to
20 200 of these that you have done?

21 A Yes, sir.

22 Q And is all of this, you have done for the
23 City of Clemson, or do other agencies come to you?

24 A No, sir, I get people from surrounding
25 agencies, Oconee County, Seneca, Anderson County,

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 Anderson City, Greenville, Homeland Security, the
2 FBI, U.S. Secret Service Task Force, U.S. Marshalls
3 that come through here, anyone who needs it done.
4 If they get -- it is basically with the alphabet
5 agencies or the Federal agencies, they all have
6 techs that do this on their own, but if they are in
7 Clemson, and it has happened more than once, if they
8 are in the Clemson area and they need something
9 done, they will come and get me and I'll do it for
10 them.

11 Q Okay. Outside of you in Clemson, you said
12 that you have had most of the surrounding counties
13 coming to you. Anybody in Anderson or Oconee County
14 doing what you do that you know of?

15 A One in Anderson city.

16 Q Okay. And that is it?

17 A That is it.

18 Q Okay. And also several of the, as you put
19 it, the alphabet agencies from the Federal
20 government have come to you as well?

21 A Yes, sir.

22 Q And all of this, when they are coming to
23 you and they are asking you to do this, what are we
24 talking about them asking you to do?

25 A Well, it depends. Build maps for them the

DIRECT EXAMINATION OF MIKE ARFLIN BY MR. STOUDEMIRE

1 same way these maps are built. On more than one
2 occasion I have done phone dumps for them. If they
3 have -- they come in and they have a need for a
4 phone dump, I'll dump the phone on site and hand
5 them the data. It is general -- it can be any
6 number of things that they need me to do.

7 Q Okay. So, the mapping that you do, is it
8 detailed?

9 A Yes, sir.

10 Q Okay. So, in this particular case, you
11 were asked to do mapping of cell phone records,
12 correct?

13 A Yes, sir.

14 Q And a detailed mapping of that?

15 A Yes, sir.

16 Q Okay. And that was based on you having
17 the training, experience, and education to be able
18 to do this; correct?

19 A Yes, sir.

20 Q And that is through all of your years of
21 law enforcement, and all of your training, and also
22 your practical application?

23 A Yes, sir.

24 MR. STOUDEMIRE: All right. Your Honor,
25 at this time, we would move to qualify Sergeant

VOIR DIRE EXAMINATION OF MIKE ARFLIN BY MS. HODGES

1 Arflin as an expert in mapping cell phone
2 records.

3 THE COURT: Any objection or voir dire?

4 MS. HODGES: I have brief voir dire, Your
5 Honor.

6 THE COURT: Okay.

7 VOIR DIRE EXAMINATION

8 BY MS. HODGES:

9 Q Sergeant Arflin, the PATC, can you tell us
10 which alphabet that applies to?

11 A That is Public Agency Training Council.

12 Q Okay. Is that something that is South
13 Carolina specific, nationwide?

14 A No, that is nationwide, ma'am.

15 Q Okay. And what is the Public Agency
16 Training Council?

17 A It is a law enforcement training. It is
18 little what the name says, it is just -- they are a
19 company that provides training to law enforcement
20 agencies all the way across the country.

21 Q And the cell phone technology class that
22 you took with them, how long is that class?

23 A Four days, so just shy of 40, four days.

24 Q And then I believe there was a second half
25 of that class that was a smart phone --

VOIR DIRE EXAMINATION OF MIKE ARFLIN BY MS. HODGES

1 A Smart phone forensics, yes, ma'am.

2 Q And how long was that class?

3 A That was another five days, 40 hours.

4 Q And that class, did you actually get
5 certified in cellular technology as well?

6 A When you take -- the way that PATC does
7 there is if you take the first and second congruent,
8 then they certify you.

9 Q You get certified. And what is -- what is
10 that certification considered?

11 A Smart phone forensics.

12 Q Is there any sort of tests involved in
13 those classes?

14 A There was a twenty-five question test at
15 the end of it. And then throughout the smart phone
16 forensics, we were almost the same as ZetX, not to
17 the same degree, but we were doing practical
18 applications, case studies.

19 Q Is that test, is that like question
20 multiple choice, written question answer?

21 A A mixture of both.

22 Q And I missed the name, it sounds like
23 Option cell phone.

24 A Oxygen.

25 Q Oxygen.

VOIR DIRE EXAMINATION OF MIKE ARFLIN BY MS. HODGES

1 A Just like the oxygen that we breath.

2 Q Yes, sir. And you received certification
3 from them?

4 A Yes, ma'am.

5 Q And how long was that course?

6 A That course was a two-day Webinar with a
7 25 question test. But that was, again, specific to
8 Oxygen software.

9 Q So, just their software on how to utilize
10 that software?

11 A Yes, ma'am.

12 Q Okay. And then the Zedex class, of
13 course, was the 40 hour course that you mentioned
14 where y'all did the case studies?

15 A Yes, ma'am.

16 Q Okay. And then that was the last official
17 training that you had?

18 A Yes, ma'am.

19 Q In this area. And what was the time frame
20 that you took these courses over?

21 A 2014 to 2019, that time frame.

22 Q Had you completed all of these courses at
23 that time that you had performed services in this
24 particular case?

25 A I think the TraX class actually came after

VOIR DIRE EXAMINATION OF MIKE ARFLIN BY MS. HODGES

1 this. We had been using the software, but the
2 official class -- it's almost like any other law
3 enforcement class where you get seated for a class,
4 you attend when they have an opening.

5 Q Right. So, if this incident occurred in
6 early March of 2019, you believe that you actually
7 attended the ZetX course afterward?

8 A Afterwards, yes, ma'am.

9 Q Okay. So, up to this point you had -- the
10 time that you were performing the duties in this
11 case, you essentially had had, let's see, nine and
12 11 days of training?

13 A Yes, ma'am.

14 Q Okay.

15 MS. HODGES: Your Honor, those are all of
16 the questions that I have. I would object to
17 Sergeant Arflin being qualified as an expert.

18 THE COURT: Okay. What was the actual
19 mapping cell phone, what was the rest of that?
20 That you were having him qualified, that you
21 were moving that he be qualified?

22 MR. STOUDEMIRE: Your Honor, I believe
23 that it would be the actual mapping of the cell
24 phones.

25 THE COURT: No, but what was it -- you

VOIR DIRE EXAMINATION OF MIKE ARFLIN BY MS. HODGES

1 said that you wanted him qualified in mapping
2 cell phones and then I just want to make sure
3 that I had it.

4 MR. STOUDEMIRE: Yes, the actual thing
5 that I was asking for was mapping of cell phone
6 call detail records.

7 THE COURT: All right. And any specific
8 argument or basis?

9 MS. HODGES: Well, Judge, I am just
10 concerned that 11 days of training, one of
11 which is a two-day Webinar is not sufficient
12 training in the scope of information in a
13 highly technological, highly evolving field,
14 you know, to qualify -- I don't dispute the
15 practical experience that Sergeant Arflin has
16 had, but we would just argue that one of the
17 things, one of the areas of expertise does
18 involve the Court's discretion concerning,
19 regarding training. And, you know, 11 days,
20 Judge, is just not, respectfully, not enough to
21 afford qualifying him as an expert.

22 THE COURT: All right. I believe that
23 they have met the qualification for Officer
24 Arflin to be qualified as an expert in the
25 mapping of cell phone call detail records.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Now, ladies and gentlemen, let me tell you
2 a little bit about expert witnesses. Normally
3 a person cannot testify except what they
4 observed with their own senses, what they say,
5 what they heard, smelled in using their senses.

6 The exception to that is when somebody has
7 been qualified as an expert, based on their
8 training, experience, and so forth. And in
9 this case Officer Arflin has been qualified as
10 an expert in mapping of cell phone call detail
11 records. And therefore, he can give his
12 opinion based on his analysis.

13 Now, that doesn't mean that you must
14 accept this opinion, but this means that you
15 can give, like all testimony, that you can give
16 this testimony the weight that you feel
17 appropriate when you begin deliberating.

18 All right. With that being said, you may
19 continue your questioning.

20 MR. STOUDEMIRE: Thank you, Your Honor.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. STOUDEMIRE:

23 Q Sergeant Arflin, were you asked to review
24 some call detail records from several numbers in
25 this particular case?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 A Yes, sir.

2 Q And specifically, were you asked to review
3 call records from TMobile for a phone number
4 864-722-4390?

5 A I can't tell you what phone number it was.
6 All I can tell you is the records that I was given.

7 MR. STOUDEMIRE: Judge, may I approach the
8 witness?

9 THE COURT: You may.

10 BY MR. STOUDEMIRE:

11 Q I want to show you what has previously
12 been admitted as State's Exhibit No. 77. And there
13 are four discs. Do you recognize having received
14 those discs?

15 A Yes, sir, I do.

16 Q Okay. And what are the phone numbers
17 associated with those discs?

18 A One is 784-9888. And it says that is a
19 Sprint device.

20 Q Okay.

21 A There is a 722-4390, which is listed as a
22 TMobile device.

23 Q Okay.

24 A And two phone numbers from Verizon, a
25 533-0087 and 533-0085.

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1 Q So, did you receive those four discs from
2 the Seneca Police Department?

3 A Yes.

4 Q And what were you asked to do with the
5 information contained on these specific CDs?

6 A I was asked to take those CDs and transfer
7 them into ZetX to build a tracks map of the call
8 detail records.

9 Q Okay. Now, when you are given that
10 information, are you given names associated with
11 these numbers?

12 A No, sir, I generally don't want it.

13 Q Are you given any fact pattern or anything
14 like that?

15 A No, sir.

16 Q Okay. So, someone -- so, this agency just
17 brings you the information and says, process this,
18 give us a map, show us -- show us what it shows?

19 A Most of the time they will tell me what it
20 is for. Like in this case, they explained to me
21 what the crime had been. They said, we just need
22 the map.

23 Q Okay.

24 A And at that point I take the data off of
25 the disc, place it straight into TraX, and it does

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1 the rest for me.

2 Q Okay. Now, when you place the data in the
3 program and it produces results, are you able to
4 save those results out?

5 A Yes, sir.

6 Q Okay. Are you able to manipulate this
7 data in any way when you are mapping this?

8 A No, sir, I never actually touch the data
9 whatsoever. Whatever the provider provides us with,
10 it is usually in Excel format, and usually in a zip
11 file. And I will literally open the program, it is
12 a web-based program for Zedex, and start a new case,
13 assign the information I need to assign to it as far
14 as our assist another agency case number.

15 Q Okay.

16 A And then I start dragging the zip files
17 into it. I never actually open those zip files at
18 all. Unless it is our own agency's case, I will not
19 dig into the actual CDRs. I will literally transfer
20 it into the file. Create a KMZ files, which is what
21 it comes out of TraX as in a map, and I provide that
22 back to the agency.

23 Q Okay. And doing it that way, does that
24 prevent any data being corrupted on your end
25 inadvertently?

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1 A Absolutely. There is no way for it -- if
2 I don't actually go into the Excel file there is no
3 way for me to accidentally key anything in, delete
4 anything, move anything. I never actually touch the
5 Excel files.

6 Q Okay. So, the data you received, it is
7 not opinion based or anything like that?

8 A It is produced directly from whatever
9 carrier produced it.

10 Q I got you. And when you, when you are
11 able to map this out and get your results, do you
12 give those results back to the agency asking about
13 them?

14 A Yes, sir, I do.

15 Q In this particular case, Seneca Police
16 Department?

17 A Yes, sir.

18 Q All right. How do you get them the
19 results?

20 A Usually on a disc or a thumb drive. I
21 think in this case it was a disc.

22 Q Okay.

23 A I will, when TraX builds the map or when
24 they produce the map out of what you have given
25 them, it gives you a download list associated with

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1 whatever phone number or target number you are
2 looking at and you literally just go in and hit
3 download and download, and I move it on to a thumb
4 drive or disc and hand it directly to them.

5 Usually we will open it just to
6 confirm that it's not a blank disc, that something
7 actually saved to it. But hand it right back to
8 them.

9 Q Okay. And do you give them instructions
10 on how to open the disc and look at the information
11 contained on it?

12 A Yes, sir, and I have gone as far as
13 sitting down and actually explaining some of the
14 software to them.

15 Q Okay. Is there any way for them to change
16 the data, manipulate it, anything like that?

17 A No, they can't go back in and rewrite that
18 KMZ file, it would corrupt the entire file.

19 Q Okay. So what you give them, basically it
20 is what it is?

21 A Yes, sir.

22 Q Okay.

23 A Good bad or indifference, it is what it
24 is.

25 Q Fair enough.

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1 MR. STOUDEMIRE: Your Honor, may I

2 approach again?

3 THE COURT: Yes, you may.

4 BY MR. STOUDEMIRE:

5 Q I want to show you what has been marked as
6 part of the Exhibit No. 77 for identification; can
7 you tell me what that is?

8 A It is the disc given back to Seneca Police
9 Department with the mapped KMZ files.

10 Q And was that just produced by you?

11 A Yes, sir.

12 Q And when I say "produced by you," was that
13 done based on the information that you got from
14 Seneca PD on this case?

15 A Yes, sir.

16 Q Okay. Is that your handwriting on the
17 disc itself?

18 A That is not my handwriting on the disc,
19 but that is my handwriting on the back.

20 Q Okay. And your handwriting, your
21 handwriting on the back, you recognize that as your
22 own, correct?

23 A Yes, sir.

24 Q Okay. And is this the disc that you
25 normally use with putting these things together?

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1 A Yes, sir. Yes, sir.

2 Q Again, no way to change or manipulate this
3 data once you get it?

4 A No, sir.

5 Q Okay. And if you open, if you open this
6 disc on the computer, will it tell you immediately
7 whether or not it is produced with regard to this
8 case?

9 A It'll show me the target numbers and
10 everything, all of the KMZ files that are associated
11 with it.

12 Q Got you.

13 A It would take me actually going into it to
14 be able to tell you --

15 Q Okay. But you could be able to tell?

16 A Yes.

17 MR. STOUDEMIRE: Your Honor, I think that
18 Ms. Hodges has had an opportunity to review
19 this. At this time, we would move this portion
20 of Exhibit 77 in that I think she previously
21 objected to.

22 THE COURT: Oh, okay.

23 MS. HODGES: Thank you, Your Honor. No
24 objections.

25 THE COURT: All right. In without

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1 objections.

2 BY MR. STOUDEMIRE:

3 Q All right. Sergeant, if you could, can we
4 go ahead and load this? You will need a password
5 for that once it pops up and it is written on that
6 sticky note.

7 A Could you make a longer password?

8 Q We could have, but we wanted to keep
9 things simple for you.

10 A If it doesn't work, it is your fault.

11 Q Fair enough. Many things are.

12 A These external hard drives or disc drives
13 are extremely slow.

14 Q If you can, tell me what you are looking
15 at right there?

16 A Right now, this is called the time slider
17 bar. We are actually going to adjust it there.
18 Because it was set to the time zone on the computer
19 and it needs to be set to the UTC, because the
20 universal daytime is what all of these cell phone
21 providers record their information in. So, it
22 doesn't matter if you are on the East Coast and on
23 eastern daytime, or if we are on the West Coast, if
24 you apply for a search warrant or get any records
25 back from Sprint, TMobile, Verizon, any of the

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1 carriers, you are going to receive those back in
2 UTC. So, if you don't put it -- if you don't have
3 the time coordination set the correct way -- which
4 may be why y'all were having a problem trying to
5 look at this on your own -- it is going to skew all
6 of your results. Because you are -- it is no longer
7 translating what they have given you into your time.
8 It is translating it into the twilight zone time.

9 Q Okay.

10 A So, this is basically the way we navigate
11 this entire system. As a matter of fact, just as
12 you are asking questions, I can just hit play and it
13 will start rolling through all of these time zones.
14 And what you see is you start seeing devices pop up
15 onto the screen, what you are actually seeing in
16 these colors, I believe that we used red, blue,
17 yellow, and orange as the four different devices.

18 So, what you are seeing is as these
19 devices start to connect and communicate with
20 networks, either making cell phone calls, or
21 anything, anything that they do on the network, be
22 it cell phones, call to call, IP access where they
23 use their phone to get on Facebook or the Internet,
24 or if they are texting back and forth with each
25 other, anything that they do that accesses the

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1 network leaves a fingerprint on the network.

2 Q Okay.

3 A So, that is basically what you are seeing
4 as that pops up as those cycle through, each color
5 indicating each device and what those devices are
6 doing at the time, how they are communicating, or
7 whether they are using an access.

8 Q Now, you said that you used red, blue,
9 orange, and yellow on this; is that correct?

10 A Uh-huh. (Indicating affirmatively.)

11 Q Can you tell me which numbers you
12 associated with which color?

13 A I certainly can. For yellow was 0085, so
14 the 533. Red was 9888, the Sprint.

15 Q Got it.

16 A Orange was 0087.

17 Q Okay.

18 A Looking for blue. Blue was 4390.

19 Q Okay. So, were you asked to look at days
20 before this incident on March 7th and days after, or
21 just specifically certain -- what days and times?

22 A Initially when I -- initially when I did
23 this map I wasn't asked to look at it at all. I
24 just created the map and handed it over. I have
25 since been asked to look, and I looked at three

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1 days.

2 Q Okay.

3 A 3/7, 3/8, and 3/9.

4 Q And what we are seeing on the screen now
5 is it is just progressing through time. And I
6 believe looking at it, it looks like we are on March
7 5th right now progressing towards March 7th?

8 A Yes, sir. Right now it is just playing
9 everything that it saw on the call detail records
10 for all four devices.

11 Q Okay. So it is going to get to March 7th
12 before I can ask another question.

13 A Well, I can hit pause, that is quite easy.

14 Q Well, it is okay, I was just going to ask
15 you to go to March 7th.

16 A Any specific time on March 7th that you
17 want me to look at?

18 Q Okay. Can we start with, let's say, 4:45
19 p.m.?

20 A Actually there's an easier way to do this.

21 Q Now, if you plug in a specific date and
22 time on both of those, start and end, is it going to
23 give you essentially a static image?

24 A Yes, it'll give you a specific window,
25 whatever window you are looking at, whether you

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1 choose to look at an hour of time, 30 minutes of
2 time, five minutes of time, whatever window of time
3 you want to set it to be is what it will give you.

4 Q Okay.

5 A Most of the time, when I am initially
6 looking at it, I'll give it an hour and then I will
7 start decreasing from there.

8 Q Okay.

9 A I can get it right now.

10 Q So if we just do 4:30 to 4:45, then that
11 will give us those 15 minutes as to what was
12 happening?

13 A Uh-huh. (Indicating affirmatively.) If it
14 wants to cooperate with me at the moment. So, now,
15 you are looking at a 15-minute window.

16 Q Okay. So what colors are we seeing on the
17 screen right now?

18 A Right now the only device that I'm seeing
19 on screen right now is the blue.

20 Q Okay. Now, when we are showing a color,
21 does that mean the phone is on, or does that mean
22 the phone is in use?

23 A That means that the phone is accessing the
24 network.

25 Q Okay.

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1 A In this instance, it's actually getting an
2 incoming call.

3 Q Okay. In what different ways would a
4 phone access the network?

5 A Well, there is several different ways.
6 One, you could either, of course as we all know, you
7 can make a call, either make or receive a call. If
8 you pick up your phone and log into Facebook, you
9 are communicating with the network, if you are not
10 on your Wifi system at home or on Wifi somewhere
11 else. If you are just out driving around
12 downloading music, it is going to communicate with
13 the network. If you send a text or receive a text,
14 it is communicating with the network. And in all
15 actuality our phones are constantly communicating
16 with the network because that is the only way that
17 the network itself knows where to locate your phone
18 and how to transmit your call to you is every few
19 seconds your phone does basically a handshake where
20 it speaks to all of the towers around it.

21 The towers and the network decide
22 which tower at that point in time has the best
23 signal strength to your phone. And then it
24 basically registers your phone as there. And it
25 does that every few seconds so that when someone

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1 calls you it knows what tower to direct that phone
2 through to give your phone the best reception at
3 that time. Do they fail miserably? Yes, but they
4 try.

5 So, it is constant communication with
6 the network. But mainly what you see on these maps
7 are going to be the things like the calls, incoming
8 or outgoing, any access to the Internet or anything,
9 any time that any data is sent, like text message,
10 multimedia message, which would be like a picture
11 message or a video or something like that, that is
12 what you are going to see on these maps.

13 Q Okay. So, what we are seeing right now,
14 what time is on the screen?

15 A Right now it is 4:45 to 4:30 is the time
16 window.

17 Q Okay.

18 A I can actually dig down and tell you what
19 time that phone call. It says 4:35 this phone call
20 was received.

21 Q Okay.

22 A Right there across the top, 37 4:35.

23 Q And since that is blue, we are talking
24 about the 722-4390; correct?

25 A Yes, sir. And you can actually see the

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1 target number right below the time date stamp.

2 Underneath TraX emblem is and TMobile emblem, you

3 see the time date stamp for that phone call?

4 Q Yes, sir.

5 A Then the target number is right underneath
6 it.

7 Q Okay. Thank you. And now, there's a
8 specific area of blue, it is not one pinpoint, why
9 would that be?

10 A Because what you are seeing right now is
11 the cell phone tower's coverage area. So when we
12 get -- most cell phone networks in the United States
13 right now are called CDMA cell phone towers. So
14 what you get is when you look at one of these
15 towers, you have the triangle shaped tower that goes
16 up and then around. On each one of those triangle
17 faces on that tower will be a series of antennas,
18 and those antennas are going to be rented. The
19 tower itself is rented or leased by the cell phone
20 companies, and they go up and put their towers on
21 it, or their antenna on top of the tower.

22 So, what you are seeing there is the
23 pinpoint itself is the tower location. And what you
24 are seeing around it is the antenna that was used to
25 do it. So, if they say tower one, for example, this

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1 was off one tower, tower one, they struck on sector
2 two, which would be this base, and they will
3 actually tell us what direction that antenna faces
4 off of that tower.

5 Zedex took it a step farther and they
6 have actually, in the time that their company has
7 been out, they have gone out and done drive testing.
8 And that is one of the ways we failed originally,
9 when I first took this class and we did it by map,
10 is everybody would think, oh 360 degrees was 120
11 degrees of coverage on each antenna. Well, that is
12 not the truth.

13 What actually happens with radio
14 waves is you get this radio and the wave length or
15 RF leak that actually wraps around the back, which
16 is why you end up with this thing that kind of looks
17 like a deformed D is the actual -- the coverage area
18 for that antenna off of that tower. So, that is
19 what you are seeing there is the coverage area off
20 of the antenna off of that tower.

21 Q Okay. Now looking at this specific phone
22 call, is there a way -- did the phone call take
23 place just somewhere within that blue area?

24 A In this case, yes, it was just somewhere
25 inside that blue area.

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1 Q Okay.

2 A I wouldn't be able -- on this information
3 alone, I could not tell you where inside that
4 coverage area that phone call was.

5 Q Okay. What would enable you to narrow
6 down the scope of that to a more confined area?

7 A Well, sometimes when we are asking for
8 these types of records we ask for different content.
9 One is this, just the CDR, just the tower and sector
10 information. We also ask for RTT information, which
11 is known as return to tower, or round trip time.

12 Q Okay.

13 A That is each one of these cell phone
14 companies knows what frequency they are pushing
15 their information out on or what their radio beam
16 off of that antenna is pushing out at. So, they
17 know the speed of that beam.

18 So, they can take the speed of that
19 beam, from their antenna, how long it takes for it
20 to go from the antenna to your handset and back to
21 the antenna and figure out how far away, estimated,
22 within reason, that cell number, that call was, or
23 the phone was at the time of the call.

24 So, you can get it through that data.
25 Actually for -- I think this is RD. TMobile uses

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1 PCMD, it is per call measurement. It is the same
2 information, it is just a different verbiage for it.

3 Q Okay.

4 A I don't have PCMD on this phone, but we do
5 have other phones that have not only PCMD data or
6 you know PCMD because it is a Sprint phone, you also
7 have estimated location, which is -- given the fact
8 that there is attenuation in every radio signal,
9 which means that something interferes with it, the
10 estimated location, just a guestimate where it is.
11 And they all generally coincide with each other.

12 Q Okay. So, we can narrow this down, but
13 given the current state of technology, are we going
14 to be able to narrow it down to just a fine pinpoint
15 of exactly where this person is?

16 A Some phone companies have gotten close.
17 It is never going to be perfect because there is no
18 way for you to be perfect. Any time that we use our
19 phones, we all know that our signal goes up and goes
20 down, and that is for any number of reasons. Trees,
21 presence of trees, will actually absorb the radio
22 waves as they come through, so you get a loss of
23 signal there.

24 There is something called shadowing
25 where, if you are in a city with buildings, taller

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1 buildings, or if you are in a geographic location
2 that has mountains. That is why we have dead zones
3 on the backs of mountains, some of the mountains
4 that we go through up here. It is because of
5 shadowing. If there is an antenna on this side of
6 the mountain -- just think of a flashlight. You are
7 basically shining the flashlight toward the mountain
8 and you know the light won't be down here.

9 Well, it works the same thing with
10 radio waves, there is no way for us to bounce them
11 around corners or send them in an arc. So, it is
12 straight-line communication. Which is why cell phone
13 companies have so many towers up in heavily
14 populated areas and while we in Pickens, and
15 sometimes up here in Oconee we lose signals in
16 places we want to go to because they are not going
17 to invest a whole lot of money in it. And you end
18 up facing a flashlight at a mountain and wondering
19 why you have no signal on the backside.

20 So, it's never going to be perfect,
21 but it's getting close.

22 Q Okay. If we can just continue to go
23 forward and tell us what we see.

24 A All right. Well, right there, what you
25 see is the red phone pops up in that area. And you

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1 are actually seeing three different kinds of
2 location here.

3 Q Okay. Now, the red phone, that is the one
4 that corresponds to 784-9888; is that correct?

5 A Yes, sir.

6 Q Okay. Tell us what we are looking at.

7 A Yes, sir.

8 Q Sorry.

9 A What you are looking at right now is three
10 different kinds of returns from this phone company,
11 from Sprint. Of course the big area here is like we
12 talked about, that is just your call detail record.
13 All that is showing you is that map, what that tower
14 and that antenna provides coverage to.

15 Q Okay.

16 A It is harder to see, but if you look
17 underneath it right here you will see this line come
18 out and there is a red line that arcs across it
19 right here.

20 Q Okay.

21 A That is called per call measurement data.
22 That is what we are talking about when we say that
23 it is sending the signal out, it gets to -- they
24 know how fast the signal travels, how long it takes
25 for the signal to go from the tower to the handset,

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1 back to the tower, creates that line. What they are
2 telling you there is that it was this distance, best
3 they can estimate, given attenuation and everything
4 else, away from the tower. And it would be on this
5 arch, because that is where the tower provides data
6 to, or provides service to.

7 So, they are saying that the phone is
8 basically going to be somewhere along that line at
9 that time. The third way you have seen right here
10 is this. This is an estimated location. Estimated
11 locations work several ways. One, it works off --
12 it works in conjunction kind of with the PCMD data
13 where it is doing that per call measurement. It is
14 also talking to other antennas in the area, other
15 towers and antennas in the area.

16 So, it is kind of like a
17 triangulation. Think about a GPS. It is not
18 perfect GPS, again, but that is the same basic
19 principle to getting an estimated location is you
20 have whatever tower is handling that data, or phone
21 call, or whatever at that time. You also have it
22 simultaneously because our phones are doing more
23 than we ever realize while we are talking on them.

24 It is still, while we are talking,
25 sending data back and forth. It is still

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1 communicating with other towers to make sure that
2 you are getting the best signal quality. And I
3 don't think we have it here, but you will actually
4 see sometimes a hand-off from one tower to another,
5 where calls start on this tower and hand off to
6 another. And that is just a way of explaining that
7 it is constantly looking for the best signal. So,
8 that red dot right here with the 97 beside it is an
9 estimated location for that phone at that point in
10 the call record. Okay?

11 Q Okay. So, are you able to zoom in on the
12 map and see where that 97 is?

13 A Absolutely.

14 Q Okay. And what are these other numbers,
15 the 183 and 182, what do those represent?

16 A Each one of those numbers corresponds to a
17 line on one of the CDR returns.

18 Q Okay.

19 A Be it either the call detail record itself
20 or something else. It's one of those lines. So, if
21 I actually picked up the Excel sheet. Your maps
22 aren't going to show me the road name. Uh-huh,
23 there you go. So, if you actually picked up the
24 Excel sheet, the raw that the phone company sends
25 you back, figure out what line there and which sheet

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1 that comes off of and go to line 97 and you are
2 actually going to find that estimated location.
3 And the same with the other calls
4 that you saw on that sheet. As you are looking at
5 them, especially the ones associated with the call
6 records, or the call detail -- that tower, the call
7 detail record itself, I would actually be able to
8 pull up the CDR sheet, go to line 188, go to line
9 189 and find the calls on this map here and show --
10 it would be able to tell me -- it is just
11 corroborating evidence, or corroborating the map's
12 accuracy that I can go between documents and look
13 and make sure that each one is doing the right
14 place.

15 Q Okay. If we are able to give you an
16 address, are you able to --

17 A Certainly.

18 Q -- show us where that is in reference to
19 that call?

20 A Yes, sir.

21 Q All right. [REDACTED] Maple Avenue in Seneca.

22 A I know it because everything in that
23 picture is red at this point. [REDACTED] Maple Avenue is
24 showing right there on the map.

25 Q Okay. And 97 is where?

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1 A Ninety-seven is right here.

2 Q All right.

3 A And you can also see the PCMD line coming
4 across right behind it. So, you are basically
5 bracketed between these two measurements.

6 Q Okay. So, as best we can tell, that call
7 took place somewhere inside that line?

8 A That would be my guess.

9 Q And that is based on your training and
10 experience, both with this program and just mapping
11 these things generally?

12 A Yes, sir.

13 Q Okay. Let's go ahead -- and that is, this
14 what we are looking at is the red phone of 9888
15 right now, right?

16 A Yes, sir.

17 Q Okay. Well, let's go forward a little bit
18 in time and tell me what we see.

19 A Let me back off of this just a little bit
20 here. All right. The one thing that you will
21 notice is as this goes through it you are going to
22 see different shades. That one just darkened. All
23 that means is that there's more activity. The more
24 activity, the more opaque that overlay is going to
25 be, if that makes sense. Okay. You see it fall off

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1 and phone comes right back.

2 Q Okay. And what time is that that it comes
3 back?

4 A We are at about 5:17 is the time bar I can
5 give you based on that. The 187, that call was
6 placed at 17:10 or 5:10 p.m.

7 Q Okay. Does it tell you the number it is
8 placed to?

9 A Yes. 727-389-2107.

10 Q Okay. And how long did that phone call
11 last; does it tell you that information?

12 A Twenty-one seconds.

13 Q Twenty-one seconds that is to 389-2107?

14 A Yes, sir.

15 Q Okay. This is right at 6:00?

16 A 17:56.

17 Q Okay.

18 A So, yes, this would be 5:56 p.m.

19 Q Okay. And this is to --

20 A This is to 533-0087, which I believe is
21 the orange.

22 Q 0087?

23 A Yes.

24 Q And that is at what time?

25 A That is at 5:56 p.m.

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1 Q Okay. Now, let me ask you this: Because
2 if we are -- we are also mapping the 0087 number; is
3 that correct?

4 A Uh-huh. We are all the way at 7:18, 7:20
5 now.

6 Q Now, are you able to look at more than one
7 phone at a time?

8 A Yes, they will show up independently
9 because I'm getting overlap right now. The reason I
10 did that, it is showing me that orange is selected,
11 but it's not showing you --

12 Q What are you looking at here?

13 A I'm looking at the actual call lines
14 themselves. Again, each one of these numbers
15 represents a line on the call detail records
16 themselves.

17 Q Okay. So, were all of the calls that you
18 were looking at, were they all made by one number?

19 A This is an outbound, yes, by 9888. That
20 is outbound. And 189, also outbound for 9888.
21 Again, that is the 0087 number they are calling.

22 Q Okay.

23 A That is two in a row to the same number.
24 Ninety is again -- this is an inbound, this is a
25 return call.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q Okay. And that is a return call from 0087
2 to 9888?

3 A Yes.

4 Q Okay. So, two out -- a couple of outbound
5 phone calls from 9888 to 0087, and then a return
6 phone call for 0087 -- or from 0087, I should say?

7 A Yes, sir.

8 Q What type of time frame are we talking
9 about with these phone calls?

10 A They are rapid succession with 1888, (SIC)
11 this is 1756. The next call, outbound, 1803.

12 Q All right.

13 A And then the inbound at 18:07.

14 Q Okay. Are they all taking place in the
15 same area?

16 A Yes, sir, they are.

17 Q All right. Are the two phone numbers
18 close together, can you tell?

19 A That is what I'm looking at right now.
20 For some reason, the orange is not wanting to show
21 up on the map.

22 Q Can you tell me, looking specifically at
23 the red, the 9888, and the blue 4390, can you tell
24 me if those were together between 5:00 p.m. and 6:00
25 p.m. in the area of that [REDACTED] Maple Avenue address?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 A (No audible response.)

2 Q Again, I assume that you are at the mercy
3 of the computer and Internet.

4 A I absolutely am, and it doesn't seem to
5 like me at the moment.

6 Q Okay.

7 A I assume that you guys don't have T1 lines
8 running in here right now.

9 MR. STOUDEMIRE: I'll tell you what, I can
10 show you some other images if the computer is
11 not working for you.

12 THE COURT: Would this be a good breaking
13 point?

14 MR. STOUDEMIRE: It might be Judge, sure.

15 THE COURT: It is five until 1. Let's go
16 ahead and break for lunch now. Can you be back
17 in the jury room ten after 2? Will that give
18 you enough time? That is a little more than an
19 hour. Don't discuss the case amongst
20 yourselves or do any research about the case.
21 Don't do any research about this. If anyone
22 were to contact you, other than the clerk's
23 office, if you would please let us know.

24 And otherwise, we will see you back at ten
25 after 2.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 (The jury exits the courtroom at 12:54
2 p.m.)

3 THE COURT: All right. Officer Arflin,
4 you are in what I call my witness bubble. What
5 that means is, you start testifying and then we
6 take a break, so you are not allowed to talk to
7 or discuss your testimony with anyone including
8 the attorneys. But if you need to do something
9 -- I don't know if it helps if everybody cuts
10 off their Internet.

11 THE WITNESS: I think that -- I have got
12 it now, sir. As long as the computer doesn't
13 die on us in the interim, I think that we
14 should be fine.

15 THE COURT: Anything from the state before
16 lunch?

17 MR. ALDERMAN: No, sir.

18 THE COURT: Anything from the defendant?

19 MS. HODGES: No, sir.

20 THE COURT: Okay. I will see you back
21 ready to go at ten after 2.

22 (Lunch recess.)

23 THE COURT: Is the state ready?

24 MR. STOUDEMIRE: Yes, sir.

25 THE COURT: Defense ready?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 MS. HODGES: Yes, Your Honor.

2 THE COURT: If the jury's ready, bring the
3 jury in.

4 (Jury enters the courtroom.)

5 THE COURT: Hope everybody had a good
6 lunch. Now, the state will continue with their
7 direct examination.

8 Go ahead.

9 MR. STOUDEMIRE: May it please the Court.

10 BY MR. STOUDEMIRE:

11 Q Mr. Arflin, Sergeant, when we last left we
12 were talking a little bit about could we put any of
13 these phone numbers together at any period of time.
14 What am I looking at on the screen right now? What
15 are we looking at?

16 A You're looking at an indicater where you
17 have multiple phone calls from the red phone, again,
18 the -- apologize for not knowing the phone numbers
19 by heart, but --

20 Q The red one is -- that would be the 9888
21 number as the last four?

22 A Yes, sir.

23 Q Okay.

24 A And then corresponding, you have the blue
25 phone in the same area during the same period of

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 time. And based off of -- again, like I told you
2 earlier, I can't say definitively where inside the
3 call tower itself that phone is, but giving totality
4 of where the PCMD and the estimated location is for
5 the red phone, I would say they're in the area, like
6 we said, in the area, those two right there.

7 Q Okay. And what I'm looking at is I'm
8 seeing two colors on the screen right now, I'm
9 seeing red and purplish kind of --

10 A It's just where the blue and the red are
11 mixing together.

12 Q So, basically, just taking crayons and
13 coloring them, and blue and red make purple?

14 A Yes, sir, big smudge.

15 Q Okay. So, looking at this particular one,
16 what is that, around 5:19 time frame?

17 A It's going to be about a 30- to 40-minute
18 window there, from 5:19 back.

19 Q Okay. How far back from 5:19?

20 A Forty minutes.

21 Q Okay. If we set our parameters at, say,
22 4:50 to just a little bit before 6:00, like 5:55 or
23 5:56, could we look at those time parameters?

24 A Certainly, can. This is what you end up
25 with right there.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDÉMIRE

1 Q Okay. So, during that period of time,
2 during that period of time, are the blue phone and
3 red phone together?

4 A Based on where the blue phone last was, I
5 would say yes. But, again, that's just this last
6 hit. I can't look at this map and say definitively.

7 Q Okay. And where they last were together,
8 is that close to the [REDACTED] Maple Avenue address?

9 A The cell tower that --

10 Q Yes.

11 A -- you had before would be covering over
12 that area, which would cover that instant location.

13 Q Okay.

14 A And, also, the estimated -- the two
15 estimated locations and PCMD.

16 Q Okay. And can we -- let's see. The call
17 that was placed to the 727 number that we spoke
18 about previously that occurred around 4:51, that was
19 placed by the red phone, is that right?

20 A Yes.

21 Q Okay. And was there another call placed
22 at what time to the 727-389-2107?

23 A I would have to find it.

24 Q Okay. If we look a little bit after five
25 o'clock, I don't know.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 A The first one was at 5:50 something.
2 Q 4:51 is what I was looking at.
3 A 4:51? There would be the 4:51,
4 727-0042 -- 004 -- or 0442 with the area code 727.
5 Q All right. And was there a call placed by
6 that same number at around 5:10 p.m.?
7 A Let's look. Yes. That is 4:52, there's
8 another repeat of that one outbound.
9 Q At 4:52?
10 A Yes.
11 Q Okay.
12 A And then 5:10, another call to another 727
13 number, but it's a different number.
14 Q Is that the 389-2107?
15 A It is.
16 Q Were there any more calls to that number?
17 A Not that I'm aware of.
18 Q Just the one call to that one?
19 A Yes, sir.
20 Q And then multiple calls to the previous
21 number?
22 A Yes, sir.
23 Q Okay. So, the blue and red phone, the
24 4390 and the 9888 were together during some period
25 of time between, what, right around 5:00 and 6:00?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDÉMIRE

1 A Right at five o'clock -- well, between
2 4:30 and 5:30, they were definitely -- it looked
3 like they were together. At least, by cell phone
4 towers, I would say they were.

5 Q At the time those three phone calls we
6 just spoke about were made, 4:51, 4:52 and 5:10,
7 were the blue and red phones together in the same
8 area around those times?

9 A I can't see the blue phone at this point.
10 I wouldn't be able to tell you.

11 Q And why would that be?

12 A Obviously, there's no activity on the blue
13 phone at this point. It's not registering on the
14 network whatsoever.

15 Q Okay. Now, can we move kind of forward a
16 little bit to around 5:30?

17 A We're, basically, looking at 5:30 now.

18 Q Okay. And what phone calls are being made
19 around this time, if any, by the red phone?

20 A After the span that we were just looking
21 at, there's really not a lot of activity until this
22 starts to pick up, and then you have a call at 5:56.

23 Q 5:56?

24 A Uh-huh.

25 Q And that's to what number?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 A Outgoing to the 533-0087 number.

2 Q At 5:56. All right. Any other phone

3 calls to that particular -- between those two

4 numbers?

5 A Yeah, there were several. Yes, right

6 here, again, you have at 6:03, you have another

7 outbound call to the same number.

8 Q Okay.

9 A Duration, 60 seconds. It's about a

10 minute-long phone call.

11 Q Okay.

12 A This is an inbound call from that number,

13 it's a nine-second duration.

14 Q All right. About what time is that one?

15 A 6:07 p.m.

16 Q 6:07, okay. Any other phone calls between

17 those two numbers?

18 A I think that was it. I think there was

19 three -- there's an inbound data 6:07.

20 Q Is that a separate one at 6:07?

21 A It looks like it, I'm not sure. 6:07

22 another inbound. There's two calls from 0087 both

23 at 6:07.

24 Q Okay. So just one right after the other?

25 A Yes.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q Okay. So, we're looking at, if I
2 understand correctly, between 9888, the red phone,
3 and between 0087, the orange phone, we're looking at
4 four phone calls in, roughly, the span of around ten
5 minutes?

6 A Yes, and what you kind of need to look
7 at -- what you're looking at right now is both
8 phones lighting up the -- so, you have concurrent
9 towers here. You're looking at the red phone
10 records and it's showing that it's calling the
11 orange phone, and the orange phone is also lighting
12 up at the same time. It's, basically, corroborating
13 both phones' call records right there.

14 Q Okay. Now, because they're showing up on
15 the same screen, what does that mean with regard to
16 what area they're in?

17 A That they're close to each other.

18 Q Is there a way to figure out how close
19 based on the information you have?

20 A Not perfectly. The general rule is that
21 orange phone is going to be somewhere in this area.
22 Where two phone sectors cross, when you have
23 bleed-over like that, the safest practice is to
24 believe that the phone is inside that area.

25 Q Okay. Where is the incident location,

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 again, that [REDACTED] Maple Avenue, on your map?

2 A I'll just do it this way, it will be so
3 much easier. Your estimated locations are showing
4 up as 103 right there. 103 and 102, you actually
5 have several. I think the 103 back to the other
6 side is actually farther away from the scene, and I
7 believe that's after six o'clock.

8 Q Okay. So, both of those phones are in the
9 general area of Maple Avenue at the time these phone
10 calls are taking place?

11 A In the general area, yes.

12 Q And the 103, that one was at what time?

13 A That one was at 6:03.

14 Q Okay. All right. Now, so, can we tell
15 from your information whether or not the red phone,
16 so to speak, and the orange phone are right next to
17 each other at any point in time?

18 A Not from the information I was provided.

19 Q Okay. So, we've got call logs, dates,
20 times and as close location as we can get?

21 A Yes, sir.

22 Q With regard to the red and blue, can we go
23 back to when both of those are on the screen at the
24 same time?

25 A Certainly.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q Okay. And that's between what times?

2 A That is a 30-minute window in between --
3 well, actually, a little bit longer than 30 minutes,
4 between 5:10 and 4:33.

5 Q Okay. And where -- can you show us again
6 on the map where that is in relation to [REDACTED] Maple
7 Avenue?

8 A I can just draw straight down on it and
9 you're pretty much in the middle of the purple zone
10 right there.

11 Q Okay. All right. And the red lines that
12 we're seeing -- or the orange -- well, orange on
13 that, kind of red on the TV screen, again, what do
14 those represent?

15 A Those are the per call measurement data.
16 So, in other words, the time it takes for a signal
17 to go out from the tower to the phone and back to
18 the tower. It's estimated -- it's somewhere along
19 those lines is what the phone company is telling
20 you.

21 Q Okay. And the 99, what would that mean?

22 A That's your estimated location. It works
23 off a similar principle, but it also ties in other
24 towers in the network, so it's kind of like a GPS.

25 Q Am I fair in saying that the blue phone

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 and the red phone at the time on here, between 4:33
2 and 5:10, were somewhere between those three orange
3 lines and that 99?

4 A That would be my guess right now or my
5 opinion based on it.

6 Q And is it also fair to say that [REDACTED] Maple
7 Avenue is between those two points?

8 A It certainly is.

9 Q Okay. If you could, I'd like to show you
10 a few stills.

11 A Yes, sir.

12 Q And I wanted to point out -- before we
13 show these, I wanted to ask you, are you able to
14 take stills from this program and print them out?

15 A I can.

16 Q Okay.

17 MR. STOUDEMIRE: Your Honor, may I
18 approach the witness?

19 THE COURT: You may.

20 BY MR. STOUDEMIRE:

21 Q I think, Sergeant, that there is a way to
22 show these, if you press on the bottom gray button
23 on that. We call it the pizza cooker --

24 A This one?

25 Q -- because that's what it looks like.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Yes. If you press that, then give it a second and
2 it should flip over to just a white screen. At
3 least, that's what I've been promised. There we go.

4 I want to go through some of these
5 with you, if I may. I'm going to show you what's
6 been marked for identification as State's
7 Exhibit No. 52. Would you mind putting that on
8 there for me?

9 THE COURT: Hold on. It's not been
10 introduced yet.

11 MR. STOUDEMIRE: Oh, you're right. I'm
12 sorry.

13 THE COURT: Do you have any objection to
14 it?

15 MS. HODGES: I don't, Your Honor.

16 THE COURT: Okay. Then it's in without --
17 All of these are like that. Do you have
18 any objection to any of them?

19 MS. HODGES: I don't have any objection.

20 THE COURT: Okay. Well, they're in.
21 That's good then.

22 *(Whereupon, State's Exhibit No(s). 46*
23 *through 60 marked for identification and*
24 *received in evidence.)*

25 BY MR. STOUDEMIRE:

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q You can go ahead and put it on the screen.

2 We've gone ahead and admitted it into evidence.

3 A It is a screen shot taken directly from
4 the TRAX map of the red phone. This was based on
5 the 5:10 phone call to that 2107 number outbound
6 from the red phone.

7 Q Okay. And that's at approximately what
8 time?

9 A 5:10.

10 Q 5:10. All right. And that is State's
11 Exhibit No. 52, correct?

12 A It is.

13 Q And is there a way to point out on that
14 where -- well, let's see. Is the incident location
15 noted on there in any way?

16 A No, it's not on that one.

17 Q All right. And I'm going to show you next
18 what is State's Exhibit No. 53. Can you tell me
19 what that is? And think you can make this smaller,
20 if you need to?

21 A I'll mess it up if I do. What this is, is
22 another still shot taken from the same map screen,
23 the same ZETX map screen, but this one has the red
24 phone and the orange phone and import, I guess -- or
25 some of the calls up here at the top, the actual

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDÉMIRE

1 line numbers, I think 188 and 189 are four of the
2 calls -- or, at least, the first two calls going out
3 to the orange phone.

4 Q Okay.

5 A So, you're seeing the activity there.
6 Again, it's just a corroboration of itself --

7 Q Okay.

8 A Sprint and --

9 Q Is the incident location noted on that?

10 A It is, it's marked in the middle.

11 Q And that's marked literally with the word
12 scene?

13 A Yes, sir.

14 Q And show me again what those -- what the
15 points mean. Are those the towers?

16 A The points themselves are where the cell
17 phone towers are, and then you see the coverage
18 areas coming off of them, which makes that form B.

19 Q All right. So, the numbers at the top,
20 the 188 and 189, those numbers up there, do those
21 represent phone calls that took place between two
22 cell phones?

23 A They represent whatever data sheet they
24 came off of. I believe in that circumstance, 188
25 and 189 are phone calls, but what they correspond to

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

- 1 is lines on the Excel spreadsheet.
- 2 Q Okay. What colors are displayed on this?
- 3 A Red and orange.
- 4 Q So, red and orange are both active at the
- 5 same time in that area?
- 6 A Yes, sir.
- 7 Q And is there a time noted on that one?
- 8 A It's up at the top.
- 9 Q What was the time noted on that?
- 10 A 6:04 is the max. It doesn't have the
- 11 range window. I'm unable to do both at the same
- 12 time. 6:04 was the top of it.
- 13 Q And I'm going to show you next State's
- 14 Exhibit 57. If you can, tell me what that shows,
- 15 please, sir.
- 16 A This is a call later on at 11:19 at night
- 17 on 3/7. This is going out from the 0087 number.
- 18 It's incoming from the 4309 number. So the blue
- 19 phone is calling the yellow phone at this point.
- 20 Q The yellow phone?
- 21 A Yes. Or the orange phone. Is that orange
- 22 or yellow, hard to tell. The orange phone.
- 23 Q Okay, 0087. So, that's the blue phone
- 24 calling the orange phone?
- 25 A Yes, sir.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q Okay.

2 A And that's -- the two are connected to
3 each other.

4 Q That's at sometime in the evening?

5 A It's 11:19 at night.

6 Q Okay. Thank you. I'm going to show you
7 next State's Exhibit No. 58. Can you tell me what
8 that is, please, sir?

9 A This is the next morning on 3/8, when you
10 pretty much have all the phones in the same area. I
11 think the only one that wasn't showing up on this
12 particular screen shot was maybe the yellow phone.
13 Again, the colors are kind of off on this.

14 Q Okay.

15 A But the majority of the phones are in the
16 same general location. And following the map, they
17 pretty much stay in that location in the morning.

18 Q Okay. Thank you. And next is State's
19 Exhibit No. 59, please. And what does this show?

20 A It's again on 3/8, or March 8th, about
21 10:52 in the morning. It's just showing multiple
22 strikes, and it appears that blue and red are
23 together at that point.

24 Q Okay. And do you have any idea where
25 they're together?

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDÉMIRE

1 A I'm going to say they're probably in this
2 area, around the same just based off of the
3 estimated strikes there.

4 Q Well, there's also an area denoted as
5 Utica in there as well; is that correct?

6 A That is.

7 Q Could they be in that area, too?

8 A Absolutely. Utica is in the middle of
9 that.

10 Q And that is on March 8th, not March 7th,
11 correct?

12 A It is. This is March 8th. This is the
13 morning after.

14 Q Okay. Thank you. Next, I'm going to go
15 back in time, I believe, a little bit and show you
16 what State's Exhibit No. 48. If you can tell me
17 what that is, please, sir?

18 A This is a screen shot of the screen we
19 just had up a little bit ago, where we had blue and
20 red in the same area at the same time. Again, 3/7,
21 your max time rate right now is 4:54. There's a
22 30-minute window, 4:54 to 4:24. And you've got them
23 both striking together. Again, PCMD being the
24 biggest deciding factor from the red phone itself.
25 To me, that indicates that the red phone is right

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 there along that arch. It shows them together.

2 Q And, again, the scene is noted on there
3 just under the name scene as well, correct?

4 A It is.

5 Q Is it fair to say that that's just inside
6 to the right of the red arch?

7 A It is.

8 Q And next, State's Exhibit No 49, if you
9 can tell me what that shows. I know that one is a
10 little hard to read.

11 A Yeah. You're in the middle of a large red
12 circle right now, which would be the phone itself --
13 or the tower itself.

14 Q Okay.

15 A You have the two estimated locations here,
16 and that's number 97 and 98. These would be the
17 PCMD lines that we saw on the larger-framed
18 pictures. So, you're just getting a close-in
19 picture of where those estimated locations were.

20 Q And is Maple Avenue shown on that?

21 A It is, it's right here down the middle.

22 Q Okay. Thank you. Next, again, I think
23 some of these are probably doubling up a little bit.
24 State's Exhibit No. 50?

25 A This is -- just again, this is just a

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 closer-in picture of that larger image showing blue
2 and red together. Again, the prominent PCMD lines
3 right here, they're estimated location. And it's
4 all sitting in the middle of the coverage area from
5 the tower that blue was using at the time.

6 Q And is there a time noted on that at all?

7 A I apologize, yes, sir, it is. 4:54 is the
8 max, I was working in 30-minute windows, so back to
9 4:24.

10 Q Thank you. The next -- let's see, this is
11 State's No. 57?

12 A This is going to be an outgoing call to
13 the (727) 389-0442 that was on March 7th at 4:51
14 p.m.

15 Q Okay. And that's an outgoing call from
16 the 9888?

17 A That is an outgoing call from the red
18 phone, which was the 9888.

19 Q Okay. And the phone -- can you point out,
20 is the scene noted on that photo at all? I know
21 it's hard to see on the screen itself.

22 A It is not. I think it's pretty much under
23 the Seneca, but it's not marked on there.

24 *(Whereupon, State's Exhibit No(s). 72-75*

25 *marked for identification and received in*

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDÉMIRE

1 *evidence.)*

2 Q Okay. Thank you. Next, sorry, I'm
3 jumping around on numbers on you. State's
4 Exhibit No. 72.

5 A All right. This is going to be a screen
6 shot of the phone call or one of the phone calls
7 of -- 5:56 phone call from the 9888 number to the
8 0087 number, so a 58-second phone call.

9 Q What time was that phone call?

10 A 5:56.

11 Q 5:56, okay. Next, I'm going to show you
12 State's Exhibit No. 73?

13 A This is another outbound phone call from
14 the 9888 number. Outbound to the (864) 533-0087,
15 60-second duration phone call at 6:03.

16 Q Okay. Thank you. And both of those two
17 previous photos, where was the red phone located? I
18 don't know that you need to put them back up, but if
19 you can just tell us generally?

20 A It's still going to be in the same area
21 we've seen it before, the same -- you still have the
22 same PCMD lines. You also have the same estimated
23 location dot on there. So, the phone isn't moving.
24 It's staying in pretty much the same spot at this
25 point.

DIRECT EXAMINATION CONTD OF MIKE ARFLIN BY MR.
STOUDEMIRE

1 Q Okay. And next State's Exhibit No. 74?

2 A This is an inbound phone call or incoming
3 call from the 0087 number to the 9888 number,
4 incoming on March 7th at 6:07 p.m.

5 Q Okay. So, within that short time frame,
6 we have three outgoing calls to the 0087, and one
7 phone call coming back in within that time frame?

8 A Uh-huh, and the phone itself has moved.

9 Q Which phone has moved?

10 A The red phone. You've moved from the
11 original estimated locations to the one marked 103,
12 so, now, the phone is farther away from your scene.

13 Q All right. Thank you. And, lastly,
14 State's Exhibit No. 75?

15 A And this is another inbound call, 6:07, on
16 March 7th from the 0087 number to the 9888 number.

17 Q Okay. And that's a phone call just --
18 literally just a few seconds after the previous
19 phone call?

20 A Yes, it looks like they were back to back.

21 Q Okay. Thank you very much. All right.
22 And again, we've been referring to a lot of these
23 numbers and that's because you weren't given names
24 associated with this, correct?

25 A I was not.

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 Q So, as to what these people were talking
2 about and what they were doing at that time, that's
3 not within your purview?

4 A It's none of my concern. My concern was,
5 basically -- or absolutely was just to map what they
6 provided and brought to me, that's it.

7 Q Okay, all right. Your goal was -- is it
8 fair to say your goal was to note the area or the
9 location as best you could of all of the phones
10 we've been talking about during the times we've been
11 talking about them?

12 A Yes, sir.

13 MR. STOUDEMIRE: Okay, all right. That's
14 all of the questions that I would have for you.
15 Please answer any that Ms. Hodges may have.

16 THE WITNESS: Yes, sir.

17 THE COURT: Cross-examination.

18 MS. HODGES: Yes, sir.

19 CROSS-EXAMINATION

20 BY MS. HODGES:

21 Q Sergeant Arflin, my understanding of how
22 the cell towers work -- let me back up. Let me ask
23 you if it's a synonymous phrase, cell site and cell
24 tower, we're talking about the same thing.

25 A Pretty much fair to say, yes, ma'am.

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 Q Basically, the site of the cell tower is
2 where it's standing?

3 A Yes, ma'am.

4 Q Erected, okay. So, my understanding
5 from -- I believe your testimony was that when the
6 carrier, cell phone carriers, are picking up a cell
7 tower or cell site that it's, essentially -- what
8 you're getting is where the phone is getting the
9 best reception?

10 A Yes. I mean, if I'm understanding the
11 question, yes.

12 Q Okay. So, I make a phone call, my cell
13 phone is going to look for the site closest to me
14 that has the best reception?

15 A Not closest.

16 Q Not the closest?

17 A Closest doesn't mean anything.

18 Q Okay. So, I could be sitting right next
19 to a cell tower and it not --

20 A That cell tower may not be the one that --

21 Q Not hit the cell tower at all?

22 A That may not be the one you pick up.

23 Q Okay. And it might actually --

24 A And there's a lot of reasons.

25 Q Okay. So, it might actually pick up one

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 that's, you know, a couple of miles or so,
2 potentially, even more down the road from me?

3 A Yes.

4 Q Because it's looking for where I'm going
5 to get the best reception or service, or whatever
6 you want to call it for that particular cell phone?

7 A Yes, sir -- I mean, yes, ma'am, I
8 apologize.

9 Q That's okay. Not a first. So, the best
10 that we can tell in terms of the sites of the
11 information you get from the carrier, is that it's
12 saying that that phone call hit that particular cell
13 tower around this time frame when that call was
14 made?

15 A Generally speaking, yes.

16 Q Okay. And so, that is the data that you
17 are getting from the search warrants that the police
18 department did and they're sending to you, it's
19 those lines of data in terms of each call that
20 you're feeding into the ZETX program?

21 A Yes, ma'am.

22 Q Okay. And are you able to feed in -- it
23 appears that you're able to feed in multiple carrier
24 information into the software for a single analysis
25 of all of those phones?

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 A Yes, ma'am. It's a little more specific
2 than that. They aren't all in the same file.

3 Q Right.

4 A There are multiple files created by each
5 phone. When the company sends information back, it
6 will create multiple KMZ files or the map files.
7 And you can open them all at once, yes.

8 Q KMZ stands for what?

9 A That, I don't know. That is proprietary
10 to ZETX.

11 Q What ZETX calls -- whatever that file is,
12 they call it a KMZ file?

13 A Yes.

14 Q Okay. So, when you add numbers to --
15 like, you're saying this is the target number and
16 here is the data that has been given to you by
17 Sprint, for example, and you load that in there, how
18 does the actual assignment of color to phone number
19 happen?

20 A I do that.

21 Q You do that?

22 A I do that.

23 Q So, do you have a particular protocol,
24 like, do you always start with red?

25 A I always start with red, and I, usually,

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 go with blue behind that. Honestly, it's done for
2 contrast, that's why I do red, blue, and start
3 picking some of the lighter colors for contrast.

4 Q Okay. So that's the best -- essentially,
5 the one area that the operator has discretion over
6 is what color that phone number is going to be?

7 A Yes.

8 Q Is that the only area you have discretion
9 over?

10 A Yes.

11 Q Okay. So you said you initially,
12 basically, created the map. Did you turn that map
13 over to Seneca Police Department?

14 A Yes, I did.

15 Q How long does it take you, or in this
16 case, did it take you to be able to get that initial
17 map?

18 A I can, usually, get a map done in a day.
19 It really depends on my work load.

20 Q And at that time, you were, basically, in
21 investigations. Would you say your schedule was a
22 little bit more flexible then?

23 A It's more flexible than it is rigid in
24 patrol, but it's still kind of --

25 Q It's still full?

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 A Hectic, yes, ma'am.

2 Q Okay. So, at what point were you asked to
3 specifically look at the days of March 7th, 8th, and
4 9th?

5 A In preparation for this.

6 Q Preparation for this?

7 A Yes, ma'am.

8 Q So, basically, were you asked that by the
9 solicitor's office?

10 A Yes, ma'am.

11 Q Okay. How recently?

12 A It's been two, three weeks now.

13 Q Okay. So, the Seneca Police Department
14 didn't ask you for the specific -- to zoom into
15 those specific dates, it was the solicitor's office
16 in preparation for this trial?

17 A Yes, ma'am.

18 Q Okay. And did all of the data -- or each
19 of the individual carriers, did they all provide
20 you, essentially, the same data or data types, or is
21 it somehow --

22 A It's pretty much all the same data types,
23 but it's -- each company has their own language, for
24 lack of better terminology, they speak their own
25 language. So, they're going to call one thing --

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 like, one company will call RTT data or that round
2 trip time data, it's per call measurement data. And
3 if you go to AT&T, AT&T calls it NELOS. It changes
4 from each carrier.

5 Q Does the fact that the carrier calls it
6 something different, for example, RTT versus PCMD,
7 does that change the way in which the program that
8 you feed this information into, does it change the
9 way the program analyzes?

10 A No, regardless of what carrier it is or
11 what name that that is given, it's all done the
12 exact same way.

13 Q So, the program treats the PCMD for one
14 company and the RTT for the other company exactly
15 the same because it's, theoretically, the same type
16 of data?

17 A Yes, ma'am.

18 Q Okay. And these phone numbers that are
19 being called once or twice, I mean, you don't have
20 an idea as to who any of the subscriber information
21 is to any of these numbers?

22 A I don't.

23 Q And that would not help or hinder your
24 ability to do the data analysis?

25 A No, ma'am, it wouldn't. It wouldn't

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 bother it at all.

2 Q All right. So, do you, basically, feed in
3 the information into the software program and tell
4 it go sync and analyze, and then you come back and
5 see what it's done?

6 A Essentially, when you open the file
7 program, the software program, like a lot of things,
8 you choose "start a new file" or "start a new case"
9 and I go -- I take and drag directly whatever file
10 it is, however I've received the information, drag
11 that directly onto their software, and it uploads
12 onto the system.

13 It goes through and parses out what
14 Excel files are, what each one contains, and whether
15 or not it's mappable information. And then it
16 starts producing the maps based on what it's found.

17 Q So, the system itself or the software
18 itself is the one that actually opens up the zip
19 file?

20 A Yes.

21 Q You don't open them, you just drag and
22 drop?

23 A I don't touch it unless it's my own case.

24 Q That's because you're looking for other
25 information?

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

- 1 A Yes, ma'am.
- 2 Q Can we say that if we're in the area it
3 could well be, you know, that we've got -- you've
4 got two circles -- we've seen two circles, red and
5 then a purple, because purple is theoretically the
6 blue that's superimposed with the red, correct?
- 7 A Uh-huh.
- 8 Q Is that a yes?
- 9 A Yes. Yes, I'm sorry.
- 10 Q But one phone could potentially be
11 located, like, in the northwest corner of that
12 circle, and the other phone could be in the
13 southeast corner?
- 14 A For the blue, theoretically, yes. But
15 based on the estimated location and the PCMD on the
16 red, I'm going to say no. The red was around the
17 dots and the lines there.
- 18 Q And we say around, I mean, are you able to
19 calculate with any specific certainty the exact
20 distance between?
- 21 A The distance, no. That would be
22 information that would be on the call details records
23 themselves.
- 24 Q Well, you've uploaded the call detail
25 records, so it doesn't -- I'm confused.

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 A I didn't look to see -- like, with Sprint,
2 they will say this is within 50 meters, this is
3 within 100 meters, this is whatever the case may be
4 for that.

5 Q Is that something you, ordinarily, would
6 do is look at --

7 A On my own cases, yes.

8 Q But that is not something you do when
9 another department says please provide --

10 A Not unless they ask me to.

11 Q Okay. You were not asked to do that in
12 this case?

13 A No.

14 Q And these are 30-minute -- I believe you
15 said that these are, basically, 30-minute windows of
16 time?

17 A Yes, ma'am.

18 Q So we're seeing that, theoretically, that
19 phone is located within that particular zone of
20 influence, if you will, for approximately 30
21 minutes?

22 A Essentially, yes, ma'am.

23 Q And then, you're able to pinpoint --
24 because of the data from the cell phone providers,
25 you're able to say a call was made coming in, going

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 out at a specific time?

2 A Yes, ma'am.

3 Q Okay. But in terms of that very -- you're
4 not able to know exactly where that phone is located
5 at that time that the call is being made? You just
6 know that it's in that area that the map is showing?

7 A It's depending on how they return it, but
8 if we're talking about as just a whole, as just a
9 picture of the tower and what its cell coverage is,
10 you're right, it's just inside that tower at that
11 time.

12 Q And each of the numbers when you see -- we
13 have several numbers, looks like 107, 108 and 97, I
14 understand that those are lines of data.

15 A Uh-huh.

16 Q When you upload -- you've uploaded Spring,
17 so, say, for example, it has a hundred lines of
18 data. And then, next, you upload T-Mobile, does it
19 start over again, or does it consecutively number
20 starting at 101 for T-Mobile to tell you what those
21 lines of data are?

22 A It doesn't -- the software itself does not
23 assign a line number. The line number is coming
24 directly off the Excel sheet. When you look at
25 those call detail records, if you'll look down the

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 left column, it will have whatever number Sprint or
2 Verizon or T-Mobile has assigned to it. And that's
3 all it's doing is carrying that information over
4 into the software itself.

5 Q So how does the program differentiate
6 between Sprint's line number 107 and Verizon's line
7 number 107?

8 A The easiest way to explain that is I don't
9 load them altogether. So, like, in this case, I
10 can't remember exactly when they brought me phones,
11 but they weren't brought four phones at once. It
12 was, Hey, we've got this bag, remap this. So I load
13 them in individually.

14 Q Okay.

15 A So, again, when ZETX creates that map or
16 creates those maps and those lines numbers are
17 assigned, it's based on an individual load.

18 Q Okay.

19 A So all I'm doing when I open all of those
20 simultaneously, there's no room for confusion
21 because I'm opening different files, they're just
22 associated with that phone number. Does that make
23 sense?

24 Q That makes sense, but how do you start --
25 but at some point, you're doing a comparison between

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 the red phone and the blue phone, in terms of
2 location and what that data line information is
3 telling you, right?

4 A Yes.

5 Q Okay. So, how are you able to know,
6 basically, when you look at a particular number that
7 it's the red phone's data line as opposed to the
8 blue phone's data line?

9 A I don't know if you noticed, but it --
10 just talking about the tower itself or the cell site
11 itself, when you click on it, there was numbers
12 around it. When you clicked, they are literally
13 linked to whatever color the device is. So it's not
14 hard to differentiate between what color device I'm
15 looking at when I'm looking at those phone calls.
16 On top of that, once you open them up, I don't know
17 if you noticed, the pop-up box actually says the
18 target number, the provider, everything else, so
19 it's easy to differentiate with that, too.

20 Q You can only differentiate that,
21 basically, when you're using the computer software.
22 When you take a still shot, you don't necessarily be
23 able to get that spread of --

24 A No, I can't do two things on it. I wish I
25 could. It would make my life so much easier, but I

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 can't.

2 Q Okay. With questions like mine. So,
3 basically, you are kind of giving your best
4 estimate, or I think you used best guess in terms of
5 where these phones are based on what the differing
6 arcs and colors and, you know, lines are telling
7 you?

8 A The red phone, I will say, definitively
9 was in the area.

10 Q Right.

11 A That, I have no problem with. It would
12 be -- in totality of circumstance, what little I do
13 know, I'm assuming, or based on what I see, I would
14 say that the two phones are together.

15 Q Were you given information that those were
16 phones that were associated with individuals that
17 were considered to be suspects in this case?

18 A I was told they were suspects, but not who
19 belonged to who.

20 Q But you were told that they were suspect
21 phones, so you would have plugged those phones in
22 and sent -- first, be able to determine where are
23 the suspect phones and then you added in the others
24 to find out --

25 A I don't know what the order I was given

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 was, but even when the solicitor's office asked me
2 to go through it, I just loaded all four and started
3 watching the time. Basically, I watch the time slip
4 by and I just take note of what I see as it's going
5 by.

6 Q So, did you do, basically, two maps --
7 mappings of this data? One, originally, for the
8 police department and the one that was focused on
9 these dates, or did you go back to the one you had
10 already done before?

11 A I was given the one I had done before.

12 Q You were also given phones to do some
13 dumps from in this case, weren't you?

14 A I was.

15 Q But you didn't -- weren't asked to perform
16 any analysis on those?

17 A I didn't. Again, that's one of those
18 things, if they didn't ask me, I'm not doing it.

19 Q Okay.

20 A For this reason here.

21 Q I understand. But you were given the
22 phones to actually -- you know, is it, essentially,
23 making, like, a digital a copy of the phone or
24 something --

25 A It's making an image. It's what we call

CROSS EXAMINATION OF SERGEANT ARFLIN BY MS. HODGES

1 imaging a phone. Most people call it phone dumping,
2 but all I'm doing is, again, hooking it up to
3 another software, the software recognizes the phone
4 and essentially makes a copy of the phone, a
5 nonphysical copy. So, in other words, I have the
6 phone, but it's just not the physical version.

7 Q The digital copy?

8 A Yes.

9 Q Okay. All right. But nothing else was
10 requested on that?

11 A Not by me.

12 Q Or not of you either?

13 A Right.

14 MS. HODGES: Beg the Court's indulgence.

15 THE COURT: All right.

16 (Pause.)

17 MS. HODGES: Thank you, sir.

18 THE COURT: Any redirect?

19 MR. STOUDEMIRE: No, Judge, I think we've
20 covered everything. We would ask the witness
21 be excused.

22 THE COURT: All right. Any objection to
23 him being excused?

24 MS. HODGES: No, sir.

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

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 State, call your next witness.

2 MR. ALDERMAN: Your Honor, at this time,

3 we would call Chief Casey Bowling.

4 THE COURT: Come around and be sworn.

5 Thereupon,

6 CASEY BOWLING

7 was called as a witness, having been first duly

8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. ALDERMAN:

11 Q Would you state your full name for the

12 record and spell your last name?

13 A Casey Bowling, B-O-W-L-I-N-G.

14 Q And where are you employed?

15 A Seneca Police Department.

16 Q How long have you been there?

17 A I've been there nine years.

18 Q And in total, how long have you been in

19 law enforcement?

20 A Twenty-three years.

21 Q And I know that we have addressed you as

22 chief, but I'll ask you, what is your current

23 position?

24 A I am the chief police second.

25 Q Okay. And in March of 2009, what was your

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 position?

2 A I was the captain over investigative
3 division.

4 Q Okay. And on March 7th of 2019, in that
5 capacity, did you respond to a call at [REDACTED] Maple
6 Avenue?

7 A Yes.

8 Q All right. And what was the nature of the
9 call or how did you first come to be there?

10 A Sure, it was called -- I was called and
11 told that we had a burglary on Maple Avenue with
12 possible shots fired.

13 Q As Captain at that time, would you have
14 been the highest ranking officer on the scene?

15 A Yes, I was.

16 Q All right. In that capacity; would you be
17 directing other officers, investigators, evidence
18 technicians to their tasks?

19 A Yes, sir.

20 Q Can you tell us briefly just where you
21 sent people?

22 A Yes, sir. When I arrived, I got an
23 assessment of the scene from the officers who
24 initially got there. At that time, I called out our
25 investigative team. My first call was to

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 Investigator Watts. She was actually on call and
2 she came in. And I called Investigator Noe Suddeth,
3 he was our crime scene technician at the time. So I
4 called him for him to respond as well. And then I
5 also called Investigator Teramano and had
6 Investigator Teramano, actually, had him respond
7 directly to Greenville Memorial Hospital because the
8 patient was on the way to Greenville, so I had him
9 go ahead and head that way to see if he could talk
10 to her or see the victim.

11 Q Okay. So, we've heard from the crime
12 scene technician, those other investigators that you
13 mentioned, they told us a lot about the scene
14 itself. So, rather than rehash that for the jury,
15 what I want to focus on is really how the
16 investigation expanded beyond the scene itself and
17 how the defendant and his accomplice came to be
18 charged with this crime. So, how did you first
19 develop the defendant and his accomplice, Mr.
20 Hunnicut, as suspects?

21 A Sure. The first that we heard of Decota
22 Brown being involved in this incident were some
23 phone calls that were made, some phone calls to his
24 mother, Ms. Dee Brown. We actually had some phone
25 conversations with Mr. Eric Brown. And then, with

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 Hunter Hunnicut, we actually had witnesses that were
2 the neighbors. We had two neighbors that said that
3 they saw two individuals in the backyard, or leaving
4 the backyard at the time of the incident. So, we
5 knew that we had two suspects that we needed to
6 find.

7 So, we set out to try to find Mr.
8 Decota Brown at the time, but we really didn't know
9 who the second suspect was. What we did -- you've
10 heard it a lot of times called a BOLO, "be on the
11 lookout", we put a BOLO out for Mr. Brown to try to
12 locate him. But during the investigation, the
13 witness statements, the evidence that we gathered,
14 we were able to consider Mr. Brown a suspect at the
15 time.

16 The next morning is when we received
17 a phone call from the sheriff's 911 center stating
18 that someone named Hunter called and wanted to speak
19 to us to tell us what happened. We received the
20 information from the sheriff's office, the actual
21 phone number. We did some research on that phone
22 number and found out it came back to a Mitchell
23 subject. And during the investigation on the
24 Mitchell subject, we found out that Hunter was
25 related to that subject as well. And that's how

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 Hunter came into the picture.

2 Q So, did you eventually speak to Hunter
3 directly on the phone?

4 A I did. I actually spoke to Hunter on the
5 phone that next morning, which would have been the
6 eighth. That morning, he told me that he wanted to
7 come clean and tell us what happened. And I asked
8 him to meet up with me.

9 Q Okay. And did he voluntarily meet up with
10 you?

11 A He did voluntarily. The officers had to
12 go get him from Padgett Street and bring him to the
13 police department, but he did come willingly.

14 Q So, based on the conversation you had with
15 him and the coming clean, essentially did you give
16 that information to the media? I'm thinking the
17 time between you talked to him, he has to be picked
18 up. You know he's out there in the world somewhere.
19 You're still looking for Mr. Brown. So, did you
20 alert the media that these are two subjects that
21 were wanted?

22 A We did. We had a horrific incident that
23 happened on Maple Avenue with somebody getting shot
24 several times. I did not know if anybody else in
25 the whole entire City of Seneca or Oconee County was

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 in danger. So, I wanted to get that information out
2 to the media to say hey, this is a suspect that
3 we're looking for, a person of interest, we need to
4 locate them. So we did push it out to the media.

5 Q Now, when you said come clean, did he
6 implicate only himself?

7 A At that time, no. He said that him and
8 Decota Brown broke into the house to steal guns and
9 he wanted to come clean about the whole incident.

10 Q Just so I'm clear, you said that's the
11 next morning?

12 A That's the next morning, the eighth.

13 Q So, we're talking within 24 hours after
14 the incident happened, you get a phone call from
15 Hunter Hunnicut telling on himself and the
16 defendant, Mr. Brown?

17 A Yes, sir.

18 Q Did you know Hunter before this, I mean,
19 any dealings with him or relationship with him at
20 all?

21 A I did know Hunter. I knew Hunter several
22 years before that. I was an actual SRO at Seneca
23 Middle School at one time and met him there through
24 different incidences at the middle school. Became
25 to know Hunter, knew that he came through a rough

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 life. Didn't really have a stable home life at all.

2 And actually was, you know, dabbing into the drug

3 world at that time. So, I did know Hunter.

4 Q So, you said that deputies found Hunter.

5 When was that, was that, also, the eighth or some

6 later time?

7 A That was the eighth.

8 Q So, Hunter gets picked up. You've already

9 put out that the two of them were wanted. You have

10 one of them. How did the defendant come to be in

11 custody?

12 A Mr. Brown?

13 Q Yes.

14 A So, Investigator Watts was able to have

15 enough probable cause to get warrants for Hunter and

16 Mr. Brown. So, there were active warrants for their

17 arrest. We pushed out the information to the media.

18 A deputy with the sheriff's office actually spotted

19 Mr. Brown at the 7-Eleven on 123 going towards

20 Clemson and got out with him. He stated that his

21 name was Austin, Austin something. So, he didn't

22 have an ID on him. Didn't give the correct name.

23 The officer from the sheriff's office actually knew

24 him from a previous incident, but also we sent our

25 officers out there as well to identify him as well.

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 Q Okay. Did either your officers or the
2 sheriff's office reach out to you to personally
3 identify him?

4 A Yes. When our officers got on scene, they
5 actually took a picture of the suspect they were out
6 with and sent it to me. I knew Decota Brown. I
7 knew his family. I was able to -- I identified him
8 as Decota Brown. But, also, we were able to send
9 that picture as well to Mr. Eric Brown, his father,
10 who also identified him as Decota Brown.

11 Q All right. So, after giving a false name,
12 he was then taken into custody?

13 A Yes, sir.

14 Q Okay. Coming back to Hunter, did you have
15 an opportunity to speak with him personally after he
16 was picked up by the sheriff's office?

17 A I did, yes, sir.

18 Q All right. Did he give you a statement?

19 A He did.

20 Q Did you speak to him a second time after
21 that?

22 A Yes, sir.

23 Q How long was that, a week, less than a
24 week?

25 A Less than a week. I would say two or

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 three days.

2 Q Can you tell me the difference, if any,
3 you noticed in Hunter from the first to the second
4 statement? Not necessarily the substance of what he
5 said, but just his demeanor and how he acted to you?

6 A Yes, sir. There was a huge difference in
7 Hunter. The first time that I spoke with Hunter, he
8 wasn't acting like the Hunter that I knew. He was
9 falling sleep while we were talking to him. We were
10 having to wake him up. He just seemed very
11 lethargic while he was talking to us. That was
12 unlike the Hunter that I knew. It was very evident
13 that Hunter was coming off of something during that
14 first interview.

15 During the second interview, Hunter
16 was back to his normal self, very polite, very
17 emotional. Hunter is a very emotional kid. So when
18 I talked to him the second time, it seemed like I
19 was talking to the old Hunter that I knew.

20 Q And was it fair to say that between those
21 two statements there were some inconsistencies?

22 A Yes, sir, definitely.

23 Q Like what?

24 A So, the first statement, Hunter
25 implemented himself in taking, at least, one of the

DIRECT EXAMINATION OF CASEY BOWLING BY MR. ALDERMAN

1 shots at Ms. Castle. He stated that he took the gun
2 from Decota and fired a shot at Ms. Castle. You
3 know, in the second statement, he said, No, that's
4 not true, I want to come clean, I want to actually
5 tell the real story. He was very emotional about
6 it. He was scared. But he said, I want to tell you
7 the truth. So, that's when he told me that Mr.
8 Brown had fired five shots.

9 Now, the interesting thing in the two
10 statements that Hunter gave me, there were several
11 similarities in the statements. So, usually -- so,
12 in the first statement, he said there were five
13 shots that were fired out at Ms. Castle. The second
14 statement, he said the same thing, there was five
15 shots both times. In the first statement, he said
16 that they were there to steal guns, that Decota said
17 that there was guns in the house. The second
18 statement, exactly the same thing, there was guns in
19 the house, they were there to steal guns. He also
20 talked about Mr. Brown telling him to go tell her to
21 shut up. That was the same in both statements.

22 The difference in that little
23 incident right there was the first statement, he
24 said he had a sword and he held a sword to Ms.
25 Castle's throat and told her to shut up. In the

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1 second statement he didn't say anything about the
2 sword. The interesting thing about the sword is we
3 never found a sword. We found the pry bar, we found
4 the backpack, we found the gloves, the ski mask, all
5 of that.` We never found a sword. So that tied in
6 his second statement to be a lot more truthful than
7 the first statement.

8 So in the second statement, also, he
9 talked about the pipes. During that statement I
10 actually called Investigator Watts and said, hey,
11 can y'all go out and look for these pipes -- during
12 the interview. And they did. And they were able to
13 corroborate exactly what Hunter said. So, in the
14 second statement we were able to corroborate almost
15 everything that Hunter said in that second statement
16 to be true.

17 MS. HODGES: Objection, Your Honor.
18 Bolstering the witness.

19 THE COURT: Sustained. Ask that be
20 stricken.

21 So, ladies and gentlemen, as I told you
22 before, if a matter has been stricken, then
23 that's not something for you to consider in
24 your deliberation.

25 Rephrase the question.

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1 BY MR. ALDERMAN:

2 Q Let me ask this a different way. If you
3 were to believe everything in the first statement,
4 or if you were to believe everything in the second
5 statement, just take one or the other to be true,
6 would either the defendant or Mr. Hunnicut be
7 charged any differently?

8 A No, sir.

9 Q Why not?

10 A Because there's probable cause there for
11 both of them to have committed a burglary by
12 breaking and entering the window, by going in to
13 steal guns, and by committing the act of shooting
14 Ms. Castle inside the residence.

15 Q So, what if someone had a knife or not,
16 would that have changed anything?

17 A No, sir.

18 Q So, if they took turns shooting, would
19 that have changed anything?

20 A No, sir.

21 Q If one shot or the other shot, would it
22 have changed anything?

23 A No, sir.

24 Q Okay. So, you're saying that -- if I
25 understand your testimony, that you tend to believe

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1 the second statement?

2 MS. HODGES: Objection, Your Honor.

3 THE COURT: Sustained. That is not a
4 proper question.

5 Ladies and gentlemen, that is to be --

6 MS. HODGES: Object to the question.

7 THE COURT: What?

8 MS. HODGES: I'd like to -- outside the
9 presence of the jury.

10 THE COURT: I'm going to ask the jury to
11 step out. And do not discuss the case, please.

12 (Jury exits the courtroom.)

13 THE COURT: Yes.

14 MS. HODGES: Respectfully, Your Honor,
15 Judge, I move for a mistrial based on the fact
16 that the deputy solicitor has asked this
17 witness and this witness has twice testified in
18 a manner which bolsters the credibility of
19 another witness, which is patently
20 inadmissible. It does not provide my client
21 with a fair and impartial trial stepping in the
22 for the jury's province of the credibility of
23 witnesses.

24 And, quite frankly, there is a middle
25 instance that came -- skated very close to

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1 bolstering, but didn't go over the line. I
2 don't think that that's information the jury
3 can un-hear at this point. I don't think that
4 my client will get a fair trial. I move for a
5 mistrial.

6 THE COURT: I don't think the others --
7 I'm not sure they quite come to that level. If
8 he had answered the last question, that would
9 have been absolute bolstering. You said, do
10 you believe his testimony on this one. That's
11 totally improper. He did not answer it, so I
12 don't believe there's any prejudice in the fact
13 the question was asked; it was unanswered.

14 And the previous ones I don't think got to
15 the level of creating a prejudice requiring a
16 mistrial.

17 MS. HODGES: Your Honor, may we have our
18 exception to the Court's ruling noted for the
19 record?

20 THE COURT: Yes, and it is.

21 So you're going to have to rephrase the
22 question.

23 All right. Anything before -- and they
24 may have taken a bathroom break, so we may want
25 to give them a second. We've been going since

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1 2:10, so let's just take a five-minute break.

2 And don't discuss the case; you're in the
3 witness bubble.

4 THE WITNESS: I'm going to stay right
5 here.

6 (Short recess.)

7 THE COURT: Mr. Alderman, before we bring
8 the jury in, I caution you not to be using this
9 witness for believability of another one.

10 MR. ALDERMAN: Understood, Judge.

11 (The jury enters the courtroom at 3:21
12 p.m.)

13 THE COURT: All right. Ladies and
14 gentlemen of the jury, I thought since we were
15 already taking a break we would just kind of
16 use that for -- we had been going a little bit
17 over an hour, we just went ahead and used that
18 for our little break.

19 At this time, Mr. Alderman, you can
20 continue with your direct examination.

21 MR. ALDERMAN: Thank you, Judge. May it
22 please the Court.

23 BY MR. ALDERMAN:

24 Q So, Chief, I want to just sort of pick up
25 where we left off. What were you able to discover

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1 about where the defendant and his accomplice were
2 immediately after the shooting?

3 A Immediately after the shooting we were
4 able to get written statements. We also got the
5 emergency phone records as well to find and talk to
6 Lisa Broach. With the evidence that we received and
7 statements we received, that's how we found the
8 information about the path behind the house.

9 Q Backing up just a little bit. What was
10 the connection that you found in the phones between
11 the defendant and Lisa Broach? In other words, had
12 he called her or she called him?

13 A The phone records showed that he had
14 called her.

15 Q Was that sort of in the window of when the
16 shooting happened?

17 A Yes, sir.

18 Q Okay. And when you spoke to Lisa Broach,
19 did you get more information that corroborated
20 previous statements that they had left through the
21 back of the house and that she had picked them up?

22 A Yes, other investigators had received
23 statements from Ms. Broach, yes, sir.

24 Q Statements to that effect?

25 A Yes, sir.

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1 Q Did you search for the gun?

2 A Yes, sir, we did. We actually reached out
3 to the Oconee County Sheriff's Office dive team to
4 help us dive in the waters around Sitton Mill Road.
5 They actually dove for two days straight to try to
6 locate a source of like a Crown Royal bag and a
7 firearm as well.

8 Q Did they find them?

9 A No, sir.

10 Q All right. In your experience, large body
11 of water, small item, dive team goes out, is it a
12 high probability of success? Is it 50/50? Is it
13 less than that?

14 A It's very low. If you get outside of the
15 big waters of Oconee County, it's very murky, muddy
16 water. You have the red clay and it murks up the
17 waters really bad. So the probability of us finding
18 evidence in some of our streams and some of our
19 smaller ponds or lakes is really low.

20 Q But you had to try?

21 A Yes, sir.

22 Q Now, touching on fingerprint evidence, the
23 defense has brought up a particular point on this
24 that I want to address. Were fingerprints taken at
25 the scene?

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1 A Yes, sir.

2 Q Did those fingerprints come back, some of
3 those come back to identify individuals?

4 A Yes, sir.

5 Q Were one of those Mr. Hunnicut?

6 A Yes, sir.

7 Q Was one of those another third party, Mr.
8 Whitfield, I believe it was?

9 A Yes.

10 Q Were you able to find any evidence, any
11 corroborating evidence, any evidence of any kind
12 that associated Mr. Whitfield with the shooting?

13 A No, sir, we were not. You know, with it
14 being a house built probably back in the '70s, early
15 '80s, you know, fingerprints could be left in paint,
16 stains, anything in a house. But there was no
17 connection whatsoever with him, with the Brown
18 family or that house that we could find.

19 Q Are you aware in your experience as an
20 officer any way to date a fingerprint?

21 A No, sir.

22 Q So, fair to say that a fingerprint could
23 have been there for a day or a month or a year or
24 longer?

25 A Yes, sir, there's no telling.

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1 Q Okay. There's one issue I wanted to point
2 out here. In your testimony just a moment ago we
3 were talking about Hunter's initial statement versus
4 his second statement and you mentioned a sword not
5 being`found?

6 A Yes, sir.

7 Q I want to direct you to what's been
8 admitted as State's 40. Were these the items that
9 were taken from the blue pipe?

10 A Yes, sir.

11 Q And I'm going to point to an item with my
12 pen. Can you tell me what that is?

13 A It looks like sort of a sheath for a
14 knife, a hunting knife.

15 Q Okay. Not necessarily a sword, would you
16 say?

17 A No, sir.

18 Q But certainly a knife, a machete,
19 something along those lines was found?

20 A Yes, sir.

21 Q Okay. And I'll come back to a question I
22 asked earlier. When it comes to these two being
23 charged with what they were charged with, does that
24 matter at all that you found a knife or didn't find
25 a knife, that there was a sword or a machete or what

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1 have you?

2 A No, sir, not at all.

3 Q Okay. So, obviously you discovered quite
4 a bit of evidence, tremendous amount of evidence
5 that all pointed to the defendant and his accomplice
6 as the shooters that day. Did you find any evidence
7 of anyone else having anything to do with it, anyone
8 at all?

9 A No, not at all.

10 Q So, no other eyewitnesses identifying
11 anybody other than the defendant; is that fair to
12 say?

13 A That's true.

14 Q How many eyewitnesses did you have
15 identifying the defendant in this case?

16 A At least, three.

17 Q Cell phone data from any other third
18 parties, any other subjects put in there or in the
19 area at the time?

20 A No, sir.

21 Q Did his mother report getting a call from
22 any one of her other children about that time that
23 was suspicious or unusual?

24 A No, just Mr. Decota Brown.

25 Q All right. Did Ms. Lisa Broach mention

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1 picking anyone up from that scene, other than the
2 defendant and Mr. Hunnicut?

3 MS. HODGES: Judge, I'm going to object to
4 that question only because I don't know that
5 this witness has the knowledge. If he can
6 testify from his own knowledge, that's one
7 thing, but I'm not sure --

8 THE COURT: Why don't you rephrase the
9 question.

10 BY MR. ALDERMAN:

11 Q Did you take statements, or you or your
12 people under your charge, take statements from Lisa
13 Broach?

14 A Yes, sir. Other investigators did, yes,
15 sir.

16 Q Are you familiar with those statements?

17 A Yes, sir.

18 Q And did those statements say that Lisa
19 Broach picked up the defendant and Hunter Hunnicut
20 from the scene or close to the scene at about six
21 o'clock?

22 A Yes, sir.

23 Q Did she mention picking anyone else up
24 with them at that scene?

25 A No, sir.

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1 Q Okay. How many shots in total, in both
2 statements, did Mr. Hunnicut say were fired?

3 MS. HODGES: Asked and answered, Your
4 Honor.

5 THE COURT: I'll go ahead and let him ask
6 that.

7 THE WITNESS: He said five in both
8 statements.

9 BY MR. ALDERMAN:

10 Q Okay. And was there also one in the head?

11 A Yes, sir.

12 Q For a total of?

13 A Six.

14 Q How many shell casings were found?

15 A Six.

16 Q In your experience as an officer, is there
17 any way you could conceive of that a person would
18 just guess that number if they weren't there?

19 A No, sir, not at all.

20 Q Now, I believe Mr. Hunnicut mentioned that
21 the defendant made calls to his parents to see if
22 they were home; do you recall that?

23 A Yes, sir, that's what Ms. Dee Brown told
24 us.

25 Q All right. Well, to clarify, did Hunter