

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Oct 28 2022**

Appeal from Richland County  
Honorable DeAndrea G. Benjamin, Circuit Court Judge

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

CORREY TREMAYNE BROWN,

APPELLANT.

APPELLATE CASE NO. 2021-001231

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
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1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF RICHLAND ) COURT OF GENERAL SESSIONS  
 2019-GS-40-05634

3  
 4 State of South Carolina, )  
 5 Plaintiff, )  
 6 vs. ) TRANSCRIPT OF RECORD  
 7 Correy Tremayne Brown, )  
 8 Defendant. )

9 June 7-11, 2021  
 10 Columbia, South Carolina

11  
 12  
 13 B E F O R E:

14 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE; and a  
 15 jury.

16  
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 25 DEBORAH M. McCURDY, RPR  
 Official Court Reporter

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1       about 2:30? And that will give us an hour and 15  
2       minutes. I was hoping we could get through  
3       openings and at least call a witness. I will go  
4       until maybe about 6:00 unless somebody has  
5       something they need to do.

6               MS. CAVANAUGH: That's fine with us.

7               THE COURT: Have your witnesses lined up.

8               (WHEREUPON, a lunch break was taken at  
9               1:53 p.m.)

10              THE COURT: All right, are we ready? For the  
11       State we have a Denno hearing?

12              MS. CAVANAUGH: Yes, Your Honor, we do. And  
13       because I know they are going to have a motion to  
14       sequester the witnesses on theirs, and we do have  
15       two lay witnesses present in the courtroom, so  
16       maybe we need to --

17              THE COURT: All right, so of course the motion  
18       to sequester is granted, so anyone who is  
19       testifying will need to step out.

20              (Pause.)

21              THE COURT: All right. Yes, ma'am?

22              MS. DAVIS: One of my pretrial motions was  
23       related to discovery, general motion, but also more  
24       specifically about an attempted murder charge that  
25       Jessica Guyton has pending. Ms. Cavanaugh got the

1 information this morning around 8:00 or 8:30, 8:15,  
2 something like that. I haven't really had a chance  
3 to look at it carefully, so that may have resolved  
4 my concerns, so I would just ask that he be told to  
5 be on standby, and that if we need to have him come  
6 back in the morning, that we take it up before we  
7 start in the morning.

8 THE COURT: And what is it regarding, the  
9 attempted --

10 MS. CAVANAUGH: One of our lay witnesses has a  
11 recent attempted murder arrest, pending charge.  
12 And Ms. Davis is asking for the incident report and  
13 other information from that charge. I mean, that  
14 is a whole, you know, separate argument as far  
15 as -- but he was the arresting officer for that  
16 attempted murder charge from two months ago.

17 THE COURT: All right. So if he can just be  
18 on standby. You don't have to stay. Do you have  
19 his cell phone number? That way you don't have to  
20 stay here.

21 (Pause.)

22 MS. CAVANAUGH: We are ready to proceed with  
23 the Jackson v. Denno hearing.

24 THE COURT: Do you have a Biggers hearing  
25 also?

1 MS. CAVANAUGH: Yes, Your Honor.

2 THE COURT: All right.

3 MS. CAVANAUGH: The State would call Sergeant  
4 Michael Laurita.

5 THE BAILIFF: Come forward and be sworn, sir.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the  
8 Bible, raise your right, and face the clerk for me.

9 (Witness complies.)

10 THE CLERK: State your full name, please.

11 THE WITNESS: Michael Laurita.

12 THE CLERK: Spell your last name, please.

13 THE WITNESS: L-A-U-R-I-T-A.

14 THE CLERK: Do you solemnly swear the  
15 testimony you are about to give in this case will  
16 be the truth, the whole truth, and nothing but the  
17 truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Have a seat, sir.

20 (Witness seated.)

21 MICHAEL LAURITA,  
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION(DENNO)

24 BY MS. CAVANAUGH:

25 Q Sergeant Laurita, where are you employed?

- 1 A Currently for the Richland County Sheriff's  
2 Department.
- 3 Q And how long have you been employed there?
- 4 A A little over 13 years.
- 5 Q What is your current role at the Sheriff's  
6 Department?
- 7 A Currently I am sergeant over the Burglary Unit.
- 8 Q And back in December of 2018, what was your role?
- 9 A Back then I was assigned to the Major Crimes Unit.  
10 I was also a Homicide Primary.
- 11 Q And were you assigned the case that we are here for  
12 today, Correy Brown?
- 13 A I was.
- 14 Q And when were you assigned that case?
- 15 A On the 29th of December, 2018.
- 16 Q And how -- was the Sheriff's Department immediately  
17 on scene?
- 18 A No.
- 19 Q When did y'all learn that this was actually going  
20 to be a homicide investigation?
- 21 A Later on the same morning that this happened.
- 22 Q And who was the first responding agency?
- 23 A I believe it was Highway Patrol and Fire  
24 Department, Richland County Fire Department.
- 25 Q And why did Richland County not respond to the

1 actual crime scene when it was called in?

2 A Because initially it was called in as a vehicle  
3 accident where a fatality had occurred.

4 Q And throughout your investigation, did you track  
5 down the Defendant's last known whereabouts?

6 A The victim's last known --

7 Q Excuse me, victim's, yes.

8 A Yes.

9 Q And while doing that, did you speak to witnesses  
10 that had been with the victim that evening?

11 A Yes.

12 Q Okay. And who were they?

13 A An Anteyan Davis and Benjamin Parker.

14 Q And based on your interviews with them and other  
15 investigatory leads, did you have probable cause to  
16 arrest Correy Brown?

17 A Yes.

18 Q And when was an arrest warrant sworn out?

19 A I believe the arrest warrant was made on the 29th,  
20 if I'm not mistaken. Yes, on the 29th.

21 Q Okay. And when did this actually occur?

22 A This occurred the early morning of the 29th.

23 Q And when was Mr. Brown arrested?

24 A He was arrested on the, I want to say the 2nd of  
25 January?

- 1 Q Well, go back and look at your notes.
- 2 A Yes, 31st. I'm sorry. 31st of December.
- 3 Q And did you arrest him?
- 4 A I did not, no.
- 5 Q All right. When the warrant was sworn out, what
- 6 did you do with the warrant?
- 7 A I placed it with our warrant division so that it
- 8 could be placed into NCIC, the national database,
- 9 and at that point it gets assigned to our Fugitive
- 10 Task Force.
- 11 Q And did the fugitive -- are they the ones who
- 12 arrested him?
- 13 A Yes.
- 14 Q Okay. And was he brought to Richland County
- 15 Sheriff's Department headquarters?
- 16 A Yes.
- 17 Q And what time -- were you present at that time?
- 18 A Yes.
- 19 Q Okay. And did you have opportunity to interview
- 20 the Defendant?
- 21 A Yes.
- 22 Q Okay. And who else was in the room?
- 23 A Sergeant Caldwell.
- 24 Q And what time was that -- what time did that
- 25 interview start?



- 1 A It started around 5:54 p.m.
- 2 Q Okay. And what time did it end?
- 3 A I believe it was 45 minutes long.
- 4 Q Okay. Now, is that -- where was he brought in
- 5 before the interview?
- 6 A He was brought into one of our interview rooms,
- 7 which is a small rectangular room. It has got a
- 8 desk in it, a chair in the corner, and then two
- 9 chairs. There is one behind the desk and usually
- 10 one against the back wall.
- 11 Q And as far as -- well, as soon as he got in there,
- 12 in the interview room, did you read him his rights?
- 13 A Yes.
- 14 Q Okay. I am going to show you what is marked as
- 15 State's Exhibit 1. Do you recognize this document?
- 16 A Yes. This is the Advice of Rights form.
- 17 Q Okay. And is that the document that was used that
- 18 night?
- 19 A Yes.
- 20 Q And how do you know?
- 21 A It has my signature on it, as well as Mr. Brown's
- 22 signature on it.
- 23 Q Did you go through -- can you read -- is that the
- 24 sheet you went there?
- 25 A Yes.

1 Q And can you read each of the rights that were read  
2 to him?

3 A Yes. It says:

4 Before you are asked any questions, you must  
5 first understand your rights.

6 You have the right to remain silent. Anything  
7 you say can be used against you in court. You have  
8 the right to talk to a lawyer for advice before you  
9 are asked any questions and have a lawyer present  
10 for any questions. If you cannot afford a lawyer,  
11 one will be appointed to you before any questions  
12 if you wish. If you decide to answer questions now  
13 without a lawyer present, you still have the right  
14 to stop answering questions at any time. You also  
15 have the right to stop answering questions at any  
16 time until you talk to your lawyer.

17 I then have him sign that section.

18 The bottom part says that:

19 I have read this statement of my rights and  
20 understand what my rights are. I am willing to  
21 talk and answer questions. I understand and know  
22 what I am doing. No promises have been made to me,  
23 no pressure or coercion of any kind has been used  
24 against me.

25 Q Okay. And how old was the Defendant at the time of

1           the interview? Excuse me, before I get there, did  
2           he indicate that he was willing to talk?

3     A     Yes.

4     Q     And how did he do that?

5     A     He signed the bottom section indicating that he was  
6           willing to talk to us, no pressure or coercion has  
7           been made with making that statement.

8     Q     Did he hesitate at all before signing it?

9     A     No.

10    Q     Back to what I was asking you, how old is  
11         Mr. Brown?

12    A     I don't have his exact age in front of me. I  
13         believe, I want to say he is in his 30s.

14    Q     Well, I hand you a copy of the warrant with his  
15         date of birth. Would that refresh your memory?

16    A     Yes. So he was born in '75. At the time of  
17         this --

18    Q     In 2015 he would be 40.

19    A     So he would have been -- in 2015 he would have been  
20         40, so he would have been 43.

21    Q     When you were reading him his rights and when he  
22         indicated he was willing to speak to you and  
23         throughout the interview, did you have any reason  
24         to think he was intoxicated?

25    A     No.

1 Q Did you have any reason to think that he wasn't  
2 understanding your questions?

3 A No.

4 Q And statements?

5 A No.

6 Q What about whether he seemed like he had a low  
7 education that would render him unable to have a  
8 conversation with you?

9 A No.

10 Q As soon as -- after you -- and do you have a  
11 transcript of his statement up there with you?

12 A I don't have it.

13 Q All right. Have you had an opportunity to review  
14 it?

15 A I have.

16 (Pause.)

17 Q But pretty much as soon as he indicated that he was  
18 willing to speak, what did you ask him? Did you  
19 ask him if he knew why he was there?

20 A Yes.

21 Q And what did he say?

22 A Let me try to find that part.

23 Q All right, I will direct your attention to the  
24 bottom of Page 4, Line 21.

25 A Line 21.

1 All right. So you know why you are here?

2 Yeah, I know pretalk so I am -- and it was cut  
3 off.

4 Q All right. So he indicated he knew why he was  
5 there?

6 A Yes.

7 Q Okay. And then did you ask him -- well, did he  
8 begin -- what did he begin to tell you after that  
9 as far as what he did the night of the incident?

10 A He told us that he had gone out to the club, Tony's  
11 Lounge, with the victim and some other people. He  
12 stated that they had gone to Mr. Davis's house. He  
13 then went with the victim -- they went to another  
14 house off of Country Haven Road. He then went with  
15 the victim to a gas station at Lower Richland and  
16 Garners Ferry. And, according to him, he said the  
17 victim took him back to the house at Country Haven,  
18 and that was the last time he saw the victim.

19 Q Okay. And did he -- in that narrative at the  
20 beginning, did he describe anything about how and  
21 when he busted his lip?

22 A According to him, he stated that when he went to  
23 the house on Country Haven Road he had slipped and  
24 busted his lip on the vehicle door. And that is  
25 how, I guess -- that is how he said it happened.

1 Q Okay. And did he indicate when that occurred as  
2 far as, was it before the gas station, after the  
3 gas station?

4 A He said it happened before they were going to the  
5 gas station, to get in the car to go to the gas  
6 station with the victim.

7 Q And did he indicate which gas station they went  
8 to -- he went to with the victim that night?

9 A Yes, he said the Exxon gas station at Lower  
10 Richland and Garners Ferry.

11 Q Okay. Now, after he gives you a general narrative  
12 about what occurred or what he did that night with  
13 the victim and other people, did you confront him  
14 with -- what did you say back to him?

15 A I basically said to him that what he was telling us  
16 wasn't matching up with what witnesses and physical  
17 evidence was showing us had happened.

18 Q Okay. And what was his response to that? Or like  
19 early on in the interview -- I'll point to the  
20 specific page to you. All right, so the top of  
21 Page 14.

22 A He said that he has got some evidence that is going  
23 to shoot that out of the water, is what he said.

24 Q Okay. And let's blow up that exchange real  
25 quickly. Have you had an opportunity to review the

1 recorded interview as well?

2 A I have.

3 Q We'll come back to the video, but as far as your  
4 comment -- as far as his comment about, I've got  
5 evidence that is going to shoot that out of the  
6 water, what was your response after that?

7 A I said, Well, let's hear it.

8 Q And what did he say?

9 A He says that he wanted to give it to a lawyer.

10 Q Well, can you read the exact line, please?

11 A He said, I can't get it -- or can I get that to a  
12 lawyer? I mean, I don't mean to be -- and it is  
13 cut off.

14 Q Okay. And then I think the interview is more  
15 clear, but what was your response at that point?

16 A I basically told him that, No, I mean, this is your  
17 chance if you want to clear your name.

18 Q Okay. And at that point was he asked -- like, did  
19 he say, I want a lawyer in this room at this  
20 moment?

21 A No.

22 Q Okay. And were you saying -- did you respond with  
23 any promises of leniency?

24 A No.

25 Q Okay. And then as soon as that exchange is over

1 with you, does he -- what does he say to y'all, you  
2 and Investigator Caldwell?

3 A It says, Well, go get my phone, I'd like to show  
4 you because that, what is his name, the original,  
5 he said Anteyan, he texted me and told me that Ben  
6 had told him the truth that he dropped me off at  
7 Kela's house.

8 Q Okay. All right. so did your interview continue  
9 for several minutes after that?

10 A Yes.

11 Q And at that point -- all right. What are you --  
12 what kind of questions are you asking him as far as  
13 what are you indicating to him, not specifically,  
14 but in general?

15 A Just indicating to him that what he is telling us  
16 isn't matching up to what our evidence is showing  
17 us, and trying to explain to him that what he is  
18 telling us isn't corroborated by any evidence that  
19 we have.

20 Q Okay. And throughout this exchange, did he, over  
21 the next several minutes, did he tell you that he  
22 was in the car at the time of the shooting?

23 A He never said he was in the car at the time of the  
24 shooting.

25 Q All right. Does he describe anything different



1           about how he busted his lip?

2       A     No.

3       Q     I am going to go back to that exchange in just a  
4           second.

5           THE COURT: And if you can turn it up.

6           (Plays video.)

7       BY MS. CAVANAUGH:

8       Q     So that little segment there, had he just indicated  
9           to you that he had evidence that would blow what  
10          you are saying out of the water?

11      A     Yes.

12      Q     Okay. And when he said -- when you said, Let's  
13          hear it, what was your point in saying, Let's hear  
14          it?

15      A     To hear whatever evidence he has because if he has  
16          evidence that he didn't do it, then I would love to  
17          hear it.

18      Q     Okay. And would you have done further  
19          investigation if he would have offered evidence  
20          that would, as he said, basically exonerate him?

21      A     Yes.

22      Q     And, once again, when he said, Can I get it to a  
23          lawyer, is he asking for a lawyer at that moment?

24      A     No.

25      Q     Did he say, I want a lawyer right now?

1 A No.

2 Q Moving on to -- and then did he immediately start  
3 following up like after that exchange with his  
4 information about his phone?

5 A Yes.

6 Q All right. At some point -- and I'll direct you to  
7 Page -- where y'all -- did you ask him for a buccal  
8 swab?

9 A I did.

10 Q Okay. All right. I'll go to Page 37 for you.

11 A All right.

12 Q So Line 10. Did you ask him for a buccal swab?

13 A Yes. I said, We need to get -- we need to get a  
14 DNA swab from you.

15 Q Okay. I'll fast-forward to that part of the  
16 interview.

17 (Plays video.)

18 Q That whole -- at first did it appear that he was  
19 going to give you the swab?

20 A Yes.

21 Q Okay. And then he thought -- I mean, then did he  
22 actually do it?

23 A No.

24 Q And the whole conversation about, Should I have a  
25 lawyer present for this, is that all in the -- was

1           it your understanding that is all in the context of  
2           the buccal swab?

3    A     Yes.

4    Q     All right. And he ultimately decides not to give  
5           the swab, right?

6    A     Yes.

7    Q     Okay. And as soon -- I'm going to direct you to --  
8           we just watched it -- Page 41, Line 13 through 15.

9    A     All right. He said, So I might need to do the  
10          swab, you know, in front of -- but, as I said, I  
11          was in the car.

12   Q     Okay. So, once again, further -- that -- in your  
13          understanding, that was -- the lawyer conversation  
14          is all about the swab?

15   A     Yes.

16   Q     And then he -- and then does he immediately start  
17          talking about the car again?

18   A     Yes.

19   Q     Even though he said that he had never done this  
20          before, throughout your investigation, I mean, did  
21          you learn that -- whether he has a criminal  
22          history?

23   A     I believe he had a criminal history, yes.

24   Q     Okay. And even in this interview, did he discuss  
25          prior at least interaction and history with SLED?

- 1 A I believe so.
- 2 Q And what about, did he reference his federal  
3 charges?
- 4 A I'll have to go back and look to see.
- 5 Q As part of the lead investigator, do you have  
6 access to his rap sheet, Investigator Laurita?
- 7 A I do.
- 8 Q All right. And at some point did you review that?
- 9 A Yes.
- 10 Q If I give you a copy of it, will that refresh your  
11 memory?
- 12 A Yes.
- 13 Q Don't get into it, but from your review of his  
14 criminal history, has he had experience with law  
15 enforcement before?
- 16 A Yes.
- 17 Q Okay. And finally, just to wrap my questions of  
18 you up, how long was the interview?
- 19 A About 45 minutes long.
- 20 Q And did you ever tell him that you would speak to  
21 me if he cooperated?
- 22 A No.
- 23 Q Or any Solicitor that was assigned?
- 24 A No.
- 25 Q Did you say that you will -- did you give him any

1           reason to believe that you would make a deal with  
2           him if he gave a statement?

3     A     No.

4     Q     And, in fact, did he ever change his original  
5           narrative to you?

6     A     No.

7     Q     As far as the gist of it?

8     A     Yes, correct.

9     Q     Did he ever admit that he was in the car at the  
10          time of the shooting?

11    A     No.

12    Q     Did he ever admit that he busted his lip at a  
13          different time?

14    A     No.

15    Q     Did he ever change anything about the Shell gas  
16          station that he originally told you when he was  
17          describing his night at the beginning of the  
18          interview?

19    A     No.

20    Q     At any point in time during this interview, did it  
21          appear to you that he requested a lawyer at that  
22          moment?

23    A     No.

24    Q     Did he ever say that he did not wish to continue  
25          speaking with you?

1 A No.

2 Q Thank you, Investigator Laurita.

3 MS. CAVANAUGH: Well, Your Honor, I provided a  
4 whole copy of the interview to the Court.

5 THE COURT: Yes, I have the transcript.

6 MS. CAVANAUGH: Okay. All right.

7 BY MS. CAVANAUGH:

8 Q Thank you. Please answer any questions by the  
9 Defense.

10 MS. DAVIS: Thank you, Your Honor. May it  
11 please the Court?

12 THE COURT: Yes, ma'am.

13 CROSS-EXAMINATION(DENNO)

14 BY MS. DAVIS:

15 Q Now, Investigator Laurita, when Correy was brought  
16 to headquarters, he was in handcuffs, right?

17 A Yes.

18 Q And later shackled?

19 A I believe so, yes.

20 Q And then you all brought him in to be questioned as  
21 we see in the audio/video recording, right?

22 A Yes.

23 Q And you read him his rights. And do you remember  
24 saying you were going to read them to him real  
25 fast?

- 1 A I may have said that.
- 2 Q You said, All right, Correy, I'm going to read  
3 these rights to you here real quick -- real fast,  
4 okay? Does that sound right?
- 5 A Sure.
- 6 Q And then you went through them and explained to him  
7 he had the right to talk to a lawyer, right?
- 8 A Yes.
- 9 Q That any questions -- for any questions he has the  
10 right to have a lawyer present, right?
- 11 A Yes.
- 12 Q That he has a right to stop answering questions at  
13 any time?
- 14 A Yes.
- 15 Q That he has a right to stop answering questions at  
16 any time until he talks to a lawyer?
- 17 A Yes.
- 18 Q And you do that within the first, I think it is  
19 three or four minutes of the interview, right?
- 20 A Sure.
- 21 Q And part of that, you go through and say, you know,  
22 I haven't made any promises to you, right?
- 23 A Yes.
- 24 Q And I'm not being coercive, I'm not trying to make  
25 you give a statement, right?

- 1 A Correct.
- 2 Q And then you have him sign the Advice of Rights  
3 form?
- 4 A Correct.
- 5 Q And you have him sign the form, and that is  
6 obviously before any questions were actually asked,  
7 right?
- 8 A Yes.
- 9 Q So he is saying, as of right now, at Minute 4, none  
10 of those things have happened, right?
- 11 A Correct.
- 12 Q And then after that he gives you some information  
13 about what he says happened, right?
- 14 A Correct.
- 15 Q And now we get to less than I think about ten  
16 minutes into the interview, and you mentioned on  
17 direct of course where he says, Can I get that to a  
18 lawyer, right?
- 19 A Correct.
- 20 Q And your answer is, No. I mean, this is your  
21 chance if you want to clear your name. Right?
- 22 A Correct.
- 23 Q So he unequivocally says, Can I get that to a  
24 lawyer, and your answer is, No, you cannot?
- 25 A I mean, right now he could not just get it to a



- 1           lawyer, we don't have a lawyer there to give it to.
- 2     Q     Right. But he says, Can I get it to a lawyer,
- 3           right?
- 4     A     Sure.
- 5     Q     And your answer is no?
- 6     A     Sure.
- 7     Q     Well, not sure, that is what happened, right?
- 8     A     Yes.
- 9     Q     Okay. Now, if he had said, Can I get a lawyer,
- 10           that would have mattered?
- 11    A     We would have stopped right then and there.
- 12    Q     Okay. So he could get a lawyer in your opinion,
- 13           right?
- 14    A     Yes.
- 15    Q     But he couldn't give information to the lawyer?
- 16    A     I mean, not right that second, no.
- 17    Q     And, again, this is less than ten minutes after you
- 18           have just explained to him all the rights he had as
- 19           it relates to a lawyer?
- 20    A     Correct.
- 21    Q     And at the end of that, after you say, I want to --
- 22           if you want to clear your name, Sergeant Caldwell
- 23           also said something, right?
- 24    A     I believe so.
- 25    Q     And he said, Your lawyer can't drop the charges, we

1 can, right?

2 A Sounds right.

3 Q And then you guys go on, and Ms. Cavanaugh went  
4 through some of those, about the DNA swab. And at  
5 that point he starts kind of asking you your  
6 opinion, I guess, more so about the lawyer, right?

7 A Uh-huh, correct.

8 Q And when you are telling him about the DNA swab,  
9 you say, You need to sign this saying you are  
10 giving us consent, right?

11 A Yes. I was saying that in reference to him saying  
12 that he was consenting at the time of opening his  
13 mouth. I said, You need to sign this before we get  
14 the swab.

15 Q And you go on to say -- he says, Do I need to do it  
16 in the presence of a lawyer, right?

17 A Yes.

18 Q And you say, You don't have to do anything. I'm  
19 just -- if you want to be cooperative, this is the  
20 one thing we need to do. Right?

21 A Yes.

22 Q And then he goes back and says, Do I need to do it  
23 in front of a lawyer, because, like I just asked, I  
24 have never done this, correct?

25 A Correct.

- 1 Q And then you are trying to convince him and say, It  
2 is a just a cotton swab, Bo. Just swab it around  
3 your mouth.
- 4 A Sure.
- 5 Q He keeps hesitating, correct?
- 6 A Correct.
- 7 Q To the point you asked him, What are you hesitant  
8 about, right?
- 9 A Correct.
- 10 Q He says, Do I need to do this in the presence of a  
11 lawyer?
- 12 A Correct.
- 13 Q Your answer is no, right?
- 14 A Correct.
- 15 Q You don't need to do anything in the presence of a  
16 lawyer, right?
- 17 A Correct.
- 18 Q Should I do it? And you say, I can't tell you  
19 that?
- 20 A Correct.
- 21 Q He even says, I might need to wait and do it in  
22 front of a lawyer then?
- 23 A Okay.
- 24 Q Right? He said that?
- 25 A Yes.

1 Q And that kind of goes back and forth. And at some  
2 point you say, I can't give you legal advice,  
3 right?

4 A Correct.

5 Q And at some point within that exchange you say, I  
6 can -- all I can say is if you want to show that  
7 you are being cooperative and that you want to, you  
8 know -- if you are going to say you didn't do  
9 anything, you were being cooperative, this will go  
10 a long way towards cooperation, right?

11 A Yes.

12 Q He again says, I might need to let a lawyer go  
13 ahead and do that, right?

14 A Yes.

15 Q So at that point you do move on?

16 A Correct.

17 Q So that seems clear to you that he is saying, Ah, I  
18 think I might need a lawyer for that?

19 A Well, I mean, at that point he had already been  
20 very evasive. He hadn't actually said he wanted to  
21 do it in front of a lawyer, he said, I think, or,  
22 Maybe I should, nothing definitive saying, I want  
23 to do this in front of a lawyer.

24 Q Right. But, I mean, I'm saying after the last time  
25 he said, I might need to let a lawyer go ahead and

1 do that then. You say, Okay.

2 A Yes.

3 Q And then y'all move on to another topic?

4 A Yes.

5 Q Okay. And I'm sure you don't have the minutes

6 memorized, but that was about 21 minutes, 9

7 seconds. Does that sound about right? Maybe?

8 A Sure. Yes, that sounds about right.

9 Q Okay. So even after that exchange, about less than  
10 50 minutes later, this comes up again, right, the  
11 DNA swab?

12 A Where are you referring to again?

13 Q Page 65.

14 A 65.

15 Q Top of 65. You say, All right, so you are not  
16 going to give us that DNA swab, just let's clarify  
17 that right now?

18 A Yes.

19 Q And that is after y'all had just had a fairly  
20 lengthy back and forth about him saying, Should I  
21 get one, I might need to get one, right?

22 A I just wanted to clarify. He had already said he  
23 was going to cooperate, he had already signed a  
24 consent. It is just he was going back and forth  
25 about it. I wanted to confirm that.

1 Q So he said, I asked you do I need a lawyer, and you  
2 said, I can't answer that?

3 A Yes.

4 Q And then you go on and say, You don't need a lawyer  
5 to sit here while we are asking you questions.

6 That is why I read to you those rights. You have  
7 the right to one. You don't need one, though. You  
8 don't need a lawyer here. Right?

9 A Correct.

10 Q And then kind of -- y'all go back and forth and  
11 keep repeating similar, Should I versus Do I need  
12 to, right? He said, Should I have a lawyer present  
13 then, again?

14 A Yes.

15 Q And you say, I can't tell you that?

16 A Yes.

17 Q You say -- Should I ask for a lawyer or should I go  
18 on your word, right?

19 A Yes.

20 Q You say, I can't tell you what to do. I can tell  
21 you that it looks better cooperation-wise?

22 A Correct.

23 Q And then at that point he says, There ain't nothing  
24 for me to cooperate on. And the one thing about  
25 it, y'all can go all the way back to me when I had

1 a federal charge, and he starts talking about --

2 THE COURT REPORTER: I'm sorry, I just didn't  
3 hear that last part.

4 MS. DAVIS: I'm sorry.

5 BY MS. DAVIS:

6 Q Then he says at some point, There is nothing for me  
7 to cooperate on, so -- then he starts talking about  
8 when he had a federal charge, right?

9 A Yes.

10 Q And one of the other things y'all talk about a  
11 little bit -- well, not a little bit, multiple  
12 times -- is you are telling him repeatedly that  
13 there are multiple people that are disagreeing with  
14 his version of events, right?

15 A Sure.

16 Q You say, So what you are telling me is that all  
17 these people are just making this up, right?

18 A Correct.

19 Q And then again you say, Why would all these people  
20 make this up?

21 A Correct.

22 Q And then you say, All these other people -- All  
23 these other people are saying it, it is matching up  
24 perfectly, right?

25 A Correct.

1 Q And then again, later in the interview you say, You  
2 are going to have to -- you are going to have all  
3 these people stand up in court, right?

4 A Correct.

5 Q And then I think the last time you say it again is  
6 Page 62. And you say, I'm still bothered by what  
7 makes all these people want to get you so bad and  
8 make this stuff up, right?

9 A Correct.

10 Q Now, the reality is there is one person who says he  
11 is in the car and shoots Don, right?

12 A Correct.

13 Q Okay. So there wasn't 10 or 15 witnesses all  
14 giving you a version of events --

15 A Witnesses at different points of the night that  
16 gave different statements, yes.

17 Q Well, sure. But Anteyan's statement goes up to the  
18 point that Correy's goes up to in terms of what  
19 they did that night, right?

20 A Correct.

21 Q So the only person that you have that you  
22 interviewed that gives you any information that is  
23 different from what Correy is saying is Benjamin  
24 Parker?

25 A And his wife.



1 Q Did you interview Jessica Guyton?

2 A I didn't interview her that day, no.

3 Q When did you interview her?

4 A We did talk to her. It was in one of the things we  
5 talked to her.

6 Q What did she tell you?

7 A That she saw him at the house that night.

8 Q Is that in your report anywhere?

9 A I believe so.

10 Q Do you have your reports with you?

11 A I do.

12 Q I think you had a -- I can't find it right now. I  
13 think you had a 2-page summary, right? And then a  
14 7-page investigation report?

15 A Yes.

16 Q Can you show me or tell me in there where it says  
17 you interviewed Jessica Guyton in December of 2018?

18 A I know we talked to her because I mention it in the  
19 interview here with him.

20 THE COURT REPORTER: I'm sorry?

21 A I mention it in the interview with Correy. There  
22 is a part of the interview with Correy.

23 Q You said, His old lady saw you, right?

24 A Yes.

25 Q You said a fair amount of things that weren't true

1 in that interview, correct?

2 A Excuse me?

3 Q In the interview you are telling him information  
4 that is not fully accurate, right?

5 A No.

6 Q Well, you told him, Everybody is saying something  
7 different than you. I think we just established  
8 there was one person that said something different,  
9 right?

10 A If that is the way you want to interpret it. I  
11 mean --

12 THE COURT REPORTER: I'm sorry, I didn't hear  
13 the answer.

14 A If that is the way you want to interpret it.

15 Q Well, not interpreting it, is there more than  
16 Benjamin Parker that tells you that Correy shoots  
17 him?

18 A No.

19 Q Okay. So in the interview when you say everybody  
20 is giving a different account of this event,  
21 everybody, that signaled more than one person,  
22 right?

23 A Sure. Yes.

24 Q Okay. So what I'm saying is, at the time of the  
25 interview, not even necessarily with Correy, but

1           generally speaking, you may not be truthful when  
2           you are talking to someone that you are  
3           interrogating, right?

4       A     No.

5       Q     Like that is an interrogation tactic to give them  
6           information that is not true?

7       A     No.

8       Q     So when you are telling him everybody is saying  
9           that, are you saying that was accurate and true?

10      A     I'm not saying that a specific person is giving  
11           information.

12      Q     What I'm saying is, everybody is a plural word,  
13           right?

14      A     Yes.

15      Q     So when we -- we just established that Benjamin  
16           Parker is the only one saying he did it. That is a  
17           single person, correct?

18      A     Correct.

19      Q     Okay. Regardless, in terms of Jessica Guyton, I  
20           guess what you are saying is nowhere in your report  
21           does it say you interviewed her in December of  
22           2018?

23      A     Not in my follow-up.

24      Q     Excuse me?

25      A     Not in my follow-up, no.

- 1 Q Was it somewhere else?
- 2 A I believe it may have been in a vehicle while we  
3 are driving them back to our offices at Pineview.
- 4 Q You interviewed her in your vehicle?
- 5 A Not interview, just talked to her.
- 6 Q Okay. About this incident?
- 7 A Yes.
- 8 Q But nothing that is memorialized in any report?
- 9 A Not -- no, it is not in my follow-up.
- 10 Q Okay. But still that would generally be an  
11 important thing to write down, right?
- 12 A Sure.
- 13 Q You have a second person that is putting him at the  
14 house?
- 15 A Sure.
- 16 Q But you didn't write that down anywhere?
- 17 A I did not.
- 18 Q Did you tell Ms. Cavanaugh about that?
- 19 A I believe it came up in the interview.
- 20 Q Other than you saying the old lady -- his old lady  
21 saw you there, did you tell Ms. Cavanaugh that you  
22 interviewed Jessica Guyton in December of 2018?
- 23 A Again, I didn't use the word interview.
- 24 Q Did you tell Ms. Cavanaugh you got information from  
25 Ms. Guyton that Correy was at Ben Parker's house?

1 A I believe so, yes.

2 Q Do you remember when that was?

3 A Not specifically, no.

4 Q Okay. But it was before today?

5 A Yes.

6 Q Okay.

7 MS. DAVIS: Nothing further right now, Your  
8 Honor.

9 THE COURT: Yes, ma'am?

10 REDIRECT EXAMINATION(DENNO)

11 BY MS. CAVANAUGH:

12 Q Investigator Laurita, just to follow up on what she  
13 just said, I want to point you to your report on  
14 Page -- all right, Page 4.

15 A Yes, ma'am.

16 Q The second paragraph.

17 A Okay.

18 Q Okay. Did you get a call from Ms. Guyton?

19 A Yes.

20 Q And did you write down that you went to go speak to  
21 them at 7012 Julia Street?

22 A Yes.

23 Q Or to Benjamin?

24 A Yes.

25 Q And was she present?

1 A Yes.

2 Q Okay. And then in the interview -- have you -- in  
3 your interview with Correy, do you talk about how  
4 Benjamin Parker's wife saw him on the porch?

5 A Yes.

6 Q Or heard him on the porch?

7 A Yes.

8 Q Or something to that effect? Isn't it true that  
9 you told me that you don't remember anything else  
10 that she had told you?

11 A Correct.

12 Q Okay. Just to clear that up.

13 Now, going back to the interview, she keeps --  
14 let's just watch the whole exchange about the  
15 buccal swab.

16 (Plays video.)

17 BY MS. CAVANAUGH:

18 Q Once again, as he wraps that up, Like I said, I  
19 might need to do the swab in front of them, and  
20 then he trails off?

21 A Correct.

22 Q And then he continued to talk about being in the  
23 car?

24 A Correct.

25 Q And did he ultimately decide not to give you a

1 swab?

2 A Yes.

3 Q And she discussed how you went through the Advice  
4 of Rights. Let's just watch that since we didn't  
5 watch that earlier, she said real fast, which you  
6 did say that, but let's watch -- you provide him  
7 with the Advice of Rights.

8 (Plays video.)

9 Q All right. So he is looking at the form as you are  
10 reading him his rights, correct?

11 A Right.

12 Q And you mention that he has the right to have an  
13 attorney present at least three times during that  
14 recitation of his rights, right?

15 A Correct.

16 Q Okay. Thank you. No further questions.

17 THE COURT: Anything else?

18 MS. DAVIS: No, Your Honor.

19 THE COURT: All right, you can step down.

20 (Witness steps down.)

21 THE COURT: All right. Call your next  
22 witness.

23 MS. CAVANAUGH: Thank you. The State would  
24 call Sergeant Andrew Caldwell.

25 THE BAILIFF: Come forward to be sworn.

1 (Witness approaches.)

2 THE BAILIFF: Place your left hand on the  
3 Bible, raise your right, and face the clerk.

4 (Witness complies.)

5 THE CLERK: Would you state your full name,  
6 please?

7 THE WITNESS: Andrew Caldwell.

8 THE CLERK: Spell your last name, please?

9 THE WITNESS: C-A-L-D-W-E-L-L.

10 THE CLERK: Do you solemnly swear the  
11 testimony you are about to give in this case will  
12 be the truth, the whole truth, and nothing but the  
13 truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Have a seat.

16 (Witness seated.)

17 ANDREW CALDWELL,  
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION(DENNO)

20 BY MS. CAVANAUGH:

21 Q Sergeant Caldwell, you just dropped something off  
22 up there. Is that your file?

23 A It is the transcript for the interview.

24 Q Okay. And since that is what we are here -- would  
25 that help refresh your memory --



- 1 A Sure.
- 2 Q -- relating to questions about it?
- 3 A Yes.
- 4 Q Where do you work, Sergeant Caldwell?
- 5 A I am a sergeant of the Richland County Sheriff's  
6 Department.
- 7 Q How long have you been there?
- 8 A Approximately 30 years.
- 9 Q Okay. And what is your current role?
- 10 A I am a sergeant assigned to investigations.
- 11 Q And back in December of 2018, were you -- what was  
12 your role?
- 13 A I was a sergeant in investigations.
- 14 Q Okay. And did you -- were you assigned to assist  
15 Investigator Laurita on this particular case?
- 16 A I was.
- 17 Q And did you have an opportunity to interview Correy  
18 Brown on December 31st, 2018?
- 19 A I did.
- 20 Q And have you had an opportunity to review the  
21 recording and the transcript of the interview?
- 22 A I have.
- 23 Q Okay. Was he advised of his rights when he entered  
24 the room?
- 25 A Yes, ma'am, he was.

- 1 Q And who did that?
- 2 A Sergeant Laurita.
- 3 Q And did you witness it?
- 4 A I did.
- 5 Q And I show you what is marked as State's Exhibit 1.
- 6 Is that --
- 7 A Yes, ma'am. That is my signature.
- 8 Q And when he was brought into the room, did -- was
- 9 he immediately read his rights?
- 10 A I believe within just several minutes.
- 11 Q Several minutes?
- 12 A I believe.
- 13 (Plays video.)
- 14 Q Is that the Advice of Rights form?
- 15 A It is Sergeant Laurita filling it out.
- 16 Q So it is pretty immediate?
- 17 A Yes.
- 18 Q Okay. And after he was advised of his rights, did
- 19 he indicate that he knew why he was there?
- 20 A I think he had an idea, yes, ma'am.
- 21 Q Okay. And did he proceed to tell you and
- 22 Investigator Laurita about his night December 28th
- 23 of 2018 leading into December 29th of 2018?
- 24 A Yes, ma'am.
- 25 Q Okay. And specifically -- or generally what did he

1 say about what he did that night?

2 A He admitted that he had been with the victim  
3 earlier in the evening, he admitted he had been in  
4 the victim's car. He explained an injury to his  
5 lip and where he was in relationship to that car as  
6 he hit it. I believe he named some individuals  
7 that they were with at the club, but denied any --  
8 denied shooting the victim or being involved in the  
9 victim's murder.

10 Q Okay. And fast-forwarding to Page 13 -- let me get  
11 to that part.

12 (Plays video.)

13 Q All right. Just to be clear, those little comments  
14 that you just made, that was after he gave his  
15 timeline for about ten minutes, right?

16 A Correct.

17 Q And what did he say specifically? And I will point  
18 you to Line -- Page 14, Line 1. What did Mr. Brown  
19 say when y'all were talking about how he -- well,  
20 right before that. What -- just read that. At the  
21 bottom of Page 13 there is a -- what kind of --  
22 what is Investigator Laurita talking about?

23 A It starts off with, So explain to me -- explain how  
24 Ben is saying that you came to his house and picked  
25 him up at 3:00 in the morning with Don in the car

1           and that you were the one that shot Don.

2           And Mr. Brown responded, Man, I got -- I got  
3           some evidence that is going to shoot that out of  
4           the water.

5   Q   All right. And going on to -- let me -- just keep  
6           reading.

7   A   Investigator Laurita responded, Well, let's hear  
8           it.

9           I then responded, What is that, referring to  
10          what is that evidence.

11          Mr. Brown says, I -- I -- I can get that to a  
12          lawyer. I mean, I don't mean to be --

13          Investigator Laurita --

14   Q   So right there. He says, Can I get that to a  
15          lawyer? And then he says, I don't mean to be -- So  
16          he is following up with saying basically, I don't  
17          mean to be, however he was going to finish that  
18          sentence, right?

19   A   Correct.

20   Q   Did he say, I want a lawyer right now?

21   A   No, ma'am.

22   Q   Did he say, I don't want to give that to y'all  
23          right now?

24   A   I took it as he wants to give that to a lawyer,  
25          whatever that information is.

1 Q Right. But he wasn't saying, Right now I want to  
2 do it?

3 A No. I didn't take it that way.

4 Q And then you say -- what do you say?

5 A I said -- Line 12 is where I pick back up -- I  
6 said, Your lawyer can't drop the charges, we can.

7 Q Okay. And explain what you meant by that.

8 A With regards to the accusation that he was the  
9 shooter in this crime, he made the comment that he  
10 has some evidence that is going to shoot that out  
11 of the water, but he says he wants to give that to  
12 a lawyer.

13 My point to him and the context of my comments  
14 about that is, Let's not wait several years down  
15 the road with all this. Give us that information  
16 right there and we can move on with the  
17 investigation, and if it clears his name, then he  
18 is clear, he is out of it, no more problems.

19 Q Right. You weren't saying, If you continue to  
20 speak to us, we'll drop the charges?

21 A No, ma'am, that was not my intent.

22 Q It was about exonerating evidence that he  
23 supposedly had at that moment?

24 A He claims he has got a bombshell of some type of  
25 evidence or alibi. At that point we would love to

- 1           hear that.
- 2     Q     So you could do further investigation?
- 3     A     Correct.
- 4     Q     Now, throughout the interview does he ever make any
- 5           significant changes to his original story? Like,
- 6           does he ever say he was in the car?
- 7     A     Yes, he does.
- 8     Q     Well, excuse me, at the time of the shooting?
- 9     A     No, I'm sorry.
- 10    Q     Sorry. Sorry about that. At the time of the
- 11          shooting?
- 12    A     No. He denies being in the car at the time of the
- 13          shooting or being involved in that shooting.
- 14    Q     And did he ever change -- I mean, did he ever
- 15          change anything about when he said he busted his
- 16          lip as far as before the Shell station?
- 17    A     He said, as best I can recall, he maintained that
- 18          it was prior to the Shell gas station trip.
- 19    Q     Okay.
- 20    A     And he maintained the seating arrangement.
- 21    Q     Now, later on --
- 22          (Plays video.)
- 23    Q     We don't need to rewatch this, but when he was --
- 24          were you there when he was trying to decide whether
- 25          to get a buccal swab?

- 1 A Yes, ma'am.
- 2 Q Okay. And were you there when he made references  
3 to a lawyer in the context of the buccal swab?
- 4 A Correct.
- 5 Q Did he ever say during that exchange that he wanted  
6 to stop talking to you at that moment?
- 7 A No, ma'am, he never did.
- 8 Q Were all of his questions related to the buccal  
9 swab?
- 10 A I recall him asking us should he have a lawyer. I  
11 recall Investigator -- Sergeant Laurita explain, We  
12 can't give you legal advice.
- 13 Q About the buccal swab?
- 14 A About the buccal swab.
- 15 Q Not about the specific statement he was giving, not  
16 about talking to y'all?
- 17 A No, ma'am. I -- what I recall, the section that  
18 you pulled up was all concerning and his comments  
19 were all directed towards giving that buccal swab,  
20 the DNA sample, in the interrogation room right  
21 then. That required a separate consent form to be  
22 filled out.
- 23 Q Okay. Throughout this interview, did you ever make  
24 him promises in exchange for his statement?
- 25 A No, ma'am.

1 Q Did you ever indicate that -- offer some hope of  
2 reward?

3 A No, ma'am.

4 Q And about how long was the entire interview?

5 A Approximately 45 minutes, thereabouts.

6 Q And you said that you had an opportunity to review  
7 the interview?

8 A Yes.

9 Q And is this a copy of that interview?

10 A Yes.

11 MS. CAVANAUGH: It is State's Exhibit 6 just  
12 for pretrial purposes.

13 BY MS. CAVANAUGH:

14 Q No further questions from me at this time. Thank  
15 you.

16 THE COURT: Yes, ma'am?

17 MS. DAVIS: I have no questions, Your Honor.

18 THE COURT: You can step down.

19 (Witness steps down.)

20 THE COURT: Any other witnesses?

21 MS. CAVANAUGH: None for the State, Your  
22 Honor.

23 THE COURT: All right. Any witnesses?

24 MS. DAVIS: No, Your Honor.

25 THE COURT: All right, I'll be glad to hear



1 from the State.

2 MS. CAVANAUGH: Thank you, Your Honor. I did  
3 provide a memorandum in support of our motion to  
4 admit a statement. I don't know if Your Honor has  
5 had a chance to read it. But specifically, of  
6 course, the State has to prove first that the  
7 accused has been advised of his rights. And we  
8 must prove by a preponderance of the evidence that  
9 he voluntarily, knowingly, and intelligently waived  
10 those rights pursuant to State v. Reid and other  
11 authority. Here you see the video and Investigator  
12 Laurita. And Sergeant Caldwell testified to this,  
13 that pretty much as soon as he was brought in, he  
14 was immediately advised of his rights. I mean,  
15 Investigator Laurita does speak fast, but he did go  
16 through each of those rights, and I needed him to  
17 pause after each one. And the Defendant was  
18 reading the form as Investigator Laurita was going  
19 over it, or at least looking at it. And then he,  
20 without hesitation, signed the waiver after  
21 Investigator Laurita read the waiver to him. He  
22 immediately began to give about a ten minute  
23 narrative of his night, and indicates that after  
24 being confronted just a very few times at that  
25 point, that they have evidence to put him in the

1 car at the time of the shooting, he says that he  
2 has evidence that will blow that out of the water,  
3 meaning that he has evidence that will exonerate  
4 him.

5 And when they say, Let's hear it, he  
6 immediately says, Can -- or he says, Well, can I  
7 give that to a lawyer? I mean, I don't mean to  
8 be -- essentially, I mean, I don't know what he was  
9 following up with, but that was not a clear  
10 unambiguous request for a lawyer at that time. He  
11 is saying, Can I get the evidence that I just  
12 referenced to a lawyer, and then follows up by  
13 saying, I don't mean to be -- not saying, I don't  
14 want to give that to y'all, I don't want to stop  
15 talking, I want a lawyer here now. We would argue  
16 that that is an ambiguous statement as it relates  
17 to requesting a lawyer.

18 And pursuant to Davis v. United States, U.S.  
19 Supreme Court, still good law, you know, he must --  
20 the suspect must clearly articulate his desire to  
21 end the interrogation -- to end the interrogation.

22 That Davis v. U.S. case discusses while it is  
23 very important to honor the Defendant's rights, it  
24 is also important for the police to be able to do  
25 their investigation.

1           And unless he unequivocally says, I want a  
2 lawyer here, that is -- you know, the police can  
3 continue their questioning. They don't have to  
4 stop.

5           And they also aren't required under Davis v.  
6 U.S. to ask him, Are you asking for a lawyer right  
7 now, let me clarify what you just said, do you want  
8 one right now? They don't have to do that.

9           There are many examples that the courts have  
10 held to be ambiguous statements and don't require  
11 the police to cease questioning. Maybe I should  
12 talk to lawyer. That is all I've got to say.  
13 State v. Aleksey. Maybe I should talk to a lawyer.  
14 And under the Davis v. U.S. case I just referred  
15 to, those have all been held to be ambiguous  
16 references to a lawyer and thus not having  
17 rendered -- not having the police immediately cease  
18 their interrogation. They don't have to stop and  
19 follow up, Are you asking for a lawyer?

20           Then, and furthermore, he proceeds to continue  
21 to talk to them. He says, Well, here, go get my  
22 phone. Go get my phone. He doesn't say, I don't  
23 want to talk to you. I don't want to give it to  
24 y'all.

25           Sergeant Caldwell and Investigator Laurita's

1 response about, you know, Now is your chance to  
2 talk, we're here to listen.

3 And Sergeant Caldwell testified that his  
4 comments about how your lawyer can't drop the  
5 charges, we can, he is not saying, If you talk to  
6 us, we can, he is saying, If you have exonerating  
7 evidence that we need to investigate, now is your  
8 chance, not, We will drop the charges if you talk  
9 to us, which would be a promise of leniency.

10 His comment is distinctly different from the  
11 statements that have been decided -- that have been  
12 held, for instance, State v. Peak where the  
13 investigator said the State would not seek the  
14 death penalty. That was clearly a promise in  
15 exchange for a statement. That is not what  
16 Sergeant Caldwell did in this case.

17 And then finally, as far as -- or not finally,  
18 but along the lines of this buccal swab, I mean, it  
19 is very instructive to watch the video, and that is  
20 why I did that, all of his statements related to  
21 whether he should give a swab, about a lawyer, are  
22 in context of whether he should get a swab. And he  
23 is not saying, I want to stop talking to y'all, I  
24 need a lawyer, he is really debating as to whether  
25 or not he should give a swab at that point. And he

1 ultimately decided not to. And then he continues  
2 talking to them. He doesn't say, Okay, I have  
3 decided not to give you a swab, I don't want to  
4 talk to you anymore, he continues to speak to them.

5 When you are considering, the Court pursuant  
6 to State v. Von Dohlan, it is a South Carolina  
7 Supreme Court case, 322-234, when the Court is  
8 considering the test of admissibility for a  
9 confession and its voluntariness, you know, you  
10 have to require an examination of the totality of  
11 the circumstances. Characteristics that you can  
12 consider are youth. He is 43 years old. There is  
13 no evidence that he lacked any education. For  
14 example, he made the decision not to give a buccal  
15 swab, but yet he also made the decision to continue  
16 talking to them. He never said, I don't want to  
17 talk to you anymore. There is no -- as far as low  
18 intelligence, there is no evidence the Defendant  
19 had any sort of mental deficiency.

20 As far as his reaction to prison environment,  
21 he has, in his own statement he indicates that he  
22 had a federal charge. His record indicates that he  
23 has had extensive history with law enforcement. He  
24 has convictions starting from 1993. He states that  
25 he -- so either -- he has had prior interactions

1 with law enforcement.

2 As far as his intoxication level, there is  
3 absolutely no evidence that he was intoxicated and  
4 didn't understand what he was doing at the time.  
5 It is a 45-minute interview, which is certainly not  
6 a lengthy interview.

7 Finally, something that the Court should  
8 consider is State v. Rochester and State v.  
9 Ballington, once a voluntary and intelligent waiver  
10 of Miranda is made, the waiver continues until the  
11 accused indicates he wants to revoke the waiver and  
12 remain silent or circumstances exist that establish  
13 his will had been overborne and his capacity for  
14 self-determination is critically impaired.

15 He maintained what he originally told law  
16 enforcement, that he wasn't there and he busted his  
17 lip prior to arriving at the Shell gas station.  
18 And so nothing in his statement significantly  
19 changed. So clearly his will has not been  
20 overborne. And his capacity for self-determination  
21 was not physically impaired.

22 So based on all that and everything that is  
23 laid out in my memorandum in support of admitting  
24 his statement, I think that based on the totality  
25 of the circumstances and by a preponderance of the

1 evidence, that his statement that he made was  
2 knowingly and voluntarily made.

3 THE COURT: Yes, ma'am?

4 MS. DAVIS: Thank you, Your Honor. May it  
5 please the Court?

6 Your Honor, the main -- I guess the main crux  
7 of this is, when he says, Can I get that to a  
8 lawyer, our position is, which I think is a strong  
9 position, is that is him asking about his right to  
10 use the assistance of an attorney.

11 State v. Edwards says: Required at a minimum  
12 is some statement that can reasonably be construed  
13 to be an expression of a desire for the assistance  
14 of an attorney.

15 So when he says, Can I get that to a lawyer,  
16 one, I think that is unambiguous. He is asking for  
17 the assistance of a lawyer with that evidence.  
18 Two, they don't just move on. He is unequivocally  
19 told no. Investigator Laurita says, No, this is  
20 your chance if you want to clear your name.

21 Now, I didn't ask Investigator Caldwell any  
22 questions because I think we elicited it with  
23 Investigator Laurita in the video, Caldwell kind of  
24 doubled down on it when he says, Your lawyer can't  
25 drop the charges, we can.

1           So in that moment, Mr. Brown is being told,  
2           one, No, you can't get it to a lawyer. And, two,  
3           Your lawyer can't do anything about this right now  
4           anyway, we can. That is the epitome of why they  
5           are not supposed to be able to offer promises or  
6           try to induce someone to give a statement over  
7           their invocation of their right to counsel.

8           Like I said, our position is, Can I get a  
9           lawyer was the invocation of the right to counsel,  
10          he is requesting assistance. There is a Fourth  
11          Circuit case as well that says, Can I just get a  
12          lawyer, to be sufficiently clear to alert a  
13          reasonable officer in those circumstances the  
14          Defendant was invoking his right to counsel and did  
15          in fact violate his -- in fact, revoked his Fifth  
16          Amendment right.

17          I believe Mr. Brown's rights, constitutional  
18          rights under the Fifth and Fourteenth Amendments  
19          were violated. He did not -- Ms. Cavanaugh also  
20          said, Well, he also continued talking to  
21          investigators so he waived his rights. Your Honor,  
22          he doesn't admit -- reinitiate conversation. He is  
23          unequivocally told, No, you can't give that to a  
24          lawyer. So it is not like he says, Huh, maybe I  
25          need a lawyer, I don't know, maybe I'll think about



1       it, and then they keep talking. He explicitly  
2       asked, Can I get that to a lawyer, and told no. So  
3       I think there is a distinction there versus the  
4       Edwards case where it says, Even if he invoked, if  
5       the Defendant reinitiates conversation, then that  
6       waiver can be voluntary.

7               Your Honor, I would say that the huge  
8       distinction here is that he doesn't do that. He is  
9       told, no, that he cannot get it to a lawyer.

10              So, Your Honor, again, I believe that he did  
11       invoke his right to counsel and that the  
12       questioning should have ceased.

13              Beyond that, I would also say that the  
14       totality of the circumstances -- if Your Honor  
15       disagrees, I would say the totality of the  
16       circumstances of the statement when he is  
17       repeatedly saying, Maybe I need a lawyer, should I  
18       get a lawyer, I don't know, maybe I should do that  
19       in front of a lawyer, at the same time Investigator  
20       Caldwell is saying, Your lawyer can't drop charges,  
21       we can. At the same time he is being told that  
22       there are multiple people that are disagreeing with  
23       his version of events, which is not true and not  
24       accurate.

25              So I would say that it should be suppressed on

1       those grounds also, but I think the biggest part  
2       and the biggest problem is that he is unequivocally  
3       told no, that he could not have the assistance of a  
4       lawyer when he asked to get evidence to a lawyer.  
5       I think the questioning should have ceased at that  
6       point, and I believe that the statement should be  
7       suppressed for those reasons.

8               THE COURT: Thank you.

9               Anything else from the State?

10              MS. CAVANAUGH: Well, Your Honor, I just -- he  
11       doesn't say -- you have the transcript. He says,  
12       May I give that to a lawyer? And then he follows  
13       up by saying, I mean, I don't mean to be -- So that  
14       is not an unambiguous request for a lawyer. Excuse  
15       me -- yes, that is an ambiguous request for a  
16       lawyer at that time. Sorry.

17              And, you know, if you are -- we believe that  
18       the entirety of the statement, properly redacted,  
19       is admissible. However, if you are not inclined to  
20       agree with the State, then certainly, certainly,  
21       certainly up until any exchange that you deem  
22       problematic should be admitted, not the entirety of  
23       the statement.

24              THE COURT: All right. Thank you.

25              All right, I have had a chance to listen to

1       the testimony and look over the transcript and the  
2       video before the Court -- that is State's Exhibit  
3       2 -- and the case law.

4               In reviewing everything, in the totality of  
5       the circumstances, the case law is pretty clear  
6       that it says that the Defendant must clearly  
7       request an attorney. Here he does not. He says,  
8       I'll get that to a lawyer, or, Can I get that to a  
9       lawyer?

10              I think Investigator Laurita says, No, I mean,  
11       this is your chance. He is basically saying, I  
12       guess, if you want to exonerate yourself, if you  
13       want to clear your name, this is your chance.

14              As to the statement regarding the buccal swab,  
15       I wrote down from the testimony, he says he wants  
16       to do it in front of a lawyer. Once again, he does  
17       not specifically request a lawyer. And then he  
18       goes on to ask -- the Defendant goes on to ask the  
19       investigator, What should I do? He tells him, I  
20       can't tell you what to do. I can't give you any  
21       legal advice as to whether or not you have to do it  
22       in front of a lawyer. In fact, the Defendant does  
23       decide he does not wish to give a buccal swab and  
24       does not give it. And the investigator moves on to  
25       the next set of questions.

1           In considering under Jackson vs. Denno of  
2       course the voluntariness of the confession, the  
3       Court must consider whether or not the Defendant  
4       was read his rights and waived them. I do find  
5       that the Defendant was read his rights. Although  
6       the investigator may have been speaking fast, the  
7       Defendant had a copy of the rights in front of him.  
8       The length of detention was 45 minutes, which is,  
9       based on this Court's experience, is not a long  
10      interrogation period. The nature of the  
11      questioning, any prolonged questions would have  
12      been 45 minutes. There was no use of any physical  
13      punishment or deprivation of food or sleep.

14           In considering the totality of everything,  
15      this Court does not find that the statement -- does  
16      find that the statement was given voluntarily  
17      without any coercion. The Defendant is 43 years  
18      old. And the video states that he has had previous  
19      interactions with law enforcement. I think this  
20      interview was in the afternoon at 5:30, so there  
21      wasn't any indication of any deprivation of sleep.  
22      And I believe the testimony from the investigator  
23      was there was no evidence of any intoxication at  
24      the time the statement was given.

25           As a result, I do find that the statement was

1 voluntarily given and will be admitted. Obviously  
2 there are some things that are going to need to be  
3 redacted out of there. The statements he made  
4 about prior interaction with the police probably  
5 needs to be redacted.

6 MS. CAVANAUGH: Right. We can get redactions.  
7 So State v. Washington, you know, is a fairly new  
8 case that was decided last October. And the  
9 interview will certainly need to be significantly  
10 redacted, and I have already worked on that and  
11 provided Ms. Davis with a copy of the video and  
12 proposed redactions, so maybe we can review that  
13 tonight as far as what will be admitted before the  
14 jury.

15 THE COURT: All right. And, you know, the  
16 jury is here, and so I am trying to figure out how  
17 much -- do we need to do the Biggers before -- are  
18 you going to talk about it in the opening or first  
19 witness? How long is -- how much time is it going  
20 to take to do the Biggers?

21 MS. CAVANAUGH: Not long at all.

22 THE COURT: I mean, some of these motions in  
23 limine we can -- like the motion to redact, so we  
24 can do that later. Motion to suppress photographs.

25 MS. DAVIS: Your Honor, I think that can just

1 be done as testimony is taken. I think the only  
2 one -- in my opinion, the only thing we need to  
3 address for opening would be G and H. I don't know  
4 if Mr. McGlothlin planned to go into those things.

5 THE COURT: The jail phone calls, we can do  
6 that before -- I am assuming that will be the last  
7 thing they will probably do.

8 MS. DAVIS: G and H, so motion to exclude  
9 testimony of birthday body and Ben's anxiety or  
10 PTSD.

11 MR. MCGLOTHIN: No. I mean, Your Honor, I  
12 didn't intend to mention anything regarding his  
13 anxiety or PTSD or for the--

14 THE COURT REPORTER: I'm sorry, I can't hear  
15 you.

16 MR. MCGLOTHIN: Sorry. Sorry. As far as the  
17 opening statement goes, I didn't have any intention  
18 of mentioning Mr. Parker's PTSD in any way. And  
19 certainly no comment as to the Letter G regarding  
20 the birthday body comment.

21 THE COURT: All right. The only thing left we  
22 need to do is the identification.

23 MS. DAVIS: The only other matter, Your Honor,  
24 I would ask that we do -- and I don't know if you  
25 want to do the Biggers first or this -- is, one, I

1 would like to address what we learned from  
2 Investigator Laurita about him interviewing Ms.  
3 Guyton in December of 2018. There is nowhere in  
4 the summary that she says he saw -- that she saw  
5 Mr. Brown at the house that night. It says that  
6 they picked Jessica Guyton up along with Benjamin  
7 Parker, that they go to headquarters. I am aware  
8 that she was like in the area, but there is nothing  
9 in any of the discovery that says at that time in  
10 2018 that she said she saw him at that -- at her  
11 house.

12 The second issue, Your Honor, is there is  
13 another lay witness by the name of Anteyan Davis,  
14 and he gave an interview and it is recorded. My  
15 understanding from Ms. Cavanaugh is that they were  
16 trying to serve him a subpoena. They were able to  
17 do that at some point last week, I guess. He did  
18 not show up Friday for his interview, but did come  
19 in today. And just for context, this is a case,  
20 Your Honor, where literally up to this moment there  
21 has been no motive reported. Benjamin Parker  
22 repeatedly says, There is no tension, no argument.  
23 It is just this big, like, Why would this ever  
24 happen?

25 And now before we started court today at 2:30

1 we get an email disclosing some Riddle information  
2 saying that, Now Anteyan Davis is going to testify  
3 that when asked to describe what he meant by  
4 tension between the two, I asked, Do you remember  
5 the words that were exchanged? He remembers the  
6 Defendant asking the victim whether he was a  
7 snitch.

8 So now all of sudden they apparently have  
9 motive in the case, which we had no chance, no time  
10 to investigate. There are other people at the  
11 house that night that we would need to interview.  
12 And this is disclosed to us at 2:23.

13 And I'm not blaming Ms. Cavanaugh. I know she  
14 said they were trying to find him. He didn't show  
15 up on Friday. I fully understand that.  
16 Unfortunately, it puts us in a situation where it  
17 is starting to negate his right to a fair trial.  
18 We can't now have time to investigate the biggest  
19 part of the case, which there was no motive, and  
20 now they are saying, Uh, Anteyan Davis testified  
21 that there was. And that he is up there currently  
22 reviewing his statement, and we might be getting  
23 more information from him.

24 At this point, it is so late in the game, Your  
25 Honor, it puts us in the position where, one, I



1       would ask that it be excluded. Or, two, that we be  
2       given time to investigate it.

3               Now, I know there is a statement that  
4       Mr. Davis gives where he tells police, I felt like  
5       there is a little tension going on, but I don't  
6       know, everybody was drinking, you know what I'm  
7       saying. People talk shit when they drink. But  
8       they was following each other.

9               That is the extent of the information we had  
10       in 2018. It doesn't even clearly reference that it  
11       is talking about Correy, it is talking about Don,  
12       it is talking about Benjamin Parker. It certainly  
13       doesn't say anything about the nature of the  
14       content of tension, him being a snitch. And when  
15       it is disclosed at 2:23 the day we are starting  
16       trial, it puts us in an impossible situation to  
17       give him the defense that he is constitutionally  
18       deserving of, but also the right to a fair trial.

19               So we would ask that it be excluded or we have  
20       time -- we are given time to investigate it. I  
21       don't want to ask for a continuance because this  
22       case was scheduled in February 15th initially,  
23       which we were ready for, but because of COVID, I  
24       mean, it is no one's fault, but when we are given a  
25       motive at 2:23 on the day of trial, it puts us in

1 an impossible situation, and we might be getting  
2 more information from him because he is up there  
3 with their investigator.

4 MS. CAVANAUGH: He is not with our  
5 investigator, our investigator is in the courtroom.

6 Your Honor, I can't -- first of all, Anteyan  
7 Davis's name is -- I mean, he is throughout this  
8 case. He gave a recorded interview to police --  
9 Ms. Davis just referenced that -- where in the  
10 interview he says, There was some tension between  
11 the Defendant and the victim. However, everyone  
12 was drinking.

13 So, I mean, the information is right there for  
14 the Defense. I mean, he is saying there was  
15 tension between -- in his interview that has been  
16 provided for two years to Ms. -- you know, that the  
17 Defendant and the victim had some tension. There  
18 wasn't -- we can't force individuals to speak to us  
19 until we actually serve them with a subpoena.  
20 Mr. Davis, after being notified that he was served  
21 with his subpoena this morning -- I mean, he was  
22 served two weeks -- or a week ago, late last week.  
23 He was supposed to come in on Friday. He did not.  
24 When I called him this morning to remind him that  
25 he was under subpoena, I said, Please be here at

1           12:30. He showed up at 12:30. And I met with him  
2           during a break briefly.

3           And I said, In your interview you describe  
4           tension between the two. Do you -- what do you  
5           remember about that? And that is when he  
6           described, Well, I remember the Defendant asking  
7           the victim whether he snitched, or whether he was a  
8           snitch. Let me be clear. Whether he was a snitch.  
9           And that was -- that is the end of it. That is --  
10          I mean, he is saying that the Defendant was -- in  
11          the room, in his interview -- that there is tension  
12          between the two. I can't force anyone to talk to  
13          me until they are under subpoena, Your Honor. As  
14          soon as I found out the information, I disclosed  
15          that little bit of extra information to Ms. Davis.

16          THE COURT: He is not your first witness?

17          MS. CAVANAUGH: No, ma'am.

18          THE COURT: All right. Do you have him under  
19          subpoena also?

20          MS. DAVIS: No, Your Honor.

21          THE COURT: And the witnesses that were there,  
22          are they already the witnesses that were on the  
23          witness list? Previously in the discovery and on  
24          the witness list?

25          MS. CAVANAUGH: Yes, everything is the same

1       that is in the discovery. I mean, everybody --  
2       nothing has changed about who was present at the  
3       time he made the statement. And I don't know of  
4       any new names from my interview today.

5               MS. DAVIS: Your Honor, well, first I would  
6       like to clarify, in the statement that Anteyan made  
7       from 2018, it is absolutely not clear that Anteyan  
8       Davis is referring to tension between Correy Brown  
9       and Donald Young.

10              He says -- Sergeant Caldwell says, Have you  
11       got any clue as to where they might be going or  
12       heading towards?

13              Anteyan Davis says, I'm telling you Kela's  
14       house.

15              I don't know, like --

16              And investigator Laurita says: Kela?

17              Mr. Davis says, Kela.

18              Sergeant Caldwell says: Kela or kilo?

19              Mr. Davis says: Like, to be honest, like, at  
20       the end of the day, my home boy, Big C -- who he is  
21       referring to as Correy -- like, I felt like they  
22       had some little tension going on, but I don't, you  
23       know what I'm saying, everybody was drinking, you  
24       know what I'm saying, people talk shit when they  
25       drink, but they were following each other.

1           There are multiple people at this location.  
2           This isn't -- it is not like it is just him and Don  
3           P there so there could be no other tension listed.

4           THE COURT: From what you just read, it says  
5           tension with Big C.

6           MS. DAVIS: With Big C, but not Don Young.  
7           Not with the victim. He says, It sounds like there  
8           is a little tension going on, but it doesn't say  
9           with Don Young in any way. It doesn't explain who  
10          the tension is with at all.

11          THE COURT: All right. I'm assuming the  
12          witnesses are all -- they have already known who  
13          the witnesses are. There are no new witnesses who  
14          have been disclosed today.

15          MS. DAVIS: No.

16          THE COURT: So the only thing that is new is  
17          that he describes what the tension was and he says  
18          that he asked him --

19          MS. CAVANAUGH: Whether he was the snitch.

20          THE COURT: Yes. All right. If we need to --  
21          I'm assuming that is not in the opening either? So  
22          if we need to take the testimony in camera, we can,  
23          and see. But if you need to get his information to  
24          her investigator so they can go talk to him. He is  
25          not going to be the first witness. We'll deal with

1       that issue as we progress. But, I mean, the  
2       witnesses are the same. He mentions tension. They  
3       ask him, I assume, What is the tension? And that's  
4       when he says the portion about the snitch. I  
5       haven't heard anything at this point that would  
6       make me think there is a violation of any Riddle or  
7       anything. And obviously the witness just showed up  
8       today. And so I am going to -- as I said, if we  
9       need to take it in camera, the testimony in camera,  
10      we can proffer the testimony just to see what he is  
11      going to say, but let's make him one of the last  
12      witnesses so they can have an opportunity to speak  
13      to him. And if anything else comes out, then we  
14      can discuss that.

15           MS. DAVIS: Thank you, Your Honor. And I just  
16      want to be clear, I'm not saying that she knew  
17      about this information and just waited. I'm just  
18      saying getting it at 2:23 puts us in a position  
19      where we can't investigate it.

20           THE COURT: All right. I'm almost inclined to  
21      let the jury go, but let's go ahead and do this  
22      Riddle hearing.

23           MR. MCGLOTHIN: Biggers, Your Honor?

24           THE COURT: Biggers, yes. Biggers hearing.  
25      Call your witness.

MR. MCGLOTHLIN: The State calls Benjamin Parker.

THE COURT: And while we are doing that, do we need to settle the record on any of the witnesses before -- I don't know if we are going to get to witnesses, but I don't want the jury sitting back there.

MS. CAVANAUGH: No. The individuals that we need to settle the record for will definitely not be this afternoon.

THE BAILIFF: Come forward to be sworn.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, raise your right, and face the clerk for me.

(Witness complies.)

THE CLERK: State your full name, please.

THE WITNESS: Benjamin Parker.

THE CLERK: Do you solemnly swear the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE COURT: Have a seat right there.

(Witness seated.)

BENJAMIN PARKER,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION(BIGGERS)

3 BY MR. MCGLOTHIN:

4 Q Is it all right if I call you Ben?

5 A (Nods affirmatively.)

6 Q Okay. Ben, how old are you?

7 A Thirty-five.

8 Q Thirty-five? I am going to ask you just to speak  
9 up a little bit so she can take it down.

10 A Thirty-five.

11 Q Thank you. And how far did you go in school?

12 A Twelfth grade.

13 Q Twelfth grade? And do you know Correy Brown?

14 A Yes.

15 Q Okay. And did you know him back in December of  
16 2018?

17 A Yes.

18 Q Okay. How long had you known him for at that time?

19 A For a little while, not too long, maybe about 26  
20 months or a year.

21 Q Okay. And did you see him on December 28th, 2018?

22 A Yes.

23 Q Okay. Where did you first see him that -- was it  
24 that evening?

25 A Yes.



- 1 Q Okay. Where did you first see him that evening?
- 2 A Anteyan's house.
- 3 Q Okay. What was going on at that house?
- 4 A Just chilling, drinking and stuff.
- 5 Q Okay. About how long were you there with Mr. Brown
- 6 that evening?
- 7 A No longer than an hour.
- 8 Q Okay. But you could clearly see that it was him
- 9 that was there?
- 10 A Yes.
- 11 Q It wasn't like a dark --
- 12 A No.
- 13 Q -- room or anything? Okay. Was that the last time
- 14 you saw him that night?
- 15 A No.
- 16 Q Okay. When did you next see him?
- 17 A Him and Donald showed up at my house.
- 18 Q Okay. Was that technically the next morning, the
- 19 morning of the 29th?
- 20 A Yes.
- 21 Q Okay. It was obviously dark at that point?
- 22 A Yes.
- 23 Q Okay. Did you have an extended conversation with
- 24 him at all?
- 25 A No, not really.

- 1 Q Okay. About how long were you talking to him then?
- 2 A Not long.
- 3 Q Like five minutes or like an hour?
- 4 A Yes, about five minutes.
- 5 Q How close together were you at that point?
- 6 A I was right beside him.
- 7 Q Okay. You could clearly see his face?
- 8 A Yes.
- 9 Q Okay. And were y'all drinking that night?
- 10 A I don't drink. They were.
- 11 Q You don't drink?
- 12 A Never did.
- 13 Q Okay. Were you smoking weed that night?
- 14 A Earlier.
- 15 Q Okay. Earlier that night?
- 16 A Yes.
- 17 Q Okay. But then -- so kind of briefly describe what
- 18 happened after you saw him that morning, I guess,
- 19 3:00 a.m.? You say you saw him about five minutes?
- 20 A Yes. They asked to ride down the street so we
- 21 could talk, and we rode down the street, and he
- 22 shot him.
- 23 Q Okay. And then where did you go after that?
- 24 A I ran back home.
- 25 Q Okay. Did you ever give a statement to law

1 enforcement about that incident?

2 A Yes, I did.

3 Q Do you remember what day that was?

4 A December 29th.

5 Q The 29th? Okay. About how long after the incident  
6 happened?

7 A It was like evening. It wasn't too long after.

8 Q Okay. The evening of the 29th?

9 A Yes.

10 Q So really the same day?

11 A Yes.

12 Q Okay. And where did you give the statement to law  
13 enforcement?

14 A My girlfriend grandma house at first, then at the  
15 precinct.

16 Q Okay. At headquarters?

17 A Yes.

18 Q Okay. Who did you give that statement to?

19 A I can't remember his name, but the officer -- two  
20 of them.

21 Q The investigator?

22 A Yes.

23 Q Okay. And did they show you a photo of any  
24 individuals while you were there?

25 A Yes, Correy.

- 1 Q Okay. Well, let me show you -- did they show you  
2 several pictures?
- 3 A Yes, they did.
- 4 Q Okay. Were they all on one page?
- 5 A Yes.
- 6 Q Okay. Did they make any suggestions or anything --  
7 well, what did they -- how did they tell you  
8 basically -- when they gave you the photos --
- 9 A Tell them anybody I saw.
- 10 Q Just anybody you saw?
- 11 A The person that I saw doing the crime.
- 12 Q Okay. And did you?
- 13 A Yes.
- 14 Q Okay. Did they have you memorialize that in any  
15 way?
- 16 A No.
- 17 Q Did they have you circle the picture?
- 18 A Yes.
- 19 Q Okay. What about -- did you sign that piece of  
20 paper?
- 21 A Yes, I did.
- 22 Q Okay. I am going to show you State's 3. If you  
23 will take a look at this. Do you recognize that?
- 24 A Yes.
- 25 Q Okay. What is that?

- 1 A That is the photo.
- 2 Q And it has your circle and initial there?
- 3 A Yes.
- 4 Q And your signature?
- 5 A Yes.
- 6 Q Okay. And who did you identify in that -- on that
- 7 page?
- 8 A Correy.
- 9 Q Okay. Is he present here in the courtroom today?
- 10 A Yes.
- 11 Q Okay. Could you point him out for me?
- 12 A (Points.)
- 13 Q Could you describe what he is wearing?
- 14 A Blue shirt with a mask on his face.
- 15 Q Okay. Were you 100 percent sure that that photo
- 16 showed Correy?
- 17 A Yes.
- 18 Q Did the investigator suggest in any way that you
- 19 should pick that photograph?
- 20 A No.
- 21 Q Okay. Did they, you know, do anything in any way
- 22 that would lead you to that photograph being the
- 23 one you should pick?
- 24 A No, sir.
- 25 MR. MCGLOTHIN: Beg the Court's indulgence.

1 (Pause.)

2 MR. MCGLOTHIN: No further questions.

3 THE COURT: Yes, ma'am?

4 MS. DAVIS: I don't have any questions, Your  
5 Honor.

6 THE COURT: All right, you can step down.

7 (Witness steps down.)

8 MR. MCGLOTHIN: The State calls Investigator  
9 Michael Laurita.

10 (Witness seated.)

11 THE COURT: Sir, you are still under oath.

12 MICHAEL LAURITA,  
13 having been previously sworn, testified as follows:

14 DIRECT EXAMINATION(BIGGERS)

15 BY MR. MCGLOTHIN:

16 Q Sergeant Laurita?

17 A Yes.

18 Q You have already testified previously that you work  
19 for the Sheriff's Department and were the lead on  
20 the case against Correy Brown?

21 A Yes.

22 Q And you mentioned that you interviewed Benjamin  
23 Parker?

24 A Yes.

25 Q Okay. When did you do that?

- 1 A The 29th.
- 2 Q What's that?
- 3 A The 29th.
- 4 Q Where?
- 5 A He was at our office on Pineview, I think, 1931
- 6 Pineview Drive.
- 7 Q Had you talked to him at all before that interview,
- 8 or shown him any photographs of who may be involved
- 9 in the crime?
- 10 A Not before that.
- 11 Q Okay. Did you show him a photo lineup to help
- 12 identify the shooter in this case?
- 13 A I did.
- 14 Q Okay. What did that photo lineup generally look
- 15 like?
- 16 A It is a pack of six people with similar
- 17 characteristics and skin tone, hair style, beard,
- 18 mustache, if it has it put in. I believe this one
- 19 was black and white. And then it is shown to him.
- 20 Q Okay. And did he make a selection on that?
- 21 A He did.
- 22 Q Did you have him memorialize it in any way?
- 23 A I did. I had him circle it.
- 24 Q Okay. Did he sign it?
- 25 A Yes.

- 1 Q And did you influence or suggest which selection he  
2 should make on there?
- 3 A No.
- 4 Q Okay. How long -- do you remember how long it took  
5 him to pick?
- 6 A I don't know.
- 7 Q You don't remember?
- 8 A I think it was pretty instantaneous.
- 9 Q Okay. Did he have any specific reaction to it at  
10 all, or just --
- 11 A Not that I can remember.
- 12 Q Okay. Did you ask him how certain he was about it?
- 13 A I don't remember if I asked him that or not.
- 14 Q Okay. Did he make mention of anybody else that was  
15 involved during that, other than the person he  
16 selected?
- 17 A No.
- 18 Q Okay. I am going to show you State's 3. Do you  
19 recognize that document?
- 20 A I do.
- 21 Q What is it?
- 22 A This is the photo lineup I showed him.
- 23 Q Okay. And who did he select on there?
- 24 A Number 2.
- 25 Q Okay. Do you know who that is?



1 A The Defendant, Mr. Brown.

2 Q Okay.

3 MR. MCGLOTHIN: At this time the State would  
4 move State's 3 into evidence, as a Court's Exhibit,  
5 I guess.

6 THE COURT: All right.

7 MS. DAVIS: No objection, Your Honor.

8 THE COURT: It will be entered as Court  
9 Exhibit 1.

10 (WHEREUPON, Court's Exhibit No. 1 was  
11 marked for identification only.)

12 MR. MCGLOTHIN: No further questions.

13 THE COURT: All right. Any questions?

14 MS. DAVIS: No, Your Honor.

15 THE COURT: All right, you may step down.

16 (Witness steps down.)

17 THE COURT: Call your next witness.

18 MR. MCGLOTHIN: Nothing further for this  
19 hearing, Your Honor.

20 THE COURT: I will be glad to hear any  
21 motions.

22 MR. MCGLOTHIN: Obviously, pursuant to -- the  
23 Court, in order to allow an out-of-court  
24 identification, is looking whether the process was  
25 unduly suggestive.

1           You have heard from Investigator Laurita that  
2           he did not make any suggestion, that there were  
3           several different photos of like individuals. He  
4           didn't mention that Mr. Brown was in it, other than  
5           he obviously asked him whether he was present for  
6           purposes of this.

7           And you heard from Mr. Parker regarding  
8           whether there was any suggestive behavior or if he  
9           was led in any way to pick a specific person. He  
10          did tell you that he wasn't. He did pick Mr. Brown  
11          and did identify him as the same person and  
12          outlined that he was in the courtroom today.

13          THE COURT REPORTER: I'm sorry, Mr. McGlothin,  
14          your voice trailed off.

15          THE COURT: Yes.

16          MR. MCGLOTHIN: Oh, sorry. Mr. Parker did  
17          identify the person he picked out of the lineup.  
18          He is present in the courtroom, and it is Mr.  
19          Brown. And so we do believe that his in-court  
20          identification is proper because it wasn't unduly  
21          suggestive.

22          THE COURT: All right. Yes, ma'am?

23          MS. DAVIS: I have no objection to the  
24          admission of it, Your Honor.

25          THE COURT: All right. I do find that what is

1 marked as Court's Exhibit No. 1, the photo, was  
2 reliable, and the witness had previous knowledge of  
3 the Defendant, testified as to the previous  
4 knowledge, I do not find anything that is  
5 unnecessarily suggestive. And the Court will allow  
6 what is marked as Court Exhibit No. 1. It will be  
7 marked. You will have to remark it in evidence.  
8 It is marked as Court Exhibit 1 for this hearing,  
9 for the pretrial hearing.

10 MR. MCGLOTHIN: Right. Thank you, Your Honor.

11 THE COURT: All right, anything else we need  
12 to take up? I am going back to your list.

13 You said we can -- we'll deal with the late  
14 witness that showed up, record, potential  
15 witnesses. Do you have a criminal history? You  
16 got that prior to jury selection. The Rule to Show  
17 Cause for the Sheriff's Department?

18 MS. DAVIS: Your Honor, that was another --  
19 Ms. Joanna McDuffie dropped off the incident  
20 reports I believe this morning, or sometime, and  
21 Ms. Cavanaugh, she gave those to me in jury  
22 qualification.

23 G3, the dispatch stuff, I am withdrawing. The  
24 only one that would be potentially sought there is  
25 Number G2 regarding the information about Jessica

1 Guyton's arrest again. We got the information this  
2 morning, though, and given an incident report. I  
3 believe that that has probably taken care of, but  
4 if there is an issue, I'll bring that back up.

5 THE COURT: All right. And we'll deal with  
6 the person on the jail calls later, the birthday  
7 body and the Benjamin Parker's anxiety and PTSD.

8 MS. DAVIS: I assume Ms. Cavanaugh maybe  
9 wanted to put on the record about Norman Jackson.

10 MS. CAVANAUGH: Oh, right, Your Honor. So  
11 this is a -- the victim in this case is a cousin of  
12 Norman Jackson, who works in the expungement  
13 office. I never ever talked to him about the case  
14 at all. It has had no bearing on how I prosecuted  
15 the case. I just wanted to make sure that the  
16 Court was aware of that. I told Ms. Davis about  
17 that this morning. It was no significance to me as  
18 far as -- because I just literally have never  
19 talked to him about the case, that until I saw him  
20 in the courtroom like, Oh, that's right. So I told  
21 her. And we just asked him, just because he is  
22 family, just to not be in the courtroom just  
23 because he is employed in our office in the  
24 expungement office.

25 THE COURT: All right. Any objection?

1 MS. DAVIS: No, Your Honor. I mean, that is  
2 the extent of it. As she explained to me this  
3 morning, they had no communication about the case,  
4 so, no.

5 THE COURT: All right. Are we ready for  
6 openings?

7 MS. CAVANAUGH: Give me just a couple of  
8 minutes, Your Honor.

9 THE COURT: Okay.

10 MR. MCGLOTHIN: Thank you, Your Honor.

11 THE COURT: Make it quick.

12 (WHEREUPON, a break was taken at 4:52  
13 p.m.)

14 THE COURT: Bring the jury.

15 (WHEREUPON, the jury came into open  
16 court at 5:02 p.m.)

17 THE BAILIFF: The jury is all present.

18 THE COURT: Thank you.

19 Ladies and gentlemen of the jury, I will  
20 apologize to you because my guesstimate of how long  
21 our matters were going to take was completely off,  
22 so that is my fault, I'm sorry you all had to wait,  
23 but we are ready now.

24 And I have some introductory remarks for you.  
25 If there is anyone who cannot see or hear me, wave

1           your hand. You can't see me? Okay. Can you see  
2           now?

3           THE JUROR: I can.

4           THE COURT: Okay. All right. And at any  
5           point -- as you all can see, we have had to  
6           reconstruct our courtroom, as I stated earlier,  
7           because of the pandemic, because of COVID, to try  
8           to make it as safe as possible and stay within all  
9           recommended guidelines. So if at any point someone  
10          cannot see, cannot hear, just wave your hand and  
11          let us know, all right? All right.

12          I am going to ask the clerk to swear the  
13          jurors.

14          THE CLERK: Would you all please stand?

15          (Jury complies.)

16          THE CLERK: Would you please raise your right  
17          hand?

18          (Jury complies.)

19          THE CLERK: Do you swear or affirm that you  
20          shall well and truly try and true deliverance make  
21          between the State of South Carolina and the  
22          Defendant at bar, whom you shall have in charge,  
23          and a true verdict give, according to the law and  
24          the evidence, so help you God?

25          THE JURY: I do.

1 THE CLERK: Thank you. You can have a seat.

2 (Jury complies.)

3 THE COURT: All right, thank you.

4 Madam Court Reporter, please let the record  
5 reflect that all the jurors have taken the oath.

6 All right, ladies and gentlemen of the jury,  
7 what I will say now is intended to serve as an  
8 introduction to the trial of this case. These  
9 remarks are not a charge on the law in this case.  
10 I will instruct you on the law applicable to this  
11 case at the end of the trial before you retire to  
12 consider your verdict. This is merely an  
13 explanation of the procedure that we will follow in  
14 the trial of this case so that you may better  
15 understand what may be happening. You are not to  
16 take any notes during the trial.

17 As I told you earlier, the Defendant in this  
18 case is charged by an indictment filed in this  
19 court with the crime of murder, the elements of  
20 which will be explained to you later. The  
21 indictment is simply the charge by which the case  
22 is brought into court, and it is not in any sense  
23 evidence of any of the allegations it contains.

24 The Defendant in this case has pled not guilty  
25 to this indictment. The State therefore has the

1       burden of proving each of the elements of the  
2       indictment beyond a reasonable doubt, and it would  
3       be your duty, ladies and gentlemen, to decide  
4       whether the State has met that burden. Your  
5       purpose as jurors is to find and determine the  
6       facts. You are the sole judges of the facts. If  
7       at any time I make any comment regarding the facts,  
8       you must disregard it. You are to determine the  
9       facts from the testimony you hear and the other  
10      evidence introduced in court. It is up to you to  
11      determine the inferences which you feel may  
12      properly be drawn from the evidence. It is  
13      especially important that you perform your duty of  
14      determining the facts diligently and  
15      conscientiously, because ordinarily there is no way  
16      to correct an erroneous determination of the facts  
17      by a jury.

18           On the other hand, and with equal emphasis,  
19      the same law that makes you the judges of the facts  
20      makes me the judge of the law. The law as given by  
21      the Court is the only law you may consider. You  
22      must accept it and follow it even though you may  
23      disagree with it. I cannot tell you what the facts  
24      are and you cannot disagree with me about what the  
25      law is or what the law should be. Your job is to



1       take the law as I give it to you and apply it to  
2       the facts as you find them from the testimony of  
3       the witnesses and any other evidence that is  
4       introduced.

5               After doing that, you will render your  
6       verdict, a verdict under the solemn oath that you  
7       just took as jurors.

8               You must decide this case based solely on the  
9       evidence presented here in this courtroom. That  
10      means that during the trial your must not conduct  
11      any independent research about this case, the facts  
12      of the case, the evidence presented in the case, or  
13      the people or organizations involved in any way in  
14      the case. Please do not try to find out  
15      information from any source outside of this  
16      courtroom. In other words, you must not look at  
17      any dictionary or reference books, search the  
18      internet, website, any blogs, or use any other  
19      electronic tools to get information about this case  
20      or to help you decide the case. You may not use  
21      computers, telephones, cell phones, smart phones,  
22      tablets, the internet, or other tools of technology  
23      with communication capabilities at any time while  
24      you are in this courtroom or during your  
25      deliberations. During your breaks for meals or

1       overnight, if necessary you may use these devices;  
2       however, you must not use these devices to  
3       communicate with anyone about the case until the  
4       case is over. This means you must not use phone  
5       calls, emails, text messages, instant messages, any  
6       social media, Twitter, any blog, chat room,  
7       website, including Facebook, Instagram, any of the  
8       social media sites, YouTube, to send or receive  
9       information about this case. This includes  
10      information about a party, a witness, an attorney,  
11      or a court officer, news accounts about the case,  
12      research on any topic raised, any topics you may  
13      think would be helpful in deciding the case, or any  
14      testimony presented by any witnesses.

15           Once again, during the trial do not read,  
16      listen to, or watch any news report about this  
17      case. This includes anything that may be in the  
18      newspaper, on the internet, radio, or television.  
19      You must not consider anything you may have read or  
20      heard about the case outside the courtroom, whether  
21      before or during the trial. Information on the TV,  
22      radio, the internet, or from other sources might be  
23      wrong or incomplete. In our judicial system, it is  
24      important that you are not influenced by anything  
25      or anyone outside of this courtroom.

1           If you become aware of another juror's  
2 violation of these instructions, please inform me  
3 immediately. It is important that you keep an open  
4 mind and not decide any issue in the case until all  
5 of the evidence has been presented, the parties  
6 have made their closing arguments, and I have  
7 instructed you on the law in this case.

8           It is your solemn responsibility to determine  
9 the guilt or innocence of the Defendant. And your  
10 verdict must be based solely on the evidence as it  
11 is presented to you in this trial and on the law as  
12 I instruct you during and at the close of the  
13 trial.

14           In just a moment the Solicitor will make what  
15 the Solicitor calls an opening statement, in which  
16 the Solicitor will explain to you the issues in  
17 this case, or at least what the Solicitor the  
18 issues are in this case. The attorneys for the  
19 Defendant may also make an opening statement,  
20 although she is not required to do so.

21           What the attorneys tell you during their  
22 opening statements is not evidence in this case.  
23 It is only their contention as to what the issues  
24 are. The evidence in this case will be presented  
25 to you by the testimony of sworn witnesses from the

1 witness stand and/or exhibits that may be  
2 introduced into evidence.

3 From time to time during the trial you may  
4 hear one of the lawyers say something like, Your  
5 Honor, I believe we have a question of law or a  
6 matter of law to discuss with you, or, Your Honor,  
7 may we approach the bench? Or sometimes I myself  
8 might find it necessary to excuse you from the  
9 courtroom for a short while so the attorneys and I  
10 can discuss a matter of law. The reason for this  
11 is because you are the judges of the facts in this  
12 case, and sometimes when I am discussing matters of  
13 law with the attorneys, it may be necessary for me  
14 to make some comment as to the facts in connection  
15 with ruling on whether a particular law applies. I  
16 am not supposed to tell you what I think the facts  
17 are, so I will excuse you from the courtroom while  
18 these discussions take place so that you in no way  
19 will be influenced by anything that I may say or do  
20 in connection with ruling on a particular issue of  
21 law.

22 You must decide whether or not the testimony  
23 of witnesses is believable. It will be my  
24 responsibility to rule as a matter of law as to  
25 whether or not testimony is admissible at all or

1 not, but once the testimony is admitted, whether or  
2 not you believe it is solely for you to determine.

3 In deciding whether to believe a witness, you  
4 have the right to consider the interest of any  
5 witness, the bias of any witness, the prejudice of  
6 any witness, the opportunity for the witness to  
7 have seen the matters and the things about which  
8 the witness may testify and the way the witness  
9 acts on the witness stand.

10 You have a right to consider anything that is  
11 in the record that will help you evaluate the  
12 testimony of the witnesses. That means that it is  
13 your duty to pay close attention to the witnesses,  
14 to observe the witnesses, to listen to the  
15 witnesses, and pay close attention to the attorneys  
16 and the Court. Please do not let your thoughts  
17 wander, but give strict attention to the testimony  
18 in this case so that at the end of all of the  
19 testimony, after the arguments of counsel, and the  
20 charge of the law by the Court, you will be able to  
21 apply the law to those facts and render a verdict.

22 Ladies and gentlemen of the jury, in order to  
23 preserve everyone's rights, I will give the parties  
24 an opportunity to object to anything that I have  
25 said.

1 Any objections or exceptions from the State?

2 MS. CAVANAUGH: No, Your Honor.

3 THE COURT: Any from the Defense?

4 MS. DAVIS: No, Your Honor.

5 THE COURT: All right, thank you.

6 All right, first you will hear from

7 Mr. McGlothlin, on behalf of the State. And then

8 you will hear from -- who is doing the opening?

9 MS. HUBBARD: I am, Your Honor.

10 THE COURT: And you will hear from Ms. Hubbard  
11 on behalf of the Defense.

12 All right. Yes, sir?

13 MR. MCGLOTHIN: May it please the Court, Your  
14 Honor?

15 OPENING STATEMENT

16 MR. MCGLOTHIN: Snake on me and I'll kill you  
17 too.

18 Those were the words that Correy Brown said to  
19 Benjamin Parker just minutes after Correy had shot  
20 Ben's friend, Donald Young.

21 Good evening, ladies and gentlemen. My name  
22 is Assistant Solicitor Sam McGlothlin. And I, along  
23 with my co-counsel, Kathryn Cavanaugh, we represent  
24 the State of South Carolina in the Fifth Circuit  
25 Solicitor's Office. Our job is to prosecute crimes

1       in Richland and in Kershaw Counties. And in order  
2       to do that in this case, we are going to bring  
3       some -- a number of witnesses in front of you. And  
4       you are going to see some evidence, hear some  
5       testimony. That is going to include Richland  
6       County Sheriff's Department, Highway Patrol, a  
7       number of other law enforcement agents and  
8       officers, fire, EMS, several doctors. You'll hear  
9       from Mr. Parker, as I mentioned earlier. And you  
10      will even hear what Mr. Brown, Mr. Correy Brown,  
11      told investigators happened that night.

12             On December 28th, 2018, the evidence will show  
13      that Correy Brown had gone to Tony's Lounge, which  
14      is a bar out in Eastover. While he was there, he  
15      met up with Donald Young, who is the victim in this  
16      case. They were drinking, hanging out. They  
17      inevitably leave and they go to another friend's  
18      house, Anteyan Davis. Again, they are all just  
19      kind of hanging out together. Another friend,  
20      Benjamin Parker, he gets off work and he shows up.  
21      And he leaves a little while later. He goes home  
22      because he has been working all day. But about  
23      3:00 a.m. hears a car horn in his front yard. So  
24      he walks outside. And, sure enough, there is  
25      Correy Brown standing on his porch. And Donald

1 Young is sitting out in his car parked around the  
2 front of his house.

3 Correy says, Come on, take a ride down the  
4 street with us. I got something to tell -- me and  
5 Don have something to talk about.

6 So Ben goes along with it. He goes and gets  
7 in the car.

8 Correy said, You sit in the front seat.

9 And so they pull out of the house, start down  
10 the road. Donald is driving. And now Correy is  
11 sitting in the back.

12 Within a minute just down the road, Correy --  
13 excuse me -- Ben and Donald are kind of laughing  
14 about something, and Correy says, If y'all are  
15 doing all the talking, why am I hear? He says,  
16 Shut up. And then fires one shot hitting Donald  
17 Young in the neck.

18 The car is obviously out of control at this  
19 point. And Ben reaches over, grabs the wheel, but,  
20 sure enough, the car runs off the road, hits a  
21 large tree.

22 Ben jumps out of the car, runs away, thinking  
23 he is next, thinking Correy is going to shoot him  
24 next. And he is not too far from his house, so he  
25 runs back home, goes inside, tries to find his



1 keys. When he comes back outside, sure enough,  
2 there is Correy standing on his front porch.

3 He tells him, Snake on me and I'll kill you  
4 too.

5 Fearing for his life, Ben goes along with what  
6 Correy wants. He drives him to Correy's  
7 girlfriend's house, and then he leaves.

8 While this is happening, South Carolina  
9 Highway Patrol, fire and EMS have all have shown up  
10 at the crash site, where the car is now lodged  
11 against a tree in the woods. And the call comes  
12 out as just a car crash. Nobody knows what has  
13 happened at this point.

14 So Highway Patrol comes out and they start  
15 treating it -- all they know is when they get on  
16 the scene, Donald Young is dead in the front seat  
17 of that car. So they treat it as any traffic  
18 fatality. It is not until Mr. Young's body has  
19 been removed and taken to the coroner -- by the  
20 coroner to the pathologist for his autopsy when  
21 they realize that there is a gunshot wound in his  
22 neck that the pathologist will tell you severed his  
23 spinal cord.

24 Now, the judge just told you she is the judge  
25 of the law and she will instruct you on that law,

1 but I did want to go over a couple of small things,  
2 a couple of things that I want you to keep in mind  
3 as we go forward.

4 Mr. Brown is charged with murder. Murder is  
5 the killing of any person with malice aforethought.

6 And malice is the doing of a wrongful act  
7 without just cause or excuse.

8 Now, malice must be aforethought, but it  
9 doesn't have to occur any appreciable time prior to  
10 the incident, as long as it exists when the act is  
11 committed.

12 And we have to prove those elements of murder  
13 to you beyond a reasonable doubt. We don't have to  
14 prove it beyond any possible doubt, but beyond a  
15 reasonable doubt.

16 And reasonable doubt is one which would cause  
17 someone to hesitate to act.

18 Now, you are going to hear from us again after  
19 you have seen all the evidence, heard all the  
20 testimony. You are going to hear our closing  
21 arguments. But I do want to thank you all for your  
22 service and for your patience and for your  
23 attention over the next few days. Luckily, you  
24 have come here with all the tools you need to do  
25 your job. And your job is very important. You

1 brought your eyes, you brought your ears, and you  
2 brought your common sense. And those are the only  
3 tools you need to do this job: To listen to what  
4 is said, to look at the evidence, and to use your  
5 common sense, your past experiences to be the judge  
6 of what the facts are in this case.

7 As Judge Benjamin told you, it is your job,  
8 your duty to decide what witnesses to believe, what  
9 not to believe, who is credible, what evidence --  
10 what weight the evidence carries.

11 And I submit that at the end of this, at the  
12 end of the trial, after you have seen and heard  
13 everything, that you will believe the only  
14 reasonable conclusion that the evidence can lead  
15 you to, and that is that Correy Brown is guilty of  
16 murder.

17 Thank you.

18 THE COURT: Thank you. Yes, ma'am?

19 MS. HUBBARD: May it please the Court?

20 THE COURT: Yes, ma'am.

21 OPENING STATEMENT

22 MS. HUBBARD: Ladies and gentlemen of the  
23 jury.

24 No tension, no argument, no motive. No  
25 tension, no argument, and no motive.

1           On the night of December 28th, 2018, there was  
2           no tension between Correy Brown and Donald Young,  
3           there was no argument between the two men, and  
4           there is no motive in this case.

5           The State will not present you with any  
6           evidence as to a single reason why Correy Brown  
7           would want to harm, much less kill, Donald Young.

8           Now, you just heard what the State told you  
9           they believe, that Correy Brown shot and killed  
10          Donald Young. But if there was no tension and no  
11          argument and no reason that Correy wanted Donald  
12          Young dead, then how does any of what the State  
13          just told you make sense? The answer is, it  
14          doesn't.

15          Now, as you go through this trial, remember  
16          those three things: No tension, no argument, and  
17          no motive. And as you hear more about this case,  
18          as you sit through the trial this week, you will  
19          realize that what the State is telling you just  
20          doesn't make any sense, and that is because that is  
21          not what happened.

22          Now, let's talk about what was going on on  
23          [REDACTED] of 2018. It was a special night for  
24          Correy. It was his 43rd birthday. It was a  
25          Friday. So what better reason to celebrate, a

1 birthday. And that is what Correy did. That is  
2 all he wanted to do was celebrate his birthday with  
3 his friends and just have a good time.

4 You'll hear that he went to his friend Akela's  
5 house just to hang out with friends, drink, play  
6 cards, just have a laid back good time.

7 Then you will hear that he went to Tony's bar  
8 to hang out some more. And while he was at Tony's,  
9 he ran into Anteyan Davis, and most importantly,  
10 Donald Young, who is also known as Don P.

11 Now, while at Tony's, Anteyan suggests, Let's  
12 go back to my place and keep the party going there.  
13 So that is what they did. They went to Anteyan  
14 Davis's house: Correy, Donald, Anteyan, and  
15 Benjamin Parker shows up at Anteyan's too. And  
16 they all have a good time.

17 Then it starts getting late. Anteyan asked  
18 people to leave. Everyone clears out. Correy  
19 catches a ride back to Akela's house from Ben  
20 Parker. Little did they know that Don is following  
21 them right to Akela's house.

22 Now, when they get to a Akela's house, Ben  
23 drops off Correy and then Ben goes home. Everyone  
24 that is left at Akela's house decides to turn in,  
25 go to sleep for the night. That leaves two people

1 up, Donald and Correy. Just the two of them alone.

2 At this point in time, they decide to go take  
3 a trip to the gas station. Donald gives Correy a  
4 ride. And in that trip, they spend an hour alone  
5 together in Donald's car, just the two of them.

6 And you will see video footage during this  
7 trial of Donald driving up to the gas station about  
8 2:40 in the morning. He drives up to the pump.  
9 Correy Brown is in the passenger seat. Donald gets  
10 out of the car. He walks up to the attendant  
11 window. And what you'll see in that time at the  
12 gas station is that Donald is in a great mood. He  
13 is laughing, smiling. He is chatting with people  
14 who happened to be at the gas station at 2:40 in  
15 the morning. And at some point he even -- it  
16 appears that he is chatting or flirting with a  
17 woman there at the gas station. He is in a good  
18 mood. And that makes sense because he has been  
19 having a good night with Correy and other friends  
20 celebrating Correy's birthday.

21 And then you will see Donald walk back to the  
22 car, toss a pack of cigarettes into the car, pump  
23 gas, and then they leave.

24 Now, this interaction at the gas station  
25 happened just about 30 minutes before Donald is

1 killed. They were at the gas station 10 minutes.  
2 And in that 10 minutes in that video you will see  
3 that everything was fine between Correy and Donald.

4 Benjamin Parker is going to tell you today or  
5 tell you during this trial that on the night of  
6 December 28th when he saw Donald and Correy  
7 together, there was no tension between them, there  
8 was no argument. Those are his words. In fact, he  
9 is going to tell you that at that point in time --  
10 well, he is going to say that he could not remember  
11 Correy and Donald ever hanging out before that  
12 night. They had just met that night. So there is  
13 no motive here. Correy didn't have any bad blood  
14 or ill will towards Donald. He didn't even know  
15 him. Benjamin Parker will tell you that Correy and  
16 Donald did not even know each other.

17 Now, how does that make sense? The State just  
18 told you that they believe Correy murdered Donald.  
19 Why would Correy kill Donald, a man he doesn't  
20 know, a man that he just met that night for no  
21 reason? Why would Correy, who had just spent  
22 upwards of an hour alone with Donald, wait until  
23 Benjamin Parker gets in the car to minutes later  
24 shoot him? Why would Correy risk his own life to  
25 kill a man he did not know for no reason? None of

1       that makes sense. But that is what the State is  
2       telling you.

3             What they are telling you is going to leave  
4       you with more questions than answers. More doubt  
5       than anything. And they just told you they have  
6       the burden to prove to you beyond a reasonable  
7       doubt that Correy murdered Donald.

8             So I ask you, during this trial, during the  
9       next few days, pay close attention to what you hear  
10      and see. Pay close attention to what the State is  
11      telling you and question it.

12            Ladies and gentlemen, we ask, we ask you to  
13      evaluate everything you have heard and seen. We  
14      ask that you render a verdict, the only verdict  
15      that does make sense, and that is not guilty.

16            Thank you.

17            THE COURT: Thank you.

18            All right. Call your first witness.

19            MR. MCGLOTHIN: The State calls Trooper  
20      Nathanael Maxwell.

21            THE BAILIFF: Come forward to be sworn.

22            (Witness approaches.)

23            THE BAILIFF: Place your left hand on the  
24      Bible, raise your right, and face the clerk for me.

25            (Witness complies.)



1 THE CLERK: State your full name, please.

2 THE WITNESS: Trooper Nathanael Wayne Maxwell.

3 THE CLERK: Would you spell your first name,  
4 please?

5 THE WITNESS: N-A-T-H-A-N-A-E-L.

6 THE CLERK: Do you solemnly swear the  
7 testimony you are about to give in this case will  
8 be the truth, the whole truth, and nothing but the  
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Take a seat.

12 (Witness seated.)

13 THE COURT: Are you ready?

14 MR. MCGLOTHIN: Thank you, Your Honor. May it  
15 please the Court?

16 THE COURT: Yes.

17 NATHANAEL W. MAXWELL,  
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MCGLOTHIN:

21 Q Trooper Maxwell, could you please tell the jury  
22 where you are employed?

23 A I am currently employed with the South Carolina  
24 Department of Public Safety as a trooper for the  
25 South Carolina Highway Patrol.

1 Q How long have you been a trooper with the Highway  
2 Patrol?

3 A Approximately six and a half years.

4 Q Okay. And could you briefly go over the duties of  
5 what a Highway Patrol trooper does?

6 A On a daily basis my duties are to respond to calls  
7 for service that occur on the roadway, conduct  
8 collision investigations, conduct traffic stops,  
9 driving under the influence, impaired driving  
10 enforcement, seatbelt enforcement, various laws of  
11 the State of South Carolina.

12 Q And so you were a trooper with the Highway Patrol  
13 back in December of 2018?

14 A Yes, I was.

15 Q Did you receive a call for service on December 29th  
16 of 2018?

17 A Yes, I did.

18 Q Okay. What was that call for?

19 A It was a call for service for a motor vehicle  
20 collision. If I remember correctly, it was a  
21 single vehicle collision with possible severe  
22 injuries involved.

23 Q Okay. So you responded?

24 A I did respond.

25 Q Okay. Do you know where that was?

1 A It was out in Hopkins. I don't remember the exact  
2 name of the road, but it is out in the Hopkins  
3 area, South Carolina -- Columbia, South Carolina.

4 Q Okay. So what did you learn -- well, I guess, what  
5 was the first thing you did when you got to the  
6 scene?

7 A The first thing I did when I got to the scene, I  
8 started securing the scene. I notified my  
9 supervisor. I spoke to my supervisor on the phone.  
10 I don't remember exactly what I said to him, but I  
11 did speak to my supervisor and let him know kind of  
12 what we had going on. It was a confirmed fatality  
13 when I arrived on the scene, I believe. Once they  
14 confirm a fatality, there are certain protocols in  
15 place that we have to initiate as far as  
16 notifications and more in-depth investigation of  
17 the collision, such as paint in the road, any skid  
18 marks, anything on the scene, securing short-lived  
19 evidence, taking pictures, things of that nature.

20 Q Okay. Did you follow that procedure in this  
21 incident?

22 A I did.

23 Q Okay. So I guess in a little more detail, what did  
24 you see when you got there? Well, let me start  
25 here. Were there any other law enforcement or

1 First Responders on scene when you arrived?

2 A The Richland County EMS was on scene, the Richland  
3 County Fire Department was on scene, or Columbia  
4 Fire Department was on scene. I believe I was the  
5 first law enforcement on scene when I got there.

6 Q Okay. So outside of that, what did the scene look  
7 like?

8 A The scene basically looked like a single vehicle  
9 that had ran off the road to the left and struck a  
10 tree. Initially, just looking at it, it looked  
11 like most collisions that we go out to as far as a  
12 single vehicle off the road. When I started  
13 getting a little more into it, I observed the  
14 deceased victim in the driver's seat. That is when  
15 we started going a little further with it.

16 Q Okay. So when you say you went a little further  
17 with it, you were referring to that fatality?

18 A Yes, sir.

19 Q Okay.

20 A We started the fatal protocols that we do.

21 Q Okay. So kind of walk me through that and what you  
22 did on the scene here. Once you had kind of gotten  
23 the lay of the land, what was your next step?

24 A Once I got my bearings on it and I figured out what  
25 I had going on -- I don't remember exactly what

1           order I did all this stuff in, but I did take  
2           pictures of the scene, I did get the names of all  
3           responders that were on the scene to kind of secure  
4           the scene and figure out who was there and who  
5           wasn't -- who was there in the event that it needed  
6           to be brought to the attention of my supervisors or  
7           the Solicitor's Office. I started inspecting the  
8           vehicle. The deceased victim was still in the  
9           vehicle. And I went around the vehicle, taking  
10          pictures of all four corners of the vehicle, front  
11          of the vehicle, back of the vehicle, and all sides  
12          of the vehicle, as well as the license plate and  
13          the interior of the vehicle.

14       Q     Did you notice anything out of the ordinary?

15       A     I did. I noticed -- there was only one victim on  
16          scene. When I was looking inside the vehicle, it  
17          was clear to me that there was multiple occupants  
18          in the vehicle at the time of the collision.

19               The front seat passenger, I believe there was  
20          some blood up there, and there was some blood in  
21          the back seat on the driver's side.

22               When I started looking around the vehicle --  
23          when I arrived on scene, the deceased victim was  
24          still in the vehicle. He had not moved. He  
25          actually passed away in the vehicle in the driver's

1           seat. I did look at the back passenger's side of  
2           the vehicle, and I noticed blood streaks on that  
3           back passenger side of vehicle. And that indicated  
4           to me immediately that someone else was injured in  
5           this vehicle collision and they had left the scene.

6       Q     Okay. So --

7           MR. MCGLOTHIN: Beg the Court's indulgence for  
8           just a minute.

9           (Pause.)

10       BY MR. MCGLOTHIN:

11       Q     All right. I am going to show you what has been  
12           marked as State's Exhibit 4 through 24. I will  
13           give you a second to look at those.

14           (Pause.)

15       Q     Do you recognize those?

16       A     I recognize these pictures, yes.

17       Q     Okay. And what are those pictures?

18       A     Those are pictures that I took at the scene of the  
19           collision the night that the collision occurred.

20       Q     And do they fairly and accurately depict the scene  
21           as you saw it that evening?

22       A     They do.

23       Q     Thank you.

24           MR. MCGLOTHIN: At this time the State would  
25           move State's 4 through 24 into evidence.

1 THE COURT: Any objection?

2 MS. HUBBARD: No objection.

3 THE COURT: All right, they will be entered  
4 without objection.

5 (WHEREUPON, State's Exhibit Nos. 4-24  
6 were marked for identification and  
7 received into evidence.)

8 MR. MCGLOTHIN: And, Your Honor, permission to  
9 publish to the jury?

10 THE COURT: Yes, sir.

11 MR. MCGLOTHIN: Thank you.

12 BY MR. MCGLOTHIN:

13 Q Can you see those all right, Trooper Maxwell?

14 A Yes, I can.

15 Q So I'm showing you State's 4 through 24. I'm just  
16 going to walk through these kind of one at a time.  
17 What is this first photo, which is State's 5?

18 A I'm sorry, I didn't hear you.

19 Q What does this depict?

20 A This depicts the vehicle from far out. When I take  
21 pictures of the scene, I take starting far out and  
22 I take pictures all the way to the vehicle, and  
23 then typically I would take pictures from the  
24 vehicle back again as well.

25 Q And so what is -- that is State's 7. What does

1           that one show?

2       A     That shows the back of the vehicle at a closer  
3           range as I am walking towards the vehicle.

4       Q     Okay. And obviously that is the vehicle, that is  
5           State's 9. Is there anything interesting going on  
6           in that photo?

7       A     Just from this picture, looking at it, it is just a  
8           front driver's side corner of the vehicle. I  
9           noticed that the window was busted out and the  
10          airbags had deployed in the front of the car.

11      Q     Okay. I'm handing you State's 10. Is that just  
12          kind of a side shot of the same thing?

13      A     Yes, sir.

14      Q     And that is State's 6?

15      A     This is a side shot from the passenger side of the  
16          vehicle.

17      Q     You stated you go all the way around the car?

18      A     All the way around the car.

19      Q     Why do you do that?

20      A     I do it the same why every single time. I am  
21          systematic and thorough and take pictures the same  
22          way every single time. That way I don't miss  
23          anything. And I start typically with either the  
24          front or the back of the vehicle, and then I will  
25          start front, and then I will get the corner, side



1 corner, back corner, side corner, front again. And  
2 I also take pictures of the specific license tag  
3 that is on the vehicle as well.

4 Q Okay. And so that is State's 8. Just kind of  
5 moving around the car, right?

6 A Yes, sir.

7 Q Okay. And State's 12. What is going on? Anything  
8 interesting here?

9 A Well, I looked at the side of the car to see if  
10 there is any evidence. I did notice that the  
11 windows are busted out. The front seat -- the  
12 front passenger seat is all the way forward, or it  
13 appears to be all the way forward.

14 Q And so moving to State's 13, is this -- I think you  
15 mentioned this before, the blood on the outside of  
16 the vehicle?

17 A Yes, sir. I noticed a red in color type of  
18 substance that was smeared in a backward motion  
19 from front to back on the side of the vehicle.

20 Q Okay. And I'm going to show you State's 17. You  
21 stated earlier you actually moved out -- you do --  
22 outside and then moved in closer, right?

23 A Yes, sir.

24 Q So, again, State's 17. What do you see of interest  
25 there?

1     A     From a distance you don't really see much, but as I  
2           got closer to the vehicle, it appears to be, again,  
3           a red in color substance that has the same  
4           consistency of blood inside the door frame of the  
5           vehicle.

6     Q     Okay. And then I show you State's 21. Does that  
7           show that passenger seat you described a minute ago  
8           from behind there?

9     A     Yes, sir.

10    Q     Okay. And you said pulled all the way forward?

11    A     It appears to be all the way forward.

12    Q     Okay. And then I show you State's 4. What is that  
13           a photograph of?

14    A     That is the nearest intersection from the  
15           collision.

16    Q     Okay. And why do you take that photograph? Is  
17           that normal?

18    A     That is normal. That is to document the road  
19           signs, and also the DOT approved traffic control  
20           devices that are nearest to the intersection, which  
21           would either be a stop sign in this case or a speed  
22           limit sign.

23    Q     Okay. So after you took photographs, what did you  
24           do? I know you said you didn't remember the exact  
25           order, but what other procedures did you perform

1           that morning, I guess?

2       A     Conducting records checks of the license tag that  
3           was on the vehicle. We -- I was briefly getting  
4           all my paperwork together in order to conduct a  
5           collision investigation; however, when the coroner  
6           was on scene, I don't remember at which point, but  
7           there was a point when the coroner was on scene  
8           that we were led to believe that this was going to  
9           be a possible intentional act.

10           MS. HUBBARD: Objection, Your Honor. Improper  
11           opinion.

12           THE COURT: Yes, sir?

13           MR. MCGLOTHIN: I don't believe -- I  
14           apologize.

15           THE COURT: The objection will be sustained.  
16           Please rephrase.

17           MR. MCGLOTHIN: Thank you, I will rephrase.

18       BY MR. MCGLOTHIN:

19       Q     Trooper Maxwell, did you inevitably learn that this  
20           was going to be a homicide investigation?

21       A     I did.

22       Q     Okay. What does that change about what you did  
23           that day?

24       A     When a situation goes from a collision  
25           investigation to a, in this case, a homicide

1 investigation, that means that the collision that  
2 occurred was not a traffic collision, it was an  
3 intentional act. And when it becomes that  
4 situation --

5 MS. HUBBARD: Objection, Your Honor. Improper  
6 opinion.

7 MR. MCGLOTHIN: Your Honor, merely for the  
8 purposes of describing why Highway Patrol was there  
9 and a further investigation of what happened.

10 MS. HUBBARD: Your Honor, he is commenting on  
11 the crux of the case, basically, as far as  
12 intentionality goes. He can't determine that based  
13 on --

14 MR. MCGLOTHIN: The investigation of what may  
15 be an intentional act. He is not saying it is an  
16 intentional act, he is saying that there may be a  
17 homicide and they need to investigate in that way.

18 THE COURT: All right. The objection is  
19 sustained. Phrase the question.

20 BY MR. MCGLOTHIN:

21 Q When a traffic collision becomes a homicide  
22 investigation, does Highway Patrol continue to  
23 investigate or is it handed off to another law  
24 enforcement agency?

25 A The South Carolina Department of Public Safety does

1           not investigate homicide collisions. Therefore, we  
2           gave this case to the Richland County Sheriff's  
3           Department.

4    Q    Thank you. And even though it was -- you knew that  
5           the South Carolina Highway Patrol would not be  
6           further investigating this down the road, did you  
7           still collect evidence and take photographs while  
8           you were there?

9    A    I did. I still collected evidence and I still  
10          insured that the short-lived evidence would be  
11          preserved for future investigators.

12   Q    Okay. What kind of evidence did you collect?

13   A    The blood evidence that was on the vehicle.

14   Q    Okay. And how did you collect that?

15   A    With a swab that was obtained from the Richland  
16          County Coroner's Office.

17   Q    Okay. I show you what is going to be marked as  
18          State's 25.

19          (Pause.)

20   Q    Do you recognize that item?

21   A    I do.

22   Q    Okay. What is that?

23   A    This is the evidence that I collected on the scene,  
24          the blood evidence.

25   Q    Okay. And just in a little bit more depth, how do

1           you collect blood evidence at a scene like this?

2       A     At a scene like this, when I would collect blood  
3           evidence or a swab, a Q-tip swab, for lack of a  
4           better term, it looks like a giant Q-tip, I took  
5           the swab and I roll it across the blood sample, and  
6           then I placed it into a evidence sealed container.

7       Q     Okay. And what did you do with that container  
8           after your investigation?

9       A     The evidence was in my possession until I returned  
10          back to my Troop 1C headquarters, to which then I  
11          placed it into our evidence refrigerator, which was  
12          locked and sealed. And then I logged it in the  
13          evidence procedures in accordance with the evidence  
14          procedures of the South Carolina Department of  
15          Public Safety.

16      Q     And let me go back just a minute to -- you  
17          mentioned you learned that this would likely be a  
18          homicide investigation. Did you investigate the  
19          victim's deceased body at all?

20      A     I did not.

21      Q     Okay. Did you see it there at the vehicle?

22      A     I did see it.

23      Q     Okay. So you didn't actually manipulate the body  
24          in any way, move him at all?

25      A     I do not touch the deceased's body in any way,

1           shape, or form unless the Richland County Coroner's  
2           Office requests me to assist them in moving the  
3           body, and I did not in this case. They did not  
4           request my assistance in this case.

5       Q     Okay. So you wouldn't have seen any injuries to  
6           his person except that you could see from outside  
7           the vehicle?

8       A     Yes, that's correct.

9       Q     And from your standpoint?

10      A     That's correct.

11               MR. MCGLOTHIN: Beg the Court's indulgence for  
12           just a moment.

13               (Pause.)

14      BY MR. MCGLOTHIN:

15      Q     So, and you mentioned earlier you thought that  
16           there might be other people there at the scene  
17           based on the blood evidence?

18      A     Based on the blood evidence and based on that the  
19           passenger seat of the vehicle was dented in the  
20           back.

21      Q     Okay.

22      A     And --

23      Q     And did you look around the scene for anybody else,  
24           you know, in the woods?

25      A     We did do an immediate search of the area. My

1 concern was that someone might have been severely  
2 injured with this kind of collision and they have  
3 either wandered off or crawled off or however they  
4 got away from the vehicle and were not able to by  
5 either visually or audibly let us know that they  
6 were injured in the wood line. And we did check  
7 the area, myself and the Fire Department, and we  
8 did not find anybody in the immediate area.

9 Q Okay. And then you said the investigation was  
10 handed off to the Richland County Sheriff's  
11 Department. Did this incident occur in Richland  
12 County?

13 A This incident did occur in Richland County.

14 Q Okay. Thank you. No further questions. Please  
15 answer any questions the Defense may have.

16 A Yes, sir.

17 THE COURT: Yes, ma'am?

18 CROSS-EXAMINATION

19 BY MS. HUBBARD:

20 Q Trooper Maxwell, you just described on direct that  
21 this accident you investigated was pretty serious  
22 or appeared to be pretty serious?

23 A It appeared to be, yes.

24 Q And that is because you noticed the indentation or  
25 the blood on the side of the vehicle on the



1 passenger's side?

2 A No, that is because we -- there was a deceased  
3 victim in the front seat of the car, ma'am.

4 Q Well, also because there were indentions in the  
5 passenger seat, or the back of the passenger seat?

6 A Well, that alone would not indicate a serious  
7 collision.

8 Q But you did state that you were searching for other  
9 people that could have been in a serious accident?

10 A I did.

11 Q And what -- you said what else told you that  
12 someone else could have been in the vehicle?

13 A The position of the seats, what appeared to be  
14 blood evidence that was in the back of the vehicle  
15 and the back passenger door well or door frame, as  
16 well as the blood evidence that was on the back  
17 passenger side of the vehicle that in no way could  
18 have come from the driver because he was deceased  
19 in the driver's seat.

20 Q Okay. And you say you took pictures while you were  
21 there?

22 A I did.

23 Q And when you took pictures, did you notice anything  
24 about how the driver's seat was positioned?

25 A I don't recall.

1 Q I'm showing you what has been marked as Exhibit 24.

2 A Yes, ma'am.

3 Q Do you recognize that?

4 A I do.

5 Q And is that a picture of the driver's -- or what is  
6 that a picture of?

7 A It is a picture of the driver's seat of the  
8 vehicle.

9 Q And how does the driver's vehicle appear in this  
10 picture? The driver's seat?

11 A The driver compartment of the vehicle or just the  
12 seat?

13 Q The seat? Is it -- what position is it?

14 A The seat back is leaned back slightly.

15 Q So you would say it is leaned back?

16 A Yes, it is.

17 Q And did you find anything in the vehicle when you  
18 were taking pictures, anything --

19 A We did not find any contraband in the vehicle, if  
20 that is the question that you are asking.

21 Q Yes.

22 MS. HUBBARD: Just a moment.

23 (Pause.)

24 BY MS. HUBBARD:

25 Q Okay. And I'll just hand you back Exhibit 24.

1 A Yes, ma'am.

2 Q Did you notice there in the floorboard that there  
3 is a liquor bottle?

4 A I mean, I can't really tell at this -- from this  
5 picture, but it could be a liquor bottle. I'm not  
6 sure.

7 Q Did you remember seeing a liquor bottle or smelling  
8 liquor when you were looking at the car or  
9 searching the car?

10 A I don't recall. This was in 2018. I don't recall  
11 in my memory about if there was a smell of alcohol  
12 about the vehicle or not.

13 Q Thank you.

14 MS. HUBBARD: I have no further questions,  
15 Your Honor.

16 THE COURT: Any redirect?

17 MR. MCGLOTHIN: No, Your Honor.

18 THE COURT: All right, you may step down.  
19 Any objection to this witness being excused?

20 MR. MCGLOTHIN: None from the State, Your  
21 Honor.

22 MS. HUBBARD: No, Your Honor.

23 THE COURT: All right, you are free to leave.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Thank you.

1 (Witness steps down and excused.)

2 THE COURT: Let me see you all.

3 (WHEREUPON, a bench conference was held  
4 in the presence of the jury but out of  
5 the hearing of the jury.)

6 THE COURT: Ladies and gentlemen of the jury,  
7 I think this is a good time for us to take our  
8 evening break.

9 I remind you that you all are not to discuss  
10 this case. You are not to do any independent  
11 research. We will start in the morning at 9:30.  
12 When you leave the courtroom, do not discuss it  
13 with each other. When you get home, your family  
14 members will ask you, What are you doing? What is  
15 going on? Please do not discuss it with anyone  
16 outside of the -- anyone, family members. Do not  
17 do any independent research. It is also improper  
18 for you to form any opinion in your mind until you  
19 receive all the evidence, the arguments of the  
20 parties, and the charge on the law from the Court.

21 So when you walk out the door, think about  
22 something else. Hopefully it stopped raining. It  
23 was a little nasty out there around 5:00 o'clock.  
24 So hopefully you will all miss the thunderstorm on  
25 the way home, but have a wonderful evening, and we

1 will see you back at 9:30.

2 Oh, one other housekeeping matter. I am going  
3 to ask Juror 229 to serve as our foreman. And I  
4 will give you some instructions later as to your  
5 responsibility. And the bailiff will show you  
6 where you are to sit.

7 All right, Mr. Bowen, Juror 229, right here,  
8 you need to show him where he will sit.

9 So everybody else, that is the only assigned  
10 seat. Usually I will tell you you can sit  
11 anywhere, but one of the protocols, I guess,  
12 because of COVID is trying to keep people sitting  
13 in their same seats. So we'll just switch you out  
14 and move you around and then move that person  
15 around tomorrow morning when we return.

16 All right. Thank you. Have a great evening.

17 (WHEREUPON, the jury is excused at 6:00  
18 p.m.)

19 THE COURT: Oh, I'm sorry, there was a juror  
20 who sent us a note that she has a flight on Friday,  
21 June the 18th, that she wanted to let us know, but  
22 she is looking forward to her vacation. And so she  
23 has no intention of being here with us. But I will  
24 let her know tomorrow that she can continue to  
25 pack.

1 All right, what do we need to take up in the  
2 morning? Do we need to take anything up -- let's  
3 look at the pretrial. Ms. Davis, you will take a  
4 look at the statements, I mean, the information  
5 regarding Jessica Guyton's arrest. And you all  
6 will settle the record on the witnesses?

7 MS. CAVANAUGH: In the morning, yes, Your  
8 Honor.

9 THE COURT: I'm assuming the jail phone calls  
10 will be last?

11 MS. CAVANAUGH: Yes, Your Honor. I mean,  
12 we -- they will -- yes, we don't need to address  
13 that tomorrow.

14 THE COURT: And then the motion to exclude  
15 testimony of Benjamin Parker and the birthday body?

16 MS. CAVANAUGH: Right. We had no intention of  
17 -- that was a hearsay statement that we relayed to  
18 Ms. Davis. We had no intention of trying to look  
19 at that.

20 THE COURT: Either one?

21 MS. CAVANAUGH: The birthday body or the  
22 anxiety/PTSD. Well, I mean, as relates to that,  
23 you know, their whole case is -- not their whole  
24 case, but a lot of their case is going to be  
25 attacking -- it is a not CSC case where it is

1       about, you know, bolstering the credibility of the  
2       victim, they are going to attack his credibility  
3       throughout his testimony and throughout this trial.  
4       I mean, the bottom line is that the victim was his  
5       cousin and he was in the car and thought he might  
6       be killed that night as well. And, I mean, the  
7       reality of it is he has anxiety -- I mean, he  
8       has -- given the traumatic events -- I mean, he  
9       never -- we are not going to ask about counseling  
10      or anxiety, but, I mean, it was traumatic for him.  
11      I mean, so I just -- that is way beyond, you know,  
12      the cases that -- or, excuse me, that is very  
13      minimal compared to what the State -- the cases  
14      that I imagine the victim referred to as far as  
15      bolstering the credibility of the victim in a rape  
16      case. I mean, this was a traumatic event to him.  
17      That is the extent of, you know, what we intended  
18      on -- if it comes up, I mean, that is just how it  
19      was for him. So I don't know that that particular  
20      comment or reference to how he was -- how he felt  
21      right after this, especially when they are  
22      attacking his credibility, is not relevant to this  
23      case.

24           MS. DAVIS: And, Your Honor, I don't -- one, I  
25      would object under 401. It is not relevant to the

1 facts at hand in this case. It doesn't make  
2 anything more or less likely to be true in terms of  
3 whether or not Correy Brown murdered Donald Young.  
4 The intent is clearly to try to get out and bolster  
5 his testimony. She was just saying because we are  
6 going to attack his credibility that somehow that  
7 would make this relevant. Attacking his  
8 credibility does not make his mental health,  
9 anxiety, traumatic experience -- I think the  
10 language they gave us is that he thinks about this  
11 every day, extremely traumatic, experiences bouts  
12 of anxiety, he feels that he has PTSD over it.  
13 Regardless of --

14 THE COURT: I was trying to figure out how  
15 does that bolster? Witnesses testify all the time  
16 about --

17 MS. DAVIS: To testify that he thinks about it  
18 every day and he feels like he has PTSD over it?  
19 Bolstering that it must have occurred the way he is  
20 saying or why would he be having anxiety or PTSD.

21 THE COURT: I think if they start bringing --  
22 if you brought in a doctor to say he had -- are  
23 y'all bringing in a doctor to say he had --

24 MS. CAVANAUGH: No, Your Honor.

25 THE COURT: If he is just saying, I think



1       about it every day, I don't know if he can get  
2       into, I got PTSD because, I mean, unless somebody  
3       is going to -- unless there is something to support  
4       he has got PTSD, I don't know if he can say that,  
5       or he has anxiety. I guess that is -- well, I  
6       don't know if that is a medical diagnosis. But no  
7       one has diagnosed him with PTSD.

8           MS. CAVANAUGH: No, it is just a description  
9       of how this has affected him that he gave. He  
10      wasn't saying that he had gotten a diagnosis of  
11      that. You know, as long as it is just -- it of  
12      course will lead to this. To avoid having any sort  
13      of accidental comments from Mr. Parker, but this  
14      was a traumatic event. I mean, it was his cousin.  
15      He was shot right in front of him. I mean, I don't  
16      think it is out of the ordinary or bolstering his  
17      credibility just to make a comment to that effect.

18       THE COURT: That it was traumatic?

19       MS. CAVANAUGH: Right. Yes, Your Honor.

20       MS. DAVIS: And I think if it is limited, Your  
21      Honor, I fully understand that. I am saying if it  
22      goes beyond, which is what they sent over, to say  
23      he thinks about it every day, he has bouts of  
24      anxiety, he has PTSD, I think under 401 and 403 it  
25      is not admissible. If they are just going to say,

1           It is my cousin, he got shot, it was traumatic.

2           THE COURT: Well, he is saying he got shot in  
3 front of him, right?

4           MS. CAVANAUGH: Yes. And I turned that over  
5 out of an abundance of caution just in case they --  
6 I mean, they are going to attack his credibility as  
7 he is on the stand. I just wanted to make sure  
8 that if -- so that they don't go too far to open  
9 the door to something that, you know, would cause  
10 him -- I mean, that is the comment he made to me,  
11 so I just disclosed that just in case it went too  
12 far with his cross-examination.

13          THE COURT: All right. Well, if we need to  
14 proffer. But, I mean, I think he can testify that  
15 you know, it was traumatic. I don't understand why  
16 he wouldn't be able to testify to that. No one is  
17 giving a diagnosis of PTSD, so I am not going to  
18 allow him to testify to that or -- I mean, I guess  
19 he can say he has anxiety. I am still not quite  
20 sure how that is bolstering, but I will think about  
21 it a little bit more. And the fact that he thinks  
22 about it. I guess bolstering, I'm not sure how  
23 that makes what he is testifying more true than not  
24 true, him saying how he felt afterwards.

25          Now, if you brought somebody else in to say --

1 I think the bolstering would be if she brought  
2 another witness in to say, Oh, he is such-and-such  
3 and he can't do this and he can't drive that area,  
4 then that might be considered bolstering, but him  
5 just saying how he felt afterwards or how he deals  
6 with it, I guess, is not necessarily bolstering. I  
7 think bolstering would be if she was bringing  
8 somebody in to say what he said or confirm what he  
9 said, like if she brought in a doctor or if she  
10 brought in a family member to say he was crying  
11 every day, then that would be bolstering a witness.  
12 But I'll go back and look at the cases regarding  
13 bolstering.

14 MS. DAVIS: Well, and, Your Honor, just to be  
15 clear, specifically what I object to is 401 saying  
16 it is not relevant, and then 403, that you found  
17 that it was, it is the probative value -- the  
18 prejudicial value outweighs the probative value,  
19 because it is not going to the relevance as to any  
20 facts involved in the case.

21 THE COURT: I will take a look at 403.

22 All right. Well, I will see you all at 9:30  
23 in the morning.

24 (WHEREUPON, the proceedings adjourned  
25 for the evening at 6:08 p.m.)

1                                    JUNE 8, 2021

2                    (WHEREUPON, the proceedings commenced at  
3                    9:44 a.m.)

4                    THE COURT: Are you ready?

5                    MS. DAVIS: Your Honor, I do have one -- well,  
6                    a couple of preliminary things. One, after the  
7                    disclosure yesterday regarding Anteyan Davis at  
8                    11:23 in the afternoon and the tension and that  
9                    being related to Correy indicating that Don P was a  
10                    snitch, we asked that it be excluded. I understand  
11                    that it is not going to be excluded. But, Your  
12                    Honor, I think based on the cumulative effect of  
13                    the information that we received now since June  
14                    2nd, I feel compelled to ask for a continuance.

15                    Since June 2nd -- well, one, the case has been  
16                    pending since December of 2018. It was on the  
17                    schedule initially February of 2021. It did not go  
18                    because of COVID. And then it has been rescheduled  
19                    for this date since I think maybe March or April,  
20                    probably March.

21                    Since June 2nd, Your Honor, we have been told  
22                    about new disclosures from Ben Parker and Jessica  
23                    Guyton, to include things such as Ben's getting a  
24                    weapon and on his way home for -- to drive Correy  
25                    home. Ben saying he experiences anxiety or PTSD.

1 We have also been told about Trooper Maxwell, he is  
2 the one who actually took the photos. These are  
3 independent, like on their own I understand these  
4 things are not earthshattering, but the cumulative  
5 effect, Your Honor, does put the Defense at a  
6 disadvantage in preparing.

7 We also received notes from a report from  
8 Investigator Justin Britt, who is the Fugitive Task  
9 Force. We had previously asked multiple times  
10 about arrest information as it related to Mr. Brown  
11 because there was very little involved in  
12 discovery. Ms. Cavanaugh absolutely tried to give  
13 us information and related to us when she got it,  
14 but was also told that he never wrote a report.  
15 And then on June 3rd we received a report that  
16 Justin Britt had written documenting the arrest  
17 generally. We also were then told on June 4th  
18 about an investigator that was outside the house  
19 during the search warrant. On June 4th we were  
20 additionally told Mr. Brown had two phones on him,  
21 is the allegation, at the time of the arrest. We  
22 were then told on June 4th that Investigator Britt  
23 nor Investigator Laurita know for sure who took the  
24 phones, but they believe they were on his person.  
25 The disclosure regarding the attempted murder,

1           again, that just happened in April 20 of 2021.

2           Again, I'm not saying any of this is bad  
3           faith, but the cumulative effect, Your Honor, still  
4           puts us at a disadvantage and negates his right to  
5           a fair trial and for us to properly prepare.

6           The bigger one, including Anteyan Davis, that  
7           talked about yesterday describing what the tension  
8           was and that it involved Correy and Don P and Don P  
9           being a snitch. I understand that the State  
10          indicated that that was in Anteyan's statement. We  
11          read in his transcript to the Court where he says  
12          there is tension, but it in no way draws a  
13          connection or specifically says it is between  
14          Correy Brown and Don P, and certainly doesn't give  
15          any content, the nature of the words exchanged, or  
16          the tension existed.

17          And then yesterday, Your Honor, during the  
18          Jackson v. Denno hearing, we learned from  
19          Investigator Laurita that Jessica Guyton did give  
20          them information in November of 2018, to include  
21          that she saw Mr. Brown at their home, which is  
22          corroborating Ben Parker's testimony, which prior  
23          to yesterday we were unaware that anyone else was  
24          corroborating that until April of 2021 when they  
25          interviewed Jessica Guyton.

1           So the cumulative effect of this does change  
2           the nature of the case, it changes the nature of  
3           the evidence, it changes the nature of our  
4           preparation. And all those reasons, Your Honor, we  
5           would ask for a continuance.

6           THE COURT: Yes, ma'am?

7           MS. CAVANAUGH: Yes, Your Honor. I would like  
8           to address each of her points that she says require  
9           a continuance.

10          As far as, first of all, as it relates to --  
11          first of all, I have a continuing duty to disclose  
12          as we prepare for trial, which I have gone above  
13          and beyond in this case.

14          As far as Jessica Guyton's recent arrest, that  
15          was -- first of all, the admissibility of any  
16          extrinsic evidence about that arrest is  
17          inadmissible. I learned about it when she brought  
18          it to my attention three weeks ago. Obviously we  
19          would have run a rap before she testified and found  
20          out about it. I turned over the incident report to  
21          her and I turned over her rap last week. Other  
22          than the fact that it exists and to confirm that  
23          the weapon didn't match the shell casing that was  
24          found in the victim's car, I mean, I don't know how  
25          that violates -- how that justifies a continuance

1 in any way.

2 We -- she mentioned Trooper Maxwell. She was  
3 provided with the chain of custody with his name on  
4 it on April 23rd, 2021. She was provided with the  
5 Highway Patrol CAD report with his badge number on  
6 it several months ago. The same photos that she is  
7 referring to were provided to her along with the  
8 initial discovery. It is not like there were new  
9 photos taken. That was provided to her two years  
10 ago.

11 As far as Investigator Britt and the report  
12 that I turned over yesterday, I mean, I had to go  
13 through essentially the Department of Justice and  
14 the Marshal's General Counsel to get that report.  
15 It is my understanding that the Fugitive Task  
16 Force, because most of them are deputized U.S.  
17 Marshals, are very limited in what they can  
18 discuss. In this case, he was arrested after it  
19 was assigned to the Fugitive Task Force, and  
20 Sergeant Laurita documented in his report that the  
21 phone, and even the Defendant references in his own  
22 statement, Go get my phone. The phones are found  
23 on his person search incident to arrest.

24 The report was turned over other than  
25 including the names of the Fugitive Task Force



1 members that were present. It doesn't change  
2 anything about this case.

3 What she described with Anteyan Davis, we  
4 addressed this yesterday, but his interview was  
5 provided two years ago with the initial discovery  
6 where it is clearly -- where he says, There was  
7 tension that night at the house. Now, he might not  
8 have specifically said, Correy Brown and Don P, but  
9 he did say, There was tension that night, when he  
10 is asked about what was going on. Mr. Brown -- I  
11 mean, she had access to this information since two  
12 years ago.

13 As far as what she has addressed regarding  
14 Sergeant Laurita and information Jessica may have  
15 told him, you know, back when they were initially  
16 investigating, in Sergeant Caldwell's report, it  
17 says -- which was turned over to her several months  
18 ago -- it says, We went to this house. Jessica  
19 Guyton and Benjamin Parker were there. We spoke  
20 with them. We took them to headquarters -- or  
21 Benjamin Parker was then transported to  
22 headquarters.

23 In Sergeant Laurita's -- in the interview with  
24 the Defendant, he asked the Defendant, Well, why  
25 did Benjamin Parker's girlfriend/wife, something to

1 the effect that referenced something she might have  
2 said. No, he did not document specifically what  
3 she said, but that information, after I interviewed  
4 her, along with several people from my office, was  
5 turned over to her two months ago.

6 So I have done nothing but continue -- the  
7 information that she is referring to, most of it  
8 she had access to two years ago up to several  
9 months ago. There is nothing that has been turned  
10 over as we have gotten closer and closer to the  
11 trial date that would change the nature of this  
12 case.

13 We respectfully ask that, given the amount of  
14 work that was done, given the amount of how hard --  
15 I mean, a continuance is not warranted. It is not.

16 THE COURT: All right. I'm going to deny the  
17 motion for continuance. There is nothing that has  
18 been said that the arrest -- there is a recent  
19 arrest of Jessica Guyton and it is nothing to do  
20 with this case. She has not been convicted of it.  
21 And I'll have to make a determination, I guess, at  
22 some point whether it is admissible or not.

23 And considering the 403, your objection  
24 yesterday about Anteyan Davis testifying about PTSD  
25 and anxiety, he can testify to present sense

1 impression of what he was thinking at the time, but  
2 as far as he has not been diagnosed with PTSD,  
3 anxiety, or anything like that, so I am not going  
4 to let him testify to that. So that is going to be  
5 a non-issue.

6 The report from Investigator Britt is limited  
7 because of federal rules and regulations and  
8 statutes. And so, therefore, you know he was  
9 arrested as a result of the Fugitive Task Force.  
10 I'm not sure what the report and how that  
11 prejudices you because you got the report from the  
12 Department of Justice on last week, because at the  
13 end of the day we know he was arrested and we know  
14 how he was arrested. And what they used -- and the  
15 cell phones, he referenced the cell phones in the  
16 video on yesterday.

17 And as to the issue of the tension and  
18 snitching, I thought the witness yesterday  
19 testified -- somebody yesterday testified about him  
20 snitching or something. I thought -- maybe I heard  
21 wrong, but I thought somebody testified said  
22 that -- did the other guy that we put up for the  
23 identification purposes?

24 MS. CAVANAUGH: Well, there was -- maybe -- I  
25 mean, there was clearly words exchanged between the

1 two, even though -- I mean, I'm not sure -- yes,  
2 there was -- I mean, I'm not sure if it had been  
3 testified to yet, but it has been turned over that  
4 there were words exchanged in the vehicle and  
5 after. So I think what she is referring to is  
6 maybe Anteyan's description of the tension in his  
7 interview.

8 THE COURT: But the testimony yesterday was  
9 somebody said, Snake on -- oh, that was in the  
10 opening. Okay.

11 MS. DAVIS: I believe it was the audio  
12 recording where Mr. Brown at some point mentioned  
13 being --

14 MR. MCGLOTHIN: I think you are talking about  
15 in my opening.

16 THE COURT: It might have been in your  
17 opening. I thought it was the witness yesterday.

18 MR. MCGLOTHIN: And that is a completely  
19 different statement from Mr. Brown and Mr. Parker.  
20 That is a separate thing from Mr. Davis's expected  
21 -- or what they were talking about with Mr. Davis  
22 yesterday.

23 THE COURT: All right. But nothing has  
24 warranted a continuance. As I said, if you all  
25 need extra time for Anteyan Davis, he can be the

1 last witness. If the investigator needs to talk to  
2 him. Of course, he doesn't have to talk to the  
3 investigator, but you can let him know that their  
4 investigator might want to speak to him prior to  
5 his testimony. But I am going to deny the motion  
6 for continuance.

7 MS. DAVIS: Thank you, Your Honor. And I just  
8 want to briefly -- because I don't think I  
9 clarified -- in terms of the attempted murder, I  
10 totally understand that generally speaking you  
11 wouldn't be able to get into the details, so I'm  
12 not trying to -- I'm not saying that because of the  
13 attempted murder itself we should get a  
14 continuance. The statement makes this a little bit  
15 different is because, one, Jessica Guyton tells  
16 Ms. Cavanaugh last week that during the attempted  
17 murder that Ben Parker was not present. Now, there  
18 is, you know, I think a disagreement between what  
19 Ms. Guyton actually meant, but she said Ben was not  
20 there at the time of the incident.

21 In the course of the investigation of the  
22 attempted murder, it appeared that Mr. Parker came  
23 after the shooting and seemed to have taken trash  
24 or an air filter out to the garage, or out to the  
25 trash can, in which the police are then told about

1           it. They go in and then they find the gun from the  
2           shooting in the air conditioning unit. So at least  
3           there is a valid claim that he perhaps came over  
4           and tried to help hide the weapon.

5           Now, in their investigation, I think Deputy  
6           Sullivan was able to say that someone he believed  
7           to be the boyfriend showed up and took the air  
8           filter and the trash out. It would not have a  
9           connection between the boyfriend being Ben Parker,  
10          like we haven't done an identification. That is  
11          why --

12          THE COURT: In the April charge?

13          MS. DAVIS: Right.

14          THE COURT: I guess I'm confused. You are  
15          referring to the April -- the charge against her  
16          from April, right?

17          MS. DAVIS: Correct.

18          THE COURT: And how -- are you just saying  
19          that Parker was involved in this?

20          MS. DAVIS: Well, I think it would be a  
21          different -- I'm not -- it is not necessarily going  
22          to the weight of the motion to continue. I think  
23          there could potentially be additional legal  
24          argument in terms of what is actually admissible  
25          given the circumstances of this particular

1 incident, Ben's possible involvement and witnesses  
2 that we have that put him there trying to hide the  
3 gun, and that Jessica, at least based on  
4 information we were given, perhaps lied to  
5 Ms. Cavanaugh in saying that Ben was not there at  
6 all during the incident, when it appears that he  
7 was, in fact, there. And because if she is lying  
8 to the prosecutor in this case, I think that  
9 absolutely goes to her credibility in front of the  
10 jury, and that we should be allowed to talk about  
11 it. Granted, we don't have to do that right now.  
12 Ms. Young is the one cross-examining her, and that  
13 can be taken up prior to her testimony.

14 THE COURT: Yes, we'll discuss that when she  
15 comes up. Still -- I guess I'm still trying to  
16 connect the dots as to how -- because you just said  
17 yourself that it may be possible that he came after  
18 the fact. So if that is the case, then there  
19 shouldn't -- how are you going to say she is lying?  
20 If she said he wasn't there at the time, but  
21 then -- and you said he came after the fact. I  
22 guess what I'm confused about is I'm trying to  
23 bring another case into this case.

24 MS. DAVIS: And I totally understand that.

25 THE COURT: That is why it is usually not

1           admissible.

2           MS. DAVIS: Right. And I think that we have  
3 reasons that this is different; however, it is  
4 something that can be taken up before Mr. Parker or  
5 Ms. Guyton are called to testify. So we don't have  
6 to do that now.

7           THE COURT: All right, thank you. You can  
8 bring them in.

9           (WHEREUPON, the jury came into open  
10 court at 10:04 a.m.)

11          THE COURT: Good morning, ladies and gentlemen  
12 of the jury. We are -- as I stated, we have to  
13 move everything around, but can you all see on the  
14 floor? Everyone can see? All right. And everyone  
15 in the jury box can see? I'm sorry, we have got  
16 y'all playing musical chairs, but I have been  
17 trying to -- who was it yesterday that said the  
18 ones of us who are vertically -- shorter than  
19 others, we try to put them in front because it is  
20 not elevated down here. I just want to make sure  
21 everyone can see. So everyone can see? All right.  
22 We are ready to continue with our case. I hope  
23 everyone had a restful evening.

24          Juror Number 108, yes, you will be fine. I  
25 got your letter. I meant to tell you that last



1           night. I thought about it on the way home. I  
2           didn't want you worrying about it. But you will be  
3           able to make your flight, I assure you. If not, we  
4           are going to be in trouble. But you will be fine.

5           All right, thank you.

6           All right, call your next witness.

7           MS. CAVANAUGH: Thank you. May it please the  
8           Court? The State calls Steve LeBlanc.

9           (Witness approaches.)

10          THE BAILIFF: Place your left hand on the  
11          Bible, raise your right, and face the clerk,  
12          please.

13          (Witness complies.)

14          THE CLERK: State your full name, please.

15          THE WITNESS: Steven LeBlanc.

16          THE CLERK: Can you spell your last name,  
17          please?

18          THE WITNESS: L-E-B-L-A-N-C.

19          THE CLERK: Do you solemnly swear the  
20          testimony you are about to give in this case will  
21          be the truth, the whole truth, and nothing but the  
22          truth, so help you God?

23          THE WITNESS: Yes, ma'am.

24          THE CLERK: Thank you. Have a seat right  
25          there.

1 (Witness seated.)

2 STEVEN LEBLANC,  
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CAVANAUGH:

6 Q Good morning, Mr. LeBlanc.

7 A Good morning.

8 Q Where are you employed?

9 A Richland County EMS.

10 Q And how long have you been employed there?

11 A This time, about six years.

12 Q And you said this time?

13 A Yes.

14 Q Did you --

15 A I worked there about ten years ago for about 18  
16 months, and I left for about four years and came  
17 back.

18 Q Okay. And when you -- describe what you do as a --  
19 well, first of all, what is your title?

20 A I'm a senior paramedic.

21 Q Okay. And what are some of your duties, your  
22 primary duties as a paramedic?

23 A I respond to 9-1-1 calls. That is my main job. I  
24 also do training for new employees. Sometimes I do  
25 administrative work in the office as a supervisor,

1           but my main job is to respond to 9-1-1 calls on the  
2           ambulance.

3       Q     And I just want to make sure everybody can hear  
4           you.

5           MS. CAVANAUGH: I know -- I think while they  
6           are speaking, are they allowed to pull down their  
7           mask in the enclosure?

8           THE COURT: Yes.

9       BY MS. CAVANAUGH:

10      Q     You can pull down your mask.

11           Back on December 29th of 2018, were you  
12           employed with Richland County EMS?

13      A     Yes, ma'am.

14      Q     And do you typically do a report when you respond  
15           to calls as the primary caregiver[sic]?

16      A     Yes, ma'am.

17      Q     Did you do a report in this case?

18      A     Yes, ma'am.

19      Q     And would that help refresh your memory about this  
20           call?

21      A     Yes, ma'am.

22      Q     Did you respond to a scene on the early morning  
23           hours of December 29th, 2018?

24      A     Yes, ma'am.

25      Q     And where -- what time was that?

- 1 A It looks like it was around 3:40 in the morning.
- 2 Q Okay. And where were you actually dispatched to?
- 3 A It looks like the corner of Meeting House Road and
- 4 Clarkson Road in Hopkins.
- 5 Q And what time did you actually -- did EMS receive
- 6 the call?
- 7 A According to my report, we were dispatched at 3:39
- 8 in the morning.
- 9 Q Okay. And when were you actually en route?
- 10 A At 3:41 a.m.
- 11 Q Excuse me?
- 12 A 3:41.
- 13 Q And what time did you arrive?
- 14 A 3:54.
- 15 Q And what type of call were you responding to?
- 16 A I think it came out as an accident with entrapment.
- 17 Q With entrapment?
- 18 A Yes, ma'am.
- 19 Q And what does entrapment mean?
- 20 A It means that the person in the vehicle was unable
- 21 to get out of the vehicle, that they were -- could
- 22 have been damage to the vehicle, could have been in
- 23 the wood line, it can be all sorts of things.
- 24 Q Okay. When you arrived -- when you arrived to the
- 25 scene, were other agencies present?

- 1 A Yes, ma'am.
- 2 Q And which were those?
- 3 A Columbia Fire.
- 4 Q Okay. And what did you -- what -- were they doing
- 5 anything at the time you arrived?
- 6 A When I got on the scene, Columbia Fire informed me
- 7 that the driver was entrapped and they were in the
- 8 process of cutting the car -- cutting the door on
- 9 the car.
- 10 Q And were you able to access the patient as soon as
- 11 you arrived?
- 12 A No, ma'am.
- 13 Q What time -- what did you have to wait for?
- 14 A I had to wait for the Fire Department to take the
- 15 side of the car off.
- 16 Q Okay. And, again, what area of the car was that?
- 17 A It would have been the driver's side. The Fire
- 18 Department, if I'm not mistaken, takes the entire
- 19 side of the vehicle off now.
- 20 Q On the driver's side?
- 21 A Yes, ma'am.
- 22 Q Okay. What time were you actually able to start
- 23 your -- what time were you actually able to
- 24 treat -- well, not treat the patient, but observe
- 25 the patient, put hands on the patient?

- 1 A Let me see. It was a little bit -- according to my  
2 monitor, 4:06.
- 3 Q And at that time, what did you -- was the driver  
4 alive?
- 5 A No, ma'am.
- 6 Q Were you able -- what type of measures did you take  
7 to determine whether he was alive?
- 8 A When I finally was able to make access to the  
9 patient, I checked the pulse in the wrist and was  
10 unable to feel a pulse. He felt cool to the touch.  
11 I put him on the cardiac monitor, and I checked --  
12 did two leads, Lead 2 and Lead 3. And he was  
13 asystole, which means there is no electrical  
14 activity in the heart.
- 15 Q Okay. So he didn't have a heartbeat?
- 16 A No, ma'am.
- 17 Q In all of what you just described, was the victim  
18 still in the car?
- 19 A Yes, ma'am.
- 20 Q I'm going to turn your attention to the second page  
21 of your report.
- 22 A Yes.
- 23 Q Did you make any observations about the victim's  
24 neck?
- 25 A I did. I did see some, looked like some blood on

1           the left side of his neck. If I'm not mistaken, I  
2           did document that.

3       Q     You did?

4       A     Yes. A small laceration left side of neck with  
5           blood coming from it.

6       Q     All right. And did you -- once you determined that  
7           he was dead on arrival, did you move the body out  
8           of the car?

9       A     No, ma'am.

10      Q     Other than doing what you described as far as  
11           putting the leads on the victim, did you move his  
12           head area or his neck area?

13      A     No, ma'am.

14      Q     And did you put him on a stretcher?

15      A     No.

16      Q     Okay. Now, were you -- were other agencies -- did  
17           you wait for another agency to respond?

18      A     Yes, ma'am. Highway came out there, Highway  
19           Patrol, and also the Fire Department. A supervisor  
20           from our agency came out there, but he left shortly  
21           after because there was no reason for him to be  
22           there. And we waited on the coroner.

23      Q     The coroner?

24      A     Yes.

25      Q     The Coroner's Office?

1 A Yes.

2 Q And they were called to the scene?

3 A Yes, ma'am.

4 MS. CAVANAUGH: Beg the Court's indulgence.

5 (Pause.)

6 BY MS. CAVANAUGH:

7 Q Thank you, Mr. LeBlanc. Please answer any  
8 questions from the Defense.

9 THE COURT: Yes, ma'am?

10 MS. HUBBARD: No questions by the Defense,  
11 Your Honor.

12 THE COURT: All right, you may step down. Any  
13 objection to this witness being excused?

14 MS. CAVANAUGH: No, Your Honor.

15 THE COURT: All right, thank you, sir. You  
16 are free to leave.

17 (Witness steps down and excused.)

18 THE COURT: Call your next witness.

19 MR. MCGLOTHIN: The State calls Jonathan  
20 Dinkins.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the  
23 Bible, and raise your right.

24 (Witness complies.)

25 THE CLERK: State your full name, please.



1 THE WITNESS: Jonathan Daniel Dinkins.

2 THE CLERK: Do you solemnly swear the  
3 testimony you are about give in this case will be  
4 the truth, the whole truth, and nothing but the  
5 truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Have a seat.

8 (Witness seated.)

9 JONATHAN DINKINS,  
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MCGLOTHIN:

13 Q Please state your name for the record.

14 A Jonathan Daniel Dinkins.

15 Q And where do you work?

16 A I work for the Columbia Fire Department, currently  
17 at Hopkins Fire Station.

18 Q All right. And what do you do for Columbia Fire  
19 Department currently?

20 A My current rank is an engineer, which basically  
21 means I am in charge of checking and maintaining  
22 equipment, driving the truck in response to  
23 emergency scenes, and on occasions moving up to  
24 fill the captain's slot if --

25 THE COURT REPORTER: I'm sorry, can you take

1           your mask down, please?

2           THE WITNESS: I would be happy to take this  
3           mask off.

4       A    Apologies. I am currently responsible for checking  
5           and maintaining equipment, driving an emergency  
6           apparatus to and from scenes, and occasionally  
7           moving over to the officer's position when there is  
8           an availability in my station.

9       Q    And how long have you been with Columbia Fire?

10      A    Thirteen years.

11      Q    Okay. So you were working there in this role in  
12           December of 2018?

13      A    I believe on the day we are speaking of, I was in  
14           move-up, which means I would have been in the  
15           officer position, so I was not driving. I would  
16           have had another driver from a different station or  
17           a floater driving me that day.

18      Q    Okay. Did that change your duties at all in that  
19           position?

20      A    Yes. Typically if you are the officer, you are a  
21           supervisor, so you are going to be more of  
22           assigning tasks to individuals. They complete  
23           those tasks. I am going to be monitoring their  
24           progress in the situation for general safety  
25           issues, getting more resources coming, if need be,

1           those types of things.

2       Q     Okay. And so you were in that role December 29th  
3           of 2018, is that correct?

4       A     I believe so.

5       Q     Okay. And did you get a call for service that day  
6           to the area of Meeting House and Clarkson Road?

7       A     Correct.

8       Q     Okay. And what was that call for?

9       A     It was -- I believe it came in originally as a  
10          motor vehicle accident and later upgraded to a  
11          motor vehicle accident with traffic.

12      Q     Okay. Do you know what time that call came in?

13      A     Early morning hours.

14      Q     Okay. If I give you a copy of your report, would  
15          that help refresh your recollection?

16      A     Sure. Thank you, sir.

17      Q     You're welcome. Does that report give a more  
18          specific time?

19      A     Yes. If you give me a second, I can find it. 0339  
20          hours.

21      Q     Okay. So that is 3:39 a.m.?

22      A     Yes, sir.

23      Q     Okay. And what time did you arrive?

24      A     Arrival would have been 0346 hours.

25      Q     Was your vehicle the first on scene?

1 A So at my station -- on this day, and currently I am  
2 assigned to Region 5, we also had an engine in the  
3 house. We would have arrived at about the same  
4 time.

5 Q Okay.

6 A But me being the acting officer of the day, I would  
7 have took control of the scene from the get-go  
8 because we would have been two seconds apart.

9 Q Were there any other first responding agencies, law  
10 enforcement, EMS, anybody else on scene when you  
11 arrived?

12 A Typically if we get a call for a motor vehicle  
13 accident, you are going to get some type of law  
14 enforcement and Richland County EMS in.

15 Q Well, when you first arrived, was anybody there  
16 that you remember?

17 A On scene?

18 Q Yes?

19 A I do not recall seeing anyone specifically, no.

20 Q Okay. So once you arrived, what did you find when  
21 you got there?

22 A So we arrived on the scene. We found a white van  
23 25 foot off the road in the tree line. Four tires  
24 apparently impacted the tree head-on.

25 THE COURT REPORTER: I'm sorry, can you speak

1 more into the microphone?

2 A Richland Fire arrived on scene to a white van 25  
3 foot off the road in the tree line. All four  
4 wheels apparently impacted the tree head-on. The  
5 car had a black male in the driver's seat with no  
6 seatbelt around him. Rescue requested entrapment  
7 response and started going to work, which means  
8 they started extricating the victim.

9 Q Okay. So what is extrication?

10 A Extrication is simply -- typically, we all get in  
11 and out of our car pretty regularly. When you  
12 start having an impact, you are going to change the  
13 dimensions of the vehicle, and those doors may or  
14 may not open. If you get in a wreck, you can have  
15 all types of spinal injuries and other things that  
16 we were not -- we are not going to know on scene.  
17 So to try to preserve you from getting further  
18 injured, we are going to actually use what is  
19 commonly known as the Jaws of Life to cut pieces of  
20 the car out of our way so that we can get in and  
21 get you out.

22 Q Okay. So you mentioned -- basically you are saying  
23 you don't want to move the body out of the car, you  
24 want to move the car away so you can --

25 A Right. We are going to remove the car from around

1           you instead of you from around the car.

2       Q     Okay. And so I guess when you arrive, you are  
3           going to check -- did you check, or someone from  
4           your crew check, on the status of the driver inside  
5           the vehicle?

6       A     So arriving on scene, the first thing we are going  
7           to do is what we call team safety.

8           THE COURT REPORTER: I'm sorry, I didn't hear  
9           you.

10      A     Apologies. When we arrive on scene, we are going  
11           to do what we call team size-up, which means we are  
12           checking for safety. And then my R Tasks on a  
13           firetruck are predetermined in general. So my  
14           firefighter knows that his job is to go check on  
15           the patient and report to me what he finds.  
16           Another person is going to start stabilizing that  
17           vehicle for the impending extrication that we are  
18           going to get into so that we are safe and that the  
19           vehicle doesn't move while we are trying to cut it  
20           apart.

21           I would have been -- they would have reported  
22           this information to me, and then I make decisions  
23           based off that, which is why I am here. We start  
24           entrapment responses to get the door open or get to  
25           you necessarily.

1 Q Okay. Did EMS arrive at some point?

2 A Yes.

3 Q Okay. Can you tell me kind of a little bit about  
4 the dynamic there once EMS arrives? Does that  
5 change your job at all?

6 A Yes. So EMS is -- their primary responsibility in  
7 general on these types of incidents is the patient.  
8 Now, they need us to work with them so that we can  
9 remove that car from around the patient so that  
10 they can get access to them and then get them out.  
11 They are the higher trained medical professionals  
12 on the scene at that time because they are  
13 typically EMTs, where we are basically EMRs, which  
14 means Emergency Medical Responder, which is a lower  
15 level, but still meets our requirement at the Fire  
16 Department. EMTs are going to be higher trained.  
17 They have been in the medical field longer and more  
18 experienced.

19 Q So once they arrive, your focus -- is it fair to  
20 say your focus turns to the extrication completely  
21 at that point?

22 A Right. They have the authority to tell us to get  
23 out of the way and then they can pull the patient  
24 out if they deem that is necessary, but most of the  
25 time they give us -- they respect our opinion

1 enough to let us cut the car so they can get in  
2 there.

3 As far as the patient goes, what they say  
4 basically goes, even though they are not  
5 necessarily my boss. When it comes to the medical  
6 side of things, they have the overriding authority  
7 over anything that I say.

8 Q And did they override you in your extrication  
9 process here?

10 A No. They -- as I recall, they asked us to give  
11 them room so that they could get in there and make  
12 better access to that patient so they could figure  
13 out what was going on.

14 Q And what does *giving them room* mean to you in that  
15 context?

16 A So, as previously stated, we were in the process of  
17 extricating, what we would call as a side blowout.  
18 So if you think of your car, you have the driver's  
19 side and a passenger's side. So if we are doing  
20 what we call a driver's side blowout, we are going  
21 to start from the rear of the vehicle. We are  
22 basically going to pull off both doors and that  
23 center cone that is right next to your head, and  
24 that is the typical maneuver. That is like our  
25 Plan A, if you will, for most vehicle extrications.



1           So we would start removing that side of the car so  
2           that we can maintain a neutral C spine on our  
3           patient so that we don't cause any further spinal  
4           injuries to them, and then pull them out.

5       Q     And is that what you did in this incident?

6       A     In this incident, they were -- they said that they  
7           needed more room to get their leads on the patient,  
8           so we started -- we started the extrication  
9           process. And once the doors were removed, they  
10          made full access, they put their leads on him, and  
11          then they told us that the person was deceased.

12      Q     Okay. So once you pulled the doors off, did you  
13          treat the driver in any way?

14      A     Personally, no. I personally made no contact with  
15          the person. My firefighters would have initially  
16          checked for a pulse and airway and breathing, stuff  
17          like that, when we initially got there. Then, once  
18          EMS gets there, it is their show.

19      Q     Right. So --

20      A     Basically after that. Sorry.

21      Q     Sorry. Once the extrication is complete, once --  
22          or once you have kind of done your side blowout, I  
23          guess --

24      A     Uh-huh.

25      Q     -- did any of your people move the body or kind of

1           manipulate him in any way?

2       A     Not to my knowledge, no, sir.

3       Q     So they wouldn't have moved him around, moved his  
4           head, any of that, right?

5       A     No, not once EMS is telling us that it is a  
6           deceased person.

7       Q     Is this extrication process pretty common or  
8           uncommon?

9       A     It is fairly common for Richland County. I mean,  
10          most vehicle accidents, depending on the situation,  
11          we do it pretty regularly for the Columbia Fire  
12          Department, and we train on it very regularly as  
13          well.

14      Q     And just to back up briefly, when you are doing the  
15          side blowout, is that all done from the outside of  
16          the vehicle on that side, or are you going inside  
17          the vehicle at all?

18      A     So we have a general set plan starting, 1, 2, 3, 4.

19      Q     Right.

20      A     And depending on how the individual car is damaged,  
21          we might have to occasionally make access to the  
22          interior of the car so that we can manipulate it  
23          from the inside to push it out. So basically if  
24          the car is crushed in an accident and our goal is  
25          to get it back to the original size. So imagine if

1           you have a soda pop can and you crush it and then  
2           you try to bring it back out to its original --  
3           like you pulled it out of the case. That is the  
4           goal.

5       Q     And do you remember if that was -- if you had to  
6           access the inside of the vehicle in this -- for  
7           this incident?

8       A     It is probable that we had to, just depending on  
9           what happened when we started our extrication. It  
10          is a common -- it is a common thing for us to make  
11          entry into -- typically it would have been in the  
12          rear of the vehicle. Typically we are trying to  
13          push out what we call -- starting from front to  
14          rear, you have an A, B, and C post, so the B post,  
15          the one that is right by your head when you are  
16          sitting in the driver's seat, depending on how that  
17          is acting while we are extricating the patient, we  
18          might need to get on the interior and push  
19          outwards.

20       Q     And I failed to mention this earlier. Do y'all do  
21           anything as far as the windows on the car? Do you  
22           tend to leave those alone, or what is your process  
23           there?

24       A     No, typically the windows are going to be either  
25           rolled down, broken with a glass instrument or cut

1 out with a saw, depending on what type of glass it  
2 is, whether it is a safety glass or a laminated  
3 glass. The front door is laminated. The sides are  
4 typically safety glass, so we pop it, it shatters.  
5 Front windshields don't do that, so we need to cut  
6 them out with a Sawzall, and we do that as a safety  
7 issue so that if we -- if the glass breaks on its  
8 own, it is not under our control, it can fly in our  
9 faces or fly in the victim's faces, but that is one  
10 of the first steps that happens in extrication.

11 Q Okay. But as far as this incident goes, your --  
12 where was your focus -- well, your team's focus on  
13 this vehicle for this particular entrapment?

14 A The focus was to get better access to the patient  
15 so that we could try to get him out of the vehicle  
16 so that we could provide the best medical level of  
17 care we could at the time. And once EMS got there,  
18 they kind of took over that role of dictating what  
19 does and doesn't get done when it comes to the  
20 patient and what we need to do to make their job  
21 happen.

22 Q So that was basically focused on the driver's side  
23 of the car?

24 A Correct. Correct. Yes, we only had one occupant  
25 in the vehicle at the time, so we're not worried

1           about the passenger side, we are just going to get  
2           access to that primary side, the driver's side.

3       Q     Thank you.

4       A     Yes, sir.

5       Q     Please answer any questions the Defense may have.

6           THE COURT: Yes, ma'am?

7           MS. HUBBARD: No questions from the Defense,  
8           Your Honor.

9           THE COURT: All right, thank you. You may  
10          step down. Any objection to this witness being  
11          excused?

12          MR. MCGLOTHIN: None from the State, Your  
13          Honor.

14          THE COURT: All right, sir, you are free to  
15          leave.

16          (Witness steps down and is excused.)

17          THE COURT: Call your next witness.

18          MS. CAVANAUGH: Your Honor, may we approach  
19          briefly?

20          (WHEREUPON, a bench conference was held  
21          in the presence of the jury but out of  
22          the hearing of the jury.)

23          MS. CAVANAUGH: The State calls Katrina White.

24          (Pause.)

25          THE COURT: Is she coming?

1 MS. CAVANAUGH: I'm sorry, Your Honor, she is  
2 on her way up.

3 (Pause.)

4 (Witness approaches.)

5 THE BAILIFF: Place your left hand on the  
6 Bible, and raise your right hand.

7 (Witness complies.)

8 THE CLERK: State your full name, please.

9 THE WITNESS: Katrina Michelle White.

10 THE CLERK: Do you solemnly swear the  
11 testimony you are about give in this case will be  
12 the truth, the whole truth, and nothing but the  
13 truth, so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Thank you. Have a seat.

16 (Witness seated.)

17 THE COURT: Yes, ma'am?

18 MS. CAVANAUGH: May it please the Court?

19 KATRINA WHITE,  
20 after being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. CAVANAUGH:

23 Q Good morning, Ms. White.

24 A Hey.

25 Q While you are speaking, you can keep your mask off.

1 Back in December of 2018, where were you employed?

2 A At the Richland County Coroner's Office.

3 Q And how long did you work there?

4 THE COURT: You are going to have to speak up.

5 A The Richland County Coroner's Office.

6 Q Speak into the microphone.

7 A Richland County Coroner's Office.

8 Q And how long did you work there?

9 A At that time, I had been there about three and a  
10 half months.

11 Q Okay. And how long were you -- when did you end  
12 your employment there?

13 A January 7th, 2021, was my last day.

14 Q And where do you work now?

15 A I work at the William L. Jenkins Forensic Center  
16 now.

17 Q The William L. Jenkins Forensic Center?

18 A Yes.

19 Q And what is your position there?

20 A I'm a medical/legal death investigator.

21 Q Where is that center?

22 A Johnson City, Tennessee.

23 Q And what did you say your position was?

24 A I'm a medical/legal death investigator.

25 Q If you can back off just a little bit.

1 A Very sorry.

2 Q Prior to being employed at the Richland County  
3 Coroner's Office, where were you employed?

4 A The most recent to that, I did body removal for  
5 Night Systems, which is the company that was  
6 contracted with the Coroner's Office in 2018 to do  
7 body removal for, I want to say I did that about  
8 four months. And then prior to that I worked at  
9 the Waffle House for over seven years while I went  
10 through school.

11 Q And did you go to college?

12 A Yes. While I worked at the Waffle House.

13 Q Excuse me?

14 A While I worked at Waffle House. I have an  
15 Associate's Degree in Criminal Justice.

16 Q Okay. When you worked at the -- and, once again,  
17 how long did you work at the -- how long in total  
18 did you work at the Coroner's Office?

19 A Two and a half years.

20 Q And when you were employed there, what was your  
21 title?

22 A I was a Deputy Coroner.

23 Q Okay. And in general -- in general -- when does a  
24 Deputy Coroner respond to a scene?

25 A Any time that there is a death that is not in a



1           hospital or in a facility, they go to Richland  
2           County.

3       Q     And when -- is there a report generated?

4       A     Yes.

5       Q     Okay. And --

6       A     Go ahead.

7       Q     And in this particular case, did you author -- or  
8           did you do a report?

9       A     Yes.

10      Q     Back on December 29th of 2018, did you respond to a  
11           death scene?

12      A     I did.

13      Q     And who notified you?

14      A     It was my Senior Deputy Coroner, which was Jane  
15           Powell.

16      Q     And what time were you notified that you needed to  
17           respond?

18      A     At approximately 4:15.

19      Q     And what time did you arrive at the scene?

20      A     Approximately 5:09.

21      Q     And where did you respond on this particular  
22           morning?

23      A     So, it was Meeting House and Clarkson. And it was  
24           an MVC, so it was off the road into like a forest,  
25           tree line off the left side of the road.

1 Q Is this in Richland County?

2 A Yes.

3 Q And what area of Richland County is this? Like is  
4 it Hopkins area?

5 A Yes, it is over near that area, yes.

6 Q December 29th, 2018, what day of the week was this?  
7 Is that -- I think that is in your report.

8 A Yes. It may be in my report.

9 Q On the first page.

10 A Oh, Saturday. Sorry.

11 Q Early Saturday morning?

12 A Yes.

13 Q Did you note -- excuse me. Were there any other  
14 agencies present when you arrived?

15 A Upon arrival, EMS was on scene, and then the Fire  
16 Department was on scene, and South Carolina Highway  
17 Patrol was on scene.

18 Q And what type of call -- at the time you responded  
19 and while you were on scene, what type of call was  
20 this?

21 A So it came in as a MVC, which is motor vehicle  
22 collision. We were under the impression that the  
23 vehicle for some reason went off the road and  
24 collided with a tree. There was extensive damage  
25 on scene, both the vehicle and the decedent, so on

1 scene we were under the impression that it was an  
2 MVC.

3 Q I'm going to show you a few photographs and ask if  
4 you recognize them. I show you State's Exhibit 84,  
5 85, 86, 87, and 88, and ask you if you recognize  
6 these photos?

7 A These are the scene photos that I took from that  
8 night, on the 29th.

9 Q Is that how you left from the scene --

10 A Yes.

11 Q -- of the general area?

12 A When I responded, yes.

13 Q Where the deceased's vehicle was parked?

14 A Yes. Where the road -- the roadway before you get  
15 to the vehicle, and then where it is positioned in  
16 the woods.

17 MS. CAVANAUGH: Your Honor, at this time I  
18 would ask that State's Exhibit 84 through 88, which  
19 have already been shown to the Defense, be entered.

20 THE COURT: Any objection?

21 MS. HUBBARD: No objection, Your Honor.

22 THE COURT: They will be entered without  
23 objection.

24 (WHEREUPON, State's Exhibit Nos. 84-88  
25 were marked for identification and

1                   received into evidence.)

2   BY MS. CAVANAUGH:

3   Q     So this is State's Exhibit 84.  At the time you  
4           arrived on scene, did you -- is that -- what is  
5           that?  What is that card?

6   A     So this is a card that we would turn over for every  
7           single response that we go on at the Richland  
8           County Coroner's Office.  Essentially you write  
9           what you know at the time of the response.

10                So for this one the name is still John Doe  
11           because we did not know who he was.  We didn't have  
12           a date of birth, or anything of that nature, at  
13           that time.

14   Q     And this date of death estimation, that is simply  
15           as it states, an estimation?

16   A     Yes, it is our best estimation as to when it  
17           happened due to rigor and lividity, and things of  
18           that nature.

19   Q     And that is the date -- I meant, time as well?

20   A     Yes, date and time.

21   Q     Okay.  And this is State's Exhibit 85.  What does  
22           this show?

23   A     This was facing away from the vehicle into the road  
24           to show that there were no skid marks noted  
25           anywhere on scene.

- 1 Q Okay. And you actually note that in your report  
2 that there are no skid marks?
- 3 A (Nods affirmatively.)
- 4 Q Okay. And I know it was dark outside. How were  
5 you able to observe that?
- 6 A So on the roadway, the Fire Department had one of  
7 their firetrucks out that had floodlights, so the  
8 roadway was pretty lit up when we were there. We  
9 were able to see things there very clearly.
- 10 Q This is State's Exhibit 87. What does that depict?
- 11 A This is from the same spot except as turned  
12 completely around and face the vehicle. You can  
13 see the vehicle is off the road to the left.
- 14 Q And State's Exhibit 87, does this show -- what does  
15 this depict or show?
- 16 A So these are just a few steps up from the last  
17 photo. And this is tire impressions where we  
18 believe the tire -- the vehicle first went off of  
19 the roadway on the left-hand side.
- 20 Q And what does this show?
- 21 A This is just a closer shot of the vehicle as it was  
22 positioned in the woods.
- 23 Q And you can see what appears to be the driver's  
24 side door, or the driver's side and the driver's  
25 passenger door. Is that on the right side at all?

1 A What do you mean? I'm sorry.

2 Q This whole piece, what was that?

3 A That is the driver's panel and everything from the  
4 front left side of the vehicle. The Fire  
5 Department removed it prior to me arriving on the  
6 scene seeking access to the decedent.

7 Q I show you what is marked State's Exhibits 89  
8 through 91. Do you recognize these photos?

9 A These were just further along in my scene photos.

10 Q Okay.

11 MS. CAVANAUGH: Your Honor, I ask 89 through  
12 91 be admitted into evidence.

13 THE COURT: Any objection?

14 MS. HUBBARD: None, Your Honor.

15 THE COURT: All right, they will be entered  
16 without objection.

17 (WHEREUPON, State's Exhibit Nos. 89-91  
18 were marked for identification and  
19 received into evidence.)

20 BY MS. CAVANAUGH:

21 Q What is this?

22 A So this is just the vehicle where you can see that  
23 the front door is taken off and removed and  
24 everything is over to the left and there is just a  
25 bunch of glass and vehicle debris everywhere.

1 Q And I am going to show you what is marked as  
2 State's Exhibit 90. Is this -- what is this?

3 A This is the decedent that was in the vehicle when I  
4 arrived. This is the position that he was in and  
5 this is what I arrived to. The doors were removed  
6 prior to arrival. The airbags did deploy. And you  
7 can't quite see it in the photo, but the sun roof  
8 is open as well. All of the glass on the vehicle  
9 was pretty shattered. And he was just sitting up  
10 in the driver's seat on the left -- on the right,  
11 I'm sorry.

12 Q And is this just more of that driver's side door?

13 A Yes. This is just showing how much of the vehicle  
14 was damaged from the collision.

15 Q But that is just the front area, is that right?

16 A Yes, that is the front side of the vehicle, the  
17 front left side.

18 Q Now, moving on. As it relates to the victim, did  
19 you actually make any sort of contact with the  
20 victim's body?

21 A Yes.

22 Q Okay. And what did you do?

23 A So, when we go to the scene, it is our job to  
24 remove the decedent from the position and to do a  
25 full body actualization. What that means is I took

1           him from the vehicle, placed him right beside the  
2           vehicle, and examined all of his body.

3           Due to the trauma that was there, that I could  
4           see, it was extremely bloody, and things of that  
5           nature, so I wasn't easily able to identify  
6           everything, but we pulled him from the vehicle. We  
7           do that examination, and then they give -- the body  
8           bag is sent to the morgue facility for autopsy.

9       Q     All right. I'm going to turn your attention to  
10           Page 6 of your report. What does rigor mortis  
11           mean?

12      A     Rigor mortis is the stiffening of the muscles after  
13           death.

14      Q     Okay. And did that exist in this particular case?

15      A     It did not.

16      Q     What about, what is lividity?

17      A     Lividity is the pooling of the blood on dependent  
18           surfaces of the body. That happens a little bit  
19           later after death. And that was not present here  
20           either.

21      Q     And what about, what did you notate about his  
22           mucous membranes?

23      A     They were moist.

24      Q     So all of these determinations that you made, what  
25           does that tell you about the time of death? Not



1           specifically, but in general?

2       A     That is where we got the estimation for the time of  
3           death, because those things don't start until a  
4           certain amount of time has passed, and that amount  
5           of time had not passed in this case before we were  
6           able to make contact with him.

7       Q     So a recent death?

8       A     Huh?

9       Q     A recent death?

10      A     Yes, recent.   Less than four hours, I think.

11      Q     At what point -- did you learn later on that  
12           morning -- well, was the decedent moved to an  
13           autopsy?

14      A     Yes.   So he was removed from the vehicle untagged,  
15           and then we sent him immediately for an autopsy,  
16           which is he would have been tagged.   It would be  
17           either Sunday or Monday morning.   It would have  
18           been the next day.

19      Q     Well, actually, I think the -- do you have the  
20           pathology report in your --

21      A     Uh-huh.

22      Q     Okay.

23      A     Yes.

24      Q     The first page top right?

25      A     Yes, they actually did it that day.   They did it

1 later that morning. That is my bad.

2 Q All right, that's okay. And at that point was it  
3 learned -- what was learned about the victim?

4 A As soon as they were able to begin the autopsy  
5 process, they noted that he had a gunshot wound to  
6 the neck. They stopped everything and everything  
7 changes position. They do scans and things to  
8 determine --

9 Q So they learned at autopsy and the Coroner's  
10 Office -- did the Coroner's Office notify --

11 A Yes, they were notified immediately. We actually  
12 had staff down at the autopsy as well that was  
13 there when the realization was made.

14 Q Okay. Now, back to the scene. When you -- you  
15 were discussing the driver's side. Did you notice  
16 anything about the passenger's side of the car?

17 A Yes. So, the --

18 Q Just a second.

19 A Okay.

20 Q I am going to show you what is marked as State's 92  
21 through 99. What do these -- look at these please  
22 and tell me what they depict, as far as what area  
23 of the car?

24 A Uh-huh. So, these are photos of the passenger's  
25 side of the car, the back passenger's side, the

1 back bumper, and the rear end of the car.

2 Q Okay. And what -- excuse me.

3 MS. CAVANAUGH: Your Honor, at this time I  
4 would ask that State's 92 through 99 be admitted  
5 into evidence.

6 THE COURT: Any objection?

7 MS. HUBBARD: No objection.

8 THE COURT: All right, without objection.

9 (WHEREUPON, State's Exhibit Nos. 92-99  
10 were marked for identification and  
11 received into evidence.)

12 BY MS. CAVANAUGH:

13 Q So what side of the car is this?

14 A This is the passenger's side of the car.

15 Q Okay. And do you observe -- did you observe any of  
16 the same activity that the Fire Department  
17 performed on this side of the car?

18 A No. They did not test that side of the car because  
19 they wouldn't have needed to to gain access to the  
20 patient.

21 Q Okay. Now, what did you observe about the back  
22 passenger outside of the car here?

23 A So I noticed that there was blood there, which was  
24 unusual. It should not have been in that place,  
25 you wouldn't think, for this circumstance that we

- 1           had.
- 2       Q     Because why?
- 3       A     Because the decedent isn't in the passenger's side
- 4           of the car. We would expect all of the blood to be
- 5           over there, it is not going to be on the outside of
- 6           the back passenger's side.
- 7       Q     And the decedent is where? You said --
- 8       A     He is in the front driver's side. So he is
- 9           completely on the opposite side of the car.
- 10      Q     And is this a closer picture?
- 11      A     Yes, this is just a better photo of that.
- 12      Q     And State's Exhibit 95. Is that the same area of
- 13           the car?
- 14      A     Yes.
- 15      Q     And 96, is that a different angle of the back
- 16           passenger --
- 17      A     Yes.
- 18      Q     -- area?
- 19      A     A different angle of the same section of the car, a
- 20           little further back.
- 21      Q     As well as State's Exhibit 98, is that just a
- 22           closer in --
- 23      A     Yes.
- 24      Q     In what section of the car?
- 25      A     That is near where the back window is. It goes

1 down into the trunk.

2 Q Okay. So going to Page 9 of your report, did you  
3 notate the areas of blood that you observed and  
4 took photographs of?

5 A Yes. So I noted that there was blood on the  
6 decedent on his neck and then there was blood on  
7 the back of the vehicle, the back passenger's side,  
8 which is what you are looking at right there. And  
9 then there was also blood when you open the back  
10 passenger door, there was blood on the step piece  
11 inside of the door.

12 Q And that was documented in your report as well?

13 A Yes, that was documented.

14 Q All right. I'm going to show you State's Exhibits  
15 100 through 106 and ask if you recognize these  
16 photographs?

17 A Yes.

18 Q And what do they show?

19 A These are just closer images of the inside of the  
20 vehicle.

21 Q Okay.

22 A Some of them are once he was removed, the pictures  
23 of the body.

24 Q Okay. And is this the area, the driver's side  
25 area?

1 A Yes.

2 Q Except for the --

3 A Yes, the street signs, just showing where we were.

4 Q And photographs of his clothing?

5 A Uh-huh.

6 MS. CAVANAUGH: Your Honor, at this time I  
7 would ask State's Exhibit 100 through 106 be  
8 entered into evidence.

9 THE COURT: Any objection?

10 MS. HUBBARD: No objection, Your Honor.

11 THE COURT: They will be entered without  
12 objection.

13 (WHEREUPON, State's Exhibit Nos. 100-106  
14 were marked for identification and  
15 received into evidence.)

16 BY MS. CAVANAUGH:

17 Q Is this a photograph of the victim's hands and leg  
18 area and shirt?

19 A Yes. This is exactly what I saw when I got on  
20 scene and was able to get to.

21 Q Okay. And then what is this?

22 A This is just showing that there is glass on the  
23 inside of the vehicle on the dash and everything as  
24 well.

25 Q And did you collect -- what is this?

- 1     A     So, this was on the front dash, and we did collect  
2           the two cell phones. I took the cell phones, a  
3           birth certificate, the keys, and two debit cards.
- 4     Q     Okay. And what are those cards? There is the two  
5           cards on there? What do they say?
- 6     A     It is a Discount Tire and a card from Roper  
7           Staffing.
- 8     Q     And what is this?
- 9     A     This is just the street signs where we were,  
10          Meeting House at Clarkson.
- 11    Q     Did you photograph the victim's clothing?
- 12    A     Yes.
- 13    Q     And is this after he is already taken out of the  
14          car?
- 15    A     This is when he is removed from the vehicle, yes.
- 16    Q     Okay. And what do you see on his shirt there?
- 17    A     Blood.
- 18    Q     And is this his waist area?
- 19    A     Yes.
- 20    Q     Was there anything in his pocket?
- 21    A     No.
- 22    Q     Well, I mean, that you collected?
- 23    A     Right.
- 24    Q     And what about, what is that?
- 25    A     This is just the upper legs.

1 Q Okay. All right, finally, did you photograph the  
2 passenger side back seat area?

3 A Yes. When I noticed the blood that was on the back  
4 passenger side and it was unusual, we opened the  
5 doors and viewed everything, and I photographed all  
6 of that as well.

7 Q Let me show you what has been marked as State's  
8 Exhibit 107, 108, 109, 110, 111, 112, and 113. Did  
9 you also photograph the victim's hands?

10 A Yes.

11 Q Do you recognize those after you look through them?

12 A Yes.

13 Q Okay.

14 MS. CAVANAUGH: Your Honor, at this time I  
15 would ask 107 through 113 be admitted into  
16 evidence.

17 THE COURT: Any objection?

18 MS. HUBBARD: No objection, Your Honor.

19 THE COURT: They will be entered without  
20 objection.

21 (WHEREUPON, State's Exhibit Nos. 107-113  
22 were marked for identification and  
23 received into evidence.)

24 BY MS. CAVANAUGH:

25 Q This is actually 112. Is that -- what is that a



1 picture of?

2 A It is his right hand.

3 Q And 113, what is that?

4 A It is the same hand, different angle.

5 This is the back passenger's side. Once we  
6 opened the door, that is just what you see.

7 Q State's Exhibit 110 -- excuse me, State's Exhibit  
8 109. Okay. And so you mentioned earlier that you  
9 observed some, what you thought to be blood on the  
10 door jamb area of the car?

11 A Uh-huh.

12 Q And is that the door jamb area that you are  
13 referring to?

14 A Yes. You can see some of it right there.

15 Q Now, State's Exhibit 107, what did you observe  
16 about the passenger seat?

17 A It appears like it had taken some impact. It was  
18 really flimsy and appeared to be broken.

19 Q What was that last comment?

20 A Appeared to be broken, the seat. And you can kind  
21 of see it there where the --

22 Q This is State's Exhibit 108. Was that a picture of  
23 the indentation you are referring to?

24 A Uh-huh, yes.

25 Q And, finally, State's Exhibit 111, what is that a

1 picture of?

2 A That is just a picture of the back seat.

3 MS. CAVANAUGH: Beg the Court's indulgence.

4 (Pause.)

5 BY MS. CAVANAUGH:

6 Q Now, we just saw photos of the blood on the  
7 victim's clothing and on areas of the car. In some  
8 of your notes you say that it appears to be drying.  
9 Are you able to get any sort of specific  
10 timeframe --

11 MS. HUBBARD: Your Honor, objection to the  
12 leading question.

13 THE COURT: I can't hear you, I'm sorry.

14 MS. HUBBARD: I'm sorry, Your Honor. Leading  
15 question.

16 THE COURT: Sustained. Please rephrase.

17 MS. CAVANAUGH: Okay.

18 BY MS. CAVANAUGH:

19 Q I'm going to direct you to your report. Towards  
20 the bottom on Page 4 where it says *wetness of*  
21 *blood*, did you make any sort of comments about the  
22 wetness of the blood?

23 A Yes. So from appearance of what I was able to see  
24 on scene, I notated that the blood on the decedent  
25 appeared to be drying, and then the blood that I

1           observed on the outside of the passenger door of  
2           the car I observed to be dry.

3       Q     But did you actually -- I mean, are you able to  
4           give a specific timeframe, or anything like that,  
5           as to when it landed there?

6       A     Not at all. That is not something that is in my  
7           realm of knowledge.

8       Q     Okay. And as far as the estimated time of death on  
9           Page 2, right in the middle there, what do you  
10          notate?

11      A     I notated that we estimated it was between 2:30  
12          hours and 0400 hours on the morning of the 29th.

13      Q     Okay. And so do you -- like, would you have  
14          learned -- if Richland County did further  
15          investigation after you did your report, like would  
16          you have learned -- would you have -- like, for  
17          instance, would you have known that the victim was  
18          on surveillance at 2:54?

19      A     No.

20      Q     Okay. So, again, this is just an estimate?

21      A     Yes, that is our best estimate from rigor and  
22          lividity that were observed. And in this case they  
23          weren't observed, but.

24      Q     Okay. Now, earlier we talked about what was  
25          learned at the autopsy. And what was that again?

1 A He had a gunshot wound of the neck.

2 Q And at that point, did the Sheriff's Department  
3 become involved?

4 A Yes. It was at that point that our office  
5 contacted the Sheriff's Department and they began  
6 their investigation. I spoke with Drew Caldwell.

7 Q Okay.

8 A At the Sheriff's Department.

9 Q And was any evidence that the Coroner's Office  
10 would have collected at that time turned over to  
11 the Sheriff's Department?

12 A Yes. Due to the delay of their response, he asked  
13 that all of our evidence be given directly to them.  
14 So I called and got authorization from the coroner  
15 and our evidence personnel to do a direct release  
16 to him so that our evidence just went right to him  
17 and they could go ahead and begin their  
18 investigation at that time.

19 Q Okay. And did you actually notate what that was on  
20 Page 7?

21 A Yes. That would have been two phones, two debit  
22 cards, keys, birth certificate, and one dollar in  
23 U.S. currency.

24 Q Okay. Did you later learn -- originally we talked  
25 about -- well, the first picture we showed you said

1 John Doe?

2 A Uh-huh.

3 Q Did you update your report to reflect who the  
4 victim actually was?

5 A Yes. He was identified via his driving record, and  
6 everything was updated once we made that  
7 identification.

8 Q Okay. What was his name?

9 A Donald A. Young.

10 Q Okay. And how old was he at the time of his death?

11 A Thirty-seven.

12 MS. CAVANAUGH: Beg the Court's indulgence.

13 (Pause.)

14 BY MS. CAVANAUGH:

15 Q Thank you, Ms. White. Please answer anything from  
16 the Defense.

17 THE COURT: Y'all can move that.

18 MS. HUBBARD: Your Honor, we don't have any  
19 questions.

20 THE COURT: You said you don't have any  
21 questions?

22 MS. HUBBARD: Your Honor, no questions.

23 THE COURT: All right, thank you. You may  
24 step down. Any objection to this witness being  
25 excused?

1 MS. CAVANAUGH: No, Your Honor.

2 THE COURT: All right, ma'am, you are free to  
3 leave.

4 (Witness steps down and is excused.)

5 THE COURT: Call your next witness.

6 MS. CAVANAUGH: The State calls Captain  
7 Katherine Bradacs.

8 (Witness approaches.)

9 THE BAILIFF: Place your left hand on the  
10 Bible, and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Could you state your full name,  
13 please?

14 THE WITNESS: It is Katherine Bradacs.

15 THE CLERK: Could you spell your first name,  
16 please?

17 THE WITNESS: It is K-A-T-H-E-R-I-N-E.

18 THE CLERK: And your last name?

19 THE WITNESS: B-R-A-D-A-C-S.

20 THE CLERK: Do you solemnly swear the  
21 testimony you are about to give in this case will  
22 be the truth, the whole truth, and nothing but the  
23 truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you. You can have a seat.

1 (Witness seated.)

2 KATHERINE BRADACS,  
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CAVANAUGH:

6 Q Good morning. Is it Lieutenant Bradacs?

7 A It is sergeant.

8 Q Sergeant Bradacs. Where are you employed?

9 A With the South Carolina Highway Patrol.

10 Q And back on December 31st, 2018, is that where you  
11 were employed as well?

12 A Yes, ma'am.

13 Q Okay. I'm going to show you two documents and ask  
14 if you recognize this?

15 A I do.

16 Q Okay. And what are those?

17 A Those are our evidence chain of custody forms.

18 Q Okay. And who did you -- did you receive -- which  
19 items of evidence are notated on that first page?

20 A The first page is two blood swabs, and the second  
21 one is Item 2, the CD containing 68 photographs.

22 Q Okay. And who did you receive those from?

23 A As far as the photographs, I retrieved them from  
24 the server, and the swabs I retrieved them from our  
25 Post C evidence refrigerator.

1 Q Okay. And on that form who does it -- and what day  
2 did you retrieve them?

3 A The 31st of December, 2018.

4 Q And who actually is -- before it went to the -- on  
5 that form, before you collect it from the  
6 refrigerator, who -- or what -- did you say  
7 refrigerator?

8 A Yes, ma'am.

9 Q Who put them in the refrigerator?

10 A It is noted that Trooper Maxwell, M. W. Maxwell put  
11 these swabs in the refrigerator, the evidence  
12 refrigerator.

13 Q Okay. And did you subsequently transfer these to  
14 someone?

15 A I did.

16 Q Who?

17 A It is going to be Investigator Isenhoward with the  
18 Richland County Sheriff's Department.

19 Q Okay. And what day did you do that?

20 A Again, on the 31st of December of 2018.

21 Q Okay. And while those swabs -- were those swabs  
22 properly packaged when you transferred them to  
23 Lieutenant Isenhoward?

24 A Yes, ma'am, they were sealed.

25 Q And I am just going to show you this particular



1 envelope marked as State's Exhibit 25 for ID  
2 purposes. Read the description on that envelope,  
3 please.

4 A It says: Two cartridges in a sealed evidence bag  
5 containing swabs, received sealed from SCHP.

6 Q SCHP?

7 A Yes, ma'am.

8 Q And that is the Highway Patrol?

9 A That correct.

10 MS. CAVANAUGH: Beg the Court's indulgence.

11 (Pause.)

12 BY MS. CAVANAUGH:

13 Q Thank you. No further questions from me.

14 THE COURT: Any questions?

15 MS. HUBBARD: No questions from the Defense.

16 THE COURT: All right, thank you. You may  
17 step down. Any objection to this witness being  
18 excused?

19 MS. CAVANAUGH: No, Your Honor.

20 (Witness steps down and is excused.)

21 THE COURT: Call your next witness.

22 MS. CAVANAUGH: The State calls Lieutenant  
23 Kevin Isenhoward.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Would you state your full name,  
4 please.

5 THE WITNESS: Kevin Isenhoward.

6 THE CLERK: Would you spell your last name?

7 THE WITNESS: I-S-E-N-H-O-W-A-R-D.

8 THE CLERK: Do you solemnly swear the  
9 testimony you are about to give in this case will  
10 be the truth, the whole truth, and nothing but the  
11 truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Have a seat. Thank you.

14 (Witness seated.)

15 KEVIN ISENHOWARD,  
16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. CAVANAUGH:

19 Q Lieutenant Isenhoward, where are you employed?

20 A Richland County Sheriff's Department.

21 Q Okay. And back on December 2018, January 2019, is  
22 that where you were employed?

23 A Yes.

24 Q And was the Sheriff's Department notified of a  
25 homicide that occurred that morning?

- 1 A We were.
- 2 Q And upon that notification, was there a certain  
3 item of evidence transferred to the Sheriff's  
4 Department?
- 5 A Yes.
- 6 Q I am going to show you what is marked as -- well,  
7 it is not marked, but this particular form. Do you  
8 recognize that form?
- 9 A I do.
- 10 Q And what is that form?
- 11 A It is a chain of custody form we use in law  
12 enforcement when you transfer items of evidence  
13 from one person or one department to another.
- 14 Q Okay. And you can remove your mask while you are  
15 testifying.
- 16 A Thank you.
- 17 Q Did you receive certain items in this case?
- 18 A I did.
- 19 Q And what were they?
- 20 A It was I believe some CDs and swabs.
- 21 Q Okay. And who did you receive those from?
- 22 A From a South Carolina Highway Patrolman, Corporal  
23 Bradacs.
- 24 Q Okay. And what date and time is on that form?
- 25 A December 31st of 2018 at 8:45 a.m.

1 Q Okay. And when you received those two swabs, were  
2 they properly packaged?

3 A They were.

4 Q And I am going to show you what is marked as  
5 State's Exhibit 25. What is the description on  
6 that particular package?

7 A So this is -- when I receive it from the Highway  
8 Patrol, I put it in Sheriff's Department packaging  
9 for evidence. So this is our evidence submission  
10 envelope with a label which identifies the contents  
11 in my handwriting as: Two cartridges in a sealed  
12 evidence bag containing swabs received from the  
13 South Carolina Highway Patrol.

14 Q Okay. And did you -- did someone take custody of  
15 those swabs once you turned them in?

16 A Yes. What I do is, I package it, seal it with  
17 evidence tape, put my initials on it, my  
18 information, and then it is turned over to the  
19 Richland County Sheriff's Department evidence room,  
20 which then uses internal labeling as an inventory  
21 tracking system, bar codes, that sort of thing.

22 Q And at the bottom of the package on the front, what  
23 initials are at the bottom there?

24 A Which ones? Mine are at the top. Someone  
25 obviously accessed this. I would imagine it would

1           be someone from our DNA lab.

2       Q     Okay.

3       A     I don't recognize it.

4       Q     What about the bottom there? Can you tell what  
5           that is?

6       A     Below my information?

7       Q     At the bottom right there?

8       A     Right here?

9       Q     Yes.

10      A     It is just initials CE on January 2nd, 2019.

11      Q     Okay. But when you handled these swabs, they were  
12           sealed. Did you tamper with them in any way?

13      A     No.

14      Q     And you also received photographs from the Highway  
15           Patrol?

16      A     Yes. They were on a CD, a disk.

17      Q     Thank you. No further questions.

18           THE COURT: Yes, ma'am?

19           MS. HUBBARD: No questions, Your Honor.

20           THE COURT: You may step down. Thank you.

21           Any objection to this witness being excused?

22           MS. CAVANAUGH: No, Your Honor.

23           (Witness steps down and is excused.)

24           THE COURT: All right, it is about 11:25. I  
25           think it is a good time for us to go ahead and take

our morning break. We will take a break for about 15 minutes.

Please do not discuss the case. We will see you back in the courtroom shortly.

THE COURT: Let's bring them in.

THE COURT: Call your next witness.

THE BAILIFF: Place your left hand on the Bible, and raise your right.

THE CLERK: State your name.

THE CLERK: Do you solemnly swear the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE CLERK: Thank you. Have a seat.

MARION D. BRANCH,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCGLOTHIN:

4 Q Good afternoon, Mr. Branch. And if you would like,  
5 you can remove your mask so that the court reporter  
6 can hear you. We just ask that you speak up so  
7 that she can understand. Thank you.

8 Mr. Branch, where were you employed in  
9 December of 2018?

10 A At Branch Towing.

11 Q Okay. Is that a towing business?

12 A Yes, it is.

13 Q And were you called out to assist with a tow on  
14 December 29th, 2018?

15 A Yes, sir.

16 Q Okay. Where were you called out to?

17 A I think it was Meeting House and -- it might have  
18 been Meeting House and Clarkson.

19 Q Okay. And I assume you were called there to tow a  
20 vehicle?

21 A Yes. It was a highway patrol location.

22 Q Okay. Do you remember what kind of car it was?

23 A I do not.

24 Q If I showed you the tow slip, would that help?

25 A Yes, it would.

- 1 Q Does that help refresh your recollection?
- 2 A Yes, it does.
- 3 Q What kind of car was it?
- 4 A It was a 2004 Infinity.
- 5 Q Okay. What color was it?
- 6 A I think it was white.
- 7 Q And where did you tow it to?
- 8 A I towed it back to the yard at Branch Towing, 1140
- 9 Cate Road.
- 10 Q And is that where it stayed?
- 11 A Yes.
- 12 Q For about how long?
- 13 A Maybe about five hours.
- 14 Q Okay. And then what happened to it after those
- 15 five hours?
- 16 A They called and said it was an investigation going
- 17 on, and they came down and followed me -- Richland
- 18 County came down and followed me back to Two Notch
- 19 Road to the CSI down there.
- 20 Q The Richland County --
- 21 A Yes, investigation.
- 22 Q And did you -- other than -- in order to move the
- 23 vehicle, did you manipulate it in any way?
- 24 A No.
- 25 MR. MCGLOTHIN: Beg the Court's indulgence for



1           just a moment.

2           (Pause.)

3 BY MR. MCGLOTHIN:

4 Q    No further questions. Thank you. Please answer  
5       anything the Defense may have.

6           THE COURT: Yes, ma'am?

7           MS. YOUNG: Thank you, Your Honor.

8                       CROSS-EXAMINATION

9 BY MS. YOUNG:

10 Q    Good morning, still, Mr. Branch. How are you  
11       today?

12 A    All right.

13 Q    I just have a couple of questions for you. Do you  
14       have a copy of your tow report up there?

15 A    Yes, I do.

16 Q    What time does it say that you went and picked up  
17       the car? Or does it?

18 A    It looks like it was 6:45 a.m.

19 Q    And do you remember -- I know you said it was about  
20       five hours. Do you have any idea what time it was  
21       Richland County came over and picked it up from  
22       you?

23 A    I would say they called me and followed me, it  
24       might have been about 11:00, 12:00 o'clock,  
25       something like that.

1 Q Okay. And about how far is it from Branch Road and  
2 Meeting House -- I mean, I'm sorry, Clarkson Road  
3 and Meeting House where you picked up the vehicle  
4 to your tow yard on Cate Road?

5 A I would say probably about 15 miles.

6 Q Fifteen miles? And is the car covered in any way  
7 while on the tow truck?

8 A No.

9 Q And once you got to the yard and it was there for  
10 those hours, is it covered at all at that point?

11 A No.

12 Q Did you remove it from the tow truck at all?

13 A Yes, I put it in the impound yard.

14 Q Okay. So it was removed from the truck and then  
15 dropped off in the yard?

16 A In the impound yard.

17 Q In the impound yard?

18 A Yes.

19 Q And then Richland County came and picked it up  
20 later that day?

21 A Right.

22 MS. YOUNG: One minute, Your Honor.

23 (Pause.)

24 MS. YOUNG: Nothing further. Thank you.

25 THE COURT: Yes, sir?

1 MR. MCGLOTHIN: Beg the Court's indulgence for  
2 just a moment.

3 (Pause.)

4 MR. MCGLOTHIN: No further questions, Your  
5 Honor.

6 THE COURT: All right, you may step down. Any  
7 objection to this witness being excused?

8 MR. MCGLOTHIN: None from the State.

9 THE COURT: All right, sir, you are free to  
10 leave.

11 (Witness steps down and is excused.)

12 THE COURT: Call your next witness.

13 MR. MCGLOTHIN: The State calls Corporal Mark  
14 Laureano.

15 THE COURT: Who is that?

16 MR. MCGLOTHIN: Mark Laureano, Richland County  
17 Sheriff's Department.

18 MS. CAVANAUGH: Actually, Your Honor, may we  
19 approach?

20 THE COURT: Yes, ma'am.

21 (WHEREUPON, a bench conference was held  
22 in the presence of the jury but out of  
23 the hearing of the jury.)

24 THE COURT: Ladies and gentlemen of the jury,  
25 there is a matter of law I need to take up. I will

1           send you out for about five minutes.

2           (WHEREUPON, the jury retires to the jury  
3           room at 11:56 a.m.)

4           THE COURT: We will take about five minutes.

5           (WHEREUPON, a break was taken.)

6           THE COURT: You can bring them in.

7           (WHEREUPON, the jury came into open  
8           court at 12:02 p.m.)

9           THE BAILIFF: The jury is present, Your Honor.

10          THE COURT: All right, thank you.

11          Call your next witness.

12          MR. MCGLOTHIN: The State calls Corporal Mark  
13          Laureano.

14          (Witness approaches.)

15          THE BAILIFF: Place your left hand on the  
16          Bible, and raise your right.

17          (Witness complies.)

18          THE CLERK: Could you state your full name,  
19          please?

20          THE WITNESS: Yes, ma'am. Mark Anthony  
21          Laureano.

22          THE CLERK: Would you spell your last name,  
23          please?

24          THE WITNESS: L-A-U-R-E-A-N-O.

25          THE CLERK: Do you solemnly swear the

1 testimony you are about to give in this case will  
2 be the truth, the whole truth, and nothing but the  
3 truth, so help you God?

4 THE WITNESS: Yes, ma'am, I do.

5 THE CLERK: Thank you. Have a seat.

6 (Witness seated.)

7 MARK LAUREANO,

8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MCGLOTHIN:

11 Q Good afternoon.

12 A Yes, sir. Good afternoon.

13 Q Is it Corporal Laureano?

14 A Sergeant.

15 Q Congratulations.

16 A Thank you.

17 Q Where are you employed?

18 A Richland County Sheriff's Department.

19 Q And how long you been there?

20 A I've been approximately at the Sheriff's Department  
21 about ten and a half years now.

22 Q And what you do for the Sheriff's Department?

23 A I am a shift supervisor. I am responsible for the  
24 day-to-day operations of two squads, work for the  
25 sheriff deputies who answer calls for service and

1 report to the citizens of the county.

2 Q Okay. And were you in that role in December of  
3 2018?

4 A Yes, sir, I was an assistant shift supervisor as  
5 corporal in charge of the squad.

6 Q And did you receive a call out on December 29th,  
7 2018, as it relates to this case?

8 A Yes, sir, I did.

9 Q Okay. And what was that call for?

10 A It was a call from an investigator, Sergeant  
11 Caldwell, and it was advising me that he wanted me  
12 to go to the incident location to look for a  
13 vehicle that was involved in a collision that  
14 night, that there was a vehicle in reference to a  
15 possible homicide.

16 Q Okay. Did you locate that vehicle?

17 A At the scene I did not, but, however, it was  
18 ascertained that there was a vehicle collision  
19 there prior to me assuming shift, and that the  
20 vehicle was towed to a location by Highway Patrol.  
21 And subsequently I located the vehicle at the tow  
22 company.

23 Q Okay. And which tow company was that?

24 A If I may refer to my report, please?

25 Q Yes, if it will help your recollection.

- 1 A Yes, sir. I went to Branch Towing.
- 2 Q Okay. And when you arrived there, you located the  
3 vehicle?
- 4 A Yes, sir. It was the vehicle make, model, and tag.  
5 I had the information. It was sitting on top of  
6 the tow truck right in the driveway next to the  
7 residence/business.
- 8 Q Okay. And so did you make contact with the tow  
9 company?
- 10 A Yes, sir. I went to the door and made contact with  
11 his wife, who answered the door. Subsequently the  
12 older gentleman came out, and I advised him that --  
13 just confirmed that that was the vehicle he towed  
14 from the incident. He said it was. And that we  
15 would -- that Richland County Sheriff's Department  
16 needed that vehicle and that I needed to escort it  
17 to our headquarters for further investigation.
- 18 Q Okay. And did you escort it back to headquarters?
- 19 A Yes, sir, the vehicle did not leave my sight until  
20 I arrived at headquarters signing it over to  
21 Investigator Humphries in our Criminal  
22 Investigation Unit.
- 23 Q Okay. And what time were you dispatched out to --  
24 well, were you dispatched initially?
- 25 A If I can refer to my report again, please.

1 Q Sure.

2 A Between -- well, it is not specifically on this  
3 one, because we switched over systems, so I had to  
4 get it from a different system, but it was between  
5 10:30, 11:00 o'clock in the morning, I believe it  
6 was, sir.

7 Q Can I provide you with this incident report?

8 A Yes, sir.

9 Q That will help.

10 A There we go.

11 Q Does that help with that dispatch time?

12 A Yes, sir.

13 Q At what time were you dispatched?

14 A I was dispatched at 12:00 o'clock in the afternoon,  
15 sir.

16 Q Okay. And that would be to the initial scene,  
17 correct?

18 A Yes, sir.

19 Q So you spent some time there and then went to  
20 Branch?

21 A Yes, sir, so I spent time on the scene of the  
22 collision attempting to try to locate either the  
23 vehicle or the location where this alleged vehicle  
24 collision occurred.

25 Q Do you know -- I mean, could you -- do you remember



1           how long you were there at the scene?

2       A     I believe approximately like 30 minutes or so, sir.

3           I was checking in the woods and walking around  
4           trying to locate again for where a vehicle would  
5           have come to rest at.

6       Q     Okay. And do you know when you actually made it to  
7           Branch?

8       A     Um --

9       Q     Let me ask it another way. Is it -- was it -- do  
10          you remember it being very far from the incident?

11      A     No. It is about a 20-minute drive, sir.

12      Q     Okay.

13      A     So I would say within, me arriving at the incident  
14          location and getting to the tow company, within an  
15          hour.

16      Q     Okay. And during all this process, did you  
17          manipulate the car in any way? Did you touch it at  
18          all?

19      A     No, sir. The vehicle was on top of the tow truck.  
20          I had no reason to touch it. And I advised the tow  
21          truck driver, Don't touch it any further if he did  
22          that night. And, again, nobody came up to it,  
23          touched it. The tow truck driver stated that there  
24          was a -- he picked up a bumper that was trashed and  
25          he wanted to remove that. I said he could. Did

1 not match the vehicle. And, again, he put gloves  
2 on and removed that bumper and placed it down, and  
3 then we followed the vehicle -- or I followed him  
4 to the patrol headquarters.

5 Q Okay. But that bumper wasn't to this car?

6 A No, sir, different make, model, and color all  
7 together.

8 Q Okay.

9 A Yes, sir.

10 MR. MCGLOTHIN: Beg the Court's indulgence.

11 THE WITNESS: Yes, sir.

12 (Pause.)

13 BY MR. MCGLOTHIN:

14 Q Thank you. No further questions. Please answer  
15 anything the Defense may have.

16 A Yes, sir.

17 THE COURT: Any cross?

18 MS. HUBBARD: No cross, Your Honor.

19 THE COURT: All right, thank you.

20 THE WITNESS: Thank you.

21 THE COURT: You may step down. Any objection  
22 to this witness being excused?

23 MR. MCGLOTHIN: None from the State.

24 THE COURT: Sir, you are free to leave.

25 THE WITNESS: Thank you, Your Honor.

1 (Witness steps down and is excused.)

2 THE COURT: Call your next witness.

3 MS. CAVANAUGH: The State calls Investigator  
4 Sara Humphries.

5 (Witness approaches.)

6 THE BAILIFF: Place your left hand on the  
7 Bible, and raise your right.

8 (Witness complies.)

9 THE CLERK: Would you state your full name,  
10 please?

11 THE WITNESS: Sara Holt.

12 THE CLERK: Excuse me?

13 THE WITNESS: Sara Holt.

14 THE CLERK: Could you spell your first name,  
15 please?

16 THE WITNESS: S-A-R-A.

17 THE CLERK: And your last name?

18 THE WITNESS: H-O-L-T.

19 THE CLERK: Do you solemnly swear the  
20 testimony you are about to give in this case will  
21 be the truth, the whole truth, and nothing but the  
22 truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Thank you. You can have a seat  
25 right there.

1 (Witness seated.)

2 SARA HOLT,

3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CAVANAUGH:

6 Q Good afternoon, Investigator -- is it Holt now?

7 A Correct.

8 Q Was it previously Humphries back in December of  
9 2018?

10 A It was.

11 Q And where are you employed, Investigator Holt?

12 A The Richland County Sheriff's Department.

13 Q And how long have you been employed there?

14 A I have been there ten years.

15 Q What is your current role at the Sheriff's  
16 Department?

17 A I am sergeant over the Crime Scene Unit.

18 Q And how long have you been in the Crime Scene Unit?

19 A I have been in the Crime Scene Unit almost six  
20 years now.

21 Q And as it relates to -- have you received training  
22 in crime scene investigation?

23 A I have.

24 Q Okay. And just in general describe just your  
25 training in that field.

1     A     Okay.  So for our training, when you first get into  
2           crime scene, there is in-house testing that we do.  
3           We have different sections of training that we go  
4           through:  Crime scene investigation, shooting  
5           reconstruction, blood stains, pretty much all of  
6           the sections that deal with crime scenes.  And in  
7           each section you do written exams, you do practical  
8           exams, you also do oral boards or oral interviews  
9           with other people within the Crime Scene Unit to  
10          ask questions as you go along through the training  
11          program.

12    Q     Okay.  And is that some of the training that you  
13          have done?

14    A     Correct.

15    Q     Back on December 29th, 2018, you indicated you were  
16          in crime scene investigation?

17    A     Correct, I was.

18    Q     And were you asked to process -- were you involved  
19          in the case we are here for this week?

20    A     Correct.  I was.

21    Q     And when did you -- did you become involved on  
22          December 29th, 2018?

23    A     May I refer to my notes?

24    Q     Sure.  Would that help refresh your memory?

25    A     Yes, it will.

1           So on December 29th, I was asked to process a  
2           vehicle that was towed to our forensic garage.

3    Q    Okay. And did you actually -- were you there when  
4           it was brought into the garage?

5    A    I was. I was there.

6    Q    Okay. Now, what -- did you document what type of  
7           car this was?

8    A    I did document what type of car. I received it  
9           through a chain of custody as well from the deputy  
10          that followed it to our headquarters.

11   Q    Okay. And do you remember who that was?

12   A    That was Deputy Laureano.

13   Q    Okay. And when you processed the car -- and just  
14          what is meant by process? What do you mean?

15   A    Processing is looking for fingerprints, swabbing  
16          for DNA, any type of items in the vehicle that may  
17          be of evidentiary value we would collect. We also  
18          photograph it.

19   Q    And during this process, are you wearing gloves?

20   A    I am.

21   Q    And why is that important?

22   A    To not contaminate any of the items I collect or  
23          any of the swabs that I collect.

24   Q    Okay. And throughout the processing of items, do  
25          you often change gloves?

1 A Correct.

2 Q And did you do that --

3 A I did.

4 Q -- in this case? Did you indicate what type of car  
5 it was? I'm sorry?

6 A It was a 2004 Infinity, white in color.

7 Q You indicate you photographed it as you are  
8 processing it?

9 A I did.

10 Q I am going to show you what is marked 27 through 30  
11 and ask if you recognize these photographs?

12 A I do.

13 Q Okay. And what do those photographs show?

14 A Those photographs show overall pictures of a white  
15 Infinity. It also shows the license plate, and the  
16 vehicle identification number.

17 MS. CAVANAUGH: Your Honor, at this time I  
18 would move State's Exhibits 27 through 30 into  
19 evidence.

20 THE COURT: Any objection?

21 MS. DAVIS: No objection, Your Honor.

22 THE COURT: 27 through 30, without objection.

23 (WHEREUPON, State's Exhibit Nos. 27-30

24 were marked for identification and

25 received into evidence.)

1 BY MS. CAVANAUGH:

2 Q Showing you what is marked State's Exhibit 21, is  
3 this the license tag?

4 A Correct, it is.

5 Q And then moving on to State's Exhibit 28, is this  
6 the driver's -- what is this a picture of?

7 A That is the driver's side of the vehicle as I  
8 received it.

9 Q And what is your process for photographing vehicles  
10 as far as, what do you do first?

11 A So, first we take overalls of the vehicle to show  
12 how we found the vehicle when we got to the  
13 location where it was at and whether it was brought  
14 to us. So we would do overalls of the sides, the  
15 front, the back. And then we would take pictures  
16 of the license plate and the vehicle identification  
17 number before we get started in the actual details,  
18 photos of inside and any items we are going to  
19 collect.

20 Q And, again, this is -- what area of the car is  
21 this?

22 A This is the driver's side.

23 Q Okay. And State's Exhibit 29, is that the same?

24 A Correct. That is the driver's side.

25 Q And State's Exhibit 30, what is that?



1 A That is the vehicle identification number.

2 Q And why is it important to notate and document both  
3 the VIN and the license tag?

4 A It identified that specific vehicle.

5 Q I am going to show you --

6 MS. CAVANAUGH: Beg the Court's indulgence.

7 (Pause.)

8 BY MS. CAVANAUGH:

9 Q I am going to show you what is marked as State's  
10 Exhibit 31 through 37. Do you recognize those  
11 photographs?

12 A I do.

13 Q Okay. And what are those?

14 A Those are the passenger's side of the vehicle.

15 MS. CAVANAUGH: Your Honor, at this time I  
16 move State's Exhibit 31 through 37 into evidence.

17 THE COURT: Any objection?

18 MS. DAVIS: No objection.

19 THE COURT: They will be entered without  
20 objection.

21 (WHEREUPON, State's Exhibit Nos. 31-37  
22 were marked for identification and  
23 received into evidence.)

24 BY MS. CAVANAUGH:

25 Q And this is -- what area of the car is this?

- 1 A That is the front of the vehicle.
- 2 Q Now, showing you State's Exhibit 32, is the
- 3 passenger's side door removed when it comes to
- 4 your -- I mean, to the garage?
- 5 A The passenger's side door was not removed.
- 6 Q Either?
- 7 A Neither one.
- 8 Q Showing you State's Exhibit 33, what is actually
- 9 in -- what is that?
- 10 A That, I believe, is one of the driver's side doors.
- 11 Q Is that how you received the car?
- 12 A That is how I received the vehicle.
- 13 Q And going towards the back of the car there, what
- 14 is that?
- 15 A Reddish-brown stain.
- 16 Q Moving on to State's Exhibit 34, earlier you
- 17 mentioned as part of the processing that you looked
- 18 for latent prints?
- 19 A Correct.
- 20 Q And did you do that in this particular case?
- 21 A I did. I processed the vehicle with black powder
- 22 for prints.
- 23 Q Okay. And is that -- where on this picture do we
- 24 see where you attempted to do that?
- 25 A Where I lifted, if you look at the little black

1 spot that is on the door handle, it is just to the  
2 right of that.

3 Q And did you -- you are not the one who actually  
4 analyzes the prints that you -- the latent print  
5 cards -- the latent prints that you collect?

6 A Not that one, no.

7 Q And did you lift -- what did you do with that area  
8 of the car right there?

9 A So, with that area of the car, we have a brush that  
10 we dip in black powder and we go over the surface  
11 of the car. If there is anything that I see that I  
12 may believe is a fingerprint, I'll then take tape  
13 and lay over that area. We have fingerprint tape,  
14 and it is clear. Once you lay it over that area,  
15 then you lift it back up, and you put that onto a  
16 white fingerprint card.

17 Q And then you take -- once you do that, do you  
18 package it and seal it?

19 A Correct. You fill out the information on the back  
20 of the card, as well as there is a little spot to  
21 draw where you actually took that lift from, and  
22 then I package it in an envelope, seal it, and  
23 submit it to Evidence and Property.

24 Q I am going to show you what is marked as State's  
25 Exhibit 6. Do you recognize that?

- 1 A I do.
- 2 Q What is that?
- 3 A That is the envelope that I put the latent print  
4 card in.
- 5 Q Okay. And that is -- excuse me, that is State's  
6 Exhibit 116.
- 7 Now, moving on to State's Exhibit 35, what  
8 does that show?
- 9 A That is just a close-up photo of the area where I  
10 lifted.
- 11 Q Okay. And is there a red area above that handle?
- 12 A There is.
- 13 Q And, again, what handle of the car is this?
- 14 A That was the rear passenger's side door.
- 15 Q Moving on to State's Exhibit 36, what is that  
16 picture?
- 17 A That is a picture of a reddish-brown stain that I  
18 observed on the outside of the vehicle.
- 19 Q And these areas right here that look like certain  
20 like grayish -- is that something that you have  
21 done?
- 22 A Correct. That is the black powder that we use when  
23 we are processing a vehicle for fingerprints.
- 24 Q And did you collect any latent prints from this  
25 area?

1 A I did not.

2 Q And why weren't you able to do that here?

3 A I didn't observe any.

4 Q But you tried?

5 A I did try.

6 Q All right. Investigator Holt, I am going to show  
7 you what is marked as State's Exhibit 38 through 42  
8 .do you recognize those photographs?

9 A I do.

10 Q What are those of?

11 A Those are reddish-brown stains on the rear  
12 passenger's side of the vehicle.

13 MS. CAVANAUGH: Your Honor, at this time I  
14 move State's Exhibit 38 through 42 into evidence.

15 THE COURT: Any objection?

16 MS. DAVIS: No objection.

17 THE COURT: They will be entered without  
18 objection.

19 (WHEREUPON, State's Exhibit No. 38-42  
20 were marked for identification and  
21 received into evidence.)

22 BY MS. CAVANAUGH:

23 Q State's Exhibit 38, is that -- now, later on, do  
24 you collect swabs of these areas?

25 A I do collect swabs from those areas.

- 1 Q And before you actually collect the swabs, do you  
2 mark them any manner?
- 3 A I do mark them, and then I photograph them once  
4 they are marked as well.
- 5 Q These are taken before you marked them?
- 6 A Correct, those are taken before I marked them.
- 7 Q So, again, what does State's Exhibit 38 show?
- 8 A Those are reddish-brown stains on the door jamb of  
9 the rear passenger side door.
- 10 Q And, also, what is all on the bottom and in the  
11 seat area of this picture?
- 12 A Broken glass.
- 13 Q I show you what has been marked as State's  
14 Exhibit 39. Is this a different angle of that same  
15 area?
- 16 A Correct, it is just a different angle.
- 17 Q Same with State's Exhibit 40?
- 18 A Correct.
- 19 Q Now, do you do close-ups of the areas that you  
20 observe to have red stains on them?
- 21 A I do.
- 22 Q Okay. And is this one of those?
- 23 A This is.
- 24 Q And what area of the car is this State's Exhibit --  
25 what -- this is State's Exhibit 41. What area of

- 1           the car is that?
- 2     A     This is on the exterior of the rear passenger's
- 3           side, between the rear passenger door and the trunk
- 4           area.
- 5     Q     And do you -- what is this around the stain?
- 6     A     That is one of scales we use.
- 7     Q     And you also -- State's Exhibit 42, is this the
- 8           same area of the car, different angle?
- 9     A     Correct.
- 10    Q     Now, earlier you -- just a minute ago, you
- 11           mentioned that before you collect swabs you mark
- 12           them?
- 13    A     I do.
- 14    Q     Okay. And why is it important to photograph before
- 15           you mark them and then mark them and take swabs?
- 16    A     Photograph before I would be able to show where it
- 17           was on the vehicle as I found it. And then I will
- 18           mark the areas. For later on it is easier to know
- 19           exactly where that area was.
- 20    Q     I show you what is marked as State's Exhibit 43
- 21           through 54 and ask if you recognize those
- 22           photographs?
- 23    A     I do.
- 24    Q     What do those depict?
- 25    A     Those are when I mark and then photograph again and

1           then I mark again with a different marker the exact  
2           areas where I swab.

3       Q     Showing you what is State's Exhibit 43, these are  
4           the same areas of the car which are marked, is that  
5           what you just testified to?

6       A     Correct.

7       Q     And you marked -- what is the 1?

8       A     So Marker 1 -- I'm sorry, Marker 1 is the general  
9           area of the back where I observed the reddish-brown  
10          stains on the rear passenger side.

11      Q     And then do you take a swab from that area?

12      A     So Marker 1A is the area that I swabbed.

13      Q     When we are talking about swabs, before we get too  
14          further into that, what -- how do you do that?

15      A     So, when we swab, we have about this long, and  
16          there is like a little Q-tip portion on the end,  
17          and we have distilled water that will drop one or  
18          two drops onto the cotton swab, and then we will  
19          swab the area with that and then place it into a  
20          swab box and seal it up.

21      Q     And are you wearing gloves?

22      A     I am wearing gloves.

23      Q     And are they all packaged separately as you are  
24          taking the swabs?

25      A     Correct. They are in different swab boxes.



1 Q I show you what is marked as State's Exhibit 45.  
2 Again, what area of the car is that?  
3 A That is the rear passenger's door area.  
4 Q And State's Exhibit 46, is that a closer picture?  
5 A Correct.  
6 Q As well as 47?  
7 A Correct.  
8 Q All right. Showing you State's Exhibit 49, what is  
9 that?  
10 A So the marker down at the bottom, 2A, that is the  
11 area where I collected the swab from.  
12 Q And, again, why did you collect a swab from that  
13 area?  
14 A Because I observed reddish-brown stains.  
15 Q Is that a closer picture of that?  
16 A That is.  
17 Q All right. Moving on to State's Exhibit 51, what  
18 does that marker indicate?  
19 A Marker 3 is reddish-brown stains that I observed  
20 right above the rear passenger door.  
21 Q State's Exhibit 52, same area?  
22 A Correct, same area.  
23 Q All right. State's Exhibit 53, what does it show?  
24 A 3A -- so 3 shows the reddish-brown stains I  
25 observed. 3A shows where I swabbed.

1 Q Showing you State's Exhibit 54, is that a closer  
2 picture?

3 A Yes.

4 Q And does the reddish-brown stain, is that right  
5 above -- where is that?

6 A The reddish-brown stain that I swabbed was right  
7 above A.

8 Q Okay. I show you what is marked as State's 119.  
9 What items are listed on that?

10 A Items 14 through 19.

11 Q Okay. And if you turn the package over, is that  
12 your handwriting?

13 A It is.

14 Q Okay. And are those swabs that you collected from  
15 the vehicle that day?

16 A It is.

17 Q And how do you know?

18 A Because it will say swab, the handle, rear  
19 passenger side door. It will have the case number.  
20 And this is the only vehicle that I processed for  
21 that case.

22 Q And just go ahead, if you don't mind, and reading  
23 out each individual description.

24 A Swab, handle, rear passenger side door, exterior.  
25 Swab, top of door near roof, rear passenger side

1 door, exterior. Swab, handle, rear passenger side  
2 door, interior. Swab, reddish-brown stain, 1A.  
3 Swab, reddish-brown stain, 2A. And swab,  
4 reddish-brown stain, 3A.

5 Q So, in addition to the markers that we just went  
6 over, you also collected swabs from the areas --  
7 from the other areas of the car?

8 A Correct.

9 Q And as it relates to the rear passenger's side, did  
10 you swab the handle?

11 A I did.

12 Q And the top of the door?

13 A I did.

14 Q And then the interior of the rear passenger handle?

15 A I did.

16 Q And did you submit those to the evidence room?

17 A I did.

18 Q At that time? Or after you finished processing the  
19 car?

20 A Correct.

21 Q And whose initials are at the bottom there?

22 A I don't know whose initials those are. The  
23 Sharpie? I don't know who those are.

24 Q Okay.

25 A I believe it would be a person that would have

1 received it from evidence.

2 Q Okay. Can you just -- are you able to tell what  
3 the initials are?

4 A It looks like HK.

5 Q And when you turn them into the evidence room, they  
6 were sealed?

7 A They were sealed.

8 MS. CAVANAUGH: Beg the Court's indulgence.

9 (Pause.)

10 BY MS. CAVANAUGH:

11 Q I show you what is marked as State's Exhibit 55  
12 through 65 and ask if you recognize those?

13 A I do.

14 Q What are they?

15 A Those are photographs of the interior of the  
16 vehicle.

17 Q Okay.

18 MS. CAVANAUGH: Your Honor, at this time I  
19 would like to submit State's 55 through 65 into  
20 evidence.

21 THE COURT: Any objection?

22 MS. DAVIS: No objection.

23 (WHEREUPON, State's Exhibit Nos. 55-65  
24 were marked for identification and  
25 received into evidence.)

1 BY MS. CAVANAUGH:

2 Q Okay. What area of the car is this?

3 A This is the front passenger area.

4 Q And State's Exhibit 56, what is this?

5 A That is the interior of the front passenger door.

6 Q And then is that -- what picture -- State's Exhibit  
7 57, what is that?

8 A That is the rear passenger's side area.

9 Q Okay. And what did -- and, again, have you  
10 manipulated the car at any point when you were  
11 taking these photographs?

12 A I have not.

13 Q As far as moving seats, or anything like that?

14 A No.

15 Q Okay. What do you notate about -- or what do you  
16 notice about that front passenger seat?

17 A That there is some type of defect to the back of  
18 the seat.

19 Q State's Exhibit 58, what is that a picture of?

20 A That is the interior of the rear passenger seat.

21 Q And what -- State's Exhibit 59, what is that?

22 A That is looking from like the rear area towards the  
23 front of the vehicle, the inside on the passenger's  
24 side.

25 Q And 60?

1 A It is another photo just a little bit further back,  
2 not as close.

3 Q And, once again, can you -- do you see the defect  
4 of the back seat -- or the front seat in that  
5 picture?

6 A I do.

7 Q State's Exhibit 62, did it appear that the airbags  
8 were deployed?

9 MS. DAVIS: Objection. Leading.

10 THE COURT: Sustained.

11 BY MS. CAVANAUGH:

12 Q What does it show?

13 A It shows the front passenger seat area. It looks  
14 like airbags were out.

15 Q And then did you notice any discoloration or stains  
16 on the airbags?

17 A I did.

18 Q And that is in State's Exhibit 62?

19 A That photograph shows the airbags, and then on the  
20 driver's side, the airbag, there is reddish-brown  
21 stains.

22 Q And State's Exhibit 63, what is this a photograph  
23 of?

24 A That is on the driver's side of the vehicle, the  
25 interior of the vehicle.

1 Q And had you manipulated the seat in any way before  
2 you took the photograph?

3 A Hold on one second.

4 (Pause.)

5 A No, we had not.

6 Q Okay. And, again, is this a different angle of the  
7 front passenger seat?

8 A It is.

9 Q Moving on to State's Exhibit 65, what does this  
10 show as far as that blue -- what is that blue  
11 cloth?

12 A The airbag.

13 Q Do you collect swabs from those two airbags that we  
14 just saw pictures of?

15 A I know I collected a swab from the blue one. Let  
16 me look to see if I collected a swab from the white  
17 one.

18 (Pause.)

19 A Did not collect a swab from the white one.

20 Q Is that where the driver, or the victim was  
21 sitting?

22 A In the driver's seat. That would have been the  
23 airbag that was there, the white one.

24 MS. CAVANAUGH: Beg the Court's indulgence.

25 (Pause.)

1 BY MS. CAVANAUGH:

2 Q I show you what is marked as 66. Do you recognize  
3 that photograph?

4 A I do.

5 Q And what is that a picture of?

6 A That is a picture of the headliner of the vehicle,  
7 the, I believe, the -- yes, the driver's front  
8 area.

9 Q Okay.

10 MS. CAVANAUGH: Your Honor, at this time I  
11 would move to admit 66 into evidence.

12 THE COURT: Any objection?

13 MS. DAVIS: No, Your Honor.

14 THE COURT: Entered without objection.

15 (WHEREUPON, State's Exhibit No. 66 was  
16 marked for identification and received  
17 into evidence.)

18 BY MS. CAVANAUGH:

19 Q And then 67 through -- I show you what is marked as  
20 67 through 71. What are those photos? Do you  
21 recognize those photographs?

22 A I do.

23 Q And what are those?

24 A Those show two defects that I observed in the  
25 vehicle.



1 Q And when you say defect, I mean, what do you mean  
2 by that?

3 A Just damage. Some type of damages to the vehicle.

4 Q Okay. And when we were -- 66, State's Exhibit 66,  
5 is that the -- what did you call it, roof line?

6 A The headliner, driver's area.

7 Q Okay. And is that -- what is that open area?

8 A Sun roof.

9 Q Is that how you received the vehicle?

10 A That's how I received it.

11 Q State's Exhibit 67, is that one of the defects you  
12 just testified to?

13 A Correct.

14 Q And where is that on the car?

15 A That is -- hold on one second. It is the interior  
16 post between the rear driver's side door and the  
17 driver's door just below the seatbelt area. Marker  
18 B is where the defect is at.

19 Q And where the closest -- is that a closer picture  
20 of the same defect you just referred to?

21 A It is.

22 Q All right. And so are you referring to that little  
23 line right there?

24 A I am.

25 Q Looking at State's Exhibit 69 through 71, what area

1 of the car is this?

2 A This is the rear passenger's side door.

3 Q Okay. And this is, again, the area that all the  
4 red stains were noted?

5 A Correct.

6 Q And as far as Marker A, what is that?

7 A That is another defect I observed on the exterior  
8 of the rear passenger's side door.

9 Q And is that also that area?

10 A It is.

11 Q Same area?

12 A It is.

13 Q Okay. Now, did you -- what did you -- did you find  
14 any shell casings in this car?

15 A I did.

16 Q Okay. And where were those located? Where was  
17 that located?

18 A I located one underneath the driver's seat.

19 Q And are you familiar with firearms in your  
20 experience of ten years with the Sheriff's  
21 Department?

22 A I am.

23 Q What is a shell casing?

24 A A shell casing is when you shoot a gun, it is the  
25 little thing that comes out the side of it that

- 1 holds the bullet that comes out of the gun.
- 2 Q I show you what is marked as State's Exhibit 72
- 3 through 74. Do you recognize those photographs?
- 4 A I do.
- 5 Q And what are those photographs of?
- 6 A One is a photograph of where I found the fired
- 7 cartridge casing, and then the other two are the
- 8 actual photographs after I pulled the fired
- 9 cartridge casing out and put it on brown craft
- 10 paper to get a better picture of it.
- 11 Q And, again, where did you locate -- is that the
- 12 picture where you located it?
- 13 A It is.
- 14 Q And where was it again?
- 15 A It was underneath the driver's seat.
- 16 Q State's Exhibit 72, is that a closer picture?
- 17 A It is.
- 18 Q And do you use anything that looks like there is
- 19 a -- did you -- what did you use to photograph
- 20 this?
- 21 A I used a flashlight in the back passenger area so
- 22 there is better lighting so you could see the
- 23 actual fired cartridge casing in the picture.
- 24 Q Then what is -- State's Exhibit 73 and 74, what is
- 25 that?

1     A     This is a picture of the fired cartridge casing  
2           after I retrieved it from underneath the driver's  
3           seat and put it on brown craft paper to photograph  
4           it.

5     Q     Same thing?

6     A     Correct. That is the top view of it.

7     Q     Now, did you collect that shell casing?

8     A     I did.

9     Q     Were you able to determine what caliber it was?

10    A     The head sample top said it was a 9-millimeter.

11    Q     I show you what is marked as State's Exhibit 120  
12           and ask if you recognize that package?

13    A     I do.

14    Q     And what is that?

15    A     This is the envelope that I packaged the fired  
16           cartridge casing in.

17           MS. CAVANAUGH: Your Honor, at this time I  
18           would move to admit State's 120 into evidence.

19           THE COURT: Any objection?

20           MS. DAVIS: No objection.

21           THE COURT: It will be entered without  
22           objection.

23           (WHEREUPON, State's Exhibit No. 120 was  
24           marked for identification and received  
25           into evidence.)

1 BY MS. CAVANAUGH:

2 Q Did you do anything further to attempt to process  
3 the shell casing?

4 A I did. I processed it with black powder to look  
5 for any fingerprints, and I also swabbed it.

6 Q All right. And were you successful in lifting any  
7 fingerprints?

8 A I was not.

9 Q Is that necessarily uncommon in your experience as  
10 a crime scene investigator?

11 A It isn't.

12 Q Moving on to State's Exhibits 79 to 83, I ask if  
13 you recognize those?

14 A I do.

15 Q Okay. And what do they show?

16 A Those were the areas that I marked and photographed  
17 where I collect the gunshot residue tabs.

18 MS. CAVANAUGH: Your Honor, at this time I  
19 would ask that 79 through 83 be admitted into  
20 evidence.

21 THE COURT: Any objection?

22 MS. DAVIS: No objection.

23 THE COURT: They will be entered out  
24 objection.

25

1                   (WHEREUPON, State's Exhibit Nos. 79-83  
2                   were marked for identification and  
3                   received into evidence.)

4   BY MS. CAVANAUGH:

5   Q   State's Exhibit -- so you said that this is where  
6       you collected -- where you attempted to collect  
7       gunshot residue?

8   A   Correct.

9   Q   All right. And describe that process.

10   A   So we have a little packet. They are sealed. We  
11       will cut them open. And inside the packets are two  
12       little tabs. There is a top on it, so you open the  
13       top up, and underneath that top is like a, about  
14       the size of a dime, a little sticky tab, and then  
15       you take that, and wherever you want to attempt to  
16       get gunshot residue, you will take it and kind of  
17       just blot like this to pick up any possible  
18       particles, and then you close it up inside the  
19       little plastic case that it came in. And then you  
20       will put that in an envelope and seal it and submit  
21       it into evidence. And each packet comes with two  
22       tabs.

23   Q   Okay. And which -- as far as the areas of the car  
24       that you use this kit on, is this one of those?

25   A   It is.

- 1 Q And what area of the car is that?
- 2 A That is the front passenger's side headliner.
- 3 Q And what is State's Exhibit 80G2? What area of the
- 4 car is that?
- 5 A That is the rear passenger side headliner.
- 6 Q What about G3, State's Exhibit 81?
- 7 A That was the rear passenger's side interior door.
- 8 Q And then finally State's Exhibit 82G4. What is
- 9 that?
- 10 A That is the back of the front passenger's side
- 11 seat.
- 12 Q And so these are all -- above G4, is there -- does
- 13 there appear to be a stain right there?
- 14 A I would have to look at a closer photo. I can't
- 15 tell from the photo whether there is or not.
- 16 Q Okay. Now, as far as the kit that you just
- 17 described -- I show you what is marked as State's
- 18 Exhibit 121 and ask if you recognize that package?
- 19 A I do.
- 20 Q All right. What is that?
- 21 A Those are the two kits sealed in an envelope, the
- 22 two GSR kits that I collected.
- 23 Q Okay. And does the Richland County Sheriff's
- 24 Department actually process GSR?
- 25 A We don't.

1 Q Where is it sent to?

2 A It is sent to SLED, the South Carolina Law  
3 Enforcement Division.

4 Q And this has two kits. Are all four of those  
5 markers -- are all four of those areas contained in  
6 this envelope?

7 A They are.

8 Q And why does it just say two kits?

9 A Each -- so, there are two kits, so in that envelope  
10 there is like another -- a white envelope that  
11 contains two of the tabs, and then there is another  
12 white envelope that contains two of the tabs. When  
13 we received those kits, they each contained two  
14 tabs.

15 Q And then after you collect these, did you submit  
16 them to -- where did you submit them?

17 A I submitted them to Evidence and Property.

18 Q I show you what is marked as State's Exhibits 75  
19 through 78. What are these pictures of? Do you  
20 recognize those?

21 A I do recognize them.

22 Q What are they?

23 A Those are pictures of reddish-brown stains that I  
24 observed on the blue airbag and on the front  
25 passenger's interior door handle.



1 Q Okay. State's Exhibit 75 --

2 THE COURT: Your Honor, I don't know if I did  
3 this, at this time I would move to admit 75 through  
4 78 into evidence if I haven't already done that.

5 THE COURT: Any objection?

6 MS. DAVIS: No objection, Your Honor.

7 THE COURT: Those will be entered without  
8 objection.

9 MS. CAVANAUGH: Thank you, Your Honor.

10 (WHEREUPON, State's Exhibit Nos. 75-78  
11 were marked for identification and  
12 received into evidence.)

13 BY MS. CAVANAUGH:

14 Q What is this a picture of?

15 A That is a picture of the blue airbag, and 4 is  
16 indicating the reddish-brown stain that I observed  
17 on the airbag.

18 Q Okay. And did you collect a swab from there?

19 A I did. 4A prior to collecting the swab, it is just  
20 to the right of it.

21 Q State's Exhibit 78, what is that?

22 A That is the front passenger interior door handle.

23 Q All right. And did you collect the swab for that  
24 area as well?

25 A I did.

1 Q I show you Package 117 -- State's Exhibit 117.

2 What are those of?

3 A These are swabs that I collected from the interior  
4 of the vehicle and from items I located in the  
5 vehicle.

6 Q Okay. And can you go over what those are?

7 A Swab from the front passenger side door, exterior.  
8 Swab from the front passenger side door, interior.  
9 Swab from the reddish-brown stain marked 5. Swab  
10 from the reddish-brown stain marked 4A. Swab from  
11 a white LG cell phone marked E1. And swab from an  
12 FCC, which is fired cartridge casing, Ruger  
13 9-millimeter BBC marked E2.

14 Q And when you collect those are they properly sealed  
15 and packaged?

16 A They are.

17 Q And is that the envelope that you use for that?

18 A It is.

19 Q And are they in individual envelopes within that?

20 A They are in individual swab boxes.

21 Q Swab boxes. Okay. And once you collected these,  
22 did you turn these in to the property room?

23 A I did.

24 Q And do you see the time -- and what initials are at  
25 the bottom? Just -- you can just name the

1           initials.

2       A     The initials at the bottom are HK.

3       Q     All right. And what is the date and time?

4       A     That I submitted or -- that I submitted was at  
5           12/30/2018 at 10:30 a.m.

6           MS. CAVANAUGH: And just out of an abundance  
7           of caution, Your Honor, I'm not sure if I entered  
8           67 through 74 into evidence, but those are --

9           THE COURT: Debbie?

10          THE COURT REPORTER: 43-54, 67-71, and 72-74  
11          were not entered. You didn't move them in.

12          MS. CAVANAUGH: Your Honor, I would ask that  
13          all of those be admitted since they were properly  
14          authenticated and already shown to the jury without  
15          objection?

16          THE COURT: One more time?

17          THE COURT REPORTER: 43-54. Those were talked  
18          about at one time. Then 67-71.

19          THE COURT: I thought I entered those. I had  
20          that as entered without objection.

21          THE COURT REPORTER: I don't have it.

22          THE COURT: Okay.

23          THE COURT REPORTER: And 72-74.

24          THE COURT: I don't have 72-74. Any objection  
25          to any of those?

1 MS. DAVIS: No, Your Honor.

2 THE COURT: They will all be entered without  
3 objection.

4 (WHEREUPON, State's Exhibit Nos. 43-54  
5 were marked for identification and  
6 received into evidence.)

7 (WHEREUPON, State's Exhibit 67-71 were  
8 marked for identification and received  
9 into evidence.)

10 (WHEREUPON, State's Exhibit Nos. 72-74  
11 were marked for identification and  
12 received into evidence.)

13 BY MS. CAVANAUGH:

14 Q Now, as -- did you -- during your processing of the  
15 car, did you observe a lot of red stains on the  
16 outside of the rear passenger area?

17 A I did.

18 Q And also the door jamb area?

19 A I did.

20 Q Did you observe those -- any red stains similar to  
21 that in the front passenger area on the outside?

22 A I don't believe so.

23 Q And you -- I mean, you photographed and described  
24 very thoroughly, is that correct?

25 A Correct.

1 MS. CAVANAUGH: Beg the Court's indulgence.

2 (Pause.)

3 BY MS. CAVANAUGH:

4 Q No further questions at this time, Investigator  
5 Holt. Please answer any questions from the  
6 Defense.

7 THE COURT: Yes, ma'am?

8 MS. DAVIS: Thank you, Your Honor. May it  
9 please the Court?

10 THE COURT: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MS. DAVIS:

13 Q Investigator Holt, who determines how many tabs --  
14 you talked about the GSR. How do you decide how  
15 many tabs you take?

16 A It is just discretion.

17 Q So that is up to you?

18 A Yes.

19 Q So when you were describing G1, G2, G3, G4, those  
20 are the only areas that you checked for GSR?

21 A Correct.

22 Q And when you did the tabs, I think you described it  
23 like the size of a dime?

24 A Correct.

25 Q Do you know -- did you measure the area in which

1           you were taking the tabs from each of those spots?

2     A     I did not.

3     Q     Do you know if you took the same amount of tabs  
4           from each of those spots?

5     A     I don't.

6     Q     Do you -- in this case, did you take GSR tabs -- or  
7           were you asked to take GSR tabs from anything other  
8           than that vehicle?

9     A     I was not.

10    Q     Was there any other clothing items, anything else  
11          that you took GSR tabs from?

12    A     I did not.

13           MS. DAVIS: Nothing further.

14           THE COURT: All right, any redirect?

15           MS. CAVANAUGH: Thank you, Investigator Holt.

16           No further questions.

17           THE COURT: All right, you may step down. Any  
18          objection to this witness being excused?

19           MS. CAVANAUGH: None from the State, Your  
20          Honor.

21           THE COURT: All right, you are free to leave,  
22          ma'am.

23           (Witness steps down and is excused.)

24           THE COURT: All right, ladies and gentlemen of  
25          the jury, it is about 1:15, close to 1:15, so we

1 are going to go ahead and take -- let us take our  
2 lunch break. We will have you all back around  
3 2:30 -- well, at 2:30. Please do not discuss the  
4 case. Please keep those badges on, especially if  
5 you are going to have lunch in this area because  
6 there is a chance you may run into -- you may run  
7 into one of the attorneys or someone involved in  
8 the case. We do not want them to speak about the  
9 case in front of you. And the way they can  
10 identify you is you have those badges on.

11 So, we will see you back at 2:30. Have a  
12 wonderful lunch.

13 Thank you.

14 (WHEREUPON, the jury is excused for  
15 lunch at 1:13 p.m.)

16 THE COURT: Anything we need to take up?

17 MS. CAVANAUGH: No, Your Honor, nothing as far  
18 as what has been done this morning, just in terms  
19 of what I anticipate happening in the afternoon.  
20 We do plan on calling Benjamin Parker, if not right  
21 after the break, pretty much -- I mean, he is  
22 probably going to be our next witness, and then we  
23 are going to have Sergeant Caldwell, with the  
24 Sheriff's Department, testify. So obviously we  
25 need to deal with the redactions and the statement

1       before those -- before Sergeant Caldwell testifies.  
2       And I'm not sure if we need to deal with any issues  
3       of law that relate to Benjamin Parker regarding --  
4       I know we talked about a motion in limine regarding  
5       the anxiety/PTSD, which I don't plan on eliciting  
6       from him. I will make sure before he testifies he  
7       understands that while he can say it was traumatic,  
8       nothing about PTSD or anxiety, any diagnosis of  
9       anxiety, or anything like that. But I'm not sure  
10      what else Ms. Davis thinks we need to address  
11      before we call Mr. Parker to the stand that would  
12      take any further time.

13           MS. DAVIS: I don't have anything at this  
14      time, Your Honor.

15           THE COURT: All right. And Caldwell, you all  
16      are going to -- you said you have already redacted  
17      the video?

18           MS. CAVANAUGH: I have redacted -- and I'm  
19      sorry I haven't done this earlier. I should have  
20      provided a copy to the Court. It is 17 minutes  
21      long. My redactions are based on State v.  
22      Washington. I would like to review it one more  
23      time over the lunch break and maybe there is a few  
24      more things I might have to address before we call  
25      him, but I don't know what -- they have a copy of



1       the proposed redacted version. I know we need to  
2       work on the transcript. I don't necessarily plan  
3       on putting the transcript in with Sergeant  
4       Caldwell, but, I mean, that still needs to be  
5       redacted as well, so.

6               THE COURT: Y'all are objecting to the  
7       transcript going in?

8               MS. DAVIS: Yes. I think that was error on  
9       our pretrial list about redactions to the  
10      transcript. We would object to the transcript  
11      going in. In terms of the audio recording, I am  
12      going to have to watch it.

13              THE COURT REPORTER: I'm sorry, I can't hear  
14      you.

15              MS. DAVIS: Sorry. In terms of the -- yes.  
16      In terms of the transcript going back to the jury,  
17      we would object to the transcript going in. In  
18      terms of the audio recording, I am going to have to  
19      listen to that over lunch. I know we gone through  
20      and highlighted what she had said -- had given us  
21      as potential redactions. There are things in there  
22      that I don't know why some stuff came out and there  
23      are a few things like that that we would have to  
24      address with the audio recording.

25              THE COURT: All right. So we can start with

1 Benjamin Parker, and then we will have to take a  
2 break.

3 MS. CAVANAUGH: That sounds right.

4 THE COURT: Now, why do you want to put the  
5 transcript in?

6 MS. CAVANAUGH: I'm not -- I didn't know  
7 that -- I don't necessarily -- I'm not asking to  
8 put the transcript in. It would be a pain to  
9 redact the transcript, to be honest with you, and I  
10 think that the portions -- I mean, I think the  
11 interview is so short, it is like 17 minutes. So I  
12 don't necessarily plan on introducing the  
13 transcript, at least not today. I mean, but  
14 portions of the video I plan on playing.

15 THE COURT: Yes. The only thing with the  
16 transcript is I'm not sure why you would need the  
17 transcript if you had the video.

18 MS. CAVANAUGH: Yes, I don't necessarily  
19 think --

20 THE COURT: At all. I know not today, but I  
21 don't understand why you would need it because they  
22 will have the video.

23 MS. CAVANAUGH: Right.

24 THE COURT: So they won't need the transcript.

25 MS. CAVANAUGH: Right. Right. I just noticed

1 on their pretrial list they indicated it was error,  
2 so --

3 THE COURT: Okay. All right, I will see y'all  
4 at 2:30.

5 MS. CAVANAUGH: Thank you.

6 MS. DAVIS: Thank you.

7 (WHEREUPON, a break was taken.)

8 THE COURT: Are you ready to bring them in?

9 MS. DAVIS: The Defendant is not here. Oh,  
10 here he is.

11 MS. CAVANAUGH: A few things to take up before  
12 I call Benjamin Parker. As far as the motion in  
13 limine related to what Ms. Davis might cross him  
14 about, anything about Jessica's attempted murder  
15 charge from April 13th of 2021, I would object to  
16 her cross-examining about that at all.

17 First of all, we still have to argue whether  
18 the fact that a pending is admissible under 609(c).  
19 Second of all, if it is, there is no -- under the  
20 rules of evidence there is no extrinsic evidence  
21 allowed. So I would object to any  
22 cross-examination to Ben Parker about Ms. Guyton's  
23 new charge. It was two and a half years after this  
24 incident and completely irrelevant, based on the  
25 evidence so far and my information so far.

1 MS. DAVIS: And, Your Honor, I would just ask  
2 that -- or argue that we -- that I should be  
3 allowed to ask about the pending charge, not  
4 necessarily the details of it, but that it is  
5 pending. It is his wife who is facing 30 years in  
6 prison who he is now testifying on behalf of  
7 Richland County -- or for the Solicitor's Office,  
8 who is also prosecuting that charge. And if it  
9 goes to his bias to say things or be in conjunction  
10 with her testimony, then extrinsic evidence is  
11 admissible, but at a minimum, even if we don't go  
12 that far, be able to ask him that his wife is  
13 currently being prosecuted by this very office and  
14 she is facing 30 years. It certainly goes to his  
15 credibility, more importantly, to the bias.

16 MS. CAVANAUGH: And his statement to law  
17 enforcement and his first meeting with my office  
18 was before that charge. And, again, it is her  
19 charge, not his. And the rule is about the  
20 specific witness, not -- 609(c) refers to the  
21 specific witness that has a pending charge, not the  
22 boyfriend or significant other.

23 MS. DAVIS: His bias generally, Your Honor,  
24 would allow us to cross-examine him on anything  
25 that would go to bias or motive for him to lie.

1 His most recent interview was June 1st or June 2nd  
2 in which additional information that I would say is  
3 helpful to the State, he also said -- his  
4 statements are going -- or getting more and more  
5 helpful to the State as time goes on. So it was  
6 apparently June 2nd. He had already given a  
7 statement after the fact where the charge is  
8 pending and it is more helpful to the State. So I  
9 do believe we should at a minimum be able to ask  
10 him that she is facing a charge, that is his wife,  
11 and that she is facing 30 years, and that the  
12 Richland County Sheriff's Department is prosecuting  
13 him, as well as the Fifth Circuit Solicitor's  
14 Office is prosecuting.

15 THE COURT: Anything else from the State?  
16 What authority are you using?

17 MS. DAVIS: Your Honor, well, one I rely on  
18 State v. Mizell, stating pending charges, but --

19 THE COURT: Is that referring to a witness or  
20 to the actual person?

21 MS. DAVIS: That is the witness. But  
22 otherwise I refer to bias and our ability to  
23 impeach any witness if they have bias or motive,  
24 reason to lie, which this would fall under.

25 THE COURT: The questions is whether -- so you

1 want to ask him for purposes of impeachment -- I  
2 think you can ask him if she has pending charges.  
3 I don't think you -- I mean, the bias in terms of  
4 getting into what the pending charge is. That is  
5 the issue.

6 MS. DAVIS: Well, I think that is -- well, I  
7 would request that we get into what the charge is  
8 and what it carries and that they are prosecuting.  
9 I understand going into any details of like what  
10 happened or he was there after would be a step too  
11 far, unless he opens the door to something.

12 THE COURT: How does he know what -- he is not  
13 the one charged. How can he testify to what  
14 something carries?

15 MS. DAVIS: Well, I mean, I would have to ask  
16 him. If he says, I had no idea that she was facing  
17 a charge, I have no idea what it carries, then.  
18 But I think the more serious the charge, the more  
19 reason he has to be helpful to the State.

20 THE COURT: And what -- I guess I'm asking  
21 what authority you are trying to get that in under?

22 MS. DAVIS: Under the ability to impeach --  
23 under bias, Your Honor.

24 THE COURT: The rule?

25 MS. DAVIS: I'm sorry.

1 MS. CAVANAUGH: And, Your Honor, I might have  
2 misstated the rule. It is actually 608(c), not  
3 609(c).

4 MS. DAVIS: Right, 608(c) is what I was  
5 relying on. Bias, prejudice, or any motive to  
6 misrepresent, attempt to impeach the witness either  
7 by examination of the witness or by evidence  
8 otherwise received.

9 MS. CAVANAUGH: And I would just again argue  
10 that this particular witness came forth to law  
11 enforcement way before Jessica Guyton was charged,  
12 some two and half -- two years before she was  
13 charged, and then his original -- his meeting with  
14 us was one week before her incident. And this rule  
15 is specific to the actual witness who is  
16 testifying.

17 THE COURT: Well, I'm going to allow her to  
18 ask the question of him regarding -- she can ask,  
19 Are you aware of your wife having a pending charge  
20 with the Solicitor's office, but beyond that I am  
21 not going to allow anything else. She can ask  
22 that -- it is a pending charge, not a conviction.  
23 It is not -- but I do think they have a right to  
24 impeach him regarding any potential bias that he  
25 has in the case for purposes of 608(c). So you can

1 ask him about her having a pending charge, if that  
2 is what you all are going to use to try to show  
3 bias. But I think it would be inappropriate to get  
4 into a charge that he is not charged with, a charge  
5 that -- I don't know if he can even get up there  
6 and testify to what attempted murder carries. So  
7 you can ask him -- you can impeach him on the fact  
8 that she has pending charges in this very office.

9 MS. DAVIS: But not an attempted murder?

10 THE COURT: No, ma'am.

11 MS. DAVIS: And, Your Honor, I --

12 THE COURT: We don't let that kind of -- I  
13 mean, ordinarily, yes, that is not admissible.

14 MS. DAVIS: And I would just say his dad also  
15 has a pending hit and run death that is also  
16 prosecuted by Richland County -- and, I mean, sorry  
17 from Richland County and being prosecuted by their  
18 office.

19 THE COURT: It is pending?

20 MS. DAVIS: Yes.

21 THE COURT: Well, what does his dad have to  
22 do -- I mean --

23 MS. DAVIS: Again, I am saying it is the same  
24 agencies that are prosecuting two of his very close  
25 family members. That occurred before any



1 testimony. That would have happened back in  
2 February of 2018.

3 MS. CAVANAUGH: And, again, that has  
4 absolutely no relevance to this case, Your Honor.  
5 This is the first time I am even being made aware  
6 that his dad has a charge in our office. I mean,  
7 it has no bearing in the case.

8 THE COURT: You can ask about -- is it his  
9 wife?

10 MS. CAVANAUGH: Apparently his father.

11 THE COURT: -- if a family member has pending  
12 charges. I mean, because I think once you ask  
13 about the wife, you can establish -- you can  
14 attempt to establish he may have a bias. But, I  
15 mean, I don't know -- you are saying his dad?

16 MS. CAVANAUGH: And, Your Honor, I never even  
17 asked about his dad. I don't even know if they are  
18 close. I mean, his dad has never come up in my  
19 conversation with Mr. Parker.

20 MS. DAVIS: I am happy to establish their  
21 relationship if that is required.

22 MS. CAVANAUGH: I'm sorry. I just was talking  
23 about my discussions with him.

24 THE COURT: The dad has -- all right, you can  
25 ask about the wife. I think you are getting beyond

1       the rule if you start -- if you want to go through  
2       everybody -- so we are going to start going through  
3       every witness's family that has pending charges?

4       MS. DAVIS: I think if they have a close  
5       relationship, Your Honor, and they are being  
6       prosecuted by the very same agency and prosecuting  
7       officer, or prosecuting agency, then, yes, I think  
8       that it does fall under bias or motive to  
9       misrepresent.

10       MS. CAVANAUGH: And I believe that this type  
11       of -- especially regarding the dad is -- under Rule  
12       403 just trying to confused the jury. I mean, it  
13       has -- what they are trying to do is paint him --  
14       his character badly and that he is lying, when the  
15       pending charges have absolutely nothing to do with  
16       his truthfulness. And I think that the dad having  
17       charges in our office is a stretch, considering  
18       that he is not a witness in this case at all. And,  
19       I mean, it is different if, you know, Jessica  
20       Guyton is being called. I just think that trying  
21       to impeach Mr. Parker about his dad's pending  
22       charge is completely unrelated to this case. It is  
23       inadmissible under Rule 403 and improper.

24       THE COURT: All right, I am going to let --  
25       you can impeach him regarding the wife under

1       608(c), but that is it. I think anything beyond  
2       that is going too far from the rules of  
3       impeachment.

4               MS. CAVANAUGH: And finally, one more thing  
5       that Ms. Davis did actually bring to my attention  
6       is in Mr. Brown's -- in the Defendant's statement,  
7       he makes a reference about SLED and being a CI for  
8       SLED. When she brought that to my attention as to  
9       whether Ben Parker knew that Correy Brown was  
10      allegedly a snitch for David Cunningham, he had no  
11      clue that Correy Brown was -- even was a snitch.  
12      So any sort of cross-examination about David  
13      Cunningham and Correy Brown being a snitch, Ben  
14      Parker had absolutely no knowledge of that. So I  
15      think that that is also improper cross-examination,  
16      once again just trying to paint -- no value for  
17      truthfulness, which is what, you know, impeaching  
18      should be about as it relates to any kind of -- I  
19      mean, he doesn't know about David Cunningham and  
20      whether or not Correy was supposedly a snitch as it  
21      relates to David Cunningham, who is apparently his  
22      cousin. So I would just ask that also be  
23      disallowed.

24             THE COURT: Who is David Cunningham?

25             MS. DAVIS: His cousin, Your Honor.

1 THE COURT: Who?

2 MS. DAVIS: His cousin. Ben Parker's cousin.

3 THE COURT: And what does he have to do with  
4 any of this?

5 MS. DAVIS: I think she is referring to -- at  
6 some point I asked her in her conversation with  
7 Mr. Parker if David Cunningham had come up at all,  
8 because in the audio recording Mr. Brown refers to  
9 being a CI to Investigator Laurita and Caldwell.  
10 And he was a CI that ended up getting three  
11 trafficking charges served on Ben's cousin, David  
12 Cunningham. And that is why I was asking her if  
13 the conversation had come up, you know, if Ben knew  
14 anything about it. Certainly if he knew that his  
15 cousin got ratted out by the guy that is on trial  
16 for murder that he is pointing at, that would give  
17 him motive or reason to lie. And so I was asking  
18 her if those came up in their conversation.

19 MS. CAVANAUGH: And it did not. And he did  
20 not even know that Mr. Brown was allegedly a CI at  
21 some point. So I think that is improper  
22 cross-examination only to confuse the jury and try  
23 to paint Mr. Parker in a bad light about something  
24 he didn't even have knowledge of.

25 MS. DAVIS: And, again, from my standpoint,

1 Your Honor, I think if you have a witness who is  
2 their sole witness pointing out saying he is  
3 someone he says is killing or murdering somebody  
4 and he has three family members that I can  
5 establish he has a close relationship with, and all  
6 three of them are being prosecuted by Richland  
7 County Sheriff's Department and the Fifth Circuit  
8 Solicitor's Office, I think that absolutely falls  
9 under 608(c) for bias. The fact that it is  
10 damaging his character is not the determination of  
11 admissibility. It is whether or not there is  
12 evidence to go support that he may be lying or have  
13 a reason to misrepresent.

14 THE COURT: Well, I am going to let you ask  
15 about the wife.

16 MS. DAVIS: Yes, ma'am.

17 THE COURT: Some cousin, random cousin. I  
18 mean, that is two -- and if you are talking about  
19 extrinsic evidence -- I mean, and it is a CI and --  
20 it is just -- the jury being confused, I'm  
21 confused. I'm sitting up here saying, Who in the  
22 world is David Cunningham? He is not even on the  
23 witness list.

24 MS. DAVIS: And I understand Your Honor's  
25 ruling. I mean, my plan of course had been to ask

1           him about these people. If he said, I have no idea  
2           who they are, then I would obviously not --

3           THE COURT: So you want to ask him if your  
4           client --

5           MS. DAVIS: No, no.

6           THE COURT: You want to ask him did he know  
7           that your client was a CI for the Sheriff's  
8           Department?

9           MS. DAVIS: I do not want to ask that. She  
10          has already told me that he says he has no idea  
11          about that. My point is that I should be able to  
12          see if he knows David Cunningham, which is his  
13          mother's first cousin, so I think the answer would  
14          be yes. If he said no --

15          THE COURT: His mother's first cousin.

16          MS. DAVIS: If he said no, then I would walk  
17          away from it. I just wanted to know that he has  
18          three trafficking charges being prosecuted by the  
19          same people, not details, not CI.

20          THE COURT: But how is that relevant to this  
21          case? You are saying that you are not going to ask  
22          him -- how are you going to show bias? Because I  
23          thought what you were trying to say is that you  
24          were going to show bias because Mr. Parker knew  
25          that he was the CI for his cousin that snitched on

1 his cousin. But now you are telling me that is not  
2 what you -- you just want to get into everybody  
3 that he is related to that has or had cases with  
4 the Solicitor's Office?

5 MS. DAVIS: Not had. They are all currently  
6 pending. And I don't want to go into it. In terms  
7 of Ms. Guyton, I think it is particularly relevant  
8 because of their relationship and because of the  
9 case at hand and those two witnesses. His father  
10 and the cousin I think go to bias, not that he has  
11 bias towards them, but towards helping the  
12 Solicitor's Office or gaining favor with Richland  
13 County Sheriff's Department when they are the same  
14 prosecuting agency.

15 THE COURT: I will allow you to show that with  
16 Ms. Guyton. But I don't know why these other  
17 people, outside people, why -- I mean, I don't know  
18 if he knows -- what does he -- I mean, I can bring  
19 him in here and have him proffer his testimony to  
20 see what he knows about his father's case, or he  
21 may not know anything about it. But that is not --  
22 and that is when he is putting in improper  
23 character evidence. If he doesn't know anything  
24 about it -- we can bring him in here and have him  
25 proffer his testimony and you can ask -- and we can

1       see what he says. If he doesn't know anything  
2       about it, then at that point, that is when it  
3       becomes an issue under 404. Because you are trying  
4       to bring somebody -- you are bringing all these  
5       things up and there is nothing to support it. So,  
6       I mean, we can bring him in and proffer his  
7       testimony, if that is what you all want to do. I'm  
8       going to allow, I think because it is the wife  
9       and -- I'm going to allow you to ask him about her  
10      pending charges because I do think under 608 -- I  
11      mean, 608(c), that they could -- that could  
12      potentially be bias on his part. But the cousin,  
13      no. The father, you can ask him what he knows. I  
14      mean, we can bring him in and proffer the testimony  
15      if that is what y'all want to do.

16           MS. CAVANAUGH: And, Your Honor, I would  
17      just -- I had saved this for Jessica Guyton, I  
18      wasn't anticipating on this with Mr. Parker, the  
19      case, especially State v. Smalls that is specific  
20      to 608(c), that -- it has to do with the very close  
21      connection of the testifying witness and the bias.  
22      For instance, in that particular case, I believe it  
23      was either a Co-Defendant or -- it was someone  
24      who -- it was either -- I believe it was a  
25      Co-Defendant or either a victim of the case, but it



1        was somebody whose charges were dismissed the  
2        morning of the trial. And State v. Smalls was  
3        discussing how that would be certainly evidence  
4        admissible to show bias or motive or intent to --  
5        bias or motive as far as testifying, because  
6        literally his charges were dismissed the morning  
7        of. So, again, State v. Smalls, which is under  
8        608, which was decided based on 608(c), addresses  
9        the close connection of the actual pending charge  
10       or whatever the underlying alleged bias or motive  
11       to testify is, not all these random remote pending  
12       charges of a first cousin.

13       THE COURT: To his mama. Not his first  
14       cousin, she said a first cousin to his mother.

15       MS. CAVANAUGH: Of the mom. Right.

16       THE COURT: I guess that is his third cousin.

17       MS. CAVANAUGH: It would have to be more  
18       connected to the actual case than what she is  
19       describing as relates to the father and the first  
20       cousin of the mom.

21       MS. DAVIS: And this is the last thing I'll  
22       say, Your Honor. I would just say generally  
23       speaking under bias, particularly (c), as stated in  
24       Smalls v. State: Evidence of a witness's bias can  
25       be compelling impeachment evidence. And for that

1 reason, considerable latitude is allowed to defense  
2 counsel in criminal cases in the cross-examination  
3 of an adverse witness for the purpose of testing  
4 bias. Our courts have followed the general rule  
5 that anything having a legitimate tendency to show  
6 light on accuracy, truthfulness, and sincerity of  
7 the witness may be shown and considered in  
8 determining the credit to be afforded to his  
9 testimony. So that on cross-examination any fact  
10 can be elicited which tends to show interest, bias,  
11 or partiality of a witness. And my point would  
12 be --

13 THE COURT: And I think you get that with the  
14 one in the Solicitor's Office. I mean, that is  
15 what I'm going to allow you to do with Ms. Guyton,  
16 the close connection. That is his -- is it wife or  
17 girlfriend or -- I don't know.

18 MS. CAVANAUGH: They have been together for  
19 over ten years.

20 THE COURT: Yes. So that is what -- pulling  
21 third cousin and the daddy, charges that he has got  
22 pending before 2018, before any of this happened,  
23 is just too remote. And so I will allow -- because  
24 the bias that you are trying to say is that he is  
25 testifying here to get leniency from the

1       Solicitor's Office. So why is it necessary to get  
2       into the third cousin, the daddy, and everybody  
3       else? I mean, I think once you establish that  
4       there is -- that he has a potential for bias that  
5       he wants leniency from the Solicitor's Office,  
6       everything else after that seems to be a 404 issue.  
7       So that is what I will allow. That he can  
8       discuss -- you can ask him about, you know, she has  
9       charges. In terms of getting into the charges, you  
10      can ask -- I mean, you can use the word serious  
11      pending charges in the Solicitor's Office. Any --  
12      but anything beyond -- I think that establishes  
13      what you are attempting to do without getting into  
14      character evidence under 404. Basically you have  
15      got a bunch of people in the family that have got  
16      outstanding charges. And why he would be bias  
17      towards I guess helping the Solicitor's Office,  
18      hoping that they are going to help him -- his wife  
19      of ten years, or partner, or whatever. And she is  
20      a witness in this case, so.

21           MS. DAVIS: And, Your Honor, just so the  
22      record is clear, my understanding is, yes, I can  
23      ask Mr. Parker about Jessica Guyton, I can say it  
24      is serious pending charges. In terms of his  
25      cousin, it sounds like Your Honor is saying that is

1           too remote or distant.

2           THE COURT: The relationship is remote. It  
3           sounds like his third cousin.

4           MS. DAVIS: They may hang out every weekend, I  
5           don't know. That is why, I mean, I will establish  
6           that. I mean, if they are super close.

7           THE COURT: Where is he? Bring him in.

8           MS. DAVIS: We can proffer him about his  
9           father.

10          THE COURT: But I think what you trying to do  
11          is bring it in -- I think once you get beyond --  
12          you are showing the bias by bringing it in under  
13          Jessica Guyton. After that, then it becomes  
14          character evidence that his daddy, his mama's  
15          cousin, whatever, once removed, and all of that,  
16          that everybody in his family are criminals, is what  
17          you are trying to do under 404. And that is not  
18          allowed. If you want to show bias, and you are  
19          able to show bias. We can bring him in and proffer  
20          the testimony for the record. Y'all bring him on  
21          in.

22          MS. DAVIS: And, Your Honor, while we wait, I  
23          just want to make clear, I am not attempting to  
24          elicit any of this under 404. Incidentally,  
25          404(a)(3) says: Character of a Witness. Evidence

1 of the character of a witness as provided by  
2 Rule 607, 608, and 609. And we are referring to  
3 the 608(c), which allows me to do this.

4 THE COURT: But it is not his character. He  
5 is getting into his third cousin's character.

6 MS. DAVIS: Right.

7 THE COURT: And his daddy's character. It is  
8 not -- but none of that has anything to do with  
9 this case. We are going to proffer his testimony  
10 and see if he knows anything about his dad's  
11 charges, his cousin's charges.

12 MS. CAVANAUGH: Your Honor, he is here. He  
13 went to get something to drink, but he is here. He  
14 is coming up.

15 THE COURT: You need to keep them close-by.

16 MS. CAVANAUGH: Your Honor, she read the  
17 general principal under *Smalls v. State*, which is  
18 Supreme Court of South Carolina case 422-174, cited  
19 2018. That specific case involved the prosecutor  
20 notifying Defense counsel the morning of trial that  
21 the victim's carjacking case was dismissed. The  
22 victim was in jail on a carjacking charge prior to  
23 Defendant's trial. The victim testified at PCR  
24 hearing he wasn't going to testify until that  
25 charge was dismissed.

1           So that, again, because I didn't realize that  
2           this was coming up through, not the actual witness  
3           who has the pending charge, but Benjamin Parker. I  
4           didn't have this particular case right in front of  
5           me because she didn't indicate that she was going  
6           to get into this with Mr. Parker. However, Smalls  
7           v. State, which I just cited, is very, very  
8           different from our situation as it involved a  
9           victim's charge being dismissed the morning of  
10          trial.

11          THE COURT: It will be allowed under 608(c).

12          (Witness approaches.)

13          THE CLERK: Swear him in?

14          THE COURT: Yes.

15          THE CLERK: State your full name.

16          THE WITNESS: Benjamin Parker.

17          THE CLERK: Do you solemnly swear the  
18          testimony you are about to give in this case will  
19          be the truth, the whole truth, and nothing but the  
20          truth, so help you God?

21          THE WITNESS: Yes, ma'am.

22          THE CLERK: Have a seat right up here.

23          (Witness seated.)

24                                           BENJAMIN PARKER,  
25          after being duly sworn, testified as follows:

1                    DIRECT EXAMINATION (PROFFER)

2       BY MS. CAVANAUGH:

3       Q       Mr. Parker, briefly, do you know who David  
4               Cunningham is?

5       A       David Cunningham?

6       Q       Yes?

7       A       Not right off the top.

8       Q       Okay. Did you have any -- were you aware that  
9               Mr. Brown is a CI?

10      A       No.

11      Q       Finally, just real quick, does your dad have  
12               pending charges? What is your dad's name?

13      A       Benjamin Parker.

14      Q       Okay. And does he have pending charges in our  
15               office?

16      A       I'm not sure. I don't know. I'm not sure at all.

17      Q       Thank you.

18               THE COURT: Yes, ma'am?

19               MS. DAVIS: Your Honor, I would say I  
20               understand his answer as it relates to David  
21               Cunningham. He is saying he doesn't know him. I  
22               would have moved on in cross as soon as he said  
23               that anyway. In terms of his dad, I still think I  
24               would be able to ask in front of the jury if he  
25               knows his dad has pending charges and elicit that

1           it has been happening for two years. They have a  
2           close relationship. I think the fact that it is  
3           more than one person that has pending charges with  
4           them just goes to the amount of the possible bias.

5           THE COURT: Well, he just said he doesn't  
6           know. So you can't -- that is the whole purpose of  
7           proffering the testimony. He doesn't know. If he  
8           doesn't know he can't -- how are you going to prove  
9           bias if he says he doesn't know? Once again, that  
10          gets you back into 404. He says he doesn't know.  
11          I'm assuming -- ask him a question does he know  
12          whether or not the Guyton woman has -- you might as  
13          well go on and proffer that testimony too since you  
14          have got him here.

15       BY MS. CAVANAUGH:

16       Q     Mr. Parker, is Jessica Guyton -- who is Jessica  
17              Guyton to you?

18       A     My girlfriend.

19       Q     And are you aware that she has been arrested  
20              recently?

21       A     Yes. It don't have nothing to do with this,  
22              though. It just happened.

23       Q     Right. Did you provide your statement -- did you  
24              speak to law enforcement about this incident that  
25              we are here in court today on the day it happened?



1 A No, ma'am.

2 Q Well, let me rephrase that question. Did you give  
3 a statement to law enforcement about Correy Brown?

4 A Oh, yes, I did.

5 Q Okay. And when did you -- was that the day that  
6 the incident occurred?

7 A The day of the incident.

8 Q Over two years ago?

9 A Yes.

10 Q Okay. And when -- do you even know the date that  
11 Ms. Guyton was arrested?

12 A Not necessarily the date, but it wasn't like that  
13 long ago. Like it just happened.

14 Q Okay. And as far as your -- does her pending  
15 charge have anything to do --

16 A Not at all.

17 Q -- with you testifying in this case?

18 A Not at all.

19 Q And, in fact, did you meet with our office prior to  
20 her being arrested for that charge?

21 A Before.

22 Q And you gave a statement to law enforcement before?

23 A Yes.

24 THE COURT: Ms. Davis?

25 CROSS-EXAMINATION(PROFFER)

1 BY MS. DAVIS:

2 Q Mr. Parker, I understand you gave a statement to  
3 law enforcement back in 2018, right?

4 A Yes.

5 Q And then you spoke with the Solicitors again in  
6 April -- April 6th of this year?

7 A I can't remember. I spoke with them not too -- a  
8 little while ago.

9 Q That was the one where you and Jessica would have  
10 come up here together?

11 A Yes.

12 Q And then you spoke with them again most recently  
13 last week?

14 A Yes.

15 Q And that is when you watched your video, your audio  
16 recorded statement?

17 A Yes.

18 Q And in that conversation with them, you gave them  
19 some new information, right?

20 A Yes.

21 Q And you told -- some of the new stuff was that you  
22 said that Correy said, Come ride with us, me and  
23 Don got something to talk about, right?

24 A Yes. I been said that from the beginning. I said  
25 that from Day One. That is not new.

- 1 Q And you said that Correy said, If y'all are  
2 talking, why am I here?
- 3 A Yes.
- 4 Q And then --
- 5 A He said, If y'all are doing all the talking, why am  
6 I here?
- 7 Q Yes. Right.
- 8 A Yes.
- 9 Q You also told them that you and Don were laughing  
10 about something?
- 11 A Yes.
- 12 Q And that is when you described to them that as well  
13 that Correy -- I'm sorry, that after the gunshot  
14 you heard some noise from Don?
- 15 A Yes.
- 16 Q You also told them that, You've got blood on  
17 yourself?
- 18 A Yes.
- 19 Q You told them that that night when you got home  
20 after the shooting, you gave Correy a ride home,  
21 but that you were looking for your .357, that you  
22 had in the car, right?
- 23 A Yes.
- 24 Q And that you got that gun?
- 25 A No, I said it was in the other car.

1 Q Okay. You were just looking for it?

2 A Yes.

3 Q Correct. And that you said -- told them that, you  
4 know, back in 2018 you admitted that you sold some  
5 marijuana?

6 A Yes.

7 Q And then you disclosed some other information about  
8 the anxiety that you have, right?

9 A No, I -- I just said it was traumatic.

10 Q Okay. Thank you.

11 THE COURT: You can step down, sir. I'm  
12 sorry, anything else?

13 MS. CAVANAUGH: No, Your Honor.

14 THE COURT: All right, you can step down.

15 (Witness steps down.)

16 THE COURT: All right. He has testified he  
17 knows about the pending charges with the  
18 girlfriend. I am going to allow that. As I  
19 stated, I mean, they are serious charges, and so in  
20 terms of establishing bias -- but I don't want to  
21 get into the actual charge, any of the facts with  
22 the charge, but I think she can say, Isn't it true  
23 those charges she has are serious charges.

24 As to the father, he doesn't -- he just  
25 testified he doesn't know. So anything beyond that

1 is going to be getting into character evidence.  
2 And the cousin he doesn't even know, or he said he  
3 didn't think he knew who he was, so.

4 All right. Are we ready?

5 MS. CAVANAUGH: Yes, Your Honor.

6 THE COURT: All right, let's bring them on in.  
7 (WHEREUPON, the jury came into open  
8 court at 3:16 p.m.)

9 THE BAILIFF: The jury is present, Your Honor.

10 THE COURT: All right. Call your next  
11 witness.

12 MS. CAVANAUGH: The State calls Benjamin  
13 Parker.

14 (Witness approaches.)

15 THE BAILIFF: Place your left hand on the  
16 Bible, and raise your right hand.

17 (Witness complies.)

18 THE CLERK: State your full name, please.

19 THE WITNESS: Benjamin Parker.

20 THE CLERK: Speak up, please.

21 THE WITNESS: Benjamin Parker.

22 THE CLERK: Do you solemnly swear the  
23 testimony you are about to give in this case will  
24 be the truth, the whole truth, and nothing but the  
25 truth, so help you God?

1 THE WITNESS: Yes, ma'am.

2 THE CLERK: Thank you. Have a seat.

3 (Witness seated.)

4 BENJAMIN PARKER,  
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. CAVANAUGH:

8 Q Good afternoon, Mr. Parker.

9 A Good afternoon.

10 Q May I call you Ben?

11 A (Nods affirmatively.)

12 THE COURT: Speak up, please, sir. You have  
13 got to speak up. And you have got to answer  
14 because the court reporter has to take down  
15 everything you are saying, so even though it is  
16 normal sometimes to shake your head, you have to  
17 answer the question.

18 BY MS. CAVANAUGH:

19 Q Where do you live?

20 A I stay with Jessica right now.

21 Q You want to --

22 A I stay with my girlfriend right now.

23 Q And then back a little bit. Okay. And where are  
24 you from?

25 A From Gadsden.

- 1 Q And how old are you, Mr. Parker?
- 2 A Thirty-five.
- 3 Q Where do you work?
- 4 A Republic National Distribution.
- 5 Q What do you do there?
- 6 A Drive a forklift.
- 7 Q Drive a forklift?
- 8 A Yes.
- 9 Q And do you know the victim in this case, Donald
- 10 Young?
- 11 A Yes, that is my cousin.
- 12 Q And you just said he is your cousin. So how long
- 13 have you known him?
- 14 A My whole life. We grew up together.
- 15 Q Did you have a nickname for him?
- 16 A Don P.
- 17 Q Were you close to him?
- 18 A Yes, very close.
- 19 Q Do you know the Defendant in this case, Correy
- 20 Brown?
- 21 A Yes.
- 22 Q And prior to -- well, when did this incident
- 23 actually occur?
- 24 A The date that it happened?
- 25 Q Yes?

- 1 A December 29th, 2018.
- 2 Q Okay. And prior to December 29th of 2018, how long
- 3 had you known the Defendant?
- 4 A Between six months and a year.
- 5 Q And how did you actually meet him?
- 6 A From being at my dad's.
- 7 Q All right. And did he -- well, describe just
- 8 how -- as far as what you just said, I mean, how
- 9 did -- can you give a little more information about
- 10 that?
- 11 A Yes. He used to be at my dad's. He used to be
- 12 down there in the area with a guy named Nick. I
- 13 just know him from there, that's it. Where I first
- 14 met him.
- 15 Q Okay. And back to this incident on December 28th,
- 16 2018, the 29th, where were you living? What was
- 17 the address?
- 18 A [REDACTED] House Road, Hopkins, South Carolina,
- 19 29052 --
- 20 Q Okay.
- 21 A Or 29209.
- 22 Q 29209. And you said what area of Columbia or
- 23 Richland County is that?
- 24 A Hopkins.
- 25 Q Hopkins. And as far as that particular address, do



- 1           you remember how long you lived there at that time?
- 2    A    Yes, maybe two or three years.
- 3    Q    Okay. And at that time, December 28th, 29th, 2018,
- 4           who lived with you at that address?
- 5    A    Me, Jessica, Jessica's mom, and our kids.
- 6    Q    All right. And when you say *our kids* -- you
- 7           said -- did you say *my kids* or *our kids*?
- 8    A    Our kids.
- 9    Q    Okay. And how old are they?
- 10   A    They are 18, 19, 17, and 4.
- 11   Q    Okay. And are they all your biological children?
- 12   A    No, two of them is.
- 13   Q    At this time were you working?
- 14   A    Yes.
- 15   Q    And where were you working at that time?
- 16   A    CMC.
- 17   Q    Excuse me?
- 18   A    CMC, Co Metals.
- 19   Q    Commercial Co Metals?
- 20   A    Yes.
- 21   Q    What did you do there?
- 22   A    Drive a forklift.
- 23   Q    During that timeframe, and specifically on that
- 24           particular night, what shift did you work?
- 25   A    Second.

1 Q All right. And what were the hours for that shift?

2 A 3:00 to 11:30.

3 Q Is that the --

4 A 3:00 p.m. to 11:30 p.m.

5 Q Okay. And on the evening of December 28th or the  
6 afternoon, I guess, December 28th, 2018, into the  
7 late evening, was that your shift?

8 A Yes.

9 Q All right. On that particular night, what did you  
10 do after you got off work?

11 A Went down -- I went by the store. I got --

12 THE COURT REPORTER: I'm sorry, I didn't hear  
13 you.

14 A I got off. Went by the store. Got three beers.  
15 And went by the house. And then I went to  
16 Anteyan's house.

17 Q Let's back up a little bit. First of all, where  
18 was Commercial Co Metals?

19 A In Cayce.

20 Q Cayce?

21 A Yes.

22 Q All right. And how far away -- approximately how  
23 long would it have taken you to get --

24 A About 30, 35 minutes. Between 30 and 35 minutes.

25 Q For the commute?

- 1 A Yes.
- 2 Q All right. To your house?
- 3 A Yes.
- 4 Q Okay. On that day, while you were at work, did
- 5 anybody call you?
- 6 A Yes.
- 7 Q All right. Who?
- 8 A Anteyan, Don P, and Correy.
- 9 Q When you say Anteyan, do you know Anteyan's last
- 10 name?
- 11 A Davis.
- 12 Q And you said Anteyan, Correy, which is -- who is
- 13 that?
- 14 A Correy.
- 15 Q Okay. And what did you -- did you refer -- did you
- 16 a have nickname for him or did you call him by
- 17 anything else?
- 18 A Big C.
- 19 Q And then you also said that Don P was calling you?
- 20 A Yes.
- 21 Q Okay. Now, earlier you said -- again, what did you
- 22 do after you got off work?
- 23 A Stopped by the store, got three beers, and I went
- 24 to Anteyan's.
- 25 Q Okay. And those three beers, were they for you?

- 1 A No, they was for those three. I don't drink.
- 2 Q All right. And so after you bought those three
- 3 beers, you said you went where?
- 4 A I went -- I had -- first I had stopped by my house,
- 5 then I went down to Anteyan's house.
- 6 Q And where did Anteyan -- where did he live at that
- 7 time?
- 8 A In Gadsden, Congaree Church Road.
- 9 Q So did you meet them? Who was at Anteyan's when
- 10 you went there?
- 11 A Those three.
- 12 Q Okay. And what were they doing?
- 13 A Just chilling and drinking and stuff.
- 14 Q All right. And you said that you don't drink, but
- 15 occasionally -- do you smoke marijuana, or at that
- 16 time did you?
- 17 A Yes, I did. At that time smoked.
- 18 Q Okay. And in the past, previous to this night, had
- 19 the Defendant ever contacted you about marijuana?
- 20 A Yes, he did before, for his girlfriend.
- 21 Q Okay. Going back to that night, where -- you said
- 22 you went to Anteyan's house. Now, did you ever go
- 23 to like a bar or like a club before that?
- 24 A No.
- 25 Q Okay.

- 1 A I was at work, and I went straight there and back  
2 home.
- 3 Q Approximately how long do you think you stayed at  
4 Anteyan's?
- 5 A No longer than an hour.
- 6 Q And after leaving -- were you driving that night?
- 7 A Yes.
- 8 Q Okay. And after leaving Anteyan's, where did you  
9 go?
- 10 A Dropped Correy off in Hopkins at Akela's house.
- 11 Q Was anybody -- what did Don P do when you left?
- 12 A He followed us.
- 13 Q Did you know -- I mean, did y'all know that he was  
14 following you?
- 15 A Yes, Correy told him to follow us.
- 16 Q Now -- okay. So you have already -- are you  
17 familiar with Akela's house?
- 18 A Yes.
- 19 Q Okay. And do you --
- 20 A From him being over there.
- 21 Q Right. Do you remember the -- her address?
- 22 A No.
- 23 Q Do you remember what road she lived on?
- 24 A She lived on Country Haven.
- 25 Q Okay. And, again, where did you say you were

1 living at that time?

2 A Meeting House Road.

3 Q You are from the area of Hopkins and Gadsden?

4 A (Nods affirmatively.)

5 Q I show you this map. And is that your -- what is  
6 that?

7 A That is my address.

8 Q Okay. And is that -- what is that?

9 A Maybe Akela's house.

10 THE COURT REPORTER: I'm sorry?

11 A Country Haven Road.

12 THE COURT REPORTER: I'm sorry, whose house  
13 was it?

14 A Maybe Akela's house, Country Haven Road.

15 Q And approximately -- I mean, how long, if you drove  
16 there, would it take you to get there?

17 A Not long.

18 Q Okay.

19 A No longer than five minutes.

20 MS. CAVANAUGH: Your Honor, at this time I  
21 would ask State's Exhibit 123 be admitted.

22 THE COURT: Any objection?

23 MS. DAVIS: No objection, Your Honor.

24 THE COURT: It will be entered without  
25 objection.

1                   (WHEREUPON, State's Exhibit No. 123 was  
2                   marked for identification and received  
3                   into evidence.)

4   BY MS. CAVANAUGH:

5   Q     So, again, point out where your address is, please,  
6           Mr. Parker?

7   A     Right here.

8   Q     Okay. And, again, Country Haven Road, where is  
9           that?

10  A     Right here.

11  Q     And, again, who lived on Country Haven Road?

12  A     Akela.

13  Q     All right. And actually I show you what is marked  
14           as State's Exhibit 124. Do you recognize that  
15           house?

16  A     Yes.

17  Q     What is that? Whose house is that?

18  A     That is Akela's house.

19  Q     Now, you were saying that you dropped -- you drove  
20           to Akela's house from Anteyan's and you -- the  
21           Defendant was with you?

22  A     Yes.

23  Q     And then you stated that you went home?

24  A     Yes.

25  Q     Now, when you dropped -- when you went to Akela's

- 1 house to take the Defendant home, about how long  
2 did you stay then?
- 3 A Not long. I just dropped him off and I left. I  
4 told both of them I was going, and I left.
- 5 Q You told both of them what?
- 6 A I was leaving, and I left.
- 7 Q All right. And why did you leave?
- 8 A Because my girl had done been calling me.
- 9 Q Your girl?
- 10 A Yeah, Jessica had done been calling me.
- 11 Q Okay. All right, once you got home that night,  
12 what did you do?
- 13 A Went and took a shower and I laid down, was going  
14 to sleep. I ate a bowl of cereal, and I laid down  
15 and was going to sleep.
- 16 Q So what happened -- and do you remember about what  
17 time it was?
- 18 A Maybe after falling asleep, right around 2:00  
19 something, something like that, somewhere up in  
20 there.
- 21 Q All right.
- 22 A It was late.
- 23 Q And what happened while you were -- what was going  
24 on while you were eating your bowl of cereal?
- 25 A Started hearing a horn getting ready -- started



1           hearing a horn blowing outside.

2       Q     And what did you do when you heard the horn?

3       A     Jumped up. And I looked out the window. As I  
4           looked out the window, the horn was still blowing,  
5           and Correy was walking towards my porch.

6       Q     What did you do when you saw the Defendant walking  
7           towards your porch?

8       A     I opened the door so it wouldn't wake everybody up,  
9           and I walked out to see what they wanted.

10      Q     Okay. And what did you do after that? Did he say  
11           anything to you at that point?

12      A     Yes. He was saying, Come on, ride with us,  
13           Brother. Ride down the street. We going to have a  
14           little talk about something. We going to talk  
15           about something.

16      Q     What did you do -- did you get in the car?

17      A     Yeah. I kept telling them no, but Donald kept  
18           saying, Ride with me, Cuz. Ride with me, Cuz. And  
19           Correy was so persistent about me riding, so I was  
20           just like, bunk it, to try to get them from around  
21           my around house that time of morning, I was just  
22           like, Okay, I'll ride.

23      Q     And what -- where did y'all -- where did you sit  
24           when you got in the car?

25      A     I was about to get in the back. Correy told me,

1           No, you get in the front.

2       Q     Okay. And after you got in the front, where --  
3           again, who was driving?

4       A     Donald.

5       Q     Okay. And what happened after you got in the front  
6           seat?

7       A     We pulled off. And Don was saying something, and  
8           we kind of like started to giggle, and he was --  
9           and after that, Big C was like, Y'all doing all the  
10          talking, why I'm here for? He was like, As a  
11          matter of fact, shut the fuck up, and he shot him  
12          as we were driving down the street.

13      Q     Okay. How -- right after that, what did you see?  
14          What happened right after that?

15      A     There was a flash and blood was flying everywhere.  
16          And Donald started shaking. And I was like  
17          freaking out. And then he was like, Stop all that  
18          hollering and just grab the mother fucking wheel.

19                So about that time, Donald had done floored  
20          it, so I tried to run the car off the road, and we  
21          ran through a path and hit one tree in the middle.

22      Q     Okay. After he shot Don P, what did -- did you  
23          observe anything about what -- what happened with  
24          Don P's body?

25      A     He started shaking like, kck, kck, kck, kck, kck,

1           kck, kck, kck, like he was like having a seizure,  
2           like shaking real bad.

3       Q     Okay. And you said earlier that blood was  
4           splattered everywhere?

5       A     Yes.

6       Q     Did any get on you?

7       A     Yes, it did.

8       Q     And did you -- how far away was this from your --  
9           the house on [REDACTED] House Road?

10      A     Not even ten seconds down the road.

11      Q     So after the -- you said you grabbed the wheel?

12      A     (Nods affirmatively.)

13      Q     And what happened after it hit the tree?

14      A     I jumped out and ran to the house. When I got  
15           inside, I had woke Jessica up out of her sleep and  
16           I told her what just had happened. She was about  
17           to holler, and I kind of like put my hand over her  
18           mouth so she wouldn't be loud, because I know he  
19           was running behind me.

20      Q     And you said you knew he was running behind you.  
21           How did you know that?

22      A     Because there was a car coming down the street as I  
23           was running through the path, and he was yelling,  
24           Get down.

25      Q     He was yelling *get down* to you?

- 1 A Yes.
- 2 Q So going on to -- you said he chased you, and you  
3 said Jessica woke up?
- 4 A Yes.
- 5 Q All right. After you told her what happened, what  
6 happened next?
- 7 A I was running around all distraught. I couldn't  
8 think straight, trying to find the car keys. And I  
9 found the car keys and I opened the door. He was  
10 on the porch to go back outside.
- 11 Q All right. And what were you looking for your car  
12 keys for?
- 13 A Because I was going to try to find my gun to  
14 protect myself.
- 15 Q And so when you opened the door, he was there?
- 16 A Yes.
- 17 Q All right. And when you saw him, what happened?  
18 Did he say anything to you?
- 19 A Yeah. He was like, If you snake me, I'll kill you  
20 too. And then I gave him a ride to Akela's house.  
21 And like on the way to Akela's house I was just  
22 telling him shit like, Fuck that, Nigger, you ain't  
23 got to worry about me saying stuff, and stuff like  
24 that.
- 25 Q All right. Backing up just a little bit. When

1           you -- when he said that to you on the porch, did  
2           he have anything in his hand?

3     A     He had a gun.

4     Q     And what was he doing with the gun?

5     A     He had pointed it at me.

6     Q     While -- was he saying anything while he pointed it  
7           at you?

8     A     You snake me, I'll kill you too.

9     Q     And, I mean, you just started talking about giving  
10          him a ride back. Did you offer --

11    A     No.

12    Q     -- to give him a ride?

13    A     No, I didn't offer him. He told me to take him  
14          around the corner.

15    Q     Around the corner being to?

16    A     Akela's house.

17    Q     All right. And you were describing some things  
18          that you were saying to him, and I kind of cut you  
19          off a little bit. What kind of things were you  
20          saying to him?

21    A     Like, Fuck that, Nigger, you ain't got to worry  
22          about me telling on you, and like stuff in that  
23          nature, like I didn't want him to know like I had  
24          like a gun like due to I felt like he wanted to  
25          kill me too.

- 1 Q And so when you were trying -- when you were  
2 saying, F that, who were you referring to?
- 3 A Donald.
- 4 Q Okay. And is that how you really felt?
- 5 A No. No, ma'am, not at all.
- 6 Q And why were you saying stuff like that to him at  
7 that point?
- 8 A So he wouldn't -- so he wouldn't want to kill me  
9 because I just saw what he had did.
- 10 Q Now, what happened -- once you got to Akela's  
11 house, I mean, did you immediately drop him off and  
12 leave?
- 13 A No. I got there. He was acting like he didn't  
14 want me to leave. So I kept calling Jessica and I  
15 had to have her -- I told her I had to ride  
16 somewhere with her. I told him I was going to  
17 leave my car there and try to play it off because  
18 he acted like he didn't want to get out the car.  
19 So when she came and he got out the car, I just  
20 hurried up and pulled out the yard.
- 21 Q Say that last part again. When he got out of car?
- 22 A And went to walk in the house and I seen her, I  
23 hurried up and pulled out the yard.
- 24 Q And so y'all were -- and so you had her on the  
25 phone while you were outside at Akela's house?

- 1 A Yes.
- 2 Q And, again, where -- at some point did she come to
- 3 Akela's house?
- 4 A Yes.
- 5 Q Okay.
- 6 A She pulled right by the driveway. She didn't
- 7 really come in the yard. She pulled by the
- 8 driveway, and I seen the lights, and I backed up.
- 9 Q Okay. Now, after you left Akela's house, where did
- 10 you go?
- 11 A Home.
- 12 Q And what did you do once you got home?
- 13 A I was still all freaked out, so I had called my dad
- 14 and wake him up to let him know what had happened.
- 15 I was scared and I like didn't know what to do at
- 16 the time.
- 17 Q And did you call any other family members?
- 18 A Yes, I called my cousin, but he didn't pick up, so.
- 19 Q All right. And did you -- that morning, did you
- 20 stay at -- I mean, we are talking about -- about
- 21 approximately what time are we talking about at
- 22 this point?
- 23 A This wasn't like -- this -- I woke my dad up like
- 24 right after it happened, soon as I got home.
- 25 Q Okay. And -- but you had described saying -- when

1           you say here, in the driveway for a while?

2       A     Yes. It wasn't too too long, but long -- it was  
3           longer than I wanted because he acted like he  
4           didn't want me to leave the house.

5       Q     Okay. And right after this occurred and right  
6           after you left him, was anyone calling you?

7       A     Yes, Correy was calling me all that day.

8       Q     Was he calling you a lot?

9       A     Yes, a whole lot.

10      Q     And did you ever answer the phone when he was  
11           calling?

12      A     Yes, I did.

13      Q     And what do you remember him saying?

14      A     Pull up on me, I need to holler at you for a  
15           second. That's all he kept saying the whole day.  
16           Pull up on me, I need to holler at you for a  
17           second.

18      Q     Can you say that a little bit louder?

19      A     Pull up on me, I need to holler at you for a  
20           second. That's what he said every time he called.

21      Q     Pull up on me?

22      A     (Nods affirmatively.)

23      Q     And were there times that like you would either  
24           return or --

25      A     Yes.



1 Q Why were you -- why would you return the call if  
2 you missed it from him?

3 A Because I ain't want him to think like I was like  
4 evading or like hiding from him or something like  
5 that.

6 Q Now, did you stay at -- you know, going into that  
7 morning, did you stay at that -- at [REDACTED]  
8 House Road?

9 A No. We didn't stay. We was like leaving the house  
10 all day, because I was real paranoid.

11 Q And where did you go?

12 A We went to Jessica's grandma's house.

13 Q Now, later that same day -- well, let's back up a  
14 little bit. When you -- what did you -- were you  
15 injured at all from the car crash?

16 A No, I hurt my knee a little bit, but that was about  
17 it.

18 Q Okay. Did you notice whether Correy Brown, the  
19 Defendant, had any injuries?

20 A Yes, when I took him home I noticed he had bust his  
21 lip open.

22 Q And had you noticed that before the car wreck into  
23 the tree?

24 A No, ma'am.

25 Q So, again, what had happened to his lip?

- 1 A He busted it open when we wrecked the car, when the  
2 car wrecked into a tree.
- 3 Q And, again, where was he sitting?
- 4 A In the back seat, behind the passenger's side.
- 5 Q Moving on. Later that same day, did you meet with  
6 law enforcement?
- 7 A Yes.
- 8 Q All right. And did you meet with them voluntarily?
- 9 A Yes, on my own.
- 10 Q All right. And were you -- were you specifically  
11 the one calling them or did --
- 12 A No, I had got in touch with them.
- 13 Q Okay.
- 14 A They was at the end of the street and we had got  
15 one of those cards, and then my brother-in-law had  
16 also had a card from them and got in touch with  
17 them.
- 18 Q So you said your brother-in-law got in touch with  
19 them on your behalf?
- 20 A No, I -- we did too, but he was calling too.
- 21 Q Okay. And did they come to where you were?
- 22 A Yes, they did.
- 23 Q Okay. And, again, where was that?
- 24 A Jessica's grandma's house.
- 25 Q All right. And then after they came -- I mean, did

- 1           they speak to you briefly there?
- 2     A     Yes.
- 3     Q     All right. And then did you agree to go with them
- 4           to the Sheriff's Department?
- 5     A     Yes.
- 6     Q     All right. At that time -- and, again, what day
- 7           was this?
- 8     A     December 29th.
- 9     Q     The same day?
- 10    A     Yes.
- 11    Q     Did you tell them about what had happened earlier
- 12           that morning?
- 13    A     Yes, I did.
- 14    Q     Had you slept at all before meeting with them?
- 15    A     No.
- 16    Q     While you were -- so who was in the room -- like,
- 17           was Jessica in the room with you when you were
- 18           talking to them?
- 19    A     No.
- 20    Q     Okay. And do you remember which investigators it
- 21           was?
- 22    A     I don't remember their name, but I remember if I
- 23           see them. I don't quite remember their names.
- 24    Q     Do you recognize Sergeant Laurita?
- 25    A     Yes, I do.

- 1 Q Okay. Was he one of them?
- 2 A Yes.
- 3 Q All right. While you were meeting with them, was  
4 anyone calling your phone?
- 5 A Yes, Correy was still calling my phone at that  
6 time.
- 7 Q Well, like, actually like during that same  
8 interview?
- 9 A Oh, yes, my mom called, and then my other cousin  
10 called.
- 11 Q So while -- I mean, just to be clear, I was asking  
12 you while you were in the interview room?
- 13 A Yeah, yeah.
- 14 Q All right. At that time -- and you said it was  
15 your mom and --
- 16 A My cousin.
- 17 Q All right. And did you give them -- did they ask  
18 you for a DNA swab?
- 19 A Yes.
- 20 Q Did you give that to them?
- 21 A Uh-huh.
- 22 Q Did you also show them where Mr. Brown had been  
23 calling you?
- 24 A Yes.
- 25 Q And did you allow them to download your --

- 1 A Jessica did, because the phone was in her name.  
2 So, yes, I did.
- 3 Q And did you show them which -- what his number was?  
4 A Yes.
- 5 Q And I am going to show you a portion of your phone  
6 log.
- 7 All right. And we were talking about going  
8 into Ms. Guyton's records but your phone number?
- 9 A Yes.
- 10 Q And were you able to tell them what number the  
11 Defendant was calling you that night?
- 12 A Yes, ma'am.
- 13 Q And is that the number?
- 14 A Yes, ma'am.
- 15 Q And what is that?
- 16 A Correy's number.
- 17 Q Can you read the number?
- 18 A 803-546-0627.
- 19 Q Okay. Now, at that time -- I mean, did you -- you  
20 had indicated that Mr. Brown had been calling you a  
21 lot?
- 22 A (Nods affirmatively.)
- 23 Q Had you deleted some of those calls?
- 24 A Yes, I did delete them.
- 25 Q And why would you do that?

1 A Because I didn't know what to do at first. I was  
2 scared. I was trying to like -- I don't know why I  
3 did it, but I did it.

4 Q All right. But you still allowed them -- now, this  
5 is just -- I was asking you about --

6 A Yeah, I told them I had erased it. I told them  
7 they could go and pull it up.

8 Q Right. But then also as far as your cell phone,  
9 the physical phone, not just the record, or not  
10 just your call logs, did you provide consent for  
11 them to download your phone as well?

12 A Yes, I did.

13 Q Okay. Did he send you any texts after the  
14 incident?

15 A I can't remember. I think so, though.

16 Q Okay. And do you remember the context of them?

17 A I think -- I think it was like -- because I think I  
18 told him I had to get my girlfriend to take me to  
19 the store to get cigarettes. I think it was like,  
20 Did you get your cigarettes?

21 THE COURT REPORTER: I'm sorry, can you repeat  
22 that?

23 A I think something about the cigarettes I can't  
24 remember.

25 Q All right. While you were at the Sheriff's

- 1 Department, were you shown a photo lineup?
- 2 A Yes.
- 3 Q I show you what is marked as State's Exhibit 3. Do
- 4 you recognize that person?
- 5 A Yes.
- 6 Q Or do you recognize lineup?
- 7 A Yes, I do.
- 8 Q Okay. And is this the lineup you completed that
- 9 night?
- 10 A Yes.
- 11 Q All right. And were you able -- excuse me, that
- 12 afternoon. Were you able to identify the person
- 13 you knew as Correy Brown?
- 14 A Yes.
- 15 Q And how did you -- did you circle it?
- 16 A Yes.
- 17 Q All right. And which picture did you circle?
- 18 A Number 2.
- 19 Q All right. And then is that your name at the
- 20 bottom?
- 21 A Yes.
- 22 Q And, I mean, how long had you -- I mean, you were
- 23 familiar with Mr. Brown before that night?
- 24 A Someone had shown it to me.
- 25 Q All right. So you had no problem picking him out?

1 A Right.

2 MS. CAVANAUGH: Your Honor, at this point I  
3 would ask that State's Exhibit 3 be admitted into  
4 evidence.

5 THE COURT: Any objection?

6 MS. DAVIS: No objection.

7 (WHEREUPON, State's Exhibit No. 3 was  
8 marked for identification and received  
9 into evidence.)

10 BY MS. CAVANAUGH:

11 Q And just to be clear, what were you saying that the  
12 person you identified as Correy Brown in that  
13 lineup did?

14 A Shot Donald.

15 Q Do you see him in the courtroom today?

16 A Yes, ma'am.

17 Q And can you please point him out for the jury and  
18 for the Court?

19 (Witness complies.)

20 Q And what is he wearing?

21 A Blue shirt.

22 Q Blue?

23 A Mask on.

24 Q All right. Is he sitting over there in between the  
25 two female attorneys?



1       A     Yes, he is.

2               MS. CAVANAUGH: Your Honor, let the record  
3       reflect he has identified the Defendant.

4               THE COURT: So noted for the record.

5               MS. CAVANAUGH: Beg the Court's indulgence.

6               (Pause.)

7               MS. CAVANAUGH: I would also ask -- I'm not  
8       sure if I did this -- 124, the picture of the house  
9       he identified as Akela's residence, be admitted.  
10      Your Honor, I forgot to admit 124 into evidence. I  
11      am asking to do that now.

12              THE COURT: Any objection?

13              MS. DAVIS: No objection.

14              THE COURT: That will be entered without  
15      objection.

16              (WHEREUPON, State's Exhibit No. 124 was  
17      marked for identification and received  
18      into evidence.)

19      BY MS. CAVANAUGH:

20      Q     Mr. Parker, please answer any questions from the  
21      Defense.

22              MS. DAVIS: Your Honor, may we approach  
23      briefly?

24              (WHEREUPON, a bench conference was held  
25      in the presence of the jury but out of

1           the hearing of the jury.)

2           THE COURT: All right, ladies and gentlemen of  
3           the jury, at this time we are going to take our  
4           afternoon break. We will take about 15 minutes.  
5           And then we will receive you all back in the  
6           courtroom. Please do not discuss the case.

7           Thank you.

8           (WHEREUPON, the jury retires to the jury  
9           room at 3:56 p.m.)

10          THE COURT: All right, you may step down.  
11          (Witness steps down.)

12          MS. CAVANAUGH: Can you just instruct Mr.  
13          Parker not to speak to anybody?

14          THE COURT: Yes, thank you.

15          Please, Mr. Parker, please do not speak to  
16          anyone regarding your testimony. That means your  
17          attorneys, family members, anyone else. So you are  
18          going to just have to sit outside and not talk to  
19          anybody.

20          THE WITNESS: Okay.

21          THE COURT: All right.

22          (Witness steps down.)

23          THE COURT: We are taking a break, but let me  
24          see you all one second.

25          (WHEREUPON, a bench conference was

2 MS. YOUNG: I apologize for leaving abruptly.  
3 I think after I left -- Ms. Hubbard said that there  
4 was an issue that you, Your Honor, noticed that  
5 Juror 68, I guess, is an executive vice-president  
6 of the place where Mr. Parker worked.

8 MS. YOUNG: And I guess we would ask --  
9 request that Your Honor ask the juror if he has  
0 knowledge --

12 MS. YOUNG: I request that Your Honor inquire,  
13 you know, ask the juror if he knows Mr. Parker and  
14 has any knowledge of him.

17 MS. YOUNG: Your Honor, I prefer that he step  
18 out.

22 MR. MCGLOTHLIN: Bill Campion.

25 Mr. Parker, what do y'all do at Republic

1 National?

2 MR. PARKER: Liquor warehouse.

3 THE COURT: Liquor warehouse. And he is the  
4 executive --

5 MR. MCGLOTHIN: Executive vice-president.

6 THE COURT: He is what now?

7 MS. CAVANAUGH: Executive vice-president of  
8 the company, according to the website.

9 (Mr. Parker steps out of courtroom.)

10 THE COURT: All right, you can bring him in.  
11 Bring in Juror Number 68, Bill Campion.

12 (WHEREUPON, the juror came into open  
13 court at 4:19 p.m.)

14 THE COURT: Hey. Is it Mr. Campion?

15 MR. CAMPION: Yes.

16 THE COURT: You may have heard, but the  
17 witness I think works I guess for you. Do you  
18 know --

19 MR. CAMPION: I don't know him. I was as  
20 surprised as you when he mentioned that. So I  
21 don't know how long he has been with the company.  
22 And with COVID we have separated the warehouse and  
23 the front office and we have been working remotely.  
24 So I don't recognize him. I have never had any  
25 interaction with him.

1 THE COURT: All right. And so that was going  
2 to be my question. We just have to ask.

3 MR. CAMPION. No. Like I said, I was just as  
4 surprised when he said that.

5 THE COURT: Would that affect your ability to  
6 be fair and impartial in this trial?

7 MR. CAMPION: I don't think to.

8 THE COURT: And I just need a yes or a no.

9 MR. CAMPION: No, ma'am.

10 THE COURT: All right. Okay. All right,  
11 thank you.

12 (WHEREUPON, the juror retires to the  
13 jury room at 4:20 p.m.)

14 THE COURT: All right. Anything else? I'm  
15 guessing since he says he drives a forklift and he  
16 is Executive VP, he doesn't know him. Anything  
17 else?

18 MS. YOUNG: Beg the Court's indulgence for one  
19 second.

20 (Pause.)

21 MS. YOUNG: Nothing further, Your Honor.

22 THE COURT: Thank you. All right, let's bring  
23 them on in.

24 You can bring the witness back in.

25 (Mr. Parker returns to courtroom and

1 witness stand.)

2 THE COURT: Thank you, sir.

3 (WHEREUPON, the jury came into open  
4 court at 4:22 p.m.)

5 THE BAILIFF: The jury is present, Your Honor.

6 THE COURT: All right. Now we are ready for  
7 cross-examination.

8 Yes, ma'am, Ms. Davis.

9 MS. DAVIS: Thank you, Your Honor. May it  
10 please the Court?

11 CROSS-EXAMINATION

12 BY MS. DAVIS:

13 Q So, Ben, we heard a little bit about you and  
14 Jessica when you just spoke with Ms. Cavanaugh,  
15 right?

16 A Ma'am? Oh, yes.

17 Q And she is someone -- you have been with her for a  
18 long time?

19 A Yes.

20 Q You refer to her as your wife?

21 A Yes.

22 Q She refers to herself as your wife?

23 A Yes.

24 Q And y'all have some children together?

25 A Yes.

- 1 Q And you are currently -- y'all are living together  
2 currently now?
- 3 A Yes.
- 4 Q As well? And back in December of 2018 when this  
5 happened, she is the one who called law enforcement  
6 eventually, right?
- 7 A Yes.
- 8 Q And then I guess it was around 4:00 in the  
9 afternoon, that is when you guys go down to  
10 headquarters?
- 11 A No, we went to her grandma's at first.
- 12 Q I mean, you went to headquarters around  
13 4:00 o'clock, though?
- 14 A Yes.
- 15 Q And you guys drove down there together?
- 16 A No, I rode with the police.
- 17 Q Oh, you were in the police car?
- 18 A Yes.
- 19 Q And when -- and then you guys both got interviewed  
20 by the Solicitors in April of this year, right?
- 21 A Yes.
- 22 Q You guys went to that interview together?
- 23 A Yes.
- 24 Q You guys were actually interviewed in the same  
25 room, right?

- 1 A Yes, but it wasn't really an interview.
- 2 Q Okay. And then I guess when you were done you guys
- 3 left together?
- 4 A Yes.
- 5 Q And Jessica has some serious pending charges right
- 6 now, right?
- 7 A Right.
- 8 Q That is being prosecuted by the Fifth Circuit
- 9 Solicitor's Office?
- 10 A Right.
- 11 Q And it is a Richland County Sheriff's Department
- 12 case?
- 13 A Correct.
- 14 Q And so you are aware of that, right?
- 15 A Yes.
- 16 Q And we heard a little bit -- well, not a little
- 17 bit. We heard about Don P, right?
- 18 A Yes.
- 19 Q And that is someone that you were close to?
- 20 A Yes.
- 21 Q I think you described you grew up with him your
- 22 whole life?
- 23 A Yes.
- 24 Q And his mother, like she hangs out down on Saint
- 25 Marks Street?



- 1 A Yes.
- 2 Q That was real near your dad's house?
- 3 A Yes. That is where she is from.
- 4 Q I'm sorry?
- 5 A That is where everybody is from.
- 6 Q Right. And so everyone kind of hangs out?
- 7 A Yes.
- 8 Q Okay. And I want to go through a couple of just
- 9 clerical kind of things. I think you went through
- 10 a phone number with Ms. Cavanaugh that is the
- 11 546-0627, that was Correy's phone number?
- 12 A Yes.
- 13 Q And your number at the time was 803-413-4039?
- 14 A Yes.
- 15 Q And just to be -- just to clarify a little bit,
- 16 your dad lives at [REDACTED], right?
- 17 A Yes.
- 18 Q And then where Don's mom and family would hang out
- 19 is 1341?
- 20 A I don't know the address, but, yes, somewhere in
- 21 there.
- 22 Q Okay. I mean, they are really, they are like
- 23 next-door, pretty close?
- 24 A Down the street.
- 25 Q And I think -- Ms. Cavanaugh was referring to you

- 1 as Ben. You have a nickname too, right?
- 2 A Yes.
- 3 Q You go by Benjo?
- 4 A Uh-huh.
- 5 Q And you also rap a little bit?
- 6 A Yeah.
- 7 Q And have some videos on YouTube?
- 8 A Yeah.
- 9 Q And I think you go -- your rap name is Lil Benjo?
- 10 A Yes.
- 11 Q Is that right? And I just want to talk to you a  
12 little bit, when you were interviewed initially on  
13 December 29th, that was just you being interviewed  
14 right?
- 15 A Yes.
- 16 Q And you were in the room with I guess Investigator  
17 Laurita here?
- 18 A Yes.
- 19 Q And there was another investigator too?
- 20 A Yes.
- 21 Q And that is Investigator Caldwell?
- 22 A Yes. I don't know -- I know him by face.
- 23 Q Okay. You don't remember his name?
- 24 A No.
- 25 Q But you remember there was a second person in

1           there?

2       A     Yes.

3       Q     And then when you and Jessica got interviewed in  
4           April, do you remember how long you guys talked to  
5           the Solicitors that day?

6       A     Not too long.

7       Q     Like an hour? Two hours?

8       A     Maybe like 45 minutes, hour.

9       Q     Okay. And then you also talked with them again  
10          last week?

11      A     Yes.

12      Q     And that time they interviewed you guys separately,  
13          though, right?

14      A     Yes.

15      Q     And how long did you spend in the Solicitor's  
16          Office last week?

17      A     Maybe about an hour.

18      Q     An hour?

19      A     Yes.

20      Q     And that is when you watched your interview again?

21      A     Yes.

22      Q     And when you got interviewed back in 2018, it was  
23          audio and video recorded, right?

24      A     Yes.

25      Q     And so that is what you watched again last week?

- 1 A Yes.
- 2 Q And since this incident, we have tried to talk with  
3 you a couple of times too, right?
- 4 A Yes.
- 5 Q We have had an investigator come try and talk with  
6 you?
- 7 A I don't know.
- 8 Q But you wouldn't talk with us, right? You didn't  
9 want to be interviewed by us?
- 10 A No.
- 11 Q And Jessica, same thing?
- 12 A Right.
- 13 Q So I want to move forward and let's talk about the  
14 day that we're all here for, okay?
- 15 A Right.
- 16 Q And that day, as you said, when you first were  
17 interviewed by law enforcement was Correy's  
18 birthday, right?
- 19 A Yes. Either that day or the next day, one out the  
20 two.
- 21 Q Yes. I think it was a Friday night?
- 22 A Right.
- 23 Q And it led into Saturday morning, right?
- 24 A Right.
- 25 Q And you said that they were calling you all day?

- 1 A Uh-huh.
- 2 Q And that was Don P was calling you?
- 3 A Anteyan and Correy.
- 4 Q Anteyan and Correy. All three of them?
- 5 A Yes.
- 6 Q They were trying to get you to come out?
- 7 A (Nods affirmatively.)
- 8 Q At that point you were at work still, right?
- 9 A Yes.
- 10 Q But you knew they were out partying?
- 11 A Yes.
- 12 Q I think at some point when you are talking to law  
13 enforcement you talk about, you know, they were  
14 pretty drunk?
- 15 A Right.
- 16 Q And so you finally go and decide to hang out at  
17 Anteyan's a little bit?
- 18 A Yes.
- 19 Q People are partying and drinking there?
- 20 A It was just them three. They were just chilling,  
21 drinking.
- 22 Q It was just those three?
- 23 A Yes.
- 24 Q Well, Stenyatta was there too, right?
- 25 A Who?

1 Q Stenyatta Harper?

2 A No, it was just those three.

3 Q Okay. So I want to talk a little bit about the  
4 calls on the 28th when you said they were calling  
5 you at all times. Correy called you nine times  
6 probably that day before you came out?

7 A Yes.

8 Q Does that sound about right?

9 A (Nods affirmatively.)

10 Q So he was just kind of a phone guy, he just keeps  
11 calling, right?

12 A Yes. It was Don P, Anteyan, and him. It was all  
13 three of them.

14 Q Right. But, I mean, his phone --

15 A Right.

16 Q -- like he was calling you?

17 A Yes.

18 Q Okay. And then on the 29th, before they show up at  
19 your house at 3:00 o'clock in the morning, he is  
20 calling you a lot that night too, right?

21 A Yeah, he had called me like a couple of times while  
22 I was still up sitting on the chair. I had my  
23 phone on *do not disturb* so it didn't ring, so.

24 Q Okay. And so from -- so you think it is fair to  
25 say kind of early in the day on the 28th until you

1           got to Anteyan's, he might have called you 16, 17  
2           times?

3       A     I can't say. I can't quite remember. He did call  
4           me a lot.

5       Q     Called you a lot. Okay. Another thing, when you  
6           talked with law enforcement back in 2018, you  
7           indicated Correy and Don P didn't really know each  
8           other, right?

9       A     I guess. I said that was weird. I don't know how  
10          they knew each other.

11      Q     Right. I think what you told them was, one of the  
12          investigators said, Prior to that night, going back  
13          many weeks, do you remember them ever having any  
14          problem, any run-in, right?

15      A     No, I don't even never remember them being together  
16          until that day.

17      Q     Right. Like that night was the first time you had  
18          seen them hang out?

19      A     Right.

20      Q     Okay. And I think you just said you thought it was  
21          weird?

22      A     Yes.

23      Q     And then I know that night you didn't go to Tony's,  
24          right?

25      A     No.

- 1 Q But you know that place, Tony's Lounge?
- 2 A I do.
- 3 Q And that is kind of a, I guess -- do you call it a
- 4 club or just a bar?
- 5 A Just like a bar.
- 6 Q Okay. And it is kind of a rough place?
- 7 A I wouldn't say it is rough. I don't know. People
- 8 hang out. That's it.
- 9 Q People hang out?
- 10 A That's it.
- 11 Q Okay. There is not any violence or shootings that
- 12 happen there?
- 13 A It did, maybe, I don't know.
- 14 Q Okay. Do people have guns when they are at Tony's?
- 15 A I don't know. I don't know what nobody else had
- 16 when they at Tony's.
- 17 Q I'm sorry?
- 18 A I don't know what no one else have when they at
- 19 Tony's.
- 20 Q Okay. When you have been there, you have never
- 21 seen other people with weapons, that you personally
- 22 saw?
- 23 A No.
- 24 Q Okay. And so you knew they had been there before
- 25 that night, right?



- 1 A No, I ain't know they had went there that night  
2 till I found out after that, after the incident.
- 3 Q Okay. And so you end up -- your involvement is at  
4 Anteyan's house?
- 5 A Right.
- 6 Q And you said you stayed there for about an hour?
- 7 A Yes.
- 8 Q And then you end up leaving and you take Correy,  
9 right?
- 10 A (Nods affirmatively.)
- 11 Q And you go to Akela's house?
- 12 A Yes.
- 13 Q So do you know where Akela's live?
- 14 A Yes.
- 15 Q So that night you just drove him there?
- 16 A Yes.
- 17 Q And then I think today you said -- I think  
18 Ms. Cavanaugh asked you if you knew if Don P was  
19 following you guys, right?
- 20 A Yes.
- 21 Q And you said today, Correy told Don P to follow us,  
22 right?
- 23 A Yeah, I mean, he did. He followed us. That is why  
24 he followed us.
- 25 Q You have never said that before today, though,

1 right?

2 A I mean, why else would he follow us? I ain't told  
3 him to follow us. I had a car.

4 Q Well, I'm just trying to figure out, today is the  
5 first time you have ever said, Correy told Don P to  
6 follow us?

7 A I mean, he did.

8 Q But today is the first day you have ever told  
9 anybody that, right?

10 A No.

11 Q Okay. So --

12 A It is not the first day I ever mentioned that to  
13 anybody.

14 Q It is not the first day?

15 A No.

16 Q Okay. In December of 2018, you didn't tell law  
17 enforcement that?

18 A I don't know if I told them that or not, but that  
19 is not the first time me mentioning that.

20 Q Okay. Well, you were interviewed for about 45  
21 minutes back in December?

22 A Yes, ma'am.

23 Q Okay. And you think you did tell them?

24 A I ain't saying I did, but, I mean, I know Don P  
25 followed and Correy is the reason why he followed

1           us. That is what I'm saying.

2       Q     Right. And I believe you, Don P did follow you,  
3           I'm just trying to state that you have never said  
4           anything about Correy telling him to follow you?  
5           It sounds like you are saying you think that is  
6           what happened.

7       A     No, that is what happened.

8       Q     Okay. When you met with the Solicitors in April of  
9           2021, did you tell them then that Correy is the one  
10          who told Don to come over?

11      A     I don't know if I told them that or not. I can't  
12          remember.

13      Q     Okay. Do you know --

14      A     This situation was very traumatic for me.

15      Q     I understand that. I'm just trying to get out as a  
16          learning fact that --

17      A     Right.

18      Q     -- today was the first time we heard that. So  
19          y'all end up at Akela's house?

20      A     Yes.

21      Q     And you drop Correy off?

22      A     Uh-huh.

23      Q     And then Don P is behind in the car?

24      A     No. I left, and they were still there. I left  
25          them there at Kela's. I left and went home.

- 1 Q But, I mean, Don P was not in the vehicle with you?
- 2 A No, he was in his car.
- 3 Q Right. So did you pull in, then he pulled in
- 4 behind you?
- 5 A Yes.
- 6 Q Okay. And then you turned around, or how did you
- 7 get out?
- 8 A I pulled in and Don P pulled up behind me and I
- 9 told Correy and him I was about to go, and I backed
- 10 out and left.
- 11 Q Okay. So you were -- you just dropped Correy off
- 12 and left?
- 13 A Yes.
- 14 Q You didn't hang out at all?
- 15 A No.
- 16 Q Okay. Now, when -- so you go home, and I think you
- 17 said, when you were talking to Ms. Cavanaugh, about
- 18 2:00 o'clock in the morning maybe?
- 19 A I think it was a little before 2:00 when I got
- 20 home.
- 21 Q Okay.
- 22 A I can't quite remember the exact time because I
- 23 wasn't really paying that any attention.
- 24 Q That is fair. And so you went home?
- 25 A Yes.

- 1 Q And as far as you know, Correy and Don were the  
2 only ones still together?
- 3 A Yes.
- 4 Q And then you said they come to your house  
5 between -- what time was it?
- 6 A Like 3:00 something, early, maybe like  
7 3:00 o'clock.
- 8 Q So then at least an hour since you had seen them?
- 9 A It had been over an hour.
- 10 Q Over an hour.
- 11 A I had been home a little while.
- 12 Q Okay. And back in December of 2018, you said that  
13 Correy came up and said, Come on, Bro. Come on,  
14 just ride with us down the street?
- 15 A Right.
- 16 Q Right. And, again, this is his birthday, right?
- 17 A (Nods affirmatively.)
- 18 Q Is that a yes?
- 19 A I did, yes.
- 20 Q And everyone been hanging out -- they had been  
21 hanging out.
- 22 A Right.
- 23 Q Drinking, partying, right?
- 24 A (Nods affirmatively.)
- 25 Q And then last week you told the Solicitor that

1 Correy said, Come ride with us, me and Don got  
2 something to talk about, right?

3 A Right.

4 Q But you didn't say that back in 2018?

5 A It still the same thing. I'm saying the same  
6 thing. Both of them were saying, Come, let's ride.  
7 Both of them. Not just one.

8 Q Absolutely. He wanted you to come hang out?

9 A He was saying the same thing.

10 Q He wanted you to come hang out, right?

11 A (Nods affirmatively.)

12 Q Okay. And today you testified to that Correy  
13 said -- like once y'all get in the car, that Correy  
14 says, If y'all are doing all the talking, then why  
15 am I here?

16 A Right.

17 Q Right? The first time you ever told anybody that  
18 was last week, right?

19 A No.

20 Q You told law enforcement that in 2018?

21 A Yes, I think I did.

22 Q Okay. So in your interview and your transcript,  
23 you think that you told him that he said that?

24 A I don't quite remember what I said. Like I said,  
25 it was traumatic. I tried to erase the situation

1 out of my head.

2 Q And I understand that. In 2018, I will tell you,  
3 in the transcript you did not tell them that.

4 A That's what he said, though. Those were the exact  
5 words he said.

6 Q Okay. But you told them that last week, right?

7 A Yes.

8 Q And, again, when you went and talked with  
9 Investigator Laurita and the other investigator,  
10 that was half a day later? That was around  
11 4:00 o'clock on the 29th, right?

12 A Uh-huh.

13 Q And everything had just happened that early morning  
14 hours, right?

15 A Right.

16 Q And you told them -- Investigator Laurita asked you  
17 and says, And there was no argument or anything?

18 A There was no argument.

19 Q Right. And you tell them, There was no argument.  
20 I felt like everything was cool. Right?

21 A Uh-huh.

22 Q Laurita again says, Did you get a feeling like  
23 there was some tension? And you tell them no,  
24 right?

25 A Huh-uh.

1 Q And then he asked again, he says, Did it feel like  
2 there might have been some tension or something  
3 like that? And you said, It really didn't, sir.  
4 It didn't feel like there was no -- and then you  
5 finish saying, no tension. Right?

6 A (Nods affirmatively.)

7 Q So you are telling them that very clearly?

8 A Right.

9 Q And something happened in the interview and so then  
10 at some point Laurita, Investigator Laurita says,  
11 Go on. I'm sorry, kind cut you off maybe. And you  
12 again say, Yeah, there was no tension in the car?

13 A Right.

14 Q Right. And then the investigator again, trying to  
15 clarify, he says, So you had literally -- you had  
16 really just pulled out of your house when this  
17 happened?

18 A (Nods affirmatively.)

19 Q And you say, We literally just pulled out of my  
20 yard. As soon as we passed the fence, Pow. I  
21 didn't know what they had going on. There really  
22 wasn't no tension, no nothing.

23 A Uh-huh.

24 Q Right?

25 A (Nods affirmatively.)



- 1 Q And I think you said also that this happened very  
2 quickly after you get in the car?
- 3 A It did. It happened quick.
- 4 Q Right. I think today you said it was like ten  
5 seconds that you had been in the car?
- 6 A The fence is not far from my house.
- 7 Q Right, yes, it is like .2 miles maybe, right?
- 8 A Right.
- 9 Q And y'all were gone pretty quick when you came out  
10 the house or out?
- 11 A Just cruising. We wasn't like going fast at that  
12 point. Just like --
- 13 Q Okay. And you told law enforcement, at that moment  
14 you said, Donald was like, I'm listening, Big Bro,  
15 and then that is when you hear the gunshots?
- 16 A Yeah. He said -- as a matter of fact, he said he  
17 is doing all the talking. He said, If y'all doing  
18 all the talking, why am I here? That is when  
19 Donald said, I'm listening, Big Bro. He was like,  
20 As a matter of fact, shut the fuck up. Pow.
- 21 Q In 2018 that is not what you told law enforcement,  
22 though, about what they were saying to each other?
- 23 A Well, that is what happened.
- 24 Q Okay. But do you remember in 2018 you just said  
25 that Donald was like, I'm listening, Big Bro, and

1           then pow?

2    A    I can't remember what I said. As I said, this  
3           happened like a while ago, or a long time ago.

4    Q    If I showed you the transcript, would that help  
5           you?

6    A    I said I don't remember what I said, but, I mean,  
7           if that is what I said, that is what I said.

8    Q    Okay, that's fair. And then when you heard the  
9           shot, I assume that surprised you?

10   A    Right.

11   Q    That you did not expect that?

12   A    No.

13   Q    Didn't see that coming at all, things seemed fine?

14   A    Right.

15   Q    Right? And then we heard today that you said that  
16           Correy said -- we'll get to that later. When you  
17           called police -- or when you talked with police  
18           back in 2018, they are asking you about after the  
19           car accident what happened, right?

20   A    Yes.

21   Q    And you remember telling them saying, I jumped out  
22           and bailed. I ain't look back, sir?

23   A    Yes.

24   Q    Saying you got out and just hauled, right?

25   A    Right.

1 Q You told them again, I jumped out, ran to the  
2 house?

3 A (Nods affirmatively.)

4 Q In April when you talked with the Solicitors, you  
5 said that Correy chased you to the house and was on  
6 your porch?

7 A I didn't say he chased me, I said, I know he was  
8 behind me because he was yelling, Get down. I  
9 never said he chased me. But he was right behind  
10 me, so.

11 Q Okay. So he wasn't chasing you, but he was behind  
12 you?

13 A He was chasing me. He was yelling, Get down.

14 Q Okay, I'm sorry, so he was chasing you?

15 A I guess, if that is what you want, yes.

16 Q Well, no, I'm just trying to ask you what you said  
17 to them in April?

18 A Yes.

19 Q You said he chased you, but now it sounds like you  
20 are saying he was just behind you?

21 A He was running behind me, like after that happened,  
22 so he was chasing me.

23 Q Okay. In 2018, though, you don't tell them  
24 anything about Correy being on your porch?

25 A Yeah, I did tell them that. How else he was going

1 to get home?

2 Q So you are under the impression that back in 2018  
3 you told this investigator that you drove Correy  
4 home?

5 A Yes, I thought they knew everything. Yes, I  
6 thought they gave him a ride home. I thought they  
7 knew everything.

8 Q You thought they knew everything?

9 A Yes, because I said it.

10 Q Okay. So you are saying you told them, I took  
11 Correy home that night?

12 A Yes.

13 Q Okay. Again, you know your statement is audio  
14 recorded, right?

15 A Right.

16 Q You watched it?

17 A But I don't know why y'all don't have that part,  
18 but I told them that, because they asked me how did  
19 I know his lip was busted.

20 Q Right. They asked you that in April of 2021?

21 A Right. And I told them. But they knew that. I  
22 already had done said that. Everybody know that.  
23 Everybody know I gave the man a ride home.

24 Q But you didn't tell law enforcement you that when  
25 you were interviewed?

- 1 A I did. I remember telling them that. I did too.  
2 I don't know why it is not on there, but I told  
3 them everything, everything that happened.
- 4 Q Okay. So you when you watched your video with them  
5 last week --
- 6 A Right.
- 7 Q -- you realized that that was not in the video,  
8 though, right?
- 9 A I realized it.
- 10 Q Okay. And one of the other things you told them  
11 when Correy was calling you, you said that he also  
12 called you earlier that day and that you answered  
13 the phone and that he was like, Bro, I swear, Bro,  
14 if it comes down to it, you ain't have nothing to  
15 do with it?
- 16 A Yes, he did say that too.
- 17 Q He is saying, I'll take responsibility, man, not on  
18 you?
- 19 A Right.
- 20 Q Right? Okay. Now, when you -- I think you might  
21 have said this when you were talking with  
22 Ms. Cavanaugh. And this is a map that she was  
23 showing you where -- this is where you guys used to  
24 live?
- 25 A Yes.

1 Q I'm not used to this set-up. This is where you  
2 guys used to leave on Meeting House? And then this  
3 is Akela's house?

4 A Yes.

5 Q So when you took him home, you just had to go up  
6 this way and drop him off?

7 A Uh-huh.

8 Q Right.

9 A (Nods affirmatively.)

10 Q When you spoke with the Solicitors in April of 2021  
11 after they asked you about how did you know his lip  
12 was bleeding, did they tell you anything about GPS?

13 A No.

14 Q They didn't talk to you about that? Do you know  
15 that GPS location was on your phone?

16 A No.

17 Q You know GPS can like track somebody?

18 A I know I have GPS. I know it probably was on.

19 Q Okay. So, yes. You know law enforcement, you gave  
20 them your phone that night?

21 A Yes, I did.

22 Q And they did what they call an extraction, right?

23 A Right.

24 Q They tried to get all information they could off  
25 your phone?

1 A Uh-huh.

2 Q So they got all your GPS locations?

3 A Uh-huh.

4 Q And so that tracks your phone as you use it, right?

5 A Yes.

6 Q Okay.

7 MS. CAVANAUGH: This specific information  
8 about GPS tracking is not -- he has no idea  
9 about -- I mean, this goes into expert testimony  
10 type stuff. I absolutely object.

11 MS. DAVIS: It is a map. It is already in  
12 evidence.

13 MS. CAVANAUGH: Oh, I thought she was trying  
14 to -- she was talking about GPS and then showing  
15 the map. I'm sorry, I misinterpreted what she was  
16 talking about.

17 THE COURT: Let her ask the question. Ask the  
18 question. Obviously he can't give any expert -- he  
19 can't answer as an expert with regard to GPS.

20 MS. DAVIS: Right.

21 BY MS. DAVIS:

22 Q So the phone would track you, though, right.

23 A (Nods affirmatively.)

24 Q So do you know why the phone would show you going  
25 around the circle this way?

1 A No.

2 Q That wouldn't -- that doesn't sound right to you?

3 A No.

4 Q Okay. So you didn't --

5 A I can't remember --

6 Q You didn't drive in a loop -- you didn't drive the  
7 whole loop that night when you took Correy home?

8 A I'm not sure. Like I say, I was like halfway out  
9 of it. I don't even remember really what happened  
10 that night until like I got home and like cleared  
11 my head.

12 Q Okay. I'm just trying to establish -- I'm trying  
13 to figure out what happened that night. So on  
14 direct you told Ms. Cavanaugh that you took Correy  
15 home from here and drove straight to Akela's house?

16 MS. CAVANAUGH: That is actually misstating  
17 what he said. I didn't ask the specific route. I  
18 would object to that question.

19 MS. DAVIS: May we approach?

20 THE COURT: Yes.

21 (WHEREUPON, a bench conference was held  
22 in the presence of the jury but out of  
23 the hearing of the jury.)

24 THE COURT: All right, please rephrase the  
25 question.



1 BY MS. DAVIS:

2 Q All right. So, Mr. Parker, when we were just  
3 talking a couple of minutes ago, I asked you if you  
4 drove him from your house directly to Akela's  
5 house, and you said yes, right?

6 A Yes, I think so.

7 Q Okay. So you are saying you don't have any memory  
8 of driving around this loop and going back to your  
9 house before that, right?

10 A No, I don't.

11 Q Okay. And I think just a second ago you just said  
12 you don't really remember what happened that night?

13 A Yes, because like after I was so scared when I had  
14 to give him a ride, like I was just trying to say  
15 everything to like so he wouldn't shoot me too.  
16 So.

17 Q And so about that part, today is the first time you  
18 have ever told anybody he is on your porch and had  
19 a gun pointed at you, right?

20 A No, that is not the first time I said that. It is  
21 not.

22 Q Who did you tell that to before?

23 A I told that to the officers too.

24 Q You told Investigator Laurita that?

25 A Yes, I did. Yes, I did.

1 Q In 2018?

2 A Yes.

3 Q Okay. Did you tell the Solicitors that in April?

4 A Yes.

5 Q And did you tell them that last week also?

6 A Yes.

7 Q Okay. So your testimony today is that you have,  
8 since 2018, said that Correy pointed a gun at you  
9 that night and that you then had to drive him home?

10 A Right. He said if I snake on him he will kill me  
11 too, and I had to take him to the house. He was on  
12 my porch. How else was he going to get from around  
13 my house that time of the morning?

14 Q Well, I'm just trying to establish when we learned  
15 these things from you, and it sounds like you don't  
16 maybe remember that night very well, is that right?

17 A I remember -- I remember enough to know what he  
18 did.

19 Q Okay. Do you remember in 2018 -- I'm talking about  
20 when you were interviewed by law enforcement -- do  
21 you remember them asking you, Do you know where he  
22 is right now? And you said, I couldn't tell you,  
23 sir. If I did, I would tell you?

24 A Right.

25 Q At that point you knew you had taken him to Akela's

1 house, though, right?

2 A Right. I told them, yeah, that is where I took him  
3 at, he might be there. I said, I don't know where  
4 he is at now.

5 Q You told law enforcement that you took Correy to  
6 Akela's house and that he might be there right now?

7 A The house around the corner. I explained to them  
8 what house I dropped him off to.

9 Q Okay. So they knew to go check Akela's house  
10 because you told them you dropped him off there,  
11 right? Is that what you are saying?

12 A Well, I ain't saying I said Akela's house, but I  
13 told them the house I dropped him off to on Country  
14 Haven. I specifically said Country Haven Road.

15 Q Okay. Do you remember telling them, I don't know,  
16 I don't know if the man was still in the area?

17 A No, I don't remember saying that at all. I don't  
18 know if he was in the area, though, at that time  
19 once I left. I don't know what he did after I  
20 dropped him off.

21 Q Right. I get that. I'd like to clarify that what  
22 you are saying today is that you told law  
23 enforcement in 2018 in your recorded statement that  
24 you drove Correy home that night?

25 A It is not on there, so I couldn't have said that,

1           but I thought I did told them that.

2       Q     Okay.

3       A     If I didn't--

4       Q     I didn't mean to cut you off.

5       A     If I didn't, I didn't, but I thought I told them  
6           that.

7       Q     Okay. So now you agree that maybe the first time  
8           you told them about taking him home was actually  
9           April?

10           MS. CAVANAUGH: Objection. Asked and answered  
11           over and over. He says he doesn't remember about  
12           specific statements she keeps asking him about. I  
13           mean, she has asked him the same question about  
14           Akela's house like three or four times.

15           MS. DAVIS: Your Honor, can we approach?

16           (WHEREUPON, a bench conference was held  
17           in the presence of the jury but out of  
18           the hearing of the jury.)

19           THE COURT: The objection is overruled.

20           MS. DAVIS: Beg the Court's indulgence.

21           (Pause.)

22       BY MS. DAVIS:

23       Q     Sorry about that, Ben. So I think it sounds like  
24           what you are saying is maybe you didn't tell police  
25           that back in December of 2018, right?

- 1 A Yes.
- 2 Q But you told them that the first time in April of  
3 this year, right?
- 4 A I guess so, yes.
- 5 Q Or, I'm sorry, you told the Solicitor's Office?
- 6 A Right.
- 7 Q Right?
- 8 A I thought I had already said that.
- 9 Q Okay. And then today saying that he pointed a gun  
10 at you, today is the first time you told anybody  
11 that?
- 12 A I been said he told me, If you snake me, I'll kill  
13 you too. I said that already.
- 14 Q Right. No, I agree with that. In 2018 you told  
15 them that he had threatened you?
- 16 A I don't know if I specifically said he pointed a  
17 gun at me, but that is what he said, so obviously  
18 he had a gun.
- 19 Q Okay. At some point you had mentioned -- sorry, I  
20 kind of jumped around there. After the crash,  
21 after you guys hit the tree, you mentioned that you  
22 are running?
- 23 A Yes.
- 24 Q Right?
- 25 A Yes.

- 1 Q And at that point you guys see a car?
- 2 A There was a car coming down the street.
- 3 Q And that Correy said, Get down?
- 4 A Yes.
- 5 Q Did you? Did you get down?
- 6 A No, I kept running. I was in the woods.
- 7 Q Okay. And then when you took Correy home, did you
- 8 see any other cars that night?
- 9 A I can't remember if I saw a car or not.
- 10 Q You might have passed one, but you are not sure?
- 11 A Not sure.
- 12 Q Do you remember -- well, you just testified to
- 13 this, I guess -- that after the car accident and
- 14 you got home -- after you took Correy home, that
- 15 you go back to your house at Meeting Street, right?
- 16 A Yes.
- 17 Q And you said -- you told Investigator Caldwell that
- 18 when you got home you got your family together and
- 19 y'all -- all of you left and went to Jessica's
- 20 grandmother's house?
- 21 A No, that was not right after that. That was a
- 22 little later on. I called my dad first.
- 23 Q Okay. And then after you called him, then you
- 24 packed up and everybody left?
- 25 A Not right then at that moment, but it was -- I

1           can't remember when we left, but I know we packed  
2           up and left. We left the house. We wasn't there.  
3           We kept leaving all day.

4       Q     Okay. Do you remember telling Investigator Laurita  
5           that when you got back home you packed up your wife  
6           and kid and went to her grandmother's house?

7       A     No. I don't remember what I said, but, I mean, I  
8           know we packed up and left. We did pack up and  
9           leave.

10      Q     Did you go to your dad's house that day?

11      A     Went to my dad's house, and then we got a bag and  
12           went to Jessica's grandmother's house.

13      Q     You went to your dad's house and you what?

14      A     We went to Jessica's grandmother's house after  
15           that. We wasn't sitting in the house all day after  
16           that. We was just like - I just kept leaving the  
17           house.

18      Q     You are talking about Meeting Street?

19      A     Yes.

20      Q     So you went to your dad's house, you just said,  
21           right?

22      A     Yes, earlier that morning.

23      Q     Do you remember -- I think you mentioned also just  
24           a few minutes ago that back in 2018 that you sold  
25           weed, sold marijuana sometimes?

- 1 A Yes.
- 2 Q Do you remember having someone in your phone,  
3 Chelsea?
- 4 A Yes.
- 5 Q Do you remember if that person was trying to get  
6 weed that day, the 29th?
- 7 A No, I don't remember that.
- 8 Q Okay. So could that be that someone would text you  
9 that day saying, I need some tree?
- 10 A You say could somebody have text me that?
- 11 Q Saying, I need some tree, though?
- 12 A Maybe.
- 13 Q And that would be marijuana?
- 14 A Right.
- 15 Q And that you wrote back saying, No. It is on the  
16 way now?
- 17 A What day that was?
- 18 Q The 29th, that morning?
- 19 A I don't even remember that.
- 20 Q Okay. But that could have happened?
- 21 A It could have.
- 22 Q Do you remember telling them that you got it now?
- 23 A No.
- 24 Q You talked a little bit about the phone, go through  
25 a little bit. You told law enforcement back in



- 1           2018 that Correy was calling you all day, right?
- 2     A     Yes.
- 3     Q     I think multiple times you are telling them, He
- 4           keeps calling, he keeps calling?
- 5     A     (Nods affirmatively.)
- 6     Q     And you answer almost every one of his phone calls,
- 7           right?
- 8     A     Right.
- 9     Q     And you call him three times --
- 10    A     Right.
- 11    Q     -- at least? You call him, right?
- 12    A     (Nods affirmatively.)
- 13    Q     And that y'all talked several times that day?
- 14    A     Right.
- 15    Q     In the early morning hours y'all talked, right?
- 16    A     Yes. He was calling me all day. We talked, yes.
- 17    Q     Right. And so then you talked to him later in the
- 18           afternoon?
- 19    A     Yes.
- 20    Q     When you were interviewing -- or, I'm sorry, when
- 21           you were being interviewed by Investigator Laurita,
- 22           you never told them that you were calling him back,
- 23           right?
- 24    A     Yes.
- 25    Q     You did?

1 A I don't know if I told them, but I told them to  
2 pull my records, so obviously they could have seen  
3 it. I didn't have nothing to hide.

4 Q That night -- I'm sorry. Back in 2018 also when  
5 you are talking to law enforcement, you tell them  
6 that you dropped -- I'm sorry, bouncing around.  
7 After you leave Anteyan's that night, that you take  
8 Correy over to Akela's, right?

9 A Right.

10 Q And you tell them that it was the house off Country  
11 Haven Road, right?

12 A (Nods affirmatively.)

13 Q And you tell them a little bit later -- or, I'm  
14 sorry, in April of this year you tell them also you  
15 took Correy to a house down the road, right?

16 A Yes. No, I said I took him to Country Haven. That  
17 is where I said I took him.

18 Q Right. You say you took him to Country Haven Road.  
19 You don't ever say Akela's name, though, do you?

20 A No. I don't know. Maybe, maybe not. But I told  
21 them I took him to Akela's house.

22 Q You told them you took him to Country Haven Road,  
23 right?

24 A Right.

25 Q But you don't say Akela, right?

- 1 A Yes. I don't know. I don't know. I just say I  
2 know I say I took him to Country Haven.
- 3 Q But you know Akela?
- 4 A Yes.
- 5 Q Y'all went to grade school together?
- 6 A Uh-huh.
- 7 Q Seen her at Tony's before?
- 8 A (Nods affirmatively.)
- 9 Q You guys hung out?
- 10 A No, I don't hang out with Akela.
- 11 Q Not like close, but you have been in the same  
12 places before, right?
- 13 A Yes.
- 14 Q And she lives, like you said, I mean, it is like  
15 just down the street from you, right?
- 16 A (Nods affirmatively.)
- 17 Q And that day after this happened, you don't call  
18 9-1-1 either, right?
- 19 A No, I did call 9-1-1. I got Jessica to do it. We  
20 had got their card when they was at the end of the  
21 street.
- 22 Q Right. Jessica called later in the day?
- 23 A Uh-huh.
- 24 Q Right? Do you remember getting a text from someone  
25 saying, The law is at the stop sign, that morning?

1 A Yes, because I had done told them -- I had done  
2 told them I was going to tell. That's why.

3 Q Okay. But Jessica did not call them until later in  
4 afternoon, right?

5 A Yes. Larry got in touch with them for us. We was  
6 getting in touch with the law.

7 Q And I think you had mentioned when you were talking  
8 to Ms. Cavanaugh, you know, that you didn't call  
9 right away because you were scared?

10 A Right.

11 Q Right? And you mentioned that it was traumatic,  
12 right?

13 A (Nods affirmatively.)

14 Q And that you had actually gotten blood on you,  
15 right?

16 A (Nods affirmatively.)

17 Q What did you do -- when you got home from the car  
18 accident, what were you wearing?

19 A I had on a T-shirt and a pair of jeans and some  
20 slides.

21 Q And so then did you shower or wash your face?

22 A Yes, I did. I had washed my face off. After I got  
23 to Jessica's grandma's I did.

24 Q And then what did you do with those clothes?

25 A I threw them in the laundry. Jessica washed them.

1 Q Okay. And you had told Ms. Cavanaugh already too  
2 that you had some calls in your phone that you had  
3 deleted and you were just kind of -- I think you  
4 said you were paranoid?

5 A (Nods affirmatively.)

6 Q Obviously, I assume you -- nothing like this had  
7 ever happened before, right?

8 A Right.

9 Q And you had said it was very close to your house  
10 where it happened?

11 THE COURT REPORTER: I'm sorry, you need to  
12 answer.

13 A I am shaking my head yes.

14 Q And it was completely unexpected, right?

15 A Yes.

16 Q And you had mentioned too you tried calling your  
17 cousin that day?

18 A Yes.

19 Q I think that is Shorty P, is that his nickname?

20 A Yes.

21 Q And he -- do you remember him texting you saying,  
22 Have a little patience, Rat Pack?

23 A No, I don't.

24 Q Okay.

25 MS. DAVIS: Beg the Court's indulgence.

1 (Pause.)

2 BY MS. DAVIS:

3 Q And I want to clarify -- not clarify, but when  
4 y'all are driving away from your house and this  
5 happened, it is very dark out there, right?

6 A (Nods affirmatively.)

7 Q And I think you talked to law enforcement a little  
8 bit about that how dark it is that night, right?

9 A (Nods affirmatively.)

10 Q No street lights out there? And Correy you are  
11 saying is in the back seat?

12 A (Nods affirmatively.)

13 Q And you are in the front seat?

14 A (Nods affirmatively.)

15 Q And so the shooting -- he is shooting the person  
16 driving the vehicle that y'all are in?

17 A Right.

18 Q And, again, in that moment when that happened, you  
19 are very clear with law enforcement, with  
20 Investigator Laurita, that there was no tension in  
21 the car, right?

22 A Wasn't no tension in the car.

23 Q Not tension. And no argument?

24 A No argument.

25 Q Everything seemed cool to you?

- 1 A Right.
- 2 Q And it just seemed to come out of nowhere?
- 3 A Right.
- 4 Q And that is why this is traumatic for you?
- 5 A It is traumatic because that is my family, like.
- 6 Q Of course. I mean, it is your family and it also
- 7 happened in front of you?
- 8 A Right.
- 9 Q Right? But it came very much as a surprise to you?
- 10 A Right. It was a surprise.
- 11 Q Everything seemed to be totally fine?
- 12 A Yes.
- 13 Q When you got in the car, right?
- 14 A Yes.
- 15 Q Seemed cool?
- 16 A Yes.

17 MS. DAVIS: Nothing further, Your Honor.

18 THE COURT: Redirect?

19 MS. CAVANAUGH: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. CAVANAUGH:

22 Q Mr. Parker, when you came -- first of all, did law

23 enforcement come to -- just hold on one second.

24 (Pause.)

25 Q When you met with me earlier in April and you

1 relayed the information to me about -- and to the  
2 investigator that was with me at that time -- about  
3 the lip -- excuse me -- the Defendant coming to  
4 your porch?

5 MS. DAVIS: Objection. Leading.

6 MS. CAVANAUGH: This is redirect.

7 THE COURT: Sustained. Please rephrase the  
8 question.

9 BY MS. CAVANAUGH:

10 Q Did law enforcement come -- on December 29th, 2018,  
11 after this incident, did law enforcement come to  
12 Julia street?

13 A Yes, ma'am, they did. They met us at Jessica's  
14 grandma's house first.

15 Q Okay. And when you met with me earlier in April,  
16 did you tell me information about Correy coming to  
17 your porch that night?

18 A I can't -- I can't remember what I said.

19 Q The bottom line is, law enforcement came and spoke  
20 to you at -- before you went to headquarters?

21 A Right.

22 Q Before you went to headquarters and had the  
23 interview recorded?

24 A Right.

25 Q Do you know -- I mean, do you have any idea what



1           they wrote down in their notes?

2     A     No, I don't.

3     Q     Okay. Is it your belief that you thought you  
4           relayed most of what you had told me to them?

5     A     Yes, ma'am, I did.

6     Q     Now, once again, you have indicated that this is a  
7           traumatic event, right?

8     A     Yes, ma'am.

9     Q     And why is that?

10    A     Because that is my cousin.

11    Q     Okay. And did it happen in front of you?

12    A     Yes, ma'am, it did.

13    Q     That particular -- when you came in to headquarters  
14           that morning, had you had any sleep that night?

15    A     No, ma'am, I hadn't had any sleep because I was so  
16           stressed out I couldn't sleep. I was up for like  
17           almost two days at that point.

18    Q     And did you say that to them in your interview?

19    A     I don't know. I know I asked for an Advil because  
20           I had a really bad migraine at that point. I can't  
21           quite remember the whole interview, but I think  
22           they knew I had been up for a while, though.

23    Q     She has asked you whether or not you told law  
24           enforcement whether he was chasing you. Did -- I  
25           mean, have you had an opportunity to review your

- 1 statement, at least the recorded interview?
- 2 A Yes.
- 3 Q Did you in fact say, He was running right behind
- 4 me?
- 5 A Right.
- 6 Q Did you tell them, He tell me, don't snake or I'm
- 7 going to kill you too?
- 8 A Right.
- 9 Q Did you tell them, Donald was like, I'm listening,
- 10 Bro, I'm listening?
- 11 A Yes, I think I did tell them that.
- 12 Q And that is when you -- and then pow?
- 13 A Right.
- 14 Q Was that some type of exchange that you described
- 15 in the car?
- 16 A Uh-huh. Can you repeat the question?
- 17 Q Did you describe an exchange that happened right
- 18 before Correy shot?
- 19 A Right.
- 20 Q And this was to law enforcement in your interview?
- 21 A Yes, ma'am.
- 22 Q She keeps asking you about, you know, whether you
- 23 said there was tension. And was that a tense
- 24 moment?
- 25 A No, ma'am, there was no tense moment. Everything

1           was -- seemed to be okay.

2       Q     What about that exchange?

3       A     That was tension after that.

4       Q     And, in fact, during your interview, did he say, My  
5           instinct was telling me something, but I couldn't  
6           put my finger on it?

7       A     Right.

8       Q     And, once again, did you also tell them about his  
9           busted lip that night?

10      A     Yes, ma'am.

11      Q     And did you observe it?

12      A     Yes, ma'am.

13      Q     And was it after the car crash?

14      A     Yes, ma'am.

15      Q     And that was in your interview?

16      A     Yes, ma'am.

17      Q     Back in December of 2018?

18      A     Yes, ma'am.

19      Q     Thank you, Mr. Parker.

20           THE COURT: Anything else?

21           MS. DAVIS: Nothing further, Your Honor.

22           THE COURT: Sir, you may step down. Any  
23           objection to this witness being excused?

24           MS. CAVANAUGH: No, Your Honor.

25           (Witness steps down and is excused.)

1 THE COURT: Let me see you all one second.

2 (WHEREUPON, a bench conference was held  
3 in the presence of the jury but out of  
4 the hearing of the jury.)

5 THE COURT: All right, ladies and gentlemen,  
6 it is about 5:15, and as you saw I was conferencing  
7 with the attorneys. I think the next witness is  
8 going to take a little bit of time, and so this  
9 will be an excellent time for us to break for our  
10 evening break.

11 Remember, please do not discuss this case. Do  
12 not do any independent research, any social media  
13 posts regarding anything that is going on here in  
14 the courtroom. We will see you back tomorrow  
15 morning at 9:30.

16 All right, thank you. Have a restful evening.

17 Everybody has to wait before the jury leaves  
18 before you walk out. You have to keep your seats,  
19 and once the jurors walk out, then you can walk  
20 out. But wait on them to leave.

21 (WHEREUPON, the jury is excused for the  
22 evening at 5:15 p.m.)

23 THE COURT: All right, what do we need to  
24 discuss now? Anything we need to take up tonight  
25 instead of tomorrow at 9:30?

1 MS. CAVANAUGH: Well, we are at some point  
2 going to have to talk about the redactions as far  
3 as whether they -- what issues they have with that.  
4 I don't know if they want to do that now.

5 THE COURT: Has she had time -- an opportunity  
6 to look at it?

7 MS. DAVIS: Your Honor, we started going  
8 through it, but I think we might want to chat with  
9 them and see what we agree to.

10 THE COURT: All right. And anything else  
11 other than redactions of the video?

12 MS. CAVANAUGH: Not that I'm aware of, that we  
13 need to address right now.

14 THE COURT: You are going to try to get his  
15 statement in through Caldwell?

16 MS. CAVANAUGH: Well, I mean, they both were  
17 present, so some parts might come through Caldwell  
18 and some parts might come through Laurita.

19 THE COURT: All right. So maybe we need to  
20 about 9:15. If there is an issue email my law  
21 clerk about it. And if there is any case law, if  
22 you have case law to support your position, send  
23 that too. We'll meet back up at 9:15 in the  
24 morning. They'll be here at 9:30.

25 THE COURT: All right.

1 MS. CAVANAUGH: Thank you.

2 THE COURT: Have a good evening.

3 (WHEREUPON, the proceedings adjourned  
4 for the evening at 5:17 p.m.)

5 JUNE 9, 2021

6 (WHEREUPON, the proceedings commenced at  
7 9:26 a.m.)

8 MS. CAVANAUGH: The redactions are going to  
9 take a while. We don't plan on putting the actual  
10 video in this morning because we have already --  
11 our IT person, it is going to require some time to  
12 do additional redactions, if warranted. And he is  
13 working on that now.

14 There are just a few matters I would like to  
15 take up prior to -- well, prior to obviously the  
16 jury coming in, Your Honor.

17 First of all, if we could talk about proposed  
18 redactions this morning. They are not -- I don't  
19 object to all of them. The main objection that I  
20 have comes from their wanting to get in  
21 Laurita's -- Investigator Laurita's question about,  
22 Was this a mistake? I think -- and then his answer  
23 is, I don't know. And he continues to make --  
24 well, let me just get straight to that. It is  
25 Page 47 -- excuse me, Page 47, Lines 8 through 21.

1           First of all -- they want included -- and this  
2           is the main objection that I have off of what they  
3           have requested to be added or subtracted. On  
4           Page 47, Line 17, Investigator Laurita asked, Was  
5           it a mistake? Was it a mistake? No, excuse me.  
6           Was it -- was it -- was it a mistake? What did you  
7           mean to -- were you messing around with the gun and  
8           it went off?

9           And Mr. Brown's response is, I just met him.

10          And then he -- the context after that is, That  
11          would be more ethereal than just shooting a guy  
12          right in his neck.

13          And his response is, Okay, I don't know that  
14          man. All I was getting was a ride to the store.

15          And then he continues once again to deny  
16          being, you know, present at the time of the  
17          incident.

18          So essentially, you know, first of all, State  
19          v. Washington, South Carolina Supreme Court, 431 --  
20          excuse me, Court of Appeals case, 431 S.C. 619,  
21          specifically at this point, a comment or a  
22          question, you know, made by investigators is  
23          out-of-court hearsay. And that is what this case  
24          indicates, and we will try to do our best to redact  
25          most of the questioning and the narrative and the

1        comments from the investigators unless it was just  
2        a, What happened next? What then? Okay, what  
3        about that? We have done our very best to try to  
4        comply with State v. Washington.

5                This -- getting in this particular question,  
6        which we would say is an out-of-state -- an  
7        out-of-court statement, which, according to State  
8        v. Washington, should be classified as hearsay,  
9        which, you know, I don't necessarily agree on all  
10       that case, but that is the case -- that is the law  
11       of this state as it stands. That would be a  
12       hearsay statement.

13               In addition, that would be their attempt to  
14       try to get an affirmative defense through  
15       cross-examination of a witness when there is -- at  
16       this point in the trial, and unless, you know,  
17       evidence is introduced otherwise, which we don't  
18       intend on introducing anything that would tend to  
19       show that this was a mistake by the Defendant  
20       considering he denied being present the entire  
21       time, that that is absolutely inappropriate to be  
22       admitted as part of the statement, a question by  
23       the investigator about whether it was a mistake.  
24       It is a hearsay statement under State v.  
25       Washington, and it would be their attempt in



1       establishing an affirmative defense through what  
2       should not be admitted in front of the jury.

3               Otherwise, because I don't think that any of  
4       the other suggestions that they -- it is not really  
5       worth arguing about the other suggestions that they  
6       made.

7               MS. YOUNG: I think I can make this easy for  
8       everybody. If that is the only thing that you have  
9       an objection to, we will withdraw our request to  
10      have that added.

11              MS. CAVANAUGH: Thank you.

12              THE COURT: So y'all are in agreement on every  
13      other redaction?

14              MS. CAVANAUGH: Let me doublecheck my notes,  
15      Your Honor.

16              (Pause.)

17              MS. CAVANAUGH: Yes. My review, it -- I mean,  
18      I don't necessarily have a major argument about the  
19      additions that they requested or either the  
20      deletions.

21              MS. YOUNG: That sounds correct.

22              THE COURT: All right. So we are not -- I  
23      think I have already said we weren't sending the  
24      transcript back because we are sending the video  
25      back, right?

1 MS. CAVANAUGH: Yes.

2 THE COURT: Okay. All right. And anything  
3 else? So are you introducing parts of the video in  
4 front of, is it Caldwell or --

5 MS. CAVANAUGH: I don't -- if it is with  
6 Sergeant Caldwell, I do. And just to be clear,  
7 along the lines of State v. Washington, I am --  
8 even though the questions asked by the  
9 investigators during the interview, even though,  
10 according to this case, it can't be played because  
11 it is an out-of-court statement and therefore the  
12 Defendant can't cross-examine the actual -- I mean,  
13 it is very strange, but the actual person who is  
14 asking the questions, even though that same officer  
15 is on the stand. I am allowed to ask -- I just  
16 want to make sure to verify that we don't have any  
17 objection to this, because it obviously will be a  
18 redacted interview. I'm allowed to ask, What did  
19 you ask in response? Like based on his question,  
20 What did you ask him? Or, excuse me, Based on his  
21 statement, what did you ask him? They can say what  
22 they asked him since they are on the stand  
23 testifying. That is not hearsay.

24 THE COURT: I guess I'm confused. So you are  
25 going to -- but then when they get the video, when

1       they see the video they are going to say, Well, no,  
2       he didn't ask him that, because it is not going to  
3       show up on the video. You don't think that is  
4       going to confuse the jury? You can't tell the  
5       jury, Oh, we redacted it because of such and such  
6       and such and such. I mean, I just don't know how  
7       you explain, if you ask him, the question you just  
8       got through talking about, Was it a mistake  
9       question. But then when the jurors watch the  
10      video, it is not on there.

11           MR. CAVANAUGH: Well, you know, that is why  
12      State v. Washington is such an unfortunate case. I  
13      don't -- if they are saying that -- my position as  
14      far as reading this case is that, because it is a  
15      recorded statement and therefore it can't be  
16      immediately subject to cross-examination because it  
17      is an out-of-court statement, that that is why the  
18      investigator's questions can't come in through the  
19      interview. It doesn't say that the investigator's  
20      questions can't come in through the stand while  
21      they are testifying, because that would not be an  
22      out-of-court statement.

23           THE COURT: No, actually it says -- if you  
24      look at Page -- I'm looking at Page 3. It says,  
25      Therefore, when McCauley testified, the State

1 admitted Washington statement by asking McCauley  
2 about them, avoiding the hearsay taint of  
3 McCauley's statements in the recording.

4 MS. CAVANAUGH: Where is it, Your Honor?

5 THE COURT: Under the hearsay, it is on my  
6 Page 3.

7 I just -- I guess -- but to me it just seems  
8 odd because then the jury, if you give them the  
9 video to watch -- it is almost -- the officer is  
10 going to say, Well, I asked him this and I am  
11 asking him that, but then they go back there  
12 watching it and they are saying, No, you didn't ask  
13 him, because it is not on the video.

14 MS. CAVANAUGH: Well, Your Honor, I will have  
15 to confer. If that -- I mean, if that is your  
16 position, I --

17 THE COURT: No, no, no, no. I am just --

18 MS. CAVANAUGH: Well -- beg the Court's  
19 indulgence.

20 THE COURT: But it looks like Washington says  
21 that, if you read under, I am on Page 3, that you  
22 can do what she is asking to do, but it doesn't --  
23 to me it just seems very confusing. Do you see  
24 where I am talking about? It is my Page 3, on the  
25 bottom of Page 3, and it is under Section 2 under

1           hearsay.

2           MS. CAVANAUGH: Right. Yes, Your Honor.

3           THE COURT: In the second paragraph.

4           MS. CAVANAUGH: Washington's -- right, where  
5 it starts with, Washington statement?

6           THE COURT: Yes.

7           MS. DAVIS: And, Your Honor, I believe that  
8 that is referring to the Defendant's statement.  
9 His statements are not hearsay, because they are an  
10 admission of a party offered against that party. I  
11 still think that the case stands for that the  
12 statements made by the investigators would be. And  
13 I think the basis of Washington is saying that you  
14 shouldn't be able to get into things that the  
15 investigators are saying: One, because it is  
16 improper hearsay, it is improper bolstering,  
17 improper opinion testimony. I mean, because, you  
18 know, what they can do in an interrogation is very  
19 wide latitude compared to what would be admissible  
20 at trial. And so I think when they are talking  
21 about what still can come in in terms of what is  
22 not hearsay would be the Defendant's statement for  
23 not hearsay, and that is why you can elicit them.  
24 But I'm not sure what -- and I don't know what  
25 particularly you are referring to that you want to

1           get out.

2           But, then, and the second reason I would have  
3           the same concern as Your Honor is that it would  
4           seem very confusing to the jury to have a video  
5           that is going to be different than what the  
6           testimony is going to elicit. But it is hard to  
7           know without knowing what you want to elicit, but I  
8           would say that --

9           THE COURT: So what statement of the officer  
10          are you trying to get --

11          MS. CAVANAUGH: Well, for example -- well, in  
12          the alternative, because I do think this is a very  
13          confusing case -- and I don't -- I'm just putting  
14          in, in our particular situation, just putting in  
15          the Defendant's responses, which is essentially  
16          what we are required to do under State v.  
17          Washington. If we plan on introducing the video,  
18          then I would submit that the investigators can  
19          obviously testify to what -- just like we used to  
20          do before statements were actually recorded,  
21          testify -- we have a transcript of his statement --  
22          testify to statements that he made regarding when  
23          he says he busted his lip, regarding where he was  
24          when he busted his lip, what he did afterwards.

25          THE COURT: That is going to be on the video,

1 right?

2 MR. CAVANAUGH: Correct. Yes, Your Honor, it  
3 is. So if only that particular -- if only those --

4 THE COURT: I guess what I'm saying is, I  
5 don't think you can redact something from the video  
6 and then -- and I know why we are redacting it,  
7 because of the case.

8 MS. CAVANAUGH: Right. Yes, Your Honor.

9 THE COURT: To show them the video and then  
10 have him testify to something different. So if he  
11 is testifying to what is going to be on the video  
12 that they see and they have the evidence, then I  
13 don't have an issue with that.

14 MS. CAVANAUGH: Right.

15 THE COURT: My concern is just -- and I use  
16 this one again, the example of, Was it a mistake?  
17 If that is being redacted from the video, then he  
18 can't get up there and testify that -- it just  
19 seems to me that it will confuse the jury.

20 MS. CAVANAUGH: Right. I understand that.  
21 And, you know, if we -- if because it is entering  
22 the interview so redacted without us being able to  
23 ask questions of the investigator about what was  
24 asked of him prior to his comments that are being  
25 played, the statements that are being played by the

1 Defendant, then we will -- I mean, it is very  
2 likely that -- I mean, it could be that we just  
3 won't play the video and just ask about the  
4 specific statements that he made.

5 MS. DAVIS: And, Your Honor, I -- I'm sorry, I  
6 didn't mean to cut you off.

7 MS. CAVANAUGH: But then, you know, because of  
8 State v. Washington, as far as, you know, their  
9 argument as far as we are hiding the recorded  
10 interview, we're hiding the recorded interview, if  
11 that is what they would try to infer or imply  
12 through closing arguments or through  
13 cross-examination of the investigators, that is not  
14 the case. We are just -- I mean, State v.  
15 Washington, they are objecting to a majority of the  
16 video coming in. I mean, State v. Washington says  
17 that we, you know, that there is -- out-of-court  
18 statements by officers are inadmissible hearsay.  
19 And we are just trying to comply with that case.

20 So we would just -- if the video is not  
21 played, that they be prohibited from, you know,  
22 implying through cross-examination or through  
23 closing that we're hiding something. And we are  
24 just trying to comply with the law.

25 MS. DAVIS: And, Your Honor, maybe I'm



1        confused. In terms of State v. Washington and  
2        State v. Brewer, and the redactions that would be  
3        required under both of them for the video, the  
4        hearsay is still applicable whether or not there is  
5        a video. So our objection to the things that we  
6        are saying have to be redacted all fall because  
7        they are inadmissible evidence. So they would  
8        still be inadmissible to elicit from the  
9        investigator. So if you are just asking about  
10       generally, Did you ask him how you busted your lip,  
11       I believe, one, I think that is in the video  
12       already. I think all of that in terms of -- I  
13       didn't see anywhere in there where there is an  
14       answer to something without context of what the  
15       question was. But I guess I'm trying to figure out  
16       what the -- why would you be allowed to ask hearsay  
17       from an investigator on the stand.

18       MS. CAVANAUGH: Right. I mean, but it is  
19       just -- I mean, if we're allowed to -- I mean, most  
20       of what we need as far as what is admissible from  
21       the statement, most of what we need from the  
22       investigator to put it in context is included  
23       within the colloquy between the two. So I don't  
24       necessarily anticipate us asking much more than  
25       what will be played in front of the jury, so.

1           THE COURT: All right. Well, let's go ahead  
2 and get started. And if there is something, y'all  
3 just object. You know, but part of the reason --  
4 part of -- and I'm not -- I glanced over  
5 Washington, I need to read it in more detail -- but  
6 part of the issue there is that is the  
7 confrontation clause as to why they didn't have the  
8 video is because the Defense doesn't have an  
9 opportunity to cross-examine the video, and so --

10           MS. CAVANAUGH: And it is just --

11           THE COURT: Yes, but I'll read through it  
12 again, but it is just -- yes.

13           MS. CAVANAUGH: It is just very hard to  
14 comport, because the investigator or the witness  
15 has always been able to say, What did you say?  
16 They have always been able to -- that is not -- I  
17 mean, the Sixth Amendment is right there. They are  
18 testifying to what they said, and the Defense is  
19 available, there, to be able to cross-examine him,  
20 or whoever is on the stand, the witness. That has  
21 always been allowed. So it is very hard to comport  
22 that with State v. Washington.

23           THE COURT: All right.

24           MS. CAVANAUGH: Now, just a few more things  
25 before the jury does come in.

1           Yesterday it was through cross-examination of  
2           Ben Parker, it was brought up about his GPS  
3           coordinates and whether he was -- whether he knew  
4           that that would track him over a specific route.  
5           We did file a reciprocal Rule 5 at the beginning of  
6           this case. Obviously they have a continuing duty  
7           to disclose any report made by an expert that they  
8           plan on introducing in their case in chief, so -- I  
9           know Eric Grabski, who used to be with SLED and is  
10          now in a private company, is on their witness list.  
11          I would just, you know, renew my reciprocal Rule 5  
12          that was filed at the very beginning of this case,  
13          if they do have anything to turn over related to  
14          that, that they do so.

15          MS. DAVIS: And, Your Honor, she did file  
16          that. I am not -- or I was not sure if we were  
17          going to introduce any evidence, depending on how  
18          Mr. Parker testified. Second, the GPS information  
19          we have was turned over from the State. That is  
20          not something that we got. That is something that  
21          came from their extraction. So they have that  
22          information.

23          THE COURT: I think she is asking for any  
24          reports.

25          MS. DAVIS: Oh, absolutely, yes. If we are

1       going to put up an expert or we are going to  
2       present any exhibits or anything, absolutely.

3               MS. CAVANAUGH: And then finally, there is --  
4       I just -- because of, you know, implications about  
5       they have implied that I may have -- you know, my  
6       position is that I have turned over everything that  
7       I have been required to under Riddle, under Brady,  
8       and any other -- Rule 5, any other disclosure and  
9       discovery obligations that I have.

10              There has been some -- a lot of discussion  
11       about what Jessica Guyton told investigators back  
12       when this case was originally investigated, back  
13       when they interviewed -- when they met with her,  
14       which is documented. The fact that they met with  
15       her is documented in Investigator Caldwell's report  
16       and also that they went to that address in  
17       Investigator Laurita's report.

18              Now, while the specific statements that she  
19       may have made at that point are not documented in  
20       their report, in the interview with the Defendant,  
21       there are questions asked of the Defendant which we  
22       have discussed in our preparation of the case  
23       because those particular statements made by Jessica  
24       Guyton were not documented -- and, you know, were  
25       not documented in -- the specific statements were

1 not documented in their actual report. The meeting  
2 was.

3 Sergeant Caldwell and Investigator Laurita  
4 have indicated to me throughout our investigation  
5 that they did not have a specific memory of exactly  
6 what was said at that point. I have told them  
7 that.

8 However, during our investigation -- during  
9 our preparation for this case, I have pointed out  
10 to them in the interview that there are questions  
11 asked -- and I have it pulled up -- there are  
12 questions asked -- beg the Court's indulgence.  
13 During the interview of the Defendant, Page 15.

14 Investigator Laurita: Okay. And then you  
15 went back to Ben's house? His wife even saw you  
16 there?

17 I have pointed out to my investigators that,  
18 Did you -- You made that comment to them. Is it  
19 possible that she told you that back when you met  
20 with them at Julia Street? They have said, It is  
21 possible. They don't have a specific memory of  
22 exactly what she said, but because I pointed out  
23 that, Page 15, their specific question, it is  
24 possible.

25 I don't necessarily know how that exchange

1 with my investigators -- I mean, my position is  
2 that that does not violate Riddle. First of all,  
3 Jessica Guyton has not testified. Second of all,  
4 they have told me they don't remember specific  
5 statements made.

6 But when I pointed out to them that that  
7 question was asked, they have told me, It is  
8 possible that she said that. I mean --

9 THE COURT: I don't -- because they haven't  
10 said there is a Riddle violation, I don't think.

11 MS. DAVIS: Well, one, Your Honor, Riddle,  
12 which I tried to repeatedly say, Riddle information  
13 is not indicative of bad faith, and I think that  
14 there is some confusion there. Good or bad faith,  
15 if there is information that the State that is not  
16 disclosed, that is the violation. It is not -- no  
17 one is alleging misconduct or that she is hiding  
18 information, they are just late disclosures, is  
19 what I have been stating.

20 In terms of what she is talking about with  
21 Ms. Guyton, the fact that they say some -- one  
22 remark in a statement on audio recording doesn't  
23 negate their obligation under Brady or Riddle or  
24 Rule 5 to turn over substantive content of  
25 information that they know from witnesses. So that

1 would be one concern.

2 But, two, she also just said that Investigator  
3 Laurita and Caldwell told her they have no specific  
4 memory of what Jessica Guyton may have told them,  
5 which my concern would then be, if Investigator  
6 Laurita testified during the Denno that Jessica  
7 Guyton told him that she saw Correy on the porch  
8 that night, and that is when I asked him, She told  
9 you that back in 2018? Y'all interviewed her and  
10 she told you that? He said, Yes.

11 She just now said that they have both told her  
12 they have no specific memories of what that woman  
13 told them back in 2018. So those things are not  
14 consistent.

15 THE COURT: All right.

16 MS. DAVIS: And I will just say, both of their  
17 reports do note that Jessica Guyton was at 712  
18 Julia Street and that she was at headquarters. But  
19 she is correct, she did say there is no content  
20 listed in any report or anywhere in discovery that  
21 she gave them information about seeing anything  
22 that night, hearing anything that night, driving  
23 anywhere that night, and so I do have a very  
24 serious concern about Investigator Laurita's  
25 testimony during Denno with what she just related

1 to the Court about him saying he had no memory of  
2 what she may have told him.

3 MS. CAVANAUGH: And I said specific. I said  
4 exactly, I said, Specific, like specific statement.  
5 I'm sorry, I mis -- not a specific memory, it is a  
6 specific statement. And I just think that we are  
7 just missing, you know, comments. It is referenced  
8 in their report that they spoke with Jessica at  
9 Julia Street, that they met with her. And there is  
10 a question. No, they did not document exactly what  
11 was said, but in their interview of Correy they ask  
12 him about whether his wife -- why would his wife  
13 say that. They don't have a memory of specific  
14 statements, but upon review of -- while we have  
15 been preparing for trial, it is possible that she  
16 told him that.

17 THE COURT: Well, he will just have to testify  
18 and y'all will have to object. I'm ready to get  
19 started. And I'll deal with it at the time. And  
20 if he says something one day and something else  
21 another day, then that is what impeachment is for.  
22 I mean, you can -- I mean, you can ask, Did you  
23 previously ask -- Did you previously testify in  
24 another hearing that she did -- that you saw her.  
25 I mean, I think all of this is nice to kind of hash



1 out pretrial, but, I mean, that is for the trial in  
2 this case.

3 MS. DAVIS: Absolutely. But until this minute  
4 I was unaware that either investigator had told her  
5 that they have no specific memories -- or no  
6 specific memories of specific statements. So in  
7 order to -- one, I wouldn't have known that to be  
8 able to cross him until she just mentioned that,  
9 which also would be real information because it  
10 would be impeachment evidence against the  
11 investigators.

12 But, two, I just want to be clear that I  
13 absolutely can question Investigator Caldwell and  
14 Laurita on the fact that they both told her that.

15 THE COURT: Yes.

16 All right, let's bring them in.

17 (WHEREUPON, the jury came into open  
18 court at 9:56 a.m.)

19 THE BAILIFF: The jury is present, Your Honor.

20 THE COURT: Good morning, ladies and gentlemen  
21 of the jury. I hope you had a restful evening. We  
22 are at this time ready for our next witness.

23 I will ask the State to call your next  
24 witness.

25 MS. CAVANAUGH: Thank you, Your Honor. The

1 State calls Ricardo Leal.

2 (Witness approaches.)

3 THE BAILIFF: Place your left hand on the  
4 Bible, and raise your right hand, please.

5 (Witness complies.)

6 THE CLERK: State your full name, please.

7 THE WITNESS: My name is Ricardo Leal.

8 THE CLERK: Would spell your last name,  
9 please?

10 THE WITNESS: It is L-E-A-L.

11 THE CLERK: Do you solemnly swear the  
12 testimony you are about to give in this case will  
13 be the truth, the whole truth, and nothing but the  
14 truth, so help you God?

15 THE WITNESS: Yes, I will.

16 THE CLERK: Thank you. Have a seat.

17 THE WITNESS: Thank you, ma'am.

18 (Witness seated.)

19 RICARDO LEAL,  
20 after being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. CAVANAUGH:

23 Q Good morning, Mr. Leal.

24 A Good morning, ma'am.

25 Q Who do you work for?

1 A I work for T-Mobile Corporation.

2 Q And what is your position at T-Mobile?

3 A I'm a testifier with T-Mobile.

4 Q Okay. And prior to today -- well, how long have  
5 you been there?

6 A Okay. So I'm going to try to frame this all. So  
7 prior to working at T-Mobile, I worked for Sprint  
8 Telephone Company. And I started at Sprint in  
9 2002. Back in April 1st of 2020, Sprint and  
10 T-Mobile merged together. And so now I'm an  
11 employee with T-Mobile. I have been testifying as  
12 a records custodian/testifier, it will be ten years  
13 this month doing my position.

14 Q Okay. And back in -- when did you say that  
15 T-Mobile and Sprint merged?

16 A It was April 1st of '20.

17 Q April 1st of '20. Okay. And so around -- and  
18 before that, you worked with Sprint?

19 A Correct.

20 Q And you testified as a custodian of records for  
21 Sprint?

22 A Yes, ma'am.

23 Q Okay. Now, back in -- what type of records does --  
24 did Sprint, what is now T-Mobile, but did Sprint  
25 maintain in the normal course of business?

1 A Absolutely. So with Sprint and T-Mobile, same, but  
2 call detail record, subscriber information, cell  
3 site records that are part of call detail records,  
4 task force through legal process, those types of  
5 records are kept in the normal course of business  
6 by Sprint or T-Mobile, and that is all mandated by  
7 the FCC.

8 Q Okay. And did Sprint receive a request for  
9 records -- request from law enforcement for records  
10 belonging to a certain number back in --

11 MS. CAVANAUGH: Beg the Court's indulgence.

12 (Pause.)

13 BY MS. CAVANAUGH:

14 Q Back on January 2nd, 2019?

15 A Yes.

16 Q Okay.

17 A Sprint was served with a legal demand for records.

18 Q Okay. And I'm going to show you a copy -- was a  
19 response provided pursuant to the law enforcement  
20 request?

21 A Yes, ma'am.

22 Q And I'm going to show you what is marked as State's  
23 Exhibit 125, 126, 127, and 128. Have you had an  
24 opportunity to -- well, look at the documents  
25 and --

1 A Yes, ma'am.

2 (Pause.)

3 A Yes, ma'am, these are all records that I have  
4 reviewed prior to being here today. They are  
5 records for a specific telephone number, subscriber  
6 information, call detail records with cell site  
7 information and cell site key.

8 Q Okay.

9 A As well as a key to understanding the information.

10 Q Okay. And what timeframe -- excuse me, what  
11 specific number was requested?

12 A The cell phone number that was requested was  
13 (803)546-0627.

14 Q Okay.

15 A And for the date range of December 20, 2018,  
16 through December 31st of 2018.

17 MS. CAVANAUGH: Your Honor, at this time I  
18 move to admit State's Exhibit I believe 125 through  
19 128 into evidence.

20 THE COURT: Any objection?

21 MS. HUBBARD: Your Honor, may I review those  
22 first?

23 THE COURT: Yes.

24 (Pause.)

25 MS. HUBBARD: Your Honor, may we approach?

1 THE COURT: Yes, ma'am.

2 (WHEREUPON, a bench conference was held  
3 in the presence of the jury but out of  
4 the hearing of the jury.)

5 MS. HUBBARD: No objection.

6 (WHEREUPON, State's Exhibit Nos. 125-128  
7 were marked for identification and  
8 received into evidence.)

9 BY MS. CAVANAUGH:

10 Q Oh, and, Mr. Leal, will you also review State's  
11 129? What is that?

12 A Yes, ma'am. So 129 is a Network Element ID list,  
13 NE ID list, that shows all the switches throughout  
14 the United States.

15 Q Okay.

16 MS. CAVANAUGH: And, Your Honor, I just showed  
17 that to the Defense as well, so I would ask State's  
18 Exhibit 129 be admitted under the business records  
19 exception.

20 THE COURT: Any objection?

21 MS. HUBBARD: No objection.

22 THE COURT: That is number?

23 MS. CAVANAUGH: 129.

24 (WHEREUPON, State's Exhibit No. 129 was  
25 marked for identification and received

1                   into evidence.)

2   BY MS. CAVANAUGH:

3   Q   Mr. Leal, do you have a copy of the records --

4   A   No, I do not.

5   Q   -- in front of you?

6   A   Thank you.

7   Q   Uh-huh. I'm actually going to pull the records on  
8       the Smart -- on the big screen.

9               So, Mr. Leal, as far as the subscriber  
10       information for this particular phone number -- and  
11       what phone number was it again?

12   A   (803)546-0627.

13   Q   Okay. As far as subscriber information, is that  
14       available through Sprint records?

15   A   No. So with this phone, it was with Clear Talk  
16       Wireless, which is a retailer of Sprint.  
17       Essentially that company leases lines from Sprint  
18       and they hold their own information. Clear Talk is  
19       a prepaid subscriber company.

20   Q   And does Clear Talk lease -- I mean, how are they  
21       connected with the Sprint cell towers?

22   A   So they lease the lines from -- the actual  
23       telephone numbers from Sprint, so they have  
24       allotted numbers, and those numbers all go back to  
25       that company. Essentially they run on the Sprint

1 network, but they hold their own information.

2 Q Okay. So cell tower information and transactions  
3 will be available through y'all's towers?

4 A Absolutely correct.

5 Q And when I say information, are we talking about  
6 content?

7 A No content, just what is happening within the  
8 network. So if they are utilizing the Sprint  
9 network for all intents and purposes, but they are  
10 their own company.

11 Q All right. So I am going to Page -- so I am going  
12 to bring your attention to Page 2 of the CDR  
13 detail.

14 A Okay.

15 Q And just ask you to, starting on Page -- excuse me,  
16 starting at the second line from the bottom,  
17 starting at 2:53.

18 A 2:53?

19 Q Yes. On December 29th.

20 A Okay.

21 Q How many transactions occur between 2:53 to  
22 5:16 a.m. on that same day?

23 A Okay. So that is December 29th of 2018 at 2:53 in  
24 the morning. There is one, two, three, four, five,  
25 six, seven, eight, nine, ten, 11, 12, 13, 14, 15.



1 Fifteen.

2 Q Okay. And how many times within that 15 were the  
3 transactions between the number (803)413-8039?

4 A Give me one second.

5 (Pause.)

6 A Eleven.

7 Q So 11 of those 15?

8 A Yes, ma'am.

9 Q And between the hours of -- the same that we just  
10 discussed, are there different cell towers utilized  
11 during that period?

12 A There are a couple of cell towers that are utilized  
13 for that whole time period. The majority of them  
14 are the tower which is 1114.

15 Q Okay. Are there others within that time period as  
16 well?

17 A Yes, ma'am.

18 Q Now, as far as cell tower -- what coverage area a  
19 specific cell tower would cover, is it dependent on  
20 where the tower is located?

21 MS. HUBBARD: Objection, Your Honor.

22 BY MS. CAVANAUGH:

23 Q What is it dependent on as far as coverage area?

24 A Absolutely. I'll go ahead and explain it.

25 MS. HUBBARD: Your Honor, may we approach?

1 THE COURT: Yes.

2 (WHEREUPON, a bench conference was held  
3 in the presence of the jury but out of  
4 the hearing of the jury.)

5 THE COURT: The objection will be overruled.

6 BY MS. CAVANAUGH:

7 Q Does coverage area of the cell tower depend on  
8 whether it is rural versus a populated area,  
9 without getting into details about that?

10 A Yes. So the way that it works is the more the  
11 population, the more cell towers that are needed in  
12 any given area. So if you are in more of a rural  
13 area, you are typically going to have less cell  
14 towers than you would if you were in a highly  
15 populated area or more populated area.

16 Q Okay.

17 A And with Sprint, the phone can be as little as a  
18 third a mile away from the tower or it could be  
19 between two and 10 miles away, depending on the  
20 landscape and population, and all those types of  
21 things.

22 Q Thank you.

23 A You're welcome.

24 MS. CAVANAUGH: Beg the Court's indulgence.

25 (Pause.)

1 THE COURT:

2 BY MS. CAVANAUGH:

3 Q Thank you, Mr. Leal. Please answer any questions  
4 from the Defense.

5 A Absolutely. You're welcome, ma'am.

6 THE COURT: Yes, ma'am?

7 MS. HUBBARD: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. HUBBARD:

10 Q Good morning, Mr. Leal.

11 A Good morning, ma'am.

12 Q Do you still have your records with you?

13 A I have the call detail records here.

14 Q Okay. Now, you just stated that there were 11  
15 calls to the number that ended in 4039?

16 A Correct. Eleven interactions between the two  
17 numbers.

18 Q Eleven interactions. Can you tell us, or tell me  
19 how many were actually answered out of those 11?

20 A I can tell you that there were -- it was connected  
21 to the network, but I can't tell you if they were  
22 actually answered, beyond the ones that are like at  
23 the 30-second mark, so a 56-second call would  
24 typically mean that it would be answered, but you  
25 would have to have the records on the other end to

1 be able to know for a fact.

2 Q Right.

3 A And that is kind of how, without me seeing the  
4 other stuff, you can just go by what I see here.  
5 So there are a couple of calls that go to  
6 voicemail.

7 Q Okay.

8 A In those types of instances, but the numbers are  
9 communicating with each other and it shows the  
10 amount of time in seconds for those communications.

11 Q Okay. And there are outgoing calls too between  
12 those same hours, between 2:53 and 5:15 a.m.?

13 A Yes, ma'am.

14 Q Okay. And I just want to go over the outgoing  
15 calls.

16 A Okay.

17 Q So there is an outgoing call at 12:08 a.m.?

18 A What date?

19 Q Oh, I'm sorry, on the 29th, December 29th?

20 A December 29th. And you are talking after midnight  
21 there?

22 Q Yes.

23 A Yes.

24 Q Then there is another one at 12:16 a.m.?

25 A Yes, ma'am.

- 1 Q There is another call at 12:28 a.m.?
- 2 A Yes, ma'am.
- 3 Q There is another call at 12:35 a.m.?
- 4 A There is actually two calls at 12:28.
- 5 Q Two calls at 12:35 a.m.?
- 6 A Yes, ma'am.
- 7 Q Then there is -- it skips a little bit. There is a
- 8 call at 2:25 a.m.?
- 9 A Yes, ma'am.
- 10 Q And that outgoing call is to a number that is
- 11 (803)413-8039?
- 12 A At what time again?
- 13 Q 2:25 a.m.
- 14 A Okay, 2:25. Yes, there is a call that goes to the
- 15 8039 number.
- 16 Q And then at 2:34 a.m., there is an outgoing call to
- 17 that same number?
- 18 A Yes, ma'am.
- 19 Q At 2:42, there is another call outgoing to that
- 20 same number?
- 21 A Correct.
- 22 Q Then at 2:43, there is an outgoing call to 46-4156?
- 23 A Yes.
- 24 Q Then at 2:53, there is a call to -- outgoing call
- 25 to 238-4462?

1 A At 2:53?

2 Q 2:53.

3 A Yes.

4 Q Then at 2:54, there is a call going to 467-4156?

5 A Correct.

6 Q 3:27 a.m., another call to 570-6088?

7 A On the 29th?

8 Q Yes. 3:27 a.m.

9 A At 3:27. What was the number?

10 Q 570-6088.

11 A That was the calling number, calling 803 -- or,  
12 yes, correct, it was incoming call.

13 Q And then there is -- well, there is an incoming  
14 call from -- at 3:27 from 570-6088?

15 A Correct.

16 MS. HUBBARD: Beg the Court's indulgence.

17 (Pause.)

18 BY MS. HUBBARD:

19 Q Thank you, Mr. Leal. I have no further questions.

20 A You're welcome, ma'am.

21 THE COURT: Thank you.

22 Yes, ma'am?

23 MS. CAVANAUGH: Just a real quick follow-up.

24 REDIRECT EXAMINATION

25

1 BY MS. CAVANAUGH:

2 Q Regarding the call on 3:27 -- at 3:27 on  
3 December 29th.

4 A Okay.

5 Q What -- when it says, call times, SWAT and voice,  
6 what does that mean?

7 A So, SWAT is a soft wireless access tandem line, and  
8 it is a call that is being routed to the end user.  
9 Basically it is an incoming call that is being  
10 assisted by this number that is an internal number  
11 at Sprint. And that number is the (803)361-9853  
12 number that you see there.

13 Q 9853 number?

14 A Correct. And basically it is an internal number at  
15 Sprint that allows calls to get to its destination.  
16 So it is just a call to get to its destination.  
17 And at that time there is actually just one  
18 transaction, and it shows an incoming call to the  
19 record holder from (803)570-6088.

20 Q Okay. And are you able -- what does voice mean  
21 under the call type on that second line right  
22 there?

23 A So it is a call, a voice call.

24 Q And, once again, are you -- as you testified to one  
25 of their questions, are you able to say whether it

1           was answered?

2       A     It was attached to the network for 21 seconds.

3           That's all I can really say.

4       Q     And when does the network actually pick up?

5       A     So it is when it -- so when a call takes place,  
6           there is no given actual time to identify it. It  
7           is just when it attaches to the network, time  
8           starts.

9       Q     So duration doesn't necessarily mean time speaking?

10      A     Correct.

11      Q     Thank you.

12      A     You're welcome.

13           THE COURT: All right, anything else?

14           MS. HUBBARD: Nothing, Your Honor.

15           THE COURT: All right, you may step down. Any  
16      objection to this witness being excused?

17           THE WITNESS: Thank you, Your Honor.

18           MS. CAVANAUGH: No, Your Honor.

19           (Witness steps down and is excused.)

20           MS. CAVANAUGH: The State calls Linda Houck.

21           (Witness approaches.)

22           THE BAILIFF: Place your left hand on the  
23      Bible, and raise your right hand, please.

24           (Witness complies.)

25           THE CLERK: Would you state your full name,



1           please?

2           THE WITNESS: Linda Houck.

3           THE CLERK: Would you spell your last name,  
4           please?

5           THE WITNESS: H-O-U-C-K.

6           THE CLERK: Do you solemnly swear the  
7           testimony you are about to give in this case will  
8           be the truth, the whole truth, and nothing but the  
9           truth, so help you God?

10          THE WITNESS: I do.

11          THE CLERK: Have a seat.

12          (Witness seated.)

13                                           LINDA HOUCK,  
14   after being duly sworn, testified as follows:

15                                           DIRECT EXAMINATION

16   BY MS. CAVANAUGH:

17   Q    Good morning, Ms. Houck. And while you are  
18           testifying, you can take your mask down so the  
19           court reporter and the jury can hear you.

20           Where are you employed?

21   A    The Richland County Sheriff's Department.

22   Q    And how long have you been employed there?

23   A    About 15 years.

24   Q    What is your current role at the Richland County  
25           Sheriff's Department?

1 A I'm a senior crime analyst.

2 Q Just make sure you speak up into the microphone.

3 You said you are a senior crime --

4 A Analyst.

5 Q -- analyst? Okay. And how long have you been in  
6 that position?

7 THE COURT REPORTER: I'm sorry?

8 THE COURT: I can't hear her. She is going to  
9 have to speak up.

10 BY MS. CAVANAUGH:

11 Q Speak into the microphone, and speak louder.

12 A Okay. About 15 years.

13 Q Okay. And can you describe your education  
14 background for us?

15 A I have a bachelor's degree in sociology with a --

16 THE COURT REPORTER: I'm sorry, I just can't  
17 hear her. Can you pull the microphone closer to  
18 you?

19 A I have a bachelor's degree in sociology and a  
20 master's degree in criminal justice.

21 Q Okay. And, let's see, are you certified in any  
22 particular areas?

23 A I am a certified limited duty law enforcement.

24 THE COURT REPORTER: I can't hear you.

25 A A limited duty law enforcement through the South

1 Carolina Criminal Justice Academy.

2 Q And then as far as, have you received any training  
3 as it relates to cell phone analysis?

4 A I have. I have attended about ten classes.

5 Q Okay. And can you go over each of those?

6 A I have been to a course called Paneling CAD  
7 Training.

8 THE COURT REPORTER: I just can't hear her,  
9 Your Honor. I'm sorry.

10 THE COURT: Just pull the microphone up.

11 BY MS. CAVANAUGH:

12 Q Just keep your -- or either you need to scoot your  
13 chair at some point. I don't know if you can.

14 All right, so the paneling training, that is  
15 what you were saying. What is -- that was back  
16 when?

17 A That was December 2011.

18 Q Okay.

19 A And then in November 2012, that is an advance  
20 pyro-technology and pyro-forensics course.

21 In December 2012 I did another paneling  
22 training course, the technology for cell phone  
23 analysis.

24 THE BAILIFF: Keep your head to the side.  
25

1 BY MS. CAVANAUGH:

2 Q Yes, I guess just keep your head focused right into  
3 that microphone.

4 A In 2012, I attended a paneling training course.

5 In February of 2015, I attended an advance  
6 cell phone interpretation, mapping of records  
7 course.

8 In May of 2016 I attended a cell phone  
9 analysis level one course with Geo time.

10 May 2016 I attended a second course with Geo  
11 time for federal forensics analysis.

12 THE COURT REPORTER: I'm sorry, can you repeat  
13 it?

14 A May 2016, a course with Geo time, a federal  
15 forensics analysis Level One.

16 In February of 2018, I attended an  
17 introduction to cell phone investigation course.

18 In May of 2018, I participated in an  
19 introduction to cellular investigations course.

20 In March of 2020, I attended a basic concept  
21 with cellular technology course.

22 And in December 2020 I attended a cell phone  
23 evidence for future course.

24 Q And are you, as part of your role and duties at the  
25 Sheriff's Department, are you kept up to date on

1 information as it relates to cellular analysis?

2 A I am, per training.

3 Q Okay. And have you ever been qualified as an  
4 expert in the field of cellular analysis in court?

5 A I have, three times.

6 Q Three times? And what court -- General Sessions  
7 Court?

8 A General Sessions Court in Richland County.

9 Q And these particular trainings that you have  
10 described, I mean, are they -- how long, as far  
11 as -- for instance, the ones from May -- how  
12 long -- are some of these trainings long, like  
13 week-long trainings, are they short trainings? I  
14 mean, can you describe them?

15 A It depends on the company that is putting the  
16 training on. Some of them are a day or two. Some  
17 of them are three or four days. It just depends on  
18 what it is covering, what -- who is putting it on.

19 Q Okay?

20 MS. CAVANAUGH: Your Honor, at this time I  
21 would ask that Linda Houck be qualified as an  
22 expert in the field of cellular phone analysis.

23 THE COURT: Any voir dire?

24 MS. DAVIS: No, Your Honor.

25 THE COURT: Any objection?

1 MS. DAVIS: No.

2 THE COURT: All right. Ladies and gentlemen  
3 of the jury, normally a person cannot give opinion  
4 testimony. Normally when a person testifies, they  
5 must testify as to what they either saw, heard, or  
6 sensed, or smelled, or something of that nature.  
7 However, there is an exception when someone is  
8 qualified because of education or experience. They  
9 are permitted to give their opinion in certain  
10 areas if the Court qualifies them that way.

11 This witness will be qualified in the area of  
12 cell phone analysis to give opinion testimony in  
13 that area. That does not mean that you have to  
14 accept the opinion, but it is evidence for you to  
15 use in any way you see fit and give it the weight  
16 and the credibility you believe is appropriate.

17 Thank you.

18 Yes, ma'am?

19 BY MS. CAVANAUGH:

20 Q Ms. Houck, have you -- were you asked to analyze a  
21 certain number by Sergeant Michael Laurita in this  
22 particular case?

23 A I was.

24 Q Okay. And what number was that?

25 A (803)546-0627.

1 Q Okay. And during your analysis, did you learn  
2 who -- what number that was associated to?

3 A Yes.

4 Q And who is that?

5 A I was told Correy Brown.

6 THE COURT REPORTER: I'm sorry?

7 Q Speak in the microphone.

8 A I was told Correy Brown.

9 Q Okay. And is that the Defendant in this case?

10 A Yes.

11 Q And what particular company -- well, what record  
12 did you review to conduct your analysis and any  
13 sort of reports that you created?

14 A I was provided call key cell records for the phone  
15 number from Sprint and a list, a cell --

16 THE COURT REPORTER: I'm sorry?

17 A A cell site listing.

18 Q Okay. And as part of your analysis, I mean,  
19 what -- do you have software that you use to do any  
20 sort of mapping?

21 A We do, yes.

22 Q Okay. What type of software is that?

23 A It is called cell hawk.

24 THE COURT REPORTER: Called what? Cell talk?

25 A Cell hawk, like the bird. It is specific for

1 mapping cellular records, call detail records.

2 Q And just as an estimate, I mean, how many times  
3 have you done this in the past several years?

4 A I would guess I worked 50.

5 Q In this particular case, did you -- what area --  
6 what time and date did you focus your analysis on?

7 A I was specifically asked to look at phone activity  
8 for the Geo phone number between 3:00 a.m. and 5:30  
9 a.m. on December 29th, 2018.

10 Q December 29th, 2018?

11 A Yes.

12 Q Okay. Now, as part of your training and your  
13 education in this field, do you have information --  
14 do you know about cell tower coverage?

15 A Yes.

16 Q Okay. And can you describe in a rural area what  
17 coverage a cell tower would have?

18 A Typically, in a rural area, there will be fewer  
19 cell towers, there is fewer people or fewer devices  
20 that need to connect to a cell site. As far as  
21 specific coverage areas, it would depend on the  
22 need in that area.

23 Q As far as distance it could potentially cover?

24 A It varies with the cell site.

25 Q Okay. Is it upwards -- I mean, do you know what



1 the range is?

2 A I don't.

3 Q But in a rural area, you indicated there is less  
4 towers?

5 A There are typically going to be fewer towers in a  
6 rural area, yes.

7 Q Okay. Did you prepare a PowerPoint using the  
8 software that you just described Clear Hawk?

9 A Cell Hawk.

10 Q Cell Hawk?

11 A I did.

12 Q And would that assist you in explaining your  
13 analysis in your report today?

14 A Yes, ma'am.

15 Q All right. Is this associated with the case we are  
16 here for today?

17 A It is.

18 Q Does that indicate the number that you analyzed?

19 A Yes, ma'am.

20 Q Can you explain how a cell phone actually works as  
21 it relates to the tower?

22 A Yes. A cell phone is going to use a cell site or a  
23 cell tower to determine the energy, like it has the  
24 best signal at the time that the call or  
25 transaction is initiated.

1           So this diagram up here is just showing that  
2           a -- the first phone will search for the best cell  
3           site. It will be the switch or the company is  
4           going to verify that the phone making the call is a  
5           valid subscriber. It goes through the process of  
6           reaching a second phone number. That second phone  
7           is also searching for a cell site that has its best  
8           signal at the time of the transaction.

9       Q     And are there sectors on the cell towers?

10      A     There are. Most cell sites or cell towers have  
11           three sectors. Not all, but most of them do. And  
12           the sectors are broken up into roughly 120 degrees,  
13           give or take, to cover the entire 360 degrees  
14           around the cell site.

15      Q     Okay. Is this what you mean by sectors?

16      A     Correct. The sectors will face in different  
17           directions, depending, again, on the need of the  
18           coverage area at the time for that cellular  
19           carrier.

20           The sectors are often labeled ABC, 123, just  
21           depending on the provider, the technology of the  
22           cell site.

23      Q     Okay. And as far as cell transactions, whether it  
24           be a voice message, any type of voice call, like an  
25           actual call made versus a text, are these captured

1 onto specific cell towers?

2 A They are. And depending on the carrier will depend  
3 on whether -- what it tracks as far as which cell  
4 site was used.

5 Q So are you saying the different phone carriers or  
6 different phone companies have different cell  
7 towers?

8 A Yes. Well, different cell carriers will have  
9 different towers. Some of them have their panel on  
10 the same tower, so you may have Sprint and Verizon  
11 panels on the same cell tower, but the calls are  
12 going through the carrier that the phone is, or  
13 something like that.

14 Q Okay. Now, again, you were asked to analyze -- or  
15 direct your focus on a specific timeframe, correct?

16 A Yes.

17 Q And what was that?

18 A 3:00 a.m. til 5:30 a.m. on December 29th, 2018.

19 Q Okay. So when does this start as far as the actual  
20 voice?

21 A These are the call detail records beginning at  
22 3:00 a.m. The first transaction on the network at  
23 the time was at 3:27 a.m.

24 Q So nothing between 3:00 and 3:27?

25 A Right.

1 Q Did you -- are there other breaks where there is  
2 absolutely no phone activity starting on December  
3 29th, 2018, at midnight?

4 A There are, yes.

5 Q And what are those?

6 A From approximately 12:55 a.m. until 2:25 a.m.,  
7 there is no phone use, incoming or outgoing,  
8 reported on the Sprint records.

9 And then from 2:54 a.m. until 3:27 a.m., there  
10 is about a half hour break where again there is no  
11 voice calls or text messages being sent.

12 And then from 3:27 until 4:14, there is also a  
13 break in the phone calls of records. It was not  
14 being used.

15 Q So, once again, you said between 12:55 a.m. and  
16 2:25 a.m.?

17 A Correct.

18 Q 2:54 and 3:27 a.m.?

19 A Yes.

20 Q And 3:27 a.m. and 4:15?

21 A 4:14, yes.

22 Q 4:14. So at 3:27, can you describe that  
23 particular -- is that the break that you just  
24 noticed, or is that the one call between that  
25 timeframe that you just testified to?

- 1 A Correct.
- 2 Q All right. Can you describe that call?
- 3 A At 3:27 there is a routed incoming call.
- 4 Q There is a what?
- 5 A It is a routed call.
- 6 Q Okay. And what does a routed call mean?
- 7 A This particular one was routed through a TLDN,  
8 which is a temporary local directory number, which  
9 is a number that essentially is used to bridge the  
10 phone call just to make it complete.
- 11 Q And is that an incoming call or an outgoing call?
- 12 A It is an incoming call.
- 13 Q Okay. So, once again, there is no more activity  
14 until 4:15, is that right?
- 15 A 4:14.
- 16 Q A.M. Okay. All right, so this is Slide 9. What  
17 does this timeframe cover?
- 18 A This is from 12:00 a.m. until 10:00 a.m. on  
19 December 29th.
- 20 Q And I'm going to point your attention to that 3:27  
21 call that was an incoming call. Which -- what is  
22 the address of that particular tower?
- 23 A 200 Wolf Road.
- 24 Q And as far as it relates to Meeting House Road and  
25 Clarkson Road, do you have that on this particular

1 map?

2 A I do.

3 Q And where is the call -- is Meeting House and  
4 Clarkson Road is within that coverage area?

5 A It is in the direction that the sector that was  
6 used that that call at 3:27 hit off of.

7 Q Okay. And you said, again, at 4:14, what --  
8 beginning at 4:14 a.m., what particular  
9 transactions are there?

10 A Beginning at 4:14 a.m., there is multiple phone  
11 calls involving one other phone number typically.

12 Q Okay. So which number did you notice a significant  
13 amount of activity between?

14 A (803)413-8039.

15 THE COURT REPORTER: I'm sorry?

16 Q 8039?

17 A Yes.

18 Q Is there an actual -- which cell tower is this?

19 A This is a cell site that is located near the  
20 intersection of Ridge Road and Furman Road.

21 Q Okay. And can you describe from this particular  
22 cell tower how many transactions and what type of  
23 transactions they were between the Defendant's  
24 phone and the 413-8039?

25 A There were eight transactions on this cell site

1           between 3:00 a.m. and 5:30 a.m. Two different  
2           sectors were used on this cell site, Sectors 2 and  
3           Sector 3, which face in opposite directions again  
4           for the coverage area.

5       Q     Okay. And what -- so between the time they are  
6           hitting off of different sectors on this tower,  
7           what is that -- what are you able to say about  
8           that?

9       A     Typically, if a phone is hitting off of multiple  
10          sectors, then the phone or the device is moving  
11          between the sectors or at least in a different  
12          location for each of those calls, depending on  
13          which sector was used.

14      Q     And then was there another cell tower utilized  
15          during that same period?

16      A     Yes, ma'am.

17      Q     And where is this located?

18      A     This cell site, cell tower is located at 200 Wolfe  
19          Road in Gadsden, South Carolina.

20      Q     Okay. And, once again, are different sectors --  
21          what time -- what phone -- what times are there  
22          transactions reported from this tower?

23      A     There is a transaction at 5:16 a.m., one at 3:27  
24          a.m., and one at 4:30. I'm sorry -- 4:58 a.m.

25      Q     And, once again, are different sectors -- do these

1 transactions involve different sectors?

2 A Yes. Two sectors on the cell site are used for  
3 those three phone calls, Sectors 1 and Sector 3.

4 Q I'm going to direct your attention to a call made  
5 at 4:58. First of all, so at 4:58, is that  
6 indicated on this map of all the activity between  
7 12:00 and 10:00?

8 A It is, yes.

9 Q And is it towards top of this map?

10 A It is.

11 Q And what did you -- why did you write *first* beside  
12 this particular transaction, the call at 4:58?

13 A Sprint provides us with the first cell site and  
14 last cell site that is used on a transaction. If  
15 the cell site or the cell tower is different from  
16 the first and the second, I will indicate that by  
17 saying *first* or *last*. So in this case I put first  
18 because that is the cell site that was used when  
19 the transaction was -- the call was initiated at  
20 4:58.

21 Q Okay. And then -- and, again, that is an outgoing  
22 call to what number?

23 A 413-8039.

24 Q All right. And then where -- which -- to which  
25 tower does it begin -- does that call begin on?



1     A     The cell site located at the intersection of Bridge  
2           Road and Furman Road on Sector 2 is where that call  
3           made its first contact with the Sprint network was  
4           using that sector.

5     Q     And where does that call end?

6     A     The cell site that was at 200 Wolf Road, down  
7           towards the bottom of the screen. Sector 3 was  
8           used. That was the last cell site used on that  
9           phone call, that voice transaction on the Sprint  
10          network.

11    Q     Okay. And what is significant about the call  
12          starting at that cell tower and ending at this cell  
13          tower?

14    A     When a phone call has hand-off from a cell tower to  
15          another cell tower, that is typically indicative of  
16          movement of the device from one location to  
17          another.

18    Q     I'm going to take you to earlier in the evening  
19          starting at 2:40 to 2:53. I'll go to that slide.  
20          Did you have access to those records covering that  
21          timeframe?

22    A     Yes, ma'am.

23    Q     So on December 29th, 2018, beginning at 2:42 down  
24          to 2:53:19, is the same cell tower and sector being  
25          utilized?

- 1 A Yes, ma'am.
- 2 Q Would that be consistent with staying in the same  
3 place?
- 4 A Yes. Or in the coverage area of that sector.
- 5 Q Within the coverage area?
- 6 A Of the sector that is providing service.
- 7 Q And then beginning at 2:53:52, is there a different  
8 cell tower and cell -- and sector -- a different  
9 cell tower utilized at the beginning a couple of  
10 seconds later on 2:53?
- 11 A Correct, yes, at 2:52.
- 12 Q Would that be -- could that be consistent with  
13 movement?
- 14 A It could be.
- 15 Q I direct your attention to a call made at 4:34.  
16 4:34. Is there a call -- is that an outgoing call  
17 at 4:34?
- 18 A Yes, ma'am.
- 19 Q What number is that? Can you read that number?
- 20 A (803)413-8039.
- 21 Q What about 4:34 as well?
- 22 A (803)467-4156.
- 23 Q And then finally, once again, between the hours of  
24 4:14 through 5:15, one hour, how many outgoing  
25 calls are made?

- 1 A Seven. Seven outgoing phone calls, two outgoing  
2 text messages.
- 3 Q Okay. And is that consistent with the phone being  
4 in use at that time?
- 5 A Yes.
- 6 Q And then as far as -- I direct your attention to  
7 the one at 4:57. How -- what is the duration of  
8 that particular call?
- 9 A The voice call at 4:57 was 39 seconds.
- 10 Q At 4:58 -- I'm sorry, 4:58.
- 11 A At 4:58, that was 78 seconds.
- 12 Q Okay. And there is also outgoing texts within that  
13 timeframe as well?
- 14 A Yes, there is two outgoing text messages.
- 15 Q Based on your analysis of this particular timeframe  
16 between 3:30 and 5:15, is it consistent with the  
17 phone being -- the phone moving?
- 18 A Yes.
- 19 Q Thank you. Once again, you were asked to conduct  
20 analysis of the Defendant's phone?
- 21 A Yes, ma'am.
- 22 Q Or at least the phone associated with him?
- 23 A Correct.
- 24 Q Please answer any questions from the Defense.
- 25 THE COURT: Yes, ma'am?

1 MS. DAVIS: Thank you, Your Honor. May it  
2 please the Court?

3 CROSS-EXAMINATION

4 BY MS. DAVIS:

5 Q Good morning. And is it pronounced Ms. Hook?

6 A It is Houck.

7 Q Houck. I'm so sorry. Good morning, Ms. Houck.

8 A Good morning.

9 Q I just have a couple of questions for you.

10 So you just went over some of the call detail  
11 records?

12 A Yes, ma'am.

13 Q And you typically refer to those as CDR records?

14 A Yes, ma'am, that is the abbreviation for it.

15 Q And that is basically showing the incoming and  
16 outgoing phone calls for a forgiven number?

17 A Depending on the carrier. For Sprint it is the  
18 incoming/outgoing phone calls and text messages.

19 Q Great. And did you specifically only review  
20 December 29th, 2018, those time periods?

21 A Those were the -- that is the timeframe that I was  
22 requested to review, yes, ma'am.

23 Q Okay. So you didn't look at anything from the call  
24 detail records from December 28th?

25 A I did, but -- yes, I did look previously at those.

- 1 I think the records were for four days.
- 2 Q Okay. So you did review those?
- 3 A Yes, ma'am.
- 4 Q Okay. And I just want to go through a couple of
- 5 the phone calls. There was one call that you
- 6 noted -- or there is a call at 4:56 a.m. that was
- 7 an incoming phone call from 4039[sic], right? That
- 8 was at 4:56 a.m.?
- 9 A Yes, ma'am.
- 10 Q And how long did that last?
- 11 A That was 56 seconds.
- 12 Q And there was also another incoming call from 8039
- 13 at 4:57?
- 14 A That was 57 seconds. I apologize. At 4:57, yes
- 15 there is an incoming phone call at 4:57:43.
- 16 Q And then there is a call, an outgoing phone call,
- 17 at 4:58:39 a.m. to 8039, right?
- 18 A Yes, ma'am.
- 19 Q And how long does that last?
- 20 A That one is 39 seconds.
- 21 Q It is how long?
- 22 A Thirty-nine seconds. I'm sorry, 78 seconds. I
- 23 apologize.
- 24 Q So that was 78 seconds?
- 25 A Yes, ma'am.

- 1 Q Okay. And so that would signify that there was a  
2 connection?
- 3 A Correct.
- 4 Q And the other calls -- let me just ask. Can you  
5 tell the other phone calls from -- that were  
6 between 2:25 a.m. and 2:54 a.m., can you tell which  
7 of those were answered?
- 8 A Between what times again? I'm sorry.
- 9 Q 2:25 a.m. to 2:54 a.m.?
- 10 A So all of those are outgoing calls except for the  
11 one at 2:45 a.m. And at 2:53 there is a routed  
12 call. And that one at 2:53, it is routed to  
13 voicemail.
- 14 Q Right. And can you tell if any of the phone calls  
15 in that timeframe were answered? Did they connect?
- 16 A I can't tell you for sure that they connected.  
17 They made connection to the Sprint network.
- 18 Q Okay. And do you have the records for  
19 December 28th with you?
- 20 A Yes, ma'am.
- 21 Q Do you see where there are calls -- there is an  
22 inbound call, a call coming from 8039 on the 28th  
23 at 1:01 p.m.?
- 24 A I do see an incoming call at 1:01, yes, ma'am.
- 25 Q And the duration was 58 seconds?

- 1 A Yes, ma'am.
- 2 Q And then there are several outbound calls to the  
3 4039 right after that, at 1:02 and 1:03?
- 4 A Yes, ma'am.
- 5 Q And those were durations of 27 seconds and 73  
6 seconds?
- 7 A Yes, ma'am.
- 8 Q And then there is another call to the 8039 number  
9 at 10:32 p.m. also on the 28th, right?
- 10 A Yes, ma'am.
- 11 Q And that lasted 106 seconds?
- 12 A Yes, ma'am.
- 13 Q And, again, at 10:34 another call to 8039?
- 14 A Yes, ma'am.
- 15 Q And at 11:08 p.m., same number?
- 16 A Correct.
- 17 Q And that lasted 184 seconds?
- 18 A Yes, ma'am.
- 19 Q And then the last call I think on the 28th at  
20 11:46, also to the 8039 number, right?
- 21 A Yes, ma'am.
- 22 Q And then we move into the 29th, the early morning  
23 hours starting at 12:08 a.m., right?
- 24 A Yes, ma'am.
- 25 Q And that is where I think you indicated there are

1           nine calls to 8039 between 12:08 and 2:42 a.m.,  
2           right?

3     A     Yes, ma'am.

4     Q     And the duration listed for those is -- the 12:08  
5           is 91 seconds?

6     A     Correct.

7     Q     12:16 is 37 seconds?

8     A     Yes, ma'am.

9     Q     12:28, 34 seconds?

10    A     Yes, ma'am.

11    Q     12:35, 128 seconds?

12    A     Yes, ma'am.

13    Q     And then 2:25, six seconds?

14    A     Five seconds. The outgoing call?

15    Q     I'm sorry, five seconds. And then 2:34 is 14  
16           seconds, right?

17    A     Yes, ma'am.

18    Q     And then there is another one 2:42 that is six  
19           seconds?

20    A     Yes, ma'am.

21    Q     And then I think what you said is that the analysis  
22           you were asked to do was to stop at 10:00 a.m. on  
23           the 29th, is that right?

24    A     Yes, ma'am.

25    Q     But you have the records beyond that?



- 1 A Yes, ma'am.
- 2 Q And you looked at some of those?
- 3 A I looked at some of them.
- 4 Q And on those records you see a call, an incoming  
5 call to the 0627 number from 8039, right, at  
6 10:29 a.m.?
- 7 A Yes, an incoming call.
- 8 Q And that lasted 49 seconds?
- 9 A Yes, ma'am.
- 10 Q And then there are three more outbound calls -- or,  
11 I'm sorry, four more outbound calls at 10:49 to the  
12 8039 number?
- 13 A Yes, ma'am.
- 14 Q And that is 112 seconds?
- 15 A Yes, ma'am.
- 16 Q And then there is a call to the 8039 at 11:24 that  
17 is 35 seconds?
- 18 A Yes, ma'am.
- 19 Q And a call at 11:45 to the 8039 that is 122  
20 seconds?
- 21 A Yes, ma'am.
- 22 Q And a call at 12:58 p.m. that is also to 8039, and  
23 that is 100 seconds?
- 24 A Yes, ma'am.
- 25 Q And, again, you can't tell specifically if they

1           were answered, you can just talk about the duration  
2           listed from the records and that --

3     A     I'm sorry.

4     Q     I'm sorry. That you can list the duration of the  
5           connection?

6     A     The duration. And the ones that are routed, the  
7           visual voicemail that have not been answered.

8     Q     Right. And just briefly, you were talking about  
9           the -- some of the cell tower information.

10    A     (Nods affirmatively.)

11    Q     And I just want to show you this. I believe this  
12           is a copy of your PowerPoint.

13    A     Yes, ma'am.

14    Q     Is that what we were just looking at, or what the  
15           jury was just looking at on the large screen?

16    A     Yes, ma'am.

17    Q     Will you flip to Page 6, and I think it is  
18           referring to the 4:58 a.m. phone number?

19    A     Yes, ma'am.

20    Q     And then do you see what direction you have a cell  
21           tower for that call facing?

22    A     Yes.

23    Q     And then will you check -- look at Page 20?

24    A     Yes, ma'am.

25    Q     And there is a call -- the call also is shown from

1 4:58 on that slide as well?

2 A Yes, ma'am.

3 Q Does it appear that those are facing the opposite  
4 direction?

5 A Yes, ma'am.

6 Q Can you explain, like which -- is one of those  
7 wrong, or what happened there?

8 A Yes. One of those is incorrect. I put the wrong  
9 sector.

10 Q Okay. And is that because there are some  
11 sectors -- like most companies use Sectors 1, 2,  
12 and 3 as a label?

13 A They do use 123, ABC, depending, yes.

14 Q And then there is one carrier, Lucent, and they  
15 use -- I think they use Sectors 2, 3, and 4?

16 A Yes, ma'am.

17 Q So that can change the direction of where a call  
18 shows, right? If it is mislabeled?

19 A The call itself is not mislabeled. I mislabeled  
20 it. Like I put Sector 2. I show an image in  
21 Sector 3.

22 Q But Page 6 and 20, those don't show the same  
23 direction, correct?

24 A Yes.

25 MS. DAVIS: Nothing further.

REDIRECT EXAMINATION

1  
2 BY MS. CAVANAUGH:

3 Q Ms. Houck, going back to that call that you just  
4 referenced, 4:50, the one made at -- the outgoing  
5 call at 4:58. Is the beginning cell tower  
6 different from the ending cell tower?

7 A Yes, ma'am.

8 Q And, once again, what did you say that was -- is  
9 that consistent with the phone moving?

10 A It is typically indicative of movement if a phone  
11 had a hand-off between cell sites on the same phone  
12 call.

13 Q On the same phone call?

14 A Yes, ma'am.

15 Q And, once again, between the time -- beginning  
16 around 2:30, when were the breaks of phone activity  
17 again?

18 A You said beginning 2:30?

19 Q Well, the two later 30-minute breaks that you  
20 noted. When were those breaks?

21 A Between 2:54 a.m. and 3:27 a.m., and then between  
22 3:27 a.m. and 4:14 a.m., there is no phone activity  
23 recorded.

24 Q And each of those is approximately 30 minutes?

25 A Yes, ma'am.

1 Q And then again at 4:15 through 5:16, how many  
2 transactions are noted?

3 A Between 4:14 and 5:16.

4 Q Right. After that 30-minute break that you just  
5 described that ended at 4:14. Excuse me, beginning  
6 at 3:57, not 4:14. So after that 30-minute break  
7 from 3:27 to 3:57, how many transactions occurred  
8 up until 5:16?

9 A There is 12 between 3:27 and 5:16.

10 Q Okay. And is that consistent with the phone being  
11 in use at that time?

12 A That is indicative of the phone being in use, yes,  
13 ma'am.

14 MS. DAVIS: Just briefly, Your Honor.

15 THE COURT: Yes, ma'am.

16 RECROSS-EXAMINATION

17 BY MS. DAVIS:

18 Q And just to be clear, you were never asked to  
19 analyze the phone records for (803)413-8039, right?

20 A No, ma'am.

21 Q Thank you.

22 THE COURT: All right, you may step down. Any  
23 objection to this witness being excused?

24 MS. CAVANAUGH: No, Your Honor.

25 THE COURT: All right, ma'am, you are free to

1           leave.

2                   (Witness steps down and is excused.)

3           THE COURT: All right, ladies and gentlemen of  
4 the jury, I think this is a good time to take our  
5 morning break. So we will go ahead and take about  
6 15 minutes. I will see you all back at 11:30.

7           Thank you. Please do not discuss the case.

8                   (WHEREUPON, the jury retires to the jury  
9 room at 11:15 a.m.)

10          THE COURT: All right. Is there anything we  
11 need to take up?

12          MS. DAVIS: Not from us.

13          THE COURT: See you back at 11:30.

14          MS. CAVANAUGH: Thank you.

15                   (WHEREUPON, a break was taken.)

16          MS. CAVANAUGH: Your Honor, we have redacted  
17 video that was provided earlier. It is about 17  
18 minutes. We'd like to get it in before lunch. So,  
19 you know, I don't know if Ms. Hubbard can review it  
20 while Investigator Oates is testifying or if we  
21 need to take, you know, a 15-minute break, or  
22 however long, to make sure that --

23          THE COURT: Who is your next witness?

24          MS. CAVANAUGH: Investigator Oates. He  
25 attended the autopsy and did a few other things.

1           THE COURT: I can't make the Public Defender  
2 go watch it. I mean, that is up to them as to  
3 whether or not they want to do it.

4           MS. DAVIS: I mean, I would prefer to listen  
5 to it. So, I mean, I am happy to go do that right  
6 now. I think it is 17 minutes long.

7           THE COURT: Are you bringing it in through  
8 him?

9           MS. CAVANAUGH: Not through Investigator  
10 Oates, no, Your Honor, through Sergeant Caldwell.

11          THE COURT: Can we not call some other -- we  
12 will probably stop for lunch around 1:00, and then  
13 that will give her an opportunity to look at it  
14 over lunch.

15          MS. DAVIS: Okay.

16          THE COURT: Because I don't want to have the  
17 jurors sitting back there in the jury room for  
18 another 20 minutes. Had y'all asked me that  
19 beforehand, I would have said go review it and we  
20 would have taken a 20-minute break, but I hate to  
21 tell them -- and I could have told them to go  
22 outside and get some fresh air.

23          THE COURT: He just gave it to you. Okay.

24          MS. CAVANAUGH: Sorry.

25          THE COURT: Let's bring them on in. Maybe

1 call some other witnesses, and then call Caldwell  
2 after lunch, unless he has some conflict after  
3 lunch.

4 MS. CAVANAUGH: No, Your Honor, that's fine.

5 THE COURT: Bring them in.

6 (WHEREUPON, the jury came into open  
7 court at 11:44 a.m.)

8 THE BAILIFF: The jury is present, Your Honor.

9 THE COURT: All right. Call your next  
10 witness.

11 MR. MCGLOTHIN: The State calls Robert Oates.

12 (Witness approaches.)

13 THE BAILIFF: Place your left hand on the  
14 Bible, and raise your right hand, please.

15 (Witness complies.)

16 THE CLERK: Would you state your full name,  
17 please?

18 THE WITNESS: Robert Oates.

19 THE CLERK: Spell your last name, please.

20 THE WITNESS: O-A-T-E-S.

21 THE CLERK: Do you solemnly swear the  
22 testimony you are about to give in this case will  
23 be the truth, the whole truth, and nothing but the  
24 truth, so help you God?

25 THE WITNESS: I do.



1 THE CLERK: Have a seat right there. Thank  
2 you.

3 (Witness seated.)

4 ROBERT OATES,  
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MCGLOTHIN:

8 Q Good morning. Is it Investigator Oates?

9 A It is Deputy Oates.

10 Q Deputy Oates?

11 A Yes.

12 Q Could you please tell the jury where you are  
13 employed?

14 A I'm employed with the Richland County Sheriff's  
15 Department.

16 Q And how long have you been employed there?

17 A Twenty years.

18 Q Okay. And what is your current job title?

19 A My current job title is working in Region 5, which  
20 is the courthouse --

21 THE COURT REPORTER: I'm sorry, can you take  
22 the mask down?

23 THE COURT: There you go.

24 A Sorry. My current location is working in Region 5,  
25 which is the courthouse. Those are my duties right

1 now.

2 Q And were you in that same role back in December of  
3 2018?

4 A I was not. I was a criminal -- correction -- crime  
5 scene investigator in the crime lab.

6 Q How long were you a crime scene investigator  
7 leading up to that time?

8 A Sixteen years.

9 Q And were you called out for this case?

10 A Yes, I was.

11 Q On December 29th of 2018?

12 A Yes.

13 Q And where did you initially -- were you called out  
14 to?

15 A I was initially called out to the hospital, Prisma  
16 Richland Health, 3301 Harden Street, for an  
17 autopsy.

18 Q Do you know what time?

19 A Yes, 0925 hours in the morning.

20 Q So that would be 9:25 a.m.?

21 A Yes.

22 Q All right. And what did you do when you got there?

23 A Okay. When I got there, I met up with the medical  
24 examiner, Dr. Durso. She had her staff there. And  
25 also the Coroner's Office was present. And when I

1           was there, the victim was already on the gurney and  
2           awaiting my arrival.

3       Q     Okay. And why had they waited for you?

4       A     During the initial examination, they determined  
5           that there was a gunshot wound they had found with  
6           the victim.

7       Q     So why did that cause a need to wait for you to get  
8           there?

9       A     That would stop everything until we got there  
10          because documentation as far as any injuries and  
11          collecting now evidence at a crime.

12      Q     So other than what you just said, what are your  
13          duties when you show up to an autopsy as a CSI?

14      A     It is to document any documents to document any  
15          kind of damages and any kind of injuries. And I  
16          also collect any kind of trace evidence, real  
17          evidence from any crime.

18      Q     So did you stay for the entirety of that autopsy?

19      A     I did.

20      Q     And did you collect any evidence, take any  
21          photographs?

22      A     Yes, I did. I took photographs of the body, and  
23          also I did take photographs putting it on a scale  
24          of injuries to the victim. I also collected, which  
25          is normal in every case with a gunshot wound, a

1           gunshot residue kit was collected.

2       Q     Could you briefly describe what a gunshot residue  
3           kit is and what it looks like?

4       A     Okay. A gunshot residue kit basically is  
5           prepackaged for us when we receive it, okay? It is  
6           sealed. And each package is sealed. And inside  
7           that package is two sticky tabs, containers with a  
8           sticky tab on the end, basically just a little  
9           sticky adhesive tab. And there is two in there,  
10          one for the right hand and one for the left hand.  
11          And when we apply this, it is going to be the top  
12          of the palm and inside the palm. Those two areas  
13          were on a sticky tab. They were to find possible  
14          gunshot residue. And there is also inside, there  
15          is a little strip of --

16               THE COURT REPORTER: I'm sorry, of what?

17       A     Evidence tape. A little strip of evidence tape,  
18           that we basically seal that kit back up after we  
19           are done with it. We put that evidence seal across  
20           it, we put our initials and the date. That way it  
21           is sealed.

22       Q     And you say you did that in this case?

23       A     Yes.

24       Q     Okay. What other evidence did you collect while  
25           you were there?

1     A     I also collected brown paper bags. The victim's  
2           hands were bagged with brown paper bags when I got  
3           there and taped. That is done in order to protect  
4           any kind of possible trace evidence, either gunshot  
5           residue or evidence up under the fingernails,  
6           somebody scraped somebody or something like that  
7           when it happened. So that is why.

8                 So after -- or prior to anything else we do,  
9           the medical examiner and the Coroner's Office will  
10          remove those, and then we will -- basically, I will  
11          get custody of them through a chain of custody that  
12          documents it from their hands to mine. So we did  
13          that. And that is what happened in this case.

14         Q     Okay.

15         A     So I did collect those, okay? And then post-mortem  
16           fingerprints, we take that for identification  
17           purposes, okay, each fingerprint. That is  
18           post-mortem. And in this case also fingernail  
19           scrapings. So the hands, the bagged hands, the  
20           hands that are bagged, they collect all this until  
21           I get there. And then now I just take a piece of  
22           wood basically that has a sharp edge. It is real  
23           simple. You go up under the fingernails. There is  
24           a piece of paper that catches any kind of trace  
25           evidence. So that was collected also.

1 Q All right. I am going to show you what has been  
2 marked as State's 115.

3 A Okay.

4 Q Please tell me if you recognize that document, or  
5 item.

6 A Yes.

7 Q Okay. What is that?

8 A This is the yellow envelope in which I placed the  
9 GSR kit, okay, inside here. And this is my -- this  
10 is the evidence tape that we have in the crime lab  
11 that we seal -- we seal each and every one of our  
12 evidence with this type tape, and then my initials,  
13 and then the date that it was done on the back.

14 Q All right. And so you mentioned fingerprints, nail  
15 scrapings. Was there anything else that you  
16 collected while you were there?

17 A Yes, a buccal swab, which is a swab. You take two  
18 sterile cotton swabs and then we apply that inside  
19 the mouth and --

20 THE COURT REPORTER: I'm sorry, I didn't hear  
21 you.

22 A A saliva sample, yes, sir.

23 Q Two sterile cotton swabs?

24 A In order to get a saliva sample, a DNA sample. We  
25 call it buccal swab.

1 Q I am going to show you State's 114. Do you  
2 recognize that item?

3 A Yes.

4 Q What is that?

5 A This is a 6x9 manila envelope in which I placed the  
6 buccal swab that I collected from the victim. And  
7 I sealed it the same way as I did the GSR kit.

8 Q And does that appear to have been tampered with in  
9 any way since your collection of it?

10 A Negative. No.

11 Q And did you come into contact with both of these  
12 items at a later date as well?

13 A Oh, yes, yes. After I returned from the actual  
14 autopsy, then I placed each one of these items back  
15 to the lab and as it is right now and --

16 THE COURT REPORTER: I'm sorry, you have your  
17 back to me, and I can't hear you.

18 A I'm sorry. Yes. Once I return back to the  
19 evidence lab or the crime lab, I place the buccal  
20 swab container and the GSR kit into these  
21 envelopes, seal them, sign them, and then submit  
22 the into evidence.

23 Q And did you collect any other items there while you  
24 were at the autopsy?

25 A Yes, I collected the victim's clothing.

1 Q Okay. I am going to show you what has been marked  
2 as State's 122. Do you recognize that?

3 A Yes, sir.

4 Q Okay. What is that item?

5 A This is the box that I placed the victim's clothing  
6 after it was collected from the morgue. After --  
7 the clothes were laid into a dry cabinet awaiting  
8 results is where they go and I place them into  
9 evidence.

10 Q Okay. And all the seals appear to be intact on  
11 that as well?

12 A Yes.

13 Q And how do you know what is inside that box?

14 A I'm sorry, say again?

15 Q How do you know what is inside that box?

16 A Because of the evidence label that is on the front.  
17 The evidence label describes exactly what is inside  
18 the box that I put in there, yes.

19 MR. MCGLOTHIN: At this time the State would  
20 admit State's 122 into evidence.

21 MS. YOUNG: Your Honor, no objection.

22 THE COURT: 122, without objection.

23 MR. MCGLOTHIN: Thank you, Your Honor.

24 (WHEREUPON, State's Exhibit No. 122 was  
25 marked for identification and received



1                   into evidence.)

2   BY MR. MCGLOTHIN:

3   Q     Just to be clear, other than taking photographs and  
4           collecting evidence, as you mentioned, do you  
5           actually participate in the autopsy itself and the  
6           examination of the body?

7   A     No.

8   Q     Okay. So moving on from that, were you called to  
9           assist in another portion of this investigation?

10   A     Yes, I was. Yes.

11   Q     Okay. When was that?

12   A     It was -- I got the exact time here. It was the  
13           same date that I went to the autopsy at 1351, which  
14           is 1:51 in the p.m.

15   Q     Okay. I'll take that box.

16                 So you said 12:51 p.m. Where did you go?

17   A     I went to the intersection of Meeting House Road  
18           and Clarkson Road.

19   Q     And what was your purpose in going there?

20   A     The purpose of getting to this location where it  
21           was reported that a vehicle accident had taken  
22           place. This is where the incident actually started  
23           as a vehicle accident. So that is where I went,  
24           back to the crime scene. It is a crime scene now,  
25           so that is why I returned.

1 Q Okay. And what did you do when you got there?

2 A I took photographs, basically daytime photographs,  
3 from the location of -- or from the angle of  
4 Meeting House Road and Clarkson Road, and I think  
5 360, basically encircling basically the crash  
6 location documentation. I also took photographs,  
7 daytime photographs, mid-range, close-up  
8 photographs of actually where the impact of the  
9 crash took place. And also, we call it a line  
10 search. Basically it is real simple. One line is  
11 a lane. I simply search of that area where the  
12 crash site was to see if there was any other trace  
13 evidence or evidence that needed to be collected.

14 Q Okay. Did you utilize any hardware or machinery in  
15 order to help do that search?

16 A Yes. In a portion of these woods it has got a lot  
17 of leaves, a lot of trees, brush, and all that  
18 kinds of stuff, so we do have the metal detectors,  
19 so I did utilize our CSI metal detector.

20 Q And what were you looking for? Were you looking  
21 for anything specific with the metal detector?

22 A Yes. We of course were looking for any kind of  
23 projectiles, metal or any kinds of cartridge casing  
24 type of material.

25 Q Okay. And were you able to locate anything like

1           that?

2       A     Negative. I didn't.

3       Q     Did you collect anything while you were there at  
4           the scene?

5       A     Yes, I sure did. I did find a black and gray glove  
6           that was present in the wooded area right where the  
7           crash site was, and I collected it.

8           MR. MCGLOTHIN: Beg the Court's indulgence for  
9           just a second.

10           (Pause.)

11       BY MR. MCGLOTHIN:

12       Q     No further questions. Thank you very much. Please  
13           answer anything the Defense may have.

14           THE COURT: Yes, ma'am?

15           MS. YOUNG: Thank you, Your Honor.

16                   CROSS-EXAMINATION

17       BY MS. YOUNG:

18       Q     Good afternoon, Deputy Oates, right?

19       A     Yes, ma'am. Thank you.

20       Q     So other than -- you were only asked to -- I'm  
21           sorry, y'all are both looking at me like you can't  
22           here me. So y'all were both asked to attend -- or  
23           you were only asked to attend the autopsy, is that  
24           right?

25       A     That's correct.

1 Q And you went out to the incident location about ten  
2 hours after the incident occurred, is that right?

3 A About ten hours? It was hours afterwards.

4 Q Okay. Would you agree with me that 2:00 o'clock  
5 p.m. is about ten hours after 3:30 a.m.?

6 A That's close.

7 Q And you weren't asked to do anything else involving  
8 the case?

9 A That's all, nothing else.

10 Q And I think you mentioned that you collected GSR at  
11 the autopsy?

12 A Yes, uh-huh.

13 Q Did you collect any GSR from around the gunshot  
14 wound?

15 A Negative. Negative.

16 Q So the only GSR you took was from Mr. Young's  
17 hands?

18 A That's correct. That's correct. Yes.

19 Q Were you the one that actually located the scene  
20 where the car hit the tree?

21 A Negative. I was not.

22 Q Okay. Did you take measurements while you were out  
23 there?

24 A I just took general measurements, yes.

25 Q Okay. And do you recall what those measurements

1           were?

2       A     Yes. Yes. The measurements I took were from  
3           Meeting House Road, the intersection to the crash  
4           site, 90.7 feet. Just general measurements from  
5           Clarkson Road to Meeting House Road to the crash  
6           site where there is 114 feet. So it was general.

7       Q     Okay. So you are saying from -- like when you said  
8           the road to the tree and you said it was 90.7 feet,  
9           do you mean from the middle of the road, from the  
10          edge of the road --

11      A     From where the road -- yes, to the edge of the  
12          road.

13      Q     Okay. From the edge of road to the tree?

14      A     Yes. Yes, uh-huh.

15      Q     And then from the stop sign, you went straight from  
16          the stop sign straight to the tree, or did you come  
17          down the road?

18      A     Oh, no. Well, I will say as the crow flies, from  
19          the sign, yes, to the crash site.

20      Q     Did you ever take any measurements or were you  
21          asked to go back and take any measurements from a  
22          location where Ben Parker lived to where the crash  
23          site was?

24      A     No, ma'am. No.

25      Q     Do you have any idea how far that is?

1 A No, I don't.

2 Q You were never asked to go back and clock that  
3 distance?

4 A Oh, no, ma'am. No.

5 MS. YOUNG: Beg the Court's indulgence.

6 (Pause.)

7 BY MS. YOUNG:

8 Q I don't have anything else. Thank you very much,  
9 Deputy.

10 A Thank you.

11 THE COURT: Anything else from the State on  
12 redirect?

13 MR. MCGLOTHIN: Nothing further, Your Honor.

14 THE COURT: All right, you may step down. Any  
15 objection to this witness being excused?

16 MS. YOUNG: No, Your Honor.

17 THE COURT: Thank you, sir. You are free to  
18 leave.

19 (Witness steps down and is excused.)

20 THE COURT: Call your next witness.

21 MR. MCGLOTHIN: Melody Galinski.

22 THE BAILIFF: Come forward and be sworn.

23 (Witness approaches.)

24 THE BAILIFF: Place your left hand on the  
25 Bible, raise your right hand, and face the clerk.

1 (Witness complies.)

2 THE CLERK: State your full name, please.

3 THE WITNESS: Melody Galinski.

4 THE CLERK: Would you spell your last name,  
5 please?

6 THE WITNESS: G-A-L-I-N-S-K-I.

7 THE CLERK: Do you solemnly swear the  
8 testimony you are about to give in this case will  
9 be the truth, the whole truth, and nothing but the  
10 truth, so help you God?

11 THE WITNESS: Yes, ma'am.

12 THE CLERK: Take a seat right there.

13 (Witness seated.)

14 MR. MCGLOTHIN: Beg the Court's indulgence.

15 (Pause.)

16 MELODY GALINSKI,  
17 after being duly sworn, testified as follows:

18  
19 DIRECT EXAMINATION

20 BY MR. MCGLOTHIN:

21 Q Good morning -- good afternoon. Is it Deputy  
22 Galinski, Ms. Galinski?

23 A You can call me Ms. Galinski.

24 Q Okay. Where do you work?

25 A Richland County Sheriff's Department.

1 Q What do you do at the Sheriff's Department?

2 A Now I work in investigations and property crimes.

3 Q Okay. How long have you been doing that?

4 A I have been doing that for about a year.

5 Q What were you -- were you employed at the Sheriff's  
6 Department in December of 2018?

7 A Yes, I was the evidence custodian.

8 Q Okay. What does an evidence custodian do?

9 A Evidence custodian, we intake the property items  
10 that the deputies, investigators submit to us, and  
11 we put them in a computer system for safekeeping  
12 until further testing.

13 Q Okay. And can you briefly describe why that is  
14 important?

15 A We have to maintain the integrity of the items for  
16 the case investigation.

17 Q Okay. And can you kind of briefly describe some of  
18 the precautions you take to maintain the integrity  
19 of those items?

20 A Yes. Anything that is submitted to property and  
21 evidence has to be properly sealed or we cannot  
22 take it.

23 Q Okay. And can you briefly describe what properly  
24 sealed means?

25 A Sure. If it is in an evidence bag, it would have



1           to be sealed or we cannot take it. It cannot be  
2           open at all. If it is in a box, it has to be taped  
3           top and bottom with regular tape and evidence tape,  
4           date, initials. Everything has to be intact. It  
5           cannot be open.

6       Q    Okay. And is there any sort of tracking system for  
7           all these items?

8       A    Yes. Anything that is submitted has a case number  
9           and the system generates a unique item number for  
10          each item. And the system maintains where it is  
11          located in the evidence and property room at all  
12          times.

13      Q    I'm going to start by showing you State's 117.  
14            Would you please take a look at that item? Do you  
15            recognize that?

16      A    Yes.

17      Q    Okay. And have you come into contact with that  
18            particular envelope and those items before?

19      A    Yes, sir.

20      Q    Okay. And could you briefly describe how you came  
21            into contact with it?

22      A    Yes.

23      Q    Where it came from, where it went, if you did  
24            anything with it?

25      A    Okay. I came in contact with it on December 31st,

1           2018, around 4:00 in the afternoon. It was  
2           submitted to property and evidence by Sara  
3           Humphries. I logged it in. Then on January 3rd,  
4           2019 around 12:18, I checked it back in from Sara  
5           Humphries --

6           THE COURT REPORTER: I'm sorry, I can't hear  
7           you.

8       A    I'm sorry. I had checked it back in from -- it had  
9           been checked out by someone, so I checked it back  
10          in the inventory.

11       Q   Okay. After the first time you had it, where did  
12          it --

13       A    After --

14       Q    Where did it go after that?

15       A    After I checked it in initially, it looked like  
16          Sara Humphries had checked it back out on the 3rd  
17          of January, 2019.

18       Q    Okay. And so after the second time -- I think you  
19          mentioned a second time -- where did it go after  
20          that?

21       A    Okay. The second time it had went out to DNA. It  
22          went out there on February 21st, 2019.

23       Q    Okay. And does it appear to be in the same  
24          condition and has it upheld integrity since when  
25          you handled it?

- 1 A Yes, sir.
- 2 Q It didn't appear to be -- when you received it, had  
3 it appeared to be tampered with at all?
- 4 A No, sir.
- 5 Q Either time?
- 6 A No, sir.
- 7 Q And you didn't tamper with it while it was in your  
8 possession?
- 9 A No, sir.
- 10 Q All right. Now I am going to show you State's 119.  
11 Do you recognize that item?
- 12 A Yes, sir.
- 13 Q And have you come into contact with that item in  
14 the past?
- 15 A Yes, sir.
- 16 Q And when -- where did it come from and then where  
17 it did go?
- 18 A It also came from Sara Humphries from CSI. I  
19 initially came in contact with it on December 31st,  
20 2018, around 4:00 p.m.
- 21 Q Okay. Was this along with the last item?
- 22 A Yes. It is basically the same.
- 23 Q Okay. So then you handled it again the second time  
24 as well?
- 25 A Yes, sir. Two more times.

- 1 Q In the same manner as the last item?
- 2 A Yes, sir, same exact manner.
- 3 Q Did it appear to be tampered with when you received
- 4 it?
- 5 A No, sir.
- 6 Q Okay. You didn't tamper with it while you had it?
- 7 A No, sir.
- 8 Q Okay. Either instance when you handled it?
- 9 A No, sir.
- 10 Q Okay. I am going to hand you back this as well.
- 11 Would you please read the items on State's 117 that
- 12 are contained within that package there?
- 13 A Yes. There is a swab, the front passenger side
- 14 door, exterior. Swab, front passenger side door,
- 15 interior. Swab, RBS, Number 5. Swab, RBS, Number
- 16 4A. Swab, white LG cell, E1. Swab, FCC Ruger
- 17 9-millimeter CBC E2.
- 18 Q And could you do the same for the second package
- 19 that you just looked at, State's 119?
- 20 A Yes. Swab, handle rear passenger side door
- 21 exterior. Swab, top door near roof rear passenger
- 22 side door exterior. Swab, handle rear passenger
- 23 side door interior. Swab, RBS, 1A. Swab, RBS, 2A.
- 24 Swab, RBS, 3A.
- 25 Q Next I am going to show you what is marked --

1                   MR. MCGLOTHIN: Beg the Court's indulgence for  
2                   just one moment.

3                   (Pause.)

4                   BY MR. MCGLOTHIN:

5           Q       And I show you what is marked as State's 130. Do  
6                   you recognize that item?

7           A       Yes, sir.

8           Q       Okay. And did you come in contact with that  
9                   item -- those items?

10          A       Yes, sir.

11          Q       And when was that?

12          A       January 2nd, 2019, around 8:38 in the morning. I  
13                   had logged them in. They came from Investigator  
14                   Laurita.

15          Q       Okay. And what did you do with those items?

16          A       At that time I located them on a shelf awaiting  
17                   process.

18          Q       Okay. And had they appeared to have been tampered  
19                   with when you received them?

20          A       No, sir.

21          Q       They were properly sealed inside the bag?

22          A       Yes, sir.

23          Q       And did you tamper with them or remove them from  
24                   the sealed bag?

25          A       No, sir.

1 Q Okay. I am going to show you State's 131. Do you  
2 recognize that item?

3 A Yes, sir.

4 Q Okay. What -- when did you come in contact with  
5 that?

6 A January 24th, 2020, at 9:51 in the morning. I  
7 processed it, I logged it in. It came in from  
8 Investigator Laurita.

9 Q Okay. And what item -- what is the description on  
10 that item?

11 A The item is a buccal swab, Cormey Brown -- Correy  
12 Brown, sorry.

13 Q And what did you do with that item after you  
14 received it?

15 A After I received that one, I sent it in for further  
16 processing. And then on January 24th it was  
17 checked out to John Barron in the DNA lab.

18 Q All right. I am going to show you State's 121. I  
19 show you these two as well.

20 And I apologize. Back on -- with the last  
21 item, did you tamper with it in any way? Was it  
22 properly sealed?

23 A It was properly sealed. I did not tamper with it.

24 Q Okay. All right. So moving on to State's 121.  
25 Did you come into contact -- well, did you come

1           into contact with all three of those items?

2     A     Yes.

3     Q     Okay. And could you read the descriptions on those  
4           items?

5     A     Buccal swab, Young.

6     Q     And which -- I apologize. What was the  
7           identification on that one, State's --

8     A     State's 114.

9     Q     Thank you.

10    A     States 115, GSR kit, Young. And State's 121 is two  
11        GSR kits, white Infinity I35.

12    Q     Okay. And you said you have come in contact with  
13        those items?

14    A     Yes.

15    Q     I guess starting with Number 114. Could you please  
16        describe where you received it and when you  
17        received it?

18    A     On January 15th, 2019, I checked it back into  
19        inventory.

20    Q     And then -- and when you received it, did it appear  
21        to be tampered with in any way?

22    A     No.

23    Q     Okay. And you didn't tamper with it?

24    A     No.

25    Q     Okay. So moving to 115, where did you receive that

1 item from?

2 A On January 14th, 2019, at 9:01, I checked it out to  
3 Robert Oates for processing.

4 Q All right. And did you ever come into contact with  
5 that item again?

6 A On January 15th, 2019, at 8:27 in the morning, I  
7 checked it back into inventory.

8 Q Okay. And in either instance, did it appear to be  
9 tampered with when you received it?

10 A No.

11 Q Did you tamper with it while you had it?

12 A No, sir.

13 Q Okay. And then 121, I believe that is the third  
14 item you have there, is that correct?

15 A Yes.

16 Q Okay. And do you recognize that item?

17 A Yes.

18 Q Okay. And when did you receive that item?

19 A I dealt with it on January 3rd, 2019, at 12:18. I  
20 brought it back into inventory thereafter.

21 Q Okay. And did it appear to have been tampered with  
22 at that point?

23 A No, sir.

24 Q Okay. Did you tamper with it?

25 A No, sir.



1 Q And I am going to show you one last item. It is  
2 State's 120. Do you recognize that item?

3 A Yes, sir.

4 Q Okay. And what -- when did you -- where did you  
5 receive that and when?

6 A On January 3rd, 2019, at 12:18, I put it back into  
7 inventory from Sara Humphries.

8 Q Okay. And did you ever come into contact with it  
9 again?

10 A I did.

11 Q Okay. When was that?

12 A On January 9th, 2019, at 9:00 in the morning I  
13 checked it back into inventory.

14 Q Okay. When you received either of those times, did  
15 it appear to have been tampered with?

16 A No, sir.

17 Q Did you tamper with it while you had it?

18 A No, sir.

19 Q And I am going to go back briefly to items -- oh,  
20 could you tell me what that item is? I apologize.

21 A Sure. It is FCC Ruger 9-millimeter CBC E2.

22 Q Thank you. I am going to show you State's 117 and  
23 119. And if you could tell me, looking at that  
24 property label, what is the section at the very  
25 bottom there used for?

1 A Down here?

2 Q Yes. Below the final line there at the bottom.

3 Yes. Yes.

4 A That is where when it is input to the system by the  
5 evidence technician or custodian, we date and  
6 initial the time and day that we take it.

7 Q Okay. What do those two -- who did those two  
8 indicate received those items?

9 A The initials on these are H.K.

10 Q Okay.

11 A That would have been Howard Kleber that used to  
12 work in our office.

13 Q Okay.

14 MR. MCGLOTHIN: Beg the Court's indulgence  
15 just a moment.

16 (Pause.)

17 BY MR. MCGLOTHIN:

18 Q I have no further questions. Thank you very much.

19 THE COURT: Yes, ma'am?

20 MS. YOUNG: We have no questions for this  
21 witness. Thank you, Your Honor.

22 THE COURT: All right, you may step down. Any  
23 objection to this witness being excused?

24 MR. MCGLOTHIN: None from the State, Your  
25 Honor.

1           Call your next witness.

2           MS. CAVANAUGH: Thank you, Your Honor. The  
3 State calls Sergeant Andrew Caldwell.

4           (Witness approaches.)

5           THE BAILIFF: Place your left hand on the  
6 Bible, and raise your right.

7           (Witness complies.)

8           THE CLERK: Could you state your full name,  
9 please?

10          THE WITNESS: Andrew Caldwell.

11          THE CLERK: Do you solemnly swear the  
12 testimony you are about to give in this case will  
13 be the truth, the whole truth, and nothing but the  
14 truth, so help you God?

15          THE WITNESS: I do.

16          THE CLERK: Thank you. Have a seat.

17          (Witness seated.)

18                                   ANDREW CALDWELL,  
19 after being duly sworn, testified as follows:

20                                   DIRECT EXAMINATION

21 BY MS. CAVANAUGH:

22 Q       Sergeant Caldwell, where do you work?

23 A       I am employed with the Richland County Sheriff's  
24 Department.

25 Q       Okay. And how long have you worked there?

1 A A little over 30 years.

2 Q And what is your current position?

3 A I'm a sergeant in investigations.

4 Q And as sergeant in investigations, was that your  
5 role in 2018?

6 A It was. I was assigned to the major crimes unit at  
7 that time.

8 Q All right. And how long had you been in that role?

9 A 2018, several years at that point.

10 Q And that was your role on December 29th, 2018?

11 A Yes, ma'am.

12 Q Okay. And did you assist Investigator -- Sergeant  
13 Laurita in a homicide investigation?

14 A I did.

15 Q Okay. And how were you actually notified?

16 A I was notified by our Deputy Chief Of  
17 Investigations, Stan Smith.

18 Q And what time were you notified?

19 A Approximately 9:00 a.m. on the morning of the 29th.

20 Q All right. And what information as far as which  
21 agencies were on scene and what it was originally  
22 thought to be as far as the type of investigation  
23 at that time?

24 A I was notified by the Chief that what had appeared  
25 earlier -- hours earlier to be a traffic accident

1           with a fatality had turned out to be a homicide as  
2           a result of examination at the autopsy, the  
3           discovery of a bullet wound in the victim.

4           THE COURT REPORTER: I'm sorry, you need to  
5           speak into the microphone. I didn't hear the very  
6           end of your sentence.

7    A     As a result of the autopsy, a bullet wound was  
8           discovered in the victim's body.

9    Q     Okay. Who did you make contact with once that  
10           was -- once it was learned that this was going to  
11           be a homicide investigation?

12   A     We contacted Corporal Laureano. He is one of the  
13           Region A corporals. That is the region of that  
14           particular area where this incident occurred. And  
15           I requested he respond to the scene.

16   Q     Okay. But prior to -- did you speak to anyone at  
17           the Coroner's Office?

18   A     I did. I believe it was Ted Powell.

19   Q     Okay. And then in the middle of your report, did  
20           you --

21   A     Sorry, Deputy Coroner White.

22   Q     Okay.

23   A     She related the identification information of the  
24           victim, who he was.

25   Q     Okay. And who was he?

1 A He was Donald A. Young, a black male, date of birth  
2 of [REDACTED].

3 Q And did she also turn over to you the victim's  
4 belongings at that time, or turn over --

5 A My initial contact with her was just over the  
6 telephone.

7 Q Okay. All right. So upon speaking with her, who  
8 did you speak with next? What did you do next?

9 A Subject Laurita, and spoke with him concerning the  
10 discovery of a homicide, and we made arrangements  
11 to meet at our headquarters on Two Notch Road.

12 Q And approximately 10:00 o'clock, what did you do?

13 A Again, contacted Corporal Laureano, advised him  
14 what we had been advised of, asked him to respond  
15 to that general intersection. I really wasn't  
16 given a specific street address, I was just told  
17 the accident occurred at an intersection. And just  
18 asked him to respond to that area just to determine  
19 if anything of evidentiary value was still present.  
20 If anything needed to be done, we would have our  
21 crime scene --

22 THE COURT REPORTER: I'm sorry, your back is  
23 to me. I can't hear what you are saying.

24 A That we would have our crime scene respond as well.

25 Q Okay. And did you learn through -- did

1 Investigator Oates also attend the autopsy?

2 A He did.

3 Q Okay. And during the course of your investigation,  
4 do you know where the victim was shot as far as  
5 what area of the body?

6 A Investigator Oates related to me that he was shot,  
7 what appeared at autopsy at that time, more what  
8 appeared to be an entrance wound more in the rear  
9 portion of the neck and what appeared to be an exit  
10 wound more in the front portion of the neck through  
11 and through.

12 Q Okay. And then did you make contact with Corporal  
13 Laureano at that point?

14 A I did.

15 Q And what did you advise him to do?

16 A To -- asked him to respond to the scene just to  
17 determine what, if anything, was left out there  
18 that we would might need to take a look at or  
19 collect.

20 Q And then did he go obtain the vehicle that -- what  
21 did he do next after that?

22 A After responding to the scene and reporting back to  
23 us, I then asked him to leave the scene and respond  
24 to the tow yard where Highway Patrol had the  
25 victim's vehicle towed to secure that vehicle,

1           because at that point, as far as we knew, that is a  
2           crime scene --

3           THE COURT REPORTER: I'm sorry, the end of  
4           your sentence.

5   A    Crime scene needed to collect that vehicle.

6   Q    Okay. And then who did you speak to after that?

7   A    I think at that point, that was when we spoke, or I  
8           spoke to Deputy Corner Ted Powell.

9   Q    And then around noon that same day, did you speak  
10          with Theodore Green?

11   A    We did.

12   Q    All right. And who is Theodore Green?

13   A    Theodore Green is the individual that made the  
14          original 9-1-1 call. He was traveling I believe on  
15          Meeting House, but he discovered what he believed  
16          to be a traffic accident and dialed 9-1-1 in order  
17          to report it.

18   Q    And then other than calling 9-1-1 during the  
19          investigation did Mr. Green's name come up at all?

20   A    No, ma'am.

21   Q    Did you speak to anyone on the phone after that?

22   A    Well, Deputy Coroner Powell provided the  
23          information, contact information, as well as the  
24          victim's mother. He provided some information  
25          where the victim had been staying during that



1           particular time. And then we also determined maybe  
2           an individual that the victim, or at least at that  
3           time one of only people we knew had been with the  
4           victim earlier that evening.

5       Q     Okay. And whose name were you given?

6       A     Anteyan Davis.

7       Q     All right. And how -- did he -- did he speak to  
8           you?

9       A     Later on, yes, ma'am.

10      Q     Well, did he -- how did he first make contact with  
11           y'all?

12      A     We first tried to make contact with him at his  
13           house. He was not there. We made contact with his  
14           parents and informed them of what we were doing, we  
15           wished to speak to their son about what he would  
16           have known about the victim. And a little while  
17           later we left our name and number with the parents.  
18           And a little while later he called Sergeant  
19           Laurita.

20      Q     And without saying what he said, did he relay what  
21           he did that night?

22      A     Yes, ma'am.

23      Q     And did he give you any other names --

24      A     He did.

25      Q     -- that he was with that night?

1 A He did.

2 Q And who -- what -- who did he -- what name did he  
3 provide to y'all that night?

4 A He stated that they were at a club called Tony's  
5 Club.

6 MS. DAVIS: Objection. Hearsay.

7 MS. CAVANAUGH: Well, no, just --

8 THE COURT: Sustained.

9 A Sorry.

10 Q Let me rephrase the question. As a result of  
11 speaking with him, did you learn of other  
12 individuals that you needed to interview?

13 A We did.

14 Q Okay. Later on that afternoon, what did you do,  
15 around 2:00 o'clock?

16 A Well, started off, we also went back to the crime  
17 scene as well and actually located -- there were  
18 some items there in the woods and had forensics  
19 collect those as well.

20 Q Okay. And did you also -- did you make a report in  
21 this case?

22 A Yes, a report was generated, as well as my  
23 follow-up notes.

24 Q And were other individuals -- did anybody else call  
25 you after you spoke with Anteyan?

1     A     Yes.

2     Q     And who were they?

3     A     Well, originally a Ms. Guyton. I came in contact  
4           with Ms. Guyton via telephone.

5     Q     Okay. And any other family members? Any other  
6           people that are noted in your report?

7     A     Well, her husband, Benjamin Parker, ended up  
8           speaking with him as well. We also -- I'm not sure  
9           if I already mentioned this or not, ended up  
10          speaking with Anteyan Davis as well also.

11    Q     Right. He comes later that afternoon?

12    A     Correct.

13    Q     And what about that? What time did he actually  
14          come to the --

15    A     Approximately 3:00 p.m.

16    Q     All right. And did you look at his body on that  
17          particular occasion?

18    A     Yes, ma'am, we did.

19    Q     And did you observe any injuries?

20    A     No, ma'am, we did not.

21    Q     Going back to what you were saying earlier, who  
22          then, after Mr. Davis came in, who contacted you?

23    A     Approximately 3:30, 3:35, received information that  
24          Ms. Guyton wished to contact or speak to somebody  
25          about the investigation, and I called that number

1 and spoke to her.

2 Q Okay. And did you also get a call from Larry  
3 Wilson?

4 A Yes. Investigator -- Sergeant Laurita I think made  
5 contact with Mr. Wilson.

6 Q Okay. And who are they, as far as relationship to  
7 anyone in this case, who are those individuals,  
8 Larry and Ms. Guyton?

9 A Ms. Guyton is the wife of Benjamin Parker, who was  
10 an acquaintance and present during this evening  
11 with the victim.

12 Q All right. Wait, excuse me? Ms. Guyton --

13 A I was informed Ms. Guyton was Benjamin Parker's  
14 wife.

15 Q Okay. And then Larry Wilson, who do you know that  
16 Larry Wilson is?

17 A Sergeant Laurita spoke with him.

18 Q Okay. All right. I'm sorry, I misread your  
19 report.

20 After speaking with Ms. Guyton, where did you  
21 go?

22 A We made arrangements to actually come to their  
23 house, or to a house they were at, to meet with  
24 them. They were hesitant about coming to our  
25 office at first.

1 Q All right. I mean, you say they were hesitant.  
2 What do you mean by that?

3 MS. DAVIS: Objection. Calling for hearsay.

4 THE COURT: Sustained. Please rephrase the  
5 question.

6 BY MS. CAVANAUGH:

7 Q As far as their demeanor, did you observe their  
8 demeanor?

9 A They appeared to be very frightened.

10 Q Okay. Thank you. Now, did you go speak to them at  
11 that point?

12 A Yes, ma'am.

13 Q And where -- and who went with you?

14 A Subject Laurita and I.

15 Q Okay. And who -- what location was that?

16 A 7012 Julia Street, here in Richland County.

17 Q Do you remember how long you met with them on that  
18 occasion? I mean, approximately? If you remember?

19 A A guess would be somewhere 30 minutes, maybe a  
20 little longer. We were certainly not in and out as  
21 far as just driving up, picking him up, and leaving  
22 back, bringing them back to our office.

23 Q Okay. Then after meeting with them there, did you  
24 go to -- what happened next?

25 A They agreed to come to our Pineview office for

1 Mr. Parker to give an official sworn statement.

2 Q Okay. And was he interviewed by -- did you  
3 interview him?

4 A Both myself and Sergeant Laurita did.

5 Q Okay. Was anyone else besides the three of y'all  
6 in the room at that time?

7 A No, ma'am, not that I recall.

8 Q While Mr. Parker was there, did he consent to  
9 provide the buccal swab?

10 A He did.

11 Q And what is a buccal swab?

12 A A layman's explanation of it is, to obtain an DNA  
13 sample from somebody, it is usually -- it looks  
14 like a long Q-tip, and you rub it in between your  
15 cheeks and your gums to obtain that DNR sample from  
16 the individual.

17 Q And did you also -- did you or Sergeant Laurita  
18 show him a photo lineup?

19 A Sergeant Laurita did.

20 Q Okay. And was he able to pick out anyone?

21 A He was.

22 Q Did he also show you his phone?

23 A He did.

24 Q Or show you and Investigator Laurita his phone?

25 A He signed consent for the search or download of

1           that phone.

2       Q     And at that point, what specifically did he show  
3           you about his phone?

4       A     About the contact or the attempted contact through  
5           his phone that the Defendant was trying to contact  
6           him.

7       Q     Okay. Now, at that point was there -- after  
8           speaking with Anteyan and Benjamin Parker, what  
9           other -- at that point had any other evidence --  
10          had the car been pulled into y'all's garage?

11      A     Yes.

12      Q     Okay. After speaking with those two individuals,  
13          was there probable cause to obtain a --

14               MS. DAVIS: Objection. Leading.

15               THE COURT: Sustained. Please rephrase.

16      BY MS. CAVANAUGH:

17      Q     After speaking with them, what was done?

18      A     Based off all the information and evidence we had  
19          at that point, after these interviews and forensic  
20          evidence that we were looking at, an arrest warrant  
21          was obtained for the Defendant.

22      Q     Okay. And who is the Defendant?

23      A     Correy Brown.

24      Q     And where was Mr. Brown arrested?

25      A     I don't recall the name of the apartment, they

1 changed name several times, but it is an apartment  
2 complex on Percival Road kind of towards the Fort  
3 Jackson, I think that is Trenholm Road, the lower  
4 end of Percival Road.

5 Q And I'm going to show you a copy of the warrant.  
6 Does that indicate his arrest date?

7 A It does. It looks like December 31st of 2018.

8 Q As part of the investigation, was there any video  
9 obtained in this case?

10 A There was.

11 Q And of what?

12 A The interview of Mr. Parker as well as Mr. Brown.

13 Q And what about any video surveillance?

14 A Then the video surveillance of the Shell gas  
15 station. I believe that is on Leesburg Road, I  
16 don't know the specific address. We obtained that  
17 as well later on.

18 Q And was that done -- when was that done, as far as  
19 before of after Mr. Brown's statement?

20 A I don't recall without seeing the request forms. I  
21 don't remember off the top of my head when we  
22 obtained that.

23 Q You indicated that Mr. Brown's interview was  
24 recorded?

25 A Yes, ma'am.



1 MS. CAVANAUGH: Beg the Court's indulgence.

2 (Pause.)

3 BY MS. CAVANAUGH:

4 Q I am going to show you what is marked a State's  
5 Exhibit 132. What does -- as far as the writing on  
6 there, is that -- does that say Mr. Brown's  
7 interview --

8 MS. DAVIS: Objection. Leading.

9 THE COURT: Sustained.

10 BY MS. CAVANAUGH:

11 Q Have you had an opportunity to review his  
12 interview?

13 A I have.

14 Q Okay. And is that some of his interview?

15 A It appears to be the disk of the interview. Is  
16 says, Brown Interview on it.

17 MS. CAVANAUGH: Your Honor, at this time I  
18 would move State's Exhibit 132 into evidence.

19 THE COURT: Any objection?

20 MS. DAVIS: No, Your Honor.

21 THE COURT: It will be entered without  
22 objection.

23 (WHEREUPON, State's Exhibit No. 132 was  
24 marked for identification and received  
25 into evidence.)

1 BY MS. CAVANAUGH:

2 Q Now, you just mentioned the Shell gas station?

3 A That's correct.

4 Q Did -- as part of your investigation, was there  
5 video obtained from that Shell gas station?

6 A Yes. I believe somebody from our technical  
7 services unit obtained that for us.

8 Q But it was obtained?

9 A Yes, ma'am.

10 (Video played.)

11 BY MS. CAVANAUGH:

12 Q Did he just mention phones?

13 A He did.

14 Q Were search warrants obtain for those phones?

15 A I believe they were, yes.

16 (Video played.)

17 BY MS. CAVANAUGH:

18 Q Is he admitting he was in the car at the time of  
19 the wreck?

20 A Not that -- no, ma'am, if I heard that correctly.  
21 At the time of the crash.

22 Q Of the crash. Right. I'm sorry, not the wreck,  
23 the crash. Thank you.

24 A No, ma'am, I don't believe he did.

25 (Video played.)

1 BY MS. CAVANAUGH:

2 Q Did he give you instruction of how his lip was  
3 busted?

4 A He did.

5 Q And when did he indicate that occurred, as far as  
6 relates to the gas station?

7 A That same evening.

8 Q Right. But before or after the gas station?

9 A It was before the gas station as he was about to  
10 enter the vehicle.

11 Q Okay. Was -- once again, the gas station -- the  
12 gas station that he referenced, was video  
13 surveillance --

14 MS. DAVIS: Objection. Leading.

15 THE COURT: Sustained.

16 BY MS. CAVANAUGH:

17 Q Did you obtain any video surveillance -- did law  
18 enforcement obtain any video surveillance?

19 A We did, yes.

20 MS. CAVANAUGH: Beg the Court's indulgence.

21 (Pause.)

22 Q Did you observe any injury to his lip that night?

23 A Yes, ma'am.

24 Q Okay. And was a photograph taken?

25 A It was.

1 Q And is that the photograph?

2 A Yes, ma'am, that is the specific injury that he had  
3 during our interview.

4 MS. DAVIS: I'm sorry, I just could not hear  
5 that.

6 A I said, yes, ma'am, that is consistent with the  
7 injury he had during our interview.

8 Q All right.

9 MS. CAVANAUGH: Your Honor, at this time I  
10 would move State's 133 into evidence.

11 THE COURT: Any objection?

12 MS. DAVIS: No objection.

13 (WHEREUPON, State's Exhibit No. 133 was  
14 marked for identification and received  
15 into evidence.)

16 BY MS. CAVANAUGH:

17 Q And were you the lead investigator in this case?

18 A No, ma'am.

19 Q Who was that?

20 A Sergeant Laurita.

21 Q And do you know if he did further follow-up after  
22 this?

23 A Yes, ma'am.

24 Q No further questions at this time. Thank you,  
25 Sergeant Caldwell.

1 A You're welcome.

2 THE COURT: Yes, ma'am?

3 MS. DAVIS: Thank you, Your Honor. May it  
4 please the Court?

5 CROSS-EXAMINATION

6 BY MS. DAVIS:

7 Q Good afternoon. It is Sergeant Caldwell?

8 A Yes, ma'am.

9 Q And you said that you interviewed Benjamin Parker?

10 A Yes, ma'am.

11 Q You were with Investigator Laurita when y'all did  
12 that?

13 A I was.

14 Q And that was an audio recorded interview as well?

15 A A video very similar to that.

16 Q Yes. And one of the things that he told you during  
17 that interview was that he -- that after the car  
18 accident, that he -- when he got back home, he got  
19 his family together and went to her grandmother's  
20 house to hide from Correy Brown, right?

21 A I believe it was the grandmother's house.

22 Q It is on Page 5 of your report?

23 A Yes, ma'am.

24 Q And you testified you have been an investigator for  
25 30 years, over 30 years?

- 1 A Well, I have been with the Sheriff's Department a  
2 little over 30. I have probably been an  
3 investigator about 25-ish.
- 4 Q And you are a sergeant now?
- 5 A I am.
- 6 Q And how long have you been a sergeant?
- 7 A Oh, gosh, 15, 18 years.
- 8 Q And you are in charge of what now? What  
9 department?
- 10 A Now, I am an administrative sergeant within the  
11 CID. I take care of all the administrative duties  
12 regarding CID. I no longer go on rotation or night  
13 shift.
- 14 Q Okay. And at the time of this incident?
- 15 A I was a sergeant in the assault major crimes unit.
- 16 Q A sergeant in the assault major crimes unit?
- 17 A One of them, yes, ma'am.
- 18 Q And so you are trained on how to conduct  
19 investigations?
- 20 A Yes, ma'am.
- 21 Q And it is important to accurately document things  
22 that you learn during an investigation?
- 23 A Yes, ma'am.
- 24 Q And you write reports?
- 25 A I do.

- 1 Q And you write -- take notes?
- 2 A Yes, ma'am.
- 3 Q And you are trained to memorialize things that
- 4 could be or that are considered important to a
- 5 case?
- 6 A Correct.
- 7 Q And you are trained to be thorough?
- 8 A As best as we can, yes.
- 9 Q And trained to pay attention to detail?
- 10 A We try.
- 11 Q And in this case you wrote a report, right?
- 12 A It is an investigative follow-up. The
- 13 investigative report was written by another deputy.
- 14 Q Right. But you wrote an investigative summary?
- 15 A Correct.
- 16 Q For what you did, correct?
- 17 A Correct.
- 18 Q And in terms of people you spoke with?
- 19 A Yes, ma'am.
- 20 Q Okay. And you wrote a, I guess it was four and a
- 21 half pages long?
- 22 A Yes, ma'am.
- 23 Q And one of the reasons you document everything in a
- 24 report is because you are often investigating
- 25 multiple cases at one time, right?

- 1 A That is one of the reasons.
- 2 Q And cases take a while before they get to court as  
3 well, right?
- 4 A Absolutely.
- 5 Q And so you can't remember everything from every  
6 case, right?
- 7 A No, ma'am.
- 8 Q So it is important that you take notes so you can  
9 refer back to them?
- 10 A Sure.
- 11 Q And it is important that you keep track of  
12 important details for that reason, right?
- 13 A I'm sorry?
- 14 Q It is important that you keep track of important  
15 details, right?
- 16 A That's correct.
- 17 Q If you get major information in a case, you put  
18 that in a report?
- 19 A Yes.
- 20 Q And so you would want to be able to remember what  
21 witnesses told you?
- 22 A That's correct.
- 23 Q What they heard? If they are telling you what  
24 they --
- 25 A If they heard something.



- 1 Q Yes, of course.
- 2 A Yes.
- 3 Q What they did?
- 4 A Yes, ma'am.
- 5 Q People they saw?
- 6 A If that were the case, yes.
- 7 Q Right. If they have that information?
- 8 A Yes.
- 9 Q And it was relevant to the case, right?
- 10 A If I thought it was relevant, yes.
- 11 Q And this is -- it is all vital information when you
- 12 are working on an open investigation, right?
- 13 A That is awfully broad. I guess it would depend on
- 14 what the information is. We receive information
- 15 often that pans out not to be correct and
- 16 erroneous.
- 17 Q Sure. But important information if someone was a
- 18 witness to event?
- 19 A Yes.
- 20 Q That is something that would be important to an
- 21 investigation?
- 22 A Yes, ma'am.
- 23 Q That is something you would want to document?
- 24 A If they witnessed a crime, certainly, yes.
- 25 Q And if they witnessed anything important and

1 connected to the crime, right?

2 A If it was important or connected to the crime, yes.

3 Q Right. You would want to document that, right?

4 A Yes.

5 Q And, again, in this case you wrote your follow-up  
6 report, correct?

7 A I did.

8 Q And do you have a copy of that with you?

9 A I do.

10 Q Okay. And Mr. Parker, Ben, he never told you in  
11 2018 that he drove Correy Brown home after the  
12 accident, after the crash, right?

13 A If you don't mind I will review -- I just have a  
14 synopsis. I don't have a transcript of his  
15 recording.

16 Q I have a copy of the transcript of his recording if  
17 you'd like that.

18 A Okay. I found that section. I apologize. Can you  
19 just ask me the question one more time?

20 Q Yes. Benjamin Parker never told you in 2018 that  
21 he took Correy Brown home or anywhere after this  
22 car crash?

23 A No. I believe he immediately ran from the scene to  
24 his house.

25 Q And he never told you that Correy showed up on his

1 porch?

2 A I believe he did. I would have to look at the  
3 transcript of the hearing. I just have a brief  
4 synopsis of his interview with me.

5 Q So if he told you that the person he was saying  
6 killed somebody showed up on his porch right  
7 afterwards, you wouldn't put that in your report?

8 A I had the recording. I considered the recording  
9 part of it. That is why we record it, to document  
10 the information.

11 Q So this is a transcript of Mr. Parker's interview?

12 A Thank you. If you don't mind, could you direct me  
13 to the page number?

14 Q Well, my point is that he didn't tell you that, so  
15 it is not in there.

16 A Okay. All right.

17 Q But if you can find it?

18 A No, ma'am, I will take your word for it. This is  
19 just my synopsis. My report is a synopsis of that  
20 video recording. Absence of a particular fact  
21 would not necessarily mean that it was not  
22 mentioned in the recording. That is simply my  
23 point.

24 Q But if he told you that the person he was saying  
25 killed somebody showed up on his porch that

- 1 night --
- 2 A That would be in the video.
- 3 Q That would be in the video?
- 4 A Yes, ma'am.
- 5 Q And, similarly, if he told you that that person
- 6 pointed a gun at him on the porch, that would be in
- 7 the video?
- 8 A If that is his statement, yes, ma'am.
- 9 Q All right.
- 10 A We recorded his statement.
- 11 Q Is it in that transcript?
- 12 A I believe it is 66 pages. I don't recall, ma'am.
- 13 I haven't -- I didn't review his statement.
- 14 Q You have your report with you, though?
- 15 A I have my follow-up, yes, ma'am.
- 16 Q Page 4, you have it labeled 1535 hours?
- 17 A Yes, ma'am.
- 18 Q Do you see that part?
- 19 A Yes, ma'am. That is a synopsis I have been
- 20 referring to.
- 21 Q Right. And in there you write, Parker was taken to
- 22 an interview room to give a statement, right?
- 23 A We met at Pineview -- correct, Pineview office for
- 24 a formal interview.
- 25 Q And you document important details that Mr. Parker

1 tells you that day in that summary, correct?

2 A Highlights.

3 Q Nowhere in that summary does it say that Ben Parker  
4 had a gun pointed at him?

5 A No, ma'am, not that I see.

6 Q In fact, do you remember in the recording in the  
7 interview, you guys actually asked him, How do you  
8 know he was chasing you? And at some point he  
9 said, I don't know, I ain't look back?

10 A I don't recall that specific statement, ma'am.  
11 Direct me to a page maybe?

12 Q One second. Can I get that transcript back from  
13 you?

14 A Yes, ma'am.

15 MS. DAVIS: Beg the Court's indulgence.

16 (Pause.)

17 BY MS. DAVIS:

18 Q Page 13. Did you review anything in this case  
19 before today?

20 A Mr. Brown's recorded interview and my case notes.

21 Q You didn't review anything else before you  
22 testified today?

23 A And the -- well, I also had the transcript of that  
24 recorded interview as well.

25 Q Of Mr. Brown?

1 A Correct.

2 Q But you didn't review Mr. Parker's?

3 A No, ma'am, I did not.

4 Q So in here it says, Investigator asked, When you  
5 are running away, he didn't try to -- and  
6 Mr. Parker said, I don't know, I ain't look back,  
7 sir. I jumped out and bailed. Does that sound  
8 right?

9 A I trust your description of that, yes, ma'am.

10 Q We can agree that if he had said someone was  
11 standing on his porch with a gun pointed at him,  
12 that would be in the audio recorded interview,  
13 right?

14 A If he told us, it would be.

15 Q Right. And it is certainly not listed anywhere in  
16 your report?

17 A Not that I see, no, ma'am.

18 Q And also your report does not list anything about  
19 him saying that he was looking for a gun, right?

20 A That Mr. Parker was looking --

21 Q I'm sorry, that Mr. -- yes, that Ben was looking  
22 for a gun after the car accident?

23 A I don't recall that, no, ma'am.

24 Q Now, if he had told you -- well, let me phrase it  
25 this way. If someone gives you information during

1 an investigation and it is important, you follow up  
2 on that, right?

3 A If we believe that to be important, yes.

4 Q So if someone says, The guy that I think just  
5 killed somebody, I took them to this place, that  
6 would be important information, wouldn't it?

7 A Quite possibly could be, yes.

8 Q Is there anywhere in his report where y'all say you  
9 followed up on such information?

10 A In my report?

11 Q Right?

12 A Not that I can -- no, I don't believe so.

13 Q Is there anywhere in your report where Ben told you  
14 that Correy said once they were in the car that he  
15 said, If y'all are doing all the talking, then why  
16 am I here?

17 A I don't recall that statement.

18 Q Is it in your report?

19 A No, I don't recall it. I don't see it either.

20 Q And we heard a little bit about that there is a gas  
21 station video?

22 A Correct?

23 Q Did you view that?

24 A Back in 2018.

25 Q Okay. So you haven't watched it recently?

1 A No, ma'am. Possibly 2019, since some of this  
2 occurred on December 31st.

3 Q I'm sorry?

4 A Possibly 2019, since some of this occurred on  
5 December 31st.

6 Q Okay. One of the other things for Mr. Parker, you  
7 all took his phone, correct?

8 A Yes, I believe we did.

9 Q And you had --

10 A Had -- we had what we refer to as downloaded.

11 Q And so that is where you can get all the  
12 information off his phone, right?

13 A If it is available. Some phones are not supported  
14 or maybe if deletions have been made, but we would  
15 retrieve what is there.

16 Q Right. And in his case, you were able to retrieve  
17 information, right?

18 A I believe they were able to do a download of his  
19 phone, that's correct.

20 Q Did you review any of that information?

21 A Not since late 2018, early 2019. Not recently for  
22 the proceedings, no.

23 Q Okay. So you are not familiar with what  
24 information would be in there, is that right?

25 A No, not very well.



- 1 Q And one of the other things that we know that Ben  
2 did tell you all that night was that there was no  
3 tension in the car, right?
- 4 A I don't recall him specifically saying there was no  
5 tension in the car. I don't recall that.
- 6 Q I'll give you your transcript back for one second.
- 7 A Okay. I'm sorry, what --
- 8 Q Turn to Page 6. Investigator says, And there was  
9 no argument or anything? Mr. Parker says --
- 10 A Which line?
- 11 Q It is Page 6.
- 12 A Which Line?
- 13 Q I'm sorry, I don't have the line right now. Line  
14 20 through 23.
- 15 A Thank you.
- 16 Q And Mr. Parker says, There wasn't no argument. I  
17 felt like everything was cool. Right?
- 18 A That is correct.
- 19 Q All right. Can you turn to Page 7? And, again, I  
20 don't have the number -- line written down.
- 21 A Starting with Page 7, finishing up that last  
22 sentence?
- 23 Q Page 7, yes. It says, Did you get the feeling  
24 there was some tension in the car? Parker says,  
25 No.

1 A No, I -- then Investigator Laurita.

2 Q Right. Then Investigator Laurita says, Did it feel  
3 like there might be some tension there, or  
4 something like that? And Parker says, It really  
5 didn't, sir. I didn't feel like there was no --  
6 and then he finishes and says -- no tension.  
7 Right?

8 A Bear with me. I'm still riding what you just --  
9 that is correct.

10 Q And then also on Page 7, investigator says, Go on.  
11 I'm sorry, brother. And Parker says, Yeah, there  
12 wasn't no tension in the car?

13 A Yes, ma'am, that's correct.

14 Q And then, again, on Page 22 -- I'll let you get  
15 there.

16 A 22?

17 Q Yes, sir. And, again, the investigator says, So  
18 y'all had really just pulled out of the house when  
19 this happened? And Parker explains that they had  
20 just left the yard. And then Anteyan says, There  
21 wasn't no tension, no nothing. Right?

22 A That's correct.

23 Q So does that refresh your memory?

24 A Yes, ma'am.

25 MS. DAVIS: Nothing further, Your Honor.

1 THE COURT: All right, thank you.

2 Redirect?

3 MS. CAVANAUGH: Beg the Court's indulgence.

4 (Pause.)

5 REDIRECT EXAMINATION

6 BY MS. CAVANAUGH:

7 Q We just saw -- first of all, do you document that  
8 you went to Julia Street?

9 A I did.

10 Q And did you document that you met with Jessica and  
11 Ben Parker?

12 A I did.

13 Q And you just indicated earlier that you believe it  
14 was approximately 30 minutes?

15 A Yes, ma'am.

16 Q In hindsight, you wish that you would have written  
17 specifically down what they said?

18 A In hindsight I wish we had recorded Ms. Parker like  
19 we did her husband.

20 Q Ms. Guyton you mean?

21 A I'm sorry, Ms. Guyton.

22 Q And she had just been asking you about different  
23 statements made by the investigators and by  
24 Benjamin Parker.

25 MS. CAVANAUGH: Beg the Court's indulgence.

1 (Pause.)

2 BY MS. CAVANAUGH:

3 Q After -- once again, Mr. Brown told you -- did  
4 he -- what did he indicate about when he busted his  
5 lip as relates to the gas station?

6 A As they were about to get in the car to go to the  
7 gas station.

8 Q And, once again, as part of the investigation, was  
9 video surveillance obtained from that gas station?

10 A It was.

11 Q And what area did this incident occur in again?

12 A I believe it was Meeting House and -- or we were  
13 given that intersection of the closest intersection  
14 to where this car ran off the road into a wooded  
15 area. It was Meeting House and Clarkson Road in  
16 the Hopkins area of Richland County.

17 Q Okay. Thank you.

18 THE COURT: Anything else?

19 MS. DAVIS: No, Your Honor.

20 THE COURT: All right, you may step down. Any  
21 objection to this witness being excused?

22 MS. CAVANAUGH: No, Your Honor.

23 THE COURT: All right.

24 MS. DAVIS: I'm sorry, we would like to have  
25 him remain under subpoena.

1 THE COURT: Under subpoena?

2 MR. DAVIS: Yes.

3 THE COURT: All right. He is free to leave.

4 Do you need him today?

5 MS. DAVIS: No, ma'am.

6 THE COURT: You are free to leave.

7 (Witness steps down, to remain under  
8 subpoena.)

9 THE COURT: Call your next witness.

10 MR. MCGLOTHIN: The State calls Debra  
11 Jefferson.

12 THE BAILIFF: Come forward and be sworn,  
13 ma'am.

14 (Witness approaches.)

15 THE BAILIFF: Place your left hand on the  
16 Bible, raise your right hand, and face the clerk.

17 (Witness complies.)

18 THE CLERK: Would you state your full name,  
19 please?

20 THE WITNESS: Deborah Jefferson.

21 THE CLERK: I am going to ask you to speak up,  
22 please?

23 THE WITNESS: Deborah Jefferson.

24 THE COURT: Would you spell your first name,  
25 please.

1 THE WITNESS: D-E-B-O-R-A-H.

2 THE CLERK: Do you solemnly swear the  
3 testimony you are about to give in this case will  
4 be the truth, the whole truth, and nothing but the  
5 truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: You have a seat right up there.  
8 (Witness seated.)

9 DEBORAH JEFFERSON,  
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MCGLOTHIN:

13 Q Good afternoon, Ms. Jefferson. How are you?

14 THE COURT: You can pull your mask down,  
15 ma'am. Thank you.

16 BY MR. MCGLOTHIN:

17 Q Please tell the jury where you were employed in  
18 December of 2018 on into the beginning of 2019.

19 A At the Corner Pantry on Garners Ferry Road in  
20 Columbia.

21 Q Okay. Do you remember the exact address of the --

22 A I think it is 9001 Garners Ferry Road.

23 Q But it is right there across from Lower Richland  
24 High School, is that correct?

25 A Right. Correct.

1 Q What was your job there?

2 A I was store manager.

3 Q Okay. What duties came with being the store  
4 manager?

5 A Overall running of the whole store. Scheduling.  
6 Everything. Everything having to do with the store  
7 was my duty.

8 Q Did that store have surveillance cameras on it?

9 A We did.

10 Q So was part of your job to collect and preserve  
11 those videos?

12 A Correct. Yes.

13 Q Were they stored there on a machine in the store?

14 A Yes.

15 Q Okay. And who would have had access to those  
16 videos?

17 A Myself.

18 Q Were they password protected or --

19 A Yes.

20 Q Okay. Do you remember law enforcement coming out  
21 to get those videos related to December 29th of  
22 2018, in the early morning hours?

23 A No, because I wasn't there early in that morning.  
24 They called. Well, this particular incident, I  
25 honestly, truthfully don't remember, because it has

1           been more than one occasion that I have had to give  
2           video to an officer of something, but I would have  
3           been the only one who would have access to it to  
4           give to them.

5       Q     Okay. So if they came to get it, you would be the  
6           one to give it to them?

7       A     Correct.

8       Q     And I'm going to show you --

9           MR. MCGLOTHIN: Beg the Court's indulgence for  
10          just a moment.

11          (Pause.)

12       BY MR. MCGLOTHIN:

13       Q     I am going to show you what has been marked as  
14           State's 139. Do you recognize that item?

15       A     I do.

16       Q     Okay. And what is that?

17       A     This is a video tape of something -- some day, some  
18           time at the Corner Pantry.

19       Q     Okay. You had a chance to review that video?

20       A     I did.

21       Q     Okay. And you didn't look at what the date was on  
22           the video at the time?

23       A     When I reviewed it this morning?

24       Q     Yes, ma'am?

25       A     Yes, I believe the date was December 29th or 28th.



1 Q Okay. But so do the videos on that disk, were  
2 those originated from the surveillance system there  
3 at the Shell gas station?

4 A Correct.

5 Q Okay. And so the only way anybody could have  
6 gotten those is through you?

7 A Correct.

8 Q Okay.

9 MR. MCGLOTHIN: At this time the State would  
10 move State's 139 into evidence.

11 THE COURT: Any objection?

12 MS. YOUNG: No objection, Your Honor.

13 THE COURT: All right, it will be entered  
14 without objection.

15 (WHEREUPON, State's Exhibit No. 139 was  
16 marked for identification and received  
17 into evidence.)

18 BY MR. MCGLOTHIN:

19 Q And I'm also going to show -- I am going to show  
20 you State's 134 through 138. 134 through 138. I  
21 am going to show you State's 134 through 138. Do  
22 you recognize those items?

23 A This is the vehicle that I saw in the video this  
24 morning when I was reviewing it.

25 Q Okay. So are those photographs that you are

1 looking at?

2 A Yes.

3 Q Okay. And did they come from the video that you  
4 saw this morning? Is that what you just said?

5 A Correct.

6 Q Okay.

7 MR. MCGLOTHIN: At this time the State move  
8 State's 134 through 138 into evidence.

9 THE COURT: Any objection?

10 MS. YOUNG: No objection, Your Honor.

11 THE COURT: All right, they will be entered  
12 without objection.

13 (WHEREUPON, State's Exhibit Nos. 134-138  
14 were marked for identification and  
15 received into evidence.)

16 BY MR. MCGLOTHIN:

17 Q So does this -- what is pictured here?

18 A That is the front parking lot of the store.

19 Q Okay. Of the Shell station where you work?

20 A Correct.

21 Q And it has a date and time at the top?

22 A Yes.

23 Q To the best of your knowledge, did your system  
24 accurately reflect the date and time?

25 A To the best of my knowledge, but, again --

- 1 Q It has been a little while, right?
- 2 A Yes.
- 3 Q Okay.
- 4 (Video plays.)
- 5 Q This isn't the only angle you've got -- that your
- 6 system captures, correct?
- 7 A That is not the only angle that it captures.
- 8 Q Okay. Is this another angle from the store?
- 9 A Yes.
- 10 Q Do you happen to know which way we are looking
- 11 compared to that last one?
- 12 A You are looking to your right.
- 13 Q And there is a third as well, correct? What does
- 14 that one show?
- 15 A That is inside the store at the front counter.
- 16 Q Okay. And is it -- why are people coming up to the
- 17 front, to this area?
- 18 A At a certain time of night we lock the door so they
- 19 can only be served through the window.
- 20 Q Okay. I'll go back to the first one. And this is
- 21 back to the first angle?
- 22 A Yes.
- 23 Q I showed you State's Exhibit 134, 135, 136, 137,
- 24 138. No further questions. Please answer any the
- 25 Defense may have.

1 THE COURT: Do you want the board?

2 MS. YOUNG: No. Very briefly, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. YOUNG:

5 Q Ms. Jefferson, were you at the store on the night  
6 of December 28th, 29th, 2018?

7 A No, ma'am.

8 Q Do you have personal knowledge about anything that  
9 is placed on that video?

10 A No, no personal knowledge about any of it.

11 Q And you actually have no knowledge and you don't  
12 even remember turning the video over to anyone?

13 A Well, I have turned videos over more than once, so  
14 to say I remember that specific, no.

15 Q Thank you. I don't have anything else.

16 THE COURT: All right, thank you. You may --  
17 anything?

18 MR. MCGLOTHIN: No.

19 THE COURT: All right, you may step down. Any  
20 objection to this witness being excused?

21 MR. MCGLOTHIN: No, Your Honor.

22 (Witness steps down and is excused.)

23 THE COURT: All right, we'll go ahead and take  
24 our afternoon break. We will start back around  
25 4:30.

1 All right, thank you.

2 (WHEREUPON, the jury retires to the jury  
3 room at 4:16 p.m.)

4 THE COURT: All right, we'll start back around  
5 4:30.

6 (WHEREUPON, a break was taken.)

7 THE COURT: How many more witnesses?

8 MS. CAVANAUGH: This afternoon, two rather  
9 short, one medium -- two medium, two short.

10 THE COURT: And tomorrow.

11 MS. CAVANAUGH: It will take through 3:00.

12 THE COURT: 3:00 o'clock?

13 All right, bring them on in.

14 MS. DAVIS: Just briefly, Your Honor. I would  
15 just like to clarify in terms of when the audio  
16 recording came in. And I had no objection to  
17 Mr. Brown's statement. I'd like to clarify my  
18 objection was to the redaction. I didn't have any  
19 objections to the redactions. We did make the  
20 objection prior as to the Denno voluntariness.

21 THE COURT: So that is Number 132?

22 MS. DAVIS: Yes, Your Honor.

23 THE COURT: No objections to the redaction,  
24 but preserving the objection to the Denno?

25 MS. DAVIS: Yes.