

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Aiken County
Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DENZELL DESHAWN JACKSON,

APPELLANT

APPELLATE CASE NO. 2021-000942

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 16 th – 20 th , 2021	1
COLLOQUY WITH DEFENDANT REGARDING GUILTY PLEA OFFER	2
OPENING STATEMENT BY MS. CHARBONNEAU	8
OPENING STATEMENT BY MR. JOHNSON	20
OPENING STATEMENT BY MR. THOMPSON	26
TESTIMONY	
KENDRA BUSH	
Direct Examination by Ms. Charbonneau.....	35
Cross Examination by Mr. Johnson	44
CORDAJIAH COUNCIL	
Direct Examination by Ms. Charbonneau.....	56
Cross Examination by Mr. Johnson	61
Cross Examination by Mr. Thompson	66
Redirect Examination by Ms. Charbonneau	66
SHANIYAH TONEY	
Direct Examination by Ms. Hammack.....	67
Cross Examination by Mr. Johnson	151
Cross Examination by Mr. Thompson	189
MORGAN BLACKS	
Direct Examination by Ms. Charbonneau.....	198
Cross Examination by Mr. Johnson	201
SAIGE O’GRADY	
Direct Examination by Ms. Hammack.....	203
Cross Examination by Mr. Thompson	212
CHRIS JOHNSON	
Direct Examination by Ms. Hammack.....	214
Cross Examination by Mr. Johnson	273
Cross Examination by Mr. Thompson	276
Redirect Examination by Ms. Hammack	291
Re-Cross Examination by Mr. Thompson	297

SAVANNA WILLIAMS	
Direct Examination by Ms. Charbonneau.....	298
Cross Examination by Mr. Johnson.....	355
Cross Examination by Mr. Thompson.....	380
Redirect Examination by Ms. Charbonneau.....	390
Re-Cross Examination by Mr. Johnson.....	397
Re-Cross Examination by Mr. Thompson.....	400
ALEXANDRA SCHELBE	
Direct Examination by Ms. Hammack.....	402
Cross Examination by Mr. Johnson.....	416
Cross Examination by Mr. Thompson.....	421
Redirect Examination by Ms. Hammack.....	424
Re-Cross Examination by Mr. Johnson.....	425
Re-Cross Examination by Mr. Thompson.....	426
CHAD SMITH	
Direct Examination by Ms. Charbonneau.....	427
Cross Examination by Mr. Johnson.....	442
ADRIENNE HEFNEY	
Direct Examination by Ms. Hammack.....	446
Cross Examination by Mr. Johnson.....	481
Cross Examination by Mr. Thompson.....	490
REGINA SAILER	
Direct Examination by Ms. Charbonneau.....	497
Cross Examination by Mr. Johnson.....	533
Cross Examination by Mr. Thompson.....	541
THE STATE RESTS	548
CLOSING ARGUMENT BY MS. CHARBONNEAU	549
CLOSING ARGUMENT BY MR. JOHNSON.....	582
REPLY CLOSING ARGUMENT BY MS. CHARBONNEAU.....	605
CLOSING ARGUMENT BY MR. THOMPSON.....	617
CHARGE ON THE LAW	629
VERDICT	647
MOTION FOR A NEW TRIAL	648

RULING OF THE COURT648

SENTENCING652

INDICTMENTS AND SENTENCE SHEETS.....657

CERTIFICATE OF COUNSEL666

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF AIKEN) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 DENZELL DESHAWN JACKSON AND)
8 SHA'KEL RAHEEM DIXON,) 2019-GS-02-2082 - 2084
9 DEFENDANTS.) 2019-GS-02-2016 - 2018

10 August 16th - 20th, 2021
11 Aiken, South Carolina

12 B E F O R E :

13 THE HONORABLE CLIFTON NEWMAN, Judge; and a jury.
14

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Attorneys for Defendant Dixon

23
24 Transcribed by Pamela E. Green, from
25 DCRP, Digital Courtroom Recorder Project

1 MR. JOHNSON: I have not, Your Honor. He has been in
2 custody for two years now but I have not conversed with him
3 about the status.

4 THE COURT: All right. And you're satisfied for him to
5 sit next to you without a mask?

6 MR. JOHNSON: Yes, sir, Your Honor. I am vaccinated
7 myself. So, I don't -- I understand that that may not be a
8 complete---

9 THE COURT: I mean I'm, I'm not sitting next to him.
10 I'm just wondering.

11 MR. JOHNSON: I'm fine.

12 THE COURT: And, and, and we have to be so tenuous in
13 inquiring.

14 MR. JOHNSON: Yes, sir.

15 THE COURT: Now, Mr. Jackson, have you been vaccinated
16 or care to tell me?

17 DEFENDANT JACKSON: No, sir, but I'm currently being in
18 a cell by myself for the last 17 days.

19 THE COURT: All right. You've been in -- isolated?

20 DEFENDANT JACKSON: Yes, sir.

21 THE COURT: All right. Regarding this trial,
22 Mr. Jackson, has the State made a plea offer?

23 MR. JOHNSON: Yes, they have, Your Honor.

24 THE COURT: And you've discussed it with your client?

25 MR. JOHNSON: Yes, I have, Your Honor.

1 THE COURT: And what's his position about it?

2 MR. JOHNSON: That offer was not accepted, Your Honor.

3 THE COURT: All right. And, Ms. Charbonneau, what plea
4 offer was made?

5 SOLICITOR CHARBONNEAU: The plea offer was made of 45
6 years on this murder along with his nat -- the other pending
7 murder charge that he has and -- but it would include his
8 drug charges that he has.

9 THE COURT: All right. And, Mr. Jackson, did you
10 understand that plea offer?

11 DEFENDANT JACKSON: Yes, sir.

12 THE COURT: Now, when a person is charged with murder,
13 the minimum sentence is 30 years. The maximum sentence is
14 life. If you pled guilty, and just I'm, I'm guilty, I'm
15 pleading guilty, then the minimum sentence you're facing is
16 30 years, 15 years less than what the plea offer was. Of
17 course, if you have other pending charges, then they are --
18 would not be included in any plea that you might make but
19 the sentencing would be up to me. The sentence, sentence --
20 sentencing is always up to the judge and not the solicitor.

21 You understand that?

22 DEFENDANT JACKSON: Yes, sir.

23 THE COURT: And so if you said to the solicitor I'm not
24 interested in that plea offer, I want the judge to decide
25 the sentence, then you pled guilty, then the sentence you

1 face will be 30 years up to life imprisonment.

2 Do you understand that?

3 DEFENDANT JACKSON: Yes, sir.

4 THE COURT: And, and the minimum 30, the maximum life,
5 and whatever it would be it would be up to me.

6 You understand that?

7 DEFENDANT JACKSON: Yes, sir.

8 THE COURT: On this charge, the murder charge.

9 Not referencing any other charge, and, and have you
10 discussed that with Mr. Johnson?

11 DEFENDANT JACKSON: Yes, sir, we've been over all those
12 terms.

13 THE COURT: All right. And, and you do not want to
14 plead guilty?

15 DEFENDANT JACKSON: No, sir, I'm not gonna plead
16 guilty.

17 THE COURT: All right. Very good. Thank you. And the
18 same -- I want to talk to Mr. Dixon.

19 THE CLERK: Please raise your right-hand.

20 (WHEREUPON, Defendant Dixon was placed under oath at
21 this time.)

22 THE CLERK: Your Honor, he's been sworn.

23 THE COURT: All right. And, Mr. Thompson, you and
24 Mr. McKellar are co -- McKellar are cocounsel here?

25 MR. THOMPSON: Yes, sir.

1 THE COURT: And have you discussed with the State plea
2 offers?

3 MR. THOMPSON: Yes, sir.

4 THE COURT: And talked with your client about them?

5 MR. THOMPSON: I have, Your Honor.

6 THE COURT: And he's not interested in pleading?

7 MR. THOMPSON: He has respectfully declined the offer.

8 THE COURT: All right. And what plea offer was made to
9 him, Ms. Charbonneau?

10 SOLICITOR CHARBONNEAU: Mr. Dixon was offered 40 years
11 and that would include a second case where he has failure to
12 stop for a blue light.

13 THE COURT: And has that been -- you communicated with
14 Mr. Dixon?

15 MR. THOMPSON: Yes, sir, it is.

16 THE COURT: All right. And, Mr. Dixon, is that
17 correct?

18 DEFENDANT DIXON: Yes, sir.

19 THE COURT: And just as I just explained to
20 Mr. Jackson, do you understand that, if you pled guilty
21 straight up, you would face the maximum of -- a minimum of
22 30 years and maximum of life imprisonment?

23 DEFENDANT DIXON: Yes, sir.

24 THE COURT: And the sentence would be up to me?

25 DEFENDANT DIXON: Yes, sir.

1 THE COURT: And you've considered whether or not you
2 want to plead guilty?

3 DEFENDANT DIXON: No, sir.

4 THE COURT: Now you haven't thought about whether or
5 not you wanted to plead guilty?

6 DEFENDANT DIXON: I do not want to plead guilty.

7 THE COURT: I said have you, have you thought about it.

8 DEFENDANT DIXON: No.

9 (WHEREUPON, Defendant Dixon confers with Mr. Thompson
10 at this time.)

11 DEFENDANT DIXON: Yes, sir.

12 THE COURT: Pardon?

13 DEFENDANT DIXON: Yes, sir.

14 THE COURT: All right. I'm not asking you whether you
15 were thinking that you might plead guilty. I'm just saying
16 they, they offered you a plea and have you thought about
17 what they told you, 40 years?

18 You used your mind and you've already told them which
19 is what the State's wanting to do.

20 Is that right?

21 DEFENDANT DIXON: That's right. I declined.

22 THE COURT: All right. But you thought about it before
23 you declined it or you haven't thought about it?

24 DEFENDANT DIXON: Never thought about it.

25 THE COURT: All right. And you never thought about it

1 cause you do not want to plead guilty and you want a jury
2 trial?

3 DEFENDANT DIXON: I want a jury trial.

4 THE COURT: All right. Well, you have a right to a
5 jury trial. I'm not attempting to convince anybody about
6 anything. I want -- my job is to make sure that you
7 understand.

8 You understand what I mean?

9 DEFENDANT DIXON: Yes, sir.

10 THE COURT: All right. Very good.

11 Thank you, Mr. Thompson.

12 MR. THOMPSON: And, Your Honor, if, if Your Honor
13 requires, I will certainly wear a mask. Out of candor to
14 the Court, I will tell you that I feel horrible and was
15 probably running a fever this weekend. I, I don't have any
16 concerns about catching anything from Mr. Dixon but Mr.
17 Dixon will tell me, on Friday when I went to see him, I
18 looked pretty horrible and he, he, he may catch something
19 from me but I don't think I'll catch anything from him. I,
20 I don't mind wearing masks if the Court instructs me to do
21 so.

22 THE COURT: Well, there -- he, he might not catch Covid
23 from you or might he?

24 MR. THOMPSON: I, I don't believe that I'm suffering
25 from the Coronavirus, Your Honor.

1 I look forward to working with you in this case. You
2 are to stay socially distanced. We reversed the courtroom
3 and we're having you sit where you sit as opposed to in the
4 normal jury box. If at anytime you can not hear the lawyers
5 or anything, please get our attention so that you can hear
6 everything that -- because you'll need to hear all the
7 testimony.

8 In a moment the lawyers will make opening statements,
9 at least the State will, and the defendant has -- will have
10 the -- the defendants will have the right to do so as well.
11 However, the defendants are not required to make opening
12 statements as the defendants are not required to prove
13 themselves innocent. Rather the State must prove guilt.

14 we'll then begin taking witnesses from this witness
15 stand and we'll have them project so that you can hear them.
16 Please get our attention if you can not hear them.

17 I believe those are all the preliminary instructions I
18 want to give at this time. There may be some others that I
19 will give you from time to time.

20 Just hold just for a moment.

21 (Pause.)

22 THE COURT: we'll now move to opening statements.

23 First by the State.

24 SOLICITOR CHARBONNEAU: Thank you, Your Honor.

25 May it please the Court?

1 THE COURT: Yes, ma'am.

2 SOLICITOR CHARBONNEAU: Opposing counsel.

3 Mom, I'm coming. Those are the last words that Derrick
4 Curry will ever say to his mother, Kenya Bush.

5 On Tuesday, April 30th, 2019, Derrick Curry was 20
6 years old. He had no idea that that would be his last
7 breath on earth. He had his whole life ahead of him.

8 Derrick Curry lived with his mother, Kenya Bush. They
9 lived in Graniteville/Aiken.

10 The morning of April 30th, 2019, Kenya Bush, his
11 mother, woke Derrick up and asked him to pull up the carpet
12 in the house cause they were replacing the carpet. He said
13 that he would and Kenya left for work.

14 At about 12:00 or 12:30 in the afternoon, Kenya calls
15 her son, Derrick Curry, again to find out about the progress
16 on the carpet, had it been done yet. She calls again about
17 1:45PM. She calls Derrick again. Now she's calling and
18 Derrick's not there.

19 So she says now, Derrick, what's going on with the
20 carpet and he said that he was getting a car from Shaniyah
21 and he would be back. He said mom, I'm coming. That's the
22 last communication with Kenya and her son, someone she lived
23 with and spoke to every single day.

24 That's at 1:45. Around 3:00PM Kenya gets a call from a
25 cousin that the streets are talking that Derrick is dead.

1 She starts getting more and more calls and Kenya goes to the
2 police station and tells them. She's calling Derrick, her
3 son's phone, over and over and there is no answer.

4 So she goes to the police station. She tells them what
5 she's heard and that he's missing and he hasn't been heard
6 from.

7 In the mean time, after she leaves the police station,
8 because he mentioned the name Shaniyah, he -- Kenya goes to
9 Derrick's Facebook account and she looked up, because she
10 doesn't know who Shaniyah is, and she looks up his Facebook
11 and finds a Shaniyah on there and starts messaging her about
12 have you seen Derrick, where is Derrick. Shaniyah Toney
13 gives Kenya the run around about where her son is.

14 At the same day, Tuesday, April 30th, 2019, I want to
15 start with Shaniyah's day. Shaniyah Toney is sleeping and
16 she's woken up by defendant number one, Denzell Jackson, is
17 texting her to come to his house. He lives at [REDACTED] Green
18 Street, that's in New Ellenton, and he wants her to come
19 over there.

20 She drives her white Toyota Avalon over there, and when
21 she gets there, Denzell Jackson is there. Sha'kel Dixon is
22 there. The co -- there's another codefendant, Christian
23 Barnwell, he's there, and there's a fourth codefendant in
24 this case, Altashaun Bacon.

25 You are the jury for these two defendants. The other

1 two defendants will have their own day and their own jury on
2 another day in another courtroom.

3 So, she gets there and the discussion is about how
4 they're going to get to Derrick Curry cause Derrick Curry is
5 an enemy of these two, and they are talking about how they
6 are going to get him, how they're gonna lure him somewhere
7 so they can kill him.

8 Denzell Jackson, Sha'Kel Dixon, they have guns on their
9 hip and they decide, the plan is -- comes together, that
10 they're gonna use Shaniyah Toney to -- as bait. They are
11 gonna have Derrick meet with Shaniyah some place where they
12 can get to him.

13 So, they tell Shaniyah Toney to text Derrick Curry and
14 then find out where he is and she'll go and pick him up and
15 meet him and these two defendants in front of you, the ones
16 that you are jurors for, they are gonna lay in wait for him.
17 So, the plan is that the -- Shaniyah Toney, Denzell Jackson,
18 and Sha'Kel Dixon -- actually Denzell Jackson drives
19 Shaniyah Toney's car where the three of them go to [REDACTED]
20 Nokesville Circle where Shaniyah lives with her family.

21 It's a Tuesday. Everyone's at work and in school. So
22 nobody's home.

23 The plan is that Jackson and Dixon are gonna hide in
24 that house and then Shaniyah is gonna go and pick up Derrick
25 cause he responded and said yes, he would meet Shaniyah.

1 She -- so they hide at Nokesville Circle and Shaniyah gets
2 back in her car and she drives to, to the McDonald's on
3 Richland Avenue in Aiken.

4 She sits there and waits and Derrick Curry shows up.
5 Pursuant to their plan, he thinks he's just meeting up with
6 Shaniyah. You will actually see this on video.

7 So, you'll see the white Toyota Avalon waiting in the
8 parking lot and then you will see Derrick Curry pull up in
9 another car with somebody and he actually gets in the
10 driver's side of Shaniyah Toney's car and he gets in and
11 they pull off. When they leave there, they go back to
12 Nokesville Circle.

13 Now, Denzell -- Derrick Curry has no idea of what he's
14 in for. He thinks he's hanging out with Shaniyah Toney.

15 They go into the house, and unbeknownst to Derrick,
16 Dixon and Jackson are hiding in the closet. Shaniyah and
17 Derrick Curry go into the house. They go into Shaniyah's
18 bedroom and Denzell Jackson and Sha'Keel Dixon have gloves
19 on, hiding in the closet. They had their guns and they have
20 a pink rubber tote, the kind of tote that you use to pack
21 away Christmas decorations or your college kids clothes and
22 stuff. They have a pink tote with them and they have a
23 black trash bag.

24 The door is closed on the bedroom. Shaniyah and
25 Derrick are in the bedroom. These two defendants go to the

1 door. They bust open the door and Denzell Jackson shoots
2 twice.

3 The first shot goes into Derrick's eye. The second
4 shot goes into the wall. Derrick is dead. Mission
5 accomplished. The plan has worked.

6 Mr. Dixon is there standing right next to Mr. Jackson
7 at the doorway with the pink tote and the trash bags.
8 They're both wearing gloves. They go into that bedroom and
9 they gather all the bloody evidence. They put it in the
10 black, black trash bag and then they take Derrick Curry's
11 body and they put it in the pink rubber tote.

12 They then take that pink rubber tote with Derrick
13 Curry's body, they bring it to the garage. Denzell backs
14 Shaniyah's car into the garage next to the door and he puts
15 Derrick in the trunk of the car still in the pink tote.

16 Now, there's communication going on between these
17 defendants and the two codefendants I named earlier,
18 Christian Barnwell and Altashaun Bacon. It's communication
19 that they need to meet up.

20 So now Denzell Jackson and Sha'kel Dixon and now
21 Shaniyah Toney get into her car, Denzell's driving, and they
22 drive to Christian Barnwell's house.

23 Now, Nokesville Circle is off -- it's in that
24 cornerstone neighborhood off of whiskey Road behind right
25 there where the new Rancho's Restaurant is. That's the

1 neighborhood. That's where it happens.

2 Christian Barnwell lives just a short distance down
3 whiskey Road where Dukes Bar-B-Que is. Across the street is
4 a dirt road and that's where Christian Barnwell lives.

5 The plan is to meet up on that dirt road and Denzell
6 Jackson drives Mr. Dixon and Shaniyah Toney to that dirt
7 road and Altashaun Bacon and Christian Barnwell are waiting
8 for them in Altashaun Bacon's Honda Prelude.

9 when they get there, this is all very funny, they're
10 laughing and they take Derrick's body in that pink tote and
11 Dixon, Jackson, and Barnwell actually pick it up out of the
12 trunk and they put it, pink tote still, he's inside the pink
13 tote still, and they put him in the trunk of Bacon's Honda
14 Prelude.

15 The plan is to split up. So Barnwell and Bacon now
16 have Derrick's body and they go in one direction and the
17 original three, Dixon, Jackson, and Shaniyah Toney, get back
18 into Shaniyah's car. They go and get cleaning supplies and
19 they go back to Nokesville, Nokesville Circle where it all
20 happened, and they're cleaning up the evidence. They're
21 cleaning the rugs. They're cleaning the bedding, taking all
22 of that stuff, anything that they think has evidence on it.

23 The projectile that went into the wall actually made a
24 hole and somebody put tissue paper in the hole trying to
25 cover it up. They take all of that and they bring it back

1 to Barnwell's house and then they drop it off.

2 Shaniyah's suppose to be working. About three o'clock
3 she's suppose to be going to work at IHOP, which is also on
4 whiskey Road, a little further up north from Nokesville
5 Circle up by where Aiken Mall is here.

6 So, Jackson and Dixon are telling her she needs to go
7 to work and act like everything's fine. So, Denzell
8 Jackson, Sha'Kel Dixon, they get into Shaniyah's car and
9 they drive her to work at IHOP and they drop her off. Now
10 this is after 5:00PM on the same day.

11 Shaniyah goes to work and Dixon and Jackson take her
12 car and they leave her there. She's suppose to get off
13 around 11:00. They're suppose to pick her up. They're late
14 picking her up but they do eventually pick her up after that
15 night at 11:00. 11:20 is about when they pick her up and
16 all three of them go back to Barnwell's house, the one on
17 the dirt road across from Dukes Bar-B-Que. When they get
18 there, there's a bonfire and they are burning the evidence.

19 That night Shaniyah Toney leaves Barnwell's house. She
20 leaves Aiken County. Within a few days she has contacted
21 the Sheriff's Office through her attorney and she tells them
22 everything they did. She tells them what she did. She
23 tells them what Denzell Jackson does. She tells them what
24 Sha'Kel Dixon does and what Christian Barnwell did and what
25 Altashaun Bacon did.

1 Now the police know that it's a homicide and now they
2 know where the crime scene is. They had no idea yet. They
3 go to the -- the police go to Nokesville Circle and they
4 work the crime scene. They find evidence of wet tools
5 (phonetic) on the floor, on the mattress, on the box spring.
6 They find a projectile in the wall that was left behind.
7 They collect all of that item -- those items of evidence and
8 they send it to SLED, which is South Carolina Law
9 Enforcement Division, and that's where analysis is done for
10 DNA, things like that.

11 They also do a search warrant on Denzell Jackson's
12 home, the ■ Green Street, New Ellenton, and they recover
13 guns from that house and you are going to hear from Chad
14 Smith, the SLED firearms forensic scientist, and he's going
15 to tell you that one of the guns recovered under the bed of
16 Denzell Jackson is a Glock 9-millimeter and that the
17 projectile in the wall is -- was fired from a Glock
18 9-millimeter, same type of gun.

19 You will also hear from Adrienne Hefney, who's a
20 forensic scientist in the DNA division, and she's going to
21 tell you that she was sent items of evidence and that she
22 was sent blood swabs from the two trunks of the cars.
23 Shaniyah Toney gives consent to search her car. The police
24 work her car.

25 when they catch up with Altashaun Bacon and they get --

1 they do a search warrant on his Honda Prelude. They find
2 evidence of blood in his car. They had sent that to the --
3 to SLED for analysis as well and you will hear Adrienne
4 Hefney tell you that DNA profiles that were found in the
5 blood specimens in the trunk of Shaniyah Toney's car and the
6 Honda Prelude, which is Altashaun Bacon's car, and the crime
7 scene are all the DNA profile of Derrick Curry, same
8 connection I am told.

9 You will also hear from a special agent from SLED who
10 works in the missing persons division, Alex Schelble. She
11 will tell you that, in the missing persons division, it's
12 her job to track down people who are missing because, as of
13 this day, Derrick Curry's body has not been recovered. He
14 has not had a final burial two years later. And she will
15 tell you that there's no evidence that Derrick Curry's
16 living here or anywhere else and she has checked all
17 databases. That's her job.

18 Lastly you will hear from Regina Sailer. She works for
19 ATF and she -- there were many search warrants done in this
20 case including for the cell phone records, cell phone
21 records of Derrick Curry to try and find where he was,
22 search warrants of cell phone records for Denzell Jackson,
23 search warrant on the cell phone records of Sha'kel Dixon,
24 and she was able to map them and you'll see those maps for
25 yourself and see where those phones were so that they can

1 find and trace where they were all moving on April 30th,
2 2019, and she will tell you that 1:01Pm is the last
3 activity on Derrick Curry's phone outgoing. There's plenty
4 of calls going on or text messages or whatever but 1:01PM,
5 on April 30th, 2019, is the last time that Derrick Curry
6 used his phone.

7 She will also show you on the maps that the three
8 phones, Denzell Jackson's, Sha'Kel Dixon, and the victim,
9 Derrick Curry's phones, were all traveling around together
10 in Aiken County after he was dead. You will see those on
11 her PowerPoint. She will also tell you there's absolutely
12 no activity on his phone, not even a ping, past 9:00PM that
13 night. That phone no longer ever works.

14 Now, the judge is going to instruct you on the law and
15 he's going to tell you that it's my burden, as the State, to
16 prove to you the elements of the crime of the three charges.
17 Both defendants are charged with the same exact charges,
18 murder, kidnapping, possession of a weapon during a violent
19 crime.

20 The judge will tell you that murder -- the elements of
21 murder is the unlawful killing of another with malice
22 aforethought. Malice aforethought is the willful doing of
23 an illegal act without just cause and with a previous
24 informed intention to commit such act. Malice aforethought
25 may be inferred from reckless disregard in the

1 (indiscernible).

2 The elements of kidnapping is the unlawfully seizing,
3 confining, decoy, decoy, kidnap, abduct, or carry away
4 another person without authority of law and possession of a
5 weapon during a violent crime is just that. They possessed
6 the weapon during the violent crime. Both murder and
7 kidnapping are considered violent crimes in South Carolina.

8 The judge will also instruct you on a very important
9 law considering -- called the hand of one, and, under that
10 law, if a crime is committed by two or more people who are
11 acting together in committing a crime, the act of one is the
12 act of all. The hand of one is the hand of all. Where two
13 or more acting with a common plan or intent are present at
14 the commission of a crime, it does not matter who actually
15 commits the crime. They are all guilty.

16 The judge will also instruct you on reasonable doubt
17 and the elements must be proved to you beyond a reasonable
18 doubt, and a reasonable doubt is the kind of doubt that
19 would cause a reasonable person to hesitate to act. It is
20 proof that leaves you firmly convinced of the defendant's
21 guilt. There are very few things in the world that we know
22 with absolute certainty and, in criminal cases, the law does
23 not re -- require proof that overcomes every possible doubt.

24 After you've heard all the testimony this week and
25 you've seen all the evidence, you're not gonna have a

1 reasonable doubt and I'm going to ask you to return a
2 verdict of guilty on both defendants for all three crimes as
3 charged.

4 Thank you.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: May it please the Court, opposing
7 counsel.

8 Your Honor, may I use the podium?

9 THE COURT: Yes, sir.

10 MR. JOHNSON: Thank you.

11 Good afternoon, everyone.

12 we're gonna agree on one thing, both sides. Shaniyah
13 Toney is a liar. That will be clear. That will be evident.
14 That will be embarrassing at times and she is their main
15 witness.

16 They have based their case on a foundation of lies and
17 you will see it for yourself. You'll see the messages that
18 Shaniyah Toney sent numerous times to the mother of Derrick
19 Curry, Kenya Bush. You'll hear what she says to his
20 girlfriend, Cordajiah Council, who was inquiring about the
21 whereabouts of Derrick Curry. You will hear what she says
22 the night that Derrick Curry went missing.

23 The State's gonna tell you that she's telling the truth
24 from the witness stand. The evidence will show that she
25 gave multiple versions of the events that night including

1 that nothing at all happened to Derrick Curry.

2 As I stated, she told Cordajiah Council, when Cordajiah
3 is trying to figure out where her boyfriend is, she says
4 well, we had sex and it was good.

5 She also tells Kenya Bush, Derrick Curry's mother, that
6 Derrick Curry dropped her off at work and had her vehicle
7 from approximately 5:00PM to around 11:15PM when she clocked
8 out.

9 There is no testimony that Shaniyah Toney, when she
10 went to work that evening at IHOP, that she was emotionally
11 distraught. There's no evidence that she was acting
12 strangely. She's a waitress at, at IHOP on Whiskey Road at
13 the time.

14 There's no evidence that she tried to contact law
15 enforcement. There's no evidence that she was doing
16 anything out of the ordinary after she allegedly witnessed
17 this brutal series of events. We believe that's important
18 information for you-all to know cause, contrary, the whole
19 time she's at work she is communicating with Ms. Kenya Bush.

20 She states that well, when Derrick comes to pick me up
21 I'll have him call you. Ms. Bush calls her. She doesn't
22 pick up the phone but she does call her back about two hours
23 later about two o'clock AM, and, at that point in time,
24 Shaniyah Toney tells Ms. Bush that she dropped off Derrick
25 Curry in the projects, low housing -- low income housing,

1 that she dropped him off with a caucasianed individual, and
2 that he seemed angry and that's what she said in real time.

3 You will find out that the State's case is built on
4 lies told by Shaniyah Toney. See what they didn't mention
5 is that Shaniyah Toney went off the rail for nine days. Did
6 not call the police. The next time she reappears is with
7 the defense attorney, and, at that point in time, she has
8 had time to concoct this statement or this story and that is
9 the basis for this prosecution.

10 You will hear about the inconsistencies in her story.
11 You will hear that there's no evidence of communication
12 between my client and Shaniyah Toney. You were just told
13 that she received a call that morning to set this up. There
14 would be no evidence of that. None.

15 Hundreds of pages of phone records were subpoenaed.
16 Multiple pages of Facebook records were subpoenaed by all
17 the parties. We know young people live on social media.
18 That's how we communicate now.

19 You will see that there's no record to corroborate or
20 to confirm Shaniyah Toney's written -- recollection of the
21 events. She also said that they went to her house as you
22 just heard and that this is where the crime scene occurred.
23 You will hear that there's no physical evidence of these
24 young men ever being in that home.

25 what do I mean by physical evidence?

1 You will hear there's no DNA found from Derrick Curry
2 or Sha'kel Dixon about that. You'll hear there's no
3 finger -- there's no fingerprints.

4 You'll also hear that there is no neighbors who stated
5 that they heard a gunshot. No one sees a car driving down
6 the street at a high rate of speed. This is the middle of
7 the day.

8 So they'll be no evidence that her story is based in
9 anything other than trying to get out of trouble. She said
10 that Derrick Curry was shot and his body was placed in the
11 back of a vehicle. There is no evidence that my client ever
12 was around the vehicle, ever touched the vehicle, ever was a
13 part of any kind of crime.

14 The vehicle was processed. You'll hear about how
15 vehicles are processed and how that is an important law
16 enforcement technique in trying to piece together a story.
17 We'll go through all that evidence or lack of evidence
18 during the course of the trial.

19 She said that my client drove her car. Well, that car
20 was tested like I just said. Savanna Williams tested
21 everything. No evidence that my client was ever anywhere
22 around on this particular day.

23 You just heard that there was a bonfire that night in
24 the middle of a subdivision. No one saw a thing. No
25 neighbors were asked if they saw anything. No one visited

1 that home to confirm whether the grass was charred. You'll
2 hear about that.

3 You'll also hear she was asked if a fire pit was used
4 and she states no. You'll hear how -- about how that is
5 significant in confirming her lies to get herself out of
6 trouble.

7 Now, after she got off work she left town to be with
8 her boyfriend. You'll hear evidence of that. The same
9 boyfriend whom you'll see texted her just a few days earlier
10 saying if she cheated on him he'd kill her. He'd kill her.
11 You'll see it for yourself just six days before this event
12 happened. You'll hear evidence that she was, in fact,
13 cheating on her boyfriend that day.

14 You'll hear that she washed her car out in Greenville,
15 South Carolina. Excuse me. Greenwood, South Carolina. She
16 was asked specifically by the investigator well, did these
17 young men wash your car out and she states no. You'll hear
18 how that makes no sense if there was -- a crime had taken
19 place in that vehicle. She washes her car out two days
20 later, and, like I said, we don't hear from Shaniyah Toney
21 for over a week until the police report begins with a
22 meeting arranged by her defense attorney.

23 She was never charged with a crime in this case two
24 weeks later. Her being there wasn't collected (phonetic).
25 She was never treated like a suspect.

1 There is no ballistic evidence in this case, contrary
2 to what Ms. Charbonneau said, that links any firearm
3 possessed by my client or his parents at their home to this
4 crime. None. Anything else is speculation or just flat out
5 untruth and you will hear that from yourself.

6 There's no evidence a death has occurred and I say this
7 with all due respect, with all due respect. Mr. Curry did
8 have a warrant, an active warrant, for armed robbery at the
9 time that this occurred.

10 You'll hear from Ms. Bush. If her testimony is what we
11 believe it will be, that his friends were evasive when she
12 confronted them about where is Derrick, that they wouldn't
13 tell her anything, that they seemed to be not wanting to
14 talk. You'll also hear about how his own father asked if he
15 could be added to an insurance policy when she says our son
16 is missing. You'll hear from her -- Derrick Curry's father.

17 Pay close attention to the actions of the parties after
18 this allegedly occurred, and you'll have their main witness
19 who leaves town, who tells the mother everything's okay, and
20 who resurfaces with an attorney, and you'll hear that my
21 client was at home in his parent's house with his mom, with
22 his sister and his two nieces aged four and two, when he was
23 peacefully taken into custody.

24 You'll hear he didn't change appearance. He didn't
25 leave town. He didn't do anything to indicate guilt.

1 You'll hear that Sha'kel Dixon turned himself in when he
2 became aware that somebody was looking for him.

3 But pay close attention, respectfully, to the actions
4 of the parties. You'll hear it from the witness stand.

5 So, while these are very disturbing allegations that
6 are made against these teenagers, we ask that you listen to
7 the evidence, that you scrutinize the evidence because the
8 state of Georgia has to prove its case beyond a reasonable
9 doubt, and we believe, at the conclusion of this evidence,
10 there will be only one true verdict in this case, and that
11 will be to return a verdict of not guilty on all counts for
12 Sha'kel Dixon and Denzell Jackson.

13 Thank you.

14 THE COURT: Mr. Thompson, Mr. McKellar.

15 MR. THOMPSON: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. THOMPSON: If y'all bear with me just a minute.
18 Just as long as I can get a little bit closer. This is not
19 quite as big and I'd like it to be. I'm gonna come around,
20 okay, so everybody will get a chance to look at this.

21 Can you see?

22 Sir, if you have any questions or problems, direct it
23 to the judge. I'm sorry. I would love to answer you but
24 I --.

25 THE JUROR: I apologize, Your Honor, but I'd like to,

1 what it means.

2 MR. THOMPSON: Yes, sir. Okay.

3 THE COURT: All right. Let's -- are we ready for the
4 jury?

5 SOLICITOR CHARBONNEAU: Yes, sir.

6 THE COURT: Bring them on.

7 (WHEREUPON, the following takes place within the
8 presence of the jury.)

9 MR. THOMPSON: Court's permission to proceed?

10 THE COURT: All right, sir. You may proceed.

11 MR. THOMPSON: (Indiscernible). This is not evidence
12 in the trial. I'm just -- I'm trying to demonstrate a point
13 to you.

14 THE COURT: Mr. Thompson, if you'd speak to the jury,
15 the court reporter needs to hear what you're saying.

16 MR. THOMPSON: Yes, sir.

17 I'm sorry. Yes, sir, Your Honor.

18 what I said was this is not evidence in the trial. I'm
19 just demonstrating a point.

20 Most of y'all can read this, probably all of you, even
21 though there are very few if any words on this page, on this
22 page whatsoever because your mind sees what it's looking
23 for. You do a lot of (indiscernible) recognition in your
24 life, and if you're looking for something specific,
25 especially -- you kind of -- you notice certain patterns and

1 your mind starts to look at things to get -- you see what
2 you're looking for.

3 It's not, it's not a mold. It's not bad. It's just --
4 it's human nature.

5 In this case the police saw what they were looking for.
6 They're not bad. They're not irresponsible. They see what
7 they're looking for. So, I want to talk for just a second
8 about that process and how that worked.

9 I, I will tell you -- I will tell you this. I -- I
10 vehemently disagree with one thing Mr. Johnson, Mr. Johnson
11 said, and that is about the State of Georgia had to prove
12 the evidence. He, he does both sides of the river.

13 Again, the State of South Carolina is the one that has
14 the burden to prove. But, but, other than that, he's right
15 in that the essence of this case is whether or not you
16 believe Miss Toney.

17 You're gonna hear a great big story as -- it's a
18 terrible story. It's about murder and entry and it's, it's
19 awful and horrible and here's a weird thing for a defense
20 attorney to say. If you believe that, beyond a reasonable
21 doubt, that Miss Toney is proven to be truthful, you should
22 convict both of these boys as charged.

23 Okay. The story that Ms. Charbonneau told, not whether
24 it's true or not, if it can be proven true beyond a
25 reasonable doubt, it makes these boys guilty.

1 She gave you a story in high definition, lots and lots
2 of details, and ask yourself where does the story come from?

3 where do these details come from?

4 99.99 percent of this story comes from Miss Toney.

5 Almost all of it.

6 So, I'm gonna talk for just a second about how we got
7 Miss Toney's story, and then I'm gonna talk about all of the
8 other forensic evidence that they're going to bring in,
9 they're gonna talk about in this case, and, and how that
10 either does or doesn't support Miss Toney's story.

11 what happens in this case?

12 Derrick Curry is missing. His mother's looking for
13 him. She hears all kinds of terrible things on social
14 media. And so she, on social media, goes looking for him,
15 and when she goes looking for him on social media, she gets
16 Miss Toney's name.

17 So, she goes to the police and she sits down with the
18 police like the day after all this happened. She says look,
19 I think something terrible's happened. I think my son is
20 missing and may be a victim of foul play.

21 Now, I, I want to talk for a minute about whether
22 that's true or not. I'm not, I'm not vouching for the
23 voracity of that story. Just as a police officer, if you
24 were the person sitting there at the desk, the first thing
25 you hear is this story about somebody's missing. So right

1 now this is a missing person's case. You start looking at
2 this missing person case and you start trying to figure out
3 whether or not you can find this person.

4 Now, this person's already wanted by the law anyway.
5 There's a warrant for armed robbery and he's -- so he's one
6 of the primary suspects in a murder case. But -- so the
7 police are actually interested in finding this person
8 anyway.

9 They get this story. He's been -- so they go and they,
10 they start concentrating more on how can we find him -- and
11 Ms. Bush is giving them Miss Toney's name.

12 So, they start trying to figure out well, where's
13 Miss Toney in this story and they end up finding some, I'll
14 let you hear it for yourself, but the McDonald's people have
15 a video where they, they find him getting into a car with
16 Miss Toney the day that he's (sic) disappears. So then this
17 story starts looking for Miss Toney.

18 Now, eight some odd days later, Miss Toney has thought
19 this whole thing through and she comes into their office and
20 essentially the story she lets the police know is this. I
21 like Mr. Curry. He's my friend. He and I are buddies. He
22 drives my car. We go into my bedroom and do things. We're
23 friends.

24 Those guys, they don't like Mr. Curry and they want to
25 get him. I tried to protect him. But they convince me that

1 what I needed to do was let them have my phone and other
2 people using my phone, other people set up this meeting with
3 me and him, and then they make me go and pick him up and
4 they make me let him drive me back to my home, and they make
5 me go into my room and we're doing whatever it is in my
6 room, and then Mr. Jackson busts in with a gun and kills him
7 and Mr. -- and Mr. Dixon busts in and he's got this tote,
8 and they put him in -- they, they take the body and they
9 make me give them my car to take this body away. And then
10 we go and we do this involved transfer or swap thing that I
11 really didn't have anything to do with and then I came back.

12 I went to work the next day. I get my entire shift at
13 work. Nobody's watching me. Nobody's baby-sitting me.
14 They're not sitting there at my job making sure I don't --
15 they don't and -- but I felt so afraid.

16 I felt so afraid that I couldn't do anything at all,
17 you know, and for eight days I feel just super, super
18 threatened and, and, and don't say anything about anything
19 to anybody. But then, all of a sudden, when I find that my
20 name's brought up into this, the police are looking at, at
21 me, somehow I get super unthreatened, go to the police, and
22 talk to the police about this really involved story that I
23 have nothing to do with.

24 Now, this story is not really believable.

25 How do we know?

1 I'm, I'm not really sure exactly what the truth is but
2 this story's not true, and Mr. Johnson talked to you about
3 all kinds of the reasons why we can tell she's lying. But
4 this, this super detailed story that they're basing their
5 entire case on is not true and, and frankly it's not
6 believable. It's not reasonable.

7 People don't act like that. You're either so scared
8 that you don't say anything at all or, the minute you get
9 away from these people, you're freaked out, call the police
10 amongst other things. I'm not gonna get into all that right
11 now but this story is not believable, which then begs the
12 question of okay, from the, from the prospective, if you
13 believe everything that Shaniyah Toney says is true, then
14 all these other things that we're gonna talk about, cell
15 phone records, DNA, and, and ballistics things that -- all
16 these other things support her story.

17 If you don't take her story at face value, and if you
18 do not believe that her story is true, then many of these
19 other pieces of physical evidence, many of these other
20 forensic evidence types of things, they don't necessarily
21 contradict her story but they don't prove her story either.
22 I, I will tell you sometimes people wonder what is the
23 lawyer looking for when he picks a jury.

24 I'm here to tell you. I was hoping to get a jury of
25 thinking people, of nonemotional thinking people who can sit

1 back and ask themselves okay, what does this mean and what
2 does it not mean.

3 How much of this evidence has to be looked at from the
4 prospective of the police and how much of it may not
5 necessarily prove their case at all?

6 For instance, we find DNA in his room. It belongs to
7 this person.

8 when did it get there?

9 If this person is having sex with this person I assume
10 in that room all the time, you may or may not know when this
11 happened. It may not help you-all in the timeline if it all
12 of a sudden happens at all. Thinking people that can sit
13 back and look at this because here's the deal.

14 If, if we were in the frontier old west and you were a
15 lynch mob, we wouldn't have to have a trial. We wouldn't
16 have to do any of this stuff. We could just say hey, let's
17 convict him based on probable cause.

18 Probable cause means it probably happened like this but
19 that's not the rules. You are a jury. This is a court and
20 what you're -- the standard that you're suppose to be
21 applying, if you follow the law, the standard you're suppose
22 to be applying is that you assume that they're not guilty.
23 That's what innocent until proven guilty means. We assume
24 that they're not guilty.

25 Burden of proof, the burden of proof being on the State

1 means we assume that any, any doubt, any kind of benefit of
2 the doubt there is out there, we give it to the defendants.
3 We, we look at things through the filter of we're gonna
4 assume that they're not guilty and assume that the State
5 hasn't proven this case until and unless they have evidence
6 to do so.

7 Now, if they do, you should convict them. But if,
8 after looking at the evidence, if you think to yourself
9 well, you know, they might have done this, they've given --
10 probably did, but they might not have, there are reasonable
11 ways to look at this evidence and reasonable ways to play
12 out the story where that's not what really happened, that's
13 reasonable doubt. That's what that means. And if you
14 follow the law, you should find him not guilty.

15 So, you're gonna hear a really good story from people
16 that are really sure about how you should look at the
17 evidence. But when you get in the jury room, I want you to
18 evaluate the evidence yourself. What does it actually say,
19 what does it prove, what does it mean, and what does it not
20 mean. And I think you're gonna find that there, there is a,
21 a, a reason to not really be sure exactly what happened in
22 this case and that you should find him not guilty.

23 Thank you.

24 THE COURT: Call your first witness.

25 SOLICITOR CHARBONNEAU: Kenya Bush.

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 THE COURT: Ms. Bush.

2 THE CLERK: Take the stand. Come forward please.

3 Please raise your right-hand.

4 KENYA BUSH, being first duly
5 sworn, testified as follows:

6 THE CLERK: Have a seat in the witness box. State your
7 full name for this Court spelling your last.

8 THE WITNESS: Kenya Danielle Bush. B-U-S-H.

9 DIRECT EXAMINATION

10 BY SOLICITOR CHARBONNEAU:

11 Q Ms. Bush, you can take your mask off. There's
12 plexiglass all around you. Just a reminder, the jury's all
13 the way to the back. Just speak into the microphone so we
14 can all hear you.

15 Please tell us your relationship to Derrick Curry.

16 A His mother.

17 Q All right. Who is his father?

18 A Victor Curry.

19 Q And did you have any other children with Victor Curry?

20 A No.

21 Q How old was Derrick Curry on April 30th, 2019?

22 A Twenty.

23 Q Can you tell me how tall he was?

24 A About 5'11".

25 Q And how much did he weigh?

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 A About 120.
- 2 Q And where did Derrick live back on April 30th, 2019?
- 3 A [REDACTED] April Lane, Graniteville.
- 4 Q And who did he live with?
- 5 A Me.
- 6 Q Did you see him every day?
- 7 A Yes.
- 8 Q Did you speak to him either by phone, in person, text,
9 or did you have communication with Derrick every day?
- 10 A Yes.
- 11 Q Is April Lane in Graniteville did you say?
- 12 A It's kind of in-between Graniteville and Clear Water.
- 13 Q Okay. How long did you live at this -- at that house?
- 14 A It's a mobile home.
- 15 Q How long did you live there?
- 16 A Ten years.
- 17 Q Back then did Derrick Curry have a girlfriend?
- 18 A Yes.
- 19 Q what was her name?
- 20 A Cordajiah Council.
- 21 Q when is the last time that you saw your son?
- 22 A The morning of April 30th.
- 23 Q And can you tell us -- back then, were you working?
- 24 A Yes.
- 25 Q what type of work did you do?

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 A Home healthcare and hospice.
- 2 Q And tell us about Tuesday April 30th, 2019.
- 3 When's the first time that you see Derrick that day?
- 4 A About seven o'clock that morning. I was leaving for
- 5 work.
- 6 Q And tell us about your communication with Derrick.
- 7 Was he home?
- 8 A He was home. He was in bed. I went to his bedroom to
- 9 remind him to pull up his carpet.
- 10 Q And what were you guys doing with the carpet?
- 11 A I was getting some linoleum down on the floor.
- 12 Q So he suppose to pick---
- 13 A So he was suppose to pull his carpet up out of his
- 14 room.
- 15 Q Okay. And is that the very last time you ever see your
- 16 son?
- 17 A Yes.
- 18 Q Do you end up going to work?
- 19 A Yes.
- 20 Q Do you have any further communication with Derrick?
- 21 A Yes, I got off at 12:00. I called about 12:30 or so---
- 22 Q Did you call---
- 23 A ---and asked if he pulled the carpet up.
- 24 Q Okay. And had the carpet been pulled up yet?
- 25 A No.

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 Q Did you actually speak to him?
- 2 A Yes.
- 3 Q Any indication that, that anything was wrong with him?
- 4 A No.
- 5 Q Any fights, arguments between the two of you?
- 6 A No, just, just me every day fussing about doing stuff.
- 7 Q Okay. Do you, do you speak to Derrick again that day?
- 8 A Yes, I think it was around 1:30 or so. 1:30, 1:45,
- 9 somewhere in-between there.
- 10 Q Same day --
- 11 A Yes.
- 12 Q -- April 30th?
- 13 All right. And did you call him or he called you?
- 14 A I call him.
- 15 Q And where are you when this phone call's taking place?
- 16 A I'm at home.
- 17 Q And Derrick is not there?
- 18 A No.
- 19 Q And when you call, do you actually speak to Derrick?
- 20 A Yes.
- 21 Q And what is that conversation about?
- 22 A I asked him why he hadn't pulled the carpet up yet, and
- 23 he told me he'll be right back -- I mean he's coming home.
- 24 He's going to meet Shaniyah.
- 25 Q Okay. And then how would he get back home?

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 A How would -- say that again.
- 2 Q How would Derrick get back home?
- 3 A Shaniyah's car I'm, I'm assuming.
- 4 Q Did Derrick have his own car at that time?
- 5 A No.
- 6 Q And does he say he's coming home?
- 7 A Yes.
- 8 Q At that time did you know who Shaniyah was?
- 9 A No.
- 10 Q Do you have any further communication with Derrick
- 11 Curry from that last phonecall until today?
- 12 A No.
- 13 Q What happens that afternoon that things change in your
- 14 house?
- 15 A Around 3:00 -- between 3:00 and 4:00 I start getting
- 16 phone calls --
- 17 Q What---
- 18 A -- saying he was deceased.
- 19 Q Meaning your son Derrick?
- 20 A Uh-huh. (Affirmative).
- 21 Q What do you do with that information?
- 22 A I wait around for a little while and then the phone
- 23 calls just kept flooding in and then I went to the police
- 24 department.
- 25 Q In the mean time, were you attempting to contact

Kenya Bush - Direct examination
By solicitor Charbonneau

- 1 Derrick?
- 2 A Yes.
- 3 Q Were you -- how were you doing that?
- 4 A Calling his phone. Texting his phone.
- 5 Q Any response?
- 6 A No.
- 7 Q Do you go to the police and tell them what you --
- 8 A Yes.
- 9 Q -- what you said?
- 10 A Yes.
- 11 Q After you leave the police station, what else do you do
- 12 to try and find where Derrick is?
- 13 A I get on Facebook and I'm looking for Shaniyah. I find
- 14 her page. I started calling her through Messenger and we
- 15 text back and forth.
- 16 Q And does Shaniyah Toney give you the run around about
- 17 where Derrick is?
- 18 A Yes, she said he had her car and that she would tell
- 19 him to call me when he picked her up from work.
- 20 Q Do you ever get that call?
- 21 A No.
- 22 Q Does she tell you when she's getting off work?
- 23 A Eleven o'clock.
- 24 Q Do you have any further communication with Shaniyah?
- 25 A Yes, we text back and forth all night and we even -- we

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 text on Messenger and we called each other on Messenger.

2 Q Now, you don't -- do you have her phone number?

3 A No.

4 Q This is---

5 A I---

6 Q ---through Facebook?

7 A Yes.

8 Q Okay. Does she give you another story after 11:00PM?

9 A Yes, I asked her if she told him to call me and she
10 said he was mad that I told her to tell him to call me.

11 Q Did she say where he was?

12 A She said -- she first told me she dropped him off in
13 Graniteville at the Men's Shop and then she said she dropped
14 him off in Gloverville in the projects. She had the
15 locations mixed up. And when I'm talking to her, I could
16 tell somebody was in the car with her like---

17 Q How did you---

18 A Cause she was getting information from somebody.

19 Q How could you tell that?

20 A I can hear somebody mumbling but I couldn't make out if
21 it was a male, female.

22 Q Okay. From that point forward, from April 30th,
23 2019, do you ever see or hear from your son again?

24 A No.

25 Q Has he -- is there any indication on that day or the

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 days before that, that he was leaving and going somewhere?

2 A No.

3 Q Do you have any friends or family who have told you
4 they've seen or contact -- or been contacted by Derrick?

5 A No.

6 Q Do you have any indication in any forum whatsoever that
7 your son is alive?

8 A No.

9 Q Do you know what Derrick was doing the night before
10 Tuesday that he was killed?

11 A He went to the movies with Shaniyah, Darren, and Raven
12 Turner in Augusta.

13 SOLICITOR CHARBONNEAU: If I may have a moment, Your
14 Honor?

15 (WHEREUPON, a photograph was marked as State's Exhibit
16 No. 1 for identification purposes only at this time.)

17 Q Ms. Bush, I'm gonna show you State's Exhibit 1.

18 Ms. Bush, do you recognize this?

19 A Yes.

20 Q Is that a photograph?

21 A Yes.

22 Q who is it of?

23 A Derrick. Derrick.

24 Q And is it a fair and accurate depiction of what your
25 son looked like in 2019?

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 SOLICITOR CHARBONNEAU: At this time I'd move State's
3 Exhibit 1 into evidence.

4 THE COURT: Any objection?

5 MR. THOMPSON: Your Honor, I do object, Your Honor.

6 THE COURT: All right. I think I've got to see the
7 exhibit to know what you're talking about.

8 MR. THOMPSON: would -- and, Your Honor, would you like
9 a speaking objection?

10 THE COURT: All right. The basis for the objection.

11 MR. THOMPSON: would be relevance of this photograph,
12 Your Honor.

13 THE COURT: From the State.

14 SOLICITOR CHARBONNEAU: Your Honor, the jury has --
15 we're talking about Derrick Curry. He's not here to speak
16 on his behalf and the jury has a right to see who it is that
17 we're talking about and who the defendants are charged with
18 killing.

19 THE COURT: Anything further?

20 MR. THOMPSON: Your Honor, she has said that she is
21 the, the alleged victim in this case mother. I, I would
22 argue that the, the actual picture doesn't tend to prove or,
23 or disprove any of the elements of the crimes for which
24 these gentlemen are accused of.

25 THE COURT: well, it's admitted over objection.

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 (WHEREUPON, State's Exhibit No. 1 was received into
2 evidence at this time.)

3 SOLICITOR CHARBONNEAU: Your Honor, may I publish?

4 THE COURT: Yes.

5 Q Ms. Bush, does -- did Derrick Curry have a passport?

6 A No.

7 Q And, Ms. Bush, what are the last words that your son
8 said to you in that 1:45PM phone call?

9 A That he was coming home.

10 Q Thank you.

11 THE COURT: Cross-examination.

12 MR. JOHNSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q Afternoon, Ms. Bush.

16 A Hello.

17 Q Shaniyah was not Derrick's girlfriend.

18 Is, is that fair to say?

19 A Yes.

20 Q And his girlfriend was actually Cordajiah Council.

21 Is that correct?

22 A Yes.

23 Q And you had never met Shaniyah Toney, right?

24 A No.

25 Q You didn't have her contact information. I think you

Kenya Bush - Cross-examination
By Mr. Johnson

1 just said that you had to look her up.

2 Is that right?

3 A Yes.

4 Q And so, as we just heard, on that day, April 30th to
5 May 1st, you communicated with her via Facebook?

6 A Yes.

7 Q And is your Facebook account, or at the time, under
8 your name?

9 A Yes.

10 (WHEREUPON, the Facebook messages were marked as
11 Defendant's Exhibit No. 2 for identification purposes only
12 at this time.)

13 MR. JOHNSON: Your Honor, may I approach the witness
14 and show the witness an---

15 THE COURT: Yes.

16 MR. JOHNSON: ---an exhibit?

17 Thank you.

18 Ms. Bush, I'm just gonna ask you just to take a look at
19 the exhibit on -- see if you recognize your messages and
20 then, then please look up when you are finished.

21 A Yes.

22 Q And are those messages a fair and accurate
23 representation of the conversation that you had with Miss
24 Toney on the date in question?

25 A Repeat that.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Sure.

2 Are those messages, based on your recollection, your
3 actual conversation with Ms. Bush on the date in question?

4 A Shaniyah, yes.

5 Q I'm sorry. Yes, Miss Toney. Yes.

6 Your Honor, at this time the defense would move to
7 admit the Defendant's Exhibit 2 into evidence.

8 THE COURT: What says the State?

9 SOLICITOR CHARBONNEAU: No objection, Your Honor.

10 MR. THOMPSON: No objection, Your Honor.

11 THE COURT: Admitted without objection.

12 (WHEREUPON, Defendant's Exhibit No. 2 was received into
13 evidence at this time.)

14 MR. JOHNSON: May I publish to the jury and go through
15 it with Ms. Bush please, Your Honor?

16 THE COURT: Any item in evidence may be published---

17 MR. JOHNSON: Thank you.

18 THE COURT: ---to the jury.

19 Q Ms. Bush, I'm gonna stand right here.

20 If I can direct your attention to the message that
21 appears to be sent on 5/1 towards the middle of the page.

22 Could you read what you are sending to Miss Toney?

23 A Hey, this is Derrick mom. I'm just wondering -- I'm
24 just worried about him. Everyone calling me. We haven't
25 heard from him. will you please call me.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Did she give a response on that page?

2 A No, I guess.

3 Q Okay. And do you recall if this is a message that was
4 sent the evening of April 30th or was it the following
5 day?

6 Do you recall?

7 A It says April 30th. I mean -- I'm sorry. May 1st.

8 Q Do you have any reason to, to, to doubt whether that's
9 an accurate timestamp?

10 A Yes, because, when I was calling her, some of the
11 screenshots that I have and they have, these dates -- the
12 dates that I have that were showing up was like 1975. She
13 said her phone was off and she was calling me off of wifi.
14 That's why she wouldn't give me her phone number.

15 Q But with regard to the substance of the message that I
16 showed you, do you recall sending that message, Ms., Ms.
17 Bush?

18 A Yes.

19 Q Okay. Let me show you Facebook Business Record 58 on
20 Defense Exhibit 2.

21 Do you recall sending this set of messages and, if so,
22 can you read those?

23 A Hey, you still haven't heard from him. Call me. Have
24 you gotten your car yet. Is he there.

25 Q And does, and does Miss Toney respond to that series of

Kenya Bush - Cross-examination
By Mr. Johnson

1 messages?

2 A No. But you could see the drop down. She's reading
3 the messages.

4 Q So she's -- you can tell she's read it but she's not
5 responding at this point in time.

6 Is that correct?

7 A Uh-huh. (Affirmative).

8 THE COURT: Let's use words, ma'am.

9 Yes, no?

10 THE WITNESS: Oh, yes.

11 THE COURT: Okay.

12 Q Turn your attention to Facebook Business Record 3 on
13 the defendant's second exhibit.

14 Can you read that to us starting at the bottom?

15 A where the green is?

16 Q No, I'm sorry. That doesn't make any difference.

17 wherever you see your name at, ma'am.

18 A Oh. And that's no, I haven't heard from him. I'm---

19 Q That's what you're saying to Miss Toney?

20 A Yes, because I asked -- she asked -- when she asked me
21 if I heard from him, I accidentally said yes but -- and I
22 told her that was a no and I told her to call me and then we
23 did call each other but I don't see that on here. And I
24 said I'm sure you know why we're worried and things not
25 adding up, and you said he was mad because I'm looking for

Kenya Bush - Cross-examination
By Mr. Johnson

1 him. Can you meet me and show me where you dropped him off
2 at and tell me how to get there. This was all that night on
3 the 30th.

4 Q And did she respond?

5 A She called.

6 Q Did she respond in the message that you are holding?

7 A Not through a text. She called.

8 Q Okay.

9 A Uh-huh. (Affirmative).

10 Q And when she called, what was that?

11 A She said -- that's when she gave me the information she
12 dropped him off at the Men's Shop in Graniteville and then
13 she told me she dropped him off at the projects in
14 Gloverville but that's two different sides of town. And
15 that's why I told her her information wasn't adding up cause
16 she gave me locations on different sides of the town.

17 Q Okay. And was it your impression, after speaking with
18 Miss Toney, that, that Derrick had her vehicle while she was
19 at work?

20 A Yes.

21 Q And she gave you that information how?

22 A Through text.

23 Q And so would it be accurate to say that, based on your
24 conversations with Miss Toney, you believed that from likely
25 5:00PM that day till when she said he was gonna pick her up

Kenya Bush - Cross-examination
By Mr. Johnson

1 around 11:00 or 12:00 at night, that he had her vehicle?

2 A Yes.

3 Q And after that night going into the following day, did
4 Miss Toney ever send you a photograph of an individual that
5 she said she dropped Derrick off with?

6 A No.

7 Q Did she give a description of an individual?

8 A She just said a white boy named Jordan.

9 Q Had you ever heard his name before?

10 A I don't recall.

11 Q And you actually asked her to have Derrick give you a
12 call when he would -- when he picked her up from work that
13 evening just to make sure everything was okay.

14 Is that correct?

15 A Yes.

16 Q And did she indicate that she would, in fact, give a,
17 a -- pass that message along to him?

18 A Yes.

19 Q And when you called her, it was a little bit after the
20 midnight hour.

21 Is that right?

22 A After she got off from work?

23 Q Yes, ma'am.

24 A I think we called before, before she got off. I called
25 her before she got off and then I called her afterwards

Kenya Bush - Cross-examination
By Mr. Johnson

1 because she didn't -- it took her too long to call me back.

2 It was -- yeah, it was after midnight.

3 Q And so she never picked up those phone calls.

4 Is that correct?

5 Miss Toney, she -- Miss Toney never picked up the phone
6 calls after she supposedly got off of work.

7 Is that correct?

8 A No, she picked up -- she picked up probably around
9 midnight. She didn't call me exactly at 11:00. So that's
10 why I was calling and texting her.

11 Q And is this when she told you that she dropped him off?

12 A Yes.

13 Q And didn't she say that he appeared to be angry as
14 well?

15 A She said he was mad because she told me to call him.
16 Said for him to call me. I'm sorry.

17 Q And didn't she say that he had a, a gun in his
18 possession?

19 A No.

20 Q She didn't say that to you?

21 A No.

22 Q Now, you mentioned his father in your interview with
23 the police.

24 Is that correct?

25 A No, I don't think so. No.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Okay. Well -- so you never said anything about the
2 father asking about insurance policy when you went to ask
3 him where his son was at?

4 A He asked -- when I went to file a missing person
5 report, he asked did we -- did I have insurance and I told
6 him yes and he said could he have -- could he get insurance
7 and I told him no.

8 Q Now, didn't you find this to be an odd question for a
9 father to ask about his missing child?

10 A No, cause we already knew he was deceased and he wanted
11 to make sure we had insurance to bury him.

12 Q So, you, you told the police that you spoke with the
13 father prior to going to the police.

14 So, at that point in time are you saying that you
15 already knew he was deceased a day later?

16 A Yes, I already knew he was deceased.

17 Q And didn't you say that he wasn't worried per your
18 interview?

19 A Can you say that again?

20 Q Yes, ma'am.

21 Didn't you tell the police that Victor wasn't worried.

22 SOLICITOR CHARBONNEAU: Judge, I'm gonna object to the
23 relevance and no personal---

24 THE WITNESS: I don't---

25 SOLICITOR CHARBONNEAU: ---knowledge of what Victor

Kenya Bush - Cross-examination
By Mr. Johnson

1 knew or didn't know.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Yes, sir, Your Honor.

4 I would argue that this is a statement that she
5 perceived based on her own senses and her own observations
6 and that she actually stated during her interview with the
7 police. And so it's a fact of their investigation that was
8 supplied to defense counsel.

9 SOLICITOR CHARBONNEAU: And, Your Honor, it's
10 irrelevant and it's hearsay.

11 THE COURT: what is the question?

12 MR. JOHNSON: The question is---

13 THE WITNESS: That's what I---

14 MR. JOHNSON: ---didn't Ms. Bush tell investigators,
15 when she spoke with them a day after the incident, that,
16 when she talked to his father, he was not worried and that
17 he asked about insurance also. That's the question.

18 THE COURT: And I sustain the objection.

19 Q You were also aware that Derrick had a warrant for
20 armed robbery?

21 A Afterwards, yes.

22 Q And you also told investigators that something wasn't
23 right with his friends when you went to go ask them what
24 they knew.

25 Do you recall saying that?

Kenya Bush - Cross-examination
By Mr. Johnson

1 A Yes.

2 Q Can you tell the jury what you meant by, by that
3 statement?

4 A They just didn't want to talk about it.

5 Q And how soon after do you recall reaching out to
6 friends that he was associated with?

7 A The next day. Well, the same, the same day but then I
8 went by their house the next day, May 1st.

9 Q And do you have family in the Beech Island, New
10 Ellenton area by any chance?

11 A Yes.

12 MR. JOHNSON: If I may just have one moment, Your
13 Honor?

14 (Pause.)

15 Q Ms. Bush, who is the codefendant in his -- in the armed
16 robbery case?

17 Do you know?

18 SOLICITOR CHARBONNEAU: Objection. Irrelevant.

19 THE COURT: Mr. --.

20 MR. JOHNSON: Your Honor, if, if -- the theory's that
21 Mr. Curry is deceased because he has not been found. There
22 is a motive to flee in this case given the fact that, if he
23 were to walk into this courtroom right now, there is an
24 active warrant. And so I'm just asking a follow-up to that
25 question. It is not irrelevant because of the facts of this

Kenya Bush - Cross-examination
By Mr. Johnson

1 case and that he has not been deemed to be nonliving,
2 deceased for lack of a better term.

3 THE COURT: I sustain the objection.

4 Q And so you do have family in the Beech Island, New
5 Ellenton area.

6 Is that correct?

7 A Yes.

8 Q No further questions. Thank you.

9 THE COURT: Mr. Thompson.

10 MR. THOMPSON: Your Honor, I don't think I have any
11 questions for this witness.

12 THE COURT: Any redirect?

13 SOLICITOR CHARBONNEAU: No, sir. Thank you.

14 THE COURT: All right. Thank you. You may step down.
15 Well, are y'all ready to recess for the day?

16 SOLICITOR CHARBONNEAU: Yes, sir.

17 THE COURT: All right. Ladies and gentlemen, that will
18 be it for today. We need you back in the jury room at
19 10:00AM tomorrow.

20 Please do not discuss the case with anyone at your home
21 or anyone else with your home. Please do not engage in any
22 form of Internet research. Please do not read any newspaper
23 articles or media accounts in this case. To do so may taint
24 your ability to remain as a juror on the case.

25 So, have a good evening and we'll see you-all tomorrow

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 SOLICITOR CHARBONNEAU: Thank you, Your Honor.

2 we call Cordajiah Council.

3 THE COURT: You can step right up, ma'am.

4 THE CLERK: Please raise your right-hand.

5 CORDAJIAH COUNCIL, being first duly
6 sworn, testified as follows:

7 THE CLERK: Have a seat in the witness box. State your
8 full name for the Court spelling your last name.

9 THE BAILIFF: Watch your step and speak into that mic
10 and slide up to that microphone when you -- thank you.

11 THE WITNESS: State my name, right?

12 THE CLERK: Yes.

13 THE WITNESS: Cordajiah Council.

14 THE CLERK: Spell your last name.

15 THE WITNESS: C-O-U-N-C-I-L.

16 DIRECT EXAMINATION

17 BY SOLICITOR CHARBONNEAU:

18 Q Miss Council, good morning.

19 A Morning. Good morning.

20 Q Can you please tell us do you know Derrick curry?

21 A Yes.

22 Q How did you know him?

23 A We were together.

24 Q You were his girlfriend?

25 A Yes.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

- 1 Q For how long?
- 2 A Two years.
- 3 Q In April of 2019 were you actually living together?
- 4 A No.
- 5 Q And before that were you?
- 6 A Yes.
- 7 Q For how long did you live with him?
- 8 A Two years.
- 9 Q And was that with his mother, Kenya Bush, as well?
- 10 A Yes.
- 11 Q As his girlfriend, did the two of you have a phone plan
12 together?
- 13 A Yes.
- 14 Q And we're talking about a cell phone, right?
- 15 A Yes, ma'am.
- 16 Q Do you remember Derrick Curry's phone number in April
17 of 2019?
- 18 A Yes.
- 19 Q what was it please?
- 20 A (803)292-2264.
- 21 Q Going to the -- Tuesday, April 30th, 2019, did you
22 see or speak to Derrick Curry?
- 23 A Yes.
- 24 Q which was it?
- 25 A I spoke to him.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q Do you remember approximately what time that day you
2 spoke to him?

3 A 9:30 in the morning.

4 Q In the morning?

5 AM?

6 A Yes, ma'am.

7 Q Okay. And when you spoke to him, did the two of you
8 make any plans for later?

9 A Yes.

10 Q Do you know about what time you would see him or what
11 you were gonna do?

12 A I didn't know what time I was gonna see him but we was
13 just gonna be together that day.

14 Q Did you ever see Derrick Curry again after that phone
15 conversation?

16 A No.

17 Q Did you ever hear from Derrick Curry again after that
18 phone conversation at 9:30 in the morning?

19 A No.

20 Q On April 30th, 2019, do you start hearing from his
21 mother, Kenya Bush, about Derrick?

22 A Yes, ma'am.

23 Q Do you end up speaking to the police about this phone
24 plan that you have?

25 A Yes.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

- 1 Q And do you remember who you spoke to?
- 2 A No, ma'am.
- 3 Q was it the female investigator?
- 4 A Yes.
- 5 Q Investigator Williams, Savanna?
- 6 A Yes, ma'am.
- 7 Q Okay. When you met with Investigator -- did you
8 actually meet with her?
- 9 A Yes.
- 10 Q And were you able to access your phone plan?
- 11 A Yes.
- 12 Q How did you do that?
- 13 A I went on -- well, they showed me. Went on the app and
14 just looked.
- 15 Q On the app on your phone?
- 16 A Yes, ma'am.
- 17 Q And you're able to access his phone because you're on
18 the same plan?
- 19 A Yes.
- 20 Q And what was that it you were able to determine when
21 you looked on the app?
- 22 A Phonecalls and the times.
- 23 Q Were you able to see if there was any phonecalls or
24 outgoing messages from Derrick Curry's phone after
25 April 30th, 2019?

Cordajiah Council - Direct examination
By Solicitor Charbonneau

- 1 A No.
- 2 Q Were you able to see the last phone call?
- 3 A Yes.
- 4 Q Do you remember approximately how -- what time it was?
- 5 A It was around like 2:30.
- 6 Q And that was on April 30th, 2019?
- 7 A Yes.
- 8 Q When you spoke to Derrick at 9:30 in the morning,
9 what -- did you guys have any type of argument or
10 disagreement, anything along those lines?
- 11 A No.
- 12 Q Was there any indication from Derrick that he was gonna
13 leave town or, or get away?
- 14 A No.
- 15 Q Is there any reason, based on your conversation with
16 Derrick on that day, that you would think he would not show
17 up later for your plans?
- 18 A No.
- 19 Q Before April 30th, 2019, did you see Derrick Curry or
20 speak to him everyday?
- 21 A Yes.
- 22 Q Did -- have you gotten any indication from any friends,
23 close friends, or relatives, that they have heard or spoken
24 to Derrick Curry since April 30th, 2019?
- 25 A No.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q Do you know who Denzell Jackson is and Sha'kel Dixon
2 are?

3 A Yeah.

4 Q Were they friends with Derrick Curry?

5 A No.

6 Q Thank you.

7 Nothing further.

8 THE COURT: Mr. Johnson.

9 MR. JOHNSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Good morning.

13 Do you recall on the afternoon/evening of April 30th,
14 2019, communicating with Shaniyah Toney?

15 A Yes.

16 Q And you communicated with her via Facebook.

17 Is that correct?

18 A Yes.

19 Q And you have a Facebook account that is under your full
20 name of Cordajiah Council?

21 Is that accurate --

22 A Yes.

23 Q -- at the time?

24 A (WHEREUPON, there was no audible response.)

25 Q And do you recall asking Miss Toney if 60 is driving

Cordajiah Council - Cross-examination
By Mr. Johnson

1 her car?

2 Do you recall that?

3 A Yes.

4 Q And who was -- was is 60?

5 A Derrick.

6 Q And is that a nickname that he was referred to?

7 A Yes.

8 Q Now, before this day, had you had any interaction with
9 Miss Shaniyah Toney?

10 A No.

11 Q Did you know who she was?

12 A No.

13 Q How did you get her information that day?

14 A I just looked her up via Facebook.

15 Q And, and what, what made you believe she would have
16 information about Derrick?

17 A Word of mouth I guess.

18 Q And do you recall telling Miss Toney that everybody is
19 looking for him and he's not responding?

20 A Yes.

21 Q Do you recall stating that they said he was last seen
22 in your car?

23 A Yes.

24 Q Do you recall her saying that he dropped her off at
25 work?

Cordajiah Council - Cross-examination
By Mr. Johnson

- 1 A Yes.
- 2 Q Do you recall telling Miss Toney tell him to call his
3 mama ASAP?
- 4 A Yes.
- 5 Q Do you recall her response to you?
- 6 A I can't remember it word for word but yeah.
- 7 Q what was, what was the gist of her response, Miss
8 Council?
- 9 A They had sexual intercourse and that was it.
- 10 Q And she actually was taunting you about that, right?
- 11 A Yeah.
- 12 Q I mean she said that we F-U-C-K and he gives good oral
13 sex?
- 14 Do you remember that?
- 15 A Yes.
- 16 Q And this is in the midst of you trying to find out
17 where he was, right?
- 18 A Yes.
- 19 Q And you continued to ask her or did you continue to
20 just ask her to have him call his mother?
- 21 A Yes.
- 22 Q At any point in time did Miss Council, excuse me, did
23 Miss Toney tell you that Derrick was in harms way?
- 24 A No.
- 25 Q At any point in time did she tell you that she set

Cordajiah Council - Cross-examination
By Mr. Johnson

1 Derrick up?

2 A No.

3 Q At any point in time did she tell you that he did not
4 drop her off at the IHOP?

5 A No.

6 Can you rephrase it like I said?

7 Q At any point in time did Miss Toney tell you that
8 she -- that Derrick did not drop her off at work?

9 A No.

10 Q So based on your conversation with Miss Toney, were you
11 led to believe that her and Derrick had, had spent some time
12 together that day?

13 A Yes.

14 Q And that after they were intimate that he took her to
15 work?

16 A Yes.

17 Q And at any point in time do you have any further
18 contact with Miss Toney?

19 A No.

20 Q Now you said that the phone was in your name.

21 Is that correct?

22 A Yes.

23 Q And how long had Derrick had that phone?

24 A Probably not no longer than a year.

25 Q And how long was your relationship with Derrick?

Cordajiah Council - Cross-examination
By Mr. Johnson

- 1 A You said how long?
2 You said how long?
- 3 Q Yes.
4 A Like two years.
- 5 Q Did you know if Derrick had a fake -- a Facebook page
6 as well?
7 A Yes.
- 8 Q Do you know if Derrick had a bank account?
9 A No.
- 10 Q No you don't know or no he didn't?
11 A No, I don't know.
- 12 Q Was Derrick working?
13 A No.
- 14 Q Were you aware that Derrick had a warrant for armed
15 robbery?
16 A No.
- 17 Q You were not aware of it?
18 A No.
- 19 Q Do you recall around what time of day you had the
20 conversation with Miss Toney?
21 A No, I don't.
- 22 Q Would it be fair to say that -- well, do you know
23 what -- whether it was morning, afternoon, or evening?
24 A Probably like evening time.
- 25 Q And you had no idea that he was seeing her, right?

Cordajiah Council - Cross-examination
By Mr. Thompson

1 A No.

2 Q Thank you.

3 THE COURT: Mr. Thompson, cross.

4 MR. THOMPSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. THOMPSON:

7 Q Miss Council, very briefly.

8 Mr. Curry was not in the habit of communicating with
9 you when he was spending time with other women, was he?

10 A No.

11 Q And you're not really aware of the details of his
12 finances and how he made his money, right?

13 A No.

14 Q You just know that he didn't have a full-time job?

15 A What's a full-time job mean?

16 Q A place that he reports to work like a---

17 A No, I didn't.

18 Q Okay. No further questions.

19 THE COURT: Any redirect?

20 A Yes, briefly.

21 REDIRECT EXAMINATION

22 BY SOLICITOR CHARBONNEAU:

23 Q Did Derrick Curry make rap music?

24 A Yes.

25 Q Is that where the nickname 60 came from?

Cordajiah Council - Redirect examination
By Solicitor Charbonneau

1 A Yes.

2 Q That was his performer name?

3 A Yes.

4 Q Thank you.

5 Nothing further.

6 THE COURT: Anything further?

7 MR. JOHNSON: No further questions, Your Honor.

8 MR. THOMPSON: Nothing from Mr. Dixon.

9 THE COURT: Thank you. You may step down.

10 Next witness.

11 SOLICITOR HAMMACK: State calls Shaniyah Toney.

12 THE CLERK: Please raise your right-hand.

13 SHANIYAH TONEY, being first duly
14 sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box. State your
16 full name for the Court spelling your last.

17 THE WITNESS: My name is Shaniyah Toney. T-O-N-E-Y.

18 DIRECT EXAMINATION

19 BY SOLICITOR HAMMACK:

20 Q And, Shaniyah, I'm gonna stand back here to talk to
21 you. I'm gonna need you to lean into that microphone when
22 you answer cause they got to be able to hear you all the way
23 in the back.

24 okay?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Shaniyah, can you tell everybody where you're from
2 originally?
- 3 A Aiken, South Carolina.
- 4 Q Did you grow up in Aiken?
- 5 A No, ma'am, I grew, grew up in Blowven (phonetic) but
6 then I moved to Aiken.
- 7 Q Okay. And tell me this, where'd you go to high school?
- 8 A Aiken High and South Aiken.
- 9 Q After high school, did you go to school anywhere else?
- 10 A Lander University.
- 11 Q Where's Lander at?
- 12 A In Greenwood, South Carolina.
- 13 Q And how long did you spend at Lander?
- 14 A Two years.
- 15 Q What'd you study?
- 16 A Nursing.
- 17 Q And after you spent two years at Lander, did you come
18 back to Aiken?
- 19 A Yes, ma'am.
- 20 Q About when was that?
- 21 A Around November.
- 22 Q Is that November of 2018?
- 23 A Yes, ma'am.
- 24 Q And when you came back to Aiken in November of 2018,
25 where did you live?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A In Aiken, South Carolina.
- 2 Q Did you live on Nokesville Circle?
- 3 A Yes, ma'am.
- 4 Q what -- do you remember the house number?
- 5 A [REDACTED].
- 6 Q And, Nokesville Circle, is that on the south side of
7 Aiken?
- 8 A Yes, ma'am.
- 9 Q What's that near?
- 10 A It's by Cinco De Mayo and close to New Ellenton.
- 11 Q You say it's close to New Ellenton.
12 what, what main road is Nokesville Circle off of?
- 13 A I don't know that road. I forgot the name of it.
- 14 Q Is it the, the biggest main road that runs through
15 Aiken?
- 16 A Yes, ma'am.
- 17 Q Okay. Is it the main road that you take to get to New
18 Ellenton from Aiken?
- 19 A Yes, ma'am.
- 20 Q And the neighborhood where Nokesville Circle is, is it
21 behind that Mi Rancho right there on the main road?
- 22 A Yes, ma'am.
- 23 Q And is that here in Aiken County?
- 24 A Yes, ma'am.
- 25 Q And when you were living at Nokesville Circle when you

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 came back in November of 2018, who were you living with?

2 A My mother.

3 Q Anybody else living with you?

4 A My little sister, and my little brother, and we had a
5 dog.

6 Q All right. And when you were living at Nokesville
7 Circle with your family, what did you do?

8 Did you get a job?

9 Did you go to school?

10 what did you do?

11 A I had to wait to start a new semester cause I kind of
12 ended in November. So, you couldn't start in, you know,
13 another -- you couldn't just go to another school in the
14 middle of the semester but I got a job at IHOP.

15 Q Is that the IHOP on whiskey Road?

16 A Yes, ma'am.

17 Q Is it over there near Chick-Fil-A and outback?

18 A Yes, ma'am.

19 Q And tell me -- what kind of hours did you work at the
20 IHOP?

21 A It would vary but most of the time it was like 3:00 to
22 10:00, 2:00 to 10:00.

23 Q And is that 3:00AM or 3:00PM?

24 A 3:00PM.

25 Q To ten o'clock PM?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Now, Shaniyah, were you living at Nokesville Circle in
3 April of 2019?
- 4 A Yes, ma'am.
- 5 Q And you were living with your mama and your sister and
6 your brother and your dog?
- 7 A Yes, ma'am.
- 8 Q Were you still working at IHOP in April of 2019?
- 9 A Yes, ma'am.
- 10 Q Shaniyah, did you know Derrick Curry?
- 11 A Yes, ma'am.
- 12 Q How long had you known Derrick Curry?
- 13 A Only about -- November, December, January, February.
14 So only about four to five months.
- 15 Q And did you meet him because y'all had mutual friends?
- 16 A Yes, ma'am.
- 17 Q And after you met Derrick Curry, did y'all hang out
18 sometimes?
- 19 A Yes, ma'am.
- 20 Q Did you have his phone number?
- 21 A Yes, ma'am.
- 22 Q He had your phone number?
- 23 A Yes, ma'am.
- 24 Q Do you know Denzell Jackson?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q How long have you known Denzell Jackson?
- 2 A About three to four years but I never really hung with
3 him at the beginning of those years.
- 4 Q Did y'all go to the same school at any point?
- 5 A No, ma'am.
- 6 Q How about Sha'Kel Dixon?
7 Did you know him?
- 8 A Yes, ma'am.
- 9 Q How long have you known Sha'Kel Dixon?
- 10 A About three to four years.
- 11 Q Tell me this, Shaniyah. You said that before you never
12 really hung out with Denzell Jackson.
13 when you came back home from Lander in November of
14 2018, did you start hanging out with Denzell Jackson?
- 15 A Yes, ma'am.
- 16 Q Did you start hanging out with Sha'Kel Dixon?
- 17 A Yes, ma'am.
- 18 Q And when you would hang out with them, where would
19 y'all hang out?
- 20 A At Denzell house. Well, his mother's house.
- 21 Q Do you know where Denzell's mama's house is?
- 22 A I can't like name the street but I would be able to
23 show somebody.
- 24 Q If you were going from your house to Denzell's mama's
25 house, which way would you go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A I would make a right and just go straight down through
2 New Ellenton.

3 Q Is Denzell's mama's house in New Ellenton?

4 A Yes, ma'am.

5 Q Okay. So, you would hang out with Denzell and Sha'kel
6 at, at Denzell's house or at his mama's house.

7 Did you ever hang out with Christian Barnwell?

8 A Yes, ma'am.

9 Q Did you ever hang out with Altashaun Bacon?

10 A Only like twice when he was at Christian's house.

11 Q So, Denzell Jackson and Sha'kel Dixon, do they know
12 each other?

13 A Yes, ma'am.

14 Q Are they friends?

15 A Yes, ma'am.

16 Q Christian Barnwell, to your knowledge, is he friends
17 with Denzell Jackson and Sha'kel Dixon?

18 A Yes, ma'am.

19 Q Altashaun Bacon, you said you hung out with him at
20 Denzell Jackson's house.

21 To your knowledge, is he friends with Denzell Jackson
22 and Sha'kel Dixon?

23 A Yes, ma'am.

24 Q So all of them were kind of a group together?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Tell me, Shaniyah, were they friends with Derrick
2 Curry?
- 3 A No, ma'am.
- 4 Q To your understanding, did any of those four guys like
5 Derrick Curry?
- 6 A No, ma'am.
- 7 Q To your understanding, Shaniyah, was there, for lack of
8 a better word, a beef between Derrick Curry and these four
9 other guys?
- 10 A Yes, ma'am.
- 11 Q Shaniyah, I want to talk to you about April of 2019,
12 and I want to talk to you about April 30th, 2019, but
13 first I want to talk to you about the day before that.
- 14 The day before that on April 29th, did you see Denzell
15 Jackson that day?
- 16 A Yes, ma'am.
- 17 Q Did you see Sha'Ke'l Dixon that day?
- 18 A Yes, ma'am.
- 19 Q And on April 29th, 2019, did you see Derrick Curry?
- 20 A Yes, ma'am.
- 21 Q And did you do something with Derrick Curry that day?
- 22 A We were going to but I wasn't feeling it.
- 23 Q How about going over to Augusta?
- 24 Did y'all go over to Augusta with some people?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q And where'd y'all go over in Augusta?
- 2 A We went to the movies.
- 3 Q And when you say you went to the movies in Augusta, are
- 4 you talking a big fancy theater right there on the river?
- 5 A Yes, ma'am.
- 6 Q And who did you go to the movies with that day?
- 7 A Derrick and I don't know his other two friends' names
- 8 that were with us.
- 9 Q Do you remember what y'all watched?
- 10 A It was Avengers.
- 11 Q The Avengers?
- 12 A Yes, ma'am.
- 13 Q Okay. You said that you saw Denzell Jackson and
- 14 Sha'Kel Dixon that day.
- 15 Did you see them before you went to the movies with
- 16 Derrick?
- 17 A Yes, ma'am.
- 18 Q And while you were at the movies with Derrick, were
- 19 either Denzell Jackson or Sha'Kel Dixon in touch with you?
- 20 A Yes, ma'am.
- 21 Q Who was in touch with you while you were at the movies?
- 22 A It was Kel.
- 23 Q And when you say Kel, who would -- who are you
- 24 referring to as Kel?
- 25 A Sha'Kel.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Okay. I just want to make sure we're talking about the
2 same people. I want to use your words but I want everybody
3 to know who you're talking about.

4 So, when you say Kel, you're talking about Sha'kel
5 Dixon?

6 A Yes, ma'am.

7 Q And how was he in touch with you while you were at the
8 movies?

9 A Through his cell -- he was texting me.

10 Q And were y'all texting on like text messages on the
11 phone or was it Facebook Messenger or an app if you
12 remember?

13 A I don't.

14 Q Okay. When Sha'kel Dixon was, was texting you while
15 you were at the movies, was he texting you about the movie?

16 A No, ma'am.

17 Q Was he texting you about you?

18 A No, ma'am.

19 Q What was he texting you about?

20 A To see what time the movie ended so he can be at the
21 movies.

22 Q And was Sha'kel Dixon texting you to find out what time
23 the movie was over so that he could come meet you after the
24 movie?

25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Do you know why Sha'Keel Dixon was asking you about what
2 time the movie ended so he could be there?

3 A Yes, ma'am.

4 Q And what do you know as far as why he wanted to do
5 that?

6 MR. THOMPSON: Objection, Your Honor.

7 THE COURT: Basis for the objection?

8 MR. THOMPSON: Calls for speculation.

9 THE COURT: Objection's overruled.

10 THE WITNESS: I can answer the question?

11 THE COURT: Yes, ma'am.

12 A Okay. Because he wanted to kill 60.

13 Q And, Shaniyah, when you say he wanted to kill 60, who
14 is 60?

15 A Derrick.

16 Q Derrick Curry?

17 A Yes, ma'am.

18 Q Did you know what was gonna happen when y'all came out
19 of the movies?

20 A No, ma'am.

21 Q When you came out of the movies, did you see either
22 Sha'Keel Dixon or Denzell Jackson?

23 A No, ma'am.

24 Q Do you know whether the two of them were together that
25 day?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q You do know?
- 3 A Uh-huh. (Affirmative).
- 4 Q And were Denzell Jackson and Sha'Keel Dixon together at
5 that time?
- 6 A Yes, ma'am.
- 7 Q Shaniyah, I want to talk to you about that next day,
8 April 30th of 2019.
- 9 Okay?
- 10 A Yes, ma'am.
- 11 Q The morning of April 30th, 2019, did you sleep in
12 your bed?
- 13 A Yes, ma'am.
- 14 Q what happened that morning?
- 15 A I woke up to Den texting me a lot asking me to come to
16 his mother's house.
- 17 Q Okay. Let's take that step-by-step.
- 18 Okay. You said you woke up to Den texting you a lot,
19 and when you say Den, who are you talking about?
- 20 A Denzell.
- 21 Q Denzell Jackson?
- 22 A Yes, ma'am.
- 23 Q Okay. And we can use your name for him, but, again, I
24 just want to make sure everybody knows who we're talking
25 about.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Okay?
- 2 A Yes, ma'am.
- 3 Q So you said you woke up that morning to Den texting you
- 4 a lot about coming to his mama's house?
- 5 A Yes, ma'am.
- 6 Q And that's the house you'd been to before in New
- 7 Ellenton?
- 8 A Yes, ma'am.
- 9 Q Shaniyah, what did you have to do that day?
- 10 A I had to go to work.
- 11 Q An when you say you had to go to work, you, you were
- 12 still working at IHOP?
- 13 A Yes, ma'am.
- 14 Q And do you remember what hours you were suppose to work
- 15 that day?
- 16 A Yes, ma'am.
- 17 Q what hours were you suppose to work that day?
- 18 A 3:00 to 10:00.
- 19 Q And when you got -- when you woke up to Den texting you
- 20 a lot, do you remember about what time of day that was when
- 21 you woke up?
- 22 A Around 9:00.
- 23 Q 9:00 in the morning?
- 24 A Yes, ma'am.
- 25 Q Now, Shaniyah, this was on April 30th of 2019.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 When you woke up that morning, do you know what your
2 mama was doing?

3 A At work.

4 Q She was at work.

5 what about your sister and your brother?

6 were they at the house when you woke up?

7 A No, ma'am.

8 Q where were they?

9 A In school.

10 Q So were you the only person at your house other than
11 the dog?

12 A Yes, ma'am.

13 Q So when you woke up to Den texting you a lot about
14 coming over to his house, do you know why he wanted you to
15 come over to his house?

16 A No, ma'am.

17 Q And when I say his house -- you called it his mama's
18 house.

19 Do you know if Denzell Jackson lived at his mama's
20 house in New Ellenton?

21 A Yes, ma'am.

22 Q And did he?

23 A Yes, ma'am.

24 Q Okay. So, if I say his house, and we're talking about
25 his mama's house, is that the same place?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Okay. Now, Shaniyah, after you got all these text
3 messages from Den about coming over to his mama's house, did
4 you go over there?
- 5 A Yes, ma'am.
- 6 Q How did you get there?
- 7 A I drove my car.
- 8 Q And, Shaniyah, back then, in 2019, what kind of car
9 were you driving?
- 10 A A white Toyota.
- 11 Q And when you say a white Toyota, are we talking about a
12 truck, an SUV, a car?
13 what, what kind of vehicle?
- 14 A Toyota Avalon. It's like an '04.
- 15 Q Okay. Has it got two doors or four doors?
- 16 A Four.
- 17 Q Okay. And it's just a, a normal car, not an SUV, or a
18 truck?
- 19 A Yes, ma'am.
- 20 Q Okay. So you drove your white Toyota Avalon over to
21 Denzell's house after he was texting you a lot and woke you
22 up?
- 23 A Yes, ma'am.
- 24 Q And tell me, Shaniyah, when you got to his house,
25 where'd you park your car?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Behind his mother's house.
- 2 Q And when you got to his house, what did you see?
- 3 A Den and Kel and Tiga and Christian. They were all
4 standing outside.
- 5 Q And when you say Den and Kel and Tiga and Christian,
6 again, when you say Den, you're talking about Denzell
7 Jackson.
- 8 Is that right?
- 9 A Yes, ma'am.
- 10 Q And Kel is Sha'kel Dixon?
- 11 A Yes, ma'am.
- 12 Q Do you know Tiga's real name?
- 13 A No, ma'am.
- 14 Q And Christian, when you say Christian, are you
15 referring to Christian Barnwell?
- 16 A Yes, ma'am.
- 17 Q And when you got to Den's mama's house and pulled up
18 behind it, the four of them, what were they doing?
- 19 A They were just sitting outside talking.
- 20 Q And when you pulled up, did you get out of the car?
- 21 A No, ma'am.
- 22 Q well, what did they do when you pulled up?
- 23 A Den walked to, to my car.
- 24 Q And when Den walked to your car, did you roll the
25 window down?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Did he get in?
2 Did you get out?
3 what happened?
4 A He got in the passenger side.
5 Q And when he got in the passenger's side, are we talking
6 about the front passenger side?
7 A Yes, ma'am.
8 Q so he's sitting right next to you?
9 A Yes, ma'am.
10 Q Do you remember what he was wearing?
11 A No, ma'am.
12 Q Okay. Do you remember if he had anything with him when
13 he got in your car?
14 A He always keep a gun on him.
15 Q And did you see a gun with him that day?
16 A Yes, ma'am.
17 Q Can you tell me what that gun looks like?
18 A It was a black like small normal handgun.
19 Q Okay. Any fancy colors to it?
20 A No, ma'am.
21 Q Shaniyah, when, when you talk about a handgun, do you
22 know brands of guns or anything like that?
23 A No, ma'am.
24 Q Okay. But it was a, a small black handgun?
25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q And where did you see that gun with Den when he got in
2 your car?
- 3 A On his hip.
- 4 Q when Den got in your car, what did y'all do?
- 5 A He just start talking to me.
- 6 Q Did y'all talk about the weather?
- 7 A No, ma'am.
- 8 Q what was he specifically talking to you about?
- 9 A How he wanted me to get Derrick.
- 10 Q And when you say how he wanted you to get Derrick, what
11 did he want you to do?
- 12 A He wanted me to pick Derrick up.
- 13 Q And what were you suppose to do with Derrick?
- 14 A Pick him up and take him to my mother's house.
- 15 Q whose idea was it for you to pick Derrick up and take
16 him to your mother's house?
- 17 A Den.
- 18 Q Did you have plans to do that before he told you to do
19 that?
- 20 A No, ma'am.
- 21 Q And did he tell you what you were to do after you took
22 Derrick to your mother's house?
- 23 A Yes, ma'am.
- 24 Q what did he tell you to do?
- 25 A He told me to walk in the house and pretend like I want

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 to have sex with him.

2 Q And then what?

3 A And then they were just gonna walk in and beat him up.

4 Q And, Shaniyah, when you say they were just going to
5 walk in and beat him up, who was they?

6 A Den and Kel.

7 Q And when Den was telling you this, was it still just
8 the two of you in the car?

9 A Yes, ma'am.

10 Q Do you know how Den and Kel were suppose to be at your
11 mama's house to beat Derrick up?

12 A Yes, ma'am.

13 Q How were they suppose to be there?

14 A They wanted me to drop them off.

15 Q So, Den and Kel wanted you to drop them off at your
16 house and then go get Derrick and bring him to your house so
17 they would beat him up?

18 A Yes, ma'am.

19 Q And that's what Den told you?

20 A Yes, ma'am.

21 Q At any point while you're in the car, did anybody else
22 get in the car?

23 A Den got out of the car and walked to Kel and then they
24 both came back to the car and got in.

25 Q And when they got back in the car, who sat where?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Den sat beside me and Kel sat in the back.
- 2 Q Do you know if Kel sat behind you, behind the driver,
3 or if he sat behind Den in the passenger seat?
- 4 A He sat behind Den in the passenger seat.
- 5 Q Do you remember what Kel was wearing that day?
- 6 A Black.
- 7 Q Did you see if Kel had anything with him when he got in
8 your car?
- 9 A Yes, ma'am.
- 10 Q what did he have with him?
- 11 A A gun.
- 12 Q Do you know what Kel's gun looked like?
- 13 A It was black as well.
- 14 Q Did it look about the same or was it a little different
15 from Den's gun?
- 16 A It looked kind of like the same where the bullet hold
17 guns.
- 18 Q when Kel got in your car with Den, was there any more
19 talk about Derrick Curry?
- 20 A No, ma'am.
- 21 Q At this point had you reached out to Derrick?
- 22 A Yes, ma'am.
- 23 Q And how did you reach out with him?
- 24 A Through Messenger.
- 25 Q And that's Facebook Messenger?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Was anybody right there with you when you messaged
3 Derrick?
- 4 A Yes, ma'am.
- 5 Q Who was right there with you?
- 6 A Den.
- 7 Q Did he know what you were typing?
- 8 A Yes, ma'am.
- 9 Q And how did he know what you were typing?
- 10 A Cause he was looking at the phone.
- 11 Q So, after you messaged Derrick with Den looking at the
12 phone as you typed, what happened next?
- 13 A We left Den's mom's house and we drove to my house and
14 I dropped them off.
- 15 Q Shaniyah, had, had Den or Ke'l ever been to your house
16 before?
- 17 A No, ma'am.
- 18 Q When you dropped them off, did you go inside with them?
19 Did they go inside?
- 20 A I backed into the garage and just let them in and then
21 I left.
- 22 Q And when you left, where'd you go?
- 23 A To go pick up Derrick.
- 24 Q Where were you suppose to pick Derrick up from?
- 25 A The first place was at McDonald's.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Okay. Do you know where the McDonald's is at?
- 2 A In Graniteville.
- 3 Q What's around that McDonald's?
- 4 A A grocery store, a bank, and a liquor store across the
5 street.
- 6 Q Okay. Did you pick Derrick up from that McDonald's?
- 7 A Yes, ma'am.
- 8 Q When you picked Derrick up from that McDonald's, what
9 were you driving?
- 10 A My Toyota Avalon.
- 11 Q And when you got to that McDonald's, was Derrick there?
- 12 A No, ma'am.
- 13 Q Did Derrick ever show up to the McDonald's?
- 14 A Yes, ma'am.
- 15 Q How long did you have to wait on him?
- 16 A About 30 to 40 minutes.
- 17 Q What'd you do while you were waiting on him?
- 18 A I kept texting him.
- 19 Q Kept texting Derrick?
- 20 A Yes, ma'am.
- 21 Q Okay. While you were waiting on him, did you receive
22 any messages from Den or Kel?
- 23 A No, ma'am.
- 24 (WHEREUPON, a video was marked as State's Exhibit No. 6
25 for identification purposes only at this time.)

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, I'm gonna show you what's been premarked as
2 State's Exhibit 6.

3 Do you recognize that?

4 A Yes, ma'am.

5 Q Is that a video from that McDonald's?

6 A Yes, ma'am.

7 Q Have you had a chance to watch that video?

8 A Yes, ma'am.

9 Q And do you recognize what's on that video?

10 A Yes, ma'am.

11 Q what's it a video of?

12 A 60 getting in my car.

13 Q Do you see your car on that video?

14 A Yes, ma'am.

15 Q And is that video of the parking lot of the McDonald's
16 that -- on April 30th, 2019?

17 A Yes, ma'am.

18 SOLICITOR HAMMACK: Your Honor, at this time we would
19 move State's Exhibit 6 into evidence.

20 MR. JOHNSON: No objection, Your Honor.

21 MR. THOMPSON: No objection.

22 THE COURT: Admitted without objection.

23 (WHEREUPON, State's Exhibit No. 6 was received into
24 evidence at this time.)

25 SOLICITOR HAMMACK: And, Your Honor, at this time we'd

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 like to publish State's 6.

2 THE COURT: You may do that.

3 Q And, Shaniyah, in this video, where is your car parked?

4 A Beside the -- I don't know what that kind of car is.
5 It's the last one on the right.

6 Q On the, on the far side in the top corner of the
7 screen?

8 A Yes, ma'am.

9 Q And, Shaniyah, as we're watching, is that while you're
10 waiting for Derrick?

11 A Yes, ma'am.

12 Q As this video plays I'll have you explain to the jury
13 when, when Derrick pulls up and, and what we see.

14 okay?

15 A Yes, ma'am.

16 Q Did you know where Derrick was coming from when he met
17 you at McDonald's?

18 A No, ma'am.

19 Q Shaniyah, what did you, what did you tell Derrick about
20 meeting you at McDonald's?

21 A What do you mean by that?

22 Q What did you -- did you offer him anything of yours to
23 get you to meet him that day?

24 A My car.

25 Q Your car?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Did Derrick have his own car?
- 3 A No, ma'am.
- 4 Q And you -- when you say you offered your car, were you
5 offering to give him your car or just let him use it?
- 6 A Just let him use it.
- 7 Q Shaniyah, you said that you woke up about -- I can't
8 remember if you said 9:00 or 9:30, and I don't want to put
9 words in your mouth.
- 10 A Around 9:00.
- 11 Q Around 9:00 and then you went to Den's house. Now
12 you're sitting at McDonald's waiting on Derrick.
- 13 About what time of day was this?
- 14 A It's still in the morning but I don't remember the
15 exact time.
- 16 Q Are we getting closer to lunchtime at this point?
- 17 A Yes, ma'am.
- 18 Q And, Shaniyah, you had to be at work at -- your, your
19 shift started at three o'clock.
- 20 what time were you suppose to be at work?
- 21 A Like 10 minutes before my actual start time.
- 22 Q So at this point as you're waiting on Derrick, and he's
23 taking a while to get there, you said you were texting him
24 and asking him where he was.
- 25 Is it getting closer and closer to the time that you've

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 got to show up for work?
- 2 A Yes, ma'am.
- 3 Q Shaniyah, I just want to stop this for just a second.
- 4 Can you tell us what's going on in the top right corner
- 5 of the screen at this point?
- 6 A 60 is getting in my car.
- 7 Q And he walked up from offscreen.
- 8 Is that correct?
- 9 A Yes, ma'am.
- 10 Q And when you say 60's getting in your car, are you
- 11 talking about the top right corner of the screen?
- 12 A Yes, ma'am.
- 13 Q what color shirt is he wearing?
- 14 A white.
- 15 Q Is he getting in the driver's side of your car?
- 16 A Yes, ma'am.
- 17 Q Shaniyah, when -- and, again, I want to make sure we're
- 18 talking about the same people.
- 19 when you say 60, you're talking about Derrick Curry?
- 20 A Yes, ma'am.
- 21 Q when he got in your car, did he have anything in his
- 22 hand?
- 23 A He had his book bag and his --.
- 24 Q what -- go ahead. I'm sorry.
- 25 A And his phone.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q what color book bag did he have?
- 2 A It was black.
- 3 Q All black?
- 4 A Yes, ma'am.
- 5 Q And is that your car pulling out driving through the
6 McDonald's parking lot right now?
- 7 A Yes, ma'am.
- 8 Q And did y'all stay in the McDonald's or did y'all leave
9 after y'all just drove through?
- 10 A We left.
- 11 Q Shaniyah, you said that 60 had his black book bag and
12 his phone with him?
- 13 A Yes, ma'am.
- 14 Q Do you know if he had anything in that book bag?
- 15 A His gun.
- 16 Q And how did you know his gun was in that book bag?
- 17 A Cause it was sticking out.
- 18 Q And when you say it was sticking out, what, what did
19 that mean to you about the size of his gun?
- 20 A It was a -- big and long.
- 21 Q was it a handgun like you talked about the earlier guns
22 or is this a different kind of gun?
- 23 A It's different.
- 24 Q Shaniyah, when y'all left McDonald's, where did y'all
25 go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A We stopped at a gas station and then we went to my
2 house.
- 3 Q Do you remember where y'all parked the car when y'all
4 got to your house?
- 5 A The drive through.
- 6 Q Is that right there by the garage?
- 7 A Yes, ma'am.
- 8 Q what did y'all do when you got to your house?
- 9 A We went inside through the front door.
- 10 Q And when you go in the front door of your house, what's
11 the first room you get to?
- 12 A The living room.
- 13 (WHEREUPON, three photographs were marked as
14 Plaintiff's Exhibit Nos. 7 through 9 for identification
15 purposes only at this time.)
- 16 Q Shaniyah, I want to show you what's been premarked as
17 State's Exhibits 7, 8, and 9.
- 18 will you take a look at these for me?
- 19 A Yes, ma'am.
- 20 Q Shaniyah, what are those pictures of?
- 21 A My mom's house.
- 22 Q State's Exhibit 7 specifically, what's that view of
23 your mom's house?
- 24 A The front of it.
- 25 Q And what's been premarked as State's Exhibit 8, what is

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 it specifically a picture of?

2 A As soon as you walk in.

3 Q As soon as you walk in.

4 As soon as you walk in, which door, Shaniyah?

5 A The front door.

6 Q Is that how you walked in with Derrick on April 30th?

7 A Yes, ma'am.

8 Q And will you look at State's -- what's been premarked
9 as State's 9 for me?

10 A (WHEREUPON, the witness complies.)

11 Q what's that a picture of?

12 A The living room and the kitchen.

13 Q Now, Shaniyah, I know those may not look exactly the
14 same as it looked on April 30th as far as where a book is
15 sitting or, or where a dog toy is but is, is that what your
16 house looked like on April 30th, 2019?

17 A Yes, ma'am.

18 Q And is that how you came in the house with Derrick that
19 day?

20 A Yes, ma'am.

21 SOLICITOR HAMMACK: Your Honor, at this time we would
22 move State's 7, 8, and 9 into evidence.

23 MR. JOHNSON: No objection, Your Honor.

24 MR. THOMPSON: No objection.

25 THE COURT: They are admitted.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 (WHEREUPON, State's Exhibit Nos. 7 through 9 were
2 received into evidence at this time.)

3 Q Shaniyah, you said you came in the front door with
4 Derrick and y'all came into the living room.

5 Did y'all stay in the living room?

6 A No, ma'am.

7 Q Where'd you go?

8 A To my room.

9 Q Had Derrick ever been to your house before?

10 A No, ma'am.

11 Q Did he know where your room was?

12 A No, ma'am.

13 Q So how'd y'all get to your room?

14 A He followed me.

15 Q And when you're in the living room of your house, how
16 do you walk to get to your bedroom?

17 A You turn left and get to it when you get to the
18 hallway, and then my room is like right next to the last
19 one.

20 Q So, if you're in the living room, you go down a hall to
21 your left and there's multiple bedrooms down that hall?

22 A It's two.

23 Q Two bedrooms and yours is the first one you get to?

24 A It's like the first one is my sister's room and then my
25 room is right here.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Okay. So, if I'm looking down your hallway, am I gonna
2 look straight into your sister's room?

3 A Yes, ma'am.

4 Q And then your room was to the left of that?

5 A Yes, ma'am.

6 (WHEREUPON, three photographs were marked as State's
7 Exhibits 10 through 12 for identification purposes only at
8 this time.)

9 Q Shaniyah, I'm gonna show you what's been premarked as
10 State's Exhibits 10, 11, and 12.

11 will you take a look at those for me real quick?

12 A Yes, ma'am.

13 Q Do you recognize what those are pictures of?

14 A Yes, ma'am.

15 Q what are those pictures of?

16 A The hallway and the -- it's just the front of my
17 sister's room.

18 Q So for what's been premarked as State's Exhibit 10,
19 what specifically -- where would you be standing if you took
20 that picture?

21 A In the living room.

22 Q An what is that picture facing or looking at?

23 A The hallway.

24 Q And State's Exhibit 11, where would you be standing if
25 you took that picture?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A In the hallway at the beginning.
- 2 Q At the beginning of the hallway.
- 3 what is it looking at?
- 4 A My sister's room.
- 5 Q And then State's Exhibit 12, where would you be
- 6 standing if you took that picture?
- 7 A Getting closer to my room and her room.
- 8 Q And what can you see in State's Exhibit 12?
- 9 A My sister's room and my room.
- 10 Q So you can see the doorways to both your room and your
- 11 sister's room?
- 12 A Yes, ma'am.
- 13 Q Is that how the house was laid out on April 30th,
- 14 2019?
- 15 A Yes, ma'am.
- 16 Q And is that the dir -- the direction that you and
- 17 Derrick took to your bedroom that day?
- 18 A Yes, ma'am.
- 19 SOLICITOR HAMMACK: Your Honor, at this time we would
- 20 move State's 10, 11, and 12 into evidence.
- 21 MR. JOHNSON: No objection, Your Honor.
- 22 MR. THOMPSON: No objection.
- 23 THE COURT: They're admitted.
- 24 (WHEREUPON, State's Exhibit Nos. 10 through 12 were
- 25 received into evidence at this time.)

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when you and Derrick came in the front door
2 of your house, did you know where Denzell Jackson was?

3 A No, ma'am.

4 Q Did you know where Sha'Kel Dixon was?

5 A No, ma'am.

6 Q Did you know what was going to happen?

7 A No, ma'am.

8 Q When you were walking with Derrick to your bedroom, did
9 you know where Denzell Jackson was?

10 A No, ma'am.

11 Q Did you know where Sha'Kel Dixon was?

12 A No, ma'am.

13 Q Did you and Derrick go into your bedroom?

14 A Yes, ma'am.

15 Q Shaniyah, what did you have in your bedroom back then?

16 A It was a canopy bed with pink covers.

17 Q Did you have like a little table or dresser or
18 anything?

19 A Yes, I had -- it go with the canopy bed. It had a
20 mirror.

21 (WHEREUPON, five photographs were marked as State's
22 Exhibit Nos. 13 through 17 for identification purposes only
23 at this time.)

24 Q Shaniyah, I'm showing you what's been premarked as
25 State's Exhibits 13, 14, 15, 16, and 17. Take a look at

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 those for me.
- 2 A (WHEREUPON, the witness complies.)
- 3 Q Do you recognize what's in those pictures?
- 4 A Yes, ma'am.
- 5 Q Generally what are all of those pictures of?
- 6 A My room.
- 7 Q On State's Exhibit -- what did I say, 13?
- 8 State's Exhibit 13, will you tell us what we're looking
- 9 at in that picture?
- 10 A A picture of my bed.
- 11 Q State's Exhibit 14.
- 12 A A picture of my closet.
- 13 Q And is that what your bed and your closet looked like
- 14 on April 30th, 2019?
- 15 A Yes, ma'am.
- 16 Q Let's look at State's Exhibit 15.
- 17 what's that a picture of?
- 18 A My bed.
- 19 Q State's Exhibit 16.
- 20 A The mirror that goes with my bed.
- 21 Q Is that a IHOP card on the table?
- 22 A Yes, ma'am.
- 23 Q Is that yours?
- 24 A Yes, ma'am.
- 25 Q And the next one, State's Exhibit 17, what's that a

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 picture of?

2 A My front -- the room door.

3 Q So if you were taking that picture, where would you be
4 standing?

5 A Beside the bed.

6 Q And what are you looking at?

7 A The hallway.

8 Q So you're standing in your bedroom looking back out?

9 A Yes, ma'am.

10 Q And that's what your bedroom looked like back on
11 April 30th, 2019?

12 A Yes, ma'am.

13 SOLICITOR HAMMACK: Your Honor, at this time we would
14 move State's 13, 14, 15, 16, and 17 into evidence.

15 MR. JOHNSON: No objection, Your Honor.

16 MR. THOMPSON: No objection.

17 THE COURT: They're admitted.

18 (WHEREUPON, State's Exhibit Nos. 13 through 17 were
19 received into evidence at this time.)

20 Q Shaniyah, when you took Derrick into your bedroom, did
21 you leave the door open?

22 A Yes, ma'am.

23 Q Do you remember how the door in your sister's room was?

24 A It was open as well.

25 Q As you were going to your bedroom, did you see Denzell

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Jackson?
- 2 A No, ma'am.
- 3 Q Did you see Sha'Kel Dixon?
- 4 A No, ma'am.
- 5 Q When you and Derrick went into your room, did you know
6 where they were in your house?
- 7 A No, ma'am.
- 8 Q Shaniyah, once y'all first walked into your bedroom,
9 did you both stay in there?
- 10 A No, ma'am.
- 11 Q what happened?
- 12 A He started trying to kiss me and we---
- 13 Q Shaniyah, I'm sorry.
14 when you say he, who are you talking about?
- 15 A Derrick.
- 16 Q Okay.
- 17 A And we started kissing and touching and then he went to
18 the restroom to put on a condom.
- 19 Q And when you say he went to the restroom, where is that
20 in your house?
- 21 A In -- directly in front of my room.
- 22 Q So you can get to it from that same hallway?
- 23 A Yes, ma'am.
- 24 Q If your room is on the left as you're going down the
25 hall, is the bathroom on the right?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Can you say it again?
- 2 Q So if you're, if you're coming from the living room --
- 3 A Uh-huh. (Affirmative).
- 4 Q -- to your room, and your room is on your left, is the
- 5 bathroom across the hall on the right?
- 6 A No, ma'am, it's like right there.
- 7 Q So it's right next to your room?
- 8 A Uh-huh. (Affirmative).
- 9 kind of in front of it.
- 10 Q Okay. All right. Did Derrick come back to your room
- 11 from the bathroom?
- 12 A Yes, ma'am.
- 13 Q What did he do with the door when he came back in?
- 14 A He shut it.
- 15 Q While he was in the bathroom, did you see Denzell
- 16 Jackson?
- 17 A I walked into my sister's room to get a pin for my hair
- 18 and I saw them in the closet.
- 19 Q When you say you saw them in the closet, who is them?
- 20 A Den and Kel.
- 21 Q You saw both of them in your sister's closet?
- 22 A Yes, ma'am.
- 23 Q And when you saw them, what did they do?
- 24 A Den just pointed for me to get out. So, I got out and
- 25 went back to my room.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q You said Derrick came in your room and shut the door.

2 Did you see Denzell or Kel after that?

3 A No, ma'am.

4 Q what happened when Derrick came back in the room and
5 shut the door?

6 A We started to get sexually and we were both laying --
7 he got on top of me and he pulled down his pants and pulled
8 down mine, and, for some reason, I just couldn't have sex
9 with him. So, I told him I didn't want to. So --.

10 Q After you told him you didn't want to, did you stay on
11 the bed?

12 A No, ma'am.

13 Q where did you go?

14 A I got off the bed and opened my closet door to get my
15 shirt and pants for work.

16 Q At this point is it about time for you to be at work?

17 A It's past time probably.

18 Q And, Shaniyah, when, when you went to your closet to
19 get your clothes for work, where was Derrick?

20 A He was still sitting on the bed fixing to put back on
21 his pants that he had took off.

22 Q So he wasn't laying down?

23 He was sitting on the bed?

24 A At the edge.

25 Q was he sitting on the edge of your bed closer to the

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 closet where you were?
- 2 A Yes, ma'am.
- 3 Q And you said he was sitting on that pink bedspread.
4 Is that right?
- 5 A Yes, ma'am.
- 6 Q what happened then, Shaniyah?
- 7 A As I was putting on my shirt and pants the door just
8 opened and, and Den and Ke1 was at the door and Den pointed
9 his gun and he shot 60 in the eye and he just, he just
10 started crying blood and fell over on the floor.
- 11 Q Shaniyah, when the door just came open, and Den and Ke1
12 were standing there at your bedroom door, were they wearing
13 anything different from what they were wearing when they
14 first got in your car?
- 15 A Yes, ma'am.
- 16 Q what were they wearing different?
- 17 A They had on gloves.
- 18 Q what did Den have in his hands?
- 19 A The gun.
- 20 Q was that the gun you had seen on his hip in your car?
- 21 A Yes, ma'am.
- 22 Q Did Sha'ke1 have anything in his hands?
- 23 A Yes, ma'am.
- 24 Q what did Sha'ke1 have?
- 25 A A pink tote and a bag.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when you say a pink tote, can, can you help
2 the jury understand what we're talking about?

3 Is it -- about how big is it?

4 A It's like a -- like a -- if you fixing to put like
5 winter clothes up or something, you would use that kind of
6 tote. It's big and pink.

7 Q Okay. Is it soft or is it---

8 A It's---

9 Q ---a hard sided thing?

10 A It's plastic.

11 Q Is it the kind of thing -- you said you would put your
12 winter clothes.

13 Is it something you can put up in the attic or in a
14 closet?

15 A Yes, ma'am.

16 Q And you said that sha'kel had a bag with him.
17 what kind of bag?

18 A A black trash bag.

19 Q You said that they were wearing gloves.

20 were both Denzell Jackson and sha'kel Dixon wearing
21 gloves?

22 A Yes, ma'am.

23 Q Shaniyah, how many times did Den shoot his gun?

24 A Twice.

25 Q where did the first one go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Into 60 left eye.
- 2 Q where did the second one go?
- 3 A Into the wall.
- 4 Q Shaniyah, what did Derrick do when Den shot him in the
5 face?
- 6 A He just started crying blood and just fell over.
- 7 Q was there blood anywhere else?
- 8 A It got on my wall and on my white shirt and all on the,
9 the bed and floor.
- 10 Q was it a little bit of blood or was it a lot of blood,
11 Shaniyah?
- 12 A A lot.
- 13 Q After Derrick fell over, did you see him move?
- 14 A No, ma'am.
- 15 Q Did you hear him say anything?
- 16 A No, ma'am.
- 17 Q Could you see if he was breathing?
- 18 A He wasn't.
- 19 Q He wasn't breathing?
- 20 A (WHEREUPON, there was no audible response.)
- 21 Q Shaniyah, when Derrick was on the floor of your bedroom
22 after he'd been shot in the face and you said there was a
23 lot of blood, did you think Derrick was still alive?
- 24 A No, ma'am.
- 25 Q Did you see anything else on the floor after this

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 happened?
- 2 A Yes, ma'am.
- 3 Q Did you know what it was on the floor?
- 4 A No, ma'am.
- 5 Q Did you find out what it was on the floor?
- 6 A Yes, ma'am.
- 7 Q How?
- 8 A Cause Kel laughed about it and told me what it was.
- 9 Q And after Kel laughed about it, what did he tell you
- 10 that was on the floor?
- 11 A His eyeball.
- 12 Q Derrick's eyeball?
- 13 A Yes, ma'am.
- 14 Q Shaniyah, what were you doing when this was happening?
- 15 A Crying.
- 16 Q After Den shot Derrick in the face, and fired a shot
- 17 into the wall, what did he and Kel do?
- 18 A They were -- hurried up and walked in the room and they
- 19 both picked up his body and put it in the tote.
- 20 Q Did Derrick's body fit in that tote?
- 21 A Yes, ma'am.
- 22 Q Did his whole body fit in that tote?
- 23 A Yes, ma'am.
- 24 Q Could you of put a lid on it and closed it?
- 25 A No, ma'am, his legs were hanging out.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Derrick's legs were hanging out the top of the tote?

2 A Yes, ma'am.

3 Q what did they do -- well, tell me this. You said they
4 put his body in the tote.

5 Again, when you say they, are you talking about Den and
6 Kel?

7 A Yes, ma'am.

8 Q How did they get his body in the tote?

9 A Den grabbed him by the arms and Kel grabbed him by the
10 legs.

11 Q when they put him in the tote, how did, how did they
12 arrange his body in the tote?

13 A His arms and legs -- like his arms and his upper body
14 was in the tote and his legs, from his knee, it was hanging
15 out.

16 Q Did Den and Kel do anything else in your room after
17 they put Derrick's body in the tote?

18 A Yes, ma'am.

19 Q what else did they do?

20 A They took my covers off my bed, put it in the trash
21 bag, and his clothes.

22 Q Did they take your bedsheets too or just your covers?

23 A Everything.

24 Q And they took Derrick's clothes?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did they take all of his clothes?

2 A Yes, ma'am.

3 Q Did they put all of his clothes in the trash bag?

4 A Yes, ma'am.

5 Q What about his shoes?

6 A Ke'l say he was gonna keep them.

7 Q Ke'l said he was gonna keep Derrick's shoes?

8 A Yes, ma'am.

9 Q Shaniyah, you said when Derrick got in the car that he
10 had a bag with him and his phone.

11 Did he bring that bag in the house with him?

12 A No, ma'am.

13 Q Where did that bag stay?

14 A In the car.

15 Q How about Derrick's phone?

16 A He left it in the car as well.

17 THE COURT: Ms. Hammack, we're gonna take a break now.

18 Ladies and gentlemen, if you would go to the jury room.

19 Please do not discuss the case while in the jury room.

20 Everyone remain seated and the jury will go to the jury
21 room.

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

24 THE COURT: We're gonna take about 15 minutes. First
25 to give the victim's family an opportunity to leave. We're

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when Derrick was sitting on your bed and Den
2 and Kel came in the room and Kel shot Derrick in the face,
3 from the time they opened your bedroom door to the time that
4 Derrick got shot, did Derrick have a chance to say anything?

5 A No, ma'am.

6 Q Did he have a chance to move?

7 A No, ma'am.

8 Q Did Derrick have a chance to run?

9 A No, ma'am.

10 Q Did Derrick have a chance to fight back?

11 A No, ma'am.

12 Q And, Shaniyah, did you testify earlier that Derrick had
13 left his bag in your car?

14 A Yes, ma'am.

15 Q Before the break, Shaniyah, you were telling the jury
16 about how Den and Kel were working to get rid of the items
17 in your room. You stated that they put your covers and
18 everything from the bed and Derrick's clothes in a black
19 trash bag.

20 what did they do with that trash bag?

21 A They put it in the trunk.

22 Q In what trunk?

23 A In my trunk.

24 Q And where was your car when they put that in your
25 trunk?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A They moved it into the garage.
- 2 Q Do you remember who moved your car into the garage?
- 3 A Yes, ma'am.
- 4 Q who did that?
- 5 A Den.
- 6 Q who carried the trash bag to the trunk of your car?
- 7 A Kel.
- 8 Q Shaniyah, you testified before the break that Den and
- 9 Kel put Derrick's body in a pink tote.
- 10 what did they do with that pink tote?
- 11 A They put it in the trunk.
- 12 Q How did they get it to the trunk?
- 13 A They both carried it.
- 14 Q When they were putting things in a -- your things and
- 15 Derrick things in a trash bag, and carrying those things to
- 16 your car, and carrying Derrick's body to your car, what were
- 17 you doing?
- 18 A Just watching.
- 19 Q After Den and Kel put that black trash bag and that
- 20 tote with Derrick's body in your trunk of your car, what did
- 21 they do next?
- 22 A Drive to meet Christian and I can't remember the other
- 23 dude's name again.
- 24 Q Where were you?
- 25 A In the car as well.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q why were you in the car with them?
- 2 A Because they had to take me to work.
- 3 Q Did you say anything to them about what happened?
- 4 A After it happened I kept asking them why did they do
5 that.
- 6 Q Did they tell you to get in your car?
- 7 A Yes, ma'am.
- 8 Q Who was driving your car?
- 9 A Den.
- 10 Q where was Kel?
- 11 A In the back seat.
- 12 Q where were you?
- 13 A Next to Den.
- 14 Q In the front passenger seat?
- 15 A Yes, ma'am.
- 16 Q Did they say anything to you about telling anybody what
17 happened?
- 18 A No, ma'am, the ride was quiet.
- 19 Q And where did y'all go on that quiet ride?
- 20 A To meet Christian and the other dude on the dirt road.
- 21 Q How'd you get to the dirt road?
- 22 A when we left out of the house we made a right turn and
23 just went straight and the dirt road was behind Christian's
24 mom house.
- 25 Q So, when you came out of the neighborhood, you took a

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 right turn.

2 was that a right turn onto whiskey Road?

3 A Yes, ma'am.

4 Q And were you traveling south down whiskey Road towards
5 New Ellenton?

6 A Yes, ma'am.

7 Q Did you get all the way to New Ellenton?

8 A No, ma'am.

9 Q You said y'all were going to the dirt road by
10 Christian's mama's house.

11 Do you know where Christian's mama's house is?

12 A Yes, ma'am.

13 Q You've been there before?

14 A Yes, ma'am.

15 Q What is Christian's mama's house near?

16 A It's a barbecue place. Dukes Bar-B-Que.

17 Q And where is Christian's mama's house in relationship
18 to Dukes Bar-B-Que?

19 A On the right side of the road.

20 Q So across the street from Dukes?

21 A Yes, ma'am.

22 Q And where is that dirt road in relationship to
23 Christian's mama's house?

24 A It's not directly behind it -- her house but it's
25 behind her house.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Did it take y'all long to get there?
- 2 A No, ma'am.
- 3 Q Do you know why y'all were going there?
- 4 A No, ma'am.
- 5 Q So at the time that you're riding in your car with Den
6 and Kel and Derrick's body in the trunk, you did not know
7 why y'all were going to Christian's mom's house?
- 8 A No, ma'am.
- 9 Q You said it was a quiet ride.
10 Was anybody talking to Christian or anyone else in that
11 ride?
- 12 A No, ma'am, Den had made a phonecall.
- 13 Q Did he make that phonecall back at your house or once
14 y'all got in the car?
- 15 A Once we got in the car.
- 16 Q Do you know who he was talking to?
- 17 A His mom.
- 18 Q Now, when you got to the dirt road behind Christian's
19 mama's house, what did you see?
- 20 A Christian and I don't know his name. I can't -- I keep
21 forgetting it but they was already there parked.
- 22 Q They were waiting on y'all at that dirt road?
- 23 A Yes, ma'am.
- 24 Q Do you know what kind of car they were sitting there
25 with?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A It was like a silver two door.
- 2 Q Were they sitting in a car or were they outside the
3 car?
- 4 A Outside the car.
- 5 Q And what were they doing when y'all pulled up?
- 6 A They were just standing there.
- 7 Q And when y'all pulled up, where did y'all pull up in
8 relationship to that car?
- 9 A In the front of it.
- 10 Q So y'all pulled in front of that car.
11 Do you know whose car that was?
- 12 A I don't know his name.
- 13 Q Was it Christian's car?
- 14 A No, ma'am.
- 15 Q Was it the car belonging to the guy that was with
16 Christian?
- 17 A Yes, ma'am.
- 18 Q Is that the guy you later learned to be Altashaun
19 Bacon?
- 20 A Yes, ma'am.
- 21 Q When y'all pulled up in front of their car, what did
22 everybody do?
- 23 A Den and Kel got out and they walked up to Christian,
24 and Den said I got something for you, and then they opened
25 the trunk.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q What did Christian and the other dude do when Den
2 opened the trunk?
- 3 A Started saying oh, shit and started laughing.
- 4 Q Were Den and Kel laughing?
- 5 A Yes, ma'am.
- 6 Q What were you doing?
- 7 A Trying not to cry.
- 8 Q Did any of them say anything to you about crying?
- 9 A Yes, ma'am.
- 10 Q Who said something to you about crying?
- 11 A Kel.
- 12 Q What did Kel say to you about crying?
- 13 A You better hush before -- you better stop crying before
14 we kill you too.
- 15 Q Is that why you were trying not to cry?
- 16 A Yes, ma'am.
- 17 Q After Den opened the trunk and showed Christian and the
18 other guy what was inside, what did they all do?
- 19 A They were just laughing and joking and then they say he
20 was gonna have fun with him. He was gonna use his body as a
21 target and he was gonna chop him up.
- 22 Q Was everything still inside the trunk of your car when
23 Den was saying that?
- 24 A Yes, ma'am.
- 25 Q Did the pink tote and the black trash bag stay in your

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 car?
- 2 A No, ma'am.
- 3 Q what happened to them?
- 4 A Christian and the other guy put it in all -- Treshon's
5 (phonetic) back truck -- I mean back trunk.
- 6 Q who carried the black trash bag?
- 7 A I can't remember.
- 8 Q Do you remember who carried the pink tote?
- 9 A Christian and the dude Altashaun.
- 10 Q were Derrick's legs still hanging out?
- 11 A Yes, ma'am.
- 12 Q were they able to fit the pink tote in the other trunk?
- 13 A Yes, ma'am.
- 14 Q were they able to fit the black trash bag in the other
15 trunk?
- 16 A Yes, ma'am.
- 17 Q what were you doing while they were transferring the
18 tote and the bag to the other car?
- 19 A Just looking.
- 20 Q when they finished moving everything to the other car,
21 what happened after that?
- 22 A We got in -- me, Kel, and Den, we got back into the car
23 and went to his mother's house.
- 24 Q whose mother house did you go to?
- 25 A Den.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q And I think, Shaniyah, you testified before that Den's
2 mom's house is in New Ellenton.

3 How long did it take y'all to get from that dirt road
4 to his mom's house?

5 A No more than 10 minutes.

6 Q Tell me this, Shaniyah, did y'all go back in your car?

7 A Yes, ma'am.

8 Q Who was driving your car?

9 A Den.

10 Q Where was Kel sitting?

11 A In the back seat.

12 Q And where were you sitting?

13 A In the passenger.

14 Q So, after -- since y'all left your house, and Den had
15 shot Derrick in the face, were you ever allowed to drive
16 your own car?

17 A No, ma'am.

18 Q And when y'all got in your car to leave, what was
19 Christian and Altashaun doing with Altashaun's car?

20 A They had -- they didn't leave yet. They was just
21 sitting there.

22 Q When y'all left the dirt road, had they left yet?

23 A No, ma'am.

24 Q Do you have any idea what they did after y'all left?

25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Do you have any idea where they went with that car
2 after you left?
- 3 A No, ma'am.
- 4 Q Do you have any idea where they took Derrick's body?
- 5 A No, ma'am.
- 6 Q So where did y'all go -- well, I'm sorry. You said
7 y'all went to Den's mama's house.
8 Did you make it there?
- 9 A Yes, ma'am.
- 10 Q And what happened when y'all got there?
- 11 A Den got out to get something to clean up blood out of
12 the carpet with.
- 13 Q what carpet?
- 14 A Mines.
- 15 Q In your bedroom?
- 16 A Yes, ma'am.
- 17 Q Did he go in his house to get cleaning supplies to
18 clean up the blood in the carpet?
- 19 A Yes, ma'am.
- 20 Q How do you know that's what he was going to do?
- 21 A Because he called his mom and asked was there
22 anything -- did she have anything in the house to clean
23 blood out of carpet with.
- 24 Q Did he come back out of his house with cleaning
25 supplies?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q what were you and Kel doing while Den went in his
3 house?
- 4 A Just sitting in the car.
- 5 Q So, up until this point since Derrick has been killed,
6 have you been by yourself at any point?
- 7 A No, ma'am.
- 8 Q Has Den or Kel one been with you every second since
9 then?
- 10 A Yes, ma'am.
- 11 Q when Den came out of the house with the cleaning
12 supplies, what did y'all do?
- 13 A We went straight back to my house.
- 14 Q who drove?
- 15 A I don't remember.
- 16 Q You testified that, going to Den's house, that Den was
17 driving, you were in the front passenger seat, and Sha'kel
18 was in the back seat.
- 19 Did anybody move seats before you went back to your
20 house?
- 21 A No, ma'am.
- 22 Q when you got back to your house, do you remember about
23 what time it was?
- 24 A It was around 4:00 or 5:00 ish.
- 25 Q In the afternoon?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q So, Shaniyah, at this point are you late for work?
- 3 A Yes, ma'am.
- 4 Q what did y'all do when you got back to your house?
- 5 A we parked in the garage again and went into the room
6 and they started cleaning it up.
- 7 Q Now you say it's about 4:00 or 5:00 on a Tuesday.
8 where was your mama?
- 9 A At work.
- 10 Q still?
- 11 A Yes, ma'am.
- 12 Q So she wasn't home?
- 13 A No, ma'am.
- 14 Q How about your brother and sister?
15 where were they at this point?
- 16 A After school programs.
- 17 Q So, when y'all came back to your house for Den and Kel
18 to start cleaning up, was anybody else home in your house?
- 19 A No, ma'am.
- 20 Q what were Den and Kel doing?
- 21 A They were spraying the stuff on the floor and using a
22 rag.
- 23 Q where'd they get a rag from?
- 24 A Out of the closet in the hallway.
- 25 Q So, your family's cloth or rag?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Where all did they have to clean blood from?
- 3 A The wall, and the bed, the mattress, and the carpet.
- 4 Q Do you have any idea how long it took for the two of
- 5 them to try to clean this blood off of the wall, the bed,
- 6 the mattress, and the carpet?
- 7 A No, ma'am.
- 8 Q What were you doing?
- 9 A They had asked me to help.
- 10 Q Did you help?
- 11 A Yes, ma'am.
- 12 Q How did you help clean the blood out of your room?
- 13 A I got a rag as well.
- 14 Q From your closet?
- 15 A Yes, ma'am.
- 16 Q Were y'all able to clean the blood up?
- 17 A It looked clean.
- 18 Q What did y'all do with the rags and the stuff that you
- 19 used to clean the blood?
- 20 A They put it in a bag.
- 21 Q What kind of bag?
- 22 A A black trash bag.
- 23 Q Is this a different trash bag than the one that they
- 24 put in Altashaun's trunk?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, you, you testified earlier that when you
2 first picked them up from Den's house that morning that they
3 didn't have gloves on, but that, when you saw them in your
4 house before Den shot Derrick, that both Den and Kel had
5 gloves on.

6 what did they do with those gloves the first time?

7 A They put it in the black trash bag.

8 Q The black trash bag with your covers and bedsheets and
9 Derrick's clothes?

10 A Yes, ma'am.

11 Q were Den and Kel wearing gloves when they cleaned the
12 blood out of your room?

13 A Yes, ma'am.

14 Q were those different gloves than they wore the first
15 time?

16 A Yes, ma'am.

17 Q what did they do with those gloves?

18 A They put it in the black trash bag.

19 Q Shaniyah, do you remember what you were wearing that
20 day?

21 A My white shirt and black pants and black shoes for
22 work.

23 Q And did anything happen to your clothes that day?

24 A Yes, ma'am.

25 Q what happened to your clothes?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Blood squirted all over me.
- 2 Q When did blood squirt all over you?
- 3 A After he shot 60.
- 4 Q When y'all were cleaning the blood out of your room,
5 were you still wearing your clothes with his blood on them?
- 6 A Yes, ma'am.
- 7 Q Did you do anything about those clothes?
- 8 A Yes, ma'am.
- 9 Q What did you do?
- 10 A They went back to Christian house and Christian mom
11 gave me her boyfriend's shirt to put on.
- 12 Q And when you say they, Shaniyah, who are you talking
13 about?
- 14 A Christian mom and her boyfriend.
- 15 Q No.
- 16 When you said they took you to Christian's mama's, who
17 took you to Christian's mom's house?
- 18 A Den and Kel.
- 19 Q Did that happen before or after they took you back to
20 your house to clean up your room?
- 21 A After.
- 22 Q So, when you're at your house and you clean up your
23 room, we've got a second black trash bag with bloody things
24 in it.
- 25 What happened to that trash bag of things?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A I don't know.
- 2 Q Did you keep it?
- 3 A No, ma'am.
- 4 Q Did it stay in your house?
- 5 A No, ma'am.
- 6 Q How did it get out of your house?
- 7 A They took it back with them when we went to Christian's
8 house to get a shirt.
- 9 Q They being Den and Kel?
- 10 A Yes, ma'am.
- 11 Q So did y'all go straight from cleaning up your room to
12 Christian's mama's house?
- 13 A Yes, ma'am.
- 14 Q And is that back near that dirt road where you met
15 Christian and Altashaun?
- 16 A Yes, ma'am.
- 17 Q At this point are you very late for work?
- 18 A Yes, ma'am.
- 19 Q So when y'all got to Christian's mama's house, you've
20 got your bloody clothes that you're wearing, and a black
21 trash bag with bloody rags in it.
- 22 Did you see what happened to that black trash bag with
23 bloody stuff in it?
- 24 A No, ma'am.
- 25 Q And how did you go about getting fresh clothes from

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Christian's mom?

2 A Christian went in the house and asked his mom did she
3 have a white shirt.

4 Q And, Shaniyah, tell the jury why it needed to be a
5 white shirt.

6 A Because you have to wear a white shirt at IHOP.

7 Q Were you still trying to go to work that day?

8 A Yes, ma'am.

9 Q And why were you trying to go to work that day after
10 everything that had happened?

11 A Because I cared about my job.

12 Q Did you want to keep hanging around Den and Kel at that
13 point?

14 A No, ma'am.

15 Q Were you worried about what they would think if you
16 didn't go to work?

17 A Yes, ma'am.

18 Q How long did y'all stay at Christian's mama's house?

19 A It wasn't that long. About no more than 10 minutes.

20 Q Who all was at Christian's mama's house when y'all got
21 there?

22 A It was just Christian, me, Den, Kel, and I don't know
23 who was in the mother's house cause I never went in there.

24 Q When you got to Christian's mama's house, did you see
25 Altashaun's car?

Shaniyah Toney - Direct examination
By solicitor Hammack

- 1 A No, ma'am.
- 2 Q And when I say Altashaun's car, the car that you saw
3 them put Derrick's body in, was it there when you got there?
- 4 A No, ma'am.
- 5 Q Did you know where it was?
- 6 A No, ma'am.
- 7 Q Did you know where Derrick's body was?
- 8 A No, ma'am.
- 9 Q After y'all were at Christian's mama's house for no
10 more than 10 minutes, where'd y'all go from there?
- 11 A They dropped me off to work.
- 12 Q And if they dropped you off, who was driving?
- 13 A Den.
- 14 Q So you still weren't allowed to drive your own car?
- 15 A Yes, ma'am.
- 16 Q Where was Kel?
- 17 A He was in the front seat. The passenger.
- 18 Q And when they dropped you off at work, did they leave
19 your car with you?
- 20 A No, ma'am.
- 21 Q What did they do with your car?
- 22 A I don't know.
- 23 Q But it didn't, it didn't stay at IHOP?
- 24 A No, ma'am.
- 25 Q Do you remember about what time you got to IHOP?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A I know I had to be at least two to three hours late.
- 2 Q And what did you do when you got there?
- 3 A I just went to the back and sat down.
- 4 Q why'd you have to sit down?
- 5 A Cause it was on my mind.
- 6 Q Did you need a minute before you could go do your job?
- 7 A Yes, ma'am.
- 8 Q And did you work your shift, shaniyah?
- 9 A Yes, ma'am.
- 10 Q And while you were working, did you say anything to
- 11 anybody about what had just happened?
- 12 A Yes, ma'am.
- 13 Q who'd you talk to?
- 14 A His mother and Cordajiah.
- 15 Q Did you say anything to anybody at work about what
- 16 happened?
- 17 A No, ma'am.
- 18 Q why?
- 19 A I didn't want to.
- 20 Q what were you feeling at that point?
- 21 A Hurt.
- 22 Q were you scared?
- 23 A Yes, ma'am.
- 24 Q You say you talked to Cordajiah, Derrick's mom while
- 25 you were working.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 were they looking for Derrick?
- 2 A Yes, ma'am.
- 3 Q Did you tell them what happened?
- 4 A No, ma'am.
- 5 Q why didn't you tell them what happened?
- 6 A Cause I was scared.
- 7 Q what were you scared of?
- 8 A what they were gonna do to me.
- 9 Q what who was gonna do to you?
- 10 A Den and Kel.
- 11 Q Did you see Den and Kel again that day?
- 12 A Yes, ma'am.
- 13 Q when did you see Den and Kel?
- 14 A when they picked me up.
- 15 Q was that at the end of your shift?
- 16 A No, ma'am.
- 17 Q when did they pick you up then?
- 18 A They were late.
- 19 Q Do you remember about what time they came and picked
- 20 you up?
- 21 A It was getting close to like 12:00.
- 22 Q when they picked you up, who was driving your car?
- 23 A Den.
- 24 Q where was Kel?
- 25 A In the passenger seat.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q where did you get in the car?
- 2 A In the back seat.
- 3 Q Did you know where Den was going from there once you
4 got in the car?
- 5 A No, ma'am.
- 6 Q where did y'all go?
- 7 A To Christian's mom house.
- 8 Q what was going on at Christian's mama's house when
9 y'all got there?
- 10 A Den was taking off like my wheel cover and he was
11 cleaning, like wiping the door and, and the seats, and he
12 was -- they had like a fire.
- 13 Q So when, when y'all pulled up at Christian's mom's
14 house, what did you see when you first got there?
- 15 A They were all outside.
- 16 Q And who all was they at this point?
- 17 A It was, I don't know how to say his name, Altashaun,
18 Den, Kel and I can't think of the other person name that was
19 driving.
- 20 Q was Christian there?
- 21 A Yes, ma'am.
- 22 Q Did you see Altashaun's car there?
- 23 A No, ma'am.
- 24 Q So did you know where his car was?
- 25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q And you said there was a fire?
- 2 A Yes, ma'am.
- 3 Q what kind of fire?
- 4 A It was in the dirt. Like they made a fire.
- 5 Q So like an outside fire?
- 6 A Yes, ma'am.
- 7 Q Not like in a fireplace?
- 8 A No, ma'am.
- 9 Q were they doing anything with the fire?
- 10 A Something was burning and then they took the wheel
- 11 cover off and put it in the fire. And after he wiped the
- 12 car, he put the rag in the fire.
- 13 Q And when you say your wheel cover, will you explain to
- 14 the jury what you're talking about?
- 15 A It's like the furry wheel cover that go around the
- 16 wheel.
- 17 Q And when you say wheel, are you talking about your
- 18 steering wheel?
- 19 A Yes, ma'am.
- 20 Q So, the, the furry cover that was -- covered your
- 21 steering wheel, Den took it off and put it in the fire?
- 22 A Yes, ma'am.
- 23 Q Did you have anything on your gearshift?
- 24 A I don't remember.
- 25 Q At, at some point did you have a matching pink cover on

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 your gearshift?

2 MR. JOHNSON: Your Honor, I, I would object and I can
3 give the basis.

4 THE COURT: All right.

5 MR. JOHNSON: I would object to that question. I can
6 give the basis for that objection.

7 THE COURT: All right. Give me the legal basis for the
8 objection.

9 MR. JOHNSON: That question has been asked and already
10 answered by the witness with regard to the gearshift.

11 THE COURT: Ms., Ms. Hammack.

12 SOLICITOR HAMMACK: The follow-up question to that was
13 at some point other than that night did she have something
14 on her gearshift or did she remember having something---

15 THE COURT: The objection---

16 MR. JOHNSON: ---on her gearshift.

17 THE COURT: The objection's sustained as to the leading
18 nature of the question.

19 You may proceed.

20 Q Shaniyah, you said that Den was wiping the car down. I
21 want to make sure we're talking about the right thing.

22 which car was he wiping down?

23 A My car.

24 Q And what was he using to wipe it down?

25 A A rag.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did he have anything on his hands when he was wiping it
2 down?

3 A No, ma'am.

4 Q And after he wiped your car down with a rag, what did
5 he do with the rag?

6 A Threw it in the fire.

7 Q Do you know where all he wiped down in your car?

8 A Just where he was sitting.

9 Q Shaniyah, you stated that back when everything happened
10 in -- at your house that Derrick had left his book bag and
11 phone in your car.

12 Did you see his book bag and his phone in your car
13 after he got shot?

14 A Yes, ma'am.

15 Q When did you see Derrick's book bag and phone in your
16 car?

17 A When they picked me up.

18 Q When they picked you up from work?

19 A Yes, ma'am.

20 Q Did Derrick's book bag still have the gun in it?

21 A It was out of the book bag. Kel was holding it.

22 Q Did anybody say anything about Derrick's book bag or
23 gun?

24 A No, ma'am.

25 Q What about his shoes?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 You mentioned shoes in the house.

2 Did you see his shoes again?

3 A Yes, ma'am.

4 Q where were Derrick's shoes when you saw them again?

5 A Ke'l had them.

6 Q And that was after they picked you up from work?

7 A Yes, ma'am.

8 Q Do you know what happened to Derrick's book bag?

9 A No, ma'am.

10 Q Do you know what happened to Derrick's gun?

11 A No, ma'am.

12 Q Do you know what happened to Derrick's shoes?

13 A No, ma'am.

14 (WHEREUPON, a Glock 9-millimeter was marked as State's
15 Exhibit No. 107 for identification purposes only at this
16 time.)

17 Q Shaniyah, I'm gonna show you what's been premarked as
18 State's 107.

19 will you take a look at that for me?

20 A (witness complies.)

21 Q what does that look like to you?

22 A The gun that Den would carry around.

23 Q And I need you to speak into that microphone loud and
24 clear for me.

25 Okay. You said the gun that Den would carry around?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q The gun that he was carrying that day?
- 3 A Yes, ma'am.
- 4 (WHEREUPON, the Anderson Arms firearm was marked as
5 State's Exhibit No. 106 for identification purposes only at
6 this time.)
- 7 Q Shaniyah, I'm gonna show you what's been premarked as
8 State's Exhibit 106.
9 will you take a look at that for me?
- 10 A (Witness complies.)
- 11 Q what does that look like to you?
- 12 A 60 gun.
- 13 Q And when you say 60's gun, you're talking about
14 Derrick?
- 15 A Yes, ma'am.
- 16 Q The gun that he had in his book bag that day?
- 17 A Yes, ma'am.
- 18 Q Shaniyah, after you got off of work and they took you
19 back to Christian's mama's house, you said it was almost
20 midnight when they came and got you.
21 while you're at Christian's mama's house, is it now
22 after midnight?
- 23 A Yes, ma'am.
- 24 Q So, Wednesday, May 1st, 2019?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Did you stay at Christian's mama's house?
- 2 A No, ma'am.
- 3 Q How were you able to leave?
- 4 A Well, I had to call 60's mom first.
- 5 Q You said you had to call 60's mom first.
- 6 why did you have to?
- 7 A Cause Den told me I shouldn't of never texted her at
- 8 work.
- 9 Q So had Den told you to text 60's mom at work?
- 10 A No, ma'am.
- 11 Q Was he happy that you had texted 60's mom while you
- 12 were at work?
- 13 MR. JOHNSON: Objection, Your Honor. That calls for
- 14 speculation.
- 15 THE COURT: Re -- restate the question please.
- 16 Q Do you know how Den felt about you texting 60's mom at
- 17 work?
- 18 A Yes, ma'am.
- 19 Q And how did he feel?
- 20 A He was mad at me. He said I shouldn't of texted her.
- 21 Q And so, because of that, he made you call 60's mom?
- 22 A Yes, ma'am.
- 23 Q Did he tell you what to say to her?
- 24 A Yes, ma'am.
- 25 Q And what did Den tell you to say to 60's mom?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A That I dropped him off on the street.
- 2 Q Did he tell you what street to tell her?
- 3 A Yes, ma'am.
- 4 Q Did you know anything about that street?
- 5 A No, ma'am.
- 6 Q Did you know where that street was?
- 7 A No, ma'am.
- 8 Q So did Derrick's mama ask you about that street?
- 9 A Yes, ma'am.
- 10 Q And were you able to give her any answers about that
- 11 street that you didn't know anything about?
- 12 A No, ma'am.
- 13 Q Was anybody sitting right there with you when you were
- 14 communicating with Derrick's mom?
- 15 A Yes, ma'am.
- 16 Q Who was right there with you?
- 17 A All of them.
- 18 Q Does all of them include Denzell Jackson?
- 19 A Yes, ma'am.
- 20 Q Sha'kel Dixon?
- 21 A Yes, ma'am.
- 22 Q Christian Barnwell?
- 23 A Yes, ma'am.
- 24 Q Altashaun Bacon?
- 25 A No, ma'am.

Shaniyah Toney - Direct examination
By solicitor Hammack

- 1 Q So just the first three?
- 2 A Yes, ma'am.
- 3 Q Was anybody looking at what you were saying to
4 Derrick's mom?
- 5 A Yes, ma'am.
- 6 Q Who was looking at what you were saying?
- 7 A All of them.
- 8 Q And did anybody else tell you what to say?
- 9 A Yes, ma'am.
- 10 Q Who all told you what to say?
- 11 A It was just Den.
- 12 Q Would he read what you said before you sent it?
- 13 A Yes, ma'am.
- 14 Q Did he ever ask you to make any changes or attempt --
15 or alter what you were saying to Derrick's mama?
- 16 A Yes, ma'am.
- 17 Q Did he give you the words to say to text Derrick's mom?
- 18 A Yes, ma'am.
- 19 Q After that, what happened, Shaniyah?
- 20 A They jumped into -- his name was Turk. They jumped
21 into Turk's car and I asked them did they know a road I can
22 go on to get to Greenwood so that I wouldn't have to go
23 through Aiken cause I was scared.
- 24 Q Did they give you a road to go on to get to Greenwood?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q Do you know if that road actually goes to Greenwood?
- 2 A No, ma'am.
- 3 Q Did they let you take your car?
- 4 A Yes, ma'am.
- 5 Q Did you have to get your keys from somebody so you
6 could have your car back?
- 7 A They were already still in the ignition.
- 8 Q Did you see anything when you pulled out of Christian's
9 mom's house?
- 10 A No, ma'am.
- 11 Q Was there anything that worried you as you left
12 Christian's mama's house?
- 13 A Yes, ma'am.
- 14 Q What worried you?
- 15 A That if I went down the road they told me to that they
16 were gonna follow me and try to kill me.
- 17 Q When you left out of Christian's mom's house, you said
18 they were all in Turk's car.
- 19 Did Turk stay at Christian's mama's house?
- 20 A No, ma'am.
- 21 Q Where did Turk's car, with all of them in it, go?
- 22 A They were behind me but I didn't make the right turn
23 that they told me to.
- 24 Q So you were scared they were gonna follow you, and when
25 you left Christian's mama's house, they followed you.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Is that correct?
- 2 A No, ma'am.
- 3 Q well, when you left Christian's mama's house, did they
4 pull behind you?
- 5 A Yes, ma'am.
- 6 Q And were they driving on the road behind you?
- 7 A Like the dirt road to get to the main road, yes, ma'am.
- 8 Q And then you didn't turn the way they told you to turn?
- 9 A No, ma'am.
- 10 Q And when you didn't turn the way they told you to turn,
11 what happened?
- 12 A I just drove as fast as I could.
- 13 Q And when you didn't turn the way they told you to turn,
14 did they stay behind you or did they leave?
- 15 A They left.
- 16 Q when you left and drove as fast as you could, where'd
17 you go?
- 18 A To Greenwood.
- 19 Q why did you go to Greenwood instead of staying in
20 Aiken?
- 21 A Cause I didn't want to go back to that house.
- 22 Q After you went to Greenwood, did you ultimately talk to
23 law enforcement?
- 24 A Not until I got a lawyer.
- 25 Q And why'd you get a lawyer?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Cause my grandmother told me to.
- 2 Q Because of what you had just seen happen?
- 3 A Yes, ma'am.
- 4 Q Did your lawyer reach out to the police for you?
- 5 A Yes, ma'am.
- 6 Q And after your lawyer reached out to the police, did
7 you talk to the police?
- 8 A Yes, ma'am.
- 9 Q Did you talk to the police more than once?
- 10 A Yes, ma'am.
- 11 Q Did you tell the police what happened?
- 12 A Yes, ma'am.
- 13 Q Now, Shaniyah, when you were talking to the police and
14 you told them what happened, were they asking questions like
15 I am now and you would answer their questions?
- 16 A Yes, ma'am.
- 17 Q So when they would come back to you a second time or a
18 third time, would they ask you different questions?
- 19 A Kind of.
- 20 Q Okay. well, when they would come back to you, would
21 you answer those questions at that point that they had?
- 22 A Yes, ma'am.
- 23 Q And, Shaniyah, in May of 2019, did the police show you
24 some photo lineups?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 (WHEREUPON, the photographic lineup of Denzell Jackson
2 was marked as State's Exhibit No. 2 for identification
3 purposes only at this time.)

4 Q Shaniyah, I'm gonna start with what's been premarked as
5 State's Exhibit 2.

6 Do you recognize that?

7 A Yes, ma'am.

8 Q what is that?

9 A A picture of six different dudes.

10 Q And is that picture of six different dudes, is that one
11 of the ones that the police showed you in May of 2019?

12 A Yes, ma'am.

13 Q And did they ask you if you saw anybody in those
14 pictures that was related to what happened?

15 A Yes, ma'am.

16 Q Did you pick anybody out of those pictures?

17 A Yes, ma'am.

18 Q who'd you pick out of those pictures?

19 A Den.

20 Q And that's Denzell Jackson?

21 A Yes, ma'am.

22 Q And did you initial showing who you picked out?

23 A Yes, ma'am.

24 Q Are those your initials right there at the top of photo
25 number three?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 SOLICITOR HAMMACK: Your Honor, at this time we would
3 move State's 2 into evidence.

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: Admitted.

7 (WHEREUPON, State's Exhibit No. 2 was received into
8 evidence at this time.)

9 (WHEREUPON, the photograph lineup of Sha'Keel Dixon was
10 marked as State's Exhibit No. 3 for identification purposes
11 only at this time.)

12 Q Shaniyah, I want to show you what's been premarked as
13 State's Exhibit 3.

14 will you look at that for me?

15 A (WHEREUPON, the witness complies.)

16 Q Do you recognize that?

17 A Yes, ma'am.

18 Q And what is that?

19 A A picture of six different dudes.

20 Q And did law enforcement show you that set of pictures
21 in May of 2019?

22 A Yes, ma'am.

23 Q And did law enforcement ask you if you saw anyone in
24 those pictures related to what happened?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did you pick anybody out of those pictures?

2 A Yes, ma'am.

3 Q Who did you pick out of those pictures?

4 A Ke'l.

5 Q And that's Sha'ke'l Dixon?

6 A Yes, ma'am.

7 Q And did you write your initials on his picture showing
8 which one you picked?

9 A Yes, ma'am.

10 SOLICITOR HAMMACK: Your Honor, at this time we would
11 move State's 3 into evidence.

12 MR. JOHNSON: No objection, Your Honor.

13 MR. THOMPSON: No objection.

14 THE COURT: Admitted.

15 (WHEREUPON, State's Exhibit No. 3 was received into
16 evidence at this time.)

17 Q Shaniyah, at some point did the police come back to you
18 and show you some more pictures?

19 A Yes, ma'am.

20 (WHEREUPON, the photograph lineup of Christian Barnwell
21 was marked as State's Exhibit No. 4 for identification
22 purposes only at this time.)

23 Q I'm gonna show you what's been premarked as State's
24 Exhibit 4.

25 Will you look at that for me?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A (Witness complies.)

2 Q Is that another set of pictures that the police showed
3 you during this investigation?

4 A Yes, ma'am.

5 Q And did they ask you to pick anybody out if you saw
6 anybody in those pictures related to what happened?

7 A Yes, ma'am.

8 Q Did you pick anybody?

9 A Yes, ma'am.

10 Q Who'd you pick?

11 A Christian.

12 Q And did you put your initials on Christian's picture to
13 identify him?

14 A Yes, ma'am.

15 SOLICITOR HAMMACK: Your Honor, at this time we would
16 move State's 4 into evidence.

17 MR. JOHNSON: No objection.

18 MR. THOMPSON: No objection, Your Honor.

19 THE COURT: It's admitted.

20 (WHEREUPON, State's Exhibit No. 4 was received into
21 evidence at this time.)

22 (WHEREUPON, the photographic lineup of Altashaun Bacon
23 was marked as State's Exhibit No. 5 for identification
24 purposes only at this time.)

25 Q And, Shaniyah, I want to show you what's been premarked

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 as State's Exhibit 5.

2 What is that?

3 A It's those, it's those six different pictures.

4 Q And did the police show you that set of pictures in
5 July of 2019?

6 A Yes, ma'am.

7 Q And did you pick anybody out of those pictures as being
8 involved in what happened in April?

9 A Yes, ma'am.

10 Q Who'd you pick out of those pictures?

11 A Altashaun. I don't know how to say his name.

12 Q Is that the guy whose car was on the dirt road behind
13 Christian's mama's house?

14 A Yes, ma'am.

15 Q And did you identify him by circling his picture and
16 putting your initials on it?

17 A Yes, ma'am.

18 SOLICITOR HAMMACK: Your Honor, at this time we would
19 move State's 5 into evidence.

20 MR. JOHNSON: No objection, Your Honor.

21 MR. THOMPSON: No objection, Your Honor.

22 THE COURT: Admitted.

23 (WHEREUPON, State's Exhibit No. 5 was received into
24 evidence at this time.)

25 Q Shaniyah, after all of this happened, and you talked to

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 the police, did you keep your car?
- 2 A No, ma'am.
- 3 Q what happened to your car?
- 4 A We had to give it to y'all.
- 5 Q And when you say y'all, do you mean the police?
- 6 A Yes, ma'am.
- 7 Q Okay. Do you know who took your car up to the police?
- 8 A No, ma'am.
- 9 Q Tell me this.
- 10 who's Elijah Sloan?
- 11 A My child's father.
- 12 Q And how long have you known Elijah?
- 13 A Three and a half years.
- 14 Q So you knew Elijah back in April and May of 2019?
- 15 A Yes, ma'am.
- 16 Q Elijah ever been in your car before?
- 17 A Yes, ma'am.
- 18 Q Shaniyah, we've talked a whole bunch today about Den
- 19 and Kel.
- 20 Do you see Den in the courtroom today?
- 21 A Yes, ma'am.
- 22 Q Can you identify him for me by telling me where he's at
- 23 and what he's wearing?
- 24 A He got on a white suit.
- 25 Q He's wearing a white suit?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q And is that the Den that you said shot Derrick in his
3 eye?
- 4 A Yes, ma'am.
- 5 SOLICITOR HAMMACK: Your Honor, at this time, let the
6 record reflect that the witness has identified Defendant 1.
- 7 THE COURT: It does.
- 8 Q And, Shaniyah, you talked a lot about Kel.
9 Do you see Kel in the courtroom?
- 10 A Yes, ma'am.
- 11 Q Can you identify him for me by telling me what he's
12 wearing and where he's sitting?
- 13 A He got on a plaid shirt.
- 14 Q A plaid shirt.
15 where's he at in the courtroom about?
- 16 A Right there.
- 17 Q And you're pointing at that first table closest to you?
- 18 A Yes, ma'am.
- 19 Q And is -- when you say Kel that you've just identified,
20 is that Sha'kel Dixon?
- 21 A Yes, ma'am.
- 22 Q That was with Den when he shot Derrick, had the bag,
23 had the tote?
- 24 A Yes, ma'am.
- 25 SOLICITOR HAMMACK: Your Honor, at this time let the

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 record reflect that the witness has identified Defendant 2.

2 THE COURT: It does.

3 Q Shaniyah, I don't have any more questions for you right
4 now. Please answer any questions that these other two
5 lawyers may have for you.

6 okay?

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Your Honor, may I approach with the
9 attorneys?

10 THE COURT: All right. Ladies and gentlemen, we're
11 gonna break for lunch now. We're going, we're going to
12 resume at 2:30. Please do not discuss the case. The jury
13 and the jury only I believe that, at this time, I know we
14 ordered lunch and I'm not sure when it will get here, if
15 it's here, but hopefully it won't be long.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Someone grab that door back there for me.
19 Yes, sir.

20 MR. JOHNSON: Your Honor, I was just going to ask if I
21 could start my cross-examination after lunch --

22 THE COURT: Okay.

23 MR. JOHNSON: -- right after lunch.

24 THE COURT: All right. Well, we'll reconvene at 2:30.

25 Now, ma'am, again, you can step down but do not discuss

1 your testimony with anyone and we're breaking for -- until
2 2:30.

3 The victim's family can leave first. The others wait
4 three or four minutes. First the victim and then the
5 witness.

6 (WHEREUPON, Court was in recess for the lunch hour.)

7 THE COURT: You can bring the jury.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: Jurors want to take notes?

11 Any requests?

12 Cross examination, you may proceed.

13 MR. JOHNSON: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q How you doing, Miss Toney?

17 A (WHEREUPON, there was no audible response.)

18 Q Are you on Facebook?

19 A Yes, sir.

20 Q Okay. And were you on Facebook in April of 2019?

21 A Yes, sir.

22 Q And were you on Facebook under a name of Shaniyah
23 Marie?

24 A Yes, sir.

25 Q Now, ma'am, I'm gonna show you what's already been

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 admitted into evidence as Defense Exhibit 2.

2 If you would just take a look and see if you recognize
3 your, your name in that message thread.

4 A Yes, sir.

5 Q All right. Miss Toney, now as you were previously
6 asked, you actually communicated with Ms. Kenya Bush
7 somewhere around April 30th, May 1st, correct?

8 A Yes, sir.

9 Q And what you had just reviewed are messages that you
10 exchanged at various times with Kenya Bush.

11 Is that correct?

12 A Yes, sir.

13 Q And you exchanged those messages while you were at
14 work, correct?

15 A Yes, sir.

16 Q And you were at work without the presence of Denzell
17 Jackson.

18 Is that correct?

19 A Yes, sir.

20 Q I believe you testified that you were exchanging
21 messages during your shift that evening, correct?

22 A Yes, sir.

23 Q And if I can turn your attention to Page 60 of the
24 Facebook business records. It should be the first page.

25 Do you see what I'm talking about?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Yes, sir.
- 2 MR. JOHNSON: If I just may have a moment, Your Honor?
- 3 I do have a copy for the Court.
- 4 THE COURT: All right.
- 5 Q Can you read what, what Ms. Bush texted you where it
- 6 says hey, this is Derrick's mom?
- 7 Do you see that?
- 8 A Hey, this is -- this Derrick mom. I'm just worried
- 9 about him. Everyone calling me. We haven't heard from him.
- 10 will you please call me and it stated a number.
- 11 Q Okay. So, she gave you her phone number to call,
- 12 correct?
- 13 A Yes, sir.
- 14 Q And did you call her immediately?
- 15 A No, sir.
- 16 Q Did you call her at all while you're at work at IHOP?
- 17 A No, sir.
- 18 Q But you do communicate with her via Facebook Messenger
- 19 while at IHOP, correct?
- 20 A Yes, sir.
- 21 Q I believe that if, if, if you'll go up from the hey,
- 22 this is Derrick's mom message, read what your response is.
- 23 A My phone is off right now.
- 24 Q So, that actually wasn't the truth, was it?
- 25 A What do you mean by that?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 Q What did you mean by the message?
- 2 A When I said my phone is off right now?
- 3 Q Yes, ma'am.
- 4 A My phone bill wasn't paid.
- 5 Q But didn't you testify previously that you were making
6 calls that day?
- 7 A I don't remember.
- 8 Q So, you didn't testify that you made any calls when you
9 were supposedly with these two young men?
- 10 A I don't remember.
- 11 Q So, if your call (sic) was off, how was you able to
12 call Ms. Bush after you got off work?
- 13 A His house, Ms. -- Christian's mom's house had to have
14 wiFi.
- 15 Q So, was your phone off or not?
- 16 A It was off. The phone bill wasn't paid.
- 17 Q So, what about this next message that -- if you'll turn
18 to Page 61, excuse me, 58 at the bottom.
19 Do you see where I'm talking about where it says
20 shaniyah Marie, you sent a photo?
- 21 A Yes, sir.
- 22 Q what kind of photo did you send?
23 Do you remember?
- 24 A No, sir.
- 25 Q It wasn't a photo of the young man who you said you

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 dropped off Derrick with?

2 A No, sir.

3 Q I'm showing you, showing you what's marked as
4 Defendant's 3-1.

5 You don't recognize that picture?

6 A No, sir.

7 Q So if that picture came from your Facebook message,
8 that, that was just made up from thin air?

9 A It wasn't made up but that -- I didn't send that. I
10 don't even know who that is.

11 Q So that didn't come from your message?

12 Is that your testimony under oath?

13 A Yes, it may have come from my messages but I don't even
14 know who that is at all.

15 Q So if it came from your messages, how do you not know
16 what it is?

17 A I never sent this picture to Ms. Kenya at all.

18 Q I never mentioned that you sent it to Ms. Kenya.

19 A well, this, this conversation is between me and
20 Ms. Kenya. So, you said this picture was sent to Ms. Kenya.

21 Q I'm asking you.

22 A I'm telling you that I never sent this picture and I
23 don't even know who that is.

24 Q So who's the white guy that you told Ms. Bush you
25 dropped Mr. Curry off with?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A I don't know who he is at all.
- 2 Q Okay. If you go back up to that next message, do you
3 see your, your name, Shaniyah Marie, on Page 58?
- 4 A Yes, sir.
- 5 Q And then if you go up to Ms. Bush's message, what is
6 she asking you?
- 7 A Are you referring to the one before it says you sent a
8 photo?
- 9 Q I'm referring to the one that says is he --
- 10 A Is he?
- 11 Q -- on this page.
- 12 A It says is he there.
- 13 Q And who did you understand Ms. Bush to be referring to
14 when she asked you is he there?
- 15 A I'm not sure.
- 16 Q So, you're telling this jury that you didn't know who
17 Ms. Bush was referring to when she was asking is he there?
- 18 A Yes, sir.
- 19 Q You didn't believe she was referring to her son?
- 20 A Yes, sir.
- 21 Q So you just gave us two different answers.
22 Is that correct?
- 23 A Yes, sir.
- 24 Q Now, you had never talked to Kenya Bush before this
25 night, correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A No, sir.
- 2 Q No, you had not --
- 3 A No.
- 4 Q -- told -- so there was really no other reason for
5 Ms. Bush to be you -- contacting you if it was not about her
6 son, correct?
- 7 A Correct.
- 8 Q And did you respond to Ms. Bush's message that she sent
9 asking is he there?
- 10 A No, sir.
- 11 Q Now, were you at work when this conversation is, is
12 occurring, right?
- 13 A Yes, sir.
- 14 Q So, nobody is stopping you from communicating with
15 Ms. Bush cause you were alone, right?
- 16 A Yes, sir.
- 17 Q And nobody's stopping you from calling the police
18 because you're in a public space, correct?
- 19 A Yes, sir.
- 20 Q Now, at some point in time you asked Ms. Bush -- excuse
21 me.
- 22 At some point in time you told Ms. Bush that her son
23 had your vehicle while you were at work at IHOP, right?
- 24 A Yes, sir.
- 25 Q And that's why Ms. Bush sends you a message and asked

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 you had you gotten your car right, correct?

2 Excuse me. Have you gotten your car yet.

3 Do you see that?

4 A Yes, sir.

5 Q And so you told her that her son was still alive,
6 correct?

7 A Yes, sir.

8 Q And this is while you were at work, right?

9 A Yes, sir.

10 Q At no point in time during this conversation or at any
11 conversation before or after this conversation did you tell
12 Ms. Bush that her son had been brutally murdered?

13 A Correct.

14 Q Now, do you see where, if we go up to the next message,
15 where you initiate that message?

16 Do you see where I'm talking about where it says hey,
17 you?

18 A It's says hey, you still haven't heard from him. Call
19 me.

20 Q And that's a message that you're sending to who, to
21 Ms. Bush?

22 A That's what it shows.

23 Q Any reason to believe that that is not a message from
24 you?

25 A Something not adding up.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q I agree.

2 THE COURT: All right. It's not for entertainment.
3 Order in Court.

4 Q Do you recall sending the message hey, you still
5 haven't heard from him, call me?

6 A No, sir.

7 Q So, is it your testimony that you did not send this
8 message to Ms. Kenya Bush that we see on this business
9 record?

10 A I don't remember sending that.

11 Q Okay. Can we turn to Page 57 please?

12 A Uh-huh. (Affirmative).

13 Q Thank you.

14 You see at the bottom of the page where Ms. Bush is
15 still attempting to reach you?

16 A Yes, sir.

17 Q And she says can you meet me and show me where you
18 dropped him off at or tell me how to get there.

19 Do you see that?

20 A Yes, sir.

21 Q Do you recall receiving that message?

22 A No, sir.

23 Q So you recall everything that the prosecutor asked you
24 but you don't recall anything that's in black and white from
25 your phone.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Is that correct?

2 A No.

3 Q All right. So let's go to the next message. Ms. Bush
4 asked you I'm, I'm sure you know why we're worried that
5 things aren't adding up, and you said he was mad because
6 they're looking for him.

7 Do you recall receiving that message?

8 A Yes, sir.

9 Q And please read the jury your response two minutes
10 later.

11 It should be right above what I just read.

12 A I'm telling you I don't know if it's in Graniteville,
13 Gloverville, whatever you call it.

14 Q And you're referring to where you told Ms. Bush you
15 dropped him off at, right?

16 A Yes, sir.

17 Q And Ms. Bush responds by saying what?

18 A I'm sure you know why we're worried and things not
19 adding up and you said he was mad because I'm looking for
20 him. The question mark.

21 Q And isn't your response I never said he was mad about
22 that. I don't know what he was mad about is what I said,
23 hon.

24 You remember that message?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q So, at no point in time during this message outside the
2 presence of Mr. Jackson do you say that this is a made up
3 story, do you?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 When you're texting Ms. Bush, no where in this text do
7 you say you made this whole thing up, do you?

8 A No, sir.

9 Q Can you read us your next response right above where we
10 were just at?

11 It starts with idk or I don't know.

12 A I don't know what your son or his homeboys got going on
13 but y'all need to leave me alone or I'm going to the police.
14 I dropped your son off in P.J.'s with this white boy and
15 went on my business.

16 Q And what's Ms. Bush's response?

17 A I'm going as well. I'm just questioning you because he
18 has your car all day and you're the only person that can get
19 in contact with him, which is strange. Thanks though.

20 Q And Ms. Bush actually goes on to state that I filed a
21 report and gave the cops your name. So they will be
22 contacting you.

23 Did you receive that message as well?

24 A Yes, sir.

25 Q That made you nervous, didn't it?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A No, sir.

2 Q So, you're telling us that you witnessed a brutal
3 murder, the young man's mother is asking you where he's at,
4 and you don't know, she's gonna call the cops, and that
5 didn't make you nervous?

6 A No, sir.

7 (Pause.)

8 SOLICITOR HAMMACK: Your Honor, the state will have an
9 objection for the substance of these records as placed in
10 the form of a question or testimony.

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: Yes, sir, Your Honor. I will be seeking
13 to tender this as a thread lifted from the Facebook account
14 of Shaniyah Toney. All the messages that are presented are
15 conversations that Miss Toney has with other individuals in
16 this case or persons of interest in this case, and I believe
17 she has personal knowledge of these messages as well. And
18 so that would be the reason why I would be presenting this
19 information for the jury.

20 THE COURT: All right. Ms. Hammack.

21 SOLICITOR HAMMACK: Your Honor, my objection is not to
22 hearsay or speculation but rather to relevance. The first
23 set of documents that Mr. Johnson provided is a conversation
24 from a week before the incident in this case to someone that
25 is not tied to this case about a subject that is not tied to

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 the jury to look at that.

2 THE COURT: The exhibit hasn't been offered but, you
3 know, my response still stands and we'll proceed with the
4 case.

5 If you'll bring the jury please.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE COURT: You may proceed.

9 MR. JOHNSON: Thank you, Your Honor.

10 CONTINUED CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Miss Toney, did you have any other conversations that
13 night with anyone about the whereabouts of Mr. Curry?

14 A When they picked me up I talked to her on the phone.

15 Q Do you recall having communication with an individual
16 by the name of Lil Scrap?

17 A After everything happened.

18 Q And when you say after everything happened, would that
19 have been May 1st, 2019?

20 A I don't remember the exact date.

21 Q If you were to take a look at it, do you think that
22 that may refresh your recollection?

23 A Yes, sir.

24 Q Thank you.

25 A Just a --.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 (Pause.)

2 THE COURT: Are you having her to review a, a page or a
3 number of pages?

4 MR. JOHNSON: I was just having her to review to---

5 THE WITNESS: It's all---

6 MR. JOHNSON: ---refresh her recollection.

7 THE COURT: Pardon?

8 MR. JOHNSON: To refresh her recollection.

9 THE COURT: Of how many are -- regarding one page or 10
10 pages or 20?

11 MR. JOHNSON: The entirety of the conversation.

12 THE COURT: Consisting of how many pages?

13 MR. JOHNSON: No more than 10, 10 pages, Your Honor.

14 THE COURT: Ten pages?

15 MR. JOHNSON: Eight, eight pages Your Honor.

16 (Pause.)

17 Q Can you tell me do you recall the gist of that
18 conversation that you just reviewed?

19 A Yes, sir.

20 Q Okay. And that was a conversation between yourself and
21 someone who had a -- basically the name of Lil Scrap.

22 Is that correct?

23 A Yes, sir.

24 Q And, and, and is that person, based on your own
25 personal knowledge, familiar with Derrick Curry?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q Do you know if there's a friendship or a kinship
3 between those two?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 Do you know if he's a family member or if he's a friend
7 of Mr. Curry?

8 A He was a friend.

9 Q Okay. And do you recall being asked about the
10 whereabouts of Mr. Curry on or around May 1st, 2019?

11 A Yes, sir.

12 Q And do you recall your answer being he has -- if you go
13 to your -- the fourth line from the bottom.

14 A On what page?

15 Q Page 50.

16 A Uh-huh. (Affirmative).

17 Q Fourth line from the bottom where it says Shaniyah
18 Marie.

19 Do you recall what your response is when asked about
20 the location of Mr. Curry?

21 It -- it starts within and, and yes.

22 A Uh-huh. (Affirmative).

23 Q What was your response?

24 A And yes, he still got my car. He's suppose to be
25 coming to get me when I get off.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q So you were talking to this individual while you were,
2 what did you say, at the IHOP?

3 A Can you ask me that again?

4 Q Yes, ma'am.

5 were you talking to this individual while you were at
6 work?

7 A with this conversation, yes.

8 Q So, you were relaying to another person that Mr. Curry
9 has your car the night of April 30th, May 1st.

10 Is that correct?

11 A Yes, sir.

12 Q And you go on to state why, why you think he got pulled
13 over. I pray not because I don't have a way home. what,
14 what the blank.

15 Do you recall the next line?

16 A Do you want me to repeat the?

17 Q No, no, no, no. I just want -- I'm just asking you a
18 question.

19 Do you recall making that statement?

20 A Yes, sir.

21 Q All right. Let's flip to Page 49 please.

22 A (Witness complies.)

23 Q Do you begin to get threats from individuals who are
24 associated with Mr. Curry?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Okay. And if you look three lines from the bottom
2 where it says your name, Shaniyah Marie --

3 A Uh-huh. (Affirmative).

4 Q -- do you recall what your response is to this
5 individual?

6 A Yes, sir.

7 Q Okay. And can you tell us what that response is?

8 A why is y'all sending threats to me. I really don't
9 understand. I dropped 60 off with this white boy. He came
10 to my job within P.J.'s and left. I been calling 60 off my
11 app phone number since I dropped him off cause I'm just as
12 worried and scared as everybody else is.

13 Q And so that is completely opposite of what you
14 testified to this morning, correct?

15 A Yes, sir.

16 Q why do you call him 60 and not Derrick?

17 A Because that's just his street name.

18 Q Okay. And if you skip two lines, not the other
19 person's response, but your response, can you tell the jury
20 what your continued response is?

21 It starts with I will.

22 A I will talk to the folks if I have to to prove to
23 everybody I don't know why 60 not answering. He seemed mad
24 and the dude, I don't know who he was in my passenger, was
25 sniffing when he came.

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 Q Okay. And this conversation is also while you're at
2 work, correct?
- 3 A Yes, sir.
- 4 Q All right. So let's skip up to your next to the last
5 response at the top of the Page 49.
- 6 A Uh-huh. (Affirmative).
- 7 Q Do you see where it says I told him?
- 8 A Uh-huh. (Affirmative).
- 9 Q Okay.
- 10 A I told him to call y'all cause everybody was calling me
11 cause he wasn't responding. He grown. I can't tell him
12 what to do. He say he was going -- he say he was going to
13 before he got out though. So I said okay.
- 14 Q Now, what are you referring to when you said he was
15 going to before he got out though, so I said okay?
- 16 A I don't remember.
- 17 Q And what is your next response?
- 18 That's why --.
- 19 A That's why I called his mama before any of y'all and
20 told her.
- 21 Q And you're referring to telling his mother the same
22 exact story that you dropped him or that he picked you up
23 from work and you dropped him off, correct?
- 24 A Yes, sir.
- 25 Q Okay. Can you turn to Page 48 for me?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A (WHEREUPON, the witness complies.)

2 Q At the bottom where it says your, your name and your
3 message, can you --?

4 A Okay. I understand that but why y'all sending threats
5 to me saying y'all gonna kill me when I'm not even the last
6 person to be with him.

7 Q So, by this point you're getting threats from
8 individuals associated with Derrick Curry?

9 A Yes, sir.

10 Q And so you're telling them that you have no idea what
11 happened to him, correct?

12 A I'm sorry?

13 Q So in this particular message here you're essentially
14 saying that you have no idea of what happened to Mr. Curry.
15 Is that correct?

16 A Yes, sir.

17 Q In your next response, do you see that where it says
18 don't worry on, on, on Page 48?

19 A Uh-huh. (Affirmative).

20 Q Okay. Can you tell us what that response is for?

21 A Don't worry though. Y'all all gon be apologizing when
22 the police tell y'all y'all blaming me for no reason.

23 Q So, is it fair to say that you are now stating that the
24 police are going to clear your name of any wrongdoing
25 because you dropped him off with another individual and had

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 no further contact with him?

2 A Can you ask me that again?

3 Q So, you just testified that your message is don't
4 worry. Y'all are gonna be apologizing when the police tell
5 y'all y'all are blaming me for no reason.

6 When you wrote that message --

7 A Uh-huh. (Affirmative).

8 Q -- are you trying to convey that you had done nothing
9 wrong because you dropped him off with another individual
10 after you got off from work?

11 what did you mean by that message?

12 A And you said what was I referring to when I said they
13 blaming me for no reason?

14 Q I'm asking you what did you mean when you said that,
15 yes, ma'am.

16 A Because I was gonna tell the police what happened at my
17 house when I got off and away from them.

18 Q So, you, you were saying -- you said to this individual
19 don't worry though, y'all gonna be apologizing when the
20 police tell y'all, correct?

21 A Yes, sir.

22 Q So, you're telling us that you have no problems with
23 it, you did nothing wrong?

24 Is that what you're saying to us?

25 A No, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q All right. The last one on this page.

2 Did -- didn't you also state I'm just as scared because
3 I really dropped him off with the boy. Y'all are scaring me
4 cause y'all are saying he's missing.

5 Do you, do you recall that statement?

6 On, on the same page, Page 48, right above where we
7 were just at starting on I miss.

8 A Uh-huh. (Affirmative).

9 Q That is your statement, correct?

10 A Yes, sir.

11 Q And you also go on to state to this friend that cause
12 all y'all looking at me. Like WTF. If something happened
13 to 60, I'm gonna be hurt too because I really FW with him.

14 A Uh-huh. (Affirmative).

15 Q And what does FW stand for?

16 A Fuck with.

17 Q Does that mean you like him, you're friends with him?

18 A Basically, yes, sir.

19 Q All right. Please turn to Page 76.

20 A (WHEREUPON, the witness complies.)

21 Q At some point in time that night you had communication
22 with Cordajiah Council.

23 Is that correct?

24 A Yes, sir. I don't think I have that page.

25 Q And do you recall Cordajiah reaching out to you?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Yes, sir.
- 2 Q And do you recall telling Cordajiah that Mr. Curry had
3 your car as well?
- 4 A Yes, sir.
- 5 Q And do you recall on page -- if you'll turn to Page 73
6 at the bottom?
- 7 Can you read what you told Cordajiah?
- 8 A LOL. Oh, yeah, and we fucked before he dropped me off.
9 He give good and then I don't know where the rest of the
10 message is.
- 11 Q Go to Page 74.
- 12 A Head sis.
- 13 Q Now what is good head?
- 14 A I'm sorry?
- 15 Q what is good head?
- 16 A When someone eats your vagina. That's what that is.
- 17 Q So, you knew this young man had passed away per your
18 statement to the prosecutor, right, by this time?
- 19 A Can you ask me that again?
- 20 Q Sure.
- 21 So by the time that this message is sent to Cordajiah
22 --
- 23 A Uh-huh. (Affirmative).
- 24 Q -- his girlfriend, based on your prior statement this
25 morning --

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Uh-huh. (Affirmative).
- 2 Q -- you knew Derrick Curry was not alive?
- 3 A Yes, sir.
- 4 Q But you still make a vulgar reference to him eating
5 your vagina to someone that's trying to find him?
- 6 A Yes, sir.
- 7 Q Now, didn't you tell us that you were so distraught at
8 work that you went in the back and sat down because you
9 couldn't do anything?
- 10 A Yes, sir.
- 11 Q Now, this is the opposite reaction of what you
12 testified earlier, isn't it?
- 13 A That was after I sat in there for a while and people
14 started texting me. So I started responding.
- 15 Q And this was your response, correct?
- 16 A Yes, sir.
- 17 Q And, lastly, if, if you can -- at the top of Page 76 --
- 18 A Uh-huh. (Affirmative).
- 19 Q -- can you read what you sent to Cordajiah when it says
20 y'all are scaring me on Page 76?
- 21 A Y'all scaring me because that's why -- that's my only
22 damn car. what the fuck. His homeboy hit me up saying he
23 had a ass of ice and shit in the back seat. I hope he ain't
24 get pulled over.
- 25 Q And so you said that to Cordajiah, correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Yes, sir.
- 2 Q Now, when you're referring to ice, you're talking about
3 methamphetamine, correct, or crystal meth?
- 4 A Yes, sir.
- 5 Q And so while Derrick Curry has your car, Lil Scrap --
- 6 A Uh-huh. (Affirmative).
- 7 Q -- per his message, was in your car, correct?
- 8 A I'm sorry?
- 9 Q Lil Scrap was in your car with Derrick Curry?
- 10 A Not, not that night.
- 11 Q On a prior night?
- 12 A Yes, sir, when we went to the movies.
- 13 Q And they were drugs in your car?
- 14 A Not that I know of. I didn't know they had drugs on
15 them.
- 16 Q But this is what you're telling Cordajiah?
- 17 A Because that's what Scrap told me as you -- hold on.
18 where's the message?
- 19 where's the message?
- 20 when he left it -- okay. I said he had an ass of ice
21 and shit in the back seat because Scrap told me he left
22 something in my car or he thought he did the night before.
- 23 Q The night before?
- 24 A Uh-huh. (Affirmative).
- 25 Q So you don't relay to Cordajiah that you're talking

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 about the night before. You give her the impression that
2 you're talking about the night in question.

3 Correct?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 So, on Page 76 --

7 A Uh-huh. (Affirmative).

8 Q -- the -- your first response with y'all, isn't it true
9 that that message that you're sending to Miss Council is one
10 where you're talking about the events of May 1st, April
11 30th, not the day before?

12 A Yes, sir.

13 Q So you lied to her too based on your own statements?

14 A Yes, sir.

15 Q Now, you said that Denzell texted you and asked you to
16 come over that morning?

17 A Yes, sir.

18 Q And that that was via Facebook?

19 A Yes, sir.

20 Q Were you able to find that message?

21 A What do you mean?

22 Q Do you know how on Facebook you can look at your
23 Messenger to see who you talked to over any amount of times?

24 Do you know what I'm talking about?

25 A Yes, I do.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Were you able to pinpoint in any of the three, four,
2 five meetings with law enforcement the message where Denzell
3 is asking you to come over?

4 A No.

5 Q What happened to the message?

6 A That's a good question. I don't know.

7 Q So are you saying that the message completely
8 disappeared?

9 A Yes, just like this picture that was sent to Scrap and
10 Ms. Kenya. I don't even remember sending that. So --.

11 Q So you don't know where the message is where you're
12 indicating that this is---

13 A I'm saying that I feel like someone got on to my page.

14 Q And you went to go pick up or meet Mr. Curry, is that
15 correct, at the McDonald's like we saw?

16 A Yes, sir.

17 Q And how did you communicate with Mr. Curry?

18 A Through Messenger.

19 Q Do you have that or, or did you keep that message?

20 A Yes, cause they showed me.

21 Q So that's the message that you gave to the, to the
22 police?

23 A No.

24 Q Did you delete the message?

25 That's what I'm asking you.

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Oh, yes, sir.
- 2 Q Now, when you met Mr. Curry, it was just you two in the
3 car, right, at the McDonald's?
- 4 A Yes, sir.
- 5 Q And he was driving the car?
- 6 A Yes, sir.
- 7 Q And he got in with the book bag, right?
- 8 A Yes, sir.
- 9 Q with an assault rifle in, in that book bag, right?
- 10 A Yes, sir.
- 11 Q Did this frighten you?
- 12 A No, sir.
- 13 Q Now, it was just you two in the car.
14 So, why didn't you tell him that there was danger
15 lurking?
- 16 A Because I was scared.
- 17 Q I mean but who were you scared of because you were in
18 the car with him alone, right?
- 19 A Yes, sir.
- 20 Q And so you had an opportunity on this drive to tell him
21 that something was about to happen, right?
- 22 A Yes, sir.
- 23 Q And, and you chose not to, right?
- 24 A Yes, sir.
- 25 Q And you are all actually stopped at the Men's Shop,

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 right?
- 2 A Yes, sir.
- 3 Q whose idea was it to stop at the Men's Shop?
- 4 A His.
- 5 Q why?
- 6 A I think he had to get something out of the store.
- 7 Q And did you go inside with him?
- 8 A No, sir.
- 9 Q And did he come out with, with any items that he
- 10 purchased?
- 11 A Not that I remember.
- 12 Q And then, from there, your, your story's that you went
- 13 to your house?
- 14 A Yes, sir.
- 15 Q And, and that's in a subdivision, correct?
- 16 A Yes, sir.
- 17 Q It's not on an acreage where you have a lot of land and
- 18 you don't see any of your neighbors.
- 19 You're, you're pretty close to your neighbors, right?
- 20 A I'm not close to my neighbors.
- 21 Q You have neighbors in the subdivision.
- 22 Is that correct?
- 23 A Yes, sir.
- 24 Q And no one else heard anything, right?
- 25 SOLICITOR HAMMACK: Objection, Your Honor.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 THE COURT: Objection sustained.

2 Q Do you know if any of your neighbors have home
3 surveillance?

4 A I'm not sure.

5 Q Do you have evidence of any messages between Denzell
6 Jackson and you?

7 A No, sir.

8 Q Not even one?

9 A No, sir.

10 Q But didn't you testify that you guys had known each
11 other for three or four years, right?

12 A Yes, sir.

13 Q And so how would you communicate?

14 A I was communicating with D Money (phonetic) and Kel and
15 that was through text messages.

16 Q And do you have any of those text messages saved at any
17 point in time or still in your phone?

18 A Yes.

19 Q What about the message where you're saying he asked you
20 to come over?

21 A No, sir.

22 Q Don't you believe that's an important message for this
23 case?

24 A Yes, sir.

25 Q And where did it go?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A I'm not sure.
- 2 Q Now, after this all happened, you left town, right?
- 3 A Yes, sir.
- 4 Q Who's in Greenwood?
- 5 A My child's father.
- 6 Q And that's somebody that you had a relationship with
7 for quite some time, correct?
- 8 A Yes, sir.
- 9 Q And y'all had been on again off again?
- 10 A I'm sorry?
- 11 Q Had y'all been on again off again?
- 12 A We had difficulties.
- 13 Q And he didn't want you seeing anyone else, right?
- 14 SOLICITOR HAMMACK: Objection.
- 15 THE COURT: Sustained.
- 16 Q So, he was the first person that you thought to go to,
17 right?
- 18 A Yes, sir.
- 19 Q And you went there and you reemerged nine days later at
20 your attorney's office, correct?
- 21 A I don't re -- I don't remember how many days it was
22 until I got a lawyer.
- 23 Q It wasn't the next day, right?
- 24 A No, sir.
- 25 Q And, while in Greenwood, you actually washed your car,

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 right?

2 A Yes, sir.

3 Q And you were asked if these young men washed your car
4 when you were interviewed by the police.

5 Do you remember that?

6 A Yes, sir.

7 Q And you told them that they did not, right?

8 A I don't remember.

9 MR. JOHNSON: If I just may have one, one moment, Your
10 Honor?

11 (Pause.)

12 Q Do you recall telling the police that you washed your
13 car two, two days later?

14 A Yes, sir.

15 Q And was your child's father with you when you washed
16 your car?

17 A Yes, sir.

18 Q And was it just a routine, a routine wash or were you
19 trying to get rid of some evidence?

20 A It was a routine wash.

21 Q You weren't scared that the police were gonna try to
22 find you?

23 A No, sir.

24 Q So why'd you leave town?

25 A Because I was scared they were going to try to kill me.

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 Q So why didn't you call the police?
- 2 A Because I couldn't call the police without a lawyer.
- 3 Q why would you need a lawyer if you're not a criminal?
- 4 A Because that's what my grandmother said.
- 5 Q So, are you interviewed at the Sheriff's Office or at
- 6 your attorney's office?
- 7 A Attorney.
- 8 Q And you are actually interviewed multiple times, right?
- 9 A Yes, sir.
- 10 Q Do you recall being asked what date this incident
- 11 occurred?
- 12 A Yes, sir.
- 13 Q And do you recall saying that it wasn't on April
- 14 30th like everybody's talking about?
- 15 A No, sir.
- 16 Q I'd like to direct your attention --
- 17 A Uh-huh. (Affirmative).
- 18 Q -- to this page. If you could just scan it, and when
- 19 you're done, just look up so that I know that you're ready.
- 20 A Uh-huh. (Affirmative).
- 21 Q Okay. All right. So you've had time to review your
- 22 response to the police when asked what date it occurred on?
- 23 A Yes, sir.
- 24 Q And you told the police that it occurred on May 1st,
- 25 right?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Yes, sir.
- 2 Q And you were aware that there was a recorded interview?
- 3 A Yes, sir.
- 4 Q And that you were -- you were there with your attorney,
5 weren't you?
- 6 A Yes, sir.
- 7 Q And did you-all talk before the tape recorder was
8 turned on?
- 9 A No, sir.
- 10 Q No.
- 11 Are you sure?
- 12 A Yes, sir.
- 13 Q So, without the text messages indicating that there was
14 some communication between you and my client, I guess the
15 jury just has to take your word for it.
- 16 Is that correct?
- 17 SOLICITOR HAMMACK: objection.
- 18 THE COURT: Your objection's sustained.
- 19 Q Do you recall this morning when you were speaking about
20 the fire pit or, excuse me, the burning of the items?
- 21 A Yes, sir.
- 22 Q Where, where did you say that -- where did you say that
23 took place at?
- 24 A In front of Christian's mom house.
- 25 Q And I think you were asked did it occur in the woods.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Do you remember that -- being asked about that?

2 A No, sir.

3 Q Miss Toney, if you can just review lines -- you can
4 look at both things but I'm gonna be referring to Lines 23
5 through 26.

6 A Okay.

7 Q Have you had time to review your prior statement?

8 A Yes, sir.

9 Q All right. And so now let me ask you the same
10 question.

11 Do you recall being asked if the burning occurred in
12 the woods or as a fire pit at Christian Barnwell's house?

13 A No, sir.

14 Q Did you read Lines 23 through 26?

15 A Yes, sir.

16 Q What were you asked?

17 A Is it a little fire pit or were they in the woods.

18 Q And what is your response?

19 A No, it was just in front of his house. He was burning
20 in front of his house.

21 Q So, your testimony is that this big fire that occurred
22 with these items was, was in the front yard?

23 A Correct.

24 Q Where everybody could see it?

25 A Correct.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q In your opinion, in your opinion --

2 A Uh-huh. (Affirmative).

3 Q -- if someone were to burn a bonfire in the front yard,
4 you think there'd be evidence of that, grass being burned,
5 charred?

6 A It wasn't in like grass. His front -- his mom's front
7 yard is not grass.

8 Q Do you think that there'd be any evidence of that in
9 your opinion?

10 Just -- I just want your opinion.

11 SOLICITOR HAMMACK: And the State objects.

12 THE COURT: Your objection is sustained.

13 Q So, at what point in time did -- strike that.

14 You also said that there was not a tarp used, correct?

15 Do you remember that?

16 A No, sir.

17 Q Now, you stated that, before this happened or allegedly
18 happened, no one threatened you, right?

19 A I'm sorry?

20 Q No one threatened you, put a gun to your head, and told
21 you that you have to make this happen, right?

22 A No, sir.

23 Q How long was your shift at IHOP that night?

24 A It was 3:00 to 10:00.

25 Q None of your coworkers said anything to you about

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 acting a little differently?

2 A My manager did.

3 Q Did you tell the police this?

4 A No, sir.

5 Q Did you tell your manager what happened?

6 A No, sir.

7 Q But you had an opportunity to do so, right?

8 A Yes, sir.

9 Q Do you recall being asked on your third interview in
10 July of 2019 about some cuts to the front of your passenger
11 seat by Investigator Savanna Williams?

12 A No, sir.

13 Q Lines 18 to 21 please.

14 SOLICITOR HAMMACK: Your Honor, before we get into the
15 substance of this, I do have an objection.

16 THE COURT: Ladies and gentlemen, this is a good time
17 for you to take a break. If you'd go to the jury room.
18 Please do not discuss the case.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Let me see what they handed you.

22 THE WITNESS: Oh, I'm sorry.

23 THE COURT: what did you ask her?

24 MR. JOHNSON: I asked her did she recall being asked by
25 Investigator Savanna Williams about the cuts to her, to her

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 MR. JOHNSON: well---

2 THE COURT: -- whether or not her seat had a cut on it?

3 This -- this is, this is not a stabbing case.

4 MR. JOHNSON: Yeah. But she's saying that these young
5 men had her car with a dead body going all around Aiken
6 County with the body in the car.

7 THE COURT: You're right.

8 MR. JOHNSON: well, she said she doesn't know what they
9 did with it when she wasn't in their presence. And so any
10 damage to her car could be an issue that could reflect on
11 some kind of violence taking place within her car while she
12 is not present and it was something that was noticed by the
13 investigators or the crime scene technicians and it was
14 asked of her and she gave a response.

15 THE COURT: I sustain the objection.

16 If you'd bring the jury back.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: You may proceed.

20 CONTINUED CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q Miss Toney, you were shown State's Exhibit 107, the
23 handgun.

24 Do you recall being shown that?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Now, you said that that was the handgun that Denzell
2 Jackson had, right?

3 A Yes, sir.

4 Q Now, you also stated that you don't know much about
5 guns.

6 You remember saying that?

7 A Yes, sir.

8 Q So, how do you know that that was the gun that he had?
9 what is special about that firearm?

10 A Cause it was black just like his and it looked like the
11 same size.

12 Q So, it's just a general black handgun and that's what
13 you are going based off of?

14 A Correct.

15 Q So they could of shown you the gun I have in my car and
16 that could of been similar to it's a small black handgun?

17 A Correct.

18 MR. JOHNSON: If I may just have one moment, Your
19 Honor?

20 (Pause.)

21 Q Miss Toney, were ever arrested as a part of this case?

22 A No, sir.

23 Q And you don't believe that you did anything wrong?

24 A Yes, sir.

25 Q Do you believe you're receiving special treatment?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A No, sir.

2 MR. JOHNSON: I don't have anything further. Thank
3 you.

4 THE COURT: Mr. Thompson.

5 MR. THOMPSON: Your Honor, may it please the Court?

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. THOMPSON:

9 Q I'll try to be brief and not rehash anything anybody
10 else has done, but, Miss Toney, of -- all the locations
11 mentioned in your story are near roads, restaurants,
12 neighborhoods. They're not strange out of the way remote
13 places.

14 Correct?

15 A Correct.

16 Q Okay. And you were -- you're relatively close with
17 Mr. Curry, correct?

18 A I wouldn't say completely close.

19 Q Okay. Well, you weren't his girlfriend?

20 A No, sir.

21 Q And he wasn't your boyfriend?

22 A No, sir.

23 Q You've got a different boyfriend?

24 A Correct.

25 Q In Greenwood?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Correct.
- 2 Q He's got a different girlfriend.
3 We heard from her earlier today, correct?
- 4 A Yes, sir.
- 5 Q Okay. But you weren't close enough to where you were
6 gonna have sex with him?
- 7 A Correct.
- 8 Q You'd had sex with him on multiple occasions?
- 9 A I'm sorry?
- 10 Q You'd had sex with him on multiple occasions?
- 11 A No, sir.
- 12 SOLICITOR HAMMACK: Objection.
- 13 THE COURT: She's answered the question.
- 14 Q You were close enough you were letting him drive your
15 car?
- 16 A He's never drove my car before.
- 17 Q Okay. We saw a video of, of him getting into your car
18 that, that the prosecution says was -- I mean I had trouble
19 figuring out what that was. But the prosecution says they
20 have a video of the McDonald's of Mr. Curry jumping in your
21 car in the driver's seat with you in the car.
- 22 Correct?
- 23 A Correct.
- 24 Q So he has driving your car, correct?
- 25 A When I said that I was referring to like I'd never gave

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 him my car before. I've never let anyone use my car.

2 Q Okay. Your intention though was that night you were
3 gonna let him use your car while you were at work, correct?

4 A Yes, because he wanted to see his girlfriend that was
5 in the hospital.

6 Q Okay. You were gonna let him use your car for the
7 entire time you were at the shift, which was 3:00 to 10:00?

8 A Correct.

9 Q Okay. So he was close enough that you were gonna let
10 him drive your car for several hours?

11 A Correct.

12 Q Even though you had reason to believe that the day
13 before he and a friend had lots of methamphetamine in the
14 back of your car?

15 A I wasn't aware at the time.

16 Q But you were aware the next day we were talking about,
17 right?

18 A Yes, because I was informed.

19 Q Okay. You actually protected Mr. Curry from this
20 murder plot that the prosecution mentioned earlier at the
21 theater the day earlier, right?

22 A Correct.

23 Q Okay. But even though, even though you, according to
24 your own testimony, you knew about this murder plot against
25 him allegedly from the Defendants in this case the day

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 before, your testimony -- and I'm, I'm gonna I believe quote
2 you. Says "I didn't know what was going to happen" when you
3 took, according to your story --

4 A Uh-huh. (Affirmative).

5 Q -- when you took the Defendants to your home armed with
6 handguns and put them in your house, and then went to go get
7 Mr. Curry and bring Mr. Curry to your house. You didn't
8 know what was going to happen. That's your testimony.

9 Correct?

10 A Correct.

11 Q Okay. You never called 9-1-1, correct?

12 A Correct.

13 Q Never called the police?

14 A Correct.

15 Q Even though at the McDonald's you could of called the
16 police and the police would of been able to go to your house
17 on the other side of town and find two armed men in the
18 home, correct?

19 A Correct.

20 Q Okay. You were at your job that night with every
21 opportunity to be able to talk to anyone you pleased,
22 correct?

23 A Correct.

24 Q Mr. Dixon wasn't there?

25 A No, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 Q Mr. Jackson wasn't there?
- 2 A No, sir.
- 3 Q Okay. You drove to mid -- to Greenwood the following
4 day, correct?
- 5 A Later that night, yes.
- 6 Q Okay. Later that night.
7 You drove to Greenwood later that night, correct?
- 8 A Correct.
- 9 Q Okay. Mr. Dixon wasn't in Greenwood?
- 10 A No, sir.
- 11 Q No, he wasn't in Greenwood?
- 12 A No, sir.
- 13 Q Okay. I'm, I'm apologizing. I -- I'm finding the
14 conversation a little be perilous. So, I'm gonna ask a
15 different question.
16 Was Mr. Dixon in Greenwood when you went to Greenwood?
- 17 A No, sir.
- 18 Q Okay. Was Mr. Jackson in Greenwood when you went to
19 Greenwood?
- 20 A No, sir.
- 21 Q Did either of them ever show up while you were in
22 Greenwood?
- 23 A No, sir.
- 24 Q Okay. You stayed there for several days in Greenwood,
25 correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Only two days.
- 2 Q Two days.
- 3 Two days, you had your car washed, correct?
- 4 A Correct.
- 5 Q Had your car cleaned, correct?
- 6 A Correct.
- 7 Q Spoke with your grandmother, correct?
- 8 A Correct.
- 9 Q And began efforts to procure an attorney, correct?
- 10 A Correct.
- 11 Q Okay. And the entire time did not speak with the
12 police, did not call 9-1-1, didn't tell anybody about what
13 had happened, correct?
- 14 A Correct.
- 15 Q You went to the solicitor's Office to talk about this
16 story.
- 17 You went to their conference room, right?
- 18 A No, sir.
- 19 Q You were not interrogated by the police at the police
20 station, were you?
- 21 A Correct.
- 22 Q Okay. You met with the solicitors not in a -- in an
23 interrogation room. You met with the solicitors with your
24 lawyer.
- 25 Correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Correct.
- 2 Q Okay. Do you remember how many times you've met with
3 the solicitors about this case?
- 4 A At least six to seven times.
- 5 Q Six to seven.
6 At least three times that we know of in 2019, right?
- 7 A Can you ask me that again?
- 8 Q At least three times that we know of in 2019 cause
9 there's transcripts of those conversations---
- 10 A Oh, yes, sir.
- 11 Q ---aren't there?
- 12 A Yes, sir.
- 13 Q Okay. And several different stories, when you met with
14 them -- in fact, I believe the prosecutor even in her
15 opening statement talked about you kind of giving them the
16 run around, correct?
- 17 A No, sir.
- 18 Q Okay. You've had at least two more stories in the last
19 two weeks, correct?
- 20 A I only met with them one time recently.
- 21 Q well, a couple of weeks ago is the first time that the
22 story about this alleged murder plot at the theater came
23 out, right?
- 24 A Correct.
- 25 Q That's the very first time anybody ever heard about

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 that, right?

2 A Correct.

3 Q Okay. And the first time you told that story, Mr.
4 Dixon wasn't a part of that story, right?

5 A No, sir.

6 Q Okay. And then the second time, last week when you
7 told the story again, Mr. Dixon is the one who spoke to you,
8 correct?

9 A Can you ask me that again?

10 Q Yes, ma'am.

11 I'm gonna represent to you that we were given, we were
12 given information about your conversations with the
13 Solicitor's Office --

14 A Uh-huh. (Affirmative).

15 Q -- and that two weeks ago you spoke with the
16 prosecutors and you gave them this story about the murder
17 plot at the theater but Mr. Dixon is not part of that story.
18 And then they speak with you again last week, and that's the
19 first time Mr. Dixon is mentioned as part of that story.

20 Correct?

21 A Correct.

22 Q Okay. There's no evidence of any messages whatsoever
23 between you and Mr. Dixon in the planning of the events in
24 the story that you told today, correct?

25 A It was a phonecall made.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q There's no evidence of it though, correct?

2 I understand that's what your testimony was but there's
3 no other evidence of it, correct?

4 A Correct.

5 Q Okay. And, to this day, you've never been charged with
6 any crime?

7 A Correct.

8 MR. THOMPSON: I have no further questions. Please
9 answer---

10 THE COURT: Redirect.

11 SOLICITOR HAMMACK: No, Your Honor.

12 THE COURT: All right. Thank you. You may step down.
13 Call your next witness.

14 SOLICITOR CHARBONNEAU: Morgan Blacks.

15 THE COURT: Let's all stand as we -- is that person
16 here or --?

17 SOLICITOR CHARBONNEAU: Yeah.

18 (Pause.)

19 THE COURT: Are we waiting on someone to find this
20 witness?

21 SOLICITOR CHARBONNEAU: They're in the courthouse, Your
22 Honor.

23 SOLICITOR HAMMACK: Your Honor, they went to get her.

24 THE COURT: All right.

25 (Pause.)

Morgan Blacks - Direct examination
By Solicitor Charbonneau

1 sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box. State your
3 full name for the Court spelling your last.

4 THE WITNESS: My name is Morgan Re---

5 THE CLERK: Pull that mic -- that first mic.

6 THE WITNESS: This one.

7 My name is Morgan Renee Blacks. B-L-A-C-K-S.

8 DIRECT EXAMINATION

9 BY SOLICITOR CHARBONNEAU:

10 Q Good afternoon. You can take the mask off while you're
11 up there.

12 A Okay.

13 Q Thank you.

14 Miss Blacks, where do you work?

15 A IHOP on Whiskey Road.

16 Q Here in Aiken?

17 A Yes, ma'am.

18 Q And what is your job title there?

19 A I'm the general manager.

20 Q How long have you worked at IHOP?

21 A Well, I went back in 2017.

22 Q Did you work for them prior to that as well?

23 A Yes, ma'am.

24 Q Is it 2017 when you became general manager?

25 A Around that time, yes, ma'am.

Morgan Blacks - Direct examination
By Solicitor Charbonneau

1 Q As general manager, do you know Shaniyah Toney?

2 A I do.

3 Q Are you the one who actually hired her?

4 A I believe so.

5 Q Going to April 30th, 2019, around that time, what was
6 Shaniyah Toney doing for IHOP?

7 what was her job?

8 A She was a server and she was a host. She did some in
9 the morning and then some at night.

10 Q On April 30th, 2019, do you remember -- well, let me
11 ask you this.

12 slightly several times -- days after that, did you
13 speak to the police in regards to this case?

14 A I did.

15 Q So, directing your attention to Tuesday, April 30th,
16 2019 --

17 A Uh-huh. (Affirmative).

18 Q -- what was the shift that Shaniyah Toney was suppose
19 to work?

20 A She was scheduled to work around three o'clock that
21 afternoon but she called and said she was gonna be late.
22 So, she got there around 5:00 and she left around 11:00,
23 11:00 something at night. It was before midnight.

24 Q After 11:00PM?

25 A Yes, ma'am.

Morgan Blacks - Direct examination
By Solicitor Charbonneau

- 1 Q Back then was IHOP open 24/7?
- 2 A Yes, ma'am.
- 3 Q And was April 30th, 2019, would we have stayed
4 through Shaniyah Toney's shift?
5 would you be on -- be there also until almost midnight?
- 6 A Yes, ma'am. Uh-huh. (Affirmative).
- 7 Q Has IHOP, because of COVID, have they changed owners?
- 8 A Yes. When we closed down in March, we opened back up
9 October, new owners took over.
- 10 Q When that happened, were there records as far as time
11 slots and things like that, are all those records available?
- 12 A They're gone.
- 13 Q They're gone?
- 14 A Uh-huh. (Affirmative).
- 15 Q Was April 30th, 2019, the last time that you saw
16 Shaniyah Toney?
- 17 A It was.
- 18 Q Was she suppose to continue working there?
- 19 A She was.
- 20 Q And -- but she never came back?
- 21 A No, ma'am, and I couldn't get in contact with her.
- 22 Q Thank you.
- 23 A Uh-huh. (Affirmative).
- 24 SOLICITOR CHARBONNEAU: I have nothing further.
- 25 THE COURT: Any cross-examination?

Morgan Blacks - Cross-examination
By Mr. Johnson

1 CROSS-EXAMINATION

2 BY MR. JOHNSON:

3 Q How you doing today?

4 A Hi.

5 Q You said that Miss Toney called --

6 A Yes.

7 Q -- in?

8 A Uh-huh. (Affirmative).

9 Q And did you speak with her personally?

10 A To be honest, I can't remember. Sometime the employees
11 will relay messages but she did have my phone number also.

12 Q Are you sure that she called in that, that day?

13 A Yes, sir.

14 Q would it, would it surprise you that her phone wasn't
15 working that, that time -- at that time?

16 A You say her phone wasn't working?

17 Q would that be a surprise to you?

18 A No, cause it was always working. Whenever I needed to
19 get in contact with her, I, I, I could.

20 Q Until after this night, she, she left and she didn't
21 come back?

22 A Yes, sir.

23 Q And did she ever try to contact the police on, on that
24 shift or anything like that?

25 A No, sir.

Morgan Blacks - Cross-examination
By Mr. Johnson

- 1 Q Did you notice anything about her different?
- 2 A No, sir.
- 3 Q She seemed to be fine?
- 4 A Yes, sir.
- 5 Q No one complained that she was distraught or upset?
- 6 A Oh, no, sir.
- 7 Q Did she ask to leave early?
- 8 A No, sir.
- 9 Q Did you---
- 10 A They know if they -- if they came in late, I probably
- 11 was gonna keep them late.
- 12 Q Did you see my client pick her up, Denzell Jackson?
- 13 A No, sir.
- 14 Q Thank you.
- 15 A Uh-huh. (Affirmative).
- 16 THE COURT: Mr. Thompson.
- 17 MR. THOMPSON: Your Honor, I have no questions for this
- 18 witness.
- 19 THE COURT: Any -- anything further of this witness?
- 20 SOLICITOR CHARBONNEAU: No. Thank you, Your Honor.
- 21 THE COURT: All right. Thank you. You may step down.
- 22 THE WITNESS: Thank you.
- 23 THE COURT: Next witness.
- 24 SOLICITOR HAMMACK: The State calls saige O'Grady.
- 25 THE CLERK: Please raise -- please raise your

Saige O'Grady - Direct examination
By Solicitor Hammack

1 right-hand.

2 SAIGE O'GRADY, being first duly sworn,
3 testified as follows:

4 THE CLERK: Have a seat in the witness box. State your
5 full name for the Court spelling your last.

6 THE WITNESS: Mary Frances O'Grady. O'G-R-A-D-Y. My
7 nickname is Saige.

8 DIRECT EXAMINATION

9 BY SOLICITOR HAMMACK:

10 Q Saige, I probably should of asked before I called you
11 that in, in court.

12 A It's okay.

13 Q Can you tell me what were you doing for a living back
14 in 2019?

15 A I was a forensic investigator for the Aiken County
16 Sheriff's Office.

17 Q And how long were you a forensic investigator for the
18 Aiken County Sheriff's Office?

19 A Sixteen years.

20 Q And as a forensic investigator, what does that mean
21 that you would do on a daily basis?

22 A Depending on the day it can be anything from processing
23 crime scenes to processing evidence in the lab, delivering
24 evidence to and from the state lab, or other things related
25 to that occupation.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Q So, when you say -- you mentioned potentially
2 processing crime scenes and, and processing evidence, what
3 types of tasks would be involved in processing a crime
4 scene?

5 A You're there to completely document a crime scene.
6 Everything from taking photographs. You will do diagrams.
7 You will collect samples. You will bag. You will collect
8 those, take them back to the Sheriff's Office with you.
9 It's all a matter of the evidentiary aspect pretty much of
10 that particular aspect of the crime.

11 Q And as it relates to processing evidence, what types of
12 tasks are involved in processing evidence?

13 A It depends on the type of, of evidence that you're
14 asking about. There's certain things, things that you'll
15 process for latent prints. Latents prints meaning those
16 type of prints that you can not see. We will use super glue
17 to do those on a fuming tank in the lab. We will also use
18 different types of powders or other chemicals depending on
19 the situation.

20 we'll swab certain pieces of evidence for DNA. We will
21 also do GSR, which -- with little tabs. There's an actual
22 kit that comes with it and we'll submit those to the lab if
23 need be necessary.

24 So, it really depends on what aspect of the evidence
25 you are trying to obtain from whatever piece of evidence.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Q And when you process evidence, whether it be swabbing
2 or super glue or, or your GSR kit, most of the time, and
3 especially as it relates to swabs, is that something that
4 you did analyze or do you send it somewhere else for
5 analysis?

6 A We will send it to the South Carolina Law Enforcement
7 Division to be analyzed.

8 Q Now, Saige, did -- were you asked to process any
9 evidence in this case?

10 A I swabbed the guns.

11 Q Saige, I'm gonna show you what's been premarked as
12 State's Exhibit 107.

13 will you take a look at it for me and tell me generally
14 what that is?

15 A It's a Glock semiautomatic model 19 pistol.

16 Q And how is that pistol packaged?

17 A Our pistols are packaged just like our rifles in two
18 boxes, gun boxes of different varieties. It depends on the
19 actual size of the weapon itself. But that is the easiest
20 way to both protect it and to house it.

21 Q And the package that that gun that you're holding is
22 in, is that one of the Aiken County Sheriff's Office gun
23 boxes?

24 A We buy guns -- gun boxes from a vendor and most of the
25 time the vendor will supply them to a number of different

Saige O'Grady - Direct examination
By Solicitor Hammack

1 agencies. But this is pretty much the standard of gun
2 boxes. So --.

3 Q And when you receive a gun in particular for
4 processing, do you make any marks on that packaging so that
5 you know that it's something you have processed?

6 A If I've collected it of my own volition, yes, I will
7 write on the box and I will denote what it is, when I
8 collected it, how I collected it, from where. If I'm
9 transporting it to the lab, then I will have certain
10 procedures that I have to go through which means you're
11 gonna have to have some tape over packaging it, which is
12 their procedure that they ask you to do.

13 And when you are basically sealing it up, you will have
14 to put your initials and the date of that sealing. So this
15 way they know that this has not been tampered with from the
16 time it leaves our department to the time it is dropped off
17 to them.

18 Q And in looking at that box, can you see your initials
19 on that box?

20 A Mine are in the red in the tape cause there's two
21 different tapes on here.

22 Q And whose tape is the red tape?

23 A The red tape is our in-house tape.

24 Q So after you would analyze that gun and process it, you
25 would tape it up and sign your initials on it?

Saige O'Grady - Direct examination
By Solicitor Hammack

1 A Yes. We'll seal it back up and then it's ready to go.

2 Q And is that what you did in this case?

3 A Yes.

4 Q Thank you.

5 Now, Saige, when you swab a gun, this is gonna sound
6 silly, but what does that swab look like?

7 A It's just like any other cotton swab. It's sterilized.
8 It comes in a package that you have to open. There is a
9 little cap on the end of it that allows it to breathe. So,
10 after you actually take the sample, because when you're
11 actually doing that kind of sampling, you're going to take
12 distilled water. You'll put a drop on the actual Q-tip
13 itself and then you will get into every nook and cranny of
14 whatever the object may be trying to bring out whether it be
15 potential blood or some other kind of substance that you're
16 actually looking for.

17 Touch DNA is another thing that we will often use that
18 type of procedure to do. We're looking for skin cells.

19 Q So when you use this basically a glorified Q-tip --

20 A Yes.

21 Q -- you said it's individually packaged, is that to keep
22 it from being contaminated by anything before you open it?

23 A Yes.

24 Q And then once you open it and use it, is there a way to
25 then secure it so that it doesn't touch anything else until

Saige O'Grady - Direct examination
By Solicitor Hammack

1 it's tested?

2 A The SLED standards -- SLED follows the FBI standards as
3 far as how they want particular items packaged and, in this
4 case, because it is still damp in nature, it needs to
5 breathe. So, paper will breathe. It doesn't seem like it
6 but it actually does.

7 So what we will do is we will recap it and then put it
8 into that envelope. The envelope's filled out prior to
9 that. So all you have to do is essentially drop the Q-tip
10 in there, seal it back up with the tape and everything else,
11 and you're good to go.

12 Q And when you seal it back up with the tape and
13 everything else, you sign over that tape so you can see if
14 it's opened later?

15 A Yes.

16 (WHEREUPON, a swab was marked as State's Exhibit No. 18
17 for identification purposes only at this time.)

18 Q Saige, I'm showing you what's been premarked as State's
19 Exhibit 18.

20 will you take a look at that for me and tell me if you
21 recognize it?

22 A Yes, this is my handwriting.

23 Q And is that -- well, tell me what's inside that
24 envelope.

25 A There is one swab which was collected off of a Glock

Saige O'Grady - Direct examination
By Solicitor Hammack

1 9-millimeter pistol, Model 19, serial number B as in boy, G
2 George, G Georgie, Edward 572. It's for potential DNA
3 collected off of the exterior surface of the firearm
4 collected on May 17th, 2019, at 8:17 in the morning by me.

5 Q And is that a swab of the gun that you just looked at?

6 A Yes.

7 Q And once you swab that gun, did you place those swabs
8 just the way you described for policy to be sent off for
9 analysis?

10 A The -- yes, they'll be held until they're ready to go
11 to the lab.

12 Q And on the back of that envelope is there tape with
13 your initials on it?

14 A There is.

15 Q Does that mean that you sealed this?

16 A I sealed it initially, yes.

17 SOLICITOR HAMMACK: Your Honor, at this time we would
18 move State's 18 into evidence.

19 MR. JOHNSON: No objection, Your Honor.

20 MR. THOMPSON: No objection.

21 THE COURT: It's admitted.

22 (WHEREUPON, State's Exhibit No. 18 was received into
23 evidence at this time.)

24 Q Saige, when you mentioned processing guns, you used a
25 plural.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Did you process a second gun in this case?

2 A I was asked to, yes.

3 Q Saige, I'm showing you what's been premarked as State's
4 Exhibit 106.

5 will you take a look at both that packaging and its
6 contents for me?

7 A where's the box we had opened?

8 Yeah, this box.

9 Q Do you recognize that?

10 A I do.

11 Q Is that the other gun that you were asked to process in
12 this case?

13 A Yes.

14 Q what type of gun is it?

15 A This is an Anderson Arms. Basically it is a
16 semiautomatic and it is model number AM15. It's a multi
17 caliber, which means that it can be used for more than one
18 different type of bullet.

19 Q And, Saige, I probably should of asked you this, but
20 just for everybody's comfort, both the firearm in your hands
21 right now and the firearms you just touched, have those been
22 made safe and locked so they can not fire in the courtroom?

23 A Yes, they have a gunlock through them.

24 Q Thank you.

25 And did you swab that gun in this case?

Saige O'Grady - Direct examination
By Solicitor Hammack

1 A Yes.

2 (WHEREUPON, a swab was marked as State's Exhibit No. 19
3 for identification purposes only at this time.)

4 Q I'm showing you what's been premarked as State's
5 Exhibit 19.

6 Do you recognize that?

7 A It is. It's my handwriting.

8 Q And what is contained in that envelope?

9 A One swab of the exterior surface of the Anderson
10 Manufacture multi caliber rifle Model AM15, serial 18278992,
11 for potential DNA.

12 Q And is that the swab that you used to process that gun
13 you've just looked at?

14 A Yes.

15 Q Did you follow the same procedure as far as swabbing
16 the exterior of the gun, closing up the swab, and placing it
17 in that envelope for analysis?

18 A I did.

19 Q Is that envelope sealed with your tape and your
20 initials over it?

21 A Yes.

22 SOLICITOR HAMMACK: Your Honor, at this time we would
23 move State's 19 into evidence.

24 MR. JOHNSON: No objection, Your Honor.

25 MR. THOMPSON: No objection.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 THE COURT: It's admitted.

2 (WHEREUPON, State's Exhibit No. 19 was received into
3 evidence at this time.)

4 Q Now, Saige, you stated that after you process evidence,
5 a lot of times, specifically as it relates to swabs, those
6 are sent to our State Law Enforcement Division lab for
7 further analysis?

8 A They are.

9 Q And you stated that part of your duties would include
10 taking evidence to what we call SLED for that analysis?

11 A It was.

12 Q Is this the type of evidence that would go to SLED for
13 analysis?

14 A Yes.

15 Q And did you take these items to SLED in this case?

16 A I did.

17 Q Saige, I don't have any further questions for you.
18 Please answer any questions the defense attorneys may have.

19 MR. JOHNSON: I don't have any questions for this
20 witness.

21 CROSS-EXAMINATION

22 BY MR. THOMPSON:

23 Q Ms. O'Grady, where did these guns come from?

24 A Came in from the evidence room. As far as I know,
25 whatever is on the chains of custody is where they were

Saige O'Grady - Cross-examination
By Mr. Johnson

1 collected at.

2 Q Okay. So, you're -- you don't have any representations
3 as far as whose guns they were or where they came from,
4 anything like that?

5 All your testimony is that you were presented with a
6 weapon, you swabbed the weapon, and you sent the weapon off?

7 A I was presented with the weapon that was already in
8 evidence --

9 Q In evidence.

10 A -- and I was asked to swab them --

11 Q Right.

12 A -- for a, for a specific purpose. I did so and, yes, I
13 did transport.

14 Q Okay. Sent it on to SLED?

15 A Correct.

16 MR. THOMPSON: I have no further questions for this
17 witness.

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

19 Next witness.

20 SOLICITOR CHARBONNEAU: Judge, can we approach for
21 scheduling?

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: Ladies and gentlemen, we're gonna stay a

Chris Johnson - Direct examination
By Solicitor Hammack

1 little late today because we're gonna leave a little early
2 tomorrow.

3 Next witness.

4 SOLICITOR HAMMACK: The State calls Chris Johnson.

5 THE CLERK: Please raise your right-hand.

6 CHRIS JOHNSON, being first duly
7 sworn, testified as follows:

8 THE CLERK: Have a seat in the witness box. State your
9 full name for the Court spelling your last.

10 THE WITNESS: My name is Chris Johnson. J-O-H-N-S-O-N.

11 DIRECT EXAMINATION

12 BY SOLICITOR HAMMACK:

13 Q I'm trying to figure out what to call you. I, I
14 normally just call you Chris but I'm trying to figure out
15 the nicest thing to call you here in Court.

16 Tell me, what do you do for a living?

17 A I work at Aiken County Sheriff's Office as a forensic
18 investigator.

19 Q And what do you do as a forensic investigator?

20 A I respond to crime scenes, photograph, document,
21 collect evidence, process evidence.

22 Q And, Investigator Johnson, how long have you been doing
23 that?

24 A Since 2006 when I got promoted into forensics from the
25 road.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And do you go through any special type of training on
2 how to deal with crime scenes and how to process crime
3 scenes?

4 A On-the-job training while I was in Greenville employed
5 with Greenville County Department of Public safety, their
6 crime scene section, for three years.

7 Q And, since that time, have you consistently been a
8 forensic investigator?

9 A I worked a few years on the road here at the sheriff's
10 office shortly after coming here. Spent three years on the
11 road. Then 2006 transferred over to forensic investigations
12 and been there ever since.

13 Q And did you have a chance to become involved in this
14 case?

15 A Yes, ma'am.

16 Q And when you first became involved in this case, what
17 were you asked to do?

18 A I, I was asked to respond to the house off Nokesville
19 and process the house there at Nokesville.

20 Q And the house off of Nokesville, is that here in Aiken
21 County?

22 A Yes, it is.

23 Q Can you tell the jury how you get to Nokesville Circle?

24 A Nokesville Circle's off of Highway 19 just on the
25 outskirts of town on the right.

Chris Johnson - Direct examination
By Solicitor Hammack

- 1 Q what type of house is it?
- 2 A Nice house in a subdivision, fairly new subdivision.
- 3 Q Do you remember what day you went out to respond to
- 4 this house?
- 5 A Look at my -- some notes. On the 11th of May, 2019.
- 6 Q And when you went out to Nokesville Circle, do you
- 7 remember what time of day it was?
- 8 A It was early in the morning. Probably around 5:00 in
- 9 the morning.
- 10 Q Still dark outside?
- 11 A Yes, ma'am.
- 12 Q who'd you go out there with?
- 13 A I went out with Lieutenant Billy Flurry and
- 14 Investigator Phillips.
- 15 Q Did she use to be Phillips?
- 16 A Yes, ma'am, she use to be Phillips. She's Williams
- 17 now.
- 18 Q Okay. Just wanted to make sure we were talking about
- 19 the same person.
- 20 A Yes, ma'am.
- 21 Q And when you went out to Nokesville Circle on that day
- 22 or anytime you're called out to a scene to process a scene,
- 23 are you given a brief or a summary so that you know what
- 24 you're looking for?
- 25 A Yes.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you have an idea of what you were looking for
2 in this case?

3 A Yes, ma'am, I did.

4 Q And specifically what were you focused on and what were
5 you looking for?

6 A I was told there were possibly a, a shooting incident
7 that happened in one of the rooms inside the house. So, I
8 was there to look for anything that would deal with a
9 shooting incident, particularly blood, projectiles, shell
10 casings, anything that would suggest a shooting had occurred
11 in that room.

12 Q Now, Investigator Johnson, when you get to a scene to
13 process it, what is the first thing that you do?

14 A A visual observation of the scene. Just do a cursory
15 survey of the scene to get the layout of how the rooms are
16 set up or how the scene is set up so that, when I go in and
17 do a search or I do photographs, I know where to go and I've
18 already had a cursory survey of the scene.

19 Q And when you do your visual observation first, is that
20 before you've touched anything, moved anything, done
21 anything to the scene?

22 A Yes, ma'am.

23 Q So you do that visual observation to see it just as it
24 is before any analysis occurs?

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q Did you do that in this case?

2 A Yes, ma'am.

3 Q Did you look at the outside of the house?

4 A From the roadway we looked at the outside. It's not
5 like I went all the way around 360 of the house but took a
6 brief look at the outside of the house and went inside and
7 then focused inside where the shooting incident had
8 allegedly occurred.

9 Q Before you began processing the scene, did you walk
10 through the house to see, as you stated, the layout of the
11 house, where the rooms were, where things of interest might
12 be?

13 A Yes. Yes, ma'am.

14 Q And after you did that, what is the next step that you
15 take in processing a scene?

16 A I document the scene with photo, digital photographs,
17 as I find it, as I see it, without anything being disturbed,
18 moved, or touched. However it is when I get there is how
19 it's documented.

20 Q And did you do that in this case?

21 A Yes, ma'am.

22 (WHEREUPON, a group of photographs was marked as
23 State's Exhibits 24 through 53 for identification purposes
24 only at this time.)

25 Q Investigator Johnson, I'm gonna show you what's already

Chris Johnson - Direct examination
By Solicitor Hammack

1 been entered into evidence as State's 7 through 17, and then
2 I'm going to show you what's been premarked as State's
3 Exhibits 24 through 53. Take a look at these and tell me if
4 you recognize all of them.

5 A Yes, ma'am, I recognize them.

6 Q And how do you recognize those pictures?

7 A These are photographs I took the morning I was at
8 Nokesville Drive.

9 Q And when you took photographs, did you just take
10 photographs as you saw it but did you continue or did you
11 continue to take photographs as you began your processing of
12 the scene?

13 A Took both photographs as the way it was when I saw, and
14 as I was finding things and developing things, photographs
15 were also taken. There's each step along the way.

16 Q And the photographs in State's 7 through 17 and what
17 have been premarked as State's 24 through 53, are those all
18 photographs that you took either of the scene as you found
19 it or as you began your analysis and processing of the
20 scene?

21 A Yes.

22 Q Before we go through each of those photographs,
23 Investigator Johnson, I want to talk about some of the
24 things you do at the scene when you process it.

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q After you photograph -- after you do your visual
2 observation and then you photograph, are there any tasks
3 that you do to collect potential evidence at a scene?

4 A Yes, you look around, your visual, visual observations.
5 I mean if you see anything on the wall that looks like a
6 projectile hole or you see any stains or you see any
7 discoloration or you see anything that stands out, take a
8 closer look at it and you focus more of your work in that
9 area.

10 Q And you stated that, when you were responding to
11 Nokesville Circle in this case, that you had been given a
12 brief that there potentially was a shooting in that house.

13 A That's right.

14 Q So what's (sic) types of things were you looking for in
15 that house?

16 A Looking for blood or bloodstains, looking for shell
17 casings, looking for projectiles or bullets, looking for
18 bullet holes or -- in the walls or just anything that would
19 be evidence of a shooting taking place in that house or in
20 that room.

21 Q Investigator Johnson, did you find evidence of a
22 shooting in that house?

23 A Yes, ma'am.

24 Q Can you tell the jury what you observed that was
25 consistent with a shooting in that house that you then

Chris Johnson - Direct examination
By Solicitor Hammack

1 processed?

2 A When you, when you walk into the room, standing in the
3 door of the room, the bed is kind of pushed off to the right
4 side of the room close to the wall at the window. We
5 noticed a hole in the wall -- well, a hole that was covered.
6 There was something stuffed inside the hole but you could
7 tell it's still a hole in the wall to -- between the bedpost
8 and the window.

9 On the other side of the bed there was just a very
10 slight discoloration in the carpet and even the texture,
11 when you rubbed your hand over it, didn't feel like the rest
12 of the -- didn't feel like the rest of the carpet. We moved
13 the covers back on the bed to see if there was anything on
14 the bed, on the, the comforter, the sheets, the mattress
15 itself. We're look -- looking for anything that stands out
16 that it could possibly have been a -- blood or fire -- a
17 bullet fired in the room.

18 Q You mentioned a hole in the wall that had been covered.

19 Did you take a further look at that hole in the wall?

20 A Yes, I did.

21 Q And what did you discover about that hole in the wall?

22 A It was like toilet paper or toilet tissue that had been
23 rolled up and put into the wall, and, once that was removed,
24 you could see that it was like a bullet tumbling as it's
25 traveling and made a hole in the wall.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q what makes a bullet tumble as it travels if you know?

2 A It hits something that changes the trajectory. It
3 changes the path of the bullet where it's -- it hits it and
4 it starts to tumble. Almost like you were throwing a
5 perfect spiral of a football, and someone touches it, then
6 it starts to wobble and tumble.

7 Q And did you do anything to that wall to determine if,
8 in fact, it had been struck by a bullet?

9 A Yes, ma'am, we -- I cut an area out around the hole and
10 looked to see if there's any other damage inside of the
11 wall. Then we could see that the stud had some damage and
12 the insulation also had some damage on it indicating
13 something went through the wall and---

14 Q And as you were making these changes to the wall, did
15 you document that with photographs?

16 A Yes, ma'am, I did.

17 Q Did you ultimately find something in that wall?

18 A Yes, ma'am, there was a projectile in the wall.

19 Q And when you say a projectile, can you tell the jury
20 what you're talking about?

21 A I'm talking about a bullet that was fired from a gun.
22 It's projected from the gun, a projectile. It's just a term
23 that we use rather than bullet.

24 Q We'll come back to that bullet in the wall in just a
25 minute but you mentioned some other things that you would

Chris Johnson - Direct examination
By Solicitor Hammack

1 look at. You mentioned a stain in the carpet and, and
2 pulling the, the sheets back on the bed.

3 Do you do anything to determine if a stain is blood?

4 A If it's a visible stain that we can see with our naked
5 eye, we'll use a Phenolphthalein test or presumptive blood
6 test, a Phenolphthalein test, which reacts a certain color
7 in the presence of blood. If it's something that we're
8 suspecting as blood but we just -- you just don't have that
9 visible stain, then we can use a Bluestar reagent which will
10 fluoresce or glow in the presence of blood.

11 Q Did you use either Phenolphthalein or Bluestar when
12 processing this scene?

13 A Yes, Bluestar was used on the carpet in the area that
14 didn't look right, didn't feel right. We got a reaction
15 with the Bluestar. Once we removed the layer of carpet, got
16 to the padding and started seeing a stain, then we used the
17 Phenolphthalein and got a presumptive -- positive
18 presumptive test for blood on the concrete.

19 Q And you mentioned presumptive positive.

20 Can you stand up here and say that something was
21 absolutely blood based on your Phenolphthalein or your
22 Bluestar?

23 A As far as human blood, no. The Phenolphthalein reacts
24 with blood. It doesn't have to be human. It could be
25 animal. And the, the Bluestar, I'm not confident that it

Chris Johnson - Direct examination
By Solicitor Hammack

1 reacts to just human blood but I would suggest -- I would
2 think that it would react the same way as the
3 Phenolphthalein. It just tells you that blood is present.
4 It doesn't tell you what type of blood.

5 Q So, if you get a presumptive positive for blood using
6 these tools, do you then accumulate some of that as evidence
7 to send for further analysis at a lab?

8 A Yes, ma'am.

9 Q And did you do that in this case?

10 A Yes, ma'am, we took cuttings of the carpet, the
11 padding, and then a swab from the stain on the concrete that
12 tested positive for blood.

13 Q And when you were using these, these tests, to include
14 the Bluestar, did you take photographs of that as well?

15 A Yes, ma'am.

16 Q And the Bluestar you mentioned is fluorescent.

17 Is that kind of like glowing in the dark?

18 A Yes, ma'am.

19 Q So do you have to take a picture in the dark?

20 A Yes, ma'am.

21 Q Is it kind of hard to see taking a picture in the dark?

22 A Yes, ma'am, it is but you set your camera up on a
23 tri -- tripod and you take a photograph with the lights on
24 and then you leave the camera alone. You use the reagent
25 and you photograph the same spot. So, you can have it with

Chris Johnson - Direct examination
By Solicitor Hammack

1 the glow and then, with the lights on, and you can see
2 what's glowing.

3 Q And as it relates to what's been premarked as State's
4 Exhibits 24 through 53, do those all show -- are, are those
5 all pictures you took when you processed the scene?

6 A Yes, ma'am.

7 Q And are they either pictures of the scene as you found
8 it or pictures of what you did to the scene?

9 A Yes, ma'am.

10 SOLICITOR HAMMACK: Your Honor, at this time we would
11 move State's 24 through 53 into evidence.

12 THE COURT: What says the defense?

13 MR. JOHNSON: No objection.

14 MR. THOMPSON: Your Honor, I, I do object to No. 27,
15 29, and 31 based upon a 403 analysis and would invite Your
16 Honor to, to look at them -- at the, at the offered
17 evidence.

18 THE COURT: That would be critical.

19 SOLICITOR HAMMACK: And Your Honor should have that on
20 your thumb drive but we have the physical pictures here.

21 MR. THOMPSON: Your Honor, I can -- I can go more into
22 my -- the context of my objection if, if you desire or if
23 necessary.

24 THE COURT: Can I see 31?

25 Do you have 31?

Chris Johnson - Direct examination
By Solicitor Hammack

1 THE COURT: They're admitted over objection.

2 MR. THOMPSON: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit Nos. 24 through 53 were
4 received into evidence at this time.)

5 SOLICITOR HAMMACK: Your Honor, at this time we would
6 like to publish State's, excuse me, 7 through 17 and 24
7 through 53 to the jury.

8 THE COURT: All the others are admitted without
9 objection?

10 MR. THOMPSON: Yes, Your Honor.

11 Q Investigator Johnson, as it relates to State's Exhibit
12 7, what is that a photo of?

13 A That is a photograph of the house. You can see the
14 address right there beside the driveway -- the carport as
15 1597.

16 Q And that's Nokesville Circle?

17 A Yes, ma'am.

18 Q Here in Aiken County?

19 A Yes, ma'am.

20 Q All right. State's Exhibit 8.

21 Do you know what that is?

22 A Yes, ma'am, that's a photograph right inside the front
23 door.

24 Q And is this just again you documenting your
25 visualization of the scene and the layout?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q State's Exhibit 9.

3 what is that a photo of?

4 A After you pass that little foyer right at the front
5 door, little hallway, and it starts to open up into the
6 living room, that's the photograph from there.

7 Q And State's Exhibit 10.

8 A That is going -- taking a photo -- photograph from the
9 actual living room or main room area over to the hallway
10 where bedrooms are located and a bathroom is located.

11 Q State's 11.

12 A Then -- now you're looking down the hallway. I believe
13 the one there to the right is a restroom. That's a bedroom
14 to the back and there's also one that's just out of frame,
15 another bedroom to the left.

16 Q Looking at State's Exhibit 12, is that what you were
17 referencing as the other bedroom out -- just outside the
18 frame?

19 A Yes, ma'am.

20 Q State's Exhibit 13, what is that a photo of?

21 A Thirteen, that is looking inside the room standing at
22 the doorway of that room. That was just out of frame. That
23 is the room where the evidence is located. You can see the
24 bed. Of course, there's a little nightstand up against the
25 wall and there's a closet to the right or to the left right

Chris Johnson - Direct examination
By Solicitor Hammack

1 there.

2 Q And State's Exhibit 14.

3 A Picture of the closet and also showing the door to that
4 room.

5 Q State's Exhibit 15.

6 A Circling back towards the center of the room showing a
7 picture of the bed and you can see the window in the
8 background.

9 Q And you took these photographs before you processed
10 this room?

11 A Yes, ma'am.

12 Q State's Exhibit 16.

13 A It's showing the foot of the bed and the little vanity
14 at the foot of the bed and you're right up against the wall.

15 Q And, Investigator Johnson, State's Exhibit 17, what is
16 that a photo of?

17 A State's Exhibit 17, I am standing with the bed to my
18 left and I'm showing the floor coming into the room.

19 Q what color is that carpet?

20 A It's like a -- it's not brown. It's not red. It's
21 like a taupe. Maybe a burgundy. It was hard to explain.
22 It's just that color.

23 Q So is it a darker red, brown colored carpet?

24 A Yes, ma'am.

25 Q Is it easy to see blood on a red, brown call --

Chris Johnson - Direct examination
By Solicitor Hammack

1 surface?

2 A No, ma'am.

3 Q Is that part of why you use your Bluestar and your
4 Phenolphthalein to test for blood?

5 A Yes, ma'am. One of the reasons, yes, ma'am.

6 Q Now, after you photographed the room as it is, you
7 stated that you did examine the bed and, and pull back the
8 sheets. Let's look at State's Exhibit 24.

9 what is that a photo of?

10 A That's a photo -- photograph of the bed after the pink
11 comforter and comforter set has been removed. It kind of
12 looks like there was some sort of moisture or something on
13 that fitted sheet. We took a photograph of it.

14 Q And State's 25.

15 A That's after we removed the, the blue sheets showing
16 some discoloration in the mattress.

17 Q And, again, before you start putting a substance on
18 anything to test for blood, are you just continuing to
19 document every step you took in this analysis?

20 A Yes, ma'am.

21 Q State's Exhibit 26.

22 what are we looking at in this picture?

23 A Okay. So you're looking at the floor and the mattress.
24 Not really -- you can't really see it very well on the floor
25 but there was a slight discoloration there at the floor, and

Chris Johnson - Direct examination
By Solicitor Hammack

1 even the, the texture of the carpet, when you put your hand
2 on it, felt a little stiffer than the rest of the carpet in
3 that, that area right there.

4 Q And that area proper, is that between the bed and the
5 closet?

6 A Yes, ma'am, it is.

7 Q And when you saw the discoloration and you felt the
8 difference on the carpet, did you engage any testing at that
9 point to determine if there was the presumptive presence of
10 blood?

11 A Yes, ma'am, we used the Bluestar reagent.

12 Q And when you use that Bluestar reagent, explain to the
13 jury what you do to see if it glows in the dark.

14 A So you have to have a low light. You don't have to
15 have it completely dark but you have to have a low light
16 environment. And you mix the chemical in a spray bottle and
17 then you just spray the area where you suspect there's
18 blood. If there's blood, then it will fluoresce a blue
19 color and then you, you document what you see.

20 Q And did you spray this area of the carpet in the
21 bedroom with the Bluestar?

22 A Yes, ma'am, I did.

23 Q And did it fluoresce a blue color?

24 A Yes, ma'am, it did.

25 Q And did you take a picture of that?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Looking at State's 27. It's kind of hard to see on the
3 computer.

4 I know you have a copy in your hand but is that a
5 photograph of the Bluestar reacting after you use it?

6 A Yes, ma'am, it is.

7 Q Let's go to State's 28.

8 Is this just a further picture of the mattress in this
9 case?

10 A Yes, ma'am.

11 Q Is this a photograph of the mattress in the area where
12 you observed the discoloration?

13 A Yes, ma'am.

14 Q And just for the jury, what color is this mattress?

15 A Pink.

16 Q Is it difficult to see a bloodstain on this color
17 mattress with the human eye as opposed to white?

18 A As -- yes, opposed -- as -- yes, as opposed to white it
19 can be difficult or if it's been cleaned or someone's
20 attempted to clean it, it can make it more difficult to see
21 on that color, yes.

22 Q And so did you use your Bluestar on this mattress to
23 see if there was a presumptive positive presence of blood on
24 the mattress?

25 A Yes, ma'am, the whole area.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you get a reaction?

2 A Yes, ma'am.

3 Q Let's look at State's 29.

4 Again, it's hard to see on this computer and I know you
5 have your paper copy in your hand but did you photograph the
6 positive reaction that you got?

7 A Yes, ma'am.

8 Q Let's look at State's 30 and is this the general area
9 where you saw both the discoloration and change in textures
10 of the carpet as well as the discoloration on the mattress?

11 A Yes, ma'am, it is.

12 Q Did you Bluestar these at the same time or separately?

13 A I would -- all of the Bluestar is applied between
14 photographs. So, if I'm photographing -- I'll spray
15 Bluestar. If I see reaction, I'll set up the camera, take a
16 photograph, turn the lights out, take -- spray some more
17 Bluestar to get that reaction again and then take a picture
18 of it. So, yes, ma'am, between each time we would reapply
19 Bluestar.

20 Q And after taking this photograph, did you get a
21 positive reaction from the Bluestar in this area?

22 A Yes, ma'am.

23 Q Let's look at State's 31.

24 Is that a picture of the Bluestar reaction that you got
25 in that area?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Let's look at State's 32 and I, I may of gone out of
3 order. That may be the, the before picture before that
4 Bluestar reaction.

5 But is that that area we're talking about?

6 A Yes, ma'am, this is all in the same area. All those
7 photographs were right there in the same area, yes, ma'am.

8 Q All right. Let's look at State's Exhibit 33.

9 Investigator Johnson, when you observed something of
10 significance that is potential evidence in a case, do you
11 use markers to note that?

12 A Yes, ma'am, I do.

13 Q And why do you use those markers?

14 A Just to show location into the -- in the scene.

15 Q And those markers have numbers on them.

16 Do those numbers help you keep track of which item of
17 evidence you're working with?

18 A Yes, ma'am.

19 Q And when you document later, do you refer to those
20 items of evidence by those numbers?

21 A Yes, ma'am.

22 Q Why do we have markers in this picture?

23 A Marker 1 is the area where Bluestar reacted on the
24 carpet and Marker 2 is gonna be the area at the mattress
25 where it reacted as well.

Chris Johnson - Direct examination
By Solicitor Hammack

1 SOLICITOR HAMMACK: And as, as we go through this, Your
2 Honor, before I go any further, I just want to inquire to
3 make sure that the jurors on the far side can see the screen
4 okay or if we need to turn it?

5 (WHEREUPON, there was no audible response.)

6 SOLICITOR HAMMACK: And the jurors in the back?

7 (WHEREUPON, there was no audible response.)

8 Q So, Investigator Johnson, after you marked these items,
9 did you take any steps to further analyze these areas?

10 A Yes, ma'am, we cut the carpet to see if there was any
11 absorption of a stain below the carpet or any blood going
12 below the carpet to see if -- how far down the blood had
13 soaked into the carpet.

14 Q So not just blood on, on the surface, but blood that
15 has saturated the carpet to go past it to the padding?

16 A Yes, ma'am.

17 Q Let's look at State's 34.

18 Is that where you cut the carpet to examine in this
19 case?

20 A Yes, ma'am.

21 Q And why do you have that marker there?

22 A So basically when I cut the carpet I want to be able to
23 visually, in the photograph, show that this area that's cut
24 is the same area where the marker was sitting previously
25 before it was cut and the carpet was just laid over.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q So this area where you cut, is that where you had a
2 positive Bluestar reaction?

3 A Yes, ma'am.

4 Q And did you observe anything with the naked eye on the
5 back of this carpet as well as on the padding underneath?

6 A Yes, ma'am, you started to see a red stain.

7 Q Was that significant to you?

8 A Yes, ma'am, it, it means that there was more blood
9 there that we needed to find as far as being absorbed into
10 the carpet, how far down did it go.

11 Q So, once you observed that it was absorbed into the
12 carpet, did you go further to find more?

13 A Yes, ma'am, we also cut the padding.

14 Q Let's look at State's 35.

15 Is that where you cut away more of the carpet to reveal
16 more red stain?

17 A Yes, ma'am.

18 Q And State's 36.

19 What are we looking at in State's 36?

20 A So, State's, State's 36 you're looking at the backside
21 of the carpet toward -- or excuse me. You're looking at the
22 backside of the padding towards the top of the photograph.
23 Where the number one is, number one is sitting is the actual
24 concrete of the floor. So I just cut the padding and I
25 flipped it up on top of itself to reveal the blood had

Chris Johnson - Direct examination
By Solicitor Hammack

1 soaked down to the concrete.

2 Q So, in this photograph, we're looking at blood that has
3 gone through the carpet, through the padding, and has
4 stained the concrete floor underneath all of that?

5 A Yes, ma'am.

6 Q Let's look at State's 37.

7 what are you doing in this picture?

8 A So this is me using the Phenolphthalein. I used the
9 swab on the stain on the concrete to test to see if it was
10 blood and it reacted positively to blood.

11 Q And when -- well, we'll come back to that swab.

12 But you said it did react positive for blood there?

13 A Yes, ma'am.

14 Q Investigator Johnson, in your experience since 2006 as
15 a forensic investigator, have you had to deal with blood a
16 lot?

17 A Yes, ma'am.

18 Q Have you seen blood a lot?

19 A Yes, ma'am.

20 Q Have you collected blood a lot?

21 A Yes, ma'am.

22 Q Blood on carpet that has soaked through the carpet, has
23 soaked through the padding, and is stained the concrete
24 underneath those layers, in your experience, is that a
25 little bit of blood or is that a lot of blood?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A No, ma'am, it's a good quantity of blood. It's more
2 that a nose bleed or a cut on the arm. It's, it's a good
3 bit of blood to soak through the carpet and that much to
4 soak through the carpet down to the padding and then down to
5 the concrete.

6 Q Now, Investigator Johnson, in this picture you're
7 showing us where you swabbed with the Phenolphthalein and
8 it's tested presumptive positive for blood.

9 A Yes, ma'am.

10 Q Can you tell the jury about the swabs that you use to
11 collect this evidence?

12 A We used what they call capture. It is a sterile swab
13 that is packaged in a -- with a plastic cup at the end of
14 it. You open the cup. You slide the -- you slide it down
15 the shaft of the cotton swab and then you have a sterile
16 cotton swab that you can apply the distilled water on and
17 collect your sample. And then you pull the cap back up and
18 you cap it and it keeps the, the collection from getting
19 contaminated.

20 Q And once you---

21 THE COURT: The television is blocking the juror's view
22 of the witness.

23 Q Investigator Johnson, once you've securely contained
24 that swab in what you call the capsule or the plastic to
25 keep it from being contaminated, do you place it in a

Chris Johnson - Direct examination
By Solicitor Hammack

1 envelope for safekeeping until further analysis can be done?

2 A Yes, ma'am, I do.

3 Q Did you do that in this case?

4 A Yes, ma'am.

5 (WHEREUPON, swabs collected from concrete were marked
6 as State's Exhibit No. 20 for identification purposes only
7 at this time.)

8 Q I'm showing you what's been marked as State's Exhibit
9 20.

10 will you take a look at that and tell me if you
11 recognize it?

12 A Yes, ma'am, I do.

13 Q And what is it?

14 A These are the swabs that I collected. It is labeled
15 CJ1C, two swabs of suspected blood from concrete at Marker
16 Number 1. It's got my name and my badge number on it.

17 Q And do you tape that envelope up so that it can not be
18 opened or fall open to secure that evidence until it can be
19 further tested?

20 A Yes, ma'am, I see my initials on the evidence where I
21 sealed it and I think there's a date there but it's been
22 written over and resealed.

23 Q And when you collected the swab in this case, and put
24 it in that envelope, did you then put it into your evidence
25 until it could be tested by SLED?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, I did.

2 SOLICITOR HAMMACK: Your Honor, at this time we would
3 move State's 20 into evidence.

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: It's admitted.

7 (WHEREUPON, State's Exhibit No. 20 was received into
8 evidence at this time.)

9 Q Investigator Johnson, in order to take that swab you
10 had to cut the carpet back.

11 Did you collect any of that carpet in this case?

12 A Yes, ma'am.

13 (WHEREUPON, the cutting from the carpet was marked as
14 State's Exhibit No. 23 for identification purposes only at
15 this time.)

16 Q Investigator Johnson, I'm showing you what's been
17 premarked as State's Exhibit 23.

18 Do you recognize that?

19 A Yes, ma'am.

20 Q And what is it?

21 A That is a cutting of carpet with suspected bloodstain.
22 There's four pieces and it's labeled as CJ1/A.

23 Q And just for the jury, what does CJ stand for?

24 A Chris Johnson.

25 Q So you put your initials on it so you know you're the

Chris Johnson - Direct examination
By Solicitor Hammack

1 one that collected it?

2 A Yes, ma'am.

3 Q And does it also have your name right there where it
4 says evidence collected by?

5 A Yes, ma'am.

6 Q And is this the carpet that you cut away to test that
7 blood in this case?

8 A Yes, ma'am.

9 SOLICITOR HAMMACK: Your Honor, at this time we would
10 move State's 23 into evidence.

11 MR. JOHNSON: No objection, Your Honor.

12 MR. THOMPSON: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (WHEREUPON, State's Exhibit No. 23 was received into
15 evidence at this time.)

16 Q Investigator Johnson, I want to go back to the
17 photographs that you took in this case and discuss some
18 other evidence that you located.

19 A Okay.

20 THE COURT: would it work if you pushed it over some?
21 If you turned it the other way so --.

22 (Pause.)

23 THE COURT: I think that's fine. I think that's good.

24 Q And, Investigator Johnson, let's look at State's 38.
25 what is that a photo of?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A That's showing the right side of the bed close to the
2 window and in the background against the wall you can start
3 to see a little deformity in the wall that winds up being a
4 projectile hole.

5 Q well, let's look at State's 39.

6 what is that a photograph of?

7 A That is a more close-up photograph of that hole in the
8 wall. You can see the window and you can see the bedframe
9 and the pillow and you can more clearly see the hole in the
10 wall.

11 Q And are you, in this photograph, are you photographing
12 it before you've touched it?

13 A Yes, ma'am, I am.

14 Q Let's look at State's 40.

15 what is that?

16 A That is a trajectory rod. That is something that we --
17 I can try and figure out the trajectory of a, a projectile
18 or a bullet or the path of a bullet.

19 Q And with this trajectory rod in the wall like this,
20 what does that indicate to you?

21 A It indicates to me that a bullet traveled in the
22 direction that the rod is pointing, so on the doorway side
23 of the bed, and traveled across the bed to the wall.

24 Q Let's look at State's 41.

25 Is that looking at the trajectory rod head on?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, it is.

2 Q And why did you take that photograph of the trajectory
3 rod head on that way?

4 A It's so that you can see in the photograph that I'm
5 standing basically in the path of the projectile. So, if
6 the projectile was traveling in a straight-line and impacted
7 the wall right there, I'm in that trajectory. Tried to get
8 as straight as I can to show, if you follow that line, a
9 path.

10 Q And where were you standing when you took that
11 photograph?

12 A I was standing just to the foot of the bed, the corner
13 of the bed.

14 Q State's 42, is that a closeup of that trajectory rod?

15 A Yes, ma'am.

16 Q And the reason you can look at it and, and see the path
17 of the bullet is because of the angle where it entered the
18 wall?

19 Is that right?

20 A Yes, ma'am.

21 Q Let's look at State's Exhibit 43.

22 what are you doing here?

23 A So this is the, the time where I cut out around the,
24 the hole in the wall to reveal what was behind it, and you
25 can see behind it some insulation that's got some damage and

Chris Johnson - Direct examination
By Solicitor Hammack

1 a stud that looks like it's got a -- just a small amount of
2 damage on the back side of it.

3 Q And this is after you have removed the tissue from that
4 hole?

5 A Yes, ma'am, the tissue was removed before the
6 trajectory rod was introduced.

7 Q And that piece of drywall that you cut, what did you do
8 with it?

9 A I collected it.

10 (WHEREUPON, a cutting from drywall was marked as
11 State's Exhibit No. 21 for identification purposes only at
12 this time.)

13 Q Investigator Johnson, I'm showing you what's been
14 premarked as State's Exhibit 21.

15 will you take a look at that and see if you recognize
16 it?

17 A Yes, ma'am, I recognize it.

18 Q What is it?

19 A It's the cutting from the drywall with suspected
20 projectile hole from the front bedroom wall between the
21 headboard and wall with window. I've got my name and badge
22 number on it.

23 Q Is that the drywall from that picture that you
24 collected?

25 A Yes, ma'am, it is.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And is that your initials on the tape sealing that up
2 after you have collected it and placed it in that envelope?

3 A Yes, ma'am, it is.

4 SOLICITOR HAMMACK: Your Honor, at this time we'd move
5 State's 21 into evidence.

6 MR. JOHNSON: No objection, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: Admitted.

9 (WHEREUPON, State's Exhibit No. 21 was received into
10 evidence at this time.)

11 Q Investigator Johnson, I'll bring your attention back to
12 these photographs. Let's look at State's 44.

13 what are you doing in this photo?

14 A I am taking a photograph of the hole that I cut into
15 the wall at a different angle to try and photograph what I'm
16 seeing as far as the stud and the insulation.

17 Q And when you took this photograph, could you see
18 something as significant in that wall that did not belong
19 there?

20 A Yes, ma'am.

21 Q what did you see?

22 A I saw a part of the projectile.

23 Q Let's look at State's 45. I'm sorry. State's 46.

24 what's that in your hand?

25 A That is the projectile.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And, again, when you explain to the jury, when you say
2 projectile, you're talking about a bullet?

3 A A fired bullet, yes, ma'am.

4 Q Let's look at State's Exhibit 47.
5 Is that a close-up of that bullet?

6 A Yes, ma'am, it is.

7 Q Investigator Johnson, what's on that bullet?

8 A It looks like fragment and debris from the drywall.
9 I'm not exactly sure what all is on it but it looks to me
10 like drywall, stuff from the drywall, and then the
11 insulation.

12 Q what'd you do with that projectile?

13 A I collected it.

14 (WHEREUPON, a projectile was marked as State's Exhibit
15 No. 22 for identification purposes only at this time.)

16 Q Investigator Johnson, I'm showing you what's been
17 premarked as State's Exhibit 22.

18 will you take a look at that and tell me if you
19 recognize it?

20 A Yes, ma'am, I do.

21 Q And how do you recognize it?

22 A The packaging, again, has my name on it, my badge
23 number. It says CJ5B, suspected projectile from wall at
24 head of bed, and it is the actual projectile I collected
25 that day.

Chris Johnson - Direct examination
By Solicitor Hammack

1 SOLICITOR HAMMACK: Your Honor, at this time we would
2 move State's 22 in evidence.

3 MR. JOHNSON: No objection, Your Honor.

4 MR. THOMPSON: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (WHEREUPON, State's Exhibit No. 22 was received into
7 evidence at this time.)

8 Q Did you take more photographs from other locations
9 inside this house as part of your investigation?

10 A Yes, ma'am, I did.

11 Q Let's look at State's 48 please.

12 what is that a photograph of?

13 A That is a photograph of the garage standing at the
14 doorway inside the house taking a photograph from the
15 doorway out into the garage.

16 Q And State's 49.

17 A Forty-nine, in front of the, the vehicle standing at
18 the bumper and just doing a basic photograph of the contents
19 of the garage.

20 Q And can you describe for the jury some of those basic
21 contents of the garage?

22 A Chairs, a couple of totes, a lawn mower, a television,
23 a pink lid to a tote, shoes. Just basic contents in a
24 garage. Just storage items.

25 Q Let's look at State's 50.

Chris Johnson - Direct examination
By Solicitor Hammack

1 what's that a photograph of?

2 A That's a photograph of that pink tote and then a gray
3 tote sitting inside of it with, you know, the microwave and
4 everything in the background.

5 Q State's 51.

6 Investigator Johnson, first, what are you doing in this
7 picture?

8 A I am taking photographs of the dimensions of this pink
9 tote. We had gotten information also that the victim might
10 of been taken in a tote, put in a tote, and taken away from
11 the scene. So we found one in there and we wanted to
12 photograph its size in comparison to what he could of been
13 taken away in.

14 Q And those measurements give you an idea of scale in a
15 photograph?

16 A Yes, ma'am, it does.

17 Q Approximately what is the width and length of that
18 tote?

19 A The width from outside edge to outside edge is roughly
20 17 inches. Again, outside edge to outside edge, the length
21 is roughly 29, 30 inches.

22 Q Let's look at State's Exhibit 52.

23 what are you measuring here?

24 A I'm measuring across the center. So this tub kind of
25 looks like it widens out a little bit and the dimensions

Chris Johnson - Direct examination
By Solicitor Hammack

1 across the center did widen out till about 18 and a half
2 inches or so.

3 Q And let's look at State's Exhibit 53.

4 what are you measuring here?

5 A I'm measuring the depth of the actual tote itself and
6 it was about 17 inches deep.

7 Q Investigator Johnson, is this the last thing that you
8 possessed in this case?

9 A No, ma'am.

10 Q what else were you asked to process in this case?

11 well, first, before I ask you that, is there anything
12 else that you did at this house that we haven't talked about
13 that I should of asked you about?

14 A No, ma'am.

15 Q what else were you asked to process in this case?

16 A I was asked to assist in a search warrant of a vehicle
17 and also to execute a search warrant of another vehicle.

18 Q Do you remember which vehicle you processed first?

19 A Not offhand.

20 Q When you process a vehicle, what is your general
21 practice?

22 A When a vehicle comes in and they request us to execute
23 a search warrant on it, we look at the search warrant and
24 look specifically at what they are looking for in that
25 vehicle, and then we look at the vehicle and try and find

Chris Johnson - Direct examination
By Solicitor Hammack

1 the items or the evidence that they're looking for inside of
2 the vehicle.

3 Q And if someone voluntarily surrenders a vehicle to be
4 searched, do you do the same thing?

5 A Yes, ma'am.

6 Q And when you process a vehicle, do you do the same
7 thing as you do with a scene as far as doing a visual
8 observation first?

9 A Yes, ma'am.

10 Q After you do a visual observation, do you then
11 photograph a vehicle before you analyze it?

12 A Yes, ma'am.

13 Q And when you photograph and process a vehicle, do you
14 have any type of identifier showing you when you process
15 something?

16 A A placard. We take a photograph of a placard that we
17 fill in with the case number, the investigator, the
18 location, the date, the time, and who's photographing.

19 Q And did you have an opportunity to assist with the
20 analysis of a white Toyota Avalon in this case?

21 A Yes, ma'am, I did.

22 Q And was that Avalon brought in voluntarily or was that
23 pursuant to a search warrant?

24 A I believe that one was voluntary.

25 Q And when you process a vehicle, and someone brings it

Chris Johnson - Direct examination
By Solicitor Hammack

1 up voluntarily, where do you process a vehicle?

2 A The vehicle, if it's brought up voluntarily to the
3 Sheriff's Office, we take it from the front parking lot back
4 to the forensic building. So one -- there's a deputy or an
5 investigator that will bring the vehicle back to us at the
6 processing building.

7 Q Okay. So a civilian can not take a vehicle back to
8 your secure building?

9 A No, ma'am.

10 Q In this case, do you remember who took the white Toyota
11 Avalon back to your forensic building?

12 A I believe it was Lieutenant Flurry.

13 Q Lieutenant Flurry?

14 A Yes, ma'am.

15 Q Is his first name Billy?

16 A Yes, ma'am.

17 Q Okay. And once that vehicle is taken back to your
18 forensics building, is that where you photograph -- do your
19 visual observation, then photograph, and then process?

20 A Yes, ma'am.

21 (WHEREUPON, a group of photographs was marked as
22 State's Exhibit Nos. 54 through 64 for identification
23 purposes only at this time.)

24 Q Investigator Johnson, I'm showing you what's been
25 premarked as State's 54 through 64.

Chris Johnson - Direct examination
By Solicitor Hammack

1 will you take a second to look at those and see if you
2 recognize them?

3 A Yes, ma'am, I recognize these.

4 Q what are they?

5 A These are photographs that Lieutenant Adams took as we
6 were processing this vehicle.

7 Q And you mentioned Lieutenant Adams.

8 Is he also a forensic investigator?

9 A Yes, ma'am, he's my supervisor.

10 Q And, Investigator Johnson, when y'all process a
11 vehicle, do you typically do it together?

12 A Yes, ma'am, as much as we possibly can. If there's not
13 anything going on in the county and one of us has to be
14 away, we typically process things together.

15 Q So, even if he took those photographs, these are
16 photographs of a vehicle that you processed that you saw
17 with your own eyes?

18 A Yes, ma'am.

19 Q And those photographs, do they show the vehicle as it
20 existed when y'all processed it back on May 13th of 2019?

21 A Yes, ma'am, it does.

22 SOLICITOR HAMMACK: Your Honor, at this time we would
23 move State's 54 through 64 into evidence.

24 MR. JOHNSON: No objection, Your Honor.

25 THE COURT: Admitted --

Chris Johnson - Direct examination
By Solicitor Hammack

1 MR. THOMPSON: Your Honor, I---

2 THE COURT: -- unless there's an objection.

3 MR. THOMPSON: I would object to I believe it's 60
4 through 64. I can speak the objection further. It would be
5 a 403 objection related to the potential to -- a potential
6 of confusion of some of the, the responses that, well, maybe
7 not the responses, done on that car unless he lays more
8 foundation for it.

9 THE COURT: They're admitted over objection.

10 (WHEREUPON, State's Exhibit Nos. 54 through 64 were
11 received into evidence at this time.)

12 SOLICITOR HAMMACK: And, Your Honor, at this time we
13 would publish State's 54 through 64 to the jury.

14 Let's begin with State's 54.

15 Investigator Johnson, what is this a picture of?

16 A That is the placard that I was referring to. Gives our
17 case number, the address, which is ACO forensics, that's the
18 building we're in, and then the date and who is taking the
19 photographs, which was Lieutenant Clay Adams.

20 Q So this lets you know that y'all processed this vehicle
21 on May 13th?

22 A Yes, ma'am.

23 Q Let's look at State's 55.

24 what's that a photograph of?

25 A That shows the front of the vehicle. So it's just an

Chris Johnson - Direct examination
By Solicitor Hammack

1 overall photograph of the vehicle that we are processing.

2 Q And is this part of your routine of first observing the
3 vehicle in its entirety and then documenting the entire
4 thing by photographs before you touch it and process it?

5 A Yes, ma'am.

6 Q State's 56.

7 Is that just a photograph of another side of the
8 vehicle so we can get a picture of the whole thing?

9 A Yes, ma'am, it is.

10 Q State's 57.

11 Photograph of a -- another side of the vehicle?

12 A Yes, ma'am, the backside and it's also showing the tag
13 that's assigned to the vehicle.

14 Q State's 58.

15 what is that a photograph of?

16 A That's a photograph inside the trunk when the trunk was
17 opened. That is what we observed, that gray lid, that heavy
18 plastic bag sitting there, and then a couple of floor mats.

19 Q Do you know what that gray plastic bag is?

20 A Yes, ma'am, it, it looked like a bag that sheets or a
21 bed set would come in.

22 Q Let's look at State's Exhibit 59.

23 what is that a photograph of?

24 A That is a photograph of the front passenger side door.
25 It's in the open position.

Chris Johnson - Direct examination
By Solicitor Hammack

- 1 Q State's Exhibit 60.
2 what is that a photograph of?
- 3 A That is showing a photograph of -- back on the trunk
4 area you can see the taillight. That's going to be on the
5 driver's side of the trunk showing that plastic molding
6 piece right there.
- 7 Q Is there something significant about that to you as to
8 why you took a photo of it?
- 9 A Yes, ma'am, there is. Those, those marks, those stains
10 right there, I -- kind of hard to point to. But those --
11 discolorations on that metal, on that plastic.
- 12 Q Well, let's look at State's Exhibit 61 and see if that
13 helps.
- 14 A Yes, ma'am.
- 15 Q Is that a better picture of the discolorations and
16 stains that you were observing?
- 17 A Yes, ma'am.
- 18 Q And why is that significant to you?
- 19 A Because it could of been blood.
- 20 Q And as you talked about before, you have tests for
21 presumptive positives presence of blood, but, if you're not
22 sure, you send things off to the lab for analysis.
23 Is that right?
- 24 A Yes, ma'am, we do.
- 25 Q Did you do anything to document this substance to

Chris Johnson - Direct examination
By Solicitor Hammack

1 determine if it was blood?

2 A It was swabbed.

3 (WHEREUPON, two swabs were marked as State's Exhibit
4 No. 65 for identification purposes only at this time.)

5 Q Investigator Johnson, I'm showing you what's been
6 premarked as State's Exhibit 65.

7 will you take a look at that and tell me if you
8 recognize it?

9 A Yes, I do recognize this.

10 Q what is it?

11 A This is a collection, two swabs, top trunk weather
12 seal. well, that's gonna be two out of a third brake light.

13 Q I'm sorry?

14 Okay. So, you're telling me that's documented in a
15 different photo?

16 A Yes, ma'am.

17 Q well then let's move to State's Exhibit 63 then.

18 what is that a photo of the?

19 A That's the weather stripping at the top ridge of the
20 trunk below the rear windshield.

21 Q So at the very -- if, if the trunk is opened, that is
22 at the very top of the trunk?

23 A Of the actual vehicle below the -- where the windshield
24 comes in. So it's not on the trunk lid. It's on the
25 weather stripping that the trunk lid touches.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And what was significant about that to you?

2 A There was a -- that red -- it's hard to see in the
3 photograph but there was a stain right there on that weather
4 stripping.

5 Q And did you swab it to determine---

6 A Yeah.

7 Q ---if it was potentially blood?

8 A Yes, lieutenant collected the swab, yes.

9 Q And for context when you were describing where that
10 was, let's move back to State's Exhibit 62.

11 Is that where you're talking about where the windshield
12 comes down to the end of the vehicle, the trunk lid is up,
13 and that is at the very top of the trunk?

14 A Yes, ma'am.

15 Q And State's -- what's been premarked as State's 65 that
16 I handed up to you, is that a swab from that area?

17 A Yes, ma'am, it is.

18 Q And did you collect that swab the same way that you
19 conducted the swab of the blood on the concrete floor at the
20 Nokesville Circle address?

21 A Yes, ma'am, it was collected in the same fashion.

22 Q And did you package it in the same way?

23 A Lieutenant packaged it, yes, ma'am, the exact same way.

24 SOLICITOR HAMMACK: Your Honor, at this time we would
25 move State's 65 into evidence.

Chris Johnson - Direct examination
By Solicitor Hammack

1 MR. JOHNSON: No objection.

2 MR. THOMPSON: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (WHEREUPON, State's Exhibit No. 65 was received into
5 evidence at this time.)

6 Q Let's move to State's Exhibit 64.

7 what is that a photograph of?

8 A That's the same area on the trunk, the weather seal of
9 the trunk.

10 Q And did you swab -- the areas that you photographed
11 that were significant to you that had substances on them,
12 did you swab them for potential blood evidence?

13 A Yes, ma'am, they were swabbed.

14 (WHEREUPON, a swab was marked as State's Exhibit No. 66
15 for identification purposes only at this time.)

16 Q I'm showing you what's been premarked as State's
17 Exhibit 66.

18 Do you recognize that?

19 A Yes, ma'am.

20 Q And what is it?

21 A That is a swab that was taken inside the trunk near the
22 driver's side brake lights, which would be the one that was
23 pictured in Exhibit 61.

24 Q And did you -- after you swabbed that, did you package
25 or was it packaged in the same way as all the other swabs

Chris Johnson - Direct examination
By Solicitor Hammack

1 that have been described?

2 A Yes, ma'am, it was.

3 Q Placed into evidence for further analysis at SLED?

4 A Yes, ma'am.

5 SOLICITOR HAMMACK: At this time we would move State's
6 66 into evidence.

7 MR. JOHNSON: No objection, Your Honor.

8 MR. THOMPSON: Without objection, Your Honor.

9 THE COURT: It's admitted.

10 (WHEREUPON, State's Exhibit No. 66 was received into
11 evidence at this time.)

12 Q Investigator Johnson, did you examine this vehicle for
13 any other type of evidence besides blood evidence?

14 A Yes, ma'am, we processed it for fingerprints, latent
15 fingerprints.

16 Q And when you call a fingerprint a latent fingerprint,
17 what does that mean?

18 A A latent fingerprint is something that's not visible to
19 the naked eye. So, it has to be developed in order for us
20 to be able to see it and collect it.

21 Q So, if I put my finger on say this plexiglass and press
22 it nice and smooth, can you see that with the naked eye?

23 A Not normally, no, ma'am. Sometimes you can if you put
24 enough moisture or you put enough -- if you've got something
25 on your hands. But just regular oils, most of the time you

Chris Johnson - Direct examination
By Solicitor Hammack

1 can not see it. You have to develop it with fingerprint
2 powder.

3 Q And tell me how you use fingerprint powder to develop a
4 fingerprint.

5 A Fingerprint powder is used, we apply it with a
6 fiberglass brush and we just take the brush, dip it in the
7 fingerprint powder, and then we brush it over the surface
8 that we're looking for the fingerprints.

9 Q And did you do that to the vehicle in this case?

10 A Yes, ma'am.

11 Q were you able to discover any latent fingerprints that
12 were not visible to the naked eye?

13 A Yes, ma'am.

14 Q And do you recall the -- or what -- well, well, tell me
15 this.

16 Once you identified a fingerprint, are you always able
17 to tie it to a particular person?

18 A Not always.

19 Q So, you said you did develop some fingerprints in this
20 case?

21 A Yes, ma'am, we did.

22 Q were you able to identify all of the fingerprints on
23 that vehicle in this case?

24 A No, ma'am.

25 Q were you able to identify two of the fingerprints in

Chris Johnson - Direct examination
By Solicitor Hammack

1 this case?

2 A Yes, ma'am.

3 Q And do you recall who left fingerprints on the driver's
4 door, the interior driver's door handle?

5 A Lieutenant Billy Flurry.

6 Q And Lieutenant Billy Flurry, is that who you said drove
7 the vehicle from the front of the Sheriff's Office to your
8 forensics building?

9 A Yes, ma'am.

10 Q And were you able to develop a latent fingerprint from
11 the rear driver's side door interior handle?

12 A Yes, ma'am.

13 Q And do you know who that fingerprint belonged to?

14 A I would have to take a look at it. I don't remember
15 the name offhand.

16 Q would it help you remember if you were able to review
17 your report?

18 A Yes, ma'am.

19 (Pause.)

20 A Yes, ma'am, it was Elijah Sloan.

21 Q Do you know who Elijah Sloan is?

22 A No, ma'am.

23 Q The other fingerprint that you were able to lift or see
24 once you process with this powder, were you able to identify
25 who left those fingerprints?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A No, ma'am, I was not.

2 Q Investigator Johnson, as part of this investigation as
3 it continued on, were you then asked to process another
4 vehicle in this case?

5 A Yes, ma'am, we were.

6 Q And what vehicle was that?

7 A I'd, I'd have to look. It was another gray car. I'm
8 not exactly sure of the make or model.

9 Q And, again, when you processed it, would you have used
10 one of your placards and taken a photo of that placard to
11 document when you process the vehicle?

12 A Yes, ma'am.

13 (WHEREUPON, a group of photographs was marked as
14 State's Exhibit Nos. 68 through 83 for identification
15 purposes only at this time.)

16 Q Investigator Johnson, I'm gonna show you what's been
17 premarked as State's Exhibits 68 through 83. Take a moment
18 and review those and let me know if you recognize them.

19 A Yes, ma'am, I recognize these.

20 Q And what are they?

21 A These were photographs I took during the search warrant
22 on the vehicle on August 9th, 2019, at 10:48.

23 Q And the vehicle you processed on August 9th, 2019,
24 and your -- and looking at those photos, are you able to
25 determine what kind of vehicle that is?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, it's a Honda. A gray in color Honda. I'm
2 not sure if that's a Prelude.

3 Q Prelude?

4 A Prelude, yes, ma'am.

5 Q And are those the photographs you took both before you
6 processed that Prelude and as you continued to process the
7 vehicle?

8 A Yes, ma'am, they are.

9 Q Do those photos include photographs using your Bluestar
10 to identify potential blood in this case?

11 A Yes, they do.

12 SOLICITOR HAMMACK: Your Honor, at this time we would
13 move State's Exhibits 64 through 83 into evidence.

14 MR. JOHNSON: No objection.

15 SOLICITOR HAMMACK: Sixty-four -- 68. I'm sorry, 68
16 through 83.

17 MR. THOMPSON: Your Honor, I would object to 77 and 81
18 under the 403 analysis, a similar objection to the one I
19 made earlier just cause you can't really see the picture.

20 THE COURT: They're admitted over objection.

21 (WHEREUPON, State's Exhibit Nos. 68 through 83 were
22 received into evidence at this time.)

23 Q Investigator Johnson, let's look at State's Exhibit 68
24 if we can.

25 Is that the placard documenting the day that you

Chris Johnson - Direct examination
By Solicitor Hammack

1 processed this Honda Prelude?

2 A Yes, it is.

3 Q And that was on August 9th, 2019?

4 A Yes, ma'am.

5 Q And where did you process that?

6 A At the forensic processing building. The same place as
7 the last vehicle.

8 Q State's Exhibit 69.

9 Is this as you photographed around the vehicle to
10 document it before you process it?

11 A Yes, ma'am, it is.

12 Q And this Honda Prelude, how many doors does it have?

13 A Two doors.

14 Q Let's look at State's 70.

15 Is that the other side of the or the other end of this
16 vehicle?

17 A Yes, ma'am, that's the driver's side rear looking back
18 towards the front of the driver's side.

19 Q State's Exhibit 71.

20 The passenger side of the vehicle?

21 A Yes, ma'am, standing at the rear quarter panel on the
22 passenger side.

23 Q Let's look at State's Exhibit 72.

24 where is that photograph taken?

25 A That is taken inside the driver's side door. You can

Chris Johnson - Direct examination
By Solicitor Hammack

1 see the steering wheel, the floorboard, and part of the seat
2 and also the little button for the gas and on the floor.

3 Q Let's look at State's Exhibit 73.

4 what is that a photograph of?

5 A That's a photograph of that receipt that you saw in 72.

6 Q What's that receipt for?

7 Do you know?

8 A Dollar General Store, 1431 Chukker Creek Road, Aiken,
9 5/1/2019 at 4:29PM according to the receipt.

10 Q According to that receipt, what was purchased?

11 A Bounty four giant, SAS Lysol, and then HP fruit juice
12 red.

13 Q What'd you do with that receipt?

14 A Documented it and I'd have to go back and look but I'm
15 pretty sure we collected it as well.

16 (WHEREUPON, the Dollar General receipt was marked as
17 State's Exhibit No. 85 for identification purposes only at
18 this time.)

19 Q Investigator Johnson, I'm showing you what's been
20 premarked as State's Exhibit 85.

21 Do you recognize that?

22 A Yes, ma'am, I do.

23 Q What is it?

24 A It is a -- says CJ10 Dollar General receipt from front
25 driver's side floorboard. It has my initials and my badge

Chris Johnson - Direct examination
By Solicitor Hammack

1 number on it and it's sealed with my initials and the date
2 that I sealed it.

3 Q So is that the receipt that we're seeing in this
4 picture that you collected it from the driver's side
5 floorboard of this Honda Prelude?

6 A Yes, ma'am, it is.

7 SOLICITOR HAMMACK: Your Honor, at this time we would
8 move State's Exhibit 85 into evidence.

9 MR. JOHNSON: No objection, Your Honor.

10 MR. THOMPSON: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (WHEREUPON, State's Exhibit No. 85 was received into
13 evidence at this time.)

14 Q Let's move to a photograph that has been entered as
15 State's 74.

16 what is that a photo of?

17 A That's a photograph of the backside of the vehicle with
18 the trunk lid opened.

19 Q And State's 75?

20 A Seventy-five is a picture of some of the contents
21 inside the trunk. Looks like a shoe, a piece of plastic,
22 and some styrofoam, and some -- like a Clorox wipe
23 container. I'm not exactly sure what that cloth is.

24 Q Look at State's Exhibits 76.

25 what is that a photograph of?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A That is a photograph of the carpet piece or the
2 cardboard piece that covers the spare tire in the trunk.

3 Q Before you processed this vehicle, were you given any
4 brief or summary as to what you'd be looking for in this
5 vehicle?

6 A Yes, ma'am, we were told that the victim was
7 transported in this vehicle in the trunk of this vehicle.

8 Q So, what types of potential evidence were you looking
9 for in the trunk of this vehicle?

10 A We were looking for blood evidence. Anything that
11 would suggest a victim had been transported in the, in the
12 vehicle.

13 Q Did you see anything that looked significant to you
14 that warranted further processing or did you just continue
15 to process it anyway?

16 A We continued to process it. Nothing really stood out
17 at first, no visible stains. But we were told that he was
18 transported. So we did employ the use of Bluestar to see if
19 there was anything that we just weren't seeing with our
20 naked eye.

21 Q And you testified earlier that you used the Bluestar
22 when you can not see something visible.

23 A Yes.

24 Q Is that correct?

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you use the Bluestar in this case?

2 A Yes, ma'am, we did.

3 Q And did you get a fluorescent reaction indicating the
4 presence of the blood?

5 A Yes, ma'am, we did.

6 Q Let's look at State's 77.

7 Again, this is hard to see on the screen but did you
8 photograph the positive reaction from the Bluestar in the
9 trunk of this vehicle?

10 A Yes, ma'am, we did. From the photograph I can, I can
11 tell it is of -- I can see the part of the vehicle shining a
12 little bit. That would be on the passenger side of the
13 trunk right there at the quarter panel, and that area below
14 there was reacting with the Bluestar.

15 Q So after you took a photograph of that Bluestar
16 reaction, did you mark the trunk in any way to identify
17 where this reaction occurred?

18 A Yes, ma'am, this point in time we did use a yellow
19 grease pencil to mark the area where we saw reaction.

20 Q And why do you do that?

21 A So when we turn the lights on we know exactly where
22 we're looking.

23 Q Let's look at State's 78.

24 Is that the yellow grease pencil that you're talking
25 about?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, it is.

2 Q So where you've marked in this trunk, is that where you
3 had a positive Bluestar reaction for the presence of blood?

4 A Yes, ma'am, it is.

5 Q Let's look at State's 79.

6 Is that just a close-up showing that area that
7 fluoresced positive?

8 A Yes, ma'am, it is.

9 Q And once you saw this area that fluoresced positive for
10 the presence of blood, did you do anything to preserve that
11 evidence?

12 A Yeah, we, we cut that piece out and collected it.

13 Q Let's look at State's Exhibit 80.

14 Is that a piece that you cut out and collected?

15 A Yes, ma'am, that's the piece we collected.

16 Q And when you collected it, does that mean that you put
17 it into your evidence for further analysis at SLED?

18 A Yes, ma'am.

19 (WHEREUPON, a piece of carpet was marked as State's
20 Exhibit No. 87 for identification purposes only at this
21 time.)

22 Q Investigator Johnson, I'm showing you what's been
23 premarked as State's Exhibit 87.

24 Do you recognize this?

25 A Yes, ma'am, I do.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q what is it?

2 A It's Item CJ8, passenger side carpet from rear trunk
3 wall, and I even have a diagram of the area where it was and
4 where the Bluestar showed area -- reaction and my
5 initials -- my name and badge number's also on the package.

6 Q And is -- in this box, is it that piece of carpet shown
7 in that picture?

8 A Yes, ma'am.

9 SOLICITOR HAMMACK: Your Honor, at this time we would
10 move State's 87 into evidence.

11 MR. JOHNSON: No objection.

12 MR. THOMPSON: No objection.

13 THE COURT: It's admitted.

14 (WHEREUPON, State's Exhibit No. 87 was received into
15 evidence at this time.)

16 Q Let's look at State's 81.

17 what is that a photograph of?

18 A That is a photograph of another area in the trunk that
19 reacted to the Bluestar. It's gonna be on the plastic
20 molding and you can't -- I don't know if you can see it or
21 not. But the little white area is gonna be a receipt that
22 you'll be able to see in further photographs.

23 Q Let's look at State's 82 and is that the same general
24 area with the receipt that you're talking about in the
25 plastic molding?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, and we did use a grease pencil to mark the
2 area that reacted.

3 Q State's 83.

4 Is that a close-up of the area that reacted positive
5 for the presence of blood?

6 A Yes, ma'am.

7 Q And once you saw that -- it had reacted positive for
8 the Bluestar for the presence of blood, did you do anything
9 to collect potential blood evidence to be analyzed?

10 A Swabbed the area.

11 (WHEREUPON, two swabs were marked as State's Exhibit
12 Nos. 84 and 86 for identification purposes only at this
13 time.)

14 Q Investigator Johnson, I'm gonna show you what's been
15 premarked as State's Exhibit 86 but then I'm also gonna show
16 you what's been premarked as State's Exhibit 84.

17 will you go ahead and take a look at both of those
18 while I am up here?

19 A Yes, I recognize both of these.

20 Q Can you tell me, starting with what's been premarked as
21 State's 86, what those items are?

22 A It is labeled as CJ6, two swabs from trunk bumper ledge
23 to right of trunk latch. I've got my name and badge number
24 on it and it is my initials on the back where I had sealed
25 it with the date.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And State's 84.

2 A Eight-four is going to be marked as CJ7, a swab from
3 trunk passenger side weather strip, and it also has my name
4 and badge number and across the back seal my initials and
5 the date that I sealed it.

6 Q And did you swab the vehicle in areas where there was a
7 suspicion or a presumptive positive test for blood?

8 A Yes, ma'am.

9 Q And did you swab them the same way as you have
10 described swabbing the other vehicle and swabbing the blood
11 in the home?

12 A Yes, ma'am, I did.

13 Q And did you package them the same way?

14 A Yes, I did.

15 SOLICITOR HAMMACK: Your Honor, at this time we would
16 move State's 84 and State's 86 into evidence.

17 THE COURT: What says the defense?

18 MR. JOHNSON: No objection.

19 MR. THOMPSON: No objection.

20 THE COURT: They are admitted.

21 (WHEREUPON, State's Exhibit Nos. 84 and 86 were
22 received into evidence at this time.)

23 Q Investigator Johnson, when you collect all of this
24 evidence and keep it at the Sheriff's Office before sending
25 it to SLED for further analysis, do you keep it in a secure

Chris Johnson - Direct examination
By Solicitor Hammack

1 area so that it can not be tampered with or changed or
2 contaminated in any way?

3 A Yes, ma'am, we do.

4 Q And did you do that with all of the evidence that you
5 collected in this case?

6 A Yes, ma'am.

7 Q Investigator Johnson, I don't have any further
8 questions for you at this time.

9 THE COURT: Ladies and gentlemen, that will bring us to
10 the end of this day. Thank you--all very much for staying
11 over.

12 we'll start back at 9:30 tomorrow morning. It will be
13 at -- a short morning -- I mean -- I'm sorry. A shortened
14 day. I think we'll plan to leave no later than 3:00
15 tomorrow. Please do not discuss the case.

16 Have a good evening.

17 Mr. Thompson?

18 Mr. Thompson, juror number you were talking about?

19 MR. THOMPSON: Juror Number 6.

20 Juror Number 6?

21 Is Juror Number 6 still here?

22 (WHEREUPON, Juror Number 6 raises their hand.)

23 THE COURT: Yeah, if you'll stand by for just a moment
24 as the others leave.

25 (WHEREUPON, the following takes place outside the

1 Wednesday, August 18th, 2021

2

3 THE COURT: Anything before the jury comes in?

4 SOLICITOR CHARBONNEAU: Not from the State, Your Honor.

5 MR. JOHNSON: No, sir, Your Honor.

6 MR. THOMPSON: Nothing from Mr. Dixon.

7 THE COURT: All right. We need our witness and, and
8 the jury.

9 (WHEREUPON, the following takes place within the
10 presence of the jury.)

11 THE COURT: Good morning.

12 (WHEREUPON, the jurors answer good morning.)

13 THE COURT: Cross-examination, Mr. Johnson.

14 MR. JOHNSON: Thank you, Your Honor.

15 May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Good morning, Investigator Johnson.

20 A Good morning, sir.

21 Q I believe on yesterday you indicated that you conducted
22 your examination of the scene at Nokesville Circle.

23 Is that correct?

24 A Yes, sir.

25 Q And that's here in Aiken, South Carolina?

Chris Johnson - Cross-examination
By Mr. Johnson

- 1 A Yes, sir.
- 2 Q And is that located within a subdivision?
- 3 A Yes, sir.
- 4 Q And so would it be fair to say that there were homes on
5 either side of the property?
- 6 A Yes. Homes in the area, yes.
- 7 Q Yes, sir.
- 8 And were homes across the street as well based on your
9 recollection?
- 10 A There would of been, yes, sir.
- 11 Q And I believe you indicated that you did a number of
12 tests during the process of gathering information from that
13 home, correct?
- 14 A Yes, sir.
- 15 Q And one of those involved -- the vehicle that is a
16 Toyota Avalon I believe?
- 17 A Okay.
- 18 Q And you swabbed for fingerprints.
19 Is that correct?
- 20 A No, sir, you don't -- we don't swab for fingerprints.
21 We process with fingerprint powder and a brush.
- 22 Q All right. You were able to obtain two prints.
23 Is that correct?
- 24 A Obtain two prints or identify two prints?
- 25 Q Latent lifts from two -- was it individuals I

Chris Johnson - Cross-examination
By Mr. Johnson

- 1 believe---
- 2 A Yes, sir, we---
- 3 Q ---you testified to?
- 4 A Yes, sir.
- 5 Q Okay. And one of those that is a law enforcement
6 official, Mr. Flurry?
- 7 A Yes, sir.
- 8 Q And do you recall who the other individual was?
- 9 A Elijah was his first name and I'm not sure about his
10 last name.
- 11 Q If I were to show you your---
- 12 A I don't---
- 13 Q ---report, could that refresh your recollection?
- 14 A Yes. Yes, Elijah Sloan.
- 15 Q And when you get latent lifts, how are you able to
16 identify that to an individual?
- 17 A Once I receive the latent lifts, I'll put it on the
18 AFIS, the Automated Fingerprint Identification System, enter
19 the fingerprint into the system. It gives me back a set
20 number of possible fingerprint matches. I do a comparison,
21 one side to side, that this one or that fingerprint would be
22 the one that I need to look at. I will make a manual
23 comparison with a known fingerprint card and make the
24 comparison at that time and make the identification at that
25 time.

Chris Johnson - Cross-examination
By Mr. Johnson

1 Q And this is a law enforcement database?

2 A Yes, sir.

3 Q Did you ever go out to [REDACTED] whiskey Road in Aiken,
4 South Carolina as part of your work in this case?

5 A I'm not familiar with that address.

6 Q That's all I have. Thank you.

7 A You're welcome.

8 THE COURT: Mr. Thompson.

9 MR. THOMPSON: Your Honor, may it please the Court?

10 CROSS-EXAMINATION

11 BY MR. THOMPSON:

12 Q Investigator Johnson, on the back, the, the address
13 that the previous attorney asked you about, I -- I'm gonna
14 ask you a slightly different question.

15 Were you ever asked to go do any crime scene
16 investigation looking for a fire or a burn pile or a place
17 where evidence might of been destroyed?

18 A No, sir.

19 Q were never asked to investigate something like that?

20 A Not to my knowledge.

21 Q Very fine.

22 Also follow-up a little bit with what the other
23 attorney asked you.

24 You obtained information about two fingerprints from
25 Miss Toney's car, right?

Chris Johnson - Cross-examination
By Mr. Thompson

- 1 A (WHEREUPON, there was no audible response.)
- 2 Q Investigator Flurry, correct?
- 3 A Yes.
- 4 Q He was one of them and that didn't surprise you because
- 5 he was the officer that actually drove the car to the barn
- 6 where you do the processing of the car, right?
- 7 A Yes, from the front parking lot---
- 8 Q Okay.
- 9 A ---to the forensic building.
- 10 Q So his fingerprint really -- didn't really mean
- 11 anything cause you expected to find his fingerprint in the
- 12 car?
- 13 A Did not expect it but yes.
- 14 Q Okay. And the other gentleman, this Elijah Sloan
- 15 character, did you know who Elijah Sloan was?
- 16 A No, sir.
- 17 Q Okay. So, you got the information about a fingerprint
- 18 from Elijah Sloan and you just -- you didn't have any idea
- 19 who Elijah Sloan was. You just had a name of somebody whose
- 20 fingerprint was in the car.
- 21 A No, when I entered the fingerprint in the AFIS system
- 22 --
- 23 Q Right.
- 24 A -- it gives me possible matches with just SID numbers
- 25 or State Identification Numbers.

Chris Johnson - Cross-examination
By Mr. Thompson

1 Q Right.

2 A One side looked up and said if an -- State
3 Identification Number, that's when I got the name and
4 searched for a fingerprint card with his name on it, with
5 his finger -- known fingerprints on it---

6 Q Right.

7 A ---made the comparison and that's how I got his name.

8 Q Let me back up a little bit.

9 This fingerprint comparison that -- how does that kind
10 of information get into that system?

11 How do you know -- cause you have to have something to
12 compare the print that you lift out of the car, you have to
13 have something to compare it to.

14 what is this database for -- how does the information
15 get into that database?

16 A The information is input automatically at SLED. If I'm
17 not mistaken, when a person is arrested, he gets
18 fingerprinted. Those fingerprints get submitted to SLED and
19 get put on the database.

20 Q Okay.

21 A I search the database. I enter the points of
22 identification and the fingerprint that I've collected, and
23 it does a comparison and it goes out and it selects a number
24 of prints that are close to what I've input and it gives me
25 those results. From those results I narrow them down

Chris Johnson - Cross-examination
By Mr. Thompson

1 looking at so many different fingerprints. Once I get down
2 to okay, this looks like it's gonna be the guy, that's when
3 I get the name, go from there.

4 Q And, and I appreciate that. That's useful information.
5 I want to get to something a little bit simpler though.

6 A Okay.

7 Q In order for a comparison to be in the database for you
8 to compare anything to in the first place, that has to be
9 input into the system by some type of policing entity,
10 correct?

11 A Yes, I believe it's automated at this point in time.

12 Q Okay. But the actual taking of the -- the actual
13 taking of the information, the fingerprint cards, and the
14 scanning of the finger, that has to actually be done by a
15 person?

16 A Yes.

17 Q And that person is a law enforcement officer?

18 A Or a detention officer, yes, sir.

19 Q Or a detention officer.

20 So, the only way for you to get into this database is
21 because you're either -- well, let me ask you this.

22 Your prints would be in the database---

23 A Yes.

24 Q ---right?

25 Because y'all put all of the police officers into the

Chris Johnson - Cross-examination
By Mr. Thompson

1 database so you can exclude them from being part of the
2 crime like Office Flurry in this case?

3 A Yes, sir.

4 Q Okay. And the other way to get into this database is
5 to get arrested for some kind of crime and booked into the
6 jail?

7 A Not necessarily. Concealed weapons permit holders are
8 also input into the system.

9 Q Okay. All right. So, booked into a crime for
10 committing a -- booked into the jail for committing a crime
11 or having a concealed weapon permit?

12 A Yes, or a law enforcement officer.

13 Q Does the system tell you whether or not this person is
14 an officer or a concealed weapon permit holder or somebody
15 that's been booked into a jail?

16 A No, it gives me a number. It gives me an SID number,
17 State Identification Number.

18 Q Okay. So, when you do your process, you don't know if
19 the fingerprint that you're getting is a fingerprint for a
20 police officer or a concealed weapon permit holder or
21 somebody that's booked into a jail?

22 A You can, you can make a determination like that from
23 the number because the numbers are different. Like law
24 enforcement is SC7. So, if you see SC7 in a State
25 Identification Number, you know it's a law enforcement

Chris Johnson - Cross-examination
By Mr. Thompson

1 officer. otherwise, no, you don't know until you actually
2 look at the card.

3 Q well, not to put a too fine point on this, but you were
4 aware, from your, from your knowledge of this database, that
5 this Elijah Sloan character---

6 SOLICITOR HAMMACK: objection.

7 THE COURT: I need to hear the question before I can
8 rule on it.

9 SOLICITOR HAMMACK: And, Your Honor, my fear is that
10 the question is going to contain the impermissible
11 testimony. That's why I'm trying to object before he says
12 anything that's not allowed.

13 THE COURT: Yeah.

14 Counsel.

15 MR. THOMPSON: Your Honor, would, would you like me to
16 argue about the question or to ask the question?

17 THE COURT: Respond to the objection.

18 MR. THOMPSON: Your Honor, he has testified about
19 finding fingerprints in a car related to a murder
20 investigation and I think that that information is, is
21 relevant to the discussion of what actually happened in this
22 case and who the individuals in this car may have been.
23 There's testimony earlier about, from, from the State's
24 witness, about who these people were but no mention at all
25 about other persons being in this car, and I think we're

Chris Johnson - Cross-examination
By Mr. Thompson

1 entitled to ask that question.

2 THE COURT: All right. Ms., Ms. Hammack.

3 SOLICITOR HAMMACK: He has identified that fingerprint.
4 He's identified that person by name. That's what Mr.
5 Thompson says he wants to determine. That's already been
6 testified to.

7 MR. THOMPSON: And, and, Your Honor, he's, he's
8 identified that one set of fingerprints---

9 THE COURT: All right.

10 MR. THOMPSON: ---was from a gentleman named---

11 THE COURT: If y'all would approach.

12 MR. THOMPSON: Yes, sir.

13 (WHEREUPON, a bench conference was held out of the
14 hearing of the jury at this time.)

15 THE COURT: You may ask the question.

16 Q Investigator Johnson, from your knowledge of the
17 database that we talked about earlier, this Mr. Elijah
18 Sloan, was your understanding that this person had been
19 entered into the database as a police officer or a concealed
20 weapon permit holder or as somebody who had been arrested
21 and processed into the jail?

22 A Yes.

23 Q I'm sorry.

24 which one?

25 A Are you asking which one that I knew?

Chris Johnson - Cross-examination
By Mr. Thompson

1 Q Correct.

2 From your knowledge of the database---

3 A I had, I had no knowledge of who Elijah is. I still
4 don't know who Elijah is. It was an identification that I
5 made from the fingerprint that I got from the system --

6 Q All right.

7 A -- and that's, that's what I'm testifying to.

8 Q Yes, sir.

9 And, and earlier though you said that, from your
10 knowledge of the database, you were able to know not the
11 specific identity of this person but you were able to know
12 whether or not they have been entered into the system as a
13 police officer or a concealed weapon permit holder or if
14 they'd been entered into the system subsequent to being
15 processed into a detention center being arrested and I'm
16 asking you which one of those three options did Mr. Elijah
17 Sloan fit into?

18 A Once I printed out the card you could tell he was not
19 booked into a detention center but I did not know that until
20 I printed the card out.

21 Q Very fine.

22 The, the crime scene that you investigated at
23 Nokesville Circle, you -- you've mentioned yesterday that
24 you get a summary of what you're looking for so that you'll
25 have a better educated, educated idea of what to look for at

Chris Johnson - Cross-examination
By Mr. Thompson

1 the scene and what to process, correct?

2 A Yes.

3 Q Okay. And you had been told that this scene had been
4 cleaned, correct?

5 A I don't recall being told it was cleaned.

6 Q Okay. So, you were, you were not aware of whether or
7 not some things -- that, that the stains in this that you're
8 looking for, you were not aware about whether or not they
9 had been cleaned or diluted?

10 A I knew that I was going in and there was a shooting
11 that had occurred in that room or had allegedly occurred in
12 that room and I was going in to see if there was any
13 evidence of that and we found evidence of --

14 Q Okay.

15 A -- that happening.

16 Q But you were not aware that the room had been cleaned
17 or that any of the stains in the room had been diluted by
18 water or other cleaning agents, correct?

19 A I don't recall if anybody told me that or not.

20 Q Okay. And you were told that this was -- that, that,
21 that your investigation was 11 days after the alleged event,
22 correct?

23 A No, sir.

24 Q So nobody told you when the event was alleged to have
25 occurred?

Chris Johnson - Cross-examination
By Mr. Thompson

1 A I don't recall anybody telling me when it occurred.

2 All I know it was -- this was the case and this was what we
3 were going to look for.

4 Q Okay. And you -- when you went into the room, you had
5 been told that somebody had been shot on the edge of the
6 bed, which is why you looked at the, the bed for possible
7 bloodstains, correct?

8 A No, sir.

9 Q No?

10 A No, I was told that a shooting had happened in the
11 room. Nobody said anybody was shot on the edge of the bed.

12 Q Okay. So you weren't told about where the victim may
13 have been in the room?

14 A No.

15 Q Okay. Were you told about the, the testimony from
16 yesterday of the blood spatter, blood spray coming from the,
17 from the victim while Miss Toney is over at the closet and
18 her having to go change her clothes because there was so
19 much blood spray that went from over in the right-hand side
20 of the room way over to left-hand side of the room?

21 Were you told that information?

22 A No, I was told that somebody or a shooting had happened
23 in there and someone had been shot in there, and this was
24 information that the investigator gathered from a witness---

25 Q Did you---

Chris Johnson - Cross-examination
By Mr. Thompson

- 1 A ---and that's it.
- 2 Q Did you test the test carpet over on the left side of
3 the room for any blood spatter or blood spray?
- 4 A Talking about on the left side of the bed between the
5 bed and the window?
- 6 Q No, sir.
- 7 I'm talking about at -- we can draw a picture if or I
8 could get one of the State's Exhibits, but as you go into
9 this room --
- 10 A Okay.
- 11 Q -- there's a door that's on the left-hand side of the
12 room.
- 13 A The closet door.
- 14 Q No, sir, the door that goes into the room.
- 15 A Okay.
- 16 Q There's a bed that's on the right back corner of the
17 room.
- 18 A Yes, sir.
- 19 Q Correct?
- 20 A Uh-huh. (Affirmative).
- 21 Q There's a bullet hole that's in the back corner wall.
- 22 A Okay.
- 23 Q Correct?
- 24 A Yes, sir.
- 25 Q Okay. And there's a closet that's over on the left?

Chris Johnson - Cross-examination
By Mr. Thompson

- 1 A Uh-huh. (Affirmative).
- 2 Q Correct?
- 3 A Yes.
- 4 Q Okay. And there was testimony yesterday that
- 5 Miss Toney had been sprayed with blood while she was over
- 6 getting her shirt out of the closet to the point where she
- 7 had to actually go change clothes before she went to work,
- 8 and what I'm asking you is, with that blood spray, did you
- 9 test any of the carpet or the wall or anything in the closet
- 10 for any blood spray?
- 11 A We sprayed around the area of the bed --
- 12 Q Okay.
- 13 A -- and once we got reaction, there was over spray---
- 14 Q Okay.
- 15 A ---and it's not like we just sprayed one specific spot.
- 16 Q All right.
- 17 A We sprayed the area on that side of the bed. We got a
- 18 reaction and we focused on the reaction.
- 19 Q And I understand you were looking for stuff over there
- 20 but what I'm asking is did you look over on the left-hand
- 21 side of the room next to the closet?
- 22 A We looked all over the room.
- 23 Did we spray Bluestar all over the room?
- 24 No, sir.
- 25 Q Okay.

Chris Johnson - Cross-examination
By Mr. Thompson

1 A Did we look for blood and evidence of blood that we
2 could visibly see in other parts of the room?

3 Yes.

4 Q Well, you were aware enough of this story to where you
5 actually went in the garage and looked for a pink tote,
6 right?

7 A Yes.

8 Q Okay. So you knew enough of the story to know at least
9 a little of how this is suppose to have happened?

10 A I know a little, yes.

11 Q Okay. But didn't, didn't swab or check for any
12 evidence over next to the closet?

13 A No, as a matter of fact, the details you're telling me
14 right now is the first time I've heard these details.

15 Q Yes, sir, that's, that's -- yes, sir.

16 And when you look at, at stains, especially things that
17 have been cleaned, you had testified yesterday that this was
18 a relatively large stain area, correct?

19 A Yes, sir.

20 Q Okay. If we had -- if right now if I had poured a
21 gallon of blood on the floor, I might make a stain possibly
22 that size?

23 A I can't, I can't tell you how much blood was there or,
24 or give you an estimate of --.

25 Q Well, exactly. That, that was gonna be my follow-up

Chris Johnson - Cross-examination
By Mr. Thompson

1 question in that if I poured just like a quarter cup of
2 blood into this -- into a gallon of water and poured it on
3 the floor, we wouldn't be able to tell the exact
4 concentrations of any of this blood or any of these stains?

5 A No, you could --

6 Q All right.

7 A -- say the -- okay.

8 Q And---

9 SOLICITOR HAMMACK: Your, Your Honor, I'm sorry.
10 Can the witness finish his answer?

11 THE COURT: Yes, sir.

12 A Okay. I mean there was enough blood there to soak into
13 the carpet into a large area, soak through the padding, and
14 make it to the concrete.

15 Q Investigator, isn't it true that there was enough
16 liquid there for something to soak through the carpet and
17 soak to the concrete?

18 A Blood. There was enough blood.

19 Q But you can't tell the difference between blood and
20 blood filled liquid, correct?

21 A So you're saying if blood is mixed with water you can't
22 tell the difference?

23 Q I'm asking you a question of if, if something was not
24 to be full strength 100 percent blood, if it was liquid or
25 water mixed with blood, if something had been cleaned, the

Chris Johnson - Cross-examination
By Mr. Thompson

1 stain could possibly be bigger than the actual bloodstain
2 originally on the carpet, correct?

3 A Yes, I'll go with that.

4 Q Okay. Your, your tests are also -- they're yes or no
5 tests.

6 You can tell presence of blood or not presence,
7 presence of blood, correct?

8 A Yes, sir.

9 Q The test doesn't have anything to do with perhaps when
10 something happens in the room?

11 A No, it's just test for the presence of blood.

12 Q So you can tell that, at some point in time, there was
13 blood that was in this area but we can't say exactly when
14 that happened?

15 A No, sir.

16 Q Okay. And, and this type of evidence wouldn't inform
17 us at all about any of the possible parties that were
18 involved in this activity?

19 A when the blood---

20 Q Correct?

21 A ---is swabbed and it contains DNA you could tell, yeah.

22 Q well -- and yes and I'll, I'll -- we'll, we'll get to
23 that in just a little bit and I'd expect there's probably
24 gonna be a DNA expert about that.

25 But the actual investigation that you did doesn't

Chris Johnson - Cross-examination
By Mr. Thompson

1 inform us about who the parties that have been in this room
2 are?

3 A No, not the investigation I did.

4 Q That you have to wait until you get whatever DNA
5 results in order to tell whose DNA is here and what does
6 this actually mean?

7 A Yes, sir.

8 MR. THOMPSON: Okay. Beg the Court's indulgence.

9 (Pause.)

10 Q Investigator, I have no further questions. Please
11 answer any questions the State may have.

12 A Yes, sir.

13 REDIRECT EXAMINATION

14 BY SOLICITOR HAMMACK:

15 Q Investigator Johnson, we've been talking a lot about
16 blood.

17 Madam Court Reporter, may I borrow State's 23?

18 Investigator, I'm showing you what's already been
19 entered as State's Exhibit 23 as the cutting from the carpet
20 that you tested in this case.

21 If you've got some gloves, do you mind opening this for
22 me?

23 A Sure.

24 (WHEREUPON, the witness complies.)

25 Q And as you're opening that, when you tested this

Chris Johnson - Redirect examination
By Solicitor Hammack

1 carpet, when you sprayed it for Bluestar and identified the
2 presence of blood and then made your cuttings to examine
3 underneath, had that carpet already been cut?

4 A No, I cut it.

5 Q So that carpet hadn't been previously pulled up?

6 A No.

7 Q Now, Mr. Thompson asked you a lot of questions about
8 cleaning.

9 when you examined this carpet, was there bloodstains on
10 the bottom side of that carpet?

11 A Yes, there were.

12 Q And if you can show that to the jury?

13 A (WHEREUPON, the witness complies.)

14 Q I see you've got multiple pieces there.

15 Tell the jury about the stains that you found on the
16 underside of that carpet.

17 A This is a stain here. It's kind of difficult to see.
18 And like I was saying before, the texture of the carpet,
19 it's more stiff in this area here than it is, sorry, in this
20 area here. It's like the carpet fibers are more stiff.

21 when blood dries, it stiffens and it hardens. So, this
22 is stiff and this -- so there's not really anything real
23 visible here. That's why we use the Bluestar to be able to
24 see presence of blood that fluoresces a blue color, and
25 then, when we cut it open, you can see stain underneath the

Chris Johnson - Redirect examination
By Solicitor Hammack

1 carpet.

2 Q And, Investigator Johnson, before you go to the next
3 piece of carpet, going back to the one you demonstrated,
4 about how large is the stain both on the front of that
5 carpet and on the underside of that carpet?

6 A I'm just guessing, I don't have any way to measure, but
7 it's probably about 6 or 8-inches here. Kind of feels a
8 little bit -- a few places over here. And then when you
9 hold it up, the carpet looks like it's in a little bit --
10 about the same, maybe a little bit larger here, and you got
11 some stuff over here on the backside about the same.

12 Q And you talked about the texture of the carpet, how
13 that changes when the blood dries on a carpet.

14 Does water leave that changed texture on dried carpet?

15 A No, ma'am.

16 Q So this is just one piece of that carpet. Let's talk
17 about the next cutting that you have in front of you.

18 Is there staining on the bottom side of it as well?

19 A Yeah, there's, there's a little bit of staining here
20 and some staining over here.

21 Q All right. And up front?

22 A It's hard to see but you can definitely feel the
23 texture difference in this area here on the carpet---

24 Q And at that---

25 A ---in this area.

Chris Johnson - Redirect examination
By Solicitor Hammack

1 Q I'm sorry. Go ahead.

2 A So, yeah, in this area right here you can feel a little
3 bit -- it's a little bit stiffer than say out here on the
4 edges.

5 Q And you said that you were the first person to cut this
6 carpet. You were asked about cleaning on the front part of
7 the carpet.

8 If you were the first person to cut this carpet, do you
9 have any indication or knowledge that anybody could of
10 cleaned the underside where all of these stains are?

11 A No.

12 Q Let's look at that next piece of carpet.

13 Is there more bloodstains on the underside of that
14 carpet?

15 A Yes, if -- kind of like spreading out right here. But,
16 again, at the front of it you can feel it's stiffer than out
17 here on the edges. The carpet's soft and flush. Here it's
18 kind of stiff and course.

19 Q And about how large would you say the bloodstain is on
20 the underside of that cutting?

21 A I would say it follows this outline here. So 6,
22 8-inches by 10 inches maybe.

23 Q And the fourth piece of carpet that you cut from this
24 floor.

25 A This is gonna be at an edge. It's got some staining

Chris Johnson - Redirect examination
By Solicitor Hammack

1 right here and it's actual -- you can tell.

2 Q And make sure you still speak into that microphone.

3 A Sorry. Yes, it's, it's right here on the edge. The
4 front side of the carpet right here is stiff compared to
5 over here and it's just this little portion right here at a
6 seam.

7 Q And, again, any indication that blood was diluted or
8 cleaned on the underside of this carpet where it soaked
9 through?

10 A No indication to me.

11 Q And if carpet has had its texture changed by blood, is
12 that an indication to you that this carpet is saturated?

13 A Yes.

14 Q What else do you have in State's 23?

15 A This is the padding.

16 Q And this padding is located underneath the carpet
17 between the carpet and the concrete floor?

18 A Yes, it is.

19 Q And please describe for the jury what we're looking at
20 on this padding.

21 A Okay. This padding is -- this area right here is
22 bloodstain and this is the front side of the padding. And
23 then if we go to the backside of the padding, you can see
24 how it's -- spreads a little bit and starts to be absorbed
25 almost like a sponge and it starts to spread out but this is

Chris Johnson - Redirect examination
By Solicitor Hammack

1 the area on the front side where the stain is. But you can
2 kind of see from the backside where it's starting to spread
3 out a bit.

4 Q And if this is covered by the carpet, any indication
5 that this was cleaned at all before you examined it and cut
6 it?

7 A Not before, no, ma'am.

8 Q what else do you have?

9 A Just more pieces of the padding showing pretty much
10 like the same from the front side and then on the backside.

11 Q More blood on the front side?

12 A Yes, ma'am.

13 Q And soaked through to the back?

14 A Yes, ma'am.

15 Q We're now on our third piece of padding underneath the
16 carpet.

17 Is there still blood on that evidence as well?

18 A Yes, ma'am, it is.

19 Q And it's soaked through front to back?

20 A Yes, ma'am, to the back here.

21 Q And you don't have a, a cutting from the concrete
22 underneath that padding?

23 A No, ma'am, I---

24 Q But you---

25 A ---got the swab from that area.

Chris Johnson - Redirect examination
By Solicitor Hammack

1 Q And what you swabbed on that concrete was blood that
2 had soaked through this carpet and this padding onto the
3 concrete floor staining the concrete?

4 A Yes, ma'am.

5 Q And, investigator, I apologize. I'm gonna let you put
6 all this back up.

7 A Just hand me one piece at a time.

8 Q And I believe you testified on direct, Investigator
9 Johnson, I know you can't give us a quantitative amount of
10 the type of blood that would soak through a carpet, to the
11 backside, to the padding, through the padding, to the
12 concrete below, but can you tell us generally whether that's
13 a little bit of blood or whether that's a lot of blood?

14 A It's a -- like I said before, it's, it's not a little
15 bit from a nose bleed or a cut to the arm. It's a
16 considerable amount of blood.

17 Q Thank you, Investigator Johnson.

18 A Yes, ma'am.

19 THE COURT: Mr. Johnson, anything?

20 MR. JOHNSON: No further questions.

21 THE COURT: Mr. Thompson.

22 MR. JOHNSON: Your Honor, briefly.

23 RE CROSS EXAMINATION

24 BY MR. THOMPSON:

25 Q Blood, when it dries after the liquid -- after the

Chris Johnson - Recross examination
By Mr. Thompson

1 liquid evaporates off of it, it gets stiff is what your
2 testimony was, correct?

3 A Yes, sir.

4 Q The other thing that gets stiff after the liquid
5 evaporates a little bit is soap, correct?

6 A I'm not sure.

7 MR. JOHNSON: No further questions.

8 THE COURT: You may step down.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Next witness.

11 SOLICITOR CHARBONNEAU: Investigator Savanna Williams.

12 Judge, can Investigator Johnson be excused?

13 THE COURT: Yes.

14 THE CLERK: Raise your right-hand.

15 SAVANNA WILLIAMS, being first duly
16 sworn, testified as follows:

17 THE CLERK: Have a seat in the witness box. State your
18 full name for the Court and spell your last please.

19 THE WITNESS: Name is Savanna Williams.

20 W-I-L-L-I-A-M-S.

21 DIRECT EXAMINATION

22 BY SOLICITOR CHARBONNEAU:

23 Q And, Ms. Williams, where do you work?

24 A The Aiken County Sheriff's Office.

25 Q And what is your job title?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A I am a criminal investigator.
- 2 Q Tell us what that is.
- 3 A I get assigned cases and then we thoroughly look
4 through those cases to either prove or disprove the
5 accusations.
- 6 Q What is your education please?
- 7 A High school diploma and associate's degree in criminal
8 justice.
- 9 Q How long have you been in law enforcement all total?
- 10 A Since 2012.
- 11 Q And how long have you been an investigator?
- 12 A Since the beginning of 2018.
- 13 Q On April 30th, 2019, were you working as an
14 investigator for the Aiken County Sheriff's Office?
- 15 A Yes, ma'am.
- 16 Q How do you first get involved in this case?
- 17 A It was assigned to me by Lieutenant Flurry who's my
18 supervisor.
- 19 Q At that time what type of case was it?
- 20 A It was a missing persons case.
- 21 Q When you start out, who's the first person that you,
22 that you speak to?
- 23 A Ms. Bush who is the mother of the alleged missing
24 person.
- 25 Q Do you also speak to Cordajiah Council?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes.
- 2 Q What was your understanding of her relationship in this
3 case?
- 4 A She was the girlfriend to Derrick Curry.
- 5 Q When is the first time that you meet with those two?
- 6 A The day after I receive a report I believe.
- 7 Q Would that be May 1st or May 2nd --
- 8 A Yes.
- 9 Q -- 2019?
- 10 A Yes.
- 11 Q When you meet with them, are -- is Ms. Bush and Miss
12 Council able to give you information concerning Derrick
13 Curry?
- 14 A Yes.
- 15 Q Were you able to get his phone number?
- 16 A Yes.
- 17 Q Did they both have it?
- 18 A Yes.
- 19 Q Were you able to get a physical description of him and
20 the, the last known events that they knew about?
- 21 A Yes.
- 22 Q When was the last time that anyone had seen or heard
23 from Derrick Curry?
- 24 A The day before I believe.
- 25 Q Is that, is that April 30th?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes, ma'am.
- 2 Q How does the investigation lead the Sheriff's Office of
3 Shaniyah Toney?
- 4 A We received information that that might of been the
5 person that Derrick was last in contact with, and, of
6 course, that's who we wanted to speak to.
- 7 Q Does -- as -- you're the lead on this case?
- 8 A Yes, ma'am.
- 9 Q As the lead, do you have to physically do everything
10 yourself or do you have all your investigators to help you
11 as well?
- 12 A Others that can help.
- 13 Q Did anyone attempt -- what information do you have
14 about Shaniyah Toney?
- 15 A Nothing really other than a Facebook name.
- 16 Q Is there a point where you get an address of, of at
17 least where she works?
- 18 A Yes.
- 19 Q And where is that?
- 20 A IHOP --
- 21 Q Where---
- 22 A -- in Aiken off of Whiskey Road.
- 23 Q The one that's over by the Aiken Mall?
- 24 A Yes.
- 25 Q Do you, do you or another investigator go and attempt

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 to see Miss Toney at IHOP?
- 2 A Yes.
- 3 Q And was anyone successful in seeing her then?
- 4 A No.
- 5 Q What -- and what timeframe are we talking about now?
- 6 Is that still like, like May 1st---
- 7 A Very---
- 8 Q ---or 2nd?
- 9 A Very early in the investigation.
- 10 Q At what point is the Sheriff's Office contacted by
- 11 Shaniyah Toney or her attorney?
- 12 A May 2nd or May 3rd I believe.
- 13 Q And how is that contact made?
- 14 A Her attorney contacted our supervisor.
- 15 Q And did it take a few days to actually be able to
- 16 coordinate sitting down with Miss Toney?
- 17 A Yes.
- 18 Q And, and that was when you took her first statement?
- 19 A Yes, ma'am.
- 20 Q So, May 3rd -- May 2nd or 3rd you said when her
- 21 attorney calls the Sheriff's Office, is it still a missing
- 22 person case?
- 23 A Yes.
- 24 Q Do you have any idea at that point where a possible
- 25 crime scene is?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A No.
- 2 Q So what goes on after that?
- 3 A Um.
- 4 Q what's the next step?
- 5 A We, we met with her attorney and were advised of some
6 of the events that may of occurred.
- 7 Q And that was even before you were able to take Miss
8 Toney's statement?
- 9 A Yes, ma'am.
- 10 Q was she out of Aiken County?
- 11 A Did she live in Aiken?
- 12 Q No.
- 13 Did she leave Aiken County?
- 14 A She left Aiken County, yes.
- 15 Q when you're looking for a missing person, do you check
16 hospitals or what type of investigation do you do to try and
17 track someone down?
- 18 A we check hospitals. we try to figure out their
19 associates, do they have a job, their telephone number, are
20 they in a mental hospital by chance, are -- is their cell
21 phone just actually dead. I mean there's, there's a lot of
22 different scenarios in a missing person investigation.
- 23 Q And were hospitals checks -- checked in this case?
- 24 A Yes, ma'am.
- 25 Q Any sign of Derrick Curry?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A No, ma'am.
- 2 Q And what did you do -- now you had his phone number,
3 what's the first thing that you do?
4 Do you remember his phone number by any chance?
- 5 A 292-2264 I believe.
- 6 Q Do you -- what do you do with that information early
7 on?
- 8 A I immediately sought and obtained a search warrant to
9 the service provider of that phone number.
- 10 Q And by service provider, are we talking about the
11 carrier for the phone?
- 12 A Yes, ma'am.
- 13 Q And who was the carrier for his phone?
- 14 A AT&T.
- 15 Q What leads you to go to the McDonald's for surveillance
16 video?
- 17 A I had received information from his mother that that
18 might of been the last location he was dropped off at to
19 meet with Shaniyah.
- 20 Q What -- which McDonald's are we talking about?
- 21 A It's the McDonald's on Richland Avenue right across
22 from the Wal-Mart.
- 23 Q Okay. So, do you go there and speak to the manager or
24 whatever on -- in the efforts to obtain any surveillance
25 video?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes.
- 2 Q And were you able to obtain video?
- 3 A I was.
- 4 Q Were you able to review it?
- 5 A Yes.
- 6 Q And we're talking about State's Exhibit 6 that's in
7 evidence?
- 8 A Yes, ma'am.
- 9 Q From that video, what information do you get?
- 10 A I observed a possible vehicle that might of been
11 Shaniyah Toney's on the video and in the video you can see a
12 African-American male that fits the physical description of
13 Derrick Curry entering that vehicle.
- 14 Q And could you tell what he was wearing?
- 15 A A white shirt and I don't remember the shorts.
- 16 Q But shorts?
- 17 A Shorts or---
- 18 Q And did he have anything with him?
19 Could you tell on the video?
- 20 A He was carrying something, some type of bag.
- 21 Q What was the date and approximate time that you see him
22 on the video?
- 23 A April 30th around 2:25 in the afternoon.
- 24 Q When you meet with Attorney Jerry Screen about setting
25 up the appointment with Shaniyah Toney, do you remember

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 approximately when that was in the investigation when you
2 meet with him?

3 A I don't remember the exact day.

4 Q A couple of days or weeks?

5 A A couple of days.

6 Q In the mean time you talk about a search warrant, and,
7 at this point, what other search warrants are you obtaining?

8 A A Facebook search warrant to the account of Shaniyah.

9 Q And what is the purpose of that?
10 what will that help you with?

11 A Anything. To see if there's any conversations that
12 were between the two or, or anything like that.

13 Q Do you obtain any information pursuant to your search
14 warrant on Derrick Curry's phone that helps you ascribe
15 where he might be?

16 A Yes, ma'am.

17 Q What information did you get?

18 A It's GPS location or geological location that is
19 provided by the service provider, and it can deal with phone
20 calls, text messages, or any data used on that phone, and it
21 can help you locate the actual phone and the phone movement.

22 Q And as an investigator or a career of eight years in
23 law enforcement, nine years, I'm sorry, nine years in law
24 enforcement, approximately how many times have you dealt
25 with cell phone records as a law enforcement officer?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Hundreds.
- 2 Q Hundreds?
- 3 A Uh-huh. (Affirmative).
- 4 Q And, of that time, do you also take courses that part
5 of the courses is to help you learn to read them and use
6 them as a tool in your investigations?
- 7 A Yes.
- 8 Q What is the date, if you recall, that -- the first time
9 you speak to Shaniyah Toney?
- 10 A I don't recall the date.
- 11 Q Was it about May 10th?
- 12 A Near or around there, yes, ma'am.
- 13 Q Okay. And we're talking about 2019?
- 14 A Yes, ma'am.
- 15 Q When you speak with her, is her attorney present?
- 16 A He is.
- 17 Q Did they ask for any type of deal or special treatment?
- 18 A No.
- 19 Q Was anything offered to Miss Toney or to her attorney
20 about treating her differently or giving her special
21 treatment?
- 22 A No.
- 23 Q So you take her statement?
- 24 A Yes.
- 25 Q And that was recorded?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes.
- 2 Q And when you speak to Miss Toney, does she tell you her
3 involvement in the murder of Derrick Curry?
- 4 A Yes.
- 5 Q Does she also tell you the involvement of other people
6 in the murder of Derrick Curry?
- 7 A She does.
- 8 Q And what names does she give you?
- 9 A Den---
- 10 MR. THOMPSON: Objection.
- 11 THE COURT: The basis for the objection.
- 12 MR. THOMPSON: Hearsay.
- 13 THE COURT: The objection's overruled.
- 14 Q what names does she give you?
- 15 A Den and Kel.
- 16 Q Did you know who Den was?
- 17 A Yes.
- 18 Q who is Den?
- 19 A Denzell Jackson.
- 20 Q Is he sitting in the courtroom today?
- 21 A He is.
- 22 Q Can you point him out and describe an article of
23 clothing he's wearing?
- 24 A Right there in a navy blue or black suit.
- 25 SOLICITOR CHARBONNEAU: May the record reflect she's

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 identified defendant one, Denzell Jackson?

2 THE COURT: It does.

3 Q And Kel, who is Kel too?

4 A Sha'Kel Dixon.

5 Q Is he in the courtroom today?

6 A Yes, ma'am.

7 Q Can you please point out him and describe an article of
8 clothing that he's wearing?

9 A A blue shirt sitting right here, the second table.

10 SOLICITOR CHARBONNEAU: May the record reflect she's
11 identified the second -- defendant two, Sha'Kel Dixon?

12 Your Honor, may the record reflect she's identified
13 defendant two, Sha'Kel Dixon?

14 THE COURT: It does.

15 SOLICITOR CHARBONNEAU: Thank you.

16 And is that the point that you show her State's Exhibit
17 2 and 3, the lineups of Denzell Jackson and Sha'Kel Dixon?

18 A It is.

19 Q And did she point, point out the correct people?

20 A She did.

21 Q Was anyone told who she should point out or that they
22 were even in those photo lineups?

23 A No.

24 Q Any suggestions made about who she should pick?

25 A No.

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 Q Was she shown any other photo lineups that day?
- 2 A She was.
- 3 Q And would they -- do you remember who they were of?
- 4 A I don't.
- 5 Q Were they either Christian Barnwell or Altashaun Bacon
- 6 at that time?
- 7 A They were not.
- 8 Q The people that -- the other photo lineups that she was
- 9 shown, was she able to identify anybody?
- 10 A No.
- 11 Q Where did you get those photo lineups from?
- 12 A From the State Law Enforcement Division.
- 13 Q Why were those other photo lineups shown?
- 14 A They are known associates of the defendants.
- 15 Q When you meet with Miss Toney, does she tell you where
- 16 this happened?
- 17 A She does.
- 18 Q And what was the address where this happened?
- 19 A [REDACTED] Nokesville Circle, her home.
- 20 Q Is that in Aiken?
- 21 A Yes, ma'am.
- 22 Q In the County of Aiken?
- 23 A In the county.
- 24 Q Within the jurisdiction of the Aiken County Sheriff's
- 25 office?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes, ma'am.
- 2 Q And can you tell us is that the Cornerstone community?
- 3 A It is.
- 4 Q Is that by that new Rancho Restaurant right on Whiskey
5 Road?
- 6 A Yes.
- 7 Q Do you get consent to search that crime scene?
- 8 A We did obtain consent.
- 9 Q At this point do you know the date that you go there?
- 10 A I don't recall it off the top of my head, no.
- 11 Q Was it right after you met with Miss Toney?
- 12 A It was.
- 13 Q Also when you met with Moss Toney, did you get consent,
14 consent to search her vehicle at that time?
- 15 A We did.
- 16 Q And that's the white Toyota Avalon?
- 17 A Yes.
- 18 Q Prior to Miss Toney telling you about the, the crime
19 scene at ██████ Nokesville Circle, did you have any indication
20 yet in your investigation where the murder took place?
- 21 A No.
- 22 Q Without Miss Toney at that point, did you have any
23 leads as to where this took place?
- 24 A No at -- where it took place, no.
- 25 Q Do you also perform search warrants on physical

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 locations in this case?

2 A Yes.

3 Q And what were the locations that you go to?

4 A ■ Green Street in New Ellenton within the County of
5 Aiken and ■ Keen Avenue in New Ellenton as well within the
6 County of Aiken.

7 Q why those two addresses?

8 A They're the homes of the defendants.

9 Q These two defendants?

10 A Yes.

11 Q when you do -- perform or execute this search warrant
12 on ■ Keen Avenue, were there any cell phones obtained?

13 A I wasn't present at that search warrant.

14 Q Okay. Did the Sheriff's Office take into evidence any
15 cell phone?

16 A Yes.

17 Q Can you describe -- explain to us the difference
18 between a search warrant where you request cell phone
19 records from the carrier and when you get a search warrant
20 for a Cellebrite extraction?

21 A If we actually don't physically have the cell phone
22 itself, we try to identify that number and who the phone
23 provider, is carrier is for it, and then we will obtain a
24 search warrant for that phone number. If we have,
25 physically have the phone present, we will also obtain a

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 search warrant where it can be examined by Adam Trusdale, who's
2 an investigation with the Sheriff's Office, and it basically
3 downloads everything off of that phone.

4 Q When you get the cell phone records back, if someone
5 has deleted information, are you able to obtain the deleted
6 information?

7 A For the cell phone records or the Cellebrite?

8 Q For the -- how the -- start with the Cellebrite.

9 A Cellebrite, it's, it's hit or miss sort of. Some
10 un-deleted stuff will show up on a Cellebrite report.
11 Sometimes it won't. It depends on if the phone is proper to
12 the -- properly updating like it should.

13 Q And how about cell phone records?

14 A Cell phone records can also be the same.

15 Q Hit or miss?

16 A Hit or miss, yes, ma'am.

17 Q And when you get these cell phone records from the
18 carrier, do they actually -- is it text message?

19 Does it tell you whether it's a text message or a voice
20 call?

21 A Yes.

22 Q And are you able to get the actual text message what
23 was sent?

24 A Depending how you -- quickly you can get that search
25 warrant in or preserve that account.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q In this case, because we are 10 days into the
2 investigation, by the time you get the search warrants for
3 the cell phone records, were you able to actually get cell
4 phone text messages from the carrier?

5 A Not the content of those text messages, no.

6 Q As part of being, of being an investigator, do you
7 obtain what's called known or standards DNA swabs?

8 A Yes.

9 Q What is the purpose of that?

10 A To compare to physical evidence that has been collected
11 throughout the investigation.

12 Q Did you obtain DNA known standard from Kenya Bush?

13 A I did.

14 Q Did you also receive known standard of Victor Curry?

15 A I did.

16 Q Who is Victor Curry?

17 A Victor Curry is the father of Derrick Curry.

18 Q And, to your knowledge, does Kenya Bush and Victor
19 Curry have any other children other than Derrick Curry?

20 A No, he is their only child together.

21 (WHEREUPON, the known standards for the parents of
22 Derrick Curry were marked as State's Exhibit Nos. 88 and 89
23 for identification purposes only at this time.)

24 Q If you would, take a look first at 88 and 89 and tell
25 me if you recognize them.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am, I do.

2 Q Okay. And are they the DNA known standards that you
3 got from -- 88 being Kenya Bush and 89 being Victor Curry?

4 A Yes, ma'am.

5 Q When you get those DNA swabs, can you describe to the
6 jury what you do?

7 A Yes. So essentially it's like what Investigator
8 Johnson and Investigator O'Grady said earlier. It's a very
9 long Q-tip style with a cap at the end and you basically
10 remove the cap, pull the cap down, and you swab the interior
11 of the mouth.

12 Q Does that hurt?

13 A No.

14 Q And then what do you do with the swab after you get it?

15 A After, after you obtain the sample, then you then close
16 it with the clear cap and then you immediately place it into
17 an envelope.

18 Q Was it properly sealed in this case and marked so you
19 would know what it was in the future?

20 A Yes, ma'am.

21 Q Both of them?

22 A Yes, ma'am.

23 SOLICITOR CHARBONNEAU: At this time I move State's
24 Exhibit 88 and 89 into evidence.

25 MR. JOHNSON: No objection, Your Honor.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 MR. THOMPSON: No objection, Your Honor.

2 THE COURT: They're admitted.

3 (WHEREUPON, State's Exhibit Nos. 88 and 89 were
4 received into evidence at this time.)

5 Q When you obtained -- when the Sheriff's Office got
6 those cell phones from [REDACTED] Keen Avenue, did you do search
7 warrants to attempt to extract any information off of those
8 phones?

9 A We did.

10 Q And can you tell us who you were -- were you able to
11 identify any known phone numbers with Sha'kel Dixon?

12 A I was.

13 Q And do you remember what number was, what his number
14 was?

15 A I believe it's 292-1975.

16 Q And how were you able to verify that that phone is
17 connected to Sha'kel Dixon?

18 A A search warrant of his mother's phone. While
19 reviewing the Cellebrite report off her phone, I was able to
20 locate conversations between her and that phone number which
21 she had saved in her phone as Kel, and he also referred to
22 her in those conversations as mom.

23 Q And you told us how you were able to obtain Victor
24 Curry's phone number.

25 Tell us were you able to obtain any phone numbers that

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 relate to Denzell Jackson?

2 A I was.

3 Q Tell us how you did that.

4 A I obtained a search warrant for a Facebook account that
5 was belonging to Denzell Jackson. When I received the
6 records back from Facebook, they verify a lot of stuff for
7 you to include if a name is associated with an account, the
8 email as well as phone numbers that have physically been
9 used to log into that Facebook account.

10 Q And do you recall -- was there information that you
11 were able to obtain, obtain on both of those phone numbers?

12 A The two phone numbers found?

13 Q Yes.

14 A Yeah -- just one phone number.

15 Q Okay. Do you remember -- recall what the number
16 associated with Denzell Jackson was?

17 A 989-9895.

18 Q And how about the Facebook account?

19 How many Facebook accounts did Mr. Jackson have?

20 A He had the two.

21 Q And were you able to obtain information on both of
22 those Facebook accounts?

23 A Just one.

24 Q And, again, if -- the, the same question before about
25 the phones.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 So, his Facebook account, when you get those records
2 back, if information has been deleted, are we able to see it
3 when you get the records?

4 A Absolutely not. Facebook does not keep any historical
5 or stored, deleted data through their company.

6 Q So if it's deleted that's gone?

7 A It is gone.

8 Q Where is your investigation taking you at this point?
9 What leads -- where are you going?

10 Do you get -- have more information from these cell
11 phones and from the search warrants of the homes?

12 Tell us about the search warrant at [REDACTED] Green Street in
13 New Ellenton where Denzell Jackson lived.

14 A We executed that search warrant at round five or six
15 o'clock in the morning.

16 Q And were you there present for that one?

17 A Yes, I was.

18 Q Were photographs taken of the hall -- the inside of the
19 home as well as anything that was taken of evidentiary
20 value?

21 A Yes, it was.

22 Q And just for my clarification, who lived at [REDACTED] Keen
23 Avenue in New Ellenton?

24 A Sha'kel Dixon.

25 Q And who lives at [REDACTED] Green Street in New Ellenton?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Denzell Jackson.

2 Q When you first go to [REDACTED] Green Street for that --
3 executing that search warrant, you said it's 5:00 in the
4 morning?

5 A Around 5:00 or 6:00 in the morning.

6 Q Was Denzell Jackson there?

7 A He was.

8 Q Was he arrested at that time?

9 A He was.

10 (WHEREUPON, a group of photographs was marked as
11 State's Exhibit Nos. 84 through 101 for identification
12 purposes only at this time.)

13 Q I'm gonna show you State's Exhibit 94 through 101.
14 If you would, take a look at 94 through 101 and let me
15 know if you recognize them.

16 A Yes. Yes, ma'am, I do.

17 Q Okay. And are they a fair and accurate depiction of
18 [REDACTED] Green Street in New Ellenton on the day you execute the
19 search warrant?

20 A Yes.

21 SOLICITOR CHARBONNEAU: At this time I move State's
22 Exhibits 94 through 101 into evidence.

23 MR. JOHNSON: No objection, Your Honor.

24 MR. THOMPSON: No objection, Your Honor.

25 THE COURT: They're admitted.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 (WHEREUPON, State's Exhibit Nos. 94 through 101 were
2 received into evidence at this time.)

3 SOLICITOR CHARBONNEAU: Your Honor, may I publish?

4 THE COURT: Yes.

5 Q Investigator Williams, while we're waiting for this to
6 be set up, if somebody's phone is turned off for nonpayment
7 of the bill, is there -- can they still use the phone in
8 another way?

9 A Yes.

10 Q How is that?

11 A Through wifi.

12 Q So are you -- and are you able to make actual voice
13 calls or does it have cell phone calls or is it through
14 Facebook?

15 A It's through anything that needs a Internet connection.
16 So, yes, Facebook, Snapchat, any of those social media
17 accounts can be used.

18 Q Even when your phone is turned off for nonpayment?

19 A Yes.

20 Q So, if you are at say IHOP or at somebody's house who
21 has wifi, your phone would work?

22 A Yes.

23 Q If you could explain to the jury what we're looking at
24 in No. 94.

25 A That is a bedroom within the home of [REDACTED] Green Street.

Savanna williams - Direct examination
By Solicitor Charbonneau

- 1 Q 95 please.
- 2 A That is a picture from up under that bed just giving a
3 aerial view of what is seen.
- 4 Q So we're actually looking under the bed?
- 5 A Under that bed, yes.
- 6 Q And what is under there?
- 7 A It's -- it's a bag.
- 8 Q And as far as the triangle in the top half of the
9 picture, what's going on there?
- 10 A That's just holding up the bed skirt so an overview
11 photo could of been taken.
- 12 Q 96 please.
- 13 A That is the actual bag that came from under that bed.
- 14 Q You just pulled it out from under?
- 15 A Yes, ma'am.
- 16 Q 97 please.
- 17 A That is the same bag. We're just opening the bag so it
18 can be seen.
- 19 Q And what do we see inside the bag?
- 20 A Firearms.
- 21 Q How many?
- 22 A Two.
- 23 Q 98.
- 24 A That is a firearm that was taken out of that bag.
- 25 Q And what type of firearm is that?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A It's a short, short barrel AR rifle.
- 2 Q 99 please.
- 3 A That is a magazine.
- 4 Q And what would that go to?
- 5 A A assault rifle of some sort.
- 6 Q 100 please.
- 7 were these items of evidence that we are looking at in
- 8 the pictures, were they actually taken into evidence?
- 9 A Yes, they were.
- 10 Q Okay. I'm just gonna show you Exhibit 100 and 101 and
- 11 so I can show it to the jury.
- 12 A It's, it's a Glock pistol that was also found in that
- 13 bag along with the assault rifle.
- 14 Q And is that -- what caliber?
- 15 A 9-millimeter.
- 16 Q Oh, here we go. State's Exhibit 100. Technical
- 17 difficulties. The old fashioned way.
- 18 State's Exhibit 100 is the Glock 9-millimeter?
- 19 A Yes.
- 20 Q And 101?
- 21 And is that just the other side of the Glock?
- 22 A Yes, ma'am.
- 23 Q Thank you.
- 24 (WHEREUPON, the backpack was marked as State's Exhibit
- 25 No. 67 for identification purposes only at this time.)

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 And I'm showing you what's been marked as State's
2 Exhibit 67.

3 Do you recognize this?

4 A Yes, ma'am.

5 Q And how do you recognize it?

6 A Cause I secured it as evidence from [REDACTED] Green Street.

7 Q Okay. And keep this in the Sheriff's Office under lock
8 and key --

9 A Yes, ma'am.

10 Q -- along with all the evidence?

11 Is it in substantially the same conditions as it was
12 taken from [REDACTED] Green Street---

13 A Yes.

14 Q ---the day of the search warrant?

15 A Yes, ma'am.

16 SOLICITOR CHARBONNEAU: At this time I'd move State's
17 Exhibit 67 into evidence.

18 MR. JOHNSON: No objection, Your Honor.

19 MR. THOMPSON: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (Whereupon, State's Exhibit No. 67 was received into
22 evidence this time.)

23 Q And I'm gonna show you what's been marked as State's
24 Exhibit 106.

25 Do you recognize this?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am.

2 Q Okay. How do you recognize it?

3 A I secured it from [REDACTED] Green Street as evidence.

4 Q And you sealed it and put it into evidence yourself?

5 A Yes, ma'am.

6 Q And the markings on the box would also tell you?

7 How do you know it's connected to this case as opposed
8 to a different case?

9 A The, the case number's identified up here and it states
10 that it was seized under a search warrant. It also
11 identifies the rifle in there.

12 SOLICITOR CHARBONNEAU: At this time I'd move State's
13 Exhibit 106 into evidence.

14 MR. JOHNSON: No objection, Your Honor.

15 MR. THOMPSON: No objection.

16 THE COURT: It's admitted.

17 (WHEREUPON, State's Exhibit No. 106 was received into
18 evidence at this time.)

19 Q And now I'm going to show you State's Exhibit 107.

20 Do you recognize this?

21 A Yes, ma'am.

22 Q Okay. And how do you recognize it?

23 A I obtained it under the search warrant at [REDACTED] Green
24 Street as evidence.

25 Q And is this, as well as 106, the two guns that you

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 found under the bed in that red and black bag?

2 A Yes, ma'am.

3 Q And they were together?

4 A Yes, ma'am.

5 Q And is this in the same condition as when you put it --
6 sealed it and put it into evidence?

7 A Yes, ma'am.

8 SOLICITOR CHARBONNEAU: At this time I'd move State's
9 Exhibit 107 into evidence.

10 MR. JOHNSON: No objection.

11 MR. THOMPSON: No objection, Your Honor.

12 THE COURT: It's admitted.

13 (WHEREUPON, State's Exhibit No. 107 was received into
14 evidence at this time.)

15 Q when you took this gun from under the bed, did the
16 magazine have bullets in it?

17 A Yes, ma'am.

18 Q And do you remember whether they were hollow point or
19 full metal or both?

20 A It was a mixture.

21 Q when you go to -- backtrack just for a second.

22 when you go to the crime scene at [REDACTED] Nokesville
23 circle, is that the point that it turns into a homicide---

24 A Yes.

25 Q ---investigation?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes.
- 2 Q Okay. And based on your nine years of experience and
3 you said hundreds of cases, this -- you were at the scene?
- 4 A Yes, I was.
- 5 Q The amount of blood that you saw days after the murder,
6 how would you describe it?
- 7 A It would of been obtained from a traumatic injury.
- 8 Q Does there come at point in time when you take a second
9 statement from Shaniyah Toney?
- 10 A Yes.
- 11 Q And why is that?
- 12 A We had new information in the case.
- 13 Q Did she corroborate and give a second statement?
- 14 A She did.
- 15 Q And, at that point, do you show her another photo
16 lineup?
- 17 A Yes, I did.
- 18 Q And who was that of?
- 19 A Christian Barnwell.
- 20 Q And is that No. 4 -- State's Exhibit 4 in evidence?
- 21 A Yes.
- 22 Q Where -- how did you get to Christian Barnwell that you
23 were able to obtain a photo lineup of him?
- 24 A We had obtained information from another possible
25 witness.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q And during this investigation, are you speaking to
2 other witnesses other than or, or taking statements from
3 other people other than the ones we've already previously
4 named?

5 A Yes.

6 Q And do you look at other people as possible suspects?

7 A Yes.

8 Q Such as the photo lineups that you showed Miss Toney
9 of -- during the first statement?

10 A Yes.

11 Q Were you able to eliminate other people as possible
12 suspects?

13 A I was.

14 Q From your investigation, are Denzell Jackson and
15 Sha'Kel Dixon friends with Derrick Curry?

16 A No.

17 Q It's -- for lack of a better term, is, is there a beef
18 between these people?

19 MR. THOMPSON: Objection. Relevance.

20 THE COURT: Your basis for the objection.

21 MR. THOMPSON: This is gonna have to be based on some
22 type of hearsay that she's heard from someone else, other
23 people.

24 THE COURT: All right. Response.

25 SOLICITOR CHARBONNEAU: Your Honor, it's based on her

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 investigation.

2 THE COURT: Objection sustained.

3 Q Are you aware, as an investigator, different groups of
4 people that do not get along?

5 A Yes.

6 Q And in your nine years and living in Aiken County, are
7 you aware of different fractions (sic) and they don't get
8 along?

9 A Yes.

10 Q And, in this case, based on your experience and your
11 investigation, not what people told you, Denzell Jackson and
12 Sha'kel Dixon, was there a beef between them and Derrick
13 Curry?

14 MR. JOHNSON: Objection, Your Honor. And I would---

15 THE COURT: Basis for your objection.

16 MR. JOHNSON: Your Honor, this is the same line of
17 questioning that the Court just sustained an objection. It
18 will be based on hearsay evidence and I -- that will be the
19 basis of my objection on behalf of Mr. Jackson.

20 THE COURT: Okay.

21 MR. THOMPSON: And I would join in this objection for
22 the same reasons.

23 THE COURT: Response.

24 SOLICITOR CHARBONNEAU: Judge, I specifically said not
25 based upon what she was told but based on her living here,

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 being an investigator, and her investigation itself.

2 THE COURT: Yes, sir.

3 MR. THOMPSON: And, Your Honor, if I -- I would ask
4 that if Your Honor's gonna allow us to possibly they be
5 required to proffer the basis for her knowledge of things.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Your Honor, I would just join in what Mr.
8 Thompson said and also add that there had been no evidence
9 that she had any personal knowledge of any of this
10 information. So, I do believe that it does fall under the
11 hearsay doctrine.

12 THE COURT: Ms. Charbonneau.

13 SOLICITOR CHARBONNEAU: Judge, again, I asked her
14 specifically not based on what she was told but based on her
15 experience, and training, living in Aiken County, and as an
16 investigator, not based on hearsay, if she is aware and she
17 said yes.

18 THE COURT: I sustain the objection.

19 Q All right. When you obtain the information that
20 Christian Barnwell was involved, do you go to where he
21 lives?

22 A I do.

23 Q Where does he live?

24 A Off of whiskey Road.

25 Q And can you describe to us the part of the county

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 where, where he is.

2 A In-between Aiken and New Ellenton and right across from
3 Dukes Bar-B-Que.

4 Q And is that a dirt road there?

5 A Yes.

6 Q When you go there, did you obtain consent to search the
7 property?

8 A Yes.

9 Q Can you describe to us what the property looks like on
10 the outside?

11 A A lot of dirt. There's a picket fence. I think that
12 was the neighboring properties and it was a white in color
13 dwelling if I remember correctly.

14 Q Was there woods or grass there?

15 A On the opposite side of the home, yes.

16 Q And this is across Whiskey Road from where Dukes
17 Bar-B-Que is?

18 A Yes.

19 Q When you go there, do you see signs that there had been
20 a, a fire or bonfire in the yard?

21 A Only out front we observed a small fire pit.

22 Q Was, was there any evidence that you found there?

23 A Not that I observed, no.

24 Q Now, going into the house, is this a, a, a home, an
25 apartment, or a mobile trailer?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A I believe it was a mobile trailer.

2 Q And did you get consent to search inside the house?

3 A I did.

4 Q And what did you find inside the house?

5 A A room that Christian Barnwell's mother led me to. We
6 searched that room and we were able to find a credit card
7 statement from Sha'Kel Dixon and a paystub from Altashaun
8 Bacon that was in a red book bag.

9 Q Now, are these the other two codefendants in this case?

10 A Yes.

11 Q They've been arrested as well?

12 A Yes.

13 THE COURT: Ladies and gentlemen, let's stand for a
14 while.

15 (WHEREUPON, the jurors comply.)

16 THE COURT: Okay.

17 (WHEREUPON, a book bag was marked as State's Exhibit
18 No. 90 for identification purposes only at this time.)

19 Q Investigator Williams, I'm showing you what's been
20 marked as State's Exhibit 90.

21 Do you recognize this?

22 A Yes, ma'am.

23 Q And where do recognize it from?

24 A I obtained it from Christian Barnwell's home.

25 Q And did you put into evidence, seal it, and kept it at

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 the Sheriff's Office?

2 A Yes, ma'am.

3 SOLICITOR CHARBONNEAU: At this time I'd move State's
4 Exhibit 90 into evidence.

5 MR. JOHNSON: No objection, Your Honor.

6 MR. THOMPSON: No objection.

7 THE COURT: It's admitted.

8 (WHEREUPON, State's Exhibit No. 90 was received into
9 evidence at this time.)

10 (WHEREUPON, a statement from Grumpy's Sports Pub was
11 marked as State's Exhibit No. 91 for identification purposes
12 only at this time.)

13 Q Showing you State's Exhibit 91, do you tell -- can you
14 tell me if you recognize it?

15 A Yes, ma'am.

16 Q And make sure you speak into the microphone.

17 And how do you recognize it?

18 A It's a Grumpy's Sports Pub statement from Altashaun
19 Bacon for his time sheet.

20 Q Where was that found?

21 A In the book bag.

22 Q In State's Exhibit 90?

23 A Yes, ma'am.

24 Q And that was at Christian Barnwell's home?

25 A Yes, ma'am.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 SOLICITOR CHARBONNEAU: At this time I'd move State's
2 Exhibit 91 into evidence.

3 MR. JOHNSON: No objection, Your Honor.

4 MR. THOMPSON: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (WHEREUPON, State's Exhibit No. 91 was received into
7 evidence at this time.)

8 (WHEREUPON, a debit card for Sha'Kel Dixon was marked
9 as State's Exhibit No. 92 for identification purposes only
10 at this time.)

11 Q And please look at State's Exhibit sixty -- 92.

12 Do you recognize that?

13 A Yes, ma'am.

14 Q How do you recognize it?

15 A I secured it from Christian Barnwell's home.

16 Q And is it in the same condition as when you took it
17 pursuant to the consent to search at Christian Barnwell's
18 home?

19 A Yes, ma'am.

20 SOLICITOR CHARBONNEAU: And, at this time, I'd move
21 State's Exhibit 92 into evidence.

22 MR. JOHNSON: No objection, Your Honor.

23 MR. THOMPSON: No objection, Your Honor.

24 THE COURT: It's admitted.

25 (WHEREUPON, State's Exhibit No. 92 was received into

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 evidence at this time.)

2 Q And what is 92?

3 A It's some type of new debit card that's addressed to
4 Sha'Kel R. Dixon at [REDACTED] Keen Avenue, New Ellenton, South
5 Carolina.

6 Q Thank you.

7 And Christian Barnwell's home, is it right on whiskey
8 Road or is it down that dirt road?

9 A Down the dirt road but it's not too far off of whiskey
10 Road.

11 Q Did you review Facebook records of Derrick Curry?

12 A I did.

13 Q Did you get those pursuant to a search warrant?

14 A I did.

15 Q And you already told us about Facebook records pursuant
16 to a search warrant from Denzell Jackson?

17 A I did.

18 Q Did you note of any communication between Denzell
19 Jackson and Derrick Curry prior to April 30th, 2019?

20 A Yes.

21 Q Was it more than one day?

22 A Months.

23 Q And would you describe to us the mood of these
24 conversations?

25 A It was an ongoing dispute between the both of them.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 MR. JOHNSON: Objection, Your Honor. I can
2 (indiscernible), Your Honor.

3 THE COURT: Yes, sir.

4 MR. JOHNSON: Your Honor, that will be hearsay
5 information as well as speculation by the investigator
6 regarding the tone and the tenor of any communications
7 between the two.

8 THE COURT: Mr. Johnson.

9 MR. THOMPSON: And, Your Honor, I would just join in
10 the other objection.

11 THE COURT: I'm gonna overrule the objection.

12 Q Is there a point in time---

13 THE COURT: You've asked a question.

14 Do you want an answer?

15 SOLICITOR CHARBONNEAU: She did answer.

16 You can answer again.

17 what was the tone or tenor of the communication between
18 Denzell Jackson and Derrick Curry leading up to April 30th,
19 2019?

20 A They were not friendly conversations. It seemed as if
21 there was a ongoing conflict or dispute between the two.

22 Q Does there come a point in time when you take a third
23 statement from Shaniyah Toney?

24 A Yes.

25 Q And why is that?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A I received new information in the case.
- 2 Q When you received this new information, what is it that
3 you, that you're talking to Miss Toney about when you go
4 back to her again?
- 5 A About this last individual.
- 6 Q Was this information that you obtained following the
7 evidence in this case?
- 8 A Yes, ma'am.
- 9 Q Does she cooperate with you and voluntarily give you a
10 third statement?
- 11 A Yes.
- 12 Q In your opinion as an investigator and based on the
13 three conversations with Miss Toney, is she consistent or is
14 she changing her story?
- 15 A She's consistent.
- 16 Q What is the third or you said you had more information
17 about another individual.
- 18 Who was that?
- 19 A Altashaun Bacon.
- 20 Q When you discussed with her Altashaun Bacon, did she
21 know that name?
- 22 A She did not.
- 23 Q Was she able -- did you show her a photo lineup?
- 24 A Yes, I did.
- 25 Q And did you show her State's Exhibit 5?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A Yes.
- 2 Q was she able to pick out Altashaun Bacon?
- 3 A She was.
- 4 Q Any suggestion on who she should pick?
- 5 A No.
- 6 Q was she told somebody was definitely in there, one of
7 them's the right guy?
- 8 A No.
- 9 Q Any hesitation on her part in picking out Altashaun
10 Bacon?
- 11 A No.
- 12 Q well -- and based on your investigation, how did you
13 get to Altashaun Bacon?
- 14 A with information provided from a separate witness.
- 15 Q was that from an auto body shop?
- 16 A Yes.
- 17 Q when Miss Toney had told you about her car being
18 involved and another car, did you, did you know what car it
19 was when you first talked to her?
- 20 A It is---
- 21 Q The second car.
- 22 A Did I know what car it was?
- 23 Q Yes.
- 24 Did you know whose car it was?
- 25 A No.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q After speaking to the other person and then Miss Toney
2 and now she's ID'd Altashaun Bacon, are you able to track
3 down the car?

4 A Yes, I was.

5 Q What car was that?

6 A A '95 Honda Prelude.

7 Q And was that Altashaun Bacon's car?

8 A Yes.

9 Q Do you do a search warrant on Altashaun Bacon's car?

10 A Yes.

11 Q Do you also do a search warrant on the Facebook account
12 for Sha'Kel Dixon?

13 A I did.

14 Q Did you get those records back?

15 A Yes.

16 (WHEREUPON, the Facebook records for Sha'Kel Dixon were
17 marked as State's Exhibit No. 93 for identification purposes
18 only at this time.)

19 Q I'm showing you State's Exhibit 93.

20 Do you recognize it?

21 A Yes, ma'am.

22 Q And how do you recognize it?

23 A It was on Sha'Kel Dixon's Facebook business records
24 that I obtained.

25 Q And when you get those records, does it -- in relation

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 to any photographs, does it tell you when the photograph is
2 posted?

3 A Yes, ma'am.

4 Q And were you able to tell, on State's Exhibit 93, the
5 date that it was posted?

6 A May 2nd, 2019.

7 Q And do you -- without saying anything further, do you
8 recognize who's in the picture of State's Exhibit 93?

9 A Yes, ma'am.

10 Q And is it a fair and accurate depiction of what you
11 took from the Facebook records of Sha'Keel Dixon?

12 A Yes, ma'am.

13 SOLICITOR CHARBONNEAU: At this time I'd move State's
14 Exhibit 93 into evidence.

15 MR. THOMPSON: And, Your Honor, I have an objection
16 that needs to be taken up outside the presence of the jury.

17 THE COURT: All right. Ladies and gentlemen, we'll
18 have you take a break now. Please do not discuss the case.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 MR. THOMPSON: And, Your Honor, before I go into this
22 objection, could I very briefly go to the restroom?

23 THE COURT: Okay.

24 MR. THOMPSON: And would you prefer me to use---

25 THE COURT: That one.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 THE COURT: It's just a photograph.

2 All right. Bring the jury.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: You may proceed.

6 SOLICITOR CHARBONNEAU: Yes.

7 CONTINUED DIRECT EXAMINATION

8 BY SOLICITOR CHARBONNEAU:

9 Q Investigator Williams, looking at State's Exhibit 93 --
10 Your Honor, the State moves 93 into evidence.

11 THE COURT: It is admitted.

12 (WHEREUPON, State's Exhibit No. 93 was received into
13 evidence at this time.)

14 Q Looking at State's Exhibit 93, can you tell us who is
15 in that picture?

16 A Sha'kel Dixon.

17 Q And do you recognize the car that he's sitting on?

18 A Yes, ma'am.

19 Q And whose car is that?

20 A It resembles Altashaun Bacon's vehicle.

21 Q And do you recognize the background of the photograph,
22 where it was taken?

23 A Yes, ma'am.

24 Q And where was it taken?

25 A It resembles the area around Christian Barnwell's home.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q And on the Facebook account, does it say the date that
2 State's 93 was posted?

3 A May 2nd, 2019.

4 Q Thank you.

5 May I publish?

6 THE COURT: Yes.

7 Q In your investigation, do you also check databases or
8 check other places to determine if you can find Derrick
9 Curry alive anywhere?

10 A Yes, ma'am.

11 Q And how do you do that?

12 It is by subpoena or how do you go about that?

13 A Subpoena or search warrants.

14 Q Okay. And were you -- when you made those inquiries,
15 were you able to determine whether Derrick Curry -- tell us
16 which databases you went to.

17 A Equifax, TransUnion, and Experian I believe.

18 Q The credit, the credit card or the credit --

19 A Bureaus, yes, ma'am.

20 Q -- bureaus?

21 Okay. And were you able to---

22 MR. THOMPSON: Your Honor, I have an objection that we
23 have discussed earlier at trial. The burden shifting
24 argument, Your Honor.

25 MR. JOHNSON: I would join in that.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 THE COURT: Restate the question please.

2 SOLICITOR CHARBONNEAU: I actually didn't get it out.

3 MR. THOMPSON: Your Honor, I, I would argue that this,
4 this whole line of questioning is, is about to get into a
5 burden shifting argument and I will ask that, that the State
6 be required to proffer it so that the Court can---

7 THE COURT: I didn't hear the question.

8 SOLICITOR CHARBONNEAU: My question is, based on the
9 credit bureaus, were you able to as -- able to ascertain
10 whether Derrick Curry has, has used any credit cards or
11 debit cards since April 30th, 2019.

12 THE COURT: All right. Overrule the objection.

13 Q You can answer it.

14 A Yes.

15 Q You weren't able or the answer is he has not?

16 A He has not.

17 Q Did you also obtain the known DNA standards like we
18 talked about for Victor Curry and Kenya Bush?

19 Did you also obtain the four defendants in this case
20 their DNA standard?

21 A Yes, I did.

22 (WHEREUPON, four DNA standards were marked as State's
23 Exhibit Nos. 102 through 105 for identification purposes
24 only at this time.)

25 Q I want to show you State's Exhibit 102, 103, 104, and

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 105.

2 Do you recognize them?

3 A Yes, ma'am.

4 Q And did you physically actually take the DNA standards
5 from Denzell Jackson, Sha'Keel Dixon, Christian Barnwell, and
6 Altashaun Bacon?

7 A Yes.

8 Q In the same manner that you described to us earlier?

9 A Yes.

10 SOLICITOR CHARBONNEAU: At this time I'd move State's
11 Exhibits 102, 103, 104, and 105 into evidence.

12 MR. JOHNSON: No objection, Your Honor.

13 MR. THOMPSON: No objection.

14 THE COURT: They're admitted.

15 (WHEREUPON, State's Exhibit Nos. 102 through 105 were
16 received into evidence at this time.)

17 Q And were they kept also sealed and taken to evidence
18 for processing data?

19 A Yes.

20 Q In your investigation, did you ever think to ask
21 Shaniyah Toney about any prior attempts against Derrick
22 Curry?

23 A No.

24 Q When you learned about -- when did you learn about
25 that?

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 A The prior attempt?
- 2 Q Yes.
- 3 A A week or so ago.
- 4 Q Is that from our office?
- 5 A Yes.
- 6 Q Okay. Had you ever asked her about that?
- 7 A No.
- 8 Q When you subpoenaed or, I'm sorry, did, did a search
9 warrant for the cell phone records, did you obtain and
10 receive back cell phone records on Derrick Curry, Denzell
11 Jackson, Sha'Kel Dixon?
- 12 A I did.
- 13 Q When you got those records back, did they also have a
14 subscriber page?
- 15 A Yes, they did.
- 16 Q And did they also come back with a certification from
17 the records custodian?
- 18 A Yes.
- 19 Q And those, those records are kept in the normal course
20 of business for -- by each carrier?
- 21 A Yes.
- 22 Q Do you remember who the carrier is for Derrick Curry?
- 23 A AT&T.
- 24 Q And who is the carrier for Denzell Jackson?
- 25 A Verizon wireless.

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 Q And who is the carrier for Sha'Keel Dixon?
- 2 A AT&T.
- 3 (WHEREUPON, the phone records for Derrick Curry were
4 marked as State's Exhibit No. 108 for identification
5 purposes only at this time.)
- 6 Q I'm gonna show you what's been marked as State's 108.
7 If you would, take a look at it and tell me if you
8 recognize it.
- 9 A Yes, ma'am.
- 10 Q Okay. How do you recognize it?
- 11 A It depicts the number (803)292-2264 which is the phone
12 number to Derrick Curry.
- 13 Q Okay. And are those the cell phone records that you
14 received back from AT&T in regards to his phone?
- 15 A Yes, ma'am.
- 16 Q Okay. And the last page, is that a -- the
17 certification on the records for the records custodian?
- 18 A Yes, ma'am.
- 19 Q With AT&T, are they required to give an actual name?
20 The subscriber page, will it have Derrick Curry's name
21 or not necessarily?
- 22 A Not necessarily, no.
- 23 Q And is they -- are they in the same condition as when
24 you received them?
- 25 A Yes, ma'am.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q Now, there's no text message content in there, right?
2 This is just called the records?

3 A Yes, ma'am.

4 SOLICITOR CHARBONNEAU: At this time I'd move State's
5 Exhibit 108 into evidence.

6 MR. JOHNSON: No objection, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: They're admitted.

9 (WHEREUPON, State's Exhibit No. 108 was received into
10 evidence at this time.)

11 (WHEREUPON, the phone records for Denzell Jackson were
12 marked as State's Exhibit No. 109 for identification
13 purposes only at this time.)

14 Q If you would, take a look at State's Exhibit 109.
15 Tell me if you recognize them.

16 A Yes, ma'am.

17 Q And before we go off, on 108, does it also have
18 locations of where the phone is listed?

19 A Yes, ma'am.

20 Q Okay. All right. Going to 109, do you recognize that?

21 A Yes, ma'am, I do.

22 Q And are those the records that you received pursuant to
23 a search warrant to Verizon?

24 A Yes, ma'am.

25 Q And what is the phone number indicated in those

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 records?

2 A (803)989-9895.

3 Q And whose number is that connected to?

4 A Denzell Jackson.

5 Q And are those records in the same condition as when you
6 received them back pursuant to a search warrant?

7 A Yes, ma'am.

8 Q Again, are they just the call records, no content of
9 any text messages or anything like that?

10 A No, ma'am.

11 Q And the last page is the certification from the records
12 custodian that these records are kept in the normal course
13 of their business?

14 A Yes.

15 SOLICITOR CHARBONNEAU: At this time I'd move State's
16 Exhibit 109 into evidence.

17 MR. JOHNSON: No objection, Your Honor.

18 Q Does---

19 MR. THOMPSON: No objection.

20 Q ---the -- I'm sorry.

21 THE COURT: 109 is admitted.

22 (WHEREUPON, State's Exhibit No. 109 was received into
23 evidence at this time.)

24 Q Does 109 -- do -- does Verizon also give location
25 information with their records?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, they do.

2 (WHEREUPON, the phone records for Sha'kel Dixon was
3 marked as State's Exhibit No. 110 for identification
4 purposes only at this time.)

5 Q And State's Exhibit 110, if you would take a look at
6 those and tell me if you recognize them?

7 A I do.

8 Q Okay. And how do recognize them?

9 A By the phone number (803)292-1975.

10 Q who is connected to that phone number?

11 A Sha'kel Dixon.

12 Q Those records are from AT&T?

13 A Yes, ma'am.

14 Q Are they in the same condition as when you received
15 them pursuant to your search warrant?

16 A Yes, ma'am.

17 Q The last page, does it have the certificate from the
18 records custodian saying it was kept in the normal course of
19 their business?

20 A Yes.

21 Q Again, any hearsay content as far as text messages or
22 is it just cell phonecalls and location of the phone?

23 A Cell phonecalls and location of the phone. No content
24 from text messages.

25 SOLICITOR CHARBONNEAU: At this time I'd move State's

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Exhibit 110 into evidence.

2 MR. JOHNSON: No objection, Your Honor.

3 MR. THOMPSON: No objection.

4 THE COURT: 110 is admitted.

5 (WHEREUPON, State's Exhibit No. 110 was received into
6 evidence at this time.)

7 Q Okay. Did you also obtain phone records from Altashaun
8 Bacon?

9 A I did.

10 Q Okay. And was that pursuant to a search warrant?

11 A Yes.

12 Q And are you -- were you able to -- in your hundreds of
13 cases dealing with cell phone records, are you able to tell,
14 from reading the records in this case, whether there was
15 communication between Sha'Kel Dixon and Altashaun Bacon on
16 the day of the murder?

17 A Yes.

18 Q And was there communication?

19 A Yes, there was constant communication between the two.

20 Q Also on Derrick Curry's records --

21 A Uh-huh. (Affirmative).

22 Q -- are you able to read them and tell us the last
23 outgoing activity on that phone?

24 Not incoming calls or texts but outgoing.

25 A It was on April 30th around one or two o'clock I

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 believe.

2 Q 2019?

3 A Yes, ma'am.

4 Q Now, in those records, will you see any other activity
5 after April 30th, 2019?

6 A Yes.

7 Q Okay. And if it's has -- can we tell whether it's
8 ingoing or outgoing?

9 A Yes.

10 Q There's plenty of incoming?

11 A Yes.

12 Q Is there anything that looks like outgoing activity
13 after April 30th, 2019?

14 A Some, yes.

15 Q And can you describe what that is?

16 A They're outgoing calls but they're not calls. They're
17 actually forwarded calls that are essentially like a spoof
18 call. That is an application that you download on your
19 phone when you want that number to show up at the other
20 party's phone that you're trying to contact through to show.

21 Q So, if there's a spoof call listed April -- after
22 April 30th, 2019, would that person actually have Derrick
23 Curry's phone?

24 A No.

25 Q It would just be forwarded somehow?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 Q And is there any of that activity on those records?

3 A Yes.

4 Q Are there any real phone calls, text messages, or any
5 activity on Derrick Curry's phone after April 30th, 2019?

6 A No.

7 (WHEREUPON, a map of Aiken County was marked as State's
8 Exhibit No. 111 for identification purposes only at this
9 time.)

10 Q Let me show you State's 111.

11 Looking at State's Exhibit 111, do you recognize it?

12 A Yes, ma'am.

13 Q Okay. And is it a fair and accurate depiction of this
14 part of Aiken County?

15 A Yes, ma'am.

16 SOLICITOR CHARBONNEAU: Okay. At this time I'd move
17 State's Exhibit 111 into evidence.

18 MR. JOHNSON: No objection, Your Honor.

19 MR. THOMPSON: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (WHEREUPON, State's Exhibit No. 111 was received into
22 evidence at this time.)

23 SOLICITOR CHARBONNEAU: Your Honor, may the witness
24 step down --

25 THE COURT: Yes.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 SOLICITOR CHARBONNEAU: -- while we publish to the
2 jury?

3 THE COURT: Yes.

4 (WHEREUPON, the witness leaves the stand.)

5 Q Can you just please point out to the jury -- first of
6 all, let's start at the McDonald's that you said was on
7 Richland Avenue.

8 A Uh-huh. (Affirmative).

9 Q Okay. If you would please point that out on the map.

10 A It would be right here.

11 Q And that's on Richland Avenue?

12 A Yes, 3604 Richland Avenue west in Aiken and it also has
13 the longitude and latitude, his name, and (indiscernible).

14 Q Would you then point out 1597 Nokesville Circle, Aiken?

15 A That would be right here.

16 THE COURT: You must speak loud enough in order for the
17 recorder to record what's being said.

18 A It's gonna be right here. It's gonna be labeled as the
19 cornerstone crime scene with the latitude and longitude.

20 Q And is that where -- the bedroom of Shaniyah Toney
21 where Derrick was killed?

22 A Yes.

23 Q Looking at this, would you please point out where
24 Christian Barnwell lives?

25 A Within this location.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 THE DIGITAL MONITOR: Keep your voice up.

2 THE WITNESS: In this location right here.

3 Q Okay. And is that slightly south of where Nokesville
4 circle is?

5 A Yes.

6 Q And that's also on whiskey -- off of whiskey Road?

7 A Yes.

8 Q Please point out where Denzell Jackson's house is.

9 A Right here labeled as [REDACTED] Green Street in New Ellenton,
10 South Carolina also with the latitude and longitude present.

11 Q And that is south of the other three places?

12 A Yes.

13 Q Okay. And tell us about the last where it says
14 Savannah River site.

15 A That's the general vicinity of the Savannah River site
16 near Wilson Road. A lot of the phone activity shows where a
17 good portion of time to be in this vicinity.

18 Q And that's when you looked at the records as far as
19 where the phone was pinging off the cell towers?

20 A Yes.

21 Q Thank you.

22 (WHEREUPON, the witness returns to the stand.)

23 Q At what point do you do the search warrant on Altashaun
24 Bacon's car?

25 A The day after we located it.

Savanna Williams - Direct examination
By Solicitor Charbonneau

- 1 Q Do you remember when that was?
- 2 A No, ma'am.
- 3 Q Okay. We're talking about after the search warrants on
4 the cell phones and, and that?
- 5 A Yes.
- 6 Q Okay. And after the third time with Miss Toney?
- 7 A Yes.
- 8 Q Do you try -- based on the cell phone records that you
9 get, do you attempt to locate Derrick Curry's body?
- 10 A Yes.
- 11 Q Can you tell us different areas that you went to?
- 12 A Williston Road near SRS1. We also went out to Houston
13 Loop in Jackson as well as certain areas near Savannah
14 River.
- 15 Q Did you also go look at Langley Pond?
- 16 A I didn't personally, no.
- 17 Q Someone from the Sheriff's Office?
- 18 A From Burnetown Police Department.
- 19 Q Did you attempt to locate Derrick Curry's body with
20 cadaver dogs?
- 21 A Yes.
- 22 Q And why go to you said Houston Loop?
- 23 A We had received a anonymous tip that his body possibly
24 could be located near I think it was a Sycamore, Sycamore
25 Festival, which I later found out is a festival that's held

Savanna Williams - Cross-examination
By Mr. Johnson

1 off of Houston Loop.

2 Q And obviously we have not found Derrick Curry's body
3 yet?

4 A No.

5 Q Did you also go to the Savannah River?

6 A Yes.

7 Q And any signs that you could pinpoint to a particular
8 area in, in the river?

9 A No.

10 Q Thank you.

11 I have nothing further.

12 THE COURT: Mr. Johnson.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q Good morning, investigator.

16 A Morning.

17 Q So, Mr. Jackson agreed to give his DNA sample?

18 A Yes, sir.

19 Q So that was done voluntarily without any issue,
20 correct?

21 A Yes, ma'am. Yes, sir.

22 Q All right. And I believe you said that he was arrested
23 at the same time that you executed a search warrant around
24 between 5:00AM and 6:00AM---

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

- 1 Q ---in the morning?
- 2 And were you personally there when the search warrant
- 3 was executed and that arrest, arrest was effectuated?
- 4 A Yes.
- 5 Q And who was in the, in the home when was -- he was
- 6 taken into custody?
- 7 A It was him, his sister, and mother.
- 8 Q And was he arrested peacefully?
- 9 A Yes.
- 10 Q So have you had a, a chance to review the DNA report
- 11 from SLED in this case?
- 12 A Yes.
- 13 Q And would that be something that, that you would have
- 14 received as a part of completing your investigation?
- 15 A Yes, sir.
- 16 Q And there was no DNA of Mr. Jackson found in the
- 17 apartment or, excuse me, in the home of Miss Toney.
- 18 Is that correct?
- 19 A No.
- 20 Q No---
- 21 A No, there was none found in her home.
- 22 Q And there was actually no DNA found in her vehicle as
- 23 well that links back to Denzell Jackson, correct?
- 24 A No.
- 25 Q And the person talked about Mr. Barnwell's car.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Was there any DNA of Mr. Jackson found in Mr.
2 Barnwell's car?

3 A Barnwell or Bacon's vehicle?

4 Q Either one.

5 A No.

6 Q Well, let me start with Bacon.

7 Was there any DNA found linking my client to Mr. Bacon?

8 A No.

9 Q And were there any fingerprints found linking my client
10 to Mr. Bacon's car?

11 A Not to my knowledge.

12 Q Were there any fingerprints found linking my client to
13 Miss Toney's car?

14 A Not to my knowledge, no.

15 Q And you heard that -- well, you've been in here, in
16 fact, correct?

17 A Yes, sir.

18 Q And you heard that Miss Toney's been alleged
19 Mr. Jackson drove her vehicle.

20 Is that correct?

21 A Yes.

22 Q But there's no evidence scientifically to corroborate
23 or to confirm that, correct?

24 A Yes.

25 Q Now, with regard to the firearm seized from Mr.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Jackson's home, are you familiar with whether those firearms
2 were tested for any type of DNA?

3 A Yes.

4 Q And were they tested for DNA?

5 A Yes, sir, both of them.

6 Q And what were the results of that?

7 A I believe it was a mixture on the short barrel AR and
8 then I believe the defendant was found on the Glock.

9 Q But no DNA of Mr. Curry, correct?

10 A No.

11 Q And with regard to those same firearms, they were
12 actually sent off to the SLED agency for ballistic testing.

13 Is that correct?

14 A Yes, sir.

15 Q Now, will you explain to the jury what that means,
16 ballistic testing?

17 A Ballistics, when you find a projectile and/or a shell
18 casing, if you do have a firearm seized, what you can do is
19 send it up to SLED for examination. What they will do,
20 depending if it's a shell casing or a projectile, is fire
21 the weapon and they will physically look at the two up under
22 a microscope to see if the rifling is familiar on the two
23 items.

24 Q And was that done in this case?

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Q And was it fair to say that the firearm seized from the
2 family home of Mr. Jackson had no link to the projectile in
3 Shaniyah Toney's room?

4 A Not a direct link, no, sir.

5 Q And is it fair to say that there were no other pieces
6 of information regarding those firearms that had any
7 evidentiary value in this case?

8 A No, sir.

9 Q Now, did you actually go out -- well, I believe you
10 stated that you did go out to Christian Barnwell's home?

11 A Yes, sir.

12 Q Did you take any photographs?

13 A I don't recall if I did or not.

14 Q If you had taken photographs, would they be contained
15 in your report?

16 A Yes, sir.

17 Q And if they're not contained in your report, is it fair
18 to say that there were no photographs taken?

19 A Yes, sir.

20 Q And you didn't take any photographs because you didn't
21 find anything of evidentiary value to the case to record.

22 Is that correct?

23 A Can you repeat that for me?

24 Q Sure.

25 If there were no photos taken, would it be fair to say

Savanna Williams - Cross-examination
By Mr. Johnson

- 1 that's because there was no evidence of a crime that you
2 wanted to notate in your report?
- 3 A Yes, sir.
- 4 Q You indicated that there was a small fire pit that---
- 5 A Yes, sir.
- 6 Q ---you observed.
7 was that a yes?
- 8 A Yeah.
- 9 Q I'm sorry.
- 10 A Yes, sir, I'm sorry.
- 11 Q And you located nothing of value in or around that fire
12 pit, correct?
- 13 A No.
- 14 Q And actually in the front yard of the area, according
15 to Miss Toney, she said that there was a bonfire.
16 You didn't find any evidence to corroborate or confirm
17 that information as part of your investigation of Mr.
18 Barnwell's home, right?
- 19 A No, sir.
- 20 Q And, once again, if you had, that would be something
21 that you would include in your report.
22 Is that accurate?
- 23 A Yes, sir.
- 24 Q Now, you are aware of the, the messages that we
25 discussed yesterday between Ms. Kenya Bush and Shaniyah

Savanna Williams - Cross-examination
By Mr. Johnson

1 Toney.

2 A Yeah.

3 Q Is that correct?

4 A Yes, sir.

5 Q And you are aware that Shaniyah Toney indicated that
6 Derrick Curry dropped her off to work at IHOP around five
7 o'clock on April 30th, right?

8 A Yes, sir.

9 Q And is there any or was there any effort to confirm or
10 refute that statement by your agency?

11 A That Derrick Curry dropped her off?

12 Q (WHEREUPON, there was no audible response.)

13 A Did we confirm or deny it?

14 Is that what you're asking?

15 Q Yes, ma'am.

16 A We could deny that, of course.

17 Q Well, did you try to pull any surveillance video from
18 the parking lot?

19 A There was none at the parking lot. Only interior to
20 the IHOP.

21 Q And did you review that interior footage?

22 A I never received anything back from the corporate
23 office.

24 Q Did you follow up with them to inquire?

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Q And what was the response?

2 A I never received anything back from them.

3 Q Did you look at possible cameras in the intersection
4 that would of confirmed whether she, in fact, traveled with
5 anyone?

6 A Yes, sir.

7 Q And what did those reveal?

8 A Nothing. They belonged to the Aiken Department of
9 Public Safety, the ones right there at the intersection of
10 whiskey Road, and mall -- entrance to the mall and they do
11 not record. They are just a live feed camera only.

12 Q So, essentially there's no footage of who dropped her
13 off at IHOP, correct?

14 A No footage.

15 Q And she also stated that Mr. Curry was alive on the
16 night of April 30th or at least that's what she indicated
17 in real time to several individuals.

18 Is that correct?

19 A Yes, sir.

20 Q And then she testified to something different in Court,
21 correct?

22 A Yes, sir.

23 Q Do you have any confirmation as to who, in fact, picked
24 her up from work?

25 A Other than what she told us and what some phone records

Savanna Williams - Cross-examination
By Mr. Johnson

1 show.

2 Q So, there's no independent evidence, just her word,
3 correct?

4 A Yes, sir.

5 Q And she also stated that she dropped him off in some
6 part of Aiken near a, a, a housing project.

7 Do you recall that being something that she admitted
8 to?

9 A I think she -- it was said the PJ's or -- yeah.

10 Q And what, based on your knowledge, what would you
11 indicate that stands for?

12 A Projects.

13 Q And so based on that statement, she's indicated that he
14 was alive, picked her up from work around midnight, and she
15 dropped him off, correct?

16 A In those conversations, yes.

17 Q And those are written conversations, right?

18 A Yes, sir.

19 Q That you obtained through the Facebook business record,
20 right?

21 A Yes, sir.

22 Q So you have no reason to believe that those
23 conversations were, were altered in any way, correct?

24 A No, sir.

25 Q And speaking of Facebook messages, you indicated that,

Savanna Williams - Cross-examination
By Mr. Johnson

1 if a message is deleted, Facebook does not store that
2 message if it is retrieved by the law enforcement agency?

3 A Yes.

4 Q Is that correct?

5 A Yes, sir.

6 Q But a Facebook user can not delete someone else's
7 messages linked to another person's account, correct?

8 A As in two separate users, is that what you're referring
9 to?

10 Q (WHEREUPON, there was no audible response.)

11 A No, another user, unless they're actually within that
12 account, can they not delete that other person's messages.

13 Q So, you're not representing to this jury that Denzell
14 Jackson was able to go into the account of Miss Toney and
15 delete any communications, right?

16 A No, sir.

17 Q So if there are no messages to confirm her statement
18 that she exchanged messages with Mr. Jackson, how do you
19 view that?

20 A How do I what, sir?

21 Q How do you view that?

22 A If there are none, then we're not able to view them.

23 Q And you're not able to confirm, in fact, whether she
24 had any communication via Facebook --

25 A No, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Q -- if they're no messages, correct?

2 A That's correct.

3 Q Now, you talked to Miss Toney approximately how many
4 times over the last few years?

5 A Three times.

6 Q Did she say anything about deleting her messages from
7 Facebook?

8 A I don't recall if she did or not.

9 Q If she had, would that be information that you would
10 notate in your report?

11 A Possibly, yes, sir. Yes.

12 Q And if -- and, and, and all of your statements with
13 Miss Toney were recorded, correct?

14 A Yes.

15 Q So, if that information's not contained in the
16 reporting, is it fair to say that she never discussed the --
17 erasing any of her messages between her and Mr. Jackson?

18 A Not, not that I recall.

19 Q So, as we sit right here this morning on August 18th,
20 2021, are there any messages, Facebook messages, between
21 Shaniyah Toney and Denzell Jackson that you have retrieved?

22 A No.

23 Q You also were able to review Facebook messages between
24 Miss Cordajiah Council and Shaniyah Toney as part of your
25 investigation.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Is that correct?

2 A Yes.

3 Q And you were in here yesterday when Miss Toney admitted
4 that she was bragging about having intercourse with
5 Mr. Curry on April 30th, right?

6 A Yes.

7 Q And wouldn't you agree that that's in stark contrast to
8 the tears that she cried on the witness stand yesterday?

9 SOLICITOR CHARBONNEAU: Objection. Improper question.

10 THE COURT: The objection's sustained.

11 Q You would agree that she did make that statement about
12 having sex with Mr. Curry?

13 A In the conversation with Miss Council, yes.

14 Q Yes.

15 And that conversation occurred between April 30th
16 and, and May 1st, correct?

17 A I believe so, yes.

18 Q And so that wasn't a week later or a week prior.

19 That was in real time when this allegation allegedly
20 occurred, right?

21 A Yes, sir.

22 Q Do you have any information that Miss, Miss Toney was
23 acting ab -- abnormally that night at work during her shift?

24 A No, sir.

25 Q And actually to the contrary you were in here when

Savanna Williams - Cross-examination
By Mr. Johnson

1 Morgan Blacks testified, correct?

2 A Yes.

3 Q And she testified that there was no abnormality or
4 emotion shown by Miss Toney, correct?

5 SOLICITOR CHARBONNEAU: Objection. Improper question.

6 THE COURT: The objection's sustained.

7 Q Did you interview any of the employees at the IHOP?

8 A Not interview, no.

9 Q Do you have any reason to believe, based on the last
10 two years of investigation, that Shaniyah Toney, besides
11 what she stated, went in the back and was sulking?

12 A Do I have any --?

13 Q Any information to confirm that.

14 A No.

15 Q Approximately how long was she at work on that night?

16 A I believe they stated she clocked in at 5:15 and
17 clocked out af -- right after 11:00.

18 Q So, approximately six hours or so?

19 A Yes, sir.

20 Q Do you think that that's enough time to call 9-1-1?

21 SOLICITOR CHARBONNEAU: Objection. Improper question.

22 MR. JOHNSON: I -- Your Honor, I'm asking for her
23 personal opinion.

24 THE COURT: whether someone can call 9-1-1 in a span of
25 six hours?

Savanna Williams - Cross-examination
By Mr. Johnson

1 MR. JOHNSON: Yes, sir.

2 THE COURT: You may answer it.

3 THE WITNESS: Yes.

4 Q Now, based on those messages with several individuals
5 while she's at work, did she ever indicate that there's
6 anything wrong with Mr. Curry?

7 A No.

8 Q Now, as a part of your investigation, did you find any
9 blood from Mr. Jackson anywhere on any scene that you've
10 investigated?

11 A No.

12 Q I may of already asked you about this but did you find
13 any fingerprints?

14 A No.

15 Q On any item?

16 A No.

17 Q And you seized several items, correct?

18 A Yes.

19 Q And you actually seized Mr. Jackson's cell phone.
20 Is that correct?

21 A Yes, sir.

22 Q And did you do a phone, a phone dump?

23 A Yes, sir, I do believe I completed a search warrant for
24 that phone.

25 Q Now there's no evidence that he ever threatened

Savanna Williams - Cross-examination
By Mr. Johnson

1 Shaniyah Toney, correct?

2 A No.

3 Q And I believe she testified to that.

4 Is that correct?

5 A Yes.

6 Q Do you recall Miss Curry (sic) being asked about
7 whether these messages would be on Facebook when she was
8 interviewed the first time?

9 A Do I recall if the messages were on Facebook when she
10 was being interviewed?

11 Q I'll restate the question.

12 Do you recall asking her where these messages could be
13 found at?

14 A Yes.

15 Q And do you remember her response?

16 A Facebook.

17 Q Okay. And in reviewing Sha'kel Dixon's Facebook
18 messages, any discussion between he and Mr. Jackson about a
19 crime?

20 A No.

21 Q Did you actually canvass the neighborhood of Nokesville
22 Circle?

23 A Yes, sir.

24 Q All right. Can you explain to the jury what a canvass
25 is?

Savanna Williams - Cross-examination
By Mr. Johnson

1 A It's basically where you go door-to-door to see if
2 anybody was home during the incident or obtain any video
3 surveillance that may be on the out -- exterior (phonetic)
4 of their dwellings.

5 Q And you canvassed this as, as part of your normal law
6 enforcement procedure of trying to figure out what happened,
7 right?

8 A Yes, sir.

9 Q And tell me what the results of that canvass were
10 please.

11 A We found multiple video surveillances outside of the
12 homes within that neighborhood and none of them were either
13 working or had the subscription with some of them that would
14 actually store the data.

15 Q Did you include in -- any statements from neighbors in
16 your report?

17 A No, sir.

18 Q And is that because there was nothing of evidentiary
19 value heard or seen by any of the neighbors?

20 A Yes.

21 Q No one said that they heard a gunshot?

22 A No.

23 Q No one identified any of these young men as being in
24 the neighborhood?

25 A No.

Savanna Williams - Cross-examination
By Mr. Johnson

- 1 Q Approximately how tall was, was -- is Derrick Curry?
- 2 A I don't know.
- 3 Q Are you familiar with your first interview with
- 4 Miss Toney?
- 5 A Yes.
- 6 Q And was there a transcript made of that interview?
- 7 A Yes, sir.
- 8 Q And do you recall some discussion about the pink tote?
- 9 A Yes, sir.
- 10 Q And do you recall there being some indication that he
- 11 must of been a little guy to fit in that tote?
- 12 A Yes, sir.
- 13 Q And you don't have any indication that he was a small
- 14 man, correct?
- 15 A Just based off of photographs he looked smaller, yes.
- 16 Q He looked small?
- 17 A Smaller in weight size smaller.
- 18 Q What about height?
- 19 A Are you asking me to guess his height?
- 20 Q No, I want to -- just, just generally speaking---
- 21 A He's---
- 22 Q ---would you---
- 23 A He's taller than me.
- 24 Q Fair enough.
- 25 Do you recall Lieutenant Flurry saying he's got to be a

Savanna Williams - Cross-examination
By Mr. Johnson

- 1 little guy to fit in this tote?
- 2 A Yes, sir.
- 3 Q You were in the room to hear that, right?
- 4 A Yes, sir.
- 5 Q Now, was there any DNA evidence of Mr. Jackson found
6 in, in the trunk of either of these vehicles?
- 7 A No, sir.
- 8 Q No.
- 9 were there any fingerprints --
- 10 A No, sir.
- 11 Q -- of Mr. Jackson?
- 12 A No, sir.
- 13 Q But there were fingerprints found of an individual by
14 the name of Elijah Sloan?
- 15 A Yes, sir.
- 16 Q And he is Shaniyah Toney's child's father?
- 17 A Yes, sir.
- 18 Q And he lives in Greenwood?
- 19 A Yes, sir.
- 20 Q Do you recall Miss Toney stating in her first interview
21 that she wasn't sure if Mr. Curry was dead when he was
22 placed in the vehicle?
- 23 A I don't recall.
- 24 Q If I show you a transcript, would that refresh your
25 recollection?

Savanna Williams - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q All right. So, after reviewing the transcript, do you
3 recall Miss Toney being asked if Derrick Curry was dead when
4 placed in the vehicle?

5 A Yes, sir.

6 Q And she indicated that she didn't know, correct?

7 A She was not sure, yes.

8 Q And that was in contradiction to her statements on the
9 witness stand.

10 Do you recall?

11 SOLICITOR CHARBONNEAU: Objection. Improper question.
12 Commenting on another witness' testimony.

13 THE COURT: Overrule the objection.

14 Q Is that in contradiction to what she testified to
15 yesterday that he was immediately -- he passed away
16 immediately?

17 A Yes, sir, I think she just said he was dead though.

18 Q So it's two, two different statements that's in there,
19 correct?

20 A Yes, sir.

21 Q You didn't find any evidence of communication between
22 Denzell Jackson and Shaniyah Toney while she was at work,
23 correct?

24 A No, sir.

25 Q Based on your law enforcement experience, she -- well,

Savanna Williams - Cross-examination
By Mr. Johnson

1 strike that. I'll ask another question.

2 Did you take any DNA from Miss Toney?

3 A I did not.

4 Q why not?

5 A The areas to include her home and her vehicle, her DNA
6 is to be expected within those two locations.

7 Q what about Mr. Bacon's vehicle?

8 A She never stated she was in Mr. Bacon's vehicle.

9 Q How about the firearms?

10 A She never stated she held a firearm either, sir.

11 Q But she stated a lot of things that she went back on,
12 correct?

13 A Yes, sir.

14 Q So, essentially you never treated her like a suspect?

15 A We did at the beginning treated her like a suspect.

16 But I am -- I -- her DNA's to be expected in that home and
17 that vehicle.

18 Q So if she was treated like a suspect, why was she never
19 arrested?

20 A Due to the totality of the circumstances involved in
21 the case.

22 Q Totality of, of the circumstances being that she
23 testified that she lures a man into her home, well knowing
24 that he's about to be killed, helps clean up the scene, and,
25 and leaves town for 10 days?

Savanna Williams - Cross-examination
By Mr. Johnson

1 That's not criminal activity?

2 A She never admitted that she knew that he was going to
3 be killed.

4 Q Isn't there such thing as accessory after the fact to
5 murder in the State of South Carolina?

6 A Yes, sir.

7 Q Would cleaning up blood be the kind of thing that could
8 get you arrested for something like that if you knew you
9 were cleaning up blood of someone who had just been
10 murdered?

11 A Yes, sir.

12 Q But she was never charged with that, was she?

13 A No, sir.

14 Q She's never spent a day in jail with regard to this
15 case?

16 A No.

17 Q Do you recall Miss Toney being asked about what day
18 this happened on?

19 A I recall it being brought up yesterday, yes, sir.

20 Q And what day did she say?

21 A I believe she stated May 1st.

22 Q Okay. And the cell phone data that you have that was
23 mapped out, that's from April 30th, correct?

24 A Yes, sir.

25 Q Do you have a map or any pictures of where the phones

Savanna Williams - Cross-examination
By Mr. Johnson

1 are on May 1st?

2 A I'm not sure actually.

3 Q Were you able to -- well, one second please.

4 (Pause.)

5 A Okay.

6 Q What I'm showing you is marked as Defendant Exhibit

7 2-1.

8 You're reviewing the Facebook messages between Ms. Bush
9 and Miss Shaniyah Toney?

10 A Yes, sir.

11 Q And what's the date on those messages?

12 A The date is 5/1 of 2019 at 3:21 in UTC, which is not
13 actually our time.

14 Q Would you have any disagreement with the statement that
15 UTC time is four hours ahead of east coast time?

16 A I believe it's before.

17 Q Yes.

18 A Yes.

19 Q Four hours ahead of east coast time, right?

20 A Yes, that's correct. Yes, sir.

21 Q So that would put that conversation at what time?

22 A On 4:30.

23 Q And---

24 A 11:00, 11:00ish at night.

25 Q 11:00PM on May 1st?

Savanna Williams - Cross-examination
By Mr. Johnson

- 1 A No, on April 30th.
- 2 Q So, what about the next conversation?
- 3 Do you see anywhere in there where it says April the
- 4 30th?
- 5 A Just on Page 1 or through --?
- 6 Q I think they're three pages.
- 7 A None show April 30th, but if they are transferred out
- 8 of UTC, they would show April 30th.
- 9 Q So, do you have any records that -- well, you got this
- 10 from Facebook, right?
- 11 A Yes, sir.
- 12 Q All right. So, you had an opportunity to review these
- 13 records before Court today?
- 14 A Yes, sir.
- 15 Q Do you recall Miss Toney being asked if the young man
- 16 washed her car while she was at work?
- 17 A If I asked her that?
- 18 Q Yes. I'm, I'm sorry. In your interview process a few
- 19 years ago.
- 20 A I, I believe I did.
- 21 Q Do you recall what her answer was?
- 22 A I think she stated she washed the vehicle.
- 23 Q And she washed it in, in, in Greenwood with her
- 24 boyfriend, right?
- 25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Q Now there's been some discussion previously that there
2 was a warrant for the arrest of Derrick Curry at the time
3 that this happened, right?

4 A Yes, sir.

5 Q And it was for the crime of what?

6 A Armed robbery.

7 Q Has that warrant been recalled?

8 A Not to my knowledge, no.

9 Q So that warrant is still an active warrant?

10 A It's still active.

11 Q Do you have a death certificate for Mr. Curry?

12 A No.

13 Q So, in essence, if he were to be encountered by law
14 enforcement, they would see that he has an active warrant?

15 A Yes, sir.

16 Q And he would be taken into custody---

17 A Yes, sir.

18 Q ---pursuant to that warrant?

19 A Yes, sir.

20 Q We heard evidence that he was -- had a, an assault
21 rifle at some point that day, right?

22 A Yes, sir.

23 Q And that was in, in the book bag?

24 A Yes, sir.

25 Q Based on your experience in being in law enforcement

Savanna Williams - Cross-examination
By Mr. Johnson

1 for -- since 2012, nine years I believe Ms. Charbonneau
2 stated, don't you find it odd for someone to walk around
3 with an AR15 on Monday afternoon at noon?

4 A No, sir.

5 Q You don't find that odd?

6 A No, sir.

7 Q Okay. Were there off-the-record conversations with
8 Miss Toney as a part of this interview?

9 A Only right before the interview to speak with
10 Mr. Screen and her. That would be it.

11 Q What about after the interview?
12 Weren't there some off-the-record conversations?

13 A Not, not that I recall. This states that it's
14 Lieutenant Flurry and it says oh, which I can get the
15 details when we get off-the-record.

16 Q So, there were off-the-record conversations after the
17 interview at some point in time, right?

18 A It seems so, yes, sir.

19 Q You have no reason to doubt the veracity or the
20 untruthfulness of this transcript provided to defense
21 counsel from the State?

22 A No, sir.

23 Q Thank you.

24 (Pause.)

25 Q I don't have anything further. Thank you.

Savanna Williams - Cross-examination
By Mr. Thompson

1 THE COURT: Mr. Thompson.

2 MR. THOMPSON: Your Honor, may it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. THOMPSON:

6 Q Detective Williams, just -- you were here yesterday
7 during Miss Toney's testimony?

8 A Yes.

9 Q Correct?

10 A Yes, sir.

11 Q And you heard her say that, that, A, of all this, that
12 there was this murder plot at the theater, correct?

13 A Yes, sir.

14 Q And that she said she didn't have anything to do with
15 it but that both Mr. Curry, and there's another guy, they
16 were riding in her car with a whole pile of crystal
17 methamphetamine, correct?

18 A In the gist of it, yes.

19 Q Okay. And Mr. Curry is also somebody who, from
20 evidence that's been put in, I believe it's State's No. 106,
21 and some of these (indiscernible), he, he both walks around
22 and rides around in cars with this, this assault rifle in a
23 bag, right?

24 A Yes, sir.

25 Q In your experience as a detective for Aiken County

Savanna Williams - Cross-examination
By Mr. Thompson

1 Sheriff's Office, do people that trade in or carry around
2 large quantities of crystal methamphetamine, are, are those
3 transactions done in cash or are they done with bank cards
4 and credit cards?

5 A Cash and then cash that you can not see physically.

6 Q Okay. Primarily invisible transactions?

7 A Yes, sir.

8 Q Do you know or have any -- were there any search
9 warrants issued or do you know of any banking or credit card
10 information related to Mr. Curry before he's allegedly
11 killed?

12 A I, I was informed that he had no bank accounts.

13 Q No bank accounts?

14 A No bank accounts.

15 Q No credit cards.

16 So the fact that he doesn't have any credit union
17 reports in the last two years is frankly he probably didn't
18 have any credit union reports in the two years prior to all
19 this allegedly happening, correct?

20 SOLICITOR CHARBONNEAU: I would object to probably.

21 Improper question.

22 MR. THOMPSON: I'll withdraw.

23 SOLICITOR CHARBONNEAU: Calls for speculation.

24 MR. THOMPSON: I'll withdraw.

25 You're not aware of any credit card or banking

Savanna Williams - Cross-examination
By Mr. Thompson

1 information, any electronic information at all, related to
2 Mr. Curry either after or before?

3 You're not, you're not aware of any of that type of
4 information?

5 A No.

6 Q Okay. And I believe you, you stated earlier that he,
7 at the time, was wanted for armed robbery and, in fact,
8 there's an active warrant.

9 He still is wanted for armed robbery, correct?

10 A Yes, sir.

11 Q You can catch a powerful large amount of time for armed
12 robbery, correct?

13 SOLICITOR CHARBONNEAU: Objection. Relevance.

14 THE COURT: The objection's overruled.

15 Yes or no.

16 THE WITNESS: Yes.

17 Q Possibly could get up to 30 years in prison for armed
18 robbery?

19 A Possibly.

20 Q In your -- in, in your professional opinion as a
21 detective, that'd be a powerful motive to disappear?

22 A It could be.

23 Q Miss Toney, she met with the authorities on several
24 occasions?

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q She met with her lawyer, correct?

2 A Yes, sir.

3 Q To help shepherd her statements and possibly remind her
4 of things?

5 SOLICITOR CHARBONNEAU: Objection.

6 THE COURT: Sustained.

7 Q She was not being interrogated?

8 A Was she---

9 Q Correct?

10 A ---being interrogated?

11 Q Sure. I'll, I'll, I'll do that question now.

12 A I---

13 Q Was she being interrogated or did she voluntarily speak
14 with the police department?

15 A She voluntarily wished to speak with us but, yes, we
16 did obtain the statements from her.

17 Q Okay. You testified earlier that, that you were, at,
18 at times, had to meet with her because, and I'll quote, "you
19 received new information."

20 A Yes, sir.

21 Q This is a polite way of saying you found stuff that was
22 perhaps different or in addition to what she told you the
23 first time and you needed to speak with her again?

24 A No, sir, what I did was I followed the evidence in this
25 case.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q This, this murder plot a day before the alleged
2 incident that we're -- that the jury's looking into for
3 today, this would be a big piece of information, correct?

4 A It could be, yes.

5 Q But you did not have a chance to investigate that,
6 correct?

7 A No, sir.

8 Q Because you only found out about that when?

9 A A week or so ago.

10 Q But did you question or interrogate Mr. Elijah Sloan?

11 A I did not.

12 Q To your knowledge did anyone in the department question
13 or interrogate Mr. Elijah Sloan?

14 A No, sir.

15 Q The, the physical evidence in this case, State's
16 Exhibit 94 through 101, the pictures from the search
17 warrant, I believe it's Green Street, those are not from Mr.
18 Dixon's house, correct?

19 A No, sir.

20 Q Item 67 and 106 and 107, the guns and the backpack and
21 everything, those are not from Mr. Dixon's house?

22 A No.

23 Q But he voluntarily gave a DNA sample?

24 A Yes, sir.

25 Q There are -- all of these DNA swabs, there are no DNA

Savanna Williams - Cross-examination
By Mr. Thompson

1 swabs that show Mr. Dixon's DNA anywhere in this case,
2 correct?

3 A Correct.

4 Q No fingerprints of Mr. Dixon on any of the items of
5 evidence anywhere in this case or any of the locations in
6 this case, correct?

7 A Correct.

8 Q I -- and I want you to correct me if I'm, if I'm wrong,
9 I believe the only, the only physical pieces of evidence in
10 this case, related to Mr. Dixon, there's a -- like the front
11 page of a credit card and, and I apologize. I don't
12 remember the actual item number off the top of my head.

13 Do you know?

14 SOLICITOR CHARBONNEAU: which one?

15 MR. THOMPSON: The, the credit card.

16 SOLICITOR CHARBONNEAU: 92.

17 MR. THOMPSON: 92.

18 (Pause.)

19 Q State's 92, this credit card correspondence, it looks
20 like maybe something that comes like with a credit card or
21 as part of a credit card bill.

22 Did you do any search warrants or any -- get any
23 information at all about whether or not anything had been
24 bought or whether this credit card is related to this case
25 at all?

Savanna Williams - Cross-examination
By Mr. Thompson

- 1 A There's not enough information on the sheet of paper
2 for that to have occurred.
- 3 Q Okay. All right. So, we don't, we don't really know?
- 4 A No, sir.
- 5 Q Some other than it's, it's at this other gentleman's
6 house, that probably means they know each other, other than
7 that, that piece of paper really doesn't stand for anything
8 else?
- 9 A Yes, sir.
- 10 Q Okay. When you searched Mr. Dixon's home, and I
11 realize I think you earlier stated that you weren't actually
12 part of that search, right?
- 13 A Yes, sir, I was not a part of that search.
- 14 Q Okay. But you're aware of what happened during the
15 search and what was found?
- 16 A Yes.
- 17 Q Okay. And the only -- they, they find the phones at,
18 at Mr. Dixon's home.
- 19 A Yes.
- 20 Q Correct?
21 Several phones?
- 22 A Yes.
- 23 Q Correct?
- 24 A Yes.
- 25 Q They find a phone in the room that he's probably

Savanna Williams - Cross-examination
By Mr. Thompson

1 sleeping in, correct?

2 A I'm, I'm not sure about that.

3 Q But none of those phones are actually related to this
4 case whatsoever. The only phone that actually was of
5 interest to the police is his mother's phone.

6 Right?

7 A There were numerous seized from the home but yes.

8 Q Right.

9 But the only information we have that's helpful for the
10 case is from his mother's phone?

11 A Yes.

12 Q Okay. And the only thing in his mother's phone --
13 there are -- they're several messages in the -- in his
14 mother's phone about him talking back and forth with his
15 mother but those don't have anything to do with the case,
16 right?

17 A There's a text message I think on May 1st where he
18 sends his mother asking if they're any funny cars that start
19 driving around to let him know.

20 Q Okay. All right. But other than that, there are no
21 other messages related to the case other than asking about
22 are there any funny cars around -- driving around her house?

23 A Yes.

24 Q Okay. And -- well, I'll stop there.

25 There's no other physical evidence though that's found

Savanna Williams - Cross-examination
By Mr. Thompson

1 in Mr. Dixon's home that's even remotely related to the
2 case---

3 A There---

4 Q ---other than what we just talked about?

5 A Not in the home, no.

6 Q Okay. This, this telephone data that, that we're
7 probably about to talk about in great detail, you, you
8 mentioned -- okay. On my telephone, I represent to you that
9 I track my children.

10 Okay. They know about it. It's all cool. But I, I
11 can tell you pretty close to exactly where they are right
12 now.

13 That's not the kind of location information that we're
14 talking about in this case, right?

15 A Depending but no, it's not an application base, no.

16 Q Mostly we're talking about large areas that, that
17 phones are, are in?

18 A You're talking about the cell phone tower to the next
19 cell phone tower---

20 Q Okay.

21 A ---and sectors between those, yes.

22 Q And essentially you, you have these towers kind of
23 triangulating a little bit and you can kind of tell a, a
24 general geographical area that's -- that a phone is in but
25 not much more than that?

Savanna Williams - Cross-examination
By Mr. Thompson

1 A Yes, they're -- you can triangulate and then there's
2 also something called NELOS which can actually give you a
3 pinpoint with a radius as to that is in the vicinity of that
4 radius.

5 Q And, and those radiuses though, they're a lot of
6 factors that affect them and they can be anywhere from a
7 couple hundred yards to possibly a couple square miles?

8 A Yes. Normally they give you the radius within the --.

9 Q So, if, if we were looking at yours and my phone right
10 now, I'll represent to you that my office is about two or
11 three blocks from here.

12 A Uh-huh. (Affirmative).

13 Q we probably wouldn't be able to tell -- we'd be able to
14 tell that I was near you and your phone but we wouldn't be
15 able to tell whether I was here in the room with you or
16 whether you were here in the courthouse and I was over at my
17 office two or three blocks away?

18 A Depending. I don't know how many cell phone towers
19 actually within---

20 Q Okay.

21 A Normally the, the denser the area gets the more towers
22 that will be present.

23 Q Fair enough. Fair enough.

24 Depending on the placement of the towers and, and I, I,
25 I understand that that -- that greatly affects the question.

Savanna Williams - Cross-examination
By Mr. Thompson

1 A Yes, sir.

2 Q But depending on the placement of the towers, I might
3 be able to be as far away as the Department of Motor
4 vehicles or down at the Chinese Restaurant getting wanton
5 soup for lunch or I, I wouldn't necessarily have to be
6 standing right beside you in order for our phones to both be
7 in these areas that we're talking about?

8 A It's possible, yes.

9 Q Fair enough.

10 I don't believe I have any -- well, beg, beg the
11 Court's indulgence.

12 (Pause.)

13 Q And just in case I forgot to ask you this, there --
14 you're not aware of any fingerprint evidence connecting Mr.
15 Dixon with any of this -- any of these events, correct?

16 A No, sir.

17 MR. THOMPSON: I have no further questions.

18 THE COURT: Any redirect?

19 SOLICITOR CHARBONNEAU: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY SOLICITOR CHARBONNEAU:

22 Q Mr. Johnson asked you to look at the first statement
23 that Shaniyah Toney gave you, Page 22, Lines 8 through 11.
24 I don't think you were able to answer it fully.

25 When Shaniyah Toney -- on that first statement on May

Savanna Williams - Cross-examination
By Mr. Thompson

1 10th, 2019, did she ever say that Derrick Curry was alive?

2 A No.

3 Q what did she say?

4 A She said I am not sure but there was a lot of blood.

5 Q And this, this crime happened during work or school
6 hours?

7 A Yes, ma'am.

8 Q On a Tuesday?

9 A (WHEREUPON, there was no audible response.)

10 Q The neighborhood canvass that you talked about and the
11 traffic cams, you attempted to get information, correct?

12 A Yes, ma'am.

13 Q You were asked by opposing counsel, as far as Christian
14 Barnwell's home, if you got any items of evidence from
15 there.

16 Did you see signs of a fire outside?

17 A Yes.

18 Q Did you collect the red bag that's in evidence?

19 A Yes.

20 Q Did you get Sha'kel Dixon's credit card statement from
21 that home?

22 A Yes.

23 Q And did you get Altashaun Bacon's paystub from that
24 home?

25 A Yes.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q Did you attempt to get -- did you check with IHOP to
2 see if they had any surveillance outside the building?

3 A I did.

4 Q Did they have outside surveillance?

5 A No, they only had interior cameras.

6 Q when Shaniyah Toney told us that she was working, based
7 on the Facebook records that you got, are you able to tell
8 whether she connected to the WiFi at IHOP?

9 A Yes, on her Cellebrite report from the extraction of
10 her cell phone, it showed that she was using the WiFi at the
11 IHOP.

12 Q So, so when she said she was at work she was --

13 A Yes.

14 Q -- according to her phone?

15 A Yes.

16 Q when opposing counsel asked you about whether Derrick
17 Curry picked up Shaniyah Toney from work, based on the cell
18 phone records that are in evidence, are you able -- were you
19 able to determine that Sha'Kel Dixon and Denzell Jackson
20 phones are traveling to I -- to the IHOP area to pick her up
21 at about the time that Shaniyah Toney said they picked her
22 up?

23 A Yes.

24 Q As far as deleted messages, if Miss Toney had testified
25 that she was afraid of both of these defendants, that they

Savanna Williams - Cross-examination
By Mr. Thompson

1 were reading her text messages and telling her what to say,
2 if they told her to delete her messages, would they be on
3 her records or would they be gone?

4 A Facebook, or Cellebrite, or either?

5 Q Facebook. She was using her Facebook message.

6 A Facebook, they're not gonna retain any deleted
7 messages.

8 Q Were there messages between Shaniyah Toney and Denzell
9 Jackson on 5/1/19?

10 A Yes, I believe so.

11 Q And were there messages between Shaniyah Toney and
12 Sha'Kel Dixon on 5/1/2019?

13 A I'm unsure if it's Facebook messages.

14 Q How about on the text message?

15 A Yes.

16 Q Opposing counsel was asking you what things were not
17 corroborated from Shaniyah Toney's statement.

18 when you go to the crime scene, does it corroborate
19 what Shaniyah Toney told you about where it happened?

20 A In every detail.

21 Q Were you -- did you find projectiles indicating that a,
22 a shooting took place?

23 A Yes.

24 Q Did you find a lot of quantity of blood where she said?

25 A Yes.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q Did you also obtain blood in the trunk of her car where
2 she said Derrick Curry's body was taken?

3 A We did.

4 Q Did you recover blood in the trunk of Altashaun Bacon's
5 trunk of his car where she said they transferred his body?

6 A We did.

7 Q Did the cell phone records show that Derrick Curry --
8 that Derrick Curry's phone, Sha'Kel Dixon, and Denzell
9 Jackson's phones were traveling together after he was
10 murdered on the day of 4/30/2019 in too far -- the early
11 morning hours of 5/1/2019 like Shaniyah Toney said?

12 A Yes, they mirror each other for hours.

13 Q And if someone is standing in the room talking to the
14 other person, that's not gonna show on Facebook accounts, is
15 it?

16 A What do you mean?

17 Q If someone's talking live -- I'm talking to you live,
18 our Facebook account is not gonna show us talking, correct?

19 A No.

20 Q And our cell phone records are not gonna talk --

21 A No.

22 Q -- not gonna show?

23 when -- the first time you talked to Shaniyah Toney,
24 does she tell you about the pink tote?

25 A She did, yes.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q And she said specifically that pink tote was what
2 Derrick Curry's body was put in?

3 A Yes.

4 Q And did you actually find pink totes in the garage at
5 Nokesville Circle?

6 A We did.

7 Q Opposing counsel asked you if Derrick Curry was -- fit
8 in the tote.

9 Did Shaniyah Toney tell you that he was hanging out of
10 that tote?

11 A She did. She stated that yesterday.

12 Q Opposing counsel asked you why you didn't charge
13 Shaniyah Toney.

14 When she spoke to you, was she afraid -- did she tell
15 you she was afraid of these two defendants?

16 A She did.

17 Q And did she tell you that they threatened her to stop
18 crying or they would kill her too?

19 A Yes.

20 Q Did she tell you they both had guns?

21 A Yes.

22 Q Did she tell you they were with her?

23 A Yes.

24 Q Did she tell you they had her car?

25 A Yes.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q Did she tell you that they were telling her what to
2 text and what to say to Kenya Bush?

3 A Yes.

4 Q Did she tell you that they were reading her texts to
5 verify and make sure she told them what they, they wanted
6 her to say?

7 A Yes.

8 Q Opposing counsel asked about Derrick Curry's
9 outstanding warrant.

10 was it outstanding before April 30th, 2019?

11 A It was.

12 Q Do you know how long it was?

13 A A few months. I was actually the investigator on that
14 case.

15 Q In the three statements that Shaniyah Toney gave you,
16 does she change her story to you?

17 A She does not.

18 Q Does she just answer the questions, the additional
19 questions, that you have for her?

20 A Yes. As the case went along, I continued to learn more
21 following the evidence and I would obtain more questions for
22 her for clarification.

23 Q And based on your investigation and your information on
24 Miss Toney, is she a lawyer?

25 A No.

Savanna Williams - Recross examination
By Mr. Johnson

1 Q Is she a law enforcement officer?

2 A No.

3 Q So she's not an investigator?

4 A No.

5 Q Thank you.

6 Nothing further.

7 THE COURT: Mr. Johnson.

8 RE CROSS EXAMINATION

9 BY MR. JOHNSON:

10 Q I believe you said that there were signs of a fire at
11 Mr. Barnwell's house?

12 A Yes, sir.

13 Q What were those signs of fire?

14 A There was just a fire pit with looked like charred very
15 small stuff within the fire.

16 Q But Shaniyah Toney said that fire was not in the fire
17 pit, correct?

18 A That's what -- that's the only one that we could
19 locate, yes.

20 Q I mean was she -- I mean when she was interrogated, she
21 said that the fire was in the front yard and not in the fire
22 pit.

23 Do you recall that?

24 A Yes, sir.

25 Q So, if the signs of fire had anything to do with this

Savanna Williams - Recross examination
By Mr. Johnson

1 case, that would of been something that you would document
2 with video or photographic evidence, correct?

3 A Yes, sir.

4 Q And that would of been something that you would of
5 notated in your written report, correct?

6 A Possibly, yes, sir.

7 Q well, if it had any significance, it would be in your,
8 your report, correct?

9 A Yes, sir.

10 Q But it's not, correct?

11 A No, sir.

12 Q Now, this pink tote, you were in here when we saw a, a
13 picture from I believe the Investigator Johnson measuring
14 the tote.

15 Do you remember that?

16 A Yes, sir.

17 Q was that tote ever tested?

18 A Tested --?

19 Q For any evidentiary value.

20 A Not to my knowledge. I'm not sure.

21 Q So no DNA swabs were secured from that tote?

22 A Not to my knowledge, no.

23 Q Now, you were just asked by Ms. Charbonneau about the
24 warrant and how long it had been in existence for Mr. Curry.

25 You indicated that you were the investigator on that

Savanna Williams - Recross examination
By Mr. Johnson

1 case?

2 A Yes, sir.

3 Q Tell us what the allegations are from that case.

4 SOLICITOR CHARBONNEAU: Objection. Irrelevant.

5 MR. JOHNSON: Your Honor, she opened the door to it.

6 SOLICITOR CHARBONNEAU: No, I did not.

7 THE COURT: Mr. Sanders (sic), is the warrant for armed
8 robbery?

9 MR. JOHNSON: Yes, sir.

10 THE COURT: The question is other, otherwise sustained.

11 MR. JOHNSON: I, I didn't hear.

12 THE COURT: Sustained.

13 Q How long had the warrant been in existence?

14 A Some months.

15 Q Some months?

16 A Yes.

17 Q And he didn't turn himself in?

18 A No, sir.

19 Q You're not able to tell us who picked up Shaniyah Toney
20 from the IHOP, are you?

21 A No, sir.

22 Q Thank you.

23 THE COURT: Mr. Thompson.

24 MR. THOMPSON: Your Honor, may it please the Court.

25 Very briefly in, in redirect.

Savanna Williams - Recross examination
By Mr. Johnson

1 THE COURT: Recross.

2 MR. THOMPSON: Recross. I apologize, Your Honor.

3 RE CROSS EXAMINATION

4 BY MR. THOMPSON:

5 Q You were just asked just a moment ago about Miss
6 Toney's ability to make phone calls even while she's at IHOP
7 because she can do it over WiFi, right?

8 A Yes, sir.

9 Q Okay. But she can't call in late to work. She can't
10 call them before she gets to the WiFi.

11 Right?

12 A I, I don't know if she was utilizing WiFi at that time
13 or not.

14 Q Did, did you examine her phone in any of this material?

15 A I, I did but I, I don't recall if I remember seeing a
16 different WiFi other than the IHOP.

17 Q Okay. And the prosecution just got finished asking you
18 about how Miss Toney's allegations to you were that she
19 didn't say anything the night that all this happened because
20 she was with these folks that had guns and were making
21 threats to her, correct?

22 A Yes, sir.

23 Q And that's why she didn't go to the police, correct?

24 A Yes, sir.

25 Q Did she give you an explanation of why she didn't go to

Savanna Williams - Recross examination
By Mr. Johnson

1 the police after she got in her own car and drove to
2 Greenwood?

3 A No, sir.

4 Q Okay. Did she give you an explanation of why she felt
5 very comfortable even though she's living in the same area
6 and come and go talk to the police eight days later?

7 A No, sir, I think she testified yesterday it was -- she
8 was scared.

9 Q Okay. But she was un-scared enough to change her mind
10 and come and talk to the police, right?

11 A Yes, sir.

12 MR. THOMPSON: Okay. I have no further questions.

13 THE COURT: You may step down.

14 Ladies and gentlemen, we're gonna break one-half hour
15 for lunch. Lunch will be one half hour.

16 when you return, Ms. Sharie -- I'm sorry.

17 when you return, Juror Number 92, I'm appointing you to
18 serve as the foreperson of the jury. From this point
19 forward you will be the spokesperson for the jury, preside
20 over jury deliberations, and you'll take the front seat up
21 front, the foreperson's spot.

22 So we'll see y'all in one-half hour. Please do not
23 discuss the case.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 THE COURT: Yes, sir.

2 MR. THOMPSON: Your Honor, may it please the Court.

3 I'm -- I don't mind talking about this in open but I --
4 I've got a scheduling question to ask Your Honor and I can
5 do it either here or I can approach at your convenience.

6 THE COURT: whatever your preference is.

7 MR. THOMPSON: If I -- if you wouldn't mind, fine with
8 me.

9 (WHEREUPON, a bench conference was held at this time.)

10 THE COURT: we'll reconvene in a half an hour.

11 (WHEREUPON, Court was in recess for the lunch hour.)

12 SOLICITOR HAMMACK: I don't know if Your Honor requires
13 them but the Clerk's Office staff is on the way as well.

14 (WHEREUPON, the following takes place within the
15 presence of the jury.)

16 THE COURT: Okay. The jury is back.

17 The next witness.

18 SOLICITOR HAMMACK: Thank you, Your Honor.

19 state calls Alex Schelble.

20 THE CLERK: Please raise your right-hand.

21 ALEXANDRA SCHELBLE, being first duly
22 sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box. State your
24 full name for the Court spelling your last.

25 THE WITNESS: My name is Alexandra Schelble.

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 S-C-H-E-L-B-L-E.

2 MR. THOMPSON: And, Your Honor, I would object to this
3 whole line of questioning for the reasons I gave earlier and
4 would ask that we take this matter up outside the presence
5 of the jury.

6 THE COURT: The objection is noted.

7 MR. JOHNSON: And I would join in that objection as
8 well.

9 THE COURT: Only thing I know is the name thus far.
10 You may proceed.

11 DIRECT EXAMINATION

12 BY SOLICITOR HAMMACK:

13 Q Agent Schelble, what do you do for a living?

14 A I am a special agent with the South Carolina Law
15 Enforcement Division commonly known as, known as SLED. I'm
16 the missing persons coordinator and the statewide alerts
17 coordinator.

18 Q So as a missing persons coordinator and the state
19 alerts coordinator, what does that mean that you do everyday
20 in your job?

21 A SLED is an assisting agency and I assist local,
22 federal, and state law enforcement with missing person
23 investigations.

24 Q And you said that you're an assisting agency.

25 Is, is SLED a state agency?

Alexandra Schelble - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q Do y'all have access to information in all the counties
3 of this state?
- 4 A Yes, ma'am.
- 5 Q Do you have access to information from other states?
- 6 A Yes, ma'am.
- 7 Q Do you have access to federal information?
- 8 A Yes.
- 9 Q So, missing persons and, and state alerts kind of sound
10 like two different things but it's -- explain, for example,
11 what state alerts means.
- 12 A So, the state of South Carolina has the AMBER alert,
13 the blue alert, and the endangered persons alert, and a
14 missing persons investigation could possibly reach to the,
15 the fact of aggravating an alert.
- 16 Q So, in this area or in this field, do you assist other
17 agencies when they ask you for help or do you initiate an
18 investigation on your own?
- 19 A When they ask for help we -- I assist.
- 20 Q And specifically do you help in trying to find people
21 that are missing?
- 22 A Yes, ma'am.
- 23 Q Were you asked to assist in finding anybody in this
24 case?
- 25 A Yes, ma'am.

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 Q who were you asked to attempt to find?

2 A Derrick Curry.

3 Q And when you were asked to try to find somebody, what
4 information is important for you in order to begin your
5 investigation?

6 A Their name, date of birth, any other information,
7 address, or social security number.

8 Q And did you receive the information for Derrick Curry,
9 that type of information in this case?

10 A Yes, ma'am.

11 Q And were you asked to not only try to find Derrick
12 Curry but to see -- well, let, let me ask you this.

13 were you given any date range or important dates to
14 focus your search?

15 A Anything after his missing date of April 30th, 2019.

16 Q And when you get asked to try to find a missing person,
17 what types of information do you look for?

18 A we have multiple databases that search for utility
19 information, a licensing, licensing such as a --
20 recreational like hunting or fishing licenses, business,
21 professional like if you were a nurse or a barber. we also
22 have access to DMV information, insurance claims, NCIC
23 queries.

24 Q And when you say utility information, you're talking
25 about like water, power---

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A The---

2 Q ---the types of things that, that people pay for to
3 live in a house?

4 A Yes, ma'am, and any address that's attached to those.

5 Q Okay. Did you mention -- you mentioned utilities and
6 licensing. You mentioned the DMV.

7 Did you check like phone information?

8 A Certain databases do have phone numbers that are
9 attached to, to the suspect or the individual that we're
10 looking for.

11 Q Did you mention insurance---

12 A Yes, ma'am.

13 Q ---claims?

14 So would that include if somebody was in a traffic
15 accident, like auto insurance?

16 A Yes, ma'am, it includes homeowners, renters,
17 automobiles, per -- workman's comp, personal injury.
18 Anything basically but life insurance.

19 Q How about police reports?

20 Do you check for police reports to see if law
21 enforcement has had any experience with a person that you're
22 looking for?

23 A Yes, ma'am.

24 Q What about flights or border patrol, any signs of
25 someone traveling?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, we can search for that.

2 Q Do you check credit bureaus?

3 A That is -- that's, that's a part of the -- some of the
4 databases, yes, ma'am.

5 Q And that would be not just if somebody used their
6 credit card but if they tried to get an apartment or tried
7 to do anything where someone else would run their credit?

8 A Yes, ma'am.

9 Q Is that right?

10 A And -- yes, ma'am, and then any address attached to
11 that as well.

12 Q Now, this search that you do, is this limited to South
13 Carolina?

14 A No, ma'am.

15 Q Where all do you search?

16 A Nationwide.

17 Q Now, when you were asked to see if you could find any
18 activity on the part of Derrick Curry after April 30th,
19 2019, in the course of that, did you see any activity by
20 Derrick Curry before April 30th?

21 A On his DMV information he did renew, I can't remember
22 if it was his driver's license or just an ID, but he did go
23 in and renew a driver's license or ID at the DMV and filled
24 out the paperwork.

25 Q And that was before April 30th, 2019?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, I believe it was February of 2019.

2 Q And during the course of your investigation, did you
3 check DMV records for any activity by Derrick Curry after
4 April 30th, 2019?

5 A Yes, ma'am.

6 MR. THOMPSON: Objection, Your Honor.

7 THE COURT: It's overruled.

8 Q And when you checked DMV records, what types of
9 activities could a person do that would leave a record at
10 the DMV?

11 A You can register for a driver's license or ID or CDL, a
12 change of address, registering a vehicle, traffic tickets.
13 I believe that's, that's all.

14 Q Was there any evidence that Derrick Curry registered a
15 vehicle after April 30th, 2019?

16 A No, ma'am.

17 Q Was there any evidence that Derrick Curry updated and
18 add -- or changed an address with the DMV after April 30th,
19 2019?

20 A No, ma'am.

21 Q Was there any evidence that Derrick Curry renewed a
22 driver's license or an ID card after April 30th, 2019?

23 A No, ma'am.

24 Q Was there any evidence that Derrick Curry paid to renew
25 a car tag after April 30th, 2019?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A No, ma'am.

2 Q Was there any evidence that Derrick Curry renewed or
3 updated his registration after April 30th, 2019?

4 A No, ma'am.

5 Q Was there any evidence that Derrick Curry renewed car
6 insurance after April 30th, 2019?

7 A No, ma'am.

8 Q Was there any evidence that Derrick Curry got a traffic
9 ticket after April 30th, 2019?

10 A No, ma'am.

11 Q Was there any evidence that Derrick Curry was in an
12 automobile accident after April 30th, 2019?

13 A No, ma'am.

14 Q In your search of the DMV records, was there any
15 evidence of any activity by Derrick Curry that would be
16 reported by the DMV after April 30th, 2019?

17 A No, ma'am.

18 Q Agent Schelble, you also stated that you look into
19 insurance claims and that includes car insurance, home
20 insurance, renters insurance, workman's comp insurance,
21 pretty much all insurance but life insurance.

22 Correct?

23 A Yes, ma'am.

24 Q In your -- did you review those types of records
25 looking for Derrick Curry in this case?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q And---

3 MR. THOMPSON: Object to relevance, Your Honor.

4 THE COURT: Objection's overruled.

5 Q And in looking at these records, Agent Schelble, was
6 there any evidence of any insurance claims, whether it be
7 auto, home, renters, workman's comp, any insurance claims at
8 all by Derrick Curry after April 30th, 2019?

9 A No, ma'am.

10 Q Agent Schelble, you also mentioned that you checked
11 credit bureaus to see if anybody has either done a credit
12 check on someone or whether someone has opened a credit
13 account.

14 Did you check credit bureaus in this case?

15 A The credit bureaus, they're attached to some of the
16 databases that we searched. So, if he would have, then it,
17 it would of been, been attached to his name and an address.

18 Q In the database that you searched?

19 A Yes, ma'am.

20 Q Was there any evidence of any utilities in Derrick
21 Curry's name after April 30th, 2019?

22 MR. THOMPSON: Object to relevance, Your Honor.

23 THE COURT: The objection's overruled.

24 A No, ma'am.

25 Q Was there any evidence of credit card activity or new

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 Lines of credit by Derrick Curry after April 30th, 2019?

2 A No, ma'am.

3 Q Was there any evidence of Derrick Curry trying to get
4 a loan after April 30th, 2019?

5 A No, ma'am.

6 Q Was there any evidence that an apartment complex or a
7 job or any other company ran a credit check on Derrick Curry
8 after April 30th, 2019?

9 MR. THOMPSON: Object to relevance, Your Honor.

10 THE COURT: Overruled.

11 A No, ma'am.

12 Q Agent Schelble, were you able to determine if Derrick
13 Curry took an international flight after April 30th, 2019?

14 MR. THOMPSON: Object to relevance, Your Honor.

15 THE COURT: Overruled.

16 A He did not.

17 Q Within limits of the information you have as far as
18 border patrol, with what you could search, was there any
19 evidence that Derrick Curry crossed the border and left the
20 United States after April 30th, 2019?

21 MR. THOMPSON: Object to relevance, Your Honor.

22 THE COURT: Overruled.

23 A No, ma'am.

24 Q Agent Schelble, do you also conduct what's called a
25 offline query?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A I request it from the FBI, yes, ma'am.

2 Q And can you tell the, the jury generally what an
3 offline query is?

4 A So, if a law enforcement agency was to run information
5 on an individual for a traffic stop or suspicious persons,
6 suspicious vehicle, and also for investigative purposes, we
7 can request a certain date for that person's information and
8 you get the information back on what agencies ran that
9 individual.

10 Q And when you do this offline query, are you able to
11 distinguish whether a person's information has been run by a
12 law enforcement agency because they're actually seen and
13 with that person versus just looking for them?

14 A Well, you have to verify it with the agency. You have
15 to reach out to them and, and ask them why they ran it.

16 Q Did you request an offline query from the FBI in this
17 case?

18 A Yes, ma'am.

19 Q And had Derrick Curry's name and information been run
20 by a law enforcement agency?

21 A Yes, ma'am.

22 Q And when did -- tell me, in this case, did you check
23 with those law enforcement agencies to see why they had run
24 his name?

25 A Yes, ma'am, it was for investigator purposes. It was

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 never because they were physically out with him.

2 Q So, this was, again, just more people looking for
3 Derrick Curry, not somebody that has actually seen or found
4 or heard from him?

5 A Yes, ma'am, that's correct.

6 Q Agent Schelble, do you do anything with fingerprints?

7 A No, ma'am. well, I, I know a little bit about it but
8 not physically do anything with fingerprints.

9 Q well, tell me, as it relates to -- do you know what
10 NCIC is?

11 A Yes, ma'am.

12 Q what is NCIC?

13 A The National Center -- National Crime Information
14 Center.

15 Q And I'm not trying to quiz you, but NCIC, does that
16 contain various people's information?

17 A Yes, ma'am.

18 Q And typically does that also link people's fingerprints
19 to their information?

20 A Yes, ma'am, if, if the individual is run, the
21 fingerprints come back to their FBI number and their SID
22 number.

23 Q And if somebody's fingerprints are linked to their
24 name, if they use a different name somewhere else, does that
25 change their fingerprints?

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 A No, ma'am.

2 Q So, if somebody uses a different name somewhere else,
3 and their fingerprints are run, will it link back to their
4 real name?

5 A Yes, ma'am.

6 Q Will it---

7 A It will add that as an alias.

8 Q Any evidence at all from NCIC that Derrick Curry had
9 used a different name somewhere else?

10 A No, ma'am.

11 Q Agent Schelble, is there any database or information
12 area that records unidentified remains?

13 A Yes, ma'am.

14 Q And is that information available so that even as time
15 goes on the hope is that those remains can ultimately be
16 identified?

17 A Yes, ma'am.

18 Q And did you make efforts to look to see if there were
19 any unidentified remains matching the general
20 characteristics of Derrick Curry?

21 A Yes, ma'am, I checked the database and also ran an
22 offline search for that as well.

23 Q And when you did that, what were your results?

24 A Nothing that matched it.

25 MR. THOMPSON: Object to relevance, Your Honor.

Alexandra Schelble - Direct examination
By Solicitor Hammack

1 THE COURT: It's overruled.

2 A Nothing that matched Derrick Curry's information.

3 Q Agent Schelble, did you ever find Derrick Curry?

4 A No, ma'am.

5 Q Is that usual in your line of work?

6 A No, ma'am.

7 Q Is that because, in a modern age with technology, it's
8 pretty impossible to live without being noted in some way?

9 A Yes, ma'am.

10 Q And, Agent Schelble, in the course of your
11 investigation and your nationwide search, did you find any
12 indication of life for Derrick Curry after April 30th,
13 2019?

14 MR. THOMPSON: Object to relevance.

15 MR. JOHNSON: Objection, Your Honor.

16 MR. THOMPSON: And object to burden shifting.

17 MR. JOHNSON: That goes to the ultimate issue that's in
18 the purview of the jury.

19 THE COURT: All right. I overrule the objection.

20 Q Agent Schelble, I'll ask you did you find any
21 indication of life for Derrick Curry after April 30th,
22 2019, in your nationwide search?

23 A No, ma'am, I did not.

24 Q I don't have any further questions for you at this
25 time.

Alexandra Schelble - Cross-examination
By Mr. Johnson

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. JOHNSON:

4 Q How you doing?

5 A Good.

6 How are you?

7 Q Agent Schelble, did you conduct an inquiry with regard
8 to the activity of Mr. Curry prior to April 30th, 2019?

9 Is that a part of your process?

10 A I did not verify anything before. I did receive
11 information, like I said, from the DMV that was right before
12 that caught my eye. But anything with the NCIC queries or
13 anything like that I did not verify.

14 Q What about his financial footprint?

15 Did you have any en -- did you have any information
16 about whether he had a bank account?

17 A No, ma'am. I mean no, sir. Sorry.

18 Q So that is not a part of your process as well to---

19 A The financials?

20 Q Yes.

21 A Like search warrants for bank accounts or -- no.

22 Q Well, did you find any lines of credit prior to
23 April 30th of 2019 under the name of Derrick Curry?

24 A I did not look for that.

25 Q Do you know if Mr. Curry owned any property?

Alexandra Schelble - Cross-examination
By Mr. Johnson

1 A Owned -- I know he -- his name was attached to an
2 address but I'm not sure if he was the owner. I, I don't
3 recall.

4 Q Do you know if he's a -- if he's ever had a passport or
5 anything of that nature?

6 A He's had an ID. I'm not sure about a passport or no.
7 Yeah, he did not have a passport.

8 Q So, would you agree that it is difficult to trace a
9 person if they don't have a job, they don't have a passport,
10 they don't have any -- they don't have a bank account?
11 wouldn't that make it more difficult?

12 A In those aspects, yes, sir. That's the type of things
13 you're looking for.

14 Q Do you know if he has ever registered a vehicle?

15 A A vehicle I'm not sure but he did have an ID or a
16 driver's license.

17 Q But you mentioned that there was no vehicle registered
18 after April 30th of 2019, correct?

19 A That's correct.

20 Q But we don't know if there was ever a vehicle
21 registered to Mr. Curry based on your testimony, correct?

22 A I don't. I -- no, that's correct.

23 Q And I think you were asked as well has he tried to
24 renew a driver's license.

25 Do you recall that question being asked of you just

Alexandra Schelble - Cross-examination
By Mr. Johnson

1 now?

2 A If he did?

3 Q (WHEREUPON, there was no audible response.)

4 A Yes.

5 Q And I believe you said that his last interaction with
6 the DMV was February of 2019?

7 A I believe it was February.

8 Q So, if it were, in fact, a driver's license, that was
9 to be a valid driver's license, correct?

10 A If it was ID. I believe it was a year. A driver's
11 license I believe is two years.

12 Q Do you know if, if he ever had car insurance prior to
13 this date or not?

14 A I do not know that.

15 Q So, as far as your concern, when does your agency look
16 to see whether a death certificate has been produced?

17 A That was -- that request was made by my lieutenant and
18 she went to the -- DHEC but they -- the way they search
19 their database, it -- they couldn't, within their realm,
20 but I'm not sure how their database works, but they, you
21 know, couldn't search his name with the way that we were
22 asking.

23 Q And so you don't have any information that there's been
24 a death certificate for Mr. Curry that's been presented by
25 the state of South Carolina?

Alexandra Schelble - Cross-examination
By Mr. Johnson

- 1 A I do not.
- 2 Q So, is your file still open with regard to Mr. Curry
3 and trying to find his whereabouts?
- 4 A I, I don't have open files. I don't know what you
5 mean.
- 6 Q I mean are you---
- 7 A Am I still currently searching for him?
- 8 Q Yes.
- 9 A No, after I searched everything and there was nothing
10 for April 30th, my search was complete unless I get asked
11 again.
- 12 Q Okay. And when's the last time that you conducted the
13 search?
- 14 A Recently. Probably two weeks, two weeks, or a month
15 ago.
- 16 Q Well, were, were you able to obtain any information as
17 to whether Mr. Curry had any professional licensing or
18 anything of that nature?
- 19 A Not after April 30th, 2019.
- 20 Q Do you know if he had any before?
- 21 A I do not know. I, I didn't search for that.
- 22 Q What about a job?
- 23 Do you have any information prior to April 30th
24 whether he had employment?
- 25 A I do not. My focus was on after April 30th, 2019.

Alexandra Schelble - Cross-examination
By Mr. Johnson

1 Q So essentially you can't testify as to what kind of
2 digital or professional footprint Mr. Curry had prior to
3 April 30th of 2019?

4 A I can tell you that he did have an address but it
5 wasn't recent or it wasn't after April 30th, 2019.

6 Q So, besides an address, do you have any -- anything
7 else regarding Mr. Curry prior to April 30th, 2019, that
8 would indicate he had a footprint that would be captured by
9 your resources?

10 A He, he was captured on the resources. I just -- my
11 focus wasn't on before April 30th. So I, I don't recall
12 what I saw but he -- I mean he did have addresses and I did
13 find his name in the databases.

14 Q And so do you ever go back in time to see if, if
15 patterns have changed with an individual that is now thought
16 to be missing?

17 Is that ever a part of your analysis?

18 A If that's the request that the agency has asked me to
19 do I could of if that's something specifically that they're
20 looking for.

21 Q Were you ever asked by the State of South Carolina to
22 look for any information on Derrick Curry's footprint prior
23 to April 30th---

24 A No, sir.

25 Q ---2019?

Alexandra Schelble - Cross-examination
By Mr. Thompson

1 A No, sir.

2 Q Thank you.

3 THE COURT: Mr. Thompson.

4 MR. THOMPSON: Your Honor, may it please the Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. THOMPSON:

8 Q You mentioned all these databases I think by a name or
9 two?

10 A So certain databases search for multiple things. So I
11 was just given a general synopsis of what the databases do
12 search for.

13 Q It's a lot?

14 A Yes, sir.

15 Q Okay. All these things, the only records that you had
16 prior to all this are either from DMV or police records with
17 him being arrested, correct?

18 A Or the databases that check for the utilities, and the
19 licensing, and --.

20 Q Did he come up in any of the utility databases?

21 A Not after April 30th, 2019, no, sir.

22 Q Did he come up before April 30th?

23 A I don't recall. I, I was only looking for that
24 specific date and after.

25 Q Okay. But it wouldn't surprise you that he didn't have

Alexandra Schelble - Cross-examination
By Mr. Thompson

- 1 any utilities in his name before then?
- 2 A Well, surprise -- oh, I didn't know him. I --.
- 3 Q All right. Your, your search doesn't trace cash,
4 right?
- 5 A No, sir.
- 6 Q People that are living a cash existence wouldn't show
7 up on any of these things?
- 8 A That's correct.
- 9 Q Doesn't trace the fake IDs?
- 10 A No, sir, I don't believe so.
- 11 Q Frankly, this is kind of -- for the lack of a better
12 word, you're kind of the, the grid?
- 13 People that are trying to be off the grid wouldn't be
14 in these types of databases that you're talking about?
- 15 A It's very -- not common but --.
- 16 Q Not common.
- 17 A If they were of no financials or vehicles, that is
18 correct.
- 19 Q But if someone was trying to disappear, if they were
20 like wanted for armed robbery and wanted by the police, it
21 wouldn't be impossible for them to not be on any of these
22 databases you're talking about?
- 23 A It's hard to do but you, you that---
- 24 Q But not impossible.
- 25 A Yeah, you could.

Alexandra Schelble - Cross-examination
By Mr. Thompson

1 Q Your search is only this country, isn't it?

2 A No, I don't believe so. It's---

3 Q You testified earlier that, that, that these were
4 national databases?

5 A So, with Puerto Rico and Guam.

6 Q Okay. So this country and other U.S. territories?

7 A Yes, sir.

8 Q Okay. It doesn't cover Mexico?

9 A I think the border patrol might have -- we, we
10 requested information from them. I'm not sure what they
11 have.

12 Q what---

13 A So, I can't testify to that but --.

14 Q what -- I, I wasn't gonna do this. I'll go ahead and
15 do this one.

16 The border patrol, do you have a database that lists
17 every person that's coming across the U.S. Mexico border on
18 a daily basis?

19 A No, sir.

20 Q No.

21 And probably nobody can even accurately calculate that
22 number, correct?

23 A I'm not sure.

24 Q Okay. Your, your database would only capture a border
25 crossing from somebody who identified themselves to border

Alexandra Schelble - Redirect examination
By Solicitor Hammack

1 patrol at a border crossing in their own name?

2 A That's correct.

3 MR. THOMPSON: Okay. I have no further questions.

4 Thank you.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION

7 BY SOLICITOR HAMMACK:

8 Q Agent Schelble, I don't have a map in front of me but
9 generally where is Mexico from here?

10 A South I believe.

11 Q Can you throw a rock and hit Mexico from here?

12 A You can not.

13 Q You think you could walk it?

14 A Probably not.

15 Q Think it'd probably take a while to walk from here to
16 Mexico?

17 A I would believe so.

18 Q How about driving a car from here to Mexico?

19 A Probably take a long time.

20 Q Think you could do it on one tank of gas?

21 A No.

22 Q So if you were driving a car to Mexico, you'd probably
23 have to stop at a gas station and, and get gas?

24 A Yes, ma'am.

25 Q Probably need to eat?

Alexandra Schelble - Redirect examination
By Solicitor Hammack

1 A Yes.

2 Q Buy something to drink?

3 A Absolutely.

4 MR. JOHNSON: Your Honor, I would object to this line
5 of questioning from Ms. Hammack.

6 THE COURT: The objection's sustained.

7 Q Agent Schelble, Mr. Thompson was asking you if it's
8 possible to live off the grid.

9 In your experience, are you able to find most people
10 that you were asked to find?

11 A Yes, ma'am. Yes, ma'am.

12 Q And, Agent Schelble, you were asked a lot about if you
13 found anything prior to April 30th, 2019.

14 Do law enforcement agencies ask you to find people that
15 aren't missing or aren't dead?

16 A No.

17 Q Thank you.

18 THE COURT: Anything further?

19 MR. JOHNSON: In response to that question though.

20 RE CROSS EXAMINATION

21 BY MR. JOHNSON:

22 Q But if you are directed or asked by an agency to go
23 back in time, you do have that capability, correct?

24 A That's correct.

25 Q But in this case you were not asked to go back prior to

Alexandra Schelble - Recross examination
By Mr. Thompson

1 April 30th, 2019, for any information or footprint of
2 Derrick Curry, correct?

3 A That's correct.

4 Q So you don't really have anything to compare the lack
5 of information that you have now versus prior to April
6 30th, correct?

7 A Oh, that's correct.

8 Q Thank you.

9 MR. THOMPSON: And very briefly.

10 RE CROSS EXAMINATION

11 BY MR. THOMPSON:

12 Q The last question you were asked by the prosecutor.
13 Missing or dead, it's entirely possible that you would
14 be looking for people that are not dead but are missing?

15 A That's correct.

16 Q Okay. And some folks are missing for quite some time?

17 A Sometimes.

18 MR. THOMPSON: No further questions.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: You may call your next witness.

22 SOLICITOR CHARBONNEAU: Chad Smith.

23 THE CLERK: Place your left-hand on the Bible and raise
24 your right.

25 CHAD SMITH, being first duly sworn,

Chad Smith - Direct examination
By Solicitor Charbonneau

1 testified as follows:

2 THE CLERK: Have a seat in the witness box. State your
3 full name for the Court and spell your last please.

4 SOLICITOR HAMMACK: And, Your Honor, as this witness is
5 taking his seat, may Agent Schelble be released?

6 THE COURT: Anytime the witness steps off the stand
7 they're released.

8 THE WITNESS: My name -- excuse me. My name, my name
9 is Chad Smith. S-M-I-T-H.

10 DIRECT EXAMINATION

11 BY SOLICITOR CHARBONNEAU:

12 Q And, Mr. Smith, you can take that off of your face
13 there. You're surrounded by plexi -- plexiglass. The jury
14 is all the way to the back. I need you to keep up your
15 voice and speak into the microphone.

16 A Yes, ma'am.

17 Q Mr. Smith, where do you work?

18 A I work at the South Carolina Law Enforcement Division.
19 Specifically I work in the firearms department at SLED's
20 forensic services laboratory in Columbia.

21 Q And what is your job title?

22 A I am a firearm and tool mark examiner.

23 Q And as a firearm and tool mark examiner, just describe
24 to us generally what that -- what your job duties are.

25 A well, my main responsibilities are the examination of

Chad Smith - Direct examination
By Solicitor Charbonneau

1 firearms, ammunition, ammunition components such as bullets
2 or cartridge cases.

3 I also do serial number restorations on firearms that
4 have had their serial numbers obliterated and I also examine
5 and compare tools such as crowbars, wrenches, pliers,
6 things, things like that, and also tool mark evidence.

7 Q How long have you worked for SLED?

8 A It will be 13 years this November.

9 Q And please tell us just briefly your education and
10 training.

11 A Well, I attended Clemson University where I earned a
12 bachelor's of science degree in biological sciences and then
13 I worked for Clemson University for a number of years before
14 coming onboard with SLED. And when I started at SLED, I
15 began my training as a firearms and tool mark examiner in
16 the firearms department.

17 That training program is an in-house program. It lasts
18 several years. It is operated by the Court qualified
19 examiners of the firearms department. It involves extensive
20 reading and studying. They're multiple examinations and
21 testing given during that, during that time. Also attended
22 various classes and courses as well as toured several
23 firearm and tool manufacturing facilities.

24 Later in the training I helped the other examiners with
25 their casework, and then, at the end of the training period,

Chad Smith - Direct examination
By Solicitor Charbonneau

1 I received a comprehensive multipart examination, which I
2 successfully completed, and then I began to receive my own
3 casework.

4 Q And in the 13 years you've been with SLED, do you have
5 an estimate of how many firearms, tool mark cases you've
6 been involved in?

7 A Several hundred cases I've been involved with.

8 Q And do you continue your training and education to stay
9 current in your field?

10 A Yes, ma'am. I'm also a member of an organization,
11 professional organization, called AFTE, A-F-T-E. It's the
12 Association for Firearm and Tool Mark Examiners. It's a
13 worldwide organization that -- and they host annual training
14 symposium every year and then we try to send several
15 examiners to that training when the -- as the budget allows.

16 Q Have you ever testified as an expert in the field of
17 firearm, tool mark identification in Court before?

18 A Yes, ma'am.

19 Q Approximately, approximately how many times?

20 A Over 75 times. That includes General Sessions Court in
21 the State of South Carolina, as well as United States
22 Federal Court, and a coroner's inquest.

23 SOLICITOR CHARBONNEAU: At this time the State offers
24 Chad Smith as an expert in the field of firearms and tool
25 mark identification.

Chad Smith - Direct examination
By Solicitor Charbonneau

1 THE COURT: What says the defense?

2 MR. JOHNSON: No objection on that in this case.

3 MR. THOMPSON: No objection, Your Honor.

4 THE COURT: He's so qualified.

5 Ladies and gentlemen, a person who by virtue of
6 education, training, or experience is qualified to and in a
7 fashion they can offer opinions that will assist the jury
8 and do so if qualified as an expert. And this witness is so
9 qualified in the expert firearms and tool markings, tool
10 markings.

11 SOLICITOR CHARBONNEAU: Thank you.

12 Were you sent items of evidence with Case Number
13 L1910370 involving Denzell Jackson and Sha'Keel Dixon?

14 A Yes, ma'am.

15 Q And that L19 number, that's actually SLED's case
16 number?

17 A Correct. That's the SLED lab case number as opposed to
18 an agency who submits evidence to SLED. They would have
19 their own casework or case number. When it comes to SLED,
20 the evidence comes to SLED for examination, it's given a
21 separate laboratory case number.

22 Q Did you perform examinations and comparisons on the
23 items of evidence that you received in this case?

24 A Yes, ma'am.

25 Q Can you tell us, as far as the firearms section, which

Chad Smith - Direct examination
By Solicitor Charbonneau

1 types of evidence did you receive and review?

2 A I received two pieces of evidence. One was a, a fired
3 bullet that was recovered as well as a semiautomatic pistol,
4 a Glock brand 9-millimeter Luger caliber pistol, and it came
5 with, with a magazine. And those were the two pieces of
6 evidence that were submitted.

7 Q I'm gonna show you State's Evidence No. 22 and 107.

8 If you would, take a look. These are already in
9 evidence, 22, the projectile from the wall at the head of
10 the bed, and No. 107, the Glock 9-millimeter found at [REDACTED]
11 Green Street.

12 Are those the two items of evidence that you received
13 in this case?

14 A Yes, ma'am. State's Exhibit 22 is the fired bullet
15 that was submitted for examination.

16 And, ladies and gentlemen, while I'm handling this
17 firearm, I'm making sure it is safe to handle. If it hasn't
18 been said before, it is safe to handle. There's a firearm
19 safety lock going through the action so it can't be loaded
20 or fired.

21 State's Exhibit 107 is the Glock pistol as well as the
22 magazine that was submitted.

23 Q And when you receive it, can you describe how you
24 receive it?

25 A The firearm itself was received in this cardboard box.

Chad Smith - Direct examination
By Solicitor Charbonneau

1 It was taped. The, the firearm or the, excuse me, the fired
2 projectile was submitted in a evidence tape sealed little
3 envelope and it was in a, a larger packaging when it was
4 re -- submitted.

5 When I return evidence, I usually like to return it to
6 what's called court packaging so we can see what's inside
7 the envelope instead of having to repackage it in the
8 envelope and take open the envelope to see what's inside.
9 We just put it in a small ziploc bag with the original
10 packaging so we can see the bullet and its packaging.

11 Q And was it properly sealed and in proper markings when
12 you received it at SLED from Aiken County Sheriff's Office?

13 A Yes, ma'am. The box itself had been previously sealed
14 with evidence tape. When I received it, it just had some
15 packing tape on it but it had been previously sealed with
16 the evidence tape. And then the bullet itself was properly
17 sealed as well.

18 Q If it wasn't properly sealed, either one of those
19 items, would you go forward?

20 Would you test them anyway or will you make a note of
21 that and stop right there?

22 A I can make a note of it in my case file. Make sure
23 that, depending on, you know, what, what the problem is, I
24 received the evidence straight from our evidence control
25 department. So there was not much chance for it to go from

Chad Smith - Direct examination
By Solicitor Charbonneau

1 any -- anywhere else.

2 Depending on again what, what sort of issue there was,
3 I could of contact Aiken County, let them know, but I would
4 definitely at least note it in my case file.

5 Q And did that take place in this case?

6 A Yes, ma'am.

7 Q Everything was fine?

8 A Correct.

9 Q Did you bring a demonstration of a live round with you?

10 A Yes, ma'am.

11 Q Could you explain to the jury the different parts of a
12 cartridge?

13 A Would you like for me to come down further or --?

14 Q If you're comfortable, yeah.

15 Your Honor, is that all right with you?

16 THE COURT: Yes.

17 (WHEREUPON, the witness comes down from the stand.)

18 A So this is a model of what a cartridge is. It's an
19 unfired round of ammunition. So a lot of people just call
20 it a bullet but technically that's, that's not correct. The
21 bullet is just a portion of the content. The bullet is the
22 actual projectile itself. It comes, you know, down the
23 barrel out to its target.

24 So, we've got all these parts or do -- you got the
25 cartridge case, which is basically a container for all the

Chad Smith - Direct examination
By Solicitor Charbonneau

1 other parts. The cartridge case, inside of a cartridge case
2 you have gun powder and then the bullet, projectile, would
3 be at the top of a cartridge. The bottom of the cartridge
4 is called a primer. So this little gray portion here, it's
5 called the primer.

6 That's what struck the firing pin of the firearm which
7 causes a -- basically a small controlled explosion. It
8 ignites the gunpowder. The gas inside the cartridge case
9 builds up, forces the bullet out of the cartridge case, and
10 then down the barrel.

11 So -- and, in this case, a semiautomatic pistol, when
12 this cartridge is fired, you've got a bullet going down the
13 barrel and you've got a fired cartridge case that is
14 extracted by the barrel and ejected out of the firearm. So
15 you have two pieces left over and this -- the model of the
16 bullet itself shows basically a fired bullet.

17 We've got some little grooves here on the bullet and
18 that corresponds to what's called rifling. Rifling is
19 something that's placed in the barrel of the firearm to give
20 a bullet a spin, a rotary motion, so that, as it leaves the
21 barrel, it's slow spinning, and it creates a -- stability.
22 It's like a football quarterback throwing, you know, a
23 football. He wants a nice tight spiral to give it just
24 in -- you would see. It's the same thing for a bullet.

25 So -- and this is a -- this would demonstrate a model

Chad Smith - Direct examination
By solicitor Charbonneau

1 of what the inside of a rifle barrel looks like. You've got
2 these grooves here and then you've got what's called a land
3 which is basically -- well, the portion that engages the
4 rifling itself and causes the bullet to spin so that you've
5 got lands and grooves and what's left in, in the, in the
6 barrel itself.

7 So the lands mark the barrel -- I mean, excuse me, the
8 bullet as it's fired down the barrel.

9 How, how far---

10 Q That's --.

11 A How far do you want me to go with this?

12 Q That's good. Thank you.

13 A (WHEREUPON, the witness returns to the stand.)

14 Q But I will say one more thing about the, the rifling.
15 So different manufacturers specify what kind of rifling they
16 want when they make their barrels.

17 The rifling can have a right-hand twist. It can have a
18 left-hand twist. They set the number of land and grooves
19 when they make the barrel, and, also, there's several types
20 of rifling within the -- that they can produce.

21 Additionally, there's, there's, there's two kinds of
22 rifling. There's conventional rifling and there's polygonal
23 rifling.

24 Conventional rifling means that the -- your lands here,
25 this upper portions, have sharp edges that, that can bend

Chad Smith - Direct examination
By Solicitor Charbonneau

1 into the, the bullet as it's, as it's going out the barrel.
2 The polygonal rifling basically has rounded -- like -- so
3 the not quite a sharp on the edges. It doesn't leave quite
4 such a pronounced indentations in the bullet.

5 Recently manufacturer Glock has come up with -- it's
6 called the GMB barrel. That means Glock marks, markman's
7 barrel. It's basically a hybrid polygonal and convention
8 mark, or, excuse me, conventional rifling. So, it's got the
9 lands that are kind of rounded but on the edges it's got
10 the -- we call them rails, which is basically two sharper
11 portions kind of get in, get into the bullet as it travels
12 down the barrel.

13 So, that type of rifling, the GMB, is really only
14 specific to Glock, newer type Glock pistols. Older type
15 Glocks have the polygonal only rifling whereas the newer
16 type models have that GMB rifling.

17 Q Thank you. Please have a seat.

18 (WHEREUPON, the witness returns to the stand.)

19 Q When you received State's No. 22, the projectile, and
20 State's 107, the Glock 9-millimeter, can you tell us, first
21 of all, was the Glock, No. 107, was that in working order?

22 A Yes, ma'am, I examined the pistol, made sure there was
23 no obvious signs of damage or any sort of problems that
24 would cause malfunctions prior to shooting. Then when I
25 test fire the pistol it was in working order.

Chad Smith - Direct examination
By Solicitor Charbonneau

1 And how we test fire most of our firearms in our
2 laboratory, especially pistols, is we have a water tank
3 that's a vertical water tank and then we shoot down into the
4 tank. The water slows down the bullet to where -- and it
5 doesn't add any markings that we would use for our, for our
6 examinations.

7 We've got a -- the bottom of the tank is sort of funnel
8 shaped. We've got a metal cup that's on a chain that sits
9 down in that bottom of that funnel that collects the bullets
10 so we can just pull up on a chain and then retrieve the
11 bullet from that cup. The cartridge case goes into -- we
12 set up a little box on the top of the tank that the
13 cartridge case is ejected into. So then we have our test
14 fires that we can compare to evidence bullets and cartridge
15 cases but the firearm was in working order.

16 Q And, in this case, in State's 107, you've described the
17 differences in the rifling inside the barrel.

18 Was this a older model Glock or did it have the GMB
19 barrel that you've talked about?

20 A This is the newer model Glock. It's a Gen 5, stands
21 for Generation 5, Glock. The previous generations have
22 the -- again the, the straight polygonal type rifling. But
23 this is a Generation 5 Model 19 and it did have the GMB or
24 Glock markman's barrel.

25 Q And with that type of barrel and the rifling, does it

Chad Smith - Direct examination
By Solicitor Charbonneau

1 leave specific marks that if you have a pristine projectile
2 that you're able to compare?

3 A Correct. we can look at a bullet and, depending on the
4 damage that's, you know, done that are -- the shape of the
5 bullet that's -- that we receive, we can usually tell some
6 sort of rifling specifications on it, whether the -- it's
7 polygonal, conventional, or, or now the GMB. Most of the
8 time we can tell if it's a right-hand twist barrel or a
9 left-hand twist and, and then, depending on if the bullet's
10 in tact or if it's -- we just get pieces of bullets, we can
11 try to count the number of lands and grooves.

12 Q In looking at State's 22, were you able to determine,
13 with your testing, what caliber bullet the projectile was?

14 A Yes, ma'am, it's most consistent with being loaded into
15 a, a 9-millimeter Luger cartridge and how we can determine
16 caliber usually is dependent on -- again, a lot depends on
17 the, the shape or the conditions of the bullet.

18 State's Exhibit 22, as I received it, it was, it was
19 beat up. It was dented and kind of misshapen but it was
20 mostly in tact. And so we can weigh it and we can try to
21 get a diameter of the base of the bullet and, and also just
22 a -- the characteristics of the bullet help kind of
23 determine what sort of caliber it could be.

24 So all that goes to, together to -- then I was able to
25 determine that it was most consistent with being a

Chad Smith - Direct examination
By Solicitor Charbonneau

1 9-millimeter Luger.

2 Q Are you able to tell whether it had the right or left
3 twist, if it was shot from a gun with a light -- left or
4 right twist?

5 A Yes, ma'am. I determined it was a right, right twist.
6 It had six land and grooves and it also had the
7 characteristics of being fired from, from a GMB barrel.

8 Q Is that the -- what you said the newer aged Glock gun?

9 A Correct. Within the last couple of years Glock has
10 transitioned to using that, that GMB or Glock Marksman
11 barrel. Again, the previous older models have a different
12 type of rifling, have just the polygonal, but we can tell,
13 you know, if it's, if -- if it's got the GMB, it leaves a, a
14 very distinct look on it and, again, this bullet had that.

15 Q The projectile that you got, are you able to say
16 whether it was a hollow point or a full metal jacket?

17 A The type of bullet it was was it was a full metal
18 jacket. That's a, a class of bullet or type of bullet and
19 all that really means is the bullet itself can be, can be
20 made up of, of different, different pieces. You've got a
21 core, which is usually a softer material lead, is, is a
22 common core material and it can have a jacket, which is a
23 outer material, which is a harder material. Usually it's
24 some sort of copper alloy. It can be like a steel alloy or,
25 or, or really any -- there's a number of, a number of

Chad Smith - Direct examination
By Solicitor Charbonneau

1 different alloys that can be used.

2 But, in the full metal jacket sense, basically all that
3 means is the jacket covers all the core except for the base.
4 The base is left open so you see the lead part. And so I
5 was able to determine that this was a full metal jacket type
6 bullet.

7 Q Based on the fact that you were able to tell it was
8 full metal jacket, that the projectile was a 9-millimeter
9 projectile, that the rifling was a right twist, that it had
10 six lands and grooves, is all that consistent with Item 107,
11 the gun?

12 A Yes, ma'am. Now, now the type of bullet, that doesn't
13 really have anything to do with -- as far as, you know, full
14 metal jacket or a hollow point. All those can be fired out
15 of that particular gun.

16 But the other characteristics, as far as having the,
17 the general rifling characteristics, the caliber, the type
18 of rifling, the GMB rifling, the number of lands and
19 grooves, the, the direction of twist being right-hand, all
20 that is consistent with State's Exhibit 107. That pistol
21 had those characteristics as well as, as the fired bullet.

22 Q So because of the damage to the projectile, and please
23 correct me if I'm not saying this right, the, the
24 9-millimeter Glock in evidence, 107, is the, is the right
25 type of gun but you can not say it was specifically the gun

Chad Smith - Direct examination
By solicitor Charbonneau

1 because of the damage to the projectile?

2 A That's correct. A further examination we can do is, if
3 a bullet meets the requirements, if it has the same class
4 characteristics as what a submitted firearm has, we can go
5 further to try to determine if that bullet was fired by that
6 gun and how we can do that is the rifling leaves little,
7 little individual markings, little -- we call them
8 striations but usually -- but all they are is a -- smaller
9 scratches on the bullet, the micro -- microscopic level.

10 And so we can tell that, depending on what kind of
11 markings are on, on, on a bullet, whether or not it was
12 fired by or made -- may be able to tell whether or not it
13 was fired by a particular gun. In this instance, that
14 bullet, since it had been -- it traveled through a wall,
15 that damaged the bullet and kind of eroded the individual
16 characteristics, those fine markings that we would need to
17 make a, you know, a further examination.

18 So, I couldn't tell for sure if it was fired by that
19 particular gun or another similar type Glock gun. It had
20 the same type of rifling but I couldn't say if it was fired
21 by that particular gun.

22 Q And on the opposite side of that, did you come across
23 any evidence that state 107 was not the gun?

24 A Correct. All the characteristics of that bullet
25 matched the characteristics of the gun. I just can't say it

Chad Smith - Cross-examination
By Mr. Johnson

1 was that particular gun.

2 Q Thank you.

3 Nothing further.

4 THE COURT: By the defense.

5 CROSS-EXAMINATION

6 BY MR. JOHNSON:

7 Q How you doing, Mr. Smith?

8 A Fine. Thank you.

9 Q So you conducted an examination of -- that you were
10 just talking about with Ms. Charbonneau on or about
11 November 16th of 2016.

12 Does that sound about right?

13 A The -- as to when my examination started?

14 Is that correct what you're asking or --?

15 Q I'm just looking at the report and---

16 A Oh, okay. The report, the report was issued, correct,
17 November 16th, 2020. So my examinations would of been
18 shortly there before.

19 Q And other than this one report, you didn't produce any
20 other reports associated with this, with this case, correct?

21 A Well, I did issue another report comparing that gun
22 with evidence from another case that they wanted compared to
23 and how that was generated was we put the firearm into a
24 database. We take test cartridge cases and put them in a
25 database and it is called IBIS.

Chad Smith - Cross-examination
By Mr. Johnson

1 Q Let me stop you right there.

2 A Sure.

3 Q Let me stop you right there please.

4 with regard to this case in particular, you were not
5 able to determine whether the firearm that you have as
6 State's Exhibit 107 fired the projectile that we were just
7 talking about, correct?

8 A Correct. I could not tell. It, it could of fired it
9 but, then again, it could of been another firearm with that
10 similar rifling characteristics.

11 Q And I believe that your report -- do you have a copy of
12 your --

13 A Yes, sir.

14 Q -- report?

15 I believe that -- and tell me if this is accurate for
16 the third bullet point -- can you just read that for us?

17 A Yes, sir. The results of comparisons with Item 5,
18 which is State's Exhibit 22, that's the bullet, and test
19 bullets fired by the Item 9 pistol, which, again, that's
20 State's Exhibit 107, were inconclusive due to damage and
21 insufficient individual identifying characteristics. It
22 could not be determined whether Item 5 was fired by the Item
23 9 pistol or by another firearm with similar rifling
24 characteristics.

25 Q And you also note that there was a error in Item 9?

Chad Smith - Cross-examination
By Mr. Johnson

1 A Yes, sir. As Item 9 was submitted, the model number of
2 the model designation of that pistol was incorrect or not
3 completely listed on the submission paperwork, and then the
4 serial number, must of been some typos or something in the
5 serial number as it was listed. And so I just pointed that
6 out in my report.

7 Q Okay. And so that -- the serial number being
8 transcribed, that would of been done by a local law
9 enforcement agency?

10 A Correct. As -- when Aiken County submitted the
11 firearm, on that submission paperwork, they just put some
12 incorrect information. I could tell it was still the same
13 firearm just -- they just had the, the serial number and the
14 model designation, the model designation was incomplete, and
15 then the serial number was just a tad off.

16 Q Would it be fair to say Glock is a well known
17 manufacturer of firearms?

18 A Yes, sir.

19 Q Is it fair to say that it's probably the most well
20 known in the U.S.?

21 A One of them. Throughout the world exactly -- for sure.

22 Q Throughout the world.

23 Smith & Wesson are, are two of the most well known?

24 A Those, those are two big companies. That is correct.

25 Q And so Glock is actually used by a lot of law

Chad Smith - Cross-examination
By Mr. Johnson

1 enforcement agencies as well, correct?

2 A Yes, sir.

3 Q And so, by virtue of it being a, a popular gun, do you
4 test those type of guns quite often?

5 A We see Glocks quite a bit.

6 Q So, it's not abnormal for a Glock to have been
7 associated with a particular individual, correct?

8 A Could, could you rephrase the question?

9 Q I will.

10 I mean so, so what we can agree on is that Glock is not
11 some exotic manufacturer that you don't come across often?

12 A Correct. Yes. We see Glocks weekly.

13 Q And so at the end of the day, based on your expertise
14 and experience, your conclusion in this case is that you
15 were not able to conclude that the projectile was fired from
16 the Glock in question in this case?

17 A Correct.

18 Q Thank you.

19 No further questions, Your Honor.

20 THE COURT: Mr. Thompson.

21 MR. THOMPSON: I don't think I have any questions, Your
22 Honor.

23 THE COURT: Any redirect?

24 SOLICITOR CHARBONNEAU: No, sir.

25 THE COURT: Thank you, sir. You may step down.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 THE WITNESS: Thank you, Your Honor.

2 Call your next witness.

3 SOLICITOR HAMMACK: State calls Adrienne Hefney.

4 THE COURT: Oh, I'm sorry. Get yourself down.

5 THE WITNESS: Yes, sir.

6 SOLICITOR HAMMACK: Agent Hefney, I'm sorry. Got to
7 break it down here real fast.

8 THE CLERK: I'm sorry. Come over here and raise your
9 right-hand.

10 ADRIENNE HEFNEY, being first duly
11 sworn, testified as follows:

12 THE CLERK: Have a seat in the witness box. State your
13 full name for the court and spell your last. Watch your
14 step please.

15 THE WITNESS: Adrienne Hefney. H-E-F-N-E-Y.

16 DIRECT EXAMINATION

17 BY SOLICITOR HAMMACK:

18 Q And, Agent Hefney, what do you do for a living?

19 A I'm a forensic DNA analyst with the South Carolina Law
20 Enforcement Division more commonly known as SLED.

21 Q And how long have you been doing that?

22 A In November it will be 24 years.

23 Q And specifically what is it that you do at SLED?

24 A Well, as a forensic DNA analyst, we compare unknown
25 items or unknown biological -- unknown evidence items that

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 contain biological evidence to known items, which would be
2 known standards such as a Buccal swab from the inside of
3 your cheek or a blood standard from your vein and compare it
4 to the evidence.

5 Q So, do you take a, a known DNA profile and compare it
6 to a substance to try to identify the source of that
7 substance?

8 A That is correct.

9 Q And did you have to undergo any educational training in
10 order to be able to do that?

11 A Absolutely.

12 Q Can you tell the jury what's your educational
13 background for that?

14 A I have a bachelor of science degree in biology from the
15 university of South Carolina. I also have a masters of
16 business administration from Winthrop University. I was
17 trained on-the-job by Court qualified analysts. And also I
18 have taken postgraduate courses in the field of molecular
19 biology, genetics, and population statistics.

20 Q And, in that training, is that both classroom and
21 practical training?

22 A That's correct but it's mostly practical.

23 Q And practical means you learn cause you have to do it,
24 you physically do it?

25 A On-the-job, yes, ma'am.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Q And, in doing that, do you also try to stay informed of
2 updates or trends in your field by continuing your
3 education?

4 A Yes, ma'am, we have to do at least eight hours of
5 continuing education each year by attending a con --
6 conference or symposium or doing web training or something
7 of the sort.

8 Q And, Agent Hefney, is this your first time testifying
9 in court?

10 A It is not.

11 Q About how many times have you testified before?

12 A Roughly about 86, 87 times.

13 Q And have you been qualified as an expert here in South
14 Carolina before?

15 A I have.

16 Q And about how many times have you been qualified as an
17 expert?

18 A About that same amount, 86, 87 times in state, federal,
19 and civil court.

20 Q And in state, federal, and civil court, were you
21 qualified as an expert in forensic DNA analysis?

22 A That is correct.

23 Q And, as you stated, that is the field that you spent
24 largely three decades in?

25 A Yes.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 SOLICITOR HAMMACK: Your Honor, at this time we would
2 tender Agent Hefney as an expert in forensic DNA analysis.

3 THE COURT: what says the defense?

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: She is so qualified.

7 Q Agent Hefney, you stated that you take a, a known
8 standard --

9 A Uh-huh. (Affirmative).

10 Q -- and compare it to an unknown or an item that you
11 don't know who it came from.

12 Is that right?

13 A That's correct. Evidence or question evidence where we
14 don't know where it came from, it was left behind at a crime
15 scene, as long as it contains biological sample, and we
16 compare it to a known standard where we know the origin of
17 that. And, in some cases, like this one, we couldn't get a
18 known standard.

19 Q well, when we're talking about a known standard, can
20 you tell the jury what do you mean by a known standard?

21 A You know where it comes from. so, usually with the
22 persons involved in a case, we'll receive a known standard,
23 which is a swab from the inside of your cheek or a blood
24 standard, from those involved in the case.

25 Q And, as you stated, you take DNA where you know where

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 it came from and you compare it to evidence that we don't
2 know where it came from.

3 Is that correct?

4 A That is correct.

5 Q Now, every piece of evidence that you're given from law
6 enforcement, are you able to determine the presence of DNA
7 on every piece of evidence you've ever been given?

8 A No, I am not.

9 Q Super generally third grade education level, what is
10 DNA?

11 A Okay. DNA stands for deoxyribonucleic acid and it's
12 just a chemical substance that's found in certain cells of
13 our bodies that makes us who we are. Now, a lot of our DNA
14 is the same because it's the DNA that code for us being
15 human beings and giving us two arms, and two legs, and a
16 nose, and eyes. However, you look across this courtroom, we
17 know our DNA is different because we receive it -- half of
18 it from our mother and half of it from our father and no two
19 people will have the same DNA with the exception of
20 identical twins.

21 And that's what we use as a Court in forensic DNA
22 analysis, this fact that no people two people will have the
23 same DNA profile, and that it will differ from everyone
24 except identical twins.

25 Q So, if every person has DNA, what types of substances

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 leave DNA behind on an inanimate object?

2 A Blood, semen, saliva, hair root, skin cells, bone,
3 tissue are some of the few samples that we've gotten DNA
4 profiles from.

5 Q So when you receive an item of evidence from law
6 enforcement, are you looking for the presence of that blood,
7 semen, saliva, items like that that would contain a person's
8 DNA?

9 A That is correct.

10 Q Agent Hefney, when you examine an item of evidence,
11 even when you find the presence of DNA, are you always able
12 to identify that DNA?

13 A Not all the time.

14 Q And what are some of the reasons why you would not be
15 able to always identify DNA?

16 A It may be very little DNA present there to where we
17 don't have enough to develop an adequate DNA profile. It
18 might also be a lot of DNA there where we have too many
19 profiles to be able to make an in -- a distinguishable
20 mixture or a distinguishable profile.

21 Q And when you say mixture, I think you explained this to
22 the jury but I want to be certain they understand, does that
23 mean more than one person has left DNA behind?

24 A That is correct.

25 Q And when more than one person leaves DNA behind, is it

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 difficult or impossible to always be able to separate the
2 two and determine who is who?

3 A In the past it was more difficult than it is now. With
4 the computer program that we or software program that we
5 bought online a few years ago, that helps us distinguish
6 mixtures.

7 Q So, with the advancement of science, we're able to, to,
8 and I say we, I'm not at all, but are you better able to
9 distinguish mixtures when more than one source of DNA is
10 found on an item?

11 A That is correct.

12 Q Now, Agent Hefney, do you go out and find items to
13 analyze or are you asked to assist other law enforcement
14 agencies?

15 A The items are brought to us by other law enforcement
16 agencies.

17 Q And were you brought items from another law enforcement
18 agency to examine in this case?

19 A That is correct.

20 Q Agent Hefney, when you received these items to analyze,
21 do you -- were you asked to compare them to any known
22 standards for anyone?

23 A That is correct. I was.

24 Q And do you recall who you were asked to compare their
25 known standards to the items you received?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A Yes, the persons involved in the case and also the
2 parents of the missing person because remember what I said
3 about the known standard we would be able to compare to
4 unknown items left behind at a crime scene. In this case we
5 were unable to get a known standard because no body was ever
6 found.

7 So, in that case, which we will go to what's known as
8 an alternate known standard and it's simply a substitute for
9 the known standard in certain cases. Typically that would
10 be a toothbrush, razor, something that just that person
11 typically uses that we're able to use as a known standard or
12 an alternate known standard.

13 In this case we didn't have that. Initially we had
14 standards from the victim's mother and the victim's father
15 that we were able to compare as well. And, in addition, we
16 received buccal swabs from some of the subjects involved in
17 the case and that would be Sha'kel Dixon, Denzell Jackson,
18 Altashaun Bacon, and Christian Barnwell. And eventually we
19 were able to develop an alternate known DNA profile for
20 Derrick Curry.

21 SOLICITOR HAMMACK: May I see State's 88, 89?

22 Agent Hefney, I'm showing you what's already been
23 entered as State's Exhibits 88 and 89.

24 will you take a look at these and see if you recognize
25 them?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A Uh-huh. (Affirmative).

2 Okay. State's Exhibit 88 is our Item Number 18 and I
3 do not -- this is a -- I'm sorry. It's a buccal swab from
4 Kenya Bush.

5 Q Yes.

6 A Right there.

7 Q And then State's 89.

8 A I'm sorry. State's Exhibit 89 is our Item Number 6 and
9 it's a known standard for Victor Curry.

10 Q And are those the parents of Derrick Curry in this
11 case?

12 A That is correct.

13 Q And you stated you did not have a known standard for
14 Derrick Curry, right?

15 A Correct.

16 Q So you stated that you had to develop a standard for
17 him to be able to compare it to some items that you
18 received.

19 were you ultimately able to develop an alternative
20 known standard for Derrick Curry to compare to other
21 evidence in this case?

22 A I was.

23 Q And, Agent Hefney, you also mentioned some other known
24 standards that you received and I'm gonna show you what's
25 already been entered as State's 102, 103, 104, and 105.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Are those the other known standards that you received
2 for comparison in this case?

3 A Yes, I -- this is Item 26, a buccal swab from Denzell
4 Jackson. Item 25, buccal swabs from Sha'Keel Dixon. Item
5 27, buccal swabs from Altashaun Bacon. And, lastly, Item 28
6 is buccal, buccal swabs from Christian Barnwell.

7 Q Thank you, Agent Hefney.

8 A Uh-huh. (Affirmative).

9 Q Now I want to shift to some of the items than you were
10 asked to examine in this case and we've been using different
11 numbers. The State puts stickers on things and, and numbers
12 in here in courts that we can identify them.

13 But when you're examining evidence, do you associate
14 your own numbers to keep track of things?

15 A Our item numbers, yes.

16 Q And that's how you refer to an item?

17 A That is correct.

18 Q I want to direct your attention to what you have noted
19 as Item 2.1.

20 A Uh-huh. (Affirmative).

21 Q what is that item for you?

22 A Item 2.1 is described as a cutting from cuttings from
23 carpet and padding from front bedroom floor at Marker Number
24 1.

25 Q So, it says cutting from cuttings from carpet in

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 padding.

2 If SLED receives a really big item to analyze, do y'all
3 analyze that whole thing or do you take a piece to analyze?

4 A A representative sample is taken from the larger item.

5 Q And did you take a representative sample from this
6 piece of carpet or pieces of carpet and padding to test in
7 this case?

8 A Our evidence processing technician I believe she, she
9 took a representative sample.

10 Q And that's what you examined in Item 2.1?

11 A That is correct.

12 Q And, Agent Hefney, you mentioned that sometimes you can
13 locate the presence of DNA, sometimes you can't, and that
14 sometimes, when you do locate the presence of DNA, sometimes
15 it can be identifying, sometimes it can't.

16 Were you able to determine if there was identifiable
17 DNA on this cutting from the carpet and padding in this
18 case?

19 A Yes, I was able to develop a DNA profile that was
20 suitable for comparison.

21 Q And that's from the carpet and padding from front
22 bedroom floor at Marker Number 1?

23 Is that how it was described to you?

24 A Yes.

25 Q And since you were able to determine a DNA profile

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 suitable for comparison, what -- which known standards did
2 you compare to that DNA from the carpet and padding from the
3 bedroom floor?

4 A I compared every standard that we received for this.

5 Q And were you able to come to a conclusion regarding
6 your analysis of this item?

7 A I was.

8 Q And is that conclusion to a reasonable degree of
9 scientific certainty?

10 A Yes. And I can read it directly from my report if you
11 like.

12 Q Yes, ma'am, I would.

13 A Okay.

14 Q What was your conclusion?

15 A Okay. A DNA profile suitable for comparison was
16 developed from Item 2.1, cutting from cuttings from carpet
17 and padding from front bedroom at Marker Number 4.
18 Likelihood ratios for this profile were calculated using
19 STRmix and let me explain. I'm gonna stop right there and
20 explain.

21 STRmix is the program that we brought online maybe
22 about two or three years ago that helps us to now be able to
23 interpret mixtures that were before unable to interpret
24 because of whether they're low level or certain
25 characteristics they have or criteria they had to meet

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 before. And if it didn't meet all that criteria, we would
2 not be able to give it a statistical weight and, in turn, we
3 would be throwing out valuable information.

4 The advancements in DNA brought this program online and
5 now we are able to enter mixture profiles or single source
6 profiles into this program and develop what we call a
7 likelihood ratio, and I'm also gonna explain each likelihood
8 ratio compares two things.

9 One is known as HP. HP stands for prosecutor's
10 hypothesis and it compares it against HD, which stands for
11 defense hypothesis. This, by any means, doesn't mean this
12 is this prosecutor's hypothesis or this defense team
13 hypothesis. It's just in general that in any Court
14 television shows you'll see whoever on trial, the prosecutor
15 will say this person is the one who committed the crime
16 whereas the defense will say anyone other than this person
17 is the one who committed the crime.

18 So when I start reading this, it will, it will make a
19 little bit more sense and proposition set one reads as
20 follows:

21 The DNA profile was interpreted as a mixture
22 originating from two individuals. The HP, or the
23 prosecutor's hypothesis, is Derrick Curry and an
24 unidentified, unrelated individual contributed to the
25 mixture. The HD, or the defense hypothesis, is that two

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 unidentified, unrelated individuals contributed to the
2 mixture.

3 Now, my result is a comparison because there wasn't an
4 alternate -- there wasn't a known standard for Derrick
5 Curry. I went through several items, a toothbrush, a --
6 underwear, socks, et cetera, clothing items, trying to find
7 a profile that was single source in his. I was unable to
8 develop a single source alternate known profile in -- but I
9 was able to develop to where he was the major contributor to
10 one of the items of clothing, which, in particular, it
11 was -- I took a swab from the interior right and left pocket
12 of blue jeans that he was said to have worn, and this is
13 gonna be used as the alternate known standard to do our
14 comparisons.

15 And the, the -- it was a mixture of four people on the
16 pockets of those jeans. However, the STRmix program breaks
17 it down as to how these proportions vary with the mixture.
18 So, he was an 86 percent contributor, which means he was a
19 major contributor to this, and every -- the other 14 percent
20 were split amongst three people, and because I had his
21 parent's profile, I was able to determine yes, this is
22 Derrick Curry's profile because I compared it to his mom and
23 dad. I saw that half came from each. So, all that
24 background information and now I can read the result on the
25 report.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 If the DNA profile developed from Item
2 L1910370-30.3-4P(86) is from Derrick Curry, then the DNA
3 profile is approximately 14-octillion times more likely if
4 Derrick Curry and an unidentified, unrelated individual
5 contributed to the mixture than if two unidentified
6 unrelated individuals contributed to the mixture.

7 Q I have a couple of followup questions for you based on
8 what you've said.

9 A Okay.

10 Q First, when you were reading what item you examined,
11 you mentioned Marker Number 4 but on your report -- I just
12 want to make sure we're on the same page. We're looking
13 at---

14 A It's Marker Number 1. I'm sorry.

15 Q Okay. Just, just wanted to make sure.

16 You also mentioned that the DNA profile was a mixture
17 originating from two individuals. So you found the presence
18 of DNA from two different people in this carpet.

19 Is that correct?

20 A That is correct.

21 Q And so in looking at this proposition set, you stated
22 that your -- your results is that it's about 14-octillion
23 times more likely that Derrick Curry and someone else were
24 the two contributors of the DNA on this carpet than two
25 random other people contributed to this DNA?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A That is correct.

2 Q All right. When you make conclusions, Agency Hefney, do
3 you have a scale of support as far as the strength of your,
4 of your answer?

5 A We do.

6 Q And the highest strength on that scale or the highest
7 amount on that scale of likelihood, is that what you call
8 very strong support?

9 A That is correct. Anything over a million likelihood
10 ratio is very strong -- considered very strong support.

11 Q So, if anything over 1-million is very strong support,
12 how much more than 1-million is 14-octillion?

13 A Let's say 1-million is like a one followed by six zeros
14 and this is a one followed by 27 zeros.

15 Q So---

16 A So that's at least four times.

17 Q So very, very, very, very strong support?

18 A You could say that.

19 Q Agent Hefney, I want to now shift your attention to
20 another item that you examined.

21 A Uh-huh. (Affirmative).

22 Can I ask -- say one more thing on that one item,
23 proposition set two, I didn't finish. I didn't read that
24 one.

25 Q Yes, that's---

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A And that's where---

2 Q ---in the outline, right?

3 A ---I compared everyone else --

4 Q Yes.

5 A -- to this one item and we call that the person of
6 interest. That means everyone else that was submitted to me
7 I compared to that one.

8 So, the person of interest, an, an unidentified,
9 unrelated individual contributed to the mixture and that --
10 or the HD was two unidentified, unrelated individuals
11 contributed to the mixture, and, in that case, Sha'kel Dixon
12 Denzell Jackson, Altashaun Bacon, and Christian Barnwell are
13 excluded as contributors under the listed propositions.
14 That's it.

15 Q So as far as the substance that was on the carpet that
16 you examine --

17 A Uh-huh. (Affirmative).

18 Q -- Sha'kel Dixon didn't leave behind that substance,
19 Denzell Jackson didn't leave behind that substance,
20 Altashaun Bacon didn't leave behind that substance, and
21 Christian Barnwell didn't leave behind a substance on that
22 carpet?

23 A That is correct.

24 Q But the likelihood that Derrick Curry did is that
25 14-octillion number?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A That is correct.

2 Q Agent Hefney, is it okay if we move on to another item?

3 A Okay. Yes.

4 Q I want to bring your attention to what you've marked as
5 Item 3 in your report.

6 A Okay.

7 Q Can you tell the jury what that item was that you
8 examined?

9 A It's described as swabs from concrete at Marker 1.

10 Q And were you able to determine what the source of DNA
11 was in that item?

12 A That presumptive testing for blood was positive.

13 Q So, in looking at the swab from the concrete at Marker
14 1, we have a presumptive positive test for blood and you
15 mentioned that blood is, is one of the places where you can
16 potentially get DNA.

17 Did you -- were you able to identify the presence of
18 DNA from this blood?

19 A I was not. There was a partial DNA profile developed,
20 and due to the limited information obtained, this profile --
21 this DNA profile is not suitable for comparison.

22 Q So you just weren't able to obtain enough information
23 to identify the DNA from that blood?

24 A Or to do a comparison, yes. Right.

25 Q Okay. Now, Agent Hefney, I want to bring your

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 attention to another item that you examined in this case and
2 that's going to be what you list as Item 12.

3 A Okay.

4 Q And what item was that?

5 A Swab from exterior surface of Glock 9-millimeter pistol
6 and in parenthesis I have the number A0067488.

7 Q And that A number, is that the classification from a
8 law enforcement agency that submitted that item?

9 A That's correct.

10 Q And, Agent Hefney, I'm showing you what's already been
11 entered as State's Exhibit 18.

12 Can you take a look at that and see if you recognize
13 it?

14 A Uh-huh. (Affirmative).

15 Yes, this is Item 12 which is described off swab from
16 Glock 9-millimeter pistol Model 19, serial number, and then
17 the A number that I, I said before.

18 Q And did you compare that swab from the Glock
19 9-millimeter pistol with the known standards that you had in
20 this case?

21 A I did.

22 Q And were you able to come to a conclusion -- well,
23 before I ask you that, were you able to identify the
24 presence of DNA on that Glock 19 pistol swab?

25 A Yes, I was.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Q And when I say Glock 19, I mean Glock 9-millimeter?

2 A Millimeter, uh-huh. (Affirmative).

3 Q That DNA that you were able to locate on that gun or on
4 that swab of that gun, were you able to identify the DNA in
5 that case?

6 A Yes, and I'll agree it was several proposition sets---

7 Q Okay. I'm, I'm sorry. Let me just ask you---

8 A Okay.

9 Q ---one follow-up question.

10 A Sure.

11 Q The conclusion you came to regarding this swab, was
12 that to a reasonable degree of scientific certainty,
13 certainty?

14 A We -- yes.

15 Q Okay. Would any conclusion you come to, would, would
16 you voice that conclusion if it wasn't?

17 A No, and it's, it's what I read from my report, yes.

18 Q Okay. And what was that conclusion?

19 A Okay. Proposition set one -- well, first a DNA profile
20 suitable for comparison was developed and likelihood ratios
21 were calculated using STRmix.

22 Proposition Set 1, it -- this DNA profile was
23 interpreted as a mixture originating from three individuals.
24 The hi -- the prosecutor's hypothesis that Denzell Jackson
25 and two unidentified, unrelated individuals contributed to

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 the mixture, and the defense hypothesis would be three
2 unidentified, unrelated individuals contributed to the
3 mixture. The DNA profile is approximately 5-quadrillion
4 times more likely if Denzell Jackson and two unidentified,
5 unrelated individuals contributed to the mixture than if
6 three unidentified, unrelated individuals contributed to the
7 mixture. In the named proposition set, Christian Barnwell
8 was compared.

9 So, the hi -- prosecutor's hypothesis that Christian
10 Barnwell and two unidentified, unrelated individuals
11 contributed to the mixture, or the defense hypothesis, three
12 unidentified, unrelated individuals contributed to the
13 mixture. The DNA profile is approximately five times more
14 likely if three unidentified, unrelated individuals
15 contributed to the mixture than if Christian Barnwell and
16 two unidentified, unrelated individuals contributed to the
17 mixture.

18 And then in Proposition Set 3, the person of interest
19 is prosecutor's hypothesis. So, this is where everyone else
20 was compared. The person of interest in two unidentified,
21 unrelated individuals contributed to the mixture, and the
22 defense hypothesis is that three unidentified, unrelated
23 individuals contributed to the mixture.

24 If the DNA profile developed from Item L19-30 point --
25 L1910370-30.3-4P 86 is from Derrick Curry, then Derrick

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Curry, Sha'Kel Dixon, and Altashaun Bacon are excluded as
2 contributors to the mixture on the listed propositions.

3 Q So, working backwards through those propositions that
4 you listed, the swab of this Glock 9-millimeter pistol that
5 generated DNA, that DNA did not belong to Derrick Curry?

6 A That is correct.

7 Q Is that correct?

8 A He was excluded.

9 Q And that DNA did not belong to Sha'Kel Dixon?

10 A That is correct.

11 Q And that DNA did not belong to Altashaun Bacon?

12 A That is correct.

13 Q Again working backwards, you mentioned Christian
14 Barnwell and you said that the DNA profile is approximately
15 five times more likely if three unidentified, unrelated
16 individuals contributed than if Christian Barnwell and two
17 other random people contributed.

18 Going back to that scale --

19 A Uh-huh. (Affirmative).

20 Q -- that you have of the strength of this information,
21 where does five fall in line on that?

22 A Okay. Five would fall at moderate support per defense
23 hypothesis in this because it is where the HD is a supported
24 proposition. And so that falls from two to 99 and that for
25 five is moderate support for the HD. So, it's supporting

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 that three unidentified, unrelated individuals contributed
2 to this instead of Christian Barnwell and two.

3 Q So, it's slightly more likely than three random people
4 contributed to this DNA than Christian Barnwell and some
5 other people?

6 A That is correct.

7 Q Now, going back to that first conclusion that you
8 arrived at regarding this item --

9 A Uh-huh. (Affirmative).

10 Q -- you stated that the DNA profile is approximately
11 5-quadrillion times more likely if Denzell Jackson and two
12 unidentified, unrelated individuals contributed than if
13 three random people contributed.

14 Is that on that scale of 1-million being very strong
15 support?

16 A That is correct.

17 Q And how much more than 1-million is 5-quadrillion?

18 A Let's see. 5-quadrillion is a -- well, five followed
19 by 15 zeros and, again, 1-million will be a one followed by
20 six. So, it's about two times more likely or two
21 millionfold times more likely that Denzell Jackson and two
22 unidentified, unrelated individuals contributed to the
23 mixture than if three unidentified, unrelated individuals
24 contributed to the mixture.

25 Q So, on your scale, that, that quadrillion being

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 2-million fold more than 1-million, is that very strong
2 support that Denzell Jackson's DNA was on this gun?

3 A That's correct cause anything over a million is very
4 strong support.

5 Q And just while we're talking about quadrillions and
6 octillions, how many people actually live on earth?

7 A About 7.8-billion.

8 Q And I'm not a math person by any means, but octillions
9 and quadrillions, is that more than billions?

10 A That is correct.

11 Q So more than the population of the earth?

12 A Correct.

13 THE COURT: And, Madam solicitor, we're gonna break now
14 for the day and resume at 9:30 tomorrow morning.

15 Ladies and gentlemen of the jury, I'll -- you'll -- you
16 are excused for the day. We need you back at 9:30 tomorrow
17 morning.

18 I'm speaking to the jury and the jury only.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Speaking to the audience, we have a mask
22 requirement. That mask requirement is for all -- everyone
23 sitting -- seated in the audience and I notice about eight
24 people who have their mask underneath their noses. You have
25 to wear your mask above your noses.

1 Thursday, August 19th, 2021

2

3 THE COURT: All right. Anything before the jury comes
4 in?

5 SOLICITOR CHARBONNEAU: Not from the State, Your Honor.

6 MR. JOHNSON: No, sir, Your Honor.

7 MR. THOMPSON: Not from Mr. Dixon.

8 THE COURT: Bring them on.

9 You can take your -- resume your seat here.

10 (WHEREUPON, the witness returns to the stand.)

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE COURT: Okay. The jury's back.

14 Madam Forelady, how's the jury doing?

15 THE FORELADY: Very well, Your Honor.

16 THE COURT: Very good.

17 We're pressing on with day number four and this is --
18 this is day number four, isn't it?

19 SOLICITOR HAMMACK: Yes, sir.

20 THE COURT: Okay. You may proceed.

21 SOLICITOR HAMMACK: Thank you, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY SOLICITOR HAMMACK:

24 Q Good morning, Agent Hefney.

25 A Good morning.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Q Before we move forward, I want to go back for a couple
2 of things that we've talked about yesterday afternoon before
3 the conclusion of Court.

4 The first item that we talked about yesterday was
5 State's Exhibit 23 and it's your Item 2.1.

6 A Uh-huh. (Affirmative).

7 Q When we talked about that item, you indicated that you
8 were able to get DNA from that item.

9 The DNA you obtained from that item, do you know what
10 substance it came from?

11 A I do. I have a, a worksheet from our serologist and
12 she indicated that the presumptive testing for blood was
13 positive on that item.

14 Q So the cutting from the carpet and the padding that you
15 examined and the DNA you collected from came from blood
16 specifically?

17 A That is correct. It could be blood with some skin
18 cells or something underneath but yes, ma'am.

19 Q Okay.

20 A Blood was indicated on there.

21 Q I'm, I'm glad you said that. I want to ask you about
22 blood versus skin cells.

23 A Uh-huh. (Affirmative).

24 Q When you're attempting to identify DNA, are there some
25 substances that are easier than others to extract DNA from?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A Absolutely. Blood and saliva and semen are the
2 easiest. We get into what's called touch DNA and that is
3 skin cells that are shed from an individual onto the item
4 that is swabbed, is swabbed.

5 Q And is touch DNA more difficult to try to get an
6 identifiable DNA?

7 A It is.

8 Q And, Agent Hefney, you spoke yesterday about different
9 mixtures where more than one DNA is present.

10 If you had a large amount of a so -- DNA source like
11 blood or saliva versus those skin cells, can the DNA from
12 that blood overwhelm any other present DNA?

13 A Yes, it can.

14 Q So, even if you don't find other DNA, does that mean
15 that nobody else was ever there?

16 A No, it doesn't. It just means that it could be masked,
17 the overwhelming presence of the major contributor from
18 that.

19 Q And, at the same time, if you don't find DNA on an
20 object, does that mean that nobody in the history of the
21 world has ever touched it or handled it or been there?

22 A No, it could just be how it was swabbed, whether you
23 swabbed the right spot as to whether you get DNA present or
24 not.

25 Q Agent Hefney, when we were talking about likelihood

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 ratios yesterday, and we were talking about a million being
2 very strong support --

3 A Uh-huh. (Affirmative).

4 Q -- and you were giving us numbers such as 14-octillion
5 as it related to Derrick Curry's DNA and that blood on the
6 carpet, and then you gave us numbers such as 5-quadrillion
7 regarding Denzell Jackson's DNA on that Glock 9-millimeter
8 pistol you listed as Item 12, do you have an analogy for the
9 jury to understand likelihood ratios?

10 A A lot of times I think a likelihood ratios as an
11 example. You have two kids in a house and a plate of
12 cookies on the table and all of a sudden the kids are
13 gone -- the cookies are gone. You have a five year old
14 child and say a less than one year old that can't walk and
15 can't climb yet. But all of a sudden these cookies are
16 missing from the table.

17 So, who's the most likely to have gotten the cookies,
18 the five year old that can walk and talk and climb and
19 always eating cookies or the one year old who doesn't quite,
20 or before one, doesn't quite have teeth, can't walk yet, and
21 can't climb to get the cookies?

22 That's how we think about likelihood ratios. Given
23 those scenario, given the evidence, what is the most likely
24 to have happened in the case, and that's where every time I
25 give a likelihood ratio, it is saying this is more likely to

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 have happened than this based on the evidence that we have
2 and the evidence being the DNA profile.

3 Q Thank you, Agent Hefney.

4 I want to move forward to some new items today that we
5 didn't reach yesterday, and I want to talk about your Item
6 15 and what's been entered into evidence as State's Exhibit
7 65. And, Agent Hefney I'm showing you what's been admitted
8 as State's 65.

9 Do you recognize that?

10 A Yes, this is swab from the top trunk weather seal to
11 the right of the third brake light, and I recognize it with
12 my initials and date on the back seal as well.

13 Q And is that an item that you -- you said you saw your
14 initials on it.

15 So, is that an item that you examined in this case?

16 A Yes.

17 Q And when you examined this item, were you able to
18 determine if there was a source of potential DNA?

19 A Yes, this is item -- our Item 16 as indicated on this
20 written on the envelope and it's swabbed from top trunk
21 weather seal and there was -- presumptive testing was
22 positive for blood on this.

23 Q And once you saw that there was presumptive positive
24 blood on that top trunk weather seal, did you attempt to
25 extract a DNA profile from that blood?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A I did.

2 Q And were you able to obtain a DNA profile from this
3 blood?

4 A I was.

5 Q When we've been talking about these other items, you've
6 been talking about mixtures where there was the presence or
7 more than one DNA or more than one person's DNA, was this a
8 mixture?

9 A It was not. This was a single source profile, which
10 means there was one contributor.

11 Q And, when you examined this, were you able to identify
12 that one contributor of that blood to the trunk---

13 A I was.

14 Q ---top weather seal?

15 A I was.

16 Q And whose DNA -- who was the contributor to that DNA?

17 A If the DNA profile developed from Item L1930 --
18 L191037030.34P86 is from Derrick Curry, then the DNA profile
19 is approximately 28-octillion times more likely if Derrick
20 Curry contributed the profile than any identified, unrelated
21 individual.

22 Q So, when we're talking about cookies and a five year
23 old versus a baby, and, and what you've just told the jury,
24 it's approximately 28-octillion times more likely than this
25 is Derrick Curry's blood on this trunk than if it was

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 somebody random?

2 Is that---

3 A That is correct.

4 Q Okay. Agent Hefney, I want to show you what's been
5 entered into evidence as State's 66.

6 Can you take a look at State's 66 for me?

7 A Uh-huh. (Affirmative).

8 This is our Item 15. It is swabs from the inside trunk
9 near the driver's side brake light.

10 Q And because you have an item number for that, does that
11 mean that you examined this item as well?

12 A That is correct.

13 Q And were you able to determine if there was a source of
14 potential DNA located on that swab?

15 A Yes.

16 Q What was it?

17 A Okay. Again, if the -- and I'm gonna say alternate
18 known standard instead of reading this whole item number and
19 the contribution.

20 Q Well, Agent Hefney, let me stop you real quick.

21 A Okay.

22 Q First do you, do you know what substance it was?

23 A It was presumptive test positive for blood.

24 Q Okay. So, we're talking about blood again.

25 Now, if you can tell the jury what your results were?

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 A All right. If the DNA profile developed from the
2 alternate known standard is from Derrick Curry, then the DNA
3 profile's approximately 28-octillion times more likely if
4 Derrick Curry contributed the profile than if an
5 unidentified, unrelated individual contributed the profile.

6 Q And so, again, this is very strong support that this is
7 Derrick Curry's blood on this item?

8 A That is correct.

9 Q Before we move on to some more swabs, I do want to ask
10 you about your Item 13.

11 A Okay.

12 Q And your Item 13, what was that of?

13 A It is described as a swab of exterior surface of an
14 Anderson Manufacturing multi caliber rifle and it has a
15 serial number behind it.

16 Q And did you examine the swab of this Anderson Arms
17 rifle?

18 A I did.

19 Q And were you able to determine if there was DNA on it?

20 A There was DNA on it but the DNA profile developed was a
21 mixture of at least five individuals, and due to the
22 complexity of this mixture, this DNA profile is not suitable
23 for interpretation.

24 Q So, you attempted to obtain DNA off of the Anderson
25 Arms rifle but there was just so much that you couldn't tell

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 whose was whose?

2 A Yes, our policy at SLED is we do not interpret DNA
3 mixtures over four persons and this was at least five
4 people. And so we didn't interpret it or it's not suitable
5 for comparison in that respect.

6 Q So this was different than the Glock 9-millimeter where
7 you were able to get DNA?

8 A That is correct.

9 Q Now I want to move forward to some more car swabs and I
10 want, I want to look at your Item 19 and State's Exhibit 86.

11 A Okay. Thank you.

12 Q And because you have an item number assigned to that,
13 does that mean that you tested this item?

14 A Yes.

15 Q And were you able to determine if there was a source of
16 potential DNA on this item?

17 A I was. It was a mixture.

18 Q And can you tell the jury what you were able, able to
19 determine on this item as it relates to Derrick Curry?

20 A Okay. As it relates to Derrick Curry, the DNA profile
21 was interpreted as a mixture originating from two
22 individuals. Derrick Curry and an unidentified, unrelated
23 individual contributed to the mixture versus the alternate
24 hypothesis or two unidentified, unrelated individuals
25 contributed to the mixture.

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 If the DNA profile developed from the alternate known
2 standard is from Derrick Curry, then the DNA profile is
3 almost 3.4-sextillion times more likely if Derrick Curry and
4 an unidentified, unrelated individual contributed to the
5 mixture than if two unidentified, unrelated individuals
6 contributed to the mixture.

7 Q And, again, that's -- is 3.4-sextillion times more
8 likely this is Derrick Curry's DNA on this trunk than some
9 random other person?

10 A That is correct.

11 Q And you told us yesterday how many people live on
12 planet earth.

13 A Yes, I did. It was about 7.8-billion.

14 Q And sextillion versus billion is a lot, lot more?

15 A I would say yes. That's definitely a lot.

16 Q Now, Agent Hefney, I want to bring your attention to
17 what was your Item 20 and State's 84 and what is that item?

18 A This item is a swab from the trunk passenger side
19 weatherstrip.

20 Q And did you examine that item for potential DNA?

21 A I did.

22 Q And were you able to identify the presence of DNA on
23 that item?

24 A I was.

25 Q And what was your findings as it relates to this DNA

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 and Derrick Curry?

2 A Okay. The DNA profile was interpreted as a mixture
3 originating from three individuals. The two comparisons
4 were Derrick Curry and two unidentified, unrelated
5 individuals versus three unidentified, unrelated
6 individuals. If the DNA profile developed from the
7 alternate known standard is from Derrick Curry, then the
8 DNA's profile approximately 8.7-octillion times more likely
9 if Derrick Curry and two unidentified, unrelated individuals
10 contributed to the mixture than if three unidentified
11 unrelated individuals contributed to the mixture.

12 Q And in, in reading that again, what you're saying is
13 that it's 8.7-octillion, not billion, or 1-million, or
14 anything like that, but 8.7-octillion more times more likely
15 that this is Derrick Curry's DNA on this trunk weatherstrip?

16 A Yes, than any unidentified -- any other three
17 unidentified, unrelated individuals.

18 Q Okay. Give me just a moment, Agent Hefney.

19 (Pause.)

20 Q And, Agent Hefney, just very briefly.

21 At the beginning of your testimony this morning we
22 talked about the fact that or you testified that blood or
23 semen or saliva is a stronger source of DNA and can mask
24 touch DNA if there's a, a good amount of it.

25 A Uh-huh. (Affirmative).

Adrienne Hefney - Direct examination
By Solicitor Hammack

1 Q And we talked about the absence of DNA not necessarily
2 meaning that somebody wasn't there.

3 Are there steps that someone can take to avoid leaving
4 their DNA on an item they've touched or a place they've
5 been?

6 A Yes.

7 Q What are some of those things that somebody can do to
8 prevent or to stop themselves from leave -- leaving DNA?

9 A They can wear gloves. They can wipe it down
10 afterwards. Wiping down, you still may get a trace amount
11 of DNA but it can eliminate the majority of it.

12 Q So, doing things like cleaning a place or wearing
13 gloves can keep you from leaving your DNA?

14 A That is correct.

15 Q Thank you, Agent Hefney. I don't have any further
16 questions for you at this time. Please answer any questions
17 the defense may have.

18 A Uh-huh. (Affirmative).

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q Morning.

24 A Good morning.

25 Q I'm just gonna go through a few items. Some of which

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 were not discussed.

2 A Okay.

3 Q Let's go in chronological order.

4 okay?

5 A Okay.

6 Q Your convenience.

7 So, let's start with Item 2.1 that was referred to by
8 the State regarding the cuttings from the carpet.

9 You do list two proposition sets under that item, is
10 that correct, like you discussed?

11 A That is correct.

12 Q And I believe that under the proposition set two, do
13 you see where I am at the bottom of Page 3 of 14?

14 A Uh-huh. (Affirmative).

15 Q You indicate that, under this proposition set, Denzell
16 Jackson, among others, are excluded as contributors to the
17 mixture.

18 Do you see where I'm talking about?

19 A That is correct.

20 Q Can you talk more about that with regard to what causes
21 you to be able to make that conclusion under this
22 proposition set?

23 A Absolutely. So, when I did the comparison of this
24 carpet cutting, I compared it to each of the standards that
25 I received and that's what generates a proposition set.

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 In proposition set one, I compared Derrick Curry's
2 standard cause it was presumptive tested positive for blood.
3 I compared Derrick Curry's. He -- and already given the
4 results for that in proposition set one.

5 The other proposition set was two where I compared the
6 person of interest which means all the other standards
7 submitted in the case, and, in this case, and I'll read
8 directly from the report, the person of interest and an
9 unidentified, unrelated individual contributed to the
10 mixture because there was a mixture of two individuals, and
11 then the alternate hypothesis or the defense hypothesis
12 would be two unidentified, unrelated individuals contribute
13 to the mixture, and the result was Sha'kel Dixon, Denzell
14 Jackson, Altashaun Bacon, and Christian Barnwell are
15 excluded as contributors to the mixture on the listed
16 propositions.

17 Q And with regard to touch DNA like you were asked, you,
18 you said that it's possible that another substance can mask
19 that touch, touch DNA, right?

20 A Yes, sir, especially when you have blood present. It
21 typically -- that's where you're gonna get your stronger
22 amount of DNA from.

23 Q But you're not saying that you have information that
24 that occurred in this case, correct?

25 A With this item I do have information that blood -- a

Adrienne Hefney - Cross-examination
By Mr. Johnson

- 1 presumptive testing positive blood was with the -- our
2 serologist did that report.
- 3 Q Let me restate --
- 4 A Okay.
- 5 Q -- the question.
- 6 You're not saying that there was touch DNA that you
7 found that was masked by blood---
- 8 A Oh, no.
- 9 Q ---in this case?
- 10 A No, sir.
- 11 Q Okay. So, what you are referring to about the touch
12 DNA with Ms. Hammack was generally speaking it is possible
13 for it to be masked by other substances?
- 14 A That is correct.
- 15 Q But not specifically in this case did you find evidence
16 of that, correct?
- 17 A When -- this item, yes, sir. No, sir.
- 18 Q All right. So let's go to Item 3, the concrete marker
19 or, or the swab from the concrete at Marker 1.
- 20 Do you see where I'm talking about?
- 21 A I do.
- 22 Q Now that was based on your results. You indicated that
23 was not a profile suitable for comparison.
- 24 Is that accurate?
- 25 A Yes, sir, it was a partial profile that was developed,

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 and due to the limited information obtained, this DNA
2 profile was not suitable for comparison.

3 Q All right. And let's go to Item 7.1. It's on Page 6.

4 A Okay.

5 Q All right. And that is a -- well, what is that item
6 that you were testing?

7 A Okay. It's described as a swab from interior and
8 tongue of brown Timberland boot.

9 Q And were you able to make a conclusion on this item?

10 A I was not. This DNA profile developed is a mixture of
11 at least five individuals, and due to the complexity of this
12 mixture, this DNA profile's not suitable for comparison.

13 Q If we can go down to next item, Item 12?

14 A Uh-huh. (Affirmative).

15 Q What is that item?

16 A 12?

17 Q 12.

18 A Uh-huh. (Affirmative).

19 I'm there.

20 Q Is that the 9-millimeter Glock pistol?

21 A Yes, sir, it's swab -- it's described as swab of
22 exterior surface of Glock 9-millimeter pistol.

23 Q Now, I know there was some discussions about the DNA of
24 Mr. Jackson being on that item.

25 Was it at -- was it a good sample that you would say

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 was optimal for testing purposes?

2 A It gave a DNA profile. It was suitable for comparison.
3 So, it was optimal in that respect and I was able to compare
4 it.

5 Q But it wasn't eligible for entry into the CODIS bank,
6 the CODIS database, correct?

7 A That's correct. But that could be due to a variety of
8 reasons cause, when we enter things into CODIS, it depends
9 on how it was collected. If a gun was taken off of a
10 person, then that would not qualify it to go into CODIS.

11 Q And so can you explain to the jury what is CODIS?

12 A CODIS is the combined DNA index system and what that is
13 it's a national database where we put forensic samples and
14 also convicted offenders are also in there. So, when we
15 have a DNA profile of an unknown origin say or sometimes of
16 a known origin that comes from a category that is allowable
17 to go into CODIS, we would put it in there and our database
18 department will run a search a few times a week, and you
19 could see if it hits against someone that's in the database.

20 So -- but certain things -- like if we were to have
21 say -- a victim's profile would never go into CODIS. Say if
22 the victim's profile was found on a suspect's shirt, that
23 wouldn't be eligible to be entered.

24 But say if the suspect's profile was found on the
25 victim's shirt, then that is eligible for entry because you

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 would not expect it to be there. And so it would get
2 entered and searched. But it has to meet a certain criteria
3 mandated by the FBI for us to enter it and this did not.

4 Q Thank you for that.

5 A Uh-huh. (Affirmative).

6 Q Let's go to Item 13 please.

7 Is that the, the -- an Anderson multi caliber rifle?

8 A Uh-huh. (Affirmative).

9 Q And this was not a -- suitable for a -- for comparison
10 based on your report, correct?

11 A That is correct cause it was a mixture of at least five
12 individuals and our cutoff is at four.

13 Q And let's go to Item 14.

14 A Uh-huh. (Affirmative).

15 Q Can you tell us the results of that item?

16 A Sure. Item 14 is described as a swab of exterior
17 surface of a Del-Ton Incorporated 5.56 rifle and in that
18 case a, a DNA profile suitable for comparison was developed.
19 The DNA profile was interpreted as a mixture originating
20 from four individuals. A person of interest and three
21 unidentified, unrelated individuals contributed to the
22 mixture versus four unidentified, unrelated individuals
23 contributed to the mixture.

24 In reading direct from my report, if the DNA profile
25 developed from the alternate known standard of Derrick

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 Curry, then Derrick Curry, Sha'Kel Dixon, Denzell Jackson,
2 Altashaun Bacon, and Christian Barnwell are excluded as
3 contributors to the mixture on the listed propositions.

4 Q Thank you.

5 Now, with regard to the Item 15, the swab from the
6 inside of the trunk near the driver's brake light, you see
7 where I'm referring to?

8 A Yes, sir.

9 Q Under -- well, can you go through when you are making a
10 determination as to if anyone has been excluded under any of
11 these propositions please for the jury?

12 A Yes, sir. But this was a single source profile. So
13 that just means one contributor. So it was just compared to
14 Derrick Curry.

15 Q And so, based on this particular item, you were not
16 able to develop a second profile.

17 Is that accurate to say?

18 A It was a single person. So it was, it was presumptive
19 tested positive from blood. It was found inside of the
20 trunk near the brake light and I could visually see it was,
21 was one person. So, we just compared Derrick Curry.

22 Q Understand.

23 I want to skip down to Item 17 at this point on Page 9.

24 A Okay. I'm there.

25 Q And what is that item?

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 A That is a swab from scraping in tire interior of black
2 in color cloth glove.

3 Q And can you go through the results that you came to for
4 that item please?

5 A Yes, sir, a DNA profile suitable for comparison was
6 developed and likelihood ratios were calculated using
7 STRmix. The proposition said the DNA profile, it was
8 interpreted as a mixture originating from four individuals.
9 The person of interest and three unidentified, unrelated
10 individuals contributed to the mixture versus four
11 unidentified, unrelated individuals contributed to the
12 mixture.

13 And my result is if the DNA profile developed from the
14 alternate known standard of -- is from Derrick Curry, then
15 Derrick Curry, Sha'kel Dixon, Denzell Jackson, Altashaun
16 Bacon, and Christian Barnwell are excluded as contributors
17 to the mixture under the listed propositions.

18 Q Thank you.

19 A Uh-huh. (Affirmative).

20 Q Did you receive a DNA profile for Shaniyah Toney in
21 this case?

22 A No, sir. No. I received standards from only those
23 listed on Page 1, Derrick Curry mother, Ms. Kenya Bush,
24 Derrick Curry's father, Mr. Victor Curry, another swab from
25 Ms. Kenya Bush, buccal swabs from Sha'kel Dixon, Denzell

Adrienne Hefney - Cross-examination
By Mr. Johnson

1 Jackson, Altashaun Bacon, and Christian Barnwell, and then
2 an alternate known standard for Derrick Curry.

3 Q Then you also didn't receive one for an individual by
4 the name of Elijah Sloan, correct, cause he---

5 A No, that's correct.

6 Q You would of did one, one that day, right?

7 A Yes, sir.

8 Q Thank you.

9 A Uh-huh. (Affirmative).

10 THE COURT: Mr. Thompson.

11 MR. THOMPSON: Your Honor, may it please the Court?

12 THE COURT: Yes. Yes.

13 CROSS-EXAMINATION

14 BY MR. THOMPSON:

15 Q Agent Hefney, your tests detect DNA but they don't
16 necessarily detect how much material may or may not be
17 there, correct?

18 A Not exactly. We have -- we -- when we're developing a
19 DNA profile, once we do the extraction to get the DNA from
20 the substrate it was deposited on, our next step is to do
21 what we call a quantitation step --

22 Q Right.

23 A -- and a quantitation will tell us how much DNA we
24 have. And, based on that, we'll decide whether we need to
25 concentrate it to get a DNA profile or dilute it to get a

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 DNA profile. And so that step does tell you how much --

2 Q Right.

3 A -- DNA in a sense -- in essence.

4 Q But you're talking about laboratory amounts, correct?

5 A That is correct.

6 Q Okay. You're not -- you're not prepared to testify as
7 to, for instance, how much blood was found in the carpet in
8 the room or how much blood in terms of milliliters or ounces
9 or gallons or anything that was found in the car?

10 You're not prepared to testify about that?

11 A No, we can make assumptions based off -- our serologist
12 will see the bigger items. But as a DNA analyst, I just
13 receive cuttings and swabs from it.

14 Q Right.

15 And your test also doesn't tell us, for instance, when
16 something happened?

17 A That is correct.

18 Q Correct?

19 A It doesn't tell -- it -- DNA tests can not tell how
20 long a sample has been there.

21 Q Right.

22 So, basically your testimony from what yesterday and
23 today is that, and I understand there's all kinds of
24 statistical stuff that you, you use when you analyze this,
25 but basically Derrick Curry's blood is in the carpet in

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 Shaniyah Toney's room, correct?

2 A What I read for the carpet stain, yes, that was Derrick
3 Curry.

4 Q All right.

5 A Item 2.1.

6 Q Yes, ma'am.

7 And Derrick Curry's blood and DNA is in the car,
8 correct?

9 A That is correct.

10 Q All right. But Mr. Dixon's DNA is not in Miss Toney's
11 room?

12 A Okay. I -- Miss, Miss Toney, I'm not sure who that is.
13 Are you referring to---

14 Q The carpet stain.

15 A The carpet stain on Marker 1.

16 Q Yes.

17 A Okay.

18 Q Mr., Mr. Dixon's DNA is not in, in the carpet stain
19 that you tested?

20 A No, in proposition set two he was one of the persons of
21 interest and he was excluded.

22 Q And Mr. Dixon's DNA is not in the DNA you tested from
23 the car?

24 A Okay. Let me go to that. That car starts at Item 15
25 and that was a single source of -- for Mr. Curry. So, not

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 on Item 15. Item 16 was also a single source from Mr.
2 Curry. So that will be correct for those two items.

3 Q Okay. Mr. Dixon's DNA is not on the pistol?

4 A Well, there's one more item from the swabs from the
5 trunk bumper ledge from the car.

6 Q Right.

7 A That's Item 19 and this was a mixture of two and I did
8 compare -- Mr. Dixon, where is he?

9 Q Okay.

10 A And it was more -- with his proposition set, which is
11 one on Page 10, Sha'kel Dixon, an unidentified, unrelated
12 individual, versus two unidentified, unrelated individuals
13 and, in this one, the likelihood ratio was the DNA profile
14 is approximately three times more likely if it was two
15 unidentified versus Mr. Dixon and an unidentified.

16 Q So when we're doing all these---

17 A So that's correct.

18 Q ---statistics, it's more likely than he's not one of
19 the DNAs?

20 A That's correct.

21 Q Correct?

22 A It's more likely that it's someone else.

23 Q His DNA's -- Mr. Dixon's DNA is not found on the
24 pistol, correct?

25 A Okay. What item number -- can you refer to item

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 numbers so --.

2 Q Yes, ma'am, I can.

3 A Thank you.

4 Q I believe it's Number 12.

5 A Okay. For Item 12, Mr. Dixon is listed in proposition
6 set three, which addresses the person of interest and two
7 identified, unrelated individuals versus three unidentified,
8 unrelated individuals and he is excluded as a contributor
9 under the listed propositions.

10 Q So Mr. Dixon's was not on the pistol?

11 A That is correct.

12 Q Okay. And I'll, I'll, for reference purposes, I'm
13 gonna be talking about Item 4.1 next.

14 A 4.1.

15 Q A couple of pages before that.

16 A Mr. Dixon's DNA is not on this piece of paper that's
17 hiding this bullet in Miss Toney's room, correct?

18 Q Okay.

19 A It is five times more likely than three unidentified,
20 unrelated individuals contributed to the mixture than if
21 Sha'kel Dixon contributed -- Sha'kel Dixon and two
22 unidentified, unrelated individuals contributed.

23 Q Right.

24 So---

25 A And if you refer back to the last page with the verbal

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 scale, that will tell you the likelihood of how he was in
2 there---

3 Q Right.

4 A ---which is more likely there's somebody else other
5 than him---

6 Q Am I understanding---

7 A ---moderate support for it.

8 Q ---the probabilities of all the things you're, you're,
9 you're testifying about, but the, the answer is though he's
10 probably not---

11 A Probably not---

12 Q ---the DNA?

13 A ---right. I can't say he's excluded.

14 Q Right. Right.

15 A what I can say is more likely that it's someone else.

16 Q Just like even if it's like an octillion thing, you
17 can't swear that it's a certain person's DNA, but
18 statistically it's proven that it, but statistically Sha'kel
19 Dixon's DNA is not on the paper in the wall?

20 A That is correct.

21 Q Okay. Give me just a second. I'm gonna get you
22 another item.

23 (Pause.)

24 Q we're talking about Item 13 next.

25 A Okay.

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 Q I understand you had a problem with the test. You
2 couldn't necessarily run the test but my question to you on
3 Item Number 13 is gonna be that you did not detect any of
4 Mr. Dixon's DNA on the multi caliber assault rifle?

5 A The, the DNA profile that was developed from Item 13
6 was a mixture of at least five individuals. So, it
7 wasn't -- due to that complexity, I did not make a
8 comparison---

9 Q And you can't---

10 A ---at all.

11 Q So you can't testify that his DNA is on the assault
12 rifle?

13 A Or I can't testify whether it was or wasn't cause I
14 didn't do a comparison.

15 Q Fair enough. Fair enough.

16 The 5.56 rifle, you can't testify that Mr. Dixon's
17 DNA's on the 5.56 rifle either, correct?

18 A That is Item 14 and is -- he was lumped into the person
19 of interest and three unidentified, unrelated individuals
20 versus four. And, in that instance, Sha'Kel Dixon, along
21 with Derrick Curry, Denzell Jackson, Altashaun Bacon, and
22 Christian Barnwell were excluded.

23 Q Okay. And we didn't test Miss Toney's DNA in any of
24 this stuff at all?

25 A Her standard was not submitted, no, sir.

Adrienne Hefney - Cross-examination
By Mr. Thompson

1 Q Okay. well, we didn't test Mr. Elijah Stone's (sic)
2 DNA in any of this stuff at all?

3 A His standard was not submitted.

4 Q I have no further questions. Please answer any more
5 questions---

6 THE COURT: Redirect.

7 SOLICITOR HAMMACK: No, Your Honor.

8 THE COURT: Thank you. You may step down.

9 THE WITNESS: Okay.

10 THE COURT: Call your next witness.

11 SOLICITOR CHARBONNEAU: Regina Sailer.

12 THE CLERK: Place your left-hand on the Bible and raise
13 your right.

14 REGINA SAILER, being first duly
15 sworn, testified as follows:

16 THE CLERK: Have a seat in the witness box. State your
17 full name for the Court and spell your last. Watch your
18 step.

19 THE WITNESS: Regina Sailer. S-A-I-L-E-R.

20 DIRECT EXAMINATION

21 BY SOLICITOR CHARBONNEAU:

22 Q Good morning.

23 A Good morning.

24 Q will you please tell us where you work?

25 A I work for the Bureau of Alcohol, Tobacco, Firearms and

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 Explosives.
- 2 Q That -- what is the acronym for that?
- 3 A ATF.
- 4 Q And what is your educational please?
- 5 A I have a bachelor's degree in criminal justice and a
6 master's degree in public management.
- 7 Q what is your job title at ATF?
- 8 A I am an intelligence research specialist.
- 9 Q Can you tell us what you do or in that job?
- 10 A Yeah, I utilize law enforcement and open source
11 databases and I research targets of criminal investigations.
12 In addition to that, I conduct phone analysis.
- 13 Q what do you do as far as phone analysis?
- 14 A I utilize phone records, call detail records from the
15 carriers, and I put them on a map to have them easier to
16 understand and illustrate where a particular phone is at a
17 given time.
- 18 Q were you asked to get involved in the case involving
19 Denzell Jackson, Sha'Kel Dixon, Altashaun Bacon, and
20 Christian Barnwell?
- 21 A Yes, ma'am.
- 22 Q And how do you -- how do you originally get involved?
- 23 A In this particular case I was contacted by Investigator
24 Williams and asked for assistance.
- 25 Q First of all, as far as you said database searches,

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 what do you have access to through your job as an analyst?

2 A Oh, numerous law enforcement databases to include
3 databases called TLO, Accurint, CLEAR, some license plate
4 reader databases, insurance claim databases, as well as cell
5 phone mapping databases.

6 Q How long have you worked for ATF?

7 A Seventeen years.

8 Q And can you even estimate how many cases you have been
9 involved in in your 17 years with ATF?

10 A I would, I would estimate hundreds---

11 Q All right.

12 A ---if not more.

13 Q Okay. So starting in this case as far as the database
14 query, what is it that you are looking for?

15 A In this particular case with the phone records?

16 Q And with the database query.

17 A Oh.

18 Q We'll start with that.

19 A Oh, okay. The -- we -- I queried -- I was asked to
20 query Derrick Curry in several databases to see if he had
21 any updated records.

22 Q And what was the date that you were given to start
23 from?

24 A I, I was aware -- I believe it was April 30th, 2019.

25 Q When you were given Derrick Curry's name, are you also

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 given bio information such as social security number, date
2 of birth, that type of thing?

3 A Yes, ma'am.

4 Q When you queried in this case, were you able to
5 ascertain any activity for Derrick Curry subsequent to
6 April 30th, 2019?

7 A No, ma'am.

8 Q Going to the cell phone records, can you tell us what
9 were -- you were given in this case?

10 A Originally I was given cell phone records for Derrick
11 Curry that came from AT&T.

12 Q I'm showing you what's been marked into evidence as
13 State's Exhibit 108.

14 Were those the, the cell phone records of Derrick Curry
15 that you received?

16 A Yes, ma'am.

17 Q So what information do you take off of this cell phone
18 records that helps you in your analysis?

19 A I am the end user of a software program called Pen-Link
20 or PLX. So when I am sent these cell phone records, I take
21 the entire set of raw data and I dump it into the software
22 to make it a little more user friendly.

23 Q And when you are dumping it into the software, are you
24 changing any of the raw data that was provided by the cell
25 phone carrier?