

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 26 2021

Appeal from Lexington County
Walton J. McLeod, IV, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHESNEE LABRI MATTRESS,

APPELLANT

APPELLATE CASE NO. 2020-000183

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

THE HONORABLE S. RICK HUBBARD, III
11th Circuit Solicitor

ATTORNEY FOR APPELLANT

W. JOSEPH MAYE
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 13-16, 2020.....	1
<u>JACKSON V. DENNO HEARING</u>	2
TESTIMONY	
MICHAEL HART	
Direct Examination by Ms. Patterson	2
ANTHONY ADAM CREECH	
Direct Examination by Mr. Pogue	10
MOTION TO SUPPRESS EVIDENCE	14
TESTIMONY	
TRACI BARR	
Direct Examination by Ms. Patterson	29
Cross Examination by Mr. Johnson	38
RULING BY THE COURT.....	49
OPENING STATEMENT BY MR. POGUE	51
OPENING STATEMENT BY MR. JOHNSON	58
TESTIMONY	
HARRAH JAMES	
Direct Examination by Ms. Patterson	61
Cross Examination by Mr. Johnson	75
Redirect Examination by Ms. Patterson.....	82
Re-Cross Examination by Mr. Johnson	84
DWIGHT JAMES	
Direct Examination by Ms. Patterson	86
Cross Examination by Mr. Johnson	104
JORDAN KELLY	
Direct Examination by Mr. Pogue	109
Cross Examination by Mr. Johnson	122
Redirect Examination by Mr. Pogue.....	125

MALAYSIA JAMES	
Direct Examination by Ms. Patterson	126
Cross Examination by Mr. Johnson	132
DONTAVIOUS RILEY	
Direct Examination by Mr. Pogue	133
Cross Examination by Mr. Johnson	140
Redirect Examination by Mr. Pogue.....	142
RYAN HOOVER	
Direct Examination by Ms. Patterson	143
Cross Examination by Mr. Johnson	157
Redirect Examination by Ms. Patterson.....	163
Re-Cross Examination by Mr. Johnson	165
DOUG EDMONSON	
Direct Examination by Mr. Pogue	166
Cross Examination by Mr. Johnson	186
ANTHONY ADAM CREECH	
Direct Examination by Mr. Pogue	190
Cross Examination by Mr. Johnson	204
Redirect Examination by Mr. Pogue.....	208
MICHAEL HART	
Direct Examination by Ms. Patterson	211
Cross Examination by Mr. Johnson	232
Redirect Examination by Ms. Patterson.....	243
Re-Cross Examination by Mr. Johnson	244
THOMAS SMITH	
Direct Examination by Ms. Patterson	246
Cross Examination by Mr. Johnson	295
Redirect Examination by Ms. Patterson.....	309
BRENDA SNELGROVE	
Direct Examination by Mr. Pogue	311
Cross Examination by Mr. Johnson	316
JANICE ROSS	
Direct Examination by Ms. Patterson	318
Cross Examination by Mr. Johnson	325
CANDY KYZER	
Direct Examination by Mr. Pogue	326

SUZANNE CROMER
Direct Examination by Mr. Pogue337
Voir Dire Examination by Mr. Johnson.....341
Direct Examination by Mr. Pogue (continued).....342
Cross Examination by Mr. Johnson368

CLOSING ARGUMENT BY MS. PATTERSON370

CLOSING ARGUMENT BY MR. JOHNSON.....391

CHARGE ON THE LAW414

VERDICT436

SENTENCING437

STATE’S EXHIBIT #127 (CHAIN OF CUSTODY LOG).....438

STATE’S EXHIBIT #128 (CHAIN OF CUSTODY LOG).....466

STATE’S EXHIBIT #129 (SLED LAB REPORT).....490

STATE’S EXHIBIT #130 (SLED LAB REPORT).....493

STATE’S EXHIBIT #131 (SLED LAB REPORT).....495

DEFENDANT’S EXHIBIT #1 (MOTION TO SUPPRESS).....497

INDICTMENTS AND SENTENCE SHEETS.....504

CERTIFICATE OF COUNSEL510

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT #2 (PHOTO); STATE’S EXHIBIT #5 (DISC - 911 CALL); STATE’S EXHIBITS #11-15 (PHOTOS); STATE’S EXHIBITS #17-44 (PHOTOS); STATE’S EXHIBIT #67 (PHOTO).

1 Q. And do they fairly and accurately represent the
2 pictures that you took of the casings on October
3 11th of 2017?

4 A. They do.

5 Q. Do they look like they've been changed or
6 altered in any way?

7 A. No.

8 MS. PATTERSON: Your Honor, at this time, we
9 move State's Exhibit 103 through 109 into evidence.

10 MR. JOHNSON: Object, Your Honor, based on
11 previous motion and objection. Also, I object on
12 the fact that they depict items that are not in
13 evidence.

14 THE COURT: Okay. Objection is noted. State's
15 Exhibit 103 through 109 is admitted into evidence
16 subject to objection.

17 (State's Exhibit Nos. 103 through 109 admitted
18 into evidence.)

19 BY MS. PATTERSON:

20 Q. I'm going to just show you a few of these
21 photographs. What is this image?

22 A. That is an expended cartridge case as well as
23 my evidence placard.

24 Q. Is this one of the ones that's numbered in the
25 driveway in the broader picture?

1 A. Yes. That would be the number 1 placard. That
2 placard would be the one closest to the primary
3 drive. When I placarded them, I placarded them 1
4 through 7; 7 being the closest to the residence and
5 the four-by-four post, and 1 being at the very top
6 of the driveway.

7 Q. Can you identify number 1 in this photograph?
8 Let me bring it up to you. I'm sorry.

9 A. Yes. So number 1 would be here, followed by 2,
10 and then, like I said, 7 closest to the post.

11 Q. So that's number 2?

12 A. Yes.

13 Q. Number 3?

14 A. Yes.

15 Q. And do you remember the location of number 4?

16 A. Number 4 was actually off of the driveway,
17 just, I don't know, maybe a foot or foot and a half
18 into the treeline, that vegetation and all that that
19 was on the side of the road.

20 Q. Let me show you State's Exhibit 45. Can you
21 take a look at that. Did you note which side is the
22 ejection port?

23 A. Yes. The ejection port is on the right side.
24 The extractor is on the right side of the pistol as
25 well.

1 Q. So if a person is running backwards shooting --

2 MR. JOHNSON: Objection, Your Honor; leading.

3 THE COURT: Overruled.

4 BY MS. PATTERSON:

5 Q. So if a person is running backwards, shooting,
6 is it possible for that casing to be ejected to the
7 right in those woods?

8 A. That pistol would eject to the right every
9 time. So, yes, if they're moving to the rear, it
10 would eject into the treeline.

11 Q. And 5, 6, and 7, were these located in the path
12 of the driveway?

13 A. Yes, they were.

14 Q. What was the next area that you searched?

15 A. After that, we collected up those expended
16 cartridge cases. Once those were collected and
17 stored in my vehicle, we then proceeded to enter
18 into the curtilage of the residence, into that fence
19 area. We began, again, taking photographs of that
20 area and, as we took the photographs, we worked
21 towards the deceased.

22 Q. I tried my best, but these are somewhat out of
23 order. First, I'm going to show you 72 through 74.
24 I show you 72 through 74 and ask if you recognize
25 that.

1 A. Yes. These are -- yes, I recognize them.

2 Q. What do you recognize those to be?

3 A. Of a silver or gray four-door sedan that was in
4 the upper driveway of the residence inside the
5 fence.

6 Q. Did you take those photos?

7 A. I did.

8 Q. Do they fairly and accurately represent the
9 photographs you took on October 11th of 2017?

10 A. They do.

11 Q. Are they changed or altered in any way?

12 A. No.

13 MS. PATTERSON: Your Honor, at this time, we
14 move State's Exhibit 72 through 74 into evidence.

15 MR. JOHNSON: Object, Your Honor, based on
16 previous and motions and objections.

17 THE COURT: State's Exhibit 72 through 74 be
18 admitted into evidence, subject to objection.

19 (State's Exhibit Nos. 72 through 74 admitted
20 into evidence.)

21 BY MS. PATTERSON:

22 Q. Did you search this vehicle?

23 A. I did.

24 Q. What was the purpose of you searching that
25 vehicle?

1 A. We were searching that vehicle for a number of
2 things: Cellular telephones; we were searching the
3 vehicle for firearms, cartridges, gun-cleaning
4 equipment, anything that would denote that there was
5 a firearm on scene.

6 Q. Is this just another photograph of the car?

7 A. Yes.

8 Q. Okay. What about this photograph?

9 A. It's just a photograph of the front
10 quarter-panel and driver's seat of the exact same
11 vehicle. And this, I believe, we are at this point
12 starting to take photographs and working our way
13 towards the single-wide mobile home on the property.

14 Q. So could you describe this area? Is this a
15 pathway?

16 A. It's actually a driveway that leads from the
17 gate at the very top of the property all the way
18 down to the single-wide residence.

19 Q. And did you find anything in your search of
20 that vehicle of significance to this investigation?

21 A. There was nothing in this vehicle germane to
22 this investigation.

23 Q. So no weapons?

24 A. No weapons, no cell phones, nothing that would
25 pertain to this incident.

1 Q. Now, were you able to establish a blood trail?

2 A. Yes, I was.

3 Q. And how was this established or determined?

4 A. So we used a chemical called Bluestar. And the
5 Bluestar is used for kind of dual purposes: A, it's
6 a presumptive test for blood; second, it actually
7 causes the blood to turn blue so we can identify and
8 actually search for it. When we have a large scene
9 like this, we're able to see exactly where that
10 blood is. We're able to identify it.

11 Q. Now I'm going to show you 79 through 84, as
12 well as 111 and ask you to take a look at these.

13 A. Yes.

14 Q. Do you recognize those photographs?

15 A. Yes.

16 Q. And what do you recognize? Are they
17 photographs that you took?

18 A. Yes, they're photographs I took. The first six
19 photographs depicts the blood trail that we were
20 able to use with the Bluestar solution. And then
21 the last photograph is a photograph of the
22 chain-link fence later that day.

23 Q. Okay. And do they fairly and accurately
24 represent the photographs you took at the crime
25 scene on State Pond Road October 11th of 2017?

1 A. They do.

2 Q. Do they look like they've been changed or
3 altered in any way?

4 A. They do not.

5 MS. PATTERSON: Your Honor, at this time, we
6 move State's 79 through 84 and 111 into evidence.

7 MR. JOHNSON: Objection, Your Honor, based on
8 previous motions and objections.

9 THE COURT: State's Exhibit 79 through 84 will
10 be admitted into evidence, subject to Defendant's
11 objection.

12 (State's Exhibit Nos. 79 through 84 admitted
13 into evidence.)

14 BY MS. PATTERSON:

15 Q. Let's just go through 79 through 84 first. Can
16 you show us what's depicted with these placards in
17 this image?

18 A. Yes. A, B, C, D are visible there. Those
19 placards identify areas in which we found a fairly
20 large concentration of blood using the Bluestar. I
21 told you it turns it blue. That blue only lasts for
22 a couple of seconds, that's why it's not blue in
23 these photographs. We were just trying to locate
24 the path so that we could placard it and photograph
25 it.

1 Q. When you say indicate the path, the victim was
2 still present at the scene?

3 A. Yes. When we arrived, the victim was still
4 there. The Coroner's Office removed the victim
5 after we had photographed the deceased.

6 Q. So is it safe to say you had where the blood
7 trail ended?

8 A. Correct.

9 Q. So A was where the blood trail began?

10 A. Correct. A is where we were able to find the
11 first blood using the Bluestar solution. And then
12 we just followed that back to where the deceased was
13 found.

14 Q. And is this just another photograph of the same
15 thing?

16 A. Yes. It's just -- again, just another
17 photograph of just a little bit closer to it. And
18 then this photograph continues on. The previous
19 photograph only took us up through D. We found more
20 blood at E, F. And then the deceased was found
21 here.

22 Q. What is this?

23 A. So this right here is blood that was left on
24 this black mat after the Coroner's Office had
25 removed the deceased.

1 Q. And State's Exhibit 83 and 84, are those
2 just -- what do those depict?

3 A. That depicts blood here -- or presumptive blood
4 there on the scene. And that's why we had to use
5 the Bluestar, because with this mat and the surface
6 and the dirt and everything, it's not something we
7 could normally easily identify. But with the
8 Bluestar and all, it showed us what we were looking
9 for.

10 Q. What was the next thing that you searched?

11 A. We searched the vehicle. I believe, after the
12 vehicle, we searched a white metal storage building.

13 Q. Do you remember where that was located?

14 A. It was to the west side of the house, north of
15 where the car was. It was -- on the driveway that
16 you showed earlier that the silver or gray car was
17 sitting in, it's down that driveway, off to the
18 west. So it would be, like, down over in this area
19 here.

20 Q. I show you State's Exhibit 75. Take a look at
21 that photograph. Do you recognize what's in that
22 photograph?

23 A. Yes. This is the white storage building that
24 we searched.

25 Q. Does that fairly and accurately represent the

1 picture that you took regarding this incident?

2 A. It does.

3 Q. Does it look like it's been changed in any way?

4 A. It does not.

5 MS. PATTERSON: Your Honor, we move State's
6 Exhibit 75 into evidence.

7 MR. JOHNSON: Objection, Your Honor, based on
8 previous motions and objections.

9 THE COURT: State's Exhibit 75 will be admitted
10 into evidence, subject to objection.

11 (State's Exhibit No. 75 admitted into
12 evidence.)

13 BY MS. PATTERSON:

14 Q. And, again, can you show us where this shed was
15 located?

16 A. So after looking at that photograph, on that
17 photograph, it looks to be a plastic bed liner. And
18 I believe that might be the plastic bed liner right
19 there in this photograph. And the shed would just
20 be on the other side of it.

21 Q. What was the purpose of you searching the shed?

22 A. Again, we were looking for anything that might
23 be germane to this investigation, something of
24 importance. We were looking for, again, cell
25 phones; we were looking for firearms, ammunition,

1 weapon-cleaning kit, a gun case, something that
2 would indicate that there was a firearm.

3 Q. And did you find anything in that shed that
4 would give you that indication?

5 A. We did not.

6 Q. What was the next thing that you searched?

7 A. There was a white two-door or four-door sedan,
8 Honda Accord, that was up on blocks. We proceeded
9 to search that next.

10 Q. I'm going to show you State's Exhibits 76 and
11 77 and ask you to take a look at that. Do you
12 recognize what's in those photographs?

13 A. Yes. Both of these photographs depict the
14 front of that vehicle that I mentioned was a white
15 Honda, yes, as well as the south side of the
16 residence there on the property.

17 Q. Do they fairly and accurately represent the
18 pictures that you took?

19 A. They do.

20 Q. Changed in any way?

21 A. No, ma'am.

22 MS. PATTERSON: Your Honor, at this time, we
23 move State's Exhibit 76 and 77 into evidence.

24 MR. JOHNSON: Objection, Your Honor, based on
25 previous motion and objections.

1 THE COURT: State's Exhibit 77 will be admitted
2 into evidence, subject to objection.

3 MS. PATTERSON: 76 and 77?

4 THE COURT: Isn't that right?

5 MS. PATTERSON: Yes, sir.

6 MR. JOHNSON: Your Honor, you said 77.

7 THE COURT: 76 and 77.

8 (State's Exhibit Nos. 76 and 77 admitted into
9 evidence.)

10 BY MS. PATTERSON:

11 Q. Can you tell us, on this picture, approximately
12 where that white vehicle may have been?

13 A. So the white vehicle was just past the shed
14 here. So it would be over in this direction here.

15 Q. And are you able to remember where the shed may
16 have been in relation to the car in this image?

17 A. The shed is going to be over here, further
18 back. This is the drive that the -- that you would
19 take down to the residence from the gate. You drive
20 down this way to the residence. Here's the south
21 end of the residence, and there's the front of
22 the Honda.

23 Q. Is this just another angle?

24 A. Yes.

25 Q. And what was the purpose of you searching this

1 vehicle?

2 A. We searched this vehicle for the same thing.
3 Again, we're looking for cellular telephones; we're
4 looking for firearms, ammunition, cleaning kit,
5 anything that would indicate that there was a
6 firearm on scene.

7 Q. And did you search that mobile home as well?

8 A. We did.

9 Q. And was it searched for the same purpose?

10 A. It was.

11 Q. Was there anything recovered, in either the car
12 or the mobile home, of significance to this
13 investigation?

14 A. No. There was nothing germane to this
15 investigation in either of those locations.

16 Q. So no evidence of a firearm?

17 A. Correct.

18 Q. No evidence of ammo?

19 A. Correct.

20 Q. What was the next thing that you searched?

21 A. There was a Chevy Trail Blazer that was on
22 scene.

23 Q. I thought I had a picture of that. After the
24 Trail Blazer, what was the next thing you searched?

25 A. Then we went back up to where the deceased had

1 been located and removed from the scene. At this
2 time, it was starting to get lighter. With it being
3 lighter, we began -- we photographed that area and
4 searched that area.

5 Q. So what was the purpose of rephotographing the
6 area once daylight --

7 A. That way, we can get a good photograph of it;
8 we're able to see it better. Searching at night is
9 not the best way to search, because you're going to
10 miss stuff. So everything was re-searched,
11 everything was rephotographed, so that we could
12 document it better and have a better idea of what
13 the scene looked like. We also, after that,
14 collected additional pieces of evidence.

15 Q. I'll show you 69 through 71. What is shown in
16 those photographs?

17 A. These photographs show from the driveway to the
18 residence; shows the chain-link fence and the rear
19 of that gray car.

20 Q. And do these pictures fairly and accurately
21 represent the ones you took at State Pond Road once
22 daylight hit on October 11th of 2017?

23 A. They do.

24 Q. Do they look like they have been changed or
25 altered in any way?

1 A. They do not.

2 MS. PATTERSON: Your Honor, at this time, we
3 move State's Exhibit 69 through 71 into evidence.

4 MR. JOHNSON: Objection, Your Honor, based on
5 previous motions and objections.

6 THE COURT: All right. State's Exhibit 69, 70,
7 and 71 admitted into evidence subject to objection.

8 (State's Exhibit Nos. 69 through 71 admitted
9 into evidence.)

10 BY MS. PATTERSON:

11 Q. So, looking at these photographs, 69, 70, and
12 71, can you again explain to the jury, what was the
13 purpose of taking these?

14 A. These photographs, as I said, are photographs
15 that we took during the day while we were doing our
16 secondary search. This way, we get a better idea of
17 what's there. There's a whole lot more contrast
18 here, and you're actually able to see more further
19 into the scene.

20 But what this depicts is, obviously, the
21 four-by-four post to the driveway, the chain-link
22 fence, and the vehicle that we saw in the
23 photographs at night.

24 Q. And, Investigator Smith, what do these appear
25 to be?

1 A. Those appear to be keep-out signs.

2 Q. So were you better able to capture those once
3 daylight hit?

4 A. I was. But I didn't get a straight-on
5 photograph of them.

6 Q. I'll show you State's Exhibit 113. Do you
7 recognize that image? What's in that image?

8 A. Yes.

9 Q. What is that?

10 A. This is a gold-in-color Trail Blazer parked on
11 the east side of the residence.

12 Q. Does that fairly and accurately represent the
13 picture that you took in this case on October the
14 11th of 2017?

15 A. It does.

16 Q. Does it look like it's been changed or altered
17 in any way?

18 A. No.

19 MS. PATTERSON: Your Honor, at this time, we
20 move State's Exhibit 113 into evidence.

21 MR. JOHNSON: Objection, Your Honor, based on
22 previous motions and objections.

23 THE COURT: State's Exhibit 113 will be
24 admitted into evidence, subject to objection.

25 (State's Exhibit No. 113 admitted into

1 evidence.)

2 BY MS. PATTERSON:

3 Q. Now, you previously mentioned that you searched
4 the gold-in-color Trail Blazer. Is that what's
5 depicted in that image?

6 A. It is.

7 Q. Was it searched for the same reasons as
8 everything else on the property that you previously
9 mentioned?

10 A. It was.

11 Q. Was anything recovered, in the search of that
12 vehicle, relating to a firearm?

13 A. No.

14 Q. Ammunition?

15 A. No.

16 Q. Now, when you searched that mobile home, can
17 you tell us the condition of that mobile home?

18 A. Yes. Once we entered into the mobile home, it
19 looked like there had been a kitchen fire in the
20 residence. There was smoke damage throughout the
21 residence, as well as soot and everything covering
22 the floors and walls.

23 Q. But you still were able to conduct a search of
24 that residence?

25 A. Correct. The house wasn't -- the residence

1 wasn't burned down; there wasn't holes or anything
2 in the floor or anything like that. It was just
3 heavy soot and smoke throughout the house.

4 Q. After daylight hit, did you go back and search
5 the residence in which the victim's body was
6 located?

7 A. I did.

8 Q. Is this a daylight image, State's 81?

9 A. Correct. It is.

10 Q. And why did you search that residence?

11 A. So we searched the residence as well as many
12 items that was along the fence line. There was
13 actually a long wooden table there. We searched all
14 of that looking for any additional projectile
15 defects and projectiles that would be in the
16 structure itself.

17 Q. And was anything recovered?

18 A. No.

19 Q. Was any items recovered in this residence
20 related to a firearm?

21 A. No, there was not.

22 Q. Anything recovered in this residence related to
23 ammunition?

24 A. No.

25 Q. And what was your next involvement in the case?

1 A. We actually closed out the search warrant and
2 we took all of our evidence that we collected during
3 this investigation back to the office. Inside the
4 CSI lab, we have individual lockers where we secure
5 our evidence until we can get it processed or
6 submitted to the evidence room.

7 I had just finished locking all my evidence up
8 when I was approached by Sergeant -- at the time,
9 Sergeant Doug Novak of the Sheriff's Department, and
10 he advised me I needed to return to the scene. I
11 contacted and called then-Sergeant Traci Barr from
12 the Sheriff's Department and asked her what was
13 going on. She advised me that they had located some
14 bullets in the fence.

15 Q. Did you respond back out to the scene?

16 A. I did.

17 Q. Approximately what time was that that you
18 responded back out?

19 A. I am not sure approximately what time it was.
20 It might have been maybe about 10:00. I don't have
21 the report in front of me. I don't know exactly
22 what time that was.

23 Q. Was it on the same day?

24 A. Yes, it was on the same day, just later that
25 morning.

1 Q. When you went back out, did you photograph your
2 findings?

3 A. Yes, I did.

4 Q. I'm going to show you State's Exhibit 85
5 through 90. Do you recognize what's in those
6 pictures?

7 A. I do.

8 Q. And what's in those pictures?

9 A. So this picture depicts the copper jacket from
10 the projectile actually caught in the chain-link
11 fence.

12 Q. Do they fairly and accurately represent the
13 pictures that you took for this incident?

14 A. Yes.

15 Q. Do they look like they've been changed in any
16 way?

17 A. No, ma'am.

18 MS. PATTERSON: Your Honor, at this time,
19 we move State's Exhibit 85 --

20 MR. JOHNSON: Your Honor, are they moving in 85
21 through 90?

22 MS. PATTERSON: -- through 90 into evidence.

23 MR. JOHNSON: Objection, Your Honor, based on
24 previous motions and objections, as well as I object
25 based on the fact items not in evidence.

1 THE COURT: State's Exhibits 85 through 90
2 admitted into evidence, subject to Defense's
3 objection. Thank you.

4 (State's Exhibit Nos. 85 through 90 admitted
5 into evidence.)

6 BY MS. PATTERSON:

7 Q. So when you went back out to the scene again,
8 what did you see?

9 A. There was two projectiles that actually had
10 been caught -- correction. There was two copper
11 jackets from a projectile that had been caught in
12 the fence line.

13 Q. What does this picture show?

14 A. So this picture depicts one of the copper
15 jackets. And, understand, a manufactured bullet is
16 two parts: One is the lead slug; the next part is a
17 copper jacket they put over that. And that copper
18 jacket is kind of to help keep the lead in a
19 particular form because lead is extremely pliable.

20 So the copper jacket is there to protect the
21 lead. But what we have here is the actual copper
22 jacket. The copper jacket had caught in the fence.
23 The actual lead projectile kept going though.

24 Here's another thing with just a little bit
25 less of a fragment. But it's the copper jacket,

1 again, that was caught in the fence. The actual
2 lead projectile kept traveling.

3 Q. Did you mark these items with placards?

4 A. Yes. I marked one of them item 1 and one of
5 them item 2.

6 Q. Is this what we're seeing in these images?

7 A. Correct.

8 Q. Now, since you were called back out, did you
9 recover these items? Were you able to recover them?

10 A. Yes. I was able to get them off the fence and
11 collect them as item 1 and item 2.

12 Q. After you collected them, what did you do with
13 them?

14 A. As soon as I got back to the office, I placed
15 them into evidence with the other pieces of evidence
16 I collected earlier that day.

17 Q. Did you do any kind of confirmation to see if
18 these items were present when you were out at the
19 scene earlier?

20 A. Yeah. So I immediately -- after putting those
21 in, I immediately went to my photographs I had taken
22 that night to see whether or not those copper
23 jackets were in my photographs from that night.

24 Q. And what did you discover?

25 A. I discovered that after identifying where those

1 copper jackets would be in my night photograph, that
2 those copper jackets are actually in my photographs
3 I had taken the night before -- or during the night,
4 earlier that morning.

5 Q. In State's 79, can you identify where those
6 copper jackets were found?

7 A. Yes. There's a copper jacket here. You can
8 actually see where the fence had been pulled by it
9 striking. And then the other one is up here at the
10 top. And, again, you can see where it's been pulled
11 just a little bit.

12 Q. And, based on your observation, were you able
13 to tell the direction of travel from these jackets?

14 A. I can't give you an angle of travel. I can't
15 tell you height of travel or anything like that.
16 But I can tell you that the travel was from south to
17 north; also from the outside of the fence into the
18 inner perimeter of that fence.

19 Q. In your years of investigations, had you ever
20 seen anything captured like this?

21 A. No, I had never seen it. That would be a
22 unicorn. I actually had the opportunity to go to
23 FLETC and we discussed this at FLETC. And they want
24 the actual photographs of this so that they can put
25 it in their presentation.

1 Oh, I apologize. FLETC is the Federal Law
2 Enforcement Training Center. And the class I was
3 there for was the Advanced Forensic Technique Crime
4 Scene Investigation, Level 1 course.

5 Q. And did you make any other observations when
6 you went out to the scene later that day?

7 A. So while we were out there, we were also --
8 observed a small sapling that had a projectile
9 defect to it on the right side of the sapling. We
10 attempted to use trajectory rods to see if we could
11 get a good trajectory from it. But, unfortunately,
12 that defect was so close to the edge, we couldn't
13 get an angle or azimuth of where the trajectory of
14 that projectile came from.

15 Q. I'll show you what's been marked State's
16 Exhibit 100 and 110 through 112. Do you recognize
17 what's in those photographs?

18 A. Yes. These photographs depict the sapling that
19 I mentioned and additional photographs of the
20 projectiles that were captured in the fence line.

21 Q. Do they fairly and accurately represent the
22 pictures that you took when you went back out to
23 State Pond Road?

24 A. They do.

25 Q. Do they look like they've been changed or

1 altered in any way?

2 A. They do not.

3 MS. PATTERSON: Your Honor, at this time, we
4 move State's Exhibit 100, 110, 111, and 112 into
5 evidence.

6 MR. JOHNSON: Objection, Your Honor, based
7 previous motions and objections.

8 THE COURT: State's Exhibits 100, 110, 111, and
9 112 will admitted into evidence, subject to the
10 defendant's objection.

11 (State's Exhibit Nos. 100, 110, 111, and 112
12 will be admitted into evidence.)

13 MS. PATTERSON: Thank you, Your Honor.

14 BY MS. PATTERSON:

15 Q. Let's just start with 111. What does this
16 image show?

17 A. This photograph depicts -- it's just a -- we
18 step back -- you know, I talked to you earlier about
19 how we take an overall photograph, a medium
20 photograph, and a close-up photograph.

21 The photographs that we saw earlier were just
22 those medium and up-close photographs. This is
23 stepped back; this is from a distance. And we're
24 able to see here item 1 being right over the tire
25 and item 2 up here towards the top of the fence

1 line.

2 Q. Now, do you remember in relation to where that
3 blood trail started in this picture?

4 A. Yes. The blood trail would be down here to the
5 south. And about right in here on that bicycle --
6 or, my correction, my bad. It would to the north of
7 this bicycle, over in this area.

8 Q. And, in this image, can you kind of walk us
9 through that driveway again and where State Pond
10 Road is?

11 A. Correct. So State Pond Road runs up here,
12 across here. This is the main driveway here. And
13 my vehicle here is straddling the driveway -- the
14 dirt area between the driveway and the main
15 driveway. And then our victim's driveway is here.

16 Q. And is that where those seven cases were found?

17 A. Yes. That's where the seven expended cartridge
18 cases were located.

19 Q. And State's Exhibit 100, 110, and 112, let's
20 look at these.

21 A. So here's the defect that I was talking about
22 on the side of the sapling. In order for us to run
23 trajectory rods and be able to get a definitive
24 angle of where that projectile came from, we need to
25 have the ability to secure and lock it into place.

1 With it being so shallow on this tree, there was no
2 way for us to be able to use our rods to get that
3 information.

4 Q. Did you label it with a placard?

5 A. I did. I labeled it with A.

6 Q. And is this where -- what does this picture
7 show?

8 A. So this picture just shows the back side of
9 that tree. And you can see placard A, where that
10 was located.

11 Q. Again, where is the residence that the victim's
12 body was found?

13 A. So right here is the wooden building that I
14 spoke of. Here's the fence line -- the hurricane
15 fence line that goes around it. And, I believe,
16 right here should be where the door is. She was
17 found at the doorway of that building.

18 Q. Now, did you recover anything -- so did you
19 recover anything near or next to the victim's body
20 that was significant to this investigation?

21 A. We found a flashlight that was on, and we wound
22 up collecting that.

23 Q. Did you collect any other items of evidence?

24 A. Let me check my notes. Yes. We collected a
25 copper jacket fragment that was beside the deceased,

1 as well as a black flashlight.

2 Q. And I'm going to show you State's Exhibit 101
3 and 102 and ask you to take a look at those. Do you
4 recognize what's in those photographs?

5 A. Yes. This photograph depicts the knee, elbow,
6 and the left side of the deceased, as well as the
7 copper jacket.

8 Q. Do they fairly and accurately represent the way
9 that you found the copper jacket at the scene?

10 A. They do.

11 Q. And does it look like it's been changed or
12 altered in any way?

13 A. No.

14 MS. PATTERSON: Your Honor, at this time, we
15 move State's Exhibits 101 and 102 into evidence.

16 MR. JOHNSON: Objection, Your Honor, based on
17 previous motions and objections, as well as item not
18 in evidence.

19 THE COURT: State's Exhibits 101 and 102 will
20 be admitted into evidence, subject to Defense's
21 objection.

22 (State's Exhibit Nos. 101 and 102 admitted into
23 evidence.)

24 BY MS. PATTERSON:

25 Q. And where was this item located?

1 A. That item was located between her left knee and
2 left elbow.

3 Q. Did you label this item with a placard?

4 A. I did.

5 Q. And what was that placard?

6 A. Number 2.

7 Q. And did you collect this item of evidence?

8 A. I did.

9 Q. And what did you do with it?

10 A. I collected it, placed it on my truck with the
11 rest of my evidence. And then, upon returning to
12 the office, I took all my evidence and secured it in
13 my locker.

14 Q. And did you attend the autopsy?

15 A. I did.

16 Q. Do you know what date the autopsy was
17 performed?

18 A. I believe on the 12th, maybe the 13th. I don't
19 remember exactly. But it was within the next couple
20 of days.

21 Q. Did you collect any evidence from autopsy?

22 A. Yes, I did.

23 Q. What did you collect?

24 A. I collected a lead core from the autopsy or
25 bullet.

1 Q. What did you do with that item of evidence?

2 A. That item of evidence was brought back. It was
3 placed in the drying chamber inside the crime scene
4 lab. It was allowed to dry, then packaged and
5 submitted to the evidence room.

6 Q. What's the purpose of drying out that piece of
7 evidence?

8 A. So if you don't completely dry an item and you
9 put it up inappropriately, it actually will grow
10 fungus and stuff on it, and it no longer represents
11 the item as we originally collected it. So that
12 item has to be completely dry and then properly
13 packaged so that it can be used later for
14 examinations.

15 Q. And what did you subsequently do with these
16 items that you collected from autopsy as well as
17 from the scene?

18 A. So everything that I got, everything was sealed
19 with a seal bearing my initials and the date in
20 which it was sealed; a brief description of the item
21 was written on package, and then all items submitted
22 to the evidence depository.

23 MS. PATTERSON: Beg the Court's indulgence.

24 BY MS. PATTERSON:

25 Q. Let's start with item 115. I'm going to ask

1 you to take a look at that. Do you recognize what I
2 just handed you in item 115?

3 A. This is an envelope. This would be the
4 envelope that I carried the contents of the envelope
5 in to SLED.

6 MS. PATTERSON: I'm sorry. Beg the Court's
7 indulgence, Your Honor.

8 THE COURT: We'll take a short break here,
9 ladies and gentlemen. Return to your jury room,
10 refresh yourselves. We'll get you back out here in
11 a few minutes. Please don't discuss the case.

12 (The jury exits the courtroom at 11:32 AM.)

13 THE COURT: While we're doing this, if anyone
14 needs to take a restroom break, feel free to do so.

15 You may step down. Please don't discuss your
16 testimony while you're doing that. Thank you.

17 (Brief recess.)

18 THE COURT: Are you ready to proceed?

19 MS. PATTERSON: One second, Your Honor.

20 THE COURT: Okay.

21 MS. PATTERSON: Your Honor, I think we're
22 ready. Thank you.

23 THE COURT: Are you ready to proceed?

24 MR. JOHNSON: Yes, Judge.

25 THE COURT: All right. Let's bring them back

1 in.

2 (The jury enters the courtroom at 11:48 AM.)

3 THE COURT: All right. Ladies and gentlemen, I
4 hope you had a chance to refresh yourselves. We'll
5 pick up where we left off.

6 Madam Solicitor?

7 MS. PATTERSON: Thank you, Your Honor.

8 BY MS. PATTERSON:

9 Q. Let me show you what's been marked as State's
10 Exhibit 116 and ask you to take a look at that. Do
11 you recognize those items of evidence?

12 A. Yes. I recognize the labels and what's written
13 on them.

14 Q. And what are those labels?

15 A. These labels are barcodes. It's for the
16 purpose of maintaining evidence within the evidence
17 depository. With it, there's the case number that's
18 printed on it, as well as the item number inside the
19 evidence room, and a brief description that we
20 placed inside the computer of what that item is.

21 Q. Are those the items that you collected at the
22 scene on State Pond Road?

23 A. This package contains all seven expended
24 cartridge casings, as well as the two copper jackets
25 from the fence. Also, it's said to contain the

1 bullet from the deceased or projectile from the
2 deceased.

3 Q. And, again, what did you do with those items?

4 A. They were all packaged individually on my part
5 and then submitted to the evidence depository.

6 Q. And I'll show you what's been marked State's
7 Exhibit 115 for ID only at this point, as well as a
8 property report, ask you to take a look at that.

9 A. Okay.

10 Q. And do you recognize State's Exhibit 115?

11 A. Yes. This packaging contains a label depicting
12 that this is the copper jacket that was located
13 inside the deceased.

14 Q. And, again, what did you do with that? Did you
15 collect that?

16 A. Yes. I collected that item, packaged it, and
17 submitted it to the evidence depository.

18 Q. Okay. I'll show you State's Exhibit 114 and
19 ask you to take a look at that.

20 A. Okay.

21 Q. And, at some point, were you asked to take some
22 evidence over to SLED for testing?

23 A. Yes. I took this item and the item you just
24 showed me over to SLED to be tested.

25 Q. And what item is that that you're -- I handed

1 you now?

2 A. This is actually a projectile that was
3 collected on scene by Crime Scene Investigator
4 Snelgrove. The package contains the case number, as
5 well as the item number, and description of
6 projectile on it.

7 Q. So where did you pick that up from?

8 A. I picked this one up, as well as the last one
9 you showed me, from the evidence custodians. I
10 signed it over from them, and then I took and
11 submitted it to SLED inside their evidence
12 depository for later testing and evaluation.

13 Q. So you delivered item 14, which was by the
14 tree, but collected by Investigator Snelgrove?

15 A. Correct.

16 Q. And you also took the item that you collected
17 which was located under the victim over to SLED?

18 A. Correct.

19 MS. PATTERSON: Beg the Court's indulgence.

20 Thank you, Investigator Smith. Please answer
21 any questions Mr. Johnson has.

22 THE WITNESS: Yes.

23 THE COURT: Cross-examination?

24 MR. JOHNSON: Thank you, Your Honor.

25

1

2

CROSS-EXAMINATION

3

BY MR. JOHNSON:

4

Q. Investigator, let me start with

5

State's Exhibit 4. Do you still have your little

6

laser pointer?

7

A. I do.

8

Q. And with that little laser pointer, on this

9

map, State's Exhibit 4, can you point out where

10

crime scene tape was put up to block off the crime

11

scene?

12

A. I'm sorry. When they initially set up crime

13

scene or when they extended it out? I'm sorry.

14

Q. Let's start with initially.

15

A. They initially put it right here at the drive

16

where the two four-by-four posts were.

17

Q. Okay. Then where was it moved?

18

A. Then we moved it from there all the way out

19

here, where this drive meets the primary drive.

20

Q. Okay. Right about there?

21

A. I think it might have been up a little bit

22

further, up in here.

23

Q. Okay. Was there any crime scene tape placed up

24

here on the road to block vehicles?

25

A. That, I'm not aware of. I was focused with my

1 work here. So I don't know if they came back and
2 did that or not.

3 Q. Okay. And how many vehicles traveled to that
4 crime scene?

5 A. I don't have a count of that.

6 Q. Okay. And on State's Exhibit 92, is that a
7 Sheriff's Department car to the left?

8 A. Yes, it is.

9 Q. Okay. Is that your crime scene?

10 A. No, it's not.

11 Q. Okay. So this, with the shell casing markers,
12 that's not your crime scene?

13 A. No, no, no. I said that's not my crime scene
14 truck. I'm sorry. Did I misunderstand the
15 question?

16 Q. Yes. I said, is this area your crime scene?

17 A. Yes, sir, it is.

18 Q. And that's a Sheriff's Department car?

19 A. Correct. Once we entered the crime scene and
20 we decided we have to extend it, whatever is in
21 place stays.

22 Q. And on State's Exhibit 111, is there a vehicle
23 there?

24 A. Yes, it is. Now, that one is my vehicle.

25 Q. And how did that vehicle get there?

1 A. Well, when I returned the second time, after
2 being called by Sergeant Barr requesting me to come
3 out, that's where I parked.

4 Q. Did you have to go down a road to get there?

5 A. I'm sorry. Which --

6 Q. This dirt road that goes up to State Pond Road.

7 A. Did I have to come down in order to get to the
8 fence and take the photograph? Is that the
9 question?

10 Q. To park the vehicle right there.

11 A. Yes. I had to take the primary drive down to
12 that position to park.

13 Q. So you drove past where the crime scene tape
14 was placed, where the road split?

15 A. Okay. You have to understand, this is when I
16 came back. So, by then, all the crime scene tape
17 had been taken down; it was no longer secured.

18 Q. It was not secured?

19 A. When I came back, you're correct, it was not
20 secured.

21 Q. Had the jackets from the fence been taken yet?

22 A. No; they're currently in the fence.

23 Q. So there's evidence on scene when you drove
24 through the area that was the crime scene?

25 A. Yes.

1 Q. Okay. And when vehicles drive through a crime
2 scene, what can that do to evidence?

3 A. It can move them. It can push them deeper into
4 the sand. Items can actually get caught in the
5 tread of the vehicles.

6 Q. So they can be totally removed from the scene?

7 A. That is a possibility.

8 Q. Can they also be destroyed?

9 A. That is a possibility.

10 Q. Okay. And you testified earlier -- and I'll
11 pick up State's 4 again. You testified earlier
12 there's a bunch of family members up here by the
13 road.

14 A. Correct.

15 Q. Can you point where they were at?

16 A. I don't know specifically. I just know that
17 they were towards the head of the road, and I drove
18 past them and all when I came onto that primary
19 drive.

20 Q. So they walked through the crime scene?

21 A. They walk -- well, understand, our crime scene
22 did not extend all the way out there, initially nor
23 after we extended it.

24 Q. If they walk up that road from that residence,
25 are they walking through the crime scene?

1 A. Yes. So in order for them to get from where
2 the incident location was to the State Pond Road or
3 up towards the mouth of State Pond Road, they would
4 have walked through that area.

5 Q. Okay. So nobody stopped them?

6 A. They were actually escorted out. Our
7 detectives that arrived on scene first are the ones
8 that had them move up to the road.

9 Q. Well, were you there?

10 A. No.

11 Q. So you don't know who escorted them or if
12 anybody did?

13 A. No. That's why I talked to the first
14 investigators on scene.

15 Q. And let's talk about gunshot residue testing.
16 Are you qualified to do that?

17 A. Yes. I am qualified to take a GSR kit.

18 Q. Did you go around and do that to everybody at
19 the scene?

20 A. No.

21 Q. Did you do it to the defendant?

22 A. No.

23 Q. Did you do it to Amari Hamm at [REDACTED] Village
24 Court who was with the defendant?

25 A. No. Now, with that, if you'll let me expound

1 upon that, so with GSR, understand gunshot residue
2 is so volatile and it spreads so fast that --
3 perfect example was at the U.S. Army crime lab which
4 is located in Georgia. They have an entire section,
5 an entire wing devoted to firearms.

6 And it's such a sensitive matter that whenever
7 they leave that section to come over to the rest of
8 the lab where they do latent prints, DNA, stuff like
9 that, they actually have to change clothes, because
10 that GSR will actually get on their clothes and
11 they'll transition it all throughout the rest of the
12 lab. So, to prevent that, they actually have to
13 change shoes, outerwear, and everything else.

14 Another problem that we run in with GSR is the
15 amount of time which we have to collect it. GSR is
16 so fragile and it falls off because people touch
17 their clothes, they do other things and all. All
18 the studies out there suggest GSR kits should be
19 collected within the first four, the worst, six
20 hours after an incident. So once we start pushing
21 later and all in the day, the probability of getting
22 anything off of a GSR kit is low.

23 Additionally, we have individuals who say they
24 were there when the gunshot went off and, because of
25 that, SLED will not test them.

1 Q. So you can test within four hours, you say?

2 A. Four hours, best; six, worst case.

3 Q. What time did you show up at the scene?

4 A. I showed up at 0150 hours.

5 Q. So that was 1:50 a.m.?

6 A. Yes.

7 Q. And could you do -- or do you have any training
8 to do any type of analysis of the ejection pattern
9 from a gun?

10 A. Yes, I do.

11 Q. Did you do an ejection pattern analysis at the
12 scene?

13 A. Analysis? Yes, I did. So I was able to
14 determine, from my training and everything, that the
15 cartridge casings were in a linear pattern and they
16 went between -- I'm not going to say from or to, but
17 between the fence line to the top of the driveway.
18 Like I said, they're linear in motion, so what that
19 denotes is that the individual firing is in motion.

20 Q. Did you fire the weapon to see how far the
21 casings come out of the weapon?

22 A. No, because it wouldn't be practical in this
23 application because when you have a person in motion
24 and all, it throws that calculation off. A
25 cartridge case ejection is great when you have an

1 individual who's standing in one place doing a lot
2 of shooting or a person that shoots, like, one or
3 two times. Then you're able to shoot that firearm
4 multiple times and get a rough estimate of where
5 that individual was at.

6 But when we start putting a person in play or
7 them running or moving backyards or even lateral,
8 then you can no longer do an ejection case pattern
9 process because it throws all of that outside the
10 door.

11 Q. The movement of the person does?

12 A. Yes.

13 Q. So if the first shot, if the person was
14 standing still, that wouldn't apply?

15 A. Well, if the person is already moving when
16 they're shooting, yes, it would apply.

17 Q. But what if they're not moving?

18 A. Well, that's why you can't do it, because you
19 can't say because you have, like I said, a linear
20 pattern. So we have a person in motion. So there
21 is no reason to do it because we can't say that the
22 individual was stationary or whether or not they
23 were moving when they began shooting.

24 Once you start putting motion of the body into
25 play, an expended cartridge casing analysis goes out

1 the window. You cannot use it.

2 Q. Okay. But you could use GSR?

3 A. You can use GSR. But the GSR is only sitting
4 there for an individual saying that they never shot
5 a gun. If an individual shot a gun, they will have
6 GSR on them, period. We, as law enforcement, if we
7 get tested at any period of time throughout the day,
8 because we have our gun on us, we clean our guns, we
9 handle our guns, and everything, we're going to have
10 GSR on us.

11 One of the recommendations that's out there in
12 the field is that whenever we take a GSR kit, that
13 we ask a couple of primary questions: First off, do
14 you own a gun? Most gun owners handle their gun
15 and, therefore, they will have GSR on them.

16 The second thing that we ask them is, when was
17 the last time you handled a gun or when the last
18 time that you shot a gun? If it's within that four
19 to six hours, there's no sense in taking it because
20 GSR is just going to tell you there was a gun
21 present. Okay?

22 It doesn't identify who the shooter was and it
23 doesn't identify whether or not they shot. It only
24 is going to identify that they were in the vicinity
25 of a weapon that was fired at a scene.

1 Q. So you said you go up and you ask people if
2 they had a gun. Did you ask all these people if
3 they had a gun?

4 A. No, I didn't. I was -- due to the time
5 constraint that we had as far as being outside --
6 and I'm talking specifically of your witness --
7 sorry, your -- referencing the defendant, they were
8 outside of that window.

9 So not only did they admit that, yes, they were
10 there when a firearm was fired, but we're also
11 outside that window. So that's a double negative.
12 So a GSR kit, in that situation, would not apply.

13 Q. So all the people at the scene who were there
14 right when officers showed up or when you showed up
15 at 1:50, you said, that would apply to them?

16 A. Well -- but then we go back to the fact that we
17 know they were there when it was a shooting
18 incident. Gunshot residue is airborne.

19 Q. I'm sorry. You're saying because they were on
20 the property or they were by the shooter?

21 A. No. I'm saying that they were present. I
22 didn't say that they were anything other than
23 present. But GSR goes airborne very quick, and it's
24 very fine, and it contaminates the scene.

25 Q. So you should exclude everybody that was out

1 there?

2 A. Yes.

3 Q. Really? All the people on the property are
4 excluded because they're on a piece of property
5 where a gun was fired?

6 A. Yes. I would.

7 Q. No matter how far away they are? On State's
8 Exhibit 4, if they're standing anywhere on State's
9 Exhibit 4, on this property identified as the
10 victim's residence, they have to be excluded from
11 GSR?

12 A. What I'm saying is that anybody in this
13 vicinity down in this area --

14 Q. Oh, this area?

15 A. -- needs to be excluded.

16 Q. Okay. Did you walk up here and search the side
17 of the road, on either side of this road?

18 A. Yes, I did.

19 Q. And is there any way -- did you take any
20 pictures of the tape after you moved it and moved
21 out your crime scene?

22 A. I did not.

23 Q. Did you take any fingerprint or lift
24 fingerprint evidence off the shell casings or the
25 gun?

1 A. No. So we run into two things when we're
2 dealing with firearms pertaining to latent prints
3 and DNA: So when a firearm discharges, what takes
4 place is the hammer of the firearm hits what is
5 called the primer. The primer has a little bit of
6 gunpowder in it. The primer then ejects the
7 gunpowder that's inside the cartridge casing which
8 forces the bullet out of the cartridge casing, down
9 the barrel, and exits. Okay?

10 So when that takes place, the cartridge casing
11 actually expands. And it expands and, basically,
12 gets stuck to the wall of the chamber of the barrel.
13 Once that takes place, then the cartridge casing is
14 extracted. The -- in this case, a semi-automatic
15 weapon, the slide pulls to the rear. On that slide
16 is what's called an extractor. That extractor pulls
17 the bullet until it hits the ejector. And then once
18 it hits the ejector, that's expanded to the outside.

19 So when it comes down to trying to do
20 fingerprints and everything on expended cartridge
21 casings, you're dealing with two problems: The
22 first one being the fact that the heat from the --
23 literally, an explosion taking place inside that
24 chamber. And then you're also dealing with the fact
25 that that chamber was pushed up against the walls of

1 the chamber and then pulled out. So that eliminates
2 a lot of our latent prints.

3 And it comes down to the studies right now
4 showing about two percent or point two percent of
5 the times that you do that, you actually wind up
6 getting prints. It's just that volatile and it just
7 simply goes away.

8 There are some studies out of Europe where
9 they're using a vacuum sealer with -- they're
10 actually using, literally, silver and gold, and
11 they're getting better studies than that. But it's
12 not something that has been approved of or used in
13 the United States yet.

14 Q. So your answer is no?

15 A. Correct.

16 Q. And the same for DNA, no?

17 A. Correct. So with DNA, again, we have something
18 coming into hot -- being heated up to an extreme
19 point. We have two pieces pulling together. The
20 DNA, right now, I think the studies and all coming
21 out of --

22 Q. Excuse me. You said no? You answered the
23 question?

24 A. No. I'm going to finish what I'm saying.

25 Q. Well, can I ask you about the gun?

1 A. In just a minute, yes, sir.

2 MR. JOHNSON: Judge, he's asked and answered.

3 THE COURT: Allow him to finish his response.

4 You asked the question.

5 Try to answer the question directly.

6 THE WITNESS: Yes, sir.

7 So DNA, right now, we're running about one
8 percent on that. There is a new study and all
9 coming out, a new method where they're doing soaking
10 of the cartridge casings. But, again, that's not
11 something that's approved. At the time, it was not
12 something the labs could do.

13 BY MR. JOHNSON:

14 Q. So it's just not worth the effort, in a murder
15 case, to go out into that small-percent chance to
16 get a print or DNA; is that what you're saying?

17 A. No. What I'm saying is our labs, at the time,
18 was not equipped to be able to do that.

19 Q. To test for DNA or prints?

20 A. To do that properly, no.

21 Q. You can't test for DNA or prints?

22 A. Properly, no.

23 Q. Off of a gun?

24 A. Well, you asked me about cartridge casings, not
25 a gun yet.

1 Q. Okay. It's impossible for you to check for DNA
2 or prints off of a gun?

3 A. Yes.

4 Q. You could not?

5 A. I did not. And whether or not it was sent, I
6 don't know.

7 Q. What I'm saying, you could have checked the gun
8 for DNA or prints?

9 A. Yes. I could have checked the gun for latent
10 prints and I could have swabbed it for DNA. Yes.

11 Q. And you did not?

12 A. I was not asked to.

13 Q. Right.

14 MR. JOHNSON: No more questions, Your Honor.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION

17 BY MS. PATTERSON:

18 Q. Investigator Smith, when someone admits to
19 showing a gun, do you waste government resources
20 testing for DNA or fingerprints?

21 A. I do not. I have had times in which an
22 investigator is adamant that I collect it. I
23 explained to them the same I explained to you as far
24 as GSR and all. Some of the investigators and all
25 are absolutely bent on me collecting that. And I'll

1 do it to appease, but it's not something that ever
2 gets finalized testing at SLED because SLED is going
3 to tell them it's just not feasible; it's not
4 something that's going to show you anything.

5 MS. PATTERSON: Thank you. No further
6 questions.

7 THE COURT: Any recross?

8 MR. JOHNSON: Thank you, Your Honor.

9 No further questions, Your Honor.

10 THE COURT: You may step down.

11 MS. PATTERSON: May this witness be excused,
12 Your Honor?

13 THE COURT: Mr. Johnson, any objection to him
14 being excused?

15 MR. JOHNSON: No objection.

16 THE COURT: You're free to go, sir.

17 THE WITNESS: Thank you, Your Honor.

18 (Sidebar conference.)

19 THE COURT: Next witness.

20 MR. POGUE: Thank you, Your Honor. The State
21 calls Investigator Brenda Snelgrove.

22 BRENDA SNELGROVE

23 being first duly sworn, testified as follows:

24 THE WITNESS: I do.

25 My name is Brenda Snelgrove, S-N-E-L-G-R-O-V-E.

1 you attempt to collect?

2 A. At first, we were shown a projectile -- what
3 appeared to be a projectile defect in one of the
4 residences. It was the one that had the smoke
5 damage on it. We tried to retrieve a projectile,
6 but we were unsuccessful at it. Then we were
7 advised of a projectile that was located near a tree
8 stump.

9 Q. Okay. And did you collect that item by the
10 tree stump?

11 A. Yes, I did.

12 Q. Investigator Snelgrove, I'm handing you up
13 what's marked as State's Exhibits 117 through 123.
14 Can you take a look at those and tell me what they
15 are or if you recognize them.

16 A. These are the photographs that I took.

17 Q. Okay. Of the property on State Pond Road, the
18 items that you collected or attempted to collect?

19 A. Yes, sir.

20 Q. Are they all a fair and accurate representation
21 of the property and the items the day you collected
22 them?

23 A. Yes, they are.

24 MR. POGUE: Your Honor, at this time, the State
25 would move for State's Exhibits 117 through 123 to

1 be admitted into evidence.

2 MR. JOHNSON: Objection, Your Honor, based on
3 previous motion and objection.

4 THE COURT: State's Exhibits 117 through 123
5 will be admitted in evidence, subject to objection.

6 MR. POGUE: Thank you, Your Honor. Permission
7 to publish?

8 THE COURT: Proceed.

9 (State's Exhibit Nos. 117 through 123 admitted
10 into evidence.)

11 BY MR. POGUE:

12 Q. Investigator, do you still have the laser
13 pointer?

14 A. Yes, sir.

15 Q. What are we looking at here in State's Exhibit
16 117?

17 A. This is one of the mobile homes there. This
18 right here is suspected to be a projectile defect.

19 Q. Did you know that for sure?

20 A. Not 100 percent.

21 Q. They called you out to look at that?

22 A. That is correct.

23 Q. State's Exhibit 118?

24 A. That's more of a picture at a 90-degree angle
25 looking straight onto it.

1 Q. And did you investigate that hole? Did you
2 attempt to collect any bullet or projectile that may
3 have been in there?

4 A. That is correct; attempted to find the
5 projectile. We determined that, most likely, it
6 would have fallen down. And we looked under there;
7 we just weren't able to find it.

8 Q. So you never found a bullet or anything?

9 A. We didn't, no, sir.

10 Q. Do you recall whether it had any rust around it
11 or anything like that, whether it had possibly been
12 there for a while or...

13 A. I don't. I'm sorry.

14 Q. It's okay.

15 State's Exhibit 119, what are we looking at
16 here?

17 A. We're looking at the projectile that was
18 located when they were cleaning up. And, as you can
19 see, they were actually raking. That's when they
20 located it.

21 Q. Okay. All right. State's Exhibit 120, is that
22 just a zoomed-in version?

23 A. It's a small -- it's closer up to the
24 projectile.

25 Q. And then, finally, State's Exhibit 121, just a

1 more close-up version of that?

2 A. That is correct.

3 Q. Okay. State's Exhibit 122?

4 A. This is a picture of the projectile along with
5 my placard 1.

6 Q. And State's Exhibit 123?

7 A. That's just looking at the other side of the
8 projectile with my Placard No. 1.

9 Q. And this tree --

10 MR. POGUE: Beg the Court's indulgence.

11 BY MR. POGUE:

12 Q. Just for point of reference for the jury, this
13 tree here -- in this photo right here, can you show
14 me about where that tree is located, if you recall?

15 A. I don't recall, from that photo.

16 Q. Okay. Was it somewhere in the vicinity inside
17 that fence?

18 A. That's correct; on the north side of the fence,
19 in this area.

20 Q. Okay. It's just in that general area?

21 A. That's correct.

22 Q. Investigator Snelgrove, I'm handing you up
23 what's been State's Exhibit 114 for ID purposes.

24 Are you able determine if that was the projectile
25 that you collected?

1 A. According to the barcode label here, it is.

2 Q. Okay. And that barcode label, is that how
3 y'all keep chain of custody at the Lexington County
4 Sheriff's Department?

5 A. Yes, sir.

6 Q. And from the time that you collected it -- what
7 did you do after you collected that item?

8 A. After I collected that item, it was placed in a
9 bag and it was -- placed into my vehicle at the time
10 and transported to headquarters and secured in one
11 of the lockers in the crime lab.

12 Q. After that, did you ever take it to evidence?

13 A. I did end up taking it to evidence.

14 Q. And you personally submitted it into evidence?

15 A. I personally submitted it to evidence.

16 Q. So from the time you collected it until the
17 time you put it into evidence, it was in your
18 custody?

19 A. It was in my custody, that's correct.

20 MR. POGUE: No further questions.

21 THE COURT: Cross-examination?

22 MR. JOHNSON: Briefly, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q. Officer, you said they were out there raking.

1 And this was two days after the incident, correct?

2 A. When I went out there, it was on the 13th. And
3 I think the actual incident was the 11th. So, yes,
4 sir, two days.

5 Q. So you're referring to the people out there
6 were raking, and they called the police, and that's
7 why you went out there?

8 A. Yes, sir.

9 Q. So civilians at the scene or family members at
10 the scene are the ones who said they found the
11 bullet?

12 A. That's correct.

13 Q. Not the police?

14 A. Correct.

15 MR. JOHNSON: No more questions, Your Honor.

16 THE COURT: Any redirect?

17 MR. POGUE: None from the State, Your Honor.

18 THE COURT: All right. The witness may step
19 down.

20 THE WITNESS: Am I being dismissed?

21 THE COURT: You're free to go.

22 THE WITNESS: Thank you.

23 THE COURT: Counsel, let's chat real quick.

24 (Sidebar conference.)

25 THE COURT: Ladies and gentlemen, we'll go

1 State may call their next witness.

2 MS. PATTERSON: Thank you, Your Honor. The
3 State calls Dr. Janice Ross.

4 JANICE ROSS, M.D.

5 being first duly sworn, testified as follows:

6 THE WITNESS: I do.

7 THE CLERK: State your name and spell your last
8 name for the court reporter.

9 THE WITNESS: Janice Edwards Ross, R-O-S-S.

10 DIRECT EXAMINATION

11 BY MS. PATTERSON:

12 Q. Dr. Ross, how are you this afternoon?

13 A. Fine. How are you?

14 Q. Good. What is your profession?

15 A. I'm a forensic pathologist.

16 Q. And are you also a licensed physician?

17 A. Yes.

18 Q. And in what states are you licensed?

19 A. South Carolina, New York, and Georgia.

20 Q. And how long have you been licensed?

21 A. For 43 years.

22 Q. And, can you explain to the jury, what is
23 pathology?

24 A. Yes. A pathologist is a doctor. I went
25 through four years of college, four years of medical

1 school, and over five years of training in the field
2 of pathology. As a pathologist, as opposed to being
3 a pediatrician or surgeon, it's a discipline in
4 medicine where we learn how to diagnose diseases
5 using the microscope and using laboratory work. We
6 also learn how to do an autopsy and find the cause
7 of death.

8 I'm furthermore certified in forensic
9 pathology. The word forensic means legal. So I use
10 my autopsy expertise in legal matters such as
11 homicides, suicides, accidents, rape cases, et
12 cetera. We are trained as a forensic pathologists
13 to identify patterns of injury and to document such
14 for the court of law.

15 Also, we draw fluids for toxicology. And any
16 other evidence that we need to, we collect at the
17 time of autopsy.

18 Q. Have you been qualified in court before in the
19 field of pathology?

20 A. Yes.

21 Q. And about how many times have you been
22 qualified as an expert?

23 A. Over 260 times in South Carolina.

24 Q. About how many autopsies have you performed?

25 A. Close to 15,000.

1 MS. PATTERSON: Your Honor, at this time, the
2 State moves Dr. Ross be qualified as an expert in
3 the field of pathology.

4 MR. JOHNSON: No objection.

5 THE COURT: Ladies and gentlemen, normally, a
6 person cannot give opinion testimony. When a person
7 testifies, they have to testify as to what they
8 either saw, heard, or sensed by smell, or something
9 of that nature. However, there's an exception when
10 someone is qualified because of education or
11 experience. They're permitted to give their opinion
12 in certain areas, if the Court qualifies them that
13 way.

14 This witness will be qualified in the area of
15 pathology to give opinion testimony in that area.
16 That does not mean you have to accept the opinion,
17 but it is evidence for you to use in any way you see
18 fit.

19 MS. PATTERSON: Thank you, Your Honor.

20 BY MS. PATTERSON:

21 Q. Dr. Ross, in October of 2017, did you perform
22 an autopsy on someone named Annette Riley?

23 A. Yes.

24 Q. Did you make a report about your findings
25 during that autopsy?

1 A. Yes.

2 Q. What specific date did you perform the autopsy?

3 A. October 12th, 2017.

4 Q. Where did the autopsy take place?

5 A. In the morgue at Newberry County Memorial

6 Hospital.

7 Q. Did you note on your report at what time

8 Ms. Riley was pronounced dead?

9 A. We autopsied at 8:00 a.m. I'm not sure -- I
10 was told that she was pronounced dead at 12:52 on
11 October 10th, 2017.

12 Q. Now, when you begin performing an autopsy, what
13 is the first thing that you do?

14 A. We receive the patient in a body bag in the
15 morgue, and we open the body bag and make sure that
16 identification is present. We do an external
17 examination with the clothing on and with the
18 clothing off, taking photographs. And we itemize
19 what personal belongings there may be or what
20 clothing there is.

21 In a case like this, we noted a gunshot wound.
22 So we further did an x-ray to see if there were any
23 bullets or bullet fragments left in her. Then we do
24 an internal examination.

25 Q. Where did you note that this gunshot wound was

1 located on the body?

2 A. It went into the chin area, the mandible, just
3 to the left of the middle of the face, the midline.

4 Q. And would -- the pictures that you talked about
5 taking, would they assist you in explaining to the
6 jury about your findings?

7 A. Yes.

8 Q. I'm going to show you what's been marked as
9 State's Exhibit 124 through 126 and ask you to take
10 a look at these.

11 A. Yes.

12 Q. Do you recognize those photographs?

13 A. Yes, I do.

14 Q. And how is it that you recognize those
15 photographs?

16 A. The photographs I took from the autopsy.

17 Q. Do they fairly and accurately represent the
18 photographs that you took?

19 A. Yes.

20 Q. Are they changed or altered in any way?

21 A. No.

22 MS. PATTERSON: Your Honor, at this time, we
23 move State's 124 through 126 into evidence.

24 MR. JOHNSON: Objection, Your Honor, based on
25 previous motion and objection.

1 THE COURT: Very well. State's Exhibits 124,
2 125, and 126 will be admitted into evidence, subject
3 to Defendant's objection.

4 (State's Exhibit Nos. 124 through 126 admitted
5 into evidence.)

6 BY MS. PATTERSON:

7 Q. Dr. Ross, what are we looking at in this
8 photograph?

9 A. This is a close-up of the entrance wound. Let
10 me see if I can -- the orientation is kind of hard,
11 probably, to see. But this is the chin. So this is
12 the middle of the chin, the middle of the face, and
13 this is the left chin.

14 So the bullet comes in this way, grazes that
15 mandible, the chin there, and then goes into the
16 soft tissue of the -- underneath the tonsil and the
17 neck on the left.

18 Q. Did you find an exit wound in Ms. Riley?

19 A. No.

20 Q. And so were you able to still find any lead?

21 A. Yes.

22 Q. Let me ask you this: What part of Ms. Riley's
23 body was damaged as a result of the bullet entrance?

24 A. The chin -- the left chin of the face.

25 Q. Did she sustain any internal injuries?

1 A. Yes. The bullet went through the tissue of the
2 left neck, went underneath the tongue, and then to
3 the left neck and caused a lot of hemorrhage from
4 blood vessels.

5 Q. Would the victim have been able to speak after
6 the bullet entered her body?

7 A. Yes.

8 Q. About how long?

9 A. Well, she would have lost consciousness after
10 losing a certain amount of blood. It depends on how
11 much pressure there was, et cetera. But she could
12 probably talk for 30 seconds to a minute.

13 Q. Would it have been possible for her to walk or
14 take any steps after she was struck?

15 A. Yes.

16 Q. And I think you said you also took x-rays.

17 A. Yes.

18 Q. What are we looking at in this photograph?

19 A. This is the head and neck from a side view.
20 And you can see the major lead portion of the bullet
21 here. It's near the -- it's on -- it's hard to show
22 depth, but it was located to the left of the spinal
23 column there; did not damage the spinal column.

24 Q. Were you able to retrieve that bullet?

25 A. Yes.

1 Q. And what did you do with that bullet?

2 A. We photographed it, sealed it, and submitted it
3 to SLED through an investigation --
4 investigator/agent.

5 Q. And what are we looking at in State's Exhibit
6 126?

7 A. That's the bullet -- the lead part of the
8 bullet that we retrieved from the left neck of the
9 deceased.

10 Q. Dr. Ross, do you have an expert opinion as to
11 the cause of death of Ms. Annette Riley?

12 A. Yes.

13 Q. And what is your finding?

14 A. The word is exsanguination, which means to
15 bleed out due to the laceration of blood vessels due
16 to a gunshot wound to the head and, more
17 specifically, the chin.

18 MS. PATTERSON: Beg the Court's indulgence.

19 Thank you, Dr. Ross. Please answer any
20 questions Mr. Johnson may have.

21 THE COURT: Cross-examination?

22 MR. JOHNSON: Briefly, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q. Doctor, there's nothing that you collected who

1 told you who put this bullet inside the victim, is
2 there?

3 A. No, sir.

4 MR. JOHNSON: No more questions, Judge.

5 THE COURT: Any redirect?

6 MS. PATTERSON: No, sir, Your Honor. We ask
7 this witness be excused.

8 THE COURT: The witness may step down. Thank
9 you.

10 THE WITNESS: Thank you.

11 THE COURT: Next witness.

12 MR. POGUE: Thank you, Your Honor. The State
13 calls Candy Kyzer.

14 CANDY KYZER

15 being first duly sworn, testified as follows:

16 THE WITNESS: I do.

17 THE CLERK: Thank you. Have a seat and say
18 your name and spell it for the record, please.

19 THE WITNESS: Okay. Candy Kyzer, K-Y-Z-E-R.

20 DIRECT EXAMINATION

21 BY MR. POGUE:

22 Q. Good afternoon, Ms. Kyzer. Where are you
23 currently employed?

24 A. Lexington County Sheriff's Department.

25 Q. And how long have you been employed there?

1 A. 24 years.

2 Q. Okay. And what is your job there at the
3 Sheriff's Department?

4 A. I'm an evidence custodian.

5 Q. What exactly is an evidence custodian? What do
6 you do?

7 A. We get in evidence from the deputies and
8 investigators in cases, and we enter them into the
9 computer system, make sure everything is properly --
10 all the paperwork is properly done and everything,
11 then place a barcode label on it and store it until
12 it's needed for testing or for court purposes.

13 Q. Okay. And this evidence that's submitted to
14 the evidence custodian, y'all store it, like, in a
15 room or warehouse? How is that stored?

16 A. We have different locations. We have the
17 evidence room, and then we also have where we store
18 certain things, and then an evidence warehouse where
19 we store the remainder.

20 Q. Who has access to the evidence custodian
21 storage?

22 A. Just the sergeant and us three evidence
23 custodians.

24 Q. When you say the sergeant, you mean the
25 sergeant over evidence?

1 A. Yes.

2 Q. And let me ask you this question: How do you
3 keep track of the evidence as it comes and goes from
4 the evidence room?

5 A. We have -- in our computer system, we actually
6 are able to scan the barcode of that particular item
7 and change the movement of where it's going, whether
8 it be to a different location, as it's going out for
9 testing to the chemist, or if it's going out for
10 testing to SLED.

11 Q. So you're able to track the movement of these
12 items by scanning the barcode?

13 A. Yes.

14 Q. Is any of that evidence ever moved without an
15 evidence custodian scanning it first?

16 A. No.

17 Q. Is there some way you keep records or keep
18 track of the movement of the items?

19 A. The computer system keeps track of where all
20 the items are at.

21 Q. Okay. And the computer system, are you able to
22 generate some sort of report that will show the
23 movement of those items?

24 A. Yes. We have the report -- the chain of
25 custody report.

1 Q. And is that report kept in the ordinary course
2 of business there at the evidence division?

3 A. It is.

4 Q. All right. And can -- the data that's in the
5 evidence chain of custody system, can that be
6 changed in any way or manipulated?

7 A. No.

8 MR. POGUE: Permission to approach the witness,
9 Your Honor?

10 THE COURT: Yes, sir.

11 BY MR. POGUE:

12 Q. Ms. Kyzer, I'm handing you up what's marked as
13 State's Exhibit 52. Are you able to tell me what
14 that item is and if it was ever submitted to you?

15 A. 52 is going to be an empty gun case.

16 Q. And that item was submitted to you in this
17 case?

18 A. Yes, it was.

19 Q. And who was it submitted to you by?

20 A. By Adam Creech.

21 Q. Okay. And when did he submit that?

22 A. He turned it over to us on November the 22nd,
23 2017.

24 Q. Okay. Did it ever leave the evidence room
25 prior to coming to court here for this case?

1 A. No, it didn't.

2 Q. Okay. I'm going to hand you up a sequence of
3 items, if you can confirm or deny that these items
4 were also submitted by Sergeant Creech and whether
5 they were also stored in the evidence room the
6 entire time until they were brought to court.

7 A. Okay.

8 Q. Okay. State's Exhibit 53?

9 A. That was.

10 Q. It was?

11 A. That was turned in by Adam Creech.

12 Q. Okay.

13 A. And on November the 22nd, 2017.

14 Q. Okay. And State's Exhibit 54?

15 A. That was, also.

16 Q. State's Exhibit 55?

17 A. That one was, too.

18 Q. Okay. State's Exhibit 56?

19 A. That was, too.

20 Q. State's Exhibit 57?

21 A. That one was, also.

22 Q. State's Exhibit 58?

23 A. That one was, also.

24 Q. State's Exhibit 59?

25 A. That one was, also.

1 Q. State's Exhibit 60?

2 A. Yes. That one was, too.

3 Q. State's Exhibit 61?

4 A. That one was, too.

5 Q. Okay. State's Exhibit 62?

6 A. That one was, also.

7 Q. State's Exhibit 63?

8 A. That one was, also.

9 Q. State's Exhibit 64?

10 A. That one was, also.

11 Q. And, finally, State's Exhibit 65?

12 A. That one was, also.

13 Q. And did all of these items we've just gone
14 through, State's Exhibit 52 through 65, did they all
15 have the exact same movement; they were submitted by
16 Sergeant Creech to you, they stayed in the evidence
17 room from the time they were submitted until
18 whenever brought to the courtroom for trial?

19 A. Yes.

20 MR. POGUE: Your Honor, at this time, the State
21 would move to have State's Exhibit 52 through 65
22 entered into evidence.

23 MR. JOHNSON: Objection, based on previous
24 motions and objections.

25 THE COURT: State's Exhibits 52 through 65 will

1 be admitted into evidence, subject to Defense's
2 objection.

3 MR. POGUE: Thank you, Your Honor.

4 (State's Exhibit Nos. 52 through 65 admitted
5 into evidence.)

6 BY MR. POGUE:

7 Q. Ms. Kyzer, I'm handing you up what's marked as
8 State's Exhibit 116. Could you tell me what that
9 item is?

10 A. It's an envelope that's got barcode labels on
11 it with the cartridge casings in it, along with a
12 bullet from the deceased and two jackets.

13 Q. Okay. And could you tell me when these
14 items -- or if they were ever submitted to you in
15 the evidence room?

16 A. They were.

17 Q. And what was the movements of these nine items?
18 Do you have a record of that?

19 A. I do. They were submitted to me by Tom Smith
20 on October the 18th, 2017. And then they stayed in
21 our custody until August 1st of 2019. They were
22 taken to SLED by me, and then brought back on
23 September 25th, 2019, from SLED by me.

24 Q. Okay. And from the time that they were brought
25 back from SLED until they were brought to the

1 courtroom, they were in your custody?

2 A. Yes.

3 Q. And, just for clarification or edification, are
4 there nine items in this packet?

5 A. It is.

6 Q. And that's seven casings?

7 A. Seven casings.

8 Q. Spent casings and two copper jackets?

9 A. Yes.

10 Q. Okay. I'm handing you up State's Exhibit 115
11 for ID purposes. Can you tell me what that item is?

12 A. It's a copper jacket from a bullet.

13 Q. Was that item submitted to you, as evidence
14 custodian, by anyone?

15 A. It was. It was turned in by Tom Smith.

16 Q. What was the movement of that item after he
17 submitted that to evidence?

18 A. He actually took this one to SLED on December
19 the 18th, 2019.

20 Q. So he checked it out of evidence?

21 A. He checked it out and took it to SLED himself.

22 Q. What happened after that? Did it ever come
23 back?

24 A. And then it came back on January 10th, 2020.

25 Q. Who picked it up from SLED?

1 A. Jamie Johnson.

2 Q. Did she log it back into evidence?

3 A. She did.

4 Q. Okay. Has it been in evidence since you
5 brought it to trial?

6 A. Yes.

7 Q. And, finally, State's Exhibit 114, can you tell
8 me what that item is and whether that was ever
9 submitted to you?

10 A. It's a projectile.

11 Q. Was that item submitted to you in evidence?

12 A. It was. It was submitted by Brenda Snelgrove.

13 Q. Okay. And was it ever checked out of evidence
14 after Brenda Snelgrove submitted it to you?

15 A. It was. Tom Smith took it to SLED on December
16 the 20th, 2019.

17 Q. And did it ever come back from SLED?

18 A. It did. It came back on January 10th, 2020.

19 Q. Who picked it up from SLED?

20 A. Jamie Johnson.

21 Q. Did she log it back into evidence?

22 A. She did.

23 Q. Has it been in your custody or the evidence
24 custodian's custody until you brought it to court?

25 A. It has.

1 Q. Ms. Kyzer, I'm handing you up what's marked as
2 State's Exhibit 127. Can you tell me what this item
3 is or what that -- what those documents are? Just
4 take a minute to look through them.

5 A. It's our chain of custody report.

6 Q. Is that related to State's Exhibits 62 through
7 55, the evidence submitted by Sergeant Creech?

8 A. Yes, it is.

9 Q. And is that an accurate copy of the chain of
10 custody as generated in the ordinary course of
11 business by the evidence custodian there at the
12 Lexington County Sheriff's Department?

13 A. It is.

14 MR. POGUE: Beg the Court's indulgence.

15 Your Honor, at this time, the State moves
16 State's Exhibit 127, chain of custody for these
17 items, to be entered into evidence.

18 MR. JOHNSON: Objection, based on previous
19 motions and objections and hearsay.

20 THE COURT: State's Exhibit 127 will be
21 admitted into evidence, subject to Defense's
22 objections.

23 (State's Exhibit No. 127 admitted into
24 evidence.)

25

1 BY MR. POGUE:

2 Q. Finally, Ms. Kyzer, one last document.

3 Ms. Kyzer, I'm handing you up State's Exhibit 128
4 for identification purposes. Could you take a look
5 at these documents and tell me whether those are
6 true and accurate chain of custody for the items of
7 evidence that were submitted to SLED for testing by
8 the Lexington County Sheriff's Department in
9 relation to this case?

10 A. It is.

11 Q. Thank you.

12 MR. POGUE: Your Honor, at this time, the State
13 moves to have State's Exhibit 128, the chain of
14 custody related to the SLED items from the Lexington
15 County Sheriff's Department, entered into evidence.

16 MR. JOHNSON: Objection, Your Honor, based on
17 previous motions, objections, and hearsay.

18 THE COURT: State's 128 will be admitted into
19 evidence, subject to objection.

20 MR. POGUE: Thank you, Your Honor. No further
21 questions.

22 (State's Exhibit No. 128 admitted into
23 evidence.)

24 THE COURT: Cross-examination?

25 MR. JOHNSON: No cross, Your Honor.

1 THE COURT: All right. The witness may step
2 down.

3 Next witness.

4 MR. POGUE: Thank you, Your Honor. The State
5 calls Suzanne Cromer.

6 SUZANNE CROMER

7 being first duly sworn, testified as follows:

8 THE WITNESS: I do.

9 THE CLERK: Have a seat and say and spell your
10 last name.

11 THE WITNESS: My name is Suzanne Cromer,
12 C-R-O-M-E-R.

13 DIRECT EXAMINATION

14 BY MR. POGUE:

15 Q. How are you doing, Ms. Cromer?

16 A. I'm fine.

17 Q. Where are you currently employed?

18 A. I'm employed at the South Carolina Law
19 Enforcement Division, commonly referred to as SLED.

20 Q. How long have you been employed at SLED?

21 A. I've been employed over 21 years.

22 Q. What is your current occupation?

23 A. I am a firearm and tool mark examiner in the
24 forensic service laboratory.

25 Q. How long have you been doing that?

1 A. Since February of 2000. I started the program
2 for firearm and tool mark examiners then.

3 Q. Okay. And what is your training background in
4 regard to firearms analysis?

5 A. I have a Bachelor's Degree from Clemson
6 University. I did some graduate work at University
7 of South Carolina in criminal justice. I was hired
8 on and I started the firearm and tool mark training
9 program at SLED.

10 It's an inhouse program. It's more of an
11 apprenticeship where we have a training manual with
12 many different modules. We take written tests, oral
13 tests, practical exercises, as well as work
14 alongside the other firearms examiners, preparing
15 their cases for them.

16 Upon completion of all of the manuals of our
17 training module, which takes about three to five
18 years, we're given a comprehensive final exam with
19 essays and practical mock cases that is graded by
20 our lieutenant, and then our training officer, as
21 well, before we're allowed to take our own caseload.

22 I have attended classes with the Association of
23 Firearm and Tool Mark Examiners, which we call AFTE.
24 It's an international organization for our
25 profession. They meet once a year for a week-long

1 seminar to discuss relevant topics in our field.

2 I've attended several of those.

3 I've also attended several workshops while at
4 AFTE, including machine gun conversion, Hi-Point
5 firearm familiarization, barrel-making, just to name
6 a few. I've also taken classes with the Bureau of
7 Alcohol, Tobacco, and Firearms, commonly referred to
8 as ATF, on serial number restoration, and the
9 National Integrated Ballistics Identification
10 Network. I've taken classes with the South Carolina
11 Chapter of the International Association of
12 Identification.

13 Most pertinent to my job would be two different
14 three-day shooting scene reconstruction workshops.
15 I've also toured numerous firearm manufacturing
16 plants such as FN, Smith & Wesson, Ruger, Daniel
17 Defense, Perry US, just to name a few.

18 Q. Are you a member of any professional
19 organizations related to firearm identification?

20 A. Yes; the Association of Firearm and Tool Mark
21 Examiners. You actually have to apply for
22 membership there. I've been granted full regular
23 membership status. And I'm also a member of the
24 National Integrated Ballistics Identification
25 Network users group as the representative of South

1 Carolina and North Carolina.

2 Q. Okay. And, just generally, what exactly is
3 firearms identification?

4 A. Firearms identification is a discipline in
5 forensic science where we look at ammunition,
6 bullets, cartridge cases, shotgun shells, to
7 determine whether they were fired by or loaded into
8 and extracted out of a specific firearm.

9 If I don't have a specific firearm, I can look
10 at all the ammunition components that were found at
11 a scene and give investigators an idea of how many
12 possible firearms were fired at that scene.

13 Q. And have you ever been qualified as an expert
14 witness in the area of firearms identification and
15 tool marks?

16 A. Yes, sir, I have.

17 Q. And how many times have you been qualified as
18 an expert in this area?

19 A. Approximately, over 116 times.

20 Q. And what courts have you been qualified?

21 A. Federal and State courts of South Carolina.

22 MR. POGUE: Your Honor, at this time, the State
23 would offer Ms. Cromer as an expert in the field of
24 firearm and tool mark identification.

25 THE COURT: Firearm and what?

1 Q. Okay. Is that something that you usually do,
2 but finances didn't allow it?

3 A. That is something that is new to the field of
4 firearms identification, so it's just coming out.

5 Q. I'm sorry. How many times have you testified
6 in general sessions court?

7 A. Approximately 114.

8 MR. JOHNSON: No objection.

9 THE COURT: Thank you.

10 Ladies and gentlemen, this witness will be
11 qualified in the area of firearm and tool mark
12 identification, and give testimony in that area.
13 That does not mean you must accept the opinion, but
14 it is evidence for you to use in any way you see
15 fit.

16 MR. POGUE: Thank you, Your Honor.

17 CONTINUED DIRECT EXAMINATION

18 BY MR. POGUE:

19 Q. Ms. Cromer, let me ask you a question. How do
20 you go about matching a shell casing and/or a fired
21 bullet or projectile to a particular weapon?

22 A. What we do when we receive firearms or
23 ammunition component evidence, we first pick up that
24 evidence from our log-in department, our evidence
25 control department; we look at it; we photograph the

1 packaging; we make sure it's not tampered with, and
2 then we open it up. We take notes on the fired
3 components first.

4 I'm going to look at my bullets and my
5 cartridge cases first or my bullet fragments. I'm
6 going to photograph it; I'm going to take notes of
7 its construction; I'm going to try to determine its
8 caliber. We do that by weighing it and measuring
9 it. Then I'm going to look at my cartridge cases.
10 I'm going to take note of how they're made, what
11 construction is, their head stamp, the brand.

12 Then I'm going to move on to my firearm. I'm
13 going to look at that firearm; I'm going to
14 determine whether or not it's safe to fire; I'm
15 going to test its safety; and then I will go shoot
16 similar ammo to what I received in the case from
17 that firearm. We do that just to see how this gun
18 will mark particular ammunition components.

19 Once we've got our test-fires, I'll go back to
20 my microscope, if I determine that those ammunition
21 components that I received in the case are suitable
22 for examination. On the bullets, I'm looking for
23 markings left there by the gun barrel, which is
24 called rifling.

25 Rifling is what's put into a gun barrel by the

1 manufacturer to make that bullet spin in rotary
2 motion, very similar to a quarterback who throws a
3 football who wants it to go into a tight spiral so
4 it will go more accurately towards its target.
5 That's what rifling does; it makes that projectile
6 spin.

7 And that rifling can be made up of what we call
8 lands and grooves, a series of raised and depressed
9 areas that are put in there during the manufacturing
10 process. And you can have a different number of
11 lands and grooves. Some manufacturers like three;
12 some like nine; some like six; some like five.
13 There's different numbers.

14 So then, besides the different numbers of lands
15 and grooves, you also have the direction of twist,
16 which way it's going to make that bullet spin. Is
17 it going to make it spin to the left or to the
18 right?

19 But there's also two different types of
20 rifling: There's conventional and then there's
21 polygonal. Conventional is more right-angled, rough
22 edges; polygonal is more smooth. So all of that can
23 leave marks on your bullet.

24 And when we're doing a bullet exam, we first
25 determine the caliber. If we can't determine the

1 caliber, say, it's a fragment, then is it possible
2 it could have been fired by that caliber? Then we
3 can move up. I call it climbing the ladder to my
4 microscope, because all of our examinations are done
5 on a comparison microscope where we can see two
6 things at one time. So if it's the same caliber, we
7 can step up.

8 Then, does it have the same type of rifling?
9 Is it conventional or polygonal? If I have a gun
10 that's polygonal rifling but my evidence is
11 conventional in rifling, then I know that gun did
12 not fire that evidence. If it's the same, then I
13 can step up again.

14 The number of lands and grooves. If my gun has
15 five lands and grooves and my evidence has six, I
16 know that gun did not fire that evidence. Then I
17 can stop. But if it has the same number of lands
18 and grooves, then I can go up one more.

19 Then I'll look at direction of twists. Does my
20 evidence look like it would be spinning to the left
21 or spinning to the right? If they're opposite, then
22 I stop there. But if they are similar, then I can
23 keep going.

24 Once I've met all those criteria, I can sit
25 down at my scope, and then I can look at those

1 markings; what it looks like to the naked eye or on
2 the scope; if it looks like a series of scratches
3 but these are imperfections that are left inside the
4 gun barrel during the manufacturing process of the
5 tools putting that rifling in there.

6 It can also be from wear and tear of the gun,
7 misuse or mis-cleaning, anything that is put down
8 the barrel that's scratched up the barrel. So we're
9 looking at those markings that can be imprinted on
10 that bullet as it goes down the barrel.

11 We render one of four conclusions: Positive,
12 yes, it was fired by that gun; negative, it was not
13 fired by that gun; unsuitable, meaning it does not
14 have the type of markings we need to render a
15 conclusion or it's too damaged; and then,
16 inconclusive, meaning we cannot rule that gun out,
17 but we can't say it was either. So we have kind of
18 like a no decision. That's for bullets.

19 For cartridge cases, it's a little different.
20 Cartridge cases from a semi-automatic pistol are
21 marked in five different areas. We have the breach
22 face of the firearm that the head of the cartridge
23 cases rests up against during the firing process.
24 So any imperfections left on that breach face can be
25 imprinted on the head of that cartridge case.

1 The firing pin itself that comes through that
2 breach face and strikes that primer to start the
3 initial combustion of the cartridge, it can also
4 have defects. We also have an extractor, which is
5 the little claw that holds that cartridge in place
6 up against the breach face in the slide of the
7 firearm. It can leave markings.

8 We also have what we call an ejector. That is
9 actually going to be the part of the firearm that,
10 during the cycling process, will hit that cartridge
11 case and make that cartridge case fly out of the gun
12 or the ejection port. So we can look at all five of
13 those areas.

14 Once we render a conclusion -- positive,
15 negative, inconclusive, or unsuitable -- at SLED, we
16 have a 100-percent micro-verification process. So
17 another qualified examiner has to come by,
18 independently reach the same conclusions I have;
19 they sign off of my conclusions, and then we're
20 allowed to issue a report.

21 Q. Thank you, Ms. Cromer. Turning to this case,
22 with regard to your Lab No. L-1715509, was evidence
23 from the Lexington County Sheriff's Department
24 submitted to you for examination and analysis in
25 this case?

1 A. Yes, sir, it was.

2 Q. Okay. Can you tell me what all items were
3 submitted to you for analysis --

4 A. I --

5 Q. -- total?

6 A. Sorry.

7 Q. Go ahead.

8 A. I received seven fired .40 Smith & Wesson
9 auto-caliber cartridge cases; I received one lead
10 fragment; I received two fired bullet jackets; I
11 received a firearm. Then I -- at a later date and
12 time, I received another bullet jacket fragment, and
13 then another fired bullet.

14 Q. Okay. I'm handing you up State's Exhibit 45
15 that's already been admitted in evidence. Can you
16 tell me if this was the firearm that was submitted
17 to you for test-firing and analysis?

18 A. Yes, sir. State's Exhibit 45 was my item 17.
19 And I know it's the one that I examined because I
20 scribed my lab number, my item number, and my
21 initials on several locations on this firearm.

22 Q. All right. Can you just briefly talk about
23 what type of gun that is and how it operates?

24 A. This is what we call a semi-automatic pistol;
25 meaning, one pull of the trigger will fire one

1 round. The slide is forward during the firing
2 process but, when you fire, this slide is under
3 spring tension. So all that gas pressure that's
4 pushing the bullet down the barrel is also pushing
5 that head of the cartridge case back into the breach
6 face and pushing the slide backwards.

7 So that extractor is holding it in place, that
8 cartridge case in place. So when it gets to this --
9 this is the most rearward point. It's going to hit
10 the ejector, kick that cartridge case -- that fired
11 cartridge case out the ejection port, which you can
12 see right here. So it's going to leave the ejection
13 port.

14 And then, as long as there are more rounds in
15 the magazine, which goes in here, the magazine well,
16 it will push another round up into the chamber of
17 the gun, which is the rearward portion of the
18 barrel, and be ready to fire again. So
19 semi-automatic means one pull of the trigger, one
20 round fired.

21 Q. And was there a magazine that was submitted
22 along with that gun?

23 A. Yes, sir.

24 Q. And how many rounds does that magazine hold?

25 A. This round held 12 unfired -- I'm sorry; ten

1 unfired cartridges. So this firearm would hold 11;
2 ten in the mag, one in the chamber.

3 Q. Thank you. I'm handing you up State's
4 Exhibit 116. Would you mind opening that? And tell
5 me if you're familiar with those items, if they were
6 submitted to you for analysis in this case.

7 A. First off, State's Exhibit 116 was my
8 container B. And when we have a container, that
9 just means there's multiple items of evidence in
10 this one container. And, again, it's still sealed
11 with my initials and seal date down here.

12 Q. If you wouldn't mind, if you go through them,
13 describe what those items are and say whether they
14 were submitted to you for testing.

15 A. As I said, I received seven fired .40 S&W
16 caliber cartridge case. You can see this is my SLED
17 item 7; again, sealed with my initials and seal
18 date. This was my item 8; again, another fired .40
19 S&W caliber cartridge case, still in sealed
20 condition.

21 My item 9, another fired .40 S&W caliber
22 cartridge case; my item 10, another .40 S&W caliber
23 cartridge case; my item 11, another fired .40 S&W
24 caliber cartridge case; my item 12, another fired
25 .40 S&W caliber cartridge case; my item 13, another

1 fired .40 S&W caliber cartridge case.

2 I also received a lead fragment, which was my
3 item 14. And this was labeled from autopsy. Again,
4 it's still in the sealed condition with my initials
5 and seal date. My item 15 was a fired bullet
6 jacket. Again, it's still in sealed condition with
7 my initials and seal date. My item 16 is another
8 fired bullet jacket. Again, it's still in sealed
9 condition.

10 Q. Okay. And do you-all keep what's called a
11 chain of custody at SLED?

12 A. Yes, we do.

13 Q. Can you just very briefly explain to the jury
14 what a chain of custody is, the evidence you put in
15 to SLED?

16 A. When evidence is brought to us from other
17 agencies, it's brought through our evidence control
18 department, and then one of our evidence control
19 technicians will log it into Laboratory Information
20 Management System. It's a computer program that
21 keeps all of the evidence in check and we know where
22 it's going.

23 So everybody at SLED in every location has a
24 barcode. So once it's logged in to us, that
25 evidence control technician puts it into the

1 computer and then waits to see where it's going to
2 go.

3 In this case, it was placed into our evidence
4 intake department, our firearms intake department
5 and the evidence control department, until I came
6 and picked it up.

7 Q. Okay. And, if you could, could you tell us,
8 essentially, the movement of that -- I think you
9 said it was container B. Is that what you have?

10 A. That's correct.

11 Q. If you could, tell me what the movement of
12 those items were, State's Exhibit 116, when they
13 arrived at SLED, and up to the point that they left
14 SLED.

15 A. Container B was logged in at SLED. It was
16 brought to us by Candy Kyzer of the Lexington County
17 Sheriff's Department on August 1st of 2019.
18 Evidence Control Technician Charlotte Pitts received
19 it and then placed it into the firearms evidence
20 intake storage.

21 On August 16th of 2019, another evidence
22 control technician, Ms. Bethany Davidson, retrieved
23 container B out of evidence -- firearm evidence
24 intake, and handed it to me at 11:00 in the morning.
25 Then I -- once I finished my examination, I take it

1 back down to the evidence control department so it
2 can be returned to that location.

3 And I handed it to an evidence control
4 technician, Ms. Jackie Davis, on 9/23/2019. And she
5 placed it in a return bin, Bin No. 3, Shelf D, where
6 it awaited return.

7 On 9/25, Ms. Charlotte Pitts, the same evidence
8 control technician who originally received the
9 evidence, retrieved it out of that bin and handed it
10 back to Ms. Candy Kyzer on 9/25/2019.

11 Q. And let me ask you another question. When you
12 receive these items from -- at SLED for analysis, do
13 you make a notation whether they had been unsealed
14 or tampered with, as they appear to you, in any way?

15 A. Yes, I do. As I said, once -- especially when
16 I receive this package, I take a picture of it. I
17 look and make sure that it's sealed and has evidence
18 tape or initials on it, and then I open it up.

19 I look at each piece of evidence, make sure
20 that it's sealed and hasn't been tampered with. I
21 also photograph it all along the way, and then make
22 that notation in my case notes. If there's any
23 discrepancy, I will stop and call the submitting
24 agency.

25 Q. Was there any discrepancy or any issues on the

1 items in container B?

2 A. No.

3 MR. POGUE: Your Honor, at this time, the State
4 would move State's 116, items submitted to
5 Ms. Cromer at SLED, into evidence.

6 MR. JOHNSON: Objection, Your Honor, based on
7 previous motions and objections.

8 THE COURT: State's Exhibit 116 will be
9 admitted into evidence, subject to objection.

10 (State's Exhibit No. 116 admitted into
11 evidence.)

12 BY MR. POGUE:

13 Q. Ms. Cromer, before we discuss the results of
14 your analysis on those items, I'm going to hand you
15 up the other two items that were submitted to you
16 for testing.

17 This is State's Exhibit 114. Can you tell me
18 if you recognize that item?

19 A. State's Exhibit 114 was my item 19. It's still
20 sealed with my evidence tape and initials. My
21 initials were messed up because I had trouble
22 writing 2020 on it. I kept trying to write 2019.
23 And, again, it's still in the sealed condition.

24 Q. If you wouldn't mind, open it up and see if --
25 confirm that's the same item you performed the

1 analysis on.

2 A. Again, this was my item 19. It is one fired
3 bullet. And it is still sealed; my initials, and
4 seal date.

5 Q. And what was the chain of custody movement on
6 that particular item when it arrived at SLED?

7 A. Item 19 was brought to SLED by Thomas Smith of
8 the Lexington County Sheriff's Office 12/20/2019.
9 It was received by Evidence Control Technician
10 Jackie Davis and placed into firearms evidence
11 intake storage.

12 On 12/20/19, at a later time, Ms. Jackie Davis
13 retrieved it from firearms evidence intake and
14 handed it to me at 11:14 that morning. I then
15 completed my examination and returned it to Evidence
16 Control Technician Doris Yarborough on 1/2 --
17 January 2nd of 2020, where she placed it in bin 3,
18 shelf D for return.

19 And then, on 1/10 of 2020, Ms. Jackie Davis,
20 the evidence control technician, returned it to
21 Jamie Johnson of the Lexington County Sheriff's
22 Office.

23 Q. Thank you, Ms. Cromer.

24 MR. POGUE: Your Honor, at this time, the State
25 would move State's Exhibit 114 into evidence.

1 MR. JOHNSON: Objection, Your Honor, based on
2 previous motions and objections.

3 THE COURT: State's Exhibit 114 is admitted
4 into evidence subject to objection.

5 (State's Exhibit No. 114 admitted into
6 evidence.)

7 BY MR. POGUE:

8 Q. And, lastly, Ms. Cromer, I'm handing you up
9 what's marked as State's Exhibit 115 for ID
10 purposes. Can you tell me if you recognize that
11 item?

12 A. Again, State's Exhibit 115 was my item 18. And
13 it's still in its sealed condition with my initials
14 and seal date. Item 18 was one fired bullet jacket
15 fragment. And, again, it's still sealed with my
16 initials and seal date.

17 Q. Could you also tell me what the movement was of
18 the chain of custody on your item 18, State's
19 Exhibit 115?

20 A. Item 18 was brought to the SLED laboratory by
21 Tom Smith of the Lexington County Sheriff's Office
22 on 12/18/2019. It was received by Evidence Control
23 Technician Jackie Davis and placed -- and I received
24 it directly from her. It did not have a chance to
25 go to storage. I received it directly from Jackie

1 Davis a moment later -- actually, a minute later, on
2 12/18/2019.

3 Then, when I finished my examination, I
4 returned it downstairs to our evidence control
5 department to Ms. Doris Yarborough on January 2nd of
6 2020. It was then placed in bin 3, shelf D to await
7 return where Jackie -- that was done on January 2nd,
8 2020.

9 It was removed from there by Evidence Control
10 Technician Jackie Davis on 1/10/2020 and returned to
11 Jamie Johnson of the Lexington County Sheriff's
12 Department.

13 Q. Thank you, Ms. Cromer.

14 MR. POGUE: Your Honor, at this time, the State
15 moves State's Exhibit 115 into evidence.

16 MR. JOHNSON: Objection, Your Honor, based on
17 previous motions and objections.

18 THE COURT: State's Exhibit 115 is admitted
19 into evidence, subject to objection.

20 MR. POGUE: Thank you, Your Honor.

21 (State's Exhibit No. 115 admitted into
22 evidence.)

23 BY MR. POGUE:

24 Q. Ms. Cromer, let's now turn to your analysis of
25 the items that were submitted to you in this

1 particular case. Let's start with the seven fired
2 casings that were submitted to you.

3 When you earlier spoke in regard to what
4 exactly firearms identification and tool mark was to
5 the jury, did you follow those same procedures in
6 examining these casings?

7 A. Yes, I did. I received the evidence; I
8 photographed it; I took my notes on it, and then
9 proceeded to determine whether these items were
10 suitable for identification. I did a microscopic
11 examination of it and then microscopic comparison of
12 these two test items that I fired from item 17, the
13 firearm that we saw earlier.

14 Q. And what were the results of your analysis, as
15 it relates to each one of those items?

16 A. In my opinion, these seven cartridge cases were
17 fired by the item 17 -- my item 17, Taurus pistol
18 that I received.

19 Q. All right. How did you reach that conclusion?

20 A. This was based on the breach face markings,
21 those markings that I talked about on the head of
22 the cartridge cases, the firing pin impression
23 markings and, also, firing pin shear markings.

24 We didn't talk about that earlier, but that is
25 where the actual primer material can flow. Because

1 of so much pressure, it can go into that open firing
2 pin aperture, which is just a channel where the
3 firing pin is. And then when that barrel drops, it
4 shoots the primer. So it was based on the breach
5 face markings, firing pin impression, and the firing
6 pin shear.

7 Q. Thank you, Ms. Cromer.

8 Turning to SLED item 14, which was the lead
9 fragment that was recovered from the autopsy that
10 was submitted in the packet, I think it was
11 container B, what were your conclusions in regards
12 to the lead fragment that was recovered?

13 A. I concluded that this lead fragment was
14 unsuitable for identification due to lack of
15 markings that I needed for identification purposes.

16 Q. Okay. And just to give a little bit of
17 background. I'll ask you this now: Could you
18 explain to the jury a little bit about the anatomy
19 of a projectile or bullet in regard to a copper
20 jacket, or whatever type of material it is, and the
21 filling or the lead filling, if that's the type of
22 the material it might be.

23 A. When I talk about jacketed bullets, the best
24 way for me to describe it is like an M&M. You have
25 your jacket, or your hard candy coating, with your

1 chocolate center. The bullet has the jacket, which
2 is usually made up of copper or brass, and the
3 filling would be the lead.

4 So the lead can -- will never come in contact
5 with the inside of the gun barrel. It's coated by
6 that jacket. And so when that jacket comes in
7 contact with that rifling, the internal part, the
8 lead part usually never hits the rifling to get
9 markings value.

10 Q. Just so I understand what you're saying,
11 essentially, would it be accurate to say that the
12 lead never comes in contact with anything unique to
13 the gun that would leave unique impressions for you
14 to determine whether it's fired by a gun?

15 A. Typically, it doesn't, no.

16 Q. Thank you.

17 All right. Turning to item -- well, let me ask
18 you this question: On item 14, was any part of the
19 jacket with the lead, that you saw?

20 A. No, it was not. I did not see any jacket on
21 this lead.

22 Q. Okay. Turning to item 15, which is the jacket
23 that was recovered, placard 2, submitted to evidence
24 to you -- I apologize.

25 It goes with the -- that was the first jacket

1 from the fence, that's your item 15, item 1 from the
2 fence. What was that -- what were the results of
3 your analysis in regard to item 1, the copper
4 jacket?

5 A. I determined that this jacket was consistent
6 with being a jacket from a .40 S&W or a
7 10-millimeter auto bullet. And I compared it to the
8 bullets that I knowingly fired from the Taurus
9 semi-automatic pistol. And, in my opinion, this
10 jacket was fired by that gun.

11 Q. It was fired by that gun?

12 A. That's my opinion. Yes.

13 Q. How about your item 16, Placard No. 2, bullet
14 jacket from the fence?

15 A. Item 16 was also consistent with being a jacket
16 from a .40 S&W or 10-millimeter auto bullet. When I
17 say that, .40 S&W or 10-millimeter auto projectiles
18 can be the same size. It's the cartridge case
19 that's actually different in those two calibers.

20 So it was consistent with being a .40 S&W or a
21 10-millimeter auto jacket from a bullet. But I was
22 inconclusive as to whether or not this particular
23 projectile was fired from the Taurus pistol.

24 Q. Did it bear any similarities or similar
25 markings to the Item No. 1 that you did conclude?

1 A. Yes. I made it up my ladder that we talked
2 about earlier. It's just there wasn't enough of
3 those little markings so I could say whether or not
4 that gun could have been identified as firing this,
5 nor could I exclude that firearm.

6 Q. But you did conclude it was also a .40 Smith &
7 Wesson?

8 A. It was consistent with being a .40 Smith &
9 Wesson or 10-millimeter.

10 Q. All right. Turning to your item 19, the bullet
11 that was found beside the tree by Brenda Snelgrove,
12 State's Exhibit 115, what were your conclusions in
13 regards to this projectile?

14 First, let me ask this question: Was this just
15 a copper jacket or was this a copper jacket with the
16 lead filling?

17 A. This was a complete copper jacket and lead
18 core.

19 Q. And this differs from the first two items we
20 just discussed from the fence in what way?

21 A. Those were just jacket material. This one
22 actually had some of the lead attached to it.

23 Q. And when bullets are fired, do jackets
24 sometimes separate from the lead filling?

25 A. Yes, they do. Sometimes they can separate;

1 sometimes they can tear; sometimes they can come
2 totally off; sometimes they can stay intact.
3 There's no, really, prediction of how it's going to
4 be.

5 Q. Okay. And what were the results of your
6 analysis in regard to item 1, the bullet from the
7 base of the tree?

8 A. I determined that this item 19 -- my item 19,
9 State's Exhibit 114, was consistent with a .40 S&W
10 or 10-millimeter auto projectile. And, in my
11 microscopic examinations, it's my opinion that this
12 bullet was fired by the Taurus pistol that I
13 received.

14 Q. And, finally, turning to your item 18, the
15 copper bullet jacket that was found beside or
16 underneath the victim in this case, what were your
17 results in regards to that copper jacket, whether
18 that was fired by the gun that was submitted to you?

19 A. My item 18, State's Exhibit 115, I
20 microscopically compared it to bullets that I fired
21 from that Taurus pistol. And it's my opinion that
22 this copper jacket was fired by that Taurus pistol
23 that I received in this case.

24 Q. And just to clarify for the jury, that is not
25 an intact bullet with the lead fragment; that's just

1 the jacket?

2 A. This is just a portion of the jacket.

3 Q. And it was just the lead that was recovered
4 from the autopsy that was submitted to you?

5 A. That's correct.

6 Q. I'm just going to turn back real quick because
7 I don't believe I asked you this question: Do you
8 recall what the brand was of the seven casings that
9 you identified as having been fired by that pistol?

10 A. They were Federal brand.

11 Q. Did you generate reports that summarize your
12 conclusions in regard to your analysis as it relates
13 to these items?

14 A. Yes, sir. I believe I made three reports.

15 Q. Did you bring copies of those reports with you
16 today?

17 A. Yes, sir, I did.

18 Q. Do they fairly and accurately represent the
19 results of your findings?

20 A. Yes.

21 Q. Ms. Cromer, I've handed you up what's marked as
22 State's Exhibit 129 through 131. Are these three
23 documents an accurate, true copy of your reports
24 that you generated that summarize your findings?

25 A. Yes, sir, they are.

1 MR. POGUE: Your Honor, at this time, the State
2 would move State's Exhibits 129 through 131 into
3 evidence.

4 MR. JOHNSON: Objection, Your Honor, based on
5 previous motion and objection and hearsay.

6 THE COURT: State's Exhibits 129, 130, and 131
7 admitted into evidence, subject to Defense
8 objection.

9 MR. POGUE: Thank you, Your Honor.

10 (State's Exhibit Nos. 129 through 131 admitted
11 into evidence.)

12 BY MR. POGUE:

13 Q. Ms. Cromer, I'm handing you up what's marked as
14 State's Exhibit 132. This is a summary chart that
15 was generated. Can you tell me whether that summary
16 chart is a fair and accurate reflection summary of
17 the results of your findings from your analysis
18 regarding the items that were submitted for testing
19 that you previously testified about?

20 A. Yes, it is.

21 MR. POGUE: Your Honor, at this time, the State
22 would move for State's Exhibit 132, summary of
23 Ms. Cromer's firearms analysis regarding this case,
24 be entered into evidence for the jury.

25 MR. JOHNSON: Objection based on previous

1 motions, objection, and hearsay.

2 THE COURT: State's Exhibit 132 will be
3 admitted into evidence, subject to objection.

4 (State's Exhibit No. 132 admitted into
5 evidence.)

6 MR. POGUE: Thank you, Your Honor. Permission
7 to publish?

8 THE COURT: Very well.

9 BY MR. POGUE:

10 Q. Ms. Cromer, I'm going to put up the summary in
11 this case of your findings, and I'm just going to go
12 through them with you very briefly just to make sure
13 that we're all clear as to what your conclusions
14 were in regard to each item. Okay?

15 A. Yes, sir.

16 Q. Your SLED item 7, which was CSI placard 1,
17 .40-caliber Smith & Wesson cartridge case from the
18 driveway, Federal brand. In fact, your item 7
19 through 13, CSI placards 1 through 7 in this case,
20 in the driveway and the woods, those were all, based
21 upon your opinion, fired -- those casings were fired
22 by the weapon item 17, the Taurus pistol, that was
23 submitted to you for examination?

24 A. Yes. That is my opinion.

25 Q. All right. In regard to SLED item 14, the lead

1 fragment that was recovered from the victim's
2 autopsy, you found that that was unsuitable for
3 identification; is that correct?

4 A. That is correct.

5 Q. All right. Item 15, which was number 1 from
6 the fence, you found that that was fired from that
7 weapon that was submitted to you?

8 A. That's correct.

9 Q. Item 16, number 2 from the fence, that bullet
10 jacket you found, was inconclusive but bore
11 similarities to item 15 and the test-fires you had?

12 A. That is correct.

13 Q. Okay. And, also, item 18, the entire bullet
14 that was found at the base of the tree, you found
15 that that was fired by that Taurus weapon that was
16 submitted to you for examination?

17 A. Item 18 was the bullet jacket.

18 Q. I apologize. I meant to say item 19. I'm
19 sorry.

20 A. Item 19, yes, that is correct.

21 Q. And, finally, item 18, which is the fired
22 bullet jacket beside the victim, placard 2, inside
23 the curtilage, that also, based upon your expert
24 analysis, was fired by that Taurus weapon?

25 A. That is correct.

1 MR. POGUE: No further questions, Your Honor.

2 THE COURT: Cross-examination?

3 MR. JOHNSON: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q. Were any of the bullets you tested in these
7 reports matching to a nine-millimeter caliber?

8 A. No. Like I said, some were fragments that I
9 couldn't determine the caliber. And there was only
10 one that I could not identify back to the firearm,
11 and that was my item 16. But it was consistent with
12 being .40 S&W or 10-millimeter auto.

13 Q. .40 or 10, you said?

14 A. .40 or 10.

15 Q. And item 14, that was the one from the
16 deceased, could not be matched at all?

17 A. Correct.

18 Q. From the autopsy?

19 A. That's correct.

20 Q. Let me ask you, did you ever conduct an
21 ejection-pattern analysis on this case?

22 A. We don't do ejection-pattern analyses at SLED.

23 Q. Do you do distance-determination tests?

24 A. No, I do not.

25 Q. Okay. Did anybody ask you about testing

1 gunshot residue?

2 A. That is a different department at SLED. That
3 is our trace evidence department, not the firearms
4 department.

5 Q. Okay.

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

7 THE COURT: Redirect?

8 MR. POGUE: Nothing from the State, Your Honor.

9 THE COURT: All right. The witness may step
10 down.

11 Your Honor, may she be excused, the witness?

12 THE COURT: She may.

13 MR. POGUE: Thank you, Your Honor.

14 MS. PATTERSON: Your Honor, may we approach?

15 THE COURT: Yes.

16 (Sidebar conference.)

17 THE COURT: Ladies and gentlemen, we're going
18 to take our midafternoon break at this point. So
19 y'all can go back to your jury room, refresh
20 yourselves. We'll get you back out here in 10 to 15
21 minutes. Thank you.

22 (The jury exits the courtroom at 3:16 PM.)

23 THE COURT: All right. We'll be in recess for
24 ten minutes.

25 MS. PATTERSON: Thank you, Your Honor.

1 MS. PATTERSON: Thank you, Your Honor. May it
2 please the Court?

3 THE COURT: Yes, ma'am.

4 MS. PATTERSON: Good morning.

5 THE JURY (collectively): Good morning.

6 MS. PATTERSON: Make no mistake, on October
7 11th of 2017, the defendant, Chesnee Mattress, shot
8 and killed Annette Riley in front of her children
9 and in front of the rest of her family. Make no
10 mistake, this was brutal. This was cold-blooded.
11 This was senseless. Make no mistake, no one but the
12 defendant had a gun that night.

13 Now, in a few minutes, Judge McLeod will
14 instruct you on the law as it pertains to this case.
15 But this is my opportunity to explain to you the law
16 and how I, as the State, believe that the facts, the
17 testimony, the evidence that you have been presented
18 this week, applies to the law in this case.

19 The defendant, Chesnee Mattress, is charged
20 with the offense of murder. In South Carolina,
21 murder is defined as the killing of a person with
22 malice aforethought, either express or implied.

23 It's undisputed Annette Riley was killed. You
24 heard testimony from Dr. Ross about how she was
25 injured when the bullet entered her chin, traveled

1 under her tongue, and ended up in her neck. She
2 bled out within minutes.

3 Malice aforethought, what does that mean?
4 Malice is defined in South Carolina as the hatred,
5 ill-will, or hostility towards another person. Now,
6 it doesn't require the ill-will towards the person
7 that was actually hurt; but, rather, it signifies a
8 general malignant recklessness of the lives and
9 safeties of others or a condition of the mind shows
10 a heart regardless of social duty and fatally bent
11 on mischief.

12 I submit to you, the defendant, she had
13 hostility when she went to [REDACTED] State Pond Road
14 around midnight, uninvited, to fight. She then
15 engaged in loud arguing with different members of
16 the Riley family, specifically with Dwight James.

17 Now, she may have, at some point, hugged
18 Annette Riley. But, at some point, her attention
19 was directed towards others and, again, specifically
20 Dwight James. And it became hostile; it became
21 hateful. She showed ill-will.

22 Now, aforethought. Malice doesn't have to
23 exist for a long period of time. It must only exist
24 in the mind of the defendant just before and at the
25 time of the shooting.

1 Now, there are two kinds of malice. Malice can
2 be express or it can be implied. Evidence of
3 express malice is words or actions that the
4 defendant does, such as bringing a loaded handgun to
5 the scene. You heard testimony about her hand in
6 her pocket where she pulled out that gun. Those are
7 examples of express malice. Now, these types of
8 malice, they must be given the same amount of
9 consideration when you're trying to determine if
10 malice was present. But there was also implied
11 malice.

12 Types of implied malice: She showed up around
13 midnight with a group of people to fight; arguing
14 with the property owner after being told to leave
15 multiple times; in the property owner's face
16 arguing. No evidence of a physical altercation.
17 Victim and her family members were not armed.

18 She fired a hail of gunfire into a crowd of
19 people. She shot at least seven rounds as she was
20 running; fled the scene; shot the victim in the
21 chin; refused to answer for law enforcement when
22 they came to her house; watched law enforcement on
23 surveillance; reloaded the gun, hid the gun, and
24 then she lied to law enforcement giving them several
25 stories. All examples of implied malice.

1 The defendant is also charged with the offense
2 of possession of a weapon during the commission of a
3 violent offense. The State has to prove that she
4 possessed a firearm. You heard multiple witness
5 accounts that she was the one that had the gun. You
6 heard about her own admission to Sergeant Creech
7 that that was the gun she had, and then later to
8 Detective Hart. She possessed that firearm during
9 the commission of a violent crime. Murder is
10 definitely a violent crime.

11 Now, the Judge is also going to instruct to you
12 the charge of self-defense. And when you're
13 considering whether or not the defendant had a valid
14 case of self-defense, you must find all of this
15 existed: She must be without fault in bringing on
16 the difficulty; must believe or actually be in
17 imminent danger; must be shown a reasonable,
18 prudent -- this must be shown: A reasonable,
19 prudent person of ordinary firmness and courage
20 would have entered the same belief. And she must
21 have no other means of avoiding the danger of losing
22 her life or sustaining serious bodily injury.

23 Members of the jury, I submit to you, we don't
24 even get past the first prong. And all of these
25 must be shown in order for there to be a valid

1 self-defense claim. She was not without the fault
2 in bringing on the difficulty. No one told her to
3 go down there and bother those people at midnight on
4 their own property. Some of them were even asleep.
5 It was just the young kids hanging out, as young
6 kids do. She don't even get past the first prong.

7 If somehow you think she does, look at the last
8 prong: No other means of avoiding the danger. She
9 was told to leave multiple times, given the
10 opportunity to leave multiple times. The person
11 that drove her there was at the top of the hill. He
12 was at the car; he was ready to take off, which they
13 ultimately did after she shot several rounds into
14 that crowd of people. I submit to you there's no
15 claim for self-defense.

16 Now, the Judge will also instruct you as to the
17 credibility of witnesses. That just, essentially,
18 means the believability. What do they have to gain?
19 What do they have to lose by coming up here this
20 week, taking the stand, and telling you what
21 happened?

22 You heard several members from Annette Riley's
23 family. Most of them were young kids. One of them
24 was even her young son, Jordan. I think Malaysia
25 was 17; Harrah, around 20. You think they wanted to

1 experience that, first of all, to have to come up
2 here and testify about it? You think law
3 enforcement don't have enough to do? You think
4 those experts you heard from? We submit to you, all
5 of our witnesses were beyond credible. They have
6 nothing to lose.

7 And we have to prove each and every one of
8 these elements by a burden proof beyond a reasonable
9 doubt. And what does that mean? Reasonable doubt
10 is not beyond all doubt. There are few things we
11 know with absolute certainty.

12 And the Judge will instruct you to this later.
13 The law doesn't require proof that overcomes every
14 possible doubt. It's almost impossible. You just
15 must be firmly convinced that the defendant
16 committed these offenses. And you get to use your
17 common sense, along with all the evidence, along
18 with all the testimony that you heard, in
19 considering this.

20 Now, the Judge will also instruct you, just
21 because someone voluntarily drinks alcohol, that
22 doesn't excuse them from the law. They still must
23 follow the law.

24 Now, on behalf of Mr. Pogue and I, I would like
25 to thank you. I know you-all have been paying

1 attention this week. This is probably the first
2 jury I've been in front of, somebody didn't fall
3 asleep. But I just ask that you indulge me a little
4 while longer while I go over the key points and
5 evidence that you heard from the witness stand this
6 week and how it relates to us proving our case
7 beyond a reasonable doubt.

8 Now, what I'd like to do, first of all, is
9 guess -- I don't know what Mr. Johnson is going to
10 get up here and argue after me. But I'd just kind
11 of like to guess what the Defense may say so we can
12 go ahead and get rid of those distractions so we can
13 focus on the real proof, the real testimony, the
14 real evidence that you heard.

15 Now, just guessing, just listening to his line
16 of questioning, it had to do something with this big
17 old conspiracy that everybody had against Chesnee
18 Mattress; not only the Riley family, but law
19 enforcement, EMS, anybody else that responded to
20 that scene to help Annette Riley somehow, was, I
21 guess, conspiring to take away evidence. That just
22 don't make sense. It would be impossible for
23 anyone, under those circumstances, to know which
24 items to leave behind, which items to take away.

25 Now, it's always possible that something

1 inadvertently got carried away because everybody's
2 initial attention was to get Annette Riley help.

3 You heard the 911 call; you heard the family;
4 you heard the panic in their voice; you heard their
5 concern. Get her help, she's bleeding, she's
6 crying. They wanted help.

7 No one was going around picking up evidence,
8 collecting items, meticulously picking up something,
9 getting rid of it and leaving others behind that
10 would all later connect to her. Nobody was doing
11 that. That doesn't make sense. That's something
12 you may see on TV, but this is reality. It was
13 nighttime.

14 How would they even know what to take? How
15 would they even know what to leave behind? In fact,
16 the family later found items they didn't even touch.
17 They called law enforcement to do the right thing:
18 To collect those items. Don't let that distract
19 you. It was no conspiracy against her.

20 Next, he kept asking about different testing
21 that wasn't done. The GSR testing, which is a
22 gunshot residue test, he kept asking about
23 fingerprint and DNA testing on the ammunition. The
24 funny thing is, in his opening, he complained about
25 government and all of these resources. But now he

1 wants the government to waste those resources. When
2 his client admitted to shooting the gun, having the
3 gun, it wasn't necessary to do GSR.

4 And you heard from the stand, you heard from
5 Investigator Smith, that only tells you if you're in
6 the vicinity of the shooter, not that you actually
7 did the shooting. And he also said this is
8 transferred away quickly. So by the time they made
9 contact with her, it had been hours since the
10 shooting.

11 And you also heard about the low probability of
12 DNA and fingerprints being on ammunition. Again,
13 she admitted to having it; she admitted to shooting;
14 she admitted to Sergeant Creech that was her gun
15 that they later recovered. Again, distraction.

16 He may also say, you know, talk about the other
17 people that were charged. But, remember, they were
18 charged under a whole different theory. That was
19 for a later date -- I mean, another date, another
20 court. This week, she's on trial. It was never any
21 other indication that anyone was the shooter except
22 for Chesnee Mattress. Distraction.

23 Now, let's pay attention to those witnesses
24 that you heard that took an oath and took this
25 stand. First witness, Harrah James. You heard from

1 Jordan Kelly. Now, they both talked about just
2 hanging out in that car, charging their phone,
3 listening to music, talking. Harrah just had gotten
4 off work. Just doing what young kids do when, all
5 of a sudden, they see the headlights. And they were
6 sitting in that car charging the phone, just
7 listening to music. That's what they talked about
8 they were doing.

9 All of a sudden, they see those headlights.
10 They hear noise; they see these people who they
11 knew. Harrah went to school at Airport with the
12 defendant. She knew her; Jordan knew her. Hear all
13 this commotion.

14 So they get out, see what's going on. They're
15 yelling, fussing, asking for people. They're so
16 loud, they wake up Malaysia. You heard her. She
17 said she was in the house sleep. Harrah, she stays
18 in the same spot the entire time, looking,
19 listening, hearing the commotion, seeing the
20 defendant pull out the gun and start shooting
21 towards her family. She says she just freezes by
22 that tree.

23 And then she's the one who has to make that
24 frantic 911 call about her aunt. And, again, she's
25 young. And I think she did a good job to be so

1 young. And the dispatcher was asking her some
2 questions. And, as you can tell, she really didn't
3 understand a lot of the questions. I think, even at
4 one point, she said, who was the assailant? She
5 probably didn't know what that meant but, at some
6 point, she said Chesnee Mattress or Chesnee. And
7 she would later give that same information to law
8 enforcement. But, you know, she was trying to get
9 her aunt help; please come, hurry, she's bleeding
10 bad.

11 And you heard from Jordan, Annette's son. I
12 mean, he saw who was there, and he was running. And
13 I think he ran across the field at one point. And,
14 on his way back, that's when he heard the shots, and
15 he saw the defendant shooting.

16 You heard from Malaysia. She was asleep. And
17 she saw who was there. She knew of Chesnee. She
18 ran, at some point, to go get Jordan. On her way
19 back, she sees the defendant in her daddy's face
20 arguing; arguing with Dwight James, the property
21 owner. This man has owned this property 20 years.

22 And then she sees Annette Riley's 14-year-old
23 daughter, Josiah, and her one-year-old
24 granddaughter, Journey, and she runs towards them.
25 They hear the gunshots and they go run behind that

1 white car. Then you heard from Dontavious. He now
2 resides in Pennsylvania, but he came this week
3 because this trial is that important to him. He had
4 just gotten off work; went in and checked on his mom
5 who was asleep inside. And then he heard all the
6 commotion, all the chaos.

7 He went out there with his dad, went out there
8 with Jordan. He saw the defendant and her friends
9 out there confronting everybody. He described the
10 crowd as hostile, which is one of our elements, and
11 angry. He said Amari, the defendant's girlfriend,
12 said something, and then he saw the defendant
13 shooting. He saw the sparks fly out of the gun, and
14 he was frozen as well.

15 And you heard from Dwight James. And, again,
16 Mr. James talked about this was his property; he
17 owned it, been there 20 years; lived there with his
18 wife and their three kids. But he also let Annette
19 and her kids stay there. Even though his family had
20 just experienced a house fire, they still allowed
21 their family to come live.

22 He had his no-trespassing signs up. He was
23 asleep. Well, all of a sudden, he heard all this
24 noise, and he did what any real man would do. He
25 went out there to see what was going on because he

1 had all his family there. He had to protect them.
2 He's a patriarch.

3 And what does he see when he goes out there?
4 He sees the defendant and her friends and all of the
5 chaos, all the noise. And he tells them to leave
6 over and over again, but nobody wants to leave.
7 And, at this point, the defendant's girlfriend,
8 Amari, is spitting, throwing dirt on Annette, having
9 words with this grown woman.

10 And then the defendant gets in his face. He
11 said he tells her to leave, and she would not leave.
12 Remember, Treshawn Alexander is still up here at the
13 car. They could have left.

14 Now, the defendant may get up -- the Defense
15 attorney may get up here and talk about, you know,
16 the family saying it was 16 shots. But when Jordan
17 was asked by Mr. Pogue about his statement, he
18 acknowledged his memory was probably better then and
19 he heard three or four shots. I think Dontavious
20 acknowledged that area, you probably heard echos.
21 In his statement, he said five or six rounds. Don't
22 let that be a distraction.

23 The point is, who's really counting the amount
24 of shots when you're experiencing something so
25 traumatic? Are you standing there counting shots

1 when you're either frozen in terror or running for
2 your life? Are you really counting shots? I bet
3 you if you ask them next year, it might even be a
4 different number. The fact is, there were shots and
5 they was coming from only one person, and that's the
6 defendant, Chesnee Mattress. Don't let that
7 distract you.

8 And, believe me, ladies and gentlemen of the
9 jury, this was not a one-sided investigation by any
10 means. You heard the investigators. They were
11 working hard; they were talking to people; they were
12 collecting evidence; they were securing search
13 warrants; they was taking pictures; they was running
14 from this place to this place all night long to
15 investigate this case properly; they were truly a
16 team.

17 Deputy Hoover was even working off-duty when he
18 heard the call and responded, within minutes, to the
19 scene. He talked about the family being frantic,
20 trying to get Annette help. This is what they were
21 concerned with. They wasn't out there, again,
22 picking up evidence or doing anything to compromise
23 the scene. He didn't have any problems with
24 removing them away from Annette. He said they were
25 compliant.

1 Now, for a minute, let's just go to the
2 defendant's house, because Deputy Hoover, they even
3 went there looking for her because they had all this
4 information she was the shooter; found out she lived
5 at this Village Court address, and they responded
6 there to look for her, knocking on the door loudly,
7 announcing themselves. She didn't answer because,
8 you know what she was in there doing? Reloading the
9 gun, hiding the gun, and watching them on
10 surveillance which he, on the second go-round, in
11 this picture, he saw it, he's pointing at it. So he
12 can flip it up. That's what she's in there doing.

13 Now, she hid the gun after she reloaded it.
14 But, I guess, she wasn't banking on someone as big
15 and strong as Investigator Edmonson to come who
16 would move that dresser out the way and find that
17 gun. She didn't think anybody would move that
18 dresser. But she was wrong.

19 And what did they find behind the dresser?
20 That loaded .40-caliber Taurus that Sergeant Creech
21 photographed and showed to her. And she
22 acknowledged that this was her gun and the one she
23 used that night.

24 Now, she may have said in her statement she had
25 a nine, but she had a 40. She may have had

1 ammunition for a nine but, that night, she used a
2 40. And she had other ammo, which was the Federal
3 ammo that Suzanne Cromer said, that she was able to
4 testify to, was the same kind that was recovered at
5 the scene.

6 And then she talked to Detective Hart after she
7 had been Mirandized. And when you consider her
8 statement, you have to consider whether or not she
9 was properly advised. She was properly advised, not
10 once, but twice by Sergeant Barr, then Detective
11 Hart, acknowledging that she understood her rights.

12 If somebody else was out there shooting the
13 gun, this was the time to write it down. I know she
14 briefly said it when she initially started talking
15 to the officers, but she backed off that story real
16 quick when Detective Hart told her, huh-uh, there's
17 no other evidence of another weapon at that scene.
18 She backed up off that story.

19 But then, when she wrote it down, this was her
20 chance because she was advised that anything you say
21 can be used against you. You know why she didn't
22 write it down? Because it didn't happen. Nobody
23 else had a gun. She says she went down there to
24 fight. She went to the house down the street,
25 everybody was about to fight. They said they will

1 finish you, so I started running to the car and I
2 let out a shot and we left.

3 Specifically, did you see anyone else with a
4 gun? No. No, but they said they was grabbing it.
5 The man who was with Annette and her as well.
6 Nobody had a gun but her.

7 Investigator Smith, he was the CSI guy. He
8 went back to the scene at State Pond Road, and he
9 began collecting evidence based on the information
10 that he had received from the other officers after
11 they talked to the witnesses.

12 And you heard what the witnesses were saying
13 about how she was backing up shooting. They even
14 demonstrated it; she was going back and forth.
15 Investigator Smith performed an ejection projection
16 analysis. He noted it supported a person that was
17 in motion as they was firing these shots, just like
18 the eyewitnesses said.

19 He used Bluestar so he can note the beginning
20 of the blood trail. Of course you know the end,
21 because that's where the victim ended up. And it
22 was right inside the gate by that fence. And, of
23 course, who can forget the two projectiles found in
24 that chain-link fence? Investigator Smith said he'd
25 never seen this. He was surprised to see this. But

1 the family saw this.

2 Again, they didn't touch anything. They called
3 law enforcement. They did the right thing; they let
4 them collect it. And Investigator Smith was able to
5 confirm that this was in the pictures that he took
6 earlier that day. And he also stated that the path
7 of direction would have been from outside the gate
8 towards the residence that they were all living in
9 at the time, just like the witnesses stated. If
10 there was a chance that somebody else was out there
11 shooting from the family, they wouldn't have called
12 law enforcement to get this. Distraction.

13 Investigator Smith also found the jacket
14 underneath the victim -- and we'll talk about this
15 later -- and he collected that. He also testified
16 how he searched every vehicle on that property. He
17 searched the shed; he searched the house they were
18 living in; he also searched the mobile home that had
19 just had a kitchen fire. No evidence of guns; no
20 evidence of ammo, not even a gun-cleaning kit.

21 Now, Brenda Snelgrove, she went out there a
22 couple days later because the family found another
23 piece of evidence. They didn't touch; they called
24 law enforcement, did the right thing. That would
25 later be tested.

1 And Suzanne Cromer, you heard from her. And
2 who can question her expertise? She educated us so
3 much. First, she talked about bullets. And I think
4 she described it as like an M&M: You have the
5 jacket and the hard covering, and that's what comes
6 in contact with the rifling inside the gun to make
7 the markings that she's able to compare. She
8 explained her testing procedure and what she
9 received at the request of Lexington County
10 Sheriff's Department and what she was able to test.

11 Now, Investigator Smith collected those shell
12 casings, the two from the fence, the one underneath
13 the victim, and the shell casings in the driveway.
14 He collected these. And, remember, Sergeant Creech
15 collected the handgun found at the defendant's home.
16 Detective Hart ultimately asked that these be
17 compared.

18 The seven from the driveway, Suzanne Cromer was
19 able to test these, analyze these. And it was her
20 conclusion that these were fired by the Taurus
21 pistol that was found in the defendant's home,
22 arm-length away, under that dresser that she and her
23 girlfriend were found -- in the bedroom they were
24 found in. All seven of them.

25 Now, a lead fragment was recovered from the

1 victim at autopsy. It was unsuitable for
2 identification, but what did Ms. Cromer tell y'all
3 about that? That was probably from inside of the
4 jacket.

5 And it doesn't take an expert for us to kind of
6 determine where the lead fragment came from that was
7 found in the victim at autopsy. It probably came
8 from this jacket that was found underneath her body.
9 And how did that test? Fired jacket beside the
10 victim, fired by that Taurus; the kill shot, fired
11 by that Taurus found at the defendant's house.

12 Not to mention, the one from the fence. And
13 the other from the fence, now, it doesn't have
14 enough markings for it to be a conclusive ID, but it
15 had similarities from that gun found at her home.
16 And the one from the tree that Brenda Snelgrove --
17 the family called her back out to get, it also
18 tested positive for being fired from the Taurus
19 found in the defendant's home.

20 Again, let there be no mistake, let there be no
21 mistake, these results were not by chance; they were
22 not by coincidence. These results are science.
23 And, I submit to you, the science, along with the
24 testimony, the evidence that you heard, it answers
25 your question: Who shot and killed Annette Riley on

1 October 11th of 2017?

2 There are many things worth living for. There
3 are few things worth dying for. There's nothing
4 worth killing for. For Annette Riley, on October
5 11th of 2017, she had a lot to live for. She had
6 three beautiful children, a sweet little
7 granddaughter. And she died trying to protect what
8 was worth living for, her family.

9 And what did the defendant, Chesnee Mattress,
10 kill for? Defiance? Hostility? Because somebody
11 was telling her to leave their property and she
12 wouldn't? Because somebody was arguing with her
13 girlfriend? Certainly, it wasn't worth killing for.

14 But, like Mr. Pogue told you in his opening, we
15 don't have to prove every senseless act or why it
16 occurred. We don't have to prove why it occurred.
17 The only thing we have to prove is who committed
18 this offense and how. And I submit to you we have
19 proved that Chesnee Mattress committed this offense
20 of murder and possession of a weapon during the
21 commission of a violent crime.

22 Now, I always say this at the end of my trials,
23 and people who usually try cases, they're probably
24 tired of me saying this, but I'll say it today and
25 I'll say it again: The hardest part of my job as a

1 prosecutor is to take my seat, because I know as
2 soon as I do, I'm going to forget something. And I
3 can't get back up here and say anything else to you.
4 So, right now, the only thing I'll say to you is
5 that when Mr. Johnson comes before you and he tries
6 to present you with these distractions, stay
7 focused. Remember the testimony that you heard from
8 this stand; remember the credibility of those
9 witnesses; remember the evidence we put before you.
10 Don't lose sight of that. Don't be distracted.

11 And you can take all of this evidence back with
12 you in the jury room. You can consider it during
13 your deliberation. And I ask that you just take
14 your time and look at everything, consider
15 everything. And I ask that you come back with a
16 verdict, a verdict of guilty for murder, a verdict
17 of guilty for possession of a weapon during the
18 commission of a violent crime. Thank you.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: Make no mistake, talking about
21 their evidence is not a distraction. It's their
22 evidence; it's their case. They've got to prove it.
23 They've got the burden beyond a reasonable doubt, as
24 the Judge will explain. That's not a mistake to
25 focus on what they did or what they failed to do.

1 That's no mistake. That's not a distraction.

2 And I want to run down -- we'll start with some
3 of the things the solicitor said. No physical
4 altercation. Well, we heard testimony about Amari
5 Hamm getting in a physician altercation with the
6 victim. We did, Amari Hamm. What else?

7 Oh, several times I heard the solicitor say,
8 well, the defendant was in there reloading and
9 hiding a 40 in the bedroom. Did you hear any
10 evidence of that? Did you hear any testimony of
11 that? Is that an assumption?

12 Then I heard the solicitor say that that was
13 the defendant's residence. I got the gun from the
14 defendant's residence -- or a residence occupied by
15 the defendant and Amari Hamm, to be accurate.
16 Solicitor said credibility. Well, yeah, let's talk
17 about credibility.

18 I want you to believe the police officers when
19 they say, golly, on State's Exhibit 4, that's a
20 crime scene there, that road; I want you to believe
21 the State's witness when she said, oh, they were
22 shooting all up that road, going back up that road;
23 I want you to believe that one witness said 16
24 shots, one witness said 14, and then two up here.
25 One said 16, one said five or six. I want you to

1 believe they said that. They did say it right in
2 front of you. I want you to believe that law
3 enforcement had a job to do.

4 Crime scene investigations. The man came up
5 here and testified about all his years, all his
6 experience. Well, what's his job? What's that
7 deputy's job, first deputy on the scene? Rolls in
8 here, comes down here, puts tape down here. Right?

9 Then what did the crime scene guy say? Oh, I
10 moved the tape up here. I said, did you move the
11 tape up here? Maybe I moved it up a little more.
12 Really? And I asked him, is that your truck in the
13 photograph? I mean, you've got all these
14 photographs. The great thing is they show exactly
15 what was going on.

16 When you look at all of the photographs of the
17 scene, you've got the photograph of the guy's truck
18 who's coming to look at the crime scene and it's
19 parked in the crime scene. And I said, wait a
20 minute, let me talk to you about crime scenes; what
21 happens when you drive a vehicle through a crime
22 scene? Well, of course, evidence can be destroyed,
23 evidence can be lost. I guess he was saying that's
24 a bad idea.

25 Well, wait a minute. How many vehicles went

1 down that road, Deputy? First deputy to respond: I
2 don't know. Three or four or five. I didn't count.

3 Okay. How many people were allowed to walk up
4 that road and stand up here? Because they said all
5 these people were milling up here. Don't know.

6 Wait a minute. There was testimony about a log.
7 Everybody signs in, everybody signs out of the crime
8 scene. Is that what happened to that crime scene?
9 No. Civilians walking up the road, cars going down
10 the road, EMS going down the road.

11 Now let's look at this map. They talked about
12 this area. And they have photographs of this area
13 right by the fence, and they got shell casings and
14 they got pictures. But the problem is, when the
15 solicitor says, well, there's no other gun, final,
16 she's basing that on what? Officers saying, nope,
17 no other gun, we didn't find it? Okay.

18 Well, if you ask the officer the day after the
19 incident, any other shell casings, what was the
20 officer going to say? Was he going to talk about
21 the shell casings or the bullets they got two days
22 later? Well, not the day of the incident.

23 I want to keep talking about this CSI expert --
24 well, not expert; guy, whatever he is. He says he's
25 got all this training. And then he says, I took

1 pictures. And then they say, one officer -- or they
2 get a phone call saying come back out. The
3 solicitor just talked about this: Come back out
4 because they've got some bullets or some jackets
5 that are wrapped around this fence. Then he
6 testified, well, yeah, of course, here's the
7 photograph -- and you can pull them out -- here's
8 the photograph; I see I got them on the photograph.

9 But the solicitor just admitted what happened.
10 He takes a photograph of some bullets in a fence,
11 leaves, fails to collect them, which is his job;
12 gets the call, comes back. Whoopsie, I guess I need
13 those, right? Well, I just took a photograph. And
14 then two days later, a phone call. Well,
15 somebody -- did they identify who? No. Somebody is
16 raking. Well, here's a bullet. Thank you very
17 much. Snelgrove goes out and picks up the bullet.

18 That's a crime scene. That's a crime scene
19 that was not taped off up here and, if it was,
20 there's no picture of it. It was not taped off
21 here. It was not taped off here. They said there
22 was tape there, then they said they moved it up a
23 little. That's their evidence, that's not a
24 distraction. That's not a distraction at all.
25 That's just their evidence. You've got to judge

1 this case based on their evidence. They've got the
2 burden.

3 Well, let's talk about it. When the solicitor
4 started talking, she started talking a theory about
5 the defendant loading and hiding a gun in the
6 bedroom with Amari Hamm. And then she said, well,
7 the defendant ID'd a gun. No. The defendant,
8 according to them, ID's a photograph of a gun,
9 photograph, photograph. Didn't ID a gun. Then they
10 said credibility.

11 And then I want to actually talk about specific
12 things the solicitor just said. Inadvertent.
13 There's no conspiracy. Maybe there was some
14 inadvertent mistakes. You know, I don't know.
15 Inadvertent? I think that's mistakes.

16 Oh, this is another thing she just said. The
17 government said, well, they're not going to waste
18 resources. Mr. Johnson is going to come up here and
19 tell you they should waste resources. Okay. To get
20 fingerprints off a murder weapon at a murder trial
21 is a waste of resources?

22 Let's go over that carefully, because what was
23 the testimony? Well -- I was talking to the CSI
24 guy. Well, you know, I'm going to give you a
25 20-minute answer about why you can't get DNA off

1 anything. No DNA. Did you try? No. Small chance;
2 can't get it. What about fingerprints? Here's a
3 20-minute answer about why you can't get
4 fingerprints off shell casings. Okay, CSI guy, what
5 about fingerprints off of a murder weapon at this
6 murder trial? I didn't do that. Did you hear that
7 answer?

8 I'm sorry. Have I not been watching movies my
9 whole life where, hey, get this down to the crime
10 lab boys and print that gun. Sorry, that doesn't
11 change. Fingerprints have been around for decades.
12 Fingerprints that are real, that's actual evidence
13 that you can try to collect. And it is your job to
14 do that or to try to do that when you have one
15 weapon at a murder trial.

16 Now, is there a truckload of guns, 5,000 guns?
17 No. As the solicitor says, there's only one gun
18 here, people. Please dust it for prints. Please.
19 Whatever you call it, get the prints. Whatever
20 Barney Fife said, here's how you get prints, Andy.
21 Right? It's been around a long time. This is
22 something they failed to do.

23 They went down there and the lead detective,
24 Hart, he testified. What did he say? Well, the
25 solicitor mentioned him. Well, there's no weapon at

1 the scene. Talked to Hart. Hart's in charge.
2 Okay. Did Hart get prints? Nope. Hey, Hart, did
3 you ask anybody to get prints? No. Did you ask
4 anybody to get DNA? No, no, didn't do it, didn't do
5 it.

6 Solicitor said -- oh, the solicitor said
7 something interesting: Kill shot. Since she left
8 it up, I'll point to it. What's that say up there?
9 14 lead fragments recovered from victim's autopsy.
10 Kill shot, right? That's the one that killed the
11 victim. What does it say? Unsuitable for
12 identification. So that means it doesn't match
13 anything. And when I asked the SLED person, well,
14 golly, did you find anything matching the
15 nine-millimeter? Nope.

16 So let's make sure we understand that
17 accurately. That says: Lead fragment from victim
18 doesn't match anything. That's what it says.
19 That's their evidence. That's not a defense theory.
20 That's not a defense conspiracy theory. I'm just
21 talking about their stuff, their evidence, their job
22 to collect evidence.

23 I mean, let's go back over it. Let's start
24 back at the beginning. Let's go back to what I said
25 at the opening. If you look at what they did and

1 you look at what they failed to do, that's your job.
2 I mean, that's the job. Don't talk about stuff you
3 could have done, bring it. This is a murder trial.
4 This is a trial, folks. You've got a case from two
5 years ago. This is the trial, so bring it. It's
6 the time to do it.

7 What did they show you? First deputy: Well, I
8 saw a lot vehicles, taped the fence. Well, you
9 didn't tape off the road, did you? How many
10 vehicles? I didn't count them. Let people walk up
11 the road. At some point, all these people walked up
12 the road.

13 Shell casings. Well, [REDACTED] State Pond Road.
14 Bullets -- I mean -- bullets, yeah, we talked about
15 bullets. They talked about bullets. All the
16 bullets that were missed; all the bullets that were
17 in the fence. And they were fascinating because
18 he'd never seen it before and he saw it in a
19 photograph and walked away and didn't collect it.

20 What else? The testimony. Well, let's go
21 through the witnesses. Let's go, as the solicitor
22 did, and focus on what the solicitor did because she
23 talked about all the witnesses. Witness number one,
24 911 caller. What did the 911 caller say? You've
25 got the recording in evidence. They was shooting.

1 She didn't say she was shooting. She said they.
2 That's it. She said: They all going to be
3 arrested? Well, we know they all were arrested for
4 murder. That's fact. That's in evidence.

5 Jordan, the son, testified. How many shots? I
6 believe he said six. Malaysia, 16 shots came out.
7 Then Dontavious said 14 and then two up by the road.
8 And then the solicitor said, well, now he said six.
9 Oh, okay, so he changed it. So he says it over here
10 and now he says this over here.

11 But credibility, ladies and gentlemen,
12 everything is accurate, right? Okay. I'm just
13 talking about stuff that's in evidence. I'm not
14 talking about theory. Once again, the solicitor is
15 talking about hiding the gun. No evidence of that.

16 And when you go through all of it. Dwight
17 James, he came up. They said, what did the
18 defendant say? I don't know. He's talking about
19 shots. But they all talked about a physical
20 altercation between Amari Hamm and the victim. They
21 did. Then they talked about what happened.

22 But the problem is, you've got to look at the
23 accuracy and credibility of what these people said,
24 because when I questioned witnesses, I said, well,
25 where was the first caller, the 911 caller? She was

1 back here. Where were you at, Dwight James? Oh, I
2 was at the fence. Was she behind you? Yes.

3 And as people testified, that's something you
4 have to consider: How could these people see what
5 was going on? Could they see who was shooting
6 accurately? That's for you to consider. At
7 nighttime? Were they in the back? Were they up by
8 the fence? Well, that's for you to consider.

9 And the idea of echoes? Well, there's an echo,
10 ladies and gentlemen, so don't worry about it.
11 Because there's an echo, so we don't need -- you
12 don't need accuracy about how many shots were fired.
13 What was the testimony? Gun was seized.

14 So let's listen to what the State is saying.
15 Gun was seized, 40. Well, it had to be the
16 defendant's. Oh, we didn't print it. We don't take
17 the fingerprints off a murder weapon. But it turned
18 on, well, the clip that came with it, I asked the
19 officer, remember, well, okay that's the murder
20 weapon, huh? Well, how many bullets go in that?
21 Ten? What did he say? Ten. Okay. Isn't that kind
22 of a big deal?

23 When I asked witnesses, how many shots? 16.
24 Okay. Is that a defense theory? Oh, no, that was
25 testimony. That's right, that was testimony. Well,

1 what did the solicitor say? Well, the shell casings
2 were found right there. Seven shell casings, right
3 there. Oh, okay. Okay. So that means, I guess,
4 under the State's theory, there's no more shell
5 casings? Okay. Or maybe they just weren't found?
6 Is that a theory?

7 Well, on the first day of the investigation,
8 certainly, I guess, they could call it a theory.
9 Not going to find any more bullets. But then two
10 days later, I guess their theory of the case had to
11 change because law enforcement found more bullets
12 sometime after civilians called them in. So it's
13 not a conspiracy theory about somebody plotting and
14 scheming down there, it's a fact.

15 They said when you drive vehicles down that
16 road through a crime scene, it destroys evidence.
17 It has the ability to take evidence away, lodge it
18 in the tires, and carry it off. That's a fact.
19 That's what they did.

20 Now, just to go back, what did they do, what
21 they didn't do. Some things, they showed you. What
22 did they fail to do? Well, I talked a lot about
23 what they got from the scene. Then let's talk about
24 the actual 1016 Village Court. Two people there;
25 the defendant and Amari Hamm, 40 cal. ammo. Well,

1 don't pay attention to the fact that there's
2 nine-millimeter ammunition there. Okay? Is that
3 what the solicitor was saying, don't pay attention?
4 I don't know.

5 But all this stuff, all of this evidence, this
6 can all be printed. Gun case, nine-millimeter ammo
7 box, 40 ammo box, clip, there's a lot of stuff.
8 Some of that stuff is made out of metal. They could
9 have checked it for prints on a murder case. The
10 decision? I guess the solicitor characterized that
11 as a waste of resources, because they didn't check a
12 single thing.

13 You want to say somebody is in that room
14 messing with a 40? Okay. So then that happened
15 right before law enforcement showed up? Okay. Test
16 it for prints. You want to say that nine-millimeter
17 box doesn't apply at all? I guess their theory is
18 it didn't belong to the defendant. I don't know
19 what their theory is about that. Okay. Test it for
20 prints. Test it. You got a theory about it, you
21 got a theory about your case; you want to prove that
22 beyond a reasonable doubt, because the State has the
23 burden, let's do some fingerprint testing as a
24 minimum starting point in a murder trial.

25 Isn't it amazing? I mean, I came in here and I

1 recite this stuff in my mind. And I go over it.
2 And I think about 19 years of doing this and
3 previous cases. Let's just run it down. No DNA or
4 no attempt to get DNA, touch DNA, any kind of DNA,
5 no attempt. No fingerprint testing. No diagrams.

6 I asked them about -- did you hear testimony
7 about a diagram or re-creation where, like, okay,
8 here's a diagram; you draw up the scene, and here's
9 where everybody was standing, here's where the shell
10 casings were. Didn't hear that.

11 What about neighbors? You heard testimony
12 about neighbors. Neighbor, neighbor, neighbor. Did
13 anybody talk to a neighbor? That's something police
14 can do. Didn't hear about that.

15 Oh, another interesting point: Did you hear
16 any testimony about dog tracking, about dogs coming
17 out and sniffing for shell casings? Bomb dog? Gun
18 dog? They got drug dogs. I didn't hear any
19 testimony about bringing a little dog to walk up
20 that road on a murder investigation. Never heard
21 anything about that, did you? I guess they didn't
22 do it. I guess the solicitor could characterize
23 that as a waste of resources.

24 You know, another basic thing I thought about,
25 I kept asking, did you go up to all these people at

1 the scene and just -- there's been a report of a
2 shooting. And did you ask everybody at the scene,
3 by the way, madam, sir, do you have a gun? Do you
4 own a gun? Do you have a license to carry a gun?
5 Did you hear any testimony about I went up to Joe
6 Blow, I went up to Jane Doe, I went up this time and
7 I asked them?

8 Did you hear any specific testimony about
9 questioning of people at the scene if they've got a
10 gun when a gun's been fired and somebody is dead? I
11 don't remember hearing that specific testimony. I
12 heard, well, yeah, I talked to people there now.
13 Okay. Might be important to record that in some
14 way.

15 Let's talk about recordings. There's a good
16 topic. Not a theory, not a conspiracy theory. I'm
17 talking about click, record, audio, body cam, video
18 cam, you know, maybe walk out to the scene. How
19 long have video cameras existed? Now everybody's
20 got them in their cell phones. Walk out to the
21 scene, hey, ladies and gentlemen, here's a murder
22 scene, let's just see how it looks. How about,
23 click, let me just record what you're saying because
24 you're a witness? With all these people, how about
25 just sit them in a car and talk to them and hit

1 record? Did they do that one single time? No. I
2 mean, is that a waste of resources? Is that a waste
3 of resources?

4 I mean, literally, I've seen cases in small
5 towns where a police officer will record people on
6 their cell phone in an investigation. Still a
7 recording. It's nice to have in a criminal case.
8 It sure is nice to sort a few things out. Maybe you
9 could record a conversation with somebody who's
10 going to testify in a murder trial.

11 What was the decision from the Lexington County
12 Sheriff's Department? Nada. I'm sorry, is this
13 a -- I mean, what is the importance placed on this
14 case? I mean, it's a murder, isn't it? Can you
15 record something?

16 Well, they got a picture of the crime scene
17 tape in the wrong place. They did that. And that's
18 good because that photo they took, they took another
19 photo and it showed the Sheriff's Department car
20 right there, another vehicle in the middle of the
21 crime scene. Okay. Nice to record that.

22 So whether the State can characterize that as a
23 conspiracy or whether it's just facts, well, I'd ask
24 you to look at their evidence. I don't want you to
25 not believe these officers when they talk about

1 these things. I want you to believe it. Because,
2 believe me, they should have checked for some
3 prints; believe me, it doesn't take a lot of effort
4 to record things on audio or video for a murder
5 case. I mean, did you see video recordings of [REDACTED]
6 Village Court, you know, where they do the
7 walk-through? Well, it's a murder case, let's
8 record our walk-through. Oh, there's the murder
9 weapon. Nope. Waste of resources, I guess.

10 Okay. Let's talk about what the defendant said
11 in the statement here according to the State. The
12 State said that she gave a statement. And the State
13 has this, and they said that she said she had a
14 nine. Oh, but focus on her saying that she shot,
15 right? I guess the nine is -- that's part of my
16 conspiracy theory. That's their evidence. Right?

17 And the statement from the defendant talking
18 about worrying about the victim and the man standing
19 next to her grabbing a gun. Well, that's just -- I
20 guess that's a conspiracy theory too, right? Just
21 ignore that. Let's just focus on what they want you
22 to focus on, you know. They wanted you to focus on
23 that SLED report, which doesn't tell you where the
24 kill shot came from. It says it doesn't match;
25 unsuitable for identification. That's just the

1 facts.

2 I want you to focus on this very carefully, and
3 I want you to never forget the failure to gather
4 evidence or the failure to do the job right is
5 something you got to consider. This is a murder
6 case, ladies and gentlemen. This is as big as it
7 gets. This is everything. This is their case.

8 My client, Ms. Chesnee Mattress, innocent until
9 proven guilty. When you're born in this world,
10 you're born innocent. And the law says, as the
11 Judge will instruct you -- and that's his job.
12 Certainly listen to him on the law. But he's going
13 to instruct you she's innocent; she is protected by
14 this presumption because we're all born innocent.
15 That's how God made us. She is not guilty of
16 anything until they transform or change that or her
17 into a guilty person. Okay?

18 And the thing that they've got to do is
19 convince all 12 of you that they've succeeded beyond
20 a reasonable doubt. Because she's innocent. That's
21 an innocent woman sitting there. We're all born
22 that way, every one of us.

23 And the government -- as I stated, the
24 solicitor is part of the government. Let's talk
25 about that. I told you a little story that's true.

1 I got a lot of stories from my dad -- Vietnam, he's
2 World War II, Korea Vietnam -- about the government
3 said how it's a great idea to fly around with Agent
4 Orange. The government in Detroit and Flint,
5 Michigan said drink the water, it's fine; don't
6 worry about it; we fixed it; it's okay. That was
7 the government up there that did that.

8 This is the government sitting down here. They
9 got a lot of resources. They've got a lot.
10 Lexington County Sheriff's Department has got more
11 money than a lot of Sheriff's Departments around the
12 state. Lexington County has got a lot of money.

13 Lexington County could have been down there
14 recording stuff; they could have done audio/video;
15 they could have done fingerprints. I didn't hear
16 anything about SLED won't test our fingerprints. I
17 didn't hear that. I just heard, no, we didn't do
18 that. Ladies and gentlemen, you got to remember
19 that. You can't ignore that. On a murder case?

20 To be fair, I always say this at trial. I say
21 it at every trial. I say it when I ask questions of
22 people; I say to be fair. Let's consider this or
23 consider that. So, to be fair, let's understand
24 Chesnee Mattress is innocent as the day she was
25 born. And, to be fair, let's talk about this weapon

1 and the fact that they could have fingerprint
2 testing on it and seen; could have done it. Wasn't
3 done. Had two years to do it, more than two years.
4 I ask you to consider that, ladies and gentlemen.

5 Not just the 911 where they asked her who was
6 the shooter and she didn't say anything; not just
7 the 16 shots or the 14 shots up here and two up
8 there; not just the bullets that magically appear, I
9 guess, or maybe that's part of my conspiracy. These
10 bullets appear later, two days later. Maybe the CSI
11 guy who looks right at a bullet in a fence, takes a
12 picture of it, and then walks away because he didn't
13 see it. I mean, if that's a conspiracy, then I
14 guess the State's point is you're just supposed to
15 believe everything they tell you and never ever
16 demand more.

17 Fingerprints is definitely a part of what they
18 didn't do. Video recording, audio recordings, I'm
19 talking about simple stuff. I'm not talking about
20 calling NASA and get some scientists down here and
21 perform some weird tests that costs a million
22 dollars. I'm not talking about that. I'm not
23 talking about that. Good Lord, give me some
24 fingerprints. Didn't do it. And now it's not been
25 done, and that's it. Here we are. You're to

1 consider this.

2 And the solicitor has done her very best to
3 doctor it up to try to call it a conspiracy, I
4 guess, so that you ignore -- I mean, they call
5 everything I do a distraction. Well, they're trying
6 to distract you from this fingerprint issue.
7 They're trying to distract you from all kinds of
8 things, because there's inconsistencies. There's a
9 failure to do the job that gets evidence that we
10 could have right now and be talking about it.

11 I've had cases with fingerprint evidence where
12 they blow it up; where the State will get a print
13 and say, ah-ha, I got a print on you, I got a print
14 off a murder weapon. And they'll blow it so big, it
15 will be bigger than these. It will be bigger than
16 that. Look at that big fingerprint. They've done
17 it a million times. I've seen it a million times.
18 But not today. Oh, well.

19 Ladies and gentlemen, I want you to focus on
20 the evidence. I want you to look at what that
21 report really says. I want you to think about it.
22 I want you to think about what they could have done.
23 And I want you to understand that the government is
24 telling you something here. But you have not just
25 the right, the responsibility to hold their feet to

1 the fire and focus on what could they have done
2 better.

3 What kind of prints could have been on that
4 gun? Whose prints could have been on that gun? Was
5 there another gun laying around somewhere that they
6 just had to get called back out? Are they going to
7 get a phone call tomorrow saying, come on back out,
8 we found a gun? I don't know. Seems to be
9 happening a lot with that area.

10 But I -- I think when you focus on those
11 things -- and I appreciate your attention. I know
12 I'm being long-winded. But this is a murder case,
13 ladies and gentlemen. This is it. This is it. You
14 get out of law school and you go into criminal work,
15 you better believe it, you got it in your mind, if
16 I'm doing criminal defense. Do you have to handle a
17 murder case fresh out of law school? You better
18 believe it. Or they put on TV, every lawyer show,
19 they talk about evidence. How many CSI shows on TV
20 talking about evidence, talking about fingerprints,
21 talking about all the things you do and lawyers who
22 go to trial over this?

23 So all I'm asking, to be fair, don't talk about
24 conspiracies. I'm not even throwing a conspiracy at
25 you. Think about what they got. And think about

1 what could be sitting here or sitting here or
2 sitting here that could be a recording. Well, what
3 happened? It happened 20 minutes ago? Okay, click,
4 tell me, calm down, what happened?

5 What could be sitting here? Oh, Lord, look at
6 this big fingerprint we got. Whose is it? That
7 would be nice to know if there's a fingerprint on
8 that gun. Is there a fingerprint on that gun right
9 now? I don't know. Whose could it be? I guess we
10 don't know. I guess we'll never know. Is that good
11 enough? Is that fair on a murder case? That's for
12 you to decide. And I thank you.

13 (Sidebar conference.)

14 THE COURT: Ladies and gentlemen, you've heard
15 the closing arguments of the parties. I've got to
16 charge you on the law of the case, but I want to
17 give you a short break before I get into that. So
18 I'm going to send you back to your jury room
19 briefly.

20 Now, you may see some food back there. Please
21 don't partake just yet. I don't want you to have
22 lunch until I've charged you on the law. So I'm
23 going to get you back in here in a few minutes,
24 charge you on the law, and then we'll be ready for
25 your deliberations. Please don't discuss the case.

1 Thank you.

2 (The jury exits the courtroom at 12:08 PM.)

3 (Brief recess.)

4 THE COURT: We took a very short recess. I
5 spoke with the attorneys and we just added one
6 additional charge regarding failure to testify.

7 So, other than that, are we ready to proceed?

8 MS. PATTERSON: Yes, sir, Your Honor.

9 MR. JOHNSON: Ready.

10 THE COURT: All right. Let's bring them back.

11 (The jury enters the courtroom at 12:16 PM.)

12 THE COURT: All right. Ladies and gentlemen of
13 the jury -- oh, we're missing one.

14 All right. Members of the jury, it is now my
15 duty as the trial judge to instruct you on the law
16 applicable in this case. And, in that regard, it is
17 your duty as jurors to accept and apply the law as I
18 now state it to you. Furthermore, it is your
19 exclusive duty to decide all the issues of fact in
20 this case and determine the effect, value, weight,
21 and truth of the evidence.

22 All the parties have the right to expect that
23 you will carefully consider and evaluate the
24 evidence and apply the law of this case to it so
25 that, in the end, all parties receive a fair and

1 impartial trial.

2 During this trial, you and I have separate
3 duties to perform. As the trial judge, it is my
4 responsibility to preside over this trial and rule
5 upon the admissibility of the evidence offered
6 during the trial. In that regard, you are to
7 consider only the evidence before you; thus, you are
8 to consider only the testimony which has been
9 presented from the witness stand together with any
10 exhibits admitted into the record of this case.

11 If you have any preconceived ideas as to what
12 the law is or what you think the law ought to be and
13 it does not agree with what I tell you the law is,
14 you are obligated, under your oath, to abandon those
15 preconceptions because you are sworn to accept the
16 law as I now state it to you.

17 During this trial, you are the sole and
18 exclusive judges of the facts. Do not infer that I
19 have an opinion about the facts of this case from
20 anything I've said or done during the course of the
21 trial. In this regard, the law simply does not
22 permit me to have an opinion about the facts.

23 As jurors, it is your duty alone to determine
24 the effect, value, weight, and truth of the evidence
25 presented during the course of this trial.

1 Furthermore, it is your job as jurors to determine
2 the credibility or believability of the witnesses
3 who have testified in this case. You must evaluate
4 the evidence and determine which evidence convinces
5 you of its truth.

6 In determining the believability of witnesses
7 who have testified in this case, you may believe one
8 witness over many or many over one; you may believe
9 a part of the testimony of a witness and reject the
10 remaining part; you may believe the testimony of a
11 witness in its entirety or reject it in full.

12 You may consider whether the witness has an
13 interest in the result of the trial; whether the
14 witness is prejudiced toward either party; the
15 opportunity for the witness to have seen the matters
16 and things about which the witness may testify, and
17 the way the witness acts on the witness stand.

18 Furthermore, evidence in this case may be
19 direct or circumstantial. Direct evidence is
20 testimony by a witness about what the witness
21 personally saw, heard, or did. Circumstantial
22 evidence is indirect evidence. In other words, it
23 is proof of one or more facts from which one can
24 find another fact.

25 You may consider both direct and circumstantial

1 evidence equally. Crimes may be proven by
2 circumstantial evidence. The law makes no
3 distinction between the weight or value to be given
4 to either direct or circumstantial evidence.

5 However, to the extent the State relies on
6 circumstantial evidence, all of the circumstances
7 must be consistent with each other and, when taken
8 together, point conclusively to the guilt of the
9 accused beyond a reasonable doubt. If these
10 circumstances merely portray the defendant's
11 behavior as suspicious, the proof has failed.

12 The State has the burden of proving the
13 defendant guilty beyond a reasonable doubt. This
14 burden rests with the State, regardless of whether
15 the State relies on direct evidence, circumstantial
16 evidence, or a combination of the two.

17 Now, the evidence from which you are to decide
18 what the facts consist of in this case are, one, the
19 sworn testimony of witnesses, both on direct and
20 cross-examination; two, the exhibits which have been
21 admitted into evidence; and, three, any facts to
22 which all of the attorneys have agreed and
23 stipulated.

24 Now, the rules of evidence ordinarily do not
25 permit witnesses to testify to opinions or

1 conclusions. The exception to this rule exists for
2 witnesses we call expert witnesses. A witness who,
3 by education and experience, has become an expert in
4 some art, science, or profession may give an opinion
5 as to the subject which the witness claims to be an
6 expert in, and may also give the reasons for the
7 opinion.

8 You should consider any expert opinion given by
9 a witness like any other evidence: Give it the
10 weight you think it deserves. If you decide that an
11 expert witness' opinion is not based on sufficient
12 education or experience, or if you decide that the
13 reasons given in support of the opinion are not
14 sound or that the opinion is outweighed by other
15 evidence, you may disregard the opinion entirely.

16 An expert witness' testimony is to be given no
17 greater weight than that of other witnesses simply
18 because the witness is an expert. And you do not
19 have to accept an expert's opinion even though it's
20 uncontradicted.

21 The defendant in this case is presumed
22 innocent. This is no mere legal theory. It is a
23 fundamental and substantial right to which everyone
24 is entitled. It is like a robe of righteousness
25 placed around the defendant that remains with her

1 through every stage of the trial and continues with
2 her after you retire to the jury room to deliberate.
3 It continues to exist, so the defendant is presumed
4 innocent unless and until you, the jury, determine
5 that the State has proved guilt of the defendant
6 beyond a reasonable doubt.

7 The defendant is not required to prove her
8 innocence. She's not required to prove anything.
9 The burden is upon the State to prove the guilt of
10 the defendant beyond a reasonable doubt. And it is
11 required, every essential element of an offense
12 charged, be proven by the State beyond a reasonable
13 doubt. The State is not required to prove the guilt
14 of the defendant beyond all doubt or beyond every
15 doubt, however. The appropriate standard is beyond
16 a reasonable doubt.

17 Now, the State has the burden of proving the
18 defendant guilty beyond a reasonable doubt. Some of
19 you may have served as jurors in civil cases where
20 you were told that it was only necessary to prove
21 that a fact is more likely true than not true, as by
22 the greater weight or preponderance of the evidence.
23 In criminal cases, the State's proof must be more
24 powerful than that. It must be beyond a reasonable
25 doubt as to each element and charge.

1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's
3 guilt. There are very few things in this world that
4 we know with absolute certainty. And, in criminal
5 cases, the law does not require that proof overcome
6 every possible doubt. If, based on the
7 consideration of the evidence, you are firmly
8 convinced the defendant is guilty of the crime
9 charged, you must find the defendant guilty. If, on
10 the other hand, you think there's a real possibility
11 the defendant is not guilty, you must give the
12 defendant the benefit of the doubt and find her not
13 guilty.

14 Now, I remind you that the fact that the
15 defendant elected not to testify is not a factor to
16 be considered by you in any way in your
17 deliberations or in your consideration of the
18 question of whether the defendant is guilty or not
19 guilty. It must not to be considered in any manner
20 whatsoever against her.

21 An accused has the constitutional right to
22 remain silent and the assertion of that right cannot
23 be considered by you in your deliberations. Under
24 your oath, you're to reach no inference and draw no
25 conclusion whatsoever from the fact that the

1 defendant elected not to testify. Her decision not
2 to testify should not even be discussed in the jury
3 room. It is not to enter your minds in making your
4 decision. The State has the entire burden of proof,
5 and the accused has no burden to prove anything at
6 all.

7 Testimony has been given about a statement
8 allegedly made by the defendant to law enforcement.
9 In evaluating the alleged statement, you first need
10 to determine that the State has proven that the
11 defendant, in fact, made the statement; if not, then
12 you cannot consider that alleged statement in any
13 way against the defendant.

14 If you find that the defendant made the
15 statement, the next thing you're going to have to
16 evaluate is whether the defendant was properly
17 advised of her rights prior to being interrogated in
18 giving the statement.

19 When a person is in custody, she must be given
20 her Miranda warnings prior to any interrogation by
21 the police. Miranda warnings are that you have the
22 right to remain silent; that any statement made can
23 and will be used against you in court; that you have
24 the right to an attorney, and if you do not have the
25 resources to hire a lawyer, the Court will appoint

1 one at no expense; that you have the right to
2 consult with a lawyer before answering any questions
3 or making any statement; that you have a right to
4 have a lawyer present at all times during all
5 interviews and all interrogations, and that you may
6 stop answering questions at any time. While these
7 exact words do not have to be used, the substantial
8 equivalent must be communicated in order to
9 constitute Miranda warnings.

10 If the State proves that it gave Miranda
11 warnings prior to interrogating the defendant while
12 in custody, the State must then prove that the
13 defendant knowingly and intelligently waived her
14 constitutional rights and gave the statement to the
15 police.

16 The final requirement is that the statement in
17 question must have been given voluntarily. The
18 State must prove that the statement was the
19 expression of the defendant's own free will and was
20 not improperly induced by convulsion, duress, force
21 or fear, or the promise of some reward or hope of
22 reward. Unless the statement was given freely and
23 voluntarily, you may not consider it against the
24 defendant.

25 If a statement was made while in custody to a

1 law enforcement officer in response to the officer's
2 questions, I instruct you that you cannot use the
3 statement against the defendant unless you are
4 satisfied that the State has proven, beyond a
5 reasonable doubt, every requirement about which I
6 have instructed you.

7 Now, the defendant in this case is charged with
8 two separate and distinct offenses, each of which
9 must be evaluated on its own merit or lack of merit.
10 In one indictment, Ms. Mattress is charged with
11 murder. It is alleged that in Lexington County, on
12 or about October 11th, 2017, Chesnee Labri Mattress,
13 with malice aforethought, shot Annette Riley
14 proximately, resulting in Ms. Riley's death. In the
15 other indictment, Ms. Chesnee is charged with
16 possessing a firearm during the commission of the
17 alleged murder, which is a violent crime.

18 I remind you that the indictments themselves
19 are not evidence. In order to establish criminal
20 liability, criminal intent is required. For
21 example, the mental state to be proven by the State
22 for a particular crime might be purpose, intent,
23 knowledge, recklessness or criminal negligence. The
24 dictionary defines intent as the state of a person's
25 mind that directs his or her actions toward a

1 specific object.

2 Criminal intent must be proven by the State
3 beyond a reasonable doubt. Criminal intent is
4 always a matter that must be determined by the jury
5 from the circumstances surrounding a situation.
6 There is no way to prove intent to a mathematical
7 certainty. There is no science that can dissect a
8 person's brain and determine what the person had in
9 mind, so the law says that criminal intent may be
10 inferred from the circumstances shown to have
11 existed. This is how you make a determination
12 whether or not the element requiring intent was
13 present.

14 It is not necessary to establish intent by
15 direct and positive evidence, but intent may be
16 established by inference in the same way as any
17 other fact by taking into consideration the acts of
18 the parties and all the facts and circumstances of
19 the case.

20 Criminal intent is a mental state, a conscious
21 wrongdoing. It is up to you to determine what the
22 defendant intended to do based on the circumstances
23 shown to have existed. Criminal intent can arise
24 from action or failure to act; it may arise from
25 negligence, recklessness, or an indifference to duty

1 or to consequences that are considered by the law to
2 be the equivalent of criminal intent.

3 Now I'm going to explain to you the law as it
4 applies to the charges of this defendant. Number
5 one, murder: The defendant is charged with murder.
6 Murder is the unlawful killing of another person
7 with malice aforethought, either express or
8 inferred. So, to convict the defendant of murder,
9 the State must prove, beyond a reasonable doubt,
10 that on the date and time and the place alleged in
11 the indictment, the defendant killed Annette Riley
12 and that the killing was done willfully with malice
13 aforethought.

14 Willfully means that something is done
15 consciously or intentionally; not by accident or
16 involuntarily. Criminal intent may be shown by acts
17 and conduct of the defendant in other circumstances
18 from which you may naturally and reasonably infer
19 intent. But the State must prove, beyond a
20 reasonable doubt, that the defendant acted with
21 malice.

22 Malice is a term that imports wickedness and
23 excludes just cause or legal cause. It is something
24 that springs from depravity or depraved spirit and
25 denotes hostility and ill-will towards another. It

1 is the intentional doing of a wrongful act without
2 just cause or excuse, with an intent to inflict
3 injury under circumstances that the law will infer
4 evil intent.

5 Malice, in its legal sense, does not
6 necessarily import ill-will toward the individual
7 injured, but signifies whether a general malignant
8 recklessness of the lives and safety of others or a
9 condition of the mind which shows a heart devoid of
10 social duty and fatally bent on mischief.

11 Malice may be express or inferred, which is to
12 say the element of malice be shown by direct
13 evidence or by inference. These terms, express and
14 inferred, do not mean different kinds of malice, but
15 merely the manner in which malice may be shown to
16 exist.

17 So malice may be proven by direct evidence or
18 by inference from the facts and circumstances that
19 are proved by the State. Malice is an essential
20 element of murder and must be proven by the State
21 beyond a reasonable doubt.

22 Whether malice is express or inferred, the
23 malice must be aforethought; that is, malice must
24 exist in the mind of the accused just before that
25 time or commission of the act. It is not required

1 that the malice exist for any particular amount of
2 time, but there must be a combination of previous
3 evil intent and the act producing the fatal result.

4 Another charge made against Ms. Mattress is for
5 possessing a firearm during the commission of a
6 violent crime. It is a separate criminal offense to
7 have in one's possession a firearm during the
8 commission of a violent crime. I charge you that a
9 pistol is a firearm under the law and that the
10 offense of murder is defined as a violent crime
11 under South Carolina law.

12 To convict Ms. Mattress on this offense, you
13 must determine that the State has proven her guilty
14 of murder because the possession of a firearm must
15 be during the commission of a violent crime. You
16 must then determine that the State has proven,
17 beyond a reasonable doubt, that Ms. Mattress
18 possessed a firearm during the commission of that
19 violent crime, as alleged in the indictment.

20 The defendant has raised the defense of
21 self-defense. Self-defense is a complete defense
22 and, if established, you must find the defendant not
23 guilty. The State has the burden of disproving
24 self-defense by proof beyond a reasonable doubt. If
25 you have a reasonable doubt of the defendant's guilt

1 after considering all of the evidence, including the
2 evidence of self-defense, then you must find the
3 defendant not guilty. On the other hand, if you
4 have no reason to doubt the defendant's guilt after
5 considering all the evidence, including the evidence
6 of self-defense, then you must find the defendant
7 guilty.

8 The following elements are required to
9 establish self-defense: First, the defendant must
10 be without fault in bringing on the difficulty. If
11 the defendant's conduct was the type which was
12 reasonably calculated to and did provoke a deadly
13 assault, the defendant would be at fault in bringing
14 on the difficulty and would not be entitled to
15 acquittal based on self-defense.

16 Self-defense is not available to a person who
17 uses language which is so contentious that a
18 reasonable person would expect it to bring on a
19 physical encounter and which did actually contribute
20 to the physical encounter.

21 The second element of self-defense is that the
22 defendant was actually in imminent danger of death
23 or serious bodily injury or that the defendant
24 actually believed she was in imminent danger of
25 death or serious bodily injury if the defendant was

1 actually in danger. It must be shown that the
2 circumstances would have warranted a person of
3 ordinary firmness and courage to strike the fatal
4 blow to prevent death or serious bodily injury.

5 If the defendant believed she was in imminent
6 danger of death or serious bodily injury, it must be
7 shown that a reasonably prudent person of ordinary
8 firmness and courage would have had the same belief.

9 In deciding whether the defendant actually was
10 or believed she was in imminent danger of death or
11 serious bodily injury, you should consider all the
12 facts and circumstances surrounding the crime,
13 including the physical condition and the
14 characteristics of the defendant and victim.

15 The final element of self-defense is that the
16 defendant had no other probable way to avoid the
17 danger of death or serious bodily injury than to act
18 as the defendant did in this particular occasion --
19 this particular instance, excuse me.

20 A person cannot be required to make an exact
21 calculation as to the degree or amount of force
22 which may be needed to avoid death or serious bodily
23 harm. Therefore, in self-defense, the defendant has
24 the right to use the force needed to avoid death or
25 serious bodily injury.

1 The force used in self-defense does not have to
2 be limited to the degree or amount of force used by
3 the victim. The defendant has the right to use so
4 much force as appeared to be necessary for complete
5 self-protection and which a person of ordinary
6 reason and firmness would have believed to be needed
7 to prevent death or serious bodily harm.

8 Generally, if a person has a means of escape,
9 she's required to use it. She must leave if she has
10 a means of escaping the danger, unless by doing so
11 the danger of being killed or suffering bodily harm
12 would increase. However, one attacked by use of a
13 deadly weapon has no obligation to retreat, and
14 someone in their own home does not have a duty to
15 retreat.

16 A defendant acting in self-defense has the
17 right to use the amount of force apparently
18 necessary to avoid death or serious bodily harm.
19 The force does not have to be limited to the degree
20 or amount of force used by the assailant. The
21 defendant has the right to use so much force as
22 appeared to be necessary to complete protection in
23 which a person of ordinary reason and firmness would
24 have believed to be needed to prevent death or
25 serious bodily harm.

1 Once a defendant is justified in defending
2 himself or herself, she's justified in continuing to
3 use force until it is apparent the danger of death
4 or serious bodily harm has completely ended. Where
5 a defendant is operating under a reasonable belief
6 of his impending death or serious bodily injury,
7 she's not required to wait until the perceived
8 assailant gets the drop before acting in
9 self-defense.

10 Voluntary intoxication is not an excuse for or
11 a defense to a crime, regardless of whether the
12 crime is involving general or specific intent. This
13 rule also extends to the voluntary ingestion of
14 drugs. A person who voluntarily ingests alcohol and
15 thereby becomes intoxicated is no less responsible
16 for acts while in such a condition. If one
17 voluntarily drinks intoxicating liquors, wine, or
18 beer, or ingests drugs and becomes intoxicated to
19 whatever degree and, if while in that condition,
20 commits an act which would be a crime if it had been
21 committed by a sober person, the fact of
22 intoxication would not relieve the intoxicated
23 person from responsibility.

24 Now, let me say something about your
25 deliberations. Deliberation is defined as careful

1 consideration weighing up with a view to a decision.
2 The genius of our jury system is it allows 12 good
3 men and women with 12 different backgrounds, life
4 experience, and perspectives to consider the
5 evidence, talk about it and, ultimately, reach a
6 verdict.

7 We call them deliberations for a reason. You
8 are to consider the evidence in this case carefully
9 and deliberately and discuss it in a calm, thorough,
10 and courteous manner. Listen to the views of your
11 fellow jurors, consider other people's points of
12 view, and talk through and discuss the evidence.

13 Remember, if you're doing something
14 deliberately, you are not in a big hurry, and you
15 should not be in a big hurry here. This case is
16 very important for both sides, and this is their
17 only day in court.

18 When you retire to the jury room, you should
19 discuss this case with your fellow jurors and reach
20 an agreement, if you can do so. Your verdict must
21 be unanimous. Each of you must decide the case for
22 yourself, but you should do so only after you've
23 impartially considered the evidence, discussed it
24 fully with the other jurors, and listened to the
25 views of your fellow jurors.

1 Do not be afraid to change your opinion if the
2 discussion persuades you that you should. But do
3 not come to a decision simply because other jurors
4 think that it's right. It is important that you
5 attempt to reach a unanimous verdict, but, of
6 course, only if each of you can do so after having
7 made your own decision. Do not change an honest
8 belief about the weight and the effect of the
9 evidence simply to reach a verdict; in other words,
10 do not change your opinion solely for the sake of
11 reaching a unanimous verdict.

12 I will give you a copy of these instructions in
13 written form. During your deliberations, you may
14 refer to the instructions to guide your
15 decision-making. You must consider the instructions
16 as a whole and not follow some and ignore others.
17 Please return the instructions to the Court at the
18 time your verdict is rendered.

19 There are two possible verdicts which you may
20 find in this case: Guilty or not guilty. There is
21 no significance whatsoever in the order in which I
22 state these possible verdicts; it is simply that one
23 must be stated first. Ladies and gentlemen, your
24 verdict must be unanimous.

25 Mr. Foreman, when the jury agrees on a verdict,

1 you will write the verdict on the verdict form, then
2 knock on the jury room door and inform the bailiff
3 that you've reached a verdict. At that time, we
4 will receive you back into the courtroom.

5 I ask that you now return to your jury room.
6 Do not begin your deliberations until you're told to
7 do so by the clerk or the bailiff. There are some
8 matters I need to discuss with the attorneys first
9 before you can begin your deliberations. At this
10 time, I'll ask you to return to your jury room.
11 Please do not discuss the case yet. Thank you.

12 (The jury exits the courtroom at 12:43 PM.)

13 THE COURT: Anything from the State?

14 MS. PATTERSON: No, sir.

15 MR. JOHNSON: No, sir.

16 THE COURT: All right. Let's bring the
17 alternate out. That's Juror 216.

18 (Juror No. 216 enters the courtroom.)

19 THE COURT: Mr. Walker, we've reached the point
20 where it's time for the jury to begin their
21 deliberations. I want to thank you for serving as
22 an alternate, but we won't need your services for
23 the deliberation portion. I know you've paid
24 attention all week.

25 We appreciate your service you've rendered this

1 week. At this time, you're free to go, but you're
2 welcome to stay. Whatever you want to do. All
3 right?

4 THE WITNESS: All right.

5 THE COURT: Thank you.

6 (Juror No. 216 exits the courtroom.)

7 (The jury begins deliberations at 12:47 PM.)

8 THE COURT: Good afternoon, ladies and
9 gentlemen of the jury. I understand the jury has
10 reached a verdict. Before we bring the jury in, a
11 couple things: No one should have any cell phones
12 on them at this time; they are not to be used at all
13 during this verdict process. It's been several days
14 of -- I'm sorry --

15 (The defendant enters the courtroom.)

16 THE COURT: We've heard several days' of
17 testimony. I'm going to ask that whatever the
18 verdict is reached by the jury, there will be no
19 outbursts. Decorum is maintained in this courtroom
20 at all times. Again, if you feel you're unable to
21 do that, I need you to excuse yourself now.

22 But, once the verdict is rendered, we'll have a
23 few remarks for the jury. As long as the jury is in
24 this room, I expect this to be a quiet courtroom.
25 If anyone has any issue with that, you need to

1 leave.

2 Anything else before we bring the jury in?

3 MS. PATTERSON: Not from the State, Your Honor.

4 THE COURT: All right. Let's bring them in.

5 (The jury enters the courtroom at 3:09 PM.)

6 THE COURT: Mr. Foreman, I understand you have
7 a verdict. Is that correct?

8 THE FOREPERSON: I do.

9 THE COURT: Is your verdict unanimous?

10 THE FOREPERSON: It is.

11 THE COURT: Please hand it to the bailiff.

12 Madam Clerk, please publish the verdict.

13 THE CLERK: 2018-GS-32-920 and 2018-GS-32-921,
14 the State vs. Chesnee Mattress, as to the charge of
15 murder, we, the jury, unanimously find the defendant
16 guilty of murder.

17 As to the charge of possession of a weapon
18 during a violent crime, we, the jury, unanimously
19 find the defendant guilty of possession of a weapon
20 during the commission of a violent crime.

21 It is so signed by the Foreperson, January
22 16th, 2020.

23 Ladies and gentlemen of the jury, if these were
24 your verdicts, please indicate by raising your right
25 hand.

1 Those of you in the rear who were part of the jury
2 this week understand this is very a tragic case. I
3 think we all agree, a completely avoidable tragedy.

4 To the family of the victim, you've been here
5 all week. I don't expect -- no sentence is going to
6 be able to bring back your loved one. I hope,
7 regardless of the sentence, it does give you some
8 level of closure and allows you to move forward.

9 For both sides, it should at least offer
10 closure for all involved and the opportunity to move
11 forward and put this behind them.

12 On possession of a weapon during the commission
13 of a violent crime, it's a five-year sentence to run
14 concurrent to your conviction for murder, which
15 you'll spend 35 years in the state department of
16 corrections. That is all.

17 MR. JOHNSON: Thank you, Judge.

18 MS. PATTERSON: Thank you, Your Honor.

19 MR. POGUE: Thank you, Your Honor.

20 -- END OF TRANSCRIPT OF RECORD --

21

22

23

24

25

User: K

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:33

Case #: 17020311

PROPERTY REPORT (Evidence Room Copy)

Category	Classification AMMO	Property Report# 107813	Bag / Item 25 / 1	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118425
Property Description HORNADY 9MM AMMO				Make/Model HORNADY		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: KYZER, C. B. (EVID, MAJC)		11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:33

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification AMMO	Property Report# 107813	Bag / Item 25 / 2	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118426
Property Description FEDERAL AMMO CLASSIC				Make/Model FEDERAL		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: KYZER, C. B. (EVID, MAJC)		11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification MISC	Property Report# 107813	Bag / Item 25 / 3	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118427
Property Description EMPTY BLACK HANDGUN HOLSTER				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color BLK	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311	Offense MURDER/NONNEGLIGENT				Case Officer HART, M. J. (MC, MAJC)			
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification	Property Report#	Bag / Item	Building	Room	Bin	Evid. Spec	System ID	
	AMMO	107813	25 / 4	WW	WW	V009	CREECHA	118428	
Property Description				Make/Model		Letter	Weapon	Estimated Value	
.40 CALIBER FEDERAL S&W BULLET				FEDERAL					
Year	Color	Lic/Lis	Vin				Owner Applied #		
0									
Owner Name				Address					
Case #	Offense				Case Officer				
17020311					HART, M. J. (MC, MAJC)				
Location from which property was seized				Date / Time		Seizing Officer			
VILLAGE CT				10/11/2017 04:00:43		CREECH, A. A. (MC, MAJC)			
Notes				Bio Hazard	Drug Test	Seized From			
Chain Of Custody				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time		
Current Status		HOLD		11/22/2017					
Disposition									
Code	Date	Authority				Evid. Spec			
Released To					Release Notes				

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification MISC	Property Report# 107813	Bag / Item 25 / 5	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118429
Property Description BLACK HANDGUN MAGAZINE				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: KYZER, C. B. (EVID, MAJC)		11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD	11/22/2017					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification AMMO	Property Report# 107813	Bag / Item 25 / 6	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118430
Property Description .40 CALIBER BULLET				Make/Model		Letter	Wcapon	Estimated Value
Year 0	Color	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification	Property Report#	Bag / Item	Building	Room	Bin	Evid. Spec	System ID	
	AMMO	107813	25 / 7	WW	WW	V009	CREECHA	118431	
Property Description				Make/Model		Letter	Weapon	Estimated Value	
.40 CALIBER BULLETS									
Year	Color	Lic/Lis	Vin			Owner Applied #			
0									
Owner Name				Address					
Case #	Offense			Case Officer					
17020311				HART, M. J. (MC, MAJC)					
Location from which property was seized				Date / Time		Seizing Officer			
VILLAGE CT				10/11/2017 04:00:43		CREECH, A. A. (MC, MAJC)			
Notes				Bio Hazard	Drug Test	Seized From			
Chain Of Custody				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time		
Current Status		HOLD		11/22/2017					
Disposition									
Code	Date	Authority				Evid. Spec			
Released To					Release Notes				

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 X _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification	Property Report#	Bag / Item	Building	Room	Bin	Evid. Spec	System ID	
	AMMO	107813	25 / 8	WW	WW	V009	CREECHA	118432	
Property Description				Make/Model		Letter	Weapon	Estimated Value	
9MM BULLETS									
Year	Color	Lic/Lis	Vin			Owner Applied #			
0									
Owner Name				Address					
Case #	Offense			Case Officer					
17020311				HART, M. J. (MC, MAJC)					
Location from which property was seized				Date / Time		Seizing Officer			
VILLAGE CT				10/11/2017 04:00:43		CREECH, A. A. (MC, MAJC)			
Notes				Bio Hazard	Drug Test	Seized From			
Chain Of Custody				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time		
Current Status		HOLD		11/22/2017					
Disposition									
Code	Date	Authority				Evid. Spec			
Released To					Release Notes				

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 X _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification	Property Report#	Bag / Item	Building	Room	Bin	Evid. Spec	System ID	
	AMMO	107813	25 / 9	WW	WW	V009	CREECHA	118433	
Property Description				Make/Model		Letter	Weapon	Estimated Value	
.40 CALIBER BULLETS									
Year	Color	Lic/Lis	Vin				Owner Applied #		
0									
Owner Name				Address					
Case #	Offense					Case Officer			
17020311						HART, M. J. (MC, MAJC)			
Location from which property was seized				Date / Time		Seizing Officer			
VILLAGE CT				10/11/2017 04:00:43		CREECH, A. A. (MC, MAJC)			
Notes				Bio Hazard	Drug Test	Seized From			
Chain Of Custody				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Rct. To	Date/Time		
Current Status		HOLD		11/22/2017					
Disposition									
Code	Date	Authority				Evid. Spec			
Released To					Release Notes				

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification AMMO	Property Report# 107813	Bag / Item 25 / 10	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118434
Property Description 9MM HORNADY BULLETS				Make/Model HORNADY		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311	Offense				Case Officer HART, M. J. (MC, MAJC)			
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 X _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	1	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	1	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	1	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	1	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

User: KYZERC,	LEXINGTON COUNTY SHERIFF'S DEPARTMENT	01/08/2020 15:37
---------------	--	------------------

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification MISC	Property Report# 107813	Bag / Item 25 / 11	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118435
Property Description WALTHER HANDGUN CASE				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311		Offense			Case Officer HART, M. J. (MC, MAJC)			
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody			Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 X _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW, WW, V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification AMMO	Property Report# 107813	Bag / Item 25 / 12	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118436
Property Description .40 CALIBER ROUNDS				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes RECOVERED FROM ITEM 18				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: KYZER, C. B. (EVID, MAJC)		11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification MISC	Property Report# 107813	Bag / Item 25 / 13	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118437
Property Description EMPTY SMITH & WESSON GUN BOX				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311	Offense				Case Officer HART, M. J. (MC, MAJC)			
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: KYZER, C. B. (EVID, MAJC)		11/22/2017 10:14:58		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		HOLD		11/22/2017				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category	Classification MISC	Property Report# 107813	Bag / Item 25 / 14	Building WW	Room WW	Bin V009	Evid. Spec CREECHA	System ID 118438
Property Description EMPTY GUN CASE				Make/Model		Letter	Weapon	Estimated Value
Year 0	Color	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311	Offense					Case Officer HART, M. J. (MC, MAJC)		
Location from which property was seized VILLAGE CT				Date / Time 10/11/2017 04:00:43		Seizing Officer CREECH, A. A. (MC, MAJC)		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: KYZER, C. B. (EVID, MAJC)			11/22/2017 10:14:58	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status HOLD 11/22/2017								
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107813 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/11/2017 04:00	I	CREECH, A. A.	CREECH, A. A.	SEIZED
11/22/2017 08:44	I	CREECH, A. A.	Locker: Handed To Custodian	STORED IN LOCKER
11/22/2017 10:14	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
11/22/2017 10:14	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM

Case #: 17020311

PROPERTY REPORT (Evidence Room Copy)

Category <i>EVID</i>	Classification <i>AMMO</i>	Property Report# <i>107002</i>	Bag / Item <i>18 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMITHI</i>	System ID <i>117398</i>
Property Description <i>ITEM 1, COPPER JACKET, FROM FENCE</i>				Make/Model		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>BRZ</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # <i>17020311</i>		Offense			Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:23:44</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		<i>10/20/2017 11:37:01</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>		<i>10/20/2017</i>				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107002 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:23	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:25	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:37	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:37	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:29

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 107003	Bag / Item <i>19 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117399</i>
Property Description <i>ITEM 2, COPPER JACKET, FROM FENCE</i>				Make/Model		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>BRZ</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311		Offense			Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized █ <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:23:44</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>			10/20/2017 11:37:01	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>		<i>10/20/2017</i>				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107003 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:23	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:25	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:37	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:37	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification <i>AMMO</i>	Property Report# <i>106994</i>	Bag / Item <i>10 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMITH</i>	System ID <i>117390</i>
Property Description <i>ITEM 1, EXPENDED CARTRIDGE CASE, 40 SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # <i>17020311</i>	Offense				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		10/20/2017 11:35:47		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>		<i>10/20/2017</i>				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106994 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 106995	Bag / Item <i>11 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMITHT</i>	System ID <i>117391</i>
Property Description <i>ITEM 2, EXPENDED CARTRIDGE CASE, 40SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer <i>HART, M. J. (MC, MAJC)</i>		
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody			Received by: <i>KYZER, C. B. (EVID, MAJC)</i>			<i>10/20/2017 11:35:47</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106995 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 106996	Bag / Item <i>12 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117392</i>
Property Description <i>ITEM 3, EXPENDED CARTRIDGE CASE, 40SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311		Offense				Case Officer <i>HART, M. J. (MC, MAJC)</i>		
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>			<i>10/20/2017 11:35:47</i>	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106996 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:27

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification <i>AMMO</i>	Property Report# <i>106997</i>	Bag / Item <i>13 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117393</i>
Property Description <i>ITEM 4, EXPENDED CARTRIDGE CASE, 40SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # <i>17020311</i>	Offense				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		<i>10/20/2017 11:35:47</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106997 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:27

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 106998	Bag / Item <i>14 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117394</i>
Property Description <i>ITEM 5, EXPENDED CARTRIDGE CASE, 40 SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Wcapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		<i>10/20/2017 11:35:47</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106998 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:27

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification <i>AMMO</i>	Property Report# <i>106999</i>	Bag / Item <i>15 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMITHT</i>	System ID <i>117395</i>
Property Description <i>ITEM 6, EXPENDED CARTRIDGE CASE, 40SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # <i>17020311</i>	Offense				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		<i>10/20/2017 11:35:47</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>		<i>10/20/2017</i>				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 106999 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

User: KYZERC,

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

01/08/2020 15:28

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification <i>AMMO</i>	Property Report# <i>107000</i>	Bag / Item <i>16 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117396</i>
Property Description <i>ITEM 7, EXPENDED CARTRIDGE CASE, 40SW</i>				Make/Model <i>FEDERAL, 40 S&W</i>		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # <i>17020311</i>	Offense					Case Officer <i>HART, M. J. (MC, MAJC)</i>		
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:11:31</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
Chain Of Custody								
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>			<i>10/20/2017 11:35:47</i>	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>		<i>10/20/2017</i>				
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School

Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107000 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:11	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:20	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:35	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:35	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

Autopsy

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 107001	Bag / Item <i>17 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMIHT</i>	System ID <i>117397</i>
Property Description <i>ITEM 1, BULLET, FROM THE DECEASED</i>				Make/Model		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>SIL</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense					Case Officer <i>HART, M. J. (MC, MAJC)</i>		
Location from which property was seized <i>NEWBERRY HOSPITAL, AUTOPSY, NEWBERRY, SC</i>				Date / Time <i>10/18/2017 10:20:52</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard <i>Y</i>	Drug Test	Seized From		
Chain Of Custody								
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>			10/20/2017 11:36:43	
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 107001 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
08/01/2019 11:01	O	KYZER, CANDY	PITTS, CHARLOTTE	STATE LAB FOR TESTING
10/18/2017 10:20	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:23	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:36	I	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:36	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
09/25/2019 15:47	I	PITTS, CHARLOTTE	KYZER, CANDY	RETURN

PROPERTY REPORT (Evidence Room Copy)

Case #: 17020311

Category <i>EVID</i>	Classification AMMO	Property Report# 107004	Bag / Item <i>20 / 1</i>	Building <i>WW</i>	Room <i>WW</i>	Bin <i>V009</i>	Evid. Spec <i>SMITH</i>	System ID <i>117400</i>
Property Description <i>ITEM 2, COPPER JACKET FROM BULLET</i>				Make/Model		Letter	Weapon	Estimated Value
Year <i>0</i>	Color <i>BRZ</i>	Lic/Lis	Vin				Owner Applied #	
Owner Name				Address				
Case # 17020311	Offense <i>MURDER/NONNEGLIGENT</i>				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD, GASTON, SC</i>				Date / Time <i>10/18/2017 10:39:47</i>		Seizing Officer <i>SMITH, T. A. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: <i>KYZER, C. B. (EVID, MAJC)</i>		<i>10/20/2017 11:37:45</i>		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>10/20/2017</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner Destroy Release to Local School


Released To _____

X _____ Date _____
(Signature of Court Official)

Chain of Custody Report

Control Number: 107004 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
10/18/2017 10:39	I	SMITH, T. A.	SMITH, T. A.	SEIZED
10/18/2017 10:45	I	SMITH, T. A.	Locker: Handed To Custodian	STORED IN LOCKER
10/20/2017 11:37	1	Locker: Handed To Custodian	KYZER, C. B.	PICKED UP FROM LOCKER
10/20/2017 11:37	I	KYZER, C. B.	Location: WW,WW,V009	TRANSFER INTO EVIDENCE ROOM
12/18/2019 13:58	O	SMITH, THOMAS ALVIN	DAVIS, JACKIE	STATE LAB FOR TESTING
01/10/2020 13:03	I	DAVIS, JACKIE	JOHNSON, JAMIE ELYSE	RETURN
01/10/2020 16:00	I	JOHNSON, JAMIE ELYSE	KYZER, CANDY	RETURNED TO EVIDENCE
12/18/2019 10:28	O	KYZER, CANDY	SMITH, THOMAS ALVIN	OTHER LAB




PROPERTY REPORT (Evidence Room Copy)

Case #: **17020311**

Category <i>EVID</i>	Classification AMMO	Property Report# 114329	Bag / Item <i>36 / 1</i>	Building <i>WW</i>	Room <i>CCR</i>	Bin <i>C039</i>	Evid. Spec <i>SNELGROVEB</i>	System ID <i>126773</i>
Property Description <i>ITEM#1: PROJECTILE</i>				Make/Model		Letter	Weapon	Estimated Value
Year <i>0</i>	Color	Lic/Lis	Vin			Owner Applied #		
Owner Name				Address				
Case # 17020311	Offense <i>MURDER/NONNEGLIGENT</i>				Case Officer <i>HART, M. J. (MC, MAJC)</i>			
Location from which property was seized <i>STATE POND RD</i>				Date / Time <i>10/13/2017 15:50:57</i>		Seizing Officer <i>SNELGROVE, B. V. (FORS, MAJC)</i>		
Notes				Bio Hazard	Drug Test	Seized From		
				Chain Of Custody				
				Received by: <i>ANTLEY, E. P. (CODE, SUPO)</i>		07/03/2018 16:28:59		
Rec. By	Name	Reason	Rel. By	Date/Time	Returned By	Ret. To	Date/Time	
Current Status		<i>HOLD</i>	<i>07/03/2018</i>					
Disposition								
Code	Date	Authority				Evid. Spec		
Released To					Release Notes			

COURT DISPOSITION OR STATUS OF EVIDENCE

Return To Owner
 Destroy
 Release to Local School
 Released To _____
 X _____ Date _____
 (Signature of Court Official)

Chain of Custody Report

Control Number: 114329 Case #: 17-020311

Date/Time	In/Out	Released By	Released To	Purpose
12/20/2019 07:52	O	ANTLEY, ERIN PROCTOR	SMITH, THOMAS ALVIN	STATE LAB FOR TESTING
12/20/2019 08:44	O	SMITH, THOMAS ALVIN	DAVIS, JACKIE	STATE LAB FOR TESTING
01/10/2020 13:03	I	DAVIS, JACKIE	JOHNSON, JAMIE ELYSE	RETURN
01/10/2020 16:00	I	JOHNSON, JAMIE ELYSE	KYZER, CANDY	RETURNED TO EVIDENCE
10/13/2017 15:50	I	SNELGROVE, B. V.	SNELGROVE, B. V.	SEIZED
07/03/2018 16:18	I	SNELGROVE, B. V.	Locker: Grey Box	STORED IN LOCKER
07/03/2018 16:28	I	Locker: Grey Box	ANTLEY, E. P.	PICKED UP FROM LOCKER
07/03/2018 16:28	I	ANTLEY, E. P.	Location: WW,CCR,C039	TRANSFER INTO EVIDENCE ROOM

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT**

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

September 10, 2019

Michael Hart
Lexington County Sheriff's Department
521 Gibson Rd.
Lexington, SC 29072

FIREARMS DEPARTMENT
SLED LAB: L17-15509
Your Case No: 17020311
Incident Date: 10/10/2017
[S-Deceased] Annette Riley
[S] Chesnee Mattress
[S] Treshawn Alexander
[S] Amaria Hamm
[S] Ashley Riley
[S] Monyell Fulton

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

- Item: 7 One fired 40 S&W caliber cartridge case.
- Item: 8 One fired 40 S&W caliber cartridge case.
- Item: 9 One fired 40 S&W caliber cartridge case.
- Item: 10 One fired 40 S&W caliber cartridge case.
- Item: 11 One fired 40 S&W caliber cartridge case.
- Item: 12 One fired 40 S&W caliber cartridge case.
- Item: 13 One fired 40 S&W caliber cartridge case.

RESULTS:

Items 7 – 13 were physically examined and microscopically compared with each other and with test cartridge cases fired by Item 17. Matching individual identifying characteristics were found, and it was concluded that Items 7 – 13 were fired by Item 17.

- Item: 14 One lead fragment labeled as "...from the deceased".

RESULTS:

Item 14 was physically and microscopically examined. Due to damage and a lack of marks of



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351



State v. Mattress

Additional Discovery

SLED LAB No. L17-15509 September 10, 2019	Page 2 of 3
--	-------------

value, it was concluded that Item 14 was unsuitable for identification with other firearms related evidence.

- Item: 15** One fired bullet jacket labeled as from "...fence".
Item: 16 One fired bullet jacket labeled as from "...fence".

RESULTS:

Physical and microscopic examinations of Items 15 and 16 revealed that they were most consistent with jackets of jacketed bullets loaded into some 40 S&W or 10mm Auto caliber cartridges. Marks of value were found, and it was concluded that Items 15 and 16 may be suitable for identification with other firearms related evidence.

Items 15 and 16 were microscopically compared with each other and with test bullets fired by Item 17 with the following results:

- Matching individual identifying characteristics were found on Items 15 and test bullets fired by Item 17 to conclude that Item 15 was fired by Item 17.
- Due to damage and insufficient corresponding individual identifying characteristics, the results of comparisons of Item 16 with Item 15 and test bullets fired by Item 17 were inconclusive. Although some similarities were noted, it could not be determined whether Item 16 was fired by Item 17 or by another similarly rifled firearm.

- Item: 17** One Taurus Model PT140 Millennium Pro semiautomatic pistol, 40 S&W caliher, serial number SFM27080, with magazine.
RESULTS:
 Item 17 was physically examined. The pistol was test fired using the submitted magazine and found to be in working order.

- Item: 17.1** Test specimens fired by Item 17 using Laboratory supplied ammunition.
RESULTS:
 Test specimens will be retained by the SLED Firearms Department for a period of time and will then be returned to your Agency for long term storage as evidence.

Item 17 was entered into the Integrated Ballistics Identification System (IBIS). Should any leads be developed, your Agency will be notified. Please retain the evidence for a minimum of two years in order to maintain its availability for future comparisons related to IBIS activity.



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SLED LAB No. L17-15509 September 10, 2019	Page 3 of 3
--	-------------

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Suzann F. Cromer
Forensic Scientist



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SOUTH CAROLINA LAW ENFORCEMENT DIVISION FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

December 19, 2019

Michael Hart
Lexington County Sheriff's Department
521 Gibson Rd.
Lexington, SC 29072

FIREARMS DEPARTMENT
SLED LAB: L17-15509
Your Case No: 17020311
Incident Date: 10/10/2017
[S-Deceased] Annette Riley
[S] Chesnee Mattress
[S] Treshawn Alexander
[S] Amaria Hamm
[S] Ashley Riley
[S] Monyell Fulton
[V] Annette Riley

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL

ITEMS OF EVIDENCE:

- Item: 17** One Taurus Model PT140 Millennium Pro semiautomatic pistol, 40 S&W caliber, serial number SFM27080, with magazine – **previously submitted.**
RESULTS:
Item 17 was previously examined. See Firearms report dated September 10, 2019.
- Item: 17.1** Test specimens fired by Item 17 using Laboratory supplied ammunition.
RESULTS:
Item 17.1 was used for comparison purposes. Test specimens will be retained by the SLED Firearms Department for a period of time and will then be returned to your Agency for long term storage as evidence.
- Item: 18** One fired bullet jacket fragment.
RESULTS:
Item 18 was physically examined and microscopically compared with test bullets fired by the



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

State v. Mattress



Additional Discovery

SLED LAB No. L17-15509 December 19, 2019	Page 2 of 2
---	-------------

Item 17 pistol. Matching individual identifying characteristics were found, and it was concluded that Item 18 was fired by Item 17.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Suzann F. Cromer
Forensic Scientist



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SOUTH CAROLINA LAW ENFORCEMENT DIVISION FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

January 02, 2020

Michael Hart
Lexington County Sheriff's Department
521 Gibson Rd.
Lexington, SC 29072

FIREARMS DEPARTMENT
SLED LAB: L17-15509
Your Case No: 17020311
Incident Date: 10/10/2017
[S-Deceased] Annette Riley
[S] Chesnce Mattress
[S] Treshawn Alexander
[S] Amaria Hamm
[S] Ashley Riley
[S] Monyell Fulton
[V] Annette Riley

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL

ITEMS OF EVIDENCE:

- Item: 17** One Taurus Model PT140 Millennium Pro semiautomatic pistol, 40 S&W caliber, serial number SFM27080, with magazine – **previously submitted.**
RESULTS:
Item 17 was previously examined. See Firearms report dated September 10, 2019.
- Item: 17.1** Test specimens fired by Item 17 using Laboratory supplied ammunition.
RESULTS:
Test specimens will be retained by the SLED Firearms Department for a period of time and will then be returned to your Agency for long term storage as evidence.
- Item: 19** One fired bullet.
RESULTS:
Item 19 was physically examined and microscopically compared with test bullets fired by the Item 17 pistol. Matching individual identifying characteristics were found, and it was



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

State v. Mattress

Additional Discovery

SLED LAB No. L17-15509 January 02, 2020	Page 2 of 2
--	-------------

concluded that Item 19 was fired by Item 17.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Suzann F. Cromer
Forensic Scientist



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON

State of South Carolina,

MOTION TO SUPPRESS

vs.

Warrant 2017A3210201741,1742

CHESNEE MATTRESS,

Defendant

The Defendant moves to suppress all evidence seized at [REDACTED] Village Court in Lexington County, South Carolina as well as testimony regarding these items.

Summary of Facts

On 10-11-17, the Lexington County Sheriff's Department searched the residence at [REDACTED] Village Court pursuant to a search warrant (9copy attached).. The items seized included suspected illegal drugs and weapons leading to drug charges being brought against the defendant and the seizure of the alleged murder weapon. Other items seized included drug paraphernalia, warrants and legal paperwork, ammunition and other items as well as a security video from which the state has produced printed images of the defendant the state intends to use in this case.

Legal Argument

The items seized are not relevant to the prosecution for the charges brought against the defendant and will be prejudicial to the defendant. "In the prosecution of one crime, proof of another direct substantive crime is never admissible unless there is some legal connection between the two upon which it can be said that one tends to establish the other or some essential fact in issue." *State v. Jenkins*, 317 S.C. 183, 452 S.E.2d 612 (Ct. App 1994). "The State must also show the evidence sought to be introduced fits into one of the exceptions under *State v. Lyle*, 125 S.C. 406, 118 S.E.2d 803 (1923)."

Items seized are not relevant and are prejudicial. "However, even if certain items listed in the search warrant are found, they may still be inadmissible on the grounds of relevancy or prejudice to the defendant." *State v. Johnson*, 334 S.C. 78, 512 S.E.2d 795 (1999) (where pornographic tapes and sex aids found in defendant's home were inadmissible in CSC with Minor case because there were no allegations that they had any connection to victims). In addition, the state has failed to provide evidence that these exhibits are relevant or that their probative value outweighs their prejudicial effect. *South Carolina Rules of Evidence, Rule 402, 403*. Also, the items seized include suspected illegal drugs, drug paraphernalia, alcoholic beverages, firearms, ammunition, arrest warrants and other documents and items and this would prove to be highly prejudicial. Evidence in a criminal case "may still be inadmissible on the grounds of relevancy or prejudice to the defendant." *State v. Johnson*, 334 S.C. 78, 512 S.E.2d 795



(1999), *South Carolina Rules of Evidence, Rule 402, 403, 404*. Also, this contains evidence of other crimes for which the defendant is not on trial including drug charges now pending in this circuit and hearsay evidence. *South Carolina Rules of Evidence, Rule 404, 802*.

The search [REDACTED] Village Court was illegal and in violation of Article I, § 10 of the South Carolina Constitution and the Fourth Amendment of the Federal Constitution, and S.C. Code Section 17-13-140 proscribing unreasonable search and seizure.

The basis for this search and seizure was the search warrant mentioned above and no exigent circumstances or other exceptions to the search warrant requirement applied. The search warrant contained insufficient information for the magistrate to find probable cause to issue the warrant.

"A magistrate may issue a search warrant only upon a finding of probable cause" State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997); S.C. Code Section 17-13-140. "The affidavit must contain sufficient underlying facts and information upon which a magistrate can make a probable cause determination." State v. Robinson, 335 S.C. 620, 518 S.E.2d 269 (Ct. App. 1999). "The duty of the reviewing court is to ensure the issuing magistrate had a substantial basis upon which to conclude that probable cause existed". State v. Adams 352 S.E. 2d 483 (1987).

Further, in the search warrant obtained by Lexington County, the affidavit fails to list any information about the relevance of the home at [REDACTED] Court or who resided there. The report and warrant reflect that law enforcement was relying upon a "ping" from a phone number they claim was connected to the defendant. This refers to information from a cell phone that includes anonymous sources producing information that a phone is located within a general area but not linked to a land line assigned to a particular residence. As a result, such information is insufficient. *State v. Green, 341 S.C. 214, 532 S.E.2d 896 (Ct.App.2000), State v. Rogers, 629 S.E.2d 679, 368 S.C. 529 (S.C. App. 2006)* As a result the search warrant cannot be considered sufficient to convince a magistrate that there was a "fair probability that contraband or evidence of a crime" would be found within the residence. "A magistrate must make a practical, common sense decision of whether, given the totality of the circumstances set forth in the affidavit, including the veracity and basis of knowledge of persons supplying information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." *State v. Baccus, 625 S.E. 2d 216 (2006) citing Illinois v. Gates, 462 U.S. 213, 103 S. Ct. 2317 (1983).*

The affidavit also fails to mention any connection between defendant and the residence. No additional information was orally presented to the magistrate.

In previous cases involving the search of a home for suspected illegal drugs, the South Carolina Court of Appeals has found that even in a case where police received citizen complaints about a high volume of foot traffic at a residence and a complaint of a citizen smelling marijuana in the vicinity of the same residence as well as a visitor leaving the residence and being arrested with marijuana, the facts in the affidavit were

still insufficient to establish probable cause for a search warrant. *State v. Gentile*, 373 S.C. 506, 646 S.E.2d 171 (Ct. App. 2007). The supporting affidavit must set out facts sufficient to establish the reason law enforcement believes they will find evidence of a crime. *State v. Baccus*, 625 S.E. 2d 216 (2006).

In this case, this affidavit fails to set forth any facts as to why the police believed would be in the residence or have evidence from this crime at the location.

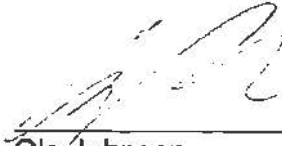
This violation of Defendants rights under the Fourth Amendment cannot be admitted under a good faith exception

"The good faith exception does not apply if the underlying affidavit does not include sufficient information to allow a magistrate to determine probable cause." *State v. Adolphe*, 314 S.C. 89,441 S.E.2d 832 (1994).

In addition, for the reasons stated above, this search warrant violates the law of South Carolina and exclusion is the appropriate remedy. S.C. Code Section 17-13-140, Article I, § 10 of the South Carolina Constitution.

Therefore, the evidence seized from the execution of this search warrant is the product of an unlawful search and seizure and exclusion of the evidence is required to deter improper police behavior and to avoid the prejudicial effect on defendant.

Lexington, South Carolina
January 10, 2020



Ola Johnson
Attorney for the Defendant
PO Box 549
201 West Main Street, Suite G
Lexington, SC 29072
(803) 360-8692

F17-04053

January 11, 2018 Page 1 of 59

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date October 11, 2017

Officer Sergeant Traci Barr

1916 01/11/18

State v. Mattress

Additional Discovery

F17-04053

January 11, 2018 Page 2 of 59

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

SEARCH WARRANT

1816 VILLAGE C
Form Approved by
S.C. Attorney General
Section 17-9-150
March 18, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The premise to be searched is [redacted] Village Court in the West Columbia area of Lexington County, SC. The residence is described as a single story brick residence with four windows with white trim facing the road with red or brown shutters. The front door is white with a stainless and glass storm door. The numbers [redacted] affixed at the top of the doorway silver on a black background. There is a concrete brick front porch, and an attached carport on the right side of the residence with a storage shed under the carport. The residence also has brown shingles. There is a rusted black mailbox at the end of the driveway by the road.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

The evidence sought in this search includes but it not limited to any and all clothing, blood, blood spatter, biological, saliva, serological, trace evidence, fibers, latent prints, paper effects and any and all weapons, edged weapons, firearms, ammunition, shell casing, and projectiles. Also sought are any and all related electronic devices, to include camera, recorders, cell phones and computers, along with video and photographs of the interior and exterior residence.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Judge Whitty

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

GASTON
Oct 11, 2017, S. C.

351mm
[Signature] (L.S.)
Signature of Judge

SCCA/513 (3-78), LCSD 010, 04/01

1816 UICMG CR

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Sergeant Traci Barr who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

The evidence sought in this search includes but it not limited to any and all clothing, blood, blood spatter, biological, saliva, serological, trace evidence, fibers, latent prints, paper effects and any and all weapons, edged weapons, firearms, ammunition, shell casing, and projectiles. Also sought are any and all related electronic devices, to include camera, recorders, cell phones and computers, along with video and photographs of the interior and exterior residence.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

The premise to be searched is [redacted] Village Court in the West Columbia area of Lexington County, SC. The residence is described as a single story brick residence with four windows with white trim facing the road with red or brown shutters. The front door is white with a stainless and glass storm door. The numbers [redacted] affixed at the top of the doorway silver on a black background. There is a concrete brick front porch, and an attached carport on the right side of the residence with a storage shed under the carport. The residence also has brown shingles. There is a rusted black mailbox at the end of the driveway by the road. This search is to also include video and photographs of the interior and exterior residence. Detectives are seeking this search warrant to gather and collect evidence which may further assist law enforcement with this homicide investigation.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On October 11, 2017 at 00:41AM the Lexington County Sheriff's Department received a 911 call in reference to a shooting at the location of [redacted] State Pond Rd. in Gaston area of Lexington County, SC. The caller advised that a female known as Annette Riley had been shot in the face by Chesnee Mattress. Upon arrival, deputies were advised by multiple witnesses on scene that Chesnee Mattress came to the residence with other individuals after being challenged to a fight by Jasmine Riley. The dispute between Chesnee Mattress and Jasmine Riley has been an ongoing dispute between the two females. During the altercation, Annette Riley, mother of Jasmine Riley intervened to break up the altercation and was subsequently shot in the face by Chesnee Mattress when Annette Riley was disengaging from the altercation. Through further investigation of the shooting incident which took place at [redacted] State Pond Rd. in the Gaston, area of Lexington County SC. Detectives located information on a known address for suspect Chesnee Mattress who was positively identified by witnesses as the shooter of Annette Riley. Deputies pinged Chesnee Mattress cell number 803.403.5514 which was located at [redacted] Village Court in the West Columbia area of Lexington County, SC shortly after the shooting. Detective are seeking this search warrant further investigate this homicide and gather and collect any and all related evidence to further assist law enforcement with this investigation.

Sworn to and Subscribed before me
this 11 day of Oct 20 11
3:51 AM (L. S.)
Signature of Judge

[Signature]
Affiant
Address 521 Gibson Rd
Lexington, SC 29072
Phone 803-785-8230

RETURN

I received the attached Search Warrant October 11, 20 17, and have executed it as follows:
On October 11, 20 17 at 0400 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with RESIDENCE
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: Item # 1 is Hornady 9mm Ammo 14 round found in Room 6 by Investigator Creech. Item # 2 is Federal Ammo Classic 50 Rounds found in Room 6 by Investigator Creech. Item # 3 is a Black Hand Gun Holster found in Room 6 by Investigator Creech. Item # 4 is an iPad Model A1474 found in Room 6 by Investigator Creech. Item # 5 is one 40 Cal Bullet Federal S & W found in Room 6 by Investigator Creech. Item # 6 is One Verizon Tablet Ellipsis Model found in Room 6 by Investigator Creech. Item # 7 is one Black Handgun Magazine found in Room 6 by Investigator Creech. Item # 8 is one 40 Cal Bullet found in Room 6 by Investigator Creech. Item # 9 is four 40 Cal Bullets found in Room 6 by Investigator Creech. Item # 10 is three 9mm Bullet found in Room 6 by Investigator Creech. Item # 11 is forty 40 Cal Bullets found in Room 6 by Investigator Creech. Item # 12 is five 9mm Hornady Bullets found in Room 6 by Investigator Creech. Item # 13 is Walther Handgun Case found in Room 6 by Investigator Creech. Item # 14 is iPad Model A1337 found in Room 6 by Investigator Creech. Item # 15 is iPhone S FCC ID BCG-E2944A found in Room 6 by Investigator Creech. Item # 16 is Samsung Phone S/N RF8MA3EMBDT found in Room 6 by Investigator Creech. Item # 17 is ATT Phone S/N 325466651138 found in Room 6 by Investigator Creech. Item # 18 is Taurus 40 Cal PT 140 PRO SN SFM27080 and one magazine found in Room 6 by Investigator Creech. Item # 19 five 40 Cal Bullets found inside Item # 18 in Room 6 by Investigator Creech. Item # 20 Smith & Wesson Empty Gun Box found in Room 6 by Investigator Creech. Item # 21 is a pair of white Nike Huarache found in Room 6 by Investigator Creech. Item # 22 is a pair of blk/white Air Jordans found in Room 6 by Investigator Creech. Item # 23 is one pair of blk/white Air Jordan's with "45" found in Room 6 by Investigator Creech. Item # 24 is empty gun case found in Room 4 by Investigator Creech. Item # 25 is CCTV Security System to include four cameras, a DVR, and a monitor.

This inventory was made in the presence of Det. A. Creech
AND Det. D. Edmonson II

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 29
day of Nov, 20 17 }

Signature of Judge (L. S.)
11/5/17

[Signature]
(Signature of Officer Executing Warrant)

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 17020311

RWP

ARREST WARRANT NUMBER

2017A3210201741

ACTION OF GRAND JURY

TRUE BILL

David B. Goff 4-9-18
Foreperson of Grand Jury

Date:

VERDICT

Guilty

Joseph Mink 1-16-20
Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS3200920

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2018

THE STATE

vs.

Chesnee Labri Mattress

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder
§ 16-03-0010

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **Chesnee Labri Mattress** did in Lexington County on or about October 11, 2017, willfully and feloniously kill one Annette Riley with malice aforethought, either express or implied, by shooting her in the face and that the victim died as a proximate result thereof, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

INDICTMENT/CASE#: 2018GS3200920
A/W#: 2017A3210201741
Date of Offense: 10/11/2017
S.C. Code § : 16-03-0010
CDR Code #: 0116

Chesnee Labri Mattress

AKA:

Race: Black Sex: F Age: 25

DOB: SS#: [REDACTED]

Address: Village Ct

City, State, Zip: Gaston, SC 29053-9337

DL#: SID#: SC02166955

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees like § 14-1-206, § 14-1-211(A)(1), § 14-1-211(A)(2), § 56-5-2995, § 56-1-286, Proviso, § 14-1-212, § 14-1-213, § 50-21-114, § 56-5-2942(J), and 3% to County.

TOTAL
Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (04/2018)
Presiding Judge
Judge Code: 2765
Sentence Date: 1-16-2020

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 17020311

RWP

ARREST WARRANT NUMBER

2017A3210201742

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

DOCKET NO. 2018GS3200921

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2018

THE STATE

vs.

Chesnee Labri Mattress

CDR #: 0548

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Possession of a Weapon During the
Commission of a Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **Chesnee Labri Mattress** did in Lexington County, South Carolina on or about October 11, 2017 knowingly and willfully possess a firearm during the commission of a violent crime, to wit: murder, such weapon described as a Taurus .40 caliber pistol in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

0-549

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Chesnee Labri Mattress)
 AKA:)
 Race: Black Sex: F Age: 25)
 DOB: [REDACTED] SS#: [REDACTED])
 Address: Village Ct [REDACTED])
 City, State, Zip: Gaston, SC 29053-9337)
 DL#: [REDACTED] SID#: SC02166955)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3200921
 A/W#: 2017A3210201742
 Date of Offense: 10/11/2017
 S.C. Code § : 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 15969
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDoc. 828 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp. _____

Recipient: May serve W/E beginning _____

*Fine: Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ prmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (04/2018)

Appointed PD or appointed other counsel, §Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]

Judge Code: 2765

Sentence Date: 1-16-2020

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/Susan B. Hackett

Susan B. Hackett

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Mar 26 2021

SC Court of Appeals

This 26th day of March, 2021.