VOLUME I of II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT

V.

SAMUEL ERNEST AARON,

APPELLANT.

APPELLATE CASE NO 2022-000312

RECORD ON APPEAL

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Pages 1-500

INDEX

INDEX i

TRIAL TRANSCRIPT DATED MARCH 7-8, 10-11, 2022 1

JURY VOIR DIRE 9

JURY SELECTION 53

OPENING REMARKS BY THE COURT 72

OPENING STATEMENT BY MR. GRAHAM 80

OPENING STATEMENT BY MS. WILLIAMS 83

TESTIMONY

ANGIE GUNTER 86

ADRIAN ZONA 92

JURY NOTE 100

COLLOQUY WITH JUROR 189 101

TESTIMONY

ADRIAN ZONA (CONT'D) 102

COLLOQUY REGARDING PUBLICIZING DOCUMENT 112

TESTIMONY

ADRIAN ZONA (CONT'D) 119

RACHAEL DECKER 144

JURY NOTE 153

TESTIMONY

KARIE SUTHERLAND 156

KAYLA RILEY 228

MATTER OF LAW 245

RULING BY THE COURT 248

TESTIMONY

KAYLA RILEY 250

COURTNEY THOMPSON 254

STEPHANIE STANLEY 263

ARCADEUS DUBARD 278

BRENDA SNELGROVE 316

DAWN LAROCQUE 324

PAULA HARE 330

RONALD JEFFCOAT 349

JAMES BRIAN ANDERSON 371

MOTION FOR MISTRIAL 376

TESTIMONY

JAMES BRIAN ANDERSON (CONT'D) 385

DEBRA CLEVELAND 388

NICHOLAS BURT 401

STATE RESTS 408

RULING BY THE COURT ON MISTRIAL 411

MOTION FOR DIRECTED VERDICT 411

RULING BY THE COURT 417

ADVICE OF RIGHTS 418

TESTIMONY

SAMUEL ERNEST AARON....424

DEFENSE RESTS....479

TESTIMONY

ARCADEUS DUBARD....479

COLLOQUY....489

TESTIMONY (IN-CAMERA)

ARCADEUS DUBARD....490

TESTIMONY

ARCADEUS DUBARD....491

RENEWAL OF ALL MOTIONS....494

RULING BY THE COURT....495

CLOSING ARGUMENT BY MS. WELLMAN....499

CLOSING ARGUMENT BY MR. WILLIAMS....516

CLOSING REBUTTAL BY MS. WELLMAN....539

COLLOQUY REGARDING EXHIBITS....541

CHARGE ON THE LAW....543

JURY NOTE....565

VERDICT....566

JURY POLL....566

RENEWAL OF ALL MOTIONS....569

MOTION TO SET ASIDE JURY'S VERDICTS....569

RULING BY THE COURT....569

SENTENCING 575

PRETRIAL TRANSCRIPT DATED MARCH 7, 2022 578

JACKSON V. DENNO HEARING 581

TESTIMONY

ARCADEUS DUBARD 581

RULING BY THE COURT 586

MOTION FOR SEQUESTRATION 587

RULING BY THE COURT 587

MOTION TO EXCLUDE SELF-SERVING HEARSAY 587

RULING BY THE COURT 591

MOTION TO EXCLUDE 592

RULING BY THE COURT 593

INDICTMENTS 598

CERTIFICATE OF COUNSEL 604

State of South Carolina)	Court of General Sessions
County of Lexington)	Eleventh Judicial Circuit
State of South Carolina,)	Transcript of Record
vs.)	2020-GS-32-01345 2020-GS-32-01839
Samuel Ernest Aaron,)	2020-GS-32-01840
Defendant.)	

March 7th-8th & 10th-11, 2022

Lexington, South Carolina

B E F O R E:

The Honorable Debra R. McCaslin, Judge

A P P E A R A N C E S:

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D. Shawn Graham, Deputy Solicitor

On behalf of the State of South Carolina

Robert "Theo" Williams, Sr., Esquire
Anna M. Williams, Esquire

On behalf of the Defendant

Reported by: Stacy S. Johnson,
Circuit Court Reporter

I N D E X

WITNESS	PAGE
Pre-Trial Motion(s) (Reported by Maria DeSoccio)	--
Jury Selection	8
Opening Statement	
By Mr. Graham	80
By Ms. Williams	83
Angie Gunter	
Direct Examination by Ms. Wellman	86
Adrian Zona	
Direct Examination by Ms. Wellman	92
Cross-Examination by Mr. Williams	125
Redirect Examination by Ms. Wellman	142
Recross Examination by Mr. Williams	143
Rachael Decker	
Direct Examination by Ms. Wellman	144
Cross-Examination by Ms. Williams	148
Redirect Examination by Ms. Wellman	151
Karie Sutherland	
Direct Examination by Ms. Wellman	156
Cross-Examination by Mr. Williams	198
Redirect Examination by Ms. Wellman	225
Kayla Riley	
Direct Examination by Ms. Wellman	229
Cross-Examination by Ms. Williams	250
Courtney Thompson	
Direct Examination by Mr. Graham	254
Stephanie Stanley	
Direct Examination by Mr. Graham	263
Arcadeus Dubard	
Direct Examination by Ms. Wellman	279
Cross-Examination by Mr. Williams	304
Brenda Snelgrove	
Direct Examination by Ms. Wellman	316

Dawn Larocque
Direct Examination by Ms. Wellman 325

Paula Hare
Direct Examination by Ms. Wellman 331
Cross-Examination by Mr. Williams 336
Redirect Examination by Ms. Wellman 347
Recross Examination by Mr. Williams 348

Ronald Jeffcoat
Direct Examination by Ms. Wellman 350
Cross-Examination by Ms. Williams 368

James Brian Anderson
Direct Examination by Ms. Wellman 371
Con'd Direct Examination by Ms. Wellman 385
Cross-Examination by Mr. Williams 387

Motion for Mistrial 376

Debra Cleveland
Direct Examination by Ms. Wellman 389
Cross-Examination by Mr. Williams 398

Nicholas Burt
Direct Examination by Ms. Wellman 401
Cross-Examination by Mr. Williams 406

Motion for Directed Verdict 411

Samuel Ernest Aaron
Direct Examination by Mr. Williams 424
Cross-Examination by Ms. Wellman 449
Redirect Examination by Mr. Williams 477

Arcadeus Dubard
Direct Examination (Rebuttal) by Ms. Wellman 480
Cross Examination (Surrebuttal) by Mr. Williams 485
Examination (In-Camera) by Mr. Williams 490
Con'd Cross-Examination (Surrebuttal) by Mr. Williams 491

Motion(s) Renewed 494

Closing Statement
By Ms. Wellman 499
By Mr. Williams 516
By Ms. Wellman 539

Jury Charge 543

1	Verdict	566
2	Motion(s) Renewed	569
3	Sentence of the Court	574
4	Certificate of Reporter	577

E X H I B T S

		ID.	EV.
Court's 1	Juror Number 189 Note	101	
Court's 2	Jury Note	153	
Court's 3	Jury Charge	498	
Court's 4	Jury Note	564	
State's 1	9-1-1 Call	88	90
State's 2	Body Cam DVD	96	98
State's 3	Aerial Map	103	103
State's 4	Photograph	105	107
State's 5	Photograph	105	107
State's 6	Photograph	110	
State's 7	Photograph	118	120
State's 8	Evidence Box with Red Rag	120	124
State's 8.1	Box	121	124
State's 8.2	Bag	122	124
State's 8.3	Package	123	124
State's 8.4	Red Rag	123	124
State's 9	Food Stamp Application	168	169
State's 10	Circle K Video	175	287
State's 11	Photograph	186	186
State's 12	Photo Lineup	190	298
State's 13	Photograph	191	193
State's 14	Photograph	191	193

1	State's 15	Photograph	191	193
2	State's 16	Silver Ring	195	
3	State's 17	Three Rings	195	
4	State's 18	CV of Kayla Riley	228	233
5	State's 19	Sexual Assault Kit	228	257
6	State's 20	Cutting from Red Rag	228	262
7	State's 21	Defendant DNA Standard	228	266
8	State's 22	Map of DSS Area	288	289
9	State's 23	Photo Lineup Instruction Sheet	297	298
10	State's 24	Photograph	301	302
11	State's 25	Search Warrant (Withdrawn)	317	318
12	State's 26	Photograph	317	318
13	State's 27	Photograph	317	318
14	State's 28	Photograph	317	318
15	State's 29	Photograph	317	318
16	State's 30	Photograph	317	318
17	State's 31	Photograph	317	318
18	State's 32	Photograph	317	318
19	State's 33	Photograph	317	318
20	State's 34	Cinnamon Hill Video	328	329
21	State's 35	LCSD Property Form	333	333
22	State's 36	Jewelry Appraisal	357	359
23	State's 37	Photograph	360	361
24	State's 38	Photograph	363	364
25	State's 39	Photograph	465	466

State's 40	Body Cam Recording		479	484
State's 41	Playable 9-1-1 Call		543	543
Defendant's 1	Victim's Statement		489	

8

(The following proceedings were held March 7, 2022, beginning at 2:22 PM.)

THE COURT: Do I have everybody?

BAILIFF: That's everybody.

THE COURT: All right.

All right. And I have all the jurors?

BAILIFF: Yes, ma'am, Your Honor.

THE COURT: Okay.

All right. Ladies and gentlemen, we're gonna get ready to pick a jury. I'm going to ask the State to call the case.

MS. WELLMAN: Thank you, Your Honor. May it please the Court?

Good afternoon. At this time the State is calling for trial the case of State versus Samuel Aaron. It is Indictment 2020-GS-32-01840, one count of kidnapping. Indictment 2020-GS-32-01345, one count of criminal sexual conduct in the first degree. Indictment 2020-GS-32-01839, one count of strong arm robbery.

May I approach, Your Honor?

THE COURT: You may.

Okay. Thank you.

All right. How pleads the defendant?

MR. WILLIAMS: Our client pleads not guilty to all charges.

THE COURT: Thank you, Mr. Williams.

All right. Ladies and gentlemen, before we select the jury, there are several questions which I must ask you. If you need to answer any of these questions, please stand and I will call on you individually. Do not blurt out an answer.

All right. At this time I'm gonna ask the State to introduce themselves and anyone else assisting in the prosecution of this case.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: Uh-huh.

MS. WELLMAN: Good afternoon, ladies and gentlemen. My name is Ashley Wellman. I'm an assistant solicitor here in Lexington County. I am prosecuting this case with Shawn Graham. He's a deputy solicitor in this circuit as well.

Also as part of this prosecution is Detective Dubard from the Lexington County Sheriff's Department. We also have Ms. Jennifer Jones assisting with the solicitor's office and we also have Investigator John Bishop, also with the solicitor's office.

THE COURT: Thank you, Ms. Wellman.

Now let me ask the defense lawyers to introduce themselves and their client.

MR. WILLIAMS: Ladies and gentlemen of the jury,

I am Theo Williams and I'm trying this case along with my law partner, Anna Williams, who's my daughter. And this is Sam Aaron, who is the defendant, who has been charged in these cases.

THE COURT: Thank you, Mr. Williams.

All right. Ladies and gentlemen of the jury, the lawyers just introduced themselves to you. Has any member of the jury panel ever been represented by any of the attorneys involved in this case or their law firm? If so, please stand.

(Potential juror stands.)

POTENTIAL JUROR: 171.

THE COURT: Juror Number 171. That's Ms. McClary.

Ms. McClary, let me ask you if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

Anybody want any further clarification?

MS. WELLMAN: If I can just have one second.

THE COURT: You may.

(Discussion between attorneys.)

MR. GRAHAM: Your Honor, can we approach?

THE COURT: You may.

(Proceedings held at the bench; not reported.)

THE COURT: Okay.

All right. Is any member of the jury panel related by blood or marriage, know personally or have any religious, political, social or business association with any of the attorneys involved in this case or anyone in their law firms? If so, please stand.

Does any potential juror know any solicitors or have any dealings with any prosecutors or solicitors of the Eleventh Judicial Circuit, which is our circuit? If so, please stand.

(Potential juror stands.)

THE COURT: Number?

POTENTIAL JUROR: 229.

THE COURT: 229.

All right. Mr. Rogers, let me ask you, can you just give me the name of the person you know in the solicitor's office?

POTENTIAL JUROR: I don't know if it's this circuit or what. It's Mary Collins. She's in York county, but I don't know --

THE COURT: Yes, sir. That's not our circuit, but while you're up, Mr. Rogers, let me ask you if you were selected as a juror in this case, knowing that you know a solicitor in York county, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

Does any juror have a family member who has been or is in law enforcement? If so, please stand.

(Potential jurors stand.)

THE COURT: There we go.

All right. When I call on you, all I want to know is what family member it is.

Let me start here. Can I have your juror number, please?

POTENTIAL JUROR: 285.

THE COURT: All right. And who in your family's in law enforcement?

POTENTIAL JUROR: My brother.

THE COURT: Your brother. Let me ask you, Mr. West, if you were selected as a juror in this case could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 76.

THE COURT: Juror Number 76. Mr. Fair?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: What member of your family's law enforcement?

POTENTIAL JUROR: My brother.

THE COURT: Your brother. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: My husband.

THE COURT: And your juror number?

POTENTIAL JUROR: Oh, I'm sorry. 235.

THE COURT: 235. Ms. Sharpe --

POTENTIAL JUROR: Yes, ma'am.

THE COURT: -- if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 278. My cousin is retired from SLED.

THE COURT: 278. Mr. Wages, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: Juror 212. My spouse previously.

THE COURT: All right. Ms. Prince, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 113.

THE COURT: Juror Number 113. Ms. Herman, what family member's in law enforcement?

POTENTIAL JUROR: My uncle's a retired judge.

THE COURT: Okay. Well, Ms. Herman, if you were selected as a juror on this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 21.

THE COURT: Juror Number 21. Ms. Boozer, what family member's in law enforcement?

POTENTIAL JUROR: I have experience and my brother.

THE COURT: You and your brother?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: So let me ask you, Ms. Boozer, if you

were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, sir, in the back.

POTENTIAL JUROR: 225.

THE COURT: Juror Number 225. Mr. Riley.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Mr. Riley, what member of your family's in law enforcement?

POTENTIAL JUROR: My son is.

THE COURT: Your son. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: Dana strange, Number 260.

THE COURT: Juror Number 260. Ms. Strange, your husband's with SLED, right?

POTENTIAL JUROR: He retired in December.

THE COURT: Retired. If you were selected as a juror in this case, could you be fair and impartial to both state and the defense?

POTENTIAL JUROR: Yes, ma'am.

16

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 149.

THE COURT: 149. Mr. Kolacinski?

POTENTIAL JUROR: Yes. Myself and my wife both retired.

THE COURT: Okay. And if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 234, Charlton Scott.

THE COURT: Mr. Scott, what family member?

POTENTIAL JUROR: I have two uncles that are retired law enforcement officers.

THE COURT: Okay. And if you were selected as a juror in this case, could you, too, be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: Thank you.

Yes, sir. I'm looking at you.

POTENTIAL JUROR: Juror 104.

THE COURT: Juror 104. That's Mr. Hall.

POTENTIAL JUROR: My nephew.

THE COURT: Mr. Hall, if you were selected as a juror in this case, could you being fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

The pastor.

POTENTIAL JUROR: 189.

THE COURT: Juror Number 189, Mr. Murphy. Pastor Murphy.

POTENTIAL JUROR: My nephew. He's active over at Cayce, West Columbia.

THE COURT: Okay. And if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Absolutely.

THE COURT: Thank you.

Yes, ma'am. Your juror number?

POTENTIAL JUROR: 289, Kelly Wiggs.

THE COURT: Ms. Wiggs, which family member?

POTENTIAL JUROR: My son-in-law.

THE COURT: Your son-in-law. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 158.

THE COURT: Juror Number 158. That would be Mr. Lewis.

POTENTIAL JUROR: Yes. I have a brother.

THE COURT: And, Mr. Lewis, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

POTENTIAL JUROR: 156.

THE COURT: Juror Number 156. That's Ms. Leach?

POTENTIAL JUROR: My aunt and my uncle.

THE COURT: Okay. And if you were selected, Ms. Leach, as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: 41.

THE COURT: Juror Number 41, Mr. Causey.

POTENTIAL JUROR: My father.

THE COURT: Your father. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 19.

THE COURT: Ms. Blaylock, what family member?

POTENTIAL JUROR: Spouse. Retired.

THE COURT: Okay. Ms. Blaylock, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor. Yes.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: Number 33.

THE COURT: Juror Number 33. That's Ms. Bryson.

POTENTIAL JUROR: My cousin.

THE COURT: Your husband?

POTENTIAL JUROR: Cousin.

THE COURT: All right. Mr. Bryson, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: Number 30.

THE COURT: Number 30. That's Ms. Brown.

POTENTIAL JUROR: My husband and several distant family members.

THE COURT: All right. Well, Ms. Brown, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 224.

THE COURT: 224. Ms. Riggs.

POTENTIAL JUROR: My uncle. He's retired.

THE COURT: Okay. Ms. Riggs, if you were selected as a juror in this case, could you please fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

POTENTIAL JUROR: 225.

THE COURT: And Juror Number 225. Can you tell me, Mr. Riley?

POTENTIAL JUROR: Yes, ma'am. In addition to my son, also my brother-in-law.

THE COURT: Okay. And let me ask you, Mr. Riley, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Anybody else?

Is any member of the jury panel related by blood or marriage or have a close personal, professional or social relationship with Samuel Aaron? If so, please stand.

Is any member of the jury panel related by blood or marriage to or a personal friend of the alleged victim, Karie Sutherland? Please stand.

Is there any member of the jury panel that has any religious or moral belief which would prevent them from passing judgment on another person with regards to the question of guilt? If so, please stand.

Is there any member of the jury panel who thinks that they might have heard anything about this case? If so, please stand.

Is there any member of the jury panel -- oh, I'm sorry.

POTENTIAL JUROR: 176.

THE COURT: Okay. I'm gonna ask you to come up and speak to me in private.

POTENTIAL JUROR: Okay.

(Whereupon, Potential Juror Number 176 approaches the bench.)

POTENTIAL JUROR: Hey, I think I worked with him at

Wal-Mart, but I can't -- back in 2019 and it there was a lot of -- right up here at Red Bank. There was a lot of hearsay.

THE COURT: Okay. I think I'm probably gonna excuse you from this case and transfer you to another term, okay?

POTENTIAL JUROR: Okay.

THE COURT: If you'll come over here, she'll transfer you.

(Whereupon, Potential Juror Number 176 was excused.)

THE COURT: All right. The next three questions I'm gonna ask that you stand and I'm gonna have you come up, so please listen carefully.

Is there any member of the jury panel who has ever been or knows someone who has ever been accused of a sexual assault?

That's Question Number 1.

Number 2. Does any potential juror have a close friend or relative who has been the victim of a sexual assault?

And, Number 3, has any potential juror been the victim of a sexual assault?

I will add one more question.

Has any potential juror been cheated on by a

significant other?

If any of these questions apply to you, please stand and I will come down and speak to you in private.

(Potential jurors approach the bench.)

THE COURT: Hey. Your juror number?

POTENTIAL JUROR: 267.

THE COURT: Okay. Ms. Thomas.

POTENTIAL JUROR: My mother was a victim of a sexual assault --

THE COURT: Okay.

POTENTIAL JUROR: -- and I would feel uncomfortable.

THE COURT: Well, let me ask you because my next question is if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Possibly not.

THE COURT: That's not good enough for me.

I'm gonna excuse her from this case.

If you'll go over here, they'll transfer you to another term.

Thank you.

(Whereupon, Potential Juror Number 267 was excused.)

BAILIFF: Juror Number 190, Your Honor.

THE COURT: 190. Ms. Murry.

POTENTIAL JUROR: My nephew was sexually molested

by a neighbor.

THE COURT: All right. So let me ask you, if you were selected as a juror on this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: You're my girl. Thank you.

Next juror.

BAILIFF: 289, Your Honor.

THE COURT: Ms. Wiggs.

POTENTIAL JUROR: Yes, ma'am. My niece was sexually assaulted last year and my ex-husband cheated on me.

THE COURT: I'm sorry, Ms. Wiggs.

POTENTIAL JUROR: That's okay. I'm in a much better place now with a much better man.

THE COURT: Thing's happen for a reason, don't they?

POTENTIAL JUROR: That's right.

THE COURT: Let me ask you, if you were selected as a juror in this case, could you be fair to both the State and the defense?

POTENTIAL JUROR: I think so, yeah.

THE COURT: I think so is not good enough for me.

I'm gonna excuse you and put you over here for another term.

POTENTIAL JUROR: Okay.

(Whereupon, Potential Juror Number 289 was excused.)

BAILIFF: 181, Your Honor.

THE COURT: Mr. Moore.

POTENTIAL JUROR: My childhood best friend's wife was a victim.

THE COURT: All right. Well, let me ask you, Mr. Moore, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

(Whereupon, Potential Juror Number 181 returned to the jury pool.)

BAILIFF: 126, Your Honor.

THE COURT: All right, Mr. Jackson.

POTENTIAL JUROR: Yes. My father-in-law was convicted of seven years of raping my nephew.

THE COURT: All right. Well, let me ask you, Mr. Jackson, if you were selected as a juror in this case, could you be fair and impartial --

POTENTIAL JUROR: No.

THE COURT: -- to both the State and the defense?

POTENTIAL JUROR: No. Not for that, no.

THE COURT: All right. Then I'm gonna ask you to step over here and I'm gonna transfer you to another term.

26

(Whereupon, Potential Juror Number 126 was excused.)

BAILIFF: 120, Your Honor.

Ms. Huggins. Yes, ma'am.

THE COURT: All right. Which --

POTENTIAL JUROR: My ex-husband was accused of an assault and battery of a high and aggravated nature, sexual misconduct, against a thirteen-year-old girl from our home church congregation.

THE COURT: Okay. Well, let me ask you, Ms. Huggins, if you were selected as juror in this case, could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: I really don't think I could.

THE COURT: Okay. Then I'm gonna ask you to step over there and they'll transfer you to another term.

Thank you for coming.

(Whereupon, Potential Juror Number 120 was excused.)

BAILIFF: 285, Your Honor.

POTENTIAL JUROR: How are you?

THE COURT: I'm good, Mr. West.

POTENTIAL JUROR: Yes, ma'am. I have a young lady at church on a case out of Greenville county. It was her adoptive family she's accusing of sexual misconduct.

THE COURT: All right. Well, let me ask you, if you were selected as a juror, could you be fair and

impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 285 returned to the jury pool.)

BAILIFF: 80, Your Honor.

THE COURT: Mr. Forgetta.

POTENTIAL JUROR: Forgetta.

THE COURT: All right, Mr. Forgetta.

POTENTIAL JUROR: A long time ago a friend from college.

THE COURT: All right. Well, let me ask you, if you were selected on this jury, could you be fair to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: I'm gonna keep you.

MS. WELLMAN: Can I ask one question? You said friend from college. Were they accused or the victim of?

POTENTIAL JUROR: They were the victim.

MS. WELLMAN: Okay. Thank you.

(Whereupon, Potential Juror Number 80 returned to the jury pool.)

BAILIFF: 63, Your Honor.

THE COURT: Hey, Ms. Demery. What do you know?

28

POTENTIAL JUROR: So my stepdaughter and really close friend of mine, they were molested when they were younger, but I'd be fine.

THE COURT: Okay. So if you were selected as a juror in this case, could you be fair and impartial to both sides, State and defense?

POTENTIAL JUROR: Uh-huh.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 63 returned to the jury pool.)

BAILIFF: 156, Your Honor.

THE COURT: Ms. Leach.

POTENTIAL JUROR: My brother was raped.

THE COURT: Okay. Now let me ask you, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Definitely, yeah.

THE COURT: I'm gonna keep you. Thank you.

(Whereupon, Potential Juror Number 156 returned to the jury pool.)

BAILIFF: 206, Your Honor.

THE COURT: Mr. Perez.

POTENTIAL JUROR: My two first cousins were actually kidnapped, restrained and molested when I was in high school, and I was raised with them.

THE COURT: All right. Well, if you were selected as a juror in this case, could you fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'll keep you.

POTENTIAL JUROR: Okay. Thank you.

(Whereupon, Juror Number 206 returned to the jury pool.)

BAILIFF: 113, Your Honor.

THE COURT: Ms. Herman.

POTENTIAL JUROR: When I was eleven or twelve I was a victim.

THE COURT: Was that when you were eleven or twelve?

POTENTIAL JUROR: (Nods head.)

THE COURT: All right. Well, let me ask you, if you were selected as juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Sure.

THE COURT: I'm gonna keep you. Thank you.

BAILIFF: 195, Your Honor.

THE COURT: All right. Is it Ms. Nieto?

POTENTIAL JUROR: Nieto.

THE COURT: Okay. What can you tell me?

POTENTIAL JUROR: My daughter was molested by my son and he's currently serving five years.

30

THE COURT: All right. Well, let me ask you, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'll keep you.

BAILIFF: 159, Your Honor.

THE COURT: Hey, Ms. Lewis.

POTENTIAL JUROR: My daughter was molested by her father.

THE COURT: All right. Well, let me ask you -- I got it. I'm gonna put you over here and they're gonna transfer you to another term, okay?

POTENTIAL JUROR: Thank you.

THE COURT: You're welcome.

(Whereupon, Potential Juror Number 159 was excused.)

BAILIFF: 82, Your Honor.

THE COURT: Ms. Freed.

POTENTIAL JUROR: My son was sexually assaulted.

THE COURT: Let me ask you this. If you were selected as a juror --

POTENTIAL JUROR: (Shakes head.)

THE COURT: I'm gonna put you over there and they're going to transfer you.

(Whereupon, Potential Juror Number 82 was excused.)

BAILIFF: 33, Your Honor.

THE COURT: Ms. Bryson.

POTENTIAL JUROR: Hi. I was molested and raped as a child.

THE COURT: Do I need to ask if you can be fair and impartial?

POTENTIAL JUROR: No.

THE COURT: I'm gonna transfer you. 33.

(Whereupon, Potential Juror Number 33 was excused.)

BAILIFF: 157, Your Honor.

POTENTIAL JUROR: I have a best friend who was sexually assaulted.

THE COURT: You were selected as a juror, could you be fair and impartial to both sides, the State and defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 157 returned to the jury pool.)

BAILIFF: 272, Your Honor.

THE COURT: Let me see if I can get this right.

Ms. Van Koevering?

POTENTIAL JUROR: Van Koevering.

THE COURT: 272.

POTENTIAL JUROR: My father --

THE COURT: Okay. Let me ask you, if you were

32

selected could you be fair and impartial to both sides?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

POTENTIAL JUROR: Okay.

(Whereupon, Potential Juror Number 272 returned to the jury pool.)

BAILIFF: 74, Your Honor.

POTENTIAL JUROR: My son and my niece by her father.

THE COURT: Okay. If you were selected as a juror, could you be fair and impartial to both sides?

POTENTIAL JUROR: Yes.

THE COURT: State and defense?

POTENTIAL JUROR: Uh-huh.

THE COURT: I'll keep you.

(Whereupon, Potential Juror Number 74 returned to the jury pool.)

BAILIFF: 30, Your Honor.

THE COURT: Hey, Ms. Brown.

POTENTIAL JUROR: Twenty years ago my uncle was accused and found not guilty.

THE COURT: Okay. If you were selected as a juror, could you be favor and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you, Ms. Brown. I'm gonna keep you.

(Whereupon, Potential Juror Number 30 returned to the jury pool.)

BAILIFF: 229, Your Honor.

THE COURT: Mr. Rogers.

POTENTIAL JUROR: I was just gonna say I have two sisters and a niece who have been raped and my wife within the last year has had an affair and left me and the kids.

THE COURT: Oh, I'm sorry. If you were selected as a juror in this case, could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: The longer I think about it, the less I think I can.

THE COURT: I don't know that that's good enough for me.

POTENTIAL JUROR: That's -- yes, I believe I can.

THE COURT: I believe is not good enough. I'm gonna transfer you to another term of court.

POTENTIAL JUROR: Okay.

THE COURT: Okay. You just step over there.

(Whereupon, Potential Juror Number 229 returned to the jury room.)

BAILIFF: 224, Your Honor.

34

THE COURT: Ms. Riggs.

POTENTIAL JUROR: Hi. I have a number of different family members, but my baby sister when she was a child by my grandfather. My best friend, who's now passed from the military, and my brother's children -- or step kids, one of the older children, and then myself when I was eighteen.

THE COURT: All right. Ms. Riggs, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: I believe so, yes.

THE COURT: Was that your first response?

POTENTIAL JUROR: Yes.

THE COURT: Okay. I'll keep you.

(Whereupon, Potential Juror Number 224 returned to the jury pool.)

BAILIFF: 161, Your Honor.

THE COURT: Mr. Lippincott.

POTENTIAL JUROR: My significant other was raped and abused by her stepfather most of her childhood.

THE COURT: Okay. Well, if you were selected as juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: I don't know.

THE COURT: Well, that's not good enough for me.

I'm gonna transfer you to another term, okay?

(Whereupon, Potential Juror Number 161 was excused.)

BAILIFF: 234, Your Honor.

THE COURT: Mr. Scott.

POTENTIAL JUROR: I advocated for a child who was a victim of a sibling molestation that was a good ten years ago.

THE COURT: Okay. If you were selected as juror, could you be fair and impartial to both the State and defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 234 returned to the jury pool.)

BAILIFF: 273, Your Honor. Mr. Vargas.

POTENTIAL JUROR: A long time friend, she was abused by a cousin, and my ex-wife cheated on me.

THE COURT: All right. If you were chosen as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you, Mr. Vargas. Thank you.

(Whereupon, Potential Juror Number 273 returned to the jury pool.)

36

BAILIFF: 103, Your Honor.

THE COURT: Mr. Hall.

POTENTIAL JUROR: My daughter was a victim and --

THE COURT: A victim and what?

POTENTIAL JUROR: My daughter was a victim. She was touched by a teacher.

THE COURT: Okay. All right. Mr. Hall, if you were selected as a juror in this case could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: I don't think so.

THE COURT: Okay. I'm gonna transfer you, okay? Thank you.

(Whereupon, Potential Juror Number 103 was excused.)

BAILIFF: 225, Your Honor.

POTENTIAL JUROR: My college friend, long after I knew him, was convicted of -- not really friend, acquaintance, long after, was convicted of a sexual crime.

THE COURT: All right. Mr. Riley, if you were selected, as a juror could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 225 returned to the jury pool.)

BAILIFF: 162, Your Honor.

THE COURT: Mr. Lucas.

POTENTIAL JUROR: My wife's brother was one of the thirty-three that was arrested back in August in that sting operation --

THE COURT: I know exactly what you're talking about.

POTENTIAL JUROR: -- in Gaston, Swansea, and it's still pending. No decision has been made yet.

THE COURT: Right. Well, let me ask you though, Mr. Lucas, if you were selected as a juror could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Even though I think my brother-in-law is guilty as all sin?

THE COURT: That's a different kind of a case. I know what case you're talking about.

POTENTIAL JUROR: Yes. That's the way I view it though.

THE COURT: I got you. I'm gonna transfer you to another term, Mr. Lucas, so if you'll go over here. Thank you for being honest.

(Whereupon, Potential Juror Number 162 was excused.)

BAILIFF: 231, Your Honor.

THE COURT: Hang on there. I'm on the wrong page.

POTENTIAL JUROR: My wife was raped.

THE COURT: Let me ask you, Mr. Samuel, if you were

38

selected as a juror could you be fair and impartial police officer both the State and the defense?

POTENTIAL JUROR: I'd like to think so.

THE COURT: Well, that ain't good enough for me. I'm gonna transfer you to another term. I'd rather have someone who says yes or no. It's too important of a case, okay?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

(Whereupon, Potential Juror Number 231 was excused.)

BAILIFF: 155, Your Honor.

THE COURT: Mr. Larner.

POTENTIAL JUROR: My sister was sexually assaulted and murdered.

THE COURT: I'm sorry to hear that. Let me ask you, if you were selected as juror could you be fair and impartial to the state and the defense?

POTENTIAL JUROR: I'm not sure.

THE COURT: I'm gonna transfer you to another term. I appreciate you be being honest.

(Whereupon, Potential Juror Number 155 was excused.)

BAILIFF: Number 1, Your Honor.

THE COURT: You're Number 1?

POTENTIAL JUROR: Number 1.

THE COURT: Number 1. Ms. Allen.

POTENTIAL JUROR: I just have a very best friend who was raped about twenty years ago.

THE COURT: Okay. Well, if you were selected as juror, could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: Absolutely.

THE COURT: Okay. I was gonna ask you, you're married to a lawyer, right?

POTENTIAL JUROR: Yes.

THE COURT: Who's your husband?

POTENTIAL JUROR: Jeffrey Thomas Allen. He's a tax attorney over in Columbia.

THE COURT: Well, I know I wouldn't have run into him.

POTENTIAL JUROR: I didn't know if I should stand up before.

THE COURT: No, you're fine. We're gonna keep you. Thank you.

(Whereupon, Potential Juror Number 1 returned to the jury pool.)

BAILIFF: Number 23, Your Honor.

THE COURT: Law enforcement?

POTENTIAL JUROR: Firefighter, but he can't enforce the law.

THE COURT: Well, let me ask you, your husband being

40

a fireman, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: I'm gonna keep you.

POTENTIAL JUROR: But that's not why I walked up here. I have a few other questions.

THE COURT: All right. And can you tell me?

POTENTIAL JUROR: Yes, ma'am. I was a victim and then also my husband had an affair.

THE COURT: Okay. If you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Juror Number 23 returned to the jury pool.)

BAILIFF: Number 19, Your Honor.

THE COURT: Ms. Blaylock.

POTENTIAL JUROR: I was cheated on by a spouse. Not a sexual thing, but just...

THE COURT: I got you. I figured I'd have the whole lot of people up on that question. Let me ask -- I appreciate you being honest and coming up. If you were selected as juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, I can be fair.

THE COURT: I'm gonna keep you.

(Whereupon, Potential Jury Number 19 returned to the jury pool.)

BAILIFF: Number 10, Your Honor.

POTENTIAL JUROR: My spouse --

THE COURT: Cheated on you?

POTENTIAL JUROR: Uh-huh.

THE COURT: If you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

POTENTIAL JUROR: Okay.

THE COURT: Thank you.

(Whereupon, Potential Juror Number 10 returned to the jury room.)

BAILIFF: Number 216, Your Honor.

THE COURT: Ms. Ramsey, how are you?

POTENTIAL JUROR: Well.

THE COURT: Good.

POTENTIAL JUROR: I'm also an assistant pastor, so I have people coming to me admitted they've been sexually assaulted. I do know people.

THE COURT: Right. Well, let me ask you, if you

42

were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Sure. Absolutely.

THE COURT: I'm keeping you.

POTENTIAL JUROR: Thank you.

(Whereupon, Potential Juror Number 216 returned to the jury pool.)

BAILIFF: Number 245, Your Honor.

THE COURT: Mr. Smith.

POTENTIAL JUROR: I was arrested in Beaufort county for sexual misconduct with a minor and also breaking and entering, but I was never -- it was just falsely -- I was never convicted.

THE COURT: Well, never convicted. Are y'all gonna check on that?

THE COURT: Did you run anybody's record?

This has been a long time ago?

MS. WELLMAN: Did you get it expunged?

THE COURT: No, he never --

POTENTIAL JUROR: They told me all it would be like a folder with just nothing in it.

THE COURT: Well, there must have been something expunged.

MR. GRAHAM: The rap sheet didn't show it.

THE COURT: As far as we know, you're qualified to

sit. Knowing all that, if you were selected as juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm gonna keep you.

POTENTIAL JUROR: All right.

(Whereupon, Potential Juror Number 245 returned to the jury pool.)

THE COURT: Anybody else?

(The following proceedings were had in open court.)

THE COURT: All right. The following is gonna be a list of possible witnesses in this case, and I'm gonna tell y'all I've got about forty-five of them, so I'm gonna call the first ten first. If you know these first ten, please stand.

Brian Anderson, with the Lexington County Sheriff's Department. Erin Antley with the Lexington County Sheriff's Department. Nick Burt, B-U-R-T, with the Lexington County Sheriff's Department. Debra Cleveland. Ashley Creighton, who works at the Circle K Convenience Store. A Bethany Davidson from SLED. A Jackie Davis from SLED. A Donna Debrew. A Rachael Decker from the Lexington County Emergency Medical Services. And Bridget Deguzman or Guzman. D-E-G-U-Z-M-A-N.

(Potential jurors stand.)

44

THE COURT: All right. I'm gonna ask for your juror number and if you could just tell me who it is that you know it.

POTENTIAL JUROR: Your Honor, Juror 102.

THE COURT: 102.

POTENTIAL JUROR: Not personally, but work-related.

THE COURT: And who -- just tell me the name of the person you know.

POTENTIAL JUROR: Erin Antley and Bethany Davidson.

THE COURT: Okay. Well, let me ask you, Ms. Haines, if you were is selected as a juror, could be fair and impartial to both sides, the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

POTENTIAL JUROR: Number 19.

THE COURT: Ms. Blaylock.

POTENTIAL JUROR: Yes, ma'am. Erin Antley. My husband used worked to work with his brother.

THE COURT: Okay. Let me ask you, Ms. Blaylock, if you were chosen as a juror in this case, could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Okay.

When y'all go to answer questions, I'm not asking for some long dissertation here. I want it short and

I want to know who you know. You don't need to go any further with these answers.

Yes, ma'am. Your juror number?

POTENTIAL JUROR: 192.

THE COURT: 192. Ms. Nesbitt, can you tell me who you know?

POTENTIAL JUROR: Brian Anderson.

THE COURT: All right. Ms. Nesbitt, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

All right. I'm gonna go for the next ten.

John Donnelly with the Lexington County Sheriff's Department. Arcadeus Dubard with the Lexington County Sheriff's Department. Angie Gunter with Lexington County Communications. Michelle Fallaw, F-A-L-L-A-W. Works at Circle K Convenience Store. A Bailey Haynes from SLED. A Will Herring from Securus. A Margaret Beth Holliman from the Lexington County Sheriff's Department. A Dereck Howell from the Lexington County Sheriff's Department. Bradley Hughes from the Lexington County Sheriff's Department and a Ronnie Jeffcoat from Ronnie's Jewelers.

Anybody know those ten?

46

(Potential jurors stand.)

THE COURT: Okay. Again, I'm just gonna ask you the name of the person that you know.

POTENTIAL JUROR: Ronnie Jeffcoat.

THE COURT: And your juror number?

POTENTIAL JUROR: I'm sorry. 281.

THE COURT: Juror Number 281 knows Mr. Jeffcoat. Ronnie Jeffcoat.

All right. Let me ask you, Mr. Warren, would that in any way affect -- if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

POTENTIAL JUROR: 88.

THE COURT: 88. Mr. Gates.

POTENTIAL JUROR: Ronnie Jeffcoat.

THE COURT: Okay. Knowing Mr. Jeffcoat, would that in any way influence your decision to be fair and impartial to both the State and the defense?

POTENTIAL JUROR: No, ma'am.

THE COURT: Yes, ma'am.

POTENTIAL JUROR: 63. Ronnie Jeffcoat.

THE COURT: All right. Again, if you were chosen as a juror, could you be fair and impartial to both the

State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Okay. That was Ms. Demery?

Yes.

POTENTIAL JUROR: 23.

THE COURT: Mr. Boyle.

POTENTIAL JUROR: Ronnie Jeffcoat.

THE COURT: Boy. Everybody must go to the same jewelers.

Okay. Ms. Boyle, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you, ma'am.

Yes, ma'am.

POTENTIAL JUROR: 251.

THE COURT: Ms. Spradley.

POTENTIAL JUROR: Yes. Ronnie Jeffcoat.

THE COURT: Well, then let me ask you, Ms. Spradley, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 21.

48

THE COURT: Ms. Boozer.

Angie Gunter.

THE COURT: Okay. Well, let me ask you, Ms. Boozer. Knowing Angie Gunter, she's with the Lexington County Communications, if you were selected as a juror, would that in any way influence your decision to be fair and impartial to both the State and the defense in this case?

POTENTIAL JUROR: No, ma'am.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: Ronnie Jeffcoat.

THE COURT: Okay. And tell me your juror number again.

POTENTIAL JUROR 234.

THE COURT: 234. That's Mr. Scott. Mr. Scott, if you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: Okay. Thank you.

Anybody else?

Going with the next ten names.

Paula Hare, H-A-R-E, from the Lexington County Sheriff's Department. A Stewart Kearse from the Lexington County EMS. A Brittany Kennedy from the

Circle K Convenience Store. A Amin Khimani, K-H-I-M-A-N-I, from Quick Serve Convenience Store. a Candy Kyzer from the Lexington County Sheriff's Department. Dawn Larocque, L-A-R-O-C-Q-U-E. A Rachel Marrs from SLED. Vera Martinez from SLED. Christian Pagan from Circle K Convenience Store. A James Pratt from the Lexington County Sheriff's Department. A Kayla Riley.

Anyone know those ten names I just mentioned?

(Potential juror stands.)

THE COURT: Yes, ma'am. Your juror number?

POTENTIAL JUROR: 21.

THE COURT: All right, Ms. Boozer.

POTENTIAL JUROR: James Pratt.

THE COURT: All right. James Pratt. Knowing Mr. Pratt, if you were selected as a juror in this case, would it in any way influence your decision and could you be fair and impartial to the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'll keep you.

All right. The next set of names.

Samuel Aaron. Investigator John Bishop from the Lexington County Sheriff's Department. A Nikki Rogers from the Lexington County Communications. A Jacob Smith from the Lexington County Sheriff's Department.

50

Brenda Snelgrove from the Lexington County Sheriff's Department. Stephanie Stanley from SLED. A Karie Ann Sutherland. A Courtney Thompson from SLED. A.H. Williams from the Lexington County Sheriff's Department. A Holli Williams from Circle K Convenience Store.

The next three are all with Lexington County Sheriff's Department. That is Rob Williams, R. Woods, and an Adrian Zona.

Does anyone know any of the names that I just called out?

(Potential jurors stand.)

THE COURT: Okay. Ms. Boozer.

All right. She's 21.

POTENTIAL JUROR: Adrian Zona.

THE COURT: Okay. And, Ms. Boozer, if you were selected for a jury in this case, could you be fair and impartial?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: 235.

THE COURT: 235. Ms. Sharpe.

POTENTIAL JUROR: Adrian Zona.

THE COURT: All right. If you were selected as

a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

THE COURT: All right. Is there any member of the jury panel related by blood or marriage, know personally, and I know the ones that you just stood up saying that you knew these people, or have any religious, political, social or business association with any of the witnesses in this case? Please stand.

I know I asked earlier if anyone knew these witnesses, but I'm gonna ask again is anybody related by blood or marriage to these witnesses or if they have any religious, political, social or business association with any of the witnesses in this case? If so, please stand.

Is any member of the jury panel aware of any bias or prejudice toward either the State or the defendant in this case? If so, please stand.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case, with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant? If so, please stand.

Let me ask the State do you have any additional

52

questions you'd like to have asked?

MS. WELLMAN: No, Your Honor.

THE COURT: Does the defendant have any additional questions they'd like asked?

MR. WILLIAMS: None by the defendant.

THE COURT: Okay. Well, does anybody need a break before we pick this jury?

Or let me rephrase this. Is our computer working? Every time we do this, I mean, we -- we've been having problems with the computer system.

(Off the record discussion.)

THE COURT: Hope, are we okay?

THE CLERK: We're crossing our fingers and waiting.

What's the strikes, Your Honor?

THE COURT: I can give them a ten-minute break while y'all get prepared.

All right. I'm gonna tell you, I don't want anybody getting upset if you don't get picked because I'm telling, you it happens. I've seen it happen. There's -- there's no rhyme or reason, there's a random list, and the lawyers choose.

THE CLERK: What's the strikes on this?

MR. WILLIAMS: 10 and 5.

THE COURT: The strikes are 10 and 5.

THE CLERK: How many alternates, Your Honor?

MR. WILLIAMS: Alternates, Your Honor?

THE COURT: All right. Let me tell you what. I went through three alternates last time. I'm gonna pick three again.

And I'm gonna tell you, if you are on this jury, we will not have court on Wednesday, so we're planning to start early in the morning. It will be Tuesday, Thursday and Friday. One of the lawyers has some plans and I've -- I've been summoned to a meeting, so there will be no court on Wednesday. You get the day off.

All right. When the clerk calls your name, walk up here to the front, turn around and face the doors, come through the wooden doors. Bring all your belongings with you because if you are chosen, we're going to put you in the box.

THE CLERK: Proceed?

THE COURT: Madam Clerk, let's call them.

THE CLERK: Number 45. Rhonda Clardy.

(Whereupon, Rhonda Clardy, a white female, was called forward.)

THE COURT: That's perfect.

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

54

THE CLERK: Have a seat in the jury box, ma'am.

THE CLERK: 149. James Kolacinski.

(Whereupon, James Kolacinski, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present this juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

272. Christina Van Koevering.

(Whereupon, Christina Van Koevering, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please excuse the juror.

THE CLERK: Return to your seat, please, ma'am.

Number 80. David Forgetta.

(Whereupon, David Forgetta, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say you for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

195, Chareka Nieto. I can't -- I'm sorry.

THE COURT: I did the same thing to her.

(Whereupon, Chareka Nieto, a black female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, ma'am.

285. Fred West.

(Whereupon, Fred West, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

269. Robert Toole.

(Whereupon, Robert Toole, a white male, was called forward.)

THE CLERK: What say you for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Could you give me that number one more time?

56

THE CLERK: 269.

MR. WILLIAMS: Please swear the juror.

THE COURT: Have a seat in the jury box, sir.

THE CLERK: 41. James Causey.

(Whereupon, James, Causey, a white male, was called forward.)

THE CLERK: What say you for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

79. Aaron Floyd.

(Whereupon, Aaron Floyd, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

268. Shayla Thompson.

(Whereupon, Shayla Thompson, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, ma'am.

225. Timothy Riley.

(Whereupon, Timothy Riley, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

21. Morgan Boozer.

(Whereupon, Morgan Boozer, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror.

THE CLERK: Return to your seat, please, ma'am.

200. Jessica Owens.

(Whereupon, Jessica Owens, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

58

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, ma'am.

166. Sheri Marsden.

(Whereupon, Sheri Marsden, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, ma'am.

Number 23. Christy Boyle.

Come back just a little bit for me, please, ma'am.

(Whereupon, Christy Boyle, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Please return to your seat, please, ma'am.

234. Charlton Scott.

(Whereupon, Charlton Scott, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

Number 9, Bradley Aspey.

(Whereupon, Bradley Aspey, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

179. Christopher Moody.

(Whereupon, Christopher Moody, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

26. Dana Strange.

(Whereupon, Dana Strange, a white female, was called forward.)

THE CLERK: What say for the State?

60

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of the case.

THE CLERK: Return to your seat, please, ma'am.

Number 136. Franklin Keller.

(Whereupon, Franklin Keller, a black male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say you for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

Number 193. Melissa Nesmith.

(Whereupon, Melissa Nesmith, a black female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please excuse the juror.

THE CLERK: Return to your seat, please, ma'am.

Number 181. Zachary Moore.

(Whereupon, Zachary Moore, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say you for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Please return to your seat, sir.

189. Steven Murphy.

(Whereupon, Steven Murphy, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

Proceed with alternates, Your Honor?

THE COURT: Yes. I want three alternates unless there's an objection to that.

MS. WELLMAN: (Shakes head.)

THE COURT: Okay.

THE CLERK: Number 212. Jayyidah Prince.

(Whereupon, Jayyidah Prince, a black female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat.

62

104. David Hall.

(Whereupon, David Hall, a white male, was called forward.)

THE CLERK: What say you for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say you for the defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

That's alternate one.

177. James Miles.

(Whereupon, James Miles, a black male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please excuse the juror.

THE CLERK: Return to your seat, please, sir.

Number 273. Pablo Vargas.

(Whereupon, Pablo Vargas, a Hispanic male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

That's alternate two.

235. Ashley Sharpe.

(Whereupon, Ashley Sharpe, a white female, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say for the defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, ma'am.

106. Bradley Hammes.

(Whereupon, Bradley Hammes, a white male, was called forward.)

THE CLERK: What say for the State?

MS. WELLMAN: Please present the juror.

THE CLERK: What say you for defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

That's alternate three, Your Honor.

THE COURT: All right. Can I see the lawyers just one second?

(Proceedings held at the bench; not reported.)

THE COURT: Before I let the panel go, any motions from the State?

MS. WELLMAN: No, Your Honor.

THE COURT: From the defense?

MR. WILLIAMS: None from the defendant, Your Honor.

64

THE COURT: All right. The rest of you, let me thank you very, very much for coming. I know that you've spent most of your day. It's almost 4:00. The good news is you do get a check. The bad news is you're not gonna be able to do much with it. But I do want to thank you for coming. It's just so important to our judicial system.

If anybody needs an excuse for work, they will have those available for you down at the clerk's office on the first floor. If you need any help or directions, the bailiffs -- we've got some bailiffs. Look for the men in the red coat. They can get you where you need to go.

Again, thank you. And with that I'm gonna dismiss you. You do not have to call or check back in. This is gonna be the only jury that we're doing this week.

Again, thank you.

(Whereupon, the jury panel was released at 3:38 PM.)

THE COURT: Okay. Let me address the jury.

Congratulations for getting to be with us for the week. I'm excited. But let me give you some court rules.

Tomorrow when you come in and before you leave today, when I dismiss you the bailiffs will take you to the jury room so you'll know where to report tomorrow

morning. You'll be given a juror badge. Wear it proudly as you should. These lawyers will not talk to you. We need to know that you're a juror. If you see them -- if they see you, I promise you they're gonna turn and run and go the other way and that's because it's an order by me. They're not being rude. They're just not allowed to talk to you while this case is going on.

Also you are not allowed to have a cell phone in this courtroom. I do not allow it during deliberations. When you go on a break, you can check your cell phones, but you will leave your cell phones with the bailiff. If anybody has family members at home that you want to give a number to, we'll give you the clerk's number. If it's an emergency, if we're in court, I promise we will get to you just like that and -- and let you know that there's an emergency, okay?

There is no note-taking in court. I'm going to ask you not to go home and get on the computer, do any research on this case or any research on any of these lawyers. You are not allowed to do any research. You are not allowed to get on the telephone and call your best friend and say hey, you're not gonna believe this, I just got picked for this jury. You are not allowed to do that. Don't go home and tell your spouse. You're just not allowed to discuss any aspect of this case

66

whatsoever, and believe it or not, it seems like I have it happen all the time, the Court somehow finds out about it. It's just amazing to me how that happens, but we do, so I'd ask you to please not do that.

If you want to bring lunch, we do have a microwave. We've got a refrigerator, you're welcome to do that, but I certainly will give you a lunch break. And then we'll take plenty of breaks throughout the day. If I have any smokers, I can tell you the bailiffs know that I let anybody who smokes go smoke. I don't keep anybody from doing that. I'm a smoker myself.

Anything else from the State that I need to tell the jury?

MS. WELLMAN: No, Your Honor.

THE COURT: Anything from the defense?

MR. WILLIAMS: Nothing from the defendant, Your Honor.

THE COURT: Okay. Let me tell you, Mr. Keller, do the honor of being my foreman in the morning?

FOREPERSON: Yes, ma'am.

THE COURT: Thank you. All right. They'll have a special chair for you, okay?

FOREPERSON: Okay.

THE COURT: All right. With that said, go home. Remember no talking about this case. You can't even

talk about this case amongst yourselves at all until I tell you to, okay? No research. None of that.

Everybody understand?

Okay. With that, we are going to start at 9:30.

Is that okay with everybody?

All right. 9:30. That means you need to be in the jury room by 9:15, okay, and we'll start this case tomorrow morning.

Thank y'all very much.

If you'll follow the bailiff.

(Whereupon, the jury was excused for the day at or 3:43 PM.)

THE COURT: Okay. One of the -- the pastor wanted to thank me for my compassion.

Anybody have any objection to that?

MR. WILLIAMS: We thank you for that also, Your Honor.

THE COURT: I just thought I'd let you know that's what he was telling me, that -- thank you for my compassion.

All right. Now let me take up this one thing because we've got one juror that my law clerk's telling me that I told her we'd be done by 5:30 every day for childcare.

MS. WELLMAN: Your Honor, it was the lady in the

68

green shirt at the end.

THE COURT: I told y'all to tell me -- to remind me.

So how long do you think that this case is gonna take to try if I let this jury go about 4:30 so I can get the clerks out of here at a decent time?

MS. WELLMAN: How long do you like to take for lunch, Judge?

THE COURT: We can take -- since we've got that Wednesday, that's kind of a weird thing, we can take short lunches.

We can do that, Hope, can't we?

MR. WILLIAMS: I'm not overly optimistic about that progress. I have tried a lot of cases and invariably we'll start off with the best intentions, but that 5:30 person might -- might be problematic. And I will do absolutely nothing to slow the progress of this thing down, but I'm just saying...

THE COURT: Okay. Well, even if we go to five every day, you know, we're gonna be short a day anyway. And, you know, this thing of picking juries in a wave, I wish we would have just stopped when the mask order came, but, you know, notices go out and we -- and we can't do that. So, you know --

MR. WILLIAMS: I'm okay with starting earlier, too, but I realize it's not up to me.

MS. WELLMAN: I think we --

MR. WILLIAMS: I'm just kind of voicing that I think it's -- I'll be here when Your Honor is here, Your Honor, but it's just...

THE COURT: Well, I just told the jury 9:30.

MR. WILLIAMS: -- I just worry.

THE COURT: Is there anything that we need to take up before in the morning or can we go straight into my opening charge to them and go ahead and get opening arguments done?

MS. WELLMAN: I think -- it's my understanding you're not contesting the ID at all?

MR. WILLIAMS: No, absolutely not.

MS. WELL: So then there's nothing we need to hear tomorrow morning. We can be ready to proceed. I think at this point we're looking at maybe thirteen or fourteen to witnesses. Some are gonna take a little longer, but some won't take long at all, so I think we're still good with that schedule.

THE COURT: Okay. If not, Saturday's always an option, but we'll see. And maybe we can start a little earlier and we'll take a short lunch break if I can get the clerk's office to buy the jury lunch and maybe we can do thirty, thirty-five-minute lunches since -- I mean, it's just a weird thing. I gave Mr. Williams

70

protection for Wednesday and I've got to meet with the chief justice on Wednesday also. That's why I swapped my schedule. It's a mandatory meeting for all the admin judges. So we're basically losing a day, so.

All right. Well, let's be ready at 9:30 in the morning. I'll be ready with my stuff and -- and we'll go and see what we can get done.

MS. WELLMAN: Thank you, Judge.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: Thank y'all.

MR. WILLIAMS: Oh, one other thing, Your Honor. I know the jury hasn't been sworn yet --

THE COURT: I'll swear them in the morning.

MR. WILLIAMS: -- but I thought for the edification of the solicitor's office, and I've already taken care of this, it took me a minute to track down the bonding company on him, and he's got an electronic monitor on.

THE COURT: How old is this case?

MS. WELLMAN: It's 2020, Your Honor.

MR. WILLIAMS: And we were the ones that filed the motion for the speedy trial, Your Honor, so it wasn't a case where he was trying to delay.

MS. WELLMAN: No, Your Honor. I don't think we have any argument to it. At least at this point we're not asking for the bond --

THE COURT: For him to be taken into custody?

MS. WELLMAN: But he does have that monitor.

THE COURT: All right.

All right, Mr. Aaron. I'm gonna keep you out. Don't make me regret it.

THE DEFENDANT: Oh, no, ma'am. You won't.

THE COURT: All right. I'll keep him out as long as the bonding company is staying on and that GPS monitor is on.

Okay.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: Everybody have a good evening.

MS. WELLMAN: You, too, Judge.

(Whereupon, the proceedings were concluded for March 7, 2022, at 3:49 PM.)

(The following proceedings were held March 8, 2022, beginning at 9:26 AM.)

BAILIFF: All rise. Court's now in session. The Honorable Judge Debbie McCaslin presiding.

THE COURT: Please be seated.

Anything from the lawyers before we begin? I've got all the jurors here.

MR. WILLIAMS: I think we're ready to rock and roll, Judge.

THE COURT: Y'all ready?

72

Let's bring them in then.

You know, we didn't read, Ms. Wellman, any of the indictments to the jury, so I'll just summarize them when I do -- can I have the indictments?

THE CLERK: Yes, ma'am.

THE COURT: If y'all don't mind, I will summarize these indictments when I go.

(Whereupon, the jury enter the courtroom at 9:33 AM.)

THE COURT: Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am.

THE COURT: Okay. Good.

Very good. Thank you.

All right. Before we begin the actual trial of this case, I thought it might be helpful if I explained to you basically how a trial proceeds. First, the State will make an opening statement. An opening statement is not evidence. It is simply an outline to help you understand what the party expects the evidence will show. The defendant may, if he wishes, present an opening statement, but he does not have to for reasons that I will explain.

Following the opening statements, you will hear testimony and evidence in the case. This will consist of testimony from the State's witnesses, as well as any

physical exhibits which will be introduced into evidence.

Following the completion of the testimony, the attorneys will, again, have an opportunity to make what is called a closing statement. This is an opportunity for the attorneys to summarize the case from their respective points of view. Again, these arguments are not evidence.

Following the closing statements by the attorneys, I will instruct you on the law of South Carolina as it pertains to the issues that have arisen in the case. When I have completed my instructions to you, you will then be permitted to begin your deliberations in order to reach a verdict.

You are now the jury in this case and I want to take a few minutes to tell you something about your duty as jurors and to give you some instructions. At the end of the trial, I will give you more detailed instructions. Those instructions will control your deliberations.

It will be your duty to decide from the evidence what the facts are. You and you alone are the judges of the facts. You will hear the evidence, decide what the facts are, and then apply those facts to the law which I will give to you. That is how you will reach your verdict. In doing so, you must follow the law whether you agree with it or not.

74

The evidence will consist of the testimony of witnesses, documents and other things received into evidence, as to what we call exhibits, and any facts on which the lawyers agree or which I may instruct you to accept. You should not take anything I say or do during the trial as indicating what I think of the evidence or what the verdict should be.

This is a criminal case brought by State of South Carolina. The State charges the defendant with criminal sexual conduct first degree, kidnapping and strong armed robbery. The charge against the defendant is contained in the indictment.

The criminal sexual conduct first degree states that Samuel Ernest Aaron did in Lexington County on or about January the 9th, 2020, did commit a sexual battery upon a victim.

The indictment for kidnapping states that on or about January the 9th, 2020, Samuel Ernest Aaron did knowingly, willfully or unlawfully seize a Karie Sutherland by the means whatsoever without authority of law and without her consent. He forced her into a vehicle under the pretext that he would take her to her mother's home. That's the kidnapping allegation.

The strong arm robbery is on January the 9th of 2020, Samuel Aaron did knowingly and willfully by means

of force, intimidation, violence or by actions or words, take and carry away from the person her personal property.

These indictments is not evidence of anything. It is simply the description of the charge made by the State against the defendant.

The defendant has pled not guilty to the charge and is presumed innocent unless and until proven guilty beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. A defendant has the right not to testify and never has to prove his innocence or present any evidence. The burden of proof is always upon the State of South Carolina.

The following things are not evidence and you must not consider them in deciding the facts of this case. Statements and arguments of the attorneys, questions and objections of the attorneys, and testimony that I instruct you to disregard. Evidence may be direct or circumstantial. Direct evidence is testimony by a witness about that what that witness personally saw, heard or did. Circumstantial evidence is indirect evidence; that is, it is proof of one or more facts from which one can find another fact.

You are to consider both direct evidence and circumstantial evidence. The law permits you to give

76

equal weight to both, but it is up to you to decide how much weight you give any evidence.

There are rules of evidence which control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence and the lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit may be received. If I sustain the objection, the question cannot be answered or the exhibit cannot be received. Whenever I sustain an objection to a question or deny a motion to admit an exhibit into evidence, you must ignore the question or the existence of the exhibit. You must not guess what the answer would have been or what the exhibit would have shown.

Sometimes it may be necessary for me to request that you leave the courtroom while I discuss with the lawyers legal questions that come up during trial. If this occurs, you should not speculate about our discussions or the reason that you were asked to leave the room. This is simply a procedure that the law requires when certain legal issues arise.

There may also be occasions where I ask the attorneys to approach the bench so I can discuss a legal issue with them in private. I will do this as often as

possible so that you will not be required to leave the courtroom more than is absolutely necessary.

Again, if I ask the lawyers to step up to the bench or if I ask you to leave the courtroom, please do not think that anybody is trying to hide anything from you or keep any evidence from you. This is simply a procedure used by all lawyers and by all courts to determine and decide legal questions.

In deciding the facts of this case, you may have to decide which witnesses to believe and which witnesses not to believe. You may believe everything a witness says or only part of it or none of it. In deciding what to believe, you may consider a number of factors, including the following. The witness's ability to see, hear or know the things testified to. The quality of the witness's memory. The witness's manner while testifying. Whether the witness has an interest in the outcome of the case or any motive, bias or prejudice. Whether the witness was contradicted by anything the witness said or wrote before the trial or by other evidence. How reasonable was the witness's testimony when considered in light of other evidence which you believe.

Until I advise you to begin your deliberations, you must not discuss this case with anyone, including your

78

fellow jurors, friends, family members or anyone involved in this case. This includes face-to-face, telephone, e-mails, texts, blogs, Facebook, Twitter. There's a million of them out there. And what I'm talking about is any method of communication.

You may not use a computer, a cell phone or other electronic device with communication capabilities at any time while in the courtroom or during deliberations.

I told you yesterday during your breaks you may use these devices to check your e-mail. Certainly not to look up or call or speak about this case.

You may not at any time use these devices to get or send information about the case. This includes information about a party, a witness, an attorney or a court officer, or any news accounts about the case. You can't do research on any topics raised that you think might would be helpful in deciding the case or any testimony presented by any witness.

During the trial do not read, listen to or watch any news reports about this case. This includes anything that may be in the newspapers or on the Internet, the radio television. You must not consider anything you may have read or heard about the case outside of the courtroom, whether before or during trial.

After case is submitted to you, you must discuss

it only in the jury room with your fellow jurors.

The attorneys and the parties in this case, I told you yesterday, I've advised them that they are not to talk to you at all. So if you see anyone and they don't speak, please don't think they're rude because they're not. They're just following my instructions.

It is important that you keep an open mind and not decide any issue in this case until all of the evidence has been presented, the parties have made their closing arguments and I have instructed you on the law in this case.

It is your solemn responsibility to determine the guilt or innocence of the defendant and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the closing of the trial.

I'm gonna tell you, Mr. Foreman, it is your added duty to preside in the jury room and you will be the jury spokesperson here in court. It will also be your duty to write the verdict, but I will give you further instructions about that at the conclusion of the case.

All right. Right now I'm gonna get the clerk to swear you in and we're gonna begin this case.

THE CLERK: If you'd stand and raise your right hand, please.

80

(Whereupon, the jury was sworn by the Clerk of Court.)

THE CLERK: Please be seated.

THE COURT: Thank you.

All right. Let me call on the State. Are you ready?

MR. GRAHAM: Thank you, Your Honor.

Samuel Aaron is a sexual predator and a thief. That's what this case is about. He's charged with three crimes. Kidnapping, criminal sexual conduct and strong arm robbery, and at the end of the case the judge will give you the law and what it is. I'm gonna tell you what the law is now. If it's different later, you go with what she says, but this is the things that we have to prove beyond a reasonable doubt, the things that you should be listening for.

Kidnapping. The defendant knowingly seized, convine -- confined, inveigled, decoyed, kidnapped, abducted or carried away another person. That doesn't mean that they grabbed somebody off the street screaming and fighting and put them in the back of a white van and drove off, although he did have a van. You can trick people. You can deceive them. You can make false promises. I will do something for you, come along, and that's what you're gonna hear in this case.

You can use force. You can use threats. You can put your arm over somebody and pull. That's kidnapping. Stopping somebody from being free to go or tricking them into doing something under false pretenses. That's what you're looking for in the evidence.

Strong arm robbery. The taking and carrying away of personal property without consent or against the will of the victim with the intent to steal it, meaning to deprive the person of it permanently, it has to be taken from them, and it's accomplished though violence, intimidation or fear. Strong arm robbery.

Criminal sexual conduct in the first degree is a sexual battery. And the judge will tell you what is a sexual battery, but its sexual intercourse or any kind of intrusion into the body of a person, however slight. And he's charged with criminal sexual conduct first degree, so not only that you have a sexual battery, but that it happened where the victim was in forceable confinement, a kidnapping or a robbery.

Those are the things that he's charged with. That's what we have to prove beyond a reasonable doubt. So as you're listening to the testimony, that's what you're -- that's what you're looking to hear.

January 9, 2020, a little over two years ago, on Bluefield -- off of Bluefield Road off of Highway 6 over

82

in Red Bank. Just down the road here. Karie Sutherland is the victim in this case who you will hear testify. She's sitting back there in the black closest to y'all in the second row.

She made bad choices that day. She did things that your momma would say don't do. One of them she did that day was she took a ride from a stranger and because of that choice she ended up being kidnapped, attacked and stolen from.

This case is about Karie. The judge talked to you about credibility, and so Karie's gonna testify and you're gonna hear from her, and she's gonna tell you what happened that day. And you look at her and you listen to the things she has to say. Is she telling you the truth? Is she credible? Is she believable? Does she have a motive to lie? Did she have a motive to lie then? Does she have a motive to continue to lie today in front of you? Look at her face. Look at her mannerisms. Is she believable? Is she credible? And do that with every witness.

Samuel Aaron is a predator, a sexual predator, and a thief. He kidnapped Karie, he raped Karie and he stole from her, and by the end of the testimony you'll know that the State has proved his guilt beyond a reasonable doubt, and the evidence, and you will find

him guilty.

THE COURT: Thank you, Mr. Graham.

Ms. Williams.

MS. WILLIAMS: May it please the Court?

THE COURT: Absolutely.

MS. WILLIAMS: Ladies and gentlemen, good morning. This is Sam and the solicitor just described Sam as a sexual predator and a thief. Well, that is the solicitor's description, those are just words, and Sam is just a guy.

The things that the solicitor just said, as the judge has already told you, is not proof, it's not evidence, and it's -- it's just a story. It's a story that the solicitor's office has made up to make the facts fit.

We're gonna -- right now this is not the evidence part, but when we get to the evidence part we don't have to prove anything. Sam doesn't have to prove anything. What the solicitor's office has to prove through the evidence that they put up is that Sam committed those horrific acts beyond a reasonable doubt.

Now what is reasonable doubt? As Judge McCaslin already told you, it's the kind of doubt that causes you to hesitate to act, to pick between Story A and Story B, and the solicitor's office has to push you beyond that

84

so that you are firmly convinced in your choice when you find in your findings what happened.

Now right now I need to pause and mention something that a lawyer that I love and respect very much says in all of his opening statements, and that is that you came in with more than just the clothes on your back this morning. You came in with more than your juror badges and your cell phones, if you have them with you. You came in with common sense. And guess what? You don't have to leave that outside of the jury room. You absolutely get to use that common sense and your life experience that created that common sense when you evaluate the evidence that comes before you. You get to evaluate the evidence using your brains, which is really kind of a cool ting.

So returning to the solicitor's characterization of Sam, we agree with the solicitor's office on a lot of things. He said that, you know, Ms. Sutherland made some bad choices. We agree with that. We agree that Sam picked up Ms. Sutherland that day. We agree that they had sex. We agree that Ms. Sutherland had some property and that at the end of the day Sam ended up with that property. But what's missing in all of that are the how's and the why's and y'all get to determine that based upon the evidence. Using your common sense,

you get to look at all of the linking points in between all of the rest of the evidence that you get to determine and determine how these things happened and, most importantly, why these things happened.

As I said, what the solicitor said isn't evidence, what I say isn't evidence, and me telling you a story isn't really gonna help anything, so I'll leave it at this. That I submit that when you go back in that jury room and you look at what has been presented and you think about the how's and you think about the why's using your common sense that you will find that the State has failed to meet its burden and that they have not proven beyond a reasonable doubt that these horrific crimes occurred, much less that Sam was the one who did them.

Ladies and gentlemen, we would ask that you find Sam not guilty on all counts.

Thank you.

THE COURT: The State can call their first witness.

MS. WELLMAN: Thank you, Your Honor. May it please the Court?

At this time the State would call Ms. Angie Gunter.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Angie Gunter was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand. Once you are seated, please state your name, spelling your last name for the record.

THE WITNESS: My name is Angie Gunter, G-U-N-T-E-R.

ANGIE GUNTER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Ms. Gunter, good morning. Where do you work?

A. Lexington County 9-1-1 Communications.

Q. And what is your role?

A. I'm the deputy chief of communications.

Q. What are your duties and responsibilities?

A. I watch over the center. I'm the operational chief. I look and see, make sure -- you know, I watch the calls and everything on the floor that's going on in the 9-1-1 center.

Q. When you say calls, does that also include 9-1-1 or emergency calls --

A. Yes, ma'am.

Q. -- made within Lexington county?

A. Yes, ma'am.

Q. Is it possible for someone who has a phone that doesn't have active cell phone service to still call 9-1-1?

A. Yes.

Q. Okay. And is it possible for the Lexington County Communications to use a 9-1-1 call to find a caller's location and, if needed, dispatch a first responder to that location?
A. Yes.
Q. Okay. Do you know how that's possible?
A. It still works with 9-1-1. The phone still has access to call emergency even if it's not turned on and it will use by the triangle -- I'm not a tech person, but it works by the closest cell phone towers and stuff to go to our center, the closest center.
Q. Okay. As part of your role at Lexington County Communications, are you responsible for the maintenance of records of 9-1-1 calls to Lexington County?
A. Yes. Uh-huh.
Q. And when those calls come in, are they saved?
A. Yes.
Q. Okay. And how are they saved?
A. On a digital computer file system.
Q. Is there any way to edit, alter or delete portions of those calls once they're saved?
A. No.
Q. Is it possible to copy those calls to a CD?
A. Yes.
Q. And how do you do that?

A. With a -- again, I'm not IT. With a digital system, they just make a copy basically on a drive-type thing.
Q. And it is possible to burn that to a CD?
A. Yes.
Q. Okay. And are the 9-1-1 calls kept in the normal and ordinary course of business for Lexington County Communications?
A. Yes.
Q. Okay.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 1 was marked for identification.)
BY MS. WELLMAN:
Q. Ms. Gunter, I'm handing you what is marked as State's Exhibit 1. Do you recognize that?
A. Yes.
Q. Please till the jury what State's Exhibit 1 is.
A. It is the disk with my name on it. I already initialled it for the call.
Q. Is this the 9-1-1 call --
A. Yes.
Q. -- that is associated with this case?
A. Yes. The 9-1-1 call for this, yes.
Q. Okay. You said you were on that call. What do you

mean by that?
A. My initials are right here.
Q. Were you involved in this call at all?
A. I was involved in some of the dispatching of it, yes.
Q. And did you have an opportunity to review this 9-1-1 call prior to testifying to today?
A. Yes.
Q. Is it a true and accurate copy of the 9-1-1 call associated with this case?
A. Yes.
Q. Okay. And is this the 9-1-1 placed by Ms. Karie Sutherland on January 9th of 2020?
A. Yes.
Q. Okay. And did you initial that CD? You mentioned that you had your initials on it.
A. I did. Uh-huh.
Q. Did you do that to indicate it was a true and accurate copy?
A. Correct. Yes.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 1 and would ask to publish to the jury.
MS. WILLIAMS: Without --
THE COURT: Any objection?
MS. WILLIAMS: My apologies, Your Honor.

Without objection, Your Honor.

THE COURT: Thank you.

It's admitted. That's State's Exhibit 1 and you may publish.

(State's Exhibit Number 1, a 9-1-1 call, was admitted into evidence.)

BY MS. WELLMAN:

Q. While she's working that out and setting that up, Ms. Gunter, you said you were involved in the dispatch of this call?

A. Uh-huh.

Q. At what time did Lexington County Communications receive this call?

A. At 12:30.

Q. AM or PM?

A. AM.

Q. Okay. Was that 12:30 exactly?

A. 12:30:17.

Q. So is that --

A. Well, PM. Sorry.

Q. So right about noon? A little after noon?

A. About noon, yeah. A little after noon. Uh-huh.

Q. And other than being involved in the dispatch and being the custodian of records for Lexington County Communications, did you have any additional involvement in

this case?
A. Unh-unh. No. Sorry. No.
MS. WELLMAN: Thank you.
THE COURT: If any of the jurors can't hear, please raise your hand so I'll know.
MS. WELLMAN: Your Honor, we called our IT guy in just a few minutes ago.
THE COURT: Okay. That's fine.
(Whereupon, State's Exhibit Number 1 was played.)
THE COURT: Now that we've got right volume, let's start it over.
If any of the jurors can't hear, please raise your hand. I know that Plexiglass makes it hard to hear.
(Whereupon, State's Exhibit Number 1 was replayed.)
MS. WELLMAN: No further questions, Your Honor.
THE COURT: Thank you.
MS. WILLIAMS: No questions, Your Honor.
THE COURT: Okay. May I excuse Ms. Gunter then?
MS. WELLMAN: Yes, Your Honor.
THE COURT: Ms. Gunter, thank you for coming.
(Witness excused.)
THE COURT: The State can call their next witness.
MS. WELLMAN: Your Honor, at this time the State would call Adrian Zona the stand.
(Whereupon, Adrian Zona was duly sworn by the

Clerk of Court.)

THE CLERK: Please be seated in the witness stand.

Once you're seated, please state your last name for the record.

THE WITNESS: Last name is Zona.

ADRIAN ZONA,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Can you spell that?

A. Z-O-N-A.

Q. Thank you. And where are you employed?

A. I'm employed with the Lexington County Sheriff's Department.

Q. Okay. What is your role at the sheriff's department?

A. I'm a field training officer, so I train the employees that are -- that have just come out of the academy or are coming from different agencies. I train them out in the field, so we respond to calls for service and patrol Lexington county.

Q. Do I call you Deputy Zona or is there another title?

A. Deputy.

Q. Deputy. And how long have you worked at the sheriff's department?

A. About four and a half years.

Q. Okay. Are you assigned to a particular region within the county?
A. At the time of this incident, I was assigned to west region, and that was Red Bank, Gilbert, Leesville areas. Now I'm assigned to the south region.
Q. How long did you work in the -- I'm sorry, the west region; is that right?
A. Yes.
Q. All right. How long did you work in the west region?
A. About two years.
Q. Is it safe to say that because of your role in the west region for two years you're very familiar with that part of the county?
A. Yes.
Q. Were you working and duly sworn on January 9th of 2020?
A. Yes.
Q. On that date, did you receive a call regarding a sexual assault that had just occurred in the 500-block of Bluefield Road?
A. Yes.
Q. Is that in Lexington county?
A. Yes.
Q. Is that in the Red Bank area?
A. Yes.

Q. Were you dispatched to that scene?
A. I was.
Q. And at what time were you dispatched?
A. 12:34 PM.
Q. Okay. Did you arrive?
A. I did.
Q. What time did you arrive?
A. 12:39.
Q. Can you describe for the jury that area?
A. That area, it's off of South Lake Drive. It's kind of a new development as you get onto Bluefield and then you go down and it actually turns into a dirt road and that dirt road goes for -- for a little while.
Q. Okay. And then beyond that subdivision, what was around that area at the time?
A. Mostly woods.
Q. Mostly woods. Okay. Upon your arrival, did you make contact with a Ms. Karie Sutherland?
A. Yes.
Q. And did she tell you what happened?
A. Yes.
Q. Okay. Were you wearing a County-issued body camera on that call?
A. Yes.
Q. And did you activate it upon your arrival?

A. Yes.
Q. Okay. Was it working properly that day?
A. Yes.
Q. What exactly is a body cam or a body camera? Do you have that on today?
A. Yeah, I'm wearing it right now. It's a camera that we activate whenever we get to calls for service or we're speaking with the public.
Q. Okay. And have you received training on how to operate that?
A. Yes.
Q. Okay. Does the camera save the recordings?
A. Yes.
Q. And do they include a date and a time?
A. Yes.
Q. Okay. Where are those recordings saved or stored?
A. They're saved on a -- on a cloud. It's on a website. On the Axon website.
Q. Okay. The Axon website, is that sort of the sheriff's department evidence system?
A. Yes.
Q. Okay. At the end of your shift, do you go and upload your videos to that Axon system?
A. I do.
Q. And can the videos be retrieved from that system at a

later date?
A. Yes.
Q. Are there safeguards to prevent tampering with the recordings?
A. Yes.
Q. Is there a way to change, alter or delete a call -- or, excuse me, a video or portions of the video from your server, your Axon server?
A. No.
Q. And you stated that you were wearing your camera on January 9th when you made contact with Ms. Sutherland. Did you record that interaction?
A. I did.
Q. Okay. Did you upload it to the Axon system as you just described?
A. Yes.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 2 was marked for identification.)
BY MS. WELLMAN:
Q. Deputy Zona, I'm handing you what it is marked as State's -- I'm sorry.
Okay. Now I'm handing you what is marked as State's Exhibit 2. Do you recognize that?

A. Yes.
Q. If you could, please, tell the jury what it is.
A. It is a copy of the body cam footage.
Q. Is this the body cam footage from your interaction with Ms. Sutherland on January 9th of 2020?
A. Yes.
Q. Okay. Is this the first part where you talk -- or where she told you what happened?
A. Yes.
Q. Okay. Have you had an opportunity to review this?
A. I have.
Q. Okay. Is it a true and accurate copy of your initial interaction with Ms. Sutherland?
A. Yes.
Q. Did you initial that CD indicating as such?
A. I did.
Q. Okay. Have there been any changes, alterations or deletions to that initial encounter?
A. No.
Q. Okay. Thank you.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 2 into evidence and would ask to publish to the jury.
THE COURT: Any objection?
MR. WILLIAMS: We have no objection to the

introduction and there is an agreement, I think, between both parties that they're playing the first part where they meet with the person on the side of the road.

MS. WELLMAN: Yes.

THE COURT: Is that correct?

MS. WELLMAN: That is correct, Your Honor.

THE COURT: And all that's on that CD?

MS. WELLMAN: Uh-huh.

THE COURT: It's admitted then.

MS. WELLMAN: Thank you, Your Honor.

(State's Exhibit Number 2, a body cam video, is admitted into evidence.)

BY MS. WELLMAN:

Q. Deputy Zona, while she's getting that to open I just want to confirm the location where you responded, that is in Lexington county?

A. Yes.

Q. Okay.

(State's Exhibit Number 2 was played.)

MS. WELLMAN: Your Honor, can we just start it over so it's not --

THE COURT: Yes. See if you can get it right so the jury can see it.

MS. WELLMAN: Your Honor, may we approach?

THE COURT: Uh-huh.

(Proceedings held at the bench; not reported.)

THE COURT: Mr. Foreman, they're gonna bring in another computer, so in the meantime I'm gonna let y'all take a quick break.

FOREPERSON: Okay.

THE COURT: That way you can watch this not like that. They're gonna switch it out and we'll bring you back in.

Remember, no discussing this case even amongst yourselves while you're in the jury room. No research, no calling anybody, anything about this case whatsoever, okay?

With that I'm gonna let you go to the jury room.

FOREPERSON: Thank you, Your Honor.

THE COURT: We'll be back at quarter till. That will be about ten minutes.

Is that enough time?

MS. WELLMAN: Yes, Judge. Thank you.

(Whereupon, the jury retires to the jury room at 10:31 AM.)

THE COURT: Okay. Y'all get it fixed.

(Recess taken at 10:32 AM.)

(Back on the record at 10:42 AM.)

BAILIFF: Keep your seats. Court will come to order.

THE COURT: All right. Are we ready to bring the jurors back in?

MS. WELLMAN: Yes.

BAILIFF: May I approach?

THE COURT: Yes.

A note already? This is not a good sign.

Okay. Note Number 1, a Court's exhibit. I'm marking it. This is from Juror 189.

Where's my juror list? 189 is Juror Number 12. I think he's the pastor.

BAILIFF: He is, Your Honor.

THE COURT: All right. He says I do, in fact, know the first witness today, Angela Gunter. I know her only as Angie. She attended a small group Bible study a few times a couple of months ago.

MR. WILLIAMS: On behalf of the defendant, we have absolutely no concern with the fact that the pastor had the 9-1-1 lady in his Bible study.

MS. WELLMAN: I'm good, Judge.

THE COURT: Anybody want me to call him in and ask him even knowing her and listening to her testimony can he be still fair and impartial to both the State and the defense for the record?

MR. WILLIAMS: I didn't -- Judge, I did not hear her elicit any type of opinion testimony from the 9-1-1

operator. She was just a facilitator for the 9-1-1 tape.

THE COURT: Okay.

MS. WELLMAN: I have no objection as long as the defendant doesn't.

THE COURT: Okay. Well, do y'all want me to just ask him or just tell him we're still gonna keep him?

MR. WILLIAMS: I didn't think about that.

THE COURT: I've got to tell him something. He wrote me a note.

MR. WILLIAMS: That's up to you, Your Honor.

THE COURT: All right. Can you bring Juror 189 in here?

And just for the record I'm gonna ask him.

(Whereupon, Juror Number 189 enters the courtroom.)

THE COURT: Hey, Pastor Murphy. I got your note. Just let me ask you, even though you know Angela Gunter from a Bible study, and you've listened to her testimony, can you still be fair and impartial to both the State and the defense?

JUROR NUMBER 189. Absolutely.

THE COURT: Then I'm gonna keep you, okay?

JUROR NUMBER 189: Okay. Thank you.

THE COURT: Thank you.

All right. I'm marking that as Court's Exhibit 1.

(Court's Exhibit Number 1 was marked for

identification.)

THE COURT: All right. If we're ready, I'm gonna bring the jurors in.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: All right. Let's bring them in.

(Whereupon, the jury return to the courtroom at 10:51 AM.)

THE COURT: All right, Mr. Foreman. I think we're ready. Is the jury ready?

FOREPERSON: We're ready, Your Honor.

THE COURT: Okay. You can go ahead and proceed.

MS. WELLMAN: Thank you, Your Honor.

(State's Exhibit Number 2 was played.)

BY MS. WELLMAN:

Q. Deputy Zona, after this part of your interaction that we just saw, what, if anything, did you do next?

A. I retrieved the rag that she had in her pocket and I put it -- I secured it in my vehicle in a lockbox in the back. I -- then I notified my supervisor and then I -- she got -- I got into my car and she directed me to where the incident occurred.

Q. Did you and Ms. Sutherland drive to the incident location?

A. Yes.

Q. About how long did it take you to drive back there?

A. Several minutes.
Q. Okay.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 3 was marked for identification.)
BY MS. WELLMAN:
Q. Deputy Zona, I'm showing you what's marked as State's Exhibit 3. Do you recognize this?
A. Yes.
Q. If you could, please, tell the jury what is depicted in State's Exhibit 3.
A. It's an aerial view of Bluefield Road and it shows where the incident occurred.
Q. Okay. And is this a true and accurate map of -- or an aerial map of that incident location?
A. Yes.
MS. WELLMAN: The State would move to introduce State's Exhibit 3 into evidence and ask to publish to the jury.
THE COURT: Any objection?
MR. WILLIAMS: No objection to the map, Your Honor.
THE COURT: State's Exhibit 3 in evidence.
(State's Exhibit Number 3, an aerial map, was admitted into evidence.)

MS. WELLMAN: Your Honor, if I could ask Deputy Zona to step down and point out a view things on this map?

THE COURT: Sure.

You can step down, Deputy.

BY MS. WELLMAN:

Q. Deputy Zona, on this map if you could show the jury sort of the route you took with Ms. Sutherland to the incident where she said she was raped -- or to the location where she said she was raped.

A. I believe I got out in this area over here and then we drove down to about right here where EMS met us here and that's where she was transported to the hospital.

Q. Okay. At any time did you actually go to the location where she said the rape occurred?

A. Yes.

Q. Okay. Did you drive there or did you walk there?

A. I -- I drove there.

Q. Okay. Was Ms. Sutherland with you?

A. Yes.

Q. Okay. And can you show us on this map the location of where she said the incident occurred?

A. It was in this wooded area over here.

Q. Okay. Is it specifically any part of this wooded area? Is there -- was there like a little clearing or --

A. Yes, there was a little clearing.
Q. Okay. And can you show us where that clearing is?
A. I believe it was right around here.
Q. Okay. Could you circle that for us? It's not gonna show up well, but do the best you can.
A. (Witness complies.)
Q. Okay. Thank you.
You can go back to your seat. Thank you.
A. (Witness complies.)
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 4 and 5 were marked for identification.)
BY MS. WELLMAN:
Q. Deputy Zona, I'm handing you what's marked as State's Exhibit 4 and 5. Do you recognize those?
A. Yes.
Q. Please tell the jury what State's Exhibit 4 is.
A. It's a view of the trail that leads back to the -- the clearing in the wooded area.
Q. The clearing that you just circled for us on State's Exhibit 3?
A. Yes.
Q. And is that a fair and accurate depiction of that trail as it appeared on January 9, 2020?

A. Yes.
Q. And is that the trail you took with Ms. Sutherland?
A. Yes.
Q. Did she direct you down that way?
A. She did.
Q. Okay. And then turning to State's Exhibit 5, can you tell us what that is?
A. That's the -- the clearing where Ms. Sutherland advised the defendant backed the vehicle in.
Q. Okay. And when you were back there, did you notice anything about the ground or anything that seemed relevant to you?
A. There -- there did appear to be fresh tire marks. That the ground was disturbed and you could see tire marks in the -- in the ground.
Q. And is State's Exhibit 5 a screen shot from your body cam video that you were wearing that day?
A. Yes.
Q. A true and accurate representation?
A. Yes.
MS. WELLMAN: The State would move to enter State's Exhibit 4 and 5 into evidence.
THE COURT: Any objection?
MR. WILLIAMS: If I could see those two again, Your Honor.

THE COURT: Absolutely.

MR. WILLIAMS: No objection, Your Honor.

THE COURT: They're admitted.

(State's Exhibit Number 4 and 5, photographs, were admitted into evidence.)

BY MS. WELLMAN:

Q. Deputy Zona, you stated that this is the trail back to the clearing. Did you and Ms. Sutherland walk that trail or did you actually take your patrol down there?

A. I parked prior to getting to the wooded area and then we walked on foot where she showed me that area.

Q. And then if we're looking sort of back in this area, is that sort of the clearing?

A. Yes.

Q. Deputy Zona, you stated this is a screen shot from your body cam. Who is that -- or whose hand is that that we see?

A. Ms. Sutherland.

Q. And is that where she was pointing to where the car was?

A. Yes.

Q. Okay. And you mentioned that you noticed tire tracks on the ground. Can you see those in State's Exhibit 5?

A. Yes.

Q. These two things right here?

A. Yes.
Q. Back in that incident location, we can look at the map in State's Exhibit 3, did you see any people back there?
A. I did not.
Q. Any houses?
A. No.
Q. Would you describe this as a particularly isolated location?
A. Yes.
Q. Would you have known this was back there had you not been taken there by Ms. Sutherland?
A. I did not know it was back there.
Q. Based -- you stated in your body cam video that you were gonna call EMS to have a kit done. Can you tell the jury what you meant by that?
A. I was referring to a SANE kit. In instances where there's a sexual assault, we get the victim to get transported to the hospital to get a SANE kit completed where hospital staff will take possession of their clothing and do an examination.
Q. Okay. And is that sort of standard protocol in situations of sexual assault?
A. Yes.
Q. Was she required to go have that exam done?
A. She was not.

Q. Was she required to go with EMS?
A. No, ma'am.
Q. Okay. Could she have refused?
A. Yes.
Q. Did Ms. Sutherland, in fact, go with EMS?
A. She did.
Q. Okay. At any time did she appear hesitant about going to the hospital for that rape exam?
MR. WILLIAMS: Objection to that, Your Honor. Speculation.
THE COURT: It is speculation.
Can you rephrase that please, Ms. Wellman?
BY MS. WELLMAN:
Q. At any time did she appear that she -- or indicate to you that she did not want to go?
A. No.
Q. Deputy Zona, from the time that you first made contact with Ms. Sutherland and when you turned her over to EMS for transport, approximately how long would you say that was?
A. About thirty minutes.
Q. Okay. During that entire interaction -- we only saw four minutes on your body cam, but during that entire interaction, can you describe Ms. Sutherland's demeanor?
A. She seemed to be upset. She was crying at periods throughout the entire time that I was talking to her.

Q. Uh-huh. When she was talking about certain parts of the event, did she become more upset?

MR. WILLIAMS: Objection to leading.

THE COURT: I would agree, Ms. Wellman. Please rephrase.

BY MS. WELLMAN:

Q. While she was telling you what happened, did her emotions change at any part?

A. Yes.

Q. All right.

(State's Exhibit Number 6 was marked for identification.)

BY MS. WELLMAN:

Q. Deputy Zona, this is State's Exhibit 6. Do you recognize this?

A. I do.

Q. Please tell the jury what it is.

A. It was at a point when she was sitting in the back of my vehicle and I was questioning her on what -- what occurred.

Q. Okay. And is there a timestamp on this?

A. Yes.

Q. Okay. And can you tell the jury what time this was?

A. It was at 12:44 it looks like.

Q. And is this a screen shot from your body cam?

A. Yes.
Q. Okay. And if we're looking up here, what are -- what's going on?
MR. WILLIAMS: Your Honor, objection to publicizing what is on the document when it's not in evidence. She hasn't moved to place it into evidence and we have several objections about why it should not go into evidence.
MS. WELLMAN: Your Honor, may we approach?
THE COURT: You may.
(Proceedings held at the bench; not reported.)
THE COURT: All right. Let me tell the jury just for a moment. The good news is we've ordered y'all lunch. We're having Chick-fil-A today because I was hoping we could have a short lunch and keep working on this case. Right now I need to go make a phone call that is a must. I'm gonna let you go back to your jury room just for about ten minutes. Y'all stretch. If you -- anybody -- I don't know if I have any smokers, but if I do, please let them smoke a cigarette, and we'll come back in about ten minutes, okay?
Thank you.
(Whereupon, the jury retires to the jury room at 11:12 AM.)
THE COURT: I'll be right back.

(Recess taken at 11:12 AM.)

(Back on the record at 11:22 AM.)

BAILIFF: Please keep your seats. Court now come to order.

THE COURT: Did we get everything done, Ms. Wellman?

MS. WELLMAN: Yes, Your Honor. I have shown it to Mr. Williams. It's my understanding that he is still objecting.

THE COURT: All right. Well, let me see it then.

MS. WELLMAN: May I approach?

THE COURT: Uh-huh.

MS. WELLMAN: Your Honor, the State would argue this entirely -- entirely relevant. It's illustrative of her demeanor and showing how she was acting, but this is also a video of him actually pulling the red rag, which is highly relevant in this case, out of her pocket.

THE COURT: All right. Well, show that to me because I don't see it.

MS. WELLMAN: That's his blue glove that he put on. She's leaning over so he can get the red rag out and he hasn't fully gotten it yet, but he is in the process of pulling it out.

But, again, I think it's very relevant to her demeanor at the time, so we're offering it for two

reasons. It -- he takes the rag directly from her and I think it goes --

THE COURT: That's really way over there.

MS. WELLMAN: I understand, Judge. I am not the best with taking screen shots, but I think it is very, very relevant both to the rag and to her demeanor.

THE COURT: All right. Let me hear from you.

MR. WILLIAMS: Judge, it's a snippet. It's not an accurate representation of entire tape. It's just she's pulled it out. You know, if you pull one shot out, you can make things look all kind of ways. You can pull out the Zapruder film and --

THE COURT: Well, you know, again, the tape itself is the best evidence.

MR. WILLIAMS: Right.

THE COURT: And I don't mind you showing the taking the rag out. I don't. I have -- the Court knows where you're going with that. My problem is, is all this other stuff.

MS. WELLMAN: Okay.

THE COURT: If you can get me a picture of him taking the rag out, I think that's making your point, and that's what you're trying to do is make that point, that he took the rag, but as -- as far as her demeanor, the jury can determine all of that when they look at

that tape.

MS. WELLMAN: Your Honor, this is -- Mr. Williams specifically wanted the first four minutes up until the point where she said she just got out of jail, and I understand why Mr. Williams wanted that part in, but he wanted it stopped right there. This is just after that. This is while he's taking the rag, so I do --

THE COURT: So this isn't off the video?

MS. WELLMAN: That is not in the four minutes that Mr. Williams specifically requested.

MR. WILLIAMS: And, Your Honor, the reason why I thought the four minutes was appropriate is because not everything is appropriate in regards to how someone is acting and stuff like that. You know, like her conversations and the statements that she makes because she's making them because of something has just happened to her. At that point in time, after four minutes, he stops what he's doing and he leaves and he gets in there on the radio and he starts calling people and doing all this other stuff. Well, she has a -- she has a chance to compose herself, to do whatever she wants to, or not compose herself, but it's certainly not fitting along those same lines where -- where she would be -- where it's more trustworthy, the statements that are made because of the excited utterances that were made. You

know, at some point in time an excited utterance is not an excited utterance unless you're a stutterer maybe.

THE COURT: I agree with you.

MS. WELLMAN: Your Honor, they're arguing that nothing traumatic happened to Ms. Sutherland, so that sort of defeats the argument that it's an excited utterance. But he wanted those four minutes in and he specifically agreed to that. All I am trying to is, one, help with the chain of custody for the rag that specifically came from Ms. Sutherland, and I understand that's not perfect, okay, but I also think her demeanor -- and he can testify that is my glove, that I am pulling it out of her pocket in that picture, but her demeanor is highly, highly relevant to this case.

MR. WILLIAMS: Your Honor, I'll stipulate he took the -- the rag from her pocket. It's just -- it's just the focus -- that one picture focussed because Your Honor -- Your Honor said it, I don't know if you meant to say it that way, when you looked at the sample that you were looking at, you said well, where's -- where's the rag. I mean, I see -- and, you know, probably twelve people are gonna say and where's the rag? There's this picture -- because that's not the reason they're offering it is for the rag. That's just not the reason.

MS. WELLMAN: I think it is admissible for both

reasons, Your Honor.

But in your instructions, Your Honor talked about witnesses' demeanor and she's gonna get up on that stand in a minute. Her demeanor immediately after is entirely relevant. And as Mr. Williams requested, we stopped the body cam at that point; that he made a very significant point that he wanted it stopped. I just think that her demeanor is especially relevant and this photo shows both. And either way it's illustrative, it's not substantive.

THE COURT: I'm gonna tell you, I'm gonna go back -- so this is not on the four minutes?

MR. WILLIAMS: No.

THE COURT: Okay. If you can get me a picture of a glove, of him taking the rag out, then I'll allow that in. Other than that, I'm not -- I feel this isn't what you're looking for. It's literally not even an inch at the corner, at the bottom, and I've got to look for it, so I'm not gonna allow it.

MS. WELLMAN: May I approach?

THE COURT: If you can get me another one, I will.

MS. WELLMAN: Okay. He's going to get it off the printer now, Your Honor.

THE COURT: If you can shift it over just a little bit so I can see where you're going with it and, more

importantly, the jury can see it.

(Pause in proceedings.)

MS. WELLMAN: May I approach, Your Honor?

THE COURT: Yes.

MS. WELLMAN: And I totally understand why Mr. Williams does not want the jury to see this, but I think that shows what the Court has asked.

THE COURT: That is a much better photo. I will allow that photo.

MR. WILLIAMS: Judge, I -- for the record, Your Honor, I object to it on the fact that the probative value is outweighed by the prejudicial effect of that.

THE COURT: Okay. It is so noted for the record. Thank you, Ms. Wellman.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: Can I bring the jury in?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Okay. Bring them in.

THE COURT REPORTER: Should that -- are we renumbering it or what are we doing?

THE COURT: Okay. What number -- let me get my numbers right. What is that gonna be?

MS. WELLMAN: Since we've already marked the first picture as 6 and the jury has heard 6, would you rather me do 7 or is 6 okay?

THE COURT: Well, let me ask our court reporter.

THE COURT REPORTER: I think it should be 7 and 6 should just still stay in for ID.

MS. WELLMAN: Sure. That will work.

THE COURT REPORTER: That's what I think.

THE COURT: Okay. This is gonna be the photo of him and the rag.

(State's Exhibit Number 7 was marked for identification.)

MR. WILLIAMS: Your Honor, I'm a little confused. I thought Your Honor did allow the first two in, just not the third.

MS. WELLMAN: We got 4 and 5 --

THE COURT REPORTER: 4 and 5 are in.

MR. WILLIAMS: 4 and 5.

THE COURT: 4 and 5, and you -- and that was without objection.

MR. WILLIAMS: Right, so they're in.

THE COURT: Then we had 6, the big photo of her crying --

MR. WILLIAMS: Got you.

THE COURT: -- that was that offered as ID.

MR. WILLIAMS: I'm not good at math, Your Honor, but I'm okay now. I got you.

THE COURT: And now 7 is going to be --

Okay.

(Whereupon, the jury return to the courtroom at 11:33 AM.)

THE COURT: All right, Mr. Foreman. I think we're ready. I apologize.

Jury ready?

FOREPERSON: We're ready, Your Honor.

THE COURT: All right. Let's proceed.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Deputy Zona, this has been marked Exhibit 7. Do you recognize this?

A. Yes.

Q. Could you, please, tell the jury what State's Exhibit 7 is.

A. Ms. Sutherland is sitting in the back of the vehicle and I'm retrieving the rag from her pocket.

Q. Okay. And is that the red rag you told us about earlier?

A. Yes.

Q. Is this a screen shot from your body cam that you were wearing and activated that day?

A. Yes.

Q. Is this a fair and accurate depiction of how

Ms. Sutherland looked and you retrieving that rag from her?
A. Yes.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 7 into evidence.
MR. WILLIAMS: Subject to prior objection, Your Honor.
THE COURT: Absolutely, and so noted for the record, and it's admitted.
(State's Exhibit Number 7, a photograph, was admitted into evidence.)
MS. WELLMAN: And the State would move to show it to the jury.
THE COURT: Yes, ma'am.
BY MS. WELLMAN:
Q. Deputy Zona, is that your hand in the blue glove?
A. Yes.
Q. Okay. And is that the actual rag that you're pulling out?
A. Yes.
MS. WELLMAN: Okay.
(State's Exhibit Number 8 was marked for identification.)
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
BY MS. WELLMAN:

Q. Deputy Zona, I am handing you what has been marked for identification as State's Exhibit 8. Is there any kind of identifying information on this box to indicate what it is?
A. Yes.
Q. Okay. And what does this box contain?
A. It contains the rag that I retrieved from her pocket.
Q. Okay. I'm handing you two gloves. Does size large work?
A. Yes.
Q. And that is a knife. If you could open State's Exhibit 8 for me.
A. (Witness complies.)
Q. If you could pull out what is inside.
A. (Witness complies.)
MS. WELLMAN: Deputy Zona, I'm going to mark that bag as State's Exhibit 8.1.
(State's Exhibit Number 8.1 was marked for identification.)
BY MS. WELLMAN:
Q. Do you recognize this bag?
A. Yes.
Q. Okay. Please tell the jury what that bag is.
A. It's the bag that I placed the rag in.
Q. Okay. And you said you personally placed the rag inside?

A. Yes.
Q. And does Lexington County Sheriff's Department assign specific case numbers to each case?
A. Yes.
Q. Okay. Did you notate -- did that happen in this case?
A. It did.
Q. Did you notate that case number on this bag?
A. Yes.
Q. And what is that Case Number?
A. It is 20-000511.
Q. Okay. And did you personally seal this bag?
A. I did.
Q. Okay. Did you put your initials on --
A. I did.
Q. And then if you could reach inside.
A. (Witness complies.)
Q. And we have another bag. Is that bag labeled in any way?
A. It is.
MS. WELLMAN: I'm gonna mark that as 8.2.
(State's Exhibit Number 8.2 was marked for identification.)
MS. WELLMAN: And then if you could reach inside that, I'm going to mark this as Exhibit 8.3.

(State's Exhibit Number 8.3 was marked for identification.)

BY MS. WELLMAN:

Q. And then if you could unwrap that package, please.

A. (Witness complies.)

MR. WILLIAMS: Your Honor, we have no objection if she wants to introduce all of that into evidence.

THE COURT: Okay. Thank you.

That would be Exhibit Number 8 admitted with no objection.

MR. WILLIAMS: Yes, ma'am.

THE COURT: Thank you.

MS. WELLMAN: We're actually marking the rag as 8.4.

MR. WILLIAMS: No objection to that, Your Honor. We're down with 8.4.

THE COURT: If that's 8.4, are we --

MS. WELLMAN: I can do it that way, Judge, if that makes y'all happy.

(State's 8.4 was marked for identification.)

THE COURT: I would have just done Exhibit 8.

MS. WELLMAN: Judge, I can do it that way in the future.

THE COURT: Yeah, I think Exhibit 8 is the whole shebang.

(State's Exhibit Number 8, which includes 8.1, 8.2, 8.3, and 8.4, a bag in a box with red rag, was admitted into evidence.)

BY MS. WELLMAN:

Q. Deputy Zona, is that, in fact, the red rag that you retrieved from Ms. Sutherland on January 9th of 2020?

A. Yes.

Q. Okay. Is it in the same or substantially the same condition today as it was when you retrieved it?

A. Yes.

Q. Okay. Deputy Zona, you said you spent about thirty minutes with Ms. Sutherland and how many years of law enforcement experience did you say you had?

A. At that point it was about two and a half years.

Q. Okay. During that two and a half years, had you had opportunities to encounter people who had been impaired on some kind of alcohol or drug?

A. Yes.

Q. And have you received training in noticing the signs of those impairment?

A. I have.

Q. During your time with Ms. Sutherland, did you ever detect any signs of any type of impairment?

A. I did not.

MS. WELLMAN: If I could just have one second.

No further questions.

MR. WILLIAMS: May it please the Court?

THE COURT: Absolutely, Mr. Williams. Go ahead.

MS. WELLMAN: You can just wrap all of that back up, Officer.

THE COURT: Thank you, Deputy.

MS. WELLMAN: Thank you.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Let's see. Deputy, you were just -- the last question you were asked by the solicitor had to do with your expertise in dealing with people who in your two and a half years, you've had training, you could tell if they're under the influence of any type of drugs, and what was the other thing she asked you about what type influences the person could be under that you were able to testify that? I guess that she didn't show any of those signs. What were those other things? Alcohol? Drugs?

A. Alcohol, drugs.

Q. What type of drugs have you been trained in in regards to whether or not someone's under the influence of them?

A. Just basic training, understanding of. The ones we encounter mostly on the street are methamphetamine, heroin.

Q. So you can tell from your training whether or not a person's under the influence of methamphetamine?

A. Typically from my experience, yes.
Q. All right. And you can tell if they're under the influence of crack?
A. From my experience, yes.
Q. And cocaine?
A. (Nods head.)
Q. Correct?
A. Yes.
Q. Marijuana?
A. Yes.
Q. Any other drugs that you're -- that you've been trained in that you can tell if they're under the influence of?
A. Heroin.
Q. All right. Fentanyl?
A. Yes.
Q. Anything else?
A. That's about it.
Q. Have you been trained in understanding whether or not a person is -- not subject to drugs, but whether or not they have some sort of disability, such as some psychiatric issue?
A. Yes.
Q. All right. And what type of training have you had on that?

A. Just basic mental illness training each year.
Q. All right. Where do you have that mental illness training done at?
A. It's through the South Carolina Criminal Justice Academy. We -- we watch videos. We have to watch videos and presentations on it.
Q. So you watch videos that teach you how to make that determination?
A. That aid in making that determination, yes.
Q. You know, at lot of people go to schools for like four years of college, three years of -- four years of med school and stuff like that before they can make those types of determinations. You knew that, right?
A. Yes.
Q. So you -- do you feel like you're able to make a diagnosis of people who have issues mentally?
A. I feel like based on my experiences I'm able to.
Q. Okay. Well, let me talk to you a little bit. You said you had been on there for two and a half years; is that right?
A. Yes.
Q. You started off as road patrol?
A. Yes.
Q. And what was your position when this occurred?
A. It was a deputy on the road.

Q. All right. What is the difference between road patrol and deputy on the road?
A. The same -- same thing.
Q. So you were in the same position that you were hired on at before, right?
A. Yes.
Q. All right. Had you ever worked in any other type of law enforcement position?
A. No.
Q. Did you finish high school?
A. Yes.
Q. And did you go to college?
A. Yes.
Q. Which college did you go to?
A. To the University of South Carolina.
Q. And what was your major?
A. Criminal justice.
Q. But no medical treatment, none of that? Medical education?
A. No, sir.
Q. The -- the day that this happened, I think you said you were with her for a total of thirty minutes, right?
A. Yes, sir.
Q. Thirty-nine minutes. Which was it? Thirty or thirty-nine minutes?

A. It was in between that time.
Q. Thirty-four minutes?
A. It could have been thirty-four minutes.
Q. Okay. One of the things I noted on some of these pictures is that there appears to be a timestamp. Like this is State's Exhibit Number 5. There appears to be some sort of timestamp that indicates that it's 17:55. Do you see that? Or is that not a timestamp at the top?
A. It appears to be a timestamp.
Q. Okay. Well, I mean, it -- that comes from your body mic, right? Your body camera?
A. Correct.
Q. So you're familiar with it?
A. Yes.
Q. They teach you how to use it just like they teach you about medical knowledge and psychiatric knowledge?
A. Yes.
Q. So you know how it works. So what does that indicate to you that the time of this -- this thing was conducted at?
A. If that says 17:55, that would be 5:55 PM.
Q. 5:55 PM in the afternoon, right?
A. Yes.
Q. So what time did you get your call about any type of assault that occurred?

A. I was dispatched at 12:34 PM.
Q. 12:34?
A. Yes.
Q. All right. So that meant -- and I think you said -- when did you arrive on-scene?
A. 12:39.
Q. So you were actually with her not for thirty-nine minutes, but for over five hours, right?
A. I was not.
Q. Well, how would you explain the fact that -- that she showed you -- she was with you? That's her right there in the picture, right?
A. Yes.
Q. So she's pointing at these two lines and she's saying that that's where, I assume, something happened and it's done at 5:55 PM, correct?
A. It could -- it could be a malfunction of the system. I'm not sure.
Q. Well, I mean, that's what you just said. That's what that meant, right? It's almost 6:00 in the afternoon.
A. That's what the numbers up there say it is.
Q. And you got there before 1:00, right?
A. Right.
Q. And you were only there for -- with her for thirty something minutes?

A. Correct.
Q. So there's missing time, I guess. I guess once you come upon the scene and you see her on the scene, and we've seen her talking to you and all that stuff, after you get through talking to her, you get in your police vehicle and then you drive to some location that she's directing you to?
A. Yes.
Q. And how long does it take you to get to that location?
A. Several minutes. I can give you the exact time here.
Q. Sure.
A. I began the transport at 12:50 --
Q. All right.
A. -- and per the CAD notes it's saying I arrived at 13:20. That could have been added in there, that incorrect time.
Q. Hold on. Hold up. You said per something. Could you say that a little bit slower?
A. Per the CAD notes that were provided by dispatch, it appears that -- it's showing per the CAD notes that I arrived at 13:20.
Q. Okay. So what you're saying is that -- correct me if I'm wrong, that you got the notification at 12:50 and the CAD notes indicate that you showed up at 1:20, so that's thirty minutes, right?

A. That's -- that's when the CAD notes are indicating that I arrived with Ms. Sutherland at that location.
Q. At this location?
A. Yes.
Q. So you actually got here thirty minutes later and not five hours later?
A. Correct, and it's -- it would have been less than that. It's possible that these notes weren't updated at the correct time.
Q. So the CAD notes may have been incorrect?
A. Yes, it's possible.
Q. So either the CAD notes are incorrect or this is incorrect, this camera notation that's on here? That's incorrect?
A. (Nods head.)
Q. Does that mean that everything -- everything on your body camera that day, if you were testifying in whatever court you would be testifying into, has got the incorrect time on it for people to look at and make a determination in regards to what time something happened?
A. I'm not sure.
Q. So when you look at State's Exhibit Number 5, was there anybody else at that location with you and with her?
A. I don't believe there was at that time. I know at some point my supervisor showed up and then later on the

crime scene investigator actually showed up as well.
Q. So he was there along with her with you at that scene?
A. He was not. He stayed in his vehicle.
Q. And who was that?
A. That was Master Deputy Ford.
Q. So how long were you at this scene?
A. Approximately, I would say, about an hour.
Q. All right.
A. Because I waited on crime scene to show up after she had gone to the hospital.
Q. So when did she go? When did she leave the area?
A. I'm not sure of the exact time. I might be able to look that up. Yeah, I'm not sure the exact time the ambulance actually transported her to the hospital.
Q. So when you're talking about the ambulance, you're talking about when the EMS shows up to pick her up, right?
A. Yes.
Q. And there's -- how many people were in the ambulance with the EMS people?
A. I believe there was two.
Q. Two females?
A. I know one female. I'm not sure the other one.
Q. All right. And they actually came to this scene to pick her up, right?
A. They actually -- they came at the end of the dirt

road, so they didn't go as far as to go into the wooded area.

Q. So -- so you can see the dirt road from this wooded area?

A. Yes.

Q. All right. So it's a short -- this is a short little road right here?

A. It's several hundred yards.

Q. Several hundred yards?

A. Yes, from -- from Bluefield Road to the wooded area that we're looking at in this picture.

Q. So the dirt road that the ambulance stops at the end of, down this road is several hundred yards?

A. Yes.

Q. And you can see down that road through this wooded area to the dirt road?

A. Yes.

Q. If you will, will you step down, please, sir, and look at this map right here and kind of assist me on this.

A. Okay.

Q. So -- and you're familiar with this picture, right?

A. Yes.

Q. And what type of -- and this is -- this is an aerial view from up in the air when you're looking down on stuff, right?

A. Correct.
Q. So it doesn't have dimensions in regards to distances or anything like that, correct?
A. Correct.
Q. Do you know when this picture was taken?
A. I do not.
Q. Do you know if this is an accurate representation as to how the area looked on January the 9th of 2020?
A. I do not.
Q. Well, but you're using this to reference where these locations are, right?
A. Correct.
Q. And how is it that you know that this is where the location occurred?
A. Based on the dirt road, as well as this fenced-in area down here, and then the patch of woods.
Q. Is there something distinctive about the dirt road and the fenced-in area that separates this from any other location in Lexington county with a dirt road?
A. There was -- as I looked at this, there's a fenced-in area with some utility inside that I do recall, which was to that side of that easement or dirt road driveway.
Q. And you -- you can tell that from this aerial view?
A. I can.
Q. Okay. So did you look at the bottom part of this --

of this picture -- of this map?
A. I did not.
Q. Well, look at the bottom part of that and what does that say on the bottom part of that map?
A. It looks like it says 2022 Microsoft Corporation, Copyright 2022.
Q. Do you know if that's the copyright date or the date that the picture was taken?
A. I'm not sure.
Q. So if that's the date the picture was taken, then that may or may not be an accurate representation in regards to how the property looked on that particular date, is it?
A. Correct. I'm not sure how it looked then.
Q. All right. So you're saying that it occurred back over here where this little red thing is drawn and it's in the middle of these woods, right?
A. Correct.
Q. Well, that's not -- that's not a straight line of vision to this dirt road, is it? Or this is not the dirt road you're talking about, is it? This is the dirt road you're talking about?
A. So this is Bluefield Road. The ambulance stopped right here and I drove my vehicle up -- before the ambulance got there, I drove my vehicle up to about right

here and that's when we walked up to the area.
Q. So Bluefield Road's a paved road?
A. It was dirt at the time.
Q. So all of this was dirt. So when you said that you had a straight -- you could see from this location through these trees and back over here to where the ambulance was?
A. I don't recall if I could see from the actual clearing, but I could see from approximately the dirt road to the easement.
Q. So when you testified earlier that you could see directly, you couldn't necessarily see from the area where you were located from the ambulance pulling up, but when you walked up to the dirt road you could see up the dirt road when they pulled in?
A. That exact area, no, I don't recall if I could see the dirt road, but as far as the area as a whole, yes, you could see the dirt road.
Q. But what probably drew your attention to where the ambulance was is, I don't know, maybe they put the sirens on, had lights flashing?
A. It's possible.
Q. And that's how you actually could see the ambulance because you heard and you saw the lights flashing?
A. It's possible.

Q. Thank you, sir. You can have a seat.
A. (Witness complies.)
Q. Referring to State's Exhibit Number 4, now this is part of the road going to the clearing where this supposedly occurred; is it not?
A. Yes.
Q. And you probably don't have a thing to mark on your spotter. Would it be back over here where it occurred or would it be back on this end?
A. It would be on the far end.
Q. Right here?
A. Yes, slightly to the right.
Q. Behind that -- back over in there?
A. Yes.
Q. Okay. What is this item right there?
A. I'm not sure. I can't tell what that is from here.
Q. Well, it's a green item and it looks like it's a -- doesn't it look like it's a Sprite container maybe?
A. Probably a bottle, yeah.
Q. Did you secure that?
A. I did not.
Q. It was something which was in close proximity where an alleged assault supposedly occurred, right?
A. Yes.
Q. But you didn't feel that that was something that you

needed to secure to see if other people had been down there or anything like that?

A. I did not.

Q. Did you -- did you make any comparisons to the tire prints that are shown here?

A. I did not.

Q. What is this at the end of State's Exhibit Number 5? What is this right here at the end of that?

A. I'm not -- I recall there being objects there. I -- I don't recall exactly what it was. It's hard for me to tell from here.

Q. All right. There are houses that are around there, aren't there?

A. In the -- in the area off Bluefield, yes.

Q. Right. So it's -- when you refer to it as being -- I guess it's not "isolated" isolated. It's a little wooded area near houses?

A. Yes.

Q. The road -- the dirt road that you referred to, and we'll use this, if this is the dirt road you were talking to -- talking about and if this is Bluefield Road, both of those roads are dirt, right?

A. Yes.

Q. Do you normally have to drive kind of slow when you go up this dirt road right here?

A. Yes.
Q. And do you have any idea why State's Exhibit Number 5 tends to indicate a darker color from tire tracks versus -- there's no other tracks that are reflected on State's Exhibit 4, are there? Do you see tracks?
A. I can't tell from this picture here.
Q. Did you do any track comparison to any tires?
A. I did not, no.
Q. Did anybody do it?
A. I'm not sure.
Q. Now in the -- in the original -- the four minutes that we played, there was -- there was -- she was holding some papers that said she had just gotten from the jail. Did you secure those items?
A. I did not.
Q. Did you understand that supposedly a cell phone and papers had been thrown on the ground in the alleged assault?
A. Yes.
Q. Did you secure the cell phone?
A. I did not.
Q. Did anybody secure the cell phone?
A. I'm not sure.
Q. Did anyone check the cell phone to see if there was any cell phone data that could be elicited from the cell

phone or check out whatever the service provider may or may not have know at that time?
A. I'm not sure.
Q. Did anybody check out the functioning of the cell phone?
A. I'm not sure what major crimes would have done after.
Q. So you didn't do everything. Major crimes came in and did some other items?
A. I'm not sure what they did after she was transported to the hospital.
Q. When she was transported to the hospital, did she still have the cell phone and still have that paperwork that she got from the jail when she was transported to the hospital?
A. Yes.
Q. So nobody took those items?
A. I did not take those items.
Q. You were with her the whole time until she was transported, right?
A. The items were not taken before she went to the hospital.
Q. Did you see any marks or injuries to the person of the alleged victim?
A. I don't recall seeing any injuries.
MR. WILLIAMS: That's all the questions I have,

Your Honor.

THE COURT: Any redirect?

MS. WELLMAN: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. WELLMAN:

Q. Deputy Zona, when Mr. Williams was asking you about the year, whatever year was on this picture, it was a little confusing, but is this a good illustration of what the area looked like when you were there on January 9th of 2020?

A. It is.

Q. This is State's Exhibit 5. This is the picture of where Mr. Williams was talking about the time. Is that a "Z" after the time? It's 17:55:48 Z?

A. Yes.

Q. Does that indicate Zulu time?

A. I'm not sure.

Q. Okay. And you were just the responding officer, correct? You weren't the investigator?

A. Correct.

Q. Okay. It was your -- was it your job to go and take the initial report and then get her the help she needed?

A. Correct.

MS. WELLMAN: Nothing further, Your Honor.

THE COURT: Thank you.

RECROSS EXAMINATION

BY MR. WILLIAMS:

Q. But you also were responsible for securing the scene and securing the evidence that would be used in the prosecution of case, weren't you?

A. Yes, I was responsible for that.

MR. WILLIAMS: That's all the questions I have, Your Honor.

THE COURT: Okay. May I excuse the deputy?

MS. WELLMAN: Yes, Your Honor.

May I approach the court reporter with the exhibit?

THE COURT: Absolutely. Thank you, Deputy.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Can I see the lawyers just for a second?

MS. WELLMAN: Yes, Your Honor.

(Proceedings held at the bench; not reported.)

THE COURT: Mr. Foreman, lunch isn't gonna be here until about 12:30, but we have a short witness, okay?

Thank you.

MS. WELLMAN: Your Honor, at this time the State would call Ms. Rachael Decker.

(Whereupon, Rachael Decker was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand.

Once you are seated, please spell your last name for the record.

THE WITNESS: My last name is Decker, D-E-C-K-E-R.

RACHAEL DECKER,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Ms. Decker, can you pull that microphone a little closer to you?

A. (Witness complies.)

Q. Okay. And can you spell your first name for the court reporter?

A. R-A-C-H-A-E-L.

Q. Ms. Decker, where do you work?

A. Lexington County EMS.

Q. Okay. And what is your role?

A. I am an EMT basic.

Q. What are your duties and responsibilities?

A. To respond to emergency medical calls as dispatched and then we assess, treat, stabilize and transport our patients.

Q. Okay. And how long have you worked as an EMT?

A. In total, it's coming up on five years.

Q. I'm sorry?

A. Coming up on five years.
Q. And EMT, that's emergency medical technician?
A. Yes.
Q. Drawing your attention to January 9th of 2020, were you working that day?
A. Yes.
Q. While you were on duty, were you called to the scene of a sexual assault involving Ms. Karie Sutherland?
A. Yes.
Q. And do you see Ms. Sutherland in the courtroom today?
A. Yes.
Q. Is that her sitting behind me?
A. Yes.
Q. When you arrived, did you speak with Ms. Sutherland?
A. Not immediately.
Q. Okay. Was she transported to the hospital?
A. Yes.
Q. Where -- which hospital?
A. Lexington Medical Center.
Q. And were you the only EMT there or was there another?
A. I had a partner, yes.
Q. Okay. So there were two of you?
A. Uh-huh.
Q. Generally speaking, does one of the EMTs drive to the hospital and the other one ride in the back?

A. Yes.
Q. Were you driving or were you riding in the back with Ms. Sutherland?
A. I rode in the back.
Q. Do you remember her?
A. I do.
Q. Do you remember the ride that you took with her that day?
A. Part of it, yes.
Q. Can you describe Ms. Sutherland's demeanor as you guys went to the hospital?
A. She seemed upset and kind of quiet.
Q. Did that seem appropriate based on your training and experience?
A. Yes.
Q. In your role as an EMT, have you encountered individuals who are either impaired on some kind of drug or alcohol?
A. Yes.
Q. Okay. Do you -- do you have experience noticing the signs?
A. Yes.
Q. Okay. And did you notice any of those signs of impairment with Ms. Sutherland as you transported her to the hospital that day?

A. I did not.
Q. Are you also trained in noticing the signs of any kind of mental illness?
A. Yes.
Q. Okay. Did you notice any of those signs with Ms. --
A. No.
Q. You stated that you transported her?
A. Uh-huh.
Q. Okay. Do you recall what time you transported her?
A. I'll have to look at my report. It states we initiated transport at 13:14, so it would have been 1:14 PM.
Q. Okay. Do you recall what time you were dispatched to the scene?
A. It says 12:14 -- or 12:44. I'm sorry.
Q. Okay. Was Ms. Sutherland required to go with you to the hospital?
A. No.
Q. Could she have refused to be transported?
A. Yes.
Q. At any time did she -- did she tell you she didn't want to go to the hospital?
A. No.
Q. Did she know she was going to have a rape exam done?
A. Yes.

Q. Okay. At any time did she indicate she didn't want to have that exam done?
A. Not to me.
MS. WELLMAN: No further questions, Your Honor.
MS. WILLIAMS: May it please the Court?
THE COURT: Ms. Williams.

CROSS-EXAMINATION

BY MS. WILLIAMS:
Q. I was about to say good morning, Ms. Decker, but it looks like we are after noon. I will try to keep this short. You indicated you have some notes with you up there. Do you mind if I take a look at them?
A. I have my run report.
Q. You have your run report. Is it a redacted run report?
A. I don't know what that means.
Q. Does it have any black lines going through it?
A. No.
Q. Okay. Thank you. In that case, Ms. Decker, what did Ms. Sutherland indicate her weight was to you that day?
A. She didn't tell me her weight.
Q. Would you -- would you have something in your possession that might indicate what it would be?
A. No, I don't have any documentation of what her weight was then.

Q. Is it not listed on your run report?
A. No, we don't --
Q. Is it not listed on your run report underneath patient information underneath phone, date of birth, weight?
A. Generally, no. No, it's not listed.
Q. There's no listing?
A. Correct.
Q. Thank you. You mentioned that she seemed upset, kind of quiet, and that in your experience that was an appropriate response based on the allegations?
A. Uh-huh.
Q. Are there other responses that are also appropriate based on those circumstances?
A. Potentially anger I would think. Some people will get very loud, but that would go with anger. So, generally, they're either angry, very verbal, or quiet and subdued.
Q. And, similarly, are there other conditions in which someone might seem upset and be kind of quiet?
A. Yes.
Q. Okay. You mentioned that you'd had some training in detecting drugs and mental illness and that she did not exhibit those signs; is that correct?
A. Not that I could see.
Q. Okay. Are you also trained in observing signs of drug-seeking behavior?

A. To a certain extent, yes.
Q. And would you have had the opportunity to observe that in your ride to the hospital?
A. Yes.
Q. You would have been able to observe whether she had drug-seeking behavior in a confined space on the ride to the hospital?
A. Potentially, /our drug-seeking behavior would typically be someone, you know, looking for pain medication or something like that in route during transport and she didn't ask for any pain relief, so.
Q. Are there other types of drugs than those that are prescribed medically?
A. I'm sorry. Can you --
Q. You referenced medical drugs. That she might exhibit drug-seeking behavior by asking you for painkillers. Are there other chemicals that we commonly refer to as drugs than medically-supplied drugs?
A. Yes.
Q. And would you have had the opportunity to observe drug-seeking behavior of those other types of drugs on the way to the hospital?
A. Potentially.
Q. Okay. When you observed her, did she have any injury?
A. Not that I noted.

Q. Did she have any bruising, ligature marks or tracheal deformity?
A. Not that I noted, no.
Q. How did she describe what had happened to her to you?
A. She stated that she had been held down in a choke hold and she had had rings ripped off her fingers.
Q. She had had rings that were ripped off of her fingers?
A. Yes. She stated that she -- the rings had been ripped off her fingers.
MS. WILLIAMS: Thank you, Ms. Decker. Those are all the questions I have.
THE COURT: Any redirect?
MS. WELLMAN: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. WELLMAN:
Q. Ms. Decker, do you take the weight of every patient?
A. No.
Q. Okay. Is that relevant to every transport that you take?
A. No.
Q. Okay. And did she need any kind of medical care at that moment?
A. Not that I could see, no.
MS. WELLMAN: Nothing further, Your Honor.
MS. WILLIAMS: Nothing further, Your Honor. Thank

you.

THE COURT: Can I excuse Ms. Decker then?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Ms. Decker, thank you for coming. You may be excused.

(Witness excused.)

THE COURT: Do we have another short witness?

MS. WELLMAN: Not really, Your Honor.

THE COURT: Okay.

All right. Then I'm gonna let the jury go to lunch. Your lunch should be here shortly and we're gonna start back at a quarter after, okay? We figured everybody would like Chick-fil-A. I hope.

All right. With that said, Mr. Foreman, please remember there's no discussing this case amongst yourselves or with anyone else or any research, okay?

FOREPERSON: Okay.

THE COURT: Thank you.

FOREPERSON: Thank you.

(Whereupon, the jury was excused for lunch at 12:20 PM.)

THE COURT: Okay. Anything from the State?

MS. WELLMAN: No, Your Honor.

THE COURT: Anything from the defense?

MR. WILLIAMS: Nothing from the defendant, Your

Honor.

THE COURT: All right. We're at lunch until a quarter after.

(Whereupon, a luncheon recess was taken at 12:20 PM.)

(Back on the record at 1:14 PM.)

BAILIFF: All rise.

THE COURT: All right. We've got another note and -- and probably a legit gripe.

Your Honor, some of the jurors have stated that the Plexiglass is hindering their hearing. Is there any way we could have the Plexiglass removed?

I don't know. I have sat back there and that's why I keep asking them raise your hands. It is so hard to hear.

(Discussion off the record.)

(Court's Exhibit Number 2 was marked for identification.)

THE COURT: Let's bring them in and I'll tell them.

I'd like to go as far as we can go today. I know I have one juror with childcare.

MS. WELLMAN: We're hoping at the very least to be able to get through the -- Ms. Sutherland, our victim, and then the scene person at the very least

154

this afternoon. At the very least those two.

THE COURT: Okay.

All right. And then I think I'm gonna start a little earlier on Thursday. Let's start at nine and I might ask the lady about childcare for Thursday afternoon. I think the father's out of state and she's the one doing daycare.

(Whereupon, the jury return to the courtroom at 1:21 PM.)

THE COURT: Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am. We're ready, Your Honor.

THE COURT: Did y'all enjoy lunch?

FOREPERSON: Yes, ma'am. Thank you for lunch.

THE COURT: Everybody's full. Don't fall asleep.

All right. Mr. Foreman, I got your note.

FOREPERSON: Okay.

THE COURT: Honestly, I would have taken that thing down six months ago. Personally, I have sat on the back row. I know it is hard to hear. We are not having court tomorrow, so y'all have the day off. And I promise you, I will see what I can do to make that disappear for you come Thursday morning.

One other quick question. I know I have one lady with daycare.

MALE JUROR: (Raises hand.)

THE COURT: That's you?

MALE JUROR: No, I have daycare, too, so.

FEMALE JUROR: I've got someone able to pick her up.

THE COURT: Tell me what is the absolute latest that you need to leave here in order for daycare.

FEMALE JUROR: I have somebody able to pick her up.

THE COURT: You are the bomb. Thank you.

MALE JUROR: If we're gonna go, then I need to call my wife at the next break so she can leave the hospital to go pick mine up.

THE COURT: Okay. I'm just trying to make sure we're not gonna work on Saturday because Monday is not an option for me. I'm in another county come Monday on another trial, so I'd like to get this done. If I could go later -- just a little bit later today, kind of know where we are on Thursday, so I can make sure that y'all are out of here on Friday. But we'll judge it and I promise to keep you informed, okay?

All right. Cross your fingers for Thursday.

All right. Let me ask the State, are you ready?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Okay.

MS. WELLMAN: Your Honor, at this time the State would call Ms. Karie Sutherland.

THE COURT: Okay.

THE CLERK: Place your left hand on the Bible and raise your right hand.

(Whereupon, Karie Sutherland was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated. Once you are seated, if you would state your name and spell your last name for the record, please.

THE WITNESS: My name is Karie Sutherland. Last name is S-U-T-H-E-R-L-A-N-D.

KARIE SUTHERLAND,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. And, Ms. Karie, do you spell your first name with a "K" or a "C"?

A. Yes, ma'am. K-A-R-I-E.

Q. Karie, I want us all to get to know you a little bit. If you could tell the jury how old you are.

A. I am thirty years old.

Q. Okay. Are you married?

A. Yes, ma'am.

Q. And do you have any children?

A. I have three little boys.

Q. Okay. How old are they?

A. I have a twelve-year-old, a ten-year-old and a one-year-old.
Q. Okay. Do you guys all live together in Lexington county?
A. (Nods head.)
Q. How long have you lived in Lexington county?
A. Going on fifteen years now.
Q. Okay. And where were you living before that?
A. Michigan.
Q. Okay. Karie, looking back to 2019 and the first several months of 2020, can you tell the jury a little bit about your life?
A. I had a DSS case at the time and was -- as you would put it, probably strung out on drugs very badly. My life was going nowhere. I was in jail twice for stupid things I shouldn't have done and I had just recently gotten out of jail when -- the day --
Q. Let me stop you right there. You said you had a DSS case going on?
A. Yes, ma'am.
Q. Did DSS have custody of your children at that time?
A. Yes, ma'am.
Q. Okay. You said you had a drug problem. What was your demon? What drug was your --
A. Methamphetamine.

Q. Okay. How did you get hooked on methamphetamine?
A. Friends and just -- it was just around. It just happened.
Q. Okay. You mentioned that you had been in jail?
A. (Nods head.)
Q. Okay. On December 17th of 2019, were you convicted of one count of possession of less than one gram of methamphetamine?
A. Yes, ma'am.
Q. Okay. Is it true that you spent like thirty-three days in jail?
A. I believe it was twenty-eight days.
Q. Okay. But around a month?
A. Yes, ma'am.
Q. And then on January 7th of 2020, isn't it true that you were convicted of one count of possession of a stolen motor vehicle less than $2,000?
A. Yes, ma'am.
Q. Okay. Was that in magistrate's court here in the county?
A. Yes, ma'am.
Q. Whose car was that?
A. It was a friend of mine's.
Q. Okay. You said you were convicted on that date?
A. (Nods head.)

Q. About how -- do you know how much time you did in jail for that?
A. I believe twenty-eight to thirty days and I got time served when I went to the court and pled guilty.
Q. Okay. And that was on January 7th?
A. Yes, ma'am.
Q. Okay. You said time served. Did you get out of jail on January 7th?
A. Yes, ma'am, and I went to my mom's on the 8th.
Q. Okay. You said you went to your mom's. Does she also live here in Lexington county?
A. She's been living on Calks Ferry for almost two years now.
Q. Okay. When you got out of jail on January 7th of 2020, did you go to that home on Calks Ferry Road?
A. Yes, ma'am.
Q. Okay. You said you went there on the 8th?
A. (Nods head.)
Q. I want to talk about the 9th. Were you -- did you stay with your mom the night of the 8th and wake up there on the 9th?
A. Yes, ma'am.
Q. Okay.
A. She drove me into Lexington county to the jail for my release papers and then I walked from the jail.

Q. Okay. I want to talk about at the jail. I know you said release papers, right?
A. (Nods head.)
Q. Why did you need those release papers?
A. So I could get proof of being out -- getting released from jail so I could get food stamps.
Q. Did you get that paperwork?
A. Yes, ma'am.
Q. Okay. You said you walked. Did you -- did your mom not wait for you?
A. She works repo life. She scans tags, so she had to work. She just brought me up there so I did not have to walk from her house to there.
Q. Okay. Was that paperwork necessary for you -- is there -- if I asked you this question already, I'm sorry. After you left the jail, where did you go?
A. I walked from the jail up to -- I believe it's Main Street into Lexington and started heading towards the SC WIC office or DHEC.
Q. Was it DHEC or Department of Social Services?
A. I believe it was just Department of Social Services, not DHEC.
Q. And you wanted to go get the emergency food stamps?
A. Yes, ma'am.
Q. And that was why you needed the jail paperwork?

A. Yes, ma'am.
Q. Okay. Ms. Sutherland, what were you going to do with your emergency food stamp card?
A. To be honest, I was -- I was gonna trade it. I was gonna get high.
Q. You were going to trade what?
A. Trade the -- like, you know, you get a food stamp card with an allotted amount on it and you can -- some people trade it for whatever. You can exchange it.
Q. Okay. Is that like a debit card?
A. It's like a debit card.
Q. And you said you were going to trade it?
A. (Nods head.)
Q. What exactly were you going to trade that card for?
A. For some meth.
Q. Okay. So you're walking to DSS to get that card?
A. Yes, ma'am.
Q. Was that what your focus was, getting that next fix?
A. Yes, ma'am, at the time.
Q. Okay. So if we're walking down the road from the jail to DSS, at some point did you get up to the area of Railroad Avenue?
A. Yes, ma'am.
Q. Okay. What, if anything, happened as you were walking in that area?

A. When I had crossed over the street, I had heard a horn and just looked around and I didn't see anyone I knew or recognized, so I continued to walk and right there in front of -- or just past Railroad Avenue is -- it used to be South Lake OB/GYN and I used to go there, so I knew the area pretty well, and right there in the driveway of the South Lake OB/GYN was a silver minivan.

Q. Okay. Had you had a conversation with anyone inside that van before you got to the parking lot?

A. Yes, ma'am.

Q. Okay. Was that sort of around the railroad tracks or where was that?

A. I had already crossed the railroad tracks and was coming -- I was like approaching the driveway.

Q. Can you tell the jury about that conversation you had?

A. I was walking and he hollered out of his passenger window and asked if I just needed a ride. It was cold, I'd been walking. I told him I didn't need a ride at first, then he's like it's cold, it's okay. I'm sure -- I -- I assumed he was a nice guy. I just got in the car and told him where I needed to go and he took me where I needed to go.

Q. Before you got in the car, had you told him where you needed to go?

A. I had told him as I was getting in the car.

Q. Okay. Did he say anything about where he was going?
A. No, ma'am. Not to my recollection.
Q. Okay. You said it was a van; is that correct?
A. Yes, ma'am.
Q. Okay. Was it like one of those construction vans or like a minivan? Can you describe that for us?
A. It was like an older square model, like a nineties minivan. It wasn't anything new.
Q. Okay. What color was it?
A. It was just a silver color.
Q. Okay. Was it all beat up and dented or was it in fairly decent shape?
A. It was pretty decent shape.
Q. You said you had a conversation with the driver of that minivan. Do you see that driver in the courtroom today?
A. Yes, ma'am.
Q. Okay. Can you please point him out?
A. (Indicating.)
Q. Is that the defendant wearing the white shirt?
A. Yes, ma'am.
Q. So as you get in the car -- well, backing up, what were you wearing?
A. I had on some boots and some jeans and a pink jacket -- or a pink shirt with a black jacket over top of it.

Q. All right. So this was January 9th. Was this a big like winter coat or was it a lightweight jacket?
A. It was a thick like wool winter coat. Like a dressy -- kind of like what I'm wearing now.
Q. Were you still chilly?
A. Yes, ma'am.
Q. Okay. You said you were wearing boots. Were they flat boots, heeled boots, wedges?
A. There was a little -- like maybe an inch and a half, two inches heel on the boot.
Q. Okay. Was it a really thin spiky heel, sort of like what I'm wearing?
A. Kind of wide.
Q. Wide. Okay. You said you had walked from the jail to that area. Were your feet a little tired?
A. Yes, ma'am.
Q. Okay. Do you know approximately what time it was that you got in that car or the minivan?
A. No, ma'am.
Q. No? Okay. When you got in that car, what, if any, understanding did you have about why the defendant offered you a ride?
A. Just seemed like he was just trying to be a kind person to give someone a ride. He gave no indication of any kind of negative vibes or anything. Seemed like a very

nice person.
Q. Okay. At any point did you offer anything in exchange for that ride?
A. No, ma'am.
Q. Okay. So you're in the minivan. Can you describe what you noticed inside, if anything?
A. It looked like maybe like a soccer mom's car. There were girl's like feathers or butterflies, little stickers and jewels in the car. Like it was a girl's vehicle.
Q. So those feathers, specifically where did you see the feathers?
A. Hanging from the rear view mirror.
Q. Okay. You said jewels?
A. They were like -- you know where the vents are in the cars? Like they were like -- like incense things that were in there, but they had like a jewel on them. They were like girlie --
Q. Like little clippy things in the vents?
A. Yes, ma'am.
Q. Okay. And you said those were the things that made you think this was a woman's car?
A. Yes, ma'am.
Q. Okay. Was there a woman in the car?
A. No, ma'am.
Q. Just the defendant?

A. Yes, ma'am.
Q. When you get in the car, what do you -- what do you talk about?
A. He had asked me where I was headed and everything and I told him where I was headed and -- and then he had noticed that I had a handful of jewelry. I had a ring on every finger literally.
Q. Okay. Did you -- did you talk to him about those rings?
A. Yes, ma'am. I told him one was my grandma's and that it had sentimental value and that it was just an old ring, I had it forever, and showed him another one that was my ex-fiance's engagement ring and it was filled with little baguette diamonds and it was a pretty valuable little ring, and then I had a few other just regular rings.
Q. Okay. And did you tell the defendant about that sentimental value and --
A. Yes, ma'am.
Q. Okay. Karie, you talked about your focus that day was on drugs.
A. Yes, ma'am.
Q. Did you talk to the defendant about the drugs?
A. No, ma'am. I'd asked him if he gets high, but we didn't discuss anything further than that on drugs.
Q. At any point were you planning on doing drugs with the

defendant?
A. No, ma'am.
Q. When you get to -- or does he, in fact, take you to DSS?
A. Yes, ma'am.
Q. Okay. Before you got out of the car at DSS, was there any conversation about you needing a ride somewhere else?
A. No, ma'am.
Q. Did he know that you wanted -- or where you wanted to go afterwards?
A. No, ma'am.
Q. Okay. Where did you want to go?
A. I wanted to go to a friend of mine's named Lawrence's down the street and see if he had anything and if he didn't I was gonna find someone else or continue to wander around.
Q. Okay. Did you, in fact, go into DSS?
A. Yes, ma'am.
Q. Did the defendant go into DSS?
A. I was sitting in there for a while. I had been in there for maybe about twenty minutes and he'd come in and asked if I had had his lighter so he could smoke a cigarette. I believe he sat down with me for a minute or so and then he went back out to his car.
Q. And before he came in asking about the lighter, did you hear him -- or did you see him come into DSS and ask

for anything?
A. No, ma'am.
Q. When he came in and he sat down with you, at that point did you have a conversation about going somewhere else?
A. We had a discussion about the child support section in the front, that he had been there before. Other than that, I don't believe so, ma'am.
Q. Okay.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 9 was marked for identification.)
BY MS. WELLMAN:
Q. Karie, I'm handing you what's marked as State's Exhibit 9. Do you recognize that?
A. Yes, ma'am.
Q. If you could tell the jury what State's Exhibit 9 is.
A. It is -- it's a statement, I believe, right?
Q. Is this the application for food stamps?
A. Oh, yes, ma'am. I'm sorry.
Q. Okay. Is that a true and accurate copy of the application that you filled out on January 9th of 2020?
A. Yes, ma'am.
Q. Do you see where there's any changes, alterations or

additions?
A. No, ma'am.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 9 into evidence.
MR. WILLIAMS: Without objection, Your Honor.
THE COURT: All right. It's admitted.
(State's Exhibit Number 9, a food stamp application, was admitted into evidence.)
BY MS. WELLMAN:
Q. So you stated you filled this out?
A. Yes, ma'am.
Q. And we're looking at the date up at the top and that says January 9th. It says down at the bottom homeless and then your mailing address is [redacted] Calks Ferry; is that correct?
A. That's my mother's address.
Q. Okay. Is that the address that you were staying at?
A. At the time, yes, ma'am.
Q. Okay. And that is in Lexington county?
A. I believe so.
Q. Karie, do you know about how -- you know, what time you were at DSS? Do you remember?
A. I know it was around noon.
Q. Okay. In total, about how long were you at DSS?
A. Maybe forty-five minutes.

Q. Okay. When you came out of the DSS building, did you see the defendant?
A. Yes, ma'am.
Q. Okay. Was he in the car -- or that minivan?
A. Yes. He was in the same minivan sitting right in front of the building smoking a cigarette.
Q. Okay. What happened next?
A. He asked me if I wanted a ride to my mom's. I told him sure. We continued to -- I continued to --
Q. Let me stop you right there. He asked you if you needed a ride to your mom's?
A. Yes, ma'am.
Q. How would he have known you wanted to go to your mom's?
A. Because we had discussed it.
Q. When did you talk about that?
A. On the way to the DSS office.
Q. Okay. You said that you were in DSS for about forty-five minutes and when you came out he was still there. Were you surprised that he was still there?
A. A little bit.
Q. Why?
A. Just I didn't know he was gonna wait.
Q. Okay. So he asked if you wanted to go to your mother's house?

A. (Nods head.)
Q. Did he ask for anything in exchange for that ride?
A. No, ma'am.
Q. Okay. Did you offer anything in exchange for the ride to your mother's house?
A. No, ma'am.
Q. A little while ago I'd asked you where you wanted to go after DSS and you said your friend's house, but now you're talking about going to your mom's house.
A. (Nods head.)
Q. What was your plan at your mom's house?
A. My mom wanted me to get off the streets and to work on getting my kids back.
Q. Okay. But you also said that you were going to take that emergency food stamp card and exchange it?
A. Yes, ma'am.
Q. So what were you going to do at your mom's house?
A. I was just gonna go to my mom's house. I'd give her the food stamp card so I'd have contributed in some way so I could stay there and get myself together.
Q. But if you were going to exchange that card for drugs, how were you gonna give that card to your mom?
A. I never would have gone.
Q. You never would have gone where?
A. To my mom's, but if I would have that's what I would

have done.
Q. Okay. So what changed? How did you change your -- or why did you change your mind?
A. What do you mean?
Q. You said your original plan for the food stamp card was to exchange it for drugs and now you're saying you wanted to go to your mom's house to give her the card. At what point did you -- what made you change your mind or your plan?
A. The -- the situation that had happened made me change my mind to go back to my mom's and do the right thing.
Q. I think I'm probably confusing you with my questions. When you were going to DSS, it was your plan to get the food stamp card and then exchange that for drugs; is that correct?
A. Yes, ma'am.
Q. Then you get the card and you're surprised the defendant is still waiting on you and he's getting ready to take you to your mom's?
A. Yes, ma'am.
Q. Okay. But we're still in the DSS parking lot?
A. (Nods head.)
Q. So if you originally wanted to go to your friend Lawrence's house, why did you -- why did you and the defendant agree that he was gonna take you to your mom's

house? Does that make sense?
A. Yes, ma'am. I just -- I don't know. I just wanted to go anywhere at that point after all that happened. I just was scared. I just wanted to go to my mom's.
Q. You were scared in the DSS parking lot?
A. No, ma'am.
Q. Okay. We're still -- let's back up. We're still talking about the DSS parking lot, okay? Did you get in the defendant's car at DSS?
A. Yes, ma'am.
Q. Okay. What was your understanding about where you were gonna go?
A. We were gonna go to my mom's.
Q. Okay.
A. He was gonna take me to my mom's on Calks Ferry.
Q. Okay. What, if anything, had the defendant done at that point to make you think he wasn't gonna take you home like he said he would?
A. When we pulled out of the DSS parking lot, on the right-hand side of it, you could either turn to the right or you can go straight into like the red light and turn or go that way or whatever. We were supposed to -- from my recollection of how to get to Calks Ferry at that time, I thought you could only turn right there at the DSS office and go down and there's a bridge down there to get over

into that area.
Q. But when you got in the car, did you have -- before he left the parking lot, did you have any concern that he wasn't gonna take you home?
A. No, ma'am.
Q. Why not?
A. Because he seemed like a decent person.
Q. Okay. At this point you said he seemed like a decent person. Did you have any concerns for your safety?
A. No, ma'am. Not at that point.
Q. When you got in the car, you're still in the DSS parking lot, what, if any, understanding did you have as to why the defendant was going to take you from DSS to your mom's house on Calks Ferry?
A. He didn't give me an exact reason as to why was gonna help me.
Q. But had you offered anything --
A. No, ma'am.
Q. -- in exchange for that ride?
A. (Shakes head.)
Q. When you got in the car, was there an agreement about making any stops on the way --
A. No.
Q. -- or were you supposed to go straight to your mother's house?

A. We were supposed to go straight to Calks Ferry.
Q. Now you talked a little bit about he went the wrong way, okay? Can you explain that a little bit? I don't think I fully understood what you meant.
A. So I don't know the name of that road --
Q. Can you speak up for us?
A. I don't know the name of the road exactly, but right there in between the DSS office and, I believe, it's a Dairy Queen right next door across the street, there is a road right there between, and a Dollar General. You can go down that road and go straight down to Calks Ferry, but instead he turned the opposite direction and -- and then took a right.
Q. So when he came out of the DSS parking lot, should he have gone right or left?
A. He should have taken a right, but he took a left and then a right.
Q. You said there was a Dairy Queen right there?
A. Yes, ma'am.
Q. Was that connected to a gas station right there?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 10 was marked for identification.)

BY MS. WELLMAN:

Q. Ms. Sutherland, I'm handing you what's marked as State's Exhibit 10. Have you seen this before?

A. Yes, ma'am.

Q. Can you, please, tell the jury what it is?

A. It is a disk of the video surveillance from the gas station, the Circle K and Dairy Queen.

Q. Okay. Is that the Circle K that's right across the street from DSS?

A. Yes, ma'am.

Q. And have you personally reviewed this video?

A. Yes, ma'am.

Q. Did you see the defendant's vehicle in this video?

A. Yes, ma'am. Twice.

Q. All right. And does that video show him taking the route that you just told us about?

A. Yes, ma'am.

Q. Okay. And were you in the car at that time?

A. Yes, ma'am.

Q. Okay. Did you talk to the defendant about going the wrong way?

A. Yes, ma'am.

Q. Okay. What did you say?

A. I told him he had turned the wrong direction and he said there was construction on the bridge down there and

that he was gonna take me around the construction.
Q. Did you know whether there was construction down there or not?
A. No, ma'am.
Q. So what happened next?
A. From there we turned down the road and took that left and I told him that he was going in the wrong direction. He said that he was taking me around the construction and then we went down a little dirt road, which is Bluefield, and he was driving regular, he wasn't speeding or anything, and then all of a sudden he just turned off and reached -- like he pulled all the way down into the little cul de sac area, it was kind of like a little turn-around, it's almost like a construction site like park area. When he pulled down in there, he like went like this to back up and when he backed up he like pulled me to the side and put the car in park and pulled me over to the driver's seat.
Q. Let me stop you right there real quick, okay? You said he turned on Bluefield Road?
A. Yes, ma'am.
Q. On January 9th, did you know that road was called Bluefield Road?
A. No, ma'am.
Q. Okay. And you talked about it being a dirt road?
A. Yes, ma'am.

Q. At what point did this start to feel wrong?

MR. WILLIAMS: Objection to leading.

THE COURT: I would agree, so let's rephrase.

BY MS. WELLMAN:

Q. What, if any, point did this start to feel wrong?

A. I didn't feel like it was wrong until we turned into that cut. I felt like it was any other average person that I'd already been around.

Q. Okay. Ms. Sutherland, this is State's Exhibit 3. It is already in evidence, okay? Are you talking about sort of this cut? That's when you started to feel things?

A. Yes, ma'am.

Q. Okay. Ms. Sutherland, this is State's Exhibit 4, which is already in evidence, okay? What are you -- is this the route that the defendant took to that little cul de sac?

A. Yes, ma'am.

Q. What were you thinking at this point? What's going through your head?

A. I was terrified. I didn't know what to do. I just kept saying please don't do this, please.

Q. Did he say anything?

A. Not at first.

Q. This is State's Exhibit 5 that is already in evidence, okay? Is that the cul de sac where he pulled in?

A. Yes, ma'am.
Q. And you said he sort of went to reverse. Can you -- and like pulling back into that spot?
A. He came -- it's a straight -- I'm sorry -- it's a straight way down and you can go straight right there and then he backed into the place where like the tire marks were at.
Q. After he stopped, did he get out of the car?
A. He pulled his door open as he reached over my -- the back of my neck and pulled me with him to come out of the car.
Q. Did you fight him?
A. No.
Q. Why? Tell the jury why you did not fight him.
A. I was terrified for my life. I didn't want to piss him off any more than he already was.
Q. What, if anything, specifically about the defendant made you afraid for your life?
A. He's bigger than me, he's a man, and I had been through a lot recently and was off of drugs and on drugs and in jail and it just wasn't my healthiest point in my life, so I was scared.
Q. Okay. What, if anything, did you see around you when he's pulling you out of the car?
A. There are like -- like the big cement tubes that go

underneath driveways out there and like big cement blocks for like construction or stopping like on the highway. Those big squares that are on the side.

Q. Did you see anyone?

A. No, ma'am.

Q. Okay. You said he pulled you out of the car. Did he pull you out the driver's side, the passenger side?

A. I was in the passenger seat.

Q. Okay. You were sitting in the passenger seat and which way did he pull you?

A. He pulled me from the driver's seat -- over to the driver's seat and out the door.

Q. Okay. And what happened after he pulled you out the door?

A. He turned me around and he took my pants off and he raped me.

Q. Did you say anything to him?

A. (Shakes head.) No.

Q. How was he holding you?

A. By my neck. Like over my shoulder like this.

Q. Was he particularly rough?

A. No.

Q. Okay. Were you fighting him off at this point?

A. No, ma'am.

Q. What's going through your head at that point?

A. I just wanted to make it out of there.
Q. Did you try and pull away from him at all?
A. No, ma'am.
Q. We're not allowed to guess in the courtroom. When you say "raped", what do you mean?
A. He pulled my pants down and he penetrated me without permission.
Q. Penetrated? I know this is uncomfortable. What do you mean by penetrate?
A. He put his penis in my vagina.
Q. Did he say anything?
A. (Shakes head.)
Q. Karie, the man who raped you, do you see him in the courtroom today?
A. Yes, ma'am.
Q. Is that the defendant?
A. Yes, ma'am.
Q. At any time did you tell the defendant that you wanted to have sex with him?
A. No, ma'am.
Q. At any time did you imply that you wanted to have sex with him?
A. No, ma'am.
Q. Do you know about how long it took?
A. (Shakes head.)

Q. No?
A. (Shakes head.)
Q. I need you to just answer.
A. No, ma'am. I don't know.
MS. WELLMAN: May I approach the witness?
THE COURT: That's exactly what I was looking for. Thank you.
THE WITNESS: Thank you.
BY MS. WELLMAN:
Q. Karie, what happened next?
A. He -- he started to pull his pants up and clean himself off with a rag that was laying in the floor of his car. He threw the rag down and grabbed me by the neck and --
Q. I'm gonna stop you right there. I want to talk about the rag for a second, okay?
Karie, this is State's Exhibit 8.4. Is this the rag you're talking about?
A. Yes, ma'am.
Q. Okay. You said he wiped himself off with this rag?
A. (Nods head.)
Q. What did he do with it?
A. Just threw it to the ground.
Q. What happened next?
A. He had grabbed me. After he had gotten his pants up,

he grabbed me again by the back of my neck, told me to give him all my jewelry.

Q. Did you fight him?

A. (Shakes head.) I had asked him please don't. I begged him not to. They were so tight on my fingers that it left red marks all the way down my fingers.

Q. Okay. Did he get the rings?

A. Yes, ma'am.

Q. Tell the jury how he got your rings.

A. By scraping them off my fingers. Literally ripped them off of my fingers.

Q. Did he get all of them?

A. No, just the ones that were valuable and --

Q. So how many rings did he take off?

A. He took a wedding set, which is a small ring and then a bigger ring, he took my grandmother's ring and then another ring that had an attachment to it as well, so in total five rings.

Q. Okay. What did you have with you at the time?

A. All I had was a cell phone, my paperwork from the food stamp office and from being released from jail, and my jewelry and what I was wearing.

Q. Okay. Did you have any kind of makeup with you that you recall?

A. I believe I had an eyeliner and a mascara.

Q. Okay. After the defendant pulled the rings off your fingers, what, if anything, happened?
A. He had pushed me down and got in his car. As soon as he got in his car, he threw all my stuff out the window and scattered it on the ground and then screamed out his window that I was a stupid bitch, and just sped off.
Q. Did you notice anything about the van as the defendant drove away?
A. I tried to get the last -- all the license plate. I tried to get the whole thing, but I couldn't -- I couldn't get the whole thing.
Q. Do you remember anything about --
A. I remember that it was a [redacted] or an [redacted] or a [redacted] or something around that line and I just knew that it was an older van and it wasn't the nicest van, but it wasn't a horrible looking van either. That's all I could remember.
Q. And just to clarify, it was the defendant who pulled those rings off your fingers?
A. Yes, ma'am.
Q. After the defendant grabbed your stuff or threw your stuff out of the car, what, if anything, did you do?
A. I immediately went for my phone. I looked for it all over and I finally found it and I dialed 9-1-1.
Q. Okay. Did your phone have an active service at that time?

A. No, ma'am, but all inactive phones, it doesn't matter what type of phone, you can always make an emergency phone call.
Q. Okay. Do you recall whether you talked to defendant about your phone?
A. I don't remember.
Q. Okay. So you called 9-1-1 and it was Deputy Zona that arrived; is that correct?
A. Yes, ma'am.
Q. Okay. Did you call 9-1-1 immediately or did you wait?
A. I found my phone and I called immediately.
Q. All right. Do you recall going back to this spot?
A. With the police officer.
Q. Okay. And after you took the officer back there, did you go with EMS?
A. Yes, ma'am.
Q. Okay. Did you go to the hospital?
A. Yes, ma'am.
Q. Okay. At the hospital, did you talk to Detective Dubard?
A. Yes, ma'am.
Q. Did you still have your stuff with you at that time?
A. I had everything on me still.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.

MR. WILLIAMS: No objection, Your Honor.

(State's Exhibit Number 11 was marked for identification.)

BY MS. WELLMAN:

Q. Ms. Sutherland, this is State's Exhibit 11. Do you recognize this?

A. Yes, ma'am.

Q. Please tell the jury what's depicted in State's Exhibit 11.

A. The shoes I was wearing and all the stuff that was sitting next to me that I had in my pockets.

Q. Do you know where this photograph was taken?

A. Lexington Medical Center.

Q. Okay. Was this after you had been transported on January 9th?

A. Yes.

Q. Is that a fair and accurate depiction of what you were wearing?

A. Yes, ma'am.

MS. WELLMAN: The State would move to introduce State's Exhibit 11 and publish to the jury.

MR. WILLIAMS: No objection, Your Honor.

THE COURT: Thank you. It's admitted.

(State's Exhibit Number 11, a photograph, was admitted into evidence.)

BY MS. WELLMAN:

Q. Ms. Sutherland, are those the shoes that you were wearing that day?

A. Yes, ma'am.

Q. And you said that was all the stuff you had. There's also some tissues?

A. Yes, I was using some tissues that the hospital had provided me.

Q. Okay. Do you know what sort of that is right there?

A. Dirt.

Q. Dirt. Okay. Earlier you said the defendant pushed you down?

A. (Nods head.)

Q. Did he push you down on grass? On dirt? Do you recall?

A. It's like a -- South Carolina grass. You know, not really grass, but it's there.

Q. Uh-huh. But that was back on what we saw in State's Exhibit --

MR. WILLIAMS: Objection to leading.

THE COURT: I'll ask you to rephrase.

BY MS. WELLMAN:

Q. Where did he push you down?

A. Right where the tire tracks are and you can see the construction pieces.

Q. All right. And this little red card right there, what is that?
A. That's the food stamp card.
Q. That's the one you got that day?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness again?
THE COURT: You may.
BY MS. WELLMAN:
Q. Karie, I want you to look at your fingers, okay? Specifically, this finger, okay? That one right there.
A. Yes, ma'am.
Q. Okay. What do you -- you talked about him pulling off the rings and your fingers being red?
A. Yes.
MR. WILLIAMS: Objection to the form of the question.
THE COURT: You need to rephrase that, please.
BY MS. WELLMAN:
Q. What is -- what does it look like -- or what is your finger showing right there?
A. An indention from my ring being on my finger for so long.
Q. And is that the indention caused by one of the rings that you --
A. Yes.

MS. WELLMAN: Your Honor, I tried to show it up there, but it couldn't really --

MR. WILLIAMS: Objection. Objection to the testimony of the prosecutor here.

THE COURT: No, she's -- well, she's showing me. I guess she's fixing to ask me something.

MS. WELLMAN: I am, Your Honor.

MR. WILLIAMS: I don't have an objection to a question, Your Honor.

THE COURT: Yeah, she was just gonna ask me.

I'm gonna let you to carry on, Ms. Wellman, please.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: I -- I know where you're going.

MS. WELLMAN: I would just ask if I can pass this picture around to the jury and ask them specifically to look at her right ring finger.

THE COURT: You can publish the picture. Thank you.

MS. WELLMAN: Thank you, Your Honor.

May I approach and retrieve?

THE COURT: Yes, you may.

MS. WELLMAN: Would Your Honor like to see it?

THE COURT: No, that's okay.

BY MS. WELLMAN:

Q. Karie, the jacket behind you, is that the same jacket you were wearing that day?

A. Yes, ma'am.
Q. Okay. Karie, did you talk -- or give Detective Dubard a description of the minivan?
A. Yes, ma'am.
Q. Did you also give him a description of the defendant?
A. Yes, ma'am.
Q. And did you tell him what you've told us today --
A. Yes, ma'am.
Q. -- about what happened? A few weeks later, did Detective Dubard ask you to come back to the sheriff's office?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 12 was marked for identification.)
BY MS. WELLMAN:
Q. Karie, this is State's Exhibit 12. Have you seen this before?
A. Yes, ma'am.
Q. Okay. Can you please tell the jury what it is?
A. It is mugshot pictures.
Q. Is this the photo lineup that Detective Dubard asked you to look at?
A. Yes, ma'am.

Q. And were you able to identify your rapist and the person who stole your rings and took you out to the woods in this photo lineup?
A. Yes, ma'am.
Q. And did you circle --
A. Yes, ma'am.
Q. Did you do that in Detective Dubard's presence?
A. Yes, ma'am.
Q. Karie, I want to talk about the rings a little more, okay?
A. Yes, ma'am.
Q. Okay. You said you had one on like every finger? I think only five you told us?
A. Yes, ma'am.
Q. How long had you had some of these rings?
A. My grandmother's ring I was given when I was sixteen. It was like a family heirloom. The engagement ring set I hadn't had very long. Maybe a year.
Q. Okay. So that accounts for three rings.
A. The other set was just a random -- I don't know even know how long I had it. It was just some random rings.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 13, 14, and 15 were marked for identification.)

BY MS. WELLMAN:

Q. Karie, I'm handing you what's marked as State's Exhibit 13 through 15. If you could take a second and look at those exhibits.

Do you recognize what is depicted in State's Exhibit 13, 14 and 15?

A. Yes, ma'am. In 13 is my full hand with both of the rings on my fingers. The engagement set and my grandmother's. The second photo is all three of them again. And then the last one is just my grandmother's ring.

Q. And specifically talking about Exhibit 13 and 15, are those screen shots?

A. Yes, ma'am. From my phone.

Q. Did you take those photographs?

A. Yes, ma'am.

Q. Okay. And 13 and 15, were those taken on a specific -- or posted on a specific date?

A. I don't believe they were posted. This one anyways. This one, yes. It was posted on November the 3rd, 2019.

Q. Okay. So about two months before this happened?

A. Yes, ma'am.

Q. And looking at State's Exhibit 15, is that your name?

A. Yes, ma'am.

Q. And is there anything written under the date?

A. July the 10th, 2009.
Q. So there would be a date?
A. Yes, ma'am.
Q. Are these fair -- photos fair and accurate representations of what they depict?
A. Yes, ma'am.
Q. And are these some of the rings that the defendant stole from you on January 9th?
A. Yes, ma'am.
MS. WELLMAN: The State would move to introduce State's 13, 14 and 15 into evidence and request to publish to the jury.
THE COURT: Any objection?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: They're admitted.
(State's Exhibit Number 13, 14 and 15, photographs, were admitted into evidence.)
BY MS. WELLMAN:
Q. Karie, this is State's Exhibit 13 that you said was posted on November 3rd of 2019. What rings are we looking at?
A. The ring on my pointer finger and the ring on my middle finger.
Q. Okay. And are those two of the rings that the defendant stole from you?

A. The one on my pointer finger is my grandmother's and the one on my middle finger was from my ex.

Q. This is State's Exhibit 14. Is that a close-up image?

A. Yes, ma'am.

Q. And then State's Exhibit 15, tell me about that ring.

A. It's my grandmother's. It's white gold and it's called palladium. It's a type of metals that are mixed together. It's platinum and white gold. It's got a small baguette diamond in the center of it. It had been in my family a really long time.

Q. Did that ring mean something to you?

A. Yes, ma'am. It was my great grandmother's.

Q. Would you have ever traded that ring for anything?

A. Never.

Q. And I believe the other rings that we saw on 14, the set, right down there --

A. Yes, ma'am.

Q. -- where did you get that?

A. From my ex.

Q. Would you have ever traded that -- or those two rings for anything?

A. No, ma'am.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

(State's Exhibit Number 16 was marked for identification.)

BY MS. WELLMAN:

Q. We really spent a lot of time talking about three of the rings that were stolen. I am showing you what I've marked as State's Exhibit 16. If you could take a moment and look at that. Do you recognize State's Exhibit 16?

A. Yes, ma'am.

Q. If you can please tell the jury what's State Exhibit 16 is.

A. It's just a traditional ring with some small, tiny baguette diamonds across in three rows.

Q. Is that your ring?

A. Yes, ma'am.

Q. And were you wearing that ring on January 9th of 2020?

A. Yes, ma'am.

Q. Okay. What happened to that ring?

A. It got ripped off my fingers.

Q. By whom?

A. Aaron Samuel.

(State's Exhibit Number 17 was marked for identification.)

BY MS. WELLMAN:

Q. Karie, this is State's Exhibit 17. I'm gonna ask you to open that with those scissors and just cut along

the top and look inside and tell us if you recognize those rings.

A. Yes, ma'am. I do recognize them. The one in this corner is my grandmother's and this is my old engagement set.

Q. So how many rings total are in the bag that was included in State's Exhibit 17?

A. Three.

Q. Okay. Are those the three rings that we see in the photograph up there?

A. Yes, ma'am.

Q. And were you wearing those rings on January 9, 2020?

A. Yes, ma'am.

Q. What happened to those rings?

A. They got torn off my fingers.

Q. By the defendant?

A. Yes, ma'am.

THE COURT: Ms. Wellman, is 16 and 17 ID only?

MS. WELLMAN: At this point, yes, Your Honor.

THE COURT: I want to make sure I have this right on my list. Thank you.

BY MS. WELLMAN:

Q. Karie, looking back to that parking lot, the DSS parking lot on January 9th of 2020, would you have gotten in that car or that minivan, the defendant's minivan, if

you thought he wasn't going to take you home?
A. No, ma'am.
Q. Would you have gotten into that car if you knew what was gonna happen?
A. No, ma'am.
Q. Okay. Should you have gotten into that car?
A. Never.
Q. Karie, can you tell the jury how this incident has changed your life? How -- if it has, can you tell them how it's changed my life?
A. It literally has turned my life around so much. I have been clean off of methamphetamines and marijuana, alcohol and everything for two years. I just had a beautiful baby boy. He's almost a year -- well, he just turned a year, and I have my -- custody back of my children. I have my own home now. I have literally turned my life from gutters to a trailer.
Q. But it's yours?
A. Exactly.
MS. WELLMAN: If I could just have one second, Your Honor.
THE COURT: Okay.
MS. WELLMAN: No further questions.
MR. WILLIAMS: May it please the Court?
THE COURT: Absolutely, Mr. Williams.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Ms. Sutherland, let me kind of take you back a little bit. January 9, 2020, was the date that this supposedly happened; is that right?

A. Yes, sir.

Q. When you were going through the initial -- your initial testimony about what had transpired, you had -- I think you've already testified that you've got a conviction for a stolen vehicle and you've got a conviction for methamphetamine and that you had just gotten out of jail two days before the events of January 9th serving time for -- was it the --

A. It was the stolen vehicle.

Q. So the drug charge was an earlier date?

A. It had happened in, I believe, 2019.

Q. Well, I thought both of them happened in 2019.

A. I believe -- well, I was released in 2020, but, yes, it -- I got arrested in 2019.

Q. For the drugs or the --

A. For the stolen vehicle.

Q. Okay. You testified that you got out like two days before and when you got out two days before was it your mother that picked you up?

A. I had actually walked to the gas station nearest to

there so I could call her because my cell phone was dead from sitting in jail for --

Q. Okay. So when you got out from the jail, you walked to some -- a gas station on Highway Number 1 maybe?

A. No, sir.

Q. Where was the gas station?

A. It's right there next to the new -- I believe it's a Pilot. It's right next door to the new gas station that they just built right here going into Red Bank. From the jail to Red Bank. I'm not sure the name of the road.

Q. So you walked all the way to Highway 6?

A. From the jail.

Q. From the jail?

A. Yes, sir.

Q. And used the phone there --

A. (Nods head.)

Q. -- because you didn't have your phone with you, right?

A. I had it on me, but it was dead.

Q. Okay. And you had not only the phone, but you also had everything else that you went to jail with, didn't you?

A. I didn't go to jail with anything except for my phone.

Q. What about your rings?

A. I had -- yes, sir. I mean, I had my jewelry, but, I mean, like I didn't have any personal property besides my phone and my rings.

Q. Well, your rings are certainly personal property, aren't they?
A. I wasn't like toting a bag or something.
Q. All right. So you had all nine of your rings with you when you left that day -- when you left the jail that day, right?
A. Yes, sir.
Q. And you went down to the Pilot and called your mom?
A. Yes, sir.
Q. Did your mom not know you were getting out of jail that day?
A. No. I didn't even know. I went to court and they said I got time served and they released me.
Q. And your mom came and picked you up?
A. Yes, sir.
Q. And then you stayed at your mom's that night?
A. Yes, sir.
Q. Right. Where were your children then?
A. They were in DSS custody.
Q. So your mom didn't even have your children?
A. No, sir.
Q. And you have three children, right?
A. At the time I had two. I have three now.
Q. Okay. And were they together or were they with another family? Were they split?

A. They were separated.
Q. So both of your children were separated --
A. Yes, sir.
Q. -- staying with different families at that time?
A. Yes, sir.
Q. So you went to your mom's and your mom basically is gonna help you, so she drives you to the jail on January 9th of 2020 and what time did you get to the jail that -- that morning? Was it morning or afternoon?
A. It was just before noon, I believe. She had dropped me off so I could get my proof of being released for the food stamp office.
Q. So when you got out of jail, you didn't have proof that you were released from the jail?
A. I got released at like 10:00 at night.
Q. And they don't give you a piece of paper saying that you're out of jail or anything like that?
A. I didn't have anything on me, no.
Q. Okay. So you went in there and you told them that you wanted proof that you -- that you had been released from jail or did you want some proof showing how many days you had been in jail?
A. I just needed proof that I had been released from jail.
Q. Because you couldn't file for your stamps if you

hadn't been in jail, right?
A. Well, if I had like an actual address, I could have filed, but because it wasn't -- you have to put that person on there to prove like the electricity and things like that, so I just filed as homeless.
Q. Uh-huh. But what did you need the paperwork from jail for?
A. In order to get food stamps. They won't give you food stamps unless you have an electricity bill or some sort of proof of your living status.
Q. You couldn't just tell them you were homeless?
A. I'm sure you could, but she asked for a release -- because I had told her I had just got out of jail and she asked.
Q. So you had already been up there before and applied for stamps and she turned you down?
A. I had applied a lot, yes.
Q. Oh, so you know how to go up there and apply. You've done this before and you've had to get --
A. Yes, sir. I knew I needed that paper.
Q. From the jail?
A. Yes, sir.
Q. Okay. So -- and I think you've already said the reason you got it is because you wanted to get the stamps so you could go ahead and get some more drugs?

A. Yes, sir.
Q. But you actually -- didn't you -- didn't you tell other people though that -- that you were gonna get the stamps to give to your mother -- to give money to your mother?
A. Yes, sir. I -- my intentions before this situation was to go and get high with it, but after this situation I -- I just knew I needed to do the right thing. I needed to get off of the streets.
Q. So I think you said when you were giving your first -- your testimony was that you left the jail and you walked down to Main Street and then you started heading out to where?
A. Red Bank.
Q. Towards Red Bank?
A. Yes, sir.
Q. You obviously know where the jail is, don't you?
A. Of course.
Q. Well, you don't really go to Main Street from the jail if you're going to Red Bank, do you?
A. I don't know the names of the streets very well. I do know that I left the jail and went up -- I believe it's Gibson and went by the park and came all the way up until I got to where I was right in front of -- I can't remember that lawyer's office name.

Q. Would it be mine?
A. Kent Collins?
Q. No, I'm definitely not Kent Collins.
A. That's -- it's Kent Collins. It's like right there at that -- you know where I am talking about? I turned right there and went towards Red Bank from that direction to the left.
Q. So -- so when you said you went to Main Street, you never got to Main Street going that way, did you?
A. Well, I didn't know the name of the road. I thought that was Main Street.
Q. Main Street is where -- well, where the old courthouse is.
A. The old courthouse, yes. I know that now. I didn't know that then.
Q. Okay. So you actually walked down Gibson and then you got over towards Number 6 --
A. Yes, sir.
Q. -- and started walking up Number 6 past the Honorable Kent Collins' office and right there is -- used to be a doctor's office there. There's all kind of stuff there. On the left, right?
A. Yes, sir.
Q. And you walked all the way to the railroad tracks?
A. Yes, sir.

Q. And when you got to the railroad tracks, that's when you saw my client and he came up to you and asked you if you wanted a ride; is that right?
A. He was in his vehicle when he asked if I wanted a ride.
Q. And you would have been on the -- which side of the road?
A. I had crossed over and gotten onto the other side of the road -- onto the left side. I'm sorry. If you're heading towards Red Bank, I would have been on the left side of the road.
Q. So you were actually going -- I guess we always learn you walk into the traffic. You face the traffic when you walk down the sidewalk?
A. Yes, sir. Walking against traffic.
Q. So you were doing the legal thing?
A. Yes, sir.
Q. You were walking facing the traffic. That was your first step to legality on that. You were walking towards the traffic, right?
A. I've walked a lot, so I knew that you have to do that, yes, sir.
Q. Okay. So -- and where was he when you saw him?
A. He was sitting at the end of the entrance or exit to the South Lake OB/GYN and I believe right next to that is

the same entrance for -- it's an antique shop, I believe.
Q. And another lawyer's office is there.
A. There's a lawyer's office?
Q. They're everywhere.
A. It used to be an OB/GYN.
Q. Okay.
A. The big white house?
Q. Yes. And that -- that used to be -- we won't go back that far.
All right. So -- so you got -- you got in the van with him?
A. Yes, sir.
Q. And you told him that you don't care where you go as long as you could get your stamps, right, so that you could go out and get some drugs?
A. I did not say I don't care where I go. I said can you take me to the food stamp office.
Q. Okay. So instead of just dropping you off, he just stayed there for how long?
A. I was in there for at least thirty or forty-five minutes.
Q. Maybe an hour?
A. Possibly.
Q. Maybe an hour and a half?
A. No.

Q. Did it make sense to you that somebody's gonna sit in the parking lot waiting for you an hour and you had no expectation of being driven to your momma's house? Because you told him you weren't going to your momma's house, remember?
A. Yes, sir.
Q. So if he's not waiting around to drive you to your momma's house, what's he waiting around for?
A. I don't know.
Q. You didn't have an understanding about that, right?
A. No, sir.
Q. I believe you said he came into the -- into the DSS building, what, on two occasions?
A. One.
Q. One occasion?
A. One occasion.
Q. And he came in to use his lighter?
A. I had had his lighter in my hand.
Q. Okay. How did you get his lighter?
A. I asked him if I could use it.
Q. But then you weren't planning on him sticking around, right?
A. No, sir.
Q. So -- but you still had his lighter?
A. It's habit of pocketing someone's lighter when you

smoke a lot of cigarettes. I literally pocket lot of people's lighters.

Q. Do you ask permission for that before you do that?

A. No.

Q. So you didn't have an understanding that you were gonna be with him later on even though you took his lighter and even though he came inside and borrowed the lighter to light cigarettes?

A. I didn't intend on taking his lighter.

Q. But you intended on him hanging around, didn't you?

A. No, sir.

Q. Okay. So let me ask you this. When you went to the jail to pick up your paperwork to prove that you had been in jail, you also went to pick up some property, didn't you?

A. I -- I didn't have anything except for my rings and my phone when I got released, so I didn't have any -- the only other property I had was a -- like a big duffle bag and they don't keep anything that big for a long extension of time.

Q. Did you tell Investigator John Bishop, this gentleman -- where is he? The nice young man from Furman sitting on the bench. Did you tell him that you --

A. Wanted my personal property.

Q. -- that you -- that you went over there to pick up

your property from the jail, get paperwork signed and -- get paperwork signed and attempt to pick up your property from the jail?
A. Yes, sir.
Q. You told him that?
A. Yes, sir.
Q. Okay. So what property was it that you were picking up from jail?
A. They weren't releasing my property because it was in a stolen vehicle, so the only thing I got was what was on my person, which was the jewelry and my phone.
Q. So you were there to pick up other property from the stolen vehicle?
A. It was my property.
Q. Okay. But you didn't get any of that?
A. No, they wouldn't release it.
Q. Well, you were walking. Were you planning on walking with that property to wherever you were going or were you gonna pocket it or do something with it to make money out of it?
A. I was gonna take it to my mother's.
Q. But you've already -- you've already said that your intent was to get -- get the -- get food stamps and sell those so that you could get drugs, didn't you?
A. After I got high I could have went to my mom's to drop

off and exchange more clothes and get clean clothes. I've done it numerous times.

Q. So numerous times you've done that?

A. Gone to my mom's and gotten my clothing.

Q. So how long had you been homeless?

A. When they took custody of my kids in 2019, I left my place that I had with my mother and just started living on the streets and --

Q. Did you always wear your nine rings on your fingers when you were homeless?

A. Yes, ma'am -- yes, sir.

Q. Well, did you have your nine rings on when you went to the jail?

A. Yes, sir.

Q. So the video cameras at the jail would reflect that you had your nine rings on your fingers when you went there, right?

A. Yes, sir.

Q. Okay. You didn't have them loose in your pocket or anything like that?

A. Just my phone.

Q. Just your phone. So after you got to the DSS place, who was the lady that waited on you at DSS?

A. Like the -- the worker there?

Q. Yeah, the person there.

A. I don't know the name.
Q. Well, where's -- there's a form here that you signed that you gave to --
THE COURT: It should be Number 9.
BY MR. WILLIAMS:
Q. State's Exhibit Number 9. Do you remember the form that you -- you signed and -- I guess it's over here. This is just my copy. I'm sorry. It is here.
So State's Exhibit Number 9, this is that form that you filled out on January the 9th to get your food stamps, right?
A. Yes, sir.
Q. Now you left an explanation about what time they could call you and you said any time, right?
A. Yes, sir.
Q. Now is that phone number, which is reflected there, the [redacted], is that the phone number to your cell phone?
A. No, sir.
Q. That's your momma's phone number?
A. Yes, sir.
Q. So you weren't planning on using your cell phone any more, right?
A. It was not activated. I couldn't use it.
Q. But you weren't planning on activating it?
A. No.

Q. And the initials that are up -- do you see all that handwriting at the top?
A. Yes, sir.
Q. Is that your handwriting or are those the initials of the -- of the worker who was there when you received that paperwork?
A. I can't see it very well from here to be able to tell whose signature it is.
Q. Okay. Well, somebody's got a big R on there. It's R-O-W-A-N-E; is that right?
A. That's not my signature.
Q. That's not your signature?
A. No.
Q. You think that might be the person who was helping you, Rowane?
A. Probably.
Q. Did she have like a nameplate that said Rowane on it or something like that?
A. No, they have like a section -- window area where they just have computers at and they sit on the other side. There's no nameplates.
Q. So you had communication. She saw you there for that hour that you spent with her?
A. Yes, sir.
Q. Can you describe her?

A. She was a little bit chunkier than I am now. She was a black woman. Just an average person.
Q. And she would have been able to see the nine rings that you had on your fingers also?
A. Yes, sir.
Q. And if there's a -- if there's a camera at DSS, there would be pictures of you with those nine ringers on your -- rings on your fingers?
A. Yes, sir.
Q. Let me ask you about the rings on your fingers. Do you remember State's Exhibit Number 13? Now that's a picture of you done in November of 2019, correct?
A. Yes, sir.
Q. You look a little bit different than you do now?
A. Yes, sir.
Q. And a little bit different than the way that you looked when you were assaulted -- allegedly assaulted. You look different from all -- from both of those things?
A. Yes, sir.
Q. And that's because back in November the 3rd of 2019 you were still using meth, weren't you?
A. Yes, sir.
Q. You were skinnier?
A. A lot skinnier.
Q. Tell the jury how much weight you lost -- strike that.

This sounds easier. I know better than to ask a woman her weight, so I'm not gonna do that because I've been married three times. But you gained like fifty pounds from the time you went into jail -- from the time you quit using meth, didn't you?

A. Yes, sir.

Q. It's not offensive. It's just what happened.

A. No, you're right. You're correct.

Q. Now -- so when you got out of jail, actually you were a lot healthier, weren't you?

A. Oh, yeah.

Q. You gained a lot of weight. Fifty pounds.

A. Yeah.

Q. Now what's the first thing that changes on your body when you gain weight?

A. Cheeks, your gut.

Q. I don't know. When you -- what do you think about your fingers and -- and rings --

A. They do swell up occasionally, yeah.

Q. Fifty pounds worth it will swell -- it will swell up so that you --

A. It wasn't all in my fingers.

Q. -- so that you -- sometimes you can't wear them?

A. Yeah, that's why they were so tight.

Q. So could it have been possible that you actually had

whatever rings in your pockets of your pants?
A. No.
Q. Let me ask you about that picture of the pants. State's Exhibit Number 11. And I think we talked about how you got mud on those boots, right?
A. Yes, sir.
Q. And it looks like -- is that your heel breaking down on those --
A. I had them for a long time. I did a lot of walking.
Q. So it's just wore out then?
A. Yes, sir.
Q. Well, you know, the one thing that looks like it's in pretty good shape, like it's not dirty or anything, those are jeans, right?
A. Yes, sir. Those are my jeans.
Q. They're clean, aren't they?
A. They look clean from here.
Q. They don't look like they had any dirt on them at all, do they?
A. No.
Q. So when you -- when you are pushed down in the dirt, were you just pushed down on your feet in the dirt or are you -- are you actually pushed over on the dirt?
A. I was pushed down on my ass.
Q. Well --

A. I had my pants down around my ankles at that point.
Q. Well, shouldn't -- shouldn't your jeans be dirty?
A. Not if they're down at your ankles.
Q. Okay. What about your top? Your top looks --
A. I had my jacket on until I got into the hospital.
Q. How about your jacket? Is your jacket clean or dirty?
A. Well, I mean, I can't see it from here.
Q. Now you were -- you were talking to the prosecutor earlier that at the time that you were dropped off or that you -- at the DSS that your intentions were going out to buy drugs with the food stamps. Why would he -- I want to ask you, you had not told him at that point in time that you wanted him to drive you to your mother's, had you?
A. I -- well, when I first talked to him about needing a ride, I was going to the food stamp office so that was the only thing I had told him I needed to go to.
Q. Well, I'm just trying to think logically because you said that you just wanted a ride to the food stamp place, right?
A. Yes, sir.
Q. And you intended on getting the stamps to buy drugs, right?
A. Yes, sir.
Q. So at what point in time did you have a discussion with Sam telling him that you were gonna use those food

stamps for something other than drugs, but you were going to -- wanted him to drive you to your mother's so that you could give it to your mother?

A. I hadn't had a discussion with him about using the food stamps for anything. When he was outside of the building and I came out, he had asked me if I needed a ride again and I told him where I needed to go and he said he would take me.

Q. Okay. So why would he stick around for an hour?

A. I don't know.

Q. I mean --

A. I don't have his mindset. I don't know.

Q. Did you ask him when he came in to get -- to use his lighter why are you still here, Sam? You want your lighter back?

A. I didn't think anything of it. I mean, I hung around drug addicts that did random, weird, stupid things every day. I didn't think anything of it.

Q. Okay. Now do you remember how you described what Sam allegedly did to you and you said that he put -- he put his arm around you?

A. Yes, sir.

Q. And then he put his arm around your neck and pulled you towards his seat, but he wasn't hurting you?

A. No, sir.

Q. As a matter of fact, you told police officers that he was trying to be gentle.
A. I mean, he -- he wasn't being super rough. He didn't leave any physical marks.
Q. So that's the reason he didn't leave any marks is because he was gentle?
A. I guess.
Q. So how did he choke you?
A. I never said he choked me. I said he tried. He put his armed around me like he was going to choke me.
Q. So you're saying that we have to be careful when we put our arms around girls like --
A. He didn't put it around me in that type of way.
Q. He choked you?
A. He choked -- he jerked me over to his side of the seat.
Q. Tell me how you got out of that car.
A. By being pulled from the passenger seat to the driver's seat.
Q. Did you tell Officer Dubard that he stated -- referring to Sam -- that he told you just to get out and you just crawled out of the driver's door?
A. I crawled over the seats.
Q. I'm trying to figure out where the pulling came in.
A. When we pulled into -- I have to explain this. When

we pulled into the driveway, he pulled all the way in and then backed in and when he backed in he grabbed like the back of the seat like a dude would to back up and turn around and look behind him and when he did that and he had put it in park, he just grabbed onto my shoulders and the back of my neck and pulled me over into the seat and told me to get out of the car, so I continued to climb over my seat, the middle and then his seat. I got out and he pulled my pants down.

Q. Well, did you tell Dubard that you he pushed you up onto the seat and pulled your pants down?

A. Yes, sir.

Q. So he pushed you back into the seat?

A. He like leaned me over the seat.

Q. It's a van, right?

A. Yes, sir.

Q. Does the van sit off the ground?

A. All vehicles sit off the ground.

Q. Does it sit off the ground a little bit more than my old Ford Fusion used to? Do you have to step up?

A. I don't know if a For Fusion is anywhere near a van.

Q. They're not. Did you have to step up? Did it have a running board to it?

A. No.

Q. Okay. How tall was it off the ground?

A. Maybe between my knee and my foot, mid shin.
Q. Okay. So he pushed you up on the driver's seat?
A. Yes, sir.
Q. And your feet were still on the ground when he was having sex with you?
A. Yes, sir.
Q. How tall are you?
A. I'm five-two.
Q. Did he pull the seat back?
A. No, sir.
Q. And when he was through, he wiped himself off and threw the towel to you -- no, I'm sorry -- threw it down on the ground?
A. Yes, sir.
Q. So he didn't offer the towel to you to use it?
A. No, sir.
Q. But you went ahead and grabbed the towel and put it into a little --
A. The pocket of my jacket.
Q. Because that's what we see when you're sitting in the police officer's car along with the paperwork from the jail?
A. Yes, sir.
Q. What is all that paperwork from the jail?
A. It's a release form and then like all my paperwork I

had in there while I was inside, like Bible verses and recipes from magazines. Just things you rip off. A letter from my son.

Q. And you still had -- you still had that from when you got out two days before?

A. I still have all of it.

Q. But you carried it up to the jail with you?

A. Yes, sir. I needed the paperwork.

Q. But you carried the same paperwork that you had when you were released from the jail two days earlier with you to the jail?

A. Just the release form.

Q. I'm sorry?

A. Just the -- I went to the jail with no paperwork and got the release form.

Q. So what were you describing that you had in your -- that you -- sitting next to you in that van? What paperwork was that?

A. It was a release form, it's the -- what do you call it -- the food stamp paperwork and it's a food stamp card and all of my release stuff.

Q. But not your Bible verses?

A. That was when I was released. All that stuff that I had picked up off the ground was just from the food stamp office and my -- whatever you call them -- release --

MR. WILLIAMS: I beg the Court's indulgence for one minute, Your Honor.

THE COURT: Take your time.

BY MR. WILLIAMS:

Q. So let me ask you about your cell phone again. Your cell phone was not cracked in any way whatsoever, it was just -- just didn't have service to it, right?

A. I don't remember if it was cracked or anything.

Q. Okay.

A. It's been a while.

Q. But you were using your cell phone when you were inside DSS headquarters, weren't you? Or wherever you were getting your food stamps.

A. No, sir.

Q. You were using a cell phone.

A. I didn't have any -- my phone was not active, so I could not use the phone in the DSS office.

Q. Did you access wi-fi while you were in --

A. I attempted to, but there's no free wi-fi. There's free wi-fi at the LRADAC office, which is right next door, and you can kind of get the signal from there, so you can --

Q. So you can use your phone to access wi-fi, right?

A. Yes, sir. If there's a free signal somewhere.

Q. So you can use it for some things, you just can't use

it for calling anybody except 9-1-1?
A. Yes, sir.
Q. When was the last time that you had service to that phone?
A. There could have possibly never been service on that phone. I just use it for like Facebook and free wi-fi and --
Q. You didn't call your -- the people to buy drugs from on that phone?
A. On Facebook if I had wi-fi.
Q. So you can actually use Facebook and wi-fi to communicate with other people and you don't have to have like phone numbers like area code [redacted]?
A. Yes, sir.
Q. So you could communicate. You could call friends, you could set up drug deals? You could do that?
A. If you had an active phone or wi-fi.
Q. Or wi-fi. So this was just like a regular phone except it didn't have a dial tone and that kind of thing?
A. Yes.
Q. So who's your friend that you were gonna get drugs?
A. His name was Lawrence.
Q. I'm sorry?
A. His name was Lawrence.
Q. Lawrence?

A. Yes, sir.
Q. And where does Lawrence live?
A. In Red Bank.
Q. Where does Lawrence live in Red Bank?
A. Right there next to Charlie's Sports Bar.
Q. Okay. And does he have a last name?
A. I believe it's Jeffcoat.
Q. Lawrence Jeffcoat?
A. Yes, sir.
Q. And what type of drugs does Lawrence sell?
A. He sells methamphetamine.
Q. Anything else?
A. Not that I know of.
Q. Could you have used your cell phone to watch something like a video on it?
A. Yes, sir. Or play games or whatever.
Q. I got you. So you could -- you could use it, but you just couldn't like call out on it without wi-fi?
A. Yes, sir.
Q. Did you have a phone number to it?
A. No, sir. It had been inactive for so long. When they're over like thirty days, I believe the company changes your number and gives you a new one.
Q. And it was your mother that brought you down to the jail that morning?

A. Yes, sir.
Q. It was morning though, wasn't it?
A. Yes, sir.
MR. WILLIAMS: That's all I have, Your Honor.
THE COURT: Any redirect?
MS. WELLMAN: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. WELLMAN:
Q. Karie, you stated that you could use your phone with wi-fi; is that correct?
A. Yes, ma'am.
Q. Was there wi-fi at your mother's house on Calks Ferry Road?
A. Yes, ma'am.
Q. After you left DSS with that food stamp card, would that wi-fi connection be helpful?
A. Yes, ma'am.
Q. Tell the jury why.
A. So I could get in contact with whoever would answer me first fast enough to get high.
Q. After you left DSS, is that why you wanted to go home?
A. Yes, ma'am.
Q. Or to your mother's house?
A. Yes, ma'am.
Q. Did you have wi-fi access in the middle of that

clearing?
A. No, ma'am.
Q. When you were talking to Mr. Williams, you said that when the defendant pushed you down after raping you your jeans were still down?
A. Yes, ma'am.
Q. Did the button work on those jeans?
A. I think I had a -- like a hair bow wrapped around it to tie it over because the button was ripped off.
Q. And when he pushed you down, you said those pants were -- I think you said down by your ankles?
A. Yes, ma'am.
Q. Were they over the boots or were they -- did you take the boots off?
A. They were just -- yeah, like laying over my boots like at my knees.
Q. Okay.
MS. WELLMAN: If I could have one quick second, Your Honor.
THE COURT: Take your time.
MS. WELLMAN: Nothing further, Your Honor.
MR. WILLIAMS: Nothing on recross, Your Honor.
THE COURT: All right. May I excuse the witness?
MS. WELLMAN: I would ask that she stay in the courtroom, but she's --

THE COURT: You can step down, but you're not excused yet, okay? Thank you.

(Witness excused.)

THE COURT: Mr. Foreman, would the jury like a little break or can you go forward with another witness?

FOREPERSON: I guess we'll take a break, Your Honor. A quick break.

THE COURT: If we have one, that means all of y'all get to go.

All right. Y'all just remember no talking amongst yourselves or calling anybody. We're gonna a take a short ten-minute break, okay?

FOREPERSON: Okay.

(Whereupon, the jury retires to the jury room at 2:57 PM.)

THE COURT: Let's be in recess about ten or fifteen minutes.

(Recess taken at 2:58 PM.)

(Back on the record at 3:13 PM.)

BAILIFF: Keep your seats. Court will come to order.

THE COURT: All right. I want to make sure because I know I sequester people.

I don't have anything in here that are written,

228

do I, Mr. Williams?

MR. WILLIAMS: No.

(Off the record discussion.)

(State's Exhibit Number 18 through 21 were marked for identification.)

THE COURT: All right. Are we ready?

MR. WILLIAMS: Defense is ready, Your Honor.

THE COURT: Bring them in.

(Whereupon, the jury returns to the courtroom at 3:18 PM.)

THE COURT: Mr. Foreman, is the jury ready?

FOREPERSON: They're ready, Your Honor.

THE COURT: Okay. Call your next witness.

MS. WELLMAN: Your Honor, at this time the State would call Ms. Kayla Riley to the stand.

THE CLERK: Place your left on the Bible and raise your right.

(Whereupon, Kayla Riley was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand.

Once you are seated, please state your name, spelling your name for the record.

THE WITNESS: My name is Kayla Riley. K-A-Y-L-A R-I-L-E-Y.

KAYLA RILEY,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Ms. Riley, if you could, please, tell the jury where you work.

A. My current workplace is Lexington Medical Center. I work in labor and delivery and I've been there since September of this year -- or last year. Sorry.

Q. So September of 2021?

A. Yes.

Q. Okay. And you said labor and delivery, so are you an OB nurse?

A. Yes.

Q. An obstetrician/gynecology nurse?

A. Yes, sir.

Q. How long have you worked in that position?

A. I have been a labor and delivery nurse -- that's my main background. I started there in 2012 and my original background was ER. I worked there for a year and a half, went to labor and delivery. I've done some assistant nurse manager at Baptist and then I did SANE for two years and then I went to Lexington last year.

Q. We'll come -- if you could, just tell us briefly about your educational background.

A. I graduated with a bachelor's of science in nursing

from the University of South Carolina here in Columbia in 2011.

Q. Okay. Did you have to take any kind of tests or boards to be certified?

A. Yes, I had to take the South Carolina State Board of Nursing exam, which is current. We renew it every two years.

Q. Okay. You mentioned you were a SANE nurse for two years?

A. Yes.

Q. Okay. Were you working as a SANE nurse in January of 2020?

A. Yes.

Q. Okay. Can you tell the jury what a SANE nurse does?

A. A SANE nurse, which also may be -- you may hear forensic nurse examiner. We go by both titles. We see victims who have been sexually assaulted usually within four days of their assaults. We collect evidence as a arm of law enforcement. We're not employed by law enforcement, we're employed by a hospital, but we collect that evidence. It's processed by SLED. That's our main -- our main role. We treat the patient, you know, with whatever they need.

Q. So you said forensic nurse examiner is one term?

A. Uh-huh.

Q. And that's also a SANE nurse?

A. Yes. A SANE nurse is sexual assault nurse examiner. We go by both.
Q. Okay. And did you receive any special training to become a sexual assault nurse examiner or SANE nurse?
A. Yes. When I became employed by Prisma Health, I had not taken any courses prior to becoming a SANE nurse for my position, but during my training with them they sent me for a 40-hour didactic course that was over the course of two weeks. We also follow that didactic course with two days of clinical hands-on training with live models where you practice doing speculum exams, swab collections, photos, go through your kits learning all about how to collect that evidence properly and packaging it.
Q. Okay. And we'll talk more about that in a moment, but have you personally conducted is sexual assault forensic exams?
A. Yes.
Q. Approximately how many?
A. Approximately a hundred over the course of the two years.
Q. Okay. And as part of your training, did you also observe other qualified SANE nurses?
A. Yes.
Q. Okay.
A. Part of our training -- once we're done with the

didactic course, we're with a SANE nurse for approximately three months. We follow them. They oversee our exams. You're not necessarily with a SANE nurse every time, but you're seeing different ways that people collect their evidence and how they conduct their exams.

MS. WELLMAN: Your Honor, at this time the State would tender Ms. Kayla Riley as an expert in forensic nurse exams.

THE COURT: Any objection?

MS. WILLIAMS: Without objection, Your Honor.

THE COURT: All right. Well, let me address the jury just for a moment.

Normally a person cannot give opinion testimony. Normally when a person testifies, like I told you earlier, they testify to either what they saw, heard or did. However, there is an exception when someone is qualified because of their education or experience they are permitted to give their opinion in certain areas if the Court qualifies them in that way. This witness will be qualified as a SANE nurse.

Is that correct?

MS. WELLMAN: Or sexual assault --

THE COURT: A sexual assault nurse examiner and she will give opinion testimony in that area. That does not mean you must accept the opinion, but it is

evidence for you to use in any way you see fit, okay?

MS. WELLMAN: Thank you, Your Honor.

I've got State's Exhibit 18, which is Ms. Riley's CV, which has been released in discovery.

THE COURT: Are you making that an exhibit?

MS. WELLMAN: This is 18.

MS. WILLIAMS: No objection.

THE COURT: Okay. It's in.

(State's Exhibit Number 18, a CV, was admitted into evidence.)

BY MS. WELLMAN:

Q. Ms. Riley, you were talking about doing -- or conducting sexual assault nurse -- or forensic examinations. Can you, please, tell the jury what exactly one of those examinations is.

A. So what we do is we're on call for twenty-four hours at a time when it's our day and so we may get called at any point during that time. You may get called in that twenty-four hours or you may not. So once we get that call, we kind of screen it and then we have to see the patient within an hour of that phone call because it's a mandatory exam for us.

Once we're called, we go out to the hospital, we discuss with the patient all of their options as far as how they want to proceed with the exam. That's our way

of kind of giving the victims back some of their autonomy and kind of letting them guide how they want to proceed because they've already been victimized and we don't want to re-victimize the patient through an exam.

The exam is extremely lengthy in time. It can take anywhere -- usually from three to four hours start to finish from documentation, from doing the physical exam with the patient, so it can be very long and drawn out for them. We try to do our best to make it as quick as possible, but we want to do everything appropriately at the same time, so we kind of let the patient guide what they want done.

We do a physical head to toe assessment, we listen to them as far as what their medical history is, their allergies. We kind of get a basic overview of the patient so we can address any issues that may come up during their stay that's not just associated with the sexual assault.

Prior to our exam they've already seen -- in this case she was at Lexington, so they see a hospital social worker, they've seen a physician who's medically cleared them, and they've seen their nurse that's taken care of them in the ER, so they've already at least made contact with three different healthcare providers that have talked to them about their case. We try to minimize how many people come in and talk to them because they have to retell their story

and they have to relive their experience, so we try to keep that to a minimum. And the physicians usually let us kind of head up the exam. They try to stay as hands off as possible, but if they need to do an evaluation, they will.

Q. Okay. You mentioned a physical exam?

A. Yes.

Q. Okay. What all is involved in the physical exam?

A. So once we go through and we've talked to the patient and we kind of know the -- somewhat of the story of what's kind of happened, it kind of guides how we proceed from there. We do a complete head to toe physical exam. The patient gets undressed, they are placed into a hospital gown. We do a vaginal exam if it's a female, you know, a rectal exam, if necessary. I mean, they basically relive that assault through the exam to an extent because we're rehashing all that out over and over again with the patient so we know that we're looking in the right places for evidence and -- and they kind of guide that.

Q. Does part of the exam require the victim to stand completely nude so you can do a head to toe?

A. Yes. At times once we -- one part of our evidence collection is called a debris sheet, so we have a sheet that we lay out over the floor and we have the patient stand on that sheet completely undressed, shake their clothes out, and that's looking for any hairs or debris

that the SLED department may find for evidence as well.
Q. Okay. And you talked about sort of the pelvic exam?
A. Yes.
Q. Is that the standard sort of pelvic exam with --
A. So we kind of let our patient guide how they want to proceed with a pelvic exam, whether that be with a speculum or without a speculum. I will say most of our patients don't want a speculum exam because they're already pretty sore down there from the assault, especially if it was a fairly recent assault, so they may already be having pain so we try not to do speculum exams if the patient doesn't want them. Obviously if they're having a lot of bleeding, the physician may want to do that speculum exam and make sure there's nothing further involved and we would try to do that together to limit how many times we're have to do these speculum exams on the patient.
Q. You mentioned you want to be careful not to re-victimize your patients.
A. Right.
Q. Would you consider this to be a particularly invasive exam?
A. Yes. It's extremely invasive. I mean, you -- if you think about the contact that this patient's already made prior to even seeing us, she already talked to at least three healthcare providers, you talk to law enforcement.

If EMS brought them, they've talked to EMS. And as much as people limit trying to ask those questions, they still ask and so they're still retelling their story. And not to mention after they see us how many more times they're gonna have to retell their story. It is extremely invasive. I mean, you've already been assaulted and then we get you undressed and now in this case with me I had another nurse with me, so now you're at least exposing yourself to two more people that are having to look at you completely naked. And if you have the sexual trauma services in the room, that's another set of eyes that is completely looking at you.

Q. In your experience, it is often uncomfortable and embarrassing for your patients?

A. Yes.

Q. You mentioned that in this case there was another nurse with you. Who was that?

A. It was Donna Debrew.

Q. Okay. Was she another sexual assault nurse?

A. Yes, she's a SANE nurse and she was actually my preceptor that day as I was still in orientation learning how to do these exams.

Q. Okay. Ms. Riley, looking back to January 9th of 2020, you were working as a SANE nurse that day?

A. Yes.

Q. Okay. Were you on call?
A. Yes.
Q. Did you have an occasion to perform a sexual assault examination on a Ms. Karie Sutherland?
A. Yes.
Q. Okay. And did you conduct the exam in the manner in which you've just described to us?
A. Yes.
Q. Did you change that process in any way?
A. No.
Q. Okay. And you mentioned that Nurse Donna Debrew was with you?
A. Yes.
Q. I sort of want to go step by step a little bit. You said you start out by getting some general information?
A. Yes.
Q. Okay. When you're treating a patient in the sexual assault exam, is gathering certain information about past or present symptoms necessary for the medical diagnosis and treatment?
A. Yes.
Q. Okay. Is obtaining information about the assault necessary for the purpose of medical diagnosis and treatment?
A. Yes.

Q. How might knowing the circumstances of the sexual assault help aid you or the physician in diagnosing and treating one of your patients?
A. So once we talk to the patient about the sexual assault and kind of get her account of what happened, it kind of guides how we want to proceed with the exam. It gives us information as far as where we may want to look for injury, where possible evidence may be for us to collect that evidence, so we go through and get the assault history first. She tells us word for word and we type it out word for word exactly what she says. We don't change anything or anything like that, so it's completely her narrative. So once we have that, we kind of already are thinking about where to go with our exam, but before we start the physical part we still go through one more time and ask her, again, step by step exactly where contacts were made, if ejaculation occurred, if any lubrication or anything at like because all of that matters when you're collecting the evidence.
Q. And, for example, you talked about, you know, where contact was made.
A. Uh-huh.
Q. Is it important for the purposes of medical diagnosis and treatment for you to know whether or not someone has been exposed to another person's bodily fluids and, if so,

where?
A. Yes.
Q. Why?
A. We do baseline testing for all of our victims for HIV, the STIs. Everything is baseline for them. It also helps us, again, to know where to look for injury, where to look for possible evidence for collection.
Q. Okay. Talking about injuries, do you see evidence of injuries in every exam?
A. No.
Q. No?
A. Honestly, most of the time with our victims you don't see any injury.
Q. Okay. Did you get a specific history -- or assault history from Ms. Sutherland during this examination?
A. Yes.
Q. Okay. And how did that history guide the next steps you took?
A. So with her history, we learned that it was penile/vaginal intercourse, so we knew that we definitely wanted to collect vaginal swabs. With women because of gravity, we want to do perianal because semen can collect around the anus as well. We did UV light testing. That also looks for any DNA that may be in a location that we weren't necessarily looking for. And, again, that's a

head to toe assessment as well. And in this case, we did use that UV light and we did find possible tracing of body fluids, which we did collect for evidence.

Q. Okay. Based on her history of vaginal/penile penetration, would you have needed to check for, you know, possible semen in her mouth?

A. No.

Q. No?

A. No.

Q. And why is that?

A. Because there was no oral contact that she reported. She didn't report an oral assault.

Q. So you just look for where she said?

A. Uh-huh.

Q. Okay. During your examination, did you, in fact, collect the evidence that you mentioned?

A. Yes.

Q. Okay. What exactly did you swab? What did you collect?

A. I'm gonna look at my report so we can go word for word. For her, we collected her clothing. We did not collect her shoes, but we did collect her shirt, blue jeans. We collected underwear and we collected her bra. We did the debris sheet like I discussed earlier where she stood up to shake her clothes off on and we did collect her

socks, so that was her clothing.
Q. Let me ask you a question about that.
A. Uh-huh.
Q. Did you find any evidence of semen or bodily fluids on her clothing?
A. Not that we documented, no.
Q. Okay.
A. We also, as far as swabs, we collected the suspected body fluid, which was where the UV light was positive, to her labia majora, minora and her clitoral hood, so all in there. We did a vaginal swab, which was a blind swab. We did not do a speculum exam on her. And then we did a perianal as well. Like I said, with women it can collect there, so we always do that. And then we did the buccal swab, which is inside her cheek, and that's for her DNA.
Q. Okay. There's something that just slipped my mind. Where do you get the swabs?
A. The swabs come in a kit that's provided to us from SLED that we have with us. We do keep some at the hospitals that we go to, but we also keep some with us so if we ever -- you know, if if they don't have them at the hospital, we have them in our car for backup. They're provided in there. They are sterile cotton-tipped swabs that are individually packaged and they are provided within the envelope that they would go back in.

Q. Okay. And after you've collected all of those swabs, what do you do with them?
A. So once we've collected the swabs, we put a cap on them if they're available. We put the swabs back in each individual envelope. Each individual envelope is sealed with evidence tape, initialled over and put back in the kit.
Q. Okay. And then what do you do with the kit once you've sealed it?
A. Once the kit is sealed, if we are not -- our primary office is at Richland, so if we're not at Richland we take the kit straight to Richland. Even if we're called in between, we take those kits back to the hospital and they are stored in an evidence refrigerator there.
Q. Is that a secure refrigerator?
A. Yes, it's double locked. The room's locked and then the refrigerator is locked.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
BY MS. WELLMAN:
Q. Ms. Riley, I'm handing you what I've marked as State's Exhibit 19. It's a clear bag, but can you see what is in the bag?
A. This would be our debris sheet.
Q. Okay. Is this the rape -- or the swabs and samples

that you took from -- including the debris collection, just the contents of your rape kit, from Ms. Sutherland on January 9th of 2020?

A. Yes.

MS. WELLMAN: If I could have just one second, Your Honor.

THE COURT: Uh-huh.

BY MS. WELLMAN:

Q. Ms. Riley, is Ms. Sutherland's buccal swabs or cheek swabs contained in here?

A. They should be. It's all packaged in here.

Q. Is this all of the evidence that you collected during your SANE exam?

A. Yes.

MS. WELLMAN: This is just for ID.

No further questions.

THE COURT: And that's Number 19, right?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Thank you.

MS. WILLIAMS: Your Honor, I have a matter of law that I need to take up outside the presence of the jury.

THE COURT: Sure.

Mr. Foreman, ladies and gentlemen, there's matter of law I've got to take up with the lawyers, so let me give you ten minutes.

FOREPERSON: Okay.

THE COURT: No talking amongst each other about this case or anyone else.

FOREPERSON: Okay.

(Whereupon, the jury retires to the jury room at 3:39 PM.)

THE COURT: Okay, Ms. Williams.

MS. WILLIAMS: Your Honor, I didn't want to inadvertently slide into the line of questioning that I just came upon without clearing it with you first. I believe that the solicitor's office have opened the door record regarding testing that was done during the examination. She was eliciting testimony from the SANE nurse regarding what type of procedures you do and how you do everything. I believe there was testimony regarding they do STD testing such as for HIV and things like that.

THE COURT: I remember that.

MS. WILLIAMS: At this point I believe the door's opened, Your Honor.

THE COURT: Open to what?

MS. WILLIAMS: Regarding the findings of the STD tests and whether or not treatment was administered.

MS. WELLMAN: Absolutely not, Your Honor. She was testifying about the STD test that she does as part of

like every test. It was not specific to Ms. Sutherland at all. It was just hey, contact with possible bodily fluids, we do STD testing. There was no testimony elicited regarding the results of Ms. Sutherland's testing for any possible STDs. It is absolutely entirely irrelevant to this case. The results are completely -- there's no value to it at all and it's certainly more prejudicial than probative and bound -- or blocked by the rape shield statute.

MS. WILLIAMS: Your Honor, I -- believe me, I don't like standing here and saying this any more than I currently am, but based on this line of questioning that the solicitor began with there was an implication that what -- that the process is an exceedingly invasive one for getting one of these tests done and that the implication being why would you have a motive to go and get one of these invasive tests done and at the end of the day there is a question regarding relevancy. She was treated for an STD that she had by going into -- she was homeless. She was homeless and she was treated for an STD that she had by being there and it speaks to motive as to why she may or may have been entirely truthful about what occurred.

MS. WELLMAN: Your Honor, she could have gone to any health clinic at the time, okay? That is -- that

offers no value to this case. I mean, clearly she wants to shame Ms. Sutherland, and I understand why she wants to do it, but the results of her STD test -- and for the Court's information, yes, there was a positive gonorrhea test -- it's not relevant. It is clearly blocked by 412 and it asserts no purpose except to further shame her. She hasn't said anything about how it's relevant to this case. Prior sexual contact, prior sexual encounters with other people, is clearly blocked by the rape shield law. And I even spoke with Ms. Williams about it this morning to clarify that I -- you know, that we didn't discuss that test yesterday when we talked about the rape shield statute, but I intended to, you know, for that motion and the Court's ruling to block questions regarding that test. Ms. Williams had no problem with it.

The testimony from Ms. Riley was that that is just a standard part of the exam. We didn't talk about Ms. Sutherland's test and I have yet to hear any statement about how it could possibly be relevant to this case except for that it's -- she was homeless and, therefore -- I -- I didn't get it.

Your Honor, and I would also have to say that in order for it to go to the motive as she said, there would have to be evidence that she knew about -- that

she was positive for gonorrhea before she made this report. There is no evidence to that effect.

THE COURT: All right.

MS. WELLMAN: And, Your Honor, 403. The probative -- it's --

THE COURT: I just don't know what it is, Ms. Williams, that you -- how it's relevant to your case.

MS. WILLIAMS: Your Honor, there was a great deal of her testimony that went to the invasiveness of the procedure, which admittedly invasive and horrific, which would then go -- our entire defense is she consented, I don't think anyone is gonna be surprised by that, and so the question before the jury is well, why would anyone consent to this kind of procedure if they were -- agree to this kind of procedure if they were not assaulted and our argument would be well, she had other motives.

THE COURT: To say --

MS. WILLIAMS: So the fact that she tests positive for an STD.

THE COURT: I got you. I got you, but I'm gonna tell you, Ms. Williams, I appreciate your argument, it's a good one, but I do think it's protected by Rule 412.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: I also think it would be prejudicial to the State. I mean --

MS. WELLMAN: It's certainly more prejudicial than probative.

THE COURT: Absolutely. I mean, just because she might have had an STD certainly cannot be the motive for this test that she managed to put herself through. I'm not gonna allow it under Rule 412 and I do think it's prejudicial to the State, but a great argument.

MS. WILLIAMS: Thank you, Your Honor.

MS. WELLMAN: Thank you, Judge.

THE COURT: Can I bring the jury back in?

I'm gonna remind you now you're still under oath, okay?

All right. Let's bring the jury in.

I want to make sure Number 19 is ID only, along with is 16 and 17, which are the rings?

MS. WELLMAN: Correct, Your Honor. Based on the defense's, you know, stipulations about the chain of custody and what's involved in this exam --

THE COURT: And I still have the red rag is ID only.

THE COURT REPORTER: Yeah, 6, 10 and 12.

MS. WELLMAN: My understanding is -- I thought the defense said no objection to introducing 8.

THE COURT REPORTER: No, that's not -- that's fine. I mean, that's in. 8 is in.

THE COURT: Number 7 -- 6 is ID only and 7 I made you crop it.

MS. WELLMAN: Yeah. And 8, I was going by North Carolina rules --

THE COURT: Right.

MS. WELLMAN: And 10 is for ID only.

THE COURT: Okay. Then I'm good.

(Whereupon, the jury returns to the courtroom at 3:47 PM.)

THE COURT: All right, Mr. Foreman. Can we continue?

FOREPERSON: Yes, ma'am. We're ready.

THE COURT: Okay. Go ahead, Ms. Williams.

MS. WILLIAMS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. WILLIAMS:

Q. Good afternoon, Ms. Riley. You said you were a SANE nurse for two years?

A. Yes, ma'am.

Q. Okay. And do you remember this examination independently?

A. I remember parts of this exam. I'm not gonna say I remember the whole thing, but parts of it.

Q. Okay. Would you remember, for example, if a speculum was used or not?
A. Yes, there was no speculum used.
Q. Okay. You had mentioned that as part of your procedure for trying to determine where to collect evidence in order to keep it as brief as possible, you find out -- or you ask the alleged victim what all occurred?
A. (Nods head.)
Q. Okay. Do you recall what she said about how -- you know, how she was held?
A. Yes. I can look at that in my report. So part of our exam as far as like looking for injuries that we had talked about, we ask about if they were restrained, if anyone held them. So as far as like for the holding, she said he just held -- just hold me -- this is her quote. He just came from behind me like he was going to hug me. He was soft about it. He didn't try to choke me. He like resisted to hurt me.
Q. Okay. Thank you. And do you recall when you did the examination if there were any findings regarding her head, neck and, I believe, oral examination?
A. No, no findings.
Q. No findings. Okay. As part of your examination, you also -- well, let me -- let me phrase it this way. Did she indicate to you that she had had jewelry removed?

A. Yes, during her -- the assault history that she gave us.

Q. Okay. And as part of that history, will you please tell me how she described the removal of her jewelry. It's about two-thirds of the way down.

A. Let's see. When he was done, he said give me your jewelry, bitch. I said okay. I hesitated for one of my rings because it was my engagement ring. My finger was swollen because I tried to fight him, resisted for him to take it. He got the ring off and then took my other two rings, pushed me to the ground, grabbed a red rag from his car -- van, wiped himself off, threw it on the ground.

Q. Thank you. And do you recall if there were any findings regarding her hands?

A. I don't have anything documented.

Q. In your report, do you have a place to put findings for hands?

A. Yes.

Q. And what did you indicate on that section?

A. She didn't have any findings.

Q. When you were doing the examination of her genitalia, did you note any tears?

A. No tears. The only findings we had as far as her vaginal exam, she had a rash that was unrelated to the assault and she had some drainage and some discharge that

looked as though she may be starting her period.

Q. Okay. And as a forensic nurse examiner, is it your job to determine whether or not an assault has taken place?

A. No.

Q. It's just your job to examine and collect what you can?

A. Correct.

Q. Okay.

MS. WILLIAMS: Thank you, Ms. Riley. That's all I have.

THE COURT: Thank you, Ms. Williams.

Any redirect?

MS. WELLMAN: No, Your Honor.

THE COURT: May I excuse the witness?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Thank you so much for coming.

(Witness excused.)

THE COURT: All right. Let me ask the jury right quick, are we good on baby-sitting duty?

Okay. I just wanted to make sure.

MR. GRAHAM: The State calls Courtney Thompson.

THE CLERK: Place your left and raise your right.

(Whereupon, Courtney Thompson was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand.

Once you're seated, please state your name, spelling your first and last name for the record.

THE WITNESS: My name is Courtney Thompson. Spelled C-O-U-R-T-N-E-Y T-H-O-M-P-S-O-N.

COURTNEY THOMPSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRAHAM:

Q. Ms. Thompson, where are you employed and what do you do?

A. I'm employed with the South Carolina Law Enforcement Division, also referred to as SLED, as a forensic scientist in the DNA casework department.

Q. What it is your education that would go toward -- well, let me ask a question. What's serology?

A. Serology in the context of forensics is the identification of bodily fluids, such as blood, semen and saliva. The reason why we identify these types of body fluids is because they are relevant and important sources of DNA.

Q. So you said you were a forensic scientist working on DNA casework. What is DNA casework?

A. The DNA casework department is a department inside of SLED's forensic services laboratory that works to examine items in criminal cases and develop DNA profiles or attempt

to develop DNA profiles from items of evidence.
Q. What is your formal education that would lend itself toward DNA casework and examination in serology?
A. I have a bachelor's of science in forensic science and biology from Southern Wesleyan University and I've completed a master's level course in forensic serology from the University of Florida.
Q. How about other types of training that you would have taken as a forensic scientist at SLED or anywhere else?
A. Sure. I was trained for about a year inside SLED's in-house training program. I trained under a DNA analyst who was competent in her field and she was the one who taught me the different types of evidence handling, testing procedures, maintaining chain of custody, documentation, report writing, and I had to complete a series of exams before I was allowed to touch any casework on my own. I had to complete a -- a mock case essentially. I had to complete a written exam, an oral exam and a mock trial prior to being certified to work independently.
Q. How long have you been able to work independently on DNA casework and serology?
A. I've been signed off since December of 2013.
Q. And have you been qualified as an expert in DNA casework and/or serology?

A. Yes, I have.

Q. How many times?

A. It's been about thirty-five times now.

MR. GRAHAM: Your Honor, the State would offer Ms. Courtney Thompson as an expert in the field of DNA casework and serology.

THE COURT: Any objection?

MS. WILLIAMS: No objection, Your Honor.

THE COURT: All right. Let me tell the jury.

This witness will be qualified in the area of DNA casework and serology and she will give her opinion testimony in that area. That does not mean you must accept the opinion, but it is evidence for you to use in any way you see fit.

MR. GRAHAM: And, Your Honor, this would be a place, I guess, the defense has stipulated to the chain of custody as far as collection of the red rag and collection of the SANE kit through its -- making its way to Ms. Thompson.

THE COURT: I got you. I think we talked about that earlier.

Is that correct, Ms. Williams?

MS. WILLIAMS: That is correct, Your Honor.

THE COURT: Okay. The chain's been established up until then.

MR. GRAHAM: Thank you, Your Honor.

(State's Exhibit Number 19, a sexual assault kit, was admitted into evidence.)

BY MR. GRAHAM:

Q. Ms. Thompson, State's Number 19 is the contents of a SANE kit. Do you recognize that package?

A. Yes, I do recognize this package. This contains the unique lab number that's assigned to the case whenever it's submitted to the lab and the item number that corresponds to the evidence that I worked on.

Q. So if I said -- did this package come to you properly sealed?

A. Yes, it did. It came sealed.

Q. Okay. And how did you -- how do you go into it?

A. This package would have been cut into on the side. Over here is where I cut into and I would have opened up the interior contents of the sexual assault kit and I would have taken inventory of what was actually collected, I assigned item numbers to the contents of the sexual assault kit, and after my examinations were done I sealed the kit back and I signed the heat-sealed pouch with my initials and date before I transitioned it to its next location.

Q. So when the item came to SLED, it was packaged in a cardboard box and sealed; is that correct?

A. Yes. At the time that it would have been submitted to

our evidence control department, it would have been in a box and the evidence control department would have removed it from that box and placed it into the heat-sealed pouch.

Q. And that's how you received it was in that sealed pouch?

A. That's correct.

Q. So let's talk about when you cut into that pouch what you found. I noticed that -- as far as labeling things in SLED's system, is that you or is that somebody else?

A. I would have assigned all of the items that were found inside of the kit, yes.

Q. Okay. So SLED Item 1 is what?

A. SLED Item 1 is sexual assault evidence collection kit from Karie Sutherland.

Q. Okay. And that's everything that was in the kit; is that correct?

A. Yes, that's correct. And that item number was assigned when it came in and then all of the items that came after that are ones that I created.

Q. Okay. So Item 1.1 that was contained in the kit, was what?

A. That's a pair of underwear.

Q. All right. And what, if anything, did you do with that underwear?

A. I did an examination on that pair of underwear for the

presence of semen. I used a screening test that helps identify potential areas of semen and I did identify an area that tested positive and so I took a cutting from that positive location and I prepared it for DNA analysis.

Q. Okay. So when you talked about taking a cutting of the underwear, what's the item number of that item?

A. The cutting became Item 1.1.1.

Q. All right. And you -- you mentioned something very quickly about it being positive for semen. Would you explain what that means and how you determined that?

A. Sure. So it was positive for a -- a screening test that we use in the department. It doesn't confirm the presence of semen, but it gives us a good idea that semen may possibly be present and that further testing is necessary.

Q. Now Item 1.2 was what?

A. Item 1.2 are vaginal swabs.

Q. All right. And what, if anything, did you do with Item 1.2?

A. For Item 1.2, I cut each of the swabs and I placed them into a sterile tube to prepare them for the DNA analyst.

Q. And Item 1.3 was a perianal swab. What did you do with those swabs?

A. Those swabs I did the same thing. I cut them and

placed them into a tube to prepare them for DNA.
Q. Item 1.4 was what?
A. Item 1.4 was a suspected body fluid swabbed from the bilateral labia majora, labia minora and the clitoral hood.
Q. And what, if anything, did you do with 1.4?
A. The same as the other swabs. I cut a portion of them and put them in a tube to prepare them for DNA analysis.
Q. Identify 1.6, what was that?
A. That's the victim buccal swabs.
Q. What's a buccal swab?
A. A buccal swab is a swab that's collected from an individual from the inside of their mouth. It is done by taking the swabs and rubbing them up against the side of the person's cheek to help collect any cellular material that may be there.
Q. And so we just talked about the contents of Item 1, correct, and your preparation of them. And once you were done with all of those and preparing them, did you put them back in that bag?
A. Yes, I did.
Q. And did you seal the bag?
A. I did seal the bag.
Q. And then does that bag make its way to the DNA analyst?
A. It does, yes.

Q. Okay. Let me show you another item and let's talk about that. State's Number 8. I believe this will be SLED's Item 3.
A. Do you want me to open the inner packaging?
Q. If you need to. Do you recog -- starting on the outside of Number 8, do you recognize that? What is Item 3?
A. Item 3 is a rag and I do recognize it because it has the right lab number and the item number.
MR. GRAHAM: I'm seeing if the defense will stipulate that there's a red rag inside there that belongs with this case without us going further into it.
MS. WILLIAMS: Yes, Your Honor.
THE COURT: Okay. Thank you.
BY MR. GRAHAM:
Q. Did you look at the red rag?
A. Yes, I did.
Q. And what, if anything, did you -- were you looking for?
A. So the rag was also screened for the presence of semen and so I did a similar examination to the pair of underwear where I used a test that helps us identify areas of possible semen. I did find a location that tested positive and so I cut that portion of the rag and forwarded

it for DNA analysis.
Q. And let me show you an item and ask if you recognize this.
A. Yes, I do recognize this. This is the cutting I took from the rag, which is 3.1.
MR. GRAHAM: Your Honor, the State would offer that into evidence. I think it's 19 -- or 20.
THE COURT: 20.
THE COURT REPORTER: I have 20.
THE COURT: It was the DNA --
MR. GRAHAM: Cutting from the red rag.
THE COURT: -- cutting from the red rag.
Without objection?
MS. WILLIAMS: Without objection, Your Honor.
THE COURT: It's admitted as State's 20.
(State's Exhibit Number 20, a cutting from a red rag, was admitted into evidence.)
BY MR. GRAHAM:
Q. And I believe -- so both of these items, the contents of the kit, Item 19, and the cutting from the red rag, those all got -- you handed those to Stephanie Stanley, the DNA analyst?
A. Yes, they were transferred to a secure location within the DNA department and then Stephanie picked them up from that location.

MR. GRAHAM: I believe that's all the questions that I have. Thank you.

MS. WILLIAMS: No questions, Your Honor.

THE COURT: Okay. May I excuse Ms. Thompson?

MR. GRAHAM: Yes, Your Honor.

THE COURT: Thank you.

(Witness excused.)

MR. GRAHAM: The State would call Stephanie Stanley.

(Whereupon, Stephanie Stanley was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand.

Once you are seated, please state your full name, spelling your last name for the record.

THE WITNESS: Stephanie Stanley. S-T-A-N-L-E-Y.

STEPHANIE STANLEY,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRAHAM:

Q. Ms. Stanley, where are you employed and what do you do?

A. I'm employed by the South Carolina Law Enforcement Division, which is more commonly referred to as SLED.

Q. And how long have you worked at SLED?

A. I'm sorry, Shawn, I don't think I answered the second part of your question. What do I do at SLED?

Q. I think at the moment I said how long were you employed at SLED?
A. Oh, I'm sorry. I've been employed at SLED a little over seventeen years.
Q. In your time -- in your seventeen years at SLED, what have you done and what do you currently do?
A. I was a forensic DNA analyst for about sixteen of those years. Now I'm the lieutenant over the quality management department where I serve as quality manager for the entire forensic services laboratory.
Q. In relation to this case, what was your role at SLED?
A. As a forensic DNA analyst.
Q. Okay. And what is your formal education that would lend itself toward DNA analysis?
A. I have a bachelor's of science degree in biological sciences from Clemson University.
Q. And what kind of training or experience do you have as a DNA analyst?
A. I was trained by a DNA analyst at SLED in evidence handling, serology analysis, which is the identification of body fluids, typically blood, semen and saliva. I was trained in the steps of DNA analysis to include extraction, amplification and capillary electrophoresis in developing our DNA profiles and then in comparison of those DNA profiles to what we call known standards. So

it's just known DNA from an individual that we use for comparison to evidence profiles. I received training from Marshall University, the makers of our equipment, Applied Biosystems and Life Technologies, as well as the National Forensic Science Technology Center in Florida.

Q. As far as testing for semen and DNA fractions and things like that, is that also included in DNA analysis?

A. Yes, it is.

Q. How many times have you -- have you been qualified as an expert in DNA analysis before?

A. Yes, I have.

Q. How many times?

A. Approximately fifty.

MR. GRAHAM: Your Honor, the State would offer Stephanie Stanley as an expert in the field of DNA analysis.

MS. WILLIAMS: Without objection, Your Honor.

THE COURT: Okay. Again, to the jury, this witness is gonna be qualified in the area of DNA analysis. You can use her testimony in any way you see fit.

BY MR. GRAHAM:

Q. Did you have -- Ms. Stanley, do you have the ability -- or the, I guess, responsibility of taking items of evidence that was collected in this case and performing a

DNA analysis on them?
A. Yes, I did.
Q. And did you issue a report?
A. I did.
Q. Let's go through what you did and what your findings were. Item 1.6. Well, let me -- I just want to show you two items at the moment that are before you. Item 19 was what Ms. Thompson just testified were the contents of the SANE kit and what her preparation was for you.
A. Yes, sir.
Q. Item Number 20 is a cutting from a red rag. In addition to those items, did you collect a standard -- a known standard from the defendant, Samuel Aaron?
A. Yes, I did.
Q. Let me show you an item and ask if you recognize that?
A. May I just open the flap?
Q. Please.
A. I do.
MR. GRAHAM: The State would offer that into evidence at this time, Your Honor.
MS. WILLIAMS: Without objection, Your Honor.
THE COURT: Okay. And that's Number 21.
Mr. Graham, can you tell me what that is again?
MR. GRAHAM: Thank you, Your Honor.
(State's Exhibit Number 21, a DNA standard, was

admitted into evidence.)
BY MR. GRAHAM:
Q. Item 1.6, what was that?
A. Item 1.6 were buccal swabs that were reflected from Karie Sutherland.
Q. So what, if anything, would you do with Item 1.6?
A. Buccal swabs are a type of known standards that are collected. They're sterile swabs that are rubbed on the inside of somebody's mouth to collect their DNA.
I developed a DNA profile from that item, my Item 1.6, in order to use it for comparison to any unknown profiles or evidence samples.
Q. And Item Number 4, which was State's 21, it was the defendant's buccal swab. What, if anything, did you do with that?
A. Buccal swabs were collected from Samuel Aaron and I was able to use that as a known standard from Mr. Aaron for comparison to any unknown or evidence profiles.
Q. All right. Item Number 1 was a sexual assault kit, correct?
A. Yes, sir.
Q. Item 1.1 was underwear that was collected, correct?
A. Yes, sir.
Q. Now Ms. Thompson testified that she created 1.1.1, which was a cutting from the crotch of the underwear.

A. Yes, sir.
Q. What, if anything, did you do as far as examining 1.1.1 for an examination looking for semen?
A. That would have been perform by Ms. Thompson. She performed an examination known as acetylphosphate.
Q. So what did you do with 1.1.1?
A. The actual DNA analysis on that item.
Q. So what -- what is -- how do you -- just briefly how do you do a DNA analysis?
A. Sure. DNA's usually submitted to us in the form of a swab or a cutting. So if you think about a clothing item, we'll take a cutting from that item of areas for potential DNA. We then place a small cutting or the cutting from the swab that was taken into what we call an extraction process where I'm trying to remove the DNA from that cloth material from the swab or from the cutting. I then will purify that DNA, I'll quantify it to see how much DNA is actually present on the item, then we target a specific sequence of DNA where we're taking lots of copies of that sequence for an instrument that helps us develop those DNA profiles. So it's run through an interpretation software at that point and once the lab processes are done is when we start the analytical interpretation portion.
Q. So once -- once you did the extraction, what, if anything, did you find on the cutting from 1.1.1, the

underwear?
A. A DNA profile suitable for comparison was developed from the sperm fraction of that item.
Q. So what does that mean when you say sperm fraction?
A. Sure. When samples are submitted that could contain potential semen, we try to chemically separate what could be sperm cells from the non-sperm or everything else. This is not implying that they are sperm or it's not sperm, it's just the chemical process where we try to separate and target what could be foreign material. So on items where we're talking about an intimate sample, like somebody's underwear or, say, vaginal swabs, I would expect to find a high concentration of the victim, whoever it was collected from, on those items, so I'm trying to target the small portion or the other portion that could be from somebody else and so this is just our chemical process in order to do that, so you'll -- I have results for the sperm fraction, as well as the non-sperm fraction of items that were tested in hopes of finding things.
Q. So as far as the sperm fraction, what, if anything, did you find?
A. There was a DNA profile that was suitable for comparison from the sperm fraction and Karie Sutherland was excluded as a contributor to that profile.
Q. What does that mean when you say somebody's excluded?

A. Excluded means I didn't find enough similarities from their DNA in order to say included. I don't think there's enough similarity to say that they are present on the item.

Q. Were you able to determine whether it was a single source sample or a multi source sample?

A. This one -- this DNA profile was interpreted as a single source sample, so there was one person's DNA contributing.

Q. All right. And you said that Karie was excluded?

A. Yes, sir.

Q. How about when you checked the sperm fraction single source against the defendant, his sample? What did you find?

A. The DNA profile is approximately 7.1 septillion times more likely if Samuel Aaron contributed the profile than if an unidentified unrelated individual contributed the profile.

Q. So what does septillion mean?

A. It's 7.1 with twenty-four decimal places.

Q. So twenty-four zeros?

A. Yes.

Q. Okay. Now for that proposition set, the proposition set that it was Samuel Aaron, that's what you just testified to, correct?

A. Correct.

Q. What does that number mean? Is there any kind of scale that you use in looking at supported propositions and likelihood ratios?
A. Yes. As part of our reporting practices in lines with our accreditation body, we get what's known as a verbal scale and a verbal scale just helps relate these large numbers or these numbers that you may not have heard of to what they -- they should -- they could be. You know, it just helps you put weight to that item if I can tell you what the verbal equivalent of the support would be.
Q. So what is the verbal scale?
A. The verbal scale, the likelihood ratio that is calculated, the verbal equivalent of a 7.1 septillion would be very strong support.
Q. And what is the -- for the likelihood ratios, what kind of numbers do you need to get before you can say that there's very strong support?
A. Greater than one million. Greater than or equal to one million.
Q. One million?
A. Yes, sir.
Q. All right. Is there anything higher?
A. That's the highest level of our verbal scale support.
Q. How do you explain -- is there a way to explain to the jury these numbers and what they mean as far as -- in past

discussions, I guess, teeter-totter ways? I mean, how do you -- to try to show what this means, what would you say?
A. Yes, sir. So the type of statistic we're talking about is technically called a likelihood ratio and it's a comparison of two scenarios and which one is more likely to explain the DNA profile. So if you can visualize a teeter-totter, the first would be that a person contributed the DNA profile. The alternative to that would be they didn't contribute the DNA profile. So we calculate likelihood ratios and determine which scenario is more likely to explain that DNA profile.

So in this case, it's more likely that the DNA profile is approximately 7.1 septillion times more likely if Samuel Aaron contributed to that profile than an unidentified unrelated, so we have a lot of support for that first scenario where he would have contributed that DNA profile. So if you think about your tetter-totter and the balancing, so on our verbal scale, the middle of that verbal scale is one, it's where I can't tell you anything about it, it's uninformative, so DNA is not gonna be able to answer the question of who left that DNA. So that's just the middle of your teeter-totter and if you think about just the two sides and balancing, which scenario was more likely to occur.

Q. Item 1.2 was a vaginal swab. What, if anything, were

you able to do with the DNA profile from that?
A. A DNA profile suitable for comparison was developed from the sperm fraction of the item.
Q. And were you able to determine whether it was a single source or a mixture?
A. Yes, sir. The DNA profile was interpreted as a mixture originating from two individuals.
Q. So you have two individuals. What, if anything, did you find when you compared the DNA profile you developed to Karie Sutherland and Samuel Aaron?
A. The DNA profile is approximately 420 trillion times more likely if Karie Sutherland and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
Q. All right. I guess my question wasn't -- and, I'm sorry, I skipped down to Proposition Set 3, I believe. Is that the strongest proposition?
A. Yes, sir. That proposition set just would compare Karie and Mr. Aaron together.
Q. So when you compare the two of them together versus the two-person profile that you developed, what did you find?
A. Yes, sir. The DNA profile is approximately six duodecillion times more likely if Karie Sutherland and

Samuel Aaron contributed to the mixture than two unidentified unrelated individuals contributed to the mixture.

Q. And how many zeros is that?

A. Thirty-nine.

Q. Okay. Moving onto 1.3, the perianal swabs, what, if anything, did you find there?

A. The DNA profile was interpreted as single source and the DNA profile is approximately 7.1 septillion times more likely if Samuel Aaron contributed the profile than if an unidentified unrelated individual contributed the profile.

Q. Item 1.4, the suspected body fluids, what did you find on that?

A. In relation to an individual?

Q. Were you able to develop a profile?

A. Yes, sir.

Q. All right. And I believe that Ms. Thompson testified that there was positive semen, so were you able to determine anything regarding the sperm fraction of that item?

A. The DNA profile developed from the sperm fraction was a mixture originating from two individuals.

Q. And when you compared Karie Sutherland and Samuel Aaron to that two-person mixture, what, if anything, did you find?

A. The DNA profile is approximately 15 octillion times more likely if Karie Sutherland and Samuel Aaron contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
Q. And how many zeros is that?
A. Twenty-eight.
Q. Moving onto Item 3, 3.1 was a cutting from a rag, and I think that's State's 20 in front of you.
A. Yes, sir.
Q. What, if anything, were you able to do with the cutting from the rag?
A. There were two fractions to those, the sperm fraction and the non-sperm fraction.
Q. So for the non-sperm fraction, what, if anything, were you able to determine?
A. The DNA profile was interpreted as a mixture from two individuals.
Q. Okay. And what --
A. The DNA profile is approximately 3.2 septillion times more likely if Karie Sutherland and an unidentified unrelated individual contributed than if two unidentified unrelated.
Q. All right. But when you look at Proposition Set 3, which when you're looking at Karie Sutherland and Samuel Aaron, what, if anything, did you find when you compared

that to the two-person mixture?
A. The DNA profile is approximately 51 tredecillion times more likely if Karie Sutherland and Samuel Aaron contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
Q. And that was your largest proposition set, wasn't it?
A. Yes, sir, I believe it was.
Q. And how many zeros is that?
A. Tredecillion is forty-three.
Q. That was the non-sperm fraction. What about when you looked at the sperm fraction? What, if anything, did you find?
A. The DNA profile developed from the sperm fraction was interpreted as single source and the DNA profile is approximately 7.1 septillion times more likely if Samuel Aaron contributed the profile than if an unidentified unrelated individual contributed the profile.
Q. And what, if anything, did you determine about Karie Sutherland's DNA as a contributor to that single source sperm fraction?
A. To the single source profile developed from the sperm fraction, Karie Sutherland was excluded as a contributor to that profile.
MR. GRAHAM: Thank you, Ms. Stanley. Please answer any questions the defense has.

MS. WILLIAMS: No questions, Your Honor.

THE COURT: May I excuse this witness?

MR. GRAHAM: Please, Your Honor.

MS. WILLIAMS: Yes, Your Honor.

THE COURT: Thank you so much for coming.

(Witness excused.)

THE COURT: Can we do another one?

MS. WELLMAN: Can we approach?

THE COURT: Sure.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Let me talk to the jury a second.

Mr. Foreman, we have a witness, but we think it might last until about 5:30 or 6:00 by the time we do direct and cross. It could be a little sooner, it could be a little bit later, so we're kind of leaving it up to you on what y'all want to do. If not -- because there's no court tomorrow, and I hate that, but it cannot be avoided. We can start early on Thursday morning, which I'm talking like 8:30, and get this witness done first thing in hopes that we can get finished with this trial and get it to you by Friday. It's kind of up to y'all. I'm gonna -- and I know -- look, you're on jury duty, and you don't know how much I appreciate it, but I also know you've got family at

278

home and children and it's suppertime and, trust me, I've got it too when I go home. So I can understand and so do these lawyers, but we're gonna leave it up to you because we're willing to work, but if you'd rather come in early, early on Thursday morning, I'm game with that, too.

Y'all just let Mr. Foreman know and I'll be glad to hear you.

(Discussion between the jury.)

FOREPERSON: Keep rolling.

THE COURT: We're gonna keep rolling.

We're gonna keep rolling, Ms. Wellman.

MS. WELLMAN: Thank you, Your Honor.

At this time the State would call Arcadeus Dubard to the stand.

(Whereupon, Arcadeus Dubard was duly sworn by the Clerk of Court.)

THE CLERK: Thank you. Please be seated in the witness stand.

Once you're seated, please state your name, spelling your name for the record.

THE WITNESS: My name is Arcadeus Dubard. The spelling is A-R-C-A-D-E-U-S. Dubard, D-U-B-A-R-D.

ARCADEUS DUBARD,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Thank you. Where are you employed?

A. I'm currently employed with the Lexington County Sheriff's Department.

Q. And what is your current role at the sheriff's department?

A. I am an investigator in the narcotics unit.

Q. Okay. And if you could briefly tell the jury about your -- sort of your history at the sheriff's department. Like when you started and what different roles you've had.

A. So I started at the sheriff's department back in 2015. I started as a patrol officer just like anybody else, moved up to a field training officer -- moved up to a field training officer and assisted in training new deputies coming in. After that, I was promoted to master deputy of patrol, which was first line of supervision. From master deputy of patrol, I moved onto investigations in the domestic violence unit. From there, I moved up to an investigator in the major crimes unit.

Q. As an investigator with the major crimes unit, what types of cases were you responsible for investigating?

A. So in the major crimes unit, I was a part of one of the teams that was considered the catch-all, and it's kind of exactly what it sounds like. We would get anything from

a runaway case or a missing person case up to a murder case or armed robbery case.

Q. Okay. Looking back at January 2020, were you in the major crimes unit at that time?

A. Yes, ma'am.

Q. Specifically looking at January 9th of 2020, were you working and duly sworn on that date?

A. Yes.

Q. Did you have an occasion to be become involved in the investigation of a sexual assault that occurred on Bluefield Road in the Red Bank area of Lexington county?

A. Yes, ma'am.

Q. Okay. And how did you come to be involved in that investigation?

A. So in that particular instance, patrol responded out to that situation. They got a briefing on what took place and then their supervisor made contact with the on-call supervisor for the major crimes unit and that supervisor came to me and explained that the incident had taken place and that we needed to go interview the person involved.

Q. So were you the lead investigator?

A. Yes, ma'am, I was assigned lead investigator that day.

Q. And you were told you had to go interview the person involved?

A. Yes, ma'am.

Q. So what was the first thing you did?
A. So the first thing we did was went up to Lexington Medical Center and made contact with Ms. Karie Sutherland.
Q. Okay. And is that Ms. Sutherland sitting back there?
A. Yes, ma'am, it is.
Q. When you first made contact with Ms. Sutherland, where was she?
A. She was in a hospital room. I think she had recently been evaluated. She was sitting on a hospital bed.
Q. When you first made contact with Ms. Sutherland, can you describe her demeanor?
A. She was visibly upset. She appeared as though she had been crying. Her eyes were kind of puffy. She was sitting on a bed with a pile of tissues next to her.
Q. Did you talk to her about what she had gone through that day?
A. Yes, ma'am. I -- usually in these situations I came and I introduced myself and told her, you know, why I was there and asked her if she could explain to me what took place.
Q. Was she willing to talk to you?
A. Yes, ma'am.
Q. Okay. And generally can you tell us what she told you?
A. Overall she stated that she had been offered a ride

by a person in the South Lake Drive area of Lexington county near Railroad Avenue. Said that they had taken a ride up to the DSS and that eventually she was taken down to Bluefield Road near the 500 block and was sexually assaulted in the area.

Q. Are all of those locations in Lexington county?

A. Yes, ma'am.

Q. Was she able to provide a description of the vehicle?

A. Yes, ma'am. She at that time advised that it was a minivan, silver in color, older model.

Q. Okay. Was she able to provide you any information that was specific to that vehicle like a license plate or a VIN number or anything like that?

A. Yes, ma'am. She was pretty consistent in that she felt the tag letters were [redacted] or [redacted].

Q. So you had a description of the minivan?

A. Uh-huh.

Q. And a license plate or at least a partial license plate. What, if anything, did you do with that information?

A. So initially we took that information and we asked another detective to go out into the area and see if he could comb for camera footage or vehicles related to that. We also put the information out to other patrols just to see if they could try to locate it riding around in the

area.
Q. Did you get any information that anyone located a vehicle matching that description in the area?
A. No.
Q. Did you reach out to any other agencies asking for information that included the description of the van?
A. Yes, ma'am. So we did make contact with SLED and gave them the information that we had at that time to see if they could run through their system for registered vehicles matching that description. And usually what they do is they give us a list of those vehicles.
Q. You said usually. In this situation, did you get a list of possible suspect vehicles?
A. So we did. Initially the list was extremely long, but in interviewing with Ms. Sutherland we were able to narrow it down better to a make and model and then we got a list that was still pretty long, but we got a list from them.
Q. About how many people would you say were on that list or vehicles?
A. It was more than 50,000 vehicles on that list.
Q. A very large list?
A. Yes, ma'am.
Q. Were you able to narrow it down?
A. No, ma'am.
Q. What did you do next?

A. So we then -- as I stated before, we had the other detectives going around checking camera footage and things like that. Eventually we were able to get a better description from one of the video cameras of what the vehicle may have been. That allowed us to add a year range along with that make and model and that gave us a shorter list along with narrowing it down to the Lexington and Richland county areas instead of the entire state of South Carolina.

Q. We'll talk about that video in just a minute. So when you got your narrowed down list, okay, about how many vehicles were on your list?

A. That one was significantly shorter. I can't remember exactly. Let's see if I can check.

Q. Enough for you to look at?

A. Yes, ma'am. I think it was closer to like -- I know it was under a hundred.

Q. Okay. Did you also get a description of her rapist from Ms. Sutherland?

A. Yes, ma'am. On that day she gave us description of a white male, possible 40's to early 50's. She described him not having any teeth. She said he had a goatee that was white and salt and pepper hair -- which we described as salt and paper, but being dark and white hair.

Q. So after you narrowed down your list looking at

possible suspect vehicles, you narrowed it down to the area, what did you do?

A. So after we narrowed it down to the area, I individually went through the list just to see which ones were closest to the incident locations, being the pick-up location and the actual location where the assault took place, and we found three that were in the -- in the area overall, but one that was extremely close to the incident location.

Q. About how close would you say?

A. I'd say within ten miles of the incident location.

Q. Okay. So did you start with that vehicle?

A. Yes, ma'am.

Q. Okay. What did you do?

A. So we took that owner or that -- that address that that vehicle was registered to, we looked into the owner and other residents at that location, and then did DMV -- excuse me -- South Carolina DMV photos of those individuals and that's how we came up to a possible suspect.

Q. So you're talking about like driver's license photos?

A. Yes, ma'am.

Q. Okay. And you said you came up with a possible suspect?

A. Yes, ma'am.

Q. By reviewing the driver's license photos, did you find

an individual that matched Ms. Sutherland's description?
A. Yes, ma'am.
Q. Okay. We'll come back to that in a minute. I want to talk more about your investigation first.
A. Uh-huh.
Q. You talked about looking for surveillance videos?
A. Yes, ma'am.
Q. Okay. Did you check to see whether there were surveillance videos or surveillance cameras at DSS in Lexington county?
A. Yes, ma'am, we did.
Q. Were there any?
A. No, ma'am, there was not.
Q. Were there any cameras inside?
A. No, ma'am.
Q. Outside?
A. No, ma'am.
Q. Okay. Were you able to find surveillance videos from a business right around DSS?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
MS. WELLMAN: Your Honor, this -- and this exhibit the State would intend to introduce into evidence by affidavit of the records custodian of the business,

which I've provided that to --

MR. WILLIAMS: We don't object to that.

THE COURT: Okay. Why don't you tell me what -- what they are when you do it.

MS. WELLMAN: This is State's Exhibit Number 10 and I've got that with the notice.

THE COURT: 10. And that was ID only?

MS. WELLMAN: At this point, yes, Your Honor.

THE COURT: And no objection and so it will go in evidence?

MR. WILLIAMS: That's correct, Your Honor.

THE COURT: It's in.

(State's Exhibit Number 10, Circle K video, was admitted into evidence.)

BY MS. WELLMAN:

Q. Detective Dubard, this is State's Exhibit 10, which is now in evidence. Would you remind the jury what that is?

A. Yes, ma'am. This is the surveillance video from the Circle K gas station.

Q. Okay. Is that the Circle K gas station across the street from DSS?

A. Yes, ma'am.

Q. Have you had an opportunity to review the surveillance video?

A. Yes, ma'am.
Q. Is it a true and accurate copy?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 22 was marked for identification.)
BY MS. WELLMAN:
Q. Detective Dubard, this is State's Exhibit 22. Do you recognize this?
A. Yes, ma'am.
Q. Please tell the jury what State's Exhibit 22 is.
A. It is a map of the Lexington County DSS at 1070 South Lake and surrounding businesses.
Q. Does this map show the relation -- or the spacial relationship between the DSS building at 2070 South Lake Drive and that Circle K gas station?
A. Yes, ma'am.
Q. Okay. Is this a true and accurate map?
A. Yes, ma'am.
Q. A fair and accurate representation?
A. Yes, ma'am.
MS. WELLMAN: The State would move to introduce State's Exhibit 22 into evidence and would ask to publish to the jury.

MR. WILLIAMS: Without objection, Your Honor.

THE COURT: It's admitted.

(State's Exhibit Number 22, an aerial map, was admitted into evidence.)

BY MS. WELLMAN:

Q. Detective Dubard, you said that this is a map of DSS?

A. Yes, ma'am.

Q. And that would be what's marked here as DSS?

A. Yes, ma'am.

Q. Okay. And where on this map is the Circle K gas station?

A. So as you see marked at the top of the page where it says Two Notch Road, if you follow that straight down past South Lake right across the street there would be the Circle K gas station.

Q. Would that be this building?

A. Yes, ma'am.

Q. Okay. And are you aware of the address of that building?

A. Yes, ma'am. It's gonna be 1100 South Lake Drive.

Q. And are you aware of whether there's like a Dairy Queen right there?

A. Yes, ma'am. There's a Dairy Queen attached to it.

Q. And is this the Circle K that provided the video that's State's 10?

A. Yes, ma'am.

MS. WELLMAN: With regard to State's Exhibit 10, the video, I'd ask to play that.

THE COURT: You may.

BY MS. WELLMAN:

Q. While we're getting that set up, Detective Dubard, from the video from Circle K were you able to identify which exit from the parking lot the suspect vehicle travelled?

A. Yes, ma'am. Based upon the information given, it appeared that the vehicle travelled out of the parking lot and exited onto Two Notch Road.

Q. Okay. And is that this exit?

A. Yes, ma'am.

Q. Okay. Did Ms. Sutherland talk to you about where the defendant drove her after they pulled out of the parking lot?

A. Yes, ma'am. She said they exited on that side of the building onto Two Notch Road, then they turned towards South Lake Drive and they made a right onto South Lake Drive heading into the Red Bank area towards Bluefield Road.

(State's Exhibit Number 10 was played.)

Q. Detective Dubard, is that your suspect vehicle that we see on that road?

A. Yes, ma'am.
Q. And on what road is that vehicle turning?
A. It is making a right-hand turn onto South Lake Drive.
Q. And that's that vehicle again?
A. Yes, ma'am.
Q. If we can go back to State's Exhibit 22. Detective Dubard, you said you've worked with the Lexington County Sheriff's Department since 2015; is that correct?
A. Yes, ma'am.
Q. And during that time have you gained substantial familiarity -- do you know your way around the county?
A. That part of the county definitely.
Q. Okay.
MS. WELLMAN: Your Honor, at this time I would ask Detective Dubard to step down.
THE COURT: Please.
BY MS. WELLMAN:
Q. So no one gets mad at me, I'm gonna put a piece of paper underneath the map. I'm gonna hand you these markers. There's a red one and a green one.
Detective Dubard, do you know the correct route of travel to go from Lexington County DSS to Calks Ferry Road?
MR. WILLIAMS: Objection to the form of the question. The correct way to travel, that's a matter of opinion, Your Honor.

THE COURT: All right. That's very technical there, Mr. Williams.

Could you rephrase that for me, Ms. Wellman, please?

BY MS. WELLMAN:

Q. How do you get -- what is the correct way --

(Discussion between counsel.)

Q. How would you go from DSS to Calks Ferry Road? If you could take the green marker and just sort of draw that on the map if you were coming out of that exit.

A. (Witness complies.)

Q. Okay. And if you can take -- now take the red marker.

Have you personally driven the route from DSS to the location where Ms. Sutherland said she was raped?

A. Yes, ma'am.

Q. Okay. And how would you go if you were leaving?

A. Coming out of that same exit?

Q. Uh-huh.

A. (Indicating.)

Q. And is that what we saw on State's Exhibit 10, the video that we just watched?

A. Yes, ma'am.

Q. Okay. Is that the directions Ms. Sutherland told you they went?

A. Yes, ma'am.

Q. And on State's Exhibit 10, in that video, was there a timestamp? You can sit back down.
A. (Witness complies.)
Q. Was there a timestamp on that video?
A. Yes, ma'am, I believe there was.
Q. And do you recall the time that the defendant's vehicle pulled out of the driveway -- or, excuse me, out of the DSS parking lot and drove?
A. I don't recall specifically at this time.
Q. I should have asked you just a few minutes ago. When you watched -- I think when we played the video could you see it?
A. Yes, ma'am.
Q. As part of your investigation, do you know whether the timestamps on these videos are, correct?
A. Yes, ma'am. They usually are.
Q. Can you see the timestamp?
A. Yes, ma'am.
Q. Okay. At what time did that vehicle pull out of the DSS parking lot?
A. Approximately 12:04.
Q. Okay. And if you could tell us at what time the defendant drove in front of that Circle K convenience store.
A. Approximately 12:05.

Q. Thank you. Detective Dubard, you said that you drove the route from DSS to the place where Ms. Sutherland said she was raped?
A. Yes, ma'am.
Q. This is State's Exhibit 3. Did you go -- drive right here?
A. Yes, ma'am.
Q. Okay. Approximately how many miles is it?
A. From DSS to -- it was approximately 5.8 miles, I believe.
Q. Okay. How long did it take you to go from DSS to that incident location?
A. It was about thirteen minutes.
Q. Okay. So with all of this information that you have, okay, we've got the video, we've got the map of travel, you have a good vehicle description, you've got a possible suspect, you've got a good description of the suspect, what did you do next?
A. So at that point we contacted SLED once again and I asked them to do a photo lineup for us.
Q. What information do you provide to SLED when you need a photo lineup?
A. We usually just provide basic identifiers.
Q. Such as?
A. Such as names, date of births. If we have Social

Security numbers, we'll provide that information as well.
Q. Okay. Do you sort of use a physical description of your suspect?
A. In some cases if they need additional, but not usually.
Q. Okay. So you really just say hey, this is my suspect and then SLED creates the lineup?
A. Yes, ma'am.
Q. You asked SLED for a lineup. Did you, in fact, get one back?
A. Yes, ma'am.
Q. Is your suspect always included in the lineup?
A. Yes, ma'am. They usually are.
Q. Okay. Is it possible -- you said usually. Is it possible that they're not in there?
A. If we ask for a specific person, then usually they are in that lineup.
Q. Okay. So you've asked for a lineup and said you got one. What did you do once you got that lineup?
A. I contacted Ms. Sutherland and asked her to come in and try to review that lineup and also told her I needed to ask her some more questions about the incident.
Q. Okay. And did she come up to meet you?
A. She did.
Q. Where did she meet you?

A. At the sheriff's department.

MR. WILLIAMS: May we approach the bench a second?

THE COURT: You may.

(Proceedings held at the bench; not reported.)

THE COURT: Continue on.

BY MS. WELLMAN:

Q. One thing I forgot to ask you about the photos that are included in the photo lineup, are they usually like DMV photos?

A. SLED tries to use photos from other sources besides anything that would persuade a person to pick one over another.

Q. So the people that are included in the lineup, are they all supposed to have similar features?

A. Yes, ma'am.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Detective Dubard, this is what has previously been marked as State's Exhibit 12 identified by Ms. Sutherland earlier today. Do you recognize this?

A. Yes, ma'am, I do.

Q. And can you please tell the jury what it is.

A. It is the photo lineup that was given to me by SLED.

Q. Is this the original photo lineup that you presented

to Ms. Sutherland when you met with her?
A. Yes, ma'am.
Q. Okay. And did she identify her rapist in this lineup?
A. Yes, ma'am.
(State's Exhibit Number 23 was marked for identification.)
BY MS. WELLMAN:
Q. This is State's Exhibit 23. Can you tell the jury what this is?
A. Yes, ma'am. This is a precursor for the photo lineup. It is called a photo lineup addendum. We -- it's basically a description of what's about to happen, that we're gonna show some photos, that they don't -- it tells people not to feel encouraged they have to pick anybody out, it also tells them to consider lighting and different things like that that could change a person's appearance in this photo versus how you saw them the day of and things like that.
Q. So is State's Exhibit 23 essentially like an instruction page?
A. Yes, ma'am.
Q. Okay. Is this original page that you presented to Ms. Sutherland?
A. Yes, ma'am.
MS. WELLMAN: Your Honor, the State would move to introduce State's 12 and 23 into evidence.

MR. WILLIAMS: Without objection, Your Honor.

THE COURT: Okay. They're admitted.

(State's Exhibit Number 12, a photo lineup, and State's Exhibit Number 23, a photo lineup instruction sheet, were admitted into evidence.

BY MS. WELLMAN:

Q. Detective Dubard, this is State's Exhibit 12, the original photo lineup that you presented to Ms. Sutherland. Was your suspect that you identified by doing the -- searching of the vehicles and then the DMV search included in this lineup?

A. Yes, ma'am.

Q. And who is that suspect?

A. Mr. Samuel Aaron.

Q. Is that the defendant?

A. Yes, ma'am.

Q. Okay. And when you presented this photo lineup to Ms. Sutherland, did you tell her you should probably pick somebody?

A. No, ma'am.

Q. Did you tell her for certain that your suspect was going to be included in this lineup?

A. No, ma'am.

Q. Okay. What did you tell her?

A. I usually tell anyone that I'm showing photo lineup

that the suspect may or may not be in the photo lineup at this time, for them to just take their time and make their best decision. From what I found, it makes people feel a little more comfortable if they actually don't see the person that they felt committed the crime.

Q. Okay. So you stated that Ms. Sutherland was able to identify her rapist in this photo lineup?

A. Yes, ma'am.

Q. Which photograph did she select?

A. Number 4 is circled.

Q. And did she actually put that circle on the photo?

A. Yes, ma'am.

Q. Did she do that in your presence?

A. Yes, ma'am.

Q. Photo Number 4?

A. Yes, ma'am.

Q. That's a photograph of who?

A. Mr. Samuel Aaron.

Q. Okay. Did she hesitate?

A. No, ma'am.

Q. Did you notice a change in her demeanor when you turned over that lineup?

MR. WILLIAMS: Objection to that question, Your Honor.

THE COURT: I agree.

MS. WELLMAN: Withdrawn.

THE COURT: Thank you.

BY MS. WELLMAN:

Q. We talked about the instruction page that is State's Exhibit 23. Is that where you notated she circled Number 4?

A. Yes, ma'am.

Q. After Ms. Sutherland identified the defendant in the photo lineup, what did you do next?

A. We made contact with a magistrate in the county to obtain warrants for the arrest of Mr. Samuel Aaron and also a search warrant to collect the vehicle associated with the incident.

Q. Okay. You said you obtained warrants from a local magistrate. On what charges?

A. For the charges of kidnapping, sexual -- criminal sexual conduct in the first degree, and armed -- or strong arm robbery, excuse me, also known as common law robbery.

Q. Earlier when we were talking about your initial conversation with Ms. Sutherland at the hospital, you didn't mention anything about a robbery. Did she talk to you about a robbery?

A. Yes, ma'am. She advised that she had been forced to the ground and that rings were forcibly taken from her.

Q. Okay. After you obtained the warrants from the

magistrate's office for those three charges, what, if anything, did you do?

A. I made contact with a couple of other detectives and then we went to the last known address for Mr. Aaron in reference to making an arrest on him.

Q. That last known address, is that the address where your suspect vehicle was located or was registered?

A. Yes, ma'am.

Q. Okay. On what date did you go to that address?

A. February 5th, I believe, was the date. Yes, ma'am.

Q. Okay. When you got to -- what was that address?

A. The address was [redacted] Sage Tree Court and it was in the Lexington area of Lexington County, South Carolina.

Q. Upon your arrival, did you see any vehicles outside that home?

A. Yes, ma'am. There was a silver van parked at the roadway just in front of that address.

Q. Okay.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

(State's Exhibit Number 24 was marked for identification.)

BY MS. WELLMAN:

Q. Detective Dubard, this is State's Exhibit 24. Do you recognize this?

A. Yes, ma'am.
Q. Please tell the jury what's depicted in State's Exhibit 24.
A. It's a photo of the address of [redacted] Sage Tree Court with a silver van parked out front facing the home.
Q. Is it a fair and accurate representation of how that vehicle appeared in front of the home --
A. Yes, ma'am.
Q. -- on February 5th?
A. Yes, ma'am.
MS. WELLMAN: The State would move to introduce State's Exhibit 24 into evidence and publish to the jury.
THE COURT: Any objection?
MR. WILLIAMS: Without objection, Your Honor.
THE COURT: It's admitted. Go ahead and publish.
(State's Exhibit Number 24, a photograph, was admitted into evidence.)
BY MS. WELLMAN:
Q. Detective Dubard, is that the defendant's home?
A. Yes, ma'am.
Q. Does that vehicle match the description provided by Ms. Sutherland?
A. Yes, ma'am.
Q. Were you able to make contact with the defendant at

his residence that day?
A. Yes, ma'am.
Q. Was he placed under arrest -- or, I'm sorry, did you make contact with him inside that residence or outside?
A. Yes, ma'am, inside the residence.
Q. Okay. And did you place him under arrest and then escort him outside?
A. He was detained inside using double-locked handcuffs and then he was brought outside.
Q. Okay. When you made contact with the defendant, was he wearing a shit?
A. No, ma'am.
Q. Were you able to see whether he had any tattoos?
A. Yes, ma'am.
Q. Do you recall whether Ms. Sutherland noticed some tattoos?
A. Yes, ma'am. She made mention to a cross, I believe it was, on the subject's forearm.
Q. Was she positive it was a cross or she just knew it was a big tattoo?
MR. WILLIAMS: Objection to the form of the question, Your Honor.
MS. WELLMAN: I will rephrase, Your Honor.
THE COURT: Rephrase, Ms. Wellman.
BY MS. WELLMAN:

Q. Was she positive?

MR. WILLIAMS: Same objection, Your Honor.

THE COURT: He can't -- he can't tell you that. He doesn't know what was in her mind, so let's rephrase.

MS. WELLMAN: Okay.

THE COURT: Ask another question.

BY MS. WELLMAN:

Q. As she was describing the tattoos to you, what did she say?

A. She advised that he had a large tattoo on one of his forearms.

Q. Did you observe a large tattoo?

A. Yes, ma'am.

Q. And was that on one of the defendant's forearms?

A. Yes, ma'am.

Q. Okay.

MS. WELLMAN: If I could just have one second.

THE COURT: Absolutely.

MS. WELLMAN: No further questions, Your Honor.

THE COURT: Thank you, Ms. Wellman.

MR. WILLIAMS: May it please the Court?

THE COURT: Go ahead, Mr. Williams.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. How are you doing, Officer?

A. I'm doing well, Mr. Williams. How are you?
Q. I'm doing fine.
Now this -- this deal with narcotics is kind of a new deal. Back then you were working in major crimes, right?
A. Yes, sir.
Q. And that has something to do with why you're growing the beard, doesn't it?
A. Yes, sir.
Q. Okay. So who contacted you -- who was over you that told you that you needed to be involved in -- who was in charge, I guess, of major crimes at this time?
A. Sergeant Burt was the one who got the original call and notified me.
Q. All right. And the first thing you did was ride over to the hospital and speak to the alleged victim; is that correct?
A. Yes, sir.
Q. And you took down a statement in regards to what she said happened and that kind of thing?
A. Yes, sir.
Q. And got a description as best you could?
A. Yes, sir.
Q. And she told you the story about where she had gone and about riding in the van, right?
A. Yes, sir.

Q. Now when she told you that she went to DSS, she told you that the guy waited outside while she went into DSS, right?
A. Yes, sir.
Q. How many times did she say the guy came in there?
A. I believe she said a couple of times. I think she said the first time he went to the desk and then the second time he came and asked her for a cigarette.
Q. Right. So he was in there for a couple of times. Did she indicate to you the period of time that went by?
A. I don't believe so. I know she said they were there for a while.
Q. All right. And I believe you've already testified that you went out to DSS to check it out and there was actually no video cameras there to -- to show who comes in there and who doesn't come in there?
A. Yes, sir.
Q. Well, you obviously -- this is your case, right?
A. Yes, sir.
Q. And you knew that she had signed a form and everything applying for DSS food stamps, right?
A. Yes, sir.
Q. So you had a copy of that form that was signed off by like Ramona or something like that. Whoever helped her with her form, right?

A. At the time I did not have a copy that form.
Q. All right. When did you get a copy of that form?
A. That was much later after the arrest I got a copy of it.
Q. Wasn't that form with her when -- when you went to the hospital?
A. I was not advised that that form was with her at the time.
Q. Did you not go through the papers that allegedly were thrown on the ground?
A. No, sir.
Q. So, I guess, why not?
A. I didn't -- I didn't see a reason why the papers had anything to do with us trying to identify a suspect at the time.
Q. It turns out it might have, doesn't it, because you learned that what she had done was she'd gone by the Lexington County Sheriff's Department, she'd picked up some items from the sheriff's department, and she got a document to show how long she was in the jail and then she went walking down the road to Highway Number 6 and she got picked up by this gentleman who was in the van, then she went to DSS and her purpose in going to DSS was to get the food stamps, which this document is proof that she went in there and tried to get the food stamps, and while she was

in there the guy came in there twice and whoever was in DSS helping her with the forms would have been able to testify whether or not she had the rings on her fingers at the time that she came in there, true?

A. Possibly.

Q. If they had remembered and I'm not speculating. Obviously they would have to remember it, wouldn't they?

A. Yes, sir.

Q. And we've now learned that there was absolutely no video inside DSS from which you could go and look along here and see what was going on?

A. Yes, sir.

Q. So in your -- you basically -- I guess you search for evidence. You're an investigator?

A. Yes, sir.

Q. And when you're with other officers, I guess you can be an arresting officer because you did that when you went to his house?

A. Yes, sir.

Q. And you went in terms of seeing his route that he and she went when they left DSS?

A. Yes, sir.

Q. And that's why you secured the video that we've observed.

A. (Nods head.)

Q. Could you see the individuals in the van?
A. From the video?
Q. From the video.
A. You could see shadows, but you couldn't identify them, no, sir.
Q. Right. And, of course, one of the more important questions is her getting into the van before she went to DSS; isn't that true?
A. From the video at the Circle K?
Q. No, not from that video because that video happens after she leaves DSS.
A. Yes, sir.
Q. So one of the more important questions to you was how she got with him to begin with?
A. Yes, sir.
Q. Now in that that was a question, did you go to Cinnamon Hill and meet with Dawn, who is the owner of Cinnamon Hill?
A. Yes, sir.
Q. And when you met with Dawn, who's the owner of Cinnamon Hill, you realized that there was actually a video camera at Cinnamon Hill that showed her getting in the van with him?
A. Yes, sir.
Q. The individuals. It showed them -- her getting in the

van?
A. Yes, sir.
Q. It showed how she got in the van, whether or not -- what type of communication was going on or something you could surmise at least was going on, but you could observe the two of them together?
A. I could see on video. It had no audio.
Q. And not only that, but that particular video had the timestamp on it, didn't it?
A. Yes, sir.
Q. So that gave you the time that she got in the van, her getting in the van, how she got in the van, and you also had a time when she left DSS because you had that on the video?
A. Yes, sir.
Q. From that you could deduce how long the two of them were at DSS, couldn't you?
A. Yes, sir.
Q. Did you attempt to do that?
A. I did.
Q. And how long was that?
A. It appeared to be approximately an hour or so.
Q. An hour or so. How much more than the so was it?
A. I -- I couldn't tell you right off right now.
Q. Well, that's -- it's kind of important to you, isn't

it, how long that man sat around in that parking lot to drive off with her, isn't it?
A. It could be.
Q. Because it might be an indication that he was waiting on her so he could go off with her and she knew he was waiting on her. That's an indication of that, isn't it?
A. I wouldn't -- not in my opinion. He could have had other motives.
Q. It could have been a lot of things.
A. Exactly.
Q. But if we don't have that information, then we don't have that information. But you have that video, don't you?
A. Of Cinnamon Hill?
Q. Yes, sir.
A. Yes, sir.
Q. So it's available for the jury in case they want to see it?
A. Yes, sir.
Q. Okay. So you can't tell -- or can you tell me whether you can tell from looking at either one of the videos whether or not she had the rings on or not?
A. From the security footage?
Q. Yeah. The nine rings.
A. No, sir, you can't tell from the security footage.
Q. You can't. So did you go by the Lexington County jail

and check the video footage to see if there's video footage of her receiving her property and papers at the Lexington County jail?

A. No, sir.

Q. Y'all certainly have a lot of video cameras at the jail, don't you?

A. Depending on where you are, yes, sir.

Q. Well, you've got a video camera there at the front of the jail, don't you, where people come in and see inmates, don't you?

A. Yes, sir.

Q. You also have video camera on the other side of the sheriff's department where people come in the sheriff's department, don't you?

A. Yes, sir.

Q. You've got -- you've even got videos in the interrogation room, which is the second room on the left once you go into the jail, don't you?

A. Yes, sir.

Q. And you've even got video cameras in between the halls like you were going to the area where the -- what do you call that, the dolly port where people pull in and stuff like that? You've got cameras all over the place, don't you?

A. Yes, sir.

Q. You've got cameras in the -- shoot, you've got cameras in the -- in the cell area, don't you?
A. Yes, sir.
Q. What part of the jail doesn't have a video camera? Let's -- let's put it that way.
A. I wouldn't be aware of it.
Q. Maybe the bathrooms. There's probably some Federal law about that.
A. Probably.
Q. Okay. But you didn't try to secure any video cameras from the jail to show whether or not she had a bunch of rings on her fingers?
A. No, sir.
Q. Now there was a description that was given to you of how the assault occurred by her, correct?
A. Yes, sir.
Q. Did you do any type -- or maybe it's not your job. Are you in charge of seeing how a crime may have been comitted? I mean, is that something you do or is there like a -- I don't know, a forensic guy who comes out there and -- and verifies height, width and stuff like that to see if certain acts are capable of being done?
A. I'm not understanding your question.
Q. I know. It's pretty -- it's pretty screwed up, isn't it? I guess what I'm asking you, did you check out the

height of the seats from the ground?
A. So once we collected that vehicle, our crime scene investigators went through the vehicle and took a lot of photos and things like that.
Q. That's right. So they're the ones that actually go through the evidence, take pictures, check it for any type of fluids and stuff like that?
A. They could, yes, sir.
Q. And do they actually -- if there had been a gun used, if somebody was shooting a gun, you could measure trajectories and stuff, right?
A. Yes, sir.
Q. Did anyone go out and measure the distance from the ground to the seat to see whether or not the act that was talked about could have been performed in the manner in which it was described?
A. I -- I did not. I can say that much.
Q. Okay, sir.
MR. WILLIAMS: I beg the Court's indulgence for one moment.
THE COURT: Take your time.
BY MR. WILLIAMS:
Q. When you got there, you were -- asked to -- to use a buccal swab on Sam, right?
A. On the date of his arrest?

Q. Okay. Right.
A. Yes, sir.
Q. And did he?
A. Yes, sir.
MR. WILLIAMS: Your Honor, I think that's all the questions I have.
THE COURT: Thank you, Mr. Williams.
Any redirect?
MS. WELLMAN: One second, Your Honor.
Your Honor, no further questions. We would just ask to be able to recall Detective Dubard at a later point if necessary based on other evidence.
THE COURT: Okay. You know I can't really excuse you, Detective. You'll have to hang around.
THE WITNESS: Yes, ma'am.
THE COURT: Any objection? He's gonna hang around.
MR. WILLIAMS: None, Your Honor.
THE COURT: Thank you, Detective.
(Witness excused.)
THE COURT: Okay. May I let the jury go?
MS. WELLMAN: Your Honor, we did get one other witness here. It's super short. If they want to keep rolling.
THE COURT: Sure. Like super short? Like how short?

MS. WELLMAN: A couple of photos.

THE COURT: Are you game?

MS. WELLMAN: Whatever the jury would like.

THE COURT: Okay. Let's go forward.

MS. WELLMAN: Your Honor, at this time the State would call Brenda Snelgrove.

(Whereupon, Brenda Snelgrove was duly sworn by the Clerk of Court.)

THE CLERK: Please be seated in the witness stand. Once you are seated, please state your name, spelling your first and last name for the record.

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

BRENDA SNELGROVE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Ms. Snelgrove, where are do you work?

A. Lexington County Sheriff's Department.

Q. All right. And what is your role?

A. I am currently the sergeant over our crime scene unit.

Q. Okay. What are your -- what does that mean?

A. So it just means I'm the supervisor over other crime scene investigators, but I'm also a working sergeant which means I'm also still in the role as a crime scene

investigator and still processing and documenting scenes.
Q. Okay. Did you have an occasion to execute a search warrant that was for a silver minivan?
A. I did.
Q. Where did you execute that search warrant?
A. That was at 521 Gibson Road. That's at the headquarters of the sheriff's department. It was in the evidence warehouse.
Q. Okay. Was anyone with you do you recall?
A. Sergeant Sandra Black of evidence, she was with me, but when we first got out there Sergeant Nick Burt was with me.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 25 through 33 were marked for identification.)
BY MS. WELLMAN:
Q. State's Exhibit 25 is certified true copies of that search warrant on the vehicle. Sergeant Snelgrove, this is State's Exhibit 26 through 33. If you could look over those and tell me if you recognize those photographs.
A. Yes, ma'am. These are some of the photographs I took while executing that search warrant.
Q. Okay. And is that the search warrant of the vehicle?
A. Yes, for the silver in color Chevrolet Uplander, which

was a minivan.
Q. And is that the minivan that was associated with this case?
A. Yes, ma'am.
Q. Okay. Are they fair and accurate representations of what you saw in the van?
A. Yes, ma'am.
MS. WELLMAN: Your Honor, the State would introduce State's Exhibit 26 through 33 into evidence and ask to publish to the jury.
THE COURT: Okay. Is there any objection?
MS. WILLIAMS: No objection, Your Honor.
THE COURT: And no objection to the certified search warrant of the vehicle?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: Okay. So I'm putting in 25 to 33.
MS. WELLMAN: And they're just photos of the van.
THE COURT: All of them?
MS. WELLMAN: Uh-huh.
THE COURT: Okay. Go ahead.
(State's Exhibit Number 25, a search warrant, and State's Exhibit Number 26 through 33, photographs, were admitted into evidence.)
BY MS. WELLMAN:
Q. Sergeant Snelgrove, this is State's 24, which is

already in evidence. Is this the van that you searched?
A. I wasn't there. I cannot say. I don't see a tag or anything.
Q. But you searched the vehicle that was seized from --
A. That they collected from the residence.
Q. Okay. This is State's Exhibit 26. Please tell us what we're looking at here.
A. This is the driver's side of that van. You can see the door and the front driver's seat, the steering wheel.
Q. And did you take this photograph?
A. I did.
Q. Okay. About how high would you say that seat is off the ground?
A. I'm not sure.
Q. But this wasn't was a -- was this jacked up, lifted?
A. No, it was like a regular minivan that you would see every day size. There was no special -- it did not seem that there was a special lift kit on it at all.
Q. And if you don't mind me asking, how tall are you?
A. I am about five foot one. I'm quite short.
Q. Did you have trouble reaching into the car, bending into the car or anything like that?
A. No, it was about normal for me for what I have to deal with.
Q. Okay. So this is the driver's seat; is that correct?

A. Yes.
Q. State's Exhibit 27. What am I looking at?
A. That's the back of it.
Q. The back of that silver minivan that was seized?
A. Yes.
Q. And is that the license plate that was on there when you --
A. When I saw it, yes.
Q. Okay. It starts with a [redacted] and it's got an [redacted] in there?
A. Yes, it's [redacted].
Q. Once you got in the car, what are we looking at there?
A. Those were items hanging from the rear view mirror. I described it as a drum with black and red feathers.
Q. Okay. State's Exhibit 29.
A. Those just kind of appear like a Bobby pin with a gem attached to it and those were are stuck in the vents.
Q. State's Exhibit 30.
A. That was the center console between the driver's seat and the front passenger seat. That is a -- excuse me -- a red shop rag. It was -- it seemed very similar and same as the one that Deputy Zona collected from the scene on Bluefield.
Q. State's Exhibit 31.
A. That's just a closer up view of it.
Q. Okay. State's Exhibit 32. Let's see. I'll zoom in

for you or I'll try. What is this?
A. It looks like insurance -- proof of insurance and registration.
Q. Okay. And for what -- who is this vehicle insured to?
A. It looks like Aaron Samuel.
Q. Uh-huh. Anyone else?
A. I'm sorry. Debra Cleveland.
Q. I do have that upside down. I'm sorry.
Okay. And then this State's Exhibit 33. What are we looking at there?
A. It's like an ashtray and I'm not really sure what the red thing is.
Q. But are those cigarette butts?
A. Oh, yes. There's cigarette butts in the ashtray.
Q. Thank you.
MS. WELLMAN: Nothing further, Your Honor.
MS. WILLIAMS: No questions, Your Honor.
THE COURT: Okay. May I let Ms. Snelgrove go?
MS. WELLMAN: Yes, Your Honor.
THE COURT: Thank you. You can be excused. Have a good evening.
(Witness excused.)
THE COURT: Now can I let the jury go?
MS. WELLMAN: Yes, Your Honor.
THE COURT: Okay. Mr. Foreman, ladies and

322

gentlemen, I've got to tell you again because you're getting a whole day off, and it's gonna be attempting, I know it is, but don't do it. Don't talk about this case. Don't do any research. Don't get on the computer. Don't read about anything in the newspaper or the Internet about this case. Don't go look up anything that might help you decide this case. You're not allowed to do that. And, believe it or not, you would really truly be surprised how we find out. It just amazes, but we do. So please do not do that.

With that said, I hope y'all have a great day off tomorrow. We will start at 8:30 on Thursday. I really don't want to go into your weekend. It looks like -- I appreciate y'all saying late because I think we can get it done. Be in the jury room probably by 8:15 and I will start right at 8:30, okay?

Thank you so much.

FOREPERSON: Thank you, Your Honor.

THE COURT: Y'all have a good evening and have a happy Wednesday.

(Whereupon, the jury was excused for the day at 5:32 PM.)

THE COURT: All right. We're gonna send out -- y'all will get tomorrow from us some drafts of the jury charges. Please look at them because once we get

to closings, I'd like to go straight on into charging and not take a break.

Anything from the State before we adjourn?

MS. WELLMAN: No, Your Honor.

THE COURT: Anything from the defense?

MR. WILLIAMS: Nothing, Your Honor.

THE COURT: All right. Everybody have a good -- well, I was gonna say a good day off, but...

(Whereupon, the proceedings were concluded for March 8, 2022, at 5:34 PM.)

(The following proceedings were held March 10, 2022, beginning at 8:27 AM.)

BAILIFF: All rise. Court is now in session. The Honorable Judge Debbie McCaslin presiding.

THE COURT: Thank you. Be seated.

All right. Are we ready?

Is the State ready? The defense ready?

MR. WILLIAMS: The defense is ready, Your Honor.

THE COURT: Good morning, Ms. Williams.

MS. WILLIAMS: Good morning, Judge.

MS. WELLMAN: Your Honor, could I have just one quick minute?

THE COURT: You sure can.

MS. WELLMAN: We're just trying to make a CD that will work appropriately for that computer.

324

(Pause in proceedings.)

THE COURT: All right. Let's bring them in.

(Whereupon, the jury enter the courtroom at 8:45 AM.)

THE COURT: Good morning.

All right, Mr. Foreman. You got everybody?

FOREPERSON: Yes, ma'am.

THE COURT: Are they ready?

FOREPERSON: Yes, they're ready.

THE COURT: Let me just address the jury for just second. I know you had a whole day off. I just want to make sure nobody's read, researched, talked to anybody about this case before we begin.

Very good. Thank y'all.

All right. Let me turn to the State. You can call your next witness.

MS. WELLMAN: Thank you, Your Honor. At this time the State would call Ms. Dawn Larocque.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Dawn Larocque was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat, if you'll state your full name and spell your last name for the record.

THE WITNESS: My name is Dawn Larocque,

L-A-R-O-C-Q-U-E.

DAWN LAROCQUE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. So it's Larocque?

A. Yes.

Q. I apologize.

A. No worries.

Q. Good morning, Ms. Larocque. Please tell the jury where you work.

A. I owned the Cinnamon Hill House and Gardens wedding venue over in Lexington just at the railroad tracks.

Q. And is that back in 2020?

A. It ran from 2019 to 2020.

Q. And where was Cinnamon Hill located?

A. If you were coming down Highway 6 or South Lake Drive and crossed over the railroad tracks going out of town towards the Interstate, it would be the large Victorian-style house on your right as you were passing through, so it would be the first building.

Q. And you said the railroad tracks. Is that the railroad tracks at Railroad Avenue?

A. Correct.

Q. Okay. And did Cinnamon Hill have a video surveillance

system?
A. We did. We installed one when we opened the venue.
Q. Okay. And was that active in 2020?
A. It was.
Q. And are you familiar with that surveillance system?
A. I am.
Q. As part of that system, did Cinnamon Hill have cameras facing South Lake Drive?
A. They faced the parking lot that faced South Lake Drive and then there was additional ones that -- that were are around the property.
Q. Was your system motion-activated or did it run constantly? How did it work?
A. No, it was -- it did run by motion and in that particular camera it did stay on quite a bit because there was a very large river birch that the limbs would blow in the wind and the film just constantly ran.
Q. So if the wind was blowing, that tree --
A. That particular camera ran until it stopped.
Q. But at times were there still periods where the camera system would sort of skip time?
A. Yeah, when the tree would -- you know, if the wind was just light, it would just stop and then you would have a delay, and then if the wind blew it again, it just basically picked up, that particular tree.

Q. How was -- excuse me, how was the recording stored?
A. We had a system that was installed with the -- with the cameras and I'm assuming it was a video-type thing or if it was online, but we were able to access everything from my phone, but I think it was also -- there was also some sort of storage for it, so.
Q. You said you were able to access that video?
A. From my phone.
Q. Were you also able to make copies?
A. Probably, but I never had the reason to do so.
Q. Okay. Drawing your attention to January of 2020, were you contacted by members of the major crimes unit of the Lexington County Sheriff's Department asking to look at your surveillance system from January 9th?
A. I was.
Q. Okay. And, specifically, were you asked to check that camera that faced South Lake Drive?
A. Yes.
Q. Okay. And from what you could tell, was there any tampering or any problems with your system?
A. No.
Q. Okay. And do you remember meeting with Detective Dubard about that video?
A. I do. Uh-huh.
Q. And do you recall watching a portion of the video from

January 9th of 2020 with Detective Dubard?
A. I did. I helped -- helped him kind of pin -- he found it and I just watched it, so.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
(State's Exhibit Number 34 was marked for identification.)
BY MS. WELLMAN:
Q. Ms. Larocque, this is State's Exhibit 34. Can you identify this, please?
A. Yes, that was one of the videos that we burned for the -- for the tapes or the clips.
Q. As part of the investigation in this case?
A. Uh-huh. Correct.
Q. Have you had an opportunity to review it prior to testifying?
A. I have, yes.
Q. Are those your initials indicating it's a true and accurate copy?
A. Yes.
Q. Any changes, alterations, deletions? All good?
A. All good.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 34 into evidence and ask to publish to the jury.

THE COURT: Any objection?
MS. WILLIAMS: No objection, Your Honor.
THE COURT: It's entered and you can publish.
MS. WELLMAN: Thank you, Your Honor.
(State's Exhibit Number 34, a surveillance video, was admitted into evidence.)
BY MS. WELLMAN:
Q. Is there audio associated with your system?
A. No.
Q. And up at the top before we hit play, I see there's a timestamp in the top left corner.
A. Uh-huh.
Q. Was your timestamp accurate?
A. Yes.
Q. Okay. So that would be 10:38 in the morning?
A. Uh-huh.
(Whereupon, State's Exhibit Number 34 was played.)
Q. Is that the silver minivan you guys were looking for?
A. Correct.
Q. Ms. Larocque, there was -- in that video, let's see if I can find it, if we watch the timestamps specifically, it looks like 10:38:56 and then it jumps to like 10:39:13?
A. Uh-huh.
Q. Was that the result of your motion-activated --
A. I -- I think it was because I was kind of watching the

tree limb as this was playing and noticed that it didn't look like it was super windy that day, it just looked like it -- obviously when the camera would pick back up it looked like it was moving, so.

Q. And would that possibly explain how the person we see walking just kind of appears?

A. Just kind of appeared, correct.

Q. Thank you.

MS. WELLMAN: No further questions.

THE COURT: Thank you.

Ms. Williams.

MS. WILLIAMS: No questions, Your Honor.

THE COURT: May I excuse Ms. Larocque?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Thank you for coming.

(Witness excused.)

MS. WELLMAN: Your Honor, at this time the State would call Ms. Paula Hare.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Paula Hare was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat, please state your name and spell your last name for the record.

THE WITNESS: My name is Paula Hare. It's spelled,

the last name, H-A-R-E.

PAULA HARE,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. And, Ms. Hare, where do you work?

A. I work for the Lexington County Sheriff's Department in the detention bureau.

Q. What's your title there?

A. I'm a lieutenant.

Q. And did I see that you brought a sheet of paper in here?

A. Yes, ma'am.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Lieutenant Hare, you said you worked at Lexington County Sheriff's Office in the detention center. What are some of your duties and responsibilities?

A. I'm over inmate records. I'm the custodian for inmate records, bookings, identification. I have a plethora of hats I wear.

Q. Okay. As part of your role as the custodian of inmate records, are you responsible for maintaining the records of the property that inmates come into the jail with?

A. Yes, ma'am.
Q. Okay. And are you also responsible for maintaining the records of when that property is released?
A. Yes, ma'am.
Q. So when someone is released from jail -- let me back up. If an inmate comes into the jail with property, does the jail sort of document everything they came in with?
A. Yes, ma'am.
Q. Okay. And when an inmate is released, is that property returned?
A. Yes, ma'am.
Q. And do you also keep records of that return?
A. Yes, ma'am.
Q. Okay. Is every single item they have listed on that return?
A. Yes, ma'am. And they sign for it stating that they received all items back.
Q. And are those records made about the time of the event -- or when the items were released?
A. Yes, ma'am.
Q. Are they kept in the normal and ordinary course of business?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.

(State's Exhibit Number 35 was marked for identification.)

BY MS. WELLMAN:

Q. Lieutenant Hare, this is what I've marked as State's Exhibit 35. Do you recognize that?

A. Yes, ma'am.

Q. Please tell the jury what State's Exhibit 35 is.

A. It's an inmate property release form, which is the form that we give them when they are getting released in order for them to say yes, I got all my property back, and then they sign for it.

Q. Okay. And is this the property release form that was issued for Ms. Karie Sutherland?

A. Yes, ma'am, it is.

Q. Is this a true and accurate copy of the record you provided the solicitor's office as part of this investigation?

A. Yes, ma'am.

Q. All right. Any changes, alterations or deletions?

A. No, ma'am.

MS. WELLMAN: The State would move to introduce State's Exhibit 35 and publish to the jury.

MR. WILLIAMS: Without objection, Your Honor.

THE COURT: Okay. It's admitted.

(State's Exhibit Number 35, a property release

form, was admitted into evidence.)
BY MS. WELLMAN:
Q. Lieutenant Hare, I want to start at the bottom. Do you know who L. Pugh is?
A. Yes, ma'am, I do.
Q. Who is that?
A. She's our master deputy on nightshift.
Q. Okay. And is she authorized to release property?
A. Yes, ma'am.
Q. Okay. And you stated that this is the property release form for Ms. Karie Sutherland. On what date was this property released?
A. I would have to look at it. I can't see that far. Sorry.
Q. That's okay.
A. January 7, 2020.
Q. If you could speak up just a little bit for us.
A. January 7, 2020.
Q. Okay. And is there a time?
A. Yes, ma'am. 21:57. Civilian time 9:57.
Q. PM?
A. PM.
Q. Okay. And right here, is this Ms. Sutherland's signature?
A. Yes, ma'am.

Q. Alright. So I see lots of items on this list. Would this have been a list of the items that she came in with -- into the jail with?
A. Yes, ma'am, that's correct.
Q. Okay. And I'm seeing a black cell phone, clothing, which is boots, a black coat, blue pants, and I believe that would be an ID card next?
A. Yes, ma'am.
Q. Okay. And then I'm seeing a yellow necklace, yellow watch, earrings; is that correct?
A. Yes, ma'am.
Q. And I want to specifically talk about right here.
A. Okay.
Q. Can you read that?
A. Yes, ma'am.
Q. All right. That would be jewelry?
A. Yes, ma'am.
Q. Quantity, right here. Is that the number?
A. Yes, it is.
Q. All right. So -- and I also see there's another ring listed on there as well; is that correct?
A. Yes, ma'am.
Q. All right. So how many rings were released to Ms. Sutherland on January 7th?
A. Ten.

Q. Okay. Thank you. And that would have been released to her at you said?
A. 9:57 PM.
Q. Okay. Thank you.
MS. WELLMAN: No further questions.
MR. WILLIAMS: May it please the Court?
THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:
Q. Good morning, Lieutenant.
A. Good morning. How are you are?
Q. I'm doing fine. It's good to see you.
A. You, too.
Q. So your office is in the jail section; is that correct? Or are you in the hallway between the sheriff's department and the jail?
A. Between the sheriff's department and the admin building.
Q. I got you. And the form that you have, this is a form which is filled out by booking maybe?
A. Yes, sir.
Q. When the person is arrested?
A. (Nods head.)
Q. Does this form include the name of the person who filled it out at booking?

A. Yes, sir, it does.
Q. And who would that have been?
A. Master Deputy Pugh.
Q. So Master Deputy Pugh is in charge of booking it in, as well as the releasing of it; is that correct?
A. That particular day, yes, sir.
Q. All right. Does it show when that -- on this form that the -- that the jewelry was received or items were received?
A. I'm sorry, could you repeat that?
Q. Let me show you. This is only -- this is only the release form. Is there a form which is filled out when the inmate is arrested and they're dressed out and you take their personal items? Is there a form which is filled out when the sheriff's department receives those items?
A. Yes, sir. It's actually the exact form. The only difference is when they first came in, it's labeled intake instead of release.
Q. I got you. So you've got two forms down there; one for intake and one for release?
A. Yes, sir. That's correct.
Q. And, of course, on the intake form you would have the date that it was actually received?
A. Yes, sir.
Q. And on the release form, you've got the one where it's

released?
A. Correct.
Q. Now I note that it's got -- down here on your form it's got I, Pugh, L., hereby release the items of the personal property form. This particular form is preprinted, isn't it? Meaning --
A. No, sir. Once we go into the system to release them, we hit print and then it prints out.
Q. So you print it, then it comes out?
A. Uh-huh.
Q. Then you hand those items in a plastic bag or whatever it is to the -- to the person who's picking them up?
A. (Nods head.)
Q. And then you get them to sign, the officer signs and then you take this form and then you download it into the computer or something like?
A. Well, we actually stick it into their personal booking file. That file then goes over to records and it is scanned in at that point.
Q. So there's actually a hard copy, paper copy, showing the signature of the inmate who's signing it out, as well as the officer who is giving it out?
A. Correct.
Q. Well, on this form it does not include the officer's signature.

A. No, she did not sign it probably because her name is actually written in the top portion where it says I, Pugh, L.
Q. Well, but why would you have the officer's signature on the bottom part if you didn't want the officer to sign off that she was the one that actually gave them to her?
A. It's not that we don't want them to sign off, she just probably omitted it.
Q. But she certainly is supposed to be the person who is signing off saying that she gave it to the inmate who's receiving it?
A. Correct.
Q. And are there times at the sheriff's department when some other officer -- because she is the master deputy; is that right?
A. Yes, sir.
Q. So she's the one in charge of that unit?
A. Well, that was in booking, so, yes, sir. She was working there that night.
Q. Are there times when other officers who work at the jail actually would take a form like this and have the inmate sign it if they have the identification?
A. Yes, sir.
Q. And it wouldn't necessarily be L. Pugh?
A. Normally whoever prints it is the person who's

supposed to give the property back.
Q. You used that word "normally"?
A. Yes, sir, I did.
Q. Is there a reason you used that word "normally"?
A. Because we're humans and I can't attest to something someone else may or may not do.
Q. Because things happen to say it in a different phrase?
A. Correct.
Q. And if y'all are short-staffed or whatever, it's -- you try to get the -- you try to get the stuff to the person who's up there trying to pick it up?
A. Correct.
Q. Okay. Now I note up here in Bin 561. Are those plastic bins which have covers on them which maintain the storage for those inmates while they're in jail?
A. We do have those for bigger items; however, hers was an actual property bag.
Q. Okay. So you actually got everything that's in this item in a property bag and please describe the size of the property bag to the jury.
A. If I was standing, if I hold it up from my feet to me, it probably comes to about right here.
Q. Right. So it's a big, tall bag?
A. Yes, sir.
Q. And when they get this, do they get that big, tall

bag?
A. No, sir. Actually the smaller items that is listed here goes into an actual plastic property bag. Her clothes, her -- everything else, her purse, whatever she may have along with that property bag, goes into the big bag I just described and then we take it to the property room until she's released.
Q. And when they check out, they don't get that big plastic bag, they get probably some little small paper bag?
A. We give them the big bag with their clothes, but we usually take the small plastic bag out because cell phones are normally in there and we don't like for them to use the phone in the facility.
Q. So if the cell phone is reflected on that, does that mean that it was not seized by law enforcement to do any kind of testing or anything on it? Meaning, if it had been seized by a search warrant or some other method for investigation by the sheriff's department, it wouldn't be listed here, would it?
A. We would list it, but then we would put confiscated by whatever agency came to get it.
Q. So there's nothing on this form to indicate that the sheriff's department actually seized the phone and did any investigative work on this?
A. Correct.

Q. Okay. Now on the -- it says screen cracked. So is that an indication -- do you have a copy of the -- of the inmate form when it was turned in?
A. I do not.
Q. Well, if -- so we don't know what the condition of the screen was on the cell phone when it was turned in?
A. It's indicated that the screen was cracked on that form there.
Q. But this is -- this is the -- this is the form though that is filled out when they receive it?
A. No -- yeah, that one is, yes, sir. That's the form when they got released.
Q. So on the inmate form when it's received, it would actually have conceivably something different if the screen wasn't cracked?
A. Uh-huh. The same thing. The way our system is set up, once we put the property in the system it's there. So when we get ready to release them and we hit print, the exact same form would print as it did when we did the intake.
Q. So no one physically does that, it just prints the same thing, whatever it had on that first form?
A. Correct.
Q. So in referring to this, it looks like there was black boots, black coat, blue pants. Those are big items, aren't

they?
A. Yeah, depending on how big she is.
Q. That's true. That's true. And there's no other description of whatever these other -- you don't know where these items were seized from, do you? Meaning, is this an indication that these property items were taken off of the defendant when they were arrested as opposed to property items that were seized maybe in a stolen vehicle that might have been seized?
A. It is probably that we retrieved from her once she entered into our intake area.
Q. So the items that would have been in any type of stolen vehicle, would be -- if she were able to get them back, would be on a different form?
A. I wouldn't have anything to do with that.
Q. Who would have something to do with that?
A. Whatever deputy arrested her or investigator. It wouldn't be the booking area.
Q. That's right. Because you would have probably an ID officer or an evidence officer who is in charge of those items that were seized pursuant to a search warrant and have to be available on time to release those items to her if they were really, indeed, her items and she was entitled to receive them?
A. So if any property was seized from her prior to

arriving into booking, then she would have to contact someone, whoever arrested her or whoever investigated her case in order to get that property back. We have nothing to do with that.

Q. Okay. And in terms of description of items that were returned to her, you say that there were nine white rings which were seized?

A. Yes.

Q. And one yellow ring which was seized?

A. Yes.

Q. And how many other rings were seized?

A. No other rings was notated.

Q. Okay. Now are inmates ever allowed to be in jail while they have rings on in their possession?

A. Yes. Only if we cannot get it off their finger.

Q. So if you can't get them off their finger, then they would just remain on their finger?

A. And it would be notated one white ring still on her finger.

Q. You would actually put that on here?

A. Yes, sir.

Q. So we know that that is the total number of rings that she had in her possession when she was arrested whatever date she was arrested?

A. Yes, sir.

Q. Do you know the date that it was actually placed -- that it was seized by the jail?
A. I do not. I did not bring her booking information.
Q. Okay. The SCID identification card --
A. Yes, sir.
Q. What is that, SCID identification card?
A. It could have been a South Carolina driver's license or it could have been a South Carolina identification card.
Q. Okay. Now when she checked in, would she have had to present --
A. No, sir.
Q. You knew where I was going with that?
A. Uh-huh. She would not have to present any ID.
Q. Okay. So how does that person prove that it's theirs who comes in to pick it up?
A. So nobody comes to pick it up. We give it to her when she's released. Everything we took from her when she came in intake, we give back to her when she's released.
Q. So you normally don't have people coming back up there at a later date to pick up items unless there was something that they didn't receive in their bag; is that right?
A. Correct. Normally, it's money. We don't put money in the property bags. That goes straight to our commissary. So normally if they get released after commissary has left, then they have to come back the next business day to

retrieve that money.
Q. And they actually come to the inmate window right over at the jail, right?
A. Yes. Where it says visitation, yes, sir.
Q. Are y'all in charge of that or are those people with those strange uniforms in charge of that? I see some people with some kind of green uniform. They work for some private independent --
A. Green?
Q. Is it green? Who are those other people that sit back there and give out stuff?
A. Blue polos?
Q. Blue? No, not uniforms like yours.
A. No, no. They have blue polos?
Q. Right.
A. Yes, they are our civilian workers.
Q. So you have a number of civilian workers that actually work at the jail and they handle canteen sometimes and handle the money?
A. Oh, green. Yes, that's commissary. I'm sorry. Yes, sir.
Q. Okay. So it's not all guys in blue uniforms. These are some independent contractor people who deal with some of this stuff?
A. McDaniel Supply. Yes, sir.

Q. And are they also in charge of sometimes releasing these items that are seized?
A. Only the money.
Q. Okay. Nothing else?
A. Nothing else.
Q. Do you have a -- there's a camera right there where they go into receive items, isn't there?
A. Yes, it is.
Q. And it's been there for millions of years, right?
A. Yeah, I've been there -- it will be eighteen years in July. It's been there quite some time.
Q. Everybody knows that camera's there?
A. Pretty much.

MR. WILLIAMS: That's all the questions I have, Your Honor.

THE COURT: Okay. Any redirect?

MS. WELLMAN: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. WELLMAN:

Q. Ms. Hare, that camera system that Mr. Williams just asked you about, are those videos stored indefinitely?
A. No, ma'am. We keep them for thirty days.
Q. So after thirty days they're gone?
A. Yes, ma'am.
Q. And the practice at the jail is for the inmate to

sign acknowledging that this property was returned to them, correct?

A. Correct.

Q. Okay. And if the property is on this list, it would have -- like such as rings, that means the rings were big enough to come off the finger?

A. Correct.

Q. And even if the inmate doesn't show you an ID, they're given like an inmate number or a booking number?

A. Yes.

Q. And do we see that right -- right here?

A. Yes, ma'am.

Q. Okay. And is this form associated with that booking number?

A. Yes, ma'am.

Q. Is there any way to change these forms once the property's been entered?

A. No, ma'am.

Q. Okay.

MS. WELLMAN: Nothing further.

MR. WILLIAMS: Just one question on recross.

MS. WELLMAN: Do you need this?

MR. WILLIAMS: No. No.

RECROSS EXAMINATION

BY MR. WILLIAMS:

Q. So the video of anybody coming into that area would have been available up to February the 7th of 2020, right?

A. Yes.

MR. WILLIAMS: That's all the questions I have, Your Honor.

THE COURT: Okay. Can -- anything else?

MS. WELLMAN: No, Your Honor.

THE COURT: Can I excuse the lieutenant?

MS. WELLMAN: Yes.

THE COURT: Lieutenant, thank you.

THE WITNESS: You're welcome. Thank you.

(Witness excused.)

MS. WELLMAN: Your Honor, at this time the State would call Ronnie Jeffcoat.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Ronald Jeffcoat was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat, if you'll state your name and spell your last name for the record.

THE WITNESS: Ronald Jeffcoat. R-O-N-A-L-D and J-E-F-F-C-O-A-T.

RONALD JEFFCOAT,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Good morning, Mr. Jeffcoat. If you could pull that microphone a little closer to you to make sure everyone can hear you.

A. Okay.

Q. A little closer.

A. All right.

Q. Is that good?

All right, Mr. Jeffcoat. Where do you work?

A. Ronnie's Jewelers.

Q. Okay. Where is that?

A. 710 12th Street, West Columbia, South Carolina, 29169.

Q. Okay. Is that your jewelry store?

A. Yes, ma'am, it sure is.

Q. How long have you had that store?

A. I've been at that location for twenty-three years.

Q. Okay. And did you have your jewelry store at another location before that?

A. Well, I worked for another company. Then it was Roof Jewelers and I stayed with them probably twenty something years.

Q. So you have over forty years experience as a jeweler?

A. Yes, ma'am.

Q. Is it more than fifty?

A. Well, it's going on up the ladder every year, so it's gonna be there soon. Very soon.
Q. Okay. I want to talk about your store right now, Ronnie Jewellers. What kind of jewelry does your jewelry store carry or deal with?
A. Well, most of the time, 10 and 14-karat gold is usually the trend, and then occasionally I'll have people come in wanting 18-karat gold and then every now and then costume stuff comes through and you look at it and, you know, everybody is just out to make sales and so some of the salesmen coming through you just buy what you want and then I have handled some estate-type stuff coming through and that's kind of, you know, some of the upper class-type things that you might would see on occasions.
Q. You also -- or you mentioned gold and silver. Do you also deal with fine jewels like diamond, rubies?
A. Yes. Yes. The four main precious stones diamonds, emeralds, sapphires and rubies, and so other than those four things, the other stones are just ones that have been created by man and not so much by the natural earth.
Q. Okay. You said it was your store?
A. Yes, ma'am.
Q. So I'm guessing you have to do all the business side of everything in terms of the accounts and everything like that, correct?

A. Right. I do the buying, I do the inventorying, the selling and I put the prices on there and then the people that work for me I tell them what they can go off on it and then if someone comes in wanting a better deal, then I'll say well, come talk to me and I'll let you know.

Q. Okay. Are you also -- you talked about buying and selling. Do you have experience determining the fair market value of some jewelry?

A. Yes. They have an app put out for us jewellers, I put it on my telephone, and every day that I look at something, if someone wants me to put up an appraisal for them, I do an appraisal for people and do it for the insurance companies, but most of the time I look on that app and that app will tell you whether gold's up today or down and prices vary every day. It's just like you can't do business today like you did one year ago because everything changes.

Q. We know that's true. So that -- you talked about the price of gold. Can you also check that app for the price of silver?

A. Oh, yes. In other words, it will tell me silver, palladium, rhodium, and this is stuff that us jewellers know what we're talking about, but unless you're in the jewelry business you probably wouldn't know what, you know, some of this stuff -- you know, like the rhodium stuff is

what we re-plate diamonds with once we ground them up to make the things look high polished.

Q. So does that -- so does the price of the gold or the silver give you a baseline and then you look at the actual stones?

A. Correct. Correct. And I can -- I've been to the GIA course, which certifies that I am certified to look at a diamond, and I can tell you what color, clarity, cut and what the grade of a diamond would be and, you know, the weight of it.

Q. And do you -- as we've seen on TV, there's like a little magnifying glass. Do you use that?

A. Yes. Well, as a matter of fact, I brought it just to make sure, but, hey, this is -- this is a tool that we as jewelers -- hey, I guess, if a police officer come up without his gun on him, he's ain't no police officer, he's got to have his gun on him. So this is our little gun in the jewelry business. But it's a ten power loop that magnifies everything up ten times. And legally the law states that anything that comes through has got to be legally marked whether it's gonna be sterling, 10-karat, 14-karat, 18-karat and even -- I saw something the other day, 22-karat gold. The only thing that's pure gold is when you get gold coins and they're .999. And even on silver it's point .999, and that means it's pure, so close

to being 100 percent.

Q. Okay. Do you have any idea how many times you have determined the fair market value of some jewelry?

A. Well, I know yesterday I put up one appraisal for this lady that had come in and bought some stuff from me because she loved the jewelry her husband had bought for her and I wrote up probably eight pieces yesterday just on one sheet, then another guy had come in there the day before and I did an appraisal for him and they'd had had diamond purchased eighteen years ago.

Q. So you'd say this is something you do --

A. Oh, every day.

Q. -- every day?

A. And I do it -- my two sons have Jeffcoat and Jeffcoat Insurance Company and some of their clients needed to have their jewelry reappraised and every two or three years they want their jewelry reappraised, so they'll come into the store and have their jewelry appraised for them.

Q. So it's safe to say you have a whole lot of experience doing this?

A. Definitely. And, hey, you just don't find people that are even willing to take time to do it for people any more and if they do they're gonna charge them some outlandish price, but, you know, I'm kind of fair. You know, I say, well, if it was me, what would I like someone to treat me

like and, you know, I'll do it for them for $25, you know, just to do an appraisal.

Q. Okay.

MS. WELLMAN: Your Honor, the State would offer Mr. Jeffcoat as an expert in fine jewelry property values.

MS. WILLIAMS: Without objection, Your Honor.

THE COURT: Okay. That's a good thing.

Let me tell the jury. The Court's gonna find that Mr. Jeffcoat is an expert in fine jewelry. Now you're to give -- he's gonna give opinion testimony in that area. That doesn't mean you have to accept the opinion, but it's evidence for you to use in any way you see fit.

Go ahead, Ms. Wellman.

MS. WELLMAN: Thank you, Your Honor.

BY MS. WELLMAN:

Q. All right, Mr. Jeffcoat. Drawing your attention to June 21st of 2021, were you asked to examine any items of evidence for the Lexington County Sheriff's Department?

A. Yes, ma'am. Mr. John Bishop came into the store and showed me some items and it was four rings and one was a sterling silver --

Q. Let me stop you. We'll get to that in just a second.

A. Okay. All right.

Q. Was anybody with Mr. John Bishop from the sheriff's

department?
A. Yes, he had two other ladies that came in with him that day.
Q. And was one of those --
A. And they had the evidence in an envelope that they showed to me and wanted me to look through it.
Q. All right. So I think you said you examined four rings; is that correct?
A. It was four total, right. One was a wedding set and I just counted it as one because it was the band and the diamond.
Q. Okay. But still it was two rings, but you counted it as one?
A. Correct.
Q. All right.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
BY MS. WELLMAN:
Q. All right, Mr. Ronnie. This is State's Exhibit 16. I have previously identified this. You do recognize that?
A. Yes, I do.
Q. Is this one of the rings that you appraised for the sheriff's department on June 21st of 2021?
A. I sure did.
Q. Okay. This is what we have marked as State's

Exhibit 17. It's a bag containing three rings. Are these the other three rings that you appraised on the 21st?
A. Yes, ma'am. It sure is.
Q. Do they appear to be in the same or substantially the same condition today as they were when you saw them?
A. Right. Right.
MS. WELLMAN: May I approach again?
THE COURT: You may.
(State's Exhibit Number 36 was marked for identification.)
BY MS. WELLMAN:
Q. Mr. Ronnie, this is State's Exhibit 36. Do you recognize that?
A. Yes, ma'am.
Q. Okay. And please tell the jury what State's Exhibit 36 is.
A. Well, it's the -- I'm showing it as three rings, but, like I say, I counted the wedding set as one, but one was a -- do you want me to go ahead and read it out what I did by --
Q. Is this the appraisal?
A. This is the appraisal that I did for them. Yes, ma'am.
Q. All right. And is that your signature at the bottom?
A. That's my signature at the bottom.

Q. Okay. And does this document your appraisal of those rings?
A. It is. That's correct.
Q. Is this a true and accurate copy of the appraisal you did for the sheriff's department?
A. Well, it is as of that date back in -- when I did this, but it could have went up some because the price of gold and silver it's been jumping up erratic in the last couple of -- say, six months.
Q. Okay.
A. It's crazy.
Q. Right.
A. But this is the going value that I estimated.
Q. On June 21st of last year?
A. On June 21st of last year, yes.
Q. Have there been any changes to this document?
A. Well, none as nobody's messed with it. Nobody can write like me. I've got my own handwriting signature and, hey, anybody that knows me knows that's my signature and that's the way I do mine.
Q. All right.
A. And I do have another brother in the jewelry businesses and he's been in it one year less than I have and he's got his own store, but he calls his Phillip's, and I call mine Ronnie's.

Q. All right. But this is your appraisal?
A. My appraisal.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 36 into evidence and publish to the jury.
THE COURT: Any objection?
MS. WILLIAMS: No objection, Your Honor.
THE COURT: It's entered and you may publish.
(State's Exhibit Number 36, a jewelry appraisal, was admitted into evidence.
BY MS. WELLMAN:
Q. I'm gonna take this, okay?
A. Okay.
Q. I want the jury to be able to see your work. Starting here it looks like you have something written there. Is that Case Number 20-000511?
A. Yes, ma'am.
Q. Is that the case number that you were given?
A. That was the case number I was given.
Q. Okay. All right. Let's see.
All right, Mr. Ronnie. I want to start with this first one and you're gonna have to help me with your handwriting. You said no one writes like you. So the first ring that you appraised, what does that say?
A. It says ladies sterling silver fancy band with nine

round CZ stones in it.

Q. Okay.

A. So they were not real stones. They were ones that were created by man.

Q. Okay. And is that State's Exhibit 16?

A. That's it right there.

MS. WELLMAN: Your Honor, when we're talking about them, can we pass this around to the jury so they can see it.

THE COURT: Sure. I have that in evidence, right?

MS. WELLMAN: It's been ID'd by everybody, yes.

THE COURT: What number is it?

MS. WELLMAN: This is 16 and 17.

THE COURT REPORTER: They're not in evidence.

MS. WILLIAMS: I don't recall, but I don't believe it's in evidence.

THE COURT: It's not in evidence. It's for ID only. I'm sorry. 16 and 17 are ID only.

MS. WELLMAN: Okay.

MR. GRAHAM: Can we approach or a second, Your Honor?

THE COURT: Sure.

(Proceedings held at the bench; not reported.)

(State's Exhibit Number 37 was marked for identification.)

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Okay, Mr. Ronnie. We're talking about State's Exhibit 16, which is the silver band with the CZ diamonds. If you could look at State's Exhibit 37, is that a fair and accurate photograph of State's Exhibit -- or the ring, State's Exhibit 16?

A. It sure is.

Q. And that would be the first one that you appraised for the sheriff's department?

A. The first one I did.

Q. Okay.

MS. WELLMAN: Your Honor, at this time the State would move to introduce State's Exhibit 37 for illustrative purposes and would ask to show it to the jury.

THE COURT: Any objection?

MS. WILLIAMS: No objection, Your Honor.

THE COURT: It's admitted. You can show it to the jury.

(State's Exhibit Number 37, a photograph, was admitted into evidence.)

BY MS. WELLMAN:

Q. Mr. Ronnie, you said that is the same ring as in

State's Exhibit 16, and that's the silver band?
A. That's the silver band.
Q. All right.
A. And it's got 925 marked on the inside of it.
Q. What does that mean?
A. That means sterling silver. That's the overseas marking that they use when -- most of the silver stuff, some of it's made in the United States, some of it's made in, you know, China, Italy, and things like that, but you just pick this up after you've been in the business.
Q. Okay. Were you able to form an opinion -- or an expert opinion based on your training and experience the fair market value of that ring?
A. I did, but it -- I put it in there just as a -- at the going time being a used piece of jewelry what it would be sold for.
Q. And that's okay, so -- but on June 21st -- and I think you said silver's been going on?
A. Well, silver's been jumping up lately. Back then it might have been $18 for an ounce of silver.
Q. But when you looked at this one you were able to determine the value?
A. Correct.
Q. And what was that value?
A. 49.95.

Q. Okay. So you wrote that right there?
A. I wrote it right there.
Q. Okay.
MS. WELLMAN: Your Honor, may I approach?
THE COURT: Uh-huh.
(State's Exhibit Number 38 was marked for identification.)
BY MS. WELLMAN:
Q. Mr. Ronnie, this is State's Exhibit 38. If you could look at that for a moment and if you could compare that to the rings that you just identified in State's Exhibit 17. Is that a photograph of those three rings?
A. It is.
Q. Okay. And the same rings that I'm showing you in State's Exhibit 17?
A. Correct, it is.
Q. Okay. All right. So that would be the wedding set and the other -- another ring?
A. Right.
Q. Okay. Is that a fair and accurate depiction of these rings?
A. That's a fair and accurate description.
Q. All right. The same ones that you appraised on June 21st?
A. Correct.

Q. All right.

MS. WELLMAN: The State would move to introduce State's Exhibit 38 into evidence for illustrative purposes.

MS. WILLIAMS: Without objection, Your Honor.

THE COURT: It's moved in.

(State's Exhibit Number 38, a photograph, was admitted into evidence.)

BY MS. WELLMAN:

Q. All right, Mr. Ronnie. Those three rings that we're looking at right here, are those the rings that we're talking about?

A. Those are the three rings.

Q. And starting with those two, okay, did you look at those?

A. Right. I listed that on the sheet as Number 3.

Q. Okay. All right. So we'll come back to that one.

A. The Number 2 is the one with the diamond in the center there.

Q. That one?

A. Yes.

Q. Okay. Are you able to estimate the approximate age of an item of jewelry?

A. Normally speaking, yes, because I've been doing it so long and, you know, just being in the business this length

of time I can look at a ring and even tell by how much wear a ring has on it, you know, the value of where that ring was probably made.

Q. All right. So looking at this ring, okay --

A. Right.

Q. -- can you estimate approximately how old that would be based on your training and experience?

A. It would have to be, I'd say, somewhere in the vicinity of at least fifty years or better because it's got like what they call a miracle head. It's a little plate that goes around the diamond. Today when they mount diamonds, they just put a four-prong or a six-prong up on it to make it look like modern day version of a diamond. It could have been an engagement ring that someone used that for.

Q. Okay. All right. And can you describe that ring for us?

A. Well, it's a 14-karat white gold diamond and it's -- it's a white gold ring with a diamond in the center and it's called -- I call it a fashion ring, but I don't know if they wore it as a fashion ring or an engagement ring, but it's prong set, it's round cut, and it's approximately -- it's not a big diamond, but the mirage look makes it look bigger than what it is. But I put on here it's approximately ten points and then -- and it has some little

designs on the sides of it, which were like a leaf-type on each side of it, and -- and it had, you know, just that basic diagram to it, but, you know --

Q. This right here, is this the diamond that we're talking about?

A. That's the diamond we're talking about.

Q. Okay. All right. And were you able to determine a fair market value of that ring?

A. Well, I put 350 and then, you know, sometimes when they come into the store, and I didn't bring this out a while ago, but we do have what we call a diamond tester and what it does, you put it on the top of that stone and if it's a diamond it beeps; if it's not a diamond, it don't beep.

Q. So was this a diamond?

A. This was a diamond that beeped.

Q. Okay. So you said that that ring is approximately $350.00?

A. 350.

Q. Okay. So then let's talk about what you call the wedding set.

A. Correct.

Q. That's what we're looking at?

A. Correct. The engagement ring's at the -- closest to the -- on the hand and then the wedding band's on the other

side of it.
Q. All right. So two rings, one set, right?
A. Correct.
Q. Were these diamonds that beeped?
A. Well, let me tell you, that ring there, it -- it was actually a sterling -- it was a sterling silver wedding set.
Q. Okay.
A. And so -- but it did have diamonds in it because I put the tester on those just to see if it tested and it did test and it beeped. And a lot of times department stores and -- you know, and I'm just using these names, but Wal-Mart, K-Mart, they sell a lot of the stuff, but also the other -- it could be a Belk's department store even selling it.
Q. Okay. But we're looking at a silver and diamond engagement band and like the wedding band?
A. Right. Correct.
Q. All right. Did you use your expertise and come up with an opinion of the value of that wedding set?
A. Well, I put 299.95.
Q. Okay. And is that what you wrote right there?
A. That's what I wrote.
Q. Okay.
MS. WELLMAN: Nothing further.

MS. WILLIAMS: If it please the Court?

THE COURT: Absolutely, Ms. Williams.

CROSS-EXAMINATION

BY MS. WILLIAMS:

Q. Good morning, Mr. Jeffcoat. My name is Anna Williams. How are you?

A. Okay. How are you?

Q. I am doing okay.

Just to make sure I'm clear, now you say 49.95, you mean $49.95, correct?

A. Correct.

Q. Okay. And then 350 is $350.00?

A. $350.00. Now I put the zeros on the side and then, you know, there's a gap -- I don't know if you can see the dot, but there is a lot in between there.

Q. I got you. I got you. I'm sorry. I don't have great eyesight myself, so --

A. Okay.

Q. And so the 299.95, is $299.95?

A. Right.

Q. Great. Mr. Jeffcoat, do rings come in multiple sizes?

A. Normally speaking they come in size sevens. That's the average size if we buy a brand new ring from a manufacturer unless we special order it, then we can order it in any size you want to get it.

Q. Okay. And what kind of sizes could I get?
A. Hey, if your finger's a size three, we could order a three or if it goes up to a 12 or a 14, we could even get that. It depends on whether it's a man's ring or a lady's. Most ladies rings come in size seven. Men's rings start off at ten and go up normally, but sometimes you get a guy with a smaller size finger, so we can order some in sevens and eights.
Q. What is the range of a woman's ring usually? You say --
A. Seven. Size seven.
Q. So --
A. That's the average size and if it has to be changed, then you have your jeweler to size it up or down, whichever way it's got to go.
Q. Does the size matter as to how you would appraise it for value?
A. No.
Q. So you wouldn't have had a reason to note what the size was on these?
A. Usually -- hey, I -- listen. I've been doing this so long I could put one on my little finger and tell you if it's gonna be a size 7, 8 or 9 in a ladies and most ladies are not -- you know, unless they've got a little extra weight on them, it's gonna be probably in that 5, 6, 7 or 8

range.

Q. So usually somewhere --

A. Somewhere --

Q. -- for an average size woman, 5, 6, 7 or 8?

A. Correct. And I do have a ring mantel stick. If I've really got my mind thinking twice, then I'll put it on that stick and see actually where it's at.

Q. All right.

MS. WILLIAMS: Well, Mr. Jeffcoat it's been a pleasure. I have no further questions.

THE WITNESS: Okay. Thank you.

THE COURT: Any redirect?

MS. WELLMAN: I'm sorry to see Mr. Ronnie go, but, no.

THE COURT: Mr. Jeffcoat, we're gonna excuse you. Thank you so much for coming.

THE WITNESS: Okay. Well, you're welcome.

(Witness excused.)

THE COURT: Let me ask the foreman, Mr. Foreman, would the jury like a quick break? I know we've been in here for an hour.

FOREPERSON: Keep going.

THE COURT: We'll keep going.

Let's call your next witness.

MS. WELLMAN: Sergeant Brian Anderson.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, James Brian Anderson was duly sworn by the Clerk of Court.)

THE CLERK: Once you have a seat, if you'll state your full name and spell your last name for the record.

THE WITNESS: My name is Sergeant James Brian Anderson.

JAMES BRIAN ANDERSON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. If you could move the mic down.

A. I'm sorry. Can you hear me now? My name is Sergeant James Brian Anderson with Lexington County Sheriff's Department.

Q. How long have you been with the Lexington County Sheriff's Department?

A. A little over twenty-five years.

Q. Okay. And what is your role there?

A. I'm a major crimes investigation sergeant.

Q. And what are your duties and responsibilities? Tell the jury what you do.

A. Basically I supervise an investigative team. Our agency is set up with several teams and investigate various

crimes. My team is what you call a catch-all team, so we work various types of cases that involve crimes against persons.

Q. Were you working on February 5th of 2020?

A. I was.

Q. Okay. On that date, did you have an occasion to take part in this investigation?

A. Yes.

Q. Okay. And how did you become involved?

A. Another investigation sergeant, one of my counterparts with the unit, his team, along with Investigator Dubard and Investigator Howell, were -- had obtained -- Investigator Dubard had obtained an arrest warrant for Mr. Aaron and they were looking for additional investigators for assistance with serving the warrant just from a tactical perspective of having more -- more officers to go -- to go serve it.

Q. You said tactical. What do you mean by that?

A. That's basically a backup officer to go.

Q. Safety?

A. Correct.

MR. WILLIAMS: Objection to leading.

MS. WELLMAN: Withdrawn.

THE COURT: Are you withdrawing?

MS. WELLMAN: Yes. That's fine.

THE COURT: Okay. Thank you.

BY MS. WELLMAN:

Q. So you mentioned that Detective Dubard got the warrants. Did you assist and go to the residence of the person for whom those warrants --

A. Right. If I might refer to my supplemental report. Is that okay?

Q. Uh-huh. Are the -- really quick, are the warrants we're talking about the warrants for this defendant?

A. Correct.

Q. Okay.

A. So we responded on -- it was on February 5th. I went with the team to [redacted] Sage Tree Court to serve that arrest warrant.

Q. And upon your arrival at [redacted] Sage Tree Court, which you said is the defendant's residence, did you have an opportunity to speak with another resident of that home?

A. I did.

Q. Okay. With whom did you speak?

A. During the -- during the process of Mr. Aaron being arrested, I spoke to Debra Cleveland, who was another resident of the -- of the home.

Q. And without telling us what she said, why did you make contact with her?

A. My initial contact with her was to obtain a driver's

license for Mr. Aaron. Usually people want to take their ID to the jail with them and that was the request made, so I knocked on the door and Ms. Cleveland answered the door and I asked for is ID.

Q. Okay. And when you made contact with Ms. Cleveland, did you notice anything that might be relevant to this case?

A. I did. When I engaged in conversation with Ms. Cleveland, I noticed that she wore a lot of rings on her hands. Almost every finger had a ring on her hand. And I had some knowledge that in this case the victim had had some jewelry and rings stolen.

Q. And, again, without telling me what she said, did you ask Ms. Cleveland where she got those rings?

A. I did.

Q. Did you ask them from whom you got them?

A. Yes.

Q. Did you ask her approximately when she got them?

A. Yes.

Q. Based on that information, what did you do?

A. Based on that information --

Q. Actually, let me -- sorry. Let me stop you right there. State's Exhibits 16 and 17, are these some of the rings that you saw on Ms. Cleveland's hand?

A. If I can have a closer look?

MS. WELLMAN: May I approach?

THE COURT: You may.

BY MS. WELLMAN:

Q. (Handing.)

A. One specifically was a silver ring with diamonds, which would be this one in a package by itself. The others --

Q. But did you see these rings on her hands?

A. Yes. Yes.

Q. So after you saw those rings, what, if anything, did you do?

A. We -- after Mr. Aaron was taken from the scene and transported to the detention center, we also -- there was a car also being towed from the scene.

Q. Was that -- what car was being told?

A. It was a mini -- I think it was a blue minivan, but it was a vehicle associated with the case that needed to be towed.

Q. Okay.

A. Sergeant Burt and I remained there after the other units cleared and Sergeant Burt and I spoke to Ms. Cleveland at more length about the rings and obtained a statement from her.

Q. Okay.

A. She turned over the --

Q. Let me --
A. Go ahead.
Q. Sure. Based on the information you received when you found out where she got them, from whom she got them and when she got them, did you make any requests of Ms. Cleveland?
A. Yes, we asked if she'd be willing to turn the rings over to us that -- that Mr. Aaron had given to her.
MR. WILLIAMS: Objection, Your Honor.
And I have -- I have a motion Your Honor to take up outside the presence of the jury.
THE COURT: Okay.
All right. Mr. Foreman, at this time I am gonna give y'all a break. Stretch your legs, move around. Remember, no discussion of this case yet even amongst yourselves.
FOREPERSON: Okay.
THE COURT: Thank you.
(Whereupon, the jury retires to the jury room at 9:51 AM.)
THE COURT: Okay.
MR. WILLIAMS: I'll be brief, Judge.
Judge, we move for a mistrial on the basis that the prosecution has elicited hearsay from this officer. She -- she carefully danced around any conversations

and what happened to the rings and the fact that Debra Cleveland was the one that actually turned the rings over to the officer and in response to the last statement that was made -- no one has said up until this point in time that Debra Cleveland had received those rings from my client, so for him to remark that he is obviously speaking about hearsay and --

THE COURT: Well, can -- can you read the last question and answer back to me, Stacy?

And let me just make sure I've got it all right. Ms. Cleveland is --

MR. WILLIAMS: The girlfriend.

THE COURT: -- the girlfriend of the defendant.

MR. WILLIAMS: Yeah. And -- and at some point in time when his statement is in the record and he testifies, he probably will -- I think in his statement he will testify that he actually gave it to Ms. Cleveland, but I don't know -- I don't know that that's in the record yet that he gave the rings to --

THE COURT: I don't remember anything about the rings being given to anybody yet.

MR. WILLIAMS: I don't either.

MS. WELLMAN: Your Honor, all I did was ask the detective to say what questions he asked and based on

that information, what, if anything, did he do.

THE COURT: All right. Let me let her read it back to me and I'll let listen to it.

THE COURT REPORTER: (Whereupon, a portion of the record was read.)

MS. WELLMAN: Your Honor, my intention was just to ask -- that I made the request. I think we can fix that by just a curative instruction and striking that Mr. Aaron had given to her.

THE COURT: All right.

Mr. Williams, let me hear your thoughts. What if I do a curative? And I can also strike it from the record. I mean, this is the first time we've heard anything about a Ms. Kirkland (sic) at least me sitting up here listening.

MR. WILLIAMS: And I'll try to be objective, Your Honor, with this, but --

THE COURT: Thank you.

MR. WILLIAMS: -- but it's improper obviously because now the jury has heard that supposedly the guy who's accused with taking the rings actually gave it -- whether he did or he didn't --

THE COURT: Gave it to somebody else.

MR. WILLIAMS: -- gave it to somebody else. And perhaps if there had been a foundation, it would be

different, but -- but I can only -- I can only make a motion based on as things are in time. So based on how they are in time, we would move for a mistrial on that basis; that it was elicited. It would have been, I guess, a little bit different if she hadn't made such a big -- she actually was doing -- you know, she was now don't say what you did, don't say, you know, so. This officer has been around a long time, not that he's old, but he's been around a long time, so he knows not -- he knows not to talk about hearsay, Judge, and this was just a spontaneous hearsay deal, which obviously it influences how the case may be changed or not changed based on what the Court rules.

THE COURT: Okay.

MR. WILLIAMS: You know, I don't know if that -- I hate to say that it's really the opinion of the Court to make that decision, but it really is the opinion of the Court to make that decision because, I mean, now we've got to change how we're gonna try the case and all that stuff and it was -- it appears to be something that was not elicited, it was not required, and I don't want to use that word which is normally used, you know, when those situations arise because I don't mean to say anything mean, but it certainly could be part of that edge of prosecutorial, you know --

THE COURT: I got you.

MR. WILLIAMS: Okay.

THE COURT: All right, Ms. Wellman.

MS. WELLMAN: Your Honor, as Mr. Williams stated, I did try, without telling us what she said, without telling -- I think if that's -- I was talking to Mr. Graham. If I heard him correctly, he's asking -- he's alleging prosecutorial misconduct? Is that what I heard?

MR. WILLIAMS: In a kind and caring way, Your Honor.

THE COURT: I don't think it comes to --

MS. WELLMAN: Thank you, Your Honor.

THE COURT: -- to that level. I mean, it just happened, you know. Now let me think about how we're gonna and if we can correct it for the jury.

MS. WELLMAN: Your Honor, I don't see any reason why you can't strike that from the record or the jury to disregard that. You can provide a curative instruction. I think that is more than sufficient, but I can also --

THE COURT: Is there gonna be any testimony from this lady?

MS. WELLMAN: Your Honor, as I understand it, based on defense counsel's assertions on Tuesday, the defendant was going to testify and if -- which he can

testify to that.

MR. WILLIAMS: You know, the State's not through with their case yet.

THE COURT: Yeah, he doesn't have to --

MS. WELLMAN: I just -- but I'm saying like -- no, we're not calling Ms. Cleveland.

THE COURT: Okay. I guess that was my question and, of course, the defense doesn't have to do anything.

MS. WELLMAN: I was just saying that based on what they said. That was my mistake. I apologize.

THE COURT: I got you. Let's take -- let's take a 15-minute break and I'll come back. Let me think about it.

MS. WELLMAN: Thank you.

(Whereupon, a recess taken was 9:58 AM.)

(Back on the record at 10:47 AM.)

BAILIFF: Keep your seats. Court will come to order.

THE COURT: All right. Stacy, we're gonna be back on the record and for the record I'm gonna say that I just had an in chambers meeting with both the State and the defense about the last question that was asked that -- how the -- who gave the rings to this detective. Clearly hearsay. There's no doubt in my mind. None. I think the lawyers agree.

The defense has asked for a mistrial. I'm going to take the mistrial motion under advisement until I hear the testimony from Ms. Cleveland, the girlfriend slash wife. I don't want anything else mentioned about anything that Ms. Cleveland told you or did because she has not testified in this case and it causes me concern that because the charge is robbery, obviously it goes straight to one of the elements and I think it also goes to the element of the CSC first because robbery is one of the aggravating factors for CSC first. So I'm gonna take that under advisement until I hear the other testimony.

I am gonna tell the jury that the last question was hearsay and that they are to disregard that.

MS. WELLMAN: Thank you, Your Honor.

The only thing I would clarify if -- and I have no information to say that is this going to happen, if she gets up there and like, no, he didn't give them to me, I think before you move on the mistrial we do have her recorded statement that --

THE COURT: Well, let me tell you if she gets up there and she says that, we will have another discussion.

MS. WELLMAN: Thank you, Your Honor.

THE COURT: Mr. Williams.

MR. WILLIAMS: Your Honor, for the record we would object and obviously I've been practicing law long enough to know that a trial judge is in charge of the courtroom and the evidence and how it's presented in its courtroom. It's always left up to the trial judge's discretion. I see it a million times on everything, but I would note for the record in this particular case it's more of a timeline situation because the witness which they intend to use is the girlfriend slash spouse of the defendant and before the statement was made it was clear that they were not going to use that particular witness. The bell cannot be unrung at this point in time; meaning that we're left -- we're left to make decisions based on what transpires right before us. If our life could be -- could change based on some other witness that you could call or something like that, there would probably be a lot of defendants who would either not be in jail or would be in jail because they found a witness to help them or even hurt them, but it is -- we would object to the procedure and argue that on this particular case alone that -- that the mistrial should be granted because there was the opportunity not to be here with this situation; meaning, statements could have been made by the client, they could have called her, and now the

defendant is put to the burden of now having to testify because up until this event happened the defendant obviously doesn't have the obligation to testify, but now his right to testify and not testify has been affected because the case is being continued until some sort of witness is produced to clear up that issue. So now the defendant's position in this case to take the stand or not take the stand has been influenced.

THE COURT: I understand, but, you know, Mr. Williams, I, too, have been practicing law for a long time and clearly this witness was on the State's witness list. You know, we go out of order on witnesses all the time. In fact, you know, all depending on what goes on in a trial, you know, I've -- I've seen them try to shorten stuff with witnesses and then saying oh, no, I can't do that, I need to bring this witness in, all depending on how a trial progresses.

I uncertainly understand your objection and I will tell you I'm taking it under advisement and I will let the jury know to disregard the hearsay statement.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: And at the end of the State's case, I'm gonna take up your mistrial motion.

MR. WILLIAMS: Thank you, Your Honor.

MS. WELLMAN: Thank you, Judge.

THE COURT: All right. Can I bring in the jury, please?

And I'm gonna remind you that you are still under oath.

THE WITNESS: Yes, Your Honor.

(Whereupon, the jury returns to the courtroom at 10:55 AM.)

THE COURT: Okay, Mr. Foreman. Is the jury ready?

FOREPERSON: Yes, ma'am. We're ready.

THE COURT: Okay. I do apologize for taking so long, but let me address the jury for a moment.

The last question asked by the State, I'm instructing you to disregard. It was hearsay. Hearsay testimony is not allowed for your -- your consideration at all. It's just not proper, okay?

But with that, go ahead.

MS. WELLMAN: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Sergeant Anderson, without telling us anything that Ms. Cleveland said, based on the information you got about where those rings came from, from whom she got them and when, what, if anything, did you do?

A. I obtained the one ring that -- the silver band with the diamonds and turned it into evidence later.

Q. Did you pull it off her finger or how did you -- how did you obtain it?
A. It was -- it was given to me.
Q. Okay. And did you leave the others on her hand or what happened to the other rings?
A. They were -- there was trouble with getting them off of her fingers, so they were turned over later.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
MS. WELLMAN: Actually these have already been introduced.
BY MS. WELLMAN:
Q. Sergeant Anderson, this is State's Exhibit 37, already in evidence. Is that the silver band?
A. It is.
Q. State's Exhibit 38.
A. That's the other rings that were unable to be removed.
Q. And did you see these rings on Ms. Cleveland's hand on February 5th of 2020?
A. Yes.
Q. And is that her hand?
A. Yes.
Q. Is that her -- a fair and accurate depiction of how her hand looked after she was able to remove the silver band?

A. Yes.

MS. WELLMAN: Nothing further.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Just shortly, it's Detective Anderson?

A. Sergeant, but that's okay.

Q. Sergeant Anderson, you were there along with Dubard and Howell and Sergeant Burt; is that correct?

A. Correct.

Q. And I think when you arrived there it was Dubard and another officer who were in charge of dealing with my client, Mr. Aaron; is that correct?

A. Yes.

Q. Now did you transport Mr. Aaron to the Lexington County Detention Center or did they?

A. No, Detective Dubard transported him.

Q. Okay. So in your -- in your incident report you reflect about being there when Samuel Aaron offered them a DNA -- a swab or a DNA swab.

A. So I -- intermittently I was present when that was going on, yes.

Q. So you saw -- you saw my client give Dubard his -- a swab while he was there, while the officers were all there?

A. Yes.

MR. WILLIAMS: That's all the questions I have, Your Honor.

THE COURT: Any redirect?

MS. WELLMAN: No, Your Honor.

THE COURT: May I let Detective Anderson go?

MS. WELLMAN: Yes.

THE COURT: Thank you. You can be excused.

THE WITNESS: Thank you.

(Witness excused.)

MS. WELLMAN: Your Honor, at this time the State would call Debra Cleveland.

THE CLERK: If you'll put your left hand on the Bible and raise your right.

(Whereupon, Debra Cleveland was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat up there, if you'll state your name and then spell your last name for the record.

THE WITNESS: Okay. Thank you.

MR. WILLIAMS: Your Honor, I do have a matter which we need to approach maybe just the bench on.

THE COURT: Okay.

(Proceedings held at the bench; not reported.)

THE COURT: Y'all bear with us just one moment.

MS. WELLMAN: May we approach, Your Honor?

THE COURT: Uh-huh.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Go ahead.

MS. WELLMAN: Permission to proceed, Your Honor?

THE COURT: Yes.

MS. WELLMAN: Thank you.

THE WITNESS: I can't hear.

MS. WELLMAN: You can't hear?

THE WITNESS: No. I don't have my hearing aids in. I was in a rush.

MS. WELLMAN: Sure. Can you hear me now?

THE WITNESS: Yeah.

DEBRA CLEVELAND,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Good morning, Ms. Cleveland.

A. Good morning.

Q. Where do you live?

A. At [redacted] Sage Tree Court in Lexington, North Carolina.

Q. North Carolina or South Carolina?

A. South Carolina.

Q. Okay. With whom do you live?

A. With Samuel Aaron.

Q. The defendant?
A. Yeah.
Q. Okay. What is your relationship with the defendant?
A. We've been together nineteen years.
Q. Okay. Is that a romantic relationship?
A. Yes, ma'am.
Q. Okay. Ms. Cleveland, can you tell us whether or not you are here under subpoena?
A. Yes, I am.
Q. Was that a subpoena issued by the State or the defendant?
A. The State.
Q. Ms. Cleveland, drawing your attention to February 5th of 2020, do you remember that day?
A. No. My memory -- I have short-term memory loss.
Q. Do you remember the day that detectives with the Lexington County Sheriff's Office came and arrested --
A. Oh, yeah. That day, yeah.
Q. Okay. And on that day, do you remember speaking with Sergeant Anderson and Sergeant Burt?
A. I remember speaking to somebody. I don't remember their names.
Q. That's okay. Did they ask you about some rings on your hands?
A. Yes, they did.

MR. WILLIAMS: Objection to hearsay, Your Honor.

THE COURT: Let me see the lawyers right quick.

(Proceedings held at the bench; not reported.)

THE COURT: All right. I'm gonna ask you to rephrase that question.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Ms. Cleveland, this is State's Exhibit 16.

A. Uh-huh. Can I touch it?

Q. Sure.

A. Okay.

Q. Do you recognize that ring?

A. Yeah.

Q. Okay. Have you -- when did you see it?

A. What do you mean when did I see it?

Q. Let me rephrase. Was that ring a gift or did you buy it yourself?

A. No, it was like a gift. It was a gift.

Q. A gift. Who gave you that gift?

A. Sam did.

Q. Okay. This is State's Exhibit 17. Have you seen those rings before?

A. Yes, I have.

Q. Where?

A. From Sam. I got it from Sam, but there's one missing.
Q. Okay. There's one missing?
A. Yeah, I threw it away.
Q. Why did you throw it away?
A. Because it was fake. I don't wear fake.
Q. So these four rings --
A. Uh-huh.
Q. -- you said those were a gift?
A. Uh-huh.
Q. And you threw one away, so how many rings total?
A. Five. Well, if you count the one that's connected to each other, I count that as one.
Q. Okay. But we're talking five rings?
A. Yeah, I guess you could --

MR. WILLIAMS: Objection to leading, Your Honor.

MS. WELLMAN: I will withdraw.

BY MS. WELLMAN:

Q. You said that these rings were a gift from the defendant?
A. Uh-huh.
Q. When was the last time you saw these rings?
A. Well, he got arrested on the 5th as you say, so the next day, on the 6th, is when I took -- I got them off on the 5th and took them down to the sheriff's department on the 6th.

Q. Okay. This -- State's Exhibit 16, the silver band, do you remember who you gave this to?
A. Sam did.
Q. No. No. Who did you give this ring to?
A. I don't remember his name.
Q. But was it one of the detectives?
A. I think so.
Q. And was that on the 5th?
A. No, on the 6th. I couldn't get them off my finger --
Q. Okay.
A. -- because my hands were swollen, so I worked with them and then I got them off my finger. I wasn't as fat as I am now, but...
Q. Okay. So the three --
A. Uh-huh.
Q. -- did you -- what -- where did you -- how did you turn them in? How did you give them to officers?
A. I just carried them in and said these are the ones you wanted.
Q. Carried them in where?
A. Into the sheriff's office and I told them that I needed to speak to -- I forgot.
Q. That's okay. That's okay. But you're saying that you brought them up to the sheriff's office the next day?
A. Uh-huh.

Q. Okay. Ms. Cleveland, this is State's Exhibit 38. Whose hand is that?
A. It's not mine.
Q. That's not your hand?
A. No, ma'am. It sure ain't.
Q. Okay.
A. Wait a minute. I can't see the bottom part. That's my hand.
Q. That's your hand?
A. (Nods head.)
Q. Okay. Ms. Cleveland, you talked to the officers on the 5th -- February 5th of 2020?
A. Uh-huh.
Q. Do you remember when or how long before you talked to the detectives that the defendant gave you these rings?
A. I didn't talk to them before.
Q. No. I'm sorry. Do you remember how long -- how much time had passed between when the defendant gave you the rings and when you talked to the detectives?
A. Oh, I couldn't really say. I wasn't -- I just, you know, found them as a gift so I didn't keep no time track on them.
Q. It has been a couple of years.
A. Yeah.
Q. So --

MR. WILLIAMS: Objection to the form of the question, Your Honor.

MS. WELLMAN: I haven't asked a question yet.

THE COURT: She hasn't asked it yet.

MR. WILLIAMS: It was the preamble that I was objecting to, Your Honor.

THE COURT: Okay. I'm gonna let her go on.

Go ahead, Ms. Wellman.

BY MS. WELLMAN:

Q. Ms. Cleveland, when you talked to the detectives on February 5th, do you remember writing a statement?

A. I may have. I don't know. It might have been a short one. Oh, no, I had to write two statements because I have another issue going on, so.

Q. Okay.

MR. WILLIAMS: Your Honor, I would object to any statement she attempts to introduce if it contains hearsay in it. Perhaps the Court can look at whatever statement she's attempting to introduce.

MS. WELLMAN: Your Honor, at this point I'm just trying to refresh her recollection.

THE COURT: I'm gonna let her refresh her recollection. She can do that.

MS. WELLMAN: May I approach the witness?

THE COURT: You may.

BY MS. WELLMAN:

Q. Ms. Cleveland, take a look at that and don't read it out loud, but if you could just read over it.

A. Okay.

Q. Ms. Cleveland, is that the written statement that you gave?

A. Yeah.

Q. Did reading that help refresh your recollection?

A. A little bit.

Q. Okay. So how much time had passed between when the defendant gave you those rings --

A. Three weeks.

Q. About three weeks?

A. Uh-huh.

Q. Ms. Cleveland, did the defendant tell you where he got those rings?

A. Yes, he told me --

MR. WILLIAMS: Objection, Your Honor. Hearsay.

THE COURT: It is.

Well, wait a minute. Let me see the lawyers just for a second.

(Proceedings held at the bench; not reported.)

THE COURT: All right. I've got your objection.

Let me hear from the State.

MS. WELLMAN: Your Honor, this is the statement

of the defendant -- offered against the defendant. It's a statement of a party opponent and it is admissible.

THE COURT: Then go ahead. I agree.

BY MS. WELLMAN:

Q. Ms. Cleveland --

A. Yes, ma'am.

Q. -- where did the defendant tell you he got those rings?

A. Off of Garden Pond Road. He said I just assumed somebody had thrown them out the window and that he found them on the road and he brought them home.

Q. Uh-huh.

MS. WELLMAN: If I could just have one second, Your Honor.

THE COURT: Uh-huh. Take your time.

BY MS. WELLMAN:

Q. Ms. Cleveland, the home at [redacted], your home --

A. Yeah.

Q. -- [redacted] Sage Tree?

A. Uh-huh.

Q. Who owns that home?

A. Well, his father owned it at the time, but he --

Q. Who owns it today?

A. William Aaron, but he had passed away like a year ago.

Q. Okay. So who owns the home today?
A. Right now it's in probate, so there's three people that own it.
Q. You said it was his father's? Who is he?
A. William Aaron was Sam Aaron's dad.
MS. WELLMAN: Thank you.
THE WITNESS: Uh-huh.
THE COURT: Mr. Williams.
MR. WILLIAMS: May it please the Court?

CROSS-EXAMINATION

BY MR. WILLIAMS:
Q. How are you Debra?
A. I'm good. And you?
Q. I'm doing all right.

So the home that you were just referencing is the home that Mr. Aaron's father, Sam's father, owned and he had moved in with you and him because he was elderly and had health problems, right? Or did y'all move in with him because --
A. We moved in with him because he had health problems, yes.
Q. There you go. So basically you and Sam took care of his daddy up until he passed a year ago?
A. Yes.
Q. And when you said it's in probate, it means that y'all

have continued to reside there and you're anticipating that his brother and his sister are gonna convey that property to Sam, right?

A. They're gonna give the property to Sam. They've already signed it over. We're just waiting on the lawyer and probably one sister to come from Florida to sign and then we'll have the house.

Q. I got you. So basically there's no question about who gets to live in that house from now on is because of y'all taking care of Mr. Aaron?

A. Yes, sir.

Q. Then they're letting y'all stay in that house?

A. Uh-huh.

Q. Or was there a will; do you know?

A. There was a will.

Q. And would he have gotten it anyway?

A. Well, it was split three ways, but I believe in my -- in my heart and soul that he would have got it anyway because they're -- they both are not doing too bad in their life and they have homes.

Q. Okay. And Sam did take care of him?

A. Right.

Q. So you are Sam's common law wife; is that correct?

A. Oh, yeah.

Q. Oh, yeah. And you continue to live with Sam and go

home with Sam every night, don't you?
A. Yes, sir.
Q. And you've known about this trial for a while, haven't you?
A. Actually, I really haven't thought about this trial. I just go with the flow in my everyday life.
Q. That's right.
A. I know him. I know him inside and out. I know that maybe I ain't allowed to say it, but he's not that type of person. He'll give the shirt off his back. I've seen him do it.
MS. WELLMAN: Objection.
THE WITNESS: I don't know if I'm allowed to say it, but I know it.
MS. WELLMAN: Objection. Irrelevant.
MR. WILLIAMS: That's all I have, Your Honor.
THE COURT: Any redirect?
MS. WELLMAN: One second, Your Honor.
THE COURT: Okay.
MS. WELLMAN: No, Your Honor.
THE COURT: Thank you for coming. We appreciate it, okay? And you can be excused.
THE WITNESS: I'm done? Can I go sit down over here?
THE COURT: Yes, ma'am, you can.

THE WITNESS: Thank you.

THE COURT: Uh-huh.

(Witness excused.)

THE COURT: Okay. Do you want to call your next witness?

MS. WELLMAN: Your Honor, the State would call Sergeant Nick Burt.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Nicholas Burt was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat, if you'll state your full name and spell your last name for the record.

THE WITNESS: It's Nicholas Burt, B-U-R-T.

MS. WELLMAN: Pull that microphone closer to you.

THE WITNESS: All right.

MS. WELLMAN: These Plexiglass things are -- so just make sure you speak up so everyone can hear you.

NICHOLAS BURT,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WELLMAN:

Q. Where do you work?

A. At the Lexington County Sheriff's Department.

Q. What is your role at the sheriff's department?

A. Currently I'm a sergeant in the major crimes unit over the domestic violence team.
Q. What are your duties and responsibilities?
A. So we review reports, assign cases to a team of detectives, and we're on call every two weeks to answer any calls for service that the patrolmen respond to where an investigator would be needed for immediate follow-up.
Q. Okay. As one of the supervisors and just -- well, let me back up. How long have you been at the sheriff's department?
A. I've been with them since 2010.
Q. 2010?
A. Yes, 2010.
Q. Okay. That would be twelve years?
A. Just over twelve years.
Q. Twelve years. During that time, have you gained some familiarity -- do you know how the body cam systems work?
A. Yes.
Q. Okay. To your knowledge, is there a timestamp on the body cam recordings?
A. There is.
Q. Are you aware of how that time zone or which time zone is used?
A. So when we review body camera footage, it will tell us in metadata the current time and it is -- the system goes

off Zulu time, which is just a military term like UTC, a standard times which is five hours ahead of our current time.

Q. So this is State's Exhibit 5, which is already in evidence.

A. Okay.

Q. Are you able to recognize this as a screen shot from one of the body cams?

A. Yes. It has a symbol of the Axon logo in the top right and has the date and the timestamp, as well as the body camera model and serial number.

Q. Okay. So the timestamp on there, can you read it?

A. It's 2020 January 9th and it's time-stamped 17:55:48 Zulu.

Q. So Zulu?

A. That time is five hours ahead of what current time would have been, so it would be 12:55 and 48 seconds --

Q. So --

A. -- in our time compared to what that's showing.

Q. And when you say 12, you mean like the midday?

A. 12:00 in the afternoon, yes.

Q. Okay. Sergeant Burt, as one of the supervisors with the major crimes unit, did you go to [redacted] Sage Tree Court on February 5, 2020 to assist in the arrest of the defendant?

A. I did.

Q. Okay. Sergeant Burt, this is State's Exhibit 24. Did you take that photograph?

A. It does -- I recognize that photograph, yes. I believe I did with using the Axon app on our county phones.

Q. Okay. Is that the vehicle that you saw outside of [redacted] Sage Tree Court?

A. Yes.

Q. And is that the same vehicle that was seized pursuant to that search warrant?

A. It was.

Q. Okay. And were you present when the CSI investigator, Brenda Snelgrove, executed that search warrant?

A. In the beginning, yes. I obtained the search warrant for the vehicle and then met with her to start the search on it.

Q. Okay. Did you have an opportunity to look inside that car before it was seized?

A. I looked into the windows on-scene and took -- I believe I took photographs as well, the best I could, with the glare off the glass.

Q. This is State's Exhibit 28. Do you recall seeing that hanging from the rearview mirror outside of the defendant's home?

A. I remember it being in the garage shed. That's a picture from inside our evidence room, but...

Q. Okay. Sergeant Burt, when you were at the defendant's residence, did you speak with Ms. Cleveland?
A. I did.
Q. Okay. And don't tell me what she said. Did you guys talk about some jewelry?
A. We did.
Q. State's Exhibit 37, do you recall seeing that ring on Ms. Cleveland's hand?
A. I do.
Q. Are you aware of when she removed State's Exhibit 37?
A. That was collected at the house from her.
Q. State's Exhibit 38, do you recall seeing those three rings?
A. Yes, they were still on her hands on her swollen fingers.
Q. Okay. Were you able to see whether she tried to get them off that day?
A. She did try to unsuccessfully.
MS. WELLMAN: May I approach?
THE COURT: You may.
BY MS. WELLMAN:
Q. Sergeant Burt, this is State's Exhibit 17. Do you recognize that?
A. I do. She brought these to the sheriff's department the following day.

Q. Who is "she"?
A. Debra Cleveland.
Q. Okay. You said she brought them. Was she, you know, ordered, summoned or was it -- did she bring them up voluntarily?
A. She brought them voluntarily.
Q. And did she bring them up in that bag; do you recall?
A. I can't recall now if they were in this bag when she brought them, but she did meet me in the lobby of the sheriff's department and turned them over to me.
Q. Okay. And then when those rings were turned over to you, did you place them in this envelope?
A. Yes, and stored them in our evidence lobby.
Q. Okay. Thank you.

MS. WELLMAN: Nothing further, Your Honor.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Just one question, Sergeant. The body mic -- body camera that you used to videotaped -- I guess you videotaped the picture of the van from your body mic?
A. No, it was -- what I took a picture of was from the actual county cell phone. It's the same Axon app. When you go into the app, it's -- you can pick record, take a picture, take a video and when you do, the picture, the things you take with the cell phone, once you upload they

don't save on the phone, they go straight into Axon.
Q. So it's an app which Lexington County Sheriff's Department has access to which you can actually take pictures from the body camera, as well as a cell phone and store that information for purposes of evidence or maintaining records; is that correct?
A. Yes.
Q. And when you hand out -- you're a sergeant, so you're over other people, right?
A. I am.
Q. So when people are instructed on that body camera, they're instructed as to what the information on the body camera stands for, the dates and times and stuff like that?
A. There is a training class. When you're new and you're first issued a body camera, there is.
MR. WILLIAMS: That's all the questions I have, Your Honor.
THE COURT: Any redirect?
MS. WELLMAN: (Shakes head.)
THE COURT: May I let Detective Burt down?
MS. WELLMAN: I'm sorry, Your Honor?
THE COURT: Can I excuse Detective Burt?
MS. WELLMAN: Uh-huh.
THE COURT: You're excused, Detective.
(Witness excused.)

408

THE COURT: Next witness.

MS. WELLMAN: The State rests, Your Honor.

THE COURT: Okay. Let me see the lawyers just for scheduling purposes right quick.

MS. WELLMAN: Yes.

(Proceedings held at the bench; not reported.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, the State's rested and I need to take up some legal matters with the attorneys. I'm gonna let y'all go to lunch.

I'm gonna ask that you be back in the jury room at a quarter till one and we'll start back, okay?

All right. Remember, no talking about this case, no research, not even amongst yourselves.

Thank you.

(Whereupon, the jury was excused for lunch at 11:35 AM.)

THE COURT: All right. Let's take a ten-minute break and we'll come right back, okay?

(Recess taken at 11:36 AM.)

(Back on the record at 11:48 AM.)

BAILIFF: All rise.

THE COURT: All right. Back on the record.

First, let me take up the mistrial motion that I said that I would rule on when the State rested.

You known, on Brian Anderson's testimony I instructed the Court {sic} to disregard the hearsay testimony concerning Ms. Cleveland giving the rings to him and, of course, the defense made a mistrial motion.

However, after listening to the State's witnesses, which included Ms. Cleveland and my other officer, Detective Burt, I'm gonna deny the motion, and this is why.

Both of these witnesses were on the witness list. The defense {sic} could have called them at any time. They're not subject to any kind of order on how to call their witnesses. Had Detective Anderson been the last witness and the State rested, the Court might think otherwise, but they didn't. They went forward with Ms. Cleveland, they turned around with Detective Burt, and I think cleared up the matter.

So I'm gonna -- I'm gonna decline the mistrial. I will note it.

I know you want it noted for the record, Mr. Williams, and I'll be glad for you to put anything else on the record.

MR. WILLIAMS: Your Honor, I'm not gonna do the DV motions, Ms. Williams is gonna do those, but I will speak to that motion since I made the mistrial motion.

THE COURT: Okay.

410

MR. WILLIAMS: Your Honor, for the record, the disregarding the testimony from that particular officer in regards to Ms. Cleveland giving the rings to him, the objectionable part was not that Ms. Cleveland gave the rings to him, the objectionable part that I was arguing about was the fact that she stated or testified that Mr. Cleveland (sic) gave the rings to her, so I just wanted to make sure the record was clear that that was the objectionable part.

THE COURT: Okay.

MS. WELLMAN: Do you mean Mr. Aaron?

MR. WILLIAMS: I'm sorry. Mr. Aaron gave -- gave the rings to her.

And the second part, Your Honor, in regards to -- I think one of the comments you made is I think that the defendant could still call his witnesses in any way he wanted to. I think you meant to say State.

THE COURT: The State. I'm sorry. The State can call their witnesses and, you know, even the fact, you know, Ms. Cleveland testified he gave her the rings.

MR. WILLIAMS: Right.

THE COURT: My ruling still stands. I'm sorry I misstated that.

MR. WILLIAMS: And I didn't mean to say that to make the Court feel funny on that, it was just --

THE COURT: No, I'm just glad somebody else is watching out for what I say.

MR. WILLIAMS: And my objection really is that timeline thing, Your Honor.

THE COURT: I understand your timeline, but I'm gonna tell you the witnesses -- the State's witnesses are on the witness list. I mark them off every time they call somebody. You know, the defense was on notice. I understand that Detective Anderson did testify to some hearsay information. I struck that -- not struck it, but instructed the jury to disregard it, and then afterwards Ms. Cleveland testified and then I had Detective Burt. All of this went to the rings. And I think any issue of how Ms. Cleveland received the rings were cleared up by her testimony. It was clear that the defendant gave her the rings.

So I'm going to deny the mistrial motion.

MR. WILLIAMS: That's all I have, Your Honor.

I think Ms. Williams is gonna argue the DV motions.

THE COURT: I'll be glad to hear it, Ms. Williams.

MS. WILLIAMS: Your Honor, the defense would move for a directed verdict regarding all three indictments against Sam Aaron. The State did not produce direct evidence or substantial circumstantial evidence to

412

support sending those three charges forward to the jury.

And specifically with regards to the kidnapping charge, it's my understanding that the State is going forward under a theory that my client inveigled Ms. Sutherland into his vehicle and we believe that there's not -- there's certainly -- there's not direct or substantial circumstantial evidence to support that notion of kidnapping and, therefore, it doesn't need to go forward to the jury for their consideration. Mere suspicion is not enough.

THE COURT: Thank you. Let me hear from the State.

MS. WELLMAN: Your Honor, the testimony before the Court is the defendant told her that he was gonna take her home. He did not take her home. He took her out off Bluefield Road. That is a false pretense. That is exactly what inveigling and decoy mean.

I do have -- if the Court will forgive me, I don't have multiple copies at this point, I'm a little unorganized for this, but it's State v. Stokes, 345 S.C. 368.

In this case, the Supreme Court said if someone gets in the car thinking they're going somewhere else and the person's intent really is to -- or going to Place A and they take them to Place B, that is kidnapping by inveigling.

THE COURT: Okay.

MS. WELLMAN: So I would ask the Court to deny that motion.

There's also Ray versus State, 330 S.C. 184. That case also stands for the proposition that inveigling a victim into a truck under false pretenses that she was to be taken to a hospital qualifies as kidnapping.

So under both of those cases, the victim gets in the car thinking she's going one place, the defendant said I'll take you there and takes her somewhere else, that qualifies as kidnapping. So I would ask the Court to deny the motion on that ground.

Also, Your Honor, there was substantial testimony about both the CSC first, the kidnapping and the strong arm robbery. We even found the rings. There was plenty of evidence to go forward and I would ask the Court to deny the motion.

THE COURT: Okay.

Ms. Williams.

MS. WILLIAMS: Your Honor, if I may respond solely to the inveiglement point brought up by the solicitor and I believe what she stated was that the inveiglement was the false pretense that he said he would take her home and that that is inveiglement.

Under -- I'm gonna read from South Carolina Request

414

to Charge Criminal because this is the charge book that, Your Honor, I believe all attorneys are familiar with.

THE COURT: Yeah, I think we've got a copy up here.

MS. WILLIAMS: In the charge for --

THE COURT: What page are you on so I can follow along with you?

MS. WILLIAMS: Yes, ma'am. It's 76. This is the second edition, 2012. I don't know if --

THE COURT: We've got the same one. Go ahead.

MS. WILLIAMS: Okay. This would be on page 76, the final paragraph on kidnapping. Kidnapping by inveiglement is accomplished by acts of deception whereby the kidnapped person is induced to yield consent to the taking. The inveiglement must be adequate to effect the unlawful purpose. It does not arise from a false representation alone and does not exist where the kidnapped person voluntarily consents to the taking if capable of consenting.

Your Honor, it's my understanding that the victim's testimony was that she voluntarily got into the car, so whether or not there was a false representation made, that alone is not inveiglement and, therefore, it shouldn't go forward to the jury.

THE COURT: Let me ask you something, Ms. Williams. You don't think it was deception by saying he was gonna

take her home? She gave consent to the taking by thinking he was taking her home.

Am I reading that wrong?

MS. WILLIAMS: Your Honor, I do not presume to say you're reading it wrong.

THE COURT: You can. You know, I'm listening. It says kidnapping by inveiglement is accomplished by the act of deception -- there is testimony that he said he was gonna take her home -- whereby the kidnapped person is induced to yield consent to the taking. In fact, I think there was testimony that that's where she wanted to go, she got in the car, and under that pretense agreed.

MS. WILLIAMS: Yes, Your Honor, but I do not believe that she stated that that is the only -- that she would not have gotten into the car except for that promise. And maybe I'm misremembering, but I don't believe she stated that that was the only reason. There could have been other reasons and I think that -- Your Honor, I believe my cocounsel is...

THE COURT: I see your cocounsel.

MS. WILLIAMS: I maintain that I don't believe she stated that she would not have gotten in the car but for his false pretense and I do -- I do not I believe I'm misrepresenting that to the Court and if -- so I don't

416

recall hearing any but for testimony. Obviously she wouldn't have used the words "but for", Your Honor --

THE COURT: Right.

MS. WILLIAMS: -- but I don't remember hearing anything stating that that was the only reason she got in the car. She got in the car, he promised he would take her take there, he didn't according to her testimony, but the actual act of inveiglement would mean that he said hey, I'm going to take you in this car and if he had not done that she would not have gotten in the car is my understanding.

THE COURT: Okay.

Let me hear from you, Ms. Wellman.

MS. WELLMAN: Your Honor, one of the last questions I did ask Ms. Sutherland is if you thought he was gonna take you anywhere other than where he agreed, would you have got in the car, and she said no.

Additionally, Your Honor, the indictment actually includes seize, confine, inveigle or decoy, so it does also include decoy, which is to lure successfully.

I'm gonna cite Stokes again and it says that if you're tricked into getting in that car because you thought you were going to Place A and you actually went to Place B, that makes it not involuntary.

And I think this is actually interesting. It says

do not reflect that the victim voluntarily rode to her death, but rather served only to demonstrate that she was, in fact, tricked into going into the woods. That is inveigling. And they're specifically saying that nothing in the kidnapping statute is supposed to reward a defendant because he was just smart enough to trick her.

MR. WILLIAMS: I didn't stand up, Your Honor.

THE COURT: I didn't see that. Thank you, Mr. Williams.

MS. WELLMAN: Additionally, Your Honor, the indictment also includes that she was unlawfully seized for an unlawful purpose and that would be to sexually assault her. The kidnapping indictment is valid.

THE COURT: All right. Well, I think there's been enough evidence presented to the jury for the CSC first. Certainly there was testimony about that. And certainly to the robbery as well.

As far as the kidnapping, I think there's enough evidence that the jury can decide whether it was kidnapping or not, but I think they've presented enough evidence that we can send it to the jury, so I'm gonna deny your DV motion.

MS. WILLIAMS: Thank you, Your Honor.

MS. WELLMAN: Thank you, Your Honor.

418

THE COURT: Anything else I need to take up from the State?

MS. WELLMAN: Your Honor, just so when we get back after lunch we're ready to go, whatever we're doing, do you want to go ahead and advise the defendant of his right to testify?

THE COURT: That's gonna be the next thing that I'm going to do.

All right, Mr. Aaron. Let me get you to stand, please, and I'm gonna get the clerk to put you under oath.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Samuel Ernest Aaron was duly sworn by the Clerk of Court.)

THE COURT: All right. Mr. Aaron, at this time I'm going to explain to you certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know.

Do you understand?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you

by the Fifth Amendment of the Constitution of the United States. This amendment states, in part, no person shall be compelled in any criminal case to be a witness against himself.

This means that you cannot be required to testify in this case. You have the right to testify on your own behalf. However, no one can make you testify. This is a personal right and no one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or a false statement or for crimes punishable by imprisonment for more than one year and this Court determines that the probative value of admitting this evidence outweighs the prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, this decision is on your part and it must be freely, voluntarily and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the constit -- and the consequence of your decision to testify. If you decide not to testify, I will instruct the jury

420

that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify.

It is left entirely up to you whether or not you testify. You may talk to your attorney, your family, friends or anyone else, but the final decision will be left entirely up to you.

Do you understand what I've explained to you?

THE DEFENDANT: Yes, ma'am.

THE COURT: Do you have any questions about what I've explained to you?

THE DEFENDANT: No, ma'am.

THE COURT: Have you discussed with your lawyer whether you should or should not testify?

THE DEFENDANT: Yes.

THE COURT: Do you wish to talk to your lawyers any more at this time? If you want to speak to them some more, I'll be more than happy to give you additional time.

THE DEFENDANT: No, ma'am. No, Your Honor.

THE COURT: Okay. Do you wish to testify?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay.

All right. Let me ask. Is there any -- if he's

gonna testify, is there anything I need to rule on as to any criminal history?

MR. WILLIAMS: I don't think he has anything that could be used against him.

MS. WELLMAN: No, Your Honor.

THE COURT: Okay. So we've settled that.

MR. WILLIAMS: I think we have.

Have we settled that?

MS. WELLMAN: We're -- the State does not intend to introduce that criminal record.

THE COURT: Okay.

All right then. We will start at 1:00. I've asked the jury to be back at a quarter till one and then the defense can present their case.

Are y'all gonna be ready?

MR. WILLIAMS: Yes, ma'am.

THE COURT: Thank you.

MR. WILLIAMS: We might need little time before closing arguments, but we'll be ready to proceed.

THE COURT: No, no. Because I want to talk to y'all about jury charges, too. Have y'all looked over jury charges?

MR. WILLIAMS: We have.

MS. WILLIAMS: Yes.

MS. WELLMAN: Your Honor, I honestly need a few

422

more minutes to finish looking over them, if that would be okay?

THE COURT: Yes. And we've got some updates. I think that there were some things that y'all agreed on.

MS. WILLIAMS: Yes, Your Honor.

MS. WELLMAN: I think we've agreed to call him the defendant in the jury instructions and I'm not gonna fight her on the requested language from Adams.

THE COURT: Okay. I've got it in there. I'm gonna have her print y'all a new copy.

Also let me -- let me just see the lawyers on one thing.

(Proceedings held at the bench; not reported.)

THE COURT: Does anybody take exception to me not charging the lesser included?

MS. WELLMAN: No, Your Honor.

MR. WILLIAMS: The defendant does not, Your Honor.

MS. WELLMAN: No, Your Honor. I think I really --

THE COURT: I just wanted to put that on the record also.

All right. Then we're in recess. We'll be back at 1:00.

MR. WILLIAMS: Thank you, Your Honor.

MS. WELLMAN: Thank you, Your Honor.

(Whereupon, a luncheon recess was taken at

12:10 PM.)

(Back on the record at 1:05 PM.)

BAILIFF: Keep your seats. Court will come back to order.

THE COURT: All right. Are we ready to bring the jury?

MR. WILLIAMS: The defendant's ready, Your Honor.

THE COURT: Okay.

Is the State ready?

MS. WELLMAN: (Nods head.)

THE COURT: Let's bring them in.

(Whereupon, the jury return to the courtroom at 1:14 PM.)

THE COURT: All right, Mr. Foreman. Is the jury ready?

FOREPERSON: Yes, ma'am. We're ready.

THE COURT: All right, Mr. Williams.

MR. WILLIAMS: May it please the Court?

I call defendant Sam Aaron to testify.

THE COURT: Okay.

THE CLERK: Place your left hand on the Bible and raise your right.

(Whereupon, Samuel Ernest Aaron was duly sworn by the Clerk of Court.)

THE CLERK: When you have a seat, state your name

and spell your last name for the record.

THE WITNESS: Sam Aaron, A-A-R-O-N.

SAMUEL ERNEST AARON,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. All right, Sam. If you don't mind, would you tell the jury something about yourself. Like how old are you to begin with?

A. I'll be fifty-four this year.

Q. All right. And back on January 9th of 2020, how old would you have been?

A. Fifty-two.

Q. Where do you live?

A. [redacted] Sage Tree Court, Lexington, South Carolina.

Q. All right. And you've lived in Lexington county for how long?

A. About four years now.

Q. All right. Were you working back in January of 2020?

A. Yes, sir.

Q. Where were you working then?

A. Wal-Mart.

Q. All right. What were you doing for Wal-Mart?

A. Overnight stocker.

Q. All right. And what does that job encompass?

A. Stocking the shelves. Putting the product on the shelves.
Q. All right. What time would you normally go into work then and what time would you normally get off?
A. 10:00 at night until 7:00 in the morning.
Q. All right. Let me bring you back to -- do you remember the specific day when you were -- met this young lady that has been testifying earlier today? Do you remember the date? The day?
A. No, sir.
Q. All right. Do you remember meeting her?
A. Yes.
Q. Well, before you met her, was that the first time that you'd ever seen her, Ms. Sutherland?
A. Yes.
Q. Tell the jury exactly -- you had gotten off that morning or did you work that day?
A. Yes, sir.
Q. What time did you get off from work?
A. At 7:00 in the morning.
Q. All right. And what did you do after you got off from work?
A. Well, I went home and relaxed for a little while, then I went -- come down Highway 6. I don't know the name of the road that goes to the jail.

Q. Well, where do you live? You say you went down Highway 6?

A. [redacted] Sage Tree Court.

Q. Is -- is that a normal way to get to Lexington?

A. Yes, sir.

Q. Okay.

A. I come down Old Orangeburg Road -- Orangeburg Road to Old Orangeburg Road to Two Notch to Highway 6.

Q. All right. And then from Highway 6, where did you go?

A. I don't know the name of the road to go up here to the jail.

Q. All right. Do you know approximately what time you went to the jail?

A. Probably around -- I'm just guesstimating. Probably around 9 or 10. Something like that.

Q. All right. What was your purpose of going by the jail?

A. I had to go put some money on Debra's son's books.

Q. All right. Now who is Debra?

A. The one that was up here earlier.

Q. All right. Y'all have been living together for about -- how long?

A. About nineteen years.

Q. Okay. And that's her son, not your son?

A. Yes, sir. Her son. Jeremy Adams.

Q. Okay. And what did you do after you put some money on -- when you say put money on his account, what does that that mean you do actually? People may not have put money on somebody's account at the jail. What did you do?
A. That means I went down there, I went in there, punched his name up on the computer, I deposited the money, then after I deposited the money it gave me a receipt, and I left.
Q. All right. What did you do after you did that?
A. I come back down the road and then I come up here because --
Q. Let me stop you here, okay? When you say come back down the road, I know about country talk and stuff like that, but let's try and put some roads on it. You came from the jail?
A. Yes, sir.
Q. And that's on what road?
A. I don't know the name of the road.
Q. Where did -- which road did you come down, the road that the jail is on?
A. Yes, sir. I made a right there and then it forks off and where it forks off I made the left. It's the one right here where the park's on and then come to the end of that road and that's right there at Highway 6. I made a left, I come up here --

Q. Let me stop you here. You went -- you went to the end of what road? To the road that runs by the parks?
A. Yes, sir.
Q. Well, doesn't that road actually end on Main Street?
A. I guess. I don't know.
Q. Okay. So you're not real good about directions, are you?
A. No, sir.
Q. Well, how about you describe what you looked at when you came down there? Why did you go that way?
A. Because that's the only way I know. I don't know the other way.
Q. All right. Did you -- did you stop anywhere's along the way to look at anything?
A. Yes, sir. That's when I made a left right here at Highway 6 because a buddy of mine was telling me about the thing -- they have festivals over here or they play bands on right here in town. I went over there and looked at it and then I was going back home.
Q. Okay. Now would you be surprised to know that place is actually on Main Street? That's the place you went to where the new stuff is?
A. Yes, sir.
Q. Because that's where you went?
A. Yes, sir.

Q. Okay. So we got you there. So where did you go after you went and looked at that place?
A. I made a left right there at the light where it's at, come up here and hopped back on Highway 6 to go home.
Q. Okay. Okay. I think I understand why you're saying it like that. That's a one-way there. So when you go back on Highway 6, you're going back home?
A. Yes, sir.
Q. Now -- now that you're on Highway 6 going home, when was the first time that you saw Ms. Sutherland?
A. When I was heading home, I seen her right there at the crossing, the railroad crossing.
Q. Which crossing are you talking about?
A. Right here off of Highway 6.
Q. All right. Is that where the -- the restaurant used to be or do you know if anything was there or not? You don't know what was there or when, do you?
A. I don't know what was that.
Q. But there's a railroad track there, right?
A. Yes, sir.
MS. WELLMAN: Objection. Leading.
BY MR. WILLIAMS:
Q. So what was there?
A. Okay. After I passed the railroad tracks, there was a street and there was a business there to the left.

Q. Okay. And what did this business look like?
A. A white house.
Q. Okay. And is that where you saw Ms. Sutherland?
A. Yes, sir. She was walking up toward there, so I turned around there and I asked her did she need a ride.
Q. All right. Now we've looked at a video, haven't we?
A. Yes, sir.
Q. We've looked at two really.
A. Yes, sir.
Q. And there's one video from Cinnamon Hill that we saw a van. Was that your van?
A. No, sir. That's Debra's van.
Q. It was the van you were in that day.
A. Yes, sir. It was the van I was in.
Q. All right. We saw somebody -- some lady walking up the hill?
A. Yes, sir.
Q. Is that Ms. Sutherland?
A. Yes, sir.
Q. All right. And when you pulled up next to Ms. Sutherland, what happened?
A. I asked her did she need a ride and she said no. Then I asked her where was she going, she said to the DSS office or food stamp office and I says I'm going that way, and then she got in the car.

Q. When you say car, are you talking about --
A. The van. The -- the van I was in.
Q. Okay. And then what did you do?
A. All right. As we was heading up there --
Q. Up there where?
A. To the DSS office -- the food stamp office.
Q. All right.
A. I made a left heading up there, all right, and then I asked her did she want to go have some fun?
Q. Now let me slow you down here. You were asking this young lady if she wants to go have some fun?
A. Yes, sir.
Q. Now what are you talking about and why did you say that?
A. Just to go hang out and --
Q. Well, now are you married now to -- to the young lady who testified earlier?
A. No, sir, we're not married. We've just lived together for nineteen years.
Q. All right. But you asked her if she wanted to go have some fun?
A. Yes, sir.
Q. What were her words to you then when she says that?
A. She says it may take us an hour and a half to two hours at the food stamp office, but I've got a -- excuse my

language -- a tight pussy.

Q. Those are the words she used?

A. That's the exact words she used.

Q. All right. And what did that mean to you?

A. She wanted to go have some fun.

Q. Okay. What did you do?

A. So I went up there to the food stamp office.

Q. All right. Now where is the food stamp office?

A. Right there at Highway 6 and Two Notch Road.

Q. Let me ask you this before we get too far down here, what kind of education have you got?

A. I graduated through special ed.

Q. All right. You understand the questions I'm asking you okay, right?

A. Yes, sir.

Q. Okay.

A. So far.

Q. All right. So you went to the food stamp place?

A. Yes, sir.

Q. And what happened after you got to the food stamp place?

A. I sat there for like an hour and half hour, an hour and forty-five minutes, and she come back out, she come and got in the car and I told her I knew a place we could go if she wanted to go there and she --

Q. Sam?
A. Okay.
Q. Did anything happen for that hour and forty-five minutes that she was in there or hour and fifteen, whatever time you were there, did she stay in there or did you go in there and what happened?
A. Oh, excuse me. I forgot about that. Okay. She kept my lighter, so I --
Q. She kept your lighter?
A. Yes, sir.
Q. Had you given her your lighter?
A. I gave it to her to use and then she stuck it in her pocket and so I was there maybe twenty, thirty minutes and I went in there and asked her for my lighter.
Q. Okay. Why did you want your lighter?
A. So I could smoke a cigarette while I was waiting on her.
Q. Then what happened?
A. I sat there for about another hour and then she come out.
Q. All right. Slow it down. So she came out there, then what did you do?
A. She got in the car.
Q. Are you talking about the van again?
A. Excuse me, the van.

Q. Okay. Then what happened?
A. And then I told her I knew a place we could go and she said okay, so we went there.
Q. Well, how did you go there?
A. Okay. It was --
Q. Is it someplace that you were driving her to?
A. Yes, sir.
Q. Did she have to show you where it was?
A. No, sir.
Q. But you knew the way?
A. Yes, sir.
Q. All right. So where did you go?
A. All right. When I come out, it was on Two Notch Road, I made a left to go down Two Notch Road right there where's the Circle K and then made a right to go down Highway 6.
Q. Okay.
A. And then we proceeded, went on past Wal-Mart, went down there where I was talking about.
Q. Okay.
A. And then when I got there, I asked her --
Q. Hold on, Sam. You just got through talking about Wal-Mart.
A. Okay. Well, that's on the way. Passing Wal-Mart.
Q. So what's on the way passing Wal-Mart?
A. I'm talking about I had to pass Wal-Mart to get where

we was going.
Q. All right. Where were you going?
A. Down there to the place where we had sex.
Q. And how did you get there, Sam?
A. Through Highway 6 and then went on down to the red light.
Q. Okay.
A. Made a right. I don't know the name of the road.
Q. Okay.
A. And then we turned down the dirt road, which is right there on the thing, on the -- on the thing, and then we went down there and --
Q. And slow it down there. Let me ask you this. Do you have a driver's license?
A. Yes, sir.
Q. Okay. So you -- you went -- you got a driver's license by going to the highway department and taking a test and everything, right?
A. Yes, sir.
Q. Okay. And you got where? Where did you get? Where did -- you said you got there.
A. To where we was going.
Q. All right. Describe where we were going.
A. To where we went and had sex at.
Q. What does the place look like?

A. Well, it's -- when you first turn down it, it is an asphalt and then to your left it's a dirt road.
Q. Okay.
A. We went down the dirt road probably a couple of hundred yards --
Q. Okay.
A. -- and then there's another little turnoff and that's where I went.
Q. All right. And how did you turn in there?
A. Well, I -- I pulled in there, then I backed up and I asked her if she'd ever been there before and she said yeah, one other time.
Q. All right. And then what happened?
A. All right. Then I got out of my van, opened up the back door. She took off her boots --
Q. Wait a minute. Hold on. Opened up the back door?
A. Oh, excuse me. The side door to the middle seat.
Q. Okay. So is it on your side where the driver's side is or did you open up a door on the passenger side?
A. The driver's side.
Q. Okay. So when you say opened up the door, is it a slide door?
A. Yes, sir. Opened it up, slid it back, and she turned around and took off her boots and she turned around and took her pants off, laid it in the seat. She climbed

over --
Q. Laid it in which seat?
A. In her seat.
Q. In the front?
A. The passenger seat. Yes, sir.
Q. Okay.
A. Then she climbed over the little console that we had in the middle of the car and she hopped on the seat.
Q. All right. When you talk about the console, describe to the jury what console you're talking about.
A. It is one that we bought and put in the car -- or in the van, excuse me. Not car, the van.
Q. So is it -- is it a cushion seat?
A. No, sir.
Q. What is it?
A. It's a thing where you put like two drinks and you could slide open and put stuff in.
Q. Okay. And does it lay down or --
A. No, sir. It just sits there in between both seats.
Q. So you bought something -- so you bought something that just sits -- that sits down on the -- between the two seats?
A. Yes, sir.
Q. All right. Where did you get that at?
A. At Wal-Mart a long time ago.

Q. Okay. So you've gotten us to where she takes off her boots. Then what happens after she takes off her boots?
A. She takes off her pants, she laid them in the seat. Her seat, the passenger seat.
Q. All right.
A. All right. And then she climbed over the console.
Q. Let me ask you this. Did how did she take her pants off? Did she get outside to take her pants off or did she do it while she was sitting inside the van?
A. No, she did it while she was sitting inside the van.
Q. Okay.
A. She took off her boots and she just lifted up her butt, slid her pants down, slid them off her leg and then when she got up, she sat them in the seat.
Q. Okay. And then what happened?
A. Then she climbed over the little console I was talking about we bought in the middle and then she climbed on the seat and laid down in the seat and we had sex.
Q. You don't need to get more graphic than that. And then you had sex; is that right?
A. Yes, sir. And while we were having sex --
Q. Hold up, Sam.
A. All right.
Q. I'm asking questions. You just have to answer them.
A. Oh, okay. Yes, sir.

Q. So was she outside the van, was she touching the ground in any way whatsoever?
A. No, sir. She was laying down on the seat with her back in the seat with them legs up in the air.
Q. All right. And you had sex with her?
A. Yes, sir.
Q. What happened next?
A. Then after that, while we was having sex, she was looking at her phone. I don't know what she was watching.
Q. Hold on. She was looking at her phone?
A. Yes.
Q. How was she looking at her phone?
A. When she was laying on her back, she was looking up at the ceiling like this while we were having sex.
Q. Okay. And then what happened after that?
A. Then after that, we got done, she handed me her phone so she could reach up there to grab her boots and her pants.
Q. So where were you when she handed you the phone?
A. I was done. Done wiped off.
Q. Were you outside or inside the car?
A. Yes, sir. I was -- I was outside the whole time.
Q. You were outside the whole time?
A. Yes, sir.
Q. Okay.

A. I was standing up while we was having sex and all that while she was laying down on her back with her legs up in the air.
Q. So she handed you her phone?
A. Yes, sir.
Q. And then what happened?
A. I stuck it on top of the car and she reached up there and got her boots and her pants --
Q. All right.
A. -- sat down in the seat where we had sex at, put them on, and then after that she was acting sketchy.
Q. What do you mean "sketchy"? How was she acting?
A. I don't know. She was just acting like she was up to something.
Q. How was she acting? Can you describe it?
A. I just -- I don't know. I mean, it was just she was acting weird, you know what I'm saying? It's just -- like she was up to something. I don't know.
Q. All right. So she was acting sketchy and then what happened?
A. All right. So she got out of the van and I got her phone because she was acting sketchy, I freaked out and I threw it.
Q. And then what did you do?
A. I hopped in the car and I took off.

Q. Why did you do that?
A. Because she was acting sketchy. I didn't know what she was up to.
Q. Had she changed her personality after -- before that or was this some change or something?
A. Yeah. I mean, it's just she went from -- I don't know. It was weird the way it all happened. I can't describe it. It was just so weird.
Q. Well, didn't you feel bad about like leaving her down there on this -- this dirt road?
A. Yes, but I -- I was freaked out by the way she was acting. I mean --
Q. Were there any houses around?
A. Yes, sir. Right where I turned to go down that little dirt road, there's like five or six houses right there at the end of the road, the dirt road that we turned to go down to the little cutoff.
Q. Okay. At any point time did you reach her around the neck and pull her anywhere?
A. No, sir.
Q. Well, how did she get out of the van? Does she get out of the van?
A. Yes, sir. When she got through putting her boots and her pants on, she stepped out of the van.
Q. All right. Did you notice -- did you notice whether

or not she had rings on her hands or not?
A. No, I didn't.
Q. All right. So she's out of the van. Then what happens next?
A. Like I said, she was acting sketchy, so I shut the side door, I threw the phone like fifteen, twenty feet past her.
Q. And why did you do that?
A. Because she was acting sketchy. It was freaking me out, you know what I mean, because --
Q. Did she go get her phone?
A. Yes, and when she did I took off. And I turned around and threw her papers out the window and I was gone.
Q. All right. At any point in time did you grab her hands and -- and scratch her pulling the rings off of her hands?
A. No, sir, I sure didn't.
Q. Did you ever take rings from her?
A. No, sir, I didn't.
Q. Well --
A. No, sir, I sure didn't.
Q. Obviously you ended up with some rings, didn't you?
A. Yes, sir.
Q. All right. Well, let's talk about that. Where did you go after you dropped her off?

A. I went to the house.
Q. All right. And when you -- before you got to the house, what did you find?
A. I found some rings. I was making a right and turned down a road and the sun come down and I seen something glitter over there and I seen some rings in the front passenger seat.
Q. Those weren't your rings, Sam?
A. No, sir.
Q. What did you do with them?
A. I went home and I gave them to Debra.
Q. And what did -- what did you tell Debra -- where did you tell Debra those rings came from?
A. Off the street because I didn't want her to know that I had a girl in the car.
Q. All right. So that was -- that wasn't true, was it? You didn't find them on the street, did you?
A. No, sir. They was in the seat, but I told her I found them in the street because I didn't want her to know I had a girl in the car.
Q. Okay. At any point in time did you use any kind of force or coercion to have sex with this -- this young lady?
A. No, sir, I sure didn't.
Q. At any point in time, did you grab her harshly in any way or scratch her or do anything to her?

A. No, sir, I didn't.
Q. What was your understanding as to why you were waiting around at the food stamp place?
A. So we could go have sex. She told me she had a tight pussy. I mean --
Q. Okay. In your mind that was what was gonna happen?
A. Yes, sir.
Q. Did she resist in any way?
A. No, sir.
Q. So -- so what's the next thing that -- that happens in your life? Does law enforcement come to your house?
A. Yes, sir.
Q. Do you remember how many days went by?
A. I can't remember. I think it was around thirty days, twenty something days, something like that.
Q. All right. And tell the jury exactly how that went down.
A. Well, they come in. I guess my dad got up and let them in because I was in the bedroom with Debra and they knocked on the door and I said come in Pop and he usually opens up the door, you know, when I say come in. They knocked -- they knocked on the door again and I said come in Pop and me and Debra looked at each other, so when I opened up the door, I had my cell phone in my hand --
Q. Well, let me stop you. Where's Pop?

A. He's in his bedroom.
Q. Okay. Is he -- is he still alive today to testify?
A. No, sir, he ain't.
Q. All right. What happened to him?
A. He passed away.
Q. All right. So it wasn't Pop, it was the police, right?
A. Yes, sir. They was -- the police was knocking on my door.
Q. All right. And what did -- did they come in and say that they were looking for you?
A. When I opened up the door, they had their gun drawn and I said look, don't shoot me, I've got my cell phone in my hand, I'm gonna lay it down. I laid it down, I come out because they put a -- they told me to come out, put the belt around me, and I put my hands down.
Q. Okay. And then they subsequently arrested you; is that right?
A. Yes, sir.
Q. All right. Did they tell you why they were there to pick you up?
A. Yes, sir.
Q. And it was about this girl, wasn't it?
A. Yes, sir.
Q. Did you tell them straight up a hundred percent what

you've told us today? Was there any difference in what you said?

A. What I told them was I had sex with her.

Q. All right.

A. I said all this strong arm robbery and kidnapping I did not do.

Q. Okay. And did they ask you about giving a sample, a DNA sample?

A. Yes, sir. We was outside after they put the handcuffs on me. He told me that I -- however you say it, like would I give a sample, and I said yes, sir. I opened up my cheek and they swabbed it.

Q. So you didn't resist that at all?

A. No, sir.

Q. You didn't call a lawyer or anything, you just did it?

A. Yes, sir. I didn't call no lawyer. I just did it.

Q. All right. And you told them you had sex with her?

A. Yes, sir, and that was all that happened.

Q. All right. So then I guess they take you away to the jail; is that right?

A. Yes, sir.

Q. Well, let me ask you this. Back when Ms. Sutherland -- when you pick up Ms. Sutherland, did she hesitate at all getting into your vehicle?

A. No, sir.

Q. Now we looked at a video of her getting into the vehicle. Is that an accurate depiction as to how quick it was?
A. Yes, sir.
Q. Did -- was it -- did she say anything to you when you came in there to get the lighter when she was in with the DSS people or the --
A. No, she just handed it to me and I went back out to the car. I told her I'd see her when she got out there.
Q. You told her you'll see her when she gets out there?
A. Yes, sir.
MS. WELLMAN: Objection.
BY MR. WILLIAMS:
Q. What -- what did you know about taking her to her mother's house?
A. I didn't know nothing about that. She never mentioned that to me at all.
Q. Her mother's house was never mentioned about?
A. No, sir.
Q. What did she tell you that y'all were gonna go do?
A. Go have some fun.
Q. Was anything said about what was gonna happen after you had some fun?
A. No, sir.
Q. Do you know how many rings were in your seat of the

van?
A. I think it was like five. Four or five.
Q. And you gave them all to -- to your wife or your girlfriend, common law, whatever?
A. Yes, sir.
Q. Sam, would you have done anything if she said no?
A. I wouldn't have done nothing.
Q. Did you keep her in the van?
A. No, sir, I sure didn't.
Q. Did you tie her up?
A. No, sir, I sure didn't.
Q. Were you driving real fast so she couldn't jump out of the van?
A. No, sir.
Q. Did you lock the doors?
A. No, sir.
Q. Did you rip the rings off of her hand?
A. No, sir, I sure didn't.
Q. Did you tear her clothes off?
MS. WELLMAN: Objection --
A. No, sir, I sure didn't.
MS. WELLMAN: -- to the form of the questions, Your Honor.
THE COURT: Okay.
Are you finished, Mr. Williams?

MR. WILLIAMS: I am, Your Honor.

THE COURT: Okay.

Go ahead, Ms. Wellman.

CROSS-EXAMINATION

BY MS. WELLMAN:

Q. Good afternoon, Mr. Aaron.

A. Good afternoon.

Q. Do you remember being in the car with Detective Dubard after you were arrested on February 5th of 2020?

A. That was a long time ago.

Q. The day that you were arrested, you remember being in the car with him, correct?

A. Yes, ma'am.

Q. You waived your Miranda rights and agreed to speak with him?

A. Yes, ma'am.

Q. You didn't tell him what you told us today, did you?

A. What do you mean?

Q. The story you told in court today is very different than what you told Detective Dubard; isn't that true?

A. I told him to the best of my memory it was that me and her went and had sex.

Q. Okay. Let's talk about your day, all right? You told Mr. Williams that you got off work about 7:00 in the morning?

A. Yes, ma'am.
Q. You went home, relaxed, and then you went to the jail?
A. Yes, ma'am.
Q. From your house you got on South Lake Drive or Highway 6?
A. Yes, ma'am.
Q. Okay. Then you took a left on that road. That would be Gibson Road, correct?
A. Yes, ma'am.
Q. The road that the jail is on?
A. Yes, ma'am.
Q. Okay. So you're driving on Gibson Road to the jail. You go to the jail?
A. Well, I made a right -- I made a left right up here where the park's on. I don't know the name of that road.
Q. But it's the road that the jail is on?
A. No, ma'am.
Q. But that's what you told Mr. Williams a few moment ago.
A. No, I told him -- okay. The way the road is, it goes down and then there's another road you turn up and then I guess that's Gibson Road that comes up like this. That's the way I went.
Q. The jail is on Gibson Road, correct?
A. Yes, ma'am.

Q. Okay. And you drove from South Lake or Highway 6?
A. Yes, ma'am.
Q. You got on Gibson Road to the jail?
A. No, I got on this road up here. I don't know the name of it, ma'am. It's where the park is.
Q. I thought you said that's the way you came back?
A. That's the way I went and come back.
Q. Okay. So what you told Mr. Williams a little while ago, that wasn't right?
A. That's the way I explained it.
Q. Okay. So you put money on Debra's son sort of canteen account at the jail?
A. Yes, ma'am.
Q. And you would agree with me that you put a hundred dollars cash in that sort of computer at 10:31, correct?
A. I can't remember the time, ma'am, but I did put a hundred dollars in there that day. Yes, ma'am.
Q. Would you disagree with me if I told you the records said you put hundred $100 in cash in at 10:31?
A. Like I say, I can't remember, ma'am. That was, what, over two years ago, two years ago?
Q. And you left the jail?
A. Yes, ma'am.
Q. Okay. And that's when you went to the place where the festivals are or something?

A. Like I said, the way I come in is the way I come out. I got right on Highway 6, went up here to the -- went downtown, okay, made a left right here at the courthouse, went over there to where the festival was, looked at that, and then I went back home.

Q. But at some point you got back on Gibson Road and took a left onto South Lake, correct, to go home?

A. No, ma'am. I took a right.

Q. I'm sorry. You're right. That is a right. Thank you.

So that's about, what, 1.6 miles from the jail right around there? Just give or take.

A. I don't know. I ain't never measured it.

Q. Okay. And you never saw Karie until you were at the railroad tracks?

A. Yes, ma'am, on the way home.

Q. Okay. But when you got to the railroad tracks on your way home, that was the very first time you saw her?

A. Yes, ma'am.

Q. Okay. Even though you were both travelling on Gibson Road, you were going to the jail and she was coming from the jail, you never saw her?

A. No, ma'am. I wasn't on Gibson Road but maybe from here to the front of the courthouse and then you turn to go down the little side road. I never come all the way down

if that was Gibson Road right there.
Q. But you were on Gibson Road because that's the road the jail is on, correct?
A. Yes, ma'am.
Q. And you never saw Karie?
A. No, ma'am.
Q. Okay. But at Railroad Road -- or Railroad Avenue, you did see her?
A. Yes, ma'am.
Q. And she's walking and you can tell she's really down on her luck, can't you?
A. No, ma'am. I mean, I was just driving and seen somebody walking.
Q. Okay. But -- and it was cold that day?
A. I can't remember.
Q. Okay. Was that when you decided she looked like an easy target?
A. What are you talking about? I just asked her did she want a ride.
Q. That's not what you told Detective Dubard, was it?
A. Ma'am, I can't remember what I told him.
Q. You didn't tell him that she flagged you down?
A. I don't remember what I told him, ma'am. That was two years ago.
Q. No, but that's a pretty big difference, isn't it,

whether you stopped and offered a ride or whether she flagged you down? Wouldn't you remember that?

A. I can't remember that far back, ma'am.

Q. Okay. So you're the one that offered her the ride?

A. Yes, ma'am.

Q. Was that when you decided to rape her, when you offered her that ride?

A. No, ma'am.

Q. Mr. Aaron, you would agree with me that Karie got in your car about 10:38?

A. I -- I don't know the time.

Q. That's what we saw on the video, right?

A. Okay. Yes, ma'am. That's what it says.

Q. And she gets in the car. Naturally you guys introduce yourselves, right?

A. No, ma'am.

Q. No? A stranger gets into your car and you don't say hey, my name is Sam, what's yours?

A. No, ma'am. I just asked if she needed a ride.

Q. Okay. And she said she needed a ride to DSS. You said the food stamp office, correct?

A. Yes, ma'am.

Q. Okay. I want to make sure I get this right. And you said you were headed up to the food -- the DSS office, too?

A. No, I said I was heading that way to home.

Q. Okay. So while you're in the car, as you put it earlier, you asked her if she wanted to go have some fun, correct?
A. Yes, ma'am.
Q. Okay. That's not what you told Detective Dubard, is it?
A. I can't remember what I told him, ma'am. That was two years ago. Over two years ago.
Q. Again, it's a pretty big difference because you told Detective Dubard -- well, the first thing you said is that she walked up to the car --
MR. WILLIAMS: Objection to the form of the question, Your Honor.
THE COURT: I think you need to rephrase it.
BY MS. WELLMAN:
Q. Isn't it true that the first thing that you told Detective Dubard is she just walked up to the car and said you want to have some fun? Isn't that true?
A. Say what now?
Q. Isn't it true that your first story to Detective Dubard was that Karie walked up to your car and said hey, do you want to go have some true? Isn't that true?
A. No, ma'am, that was --
Q. And isn't it true that the second story that you told Detective Dubard is after you're driving down the road,

after you're giving her a ride, you -- she says do you want to go have some fun in exchange for the ride? Isn't that the second story you told Detective Dubard?

A. I can't remember what I told him, ma'am. That was over two years ago.

Q. Really? You don't --

MR. WILLIAMS: Objection to that, Your Honor. Move to strike.

THE COURT: I do move to strike that. You don't need to be giving your own personal comments.

MS. WELLMAN: I apologize.

THE COURT: Just rephrase it and go on.

BY MS. WELLMAN:

Q. And so you're the one that asked do you want to go have some fun?

A. Yes, ma'am.

Q. And by "fun" you meant hang out?

A. Yes, ma'am.

Q. What does "hang out" mean?

A. Just go hang out.

Q. What do you do?

A. Sit around and talk.

Q. Sit around and talk?

A. And then she's the one that is says yes, but you have to wait an hour and a half -- it's probably gonna take

about an hour and a half, an hour and forty-five minutes for me to get done at DSS and we can go do that. And I asked her what kind of fun she wanted to go have and that's when she started telling me she had a tight pussy on the way to the DSS office.

Q. You didn't tell that to Detective Dubard, did you?

A. Like I said, ma'am, that was over two years ago.

Q. You don't think that's something that you would remember?

A. Not from two years ago, ma'am.

Q. Okay. So you went to DSS, you waited for -- I think what you said, an hour, hour and a half?

A. An hour and a half, hour and forty-five minutes. Something like that.

Q. Okay. And you went into DSS?

A. Yes, ma'am, to get my lighter from her.

Q. Uh-huh. And then you go out and you're just sitting in the car?

A. Yes, ma'am, waiting on her because she said she wanted to go hang out.

Q. Was that when you sat there and thought about where you're gonna go?

A. No, ma'am.

Q. That wasn't when you decided hum, maybe I'll take her out to this place -- this place I know?

A. Well, she's the one that turned and told me she had a tight pussy, so I figured once she got done we was gonna go have some fun.

Q. Okay. So it wasn't in the DSS parking when you thought to take her off Bluefield Road? Had you already decided you were gonna take her out to -- off Bluefield Road?

MR. WILLIAMS: Objection to the form of the question and would request that the solicitor ask one question at a time.

THE COURT: One question at a time. One question at a time.

BY MS. WELLMAN:

Q. When you picked her up, that's when you decided to take her out to Bluefield Road; isn't that correct?

A. No, ma'am.

Q. So it was in the DSS parking lot that you decided to take her out there?

A. When she turned around and told me -- excuse me -- that she had a tight pussy --

Q. Uh-huh.

A. -- then I turned around and told her I know a place we can go and she said okay.

Q. So you knew the place, correct?

A. Yes.

Q. That's not what you told Detective Dubard, is it?
A. Ma'am, I don't remember what I told that man. That was over two years ago.
Q. So you knew where to go. She never had to show you where to go, correct?
A. Right.
Q. Because you're familiar with the area, right?
A. No, ma'am.
Q. Don't you live in the Red Bank area?
A. I live probably about three, four miles from there.
Q. There being Bluefield Road where you raped Karie?
A. I did not rape her, ma'am.
Q. But you also have a storage unit right across the street from Bluefield Road; isn't that correct?
A. Yes, ma'am. We did have one over there at one time.
Q. Okay. Going back, you guys are done at DSS and as you put it it's time to go have some fun, right?
A. Well, that's what she said when she got done. We'd go have some fun.
Q. I thought you were the one who said let's go have some fun?
A. I asked her, she said when we got done we would go have some fun.
Q. So you took a -- let's make sure I get this right -- a left out of the DSS parking lot, right?

A. Yes, ma'am.
Q. And then you stopped at that traffic light at the corner of South Lake Drive and Two Notch right there at DSS, right?
A. Yes, ma'am.
Q. And you would agree that was at 12:04, 12:05?
A. I guess. I can't remember the time.
Q. But you would agree with me that's what the video showed, correct?
A. Yes, ma'am.
Q. Okay. So when you're driving down South Lake or Highway 6, I think you said you went past Wal-Mart?
A. Yes, ma'am.
Q. Was that the Wal-Mart that you worked at?
A. Yes, ma'am.
Q. And then you took a right onto Bluefield Road, right?
A. Yes, ma'am.
Q. Okay. And that's, what, about six miles or so from DSS?
A. I don't know. Give or take.
Q. It took you about twelve, thirteen minutes maybe?
A. I don't know.
Q. Okay. So you took a right onto Bluefield and there's some houses right here. Those would be on your right, correct?

A. Well, no, they didn't -- they was building the subdivision at the time.
Q. So there were no houses there?
A. On the dirt road, but not on Bluefield. Bluefield is, I guess, the paved road or is Bluefield the dirt road?
Q. Well, there's a spot of Bluefield Road that starts out paved and then it turns into a dirt road; isn't that correct?
A. I guess. I don't know that area that well. I thought that was two different roads.
Q. But you said you knew the place; isn't that correct? You knew a place where they could go, right?
A. Yes, ma'am, but I didn't know the name of the roads.
Q. But you knew the area, right?
A. I'd only been there twice.
Q. Mr. Aaron, this is State's Exhibit 3, okay? This is Bluefield Road right here, correct? Right here.
A. Is that the paved road?
Q. Well, it starts out paved, yes. This is the road you turned on, correct?
A. Yes, ma'am.
Q. Okay. So you're going down a little ways and then as you said you took a left onto this dirt road?
A. Okay. Well, right there where I took a left, there's like five or six houses right there where it's like a cross

where it's green.
Q. Over here?
A. Yes, right there in that area right there where I made that left. There's like five or six houses right there.
Q. Okay. And you went down this dirt road?
A. (Nods head.)
Q. You said -- is that -- is that a yes?
A. Was that where we went and had fun at? I mean, because --
Q. I wasn't there, Mr. Aaron. I'm asking you.
A. Well, you said that -- yes.
Q. A couple of hundred yards?
A. Maybe. I don't know exactly how far it is.
Q. And then you go into this little clearing amongst the trees, right?
A. Yes.
Q. Okay. Karie's still in the car?
A. Yes, ma'am.
Q. Okay. And you had -- you didn't say anything, right?
A. What do you mean I didn't say anything?
Q. To Karie.
A. I asked her if she'd ever been there before. She said one other time.
Q. You didn't tell Detective Dubard that, did you?
A. I don't know what I told that man.

Q. Okay.
A. The only thing I remember telling him is we went and had sex.
Q. This is State's Exhibit 4. Do you remember going down that road?
A. Yes, ma'am. That's where we had sex at.
Q. State's Exhibit 5, that's where you raped Karie, isn't it?
A. That's where we had sex at. I didn't rape her, ma'am.
Q. Those are your tire marks, right?
A. Yes, ma'am. That's where we went.
Q. So you pull in. You park?
A. Yes, ma'am.
Q. And you got out of the van, correct?
A. Yes, ma'am.
Q. Debra's minivan?
A. Yes, ma'am.
Q. And you leave Karie in the passenger seat? That's your story?
A. Yes, ma'am. I got up and I got out, opened up the side door because she was taking off her boots and her pants, and she climbed over and we had sex right there.
Q. So while she's still sitting in the front passenger seat it's your testimony that she took off her boots, took off her pants?

A. Yes, ma'am.
Q. And left them there in the passenger seat, right?
A. Yes, ma'am.
Q. And then she climbed over?
A. The console.
Q. Uh-huh. Did she get out the driver's door or that sliding door that you mentioned? It was the driver's door, wasn't it?
A. No, ma'am, it sure wasn't.
Q. Was it the passenger door?
A. No, ma'am. She climbed over the console. How did she get out of a door?
Q. So what door did she get out of?
A. When we got done having sex --
Q. I'm not asking you about when you -- after you finished raping her. I'm asking before you start.
MR. WILLIAMS: Objection to the form of the question, Your Honor. He's already denied it ten million times.
THE COURT: All right. Let's move on and ask another question unless you want to give me a reason.
MS. WELLMAN: I will rephrase.
BY MS. WELLMAN:
Q. After she took off her pants and took off her boots and laid them in the pass -- the front passenger seat,

which door did she come out of?
A. She didn't. That's what I'm trying to tell you, ma'am. She stepped over the console to get in the middle.
Q. So in the middle. Okay.
A. You know the middle seat in a van? You've got a back seat, two middle seats, a driver's seat and a passenger seat.
Q. So she's now in the middle part of the van, right?
A. That's where we had sex at. Yes, ma'am.
Q. And you said she laid down on one of those seats with her legs up in the air, right? That's what --
A. Yes, ma'am. She was on her back with her legs up in the air.
Q. Was she laying flat?
A. Well, of course. She was facing toward the sliding doors with her legs up in the air on her back.
(State's Exhibit Number 39 was marked for identification.)
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
BY MS. WELLMAN:
Q. Mr. Aaron, this is State's Exhibit 39. That's that middle area of Debra's minivan, right?
A. Yes, ma'am.
Q. A fair and accurate depiction?

A. What do you mean? Explain yourself.
Q. Is this what the middle part of your -- Debra's van looked like?
A. Yes, ma'am.
Q. And today just -- and then on, I guess, January 9th, that's how it looked the day that you picked up Karie, right?
A. Yes, ma'am.
MS. WELLMAN: The State would move to introduce State's Exhibit 39.
MR. WILLIAMS: Without objection, Your Honor.
THE COURT: All right. It's admitted with no objection.
(State's Exhibit Number 39, a photograph, was admitted into evidence.)
BY MS. WELLMAN:
Q. So, Mr. Aaron, these are the middle seats that you were talking about, right?
A. Yes, ma'am.
Q. Those are the seats that she was laying flat on?
A. With her back on, yes, ma'am. On one of them. On the driver's side over there. The one on the left-hand side.
Q. So this one right here?
A. Yes, ma'am.
Q. And she was laying perfectly flat?

A. On her back. Yes, ma'am.
Q. And you're standing outside?
A. Yes, ma'am.
Q. Okay. You didn't pull her from the passenger seat over to the driver's seat?
A. No, ma'am.
Q. You didn't bend her over the driver's seat?
A. No, ma'am.
Q. You didn't pull down her pants?
A. No, ma'am.
Q. But you did put your penis in her vagina, correct?
A. Yes, ma'am.
Q. All while she said please don't do this?
A. No, ma'am. She did not say that.
Q. Mr. Aaron, you knew Karie didn't want to have sex with you, didn't you?
A. Why did she tell me she had a tight pussy if she didn't want to have sex with me?
Q. You didn't tell that to Detective Dubard, did you?
MR. WILLIAMS: Objection. Asked and answered.
THE COURT: It is.
All right, Ms. Wellman.
BY MS. WELLMAN:
Q. You wanted to have sex that day -- you wanted to go have some fun, didn't you?

A. Sure.
Q. And it didn't matter what Karie wanted, right?
MR. WILLIAMS: Objection, Your Honor. argumentative.
THE COURT: I'm gonna let her go.
You go on, Ms. Wellman.
THE WITNESS: If she would have said no, ma'am, I wouldn't have done nothing.
BY MS. WELLMAN:
Q. No, ma'am?
A. If she would have never told me she had a tight pussy, I would have dropped her off at DSS and went home. Why did I stay there?
Q. So you ejaculated?
A. I what?
Q. Sperm came out of your penis; is that correct?
A. Well, ain't that what happens when you have sex?
Q. Yes or no?
A. Yes.
Q. Okay. And you wiped yourself off with that red rag?
A. Yes.
Q. State's Exhibit 8. Or, I guess, 8.4, right?
A. Yes, ma'am.
Q. And then you threw it on the ground?
A. Yes, ma'am.

Q. Was that before or after you pushed Karie to the ground on her bare butt?
A. I never pushed her to the ground.
Q. Okay. But tricking her into your car and then making her have sex, that wasn't enough for you, was it?
A. How did I trick her into my car?
Q. You had to a take a trophy -- actually five trophies, didn't you?
A. What are you talking about taking a trophy?
Q. There's five rings.
A. No, ma'am. I never took them rings.
Q. Okay. But then all of a sudden she started acting, how did you put it, sketchy?
A. Yeah.
Q. What does that mean?
A. Weird, funny. I mean, she just started acting weird.
Q. What was she doing?
A. She was putting her clothes on.
Q. I thought you said she was acting weird?
A. Sketchy, weird. Ain't that the same thing?
Q. But what was she doing that was so weird?
A. I mean, it was just the way she was just looking at me. It freaked me out, you know what I'm saying? It's just -- I don't know. That's hard to explain.
Q. And this was after she was holding her phone above her

head looking at her phone while y'all were -- while your penis was in her vagina?

A. While we was having sex, yes, ma'am. It was after we got done, she was putting on her clothes and she was acting weird and all.

Q. You never told Detective Dubard that she was looking at her phone while you, as you put it, were having sex, did you?

A. I can't remember what I told that man, ma'am. That was over two years ago.

Q. But it was about three weeks after you picked up Karie. Don't you think you would have remembered better then than you do now?

A. (No verbal response.)

Q. That's okay.

MR. WILLIAMS: Objection. Argumentative, Your Honor.

THE COURT: I don't think it was argumentative. She was fine.

Go ahead, Ms. Wellman.

MS. WELLMAN: Thank you, Your Honor.

BY MS. WELLMAN:

Q. So you were freaked out?

A. Yeah.

Q. So you sped away as you threw her stuff out the car?

A. Yes. I mean, she was fine while we was having sex and then all of a sudden she started acting weird on me after we got done.

Q. Is that because she didn't want to have sex with you? Is that maybe why she was acting weird?

MR. WILLIAMS: Objection. Speculation.

THE COURT: I agree.

Ms. Wellman, do you want to respond to that or --

MS. WELLMAN: He's saying she's acting weird, Your Honor.

THE COURT: Then kind of rephrase that for me, please. Thank you.

MS. WELLMAN: I don't even exactly remember what I asked.

BY MS. WELLMAN:

Q. Is it possible -- no, never mind.

So you speed off because you're freaked out and you're going straight home, right?

A. Yes, ma'am.

Q. To your live-in girlfriend of nineteen years?

A. Yes, ma'am.

Q. And the sun's -- I guess that would be, what, right overhead because it's midday?

A. I reckon.

Q. And all of a sudden you see this sparkle in the

passenger seat, right?
A. Yes, ma'am. When I went to turn, I seen the sun come through and it reflected off the seat.
Q. Okay. The front passenger seat?
A. Yes, ma'am.
Q. You didn't tell that to Detective Dubard, did you?
A. Like I told you, ma'am, that was over two years ago.
Q. How many rings were in the front seat?
A. I think it was like four or five.
Q. Four or five? Not what you told the detective though, was it?
A. I -- ma'am, I don't know what I told him.
Q. You told Detective Dubard that there were only three, right?
A. I can't remember what I told him.
Q. Okay. Whether you found three rings or five rings, either way you found some rings after --
A. Yes, ma'am --
Q. -- you sped off leaving Karie in the middle of nowhere? You found three -- or maybe five, maybe four. You don't really know, right?
MR. WILLIAMS: Objection to the form of the question, Your Honor. I don't know which question she's asking.
THE COURT: Yes, you need to ask one question,

Ms. Wellman, and let him answer.
BY MS. WELLMAN:
Q. However many rings that you decided were in the car, you gave them to Debra?
A. Yes, ma'am.
Q. Your girlfriend or your common law wife?
A. Yes, ma'am.
Q. And you told her you found them in the road?
A. Yes, ma'am. I didn't want her to know I had a girl in the car.
Q. And that makes sense. I mean, you wouldn't want Debra to know that you just pulled them off Karie's fingers, right?
A. No, ma'am. I did not pull them off her fingers.
Q. The first time that Detective Dubard asked you about the rings three weeks after you found them, you said you didn't know anything about it, didn't you?
A. Ma'am, I don't know what I told him.
Q. That wasn't a good story that you didn't know, was it?
MR. WILLIAMS: Objection. That is argumentative, Your Honor.
THE COURT: All right, Ms. Wellman.
BY MS. WELLMAN:
Q. About five minutes later you came up with a story, didn't you?

A. Say what now?
Q. Detective Dubard, while you're in the car, he asked you about those rings. Do you remember that?
MR. WILLIAMS: Objection. Asked and answered.
THE COURT: No, she asked if he remembers it. He needs to answer it.
THE WITNESS: No, I don't remember.
BY MS. WELLMAN:
Q. Okay. So you don't remember telling him you didn't know anything about it?
A. No, I don't remember. That was two years ago.
Q. Do you remember that five minutes later you conveniently decided to tell him oh, I found three rings in the car?
MR. WILLIAMS: Objection to the form of the question. Conveniently, Your Honor?
MS. WELLMAN: I will rephrase.
THE COURT: Thank you, Ms. Wellman.
BY MS. WELLMAN:
Q. Mr. Aaron, about five minutes or so after you told Detective Dubard you didn't know anything about the rings, then you remembered that oh, I found three rings in the car. Isn't that correct?
A. I guess that's what I told him. I don't know.
Q. Okay.

A. That was over two years ago.
Q. When you were in the car, you saw Debra talking to Sergeant Burt and Sergeant Anderson about those rings, didn't you?
A. While I looked up there, yes.
Q. So you knew what they were talking about?
A. Yeah. I knew that he said something about going and getting the keys from her for the van because they was towing the van.
Q. So you're saying you didn't know that Sergeant Anderson and Sergeant Burt were talking to Debra about Karie's rings? That's your story today?
A. They probably was up there, but one of them told me, I can't remember which one it was, said that they needed to go up there and get the keys to the van. I don't know exactly what all they talked about because I wasn't up there. I was at the edge of my driveway. They was up there at the house.
Q. But on February 5th you didn't know, right? You didn't know that Sergeant Burt and Sergeant Anderson were talking to Debra about those rings? Is that your testimony?
A. Well, I mean, like I said, I didn't know what they was talking about because one of them said something about they had to go get the keys.

Q. Okay. When you were talking with Mr. Williams, you admitted that you lied to Debra, didn't you, about where those rings came up from? Isn't that correct?

A. Well, I told him I found them in the street because, like I said, I didn't want her to know I had a girl in the car.

Q. You lied to make yourself look better, right?

A. No, ma'am.

MS. WELLMAN: If I could just have one second, Your Honor.

THE COURT: Take your time.

BY MS. WELLMAN:

Q. Mr. Aaron, did it bring a smile to your face when you saw Karie's rings on Debra's hand?

A. No.

Q. Did it give you a little thrill to be able to re-live that moment?

MR. WILLIAMS: Your Honor, I would object. I would object to the form of that question.

THE COURT: Let me see the lawyers for a second now.

(Proceedings held at the bench; not reported.)

THE COURT: You can on. I'm gonna allow it.

BY MS. WELLMAN:

Q. Can you answer the question, Mr. Aaron?

A. What was the question again?
Q. Did it give you a little thrill to see Karie's rings on Debra's hand?
A. No, ma'am.
MS. WELLMAN: No further questions.
MR. WILLIAMS: I've got one question.

REDIRECT EXAMINATION

BY MR. WILLIAMS:
Q. Was there anything about the events that occurred on that particular day that brings you a smile right now?
A. No, sir.
MR. WILLIAMS: Thank you, Your Honor.
THE COURT: Thank you, Mr. Williams.
Anything else, Ms. Wellman?
MS. WELLMAN: Not with this witness, Your Honor.
THE COURT: Okay.
All right, Mr. Aaron. You can be excused and step down and return to your table.
THE WITNESS: Okay. Thank you.
(Witness excused.)
MR. WILLIAMS: That would be the defense case, Your Honor.
THE COURT: Okay.
All right. Mr. Foreman, and ladies and gentlemen of the jury, the defense has rested, so I'm gonna ask

478

you to return to your jury room just so I can take up some matters that we need to do and I will send back for you.

Please -- it's not time to deliberate yet. You're getting close, but it's not time. Do not discuss this case among yourselves or with anyone else just yet, okay?

Thank you.

(Whereupon, the jury retires to the jury room at 2:17 PM.)

THE COURT: Okay. Anything from the State?

MS. WELLMAN: Your Honor, the State is ready to reply?

THE COURT: Okay.

MR. WILLIAMS: Potty break, Your Honor?

THE COURT: Yeah. Y'all want to take just a few minutes break and we'll come back on rebuttal witnesses I would call them from back in the day.

(Discussion off the record.)

(Recess taken at 4:18 PM.)

(Back on the recorda t 2:36 PM.)

BAILIFF: Keep your seat. Court will now come to order.

THE COURT: Be seated.

Can I see the lawyers just for one second?

(Proceedings held at the bench; not reported.)

(State's Exhibit Number 40 was marked for identification.)

(Whereupon, the jury return to the courtroom at 2:41 PM.)

THE COURT: Mr. Foreman, is the jury ready?

FOREPERSON: We're ready, Your Honor.

THE COURT: All right. The defense has rested, correct?

MR. WILLIAMS: We have, Your Honor.

THE COURT: All right.

Let me turn to the State. Anything else?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Okay.

MS. WELLMAN: At this time the State would call -- or re-call Detective Dubard.

THE COURT: All right.

I'm going to place you back under oath.

THE CLERK: Raise your right hand.

(Whereupon, Arcadeus Dubard was duly sworn by the Clerk of Court.)

THE CLERK: Once you're seated, state your name and spell your last name for the record.

THE WITNESS: Arcadeus Dubard. Last name's spelled D-U-B-A-R-D.

ARCADEUS DUBARD,

having been duly sworn, testified as follows:

DIRECT EXAMINATION (REBUTTAL)

BY MS. WELLMAN:

Q. Good afternoon, Detective Dubard. On February 5th of 2020, did you transport the defendant to the Lexington County Detention Center after he was arrested?

A. Yes, ma'am.

Q. And was that in your patrol car?

A. Yes, ma'am.

Q. When you were in the car, did you advise him of his Miranda rights?

A. Yes, ma'am.

Q. Specifically if you could tell the jury of what rights you advised him.

A. The same as all. He was advised that he was under investigation by the Lexington County Sheriff's Department, that he had the right to remain silent and that anything he said will be used against him in a court of law, he has the right to an attorney and if he could not afford an attorney one could be a provided to him without cost.

Q. When you advised him of his Miranda rights, did he already know the warrants that you had, what charges?

A. Yes, ma'am.

Q. Had those warrants been read to him?

A. Yes, ma'am.

Q. Did he have an idea of what the allegations were?

MR. WILLIAMS: Objection to that, Your Honor. Speculation.

THE COURT: It is speculation.

BY MS. WELLMAN:

Q. Was he advised of the nature of the allegations?

A. Yes, ma'am. He had been read the warrants containing the charges and allegations.

Q. And in the car after he waived -- or once he was advised of his Miranda rights, did he waive those rights?

A. Yes, ma'am.

Q. Did the defendant agree to speak with you?

A. Yes, ma'am.

Q. Was that conversation recorded?

A. Yes, ma'am.

Q. How did you record it?

A. In those situations, we use our Axon app that was mentioned earlier before. It's the same as our body camera system, but in this particular instance it's an audio recording.

Q. Okay. Have you received some training in how to operate that system, the Axon system?

A. Yes, ma'am. We get basic training on the operations and kind of daily uses of it.

Q. And your recording device, was it working properly on

February 5, 2020?
A. Yes, ma'am.
Q. For your recording devices, is there a way to store those recordings somewhere?
A. Yes, ma'am. So when those recordings are completed, they are saved under a case number in the cloud system under the Axon server.
Q. Is it possible to retrieve those recordings and burn them to a disk?
A. Yes, ma'am.
MS. WELLMAN: May I approach the witness?
THE COURT: You may.
BY MS. WELLMAN:
Q. Detective Dubard, I'm handing you what is marked State's Exhibit 40. Do you recognize that?
A. Yes, ma'am, I do.
Q. Please tell the jury what State's Exhibit 40 is.
A. It's a copy of the audio recording of the interview between myself and Mr. Aaron.
Q. And is that the interview that you conducted with the defendant on February 5th of 2020?
A. Yes, ma'am.
Q. Have you had an opportunity to review that recording prior to testifying today?
A. Yes, I have.

Q. Is that a true and accurate copy?
A. Yes, ma'am.
Q. Okay. Has there been any changes, alterations or deletions to that recording?
A. No, ma'am.
Q. And did you put your initials on State's Exhibit 40 to indicate that it was a true and accurate copy?
A. Yes, ma'am.
Q. Thank you.
MS. WELLMAN: Your Honor, the State would move to introduce State's Exhibit 40 into evidence and would move to publish to the jury.
MR. WILLIAMS: Your Honor, we would object to playing that because there's been not a laying of a foundation that would indicate it would be proper to be played in redirect or recross or rebuttal at this particular time.
THE COURT: I'll be glad to hear from you, Ms. Wellman.
MS. WELLMAN: If I could have one second.
THE COURT: Okay.
BY MS. WELLMAN:
Q. Detective Dubard, before we play that, did -- did the defendant tell you who got whose attention?
A. Yes, ma'am.

Q. Did he tell you who offered to go have some fun?
A. Yes, ma'am.
Q. Did he tell you where he saw her -- he saw Karie?
A. Yes, ma'am.
Q. Did you ask him about the rings?
A. I did.
Q. And the first time you asked him about the rings, do you recall if he had an answer?
A. Yes, ma'am.
Q. Okay. Did he have an answer that first time?
A. He gave an answer.
Q. Was his answer different than what he testified to today?
A. Yes, ma'am.
Q. Were a lot of his answers different?
A. Yes, ma'am.

MS. WELLMAN: Your Honor, at this time the State would move to introduce State's Exhibit Number 40.

MR. WILLIAMS: Now we have no objection, Your Honor.

THE COURT: Thank you, Mr. Williams.

It's admitted with no objection and you may publish.

(State's Exhibit Number 40, an audio recording, was admitted into evidence.)

MS. WELLMAN: Your Honor, may we approach?

THE COURT: Yes.

(Proceedings held at the bench; not reported.)

MS. WELLMAN: Your Honor, as we just discussed, the first three minutes of this audio recording is just the defendant and Detective Dubard getting into the car and getting settled. There is nothing said, it's just silence, and I don't think anyone would like to sit here for three minutes just staring at each other, so with the Court's permission I'd like to go ahead and skip the first three minutes of the audio.

THE COURT: Okay. The jury probably would appreciate that.

(Whereupon, State's Exhibit Number 40 was played.)

MS. WELLMAN: Nothing further.

MR. WILLIAMS: May it please the Court?

THE COURT: Absolutely, Mr. Williams.

CROSS-EXAMINATION (SURREBUTTAL)

BY MR. WILLIAMS:

Q. Detective Dubard, that recording that you gave was done February of when?

A. 2020.

Q. And February the 5th, right?

A. Yes, sir.

Q. And the allegations, that would be -- we're in March

of 2022, right?
A. Yes, sir.
Q. So that would have been over two years ago -- well, twenty-five months ago that he gave this statement, correct?
A. Yes, sir.
Q. All right. And one of the things you said to him was that sometimes -- you were giving him an explanation about what Ms. Sutherland had said?
A. Did I give him explanation?
Q. No, about what she had said and that was why you were asking these questions. You said what she was accusing him of doing, right?
A. What the warrants accused him of, yes, sir.
Q. Warrants -- were the warrants based on what she was saying?
A. The allegations, yes, sir.
Q. But they were based on what she was saying, right?
A. Based on the information I received, yes, sir.
Q. From her?
A. Yes, sir.
Q. Thank you. So you also did an audiotape of Ms. Sutherland, didn't you?
A. Yes, sir.
Q. And some of the stuff she said in that was inconsis --

inconsistent with what she testified, didn't it?
A. I -- you'd have to be more specific, sir.
MS. WELLMAN: Objection.
MR. WILLIAMS: All right. I'll be more specific.
THE COURT: All right. Wait a minute. Let me hear -- what's the objection?
MS. WELLMAN: To the form of the question. Some things.
THE COURT: Okay. I think he was gonna point them out. If you're gonna point them out, Mr. Williams, go ahead.
MR. WILLIAMS: I am.
BY MR. WILLIAMS:
Q. At about -- just into twenty minutes in the audio recording, she talks about that she could have broken loose if she wanted to. Didn't she tell you that? She said he was gentle.
A. She said he was gentle. I don't remember her saying that she could have broken loose if she wanted to.
Q. Well, if it's recorded in your audio recording at 19:38 on the tape, you wouldn't disagree with that?
A. That she said she could have broken loose if she wanted to?
Q. Yes.
A. If it's on that audio, then I guess she said it.

Q. Okay. And you wouldn't -- okay. Are you saying you don't remember or are you saying that it's just not there?
A. I wouldn't have thought she would have said. That that's what I'm saying.
Q. Okay. Do you recall whether or not there was a recording made and it was preserved? The audio recording that you had with Ms. Sutherland?
A. On which date, sir?
Q. On the day that she was actually in -- January the 7th.
A. On January 7th? We didn't get this incident until January 9th, sir.
Q. I'm sorry. The day that you met with her at the hospital, I guess. Didn't you meet with her at the hospital? That's right. January 9th.
A. January 9th, yes, sir.
Q. So you made a recording on January 9th when she was at the hospital?
A. Yes, sir.
Q. And there's no question but that you made a recording of it?
A. Yes, sir.
Q. All right.
MR. WILLIAMS: Your Honor, I may have to play that for him to identify it and I don't want to do it

unless -- while the jury's here unless -- there might be something else on there he doesn't want played, so would it be possible to excuse the jury so he can pick it out?

THE COURT: Sure.

This won't take but just a minute, Mr. Foreman.

FOREPERSON: Okay.

THE COURT: Remember, no talking about the case yet. It's not time.

(Whereupon, the jury retires to the jury room at 3:11 PM.)

(Defendant's Exhibit Number 1 was marked for identification.)

THE COURT: Are we gonna get that redacted so if the jury goes back --

MR. WILLIAMS: Shawn and I just worked this out, Your Honor. We're gonna play that. I'm gonna ask him if she said it and then he's gonna say he said it if he hears it on this tape and then we're not gonna intro -- we're not gonna have to have the tape back to listen to all the other stuff.

THE WITNESS: Just for recollection.

MR. GRAHAM: They're just gonna use -- they're gonna use this recording to refresh his memory.

MR. WILLIAMS: That's right.

MR. GRAHAM: And let him hear what he says.

MR. WILLIAMS: Because he just can't remember. It been over two years.

THE COURT: That's fine.

MR. WILLIAMS: It's like twenty-five months ago. It's hard to remember stuff that long ago.

THE COURT: All right.

Ms. Wellman, you're in agreement, right?

MR. WILLIAMS: I think Shawn said he was in agreement.

MR. GRAHAM: Let's play it and see what it says.

MR. WILLIAMS: I don't know who's --

THE COURT: Well, let's find it right quick.

She's gonna reserve her right until she hears it.

(Whereupon, the victim's statement was played in-camera.)

MR. WILLIAMS: There you go. That's it.

Officer Dubard, do you remember -- can I continue with him two seconds, Your Honor?

THE COURT: Yes.

EXAMINATION (In-Camera)

BY MR. WILLIAMS:

Q. So having played that for you, do you recall that she did say that she could have broke loose if she wanted to?

A. Yes.

MR. WILLIAMS: That's it.

And we'll just have him say that and I'm done, Judge.

THE COURT: Okay. Are we gonna play the tape?

MR. WILLIAMS: No.

THE COURT: Okay.

All right. Let's bring the jurors up.

Anything from the State though?

MS. WELLMAN: No.

THE COURT: Okay.

(Whereupon, the jury returns to the courtroom at 2:18 PM.)

THE COURT: All right, Mr. Foreman. Are we ready?

FOREPERSON: We're ready, Your Honor.

CONTINUED CROSS-EXAMINATION (SURREBUTTAL)

BY MR. WILLIAMS:

Q. Detective Dubard, having -- having refreshed your memory with the tape, would you say that she did say I could have broke loose if I wanted to? He was real gentle about it really?

A. Yes.

Q. And it makes a difference, two and a half years, doesn't it, sometimes? Twenty-five months?

A. Yes, sir.

Q. It does. Wait until you get to be seventy-one.

And these -- particularly, he was in -- he was in the car, going to jail, and was he nervous?

A. Going to the jail, I couldn't tell you.

MS. WELLMAN: Objection. Speculation.

MR. WILLIAMS: All right.

THE COURT: It is speculation.

BY MR. WILLIAMS:

Q. Did he ask a lot of questions about getting out on bond?

A. I can't hear you.

Q. Did he ask a lot of questions about getting out on bond, about when he could make bond?

A. He asked a couple questions about would he make it to work.

Q. Right. Concerned about working, right?

A. I couldn't say whether he was concerned about anything.

MR. WILLIAMS: That's all I have, Your Honor.

THE COURT: Thank you.

Any redirect, Ms. Wellman?

MS. WELLMAN: No, Your Honor.

THE COURT: Thank you.

All right. Anything else from the State?

MS. WELLMAN: No, Your Honor.

MR. WILLIAMS: Nothing from the defendant,

Your Honor.

THE COURT: All right.

MS. WELLMAN: Can Detective Dubard step down?

THE COURT: Please excuse him. You are excused.

THE WITNESS: Thank you, ma'am.

(Witness excused.)

THE COURT: I would have known you were up there in just a minute.

All right. Let me speak to the jury.

Mr. Foreman, we're done. The State's finished and the defense has finished. Now this is what happens next. We have closing arguments and there's also a charge on the law that I must give you and then we can let you deliberate. It is late in the evening. I'm telling you by the time I take up a few legal matters and we do closings and charging, you're not gonna get this case until way after 5:00.

So what I propose, and if y'all agree, we can come in in the morning at 9:30. The lawyers will immediately start their closing arguments and then I'll charge you with the law, okay?

Everybody want to do that or does anybody just want to work late tonight? I'll do either way.

FOREPERSON: We'll come back tomorrow, Your Honor.

494

THE COURT: Okay.

All right. Well, Mr. Foreman, again, and ladies and gentlemen of the jury, one more day. No more -- you can't talk about this case, no research, no news, no TV. If you see something about this case, please turn it off. Don't watch it. Don't talk to anyone about this case, not even amongst yourselves, okay? And tomorrow when we come in, we'll finish up. And it should be -- we ought to get the case to you early, okay?

FOREPERSON: Okay.

THE COURT: All right. With that said, I hope all of y'all have a good evening.

FOREPERSON: Thank you, Your Honor.

THE COURT: Drive safe.

(Whereupon, the jury was excused for the day at 3:21 PM.)

THE COURT: Well, let me commend the lawyers again. A great job on both sides. Thank y'all very much. It sure does make a case easy to try.

All right. Anything from the State?

MS. WELLMAN: No, Your Honor.

THE COURT: Anything from the defense?

MS. WILLIAMS: Your Honor, we would renew all of our previous motions at this time.

THE COURT: Okay. And they're so noted for the record and they're denied.

MS. WILLIAMS: Thank you, Your Honor.

THE COURT: All right. Let's -- we'll start at 9:30 with closings.

Everybody have a new copy of the jury charges?

MS. WELLMAN: (Nods head.)

MS. WILLIAMS: Yes, Your Honor.

THE COURT: Anything in the jury charges that y'all want changed or something that we need to look at or discuss?

MR. GRAHAM: I looked at it quickly. I haven't seen anything, but if we find anything we'll let Your Honor know.

THE COURT: Okay. I'm gonna also let both lawyers -- let both sides know that I put in there I'm gonna send a copy back of the charge to the jury.

Now I've had some people -- sometimes I send back one copy of the charge, I've also had lawyers request that each juror get a copy of the charge so nobody's fighting over them. I'll do --

Anybody have a thought on that?

MR. WILLIAMS: I actually have a thought on that and it's actually probably not what Your Honor wants to hear.

496

THE COURT: You want all twelve copies?

MR. WILLIAMS: Or -- but it's just twelve. That's right. The alternate will be gone.

THE COURT: Right.

And, no, I've heard it before, Mr. Williams --

MR. WILLIAMS: Okay.

THE COURT: -- and I somewhat tend to agree. You don't want one person hogging all the jury instructions or interpreting it for everybody else.

But, Ms. Wellman, do you have any preference on it? I'll be glad to hear you.

MS. WELLMAN: Honestly, it doesn't matter to me, Judge. They seem to get along pretty well. I don't see anyone hogging it, but if Your Honor would like to give each one a copy...

THE COURT: Yeah, I've learned really quickly we never know what happens in a jury room. I'll send them all, but I'm gonna wait to make those twelve copies until y'all look over them so I won't be printing them a bunch of times because I think they're thirty pages -- twenty-five.

So why don't we meet, let's say, about 9:15 in the morning. We'll talk about the jury charges and then I'll get my law clerk to make those copies and -- because I intend to charge right after closings, okay?

MR. WILLIAMS: Okay.

THE COURT: All right. Everybody have a good evening and thank you.

MS. WELLMAN: Thanks, Judge.

MR. WILLIAMS: Thank you, Your Honor.

(Whereupon, the proceedings were concluded for March 10, 2022, 3:25 PM.)

(The following proceedings were held March 11, 2022, beginning at 10:47 AM.)

THE COURT: All right. Let me ask Mr. Williams and Ms. Wellman, y'all ready?

Mr. Graham?

MR. GRAHAM: I'm ready. Ashley is ready.

MR. WILLIAMS: Defendant is ready, Your Honor.

THE COURT: Ms. Williams?

MS. WILLIAMS: Yes, Your Honor.

THE COURT: Okay. Well, then let's bring the jury in. They're probably wondering if we're here.

Okay. Let me ask the attorneys before we go print out thirteen copies of the jury charges, everybody okay?

MR. WILLIAMS: Defendant's okay.

MR. GRAHAM: Yes, Your Honor.

THE COURT: Okay.

I think we've taken care of all motions. We're going straight into closings.

498

MS. WELLMAN: Yes.

MR. WILLIAMS: We have, Your Honor.

THE COURT: I'm gonna make it a Court's exhibit.

(Court's Exhibit Number 3 was marked for identification.)

(Whereupon, the jury enter the courtroom at 10:52 AM.)

THE COURT: Mr. Foreman, the jury ready?

FOREPERSON: Yes, ma'am. We're ready.

THE COURT: All right. Let me ask the jury, nobody had any problems overnight with newspapers or TV's or talking to anybody? Everybody good?

And then let me apologize. We -- believe it or not, we've been in this courtroom since 8:30 this morning. It's been a very bizarre morning. So I apologize for keeping you so late. I did bring you some snacks. Probably a good thing I did so y'all could at least have something to snack on.

FOREPERSON: Thank you. Yes.

THE COURT: But I do apologize.

All right. Is the State ready?

MS. WELLMAN: Yes, Your Honor.

THE COURT: Okay.

MS. WELLMAN: May it please the Court?

THE COURT: Yes, ma'am.

MS. WELLMAN: Good morning.

How did we get here today? Why are we hear this week? On Tuesday, Ms. Williams asked you to think about the how and to think about the why. Honestly, that has stuck with me all week. How did Karie end up in that isolated location? She made a bad decision. She trusted the wrong person. Why did she pick up that rag? Why did she call 9-1-1? Why did she voluntarily, without hesitation, go to the hospital rather than her original intended location? Why at the hospital, again, without hesitation, did she spend hours naked with her legs spread and her bare genitals exposed to two people she's never seen before? Why has she always been cooperated -- excuse me -- cooperative with law enforcement? Why has she been here all week reliving this? Why is she still crying?

She didn't have to do any of that. She could have refused everything. She never had to report this. Her life probably would have been easier. But she knew what the defendant did that day was wrong. She had to be brave enough to stand up and stop it. Why after all of this time is she here calling that man right there a rapist and a thief after two years? I'll tell you why. Because he is.

We told you on Tuesday that the defendant, Samuel

500

Aaron, is a sexual predator and a thief. Ladies and gentlemen, that is what the evidence showed.

The evidence showed that morning on his way to the jail, the defendant took the same route that Karie was walking. He saw her, zeroed in on her, targeted her, realized she was an easy, easy target. He found her again after leaving the jail. He played the nice guy offering her a ride. It was a chilly, windy January morning. Played the nice guy to get her in the car; not once, but twice. He played the nice guy to get her out into the middle of nowhere where he raped her after pulling her from the passenger seat.

He stole her rings, his trophies of his conquest, pushed her down, drove away, leaving her scared and crying on the ground with her pants down by her boots. That is what the evidence showed. That the defendant is a sexual predator and a thief. Why would she lie? What motive does Karie have to go through all of this? None. She is here telling you what happened that day.

Ladies and gentlemen, as jurors you have a few jobs. You don't just sit here all week listening to lawyers talk, although we do do a lot of that. Your first job is to listen to the evidence. What you hear from that witness stand. You guys did great with that this week. Some of you were even sitting on the edge of