

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Donald B. Hocker, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LUTAVIOUS DENARD ELMORE,

APPELLANT.

APPELLATE CASE NO. 2020-001162

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 27 (CD-DEFENDANT’S INTERVIEW)**

2020-GS-30-00441, 442, 443,
444, 445

State of South Carolina)
 vs.) Transcript of Record
)
Lutavious D. Elmore)
)
 Defendant)

July 27th and 30th, 2020
Laurens, South Carolina

B E F O R E:

Honorable Donald B. Hocker, Judge

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

Dale Scott, Deputy Solicitor
Margaret Boykin, Assistant Solicitor
Attorneys for the State

Chelsea McNeill, Public Defender
Tristan Shaffer, Assistant Public Defender
Attorneys for the Defendant

Joy E. Holston
Official Court Reporter

1 the late notice that we just approved to seek a request or
2 request or seek permission from Your Honor for our agents
3 to film, using a video camera, the proceedings in this
4 trial. And what we believe is unique about it is the
5 modifications for the COVID pandemic. And what we would
6 like to do, and if I may, refer to Rule 605, under the
7 Court rules. While there is an educational provision, we
8 don't believe that that provision allows publication
9 before the end of direct appeals by the Rules on
10 limitation. We would like to offer recording for very
11 similar purposes and we believe, although it is a strange
12 fit, we do believe we can fit under the definition of
13 media for the in-trade, they reference trade papers,
14 in-house publications or professional journal. Now,
15 obviously, traditionally these things are paper items.
16 But you can't have a video recording embedded into a sheet
17 of paper like the South Carolina Lawyer Weekly or anything
18 like that. But SCACDL has actually recently redone their
19 websites and it is available, we are already, while we are
20 speaking our Director is trying to get our IT guy in
21 position to host streaming video. We have a members only
22 section on there and it is our proposal that we be allowed
23 to record it for our membership. Now, it has come up that
24 there may be an educational benefit to all of the lawyers,
25 whether it is the Prosecutors Association or other lawyers

STATE OF SOUTH CAROLINA)

COUNTY OF LAURENS)

COURT OF GENERAL SESSIONS

2020-GS-30-00441

2020-GS-30-00442

2020-GS-30-00443

2020-GS-30-00444

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

LUTAVIOUS DENARD ELMORE,)
 DEFENDANT.)

ORIGINAL

August 3, 4, 5, 6, 7, 10, and 11, 2020
 Laurens, South Carolina

B E F O R E:

THE HONORABLE DONALD B. HOCKER, JUDGE; and a jury.

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

C. DALE SCOTT, ESQ.
 Deputy Solicitor
 MARGARET G. BOYKIN, ESQ.
 Assistant Solicitor

CHELSEA B. MCNEILL, ESQ.
 TRISTAN M. SHAFFER, ESQ.
 Attorneys for the Defendant

HOLLIE M. JENKINS
 Circuit Court Reporter

P R O C E E D I N G S

THE COURT: Good morning, ladies and gentlemen.

Let me welcome you to a term of Circuit Court.

Circuit Courts in South Carolina are the highest trial courts that we have. And we hear criminal cases and we, also, hear civil cases. You're here for a term of criminal court, the Court of General Sessions.

But let me explain something to you. As you are sitting here in this courtroom this morning, you are making history. And let me explain to you why you are making history. When this pandemic came about back in March, the Chief Justice of our Supreme Court decided that all trials would be stopped. We've had limited court functions going on since that time. But we have had no -- no trials since about mid-March.

Well, the Chief Justice decided about a month ago, maybe -- no, probably about six weeks ago, rather, that he wanted trials to start back and needed a -- a test jury trial. And he selected Laurens County to be that test jury county.

So you're -- you're here today and as the -- the letter that I sent out previously indicated that we'll have three groups showing up. Group A at 9:00, Group B at 11:00, and Group C at 1:00.

So I want you to know how important this is. And we

1 have taken a lot of -- well, we've put in a lot of thought
2 and consideration to taking precautions to keep everyone
3 as safe as we possibly can. For example, everyone's
4 wearing masks. I'll put my mask on after I finish
5 talking.

6 Social distancing. The trial jury -- when we select
7 the trial jury at the end of the day, as you can see, the
8 chairs are -- are spaced apart. We've taken temperatures
9 at the front door. And we will disinfect periodically
10 throughout the day, not only in the courtroom, but, also,
11 in the jury room. So we -- we will do everything we
12 possibly can to keep everyone, not only the jury, but,
13 also, the lawyers, court staff, and everyone else involved
14 in -- in this case safe.

15 I'm -- I'm just delighted to see you this morning.
16 And what we will do this morning for the next hour or so,
17 we will go through a process to determine your
18 qualifications to sit on any jury in this state, and then
19 your qualifications and eligibility to sit on the case
20 that is being called for trial today.

21 The first part of this process, ladies and gentlemen,
22 is roll call. And when your name is called out by the
23 clerk, you'll stand and provide us the information that we
24 need from you. If necessary if we have to -- sometimes,
25 masks, it makes it hard to understand people talking. So

1 if -- if we have a hard time hearing you or understanding
2 you, then I'm going to ask that you just remove your mask
3 enough to where we can -- to where we can hear you.

4 Okay. So with that said, I'm going to turn it over
5 to our -- your elected Clerk of Court.

6 THE CLERK: If you'll, please, stand and raise your
7 right hand. We need to take an oath before we do this
8 process.

9 (WHEREUPON, the jury panel was sworn at approximately
10 9:40 a.m.)

11 THE CLERK: Okay. Thank you.

12 You may be seated.

13 And when I call your names, please, stand and provide
14 the information that's on that card as to where you're
15 employed, and if you're married where your spouse is
16 employed.

17 (WHEREUPON, the Clerk called the roll for the jury
18 panel.)

19 THE COURT: All right. Thank you, Madam Clerk.

20 I failed to -- to introduce myself, I don't think I
21 did. My name is Don Hocker. I am the Judge who signed
22 the letter that went out to you, initially, when you
23 received your jury summons.

24 I'm chambered here in Laurens. I'm the chief
25 administrative Judge for General Sessions in the Eighth

1 Circuit. I'm just really, really excited and delighted to
2 have sitting next to me to my right is Judge Debbie
3 McCaslin. She is the newest circuit court judge in the
4 State. And she will be with us this week observing this
5 trial.

6 I'm not going to introduce anybody else. We have a
7 lot of people that have an interest in -- in this trial.
8 We have some ladies from court administration, and from
9 other parts of the State. And they're seated primarily
10 over here.

11 And, of course, we have the lawyers that are involved
12 in this case. They -- at the appropriate time, I'll give
13 them an opportunity to introduce themselves. I can tell
14 you right now that we have some excellent, excellent
15 lawyers who will be involved in -- in this case.

16 Ladies and gentlemen, as I told you in my letter,
17 jury service is very important. It's the civic
18 responsibility that we all have, some say the second
19 highest civic responsibility that we have second only to
20 serving in the military. So, once again, your presence
21 here today is very, very important.

22 And if you are selected on the trial jury, then I
23 want you to do everything you can to make this trial a
24 success. We have a lot of eyes on this trial. And if it
25 is successful and if the second test jury trial in Horry

1 County next week if that is successful, then I believe the
2 Chief Justice will open things back up for more trials
3 throughout the State.

4 So we're going to work very hard to make it a
5 success. And if you're selected on the trial jury, then I
6 hope that you will work equally as hard to make it a
7 success.

8 I have some questions that I need to ask you. And
9 let me just tell you at the outset, some of the questions
10 that I ask, you may find them to be somewhat personal.
11 And we, certainly, would not want to embarrass anybody.

12 So if there's a question that I ask you and you are
13 reluctant to respond to it in front of everybody, then
14 just keep a good mental note of that question and answer.
15 And at the appropriate time, then I will speak with you
16 privately about that question and answer.

17 Now, I'll explain how we're going to do that. We're
18 going to have to do it a little differently than what
19 we're accustomed to doing. But I'll explain how that will
20 take place.

21 In addition, there will be some questions that I ask
22 you that I will instruct you not to respond to in front of
23 everybody. And, also, I'll speak with you privately about
24 those particular questions as well.

25 If you respond, I need for you to stand, give us your

1 name and your juror number, if you know it.

2 (WHEREUPON, the Court qualified the jury panel.)

3 JURY QUALIFICATION-GROUP A

4 THE COURT: Ladies and gentlemen, the -- the trial
5 that is being called this week is the State of South
6 Carolina v. Lutavious Denard Elmore.

7 Mr. Elmore, would you just, please, stand, face the
8 jury panel for just a second? That's all you need to do.

9 Thank you, sir.

10 You can have a seat.

11 Ladies and gentlemen, Mr. Elmore has been charged and
12 indicted with certain criminal offenses. And indictments
13 on those charges have been issued by the Grand Jury
14 against him.

15 Now, let me explain to you, an indictment has nothing
16 to do with the guilt or innocence of Mr. Elmore. They
17 merely contain allegations which the State has the burden
18 of proving beyond a reasonable doubt.

19 An indictment serves two purposes, and two purposes
20 only. One, it gets the case to where we are today for
21 trial. And, secondly, it provides notice to the Defendant
22 and his lawyer -- lawyers of what charges the State
23 intends to try him on. It serves no other purpose.
24 They're merely allegations. And, again, these allegations
25 must be proven beyond a reasonable doubt by the State.

1 But I'm going to read each indictment to you just so
2 you will have an idea of what these charges are about.
3 The first indictment is for murder. It alleges that
4 Lutavious Denard Elmore on or about October 27th, 2018, in
5 Laurens County did willfully, feloniously, and with malice
6 aforethought did kill a one, Sergio Mandez Lindsey, by
7 means of stabbing. And that the said, Sergio Mandez
8 Lindsey, did die in Laurens County as a proximate result
9 thereof on or about October 27, 2018, in violation of the
10 Code of Laws of this state.

11 The second indictment is for burglary first degree.
12 And it alleges as follows, that the Defendant, Lutavious
13 Denard Elmore, did on or about October 27th, 2018, in
14 Laurens County, South Carolina, did enter a dwelling
15 belonging to a Crystal Bluford without consent and with
16 the intent to commit a crime therein.

17 The Defendant while in the dwelling was armed with a
18 deadly weapon and used the weapon to cause physical injury
19 to a person not a participant in the crime. Furthermore,
20 the Defendant entered or remained in the residence in the
21 nighttime hours. All in violation of the Code of Laws of
22 this state.

23 Thirdly, possession of a weapon during the commission
24 of a violent crime, that the Defendant, Lutavious Denard
25 Elmore, did on or about October 27th, 2018, in Laurens

1 County, South Carolina, while committing the violent crime
2 of murder and burglary first degree did possess a knife.
3 All in violation of the Code of Laws of this state.

4 And, lastly, kidnapping, that Lutavious Denard Elmore
5 did in Laurens County, South Carolina, on or about October
6 27th, 2018, did unlawfully seize, confine, inveigle,
7 decoy, kidnap, abduct, or carry away Crystal Bluford by
8 any means whatsoever without the authority of law. All in
9 violation of the Code of Laws of the State of South
10 Carolina.

11 Is any member of the jury panel related by blood or
12 marriage to either Lutavious Denard Elmore or Sergio
13 Mandez Lindsey? If so, please, stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Any member of the jury panel have a close
16 personal or social relationship with either Lutavious
17 Denard Elmore or Sergio Mandez Lindsey? If so, please,
18 stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: All right. I'm going to publish the
21 names of potential or possible witnesses in this case. I
22 may duplicate names. If I do, there's no significance to
23 that.

24 Andrew Turner with the Laurens County Sheriff's
25 Office; Farrah Cook with the Laurens County Sheriff's

1 Office; Robbie Haupfear, Laurens County Sheriff's Office;
2 Tim Byrd with Laurens County Sheriff's Office; Jared
3 Hunnicutt with Laurens County Sheriff's Office; Don Evans
4 with Laurens County Sheriff's Office; Todd Alexander,
5 Laurens County Sheriff's Office; Daniel Duckett, Laurens
6 County Sheriff's Office; Andrew Hall, Laurens County
7 Sheriff's Office; Butch Kimbrell, Laurens County Sheriff's
8 Office; Ben Gallo with Laurens Police Department; Matthew
9 Gault with Laurens Police Department; Brian Hudak --
10 that's H-U-D-A-K -- with SLED; Anna Tankersley with SLED;
11 Melinda Worley with SLED; Tyler Sturkie with SLED; Verona
12 Herrera -- H-E-R-R-E-R-A -- with SLED; Thomas Darnell,
13 SLED; Crystal Bluford; Alicia Lindsey; Joey Avery; David
14 Deitz; Scott Nelson; Jay Belton; Dr. Michael Ward; Walter
15 Bentley; Alfred Gilliam.

16 Now, there are some more names I'll publish in a
17 minute. But let me just do it in stages because that --
18 that was a lot, I understand that.

19 Any member of the jury panel related by blood or
20 marriage to any of the people I've just listed, or any
21 member of the jury panel have a close personal or social
22 relationship with any of those people I just listed? If
23 so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: And concerning those names I've just --

1 just read, does any member of the jury panel know any of
2 those potential witnesses I just named? If so, please,
3 stand.

4 All right. We'll start on this side. And we'll go
5 on the front row.

6 Ma'am, your name and number?

7 PROSPECTIVE JUROR: Katherine O'Shields. I don't
8 know my number.

9 But do I have to tell you who I know?

10 THE COURT: Yeah. Who -- who do you know of the
11 names I just listed?

12 PROSPECTIVE JUROR: Matt Gault and Gallo.

13 THE COURT: Okay. You can have a seat.

14 Thank you.

15 PROSPECTIVE JUROR: Margaret O'Shields. I, also,
16 don't know my number.

17 THE CLERK: It's #58.

18 PROSPECTIVE JUROR: But it's the same, Matt Gault and
19 Gallo.

20 THE COURT: Okay. Let me ask -- ma'am, if you'll
21 just remaining seated -- standing, please.

22 The fact that you know several of the potential
23 witnesses in this case, can you still be fair and
24 impartial to both sides in this case, if you were
25 selected?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Is that a "yes, sir"?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Okay. Ma'am, same for you?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Okay. Thank you.

7 You can have a seat.

8 Yes, ma'am. Your name and number, if you know it.

9 PROSPECTIVE JUROR: Alicia Campbell, Juror #12.

10 And it's Farrah Cook.

11 THE COURT: Okay. The fact that you know one of the

12 witnesses in this case, can you still be fair and

13 impartial to both sides, if you're selected?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Thank you.

16 Yes, sir.

17 PROSPECTIVE JUROR: Daniel Stone.

18 THE COURT: Okay. Your -- your name and your juror

19 number?

20 PROSPECTIVE JUROR: Daniel Stone. I don't know my

21 number.

22 Robert Hauptfear.

23 THE COURT: Okay. Can you still be fair and

24 impartial to both sides in this case?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. You can have a seat.

2 In the back.

3 PROSPECTIVE JUROR: Alfonso Adams, Juror #1.

4 And I know Daniel Duckett.

5 THE COURT: Okay. Can you still be fair and
6 impartial to both sides in this case, if you're selected?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Okay. And I think you're the first one
9 that knows their juror number. You may win a prize at the
10 end of the day.

11 Ma'am?

12 PROSPECTIVE JUROR: [Inaudible], #85.

13 Crystal Bluford.

14 THE COURT: Okay.

15 THE COURT REPORTER: Judge, I couldn't hear what she
16 said.

17 THE COURT: Okay. You're going to need to take your
18 mask down.

19 PROSPECTIVE JUROR: Glory Attaway, Juror #85.

20 Crystal Bluford.

21 THE COURT: Okay. The fact that you know a witness
22 in this case, can you still be fair and impartial to both
23 sides?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: All right. I'm going to read some more

1 names. And, again, if I duplicate names, there's no
2 significance to that. Andrew Turner; Andrew Hall; Daniel
3 Duckett; Sheriff Don Reynolds; Captain Chris Martin;
4 Lieutenant Timmy Byrd; Deputy Jonathan Lee; Officer Dana
5 Wilkie; Captain Robert Wilkie; Investigator Farrah Cook;
6 Investigator Robbie Hauptfear; Investigator Jared
7 Hunnicutt; Lieutenant Don Evans; Private Jeffrey Craig
8 Wheatley; Officer Bridges; Sergeant Jimmy Johnson;
9 Lieutenant Ben Blackmon; Officer Todd Alexander.

10 With Laurens County Dispatch: David Deitz; Crystal
11 Sechler, that's S-E-C-H-L-E-R; Melinda Brooks; Jodi Shea;
12 Jenny Garrett; Tracey Roberts; Jennifer Mendoza.

13 And then with the Laurens City Police Department:
14 Ben Gallo; Dillion Sherfield; Jody Thibodeau; Matthew
15 Gault; Tyler Smith; Brent Rushing.

16 With the fire department: Jordan Clements.

17 With EMS: Josh Dozier; Kristi Kempster; Sean Ramsey.

18 With the coroner's office: Nick Nichols; Patti
19 Canupp; Vickie Cheek.

20 With SLED: Anna Tankersley; Agent Alexander, there's
21 no first name; Agent Melinda Worley; Agent Tyler Sturkie;
22 Agent Verona Herrera; Agent Thomas Darnell; Dr. Michael
23 Ward; Dr. James Fulcher; Erica Jackson; Crystal Bluford;
24 Samuel Deangelo Smith; Patricia Lee Tribble; Mac Irby;
25 Alicia Lindsey.

1 Number seven has no name. I'm not going to read
2 that. Scott Nelson; Jay Belton; Alicia Knuckles; Janisha
3 Elmore; and Alfred Gilliam.

4 I know that was a lot of names.

5 Now, if you've already -- and I realized as I was
6 reading, there is some duplication. You don't need to
7 stand up again and tell me that you know someone that you
8 did earlier. You don't need to do that again. Anyone
9 else that needs to respond to the fact that if you know
10 anybody on that list? Let me first ask -- disregard that.

11 Concerning any of the potential witnesses in this
12 case, is anybody on the jury panel related by blood or
13 marriage to any of those people I've listed, or any member
14 of the jury panel have a close personal or social
15 relationship with any of those people I've just named? If
16 so, please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Now, any member of the jury panel know --
19 I've got some --

20 MS. MCNEILL: May I approach?

21 THE COURT: Yeah. Can we do it up here?

22 MS. MCNEILL: Yes.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: We have one more potential witness, that
25 being Christopher Robinson.

1 Any member of the jury panel related by blood or
2 marriage to Mr. Robinson, or any member of the jury panel
3 have a close personal or social relationship with
4 Christopher Robinson? If so, please, stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Now, concerning that second batch of
7 potential witnesses, any member of the jury panel know of
8 any of those potential witnesses in this case? And,
9 again, you do not need to respond again if it's the same
10 name that you responded to earlier.

11 All right. We'll start here. Give me your name.
12 And if you don't know your number, that's fine.

13 PROSPECTIVE JUROR: Katherine O'Shields.

14 And Nick Nichols.

15 THE COURT: All right. Of course, Mr. Nichols is
16 deceased. It just -- just occurred to me.

17 Okay. Yes, ma'am.

18 PROSPECTIVE JUROR: Tierra Hall. And I don't know my
19 number.

20 And I know Janisha Elmore and, I think, Alicia
21 Lindsey.

22 THE COURT: Okay. The fact that you know some
23 potential witnesses in this case, can you still be fair
24 and impartial to both sides?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Okay. Yes, sir.

2 PROSPECTIVE JUROR: Lewis Edwards, #22.

3 And David Deitz.

4 THE COURT: All right. And the fact that you know a
5 potential witness in this case, can you still be fair and
6 impartial?

7 PROSPECTIVE JUROR: Yes, sir.

8 (Pause.)

9 THE BAILIFF: You can step on around right there.

10 THE COURT: That's -- that's fine. Wherever the
11 Chief Justice wants to sit.

12 Chief Justice, good to have you with us.

13 CHIEF JUSTICE BEATTY: Thank you for having me.

14 THE COURT: Okay. I'm going to give the -- the
15 attorneys an opportunity to introduce themselves. I told
16 you at the outset, they -- they are excellent attorneys.
17 I know -- I know all of them. They've tried a lot of
18 cases in my court.

19 And I'm going to let the State go first for
20 introduction.

21 MR. SCOTT: Thank you, Your Honor.

22 Good morning, ladies and gentlemen.

23 Dale Scott. I'm the deputy solicitor of your
24 circuit. You all reside in the Eighth Circuit. That's
25 comprised of Abbeville, Greenwood, Newberry, and, of

1 course, Laurens.

2 I'm going to present this case to you this week. I
3 work for your elected Solicitor, David Stumbo. He's
4 hiding behind the TV. I don't know if you can see him.

5 Helping me try this case will be Margaret Boykin, an
6 assistant solicitor, and our investigator, Walter Bentley.

7 Thank you for your attention.

8 THE COURT: And the Defense.

9 MS. MCNEILL: Good morning.

10 My name is Chelsea McNeill. I'm the attorney
11 representing Mr. Lutavious Elmore. This is my client
12 right here.

13 Also, with us today is Mr. Chris Allen. He is a law
14 student at Charleston School of Law. This is our
15 investigator, Mr. Jimmy Powers. And this is another
16 attorney. I'll let him introduce himself.

17 MR. SHAFFER: My name is Tristan Shaffer. And I,
18 also, have the pleasure of representing Mr. Elmore today.

19 THE COURT: Thank you.

20 Any member of the jury panel ever been represented by
21 any of the attorneys involved in this case or anyone in
22 their respective offices? If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Any member of the jury panel related by
25 blood or marriage or have a close personal -- or have had

1 a close personal or social relationship with any of the
2 attorneys involved in this case or anyone in their
3 respective offices? Please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Any member of the jury panel already
6 formed or expressed any opinion about any issue or matter
7 involved in this case? If so, please, stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Any member of the jury panel aware of any
10 bias or prejudice towards either the State or the
11 Defendant in this case? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Is there any member of the jury panel who
14 is a member of or a contributor to any group which has as
15 its primary concern the promotion of law enforcement or
16 victim's rights? And these groups would include, but,
17 certainly, not limited to MADD, SADD, or CAVE? If that
18 applies to you, please, stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Is there any member -- and I'm going to
21 ask this question probably several times. It's a very
22 important question. Does any member of the jury panel
23 know of any reason whatsoever why he or she should not
24 serve as a juror in this case with particular emphasis
25 being placed on your ability to be fair and impartial to

1 both the State and the Defense?

2 That's what we want. We want completely fair and
3 impartial jurors to sit on the trial jury in this case.
4 But if you believe for some reason you cannot be fair and
5 impartial, please, stand at this time.

6 (WHEREUPON, there was no response.)

7 THE COURT: Is there any member of the jury panel or
8 any of your immediate family members ever been prosecuted
9 by the Eighth Circuit Solicitor's Office? If so, please,
10 stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Is there any member of the jury panel
13 that frequents or ever been to a nightclub called
14 Champions f?

15 All right. Would you just give me -- pull -- pull
16 your mask -- give me your name and your number, if you
17 know it.

18 PROSPECTIVE JUROR: Glory Attaway, #85.

19 THE COURT: Okay. You've been there before?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. You can have a seat.

22 Thank you.

23 All right. Is there any member of the jury panel
24 advocated for the defunding and/or disbanding law
25 enforcement agencies? If that applies to you, please,

1 stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: All right. Now, if you'll remember,
4 ladies and gentlemen, when you first received the -- the
5 jury summons, along with the letter that I've already
6 mentioned, you received an initial questionnaire. And
7 then a couple weeks ago, we sent -- or sent to you a
8 follow-up questionnaire just to make sure that your
9 situation has not changed since the first questionnaire.

10 So my first question is, since that last
11 questionnaire that you completed, has there been any
12 change to any of those responses on that questionnaire?
13 If so, please, stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Okay. Now, I'm going to ask you a little
16 bit more specific details about some of those questions on
17 the questionnaire. And, again, if -- if you need to speak
18 with me privately, then don't respond, just keep a good
19 mental note of the question.

20 Has any member of the jury panel tested positive for
21 COVID-19 since you filled out the last questionnaire from
22 the Court? If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Has member of the jury panel who has been
25 exposed to anyone with COVID-19 since you last filled out

1 the last questionnaire from the Court? If so, please,
2 stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Now, I realize and I know that everyone
5 had their temperatures taken at -- at the door. But I'm
6 going to ask a very general question. And, again, if
7 you're reluctant to answer in front of everybody, that's
8 fine. Is anyone on the jury panel currently feeling ill
9 today?

10 (WHEREUPON, there was no response.)

11 THE COURT: Any member of the jury panel fear that
12 you are likely to contract COVID-19 by appearing in court
13 for jury duty today and, of course, if selected this week
14 on the trial jury?

15 (WHEREUPON, there was no response.)

16 THE COURT: All right. Very good.

17 Would any member of the jury panel blame the
18 Defendant or the State for having to attend a public
19 hearing during this pandemic? Would you blame either side
20 or both sides for having to attend today, potentially the
21 week, if you're selected.

22 (WHEREUPON, there was no response.)

23 THE COURT: Okay. Is any member of the jury panel
24 unwilling to abide by any rules the Court instructs you
25 regarding social distancing and the wearing of masks today

1 and if selected on the trial jury during this week?

2 (WHEREUPON, there was no response.)

3 THE COURT: So, in other words, everybody would be
4 willing to abide by the Court's rules. Very good.

5 Understanding that the lawyer -- at least, the
6 lawyers have indicated that this case may take all week,
7 understanding that, any member of the jury panel have any
8 opposition to wearing a face mask for the duration of the
9 trial, also, while in the jury room? Is there any
10 opposition to that?

11 (WHEREUPON, there was no response.)

12 THE COURT: And let me explain to you -- and I'll --
13 I'll explain this a little bit more in detail when we have
14 a trial jury selected. We're going to break a little more
15 frequently than we normally do. And I'm going to give you
16 the opportunity to be able to go outside, take your mask
17 off, get some fresh air, and that sort of thing. I know
18 that sitting long periods of time with that mask on, it
19 gets a little uncomfortable. And so I'm going to give you
20 a little bit more opportunity to -- to take care of that.
21 So just -- just understand that is my -- my plan.

22 Is any member of the jury panel unwilling to notify
23 the Court immediately if during the trial, if you're
24 selected on the trial jury, if you begin feeling ill, if
25 you're exposed to anybody that's been ill, or if you

1 believe that maybe you are developing some COVID-19
2 symptoms? Is there anybody on the jury -- the jury panel
3 unwilling to do that if you're selected on the trial jury?

4 (WHEREUPON, there was no response.)

5 THE COURT: Would any member of the jury panel be
6 distracted during the presentation of evidence in this
7 trial due to a fear of contracting COVID-19?

8 (WHEREUPON, there was no response.)

9 THE COURT: That's one of the things I'm going to
10 talk to the trial jury about is being very attentive, very
11 alert during the course of this trial. But if you believe
12 because of the environment that we're in that you would be
13 easily distracted, I need to know that.

14 (WHEREUPON, there was no response.)

15 THE COURT: Now, if you are selected on the -- on the
16 trial jury, would any member of the jury panel have a fear
17 of COVID-19 to the extent that you would feel pressured to
18 render a decision in the case quicker than maybe you
19 otherwise would? Or let me -- let me ask it another way.
20 Would there be anything to prevent you, whether it's
21 COVID-19 or anything else, from making a thorough and
22 deliberate deliberation and decision in this case in order
23 to reach a verdict?

24 (WHEREUPON, there was no response.)

25 THE COURT: So everyone would be -- would be willing

1 to be focused, deliberate in your discussions and in your
2 deliberations. Okay. Very good.

3 Any member of the jury panel would change your
4 verdict to agree with others or compromise with other
5 jurors in order to end deliberations faster so you could
6 leave the courthouse and stop wearing a mask sooner?
7 Would that cause anyone to believe that you would maybe
8 change your decision or change your verdict just in order
9 to end the discussion, end the jury deliberations, and
10 leave the courthouse?

11 (WHEREUPON, there was no response.)

12 THE COURT: Any member of the jury panel know the
13 investigator for the solicitor's office, Walter Bentley?
14 I've already asked because he was on the witness list.
15 But that is just a specific question that I have been
16 requested to ask.

17 (WHEREUPON, there was no response.)

18 THE COURT: All right. Any member of the jury panel
19 who works in the Eighth Circuit Solicitor's Office -- I
20 don't believe we have any -- or works in any law
21 enforcement agency in Laurens County, Newberry County,
22 Greenwood County, or Abbeville County? Those are the four
23 counties that make up the Eighth Judicial Circuit.
24 Knowing anyone, that would include any prosecutor, staff
25 member employee. Does that apply to anyone on -- in the

1 jury panel?

2 (WHEREUPON, there was no response.)

3 THE COURT: Okay. Any member of the jury panel who
4 has ever campaigned for or made a financial contribution
5 to Sheriff Don Reynolds or Solicitor David Stumbo? If so,
6 please stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Is there any member of the jury panel
9 whether you or anyone that you know works at the South
10 Carolina Department of Social Services?

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. Now, I've got -- any member
13 of the jury panel or any member of your immediate family,
14 any close personal friend ever been a civilian or military
15 law enforcement officer?

16 (WHEREUPON, there was no response.)

17 THE COURT: Now, the Prosecution alleges -- as I've
18 already mentioned to you when I published the indictment,
19 the Prosecution alleges that the Defendant committed the
20 offense of murder. Any member of the jury panel have any
21 personal knowledge of these allegations made by the State
22 against Mr. Elmore? If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Now, the State further alleges that the
25 Defendant stabbed a man to death in cold blood. Does any

1 member of the jury panel suspect the Defendant to
2 automatically be guilty of these crimes just because these
3 accusations or allegations have been made against the
4 Defendant? If that applies to you, please, stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Understanding that every United States
7 citizen has the right not to testify in his or her own
8 trial, does any member of the jury panel feel that you
9 would need to hear from the Defendant in order to -- hear
10 from the Defendant in order to hear his side of the case
11 in order to make a decision?

12 Let me read that again. I kind of jumbled that up
13 just a little bit. Understanding that every citizen of
14 the United States has a right not to testify in his or her
15 own trial, is there any member of the jury panel that
16 would feel that you would need to hear from the Defendant
17 in order to hear his side of the story in order to make a
18 decision in this case? If that applies to you, please,
19 stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Does any member of the jury panel feel
22 like that the Defendant would be hiding something if he
23 elected not to testify in his own defense? Does any
24 member of the jury panel feel that way? If so, please,
25 stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Has any member of the jury panel read
3 anything about this case in the newspaper, or heard about
4 it in the news media, or had any conversations about this
5 case with anyone? If that applies to you, please, stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Does any member of the jury panel like or
8 follow any of the following Facebook -- follow any
9 Facebook postings, any pages, any page dealing with
10 criminal domestic violence, any crime watch page, or the
11 Laurens County Sheriff's Office page? Anybody like or
12 follow any of those Facebook pages? If so, please, stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Is there any member of the jury panel who
15 has received any special training or education in the area
16 of domestic violence, whether it be against a minor or an
17 adult? If so, please, stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Any member of the jury panel attended any
20 events or meetings in relation to criminal domestic
21 violence? If that applies to you, please, stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Does any member of the jury panel have
24 any beliefs about a person having the right or not the
25 right to defend themselves from loss of life or serious

1 bodily injury? Is there anyone on the jury panel have any
2 beliefs about a person having or not having the right to
3 defend themselves from loss -- let me ask this again.

4 Does any member of the jury panel have any beliefs
5 about a person not having the right to defend themselves
6 from loss of life or serious bodily harm? If that applies
7 to you, please, stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Does any member of the jury panel know
10 anyone in the family of Lutavious Elmore or Sergio
11 Lindsey? If so, please, stand. And including Crystal
12 Bluford. I think we've already had one individual
13 indicate that they know Crystal Bluford.

14 Anybody else know any of the family members of
15 Lutavious Elmore, Crystal Bluford, or Sergio Lindsey?

16 (WHEREUPON, there was no response.)

17 THE COURT: All right. Now, I have four -- I have
18 six questions that I'm instructing you not to respond to
19 in front of everybody. And I think probably the best way
20 of doing this, I'll ask three at one time. If anybody
21 needs to speak with me privately, then I'm going to need
22 for the remaining members of the jury panel to -- to exit
23 the courtroom. And those who need to speak with me
24 privately, just remain in the courtroom and I'll have you
25 come up one at a time.

1 So I'll break it up at three. If I ask all six, then
2 it may be a little difficult to remember those questions.
3 So we're going to do three at a time.

4 First, any member of the jury panel, immediate family
5 members, close personal friends ever been a victim of a
6 serious crime?

7 Secondly, any member of the jury panel have
8 experience with or know something about people who have
9 been affected by a crime?

10 And, thirdly, is any member of the jury panel a
11 mandated reporter?

12 Now, I think that question can be answered in front
13 of everybody. I should not have marked that as one to be
14 explained to me in private.

15 Is there any member of the jury panel a -- what's
16 considered in the law as a mandated reporter? If so,
17 please, stand.

18 Okay. Yes, ma'am. Your name and your juror number,
19 if you know it.

20 PROSPECTIVE JUROR: My name is Jasmine Speaks. And I
21 don't know my juror number.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR: I'm a caseworker.

24 THE COURT: Okay. You're a caseworker with?

25 PROSPECTIVE JUROR: GLEAMNS.

1 THE COURT: With GLEAMNS?

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: And so you would, therefore, be a
4 mandated reporter?

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: Thank you, ma'am.

7 THE CLERK: #69.

8 THE COURT: Huh?

9 THE CLERK: Her number is #69.

10 THE COURT: Okay. #69.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: Third question: This case, again, is
13 about a man who died by -- by being stabbed to death. Is
14 there any member of the jury panel who feels this subject
15 matter is so violent that it would affect your ability to
16 be fair and impartial in this case?

17 So those are the three questions. If anybody needs
18 to speak with me privately, I'm just going to ask that you
19 stand so I can get an idea about who needs to speak with
20 me privately about those three questions.

21 (WHEREUPON, there was no response.)

22 THE COURT: All right. Seeing none. Then I've got
23 two -- two more questions.

24 Has any member of the jury panel been a victim of or
25 a witness to domestic violence?

1 Secondly, does any member of the jury panel have a
2 close personal friend or immediate family member who has
3 been the victim of domestic violence? Okay. If anybody
4 needs to speak with me privately, please, stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: And, again, I'm going to ask one more
7 time, is there any member of the jury panel that feels
8 like for whatever reason that you cannot be fair and
9 impartial to both sides in the -- the State of South
10 Carolina and the Defendant, Lutavious Elmore? If so,
11 please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Okay. Does the State have any objections
14 to the Court's voir dire or any additions to the Court's
15 voir dire?

16 MR. SCOTT: No, Your Honor.

17 THE COURT: Okay. Now, other than what the Defense
18 had previously requested, which you probably would need to
19 have marked as a Court's Exhibit, other than what -- the
20 requests that's been made, does the Defense have any
21 objections to the Court's voir dire or any additional
22 questions, other than what you requested earlier?

23 MR. SHAFFER: No, Your Honor, we -- we do not.

24 THE COURT: Okay.

25 MR. SHAFFER: The voir dire has been clocked, though.

1 THE COURT: Excuse me.

2 MR. SHAFFER: It's been clocked.

3 THE COURT: Oh, you've already clocked it?

4 MR. SHAFFER: Yes, sir.

5 THE COURT: Good, good.

6 All right. Here -- here's what we're going to do.

7 Lynn, how many are you going to do? 15?

8 THE CLERK: 14.

9 THE COURT: 14?

10 THE CLERK: Uh-huh.

11 THE COURT: Okay. At random by the computer, 14
12 names will be selected. And once that is done, the clerks
13 will -- the clerk will publish those names. All right.

14 If your name is called out, then you will need to
15 come back at 4:00. And what we will do after we qualify
16 Group B and Group C, that same method will take place and
17 those 14 individuals will be directed to come back at
18 4:00.

19 And then at that time, once we have all -- the three
20 14 individuals, then the jury will be selected. And I'll
21 explain how -- how that -- how that works. All right.

22 Now, if your name is not called out in just a minute,
23 what I want the remaining jury panel members to do is to
24 call -- you've been provided that number --

25 984-8800?

1 THE CLERK: Uh-huh.

2 THE COURT: 984-8800, you've been provided that
3 number. And you'll need to call that number back at 6:00.
4 And it will give you further instructions. It's -- more
5 than likely, it's going to tell you to call back after
6 6:00 on Tuesday evening. More than likely, that's what
7 you're going to hear. But I can't tell you that
8 100 percent. Okay. But you do that.

9 If your name -- if your name is called out, you be
10 here at 4:00. If your name is not called out, then you
11 call that number after 6:00. Okay.

12 Madam Clerk, if you will publish those -- those
13 names.

14 THE CLERK: Do you want them to stand when I call
15 their name?

16 THE COURT: Excuse me.

17 THE CLERK: Do you want them to stand when I call --

18 THE COURT: Yeah.

19 Just if -- if your name is called out, just so we can
20 see who you are, if you'll just stand for just a -- and
21 remain standing until all the names are called out.

22 THE CLERK: Okay. Juror #87, Kallison N. Cook; Juror
23 #58, Margaret M. O'Shields; Juror #92, Tierra S. Hall;
24 Juror #7, Hoyt Lindsey Blackstone, II; Juror #84, Joachim
25 S. Young; Juror #12, Alicia D. Campbell; Juror #44, Amy A.

1 Kirby; Juror #23, Ivory Evans; Juror #46, Jennifer S.
2 Lave; Juror #47, Michael J. Leipsitz; Juror #88, Janice L.
3 Craft; Juror #4, Donna M. Ashmore; Juror #69, Jasmine R.
4 Speaks; and Juror #48, Matthew P. Maresca.

5 THE COURT: Okay. Thank you. Thank you, Madam
6 Clerk.

7 All right. Ladies and gentlemen, be back no later
8 than 4:00. Try to get back here a little bit before 4:00.
9 And then you'll be put into the group out of Group B and
10 Group C. And then we will select the jury. And, again,
11 I'll explain to you how that -- how that process works.

12 Okay. So don't forget, 4:00.

13 Those standing are free to go.

14 Those of you who are seated, just remain here for
15 just a moment.

16 (Pause.)

17 THE COURT: All right. Ladies and gentlemen of the
18 remaining jury panel, we very much appreciate you abiding
19 by the -- the summons that you received. We appreciate
20 you -- you being here.

21 It's more than likely that you will not have to come
22 back, but I can't tell you that for certain. And so if
23 you're disappointed that your name wasn't called out, I
24 can understand that. Some of you may be glad that your
25 name was not called out. I can understand that, too.

1 But, as I said earlier, it's very important to serve
2 on a jury. We have the best justice system anywhere in
3 the world. And juries play such a vital role in our
4 judicial system. So, hopefully, sometime in the future,
5 you'll have an opportunity to be summoned back and maybe
6 have a chance to serve on a trial jury.

7 With that said, you are free to go. Don't forget to
8 call back after 6:00 this evening. Have a great day.

9 (WHEREUPON, the remaining jury panel members exited
10 the courtroom.)

11 THE COURT: Okay. Folks, we'll be at ease until --

12 MS. MCNEILL: I have an objection --

13 THE COURT: Do we need to put this on the record
14 or --

15 MS. MCNEILL: We need to put it on the record. And,
16 also, I just have one other matter.

17 THE COURT: Okay. If we can get that door closed,
18 please.

19 (Pause.)

20 THE COURT: Okay. Ms. McNeill.

21 MS. MCNEILL: Thank you.

22 Your Honor, I was -- Ms. Lancaster reads really fast.
23 So I missed one of them. And I'm, also, just asking
24 respectfully if she could slow down at the end when she's
25 asking people to stand so that I can associate juror

1 numbers with what they're wearing --

2 THE COURT: Sure.

3 MS. MCNEILL: -- from -- for the future. So I just
4 got -- if you could read that list one more time so
5 that --

6 THE CLERK: Can I just go ahead and provide it to
7 them?

8 THE COURT: Well, do -- okay.

9 MS. MCNEILL: That would be good.

10 THE COURT: How do you -- how do you want to do this?
11 I'm going to provide the strike list to you. Do you want
12 it in piecemeal fashion?

13 But, see, that's -- you probably want to wait until
14 the -- the end to get that.

15 So just read the -- the names to Ms. McNeill again.

16 THE CLERK: Okay.

17 MS. MCNEILL: Well, I -- I'm fine with the -- you
18 know, with receiving the strike list that you just read
19 out. Just in the future, if you could just read it a
20 little slower because people start standing up real quick.
21 And I've been making notes on facial expressions, and so
22 on and so forth. I can't associate it that quickly.

23 THE CLERK: Oh, okay.

24 THE COURT: All right. She'll -- she'll do that.

25 All right. Mr. Shaffer, do you want to put on the

1 record what you noted earlier about my preliminary
2 statement to the jury panel?

3 MR. SHAFFER: Yes, Your Honor.

4 Do you want me to take my mask off or --

5 THE COURT: So far, I can hear you pretty good.

6 MR. SHAFFER: Okay. The -- I think the court
7 reporter would prefer me not having the mask on.

8 Your Honor, initially, you had said something about
9 that this trial was making history. And you said that --
10 essentially, that the -- based off the success of this
11 trial, we may -- may -- this trial and the Horry trial
12 that we would end up possibly having trials in the future.

13 You, also, referenced several guests that we have,
14 that we have people watching. All of this, I think, in
15 some degree is -- is coercive for them to, actually, make
16 a decision, especially with the comment about the success
17 of the trial.

18 Your Honor, I had -- I was going to -- I think in --
19 in the hallway, we had talked about the case -- the
20 Liberte case. It's 336 S.C. 648. In that situation,
21 the -- the Prosecutor had, actually, said, you know, like,
22 our -- our justice system demands that you find someone
23 guilty and, basically, made an argument that the --
24 essentially, that the whole system revolves around whether
25 or not that Defendant in that case was found guilty.

1 In this situation, I think it's analogous to the
2 situation we have here, which is, you know, we're saying
3 the success of this trial -- and I understand that the
4 Court didn't point in one direction or the another. But
5 the success of the trial itself depends upon, actually,
6 having this be successful. The success of our system
7 depends upon this trial being successful. I think that
8 that was coercive.

9 I would, also, cite to, you know, some -- some of the
10 Allen charge cases. There's a case called Garner v.
11 State, which is unpublished.

12 But there's, also, a case called Dawson v. State,
13 which is a PCR case from the early 2000s. It's 352 S.C.
14 15. And, essentially, in the Allen charge in that case
15 what was said was, you know, nobody wins if y'all can't
16 come to a resolution. It just means that the system
17 fails. That's, essentially -- and I'm paraphrasing
18 because it's been a long time since I've read either of
19 those cases. But that's, essentially, the same kind of
20 argument that's being made here.

21 There's also -- you know, and I appreciate -- I do
22 appreciate the Chief Justice being here. But, you know,
23 pointing him out sort of adds to that, you know, air of,
24 you know, this is a very important thing. And our whole
25 system depends on this.

1 I mean, you know, right now, they're going to see
2 that there's three judges in the room. I'm not -- I
3 understand the reasons for that. I'm just saying that --
4 that by pointing it out, it adds to the coercive effect.
5 I think that it's probably going to put in the minds of
6 each one of those jurors that, you know, it's important
7 that they go forward, more so than in other cases. And,
8 you know, even if they don't feel comfortable doing it.

9 So that would be my objection, Your Honor.

10 THE COURT: Right. And -- and I don't -- the
11 situation in the case that you cite, which was done in a
12 closing argument by a solicitor or even the Court giving
13 Allen charges that are coercive, I don't think that would
14 be analogous to my general statement that, you know, we --
15 we all strive for this to be a success.

16 I did explain to them, as the record would reflect,
17 after you made that objection that my characterization of
18 our hopes of this being a success had nothing to do with
19 whatever verdict that they -- if they're selected on the
20 trial jury, whatever verdict that they may -- may reach.

21 Okay. Well, we're going to be at ease for -- until
22 the next group comes in.

23 And let -- let me just mention. I know we've got
24 various folks in the courtroom. Let me just mention -- I
25 know some of you can't see. And I'll try to come over

1 here. Tomorrow and for the rest of the week, we're going
2 to be very limited on seating capacity. We've got a lot
3 of family members who are not going to social distance
4 because they're in the same household. But, nonetheless,
5 a lot of family members on the victim's side, a lot of
6 family members from the Defendant's side.

7 We're, also, going to have -- I think now the numbers
8 have come down just a little bit, about 13 or 14 young
9 lawyer 403 people who will be here. We're going to have
10 some media here, and other individuals, so. And we're
11 going to have the various rows marked.

12 So anyone wanting to come and observe tomorrow, I
13 cannot promise a -- an available seat. Because we've
14 already committed to those people I've just named. So
15 just, please, understand that. It's not a situation that
16 we don't want you here. We're glad for you to be here.
17 But just not -- I can't promise an available seat under
18 those -- under those circumstances. All right.

19 MR. SHAFFER: Your Honor, I just realized -- Your
20 Honor, I just realized that one of the things I said in
21 the back -- and I didn't know if I put it on the record,
22 essentially, related to -- I think that the comments,
23 basically, sort of implies that it's important that they,
24 actually, reach a -- a verdict at the end of the trial
25 that -- for it to be successful. I think that that's the

1 implication. That they all need to, you know, be here
2 and, actually, reach a verdict. So I think that this may
3 have implications for the latter part of the trial.

4 THE COURT: All right. Are you suggesting that I
5 told them that, Mr. Shaffer?

6 MR. SHAFFER: No, Your Honor. I'm --

7 THE COURT: Okay.

8 MR. SHAFFER: -- saying that by implication of saying
9 that, you know, we need to have a successful trial in
10 order to reopen the courts, essentially, it's putting
11 pressure on them to come up with a --

12 THE COURT: Okay.

13 MR. SHAFFER: You know.

14 THE COURT: All right. So noted.

15 MR. SHAFFER: Thank you, Your Honor.

16 THE COURT: Everybody be at ease for just a moment, a
17 few minutes.

18 (WHEREUPON, the proceedings were recessed at
19 approximately 10:41 a.m.)

20 (WHEREUPON, Court's Exhibit No. 11 was marked for
21 identification and admitted into evidence.)

22 THE COURT: Good morning, ladies and gentlemen.

23 Let me welcome you to a term of circuit court for the
24 County of Laurens. My name is Don Hocker. I am a circuit
25 court judge. I -- my chambers is in Laurens. And I have

1 been assigned to this term of court.

2 Also, with me is Debbie McCaslin. She is our newest
3 circuit court judge. She's from -- lives in Chapin, but
4 she is chambered in Lexington County. And she's here to
5 observe this week.

6 And, also, I'm extremely delighted to have our Chief
7 Justice of the South Carolina Supreme Court, Don Beatty,
8 present. And he's going to hang out with us for -- for a
9 little while.

10 Back in about mid-March, the Chief Justice decided to
11 shut down courts insofar as jury trials, placed
12 limitations on the other operations of the -- the court
13 system. So we have not -- and throughout the whole State
14 of South Carolina, we have not had any jury trials
15 conducted either criminal or civil. Now, you're here for
16 criminal court, the Court of General Sessions.

17 So about six weeks ago or so, the Chief Justice
18 decided to -- for Laurens County to -- to host the test
19 jury trial. And next week, Horry County will be -- will
20 be having the second test jury trial. So it's very
21 important that -- that you are here. And we are to test
22 the process and to -- hopefully, the process will work
23 very smoothly in light of the environment in which we live
24 and find ourselves in.

25 So it's very important that you're here. And we're

1 going to do our best, and I ask that you do your very
2 best, to make sure that this process is very successful.
3 So we can, hopefully, in the near future go back to normal
4 court operations, certainly, keeping in place guidelines
5 and procedures to keep everyone safe.

6 We've gone to great lengths in putting this together
7 to -- to try to keep everybody, the jury, lawyers, staff
8 members safe throughout the whole process. And one
9 example is right now, you are social distanced. And the
10 trial jury who's selected will, also, be social distanced.
11 We're all wearing a mask. I'm not currently wearing one
12 now so I can -- you can better understand me. So -- and
13 we've got a lot of other safeguards and procedures in
14 place to maintain a healthy environment.

15 So what we -- what we have to do this morning, ladies
16 and gentlemen, is we have to go through a process to
17 determine your qualifications and eligibility to sit on
18 any jury selected in this state, and then go through a
19 series of questions to determine your eligibility and
20 qualifications to sit on the jury of the case being called
21 for trial this week.

22 Okay. The first part of this process, ladies and
23 gentlemen, is roll call. And when your name is called
24 out -- and it'll be called alphabetically -- you will
25 come -- you'll stand and unless -- try -- pull your mask

1 down just a little bit, if you would, that just makes it a
2 little easier to understand you and hear you, and you will
3 give us the information that -- that we need.

4 So I'm going to turn it over to your elected Clerk of
5 Court, Lynn Lancaster.

6 Madam Clerk.

7 THE CLERK: Thank you.

8 If you'll, please, stand and we need to take an oath
9 before we go through roll call.

10 Raise your right hands, please.

11 (WHEREUPON, the jury panel was sworn at approximately
12 11:26 a.m.)

13 THE CLERK: You may be seated.

14 Thank you.

15 MR. SCOTT: Your Honor, just briefly before we get
16 started, I think they're finding a discrepancy in the list
17 we were given.

18 MS. BOYKIN: Actually, I think this is the Group C
19 that are -- that's, actually, here right now.

20 MS. MCNEILL: I have it as Group B.

21 Can I just consult with them real quick?

22 THE COURT: Sure.

23 MS. MCNEILL: Also, Judge, may we just approach?

24 THE COURT: Okay.

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Are we okay on the list?

2 MR. SCOTT: Yes.

3 Thank you.

4 THE COURT: Okay. Madam Clerk.

5 THE CLERK: When I call your name, if you'll, please,
6 stand and give us the information that's on that card.

7 It's where you work, and if you're married where your
8 spouse works. And if you're retired, you or your spouse,
9 will you, please, tell us the type of work you used to do.

10 (WHEREUPON, the Clerk called the roll for the jury
11 panel.)

12 THE COURT: Okay. Thank you, Madam Clerk.

13 Ladies and gentlemen of the -- the jury panel, again,
14 I welcome you to this term of court. Jury service is a
15 very, very important responsibility that we all have.
16 Many people say it's the second highest civic
17 responsibility that we have, second only to serving in the
18 military. But your presence here today is extremely
19 important. Again, this is the first jury trial conducted
20 in the state since mid-March when the coronavirus hit.

21 And, please, understand that we -- we're so fortunate
22 in this country in that we have the greatest justice
23 system anywhere in the world. And juries play a very
24 vital and key role in our judicial system that we have.
25 So we're glad you're here. We hope you are glad to be

1 here as well.

2 Now, I have to go through a series -- as I mentioned
3 earlier, a series of questions to determine your
4 qualifications and eligibility. If you -- if you do stand
5 and respond to a question, I need your name, your juror
6 number, if you know it, and then your response.

7 Some of the questions that I will be asking you, you
8 may find them to be somewhat personal. And we, certainly,
9 don't want to embarrass anybody. So if I ask a question
10 that you need to respond to, but are reluctant to do so in
11 front of everybody, that's perfectly fine. Just keep a
12 good mental note of your -- the question that I ask and
13 your answer. And I'll give you an opportunity later on in
14 the process to speak with me privately about your -- your
15 answer.

16 I'll go ahead and tell you there will be some
17 questions that I will tell you do not respond in front of
18 everybody, if you need to respond to do so in -- in
19 private. And, again, when you do respond, if you do, if
20 you wouldn't mind just kind of pulling down your -- your
21 mask just a little bit so we can hear you and understand
22 you a little better.

23 (WHEREUPON, the Court qualified the jury panel.)

24 JURY QUALIFICATION-GROUP B

25 THE COURT: All right. Ladies and gentlemen, the --

1 the case that's being called for trial, which will,
2 actually, start in the morning, not -- not today is the
3 State of South Carolina v. Lutavious Denard Elmore.

4 Mr. Elmore, would you mind just standing for just a
5 second, face the jury panel.

6 Okay. That's fine.

7 Thank you very much.

8 You can have a seat.

9 Ladies and gentlemen, Mr. Elmore has been indicted
10 with four criminal offenses. And I'm going to read the
11 indictments to you in a minute.

12 But I, first, need to tell you, ladies and gentlemen,
13 that the fact that Mr. Elmore has been indicted with any
14 criminal charges is not proof of any guilt or innocence in
15 this case. Indictments contain allegations. And it is up
16 to the State of South Carolina to prove these allegations
17 beyond a reasonable doubt standard. So the fact that
18 Mr. Elmore has been indicted is not proof of guilt on his
19 part whatsoever.

20 The indictment serves two purposes. One, it gets the
21 case into court where we are today. And, secondly it puts
22 Mr. Elmore and his attorneys on notice of the charges that
23 the State intends to try him on.

24 So that you just have a little idea about this case,
25 I'm going to read the indictments to you. The first one

1 is an indictment for murder. That Lutavious Denard Elmore
2 on or about October 27th, 2018, in Laurens County did
3 willfully, feloniously, and with malice aforethought kill
4 one, Sergio Mandez Lindsey, by means of stabbing and that
5 the said, Sergio Mandez Lindsey, did die in Laurens County
6 as a proximate result thereof on or about October 27,
7 2018, in violation of the Code of Laws for this state.

8 The second indictment is for burglary first degree.
9 And it states as follows, the Defendant, Lutavious Denard
10 Elmore, did on or about October 27, 2018, in Laurens
11 County, South Carolina did enter a dwelling belonging to
12 Crystal Bluford without consent and with the intent to
13 commit a crime therein.

14 The Defendant while in the dwelling was armed with a
15 deadly weapon and used the weapon to cause physical injury
16 to a person not a participant in the crime. Furthermore,
17 the Defendant entered or remained in the residence in the
18 nighttime hours. All of this in violation of the Code of
19 Laws for South Carolina.

20 The third offense is possession of a weapon during
21 the commission of a violent crime. And it reads as
22 follows, the Defendant, Lutavious Denard Elmore, did on or
23 about October 27, 2018, in Laurens County, South Carolina
24 while committing the violent crime of murder and burglary
25 in the first degree did possess a knife. All in violation

1 of the Code of Laws of this state.

2 And, lastly, for kidnapping, that Lutavious Denard
3 Elmore did in Laurens County, South Carolina on or about
4 October 27, 2018, unlawfully seize, confine, inveigle,
5 decoy, kidnap, abduct, or carry away Crystal Bluford by
6 any means whatsoever without the authority of law. All
7 this being in violation of the Code of Laws of this state.

8 Now, I'm going to ask you some more questions. The
9 same rules apply. If you want to respond to a question,
10 but were reluctant to do so in front of everybody -- and,
11 as I said earlier, there are going to be some questions
12 that I'm going to tell you if you need to respond, you
13 need to do so in private. So just keep that in mind as we
14 go through this process.

15 Any member of the jury panel related by blood or
16 marriage to either Lutavious Denard Elmore or Sergio
17 Mandez Lindsey related -- now or formerly by blood or
18 marriage to those two individuals? If so, please, stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Any member of the jury panel have or had
21 in the past a close personal or social relationship with
22 either Lutavious Denard Elmore or Sergio Mandez Lindsey?
23 If so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Now, I'm going to publish a list of

1 potential witnesses in this case. And I say "potential,"
2 they may or may not testify. And I may duplicate the
3 names of these witnesses. If I were to do that, don't
4 place any significance to that, if I do.

5 All right. The following 10 names are with the
6 Laurens County Sheriff's Office: Andrew Turner, Farrah
7 Cook, Robbie Haupfear, Tim Byrd, Jared Hunnicutt, Don
8 Evans, Todd Alexander, Daniel Duckett, Andrew Hall, Butch
9 Kimbrell.

10 The following two are with the Laurens Police
11 Department: Ben Gallo, Matthew Gault.

12 The following six are with SLED: Brian Hudak,
13 H-U-D-A-K; Anna Tankersley; Melinda Worley; Tyler Sturkie;
14 Verona Herrera; Thomas Darnell.

15 And then the following individuals: Crystal Bluford,
16 Alicia Lindsey, Joey Avery, David Deitz, Scott Nelson, Jay
17 Belton, Dr. Michael Ward, Walter Bentley, Alfred Gilliam.

18 There's -- there's more names, but I'm just going to
19 break it -- break it up. Any person I've just named --
20 any member of the jury panel related by blood or marriage
21 either now or formerly to any of those people I just
22 listed, or any member of the jury panel have or have had
23 in the past a close personal or social relationship with
24 any of those people I just listed? If so, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Okay. I'll go one step further. Any
2 member of the jury panel know of any of those potential
3 witnesses that I just named? And if so, to what means do
4 you or have you known that person? So does any member of
5 the jury panel know of any of those individuals I just
6 named? If so, please, stand.

7 PROSPECTIVE JUROR: If --

8 THE COURT: Okay. Can you pull your mask down just a
9 little bit, sir?

10 Give us your name and your number, if you know it.

11 PROSPECTIVE JUROR: James Wood, Juror #80 -- #98.

12 THE COURT: #98. And who do you know?

13 PROSPECTIVE JUROR: Joey Avery. Is that the same
14 Joey Avery that's with Laurens County Services?

15 THE COURT: I'm assuming so. But I --

16 Is that correct, Mr. Bentley?

17 MR. WALTER BENTLEY: He's the 911 director.

18 THE COURT: The 911 director.

19 PROSPECTIVE JUROR: Yeah. I work for the Laurens
20 County Fire Services.

21 THE COURT: Okay. That's how you know him?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. The fact that you know Mr. Avery,
24 would that prevent you from being fair and impartial to
25 both sides in this case?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Okay. Thank you, sir.

3 I've got two more standing.

4 Yes, sir.

5 PROSPECTIVE JUROR: George Foster, #31.

6 Todd Alexander, I went to school with, played ball
7 with, known for a long time, you know, close friends. And
8 I -- Scott Nelson as well.

9 THE COURT: Okay. The fact -- just growing up with
10 them, is that, basically --

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. The fact that you know those two
13 individuals, would that prevent you from being fair and
14 impartial to both sides in this case?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: Okay. Thank you.

17 All right. Yes, sir. Your name and juror number, if
18 you know it.

19 PROSPECTIVE JUROR: Joseph Thomas, Juror #88.

20 I thought you said Matt Gault.

21 THE COURT: Right.

22 PROSPECTIVE JUROR: Is that Clinton?

23 THE COURT: Matthew Gault and who else?

24 PROSPECTIVE JUROR: That's it.

25 THE COURT: Okay. How do you know Matthew Gault?

1 PROSPECTIVE JUROR: Just through childhood and
2 through school.

3 THE COURT: Okay. The fact that you know Matthew
4 Gault, would that prevent you in any way from being fair
5 and impartial to both sides in this state -- in this case?

6 PROSPECTIVE JUROR: (There was no verbal response.)

7 THE COURT: Is that a "no"?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. You can have a seat.
10 Thank you.

11 PROSPECTIVE JUROR: I have a question.

12 THE COURT: All right. I've got one more.

13 Your name and number?

14 PROSPECTIVE JUROR: I don't know. I, actually, came
15 late. And I guess I missed the whole first part.

16 THE COURT: Oh.

17 PROSPECTIVE JUROR: Yeah. I'm sorry. I didn't know
18 what time it was. And I didn't have -- I don't have my
19 paper.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: So I really don't know.

22 THE COURT: At what point, Mr. Bolt, did he come in?

23 PROSPECTIVE JUROR: Right after you let a couple
24 others --

25 THE BAILIFF: He -- he must have -- he must have come

1 in late while I was out there --

2 PROSPECTIVE JUROR: I got here at, like, 11:40.

3 THE COURT: Okay. And -- and the summons,
4 specifically, said 11:00, didn't it, sir?

5 PROSPECTIVE JUROR: Sir, I -- I don't remember what
6 time it was. Because I don't have -- I don't have the
7 paper any more. Because I just remembered that I had it
8 at sometime today. And I was trying to ask the lady up
9 front. And she didn't know.

10 THE COURT: All right. Here's -- here's what you
11 need to do.

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: We have a group at 1:00. You be back
14 here before 1:00. Okay.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: Yes, sir.

17 THE CLERK: What's his name?

18 THE COURT: Give us -- give us your name, please.

19 PROSPECTIVE JUROR: Andrew Pugliese.

20 THE COURT: Is that good?

21 THE CLERK: Yes.

22 THE COURT: All right. Thank you.

23 See you -- see you at 1:00.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: All right. Again, I -- I may duplicate

1 some names. I know I will. But instead of trying to
2 figure out who I've already named, I'm just going to read
3 them again. Again, no significance to that whatsoever.

4 All right. With the Laurens County Sheriff's Office,
5 the following: Andrew Turner, Andrew Hall, Daniel
6 Duckett, Don -- Sheriff Don Reynolds, Chris Martin,
7 Timothy Byrd, Jonathan Lee, Dana Wilkie, Robert Wilkie,
8 Farrah Cook, Robbie Haupfear, Jared Hunnicutt, Don Evans,
9 Jeffrey Craig Wheatley, Officer Bridges, Jimmy Johnson,
10 Ben Blackmon, Todd Alexander.

11 The following are with Laurens County Dispatch:
12 David Deitz; Crystal Sechler, S-E-C-H-L-E-R; Melinda
13 Brooks; Jodi Shea; Jenny Garrett; Tracey Roberts; Jennifer
14 Mendoza.

15 The Laurens County Police Department: Benjamin
16 Gallo, Dillion Sherfield, Jody Thibodeau, Matthew Gault,
17 Tyler Smith, Brent Rushing.

18 With the fire department: Jordan Clements, Josh
19 Dozier, Kristi Kempster, Sean Ramsey.

20 With the coroner's office -- I'm going to skip over
21 Nick Nichols because he's deceased. Patti Canupp, Vickie
22 Cheek.

23 With SLED: Anna Tankersley, Agent Alexander, Melinda
24 Worley, Tyler Sturkie, Verona Herrera, Thomas Darnell.

25 The medical doctors: Michael Ward, Hames [sic]

1 Fulcher, Erica Jackson.

2 And some lay witnesses: Crystal Denise Bluford,
3 Samuel Deangelo Smith, Patricia Lee Tribble, Mac Irby,
4 Alicia Lindsey, Scott Nelson, Jay Belton, Alicia Denee
5 Knuckles, Janisha Elmore, Alfred Gilliam, and Christopher
6 Robinson.

7 Any member of the jury panel related by blood or
8 marriage either now or formerly to any of those people I
9 just named? Or any member of the jury panel have or have
10 had in the past a close personal or social relationship
11 with any of those people I've just named?

12 (WHEREUPON, there was no response.)

13 THE COURT: And I'll, also, ask, does any member of
14 the jury panel know of any of those individuals I've just
15 named? And if you've already responded once to a
16 particular person, you don't need to do it again.

17 Okay. So I've got one standing.

18 Sir, your name and number.

19 PROSPECTIVE JUROR: David Landers. I'm not sure of
20 my number.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: Brent Rushing, I do some work for
23 him. Plus, his daughter knows my daughter -- or his
24 niece, actually.

25 THE COURT: Okay. Would that prevent you, sir, from

1 being fair and impartial to both sides in this case?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: Thank you, sir.

4 (Pause.)

5 THE COURT: All right. I'm going to give the
6 attorneys an opportunity to introduce themselves and
7 whoever's seated at their respective counsel tables. And
8 I'll -- I'll tell you, as I told Group A, and I don't say
9 this about every lawyer that tries a case before me. But
10 I call tell you that these lawyers are excellent lawyers
11 and will do a very fine job in this case.

12 I'll let the State go first.

13 MR. SCOTT: Good afternoon.

14 My name is Deputy Solicitor -- my name is Dale Scott.
15 I'm the deputy solicitor in the Eighth Circuit. It is the
16 circuit you reside in. It's comprised of Abbeville,
17 Newberry, Laurens, and Greenwood counties. Of course,
18 we're trying a case here in Laurens County this week.
19 I'll be prosecuting it.

20 I work for your elected solicitor, David Stumbo.
21 He's seated here. And, also, working for Mr. Stumbo and
22 assisting me with this trial is Margaret Boykin, an
23 assistant solicitor. And our office investigator is
24 Walter Bentley.

25 Thank you.

1 THE COURT: All right. And the Defense.

2 MS. MCNEILL: Good morning.

3 My name is Chelsea McNeill. I'm the lawyer
4 representing with pleasure Mr. Elmore here. Seated with
5 me is, also, Mr. Chris Allen.

6 If you could stand.

7 He is our law clerk. He's a three-L at Charleston
8 School of Law. Also, Mr. Jimmy Powers. He works as our
9 investigator. And then this is the other attorney. I'll
10 let him introduce himself.

11 MR. SHAFFER: Good morning.

12 My name is Tristan Shaffer. I'm an attorney. And I,
13 also, have the privilege of representing Mr. Elmore in
14 this case.

15 THE COURT: All right. Any member of the jury panel
16 related by blood or marriage either now or formerly, or
17 have a close -- or have had a close or have currently a
18 close personal or social relationship with any of the
19 attorneys involved in this case or anyone in their
20 respective offices? If so, please, stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: Any member of the jury panel already
23 formed or expressed any opinion about any issue or matter
24 involved in this case? If so, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Any member of the jury panel aware of any
2 bias or prejudice towards either the State or the
3 Defendant in this case? If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Is there any member of the jury panel who
6 is a member of or a contributor to any group which has as
7 its primary concern the promotion of law enforcement or
8 victim's rights? These groups would include, but,
9 certainly, not limited to MADD, SADD or CAVE. If that
10 applies to you, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. I'm going to ask this
13 question, and I'll probably ask it again before we finish
14 up. Does any member of the jury panel know of any reason
15 whatsoever why he or she should not serve as a juror in
16 this case with particular emphasis being placed on your
17 ability to be fair and your ability to be impartial to
18 both the State and the Defense?

19 That's the key, ladies and gentlemen. We want people
20 sitting on a trial jury who can be completely fair and
21 impartial to both sides in this case. But if you believe
22 that there's something that would prevent you from doing
23 that, I need to know it. So if you -- if that applies to
24 you, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Has any member of the jury panel or any
2 of your immediate family members ever been prosecuted by
3 the Eight Circuit Solicitor's Office? If so, please,
4 stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Any member of the jury panel who has
7 frequented a nightclub called Champions nightclub? If
8 that applies to you, please, stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Any member of the jury panel are -- is an
11 advocate for the defunding and/or disbanding of law
12 enforcement agencies? If so, please, stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Okay. Now, ladies and gentlemen, there
15 was several questionnaires that were submitted to you.
16 Maybe some of you completed the -- the questionnaires here
17 at the courthouse. But I need to know, has there been any
18 change in your situation COVID related since the last
19 questionnaire that you completed? If so, please, stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: All right. These next questions are
22 COVID related. Has any member of the jury panel tested
23 positive for COVID-19 since you last completed the Court's
24 questionnaire? If so, please stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Has any member of the jury panel been
2 exposed to anyone with COVID-19 since you completed the --
3 the last Court's questionnaire? If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: And this is just kind of a general
6 question. And I recognize that everyone has had their
7 temperatures checked before you came in today. But I need
8 to ask, is anyone currently feeling ill or feeling like
9 they have some of the COVID-19 symptoms? If that applies
10 to you, I need to know that.

11 (WHEREUPON, there was no response.)

12 THE COURT: Okay. Does any member of the jury panel
13 fear that you are likely to contract the coronavirus by
14 appearing at court for jury duty today and this week, if
15 you're selected on the trial jury? If you feel that way,
16 please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Would any member of the jury panel blame
19 either the State or the Defendant for having to attend a
20 public hearing during this pandemic, this public hearing
21 like we -- we will be starting in the morning? Would
22 anybody blame either side in this matter?

23 (WHEREUPON, there was no response.)

24 THE COURT: Is any member of the jury panel unwilling
25 to abide by any rules that the Court instructs you

1 regarding social distancing, wearing a mask during the
2 trial and in the jury room if you are selected? If
3 anybody would be so unwilling, I need to know that.
4 Please stand

5 (WHEREUPON, there was no response.)

6 THE COURT: Let me just go ahead and mention now to
7 you before I forget. And I'll mention more to the trial
8 jury when you're selected. I plan to take more breaks
9 than we normally do or, you know, don't -- go for a -- go
10 for a little shorter period of time before I call for a
11 break to give you an opportunity to go outside, take the
12 mask off, and get some fresh air.

13 I know that after a while wearing the mask for an
14 extended period of time can get a little cumbersome and
15 maybe a little uncomfortable. So I'm going to try to
16 recognize that and abide for more breaks. That's just for
17 your understanding and information at this point in time.

18 Understanding that this trial is more than likely
19 going to last the entire week, does anyone on the jury
20 panel have an opposition to wearing a face mask for the
21 duration of the trial, including jury deliberations?
22 That's when you're sent out at the end of the case to
23 deliberate. Does anybody have any issues with that? If
24 so, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Any member of the jury -- is any member
2 of the jury panel unwilling to notify the Court
3 immediately if during the trial you begin feeling ill or
4 that you have exposed -- been exposed to someone who is --
5 is feeling ill or, at least, suffering from some of the
6 symptoms that COVID-19 presents? Anybody unwilling to let
7 the Court know immediately?

8 (WHEREUPON, there was no response.)

9 THE COURT: Would any member of the jury panel be
10 distracted during the presentation of the evidence in this
11 trial by fear of contracting COVID-19? In other words, is
12 that going to be in -- in the forefront of your mind and
13 possibly cause you to be distracted during this trial?
14 Does that apply to anyone?

15 (WHEREUPON, there was no response.)

16 THE COURT: I will instruct the trial jury it's very
17 important to be very attentive and alert. So if you feel
18 like you're going to have some distraction issues, I need
19 to know that.

20 (WHEREUPON, there was no response.)

21 THE COURT: Now, as I indicated, it's not uncommon
22 for certain trials to last an entire week. Does any
23 member of the jury panel feel comfortable -- or
24 uncomfortable coming in this courtroom and listening to
25 this case for an entire week? Does anybody believe you

1 would be uncomfortable doing that? If so, please, stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Would any member of the jury panel change
4 your verdict to agree with others or compromise with other
5 jurors in order to end the deliberations faster so you
6 could leave the courthouse and stop wearing a face mask
7 sooner? Does that apply to anybody?

8 (WHEREUPON, there was no response.)

9 THE COURT: Is any member of the jury panel, or any
10 of your immediate family members, close personal friends
11 ever been a civilian or military law enforcement officer?
12 If so, please, stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: The Prosecution alleges that the
15 Defendant committed the offense of murder. Does any
16 member of the jury panel have any personal knowledge of
17 these allegations? If so, please, stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Now, you've already heard that the
20 Defendant is accused of stabbing a man to death in cold
21 blood. Does anyone suspect the Defendant is guilty of
22 these crimes just because he has been accused of it? If
23 that applies to you, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Now, every citizen in the United States

1 has the right not to testify at his or her own trial. As
2 a potential juror, do you feel you would need to hear from
3 the Defendant in order to hear his side of the story in
4 order to make a decision in this case? If that applies to
5 you, please, stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Any member of the jury panel feel like
8 the Defendant would be hiding something if he elected not
9 to testify in this case? If that applies to you, please,
10 stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Any member of the jury panel read about
13 this case in the newspaper, heard about it in the news
14 media, or had any conversations about this case with
15 anyone? If that applies to you, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Any member of the jury panel liked or
18 followed any of the following Facebook pages: Number one,
19 any page dealing with criminal domestic violence; two, any
20 crime watch page; three, the Laurens County Sheriff's
21 Office page, liked or follow?

22 Okay. I've got -- I've got three.

23 Ma'am, can you pull it down a little bit?

24 Your name and number?

25 PROSPECTIVE JUROR: Sheshonie Mobley. I think it's

1 #58.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: I follow Laurens County Sheriff's
4 Office page.

5 THE COURT: Okay. The fact that you follow their
6 Facebook page, would that prevent you from being fair and
7 impartial in this case?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Thank you, ma'am.
10 Have a seat.

11 Sir?

12 PROSPECTIVE JUROR: Will Walls, #93.

13 I follow the Laurens County Sheriff's Office Facebook
14 page.

15 THE COURT: Okay. Would that prevent you from being
16 impartial to both sides in this case?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Okay. Thank you.
19 Have a seat.

20 Sir, your name and number?

21 PROSPECTIVE JUROR: James Wood, Juror #98.
22 Laurens County page.

23 THE COURT: Okay. Would that prevent you from
24 being --

25 PROSPECTIVE JUROR: No.

1 THE COURT: -- fair and impartial to both sides in
2 this case?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Thank you.

5 Have a seat.

6 MS. MCNEILL: Your Honor, I don't have Juror #93 on
7 the roll call list for jurors present sheet.

8 THE CLERK: I missed him. He -- when I finished the
9 roll call, I asked if anyone had -- I didn't call their --

10 MS. MCNEILL: Okay.

11 THE CLERK: -- name. He was included then. We can
12 reprint one for you.

13 MS. MCNEILL: Thank you.

14 THE COURT: All right. Has any member of the jury
15 panel received any special training or education in the
16 subject of domestic violence, whether that is against a
17 minor or an adult? If that applies to you, please, stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Does any member of the jury panel know of
20 anyone who works in the Eighth Circuit Solicitor's Office
21 or any law enforcement agency, other than what you may
22 have already disclosed? And the Eighth Circuit
23 Solicitor's Office would include Newberry County, Laurens
24 County, Greenwood County, or Abbeville County in any
25 capacity, whether it's a staff member, employee,

1 prosecutor, et cetera. If that applies to you, please,
2 stand, other than what maybe has already been disclosed.

3 (WHEREUPON, there was no response.)

4 THE COURT: Okay. Has any member of the jury panel
5 campaigned for or made a contribution to Sheriff Don
6 Reynolds or Solicitor David Stumbo?

7 (WHEREUPON, there was no response.)

8 THE COURT: Any member of the jury panel know of
9 anyone who works with the South Carolina Department of
10 Social Services? If that applies to you, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. Now, is any member of the
13 jury panel a mandated reporter? Now, if you don't know
14 what that means, then you're not one.

15 Okay. Is anybody a mandated reporter? And that's in
16 connection with your particular employment.

17 (WHEREUPON, there was no response.)

18 THE COURT: Okay. Does any member of the jury panel
19 volunteer with children, Boy Scouts, youth groups, church
20 groups, any type of youth organization?

21 All right. Ma'am, you're -- for the record, your
22 name and number again?

23 PROSPECTIVE JUROR: Sheshonie Mobley, #58.

24 And I volunteer with my church group and, also, with
25 my granddaughter's Girl Scout troop.

1 THE COURT: All right. Would that in any way effect
2 your ability --

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: -- to be fair and impartial in this case?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Thank you, ma'am.

7 And, sir, your name and number again?

8 PROSPECTIVE JUROR: Will Walls, #93.

9 I work with our youth at our church.

10 THE COURT: Okay. Would that prevent you from being
11 fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Thank you, sir.

14 Yes, ma'am.

15 PROSPECTIVE JUROR: Montana Engel. I think I'm Juror
16 #29.

17 I work with an organization called Civil Air Patrol.
18 They take people from 12 to 18 and help them with
19 leadership skills, and social skills, and stuff like that.

20 THE COURT: All right. Would that prevent you from
21 being fair and impartial to both sides?

22 PROSPECTIVE JUROR: No, sir.

23 THE COURT: All right. Thank you, ma'am.

24 Any member of the jury panel ever attended any events
25 or meetings in relation to criminal domestic violence? If

1 so, please, stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Does anyone have any beliefs about a
4 person not having the right to defend himself or herself
5 from loss of life or serious bodily harm? If so, please,
6 stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Any member of the jury panel know the
9 family of either Lutavious Elmore, Crystal Bluford, or
10 Sergio Lindsey? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. Now, I have -- well, let
13 me -- let me ask you this before I go into these
14 questions. Is there any member of the jury panel know of
15 anything that would prevent you -- whether it's COVID-19
16 related or anything else that would prevent you from
17 making -- or having and engaging in a thorough and
18 deliberate discussion during deliberations?

19 And, again, that's after -- at the end of the case
20 when you're given the case to deliberate. Are you aware
21 of anything that -- COVID-19 related or, otherwise, that
22 would prevent you from engaging in thorough and deliberate
23 discussions in deliberations? If so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Now, these next one, two, three, four,

1 five, I'm going to ask all five questions, so pay close
2 attention. If you need to respond, I need -- to do it in
3 private and not in front of everybody in the jury panel.
4 So listen very carefully. If anybody wants me to repeat
5 these questions, all you have to do is tell me. Okay.

6 First question, any member of the jury panel, close
7 family member, close personal friends ever been a victim
8 of a serious crime?

9 Secondly, any member of the jury panel have
10 experience with or know something about people who have
11 been affected by a crime?

12 Thirdly, this case is about a man who died by being
13 stabbed to death. Does any potential juror feel this
14 subject is so violent that it would affect your ability to
15 be fair and impartial in this case?

16 Next, any member of the jury panel been a victim of
17 or a witness to domestic violence?

18 And, lastly, any member of the jury panel have a
19 friend -- close personal friend, immediate family member
20 experienced being the victim of domestic violence?

21 All right. Now, does anybody want me to repeat those
22 five questions again?

23 (WHEREUPON, an unidentified potential juror raised
24 their hand.)

25 THE COURT: Okay. I'll start back over. I'll

1 read -- read all five of them. I'm not going to single
2 anything out.

3 Any member of the jury panel, immediate family
4 member, close personal friends ever been a victim of a
5 serious crime?

6 Secondly, any member of the jury panel have
7 experience with or know something about people who have
8 been affected by crime?

9 Thirdly, this case is about a man who died by being
10 stabbed to death. Does any member of the jury panel feel
11 this subject matter is so violent that it would affect
12 your ability to be fair and impartial to both sides in
13 this case?

14 Any member of the jury panel ever been a victim of or
15 a witness to domestic violence?

16 And, lastly, any member of the jury panel, any
17 immediate family member, close personal friend ever
18 experienced being the victim of domestic violence?

19 All right. Those five questions -- does anybody on
20 the jury panel need to speak with me privately in
21 responding to those five questions?

22 I've got two. Now, I've got three.

23 Next, concerning any questions that I previously
24 asked -- not those five, that I previously asked that you
25 need to speak with me privately, but were reluctant to do

1 so in front of everybody, does anybody fit in that
2 category? If so, please, stand.

3 Okay. I've got one.

4 Now, if you'll just be patient with me. I need the
5 four of you to remain in the courtroom. You can have a
6 seat. The rest of you can go back out in the foyer area.
7 And we'll, hopefully, get you back in soon. Keep your
8 distance. Keep your mask on.

9 (WHEREUPON, the members of the jury panel, with the
10 exception of four prospective jurors, exited the
11 courtroom.)

12 MS. MCNEILL: Judge, may we approach real quick?

13 THE COURT: Can we maybe do it -- okay. Yeah, yeah.
14 You need to approach. Let's go out in the hall.

15 (WHEREUPON, a sidebar was held in the hallway.)

16 THE COURT: Okay. We're going to take you one at a
17 time. So if -- I thought we had four.

18 Is it just three?

19 THE BAILIFF: There's one here, Your Honor.

20 THE COURT: Okay. I got you.

21 Let me just take this lady on the front row first.

22 So I need the other three just to be outside the door
23 ready to come in.

24 (WHEREUPON, three prospective jurors exited the
25 courtroom.)

1 THE COURT: Ma'am, come around. And you just stand
2 kind of right in there a little bit.

3 Okay. And your name, ma'am?

4 PROSPECTIVE JUROR: My name is Paula Bullard.

5 THE COURT: Willard?

6 PROSPECTIVE JUROR: Bullard, B-U-L-L-A-R-D.

7 THE COURT: Okay. #11.

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Yes, ma'am, Ms. Bullard.

10 PROSPECTIVE JUROR: I think it's your first question
11 that you asked if I had a family member that had been
12 involved in a --

13 THE COURT: Serious crime.

14 PROSPECTIVE JUROR: Serious crime, yes, sir.

15 THE COURT: What I asked was, any member of the jury
16 panel, immediate family members, close personal friends
17 ever been a victim of a serious crime?

18 PROSPECTIVE JUROR: Yes, sir. My daughter.

19 THE COURT: Your daughter?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Okay. How long ago was that?

22 PROSPECTIVE JUROR: 10 years.

23 THE COURT: Okay. I don't -- I don't want to really
24 ask you --

25 PROSPECTIVE JUROR: I don't mind sharing.

1 THE COURT: Okay. What -- what was the nature of the
2 crime?

3 PROSPECTIVE JUROR: My daughter was killed on Lake
4 Murray by a drunk driver in a boating accident.

5 THE COURT: Okay. Well, I'm very, very sorry.

6 PROSPECTIVE JUROR: Thank you, sir.

7 THE COURT: Understanding that was and, certainly, is
8 still a traumatic episode in your life, would that prevent
9 you from being fair and impartial to both -- both sides in
10 this case? And if you tell me, yes, I can understand.

11 PROSPECTIVE JUROR: No, sir, it would not.

12 THE COURT: Okay. You can be completely fair and
13 impartial?

14 PROSPECTIVE JUROR: I -- I do. I think I can be very
15 fair and impartial.

16 THE COURT: All right. Thank you, ma'am.

17 PROSPECTIVE JUROR: Thank you.

18 THE COURT: If you'll just go back out.

19 (WHEREUPON, the prospective juror exited the
20 courtroom.)

21 THE COURT: And, Bobby, if you'll bring the next one
22 in.

23 (WHEREUPON, a prospective juror entered the
24 courtroom.)

25 THE COURT: All right. I think you're William Walls;

1 is that correct?

2 PROSPECTIVE JUROR: Yes, sir. That's correct.

3 THE COURT: What did you need to tell me?

4 PROSPECTIVE JUROR: My father-in-law is a Family
5 Court judge in the state of South Carolina. And I didn't
6 know if that had anything to do with social -- the
7 services -- Department of Social Services.

8 THE COURT: No. It would not be.

9 Who -- who is your father-in-law?

10 PROSPECTIVE JUROR: David Phillips.

11 THE COURT: Okay. Yeah. I -- I know David well,
12 good -- good fellow, good judge.

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Okay. No. That -- that would not have
15 any bearing whatsoever. Let me mention one thing to you,
16 Mr. Walls.

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: I think you noted on one of the
19 questionnaire's that you were opposed to wearing a mask.

20 PROSPECTIVE JUROR: I don't enjoy it, no, sir.

21 THE COURT: Well, none of us enjoy it. I want -- if
22 there's a person in here that would raise their hand
23 saying that they enjoy wearing a mask, then we need to
24 have a little chat.

25 If you are selected on the trial jury, will you

1 assure me that you'll wear the mask --

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: -- at all times?

4 And will you, also, assure me that you will wear it
5 properly?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: Okay. Because you've got it pulled down
8 now --

9 PROSPECTIVE JUROR: Right. Yes, sir.

10 THE COURT: -- because you're speaking with me. But
11 it has to cover the mouth and nose. And if you have -- if
12 you need one that maybe will fit better, if you feel like
13 that's not fitting like you would like it, we can,
14 certainly, accommodate you.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Okay. Very good.

17 Thank you.

18 Just go on back out of the courtroom.

19 And bring in the next one, please.

20 (WHEREUPON, the prospective juror exited the
21 courtroom.)

22 (WHEREUPON, a prospective juror entered the
23 courtroom.)

24 THE COURT: Okay. Yes, ma'am. Your name, please,
25 again?

1 PROSPECTIVE JUROR: Montana Engel.

2 THE COURT: Okay. Yes, ma'am.

3 PROSPECTIVE JUROR: When I was younger, I was raped
4 by my father.

5 THE COURT: I'm -- I'm very sorry.

6 How long ago was that?

7 PROSPECTIVE JUROR: I'm 22 now. He got sentenced and
8 put in jail when I was 10.

9 THE COURT: All right. The fact that you had that
10 terrible episode in your life years back, would that
11 prevent you in any way from being fair and impartial to
12 both sides in this case?

13 PROSPECTIVE JUROR: I've put it behind me, sir.

14 THE COURT: Okay. Very good. Good -- good for you.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: Go back out, please.

17 (WHEREUPON, the prospective juror exited the
18 courtroom.)

19 (WHEREUPON, a prospective juror entered the
20 courtroom.)

21 THE COURT: Come on up a little bit closer.

22 You're good right there.

23 And your name?

24 PROSPECTIVE JUROR: Blake Dutcher, Juror #27.

25 THE COURT: Okay. Yes, sir.

1 PROSPECTIVE JUROR: I don't know if this counts, but
2 the second week of July, a friend of mine got drunk and
3 assaulted me. And, you know, I'm still going through the
4 whole process with the trial, and all that stuff.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: I just didn't know if that
7 counted as a serious crime or not.

8 THE COURT: Well, let me -- let me just ask you --
9 and I'm sorry you -- you had to deal with that and you
10 went through that.

11 Would that in any way prevent you from being fair and
12 impartial to both sides in this case?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: You could -- you could put that -- lay
15 that to the side and deal strictly with this case, if
16 you're selected?

17 PROSPECTIVE JUROR: Yes. It's a -- it's different
18 because --

19 THE COURT: All right. Thank you, sir.

20 Okay. Go on back out, please.

21 MR. SHAFFER: Your Honor --

22 THE COURT: Do you want to keep him here?

23 MR. SHAFFER: Yeah. I was just going to inquire --
24 sorry, Your Honor. I was just going to inquire as to
25 where this happened --

1 THE COURT: Sure.

2 MR. SHAFFER: -- and who was -- who the friend is
3 that assaulted him.

4 THE COURT: All right. Can you give us the name of
5 the friend and where it happened?

6 PROSPECTIVE JUROR: Yeah. It's Daniel Petty. And it
7 was in Greenwood, South Carolina.

8 THE COURT: Okay. Is that -- is that enough? Are
9 you good?

10 MR. SHAFFER: Yes, Your Honor.

11 Thank you.

12 THE COURT: All right. Anything else? Can I bring
13 the -- the jury panel in?

14 MR. SHAFFER: Your Honor, one moment, please.

15 THE COURT: All right. Yeah. Take your time.

16 Go on back out, sir. And we'll get you in in just a
17 minute.

18 (WHEREUPON, the prospective juror exited the
19 courtroom.)

20 THE COURT: Let -- let me go ahead and ask, does the
21 State have any objections to the Court's voir dire or any
22 additions?

23 MR. SCOTT: No, Your Honor. No objections. And no
24 additions that I can think of.

25 THE COURT: All right --

1 MR. SCOTT: Judge, I'm sorry. I didn't mean to
2 interrupt. But we just pulled the -- our -- our case
3 management system shows that Daniel Dayton Petty that
4 we're prosecuting for --

5 THE COURT: Oh, that's the one you mentioned that the
6 Defense is fine.

7 MR. SCOTT: No. That's the one I think he -- he
8 mentioned was his attacker.

9 MS. MCNEILL: Yes, sir.

10 MR. SCOTT: Yeah. And we -- we show him as the
11 victim. And that is a Greenwood case at the solicitor's
12 office. And Josh Thomas with the Greenwood office is
13 prosecuting Mr. Petty.

14 THE COURT: All right. Well, who did you mention
15 back here?

16 MR. SCOTT: That was #91, William Trksak.

17 THE COURT: Okay. And the Defense on #91 has no
18 objection to him being excused?

19 MR. SHAFFER: That's correct, Your Honor.

20 THE COURT: Okay.

21 MR. SHAFFER: I would inquire about the spelling of
22 Mr. Petty's name just because I wanted to check to make
23 sure I'm not representing him.

24 MR. SCOTT: Just the traditional, P-E-T-T-Y.

25 MR. SHAFFER: Okay.

1 THE COURT: Do you need a moment to check your
2 records?

3 MS. MCNEILL: Yes, sir.

4 (Pause.)

5 MR. SHAFFER: And, Your Honor, the -- it does not
6 appear that we're representing him.

7 But, Your Honor, we would -- related to #93,
8 Mr. Walls, after he had that conversation with you about
9 wearing the mask properly, he walked outside. He put his
10 mask up and then he pulled it down. And, apparently, he's
11 wearing it below his nose outside right now, according to
12 Mr. Powers, who went around and checked on it.

13 We would move to strike him for cause for failing to
14 follow the Court's instructions.

15 THE COURT: Mr. Powers, is that correct, that when he
16 went out, he pulled it back down again?

17 MR. JIMMY POWERS: Yes, sir.

18 THE BAILIFF: Your Honor, I've seen him pull it down
19 in the process back here, too.

20 THE COURT: Okay.

21 THE BAILIFF: As a matter of fact, I started to ask
22 him one time if -- he needs to pull it up.

23 THE COURT: Yeah. I'm going to go ahead -- what
24 we're going to do, we're going to -- we're going to strike
25 him for cause. But him and along with Trksak, he is

1 stricken for cause. But we're just not going to tell
2 them.

3 And, Madam Clerk, just don't have -- pull those two
4 names, if you would.

5 I think that would be a cleaner way, instead of -- I
6 think -- just from my observations, I think Mr. Walls'
7 mask is -- is really small on him and just doesn't --
8 doesn't fit correctly, but anyways.

9 All right. So other than -- Mr. Shaffer, other than
10 what you've already had marked as a Court's Exhibit
11 concerning your request for voir dire, does the Defense
12 have any objections to the Court -- Court's voir dire or
13 any additions?

14 MR. SHAFFER: No objections. No additions.

15 We would move to strike for cause Mr. Dutcher, who
16 has a pending, you know -- or he's a victim in a pending
17 case and working with the Eighth Circuit Solicitor's
18 Office. I'm assuming that their victim's advocates are
19 working with him over in -- over in Greenwood, Your Honor.
20 So we move to strike him for cause.

21 We, also, have another motion -- or renewing a
22 previous motion with some additions to it, Your Honor.

23 THE COURT: Okay. Well, let me -- I guess,
24 Solicitor, do you have any way of knowing whether or
25 not -- I mean, I took it to mean it's a pretty new case.

1 Do you have any way of knowing -- has he had any
2 contact with any, you know, victim advocate, any of the
3 assistant solicitors, anything?

4 MR. SCOTT: No. This would -- this would be brand
5 new. It looks like the incident date is July 22nd.

6 MR. DAVID STUMBO: Judge, if I could add in here, our
7 Greenwood prosecutors and victim advocates would not be
8 consulting with this team whatsoever. Quite honestly, if
9 the case is that new, I'd be shocked if even our Greenwood
10 folks had any contact with him. I can check on that.

11 THE COURT: Well, I think probably what -- I mean,
12 he's already stated he can be fair and impartial. We can
13 bring him back in to just see if there has been any
14 communication with anyone in the solicitor's office
15 concerning his case.

16 MR. SHAFFER: Your Honor, I -- I would respectfully
17 submit that Mr. Trksak, who we're not objecting to because
18 we recognize the problem there, is sort of in the same
19 vein. He -- he was represented by Kate Kendall. We had
20 nothing to do with it. We didn't even know his name.

21 But that being said, he was represented through our
22 office at one point. He is being prosecuted by them.
23 It's sort of in the same vein as -- I mean, I think it's
24 sort of -- he's similarly situated to Mr. Trksak, who
25 they're moving to strike for cause. And, obviously, we're

1 not opposing that.

2 MR. SCOTT: But the difference is I'm prosecuting
3 Mr. Trksak. He's got a burglary charge that I myself am
4 prosecuting.

5 THE COURT: Well, I think what I'm going to do --
6 what I'm going to find out is if he's had any
7 communication whatsoever with anybody in the solicitor's
8 office on his case. And then I'll make a decision.

9 Bobby, if you'll get Blake Dutcher back in here,
10 please.

11 THE BAILIFF: What's the last name?

12 THE COURT: Dutcher.

13 THE CLERK: The guy in the green that was just in
14 front of the Judge.

15 (WHEREUPON, a prospective juror entered the
16 courtroom.)

17 THE COURT: Mr. Dutcher, about your case, have you
18 had any communication with anyone in the solicitor's
19 office about your case, whether it's a -- a prosecutor,
20 victim's advocate, anybody?

21 PROSPECTIVE JUROR: I had got a letter in the mail
22 last -- this past week, but I haven't talked to anybody
23 yet.

24 THE COURT: Okay. You got a letter?

25 PROSPECTIVE JUROR: Yes. It has a victim form that

1 I've got to fill out, and all that stuff.

2 THE COURT: All right. Go ahead and have a -- back
3 out there. We're going to bring everybody in in just a
4 minute.

5 PROSPECTIVE JUROR: Okay.

6 (WHEREUPON, the prospective juror exited the
7 courtroom.)

8 THE COURT: Yeah. I -- I'm going to go ahead and --
9 there's enough similarity. I realize there's some
10 differences. But it's probably enough similarity that I
11 will -- I will grant the motion to strike for cause #27.
12 But we'll just leave --

13 Don't pull his name and he can just come back in.
14 Okay.

15 All right. Now, you've got an additional motion,
16 Mr. Shaffer?

17 MR. SHAFFER: Your Honor, we're -- we're just going
18 to renew our previous motion about the -- the statements
19 about, you know, helping the Court system get back on
20 track, statements that I talked about earlier.

21 THE COURT: Okay.

22 MR. SHAFFER: I -- I'm paraphrasing, obviously, Your
23 Honor.

24 THE COURT: Right. And you've already -- you've
25 already made your argument --

1 MR. SHAFFER: Yeah.

2 THE COURT: -- so you're protected on the record.

3 MR. SHAFFER: And the only other thing is we'd move
4 to strike the -- the Group A and Group B jurors. I don't
5 think I asked for any relief for -- for that. That's,
6 basically, my request.

7 THE COURT: All right. So noted and --

8 All right. Solicitor.

9 MR. SCOTT: Briefly, if you'd consider it, Judge. I
10 don't have the same view that a lot of other people in the
11 courtroom have of Mr. Wall. I think you noted just sort
12 of that it could be a fit issue with this guy. He came up
13 and said he'd be happy to --

14 THE COURT: Yeah.

15 MR. SCOTT: -- you know, follow the rules. I didn't
16 get the opportunity to go out there and look at him. I
17 haven't been observing him this whole time. But if --
18 maybe we could fit him with a different mask, or
19 something. I just -- jurors, you know, during this
20 particular week, I want to make sure we have enough to
21 draw a sufficient jury.

22 THE COURT: How many does that leave? We still have
23 enough.

24 THE CLERK: We've got 22 without him.

25 THE COURT: Okay. Well, I'm -- I'm just going to

1 play it on the safe side. And I understand your point,
2 Solicitor Scott. I'm going to go ahead and he'll be
3 stricken for cause. We still have enough, so. Okay.

4 Let's bring the panel in. And let's get -- get a
5 group picked so we -- then we can go with the next one.

6 Just the 11:00 group, Group B.

7 (WHEREUPON, the jury panel members entered the
8 courtroom.)

9 THE COURT: All right. Everybody -- it's Group B,
10 because we've got a Group C that's coming in and just
11 didn't want anybody mixed up.

12 Everybody's Group B?

13 (WHEREUPON, the jury panel indicated in the
14 affirmative.)

15 THE COURT: All right. What's going to happen is 14
16 names will be selected at random. If your name is called
17 out, if you're one of the 14, you need to be back here at
18 4:00 this afternoon. And then once we get another 14 out
19 of Group C, then the whole group, 14, 14, and 14 will then
20 come back at 4:00. And then jury selection will take
21 place at that time.

22 If you're not selected, if you're not one of the 14,
23 then what you need to do is call back after 6:00 this
24 evening. You're given the number, 984-8800. That's the
25 number on your little card. Call back for further

1 instructions.

2 More than likely, it's going to tell you to call back
3 after 6:00 on Tuesday evening. Okay. But call -- be sure
4 and call back.

5 So if you're one of the 14, back here at 4:00. If
6 you're not one of the 14, then you'll call back after 6:00
7 this evening. Okay.

8 Whenever the Clerk's Office is ready.

9 If your name is called, stand up so we can just see
10 who you are. Okay.

11 THE CLERK: Juror #42 James M. Holbert; Juror #85,
12 Latonia Suber; Juror #101, Malik Floyd; Juror #98, James
13 W. Wood, Jr.; Juror #100, Paul L. Wynn, IV; Juror #61,
14 Megan L. Morgan; Juror #31, George M. Foster, II; Juror
15 #16, Christine M. Clark; Juror #23, Malik M. Donald-Dial;
16 Juror #28, Richard D. Eaton; Juror #88, Joseph K. Thomas;
17 Juror #48, David D -- T. Landers; Juror #90, Tymori A.
18 Tribble; and Juror #11, Paula F. Bullard.

19 THE COURT: Okay. Thank you, Madam Clerk.

20 All right. Ladies and gentlemen, you 14 be back here
21 no later than 4:00. Try to be back here a little before
22 4:00. Okay. So the 14, y'all are free to go. See you
23 back this afternoon.

24 (WHEREUPON, the 14 prospective jurors whose names
25 were called exited the courtroom.)

1 THE COURT: All right. Ladies and gentlemen, I know
2 some of you may be disappointed that your name was not
3 called. And I'm sure that there's some of you that are
4 glad that your name was not called.

5 More than likely, you will not be back in this
6 courtroom this week, but I can't tell you that
7 100 percent. But, hopefully, in the future maybe you'll
8 have an opportunity to be summoned to come back in this
9 courtroom or another courtroom and serve on a -- a civil
10 jury or a criminal jury.

11 With that said, good luck to you. Have a good
12 afternoon. Don't forget to call back after 6:00.

13 You're free to go.

14 (WHEREUPON, the remaining jury panel members exited
15 the courtroom.)

16 THE COURT: All right. We're going to take a
17 little -- a little recess. And then we'll crank back up
18 again.

19 (WHEREUPON, the proceedings were recessed at
20 approximately 12:55 p.m.)

21 THE COURT: Good afternoon, ladies and gentlemen.

22 It's good to see you here today. And let me welcome
23 you formally to a term of circuit court for the County of
24 Laurens. This is a term of General Sessions court, which
25 is criminal court. Circuit courts, also -- we hear civil

1 cases. But you're here for a weak of General Sessions
2 court.

3 My name is Don Hocker. I am a circuit court Judge.
4 My chambers are in Laurens.

5 And, also, I have with me Debbie McCaslin, who is our
6 newest circuit court judge. And she's -- she's here to
7 observe this trial.

8 Back in about mid-March, when the -- the pandemic hit
9 South Carolina, the beginning of it, our Chief Justice,
10 who by the way was here earlier today, decided to shut
11 down all jury trials, criminal and civil. And so we've
12 not had any jury trials since mid-March.

13 About six weeks ago or thereabouts, he decided that
14 he wanted to have some test jury trials to see if the
15 process will work in light of the environment that -- that
16 we are in. And he selected as the first jury trial
17 Laurens County. The second jury trial will be held in
18 Horry County. And I think after that is done, then he
19 will make the decision whether or not to open up courts to
20 where all the counties will -- will have jury trials.

21 So you're here today to test the process and to make
22 sure that we can make things work. We've had to adapt,
23 and adjust, and improvise how we do things. You can see
24 right here, we have -- typically, all the jury members are
25 back in the jury box. But we're -- to have social

1 distancing, the trial jury selected will be out -- some,
2 at least, will be sitting in the -- on the floor.

3 Of course, social distancing is being practiced as
4 you, the jury panel, are here in the courtroom.
5 Everybody's wearing a mask. I will wear a mask, unless
6 I'm -- I'm talking or trying to drink some water or
7 coffee.

8 So we've all had to adapt and adjust. So we want to
9 test this -- this process to make sure that it will work,
10 work efficiently while keeping everyone healthy. And
11 that's -- that's our goal. And that's what we will be
12 striving for. So I'm glad you're here.

13 We have to go through a process to determine your
14 qualifications and eligibility to sit on any jury in this
15 case -- for any kind of case. And then your
16 qualifications and eligibility to sit on the jury for the
17 case that's being called for trial this week. The lawyers
18 tell me that it will take all week to -- to try this case.

19 You're the third group out of three groups. We've
20 already qualified two groups before you. And once we go
21 through the qualification process, then 14 names will be
22 picked at random by the computer. And those 14 of you
23 then will need to come back at 4:00 this afternoon. But
24 anyways, we'll -- we'll talk more about that in a little
25 bit.

1 The first part of the process is roll call. Your
2 name will be called out. And it'll be called out in
3 alphabetical order so you can kind of anticipate when your
4 name will be called out. Stand. We have found that if
5 you'll just pull your mask down a little bit so we can
6 hear you and understand you, if you'd do that. And
7 provide us with the information that appears on your -- on
8 your card.

9 So with that said, I'm going to turn it over to your
10 elected Clerk of Court, Lynn Lancaster.

11 And I notice that your elected Clerk of Court,
12 Michelle Simmons, is in the -- is in the back observing as
13 well.

14 Good to have you with us.

15 THE CLERK: If you'll, please, stand and raise your
16 right hand. We need to do an oath before we begin the
17 roll call.

18 (WHEREUPON, the jury panel was sworn at approximately
19 1:27 p.m.)

20 THE CLERK: You may be seated.

21 Okay. When I call your name, if you'll, please,
22 stand and provide us with the information on the card.
23 It's where you work, and if you're married, where your
24 spouse works. If you're retired, either you or your
25 spouse, if you will let us know the type of work you used

1 to do.

2 (WHEREUPON, the Clerk called the roll for the jury
3 panel.)

4 THE COURT: Thank you very much, Madam Clerk.

5 Ladies and gentlemen, before we go through the
6 question and answer process with the Court, again, I want
7 you to understand how important your presence here is
8 today. It is a very high civic responsibility serving on
9 a jury. Some people say it's the second highest civic
10 responsibility that we have, second only to serving in the
11 military. So your -- your presence here today is very
12 important.

13 We -- and I told this to the other jury panels. We
14 are so fortunate in this country that we have the greatest
15 justice system ever created. And juries play a very
16 important and vital role in our judicial system. So
17 it's -- it's very important that -- that you're here. And
18 we're glad you're here. And I think you should take some
19 pride in the fact that Laurens County was selected as the
20 first county to conduct this test jury trial.

21 (WHEREUPON, the Court qualified the jury panel.)

22 JURY QUALIFICATION-GROUP C

23 THE COURT: All right. Ladies and gentlemen, we --
24 the case that is being called for trial is the State of
25 South Carolina v. Lutavious Denard Elmore.

1 Mr. Elmore, would you be so kind as to stand and face
2 the panel for just a second?

3 Okay. Thank you.

4 You may have a seat.

5 Mr. Elmore has been indicted for four criminal
6 offenses. The fact that he has been indicted with these
7 offenses is not proof whatsoever of any guilt on his part.
8 These indictments contain allegations. And the
9 allegations must be proven by the State beyond a
10 reasonable doubt standard. So you can't hold the fact --
11 or hold it against Mr. Elmore the fact that he has been
12 indicted.

13 The indictment serves two purposes. One, it gets the
14 case into court where we are today. And, secondly, it
15 provides notice to the Defendant and his attorneys of what
16 the charges are the State intends to try him on.

17 So you'll have a little idea about what this case is
18 about, I'm going to read the allegations contained in the
19 four indictments. The first indictment is for murder,
20 that Lutavious Denard Elmore on or about October 27th,
21 2018, in Laurens County willfully, feloniously, and with
22 malice aforethought did kill one, Sergio Mandez Lindsey,
23 by means of stabbing. And that the said, Sergio Mandez
24 Lindsey, did die in Laurens County as a proximate result
25 thereof on or about October 27th, 2018, in violation of

1 the laws of this state.

2 The second indictment is for burglary first degree.
3 It reads as follows, the Defendant, Lutavious Denard
4 Elmore, did on or about October 27th, 2018, in Laurens
5 County, South Carolina did enter a dwelling belonging to a
6 Crystal Bluford without consent and with the intent to
7 commit a crime therein. The Defendant while in the
8 dwelling was armed with a deadly weapon and used the
9 weapon to cause physical injury to a person not a
10 participant to the crime.

11 Furthermore, the Defendant entered or remained in the
12 residence in the nighttime hours. All in violation of the
13 Code of Laws for this state.

14 The third indictment, ladies and gentlemen, is for
15 possession of a weapon during the commission of a violent
16 crime. It reads as follows, the Defendant, Lutavious
17 Denard Elmore, did on or about October 27th, 2018, in
18 Laurens County while committing the violent crime of
19 murder and burglary first degree did possess a knife. All
20 in violation of the Code of Laws for this state.

21 And, lastly, it's for kidnapping. That Lutavious
22 Denard Elmore did in Laurens County, South Carolina on or
23 about October 27th, 2010 -- 2018, did unlawfully seize,
24 confine, inveigle, decoy, kidnap, abduct, or carry away
25 Crystal Bluford by any means whatsoever without the

1 authority of law. That being in violation of the Code of
2 Laws for this state.

3 And, again, ladies and gentlemen, the same rules
4 apply. If you need to speak with me privately, I'll give
5 you that opportunity. There will be, in fact, certain
6 questions that I ask you and I will tell you that you'll
7 need to -- if you need to respond that you'll need to do
8 so privately with me.

9 Any member of the jury panel related by blood or
10 marriage either now or formerly to either Lutavious Denard
11 Elmore or Sergio Mandez Lindsey? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Any member of the jury panel have or have
14 had in the past a close personal or social relationship
15 with either Lutavious Denard Elmore or Sergio Mandez
16 Lindsey? If so, please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Now, I'm going to publish to you a list
19 of potential witnesses in this case. They may or may not
20 testify. And I'll -- I'll publish it in -- in a couple of
21 groups with a lot of names. And it'll be helpful, I
22 think, if I -- if I do it in parts.

23 All right. With the Laurens County Sheriff's Office,
24 the following: Andrew Turner, Farrah Cook, Robbie
25 Haupfear, Tim Byrd, Jared Hunnicutt, Don Evans, Todd

1 Alexander, Daniel Duckett, Andrew Hall, Butch Kimbrell.

2 With the Laurens Police Department: Ben Gallo,
3 Matthew Gault.

4 With SLED: Brian Hudak, Anna Tankersley, Melinda
5 Worley, Tyler Sturkie, Verona Herrera, Thomas Darnell.

6 And then the following individuals: Crystal Bluford,
7 Alicia Lindsey, Joey Avery, David Deitz, Scott Nelson, Jay
8 Belton, Dr. Michael Ward, Walter Bentley, and Alfred
9 Gilliam.

10 Any member of the jury panel have a close personal --
11 or have had -- have or have had a close personal or social
12 relationship with any of the people I've just listed?

13 Or any member of the jury panel related by blood or
14 marriage either now or formerly to any of those
15 individuals I've just listed?

16 Or any member of the jury panel know any of those
17 individuals I've just listed? And if so, if you know
18 them, under what circumstances?

19 So if that applies to -- to you, please, stand.

20 Okay. We've got -- we've got several. I'm going to
21 start with the gentleman in -- in the shirt.

22 Your name, sir?

23 PROSPECTIVE JUROR: Anthony Kiker.

24 THE COURT: Okay. Yes, sir.

25 PROSPECTIVE JUROR: With the law enforcement, I know

1 about half of the guys and have had contact. I used to be
2 employed by the county as a fire chief for the county, so.

3 THE COURT: You're -- you're currently a fire chief
4 somewhere in the county?

5 PROSPECTIVE JUROR: No, sir. I'm formerly -- yeah, I
6 formerly worked for Laurens County, Laurens County fire
7 chief.

8 THE COURT: Okay. You're formerly a fire chief?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: So with the law enforcement, I
12 know half of them --

13 THE COURT: Okay. The fact that you know them
14 because of your former employment, can you still -- can
15 you still be fair and impartial to both sides in this
16 case?

17 PROSPECTIVE JUROR: I -- I would think so. I mean,
18 I --

19 THE COURT: Well, I -- I need -- I need for you to be
20 certain. If you're -- if you're uncertain, I need to know
21 that. If you're certain, I need to know that.

22 PROSPECTIVE JUROR: I -- I feel pretty sure I can be
23 fair.

24 THE COURT: Fair and impartial to both sides?

25 PROSPECTIVE JUROR: I -- I don't know if it would be

1 fair to this gentleman with me being friends or know them.

2 THE COURT: Okay. I'll excuse you. You're free to
3 go.

4 THE CLERK: He was #44.

5 THE COURT: Okay. Let me go to this lady and then
6 I'll come over to this side.

7 Yes, ma'am. Your name?

8 PROSPECTIVE JUROR: Rachel Smith.

9 Working through the school district, I know -- not
10 close personal relationship or anything --

11 THE COURT: Right --

12 PROSPECTIVE JUROR: -- some of the -- the resource
13 officers. And you did list one of them that was a
14 previous resource officer. But I do feel like I can be
15 impartial.

16 THE COURT: Fair and impartial?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. Thank you.

19 And tell me who you know.

20 PROSPECTIVE JUROR: Todd Alexander.

21 THE COURT: Okay. And under what circumstances do
22 you know him?

23 PROSPECTIVE JUROR: He was a resource officer at one
24 time at my childrens school.

25 THE COURT: Oh, okay. But you can still be fair and

1 impartial?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Thank you, ma'am.

4 Have a seat.

5 All right. Sir?

6 PROSPECTIVE JUROR: Yes, sir, Your Honor. I --

7 THE COURT: Your name?

8 PROSPECTIVE JUROR: Charles Collinsworth.

9 I -- I'm not sure, but you mentioned a couple of
10 names that I -- that I may work with, Jay Belton and a
11 Scott Nelson.

12 THE COURT: Okay. I did read a Scott Nelson and a
13 Jay Belton.

14 PROSPECTIVE JUROR: Yes, sir. I'm not sure if that's
15 the ones I work with, but --

16 THE COURT: All right. If you do -- if they are the
17 ones you work with, can you still be fair and impartial --

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: -- to both sides in this case?

20 PROSPECTIVE JUROR: Yes, sir, I sure can.

21 THE COURT: Okay. Thank you.

22 You can have a seat.

23 Yes, ma'am. Your name?

24 PROSPECTIVE JUROR: Courtney Boyes.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: And let's see. Todd Alexander.
2 I knew him because me and his daughter went to school
3 together and did marching band together. And then Robbie
4 Haupfear, because I dated his nephew a couple years back.

5 THE COURT: All right. Can you still be fair and
6 impartial to both sides?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Okay. Thank you.

9 All right. I'm going to read another group of --

10 THE CLERK: You've got another --

11 THE COURT: Wait a minute. I'm sorry, ma'am. Your
12 name?

13 PROSPECTIVE JUROR: Brenda Brewster.

14 And I have a cousin named Crystal Bluford. And if
15 that's the same person, that's family.

16 THE COURT: Okay. First cousin? Second? Third?
17 What --

18 PROSPECTIVE JUROR: Second cousin.

19 THE COURT: Huh?

20 PROSPECTIVE JUROR: Second cousin.

21 THE COURT: Second cousin.

22 (Pause.)

23 THE COURT: Okay. Are you Brewster?

24 PROSPECTIVE JUROR: I'm a Brewster. But you called a
25 Crystal Bluford.

1 THE COURT: Yes.

2 PROSPECTIVE JUROR: It's my second cousin, if it's
3 the same Bluford.

4 THE COURT: Okay. Remain with us. We're just going
5 to have to -- we're going to have to find out if -- I
6 don't know if there are multiple Crystal Blufords around.
7 We're going to -- just stay with us.

8 Make a note of that. And I guess before we even pick
9 the 14 --

10 I don't know if there's any way, Solicitor, to -- and
11 defense lawyers to check on that.

12 MR. SCOTT: Well, let me just -- the incident
13 location for this is her residence. I don't -- I don't
14 know if that would help.

15 THE COURT: Okay.

16 MR. SCOTT: If she knows where she lives, I guess it
17 could be a question that we might be able to narrow it
18 down a bit.

19 THE COURT: Okay. The -- the second cousin, Crystal
20 Bluford, do you know her residence address?

21 PROSPECTIVE JUROR: I don't know the specific
22 address. I know the parents --

23 THE COURT: Okay. Can you -- Solicitor, can you
24 publish the address?

25 MR. SCOTT: Yes, sir. It's 926 Easy Road.

1 PROSPECTIVE JUROR: Is that -- I stay on -- I believe
2 that's her. I'm not sure of the street, but I know the
3 direction.

4 THE COURT: Okay. Let's -- let's do this, ma'am.
5 When I speak with people individually in private, you be
6 sure to get in that group.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: And we'll -- we'll explore that further.

9 MR. SCOTT: Your Honor, what -- what number was that?
10 And I'm going to have our victim's advocate ask Crystal
11 Bluford.

12 THE COURT: All right. The -- the name of the juror
13 is --

14 THE CLERK: #12.

15 THE COURT: Brewster is #12.

16 (Pause.)

17 THE COURT: I don't mind y'all conversing. Can I go
18 ahead and still publish the names?

19 MR. SHAFFER: Oh, yes, sir. Sorry about that.

20 THE COURT: No. That's all right. I don't mind
21 y'all talking.

22 All right. I'm going to publish some more names.
23 Now, I may duplicate some names I've already mentioned.
24 Don't place any significance to that whatsoever.

25 Okay. And if you've already responded to a name or

1 names that I mentioned, you don't need to do it again.

2 Okay.

3 With the Laurens County Sheriff's Office, the
4 following: Andrew Turner; Andrew Hall; Daniel Duckett;
5 Sheriff Don Reynolds; Chris Martin; Timothy Byrd; Jonathan
6 Lee; Dana Wilkie; Robert Wilkie; Farrah Cook; Robbie
7 Hauptfear; Jared Hunnicutt; Don Evans; Jeffrey Craig
8 Wheatley; Officer Bridges, I don't have a first name;
9 Jimmy Johnson; Ben Blackmon; Todd Alexander.

10 With Laurens County Dispatch: David Deitz; Crystal
11 Sechler, that's S-E-C-H-L-E-R; Melinda Brooks; Jodi Shea;
12 Jenny Garrett; Tracey Roberts; Jennifer Mendoza.

13 Laurens County -- I mean, Laurens City Police
14 Department: Ben Gallo, Dillion Sherfield, Jody Thibodeau,
15 Matthew Gault, Tyler Smith, Brent Rushing.

16 Fire Department: Jordan Clements.

17 EMS: Josh Dozier, Kristi Kempster, Sean Ramsey.

18 With the coroner's officer: Patti Canupp, Vickie
19 Cheek.

20 With SLED: Anna Tankersley; Agent Alexander, I don't
21 have a first name; Melinda Worley; Tyler Sturkie; Verona
22 Herrera; Thomas Darnell.

23 Medical personnel: Michael Ward, James Fulcher,
24 Erica Jackson.

25 And lay witnesses: Crystal Bluford, Samuel Deangelo

1 Smith, Patricia Tribble, Mac Irby, Alicia Lindsey, Scott
2 Nelson, Jay Belton, Alicia Deneé Knuckles, Janisha Elmore,
3 Alfred Gilliam, Christopher Robinson.

4 Any member of the jury panel related by blood or
5 marriage either now or formerly to any of those people I
6 just named?

7 Any member of the jury panel have or have had in the
8 past a close personal or social relationship with any of
9 those people I just named?

10 Or any member of the jury panel know any of those
11 people I just named? And if so, under what circumstances?

12 If that applies to you please stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Okay. I'm going to allow the attorneys
15 to -- to introduce themselves. I've told this to the
16 other two panels, I'll tell y'all. I know these lawyers
17 very, very well. And I can tell you all four attorneys
18 are -- are excellent attorneys and will do a very good job
19 in this case.

20 I'll let the State go first.

21 MR. SCOTT: Thank you, Your Honor.

22 My name's Dale Scott. I'm the deputy solicitor of
23 the Eighth Circuit. That's your home circuit, Newberry,
24 Abbeville, Greenwood, and, of course, Laurens County.

25 I'm going to be trying this case for you guys that

1 are picked this week. Assisting me is going to be
2 Margaret Boykin. She's an assistant solicitor in the
3 office. And over there that raised his hand is Walter
4 Bentley. He's one of our investigators.

5 THE COURT: Okay. And the Defense.

6 MS. MCNEILL: Good morning.

7 My name is Chelsea McNeill. I'm an attorney. And I
8 have the pleasure of representing my client, Mr. Elmore.

9 With me today is Mr. Chris Allen. He is a law
10 student at Charleston School of Law. He's our law clerk.
11 Also, with me today is our investigator, Mr. Jimmy Powers.

12 And I'm going to let Mr. Tristan Shaffer introduce
13 himself.

14 MR. SHAFFER: Good afternoon everyone.

15 I'm Tristan Shaffer. And I'm, also, an attorney
16 that, also, has the pleasure of representing Mr. Elmore
17 today.

18 Thank you very much for being here.

19 THE COURT: Thank you.

20 All right. Any member of the jury panel ever been
21 represented by any of the lawyers involved in this case or
22 anyone in their respective offices? If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Any member of the jury panel related by
25 blood or marriage either now or formerly or have a close

1 or have had a close personal or social relationship with
2 any of the attorneys involved in this case or anyone in
3 their respective offices? If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Any member of the jury panel already
6 formed or expressed any opinion about any issue or matter
7 involved in this case? If so, please, stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Any member of the jury panel aware of any
10 bias or prejudice towards either the State or the
11 Defendant in this case? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Any member of the jury panel who's a
14 member of or a contributor to any group which has as its
15 primary concern the promotion of law enforcement or
16 victim's rights? These groups would include, but not
17 limited to groups such as MADD, SADD, or CAVE. If that
18 applies to you, please, stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Any member of the jury panel know of any
21 reason whatsoever why he or she should not serve as a
22 juror in this case with particular emphasis being placed
23 on your ability to be fair and impartial to both the State
24 and the Defendant? If so, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Any member of the jury panel has ever
2 been prosecuted by the Eighth Circuit Solicitor's Office?
3 If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Any member of the jury panel ever
6 frequented or been to a nightclub called Champions
7 nightclub? If so, please, stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Any member of the jury panel been an
10 advocate for defunding and/or disbanding law enforcement
11 agencies? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Now, everybody remembers I had you to
14 fill out questionnaires. Has there been any change since
15 the last questionnaire that you filled out, whether that
16 was a couple weeks ago, a weak ago, or even if you filled
17 out the last one today? Has there been any change in your
18 situation since the last questionnaire?

19 (WHEREUPON, there was no response.)

20 THE COURT: Is there any member of the jury panel
21 that has tested positive for COVID-19 since you filled out
22 the last -- the Court's questionnaire? If so, please,
23 stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Has any member of the jury panel been

1 exposed to anyone with the COVID-19 virus since you last
2 filled out the Court's questionnaire?

3 All right. If you'll stand. Would you rather speak
4 with me privately?

5 PROSPECTIVE JUROR: No. Because I told y'all I work
6 in isolation with COVID-19 patients.

7 THE COURT: Okay. Did you disclose that on your
8 questionnaire?

9 PROSPECTIVE JUROR: Yes, sir, I did.

10 THE COURT: All right. We'll -- we'll check into
11 that. Just stay with us.

12 Okay. Yes, ma'am. Your name and number?

13 PROSPECTIVE JUROR: I'm Bridget Schindler, #76 --

14 THE COURT: Pull your -- pull your mask down a little
15 bit, please.

16 PROSPECTIVE JUROR: And I'm the same reason. I work
17 with COVID at NHC.

18 THE COURT: Okay. Did you disclose that on your
19 questionnaire?

20 PROSPECTIVE JUROR: I did.

21 THE COURT: Okay. We'll check on that as well. Just
22 stay with us.

23 Okay. Yes, sir.

24 PROSPECTIVE JUROR: Ethan Wilson. I forgot my
25 number.

1 But my girlfriend tested positive for COVID this
2 week. But I got my test results back today and I'm
3 negative.

4 THE COURT: Okay. You're good.

5 All right. Is anyone currently feeling ill or
6 feeling like you're experiencing COVID-19 symptoms? Does
7 everybody feel okay and ready to go?

8 (WHEREUPON, there was no response.)

9 THE COURT: Okay. Does any member of the jury panel
10 fear that you are likely to contract COVID-19 by appearing
11 at court for jury duty this week?

12 (WHEREUPON, there was no response.)

13 THE COURT: Would any member of the jury panel blame
14 the Defendant or the State for having to attend a public
15 hearing, such as a trial this week, during this pandemic?
16 If so, please, stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Is there any member of the jury panel
19 unwilling to abide by any rules the Court instructs you
20 regarding social distancing, wearing a mask during the
21 trial and in the jury room, if you're selected as a member
22 of the trial jury? Anybody unwilling to follow what the
23 Court directs?

24 (WHEREUPON, there was no response.)

25 THE COURT: Understanding that this trial is likely

1 going to last the entire week, do you have any
2 opposition -- any member of the jury panel have any
3 opposition to wearing a face mask for the duration of the
4 trial, including while in the jury room before and during
5 jury deliberations? If so, please, stand.

6 (WHEREUPON, there was no response.)

7 MS. MCNEILL: Your Honor, may we approach?

8 THE COURT: Okay. Do you want approach or go out in
9 the hall?

10 MS. MCNEILL: I guess we could just step out in the
11 hallway.

12 (WHEREUPON, a sidebar was held in the hallway.)

13 THE COURT: I'm not forgetting about you two ladies.
14 We'll -- we'll deal with that. I want to try to get
15 through these -- the remainder of the questions. And then
16 we can -- we can talk about it. Okay. So I'm not
17 forgetting about y'all.

18 Okay. If you are selected on the trial jury, would
19 anyone -- member of the jury panel be unwilling to
20 immediately inform the Court if -- if you start
21 experiencing COVID-19 symptoms?

22 And, sir, you need to put the mask back up, please.

23 (WHEREUPON, there was no response.)

24 THE COURT: Would anybody be so unwilling?

25 (WHEREUPON, there was no response.)

1 THE COURT: Okay. Would any member of the jury panel
2 be distracted during the presentation of this -- of the
3 evidence in this trial due to a fear of contracting
4 COVID-19? In other words, you know, to be on a trial, you
5 have to be alert and you have to be attentive. But would
6 your mind be filled with distractions about the -- the
7 environment that we're in that you would not be able to
8 listen to the evidence presented?

9 (WHEREUPON, there was no response.)

10 THE COURT: Okay. As I've indicated, this -- this
11 case more than likely will take all week. If you're
12 selected as a trial juror -- and at the end of the case,
13 you'll be asked to begin your deliberations. Would the
14 fear of COVID-19 result in you feeling pressured to decide
15 the case quicker than maybe you otherwise would? Does
16 that apply to you?

17 (WHEREUPON, there was no response.)

18 THE COURT: Would any member of the jury panel change
19 your verdict to agree with others or compromise with other
20 jurors in order to end deliberations faster so you would
21 be able to leave the courthouse quicker and stop wearing a
22 mask?

23 (WHEREUPON, there was no response.)

24 THE COURT: Does any member of the jury panel believe
25 that you would be prevented because of the COVID-19

1 situation or anything else, it would prevent you from
2 making a -- being able to participate in a thorough and
3 deliberate discussion when you were given this case to
4 begin your deliberations? Do you think there's anything
5 that would prevent you from engaging in a thorough and
6 deliberate discussion during deliberations in this case?

7 (WHEREUPON, there was no response.)

8 THE COURT: Any member of the jury panel, any member
9 of your immediate family, close personal friend ever been
10 a civilian or military law enforcement officer? If so,
11 please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Now, the State alleges that the Defendant
14 committed the offense of murder. Is there any member of
15 the jury panel that has any personal knowledge of these
16 allegations made against Mr. Elmore? If so, please,
17 stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Now, you've already heard that the
20 Defendant is accused of stabbing a man to death in cold
21 blood. Does any member of the jury panel suspect the
22 Defendant is guilty of these crimes just because he has
23 been accused of it? If so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: All right. Every citizen in the United

1 States has the right not to testify in his or her own
2 trial. Any member of the jury panel feel that you would
3 need to hear from the Defendant in order to hear his side
4 of the story to make a decision in this case? If that
5 applies to you, please, stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Any member of the jury panel feel like
8 the Defendant would be hiding something if he elected not
9 to testify in his own defense? If that applies to you,
10 please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Any member of the jury panel read about
13 this case in the newspaper, heard about it in the news
14 media, or had any conversations about this case with
15 anyone? If that applies to you, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Any member of the jury panel liked or
18 followed any of the following Facebook pages: any page
19 dealing with criminal domestic violence, any crime watch
20 page, Laurens County Sheriff's Office page? If that
21 applies to you, please, stand.

22 All right. I've got one standing.

23 Ma'am, your name again, please?

24 PROSPECTIVE JUROR: Rachel Smith.

25 THE COURT: Okay. And juror number? Do you know?

1 THE CLERK: #83.

2 THE COURT: What now?

3 THE CLERK: #83.

4 THE COURT: #83.

5 Okay. Which page have you liked or followed?

6 PROSPECTIVE JUROR: Don Reynolds.

7 THE COURT: Ma'am?

8 PROSPECTIVE JUROR: Don Reynolds.

9 THE COURT: Okay. And the fact that you follow
10 his -- his Facebook page, or liked it, whatever, would
11 that prevent you from being fair and impartial to both
12 sides in this case?

13 PROSPECTIVE JUROR: No, it wouldn't.

14 THE COURT: Thank you, ma'am.

15 Any member of the jury panel received any special
16 training or education in the subject of domestic violence,
17 whether it be against a minor or an adult?

18 (WHEREUPON, there was no response.)

19 THE COURT: Any member of the jury panel know of
20 anyone who works in the Eighth Circuit Solicitor's Office
21 or any law enforcement agency, other than what we -- I've
22 already asked about and some people that responded in --
23 in the Eighth Circuit Solicitor's Office in Laurens
24 County, Newberry County, Greenwood County, and Abbeville
25 County? If you know of anyone who works in -- in those

1 offices, please, stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Any member of the jury panel ever
4 campaigned for, made a contribution to either Don Reynolds
5 or -- Sheriff Don Reynolds or Solicitor David Stumbo? If
6 so, please, stand.

7 PROSPECTIVE JUROR: Rachel Smith.

8 I contributed to David Stumbo's campaign years ago.

9 I -- I don't even know what year it was.

10 THE COURT: All right. The fact that you made a
11 contribution to Solicitor David Stumbo's campaign years
12 ago, as you say, would that prevent you from being fair
13 and impartial to both sides in this case?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: Okay. Any member of the jury panel know
16 of anyone who works at the Department of Social Services?

17 Yes, ma'am. Give me your name again, just for record
18 purposes only.

19 PROSPECTIVE JUROR: Rachel Smith.

20 I know Marissa Newby. She's a social worker.

21 THE COURT: Okay. The fact that you know someone
22 with DSS, would that prevent you from being fair and
23 impartial to both sides in this case?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Any member of the jury panel volunteer

1 with children's groups such as Boy Scouts, youth groups,
2 church groups, schools, those sorts of groups? Anybody
3 volunteer with any of those groups?

4 Okay. Name?

5 PROSPECTIVE JUROR: Rachel Smith.

6 I'm a Girl Scout troop leader. And I volunteer for
7 the PTA.

8 THE COURT: All right. Thank you.

9 Have a seat.

10 Yes, ma'am. Your name?

11 PROSPECTIVE JUROR: I help with the youth at our
12 church.

13 THE COURT: All right. You can still be fair and
14 impartial?

15 MS. MCNEILL: I'm sorry. I didn't get her juror
16 number.

17 THE COURT: Do you know your number?

18 PROSPECTIVE JUROR: It is #46.

19 THE COURT: #46.

20 Any member of the jury panel attend any events or
21 meetings in relation to criminal domestic violence? If
22 that applies to you, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Any member of the jury panel have any
25 beliefs about a person -- that a person does not have the

1 right to defend himself or herself from loss of life or
2 serious bodily harm in -- in a given situation?

3 (WHEREUPON, there was no response.)

4 THE COURT: Any member of the jury panel know any of
5 the family members of Lutavious Elmore, Crystal Bluford,
6 or Sergio Lindsey? If so, please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: All right. Now, I've got five questions
9 that if you need to respond to them, we need to do so
10 privately.

11 Any member of the jury panel, any of your immediate
12 family members, close personal friends ever been a victim
13 of a serious crime?

14 Two, any member of the jury panel have experience
15 with or know something about people who have been affected
16 by a crime?

17 Third, this case, as I've stated, is about a man who
18 died by being stabbed to death. Does any potential juror
19 feel this subject matter is so violent that it would
20 affect your ability to be fair and impartial?

21 Fourth, any member of the jury panel who has been a
22 victim of or a witness to domestic violence?

23 And, lastly, any member of the jury panel, any
24 immediate family member, close personal friend ever been
25 the victim of domestic violence?

1 All right. Does anyone want me to repeat those five
2 questions again?

3 (WHEREUPON, there was no response.)

4 THE COURT: All right. Now, I need to decide -- all
5 right. In relationship to those five questions, does
6 anyone need to speak with me privately?

7 (WHEREUPON, there was no response.)

8 THE COURT: All right. Give me just a minute.
9 Because I'm going to need to -- or let me ask you this,
10 concerning any of the other questions I've asked and --
11 and this does not pertain to anybody that I've already
12 spoken to privately, which I haven't forgotten about
13 y'all. At least, we've got a couple ladies here.

14 Any of the other questions that I asked, does anyone
15 need to speak with me privately?

16 (WHEREUPON, there was no response.)

17 THE COURT: All right. Everybody be at ease for just
18 a minute.

19 (Pause.)

20 THE COURT: Okay. Ladies and gentlemen, thank you
21 very much for your -- for your patience, you know.

22 We're trying to make sure everything is done
23 correctly. In just a moment, I'm going to have one of the
24 clerks announce who I'm going to dismiss for various
25 reasons that you've asked me about and mentioned. I'm

1 assuming no one else needs to speak with me privately
2 about -- about any -- any of the issues, questions,
3 anything.

4 Is everybody good?

5 (WHEREUPON, there was no response.)

6 THE COURT: Okay. I'm going to announce those jurors
7 who I am dismissing. And then whoever is left, then --
8 then you will be in the group that will need to come back
9 in an hour for jury selection. And I'll explain a little
10 bit more about that in a minute.

11 So, Madam Clerk, if you would announce who is being
12 excused for the various reasons that you have given me by
13 way of information, speaking with me privately, or in
14 front of everybody.

15 THE CLERK: Juror #12, Brenda Brewster --

16 THE COURT: These are excused now. You just -- just
17 keep your seat until they go through the list. Then you
18 can leave.

19 THE CLERK: Juror #54, Russell Marler; Juror #56,
20 James McCall; Juror #65, Carri Patraca-Salinas; Juror #71,
21 Anthony Pugliese; and Juror #77, Lashawnda Shell; Juror
22 #97, Ethan Wilson.

23 THE COURT: All right. So those individuals are
24 excused and are free to -- to go.

25 Let me mention one thing to you before you leave. I

1 suspect that maybe some of you were really trying to get
2 out of serving on jury duty. And, again, as I've stated
3 to you, serving on a jury is very, very important. And so
4 just keep that in mind next time around that you're --
5 you're summoned for -- for jury duty.

6 All right. Those individuals are free to go.

7 Ms. Schindler, we did not excuse you. I know you're
8 an administrative assistant at a healthcare facility. And
9 based upon your questionnaire -- I know you stood up
10 earlier. But based upon your questionnaire answer, that's
11 why you're -- you're remaining with us. Okay.

12 All right. Ladies and gentlemen, what I need for you
13 to do is be back here no later than 4:00. Try to get back
14 here a little before 4:00.

15 MS. MCNEILL: Your Honor, would you mind -- for the
16 people that are staying, could you, please, call out their
17 juror number and have them stand as the other two groups
18 did?

19 THE COURT: Okay. Can you -- can you do that for me?

20 THE CLERK: Yes. You want me to just --

21 THE COURT: All right. We're just going to make sure
22 we got who we -- who we have. We're going to call out
23 your juror number -- name and juror number, and just make
24 sure we do have who we're supposed to have.

25 THE CLERK: Juror #3, Patricia Alewine; Juror #4,

1 George Allison; Juror #7, Autumn Ashmore; Juror #9, Brenda
2 Baxter -- oh, I'm sorry. Juror #11, Courtney Boyes; Juror
3 #43, Tracy Chalmers; Juror #21, Charles Collinsworth;
4 Juror #26, Terry Cunningham; Juror #40, Derika Hunter;
5 Juror #46, Meredith Krueger; Juror #47, Larry Landrith;
6 Juror #76, Bridget Schindler; and Juror #83, Rachel Smith.

7 THE COURT: All right. Thank you. Thank you very
8 much.

9 All right. Does the State have any objections or
10 exceptions to jury voir dire?

11 MR. SCOTT: No, Your Honor.

12 THE COURT: And other than what's already been noted
13 on the record, does the State -- I mean, does the Defense
14 have any objections to voir dire, other than what's
15 already been noted on the record?

16 MR. SHAFFER: No, Your Honor. Nothing, other than
17 what's been noted.

18 THE COURT: Thank you.

19 All right. Ladies and gentlemen, be back here no
20 later than an hour, a little before 4:00. And what we
21 will do, you will be in a group, along with the other two
22 groups that were selected. So there should be --

23 THE CLERK: 40.

24 THE COURT: So there will be 40 of you. So this --
25 with the social distancing, this gallery will be pretty

1 full. Okay. And then I will explain the actual mechanics
2 of how a trial jury is selected. I'll explain that once
3 everybody gets back here.

4 So we'll see you in just a few minutes.

5 Thank you very much.

6 (WHEREUPON, the remaining jury panel members exited
7 the courtroom.)

8 MS. MCNEILL: Your Honor --

9 THE COURT: Yeah, I know. I was just waiting.

10 (Pause.)

11 THE COURT: All right. Mr. Shaffer.

12 MOTIONS

13 MR. SHAFFER: Your Honor, we'd like to renew our
14 pre-trial motions that we made last week, specifically,
15 the motion for a continuance. Also, we're moving to renew
16 our previous objection to the statements we made this
17 morning --

18 THE COURT: Sure.

19 MR. SHAFFER: -- and request to -- for Group A, B,
20 and C, we'd like to strike all three groups.

21 THE COURT: Okay. So noted.

22 Thank you.

23 MR. SHAFFER: Your Honor --

24 THE COURT: Go ahead.

25 MR. SHAFFER: I'm so sorry, Your Honor. Also, we had

1 requested back in the hallway to put the video that --
2 that Court Administration requires they show, we'd like to
3 make that a part of the record as well.

4 THE COURT: Okay. Do we --

5 Madam Clerk, would we physically have --

6 THE CLERK: Maybe you can help me.

7 THE COURT: Okay. You can help make a copy, Walter?

8 MR. WALTER BENTLEY: Yes.

9 THE COURT: Okay.

10 THE CLERK: If you don't mind.

11 THE COURT: All right. I -- I just ask the court
12 reporter to make as --

13 Is it Court's Exhibit No. 12?

14 THE COURT REPORTER: Court's Exhibit No. 11.

15 THE COURT: Court's Exhibit No. 11 a Court's Exhibit.
16 And just whenever they can burn a copy, then that can --
17 that can happen.

18 All right. Y'all -- can y'all think of anything else
19 we need to talk about before we bring this group in in an
20 hour and pick a jury? Can you think of anything else we
21 need to talk about?

22 MR. SCOTT: I was talking to Tristan about it this
23 morning. It won't be until Wednesday probably at the
24 earliest. But did you get a chance to review those clips?

25 THE COURT: I -- I have. And y'all decide when --

1 because you know when it's going to be coming up and
2 whether or not we want to do it after we pick a jury,
3 whether or not we want to do it, you know, in the morning,
4 or sometime tomorrow. I mean, y'all kind of talk about it
5 and then get with me. And we'll decide when we need to
6 deal with that.

7 MR. SHAFFER: It will take several hours to make the
8 cuts. I mean, the computer runs --

9 THE COURT: Well, see, once -- you know, whatever I
10 decide to do -- and I haven't decided until I hear your
11 argument. But then whatever I decide to do, yeah, it's
12 going to take a while for it to be -- you know, physically
13 to whatever redactions are necessary. I understand that.

14 So, I mean, if you want to maybe -- I mean, selecting
15 the jury should not take that long. We may want to think
16 about maybe talking about it this evening or, at least,
17 get started, at least.

18 MR. SHAFFER: That would be fine, Your Honor.

19 THE COURT: Okay. Well, we'll just kind of play that
20 by ear and see.

21 (WHEREUPON, the proceedings were recessed at
22 approximately 3:05 p.m.)

23 (WHEREUPON, Court's Exhibit No. 12 was marked for
24 identification and admitted into evidence.)

25 THE COURT: Good afternoon, ladies and gentlemen.

1 I hope all of you are glad to be back and ready to
2 engage in jury selection.

3 I just need to ask one juror one -- one more
4 question.

5 Mr. James Wood, you're #98. Where are you, sir?
6 Would you stand up?

7 If you remember, earlier, you had -- you had
8 indicated that you knew Joey Avery. But then I asked a
9 follow-up question, would that prevent you from being fair
10 and impartial? And I think your answer was -- what?

11 PROSPECTIVE JUROR: It was yes. I would be fair and
12 impartial.

13 THE COURT: That you could be fair and impartial?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: That's all I needed to know. I thought
16 that's how you answered, but we wanted to just clear that
17 up.

18 Okay. Ladies and gentlemen, here's -- here's how the
19 process works insofar as picking a trial jury. We have a
20 jury of 12 people. Typically, especially in a case that
21 will last a week, I like to have some alternates.

22 Now, let me explain the role to you of an alternate.
23 If someone on the 12 during the course of the week has an
24 emergency at home, or becomes ill, or, you know, a
25 situation they need to be excused, then I need someone who

1 has sat through the case, heard all of the evidence up
2 until that point, and then they can step into the shoes of
3 that excused juror. The role of an alternate is very,
4 very important. So I usually have a couple alternates.

5 So we're going to have 14 jurors, 12 main jurors, two
6 alternates. And we have seats for 14. The main 12 will
7 be selected first.

8 When your name is called out, if you will come down.
9 And then we'll have one of the bailiffs -- and he'll kind
10 of show you where to stand. You'll -- what you'll need to
11 do -- typically, we have tables on this side and this
12 side. But we've moved everything. Kind of face in the
13 direction of the lawyers.

14 And you will hear words such as swear the juror, we
15 accept the juror, or excuse the juror from the trial of
16 this case, something to that effect.

17 If you're selected, then the bailiff will -- Mr. Bolt
18 will direct you to -- to a chair in the jury box first,
19 and then the chairs on the floor.

20 If you're not selected and you're told to go back to
21 your seat, don't take that personally. Don't take offense
22 to that. These lawyers have certain reasons for wanting
23 certain people on a jury, and reasons for not wanting
24 others to be on the jury. So don't -- don't take it
25 personally. Okay.

1 The order -- the State goes first and then the
2 Defense. And that's how -- that's how that works.

3 So I'm going to -- I'm going to turn it over to
4 Ms. Lancaster. And we'll proceed if the lawyers are
5 ready.

6 Is the State ready?

7 MR. SCOTT: Yes, sir, we are, Your Honor.

8 THE COURT: Is the Defense ready?

9 MR. SHAFFER: Your Honor, can we have about five
10 minutes to talk -- just -- just a few minutes to go over
11 this?

12 THE COURT: Sure.

13 MR. SHAFFER: We just got the list. And our
14 numbering is a little bit different.

15 THE COURT: That's fine. Do y'all need to go back to
16 your office to do this?

17 MR. SHAFFER: Possibly, Your Honor.

18 THE COURT: That'll be fine.

19 All right. Everybody, just relax. Be at ease. And
20 we'll -- we'll get started in a few minutes.

21 (WHEREUPON, a break was taken.)

22 MR. SHAFFER: Judge, I apologize. We just had to
23 convert numbers.

24 THE COURT: That's okay, not -- not a problem.

25 Is the Defense ready now?

1 MR. SHAFFER: Yes, Your Honor.

2 THE COURT: All right. Madam Clerk.

3 JURY SELECTION

4 THE CLERK: Juror #33, Rachel L. Smith. If you'll,
5 please, come forward.

6 (WHEREUPON, Rachel L. Smith, a white female, came
7 forward.)

8 THE CLERK: What says the State?

9 MR. SCOTT: Please present the juror.

10 THE CLERK: What says the Defense?

11 MS. MCNEILL: Please excuse this juror.

12 THE CLERK: Juror #12, Kallison N. Cook.

13 (WHEREUPON, Kallison N. Cook, a black female, came
14 forward.)

15 THE CLERK: What says the State?

16 MR. SCOTT: Please present the juror.

17 THE CLERK: What says the Defense?

18 MS. MCNEILL: Please present the juror.

19 THE BAILIFF: You can have a seat right there.

20 THE COURT: Mr. Bolt, let's put the -- start in the
21 box first and then end up with on the floor.

22 THE BAILIFF: Okay. I was going to ask you where
23 would you like for the alternates to sit.

24 THE COURT: Yeah, yeah. Let's -- let's start at the
25 box first.

1 THE BAILIFF: Okay.

2 THE CLERK: Juror #37, Tymori A. Tribble.

3 (WHEREUPON, Tymori A. Tribble, a black male, came
4 forward.)

5 THE CLERK: What says the State?

6 MR. SCOTT: Please excuse the juror from this trial.

7 THE CLERK: Juror #32, Bridget R. Schindler.

8 (WHEREUPON, Bridget R. Schindler, a white female,
9 came forward.)

10 THE CLERK: What says the State?

11 MR. SCOTT: Please present the juror.

12 THE CLERK: What says the Defense?

13 MS. MCNEILL: Please seat the juror.

14 THE CLERK: Juror #15, Malik M. Donald-Dial.

15 (WHEREUPON, Malik M. Donald-Dial, an Asian male,
16 came forward.)

17 THE CLERK: What says the State?

18 MR. SCOTT: Please present the juror.

19 THE CLERK: What says the Defense?

20 MS. MCNEILL: Please present the juror.

21 THE CLERK: Juror #2, George C. Allison.

22 (WHEREUPON, George C. Allison, a white male, came
23 forward.)

24 THE CLERK: What says the State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: What says the Defense?

2 MS. MCNEILL: Please seat the juror.

3 THE CLERK: Juror #28, Michael J. Leipsitz.

4 (WHEREUPON, Michael J. Leipsitz, a white male, came
5 forward.)

6 THE CLERK: What says the State?

7 MR. SCOTT: Please present the juror.

8 THE CLERK: What says the Defense?

9 MS. MCNEILL: Please excuse this juror.

10 THE CLERK: Juror #39, Paul L. Wynn, IV.

11 (WHEREUPON, Paul L. Wynn, IV, a white male, came
12 forward.)

13 THE CLERK: What says the State?

14 MR. SCOTT: Please present the juror.

15 THE CLERK: What says the Defense?

16 MS. MCNEILL: I'm sorry. Did you say his name is
17 Paul the fourth?

18 THE CLERK: Wynn.

19 MS. MCNEILL: The fourth?

20 THE CLERK: Yes.

21 MS. MCNEILL: We just have a third listed on our
22 juror list.

23 THE CLERK: It's been that way --

24 MR. SHAFFER: I'm sorry. What group -- what group
25 was he in?

1 THE CLERK: B.

2 MR. SHAFFER: B?

3 THE CLERK: Yeah.

4 MR. SHAFFER: Okay.

5 MS. MCNEILL: Please excuse this juror.

6 THE CLERK: Juror #38, James W. Wood, Jr.

7 (WHEREUPON, James W. Wood, Jr., a white male, came
8 forward.)

9 THE CLERK: What says the State?

10 MR. SCOTT: Please present the juror.

11 THE CLERK: What says the Defense?

12 MS. MCNEILL: Please excuse this juror.

13 THE CLERK: Juror #11, Charles R. Collinsworth.

14 (WHEREUPON, Charles R. Collinsworth, a white male,
15 came forward.)

16 THE CLERK: What says the State?

17 MR. SCOTT: Please present the juror.

18 THE CLERK: What says the Defense?

19 MS. MCNEILL: Please present the juror.

20 THE CLERK: Juror #4, Donna M. Ashmore.

21 (WHEREUPON, Donna M. Ashmore, a white female, came
22 forward.)

23 THE CLERK: What says the State?

24 MR. SCOTT: Please present the juror.

25 THE CLERK: What says the Defense?

1 MS. MCNEILL: Please excuse this juror.

2 THE CLERK: Juror #29, Matthew P. Maresca.

3 (WHEREUPON, Matthew P. Maresca, a white male, came
4 forward.)

5 THE CLERK: What says the State?

6 MR. SCOTT: Please present the juror.

7 THE CLERK: What says the Defense?

8 MS. MCNEILL: Please excuse this juror.

9 THE CLERK: Juror #23, Amy A. Kirby.

10 (WHEREUPON, Amy A. Kirby, a white female, came
11 forward.)

12 THE CLERK: What says the State?

13 MR. SCOTT: Please excuse the juror from this trial.

14 THE CLERK: Juror #1, Patricia A. Alewine.

15 (WHEREUPON, Patricia A. Alewine, a white female,
16 came forward.)

17 THE CLERK: What says the State?

18 MR. SCOTT: Please present the juror.

19 THE CLERK: What says the Defense?

20 MS. MCNEILL: Please present the juror.

21 THE CLERK: Juror #5, Hoyt Lindsey Blackstone, II.

22 (WHEREUPON, Hoyt Lindsey Blackstone, III, a white
23 male, came forward.)

24 THE CLERK: What says the State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: What says the Defense?

2 MS. MCNEILL: Please excuse this juror.

3 THE CLERK: Juror #20, Tierra S. Hall.

4 (WHEREUPON, Tierra S. Hall, a black female, came
5 forward.)

6 THE CLERK: What says the State?

7 MR. SCOTT: Please excuse the juror from this trial.

8 THE CLERK: Juror #13, Janice L. Craft.

9 (WHEREUPON, Janice L. Craft, a white female, came
10 forward.)

11 THE CLERK: What says the State?

12 MR. SCOTT: Please present the juror.

13 THE CLERK: What says the Defense?

14 MS. MCNEILL: Please present the juror.

15 THE CLERK: Juror #26, Larry D. Landrith.

16 (WHEREUPON, Larry D. Landrith, a white male, came
17 forward.)

18 THE CLERK: What says the State?

19 MR. SCOTT: Please present the juror.

20 THE CLERK: What says the Defense?

21 MS. MCNEILL: Please present the juror.

22 THE CLERK: Juror #14, Terry E. Cunningham.

23 (WHEREUPON, Terry E. Cunningham, a black male, came
24 forward.)

25 THE CLERK: What says the State?

1 MR. SCOTT: Please present the juror.

2 THE CLERK: What says the Defense?

3 MS. MCNEILL: Please seat the juror.

4 THE CLERK: Juror #25, David T. Landers.

5 (WHEREUPON, David T. Landers, a white male, came
6 forward.)

7 THE CLERK: What says the State?

8 MR. SCOTT: Please present the juror.

9 THE CLERK: What says the Defense?

10 MS. MCNEILL: Please seat the juror.

11 THE CLERK: Juror #30, Megan L. Morgan.

12 (WHEREUPON, Megan L. Morgan, a white female, came
13 forward.)

14 THE COURT: Mr. Bolt, let's -- let's reserve that
15 seat and the one next to it for the two alternates. So if
16 you'd just bring them on down a little bit, please, sir.

17 THE BAILIFF: Yes, sir.

18 THE COURT: Thank you.

19 THE CLERK: What says the State?

20 MR. SCOTT: Please present the juror.

21 THE CLERK: What says the Defense?

22 MS. MCNEILL: Please excuse the juror.

23 THE CLERK: Juror #9, Tracy A. Chalmers.

24 (WHEREUPON, Tracy A. Chalmers, a white female, came
25 forward.)

1 THE CLERK: What says the State?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What says the Defense?

4 MS. MCNEILL: Please excuse this juror.

5 THE CLERK: Juror #21, James M. Holbert.

6 (WHEREUPON, James M. Holbert, a white male, came
7 forward.)

8 THE CLERK: What says the State?

9 MR. SCOTT: Please excuse the juror from this trial.

10 THE CLERK: #19, George M. Foster, II.

11 (WHEREUPON, George M. Foster, II, a white male, came
12 forward.)

13 THE CLERK: What says the State?

14 MR. SCOTT: Please present the juror.

15 THE CLERK: What says the Defense?

16 MS. MCNEILL: Please seat the juror.

17 THE CLERK: Juror #34, Jasmine R. Speaks.

18 (WHEREUPON, Jasmine R. Speaks, a black female, came
19 forward.)

20 THE CLERK: What says the State?

21 MR. SCOTT: Please present the juror.

22 THE CLERK: What says the Defense?

23 MS. MCNEILL: Please present the juror.

24 THE COURT: Okay. We have our 12.

25 Two alternates. One and two on the strikes.

1 THE CLERK: Juror #10, Christine M. Clark.

2 (WHEREUPON, Christine M. Clark, a white female, came
3 forward.)

4 THE CLERK: What says the State?

5 MR. SCOTT: Please present the juror -- hold on.

6 I'm sorry. Please present the alternate juror.

7 THE CLERK: Oh, okay. You're fine. I just wanted to
8 make sure I heard you right.

9 What says the Defense?

10 MS. MCNEILL: Please excuse the juror.

11 THE CLERK: Juror #6, Courtney B. Boyes.

12 (WHEREUPON, Courtney B. Boyes, a white female, came
13 forward.)

14 THE CLERK: What says the State?

15 MR. SCOTT: Please present this juror.

16 THE CLERK: What says the Defense?

17 MS. MCNEILL: Please excuse this juror.

18 THE CLERK: Juror #22, Derika Hunter.

19 (WHEREUPON, Derika Hunter, a black female, came
20 forward.)

21 THE CLERK: What says the State?

22 MR. SCOTT: Please present this alternate juror.

23 THE CLERK: Would the Defense challenge for cause?

24 MS. MCNEILL: No.

25 THE CLERK: Okay. Please be seated.

1 Juror #27, Jennifer S. Laye.

2 (WHEREUPON, Jennifer S. Laye, a white female, came
3 forward.)

4 THE CLERK: What says the State?

5 MR. SCOTT: Please present the juror.

6 THE CLERK: What says the Defense?

7 MS. MCNEILL: Please excuse this juror.

8 THE CLERK: Juror #40, Joachim S. Young.
9 (WHEREUPON, Joachim S. Young, a black male, came
10 forward.)

11 THE CLERK: What says the State?

12 MR. SCOTT: Please excuse the alternate from this
13 trial.

14 THE CLERK: Juror #3, Autumn B. Ashmore.

15 (WHEREUPON, Autumn B. Ashmore, a white female, came
16 forward.)

17 THE CLERK: Would the State challenge for cause?

18 MR. SCOTT: Please present the juror.

19 THE CLERK: What says the Defense?

20 MS. MCNEILL: Please excuse this juror.

21 THE CLERK: Juror #35, Latonia Suber.

22 (WHEREUPON, Latonia Suber, a black female, came
23 forward.)

24 THE CLERK: Would the State challenge for cause?

25 MR. SCOTT: Please present the alternate.

1 THE CLERK: Would the Defense challenge for cause?

2 MS. MCNEILL: Please seat the juror.

3 THE COURT: All right. Ladies and gentlemen,
4 congratulations. You have been selected as the trial jury
5 in this case.

6 What I want you to do is -- they're going to escort
7 you back to the jury room. We're using what is called the
8 Grand Jury room, which is a bigger jury room than our
9 normal trial jury room. And they'll have -- all of you
10 will be spaced out and social distancing. Of course, keep
11 your mask on. And I need to talk with the lawyers for
12 just a few minutes. That'll give you an opportunity to
13 get to know each other a little bit.

14 One caution, one instruction -- you're going to hear
15 me say this throughout the entire trial, do not begin any
16 discussions about anything related to this case, anything
17 you've seen, you've heard. I know you know very little
18 about the case, other than what I've told you.

19 But you cannot begin any discussions among yourselves
20 until I tell you to. And that's at the end of the case
21 when you begin your deliberations. You can talk about
22 anything else. Just don't talk about anything related to
23 this case.

24 So if y'all would escort the jury back to the jury
25 room.

1 And we'll get you back out shortly.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 4:44 p.m.)

4 THE COURT: Let me see the lawyers for a minute.

5 (WHEREUPON, a sidebar was held in the hallway.)

6 THE COURT: Okay. Ladies and gentlemen, just sit
7 tight. And the lawyers need to -- to do a little --
8 little work on a particular issue that shouldn't take very
9 long. And I'll -- I'll come back on the bench in just a
10 few minutes. So everybody just kind of sit tight.

11 Does anybody need to take a restroom break? Is
12 everybody good? I don't want to embarrass anybody, but.
13 Okay. Is everybody good?

14 (WHEREUPON, there was no response.)

15 THE COURT: Just remain -- remain where you are.

16 PROSPECTIVE JUROR: Your Honor, could I ask you a
17 question? Can I get something saying I was here for my
18 job, please?

19 THE COURT: Sure. Yeah. We can get you something,
20 sure.

21 All right. Just sit tight.

22 (WHEREUPON, a break was taken.)

23 THE COURT: All right. We're back on the record.

24 Is everybody in agreement to -- to excuse the one
25 juror we talked about and by lottery method, select one of

1 the current alternates, and then -- then select a new
2 alternate?

3 Is everybody in agreement on that?

4 State?

5 MR. SCOTT: As to the -- yeah, excusing the juror.

6 Since the jury hasn't been sworn, would we not slide the
7 first picked alternate over into the -- into the 12 jurors
8 serving?

9 THE COURT: If I -- yeah. But if I excuse
10 Mr. Cunningham, one of the 12, then we're going to
11 replace -- or what you're suggesting is --

12 MR. SCOTT: The first alternate be just moved into
13 the --

14 THE COURT: Well, no. The -- under the criminal
15 rules, it's by lottery method. If it's a civil case, then
16 you go with the first alternate.

17 So in this case, what I do is I write the -- the
18 alternates names on separate pieces of paper. And then
19 we'll get somebody to pull the paper out of the hat.

20 MR. SCOTT: Okay. Yeah. Certainly. I know we've
21 had them -- the jury sworn when we were in a trial and
22 then we had to slide one over.

23 THE COURT: Okay. Is the Defense good with doing
24 that?

25 MS. MCNEILL: Yes, Your Honor.

1 THE COURT: All right. So let me -- I'm going to go
2 ahead and we're going to decide -- I'm going to bring the
3 jury out. Go ahead and excuse Mr. Cunningham.

4 Just for your information, Mr. Cunningham just
5 informed me that his wife has surgery scheduled for
6 Wednesday. So that's why I'm excusing him. And we're
7 going to pick one of the two alternates in his place.

8 The two alternates I have is Derika Hunter and
9 Latonia Suber. I'm just going to put their last names on
10 the paper and fold up the paper. I'm going to ask Judge
11 McCaslin if she would pick one of the two pieces of paper.

12 And Latonia Suber will now be the -- one of the main
13 12.

14 All right. And then I -- I want the jury back out
15 when we pick the -- the new alternate.

16 THE CLERK: Do we do fresh strikes?

17 THE COURT: Yes, yes. We'll give fresh strikes, one
18 and two.

19 Mr. Bolt, if you'll bring the -- the jury out,
20 including Mr. Cunningham. And I'll tell him he is
21 excused.

22 (WHEREUPON, the jury came into open court at
23 approximately 5:04 p.m.)

24 THE COURT: All right. Let the record reflect the
25 jury is back in.

1 All right. Ladies and gentlemen, Mr. Cunningham
2 informed me that his wife is scheduled for surgery on
3 Wednesday.

4 I'm going to go ahead and excuse you, Mr. Cunningham,
5 Terry Cunningham. So you are -- I'll tell you what, just
6 have a seat back out in the gallery for right now.

7 And what we're going to do is I'm going to pick one
8 of the two alternates to fill in as one of the 12. And
9 what the rules require me to do is do it by lottery
10 method. And I just do it the very simple way. I wrote
11 your last name on one -- one name on one piece of paper,
12 the last name on another piece of paper. And I had Judge
13 McCaslin pull one out.

14 And, Ms. Suber, you are now a member of the 12 and no
15 longer an alternate. So if you don't mind, just come on
16 up here, please, ma'am.

17 And then what we're going to do is we're going to
18 select a new alternate.

19 So Madam Clerk.

20 THE CLERK: Juror #16, Richard D. Eaton.

21 (WHEREUPON, Richard D. Eaton, a white male, came
22 forward.)

23 THE CLERK: What says the State?

24 MR. SCOTT: Please present the juror.

25 THE CLERK: What says the Defense?

1 MS. MCNEILL: Please seat the juror.

2 THE COURT: All right. Does the State have any
3 objections or exceptions to jury selection?

4 MR. SCOTT: None, Your Honor.

5 THE COURT: And from the Defense?

6 MS. MCNEILL: None, Your Honor.

7 THE COURT: Okay. Thank you very much.

8 All right. Ladies and gentlemen, here's the -- the
9 plan. I'll bet y'all are ready to get home, aren't you?

10 We're going to start back at 9:30 in the morning. We
11 have ample parking in the back. They'll -- they'll
12 explain all that to you. But you'll park in the back.
13 And so you'll come in a separate entrance, as opposed to
14 coming in the front interest -- entrance where other folks
15 are coming in. That just makes it a little bit better for
16 the -- for the jury. But they'll show y'all that. Of
17 course, we're going to take your temperature when you --
18 when you come in.

19 Let me just give you a couple -- couple -- further
20 instructions. I instructed you to not engage in any
21 discussions among yourselves about this case. That, also,
22 applies to anybody that you come into contact with when
23 you get home, whether it's family members, neighbors, or
24 whomever you may see. You can say, I have been selected
25 on a jury, but leave it at that. Don't have any

1 MS. BOYKIN: We are, Your Honor.

2 THE COURT: Okay. You may proceed.

3 OPENING STATEMENTS

4 MS. BOYKIN: Thank you, Your Honor.

5 May it please the Court.

6 If I can't have you, no one will. We've all heard
7 that saying. That's what this case is about. Jealousy of
8 such magnitude that led to the brutal and cold-blooded
9 murder of our victim in this case, Sergio Mandez Lindsey,
10 a calculated and violent murder committed by this man,
11 Lutavious Elmore.

12 Elmore didn't even know Sergio. They had never met
13 before. But because of the mere fact that Sergio was in
14 bed with Elmore's ex-girlfriend, he killed him. And he
15 killed him in one of the most violent ways possible. He
16 stabbed him to death. And you will hear evidence that
17 he -- it resulted in approximately 18 different knife
18 wounds to his body.

19 And during the course of this week, you're going to
20 hear from Elmore's ex-girlfriend, Crystal Bluford. She's
21 in the back. She's, also, a victim in this case. She's a
22 victim of the burglary and the kidnapping. She's, also,
23 an eye witness to that horrific murder of Sergio.

24 So let me take you back to October of 2018, and what
25 I expect you will hear throughout the course of this week.

1 So the evening hours of October 26th into the early
2 morning of October 27th of 2018, Crystal Bluford was at
3 her house. She lived at 926 Easy Road here in Laurens
4 County. You will hear that in October of 2018, her and
5 Elmore had been broken up for about two months. They had
6 dated early on in 2018, but by October, roughly two
7 months, they had broken up. In Crystal's mind, it was
8 over. Their romantic relationship had ended. She had
9 moved on. She started seeing other people.

10 Now, they had remained civil with each other, but a
11 monogamous relationship was out the window. And you'll
12 hear more about the reason they broke up. And you'll hear
13 more about the reason of why they remained civil with each
14 other. You'll hear some -- some testimony as to the form
15 of Elmore having provided payments to Crystal. You'll
16 hear more about that during this trial. So in 2018,
17 they -- October of 2018, they were broken up.

18 Now, October of 2018 is where Crystal met Sergio, our
19 victim. Sergio was a 26-year-old hardworking man. He was
20 an entrepreneur. He had his own business. He worked
21 three jobs on top of that. He was a loving father to four
22 stepchildren, four boys. He was a husband to this woman
23 right here, Alicia Mandez Lindsey. He was a good man.

24 And, like I said, he had three jobs, one of those was
25 at ZF Transmissions. And that is where he met Crystal.

1 They became friends. And whether we like it or not,
2 October 26th, 2018, Crystal and Sergio decided that he
3 would come over that night and spend the night. Crystal,
4 at that point in time, she did not have a car. So Sergio
5 said, I'll come over there.

6 So he drives to Easy Road, goes to her house around
7 1:00 in the morning. You'll hear that they watched part
8 of a movie, just talked for a while, and fell asleep
9 within about an hour of his arrival.

10 What you will hear next, ladies and gentlemen, is
11 something that, I think, comes out of nightmares. What
12 you will hear next in that trial -- in this trial will be
13 Elmore walking 45 minutes from his sister's house to Easy
14 Road. You will hear that he walks to Crystal's house.
15 And when he gets there, he takes his jacket off, puts it
16 in the front yard. He then takes his steel-toed boots
17 off, his heavy boots, puts them on the back -- the porch.

18 He then walks to Crystal's bedroom window. And from
19 there, he disturbingly watches Sergio and Crystal
20 sleeping, and from Elmore's own -- own words for --
21 approximately for two hours. From there, he slowly and
22 quietly breaks into the house, breaks in through the --
23 the window, the kitchen window. And because he doesn't
24 have his shoes on, he's able to quietly walk to the
25 bedroom where Sergio and Crystal are sleeping.

1 Crystal's going to testify that she was awakened by
2 Elmore assaulting Sergio. He was asleep. He was hitting
3 him. That quickly turned into grabbing a knife that
4 Elmore had on his person or in the room. And he started
5 stabbing him. Sergio was asleep. He had no chance to
6 even know what was going on. And Crystal will tell you
7 about that. That one-sided fight began and ended in that
8 bed. He was asleep.

9 Now, in the midst of this violence and panic, Crystal
10 tries to escape. She doesn't have a car, so she runs out
11 of the house. And the safest place she thinks she can go
12 is her neighbor's carport. She goes and hides.

13 Now, when Elmore realizes that Sergio has passed
14 away, he goes and finds Crystal. And he takes her, drags
15 her back in the house against her will. He kidnaps her
16 and tries to force her to help him with the clean up of
17 the crime he just committed. He tries and demands that
18 she move Sergio's body.

19 And you'll hear testimony about Sergio. He was -- he
20 wasn't a small guy. He was 250 pounds or so, around six
21 feet tall. She couldn't do that. So Elmore does it
22 himself. You'll hear testimony, you'll see evidence that
23 Sergio's body was moved from the bedroom into the kitchen.

24 Now, during this time where there's frantic trying to
25 clean up, Crystal sees her chance again. She was able to,

1 finally, escape. She gets ahold of Sergio's car keys.
2 She runs out. And she leaves as quickly as she can. She
3 drives to the safest, closest, well-lit area where she can
4 go and call law enforcement. And that is what she does.
5 She immediately calls 911. She tells law enforcement what
6 happened, what happened to Sergio. Furthermore, she tells
7 them who did this to Sergio.

8 So law enforcement arrives on scene. They go to 926
9 Easy Road. But the strange thing is, the scene is
10 different from when Crystal last left. Sergio's body had
11 been moved by Elmore out of the kitchen, down the stairs,
12 and into the backyard. Sergio's body was doused -- was
13 doused with gasoline. And in more of an effort to clean
14 up the crime, Elmore takes his clothes off and burns them
15 in a burn pile. So when officers arrive, Elmore is
16 nowhere to be found, but his clothes are still burning in
17 the fire.

18 With the fact they knew that Elmore was the suspect,
19 they tried to find him. They get word that he is at his
20 sister's house and, eventually, after learning -- getting
21 them to say, yes, he is here, they find him hiding in a
22 closet. They take Elmore to the sheriff's office to be
23 interviewed.

24 And, ladies and gentlemen, this is where you will
25 hear the many variations of Elmore's stories. You will

1 hear how this interview evolves, how it's denying
2 knowledge of any crime, denying he was even present at the
3 house that night. And it transitions. It evolves into
4 another story, a story where he claims he's the victim.

5 Ladies and gentlemen, the evidence in this case is
6 what shows the true story, the evidence in this case. And
7 that will show that this was a cold-blooded, calculated,
8 premeditated murder of a defenseless man, a man that slept
9 while he was killed. It will show that Elmore broke into
10 a home, killed a man, and then kidnapped Crystal. And
11 that's what he's charged with. He is charged with murder,
12 burglary in the first degree, kidnapping, and possession
13 of a weapon during the commission of a violent crime.

14 Now, we will get more into the elements of those
15 crimes in closing and the Judge's instructions. But we
16 have to prove those charges to you beyond a reasonable
17 doubt. And I want to take a second and tell you a little
18 bit about that, because you'll be hearing that phrase a
19 lot.

20 Beyond a reasonable doubt means you're firmly
21 convinced of the Defendant's guilt, of Elmore's guilt. It
22 does not mean beyond all doubt. It does not mean beyond
23 any doubt. It is not 100 percent certainty. Because I
24 submit to you that there are very few things in this world
25 that we know with 100 percent certainty. The key here is

1 reasonable doubt. And here at the end of this week at the
2 end of this trial, I submit to you, we will have proved
3 beyond a reasonable doubt that Elmore committed all four
4 of these crimes.

5 Now, I'm about to sit down. But I just have one more
6 thought I need to put out there before you -- before I sit
7 back down. There is a quote that I think is appropriate
8 for this case. It's one by Voltaire, "To the living we
9 owe respect, but to the dead we owe only the truth." For
10 when we find the truth, ladies and gentlemen, we find
11 justice.

12 Truth and justice in this case is proved by the
13 evidence. Don't lose sight of that. Use your common
14 sense and see the evidence for what it is. Don't be
15 fooled by the Defendant's stories. Look at the evidence.
16 If I can't have you, no one will. That is what this case
17 is about. Don't lose sight of that. This is a case about
18 extreme jealousy that lead to the death of a defenseless
19 young man.

20 At the end of this trial, we're going to come back
21 and we're going to ask you to render the only true and
22 just verdict, and that is guilty on all charges.

23 Thank you.

24 THE COURT: All right. Thank you, Solicitor.

25 Mr. Shaffer, are you going to do the opening for the

1 Defense?

2 MR. SHAFFER: Just so y'all know, we've been asked,
3 basically, you know, if the court reporter or somebody
4 else can't hear us to take off our masks whenever we're
5 talking to y'all. So I apologize that I have my mask off
6 when I'm talking to you.

7 I have a confession to make. I am scared of this
8 case. And I'm scared in a way that is a little bit
9 different than some cases. I mean, every lawyer that gets
10 up here -- okay -- every lawyer that gets in front of a
11 jury is a little bit scared. I'm firmly convinced of
12 that. I've tried a bunch of cases. They've tried a bunch
13 of cases. They're going to be a little scared whenever
14 they get up, you know. Everyone gets a little
15 butterflies. But I'm scared of this case for a different
16 reason.

17 The reason I'm scared of this case is that there's
18 this belief, I guess. And it's a belief by -- by
19 definitely cops. It's a belief by prosecutors. And it's
20 a belief that's held by some jurors, some people on the
21 streets, some normal people is that if you lie about a
22 crime, you're guilty of it. Okay. And I submit that
23 that's probably a belief that's going to be held by people
24 who've never been in real trouble.

25 I think back to when I was a kid. When I was a kid,

1 somebody gets upset at me, my parents, I think that I'm in
2 real trouble because my parents are mad at me for doing
3 something stupid. It's a childish thing. But in the
4 child's mind, they're in real trouble.

5 I think that a lot of times, my gut reaction is to
6 lie either to say I didn't do it or lie in a way that
7 makes me look less responsible for it. And I think that's
8 a gut reaction held by most people, to be honest with you.
9 Okay. And when you're an adult, I don't think that
10 changes. I think adults have that same feeling. And
11 whenever they're in a situation that they think that
12 they're in big trouble, I think a lot of people lie.

13 And, you know, you hear -- hear on TV that a lawyer
14 comes in, a defense lawyer, doesn't say anything, doesn't
15 say anything. And we sort of get a bad rap for that like
16 we're trying to hide something. Most of the time, it's
17 not because we're trying to hide something. Most of the
18 time, it's because, realistically, people -- we know that
19 clients are going to sit there and say even small lies to
20 make themselves look less responsible. And then the cops,
21 and prosecutors, and some jurors are going to think that
22 they're guilty simply because of that. That's what
23 happened here.

24 You're going to hear a good bit probably from the
25 State. You already heard a little bit. He told multiple

1 stories. Okay. People in trouble tell multiple stories
2 if they think that they're in trouble for something. It's
3 very uncommon that they tell the truth. Okay. Honesty is
4 the best policy probably doesn't, actually, exist. Okay.
5 That's probably not what we feel whenever the rubber hits
6 the road and we're in trouble. Okay.

7 So throughout this trial, I want you to look at all
8 of the Defendant -- the statements that the Defendant has
9 made, and all of the video that you're going to see, and
10 think about it through the light of is it something he,
11 actually, is doing or is it something he's doing because
12 he wants to make it look like -- make himself look less
13 responsible? Okay.

14 Now, just because someone lies does not mean that
15 they're guilty of something. Just because Lutavious lied
16 to the police does not make him guilty. And it does not
17 relieve the State of the burden, the requirement by law
18 that they prove guilt beyond a reasonable doubt. It
19 doesn't lift that burden from them. Okay.

20 Because what you're going to hear is probably very
21 different versions of what happened. You're going to
22 hear -- you know, what the State said is that, you know,
23 they -- they went to bed. They weren't doing anything.
24 They just laid in the bed and went to sleep. And all the
25 sudden, he came in, you know. He magically knew that

1 someone was there and walked 45 minutes to come -- you
2 know, kill this guy whenever there's no indication as to
3 why he would have known that the guy was there. Okay.
4 You're going to hear that version of it.

5 You're going to hear that he -- he snuck in,
6 45 minutes, and he took his boots off, and, you know,
7 hid -- hid outside, and broke in, and stabbed someone.
8 And all of this is, basically, going to be based off of
9 primarily Crystal Bluford's story, the victim, as she --
10 she's called by the State.

11 This case comes down to credibility. Okay. And
12 you're going to hear reasons why Crystal Bluford's story
13 maybe isn't exactly true. You're going to hear that maybe
14 she lied a little bit. Okay. But it works in the same
15 way. It doesn't mean that just because she lied, part of
16 what she's saying isn't true. It doesn't mean that just
17 because Lutavious lied, part of what he's saying isn't
18 true. It doesn't -- it doesn't mean that.

19 But what you're going to have to -- to look at is
20 whether or not the State can prove through this other
21 evidence that they claim that they have that he committed
22 this murder and that this was not self-defense. Because
23 they have to prove that he did not act in self-defense.
24 Okay.

25 Self-defense, you don't -- you have a right to defend

1 yourself, you know, if you don't cause the trouble. You
2 go into a situation and, you know, you think your life is
3 in danger and you can't retreat very well without risking
4 harm. That's sort of the -- the sum of the self-defense
5 law, which you're going to hear at the end of this case.
6 You have a right to defend yourself in that situation.
7 Okay.

8 And the -- that is, essentially, what happened here
9 is Lutavious is in a situation with someone that the State
10 is going to claim -- or just claimed in their opening that
11 had been broken up with for months. You're going to hear
12 that maybe that's not exactly true, first of all. You're
13 going to hear that -- that he still, basically, is in a
14 relationship with this woman. He's still coming over
15 there regularly. He's still doing stuff. Okay.

16 He walks over there late at night. Why does he walk
17 over there late at night? These people work -- work late
18 shifts. You're going to hear about that, too. Okay.
19 These people are off. But they're used to a different
20 sleep schedules than, perhaps, I am, who works 9:00 to
21 5:00.

22 So he goes over there. And he doesn't think anything
23 of it -- of walking in the house. I mean, he thinks, hey,
24 we're boyfriend and girlfriend. I don't have a problem
25 walking in the house. My girlfriend, I mean, you know,

1 that's -- he's not entering with the intent to commit a
2 crime, which the State's going to claim later. He's just
3 walking in the house.

4 And I'm married. But if I walk in my -- my inlaw's
5 house, it's probably not a crime for me to just walk in
6 without knocking on the door and announcing my presence.
7 But, you know, this is what happens. He walks in. He's
8 not intending on committing a crime. He goes up to her --
9 or he goes in there. She's with a guy. Maybe at this
10 point, you know -- and he's going to claim that -- you're
11 going to see video footage, I'm sure, of him saying, I
12 wasn't even upset.

13 You're probably, also, going to hear some evidence
14 that maybe he was a little upset, some man in the bed with
15 her at whatever in the morning. You're going to hear
16 testimony that they were awake as well. And then you're
17 going to hear that Sergio Lindsey, at that point, attacked
18 him.

19 And that at that point, he grabbed a knife, which the
20 State just said was either on his person or in the -- in
21 the room. You're going to hear he picked up a knife. And
22 you're probably going to hear different descriptions of
23 that knife from Crystal. But that -- what happened is
24 that he ends up stabbing him.

25 This isn't him laying in the bed stabbing him. This

1 is him in a fight, in a scuffle getting sacked. Okay.
2 There is a lot of facts in dispute. How did the clothes
3 get burned? How did his clothes get off outside the
4 house? These are all facts that you're going to hear
5 about in dispute -- in dispute. And I'm not going to go
6 through every single fact up here because I'll be up here
7 for five hours.

8 But you're going to hear testimony over the next four
9 days about what -- from different witnesses about the
10 facts that are in dispute. But, remember, throughout that
11 testimony, it's not his burden to prove that he's not
12 guilty. It's the State's burden to do that. Okay. The
13 State had a quote. I'm going to throw out one because
14 they threw out one.

15 There -- there's this quote and I forgot who it's
16 from, but, basically, says that a -- an innocent person
17 can never prove by talking that they're not guilty. The
18 only thing they can do is give -- is give a statement
19 that, basically, would allow them to send an innocent
20 person to prison.

21 The reason I'm saying that is just this, their case
22 is going to be that he lied. The cops weren't going to
23 believe him no matter what he said. The State wasn't
24 going to believe him no matter what he said. And what
25 they did was, basically, just get information that they're

1 going to say are inconsistencies to try to get him to
2 switch the story back and forth.

3 And, at that point, you know, the reason that they're
4 doing that is to get right here so that they can say he
5 told multiple versions, he must be guilty. Because in
6 their mind, he's guilty if he tells multiple versions. In
7 the -- the officers mind, he's guilty if he tells multiple
8 versions. Because that is a belief that's held by many
9 people.

10 (WHEREUPON, there was a disruption in the courtroom.)

11 MR. SHAFFER: I talked to you a good bit about some
12 of the facts. I want you to listen to the jurors. Okay.
13 I mean, not listen to the jurors, listen to the witnesses.
14 Okay. As the Judge said, just pay attention. Keep an
15 open mind throughout the trial.

16 They get to present their case first. We're -- we
17 don't get to do anything until after they do it. Okay.

18 At the end of this trial, you're going to have a
19 choice to make. And that choice is, basically, holding
20 the rest of my client's life in your hands. You get to
21 decide whether or not you think the State's met their
22 burden to say that this was not a self-defense case. You
23 get to decide that at the end of this trial. I just ask
24 that you keep that in mind and don't just assume that just
25 because someone lied that they're guilty.

1 (WHEREUPON, the jury came into open court at
2 approximately 11:17 a.m.)

3 THE BAILIFF: All present, Your Honor.

4 THE COURT: Okay. Thank you, Mr. Bolt.

5 Is the State ready to call its first witness?

6 MR. SCOTT: Yes, Your Honor.

7 MS. MCNEILL: Your Honor, if we could just have a
8 brief moment. Mr. Shaffer just went to the office to --

9 THE COURT: Oh, okay. Everybody be at ease for a
10 minute.

11 (Pause.)

12 MS. MCNEILL: We're ready.

13 THE COURT: Okay. Is the State ready to call its
14 first witness?

15 MR. SCOTT: The State calls Crystal Bluford.

16 THE BAILIFF: Place your left hand on the Bible and
17 raise your right hand.

18 WHEREUPON,

19 CRYSTAL BLUFORD,
20 after first having been duly sworn, testified as follows:

21 THE BAILIFF: Just talk into this mic. She has to
22 take down everything you say.

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Good morning, Crystal.

1 A Good morning.

2 Q Who's this man right here in the blue suit?

3 A Lutavious Elmore.

4 Q All right. Did you call him Lutavious?

5 A JR.

6 Q JR is what he went by? That's how you knew him?

7 A Uh-huh.

8 Q Well, how else did you know him? When did you meet
9 him?

10 A I, actually, met him on Facebook.

11 Q Okay. And let's go back to 2018 when all this
12 happened. Where were you working?

13 A ZF.

14 Q ZF Transmissions?

15 A (There was no verbal response.)

16 Q Okay. And you worked at the cafeteria there?

17 A Uh-huh.

18 Q And do you know where JR --

19 THE COURT: Hold on.

20 Ms. Bluford, when you give a response, make sure it
21 is an actual verbal response, instead of an "uh-huh" or a
22 "huh-uh," a "yes" or "no" type of response.

23 Thank you.

24 BY MR SCOTT:

25 Q And let me explain. It's just because she's typing

1 everything you say. And it's kind of hard to type
2 "uh-huh."

3 Anyway, Lutavious, where was he working?

4 A He was at ZF.

5 Q Okay. And did you -- you guys crossed paths in your
6 day-to-day activities?

7 A Uh-huh. We seen each other every blue moon.

8 Q Okay. And what shift did you work in 2018?

9 A Third.

10 Q And what hours is that?

11 A I can't remember.

12 Q Okay. This would have been like --

13 A But I got off at, like, early in the morning.

14 Q Okay. So you'd have worked all through the night and
15 gotten off in the morning time?

16 A Yes.

17 Q And do you know what shift Lutavious worked?

18 A I think he worked second.

19 Q Second shift. Okay. So you guys meet on Facebook.
20 And, eventually, did y'all form a romantic relationship?

21 A Yes.

22 Q Okay. Do you remember approximately when that
23 relationship started?

24 A February. Maybe around February.

25 Q February of 2018?

1 A Uh-huh.

2 Q Okay.

3 A Yes.

4 Q And where were you living at that time in the year
5 2018?

6 A 926 Easy Road.

7 Q And what county is that?

8 A Laurens.

9 Q And that home, is that the house you grew up in?

10 A Yes, sir. It was my grandparents house.

11 Q Okay. And your grandmother had already passed away.
12 When did your grandfather pass away?

13 A He passed in November of 2017.

14 Q Okay. And then after you grandfather passed in
15 November of 2017, were you the sole occupant of the house?
16 In other words, were you the only one living there?

17 A Yes.

18 Q Okay. And did you have that on your driver's
19 license? Or did you -- was that your residence?

20 A Yes, sir.

21 Q Okay. When you and Lutavious started dating, did he
22 move in with you?

23 A He stayed a while.

24 Q Okay. What does that mean?

25 A He didn't have a key. But he would come and spend

1 the night or spend a couple days.

2 Q Okay. So he would come for days at a time?

3 A Yes.

4 Q Do you remember the longest stretch he ever stayed
5 there?

6 A Because of our work schedule, I'd say maybe a week.

7 Q Okay.

8 A It depended on our work schedule.

9 Q Okay. Did he ever live there permanently?

10 A No.

11 Q I mean, would that have been the address he had on
12 his driver's license?

13 A No.

14 Q Okay. As far as you knew, where was he living?

15 A In the projects.

16 Q In the projects?

17 A Uh-huh.

18 Q Do you know who he was living with?

19 A His sister.

20 Q Which one?

21 A Janisha.

22 Q Janisha?

23 A Uh-huh.

24 Q What -- what do you know her as? What's her
25 nickname?

1 A Mookie.

2 Q Do you see her in this front row here? Is she out
3 here? Or she might be testifying.

4 A No.

5 Q Would you know her if you saw her?

6 A Yes.

7 Q Okay. And your understanding was while y'all were
8 dating, Lutavious lived with Janisha in the projects. Is
9 that Williams Street?

10 A I'm not sure.

11 Q Okay. And I think you already started to answer it.
12 Did you ever give Lutavious a key to your house on Easy
13 Road?

14 A No.

15 Q Okay. Did he -- was he ever allowed, I guess, to
16 come and go as he pleased without your permission?

17 A He came -- if Lutavious came to the house, I would
18 know he was coming.

19 Q Okay. And -- and was it something where you would
20 have to give him permission, or could he just come and go
21 as he pleased?

22 A He would let me know he was coming to the house.

23 Q Okay. And -- okay. You started dating in February
24 of 2018. And your testimony is he was allowed to stay
25 with you from time to time. When did your relationship

1 with Lutavious end?

2 A August.

3 Q Okay. And was -- was it a -- was it a pleasant end
4 to a relationship?

5 A No.

6 Q Okay. Was there some event that happened that --
7 that made the breakup abrupt, I guess --

8 MR. SHAFFER: Your Honor, may we approach?

9 THE COURT: Wait a minute, Solicitor.

10 MR. SHAFFER: May we approach?

11 THE COURT: Sure. Let's go out -- let's go out in
12 the hallway.

13 (WHEREUPON, a sidebar was held in the hallway.)

14 THE COURT: All right. You may proceed, Solicitor.

15 BY MR SCOTT:

16 Q What we were talking about was in August, the -- the
17 relationship ended abruptly. And just "yes" or "no." Was
18 there an altercation that led to it being an abrupt
19 ending?

20 A Yes.

21 Q I'm sorry.

22 A Yes.

23 Q Okay. And as a result of that altercation, what, if
24 anything, did you do with the locks of your house?

25 A I changed the dead bolt and the doorknob lock.

1 Q Okay. And why did you do that?

2 A Just for safety measures.

3 Q Safety measures?

4 A (There was no verbal response.)

5 Q Okay. Now, at this time, between August when you
6 guys broke up and the incident we're here for that -- you
7 agree it happened in October of 2018?

8 A Yes.

9 Q All right. And those two months, would you still
10 communicate with Lutavious Elmore?

11 A Yes.

12 Q Okay. Was -- was there an arrangement where he was
13 having to make payments to you?

14 A Yes.

15 Q Okay. And tell us about -- when would he, typically,
16 make these payments to you?

17 A Friday.

18 Q Okay. Was there a typical time that he would meet
19 you to pay for -- or where -- let me ask you this, where
20 would you guys meet for him to give you the payments?

21 A I would either go to the projects to pick it up or he
22 would drop it off at the house.

23 Q Okay. And was -- was it an agreed upon time between
24 you two when he would meet to give you these payments?

25 A It wasn't agreed upon. It was more so -- like, an

1 afternoon or when I got off.

2 Q Okay. Was it ever that he would just show up to your
3 house unannounced?

4 A Like I said, he would let me know he was coming.

5 Q Okay. And was it ever in the middle of the night
6 that he would show up to make payments to you?

7 A No.

8 Q Okay. So did you find that -- or were you still in
9 a -- I guess were you still civil with Elmore between this
10 breakup and this event on October 27th?

11 A Yes.

12 Q Okay. Why -- why did you feel the need to be civil
13 with him?

14 A I didn't have any bad feelings towards JR. His
15 temper was just, to me, out of control. So I just felt
16 like he was being --

17 MS. MCNEILL: Objection, Your Honor, subject to
18 previous objections.

19 THE COURT: Okay. I -- I couldn't really understand
20 what she was saying. So without understanding --

21 And I don't want you to repeat it because I've got an
22 objection.

23 So you may have to --

24 MR. SCOTT: How about if I rephrase the question?

25 THE COURT: All right.

1 BY MR. SCOTT:

2 Q But I will ask you to speak up, too, Ms. Bluford.

3 THE COURT: Yeah. Be -- be sure you're a little --
4 maybe a little closer to the microphone. And be sure to
5 speak up loud and clear for us.

6 If you want to repeat the question. And maybe
7 that'll take care of the objection.

8 MR. SCOTT: Yes, sir.

9 BY MR SCOTT:

10 Q "Yes" or "no." Did you find the need to remain civil
11 with Mr. Elmore?

12 A Yes.

13 Q Okay. So you tried to maintain a cordial kind of
14 relationship with him?

15 A Yes.

16 Q Okay. And one of the reasons, was it because he was
17 making these payments to you?

18 A Yes.

19 Q Okay. So you kind of needed to be on fairly good
20 terms because y'all --

21 MS. MCNEILL: Objection. Leading --

22 BY MR. SCOTT:

23 Q -- needed to interact?

24 A Correct.

25 THE COURT: Wait a minute. I've got an objection.

1 MS. MCNEILL: Leading.

2 THE COURT: Okay. Yeah. Try -- try to rephrase.

3 Avoid the leading, please, sir.

4 BY MR. SCOTT:

5 Q Why were you on good terms with him?

6 A Because he had to make payments to me every Friday.

7 Q Okay. Restitution?

8 A Yes.

9 Q All right. Did he have a car?

10 A No.

11 Q Okay. Sergio Mandez Lindsey, how did you meet him?

12 A He used to come through my line in the cafeteria at
13 ZF.

14 Q Okay. And did you, I guess, develop a friendship
15 with him?

16 A Yes.

17 Q Okay. Did you and he, I guess, develop feelings for
18 one another?

19 A I wouldn't say feelings, just more so of a
20 friendship.

21 Q Okay. Do you remember when you first met him?

22 A Yes.

23 Q When was that?

24 A It wasn't too long after I started at ZF. I can't
25 remember the exact date.

1 Q Okay. Let's -- all right. If -- if our incident
2 date's October of 2018, do you know how long you had known
3 Sergio by that time?

4 A Probably a month, at the most, a month and a half.

5 Q Okay. So around September of 2018, you met Sergio?

6 A Yes.

7 Q And at that time September, October of 2018, were you
8 in a monogamous, exclusive relationship with Lutavious
9 Elmore?

10 A I wouldn't say --

11 Q I'm sorry.

12 A Can you rephrase it?

13 Q All right. We'd already talked about August, y'all
14 broke up. So September and October of 2018, were you in
15 any kind of exclusive relationship with Elmore? I mean,
16 were y'all boyfriend and girlfriend exclusively?

17 A No.

18 Q Okay. But you still communicated with him, you say?

19 A Yes.

20 Q October 26th, that's the night leading into the
21 morning of our incident. Do you remember what you were
22 doing that afternoon?

23 A That afternoon -- I had got off of work that morning.
24 I was trying to get out of the house. I wanted to go out.
25 I had called a couple of friends. And I couldn't get out

1 of the house. So I ended up staying at the house that
2 night.

3 Q Okay. Did you have a car at the time?

4 A No.

5 Q And so Champions -- Champions nightclub, is that a
6 place you're familiar with?

7 A Yes.

8 Q Okay. Is that somewhere you would go from time to
9 time?

10 A Yes.

11 Q Is that somewhere that you knew Lutavious Elmore
12 would go?

13 A Yes.

14 Q Okay. Were you trying to go to Champions that night
15 or just somewhere?

16 A I was trying to go to Champions.

17 Q Okay. And is it your testimony you were unable to
18 find somebody to give you a ride out?

19 A Right.

20 Q Okay. And so you were staying in. Did you have any
21 plans once you realized it was going to be a night in?

22 A No.

23 Q Had you spoken with Lutavious Elmore that day?

24 A No.

25 Q Okay. Tell us about -- how did Sergio Lindsey come

1 to be at your house that night?

2 A We talked on the phone. In the midst of our
3 conversation, he told me he was on the highway. I'm
4 assuming he was coming from Clinton. He told me he was
5 going to stop at the rest stop and take a nap. He said he
6 had been tired because he had been working all day.

7 And I suggested that he didn't have to sleep at the
8 truck stop. I would like him to come by the house and
9 take a nap. And then he can go home.

10 Q Okay. Do you remember approximately what time he
11 arrived at your house?

12 A He got there right before 1:00.

13 Q 1:00 a.m.?

14 A Right before 1:00.

15 Q And so -- all right. Once he gets there, what do you
16 guys do?

17 A He walks in the house. He gives me a hug. I didn't
18 have heat in my front room. So anybody who came to the
19 house, I told them to come to the back room, to my
20 bedroom, you know. We sat down and watched TV.

21 He started talked about his wife and kids. We were
22 showing each other pictures of our kids, and stuff. In
23 the midst of our conversation, we were watching a Madea
24 movie. He changed his profile picture on Facebook to a
25 picture of him and his wife. We talked a little while

1 longer. I had a beer. Sergio didn't drink.

2 So he was like, if you don't mind, I'd like to lay
3 back and take a nap. And I told him to go ahead. And he
4 laid back and went to sleep. I continued watching TV for
5 a little while until I got sleepy. And I laid down beside
6 him and went to sleep myself.

7 Q All right. Do you remember -- let me go over some
8 pictures with you. This is State's Exhibit No. 1. What
9 is that? Can you see it?

10 A My house.

11 Q That's the house at 926 Easy Road?

12 A Yes.

13 Q And this is where you were living in October of 2018?

14 A Yes.

15 Q All right. This is the view looking at the house
16 from Easy Road?

17 A Yes.

18 Q All right. State's Exhibit No. 2. Okay. What is
19 this we're looking at?

20 A This is the side of my house. My bedroom was at the
21 front room.

22 Q Say that one more time, Crystal.

23 A That's the side of the house. My bedroom window is
24 the one that the screen is off of.

25 MR. SCOTT: Okay. Let the record show we're talking

1 about the -- looking at State's Exhibit No. 2, the picture
2 to the right of the screen.

3 MS. MCNEILL: No objection

4 BY MR SCOTT:

5 Q State's Exhibit No. 3, what is this?

6 A That's the back of my house.

7 Q All right. Let me show you State's Exhibit No. 4.
8 What is that?

9 A That's my bedroom.

10 Q Okay. On the night -- well, now we're in the early
11 morning hours of October 27th. This would be the bed you
12 were describing earlier that you and Sergio had fell
13 asleep in?

14 A Yes, sir.

15 Q All right. And if you're looking at State's Exhibit
16 No. 4, Sergio would've been on the left side or the right
17 side of that bed?

18 A The right side by the wall.

19 Q Okay. So Sergio was falling asleep closest to the
20 wall. And then you were lying on the left side of the
21 bed?

22 A Yes.

23 Q And did you two fall asleep in, I guess, the
24 traditional manner with your heads at the head of the bed
25 and feet at the foot of the bed?

1 A Yes.

2 Q Do you make a habit of locking your doors at night?

3 A Yes.

4 Q Okay. Tell me about the locks on the house at 926
5 Easy Road.

6 A I have a dead bolt lock on the front and back door.

7 Q Okay.

8 A My screen door locked, also. And I have the regular
9 doorknob lock.

10 Q All right. So the handle lock. And then you've got
11 a dead bolt on the front?

12 A Yes.

13 Q How many doors go to the outside, just the front and
14 the back?

15 A I had a side door, also.

16 Q All right. So we've got the front door?

17 A Yes.

18 Q So that screen door or the storm door right there,
19 you say you locked that?

20 A Yes.

21 Q And then the wooden -- was it a wooden door behind
22 that?

23 A Yes.

24 Q And you would have locked the handle and the dead
25 bolt?

1 A Yes.

2 Q And then I don't know if I've got a picture of the
3 side. This is the back door. It's got a screen -- storm
4 door as well?

5 A Yes.

6 Q Do you know if you locked it that night?

7 A Yes.

8 Q Okay. And then the door -- the wooden door that's
9 open in this picture, you say that has a handle lock and a
10 dead bolt as well?

11 A Correct.

12 Q And you testified that you -- you were in the habit
13 of locking those every night before you go to bed?

14 A Correct.

15 Q All right. Well, we've gotten to the part where
16 Sergio's fallen asleep. We know where he was lying in
17 bed. We know where you were lying. You fell asleep at
18 some point?

19 A Yes.

20 Q Okay. Tell us what you remember -- well, what
21 happens next?

22 A I woke up. Something woke me up out of my sleep. I
23 don't know what it was. I just -- I woke up. And I sat
24 up in the bed and I looked around. Sergio was still
25 asleep. I laid back down, closed my eyes. When I woke

1 back up, Lutavious was at the foot of my bed punching
2 Sergio. So it woke me up out of my sleep.

3 So I tried to diffuse the conflict to try to explain
4 what was going on, you know, just to let him know nothing
5 was happening.

6 Q Crystal, slow down one second. So you wake up,
7 Lutavious is in your bedroom?

8 A Yes.

9 Q All right. Did you -- did you hear him get in the
10 house?

11 A No.

12 Q Okay. Had you any idea at the time how he had gotten
13 in the house?

14 A No, sir.

15 Q And so you awoke to, you say, him striking Sergio?

16 A Yes.

17 Q All right. We'll look at the picture, State's
18 Exhibit No. 4. Where in this picture is Lutavious
19 whenever you wake up?

20 A Standing at the bottom of the bed.

21 Q Okay. Towards the wall, towards the right, or
22 towards the left?

23 A Towards the wall. He had one knee on the bed.

24 Q Okay. And what is he doing when you wake up? He's
25 got one knee on the bed. What is he doing?

1 A He's punching Sergio.

2 Q What's Sergio doing?

3 A He sat up and had his hands up like this.

4 Q Show the jury how Sergio had his hands when you woke
5 up.

6 A He sat up straight up in the bed and had his forearms
7 trying to block the punches.

8 Q Okay. Did he fight back?

9 A No.

10 Q Did he have a chance to?

11 A I think he was still asleep.

12 Q Was he making any noises?

13 A Yeah.

14 Q What kind of noises?

15 A It was like a -- it was like a grunting sound.

16 Q Was Lutavious saying anything?

17 A No.

18 Q What did you do when you awoke to this going on?

19 A I tried to stop Lutavious from hitting him.

20 Q Okay. How'd you try to stop him?

21 A I tried to explain to him that he needed to look at
22 what was going on. Me and Sergio was fully clothed. I
23 tried to tell him it wasn't what he thought it was. But
24 he wouldn't listen. And he punched me in the face. I
25 fell out of the bed.

1 Q What'd you do next?

2 A When I got ready to get up off the floor, I seen
3 Lutavious pull out a knife. When I seen him pull out a
4 knife, I ran --

5 THE COURT: Ms. Bluford, slow down a little bit. I'm
6 having a hard time hearing you. Slow -- slow down. Talk
7 slower, please.

8 THE WITNESS: When I -- after he punched me in the
9 face, I fell in the floor. And I tried -- I got up. When
10 I got ready to get up, I seen him with -- pull out the
11 knife. And I ran out the front door.

12 BY MR. SCOTT:

13 Q Okay. Look at this, Crystal. This is State's
14 Exhibit No. 5. Again, it's a picture of your bed, just a
15 different angle. Where did you fall after he hit you?

16 A Right in between the bed and the dresser.

17 Q Right in this area here?

18 A Uh-huh.

19 Q Okay. And what was the lighting in the room like?
20 Do you remember? Could you see or was it dark?

21 A I think the TV was still on. I think the TV was
22 still on. There was a little bit of light.

23 Q Okay. So you could see -- you said he pulled out a
24 knife?

25 A Yes.

1 Q Where did it come from?

2 A I'm not sure. I'm not sure if it came from his
3 pocket. I think it was a -- a pocket knife.

4 Q Had -- had you seen it before?

5 A Yes.

6 Q Where had you seen it?

7 A He carries a pocket knife.

8 Q Okay. So it wasn't a knife that you were -- it
9 wasn't a knife that belonged to you?

10 A No.

11 Q And what did it look like?

12 A It had a brown handle. I only seen the handle part.

13 Q Okay. And it was a -- did you see him unfold it
14 or --

15 A I seen -- you know how you get ready to flick it, I
16 seen that. And that's when I got up and ran.

17 Q Okay. When you got up off the floor, Sergio's [sic]
18 already got the knife. Did you see him stab him?

19 A No, I didn't.

20 Q Okay. Where did you go?

21 A I ran to the front door. I couldn't get out.

22 Q Why couldn't you get out?

23 A The door was locked.

24 Q The front door of the house was locked. That's the
25 one you ran out of?

1 A Uh-huh.

2 Q Okay. Did you get it unlocked?

3 A Yes. I unlocked it.

4 Q Where'd you go?

5 A I ran to my next door neighbor's yard.

6 Q All right. If we're facing the house -- your house
7 on Easy Road, is the neighbor to the right or to the left?

8 A The left.

9 Q If we're facing the house?

10 A Facing my house, it's on the right.

11 Q Okay. And where'd you go when you ran to that house?

12 A I ran into the garage.

13 Q Okay. And what kind of -- is it a closed-in garage
14 or an open --

15 A It was -- it was an open garage. My neighbor's son
16 had an S-10 truck. So when I ran in the garage, I hid
17 beside the truck closer to the wall so he wouldn't see me.
18 While I was hiding, I heard Lutavious' footsteps looking
19 for me. I heard him calling my name.

20 Q Tell me what he was saying.

21 A Crystal, you might as well come out. I'm going to
22 find you. You might as well come out.

23 Q Okay. What, if anything, did you notice about
24 Lutavious Elmore when he found you in that carport?

25 A They have a cement driveway.

1 Q I heard you say they have a cement driveway?

2 A Yes.

3 Q Okay.

4 A So I don't know -- if you run hard on a cement
5 driveway, you can hear the footsteps. So I heard his
6 footsteps every time he came back and forth looking for
7 me. The third time, he left and came back. He got closer
8 to the garage.

9 So I hid up under the truck. He never came back
10 again. And he came straight in the garage. He found me
11 up under the truck. He made me go back to the house.

12 Q Let me ask you, did you see his feet at that time?

13 A Yes. He had on socks.

14 Q Okay. Where were his shoes?

15 A At that point, I didn't know. But later on, I found
16 out they were on my back porch.

17 Q Okay. But when you see him and he's looking for you,
18 he's not wearing any shoes, but he has socks on?

19 A Yes.

20 Q All right. And you said you had gotten up under the
21 truck and he had found you?

22 A Yes.

23 Q What happened next?

24 A He made me go back to the house.

25 Q How did he do that?

1 A He drug me from under the truck by my shirt. Once I
2 got from under the truck -- JR's a lot stronger than me so
3 there was no point in me trying to fight back. So I just
4 agreed to go back to the house with him.

5 When we got to my front porch, he stopped me on the
6 front porch and looked at me in my face. He said, I just
7 wanted to let you know he dead.

8 Q "He dead"?

9 A He's dead, yeah.

10 Q What's he saying as he's pulling you back to the
11 house? Anything?

12 A Basically, it's my fault.

13 Q What's your fault?

14 A That Sergio was dead. He was just, like, I killed
15 him. He dead. He dead already. There ain't nothing you
16 can do about it.

17 Q Did he say why he was dragging you back to the house?

18 A Once we got to the front porch, he stopped me before
19 we got on the front porch. And that's when he said it.

20 Q All right. Now, did you feel that you had the
21 freedom to leave at that time?

22 A No.

23 Q Why?

24 A Because he told me that I was going to have to help
25 him get rid of the body.

1 Q Did he say what would happen if you didn't?

2 A If I didn't help him get rid of the body, he was
3 going to kill me, too. He didn't care about me being a
4 mother. He didn't care about my parents or my kids.
5 Everything that had just happened was my fault.

6 Q Crystal, what were you feeling at that time? What
7 emotions were you feeling?

8 A I couldn't feel nothing at the time. I was so scared
9 that if I showed any emotion that I would be the next one.
10 So I just stood there and complied with everything he
11 said. And I didn't cry. I didn't scream. I didn't yell.

12 Q Okay. And -- and you said you were scared. Is that
13 what you said?

14 A Yes.

15 Q Well, let me ask you, why not just say, hey,
16 Lutavious, I don't want any part of this. I'm -- I'm
17 going to go ahead and leave now. Okay. Why didn't you do
18 that?

19 A Because I knew that if I said that that Lutavious
20 would have stabbed me, also.

21 Q And he had already told you he had killed Sergio?

22 A He told me he killed Sergio when we got to the front
23 porch.

24 Q What happened next?

25 A We walked in the house. I get to my bedroom. I'm

1 standing in front of the little wood -- it's a pink
2 [inaudible] at the bottom. I was standing right there. JR
3 was standing between me and the door. And Sergio was in a
4 fetal position in between the bed and the dresser.

5 Q Okay. So when you -- when you walked back into the
6 house, Sergio's laying here. I see a Croc shoe. And then
7 it looks like a TV remote. And he's laying somewhere in
8 there?

9 A Yes.

10 Q Okay. Go ahead. I'm sorry, Crystal. Continue.

11 A Basically, he was just ranting and raving.

12 Q What is he saying?

13 A Saying it's, basically, my fault, how I cheated on
14 him. He didn't care about me having kids. This wasn't
15 his first time doing that --

16 MS. MCNEILL: Objection.

17 THE COURT: Okay. What -- what's your objection?

18 MS. MCNEILL: Highly prejudicial and relevance.

19 THE COURT: Okay. Again, I'm -- I'm having a little
20 hard time understanding her. So I'm -- I'm not sure what
21 her answer was.

22 MR. SCOTT: I think he was -- he was upset about her
23 cheating. And then -- and I'll continue

24 BY MR SCOTT:

25 Q So he was upset about you cheating on him. And what,

1 if anything -- did he tell you how he got there?

2 A No.

3 THE COURT: Let -- let me -- I need to make a ruling
4 on the objection. She -- she said something about the
5 Defendant -- about her -- accusing her of cheating on him.

6 MS. MCNEILL: Your Honor --

7 THE COURT: Is that -- is that what you're objecting
8 to?

9 MS. MCNEILL: No, sir.

10 Can we have a sidebar, please?

11 THE COURT: Sure.

12 (WHEREUPON, a sidebar was held in the hallway.)

13 THE COURT: All right. Ladies and gentlemen, this is
14 one of those times where I'm going to need to send you
15 back to the jury room. We need to discuss some things
16 with the lawyers outside of your presence.

17 And so if you would go back to the jury room. And,
18 hopefully, we can get you back out shortly.

19 Thank you.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 11:55 a.m.)

22 THE COURT: Hollie, what we need is her last answer
23 before Chelsea objected. So can you take a look at that?

24 THE COURT REPORTER: Yes, sir.

25 THE COURT: Ms. Bluford, I know you're nervous. I

1 CONTINUED DIRECT EXAMINATION

2 BY MR SCOTT:

3 Q Let me think. What, if anything -- all right. So
4 what we were talking about, he was upset with you for
5 being unfaithful. And you said he was ranting and raving.
6 What, if anything, did he say about how long he had been
7 there?

8 A He just said that he was watching me for two hours
9 trying to figure out if he was going to kill me first, or
10 him first, or both of us.

11 Q Okay. So he -- he indicated -- did he say where he
12 had been watching you?

13 A No.

14 Q Okay. But he had said he'd been there for two hours
15 contemplating --

16 A While we were asleep.

17 Q Okay. You already said you remember he wasn't
18 wearing shoes. What else do you remember him wearing?

19 A He had on some kind of gloves.

20 Q Gloves?

21 A Yes.

22 Q Okay. What else?

23 A His shirt was on inside out.

24 Q What color was it?

25 A It was black, red, gold. It had, like, a shark mouth

1 on it and some stars.

2 Q Stars. Had you ever seen him wear that shirt before?

3 A Yes.

4 Q Anything else you recall? A black shirt that was
5 inside out, but it had stars on it and a shark's mouth on
6 it?

7 A Uh-huh.

8 Q What else? Do you remember?

9 A He had on a white thermal and some silver or gray
10 shiny pants.

11 Q Okay. You said a white thermal. Do you mean like a
12 thermal underwear shirt?

13 A Yes.

14 Q Let me show you -- this is State's Exhibit No. 44.

15 MR. SCOTT: That was one of the ones that was
16 stipulated to?

17 MS. BOYKIN: It is.

18 BY MR. SCOTT:

19 Q Do you recognize that?

20 A That's the shirt.

21 Q Okay. And you said it had stars. And what is this
22 pattern?

23 A I think it's, like, a shark mouth, an open shark
24 mouth.

25 Q All right. Was he wearing a jacket when you saw him?

1 A No.

2 Q I'm showing you State's Exhibit No. 36. Have you
3 ever seen that before?

4 A Yes.

5 Q Where have you seen it?

6 A I've seen Lutavious with it on.

7 Q You've seen Lutavious with it on?

8 A Yes.

9 Q Do you have any knowledge of how that got to be at
10 the end of your driveway?

11 A I have no idea.

12 Q Okay. Was that laying at the end of your driveway
13 when you went to bed on October 26th?

14 A No.

15 Q We talked about him not wearing shoes. At some
16 point, did you see where his shoes were?

17 A Yes.

18 Q Where were there?

19 A On my back porch by the steps.

20 Q Okay. At some point, did he put the shoes on, the
21 boots on?

22 A Yes.

23 Q Well, describe those for me.

24 A Describe the shoes?

25 Q Yes, ma'am.

1 A They were brown steel-toed, like, work boots.

2 Q Okay. Had you seen them before?

3 A Yes.

4 Q Had you seen him -- Lutavious Elmore wearing them
5 before?

6 A Yes.

7 Q State's Exhibit No. 43, do you recognize that?

8 A Yes.

9 Q How do you recognize it?

10 A It's the tip of the work boot.

11 Q Okay. Are those the boots he was wearing -- that
12 were on the back porch that night?

13 A Yes, sir.

14 Q And if I show you -- I'm sorry. It's kind of hard to
15 keep up with all these pictures. If I show you State's
16 Exhibit No. 3, again, is that your back porch?

17 A Yes.

18 Q And whereabouts were the boots when you saw them?

19 A Right beside the steps, like, close to the black
20 railing.

21 Q On this --

22 A Not that one, the other one.

23 Q That one?

24 A Yeah.

25 Q Okay. So on the side of the steps where the

1 refrigerator is?

2 A Uh-huh.

3 Q And they were just on the patio there?

4 A Yes, sir.

5 Q Okay. And did you say he put them on at that point?

6 A Yes, he did.

7 Q All right. He's got his gloves on. He's already put
8 his boots on. Y'all are back inside the house?

9 A He put his boots on when he told me to -- he told me
10 that I needed to move Sergio's body. And as soon as he
11 said that, I said that there's no way I can move his body
12 because he's too big. So he went outside, got his boots
13 and put them on, and came back in the house.

14 Q Okay. And then where did you all go?

15 A We went back in my room. And he -- I was, also,
16 barefooted. So I put some shoes on. And I put on some
17 pants. I had on some shorts. I put on some pants. And
18 he drug Sergio from the top of his shirt up my hallway
19 into the kitchen at the head of the table.

20 Q Okay. So when you go back in the house, was Sergio
21 still in the bedroom where he was the last time you were
22 in the bedroom?

23 A (There was no verbal response.)

24 Q All right. Earlier, I think, the testimony was you
25 were in the bedroom. And then you -- you fled out of the

1 bedroom --

2 A Right.

3 Q -- and went to the carport?

4 A When I came back in, he was on the floor.

5 Q Sergio was?

6 A Yeah.

7 Q Okay. State's Exhibit No. 5. Again, where is Sergio
8 laying when you go back in there?

9 A In between the bed and the dresser.

10 Q Okay. So by that Croc, that's kind of like a marker
11 where he would have been, generally?

12 A That's where his feet were.

13 Q Okay.

14 A His head was up toward the wall more.

15 Q Closer to the headboard of the bed?

16 A Yes.

17 Q All right. And did you try to pull Sergio?

18 A No.

19 Q Okay. You told Lutavious that he was too heavy?

20 A Yes.

21 Q And then you said Lutavious Elmore did what?

22 A He went outside, put his boots on, and came back in
23 the house. And he drug him up the hallway himself.

24 Q Let me show you a picture, State's Exhibit No. 6.

25 What is this?

1 A That's the blood trail from my room to the kitchen.

2 Q Okay. Did -- did you see that blood trail being
3 formed?

4 A Yes.

5 Q How was that blood trail formed?

6 A He drug him from the top of his shirt up the hallway
7 head first into the kitchen.

8 Q Okay. What was he -- how did he have him? Do you
9 remember how he was pulling him?

10 A Just, like, up under his arms.

11 Q Okay.

12 A From -- he was at the head. And I was following
13 behind by the feet. And he was dragging him backwards up
14 the hallway.

15 Q So you, actually, saw that blood trail being formed
16 as he was dragging Sergio through the hall?

17 A Yes.

18 Q And if we're looking at State's Exhibit No. 5, what's
19 this room at the end of the hall?

20 A That's my room.

21 Q Okay. And this picture is being taken from what
22 room? What's my view point here?

23 A The -- that's the den.

24 Q Okay.

25 A Like, the living room.

1 Q Okay. And then State's Exhibit No. 7. State's
2 Exhibit No. 7. Now, what's my viewpoint here?

3 A That's from my bedroom up the hallway.

4 Q All right. So this is looking from your bedroom into
5 the den?

6 A Right.

7 Q And then, I think, State's Exhibit No. 8 is just a
8 closer look at that same hallway you were describing?

9 A Yes.

10 Q Okay. So after Lutavious Elmore dragged Sergio
11 Lindsey through the hall, what happened next?

12 A We got -- he pulled him in the kitchen. Sergio's
13 feet was by the kitchen door entrance. His head was by
14 the kitchen table. He laid him in front of the -- the
15 kitchen table. And he told me that I had to take Sergio
16 out the back door and set him on fire.

17 Q He told you that you had to take him out the back
18 door?

19 A Yes. He gave me a time limit.

20 Q Okay. Well, tell me -- what did he say?

21 A I was like, I can't move him because he's too big. I
22 don't know what you want me to do with him.

23 Crystal, I don't care. I don't care what you do.
24 You've got 40 minutes. You need to hurry up and get him
25 out of here before his body gets stiff.

1 Q Hurry up and get him out of here before his body gets
2 stiff?

3 A Yes.

4 Q Did you try to move him?

5 A I did. I got ready to reach down to grab his shirt.
6 When I did that, JR said, Before you be a dumb criminal,
7 you need to put some gloves on.

8 So I went back to my room. I keep latex gloves
9 because I have psoriasis on my hands. So I can't use a
10 lot of different cleaning products without my hands
11 breaking out.

12 So I went and got -- I went and got me some gloves.
13 When I went in the bedroom, my cell phone was on the bed.
14 So I grabbed my cell phone and I stuffed it in my shorts.
15 I went back up the hallway into the kitchen. And I got
16 ready to grab Sergio again and he grunted.

17 Q Sergio did?

18 A Yes. When Sergio grunted, JR yelled out, Wait.

19 And I was like, Hold on. Maybe we can just put him
20 in the car and take the car somewhere and call and say we
21 found somebody on the side of the road and wait in the
22 car, or something.

23 And he was like, I don't care what you do. You need
24 to hurry up and get him out of here.

25 So he reached in his pocket and gave me Sergio's Jeep

1 keys. When he gave me the keys, I walked out the front
2 door and I went and sat in the Jeep. I cranked it up. I
3 sat there for a few minutes trying to figure out what my
4 next move was going to be.

5 I thought about backing out of the driveway. My
6 driveway is up a hill. It's not a short driveway. It's
7 not a long one. But I was just thinking that if I -- if I
8 backed out of the driveway and seen him running -- running
9 toward the car, I would flip the Jeep trying to leave out
10 of the driveway.

11 My granddaddy had a garage beside the house. There
12 was a Nissan that wasn't working parked beside where
13 Sergio's Jeep was. So I looked. JR still hadn't come out
14 of the house.

15 So that's when I decided to drive the Jeep to my next
16 door neighbor's front yard. And that's what I did. On
17 the way up Easy Road, while driving, I reached in my
18 shorts and pulled the phone out. And I called the police
19 and asked them to meet me at AMPM. And I told them what
20 had happened.

21 Q Okay. You got out of there and immediately called
22 the police?

23 A Yes.

24 Q State's Exhibit No. 24, can you see that, Crystal,
25 from there?

1 A Yes.

2 Q Do you recognize that?

3 A Yes.

4 Q All right. The home in the middle, what -- what
5 house is that?

6 A That's my grandmother's house. That's the house I
7 was living in.

8 Q This is 926 Easy Road?

9 A Yes.

10 Q All right. And this neighbor here, why is that house
11 relevant?

12 A That's the front yard I drove through. I drove in
13 between those two trees behind that Nissan Altima and went
14 straight through that front yard.

15 Q Okay. And this carport, do you recognize that?

16 A The carport that I hid in is the one on the other
17 side of this house.

18 Q Oh, okay. So you --

19 A It's attached to the house.

20 Q It's over here?

21 A Yes.

22 Q Okay. And this is your driveway?

23 A Uh-huh.

24 Q And you're testifying that you had to go through the
25 neighbor's yard to get out just because of the way the

1 vehicle was positioned?

2 A Yes.

3 Q You keep saying "JR." But whenever you talk about
4 JR, who are you talking about?

5 A Lutavious.

6 Q Okay. Lutavious Elmore?

7 A Yes.

8 Q That's just a nickname for him. Did a lot of people
9 call him "JR"?

10 A Yes.

11 Q Just back to the kitchen. We kind of went through
12 that quickly. Does this kind of show where Sergio was?

13 A Sergio was at the head of the table where those two
14 chairs are.

15 Q Okay. So --

16 THE COURT: What number is that, Solicitor?

17 MR. SCOTT: Oh, sorry, Judge. This is State's
18 Exhibit No. 12.

19 THE COURT: State's Exhibit No. 12.

20 BY MR. SCOTT

21 Q And so from this angle, these two chairs at the
22 bottom of the picture, Sergio would have been kind of out
23 of the camera angle, but --

24 A Yes.

25 Q -- down below?

1 Okay. Let me show you State's Exhibit --

2 MR. SCOTT: Is it State's Exhibit No. 63?

3 MS. BOYKIN: Yes.

4 BY MR SCOTT:

5 Q Can you see that from there, Crystal?

6 A Yes. Yes, I can.

7 Q Okay. Did you see that on the night of October -- or
8 the early morning of October 27th?

9 A No.

10 Q Okay. Did you see that -- how did that get there?

11 A I'm guessing he drug him out of the kitchen --

12 MS. MCNEILL: Objection.

13 THE COURT: Excuse me.

14 MS. MCNEILL: I said, Objection. If she doesn't
15 know, she doesn't know.

16 THE COURT: Speculation --

17 MS. MCNEILL: Yes, sir.

18 THE COURT: -- is that what you're objecting to?

19 Yeah. If you know, you -- you can testify as to what
20 you know. But you can't speculate or guess.

21 And what exhibit number is this one, Solicitor?

22 MR. SCOTT: This is State's Exhibit No. 63, Your
23 Honor.

24 THE COURT: State's Exhibit No. 63.

25 THE WITNESS: What I do know is Sergio was laying --

1 his head was right there, a little bit above the leg of
2 the chair.

3 BY MR. SCOTT:

4 Q All right. These are those two chairs from State's
5 Exhibit No. 12 that we were just looking at?

6 A Yes.

7 Q And he was somewhere down in this area, his head was,
8 you said?

9 A Yeah. He was laying long ways.

10 Q Okay. In State's Exhibit No. 63 -- and I'm -- I'm
11 directing your attention to the floor. Was that there
12 before the early morning hours of October 27th?

13 A No.

14 Q Okay. State's Exhibit No. 61, what is this?

15 A The refrigerator.

16 Q All right. And can you see the floor -- this is
17 State's Exhibit No. 61. Can you see the floor at the -- I
18 guess the threshold of the door here?

19 A Yes.

20 Q All right. And I'll direct your attention to the
21 refrigerator. Can you see that from where you're
22 standing -- or sitting?

23 A Yes.

24 Q Was that reddish color there before the morning of
25 October 27th?

1 A No.

2 Q Okay. Did you see how it got there?

3 A Yes.

4 Q Okay. And how did it get there?

5 A When he was dragging Sergio into the kitchen, he drug
6 him around the corner.

7 Q Okay. State's Exhibit No. 64, what door is this?

8 A That's the door going out of my back -- that's going
9 out of my kitchen out to my back door.

10 Q Okay. Was that there before the early morning hours
11 of October 27th?

12 A No.

13 Q So that parquet-type floor is your kitchen floor?

14 A Yes.

15 Q And what's this carpeted floor?

16 A That's the den right at my back door. I have a
17 living room and a den.

18 Q All right. If you go through the kitchen door and
19 take a left out of the den, what -- what's out there?

20 A That's the back door, the back patio.

21 Q That --

22 A That's the door.

23 Q Okay. So if I walk in this door and take a right --

24 A That's the kitchen, yes.

25 Q Okay. I'm going to ask you a little bit more about

1 the kitchen from the outside. This is State's Exhibit
2 No. 10. What is this window?

3 A That's my kitchen window.

4 Q Tell me a little bit about what we're looking at in
5 this picture.

6 A My screen wasn't off my kitchen window.

7 Q All right. So on October 26th, when you go to bed --
8 the day of October 26th, the last time you looked at this
9 window, was the screen like that?

10 A No. There was nothing wrong with the screen.

11 Q Okay. So it was a perfectly good --

12 A Fully closed.

13 Q -- fully assembled screen?

14 A Yes.

15 Q All right. And so in this picture, it's torn off the
16 frame. I don't want you to guess, but do you have
17 personal knowledge of how it got like that?

18 A No, I don't.

19 Q Okay. But it wasn't like that when you went to bed
20 that night?

21 A No.

22 Q And --

23 A I didn't have a ladder up against that table either.

24 Q That ladder was not there?

25 A No.

1 Q You did not put that ladder there?

2 A No.

3 Q Do you know who did?

4 A I do not.

5 Q Okay. That window -- tell me about that window where
6 the screen's cut.

7 A That window does not lock. A lot of people know that
8 window doesn't lock. It's my kitchen window --

9 Q Say that -- I'm sorry. You kind of trailed off.

10 A My -- my kitchen window right there doesn't lock.

11 Q Okay. State's Exhibit No. 9, I want to show you. We
12 talked a little bit about that earlier. Tell us one more
13 time, that window on the right, what -- what does that
14 window go to?

15 A That's my bedroom window.

16 Q Okay.

17 A The screen's off, but I took it off.

18 Q Okay. The screen was already off?

19 A Yes. The log was normally turned sideways to keep
20 stuff from going in that little black --

21 Q "The log," is that what you said?

22 A Yes.

23 Q Okay.

24 A The little black part that is standing up.

25 Q Okay. So if I understand correctly, you're saying

1 typical -- that log was always there?

2 A Yes.

3 Q But last you remember, it was laying on its side?

4 A Yes.

5 Q And it was not vertically positioned like that?

6 A No.

7 Q Had you ever discussed that window not being able to
8 lock with Lutavious Elmore before?

9 A It was -- he knew it was a window that didn't lock.
10 I told him to come in the window once before.

11 Q Okay. State's Exhibit No. 59, have you ever seen
12 that?

13 A That's one of my kitchen knives.

14 Q Okay. Did you see it at any point during the
15 night -- or the early morning hours of October 27th?

16 A Yes. I did see it.

17 Q Okay. Tell us about that.

18 A I seen the knife out. I didn't see JR use the knife.
19 When we were in the kitchen and Sergio grunted, he grabbed
20 another knife. He grabbed one of my kitchen knives.

21 Q Okay. Was that the one, or do you know?

22 A I'm not sure if that was the one. But my kitchen
23 knives -- all of them have black handles like that.

24 Q Okay. When you went to bed that night, did you leave
25 that knife out on the kitchen table?

1 A No.

2 Q Okay. So if that was found on the kitchen table, you
3 don't know how it got there?

4 A No, sir.

5 Q Going back to State's Exhibit No. 12. All right.
6 State's Exhibit No. 12 -- can you see it from there?

7 A Yes.

8 Q There's a marker 40. And is that the knife you're
9 talking about under 40?

10 A Yes.

11 Q Okay. You did not leave that knife out?

12 A No.

13 Q Okay. Do you know how it got there?

14 A No, I don't.

15 Q Okay. Let me ask you this, are you in the habit of
16 keeping a knife on your dresser in your bedroom?

17 A No.

18 Q Okay. So you don't keep knives just laying on the
19 dresser in your bedroom?

20 A No. Because my kids would come over every other
21 weekend and, sometimes, stay a week, so no.

22 Q Okay. Let me show you State's Exhibit No. 33. Do
23 you recognize that?

24 A I've seen people work in those gloves.

25 Q Okay. Do you have any idea how it would have gotten

1 into your yard?

2 A No.

3 Q Let me show you State's Exhibit No. 34. What is
4 this?

5 A That's a box frame.

6 Q Okay. That was already there?

7 A Yes.

8 Q And is that just -- that's a carport right next to
9 your home?

10 A Yes.

11 Q Okay. So you knew that box spring mattress was
12 there?

13 A Yes, I did.

14 Q Let me ask you about State's Exhibit No. 35, though.
15 Do you have any knowledge of that glove being in the box
16 springs?

17 A No.

18 Q Do you know how that got there?

19 A No, sir, I don't.

20 Q You mentioned that right after you -- you get in the
21 car, you go across the neighbor's yard. You get the phone
22 out of your pocket. And you immediately call 911?

23 A I called them by the time I got to the top of Easy
24 Road.

25 Q Okay. And did you tell them what happened? Or what

1 did you tell them?

2 A I told them that my -- had broke into the house. And
3 I don't know if the person at my house was dead or not.
4 But they needed to hurry up and get to my house with the
5 ambulance. And that Lutavious Elmore was the person who
6 did it.

7 Q Okay. And did you meet with law enforcement?

8 A Yes, I did.

9 Q Okay. Where did you meet with them?

10 A I stopped at the closest gas station, which at the
11 time was the AMPM.

12 Q AMPM?

13 A Yes, sir.

14 Q Okay. Do you know about how long it takes to get
15 from your house at Easy Road to the AMPM?

16 A It probably didn't take me no more than -- probably
17 less than five minutes because I was speeding, so.

18 Q Okay. And why -- why did you want to meet there?

19 A It was the closest place. It wasn't secluded. And
20 it was a gas station. I didn't want to drive his Jeep all
21 the way to the police station.

22 Q Do you know how long it took officers to arrive there?

23 A I waited for a minute. I don't know the exact time.
24 (WHEREUPON, State's Exhibit No. 65 was marked for
25 identification only.)

1 BY MR. SCOTT:

2 Q Can you ID anything in this State's Exhibit No. 65?

3 A That looks like the work boots. And I'm guessing
4 that's a white -- a burned white thermal.

5 Q That's a white thermal?

6 A Yes.

7 Q Is -- okay. And you said he was wearing what that
8 night?

9 A A white thermal.

10 Q Okay.

11 A And work boots.

12 Q Can you identify these boots?

13 A Yes.

14 Q What are they?

15 A They're steel-toed work boots.

16 Q Are those the ones that Elmore had that night?

17 A Yes.

18 Q Okay. Tell me -- how did these get burned up?

19 A I have no idea.

20 Q Okay. Did you set them on fire?

21 A No, I did not.

22 Q When you were leaving Easy Road in Sergio's car
23 before you called the police, did you see Elmore again?

24 A No.

25 Q Okay. He didn't run outside chasing you or anything,

1 to your knowledge?

2 A No.

3 Q Okay. Where was the last place Elmore was when you
4 fled the scene?

5 A He was standing in my kitchen by the sink.

6 Q Okay. Do you have any idea how a phone would have
7 wound up in the -- on your front yard?

8 A I don't.

9 Q Do you remember seeing a phone in the front yard when
10 you were leaving?

11 A No.

12 Q Okay. You speak with law enforcement that night.
13 You tell them what happened. Did you have an opportunity
14 to go sit down at the sheriff's office and give a formal
15 interview with law enforcement?

16 A Yes.

17 Q And did you do that?

18 A Yes.

19 Q How many times?

20 A I went twice.

21 Q Okay. Do you remember the first time? When did you
22 go in to speak with them?

23 A That night -- or well, that morning.

24 Q Okay. So right after the AMPM --

25 A Right after they picked me up, we went straight to

1 the police station.

2 Q And you told them what happened?

3 A Yes.

4 MR. SCOTT: Okay. Your Honor, I'm going to --

5 BY MR. SCOTT:

6 Q So you made a 911 call that night?

7 A Yes.

8 Q And you told them what happened?

9 A Yes.

10 MR. SCOTT: And I -- I would just submit that -- we'd
11 ask to go ahead and admit and publish State's Exhibit
12 No. 11, which would be a 911 call.

13 THE COURT: Okay. What's the Defense have to say?

14 MS. MCNEILL: No objection.

15 THE COURT: All right. Without objection, State's
16 Exhibit No. 11 into evidence.

17 (WHEREUPON, State's Exhibit No. 11 was admitted into
18 evidence.)

19 THE COURT: And do you intend to publish it now,
20 Solicitor?

21 MR. SCOTT: Yes, sir.

22 THE COURT: Ladies and gentlemen, I assume that the
23 State will have the volume high enough where everybody can
24 hear it. But if you cannot hear it, raise your hand.
25 Okay.

1 (WHEREUPON, State's Exhibit No. 11 was played in
2 open court.)

3 BY MR. SCOTT:

4 Q Okay. Crystal, is that the point where you were able
5 to speak with officers at the AMPM?

6 A Yes.

7 Q All right. I'm -- I'm about done. Just -- when you
8 went to bed that night with Sergio, was Lutavious Elmore
9 in your house?

10 A No.

11 Q Was it daytime or nighttime?

12 A It was nighttime.

13 Q Okay. And when you woke up and Elmore was in your
14 room, was it daytime or nighttime?

15 A It was -- it was, like, morning, but it was
16 nighttime.

17 Q Okay. Was it -- was it light or dark when you were
18 at the AMPM?

19 A Light.

20 Q Huh?

21 A It was light. The sun was coming up. The sun didn't
22 really come up until I got to the police station.

23 Q Okay. So...

24 (Pause.)

25 MR. SCOTT: I'm sorry. I beg the Court's indulgence.

1 THE BAILIFF: All jurors present, Your Honor.

2 THE COURT: All right. Thank you, Mr. Bolt.

3 Did everybody have a good lunch?

4 (WHEREUPON, the jurors indicated in the affirmative.)

5 THE COURT: Good, good.

6 All right. I think the -- the State finished its
7 direct on this witness.

8 Is the Defense ready?

9 MS. MCNEILL: Yes, sir.

10 THE COURT: Okay.

11 CROSS-EXAMINATION

12 BY MS. MCNEILL:

13 Q Crystal, my name is Chelsea. I'm one of the lawyers
14 for Mr. Elmore. I'm going to ask you a few questions
15 about your testimony today.

16 So you know Lutavious by the name -- by the nickname
17 of "JR"; is that correct?

18 A Correct.

19 Q And you said you met on Facebook?

20 A Yes.

21 Q And you stated in your -- when Mr. Scott was asking
22 you about your relationship with Mr. Elmore -- I'll just
23 call him JR from now on. Okay. With JR, it started
24 around February of 2018; is that right?

25 A Yes.

1 Q Okay. And you said it ended in what month?

2 A August.

3 Q August. So from February of 2018 to August of 2018,
4 you were in a relationship with him?

5 A Correct.

6 Q Okay. Was this an on-again off-again relationship?

7 A Once or twice.

8 Q Okay. And so was it a monogamous relationship, like
9 you were only with one person throughout this entire time,
10 or was it kind of an open relationship?

11 A Only with one person.

12 Q I'm sorry. I couldn't understand you.

13 THE COURT: Ma'am, you're going to need to speak up.
14 Speak slow so the court reporter can pick up everything
15 that you say. Okay. I know it's a little difficult, but
16 you need to try your best.

17 BY MS. MCNEILL:

18 Q Can you repeat your answer, please?

19 A One person.

20 Q One person. Okay. And so after August of 2018 when
21 your relationship ended, did you ever start picking back
22 up some sort of relationship with JR?

23 A Yes.

24 Q You did. Was it ever sexual in nature?

25 A Maybe once or twice. I'm not sure.

1 Q Okay. Once or twice since August?

2 A Right.

3 Q Okay. Did you care for JR?

4 A Yes.

5 Q Did you love JR?

6 A Yes.

7 Q Did he love you?

8 A I guess.

9 Q And you testified that he would stay with you several
10 days a week and sometimes an entire week, depending on
11 y'all's work schedule?

12 A Correct.

13 Q Okay. And you worked second shift at ZF
14 Transmissions?

15 A Third.

16 Q Third shift?

17 A Yes.

18 Q And JR worked second shift?

19 A Yes.

20 Q Okay. And Sergio worked third shift as well?

21 A Correct.

22 Q Okay. And I'm sorry. I don't remember if you
23 stated. Do you know what hours you worked when you were
24 on third shift?

25 A I don't remember.

1 Q Okay. Do you know what hours JR worked when he was
2 on the second shift?

3 A I just know he went in in the afternoon. I'm not
4 sure about his exact hours.

5 Q Okay. Did you previously state to Ms. Farrah Cook,
6 the officer that interviewed you, that he got off around
7 midnight?

8 A Yes. That's second shift hours.

9 Q And you stated that you would -- that he never had a
10 key to your place ever; correct?

11 A Correct.

12 Q Did you always have dead bolts on your door?

13 A Correct.

14 Q You always did?

15 A Yes.

16 Q Okay. So if he never had a key to your house and due
17 to the previous altercation that caused you to breakup,
18 what made you change the locks if he never had a key in
19 the first place?

20 A I changed them because it was easy for you to get in
21 my door, like, you could easily pop the old -- you could
22 easily pop my old lock.

23 Q Even the dead bolt?

24 A No, not the dead bolt.

25 Q Would you previously use the dead bolt?

1 A Yeah, not all the time, though.

2 Q Okay. Isn't it true that -- and I'm sure that this
3 was tough for you. But back in -- on September 9th -- I'm
4 sorry, September 5th of 2018 -- so after you broke up with
5 JR, your house got burglarized; isn't that right?

6 A No -- oh, the stolen TV?

7 Q Yes.

8 A Yeah. I think my -- the house was in probate with
9 family issues.

10 Q Probate?

11 A Yeah, probate. So my aunt -- I think my aunt came in
12 and took it. I'm not sure.

13 Q Okay. And you called law enforcement when the TV was
14 stolen?

15 A Yes.

16 Q Okay. And you reported that on September 5th of
17 2018?

18 A Yes.

19 Q Did you change the locks after that burglary date,
20 the September 5th?

21 A I think so.

22 Q You think so. Okay. Going back to your testimony
23 today, you knew his -- JR's sister, one of his sister's,
24 Janisha; right?

25 A Yes.

1 Q Okay. Would you ever -- and I know that you stated
2 that JR never had a phone?

3 A Correct.

4 Q And that was true the entire time that you were in a
5 relationship with him?

6 A Yes.

7 Q How would the two of y'all communicate with each
8 other?

9 A Her phone.

10 Q Her phone?

11 A Yeah.

12 Q Okay. So you and JR would text each other through
13 Facebook messenger on Janisha's phone?

14 A I'm not sure if it was Janisha's phone. I think he
15 had a phone he could use Wifi on.

16 Q Through her account?

17 A On messenger?

18 Q Yes, ma'am.

19 A No. His own account. We would text each other from
20 his own account on messenger.

21 Q Okay. So you would never text him through Janisha's
22 account at all?

23 A If he -- if he wasn't online. If I didn't know -- if
24 I didn't know he was online, then I would reach out to his
25 sister to get in touch with him.

1 Q Okay. When would you say that you started talking to
2 him again after you broke up?

3 A I'm not sure. I think after the court date --

4 Q Okay.

5 A Yeah. After -- we still talked before the court
6 date, also.

7 Q All right. And would you -- would -- would it be
8 fair to say that you were still talking to him about a
9 week before this incident happened?

10 A Yes.

11 Q Okay. And that you would talk to Janisha -- I mean
12 to JR through Janisha's Facebook messenger account and say
13 things like, I love him. Will you tell me -- tell him I
14 love him, too? Will you, please, let me know when he is
15 okay?

16 A Yes.

17 Q Okay. And you talked about the -- did you talk about
18 the fact that your mom and you talked and she didn't mind
19 him staying there a few nights, but she just didn't want
20 him to move in until you start paying rent?

21 A Correct.

22 Q Okay. And this was a week before this incident that
23 we're here for today?

24 A I'm not sure of the exact time.

25 MS. MCNEILL: May I approach the witness?

1 THE COURT: Sure.

2 BY MS. MCNEILL:

3 Q I'm going to hand you some messages. Just take your
4 time and look over those.

5 THE COURT: Have they been previously marked?

6 MS. MCNEILL: No, sir.

7 THE COURT: Okay.

8 (Pause.)

9 BY MS. MCNEILL:

10 Q I'll take those back.

11 Thank you.

12 So is it fair to say that this -- that these messages
13 about him staying over a few nights and that your mom
14 wouldn't mind if he moved in until -- unless you started
15 paying rent, that was about a week before this incident
16 that we're here for today?

17 A Uh-huh.

18 Q Is that a "yes" --

19 THE COURT: You need to verbally respond.

20 THE WITNESS: Yes.

21 BY MS. MCNEILL:

22 Q And that your kids were, also, asking about where he
23 was and that they missed him?

24 A Correct. They formed a relationship.

25 Q Okay. And, also, in these text messages, he had

1 talked about that he would be over at 4:00 a.m. again in
2 order to pay you some money, or something; right?

3 A I don't recall.

4 Q If you would just look at the first text message.

5 MR. SCOTT: Judge, I -- at some point, the Defense
6 needs to show me before --

7 Ms. MCNEILL: Sure.

8 MR. SCOTT: -- they introduce them or before they
9 continue --

10 THE COURT: All right. Let -- let's do this.

11 Ms. McNeill, get the paperwork back from the witness
12 and let Solicitor Scott take a -- take a look at it,
13 please.

14 (Pause.)

15 MR. SCOTT: Your Honor, I think if -- this is
16 purportedly a conversation between the witness and another
17 individual. I think she could probably testify if she
18 remembers it, if she can refresh her memory and
19 acknowledges that she made those statements to anybody
20 she's saying.

21 The person she's texting with is somebody other than
22 the Defendant. And I would object to any further hearsay.

23 MS. MCNEILL: This is actually --

24 MR. SCOTT: It hasn't been authenticated yet either.
25 But if she can adopt the statements that are attributed to

1 her and she adopts those as her own --

2 THE COURT: Sure.

3 MR. SCOTT: -- I don't have a lot of problem with her
4 questioning --

5 THE COURT: Right. I think that's permissible.

6 Is that an accurate accounting of some messaging back
7 and forth between her and somebody else? Yes. It is what
8 you said? Is that correct? Did you say that? Something
9 like that. Yeah, whatever she said. I just don't think
10 it can be repeated as far as this third person, whoever
11 that may be, the mom, or somebody.

12 MS. MCNEILL: This is, actually, a text message
13 between her and JR.

14 MR. SCOTT: Well, that's not how it reads to me.
15 She --

16 THE WITNESS: It's a --

17 THE COURT: Wait a minute, ma'am.

18 Just -- just lay the foundation. If she -- if she
19 says that's a conversation between me and the Defendant,
20 or me and somebody else. I mean, I don't know.

21 MR. SCOTT: Right. And there's no phone numbers or
22 any attributing identifiers on there. Again, if she can
23 accept that --

24 THE COURT: Sure.

25 MR. SCOTT: -- then I'll let her testify --

1 THE COURT: Sure.

2 Just kind of lay a foundation, Ms. McNeill --

3 MS. MCNEILL: Sure.

4 THE COURT: -- and just see what -- see what the
5 witness will acknowledge or not acknowledge.

6 BY MS. MCNEILL:

7 Q I'm going to give you this back. Okay. Do you
8 recognize the handle, the Bobbylil Sis?

9 A Can you say that again? Repeat that.

10 Q Sure. What is your Facebook profile name?

11 A Bobbylil Sis.

12 Q Okay. At the top of that page that you're looking
13 at, what does that say?

14 A Bobbylil Sis.

15 Q Okay. Is that your Facebook account?

16 A Yes.

17 Q Did you send those messages?

18 A Yes.

19 Q Okay. And the first message that you see -- or I'm
20 sorry. The first couple of messages that you see in the
21 blue, who are those from?

22 A JR.

23 Q Okay. So you recognize his messages?

24 A Yes. Some of them.

25 Q Some of them. Okay. I'll take that back from you,

1 please.

2 The message that you saw from JR, it talks about him
3 coming over at 4:00 in the morning, does it not?

4 A The first one does, yes.

5 MS. MCNEILL: Yes, ma'am.

6 Your Honor, at this time, I would move to admit these
7 into evidence as Defense Exhibit No. 1. The statements --
8 the one statement from his sister responding to her is not
9 going to the truth of the matter asserted.

10 THE COURT: Okay. Well, I'm going to need to --
11 unless the State has an objection -- if they have an
12 objection to the sister's part, then I'll just -- I'll
13 need to look at it.

14 MS. MCNEILL: Sure.

15 THE COURT: What does the State say?

16 MR. SCOTT: Judge, I -- I'm sorry. I've never seen
17 the document. Would -- would you mind the Court's
18 indulgence just to review it briefly one more time?

19 THE COURT: Yeah, yeah. Go ahead. Take your time.

20 MR. SCOTT: I apologize.

21 THE COURT: Not a problem.

22 (Pause.)

23 MR. SCOTT: No objection.

24 THE COURT: All right. Without objection, Defense
25 Exhibit No. 1 into evidence.

1 (WHEREUPON, Defense Exhibit No. 1 was marked for
2 identification and admitted into evidence.)

3 BY MS. MCNEILL:

4 Q You said that he was paying you restitution for a
5 previous altercation?

6 A Correct.

7 Q And that he would pay you on Fridays?

8 A Correct.

9 Q And sometimes, he would come over to your house to
10 pay that; is that right?

11 A Correct.

12 Q And sometimes, you would go over to maybe his
13 sister's house, or have a meeting place elsewhere?

14 A Yes.

15 Q You testified today that you still had a civil
16 relationship with him; right?

17 A Yes.

18 Q Okay. And that you had no bad feelings towards JR?

19 A Correct.

20 Q And you had, also, told Ms. Farrah Cook -- Officer
21 Farrah Cook when you were interviewed by her that he was,
22 actually, a good guy and would give you the shirt off his
23 back?

24 A Correct.

25 Q And where did you meet Sergio again?

1 A ZF.

2 Q And y'all worked the same shift?

3 A Correct.

4 Q And you testified today that you did not develop
5 feelings for Sergio; is that right?

6 A Correct.

7 Q And that this was not a sexual relationship at all
8 that you had with Sergio?

9 A Yes.

10 Q Did you ever text back and forth with Sergio?

11 A Yes, we flirted.

12 Q You -- you -- I'm sorry.

13 A We flirted.

14 Q Flirted. How did you flirt?

15 A By messages. That's about it. We never did -- that
16 was my first time, actually, seeing him outside of -- of
17 work.

18 Q Did you ever --

19 MR. SCOTT: Your Honor, just briefly. Objection to
20 the relevancy of this line of questioning. It neither
21 shows tendency for guilt or any kind of exculpatory
22 evidence. So I'll object to the relevances of her sexual
23 relationship with the victim in this case. I fail to see
24 the relevancy in how this pertains to either guilt or
25 innocence.

1 THE COURT: Well, I think -- and I'm not speaking for
2 Ms. McNeill. But I think it's just in response to what
3 was brought out in direct as far as them in the bedroom
4 sleeping, that sort of thing.

5 I'll -- I'll overrule the objection and allow
6 Ms. McNeill to pursue this.

7 BY MS. MCNEILL:

8 Q So you had previously testified today that you had a
9 non-sexual relationship?

10 A Yes.

11 Q And now you're saying that you would text back and
12 forth -- forth in a flirtacious way?

13 A Correct.

14 Q Okay. Would any of these text messages include any
15 sort of pictures of yourself or of himself?

16 A Probably.

17 Q Okay. What kind of pictures would you send him?

18 A I'm not sure. I don't recall.

19 MR. SCOTT: Judge, I just -- probably a sidebar.

20 THE COURT: Okay.

21 (WHEREUPON, a sidebar was held in the hallway.)

22 THE COURT: All right. Ladies and gentlemen, this is
23 another time where I have to send you back. I appreciate
24 your patience and understanding. And we'll get you back
25 out shortly. Okay.

CONTINUED CROSS-EXAMINATION

BY MS. MCNEILL:

Q Okay. Crystal, when the jury was here before and we last left off, I had asked you if you had ever sent pictures back and forth and you said you don't recall; correct?

A Yes.

Q So I'm showing these pictures to you. Does that refresh your memory?

A Yes.

Q Okay. So I'm going to show you what I need to have marked as -- for ID purposes only, Defense Exhibit No. 1.

THE COURT: It will be Defense Exhibit No. 2.

MS. MCNEILL: Oh, Defense Exhibit No. 2. I'm sorry. And for ID purposes only, Defense Exhibit No. 3.

(WHEREUPON, Defense Exhibit Nos. 2 and 3 were marked for identification only.)

BY MS. MCNEILL:

Q I'm going to show you this picture. Do you recognize that picture?

A Yes, I do.

Q Okay. Who is that a picture of?

A Me.

Q And what are you wearing in that picture?

A I am wearing a black bra and black panties, full-cut

1 panties.

2 Q Is that a photo that you sent to Sergio?

3 A Yes.

4 Q Okay. Thank you.

5 I'm now going to show you what's been marked for ID
6 purposes only as Defense Exhibit No. 3. Do you recognize
7 that photograph?

8 A Yes, ma'am.

9 Q Okay. Is that a photograph that Sergio sent to you?

10 A Yes, he did.

11 Q What is that photograph of?

12 A His private.

13 Q Okay. So you had testified that you only had a
14 friendship and not a sexual relationship; correct?

15 A Correct.

16 Q Did y'all ever talk about getting a room together?

17 A Yes. It was brought up.

18 Q Okay. Would that have been something that was
19 brought up a couple of different times?

20 A I'm not sure.

21 Q But it is something that you guys would talk about,
22 getting a room together?

23 A We had, yes.

24 Q All right. So let's move on. So the night that this
25 incident that led us here today, the night that that

1 occurred, you had stated to Mr. Scott on testimony today
2 that you were trying to go to Champions nightclub that
3 night?

4 A Yes. I was trying to get out of the house.

5 Q Okay. And that, also, JR was, also, going to be at
6 Champions; correct?

7 A I'm not sure.

8 Q Okay. You don't remember saying that you knew
9 Lutavious was at Champions?

10 A I had heard that he was there.

11 Q And why did you not to go to Champions that night?

12 A I couldn't find a ride out of the house.

13 Q And so you had stated that Sergio arrived at your
14 house around 1:00 to 1:15 a.m. that night?

15 A No. I said 1:00.

16 Q 1:00?

17 A He arrived around 1:00.

18 Q Okay. 1:00 a.m.?

19 A Yes.

20 Q And when he got there, y'all hung out in your
21 bedroom?

22 A Yes.

23 Q And you sat and you watched TV and talked about his
24 wife and children?

25 A Correct.

1 Q You said that you had a beer, but he didn't drink?

2 A Correct.

3 MS. MCNEILL: I beg the Court's indulgence.

4 THE COURT: Sure. Take your time.

5 (Pause.)

6 BY MS. MCNEILL:

7 Q This was a Friday night, wasn't it, Friday night,
8 early Saturday morning hours?

9 A Yes. I think so.

10 Q Same time that JR was supposed to pay you restitution
11 on Fridays; right?

12 A No. I said JR came -- it wasn't a specific time. He
13 came in the afternoon.

14 Q Okay. But on Fridays usually?

15 A Correct.

16 Q And when you [sic] got there after watching TV, you
17 said that Sergio fell asleep first?

18 A He said he was going to take a nap. Yes, I did.

19 Q Okay. And then, eventually, you fell asleep?

20 A Correct.

21 Q Okay. And that you have no idea how JR would have
22 gotten into your house?

23 A Correct.

24 Q And I think that the State asked you about a window,
25 State's Exhibit No. 10.

1 THE COURT: Are you going to pull it up on the smart
2 board and...

3 BY MS. MCNEILL:

4 Q Okay. So this is a window that goes into your
5 kitchen; is that right?

6 A Yes, it is.

7 Q And this is the window that you assume JR could have
8 gotten into?

9 A Yes.

10 Q Is it fair to say that there's a couple of different
11 windows in your house that are -- don't lock?

12 A Just the -- that one and a front -- a front one in my
13 living room.

14 Q Okay. And you said that JR had come through a window
15 before. You had told him to come through a window before?

16 A Yes.

17 Q Okay. You, also, told Investigator Farrah Cook
18 during one of your interviews that you sometimes went
19 through the window?

20 A Right.

21 Q And so at this kitchen window, there's a lot of stuff
22 underneath the window?

23 A Correct.

24 Q Including this ladder which is leaning on a table.

25 And it's not very clear if it's touching the house or not;

1 right?

2 A Wrong.

3 Q You think it is touching the house?

4 A No. I said earlier that the ladder was not on my
5 back porch up against that table.

6 Q Right. My question was, looking at this picture, you
7 see a ladder leaning on the table?

8 A Yes, I do.

9 Q Okay. And you see a bunch of different bottles.
10 This looks like a bottle of bleach, a gas can, another
11 window screen, that sort of thing?

12 A Yes.

13 Q Okay. And --

14 MS. MCNEILL: I beg the Court's indulgence.

15 (Pause.)

16 MS. MCNEILL: May I approach?

17 THE COURT: Sure.

18 BY MS. MCNEILL:

19 Q Okay. Crystal, I'm going to show you another
20 photograph. What is that a photograph of?

21 A My kitchen.

22 Q Is that a fair and accurate representation of your
23 kitchen?

24 A Yes, it is.

25 MS. MCNEILL: Okay. Can I, please, have that photo?

1 I'm going to show it to the State.

2 MR. SCOTT: No objection.

3 THE COURT: Okay. That -- are you moving that into
4 evidence?

5 MS. MCNEILL: Yes. I'm moving this into evidence,
6 Defense --

7 THE COURT: That'd be Defense Exhibit No. 4.

8 MS. MCNEILL: Thank you.

9 (WHEREUPON, Defense Exhibit No. 4 was marked for
10 identification and admitted into evidence.)

11 BY MS. MCNEILL:

12 Q Crystal, are you able to see that fairly well from
13 where you are?

14 A Yes.

15 Q So is -- that window that we just looked at from the
16 outside of your house, is that the window that's right
17 here?

18 A Yes, it is.

19 Q Okay. And down here, what is this?

20 A Just a trash bag.

21 Q Okay. And this is what?

22 A A microwave.

23 Q Okay. And all of this, did you put this here?

24 A No.

25 Q Okay. But this is a fair and accurate representation

1 of your kitchen?

2 A Yes.

3 Q Okay. So here we see upright bottles on top of the
4 microwave, a toaster oven. And it's all kind of coming --
5 or right in front of the kitchen window that was open?

6 A It's right by the edge of the window.

7 Q Okay. You testified that your window doesn't lock
8 and a lot of people know that it doesn't lock; is that
9 right?

10 A That's right -- well, not a lot of people, but
11 certain people.

12 Q Okay. When you got your dead bolts fixed, you went
13 through some trouble to do that. Why did you not fix the
14 locks on your window for safety reasons?

15 A Because I fixed the dead bolt myself and it wasn't a
16 lot of trouble.

17 Q Okay. I want to talk about the knife that you saw JR
18 with when he confronted -- or Sergio confronted JR. Do
19 you recognize -- I'm going to hand you this photo. Does
20 that look like a knife that you recognize?

21 A Yes.

22 Q Okay. Is that the knife that you, initially, talked
23 about having a brown handle, the pocket knife?

24 A I'm not a hundred percent sure.

25 Q You're not a hundred percent. How do you recognize

1 it then?

2 A The -- the handle and the blade.

3 MS. MCNEILL: Okay. Your Honor, I'd like to
4 introduce this into evidence.

5 THE COURT: And what says the State?

6 MR. SCOTT: She said she recognized it. But I don't
7 know if she was able to draw any kind of connection.

8 THE COURT: Yeah. Try -- try to see if she's able
9 to. I don't know. But see if she's able to make some
10 connection to -- to the case.

11 MS. MCNEILL: Sure.

12 BY MS. MCNEILL:

13 Q I'm going to show you this photograph again. Where
14 do you recognize that knife from?

15 A I think it's a knife JR had had before.

16 Q Had before?

17 A (There was no verbal response.)

18 MS. MCNEILL: Okay. Your Honor, I'd like to move
19 this into evidence.

20 THE COURT: All right. State?

21 MR. SCOTT: No objection, Your Honor.

22 THE COURT: All right. Without objection, Defense
23 Exhibit No. 5 into evidence for the Defense.

24 (WHEREUPON, Defense Exhibit No. 5 was marked for
25 identification and admitted into evidence.)

1 BY MS. MCNEILL:

2 Q State's Exhibit No. 59 --

3 THE COURT: Ms. McNeill, when you can --

4 MS. MCNEILL: Yes, sir.

5 THE COURT: -- get to maybe a good stopping point
6 since I've kind of promised the jury we'd take a little
7 bit more frequent breaks, I don't want -- you know, just
8 when you get to a good stopping point, then we're going to
9 take a short break.

10 MS. MCNEILL: Sure.

11 THE COURT: Just whenever that is.

12 MS. MCNEILL: Sure.

13 BY MS. MCNEILL:

14 Q This is State's Exhibit No. 59, the kitchen knife
15 that you said looked like your kitchen knife; right?

16 A Yes.

17 Q Okay. So -- and this, I believe, is the same knife
18 that was found on your kitchen table in your house; right?
19 Or you don't know?

20 A Correct. I don't know.

21 Q Okay. Notice that the knife is bent on the blade.
22 How did that happen?

23 A I have no idea.

24 Q Did you previously tell officers that you saw JR bend
25 the knife?

1 A I'm not sure. It was two years ago.

2 MS. MCNEILL: You're not sure. Okay.

3 Your Honor, we can go ahead and take a break now
4 before I move on.

5 THE COURT: Okay. Ladies and gentlemen, we're going
6 to take a short break. If you need to get a breath of
7 fresh air, go outside for just a second. This won't be
8 long. But I just wanted to give you a break so you can
9 remove your mask, if you need to.

10 Remember, no discussions. And see you back out in a
11 few minutes.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 3:38 p.m.)

14 (WHEREUPON, a break was taken.)

15 (WHEREUPON, Defense Exhibit Nos. 6 and 7 were marked
16 for identification only.)

17 THE COURT: All right. Mr. Bolt, if you would bring
18 the jury out, please, sir.

19 (WHEREUPON, the jury came into open court at
20 approximately 4:01 p.m.)

21 THE BAILIFF: All jurors present, Your Honor.

22 THE COURT: All right. Thank you, Mr. Bolt.

23 Ms. McNeill, are you ready to continue with your
24 cross-examination?

25 MS. MCNEILL: Yes, sir.

1 BY MS. MCNEILL:

2 Q Crystal, the last thing that we talked about was this
3 kitchen knife right here. Did he -- did JR bend the knife
4 in front of you or not?

5 A I -- I don't recall. I'm not sure.

6 Q You don't remember if somebody bent a knife in front
7 of you?

8 A No, I don't.

9 Q Okay. You wouldn't have ever lied to the police,
10 though, about anything; right?

11 A No. Again, this was two years ago.

12 Q Okay. I understand. Going back to your testimony
13 from today, you said that you saw JR pull out a knife and
14 you ran out the front door; is that right?

15 A Correct.

16 Q Okay. And you could see a pocket knife?

17 A I could see the handle. I didn't say -- I seen him
18 flipping something. I seen the handle. And then I seen
19 him trying to flip it.

20 Q Okay. But you're not in the habit of ever leaving
21 any sort of kitchen knife in your bedroom; is that right?

22 A No.

23 Q All right. So you ran out the front door. And where
24 did you run to?

25 A My next door neighbor's garage.

1 Q Okay. Were any lights on in their house?

2 A I think the kitchen light was on.

3 Q Okay. Did you knock on the door?

4 A No, I didn't.

5 Q Why not?

6 A How could I? If -- by the time I ran out of the
7 house and had knocked on my next door neighbor's door, JR
8 would have caught me by then and --

9 Q Okay. So you decided to hide for awhile by a truck,
10 instead of simply knocking on the door. That's what
11 you're saying?

12 A Correct.

13 Q Okay. And how long would you say that you hid
14 underneath that carport behind the truck for?

15 A It wasn't long. I'm not sure.

16 Q All right. You stated that you heard footsteps
17 coming towards you back and forth?

18 A Yes.

19 Q All right. From JR. And he wasn't wearing any shoes
20 at this point?

21 A Correct.

22 Q So you heard him running barefoot is what you told
23 officers?

24 A Correct.

25 Q That you heard him running barefoot?

1 A Correct.

2 Q Okay. You told -- you testified today that you did
3 not drag Sergio's body at all?

4 A No.

5 Q That JR did this?

6 A Correct.

7 MS. MCNEILL: I beg the Court's didn't indulgence.

8 THE COURT: Sure. Take your time.

9 (Pause.)

10 BY MS. MCNEILL:

11 Q Okay. So the last thing you remember is JR was
12 punching Sergio. You ran. And when you came back, that's
13 when he told you to help him move the body, and stuff?

14 A After we got in the house and he told me that Sergio
15 was already dead and that he had killed him, yes.

16 Q Okay. And you testified today that you couldn't move
17 the body because Sergio was too heavy?

18 A I said Sergio was a big guy. There's no way I can
19 move his body.

20 Q Okay. I'm going to ask you to tell me again, was --
21 or to tell us again, was Sergio face down or laying on his
22 back when he was dragged?

23 A Sergio was on his back.

24 Q On his back. Okay. And your testimony today was
25 that JR dragged Sergio head first down the hall?

1 A Yes, he did.

2 MS. MCNEILL: Mr. Shaffer, would you mind standing up
3 here, please?

4 All right. So, Mr. Shaffer, can you, please, get on
5 the floor?

6 BY MS. MCNEILL:

7 Q And you're saying that Sergio was not -- not in the
8 fetal position anymore; right?

9 A When?

10 Q When he was getting dragged.

11 A Correct.

12 Q Okay. So he was laying flat on his back?

13 A Correct.

14 Q Okay. Kind of like Mr. Shaffer -- you can stand up,
15 ma'am, if you can't see.

16 A Yes.

17 Q Okay. And, at first, JR, you testified, tried to
18 grab Sergio by his shirt to drag him?

19 A Not by his chin. If he -- the shirt by his
20 shoulders.

21 Q Okay. And he was a big guy, Sergio?

22 A Correct.

23 Q Okay. So the shirt would probably have ripped if
24 he'd continued that way?

25 A That's when he reached up under his arms.

1 Q Okay. So he has his arms out.

2 I'm, actually, going to try this. All right.

3 A I said he reached up under his arms.

4 Q Under his arms. Okay. Well, for purposes of this,
5 I'm just going to see if I can, actually, drag
6 Mr. Shaffer.

7 So you're saying that JR pulled Mr. Shaffer [sic] and
8 dragged him down the hallway into the kitchen?

9 A Correct.

10 MS. MCNEILL: Thank you, Mr. Shaffer, for being a
11 good sport.

12 BY MS. MCNEILL:

13 Q If he drug him from up under his arms, was the top
14 part of his body kind of sitting up, or was he kind of
15 being lifted up to be dragged?

16 A No. His head was, like, dangling.

17 Q His head was dangling?

18 A Backwards.

19 Q Okay. So that means his shoulders were probably off
20 the ground a little bit?

21 A Yeah.

22 Q You testified today that you didn't feel anything or
23 any emotion when all this was going on. You didn't cry or
24 scream; right?

25 A I testified and said that I couldn't feel because I

1 was scared.

2 Q Okay. And you didn't scream or cry?

3 A No, I didn't.

4 Q Okay. And you testified today that JR had said that
5 you cheated on him?

6 A Yes, I did.

7 Q Okay. I assume that meant with Sergio?

8 A Said -- JR said a lot of stuff.

9 Q But for this purpose.

10 A It was a lot of stuff said, so.

11 Q Okay. And JR didn't say where he had been watching
12 you for two hours?

13 A I'm not sure. The main thing I remember is him
14 telling me that he had been watching us for two hours.

15 Q I'm going to pull up State's Exhibit No. 9, which is
16 the window at your bedroom. So this is State's Exhibit
17 No. 9. Are you able to see it from there, Crystal?

18 A Yes, I can.

19 Q This is the bedroom window I believe that Mr. Scott
20 was talking to you about when you testified today;
21 correct?

22 A Yes.

23 Q Okay. And this is the stump that you said was
24 usually laying horizontal, instead of vertically?

25 A Correct.

1 Q Okay. Are your bedroom -- this is your bedroom
2 window?

3 A Correct. My bedroom has two bedroom windows, one,
4 like, on the front side, too.

5 Q Okay. And these curtains are closed?

6 A You could still see through them, if you're on the
7 outside of my window. There's a crack. They don't close
8 all the way. If you see at the top of the window, there's
9 a crack. That crack goes all the way down. You can see
10 partially through my curtains.

11 Q Partially?

12 A Yes.

13 Q So it's a bit of an obstructed view?

14 A I wouldn't say obstructed. But, like, you could see
15 partially through it.

16 Q Okay. You stated that Sergio was wearing a shirt
17 that was black with red, and gold, and a shark's mouth,
18 and stars on it?

19 A No, ma'am, I did not. I said JR had that shirt on.

20 Q I'm sorry. You're right. JR had that shirt on;
21 correct?

22 A Yes, ma'am.

23 Q Okay. And that it was on inside out?

24 A Correct.

25 Q How did you know what was on that shirt if he was

1 wearing it inside out?

2 A If you look at the shirt on the exhibit, you can see
3 that there's bold stitching. So any time you have a cloth
4 shirt with bold stitching like the shirt that JR had, you
5 can see the stitching and the color on the outside of --
6 on the inside of the shirt.

7 Q Right. But you described that in pretty good detail,
8 red, gold, shark's mouth, and stars on it; right?

9 A Correct.

10 Q Okay. But it was inside out?

11 A Correct.

12 Q You, also, stated he was wearing a white thermal
13 underneath that shirt?

14 A Yes, ma'am.

15 Q How did you know he was wearing a white thermal
16 underneath that shirt that was inside out?

17 A I seen it.

18 Q Okay.

19 A The thermal was long sleeve. So the other shirt was
20 short sleeve. It's easier to see a long sleeve up under a
21 short-sleeve shirt.

22 Q Okay. And you stated that the shoes were on the back
23 porch by your steps; is that right?

24 A Correct.

25 Q Do you remember if it was chilly out that night?

1 A It was.

2 Q It was. And you said he wasn't wearing a jacket in
3 your house?

4 A Correct.

5 Q You're stating that JR told you to take Sergio out
6 the back door and set him on fire within 40 minutes; is
7 that right?

8 A Yes, ma'am.

9 Q Okay. And so even though you had already stated to
10 JR that you couldn't move the body because Sergio was too
11 big, he still is going -- and after he drug him to the
12 kitchen, he still insisted on asking you to do all that
13 work?

14 A Correct. Because he had already said that part of me
15 was going to be on my hands. And I was going to help him
16 get rid of the body.

17 Q And he expected you to move a body you told him you
18 couldn't move?

19 A Correct.

20 Q And so you did do things that acted like you were
21 helping JR?

22 A Yes, I did.

23 Q Okay. And I understand you said that you have gloves
24 in your bedroom because you have psoriasis?

25 A Yes, ma'am.

1 Q All right. So you probably have a stash of them to
2 use frequently?

3 A I have a box, yeah.

4 Q A box?

5 A My mother cleans schools so I got them easily.

6 Q Okay. And that you went to your back bedroom and got
7 your gloves. And then you saw your cell phone at that
8 point?

9 A Yes, ma'am.

10 Q All right. And you stuffed it in your shorts and
11 went back to the kitchen; is that right?

12 A Yes.

13 Q At what point in time did you change clothes?

14 A I changed clothes before Sergio was already out of
15 the room. So before -- before JR put his shoes on, I
16 changed clothes.

17 Q Where were you when JR was putting his shoes on?

18 A I walked up to the front with him. I seen him grab
19 his shoes off the back porch.

20 Q So you saw Sergio -- I'm sorry -- JR get his shoes
21 off the back porch. And where did -- where in your house
22 did he put them on?

23 A I think in the kitchen, like, in between the kitchen
24 and the doorway -- the doorway to the -- go out the back
25 door and in the kitchen.

1 Q Okay. And -- and where exactly were you at during
2 that time when he was putting shoes on?

3 A I was, basically, walking back and forth. It took me
4 a minute to put my clothes on. I was walking back and
5 forth trying to figure out was I -- what I was going to
6 do.

7 Q Okay. Where was JR when you were changing your
8 clothes?

9 A I think he was still in the bedroom. I'm not sure.

10 Q You're not --

11 A I -- I didn't really change. I just put pants on top
12 of the shorts I had. And I put on a half hoodie and some
13 boots.

14 Q Okay. And when you said you were pacing back and
15 forth, where exactly were you? Were you pacing back and
16 forth in your hallway?

17 A Up and down the hallway.

18 Q Okay. And at this point, this was after you came
19 back from the carport; correct?

20 A Yes.

21 Q How long do you think this whole thing lasted?

22 A To me, it lasted forever. I -- I can't give you a
23 time limit.

24 Q Okay. Would you agree with me that it's possible
25 that you told an officer when you were being interviewed

1 that it lasted probably about 45 minutes?

2 A Yeah. That could be possible.

3 Q Okay. And so then you stated that Sergio grunted
4 when you went back into the kitchen; right?

5 A Yes.

6 Q And JR said, Wait?

7 A Yes.

8 Q And then you testified today that you suggested
9 putting him in a car and saying that they found him on the
10 side of the road; is that right?

11 A Yes, ma'am.

12 Q Okay. And JR is the one that gave you the car keys
13 to Sergio's car?

14 A Yes, ma'am.

15 Q Okay. How did JR end up with those keys?

16 A I wouldn't know.

17 Q And so then when you went out to that car, you told
18 officers that you sat in that car and waited to see if JR
19 was going to come out of the house and he never did?

20 A Yes, ma'am.

21 Q Okay. And so then at that point, you left?

22 A Correct.

23 Q At what point did you call 911? Was it when you were
24 sitting in the car by yourself waiting on JR?

25 A I testified earlier and said that when I got to the

1 top of Easy Road, I called the police.

2 Q Okay. So the top of Easy Road. How long does it
3 take you to get from your house to the top of Easy Road?

4 A Maybe a minute or two.

5 Q A minute or two. And then I believe you testified it
6 took you five minutes to get to the AMPM because you were
7 speeding; is that right?

8 A I said it was probably around five to 10 minutes.
9 Yeah. I'm not sure.

10 Q I'm sorry. I believe you said five minutes. My
11 apologies.

12 A In an event like that, you're not, actually, timing
13 yourself to see how long it takes to get to a certain
14 place. What I can say is that on a regular drive from
15 where I stay to the AMPM, it probably took maybe five to
16 seven minutes. And that's on a regular drive.

17 Q Okay.

18 A It's not that far.

19 Q All right. And the 911 call that was played today,
20 that lasted about nine minutes; right?

21 A I guess.

22 Q Okay. And so if you called 911 in about one to two
23 minutes at the top of Easy Street [sic], it takes you five
24 minutes to get to AMPM. The 911 call lasted nine minutes.
25 Officers showed up pretty quickly to AMPM; right?

1 A Yeah. I waited for a while at AMPM, and then they
2 came.

3 Q Right. About nine minutes, according to the 911
4 call; is that right?

5 A If that's what the 911 call shows.

6 Q So -- and on that 911 call, you stated, I ran out of
7 the house. I took the keys I seen and ran out of the
8 house and got in the car and left; right?

9 A If that's what it played, yeah, that's what I said.

10 Q Do you want us to play it again?

11 A No need.

12 Q Okay. So in that case, you didn't say that JR gave
13 you the keys, did you?

14 A No. I was in an adrenaline rush and I was scared,
15 no, I didn't.

16 Q Okay. So you just said you took the keys that you
17 had seen and left; right?

18 A If that's what it says.

19 Q And you stated that you didn't know -- when -- when
20 the dispatcher asked you about the -- what had happened
21 and who this victim was, you said that his first name was
22 Sergio, but you didn't know his last name at that time,
23 did you?

24 A No.

25 MS. MCNEILL: I beg the Court's indulgence.

1 THE COURT: Sure.

2 (Pause.)

3 BY MS. MCNEILL:

4 Q Crystal, I'm going to show you a photograph. Do you
5 recognize this in that photo, that belt, piece of belt?

6 A Yes.

7 Q Whose belt does that belong to?

8 A Me.

9 Q Thank you.

10 And this is in the burn pile?

11 A Uh-huh.

12 MS. MCNEILL: Your Honor, I'd like to offer this as
13 State's -- I'm sorry, Defense Exhibit --

14 THE COURT: No. 6 [sic].

15 MS. MCNEILL: -- No. 6 into evidence.

16 MR. SCOTT: Without objection.

17 THE COURT: Without objection.

18 And it's a picture of what, Ms. McNeill?

19 MS. MCNEILL: It's a picture of Ms. Crystal Bluford's
20 belt --

21 THE COURT: Belt.

22 MS. MCNEILL: -- in the burn pile.

23 THE COURT: Into evidence, Defense Exhibit No. 6.

24 (WHEREUPON, Defense Exhibit No. 8 was marked for
25 identification and admitted into evidence.)

1 BY MS. MCNEILL:

2 Q When you left -- you left and Sergio was still in the
3 kitchen; correct?

4 A Yes.

5 Q There was nothing on fire at that time?

6 A No.

7 Q All right. And so Sergio was in the kitchen, and
8 that's the last time you saw him, and that's the last time
9 you saw JR?

10 A Correct.

11 Q All right. And I know that you have kept saying --
12 or said a few times, it was a long time ago, it was two
13 years ago; right?

14 A Yes.

15 Q Okay. Is it safe to say that you have forgotten some
16 things since that 911 call and since the interview by
17 Farrah Cook?

18 A I've forgotten minor stuff. The -- the incident
19 itself and what happened, I did not forget.

20 Q Okay. And to -- so today, you may not remember
21 absolutely everything?

22 A Correct.

23 Q All right. And -- but there -- is there any reason
24 that statements given to law enforcement back when this
25 did happen would be untrue?

1 A No.

2 MS. MCNEILL: No further questions.

3 THE COURT: Okay. Solicitor, do you have some
4 redirect?

5 MR. SCOTT: Yes, sir. I don't know if you want to
6 take a break or not, but it shouldn't be too long.

7 THE COURT: Let's -- let's go for a while.

8 MR. SCOTT: Okay.

9 THE COURT: And then maybe when you get to a good
10 break point, then we can maybe take another little short
11 recess.

12 MR. SCOTT: Okay.

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q This Defense Exhibit No. 1 they're going to submit to
16 the jury, these are texts between you and JR?

17 A They look like it.

18 Are those supposed to be Facebook -- Facebook
19 messages?

20 Q I don't know. The Defense showed it to you and you
21 said you recognized it. I think you said the blue were
22 JR's words?

23 A Yeah, yes.

24 Q Could you read -- read what JR was messaging you?

25 A I ain't going to do nuttin [sic] to you. Already in

1 enough trouble as it is. I just hate I think about you a
2 lot. I don't care. And I'm cool with what -- with that.
3 I just hate I love hard. And when I don't hear from you,
4 I think something. But you know that. So just put my
5 things on the side of the road. I don't care if it rains
6 or not. Gotta [sic] learn how to stop caring for you and
7 worrying about you like I do. But I will be over --

8 THE COURT: Slow -- slow down. Slow down, please.

9 THE WITNESS: Do you want me to read this last part?

10 BY MR. SCOTT:

11 Q I think so. I think the Judge wants you to slow down
12 and read that last part.

13 A The next to the last thing, So just put my things on
14 the side of the road. I don't care if it rains or not.
15 Gotta learn how to stop caring for you or worrying about
16 you like I do. But I will be over the -- at 4:00 a.m.
17 again since you wasn't there the last time.

18 Q What's the date?

19 A October 7th, 2018.

20 Q What's he talking about when he says he's in enough
21 trouble already?

22 A A previous altercation.

23 Q Okay. And he says he's got to stop loving you too
24 hard. Was that a problem in y'all's relationship that he
25 loved you too hard --

1 MS. MCNEILL: Objection, Judge.

2 MR. SCOTT: This is their exhibit.

3 THE COURT: It's in response to a -- Defense Exhibit
4 No. 1. I'll overrule the objection and allow you to
5 continue.

6 BY MR. SCOTT:

7 Q Those are his words to you, that he needed to stop
8 loving you too hard?

9 A Yes, sir.

10 Q What did that mean in your relationship with
11 Lutavious Elmore?

12 A He was overprotective, jealous.

13 Q Jealousy was a big issue?

14 A Yes.

15 Q I think he talks about you not answering the phone
16 there?

17 A Yes.

18 Q What would happen when you didn't answer his calls?

19 A It would be an altercation, or a big argument, or he
20 would just pop up just to see if I was home or what I was
21 doing.

22 Q Okay. So now, is this during the time when y'all are
23 boyfriend-girlfriend?

24 A Yes.

25 Q There -- there was occasions where he would call you

1 or text you and you didn't respond?

2 A Yes.

3 Q And what -- how would he respond when you didn't
4 answer him?

5 A Once before, I had came home from a club and he was
6 in my house. And I hadn't told him to come to the house.
7 We would get into an argument the next day, a very bad
8 argument, just...

9 Q So is it safe to say this jealousy is what ended the
10 relationship?

11 A Yes.

12 Q Is it -- is it safe to say that you don't just turn
13 off feelings for somebody, though? Is that fair to say?

14 A Correct.

15 Q Is that fair to say with Mr. Elmore?

16 A Yes.

17 Q You didn't deny you still had feelings for him?

18 A Yes, I did.

19 Q But you couldn't be in a relationship with him?

20 A No.

21 Q And was the jealousy the main issue?

22 A Yes.

23 Q Okay. And I think if you go on in your messages with
24 him, you say you want to be friendly with him, you want to
25 hang with him, but -- let me see it real quick, Crystal.

1 Are these your words, Hey, tell JR I asked about him?

2 A Yes.

3 Q And that I hate that he took what I was saying the
4 wrong way. I was just saying until this shit gets
5 straightened out, I can still be his woman, even if we
6 don't live together.

7 A Yes.

8 Q But he flipped. But anyway, he would just -- we
9 don't live together, but he flipped. So, anyway, he was
10 just on my mind --

11 MS. MCNEILL: Objection, Judge. Reading.

12 BY MR. SCOTT:

13 Q Would you read it for me, please?

14 THE COURT: Okay.

15 THE WITNESS: We don't live together, but he flipped.
16 So, anyway, he was just on my mind, so I texted the
17 closest person to him. Thanks. Oh, tell him I love him
18 still, too.

19 BY MR. SCOTT:

20 Q Okay. What does it mean that he flipped?

21 A He stated I -- he got -- how can I say it?

22 Q I think you can answer that now. Because that is
23 something the Defense --

24 MS. MCNEILL: Objection, Judge.

25 THE COURT: Okay. What is the question, Solicitor?

1 MR. SCOTT: This is a Defense Exhibit.

2 THE COURT: Right. And she was reading, I think,
3 maybe what she posted or texted.

4 MR. SCOTT: She talks about him flipping. And I want
5 to know what that means.

6 MS. MCNEILL: Judge, I'd like a sidebar, please.

7 THE COURT: Okay.

8 (WHEREUPON, a sidebar was held in the hallway.)

9 THE COURT: Okay. You may proceed, Solicitor.

10 BY MR. SCOTT:

11 Q All right. So he flipped. And is that what led to
12 the breakup?

13 A Yes.

14 Q Okay. And after he flipped, you couldn't be in a
15 sole relationship with him; is that your testimony?

16 A Yes, it is.

17 Q All right. And did you -- was it hidden? Did you
18 keep it a secret you were seeing other men after you broke
19 up with Elmore?

20 A I mean, I didn't -- I didn't keep it a secret, like.

21 Q Well, why would you if y'all were broken up? Did you
22 keep it a secret?

23 A No.

24 Q Okay. Did he see other women?

25 A Yes.

1 Q Okay. Did you have a problem with that?

2 A No. He told me about it.

3 Q Okay. So the two of you were not exclusive?

4 A No.

5 Q Okay. And I'm trying to remember what else we talked
6 about. But had it happened -- you said it happened before
7 where he had tried to call, you didn't answer and he got
8 upset?

9 A Yes.

10 Q Did you find out on this particular night, the night
11 in question into the early morning hours of October 27th,
12 that he had tried to call you a couple times?

13 A I found out after the incident had happened.

14 Q Okay. So who -- who did you have missed calls from?

15 A Bug. And I think in my phone, it was called
16 little -- little blood baby.

17 Q Who is blood baby?

18 A His sister.

19 Q Janisha?

20 A Yes.

21 Q And so you had a missed call from Bug. Is that
22 Alfred Gilliam?

23 A Yes.

24 Q And who is Alfred Gilliam?

25 A They're friends.

1 Q Elmore and --

2 A Yes.

3 Q Okay. And would Elmore use Bug's phone to call you
4 sometimes?

5 A Yes.

6 MS. MCNEILL: Your Honor, objection. This is outside
7 of the scope of my cross-examination.

8 THE COURT: Is it in response to what was brought out
9 in cross, Solicitor?

10 MR. SCOTT: Yes, sir. It's in this exhibit right
11 here where he talks about how he feels when she doesn't
12 answer the phone.

13 THE COURT: All right. I'll -- I'll overrule the
14 objection and let you continue.

15 BY MR. SCOTT:

16 Q Okay. Actually, read that again for me, that first
17 part where he talks about how he feels when you don't
18 answer the phone. It's in that blue on the top part.

19 A I just hate I think about you a lot. I don't care.
20 And I'm cool with that. I just hate I love hard. And
21 when I don't hear from you, I think something. But you
22 knew that. So just put my things on the side of the road.

23 Q When I don't hear from you, I think something?

24 A Yes.

25 Q Okay. That -- that had been an argument between you

1 before?

2 A Yes.

3 Q Okay. So the night in question, you had a missed
4 call from Bug. That's Alfred Gilliam?

5 A Yes.

6 Q And you say he's a friend of Elmore's?

7 A Yes.

8 Q How would Mr. Lutavious Elmore get around? You said
9 he didn't have a car.

10 A Sometimes, Bug would take him around.

11 Q And you said he would use Bug's phone to call you
12 sometimes. And sometimes, he'd use Janisha's phone to
13 call you?

14 A Yes.

15 Q Okay. And you had a missed call from both of those
16 that night?

17 A Yes.

18 Q That belt that Ms. McNeill showed you that was in the
19 fire, you said that was yours?

20 A Yes.

21 Q This is Defense Exhibit No. 8.

22 THE COURT: I believe it's Defense Exhibit No. 6,
23 Solicitor, or did I -- I miss --

24 MR. SCOTT: It's Defense Exhibit No. 8.

25 THE COURT: I missed something then. Okay.

1 BY MR. SCOTT:

2 Q Tell us a little more about that belt.

3 A It was a belt that I had that JR was wearing.

4 Q Okay. That was -- well, did you give it to him, or
5 something?

6 A Yes.

7 Q All right. To this day, do you care for Mr. Elmore?

8 A Yes.

9 Q Okay. If Sergio had attacked him, would you have any
10 reason to deny that?

11 A No.

12 Q Okay. Did you kill Sergio?

13 A No.

14 Q Did you burn Mr. Elmore's clothes?

15 A No, sir.

16 Q And if Sergio had attacked him, would you tell law
17 enforcement that?

18 A Yes.

19 Q You ran from that scene and called 911 right when you
20 got to the top of Easy Road?

21 A Correct.

22 Q Okay. And she said that the 911 tape was nine
23 minutes. You said it took five minutes to get to the
24 AMPM?

25 A Yes.

1 Q So you waited around about four minutes until the
2 police arrived?

3 A Yes.

4 Q And then you told them everything?

5 A Yes, sir.

6 Q And do you remember that there was, actually, a
7 police officer -- did you know he had a body-cam video
8 filming you?

9 A I didn't.

10 Q Okay. And so did you know we have that recorded,
11 what you told him that night?

12 A No. I did not know that.

13 Q Okay. Let me show you one other thing.

14 (WHEREUPON, State's Exhibit No. 66 was marked for
15 identification only.)

16 BY MR. SCOTT:

17 Q Have you seen this before? This is for ID purposes,
18 State's Exhibit No. 66.

19 A (There was no verbal response.)

20 Q When have you seen that?

21 A On JR.

22 Q That's JR's knife?

23 A Yes.

24 Q This is a -- Defense Exhibit No. 5. Is this the same
25 knife? You can open it, if you want to.

1 A Yes.

2 Q Okay. Was that the knife -- or was this similar to
3 the knife you saw him holding in your bedroom?

4 A I would say similar. I'm not sure. I didn't exactly
5 see the whole knife.

6 Q Okay. But this was not your knife?

7 A No.

8 Q Do you know where law enforcement found this?

9 A Say that one more time.

10 Q Do you know where law enforcement found this knife?

11 A I don't.

12 Q Okay. But it's your testimony this is not your
13 knife, and it's similar to the one that he had?

14 A Correct.

15 Q Just -- you said -- you already said the TV was on,
16 to your recollection, when y'all fell asleep that night?

17 A Yes.

18 Q Okay. You said you had climbed into that kitchen
19 window before?

20 A No, not the kitchen window.

21 Q Okay. You climbed in --

22 A I climbed in my bedroom window before.

23 Q All right. Did -- I'll just ask you one more time,
24 did Mr. Elmore have consent to go into your house whenever
25 he wanted?

1 A Say that one more time.

2 Q Did Mr. Elmore have consent to go into your house
3 whenever he wanted?

4 A No.

5 Q Did he have consent to go in your house the morning
6 of October 27th?

7 A No.

8 Q Okay. Would you have told him to come over and come
9 in the house if you were in the bed with another man?

10 A No.

11 MR. SCOTT: All right. I think that's all I have on
12 redirect, Your Honor.

13 THE COURT: Okay. Anything on recross?

14 MS. MCNEILL: Briefly.

15 RECROSS-EXAMINATION

16 BY MS. MCNEILL:

17 Q Crystal, you told law enforcement officers that he
18 was over at your house two or three days before this
19 incident mowing your yard; right, that JR was?

20 A I -- yeah.

21 Q And then Solicitor Scott referenced Defense Exhibit
22 No. 8. And that's a belt in the burn pile; correct, your
23 belt?

24 A Yes.

25 Q Okay. And were you not asked by officers if you had

1 ash on your leg because you smoked cigarettes or not?

2 A Yeah. They did ask me that.

3 MS. MCNEILL: Okay. Thank you.

4 MR. SCOTT: If -- if I may, just one question. Oh,
5 I'm sorry. She's not done. I thought she was done.

6 THE COURT: If -- if she's finished, I'll allow one
7 question.

8 MR. SCOTT: Yeah. I think I was premature.

9 THE COURT: I'm not sure if she's finished.

10 MS. MCNEILL: That's all right. I'm done now.

11 MR. SCOTT: Thank you.

12 I'm sorry.

13 MS. MCNEILL: No further questions.

14 Thank you, ma'am.

15 FURTHER EXAMINATION

16 BY MR. SCOTT:

17 Q When did you tell law enforcement he had cut your
18 grass? Did you tell them that?

19 A I don't remember.

20 Q Okay. But we have all your interviews. So if you
21 had said that, we'd be able to look?

22 A Yeah. You should be able to.

23 Q Did you cut your own grass or did he cut your grass?

24 A I have cut my grass before. And he's cut it before.
25 I think the last time JR cut my grass, we were in a

1 relationship. He was staying there because my kids were
2 at the house.

3 Q Okay. So your relationship ended in August?

4 A Right.

5 Q And this happened in October?

6 A Right.

7 Q You wouldn't have him cutting grass after y'all broke
8 up?

9 A No.

10 MR. SCOTT: Okay. Thank you.

11 MS. MCNEILL: And, Judge, just briefly.

12 FURTHER EXAMINATION

13 BY MS. MCNEILL:

14 Q But you just testified that he was over at your house
15 two or three days before this incident cutting your grass
16 when I just asked you that; correct?

17 A I shook my head like...

18 MS. MCNEILL: Yes. Okay.

19 Thank you.

20 THE COURT: All right. You can step down, ma'am.

21 Okay. It's about 12 till 5:00. Do we want to go
22 ahead and break? Can we squeeze anything in? Or do you
23 need some of this extra time to work on what we've
24 discussed previously?

25 Do y'all want to confer with each other and give me a

1 MR. SCOTT: We are, Your Honor. The State calls
2 Daniel Duckett.

3 THE COURT: That name again, Solicitor?

4 MR. SCOTT: Daniel Duckett.

5 THE COURT: Remember, jurors on the front row, or
6 wherever, if you need to turn your chair around,
7 whatever is most comfortable for you, feel free to do that.
8 Okay.

9 THE BAILIFF: Place your left hand on the Bible and
10 raise your right hand.

11 WHEREUPON,

12 DANIEL DUCKETT,
13 after first having been duly sworn, testified as follows:

14 THE BAILIFF: Have a seat.

15 DIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q Okay. Deputy, in the early morning hours of
18 October 27th, 2018, were you on duty?

19 A Yes, sir.

20 Q Okay. And did you have an occasion to respond to a
21 call at 926 Easy Road?

22 A Yes, sir.

23 THE BAILIFF: Okay. You're going to have to speak up
24 just a little bit. You can put the mask down. She has to
25 take down what you say.

1 BY MR. SCOTT:

2 Q Okay. What was the call in regards to?

3 A What I recall from the 911 dispatch was a frantic
4 lady at a gas station followed by there's a possible crime
5 being committed on Easy Road, whereas a male was
6 assaulted.

7 Q Okay. And you were the first responder?

8 A Yes, sir.

9 Q And who else responded with you?

10 A Lieutenant Byrd and Sergeant Hall.

11 Q Okay. And would you have responded with your siren
12 and blue lights flashing?

13 A Yes, sir.

14 Q Do you recall what time you got there?

15 A I don't sir.

16 Q Okay. What did you observe outside of the home?

17 A As soon as I exited my car, Lieutenant Byrd was
18 already positioned at the front of the door. Directly in
19 front of my car, there was a -- like, a hoodie with, like,
20 a star pattern on it or a galaxy pattern on it. It was
21 there in the driveway.

22 Q It was just laying in the driveway?

23 A Yes, sir.

24 Q Okay. Give me a second. I think I have a picture
25 for you.

1 State's Exhibit No. 15, is that what you're talking
2 about?

3 A Yes, sir.

4 Q Okay. And it was just laying at the end of the
5 driveway there?

6 A Absolutely. And I thought it was weird because it
7 was pretty chilly that morning. It was just a jacket
8 laying in the driveway.

9 Q Okay. But then you positioned yourself at the front
10 door with Lieutenant Byrd?

11 A Yes.

12 Q Okay. Then what happened?

13 A From there, we stood by as Lieutenant Hall arrived on
14 scene with us.

15 Q Okay. Why were you waiting for him?

16 A One more -- just the size of that house, three people
17 would probably be ideal. He was right close behind us on
18 our response. So we just -- the safety aspect of it,
19 we'll have three deputies there.

20 Q Was it light or dark?

21 A It was dark.

22 Q Eventually, did you make your way inside?

23 A Yes, sir. We challenged the house from the outside,
24 you know, announced our presence, and everything. And
25 then once there was nothing from inside, we elected to go

1 inside.

2 Q Okay. What did you observe inside the home?

3 A It was -- from the entrance of the front door, I
4 believe there was a living room. And immediately left was
5 a long hallway. So we fanned out. And we started holding
6 our sectors of fire, mine being the left side. In that
7 particular instance, I observed a hallway that had a trail
8 of blood, which --

9 Q What do you mean by "a trail of blood"?

10 A It looked like somebody had been dragged or possibly
11 crawled down the hallway. It was heavier toward the
12 bedroom extending out to the living room where we were
13 currently standing. So from there, we just cleared all
14 the way down the hallway, every room from where the blood
15 was coming.

16 Q Are you announcing your presence in the hallway?

17 A Yes, sir. And we were listening for any kind of
18 response, any movement whatsoever in the house. And we
19 didn't find any.

20 Q What did you observe once you got to the bedroom?

21 A The bedroom, there was -- there was a blood pool from
22 the top of the bed to the floor. And then that was where
23 the -- the trail of blood began in that doorway extending
24 into the hallway down to the living room area, and then,
25 eventually, in the kitchen and stopping in the kitchen.

1 Q Okay. Did you -- you observed blood on the bed?

2 A Yes, sir.

3 Q What parts of the bed?

4 A It was the sheets. And I want to say the pillow, at
5 the bottom part of the pillow.

6 Q Did you have a chance to observe the headboard?

7 A No, sir.

8 Q Let me show you State's Exhibit No. 51. What is
9 that?

10 A That's -- that's the bed.

11 Q Okay.

12 A The bed I was referring to. So that hallway to the
13 left that led to the bedroom itself, that's where we
14 discovered this present picture here, the -- I would call
15 it the master bedroom.

16 Q Okay. And what is that?

17 A That's the drag marks I referred to. It looks like
18 that is facing from the bedroom toward the living room,
19 kitchen area. It's what I was, also, saying is it looked
20 heavier from the bedroom leading to the living room
21 itself.

22 THE COURT: Solicitor, what exhibit number is that
23 one?

24 MR. SCOTT: Oh, I'm sorry, Judge. That's State's
25 Exhibit No. 8 right there.

1 THE COURT: State's Exhibit No. 8?

2 MR. SCOTT: Yes, sir.

3 BY MR. SCOTT:

4 Q Okay. What about -- we were looking at State's
5 Exhibit No. 51, the bed you were talking about. Did you
6 observe anything on the floor?

7 A No, sir. I quickly peeked under the bed to make sure
8 no one was under there, suspect or victim, at the time.
9 And I didn't see anything human under there, so I moved
10 on.

11 Q Okay. You talked about some blood on the bed?

12 A Yes, sir.

13 Q I think you said something about -- did you see blood
14 anywhere else in the room? Did you observe the wall?

15 A No, sir.

16 Q Did you observe the floor beside the bed?

17 A No, sir. I didn't -- excuse me. I didn't penetrate
18 that far into the room. I was roughly two or three feet
19 away from the doorway once I entered. And then, you know,
20 I quick peeked under the bed. And then I left and I
21 exited.

22 Q And then where did you go?

23 A From there, I went into the adjoining bedroom across
24 the hallway, which opens up into a rather large sized
25 room.

1 Q Okay. What next?

2 A From there, we cleared all the closets. And I
3 remember there being a lot of junk in that room and just
4 having to comb through it and make sure there was no one
5 else was in there.

6 Q Which room are you talking about had a lot of junk in
7 it?

8 A If you have your back to this bedroom, it's directly
9 across the hallway.

10 Q Was it another guest bedroom?

11 A I would say it was a guest bedroom. But it was a
12 large room that kind of spilled into a smaller room beside
13 it. I don't know -- it's not a typical home setup, I
14 would say. Maybe a -- if you could picture a master
15 bedroom with, like, a huge walk-in closet on the back with
16 possibly a back room. I mean, it's massive.

17 Q Did you observe any blood back there?

18 A No, sir.

19 Q So you talked about the blood in the bed, you talked
20 about the drag marks down the hallway. Did you observe
21 blood anywhere else?

22 A From -- from the living room to the kitchen, there
23 were just small dots of blood leading out to where we,
24 eventually, discovered the victim.

25 Q Okay. Give me one second.

1 Where did you, eventually, discover the victim?

2 A So we -- after we cleared the back end of the house,
3 we worked our way up the hallway to the living room and
4 into the kitchen. That was where I was overwhelmed by the
5 smell of gas, which --

6 Q Where was that? In the kitchen?

7 A In between the kitchen and the living room, just the
8 threshold there. Lieutenant Byrd, at the time, was on the
9 farther end of the house. He was still clearing that back
10 end piece of the house. Sergeant Hall had went in to
11 assist him with that.

12 Once they came out, I'm still standing there holding
13 what I have there at the kitchen. And I was breathing in
14 gas fumes at that point.

15 Q Could you -- I'm sorry. I didn't mean to interrupt.

16 A So that -- just that gas breathing in during that
17 time, it directed my attention to the back door. And once
18 we all three were able to shine our lights back there, we
19 did -- that's where we discovered the victim.

20 Q Okay. Let me show you -- this is State's Exhibit
21 No. 38. What are we looking at here?

22 A That's the back door.

23 Q Okay. And if you go through this door into the
24 house, what room are you in?

25 A The kitchen.

1 Q Okay. And where did -- where was the -- where was it
2 when you first smelled the gasoline?

3 A It would have been -- when we worked our way back
4 into the living room is where it was overwhelming. Before
5 then, it was kind of just -- I thought in my mind I might
6 smell gas. But, you know, we live in the south, people
7 heat their homes by kerosene heaters. It could have been
8 something like that. So I kind of -- you know, I've got
9 to focus on one thing at a time.

10 Q What were you focussing on?

11 A The exigency of, you know, a possible person that's
12 been stabbed or hurt. We wanted to find them and find a
13 possible suspect.

14 Q Okay. But did -- what area are you walking as the
15 gasoline smell is getting stronger? Did you, ultimately,
16 find where the gasoline smell was coming from?

17 A It was apparent to me when I was standing in between
18 the living room and the kitchen that that smell was coming
19 from outside.

20 Q Okay.

21 A It may have been a cross breeze that was blowing
22 through the house with the front door being open. But
23 that's when it dawned on me, oh, this is coming from
24 outside.

25 Q Outside -- front outside or back outside?

1 A The rear of the home.

2 Q What are we looking at in State's Exhibit No. 38?

3 A State's Exhibit No. 38?

4 Q That's what this is called, State's Exhibit No. 38.
5 What are we looking at here?

6 A That's the back of the house.

7 Q Okay. Is that where the gasoline -- I've got to walk
8 you through. Is this where the gasoline smell is coming
9 from?

10 A Yes, sir. So if I'm standing with my back to the
11 front door, I'm looking at this door here. And that gas
12 smell, I suppose, was coming through that back door where
13 I -- where I was standing.

14 Q Okay. And you talked about as you went down some
15 steps, you said drops of blood?

16 A Yes, sir.

17 Q Where were you describing when you testified to that
18 earlier?

19 A Drops of blood spatter.

20 Q Where was that when you saw it?

21 A There were some very small drops in the kitchen area.
22 And then from there, I want to say that was -- that was
23 all I remember at the time. That was all I documented was
24 just that -- you know, those two drops were found at the
25 threshold there in the kitchen.

1 Q This threshold?

2 A Yes.

3 Q Okay. Let me show you State's Exhibit No. 40. What
4 are we looking at there? Do you remember seeing this?

5 A Yes, sir. And that was working our way out. So we
6 see the unconscious victim there. We slowly make our way
7 out. Because at that time, it's still unknown.

8 So I'm scanning for any movement whatsoever. And I
9 picked up on just the spatter there by the door frame.

10 Q Just for reference, what is this white? Do you know
11 what that is at the bottom?

12 A That would be where we discovered the victim.

13 Q Were you able to observe the victim in this case?

14 A Yes, sir.

15 Q What, if anything, did you observe?

16 A So the -- his clothes -- well, actually, first, he
17 was face down. His hands were extended above his head or
18 above his shoulders.

19 Q Can you -- can you describe -- or demonstrate, I
20 guess?

21 A In this type of position.

22 Q Okay.

23 A But the biggest thing, I guess, with the trail of
24 blood. Looking at his body, the clothes were rolled up in
25 a way that looked -- that would indicate to me that he had

1 been drug.

2 So working my way backwards, I was like, all right,
3 obviously, this guy at some point possibly was drug down
4 the hallway, you know. That when he was positioned out
5 here, he was moved a certain amount of feet --

6 MR. SHAFFER: Your Honor --

7 THE COURT: Hold on one second, sir.

8 MR. SHAFFER: I understand where he's going. I just
9 don't want him to get too far afield. Some of this may be
10 crime scene reconstruction expert stuff. I'd just like to
11 caution him not to go into testimony that requires any
12 expert opinion.

13 THE COURT: Certainly, he can testify to what he
14 observed. Now, when he's forming opinions, you can't get
15 too far with that. And, you know, if you ask him
16 something and Mr. Shaffer feels like that's a problem,
17 he'll object. And I can make a ruling.

18 MR. SCOTT: Okay.

19 BY MR. SCOTT:

20 Q All right. So you were talking about his clothes
21 being rumpled up.

22 A I wouldn't say rumpled, they were rolled. It's
23 almost like there's a weight. If you pull that clothing
24 back, it's going to roll up as that friction happens
25 across whatever surface.

1 Q Okay. Did you observe any injuries on the victim?

2 A Yes, sir. It was apparent with him being face
3 down -- when we walked outside and I shined my light over
4 the victim there and when I did, I saw small openings in
5 his back that I knew couldn't have been good for him.
6 Unconscious, not replying back to our challenges
7 whatsoever. So, yes, sir, I did observe the -- it was two
8 that I remember, two injuries to his back.

9 Q Okay. What, if anything, did you smell when you were
10 standing by the victim?

11 A From there, if you were standing near that victim,
12 smoke. That was the next thing that drew my attention --

13 Q I'm sorry. I don't mean to interrupt. What I was
14 talking about, though, did you smell gasoline when you
15 were near the victim?

16 A Oh, absolutely, yes, sir.

17 Q Was it coming from him, or could you tell?

18 A I couldn't tell. I could say for a hundred percent
19 fact, it was definitely stronger around him.

20 Q Okay. And then you smelled smoke?

21 A Yes, sir.

22 Q Okay. And what did you do next?

23 A The smell of smoke was observed. That was when we
24 looked toward the tree line. We could see -- we could see
25 the light dancing in the tops of the trees. But

1 approximately 50 meters from where the victim was, we
2 observed a small fire.

3 Q Okay. And whereabouts was that?

4 A So if you --

5 Q In relation to the house, rather.

6 A If the house is to your back, that back door is to
7 your back, the victim is on the ground. You're standing
8 with your heels against where the victim is, you're
9 looking toward the back of the property. And that's where
10 we saw the fire.

11 Q Okay. Describe that area.

12 A So I'd say an overgrown wooded area. There's an
13 abandoned trailer back there. And we were cautious at
14 that point.

15 Q Why?

16 A We were cautious because the -- the time it took us
17 to get there and the time the call came out, we were there
18 pretty quickly. So the -- in all actuality, the chances
19 of catching the person that had possibly injured this
20 fellow was great. So we were cautious when we were
21 moving. We were cautious with everything we did just in
22 case -- safety first for all parties involved.

23 Q Let me show you State's Exhibit No. 24. Do you
24 recognize what you're looking at?

25 A Yes, sir. That's the incident location.

1 Q All right. This is the house. Do you recognize this
2 to be the front of the house?

3 A Yes, sir.

4 Q And what you were describing earlier at the rear of
5 the house, that's where the victim was found?

6 A Yes, sir.

7 Q Whereabouts was that fire?

8 A If you're -- that's not the best view there. But
9 if -- in perspective, I guess, would be the top of that
10 oak tree.

11 Q So back in here?

12 A No, sir. Come farther down, a little bit farther.

13 Q Is that the trailer you were describing?

14 A Yes.

15 Q And where in relation to the trailer was the fire?

16 A To the right-hand side of that. Yes, sir, exactly
17 right there.

18 Q That is a good perspective. What, if anything, did
19 you note about the fire?

20 A The fire was small. It appeared to be hastily set.
21 The gas can, I didn't mention. But if you would like me
22 to mention, there was a gas can we observed once we moved
23 to the fire. And it was kind of pitched off to the side
24 of it. There wasn't dew on it. There wasn't any
25 indication that it had been there for a while. So

1 instantly, in my mind --

2 MR. SHAFFER: Objection, Your Honor. This -- and
3 I've been letting him get away with a bunch of opinion
4 stuff. They're going to call a crime scene guy. So we
5 just ask that they -- or I suspect that they will. So we
6 ask that they leave the observations --

7 THE COURT: Well, describing how the -- the fire or
8 the burn pile appeared, I think it's common knowledge.
9 You can look at something like that and tell if it's old
10 or new. I don't think that necessarily requires any
11 expertise.

12 MR. SHAFFER: Your Honor, he said, "hastily set."
13 That's an opinion, Your Honor. That's based off of his
14 observations. He can describe and say how he thinks it
15 was hastily set. He can say the gas can thing. But he
16 keeps getting into his ideas, based off what he's viewing.
17 And that's improper under 601.

18 THE COURT: Solicitor.

19 MR. SCOTT: May I, Judge? This is the first
20 responder. When crime scene gets there, the fire has long
21 been put out. He is seeing things fresh. He's observing
22 them as they happen. I can, certainly, go into his prior
23 experiences with looking at fires through his life and
24 whether he was a Boy Scout or not. But I think any common
25 sense person knows what a fire looks like.

1 THE COURT: Right now, I'm going to overrule your
2 objection, Mr. Shaffer. I don't think he's crossed the
3 line. He could very well cross the line if they continue
4 this particular line of questioning. But so far, I don't
5 think it requires any sort of expertise to -- as far as to
6 what he has testified to so far. So for right now, your
7 objection is overruled.

8 You may continue.

9 BY MR. SCOTT:

10 Q So you noticed a small fire. Did you approach the
11 fire?

12 A Yes, sir. And that was when the decision was made
13 not to extinguish it because of a potential unconscious
14 subject up at the house and a potential suspect in the
15 woods.

16 Q What did you observe to be the fuel of the fire?
17 What was burning in the fire?

18 A There were -- there were two boots, a pair of jeans.
19 And, really, it's amazing how the human mind works, but I
20 picked up on a glitter belt that was intertwined in the
21 pants.

22 Q Okay. Let me show you -- this is State's Exhibit
23 No. 23. What is that?

24 A That's -- that's the fire I'm speaking about.

25 Q State's Exhibit No. 17?

1 A That would be the aftermath.

2 Q Okay. State's Exhibit No. 19?

3 A That was the clothes beside of the fire. You can see
4 at the bottom of the picture the glitter belt I was
5 talking about.

6 Q And when you approached it, it was an active fire or
7 is it smoldering?

8 A I would say that as we were approaching it, it was
9 spreading over the boots. It was spreading over the
10 pants, the jacket. It was definitely -- you can tell just
11 by the body cam that the fire, actually, was working its
12 way up. So that -- that's where I was going with it. It
13 happened hasty.

14 Q Okay. Well, I think you can explain it. You're
15 saying that it's spreading as you're watching it --

16 A Yes, sir.

17 Q -- through the fabrics of the different clothing
18 items?

19 A Absolutely. It was a tough call to make at the time,
20 preserve evidence or preserve ourselves. And we chose to
21 preserve ourselves at the time.

22 Q Okay. When you first get there, it had not yet
23 consumed all of the clothing items?

24 A No, sir.

25 Q Did you smell anything over there besides the fire?

1 A No, sir.

2 Q All right. This is State's Exhibit No. 26. Do you
3 recognize that?

4 A That's my body cam video.

5 Q Speak up.

6 A That's my body cam video.

7 Q Okay. And this would have been -- are you wearing
8 your body cam today?

9 A No, sir.

10 Q But that's just a camera that sits on your chest?

11 A Absolutely.

12 Q Did you turn it on when you got there?

13 A Yes. I, actually, turned it on prior to getting out
14 of the vehicle. I was on Easy Road, turned right to
15 get -- and I turned it on.

16 Q And, I guess, did it depict what you were describing?

17 A Yes, sir.

18 MR. SCOTT: Your Honor, I think it's been introduced,
19 maybe not. The State would introduce --

20 THE COURT: It has not been introduced as of yet.

21 MR. SCOTT: The State would offer State's Exhibit
22 No. 26 for admission into the evidence.

23 THE COURT: What says the Defense?

24 MR. SHAFFER: Your Honor, we have no objection.

25 THE COURT: State's Exhibit No. 26 into evidence for

1 the State.

2 (WHEREUPON, State's Exhibit No. 26 was admitted into
3 evidence.)

4 THE COURT: Solicitor, about how long is this video
5 approximately?

6 MR. SCOTT: 12 minutes, I think.

7 THE COURT: Okay.

8 MR. SCOTT: Can you see it okay? I don't know if
9 there's a glare, if everybody can see it all right.

10 THE COURT: Yeah. Turn off the lights and see if
11 that helps any.

12 Is it just the video, Solicitor, or is there audio?

13 MR. SCOTT: Audio, too.

14 THE COURT: Audio, too.

15 (WHEREUPON, State's Exhibit No. 26 was played in
16 open court.)

17 BY MR. SCOTT:

18 Q Okay. What time did you, and Byrd, and Hall arrive?

19 A I arrived at maybe 30, 40 seconds behind Lieutenant
20 Byrd. I don't recall the exact time.

21 Q Well, I thought you took your report up there, did
22 you not?

23 A I -- I've got at 5:32.

24 Q 5:32 is when you arrived?

25 A Yes, sir.

1 Q That's a.m.; correct?

2 A Yes, sir, 05:32.

3 MR. SCOTT: Answer any questions the Defense attorney
4 has for you.

5 THE COURT: Any cross-examination, Mr. Shaffer?

6 MR. SHAFFER: Yes, Your Honor. Give me just a few
7 minutes.

8 (Pause.)

9 THE COURT: Solicitor Scott, do you want to maybe
10 move some of your stuff for Mr. Shaffer? I assume all
11 that's yours.

12 MR. SCOTT: Yes. That's the evidence that's been
13 admitted.

14 THE COURT: Okay.

15 CROSS-EXAMINATION

16 BY MR. SHAFFER:

17 Q Officer Duckett, your time frame, you said you get
18 there at 5:32; correct?

19 A Yes, sir.

20 Q How long does it take you between dispatch and you
21 getting there?

22 A I'm not sure.

23 Q Is it noted in your report? It may be in somebody
24 else's.

25 A No, sir. All I've got is 5:32.

1 Q To the best of your knowledge, how long did it take
2 you to get there from getting the call?

3 A Maybe eight minutes, at the most.

4 Q Eight minutes. Okay. So you get there pretty quick
5 after you get the call; right?

6 A Yes, sir.

7 Q When calls come through, they come through the radio;
8 correct?

9 A County dispatch.

10 Q And everyone is listening to the radio; right?

11 A Yes, sir.

12 Q Everyone gets a call at the same time; right?

13 A Yes.

14 Q Then, basically, in a call like this when multiple
15 officers are responding, everybody who's responding goes
16 at the same time; correct?

17 A We try to.

18 Q So when everyone else got called, you would have
19 gotten dispatched at the same time; right?

20 A Yes, sir.

21 Q Do you have any idea where you were at? Were you
22 patrolling? Or what were you doing when you got the call?

23 A I was at the sheriff's office.

24 Q Okay. So you were at the office. Okay.

25 A Yes, sir.

1 Q Okay. So -- and it took you about -- you said about
2 eight minutes; correct?

3 A Yes, sir.

4 Q Were the other officers there with you at the office?

5 A I don't recall.

6 Q Okay. So you get there and you said the primary goal
7 was safety; right?

8 A Yes, sir.

9 Q Your safety; correct?

10 A Yes, sir.

11 Q And the safety of anybody else who happens to be in
12 that building; right?

13 A Uh-huh.

14 Q So you were securing the building first; correct?

15 A Absolutely.

16 Q So primarily your job was to do the walk through;
17 right? Or walk through to make sure nobody was still in
18 there; right?

19 A Yes, sir.

20 Q And make sure that there was no danger to you or to
21 anybody else; correct?

22 A Absolutely.

23 Q And your job wasn't really to investigate this;
24 correct?

25 A It was not.

1 Q Okay. That's the job of the investigators; correct?

2 A Yes, sir.

3 Q So whenever you got there, you cleared the place;
4 right?

5 A (There was no verbal response.)

6 Q And then you ended up -- you ended up checking on
7 Mr. Lindsey who had already been deceased, but you didn't
8 know that at the time; right?

9 A Yes, sir.

10 Q You called EMS to make sure; correct?

11 A Absolutely.

12 Q And that's what you standard -- you do generally
13 whenever you have a body that fairly recently was
14 deceased; correct?

15 A We have to, yes, sir.

16 Q Okay. Because it's not necessarily the officers job
17 to say whether or not a body is dead; correct?

18 A Yes, sir.

19 Q It's either the coroner's job or EMS's job; correct?

20 A Yes, sir.

21 Q Okay. So afterwards, you secured the scene. After
22 you secured the scene, you -- how long were you there for?

23 A At the scene?

24 Q Yeah.

25 A Long enough for trained personnel to take care of the

1 victim and pretty much the scene being contained. And
2 then I made my way over to the AMPM.

3 Q All right. And there was -- were you there until the
4 people from SLED got there, the crime scene people?

5 A I met them in passing.

6 Q Okay. So they were there pretty quickly; right?

7 A Yes, sir.

8 Q Okay. And it would have been SLED's job and the
9 investigators job to, actually, do the investigation to
10 tell what had happened inside the house; correct?

11 A Yes, sir.

12 Q Okay. But you did see the fire; correct?

13 A (There was no verbal response.)

14 Q And give me just one second.

15 I'm showing you what's been marked -- actually,
16 admitted into evidence as State's Exhibit No. 38. Now, I
17 recognize the fact that you -- you did not see everything
18 that's in this picture.

19 A Right.

20 Q But this picture is a picture of the back door of the
21 house; correct? Do you recognize that?

22 A Yes, sir.

23 Q Okay. And I believe that where 34 is -- where that
24 sheet is is where the body was at; correct?

25 A Yes, sir.

1 Q The body is probably still there underneath the sheet
2 in the picture; correct?

3 A I'm not sure.

4 Q Okay. You'd agree with me that it was right in the
5 dirt; correct?

6 A It's in -- it's in the dirt, yes, sir.

7 Q Okay. But it's right beside the house; right?

8 A Right outside the house.

9 Q The back door?

10 A Yes, sir.

11 Q Okay. Now -- and other than the body that's right
12 outside the door, you smelled gasoline coming from that
13 general area; correct?

14 A Yes, sir.

15 Q But the body was not in the fire; correct?

16 A It was not on fire.

17 Q Now, when you were coming there -- and I'm not sure
18 if I asked you this. When you were coming from the
19 sheriff's office, you didn't see anybody in the roadway;
20 correct? Walking?

21 A No, sir.

22 Q That's something you would have noted; correct?

23 A Maybe. Due to that -- the gravity of that call, I
24 mean, everybody gets tunnel vision.

25 Q You have -- I mean, you have a camera in your

1 vehicle; correct?

2 A Yes.

3 Q That camera automatically turns on when there's
4 lights and sirens; correct?

5 A Yes.

6 Q And it automatically reports the whole time you have
7 lights and sirens on?

8 A It's supposed to.

9 Q Okay. So it would have been recording while you were
10 driving to the scene; correct?

11 A With lights and sirens, yes.

12 Q Okay. And you were driving with lights and sirens;
13 correct?

14 A Yes, sir.

15 Q Okay. So there would have been a video at one point,
16 maybe now, maybe at one point showing your trip there;
17 correct?

18 A Should have been.

19 Q Okay. And then investigators could have asked you
20 for that video; correct?

21 A Yes, sir.

22 Q And then investigators could have watched that video
23 to see if there was anyone in the street; correct?

24 A They could have.

25 Q Did anyone ask you if you saw anyone in the street

1 coming?

2 A No, sir.

3 Q Okay. But you don't recall one way or another. You
4 can't say if there was or was not; right?

5 A No, sir.

6 MR. SHAFFER: The Court's indulgence.

7 THE COURT: Sure. Take your time.

8 (Pause.)

9 MR. SHAFFER: No further questions.

10 THE COURT: Any redirect, Solicitor?

11 MR. SCOTT: No, Your Honor.

12 THE COURT: Okay. Officer Duckett, you can step
13 down.

14 Thank you, sir.

15 This might be a good time to take a short morning
16 break.

17 Ladies and gentlemen, if you'll go back to the jury
18 room for a short morning break. Again, I remind you, no
19 discussion about this -- anything related to this case
20 among yourselves. And we'll get you back out shortly.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 10:53 a.m.)

23 THE COURT: I figure when he's standing, he has
24 something for me.

25 MR. SHAFFER: Imagine that.

1 THE COURT: Ready to get back to work? Are you doing
2 good?

3 (WHEREUPON, the jury responded in the affirmative.)

4 THE COURT: Solicitor.

5 MR. SCOTT: Your Honor, the State calls Timothy Byrd.

6 THE BAILIFF: Place your left hand on the Bible and
7 raise your right hand.

8 WHEREUPON,

9 TIMOTHY BYRD,

10 after first having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. SCOTT:

13 Q Okay. Deputy Byrd, October 27th of 2018, did you
14 have an occasion to respond to 926 Easy Road?

15 A Yes, sir.

16 Q Okay. And who responded with you?

17 A Sergeant Hall and Deputy Duckett.

18 Q Okay. And the call's in regard to what?

19 A To a -- to a victim -- to somebody at this location
20 being stabbed.

21 Q Okay. And what happened when you approached the
22 front door?

23 A Upon getting to -- approaching the front door, we
24 noticed the front door was open. Myself and Deputy
25 Duckett, at that time, we knew Sergeant Hall was about a

1 minute out. He was not far behind us. We waited for him
2 to arrive.

3 Q And then, eventually, did you enter the home?

4 A Yes, sir.

5 Q And what did you observe as you tracked through the
6 house?

7 A We observed blood on the floor in the kitchen, as
8 well as Sergeant Hall and Deputy Duckett related to me
9 they was finding blood in the back bedroom and in the
10 hallway.

11 Q Okay. Where did you go -- after you cleared the
12 house, moved towards the back of the house, where did you
13 go?

14 A I started clearing through the kitchen.

15 Q Okay. And then where?

16 A Towards the back door, where Sergeant Hall and Deputy
17 Duckett informed me there was a male subject laying face
18 down on the ground.

19 Q Okay. We just watched Deputy Duckett's body cam and
20 he went out towards the fire. Did you respond -- or did
21 you go observe the fire that was set?

22 A No, sir. I was tending to the victim.

23 Q Okay. So they were investigating the fire and the
24 surroundings, but you stayed with the victim at the time?

25 A Yes, sir.

1 Q And what were your observations of the victim?

2 A That he had sustained multiple -- what looked to be
3 possible stab wounds, several to the back, as well as to
4 the head region. And it looked like he sustained a couple
5 of stab marks to his wrist.

6 Q Okay. And what else did you observe regarding the
7 victim as you were rendering aid, or attempting to render
8 aid?

9 A He was very warm. Upon touching him when he was not
10 responding to me, he did feel a little bit warm and not
11 what you would -- more towards cooler, which caused me to
12 call for EMS.

13 Q Do you remember generally the temperature outside?
14 Was it warm? Cold?

15 A I believe it was warm. I can't recall at this time.
16 It was probably warmer.

17 Q Okay. But you recall that -- was his body -- was it
18 body temperature? You said, "warm."

19 A It was not body temperature.

20 Q Okay. But it was not yet cool to the touch?

21 A No, sir.

22 Q Okay. And then were you there until EMS got there?

23 A Yes, sir.

24 Q Okay. And at what point did you leave?

25 A Once the investigators as well as uniform patrol

1 Captain Chris Martin as well as the sheriff arrived on
2 scene.

3 Q Can you describe how the victim's body was
4 positioned?

5 A As far as outside?

6 Q Yeah.

7 A He was -- Mr. Lindsey was laying on his stomach. He
8 was face down. And he was wearing some shorts as well as
9 a shirt. His shirt was rolled up towards his head.

10 Q Okay. You said you observed blood in the kitchen?

11 A Yes, sir.

12 Q I'm going to show you State's Exhibit No. 63.

13 THE COURT: What number, Solicitor?

14 MR. SCOTT: State's Exhibit No. 63.

15 BY MR. SCOTT:

16 Q What is this?

17 A That's what appears to be blood.

18 Q Okay. Do you remember -- do you know -- do you
19 recognize the room?

20 A Sir?

21 Q Do you recognize the room?

22 A Yes, sir. That appears to be the kitchen.

23 Q And this is how it appeared when you did your walk
24 through?

25 A Yes, sir.

1 MR. SCOTT: All right. Thank you, Deputy Byrd.

2 Answer any questions Mr. -- I think Mr. Shaffer has
3 for you.

4 THE COURT: Any cross-examination?

5 CROSS-EXAMINATION

6 BY MR. SHAFFER:

7 Q All right. Deputy Byrd, where were you at when you
8 got that dispatch call?

9 A When we originally received it?

10 Q Yeah.

11 A I cannot recall where I was.

12 Q How long did it take you to, actually, get there?

13 A According to the report, six minutes.

14 Q Okay. And the report would have been accurate;
15 right?

16 A Yes, sir.

17 Q Because, at the time, you would have known when you
18 got there -- when you got dispatched and when you got
19 there; right?

20 A According to dispatch, yes, sir.

21 Q So your time frame on your report that you just
22 testified to is accurate; correct?

23 A Yes, sir.

24 Q Okay. So your job initially was similar to Deputy
25 Duckett's job; correct, your role in all this?

1 A (There was no response.)

2 Q And excuse me. I'll go through this with you just so
3 you know what I'm saying. Because I know you got
4 sequestered. And I'm sorry for that. I'll go through it.
5 So you, actually, were there not as an investigator;
6 correct?

7 A No, sir.

8 Q You were there to secure the scene; correct?

9 A Yes, sir.

10 Q Because of the fact you wanted to make sure the scene
11 was safe; correct?

12 A Yes, sir.

13 Q Okay. And you wanted to -- at that point, whenever
14 you found the body there, you -- you had a pretty good
15 idea it was dead; correct, that he was dead?

16 A Yes.

17 Q Okay. And -- but you still called EMS in; right?

18 A Yes, sir.

19 Q Because that's what you're supposed to do, even if
20 you think that someone is probably dead. It's not your
21 job to confirm that they're dead; correct?

22 A Yes, sir.

23 Q It's either EMS or the coroner's job; correct?

24 A Yes, sir.

25 Q So did you smell the gasoline smell near the victim?

1 A I cannot recall from that day. I cannot say that I
2 can [sic].

3 Q Okay. So -- and that day was an early Saturday
4 morning nearly two years ago; correct?

5 A Yes, sir.

6 Q So it's reasonable you may have forgotten that;
7 correct?

8 A Yes, sir.

9 Q Okay. When you were driving there, did you see
10 anyone on the roadway walking?

11 A Not that I can recall.

12 Q Okay. And you're in a patrol vehicle; correct?

13 A Yes, sir.

14 Q And the patrol vehicle had -- had a camera in it;
15 correct?

16 A Yes, sir.

17 Q And that camera turns on when there's lights and
18 sirens; correct?

19 A Yes, sir.

20 Q And the -- the camera would have been on when you
21 were driving there because your lights and sirens were on;
22 correct?

23 A Yes, sir.

24 Q Okay. And I know that there may not be a video of it
25 now -- well, is there a video of it now?

1 A It's possible, sir. All our video does go to the
2 server.

3 Q Okay. So there's possibly a video of this now;
4 correct?

5 A I would assume so, sir.

6 Q But you haven't reviewed it, have you?

7 A No, not personally.

8 Q So that video would have shown whether there's
9 somebody on the roadway; right?

10 A Yes, sir.

11 Q But you didn't see anyone; right?

12 A Not while en route to that location.

13 Q Okay. And you said that the body felt lower than
14 body temperature, but not really cold, cold, just lower
15 than normal body temperature; correct?

16 A Yes, sir.

17 Q Would you say, at least, a degree, or two, or three
18 lower than body temperature?

19 A I could tell he was barely warm.

20 Q Okay. He was barely warm. Okay. And I know this is
21 a really, really hard question, but I'm going to go ahead
22 and ask it. Would you say he's, at least -- at least, two
23 degrees lower than body temperature, normal body
24 temperature?

25 A I could not say, sir. I didn't have a thermometer.

1 Q Could you say that he's 30 degrees lower than body
2 temperature?

3 A I could not say, sir.

4 Q But you know he's not normal; right?

5 A Yes, sir.

6 Q Okay. So you secured the scene; correct?

7 A Yes, sir.

8 Q And it was safe at that point; correct?

9 A Yes, sir.

10 Q And at that point, the investigators came in;
11 correct?

12 A Yes, sir.

13 Q And SLED came in; right?

14 A Yes, sir.

15 Q And they sort of took over -- once they got there,
16 they took over doing other things; correct?

17 A Yes, sir.

18 Q You didn't really, like, collect any DNA yourself, or
19 anything; correct?

20 A No, sir.

21 Q Or you didn't collect fingerprints yourself or --

22 A No, sir.

23 Q You didn't pick up any evidence, or anything like
24 that; correct?

25 A No, sir.

1 MR. SHAFFER: Okay. The Court's indulgence.

2 THE COURT: Sure.

3 (Pause.)

4 MR. SHAFFER: No further questions.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q Would you say Easy Road is a rural kind of setting?

9 A Yes, sir.

10 Q Okay. And you're responding to a stabbing on Easy
11 Road at about 5:36 a.m.?

12 A Yes, sir.

13 Q And it's dark outside?

14 A Yes, sir.

15 Q Do you think you would have remembered a black man
16 walking down the street with hair stacked up that high on
17 his head if you had seen it responding to the stabbing on
18 Easy Road?

19 A No, sir.

20 Q You don't think you'd remember that?

21 A No, sir, not due to the nature of the call.

22 Q No. I'm not asking do you remember it. I'm asking
23 would you remember that had you seen it?

24 A To that type of call, yes, sir.

25 Q Okay. The question is -- I think the Defense asked

1 you, did you see anybody walking down the road on Easy
2 Road as you were responded to the scene. And what was
3 your answer?

4 A No.

5 MR. SCOTT: Okay. Thank you.

6 MR. SHAFFER: Your Honor, I don't have any issues
7 right now. I do have a matter of law if we could take it
8 up very briefly. And I may want to recall the witness.

9 THE COURT: You may want to recall this witness?

10 MR. SHAFFER: I may want to do some redirect -- or
11 recross. But I have a matter I need to take up in advance
12 of that.

13 THE COURT: Ladies and gentlemen, I need to send you
14 back to the jury room. Hopefully, it won't be long. And
15 we'll get you back out and proceed forward.

16 (WHEREUPON, the jury was excused from open court at
17 approximately 11:28 a.m.)

18 THE COURT: Okay. Mr. Shaffer, what have you got?

19 MR. SHAFFER: Your Honor, I have an issue of law.
20 Judge, I have an issue, a Brady Rule 5 issue. And the
21 reason I didn't bring this up beforehand, I had, actually,
22 thought that those videos just got deleted over time. So
23 we didn't raise it pre-trial.

24 If there are video -- there is video footage in the
25 cars. If there are -- if there is video footage in

1 Thank you.

2 Call your next witness.

3 MS. BOYKIN: Thank you, Your Honor.

4 The State calls Matthew Gault.

5 WHEREUPON,

6 MATTHEW GAULT,

7 after first having been duly sworn, testified as follows:

8 THE COURT: Before you start, Solicitor.

9 We've got to be really careful about cell phones. My
10 law clerk just told me she heard one go off. I don't want
11 any cell phones going off now. If it happens again, that
12 cell phone is mine.

13 Okay. Solicitor, you may proceed.

14 MS. BOYKIN: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. BOYKIN:

17 Q Officer Gault, do you currently work with the Laurens
18 City Police Department?

19 A I do not.

20 Q Where do you work now?

21 A Greenville County Sheriff's Office.

22 Q Okay. Back in October of 2018, where were you
23 working?

24 A I was with the Laurens Police Department.

25 Q Okay. So on October 27th of 2018, did you have an

1 occasion to be dispatched to the AMPM?

2 A I did. I was still in field training. I believe I
3 was with Sergeant [inaudible] that night.

4 Q What was the nature of that call?

5 A It was still developing. There was a disturbance,
6 something happened in the county jurisdiction. We were
7 sent to the AMPM to meet with a witness, a female that
8 said she was involved with that.

9 Q And is -- the AMPM, is that in the city of Laurens?

10 A It is.

11 Q So that's why you would have responded?

12 A Yes, ma'am.

13 Q So you go to the AMPM. Who did you meet with when
14 you got there?

15 A Ms. Bluford.

16 Q Describe what you observed when you first saw her.

17 A As soon as I exited my patrol vehicle -- I was in the
18 passenger seat at the time. She met me halfway in the
19 parking lot. She was visibly shaken. She was -- you
20 could tell something traumatic had just happened to her.
21 She was shaking is the best way I could put it.

22 Q Did you observe any, sort of, physical injuries?

23 A She stated she had been hit in the mouth. She showed
24 me. She did have a laceration on her mouth. We called
25 for EMS.

1 Q So it was to the point where EMS was called?

2 A Yes.

3 Q Okay. At that time, were you wearing any, I guess,
4 recording equipment, a body cam?

5 A Yes, ma'am. I had a departmental-issued body camera.

6 Q Okay. And did you activate it on that call?

7 A I did, yes, ma'am.

8 Q And did you have occasion to view that body cam?

9 A Yes, ma'am.

10 (WHEREUPON, State's Exhibit No. 67 was marked for
11 identification only.)

12 BY MS. BOYKIN:

13 Q And that body cam, does that accurately portray what
14 you witnessed that day?

15 A Yes, ma'am.

16 MS. BOYKIN: Your Honor, at this time, we would move
17 to offer State's Exhibit No. 67 for admission into
18 evidence.

19 As of right now, it is just a blank CD holder. We
20 were going to burn it to a CD, but it's too big. So we're
21 going to have to put it on a flash drive. Because we had
22 to do the editing for part of it.

23 MS. MCNEILL: No objection, Judge.

24 THE COURT: Without objection, State's Exhibit No. 67
25 into evidence for the State.

1 (WHEREUPON, State's Exhibit No. 67 was admitted into
2 evidence.)

3 MS. BOYKIN: Permission to publish, Your Honor.

4 THE COURT: Sure. About how long is this video?

5 MS. BOYKIN: This video is roughly an hour, Judge.

6 But I'm only going to show the very beginning of it.

7 THE COURT: Oh, okay.

8 (WHEREUPON, a portion of State's Exhibit No. 67 was
9 played in open court.)

10 BY MS. BOYKIN:

11 Q So, Officer Gault, where I just ended that, did you
12 turn off the volume because you were about to make a phone
13 call?

14 A Yes, ma'am, I turned off my body camera.

15 Q So I'm not going to play the full hour. But,
16 essentially, what was the rest of your time there? Was it
17 just waiting for other officers to get there?

18 A Once I realized the scope of what was happening, at
19 that point, we were, essentially, just making sure that
20 her safety -- she was out of harms way. An investigator
21 with the county was going to be doing further
22 investigation. We were, essentially, just sitting with
23 her in the vehicle for that time.

24 Q And did you have any more interaction with her, speak
25 to her any further?

1 A She ended up getting in the rear of the vehicle. We
2 talked, but it wasn't any -- we tried to keep the --
3 things about the case to a minimum as to not interfere
4 with any further investigation.

5 Q During the time that you were there, did you learn
6 whose vehicle that was that she came in?

7 A I did not until after the fact. I do believe it was
8 his vehicle, Mr. Elmore's vehicle.

9 Q Okay. But you don't know for certain whose vehicle
10 it was?

11 A Well, she did say she took the car keys, so it was
12 his vehicle.

13 Q So you just assumed that it was his vehicle?

14 A Yes, ma'am.

15 Q So, again, when you met her, she did have blood on
16 the inside of her mouth from an injury?

17 A Yes, ma'am.

18 MS. BOYKIN: Thank you.

19 Answer any questions they have.

20 THE COURT: Any cross-examination?

21 MS. MCNEILL: Yes, sir.

22 CROSS-EXAMINATION

23 BY MS. MCNEILL:

24 Q Officer Gault, my name is Chelsea. I represent
25 Mr. Elmore. I'm just going to ask you a few questions.

1 So how quickly did you arrive at the AMPM after you
2 got the call from dispatch?

3 A I do not have the CAD numbers with that. I believe
4 we were responding from the police department, so it
5 should have been several minutes.

6 Q From the Laurens City Police Department?

7 A Yes, ma'am.

8 Q And this is the AMPM over close to the Laurens City
9 Police Department; right?

10 A Yes, ma'am.

11 Q How long approximately does it take you to get there?

12 A Two to three minutes.

13 Q Two to three minutes. And when she, initially,
14 walked up on the body camera, you said that she was
15 visibly shaken?

16 A Yes, ma'am.

17 Q And was she visibly shaken the entire time you were
18 with her or did she seem to calm down? I know we didn't
19 get to see the rest of that video when she was put in the
20 back of your car.

21 A She seemed to calm slightly.

22 Q Was she crying, or anything?

23 A She was just -- broken speech.

24 Q Broken speech?

25 A Kind of speaking quickly and broken speech.

1 Q Okay. And I know that you had asked her what had
2 happened. And she told you that she got the keys and she
3 ran and came back. And that's when you told her -- so do
4 you recall her telling you a little bit about what had
5 happened that night?

6 A Reviewing the video of the body cam footage, she said
7 that she was struck in the mouth and then instructed to
8 help move the body.

9 Q Right. Do you normally Mirandize victims?

10 A When it's something to that potential, yes, ma'am.

11 Q So at this time, it was an active situation?

12 A Yes, ma'am.

13 Q And you didn't know what her involvement was or was
14 not?

15 A No.

16 Q Okay. And at some point in time, did you get
17 information from the county officers to ask about her
18 appearance?

19 A I don't recall that.

20 Q Okay. Do you recall saying that she had some ash on
21 her?

22 A I don't recall that.

23 Q You don't recall. So you don't recall if you did or
24 did not notice it?

25 A No.

1 Q And it's been about two years?

2 A Yes, ma'am.

3 Q So it's fair to say you could have forgotten about
4 that?

5 A Yes, ma'am.

6 Q How long did you sit with Crystal before taking her
7 to the sheriff's office?

8 A I think approximately an hour, a little less than an
9 hour.

10 Q And at that time, county officers had been on scene
11 for a while at that point; right?

12 A Yes, ma'am.

13 Q And when you drove up to the AMPM -- you have an
14 in-car video recorder?

15 A Yes, ma'am.

16 Q Okay. And it videoed your drive to the AMPM?

17 A Yes, ma'am.

18 Q Okay. Did you notice if anybody was walking or
19 running on the side of the road at all while you were on
20 your way to the AMPM?

21 A No, ma'am. I did not review that body cam -- or the
22 in-car footage. That was a different officer's vehicle.

23 Q Okay. But you don't recall seeing somebody?

24 A No, ma'am.

25 MS. MCNEILL: I beg the Court's indulgence.

1 All right. Solicitor, your next witness is already
2 on the stand, so you may proceed.

3 MS. BOYKIN: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. BOYKIN:

6 Q Alicia, you were married to Sergio; is that correct?

7 A Yes.

8 THE COURT: State your name for the record, please
9 ma'am.

10 THE WITNESS: Alicia Lindsey.

11 THE COURT: Thank you.

12 You may proceed.

13 BY MS. BOYKIN:

14 Q So you were married to Sergio and y'all had four kids
15 together; correct?

16 A Yes. I had four boys prior to. But, yes, he was
17 definitely like a father.

18 Q So October 27th of 2018, that day, to your
19 recollection, where was -- where was Sergio supposed to be
20 that day?

21 A He left the house going to work.

22 Q Okay. He went to work. Where did he work?

23 A ZF Transmissions that particular night is where he
24 was going. But we owned a business, K&L Mobile Detailing.
25 He, also, worked at Advance Auto -- or Auto Zone in

1 Mauldin and Mobility Works off of Laurens Road.

2 Q So you said he -- y'all owned a business together.

3 Did y'all have a work phone?

4 A We do -- well, we did. Sorry.

5 Q So Sergio had two phones?

6 A Correct.

7 Q A personal phone and work --

8 A And a work phone.

9 Q So October 27th, where was he supposed to go after
10 work?

11 A He was going to help his mom move that morning when
12 he got off.

13 Q Okay. What led you to believe that something had
14 happened?

15 A So when it became morning, I called his mom to see if
16 he was there. And she said, no, she was still waiting on
17 him to get there. Then I called his dad because they have
18 a close relationship. So I was checking to see if he was
19 over there, over at his house. No, he wasn't there
20 either.

21 So I thought about it for a little bit. And I kept
22 calling because I figured, well, maybe he might be washing
23 a car, maybe he took an appointment and I didn't know
24 about it. And the more I thought about it, I said, let me
25 just track the phone, the work phone since it's our phone.

1 I did find my iPhone. And it pinged at the Laurens County
2 Detention Center.

3 Q So the phone you tracked was the work phone?

4 A Correct.

5 Q Around what time was this, if you remember?

6 A It had reached -- it was afternoon. So it would have
7 been about 12:30, 1:00 maybe.

8 Q So it pinged at the Laurens County Detention Center.
9 So what do you do?

10 A I got in my car and I headed to the Laurens County
11 Detention Center with money. Because I didn't know what
12 was going on.

13 Q Did you receive word before you got there of what
14 had, actually, happened?

15 A I got a phone call telling me that I needed to turn
16 around. I still didn't know, you know, what had happened.
17 But I needed to turn around, that some officers were at
18 our home and wanted to speak with me about Sergio.

19 And I was trying to tell them, well, I'm already on
20 my way to the detention center. So whatever it is, we'll
21 be able to cover it. Because that's what I was thinking,
22 he was locked up, or something, so.

23 Q Did you eventually meet with officers that day?

24 A I did. I turned around and went back to my house.
25 And that's when they told me that Sergio was deceased.

1 Q I want to show you what was previously marked as, I
2 think, State's Exhibit No. 7. I don't know if you,
3 actually, were able to see the video. It's not pulled up.
4 What car was he in that night?

5 A He was in our Kia Sorento.

6 Q Kia Sorento?

7 A Yes.

8 Q And it was registered in whose name?

9 A It was in my name and my oldest son's name that's in
10 the Air Force.

11 Q And I want to show you, also, what's been marked as
12 State's Exhibit No. 13. Right here, do you recognize this
13 phone?

14 A That's Sergio's personal cell phone outside of the
15 case, though. His case is not on it.

16 Q Okay. And this is State's Exhibit No. 14. Is this
17 the case you're talking about?

18 A It is.

19 Q And that is Sergio's personal --

20 A It's his personal phone.

21 Q Okay. Not the one you tracked?

22 A Not the one that I tracked.

23 Q So, I guess, just wrapping up, Alicia, so when he
24 wasn't there, I guess, in the middle of the night before
25 that morning, before you tracked his phone, you weren't

1 concerned because you thought he was at work?

2 A Right. He worked third shift. So I was not
3 concerned, you know, at that point, not over the night,
4 you know. He worked third shift.

5 Q So third shift, he would get off late?

6 A Right. And when he's a work -- because I work a
7 first shift job -- he didn't typically call me throughout
8 the night. So it was not bizarre or abnormal not to hear
9 from him while he at work because he know I, typically,
10 sleep through the night.

11 MS. BOYKIN: Thank you, Alicia.

12 Please answer any questions the Defense has.

13 THE COURT: Any cross-examination?

14 MS. MCNEILL: Just very briefly, Judge.

15 CROSS-EXAMINATION

16 BY MS. MCNEILL:

17 Q Ms. Lindsey, I just have a couple of questions to ask
18 you. So did you testify that he had two phones? One was
19 a personal phone and one was a business phone?

20 A Correct.

21 Q And you said that you started tracking his business
22 phone in the afternoon around noon?

23 A Of the next day, yeah, when I had not heard from him
24 and when his mom and dad hadn't heard from him.

25 Q Okay. And you said that Saturday morning, he was

1 supposed to go to work -- I'm sorry, get off work. And
2 that was at ZF Transmissions?

3 A He was supposed to. His third shift job was at ZF
4 Transmissions.

5 Q What hours are third shift?

6 A I believe they work, like, 11:00 to 7:00. I believe
7 that's what it was.

8 Q 11:00 p.m.?

9 A 11:00 p.m. to 7:00 a.m. or 6:00 a.m.

10 Q So either 11:00 p.m. to 6:00 a.m. or 7:00 a.m.?

11 A Yeah, right.

12 Q Okay. And what time was he supposed to be at his
13 mom's house? You said first thing, go straight from work.

14 A Right. Because at the time, she was living in
15 Simpsonville. And so coming from ZF Transmissions, it
16 will make more sense to go to her house first before
17 coming to Greenville.

18 Q What time was he supposed to be at his mom's house?

19 A When he got off work, he was going to go -- that
20 should have been the first place he went that morning
21 before going home.

22 Q So either between 6:30 or 7:30 a.m.?

23 A Right. It was known -- I mean, they already
24 prearranged that he was coming to help her move.

25 MS. MCNEILL: All right. No further questions.

1 Thank you, Ms. Lindsey.

2 THE COURT: Anything on redirect, Solicitor?

3 MS. BOYKIN: No, Your Honor.

4 THE COURT: You may step down.

5 Thank you.

6 Is your next witness here? I know you said something
7 about he was en route.

8 MS. BOYKIN: Yes, Your Honor. He's here.

9 The State calls Don Evans.

10 THE COURT: Wait just a minute, Lieutenant Evans.
11 We're cleaning the witness stand. Just hold up. Hold up.

12 (Pause.)

13 THE COURT: Okay.

14 THE BAILIFF: Place your left hand on the Bible and
15 raise your right hand.

16 WHEREUPON,

17 DON EVANS,
18 after first having been duly sworn, testified as follows:

19 THE COURT: Okay. Solicitor.

20 DIRECT EXAMINATION

21 BY MS. BOYKIN:

22 Q Mr. Evans, where do you work?

23 A I'm currently director of the Johnson Detention
24 Center, Laurens County Sheriff's Office.

25 Q Back in October, were you still employed with the

1 sheriff's office?

2 A Yes, ma'am. I was a training officer and SWAT
3 commander at the time.

4 Q On October 27th of 2018, how did you become involved
5 in the case of Lutavious Elmore?

6 A At the time, Detective Hunnicutt, which is Captain
7 Hunnicutt now, said he had a lead on where the suspect
8 possibly could be. He called me and he asked me if I
9 would get in the car with him and assist in trying to
10 locate him.

11 Q Okay. And tell me further, did y'all find where he
12 would be or did you get information?

13 A Detective Hunnicutt had gathered that information
14 prior to me. I was on another call for a missing person.
15 He had all that information gathered, possibly at his
16 sister's house. And he just wanted me to go with him as
17 far as backup in case --

18 THE COURT: Lieutenant Evans, can you slow down just
19 a little bit? Okay.

20 THE WITNESS: All right, sir.

21 THE COURT: The court reporter needs to pick up
22 everything that you say.

23 Thank you.

24 BY MS. BOYKIN:

25 Q So you had information he was at his sister's house?

1 A Yes.

2 Q Where was that located?

3 A I believe it's Williams Street in the city limits of
4 Laurens.

5 Q Okay. Did y'all go to Williams Street?

6 A Yes, ma'am.

7 Q And what happened when you got there?

8 A We got to Williams Street, got out of the car.
9 Detective Hunnicutt was very familiar with everybody at
10 the residence. He talked to them a few minutes.

11 At first, they denied that he was in the house.
12 Eventually, because of some other outstanding issues that
13 was going on at the house at the time, they pretty much
14 said he's in the house and you can come on in.

15 Q So, at first, they denied that he was there?

16 A Yes.

17 Q Let me ask you, what time of day was this?

18 A It's going to be in the afternoon. We had been
19 looking for the missing man most of the morning. Without
20 knowing right off the top of my head, I'm going to say
21 around maybe 4:00, 5:00 in the afternoon, somewhere in
22 that time frame.

23 Q So it wasn't directly after the -- the -- when they
24 arrived on scene and they find Sergio. It wasn't that
25 morning that you go --

1 A No, ma'am. It was in the afternoon.

2 Q So let's go back. So they denied that Elmore was in
3 the home. And you eventually go inside. And what do you
4 observe when you get inside the house?

5 A When we went inside the house, basically, to check
6 around the rooms that we could see immediately, we go into
7 one of the back bedrooms. And he was inside one of the
8 closets. We was checking the closets. I tried to open
9 the door. The door kept pulling back on us.

10 So at that point in time, we knew it was somebody
11 holding the door. Detective Hunnicutt, basically, told
12 him what's going on, come on out. Let's do this without
13 any incident. So he ends up coming out of the closet and
14 we handcuffed him.

15 Q What do you mean he was "pulling"?

16 A Kind of like a Bungee cord or rubber band. When you
17 tried to open the door, it would pull back. And it just
18 kept doing that back and forth. He done that a few times.
19 And he eventually come out.

20 Q As if someone was holding the other handle?

21 A Yes, ma'am. And that's exactly what it was. He just
22 kept pulling the door closed.

23 Q So you eventually got Elmore out of the closet.
24 Where do you go next?

25 A We place him in handcuffs, put him in the patrol car,

1 and carry him back to the sheriff's office.

2 Q When you get to the sheriff's office, what do y'all
3 do next?

4 A Take him into the interview room. At this point in
5 time, the only thing I knew about the case was there was a
6 murder. I didn't know anything else about the case
7 whatsoever.

8 We get him in there. And we advised the detectives
9 that we had him in custody. We was going to wait for them
10 to come. And they went ahead and told Detective Hunnicutt
11 to start doing the initial questioning of him.

12 Q The initial questioning, that was at the sheriff's
13 office?

14 A Yes, ma'am.

15 Q In an interview room?

16 A Yes, ma'am.

17 Q Did that interview room have video equipment?

18 A Yes, ma'am.

19 Q And audio equipment?

20 A Yes, ma'am.

21 Q Okay. And you were present in that room; is that
22 right?

23 A For most of it, yes.

24 Q Okay. So tell me how it starts when you first sit
25 down with Elmore. What -- who talked -- what happens?

1 A Well, Detective Hunnicutt took the lead on
2 everything. He just sat him down, do his Miranda rights,
3 make sure he understands them, signs. And from there,
4 Hunnicutt just starts talking to him to try to find out
5 what's going on. He's known him for years.

6 Q So let me show you State's Exhibit No. 28. So
7 State's Exhibit No. 28, what is this?

8 A That's the sheriff's office Miranda form. You read
9 it to them, let them read it at the same time. And then
10 they'll sign it. I signed that as a witness to what
11 Detective Hunnicutt had performed.

12 Q So you were present for when this was read to him?

13 A Yes, ma'am.

14 Q Okay. And was it read word-for-word?

15 A I don't know if it was word-for-word, but it was
16 right close to it. At the same time that you tell them
17 that, they're looking at the form at the same time, so.

18 Q Okay. So we see that's rights here. Here, what does
19 this say, if you can read from there. Do you --

20 A Oh, do you understand your rights and do you waive
21 your rights to want a lawyer present?

22 Q Okay. And on that -- on this particular Miranda
23 form, did -- is there a check where they were waived?

24 A Yes.

25 Q His Miranda rights?

1 A Yes, ma'am.

2 Q Okay. And he did not want a lawyer present?

3 A Not at that time.

4 Q And did he want to answer questions?

5 A He did, yes, ma'am.

6 Q Okay. Now, at the very bottom of the Miranda form,
7 it says, Witness here. Who is that?

8 A That would be my name.

9 Q So that is your signature?

10 A Yes, ma'am.

11 Q On the top witness --

12 A Yes, ma'am.

13 Q And do you recognize the bottom?

14 A That's Captain Hunnicutt's signature.

15 Q The investigator that first started the interview?

16 A Yes.

17 Q This signature here, who is that?

18 A I believe that's going to be Mr. Elmore.

19 Q And you saw him sign this form?

20 A Yes, ma'am.

21 Q Okay. I don't know if you can see from there, but
22 can you see what time this was?

23 A No, ma'am. I can't see from here.

24 Q If I tell you it's 4:10 p.m., does that sound
25 accurate?

1 A It would be about that time in the afternoon.

2 Q So at this point, he's waived his Miranda rights.

3 Let me ask you about how -- what his demeanor was. Did he
4 seem coherent? Was he --

5 MS. MCNEILL: Objection. Leading.

6 THE COURT: Just ask him what his demeanor appeared
7 to be.

8 BY MS. BOYKIN:

9 Q What was his --

10 A I would say anxious. He understood what was going
11 on, but he was a little anxious.

12 Q Did he appear intoxicated at all?

13 A No, ma'am.

14 Q Did he -- at any point while you were in there, did
15 y'all coerce him or promise him anything?

16 A No, ma'am.

17 Q Was he provided water?

18 A Yes, ma'am, water and food. I believe we gave him
19 some chips.

20 Q You gave him some chips?

21 A Yes, ma'am.

22 Q Lieutenant Evans, I have State's Exhibit No. 27.

23 This is what the interview of Mr. Elmore will be in. Like
24 I asked you earlier, was there video and audio equipment
25 in that room?

1 A Yes, ma'am.

2 Q Have you since reviewed that video of the interview?

3 A Once, yes.

4 Q Once. Okay. And you've viewed your parts and
5 everything that happened after that?

6 A Yes, ma'am.

7 Q And did it fairly and accurately represent what
8 occurred that day?

9 A Yes, ma'am.

10 MS. BOYKIN: Thank you.

11 No further questions.

12 THE COURT: Cross-examination, Ms. McNeill.

13 CROSS-EXAMINATION

14 BY MS. MCNEILL:

15 Q Good afternoon.

16 Officer Evans, I know that you testified that you got
17 into the interrogation room with my client and Officer
18 Jared Hunnicutt; correct?

19 A Yes.

20 Q And that you didn't know anything about the case up
21 until that point?

22 A No, ma'am. All I knew is there was a murder. I had
23 no -- actually, at that point in time, I didn't even know
24 it was a stabbing, or anything involved. All I knew, it
25 was an incident took place.

1 Q Do you recall earlier that morning when the scene
2 was -- first became active with law enforcement units? Do
3 you recall getting a call from Officer Hall at that time
4 asking you for, I guess, permission to bring out the blood
5 hounds and, also, giving you a brief summary of what they
6 had at the scene?

7 A Honestly, I don't. And the reason being is because
8 we was looking for the missing man. And if he did call me
9 that day, I probably would have told him to call somebody
10 else and find out. I don't remember the conversation.
11 I'm not saying it didn't happen.

12 Q If you heard the conversation, would it refresh your
13 memory?

14 A Maybe. But if he needed dogs at that point in time
15 for something, he may have -- just guessing, maybe because
16 he thought we was using the dog maybe to find the missing
17 person. I'm not sure.

18 MS. MCNEILL: Your Honor, I'd like to try to attempt
19 to refresh his memory by playing him the audio recording
20 of the call. But we can bring the computer up and he can
21 use our headphones to do so.

22 THE COURT: I assume the State's familiar with this
23 call?

24 MR. SCOTT: I'm not quite sure what she's talking
25 about.

1 THE COURT: Do you need to listen to it first?
2 Because I'll send the jury out and you can listen to it to
3 see --

4 MR. SCOTT: I think they're telling Margaret what it
5 is -- oh, it's already in evidence. So it's in the body
6 cam. So --

7 MS. BOYKIN: This is Hall's.

8 MR. SCOTT: Oh, yes. I'm familiar with it.

9 MS. MCNEILL: May I approach?

10 THE COURT: Sure, you can.

11 (Pause.)

12 BY MS. MCNEILL:

13 Q Is the phone call completed?

14 A No.

15 Q Okay. Sorry.

16 (Pause.)

17 THE WITNESS: That was it.

18 BY MS. MCNEILL:

19 Q Thank you, sir.

20 Detective Evans, after listening to that phone call
21 between you and Officer Hall, is your memory refreshed
22 about that phone call?

23 A I had forgotten it. I didn't even know about the
24 phone call. I, honestly, forgot about it. I guess
25 because we started the missing man after that. But now

1 that watching [sic] it, yeah, I do remember at that point
2 in time.

3 Q And it's been almost two years ago, so it's been a
4 long time. So is it fair to say that you don't really
5 remember a whole lot from that incident?

6 A Correct.

7 Q Okay. But now that you've listened to it and your
8 memory is refreshed, you did know a little bit more about
9 the details of the murder at that point in time before
10 going into the interview room?

11 A Right.

12 Q And you did know that it was, in fact, a stabbing?

13 A Apparently, yes.

14 Q Okay. And do you recall getting a call now from
15 Officer Hall asking if they could bring out the blood
16 hounds and telling you a summary of what they had active
17 on scene?

18 A Right. I guess I didn't remember it too much because
19 it woke me up and I was trying to get it to the on-call
20 investigator. That was the whole purpose was to get it
21 back to the investigator because they were going to have
22 to make that call.

23 But right after that, that's when I got out for the
24 missing man. So I completely forgot that conversation
25 ever took place.

1 Q And at the time, I think, there was some confusion
2 about who the on-call investigator was; correct?

3 A Probably. And a lot of times, you have an on-call
4 and somebody is covering for them.

5 Q And so you're a pretty thorough man, wouldn't you say?

6 A Try to be.

7 Q And you like to know thorough information or as much
8 information as you possibly can obtain in order to make
9 decisions about things like releasing the blood hounds to
10 a crime scene?

11 A You try to. You try to do the best you can.

12 Q All right. And at that time, you were told that --
13 or you knew that Crystal Bluford was with other officers
14 at the AMPM store; right?

15 A Yes.

16 Q Okay. And you knew her version of what had happened,
17 that was relayed to you?

18 A I don't think it was completely relayed, but she --
19 she was a suspect at first.

20 Q She was a suspect at first?

21 A Well, you would say, because you don't know what's
22 going on.

23 Q And that's what I was, actually, going to ask you.
24 So, at that time, you, yourself, were not comfortable
25 ruling her out as a suspect?

1 A No, not in any case, you wouldn't.

2 Q Okay. And for all you knew, she could have been
3 involved in killing him herself?

4 A Based off the phone call, very limited information,
5 you wouldn't have any assumptions at all. At that point
6 in time, everybody until you get more information.

7 MS. MCNEILL: Okay. Thank you.

8 No further questions.

9 THE COURT: Anything in redirect, Solicitor?

10 MS. BOYKIN: No, Your Honor. No further questions.

11 THE COURT: Okay. You can step down, sir.

12 I think this is going to be a good time to break for
13 lunch.

14 So ladies and gentlemen, I would ask you to be back
15 at -- well, it's about -- let's say 2:15. And if you
16 remember yesterday, I had asked you that if you do go to a
17 local restaurant, make sure your juror button is visible.
18 So if there's anybody connected to the case, they'll see
19 you're in there and they'll be careful not to talk about
20 the case.

21 So have a good lunch. No discussions with anybody
22 you see over lunch about this case. And we'll see you
23 back at 2:15.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 12:36 p.m.)

1 whole lot of testimony from him either.

2 THE COURT: That's fine. Certainly, for the benefit
3 of the 403 lawyers, it would be good if we could finish by
4 the end of the week. But, again, if we can't, we can't.
5 And we'll do what we have to do.

6 MR. SCOTT: Yes, sir.

7 THE COURT: All right. Let's bring the jury out,
8 Mr. Bolt, please.

9 (WHEREUPON, the jury came into open court at
10 approximately 2:43 p.m.)

11 THE BAILIFF: All jurors present, Your Honor.

12 THE COURT: Okay. Thank you, Mr. Bolt.

13 I hope everybody had a good lunch and is ready to get
14 back to work this afternoon.

15 Solicitor.

16 MR. SCOTT: Thank you, Your Honor.

17 The State calls Jared Hunnicutt.

18 THE BAILIFF: Place your left hand on the Bible and
19 raise your right hand.

20 WHEREUPON,

21 JARED HUNNICUTT,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Captain Hunnicutt, how did you become involved in the

1 case against Lutavious Elmore?

2 A I was contacted by my captain at the time,
3 Investigation Captain Wilkie.

4 Q And do you know how far the investigation had gone by
5 the time they contacted you?

6 A I believe they had already obtained a warrant at the
7 time they contacted me.

8 Q Okay. Well, so the contact from Captain Wilkie is
9 they wanted you to do what?

10 A They wanted me to locate him since I was familiar
11 with him.

12 Q Is it safe to say you built a rapport with Mr. --
13 Lutavious?

14 A Yes, sir.

15 Q You had known each other for a good while; right?

16 A Over a decade, at least.

17 Q Okay. So what was the understanding, that you might
18 have connections to him in order to locate him?

19 A Yes. I worked for the city prior to working for the
20 county. And he resided in the city at that time, and most
21 of his family did as well. So I pretty much knew where he
22 might be and who he might be around.

23 Q So aside from knowing Mr. Elmore, you knew some of
24 his family as well?

25 A Right.

1 Q And when you were looking for him, where did you
2 suspect he would be?

3 A I believed he would be at one of two of his sisters
4 houses.

5 Q You know both of his sisters?

6 A I do. I, actually, saved one of his sister's life at
7 one point.

8 Q That would account for the good rapport between you
9 and Mr. Elmore. So which house did you go to to locate
10 Mr. Elmore?

11 A I went to his older sister's house on Williams
12 Street.

13 Q Is that Shaneeque?

14 A I believe so.

15 Q What happened when you went there? Did you ask them
16 if he was there?

17 A I did.

18 Q What did they indicate?

19 A They had said he was not there.

20 Q Did you think otherwise?

21 A I did believe he was there, yes.

22 Q Eventually, were you able to go inside the house?

23 A I was.

24 Q How did that happen?

25 A His sister allowed me in the house.

1 Q Okay. What happened when you went inside the house?

2 A Myself and Director Don Evans cleared the house. We
3 came upon a closet in a back bedroom. I went to open the
4 closet. It wouldn't open. It wasn't locked. Like, the
5 handle would turn. It was like someone was on the other
6 side holding the handle.

7 Q Now, what did you say? Did you announce your
8 presence and who you were?

9 A At that time, yes, we did.

10 Q What did you say?

11 A Laurens County Sheriff's Office.

12 Q Did you call out to Lutavious, or anything?

13 A Yes, sir, I believe so.

14 Q And so then what happened?

15 A Eventually, he opened the door. And we were able to
16 place him in handcuffs and put him under arrest.

17 Q And did you tell him what he was under arrest for?

18 A Yes, sir.

19 Q And then where did you take him?

20 A We took him to the Laurens County Sheriff's Office.

21 Q To do what?

22 A Well, initially, I was going to drop him off to the
23 other investigators that were on scene. But Captain
24 Wilkie asked me if I would interview him since I was
25 familiar with him.

1 Q At that point, did you know -- what did you know
2 about the case?

3 A Very little.

4 Q But, again, you were asked to interview him just
5 because you had a relationship with him?

6 A I was asked to locate him because I knew him and
7 then, subsequently, to interview him because I was
8 familiar with him, yes.

9 Q What was the first part of the interview? Before you
10 questioned him or before anything happened, what did you
11 do?

12 A I Mirandized him.

13 Q And did he seem to be coherent? Did he seem to
14 understand his Miranda warnings?

15 A Yes, sir.

16 Q And were you two able to communicate freely with one
17 another?

18 A Yes, sir.

19 Q Did he seem to be intoxicated, or anything?

20 A Not to my knowledge.

21 Q Did you threaten him or intimidate him in any way?

22 A No, sir.

23 Q Let me show you State's Exhibit No. 28, and see if
24 you recognize that.

25 A Yes, sir.

1 Q What's that?

2 A This is the advisement of rights that I gave him on
3 the date.

4 Q All right. And the top part has his right to remain
5 silent, anything he says can be used in court. He's got
6 his right to a lawyer and whatnot, all the Miranda
7 warnings. Did you read those to him or did you have him
8 read them?

9 A I read them.

10 Q Did he seem to understand them?

11 A Yes, sir. He advised that he did.

12 Q And what time did you Mirandize him?

13 A It says at the top at 4:08 p.m.

14 Q And then he signed at the bottom?

15 A Yes, sir.

16 Q Who was the witness on that?

17 A Don Evans.

18 MR. SCOTT: Your Honor, the State offers State's

19 Exhibit No. 28 for admission into evidence.

20 THE COURT: And what says the Defense?

21 MR. SHAFFER: No objection.

22 THE COURT: Without objection, State's Exhibit No. 28
23 into evidence.

24 (WHEREUPON, State's Exhibit No. 28 was admitted into
25 evidence.)

1 BY MR. SCOTT:

2 Q In this room you're in, is it equipped with cameras,
3 recording devices?

4 A Yes, sir, audio and visual recording.

5 Q Have you watched that video?

6 A Yes, sir.

7 Q Does it depict Miranda as you remember it?

8 A Yes, sir.

9 MR. SCOTT: Your Honor, the State is going to publish
10 State's Exhibit No. 27, just the Miranda portion.

11 THE COURT: Okay. Any objection to, at this stage,
12 the Miranda portion of the interview video coming in,
13 State's Exhibit No. 27?

14 MR. SHAFFER: No, Your Honor.

15 THE COURT: And we'll, certainly, deal with the
16 remainder as we go on.

17 (WHEREUPON a portion of State's Exhibit No. 27 was
18 played in open court.)

19 BY MR. SCOTT:

20 Q Okay. What was his general demeanor when you were
21 speaking with him?

22 A Cordial.

23 Q Cordial?

24 A Yes.

25 Q Did you ask him for a phone number?

1 A I believe so at some point, yes, sir.

2 Q Okay. And I don't know if you know the phone number,
3 but did he indicate who the phone number belonged to?

4 A I think he said his younger sister.

5 Q But that was the phone number he would use?

6 A Yes, sir.

7 Q Well, at some point, did you ask him -- what was your
8 question to him? How did you begin the interview?

9 A I just asked him to just tell me what happened that
10 night.

11 Q Okay. And do you normally ask such an open-ended
12 question, or is it because you didn't really know a whole
13 lot about the case itself?

14 A Both. I usually start open ended. At this time, I
15 didn't, actually, know a whole lot about the case. So I
16 was, basically, letting him fill me in on what he wanted
17 to, basically.

18 Q Okay. Now, move -- just did he maintain the same
19 version of what happened the night before the entire time
20 you talked with him?

21 A No.

22 Q Well, generally speaking, what was his first version?

23 A His first version was he had got off work and ended
24 up going to a club called Champions with his cousin, who
25 he called Bug. And then at some point, around 2:30 or so,

1 the club closed.

2 They went to Lil Cricket to get a cigar, I believe.
3 And then he ended up going to what he called the projects
4 where his younger sister lives and -- to check on her.
5 And then he ended up going to his older sister's house on
6 Williams Street where I located him the following day.

7 Q All right. Was that the extent of his --

8 A More or less. That was the rough version of what he
9 gave me.

10 Q Okay. And so did you ask him if he ever went to Easy
11 Road?

12 A Yes. He emphatically denied it.

13 Q So he never went there, period?

14 A Right.

15 MR. SCOTT: Well, I think it's time to publish the
16 second portion of State's Exhibit No. 27. And I think
17 that's labeled first version.

18 THE COURT: All right. This next portion, does the
19 Defense have any objection?

20 MR. SHAFFER: No objection.

21 THE COURT: And you're familiar with what this next
22 portion will be?

23 MR. SHAFFER: Yes, Your Honor.

24 THE COURT: Okay. Thank you.

25 That portion will be in evidence.

1 (WHEREUPON, a portion of State's Exhibit No. 27 was
2 played in open court.)

3 THE COURT: Solicitor, stop it just a second, please.
4 If at any time any member of the jury has a hard time
5 hearing it, raise your hand and I'll --

6 You're having a hard time hearing it now?

7 UNIDENTIFIED JUROR: I can hear it. I can't
8 understand it.

9 THE COURT: Okay. Is it at top volume, Solicitor?
10 The sound quality is maybe not as good as it maybe needs
11 to be.

12 So they've got the volume up all the way, Solicitor?

13 MR. SCOTT: Yes, sir.

14 THE COURT: Okay. So do the best you can.

15 MR. SCOTT: With the understanding that they'll have
16 time to review it.

17 THE COURT: Right.

18 Let me explain to you as well, of course, when you
19 get this case to begin your deliberations, then, of
20 course, all of the exhibits that have been admitted into
21 evidence will be in your jury room. In addition, any of
22 these videos that are on CDs, there will be a laptop
23 computer back -- I don't think it's back there now, but it
24 will be brought to you. That is our designated computer
25 and its only function is to play video CDs.

1 So you'll have the opportunity to use any of the CDs,
2 any of the videos to whatever extent you want to use them
3 as far as replaying them, or however you want to do that.
4 Just to make you aware.

5 (WHEREUPON, a portion of State's Exhibit No. 27 was
6 played in open court.)

7 BY MR. SCOTT:

8 Q All right. At some point, did you have him write a
9 statement?

10 A Yes, sir.

11 (WHEREUPON, State's Exhibit No. 68 was marked for
12 identification only.)

13 BY MR. SCOTT:

14 Q Here is State's Exhibit No. 68. Do you recognize
15 that?

16 A Yes, sir.

17 Q And what is it?

18 A It's a voluntary written statement from Mr. Elmore.

19 Q Okay. And was that written in your presence?

20 A Yes, sir.

21 Q And, essentially, did it mirror kind of what he was
22 saying in that video?

23 A Yes, sir.

24 MR. SCOTT: Your Honor, the State offers State's
25 Exhibit No. 68 for admission into evidence.

1 THE COURT: And what says the Defense?

2 MR. SHAFFER: I guess renew the pretrial stuff.

3 THE COURT: Excuse me, Mr. Shaffer?

4 MR. SHAFFER: I renew the Denno stuff, but

5 otherwise --

6 THE COURT: Right. Other than what is already on the
7 record, no additional?

8 MR. SHAFFER: No additional.

9 THE COURT: All right. State's Exhibit No. 68 into
10 evidence.

11 (WHEREUPON, State's Exhibit No. 68 was admitted into
12 evidence.)

13 MR. SCOTT: And I would move to publish through
14 Captain Hunnicutt.

15 THE COURT: Sure.

16 BY MR. SCOTT:

17 Q Could you read it?

18 A Yes, sir. It says: Personally appeared before me,
19 my name is Lutavious Denard Elmore --

20 THE COURT: Captain Hunnicutt, read a little slower
21 just to make sure our court reporter picks up everything
22 you say. Okay.

23 Thank you.

24 THE WITNESS: Do you want me to start at the written
25 statement or do all the above?

1 BY MR. SCOTT:

2 Q Just at the top, it's got general biographical
3 information; is that right?

4 A Yes, sir.

5 Q All right. I see his name, his date of birth.

6 A Yes, sir.

7 Q And does he list a phone number?

8 A Yes, sir. [REDACTED] 2302.

9 Q All right. And who does he attribute that phone
10 number to?

11 A Janisha, his sister.

12 Q Okay. And does he indicate whether or not he can
13 read and write -- well, did he write the statement or did
14 you?

15 A He wrote the statement.

16 Q Well, just read to us what he wrote.

17 A He did say that he can read and write.

18 Q Okay.

19 A It says, I got off at 11:15 p.m. Me and Bug Gilliam,
20 which is Alfred Gilliam, went to Champions. First, he
21 stopped by his house. He didn't take a shower. He just
22 changed clothes. He comes back out around 12:00, at
23 midnight. We go get Anistasha and Big Baby and we go to
24 the club. I get me two Bud Lights and light up my blunt.
25 We're having a good time.

1 2:35 comes, or around that time, we leave. We go to
2 Lil Cricket and I get a cigar and some chips. And I go
3 back to the car. I give Bug 5 dollars in gas and he takes
4 me home. I get to my sister's house, which is Janisha S.
5 Elmore. I kiss her and my niece and I leave.

6 I walk to my sis house, who stays on [REDACTED] Williams
7 Street and I stay the night. I get up. My sis tells me
8 that I'm wanted for murder. So I say, What the fuck?
9 What do you mean? She says, Look. She shows me Facebook
10 and there I go. So I'm over here looking stupid as fuck
11 because I'm at the club and I got blamed for murder.

12 Q After that statement, did you end the interview?

13 A No, sir.

14 Q Okay. So what happened? Did you challenge him on
15 that initial statement, or how does it go?

16 A Basically, I asked him some follow-up questions on --
17 you know, based on some of the evidence that I had been
18 told. We had the time line. So he started giving me some
19 further details into what happened.

20 Q Okay. Did you -- I don't know -- share with him some
21 of the things that you understood happened at Easy Road?

22 A Yes.

23 Q Okay. What, if anything, did he tell you about
24 wounds that he may or may not have suffered?

25 A He said he didn't have any wounds and flipped his

1 hands over to show me he had no wounds.

2 Q What was the -- what portion of the interview
3 prompted him to show you his lack of wounds?

4 A I believe we were talking about how the deceased was
5 killed.

6 Q Okay. And then he showed you that he had no wounds?

7 A Right.

8 Q Okay. And what was the purpose of that?

9 A I guess to show me that he wasn't involved.

10 Q Okay. Where did he indicate he lived?

11 A He said he didn't really live anywhere, but he had
12 some stuff at Bug's house.

13 Q Okay. Did he share with you any of the places he
14 lived?

15 A He said he would stay at his sister's house, at Bug's
16 house, places like that. All over the place, basically.

17 Q Okay. Was he consistent in his first version that he
18 did not go to Easy Road?

19 A He did stick with that, yes.

20 Q Okay. What, if anything, did he ever say about going
21 over to Easy Road unannounced?

22 A He said he never went over there unannounced. He
23 would always contact his girlfriend before he came.

24 Q Okay. Was he consistent regarding what he was
25 wearing? Did you ask him what he was wearing the night

1 before?

2 A Yes. I believe he said he was wearing black Air
3 Force Ones with black jeans and a black shirt, at first.

4 Q Okay. Was he consistent with that throughout the
5 interview?

6 A No.

7 Q What was his next story of what he was wearing?

8 A I think he changed it to green pants and a black
9 shirt.

10 Q Did he indicate what kind of shoes he was wearing?

11 A At one point, he said black Air Force Ones. And then
12 he switched it to brown steel-toed work boots.

13 Q All right. At some point in your interview, did the
14 story shift? Did it change?

15 A Yes.

16 Q Okay. You know, as you're interviewing him, are you
17 learning more about the case?

18 A Yes. I would step out periodically during the
19 interview, speak to the Captain, the investigators, and
20 get more information and come back in. And I would just
21 ask him questions about that.

22 Q Okay. Was there, to you, a turning point during the
23 interview where he changed his story that he never went
24 over there, period?

25 A Yes.

1 Q And what prompted that?

2 A I advised him that there was several inconsistencies
3 in his story. And I believed he wasn't telling me the
4 whole truth and that he needed to tell the truth. And at
5 some point, I believe I introduced the idea that if this
6 was self-defense, then that's -- you know, that's what I
7 need to know. If it wasn't, it wasn't. But I needed to
8 know one way or the other.

9 Q So you were the first person that mentioned
10 self-defense?

11 A Yes, sir.

12 Q And what, if anything, did you tell him about the
13 physical evidence that you became knowledgeable of?

14 A I advised him that his girlfriend had named him as
15 the suspect. And that there were clothes that were in a
16 burn pile fresh in the -- on the property, things like
17 that.

18 Q Okay. And did you -- did you mention the video from
19 ZF Transmissions?

20 A Yes, sir. I told him we would probably be viewing
21 video from that if we hadn't already. Like I said, I
22 didn't know if they had at the time, but I knew we would
23 be.

24 Q Okay. So did you draw a connection between the video
25 from ZF surveillance and the clothes in the fire?

1 A I did. I asked him if the clothes he was wearing in
2 the video, would that be the clothes in the fire or on the
3 property.

4 Q All right. And what is the next version of the story
5 he tells you?

6 A At that point, I walked out of the room to get a
7 drink. I came back and he -- when I got back, he advised
8 that he had, in fact, went over to Easy Road to give his
9 girlfriend some money. And that when he got there, he
10 gave her the money and he turned around and got attacked
11 by the victim.

12 Q Okay. He went over there to give her money?

13 A Correct.

14 Q All right. Was he consistent -- well, did he tell
15 you how he got over there?

16 A He said he walked over there.

17 Q Was he consistent that he walked over there?

18 A Yes.

19 Q Okay. And did he advise on an estimate of the time
20 he walked over there?

21 A I believe he did, but I don't recall.

22 Q Okay. Did -- did he advise -- was he consistent in
23 the reason he went over there? You said to pay money?

24 A He was consistent in that part. He said he went over
25 there for money. But he was inconsistent in what the

1 money was for. One time, he advised it was for Halloween
2 outfits. And then another time for paying off
3 restitution.

4 Q Okay. What, if anything, did -- was he consistent
5 about the restitution that he paid off or that he still
6 owed?

7 A At some point, he said he went over there to pay
8 restitution. And at another point in the interview, he
9 said it was already paid off. So that was another one of
10 the inconsistencies in his story.

11 Q And what did he say happened when he arrived at Easy
12 Road?

13 A I believe he said that he went in the house, straight
14 in the house, went to the bedroom. And they were -- his
15 girlfriend and the deceased were sitting on the bed. And
16 he ended up giving her the money. And when he went to
17 turn around, that's when he was hit from behind.

18 Q Okay. And did he describe the fight?

19 A He described it as a struggle that went from the
20 bedroom, down the hall, I think it was, up in the kitchen.

21 Q Okay.

22 A He, also, advised at some point that he had, I guess,
23 got a knife off of the dresser, if I'm not mistaken, and
24 used it on the individual to get him off of him.

25 Q Okay. What, if anything, did he say about the coat

1 he wore to Easy Road?

2 A I asked him if the coat that he had on in the video
3 from ZF where he was working the night before would end up
4 at the property, if it was the same one. He had, also,
5 advised at some point he had given the coat to his
6 girlfriend in the projects. I advised him that we would
7 probably end up having to see if we could ping her cell
8 phone to see if he was telling the truth. If he wasn't,
9 then we'd have to look into that further.

10 Q Okay. Was he consistent in that he gave the coat to
11 his girlfriend in the projects?

12 A No. He changed his story to, I believe, he left it
13 outside or left it on the property once he, actually,
14 admitted that he went to the Easy Road address.

15 Q Did he describe how he left the property at Easy
16 Road?

17 A Yes, sir. He said he left on foot.

18 Q Okay. Did he tell you where he went on foot?

19 A I think at one point he said he went through the
20 bushes in the woods. The way that the address on Easy
21 Road is laid out, it's kind of diagonal back towards where
22 he said he went.

23 So he would have to go through the woods to get to a
24 road and then go through the woods again to get to another
25 road. And that would be one street down from where we

1 located him on Williams Street.

2 Q Did he indicate what Crystal Bluford was doing during
3 this altercation?

4 A I believe he said that she was kind of in shock.

5 Q Okay. Did he indicate who left the house first?

6 A He said that she left the house first.

7 Q All right. Well, what, if anything, did he say about
8 the clothes in the fire?

9 A He said that he didn't burn up his jacket.

10 Q Okay. What, if anything, did he say about where
11 Sergio Lindsey was, ultimately, found?

12 A At the time, I didn't know exactly where the deceased
13 was found. So I had asked him did he drag him out to the
14 woods, or did he drag him out of the house. And he
15 advised he did not.

16 Q Okay. And did he, ultimately, write a second
17 statement?

18 A Yes, sir.

19 (WHEREUPON, State's Exhibit No. 69 was marked for
20 identification only.)

21 BY MR. SCOTT:

22 Q This is State's Exhibit No. 69. Do you recognize
23 that?

24 A Yes, sir.

25 Q And what is it?

1 A It's the second voluntary written statement that
2 Mr. Elmore gave me.

3 MR. SCOTT: The State offers State's Exhibit No. 69
4 for admission into evidence.

5 THE COURT: What says the Defense?

6 MR. SHAFFER: We renew the previous stuff --

7 THE COURT: Subject to whatever's previously on the
8 record, State's Exhibit No. 69 into evidence on behalf of
9 the State.

10 (WHEREUPON, State's Exhibit No. 69 was admitted into
11 evidence.)

12 MR. SCOTT: Thank you, Your Honor.

13 And permission to publish through Captain Hunnicutt.

14 THE COURT: Yes, sir.

15 I just remind you, don't read real fast.

16 THE WITNESS: Yes, sir.

17 I walked to Crystal's house and opened the door. I
18 walked to the back room. She was in there with some other
19 guy. I said, Here, here's your money. I get ready to
20 give it to her. I hand it to her and I get ready to leave
21 and the dude tries to hit me. I hit him, he falls over.
22 He gets ready to reach for something. And I have a knife
23 on the dresser. I grab it and I stab him. We go up the
24 hallway and he takes me down. And I end up on top of him
25 and I stab him some more until he let's me go.

1 BY MR. SCOTT:

2 Q Okay. Did you observe any injuries on Mr. Elmore?

3 A No. He showed me his hands. They didn't have any
4 fresh injuries, not that I saw.

5 Q What about on his face?

6 A No, sir, none on his face as well.

7 Q Did he show you his arms?

8 A He showed me his wrists and hands.

9 Q Okay. Now, you talked about leaving the interview
10 room and leaving him alone for periods of time?

11 A Yes, sir.

12 Q Were you able to observe him while you were out of
13 the room?

14 A We have capability, but I didn't. I was talking to
15 the other investigators and the Captain, I believe. And I
16 got a drink at one point.

17 Q Well, let me ask you this, did you provide him drinks
18 and snacks throughout the interview?

19 A Yes.

20 Q And did he ever ask to end the interview?

21 A No, sir.

22 Q Okay. Were you able to watch the video of him when
23 you were out of the interview room?

24 A I did not watch any, but I have watched the video
25 afterwards.

1 Q Well, that's what I'm asking. You reviewed the
2 video --

3 A Yes, sir. At the time, I did not, but afterwards,
4 yes.

5 Q And what do you observe about Mr. Elmore when you're
6 out of the room?

7 A His demeanor kind of changes. He seems kind of shook
8 up. And he, basically, starts talking to himself
9 saying -- basically, like he's rehearsing a story --

10 MR. SHAFFER: Objection, Your Honor. That's
11 speculation. I think he can say what he said. But I
12 don't think he can say he's rehearsing his story.

13 THE COURT: Right. Just say whatever you heard
14 Mr. Elmore say during that period of time that he was
15 alone in the interview room. Don't make any speculations
16 on maybe what he was trying to say.

17 THE WITNESS: Yes, sir.

18 BY MR. SCOTT:

19 Q Generally, what was he saying when he was alone in
20 the room?

21 A Basically, he told me -- or he said exactly what he
22 said when I got back into the room. He gave me a
23 different version of what happened. That he went in there
24 to give her the money. He was, in fact, on the scene.
25 And pretty much what I just read to you from this

1 secondary statement. That he went there to give her the
2 money. It ends up the guy attacked him. It was
3 self-defense. He grabbed the knife and defended himself.

4 MR. SCOTT: Your Honor, I think we can just approach
5 right here for plans -- planning purposes of how to
6 proceed with Captain Hunnicutt.

7 THE COURT: All right. If you want to have a
8 sidebar.

9 MR. SCOTT: Yeah.

10 THE COURT: Okay.

11 (WHEREUPON, a sidebar was held in the hallway.)

12 THE COURT: Ladies and gentlemen, I'm going to need
13 to send you back to the jury room. We're trying to sort
14 through some things. We may even take an early break for
15 the day. I'm not sure yet. So we're trying to sort
16 through some things.

17 I appreciate your patience and understanding. If
18 you'll go back to the jury room. I told you yesterday you
19 were going to get some exercise. So look at it on a
20 positive note.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 3:34 p.m.)

23 THE COURT: All right. Let's take a few-minute
24 break. And y'all try to sort through this and see what
25 direction we're going to go in.

1 THE COURT: Okay. Just ask him to bring the jury
2 out, please.

3 (WHEREUPON, the jury came into open court at
4 approximately 4:04 p.m.)

5 THE BAILIFF: All jurors present, Your Honor.

6 THE COURT: Thank you, Mr. Bolt.

7 Solicitor, I think you're still in your direct
8 examination with Captain Hunnicutt.

9 MR. SCOTT: Yes, sir.

10 BY MR. SCOTT:

11 Q During the break, Captain Hunnicutt, you and I had a
12 chance to discuss portions of this video; right?

13 A Correct.

14 Q And before the jury left, I was asking you about
15 certain times when you would leave the interview room and
16 Lutavious Elmore being alone?

17 A Correct.

18 Q And I asked you, specifically, about one instance
19 where, I think, you said he was kind of talking to himself
20 and retelling his story?

21 A Yes, sir.

22 Q Your testimony earlier was that you remembered it to
23 be he was rehearsing a story and it was the self-defense
24 story that he, ultimately, told you?

25 A Correct.

1 Q But we watched the video. And, in fact, he was -- he
2 was talking to himself, but it was earlier on in the
3 interview. And he's retelling the story that he never
4 went to Easy Road?

5 A That's correct. I misspoke on that or misremembered.
6 Basically, he was telling the first version, not the
7 second version.

8 Q Okay. But it was later on, I think you testified,
9 that you mentioned to him the burn pile and the clothes?

10 A Yes, sir.

11 Q And you told him that y'all might be getting the
12 surveillance video from ZF Transmissions?

13 A Correct.

14 Q And then after that, am I correct that his story at
15 that point became he went over there, but it was
16 self-defense?

17 A Yes, sir.

18 Q Do you -- okay. Let me play a few clips. This is
19 going to be clip one from State's Exhibit No. 27. What
20 did he say in regards to going over to Easy Road
21 unannounced?

22 A He said he never went over there, period,
23 unannounced.

24 MR. SHAFFER: And, Your Honor, actually, this -- I
25 have no objection.

1 THE COURT: Okay.

2 MR. SCOTT: What now?

3 MR. SHAFFER: Your Honor, this one we had no
4 objection at all. I was thinking it was the cleaned-up
5 one.

6 THE COURT: So this would be the third segment.
7 Because you've already played two. So this is the third
8 one.

9 All right. This third segment is into evidence
10 without objection from State's Exhibit No. 27.

11 MR. SCOTT: Thank you, Your Honor.

12 (WHEREUPON, a portion of State's Exhibit No. 27 was
13 played in open court.)

14 BY MR. SCOTT:

15 Q Okay. So did he repeat that he -- more than once
16 that he didn't go to the house unannounced?

17 A Correct.

18 MR. SCOTT: All right. I'm going to play clip three
19 from State's Exhibit No. 27.

20 MR. SHAFFER: And this is pursuant to the previous
21 objection.

22 THE COURT: So noted.

23 MR. SHAFFER: Your Honor, can we just make a
24 continuing objection to State's Exhibit No. 27?

25 THE COURT: Yes. You're covered throughout the

1 entire video as far as issues raised on the record.

2 MR. SHAFFER: All right. And I think it's all one
3 objection. So we can just object to the whole exhibit.

4 THE COURT: Right. But what I'm doing is as each
5 segment is offered, I'm allowing it into evidence. I
6 think this is the third segment of State's Exhibit No. 27.
7 And that would be into evidence.

8 (WHEREUPON, a portion of State's Exhibit No. 27
9 was played in open court.)

10 BY MR. SCOTT:

11 Q All right. So he mentioned multiple times that he
12 didn't go there unannounced and that he did not stay
13 there?

14 A Correct.

15 Q And the clothes, I think, you testified to, his first
16 story as to what he was wearing the night before was what?

17 A I believe it was black Air Force Ones, black jeans,
18 and black T-shirt -- or black shirt.

19 MR. SCOTT: Your Honor, this is clip two from State's
20 Exhibit No. 27.

21 (WHEREUPON, a portion of State's Exhibit No. 27 was
22 played in open court.)

23 THE COURT: Solicitor, let me -- I failed to instruct
24 the jury before they started watching the video, I want
25 you to keep in mind two things as you're watching the

1 video -- and there will be more video tomorrow to watch --
2 that anything that the investigators or police officers
3 say in the video is not evidence. The police officers,
4 the investigators, whatever they say in the video is not
5 evidence.

6 And, secondly, keep in mind, as I instructed you at
7 the beginning, that the only burden of proof in this case
8 is on the State. The Defendant has no burden of proof to
9 prove anything.

10 So keep those two things in mind as you've already
11 watched some of the video, as you'll continue watching the
12 video this afternoon and then, presumably, in the morning
13 some more video.

14 Okay. Thank you.

15 Thank you, Solicitor.

16 You may continue.

17 MR. SCOTT: I'm going to publish clip four of State's
18 Exhibit No. 27 now, Your Honor.

19 (WHEREUPON, a portion of State's Exhibit No, 27 was
20 played in open court.)

21 BY MR. SCOTT:

22 Q First story, black Air Force Ones, black jeans, and
23 black T-shirt?

24 A Correct.

25 THE COURT: And the fourth segment of the video is in

1 evidence.

2 (WHEREUPON, a portion of State's Exhibit No. 27 was
3 played in open court.)

4 BY MR. SCOTT:

5 Q All right. And, again, did he -- was he consistent
6 with the all black?

7 A At that point, yes.

8 Q Okay. Did he later change?

9 A Yes. He changed to green pants, black shirt. And I
10 think he said brown work boots, steel-toed work boots.

11 MR. SCOTT: Your Honor, this is going to be clip five
12 from State's Exhibit No. 27.

13 (WHEREUPON, a portion of State's Exhibit No. 27 was
14 played in open court.)

15 BY MR. SCOTT:

16 Q So in this version, he goes from all black to green
17 pants and black shirt?

18 A Yes, sir.

19 Q And then he goes on to say he wore green pants, and a
20 black T-shirt, and brown steel-toed boots to work?

21 A Yes, sir. I believe so.

22 Q And then the jacket y'all are talking about, the one
23 he said he had a face on the front?

24 A Yes, sir.

25 Q Did he say a King?

1 A A King, I believe.

2 Q K-I-N-G?

3 A I believe so.

4 Q Let me ask you, did -- did he indicate earlier in
5 this conversation that he had knowledge that jacket was
6 found at the Easy Road site?

7 A I believe he said that the jacket was there. I don't
8 remember him saying how he had the knowledge.

9 Q Do you know whether or not he had spoken with his
10 sister prior to meeting with you guys?

11 A He had advised that his sister had told him that
12 investigators had come and spoken to her and that's, I'm
13 assuming, how she knew he was wanted.

14 Q Okay.

15 A So that's how she told him.

16 Q So the jacket, did he provide information to you that
17 he knew y'all had found the jacket there?

18 A I believe he had said in the video that the jacket
19 was at the residence, yes.

20 Q Okay. And this -- in the clip we just heard -- let's
21 see. That was the fifth clip in State's Exhibit No. 27.
22 Y'all talk about that jacket and he's talking about
23 meeting Crystal?

24 A Yes, sir.

25 Q Okay. What does that -- what are y'all talking about

1 there where he meets Crystal in the projects?

2 A I believe he was advising how the jacket got to her
3 residence. He said he met her or saw her in the projects
4 and had given her a jacket because she was cold.

5 Q Okay. Later on, did he tell you a different story
6 about how the jacket came to be found at Easy Road?

7 A He advised that he went to the residence, actually,
8 and that's how the jacket got there.

9 Q Did he indicate that he left it outside when he was
10 going in or when he was coming out of the Easy Road house?

11 A I do not recall, actually, which one.

12 Q Okay. And you already discussed that you -- you
13 indicated to him that closing -- the burn top. And you
14 start talking about the possibility of y'all getting the
15 ZF Transmissions video. And you brought up the
16 proposition that what happens if those clothes match one
17 another?

18 A Right.

19 Q And did you take a break at that point from the
20 interview?

21 A I took a couple breaks during that point, yes, sir.

22 Q Okay. And at some point, did he indicate to you that
23 he wanted to tell you a different version of what had
24 happened on October 27th at Easy Road?

25 A Yes, sir.

1 Q Okay. And was that recorded?

2 A Yes.

3 MR. SCOTT: It's about a 32-minute clip, Your Honor.

4 THE COURT: Okay. Is that -- the one you're fixing
5 to play, is that the sixth clip?

6 MR. SCOTT: Yes, sir, sixth clip.

7 THE COURT: Okay. The sixth clip or segment will be
8 into evidence for the State, part of State's Exhibit
9 No. 27.

10 All right. The Solicitor says about a 32-minute
11 clip. Is everybody good on the jury to proceed forward?
12 Anybody need a short little break?

13 (WHEREUPON, there was no response.)

14 THE COURT: Okay. Looks like everybody is ready to
15 go.

16 MR. SCOTT: If you want me to, Your Honor, and if it
17 would help the jury, I could probably slide this forward,
18 this portion without blocking anybody.

19 THE COURT: Okay.

20 MR. SHAFFER: And, Your Honor, obviously, all of this
21 is subject to the previous objection.

22 THE COURT: Right. We've already indicated that you
23 don't need to object each time.

24 Maybe that might help a little better.

25 MR. SCOTT: Is it too close?

1 UNIDENTIFIED JUROR: It's fine.

2 (WHEREUPON, a portion of State's Exhibit No. 27 was
3 played in open court.)

4 BY MR. SCOTT:

5 Q Okay. So, Captain Hunnicutt, that was kind of how
6 the interview went after he told his second version?

7 A Yes, sir.

8 Q And so he walked to Easy Road?

9 A Yes, sir.

10 Q And he let himself inside?

11 A Yes, sir.

12 Q And he talks about giving money to Crystal Bluford?

13 A Correct.

14 Q And then being attacked?

15 A Correct.

16 Q And he indicated they tussled. I think he used the
17 terms it began in the bedroom, went through the hallway,
18 and ended, finally, in the kitchen?

19 A Yes, sir.

20 Q Did he indicate to you how many times he stabbed
21 Mr. Lindsey?

22 A He didn't say.

23 Q And he indicated that he walked to Easy Road?

24 A Yes, sir.

25 Q Okay. And who did he say left first, he or Crystal?

1 A Crystal.

2 Q Okay. Did he indicate he had any knowledge of the
3 fire?

4 A I don't believe so.

5 Q Okay. Did he indicate that he knew how Mr. Lindsey
6 got to be outside of the home?

7 A No, sir.

8 Q And, at first, how did he describe leaving Easy Road?

9 A I believe he said he left walking through the bushes
10 or the woods.

11 Q Okay. But later in the interview, he said he walked
12 the roadway home?

13 A I believe that might have been Investigator Cook. I
14 don't believe he told me that.

15 Q Would it refresh your memory if I played it real
16 quick?

17 A Yeah, probably. It's been a couple of years.

18 (WHEREUPON, a portion of State's Exhibit No. 27 was
19 played in open court.)

20 BY MR. SCOTT:

21 Q Did you hear that?

22 A Yeah, walked the road.

23 Q I'm sorry about the audio on this thing.

24 A That's all right.

25 Q But first, he ran through the bushes and I think he

1 said something about going through the woods. But then he
2 said he walked the roadway?

3 A Correct.

4 Q In this story, he leaves his coat at the scene?

5 A Yes, sir. On the way out, I believe, he left it.

6 Q Okay. And did he indicate he didn't do anything
7 wrong? Is that what he said?

8 A I believe he -- at one point, yes.

9 Q What did he say, if anything, happened to the clothes
10 he was wearing?

11 A He said he left them at the house.

12 Q Okay. Did he say why?

13 A I don't believe so.

14 Q Okay. After you were done with your interview, what
15 happened with Mr. Elmore next?

16 A I left the room. And Investigator Cook, in turn,
17 took over from there.

18 MR. SCOTT: All right. Thank you, Mr. Hunnicutt.

19 Sorry that was so long.

20 Please answer any questions Mr. Shaffer has for you.

21 THE COURT: Any cross-examination?

22 MR. SHAFFER: Yes, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. SHAFFER:

25 Q Good afternoon, Investigator -- or Captain Hunnicutt.

1 I'm so sorry.

2 So it's safe to say you forgot some stuff; correct?

3 A Yes. It's been a few years.

4 Q Okay. And you were not -- you're not the lead
5 investigator in this case; right?

6 A Correct.

7 Q Have you ever been a lead investigator?

8 A Yes, sir.

9 Q Okay. You were just sort of, like, an assisting
10 investigator; correct?

11 A Correct. Yes.

12 Q Could you tell us a little bit about the differences
13 between a lead investigator and an assisting investigator?

14 A Sure. In my experience, the lead investigator,
15 basically, goes to the scene, talks to witnesses, follows
16 up on leads, things like -- of that nature. An assisting
17 investigator would be someone who pretty much did what I
18 did on this incident, located the suspect, interviewed the
19 suspect, anything that's asked of him, basically.

20 Q Okay. And part of being a lead investigator is
21 showing up in the courtroom?

22 A Correct.

23 Q And, sometimes, you sit at the counsel table with the
24 State; correct?

25 A Yes, sir.

1 Q And investigator -- or Captain Turner is, actually,
2 the lead investigator; correct?

3 A I believe Turner and Cook are both on this.

4 Q Okay. So the lead investigator, also, is sort of
5 responsible for knowing the whole case and having a good
6 idea of it; correct?

7 A For the most part, yes, sir.

8 Q And so they, also, you know, in cases where there's
9 evidence collected, they generally should know what the
10 evidence is; correct?

11 A At some point, yes. They should have a pretty good
12 knowledge of everything that's collected.

13 Q And if there's some agency referral, you're like the
14 point of contact; correct?

15 A Can you explain?

16 Q So sometimes, you don't do everything in-house at the
17 Laurens County Sheriff's Department; correct?

18 A Correct.

19 Q So, sometimes, you, actually, send out stuff to other
20 agencies like SLED; correct?

21 A Yes, sir.

22 Q And like whenever evidence is sent out to agencies
23 such as SLED, the lead investigator is, like, the point of
24 contact with Laurens County; correct?

25 A The evidence technician is usually the point of

1 contact for that, but he would be in the loop for the most
2 part.

3 Q Are the reports written to the lead investigator?

4 A I'm sorry.

5 Q The reports are written to the lead investigator;
6 correct?

7 A The reports are written. They're not necessarily
8 written to the investigator. But they're all written by
9 whoever does whatever portion. Like, I wrote my own
10 supplemental as to what I did.

11 Q And I'm confusing you and I'm probably confusing some
12 other people here. So I apologize.

13 A That's all right.

14 Q But, for example, if SLED -- if some forensic person
15 at SLED was to give a report about what happened or what's
16 at a particular scene, that report would be then sent from
17 SLED and addressed to the lead investigator. Is that fair
18 to say?

19 A Usually, it would come back. If it was a forensic
20 report, it would be I-labbed through SLED. And SLED would
21 send it back to the lead investigator, I believe.

22 Q And then the lead investigator can take other actions
23 and say we want this done or we want that done; is that
24 fair to say?

25 A Usually they just take whatever report and bring it

1 into evidence.

2 Q Okay.

3 A They can ask for additional tests, if that's what
4 you're asking.

5 Q Yeah. So the lead investigator can make decisions to
6 ask for additional tests; is that correct?

7 A Yes, with supervisory input usually.

8 Q Okay. And I know you're a captain; correct?

9 A Yes, sir.

10 Q So -- and I know that Investigator Turner is a
11 captain?

12 A No, sir. He's an investigator.

13 Q Oh, I'm so sorry. Well, I guess I promoted the man.

14 A I'm sure he won't mind.

15 Q Hopefully, he'll forgive me.

16 So who's in charge? Who makes that determination?
17 Who's the supervisory approval?

18 A For the investigators, it's Captain Wilkie, who I was
19 under at the time.

20 Q Okay. So Captain Wilkie would be consulted?

21 A He would be consulted. He'd be the end all be all
22 for any major case such as this.

23 Q Okay. So I want to talk a little bit about these --
24 these -- or this camera footage. This is your interview
25 room; correct?

1 A Yes, sir.

2 Q And that's the camera, like, up in the corner?

3 A There was one in each corner at the time, four
4 cameras.

5 Q Does it look something like that camera?

6 A Yes. It's similar.

7 Q And it has audio, obviously; correct?

8 A Yes, sir.

9 Q And it automatically keeps a time stamp up here;
10 right?

11 A I believe so, yes, sir.

12 Q So any of the videos, we'll know based off of the
13 time stamp what order they're in; correct?

14 A You should, yes.

15 Q So -- and I know that we played several clips. And
16 I'm just pointing this out for the purposes of the jury
17 whenever they're back there, they'd be able to look at the
18 time stamp in the corner and tell which video came first,
19 second, or whatever?

20 A Yes, sir.

21 Q Okay. Now, do you recall at some point -- well, let
22 me say this first. Okay. Whenever you initially went to
23 go -- go there to arrest Lutavious Elmore at his sister's
24 place, you said it was at the projects?

25 A No. He had one sister that lives in the projects and

1 another that lives on Williams Street. That's where he
2 was located, on Williams Street.

3 Q So he was on Williams Street?

4 A Yes, sir.

5 Q So he went to Williams Street and -- or you went
6 there and his sister there initially told you he wasn't
7 there; correct?

8 A Yes, sir. That's correct.

9 Q And then I think you testified that then they allowed
10 you to look around. And you realized he, obviously, was
11 there; correct?

12 A That's correct.

13 Q During the interview, at some point, you say, I'm not
14 going to charge her for lying to us about that; correct?

15 A Correct.

16 Q But at some point, you, also, say that if anyone
17 drove you to or from there or assisted you, they would get
18 charged?

19 A That they could get charged, yes, sir.

20 Q And you said that they likely would get charged in --

21 A If there was an accessory, then I'm assuming that
22 most agencies would charge them. Yes, sir.

23 Q Okay.

24 A I personally wouldn't do it because I was just the
25 assisting investigator at the time.

1 Q Okay. But you, at least, told him that that was a
2 possibility or a likelihood?

3 A I think that's both pretty much the same thing. If
4 that was being found out later on then, yes, they could be
5 charged.

6 Q Okay.

7 A If he had an assistant or accomplice, as they call
8 it.

9 Q Okay. So, also, in the segments, I recall you saying
10 something to the effect of -- like, you asked a lot of
11 questions about where the Lil Cricket was; right?

12 A We have two in town. So I was trying to ascertain
13 which one he was talking about.

14 Q And I suppose that the idea was maybe there's a
15 camera there; right?

16 A Yes, sir.

17 Q Okay. And then you would have been able to get the
18 video and see whether or not he was there; correct?

19 A Yes. That's where I was getting to.

20 Q And that's similar to the fact that there was a
21 camera at the ZF place?

22 A Yes, sir.

23 Q Are there cameras at the projects that he said that
24 he went to at one point?

25 A There are some cameras -- well, when I worked at the

1 city, there were some. I don't know if there are now.

2 But there were some cameras strategically placed because
3 we had a lot of crime. And it would help us curtail it.

4 Q But you don't know whether or not they have those
5 cameras in this particular case, do you?

6 A I do not.

7 Q Okay. At the conclusion of this case -- or at the
8 conclusion of your interview, he's under arrest right now;
9 right?

10 A Yes, sir.

11 Q He's getting -- he's about to get booked into the --
12 into the detention center at this point; correct?

13 A When I was -- well, after I was done, Cook and Turner
14 interviewed him. So I don't know how long that went on.
15 But after that, yes, he was booked.

16 Q Okay. And you -- you're familiar with the booking
17 process; correct?

18 A Yes, sir.

19 Q Okay. And you've worked cases; correct?

20 A Yes, sir. I was an investigator for seven years.

21 Q And one of the things they do is, basically, take
22 their clothes; correct?

23 A Yes, sir, put them in a bag or box.

24 Q And in some situations, they may say that there's
25 evidentiary value and take the clothes; correct?

1 A Correct.

2 Q And they don't let you wear shoes inside the
3 detention center, not those kind of shoes; correct?

4 A Correct. They give you flip flops.

5 Q So at some point, he, basically, would have had his
6 shoes taken off; correct?

7 A Correct.

8 Q Did -- did you at any point examine the bottom of his
9 feet?

10 A I did not, no.

11 Q Okay. I know you said he showed his arms saying he
12 wasn't cut?

13 A Correct.

14 Q And I know that there were boots in a burn pile that,
15 I think, the State's alleging that he wore?

16 A Correct.

17 Q And then I know that you're -- you said that he was
18 claiming he walked home?

19 A Yes, sir.

20 Q Through the woods in part?

21 A Yes, sir.

22 Q At 5:00 in the morning; right?

23 A At some point in the morning after the alleged crime,
24 yes.

25 Q Did anyone look at the bottom of his feet?

1 A I didn't. I can't speak to what anyone else did.
2 That was not my purpose. I was simply there to interview
3 him.

4 Q That would be a lead investigator question?

5 A Probably.

6 MR. SHAFFER: Your Honor, can the witness get some
7 water?

8 THE COURT: Sure.

9 Mr. Bolt, can you get Captain Hunnicutt some water,
10 please, sir?

11 THE BAILIFF: Sure.

12 (Pause.)

13 THE WITNESS: Thank you.

14 BY MR. SHAFFER:

15 Q I'm going to show you State's Exhibit Nos. 68 and 69.
16 Those are the handwritten statements of Lutavious Elmore;
17 correct?

18 A Yes, sir.

19 Q And I know that you read the substance of those
20 statements already during direct, so I'm not going to go
21 over that. What I want you to do is look at the top. Did
22 he fill out that top area?

23 A No, I did.

24 Q So you filled out the top area?

25 A Uh-huh.

1 Q And is that --

2 A I'm sorry.

3 Q I'm sorry. What address did you put in?

4 A I filled out the top area based on the information he
5 gave me. So it was 926 Easy Road, Laurens.

6 Q So he told you he lived at 926 Easy Road, Laurens?

7 A For this portion of it, yes.

8 Q And that's the -- that is the incident location;
9 correct?

10 A I believe so, yes, sir.

11 Q Okay. And, obviously, I understand there's some
12 other statements that he made?

13 A There's some other discrepancies in the address, yes,
14 sir.

15 Q I think the second to the last or third to the last
16 clip that the State played, there was some -- he said that
17 he never went over there; correct?

18 A Yes. He said he didn't live there. He lived at
19 different places.

20 Q Okay. Now, one other question. The knife he
21 described to you as being the weapon that he used in
22 self-defense in that last statement, what was the
23 description he gave you of it?

24 A I believe he said it was a knife that was on the
25 dresser.

1 Q Yeah.

2 A From the kitchen or a kitchen knife.

3 Q Like a kitchen knife?

4 A Yes, sir.

5 Q Did he say it had a black handle?

6 A I believe so, yes, sir.

7 Q Okay. Now, I'm going to show you Defendant's Exhibit
8 No. 9, which is already by stipulation in evidence. And
9 this may be a lead investigator question. It probably is.
10 Okay.

11 A Okay.

12 Q But you've been a lead investigator before. Do you
13 know what serology means?

14 A Yes, sir. It's blood.

15 Q Okay. And the SLED serology lab, basically, tests
16 for blood; right?

17 A Yes, sir.

18 Q And if you don't mind that -- that very first item
19 listed on there, what is that item -- what's the
20 description of that item?

21 A A black-handled knife from --

22 Q And what does it say on the blood, whether or not
23 there was blood found?

24 A It says, Results presented testing for blood was
25 positive. Item forwarded to the DNA section.

1 Q Forwarded to the DNA section. Of your own personal
2 knowledge -- and I know you're not the lead
3 investigator -- do you know whether or not DNA was ever
4 done on that knife?

5 A I have no clue, sir.

6 Q Okay. But it, like, a -- it says a black-handled
7 knife; correct?

8 A Yes, sir.

9 Q It doesn't say a wood, fold-out knife, does it?

10 A No, sir, it doesn't.

11 MR. SHAFFER: Okay. The Court's indulgence.

12 THE COURT: Sure. Take your time.

13 (Pause.)

14 MR. SHAFFER: No further questions.

15 REDIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q Captain Hunnicutt, if you know, please, answer this
18 question, what happened to the victim's shoes?

19 A I do not know.

20 You said the victim's shoes?

21 Q What happened to the victim's shoes?

22 A I do not know.

23 Q Do you know for any reason why they wouldn't have
24 been found at Easy Road?

25 A No, sir.

1 And, of course, I would hope that -- I really didn't
2 talk about this, but if you have a family member that
3 needed to get in touch with you, all they would have to do
4 is just call the clerk's office. So, hopefully, they
5 would know that.

6 Okay. Very good.

7 The State, you may proceed.

8 MR. SCOTT: Your Honor, the State calls Farrah Cook.

9 THE BAILIFF: Place your left hand on the Bible and
10 raise your right hand.

11 WHEREUPON,

12 FARRAH COOK,
13 after first having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q Investigator Cook, you were working with the
17 sheriff's department in October of 2018?

18 A That is correct.

19 Q All right. And primarily, was it your role to
20 conduct interviews with some of the parties?

21 A I was contacted to come by and help with the murder
22 investigation. And that was one of the things I was asked
23 to do, was help with the interviewing.

24 Q Okay. So who all did you interview?

25 A I interviewed Bluford and Elmore.

1 Q Okay. That's Crystal Bluford and Lutavious Elmore?

2 A Yes, sir.

3 Q Okay. And who did you interview first?

4 A Crystal Bluford.

5 Q Okay. Who -- to your knowledge, who interviewed
6 Lutavious Elmore before you?

7 A Hunnicutt and Evans.

8 Q Okay. So they were able to conduct an interview with
9 him. And then at some point, you were able to speak with
10 Mr. Elmore?

11 A That is correct.

12 Q Okay. How was that arranged?

13 A I was briefed after Hunnicutt and Evans were finished
14 with their part of interviewing. They wanted myself and
15 Turner to go back in and see if we could get additional
16 information.

17 Q Okay.

18 A Just changing up different people to get different
19 questions, different rapport with the suspect.

20 THE BAILIFF: Back up just a little bit.

21 BY MR. SCOTT:

22 Q Okay. Do you know about what time your interview
23 with Mr. Elmore started?

24 A I don't right off.

25 Q Do you know generally, was it the afternoon?

1 A It was the afternoon.

2 Q Okay. And when you went in to interview him, were
3 you made aware that he had already been Mirandized?

4 A That is correct.

5 Q Okay. And did you introduce yourself to him?

6 A That is correct.

7 Q Okay. Who was present when you interviewed
8 Mr. Elmore?

9 A Investigator Turner.

10 Q Okay. And were you in that same room that Detective
11 Hunnicutt had interviewed him?

12 A Yes, sir.

13 Q Okay. And was your interview recorded?

14 A That is correct.

15 Q Well, what was his version of events to you? When
16 you speak with Mr. Elmore and ask him what happened, what
17 was his version to you?

18 A When I spoke with Mr. Elmore, he had a couple
19 different deviations of what occurred. But he, first,
20 stated that he went over to the residence on Easy Road to
21 pay restitution to Crystal.

22 Prior to going over to pay the restitution, he had
23 went out to the club. I think it was club Champions. He
24 had a friend of his drop him back off in the projects. At
25 some point, he walked from the projects to Easy Road.

1 When he got to Easy Road, he took off a jacket that
2 he was wearing and dropped it by the driveway. He says he
3 went through the front door. He said it wasn't locked, or
4 anything. He just went through the front door. He walked
5 in.

6 He went to the bedroom, pushed the door open. He
7 seen Ms. Bluford and Mr. Lindsey sitting on the bed. He
8 tried to give Crystal the \$150. He says Mr. Lindsey
9 jumped up and rushed him.

10 At that point, he stated that an altercation started
11 between him and Mr. Lindsey. There was a fight that took
12 place. He said the fight took place somewhere near the
13 bed and the window. He said he couldn't get Mr. Lindsey
14 off of him.

15 In the interview, he stated that there was a knife on
16 the dresser. He picked that knife up and proceeded to
17 stab Mr. Lindsey with it. However, I was able to read his
18 statement prior to interviewing him. In the statement, he
19 said, I had a knife on the dresser.

20 He says the fight took place in the bedroom. They
21 proceeded to -- he seen Mr. Lindsey trying to reach for
22 something under a pillow. And I think that's when he said
23 he starts to stab him a couple of times.

24 He says Mr. Lindsey has ahold of him and won't let
25 him go. He's trying to get away from him. He says he

1 transitions the knife from one hand to the other hand.

2 And he's hitting him with the butt of the knife. At some
3 point, he's not getting Mr. Lindsey off of him. He puts
4 the knife down, turns it to where the blade is now facing
5 Mr. Lindsey. And he starts to stab him some more. He
6 says this started in the bedroom and continued all the way
7 to the kitchen.

8 Q Okay. So he says he went to Champions and somebody
9 gave him a ride to the projects. Did he say who gave him
10 a ride?

11 A He, specifically, named a person, Bug.

12 Q Do you know Bug's real name?

13 A I do not.

14 Q So Bug gave him a ride to the projects from
15 Champions?

16 A Correct.

17 Q And he went to his sister's home there?

18 A Correct.

19 Q Okay. And then he walked to Easy Road?

20 A He did.

21 Q Did he indicate how long it took him to walk to Easy
22 Road?

23 A He stated it took him probably about 45 minutes.

24 Q Did he indicate whether or not he had ever walked
25 from --

1 A He stated this was the first time he had ever walked
2 over there.

3 Q And did he state approximately what time it was when
4 he made this walk?

5 A He stated he got there about 3:45.

6 Q So that would have made him leave the projects about
7 3:00 a.m. to go pay restitution?

8 A Yes, probably.

9 Q And you said he told you as he got to Easy Road, he
10 left a coat where?

11 A Near the driveway.

12 Q Okay. What was his explanation of why he did that?

13 A He said he was just going in to pay restitution. He
14 was going to come back out and get his jacket and go home.

15 Q Okay. Did he indicate whether or not he rang the
16 doorbell?

17 A He did not.

18 Q Did he indicate whether or not he knocked on the
19 door?

20 A He did not.

21 Q Okay. And did he indicate whether or not he
22 announced his presence as he walked through the door?

23 A He did not.

24 Q Okay. And he walked down the hallway?

25 A That's his statement, yes.

1 Q And your testimony is he said he pushed the doorway
2 open to the bedroom?

3 A That's correct.

4 Q And what did he say Ms. Bluford and Mr. Lindsey were
5 doing on the bed?

6 A Sitting on the bed.

7 Q Okay. Did he ever say that they were clothed or
8 unclothed?

9 A He stated both individuals had their clothes on.

10 Q Okay. And did he indicate what his feelings were
11 when he saw Ms. Bluford in the bed with another man?

12 A He said he wasn't startled, he wasn't bothered by it.
13 He was just there to pay the restitution.

14 Q And what, if anything, did he do with the money he
15 had brought with him?

16 A He, first, stated he gave it to Crystal. Then he
17 stated that -- I'm assuming it fell when he was rushed, as
18 he stated. He stated after the stabbing occurred, he went
19 back and got the money.

20 Q Okay. Let's try to go in order of events. He hands
21 the money -- he drops the money -- tries to give the
22 restitution to Crystal. And, now, did he say they were
23 sitting in bed or lying in bed?

24 A He said they were sitting on the bed.

25 Q Okay. Did you ask him to sketch out the scene in the

1 bedroom as he viewed it?

2 A I did ask him to show me. Because I hadn't been to
3 the scene.

4 (WHEREUPON, State's Exhibit No. 70 was marked for
5 identification only.)

6 BY MR. SCOTT:

7 Q This is State's Exhibit No. 70. Have you ever seen
8 that?

9 A Yes, sir.

10 Q What is that?

11 A That's the sketch that Mr. Elmore sketched out as to
12 how they were on the bed.

13 Q Did he sketch that out in your presence?

14 A Yes, sir.

15 Q And how does he indicate in his sketch Ms. Bluford
16 and Mr. Lindsey were positioned?

17 A He has them laying sideways on the bed.

18 Q Okay.

19 A And he has Crystal laying sideways -- with the head
20 of the bed up, Crystal laying sideways and Bluford [sic]
21 laying near the end of the bed sideways.

22 Q So what you're describing is, I guess, a fairly
23 non-traditional way of sleeping in a bed.

24 A Yes.

25 Q Okay. So what you're describing is not the head at

1 the head of the bed and the feet at the foot of the bed,
2 but rather just completely sideways?

3 A Completely sideways.

4 Q Okay. In the sketch, does he indicate whether they
5 were lying down or sitting up?

6 A He doesn't indicate whether they were sitting up or
7 laying down in the sketch. He just stated when he went
8 in, they were sitting up.

9 Q Okay. And did he indicate what caused Mr. Lindsey to
10 get off the bed and confront him?

11 A No.

12 Q Okay. How did he indicate that particular
13 altercation occurring?

14 A He just stated he was trying to give Crystal the
15 restitution and the -- Mr. Lindsey rushed him.

16 Q Okay. Was -- did -- was he consistent that
17 Mr. Lindsey rushed him?

18 A Not necessarily. He first said he rushed him. And
19 then he stated that Mr. Lindsey was trying to get up. He
20 pushed him back down. He stated he tripped him up. He
21 stated Mr. Lindsey was trying to reach under the pillow
22 for something, so.

23 Q Did he indicate where in the room this initial
24 altercation happened?

25 A Near the head of the bed near the window.

1 Q Let me show you State's Exhibit No. 49. Can you see
2 that?

3 A Yes, sir.

4 Q State's Exhibit No. 49?

5 A Yes, sir.

6 Q All right. And so he tells you at the head of the
7 bed under the window?

8 A That's correct.

9 Q Okay. And that's where the initial -- I guess I'll
10 call it altercation occurred, according to Mr. Elmore?

11 A According to Mr. Elmore.

12 Q Okay. And then he told you that it proceeded down
13 the hallway. And did it end in the kitchen? Or where did
14 it end?

15 A He stated that they fought all the way down the
16 hallway and it ended in the kitchen.

17 Q Okay. And let me show you the sketch, State's
18 Exhibit No. 70.

19 THE COURT: What number is that, Solicitor?

20 MR. SCOTT: State's Exhibit No. 70.

21 THE COURT: State's Exhibit No. 70. Okay.

22 BY MR. SCOTT:

23 Q And this is State's Exhibit No. 70, what he drew in
24 your presence?

25 A That's correct.

1 MR. SCOTT: The State introduces State's Exhibit
2 No. 70 for admission into evidence, Your Honor.

3 THE COURT: What says the Defense?

4 MS. MCNEILL: No objection, Your Honor.

5 THE COURT: Without objection, State's Exhibit No. 70
6 into evidence.

7 (WHEREUPON, State's Exhibit No. 70 was admitted into
8 evidence.)

9 BY MR. SCOTT:

10 Q And this is the sketch that I had up earlier and you
11 testified to it. But what he drew for you is the head of
12 the bed and then Crystal lying sideways, and Mr. Lindsey
13 lying sideways at the end?

14 A That's correct.

15 Q Okay. And he says that the altercation occurred at
16 the head of the bed under the window. Mr. Lindsey was
17 getting the better of him?

18 A He said Mr. Lindsey had ahold of him. I asked him
19 how. He said he was holding onto his clothes, holding
20 onto his neck, had his hands around his neck.

21 Q Okay. He said Mr. Lindsey had his hands around his
22 neck?

23 A He said, Around my neck. He indicated his clothes.

24 Q Did you indicate -- or rather, did you observe any
25 wounds on Mr. Elmore while you were talking with him?

1 A I did not.

2 Q And did he indicate whether or not he had any wounds
3 from this altercation?

4 A He stated he did not.

5 Q Okay. But he describes this fight with Mr. Lindsey
6 and he sees a knife on the dresser. Did he describe the
7 knife?

8 A He described the knife as being -- a black handle on
9 it.

10 Q Okay. And he began stabbing Mr. Lindsey in the
11 bedroom -- or when did he start stabbing him?

12 A In the bedroom.

13 Q But that didn't subdue Mr. Lindsey, according to
14 Mr. Elmore?

15 A According to Mr. Elmore, he didn't let go of him.

16 Q And Mr. Elmore said they continued down the hallway
17 and into the kitchen?

18 A That's correct.

19 Q Did he indicate whether or not he was stabbing
20 Mr. Lindsey in the hallway?

21 A I don't, actually, recall. I do know he stated one
22 time he had the butt of the knife, just punching him with
23 the butt of the knife. And Mr. Lindsey still wouldn't let
24 go. So he put the knife down, flipped the knife, and
25 stabbed him some more.

1 Q Okay. What did he say happened next? Did he say
2 where he went after that?

3 A He said he left.

4 Q Okay. Did he say -- did he go out the front door or
5 back door?

6 A He stated he went out the front door.

7 Q Okay. And did he indicate whether he was running or
8 walking?

9 A Walking.

10 Q And did he give you the general path he took?

11 A He did. He stated, like, he took a left out of the
12 driveway when he left. He went up near some shed on 221.
13 He crossed over some gravel road, crossed over a bridge.
14 He mentioned a muffler shop. And he went home to Williams
15 Street.

16 Q Okay. But he indicated he just walked, he didn't
17 run?

18 A He stated he did not run, he walked.

19 Q Okay. And he talked about leaving his coat out in
20 the front driveway. I think he told you because he wasn't
21 going to stay long, he was going to come back out and pick
22 it up on the way out?

23 A Yes.

24 Q This is State's Exhibit No. 16 there. Okay. So he
25 said he went out the front door and he went down the

1 driveway. And he took a left or a right?

2 A In the statement, I believe he said he took a left.

3 Q Okay. So he would have walked directly over his coat
4 that was in the front driveway?

5 A I'm assuming he should have seen it.

6 Q Well, did he indicate why he didn't just pick it up
7 if he was kind of casually walking out the front door?

8 A He didn't state why he didn't get it.

9 Q And did he indicate whether he left first or Crystal
10 Bluford left first?

11 A He stated he left first.

12 Q Okay. Do you recall him saying -- was he consistent
13 that he left first?

14 A At one point, I'm pretty sure he said he left first.
15 Because he said he was telling Crystal to call the
16 ambulance, call the police. And he just walked out the
17 front door.

18 Q Okay. Have you reviewed the video of your interview
19 with him?

20 A I have a few times.

21 Q Okay. Can I show you some clips?

22 A That's fine.

23 THE COURT: Will this be the seventh? My notes
24 indicate we ended with the sixth clip or segment
25 yesterday.

1 MR. SCOTT: What I'm going to probably do is kind of
2 like they did yesterday with Evans, just refresh her
3 memory by showing her just a clip of the video with
4 headphones.

5 THE COURT: And then at some point in time go into
6 the seventh segment?

7 MR. SCOTT: Yes. I don't think this particular thing
8 is on that portion.

9 THE COURT: I got you.

10 (Pause.)

11 BY MR. SCOTT:

12 Q Okay. Did you listen to a portion of your interview?

13 A I did.

14 Q Now, what did he indicate who left first?

15 A In that portion, he says that she left first and then
16 he left.

17 Q Okay. She left first -- "she" being Crystal Bluford?

18 A That is correct.

19 Q Did he describe how she left?

20 A She left in the -- the vehicle. I'm not sure if he
21 says it in this clip. He does tell me later on in the
22 interview.

23 Q Okay. Well, do you remember him telling you at any
24 point in the interview how Crystal left?

25 A I do.

1 Q Okay. And how was that?

2 A That was in Mr. Lindsey's vehicle.

3 Q And you already stated that he said he walked?

4 A That's correct.

5 Q Did y'all ever find the money he had left there for
6 Ms. Lindsey -- I mean, Ms. Bluford, rather?

7 A No, sir.

8 Q Did he have an explanation for that?

9 A He stated that after the altercation, the stabbing,
10 and he realized -- he realized the guy -- things got bad,
11 he went back down the hall and got the money.

12 Q Okay. Did he have an explanation for why he did
13 that?

14 A He said Crystal didn't want the money, so he went and
15 got it.

16 Q After he killed Mr. Lindsey?

17 A That's correct.

18 Q Where did he tell you he lived?

19 A During the beginning of the interview, he stated he
20 lived at -- I think it's 926 Easy Road. That was at the
21 very beginning. Throughout him talking on his own, he
22 said he didn't live there. He moved his clothes because
23 he couldn't live there due to family members, or
24 something. So he moved his clothes.

25 And then he stated several times he was going home.

1 He stated he lived with his sister, Janisha, on Williams
2 Street.

3 Q So he did acknowledge that he did not live at Easy
4 Road?

5 A He did.

6 Q What, if anything, did he say to you about the
7 burning clothes?

8 A He was asked about the burned clothes. He denied
9 burning the clothes. He did state in the interview, my
10 clothes got burned, got blood on them. Then he changed to
11 the clothes she had on had blood on them. I asked him
12 again about burning the clothes. He diverts the
13 conversation to different things, like cutting the grass,
14 paying child support.

15 Eventually, he says that he takes the clothes off
16 outside. They're outside. He, eventually, says, They're
17 laying there burned in an area you burn stuff in. I never
18 went back there to view it. He, eventually, said, They're
19 in the back yard where you burn stuff.

20 Q So he indicated that he did take his clothes off and
21 leave them out back?

22 A That's correct.

23 Q But he -- he denied burning them?

24 A He did deny burning them.

25 Q What did he tell you he was wearing on the night --

1 or early morning hours of October 27th, 2018?

2 A He stated he was wearing a shark shirt. I think it
3 had a red mouth on it, gold stitching. He stated he had
4 some more pants on. He indicated he had a black T-shirt
5 on as well.

6 Q Tell me what kind of shirt.

7 A A shark shirt.

8 Q Shark?

9 A Shark.

10 Q Okay. And how did he describe the shark shirt?

11 A It had a red mouth with gold stitching. He might
12 have even said it was a limited edition, or something like
13 that, too.

14 Q That was generally -- anything else that you recall
15 in y'all's interview that was noteworthy to you?

16 A I can't think of anything, other than he indicated
17 that he did kill him.

18 Q Okay. Now, he -- he says he left to go walking at
19 3:00 a.m. Did you ask him why he left at that early
20 morning hour to go pay some money to somebody, instead of
21 the daytime?

22 A He said he just wanted to give her her money.

23 Q Okay. Did you ask him about leaving that coat
24 outside if he was going in to pay money?

25 A I did. And he said he was going to pick it up on his

1 way when he left to go home.

2 Q Okay. Did he indicate why he didn't just keep it on
3 when he went inside?

4 A He didn't really give a reason why. He just said he
5 left it there because he was going to leave. He wasn't
6 going to be there very long. He was going home.

7 Q If he tells you he took his clothes off and left them
8 out back, did he tell you what he wore when he went and
9 walked home?

10 A I don't recall him telling me what he wore home. He
11 just said he had some more clothes there. At one point in
12 the video, he does show a black T-shirt -- he indicates a
13 black T-shirt he's wearing.

14 Q I thought you said he said he didn't have any clothes
15 there. Was he consistent in whether he had clothes there
16 or not?

17 A He wasn't consistent.

18 MR. SCOTT: All right. I think I'm going to publish
19 a couple clips from your interview with Mr. Elmore.

20 Your Honor, we're going to admit clip seven in
21 State's Exhibit No. 27.

22 Your Honor, permission to publish.

23 THE COURT: All right. Segment seven, any -- any
24 objection?

25 MS. MCNEILL: Subject to previous objections.

1 THE COURT: Sure. Subject to what is already on the
2 record.

3 That segment -- or clip seven of State's Exhibit No.
4 27 into evidence for the State.

5 MR. SCOTT: And, Judge, would you ask the jury if
6 they prefer it here or move it in front of them like we
7 did yesterday?

8 THE COURT: What would the jury prefer? Yesterday,
9 we had it in that spot. And then towards the end, we
10 moved it closer to you.

11 What would be the preference? Let me just ask this.
12 Who would like for the screen to be closer to the jury?
13 Raise your hand.

14 (WHEREUPON, the jurors indicated in the affirmative.)

15 THE COURT: Okay. The majority indicates closer.
16 If you could move it, Mr. Bentley.

17 (WHEREUPON, a portion of State's Exhibit No. 27 was
18 played in open court.)

19 THE COURT: Mr. Bentley, could you slide it just a
20 little bit, so it's kind of in the middle?

21 That's good.

22 Is everybody good?

23 (WHEREUPON, the jurors indicated in the affirmative.)

24 (WHEREUPON, a portion of State's Exhibit No. 27 was
25 played in open court.)

1 BY MR. SCOTT:

2 Q Okay. Did -- what did he say about calling her and
3 it going to voicemail?

4 A I think he said he called her and it went to
5 voicemail before he went over there.

6 Q Okay. And his explanation of the fight, initially,
7 in the bedroom -- what does scooping somebody mean, if you
8 know? If you don't know, don't answer.

9 A My version of scooping of what I've seen people call
10 scooping is when you grab them around the leg and kind
11 of --

12 MS. MCNEILL: Your Honor, I object to this.

13 THE COURT: That question was calling for
14 speculation, is that what --

15 MS. MCNEILL: Yes, sir.

16 THE COURT: Okay. I agree.

17 BY MR. SCOTT:

18 Q What is your definition of scooping?

19 MS. MCNEILL: Same objection. Relevance.

20 THE COURT: What was your question again, Solicitor?

21 MR. SCOTT: What is her definition of scooping
22 somebody? That term is used throughout the interview.

23 THE COURT: Yes. She can testify to what she
24 understands that term to mean.

25 BY MR. SCOTT:

1 Q Investigator Cook, what is your understanding -- what
2 is your definition of scooping somebody up?

3 A My definition of scooping somebody up is when you
4 wrap around and grab them by the legs and get them off the
5 ground.

6 Q Okay. And he says that happened in the bedroom.
7 Okay. And does it -- did he tell you -- was it your
8 understanding he didn't see police on his walk home?

9 A He said he did not see the police.

10 Q Okay. And he indicated multiple times he didn't care
11 what she did with other men?

12 A That's correct.

13 Q And you said you had spoken with Crystal Bluford
14 before this?

15 A Yes.

16 Q And what, if any, injuries did you observe on
17 Ms. Bluford?

18 A She did have injuries to the inside of her mouth.

19 Q And who called law enforcement to report that
20 Mr. Lindsey had been stabbed?

21 A To my knowledge, it was Crystal Bluford.

22 Q Okay. Do you have any records of Mr. Lindsey calling
23 911?

24 A No, I don't.

25 THE COURT: Did you mean Mr. Lindsey or Mr. Elmore?

1 MR. SCOTT: Oh, I'm sorry.

2 BY MR. SCOTT:

3 Q Do you have any record whatsoever of Mr. Elmore
4 calling 911?

5 A No, I don't. And he indicated he just told
6 Ms. Bluford to call.

7 Q Did he indicate why he didn't get in the car with
8 Ms. Bluford to leave?

9 A He didn't say why he didn't get in the car with her.

10 MR. SCOTT: Your Honor, this is clip eight and it's
11 four minutes, and clip nine is five minutes.

12 THE COURT: Okay.

13 MR. SCOTT: So permission to publish clip eight of
14 State's Exhibit No. 27.

15 THE COURT: Do you intend, Solicitor, other than
16 playing the last two clips, to have much more examination
17 of this officer? If so, which is fine, we'll take a break
18 now and then come back.

19 MR. SCOTT: No. I don't think I do. Maybe after --
20 well, I'll leave it to you. But I don't think I'll have a
21 lot of questions after these two clips.

22 THE COURT: Is the jury still good going forward a
23 little bit more?

24 (WHEREUPON, the jurors indicated in the affirmative.)

25 THE COURT: Okay. Looks like everybody is shaking

1 their head in the affirmative.

2 (Pause.)

3 MR. SCOTT: Judge, maybe this is a good time to take
4 a brief break. We just want to make sure we've got the
5 right video.

6 THE COURT: Okay. Ladies and gentlemen, let's go
7 ahead and take a morning break. And we'll get the lawyers
8 to make sure we've got everything squared away on the
9 videos. And then we'll bring you back.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 11:17 a.m.)

12 (WHEREUPON, a break was taken.)

13 THE COURT: Okay. Are we squared away on the video,
14 Solicitor?

15 MR. SCOTT: Yes, sir. Just out of an abundance of
16 caution, we wanted to make sure.

17 THE COURT: And I appreciate that.

18 Mr. Bolt, bring the jury out, please.

19 (WHEREUPON, the jury came into open court at
20 approximately 11:41 a.m.)

21 THE BAILIFF: All present, Your Honor.

22 THE COURT: All right. Thank you, Mr. Bolt.
23 Solicitor.

24 MR. SCOTT: Thank you, Your Honor.

25 We're going to just publish clip eight now from

1 State's Exhibit -- I can't remember -- State's Exhibit
2 No. 27.

3 THE COURT: State's Exhibit No. 27. So this is going
4 to be segment eight and nine, you're moving those into
5 evidence, as well as seven we just watched?

6 MR. SCOTT: Yes, Your Honor.

7 THE COURT: And subject to what is noted on the
8 record?

9 MS. MCNEILL: Yes, sir.

10 THE COURT: Okay. It's in evidence for the State.

11 (WHEREUPON, a portion of State's Exhibit No. 27 was
12 played in open court.)

13 MR. SCOTT: And this is clip nine that we're going to
14 publish. And if we haven't already, we offer clip nine
15 for admission into evidence as part of State's Exhibit
16 No. 27.

17 THE COURT: Right. They have already -- eight and
18 nine was offered at the same time.

19 MR. SCOTT: Thank you.

20 (WHEREUPON, a portion of State's Exhibit No. 27 was.
21 played in open court.)

22 MR. SCOTT: Investigator Cook, answer any questions
23 for the Defense.

24 THE COURT: Cross-examination.

25 MS. MCNEILL: Yes, sir. Judge, may we approach real

1 quick?

2 (WHEREUPON, a sidebar was held in the hallway.)

3 MS. MCNEILL: May it please the Court.

4 THE COURT: Sure.

5 Officer Cook, do you need any water or anything over
6 there?

7 THE WITNESS: I've got some.

8 CROSS-EXAMINATION

9 BY MS. MCNEILL:

10 Q Good morning, afternoon, Ms. Cook. How are you
11 doing?

12 A Good. And you?

13 Q I'm well.

14 Thank you.

15 So, first, I want to go over your first interview
16 with Ms. Crystal Bluford.

17 A Yes, ma'am.

18 Q Did you have an opportunity to review your
19 interrogation of her both the first and the second time?

20 A I have.

21 Q Okay. Did -- first of all, did she have to go to the
22 hospital for that cut on her mouth that you saw?

23 A Not to my knowledge.

24 Q Okay. And do you normally read a victim their
25 Miranda rights?

1 A When I first interviewed her, this was the beginning
2 of this incident. It was the beginning of the
3 investigation. So anybody I deal with will be read their
4 Miranda rights. Because I don't know what their
5 involvement or lack of involvement is. So it was just a
6 precaution.

7 Q Okay. And this was still an active investigation?

8 A Very active.

9 Q So you couldn't rule her out as a suspect at this
10 time?

11 A Not at that time.

12 Q And Crystal had told you that Lutavious pops her lock
13 sometimes to get in her house during the first interview;
14 correct?

15 A I'm not sure which interview, but she did tell me
16 that.

17 Q And she told you that she had talked with Lutavious
18 about going out that Friday night together to Champions;
19 right?

20 A She did say that. She was supposed to go out,
21 didn't, and then he was going to Champions. She did
22 mention that in that interview.

23 Q Thank you.

24 And she told you that her relationship with Sergio
25 was nonsexual in nature, that they were fully clothed, and

1 nothing was going on sexually?

2 A That is correct.

3 Q And she, also, told you that Lutavious started
4 punching Sergio and that she saw Lutavious pull out a
5 pocket knife; is that correct?

6 A That is correct.

7 Q Okay. And I'm going to --

8 MS. MCNEILL: I beg the Court's indulgence.

9 THE COURT: Sure.

10 (Pause.)

11 BY MS. MCNEILL:

12 Q And a pocket knife means a folding knife; right?

13 A That's what I would say a pocket knife is, yes.

14 Q And I'm handing you a pocket knife. Is that similar
15 to what she described?

16 A She described seeing him popping something out that
17 she thought was a pocket knife.

18 Q Okay. Thank you.

19 All right. And Crystal told you that she ran once
20 the fight began and hid by a truck in her neighbor's yard.
21 And that Lutavious came out to that carport about two to
22 three times calling her name; is that right?

23 A That is correct.

24 Q And she told you that her neighbor was in the house
25 because the kitchen light was on in that house; right?

1 A I believe her words was she thought they were home.

2 Q She thought they were home?

3 A Yes.

4 Q Okay. And she told you the kitchen light in their
5 home was on?

6 A That is correct.

7 Q Okay. She, also, told you that Lutavious told her at
8 some point that he was going to burn her house down; is
9 that right?

10 A She did.

11 Q And she told you that she wanted to put Sergio in the
12 car and toss him out somewhere when she was trying to
13 figure out how to get out of this mess; is that right?

14 A She, actually, stated that Mr. Elmore told her that
15 she had to help because this was on her hands. And she
16 was afraid. She said she wanted to jump out the window,
17 but he ran faster than she did. So she didn't choose that
18 option --

19 Q But she, also, said that he had at some -- or she had
20 thought at some point maybe we should put him in the car
21 and drop him off somewhere?

22 A She said that Mr. Elmore told her she had to help.
23 And she was like, Well, maybe we can put him in the car
24 and call somebody to -- notify somebody.

25 Q Thank you.

1 And she, also, told you that Lutavious didn't have
2 any shoes on, that he was barefoot; right?

3 A She did say that she -- he was barefoot and his work
4 boots was on the back porch.

5 Q Okay. And that she had gotten Sergio's car keys from
6 Lutavious?

7 A That is correct.

8 Q And she told you that when Sergio was in the kitchen,
9 Sergio grunted. And then that's when Lutavious had
10 grabbed some sort of kitchen knife that she believed was
11 hers?

12 A That is correct.

13 Q Okay. She, also, told you that Lutavious left on
14 foot; is that right? Left the house, the incident
15 location?

16 A I'm not sure about that.

17 Q You're not sure? At some point, you had noticed
18 during your first interview of her that she had blood on
19 her hands; is that right?

20 A It was a spot under her fingernail. It wasn't like
21 near the end, it was --

22 Q But it was on there?

23 A Like you smash your finger, that's what it looked
24 like. I'm not medical, but that's what it looked like.

25 Q But you saw blood on her hands?

1 A Not like -- I don't want you to think it's under the
2 tip of the fingernail. It was on the end.

3 Q I'm just asking about blood.

4 A Yes.

5 Q Thank you.

6 She, also, told you that she went to put gloves on at
7 some point during this incident?

8 A That is correct. She made the comment that
9 Mr. Bluford [sic] told her, Don't be a dumb criminal.

10 Q Right. And that she went and put gloves on?

11 A Yes.

12 Q And that she, also, said, I believe, that she had
13 psoriasis. So any sort of chemical would bother her hands
14 because of her condition and that's, also, why she wears
15 gloves?

16 A That is what she told me.

17 Q And she, also, said at some point in her response to
18 your questioning that she had never seen Lutavious fight
19 another dude she had been talking to and she had never
20 seen him fight anybody?

21 A Except for her.

22 Q Okay. Crystal told you that this incident happened
23 quick, 45 minutes, at the most; is that right?

24 A I think that's the time she rounded it off to.

25 Q Okay. Crystal told you that when she was hiding by

1 her neighbor's house, she heard Lutavious running, which
2 is how she knew that Lutavious didn't have any shoes on,
3 that he was barefoot and so was she?

4 A That was a statement that she made.

5 Q Okay. And she told you that Lutavious gave her
6 Sergio's car keys? I'm not sure if I just asked you that.
7 But that's where she got them from?

8 A You did. And that's what she said.

9 Q Thank you.

10 She, also, told you that Lutavious wanted her to help
11 get rid of Sergio's body, to get him out of the house, and
12 to burn his body; is that right?

13 A I don't recall the burn part.

14 Q Okay. Do you want me to play part of the video to
15 refresh your memory?

16 A Please.

17 MS. MCNEILL: Okay. Sure.

18 (Pause.)

19 BY MS. MCNEILL:

20 Q I'm going to let Mr. Shaffer find that while I
21 continue.

22 A Yes, ma'am.

23 Q Just for time purposes.

24 At some point -- and if you don't recall this, it's,
25 like, right next to the segment that I'm going to have you

1 listen to. But at some point, she, also, told you she
2 went back to her bedroom when she went to get the gloves
3 and a cigarette; is that right?

4 A I'm going to have to listen to that segment.

5 Q Okay.

6 A I know she returned with the cell phone from her
7 bedroom.

8 Q Okay. And she, also, told you she stayed on the
9 phone with Sergio for roughly two hours while Sergio drove
10 to her house because he had been tired from working that
11 night?

12 A She did say he talked to her the entire time.

13 Q And she, also, told you that she knew he was married,
14 which is why nothing sexual was going on?

15 A That is correct.

16 Q And she told you that Lutavious said something to her
17 about calling the police at one point?

18 A She did say that Lutavious did tell her to call an
19 ambulance and call the police.

20 Q Okay. And she told you at one point while she was in
21 her bedroom that she thought about going through her
22 bedroom window, which I think you had just mentioned; is
23 that right?

24 A Yes, ma'am.

25 Q Okay. And that she, also, told you she has gone

1 through her window before to get in her house; is that
2 right?

3 A She did mention she had a window she has had to use
4 to access her house, yes.

5 Q Okay. And that she told you she never saw Lutavious
6 drag Sergio outside and never saw Sergio [sic] with a gas
7 can that night?

8 A She stated when she left the home.

9 Q Right.

10 A Mr. Lindsey was still in the bedroom.

11 Q Okay. And she told you that she never helped
12 Lutavious burn anything; is that right?

13 A Correct.

14 Q Okay. And then you told her that, City officers said
15 you had some ashes on her -- on you. So you told her,
16 Well, city officers said they saw some ash on you. And
17 then Captain Wilkie followed up with, Do you smoke; is
18 that right?

19 A I don't think that's accurate.

20 Q Okay.

21 A I think Captain Wilkie came in and asked her
22 something about having something on her. And she said she
23 smoked en route to AMPM.

24 MS. MCNEILL: Okay. I beg the Court's indulgence.

25 THE COURT: Sure.

1 (Pause.)

2 THE COURT: About how long is that?

3 MS. MCNEILL: Three minutes.

4 THE COURT: Okay. Three minutes.

5 MS. BOYKIN: Chelsea, what's the time stamp?

6 MS. MCNEILL: 1:20.

7 (Pause.)

8 MS. MCNEILL: It might be four minutes.

9 THE COURT: That's fine.

10 BY MS. MCNEILL:

11 Q It starts at 1:20. If you could just listen to 1:24,
12 1:25 just to refresh your memory.

13 THE COURT: Okay. Everybody be at ease while this
14 witness listens to some audio.

15 (Pause.)

16 THE WITNESS: The 1:25 mark; correct?

17 BY MS. MCNEILL

18 Q Yes, ma'am.

19 So going back, Crystal did tell you that Lutavious
20 wanted her to help get rid of his -- Sergio's body, to get
21 him out of the house, and to burn his body; right?

22 A I still missed the burned part.

23 Q Okay.

24 A I did hear her say he told her he would burn the
25 house down.

1 Q Okay. I'm going to take the computer and mark it at
2 the last question I asked you. Very brief, to refresh
3 your memory on this question.

4 MS. MCNEILL: I beg the Court's indulgence.

5 THE COURT: Sure. Take your time.

6 BY MS. MCNEILL:

7 Q All right. Ms. Cook, I'm sorry about the delay.

8 A That's okay.

9 Q If you'll just listen to that one conversation for
10 just, like, 20 seconds.

11 A Right here?

12 Q Yes, ma'am.

13 (Pause.)

14 BY MS. MCNEILL:

15 Q So did you ask her or tell her that city officers --
16 I'm going to leave this right here -- that city officers
17 had noticed ash on her?

18 A Captain Wilkie.

19 Q Captain Wilkie did. Okay.

20 Thank you.

21 I'm going to show you what's been previously marked
22 as State's Exhibit No. 24. This is -- and I know it's
23 kind of far away from you. Can you see it from there?

24 A I can.

25 Q So is this Ms. Bluford's house right here? I know

1 that you've been out to that incident location; correct?

2 A Once.

3 Q Once. So this is an aerial photo. And this -- does
4 this look like it could be with the trailer back here
5 Ms. Bluford's photo -- I mean, house?

6 A If I seen the front of it, I could confirm. But I'm
7 telling you, I can't answer from the aerial view.

8 Q Okay. Strike that then.

9 This is -- I'm going to show you what's been marked
10 as State's Exhibit No. 15.

11 A Yes.

12 Q And then -- so this would be the neighbor's house
13 that she's claiming that she ran to; is that correct?

14 A I'm assuming. I went back the following days after.
15 I wasn't on scene.

16 Q Okay. She talked about hiding underneath a carport;
17 is that right?

18 A That's what she stated. But I'm not sure which house
19 it is.

20 Q Okay. No problem.

21 Thank you.

22 At some point, she, also, asked you if the fire had
23 burned out and Lutavious had burned his shirt. And you
24 said you didn't know because you had been there with her
25 the whole time; isn't that right?

1 A That's correct. I didn't go to the scene at that
2 time.

3 Q And she, also, told you that she hadn't seen -- when
4 you asked her did she wash anything or did Lutavious wash
5 anything, she said, What do you mean wash?

6 You said, By the kitchen sink area.

7 She, also, told you she hadn't seen Lutavious washing
8 anything that day; is that right?

9 A She did mention something about washing and she
10 didn't see him washing anything.

11 Q Okay. And she, also, told you that when they were in
12 the kitchen -- okay -- that, I guess, Sergio had grunted
13 and Lutavious picked up a kitchen knife -- one of her
14 kitchen knives. And she watched him bend the blade in his
15 hand; is that right?

16 A The tip of it.

17 Q The tip of it.

18 Thank you.

19 And she, also, said she didn't know why he did that?

20 A Correct.

21 Q And she, also, told you that throughout this ordeal
22 that she had changed clothes herself. She wasn't wearing
23 her original clothes; is that right?

24 A I'm pretty sure she told me what she had on was --
25 when I interviewed her, other than the jacket, is what she

1 had on.

2 Q She didn't tell you that she had changed her clothes
3 and put on shoes?

4 A She put on pants and added a jacket, but everything
5 else was the same.

6 Q Okay. So she added clothes?

7 A Yes.

8 Q Now, I want to go through the second interview that
9 you did. So the first interview you did was the day of
10 the incident; right?

11 A Yes, ma'am.

12 Q Okay. And then the second interview you did of her
13 was on October 31st. So four days after the first initial
14 interview; is that right?

15 A Yes, ma'am.

16 Q Okay. And I'm sure that you just wanted to clarify
17 some of the facts that she had stated before and probably
18 compare them to what Lutavious had said to you during his
19 interrogation; is that right?

20 A Actually, we did an interview again for those
21 reasons, also, for Investigator Turner. Because he had,
22 actually, been out on the scene, knew what the home looked
23 like, I didn't.

24 Q Okay. During that second interview, when you were
25 questioning her about the turn of events, she had told you

1 she had talked to Lutavious the day before the incident on
2 Maurice's phone; is that right?

3 And I'm, actually, going to take that computer so I
4 can fire up the second video just in case you need to
5 refresh your memory.

6 Thank you.

7 A I think Ms. Bluford said she had talked to Elmore the
8 day before he called and she was sleeping. He said he'll
9 call back.

10 Q Okay. Did you, by chance, keep your notes from that
11 interview?

12 A From the first one.

13 Q You did keep your notes from the first one?

14 A Yes.

15 Q Your handwritten notes?

16 A Yes.

17 Q Okay. What about handwritten notes from the second
18 interview?

19 A I don't know. I misplaced that legal pad.

20 Q Okay. So I'm sorry that you don't have your second
21 set of notes. So if you do need to refresh your memory,
22 I'm happy to oblige.

23 A Thank you.

24 Q So she -- then she again -- when you asked her about
25 the turn of events that night, what she had been doing,

1 she again told you she was supposed to go to Champions
2 that night and so was Lutavious that she was aware of?

3 A She said she was supposed to go to the club.

4 Q Right.

5 A Yes.

6 Q Okay. Thank you.

7 She, also, told you Lutavious pays her restitution,
8 typically, on Friday. They would meet up somewhere, at
9 his sister's house or her house; is that right?

10 A I don't remember where she said they met up. But she
11 did say that he normally paid her on Friday and he would
12 let her know when he was going to pay her.

13 Q Okay. And when -- when you were asking her to go
14 through what happened again that evening -- or the early
15 morning hours of that very day, she did tell you that when
16 she was awakened that night, she didn't, actually, see
17 Lutavious lunging at Sergio; is that right? She woke up
18 to them -- to Lutavious punching Sergio?

19 A She said she woke up to Lutavious punching Sergio.

20 Q Okay. And she, also, told you that after she got hit
21 when she was trying to break up the fight and she fell on
22 the floor, when she got up off the floor is when she saw
23 Lutavious get a pocket knife of some sort out. But that
24 she couldn't say if he pulled that knife out of his
25 pocket; is that right?

1 A She mentioned all that. I'm not sure of the order,
2 but she did mention that.

3 Q Okay. Thank you.

4 She said that she saw him trying to flick the knife
5 open?

6 A Pop. I think it was pop.

7 Q Pop the knife open. And then she again in that
8 second interview told you she saw Lutavious bend the blade
9 of a kitchen knife. And she didn't know why he did that.
10 So she did repeat that again?

11 A Yes.

12 Q She, also, told you that Lutavious at some point told
13 her that he was there for about two hours before, I guess,
14 watching them sleep is what the allegation is. But that
15 she didn't think it could have been that long because
16 Sergio wasn't there that long; is that right?

17 A She did say that he told her he was watching for
18 about two hours.

19 Q Okay. And she said she didn't think it was that long
20 because Sergio got to her house around 1:00 something in
21 the morning and he had to get up at 4:00 a.m. something;
22 is that right?

23 A That's correct.

24 Q Just a few more questions. Did you -- now, I'm going
25 to move on to your interrogation of Lutavious Elmore.

1 A Yes, ma'am.

2 Q Did you, by chance, look at Lutavious's stomach, his
3 back, or his feet for any wounds or bruises?

4 A No, ma'am.

5 Q Okay. And he told you he got there around 3:45 in
6 the morning; is that right?

7 A Correct.

8 Q And when Lutavious asked if his clothes that had the
9 blood on them got burned up, isn't it true that -- this is
10 what you testified to today on direct. Isn't it true that
11 other officers that had previously interrogated
12 Lutavious -- I think it was Officer Hunnicutt and Don
13 Evans -- that they had already given him that information,
14 that his clothes had been in a burn pile; isn't that
15 right?

16 A I can't answer to that.

17 Q Okay. But, normally, don't you communicate with
18 previous interrogators so that you know what was covered
19 and what you need to cover?

20 A We did do a briefing. But I didn't get into the
21 burning of the clothes and what they asked him.

22 Q Didn't you think that was an important detail? No?

23 A No.

24 Q Okay.

25 A I mean, it's important, but I didn't get that

1 information from them.

2 Q Okay. Your observations of Lutavious during the
3 interrogation of him when you and Captain Turner -- I'm
4 sorry, Investigator Turner were interrogating Lutavious,
5 was he excited and nervous and talking pretty fast?

6 A He was talking pretty fast and kept getting
7 side-tracked.

8 Q Okay. And you kept telling him he had to slow down,
9 slow down, slow down; right?

10 A Correct.

11 Q Okay. And that understood -- you, also, said you
12 understood that he was nervous because he was trying to
13 get his story out; is that right?

14 A That's correct.

15 Q And at the end of your interrogation that we just
16 watched on the video, you did tell him that you thought he
17 was lying, but that he's only telling partial truth; is
18 that right?

19 A That is correct.

20 Q Okay. So he was telling partial truth. And what he
21 was lying about was that he freaked out, the dude -- man
22 wasn't breathing and he had blood all over his clothes; is
23 that right?

24 A Correct.

25 Q At the beginning of your testimony with Mr. Scott,

1 you stated you were asked to interview Lutavious in order
2 to change up the interrogators and get additional facts
3 out of Lutavious; is that right?

4 A Yes.

5 Q Okay. And last week, you testified that you've never
6 put pressure on anyone to get them to change their story;
7 isn't that right?

8 A Change and interview -- I did testify to that. That
9 is correct.

10 Q Okay. Have you ever put pressure on anybody to
11 change their story?

12 A What's your definition of pressure?

13 Q Coerced --

14 MR. SCOTT: Judge, objection to -- the question is a
15 case other than this one. I think she can talk about
16 interview tactics with Lutavious Elmore. I don't see how
17 any other case is relevant to this one. We've got an
18 entire video for the jury to watch. They can see for
19 themselves if any coercion was used.

20 MS. MCNEILL: That's fine, Judge.

21 MR. SCOTT: It's totally irrelevant.

22 MS. MCNEILL: That's fine, Judge. If Mr. Scott says
23 that coercion had to do with another case, I'll withdraw
24 the question.

25 THE COURT: Okay. So withdrawn.

1 MS. MCNEILL: Ms. Cook, I think that's all I have for
2 you.

3 Thank you for answering my questions.

4 THE WITNESS: Thank you.

5 THE COURT: Any redirect, Solicitor?

6 MR. SCOTT: Yes. Just a couple of questions.

7 REDIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Did I hear you say that Bluford told you Elmore asked
10 her to call the police?

11 A That is correct. He told her to call the police or
12 the ambulance.

13 Q Lutavious Elmore did? When was that, Ms. Cook?

14 A You said that Bluford said it?

15 Q Did Bluford tell you that --

16 A No. Elmore said it. Elmore was the one that said
17 it.

18 Q Okay.

19 A Elmore said he told Bluford to call the police or
20 ambulance.

21 Q Okay. But just to clarify, Bluford never told you
22 Elmore said to call the police?

23 A I don't have that in my notes at all.

24 Q Okay.

25 A What I do remember or recall is Elmore said he told

1 Bluford to call the police or the ambulance.

2 Q Okay. I probably misunderstood. I thought whenever
3 Ms. McNeill was asking you about Bluford's interview that
4 you said Bluford told you Elmore said to call the police?

5 A I might have got the names mixed up. But Elmore told
6 Bluford to call the police or the ambulance. And I got
7 that from Elmore.

8 Q Okay. But did Bluford ever tell you -- Crystal
9 Bluford, did she ever say that Elmore asked her to call
10 the police?

11 A No.

12 MS. MCNEILL: I beg the Court's indulgence.

13 THE COURT: Sure.

14 (Pause.)

15 MS. MCNEILL: No further questions.

16 THE COURT: Okay. Solicitor, were you finished on
17 your redirect?

18 MR. SCOTT: Was I finished?

19 THE COURT: Yes.

20 MR. SCOTT: No, sir.

21 THE COURT: Okay. So just -- I'll give you an
22 opportunity to recross, if you want to.

23 MS. MCNEILL: No further questions.

24 THE COURT: Right. But he's -- Solicitor Scott has
25 not finished his redirect.

1 MS. MCNEILL: Oh, I'm sorry.

2 THE COURT: So we're not -- we're not ready for you
3 to indicate whether or not you want to do any recross.

4 All right. Solicitor, you may proceed.

5 BY MR. SCOTT:

6 Q And she gave you a written statement; is that right?

7 A She did.

8 Q She even said that he said, I don't have to worry
9 about you calling the police because I'll kill you if you
10 do?

11 A That is correct.

12 Q Okay. I'm sorry. I may have misunderstood the
13 testimony from earlier. Okay. In your interview with
14 Ms. Bluford, she indicated that Elmore would always call
15 to discuss where to meet to exchange restitution; is that
16 right?

17 A Yes. Ms. Elmore [sic] said they would always talk
18 about it prior.

19 MR. SCOTT: Okay. Thank you, Ms. Cook.

20 I'm done, Your Honor.

21 THE COURT: Okay. Now, any questions on recross?

22 MS. MCNEILL: I beg the Court's indulgence just one
23 moment.

24 THE COURT: Take your time.

25 (Pause.)

1 MS. MCNEILL: Just briefly.

2 RECROSS-EXAMINATION

3 BY MS. MCNEILL:

4 Q Just to refresh your recollection again.

5 A Please.

6 Q I know it's been two years almost. All right. This
7 conversation starts about 1:26:08. And I've rewound it.
8 So when it gets to 1:26:08 -- here you go.

9 (Pause.)

10 THE WITNESS: How far am I listening?

11 BY MS. MCNEILL:

12 Q I'm sorry?

13 A How far am I listening?

14 Q Just at 1:26:08, just that little clip there.

15 (WHEREUPON, State's Exhibit No. 71 was marked for
16 identification only.)

17 BY MS. MCNEILL:

18 Q So isn't it true, then, ma'am, that Ms. Bluford did
19 tell you that at some point he said something about
20 calling the police?

21 A At the mark, I heard this is your knife, this is
22 going to be on you. This is not on my conscious. Is that
23 the one you wanted to play for me?

24 Q Do you want me to replay it for you?

25 A Yes, please.

1 Q I think I have it marked properly this time.

2 (Pause.)

3 BY MS. MCNEILL:

4 Q Okay. Now, that you've listened to it a second
5 time -- I'm sorry. Did Ms. Bluford say he said something
6 about you need to call the police?

7 A She said he said something about calling the police.

8 MS. MCNEILL: Okay. Thank you, ma'am.

9 No further questions.

10 MR. SCOTT: Judge, I want to enter that clip into
11 evidence, that portion of the clip.

12 MS. MCNEILL: Sure.

13 MR. SCOTT: And it'd be a State's Exhibit. I'd ask
14 to publish it now, just that particular clip that was
15 played a couple of times for Ms. Cook.

16 THE COURT: The particular clip that was just asked
17 about at the end of the recross?

18 MR. SCOTT: Yes, sir. I think it's probably five
19 seconds, really. But I want to publish it so the jury can
20 hear --

21 THE COURT: And then are you going to put it on a
22 separate --

23 MR. SCOTT: Yes, sir.

24 THE COURT: -- disk or flash drive --

25 MR. SCOTT: Yes, sir.

1 THE COURT: -- for purposes of it being physically
2 marked?

3 Does the Defense have any objection to that little
4 five-second clip coming in?

5 MS. MCNEILL: No, Your Honor. We just need to put
6 that five-second clip on a separate --

7 THE COURT: Okay. If y'all can do that. So that
8 will be State's Exhibit No. 71 into evidence.

9 But, Solicitor, are you requesting that you be
10 allowed to read that clip into the record?

11 MR. SCOTT: I can play it right now and then --

12 MS. MCNEILL: Your Honor, can we have a sidebar,
13 please?

14 THE COURT: Sure.

15 (WHEREUPON, a sidebar was held in the hallway.)

16 THE COURT: As I understand it, the State has
17 requested that approximately a 10-second clip of a --
18 Crystal Bluford's interview is going to be -- it's already
19 been put into evidence, but it's going to be published to
20 the jury now.

21 MR. SCOTT: Yes, sir.

22 THE COURT: Do you want to go ahead, Mr. Bentley?

23 (WHEREUPON, an audio was played in open court.)

24 THE COURT: We're going to need to figure out how to
25 make that a little louder, Mr. Bentley, so the jury can

1 hear.

2 (Pause.)

3 MS. MCNEILL: Your Honor, Mr. Bentley just went to
4 get speakers.

5 THE COURT: All right.

6 (Pause.)

7 MR. SHAFFER: And, Your Honor, just for the record, I
8 think you said it was already in evidence. It's not,
9 actually, already in evidence. It is a -- we're going to
10 place it in evidence later once we --

11 THE COURT: Well, let's say this, it is coming into
12 evidence.

13 MR. SHAFFER: That's correct, Your Honor.

14 THE COURT: Once the CD, or the flash drive, or
15 whatever is, actually, produced to contain those 10
16 seconds.

17 MR. SHAFFER: Thank you.

18 I just wanted to make the court reporter --

19 THE COURT: You're good.

20 MR. SHAFFER: Thank you.

21 MR. WALTER BENTLEY: We're ready, Judge.

22 THE COURT: Okay. Will we be able to hear from your
23 location, Mr. Bentley, with those speakers?

24 (WHEREUPON, an audio was played in open court.)

25 THE COURT: Could everybody on the jury hear that?

1 Okay. Officer Cook, you may step down.

2 MR. SCOTT: If I may briefly?

3 FURTHER EXAMINATION

4 BY MR. SCOTT:

5 Q So she said something about calling the police?

6 A That's all she said. She said he said something
7 about calling the police.

8 Q And did she later clarify what he said about calling
9 the police?

10 A No.

11 Q Let me show you State's Exhibit No. 72. Look at Page
12 2 on the bottom and refresh your memory.

13 A (Witness complied.)

14 Q Specifically, if I can direct you to the bottom of
15 Page 2. Don't read it, just refresh your memory.

16 A (Witness complied.)

17 Q In regards to calling the police, what did Mr. Elmore
18 tell Ms. Bluford?

19 A In the clip, all she said was something about calling
20 the police. In her statement, she said, If you call the
21 police, I'll kill you, bitch. And something about her mom
22 and dad.

23 Q Okay. So he did say something about calling 911,
24 didn't he?

25 A Yes.

1 Q He said, I'll kill you if you call 911?

2 A Yes. That's what she indicated in her statement.

3 MR. SCOTT: Thank you.

4 THE COURT: Okay. Ms. Cook, you can step down.

5 MS. MCNEILL: Your Honor, just briefly.

6 THE COURT: Okay.

7 FURTHER EXAMINATION

8 BY MS. MCNEILL:

9 Q In her written statement, she said that. In the
10 audio statement, she just said, He said something about
11 calling the police; correct?

12 A Yes. In the audio, it was simple. In the written
13 statement, she clarified what she meant.

14 MS. MCNEILL: Thank you.

15 THE COURT: Okay. Now, Officer Cook, you can step
16 down.

17 THE WITNESS: Thank you.

18 THE COURT: All right. Ladies and gentlemen, it's
19 about five until 1:00. So it's, certainly, a good time to
20 break for lunch. We'll start back at 2:30. And once
21 again, I remind you if you go to a local place for lunch,
22 have your badge visible.

23 I appreciate your hard work. Y'all are working hard
24 and I appreciate that very much. We'll see you back at
25 2:30. Remember all my instructions now.

1 THE COURT: Oh, they need to talk to me about
2 something. Y'all just be still.

3 (WHEREUPON, a sidebar was held in the hallway.)

4 THE COURT: All right. Solicitor, are you ready to
5 call your next witness?

6 MR. SCOTT: Yes, sir, Your Honor. Dr. Michael Ward.

7 THE BAILIFF: Place your left hand on the Bible and
8 raise your right hand.

9 WHEREUPON,

10 MICHAEL WARD, M.D.,
11 after first having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q Dr. Ward, what is your profession?

15 A I'm a forensic pathologist.

16 Q Okay. For the jury, what exactly is a forensic
17 pathologist?

18 A I'm a licensed physician in the State of South
19 Carolina. My specialty is pathology, which is the study
20 of disease and disease processes and how they affect man.
21 My subspecialty is forensic pathology, which is the
22 interpretation of wounds, wound patterns, and how and why
23 people die, and the presentation of that information in a
24 court of law.

25 Q And what are your qualifications?

1 A I have a Bachelor's Degree in Biology from the
2 University of Alabama. I received my Master's Degree in
3 Forensic Science from the University of Alabama in
4 Birmingham. My medical degree is from the University of
5 South Alabama, which is in Mobile.

6 I have a four-year pathology residency from the
7 Medical University of South Carolina in Charleston and a
8 one-year fellowship in forensic pathology at the
9 University of New Mexico in Albuquerque. I'm board
10 certified by the American Board of Pathology in both
11 anatomic and forensic pathology.

12 Q Are you required to complete annual training for your
13 certificates?

14 A Yes, we are. We have 40 hours of yearly continuing
15 medical education.

16 MR. SHAFFER: And to the extent necessary, we'll
17 stipulate that he's an expert in forensic pathology.

18 MR. SCOTT: Your Honor, well, then the State does
19 offer Dr. Ward as an expert in forensic pathology.

20 THE COURT: Okay. The Court does find Dr. Ward to be
21 an expert in the area of forensic pathology.

22 Ladies and gentlemen, when the Court determines that
23 a witness is an expert by virtue of education, experience,
24 and that sort of thing, the expert would be allowed to
25 render certain opinions in the particular matter and the

1 reasons for those opinions.

2 Ordinarily, witnesses, lay witnesses -- there's a few
3 exceptions, but, ordinarily, lay witnesses are not
4 entitled to give an opinion. They can only testify as to
5 what they -- you know, what they saw, they heard, they
6 felt, that sort of thing. But an exception is made for an
7 expert in a particular field of endeavor.

8 Now, just because I have declared Dr. Ward an expert
9 in the area of forensic pathology, that does not
10 automatically mean you have to accept all of his testimony
11 or his opinions. You will weigh his testimony, weigh his
12 credibility as you would with any other witness that
13 testifies in this case. And you make your own
14 determination whether to consider and accept his testimony
15 and his opinions. That is totally left up to you, the
16 jury.

17 Okay. Solicitor, you may proceed, sir.

18 MR. SCOTT: Thank you, Your Honor.

19 BY MR. SCOTT:

20 Q Dr. Ward, did you have an occasion to perform an
21 autopsy of Sergio Lindsey?

22 A Yes, I did.

23 Q And when was he pronounced deceased?

24 A It [sic] was pronounced dead on October 27th, 2020,
25 at 6:22 a.m.

1 Q When were you able to conduct your autopsy?

2 A On October 29th, 2018, at 9:00 a.m.

3 Q What was the age of Mr. Lindsey whenever you
4 performed the autopsy?

5 A He was 26 years of age.

6 Q Upon receiving the body of Mr. Lindsey, what were
7 your initial observations?

8 A Decedents are received in our autopsy facility in a
9 plastic body bag so as to protect the integrity of the
10 body, as well as to those who are making the transport.
11 When we opened the body bag, there was a strong odor of an
12 accelerant which emanated from the body bag into the room.
13 I then noticed he had multiple sharp force injuries.

14 Q Okay. Could you -- I don't know really -- can you
15 discuss in any more detail about the accelerant that you
16 smelled?

17 A Well, I did not want to be specific in my protocol,
18 but it smelled like gasoline. I didn't want to commit to
19 that, but -- in case it was tested. But it smelled like
20 an accelerant which you would use to start a fire, i.e.,
21 gasoline.

22 Q Okay. And what else did you observe -- what was his
23 weight?

24 A Mr. Lindsey weighed 256 pounds.

25 Q Okay. And 73 inches; is that correct?

1 A That's correct. That's 6'1".

2 Q Okay. I'm trying to think of the best way to do
3 this. Would you be able to -- have you got in your
4 pathology report wounds one through wound 12? Could we go
5 through those in order of wound one to wound 12?

6 A Certainly.

7 Q Start with -- well, sharp force injuries, how are
8 those defined?

9 A A sharp force injury is a defect in the skin caused
10 by a cutting action, as opposed to a blunt force trauma,
11 which tears the skin. Sharp force injuries are divided
12 into either stab wounds, which are deeper than they are
13 long, or incised wounds, which are longer than they are
14 deep.

15 Mr. Lindsey had both incised wounds, as well as stab
16 wounds.

17 Q Okay. Did he have any blunt force injuries?

18 A Yes, he did.

19 Q And where were those located?

20 A He had abrasions to the forehead. He had an abrasion
21 to the right chest where the ribs end going into the
22 abdomen, an abrasion on the right wrist, and on the right
23 arm in the region of the fold of elbow.

24 Q Okay. Wound number one -- what is wound number one?

25 A Sharp force injury number one is a stab wound to the

1 left front of the chest just to the left of the midline.
2 It goes through the skin. It goes through the chest wall,
3 into the heart, through the heart and into the fibers
4 surrounding the back of the heart.

5 This resulted in a great deal of blood present inside
6 the body so that he had 2,200 milliliters of blood on the
7 left side of his chest where the lung resides, as well as
8 blood surrounding the heart in the pericardial sac.

9 This wound had a depth of approximately 4.5 inches
10 and went, essentially, from the front to the back.

11 Q Okay. So this wound enters the front, goes through
12 the heart towards the rear of the body?

13 A That is correct.

14 Q And was this wound, in your opinion, fatal?

15 A Yes. It would be a fatal wound.

16 Q Wound number two?

17 A Wound number two is a nonfatal incised wound of the
18 skin -- I'm sorry. It's a stab wound to the skin. It's
19 to the left anterior chest right above the -- just below
20 the shoulder. It goes into the skin and the muscle of the
21 chest, but it does not penetrate into the chest wall.

22 So this would be considered a superficial wound,
23 which went, essentially, from Mr. Lindsey's front to his
24 back into the deep subcutaneous tissues and musculature.
25 But it would not have been a fatal wound.

1 Q Okay. Wound number three?

2 A Wound number three is on the back of the scalp, back
3 of the head. It's an incised wound or a cut of the skin,
4 which is approximately one inch in length. It incises the
5 skin. It does not go down to the bone. So it, again,
6 would be a superficial incised wound of the skin of the
7 back of the scalp just above the neck.

8 Q Okay. Now, when you say "superficial," if this would
9 have happened and Mr. Lindsey would not have perished, I
10 guess, as a result of all these wounds, that would have
11 still been a wound in and of itself that would have
12 required stitches?

13 A Absolutely. It's a -- it's a -- superficial may be a
14 cavalier word to use. It's certainly a wound that would
15 require medical attention. It is not a wound that would
16 likely have resulted in his death at this time.

17 Q Okay. And so -- but whenever you use the term
18 "superficial," it's nonfatal in your line of work,
19 typically?

20 A That's correct.

21 Q Wound four?

22 A Wound number four is on the back of the right -- back
23 of the head just at the junction of the neck with the
24 skull. It is a 0.3-inch in length superficial stab wound.
25 So it's deeper than it is long. But it penetrates into

1 the skin and muscle of the back of the neck, but does not
2 traumatize any of the great vessels, nor any of the
3 structures of the spinal cord or the brain.

4 Q Okay. So that was a stab wound to the neck. But in
5 and of itself, your opinion is that would not have been
6 fatal?

7 A That is correct. And this one went from
8 Mr. Lindsey's back to his front. So it's originating in
9 the back going forward.

10 Q Okay. Wound five?

11 A Stab wound number five is on the back of the right
12 shoulder in this area here. It's a 0.4-inch in length or
13 almost half inch in length superficial incised wound,
14 which is a cut into the skin, but not into the underlying
15 subcutaneous tissue. Again, it does not traumatize any
16 great vessels or underlying organs of the body. Again,
17 it's a relatively superficial cut to the skin.

18 Q Okay. Moving on to wound six.

19 A Wound number six is to the left upper back, almost
20 within the midline. So it's almost overlying the
21 vertebral prominences. I'd say a stab wound of the skin.
22 It's 0.4-inch in length. And it extends into the
23 underlying subcutaneous tissues. However, it does not go
24 into the chest cavity. And, again, it goes from his back
25 to his front.

1 Q Okay. Wound number seven?

2 A Wound number seven is on the left upper back
3 overlying the scapula or the wing bone. It is a
4 superficial stab wound to the skin about a half-inch in
5 length. It extends into the underlying tissues of the
6 skin, the subcutaneous tissues, but, again, does not
7 penetrate into the chest cavity.

8 Q Okay. Next?

9 A Stab wound number eight is slightly below stab wound
10 number seven. Again, it's on the left back. So we've had
11 six, seven, and eight going down the back. So eight is
12 below number seven on the left midback. It is a slightly
13 more pronounced stab wound of the skin, which is
14 horizontally oriented.

15 So the sharp edge is to Mr. Lindsey's left. The
16 blunt edge is to his right. It extends into the
17 musculature of the back. So it goes through the skin into
18 the muscle, but not into the chest cavity. And, again, it
19 goes from his back to his front.

20 Q Okay. Wound number nine?

21 A Wound number nine is the fourth wound of the left
22 back. So six, seven, eight, and nine as we go from above
23 to below. This is on the -- almost onto the left side,
24 the left midback almost to the side. It's 20 inches from
25 the top of the head and six inches from the midline. So

1 we're well away from the midline.

2 Again, this is a stab wound of the skin, which goes
3 into -- again, into the underlying musculature, through
4 the skin, into the muscle, but not into the abdominal
5 cavity. Again, from his back to his front.

6 Q Okay. Wound 10?

7 A Wound number 10 is an incised wound or cut of the
8 skin of the right scalp overlying the right side of the
9 head just above the ear. It is a one-half-inch in length
10 incised wound to the skin. It does not extend into
11 underlying bone.

12 Q Okay. 11?

13 A Stab -- I'm sorry. Wound number 11 is, indeed, a
14 superficial incised wound to the skin of the left chin.
15 It's vertically oriented, so it goes in this direction.
16 It is 0.4-inch in length or almost a half-inch in length,
17 superficial incised wound of his skin.

18 Q And, finally, number 12?

19 A Wound number 12 is a superficial -- it's an incised
20 wound to the skin behind the left ear, what we call the
21 posterior auricular region. It's behind the left ear.
22 It's 1.2 inches in length. So it's a cut of the skin
23 which extends through the subcutaneous tissue down to the
24 bone, but does not traumatize the bone itself.

25 Q Okay. Is -- a defense-type injury, is that a term

1 that you would use in your line of work?

2 A Yes, it is.

3 Q And describe what a defense-type injury is.

4 A Defense wounds are wounds that are interpreted to
5 occur in -- on -- I'm sorry, on parts of the body that we
6 often see, one, that would not be a fatal area and, two,
7 that appear to be attempting to ward off or block some
8 other type of injury. So you can have bruises to the back
9 of the hands, the front of the hands, or even to the feet,
10 if it looks like you're trying to use those to ward off
11 your attacker.

12 Mr. Lindsey has multiple what we call defense-type
13 injuries to the back of his right hand and to the back of
14 his left hand, much -- as if you're putting your hands up
15 to protect yourself like this and receive sharp force
16 injuries to the back of the hands.

17 He has five injuries -- five sharp force injuries to
18 the back of the right hand and one sharp force to the back
19 of the left hand.

20 Q Okay. And just to be clear, we talked on the phone
21 the other day and you -- in examining a person, you have
22 no way of knowing exactly how these wounds occur. But you
23 categorize them as defensive-type wounds?

24 A That's correct.

25 Q So I think I've talked with the Defense. And there

1 would be a possibility where somebody could be an
2 aggressor, but receive wounds that are consistent with
3 defensive-type wounds in some situations; is that
4 possible?

5 A In some situations, yes.

6 Q Okay. But your characterization of these particular
7 wounds are defense-type wounds based on the placement and
8 based on the nature of the wounds; is that correct?

9 A Based on the nature of the wounds, where the wounds
10 are on the hands, as well as the other wounds that
11 Mr. Lindsey has.

12 Q Let me show you -- okay. So you judged these in
13 conjunction with the other wounds that we just went
14 through?

15 A Yes.

16 Q Okay. Explain how -- how that's helpful.

17 A Well, he has injuries to the front, back, and side of
18 his head. And these are injuries that you would see if
19 you were trying to cover your head to ward after these
20 blows. So it seems to fit that these would be
21 defensive-type injuries trying to block blows from someone
22 else to your head using your hands.

23 Q And you've seen these types of injuries in other
24 homicide-type cases you've been involved with?

25 A Yes, I have.

1 Q Let me show you State's Exhibit Nos. 72, 73, and 74,
2 and ask if you recognize these pictures?

3 A Yes, I do.

4 Q Okay. And what do those depict?

5 A These are photographs from the autopsy. They have
6 Mr. Lindsey's unique autopsy number. They are photographs
7 of the back of each of the hands. State's Exhibit Nos. 73
8 and 72 are photographs of the back of the right hand. And
9 State's Exhibit No. 74 is a photograph of the back of the
10 left hand showing the sharp force injuries that I
11 described.

12 MR. SCOTT: Your Honor, the State offers State's
13 Exhibit Nos. 72, 73, and 74 for admission into evidence.

14 MR. SHAFFER: No objection.

15 THE COURT: All right. Without objection, State's
16 Exhibit Nos. 72 through 74 into evidence.

17 (WHEREUPON, State's Exhibit Nos. 72, 73, and 74 were
18 admitted into evidence.)

19 BY MR. SCOTT:

20 Q Okay. And these are -- which hand is this?

21 A This is the right hand.

22 Q And these are defensive-type wounds you were
23 describing. I thought you said left hand?

24 A This is the right hand.

25 Q Right hand. I'm sorry. On his right-hand?

1 A Yes, sir.

2 Q Okay. State's Exhibit No. 73?

3 A This is a different angled photograph of the same
4 hand showing three of the five sharp force injuries.

5 Q Okay.

6 A This is a photograph of the back of the left hand
7 showing a sharp force injury to the base of the left fifth
8 finger.

9 Q Okay. Is it between his ring finger and his pinkie
10 finger -- or is this the wound?

11 A At the base of the ring finger appears to be a
12 healing wound that has a little bit of scale crust over
13 it. The other one is at the base of the left finger more
14 towards the back.

15 Q This wound here?

16 A Yes, sir.

17 Q Okay. You note a chemical injury. Would you
18 describe that for the jury?

19 A There is a blistering of the skin that involves the
20 skin of the abdomen, the left upper shoulder, and the
21 midback. This is a chemical-type injury. We see this not
22 uncommonly with motor vehicle collisions when there has
23 been disruption of a gas tank, but the gas does not burn.
24 It gets in the decedent's clothing and causes a chemical
25 irritation where the skin blisters and breaks.

1 And so this is a chemical-type injury. In this case,
2 a very likely postmortem or after death had occurred, but
3 the chemical stayed on the skin causing it to blister and
4 to release -- or to turn loose.

5 Q So is it your opinion that the accelerant you were
6 smelling was coming from whatever chemical it was that
7 created these burns on him?

8 A Yes, it is.

9 Q So is it true that if gasoline is left on human skin
10 long enough it will create some kind of burn?

11 A Yes, it does.

12 Q Okay. Going back to Page 1 of the autopsy report,
13 Roman numeral four, would you describe those particular
14 wounds?

15 A There are a category of wounds that are called blunt
16 force injuries. There are sharp forced injuries where the
17 weapon is sharp and causes the cut of the skin. There are
18 penetrating injuries where often we think of as a gunshot
19 wound, which penetrates into the skin.

20 And then there are blunt force injuries. And these
21 blunt force injuries occur when there's a broad surface
22 coming in contact with the skin causing either a bruise,
23 or an abrasion, or a scratch of the skin.

24 Mr. Lindsey has an abrasion to the right lower chest
25 extending onto the abdomen approximately four inches in

1 length. It linear, so it's going up and down in this
2 fashion here. He has a similar abrasion on the outside of
3 his right arm within the region where your elbow folds.
4 Again, a linear abrasion right here. And then a separate
5 abrasion to the base of the right wrist. He, also, has
6 two superficial abrasions to his forehead.

7 Q Okay. And Roman numeral four, I note in parenthesis
8 to distinguish superficial abrasions, you note drag marks?

9 A That's correct.

10 Q Okay. Would you describe those particular wounds and
11 why they're labeled as drag marks?

12 A When we received the body of Mr. Lindsey his -- one,
13 he was covered in dirt and small rocks. His shirt was
14 pulled up above the level of the chest in this fashion as
15 if he were being pulled by his feet allowing the friction
16 of the ground to pull his shirt up. And that's in this
17 area here that we have those abrasions of the skin
18 consistent with being dragged across a rough surface.

19 Q Okay. In your expert opinion, would that be
20 consistent with dragging somebody by the feet down some
21 concrete steps?

22 A It could be, yes.

23 Q Okay. So concrete could cause that kind of abrasion?

24 A Concrete could cause it, across the ground could
25 cause it, yes.

1 Q Okay. Were you able to determine a manner of death,
2 in your expert opinion?

3 A Yes, I was.

4 Q And what was that manner of death?

5 A The manner of death is homicide.

6 Q And were you able to perform an expert opinion as to
7 the cause of death?

8 A I was.

9 Q And what was the cause of death of Mr. Sergio
10 Lindsey?

11 A Mr. Lindsey died as a result of a stab wound to the
12 upper chest.

13 Q Okay. Dr. Ward, I think it would be instructive if
14 you could do a demonstration. I know you just named a
15 bunch of wounds, but would you be willing to mark them on
16 the diagram for the jury, their general locations with a
17 marker?

18 A Yes, I would.

19 MR. SCOTT: And with the permission of the Court,
20 Your Honor, I'm going to set an easel up in this location,
21 if that's suitable to the Court.

22 THE COURT: You're going to want Dr. Ward to come
23 down and do the markings?

24 MR. SCOTT: Yes, sir. This has been pre-marked as
25 State's Exhibit No. 75. I'm just going to have him mark

1 the various wounds he just described and their general
2 locations.

3 THE COURT: So you say it's right now for
4 identification only?

5 MR. SCOTT: Yeah. What I'd like to do is introduce
6 them after he's finished diagramming.

7 THE COURT: All right. Dr. Ward, you're going to
8 have to come down. Two things. One, if you would go
9 ahead and put your mask back on and be sure to speak up
10 loud enough since you're away from the microphone and have
11 got your mask on, too. So I think you can handle that.
12 But we just want the jury to hear you.

13 And it might be helpful if -- I'm not trying to tell
14 you, Solicitor, how to do this. But maybe he can do all
15 of his markings without you asking him anything and then
16 maybe go back and explain it. Would that work okay?

17 MR. SCOTT: Yes, sir.

18 THE COURT: All right. So, Dr. Ward, if you will
19 just without commentary just do all of your markings and
20 then the Solicitor can ask you some questions.

21 (WHEREUPON, Dr. Ward marked on State's Exhibit
22 No. 75.)

23 THE WITNESS: Okay.

24 BY MR. SCOTT:

25 Q Dr. Ward -- oh, I'm sorry. Are you finished?

1 A I am.

2 Q Oh, you numbered them. So those correspond with one
3 through 12 of the wounds in your pathology report. And
4 this would be the abrasion right here?

5 A The abrasion is to the right chest, the -- the right
6 arm --

7 THE COURT: Dr. Ward, hold on just a second. We're
8 going to need to maybe position you where the court
9 reporter can maybe see you a little better.

10 THE WITNESS: I can try.

11 THE COURT: Right where he's at, is that a little
12 better?

13 THE COURT REPORTER: I think so.

14 THE COURT: Okay. We'll give it a try. And if she
15 needs for you to move around some more, then we can do
16 that.

17 THE WITNESS: So the wounds that are not numbered are
18 the two abrasions to the forehead, the abrasion to the
19 right chest, the right arm, and the right wrist. The
20 sharp force injuries to the body and head are numbered one
21 through 12. And the wounds to the hands, again, are sharp
22 force injuries, but they are not numbered.

23 BY MR. SCOTT:

24 Q Can you -- are you able to determine whether -- or is
25 it possible based on your examination to determine whether

1 Mr. Lindsey was attacked from the front or the back?

2 A Mr. Lindsey has wounds both to the back of -- the
3 majority of the wounds are to the back surface along the
4 right side of the -- I'm sorry, the left side of the back
5 and the back of the head. But the fatal wound is stab
6 wound number one to the chest. He, also, has a separate
7 wound here.

8 So the majority of the wounds are to the back. The
9 fatal wound is to the front.

10 Q But is there any way of telling whether his attacker
11 stabbed him -- was facing from the front or stood behind
12 him?

13 MR. SHAFFER: Your Honor, I would probably -- I mean,
14 I don't think he can -- if Dale wants to voir dire him to
15 see if he can, actually, give that testimony, maybe. But
16 I don't think he's a crime scene reconstruction expert. I
17 think -- I don't know if he can or can't feel comfortable
18 giving it. But I don't think he's qualified.

19 THE COURT: I think, Solicitor, what I would suggest
20 that you do is ask Dr. Ward does he feel like he has the
21 necessary training, education, and experience to render an
22 opinion as to the location of the perpetrator when these
23 wounds were sustained by Mr. Lindsey. Maybe ask it in
24 that way and then he can -- however he feels like he needs
25 to respond.

1 BY MR. SCOTT:

2 Q Dr. Ward, based on your experience, years of forensic
3 pathologist, have you -- can you form an opinion as to
4 whether Mr. Lindsey's attacker faced him or was behind him
5 whenever he was stabbed?

6 A Based on my experience, yes, I think I can form that
7 opinion.

8 Q Okay. And what is your opinion?

9 MR. SHAFFER: Your Honor, I would object. I would,
10 actually, ask to voir dire him if he's getting into
11 reconstruction of crime scenes.

12 THE COURT: Okay. So you're wanting to get into what
13 he believes his education, and experience, and training is
14 in order to cause him to believe he can form that opinion?

15 MR. SHAFFER: That's correct, Your Honor. Because I
16 think it's outside the scope of his expertise. He can
17 certainly tell where the hand is at -- I mean, he can't
18 tell whether someone is facing someone.

19 THE COURT: Okay. Well, let's do this.

20 Dr. Ward, if you don't mind going back to the witness
21 stand.

22 And, Solicitor, on this limited area, if you would
23 examine Dr. Ward.

24 And then, Mr. Shaffer, I'll allow you to follow-up
25 with any questions concerning qualification. And once

1 again, it's on this very limited area.

2 Solicitor.

3 BY MR. SCOTT:

4 Q Would you explain what forensic pathology is one more
5 time?

6 A Forensic pathology is the interpretation of wounds
7 and injuries to the body to determine cause and manner of
8 death.

9 Q You've already been qualified as an expert in that;
10 right?

11 A That's correct.

12 Q Okay. So your job is to kind of reconstruct and tell
13 how a living organism died and the way they died; correct?

14 A And to document those injuries, yes.

15 Q Okay. How many hundreds -- or how many thousands of
16 bodies have you autopsied?

17 A Over 7,000 autopsies.

18 MR. SCOTT: I don't know how much farther, Judge. I
19 mean, he's an expert in forensic pathology.

20 THE COURT: I'm going to allow Mr. Shaffer to ask him
21 whatever questions he wants to ask him concerning
22 qualifications, again, in this very limited area.

23 VOIR DIRE EXAMINATION

24 BY MR. SHAFFER:

25 Q Dr. Ward, tell me this, what about forensic pathology

1 or -- I guess this -- have you -- are there any studies
2 out there about where someone's facing or where someone's
3 head is whenever a stab wound happens?

4 A Where someone -- I'm sorry. The victim's head or the
5 attacker?

6 Q Are there peer-reviewed studies? And by
7 peer-reviewed -- tell us what a peer-reviewed study is so
8 everyone knows what we're talking about.

9 A A peer-reviewed study is an article or a research
10 program or project that is submitted for publication and
11 then is reviewed by members of our peers in that area of
12 expertise. So a peer-reviewed journal in forensic
13 pathology is reviewed and edited by other members of the
14 forensic community.

15 Q Are you aware of any peer-reviewed studies,
16 specifically, dealing with whether someone is facing
17 someone when a wound occurs?

18 A Not specifically, no.

19 Q Okay. Are you familiar with any peer-reviewed
20 studies that indicate that based off of the size of the
21 patient's injuries dictates how big someone who's stabbing
22 somebody is?

23 A No, sir, I'm not.

24 Q Okay. So you wouldn't be able to tell how long
25 someone's arm is based off of being a forensic

1 pathologist -- given this, whoever stabbed Mr. Lindsey,
2 you wouldn't be able to tell how long their arms are;
3 correct?

4 A That's correct.

5 Q Okay. You wouldn't be able to tell whether or not
6 they were reaching around somebody; correct?

7 A In some instances, the direction of the wound may
8 help you interpret the placement of the attacker versus
9 the Defendant. In this circumstance, it is very difficult
10 to say -- because of the superficial nature of the wound,
11 it would be difficult to say whether someone is reaching
12 around to cause these injuries or in the back of that
13 person.

14 Q And you wouldn't be able to testify as to whether or
15 not someone is reaching around to a reasonable degree of
16 medical certainty in this case; correct?

17 A I'm sorry. Reaching around from the front or the
18 back?

19 Q I'm sorry. If someone is in front of Mr. Lindsey
20 stabbing him, you wouldn't be able to say to a reasonable
21 degree of certainty that they are in front of him or
22 behind him just based off of his wounds; correct? That
23 their head, body, and torso, not their arm, not their
24 hand, but their head, body, and torso are in front or
25 behind. You wouldn't be able to say that to a reasonable

1 degree of medical certainty; correct?

2 A If I understand your question, that is correct. I
3 think that these wounds could be created by an individual
4 behind Mr. Lindsey or by an individual in front of
5 Mr. Lindsey. In my --

6 Q Go ahead. Sorry about that.

7 A My interpretation of these wounds is that they are
8 probably both at one time in front and at one time behind.
9 Because the nature of the wounds with many of them in the
10 back like that, while they could be from the front,
11 they -- my interpretation would be that they could, also,
12 be from the back.

13 Q Could be, but you can't tell; correct?

14 A That's correct.

15 Q Okay. So, scientifically, you can't tell whether
16 he's -- whether the person stabbing him was always in
17 front of him or always behind him; correct, or a miss?
18 You just can't tell?

19 A That's correct. I cannot for absolute certain say it
20 was one or the other.

21 Q And you can't really say that to a reasonable degree
22 of scientific or medical certainty; correct?

23 A Medical certainty, no.

24 MR. SHAFFER: Okay.

25 Thank you, Your Honor. We just ask --

1 THE COURT: I think he's pretty much answered the
2 question that caused us to get into his qualifications.
3 So he's gone ahead and answered that.

4 Do you need him back at the diagram, Solicitor?

5 MR. SCOTT: No, sir.

6 THE COURT: Any more in direct?

7 MR. SCOTT: Just briefly.

8 THE COURT: Sure.

9 CONTINUED DIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q The fatal wound was from decedent's front to back,
12 right to left, and slightly downward?

13 A That's correct.

14 Q And do you have an expert opinion as to whether his
15 attacker was in front of him or behind him on that one?

16 MR. SHAFFER: Your Honor, I think, once again, we're
17 sort of in the same exact territory. I don't think he can
18 give a scientific opinion based off of that. I think he
19 can speculate that it could be consistent with that. It
20 could be --

21 THE COURT: Well, as I understood his last answers to
22 your questions is that, generally speaking, all of the
23 wounds could have been in front, could have been behind,
24 but he can't say with -- to a reasonable degree of medical
25 certainty which one. And I think -- I took it to mean

1 just applying it to all the wounds.

2 MR. SCOTT: And my question is his own personal --
3 his expert opinion. I'm not asking for beyond all
4 certainty. What is his opinion, based on all the other
5 wounds, based on what he knows about the manner or the
6 circumstances surrounding the death, if he has an expert
7 opinion? And he may not. But he's not been allowed to
8 answer that question.

9 THE COURT: Well, the standard would be to a
10 reasonable degree of medical certainty. And as to any of
11 the wounds, if he's not able to testify to a reasonable
12 degree of medical certainty, then, you know, he can't
13 really answer that question.

14 And, again, I think he's already said that, you know,
15 the attacker could have been behind, could have been in
16 front, could have been both. He just can't state.

17 So I think let's move on to something else.

18 MR. SCOTT: I will.

19 BY MR. SCOTT:

20 Q Well, are the wounds consistent -- the defensive-type
21 wounds -- with the placement of the wounds on the back
22 with the decedent holding his forearms up like that and
23 his attacker reaching around and stabbing him in the back?

24 A If the given scenario is that the attacker is
25 right-handed and that he is facing him and reaching around

1 to the back to stab, then the majority of the wounds would
2 be on Mr. Lindsey's back, on the left side of his back,
3 which they are. So that would be consistent with that.

4 The majority of the wounds to the back of the scalp
5 are sort of spread over. The wounds to the back of the
6 hands are on the right hand, that may or may not be
7 consistent. But you can certainly get the wounds to the
8 back by a right-handed assailant reaching around and
9 stabbing him from the back, as well as stabbing him from
10 the front, the two ones to the front.

11 Q Okay. You already said defensive wounds are
12 consistent with somebody blocking their vital parts?

13 A That's correct.

14 MR. SCOTT: All right. Thank you, Dr. Ward.

15 Your Honor, the State at this time offers State's
16 Exhibit No. 75 into evidence.

17 MR. SHAFFER: No objection.

18 THE COURT: All right. State's Exhibit No. 75 into
19 evidence.

20 (WHEREUPON, State's Exhibit No. 75 was admitted into
21 evidence.)

22 MR. SCOTT: Dr. Ward, please answer any questions the
23 Defense may have.

24 THE COURT: Mr. Shaffer, do you need that diagram up
25 during your cross-examination?

1 MR. SHAFFER: Yeah, Your Honor. I may --

2 THE COURT: That's fine. Otherwise, I was going to
3 ask Mr. Scott to move it. But if you need it, then
4 certainly use it.

5 MR. SHAFFER: I may move it back here a little bit.

6 THE COURT: That would be fine.

7 MR. SHAFFER: The Court's indulgence. Let me grab
8 this.

9 (Pause.)

10 CROSS-EXAMINATION

11 BY MR. SHAFFER:

12 Q Dr. Ward, time frame. I know Mr. Scott said --
13 Solicitor Scott said that it's consistent and you
14 testified it's consistent with someone going like this and
15 then someone reaching around and getting him in the back;
16 correct?

17 A Given that scenario, that is a possible way that
18 happened, yes.

19 Q Do you have time frames for when the wounds occurred
20 in relationship to the other wounds?

21 A No, sir.

22 Q Okay. So you can't say he had his hands up and they
23 got the defensive wounds and a second later, they started
24 hitting him in the back; correct?

25 A I cannot.

1 Q You can't even really give a real good order of the
2 wounds, minus maybe a couple; correct?

3 A That is correct.

4 Q Okay. To clear something up, this wound right here,
5 this is number one; correct?

6 A Yes, sir.

7 Q This is the fatal wound; correct?

8 A Yes.

9 Q This is -- I noticed you drew a triangle sort of
10 facing upward like that. Is the top of that triangle, the
11 sharp point upward, is that supposed to be the sharp part
12 of a blade?

13 A Yes, it is.

14 Q And this would be the wider part of the blade;
15 correct?

16 A That's correct. What we call the blunt margin.

17 Q Okay. And these aren't to scale. Obviously, this
18 isn't Mr. Lindsey's body in the diagram; correct?

19 A They are in absolutely no way meant to be to scale.

20 Q But they, generally, show what's --

21 A The attempt is to show location. That's right.

22 Q Okay. I'm going to clear a couple other things up.
23 You said the word homicide cases -- or I think Dale or --
24 said homicide -- talked about homicide cases you had been
25 involved in. Can you define what homicide means in your

1 field?

2 A Homicide is the death of an individual at the hands
3 of another.

4 Q So it doesn't necessarily always mean murder;
5 correct?

6 A That is correct.

7 Q It could mean an accident; correct? An accidental
8 killing? If I went in the woods and pulled out a gun and
9 shot somebody who I thought was a deer and it killed that
10 person, that would be a homicide, too; correct?

11 A Given the circumstances, that may be considered to be
12 an accident.

13 Q Okay. So accident is different than homicide?

14 A Absolutely.

15 Q Okay. And I apologize. So is the execution of an
16 inmate by the State considered -- is that considered a
17 homicide?

18 A Yes, it is.

19 Q Okay. So some homicides are justified; correct?

20 A Yes.

21 Q Okay. And, for example, self-defense is a homicide.
22 If there's a self-defense that results in a killing,
23 that's a homicide; correct?

24 A The death of anybody caused -- the death of an
25 individual caused by another person is considered to be a

1 homicide, unless the circumstances are such that it seems
2 that there was no -- at the time of the injury, there
3 was -- it was not known that there was an individual
4 there, as in the hunting accident.

5 Q Okay. So there is -- I suppose a different
6 definition -- it's sort of a term of art, for lack of a
7 better term, for your field of expertise; correct? You
8 use homicide differently than some other people use it;
9 right?

10 A I think that some individuals see homicide strictly
11 as what we would call murder. But, certainly, homicide
12 falls into a variety of different legal categories.

13 Q Okay. So that's the same with defensive-type
14 wounds -- or defensive wounds, as you refer to them. They
15 don't necessarily mean you were defending yourself when
16 you got them; right?

17 A That's my intent is that there was an attempt to ward
18 off blows that you were receiving from another individual.
19 So, yes, I would think they are defensive in nature.

20 Q Okay. Let's just have a little example here. I'm
21 showing you State's Exhibit No. 66. If you don't mind
22 pulling that out. It appears to be a knife; right?

23 A Yes.

24 Q So if you had that knife and I said, Dr. Ward, I'm
25 going to kill you. And I came up to you like this. And I

1 started throwing blows at you and you pulled that knife
2 out and you slashed at me and got some wounds on my hand
3 and I kept coming at you. And, finally, you -- you know,
4 I get ahold of you. You're cutting me in the back. And
5 then what happens next is I keep coming after you trying
6 to choke you and you stab me in the chest. I die. I
7 would have defensive wounds on my hand; right?

8 A That is correct.

9 Q But I'm the aggressor in that; correct?

10 A In your scenario, yes.

11 Q In my scenario, I could be the aggressor and still
12 get defensive wounds; right?

13 A If the wounds to your hands are preventing me from
14 causing wounds to other parts of your body, i.e., your
15 head, then, yes, they would be considered defensive-type
16 wounds.

17 Q Okay. And we talked a little bit about another
18 terminology, superficial. And Solicitor Scott used the
19 term nonfatal. So you seemed hesitant whenever he asked
20 you whether superficial means nonfatal.

21 And I don't know the answer to this, so I really want
22 to know. Are those two terms, like -- I mean, is it,
23 like, some nonfatal -- or all superficial wounds are
24 nonfatal, but not all nonfatal wounds are superficial?
25 Is nonfatal a term used by you? I was just wondering.

1 You seemed hesitant.

2 A And the hesitancy is probably because I've just never
3 been here before. The wounds I described as superficial
4 are, indeed -- would be medically termed as superficial.
5 They do not cause injury to underlying -- any potential
6 vital structures, no large blood vessels, no significant
7 nerve damage, no organ damage. While they may require
8 medical attention, they would not in any way in and of
9 themselves potentially lead to death or disability.

10 Q Okay. So I'm going to step back a little bit and
11 change subjects a little bit, change gears. If someone
12 dies, how fast is their body temperature going to drop?
13 Ballpark?

14 A It depends on the environmental temperature. If it's
15 hotter -- if it's greater than 98.6 outside, then their
16 temperature would not drop, it would go up. If it's cold
17 outside, then they will start to equilibrate with the
18 environmental temperature, roughly at about one to two
19 degrees per hour, I believe.

20 Q Okay.

21 A And again, that's based on what clothing they're
22 wearing, whether they're laying in the sun, whether
23 they're not in the sun, things like that.

24 Q Any idea -- could you tell, say, approximate body
25 drop if it's, say, 45 degrees outside and not sunny and

1 nighttime?

2 A I'm sorry. Not sunny?

3 Q If someone is laying outside in 45-degree weather and
4 it's not sunny outside, is there any way that you can
5 maybe approximate the amount of time it takes for the body
6 to drop or the rate at which it drops?

7 A Dropped to what temperature?

8 Q Let's say 90 degrees.

9 A Outside 40 degrees, wearing what Mr. Lindsey is
10 wearing?

11 Q Yeah.

12 A So a pair of khaki pants and I believe a T-shirt?

13 Q Let's say it's just the shorts. Let's just say just
14 the shorts. No khaki pants, just shorts, no shirt, laying
15 outside in 40-degree weather at nighttime?

16 A I -- I -- I would be hesitant to give you a number of
17 hours. I don't know that.

18 Q Okay. But the ballpark is one to two degrees per
19 hour. That's sort of, like, the textbook ballpark?

20 A I think so, yes.

21 Q Okay. So I imagine, a lot of times, it's hard to
22 tell time of death exactly; correct?

23 A I would say unless you're there to pronounce someone
24 at the time they die, it's very difficult.

25 Q Okay. And I'm going to talk a little bit more about

1 the time frames. With the chemical burns and the chemical
2 burns caused by gasoline, do you have any -- is there any
3 literature about how fast that, actually, takes to happen,
4 the gasoline on the skin?

5 A I do not know if there is.

6 Q Okay. I'm going to switch gears again.

7 THE COURT: Mr. Shaffer, how long do you anticipate
8 your cross? And I'm not trying to limit you. But I'm
9 thinking about a break if you're going to still be a
10 while.

11 MR. SHAFFER: Ten or 15 more minutes. And I imagine
12 Dale may have some follow-up. I can take a break now. I
13 was about to switch gears.

14 THE COURT: Let's go ahead.

15 Dr. Ward, you can stay with us a little bit longer?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank you.

18 Let's go ahead -- ladies and gentlemen, let's take an
19 afternoon break, probably about 15 minutes. And we'll get
20 you back out. Again, I'll remind you, don't start any
21 discussions about this case among yourselves.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 3:50 p.m.)

24 (WHEREUPON, a break was taken.)

25 THE COURT: Are we ready for the jury?

1 MR. SHAFFER: Yes, Your Honor.

2 THE COURT: Okay. Bring the jury out.

3 (WHEREUPON, the jury came into open court at
4 approximately 4:11 p.m.)

5 THE BAILIFF: All present and accounted for.

6 THE COURT: Thank you, Mr. Bolt.

7 Mr. Shaffer, you may proceed, sir.

8 MR. SHAFFER: Thank you, Your Honor.

9 BY MR. SHAFFER:

10 Q Dr. Ward, so for the rest of my questioning of you,
11 I'm going to call this gentleman right up here George. So
12 if I say "George," I'm talking about the gentleman that
13 you diagrammed the cuts on. Okay.

14 A Yes, sir.

15 Q Tell me, I guess, a little bit about this cut right
16 here, the number one cut. You said that there was a blunt
17 portion. Is this, like, a -- could you describe whether
18 it was, like, a dagger, or knife, or what it was?

19 A Stab wound number one has two discernable components
20 to it. It has a sharp margin, which is upward, which is
21 the point of the apex of the triangle that's drawn. The
22 bottom is a -- is a broader base.

23 So that, we call the blunt margin, indicating that
24 that knife has a single cutting surface. That one side of
25 it is a sharp and the other side is blunt in a traditional

1 knife. There are, I guess, dagger-type knives that have
2 two cutting sides so they're both, the top and the
3 bottom -- if you're looking at it like this, the top and
4 the bottom are sharp. And that would give you two sharp
5 margins to the stab wound. So sharp and sharp. Instead,
6 this one is sharp at the top and blunt at the bottom
7 indicating that that knife had one cutting surface and one
8 blunt surface. A more traditional knife.

9 Q And you mentioned that the blunt section, I think,
10 was .05 inches; correct?

11 A I'm sorry.

12 Q In wound number one?

13 A That's correct.

14 Q .05, that's five one-hundredths of an inch; correct?

15 A That is correct.

16 Q And five one-hundredths of an inch is, what, about a
17 millimeter or so?

18 A It would appear to be that way, yes. If you were
19 looking at it, it would like about a millimeter.

20 Q And do you measure with -- do you measure in inches
21 and then convert --- I mean, do you measure in inches or
22 do you measure in metric and then convert?

23 A I measure in inches.

24 Q Okay. And I imagine you have pretty specialized
25 tools to measure things that small; right?

1 A It's a metal ruler that is measured in one-hundredths
2 of inches.

3 Q Okay. Do you need a magnifying glass to measure it?

4 A I do now, yes.

5 Q Okay. I would, too, so don't feel bad. And you said
6 it's .6 inches. So this part of George, this bottom part
7 is about a -- about five one-hundredths of an inch;
8 correct?

9 A Correct.

10 Q And this part right here is about 60 one-hundredths
11 of an inch or --

12 A Six-tenths of an inch.

13 Q Yeah. Six-tenths of an inch. So a little over half
14 an inch, a little less than three-quarters of an inch;
15 right?

16 A That's correct.

17 Q Okay. And I'm, also, going to get you to diagram
18 something. Well, first of all, you say something like --
19 I think you said no abrasions or contusions of the skin
20 surrounding this wound. We're talking about wound number
21 one on George or, I guess, Sergio. So there were no
22 abrasions or contusions. What's a contusion?

23 A A contusion is a bruise. In some stab wounds where
24 the force that's of the knife going into the body causes
25 the hilt of the blade to strike against the skin. So this

1 is the handle part. Where it strikes against the skin can
2 either cause an abrasion, or a bruise, or a contusion of
3 the skin as it's driven all the way in with enough force
4 to either disrupt the skin surrounding that stab wound or
5 cause it to bruise. There was none of that.

6 Q Okay. So if you see that, it's a sign that possibly
7 the hilt -- the handle of the knife, the top of the blade,
8 actually, hit the skin surface level; right?

9 A That is correct, with enough force to cause that
10 injury.

11 Q But you can't tell for sure whether or not it did or
12 did not in this situation; correct?

13 A That's correct. Since there is no injury, you can't
14 say that. A negative doesn't prove a positive.

15 Q Okay. I think I'm going to get you to do my own
16 little diagram here. Dr. Ward, I'm going to hand you
17 something that's not to scale, but sort of an outline of a
18 knife. And, like I said, it's not to scale of any
19 particular knife. But I'm, also, going to hand you a
20 Sharpie, a ruler, and some crayons. Okay.

21 Now, wound number one, the fatal stab wound, I think
22 you said it was four and a half inches deep?

23 A Approximately, yes.

24 Q Okay. Four and a half inches deep approximately.

25 Could you draw approximately -- could you take that ruler,

1 measure from the top of that knife, draw down
2 approximately four and a half inches. And I want you to
3 color it any color you want to color, the four and a half
4 inch section of that knife.

5 A All right.

6 Q All right. And if you don't mind, at the very top of
7 that, could you write "wound number one" on there?

8 A (Witness complied.)

9 Q Now, I think you said wound number two was
10 approximately one and a half inches; correct?

11 A That's correct.

12 Q All right. And real quick, do you mind if I see
13 wound number one real quick?

14 Thank you, sir.

15 If you don't mind, do the same thing for wound number
16 two on the next knife, except, obviously, only go one and
17 a half inches.

18 (WHEREUPON, Defense Exhibit No. 10 was marked for
19 identification only.)

20 BY MR. SHAFFER:

21 Q Thank you, sir.

22 Now, if you don't mind, wound number three, I believe
23 you didn't have an exact depth of it; correct?

24 A That's correct.

25 Q So would you mind just writing on one of those pieces

1 of paper wound number three at the top. And then write,
2 essentially, whatever you think best describes that very
3 shortly, not able to measure depth?

4 A How about incised wound?

5 Q Perfect. And wound number four is, also, incised
6 wound; correct?

7 A No, sir.

8 Q Or it's .3 inches. I'm so sorry. Could you do one
9 for wound number four?

10 A There is no depth measured in wound number four.

11 Q I'm sorry. I thought it said .3 inches. Am I wrong
12 on that?

13 A That's how long it is.

14 Q Okay. I apologize. So if you don't mind for wound
15 number four, write no depth or no depth listed?

16 A (Witness complied.)

17 Q Now, for -- I think you sort of get where I'm going
18 with all this; correct?

19 A Yes, sir.

20 Q Do you mind just going through and listing out the
21 wounds that are knife wounds? And you can go ahead and
22 number each one of them and list out --

23 A They're all knife wounds.

24 Q Oh, I apologize. The actual cuts that you can,
25 actually, determine the depth of them?

1 A They're all cuts. Do you want stab wounds versus
2 incised wounds?

3 Q Stab wounds. I apologize. I'm talking as a layman
4 and you, obviously, are talking as an expert, so.

5 (WHEREUPON, Defense Exhibit No. 11 was marked for
6 identification only.)

7 THE WITNESS: These are the stab wounds.

8 BY MR. SHAFFER:

9 Q Thank you, sir.

10 A I believe there is one incised wound before we
11 decided to go just stab wounds.

12 Q Thank you, sir.

13 THE COURT: Do you want them marked separately?

14 MR. SHAFFER: I have two of them marked separately,
15 Your Honor. And just for the sake of where we are, I'm
16 going to mark the rest as a package just to save some
17 time.

18 (WHEREUPON, Defense Exhibit No. 12 was marked for
19 identification only.)

20 MR. SHAFFER: Your Honor, I'd move Defendant's
21 Exhibit Nos. 10, 11, and 12 into evidence.

22 THE COURT: Defendant's Exhibit No. 10, would that be
23 wound number one or two?

24 MR. SHAFFER: One, Your Honor.

25 THE COURT: Okay.

1 MR. SHAFFER: Wound number two is Defendant's Exhibit
2 No. 11.

3 THE COURT: And then Defendant's Exhibit No. 11 would
4 be diagram of wound two. And then Defendant's Exhibit
5 No. 12 would be a package of other diagrams?

6 MR. SHAFFER: That's correct, Your Honor.

7 THE COURT: What says the State?

8 MR. SCOTT: No objection, Your Honor.

9 THE COURT: All right. Defendant's Exhibit Nos. 10,
10 11 and 12 into evidence.

11 (WHEREUPON, Defense Exhibit Nos. 10, 11, and 12
12 were admitted into evidence.)

13 BY MR. SHAFFER:

14 Q Now, I'm going to hand you back Defendant's Exhibit
15 Nos. 10, 11, and 12. If you could, sir, hold up
16 Defendant's Exhibit No. 10 so the jury can see.

17 A (Witness complied.)

18 Q Now, I want you to grab, I think it's State's Exhibit
19 No. 66 for ID. This is that pocket knife I had you hold
20 earlier. Do you mind unfolding the blade of that knife?

21 A Which one?

22 Q Either one of them, or both of them. Take a look,
23 examine the knife. Inside at the bottom of the blade,
24 there's a maker's mark. Can you read that for us?

25 A I'm sorry. There's what?

1 Q A mark for the maker of the knife.

2 A I believe it's called Rite Edge.

3 THE COURT: Can you spell that, Dr. Ward?

4 THE WITNESS: I believe it is R-I-T-E Edge.

5 BY MR. SHAFFER:

6 Q Now, Dr. Ward, can -- if you wouldn't mind, could you
7 take those two -- two blades and compare them to wound
8 number one?

9 A Yes, sir.

10 Q In your opinion, would that knife have caused -- and
11 excuse me. State's Exhibit No. 66, one of those blades is
12 broken; correct?

13 A That's correct.

14 Q And you don't know exactly how far it is broken;
15 correct?

16 A Do you mean how long it --

17 Q Yeah. How long the broken piece is.

18 A No, sir, I don't.

19 Q But if I told you, say, there's about an inch and a
20 half of that -- or an inch of that knife -- excuse me --
21 about an inch of that knife left, would you agree or
22 disagree with me?

23 A (There was no response.)

24 Q You wouldn't have any reason to disagree with me?

25 A Of the cutting portion of the broken blade, there is

1 approximately one inch left, yes.

2 Q You wouldn't have any reason to disagree with that;
3 correct?

4 A I would not.

5 Q Could you compare that to -- to State's Exhibit -- I
6 mean, Defendant's Exhibit No. 10, which is wound number
7 one?

8 A Yes, sir.

9 Q In your opinion, do you think that knife caused wound
10 number one on Mr. Lindsey?

11 A I'm sorry. So there are two blades. Which am I
12 comparing? I just want to make sure.

13 Q Either one. That particular knife. Let's talk about
14 the Hawkbill blade first. Do you mind holding it up for
15 the jury so they can see what we're talking about the
16 Hawkbill blade? Do you believe that that blade caused the
17 stab wound to Mr. Lindsey?

18 A It's inconsistent with the knife that caused this
19 wound.

20 Q Okay. Now, if you don't mind, flip that back in and
21 flip out the other blade, the broken blade. Do you mind
22 holding that up for the jury.

23 A (Witness complied.)

24 Q And is it fair to say that the bottom of that broken
25 blade, there's some sort of wire stripper or other kind of

1 tool there on the bottom of that?

2 A That's correct.

3 Q Okay. Are you familiar with different types of
4 pocket knives?

5 A To some degree, but not to what the purpose of
6 this --

7 Q Okay. That's fair enough. If I told you it was an
8 electrician's knife, you wouldn't have any reason to
9 disagree with me; correct?

10 A I would not.

11 Q So for the purposes of today, I'm just going to call
12 that an electrician's knife; fair to say?

13 A That's fine with me.

14 Q Okay. If you don't mind holding that up. Now, do
15 you believe that that blade caused wound number one to
16 Mr. Lindsey?

17 A No, sir.

18 Q Why not?

19 A Well, not just wound number one. I don't believe
20 that the broken edge would cause the wounds that we see.
21 And the depth is significantly less than the depth of
22 wound number one.

23 Q Even if the edge wasn't there and there was
24 three-quarters of an inch to an inch left on that blade,
25 do you believe that that would have -- that particular

1 knife would have caused wound number one to Mr. Lindsey?

2 A It would have been inconsistent with it.

3 Q Okay. And do you mind holding that up in comparison
4 to the depth of wound number one in Defendant's Exhibit
5 No. 1? Do you mind holding up the knife?

6 A The colored one?

7 Q Yeah. Yes, sir. If you don't mind holding up that
8 one and the knife.

9 A (Witness complied.)

10 Q Okay. Thank you, sir.

11 Now, I guess I'm going to go back to another point.
12 Let's say based off the injuries to George up here, you
13 can't tell whether or not George got these injuries after
14 attacking someone; correct?

15 A No, sir.

16 MR. SHAFFER: Okay. No further questions.

17 THE COURT: Redirect, Solicitor?

18 REDIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q Dr. Ward, can you say that Mr. Lindsey was stabbed
21 with one knife, two knives, three knives, four knives,
22 five knives, or even six different knives?

23 A There's nothing distinct about these wound
24 patterns -- these injuries that would make it specific to
25 a particular knife or one or two particular knives.

1 Q He's clearly been stabbed multiple times. Some of
2 the wounds, I think, you testified could not have been
3 caused by State's Exhibit No. 66?

4 A They are inconsistent with that knife, yes.

5 Q I'm sorry?

6 A They are inconsistent with that knife.

7 Q Okay. But some of the wounds he sustained could have
8 been inflicted with that knife; correct?

9 A That's correct.

10 Q For instance, some of the defensive wounds, those
11 could have been inflicted with that knife?

12 A They could.

13 Q Some of the superficial wounds to the head?

14 A Certainly. The incised wounds, yes.

15 Q Okay. Let me ask you this.

16 MR. SCOTT: Let me ID it first.

17 (WHEREUPON, State's Exhibit No. 84 was marked for
18 identification only.)

19 MR. SCOTT: This will be going forward State's --

20 THE COURT: State's Exhibit No. 82?

21 MR. SCOTT: State's Exhibit No. 84.

22 THE COURT: Oh, yeah, State's Exhibit No. 84.

23 BY MR. SCOTT:

24 Q Would this be more consistent with an instrument used
25 to inflict wound number one?

1 A May I examine it?

2 THE COURT: What was your answer, Doctor?

3 THE WITNESS: May I examine it?

4 THE COURT: Oh, sure. We'll just give you some
5 gloves.

6 Is that okay?

7 THE WITNESS: Yes, sir.

8 Thank you.

9 This knife is a knife that is consistent with the
10 injuries that Mr. Lindsey has.

11 BY MR. SCOTT:

12 Q Okay. So --

13 THE COURT: Would you repeat that answer? I didn't
14 hear it, Dr. Ward.

15 THE WITNESS: Yes, sir. This knife could have
16 inflicted the injuries to Mr. Lindsey. It's consistent
17 with.

18 BY MR. SCOTT:

19 Q Thank you.

20 So he could have potentially inflicted the wounds you
21 observed with various knives, but this would be consistent
22 with the fatal wound?

23 A That's correct.

24 MR. SCOTT: Thank you, Dr. Ward.

25 Nothing further from the State.

1 THE COURT: Anything in recross, Mr. Shaffer?

2 MR. SHAFFER: Yes, Your Honor.

3 And you can leave that out, Dale.

4 Thanks.

5 RE CROSS-EXAMINATION

6 BY MR. SHAFFER:

7 Q Dr. Ward, State's Exhibit No. 84, again, you said
8 this is consistent with stab wound number one, the fatal
9 stab wound; correct?

10 A That's correct.

11 Q Is it, also, consistent with all the other knife stab
12 wounds?

13 A Yes.

14 Q Okay. And is it also -- I'll tell you this --

15 MR. SCOTT: Don't tell him anything, ask him.

16 MR. SHAFFER: Oh, yeah. I'll ask him. Don't worry,
17 Dale. I'll ask him.

18 BY MR. SHAFFER:

19 Q So, I guess, let me know this, is there anything
20 about George over there or Mr. Lindsey that would indicate
21 that more than one knife was used?

22 A No, sir. There was not.

23 Q Now, wound number one, you said is a fatal wound,
24 punctured the heart and caused blood to, basically, leak
25 out of the heart; correct?

1 A Correct.

2 Q The heart can no longer pump; correct?

3 A That is correct. There's nothing to pump.

4 Q Yeah. All the blood pours out whenever it moves;
5 correct?

6 A That's correct.

7 Q And that's why it fills up; correct?

8 A That's why there's blood in the chest and around the
9 heart, yes.

10 Q And that prevents blood going to the lungs; correct?

11 A Eventually, yes.

12 Q It prevents blood going to the brain; correct?

13 A Correct.

14 Q It prevents oxygen from going to the brain,
15 eventually; correct?

16 A That's correct.

17 Q And it causes death; correct?

18 A Yes.

19 Q Can you approximate based off the injury to
20 Mr. Lindsey how long that would have taken?

21 A Minutes.

22 Q So you would have had a couple of minutes here;
23 correct?

24 A Yes.

25 Q Until death?

1 A That's correct.

2 Q How long until unconsciousness, or is it the same
3 amount of time?

4 A Well, if I may qualify my answer. The minutes to
5 unconsciousness, to no longer being able to participate
6 in -- in this altercation -- time to death would be a few
7 minutes longer than time to unconsciousness. So you
8 become unconscious, eventually, blood pressure drops
9 enough that you're not perfusing your heart -- I'm
10 sorry -- not perfusing your brain. And when that happens,
11 we would be clinically dead within three to four minutes
12 after that. Before that, you would become conscious.

13 Q The minutes to unconsciousness, are we talking about,
14 like, 30, 45 minutes, or are we talking about, like, one
15 or two minutes?

16 A In my mind, I'm thinking two to five minutes.

17 Q Two to five minutes?

18 A To accumulate that much blood in your chest.

19 Q So about two to five minutes from that till death.

20 Mr. Scott -- or Solicitor Scott had asked you whether or
21 not it's possible that another knife was used. And I know
22 you can't necessarily say that. But you said in some of
23 your other cases, you've dealt with other knife death
24 cases; correct?

25 A Yes, sir.

1 Q Well, I think I'm about to ask you a question that's
2 outside the scope of expertise. But, once again, there's
3 absolutely no indication that two knives were used in
4 this; right?

5 A There's no distinctiveness to any of these stab
6 wounds that indicate that one or -- that more than one
7 knife was used. There are no specifics to this -- to
8 either -- any of these wounds that would say this knife
9 versus another knife of similar characteristic, one that
10 can cause a wound of death four and a half inches, one
11 that is sharp on the end and not a serrated edge.

12 Q So you would have to send something off to, like, DNA
13 or something like that to distinguish between the knife
14 that did it and another knife; correct, like -- of similar
15 characteristics?

16 A Assuming that there is DNA evidence remaining, yes.

17 MR. SHAFFER: No further questions, Your Honor.

18 THE COURT: All right. Dr. Ward, you can step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Thank you, sir.

21 You're free to leave, sir.

22 Okay. Solicitor, I'm assuming that you want to go
23 ahead and stop for the day. Or do you have another
24 witness that you could work in and we could go a little
25 longer?

1 All right. Solicitor.

2 MR. SCOTT: Your Honor, the State calls Investigator
3 Andrew Turner.

4 THE BAILIFF: Place your left hand on the Bible and
5 raise your right hand.

6 WHEREUPON,

7 ANDREW TURNER,
8 after first having been duly sworn, testified as follows:

9 THE COURT: Officer Turner, what we have been doing
10 with the witnesses -- yeah.

11 THE WITNESS: Sorry.

12 THE COURT: We've got the screen set up, so we ought
13 to be good with that.

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q Investigator Turner, what was your first involvement
17 in this case?

18 A I was the on-call investigator.

19 Q So what's the first thing you do? Did you visit the
20 crime scene?

21 A I did. I went there first.

22 Q Do you remember when? Was it that night?

23 A It was the early morning hours.

24 Q Was it daylight yet?

25 A It was still dark.

1 Q And, I guess, you did a walk-through?

2 A I did.

3 Q And what were your initial observations when you got
4 there?

5 A When I first arrived, I was briefed by the deputies
6 that were already on scene. I then began with my
7 walk-through. I observed a black jacket laying beside the
8 driveway outside of the house.

9 Q All right. Let me show you State's Exhibit Nos. 15
10 and 16. Do you recognize those?

11 A I do.

12 Q All right. This is State's Exhibit No. 15 that I've
13 got on the smart board. What is State's Exhibit No. 15?

14 A That's the black jacket I observed.

15 Q Okay. And I don't know -- approximately how far from
16 the front of the house was it?

17 A Maybe 20 yards approximately.

18 Q Okay. And then State's Exhibit No. 16, that's just
19 another picture of the same jacket?

20 A Yes, sir, a closer-up picture.

21 Q Let me show you what's been ID'd as State's Exhibit
22 No. 88. State's Exhibit No. 88, what's that?

23 A That's the same jacket.

24 Q Okay. That's the jacket you observed in the driveway
25 that night?