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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN RICHARD RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

RECORD ON APPEAL

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**[STATE’S EXHIBIT #19 (911 CALL) AND STATE’S EXHIBIT #58 (DVD OF
INTERVIEW OF THE DEFENDANT AT THE POLICE STATION) ARE ON FILE
WITH THIS COURT]**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2019-GS-39-2090
COUNTY OF PICKENS	)	2019-GS-39-2544
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JONATHAN RICHARD RACKLEY,	)	
DEFENDANT.	)	
_____	)	

September 20 through 24, 2021
Pickens, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE, and a jury.

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

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AARON FRANCIS DE BRUIN, ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

1 may have said, and then once that is done, we will
2 proceed.

3 So any objection from the State?

4 MR. JOHNSON: None from the State, Your Honor.

5 THE COURT: Any from the defense?

6 MR. DE BRUIN: No, Your Honor.

7 THE COURT: All right. We will now begin the trial.
8 Thank you for your attention already. And I'll call on
9 the State to be recognized.

10 OPENING STATEMENTS

11 MR. JOHNSON: Thank you, Your Honor. May it please
12 the Court, Ms. Odom, Mr. DeBruin.

13 July 13, 2019, at [REDACTED] Ruby Drive, two people walk
14 into a shed, but only one person walked out. The person
15 who walked out is here today alive and well. It's this
16 man right here, Mr. Jonathan Rackley. The other person,
17 well, her ashes are currently in an urn on her mother's
18 mantel. That was Ms. Jamie Lynn Scruggs. And that's what
19 we're here for today. Jonathan Rackley has been charged
20 with murder, murdering, again, Ms. Jamie Lynn Scruggs.

21 Now, it's our job to prove that to you beyond a
22 reasonable doubt, me and Ms. Odom. What does that look
23 like? The presentation of evidence. Specifically, you're
24 going to see pictures, you're going to watch videos,
25 you're going to hear things, you're going to see witness

1 testimony, you're going to hear from people that were with
2 the defendant and the victim before the murder, you're
3 going to hear from neighbors who heard the murder, you're
4 going to hear from detectives who investigated the murder,
5 you're going to hear from a DNA analyst, firearms experts,
6 medical doctors. And this is the story that they're going
7 to tell.

8 On that July night in 2019, the victim, Jamie Lynn
9 Scruggs, had just gone out to eat with her former husband,
10 Mr. Richie Scruggs. You're going to hear from him. I say
11 "former husband" because they weren't legally divorced;
12 however, they had been separated for years. They
13 maintained a cordial relationship, amicable relationship.
14 They still saw each other for the sake of their kids.

15 She went out to dinner with him. The evidence is
16 going to show that sometime later in the night, she got a
17 ride to her boyfriend's house. Her boyfriend was
18 Mr. Jonathan Rackley. There they were hanging out with
19 their friends, Barry and Nicole Edwards. Jason Trammel
20 stopped by. You'll hear from some of them.

21 At some point in the night, all those parties left.
22 So they were there and partying in a shed. A shed's not
23 really exactly what it was, but it's this little hang-out
24 spot at Jonathan's house. While Jonathan's a grown man,
25 he still lived with his mother and he had his own little

1 space in the backyard. And that was a little four-wall
2 building where there's a cooler, speaker, some fans. Just
3 like I said, a hang-out spot. So that's where this
4 occurred.

5 So they're hanging out, and at some point in the
6 night, the friends leave. You'll hear that through the
7 witnesses, including Mr. Rackley's interview. So all the
8 friends leave. Detective Cochran, he verifies that. The
9 neighbor has security footage. You see those parties
10 leave. And, again, based on the testimony, there were two
11 people left in the shed: Jonathan and Jamie.

12 Around 1:40 a.m, they begin to argue. They begin to
13 argue so loud that one of the neighbors heard it. 1:40
14 and they begin to argue. That argument stopped at 1:50.
15 A gunshot goes off. His mother heard it. The neighbors
16 heard it, and the neighbors begin to text about it. So we
17 know we have a time stamp on when the gun discharged.
18 After the argument, the evidence is going to show Jonathan
19 shot Jamie.

20 Now, the bullet went through the rear right side of
21 her head -- or left side of her head, excuse me, and out
22 the front right. Fortunately, the bullet didn't go
23 through her brain stem. It went through the top of her
24 head. It didn't kill her immediately. She was still
25 alive.

1 The evidence is going to show that she slumped down
2 in her chair, blood poured from her head and the witnesses
3 are going to let you hear it -- or what they heard, her
4 moaning. She moaned so loud that witnesses could hear it
5 from outside the shed. She was shot in the head but she
6 was still there. She was gasping for breath. She was
7 gurgling and choking on her own blood.

8 Did Jonathan call 9-1-1? The evidence shows that he
9 did not. Did Jonathan scream for help? The evidence
10 shows that he did not. Did Jonathan drag her to his car
11 and rush her to Easley Memorial Hospital? The evidence
12 shows he did not. He did not call 9-1-1.

13 Rather, what Mr. Rackley did, Jonathan worried about
14 Jonathan. Jonathan took the murder weapon that was
15 covered in Jamie's fresh blood, he took it in his house
16 and he hid it. Officers found that there, her blood still
17 wet on the gun right above his washing machine.

18 What did he do with the washing machine? He took off
19 his bloody clothes, he wiped the blood from his arms and
20 he washed those clothes, destroying that evidence.
21 Jamie's still out in the shed.

22 He doesn't call 9-1-1, but the evidence is going to
23 show he called his friend Barry Edwards. It's 2:00 in the
24 morning. Barry didn't answer. He texted his friend
25 "911." So we know he could hit those numbers. But he

1 texted his friend.

2 Law enforcement arrives about 20 minutes after the
3 shooting because his mother called 9-1-1, Ms. Angela
4 Rackley. She thwarted his plans to clean up the scene.
5 She heard the bang. She's going to tell you she thought
6 it was a firework. However, she goes outside and sees
7 Jamie. She hears Jamie fighting for her life.

8 She calls 9-1-1. I'm not going to tell you
9 everything she said. I ask you to listen to what she
10 says. Listen to how she says it. And in addition to what
11 she says, listen to what she doesn't say. Listen to what
12 Jonathan says. Listen to that.

13 Law enforcement gets there. You'll see the video.
14 Look at how he reacts when law enforcement gets there.

15 He gets taken down to the police station, sheriff's
16 office, to be interviewed. They want to figure out what's
17 going on. The detective is pressing him, what's going on?
18 What happened? Listen to the stories he concocts.

19 They press further. They inform him that she has
20 been pronounced dead. Hours after the shooting, she
21 succumbed to her injuries. They tell him she had been
22 pronounced dead. They ask him what went on. And I
23 apologize to curse, but it's a clue and I think it's
24 important. Your Honor, I apologize ahead of time. When
25 pressed about what happened to Jamie, he says, "I didn't

1 kill that bitch. I didn't kill the bitch." He has known
2 his girlfriend that he allegedly cares about has been dead
3 for minutes. "I didn't kill the bitch." That's not her
4 name. Her name is Jamie Lynn Scruggs. He may hate to
5 hear it, but her name is Jamie Lynn Scruggs, and that's
6 who we're fighting for today.

7 Thank you.

8 THE COURT: Defense?

9 MR. DE BRUIN: Thank you, Your Honor. May it please
10 the Court, Your Honor.

11 Ladies and gentlemen of the jury, opposing counsel,
12 this case is about making assumptions and jumping to
13 conclusions. Ladies and gentlemen, you will hear
14 testimony today and see evidence through the entirety of
15 this case and the subsequent consequences of rushing to
16 judgment. Unfortunately, people involved in the events of
17 July 13, 2019, and the resulting investigation will make
18 the tragic mistake of making assumptions and jumping to
19 conclusions.

20 Society grants special trust and confidence in police
21 to investigate crimes that have occurred in their
22 jurisdictions. They are charged with making a diligent
23 investigation to ensure all the facts are known about the
24 case and that their investigation is thorough. So when
25 they make a decision to charge someone with a crime, you

1 the jury can be confident about your decision. They are
2 charged by society to be diligent, to ensure mistakes
3 aren't made. That's what's supposed to happen.

4 Regrettably, the police in this case made
5 assumptions, jumped to conclusions and did not perform a
6 diligent investigation. They did not properly analyze the
7 evidence that was given to them that was uncovered, and
8 they failed to investigate even the most basic elements of
9 this crime.

10 Jonathan Rackley celebrated his birthday right around
11 that weekend of July 13, 2019. It was a fun time for him
12 because he was enjoying spending time with his friends.
13 One of his friends, Jamie Scruggs, brought a cheesecake
14 for everybody to share.

15 You will hear from multiple people who were with
16 Jonathan and Jamie that night. They were having a good
17 time. They were friendly with each other. No one was
18 arguing. Those friends were over there multiple days
19 during that week, and at no time did they ever view
20 Jonathan and Jamie in an argument at all. Jonathan --
21 Jamie actually spent the night a couple times that week,
22 and neither -- no friend, the witnesses that you will hear
23 today, none of them will tell you that they overheard an
24 argument. There's no reason why he would have killed her.

25 In the early morning hours, the friends were getting

1 ready to leave. They said their goodbyes because Jonathan
2 and Jamie were falling asleep in the chairs in the
3 outbuilding. The friends left Jonathan and Jamie, and
4 there was no argument going on. They weren't mad at each
5 other. These were two people who were always friendly
6 with each other.

7 At some time during that evening, Jonathan fell
8 asleep and awoke to a gunshot. Ladies and gentlemen, I'm
9 going to stop the telling of the facts there, because I
10 don't want you to fall into the same trap the
11 investigators did by making assumptions and jumping to
12 conclusions without hearing all the evidence and arguments
13 of this case. Instead, I ask you to hold all your
14 opinions about what happened, hold the opinions about what
15 happened that night in July until all the evidence has
16 been shown to you, you've heard from all the witnesses,
17 and the arguments have been presented. I ask you to
18 remember that is the government's job. It's their burden
19 to prove beyond a reasonable doubt that my client is
20 guilty of all the crimes they allege.

21 Me and my client have no obligation to prove his
22 innocence, rather the government must prove he committed
23 the acts alleged beyond a reasonable doubt. The
24 government will have to prove there is no other reasonable
25 alternate explanation for Jamie's death other than

Jonathan killed her with malice. I submit to you, ladies and gentlemen, the government will fail to do this. They will fail to meet their burden of proof beyond a reasonable doubt. There are reasonable alternatives to the government's assertions. There are other reasonable explanations to Jamie's death. My client, Jonathan, did not murder Jamie Scruggs.

I will point out all reasonable alternatives throughout the case, and I want you to keep in mind all the things the investigators failed to do, because I'll point those out to you. And at the end of the case, after you've had the opportunity to listen to all the witnesses, see all the evidence, hear the arguments, I will get a chance to speak directly to you again. I will sum up the case and ask you to find that the investigators made assumptions and jumped to conclusions, and most importantly, I will ask you to find my client not guilty.

Thank you.

THE COURT: All right. State, call your first witness.

MR. JOHNSON: The State calls Richie Scruggs.

WHEREUPON,

RICHIE SCRUGGS,

After having been duly sworn, testified as follows:

THE CLERK: Thank you, sir. If you would, have a

1 seat, and state your name for the record.

2 THE WITNESS: Richie Michael Scruggs.

3 MR. DE BRUIN: Your Honor ---

4 THE COURT: Yes, sir.

5 MR. DE BRUIN: --- I would just ask that maybe the
6 screen be moved. I have no visual of Mr. Scruggs.

7 THE COURT: Maybe turn it sideways. Will that work?

8 THE CLERK: We'll just lay it down.

9 THE COURT: Okay. How's that?

10 MR. DE BRUIN: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. JOHNSON:

13 Q Mr. Scruggs, good morning.

14 A Good morning.

15 Q A little nervous today?

16 A A little bit.

17 Q You're the first witness, so that's expected.

18 Can you briefly explain to the jury your relationship
19 with Jamie Scruggs?

20 A Yeah. Me and Jamie got together around 2008 and end
21 up getting married in 2012. So I've been a part of her
22 and the kids' life for around 12 years at the time this
23 had happened.

24 We had a house fire in 2016 where Jamie had burned
25 around 20 percent of her body, so she was back and forth

1 to Augusta Burn Center dealing with all of that and, you
2 know, just the depression side of things and all, which
3 eventually led to us separating.

4 Q What year did y'all separate?

5 A 2018.

6 Q 2018.

7 A June of 2018.

8 Q Can you explain to the jury the status of your
9 relationship?

10 A Or 2017. Sorry.

11 Q Okay. 2017?

12 A Yes, sir.

13 Q At the time of her murder, you'd been separated for
14 about two years?

15 A Yes, sir.

16 Q Okay. Can you explain to the jury the status of your
17 relationship in July of 2019 when she passed?

18 A Yeah. The status of mine and Jamie's relationship at
19 the time was more so of a friendship than it was a
20 marriage, because we had actually been separated for two
21 years. And I had previously been married before and
22 failed at my marriage, so for me, I wanted to continue to
23 fight for this marriage. I actually had both of Jamie's
24 youngest kids, her son and daughter living with me at the
25 time while she fought some battles. But we had a

1 relationship that it could be good some days and bad some
2 days, just depending on the mood. But we did stay in
3 contact. And for me, it was just a matter of being there
4 for her and her struggles to help in different kind of
5 ways, you know, giving her rides to the grocery store or
6 stuff to that nature.

7 Q All right. The day of July 13, 2019 -- or I guess
8 you had saw her on July 12, 2019?

9 A Yes, sir.

10 Q Did you see her that day?

11 A I did.

12 Q Can you explain to the jury?

13 A Yeah. I actually picked her up from her house that
14 day around probably 7 p.m., and we just went right up the
15 street probably no more than a mile and a half from her
16 house and had supper at a little Japanese restaurant. And
17 we had a good dinner. She had actually mentioned
18 something about maybe having a date night, but I was
19 tired. So we just ended up -- I ended up just dropping
20 her back off at home before dark, which would have
21 probably been in the neighborhood of 8:30.

22 Q She was in a good mood that night?

23 A She was. And, you know, thankful for me the last
24 thing that I was able to tell her was that I loved her.
25 So for me, that brought some comfort when this tragedy

1 happened.

2 Q Yes, sir. Can you explain in regards to the
3 children, were there any big events going on at the time
4 that Jamie looked forward to?

5 A Yes. Almost like the Good Lord kept her here long
6 enough to see her son go to Clemson. We had actually went
7 to his orientation that Thursday prior, and we were all
8 together experiencing that great experience.

9 Q And you might have already said but I don't know if I
10 heard it. After dinner, so you told her you loved her and
11 dropped her off?

12 A Dropped her off, and we had planned on seeing each
13 other the following day.

14 Q Okay. Did you know if she was seeing other people or
15 not in your two-year separation?

16 A Yeah. But I -- I was aware that, you know, there
17 were other guys in her life.

18 Q You were aware one of those was Jonathan Rackley?

19 A She had mentioned his name, yes, sir.

20 Q Okay. I know it's emotional, but can you tell the
21 jury about when you learned of Jamie's murder?

22 A Yeah. So I got a call about five minutes till 6:00
23 from someone at the hospital who said that they had had
24 Jamie up there with a gunshot wound. So I immediately got
25 up, took a shower and headed straight to the hospital only

1 for them to let me know that she had been -- you know, she
2 had been shot a single gunshot wound to the head and
3 didn't make it.

4 And they just had asked that I identify her by the
5 tattoos that was on her body.

6 Q And did you have to do that?

7 A I just -- she had -- the coroner had just asked me
8 about certain tattoos on her body. I didn't -- I never
9 went back to make a physical -- you know.

10 Q Yes, sir. You say you spoke with the coroner?

11 A I did. Kandy Kelley.

12 Q Without saying specifically what they said, you can't
13 say hearsay, but can you tell us what you learned from the
14 conversation with the coroner in regards to the murder?
15 That's fine.

16 What did you do after that? After the coroner
17 informed you that Jamie had passed, what did you do next?

18 A I wasn't there maybe ten minutes just to try to get
19 my thoughts together.

20 I left the hospital empty, just kind of like the most
21 emptiest feeling I've ever felt. So I just -- my initial
22 goal was just to get all the kids together to let them
23 know about this tragedy. And all three children were in
24 three different locations, so it took approximately an
25 hour and a half or so to get them all to my house to be

1 able to, you know, let all three of her children know of
2 the bad news.

3 Q All right. What did you do after that?

4 A We probably spoke for around 45 minutes, and I just
5 told them that I was going to try to find out -- see what
6 I could find out, for them just to hang out at my parents'
7 house with my parents till I could, you know, try to
8 figure out exactly what was going on. Because they had
9 questions, and I felt like they were owed answers.

10 Q So what did you do to get those answers?

11 A Not long after we had spoke for about 45 minutes, I
12 proceeded to go to Ruby Drive. I was told that it had
13 happened on Ruby -- Ruby Drive in Pickens County. I
14 wasn't really aware of where exactly that was, but, you
15 know, after googling or mapping it, I shot over there to
16 see if I could talk to someone who might could give me
17 some answers.

18 Q Who did you say gave you that information of the
19 location of the incident?

20 A From what I could remember, it would have had to have
21 been Kandy Kelley in that room at the hospital.

22 Q Okay. So you go to the crime scene. Tell us about
23 that.

24 A Yes, sir. I find Ruby Drive, and I don't know
25 exactly where I'm going but it looks like it may be a

1 dead-end road. So, you know, obviously, I'm just going to
2 go there to look for emergency vehicles.

3 And I pull into the drive, and as soon as I pull up
4 into the drive, I see the lead detective and Jonathan's
5 mother on the front porch. And as soon as I pull up, the
6 lead detective automatically comes toward me to let me
7 know that this was an active crime scene and that I didn't
8 need to be there. But I just let him know who I was, and
9 I was just looking to talk to someone who might could give
10 me some answers.

11 As he come to me, Jonathan's mother trailed him. And
12 I never spoke to her, but as she approached me, she was
13 telling me that she was very sorry.

14 MR. DE BRUIN: Objection, Your Honor.

15 BY MR. JOHNSON:

16 Q Without saying -- sorry. You can't say what she
17 said.

18 So after you spoke to the detective and he said he
19 couldn't do anything for you ---

20 A He just asked that I leave and that he would be in
21 touch with me.

22 Q What did you do then?

23 A I left.

24 Q You left. Okay.

25 Do you remember what date this was?

1 A The date?

2 Q Uh-huh.

3 A It was the same day, Saturday, July the 13th,
4 approximately 8:30 or 9:00 in the morning.

5 Q You're never going to forget that day.

6 A I will not.

7 Q I don't have any further questions for you at this
8 time. Or actually, I do have one question.

9 A little random, but so you've known her for
10 12 years. Do you know if she was right-handed or
11 left-handed?

12 A She was right-handed.

13 MR. JOHNSON: She was right-handed.

14 All right. I don't have any questions for you.
15 Please answer any questions the defense may have.

16 THE COURT: Cross?

17 MR. DE BRUIN: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. DE BRUIN:

20 Q Mr. Scruggs, you said you were separated from your
21 wife; is that right?

22 A Yes, sir.

23 Q And you were in love with her and you wanted to get
24 back together?

25 A (No answer.)

1 Q You said -- you told the solicitor that you were
2 trying to fight for her to get back together; is that
3 right?

4 A I loved my wife, yes.

5 Q Okay. So you were trying to get back together with
6 her?

7 A I wouldn't necessarily say I was trying to get back
8 together with her. I would say that I was a positive
9 impact in her life at the time.

10 Q You were upset that she was seeing other people?

11 A No, sir.

12 Q What kind of car do you drive?

13 A Currently?

14 Q Back in 2019, what did you drive?

15 A I drove the same truck I currently drive today, a
16 2004 Toyota Tundra.

17 Q And you said that someone told you where the house
18 was and you went there?

19 A The coroner, yes, sir.

20 Q And the detective, when he came toward you, he told
21 you that he had already got the guy, didn't he?

22 A Not that I recall, no, sir.

23 Q You don't recall him saying that?

24 A I do not.

25 MR. DE BRUIN: Your Honor, I have no further

1 questions.

2 THE COURT: All right. Any redirect?

3 MR. JOHNSON: None, Your Honor.

4 THE COURT: All right. You may step down,
5 Mr. Scruggs.

6 Call your next witness.

7 MR. JOHNSON: The State calls Jason Trammell.

8 THE COURT: Mr. Trammell.

9 MR. JOHNSON: And, Your Honor, we have no further
10 questions. We ask that this witness be excused from his
11 subpoena.

12 THE COURT: Any objection from the defendant?

13 MR. DE BRUIN: Your Honor, I may call him as some
14 kind of rebuttal, so I'd rather him still stay
15 sequestered.

16 THE COURT: Anything from the State on that?

17 MR. JOHNSON: In regards to his sequestration, Your
18 Honor, he is the legal victim in this case as he was the
19 husband of the deceased, albeit separated, so he has his
20 right to stay in the courtroom.

21 THE COURT: Yeah. I'm going to allow him as still
22 legally married husband.

23 MR. JOHNSON: Mr. Trammell, if you'll just sit right
24 here.

25 THE CLERK: Please raise your right hand.

1 WHEREUPON,

2 JASON TRAMMELL,

3 After having been duly sworn, testified as follows:

4 THE CLERK: If you would, have a seat, and state your
5 name for the record.

6 THE COURT: And, Mr. Trammell, you can take your mask
7 off when you testify. And sit up close to that mic so
8 everybody can hear you.

9 All right. Mr. Johnson?

10 DIRECT EXAMINATION

11 BY MR. JOHNSON:

12 Q Mr. Trammell, can you briefly explain to the jury
13 your relationship with Jonathan Rackley and Jamie Scruggs?

14 A I was a friend of Jamie Scruggs, went to high school
15 with her. And she was a friend of my wife. And I really
16 hadn't known Jonathan that long, just a little while,
17 maybe been around him a couple times. That's about it.

18 Q How long have you known Jamie?

19 A I've known her since -- I've known her since I was a
20 young teenager.

21 Q Okay. And briefly, so everyone's clear, did you ask
22 to be here today?

23 A No.

24 Q Were you subpoenaed?

25 A Yes, sir.

1 Q Okay. You've known Jamie since high school. How
2 long have you known Jonathan?

3 A I had known him personally like that through Jamie,
4 actually met him through Jamie, just maybe a couple weeks.

5 Q How much time had you spent with them as a couple?

6 A Not -- not a whole lot. Just -- you know, just a
7 little in passing.

8 Q Did you see them on July 13, 2019? Or I guess that
9 would have been the day before, July 12, 2019?

10 A Yes, sir.

11 Q All right. Can you explain to the jury how you saw
12 them, the scenario around that?

13 A Okay. They were -- when I was over there, I'd been
14 called over there to look at a karaoke machine. And when
15 I went in over there, you know, it seemed like everybody
16 was in good -- they were cutting up, you know. I noticed
17 Jonathan smiling. I mean, they were up -- for all intents
18 and purposes, they were, you know, kind of like, I guess,
19 love struck, you know. They were enjoying each other's
20 company.

21 Q Just to be clear, when you say "over there," you mean
22 [REDACTED] Ruby, the shed at Jonathan's house?

23 A Yes, sir. Yes, sir.

24 Q Okay. What time did you get there, do you think?

25 A It was just before dark. I mean, it was getting

1 dark. It was a waning hour, so like I'd say it was
2 probably 9:30 or maybe a little later or something. It
3 was right around that time.

4 Q And how long did you stay?

5 A I was there maybe -- maybe 25 minutes to 45 minutes.
6 It wasn't very long.

7 Q Okay. So you left. You got there. You left around
8 10-ish?

9 A Yeah. Something like that.

10 Q So were you there at 1:40 a.m.?

11 A No. No, sir.

12 Q Were you there at 1:51 a.m.?

13 A No, sir.

14 Q You were not.

15 Did you talk to Jonathan after that?

16 A No, sir.

17 MR. JOHNSON: Okay. No further questions.

18 THE COURT: All right. Cross?

19 CROSS EXAMINATION

20 BY MR. DE BRUIN:

21 Q Did you ever witness Jamie and Jonathan arguing at
22 all?

23 A No, sir.

24 Q You said they were cutting up. They were just happy?

25 A Yes, sir.

1 Q No indication that they were upset at each other at
2 all.

3 A Never would have thought anything, you know, was
4 going to happen, anything, no.

5 Q You said they were dating; is that right?

6 A Yes, sir.

7 Q How do you know that?

8 A Through Jamie, you know. She made it clear.

9 Q And she had told you that?

10 A Yes, sir.

11 Q Did she tell you about her relationship with her
12 husband?

13 A I mean, I kind of knew, but I didn't know, you know.
14 I thought they were separated.

15 Q Okay. How long do you think they were dating for?

16 A Maybe a couple weeks, maybe. Actually, I'm not real
17 sure. Maybe a little longer. I'm not -- you know, not
18 exactly sure.

19 Q Just a few weeks?

20 A Yes, sir.

21 Q They were -- were they flirty with each other?

22 A Oh, yeah. You know, when I seen them, they were that
23 particular time.

24 Q But never an argument was made.

25 A No, sir.

1 Q Totally friendly.

2 A Yes, sir.

3 Q No reason that he would have done anything horrible
4 to her at all.

5 A Not at all. Not at all.

6 MR. DE BRUIN: No further questions, Your Honor.

7 THE COURT: Any redirect?

8 MR. JOHNSON: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. JOHNSON:

11 Q You mentioned about Jamie's current relationship with
12 her husband. Did you know anything about the status of
13 Jamie and Richie's, her husband's relationship?

14 A At the time, you know, I just heard her speaking. I
15 wasn't real sure what was going on, you know. But I know
16 -- I know they had been together earlier that day. And,
17 you know, I'm not sure exactly what -- you know, what was
18 going on there, but I didn't know -- I knew she had some
19 things that she was keeping at Richie's house, I believe,
20 at this time. They was moving them from where -- where
21 she was staying in Greenville over to, you know, his place
22 just to keep them safe.

23 Q And, again, you hadn't known Jonathan that long, had
24 you?

25 A No, sir.

1 Q So you don't know much about his personality traits,
2 do you?

3 A Not really.

4 Q Okay. And, again, were you there at 1:40 in the
5 morning?

6 A No, sir.

7 Q Were you there at 1:50 in the morning?

8 A No, sir.

9 MR. JOHNSON: No further questions.

10 THE COURT: All right. Mr. Trammell, you can step
11 down.

12 Next witness?

13 MR. JOHNSON: And, Your Honor, again, we have no
14 further need for this witness. We would ask that he be
15 excused from his subpoena.

16 THE COURT: Any objection?

17 MR. DE BRUIN: No, Your Honor.

18 THE COURT: All right. You're excused, Mr. Trammell.

19 MS. ODOM: The State calls Barry Edwards.

20 THE CLERK: Raise your right hand.

21 WHEREUPON,

22 BARRY EDWARDS

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you, sir. If you would, have a
25 seat, and state your name for the record, please.

1 THE WITNESS: Barry Edwards.

2 THE COURT: Mr. Edwards, you can pull that
3 microphone, maybe sit close to that microphone, and you
4 can take your mask off when you testify. You can take it
5 off, if you want to.

6 THE WITNESS: All right. Thank you.

7 DIRECT EXAMINATION

8 BY MS. ODOM:

9 Q All right. Mr. Edwards, can you explain how you know
10 the defendant?

11 A We pretty much grew up together.

12 Q And are y'all friends?

13 A Yes, ma'am.

14 Q And how do you know Jamie Scruggs?

15 A I met her through some other friends.

16 Q Okay. Did you see Jamie and Jonathan on July 13th --
17 or July 12th of 2019?

18 A Yes, ma'am.

19 Q And where did you see them at?

20 A At his house.

21 Q Tell me when you got there.

22 A It was somewhere around about lunchtime or so, I
23 think.

24 Q When you got there, who all was there?

25 A It was just them ---

1 Q Okay.

2 A --- and his parents and grandma and nephew. That was
3 it ---

4 Q So when you say "them" ---

5 A --- and me and my wife.

6 Q --- was Jamie there ---

7 A Yes.

8 Q --- when you got there?

9 A Yes.

10 Q And then what did you do?

11 A We just all sat around and hung out and talked and
12 cut up and had a good old time.

13 Q At some point, did you leave?

14 A Probably. I don't even -- it's been so long, I don't
15 really remember.

16 Q How did Jamie get there?

17 A She needed a ride and I went and picked her up.

18 Q Okay. So let's back up. So you said you got there
19 and Jamie was already there?

20 A At one point, yes.

21 Q But then you left to go pick her up?

22 A Yeah. She had left and come -- and needed a ride and
23 come back.

24 Q I want to make sure I'm getting everything straight
25 here. So you're there at some point on July 12th.

1 A Yes, ma'am.

2 Q Jamie leaves.

3 A And then me and my wife leave.

4 Q Okay. And then later in the afternoon, y'all come
5 back?

6 A Yes, ma'am. Yes, ma'am.

7 Q Now, when y'all come back at that point, who's at the
8 house?

9 A Just Jonathan then and his family.

10 Q Okay. All right. I've got you.

11 All right. So then you leave to get Jamie?

12 A Yes, ma'am.

13 Q Okay.

14 A She had called and said she needed a ride. And he
15 asked if I'd give her a ride, and I told him I would.

16 Q And who went with you to give her a ride?

17 A My wife.

18 Q And what's your wife's name?

19 A Alicia Edwards.

20 Q Okay. What's her first name?

21 A Alicia.

22 Q What's her middle name?

23 A Nicole. She goes by Nikki.

24 Q Nikki?

25 A Yes, ma'am.

1 Q All right. So you and Nikki go and pick up Jamie,
2 and y'all come back. And you said y'all were hanging out.
3 Where were you hanging out at?

4 A Out in the building.

5 Q Okay. Do you see anyone else come over to the house
6 or anything?

7 A No.

8 Q Do you see Jason Trammell?

9 A No, ma'am.

10 Q Okay. You never saw Jason Trammell there?

11 A No, ma'am.

12 Q All right. Was Nikki in the building the whole time?

13 A She was playing with his nephew ---

14 Q Okay. So was she on the porch?

15 A --- so they were in and out.

16 Q In and out? Okay.

17 Do you see Jonathan's mama?

18 A Yes, ma'am.

19 Q Were y'all listening to music?

20 A Yes, ma'am.

21 Q Was there a radio in that building?

22 A A little small one. It wasn't nothing -- it was loud
23 or nothing.

24 Q Okay. I'm going to show you some pictures.

25 A Okay.

1 MS. ODOM: Your Honor, may I approach the witness?

2 THE COURT: Yes.

3 BY MS. ODOM:

4 Q Mr. Edwards, I'm going to hand you what's been
5 premarked as State's Exhibits 1, 2, 3, and 4 for
6 identification purposes only. I want you to kind of look
7 through each of those pictures, and then I'll follow up.

8 A (Reviews exhibits) Okay.

9 Q Do you recognize what those are?

10 A It's a little building.

11 Q Okay. And all four of these are just pictures of the
12 building?

13 A Yes, ma'am.

14 Q And that's a fair and accurate representation of the
15 building as far as you remember?

16 A Yes, ma'am.

17 MS. ODOM: All right. Your Honor, at this time, the
18 State moves to have these introduced into evidence.

19 THE COURT: Any objection from the defense?

20 MR. DE BRUIN: No, Your Honor.

21 THE COURT: All right. No objection.

22 MS. ODOM: And, Your Honor, the State seeks
23 permission to publish.

24 THE COURT: Granted. So Exhibits 1, 2, 3, and 4; is
25 that right?

1 MS. ODOM: Yes, sir.

2 THE COURT: All right. Are admitted into evidence.

3 (WHEREUPON, State's Exhibit Numbers 1 through 4 were
4 admitted into evidence.)

5 BY MS. ODOM:

6 Q All right. So, Mr. Edwards, I'm going to put it over
7 here and it's going to pop up on the screen. But if you
8 can't see it, if there's a glare, just let me know.

9 A Yes, ma'am.

10 Q All right. So there's State's 1. All right. Tell
11 me what that is.

12 A That's the little building.

13 Q Okay. And is that the front of the building?

14 A Yes, ma'am.

15 Q And is this the doorway?

16 A Yes, ma'am.

17 Q Now, did it have a door on it that would shut?

18 A They had a little vinyl door that it would shut, but
19 it wasn't nothing that was -- it was just something there
20 to keep bugs out.

21 Q All right. Okay. I want to show you State's 2. All
22 right. I want to make sure that's straight. All right.
23 Just tell me what it is.

24 A It's the same building.

25 Q Is that just a different view of it?

1 A Yes, ma'am.

2 Q And is the front door still in that picture in view?

3 A Yes, ma'am.

4 Q Okay. Same thing. State's 3, what's that?

5 A That looks to be the back of it.

6 Q And then State's 4, what's that?

7 A That appears to be the other side.

8 Q All right. So this was the building that y'all were
9 hanging out in?

10 A Yes, ma'am.

11 Q All right. So y'all are hanging out together. Was
12 everyone in an all-right mood?

13 A Yes, ma'am.

14 Q Okay. And when did you and Nikki decide to leave?

15 A It was later on that evening after we had finished
16 working on a four-wheeler.

17 Q Okay. And who all was there when you left?

18 A Just Jonathan, Jamie, Jonathan's family and me and my
19 wife when we left.

20 Q Okay. So y'all were leaving. Do you remember about
21 what time it was?

22 A It was somewhere, I want to say, around 11:30, maybe.

23 Q So it's definitely dark?

24 A Yes, ma'am.

25 Q Okay. And as you were leaving, did you wave bye to

1 anybody?

2 A Yes, ma'am. I told Jonathan's mom bye.

3 Q And where was she at?

4 A She was going back inside locking up.

5 Q Okay. So she's headed to bed, too?

6 A Yes, ma'am.

7 Q Okay. All right. So when you left, you said
8 Jonathan and Jamie were in the building; is that right?

9 A Yes, ma'am.

10 Q Were they working on a four-wheeler? Were they
11 sitting down? What were they doing?

12 A No. They were just sitting there cutting up.

13 Q Okay. All right. So you leave, and at some point do
14 you get a phone call?

15 A Yes, ma'am.

16 Q Okay.

17 A My phone rings, yes.

18 Q And who is it?

19 A It was Jonathan.

20 Q And how did you know it was Jonathan?

21 A Because I heard his voice.

22 Q Now, when he calls you the first time, do you
23 actually talk to him? Do you answer?

24 A No. I missed the first call he called me from.

25 And ---

1 Q Okay. So you missed a call from him. And in
2 response to the missed call, what do you do?

3 A I send a text message.

4 Q And what did you say?

5 A All I said "what's up?"

6 Q Okay. And what was his response?

7 A I get "911," and then my phone rings.

8 Q Okay. And what -- what do you say? What does he
9 say?

10 A Nothing. All he asks is where I was at, and I told
11 him at the house, and the line goes dead.

12 Q Okay. Do you hear anything in the background?

13 A No, ma'am.

14 MS. ODOM: Your Honor, may I approach witnesses or do
15 you prefer me to ask?

16 THE COURT: Yes. Yeah. You all can approach any
17 time. You don't need to ask me.

18 MS. ODOM: All right. Thank you, Your Honor.

19 BY MS. ODOM:

20 Q All right. Mr. Edwards, I want to have you look at
21 State's 5 for identification purposes. You look at that.
22 Do you know what that is?

23 A Yes, ma'am. That's my phone.

24 Q All right. And that -- how was that picture taken?

25 A The detectives took it when they come out and

1 interviewed me.

2 Q Okay. And that's an accurate picture?

3 A Yes, ma'am.

4 MS. ODOM: Your Honor, at this time, the State moves
5 Number 5 into evidence.

6 THE COURT: All right. Any objection from the
7 defense?

8 MR. DE BRUIN: Your Honor, I believe it's cumulative.
9 It's unnecessary. He's already testified to it.

10 THE COURT: All right. I'll note your objection.
11 I'll overrule it.

12 MS. ODOM: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit Number 5 was admitted into
14 evidence.)

15 BY MS. ODOM:

16 Q All right. Mr. Edwards, now I want to show you
17 State's 6.

18 A Okay.

19 Q Look at that. Can you tell me what that is?

20 A Yes, ma'am. That's text messages between me and him,
21 me and Jonathan.

22 Q And how did that picture come about?

23 A They took it off my phone, took a picture of it.

24 Q All right. And that's a fair and accurate picture?

25 A Yes, ma'am.

1 MS. ODOM: All right. At this time, the State moves
2 6 into evidence.

3 THE COURT: All right. Any objection from the
4 defense?

5 MR. DE BRUIN: Same objections, Your Honor.

6 THE COURT: I'll overrule that.

7 MS. ODOM: Thank you, Your Honor.

8 THE COURT: Exhibits 5 and 6 are admitted.

9 (WHEREUPON, State's Exhibit Number 6 was admitted into
10 evidence.)

11 BY MS. ODOM:

12 Q All right. So I want to put these up on the
13 projector, Mr. Edwards. Same thing, if it's a glare or
14 anything, you just let me know.

15 This one's kind of small. There we go. All right.
16 So this, State's 5, is up on the screen. And that's a
17 picture of your call log.

18 A Yes, ma'am.

19 Q So what time was that missed call on July 13th?

20 A At 1:55.

21 Q All right. And what time was the incoming call when
22 y'all ended up talking for 23 seconds?

23 A At 2:03.

24 Q Okay. And that is -- that's Mr. Rackley's number?

25 A Yes, ma'am.

1 Q All right. I'm going to put this other one up,
2 State's 6. All right. Tell the jury what that is.

3 A That's the text message that I had sent after I'd
4 received a miscall.

5 Q Now, are your messages on the right or the left?

6 A Mine are on the right.

7 Q Okay. So you're over here (indicating).

8 A Yes, ma'am.

9 Q And what time did you text him?

10 A It looks like it says 1:56.

11 Q All right. And what did you say?

12 A "Sup bro."

13 Q And what did he say in response?

14 A "911."

15 Q Okay. And so your testimony is after he said "911,"
16 at some point he called you again.

17 A Yes, ma'am.

18 Q Okay. So this happens, you get this call. What do
19 you and Nikki do?

20 A We get in the car and start back that way ---

21 Q Okay.

22 A --- to make sure everything was all right.

23 Q So y'all head back over there. And y'all pull on
24 Ruby -- do y'all get to his house?

25 A We don't actually pull in the driveway, no.

1 Q All right. Tell me about that.

2 A We turned onto his road, and there were police and
3 everything everywhere.

4 Q Did you see blue lights?

5 A Yes, ma'am.

6 Q Okay. And is that why y'all -- or did you stay? Did
7 you leave?

8 A No, ma'am. We just turned around and left. We
9 didn't know what was going on, so we wasn't trying to
10 hinder anything that was going on.

11 Q All right. So I think I'm almost done with my
12 questions, but I just want to be clear. Is Jonathan in
13 the courtroom today, your buddy?

14 A Yes, ma'am.

15 Q All right. So the person, the man that was alone
16 with Jamie when you left, can you just point him out to
17 us? Tell us what kind of shirt he's wearing.

18 A (Indicating) He's wearing a white button-up shirt
19 sitting over there to the left.

20 Q Okay. And what kind of car were y'all driving?

21 A I had a Dodge Avenger at the time, a silver one.

22 Q A silver car?

23 A Yes, ma'am.

24 Q Four-door?

25 A Yes, ma'am.

1 MS. ODOM: All right. Please answer any questions
2 that Mr. DeBruin may have for you.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Cross?

5 MR. DE BRUIN: Yes, Your Honor.

6 CROSS EXAMINATION

7 BY MR. DE BRUIN:

8 Q Jonathan and Jamie were good friends?

9 A Yes, sir.

10 Q They were friendly with each other?

11 A Yes, sir.

12 Q Never argued with each other that you saw?

13 A Not that I seen, no, sir.

14 Q That weekend, what did you guys do prior to ---

15 A We hung out. It was his birthday weekend, so we just
16 hung out.

17 Q You guys were there multiple days?

18 A Yes, sir.

19 Q Did you leave and come back? Or did you stay over
20 there sometimes?

21 A No. We left and come back.

22 Q Okay. When you were there earlier, what did you guys
23 do? Earlier in the week, what did you do?

24 A We just hung out.

25 Q You were celebrating his birthday; is that right?

1 A Yes, sir.

2 Q Okay. Who got Jonathan the cheesecake?

3 A Jamie did.

4 Q Jamie did.

5 Did y'all enjoy that together?

6 A Yes, sir.

7 Q Okay. Anybody else bring any food over?

8 A Not that I can recall, no, sir.

9 Q What were Jonathan and Jamie doing when you were
10 leaving? Were the two of them falling asleep?

11 A Yes, sir. They were ---

12 Q Is that why you were leaving ---

13 A Yes, sir.

14 Q --- because they were all sleepy?

15 They were in the chairs in the room?

16 A Yes, sir.

17 Q They were dozing off?

18 A Yes, sir.

19 Q Earlier that night, did the dog act weird at all?

20 A Yes, sir.

21 Q What did it do?

22 A It just kept running to the -- over towards the tree
23 line. I mean, it wasn't going in the tree line or
24 nothing. It just kept going over that way.

25 Q And you were friends with Jonathan, right?

1 A Yes, sir.

2 Q And you said you'd been friends since you guys were
3 young.

4 A Yes, sir.

5 Q You never saw the dog like that.

6 A No, sir.

7 Q It kept going over to the tree line?

8 A Yes, sir.

9 Q Y'all eventually went over to the tree line, you and
10 Jonathan, right?

11 A Yes, sir.

12 Q Did you see if there was anybody in there?

13 A Just to see what was over there. Never seen nothing.

14 Q You were worried that there was a person possibly in
15 that tree line?

16 A They could have been, yes, sir.

17 Q Jonathan's house, it's on Ruby Drive; is that right?

18 A Yes, sir.

19 Q Is the neighborhood full of trees?

20 A Yes, sir. It's real wooded.

21 Q Okay. So his property that he lives on was full of
22 trees.

23 A Yes, sir.

24 Q A very heavily wooded area?

25 A Yes, sir.

1 Q Did you guys have a flashlight when you were looking
2 in the woods?

3 A It was still daytime when the dog was doing that.

4 Q Okay. How long do you think they were dating for,
5 Jamie and Jonathan? Was it a long time?

6 A I didn't actually know that -- I didn't know they was
7 actually dating. I just thought they was friends.

8 Q Okay. Did she spend the night ever that you know of?

9 A Not that I recall.

10 Q Were you -- was it your thought that she was going to
11 spend the night that night?

12 A Yes, sir.

13 Q Okay. Because you brought her over there; is that
14 right?

15 A Right.

16 Q All right. And you didn't bring her -- you weren't
17 going to bring her home, so she was staying that night.

18 A Well, she didn't ask for a ride home, so yeah.

19 Q Okay. And any time -- have you seen Jamie over there
20 any other times besides the party?

21 A Not that I can recall, no, sir.

22 Q So just that week is the only time you saw her over
23 there.

24 A Yes, sir.

25 Q So if they were dating, it would be a very new

1 relationship.

2 A Yes, sir.

3 Q Okay. They were having a good time?

4 A Yes, sir.

5 Q Good spirits?

6 A Yes, sir.

7 Q Nobody arguing at all.

8 A No, sir.

9 Q No reason that you know that Jonathan would ever do
10 something like this to her.

11 A No, sir.

12 MR. DE BRUIN: Your Honor, I have no further
13 questions.

14 THE COURT: Any redirect?

15 MS. ODOM: Yes, sir, Your Honor. Just briefly.

16 REDIRECT EXAMINATION

17 BY MS. ODOM:

18 Q All right. Let's talk about the woods and the
19 neighborhood. Is there a gully back behind his house?

20 A Yes, ma'am.

21 Q Okay. And does that encase part of the house, kind
22 of? Breaks off the yard from the road?

23 A Yes, ma'am.

24 Q Okay. You said it was daylight when the dog walked
25 over to the wood line. Did you see anybody?

1 A I never seen nobody, no, ma'am.

2 Q Never saw anybody.

3 A No, ma'am.

4 Q All right. And you had testified that Nikki and the
5 defendant's nephew Elijah had been outside playing, right?

6 A Yes, ma'am.

7 Q If y'all saw somebody, would you have let them keep
8 playing or would you ---

9 A No, ma'am. We -- they would have been -- we would
10 have had him go in the house ---

11 Q Okay.

12 A --- and we'd have found out who it was.

13 Q All right. And you testified you're familiar with
14 the neighborhood. Does it back up -- does Jonathan's road
15 back up to a neighborhood?

16 A Yes, ma'am.

17 Q Are there kids in that neighborhood playing?

18 A Yes, ma'am.

19 Q All right. And were you there at 1:40 in the morning
20 on July 13, 2019?

21 A At 1:40?

22 Q At 1:40. Were you there when they start arguing?

23 A Not when there was no arguing, no.

24 Q So you weren't there.

25 Were you there at 1:50 when the gunshot happened?

1 A No, ma'am.

2 MS. ODOM: All right. Nothing further, Your Honor.

3 THE COURT: All right. Mr. Edwards, you can step
4 down.

5 THE WITNESS: Thank you, sir.

6 MS. ODOM: And, Your Honor, I'd ask this witness to
7 be excused from his subpoena.

8 MR. DE BRUIN: Yes, Your Honor. I'd like to have him
9 stay on. I might have him ---

10 THE COURT: All right. Mr. Edwards, if you'd return
11 where you were.

12 MS. ODOM: I've spoken with Mr. Edwards about
13 sequestration so he wont be addressing any other
14 witnesses.

15 THE COURT: Ladies and gentlemen, are y'all able to
16 hear the witness? Is everything okay? Okay. Anytime
17 y'all can't hear, y'all just raise your hand and holler at
18 me, okay?

19 All right. Call your next witness.

20 MS. ODOM: Thank you, Your Honor. The State calls
21 Kaleigh Stone.

22 THE CLERK: If you would, raise your right hand.

23 WHEREUPON,

24 KALEIGH S [REDACTED],

25 After having been duly sworn, testified as follows:

1 THE CLERK: Please have a seat, and state your name
2 for the record.

3 THE COURT: You can take your mask off, Ms. S[REDACTED].
4 And if you would, just kind of get up close to the
5 microphone, pull it down to you.

6 DIRECT EXAMINATION

7 BY MS. ODOM:

8 Q All right. Kaleigh, can you hear me okay?

9 A Yes, ma'am.

10 Q Okay. Where did you live in July of 2019?

11 A [REDACTED] Windham Lane, Easley, South Carolina.

12 Q And what was your neighbor's name who lived beside
13 you?

14 A Riley.

15 Q Riley?

16 A Yes, ma'am.

17 Q All right. And was she your right next-door
18 neighbor?

19 A Yes, ma'am.

20 Q Were y'all friends?

21 A Yes, ma'am. Very close friends.

22 Q Would y'all play?

23 A Yeah. We would hang out with each other.

24 Q Hang out? Would y'all text or talk on the phone or
25 anything?

1 A Yes, ma'am.

2 Q Now, do you know in July 2019 what family lived
3 behind you and Riley?

4 A Well, I know a kid Elijah and I'm guessing his family
5 lived behind there.

6 Q Okay. Do you know what other family members Elijah
7 had?

8 A His grandma, his mom and his uncle.

9 Q Okay. Do you know his uncle's name?

10 A No, ma'am.

11 Q How old was Elijah? Was he younger than you?

12 A Yes, ma'am.

13 Q Okay. All right. Give me just one second, Kaleigh.

14 All right. Kaleigh, I'm going to show you what's
15 been marked as State's 7 for ID purposes. Can you take a
16 look at that? Do you know what that is?

17 A (Reviews exhibit) It looks like a Google map, and I
18 see my house in the top left corner. So I'm guessing
19 that's around the area where it was.

20 Q And have you ever looked at a map before?

21 A Yes, ma'am.

22 Q You know where you live?

23 A Yes, ma'am.

24 Q Is that a fair and accurate representation of your
25 home?

1 A Yes, ma'am, it is.

2 MS. ODOM: Your Honor, at this time, the State moves
3 this into evidence, State's 7.

4 THE COURT: Any objection?

5 MR. DE BRUIN: No, Your Honor.

6 THE COURT: All right. Exhibit Number 7 is
7 admitted.

8 (WHEREUPON, State's Exhibit Number 7 was admitted into
9 evidence.)

10 BY MS. ODOM:

11 Q All right. Kaleigh, I'm going to hand you what's
12 been premarked as State's 8. Do you know what that is?

13 A It's basically the same map but just blown up and
14 zoomed in more towards my house.

15 Q And would you say that's a fair and accurate
16 representation?

17 A Yes, ma'am.

18 MS. ODOM: All right. Your Honor, the State moves to
19 have this in as State's 8.

20 THE COURT: Any objection?

21 MR. DE BRUIN: No, Your Honor.

22 THE COURT: Exhibit Number 8 is admitted without
23 objection.

24 MS. ODOM: Thank you.

25 (WHEREUPON, State's Exhibit Number 8 was admitted into

1 evidence.)

2 BY MS. ODOM:

3 Q All right. Kaleigh, so I'm going to put State's 7 up
4 there on the projector. If you can, look at that.

5 Now, there's a laser pointer. It's right on the
6 other side of the Kleenexes. If you'll pick that up. And
7 the laser button is red. If you'll press that and see if
8 you can't get the dot to come up on the screen. There we
9 go.

10 Now, can you put the dot over your house?

11 A Sorry. I'm not very great with this. It's around
12 that top left corner (indicating).

13 Q Okay. And then Riley's house?

14 A It is below that.

15 Q And the Plexiglas does kind of throw off that laser.

16 A Hers is like right there (indicating).

17 Q And then Elijah and his family?

18 A Around this area (indicating).

19 Q Okay. Great. Now I'm going to show you the next
20 map. And, again, will you put the laser on your house?

21 A Right there (indicating).

22 Q And Riley's house?

23 A Right there (indicating).

24 Q And then Elijah and his family?

25 A Around here (indicating).

1 Q Okay. Great. Thank you.

2 A No problem.

3 Q All right. Now I want to talk to you about the -- I
4 say early, early morning hours of July 13, 2019, around
5 1:00 or 1:30, just early morning hours. What were you
6 doing?

7 A So basically, our school was out for summer break,
8 and so I was kind of taking advantage of that time and
9 staying up late. And basically, I was watching videos on
10 my phone. I didn't have any headphones in, anything like
11 that. And then I heard a gunshot.

12 Q Okay. And how do you know it was a gunshot?

13 A Well, I've heard fireworks before and I've also heard
14 a firearm before because my dad likes to hunt, so I've
15 been around that so I understand what that sounds like.
16 And I was trying, of course, think in my head, oh, is this
17 fireworks? Is this something else? And I ---

18 Q Did it -- how did it make you feel?

19 A I was honestly startled because it was so late and it
20 was very unexpected, so to say.

21 Q Okay. And what did you do in response to that
22 gunshot?

23 A Well, I was hesitant at first, but then maybe five to
24 ten minutes later I went to go look out of my back door to
25 see what was going on.

1 Q Okay. Did you call, text message anybody?

2 A Yes, ma'am. After the shot happened, I messaged my
3 friend Riley. And I was like, "Did you hear that?" And
4 like I was making sure and seeing if she heard the same
5 thing I was hearing.

6 Q Okay. And when you say "messaged," was it text
7 message or some kind of app?

8 A It was on Snapchat.

9 Q Okay. So did you send her words or picture or both?

10 A Well, Snapchat, basically, I took a photo and I --
11 you can add text to it. And I put -- basically, I was
12 asking her, "Did you hear that? Am I going crazy right
13 now?" So I sent her that.

14 Q Okay. And did she respond back to you?

15 A Yes, ma'am.

16 Q So the shot happens, and y'all more or less
17 immediately message each other?

18 A Yes, ma'am.

19 Q Okay. And so y'all messaged back and forth. And you
20 said at some point minutes later, you go -- what do you
21 do? You peek out?

22 A Yes, ma'am. There's a back door. And we have a back
23 porch, but our back door has like this window so you could
24 see out. So I was just kind of peeking out and just
25 seeing just what was going on because I was confused and

1 startled. So ---

2 Q Okay. And did you see anything?

3 A Well, when I went back there, I did see flashlights
4 going back and forth. Now, what that was, I am not sure.

5 Q And were you looking at Elijah's house and his
6 family, that house?

7 A Yes, ma'am.

8 Q And that's where you saw the flashlights.

9 A Yes, ma'am.

10 Q And did you hear voices?

11 A Well, I did crack the door open just a smidgen just
12 to see if I could hear anything. And I did. Now, whether
13 this was talking, arguing, anything like that, I cannot
14 say 100 percent, but I did hear some back-and-forth
15 conversation between a man and woman.

16 Q Okay. All right. Now, give me just one second,
17 please, ma'am.

18 All right. Ms. S [REDACTED], I'm going to hand you several
19 pictures. Get them back in order. I'm going to hand you
20 pictures, State's Exhibits 9 through 13. And I just want
21 you to take a second and flip through those.

22 A (Reviews exhibits.)

23 Q All right. With Number 9, do you recognize what that
24 is?

25 A It's the back of my house.

1 Q Okay. And that's an accurate picture of your home?

2 A Yes, ma'am.

3 Q Okay. And for 10, 11, 12 and 13, what are those?

4 A Basically, it is a picture of our backyard and the
5 tree line that separates our yard from Elijah and his
6 family's yard.

7 Q Are those fair and accurate pictures?

8 A Yes, ma'am.

9 MS. ODOM: All right. Can you hand those to me?

10 All right. Your Honor, at this time, the State moves
11 to have 9 through 13 entered into evidence.

12 THE COURT: Any objection?

13 MR. DE BRUIN: No, Your Honor.

14 THE COURT: All right. Exhibits 9 through 13 are
15 admitted without objection.

16 (WHEREUPON, State's Exhibit Numbers 9 through 13 were
17 admitted into evidence.)

18 BY MS. ODOM:

19 Q All right. So, Kaleigh, if you will, again, look at
20 the screen. Okay. What -- tell the jury what that is.

21 A That is the back of my house.

22 Q Okay. And which side of the house, and you can use
23 your laser pointer just to describe it to us, were you in
24 when you heard the gunshot?

25 A So -- I'm sorry. I'm trying to point this through

1 here. This is my brother's room, but the hall, it goes to
2 the front of the house. That's where I was when I heard
3 the shot (indicating throughout).

4 Q And where did you peek out from?

5 A I peeked out from around here (indicating). That's
6 where my back porch is.

7 Q Now I'm going to show you 10. Okay. Tell me in
8 relation to the picture what you saw what this is.

9 A So this is basically the side view from looking in
10 our yard. And the back porch is to the left. It's
11 basically right there. And this is Elijah and his
12 family's residence right here (indicating throughout).

13 Q So their property and your property meet up?

14 A Yes, ma'am.

15 Q Is their property just beyond the wood line?

16 A Yes, ma'am.

17 Q And that's 11 I'm showing you. Can you tell me just
18 briefly what that is?

19 A It's basically the same thing, but it's more zoomed
20 in towards their property line.

21 Q And State's 12, what is that?

22 A Basically, it's a closer point of view of their
23 property line.

24 Q And is that still in your yard?

25 A Yes, ma'am.

1 Q All right. And State's 13, what is that?

2 A That is the very edge of our backyard taking a
3 picture towards their property.

4 Q Okay. So have you ever been over to Elijah's
5 before?

6 A I've never been over to his house. He usually has
7 walked to -- over to our yard and area and just talked to
8 us there.

9 Q Okay. You ever play in his yard?

10 A No, ma'am. I've never been past the property line,
11 really.

12 Q Okay. Now, did -- so all this happens. Do you end
13 up talking to any officer or a cop or anything?

14 A Yes, ma'am. The day after, some, I guess,
15 law-enforcement officials came up and just asked was
16 anybody up when this happened? Does anybody know? And I
17 talked to them then.

18 Q Okay. And you told them everything you've told us
19 here today?

20 A Yes, ma'am.

21 Q All right. Now Mr. DeBruin is going to ask you a few
22 questions, all right?

23 A Okay.

24 THE COURT: Cross-examination.

25 MR. DE BRUIN: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. DE BRUIN:

Q Did you testify earlier that you were awake at the time?

A Yes, sir.

Q You were listening or watching some movies or something?

A Yes, sir.

Q Okay. And while you were awake, you didn't hear any arguing before the gunshot at all.

A Not that I could hear from my room, no.

Q Okay. Nobody else woke up in your house to arguing before the gunshot?

A No, sir.

Q And nobody reported hearing any arguing at all in your house other than you.

A No, sir. Not that I know of.

Q Okay. And really, you -- the only time you ever heard voices was after the gunshot ---

A Yes, sir.

Q --- is that right?

And you said -- all right. Was this a man and a woman?

A Yes, sir.

Q And you couldn't tell if they were arguing or talking

1 or panicked voices; is that right?

2 A Yes, sir.

3 Q Okay. So you couldn't hear what they were saying
4 afterwards.

5 A Hu-uh.

6 Q And your house is fairly close to Mr. Rackley's; is
7 that correct?

8 A Yes, sir.

9 Q And nobody else in your family at all heard any
10 arguing at all.

11 A No, sir.

12 MR. DE BRUIN: No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MS. ODOM: Just briefly.

15 REDIRECT EXAMINATION

16 BY MS. ODOM:

17 Q Were your other family members awake or asleep?

18 A They were asleep when this was going on.

19 Q And when you heard the voices, was your door opened
20 or closed?

21 A Well, I had the back door cracked so I could just try
22 to see if I could hear anything at all, so . . .

23 MS. ODOM: All right. That's all for this witness,
24 Your Honor.

25 THE COURT: Anything else?

1 Thank you, Ms. S [REDACTED]. You may step down.

2 MS. ODOM: Your Honor, I'm going to ask that she be
3 excused and doesn't have to stay in the courthouse
4 anymore.

5 THE COURT: Any objection?

6 MR. DE BRUIN: No, Your Honor.

7 THE COURT: All right. Ms. S [REDACTED], you are excused.

8 MS. ODOM: You're free to go.

9 THE COURT: Have a nice day.

10 THE WITNESS: You, too.

11 MS. ODOM: Your Honor, do you want to keep going or
12 do they need a break?

13 THE COURT: How long will this witness be? Any idea?

14 MS. ODOM: About the same. Maybe ten minutes.

15 THE COURT: I will go one more, then we'll take a
16 break.

17 MS. ODOM: All right. Your Honor, the State calls
18 Riley B [REDACTED]. Ms. B [REDACTED], come on up here, and then you
19 can sit here.

20 THE COURT: Come on up front here, Ms. B [REDACTED].

21 THE CLERK: And before you sit, if you would, raise
22 your right hand.

23 WHEREUPON,

24 RILEY B [REDACTED],

25 After having been duly sworn, testified as follows:

1 THE CLERK: If you would, please state your name for
2 the record.

3 THE WITNESS: Riley B [REDACTED].

4 THE COURT: Ms. B [REDACTED], you can -- if you want to,
5 you can take off your mask if that makes it a little bit
6 easier for you, okay?

7 THE WITNESS: Okay.

8 DIRECT EXAMINATION

9 BY MS. ODOM:

10 Q Ms. B [REDACTED], can you hear me okay ---

11 A Yes.

12 Q --- if I stand here? Okay.

13 And I just want to make sure that whenever you
14 answer, you answer out loud, and if anyone can't hear you,
15 I might ask you to repeat an answer, okay?

16 A Okay.

17 Q All right. Back in July 2019, what was your address?

18 A [REDACTED] Windham Lane.

19 Q Okay. And who was your next-door neighbor?

20 A Kaleigh S [REDACTED].

21 Q All right. And do you know her address?

22 A [REDACTED] Windham Lane, I think.

23 Q Were you all friends?

24 A Yes. We were very close.

25 Q Would y'all hang out and stuff?

1 A Yeah. We hung out like almost every day after
2 school.

3 Q Okay. Who lived in the property that came up to
4 y'all's backyards?

5 A Jonathan Rackley, Elijah and a few other people. I'm
6 not sure.

7 Q Was it family members of theirs?

8 A Yeah.

9 Q Now, who was Elijah?

10 A Elijah was a little boy that would come over to my
11 house pretty often. He hung out with my stepdad, and he'd
12 just be over there a lot and go with them fishing.

13 Q So y'all would hang out and stuff.

14 A Yeah.

15 Q Now, would you and Kaleigh talk on the phone ever?

16 A Yeah. We'd FaceTime.

17 Q And would y'all message each other and stuff like
18 that?

19 A Yeah.

20 Q Okay. So I'm going to put up on the screen State's
21 Number 7. And there's a laser pointer up there, a remote.
22 If you'll pick that up and press that red button that says
23 "laser" and point it towards the screen. And can you
24 point where your house is?

25 A Right there (indicating).

1 Q Right there? Okay.

2 A Yeah.

3 Q And where Kaleigh ---

4 A Kaleigh's right there (indicating).

5 Q And Elijah?

6 A Right there (indicating).

7 Q Okay. And then I'm just going to put a different
8 view up there. Can you point to your home?

9 A (Indicating.)

10 Q Kaleigh's home?

11 A (Indicating.)

12 Q And Elijah and his family.

13 A (Indicating.)

14 Q All right. Very good. Thank you.

15 All right. Give me one second, Ms. B [REDACTED].

16 Ms. B [REDACTED], I'm going to show you a picture that's
17 been premarked as State's 15 for ID purposes. Do you know
18 what that is?

19 A That is the backyard of my house.

20 Q Okay. And that's a fair picture of how the backyard
21 is?

22 A Yes.

23 Q And what is -- I'm handing you 16. What is 16?

24 A 16 is a part of my backyard where like -- like you
25 can go through right there and it would be like to the

1 backyard -- or to the front half side of Elijah's house.

2 Q Okay. And that's an accurate picture as well?

3 A Yes.

4 MS. ODOM: Okay. Your Honor, the State seeks to
5 introduce 15 and 16.

6 THE COURT: Any objection from the defense?

7 MR. DE BRUIN: No, Your Honor.

8 THE COURT: All right. 15 and 16 are admitted
9 without objection.

10 (WHEREUPON, State's Exhibit Numbers 15 and 16 were
11 admitted into evidence.)

12 BY MS. ODOM:

13 Q All right. So now that the jury can see that, what
14 is that?

15 A That is the backyard of my house again.

16 Q And can you tell us where your room was?

17 A Do you want me to use the laser pointer?

18 Q Yeah. You can use the laser pointer.

19 A Okay. My room was on the other side of that
20 (indicating) like in the front on the side.

21 Q All right what about your brother?

22 A That's my brother's window right there. It was all
23 right there (indicating).

24 Q All right. Now I'm going to show you 16. What is
25 this a view of?

1 A That's a view of my backyard again.

2 Q Okay. And can you tell me that like bluish color in
3 the middle, what that is?

4 A That is the house right there (indicating), Elijah's
5 house.

6 Q Elijah's house. Okay.

7 All right. I'm going to show you State's 17. You
8 tell me what that is.

9 A That is kind of in between mine and Kaleigh's a
10 little bit, but it's the -- that's Elijah's house, and
11 it's like their backyard right there (indicating).

12 Q Okay. So this is a view from kind of between ---

13 A Mine and Kaleigh's.

14 Q Okay.

15 A More on my side, but kind of on hers, too.

16 Q Okay. And this is where y'all's yard meets their
17 yard.

18 A Yeah.

19 Q Is that a fair and accurate picture?

20 A Yeah.

21 MS. ODOM: At this time, the State would move to have
22 17 into evidence.

23 THE COURT: Any objection from the defendant?

24 MR. DE BRUIN: Your Honor -- no, Your Honor.

25 THE COURT: All right. Exhibit Number 17 is admitted

1 without objection.

2 (WHEREUPON, State's Exhibit Number 17 was admitted into
3 evidence.)

4 BY MS. ODOM:

5 Q Is this the picture you were just talking about, 17,
6 that I put on the projection?

7 A Yes.

8 Q Okay. Would you ever go over to Elijah's?

9 A Yes. I would walk him home sometimes when he was
10 scared to go home in the dark.

11 Q Okay. And did you ever go -- did you see sheds in
12 the backyard?

13 A Yes.

14 Q Okay. All right. Riley, we're going to talk about
15 the early, early morning hours of July 13th of 2019.

16 A Okay.

17 Q And when I say early morning hours, I mean like past
18 midnight.

19 A Okay.

20 Q What were you doing then?

21 A I was in my room. I would stay up pretty late, and I
22 would just play in my room, watch TV, listen to music,
23 that kind of thing.

24 Q And were you out on summer break?

25 A Yes, yeah.

1 Q Okay. And while you were up that night, did you hear
2 anything from the neighbors?

3 A I heard arguing, yes.

4 Q And can you tell me if it was a man?

5 A I heard two voices, and I'm pretty sure one was a
6 man. Now, the other voice, I'm not 100 percent sure.

7 Q Okay. And previously, have you -- previously, have
8 you said that it was a man and a woman?

9 A Yes.

10 Q Okay. All right. So you hear these voices. Are
11 they loud?

12 A They're pretty loud. Like it's shouting. So that's
13 when me and Kaleigh heard and we started texting.

14 Q Okay. So you're hearing the shouting.

15 A Yes.

16 Q And at some point, do you hear something else?

17 A We heard a gunshot a little after, yeah.

18 Q Now, you say a gunshot. How do you know it was a
19 gunshot?

20 A Because I used to go hunting with my stepdad and mom.
21 And I've heard gunshots a lot, so I was like 100 percent
22 sure it was a gunshot.

23 Q Okay. And in response to the gunshot, what did you
24 do?

25 A I went in my mom's room and told her that I heard a

1 gunshot.

2 Q Now, did you message with Kaleigh?

3 A Yes, I did.

4 Q Okay. Was that before you went and talked to
5 your mom?

6 A We were texting while I was walking to my mom's room.

7 Q Okay. So you hear the gunshot, and y'all are
8 messaging back and forth.

9 A Yes.

10 Q You're hearing this arguing. Does it stop with the
11 gunshot?

12 A No. It continues.

13 Q Now, that's not what you've said before.

14 A I was pretty sure it continued, because whenever we
15 were texting back and forth after we heard the gunshot,
16 like it wasn't arguing. It was just like you could hear
17 people.

18 Q So let me get this -- we're going to slow down. I
19 want to just make sure I'm understanding everything
20 correctly.

21 You're hearing screaming and arguing.

22 A Yes.

23 Q Two voices.

24 A Yes.

25 Q You hear a gunshot.

1 A Yes.

2 Q You're texting Kaleigh and messaging her.

3 A Yes.

4 Q You go and talk to your mom.

5 A Yes.

6 Q You wake her up?

7 A Uh-huh.

8 Q And what -- what do you say to her?

9 A I told her we heard a gunshot.

10 Q Okay. Were you scared?

11 A Yes. And I -- she told me I could sleep in her room.
12 But I didn't end up sleeping in her room, and I just went
13 back to my room.

14 Q And then, at some point, you go in your brother's
15 room?

16 A Yes.

17 Q Okay. So you go in your brother's room. And why do
18 you go in your brother's room?

19 A I go in my brother's room because I heard the
20 arguing. Like, well, it wasn't like arguing. It was more
21 like talking.

22 Q So at that point, it's different than before. And
23 some time had elapsed ---

24 A Yeah.

25 Q --- between the gunshot and when you're hearing

1 voices again.

2 A Yes.

3 Q Okay. All right. Now, did you say your brother's
4 window was up or down?

5 A It was higher up, kind of. And it was -- it was
6 right there towards the backyard, so you -- like you got a
7 view of the -- Elijah's backyard kind of type thing.

8 Q Okay. Was it open to where you could hear stuff from
9 the outside?

10 A Yes.

11 Q Okay. I've got you, I've got you.

12 So you hear the shot -- or you hear arguing, two
13 voices, you hear the shot. At that point, you and Kaleigh
14 messaged?

15 A Yes.

16 Q You talked to your mom. You go to your brother's
17 room. You hear more voices.

18 A Yes.

19 Q Okay. And could you tell who they were?

20 A No.

21 Q Okay. Was your brother in there?

22 A No. He didn't live with us at that time.

23 Q Okay. Now, so you're looking out that open window.
24 What do you see?

25 A Cop car lights, and that's about it. Or car lights

1 more like.

2 Q Okay. And do you see flashlights?

3 A Flashlights, yes.

4 Q Okay. And did law enforcement end up talking to you?

5 A Not law enforcement. They came to Kaleigh's house,
6 and I just talked to a detective.

7 Q Okay. So you talked to a detective?

8 A Yes.

9 Q All right. Kaleigh [sic], I'm going to show you
10 what's been marked as 14. Do you know what that is?

11 A That is when me and Kaleigh first heard the gunshot,
12 I'm pretty sure.

13 Q Tell me what is on that picture. What's it a picture
14 of?

15 A It's a picture of mine and Kaleigh's chat.

16 Q Okay. And is that -- did the detective get that from
17 you?

18 A Yes.

19 Q And that's an accurate depiction of what he took a
20 picture of?

21 A Yes.

22 MS. ODOM: Okay. Your Honor, at this time, the State
23 moves to have 14 into evidence.

24 THE COURT: Any objection?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: Exhibit 14 is admitted without objection.
2 (WHEREUPON, State's Exhibit Number 14 was admitted into
3 evidence.)

4 BY MS. ODOM:

5 Q All right. Kaleigh [sic], so I've put 14 up on the
6 screen. So at the top where it says "Kaleigh," what does
7 that mean?

8 A That's a picture of my screen, like he used my iPad
9 to take a picture of it. And it is her name at the top
10 and our chats.

11 Q Okay. Now, when it says "AA Kaleigh opened," what is
12 that?

13 A That's a picture that she sent. I don't remember if
14 anything was said on that.

15 Q Okay. And what time is that at?

16 A 1:51.

17 Q And is that in response to the gunshot?

18 A Yes.

19 Q Okay. And then here, this text, who typed that?

20 A I typed that.

21 Q And what does it say?

22 A "I'm scared, ahhh, oh my gosh."

23 Q Okay. And you sent that to her.

24 A Yes.

25 Q And that was in response to the gunshot?

1 A Yes.

2 MS. ODOM: All right. Now, Ms. Bagwell, Mr. DeBruin
3 is going to ask you some questions.

4 THE WITNESS: Okay.

5 THE COURT: Cross-examination?

6 MR. DE BRUIN: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. DE BRUIN:

9 Q Riley, when the solicitor was talking to you earlier,
10 you said that you were awake at the time?

11 A Yes.

12 Q Of the arguing?

13 A Yes.

14 Q You were up watching TV?

15 A Yes.

16 Q Okay. Do you remember writing a statement to police?

17 A Yes, I do.

18 Q Do you remember in that statement that you actually
19 said that you were asleep at the time you heard the
20 argument, that you woke up to it? Do you remember that?

21 A I don't.

22 Q Would looking at your statement help you remember
23 that?

24 A It might. I'm not sure.

25 MR. DE BRUIN: Your Honor, may I approach the

1 witness?

2 THE COURT: Yeah.

3 BY MR. DE BRUIN:

4 Q Is this your statement?

5 A Yes, sir, it is.

6 Q Can you go ahead and read it to yourself real quick?

7 Let me know when that refreshes your recollection.

8 A (Reviews document.)

9 Q Do you remember -- let me interrupt you here. Do you
10 see that first sentence right there?

11 A Yes, sir, I do.

12 Q Do you remember writing that?

13 A I do remember writing it, but now I ---

14 Q You're a little fuzzy a little bit about what
15 happened?

16 A A little bit fuzzy, yes.

17 Q Okay. So in the statement, though, you agree with me
18 that you wrote that you woke up to arguing.

19 A Yes, sir.

20 Q But when you testified here earlier, you said you
21 were awake.

22 A Yes, sir.

23 Q Okay. All right. Then you also said earlier here
24 today that you and Kaleigh were talking about arguing
25 first ---

1 A Yes.

2 Q --- on your Snapchats.

3 A Yes, sir.

4 Q So you two were having a conversation about the
5 arguing first.

6 A Yes, sir.

7 Q And then you heard a gunshot while you're on the
8 Snapchat.

9 A Yes, sir.

10 Q And then you wrote in this statement that -- well,
11 actually, you know what? Let's go ahead and read this
12 again. I'll let you read that again. Read the whole
13 thing. Don't say anything out loud. Just read it as
14 well.

15 A (Reviews document.)

16 Q Did you read it?

17 A Yes.

18 Q Okay. All right. So anywhere in that statement does
19 it talk about you hearing arguing or voices after the
20 gunshot?

21 A It does not.

22 Q It does not.

23 And you remember writing this.

24 A Yes, sir.

25 Q All right. Did you have a conversation with the

1 solicitors before this case started?

2 A Yes, sir, I did.

3 Q All right. And during that conversation, you've told
4 them that you heard arguing before and after; is that
5 right?

6 A I cannot remember.

7 Q But here today you testified that you heard voices
8 before and after?

9 A Yes, sir, I did.

10 Q But in your statement, you never said after?

11 A Yes, sir.

12 MR. DE BRUIN: Okay. Your Honor, I have no further
13 questions.

14 THE COURT: All right. Any redirect?

15 MS. ODOM: Just briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. ODOM:

18 Q Okay. Riley, I just want to clear a couple things
19 up. First of all, are you a little nervous today?

20 A A little.

21 Q Okay. Now, how old were you two years ago back
22 in ---

23 A Two years ago I would have been 13.

24 Q Okay. Now, you got to read your statement. The
25 defense attorney's let you read your statement and

1 everything. Did -- you said then like you're saying now
2 arguing before ---

3 A Yes, ma'am.

4 Q --- between two people. And prior you've told me man
5 and woman; is that right?

6 A Yes, ma'am.

7 Q And in your statement two years ago, still now, the
8 arguing lasts about ten minutes.

9 A Yes, ma'am.

10 Q And then those snap messages were in response ---

11 A To the gunshot.

12 Q The -- the "ahhh OMG," that's to the gunshot?

13 A Yes.

14 Q Okay.

15 A And we -- we had snap before, but he didn't get a
16 screenshot of those snaps.

17 Q Okay.

18 A Because like sometimes on Snapchat, they don't save.
19 You actually have to save them yourself.

20 Q Did you save those ---

21 A I didn't.

22 Q --- the "ahhh OMG"?

23 A Oh, no. Kaleigh saved those.

24 Q Okay.

25 A Yes.

1 about ten minutes.

2 (WHEREUPON, a recess is taken at 11:24 a.m.)

3 THE COURT: All right. Before we bring the jury in,
4 anything from the State?

5 MS. ODOM: Nothing from the State.

6 THE COURT: Anything from the defense?

7 MR. DE BRUIN: No, Your Honor.

8 THE COURT: All right. Bring the jury in.

9 (WHEREUPON, the jury entered the courtroom at 11:42 a.m.)

10 THE COURT: All right. Call your next witness.

11 MR. JOHNSON: Thank you, Your Honor. The State calls
12 Susan Smith.

13 THE CLERK: If you would, before you sit down, raise
14 your right hand.

15 WHEREUPON,

16 SUSAN SMITH,

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you, ma'am. If you would, have a
19 seat, and state your name for the record.

20 THE WITNESS: Susan Smith.

21 THE COURT: Ms. Smith, if you want to, you can take
22 off your mask when you testify ---

23 THE WITNESS: Okay.

24 THE COURT: --- and make you a little more
25 comfortable.

1 THE WITNESS: It will.

2 DIRECT EXAMINATION

3 BY MR. JOHNSON:

4 Q Ms. Smith, good morning.

5 A Hi.

6 Q Where do you live?

7 A [REDACTED] Ruby Drive.

8 Q How long have you lived there?

9 A 15 years.

10 Q 15 years. So July 13, 2019, you were living there?

11 A Yes, sir.

12 Q All right. I'm going to show you what's been
13 introduced as State's Exhibit 7. I don't know if you can
14 see it. Can you make that out?

15 A Yes.

16 Q Okay. And it's a little blurry. There's a screen
17 there you can pop up a little closer. But before you is a
18 little remote, got a button that says "laser." Can you
19 point out to the jury where you live?

20 A If I can figure out how -- I believe that's me right
21 there (indicating).

22 Q You right here (indicating)?

23 A I believe.

24 Q Okay. This (indicating) is Ruby Drive?

25 A Yes.

1 Q All right. Tell me about Ruby Drive. Is it a
2 circle? Is it a neighborhood? Is it a dead end?

3 A It's a dead end. It's like a one-lane road. You
4 can't pass two cars. You have -- one of them has to pull
5 off. So it's a one-lane road. It's a dead end.

6 Q Where does it dead end at?

7 A All the way back up in there (indicating).

8 Q Okay. So here's where it hits Sheriff Mill Road, and
9 it dead ends right off the screen.

10 A Yes.

11 Q Okay. So you see where that red dot is, it says
12 [REDACTED] Ruby Drive?

13 A Yes, sir.

14 Q The Rackley residence?

15 A Yes, sir.

16 Q Are you familiar with the Rackleys?

17 A Never met them.

18 Q Okay. Did you ask to be here today?

19 A I did not.

20 Q Okay. So if someone is leaving the Rackley
21 residence, would they have to pass your house?

22 A Yes, sir.

23 Q Because it's a dead end?

24 A Yes, sir.

25 Q So anyone who comes and leaves on the road to the

1 Rackley residence passes your house.

2 A That's correct.

3 Q All right. I'm going to show you what's been
4 premarked as State's Exhibit 18. Do you recognize that?

5 A Oh, I do, yes. Because I initialed it right there.

6 Q You initialed it?

7 A Yes.

8 Q Okay. What does this DVD contain?

9 A I have security cameras around my home, and it shows
10 the street in front of my home ---

11 Q Okay.

12 A --- everybody that comes and goes.

13 Q That's what I was about to ask you.

14 You have cameras around your home?

15 A Yes.

16 Q And does one of those face the road?

17 A Yes.

18 Q Is that what this is?

19 A Yes, sir.

20 Q Is that from the July 13, 2019?

21 A Yes, sir.

22 Q Is that a fair and accurate representation of what
23 that camera footage showed?

24 A Yes, sir.

25 Q Did you edit it in any way?

1 A No, sir.

2 Q Okay. When did you give it to law enforcement?

3 A Oh, I don't remember. It was a couple days after the
4 13th before they could get out there to get it.

5 Q So they came to you?

6 A Yes.

7 MR. JOHNSON: Okay. The State seek to admit State's
8 Exhibit 18.

9 THE COURT: Any objection from the defendant?

10 MR. DE BRUIN: No, Your Honor.

11 THE COURT: All right. Exhibit Number 18 is admitted
12 without objection.

13 (WHEREUPON, State's Exhibit Number 18 was admitted into
14 evidence.)

15 MR. JOHNSON: All right. Ms. Smith, that's all the
16 questions I have for you. Please answer any questions the
17 defense may have.

18 THE COURT: All right. Cross-examination?

19 CROSS EXAMINATION

20 BY MR. DE BRUIN:

21 Q Is that -- do you believe that's the entirety of what
22 you gave to police?

23 A Yes.

24 Q What did they ask you for specifically?

25 A They -- when I guess they were investigating, they

1 noticed that I had the cameras. They called me and asked
2 me if they could come and see what was on them. And I let
3 them come, and they took the little thumb drive of what
4 they wanted. I didn't -- I mean, I have no clue how much
5 they took.

6 Q Did they discuss with you what they took or what
7 hours they wanted?

8 A They just took whatever they wanted. I didn't -- I
9 didn't care.

10 Q You don't know which -- okay.

11 A Yeah.

12 MR. DE BRUIN: Your Honor, I have no further
13 questions for this witness.

14 THE COURT: All right. Any redirect?

15 MR. JOHNSON: None, Your Honor.

16 THE COURT: All right. Ms. Smith, you can step down.
17 Thank you.

18 MR. JOHNSON: And, Your Honor, I would ask for this
19 witness to be excused from her subpoena.

20 THE COURT: All right. Any objection?

21 MR. DE BRUIN: No, Your Honor.

22 THE COURT: All right. Ms. Smith, you are excused
23 from your subpoena.

24 THE WITNESS: Thank you.

25 THE COURT: All right. Next witness.

1 MR. JOHNSON: Next the State calls Ms. Lisa Cassell.
2 WHEREUPON,

3 LISA CASSELL,

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you, ma'am. If you would, have a
6 seat, and state your name for the record, please.

7 THE WITNESS: I'm Lisa Cassell.

8 THE COURT: Ms. Cassell, if you want to, you can take
9 your mask off while you testify.

10 THE WITNESS: Thank you.

11 THE COURT: Make it a little more comfortable for
12 you.

13 MR. DE BRUIN: Your Honor, if we may, can we
14 approach, please.

15 THE COURT: Yeah.

16 (WHEREUPON, a bench conference was held off the record.)

17 DIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q Sorry about that, Ms. Cassell. But can you tell the
20 jury where you work?

21 A I work for the Pickens County Sheriff's Office.

22 Q All right. In what capacity are you employed?

23 A I'm the communications coordinator.

24 Q What kind of responsibilities does that entail?

25 A I'm responsible for the dispatchers and the custodian

1 of the records.

2 Q Okay. 9-1-1 calls?

3 A Yes.

4 Q How long have you been at Pickens County Sheriff's
5 Office?

6 A 25 years.

7 Q 25 years. All right.

8 And so if I'm hearing correctly, you are over
9 dispatch and records.

10 A That is correct, yes.

11 Q All right. Is it common practice for your agency to
12 record and save 9-1-1 calls?

13 A Yes.

14 Q All right. Can you tell the jury about the process
15 of that?

16 A Anytime a 9-1-1 call comes in, it's automatically
17 recorded, and it's kept on a computer that's password
18 protected in a locked room.

19 Q Okay. Do you decide which calls are recorded?

20 A No. Every call that comes in is recorded.

21 Q Every 9-1-1 call is recorded?

22 A Yes.

23 Q Okay. And is that part of just the regular business
24 activity of the sheriff's office?

25 A Yes.

1 Q I'm going to show you what's been premarked as
2 State's Exhibit 18. Actually, I'll do that in a second.

3 On the night of the incident, did you receive the
4 9-1-1 call?

5 A I did not.

6 Q Okay. Who received the 9-1-1 call?

7 A One of the dispatchers that works for me.

8 Q Okay. Do you have any record of who called?

9 A I don't have a name for the caller.

10 Q Did Jonathan Rackley call?

11 A No, he did not. It was a female caller.

12 Q Okay. Do you know what time police and EMS were
13 dispatched?

14 A The call came in at 1:58. EMS was dispatched 2:00.
15 Law enforcement was, I think, also dispatched at 2:00.
16 Yes. They were also -- law enforcement were also
17 dispatched at 2:00.

18 Q Okay. At this time when there's a 9-1-1 call -- or
19 when a 9-1-1 call comes in on an emergency, you have the
20 person, I assume, is in charge of talking to the caller.

21 A That's correct.

22 Q And does that caller dispatch 9-1-1? How does that
23 work?

24 A Okay. So the person that's talking to the one on
25 9-1-1, if it's something where medical and law enforcement

1 are both needed, usually that person will go ahead and get
2 the medical people en route and another person in the room
3 that can see what that person -- and has a screen where
4 they can see what's going on, they will dispatch law
5 enforcement.

6 Q Okay. So for a murder case like this one -- for a
7 murder case like this one, there would be multiple
8 dispatchers involved.

9 A That's correct.

10 Q Not just the one they hear.

11 A That's correct.

12 Q Okay. What's the process when somebody calls in? Do
13 you keep them on the line? Do you try to get them off the
14 line as soon as possible?

15 A We try to keep them on the line, basically, depending
16 on the situation. If it's -- if it's something critical,
17 something where there could be danger involved or a threat
18 to somebody, then we try to keep those people on the line,
19 try to get as much information for the responders as
20 possible.

21 Q Okay. How long -- when do you let them off the line?
22 When do you let them disconnect the call?

23 A If it's something critical, usually when law
24 enforcement arrives on the scene.

25 Q Okay. So a murder would be considered critical?

1 A Yes.

2 Q Okay. So you ask these questions. You said you ask
3 them for the first responders.

4 A That's correct.

5 Q These questions you ask, are you asking this to prove
6 the case?

7 A No. It has nothing to do that. It's for the safety
8 of the responders so they're aware of what's going on
9 there and whether it's safe for them to proceed and how
10 they need to proceed.

11 Q To assist the emergency ---

12 A That's correct.

13 Q --- in other words?

14 All right. And do you have what time the first
15 officer arrived?

16 A Yes.

17 Q I assume you're looking at your incident report?

18 A I am, yes.

19 Q Okay.

20 A The first officer arrived on scene at 2:10.

21 Q 2:10. All right.

22 When did the next officer arrive on the scene?

23 A Actually, he was right behind him at 2:10 also.

24 Q And who was that that responded? Who were those two
25 officers?

1 A Officer Bolt and Officer Morris.

2 Q Officer Bolt and Officer Morris.

3 When did EMS respond on scene?

4 A They arrived on scene at 2:13.

5 Q 2:13. All right.

6 I'm going to show you what's been premarked as
7 State's Exhibit 18 [sic]. Can you tell the jury if you
8 recognize that or not?

9 A I do.

10 Q What is that?

11 A It's a copy of the call, the 9-1-1 call that was
12 made.

13 Q Okay. Aside from the -- aside from the edits that
14 the parties have agreed to -- or the mutations, rather, is
15 that a fair and accurate representation of the 9-1-1 call?

16 A Yes, it is. Yes.

17 Q Did you edit it in any way?

18 A No.

19 Q That's the 9-1-1 call that was recorded the night of
20 the murder.

21 A That's correct.

22 MR. JOHNSON: Your Honor, the State seeks to
23 introduce State's Exhibit 18 [sic].

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, I want to excuse you for just a few minutes. I've

1 got a legal matter I want to take up with the attorneys.
2 So if you would, just go back to your jury room for just a
3 brief minute and hopefully it will be soon and we'll call
4 you right back out.

5 (WHEREUPON, the jury exits the courtroom at 11:56 a.m.)

6 THE COURT: Isn't that Exhibit 19? I think we've
7 already got an 18.

8 MR. JOHNSON: Yes, sir. I misread the number.

9 THE COURT: All right. Mr. DeBruin, what have you
10 got?

11 MR. DE BRUIN: Your Honor, I believe this is hearsay.
12 They're going to try to admit the 9-1-1 call. I'm
13 objecting on the grounds of hearsay, that it's not --
14 there's no exception to the hearsay rule.

15 THE COURT: All right. I believe she's laid the
16 foundation under the business record exception to hearsay
17 and I'm going to allow it.

18 MR. DE BRUIN: Thank you, Your Honor.

19 THE COURT: Thank you.

20 All right. Is it Exhibit 19? Is that what it is?

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: Let me ask you this. How long is it
23 going to be? I'm just trying to figure out ---

24 MR. JOHNSON: The 9-1-1 call is 13 minutes long.

25 THE COURT: 15 minutes? Okay.

1 MR. JOHNSON: 10, 15.

2 THE COURT: Okay. Bring the jury back in.

3 MR. JOHNSON: Judge, may we have a moment?

4 THE COURT: You want to try to set something up?

5 MR. JOHNSON: The pictures and DVDs are blended
6 together.

7 THE COURT: Okay.

8 MS. ODOM: We're good, Judge.

9 THE COURT: You're good?

10 MS. ODOM: Yes, sir.

11 THE COURT: All right. Bring the jury back in.

12 (WHEREUPON, the jury entered the courtroom at 11:58 a.m.)

13 THE COURT: All right. You may proceed.

14 MR. JOHNSON: Thank you, Your Honor. The State seeks
15 to introduce State's Exhibit Number 19, the 9-1-1 call.

16 THE COURT: Over objection, it is admitted as Exhibit
17 Number 19.

18 (WHEREUPON, State's Exhibit Number 19 was admitted into
19 evidence.)

20 MR. JOHNSON: Thank you, Your Honor. The State has
21 no further questions for this witness at this time.

22 THE COURT: All right. Cross?

23 CROSS EXAMINATION

24 BY MR. DE BRUIN:

25 Q Do you recall the 9-1-1 call?

1 A I've listened to it as I recorded it, yes, sir.

2 Q You listened to it recently?

3 A Yes.

4 Q How long is it?

5 A Other than what they just said, I'm not aware.

6 Q Okay.

7 A I couldn't tell you exactly how many minutes it was.

8 MR. DE BRUIN: Okay. Your Honor, I have no further
9 questions. But I'd ask this witness to be subject to
10 recall.

11 THE COURT: All right. Any redirect?

12 MR. JOHNSON: None, Your Honor.

13 THE COURT: All right. Ma'am, you are excused but
14 subject to recall, so rejoin your position out there.

15 THE WITNESS: Okay.

16 THE COURT: Thank you.

17 MR. JOHNSON: Your Honor, does she need to stay in
18 the hallway or is she able to go back to her office?

19 THE COURT: Wherever. I mean, as long as she's
20 sequestered.

21 Do you have any objection to her going back to her
22 office?

23 MR. DE BRUIN: I have no problem with her going back
24 to work, Your Honor.

25 THE COURT: Okay. She can do either one.

1 THE COURT: All right. We'll be in recess until
2 1:45.

3 (WHEREUPON, a recess is taken at 12:16 p.m.)
4 (WHEREUPON, State's Exhibit Numbers 48, 54, 56-A, and 56-B
5 were marked for identification.)

6 THE COURT: Anything from the defense, from the State
7 before we bring the jury back in?

8 MS. ODOM: Nothing from the State.

9 THE COURT: All right. Anything from the defense?

10 MR. DE BRUIN: No, Your Honor.

11 THE COURT: All right. Bring them back in.

12 (WHEREUPON, the jury entered the courtroom at 1:51 p.m.)

13 THE COURT: All right. Welcome back, everybody.
14 Hope everybody -- all of you had a good lunch.

15 All right. State, call your next witness.

16 MS. ODOM: Thank you, Your Honor. The State calls
17 Angela Rackley.

18 THE CLERK: If you would, raise your right hand.
19 WHEREUPON,

20 ANGELA RACKLEY,
21 After having been duly sworn, testified as follows:

22 THE CLERK: Thank you. If you would, have a seat,
23 and state your name for the record, please.

24 THE WITNESS: Angela Rackley.

25 THE COURT: Ms. Rackley, if you want to, you can take

1 off your mask. It may be a little bit more comfortable
2 for you.

3 THE WITNESS: Yeah.

4 THE COURT: Proceed.

5 DIRECT EXAMINATION

6 BY MS. ODOM:

7 Q Ms. Rackley, can you hear me okay if I stand here?

8 A Yes. I think so.

9 Q Okay. And I just want to make sure you're going to
10 speak up.

11 A Okay.

12 Q And all your questions have to be out loud. The lady
13 in front of you is the court reporter, and she's just
14 taking down everything we say in the courtroom, all right?

15 A Okay.

16 Q All right. Ms. Rackley, can you tell me how you're
17 related to Jonathan?

18 A I'm his mother.

19 Q And where were y'all living back in July 2019?

20 A [REDACTED] Ruby Drive, Easley, South Carolina 29642.

21 Q And is that in Pickens County?

22 A Pickens County.

23 Q Now, who else lived there with you and Jonathan?

24 A My grandson and my mother.

25 Q Okay. And what's your grandson's name?

1 A [REDACTED] Elijah [REDACTED].

2 Q Okay. And what's your mom's name?

3 A Jeanette Rackley.

4 Q And can you kind of describe your house to me, how
5 many bedrooms it has?

6 A Three bedrooms which we could make -- we made -- it
7 could be four bedrooms, but we mainly just used it three.

8 Q Okay. And have a kitchen and living room?

9 A Oh, yes. It's a small, small home. The kitchen and
10 living, everything's just right together, you know.

11 Q And do y'all have porches or anything?

12 A Yes. We have a front porch and a back porch.

13 Q Okay. Are either of them screened or anything like
14 that?

15 A Yes. The back porch has -- is screened.

16 Q Is there wood on it?

17 A Yes.

18 Q Okay. Is there wood all the way up?

19 A No. It's just half ---

20 Q Okay.

21 A --- and then the screen the rest of the way.

22 Q Okay. Y'all got tarps or anything covering part of
23 that?

24 A I'm trying to -- I don't -- I'm not sure. We may. I
25 know there are plastic ---

1 Q Plastic there?

2 What's on y'all's back porch?

3 A A washer, dryer.

4 Q Okay. But that's okay being back there exposed --
5 it's not exposed to the elements or anything?

6 A No.

7 Q Okay, okay. Talk to me about the rest of the
8 property. You've got like sheds or anything?

9 A Yes. We have a well house in the backyard, and then
10 the -- we -- when that building was built, it was built
11 like for a -- well, to cook out, and that was ---

12 Q Is that the well house or that's the other one?

13 A No. That's the -- the building that -- the hangout.
14 They did a -- it was turned into a hangout for them.

15 Q Okay, okay. So you've got your house, two
16 outbuildings.

17 A Yeah.

18 Q Okay. And is there a gully or anything near your
19 place, like a -- and I don't know if you know what I'm
20 saying when I say gully?

21 A Did you say gully?

22 Q Yeah. A gully?

23 A Okay. Yes. There's -- there's a lot, and there's a
24 creek. But there's a lot of gullies.

25 Q Okay. And it just occurred to me maybe people don't

1 know what I mean when I say gully. What does that mean?

2 A Something that goes down and then comes back up, and
3 it -- like you can -- it holds water or whatnot.

4 Q You did a pretty good job.

5 A Is that the same thing -- is that what you mean?

6 Q Yes, ma'am.

7 A Okay.

8 Q All right. So I'm just going to start by saying I
9 know it's hard for you to be here today, so if you need a
10 break, you let me know, okay?

11 Now we're going to talk about July the 12th, 2019.
12 That's the day before this shooting. Who had come over to
13 hang out that day?

14 A I know him as Nubby. I -- and his wife. And ---

15 Q Do you know his wife's name?

16 A That was like the first time I ever met her,
17 actually. I can't remember her name.

18 Q And that's okay. That's okay. So Nubby and his
19 wife.

20 A Yes. He had picked her up from work, and they came
21 down to hang out.

22 Q Okay. And did you get a chance to talk to them any?

23 A Yeah. I -- I talked to them. They're always nice,
24 you know.

25 Q Yeah. Were you and her on the front porch any

1 talking?

2 A Yes. And we -- we were on the front porch. We'd
3 been on the front porch. That's where we smoke.

4 Q Yes, ma'am. And is Nubby's name Barry Edwards?

5 A Well, yes.

6 Q Okay. And so Barry had come over with his wife. Who
7 else had come over?

8 A I can't remember anyone else.

9 Q And how about Jamie?

10 A Oh, gosh. I'm sorry. See, I was thinking about
11 earlier. But it was -- I was sitting on the -- yes. She
12 did come over.

13 Q And do you know how she got there?

14 A Barry and his wife.

15 Q And how do you know that?

16 A Well, I was sitting on the porch when they brought
17 her.

18 Q When they brought Jamie?

19 A Yeah, yeah.

20 Q Okay. I just want to make sure I'm clear with
21 everything.

22 A Okay. I'll try to -- I'll try to do ---

23 Q No. You're -- you're fine.

24 Okay. So Jonathan, Jamie, Barry and Nicole. Who of
25 your family was in your house?

1 A My mother and my grandson.

2 Q And then you were there as well?

3 A Yes.

4 Q Do you remember if anyone else came over that day or
5 evening? afternoon? Anything?

6 A I don't remember.

7 Q Okay. You don't recall that anyone else ---

8 A I don't recall, rather. I don't recall.

9 Q All right. And what were they doing out in the
10 building? Did they have like a radio going?

11 A They -- yeah. They have a little radio. And he has
12 a little refrigerator. And they sit around and drink
13 beer.

14 Q Okay. They have power out there?

15 A Well, it's just a drop cord he runs just for that.

16 Q Okay. Are there lights in that building? Were there
17 lights?

18 A No. He had a little lamp, but there's no wiring
19 like a ---

20 Q But you don't remember Christmas lights ---

21 A Yeah. They ---

22 Q --- in the building?

23 A Yes. You're right. There were some Christmas
24 lights, I think. And . . .

25 Q Okay. Now, at some point, it's getting a little

1 later in the night and it gets dark. Do you remember what
2 time that Barry and his wife left? Well, before we even
3 get to there, what kind of car were they driving? Do you
4 know what color it was?

5 A It was -- I was thinking it's either a black or a
6 navy blue. It was just dark. I thought it was black.
7 And it looked like a Dodge Charger, but I'm -- I'm not
8 sure.

9 Q Okay. And do you remember what time of night they
10 left?

11 A It was -- I think it was close to 11:00 or after
12 because they were -- he was helping Jonathan load that
13 four-wheeler so he could take it back to Stanley's.

14 Q Who was helping Jonathan load the four-wheeler?

15 A Barry.

16 Q Okay. What were they loading it on?

17 A Mr. Brooks's truck.

18 Q Okay. So they're loading it on a truck. And whose
19 truck is that?

20 A That is our neighbor. He -- he allowed him to use
21 his truck to -- Jonathan was fixing his four-wheeler.

22 Q Okay. So Mr. Brooks is a neighbor of y'all's?

23 A Yes. We've known him for ---

24 Q Okay. I've got you.

25 And what color is that truck?

1 A It's a -- like a maroon or red.

2 Q Like a burgundy kind of?

3 A Yeah. Burgundy.

4 Q Extended cab? Like a big old truck?

5 A Yeah, yeah.

6 Q Okay. I've got you. I'm just trying to get a clear
7 picture and make sure I'm not missing anything.

8 A Okay.

9 Q Okay. So they were there. Where does Mr. Brooks
10 live? Like down towards the dead end or up the street?

11 A Just like where our house is, it's just like right
12 across the street.

13 Q Would it help if I maybe showed you a map?

14 A Sure.

15 Q So I want to show you State's 7. And it's going to
16 show up up there.

17 Let's see. So your house -- is Mr. Brooks's home on
18 the map? And that might be hard to see. I'm going to see
19 if I can zoom it in. Here we go.

20 A I'm trying to see.

21 Q Is he on down the road or is he up?

22 A No. He -- he should be ---

23 Q Right across from y'all.

24 A --- right across the street. His house should be
25 right across the street.

1 Q You think it's one of those (indicating)?

2 A It has to be one of those. Probably that white one.

3 Q This one (indicating)?

4 A I think that would be more like it.

5 Q Okay. All right. So is Ruby Drive, that's a dead
6 end?

7 A Yes, ma'am.

8 Q How many houses are past y'all?

9 A Past. Okay.

10 Q If you know.

11 How long have you been living there?

12 A Oh, gosh. Over 30 years.

13 Q 30 years. Okay.

14 So how many houses are past y'all?

15 A Probably six.

16 Q Okay. All right. So at some point, Barry and Nicole
17 leave. And you think that's around 11:30?

18 A Yes. It seemed like it.

19 Q But it was dark outside?

20 A It was dark.

21 Q Were you getting ready to go to bed?

22 A Yes.

23 Q Okay. And did you touch base with Jonathan and
24 Jamie?

25 A Yes.

1 Q So where were they at?

2 A They were sitting in -- they were in the building,
3 and the radio was on. They were just sitting there
4 talking. And they both had a beer.

5 Q Okay.

6 A Everything seemed fine.

7 Q All right. And what did you -- what did you say to
8 them?

9 A I said, "I'm ready to go to bed. I want to lock the
10 house up. Are you going to stay out here or are you
11 coming in?"

12 And he said, "Well, I'm not ready to come in yet."

13 So I -- I said, "I'll leave the back door open,
14 unlocked."

15 Q Unlocked?

16 A Yeah.

17 Q All right. And they seemed good?

18 A Yeah.

19 Q Okay.

20 A Seemed fine.

21 Q Now, did Barry wave at you as he was leaving? Do you
22 remember that?

23 A I'm not sure. I can't recall. I'm sure he probably
24 did. He does every time.

25 Q He does every time. Okay.

1 All right. So they leave. You touch base with Jamie
2 and Jonathan. Everything seems all right. And where do
3 you go?

4 A I go in, and I was sleeping on the couch. And ---

5 Q So you were on the couch. Was the TV on or anything?
6 Do you go to sleep with the TV on?

7 A Yes.

8 Q Okay. All right. So you're in there and you're on
9 the couch. Is that more so near the front porch or back
10 porch?

11 A I'm like -- it's -- it's like -- I guess it's closer
12 to the back, the way it's situated.

13 Q Okay.

14 A But it's close to both. It's like right in the
15 center.

16 Q Right in the center?

17 A I've got each door. And I'm just right there. And
18 like I say, it's a small house and . . .

19 Q All right. So at some point, you hear a loud bang;
20 is that right?

21 A Well, it was like a pop. It was -- I thought it was
22 a firecracker. And so ---

23 Q Was it near the 4th of July?

24 A Well, yeah.

25 Q 13th?

1 A Well, the -- it was that week, you know. We -- we
2 had gotten -- or the Fourth, so ---

3 Q Okay.

4 A And I guess some still left over because they had
5 been still popping them.

6 Q Who do you mean, "they"?

7 A Jonathan and Barry, you know. Just ---

8 Q So you were sleeping. You hear a noise. And what do
9 you do?

10 A Well, I -- I raise up and -- because I -- I was
11 afraid they were shooting firecrackers again, and it was
12 late and I didn't want trouble with the neighbors. And so
13 I just waited a minute, and it could have been two or
14 three minutes. And I said, well, maybe it's just going to
15 be one firecracker, because it was just "pop." It wasn't
16 -- well, to me. I don't know. But anyway ---

17 Q It was just one. Okay. So one pop.

18 A I just heard that.

19 Q Okay. And waited a little bit. And then where did
20 you go?

21 A And then I went out the front door, and I saw a car
22 going up the driveway fast.

23 Q Now, Ms. Rackley, I'm going to stop you right there.

24 A Okay.

25 Q Because we've got to -- I need to make sure I'm not

1 missing anything here.

2 A Okay.

3 Q How many officers did you give written statements to,
4 do you remember?

5 A I thought it was one.

6 Q So one. You wrote a statement for one. And then
7 another officer, did you give him a statement and he write
8 it for you?

9 A That was such a hard ---

10 Q Now, I can give you copies of your two statements if
11 that's going to help you remember.

12 A Well, I believe you. I do. And if you say I did,
13 I'm not going to deny it. It's in black and white. And
14 I'm not calling you a liar.

15 Q All right, ma'am. So you gave two statements.

16 A Okay.

17 Q Neither of those statements you ever say anything
18 about seeing a car; is that right?

19 A I probably didn't.

20 Q You didn't. Okay.

21 And you've met with me at my office, correct? Yes.

22 A Uh-huh.

23 Q And you didn't tell me anything about that either,
24 right?

25 A No.

1 Q Okay. But here two years and two months later,
2 you're saying that for the very first time -- or at least
3 to me. I've never heard that before.

4 A You haven't? Well, then ---

5 Q And then you spoke with other officers, too, and you
6 didn't tell them. You spoke with Detective Cochran
7 briefly. You didn't say that to him.

8 A I -- I just -- that night was so crazy.

9 Q So crazy. You don't think that would have been an
10 important point?

11 A I guess so, but I was just so devastated what just --
12 seeing that.

13 Q Yeah. I -- I understand.

14 A I was in shock. I just couldn't believe it.

15 Q Okay. I'm going to stop -- I'm going to stop you
16 there.

17 A Okay.

18 Q And I'll give you a chance to continue in a second.

19 A Okay.

20 Q But I just want to -- Daniel Cochran, the first
21 officer, then the second officer at 8:56 that morning,
22 myself. Is this something you told Mr. DeBruin?

23 A About the car?

24 Q About the car leaving?

25 A Yeah.

1 Q So you told him.

2 A Yeah.

3 Q Okay. So you met with him. When did you meet with
4 him?

5 A Gosh, I don't remember.

6 Q Was it in the last week?

7 A No. I've talked to him before the past week, I'm
8 pretty sure.

9 Q In the last month?

10 A Yes. Probably. I'm -- I'm not ---

11 Q And that's okay.

12 A I am nervous.

13 Q So you and I, a couple people from my office, we
14 spoke in July this year, and you hadn't met with
15 Mr. DeBruin then.

16 A Uh-huh.

17 Q But you've met with him since. And that's when y'all
18 talked about a car leaving? Or did you tell that to
19 Mr. DeBruin?

20 A He -- he came to -- I don't have a car, so he came to
21 the house.

22 Q Okay, okay.

23 A Yeah.

24 Q So let me just ask you this. What did the car look
25 like?

1 A I just saw the back end. It was dark and a wide back
2 end.

3 Q And was that on Ruby Drive?

4 A Yes.

5 Q That's where you would have seen it? And it was
6 going up the road?

7 A Yes. It had stopped at like where our mailbox is.

8 Q Uh-huh.

9 A And I -- all I could -- all I see was two people, but
10 I don't -- I don't know. Male, female, I don't know.
11 It's dark. It was dark. And from my porch to the street,
12 it's too -- it's too far for me to see.

13 Q Okay. All right. Ms. Rackley, I just want to make
14 sure, because that's something you've never said in two
15 years and two months, but now that your son's on trial,
16 you're saying it. So you know it's not looking good.

17 A Oh, I can imagine how it must look.

18 Q And you understand that you are under oath to tell
19 the truth.

20 A Oh, yes, ma'am. Yes.

21 Q Okay. All right. So you go out the door. All
22 right. Tell me what you hear as you approach the
23 building.

24 A I hear Jonathan crying out for help.

25 Q Okay. Was the door open or shut?

1 A It seemed like it was open.

2 Q Now I'm going to ---

3 A I'm -- what did I say?

4 Q You said the door was closed.

5 MR. DE BRUIN: Objection, Your Honor.

6 MS. ODOM: And I can ---

7 THE COURT: What's the basis?

8 MR. DE BRUIN: Testifying for the witness. She can
9 refresh her recollection, but she can't tell her what she
10 said.

11 THE COURT: I'll sustain that.

12 BY MS. ODOM:

13 Q All right. Ms. Rackley, would it help you remember
14 what you wrote two years and two months ago if you read
15 it, or the statement you gave, if you read it?

16 A I was ---

17 Q Would it help you remember the statement you gave if
18 you read it?

19 A It probably would. I'm going to get my glasses.

20 Q You go ahead and get your glasses. I'm going to hand
21 you the second statement from law enforcement. And you
22 take your time and you read through that, and then we'll
23 talk about it.

24 A All right. (Reviews document) Yeah. I'm
25 contradicting myself, apparently. But that night, it's

1 just so crazy.

2 Q Now, I want to stop you right there. Finish reading
3 your statement, and then once you've read it, you can hand
4 it back to me.

5 A Okay. (Reviews document.)

6 Q Have you had a chance to read through everything?

7 A Yeah. Thanks.

8 Q So did you tell Detective Chad Brooks that the door
9 was closed?

10 A Yes. That's what I said.

11 Q All right. I just want to confirm that.

12 All right. And so the door is shut. You push the
13 door open. You've already heard your son yelling. What
14 do you see when you open that door?

15 A I see him trying to help her.

16 Q What do you mean by help her?

17 A Help -- help -- put something on to assist her.

18 Q What?

19 A I just don't want to go there.

20 Q I know, Ms. Rackley. And I'm sorry you've been put
21 in this position.

22 A Oh, my God.

23 Q I can give you a moment if you need a moment.

24 A He was applying pressure and was -- he had . . .

25 Q Was it a towel?

1 A It had to be a towel.

2 Q And where was he putting the towel to?

3 A Somewhere on her head, but we -- we couldn't find
4 where it was coming from.

5 Q Was there a lot of blood?

6 A No.

7 Q Really? There wasn't a lot of blood?

8 A I didn't see a lot of blood.

9 Q Okay. All right.

10 A I was just trying to help her. I wasn't trying ---

11 Q Okay. Ma'am, ma'am, wait. Wait. Ms. Rackley, I
12 want to stop you there.

13 A Okay.

14 Q I know this is hard. And I'm trying to make it as
15 easy as possible, but you've just got to respond to my
16 questions.

17 A Okay.

18 Q I can't just let you talk. That's just court rules.

19 A Okay.

20 Q Okay. So you see Jonathan. He's got a towel. He's
21 pressing it to her head. Does he have blood on his hands?

22 A Yes.

23 Q And had he called 9-1-1 or anything?

24 A No.

25 Q Okay. Did you see his phone?

1 A Yes. I think I did.

2 Q So you saw his phone. What did you say to him?

3 A I said, "Call 9-1-1."

4 Q And what did he say?

5 A He said, "They're going to think I did it." And --
6 but he did open a phone to do it, but his hands were
7 shaking so bad he couldn't.

8 Q Okay.

9 A And I told him to go in the house and get Granny to
10 do it.

11 Q Now, did you have your phone with you?

12 A I forgot at the time during -- yeah. I said, "Oh,
13 I've got my phone." So I got my phone out of my pocket
14 and called.

15 Q So are you saying he went in the house before you
16 called 9-1-1?

17 A I don't recall that.

18 Q Okay. So at some point, you call 9-1-1.

19 A Yeah.

20 Q And he's -- in the beginning of the call, he's still
21 in the building. So that's why I'm wondering ---

22 A Yes.

23 Q --- when he went inside, before or after 9-1-1.

24 A Let's see. That lady was asking me so many
25 questions, I can't remember.

1 Q And you can say you don't know. That's fine.

2 A Okay.

3 Q That's a fine answer.

4 A I -- I don't -- I don't recall.

5 Q Okay. So you don't remember. But at some point, was
6 he in the building with you?

7 A Oh, yes.

8 Q And at some point, he was out of the building from
9 you.

10 A I know I asked him to -- I needed a clean towel.

11 Q And you can just -- Ms. Rackley, you can just -- was
12 he out of the building?

13 A Oh, it's got to be just yes or no.

14 Q No, no. You can explain, but I just want you to
15 answer the question, then you can explain it.

16 A Oh, okay.

17 Q Was he outside of the building at some point for
18 whatever reason?

19 A Gosh, I -- I guess he was.

20 Q Okay. And then he was back in the building at some
21 point for whatever reason.

22 A Yeah.

23 Q I'm not trying to get anything. I'm trying to
24 establish just what happened.

25 A Yes, ma'am.

1 Q Okay. So you're on the phone with 9-1-1.

2 A Uh-huh.

3 Q Do you remember about how long you were on the phone
4 with them?

5 A It seemed like it was forever. I just -- it was just
6 like forever. I just wanted help, help.

7 Q And what was Jamie doing during this time?

8 A Jamie, what she was doing . . .

9 Q Was she making noise?

10 A Yes. She was making noise.

11 Q Was she yelling out?

12 A No. I -- no. I didn't hear her yelling out.

13 Q Was she groaning?

14 A Yes.

15 Q Okay. Was she breathing?

16 A Yes.

17 Q Okay. Was she conscious?

18 A I thought she was, because when I'd say, "Jamie,
19 Jamie, hold on, just hang in there," and she would try to
20 speak -- respond to me.

21 Q All right. So what else did the defendant tell you?
22 What else did Jonathan tell you?

23 MR. DE BRUIN: Objection. Leading the witness, Your
24 Honor.

25 THE COURT: I'll allow it. Overruled.

1 BY MS. ODOM:

2 Q What else did he tell you?

3 A Stray bullet.

4 Q Did he make any other statements to you about what
5 might have happened?

6 A No. We didn't really have time to talk. That was a
7 crazy situation, a dire situation.

8 Q So you were pretty upset with it?

9 A Oh, gosh.

10 Q Yes, ma'am.

11 A Oh.

12 Q Okay. Now, what was your priority, I guess? What
13 was your focus?

14 A Jamie and saving her. That was my focus. And so
15 was . . .

16 Q Okay. Now, officers get there. And at that point,
17 where are you when officers arrive?

18 A Well, we're in the building with Jamie until they get
19 there, and then clear it for the ambulance.

20 Q Okay. And did you -- were you out there when the
21 ambulance was taking Jamie?

22 A Yes. I stayed in -- outside.

23 Q Okay. Just aware, watching what was happening?

24 A Yes.

25 Q Okay. Do you remember how many officers responded

1 that night or how many cops were out there?

2 A Oh, gosh. There was a yard full of officers.

3 Q Do you think more than two?

4 A Oh, honey. It looked like six to eight.

5 Q Okay. So you -- at some point, do you give a written
6 statement to one of the deputies?

7 A Yes.

8 Q Okay. And you handwrite that one?

9 A Yes.

10 Q Okay. Now, where were you when you gave that
11 statement?

12 A Front porch, I think. Yeah. For sure sitting on the
13 front porch.

14 Q Okay. Do you remember when you walked into the
15 building if the music was on?

16 A I don't recall.

17 Q Okay. All right. So you give a statement to an
18 officer. You handwrite it. At some point, do they take
19 -- test your hands for GSR?

20 A Yes, ma'am.

21 Q Did you have blood on your hands?

22 A Yes, ma'am.

23 Q Did you have blood on your clothes?

24 A Yes.

25 Q Okay. Did you wash your clothes?

1 A I think I just throwed [sic] them away.

2 Q All right. And then later that morning, do you
3 remember speaking with another officer to give your
4 statement?

5 A I only remember one taking a statement.

6 Q And when I say "statement," I mean either you wrote
7 it or they wrote it. I'm not trying to trip you up.

8 Did an officer take your statement for you and he
9 write it?

10 A I -- I was -- I wasn't able to write it. I was
11 shaking. I was upset.

12 Q Do you remember what time you ended up -- that
13 statement was given?

14 A It was daylight. I don't know what time.

15 Q And do you want me to show you your statement? You
16 can look at the time.

17 A Oh, sure.

18 Q Okay. All right. So what time was that statement?

19 A It said 8:56.

20 Q All right. So 8:56 in the morning. How many hours
21 had that been since the shooting?

22 A Probably -- I was thinking like four hours or more.
23 I don't know.

24 Q So 8:56. Had you -- you had just slept a little that
25 night?

1 A Yes.

2 Q So you were pretty tired at that point?

3 A Yes.

4 Q Okay. Were you able to sleep any while law
5 enforcement was out there?

6 A No.

7 Q I wasn't sure if they allowed you to go and take a
8 nap or anything.

9 A No. I wouldn't. I couldn't. That was -- no.

10 Q All right. Give me just one moment, please,
11 Ms. Rackley.

12 Did Mr. DeBruin have his computer with him when he
13 came to see you?

14 A I don't recall.

15 Q Okay. You don't remember if he had his computer?
16 You don't remember if he showed you anything on the
17 computer?

18 A I -- I don't recall. It -- that was -- that was a
19 terrible -- and it ---

20 Q And I'm not talking about back when the shooting
21 happened. I'm talking about in the last two months.

22 A It -- I'm still suffering with that. You can't get
23 over that.

24 Q I completely understand.

25 A That was terrible.

1 Q There's no getting over it. I completely understand.
2 I just have to make sure I'm clear on things.

3 A Yes, ma'am.

4 Q In the last two months when Mr. DeBruin came to your
5 home, you don't know if he showed you a video or not.

6 A Oh, a video? No, he didn't.

7 Q You don't remember if he had his computer with him or
8 not.

9 A I don't think so.

10 Q Okay. All right. Now, on the -- when you're talking
11 -- your words, when you're talking to the 9-1-1
12 dispatcher ---

13 A Uh-huh.

14 Q --- you don't -- do you tell them about the car?

15 A No.

16 Q No? Okay.

17 Now, you've already said what Jonathan told you. And
18 -- but these things that you relayed to the 9-1-1
19 dispatcher, see, we've talked about stray bullet.

20 A Uh-huh.

21 Q What else? What other things did you relay about
22 what could have happened?

23 A Well, I don't remember exactly. I -- when he
24 mentioned it's like I just -- I just started -- I knew
25 that he couldn't have done it. And that 9-1-1 wasn't -- I

1 felt like she was more concerned with Jonathan instead
2 of ---

3 Q Okay.

4 A --- bringing help. And I figured, well ---

5 Q I understand that, that you have feelings about that.
6 And those are strong feelings.

7 A Yeah.

8 Q But the things you told the 9-1-1 dispatcher, you can
9 hear Mr. Rackley in the background and you can hear you
10 saying things.

11 A Okay.

12 Q And so did you repeat what he had told you?

13 A I -- I don't know. I'm just being honest, ma'am.

14 Q Okay.

15 A I promise you, I don't . . .

16 Q Okay. Did you ever hold that gun?

17 A No, I didn't. No. I didn't see a gun.

18 Q Did you ever hold a handgun within the weeks prior?

19 A No.

20 Q So you weren't in that building when the shooting
21 happened.

22 A No.

23 Q You did not fire the gun.

24 A No.

25 Q The blood on your hands was due to you trying to help

1 Jamie.

2 A Yes, ma'am.

3 Q Ms. Rackley, you end up telling 9-1-1 about four
4 different stories.

5 A May I ---

6 Q Did Jonathan tell you that ---

7 A No. May I explain?

8 Q Well, ma'am, just be responsive to my questions.

9 A Okay. Go ahead. I'm sorry. Go ahead.

10 Q And I'll do my best to allow you to answer them
11 fully.

12 A Okay.

13 Q Did he tell you that the dog jumped in his lap?

14 A No, no.

15 Q Okay. Did you see the dog?

16 A No.

17 Q Okay. Did he tell you it was an accident?

18 A No.

19 Q Okay. And did he tell you that he had shot her?

20 A No.

21 Q Did he tell you it was a stray bullet?

22 A Yes.

23 Q Okay. And is he the only son you have?

24 A Yes.

25 MS. ODOM: All right. Please answer any questions

1 Mr. DeBruin has.

2 THE COURT: All right. Cross-examination?

3 MR. DE BRUIN: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MR. DE BRUIN:

6 Q Let's dive in a little bit about the last thing that
7 the solicitor was talking about. You just said that you
8 changed your story a couple of times on the 9-1-1 call,
9 gave four different versions of events.

10 A Yes.

11 Q But the only thing that Jonathan said was a stray --
12 it was a stray bullet; is that right?

13 A Yes, sir.

14 Q Why did you say all these other things?

15 A Because I was trying to get help, but the 9-1-1
16 operator wasn't getting there. She was more concerned
17 asking all about Jonathan, but nothing about Jamie. I
18 needed help now.

19 Q Ms. Rackley, if Jonathan didn't say that it was a
20 ricochet, why did you tell the 9-1-1 caller it was a
21 ricochet?

22 A I was just trying to get help. I couldn't -- it's
23 like this woman won't stop asking questions about
24 Jonathan. Maybe I need to tell her something that will
25 hush that and get Jamie some help.

1 Q Did you -- did you ---

2 A I made all that up. I was trying to convince that
3 woman just to bring -- if I told her something about
4 Jonathan she wants to hear ---

5 Q Ms. Rackley, did you -- did you -- when you came
6 outside, you heard a gunshot; is that right?

7 A I heard that, the pop before I came outside.

8 Q Okay. Then you came outside and you saw Jamie was
9 bleeding.

10 A Yes.

11 Q Jonathan never told you that he shot her.

12 A No.

13 Q But you just presumed that he might have?

14 A I just assumed. When he said a stray, that that just
15 -- you know.

16 Q So he told you it was a stray bullet?

17 A Yes. And I just -- and then -- and then I said the
18 only way, if he had, it had to be an accident. He would
19 never do that.

20 Q Okay. All right. So all the other things in the
21 9-1-1 call is just you presuming that you knew what
22 happened; is that right?

23 A Yes. I guess.

24 Q Did you see them earlier that night?

25 A Yes.

1 Q Were they in good spirits?

2 A Yes.

3 Q Were they arguing with each other?

4 A No.

5 Q You were sleeping pretty close to where the
6 outbuilding is?

7 A Yes.

8 Q And you were woken by a gunshot?

9 A Yes.

10 Q Did you ever hear any arguing before the gunshot?

11 A No, sir.

12 Q What about everybody else in the house? Did anybody
13 ever report to police that they heard arguing before a
14 gunshot?

15 A No, sir.

16 Q And who else was living in the house?

17 A My mother and my grandson.

18 Q And none of them reported to police that they heard
19 arguing before a gunshot.

20 A No, sir.

21 Q The solicitor kind of cut you off a little bit about
22 Jonathan leaving the building. Did you tell him to leave
23 the building?

24 A No.

25 Q Did you tell him to go get towels?

1 A I told him that I needed a towel, yes.

2 Q Did he go get those towels?

3 A Yes.

4 Q Okay. You mentioned in your -- when the solicitor
5 was talking that a car pulled into your driveway?

6 A Well, the car was pulling out when I went out the
7 door.

8 Q And that was while you were on the phone with 9-1-1?

9 A No, no. That was before.

10 Q Do you remember telling 9-1-1 that there's a car that
11 pulled in?

12 A No.

13 Q You don't remember that?

14 A Did I? I don't remember. I don't ---

15 MR. DE BRUIN: Your Honor, at this time, I ask to
16 maybe pull up the 9-1-1 call and maybe refresh her
17 recollection on that.

18 THE COURT: All right.

19 THE WITNESS: I've had to block that out. It was
20 just too horrific. I -- I didn't want to remember
21 anything. It was terrible.

22 MR. JOHNSON: Mr. DeBruin, what section would you
23 like played?

24 MR. DE BRUIN: Just give me a second. Can you go
25 nine minutes and ten seconds?

1 (Whereupon, a portion of State's Exhibit 19, an audio
2 recording, was played in open court.)

3 BY MR. DE BRUIN:

4 Q Okay. So at that point in the 9-1-1 call, you said
5 somebody's here.

6 A Uh-huh.

7 Q And it sounded like you thought it was the ambulance.

8 A I thought it was the ambulance.

9 Q Was that the car leaving, possibly?

10 A It could have been.

11 Q Okay. That was nine minutes and ten seconds into the
12 call. And it lasts about 13 minutes long.

13 So that wasn't the ambulance, was it?

14 A No, sir.

15 Q At some point later on, who arrived first? Was it
16 the ambulance or was it police?

17 A Police.

18 Q Okay, okay. And the first person that you talked to
19 was a police officer?

20 A Yes, sir.

21 Q Okay. So you testify here is that there was another
22 car that pulled into your driveway.

23 A Yes.

24 Q Okay. Is your house off the main road, the
25 neighborhood?

1 A Yes. It's like down in the -- well, like we're
2 surrounded with trees and stuff.

3 Q Okay. Is it a gravel driveway?

4 A Yes.

5 Q And how long is the driveway?

6 A From, I guess, the -- from -- it starts at Ruby Drive
7 and ---

8 Q How many feet do you think?

9 A I'm wanting to say from here to that door. I'm --
10 I'm just ---

11 Q Okay. All right.

12 A It could be longer.

13 Q Ms. Rackley, if you can just hold on real quick.

14 A Okay.

15 Q Later on somebody wrote a statement for you; is that
16 right?

17 A Yes, sir.

18 Q And do you remember giving that person any
19 information about what was in the statement or were you
20 really tired?

21 A I know I -- I don't remember what. I was just in
22 shock. I don't remember exactly what -- I know I talked
23 to him and I know he was writing it for me.

24 Q Okay.

25 A I wasn't -- I couldn't ---

1 Q Did that person have a body camera on them?

2 A I thought so.

3 Q Okay. Did somebody come to your house while you were
4 doing the statement with the police officer?

5 A Yes, sir.

6 Q Who came to the house?

7 A Mr. Scruggs.

8 Q And what happened when -- did Mr. Scruggs and the
9 captain talk to each other?

10 A Yes.

11 Q What did the captain say to him?

12 A Do I say that exactly what he said?

13 MS. ODOM: I'm going to object. That's hearsay.

14 MR. DE BRUIN: It's not offered for its proof, Your
15 Honor. It's offered for a collateral issue.

16 THE COURT: I'll overrule.

17 THE WITNESS: So does that mean ---

18 THE COURT: You can answer.

19 THE WITNESS: Oh.

20 BY MR. DE BRUIN:

21 Q What did the captain say to you?

22 A Verbatim or ---

23 Q Whatever you can recall.

24 A Well, I didn't want to cuss.

25 Q The captain?

1 A Well, he said "S-H-I-T." He wasn't vulgar, but he
2 was so upset and he wanted Jonathan arrested and all this
3 other, you know. He was just irate.

4 Q Okay. What did the captain tell Mr. Scruggs?

5 A He said -- he -- "We got him. He's" -- or "He's
6 gone. We've got him. And you're not coming down here
7 starting any S-H-I-T. You go back where you come from."

8 MR. DE BRUIN: All right. Your Honor, that's all I
9 have.

10 THE COURT: Redirect?

11 MS. ODOM: Yes, sir.

12 REDIRECT EXAMINATION

13 BY MS. ODOM:

14 Q Ms. Rackley, you take any medicine to get to sleep or
15 anything?

16 A Yes, I do.

17 Q What do you take?

18 A Melatonin.

19 Q Okay. What's the milligram on that?

20 A Five.

21 Q And I just want to be clear with the car stuff
22 because I'm not trying to trip you up. I'm trying to
23 understand.

24 A Sure.

25 Q So the car you testified about with me is the car

1 that you've already talked about with 9-1-1?

2 A I assumed. I -- I don't -- I ---

3 Q So the -- I'm just trying to be sure. You saw a car.

4 Is that the car that on 9-1-1 you say something about
5 somebody's pulling in, or are you talking about the
6 ambulance?

7 A I thought it was the ambulance.

8 Q Did it have blue lights?

9 A No. I didn't see any lights.

10 Q Did you see blue lights?

11 Okay. Now, so when you're on the 9-1-1 call, that's
12 after the gunshot, right?

13 A Yes, ma'am.

14 Q Okay. So that call -- now, you said to Mr. DeBruin
15 that you told things to the 9-1-1 operator, that you made
16 things up?

17 A Yes, I did.

18 Q That you made not one thing up, not two things up,
19 but three things up.

20 A Yes.

21 Q And Jamie was dying at that point.

22 A Yes.

23 Q Okay. And you made things up.

24 A Yes.

25 Q Are you making up anything today?

1 A No.

2 MS. ODOM: All right. Nothing further.

3 THE COURT: All right. Thank you, Ms. Rackley. You
4 may step down.

5 MR. DE BRUIN: Your Honor, if I may.

6 THE COURT: All right.

7 RE CROSS EXAMINATION

8 BY MR. DE BRUIN:

9 Q So did you tell the police officer that somebody else
10 drove in your driveway that night?

11 A I don't think I did.

12 MR. DE BRUIN: All right. No further questions, Your
13 Honor.

14 MS. ODOM: Nothing further.

15 THE WITNESS: May I -- may I say something?

16 MS. ODOM: No, ma'am, you can't.

17 THE COURT: Ms. Rackley, that's it. You may step
18 down. Thank you very much.

19 MS. ODOM: At this time, the State calls Brandon
20 Morris.

21 THE CLERK: Raise your right hand.

22 WHEREUPON,

23 BRANDON MORRIS,

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you, sir. If you would, have a

1 seat, and state your name for the record, please.

2 MR. DE BRUIN: Your Honor, I'm sorry, just ask
3 Ms. Rackley to leave. I guess all the witnesses, the same
4 deal.

5 THE COURT: Yeah. You're asking to be excused?

6 MR. DE BRUIN: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. ODOM:

9 Q All right. Deputy, where do you work?

10 A My name is Deputy Brandon Morris of the Pickens
11 County Sheriff's Office.

12 Q I'm sorry.

13 A That's okay.

14 Q I jumped headfirst into that.

15 Deputy Morris, how long have you been with the
16 sheriff's office?

17 A I've been with the sheriff's office for approximately
18 three and a half years.

19 Q Okay. And what is your position right now?

20 A Currently, I'm a school resource officer at Project
21 GO Alternative School.

22 Q Okay. And how long have you been up there?

23 A I have been there since August of this year.

24 Q Okay. Now, back in July of 2019, what was your job
25 position?

1 A At that time, I was a deputy with the Uniform Patrol
2 Division. I worked on the Adam team under the supervision
3 of ---

4 Q And what were your job responsibilities as a road
5 deputy?

6 A As a road deputy, our responsibilities were to answer
7 calls for service within the county limits of Pickens.

8 Q What does "calls for service" mean?

9 A Calls for service can be a variety of any assistance
10 that citizens of Pickens County need, from civil matters
11 to criminal matters. We respond to just about everything
12 in between in -- citizens.

13 Q So if a 9-1-1 call comes in, are you going to respond
14 to it, potentially?

15 A Oh, yes, ma'am. Definitely.

16 Q Okay. All right. So did you respond about the case
17 that we're here about today? Were you a part of the case?

18 A Yes, ma'am, I was.

19 Q And what address did you respond to?

20 A I responded to [REDACTED] Ruby Drive in Easley, South
21 Carolina, within the county limits of Pickens.

22 Q What date did you respond?

23 A On July 13, 2019.

24 Q And what was the call in reference to?

25 A The call was in reference to a shooting incident at

1 this location.

2 Q All right. Did you run your blue lights to get to
3 the location?

4 A I did.

5 Q And when I say "blue lights," I mean sirens too. Did
6 you have your blue lights going, sirens going?

7 A Blue lights and sirens, yes, ma'am.

8 Q Okay. And is that protocol?

9 A Yes, ma'am. It would be customary for a call of this
10 nature.

11 Q Okay. When you got closer to the location, were you
12 still running them?

13 A No, ma'am. For officer safety reasons, we typically
14 cut off our lights and sirens prior to arrival to the
15 location.

16 Q When do you think you cut them off?

17 A Approximately two to three minutes prior to arrival.

18 Q Was it before you turned on Ruby Drive?

19 A Yes, ma'am.

20 Q And why do you do that?

21 A We do that because we don't know whenever we get the
22 call if the scene is still active. So a potential threat
23 may still be on scene, and so you don't want to light up
24 like a Christmas tree on scene and be a target for any
25 potential threat.

1 Q What time did you get to [REDACTED] Ruby Drive?

2 A I got to [REDACTED] -- [REDACTED] Ruby Drive at 2:10 a.m.

3 Q I apologize. [REDACTED].

4 So you got there at what time again?

5 A It's okay. [REDACTED] Ruby Drive at 2:10 a.m.

6 Q 2:10 a.m. Were any other officers there when you
7 arrived?

8 A No, ma'am. I was the first officer on scene.

9 Q Who arrived next?

10 A Deputy Nick Bolt.

11 Q And how long after you got there did he get there?

12 A Approximately eight seconds after my arrival.

13 Q Okay. So y'all were pretty close.

14 A Yes, ma'am.

15 Q All right. So when you get there and exit your
16 patrol car, tell me what you're seeing.

17 A When I initially arrive, I see a mobile home -- or
18 what appears to be a mobile home to me. I also see a shed
19 to the right rear of this mobile home.

20 Q Okay. Is there anybody standing out there?

21 A Yes.

22 Q Who was out there? A man or a woman?

23 A Woman.

24 Q Okay. And how -- age and gender? Is she white?

25 A White.

1 Q Describe her to me.

2 A White female, early to mid 50s, blondish hair, dirty
3 blonde.

4 Q Okay. And you speak with her?

5 A I do.

6 Q Okay. And in response to what y'all say, where do
7 you go next?

8 A So I ask her where the suspect is at because this
9 came out to us as a shooting incident. So we want to make
10 sure for our safety that we have the scene secure. We
11 want to identify any potential shooters that there may be.

12 Ms. Rackley told me that her son, the defendant, was
13 in the shed to the right rear of the mobile home.

14 Q What was her demeanor?

15 A Her demeanor was she responded to my questions, you
16 know. She ---

17 Q Was she upset?

18 A She wasn't extremely upset, but she was upset.

19 Q Okay. All right. So do you go back to the building?

20 A I do, yes, ma'am.

21 Q Okay. And as you're approaching the building, are
22 you able to hear anything?

23 A Yes, ma'am, I am.

24 Q Okay. And when you walk into the building, who do
25 you see?

1 A When I walk into the building, I see the victim,
2 Jamie Scruggs. She is slumped over in a chair in the
3 shed. And I also see the defendant, Mr. Rackley, standing
4 over her.

5 Q Okay. And does he appear upset?

6 A Yes. Extremely.

7 Q And what's he saying to you?

8 A He's just screaming to me and Deputy Bolt to get her
9 some help.

10 Q Okay. Now, is the man you saw in that room with the
11 victim, is he in the courtroom today?

12 A Yes, ma'am.

13 Q And can you point him out to us?

14 A Yes, ma'am. He's right here (indicating).

15 Q And what kind of shirt is he wearing?

16 A A white shirt with a necktie.

17 MS. ODOM: Okay. And, Your Honor, if he could just
18 -- the record reflect he's pointed out the defendant.

19 THE COURT: Okay. The record reflects that.

20 MS. ODOM: Thank you, Your Honor.

21 BY MS. ODOM:

22 Q All right. And now, what are you doing? What's your
23 goal when you're arriving on the scene?

24 A So in this particular circumstance, we only -- at
25 that point, we only have the victim and the defendant in

1 the shed at that time. So our primary goal, I and Deputy
2 Bolt, is to secure that scene because EMS, a standard
3 protocol for them, they will not come and render aid to
4 the victim until they know that the scene is safe and
5 secure. And so ---

6 Q Now, why is that? Is EMS not considered law
7 enforcement or first responders? Tell me why they
8 won't ---

9 A They are considered first responders, but they don't
10 -- you know, they're not trained like we are as far as
11 responding to critical incidents. Now, they are to render
12 aid, but as far as, you know, securing any kind of threat
13 that's on scene, they're not trained for that. So that's
14 our responsibility before they come in for their safety.

15 Q Okay. Now -- so before EMS will come down there,
16 they've got to get the clear from you?

17 A Yes.

18 Q Okay. Let's see. So did you end up helping the
19 victim first or putting Mr. Rackley in cuffs first?

20 A I and Deputy Nick Bolt, we detained Mr. Rackley
21 first.

22 Q Okay. So you put him in cuffs. And then you said
23 that earlier he was kind of upset. Was he still upset
24 with that going on?

25 A Yes. He actually was. He's continuing to repeat

1 that we need to get her some help, and we're trying to
2 explain to Mr. Rackley that the only way that we can get
3 her help is if we're able to detain him. But EMS will not
4 come on scene unless he is detained and secure.

5 Q Okay. And he didn't like that?

6 A No.

7 Q He's a little upset about it.

8 A Right. He -- we -- we got him outside and attempted
9 to detain him. The first time he pulled away, I and
10 Deputy Bolt were then able to resecure him and double cuff
11 him. Again, he's not in custody. He's just detained at
12 this point.

13 Q Okay. And at that point, does EMS come on scene?

14 A Yes. Deputy Bolt clears the way for them to come on
15 scene.

16 Q Do you go ahead and read Miranda?

17 A I do at approximately 2:16 a.m.

18 Q Okay. Did you read that from a card or just say it
19 from memory?

20 A No, ma'am. The first time I read it to Mr. Rackley
21 was off the top of my head.

22 Q Okay. Do you know how long about y'all stand there?

23 A I would say approximately one minute.

24 Q Okay. So after y'all stand there for a minute, what
25 do you -- where do you take Mr. Rackley?

1 A I take Mr. Rackley to my patrol vehicle to secure him
2 in the rear of my patrol car. While I'm there, I
3 mirandize him with the Miranda card I have just to make
4 sure that he fully understands his Miranda rights.

5 Q And do you end up speaking with him or anything?

6 A No. He invoked his right to silence at that point,
7 and so I no longer question him.

8 Q Okay. So you put him in the back of your car. Is
9 the air going or anything? Is the car on?

10 A Yes. This is July. So he's -- he's detained. He's
11 in the backseat of my patrol car with the air condition
12 on.

13 Q Okay. Do you check on him periodically?

14 A I do, yes, ma'am.

15 Q All right. So what do you do after you put him in
16 the car? What's your next step?

17 A My next step, at that point, is to begin a rolling
18 log.

19 Q And before we even get to that, are other -- does
20 another officer show up?

21 A Yes. Our supervisor, I and Deputy Bolt's supervisor,
22 Lieutenant Andy Rackley, shows up on scene.

23 Q So your lieutenant shows up.

24 A Yes.

25 Q Now, who's -- maybe it's a silly question, but who's

1 in charge at this point?

2 A At this point, Lieutenant Andy Rackley.

3 Q Okay. So your lietenant's in charge. What -- what
4 do you do?

5 A At that point, then I ask if a rolling log has begun.
6 For those who don't know what that means, for an incident
7 such as this, you have to complete a rolling log of
8 everybody that's on scene, from EMS personnel, to law
9 enforcement, to residents, victim, everyone.

10 Q You're making sure you know who's there.

11 A Right.

12 Q Besides you and Deputy Bolt, the lieutenant, who --
13 what other people are coming on scene? Or what other
14 people do you keep in your rolling log?

15 A Medic Team 8 is on scene. Along with them, later on,
16 some of our investigative personnel showed up as well for
17 our office.

18 Q Is your medic team -- is the medic team EMS and like
19 rescue squad people?

20 A Yes, yes.

21 Q Okay. And then other -- what other cops show up?

22 A At that time, Captain Chad Brooks who is now chief,
23 Sergeant Daniel Cochran. And that is -- that's all. Also
24 forensic specialist Brian Langston.

25 Q Okay. So other officers are getting there, EMS is

1 there. Who that's not -- who that lives there is there?
2 Who is the lady that you talked to when you first got out?

3 A Angela Rackley.

4 Q Okay. You talked to her again?

5 A Actually, Deputy Nick Bolt obtained a voluntary
6 statement from her.

7 Q But as far as just saying -- like touching base with
8 her, were you ---

9 A Yes.

10 Q Okay. And did you see who was in the house?

11 A Yes, ma'am, I did.

12 Q Okay. And you document that?

13 A I did.

14 Q During this incident, were you wearing your body-worn
15 camera?

16 A I was, yes, ma'am.

17 Q And did it record the night?

18 A Yes, ma'am.

19 Q Okay. Now, how is your body-worn camera stored? Do
20 you have to save that? Or how does that work?

21 A Yes, ma'am. We do save it. It is saved on a server
22 at the sheriff's office. The way we upload that footage
23 is a docking station that's at our sheriff's office. It's
24 then uploaded to our county sheriff's office server.

25 Q I'm going to hand you what's been premarked as

1 State's 20. Do you know what that is?

2 A Yes, ma'am. That is my body-worn camera and in-car
3 camera from that night.

4 Q And how do you know that's what that is?

5 A Because I watched it.

6 Q Okay. And did you put any mark on it?

7 A Yes. And I signed it as well.

8 Q Okay. So is this a fair and accurate representation
9 of your camera from that night?

10 A Yes, ma'am, it is.

11 MS. ODOM: All right. Your Honor, at this time, we'd
12 seek to put State's 20 into evidence.

13 THE COURT: Any objection from the defense?

14 MR. DE BRUIN: Just what I've already asserted
15 earlier.

16 THE COURT: All right. The DVD will be admitted over
17 objection.

18 (WHEREUPON, State's Exhibit Number 20 was admitted into
19 evidence.)

20 THE COURT: Are you going to play it now?

21 MS. ODOM: Yes, sir. I'm going to seek to publish.

22 THE COURT: Okay. Ladies and gentlemen, we're about
23 to hear -- or about to see the body camera footage from
24 Deputy Morris here. I have required that the audio be
25 shut off. There is audio on the body cam, but I have made

1 the decision to not allow the audio part of it, so you
2 will see the video only.

3 MS. ODOM: Thank you, Your Honor.

4 (WHEREUPON, State's Exhibit Number 20, a video, was played
5 in open court.)

6 BY MS. ODOM:

7 Q All right. Deputy Morris, I am playing that exhibit
8 without the audio. Explain to me what we're seeing here.

9 A At this point, I and Deputy Bolt are approaching the
10 house. Initially, what you're going to see here,
11 Ms. Angela Rackley tell us that the defendant is in the
12 shed to the right rear of the residence.

13 Q Okay. So where -- who is that? What deputy is that
14 in front of you?

15 A Deputy Nick Bolt.

16 Q Okay. Where are y'all walking?

17 A We're walking to the shed.

18 Q Now, what is that bright light?

19 A I cannot recall, ma'am.

20 Q Is there a light inside the shed?

21 A Yes, ma'am.

22 Q Who is that in the blue shirt?

23 A That is the defendant, Mr. Rackley.

24 Q And what are you instructing him to do?

25 A This is at the time we're instructing him -- you

1 know, we're telling Mr. Rackley, hey, we have to secure
2 you in order to get EMS here. This is him being agitated.

3 Q Would this sound like arguing? Were y'all arguing?

4 A He was arguing with us about detaining him to get EMS
5 to the scene to assist the victim.

6 Q And what are you doing here?

7 A I'm detaining him at this point.

8 Q Now, what deputy is in there with the victim?

9 A Deputy Nick Bolt.

10 Q Now, are you -- what are you doing right here?

11 A Approximately right here is where I'm reading him
12 Miranda off the top of my head.

13 Q Where is your body cam on your uniform?

14 A It is located on -- at that time on my outer carrier,
15 which is a bulletproof vest, center of the chest.

16 Q Okay. So if you turn your head only, does your body
17 cam capture whatever you're seeing?

18 A No. Not always, because it's not affixed to my head.

19 Q All right. Is there ever a time when your body cam
20 may be obscure?

21 A Yes. Especially on this night. I was running the
22 air conditioning in my patrol vehicle prior to arrival.
23 It's July, it's humid, so the lens can get foggy.

24 Q Okay. So condensation ---

25 A Right.

1 Q --- on the lens? Okay.

2 Now, who has the flashlights? Did you see who just
3 walked by?

4 A No, ma'am.

5 Q Right there?

6 A I cannot tell, ma'am.

7 Q That's fine.

8 Do deputies have flashlights?

9 A Yes.

10 Q Okay. Is that common at nighttime for y'all to use
11 those flashlights?

12 A Yes, ma'am.

13 Q And we're going to kind of go forward a little bit.

14 A Okay.

15 Q All right. You said you told -- read Miranda before
16 you put him in the car?

17 A I actually read it to him off of my card once we got
18 to the car.

19 Q Okay. I think I posed that question in a weird way.
20 Did you tell him Miranda before you put him in the car?

21 A Do you mean at approximately 2:16 or at 2:18?

22 Q 2:16.

23 A Yes. I did read it off the top of my head.

24 Q All right. And then what are you doing here?

25 A I'm escorting him to my patrol vehicle.

1 Q Those blue lights right there, do you know which
2 deputy those are from?

3 A No, ma'am. I know for a fact that Deputy Bolt's on
4 the scene at this time. That -- those are Deputy Bolt's.

5 Q Okay. And at this point, what are you doing?

6 A At this point, I'm reading him Miranda approximately
7 at this time from the card that I carry with me, the
8 Miranda card.

9 Q And is he arrested at this point?

10 A No, ma'am. He's detained.

11 Q Okay. What are you doing with the -- do you adjust
12 his cuffs any?

13 A I can't recall. But I know the standard for me to
14 make sure that anybody in the rear of my patrol vehicle is
15 comfortable, so if they complain of the cuffs being tight,
16 I will loosen them.

17 Q Okay. What are you doing there as you touch his
18 pockets?

19 A Just making sure he doesn't have any weapons or
20 anything like that.

21 Q Okay. After -- we're going to skip forward a little
22 more. Is that a view of their home?

23 A Yes, ma'am, it is.

24 Q Okay. And at this point, are other people arriving?

25 A Yes, ma'am. This is rescue and Medic Team 8 along

1 with Easley Fire Department.

2 Q You said you go back to the car periodically?

3 A Yes. Yes, ma'am. Just to make sure he's comfortable
4 and make sure the AC is still running, because this is
5 July.

6 Q Okay. All right. So do you ---

7 A This is where I'm beginning that rolling log that I
8 aforementioned.

9 Q Okay. So you're just asking people their names
10 because you know where they work, but you're seeing what
11 their names are?

12 A Right.

13 Q And who's sitting on the front porch?

14 A Ms. Angela Rackley.

15 MS. ODOM: All right. I won't play the whole thing
16 because you've essentially testified to everything
17 already. I'm going to ask that you answer any calls --
18 or, excuse me -- answer any questions that Mr. DeBruin has
19 for you.

20 THE COURT: Cross-examination?

21 MR. DE BRUIN: Thank you.

22 CROSS EXAMINATION

23 BY MR. DE BRUIN:

24 Q When you arrived on scene, he was asking for your
25 help.

1 A Yes, sir. For the victim.

2 Q He was demanding that you help her?

3 A Yes, sir.

4 Q And he wasn't found in the woods.

5 A No, sir. He was in the shed.

6 Q Okay. And he was applying a towel to Jamie's head?

7 A I know -- I can't recall what actions he was taking.

8 I do know he was over her body.

9 Q Okay. But he didn't run away from you at all?

10 A No, sir. He did not run away.

11 Q Okay. And he was upset that you were not helping
12 her.

13 A Yes, sir. He was upset.

14 Q 9-1-1 call was placed at, what, 1:58?

15 A Let me make sure. My CAD says approximately 1:59.

16 Q Okay. So 1:58, 1:59, does that sound about right?

17 A Yes, sir.

18 Q Okay. So if that nine minutes and ten seconds
19 Ms. Rackley's on the 9-1-1 call and says someone is here,
20 by my math, that's around 2:07? 2:08?

21 MS. ODOM: And I'm going to object to this.

22 THE COURT: What's your basis?

23 MS. ODOM: He's asking -- what he's asking is not
24 something that this witness would have personal knowledge.
25 He's just asking a general math question, not something

1 that this witness actually has personal knowledge.

2 THE COURT: I'll sustain it and let you lay a
3 foundation.

4 BY MR. DE BRUIN:

5 Q You said you arrived at 2:10; is that correct?

6 A Yes, sir.

7 Q All right. So you didn't arrive at 2:07. You
8 arrived at 2:10.

9 A According to the CAD notes, yes, sir. That's when I
10 called down and said I'm on scene.

11 Q So, again, if somebody on the 9-1-1 call said at nine
12 minutes and ten seconds into the 9-1-1 call and it started
13 at 1:58, that's around 2:07. So if somebody was on the
14 9-1-1 call saying somebody's here, that's not you because
15 you arrived at 2:10.

16 A I'm not sure, sir.

17 Q Okay. You put Jonathan in handcuffs?

18 A Yes, sir. Double cuffed.

19 Q Did you put anybody else in handcuffs?

20 A No, sir. Just him.

21 Q So you didn't put Angela Rackley in handcuffs?

22 A No, sir.

23 Q Anybody in the house in handcuffs?

24 A No, sir.

25 Q So immediately on scene you put my client in

1 handcuffs.

2 A I detained him, yes, sir.

3 MR. DE BRUIN: Okay. I have no further questions,
4 Your Honor.

5 THE COURT: Any redirect?

6 MS. ODOM: No redirect.

7 THE COURT: All right. Thank you, Deputy.
8 You said ---

9 MS. ODOM: And I just ask -- I apologize. I just ask
10 that he be excused from his subpoena so he can go back.

11 THE COURT: Any objection?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: You are excused, Deputy. Thank you.

14 THE WITNESS: Yes, sir.

15 MS. ODOM: Judge, I just want to talk to you about
16 scheduling real quick, but we can do it in a sidebar if
17 that's okay.

18 THE COURT: Yeah.

19 (WHEREUPON, a bench conference was held off the record.)

20 THE COURT: All right. Ladies and gentlemen, we're
21 going to take our afternoon break. So let's take about a
22 10- to 15-minute break. And, of course, don't talk about
23 the case while you're in there. We'll see you in a little
24 bit.

25 (WHEREUPON, the jury exits the courtroom at 3:12 p.m.)

1 THE COURT: All right. We'll be in recess for about
2 10, 15 minutes.

3 (WHEREUPON, a recess is taken at 3:13 p.m.)

4 THE COURT: All right. Anything from the State
5 before we bring the jury back in?

6 MS. ODOM: Nothing from the State.

7 THE COURT: All right. Anything from the defendant?

8 MR. DE BRUIN: No, Your Honor.

9 THE COURT: All right. Let's bring the jury back in.

10 (WHEREUPON, the jury entered the courtroom at 3:33 p.m.)

11 THE COURT: All right. Everybody's back.

12 All right. State, call your next witness.

13 MS. ODOM: The State calls Sara Goodman.

14 WHEREUPON,

15 SARA GOODMAN,

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you, ma'am. If you would, have a
18 seat, and state your name for the record, please.

19 THE WITNESS: My name is Sara Goodman. Goodman is
20 G-O-O-D-M-A-N.

21 THE COURT: Ms. Goodman, if you want to, to make it a
22 little bit more comfortable, you can take off the -- you
23 can take your mask off if you want to.

24 All right. Ms. Odom?

25 MS. ODOM: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. ODOM:

Q Ms. Goodman, where do you work?

A I work at the South Carolina Law Enforcement Division commonly referred to as SLED.

Q Okay. And how long have you worked there?

A About six and a half years.

Q What's your present job?

A I am a forensic scientist assigned to the DNA Casework Division.

Q And how long have you been doing that?

A Six and a half years.

Q Okay. Can you tell me about your educational background?

A Yes. I have a bachelor of science degree in biology from Erskine College, as well as a master's of science in forensic science from Arcadia University, which is in Pennsylvania.

Q Okay. And have you had further training after school?

A Yes. Upon my employment at SLED, I went through about a year and a half training program with another court qualified DNA analyst. That included laboratory training as well as training in all of our other duties, and then at the end of that training, I successfully

1 completed a series of competency tests to be certified to
2 do DNA casework.

3 Q Have you ever been qualified as an expert in DNA
4 analysis before?

5 A Yes, I have.

6 Q How many times?

7 A Approximately 20 times.

8 Q Okay. And within the scientific community, has the
9 study of DNA science been generally accepted and/or
10 recognized?

11 A Yes, it has.

12 MS. ODOM: Okay. Your Honor, at this time, the State
13 would offer Ms. Goodman as an expert in the field of DNA
14 analysis.

15 THE COURT: All right. Any voir dire from the
16 defendant?

17 MR. DE BRUIN: No, Your Honor.

18 THE COURT: Any objection to her qualification?

19 MR. DE BRUIN: No, Your Honor.

20 THE COURT: All right. Ladies and gentlemen,
21 Ms. Goodman has been qualified as an expert which is a
22 little bit different from some of the witnesses that you
23 have already heard. An expert -- or a layperson cannot
24 give an opinion related to an issue in the case, but when
25 somebody is qualified as an expert, that's the exception.

1 They are allowed to give opinions based on their
2 qualifications. And Ms. Goodman is qualified now as an
3 expert in DNA analysis.

4 MS. ODOM: Thank you, Your Honor.

5 BY MS. ODOM:

6 Q So what does DNA mean?

7 A So DNA, it stands for deoxyribonucleic acid.
8 Essentially, it's a chemical that's present in all of our
9 bodies. You get half of your DNA from your biological
10 mother and half from your biological father, and it
11 essentially makes up who you are and how your body
12 functions.

13 Q All right. And what is unique about DNA components
14 between human individuals, if that makes sense?

15 A Sure. So a person's DNA profile will be unique to
16 just them. So with the exception of identical twins, no
17 two people have the exact same DNA profile.

18 Q And you said earlier you perform DNA analysis at
19 SLED?

20 A Yes.

21 Q All right. Ms. Goodman, how are samples in general
22 received by your department for analysis?

23 A So in general, we will receive evidence from local
24 law-enforcement agencies across the State of South
25 Carolina. They will be taken to our laboratory and

1 submitted to our Evidence Control Department. When I am
2 assigned cases to work, I will pick up the evidence from
3 our Evidence Control Department and take it into my
4 custody.

5 Q Okay. How is the chain of custody maintained just
6 for like the integrity of the evidence?

7 A So when an item is submitted to SLED, the case is
8 given a unique laboratory number and each item is given an
9 item number. We have an electronic chain of custody so
10 every item has a barcode sticker placed on it, and we scan
11 those items when the custody is changed. And so that's
12 maintained in our laboratory computer system from the time
13 that it's brought to SLED until the time that it is
14 returned to the agency.

15 Q All right. And what specific types of human body
16 fluids or tissues can DNA be obtained from?

17 A So DNA can be obtained from any type of body fluids,
18 so blood, sweat, semen, saliva, as well as touch DNA,
19 which is the skin cells that you leave behind when you
20 touch an item.

21 Q In this particular case, SLED Lab Number L19-12758,
22 were you requested to perform DNA analysis?

23 A Yes, I was.

24 Q And what were the two comparison items you had?

25 A As far as comparison standards, I had a blood

1 standard from Jamie Scruggs and buccal swabs from Jonathan
2 Rackley.

3 Q Ms. Goodman, I'm going to hand you what's been marked
4 as State's 48 for identification purposes. Can you look
5 over that and tell me what that is?

6 A Yes. (Reviews exhibit) So this is SLED's Item 5,
7 which is a blood standard from Jamie Scruggs.

8 Q And can you talk to me about the seal on the
9 packaging?

10 A Sure. So when the item is received at SLED, we make
11 sure that the item is sealed by the agency. And then a
12 lot of times for DNA analysis, it is placed into a plastic
13 pouch like this, and whoever drops off the evidence will
14 seal the pouch and initial it. And then when I do my
15 analysis, I will cut it open, and then when I am finished,
16 I will reseal it and put my initials and the date on it.

17 Q Are your initials on there?

18 A Yes, they are.

19 Q And so that's as far as -- or that's a -- has it been
20 tampered with any or anything like that?

21 A No. It does not appear to be opened.

22 Q If it wasn't in the appropriate shape or if it looked
23 like it had been tampered with, would you have tested it?

24 A No. If it was not properly sealed, we would contact
25 the agency before testing.

1 Q All right. Thank you. So that was the blood spot
2 from Jamie Scruggs, correct?

3 A Yes, yes.

4 Q Now I'm going to hand you what's been premarked as
5 State's 54. And will you look at that for me?

6 A Yes. (Reviews exhibit) So this is SLED Item 7, which
7 is buccal swabs from Jonathan Richard Rackley.

8 Q And is that also -- was that sealed by you?

9 A Yes, it is.

10 Q And is that one of the comparison items that you
11 compared?

12 A Yes.

13 Q All right. So those were your two comparison items.
14 Can you tell me what swabs or what other items you
15 compared or were involved in your report?

16 A Sure. So in addition to the comparison standards, I
17 received some items of evidence. So I received some swabs
18 taken from the surface area of an Item 1, which was a
19 cartridge case; I received swabs taken from Item 2, which
20 was an SCCY 9 mm pistol; I received swabs taken from the
21 trigger of that same pistol; I received swabs taken from
22 the textured portion of the grip and base of the magazine
23 of that same pistol; and then I received swabs taken from
24 the surface area of the cartridges that were inside of the
25 pistol.

1 Q Okay. I'm going to hand you what's been marked as
2 State's 56-B. And can you take a look at that for me?

3 A Yes. (Reviews exhibit) So these -- this package
4 contains all of the items of evidence that I just
5 mentioned.

6 Q And are your initials on that bag?

7 A Yes, they are.

8 Q And we're kind of taking you out of order since you
9 have multiple subpoenas all over the state, so the jury
10 hasn't heard from any other SLED witnesses. Can you tell
11 me how those swabs came about?

12 A Yes. So these swabs were taken from a latent prints
13 analyst, Victoria DeLoach. And so when an item such as a
14 gun comes in and has a latent print and a DNA request on
15 it, the item used to be swabbed for DNA before latent
16 prints can be done because the fingerprint powder or the
17 superglue, whatever chemicals they use, can sometimes
18 degrade the DNA or contaminate it. So when that happens,
19 they will swab the item.

20 So in this case, Victoria swabbed the gun in several
21 different areas and packaged those up and sent them back
22 to our Evidence Control Department for DNA analysis. And
23 then after that, she did her latent prints analysis on the
24 gun.

25 Q And when she was done with it, did she put her

1 initials on it and seal it, too?

2 A Yes, she did.

3 Q Okay. So to make sure I'm understanding it
4 correctly, Ms. DeLoach did her fingerprint analysis, but
5 as part of that, since she already had that weapon, she
6 went ahead and did swabs and then sent it back to evidence
7 detainment before it came to you?

8 A Yes. She did the DNA swabs before she did her latent
9 prints analysis.

10 Q All right. I'm going to hand you what's been marked
11 as State's 56-A for ID purposes.

12 A So this is SLED Item 8. It is my DNA extracts for
13 all of the items that I worked in this case.

14 So when we generate a DNA profile, part of that
15 includes laboratory analysis, applying chemicals to a
16 small portion of each item. And so there's basically
17 small test tubes that we do that analysis in where we add
18 our chemicals to the item. And once we are done with the
19 case, we will dry down what is left of those chemicals to
20 preserve the DNA that's in there in case for any reason we
21 need to go back and retest it. So that these are my
22 extracts that I dried down after my analysis was
23 completed.

24 MS. ODOM: All right. Thank you very much.

25 And I beg the Court's indulgence one moment.

1 Judge, may we approach just momentarily?

2 (WHEREUPON, a bench conference was held off the record.)

3 BY MS. ODOM:

4 Q All right. Ms. Goodman, so tell me what Item 1.1 is
5 on your report.

6 A Item 1.1 is swabs taken from the surface area of
7 Item 1, which was a 9 mm cartridge case.

8 Q Was any DNA detected off of that cartridge case?

9 A There was no human DNA detected on that.

10 Q Okay. Item 2.2, can you tell me what that is?

11 A Yes. That is swabs taken from the trigger of Item 2,
12 which was the SCCY 9 mm pistol.

13 Q Okay. And was a DNA profile developed from that?

14 A No DNA profile was developed from that item.

15 Q All right. Can you tell me what Item 2.4 is?

16 A Yes. Item 2.4 is swabs taken from the surface area
17 of the cartridges that were inside of the same pistol.

18 Q Was a DNA profile developed from that?

19 A No DNA profile was developed from that item.

20 Q Are there -- can you tell me what outside factors
21 would affect DNA being on a hard surface or not?

22 A Sure. So there are many different factors that can
23 affect whether DNA is present and how much environmental
24 factors can come into play. So heat can degrade DNA if
25 it's out in the elements for a long time. If there's rain

1 or anything like that, that can wash away some of the DNA.
2 People also shed different amounts of DNA, so if a person
3 doesn't shed a lot of DNA and they don't touch the item
4 for very long, it's possible that they might not leave
5 their DNA behind.

6 In terms of cartridge cases, it's pretty common to
7 not get a DNA profile because when the bullet goes through
8 the gun when the gun is shot, there's a lot of heat that
9 is applied to that bullet from the gun, and so that can
10 degrade the DNA. So a lot of times we will see no DNA
11 profile developed from cartridge cases due to that heat.

12 Q All right. Now let's talk about Item 2.1. Can you
13 tell me what that item is?

14 A Yes. Item 2.1 is swabs taken from Item 2, which was
15 the 9 mm pistol.

16 Q All right. And can you tell me if presumptive
17 testing was done on that?

18 A Yes. Presumptive testing for blood was positive.

19 Q Okay. So that swab had blood on it?

20 A Yes.

21 Q Was a DNA profile suitable for comparison developed?

22 A Yes.

23 Q Was Jonathan Rackley excluded as a contributor?

24 A Yes, he was.

25 Q Was Jamie Scruggs, was her profile compared against

1 that DNA profile developed from the swab?

2 A Yes. I did make a comparison to Jamie Scruggs as
3 well.

4 Q What was the result of that comparison?

5 A So for this item, the comparison was whether Jamie
6 Scruggs contributed DNA profile versus if it was an
7 unidentified, unrelated individual that contributed. So
8 I'm comparing those two items, and my result will --
9 excuse me -- those two scenarios. And my result will say
10 which one of those is more likely.

11 So for this item, the DNA profile is approximately
12 17 septillion times more likely if Jamie Scruggs
13 contributed the profile than if an unidentified, unrelated
14 individual contributed the profile.

15 Q Okay. How many zeros are behind the 1 and 7 for 17
16 septillion?

17 A So septillion has 24 zeros, so 1.7e to the 25 would
18 be 17 septillion.

19 Q So it's a very strong support that that's her.

20 A Yes. That's very strong support that Jamie Scruggs
21 contributed the profile than if it were an unidentified
22 individual.

23 Q So do you -- just generally, SLED DNA analysts, do
24 y'all ever say this is this person's DNA or this is not
25 this person's DNA?

1 A We have in the past said that a DNA profile can match
2 a person; however, with the type of statistic that we use
3 now, we are calculating what is called a likelihood ratio,
4 and so we are always comparing two different scenarios
5 that could explain the evidence. And so usually those
6 scenarios are that a person, one of the known standards
7 that we received is included in that profile versus that
8 it's an unidentified individual. So since it is comparing
9 two different ideas and saying which one is more likely,
10 it will just be a likelihood instead of saying it matches
11 this person.

12 Q All right. So it is 17 and 25 zeros more likely that
13 the blood on the gun is Jamie Scruggs's compared to some
14 other living person.

15 A Yes.

16 Q Okay. Do you know how many people are on earth?

17 A There's approximately 7.6 billion people on earth.

18 Q How many zeros are in 7.6 billion?

19 A So there are nine zeros in billion.

20 Q Okay. So is it -- while you can't say 100 percent,
21 you could say 99.99999 the blood on the gun is Jamie's.

22 A I can say that it's a very strongly likelihood that
23 it's Jamie versus an unidentified individual.

24 Q Okay. All right. So we talked about the blood on
25 the gun, but now let's talk about Item 2.3. Okay. Did

1 you do a comparison -- well, first of all, what is
2 Item 2.3?

3 A Item 2.3 is swabs taken from the textured portion of
4 the grip and base of the magazine from that 9 mm pistol.

5 Q Okay. And did you do a comparison of that item
6 against the known DNA samples of Jamie Scruggs and
7 Jonathan Rackley?

8 A Yes, I did.

9 Q And what was the result of that?

10 A So the result of comparing them together in the
11 mixture, is that what you're asking?

12 Q Yes, yes.

13 A So for this likelihood of ratio comparison, it was
14 comparing whether Jamie Scruggs, Jonathan Rackley and an
15 unidentified, unrelated individual contributed to the
16 mixture. This was a mixture of three individuals, versus
17 if it were three unidentified, unrelated individuals. And
18 the result of that comparison is the DNA profile is
19 approximately 430 nonillion times more likely if Jamie
20 Scruggs, Jonathan Rackley and an unidentified, unrelated
21 individual contributed than if three unidentified,
22 unrelated individuals contributed to that mixture.

23 Q All right. So three DNA profiles were developed from
24 the grip of the gun?

25 A Yes. There were three individuals on that -- in that

1 profile.

2 Q And so you were able to compare an unidentified,
3 unrelated person against Jamie Scruggs and Jonathan
4 Rackley, and that's where you came to the 4.3 or
5 430 nonillion number?

6 A Yes. So it was 430 nonillion times more likely if
7 Jamie Scruggs, Jonathan Rackley and an unidentified
8 individual contributed versus three unidentified
9 individuals.

10 Q And how many zeros are behind that number?

11 A So it's 4.3e to the 32, so there's 32 zeros.

12 Q Okay. Now, if you'll give me just a moment.

13 Was that item eligible to be compared within CODIS?

14 A No. It was not eligible for entry into CODIS.

15 MS. ODOM: All right. Ms. Goodman the items I showed
16 you before -- actually, Your Honor, the items I showed
17 Ms. Goodman before, State's 54, State's 48, State's 56-A
18 and 56-B, at this time, the State would request that these
19 be formally entered into evidence.

20 THE COURT: Any objection from the defense?

21 MR. DE BRUIN: Your Honor, may we approach?

22 THE COURT: Yeah.

23 (WHEREUPON, a bench conference was held off the record.)

24 MS. ODOM: All right. Ms. Goodman, if you will,
25 answer any questions that Mr. DeBruin has for you.

1 THE COURT: All right. Cross-examination.

2 CROSS EXAMINATION

3 BY MR. DE BRUIN:

4 Q Good afternoon.

5 A Hello.

6 Q Ms. Goodman, I want to concentrate on 2.3. What is
7 2.3 again?

8 A That is swabs taken from the textured portion of the
9 grip and the base of the magazine of the 9 mm pistol.

10 Q Okay. For that portion, so when somebody swabs that
11 portion, they get DNA on the swab; is that correct?

12 A Yes.

13 Q Okay. And that swab had three different people's DNA
14 on it; is that correct?

15 A Yes. That's correct.

16 Q Okay. And one of them was Jonathan Rackley?

17 A It's various.

18 Q Okay, okay. I guess if it was the old way, would you
19 say it was Jonathan Rackley?

20 A I can't really compare it to the old ways because
21 it's not quite the same.

22 Q No. That's okay. All right. So it's a very, very
23 strong likelihood that one person is Jonathan Rackley on
24 that; is that correct?

25 A Essentially, yes.

1 Q Okay. And another person, very strong likelihood
2 that Jamie Scruggs's DNA is on there as well that
3 contributed to the pistol grip and the bottom of the
4 magazine; is that right?

5 A Yeah. Versus it being three unidentified
6 individuals, yes.

7 Q And then there's also one more person, a third
8 person's DNA contributed to that swab who is unrelated and
9 unidentified in this case; is that correct?

10 A They're unidentified and possibly unrelated.

11 Q Okay. So the chances of them being related are
12 astronomically big; is that correct?

13 A Not necessarily.

14 Q Okay. How would you describe how close -- how -- was
15 it the nonillion number? Is that right?

16 A Yeah. For the comparison of both of those
17 individuals and an unidentified individual.

18 Q Okay. So the chances of Jamie Scruggs and that
19 unidentified person being related are very large -- it's
20 very unlikely that they're related; is that right?

21 A So the reason that we say "unrelated individual" is
22 because we are assuming when we do our analyses that
23 they're unrelated, because if individuals are related,
24 they can share usually more DNA than to unrelated
25 individuals. And so unless we know otherwise, we say

1 "unrelated," because if they are related, it can affect
2 our results and our statistics. So it doesn't necessarily
3 mean that they're unrelated, but that's why we state it
4 that way.

5 Q Okay. But, again, is there -- is it a small
6 likelihood or a large likelihood that they're related?

7 A I can't really say.

8 Q But there are three different people on that -- on
9 the swab that came from the grip and the bottom of the
10 magazine; is that right?

11 A Yes, that's correct.

12 Q And one of those people is unidentified.

13 A Yes.

14 Q So the DNA profiles from the pistol grip and the
15 bottom of the magazine, is it likely to be blood?

16 A This item was not tested for blood so I can't say
17 whether or not it is, but it was not tested to be blood.

18 Q It did not test to be blood when you tested it; is
19 that right?

20 A No. And based upon my experience, there did not
21 appear to be blood on those swabs or I would have tested
22 it.

23 Q Okay. So these three people, Jamie, Jonathan and the
24 unidentified person, neither one of their blood
25 contributed to the DNA profile; is that correct?

1 A I can't say with 100 percent certainty because it
2 wasn't tested, but it did not appear to be blood on that
3 item.

4 Q So it could have been from sweat; is that what you're
5 saying?

6 A That's possible.

7 Q And it was July, so it's a possibility; is that
8 right?

9 A That's possible.

10 Q Okay. So it's possible then that Jamie Scruggs
11 manipulated this weapon and got her DNA profile on it; is
12 that correct?

13 A What do you mean by manipulated?

14 Q Touched it, maybe took the magazine out, put it back
15 in.

16 A Yes. It's possible that she touched the item and
17 left her DNA behind.

18 Q Okay. And DNA, in your opinion, is not blood?

19 A It was not tested for blood.

20 Q And it's not -- is it likely to be blood?

21 A It did not appear to be blood.

22 Q Okay. And also, from -- and then that can go for all
23 three DNA profiles; is that correct?

24 A On this item?

25 Q Uh-huh.

1 A Yes, that's correct.

2 MR. DE BRUIN: Your Honor, I have no further
3 questions.

4 THE COURT: Any redirect?

5 MS. ODOM: Very briefly.

6 REDIRECT EXAMINATION

7 BY MS. ODOM:

8 Q Ms. Goodman, if an item such as a gun touches
9 someone's body, like their leg, like if it was dropped and
10 touched their leg, could DNA be on it?

11 A That's possible, yes.

12 Q Okay. And is it possible to touch something and not
13 leave any DNA?

14 A Yes. That's also possible.

15 Q Is it possible for someone to wipe off a portion of
16 an item such as a gun and wipe away the DNA?

17 A That's possible, yes.

18 Q Is DNA more likely to be on a textured item such as
19 the grip of a gun than a smoother item?

20 A It is typically more likely that a textured item
21 would hold more DNA than a smoother item.

22 Q Is it possible that trace amounts of blood might not
23 appear to the human eye?

24 A That could be possible, yes.

25 MS. ODOM: Okay. All right. No further questions.

RECROSS EXAMINATION

BY MR. DE BRUIN:

Q When did you take the DNA profile? Or when did you test it for DNA?

A Let me refer to my chain of custody. So I took this item into my custody on November 3rd of 2020.

MR. DE BRUIN: Okay. No further questions, Your Honor.

MS. ODOM: I have nothing else for this witness.

THE COURT: All right. Thank you, Ms. Goodman. You may step down.

MS. ODOM: Can she be released from her subpoena and return back to Columbia?

THE COURT: Any objection, Mr. DeBruin?

MR. DE BRUIN: No, Your Honor.

MR. JOHNSON: The State calls Deputy Nick Bolt.
WHEREUPON,

NICK BOLT,

After having been duly sworn, testified as follows:

THE CLERK: Thank you, sir. If you would, have a seat, and state your name for the record, please.

THE WITNESS: Deputy Nick Bolt.

THE COURT: Deputy, if you want to, you can remove your mask.

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. JOHNSON:

Q Deputy Bolt, where do you work?

A Pickens County Sheriff's Office.

Q All right. What's your position there?

A I'm a deputy first class currently assigned to the Adam team within the Uniform Patrol Division.

Q Okay. Deputy Morris has explained it a little bit, but can you explain what your duties are?

A Yes. Our primary duties assigned to the Uniform Patrol Division is to respond to any type of calls for service that require a law-enforcement response.

Q So if a 9-1-1 call comes in and needs police, that's your job?

A Yes.

Q Okay. Were you in that role July 13, 2019?

A I was.

Q All right. Did you respond to the incident regarding Mr. Jonathan Rackley?

A I did.

Q All right. Can you point him out in the courtroom today?

A Yes. He's sitting over here (indicating) at the defense table in the white shirt.

MR. JOHNSON: Let the record reflect he's pointed out

1 the defendant.

2 BY MR. JOHNSON:

3 Q What address did you respond to?

4 A [REDACTED] Ruby Drive in Easley.

5 Q Is that in Pickens County?

6 A It is.

7 Q Okay. Now we have that through, can you tell me how
8 you responded to this case? What got you involved?

9 A We received a -- dispatch advised us of a possible
10 shooting incident that occurred at the -- at that address,
11 and we responded to the same Code 3, as we call it, is
12 lights and sirens activated.

13 Q Okay. Lights and sirens.

14 You got there. Who is the first person you saw?

15 A We met Ms. Angela Rackley at the front of the house.

16 Q Okay. The front of the house.

17 A Yes.

18 Q What did you do next?

19 A We asked her where the victim was at. She pointed us
20 to a building to the back right of the property. At that
21 point, we approached that building and located the victim
22 inside.

23 Q Okay. Was the defendant there?

24 A He was.

25 Q All right. Can you tell me about his disposition?

1 A I'm sorry?

2 Q How he was acting.

3 A Whenever we entered the building, I immediately began
4 giving him commands to exit the building so I could secure
5 the scene for EMS to enter and begin rendering medical
6 aid. Mr. Rackley was very confrontational with myself and
7 Deputy Morris. He did not want to exit the building.

8 Once we were finally able to get him to exit, based
9 on his demeanor, I felt that it was necessary to place him
10 in handcuffs, being detained at that point. Once we
11 advised him that we were going to do so, he again began to
12 be very confrontational with us. At one point, he did
13 swing his arm at me trying to resist being put in
14 handcuffs.

15 Q Was he being loud when he was arguing with you?

16 A He was.

17 Q All right. If you were in a neighboring house, would
18 that sound just like an argument between somebody?

19 A It could.

20 Q Okay. So you put him in handcuffs. Like I said,
21 Deputy Morris explained it a little bit. But can you give
22 the jury a brief explanation of why you clear a scene, or
23 what that means to clear a scene?

24 A So to clear a scene is basically making sure that the
25 scene is secure for EMS to respond and to do their job

1 without the possibility of a threat for further harm to be
2 done to ourselves or to them or anybody else on the scene.

3 Q Okay. To remove the threat -- to remove a threat to
4 EMS?

5 A Yes.

6 Q All right. Are you a licensed EMT?

7 A I am not.

8 Q Do you provide medical services in a scene like this?

9 A I do not.

10 Q What's your responsibility when you get to a scene
11 like that?

12 A Our responsibility is to secure the scene for EMS,
13 and once it is safe to do so, advise dispatch that it is
14 clear for them, and basically keep that scene secured
15 until they can get there to provide medical aid.

16 Q You put him in handcuffs, correct?

17 A Yes.

18 Q Why did you do that again?

19 A Based on his demeanor with him being very
20 confrontational with us, and like I said, he also, at one
21 point, swung his arm in my direction in an attempt to pull
22 away from me to place him in handcuffs.

23 Q When your job is to secure the scene for EMS, is it
24 protocol to detain someone who is swinging at you?

25 A Yes.

1 Q Was he under arrest at the time?

2 A At that time, no.

3 Q Okay. You were detaining him because he was a
4 threat, from my understanding.

5 A That is correct.

6 Q Okay. All right. We talked about Mr. Rackley's
7 disposition. Can you explain to the jury Jamie's
8 condition, the victim in this case?

9 A The victim was located sitting down. She was slumped
10 over, and I observed a large amount of a red substance,
11 which I believed to be consistent with blood, coming down
12 her face, down her legs and also a -- what you would
13 consider a puddle of blood at her feet.

14 Q Okay. Do you know what time you responded on the
15 scene?

16 A As far as what time we arrived on scene, no. I
17 believe we received the call at about 2 a.m that morning.

18 Q Okay. Does she appear that she had passed away at
19 that point?

20 A At that point, no. She was still moaning and
21 appeared to be breathing at that time.

22 Q Okay. We're going to watch your body cam in a
23 minute. We can't let you hear the audio. But can you
24 explain to the jury, I don't want to mimic it to sound
25 disrespectful but I think it's important, can you mimic

1 the sound, the moans Jamie was making?

2 A Yes. I can do my best. So when she was sitting
3 down ---

4 MR. DE BRUIN: Objection, Your Honor. Relevant.

5 THE COURT: What's your basis?

6 MR. DE BRUIN: Well, I mean -- can we approach,
7 please.

8 (WHEREUPON, a bench conference was held off the record.)

9 BY MR. JOHNSON:

10 Q All right. So without mimicking the sounds, the
11 moans of the victim, were they loud? were they quiet?

12 A They were loud.

13 Q They were loud. All right.

14 When were you able to hear those moans?

15 A It was before we entered the building, finally.
16 Throwing an approximate distance on it, from the doorway
17 of the building, about three to four feet.

18 Q You said those were loud.

19 A Yes.

20 Q All right. Once EMS arrived, what did you do?

21 A At that point, I returned to Ms. Rackley. She was
22 sitting on the front porch of the residence. I asked her
23 for her driver's license so I could begin obtaining her
24 information and getting information and also everybody
25 else's information that was on scene at the time inside

1 the residence.

2 Q And did you take a statement from her?

3 A I did. A written statement.

4 Q A written statement?

5 A Yes.

6 Q All right. And all that's on your body cam?

7 A That is.

8 Q Okay. All right. I'm going to show you what's been
9 premarked as State's Exhibit 21.

10 THE COURT: Ladies and gentlemen, as I told you with
11 the other -- or go ahead. Go ahead. I got ahead of you.

12 BY MR. JOHNSON:

13 Q State's Exhibit 21, do you recognize that?

14 A I do.

15 Q What is that?

16 A That is my body-worn camera and my in-car camera.

17 Q All right. Aside from the audio not being played,
18 have you edited this in any way?

19 A I have not.

20 Q Is this a fair and accurate representation of what
21 you saw that night?

22 A It is.

23 MR. JOHNSON: Your Honor, the State seeks to
24 introduce State's Exhibit 21.

25 THE COURT: All right. Any objection?

1 MR. DE BRUIN: Yes, sir. We've already seen
2 something similar to this. I don't think there's any need
3 to have another one that is similar.

4 THE COURT: I understand. I overrule.

5 (WHEREUPON, State's Exhibit Number 21 was admitted into
6 evidence.)

7 MR. JOHNSON: Thank you, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, they're
9 going to play the body cam of Deputy Bolt as we did with
10 the other deputy. And as I told you, there is audio on
11 the body cam, but I have made the decision to mute the
12 audio portion of the body cam. And so what you'll do is
13 just see the video portion of it.

14 MR. JOHNSON: Thank you, Your Honor.

15 (WHEREUPON, State's Exhibit 21, a video, was played in
16 open court.)

17 BY MR. JOHNSON:

18 Q All right. I'm going to stop it, timestamp
19 2:07:03 a.m.

20 Can you briefly explain to the jury where you're at
21 and who that's in the video still?

22 A Yes. So we parked in the driveway right in front of
23 the house. I exited my patrol vehicle. And that is
24 Deputy Morris in front of me. And then in just a second
25 you will see Ms. Rackley come from the right side of that.

1 Q You pulled up, you jumped out of the car?

2 A Yes.

3 Q And what are you doing here?

4 A So at this point, I had asked Ms. Rackley where the
5 defendant was located at. She did not answer me. At this
6 point with the house being the biggest threat, at that
7 time not knowing where he was, I was going to clear the
8 house. But once she advised us that they were still in
9 that building is when I came back around to the side.

10 Q Pause it at 2:07:30, taking it up again.

11 This is you walking around to the back?

12 A Yes.

13 Q What are you doing here?

14 A So at this point, obviously, making contact with the
15 defendant, observing the victim. At this point, I'm
16 giving him commands to exit the building so that we can
17 secure it.

18 Q Just clearing the scene for the EMS that you're
19 telling us about?

20 A Yes.

21 At this point here, this is where we decided he
22 needed to be detained based on his demeanor.

23 Q Were you there when you -- they put -- you both put
24 him in handcuffs?

25 A Yes. We -- we placed him in two sets of handcuffs.

1 Q Did you notice his clothes to be covered in blood?

2 A I didn't observe any at the time.

3 Q Did you notice his hands to be covered in blood?

4 A I did not.

5 Q So at this point, it's showing the victim at 2:08:51.
6 Was she making noise at this time?

7 A She was. She was still moaning at that time, and I
8 was actually trying to talk to her to see if I could
9 receive any type of verbal response.

10 Q That's when you're bending down, you're trying to
11 talk to her?

12 A Yes.

13 Q Okay. Besides the loud moaning, does she ever
14 respond to you?

15 A Verbally, no.

16 Q While we're watching this, can you briefly explain
17 that shed, kind of the structure itself for the jury?

18 A Yes. So lengthwise it's probably approximately about
19 16 feet long and about 9 to 10 feet deep. Very cluttered.
20 Not a whole lot of movement room, so to speak. And it's
21 just composed of boards and tarp and screens.

22 Q Okay. Behind her -- well, you're looking around the
23 building while you're waiting on EMS. What are you
24 looking for?

25 A So I was trying -- I was attempting to see if I could

1 locate a firearm anywhere, obviously, because at this
2 point, we had determined that she had been -- sustained a
3 gunshot wound.

4 Q Did you find it?

5 A I did not.

6 Q Did you see any firearm?

7 A I did not.

8 Q So behind her, you said there are screens and tarps
9 around the building.

10 A Yes.

11 Q Directly behind and to the left of the victim, was
12 there screens there or was that wood?

13 A It appears to be wood.

14 Q And based on the blood, when you saw the pools of
15 blood, did it appear that the body had been moved?

16 A No.

17 Q Did you see any drag marks?

18 A I did not.

19 Q So you only saw blood pooling at her chair there.

20 A That's correct.

21 Q I'm going to skip ahead a little bit. We're at
22 2:11:37. I believe it shows you looking for the gun some
23 more.

24 So who is this on scene now at 2:12 or 2:13?

25 A So this is EMS. This is EMS, and fire rescue was

1 also on scene. They responded as well.

2 Q So you let EMS in there. Is it not also part of your
3 job to secure a crime scene?

4 A It is.

5 Q Why didn't you do that here? Why did you let EMS in?

6 A They had to render medical aid.

7 Q Is that your first priority?

8 A Yes.

9 Q Okay.

10 A After we secure the scene, that is.

11 Q After you secure the scene, the next priority is
12 getting her help.

13 A That's correct.

14 Q Now, when EMS comes to a crime scene, do you ask them
15 to limit who they bring?

16 A No.

17 Q Okay. However many they need, you let in?

18 A That's correct.

19 Q Who was this other deputy here?

20 A That is my lieutenant at the time, Lieutenant Andrew
21 Rackley.

22 Q And during all this, is she still making noise?

23 A Yes.

24 Q She's still breathing?

25 A She still appeared to be breathing and moaning at

1 that time, yes.

2 Q Now, have you assisted EMS before?

3 A I have.

4 Q Okay. Is it common to put a blanket over the victim
5 like that?

6 A Yes.

7 Q Okay.

8 A Yes. Anytime they're really planning on transporting
9 somebody to the hospital, they typically do that.

10 Q It's not like a death pall that you put over a dead
11 body.

12 A No.

13 Q Okay. And there's more on your video, but we'll stop
14 it there at 2:15:59.

15 Briefly, to go back when you got the statement from
16 the defendant's mother, Angela Rackley, can you tell us
17 about her demeanor there?

18 A She was upset. She wasn't -- she wasn't hyper. She
19 was just upset.

20 Q Did you tell her what to write?

21 A I did not.

22 Q Were you pressuring her to give any narrative?

23 A No, I was not.

24 Q What's the process of getting someone to write a
25 statement?

1 A So we just -- we have a voluntary statement form.
2 You put their name and their information on there, and
3 then you tell them to write what they observed or heard or
4 saw in their own words. And then after they complete
5 that, they sign it down at the bottom stating that ---

6 Q They write what they want to write.

7 A Yes.

8 MR. JOHNSON: I don't have any further questions for
9 you. Answer any questions defense may have.

10 THE COURT: Cross-examination.

11 CROSS EXAMINATION

12 BY MR. DE BRUIN:

13 Q You testified earlier -- you testified earlier that
14 Jonathan was confrontational. Is it more accurate that he
15 was yelling for help for her?

16 A He -- he was yelling for help, yes.

17 Q So he's telling -- asking you to help her?

18 A Correct.

19 Q Okay. So when you're saying "confrontational," he's
20 really being confrontational because he wants you to help
21 her; is that right?

22 A I guess at that time, yes.

23 Q Okay. And is it more accurate to say that he only
24 swung his arms only after you two told him you were going
25 to put him in handcuffs?

1 A Whenever we was attempting to put him in handcuffs is
2 when he did that, correct.

3 Q So he didn't swing at you prior to. It was only when
4 you were putting him in handcuffs.

5 A That is correct.

6 Q Okay. And you didn't put anybody else in handcuffs.

7 A No.

8 Q At no time did he try to run away from you.

9 A No, he did not.

10 Q Again, he wasn't found in the woods or hiding
11 somewhere. He didn't get in his car and try to leave,
12 right?

13 A No.

14 Q What was on Jamie's head when you got there?

15 A What was on her head?

16 Q Head, on her head.

17 A Oh, the white object that was on -- it appeared to be
18 a towel.

19 Q A towel, right.

20 And Jonathan was holding that towel, wasn't he, when
21 you came in?

22 A I don't -- I don't remember observing him holding it.

23 Q Okay.

24 A I just remember him -- he was standing over her.

25 Q Okay. And a towel was in the proximity and he

1 was ---

2 A Yes. I believe it was already on her head. And like
3 I said, I don't remember seeing him actually holding it as
4 if he was applying pressure or anything.

5 MR. DE BRUIN: No further questions, Your Honor.

6 THE COURT: Any redirect?

7 MR. JOHNSON: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. JOHNSON:

10 Q When Jonathan resisted you ---

11 MR. DE BRUIN: Objection, Your Honor.

12 MR. JOHNSON: I haven't even asked the question.

13 THE COURT: What's the basis?

14 MR. DE BRUIN: That's pretty inflammatory as far as
15 -- I think he's testifying as far as -- for the witness as
16 far as resisting.

17 MR. JOHNSON: Your Honor, the defense counsel
18 mentioned resisting.

19 THE COURT: Yeah. I'll allow it.

20 MR. JOHNSON: I can change my question.

21 THE COURT: Just rephrase.

22 BY MR. JOHNSON:

23 Q Okay. After your interaction with the defendant, did
24 he -- did you inform him that he was under arrest?

25 A We did not. Not at that time.

1 Q What did you tell him?

2 A We advised him that he was just being detained and
3 that he was not under arrest. Anytime that we detain
4 somebody, we make that very clear that you are not under
5 arrest at this time.

6 Q Did you tell him you were clearing the scene for EMS?

7 A I don't recall. I -- I told him multiple times prior
8 that we needed to clear that scene before I could get EMS
9 or get any medical help to her.

10 Q And he resisted. Or he didn't want to be in cuffs.

11 A That is correct.

12 Q Okay. Now, you didn't put Ms. Rackley in handcuffs.

13 A Correct.

14 Q Why is that?

15 A She was not being confrontational with us. She was
16 standing out of the way. She was not causing any
17 interference with us at that time.

18 Q Did you consider her a threat?

19 A I did not.

20 Q At any point, did you think she was threatening
21 police officers?

22 A I did not.

23 Q Okay. Was she inside the scene when you were out --
24 or inside the shed when you were out?

25 A No. She was -- she was outside on the side of the

1 house.

2 MR. JOHNSON: Okay. No further questions.

3 THE COURT: Anything else?

4 MR. DE BRUIN: No, Your Honor.

5 THE COURT: All right. Thank you, Deputy.

6 MS. ODOM: Judge, we can go ahead and do another
7 witness if you're good with keep going.

8 THE COURT: That would be good, yeah.

9 MR. JOHNSON: Your Honor, we would ask that he be
10 released from his subpoena.

11 THE COURT: Any objection?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: He is released.

14 MR. JOHNSON: Next the State calls Lieutenant Andy
15 Rackley.

16 WHEREUPON,

17 ANDREW RACKLEY,

18 After having been duly sworn, testified as follows:

19 THE CLERK: If you would, have a seat, and state your
20 name for the record, please.

21 THE WITNESS: Andrew Rackley.

22 DIRECT EXAMINATION

23 BY MR. JOHNSON:

24 Q All right. Lieutenant, your last name is Rackley.
25 Any relation to the defendant in this case?

1 A No, sir.

2 Q Where do you work and what's your position?

3 A I work at the Pickens County Sheriff's Office. I'm
4 currently the lieutenant over the Professional Standards
5 Office.

6 Q Okay. What -- briefly, what does the Professional
7 Standards Office do?

8 A Basically, I oversee the general orders of the
9 sheriff's office, which is our policy and procedures, and
10 internal affairs.

11 Q Okay. Did you have that job July 13, 2019?

12 A No, sir, I didn't.

13 Q What was your title then?

14 A I was assigned as the lieutenant of the Adam team,
15 which is part of the Uniform Patrol Division.

16 Q All right. At that time, was that the team with Bolt
17 and Morris?

18 A Yeah.

19 Q Deputy Bolt and Deputy Morris?

20 A Yes.

21 Q Were you their lieutenant?

22 A I was.

23 Q You were their boss.

24 A Yes.

25 Q Okay. Can you briefly explain your responsibilities

1 being lieutenant over Uniform Patrol?

2 A Basically, I oversee all the day-to-day dealings with
3 the public from the uniform road patrol aspect. I oversee
4 a sergeant, a corporal and six uniform patrol deputies
5 that respond primarily to 9-1-1 calls and other calls for
6 service.

7 Q All right. On the night of the incident July 13 of
8 '19, did you respond to [REDACTED] Ruby Drive?

9 A I did.

10 Q Can you tell the jury how you came to get there?

11 A Communications had given a callout over the radio of
12 a female with a gunshot wound.

13 Q Okay. Did you run lights and sirens to get there?

14 A I did.

15 Q Is it your call to decide when lights and sirens are
16 allowed or not?

17 A It is. It's my responsibility to let deputies know
18 what response they need to respond to a call for service.

19 Q What happened this night?

20 A On this night, both units that were responding, I
21 cleared them to respond Code 3 or lights and siren.

22 Q You say both units. Deputy Morris and Deputy Bolt?

23 A Yes.

24 Q Okay. All right. When you get on scene, tell the
25 jury what happened from there.

1 A When I get on scene, I'm walking up to an area I
2 figure to be where the victim is located. At that time,
3 to my right side I see Deputy Morris and the defendant
4 standing off to the right side of the building outside of
5 the building. At that time, I proceed into the storage --
6 or the outbuilding area where I made contact with Deputy
7 Bolt who is standing next to the victim.

8 Q All right. Did you give Deputy Morris any
9 instructions on what to do with the defendant?

10 A Well, once I got inside and came back out, I told him
11 to place the defendant in his vehicle separate from his
12 mother who was the other person that was on scene at that
13 time.

14 Q Now, you just arrived on scene. Did you know what
15 was going on when you first rolled up?

16 A I had a brief idea just based on what Communications
17 had relayed to me en route to the call.

18 Q Okay. Why would you ask for the defendant to be
19 placed in a police car?

20 A Communications had told me -- or told us responding
21 that a Jonathan Rackley was a possible suspect.

22 Q Did you go into the crime scene at all, into the
23 shed?

24 A I did.

25 Q All right. Can you give the jury -- explain what you

1 saw?

2 A Basically, this -- this outbuilding was constructed
3 of multiple types of media, I would say, plywood, tarping,
4 lumber, regular like plywood, you know, lumber like that.
5 And inside there was like seating areas where there were
6 chairs. There was a ATV in there and just miscellaneous
7 items. It was kind of cluttered in there.

8 Q Had the medics taken the victim away at that point,
9 or was she still on the scene?

10 A No. She was still on scene when I got there.

11 Q I'm going to show you what the State has premarked as
12 State's Exhibit 22 and 23. Do you recognize those?

13 A I do.

14 Q What are they?

15 A Those are photographs I took prior to EMS getting on
16 scene to do treatment.

17 Q You took these photographs?

18 A I did.

19 Q Are they a fair and accurate representation of what
20 you saw that night?

21 A They are.

22 MR. JOHNSON: Your Honor, the State seeks to
23 introduce State's 22 and 23.

24 THE COURT: Any objection from the defense?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: All right. Exhibits 22 and 23 are
2 admitted without objection.

3 (WHEREUPON, State's Exhibit Numbers 22 and 23 were
4 admitted into evidence.)

5 BY MR. JOHNSON:

6 Q You get on the scene, you walk in the building. We
7 just watched the body cams of the two deputies that arrive
8 before you. This is that scene?

9 A Yes.

10 Q Did you move the body at all before you took these
11 photographs?

12 A You said the body, sir?

13 Q Yes, sir.

14 A No, sir.

15 Q I guess it's not a body. She's still alive. But she
16 hadn't been moved.

17 A No, sir.

18 Q Okay. I'm going to show you State's 23. What is
19 that?

20 A That is the area beneath Ms. Scruggs, below her feet.

21 Q How much time elapsed in between those two
22 photographs?

23 A Approximately two seconds.

24 Q So it was a click, click.

25 All right. When you arrived on scene, you took these

1 pictures. Can you explain to the jury, again, what the
2 state of the victim was? Was she conscious? Was she
3 alive? Was she breathing?

4 A She -- she was making sounds. In my experience of
5 20 years of law enforcement, those were not viable sounds.

6 Q But had she passed?

7 A At that time?

8 Q Yes, sir.

9 A No.

10 Q Now, you're a lieutenant, but do you wear a body cam,
11 or did you back in 2019?

12 A I did.

13 Q I'm going to show you what's been premarked as
14 State's Exhibit 24. Do you recognize that?

15 A I do.

16 Q What is that?

17 A That is a copy of the body camera footage and my
18 in-car footage from that night.

19 Q Aside from there being no audio, has that been edited
20 in any way?

21 A No.

22 Q It's a fair and accurate representation?

23 A Yes.

24 MR. JOHNSON: All right. Your Honor, the State seeks
25 to introduce State's Exhibit Number 24.

1 THE COURT: Any objection?

2 MR. DE BRUIN: Yes, Your Honor. Again, we've seen
3 something similar to this already. This is cumulative at
4 this point. I'd ask you to exclude it.

5 THE COURT: I note your objection. Overruled.

6 (WHEREUPON, State's Exhibit Number 24 was admitted into
7 evidence.)

8 THE COURT: Ladies and gentlemen, again, this is
9 another body cam. As I've told you, there was audio on
10 all the body cams, but I have made the decision just to
11 mute the audio.

12 MR. JOHNSON: Your Honor, without the audio, it is
13 the same scene, obviously. It shows him taking pictures.
14 But we're not going to seek to introduce it. We just want
15 to put it in evidence in case the jury has any questions
16 later.

17 Lieutenant Rackley, thank you. I have no further
18 questions. Please answer any questions Mr. DeBruin may
19 have.

20 CROSS EXAMINATION

21 BY MR. DE BRUIN:

22 Q Lieutenant Rackley, did you assist with anything else
23 other than what you provided in your statement?

24 A The only thing I assisted with was -- oh, in my
25 statement?

1 Q Yeah. Do you ---

2 A No, sir.

3 Q So what you said in your statement was pretty much
4 everything that you assisted with in this case.

5 A Other than talking with Angela Rackley on scene.

6 Q Okay. So you didn't help with any kind of forensics
7 or anything like that?

8 A No, sir.

9 MR. DE BRUIN: Okay. No further questions, Your
10 Honor.

11 THE COURT: Any redirect?

12 MR. JOHNSON: None, Your Honor.

13 THE COURT: All right. Thank you, Lieutenant.

14 THE WITNESS: Thank you.

15 MS. ODOM: Your Honor, I think this is a good
16 stopping point for the day, if that's all right with you.

17 THE COURT: All right. Ladies and gentlemen, we've
18 come to the end of, I guess, sort of the second day.

19 As I've told you, please do not discuss the case when
20 you get home tonight. And I hope all of you have a good
21 night. We'll resume back here tomorrow morning at 9:30.
22 So I hope everybody has a good night.

23 (WHEREUPON, the jury exits the courtroom at 4:40 p.m.)

24 THE COURT: One thing, I want to go on the record
25 that as far as the videos were concerned, I had obviously

1 ruled pretrial, but I'm going to go on the record on my
2 analysis and my decisions.

3 As far as the video and the audio, I reviewed all of
4 the body-cam footage, and it was my opinion that it was
5 relevant. The audio part of it, in my opinion, was -- the
6 unfair prejudice substantially outweighed the probative
7 value, so that's why I kept the audio portion out of it.

8 As far as the video, I also analyzed it under the
9 relevancy provision, determined that it was relevant. I
10 then also looked at a 403 and determined that the unfair
11 prejudice did not substantially outweigh the probative
12 value, and therefore, allowed the video portion of the
13 body cams to go into evidence.

14 All right. Anything from the State before we
15 adjourn?

16 MS. ODOM: Nothing from the State.

17 THE COURT: Anything from the defendant?

18 MR. DE BRUIN: No, Your Honor.

19 THE COURT: All right. I'll see everybody here at
20 9:30.

21 (WHEREUPON, proceedings recessed at 4:41 p.m.)
22
23
24
25

1 testimony. State?

2 MR. JOHNSON: Thank you, Your Honor. The State calls
3 Chief Deputy Chad Brooks.

4 WHEREUPON,

5 CHAD BROOKS,

6 After having been duly sworn, testified as follows:

7 THE CLERK: If you would, have a seat, and state your
8 name for the record, please.

9 THE WITNESS: My name is Chad Brooks.

10 DIRECT EXAMINATION

11 BY MR. JOHNSON:

12 Q Good morning, Chief Brooks.

13 A Yes, sir.

14 Q How long have you been with the sheriff's office?

15 A A little over 32 years, sir.

16 Q 32 years.

17 What's your position there?

18 A Currently, I'm chief deputy or the assistant sheriff.

19 Q Chief deputy, assistant sheriff.

20 A Yes, sir.

21 Q Briefly explain to the jury what your
22 responsibilities are as chief deputy.

23 A Basically, I'm next in line under the sheriff, so I'm
24 responsible for the day-to-day management and operation of
25 the sheriff's office.

1 Q Are there other chief deputies?

2 A No, sir.

3 Q So your only boss is the sheriff.

4 A Yes, sir. That's correct.

5 Q Were you in that role July 13, 2019?

6 A No, sir. Actually, I was -- at that point in time, I
7 was the captain over the Detective Division.

8 Q So you were in charge of the detectives?

9 A Yes, sir.

10 Q Okay. Did you respond to this incident scene ---

11 A I did.

12 Q --- July 13th?

13 A I did.

14 Q All right. Can you tell the jury about your
15 involvement once you arrived?

16 A Certainly. In the early morning hours of July 13th
17 of 2019, I was contacted to respond to [REDACTED] Ruby Drive in
18 Easley. Once I arrived on scene, I spoke with Lieutenant
19 Andy Rackley, who was the Uniform Patrol supervisor on
20 scene at the time, just to advise me of the facts as he
21 knew them at that time.

22 Q All right. So you got there. Were you involved in
23 any of search? Or was the victim, was she still there
24 when you got there?

25 A No, sir. She had been transported.

1 Q Okay. Were you involved -- did you search anything?

2 A Yes, sir. After speaking with Lieutenant Rackley, I
3 also spoke with Detective Daniel Cochran, who was already
4 on scene sitting in his vehicle. So I went over and
5 briefly spoke with him. He advised me he was in the
6 process of typing a search warrant for the residence. I
7 told Detective Cochran, due to the circumstances and the
8 scene and the fact that we needed to execute a search
9 warrant, that I was going to notify additional personnel
10 to respond.

11 Q When that search warrant came back, were you involved
12 in the search?

13 A Yes, sir, I was.

14 Q Can you tell the jury what you searched?

15 A After the search warrant was obtained, I first walked
16 around to the back side of the residence where there was
17 an outbuilding where the incident allegedly happened. I
18 entered the outbuilding. There were some other detectives
19 already inside beginning their search.

20 But once I entered the outbuilding, I noticed a small
21 round blue chair. I believe it has Star Wars on it. But
22 in front of that chair was a large pool of blood. Also,
23 to the right-hand side of that chair, there was a wooden
24 wall that I noticed some blood splatter down that wall.
25 But there was another -- detectives already searching that

1 area, so I exited the building, and one of them began to
2 search the back porch area.

3 Q All right. So the jury doesn't have all the photos
4 yet.

5 A Yes, sir.

6 Q But I believe this one shows -- so obviously,
7 Ms. Scruggs was not there at that point.

8 A That's correct.

9 Q With the laser pointer up there, can you point at
10 which wall had that blood splatter on it?

11 A It would have been to the right-hand side of her
12 right over here (indicating).

13 Q To the right-hand side of the victim?

14 A Yes, sir.

15 Q All right. So after that, after you saw that, what
16 did you do next? Or were you involved in the search of
17 the shed?

18 A No, sir, I was not.

19 Q So what did you do next?

20 A I exited the outbuilding, and I proceeded up to the
21 back porch area of the residence.

22 Q All right. They've heard a little bit about the
23 porch, but can you briefly explain the porch for
24 everybody?

25 A It was obviously an addition to the back side of the

1 residence. It was mainly 2x4 and plywood. When you
2 approach the back side of the residence, you went up a set
3 of steps, and directly in front of that was a washing
4 machine. I think a door to the left, I think I remember
5 an air conditioner.

6 But I walked up and began to search around the
7 washing machine. I opened the washing machine first and
8 noticed what appeared to me to be freshly washed clothes
9 inside the washer.

10 Q Freshly washed. How could you tell they were freshly
11 washed?

12 A Well, if you've ever gotten clothes out of a washing
13 machine, after it spins, all those kind of stuck to the
14 side is about the best way to describe it, but still damp.

15 And just above that was a cabinet. It's a homemade
16 type cabinet, just kind of wooden structure with cabinet
17 doors on it. I opened one of those cabinet doors, and on
18 the left-hand side, I noticed a pistol.

19 Q Noticed a pistol. Okay.

20 A Yes, sir.

21 Q And that cabinet was closed, you said?

22 A Yes, sir, it was.

23 Q Okay. Briefly going back, when you exit the shed ---

24 A Yes, sir.

25 Q --- and you're trying to get inside the house ---

1 A Yes, sir.

2 Q --- how many back doors are there?

3 A Just the one.

4 Q The one on the shed -- or, excuse me, the one on the
5 back porch.

6 A Yes, sir. That's correct.

7 Q So if you're leaving the shed, the only door to get
8 back into the house is going to the porch by the washing
9 machine?

10 A That's the closest door to go.

11 Q Okay.

12 A You can go around the house and come in the front
13 door, obviously.

14 Q You searched the washing machine. You said the
15 clothes were recently washed.

16 A Yes, sir.

17 Q And then you went and opened the cabinet above the
18 washing machine.

19 A That's correct. Yes, sir.

20 Q I'm going to show you what's been premarked as
21 State's Exhibit 25, 26, and 27. Do you recognize those
22 photographs?

23 A Yes, sir, I do.

24 Q What are those?

25 A Those are photographs of the cabinet right above the

1 washer, a little closer view of the cabinet where you can
2 see the firearm, and even a closer photo of the firearm.

3 Q Okay. Did you take these photographs?

4 A I did not.

5 Q You did not. Who did?

6 A Detective Brian Langston ---

7 Q Okay.

8 A --- with the Forensics Unit.

9 Q He's the Forensics Unit?

10 A Yes, sir.

11 Q All right. I know you were captain. Do captains
12 carry around cameras?

13 A No, sir.

14 Q Okay. But this is a fair and accurate representation
15 of what you saw?

16 A Yes, sir, it is.

17 Q Okay. Were you on scene when he took those pictures?

18 A Yes, sir, I was.

19 MR. JOHNSON: Okay. Your Honor, the State seeks to
20 introduce State's Exhibit 25, 26, and 27.

21 THE COURT: All right. Any objection from the
22 defendant?

23 MR. DE BRUIN: No, Your Honor.

24 THE COURT: All right. Exhibits 25, 26, and 27 are
25 admitted into evidence without objection.

1 (WHEREUPON, State's Exhibit Numbers 25, 26, and 27 were
2 admitted into evidence.)

3 BY MR. JOHNSON:

4 Q I'm going to show you State's 25. I know you just
5 explained it. Now that the jury can see it, can you
6 explain that again?

7 A Well, you see the top part of the washing machine
8 there to the left-hand side of the photo at the bottom,
9 and just to the right-hand side above it is the cabinet I
10 was referring to. Kind of a homemade cabinet with cabinet
11 doors on it.

12 Q All right. This door here (indicating) that's open,
13 was it open when you first walked into the shed?

14 | A No, sir.

15 Q Or the back porch. Excuse me.

16 A No, sir. It's closed.

17 Q All right. Where's the gun in here?

18	A Just to the left-hand side of that box.

19	Q	Tucked in behind the box?

20 A Yes, sir. Right in there.

21 Q All right. State's 26, I believe you said this is
22 just the same photograph, you just zoomed in -- or the
23 other deputy zoomed in?

24 | A Yes, sir.

25 Q And, again, you see that gun?

1 A Yes, sir.

2 Q All right. And finally, State's 27, is that the same
3 firearm?

4 A Yes, sir.

5 Q Tucked in behind that box?

6 A Yes, sir. It was kind of to the side of the box,
7 yes, sir.

8 Q Now, it's got some red substance on it.

9 A Yes, sir.

10 Q What did you expect that to be?

11 A I assumed it's blood.

12 Q And that was on the gun?

13 A Yes, sir.

14 Q All right. Did you walk anywhere else inside the
15 house?

16 A Yes, sir. I kind of meandered through the house just
17 observing other detectives. They were searching different
18 areas.

19 Q Okay. You were just the boss on scene watching
20 everybody else work.

21 A Yes, sir.

22 Q Okay. At any time, did you see any bloody clothes?
23 Aside from what Mr. Rackley was wearing, did you see any
24 bloody men's clothing?

25 A No, sir, I did not.

1 Q Okay. Did you see any dirty men's clothing?

2 A No, sir, I did not.

3 Q Okay. After that, did you speak to anybody else
4 that's not law enforcement?

5 A Yes, sir. I actually interviewed and took a
6 statement from Angela Rackley, Mr. Rackley's mother.

7 Q The defendant's mother?

8 A Yes, sir.

9 Q Okay. How did she appear to be when you were talking
10 to her?

11 A She appeared to be fine, a little -- she told me she
12 was tired, of course, and we had the conversation because
13 we'd been there pretty much all night.

14 Q And did she write her own statement?

15 A No, sir. She actually requested that I write it
16 because I asked -- I asked her if she'd provide me a
17 statement. She agreed to, but she wanted me to write it
18 because she said she was tired ---

19 Q Okay.

20 A --- is what she expressed to me.

21 Q Is that something you do or is that standard
22 practice?

23 A That's standard practice, yes, sir.

24 Q Did you speak with anybody else on scene?

25 A Yes, sir. Later in the evening -- or later in the

1 morning, I should say.

2 Q The next morning.

3 A Yes, sir.

4 Q July 13th.

5 A Yes, sir.

6 Q Who was that?

7 A I believe it was Richie Scruggs, I think was his
8 name. It was the -- the husband of the victim.

9 Q Okay. Without saying what he said ---

10 A Right.

11 Q --- how did that conversation go? Was it angry? Did
12 he fight?

13 A No, sir. It was rather cordial, actually.

14 We were still on scene, and I saw this individual
15 male walking off the roadway down the driveway of the
16 residence. So, of course, we still had the scene secure,
17 executing the search warrant.

18 So I approached him and asked who he was, what he was
19 doing because we still had an active scene there. And he
20 just advised me, told me his name and said that he -- he
21 was notified that his wife was there and something had
22 happened to her. I asked him who his wife was. She [sic]
23 told me. And he asked me what would happen. And I told
24 him I couldn't go into any details about that at that
25 time. I advised him we were still on scene, it would be

1 active for a while, that the best thing he could do was
2 just return to his residence and a detective would be in
3 contact with him shortly.

4 Q But you said he was calm?

5 A Yes, sir.

6 Q Is that common for -- you said you've been at the
7 sheriff's office 30 years -- for loved ones of people that
8 have been killed to ask questions?

9 A Absolutely. Yes, sir.

10 Q Okay. And was he just searching for answers?

11 A Yes, sir.

12 MR. JOHNSON: Okay. I don't have any further
13 questions for you at this time.

14 THE WITNESS: Yes, sir.

15 THE COURT: Cross-examination?

16 MR. DE BRUIN: Yes. Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. DE BRUIN:

19 Q Detective Brooks, do you know what time the 9-1-1
20 call was?

21 A No, sir, I don't.

22 Q Okay. Does about 1:51-ish, 1:55 sound accurate?

23 A That would probably be about accurate, yes, sir.

24 Q And you understand that Deputy Brooks [sic] got on
25 scene around 2:10 in the morning?

1 A I'm sorry. I couldn't hear you.

2 Q Deputy Brooks, that he -- or deputies actually got
3 there on scene -- I'm sorry. Your name is Brooks.

4 A Yes, sir.

5 Q Morris got on scene around 2:10; is that right?

6 A I don't know exactly.

7 Q Okay. Does that sound about right, though?

8 A Without looking at the CAD sheet or anything, I
9 couldn't tell you.

10 Q Okay. All right. A lot's been made about this wash
11 -- the clothes in the wash. Do you wash your clothes
12 pretty often?

13 A Well, most of the time my wife washes them, to be
14 honest with you.

15 Q Okay. Your wife does?

16 A Yes, sir.

17 Q Okay. The washing machine cycle run more than
18 30 minutes? around 30 minutes?

19 A I would assume. I have no idea, to be honest with
20 you.

21 Q All right. No officers said that the washing machine
22 was running when they got there that they noticed.

23 A Okay.

24 Q Is that right? I mean, have you heard anything about
25 the washing machine running when you -- that officers

1 arrived on scene and the washing machine was running?

2 A When I was on scene, there would have been no way I
3 could have heard a washing machine running from where I
4 was at the front of the residence.

5 Q Okay. But nobody has said to you or you haven't
6 heard from anybody else the washing machine was running?

7 A Nobody's mentioned that to me, no, sir.

8 Q Okay. And you said that this outbuilding and the
9 house are pretty close together; is that right?

10 A Yes, sir. Fairly close.

11 Q And the washing machine is actually on the back deck;
12 is that right?

13 A It is. It's actually the back porch area, yes, sir.

14 Q Okay. And the cabinet that the gun was found, that
15 was actually above that washing machine; is that right?

16 A Yes, sir.

17 Q So not inside the house. It was outside of the
18 house.

19 A It was on the porch, yes, sir.

20 Q It was on the porch. Okay. So the gun was not found
21 outside of the house. It was found on the porch of the
22 house.

23 A Yes, sir.

24 Q Relatively close to the outbuilding where Jamie was.

25 A Yes, sir.

1 Q Okay. And, again, you testified that you found the
2 gun; is that right?

3 A Yes, sir, I did.

4 Q Okay. And it was in the cabinet right above the
5 washing machine that was close to the outbuilding where
6 she was shot; is that right?

7 A Yes, sir.

8 Q It wasn't behind anything. You said it was kind of
9 on the side, not tucked in behind the box. It was beside
10 a box; is that right?

11 A It was kind of tucked beside -- between the box and
12 the wall of the cabinet, yes, sir.

13 Q Okay. And there's lots of junk inside this box
14 inside this cabinet; is that right?

15 A Yes, sir.

16 Q What about on the floor? Is there junk on the
17 floor?

18 A There's stuff scattered around, yes, sir.

19 Q Okay. So if someone is going to hide a gun, that
20 wouldn't be a very optimal place to hide a gun, would it
21 be?

22 A Depends on how quickly you wanted to get it hidden.

23 Q All right. But, again, not the greatest hiding spot
24 in the world, you would agree; is that right? The cabinet
25 right outside, ten feet away from -- or a few feet away

1 from where she was shot.

2 A I'm not sure exactly what you're trying to ask me.

3 Q Okay. I think everybody got the point that ---

4 A Yes, sir.

5 Q Anyway. All right. So you made a big deal about
6 these washing these clothes.

7 How long have you been doing this again?

8 A A little over 32 years.

9 Q 32 years?

10 A Yes, sir.

11 Q And you're a supervisor, you're the boss on scene.

12 A Yes, sir.

13 Q Okay. Did anybody take the clothes out of the
14 washing machine?

15 A I do not know, sir.

16 Q Did anybody take them into evidence?

17 A Not that I'm aware.

18 Q Nobody took them into evidence at all.

19 A No, sir.

20 Q So these clothes that everybody's making a big deal
21 about, you guys didn't even bother to get them out of the
22 washing machine and put them into evidence at all.

23 A But once they're washed, they would have lost any
24 evidentiary value, pretty much.

25 Q You know that for a fact? You're a scientist?

1 A I'm not a scientist.

2 Q Okay. So you don't know that for a fact, do you?

3 A Common sense kind of indicates that.

4 Q Common sense. But you don't know that for a fact.
5 Just answer the question.

6 A I do not, sir.

7 Q Okay. When you were interviewing Angela Rackley ---

8 A Yes, sir.

9 Q Your deputies, do they wear body cameras?

10 A Yes, sir. Uniform Patrol guys do.

11 Q Do you ever wear a body camera?

12 A No, sir.

13 Q Okay. So you didn't record this conversation you had
14 with Angela?

15 A I did not.

16 Q So all we can go off of is what you said and what you
17 wrote?

18 A What she indicated and I wrote on the statement, yes,
19 sir.

20 Q Okay. But there's nothing on camera that we have
21 been able to see or know to verify what you put in there
22 is accurate of what she said.

23 A Well, she signed it.

24 Q Well. We also saw that she could be easily
25 influenced, as well. So ---

1 MR. JOHNSON: Objection, Your Honor. That wasn't a
2 question. It was testimony.

3 THE COURT: Sustained.

4 BY MR. DE BRUIN:

5 Q She was pretty tired at the time, though, she said?

6 A She told -- that's the reason she wanted me to write
7 the statement, because she was tired.

8 Q Right. And she obviously was going through a pretty
9 bad situation.

10 A It's a pretty traumatic experience, yes, sir.

11 Q You agree that's probably a bad situation, right?

12 A Yes, sir.

13 Q Okay. All right. So a lot of under stress, and she
14 had you write it for her.

15 A That's correct. Yes, sir.

16 Q Again, nothing's on video camera to validate what you
17 wrote in the statement.

18 A No, sir.

19 MR. DE BRUIN: Your Honor, if I could just have a
20 minute real quick.

21 THE COURT: Yeah.

22 MR. DE BRUIN: Your Honor, I have no further
23 questions.

24 THE COURT: All right. Any redirect?

25 MR. JOHNSON: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. JOHNSON:

Q A couple things. He made a big deal about you not going in the house to check the washing machine. Do you allow your deputies to barge in people's houses without a search warrant?

MR. DE BRUIN: Objection, Your Honor. He's misstating the facts. The washing machine has been clearly said to be on the back porch, not inside the house.

MR. JOHNSON: I'll rephrase my question, Your Honor.

THE COURT: Rephrase it.

BY MR. JOHNSON:

Q That back porch, did it have a door?

A No, sir, it did not.

Q Okay. Do you allow your deputies to go on property without a search warrant?

A No, sir. Not in that circumstance, no, sir.

Q Okay. Why don't you let them do that?

A Violation of the Fourth Amendment.

Q Violation of the Fourth Amendment.

A Yes, sir.

Q Next, what time was that search warrant conducted? What time did you see those clothes?

A Oh, it was in the early morning hours, probably

1 sometime between, I don't know, 3, 4, 5 a.m.

2 Q Okay. So 3, 4, or 5 a.m.

3 A Yes, sir.

4 Q The gunshot rang out at 1:51 -- at 1:51.

5 A Yes, sir.

6 Q You searched 3:00 to 5:00.

7 A Yes, sir.

8 Q Does it take two to three hours for a load of laundry
9 to be washed in your experience?

10 A Not that I'm aware, no, sir.

11 Q But you didn't get that search warrant and you
12 weren't able to get in the house until three to five
13 around?

14 A It was -- I don't know exactly what time, but it was
15 on up in the early morning hours.

16 Q All right. Let's talk about all this junk in this
17 room. Was any of that other junk in that room covered in
18 fresh blood?

19 A No, sir.

20 Q It was not. Okay.

21 At the time of that search warrant -- or before the
22 search warrant, had you seen the defendant at that point?
23 When you arrived, was he on scene?

24 A I think he was seated in the back of a patrol car
25 when I arrived.

1 Q Did you see him and get a good look at him?

2 A I did not.

3 Q Okay. Did you have any idea that he had changed his
4 clothes when you got on scene?

5 A No, sir, I did not.

6 Q Okay. Did you have any indication that he wasn't
7 covered in blood when you arrived on scene?

8 A No, sir, I did not.

9 Q Okay. Because at the time, why didn't you get the
10 clothes?

11 A I just figured if they had been washed, there would
12 be no evidentiary value at that point if anything had been
13 on it. I ---

14 Q You didn't know they were -- did you know they were
15 important to the case?

16 A No, sir. Not at that point. I just happened to
17 notice there was fresh -- what appeared to be freshly
18 washed clothes.

19 Q Now, your statement with Angela Rackley.

20 A Yes, sir.

21 Q You weren't wearing a body cam?

22 A No, sir, I was not.

23 Q Okay. Was that the first time law enforcement spoke
24 to Ms. Angela Rackley?

25 A No, sir, it was not.

1 Q Okay. Who spoke with her before, do you know?

2 A One of the Uniform Patrol guys. I'm not sure which
3 one.

4 Q Deputy Bolt, does that sound familiar?

5 A It could have been. He was on scene.

6 Q Was he wearing a body cam?

7 A Yes, sir, he was.

8 Q Okay. So she gave two statements.

9 A Yes, sir.

10 Q Did they conflict?

11 A I have no idea, to be honest with you. I just -- I
12 knew that Deputy Bolt's statement was not very detailed,
13 and due to the circumstances, I knew that we needed to get
14 a detailed statement from Ms. Rackley. So I went back and
15 spoke with her again.

16 Q But you knew the first time she was questioned, it
17 was reported on body cam.

18 A Yes, sir.

19 MR. JOHNSON: Okay. No further questions.

20 THE COURT: Anything from the defendant?

21 MR. DE BRUIN: Yes, Your Honor.

22 RECROSS EXAMINATION

23 BY MR. DE BRUIN:

24 Q Again, how long have you been doing this again?

25 A A little over 32 years, sir.

1 Q Okay. And you said you didn't think it would be --
2 the clothes in the washing machine wouldn't be important
3 to the case is what you initially said to the solicitor;
4 is that right?

5 A I figured once they were washed, they had lost
6 evidentiary value.

7 Q But then he said you didn't know how important they
8 would be to the case, right? So you would agree that
9 these clothes, they possibly could be important to this
10 case.

11 A I don't think that's what I said. I just said I
12 happened to notice there was freshly washed clothes, but
13 if they had been washed, then I didn't figure they had any
14 evidentiary value at that time.

15 Q So they could be important to this case.

16 A If they hadn't been washed, yes, sir.

17 Q You guys got a search warrant at some point.

18 A Yes, sir, we did.

19 Q And you never, at any time, got these clothes into
20 evidence.

21 A Not that I'm aware of, no, sir.

22 MR. DE BRUIN: No questions, Your Honor. No further
23 questions.

24 MR. JOHNSON: Nothing from the State, Your Honor.

25 THE COURT: All right. Thank you, Deputy. You can

1 step down.

2 MR. JOHNSON: Yes, Your Honor. We'd ask the chief
3 deputy be excused so he could get back to work.

4 THE COURT: Any objection?

5 MR. DE BRUIN: No, Your Honor.

6 THE COURT: All right. You're excused.

7 THE WITNESS: Thank you, sir.

8 MR. JOHNSON: Next the State calls Lieutenant Brett
9 Barwick.

10 WHEREUPON,

11 BRETT BARWICK,

12 After having been duly sworn, testified as follows:

13 THE CLERK: If you would, have a seat, and state your
14 name for the record, please.

15 THE WITNESS: Yes, sir. My name is Brett Barwick.

16 THE COURT: Mr. Barwick, if you want to, you can
17 take your mask off when you testify.

18 THE WITNESS: I appreciate that, Your Honor. I
19 wouldn't be able to see anything in a few minutes with
20 these glasses fogging up on me if I didn't.

21 DIRECT EXAMINATION

22 BY MR. JOHNSON:

23 Q Lieutenant Barwick, lieutenant -- what is your title
24 with the sheriff's office?

25 A I'm the lieutenant over the Special Operations Unit

1 which also supervises a community action team. And we
2 fall under the Criminal Investigative Division outside of
3 the sheriff's office.

4 Q All right. In that role -- were you in that role
5 when you responded to the scene in this case?

6 A Yes, sir, I was.

7 Q All right. Can you briefly tell the jury just kind
8 of how you got to that point?

9 A I received a phone call somewhere around 3 a.m. the
10 morning of the 13th, and it was from at the time Captain
11 Chad Brooks, who is now chief deputy. And if I refer to
12 him as chief and captain a couple times, I apologize. But
13 I received that phone call. He told me a little bit about
14 a situation that happened at [REDACTED] Ruby Drive in Easley and
15 asked if I'd be available to assist.

16 Q And what time do -- did you say what time you
17 responded? About what time do you think you got there?

18 A Probably got there sometime just early -- just prior
19 to 4:00.

20 Q And had a search warrant been returned at that point?

21 A No, sir.

22 Q Okay. So what did you do while you're waiting on the
23 search warrant?

24 A Well, my first reaction was to -- called Agent Chet
25 Anthony also to see if he will be able to respond who

1 works in our division, which he was able to as well. And
2 from there I got -- obviously got dressed and responded to
3 the scene.

4 Once I arrived, I met with Chief Deputy Brooks where
5 he began to brief me about the situation. And then
6 shortly thereafter, Agent Anthony arrived and also
7 Lieutenant James from the sheriff's office.

8 Q Okay. So once that search warrant came back, what
9 all did you search?

10 A Well, when I first arrived, I think Detective Cochran
11 was still in the process of obtaining the search warrant.
12 At that point in time when it was signed and it was in
13 hand, then we began the search.

14 My primary responsibility, it was the outbuilding,
15 which is a little building beyond the residence.

16 Q We've been calling it the shed. Is that -- the shed
17 is what you're talking about?

18 A Yes, sir.

19 Q The outbuilding.

20 All right. Sorry to interrupt you. Go ahead.

21 A No. You're fine.

22 So I searched, myself and several other officers
23 basically took it upon us ourselves to search that
24 outbuilding -- or shed as we want to call it.

25 Q All right. What were you looking for?

1 A It was -- we responded to a shooting incident. So at
2 the time, we were looking for anything that may pertain to
3 a shooting incident, whether it be shell casings,
4 firearms, projectiles. Anything of that nature.

5 Q Did you find any firearms?

6 A We did not find a firearm in that building.

7 Q Okay. Now, it's my understanding, aside from being a
8 lieutenant in the sheriff's office, you have some -- do
9 you do any firearms training?

10 A Well, I trained some of the guys that are on our SWAT
11 team. I have for years. I recently rotated off of it.
12 But I spent 16 years as a member of the Pickens County
13 Sheriff's Office SWAT team.

14 Q I assume firearms are a part of that job?

15 A Yes, sir. Very much so.

16 Q Just kind of give a brief overview. Assume we don't
17 know anything about the function of a firearm. Can you
18 briefly explain to the jury specifically the firing
19 mechanism and how a shell or a shell casing is ejected?

20 A Sure. We normally deal with two types of firearms as
21 far as handguns and modern firearms. One would be a
22 revolver, which if anybody here has seen a Western or seen
23 the old style wheel guns, a revolver has a -- has a round
24 cylinder that sits inside of the firearm, and each time
25 you fire or pull the trigger in that, that shell casing

1 will stay in that -- in that cylinder until it is actually
2 removed physically by -- by whoever's operating or
3 whoever's clearing that weapon. So when you shoot that
4 weapon, no firearm shell casing will eject from it.

5 The other primary type of weapon that we see is the
6 semiautomatic or automatic handguns which are a
7 magazine-fed weapon. And in those weapons, a magazine
8 containing rounds slides into the handle of the weapon,
9 and then when it's fired, the slide goes backwards. And
10 at that point in time, it ejects a shell casing out of
11 this gun. And then the slide goes forward, putting a new
12 round in the chamber so it will fire again. So in that
13 type of firearm, we would have an ejected shell casing,
14 and in a revolver, we would not.

15 Q Okay. So when it ejects that shell casing, does it
16 fall to the floor? Does it go forward? backwards?
17 straight up? What kind of -- does it have any force
18 behind it?

19 A They're a little unpredictable, but they typically
20 come out of the right side of the firearm where it's --
21 where it's set -- where the eject port is. And it flies
22 anywhere from two to six feet out of that. And normally,
23 it's supposed to kind of angle back to the back. But I've
24 been on the range and people are shooting next to me, and
25 I've had firearms actually eject shells and end up landing

1 on my vest.

2 MR. DE BRUIN: Objection, Your Honor. I think he's
3 giving too much of an opinion about the firearms. He
4 hasn't been qualified as any kind of expert or anything
5 like that. I know he's got some experience, but I believe
6 we haven't set any kind of foundation as far as getting
7 into opinion conversation like that.

8 MR. JOHNSON: Your Honor, he's not giving an opinion.
9 He's just giving the jury a general overview of how a
10 shell casing is ejected. But we'll move on. He said
11 plenty.

12 BY MR. JOHNSON:

13 Q I'm going to show you what's been premarked -- or
14 introduced as State's Exhibit 27. Is that a revolver or
15 is that one of the semiautomatic handguns that you were
16 talking about?

17 A No, sir. That is a semiautomatic handgun.

18 Q Okay. Will this one fire a shell, or will the shell
19 be ejected?

20 A Yes, sir, it would.

21 Q All right. So you search the shed looking for a
22 shell casing. How did that search -- how was that search
23 conducted?

24 A Well, when you -- when you entered the shed itself,
25 it's -- I think Lieutenant Robinson measured -- measured

1 the building. I think it's around 17x13, so it's not a
2 really big shed or building. And it was -- it was kind of
3 full with a lot of items when you walk into it. So what
4 we ran into was a situation where we -- where we just had
5 to make room to search.

6 So when you walk into the building, the only real
7 open area was basically from the front door to the corner
8 of the building where the chairs were located where the
9 incident took place. Aside from that, there were some
10 homemade -- homemade shelves along one wall, and then that
11 also had a lower tier shelf on it. And they were both
12 covered with items, whether it be tools, oils, WD-40.
13 There was a mini fridge on top of one of these shelves,
14 some LED light strips, radios. And there really was --
15 extension cords ran all over it. And so it was ---

16 Q So a lot of clutter, in other words.

17 A There was a lot of clutter, and then there was also a
18 four-wheeler or part of a four-wheeler was on the floor in
19 the shed along with maybe a mini bike frame or something
20 like that. So there was a lot of -- there was a lot of
21 stuff in the -- in the building.

22 Q And you might have explained it, but what's a shell
23 casing look like? We haven't introduced that yet. But
24 can you just give a brief idea of what a shell casing
25 typically looks like?

1 A Sure. They're normally brass. They are -- depending
2 on the caliber of the gun, they're cylinder shaped --
3 they're cylinder shaped brass. And then you'll have a
4 little lip at the bottom where a primer fits where it
5 actually ignites it.

6 Q Okay. So a small metallic object.

7 A Uh-huh. Cylinder shaped.

8 Q All right. I'm going to show you what's been
9 premarked as State's Exhibit 29. Do you recognize that?

10 A Yes, sir, I do.

11 Q What is that?

12 A This is the right side of the building as I was
13 describing it. This is the shelving here that I was
14 talking about also with the lower tier shelving. Yes,
15 sir.

16 Q Did you take that photograph?

17 A I did not.

18 Q Were you on scene? Who took the photograph?

19 A Detective Langston responded from the sheriff's
20 office Forensic Unit, and he took all photographs.

21 Q That's a fair and accurate representation of what you
22 saw that day?

23 A Yes, sir.

24 MR. JOHNSON: All right. Your Honor, the State seeks
25 to introduce State's Exhibit 29 into evidence.

1 THE COURT: All right. Any objection?

2 MR. DE BRUIN: No, Your Honor.

3 THE COURT: Exhibit Number 29 is admitted without
4 objection.

5 (WHEREUPON, State's Exhibit Number 29 was admitted into
6 evidence.)

7 BY MR. JOHNSON:

8 Q All right. Just to give a brief overview to the
9 jury, this is that clutter you were talking about?

10 A Yes, sir. That is some of it.

11 Q Okay. So we see in the picture where there's the two
12 chairs. What is this (indicating) down here?

13 A Blood.

14 Q Is that where the victim's chair was?

15 A I believe it was over towards this wall over here
16 (indicating). But yes, sir. The general area, yes, sir.

17 Q All right. And briefly, before we move on from
18 firearms, the 9 mm Luger round of ammunition, was that
19 shot out of a revolver or would that be a semiautomatic
20 pistol?

21 A That is ---

22 MR. DE BRUIN: Objection, Your Honor.

23 THE COURT: What's the basis?

24 MR. DE BRUIN: Again, lack of foundation.

25 THE COURT: I'll overrule. I mean, he's been a

1 law-enforcement officer and has shot weapons and been
2 involved with weapons. I'll overrule it.

3 THE WITNESS: I'm sorry. Can you repeat the
4 question, sir?

5 BY MR. JOHNSON:

6 Q I'll circle back, get to that.

7 All right. The search warrant, you begin looking.
8 What's the process of when you're in a confined space like
9 that with a lot of clutter? How is a search warrant
10 conducted?

11 A Well, we want to make sure we do a thorough search of
12 any room or any location where we're at. So in a place
13 that has a lot of clutter or that has a lot of things in
14 it, we're going to want to do a section at a time, and
15 we're going to want to go through stuff and then move it
16 to where we can get to more material. I mean, we were
17 looking -- maybe having as far as lay on the ground on
18 this place to look underneath that shelf that you saw, the
19 secondary shelf.

20 So we would -- we want to go through things time at a
21 time, basically like grid it off and then search here and
22 then we move a little bit further. Or sometimes we would
23 task that to each individual. I'm going to search this
24 part of it and someone else to search in another. But to
25 be able to thoroughly search everything, you're going to

1 have to move some stuff when it's cluttered like that.

2 Q Okay. And how do you -- how do you clear that stuff
3 out, that clutter out?

4 A Once it's searched, we'll move it to an area that's
5 open. If there's not an open area, in this particular
6 case, we moved a few items outside of the building.

7 Q Okay. In this -- sorry to interrupt.

8 A That's fine.

9 Q In this case, you said you moved some things outside?

10 A We did. We had to move some things outside so we
11 could continue searching.

12 Q Okay. And did you do that? You cleaned the whole
13 shed out pretty much while you're searching?

14 A We moved enough items where we felt comfortable we
15 could search.

16 Q Okay. At any point, did you find anything in that
17 shed of note?

18 A Yes. Eventually, a shell casing was discovered.

19 Q Where was that discovered at?

20 A It was discovered during a secondary search of all
21 the stuff we went through. And it was -- it was in a
22 chair, but I believe it had came out of some of the other
23 items that were set in that chair.

24 Q So when you sat items in that chair while you were
25 searching, did you put anything from outside the shed onto

1 that chair?

2 A Oh, no, sir.

3 Q Okay.

4 A The only things we moved from outside was completely
5 separate from anything else as far as the search of the
6 rest of the residence.

7 Q And do you remember the caliber of that shell casing
8 that was found?

9 A Yeah. I believe it was 9 mm.

10 Q All right. Now we're back.

11 State's Exhibit 27, that 9 mm shell casing you found,
12 is that typical of a revolver or a semiautomatic modern
13 handgun?

14 A It's typical of a semiautomatic.

15 Q Okay. Is that what you call that, semiautomatic?

16 A That's a semiautomatic.

17 Q Okay.

18 A A full automatic would cycle.

19 Q A semiautomatic or a revolver, right?

20 A Uh-huh.

21 Q Make sure I got my terminology right.

22 All right. So after you search the shed, what did
23 you do next? Or what else did you search?

24 A The shed was searched. We also searched the
25 defendant's bedroom. So myself and Agent Anthony searched

1 part of that as well as Lieutenant James at different
2 times. I searched the bedroom of the house.

3 And then the thing of note, we had basically saw that
4 there was a laundry hamper that was empty, and then some
5 Tide detergent pods. Noticed that in the room. But
6 didn't find anything else of evidentiary value.

7 Q I'm going to show you what's been premarked as
8 State's Exhibit 28. Once again, do you recognize that?

9 A Yes, sir, I do.

10 Q What is that?

11 A This is a photograph of the closet of the defendant's
12 room. And here is the ---

13 MR. DE BRUIN: Object.

14 THE WITNESS: Oh, I'm so sorry.

15 BY MR. JOHNSON:

16 Q Sorry about that.

17 So the closet of the defendant's room?

18 A Yes, sir.

19 Q Okay. And that's a fair and accurate representation
20 of what you saw?

21 A It is.

22 MR. JOHNSON: Okay. Your Honor, the State seeks to
23 introduce State's Exhibit 28.

24 THE COURT: Any objection?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: All right. Exhibit 28 is admitted
2 without objection.

3 (WHEREUPON, State's Exhibit Number 28 was admitted into
4 evidence.)

5 BY MR. JOHNSON:

6 Q Now we can talk about it. You can use that pointer
7 if you need to. But can you explain to the jury what
8 they're looking at here?

9 A Well, you see the -- the -- I guess the color you
10 want to call it, the laundry hamper there that's
11 completely empty, that's what I was referring to as the
12 empty clothes basket. And the yellow plastic container
13 sitting on top of the weights right there, that was a Tide
14 pod.

15 Q The one that's on the ground?

16 A Yes, sir.

17 Q You've got laundry detergent and the empty hamper.

18 A Yes, sir.

19 Q All right. What else did you search?

20 A The only other area I really searched was through the
21 kitchen. And then when I was exiting back out of the
22 residence to the building where we were continuing to
23 search there, I checked the washing machine. There was a
24 washing machine where Captain Brooks had located the
25 firearm. In the washing machine, I lifted it after seeing

1 the empty laundry basket. There were clothes fairly
2 freshly washed, you know. Stuff was on the side. And I
3 lifted a few of the items to see what they were, which I
4 identified or said they were male-oriented clothing, a
5 couple pair of cargo shorts and a larger-size T-shirt.

6 Q Okay. Now, the defendant had a nephew that lived in
7 the house with him. Were these boy's clothes? You said
8 "male." Were these boy's or men's?

9 A Seem to be men's to me size-wise. They were -- they
10 were larger.

11 Q Too big for a -- the nephew was 12.

12 A Yes, sir.

13 Q It would have been too big for that?

14 A Yeah. I mean, if it were -- it was certainly nowhere
15 near fitting someone.

16 Q At that time, did you know that the defendant had
17 allegedly changed clothes?

18 A I did not.

19 Q Did you know that the defendant was not covered in
20 blood?

21 A I did not know that either.

22 When I originally arrived on scene, the defendant was
23 in one of the patrol vehicles, and I didn't talk to the
24 defendant or see him other than silhouette through the
25 window. And I was not privy to any of that information as

1 far as clothes changing or blood on him.

2 Q Aside from the gun, was there anything else in that
3 house that was covered in blood?

4 A Nothing that I saw.

5 Q Did you see any men's clothing, dirty men's clothing?

6 A I did not. Not that were hung in the closet.

7 MR. JOHNSON: I don't have any further questions.

8 Thank you.

9 THE WITNESS: Yes, sir.

10 THE COURT: Cross-examination?

11 MR. DE BRUIN: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. DE BRUIN:

14 Q All right. Let's go back to the washing machine
15 again. In your statement, do you remember saying that the
16 clothes were still wet? The clothes appeared to belong to
17 a male, cargo shorts, T-shirts, et cetera?

18 A Yes.

19 Q So it wasn't just one pair of shorts and one shirt.

20 A No, it was not. It was a -- it was multiple layers
21 of clothes, yes, sir.

22 Q It wasn't -- so if the government is insinuating that
23 my client did a bunch of laundry, he had the presence of
24 mind to go get more laundry that he needed to wash and put
25 it all in the washing machine; is that right?

1 A Well ---

2 Q Pretty much what the government's saying here and
3 what you're saying?

4 A The only thing I'm saying is when I checked the
5 washing machine, there were clothes in it. They were wet
6 -- wet to the touch.

7 Q But there were multiple clothes, not just one pair of
8 shorts, not just one pair of shirt. It was more than one
9 of each item.

10 A Yes, sir. That was what I observed.

11 Q Okay. And they had run through the spin cycle; is
12 that correct?

13 A Yes, sir.

14 Q Okay. Did you ever do laundry before?

15 A Yes, sir.

16 Q Do you ever just do your laundry and then forget to
17 take your clothes out of the washing machine for a couple
18 -- maybe a day or so?

19 A I'd say it's ---

20 Q Maybe a few hours?

21 A Yeah.

22 Q So this -- conceivably, he could have done his
23 laundry earlier that day, washed it and just forgot to put
24 it in the dryer, right?

25 A That is correct. It was -- it was just wet to the

1 touch. I couldn't say how long it had been in there for
2 sure.

3 Q So -- but, again, you guys are insinuating that he
4 went and washed his clothes real quick. But it could
5 definitely possibly be ---

6 MR. JOHNSON: Objection, Your Honor. This is not
7 what this witness is saying. He's asked about the State's
8 case. He has no testimony to this.

9 THE COURT: Cross him and don't argue. You can cross
10 him. Ask a question.

11 BY MR. DE BRUIN:

12 Q Again, it's possible that he could have washed his
13 clothes earlier that day.

14 A I would think so, yeah.

15 Q And those clothes were never taken into evidence at
16 all, any of the items inside.

17 A No, sir. They were not taken into evidence.

18 Q And as far as you know, no officer reported that they
19 came on scene and the washing machine was running.

20 A As far as -- as far as I know, no. I've not heard
21 anything that the washing machine was running at the time
22 of the arrival.

23 Q Okay. You ---

24 A However, I don't know what they -- I don't know what
25 they saw.

1 Q Just answer the question and don't elaborate more
2 than what I've asked, please.

3 All right. So the report says you were moving all
4 items out of the building; is that right?

5 A No. Not all items. We were moving enough items
6 where we could -- where we felt we could thoroughly search
7 the building.

8 Q All right. And then you were removing them due to
9 the small size of the room?

10 A The size of the room along with the number of items,
11 clutter that was in there. A lot of small areas.

12 Q You looked at that black chair before it was moved
13 out.

14 A Yes, sir.

15 Q And it didn't have a shell casing on it at all?

16 A No, sir.

17 Q Okay. And nobody ever noticed the shell casing
18 inside the building at all.

19 A No. It was not found during the original -- during
20 the first part of the search. It was found when we were
21 going back through everything for a second time.

22 Q And there were items that you say from the building
23 that were put into the black chair, bags of tools,
24 et cetera?

25 A Yeah. I think a baby blanket or some clothing.

1 Something along those lines.

2 Q And then later on during the day outside the
3 building, somebody noticed the shell casing in the chair.

4 A Lieutenant Robinson discovered the shell casing when
5 we were starting to -- during the secondary search.

6 Q Can you just answer yes or no?

7 Somebody discovered ---

8 MR. JOHNSON: Objection, Your Honor. The witness has
9 the right to answer the questions.

10 THE COURT: He can answer yes or no and then explain.

11 MR. JOHNSON: Yes, sir.

12 THE COURT: So just answer the question, then you can
13 explain.

14 THE WITNESS: Yes, sir, Your Honor. Thank you.

15 Yes. The shell casing was found by Lieutenant
16 Robinson. And it was in the chair. And he found it when
17 he was moving some of the items that were set into that
18 chair originally inside the building.

19 BY MR. DE BRUIN:

20 Q That shell casing was not there initially when you
21 brought the chair out of the building.

22 A In the chair?

23 Q Yeah. Not ---

24 A Yeah. It was not seen in the chair originally, no.

25 Q So we'll never know where the shell casing was

1 originally inside the building because you guys didn't
2 find it inside the building; is that right?

3 A Well, it was in the chair from items that were inside
4 the building. So its exact location ---

5 Q Right.

6 A --- whether it had been in that -- in that tool
7 thing, in the folds of that or the clothing, couldn't say
8 which one.

9 Q Okay. So we'll never know where it was in the
10 building because you guys took all the items out of the
11 building, and that's where you found the shell casing;
12 isn't that correct?

13 A Yeah. It would have had to have been in the stuff we
14 set in the chair from that corner of the building. But
15 that's all I can say.

16 Q So, again, police officers unknowingly moved the
17 shell casing from its original spot, and therefore, the
18 jury is never going to know where it was found -- where
19 was it located originally inside the building; is that
20 correct?

21 A They would know that it came from one of the items
22 from within that building and the chair.

23 Q Answer yes or no, please. It's not ---

24 A Yes, yes. That is correct. The only thing we can
25 say for certain that it was inside -- or it was in one of

1 those items that was set into that chair and then set
2 outside.

3 MR. DE BRUIN: No further questions, Your Honor.

4 THE COURT: Redirect?

5 MR. JOHNSON: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. JOHNSON:

8 Q All right. So I think I'm understanding this from
9 your testimony from what the defense says. You don't know
10 exactly where that shell casing was inside the building,
11 right?

12 A Not exactly.

13 Q But you know that shell casing was in that shed,
14 though, right?

15 A Yes, sir.

16 Q Okay. Next, he asked you how you know he didn't do
17 the laundry the day before. Now, you said the laundry was
18 wet to the touch, right?

19 A Yes, sir. It was wet to the touch.

20 Q Would you or would you not expect laundry that was
21 washed the day before to be wet to the touch, or do you
22 think it would have dried out?

23 A I think it would have dried out some by then, if not
24 more so.

25 Q All right. And he asked you about officers not

1 responding or not checking the washing machine when they
2 responded. Now, you're a lieutenant, correct?

3 A Yes, sir.

4 Q How many officers are under your command?

5 A I think 12.

6 Q When an officer under your command responds to a
7 scene with a victim, what's their first responsibility if
8 that victim is still alive?

9 A Oh, they have to -- they have to secure the scene as
10 the first thing they need to do and secure any suspects or
11 any other issues that are going on. They have to make the
12 scene safe for what -- for EMS and other medical
13 facilities to come in. Because EMS will stage. They just
14 can't come into a situation where there may be a gun in
15 play or anything else. So they have a lot of stuff going
16 on that they're organizing from the first time they get
17 there.

18 So they want to secure the scene of any -- any
19 suspect, secure any firearms or anything like that that
20 may be in place. And then they want to get EMS in and
21 treat this person, which I will say was in the
22 outbuilding, not towards the house where the washing
23 machine was.

24 Q Would you or would you not have an issue if one of
25 your officers responded to a scene where there was a

1 victim dying and they went to a house without a search
2 warrant and checked the washing machine? Would you have
3 an issue with that?

4 A Yeah. I think that would be low to zero on the
5 priority list at that particular time.

6 Q Okay. Because, again, what's the number one
7 priority?

8 A Safety.

9 Q Okay.

10 A We want to secure the scene. We want to make it
11 safe for EMS. And we want to take care of the victim or
12 the person that was injured. We can't do that until
13 those things are taken care of. So they have their
14 priorities.

15 Q And not to beat a dead horse, but did you see any
16 bloody clothes, any men's bloody clothes in that house?
17 Did you see any bloody clothes in general?

18 A Any bloody clothes in general?

19 Q Uh-huh.

20 A No, sir. Only when I saw the blood on the floor in
21 the room and I saw blood on the chairs and blood splatter
22 on the walls.

23 MR. JOHNSON: Okay. Lieutenant, thanks for your
24 testimony. I have no further questions.

25 THE COURT: Anything else from the defendant?

RECROSS EXAMINATION

BY MR. DE BRUIN:

Q When these officers go and secure locations, secure the scene, do they walk around the house?

A Do they what?

Q Do they walk around the house normally?

A That could be part of it.

Q Part of it.

A Depending on -- now, this -- their particular case, there was so much stuff in that building that they were focused there originally. But yes, they will eventually do a sweep of the building or sweep everything.

Q Okay. So they would go around the house; is that right?

A Yes. Eventually.

Q This washing machine was found outside, not inside the house?

A I guess however you want to classify it.

Q Just answer yes or no.

A It was a structure.

Q Just yes or no. Was it out -- was it outside the house or was it inside?

MR. JOHNSON: Objection, Your Honor. If it's not a yes or no answer, he can't answer yes or no.

THE WITNESS: It is not a yes or no answer.

1 THE COURT: I'll give you some leeway. Overrule.

2 THE WITNESS: Okay. It's -- so you have a residence.
3 And this was an addition of a porch type activity. It's
4 not exactly a porch, I would call it. So that's where the
5 washing machine was. So I don't know if you would
6 classify it as inside the house or not. That's why I
7 answered it that way. So it was under a roof attached to
8 the building and that went to a door that went into the
9 residence. But whether or not you're going to call that
10 indoors or outbuilding, I don't know how you want to
11 classify that.

12 MR. DE BRUIN: Okay. All right. Thank you. No
13 further questions.

14 THE WITNESS: Yes, sir.

15 MR. JOHNSON: None from the State, Your Honor.

16 THE COURT: All right. Thank you, Lieutenant. You
17 can step down.

18 THE WITNESS: Yes, sir.

19 MR. JOHNSON: Your Honor, we would ask, again, that
20 he be excused from his subpoena.

21 THE COURT: Any objection?

22 MR. DE BRUIN: No, Your Honor.

23 THE COURT: All right. You are excused.

24 All right. Next witness?

25 MS. ODOM: Judge, if I could have just five minutes

1 to premark several exhibits so the next testimony will
2 flow a little quicker.

3 THE COURT: Absolutely.

4 MS. ODOM: Thank you. And I don't know if y'all want
5 to take a stretch break.

6 THE COURT: Okay. Why don't we just take a little
7 short break right now just so you don't have to sit there,
8 and I'll bring you back in in a few minutes.

9 (WHEREUPON, the jury exits the courtroom at 10:28 a.m.)

10 THE COURT: All right. We'll stand in recess for a
11 few minutes.

12 (WHEREUPON, a recess is taken at 10:28 a.m.; State's
13 Exhibit Numbers 43 through 47 and 53 and 55 are marked for
14 identification.)

15 MR. DE BRUIN: Your Honor, before we begin, I'm going
16 to move to suppress the weapon based on a faulty search
17 warrant.

18 THE COURT: Suppress it now?

19 MR. DE BRUIN: Yeah. I was thinking we can do it
20 before we get the jury in front of here.

21 THE COURT: What's your grounds?

22 MR. DE BRUIN: On the affidavit for the search
23 warrant, it says the suspect -- Number 6, again, the basis
24 for the warrant, the suspect, Jonathan Rackley, in fact,
25 contacted the Pickens County Sheriff's Office and advised

1 that he had accidentally shot the victim in the head prior
2 to disconnecting with dispatch. However, the responding
3 deputies arrival, the suspect refused to cooperate with
4 law enforcement. Also, the alleged defendant resides at
5 the aforementioned address with his mother. So there's
6 been no evidence and there won't be any evidence of my
7 client ever admits that he shot her in the head. And that
8 was one of the bases for getting the search warrant, and
9 therefore, if the judge can't rely on it to give the
10 search warrant with accurate information, then it
11 shouldn't come in.

12 MR. JOHNSON: Your Honor, that was based on the 9-1-1
13 call the detective had. The defendant was on scene
14 relaying information to his mother. His mother was the
15 one relaying information to the 9-1-1 call. Based on
16 that, the logical conclusion is she wasn't there, he's
17 telling her these things, therefore, we have a good-faith
18 belief that that's information coming from him because he
19 was on scene.

20 MR. DE BRUIN: Well, she's also stated -- first of
21 all, she stated multiple things on the 9-1-1 call, not
22 just that, too. She stated that she doesn't really know
23 what happened, that she just made assumptions. So I'm
24 going back to my original argument, Your Honor, that this
25 is plain error on the affidavit, and therefore, the gun

1 should be suppressed.

2 THE COURT: All right. I'll note your motion. I
3 deny the motion at this time. Thank you.

4 Are they all ready? Okay.

5 (WHEREUPON, the jury entered the courtroom at 10:43 a.m.)

6 THE COURT: All right. State, call your next
7 witness.

8 MS. ODOM: Thank you, Your Honor. At this time, the
9 State calls Brian Langston.

10 WHEREUPON,

11 BRIAN LANGSTON

12 After having been duly sworn, testified as follows:

13 THE CLERK: If you would, have a seat, and state your
14 name for the record, please.

15 THE WITNESS: Detective Brian Langston, Pickens
16 County Sheriff's Office.

17 THE COURT: Detective, if you want to, you can take
18 that off.

19 THE WITNESS: Thank you, sir.

20 DIRECT EXAMINATION

21 BY MS. ODOM:

22 Q All right. Detective, where did you say you work?

23 A Pickens County Sheriff's Office.

24 Q And how long have you been there?

25 A I've been there 17 years, and the last eight of those

1 I've been a detective in the Forensics Division, which is
2 part of the -- or Forensics Unit which is part of the
3 Detective Division.

4 Q And can you tell me what your duties are as a
5 detective for the Forensics Division?

6 A We actually respond to anything that's -- well,
7 property and evidence. We respond to crime scenes. Crime
8 scenes can vary from anything from a burglary, to
9 recovering property, to a murder scene or to a shooting
10 investigation. Anything along those lines.

11 Q In addition to investigating crime scenes, do y'all
12 maintain evidence?

13 A Yes, we do. It's a secure facility at the office,
14 and it's -- everything is secure there. It's all logged
15 in. By those means, that's what we do.

16 Q And y'all have a process for tracking whenever
17 anything leaves the sheriff's office and comes back?

18 A Correct. We've had different -- well, I guess they
19 started with paper and pen, but we've had different
20 computer programs throughout the years. The most current
21 one we've had for a few years now, and it keeps up with
22 the movement of evidence, the collection of it. It's put
23 in and it's moved to whatever, sometimes to agencies as
24 SLED or other place. Even if we release it for court it
25 will annotate that.

1 Q And you brought a box of stuff up with you today?

2 A I certainly did.

3 Q Okay. All right. Did you have a chance to respond
4 to [REDACTED] Ruby Drive on July 13, 2019?

5 A I did. I was notified by Communications that there'd
6 been an incident, a shooting incident, and it was at
7 [REDACTED] Ruby Drive within Pickens County. I believe I
8 responded and got there about 2:41 a.m.

9 Q Okay. And did you say that's in Pickens County?

10 A It is.

11 Q Okay. So you get there. And what happens when you
12 first get on scene?

13 A When I first got there, the deputies had secured the
14 scene. I met with them and Lieutenant Rackley who was
15 already on scene. And he had briefed me to the -- what
16 had happened. There'd been a shooting incident and the
17 victim had already been transported by Pickens County EMS
18 from the scene for care. I then -- oh, go ahead.

19 Q I'm sorry.

20 So at that point, had the search warrant been issued
21 yet?

22 A It had not.

23 Q Okay. All right. Is part of your job to photograph
24 items?

25 A Yes. After that and the officers, we saw the scene

1 was secure. I usually take photographs as you get there
2 just for documentation purposes. And then I was -- I was
3 just finishing with that as Chief Brooks and Detective
4 Cochran arrived on scene.

5 Q Did you take GSR from anybody in this case?

6 A Yes. Well, yes. I was -- I believe it was probably
7 Detective Cochran. But as they had in the back of the
8 patrol car was the defendant, I believe, and I took GSR
9 from him, and took GSR from his mother.

10 Q All right. Detective Langston, I'm going to show you
11 what's been marked as State's 43 and 44. Can you take a
12 look at that and tell me what that is?

13 A Yes. That's probably the -- from SLED's
14 documentation on it, I delivered two GSR kits, one for the
15 defendant, one for his mother, that I actually collected
16 to SLED. And they have subsequently probably tested those
17 by the -- their markings on it.

18 Q Okay.

19 A So both GSR kits are in the envelope.

20 Q So you conducted the GSR test on ---

21 A I administered. Yes, I did.

22 Q Administered? Okay. Administered it to the
23 defendant and his mom?

24 A Correct.

25 Q And then was it secured -- eventually secured at the

1 sheriff's office once you ---

2 A Yes. It was secured then. After -- after I -- the
3 part of the collection process, I actually tell them
4 what's going on, what I'll be doing. It's not invasive at
5 all, just it's a little sponge thing that goes on top of
6 them. And so ---

7 Q Can you describe that just a little more, little
8 sponge thing?

9 A Sure. There's two little -- little cube type
10 applicators that have like a little round circle that's
11 probably got some kind of adhesive to it. And you
12 actually just tap it on the back of the hand and the palm
13 of the hand on both. And there's one for each hand, one
14 for the left hand and one for the right hand.

15 Q Okay.

16 A Those are both immediately secured within the
17 envelope after you administer it.

18 Q And you were the one that delivered these GSR kits
19 down to SLED to be tested?

20 A I was, yes.

21 MS. ODOM: Your Honor -- actually I'll wait on that
22 one.

23 BY MS. ODOM:

24 Q All right. I'm going to show you -- all right. I'm
25 going to show you what's been marked as 36. Do you know

1 what that is?

2 A Yes. That's a picture of the defendant that I had
3 taken.

4 Q And when did you take that picture?

5 A Right before I administered the GSR kit.

6 Q So is that how he looked when you arrived on the
7 scene?

8 A Yes, he was. They had just taken him out of the back
9 of that patrol car. And I told him what I would be doing.
10 And then they did leave him handcuffed, and it did not
11 affect the test at all. And I just administered the test
12 to his hands then, and then he was seated back in the
13 patrol car.

14 Q And did he say anything to you or anything while you
15 were doing that?

16 A The only thing he said -- I tell him what the test is
17 like and tell him what I'll be doing, make sure he was
18 comfortable with his hands the way they were, which didn't
19 help to affect the test. I asked him if he had washed his
20 hands since the incident, and he said no.

21 Q So is that a fair and accurate representation?

22 A It is.

23 MS. ODOM: Okay. Your Honor, at this time, the State
24 would move to introduce Exhibit 36.

25 THE COURT: Any objection?

1 MR. DE BRUIN: No, Your Honor.

2 THE COURT: All right. Exhibit Number 36 is admitted
3 without objection.

4 (WHEREUPON, State's Exhibit Number 36 was admitted into
5 evidence.)

6 BY MS. ODOM:

7 Q Now I'm going to hand you what's been premarked as 37
8 and 38. Do you recognize what those are?

9 A Those are the pictures of his mother. I took those
10 before I administered the test.

11 Q Okay. So you took those pictures of her.

12 A I did.

13 Q Okay. Are those fair and accurate pictures?

14 A They most certainly are.

15 MS. ODOM: Your Honor, at this time, the State moves
16 to introduce 37 and 38 into evidence.

17 THE COURT: Any objection?

18 MR. DE BRUIN: No, Your Honor.

19 THE COURT: All right. Exhibits 37 and 38 are
20 admitted into evidence without objection.

21 (WHEREUPON, State's Exhibit Numbers 37 and 38 were
22 admitted into evidence.)

23 BY MS. ODOM:

24 Q Now, 36 does not show the defendant's hands, but do
25 you recall him having any blood on his hands?

1 A No. He did not have any blood on his hands.

2 Q I'm going to show you 37. So 37, did she have any
3 blood on her hands?

4 A Yes. On the left hand palm and back, I believe.

5 Q Okay. 38.

6 All right. So you took the GSR -- or administered
7 the GSR test to both of those, down to SLED, took
8 pictures ---

9 A Correct.

10 Q --- contemporarily of that test.

11 All right. At that time, a search warrant was issued
12 after -- it happened after GSR, right?

13 A Yes. Just shortly after there.

14 Q Okay. Make sure I got my timeline right.

15 Give me just a moment, Detective. I'm sorry about
16 the delay, Detective. I try to stay organized the best I
17 can.

18 All right. So I'm going to hand you State's 30. Can
19 you tell me what that is?

20 A That is a picture of the shed that's to the right of
21 the residence, and that's where the shooting incident
22 occurred. That is a picture of it just as I had gotten
23 there and probably the very first photo that I'd taken.

24 Q Okay. So that's at nighttime, correct?

25 A Yes. It was early -- it was nighttime in the early

1 hours of the morning, yes.

2 Q Okay. And are you just documenting what the scene
3 looks like?

4 A Correct. I -- just a noninvasive type thing. I just
5 try to take a picture of exactly the way the scene looks
6 before.

7 Q Okay. Fair and accurate picture?

8 A Yes, it is.

9 MS. ODOM: Okay. Your Honor, at this time, the State
10 seeks to introduce 30 into evidence.

11 THE COURT: Any objection?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: All right. Exhibit 30 is admitted into
14 evidence without objection.

15 (WHEREUPON, State's Exhibit Number 30 was admitted into
16 evidence.)

17 BY MS. ODOM:

18 Q What time did you leave? Was it daylight when you
19 left?

20 A It had already -- yes. It was daylight when I left.
21 I had left when Lieutenant Robinson -- I had had -- called
22 him to assist in the investigation.

23 Q So 30, is it nighttime, correct? Exhibit 30, that's
24 the shed at nighttime?

25 A Yes, correct.

1 Q And is that the same shed?

2 A That is the same shed, yes.

3 Q Okay. All right. So I'm going to hand you a series
4 of photos now, 31 -- we'll do 31 and 32 and 33.

5 A (Reviews exhibits) Okay.

6 Q All right. And you're familiar with what's in those
7 pictures?

8 A Yes. Those are the photos that I took as I found it.

9 Q Okay.

10 A The very -- when entering the shed, took a few
11 reference photos exactly, you know, and take where the
12 blood is and all the different -- the seats, so the
13 makeshift chairs are in there.

14 Q Okay. And you took those pictures?

15 A I did.

16 Q Okay. And they're accurate representations, like
17 haven't been changed in any way or anything like that?

18 A No.

19 MS. ODOM: All right. At this time, 31, 32, and 33,
20 the State would seek to have in evidence.

21 MR. DE BRUIN: No objection, Your Honor.

22 THE COURT: All right. Exhibits 31, 32, and 33 are
23 admitted into evidence without objection.

24 (WHEREUPON, State's Exhibit Numbers 31, 32, and 33 were
25 admitted into evidence.)

1 BY MS. ODOM:

2 Q So before we go on, I just want to talk about the
3 shed a little bit, because it's been mentioned a lot. How
4 big is this shed?

5 A The shed, we measured it. It's 13' x 17'.

6 Q Okay. And can you talk about where the door is?

7 A The door's to the left side there. There's a -- it
8 opens inward. And it's made out of ---

9 Q Does it open inward to the right?

10 A To the right, correct.

11 Q Okay.

12 A The bottom part was pretty much plywood, and the
13 interior could have been -- it was 2x4s that held the
14 plywood up. Some of it could have been -- I'm just
15 speculating -- looked like a pallet had been taken apart
16 and made some more of it.

17 The top part was mostly tarps and black plastic and
18 there's some screen down that had come down in some
19 places, but mostly in the front it was the tarp and the
20 black plastic.

21 Q Is that a light on the outside?

22 A Yes, that is.

23 Q Okay. All right. So when you walk in -- I'm going
24 to put up here State's 31. When you walked into the
25 building, where are these chairs at?

1 A To the left along the back wall. It would be
2 like ---

3 Q So when you step in ---

4 A As soon as you step in, it would be to your -- like
5 45 degree angle of me looking left. Other way. It would
6 be to your right. But I would step in and look, and it
7 would be like I'd be looking that way (indicating).

8 Q Okay, so you step in, and ---

9 A Yeah. The way you were pointed, it would be to your
10 right.

11 Q Okay.

12 A But if I step in, I'm looking longways into the shed,
13 it would be on my left.

14 Q Okay. So once you step in and turn towards the other
15 wall, then they're in that back corner.

16 A Correct.

17 Q Okay. All right. So you don't know that this is how
18 the room was positioned during the shooting.

19 A I do not because EMS had been in there.

20 Q Okay. So you just photograph the scene as you find
21 it?

22 A Correct.

23 Q All right. 32, can you tell me what that is?

24 A That is a picture that I believe the defendant was
25 taken out of and most of the blood around it was from her.

1 Q Okay. And then 33, there are several different
2 sections of blood here?

3 A Yes.

4 Q Can you just point them out so the jury is making
5 sure they see them all? And you can use that laser
6 pointer up there. It's the red button. If you need to
7 stand up . . .

8 A You're talking about this (indicating) large pool of
9 blood?

10 Q Right. So there's one section.

11 A There's one there. This (indicating) is some more
12 blood.

13 Q Was there blood under that towel?

14 A Yes. There were blood underneath this (indicating)
15 towel also.

16 Q Okay.

17 A And then there's blood back here (indicating). And
18 there was some splatter on the wall here (indicating).
19 And some of this could be splatter, but since I'm not a
20 blood expert, that was -- she's probably bleeding quite a
21 lot from a wound to the head.

22 MR. DE BRUIN: Objection, Your Honor.

23 THE COURT: What's the basis?

24 MR. DE BRUIN: Speculation.

25 THE COURT: Sustained.

1 THE WITNESS: But that blood, there was a lot of
2 blood back here, but this was the largest amount of blood
3 there (indicating throughout).

4 BY MS. ODOM:

5 Q Okay. And I'm going to show you State's 35. Did you
6 take that picture?

7 A I did.

8 Q What's that a picture of?

9 A It's a picture of a pool amount of blood and some
10 blood splatter among the wall and at the base of the wall.

11 Q Is this accurate?

12 A It is.

13 MS. ODOM: State moves to have 35 introduced.

14 THE COURT: Any objection?

15 MR. DE BRUIN: No, Your Honor.

16 THE COURT: All right. Exhibit 35 is admitted
17 without objection.

18 (WHEREUPON, State's Exhibit Number 35 was admitted into
19 evidence.)

20 MR. DE BRUIN: Thank you, Your Honor. If I may,
21 though, I mean, given there's been no testing of the
22 substance on the floor, obviously, we probably understand
23 what it is, but maybe the witness can say this is
24 suspected blood instead of blood.

25 THE WITNESS: It's a red substance.

1 MS. ODOM: I would -- I would object -- argue against
2 that. I think it's pretty clear.

3 THE COURT: So your objection is not to refer to it
4 as blood?

5 MR. DE BRUIN: Right. Well, I mean, maybe it's
6 suspected blood rather than blood. They haven't
7 established -- they haven't tested it to make sure it's
8 blood. Obviously, you know, we can ---

9 MS. ODOM: And I would say we've had other witnesses
10 testify that the victim was there bleeding from her head
11 and that she had blood running down her.

12 THE COURT: I'll overrule that.

13 BY MS. ODOM:

14 Q All right. So this -- I'm going to put -- starting
15 over. Okay. So State's 33 is up on the screen. We were
16 just talking about this portion. Now I'm going to put
17 State's 35 there. Can you tell me if this is or isn't the
18 same that you were just pointing at?

19 A Yes, it is. That's the same picture.

20 Q And is that just a different view?

21 A That's a different view, correct.

22 Q Okay. All right. I'm going to hand you 34. Did you
23 take that picture?

24 A I did.

25 Q And what's it of?

1 A It is of a bag. And it has -- the contents of it, I
2 believe there's an iPad, and there was other belongings
3 that belonged to the defendant that we -- that they found.

4 Q You don't -- or ---

5 A At that time, I did not know at all who it belonged
6 to.

7 Q Okay. Is this a fair picture?

8 A It is.

9 MS. ODOM: Your Honor, at this time, the State would
10 move to have 34 into evidence.

11 THE COURT: Any objection to that?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: Exhibit 34 is admitted into evidence.

14 (WHEREUPON, State's Exhibit Number 34 was admitted into
15 evidence.)

16 THE COURT: 35, was that -- did you have an objection
17 to that other than talking about what blood was?

18 MR. DE BRUIN: No, Your Honor.

19 THE COURT: All right. So 35 is admitted into
20 evidence without objection as well.

21 (WHEREUPON, State's Exhibit Number 35 was admitted into
22 evidence.)

23 BY MS. ODOM:

24 Q All right. So when you came -- I'm putting 34 on the
25 screen. When you came into the building, is that where

1 that bag was?

2 A Yes.

3 Q And you can't say whether or not it had been
4 somewhere else earlier in the night.

5 A I cannot.

6 Q I just -- with technology, we do our best. I know
7 there's a glare up there.

8 A I understand.

9 Q I'm going to show you State's 35. Right here
10 (indicating), this red line ---

11 A Yes.

12 Q --- what was that?

13 A That was blood that had splattered onto the wall.

14 Q Okay. And it's hard to see sometimes on the
15 projector.

16 So you documented the room as you found it.

17 A Correct.

18 Q Now, tell me after taking pictures what you started
19 doing.

20 A After I took the initial photos ---

21 Q Yes, sir.

22 A --- then I go out -- went outside and I met with
23 Detective Cochran and Chief Brooks. And they inform me
24 that they were acquiring a search warrant for the
25 property. At that time, you just wait until the search

1 warrant has been issued and then you can go on from there.

2 Q You can go on. All right. So when you started
3 executing the search warrant, where did you start?

4 A There was other officers there, so they -- I assisted
5 them in the execution of the search warrant. I had my
6 camera, so it was a necessity that I needed to be there if
7 they found anything. So I had my camera with me, and I
8 did assist them in searching. And they started into the
9 shed where the shooting occurred, and then we
10 systematically -- or they systematically started in the
11 back right corner. And we were looking, at that time, for
12 any evidence including the shell casings.

13 Q When you say "systematically," can you kind of
14 explain?

15 A Well, you want to take small sections as best you can
16 and thoroughly search them.

17 Q Okay. So y'all kind of did divide the room up and
18 search one section at a time?

19 A Yes. But everyone helping do that one section, and
20 then the next section, you know. You start in the back
21 right corner, came forward, next corner over, back to the
22 next one. You just divide it up, and I think they divided
23 it up into four quadrants.

24 Q And at some point -- or did y'all find a casing
25 inside?

1 A We did not.

2 Q And at some point, did y'all start putting stuff
3 outside?

4 A Yes. As we were searching, we did start putting
5 stuff outside -- or they did.

6 Q Okay. All right. So you assist in the search of the
7 shed. You document that. At some point, does someone
8 instruct you to come in the house?

9 A Yes. We then went inside and started searching the
10 residence. Myself and Lieutenant Barwick and, I believe,
11 Agent Chet Anthony was in -- I know it started in the
12 defendant's bedroom.

13 Q All right. And I'm going to show you State's 28.
14 What is that?

15 A Yeah. That's -- yes. I believe that's the closet in
16 there.

17 Q Okay. And you took that.

18 A I took -- I took a few pictures in there. So that
19 looks like the one that's to the right of the bed.

20 Q All right. Let's talk about the gun. Who found the
21 gun?

22 A It was Captain -- it was Chief Chad Brooks.

23 Q Okay. And putting 27 up there, did you take that
24 picture?

25 A I did. He had called to me, and I went to the back

1 porch off the back of the residence. And above the
2 washing and dryer -- the washing machine and the dryer was
3 a cabinet. And he had opened it and found that wedged in
4 the left side of the cabinet.

5 Q Okay. Did you collect the gun?

6 A I did. After I photographed it.

7 Q You photographed it first?

8 A Photographed it, yes, as it was. I took a couple of
9 photographs of it and then collected it.

10 Q And did it have any ammunition or anything in it?

11 A I treated it as it did. I assumed it did. You
12 assume every gun's loaded.

13 But under the circumstances, with seeing the blood on
14 the slide of the gun, I made it -- I made it secure when I
15 got to my vehicle. So I immediately took it outside and
16 secured it in my vehicle.

17 Q Okay. And did it have a magazine in it?

18 A It did. It had a magazine in it with eight rounds.

19 Q Eight rounds. Okay.

20 A One was in the chamber.

21 Q One was chambered. All right.

22 And ultimately, did that go back -- you took that
23 back to the sheriff's office?

24 A I did.

25 Q And it was maintained there?

1 A It was maintained there and secured there.

2 Q Did you take the gun and the magazine and those
3 bullets to SLED?

4 A I did.

5 Q Okay. Ultimately, was a shell casing found outside
6 the building?

7 A I was notified. I had already left the scene to go
8 to the hospital for an autopsy.

9 Q Did -- was that turned in to evidence?

10 A It was. My lieutenant turned it in to me.

11 Q And did you take that shell casing to SLED?

12 A I did.

13 Q Okay. So I'm going to -- first of all, just so you
14 can confirm that this is what you took to SLED, I'm going
15 to show you 53. And you can tell me what that is.

16 A That is the shell casing that was turned in to me by
17 Lieutenant Robinson.

18 Q Okay. Is that what you took to SLED?

19 A I did take that to SLED.

20 Q All right. So now I'm going to show you State's 45
21 and 46. Can you look in there and tell me what that is?

22 A That is a pistol, the one that was found that I
23 collected, and that's the magazine removed from it that
24 was in the pistol.

25 Q And that's empty?

1 A That is empty.

2 Q That's inoperable?

3 A That is inoperable and made safe. I did that.

4 Q Okay. So it's made safe. That can't hurt anybody in
5 the courtroom.

6 A It cannot.

7 Q All right. Is that the same pistol that's in the
8 picture?

9 A Yes, it is.

10 MS. ODOM: All right. Your Honor, at this time, the
11 State seeks to introduce these two exhibits, 45 and 46,
12 the gun and the magazine.

13 THE COURT: Any objection from the defendant?

14 MR. DE BRUIN: Other than what we just said -- said
15 before.

16 THE COURT: All right. Exhibit 45 and 46 is
17 admitted.

18 (WHEREUPON, State's Exhibit Numbers 45 and 46 were
19 admitted into evidence.)

20 BY MS. ODOM:

21 Q All right. So this is the gun that was -- had the
22 blood on it.

23 A Yes, it is.

24 Q This is what you found.

25 A Uh-huh.

1 Q And that's the magazine that was in it.

2 Now, when SLED tests blood, do they use a swab system
3 where they test items?

4 A I'm sure they do. I -- that's the system I use if I
5 was testing something, but ---

6 Q Okay. And it's possible a swab would ---

7 MR. DE BRUIN: Objection. Calls for speculation. He
8 already said he doesn't know what they use.

9 THE COURT: I'll sustain it.

10 BY MS. ODOM:

11 Q All right. Did you -- I probably already asked this,
12 but you took this to SLED, this magazine ---

13 A I certainly did.

14 Q --- and the gun.

15 All right. Now let's see. Let's go on to -- we've
16 covered pictures you took at the scene, the search of the
17 building, your documentation of that search, your
18 assistance, search of the home and that documentation,
19 finding of the gun. What else did you do in this case?

20 A When my lieutenant got there, I then -- I was
21 notified that there was an autopsy was going to be
22 performed at 9:00, so I was only -- that was probably
23 around 8:00, 8:15-ish.

24 Q Okay. So y'all go to autopsies?

25 A Yes.

1 Q And that's standard.

2 A That's standard under the circumstances. I mean,
3 there's an autopsy from a shooting or something that's
4 anything -- suspicious nature, especially when the coroner
5 sometimes makes those. But as a detective division, we --
6 that is our standard policy.

7 Q Okay. And so your lieutenant came to relieve you ---

8 A Relieved me at the scene.

9 Q --- relieve you and assist you in the search?

10 A Uh-huh.

11 Q Okay. So when you go to the autopsy, did you get a
12 blood sample from Jamie?

13 A From the doctor that performed the autopsy?

14 Q Yes, sir.

15 A I was in there, and I informed her that I would need
16 a blood sample. It's usually called a blood spot. And
17 she made one of those available for me.

18 Q All right. So I'm going to show you State's 48. can
19 you look at that and tell me what that is?

20 A That is the -- that is the blood spot. It's in an
21 envelope where I packaged it for transport and for
22 submission to SLED. That's actually my handwriting, my
23 signature and everything on the SLED paperwork.

24 Q Okay. You got it from the doctor who did the
25 autopsy.

1 A I did.

2 Q You maintained it in records.

3 A I maintained it in my custody until I took it to
4 SLED.

5 Q And you took it to SLED.

6 A Correct.

7 MS. ODOM: All right. Your Honor, at this point, I
8 would move to have this into evidence. We've already kind
9 of done the front end with the DNA analyst yesterday. So
10 we'd move 48 into evidence.

11 THE COURT: Any objection from the defendant?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: All right. Exhibit 48 is admitted into
14 evidence without objection.

15 (WHEREUPON, State's Exhibit Number 48 was admitted into
16 evidence.)

17 BY MS. ODOM:

18 Q Now we're going to jump forward a little bit. Did
19 you take a DNA swab from the defendant to SLED?

20 A I did.

21 Q I'm going to show you what's been marked as 54. Can
22 you tell me what that is?

23 A That is an envelope that has the swab that's actually
24 -- or the evidence that's in it, and it was taken and
25 delivered to SLED.

1 Q Can you tell me who put this into evidence or who
2 took the swab from the defendant?

3 A I can. I've got my notes. But I can tell you,
4 Lieutenant Robinson.

5 Q Okay. So Tony Robinson did the swab.

6 A Correct.

7 Q Put it in evidence.

8 A Uh-huh. Correct.

9 Q You took it from evidence to SLED.

10 A Correct.

11 MS. ODOM: Your Honor, at this time, the State would
12 move 54 into evidence.

13 THE COURT: Any objection from the defendant?

14 MR. DE BRUIN: I don't think we've established a
15 chain totally on this one.

16 MS. ODOM: And I can wait. We don't -- he can
17 testify as to another agent's chain. Every witness in the
18 chain is not necessary. But we have that guy out in the
19 hall and he's going to testify. So I can wait if Your
20 Honor would rather. But case law says we don't have to
21 call every witness.

22 THE COURT: Yeah. Case law does a -- every person
23 doesn't have to testify, so he can testify what another
24 one did. So I'll overrule. Note your objection, but I'll
25 overrule it.

Exhibit 54 is admitted into evidence over objection.
(WHEREUPON, State's Exhibit Number 54 was admitted into
evidence.)

4 MS. ODOM: Thank you, Your Honor.

5 All right. And, Your Honor, at this time, I'm going
6 to go ahead and move 56-A, Sara Goodman's DNA extracts,
7 into evidence as well. She was the only person who had
8 dealings with those. So I'd go ahead and move those into
9 evidence.

10 THE COURT: Do you have any objection on those? And
11 that's Exhibit 56-A?

12 MS. ODOM: Yes, sir.

13 THE COURT: Any objection?

14 MR. DE BRUIN: No, Your Honor.

15 THE COURT: All right. Exhibit 56-A is admitted into
16 evidence without objection.

17 (WHEREUPON, State's Exhibit Number 56-A was admitted into
18 evidence.)

19 BY MS. ODOM:

20 Q All right. So you said when you got that gun that
21 there were bullets in the magazine?

22	A	There was, correct.

23	Q	There's a bullet in the chamber?

24 A Uh-huh. There was one in the chamber.

25 Q Okay. Yes, sir. One in the chamber.

1 Did you remove those?

2 A I did.

3 Q Okay. I'm going to show you State's 47. Can you
4 tell me what that is?

5 A That is the ammunition that I removed from the
6 pistol.

7 MS. ODOM: Your Honor, at this time, we'd seek to
8 move 47 into evidence.

9 THE COURT: All right. Any objection from the
10 defendant?

11 MR. DE BRUIN: No, Your Honor.

12 THE COURT: All right. Exhibit 47 is admitted into
13 evidence without objection.

14 (WHEREUPON, State's Exhibit Number 47 was admitted into
15 evidence.)

16 BY MS. ODOM:

17 Q And so those were just the bullets that were left in
18 the gun.

19 A Correct.

20 Q And can you tell me what kind of bullets those are?

21 A Those are 9 mm Luger.

22 Q Okay. Is Luger the brand?

23 A That's a Luger. That's the type. The brand, I don't
24 have my glasses, but that one says AP on it. But there's
25 a couple of different brands in that one there. I don't

1 remember exactly how many of each one.

2 MS. ODOM: Okay. And, Your Honor, I kind of walked
3 by fast. They really can't see the evidence. Permission
4 to hand to the jury to publish.

5 THE COURT: Yeah. You can do that.

6 MS. ODOM: And I know they'll get to see it
7 afterwards, but if y'all would like to pass that around.

8 THE COURT: Just for the record -- for the record,
9 what exhibit number?

10 MS. ODOM: It's 47.

11 BY MS. ODOM:

12 Q Okay. And that's been secured within a bag, right?

13 A Yes.

14 Q And the outside of the bag is completely clean?

15 A That was actually secured in that envelope that's
16 inside that bag by me and then sent to SLED. SLED has
17 opened it and tested it and then resealed it in that clear
18 bag.

19 Q Okay. So the little manila envelope is what you put
20 it in, and then SLED puts it in that Ziploc bag?

21 A Correct. It's got their initials and name on it.

22 Q Okay. All right. So you -- let's see. I think I
23 covered -- now I'm going to hand you 53 again. And this
24 isn't in evidence yet so I won't be publishing it, but
25 the casing that was found, can you tell me what type that

1 is?

2 A That seems to be -- if I could see that better I
3 would -- it's a 9 mm Luger, but I'm trying to think of the
4 -- see the markings on it. I can't determine the marks on
5 that. Do you see that?

6 Q So it's definitely on there, but you can't see it
7 with your glasses.

8 A And the bag, and the plastic bag.

9 Q Okay. So 9 mm casings, 9 mm bullets in the gun.

10 A Correct.

11 Q And I apologize for being kind of slow about it. I'm
12 not super familiar with guns, and so I just want to make
13 sure that I'm hitting on everything that I should be.

14 All right. And now, with the defendant's -- with the
15 defendant's clothing, was that also in evidence?

16 A Yes. The defendant's clothing.

17 Q It was entered. Okay.

18 I'm going to put 36 on the projector.

19 A Okay.

20 Q So what he was wearing that night ended up being put
21 into evidence.

22 A Correct.

23 Q And you've maintained it in evidence since then.

24 A It has been, yes.

25 Q All right.

1 (WHEREUPON, State's Exhibit Numbers 59-A, 59-B, and 59-C
2 were marked for identification.)

3 BY MS. ODOM:

4 Q I'm going to hand you State's 59-A.

5 A Okay.

6 Q Can you tell me what that is?

7 A Yes. That's a blue shirt that he -- that's the blue
8 shirt that he has on ---

9 Q Okay.

10 A --- in the picture.

11 Q In the picture. When you got out there.

12 A Yes. When I -- he was in the -- when they took him
13 out of the vehicle and I did a GSR kit on him, he had that
14 shirt on.

15 Q And I'll do 59-B.

16 A That is -- yes. That's the gray shorts that he had
17 on.

18 Q And then 59-C.

19 A And that is the white under T-shirt that you can --
20 you can actually see it underneath the bottom coming out.

21 Q Okay. Now, all this was maintained within your
22 evidence control procedures and all that.

23 A Yes. It was put into evidence, and it was stored
24 there until today.

25 MS. ODOM: Okay. And, Your Honor, at this time, the

1 State seeks 59-A, B and C to be admitted into evidence.

2 THE COURT: All right. Any objection from the
3 defendant?

4 MR. DE BRUIN: No, Your Honor.

5 THE COURT: All right. Exhibits 59-A, 59-B, and 59-C
6 are admitted into evidence without objection.

7 (WHEREUPON, State's Exhibit Numbers 59-A, 59-B, and 59-C
8 were admitted into evidence.)

9 BY MS. ODOM:

10 Q All right. So, Detective, I'm going to have
11 Mr. Johnson pull these out one by one. And you can see
12 the front of the shirt, it matches -- does it match the
13 picture?

14 A Oh, yes. That's the shirt that he had on ---

15 Q All right. Thank you.

16 A --- that's in that picture.

17 Q And do you see any red spots on there?

18 A I do not.

19 Q Now we're going to do -- we're going to move on to
20 59-B. And can you tell the jury, again, what those are?

21 A Those, the shorts that are in the picture that the
22 defendant had on that night.

23 Q Now, is there some discoloration on the front of
24 those shorts?

25 A There is some right in the middle area it looks like.

1 Q But that doesn't appear to be blood to you.

2 A No, it doesn't.

3 Q Do you know what that appears to be?

4 A I don't really know. It looks like -- from me doing
5 laundry, it looks like Clorox.

6 Q All right. And 59-C, we're going to publish it.

7 All right. Detective Langston, did you take pictures
8 at the autopsy?

9 A I did. I don't take really detailed pictures, but
10 usually I take pictures if there's a wound or anything.

11 Q Okay. And you just include that with the case file.

12 A Yes, I did. And I took a picture of the exit wound
13 and the entrance wound.

14 Q Does the pathologist take a picture of that as well?

15 A Yes. They take detailed photos.

16 Q Okay. And just to be clear, Mr. Rackley, the person
17 you took the GSR kit from, is he in the courtroom today?

18 A Yes, he is. He's sitting over there with the blue
19 shirt on.

20 MS. ODOM: Okay. All right. Please answer any
21 questions that Mr. DeBruin has for you.

22 THE WITNESS: Sure.

23 CROSS EXAMINATION

24 BY MR. DE BRUIN:

25 Q The clothes that he had on, the discoloration on the

1 clothes, you never sent that in to be tested for -- to see
2 if there's any blood or DNA on that.

3 A No. It wasn't sent in for testing.

4 Q Okay. So your job is to take pictures of the entire
5 crime scene?

6 A Correct.

7 Q And you collect items from the crime scene as well?

8 A Correct.

9 Q And you collect these items when you think they're
10 important?

11 A I do, or if I've been notified. Sometimes I'm not in
12 that area and they notify me that there's something there,
13 I go get it.

14 Q You take pictures to give an opportunity for the jury
15 to have an accurate understanding of what's going on?

16 A I do.

17 Q Is there a limit to how many pictures you can take?

18 A There is no limit, correct.

19 Q So you can take as many pictures as you want.

20 A Especially with today's modern technology.

21 Q Digital makes it easy, huh?

22 A Correct.

23 Q Okay. All right. So a lot has been said about the
24 clothes in the washing machine at the Rackley residence.
25 The solicitor made a big deal about Jonathan washing his

1 clothes, and there were clothes in the washing machine.

2 Did you observe any clothes in the washing machine?

3 A I did not.

4 Q Did you take any pictures of those clothes in the
5 washing machine?

6 A I did not.

7 Q So the clothes in the washing machine, they weren't
8 taken into custody?

9 A They were not.

10 Q And they weren't analyzed for blood at all?

11 A No, sir.

12 Q Again, you have unlimited pictures and you didn't
13 take pictures of these clothes in the washing machine.

14 A I wasn't notified that there was clothes in the
15 washing machine.

16 Q So nobody told the forensic guy that there's -- that
17 he might have washed his clothes and there's clothes in
18 the washing machine? Nobody told you that?

19 A Nobody told me, but ---

20 Q Okay. And as far as you observed, have you looked at
21 all the pictures in this case?

22 A I have.

23 Q And nobody has taken pictures of the clothes in the
24 washing machine?

25 A I did not see any.

1 Q So we'd say that the jury -- your job is to take
2 pictures so the jury has an accurate understanding of the
3 situation. You would agree with me that the jury does not
4 have an accurate understanding ---

5 MS. ODOM: Objection, Your Honor. This is calling
6 for an opinion and speculation.

7 THE COURT: Overruled. Cross-examination.

8 BY MR. DE BRUIN:

9 Q You would agree that the jury doesn't have an
10 accurate understanding as far as the clothes in the
11 washing machine because you didn't take any pictures of
12 them.

13 A If there was clothes in the washing machine.

14 Q Okay. But the jury doesn't have an accurate
15 understanding of those clothes because nobody took a
16 picture of them; is that correct?

17 A I did not take a picture of them, no.

18 Q All right. So a lot has been said about Jonathan
19 didn't have any blood on his hands. You took pictures of
20 his mother's hands?

21 A Yes, I did. She was -- she was not handcuffed.

22 Q So you took pictures of her hands?

23 A I did, yes, sir.

24 Q You took pictures of Jonathan?

25 A I took a picture of him as he exited -- his front

1 view as he got out of the vehicle, yes.

2 Q And, again, your job is to collect evidence so the
3 jury has an accurate understanding of that night and what
4 transpired; is that right?

5 A That's correct.

6 Q And, again, you can take as many pictures as you
7 want.

8 A Uh-huh.

9 Q And you didn't take pictures of his hands.

10 A I did not take a picture of his hands.

11 Q So, again, they're not able to observe what possibly
12 you observed because you didn't take any pictures of that?

13 A Correct. I only saw his hands like video or
14 something.

15 Q All right. So you talked about blood splatter on the
16 wall. Can you say 100 percent that all of it's blood on
17 the wall?

18 A I cannot say a hundred percent it is not all blood.

19 Q Did you -- so you didn't confirm any of it? You
20 didn't send -- take any swabs of it of anything on the
21 wall?

22 A No. All that was believed to be the victim's.

23 Q Okay. So, again, you didn't analyze anything that
24 you thought was possibly blood splatter on the wall.

25 A No, sir.

1 Q All right. As far as the shell casing, you don't
2 know when that shot was fired. It could have been shot --
3 that shell casing could have been from days earlier. You
4 can't tell us definitively that it was that shell casing
5 from that night, can you?

6 A I cannot tell you that it was fired before I got
7 there or after I got there. There's a SLED report that it
8 was fired from that weapon.

9 Q But, again, you don't know when that round was fired.
10 It could have been that day, it could have been days
11 before. You don't know.

12 A Well, based on my viewing of shell casings, I shoot
13 guns quite a bit, you can tell one that's been recently
14 shot ---

15 Q Okay.

16 A --- I mean, just from the tarnishing of the shell
17 casing. And that one's pretty pristine.

18 Q All right. Were you able to find the bullet in this
19 case?

20 A I was not.

21 Q Okay. Do you believe there are a couple holes in the
22 wood, and you -- what is -- what is this red stick that
23 you have?

24 A That's a dowel that's used. There's different sizes
25 of them. Usually, if you can find a hole that possibly a

1 projectile has made, you put the dowel through it and try
2 to get a trajectory of what you believe to be a bullet
3 that went through it.

4 Q All right. And did you use one in these in this
5 case?

6 A Oh, yeah.

7 Q And were you able to find the bullet when you were
8 using this stick?

9 A I was not. I think we determined that that was not a
10 bullet hole. It was -- it was -- we were trying to find
11 any and everything that we could find at the scene.

12 Q Okay. So you were able to determine that this wasn't
13 the bullet's trajectory, that hole that you put that dowel
14 rod in; is that correct?

15 A At the best of our ability, we were.

16 Q And you dug around that area and you couldn't find a
17 bullet in the ground outside?

18 A Yes. Outside of it. What we thought, we dug into
19 the ground and sifted the dirt. And that's when I called
20 Lieutenant Robinson, and he brought even a metal detector
21 out and we could not find it.

22 Q Did you use that stick anywhere else, the red stick
23 anywhere else?

24 A I did not. I couldn't find anything in the wood,
25 which that would be helpful in. There was plenty of holes

1 in the tarp and the plastic and all those.

2 Q So there were lots of holes in the tarp and plastic?

3 A Yes.

4 Q And you couldn't tell if any of those were the bullet
5 hole that the bullet would have exited the building?

6 A Could not.

7 Q So none of the wood in the building showed any signs
8 of a bullet had gone through it.

9 A That I -- I cannot find one.

10 Q Okay. And there's wood sometimes in the lower part,
11 but there's also sometimes wood in the upper part of the
12 walls?

13 A The braces, yes.

14 Q Right. And nowhere did you ever find a hole in the
15 wood.

16 A I examined them the best I could, but I couldn't find
17 one.

18 Q So you can't determine what the trajectory of the
19 bullet was in this case.

20 A I cannot.

21 Q You can't tell us what her -- what position she was
22 in when she was shot because you can't trace the
23 trajectory of the bullet; is that right?

24 A That could have something to do with it, but I
25 don't ---

1 Q So you can't tell us ---

2 A A pathologist could probably tell you better than I
3 could.

4 Q At some point, you gave up finding bullet holes?

5 A Yes. When they -- we went inside to search the
6 residence.

7 Q All right. And at some point, you gave up finding
8 the bullet.

9 A Well, I think they kept on -- after I had left the
10 scene, they still were searching for a projectile hole.

11 Q Right. But at some point, the police gave up trying
12 to find the bullet and never found it; is that right?

13 A Yes.

14 Q All right. You conducted a GSR test? What is a GSR
15 test?

16 A I did two of them, yes.

17 Q Okay. What is it?

18 A A GSR test is for gunshot residue.

19 Q Okay.

20 A It's a kit that actually SLED provides to us. And we
21 administer that in these cases to see if someone has been
22 near or fired a weapon.

23 Q Okay. And if they wash their hands, the GSR would
24 most likely come back negative?

25 A I can't say that. I've seen them come back positive.

1 MS. ODOM: And I'm going to object. I'm going to
2 object to the question. I think that's for the GSR expert
3 that will be later.

4 THE COURT: Mr. DeBruin?

5 MR. DE BRUIN: Well, I'll withdraw the question, Your
6 Honor.

7 THE COURT: Question is withdrawn.

8 BY MR. DE BRUIN:

9 Q So you did two gunshot residue tests total in this
10 case.

11 A Yes, sir.

12 Q Did anybody do a gunshot residue test on Jamie's
13 hands?

14 A No. We did not do one on the victim.

15 MR. DE BRUIN: Your Honor, that's all the questions I
16 have.

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY MS. ODOM:

20 Q All right. Detective Langston, I'll try to finish up
21 since I took so long on direct.

22 Now, I forgot all about to ask you about these
23 dowels. Okay. When -- first of all, the pictures I've
24 shown you today, are those all the pictures that you took
25 that night?

1 A No, they are not.

2 Q Did you take a lot of pictures?

3 A Yes, I did.

4 Q Okay. When you say "dowel," what's a dowel?

5 A A dowel.

6 Q Yes. I'm sorry I'm saying that wrong.

7 A They're made out of wood, usually. Sometimes we
8 paint them white and white and orange. That one in that
9 case, the 9 mm one I have, it's fiberglass, and it's
10 orange and white.

11 Q Okay. So it's basically a stick?

12 A Yeah. A stick about three feet long.

13 Q And it's in the same size as the 9 mm?

14 A I've got them pretty close. I have some for like
15 small ammunition, some for like 9 mm, .40, and then I've
16 got a larger one that I use for .45s and sometimes rifle
17 rounds.

18 Q Okay. Can you use that laser pointer to show us what
19 you mean or show us where it's at?

20 A It's right there (indicating).

21 Q Okay. So when you use a dowel, you're just like
22 searching for like any possible hole.

23 A Correct. Well, one that looks like it might have
24 been made by a bullet, which -- or a projectile.

25 Q What do you mean by that? How do you know?

1 A That one was kind of speculative because it wasn't --
2 usually, I'm looking for splintering where the wood
3 splinters. That one, it was just a -- it wasn't a clean
4 hole, but it was the only hole I could find. And it was
5 the -- it looked like it might have been there a little
6 while.

7 Q Okay.

8 A But, I mean, I wasn't going to leave it to chance.

9 Q So that's part of your ---

10 A We went ahead and did it anyway and started digging
11 in the ground.

12 Q Okay. Just part of your due diligence to search?

13 A Correct.

14 Q Okay. And after you left to go to the autopsy, they
15 continued?

16 A They did. I called -- that's when I called
17 Lieutenant Robinson with the metal detector that he
18 assisted in that.

19 Q Did you walk around the perimeter of the building and
20 the area surrounding the building?

21 A I did.

22 Q Did you search for a bullet that might have been out
23 there?

24 A As best you could, yes, for ones outdoors.

25 Q Now, what do you mean -- or what do you mean by best

1 you could?

2 A Once a bullet is outside, an outside shooting or with
3 the projectile leaving, and we're under the assumption
4 that it left the building by some means, it's -- there's
5 trees, there's anything. It could be anywhere out there.

6 Q Okay. All right. And so you started talking about
7 the casing a little bit, about how it didn't appear to be
8 tarnished. So did it have -- you reviewed the evidence in
9 this case, correct?

10 A I have.

11 Q Did it have any dirt in it, the casing when it was
12 found?

13 A No. I don't know when it was found. When it was
14 turned in to me, it looked like this. It did not have any
15 dirt in it or -- it looked just like that.

16 Q Didn't have any dings or ---

17 A No.

18 Q --- like it had been stepped on or anything?

19 A Nope.

20 Q Okay.

21 A Looks just like that.

22 Q When you -- all right. When you do -- the blood on
23 the gun, did that appear to be fresh?

24 A Yes. And I've seen blood dried at various scenes.

25 And it's like it's a small film of blood that was on that

1 slide on that gun. And it's still brightly red pretty
2 much, and it was kind of almost -- it wasn't flaky yet,
3 but it was fresh.

4 Q It was fresh. Okay.

5 And was your -- when you took the defendant's GSR, if
6 he would have had blood on his hands, would you have taken
7 a picture of that for documentation?

8 A Yes. Certainly. Uh-huh.

9 Q Okay. And when you took his -- I can't remember who
10 you took first, but did you change gloves in between?

11 A Yes. That's normal procedure in between. I've
12 changed gloves searching, and if you're going to perform
13 the gunshot residue test, it has a set of gloves in it
14 that you change into those. That way it remains sterile
15 and no cross-contamination or anything. Perform that, and
16 then you get clean with all those. And went and took that
17 back to the truck, secured it. I had some cleaner for my
18 hands in the truck. Cleaned those. Then put on -- opened
19 the other kit and put those gloves on where there's even
20 less risk of ever having cross-contamination, and did the
21 defendant's mother, Ms. Rackley.

22 Q All right. When you took the defendant's GSR, was
23 that captured on an officer's body cam?

24 A It was. I think it was Deputy Morris's, I believe.

25 MS. ODOM: Your Honor, at this time, we're going to

1 play part of State's Exhibit 20, Deputy Morris's body cam.

2 THE COURT: I think that's already into evidence.

3 MS. ODOM: It is. It's in.

4 (WHEREUPON, a portion of State's Exhibit 20, a video,
5 was played in open court.)

6 MS. ODOM: Please answer any more questions
7 Mr. DeBruin has for you.

8 THE COURT: Any recross?

9 RECROSS EXAMINATION

10 BY MR. DE BRUIN:

11 Q You just used the rod one time.

12 A Sir?

13 Q One time you used the rod to find the bullet?

14 A Yes. I actually left that rod in there, yes.

15 Q You personally only used it one time.

16 A Correct.

17 MR. DE BRUIN: Okay. No further questions, Your
18 Honor.

19 THE COURT: All right. Sir, you may step down.

20 MS. ODOM: I'd ask this witness be excused.

21 THE COURT: All right. Any objection?

22 MR. DE BRUIN: No, Your Honor.

23 THE COURT: You are excused.

24 All right. Next witness.

25 MR. JOHNSON: The State calls Dr. Grace Dukes.

1 WHEREUPON,

2 GRACE DUKES,

3 After having been duly sworn, testified as follows:

4 THE CLERK: If you would, have a seat, and state your
5 name for the record, please.

6 THE WITNESS: My name is Grace Dukes.

7 DIRECT EXAMINATION

8 BY MR. JOHNSON:

9 Q I heard somebody call you Mrs. Dukes, but it's
10 Dr. Dukes, correct?

11 A Correct.

12 THE COURT: Dr. Dukes, if you want to, you can take
13 your mask off while you testify.

14 THE WITNESS: Sure.

15 BY MR. JOHNSON:

16 Q Dr. Dukes, MD, medical doctor?

17 A Yes.

18 Q Where do you work?

19 A I work for Pathology Associates in Greenville, South
20 Carolina.

21 Q Okay. What do you do with them?

22 A I am a forensic pathologist.

23 Q Forensic pathologist. All right. For all us
24 laypeople, what does that mean? What is your
25 responsibilities with that?

1 A My job is to do autopsies and forensic and
2 occasionally medical cases.

3 Q Can we get a little background on your education? I
4 know you've been to school for a while. But let's say
5 starting from after high school, so undergraduate degree
6 forward.

7 A I finished up -- I got a BS in biology at Clemson
8 University in 2005. I attended medical school at Medical
9 University of South Carolina in Charleston. I finished
10 there in 2012. I did an anatomic and clinical pathology
11 residency at University of Kentucky. I finished that in
12 2016. And then I completed a one-year forensic pathology
13 fellowship training at Cook County Medical Examiner's
14 Office in Chicago.

15 Q How long did that take, all that education?

16 A Oh, what was that? Four plus four plus one.

17 Q Over a decade?

18 A Yes. Roughly.

19 Q Have you worked anywhere else besides the firm you
20 work with now ---

21 A Yes.

22 Q --- the practice you work with now?

23 Where have you worked?

24 A I worked at the Georgia Bureau of Investigation in
25 Atlanta for a year.

1 Q How many autopsies do you think you've done? Rough
2 estimate.

3 A Probably approaching 2,000 now.

4 Q 2,000 autopsies.

5 Have you ever been qualified as an expert before?

6 A Yes.

7 Q How many times? Rough numbers are fine.

8 A Six or seven.

9 Q Have any of those been in South Carolina?

10 A Yes.

11 Q All right. What field were those in, those
12 qualifications? Was that forensic pathology?

13 A Forensic pathology.

14 MR. JOHNSON: Your Honor, the State seeks to tender
15 Dr. Dukes as a qualified expert witness in forensic
16 pathology.

17 THE COURT: All right. Any voir dire from the
18 defendant?

19 MR. DE BRUIN: No, Your Honor.

20 THE COURT: All right. Any objection to
21 qualifications?

22 MR. DE BRUIN: No, Your Honor.

23 THE COURT: All right. I find that Dr. Dukes is
24 qualified in the field of forensic pathology.

25 Ladies and gentlemen, as I mentioned to you yesterday

1 and talked to you a little bit about is that some
2 witnesses are qualified as experts, and they can give an
3 opinion where a layperson cannot. Now, just because a
4 person is an expert, you don't take the evidence or
5 testimony any more than a laywitness. But she is simply
6 qualified as an expert and can give an opinion.

7 BY MR. JOHNSON:

8 Q All right. Dr. Dukes, so when someone is pronounced
9 dead -- or did you examine Ms. Jamie Scruggs's body in
10 this case?

11 A Yes.

12 Q When was she pronounced dead, do you know?

13 A I'm going to have to look at the report. Early in
14 the morning hours.

15 Q Yeah. So it was July 13, 2019, was the date. Do you
16 remember what time?

17 A Four something a.m. 4:30.

18 Q About 4 a.m.

19 So once someone's pronounced dead, how does the
20 process go? So how does the victim's body get to you?
21 Once they're taken by EMS to the hospital, pronounced
22 dead, how does it get to you?

23 A If they're pronounced at the hospital, the coroner
24 would then go to the hospital, what they consider to be
25 the scene at that point, and document things there, and

1 then put the body in a body bag, seal it with a plastic
2 seal and label it. And then the body will be brought to
3 the morgue.

4 Q Which bodies get autopsies? Is it all deaths?

5 A Not all deaths. Nonnatural or unexpected deaths.

6 Q What is the process of an autopsy? What does that
7 look like?

8 A An autopsy includes several components. We examine
9 the body externally for identifying marks and features,
10 descriptions of the body, descriptions of the clothing
11 items that might be received with the body. We examine
12 for injuries, things like that. And then we will cut the
13 body open, examine internal organs for natural disease or
14 injuries or anything.

15 Q And you said you conducted the autopsy on
16 Ms. Scruggs?

17 A Correct.

18 Q All right. Can you generally explain the different
19 between what a cause of death and what manner of death
20 is ---

21 A Sure.

22 Q --- in regards to the term of art in your field?

23 A The cause of death is the event that set in motion
24 the sequence of events leading to death, for example, a
25 gunshot wound.

1 The manner of death is the manner in which that event
2 occurred. And that can be categorized as five things:
3 natural, suicide, homicide, accident or undetermined.

4 Q A natural death, a homicide, a suicide an accident,
5 undetermined.

6 A Yes.

7 Q Okay. In this case, what was the cause of death of
8 Ms. Scruggs?

9 A Gunshot wound to the head was the cause of death.

10 Q Gunshot wound to the head.

11 The manner of death?

12 A Homicide.

13 Q You say homicide?

14 A Homicide.

15 Q Okay. Why did you rule this case a homicide rather
16 than a suicide?

17 A There are several reasons. First, to my knowledge,
18 no gun was recovered near the body when the body was
19 discovered. The decedent did not have a known history of
20 suicidal ideation that was reported in any report that I
21 was given. And then probably most importantly was the
22 range of fire of the gunshot wound. There was no evidence
23 that the gun was near the decedent's head when it was
24 fired.

25 Q All right. We're going to go through that a little

1 bit.

2 So in regards to the distance of the shot, the range
3 of fire, what are the different ranges that you can tell
4 based on the forensic evidence of the body?

5 A So a wound can be categorized as a contact wound,
6 which means the gun is in contact with the skin when it's
7 fired; close range would mean there are certain indicators
8 of a close range, but that would mean the gun was in two
9 to three inches of the decedent's skin; and then
10 intermediate range would mean the gun was within two to
11 three feet; and then indeterminate would mean either
12 beyond two to three feet or we don't know.

13 Q All right. We'll just march through those.

14 So first is contact wound, you said, I believe.

15 A Yes.

16 Q That's gun to the head.

17 A Yes.

18 Q I assume barrel contacting skin.

19 A In contact with the body.

20 Q Okay. So when that happens, what evidence is left to
21 prove that?

22 A Contact gunshot wounds have certain features. The
23 wound edges are typically burned or seared or they can be.
24 Depending on the region of the body, the wound can have
25 different injury characteristics such as -- do you want me

1 to go through them?

2 Q Yeah. So in this case, where was the entrance wound?

3 A On the head.

4 Q On the head. The skull?

5 A The skull, yes.

6 Q Okay, if it was a contact wound on the skull, what
7 would you expect to see?

8 A A contact gunshot wound on the skull would have
9 certain features because the wound is overlying a flat
10 bone of the body. If a gun is held against a skull,
11 against overlying a flat bone, that things other than a
12 bullet will leave the gun. It will expel gases and
13 components of gunpowder that cause an expansion. So if
14 the gun is in contact with the skin against a flat bone,
15 that bullet will penetrate through more than likely, and
16 then underneath it, those gases will expand the skin,
17 tearing the skin and the surrounding area because it's
18 limited by the skin and that bone underneath.

19 Q Tears in the skin. And you mentioned -- I don't know
20 if you said it, but soot residue in the wound?

21 A Yes.

22 Q Would you expect -- did you see any of that here?

23 A No.

24 Q Okay. Did you see any tears in the skin?

25 A Not in the entrance wound, no.

1 Q Okay. In the entrance wound, did you see any soot?

2 A I did not.

3 Q Did you see any burns in the wound?

4 A I did not.

5 Q Did you see any residue or unburned gunpowder inside
6 the wound?

7 A No.

8 Q All right. I'm assuming that's why you ruled this as
9 not a contact shot?

10 A Correct.

11 Q Okay. Or a contact wound, I guess, is proper.

12 I'm going to show you what's been premarked as
13 State's Exhibit 39, 40, 41, and 42. Do you recognize
14 these photographs? You can just look through them all.

15 A (Reviews exhibits) Yes.

16 Q What are they?

17 A They are autopsy photos.

18 Q Of Jamie Scruggs?

19 A Yes.

20 Q That's a fair and accurate representative of what it
21 looked like during the autopsy?

22 A Yes.

23 Q Now, were these photos taken during the autopsy?

24 A Yes.

25 MR. JOHNSON: Your Honor, the State seeks to

1 introduce what's been premarked as State's 39, 40, 41, and
2 42.

3 THE COURT: Any objection from the defendant?

4 MR. DE BRUIN: No, Your Honor.

5 THE COURT: All right. Exhibits 39, 40, 41, and 42
6 are admitted without objection.

7 (WHEREUPON, State's Exhibit Numbers 39 through 42 were
8 admitted into evidence.)

9 MR. JOHNSON: And, Your Honor, I just want to warn
10 everybody this is graphic.

11 BY MR. JOHNSON:

12 Q I'm going to show you State's Exhibit 41. Is that
13 Ms. Jamie Scruggs?

14 A Yes.

15 Q I'm going to zoom in, get her face out of it.
16 State's 42, what wound is this?

17 A This is a photograph of the entrance wound.

18 Q Okay. And, again, now that the jury can see it, were
19 there any tears in the skin indicating a contact shot?

20 A No.

21 Q And, again, there was no burn, soot or anything
22 inside the wound.

23 A No.

24 Q Okay. So we've ruled out contact shot. Next is a
25 close -- close-range shot. Can you explain to the jury

1 what that is?

2 A Evidence of a close range of fire would be the burned
3 gunpowder leaving the end of the gun depositing on the
4 skin in the form of soot. It would have a black
5 appearance, and it can be wiped off. That would be with
6 the gun within two to three inches of the skin.

7 Q Okay. So would you expect to see burns at a close
8 range or not like if it was in the hair?

9 A Potentially.

10 Q Okay. So if I'm understanding this correctly, close
11 contact shot, the soot residue, burns are inside the
12 wound. You take it back a little bit, and all that is
13 around the wound; am I understanding that clearly?

14 A Correct. But there's no contact between the gun and
15 the skin, so there's no direct burn from the heated barrel
16 of the skin. But there are thermal things leaving the gun
17 that could burn the skin or surrounding objects.

18 Q The muzzle flash, I'm guessing, like the fire coming
19 out of the gun's end?

20 A Correct. The products of combustion, yes.

21 Q Okay. And that would -- that's from when the gun's
22 in the inches range, would you say?

23 A Correct.

24 Q Okay. And in your opinion, was this a close-range
25 fire?

1 A No.

2 Q A wound from a close-range fire?

3 Next is you mentioned intermediate range. Can you
4 explain to the jury, again, what that is?

5 A Intermediate range of fire, signs of that would be
6 once the gun is slightly further away from the skin,
7 you're going to have unburned gunpowder leaving the end of
8 the gun that will strike and abrade the skin leaving
9 punctate abrasions around the wound potentially, and those
10 cannot be wiped off.

11 Q Okay. Punctate is like it punctures the skin.

12 A It abrades the skin.

13 Q Okay. So I just want to understand. That means it
14 leaves like a physical mark?

15 A Yes.

16 Q Is that why it can't be washed off?

17 A Yes.

18 Q Okay. Can you explain to the jury why you shaved
19 Ms. Scruggs's head around the wound? What are you looking
20 for there?

21 A I was trying to get a clear photograph of the wound.

22 Q Okay. Were you looking for stippling?

23 A Yes.

24 Q Okay. And that's the abrasions from the gunpowder?

25 A Correct.

1 Q And what generally is the range of fire for when
2 there's stippling on a gunshot wound?

3 A Two to three feet, generally.

4 Q Two to three feet. All right.

5 And, again, there's no evidence of that here?

6 A No.

7 Q So we talked about range of fire. Now I want to talk
8 about the direction of the shot or how the bullet went
9 through Ms. Scruggs's head. Do you have any opinion on
10 which wound was entrance wound and exit wound?

11 A Yes.

12 Q All right. Kind of just generally for the jury, how
13 do you tell the difference between where the bullet goes
14 in and where the bullet goes out?

15 A The gunshot wounds have different features. The
16 entrance wound is generally round with a slight abrasion
17 color around it from the bullet scraping the skin as it
18 perforates. And then exit wounds can look like a variety
19 of things based on what they hit, but they don't tend to
20 have those features. They can, but they typically don't.

21 Q To a reasonable degree of medical certainty, can you
22 tell which was the entrance and which one was the exit
23 wound?

24 A Yes.

25 Q Okay. You're comfortable with that.

1 I'm going to show you what's been premarked as
2 State's Exhibit 40. Can you tell the jury what they're
3 seeing there?

4 A This is a photograph of the exit wound.

5 Q That's the exit wound.

6 So it's kind of hard to tell because Ms. Scruggs's
7 head is a little tilted in the pictures, but can you tell
8 the jury where the entrance and where the exit wound was
9 on her head? Can you just give us an approximation?

10 A The entrance wound was on the left side of her head
11 slightly behind her ear (indicating), and the exit wound
12 was, as you can see, a couple of inches in front of her
13 ear at roughly the same level. I don't remember the
14 difference, from back to front and left to right.

15 Q Okay. So just behind the left ear and out the front
16 right-hand side.

17 A Correct.

18 Q Back to front. Okay.

19 And, again, for those reasons, you determined this to
20 be a homicide rather than a suicide, everything we've
21 talked about?

22 A Yes.

23 Q Okay. And you said the bullet went in the left side
24 of Jamie's head, correct?

25 A Correct.

1 Q Okay. I'm going to ask you a general question.
2 Answer however you'd like. But aside from all the
3 forensic evidence that we've talked about that led you to
4 decide that this was a homicide rather than a suicide, so
5 just based purely on the position of the entry and exit
6 wound, would you consider it to be typical or atypical to
7 see a suicide that takes place with the nondominant hand,
8 so she's right-handed, gunshot from the left side, so shot
9 with the nondominant hand from the rear to the front near,
10 as you say, the top of the skull? Would that be typical
11 or atypical of a suicide?

12 MR. DE BRUIN: Objection, Your Honor.

13 THE COURT: What's your basis?

14 MR. DE BRUIN: I think it's outside her scope on this
15 one.

16 MR. JOHNSON: Your Honor, she's a medical examiner
17 that's done over 2,000 autopsies. I think she absolutely
18 can answer this question.

19 THE COURT: I'll overrule.

20 BY MR. JOHNSON:

21 Q So would that be typical -- again, I'll go through it
22 again. Nondominant hand, back to front, top of the skull,
23 would that, in your experience, be typical or atypical of
24 a suicide?

25 A All of those things considered, I would say atypical

1 but not impossible.

2 Q However, do you think it's possible to have a suicide
3 -- or in addition to that, you're also saying that the gun
4 most likely fired from beyond three feet, likely,
5 potentially.

6 A From beyond two feet, yes.

7 Q Or two feet. Excuse me. Two feet. Okay.

8 So one last time, what is the manner of death in your
9 professional opinion?

10 A Homicide.

11 MR. JOHNSON: No further questions at this time.

12 THE COURT: All right. Cross?

13 MR. DE BRUIN: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. DE BRUIN:

16 Q So based on the autopsy, you can't tell what her head
17 position was when she was shot; is that correct?

18 A Correct.

19 Q So she could have been looking up; is that correct?

20 A In any -- in any position. I can't tell the position
21 of her head.

22 Q Okay. So looking up, down, left, right, she could
23 have been in any of those positions.

24 A Possibly, yes.

25 Q Okay. You can't definitively say, though, that her

1 shooting wasn't an accident; is that correct?

2 A Can you rephrase the question?

3 Q Yeah. You can't definitively say that her cause --
4 or that the gun that went off wasn't an accident. You
5 can't tell that by the -- your examination; is that
6 correct?

7 A It's not my opinion that it's an accidental death.

8 Q Right. But you can't rule out that it was an
9 accident, that something might have happened to make the
10 gun go off and it shot her and it wasn't somebody doing it
11 on purpose is kind of what I'm getting at.

12 A I suppose it's not impossible, but given the
13 evidence, I ---

14 Q Okay.

15 A --- in my opinion, I ruled out accident as a manner
16 of death.

17 Q So at two to three inches, you would see burns on the
18 skin; is that correct?

19 A You may.

20 Q All the time?

21 A Not all the time.

22 Q So sometimes you wouldn't?

23 A It would depend on if there's a barrier between the
24 skin and the gun.

25 Q But sometimes there's no burns on the skin.

1 A Correct.

2 Q Okay. At two to three feet away, you talked about --
3 what would you typically see? Is it soot? Is that what
4 you said?

5 A If the gun were two to three feet away from the body,
6 you would typically see potentially some soot deposition
7 and/or stippling on the skin.

8 Q Potentially, though.

9 A Yes.

10 Q So not a hundred percent?

11 A It varies by gun, but generally, those are the
12 features of a close range.

13 Q But, again, not a hundred percent; is that right?

14 A Correct.

15 Q Are there other factors that can come in?

16 A Yes.

17 Q Okay. Can soot be wiped off?

18 A Yes.

19 Q So somebody had a towel to their head and soot could
20 possibly be wiped off on the towel?

21 A Possibly.

22 Q If they had hair, could that also affect whether or
23 not there's burns or stippling on the skin?

24 A It could. I would be able to see the hair on the
25 body, but it could affect the signs on the skin.

1 Q So at two to three feet away, the soot possibly could
2 be taken off prior to your examination through a towel if
3 somebody was ---

4 A Possibly.

5 Q What about we talked about two to three inches for
6 contacts. What's between contact and two to three range
7 of intermediate? What's that called? Like one foot or
8 four inches.

9 A So under approximately two feet, it would be
10 considered a close-range gunshot wound.

11 Q Okay. So under two feet -- so it's not just two to
12 three inches. It's under two feet?

13 A It varies by gun in this scenario, but generally,
14 close is about two- to three-inch range, and then up to
15 two to three feet would be considered intermediate.

16 Q Okay. But close can go all the way up to two feet;
17 is that right?

18 A No. Close would be within two to three inches.

19 Q Okay. So what is the difference -- okay. So two to
20 three inches that you're saying is close, right?

21 A It's close.

22 Q And intermediate is two to three feet.

23 A It's up to two to three feet.

24 Q Up to two to three feet. So that covers three inches
25 to up to two to three feet?

1 A Roughly, yes.

2 Q Okay. So in that range of more than three inches but
3 less than three feet, that's when you're seeing the
4 deposit of soot but no burns; is that correct?

5 A No. That's when you're seeing the presence of
6 stippling, whereas with a close range, you would not see
7 stippling.

8 Q So but the two- to three-foot range is when you see
9 soot possibly and no stippling?

10 A Soot may be present at any point under two feet.
11 Generally, the soot, once you get out to two to three
12 feet, has dissipated and you're getting -- you're seeing
13 stippling rather than soot deposition. But it's possible
14 to have soot within a range.

15 Q Okay. And, again, stippling, too, it's possible to
16 not have stippling on it in that under two feet range.

17 A Yes.

18 Q And there's lots of factors that go into that; is
19 that correct?

20 A What factors?

21 Q Well, actually, you know what? I think I'm good
22 there. We'll stop on that.

23 You took a toxicology report of the victim as well?

24 MR. JOHNSON: Objection, Your Honor. There's
25 absolutely no foundation for this.

1 THE COURT: Overruled. Cross-examination.

2 BY MR. DE BRUIN:

3 Q Did she have any drugs in her system?

4 MR. JOHNSON: Objection, Your Honor. There's also no
5 chain.

6 THE COURT: Yeah. I'll sustain that objection.

7 MR. DE BRUIN: Your Honor, can I get a ruling as to
8 why you're sustaining that one?

9 THE COURT: What's your grounds for that?

10 MR. JOHNSON: Do you mind if we have a sidebar,
11 Judge?

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: All right. Ladies and gentlemen, I think
14 this is probably a good time to take our lunch break. So
15 why don't we take our break and let's return back to
16 maybe ---

17 MR. JOHNSON: Judge, Dr. Dukes has a flight. So if
18 we do the break, she's got to make a flight this afternoon
19 for a conference. So if we can take a quick break and
20 then we finish it this morning.

21 THE COURT: All right. Let's do that. I don't want
22 to inconvenience you. Let's just take a short break. I
23 have some matters I need to address with the lawyers, and
24 then I'll bring you right back out.

25 (WHEREUPON, the jury exits the courtroom at 12:10 p.m.)

1 MR. JOHNSON: Your Honor, the purpose of my objection
2 was twofold. First of all, we agreed before trial that
3 any evidence of drugs would not be coming in. The State
4 did not elicit any testimony that the defendant was under
5 the influence of drugs, and we had a good-faith belief he
6 was not going to introduce anything under the victim.

7 Second of all, the State has to lay a foundation for
8 chain, bring in drug evidence. The State also has to lay
9 a foundation of chain to bring in the drug evidence. Here
10 there is none of that, no one to test the drugs. He's
11 just trying to get this in through the back door, Your
12 Honor. And I think that objection holds whether it's the
13 State or the defense.

14 THE COURT: What about that, Mr. DeBruin?

15 MR. DE BRUIN: No. Your Honor, we discussed about no
16 evidence of my client's drug use. I think it was more
17 along the line of the 403 evidence and any kind of prior
18 bad acts about my client and kind of drug use with him. I
19 think this is absolutely relevant to this case for the
20 reasons we talked about.

21 THE COURT: Tell me what you -- on the record here,
22 why do you think it's relevant?

23 MR. DE BRUIN: Well, just because she's testified
24 that it's a possibility that within two to three feet that
25 there might not be any evidence of soot and things like

1 that. So, you know, Jamie was -- her DNA was on the gun,
2 not just blood DNA. But that shows she possibly was
3 manipulating the gun and the magazine, the bottom
4 magazine. There's going to be video of my client talking
5 about how he fell asleep and she was still using the gun
6 or she could have been playing the gun. He doesn't know
7 what happened. So these all show that, you know, hey,
8 look, she might not have, in her normal state of mind,
9 done something crazy like this, but, you know, she's under
10 the influence. She may have done something to herself.

11 THE COURT: What's the proof that she's under the
12 influence?

13 MR. DE BRUIN: Well, she's got -- well, it's just
14 more of that she has methamphetamines in her system.

15 THE COURT: What's the proof of that?

16 MR. DE BRUIN: Well, she took blood from her and was
17 able to test it and it came back positive for
18 methamphetamines.

19 THE COURT: I understand that. But what's the proof
20 that she was under the influence of meth?

21 MR. DE BRUIN: Well, maybe not under the influence,
22 but she at least had methamphetamines in her system.

23 THE COURT: But just because she had meth in her
24 system, even if that's accepted as correct, what -- how is
25 that relevant to this testimony?

1 MR. DE BRUIN: I'm not asking her to tell me whether
2 or not she was under the influence, just whether or not
3 she had meth in her system. And then, you know, we can
4 leave it up to the jury to decide, okay, she's got meth,
5 maybe was using meth, maybe she was under the influence of
6 it, maybe she did something to herself accidentally.

7 THE COURT: Well, I hear your argument, but I think
8 you've got to go one step further and say that there has
9 to be some kind of proof that she was under the influence
10 that would have caused her to do that. Just because she
11 might have had meth in her system, I think that's a big
12 leap questioning this witness to then be able to argue to
13 the jury that there was a possibility she was under the
14 influence without any evidence that she would have been
15 under the influence. The fact that she had meth in the
16 system, how do you get to that next step?

17 MR. DE BRUIN: Your Honor, well, you know, look,
18 there was obviously paraphernalia found at the location we
19 didn't talk about, you know, but there's no way,
20 obviously, I can say whether or not she was under the
21 influence or not at this point. But, you know, the
22 foundation, at least she's got it in her system that we
23 can speculate to it. Obviously, you know, the government
24 can disagree with that and say, okay, just because she's
25 got meth doesn't mean she was under the influence. But I

1 think it is a very pertinent fact in this case that she
2 was using drugs and that she suffered a gunshot wound. I
3 think it goes to my argument that it's a possibility that
4 she might have done this to herself.

5 THE COURT: Is there any testimony as to when she was
6 using drugs?

7 MR. DE BRUIN: Well, not on the record right now, no.

8 THE COURT: What about that, Mr. Johnson?

9 MR. JOHNSON: In regards to what he said, Your Honor,
10 first of all, I don't think he clarified at all whether
11 chain was established. Further, the getting into the DNA,
12 that really has no direct link to her drug use. I don't
13 know what's going with that.

14 This clearly just -- he can argue that she
15 manipulated the gun without the drugs coming in. He's
16 just using this as a back door to paint the jurors that
17 this is a drug addict. This is just character evidence
18 that he's trying to sneak in through -- under the guise of
19 DNA, Your Honor. All what I stated prior ---

20 THE COURT: Let me ask you this. What is the
21 relationship with the DNA and the drugs? What's your
22 argument there?

23 MR. DE BRUIN: Well, again, Your Honor, the DNA just
24 shows that she was touching the gun. It can go towards
25 that, that she was manipulating the weapon at some point.

1 Okay. It's just more of, you know, something that wasn't
2 investigated or it wasn't, you know, determined whether or
3 not, you know, that's a possibility that she was under the
4 influence at the time, but we don't know is kind of what
5 I'm getting at. But it's still in her system, and I still
6 think that's a relevant fact to this case that she had
7 methamphetamines in her system that, you know, it's a
8 possibility that people who do methamphetamines don't act
9 within their normal frame of mind when they're ---

10 THE COURT: Is there any testimony about that,
11 though? The amount of meth and the way she was acting,
12 any evidence that backs that up? I hear your argument ---

13 MR. DE BRUIN: Right.

14 THE COURT: --- but the problem I'm having is that I
15 think that's just really speculation, at least at this
16 point, just the mere fact that she had meth in her system
17 to then take the leap. And I think you get into relevancy
18 issues. I think you get into 403 issues. And that's why
19 I keep asking about what is the evidence that then leaps
20 to the conclusion that she was under the influence which
21 then could have caused her to do what you're saying that
22 she may have done. I mean, you've even said that it's a
23 possibility, it's speculation.

24 I think that you run into, again, a relevancy and a
25 403 issue there with pure speculation that she may have

1 had meth in the system, but no evidence that how much she
2 had at this time, what she was doing at this time, any
3 evidence as to how she may have been under the influence.
4 It's just no different than alcohol situation. Just
5 because somebody may have had some alcohol in their system
6 doesn't mean that they were necessarily under the
7 influence. Same with drugs. It doesn't necessarily mean
8 that that person was under the influence.

9 MR. DE BRUIN: Sure. Your Honor, I understand as far
10 as the under the influence part, but I think it's still
11 relevant that she had in her system methamphetamines. If
12 you want me to just limit it to just that her toxicology
13 report had methamphetamines in her system and then later
14 on to maybe lay a groundwork for that she was using meth
15 that night, maybe I can do that. But I can't -- she
16 confirms then that there's methamphetamines in their
17 system. Again, I can limit it to it was just in her
18 system for the purpose of this witness if that's the
19 Court's -- if that's what the Court wants me to do.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: Your Honor, in regards to using this as
22 evidence of her disposition, we've had numerous witnesses
23 testify, and they all testified to her disposition. He
24 could have elicited that through them.

25 Further, that DNA evidence that he says is his goal,

1 that's already in evidence. There's already DNA evidence
2 or proof that there's her DNA on the portion of the
3 firearm. That's in. So his end goals have been met.

4 Again, I believe this is just him trying to get to
5 the jury that this was a drug addict.

6 THE COURT: Again, Mr. DeBruin, my concern is that --
7 is really on a 403 issue in addition to the evidentiary
8 basis for it is that just because she had meth in her
9 system, and we don't have any evidence at this point what
10 that was, and the effect of whatever amounts that she may
11 have had in her system and what that does or does not do
12 to an individual and how they react, and I think just
13 saying that she had meth in the system, unfair prejudice
14 of that substantially outweighs any probative value unless
15 you had some kind of evidence that she was under the
16 influence. In fact, your question, good cross-examination
17 of all of these witnesses showed that Mr. Rackley and
18 Ms. Scruggs had a good night, there was no arguing, they
19 were having fun, they -- seemed to be a good night,
20 there's no animosity between Mr. Rackley and Ms. Scruggs
21 that night, which is a good area of cross-examination for
22 you. You brought those points out very succinctly and
23 very persuasive. And I think that if there was an issue
24 of her being under the influence of meth, that that would
25 have, you know, come out with those witnesses. And that's

1 a -- you know, there's not basis at this point as to her
2 being under the influence of meth. And I think that's
3 what the important issue is.

4 MR. DE BRUIN: Well, again, Your Honor, I can limit
5 it to not under the influence or that it was affecting her
6 or anything like that. Just a mere presence would be -- I
7 can limit my request -- questioning to the witness.

8 As far as, you know, previous witnesses, you know, if
9 we bring it out with them, then it's going to be looking
10 like Jonathan was smoking meth at the same time, okay, or
11 using methamphetamines at the same time. And that runs
12 into, obviously, you know, character evidence of my client
13 that -- I'm not trying to get into if she was under the
14 influence or if she was high at the time. She can't
15 answer that. I understand that. Everybody's different
16 body types and levels. They can't determine whether or
17 not the person was high at the right -- at that exact
18 time. But it can show that she had meth in her system.
19 And that's -- I can limit it to just that, and we can cure
20 that with an instruction or something like that.

21 THE COURT: I'm not sure ---

22 MR. DE BRUIN: But I think -- I think it's very
23 relevant, though. I don't think it -- it doesn't
24 prejudice the government more than how probative it is.
25 It is an important piece of evidence and this witness can

1 testify to that.

2 THE COURT: Not only -- my concern, again, is the
3 foundation and the basis of any evidence to support that,
4 but it seems like it's an effort made to get in the back
5 door some character evidence, which obviously would not
6 be admissible, I don't think, under 404, you know, at
7 all.

8 And if there was some -- if there was some evidence
9 that she was under the influence at the time, then I think
10 the argument would be a little bit different. I'm not
11 saying it would be totally different, but I think it would
12 be at least an argument there that she was under the
13 influence and could have caused something. But I haven't
14 seen any evidence at all to date that just because she
15 may have had meth in her system, that it affected her at
16 all.

17 And, again, I get back to -- and I think it's
18 important -- and, again, your cross-examination was good,
19 your evidence was good as far as the relationship that
20 your client and Ms. Scruggs had and that night and how
21 they were, you know, getting along really good. There's
22 just been no testimony that she was under the influence,
23 which would have then caused her to take action and shoot
24 herself or -- intentionally or unintentionally.

25 So on those grounds, I just don't see how this is

1 admissible. I just don't -- again, the key part is that
2 there's no evidence that it affected her. The fact that
3 she may have had meth in the system, you know, it can be
4 in the system for a while. I mean, I think we all know
5 that. And if there was some evidence that supported that
6 -- and I'm not saying that if you provide some evidence
7 down the road that we can readdress it at some point, but
8 at this stage, I'm going to keep it out. I think it's
9 pure speculation as to whether or not the meth had
10 anything to do with what she may or may not have done.

11 And I think it's -- at this point, too, it's a 403
12 issue where I think the unfair prejudice substantially --
13 does not substantially -- that I think it does
14 substantially outweigh the probative value at this point
15 and that the jury can be unfairly prejudiced by the
16 admission of that evidence. Again, I'm not saying that
17 it's something down the road, if you can readdress it, but
18 at this stage, I'm going to -- I think was an objection
19 that you had ---

20 MR. JOHNSON: It is, Your Honor.

21 THE COURT: --- the State had. So I'm going to
22 sustain the objection at this time on any reference to her
23 being on meth.

24 Thank you for your arguments. It's good arguments,
25 but I just don't see the basis at this time.

1 MR. JOHNSON: And I believe we were in the middle of
2 Mr. DeBruin's cross-examination or had that ---

3 THE COURT: Yes. Yeah. We were in the middle of
4 cross. And she has a plane to catch. So we'll bring --
5 we'll get through with her.

6 Bring them back in. Thank you.

7 (WHEREUPON, the jury entered the courtroom at 12:26 p.m.)

8 THE COURT: All right. Resume cross.

9 BY MR. DE BRUIN:

10 Q Doctor, again, two to three feet or at close range,
11 there would be oftentimes a soot that is deposited on the
12 skin; is that correct?

13 A Correct. If there's nothing intervening, correct.

14 Q Okay. But there are sometimes it can be wiped off,
15 say, with a towel, or sometimes it just doesn't appear; is
16 that correct?

17 A It can be wiped off, yes.

18 Q And sometimes it just doesn't appear?

19 A Not if there's something between the skin and the
20 gun.

21 Q Okay. But it can be wiped off.

22 A Correct.

23 Q Okay. And that's at close range of two to three
24 feet?

25 A Close range would be two to three inches.

1 Q Two to three inches. Okay.

2 All right. So, again, at two to three inches and
3 beyond, the soot can be wiped off with possibly a towel.

4 A The soot can be wiped off at any point.

5 Q Okay.

6 A It would be deposited within two to three inches.

7 Q All right. And then any kind of burns around the
8 skin or any kind of issues with the skin doesn't
9 necessarily appear at every single range; is that correct?
10 At close range, it doesn't have to appear at that range;
11 is that correct?

12 A Burning of the skin?

13 Q Burns of the skin or anything else. Or just burning
14 of the skin.

15 A Burning of the skin does not have to appear at close
16 range.

17 Q All right. So it's possible to not have any
18 evidence, that you possibly could be wrong as far as the
19 distance if there are intervening factors; is that
20 correct?

21 A Potentially.

22 MR. DE BRUIN: I have no further questions, Your
23 Honor.

24 THE COURT: All right. Any redirect?

25 MR. JOHNSON: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. JOHNSON:

Q All right. So I was getting confused on the ranges. Tell me if what I'm saying is correct or incorrect. Contact wound, bullet -- or gun touching the skin; close is between the contact wound and between the intermediate distance, correct?

A Correct.

Q And then -- so that's where the two-foot mark.

Excuse me. That was close.

A It was in between contact ---

Q Contact is touching.

A Yes.

Q Close is in between touching and intermediate, which is around the two-foot mark.

A Correct. But it's closer to touching.

Q And then two to three feet is that intermediate range.

A Up to two to three feet is intermediate range.

Q And then anything farther than three feet is indeterminate range.

A Correct.

Q And indeterminate means three or more.

A Correct.

Q And what did you -- what was your opinion on the

1 distance of the gun in this case?

2 A Indeterminate.

3 Q Indeterminate. Okay.

4 Will a towel that is placed on the head, would that
5 remove soot from inside the wound?

6 A I don't know.

7 Q Okay. If a towel is not touching the inside of the
8 wound, could it clean the inside of the wound?

9 A I don't know.

10 Q Okay.

11 A If it's not wiping the inside of the wound, then I
12 would think it unlikely.

13 Q Okay. And you said the stippling is -- I guess it
14 could be a puncture on the skin. Or what was the word you
15 used?

16 A Punctate abrasion, yes.

17 Q Punctate abrasion.

18 Can you wipe off a punctate abrasion?

19 A No.

20 Q So setting a towel on someone's head, applying
21 pressure, that would not wipe off a punctate abrasion.

22 A Correct.

23 Q Okay. And, again, I love to beat a dead horse. I'm
24 going to ask this question again, make sure I get it
25 right. Aside from the range of fire, is it typical or

1 atypical to see a suicide that takes place with a
2 nondominate hand shot from rear to front ---

3 MR. DE BRUIN: Objection, Your Honor. This one's
4 asked and answered already. He's already asked this
5 question.

6 MR. JOHNSON: Your Honor, he's muddled the water. I
7 think it's okay to clarify.

8 THE COURT: You did bring it up a little bit on cross
9 as far as the theory there. So just very briefly.

10 MR. JOHNSON: Yes, Your Honor.

11 BY MR. JOHNSON:

12 Q So typical or atypical, nondominant hand, rear to
13 front near the top of the skull.

14 A Repeat the question, please.

15 Q Okay.

16 A I'm sorry.

17 Q Get a little frazzled myself.

18 Is it typical or atypical, based on your testimony
19 earlier, to see a suicide to take place using the
20 nondominant hand shot from the rear to front at the top of
21 the skull? Is that typical or atypical in suicides that
22 you've seen?

23 A All of those things considered, it's atypical but
24 possible.

25 Q Okay. Final questions. Do you work for law

1 enforcement?

2 A No.

3 Q Did our office pay you to be here today?

4 A No.

5 MR. JOHNSON: Okay. No further questions.

6 RECROSS EXAMINATION

7 BY MR. DE BRUIN:

8 Q Intermediate is up to two to three feet.

9 A Correct.

10 Q Okay. And it's possible to not see stippling at that
11 range, up to two to three feet.

12 A If there's something intervening, correct.

13 Q Is it possible that, if there's nothing intervening,
14 you wouldn't see that, too?

15 A It could be possible based on an angle.

16 Q Okay. And you testified earlier ---

17 A I can't say it's impossible that stippling would not
18 be present.

19 Q And, again, you testified earlier that you don't know
20 what the angle of her head was when she was shot.

21 A Correct.

22 Q So, again, it's possible that there's no stippling
23 between two to three feet based on the angle of her head.

24 A Stippling would be typical of an intermediate range
25 wound.

1 Q But it's possible that it's not if there's an
2 intervening factor like the angle of her head.

3 A Sure.

4 MR. DE BRUIN: No further questions, Your Honor.

5 MR. JOHNSON: Your Honor, we ask that this witness be
6 excused from her subpoena.

7 THE COURT: Any objection?

8 MR. DE BRUIN: No, Your Honor.

9 THE COURT: All right. Doctor, you are excused.
10 Thank you.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Ladies and gentlemen, now we
13 will take our lunch break. Let's be back here at about --
14 let's be back here at 2:00, so I'll give you a good lunch
15 break.

16 So remember, don't talk about the case, and hope all
17 of you have a good lunch.

18 (WHEREUPON, the jury exits the courtroom at 12:33 p.m.)

19 THE COURT: All right. Anything from the State
20 before we take a lunch break?

21 MS. ODOM: Judge, I do want to put something on the
22 record. And this is partly my fault for not putting this
23 on the record at the beginning of the trial and that it
24 would have been clarified.

25 It was my understanding that the State and the

1 defense had agreed not to discuss any drug use at all or
2 any drug paraphernalia to avoid any potential issues. And
3 it was my understanding that was between -- that included
4 the victim, the defendant and the other parties there. If
5 the defense attempts to elicit any of that testimony, then
6 we will respond with recalling witnesses, which, of
7 course, we would address the Court beforehand.

8 But beside the gun was drug paraphernalia found that
9 the defendant hid. There's multiple witnesses that
10 testified that everybody was doing meth that night.

11 And so I just want to make everyone aware that we
12 didn't bring that out or even attempt to bring it out
13 because we are under the impression that the defense had
14 agreed to it, too, just to keep this case kind of clean
15 and avoid any issues down the road or throughout the
16 trial.

17 So I'm going to just let my witnesses that have been
18 excused from subpoenas know that they do need to remain
19 available.

20 THE COURT: Mr. DeBruin?

21 MR. DE BRUIN: Your Honor, look, I, in no way,
22 obviously, wanted to -- I don't want anything coming out
23 against my client. That was my understanding of
24 everything we were talking about the drugs, because we
25 were going to say -- try to keep out, you know, prior

1 talks with the police and drug use. I didn't want it to
2 come in and have the government have a way to paint him as
3 some, you know, meth addict as well.

4 Now, I guess, maybe I misunderstood, but I didn't
5 think that the victim was not fair game on that one,
6 but ---

7 MR. JOHNSON: Your Honor, the agreement was we don't
8 talk about drugs, you don't talk about drugs. That's the
9 direct quote. We don't talk about it, you don't talk
10 about it. That's what we agreed to before we swore the
11 jury on Monday. And we had witnesses there, and me and
12 Shannon were both there.

13 THE COURT: I wasn't a part of that ---

14 MR. DE BRUIN: Yes, sir.

15 THE COURT: --- agreement, obviously, so I don't know
16 what your agreement was. But, I mean, as far as the issue
17 on the meth with the victim, I've ruled on that. And they
18 have not -- it does sound like they hadn't brought
19 anything out about Mr. Rackley being on meth that night if
20 there was any evidence of that at all. Again, I don't
21 know. And that's -- I'm not ---

22 MR. DE BRUIN: And, again, my understanding was it
23 was just about my client and how I could talk to the
24 witnesses and ask them were you guys smoking meth that
25 night without talking about he's smoking as well. So ---

1 THE COURT: Well, I think, you know, the flip side, I
2 think if you were trying to get the meth from Ms. Scruggs,
3 those questions would have been asked which would have
4 kind of opened the door ---

5 MR. DE BRUIN: Right. Exactly. It definitely ---

6 THE COURT: --- to ask Mr. Rackley, you know. So, I
7 mean, I understand where you're coming from, but that's
8 certainly a risk going that way as well.

9 And, again, I don't know what your agreement was.
10 That's among y'all. But I can just tell you what I from
11 the bench have ruled on that issue, and I'll take each of
12 these up as we come. As I was telling everybody on
13 Monday, that on the motion in limine, I guess, yesterday
14 morning, on the prior bad acts that you had moved on, that
15 I would simply take those up because I couldn't get a
16 grasp at the time on Monday as to exactly what those prior
17 bad acts were. So I'm taking those up as we come.

18 Again, I don't know what the agreement was among
19 counsel, but all I can do is rule on what the evidence is
20 being put forth, and that's what my ruling was as far as
21 any evidence on any meth. Whatever agreement y'all have
22 has got to be among yourselves. All I can do is call the
23 balls and strikes when the pitch is thrown, and that pitch
24 was thrown and I made the call.

25 And as I told you, if there's evidence that's

1 developed, you know, you're free to readdress that. But
2 at this point, my ruling stands on that piece of evidence.

3 All right. Anything else?

4 MS. ODOM: Nothing from the State.

5 THE COURT: All right. We'll be adjourned until
6 2:00.

7 (WHEREUPON, a recess is taken at 12:38 p.m.)

8 (WHEREUPON, the jury entered the courtroom at 2:15 p.m.)

9 THE COURT: Hope everybody had a good lunch, and
10 we're ready to resume.

11 All right. Call your next witness.

12 MS. ODOM: The State calls Tony Robinson.

13 WHEREUPON,

14 TONY ROBINSON,

15 After having been duly sworn, testified as follows:

16 THE CLERK: Thank you, sir. If you would, please
17 have a seat, and state your name for the record, please.

18 THE WITNESS: Tony Robinson.

19 DIRECT EXAMINATION

20 BY MS. ODOM:

21 Q All right. Mr. Robinson, can you tell me where you
22 worked in July 2019?

23 A I was with the Pickens County Sheriff's Office.

24 Q What was your position there?

25 A I was a lieutenant over the Forensic Unit and

1 Property and Evidence.

2 Q And have you since retired?

3 A I did. I retired in December of 2020.

4 Q How long did you work at the sheriff's office?

5 A 31 years.

6 Q All right. You said you were lieutenant over
7 forensic investigation evidence?

8 A Yes, ma'am.

9 Q Describe to me what that means.

10 A We would respond to crime scenes and document crime
11 scenes, take photographs, collect evidence. And once we
12 had evidence in custody, we were responsible for
13 maintaining that evidence and getting it analyzed if it
14 needed to be or maintaining it until court.

15 Q All right. Did you respond to [REDACTED] Ruby Drive?

16 A I did.

17 Q What date?

18 A July 13th of 2019.

19 Q Is that in Pickens County?

20 A It is.

21 Q All right. How did it come about you responding?

22 A Detective Langston was the on-call forensic unit that
23 weekend, and he had been out on a crime scene for several
24 hours. And he called me that morning and requested some
25 assistance. He was actually needing me to bring a piece

1 of equipment to the crime scene to do some additional
2 searching.

3 Q And did you respond?

4 A I did.

5 Q What time did you get there, do you know?

6 A Around 8:15 to 8:30.

7 Q Okay. Was it daylight?

8 A Yes, ma'am.

9 Q Was Brian Langston still there?

10 A He was still there, yes.

11 Q What piece of equipment did you bring?

12 A He wanted me to bring a metal detector. We were --
13 they were trying to find a bullet.

14 Q All right. So when you got there, did he leave at
15 some point?

16 A He left right after I arrived because he had been
17 called to go attend the autopsy of the victim.

18 Q All right. So can you describe the outbuilding, the
19 shed that you saw?

20 A It's -- it's kind of a storage building. I don't
21 know that it was originally intended to be a storage
22 building. It's about 17 feet wide by 13 1/2 feet deep.
23 It has a wooden wall all the way around it up 48 inches,
24 and after that it was screen wire from 48 inches up to the
25 top. So I think it might have been originally designed to

1 be a picnic shelter or something like that. It had a
2 concrete floor, and it was -- but it was being used for
3 storage.

4 Q Okay. I'm going to put State's 1 up. And what is
5 that?

6 A That's a photograph of that building.

7 Q Okay. Can you talk to me about the outer structure,
8 what that's made up of?

9 A That -- that black that you're seeing, that's the
10 screen wire covering, and then somebody had put plastic.
11 And on other sections there were tarps covering it, I
12 guess, to keep the wind out.

13 Q Okay. And I'm going to put 2 up. Can you describe
14 to me the top portion right there?

15 A That's more of that screened-in area. And like I
16 say, there were other areas of it that were covered with
17 tarp and black plastic.

18 Q So some -- but some of it had wood, some of it had
19 other coverings.

20 A Yes. But most of the upper section was soft
21 covering, screen or tarp or black plastic.

22 Q All right. So when you got there, did the other
23 officers already have some of the items removed from the
24 building?

25 A Yes. They had removed a good bit of the items from

1 the building in their search for evidence before I
2 arrived.

3 Q Now, we're just going to jump right into it. I'm
4 going to hand you what's been premarked as State's
5 Exhibits 49, 50, 51, 52. I want you to just take a look
6 at those.

7 A (Reviews exhibits) Okay.

8 Q And do you recognize those photos?

9 A Those are photographs I took that morning.

10 Q Okay. And are those true and accurate
11 representations of your photos?

12 A They are.

13 MS. ODOM: Okay. Your Honor, at this time, the State
14 would seek to have these, 49, 50, 51, and 52, into
15 evidence.

16 THE COURT: All right. Any objection from the
17 defense?

18 MR. DE BRUIN: No, Your Honor.

19 THE COURT: All right. Exhibits 49, 50, 51, and 52
20 are admitted without objection.

21 (WHEREUPON, State's Exhibit Numbers 49 through 52 were
22 admitted into evidence.)

23 BY MS. ODOM:

24 Q All right. I'm putting 49 up on the projection
25 screen. Talk to me about what the jury's seeing.

1 A I took the picture of that black chair because that's
2 where I located a spent shell casing.

3 Q Now, when you got there, did -- were there any items
4 in that black chair?

5 A Yes. When I started searching for the -- after I
6 arrived at the scene, I was told they had never located a
7 spent shell casing. Normally, we'll find it -- find one
8 at a scene like this, because most shootings now involve
9 semiautomatic handguns which eject a shell casing. Well,
10 when they did not find it inside the building and I went
11 inside the building and looked behind them and I did not
12 find it either, I started looking through the items that
13 they had removed from the building to see if I could
14 locate it there. And I located it in that chair.

15 Q All right. Now, so when they started searching, it
16 was still dark?

17 A It would have still been dark at that time, yes.

18 Q Okay. But when you got there, it was light?

19 A Yes, ma'am.

20 Q I'm going to put 50 up on the projection. All right.
21 Talk to me about what we're seeing in this picture.

22 A That's the same chair. I just took a closer-up
23 photograph, and you can actually see the shell casing
24 laying inside the chair.

25 Q What are those other items in the chair?

1 A Well, there's a pair of wire cutters and some type of
2 electrical plug-ins.

3 Q Now I'm going to show you 51. Again, what is this?

4 A Same thing. It's just I'm just taking closer shots
5 of the shell casing.

6 Q Is that typical for you to take multiple pictures of
7 the same thing?

8 A Yes. Yes, it is.

9 Q All right. Now I'm going to publish 52. Whose hand
10 is in that picture?

11 A That's my hand holding the shell casing. I was just
12 trying to get a photograph of the headstamp on it.

13 Q Now I'm going to show you what's been marked as 53.
14 Look at that and tell me what that is.

15 A This is that shell casing that you see in that
16 photograph.

17 Q Did you turn that in to evidence?

18 A I did.

19 MS. ODOM: Your Honor, at this time, the State seeks
20 to introduce this.

21 THE COURT: Any objection?

22 MR. DE BRUIN: No, Your Honor.

23 THE COURT: All right. 53?

24 MS. ODOM: Yes, sir. 53.

25 THE COURT: All right. Exhibit 53 is into evidence

1 without objection.

2 (WHEREUPON, State's Exhibit Number 53 was admitted into
3 evidence.)

4 BY MS. ODOM:

5 Q All right. So talk to me about what kind of casing
6 that is.

7 A It's a 9 mm shell casing. It's got a headstamp. The
8 brand is PPU. I'm not familiar with what that stands for,
9 but it's a PPU 9 mm shell casing.

10 Q Does it appear to be weathered in any way?

11 A No.

12 MS. ODOM: Your Honor, since this is in evidence, can
13 I just allow it to be published to the jury since it's so
14 small?

15 THE COURT: Yes. Uh-huh.

16 BY MS. ODOM:

17 Q All right. So you say it doesn't appear to be
18 weathered. Was there dirt in it when you found it?

19 A No, ma'am.

20 Q Was it tarnished or anything?

21 A No, ma'am.

22 Q Was there any indication that it had been on the
23 ground at some point?

24 A No, ma'am.

25 Q And before I go any further talking about that, at

1 some point, did you take a DNA swab from the defendant?

2 A I did.

3 Q And did you place that into evidence?

4 A Yes, I did.

5 Q And did someone within our sheriff's office take that
6 to SLED?

7 A They did.

8 Q I'm going to hand you what's been marked as
9 State's 47, the bullets that were in the gun. Can you
10 tell what kind of bullets those are?

11 A They're 9 mm bullets. They're not all PPU which
12 matches that, but some of them are.

13 Q Okay.

14 A So there was a mixture of different brands of bullet
15 inside the gun.

16 Q So PPU is the casing, and some of that was also in
17 that.

18 A Yes. That's correct.

19 Q And in your experience as an evidence technician, is
20 that common or has that happened before, people mix up
21 their ammunition?

22 A Yes. That's very common.

23 Q Okay. Now, talk to -- tell us what you did as far as
24 using the metal detector looking for a casing or a bullet.

25 A They had found a hole in the wall which would

1 actually be in the lower corner behind where the chairs
2 had originally been inside the building when the shooting
3 occurred. They had found a small hole in the wall behind
4 those chairs down low. And they had actually run a dowel
5 rod through it and tried to determine an angle. And the
6 dowel rod went outside the building and into the ground.
7 Well, Detective Langston and the original investigators on
8 scene had sifted through that dirt and they had dug down
9 and they had never been able to locate a bullet, the fired
10 bullet. So they called me to bring the metal detector in
11 to see if I could locate the fired bullet.

12 Q And were you able to locate it?

13 A No. I searched that entire area, I searched the dirt
14 that they had already dug out. I found a few screws and
15 some nails, but there was no bullet.

16 Q Okay. And you did not just focus in that area, or
17 did you search other surrounding areas, too?

18 A I searched other areas. And after looking at that
19 hole, after I couldn't find the bullet, I examined that
20 hole a little more thoroughly and decided it's probably
21 not a bullet hole. It's just it's an old building and it
22 had a few holes in it. So I decided that's probably not a
23 bullet hole anyway.

24 So at that point, I started searching. And
25 Lieutenant Barwick and Agent Chet Anthony were there. And

1 we searched everywhere, because once we determined that
2 the bullet had traveled through her head, it had to hit
3 somewhere. And so we searched everything in the building.
4 We searched everything that they had already moved outside
5 the building. I searched the rafters, I searched the
6 walls, and we never could find anywhere where that bullet
7 had struck.

8 Q Has there been cases before where y'all did not find
9 the bullet?

10 A Once a bullet -- if a bullet travels through a
11 person's body, and especially in an outdoor situation or
12 in a situation like this with that soft screen and stuff
13 on it, once it exited -- if it exited that building, it
14 would be almost impossible to find it. And that's not
15 unusual. If it travels through a person's body, it's
16 going to make it that much harder to find.

17 MS. ODOM: All right. Beg the Court's indulgence
18 just one moment.

19 THE COURT: Uh-huh.

20 BY MS. ODOM:

21 Q All right. I keep wanting to call you Lieutenant
22 Robinson. I guess it's Mr. Robinson now.

23 Do you know about how long you were out there on
24 scene?

25 A I was out there at least three hours.

1 MS. ODOM: Okay. All right. Please answer any
2 questions Mr. DeBruin has for you.

3 CROSS EXAMINATION

4 BY MR. DE BRUIN:

5 Q Mr. Robinson, when you couldn't find a shell casing
6 or anybody couldn't find the shell casing first, did
7 everybody look inside the building first?

8 A Yes.

9 Q Did they move any -- initially, they kept everything
10 inside the building, right, and looked through it to find
11 the shell casing?

12 A I think some things had to be moved. When they
13 originally arrived at the scene, I think they had to move
14 some things to get to the victim. Because trying to do
15 everything they could for her ---

16 Q But nothing was taken out -- nothing was taken out of
17 the building.

18 A I don't know. I don't know if they moved anything
19 completely out of the building at that time or not.

20 Q Okay.

21 A But by the time I got there, they had moved stuff out
22 of the building.

23 Q Okay. So items were taken out. And then the shell
24 casing was not found in its original location; is that
25 correct?

1 A No.

2 Q So it had been moved by one of the people in the
3 police department.

4 A I don't think it intentionally was moved by them.

5 Q But it was moved by somebody.

6 A But I think there was a bunch of stuff in that chair
7 that I moved out. And I think it's possible that the
8 shell casing was up on some of that stuff. And when they
9 moved it, it may have fell into the chair.

10 Q Again, I feel like that was an easy question to
11 answer and you went on a long time about it.

12 If -- somebody from the police department moved that
13 round, that shell casing; is that correct?

14 A Not intentionally, but yes.

15 Q Okay. So things were taken out of the building, and
16 it was found outside of the building; is that right?

17 A That's correct.

18 Q Okay. And it's possible that the bullet could have
19 been taken outside and possibly dropped on the ground, you
20 guys wouldn't have found it.

21 A I think I would have found it.

22 Q Okay. The bottom line is, you never found the
23 bullet.

24 A I never found the bullet.

25 Q You never found a hole that you thought to be the

1 bullet hole.

2 A There were holes in that -- in that screen and stuff,
3 numerous holes. Any of those could have been a bullet
4 hole, I suppose, but I could not be sure.

5 Q And you did not do anything further to determine
6 whether or not those were bullet holes.

7 A Well, there was nothing else I could do to determine
8 if they were bullet holes.

9 Q Okay. All right. Did you ever -- you spent three
10 hours there that day; is that right?

11 A At least, yes.

12 Q And you didn't go back any other day ever?

13 A No, sir.

14 Q And neither did anybody else after that?

15 A No, sir.

16 MR. DE BRUIN: Okay. No further questions, Your
17 Honor.

18 THE COURT: All right. Any redirect?

19 MS. ODOM: No redirect.

20 THE COURT: All right. Thank you, sir. You can step
21 down.

22 MS. ODOM: And I ask that he be excused from his
23 subpoena.

24 THE COURT: Any objection from the defense?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: You are excused, sir.

2 MS. ODOM: At this time, the State calls Victoria
3 DeLoach.

4 WHEREUPON,

5 VICTORIA DELOACH,

6 After having been duly sworn, testified as follows:

7 THE CLERK: Thank you, ma'am. If you would, have a
8 seat, and state your name for the record, please.

9 THE WITNESS: My name is Victoria DeLoach, spelled
10 capital D-E capital L-O-A-C-H.

11 THE COURT: And, Ms. DeLoach, if you want to, you can
12 take off your mask.

13 THE WITNESS: Thank you.

14 DIRECT EXAMINATION

15 BY MS. ODOM:

16 Q All right. Ms. DeLoach, can you tell me where you
17 work?

18 A I'm employed with the South Carolina Law Enforcement
19 Division, commonly known as SLED.

20 Q And what education have you had?

21 A I have an associates of science degree from Midland's
22 Technical College as well as a bachelor's from the
23 University of South Carolina in criminal justice and
24 criminology.

25 Q What's your position at SLED?

1 A I am a forensic scientist in the latent print
2 department.

3 Q Have you -- have you ever testified in court before?

4 A I have.

5 Q Have you ever been qualified as an expert before?

6 A I have.

7 Q In what were you qualified in?

8 A I was qualified as an expert in latent print evidence
9 processing and latent print comparisons.

10 Q In addition to the education you've received, have
11 you received any other training?

12 A I have.

13 Q Tell us about that.

14 A When I first started in the Latent Print Department,
15 we're required to go through an in-house training. It's
16 similar to an apprenticeship. I worked very closely with
17 and assisted a certified latent print examiner in her
18 work. I was also required to successfully complete a
19 series of written and practical examinations encompassing
20 all aspects of latent print work including policy and
21 procedures, various chemical processing techniques, that
22 sort of thing. I also attended some external training
23 courses as well, one specifically dealing with palm
24 prints, search and comparison techniques.

25 At the end of that in-house training program, I was

1 required to successfully complete a competency test which
2 encompassed the entire year of my training. We're also
3 encouraged to attend ongoing training courses as well,
4 workshops as they become available, that sort of thing.

5 MS. ODOM: Your Honor, at this time, I would submit
6 her as an expert in latent print processing and
7 comparison.

8 THE COURT: Latent print processing and what?

9 MS. ODOM: Comparison.

10 THE COURT: All right. Any voir dire from the
11 defendant?

12 MR. DE BRUIN: No, Your Honor.

13 THE COURT: All right. Any objection to
14 qualification?

15 MR. DE BRUIN: No, Your Honor.

16 THE COURT: All right. I find that the witness is
17 qualified as an expert in latent print processing and
18 comparison.

19 Ladies and gentlemen of the jury, just my -- remember
20 my former or prior instructions about expert witnesses.

21 MS. ODOM: Thank you, Your Honor.

22 BY MS. ODOM:

23 Q All right. Did you have any involvement testing any
24 items in reference to this case? And for your reference,
25 your SLED associated case number is L19-12758.

1 A That's correct. And I did.

2 Q Okay. Can you tell me what items you considered,
3 were part of your report?

4 A I received Container B on August 9th of 2019, in a
5 sealed box, and that contained two items. Item 1 was a
6 cartridge case, and Item 2 was one handgun, one magazine
7 and eight cartridges.

8 Q Now, when you receive your -- when you received those
9 items, were they in any kind of packaging that would
10 indicate they hadn't been tampered with?

11 A That's correct. Whenever we first receive evidence,
12 it's in a sealed vault, our evidence vault, and it's a
13 secured access location. When I receive my evidence that
14 I'm about to conduct processing on, I will inspect all of
15 the seals to ensure that their integrity has been
16 preserved.

17 Q And can you talk to me about the process in general
18 of attempting to obtain fingerprints from an item?

19 A I can. So once I've inspected all of the seals, I'll
20 then open my evidence to perform my evidence inventory to
21 make sure everything that's supposed to be in there is.
22 I'll then, if DNA is requested as it was in this case, I
23 will conduct a visual examination using new gloves, and
24 prior to that, I will ensure that my workspace has been
25 decontaminated. I will do a visual examination and then

1 I'll swab for DNA. The swabs are -- they look like
2 extra-long Q-tips, and one is moist with deionized water,
3 the other is dry. And I will swab the areas requested for
4 DNA. In this case, it was touch DNA and blood DNA.

5 Q So you're trained in the field of fingerprinting, but
6 you're also able to take DNA swabs.

7 A That's correct. I'm trained to take the swabs and
8 then forward them to our DNA department. I'm not trained
9 to analyze.

10 Q Okay. All right. So with Item 1, the cartridge
11 case, did you analyze that for fingerprint evidence?

12 A I did. I conducted a visual examination of Item 1,
13 and I did not observe any fingerprint evidence.

14 Q Okay. How about any of your other tests?

15 A Item 2, I conducted a visual examination. I did
16 see ---

17 Q What was Item 2 again?

18 A I apologize. Item 2 was one SCCY handgun, one
19 magazine and eight cartridges.

20 Q Okay. And so you attempted to obtain fingerprint
21 evidence from the gun, the magazine and the cartridges;
22 that's correct?

23 A I did. But prior to that, I swabbed it for DNA.

24 Q Okay. All right. So can you tell me about any
25 fingerprint evidence from that item, those items?

1 A Well, if I may explain what a latent print is.

2 Q Yes, yes.

3 A So the palms of your hands and the soles of your feet
4 are covered in what is known as friction ridge skin. And
5 those ridges are very, very tiny raised lines that do not
6 run uniformly from one side of your hand to the other.
7 They form elaborate patterns, and they're lined with sweat
8 pores. Throughout the course of your day, you're touching
9 things, you're sweating. Moisture can build up on those
10 ridges, and when you touch something, especially anything
11 that is smooth or shiny, you have the potential to leave
12 behind an invisible impression of those ridges on that
13 surface. And that's what's referred to as a latent print.
14 Some people call it a fingerprint, some people call it a
15 latent print. "Impression" is also sometimes used.

16 Q Okay. And so with Item 2, what were the results on
17 the gun, magazine and cartridges?

18 A My first initial visual examination, I did observe
19 some fingerprint evidence. And so in that instance, I'm
20 going to avoid swabbing those areas because I don't want
21 to destroy any potential latent print evidence.

22 I swabbed it for DNA. I took four swabs that I
23 designated as Items 2.1 through 2.4 from different areas
24 of the gun and cartridges and the magazine. I then put
25 the gun in -- well, Item 2, excuse me, in a cyano chamber,

1 which is a controlled chamber. And cyanoacrylate is -- or
2 "cyano" is a technical term for superglue. And we put it
3 on a hot plate within the chamber. And as it heats, it
4 creates a vapor that attaches itself to any latent print
5 residue on the surface of the evidence, and it will allow
6 for future -- for further testing. Excuse me.

7 Once that was completed, I removed the evidence, did
8 another visual examination. I observed some insufficient
9 ridge detail, which means that I could see that it had
10 been touched, but there wasn't enough to form a
11 conclusion.

12 I then sprayed it with MBD, which is a fluorescent
13 dye stain. And I viewed it under alternate light which is
14 similar to a black light. And the MBD, that fluorescent
15 dye stain, will actually allow the impressions or the
16 latent prints to fluoresce under the alternate light.

17 And at the conclusion of that, I determined that it
18 was insufficient ridge detail, which means that there was
19 ridges on the surface of the evidence, but there was not
20 enough to come to any -- any conclusions.

21 Q On what part of the evidence were those insufficient
22 ridges?

23 A The gun and the magazine.

24 Q What part of the gun and the magazine?

25 A I did not indicate that. I apologize.

1 Q All right. So you swabbed the gun, correct?

2 A That's correct.

3 Q And you testified to the jury, explained to them how
4 it's basically two long Q-tips. Did you say one was dry
5 and the other one wasn't?

6 A That's correct.

7 Q Okay. And so you have a wet Q-tip taking a sample.
8 And did you forward those DNA samples on to be
9 analyzed?

10 A I did. They are air dried, and then they were
11 forwarded to DNA casework.

12 Q Give me just one moment, please.

13 I'm going to hand you what's been marked as 56-B.
14 56-B, can you tell me what that is?

15 A These are the swabs that I took from Items 1 and 2.

16 Q Okay. And that's what was forwarded to DNA?

17 A Correct.

18 MS. ODOM: Your Honor, at this time, the State would
19 seek to introduce 56-B into evidence.

20 THE COURT: Any objection from the defendant?

21 MR. DE BRUIN: No, Your Honor.

22 THE COURT: All right. Exhibit 56-B is admitted into
23 evidence without objection.

24 (WHEREUPON, State's Exhibit Number 56-B was admitted into
25 evidence.)

1 MS. ODOM: Please answer any questions Mr. DeBruin
2 has for you.

3 CROSS EXAMINATION

4 BY MR. DE BRUIN:

5 Q Item 2.1 what was that again?

6 A Item 2.1 was two swabs taken from suspected blood on
7 Item 2.

8 Q Okay. All right. The magazine and the grip of the
9 handle, was there any suspected blood on those?

10 A I did not indicate where the suspected blood was on
11 the -- on Item 2.

12 Q Okay. Did you observe any suspected blood on the
13 grip or the magazine?

14 A I did not make note of it, but ---

15 Q So you don't know?

16 A I do not know. I'm sorry. But as I -- I did swab
17 for touch DNA on the textured portion of grip and base of
18 magazine of Item 2 and designated as 2.3. And typically,
19 when I do touch swabs, you want to avoid areas of blood.

20 Q Okay. So you want to avoid -- I'm sorry. The last
21 part was that you avoid areas of blood when you're doing
22 touch swab?

23 A Correct.

24 Q So it's not likely that the -- from the grip and the
25 bottom of the magazine that there was blood on it because

1 you wanted to try to avoid it; is that correct?

2 A Correct. But I can't say for certain like where
3 exactly everything was.

4 MR. DE BRUIN: Your Honor, I have no further
5 questions.

6 THE COURT: All right. Any redirect?

7 REDIRECT EXAMINATION

8 BY MS. ODOM:

9 Q You talked about the insufficient ridge detail. How
10 easily is it for fingerprints to be wiped off of something
11 or to not be sufficient?

12 A Fingerprint evidence is very fragile. If something
13 is wiped down or cleaned, that could destroy any latent
14 print. If you have a fingerprint on like a cell phone,
15 for example, and it's put in a pocket, wiping up against
16 that fabric can destroy any ridge detail that could have
17 potentially been left.

18 MS. ODOM: Okay. Nothing further.

19 THE COURT: All right.

20 MS. ODOM: May she be excused?

21 THE COURT: Yes. Any objection?

22 MR. DE BRUIN: No, Your Honor.

23 THE COURT: All right. Thank you, ma'am. You may be
24 excused.

25 THE WITNESS: Thank you.

1 MR. JOHNSON: Your Honor, the State calls Chad Smith.

2 THE CLERK: If you would, raise your right hand.

3 WHEREUPON,

4 CHAD SMITH,

5 After having been duly sworn, testified as follows:

6 THE CLERK: If you would, have a seat, and state your
7 name for the record.

8 THE WITNESS: My name is Chad Smith.

9 DIRECT EXAMINATION

10 BY MR. JOHNSON:

11 Q Good afternoon. Mr. Smith, where do you work?

12 A I'm employed with the South Carolina Law Enforcement
13 Division, which is commonly known as SLED. Specifically,
14 I work in the firearms department at SLED's forensic
15 services laboratory in Columbia.

16 Q Are you a police officer?

17 A I'm a Class 3 officer, yes, sir.

18 Q But do you do police work or do mainly lab work?

19 A Just laboratory work, forensic scientist.

20 Q Okay. How long have you worked for SLED?

21 A This November will be 13 years.

22 Q All right. Can you give the jury some background on
23 your education as a firearms identifier?

24 A I attended Clemson University where I earned a
25 bachelor of science degree in biological sciences. And

1 then after that, I worked for Clemson for a couple of
2 years. And then I came on board with SLED to begin my
3 training in the Firearms Department as a forensic firearms
4 examiner. That training program lasts between three and
5 five years. It is an in-house apprenticeship style
6 program that is supervised by the court-qualified
7 examiners of the Firearms Department. It involves
8 extensive reading and studying. There are multiple
9 examinations and tests given during that time.

10 I also attended various classes and seminars. I got
11 the opportunity to visit and tour several firearm
12 manufacturing facilities.

13 And later in my training, I was able to help the
14 other examiners prepare their casework. And at the end of
15 my training period, I received a comprehensive multipart
16 examination, which I successfully completed, and then I
17 began to receive my own casework.

18 MR. JOHNSON: All right. So we heard from one
19 witness about kind of the basic function of a
20 semiautomatic firearm. Can you kind of -- excuse me.

21 All right. Your Honor, the State seeks to tender
22 Mr. Smith as an identification expert.

23 THE COURT: Firearms identification expert?

24 MR. JOHNSON: Yes, Your Honor.

25 THE COURT: Any voir dire from the defendant?

1 MR. DE BRUIN: No, Your Honor.

2 THE COURT: All right. Any objection on the
3 qualification?

4 MR. DE BRUIN: No, Your Honor.

5 THE COURT: All right. I find that the witness is
6 qualified as an expert in firearms identification.

7 BY MR. JOHNSON:

8 Q I apologize for getting ahead of myself.

9 So the jury has already heard a little bit about the
10 basic functions of a firearm ejecting a cartridge. Can
11 you explain to them a little more detail about a bullet,
12 especially what you use to determine if a cartridge came
13 from a certain firearm and what you use to identify those?

14 A Yes, sir. I have a demonstrative aid here if I may
15 show the jury.

16 Q And would that help them -- help you elicit your
17 testimony to explain it to them?

18 A Yes, sir.

19 Q Okay.

20 A So this is a model of a cartridge. A lot of people
21 just call it a bullet, but that's technically incorrect.
22 You hear a lot of that on TV and the movies that this
23 whole thing is a bullet. Well, this is a round of
24 ammunition, unfired ammunition. So this is called a
25 cartridge. It is made up of several components.

1 First of all, you have the bullet itself, which is a
2 projectile. It is loaded into the top of the cartridge
3 case. Inside the cartridge case is the gunpowder. At the
4 rear of the cartridge case, little gray area, this is
5 called a primer. This is what's struck by the firearm
6 itself or the firing pin of the firearm. And then that
7 ignites the gunpowder in the cartridge case which creates
8 an expansion of gas, and then forces the bullet out of the
9 cartridge case and down the barrel of the firearm.

10 So when a semiautomatic pistol fires a cartridge,
11 you've got two things left over: you've got the bullet
12 which travels down the barrel and out to the -- wherever
13 it's going to go, the target, and then you've got the
14 fired cartridge case which is ejected out of the firearm.

15 So there's marks on this cartridge case that's
16 created during the firing process. Now, the parts of the
17 firearm that come into contact with the cartridge case can
18 mark that cartridge case, place microscopic marks on it.
19 And those marks are created, like I said, during the
20 firing process. We call them striations, but they're
21 basically just microscopic scratches and dents and
22 indentations and things like that.

23 So in this model here, you can see some of the
24 scratches that would have been caused by the firearm
25 during firing. You've got in the primer itself, there's a

1 firing pin impression which is created by the firing pin
2 of the gun. So those leave marks, microscopic marks that
3 we can use to try to determine if a cartridge case was
4 fired by a particular gun. We can -- if we have a
5 firearm, we can shoot test specimens from that firearm to
6 get cartridge cases from. We can compare those cartridge
7 cases together and then compare the cartridge cases with
8 the evidence to look for those similar markings.

9 Q So if I understand this correctly, a gun, when fired,
10 leaves behind specific markings on a shell casing, and you
11 can compare that to other casings and see if that was
12 fired from that gun?

13 A That's correct.

14 Q Okay. I'm going to show you what's been premarked as
15 State's Exhibit 55. Do you recognize that?

16 A Yes, sir. These are the test specimens that I
17 created that were fired from the firearm that was
18 submitted in this case.

19 Q And is that still sealed from -- did you put that
20 seal on there?

21 A Yes, sir, I did. That's evidence tape with my
22 initials and the seal date that I sealed it.

23 MR. JOHNSON: Your Honor, the State seeks to
24 introduce State's Exhibit 55 into evidence.

25 THE COURT: All right. Any objection from the

1 defendant?

2 MR. DE BRUIN: No, Your Honor.

3 THE COURT: All right. Exhibit 55 is admitted
4 without objection.

5 (WHEREUPON, State's Exhibit Number 55 was admitted into
6 evidence.)

7 BY MR. JOHNSON:

8 Q All right. I'm going to show you a couple more
9 things. The first -- or next, rather, is State's
10 Exhibit 45, and 46 is in here as well. This is in the
11 evidence box. Can you take a look at that and see if you
12 recognize that?

13 A (Reviews exhibits) Yes, sir. This is the firearm,
14 the pistol with its magazine that was received for
15 examination.

16 Q Is that the firearm that you used to test fire the
17 State's Exhibit 55, the shell casing?

18 A Yes, sir.

19 Q Okay. I'm going to show you what's already been
20 marked and introduced as State's Exhibit 53. This is the
21 shell casing from the scene. Did you examine that as
22 well?

23 A Yes, sir. This is the fired cartridge case that I
24 received for examination.

25 Q All right. So when you compared the casings that you

1 test fired from this weapon and you compared it to the
2 shell casing found at the murder scene, what did you
3 determine?

4 A I determined that the cartridge case that was found
5 that was submitted was fired by the particular firearm
6 that was also submitted.

7 Q All right. Just to hit this home, clarify, the
8 casing found at the scene you can confirm was fired by
9 this firearm.

10 A Correct.

11 Q Okay. All right. Generally speaking -- or I guess
12 we have it right here. This shell casing, what metal are
13 they typically made of?

14 A This particular cartridge case is made out of brass.

15 Q And does brass oxidize or corrode if left out in the
16 elements?

17 A It can. Brass can tarnish. It can turn black. And
18 it can also, depending on what kind of elements it's been
19 left out in, can sort of corrode and look dirty and
20 weathered.

21 Q Was this one corroded or black?

22 A No, sir. It was received in good condition, did not
23 have any obvious signs of dirt or corrosion or anything
24 like that.

25 MR. JOHNSON: I have no further questions at this

1 time. Please answer any question the defense may have.

2 CROSS EXAMINATION

3 BY MR. DE BRUIN:

4 Q When you conducted your analysis of the 9 mm shell
5 casing, you used the Integrated Ballistic Identification
6 System?

7 A That's part of the investigation that we do towards
8 the end of our examination.

9 The Integrated Ballistics Identification System is
10 also called or known as IBIS, is a computer system which
11 takes pictures, digital images of a cartridge case and
12 stores it. And it also looks for other similar images of
13 cartridge cases that it thinks are possible matches. So
14 it's a good way. It's an investigative tool that allows
15 investigators to potentially link crimes together.

16 Q All right. So it's a computer system that you use to
17 analyze the shell casing; is that correct?

18 A It's part of the examination. It's done after I
19 complete my examinations. We put a sample of a firearm,
20 the cartridge case, a test-fired cartridge case into the
21 system.

22 Q Has this identification system been tested in your
23 office, the computer to make sure it's acting right --
24 working properly?

25 A Yes, sir. Part of my examination, like I said, I can

1 enter the cartridge cases into the system, but it doesn't
2 have anything to do with looking at the -- or try to
3 determine ---

4 Q Are you in charge -- excuse me. Are you -- do you
5 review the system? Are you able to determine if the
6 system is not acting properly or do you need somebody else
7 to do that?

8 A Well, if I enter something and if it's not entered
9 correctly, I will know it right away if there's any
10 issues. We do have an IBIS coordinator in our department
11 who handles all the IBIS issues.

12 Q Do you know when the last time the IBIS system was
13 either updated or ensuring that it's working properly?

14 A No, sir. I'm not an IBIS expert. Again, I'm trained
15 to enter specimens into the system. But as far as the
16 technicalities of calibration and things like that, like I
17 said, we have a person in our department who handles that.

18 Q What peer-reviewed articles have you read to help
19 with your training?

20 A Peer-reviewed articles?

21 Q Yeah. Any peer-reviewed articles that you use to
22 help with training?

23 A Well, I'm a member of the Association of Firearm and
24 Tool Mark Examiners called AFTE.

25 Q Sir, what articles ---

1 MR. JOHNSON: Objection, Your Honor. This was voir
2 dire for his being introduced as an expert. I don't think
3 that's relevant.

4 THE COURT: Overruled. He's entitled to
5 cross-examine in this as well.

6 BY MR. DE BRUIN:

7 Q So what peer-reviewed articles have you read for your
8 training in this field?

9 A Specifically, I can't really recall as far as a
10 specific article, but we do read articles in the AFTE
11 journal.

12 Q What's the potential rate of error for the program?

13 A For which program?

14 Q The IBIS program.

15 A Again, I don't know what sort of error rate the IBIS
16 system has.

17 Q So you don't have any idea what the error rate at all
18 is?

19 A Not for the IBIS system, no, sir.

20 Q You just put the information in the system and hope
21 it comes out right?

22 A Well, I think you're confusing as to what IBIS does.
23 IBIS is, again, an investigative tool that helps
24 investigators see if potential crimes could be related to
25 one another. So if a cartridge case ---

1 Q All right. But it's -- it's a -- it's a tool to help
2 you identify the ---

3 MR. JOHNSON: Objection, Your Honor. He's trying to
4 -- did not get a chance to finish his statement.

5 THE COURT: Make sure you let him finish.

6 MR. DE BRUIN: Okay.

7 THE COURT: Don't cut him off a little bit.

8 THE WITNESS: We put test-fired and evidence
9 cartridge cases into the system. The system takes a
10 picture of it, and then it can correlate what images it
11 thinks could be potential matches. And then what we can
12 do is look further and see if it's a potential match or
13 not. But we would have to have the evidence back to do a
14 full comparison, which is what I would -- I would do, an
15 examination.

16 So all IBIS is is just an investigative,
17 computer-aided tool that we do at the end of our
18 examinations. It doesn't have anything to do with what I
19 would have done microscopically comparing the submitted
20 cartridge case with the firearm.

21 BY MR. DE BRUIN:

22 Q So you're looking under a microscope to determine
23 whether or not it's a match?

24 A That's true. That's correct. We use a -- it's
25 called a comparison microscope. It has -- it's basically

1 two microscopes that uses an optical bridge system so we
2 can compare two samples simultaneously and look for the
3 similarities.

4 Q So it's you personally looking into to see if this is
5 matching from a gun.

6 A That's correct. And then at the end of the training,
7 I would have a reviewer come and look behind me to agree
8 with my decisions.

9 Q Who was the reviewer in this case?

10 A Michelle Eichenmiller.

11 Q Did she make a report as well?

12 A She would not have made a report.

13 Q Can you tell when this bullet -- or when the bullet
14 was fired from that shell casing?

15 A The cartridge case was fired from the gun? Is
16 that ---

17 Q Right.

18 A No, sir. I can't -- can't determine when, a period
19 of time that cartridge case was fired out of that gun.

20 Q Okay. So it could have been days or weeks, depending
21 on the elements.

22 A Correct.

23 Q So you don't know if that shell casing ever housed
24 the bullet that killed Jamie Scruggs; is that correct?

25 A That's correct. I did not receive a projectile.

1 Again, that would have been the -- the bullet that would
2 have come out of the cartridge case. I did not receive a
3 bullet to compare with that firearm. And then, again, I
4 can't determine, you know, if a particular bullet had come
5 out of a specific cartridge case.

6 Q What's the trigger pull on the gun?

7 A I measured it at approximately seven and a half
8 pounds, and that has a plus or minus uncertainty
9 measurement of three-quarter pounds.

10 MR. DE BRUIN: Your Honor, I have no further
11 questions.

12 THE COURT: Any redirect?

13 MR. JOHNSON: Briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. JOHNSON:

16 Q How many test rounds did you fire?

17 A In this particular case?

18 Q Yes.

19 A I fired four cartridges out of this particular gun.

20 Q All right. And you reviewed each of those through
21 the IBIS system and with your own eyes?

22 A Well, the IBIS system, again, that's something that's
23 done after I'm done doing my examinations. We just go
24 ahead and put a sample into the system so it's in there in
25 case that firearm -- to see if that firearm potentially

1 could have been used in other crimes.

2 Q So you examined these with your own eyes.

3 A Yes, sir.

4 Q Okay. And it's your opinion that they match, they
5 were fired from this firearm.

6 A Correct.

7 Q Okay. Now, the person that reviewed your case, would
8 they have signed off on it if they thought you made an
9 error?

10 MR. DE BRUIN: Objection, Your Honor.

11 THE COURT: What's the basis?

12 MR. DE BRUIN: I feel like it's hearsay. I think
13 he's going around to try to get an out-of-court statement
14 from that person. That pretty much says that they
15 correctly done the background check on the gentleman
16 testifying.

17 MR. JOHNSON: Your Honor, he brought -- he called it
18 into question by asking if the person wrote a report and
19 they signed it and where's their report. I'm just asking
20 him if he made an error, if they disagreed with him, would
21 they have signed off on his report.

22 THE COURT: Yeah. I'll overrule.

23 THE WITNESS: No, sir. They would have not. If they
24 disagreed with my conclusion, they would have not signed
25 off on my results.

1 MR. JOHNSON: No further questions. Thank you.

2 THE COURT: Anything else?

3 MR. DE BRUIN: No, Your Honor.

4 MR. JOHNSON: Your Honor, again, we'd ask for this
5 witness to be excused.

6 THE COURT: Any objection?

7 MR. DE BRUIN: Nothing from me.

8 THE COURT: You're excused, sir.

9 THE WITNESS: Thank you.

10 MR. JOHNSON: Next, Your Honor, the State calls
11 Jennifer Nates.

12 THE CLERK: If you would, please raise your right
13 hand.

14 WHEREUPON,

15 JENNIFER NATES,

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you, ma'am. If you would, have a
18 seat, and state your name for the record, please.

19 THE WITNESS: Jennifer Nates.

20 DIRECT EXAMINATION

21 BY MR. JOHNSON:

22 Q Ms. Nates, can you tell the jury where you work and
23 what's your position?

24 A I'm employed by the South Carolina Law Enforcement
25 Division in the Trace Evidence section, and I am the

1 supervisor of that department.

2 Q What is trace evidence?

3 A Trace evidence is one of the forensic disciplines
4 that includes several different types of analyses. The
5 department is responsible for the analysis of the gunshot
6 residue, tape evidence, paint evidence, fiber evidence,
7 arson evidence, explosives and other miscellaneous
8 evidence that is submitted for identification or
9 comparisons.

10 Q And you're the supervisor over all of that?

11 A I am.

12 Q Okay. Have you ever been qualified as an expert
13 before?

14 A I have.

15 Q How many times?

16 A 151.

17 Q Have you ever been qualified as an expert in GSR?

18 A I have.

19 Q How many times?

20 A 131.

21 Q 131 times. Okay.

22 Was all that in South Carolina?

23 A No. One was in the State of New Mexico.

24 Q Okay. Can you explain to us what is GSR just
25 briefly, the gunshot residue?

1 A Gunshot residue is a term that's used to describe any
2 and all residue that's produced when a firearm is
3 discharged. This includes organic and inorganic material,
4 metals, gunpowder particles and what we analyze for, which
5 is PGSR, or primer gunshot residue. It is the specific
6 component produced from the primer residue in the
7 cartridge.

8 Q All right. And briefly, can you explain what
9 education you've had and specifically include education in
10 regards to GSR testing?

11 A I received a bachelor of science degree in chemistry
12 from California University of Pennsylvania. It is, when I
13 attended, a very small state school in Pennsylvania. It's
14 now very large. But I received that in 1997.

15 I was hired at the South Carolina Law Enforcement
16 Division as a drug chemist. I completed that training
17 program, completed the police academy training. And then
18 I transferred into Trace Evidence after performing drug
19 and poison analysis for approximately 11 months.

20 Once I entered into Trace Evidence, I began the
21 five-year training program within that department. It
22 included hands-on training with the senior analyst and the
23 lieutenant at the time of that department. It included
24 outside classes provided by universities and vendors for
25 instrumentation analysis, and it also included training by

1 forensic organizations that provide recertification
2 training and just yearly classes to keep -- so that you
3 know what's going on in the field. So I took all those
4 classes.

5 I still take classes when they become available, and
6 I also perform what is called proficiency testing yearly.
7 The outside vendors provide us with proficiency testing
8 that we have to perform and successfully complete to
9 remain competent in that area of analysis.

10 MR. JOHNSON: All right. Your Honor, the State seeks
11 to tender Ms. Jennifer Nates as a qualified expert in the
12 field of forensic gunshot residue identification.

13 THE COURT: All right. Any voir dire from the
14 defendant?

15 MR. DE BRUIN: No, Your Honor.

16 THE COURT: Any objection to qualification?

17 MR. DE BRUIN: No, Your Honor.

18 THE COURT: All right. I find that the witness is
19 qualified as an expert in forensic gunshot residue
20 identification.

21 BY MR. JOHNSON:

22 Q All right. You've already explained it a little bit
23 to us, but can you expound any more on exactly what GSR
24 you look for and kind of when you find that on a scene?

25 A I don't go to scenes, but I receive evidence from a

1 scene that is collected by an officer or a coroner or any
2 other agency within the state that collects GSR.

3 I'll receive the GSR kit. And as I stated earlier,
4 the purpose of the kit is to identify any particles that
5 are characteristic of the primer gunshot residue. The
6 primer gunshot residue consists of three elements: barium,
7 antimony and lead. We look for a molten microscopic
8 particle or particles that contain these three elements
9 using a scanning electron microscope. Once they are
10 identified, we then issue a report stating our findings.

11 Q What does finding GSR on somebody tell us? Does it
12 mean they fired a firearm?

13 A It does not. If I find gunshot residue on a person,
14 it can mean one of three things. It can mean that person
15 discharged a firearm, it can mean that person was in the
16 vicinity to the discharge of a firearm and they were
17 within the plume of gunshot residue that is produced and
18 it deposited on their hands, it also could mean that
19 person may have handled an object that had gunshot residue
20 on it and transferred to their hands.

21 Q So in other words, if you're in the room when a gun
22 goes off or you touch something that was in a room when a
23 gun goes off; is that fair to say?

24 A It is fair to say. Not exceptionally large rooms,
25 but yes. If you're in room, a firearm is discharged, you

1 potentially could have GSR on your hands from being in
2 that vicinity.

3 Q Okay. I'm going to show you what's been premarked as
4 State's Exhibit 43 and 44. Can you tell us if you
5 recognize this?

6 A This is the outer container for the evidence that I
7 received in this case. We recognize it by the laboratory
8 number that's assigned to the case and then the item
9 numbers which are within it. They're assigned a container
10 number which means -- or a container letter which means
11 that it contains more than one item. In this case, it is
12 my initials and date on when I opened the evidence for
13 analysis.

14 Q Does that still have your seal on the back?

15 A It does.

16 Q All right. What's included in there?

17 A Inside here are two gunshot residue collection kits.

18 Q Can you tell who those are from, indicated?

19 A The one was from Angela Kim Rackley and the other one
20 from Jonathan Richard Rackley.

21 MR. JOHNSON: Okay. Your Honor, the State seeks to
22 introduce State's Exhibit -- or what's been premarked as
23 State's Exhibit 43 and 44.

24 THE COURT: All right. Any objection?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: All right. Exhibits 43 and 44 are
2 admitted into evidence without objection.

3 (WHEREUPON, State's Exhibit Numbers 43 and 44 were
4 admitted into evidence.)

5 BY MR. JOHNSON:

6 Q All right. And you tested both of these?

7 A I did.

8 Q Okay. In regards to Item 3, the GSR kit from Angela
9 Rackley, what did your test results set up?

10 A In the GSR kit submitted from Angela Rackley, I found
11 particles characteristic of primer gunshot residue.

12 Q What about the test on Mr. Jonathan Rackley?

13 A For Jonathan Rackley, the results were the same. I
14 found particles characteristic of primer gunshot residue.

15 Q All right. You're not in the room, and I shoot
16 somebody in a small contained area and you come in and
17 touch the person who's been shot, would you expect to see
18 gunshot residue on you?

19 A From touching something that had gunshot residue on,
20 yes, I could.

21 Q All right. And next I want to talk about gunshot
22 residue and intervening objects. So if there's a board or
23 a tarp in front of us and I shoot at you, will GSR be on
24 you then?

25 A It's possible for some to come through, but you

1 wouldn't expect a lot to come through because anything
2 that the bullet goes through prior to hitting a victim or
3 the target, everything will be encompassed on the outside
4 of that. So if I shoot through this wall here, all the
5 gunshot residue will normally be on the outside of that
6 wall as opposed to the other side.

7 MR. JOHNSON: Okay. At this time, I don't have any
8 further questions for you. Please answer any questions he
9 may have.

10 CROSS EXAMINATION

11 BY MR. DE BRUIN:

12 Q So you took gunshot residue from two people, right?

13 A I can't hear you. I'm sorry.

14 Q You did a gunshot residue examination from two
15 different sources; is that right?

16 A I received two GSR kits from two different people,
17 yes.

18 Q And is that the only ones you had?

19 A Those are the only two that I had.

20 Q Okay. And they both came back positive for gunshot
21 residue?

22 A They did.

23 Q So you can't tell who fired the weapon based on the
24 test that you gave?

25 A No. Based on a positive for gunshot residue, if you

1 have residue on your hands, it can be from firing a
2 weapon, being near a weapon when it was fired, or handling
3 something with gunshot residue on it.

4 Q Okay. So both of those people possibly couldn't have
5 -- it's possible that neither one of the people who you
6 did testing on fired that weapon.

7 A That is a possibility.

8 MR. DE BRUIN: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. JOHNSON: I may, Your Honor.

11 The State has no further questions, Your Honor.

12 THE COURT: All right. Ma'am, you are excused.

13 THE WITNESS: Thank you.

14 MR. JOHNSON: Your Honor, we would ask that this
15 witness be excused as well.

16 THE COURT: Any objection?

17 MR. DE BRUIN: No, Your Honor.

18 THE COURT: All right. Ma'am, you are excused.

19 THE WITNESS: Thank you.

20 THE COURT: All right. Next witness.

21 MS. ODOM: Your Honor, the next witness is going to
22 be fairly lengthy, so this might be, even though early, a
23 good time to break for the day.

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to get -- y'all are going to get an early day today.

1 MS. ODOM: Thank you, Your Honor the State calls
2 Daniel Cochran.

3 WHEREUPON,

4 DANIEL COCHRAN,

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you, sir. If you would, have a
7 seat, and state your name for the record, please.

8 THE WITNESS: Good morning. My name is Daniel
9 Cochran.

10 DIRECT EXAMINATION

11 BY MS. ODOM:

12 Q All right. Detective Cochran, tell me where you
13 work.

14 A I work for the Pickens County Sheriff's Office.

15 Q And how long have you been working there?

16 A I've been there for 12 1/2 years now.

17 Q What's your job? What's your job description?

18 A I am the sergeant over the Special Victims Unit.

19 Q What are your responsibilities as sergeant?

20 A So members of the Special Victims Unit investigate
21 major crimes against people, and that's to include
22 homicide investigations, kidnappings, domestic violence
23 cases, crimes against children, any assaults of that
24 nature, criminal sexual conduct cases.

25 In addition to the work I do at the sheriff's office,

1 I also serve on a task force through the South Carolina
2 Attorney General's Office that's entitled the Internet
3 Crimes Against Children.

4 Q So you investigate a wide variety of crimes.

5 A Yes, ma'am. Absolutely.

6 Q All right. Did you respond to [REDACTED] Ruby Drive back on
7 July 13, 2019?

8 A Yes, I did.

9 Q What time did you respond?

10 A I responded to the scene approximately 2:45 a.m.

11 Q And how did that come about? How were you notified?

12 A So I was the on-call detective that night, and I
13 received a call from the road patrol supervisor indicating
14 that there was a shooting incident at that location that
15 required the attention of detectives and forensic units.

16 Q So is [REDACTED] Ruby Drive in Pickens County?

17 A Yes, ma'am, it is.

18 Q Okay. I'm going to put on the projector State's
19 Exhibit 7, which is a map of Ruby Drive. Can you kind of
20 describe to the jury where Ruby Drive is within Pickens
21 County?

22 A Yes, ma'am. So Ruby Drive is in Easley, South
23 Carolina. It runs directly off of Sheriff Mill Road.
24 Ruby Drive itself consists of approximately -- and if I'm
25 not mistaken, I believe it's about eight homes on that

1 residence. And it is a dead-end road.

2 Q Now, tell me about the Rackley home.

3 A So -- and may I use the ---

4 Q Sure.

5 A Okay. So [REDACTED] Ruby Drive is located right here
6 (indicating). And, again, if memory serves, [REDACTED] Ruby
7 Drive is, I believe, the fourth residence down on the left
8 toward the dead end.

9 Q Are there woods behind it?

10 A There are woods behind it. It also backs directly up
11 to a subdivision, which Windham Lane, that's located just
12 in a very close proximity of -- of that home.

13 Q Okay. All right. When you arrived on scene that
14 night, what happened when you got out of your car?

15 A So the very first thing that happens when I get
16 there, obviously, is I speak with the road patrol
17 supervisor in charge more or less to get an idea of what's
18 going on. So that's the very first thing that I did.

19 Q So he briefed you on what was happening up to that
20 point.

21 A Yes, ma'am, he did.

22 Q All right. And who did you speak with next?

23 A So after speaking with the lieutenant on scene, I
24 then spoke with the defendant's mother, Ms. Angela
25 Rackley, who was located on the front porch of the

1 residence. Now, I only spoke with her briefly, but I did
2 have just some correspondence with her.

3 Q And after briefly talking with her, what did you do?

4 A So after speaking with Ms. Rackley, I then went back
5 to my vehicle where I drafted a search warrant for the
6 residence.

7 Q And can you tell me why you get a search warrant?

8 A Absolutely. So getting a search warrant is typical
9 in -- really in any investigation, but especially a major
10 crime of this nature. And a search warrant gives -- a
11 search warrant, when signed by a judge, gives us the right
12 to seize any evidence without violating the homeowner's
13 Fourth Amendment.

14 Q And so you typed up the search warrant. What all did
15 it include?

16 A So the search warrant, this search warrant
17 specifically included, again, once signed, the search of
18 the property, the dwelling on the property. That's to
19 include the -- any outbuildings or sheds located on the
20 property, any attachments to the property itself. It also
21 includes the search of any vehicles on that property, in
22 addition to the search of any persons on that property as
23 well.

24 Q All right. And you get it signed?

25 A Yes, I did.

1 So actually, once I -- once I drafted the search
2 warrant, typed the search warrant, I then left the scene
3 and I met with the magistrate judge who reviewed the
4 search warrant, and, obviously, deemed that there was
5 probable cause to issue a search warrant, signed the
6 search warrant, at which point I then returned to the
7 scene with -- with the search warrant.

8 Q What time was that search warrant signed?

9 A The search warrant -- may I refer to my ---

10 Q Yes. Absolutely.

11 A So the search warrant -- let's see. So it doesn't
12 appear that the judge timestamped the signature on the
13 search warrant. However, an approximate time would have
14 been somewhere between 3:30 and 4:00 in the morning.

15 Q Okay. All right. So once you get that search
16 warrant signed, can they start executing it once it's on
17 -- back on the property? Or when can that be executed?

18 A So once that search warrant has been signed by the
19 judge, that search warrant is considered what we refer to
20 in hand. Once that search warrant is in hand, officers on
21 the scene may then proceed to search the residence.

22 Q So did you -- what happened? When did they start
23 searching? Did you call them? Did you go back?

24 A I did, yes. So once I -- once I get that search
25 warrant in hand and signed by the judge, I then make

1 contact with law-enforcement personnel that were already
2 on scene that had been called out to assist, obviously,
3 and they began the search of the property.

4 Q All right. And what do you do?

5 A So I then returned back to the scene at that time.
6 And a part of the procedure, the search warrant, is to
7 return a copy of the search warrant to the homeowner. I
8 did do that. I spoke with Ms. Jeanette Rackley, which I
9 believe is the defendant's grandmother. She's the
10 homeowner of the residence. So we are obligated to
11 provide her a copy of that search warrant.

12 In providing her a copy of that search warrant, I
13 also spoke briefly with her just to confirm that she did
14 not hear or see anything in relation to this incident.

15 I also spoke with the minor child that was on scene,
16 I believe his name was Elijah, and this would have been
17 the nephew of the defendant, and just to confirm that he
18 did not hear or see anything either.

19 Q At some point, did you speak with the defendant on
20 the scene?

21 A I did, yes. So while the additional personnel,
22 law-enforcement personnel were executing the search
23 warrant, myself -- myself and Agent Anthony then proceeded
24 to speak with the defendant. Now, that would be referred
25 to as on scene or a field interview.

1 Q Where was he located at?

2 A He was located in the back of a patrol vehicle at
3 that time.

4 Q So did y'all get him out of the patrol vehicle to
5 talk to him?

6 A He was pulled out of the -- he was -- yes. He was
7 asked to be removed out of the patrol vehicle while we did
8 speak with him.

9 Q Did you read him Miranda?

10 A Yes. Absolutely. Anytime that we speak with the
11 defendant, we always provide them with their rights prior
12 to questioning.

13 Q Were you aware that he had already been read Miranda
14 twice at that point?

15 A I was aware that he had been -- well, let me back up.
16 I don't want to say -- no, to be honest, I was not. I was
17 not aware at that point that he had been provided with his
18 rights.

19 Q But now you know.

20 A But now I do know, yes. That's correct.

21 Q All right. So you read Miranda. Does he agree to
22 speak with you?

23 A He does, yes.

24 Q All right. And is that the only interview you do
25 with him or do y'all end that and continue on?

1 A No, we don't.

2 So the field interview lasted approximately
3 30 minutes or so, give or take. That interview was
4 recorded by an in-car patrol vehicle camera. That
5 interview itself was concluded due to the fact that the
6 defendant became agitated, he began to curse, he began to
7 exhibit hostile body mannerisms. And as you've previously
8 heard, there was already one incident with the defendant
9 and law enforcement wherein the defendant became
10 combative, and we were not looking for Round 2 of that.
11 So we did conclude that field interview at the time.

12 Q All right. Now, do you know whose patrol car he was
13 in? Do you remember which of the -- on scene?

14 A I believe, if I'm not mistaken, that he was in Deputy
15 Morris's patrol vehicle at that time.

16 Q Okay. And so that was -- the interview was recorded
17 on his in-car camera, you said?

18 A Yes. That is correct.

19 Q Have you had an opportunity to review that?

20 A Yes, I have.

21 Q Is it easy to hear? hard to hear? Describe that to
22 me.

23 A It was very difficult for us to hear. I don't know
24 if that's been enhanced or if we're able to hear that now
25 or not. But I was not able to hear that very well.

1 Q Okay. All right. So y'all end that interview. And
2 what's your next step? Where do you go from there?

3 A So at that point -- and, again, we decided it would
4 be best to conclude the field interview. We proceeded to
5 respond back to the sheriff's office where the defendant
6 was interviewed for a second time.

7 Q Okay. Now, we will get back to his interview. At
8 this point, I want to continue on, then we'll tack
9 back around.

10 A Sure.

11 Q So you interviewed the defendant twice on July 13th.
12 After interviewing the defendant the second time, what's
13 your next step in the investigation?

14 A So after -- after meeting with the defendant for the
15 second time, we then -- or I shouldn't say we -- I then
16 contacted or made contact with Barry and Nicole Edwards.
17 As you heard, Barry and Nicole Edwards were on scene, you
18 know, the evening of prior to the shooting, so we wanted
19 to set up an interview with Mr. and Ms. Edwards.

20 Q And did y'all end up meeting with them and talking to
21 them?

22 A We did, yes.

23 Q Okay. Did you meet with them in person?

24 A Yes, ma'am, we did.

25 Q Did you interview them together at the same time or

1 do you separate them?

2 A No. Any time that we would interview two witnesses
3 such of this nature, we would most definitely interview
4 them separately.

5 Q Okay. And why do you do that?

6 A Well, that's to maintain the integrity of the
7 investigation.

8 Q Now, did you get any information, take any pictures
9 from Barry Edwards?

10 A We did, yes.

11 Q I'm going to put up State's 5 on the projector. All
12 right. Talk to me about the phone log.

13 A Can we zoom in or can I? Because that's -- my wife
14 tells me I'm blind, and I'm afraid that I won't be able to
15 see the times on that.

16 Q Sure.

17 A Thank you.

18 Okay. So, again, in meeting with Mr. and
19 Mrs. Edwards -- and, of course, this information came
20 specifically from Mr. Barry Edwards. In talking with
21 them, we learned that Mr. Edwards received a missed call
22 from the defendant. And this would have occurred at
23 1:55 a.m. Okay. Now, this would have been moments before
24 the 9-1-1 call was made, so that's important to note as
25 well.

1 We then took screen shots of Mr. Edwards's call log
2 so that we would have that for you today. And that's what
3 this is.

4 Q And is that the only call, that missed call, or was
5 there another one?

6 A So, again, in speaking with Mr. Edwards, we learned
7 that there was a missed call at 1:55 a.m. Mr. Edwards
8 then proceeded to attempt and return the defendant's phone
9 call but was unable to get an answer. Moments later, at
10 1:56 a.m., the -- Mr. Edwards received a text message that
11 read "911" from the defendant.

12 Q Why don't you take your time and look at that.

13 A Sure.

14 Q And take your time looking at this.

15 A (Reviews document) Okay.

16 Q Hold on just a ---

17 A Sure.

18 Q All right. So you testified he had a missed call at
19 1:55. And then who texted who?

20 A Okay. So there was a missed call at 1:55 a.m. from
21 the defendant to Mr. Edwards. The -- Mr. Edwards then
22 responded to that missed call by texting the defendant
23 "sup bro." Okay. At that point, the defendant then
24 responded with "911."

25 Q And is there another phone call?

1 A Yes. There is another phone call on there. It
2 appears to be July 13, 2019, and that was an incoming call
3 at 2:03 a.m.

4 Q All right. Thank you.

5 A Yes, ma'am.

6 Q So you talked to the Edwardses. Did you reach out to
7 any -- who was your next person you reach out to with your
8 investigation?

9 A So after speaking with Mr. and Mrs. Edwards, we then
10 attempt to make contact with Jason Trammell. Jason
11 Trammell lives at [REDACTED] McAlister Road in Easley. We
12 attempted to make contact with him numerous times;
13 however, we were unable to do so. We did eventually make
14 contact with Mr. Trammell and obtained a written statement
15 from him.

16 Q Okay. Now, who's the next person you spoke with?
17 Did y'all go around the neighborhood or anything?

18 A Yes, we did. So just through canvassing -- just
19 through canvassing the neighborhood, again, I mentioned
20 that there was a subdivision, Windham Lane, that backs
21 directly up to the Rackley residence. So we canvassed
22 that area, and we spoke with neighbors that -- and, of
23 course, we inquired as to if whether or not they heard or
24 saw anything that may be relevant to this case.

25 Q All right. And who did you -- which -- who did you

1 speak to on Windham Lane?

2 A Okay. So at first we spoke with Ms. Kaleigh S [REDACTED].

3 And Ms. Kaleigh S [REDACTED] lived, at the time, right here
4 (indicating) at this location. And this is [REDACTED] Windham
5 Lane.

6 Q All right. Did you get a statement from her?

7 A We had a verbal statement from Ms. S [REDACTED], yes.

8 Q And after speaking with Kaleigh, who did you speak
9 with?

10 A We then -- we then met with Ms. Riley B [REDACTED], who
11 lives right here (indicating) directly beside Ms. Kaleigh.
12 And Ms. Riley lives at [REDACTED] Windham Lane.

13 Q All right. And did you get a statement from Riley?

14 A We did, yes, ma'am.

15 Q What else did you get from her?

16 A We also, after meeting with -- or while meeting with
17 Ms. Riley, we also learned -- and Kaleigh as well, but we
18 also learned that there was some correspondence had
19 between the two teenage girls via Snapchat. And,
20 unfortunately, kids don't text. They Snapchat. So we
21 ended up meeting with them in regard to that, and we were
22 able to take screen shots of their Snapchat
23 correspondence.

24 Q So I'm going to hand you what's been marked as
25 State's 14, the Snapchats. Tell me what time they were

1 sent.

2 A So it appears that the first Snapchat was sent at
3 1:51 a.m. And, of course, that was opened.

4 And, again, just to better understand Snapchat, and
5 it can be confusing, Snapchat in itself is a social media
6 platform that basically operates off of photographs along
7 with some sort of texting or caption, if you will, things
8 of that nature. A child or anyone that utilizes Snapchat,
9 they may take a picture of the floor and with it they may
10 send a caption or a text message.

11 MR. DE BRUIN: Objection, Your Honor. Calls for
12 speculation. And also it seems like this is -- we've
13 already gone over this type of evidence already with other
14 witnesses. This is just cumulative, repetitive
15 information at this point.

16 THE COURT: I note your objection. Overruled.

17 THE WITNESS: Thank you, Judge.

18 So with the Snapchat, you may have a photograph. The
19 problem with Snapchat is Snapchat does not house any of
20 their information which works in the benefit of most
21 teenagers, unfortunately for us. But -- so we only get to
22 see a portion of it. So when we open up a Snapchat feed,
23 we may only see just parts of that information.

24 So here we noted that there's Snapchat sent between
25 the two girls at 1:51 a.m. There's also a Snapchat that

1 was sent to Kaleigh S [REDACTED] from Riley B [REDACTED] that reads,
2 "I'm scared, OMG."

3 Q Now, did you obtain a copy of the 9-1-1 call?

4 A Yes, ma'am, I did.

5 Q And did you listen to that?

6 A I did, yes.

7 Q And what time does that 9-1-1 call come in?

8 A The 9-1-1 call was made at 1:59 a.m.

9 Q And were you able to speak to any other neighbors
10 about the case?

11 A We did, yes, ma'am. We ended up, again, through
12 canvassing the area -- and some would argue that it was
13 good police work. To be honest with you, it was just good
14 luck. But we ended up coming across some video
15 surveillance located at [REDACTED] Ruby Drive.

16 Q All right. Put State's 7 back up, the map. Can you
17 tell me which one [REDACTED] is?

18 A Yes, ma'am. So, again, coming off of Sheriff Mill
19 Road, this is Ruby Drive. [REDACTED] Ruby Drive appears to be
20 the second residence on your left. And that's right there
21 (indicating throughout).

22 Q So that's where Susan Smith lived?

23 A Yeah. Susan Smith. She was Susan Hendricks at the
24 time that we met with her.

25 Q What did you do with Susan Smith? What did you

1 obtain from her?

2 A Well, we noted, again, in canvassing the area, that
3 there was a -- there was video surveillance that was
4 attached to the exterior of her home. This video was
5 pointed in the direction of Ruby Drive more so in the
6 direction of [REDACTED], the incident location.

7 So we met with Ms. Smith, and we inquired as to if we
8 could take a look at her video surveillance, to which she
9 allowed us to do so.

10 Q Okay. And tell me what direction the video
11 surveillance faces.

12 MR. DE BRUIN: Objection. He's already answered
13 that, actually, in a previous question. He said it
14 pointed towards Ruby Drive.

15 MS. ODOM: And Ruby Drive curves all the way around
16 that house, so we don't know if it's down towards the
17 defendant or if it's up towards Sheriff Mill. And that's
18 what I'm getting at.

19 THE COURT: All right. Overruled.

20 BY MS. ODOM:

21 Q And use your laser pointer.

22 A Yes. Sure. Absolutely.

23 So, again, Sheriff Mill runs -- runs here. We've got
24 Ruby Drive that runs here. [REDACTED] is here. The video
25 surveillance points in the direction of the incident

1 location, which is [REDACTED], the defendant's home (indicating
2 throughout).

3 Q Does it show the defendant's home?

4 A Oh, absolutely not. No, ma'am.

5 Q Okay. It shows the road?

6 A It does, yes.

7 Q Okay. All right. Did you get a copy of that video
8 surveillance?

9 A I did, yes.

10 Q All right. And did you review it?

11 A Of course. Yes, ma'am.

12 Q And does it have a time and date stamp on it?

13 A It does, yes.

14 Q And is that correct?

15 A The time is actually not correct. The time is off by
16 eight minutes. So the video feed, just for example, let's
17 say if the video feed reads 2:00 p.m., then the actual
18 time on the video -- or the actual time is 1:52 p.m. So
19 it's eight minutes -- it has to be adjusted eight minutes.

20 Q Okay. And how were you able to determine that?

21 A We just compared that to an atomic clock, to cell
22 phone, things of that nature.

23 Q Okay. Before we go through that video, I want to
24 continue on with a couple of things.

25 Did you speak with any relatives of Jamie's?

1 A We did, yes. We spoke with Mr. Richie Scruggs, who
2 we know to be the victim's husband.

3 Q Have you reviewed the pathologist's report?

4 A Yes, I have.

5 Q Have you reviewed the SLED witnesses' reports?

6 A Yes, ma'am, I have.

7 Q Do those kinds of things, do you include them in your
8 file?

9 A They are included in -- they're uploaded to our
10 database that's provided to the solicitor's office, the
11 defense and all parties involved.

12 Q Is murder a violent crime?

13 A Yes, ma'am, it is.

14 Q Per statute?

15 A Absolutely.

16 Q Is a gun a weapon per statute?

17 A It is, yes, considered to be a weapon.

18 Q What all officers were on scene the night of the
19 shooting? What officers actually responded to the scene?

20 A If I could just refer to my report for that
21 information. It's a lengthy (reviews document) . . .

22 Okay. So the officers on scene that night are as
23 follows: Captain Chad Brooks, chief deputy now Chad
24 Brooks; Lieutenant Andrew Rackley was the responding
25 lieutenant on scene; myself, Detective Daniel Cochran;

1 forensic specialist Brian Langston was on scene that
2 night; Deputy First Class Brandon Morris; Deputy First
3 Class Nick Bolt was on scene that night; Lieutenant Chuck
4 James was on scene; Agent Chet Anthony was on scene that
5 night; Lieutenant Brett Barwick was on scene as well as
6 Lieutenant Robinson, who is also a forensic -- or at the
7 time was the forensic detective unit lieutenant over that
8 division.

9 Q And Angela Rackley never left the scene before law
10 enforcement that night?

11 A I'm sorry. Could you repeat?

12 Q I'm sorry. Angela Rackley didn't leave the scene
13 that night as far as -- once law enforcement got there,
14 was she allowed to leave?

15 A No. She -- she remained on scene.

16 Q Okay. What time did Jamie die?

17 A Oh, goodness. I'd have to look back at the -- just
18 going to review the (reviews document) . . .

19 The victim was pronounced dead on July 13, 2019, and
20 that would have been at 4:35 a.m.

21 Q Are you aware of the distance from the shed that she
22 was shot in to the neighbors' homes, Kaleigh and Riley?

23 A Yes, ma'am. So the distance from the incident
24 location, the shed in which the victim was shot, is
25 approximately -- and we're talking about to the neighbors

1 or to the home?

2 Q Not the Rackley home, but the neighbors.

3 A The neighbors. Yes. It was approximately 160 feet.

4 Q How far would you say from the Rackley home?

5 A Goodness. Very short distance. I mean, I can't be
6 sure, but ---

7 MR. DE BRUIN: Objection, Your Honor. He clearly
8 doesn't know. It calls for speculation at this point.

9 THE COURT: Sustained.

10 BY MS. ODOM:

11 Q All right. Did you try to get any of the -- get
12 access to any of the phones? How about Jamie's phone?

13 A Yes, we did.

14 Q And were you successful in that?

15 A No. So Jamie's phone was destroyed. We were unable
16 to have her phone to hold a charge, so we were unable to
17 retrieve any information from her cell phone.

18 Q All right. And did you try getting into her iPad?

19 A We did. Unfortunately, the iPad was -- the charging
20 port was covered in dry blood and we were unable to access
21 it. It was unable to hold a charge, so we could obtain no
22 information from it as well.

23 Q Now, I'm going to go back for a second. You said
24 Jamie's phone was destroyed. You don't mean -- what do
25 you mean by that? When you say "destroyed," I picture a

1 million little pieces. But what do you mean?

2 A Well, to -- well, when I say "destroyed," we were --
3 it was inoperable. We were unable to -- we were unable to
4 charge her phone. The screen itself was cracked. But I
5 can't say whether or not that phone was even operable to
6 begin with.

7 Q Okay. You can't testify as to that? Okay.

8 A That's right. Yes, ma'am.

9 Q Did you attempt to gain entrance into the defendant's
10 phone?

11 A Yes, we did.

12 Q Were you able to gain entrance?

13 A We actually executed a search warrant for the
14 defendant's phone; however, for whatever reason, the
15 defendant ---

16 Q And just tell me, were you able to gain entrance to
17 the phone?

18 A No, ma'am, we were not.

19 Q Did it have a pass code on it?

20 A It did, yes.

21 Q Did you know what it was, yes or no?

22 A No, ma'am, I did not.

23 Q Okay. Now, to get somebody's DNA, do you need a
24 search warrant?

25 A A consent or a search warrant.

1 Q Okay. And what do you need to get a -- like what's
2 the standard to get a -- can you just go and get
3 somebody's ---

4 A No. Absolutely not. A judge has to deem that you
5 have sufficient probable cause to obtain anyone's DNA.

6 Q Okay. So you can't just go and swab people?

7 A You cannot just go and swab people at will.

8 Q All right. So we're going to go back to the Susan
9 Smith video. And I kind of jumped around a little bit
10 because I'm not the best with technology, so be patient
11 with me, Detective. I'm going to publish what's been
12 previously introduced into evidence as State's Exhibit 18,
13 which is the Susan Smith video.

14 All right. So what time did Barry and Nicole Edwards
15 leave Jonathan Rackley's home before the shooting?

16 A Just prior to -- you're asking -- okay. So according
17 to the video surveillance, Barry and Nicole Edwards left
18 at 1:03 a.m.

19 Q What would be the time stamp on this video?

20 A So it would be -- would be eight minutes fast, so
21 1:11; is that correct? Yes. 1:11.

22 Q Okay. So we're going to get back to 1:11 and play
23 it.

24 (WHEREUPON, State's Exhibit 18, a video, was played in
25 open court.)

1 BY MS. ODOM:

2 Q So it's 1:03 in real time, but 1:11 on the video.

3 A Yes, ma'am, that's correct.

4 Q And can you use your laser pointer to kind of point
5 which direction on the screen -- well, I'll let this play
6 and then I'll ask you that.

7 A Sure.

8 (WHEREUPON, State's Exhibit 18, a video, continues to play
9 in open court.)

10 BY MS. ODOM:

11 Q Tell me what you're seeing here.

12 A What we are seeing here is this would be Barry and
13 Nicole Edwards leaving the incident location at 1:03 a.m.
14 real time.

15 Q Now use the laser pointer and point the direction of
16 the Rackley home.

17 A Okay. So [REDACTED] Ruby Drive, the defendant's residence,
18 would be back this direction (indicating). So that
19 vehicle was traveling back toward Sheriff Mill Road
20 exiting the Ruby Drive.

21 Q And at what time do you see the car return down the
22 road?

23 A So the next vehicle you see is returning back toward
24 [REDACTED] Ruby Drive, and that is at 2:07 a.m, which would be on
25 the -- for video purposes would be 2:15, so, again,

1 adjusting eight minutes.

2 (WHEREUPON, State's Exhibit 18, a video, continues to play
3 in open court.)

4 BY MS. ODOM:

5 Q And then when did they end up leaving?

6 A They end up leaving at 2:08 a.m. So they're on Ruby
7 Drive at this point for one minute.

8 MR. DE BRUIN: Your Honor, may we approach real
9 quick?

10 THE COURT: Yeah.

11 (WHEREUPON, a bench conference was held off the record.)

12 THE COURT: Sorry. Ladies and gentlemen, as I told
13 you before, there are times where I want to deal with some
14 issues, save y'all from going back out front. So we dealt
15 with it, and we're ready to go.

16 BY MS. ODOM:

17 Q All right. So getting back at it, you've testified.
18 And Barry and Nicole had left 1:03, on the video at 1:11.
19 They come back 2:07, video 2:15. Now tell us what we're
20 seeing here.

21 (WHEREUPON, State's Exhibit 18, a video, continues to play
22 in open court.)

23 BY MS. ODOM:

24 Q Where are those lights coming from? What direction?

25 A Those lights are coming from the incident location,

1 which is [REDACTED] Ruby Drive.

2 Q All right. So then they come back up the road. It
3 says 2:16 on there. And what's the real time?

4	A	The real time on that is 2:08 a.m.

5 Q And what time was the 9-1-1 call made?

6 A The 9-1-1 call was made at 1:59 a.m. So this would
7 have been postshooting.

8 Q All right. And what are the -- well, I'll let it
9 play and then ask you a question.

10	A	Sure.

11 (WHEREUPON, State's Exhibit 18, a video, continues to play
12 in open court.)

13	BY MS. ODOM:

14 Q All right. Tell me what you're seeing at 2:17:12.

15 A So you're going to see law-enforcement personnel
16 arriving on scene. The real time there is 2:10 a.m.
17 They're coming from Sheriff Mill Road in the direction of
18 the incident location.

19 Q So 2:17. And then let me know when you see another
20 one.

21	A	Okay.

22 (WHEREUPON, State's Exhibit 18, a video, continues to play
23 in open court.)

24 THE WITNESS: And that would be the second officer on
25 scene at 2:10.

1 BY MS. ODOM:

2 Q And the video that we -- that you've testified about,
3 is that in line with your understanding of the events that
4 took place?

5 A Oh, absolutely. That -- that video footage matches
6 perfect with what our investigation indicates, for sure.

7 MS. ODOM: All right. Your Honor, pursuant to your
8 request earlier, I think this is a good time for just that
9 five-minute break.

10 THE COURT: Okay. Ladies and gentlemen of the jury,
11 we're going to take about a five-minute break, and we'll
12 bring you right back.

13 Again, please do not discuss the case.

14 (WHEREUPON, the jury exits the courtroom at 11:33 a.m.)

15 THE COURT: All right. Mr. DeBruin, do you want to
16 put on the record what we talked about at the bench
17 conference over there?

18 MR. DE BRUIN: Yeah. Your Honor, I believe the
19 government's misidentifying the evidence that's in the
20 record at the moment. I believe Mr. Barry Edwards
21 testified that he came back and there were blue lights
22 already there, and that's when they turned around. They
23 never came back prior to the police getting there.

24 THE COURT: Looking back at my notes, I had that
25 Barry and Nicole Edwards came back to the house, they saw

1 the police presence and turned around.

2 MS. ODOM: And so, Judge, the State's position, and
3 he was my witness, and I've worked on this a lot and I
4 don't want to be confusing like his statements or
5 anything. But if I remember right, he testified he saw
6 blue lights and heard sirens to the effect of he heard
7 them in the distance coming and blue lights in the trees
8 like he could see them from a distance. That's the
9 impression that I took from it. And you can -- the --
10 Officer Morris, Officer Bolt testified about how they
11 turned their blue lights off when they turned on Ruby
12 Drive. And so what I took from it was that the Edwardses
13 heard the sirens, they saw the blue lights not there but
14 that they saw blue lights, realized the police were
15 coming, and turned around and left. But we can relisten
16 to testimony. I don't want to mischaracterize
17 Mr. Edwards's testimony. But even if that's the case, we
18 have witnesses whose testimony in court has differed from
19 their testimony -- prior testimony.

20 MR. DE BRUIN: But the government, again, you
21 misstated what he said in court, and that was that I came
22 back and the police presence was already there and he
23 turned around and left. And that's the same thing he said
24 in his statement as well to police as well.

25 Your Honor, I mean ---

1 MS. ODOM: I think we need to listen to
2 Mr. Edwards's.

3 THE COURT: And let me ask you this, Mr. DeBruin. Is
4 there an objection or what? Just a mischaracterization?
5 What -- I just want to make sure you get it on the record.

6 MR. DE BRUIN: Yeah. It is a great
7 mischaracterization of evidence. Again, I don't know
8 exactly a ground off the top of my head right now. This
9 is kind of throwing me a little bit because I have in my
10 notes the same thing. Mr. Edwards came and the blue
11 lights -- or the police presence was already there, and
12 now the government is showing a video surveillance footage
13 of prior to the police and claiming that's Mr. Edwards
14 without any kind of facts supporting that.

15 MS. ODOM: So, Judge, it's perfectly ---

16 MR. DE BRUIN: I don't know how you can do that,
17 but ---

18 MS. ODOM: Judge?

19 THE COURT: Yes, ma'am.

20 MS. ODOM: Of course, in a trial, the State's
21 interpretation of the evidence and the narrative is going
22 to be different from the defense's interpretation of the
23 case and the narrative. That's why it's a trial. And
24 just because we disagree doesn't mean -- I mean, two
25 people can take something completely different. That's

1 why we have the jury here. And we're -- this is -- this
2 is in the detective's incident report. This is what I'm
3 going from. I mean, I don't know what the objection is.
4 This is something to argue in closing.

5 THE COURT: I think, for a protection standpoint,
6 you're on the record. I think maybe it's just a motion of
7 improper characterization -- I mean, I'll let you make
8 whatever motion -- of improper characterization. But I do
9 think that it's a weight issue versus an inadmissibility
10 issue. I think it's -- and, you know, in trials there are
11 different characterizations of testimony. And you get up
12 and argue in front of the jury that they're saying this,
13 but that is not true and that's not what happened and that
14 is a mischaracterization. So I think it's really not an
15 issue of admissibility, but an issue of weight as to who
16 -- who believes what.

17 And so I think your objection is that you are
18 objecting to the mischaracterization of the evidence
19 brought out by the State; would that be fair to say?

20 MR. DE BRUIN: That's correct, Your Honor.

21 THE COURT: Okay. And I'll overrule the objection
22 because I do believe it's an issue of weight versus
23 admissibility. And it's just something, good lawyers as
24 you are, you'll argue that to the jury and argue that the
25 State's mischaracterizing.

1 MR. DE BRUIN: Your Honor, I don't have his testimony
2 in front of me, Barry's. Again, my notes say that he said
3 he came back after the police presence was already there.
4 So the witness is testifying that it's his car. That's
5 problematic here because, again, I can't -- the jury
6 doesn't probably remember that small little sliver of
7 information. And so I would request the government have
8 to recall Barry and maybe clarify this issue as well.

9 MS. ODOM: And, Judge, I disagree with that. I think
10 it's cleared up or addressed on cross. He just asks the
11 witness, "Are you sure it's his car? You don't know it's
12 his car."

13 THE COURT: And I was just getting ready to say I
14 think there are two ways you can attack it:
15 cross-examination, closing argument. And you can argue
16 that the State's mischaracterizing the evidence and see
17 what the jury -- cross-examination and see what the jury
18 does.

19 But I note your objection, and -- but, again, I
20 think, from my standpoint, it's an issue of weight versus
21 admissibility. And I think it can be handled by
22 cross-examination and closing.

23 All right. Are y'all getting ready to set up over
24 there?

25 MR. JOHNSON: I'm going to run downstairs and grab

1 the disk real quick, Your Honor.

2 THE COURT: We'll take a quick five-minute break.

3 (WHEREUPON, a recess is taken at 11:41 a.m.)

4 MS. ODOM: All right. We're ready, Your Honor.

5 THE COURT: All right. Bring them back in.

6 (WHEREUPON, the jury entered the courtroom at 11:54 a.m.)

7 THE COURT: All right. Ms. Odom?

8 MS. ODOM: Thank you, Your Honor.

9 BY MS. ODOM:

10 Q All right. Detective Cochran, let's talk about this
11 interview a little. Y'all go back to the sheriff's
12 office. Tell me about your interview room.

13 A So the interview room itself is there's actually two
14 interview rooms. We have Interview Room 1 and 2. Those
15 interview rooms are designed specifically for the purposes
16 of interviewing, interviewing defendants, interviewing
17 victims and so forth. Those interviews are recorded for
18 obvious reasons. And that's basically it.

19 Q When you say "recorded," video and audio?

20 A Yes, yes. Video and audio recording.

21 Q And when you spoke to Mr. Rackley at the sheriff's
22 office, who all was in the room?

23 A So during the second interview, it was myself and
24 Agent Chet Anthony were present.

25 Q But before you began speaking with the defendant, do

1 you give him his rights again?

2 A Yes. Absolutely. Again, any break in interviews, we
3 always come back and the defendant is provided with his
4 rights yet again.

5 Q Now, did you just verbally tell him or is there
6 something in writing?

7 A No. There's actually a form that we have -- that we
8 provide to the defendant. And he is asked to initial
9 segments of that form. It's broken down specifically so
10 that the defendant himself understands every line of
11 what's being read to him on that Miranda form. And at the
12 conclusion of that, in addition to his initials at each
13 segment, he's also asked to sign, at which time he did.

14 Q So I'm going to hand you what's been premarked as
15 State's 57. And can you tell me what that is?

16 A That is his Miranda waiver of rights.

17 Q Okay.

18 A Or the defendant's Miranda waiver of rights.

19 Q What's the date on that?

20 A The date is July 13, 2019.

21 Q And the time?

22 A The time is 6:43 a.m.

23 Q Now, is that a copy of the Miranda that the defendant
24 signed?

25 A Yes, that's correct.

1 MS. ODOM: Your Honor, at this time, the State seeks
2 to move this into evidence.

3 THE COURT: All right. Any objection from the
4 defendant?

5 MR. DE BRUIN: No, Your Honor.

6 THE COURT: All right. Exhibit Number 57 is admitted
7 into evidence without objection.

8 (WHEREUPON, State's Exhibit Number 57 was admitted into
9 evidence.)

10 BY MS. ODOM:

11 Q I'm going to publish it so the jury has a better idea
12 of what we're talking about.

13 So this is what y'all went through before y'all
14 started talking?

15 A Yes, ma'am, that's correct.

16 Q All right. And who's the witnesses at the bottom?

17 A The witnesses at the bottom would be myself and Agent
18 Anthony, who was also there for that interview.

19 Q All right. And you said that the room had video and
20 audio recording. Was the interview recorded?

21 A Yes. The audio -- the video was recorded, yes. The
22 interview was recorded. Sorry.

23 Q I'm going to hand you what's been premarked as
24 State's 58. Now, what is that labeled to be?

25 A This is the -- this is the recorded interview, the

1 second interview that we spoke of with the defendant,
2 Jonathan Rackley.

3 Q And did you just watch part of this in the courtroom?

4 A Oh, yes, we did. Sorry.

5 Q So that's the interview?

6 A Yes, it is. This is the -- this is the interview.

7 Q All right. Subject to any redactions that were made,
8 is that a true and accurate copy of the interview?

9 A Yes. Absolutely.

10 MS. ODOM: Your Honor, at this time, the State would
11 move 58 into evidence.

12 THE COURT: All right. Any objection from the
13 defendant?

14 MR. DE BRUIN: No, Your Honor.

15 THE COURT: Exhibit Number 58 is admitted into
16 evidence without objection.

17 (WHEREUPON, State's Exhibit Number 58 was admitted into
18 evidence.)

19 BY MS. ODOM:

20 Q All right. Detective, I'm just going to play most of
21 this through ---

22 A Sure.

23 Q --- and then we'll talk about it afterwards.

24 Before I start, about how long is it?

25 A It's about an hour and 15 minutes long.

THE COURT: Ladies and gentlemen, while they are getting it ready, you will hear parts of the interview that get muted. There are some muted parts in here based upon the agreement of the parties and some rulings that I have made. So that is why you may hear some muted parts in the videos.

(WHEREUPON, State's Exhibit Number 58, a video, is played
in open court.)

BY MS. ODOM:

Q All right. Your Honor -- I'm sorry. Detective Cochran, I've stopped that at 56:36.

A Yes, ma'am.

Q Just a couple more questions.

A Sure. Absolutely.

Q Just to clear up from that interview, was it indicated that the gun was a used gun?

A Yes, that's correct.

Q All right. And is the defendant the man you got the statement from in the courtroom today?

A Yes, he is.

Q And can you point him out to us?

A Yes, ma'am. The defendant's over here (indicating)
next to his attorney.

Q And what color shirt is he wearing?

A It's -- he's wearing a burgundy red shirt.

1 MS. ODOM: All right. And if the record could
2 reflect he's pointed to the defendant.

3 Please answer any questions Mr. DeBruin has for you.

4 THE WITNESS: Yes.

5 MR. DE BRUIN: Your Honor, if we might take a break,
6 please.

7 THE COURT: All right. Ladies and gentlemen, we've
8 gotten to our lunch hour, so we'll take our lunch break
9 now. And let's be back at about 2:15. Be back about
10 2:15.

11 Please don't discuss the case. And I hope everybody
12 has a good lunch.

13 (WHEREUPON, the jury exits the courtroom at 12:57 p.m.)

14 THE COURT: All right. Anything from the State
15 before we take a lunch?

16 MS. ODOM: Nothing from the State.

17 THE COURT: Anything from the defendant?

18 MR. DE BRUIN: No, Your Honor.

19 THE COURT: All right. I'll see y'all back at 2:15.

20 (WHEREUPON, a recess is taken at 12:58 p.m.)

21 THE COURT: Anything before we bring the jury in?

22 MS. ODOM: Nothing from the State.

23 THE COURT: Anything from the defendant?

24 MR. DE BRUIN: No, Your Honor.

25 THE COURT: All right. Bring them in.

1 (WHEREUPON, the jury entered the courtroom at 2:32 p.m.)

2 THE COURT: I hope everybody had a good lunch. And
3 we will proceed.

4 All right. Cross-examination.

5 MR. DE BRUIN: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. DE BRUIN:

8 Q Deputy -- or Detective Cochran, you interviewed
9 Jonathan on multiple occasions?

10 A I'm sorry. Could you repeat that?

11 Q You interviewed Jonathan on multiple occasions.

12 A Yes. On two separate occasions.

13 Q He told you the gunshot woke him up.

14 A Yes. He said that the gunshot woke him up but that
15 it was not chambered.

16 Q Isn't it more accurate to say that the gunshot woke
17 him up and he didn't know if it was chambered when he was
18 asleep?

19 A No, sir. According to his interview, he stated
20 plainly that the gun was not chambered.

21 Q And he didn't know if it became loaded with a round
22 in the chamber at some time during his -- when he was
23 asleep. Isn't that what he said?

24 A He did say that, yes.

25 Q Okay. And he said the gunshot was close to him. The

1 gunshot was in close proximity to him?

2 A Oh, yes. Absolutely.

3 Q And he said it kind of went off right next to his ear
4 or his head?

5 A He said that he did hear the gunshot, yes.

6 Q And so close that when it went off, it caused ringing
7 in his ears?

8 A Yes. He mentioned that he had ringing in his ears.

9 Q And at the time of the interview, he stated he still
10 had ringing in his ears?

11 A Yes. That's correct.

12 Q Have you been to the gun range as part of your police
13 training?

14 A Yes. We go to the range quite frequently as part of
15 our training.

16 Q And you practice marksmanship?

17 A Yes, we do.

18 Q You wear ear protection?

19 A Yes, sir, we do.

20 Q And you wear ear protection because gunshots are
21 loud, right?

22 A Yes. Gunshots are very loud.

23 Q If you don't wear ear protection and a gun is fired
24 near you, a loss of hearing may occur?

25 A It's not my experience that you lose your hearing;

1 however, it can certainly be loud if you are close to a
2 gunshot that happens to go off.

3 Q And possibly could have ringing in your ears?

4 A I would agree that that's a possibility.

5 Q And Jonathan repeatedly said to you that the gunshot
6 was close to him.

7 A He did say that the gunshot was close to him, yes.

8 Q All right. When my client was interrogated, he was
9 asked multiple times what he did after he woke to the
10 gunshot; is that correct?

11 A Yes. That's accurate.

12 Q And he answered multiple times that he ran outside.

13 A He did say that he ran outside initially; however,
14 upon continuing the interview, he then stated that he ran
15 outside for the purposes of concealing the firearm.

16 Q No. Actually -- well, he ran outside to go after his
17 dog is what he told you.

18 A Yes. Originally, that's what he stated.

19 Q And he said that multiple times that he went out
20 after his dog.

21 A Yes. He said that prior to realizing that we knew
22 that there was a firearm ---

23 Q And it was dark outside when Jamie was shot, wasn't
24 it?

25 MS. ODOM: I'm going to object and just ask that the

1 witness be allowed to answer the question.

2 THE COURT: Just make sure he finishes his answer.

3 MR. DE BRUIN: Well, Your Honor, if he could just
4 kind of stick to the question, too, that would be nice.

5 BY MR. DE BRUIN:

6 Q It was dark outside when Jamie was shot.

7 A Yes. It would have been approximately 1:50 in the
8 morning, so it would have most definitely been dark
9 outside.

10 Q Jonathan lives in a wooded area?

11 A There -- there are -- there is some woods, yes, next
12 to Jonathan's residence that backs up to a neighborhood as
13 previously stated.

14 Q And, again, you asked him multiple times why he ran
15 outside, and he answered looking for his dog.

16 A Again, yes, prior to realizing that we had knowledge
17 of the firearm.

18 Q You never asked him how long he was outside looking
19 for the dog.

20 A I assume I did not ask him that.

21 Q During his interrogation, Jonathan told you there
22 were towels in the outbuilding?

23 A I'm sorry. Could you repeat that?

24 Q During your interrogation of my client, he told you
25 that there were towels in the outbuilding.

1 A It seems like I do remember him saying there were
2 towels in the outbuilding, yes.

3 Q And when officers arrived, the first officers on
4 scene, Jamie had a towel around her head?

5 A Yes. That is correct.

6 Q No one took the washing machine clothes into
7 evidence; is that right?

8 A That is my understanding, yes.

9 Q And no one took pictures of the clothes in the
10 washing machine.

11 A Again, to my knowledge, no one took photographs;
12 however, at the time that those items were discovered, I
13 was interviewing with the defendant back at the Law
14 Enforcement Center.

15 Q No one took pictures of Jonathan's hands?

16 A Again, to my knowledge, those photographs were not
17 taken, but I was not there at the time that those
18 photographs would have been taken.

19 Q Are you the lead detective in this case?

20 A I am the lead detective; however, there were multiple
21 supervising detectives on scene to include Chief Brooks
22 and many others that have seniority over myself.

23 Q All right. But as lead detective, you could go and
24 ask somebody to go back and take pictures.

25 A So -- and let me just -- that's not exactly a yes or

1 no question. Let me explain.

2 So with the purposes of a search warrant, you've got
3 one bite at that apple. Okay. Anytime a search warrant
4 is being executed, you've got one shot at getting the
5 evidence that you need. Once that -- once that scene has
6 no longer been secure, for example, once we leave that
7 residence, we can no longer go back under the clause of
8 that search warrant and obtain any further evidence.

9 But as pertaining particularly to the clothes, it's
10 my understanding those clothes would have had no evidence
11 value whatsoever. They had been washed.

12 Q You never instructed anybody to go back and take
13 pictures of the clothes in the washing machine.

14 A That would have been a violation of the defendant's
15 Fourth Amendment to have asked him to go back ---

16 Q Did everybody leave as soon as you left?

17 A --- because at the time, the search warrant had -- we
18 had already conducted the business on the search warrant.
19 We were no longer allowed to go back at that time.

20 Q Okay. During the time that you were allowed to go
21 back, did you ever tell anybody to go take some pictures
22 of the washing machine?

23 A No. I was not on the scene at the time and I had no
24 knowledge of any clothes being in the washing machine
25 whatsoever.

1 Q You interviewed friends of Jonathan during this
2 investigation?

3 A Yes. That's correct.

4 Q You interviewed a friend of Jamie, Jason Trammell?

5 A Yes, yes. I did interview Mr. Trammell.

6 Q All right. So you interviewed friends of both Jason
7 -- or of Jamie and Jonathan.

8 A Yes. That's correct.

9 Q And the friends of Jonathan who were there earlier in
10 the evening were Barry Edwards and Nicole Edwards?

11 A Yes. That is correct. They were there until
12 1:03 a.m. in the morning.

13 Q And both told you that Jamie and Jonathan were
14 friendly towards each other.

15 A Yes. That was their testimony.

16 Q Both told you that they never witnessed them arguing.

17 A Yes. They both advised that they did not witness
18 anyone arguing at the time in which they were there;
19 however, they stated they could not say as to what
20 happened after they left that morning at 1:00 or 1:03.

21 Q In fact, they told you that they had never seen the
22 two of them arguing.

23 A I don't know that I recall them saying that they had
24 never witnessed an argument between the two.

25 Q You interviewed Jason Trammell?

1 A I did, yes, sir.

2 Q And that's Jamie's friend?

3 A According to Jason, yes, they were friendly.

4 Q And, again, he never heard Jonathan and Jamie argue.

5 A At the time in which he was there, his statement
6 indicated that he did not hear them arguing.

7 Q And at that time in which they were there together,
8 he indicated that they were having a good time together.

9 A Yes. That's correct.

10 Q And they were all in good spirits when he left.

11 A I believe that that is what his statement reflects.

12 Q All right. Do you recall State's Exhibit 18?

13 A Yes, sir. That's the video surveillance taken from
14 Ms. Susan Smith's house at [REDACTED] Ruby Drive.

15 Q Okay. And, again, the time's off, right?

16 A Yes. The time is eight minutes fast on the video
17 surveillance.

18 Q All right. And you testified earlier that Nikki and
19 Barry Edwards had left earlier that night; is that
20 correct?

21 A Yes, sir. They left at 1:03 a.m.

22 Q And this is -- what time is this, again?

23 A So the video surveillance here and what you're seeing
24 here it says 2:15. So we need to back that up eight
25 minutes. So it would be 2:07. 2:07, yes.

1 Q And you're aware that a car comes in around this
2 time.

3 A Yes, sir. That is believed to be Barry and Nicole
4 Edwards returning to Ruby Drive at 2:07.

5 (WHEREUPON, a portion of State's Exhibit Number 18, a
6 video, was played in open court.)

7 BY MR. DE BRUIN:

8 Q All right. This car right here?

9 A Yes, sir.

10 Q Okay. And then your testimony in direct examination
11 is this car turns around and comes back; is that correct?

12 A Exactly one minute -- one minute later at 2:08 a.m.

13 Q And you were able to confirm that this is Barry and
14 Nicole Edwards's car?

15 A Yes. So based off of the statements that we
16 retrieved from the witnesses to include the defendant as
17 well as the defendant's mother and including Barry and
18 Nicole themselves, we were able to establish a timeline.
19 And yes, we do believe that to be Barry and Nicole Edwards
20 departing from the residence at 2:08 just prior to law
21 enforcement's arrival.

22 Q All right. But you remember Barry talking about it
23 when he was on the stand that they -- oh, at this time,
24 this car coming and going in the neighborhood, had the
25 police arrived yet?

1 A No. The police do not arrive until 2:10 a.m.

2 Q Okay. So they don't arrive till 2:10. So this car
3 is entering and exiting the neighborhood prior to -- prior
4 to the police getting there.

5 A Yes. That's correct.

6 Q Okay. Barry said in his -- on the witness stand and
7 told the jury that he and Nicole came back and the police
8 were already there. Isn't that what he said on the stand?

9 A So it's my understanding that Barry indicated that he
10 saw blue lights and sirens. Now, it's important to note
11 that any time an officer gets close to a scene, they
12 automatically turn off their blue lights and their sirens.
13 Okay. We've already heard that stated here this week. It
14 is most definitely plausible that the police obviously not
15 on scene at this time, but you would see those blue lights
16 and those sirens coming from, you know, at least two miles
17 away. Okay. And as you see in the video, as soon as
18 Barry and Nicole leave at 2:08 or -- yeah, 2:08, at 2:09,
19 2:10, law enforcement arrives. So they would just cut
20 those blue lights off prior to their arrival. So it is
21 certainly possible that the blue lights that Barry and
22 Nicole saw were -- in fact are police officers responding
23 to the scene.

24 Q All right. So do you remember Barry saying he turned
25 onto the road and there were police and everything

1 everywhere?

2 MS. ODOM: Your Honor, I'm going to object on the
3 basis of pitting at this point. I think that's more
4 appropriate for closing.

5 THE COURT: Yeah. I'll sustain that.

6 BY MR. DE BRUIN:

7 Q You took Barry's statement, too, earlier, right, in
8 this investigation?

9 A Yes. I did meet with Barry and Nicole and took
10 statements from both.

11 Q All right. And during his statement, you recall that
12 he said that the police were already at the house when he
13 and Nicole came back?

14 A That -- that sounds -- that sounds about right. But,
15 again, that statement was taken from the idea that there
16 were blue lights and sirens that they saw. And I'll tell
17 you this. We know this to be a fact. Had they -- had the
18 police been on scene, they would not have seen those blue
19 lights and sirens because we know those blue lights and
20 sirens were cut off prior to law enforcement's arrival.

21 MR. DE BRUIN: All right. Do you mind if I approach
22 the witness, Your Honor?

23 THE COURT: Not at all.

24 BY MR. DE BRUIN:

25 Q You maybe not remember it correctly. Maybe this will

1 refresh your recollection.

2 A Sure. We can take a look.

3 MS. ODOM: And, Your Honor, I'm going to object at
4 this point, too. He's asking something that's just going
5 to reflect hearsay. He's asking this witness just to read
6 directly from what another witness ---

7 THE COURT: I think right now he's laid the
8 foundation, refreshing his recollection. I think that
9 question is proper. I'll overrule that.

10 THE WITNESS: Show me specifically, because this
11 cursive writing is -- okay. Right here where -- you mean
12 right here where it says, "I see blue lights"?

13 BY MR. DE BRUIN:

14 Q No. Hold on real quick.

15 A Okay. Yeah. "I see blue lights at his house."

16 Again, the blue lights would not have been on if law
17 enforcement was at the house.

18 Q All right. You guys don't cordon off any houses or
19 anything like that to keep the civilians out?

20 A I'm sorry?

21 Q You don't cordon off the area where there's not --
22 the driveway would just be empty, there wouldn't be police
23 cars out front of the driveway?

24 A Well, at that time there would not have been a crime
25 scene established.

1 Q Well, at this time. But later on when Barry is
2 saying that he came back and there were blue lights, at
3 that point there could have been because they could have
4 been blocking off the driveway.

5 A We know for a fact that no other vehicles came back
6 after law enforcement was on scene and blue lights would
7 have been activated because we would have -- we would have
8 known that at the time because we were there at that
9 point.

10 Q All right. So no other car came down the road,
11 civilian cars during this period that you know of?

12 A To my knowledge, not after law enforcement's arrival,
13 aside from EMS personnel and things of that nature.

14 Q You're sure about that.

15 A Again, to the best of my knowledge.

16 Q I'm sorry. I've got to turn on my cell phone. I've
17 got something on here that he -- well, actually, I don't.

18 All right. Before we get to that, though, do you
19 remember writing a statement in this case or producing a
20 report?

21 A Yes. There would have been an incident report that I
22 would have written, yes, sir.

23 Q All right. So you would say that Barry's statement
24 on the witness stand saying that he came and there were
25 blue lights already down there and his statement to you on

1 July 14th saying that there were blue lights at the house
2 were pretty consistent with each other. Even if you don't
3 believe that's correct, they're consistent with each
4 other, the two statements are, correct? Or consistent
5 with each other.

6 A I believe the statements are consistent in that Barry
7 saw blue lights. I do not believe that Barry -- that law
8 enforcement was on scene when Barry saw blue lights.

9 Q And then do you remember your police report?

10 A Yes, sir, I do.

11 Q Do you remember that you said -- well, do you want to
12 read the paragraph I'm about to refer to?

13 A Yeah. You -- yeah. You bring to me what you've got
14 because I've got the whole incident report here.

15 Q All right. Go ahead and read that paragraph.

16 A (Reviews document) Yes. This is consistent with what
17 I've testified to.

18 Q Okay. So in this report, you say that Barry and
19 Nicole Edwards left around 1:03; is that correct?

20 A Yes. That's correct.

21 Q And then you say in the report an unknown vehicle
22 passes by driving the direction of the incident location;
23 is that correct?

24 A Believed to be Barry and Nicole Edwards.

25 Q But did you write that in your report?

1 A Did I not?

2 Q No, you did not.

3 So you said Barry -- a vehicle believed to be Barry
4 and Nicole Edwards passes by Susan's residence driving at
5 Sheriff Mill Road at around 1:03. Does that sound right?

6 A Okay.

7 Q And then an unknown vehicle passes by driving in the
8 direction of the incident location at 2:07.

9 A Okay. And it could very well be that it was later
10 determined that, based off of timelines, based off
11 speaking with witnesses, that we confirmed that that was,
12 in fact, Barry and Nicole that left at 1:03 -- or that
13 they returned at 2:07 and then left again at 2:08. That
14 would make sense based off their statements.

15 Q All right. So at 2:32:34, the police would already
16 be there; is that correct?

17 A Yes. So -- okay.

18 Q At 2:32:34, the police would already be at the
19 location.

20 A The actual time would be 2:24.

21 Q Okay. So at 2:24, the police are already there?

22 A Yes. We arrived at 2:10.

23 Q Is that a police car?

24 A That does not appear to be a marked unit, no.

25 Q So that is ---

1 A Now, I can't say for certainty that's not an unmarked
2 police vehicle.

3 Q Okay. So if it was going to the scene ---

4 A There were many detectives on scene that night as
5 well.

6 Q If they were going to the scene, they would probably
7 stay there; is that correct?

8 A Well, that depends on I left the scene. I left the
9 scene to obtain signatures for a search warrant, so I
10 didn't stay on scene myself. So I can't say that other
11 officers would stay on scene.

12 Q Would you say that this car probably leaves within
13 two minutes? Would you expect an unmarked police officer
14 to go there to the incident location and leave two minutes
15 later?

16 A Well, again, that would depend on what they were
17 there for, they were there to see if there was something
18 else that needed to be done. I can't attest to what
19 anyone else does, that's for -- that's for sure.

20 Q Okay. We'll just wait for a little bit.

21 (WHEREUPON, State's Exhibit 18, a video, continues to play
22 in open court.)

23 BY MR. DE BRUIN:

24 Q Do you remember the time ---

25 A 2:24.

1 Q --- the car came in?

2 A I believe we said 2:24.

3 (WHEREUPON, State's Exhibit 18, a video, continues to play
4 in open court.)

5 BY MR. DE BRUIN:

6 Q Appear to be the same car?

7 A Yeah. Same vehicle approximately three minutes
8 later.

9 Now, I will say this ---

10 Q Oh, I'm sorry.

11 A --- in response to this. But it appears as though
12 three minutes is quite a lengthy time to drive to a
13 dead-end road and back. One minute makes a lot more
14 sense. 2:07 to 2:08, that makes a lot more sense, and
15 that's corroborated by Barry and Nicole's statements.

16 Q So Ruby Drive continues on more than what the
17 solicitor -- the picture that's in here in evidence,
18 right?

19 A (No answer.)

20 MR. DE BRUIN: May I approach the witness, Your
21 Honor?

22 THE COURT: Yes.

23 BY MR. DE BRUIN:

24 Q This is State's Exhibit 7.

25 A Sure.

1 Q And that's a satellite view of Ruby Drive?

2 A Yes, sir. That's correct.

3 Q Is that an entire satellite view?

4 A It doesn't appear so, no.

5 Q So it continues going on the road, right?

6 A It does. Yes. As I previously stated, there's eight
7 residences on Ruby Drive, and it does dead end at the end.
8 Of course, it runs off Sheriff Mill Road.

9 Q So I was kind of doing something over here. What
10 were you saying about how long it would take to drive down
11 the road and all that kind of stuff?

12 A Well, so according to Barry Edwards, they arrive back
13 to the residence, they see blue lights, they hear sirens,
14 and they freak out, panic, don't want to get involved, so
15 they leave. It is more plausible to believe that that
16 driving down Ruby Drive, seeing those blue light and
17 leaving one minute later at 2:08 would make much more
18 sense than spending a total of three minutes on Ruby Drive
19 and then leaving.

20 Q So you don't think that they were driving down Ruby
21 Drive and maybe slowed down to see what the police were
22 doing there, maybe looked around for a little bit before
23 they headed on out of here two minutes later or three
24 minutes later? You don't think that's human nature to
25 kind of see what's going on?

1 A Well, what I think is not important. It's what the
2 evidence supports that matters.

3 Q Well, I would say the evidence shows exactly what I'm
4 saying, that Barry and Nicole Edwards came back like their
5 testimony said.

6 MS. ODOM: I'm going to object. I'm not sure if
7 he's ---

8 MR. DE BRUIN: That's the question.

9 MS. ODOM: I'm not sure if he's asking or just making
10 -- like testifying.

11 THE COURT: Just make sure you ask a question.

12 MR. DE BRUIN: I will get there, Your Honor.

13 BY MR. DE BRUIN:

14 Q All right. So at 2:35 on this -- 2:33, 2:35 on this,
15 obviously, we know that's adjusted for time, a car goes
16 in, a car comes out.

17 A Right.

18 Q Not a police car.

19 A 2:24 the car goes in, 2:27 the car comes out three
20 minutes later.

21 Q Sure. Not a police car.

22 A That we know of.

23 Q Right.

24 A We can't say that for certainty.

25 Q Well, you would say that Barry's testimony is we

1 came, there were police in his driveway, we left.

2 A What I'm saying is that Barry Edwards arrived at the
3 home, Barry Edwards specifically stated in his statement
4 that the defendant just showed me "we saw blue lights."
5 We know for a fact that blue lights had been cut off prior
6 to law enforcement's arrival; therefore ---

7 Q Detective Cochran, that's not what you said earlier.

8 A --- the statement that what he's trying to say does
9 not account for what we're -- what we're looking at here.

10 Q Wouldn't you say that this is a lot more consistent
11 with their testimony and their statements that ---

12 A No. Because at this time, the blue lights would not
13 be on at the house.

14 Q But there are police ---

15 A The statement specifically states that there was blue
16 lights on at -- at the -- when they came onto Ruby Drive.

17 Q Well, listen, you said that you didn't believe any
18 other cars came into the neighborhood so you were
19 obviously wrong; is that correct?

20 A Well, in all fairness, I was in the midst of a
21 homicide investigation. I was seated in my car typing up
22 a search warrant for the residence. So it would be hard
23 for me to say who came and who didn't unless it was police
24 personnel.

25 Q When did you have this video? When did you get it?

1 A We received this video, I believe, on Tuesday, July
2 the 16th. So this would have been three days after the
3 shooting.

4 Q All right. So -- and that was in 2019?

5 A Yes. 2019, sorry.

6 Q And it's 2021?

7 A Yes, sir, it is.

8 Q So you've been -- you had over two years to look at
9 this video and really analyze it?

10 A Yes. We've -- we've had two years to analyze the
11 video.

12 Q Okay. You interviewed Jonathan's mom; is that
13 correct?

14 A Okay. So I would not call what I did an interview, a
15 formal interview with Ms. Rackley. As previously stated,
16 those interviews were had by Chief Brooks and Deputy Bolt.
17 I spoke briefly with Ms. Rackley on the front porch of the
18 residence upon my arrival.

19 Q And she told you she was awoken by a gunshot.

20 A I would -- yes. I believe that's what she told me.

21 Q She was not awoken by arguing.

22 A Right. I'm sorry?

23 Q She was not awoken by arguing.

24 A No. She -- she stated that she was awoken by a
25 gunshot.

1 Q All right. So throughout the entire course of this
2 investigation, she has never said that she was awoken by
3 arguing.

4 A Well, in all fairness, she said a lot of things that
5 we don't really know what -- what we can believe from
6 Ms. Rackley.

7 Q You interviewed Kaleigh S [REDACTED]; is that right?

8 A I'm sorry?

9 Q You interviewed Kaleigh S [REDACTED]?

10 A Yes, I did. I interviewed Kaleigh S [REDACTED].

11 Q You didn't get a written statement from her, though;
12 is that right?

13 A No. We obtained a written statement from Riley
14 B [REDACTED].

15 Q And she testified that she was awake at the time
16 Jonathan -- Jamie was shot.

17 A Which one is that, Kaleigh or Riley?

18 Q Kaleigh.

19 A Yes. If that's what my incident report reflects,
20 then that's -- that's accurate.

21 Q She heard a gunshot then voices is what she testified
22 to.

23 A That's what Kaleigh said.

24 MS. ODOM: And -- excuse me. I'm sorry. I withdraw.
25 I'm sorry. I withdraw.

1 THE COURT: All right.

2 BY MR. DE BRUIN:

3 Q She never -- she never heard arguing before the
4 gunshot.

5 A Kaleigh did not. Riley stated that she did.

6 Q All right. Well, you talked about Barry's
7 inconsistent statements. Let's go ahead and talk about
8 Riley's then.

9 Riley, in her statement to you that she wrote, said
10 she was asleep at the time she heard arguing; is that
11 correct?

12 A If that is what her statement reflects, then that is
13 what she said at the time.

14 Q And when she was on the stand, she said that she was
15 awake.

16 MS. ODOM: I'm going to object to this hearsay
17 pitting.

18 THE COURT: Yeah. I'll sustain. You can't pit. You
19 can cross him on the statements that they make as far as
20 the testimony. I'll sustain that part of the objection.

21 BY MR. DE BRUIN:

22 Q That's not consistent with what she testified to; is
23 that correct?

24 MS. ODOM: Objection.

25 THE COURT: I'll sustain that. Cross him on the

1 inconsistent statements, but not the testimony.

2 BY MR. DE BRUIN:

3 Q In Riley's testimony, she said that ---

4 MS. ODOM: Your Honor ---

5 MR. DE BRUIN: I'm not going to the same question.

6 BY MR. DE BRUIN:

7 Q All right. She said that she was talking to Kaleigh
8 via Snapchat about the arguing; is that correct?

9 A Yes. That is correct. The two were having
10 correspondence via Snapchat about what they heard and so
11 forth.

12 Q About -- they were talking about the arguing prior
13 to, and then Riley testifies that while they were talking
14 on Snapchat, that's when she heard the gunshot.

15 A You'll have to repeat that question. I'm sorry.

16 Q Riley testified that she and Kaleigh were
17 Snapchatting about the arguing when the gunshot occurred.

18 A Okay.

19 Q Is that correct?

20 A I do believe that's correct.

21 Q Okay.

22 A However, in regard to the inconsistencies of the
23 statement, we're talking about a 13-year-old girl two
24 years later. So we have to sort of keep that in mind as
25 well.

1 Q She testified that she was awake at the time.

2 MS. ODOM: Your Honor, I'm going to object here and
3 ask for a sidebar.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: You can resume.

6 MR. DE BRUIN: Thank you, Your Honor.

7 BY MR. DE BRUIN:

8 Q You talked about a -- you drafted the search warrant;
9 is that right?

10 A Yes, sir. I did draft the search warrant while I was
11 on the scene.

12 Q Okay. No time has Jonathan ever said that he shot
13 Jamie, right?

14 A No. Actually, what Jonathan said was, "I didn't kill
15 the bitch."

16 Q The highlighted part right there.

17 A (Reviews document.)

18 Q What's an affidavit?

19 A Yes. That's correct.

20 Q What is -- an affidavit is something that you're
21 swearing that everything in there is correct, right?

22 A To the best of your knowledge at the time in which
23 you are drafting, in this case, a search warrant.

24 Q All right. In your affidavit, what you're swearing
25 to the Court is true. You state that Jonathan Rackley

1 accidentally shot the victim in the head; is that correct?

2 A That is what the affidavit said. But let me be clear
3 about one thing. At the time in which we execute or draft
4 a search warrant, you'll have to remember that it's the
5 second thing that I did when I got on scene. That was
6 information that was relayed to me by personnel on scene.
7 It's all the information that we had at that time. We
8 didn't really know what happened. But we do know that we
9 have enough information to draft a search warrant, and the
10 magistrate judge himself thought that there was enough
11 sufficient probable cause to issue that search warrant.
12 So, again, that information may be limited because at the
13 time, we don't really know what we've got going on. We
14 can only go based off the information that we have at the
15 time the search warrant is drafted.

16 Q Again, Jonathan has never said that he shot -- that
17 he shot her. So the information you provided to the judge
18 in your affidavit in the search warrant was false.

19 A Again, at the time of the search warrant, we -- we
20 don't have all of the information before us. All we have
21 and all we're swearing to is the information that we have
22 that was given to us either by law enforcement on scene or
23 by individuals that we've spoken with. And at the time,
24 that was information we were given. That's the
25 information that was indicated on the 9-1-1 call.

1 THE COURT: Take a break. Ladies and gentlemen,
2 we'll take a little short break. I'm going to let y'all
3 go back for a couple minutes. I'll bring you right back
4 in here in a minute, okay?

5 (WHEREUPON, the jury exits the courtroom at 3:12 p.m.)

6 THE COURT: Sir in the blue blazer back there, I'm
7 going to need to get you to refrain from making facial
8 expressions and smile, laughing and stuff. I need you to
9 stop that, okay?

10 UNIDENTIFIED SPEAKER: I apologize.

11 THE COURT: Certainly. That's okay. It's all right
12 for you to be in here, but I need you to -- I need you to
13 stop doing that, okay?

14 UNIDENTIFIED SPEAKER: Yes, Judge.

15 THE COURT: Thank you.

16 All right. Let's bring them back in.

17 MR. JOHNSON: Judge, was there any indication that
18 the jury was seeing this or was this just something that
19 the Court noted?

20 THE COURT: It was something we noticed from up here.

21 MR. JOHNSON: Okay.

22 THE COURT: I don't think -- I don't think ---

23 MR. JOHNSON: Nothing to worry about.

24 (WHEREUPON, the jury entered the courtroom at 3:14 p.m.)

25 THE COURT: All right. Resume.

1 MR. DE BRUIN: Thank you, Your Honor.

2 BY MR. DE BRUIN:

3 Q You're aware that DNA was -- there was DNA collected
4 from the gun?

5 A Yes. I'm aware of that.

6 Q And there were -- the grip and the bottom of the
7 magazine where you would insert it into the gun had DNA of
8 three people on it?

9 A Yes. That is correct.

10 Q You sent -- or the police department sent DNA from
11 Jamie down to the testing site to confirm that her DNA is
12 on the gun; is that right?

13 A Yes. That is correct.

14 Q And you were able to get an order -- the government
15 got an order to collect Jonathan's DNA; is that correct?

16 A Yes. That's -- that's correct.

17 Q Again, but there's a third person on the -- DNA on
18 the gun; is that right?

19 A Right. That's correct. There was a third -- there
20 was a third DNA comparison on the used firearm. That's
21 correct.

22 Q And we're not able to tell who that is; is that
23 correct?

24 A We -- we know that that was a used gun. My
25 assumption would be that could be anyone.

1 Q But this is not -- this is not a long lengthy
2 question.

3 MR. JOHNSON: Objection, Your Honor. He's not ---

4 THE COURT: Let him finish.

5 Make sure, Sergeant, you answer the ---

6 THE WITNESS: Sure. Yes, sir.

7 THE COURT: It's a yes or no question.

8 THE WITNESS: Yes, sir.

9 THE COURT: Answer yes or no. And then you can
10 explain.

11 THE WITNESS: Okay. All right. The question was
12 we're not certain who the third person is. To answer the
13 question, no, we are not; however, it is a used firearm.
14 Those of you that are familiar with firearms, firearms are
15 -- they're sold, they're left, they're lost. All sorts of
16 things can happen to firearms. That third person could be
17 anyone in Pickens County, for all we know. It's a used
18 firearm.

19 BY MR. DE BRUIN:

20 Q Both Barry and Nicole told you the dog was acting
21 strange that day?

22 A Yes, they did. They said the dog was acting strange.
23 Now, this would have been earlier in the day, so during
24 the daylight hours, not at -- not at night.

25 Q And they both told you that Barry and Jonathan went

1 to the tree line when the dog was at the tree line; is
2 that right?

3 A Yes. That's correct. Earlier in the day.

4 Q They were looking for somebody who was possibly in
5 the tree line.

6 A So they indicated that they had heard some noise and
7 that Barry and the defendant went outside, they walked --
8 they walked the tree line there. Again, backs right up to
9 a neighborhood where children are playing in the middle of
10 the day.

11 Q These cars in the incident -- in the videos, you
12 never go an extra step to identify them; is that correct?

13 A Are you referring to the potential unmarked police
14 vehicle?

15 Q No. The earlier one before the police got there.

16 A The vehicle ---

17 Q The unknown -- the unknown vehicle.

18 A The vehicle that we believe to be Barry and Nicole
19 Edwards as we've already established.

20 Q But you didn't go and check any surveillance cameras
21 of any places, gas stations, anything like that after that
22 car goes by.

23 A We -- we clearly had video surveillance of that
24 vehicle coming and going.

25 Q You didn't try to confirm it with -- try to find out

1 who actually -- and make sure that that was the correct
2 vehicle.

3 A We did. We confirmed that vehicle through
4 corroborating statements taken from Barry and Nicole
5 Edwards, the defendant himself and the defendant's mother.

6 Q Corroborating? They said that they came after the
7 police got there.

8 A They said they came and saw sirens, which we've
9 already established, once again, that the police, the
10 sirens were not activated, or the blue lights were not
11 activated when the police were on scene. Those statements
12 would be consistent.

13 Q You interviewed Barry and Nicole on July 14th?

14 A Yes. That would have been Sunday, July 14, 2019.

15 Q Both the neighbors on the 14th?

16 A Kaleigh S [REDACTED] and Riley B [REDACTED] on the -- actually,
17 Kaleigh S [REDACTED] was on the 13th, Riley was on the 14th.

18 Q You got the surveillance video on the 16th; is that
19 right?

20 A Obtained the video footage on the 16th. And, again,
21 that was just through canvassing the area and -- and
22 looking for video surveillance, yes.

23 Q You charged Jonathan with murder on the 13th. You
24 swore for the warrant out on the 13th for the murder.

25 A Yes. That is correct.

1 So based off the -- based off the evidence that we
2 had at hand, we presented the information that we had as
3 we knew it before the judge. The judge agreed that
4 sufficient probable cause existed to issue a warrant for
5 the charge of murder and possession of a weapon during the
6 commission of a violent crime. So yes, that's correct.

7 Q Prior to getting all the witness statements, prior to
8 getting the surveillance, you had already charged him with
9 murder. You already had your man; is that right?

10 A No. That's not correct.

11 So the way it works, just to kind of give you an
12 idea, in order to establish -- we have to establish
13 probable cause in order to acquire the arrest warrant.
14 There is subsequent investigation to obtain further
15 evidence in order to prove beyond a reasonable doubt that
16 the defendant is actually guilty. So getting this --
17 getting the arrest warrant, all we have to have is
18 sufficient probable cause, which the judge agreed that we
19 did have that.

20 MR. DE BRUIN: No further questions, Your Honor.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MS. ODOM:

24 Q All right. Detective Cochran, I know you've been up
25 there awhile.

1 A Yes. I'm okay.

2 Q You doing all right?

3 A I'm doing good.

4 Q Okay. So when y'all like secure the scene -- or this
5 one, when y'all secured this scene, did you stop occupants
6 from driving to their homes if they lived past Ruby Drive?

7 A No. We would not have done that.

8 Q Okay. So you wouldn't have restricted travel down
9 Ruby Drive?

10 A No. No, ma'am. We -- we didn't do that.

11 Q And in addition to law enforcement, what other
12 agencies respond? What other people were on scene?

13 A Well, obviously, there was EMS personnel on the
14 scene, those folks that were there to render aid and
15 things of that nature.

16 Q Okay. And do some of them ever drive their personal
17 cars?

18 A Rescue does, yes. Actually, they drive their own
19 personal vehicles at times.

20 Q Okay. Now, would the video, like a lot's been made
21 of that understandably, but these two different cars that
22 go down and drive back, were those both after the gunshot?
23 What time did that gunshot happen?

24 A Well, the gunshot happened at approximately 1:50,
25 1:51 a.m.

1 Q And so both these cars that came down Ruby Drive and
2 left, they were both after that gunshot?

3 A Yes. That's correct. This would have been after the
4 shooting.

5 Q Now, you testified earlier -- well, you testified
6 about getting a screenshot of Barry's phone log; is that
7 right?

8 A I did, yes.

9 Q But you weren't able to get into the defendant's
10 phone, correct?

11 A No. We were not able to get into the defendant's
12 phone.

13 Q So you don't know who else he might have been
14 calling?

15 A We have no idea.

16 Q You don't know who else he might have been texting?

17 A No. We have no idea.

18 Q As far as the defendant's hands go, that's on --
19 that's on body camera, even though there's not a picture
20 of it.

21 A Yes. That's correct.

22 Q Okay. Tell me again the date you got the warrant.

23 A So the date that the warrant was presented before the
24 judge was on Sunday, July the 14th, 2019.

25 Q You had interviewed the defendant already?

1 A Yes. On two occasions.

2 Q Y'all had found that bloody gun already?

3 A Yes, ma'am. That's correct.

4 Q That 9-1-1 call had already been made?

5 A Yes, ma'am, that's right.

6 Q What all witnesses had you talked to at that point?

7 A At that point, we had spoken with Barry and Nicole
8 Edwards; we had spoken with the defendant's mother; we had
9 spoken with the defendant, again, on two separate
10 occasions; we had met with -- well, let me back up. I
11 don't want to -- we had met with Kaleigh S [REDACTED]; I'd spoken
12 with the husband of the deceased.

13 Q And Angela Rackley's statement had been taken, both
14 of them?

15 A Yes. Both of Ms. Rackley's statements had been taken
16 at that time indicating that the defendant and the victim
17 were the only two people that were in that shed that
18 night.

19 Q And the autopsy was done the morning of July 13th,
20 correct?

21 A Yes. That is correct. Yes.

22 MS. ODOM: Please answer any more questions the
23 defense has.

24 THE COURT: Anything else?

25 MR. DE BRUIN: No, Your Honor.

1 THE COURT: All right. You are excused.

2 THE WITNESS: Thank you, Judge.

3 THE COURT: And, ladies and gentlemen, there's been
4 some reference in Sergeant Cochran's testimony about the
5 judge signing the warrant. I want to let you know just in
6 case there's any potential confusion, it is not this
7 judge, it's a different judge, just so that you don't
8 think that I have been involved in this case prior to
9 today. So I just want to make sure that y'all knew that.

10 All right.

11 MS. ODOM: The State has no further witnesses and
12 would rest.

13 THE COURT: All right. Ladies and gentlemen, I'm ---

14 MR. DE BRUIN: No. I'm sorry, Your Honor. I'm
15 jumping ahead of the game.

16 THE COURT: Okay. We're going to take a little
17 afternoon break, and I've got some matters I need to take
18 up with the lawyers and then we'll get you right back in
19 here.

20 (WHEREUPON, the jury exits the courtroom at 3:27 p.m.)

21 THE COURT: Did I cut you off, Mr. DeBruin?

22 MR. DE BRUIN: No. I was anticipating you letting
23 them go and I stood up a little bit early. That's all.

24 THE COURT: Okay. All right. The State rests. Any
25 motions?

1 for paying attention. Every one of you have really paid
2 attention to this case. And I appreciate it, and the
3 attorneys appreciate it, and their clients more than
4 anybody appreciates that. So thank you for doing that
5 this week.

6 All right. The State is recognized.

7 CLOSING ARGUMENTS

8 MS. ODOM: Thank you, Your Honor.

9 Mr. DeBruin, Your Honor, ladies and gentlemen of the
10 jury, July 13, 2019, that is a date that y'all have heard
11 a lot over the last few days. And that's the date that
12 Jamie took her last breath. But a date you haven't heard
13 is September ■, 1981. That's the date she took her first
14 breath. That's the day she was born. And I tell you that
15 to let you know, to remind you of how serious this is.

16 This is a case about real people, and it's easy -- or
17 I assume it would be easy for y'all kind of in those pods
18 hearing this testimony, listening, to almost take a step
19 back and -- but I just want to let you know this isn't TV.
20 These are real people doing their jobs. Real people.

21 Now, on that date, even before then, that Thursday
22 before, July 11, you heard Richie say that Jamie and he
23 and Jamie's son had went out to Clemson for orientation.
24 They'd spent the day together. Jamie was happy. Lots of
25 things in her life to look forward to. That Friday,

1 Richie had also saw her. He took her to supper. And
2 after he took her home, Barry Edwards picked her up,
3 because it was also the defendant's birthday weekend. In
4 fact, the day she was at Clemson, I believe, was the
5 defendant's birthday.

6 So she goes over there, and by all accounts everybody
7 was getting along well, they were hanging out. Barry goes
8 to leave, him and Nicole, and they tell Jonathan and Jamie
9 bye. The only two people in the shed, Jonathan and Jamie.
10 He tells Angela bye, they go on. It's documented on that
11 video surveillance, them leaving.

12 Angela goes out there. It's late, and she's wanting
13 to go to bed. She's wanting to lock up. Jonathan tells
14 her, no, they're going to hang out a little bit longer.
15 They're listening to music and whatnot. The only two
16 people in that building, Jonathan and Jamie. And he says
17 it on his statement, too. The only two people in that
18 building.

19 So she goes inside. And you heard from Riley
20 Bagwell, the neighbor, that she heard arguing. Now, she
21 testified that she was awake and she heard this arguing, a
22 man and woman. In her prior statement, she had said she
23 was awoken by it. So either way, she hears this arguing,
24 a man and a woman going back and forth arguing, arguing,
25 arguing.

1 And the defense might tell you, nah, everybody was in
2 a good mood. I can tell you, just from my own experience,
3 when you're in a relationship, you don't always argue in
4 front of people. If you're hanging out, if you're with
5 your friends, if you're in front of your family, your
6 mama, you might not argue. If you're mad at your
7 significant other for whatever they were doing and you
8 want to have it out, you want to tell them how you feel,
9 you're going to wait till everybody's gone and then y'all
10 are going to talk about it.

11 Now, Riley got -- Riley got a little worked up -- I
12 won't say worked up. She's nervous. Those two teenage
13 girls, they were nervous. They're 15 now. They were 13
14 then. They don't want to come to court. They don't want
15 to be here. I mean, that's a hard thing testifying at
16 all.

17 But being a kid in a murder trial, you could tell she
18 was kind of speeding through things. I did my best to
19 slow her down, but I just want to be clear on her
20 testimony. She heard this arguing, she heard the gunshot.

21 We know when that gunshot occurred, because her and
22 Kaleigh started messaging each other, 1:51 in the morning.
23 It's kind of hard to see up there, but keep in mind,
24 anything that's in evidence, y'all will be able to take
25 this stuff back to the room with y'all. And if you need

1 to rehear, you'll be able to come out and rehear it.

2 So 1:51, they're messaging. She hears a gunshot, she
3 starts messaging, sending a picture, text, "I'm scared,
4 ahhh, OMG." They were scared. Both these girls knew what
5 gunshots sounded like, and they knew that's what it was.

6 Riley goes down the hall to her mama's room, goes in
7 the room, wakes her mom up, and tells her what's
8 happening. And they have a conversation. And ultimately,
9 her mama says, "You can sleep in here if you want to."

10 But both Riley and Kaleigh, just like a lot of
11 people, curiosity gets the best of them. They want to
12 know, you know, what's going on over there.

13 Now, Kaleigh says that she goes to her back door and
14 cracks it a little and sees out. And she sees
15 flashlights. And Riley goes back to that back bedroom
16 with the open window and looks out. She sees flashlights.
17 And this is when she hears more voices. You can see on
18 body cam the officers have flashlights, and that's what
19 that is. They're seeing the police over there. That's
20 what was happening on their side of the property line
21 during that arguing, that gunshot.

22 But what about Ruby Drive? What was happening in
23 that shed? They start arguing. We may never know what
24 they were arguing about. What we do know is that it had
25 been the defendant's birthday, Jamie had spent the day

1 with her husband and her son, the next day, went out again
2 with her husband, and then came over to the defendant's
3 house. And we know they start arguing at some point.

4 We know approximately where they were seated in the
5 room. And I say "approximately" just because these
6 pictures were taken by law enforcement after the defendant
7 had nine minutes before that 9-1-1 call to manipulate the
8 crime scene, 13 minutes of the 9-1-1 call, first
9 responders in the room, EMS in the room potentially
10 nudging stuff, moving things to get her out of there.

11 But this is the inside of that shed. This is where
12 she was sitting. The defendant was over here
13 (indicating). This was his chair. So that's the inside
14 of that shed.

15 And they're arguing. And he raises the gun, he
16 points it at her, and it's just terrifying for me to think
17 about that the last thing she ever saw was a gun pointed
18 at her as she flinched and he pulled the trigger and that
19 bullet went into the back of her left skull and outside of
20 the front.

21 We know he was on the left side. We know she has no
22 blood on her left hand. We can see the blood that came
23 out when the bullet came out. We know when the bullet
24 went in the left side up and a little back, the entrance
25 wound. It's hard to tell the angle just by looking at the

1 entrance wound, another shot of the entrance wound.
2 You've got to look at the exit as well. It goes in back
3 left, comes out front right.

4 Now, at this point -- and y'all will be able to see
5 everything back in the jury room. Because you want to be
6 as respectful as I can to everyone in the courtroom today.

7 So at this point, he shot her. He's standing over
8 her body. She's choking on her blood, she's struggling to
9 breathe, she's moaning, she's groaning, she's dying.
10 She's not dead. What does he do? It's 1:51 and his
11 girlfriend is dying in front of him. Does he call 9-1-1?
12 No.

13 1:52, what does he do? Does he call 9-1-1? No.

14 1:53, what does he do as she's audibly moaning? What
15 does he do? Does he get her some help?

16 1:54, does he get her some help?

17 1:55, what does he do at 1:55? He calls his friend.
18 Barry Edwards doesn't answer.

19 1:56, Barry Edwards texts back, and the defendant
20 responds "911." He can text Barry Edwards 9-1-1, but he
21 can't dial it on his phone to get her some help? No.

22 1:57, what does he do? Nothing. He's formulating a
23 plan. He's got to get somebody over there. He's got a
24 situation on his hands.

25 1:58, what does he do? Nothing.

1 1:59, finally, Angela Rackley comes out. And thank
2 God she did. Because if Angela Rackley hadn't came out
3 and walked in that building and did what a reasonable,
4 ordinary, responsible person does to a dying lady, if she
5 hadn't walked in that building and called 9-1-1, there's
6 no telling where Jamie Scruggs might have been, if she
7 would have been in a ditch somewhere, if her family
8 wouldn't have been putting up a cross on the side of the
9 road, if her family, her parents hadn't been pleading on
10 TV help us find her. There's no telling where she would
11 have been.

12 Angela comes out and she calls 9-1-1. If supposedly
13 he was trying to stop the bleeding and help her, his hands
14 would have been covered in blood. Oh, maybe that's why he
15 didn't call 9-1-1. His hands were covered in blood. He
16 can sure dial those numbers to Barry Edwards.

17 I'm going to play a few snippets for you. If y'all
18 need to hear the rest later, that's perfectly fine. But
19 just in case you don't hear it later, I want you to hear
20 it now when Angela Rackley calls 9-1-1.

21 (WHEREUPON, a portion of State's Exhibit 19, an audio
22 recording, is played in open court.)

23 MS. ODOM: There you hear Angela Rackley panicked
24 calling 9-1-1. "She's losing a lot of blood. We need an
25 ambulance now." Angela Rackley testified that, well,

1 there wasn't a lot of blood. Oh, no. There was a lot of
2 blood. She's doing what she could on the stand to kind of
3 mitigate for her son, which is understandable. Parents
4 love their children and are going to do what it takes to
5 help them out.

6 Now, she told law enforcement what he's wearing.

7 (WHEREUPON, a portion of State's Exhibit 19, an audio
8 recording, is played in open court.)

9 MS. ODOM: What's he wearing when law enforcement
10 gets there? Blue shirt and gray shorts. Those are in
11 evidence and y'all can look at them. Because while his
12 mama was doing what a person should do in getting this
13 dying lady some help, he was busy with his plan. He had
14 to change it when Angela Rackley walked in that shed. He
15 had to change it, figure out what's he going to do, what's
16 he going to do. Get rid of the murder weapon. Hide that
17 gun. And we know he hid that gun. They found the gun,
18 which is in evidence, in the cabinet. It was tested. It
19 has her blood on it.

20 Now, in addition to hiding the gun, hiding the murder
21 weapon, he needed to change clothes. And this has been a
22 point that I feel like was very debated during trial. But
23 ultimately, all these facts, everything I say, everything
24 Mr. DeBruin says or Mr. Johnson said in the beginning, the
25 witnesses, the testimony, the evidence, y'all decide the

1 facts.

2 She told 9-1-1 what he was wearing. When the cops
3 got there, he was wearing something else. He didn't have
4 a single piece of clothing in his hamper. There was not a
5 single piece of bloody clothing in that house. Yeah, I
6 wish they would have got that wet laundry. They didn't
7 have the information, though, when they first got out
8 there. Even if they heard the 9-1-1 call, it might have
9 not clicked. But does it matter? I wish they would have
10 got it, but he had washed it. When officers arrived
11 around 2:10, that cycle had already started. Those
12 clothes were already washing. By the time they executed
13 the search warrant around 4:30, those clothes had already
14 been washed.

15 He made sure the evidence was destroyed. He
16 destroyed evidence, he hid the gun. That's what he was
17 doing while his mom was trying to get help for Jamie
18 Scruggs as she sat there dying.

19 (WHEREUPON, a portion of State's Exhibit 19, an audio
20 recording, is played in open court.)

21 MS. ODOM: Again, he didn't know because he's the one
22 that hid it.

23 (WHEREUPON, a portion of State's Exhibit 19, an audio
24 recording, is played in open court.)

25 MS. ODOM: You hear the law enforcement, they're

1 arriving.

2 (WHEREUPON, a portion of State's Exhibit 19, an audio
3 recording, is played in open court.)

4 MS. ODOM: He was so desperate for those first
5 officers to help her. "Help her. She's dying, dude.
6 Help her. She's fucking dying, dude. Help her." He's so
7 desperate then, but he wasn't desperate after he shot her
8 in her head. Wasn't desperate for her to get help or he
9 would have called 9-1-1. What he's doing there when
10 officers arrived, that's for show. That's for show.
11 Because if he had really wanted her to get help, instead
12 of hitting 9-1-1 and sending that to his childhood,
13 lifelong friend, he would have called 9-1-1 for help.

14 Like I said, officers get there, he doesn't have
15 blood on him. But who does? His mom who is doing the
16 right thing in trying to help Jamie.

17 Now, they speak with the defendant. Detective
18 Cochran and Agent Anthony speak with the defendant on
19 scene, and then they take him down to the sheriff's office
20 and talk to him. And that's the interview y'all saw
21 yesterday.

22 So the truth never changes. The truth never changes.
23 But he changed his statement a lot, his version a lot.
24 Because he had to tailor what he was saying to what he
25 thought law enforcement knew. When they told him they

1 found the gun, he had to come off of that, and he had to
2 change his statement.

3 Detective Cochran gives him a lot of opportunity to
4 say what he thinks happened, to say, I mean, come on,
5 dude, two people in a shed and one of them's dead. The
6 defendant maintains I woke up to a gunshot. I woke up to
7 a gunshot. I woke up to a gunshot and didn't try to help
8 the victim, didn't call 9-1-1, but instead hid evidence,
9 instead texted his friend to come over and help him hide
10 stuff or whatever was happening there.

11 They give him every opportunity to say "accident" and
12 he never does. Not accident. I didn't shoot her.
13 Maintains that.

14 The truth never changes. He had to tailor his
15 answers to what they were saying to him. But something he
16 couldn't tailor his answers to would be those reports
17 later, the expert testimony you heard, the DNA reports,
18 the GSR, the casing, how they had done that test fire,
19 that report on the casing, the pathologist report. All of
20 that was done afterwards.

21 And let's talk about that evidence. So the DNA, the
22 DNA, her DNA was on the gun, her blood was on the gun.
23 That's that front portion of the gun. That's where her
24 blood was. Her DNA was also on the muzzle of the gun.
25 The defendant's DNA was also on there, too, and a third

1 person's DNA.

2 And the defense has made, I feel like, a deal out of
3 that third DNA. That's smoke and mirrors, absolutely
4 smoke and mirrors. As a used gun, the defendant testified
5 they'd been looking at it and looking at it, that Jamie
6 had handled it, he had handled it, it had came from
7 somebody else. You heard the SLED analyst say it wasn't
8 eligible to be ran through CODIS. They couldn't have ran
9 it against a database. Detective Cochran can't just go
10 knocking on doors and getting swabs. That's not how it
11 works. That's just not how that works. That third DNA is
12 a red herring, and it's smoke and mirrors because there
13 were two people in that building.

14 Now, the casing, so that building had a lot of stuff
15 in it. You can see it on body cam. It was slam full.
16 13x7, it had a four-wheeler in there, it had multiple
17 seats, it had a ton of tools and junk and whatnot. It had
18 a big old speaker karaoke thing. It had a cooler. It was
19 jam full. And when he shot her in the head, the casing
20 ejected from the gun, and whatever it struck, the wall or
21 whatnot, it would have bounced, and no telling where it
22 would have went.

23 And when law enforcement started searching that
24 building when they got the search warrant -- remember,
25 4:30 in the morning, they're working a homicide here.

1 This lady's been shot in her head. Should they have
2 waited two or three hours until it was daylight and then
3 start working? Should they just should have chilled out
4 there and not do anything until the daylight? No. Search
5 warrant was issued, it was time to get to work. And
6 that's what they did.

7 Brett Barwick, you heard him testify, Tony Robinson,
8 Brian Langston. They gridded off the room and they
9 started looking. They couldn't find it. Those things
10 bounce. But they weren't going to give up because they
11 couldn't find it in the building. They started taking
12 stuff out. And Tony Robinson testified that the stuff in
13 here (indicating) had been put in this chair (indicating),
14 and the chair -- or Brett Barwick said that the chair
15 picked up and moved outside of the building, that nothing
16 from the ground had been picked up and put in the chair,
17 nothing from the ground outside.

18 So saying if that casing had come from a gun that had
19 been shot outside, no. And we know that. The casing's
20 clean, it's not dented, it's not tarnished. Those items
21 were in here (indicating). Tony Robinson picked up those
22 items. You see the phone charger. You see the casing.
23 Brett Barwick and them, they had picked up stuff, put it
24 in the chair, took it out. And there you see the casing.

25 That casing was sent to SLED. It was tested against

1 the gun. That casing was fired from the gun that killed
2 Jamie, the gun that had her blood on it. The same type of
3 bullet was in the magazine.

4 Now, GSR, Brian Langston did the GSR testing on the
5 defendant and his mom. And it was sent down there. And
6 they both have GSR.

7 So we heard the GSR expert testify she did that
8 report. She didn't just testify to the report, but
9 testified about GSR in general. I think she did a pretty
10 good job explaining it to where people -- or at least to
11 where I could understand because if you don't know a lot
12 about guns, you might not know about that. And she
13 testified that GSR is like a cloud that comes out from the
14 gun when it's discharged.

15 So if someone shot that gun from outside the
16 building, there wouldn't have been GSR inside. But there
17 was. Because when Angela Rackley went in that building,
18 when she touched Jamie's head trying to get some of that
19 bleeding to stop, she got GSR on her hands. And the
20 defendant had it on him, too.

21 Now, what about that surveillance video? Susan at
22 the time Hendricks now Susan Smith, she testified about
23 how her house has that camera and then Detective Cochran
24 went and got the surveillance footage. And I felt like
25 that was a good deal yesterday afternoon. He was talking

1 about those two different cars. One car comes at this
2 time and leaves, another car comes at this time and
3 leaves. And Detective Cochran was on the stand a good bit
4 about that.

5 But when I got up, I wanted to make it clear as I'm
6 doing now. He shot her right at 1:51. She was in that
7 building dying at 1:51. 20 minutes later, after she's
8 been shot, after Angela Rackley's called 9-1-1, that's
9 when those cars come down.

10 So the defense wanted to grill Detective Cochran on,
11 well, which car was Barry Edwards? Which car was Barry
12 Edwards? She had already been shot at that point. Is he
13 saying the murderer came down there 20 minutes afterwards
14 and killed her? No. She's already been shot.

15 What we know is Barry Edwards said they came back and
16 they saw the blue lights. If they saw cop cars, they saw
17 cop cars, and then they left. Is he the first car? Is he
18 the second car? What does it matter? It's a red herring.
19 It's smoke and mirrors. She was already shot at that
20 point. The crime had already been committed at that
21 point.

22 Now, in his opening, Mr. DeBruin said that law
23 enforcement jumped to conclusions, they did a bad job.
24 You take them out of the mix, you still have this GSR
25 evidence, you still have the DNA evidence, you still have

1 only two people in a building, and one of them killed and
2 one of them walking out. It's just a trick to draw your
3 attention away from the case. And it doesn't change the
4 pathologist's report.

5 Now, this is very strong evidence, and at times I
6 felt like it got confusing for me at least when Dr. Dukes
7 was on the stand and she's going back and forth explaining
8 things. She was clearly the smartest person in this room,
9 at least this side of the jury bar. But she knew what she
10 was talking about. And let's break that down, what she
11 testified to.

12 Dr. Dukes is an impartial witness. She is not paid
13 by the State. She is an expert, and she's done about
14 2,000 autopsies. That's a lot. She's a medical doctor.

15 What are the indicators of suicide? Soot outside of
16 the wound and inside of the wound, residue inside of the
17 wound and outside of the wound, unburned gunpowder outside
18 of the wound, unburned gunpowder inside of the wound,
19 burns on the skin from the barrel of the gun, burns on the
20 skin from the muzzle flash, burnt hair, stippling, tears
21 in the skin and punctate abrasions. None of them are
22 present. Got about 15 things. None of them.

23 She said, in her expert opinion, it's a homicide.
24 The gun was too far away for it to be anything else.

25 Jamie had a lot to live for. She was right-handed.

1 It was outside of the possible range for suicide. The
2 doctor testified about the different ranges. She said it
3 was outside of the range.

4 But even if all that is kind of confusing, the way I
5 like to look at it is in practicality, practical terms.
6 So we know that the bullet came in on the left side. And
7 that's a cleaned-up view from what Dr. Dukes did so she
8 can see inside that wound.

9 It came in from the left side and it exited from the
10 right. Seven and a half pounds of pressure to pull that
11 trigger. Beyond the range for suicide. Could she get her
12 arm four feet, three feet from her body? It's beyond the
13 range. Could she do her nondominant hand so far back
14 where that bullet would have been coming in that angle?
15 Could she grip that gun and turn it? Could she pull seven
16 and a half pounds of pressure, a gallon of milk, with one
17 finger at that angle, at that strain? It's impossible.

18 But you don't have to take my word for it. You've
19 got an expert doctor, 2,000 autopsies. And you've got
20 your common sense. Don't forget about that. You might
21 have to check your cell phones at the door. I don't know
22 if the bailiffs take them or not. Don't check your common
23 sense. Don't get back there and say, well, Dr. Dukes said
24 this, but the defense attorney said this, but Ms. Odom
25 said this. Use your common sense on this. Use your life

1 experience. You know what you know.

2 What are some other things that the defense may bring
3 up? Let me tell you this before I get into that. This is
4 my last chance to talk to y'all. And so if I pause or if
5 I just go on a little longer than I should have, I
6 apologize. But this is it. This is the last chance
7 myself, Mr. Johnson, the State, this is the last chance we
8 have with y'all. So if something's important, I'm trying
9 to cover it. Because whatever Mr. DeBruin says, I'm not
10 going to be able to get up here and say but think about
11 this, think about that, y'all. And this is my last
12 chance, and so I want to make sure I'm covering
13 everything.

14 All right. What are the different scenarios
15 presented? And I hesitate to even go over this one
16 because it kind of sounds ridiculous because it is
17 ridiculous, but the dog did it. In the interview, well,
18 gunshot went off and the dog jumped up, and, I mean, maybe
19 the dog did it. And Detective Cochran I felt like did a
20 pretty good job with that with, well, dogs don't shoot
21 people, people shoot people kind of thing. And that's
22 true. As silly as it sounds, dogs don't shoot people.
23 For that, the dog would have to get the gun, stand on his
24 hind legs, somehow pull the trigger. I mean, it just
25 doesn't make sense. All the things he would have shot in

1 that room, no.

2 How about accident? There's really no evidence of
3 this at all. They give him ample opportunity to say it
4 during his interview. No, it's not accident because he
5 didn't shoot her is what he maintains. But Ms. Rackley
6 says it on the 9-1-1 call. You don't accidentally execute
7 somebody. And if it were an accident, he would have been
8 helping her. He would immediately call 9-1-1. He would
9 have said, "Oh my God. Oh, my God." No. I mean, this is
10 his girlfriend, someone he's supposed to like, someone who
11 is staying the night with him.

12 How about stray bullet? On this one, wakes up to a
13 bang. The gun's still in the room. How is her blood on
14 it? For this, if it's a stray bullet, if it came in from
15 the outside, you'd have to believe that someone shot her
16 -- let me show y'all a picture of this building. Picture
17 of that building, when you walk in, you turn to the right,
18 they're in that far back corner. So if someone would have
19 shot her on this (indicating) side of the building that
20 has woods surrounding it but then ran around to the door
21 and opened the door and threw the gun in, shut the door
22 and ran off . . .

23 And don't forget what that building looks like on the
24 inside or the outside. The bullet came from her left.
25 There's wood right there (indicating). They didn't find a

1 bullet hole in there. The wood on the inside behind her
2 chair, that's wood as well.

3 Now, that just -- stray bullet doesn't make sense.
4 And what are the chances that the neighbors hearing
5 arguing going on and on and then happenstance somebody
6 shoots a stray bullet and kills her? A stray bullet
7 doesn't make sense. He heard the gunshot. His ears were
8 ringing. His mama heard the gunshot. The two neighbor
9 girls heard the gunshot.

10 Dr. Dukes said that entrance wound, that's a clean
11 circular wound. That means nothing intervened between the
12 bullet and her head. That means the bullet did not come
13 through the walls. GSR means the bullet didn't come
14 through the walls.

15 Someone else -- for this, someone else would have had
16 to sneak in that building -- here's Jamie, the defendant,
17 this area. Somebody would have had to sneak in that
18 building, and while the defendant's asleep, lean over him
19 -- well, first of all, while the defendant's asleep, argue
20 with her so loud that the neighbors can hear it, that
21 Riley could hear it, argue with her but not wake the
22 defendant up, and then pick up the gun, presumably, Jamie
23 would have been yelling and screaming but not wake the
24 defendant up, lean over the defendant, shoot her in the
25 head at which time Jonathan says he woke up to the

1 gunshot. And granted, if his dog's in his lap, the
2 person's leaning over the dog, too, shoot her in her head,
3 and somehow get out that door before he wakes up and sees
4 him, somehow drop the gun, run to the door, open the door,
5 get out of the door, shut the door behind him and get out
6 before the dog jumps up, goes to the door, paws it open,
7 because it opens to the inside, and gets out. No,
8 absolutely not.

9 Third party in the wood line, Barry Edwards said that
10 the dog was acting weird earlier in the day when it was
11 daylight, again, five hours earlier. Is that a stray
12 bullet or is that who's creeping in? No, absolutely not.

13 Now, what the defense is doing with, you know, the
14 surveillance issue and the surveillance tape, stray
15 bullet, accident, suicide, it's like spaghetti noodles.
16 And so my grandma always told me like when you're cooking
17 a pot of spaghetti, if you can't tell if it's done or not,
18 you take a noodle out and you throw it against the wall.
19 And I still do that sometimes and it gets on my husband's
20 nerves because now we've got residue on the wall. But you
21 flick that noodle at the wall, and if it sticks, it's
22 done. But what they're doing is throwing the whole
23 dang-gone pot of spaghetti at the wall and praying
24 something sticks.

25 Charged with two crimes, and the judge, he's going to

1 charge you on that. When I say "charge," the judge is
2 going to charge you, he's going to tell you about it. I
3 want to go ahead and tell you about it, too.

4 So he's charged with murder and possession of a
5 weapon during a violent crime. So I'll do the second one
6 first.

7 Possession of a weapon during a violent crime is just
8 that. Did he possess a weapon? Yes. A gun is a weapon,
9 legally defined as such. During a violent crime? Yes.
10 The judge will tell you murder is a violent crime. That
11 one, got it.

12 Murder, got it. We best be believing that. Murder
13 is the unlawful killing done with malice aforethought.
14 Did he unlawfully kill her? Yeah. He had no reason to
15 shoot her in the head that night. No reason. He had no
16 reason to let her sit there and suffer.

17 And he acted maliciously. Malice, the judge will
18 tell you exactly what malice is. I'm going to go ahead --
19 it's ill will, hostility, even hatred. And you can take
20 it from implied or inferred circumstances. You don't just
21 have to say, well, did the defendant say anything? Did
22 the defendant do anything but not say -- no, no, no. You
23 take it from everything as a whole. His actions that
24 night, were they malicious in shooting her? Yes. Did he
25 act with ill will or hostility? Yes. Absolutely. You

1 don't execute somebody without being malicious.

2 So let me give you some specific examples, though.
3 Wrongful intent to injure somebody, intending to commit an
4 assault on someone who ultimately dies, malice. Pointing
5 a gun at someone and pulling the trigger, malice.
6 Circumstances that demonstrate a reckless disregard for
7 human life, pointing a gun at somebody's head and pulling
8 the trigger, malice. Use of a gun, deliberate intention
9 to take the life of another, malice.

10 And afterwards, think about what he did there. He
11 attempted to mislead the police. He hid evidence. What
12 did he do before, the yelling and the fussing and the
13 fighting, even without that, malice. Not calling 9-1-1,
14 letting her sit there and suffer, malice.

15 She's supposed to be somebody he cared about,
16 somebody he was dating. He sure had a lot of ill will.
17 You don't put a gun, aiming at somebody's head and pull
18 that trigger without malice. In this case, it is malice.
19 Let's listen to his own words.

20 (WHEREUPON, a portion of State's Exhibit 58, an audio
21 recording, is played in open court.)

22 MS. ODOM: "I didn't kill the bitch." He had just
23 learned minutes earlier that she was dead. His response,
24 "I didn't kill the bitch."

25 Now, in addition to the crimes, the judge is going to

1 tell you about other things to consider. What standard do
2 you use when considering if he's guilty or not? You use
3 the reasonable-doubt standard. And that just means are
4 you firmly convinced. A lot of times defense attorneys
5 want to like get out this chart or go through this whole
6 scenario where, well, if it's this, then it's not
7 reasonable doubt, you need more if it's this, it's not
8 enough, you need more of if it's this, it's not enough,
9 and go through this whole like pyramid and portray it as
10 some unattainable standard. And that's not it at all.

11 Reasonable doubt has been used for how long has
12 America been around? It's been used in court cases over
13 and over. It's not some unachievable standard.
14 Reasonable doubt just means that you as a juror are firmly
15 convinced that he did it. You don't hesitate in that.
16 After your consideration of all the evidence, that you're
17 firmly convinced.

18 Now, criminal intent, that's just a conscious
19 wrongdoing. Did he have wrongdoing when he picked up that
20 gun and aimed it at her and pulled that trigger?

21 Also, consider bias and motive for the witnesses. So
22 when a witness testifies, do they have any motive to
23 change their statement? Do they have any motive to lie?
24 Do they have a bias? Are they on the defense side? Are
25 they on the prosecution side? Are they getting paid by

1 somebody?

2 Also, when it comes to witnesses, you can believe all
3 of what a witness says, you can believe none of what a
4 witness says, or you can believe some but not all. That's
5 perfectly fine. And take into account the time that has
6 passed since this crime two years and two months ago and
7 then the statements on the stand. A lot of time has
8 passed since then.

9 Now, before I wrap things up, I just want to almost
10 apologize and just say I'm sorry if I or Mr. Johnson or
11 even Mr. DeBruin have done anything during the course of
12 this trial that might have offended you or anything like
13 that. I know sometimes we get heated or we question a
14 witness in a certain way, and we're so tunnel-vision about
15 the case that we may not see how it appears. And so --
16 which I feel like Mr. DeBruin is as nice as they come.
17 And I feel like the case has been, you know, pretty calm
18 as far as attorneys go and everything. But just in case
19 there's something there, just keep in mind this case isn't
20 about us at all, as you fully are aware of. It's not
21 about witnesses. It's about Jamie. It's about the
22 defendant. You know, don't lose that.

23 Like I said, when you go back in that jury room,
24 don't leave your common sense at the door. Take your
25 time. Do not rush. I'll tell you a little secret. Clerk

1 of court might order you lunch. Take your time. Look at
2 every piece of evidence. Listen to anything you need to
3 listen to. It's important to us, it's important to the
4 defendant. Don't rush. Listen to the other jurors.
5 Speak your mind. But don't lose the forest for the trees.

6 So when Mr. DeBruin gets up here, he is going to
7 focus on a bunch of things that I might not have even
8 talked about. I don't know. But he's going to draw your
9 attention to those things, those little saplings, those
10 little trees. But when you get back there, you need to
11 take a step back and look at this as a whole and consider
12 everything. Don't take your eye off the ball. Don't lose
13 your focus. Consider the case as a whole.

14 When you take a person's life as in what happened in
15 this case, a murder, you take a person's life, you're not
16 just taking their life. You're taking everything they're
17 ever going to have. You're taking a sunrise, a sunset,
18 you're taking a phone call to a loved one to say "I love
19 you." You're taking away everything.

20 Two people walked into that shed that night. Two
21 people walked in. What did that shed look like the last
22 time Jamie Scruggs walked into it? Only one person walked
23 out.

24 The gun was fired in the room. Know that through
25 GSR. We know that. So loud the defendant's ears were

1 ringing. Know it wasn't a suicide. She didn't shoot that
2 gun. He did. We know he hid the gun, destroyed evidence,
3 hid evidence, tried to get his friend over there to help
4 him. Don't know who else he was calling. Common sense
5 tells you he murdered her, but the evidence tells you he
6 murdered her.

7 Two people walked in that night, and one person
8 walked out. He made sure she didn't walk out, now you
9 make sure he doesn't walk out of this courtroom today.
10 You go back there and you find him guilty on both counts.

11 Thank you.

12 THE COURT: Mr. DeBruin?

13 MR. DE BRUIN: Thank you, Your Honor.

14 Your Honor, present counsel, ladies and gentlemen of
15 the jury, this case ends at the word "why". Why? Why
16 would Jonathan kill Jamie? Throughout all the days of
17 testimony and all the evidence presented, you've never
18 heard the answer to the word "why" or answer to the
19 question why. Why would he do it?

20 You never heard the answer to the question why
21 because there is no reason why he would kill her. None
22 whatsoever. You heard no reason from the government as to
23 what would motivate my client to kill Jamie. None. She
24 was his friend. She was his girlfriend. But they just
25 started dating. Three weeks, they dated for three weeks.

1 They barely knew each other.

2 Use your life experience. What does the first three
3 weeks of a relationship feel like? What's it like?
4 Beginning to know the other person, they're full of joyous
5 moments, aren't they? Full of hanging out with each
6 other, spending time, flirtation, butterflies in your
7 stomach, joyous nervousness.

8 The government has to prove that he intentionally
9 pulled the trigger and killed her. What possible reason
10 have you heard that would make him intentionally pull the
11 trigger? You didn't hear any, none whatsoever.

12 Throughout the course of this case, you heard from
13 friends of Jamie, you heard friends of Jonathan. They all
14 said the same thing, that Jonathan and Jamie's
15 relationship with each other was a good one, full of good
16 conversations. They haven't been dating that long. They
17 didn't go in to describe how much they loved each other
18 because they just started dating, three weeks. But they
19 enjoyed being together with each other. They enjoyed
20 having good times with each other. She had spent the last
21 few days over there coming over, over and over again,
22 celebrating his birthday, eating with friends, enjoying
23 cake. You never heard from anyone that they had a
24 tumultuous relationship at all. There was no arguing
25 between the two of them, their friends said. You heard

1 the exact opposite. They had a good relationship.

2 In a few minutes, the judge will instruct you on the
3 elements of murder. He will tell you that the government,
4 in order to prove malice, will have to show that Jonathan
5 acted with malice, and that's hatred, ill will or
6 hostility towards another person. You saw no credible
7 evidence of what reason he would have to act toward her in
8 this manner. No ill will was seen at all. He cared for
9 Jamie. He begged for police to help her when they arrived
10 at his house. He begged them over and over again, help
11 her, help her. He cared for her, and the people who knew
12 them both said so. They were never arguing. The
13 government has not proved malice.

14 His Honor will also instruct you on the word
15 "intent," and tell you that the government must prove that
16 Jamie [sic] intended to shoot her, that he shot her on
17 purpose. There was no accidents, there's no other
18 reasonable explanation for her death.

19 The judge will instruct you on reasonable doubt. He
20 will describe it as a reasonable doubt that would cause a
21 reasonable person to hesitate to act. Did the government
22 satisfy this requirement? No. Is there doubt that makes
23 you hesitant to act? I think there is. There are other
24 reasonable explanations.

25 I asked you at the start of this trial to hold off

1 making any decisions until you hear the case. Do not make
2 the same mistake as the government did of making
3 assumptions and jumping to conclusions until you've heard
4 everything.

5 You heard the lead detective yesterday. You saw the
6 consequences of jumping to conclusions.

7 The government wants you to believe that Jonathan had
8 some depraved heart that night and acted with malice, that
9 he let her bleed inside by herself. But that's not what
10 happened at all. He told you what happened in his
11 interview. He told you that he awoke to a gunshot. He
12 said that over and over and over again. And I know he got
13 frustrated saying it over and over again because he didn't
14 know what happened. He woke up to a gunshot. Did he say
15 things he shouldn't have said? Yes. But he was
16 frustrated. They kept asking him over and over and over
17 again what happened, and he told them, "I don't know. I
18 woke up to a gunshot."

19 He woke up and thought his dog had gotten shot when
20 the dog ran out of the building. He didn't notice what
21 was going on with Jamie. He ran after his dog. He went
22 outside.

23 The government made a big deal about the 9-1-1 call,
24 about how there wasn't a call for eight minutes. But
25 Jonathan told you what happened and why he didn't call

1 9-1-1. He awoke to a gunshot that seemed close to him.
2 His head was ringing. His ears were ringing from a loud
3 sound the gun made. He was disoriented. He had just got
4 woken up by a gunshot and ran after his dog.

5 Again, the government wants you to assume that he
6 knew Jamie was shot and didn't call 9-1-1. But that's not
7 what happened. He was outside looking for his dog.

8 The lead investigator never asked him how long were
9 you outside with that dog, how long were you looking for
10 it. It was dark outside. He lives in a wooded area. You
11 saw pictures. There's woods everywhere. The lights --
12 the dog was probably scared and ran into the woods. He
13 didn't know where the dog was. The lights outside weren't
14 on, and he was looking for the dog. A gunshot went off
15 near him. His ears were ringing. He was disoriented,
16 again, woke up from a gunshot. How disorienting is that?
17 I say it's extremely. The government assumed Jonathan
18 knew Jamie was shot and did nothing to help her.

19 The government also wants you to believe that he
20 acted with malice because she was making noises inside and
21 he didn't go inside and help her. A gunshot went off near
22 his head. His ears were ringing. He said that over
23 again. He said it -- that he was inside the police
24 station and his ears were still ringing. He couldn't hear
25 Jamie making sounds because his ears were ringing. This

1 is very likely. Anybody who's shot guns before knows you
2 probably wear ear protection, because if you don't and you
3 shoot the gun, it's loud, and if you don't have ear
4 protection in, your ears start ringing. You lose your
5 hearing. He had no idea she was inside injured. Again,
6 his ears were still ringing hours later at the police
7 station.

8 The government also wants you to rely on a young
9 child and her statement that they were arguing before the
10 gunshot. But this series of events is simply not true.
11 They want you to rely on the child, who the government's
12 own detective said something to the effect that she's a
13 young girl, of course she will have a different version of
14 events from two years ago. Of course. Think on that.
15 Think on that. Their whole case talked about arguing
16 beforehand, and their lead investigator said that, of
17 course, her version of events will change from two years
18 ago. They want you to convict my client of murder on the
19 testimony of a witness who their own lead detective said
20 wasn't credible.

21 Riley changed her story in major ways. They weren't
22 just small changes at all. In her written statement she
23 said that she was asleep, asleep when she woke up to
24 arguing. But she testified here that she was awake when
25 she heard the arguing.

1 She claims she and her friend Kaleigh was
2 Snapchatting about the arguing. But did you hear that
3 from Kaleigh? No. Kaleigh said we started Snapchatting
4 when the gunshot went off. They want you to convict my
5 client based on the testimony of a witness who is not
6 credible.

7 The two girls never talked about an argument. She's
8 not a credible witness. You cannot rely on her to convict
9 my client. No other witnesses in this case back up her
10 version of events. None. No parents, not Jonathan's mom
11 not the other friend. Nobody backs up that version of
12 events that there was an argument first and then a
13 gunshot. And why? Because it didn't happen. There was
14 no argument beforehand.

15 At the beginning I asked you not to make assumptions
16 and to be patient. You can see now why. What the
17 government has promised, they failed to deliver. The
18 government promised that they would prove that there was
19 an argument, then a gunshot. They failed to show you
20 that.

21 They promised you that Jonathan didn't call 9-1-1
22 when he knew Jamie was shot, but that's not true. They
23 failed to prove this. Jonathan didn't know she was shot
24 when he was outside.

25 The government promised to prove that Jonathan heard

1 Jamie fighting for her life and did nothing. Again, they
2 failed to prove this, too. Jonathan couldn't hear her.
3 His ears were ringing. He was outside looking for his
4 dog. When he did discover her, it was right at the same
5 time his mom came out. Jonathan got towels for Jamie and
6 tried to help. The towels, he said, were inside that
7 building. He didn't run away. He didn't hide. He didn't
8 go run out in the woods. He didn't leave the scene. He
9 was there when the police showed up. Again, no reason why
10 he would kill her. If he's such a horrible person and he
11 shot her in cold blood, why would he stay around? He
12 didn't leave. He stayed there trying to help her.

13 Jonathan picked up the gun and put it in a secure
14 location. Why? Well, maybe because all you hear on the
15 9-1-1 call, and just heard it, was the 9-1-1 operator
16 talking about the gun only. They weren't talking about
17 Jamie. They weren't talking about her bleeding or
18 anything like that. They were talking about where's the
19 gun, who's the guy who shot it -- her, the gun, the gun,
20 the gun. That's all he heard.

21 So maybe he put the gun away so the police wouldn't
22 shoot him when he got there -- when they got there. But
23 he didn't hide it. The gun was only feet away. You saw
24 the pictures. You'll look through them again. They were
25 only feet away. It wasn't shoved behind anything. It

1 wasn't underneath a box or below or underneath or behind.
2 It was just a few feet away in a cabinet. You open the
3 cabinet, there it is.

4 The government claimed he washed his clothes, but
5 they didn't prove that. They didn't prove that to you.
6 There's no pictures taken of the clothes. They didn't
7 take the clothes into evidence. They didn't take the
8 washer apart to check the drain to see if there's blood
9 inside the washer. Did they do anything like that? No,
10 they didn't. They assumed, but they didn't prove
11 anything. Those of us who do laundry know how hard it is
12 to get bloodstains out. It's hard to get those stains
13 out. But they didn't even look. They didn't even look
14 because they just assumed. They already had their minds
15 made up, and they didn't need to do anything else.

16 Nothing he did after she was shot proves that he had
17 malice before. That's what the malice is for, malice
18 before. He had to have acted with malice before she was
19 shot. Nothing shows you why. Why would he shoot her?
20 There's no reason. The only witness that they have is not
21 a credible witness. You cannot rely on that child who's
22 changed her stories.

23 The government failed to investigate any alternatives
24 other than Jonathan was -- than Jamie was killed by
25 Jonathan. That's it. That's the only alternative they --

1 that's the only thing they accepted, and that's the only
2 thing that they investigated. They had charged him with
3 murder before they even talked to all the witnesses. They
4 focused on Jonathan and no one else. They had three
5 people's DNA on the gun: Jonathan, Jamie, and somebody
6 unknown. They didn't search for that third person. They
7 didn't try to do anything to identify that specific person
8 to rule somebody else out. They didn't.

9 You saw how defensive Detective Cochran was when we
10 discussed the car that came into the neighborhood, the car
11 that came into the neighborhood after Jamie was shot but
12 before police arrived. He was so sure that it was Barry
13 and Nicole's that he didn't consider any other possibility
14 at all. That is how he conducted himself throughout the
15 entire investigation. You saw that in court,
16 single-minded, not open to any other possibilities.
17 Detective Cochran was ridged. Even after confronted with
18 contrary evidence staring him right in the face, he
19 refused to consider anything else. Maybe if he was a
20 little bit more open-minded he would have seen that car
21 coming into the neighborhood before police was not Barry.
22 It was an unknown person.

23 Barry and Nicole came back later. That car was in
24 the neighborhood a few minutes after Jamie was shot.
25 Barry and Nicole came back after the police arrived just

1 like their statement said. But Cochran wouldn't admit his
2 mistake. Instead, he wanted to argue. He wanted to argue
3 there was an unmarked police car, a police car that drove
4 to a murder scene and left a few minutes later. That
5 doesn't make any sense.

6 If he wasn't so close-minded, maybe he would have put
7 everything together and investigated why this unknown
8 vehicle came into the neighborhood at 2:00 in the morning
9 right after somebody was shot. Maybe he would have
10 investigated to make sure this car didn't pick somebody up
11 in the neighborhood. Three people's DNA on the gun, one
12 of them unknown. A car enters before police got there.
13 They didn't even consider that the possibility that
14 somebody got in that car. The dog was acting strangely
15 earlier that night. There's a possibility, and they
16 didn't investigate that. They had their mind made up, and
17 that's it. They didn't investigate the possibility of a
18 third person.

19 I told you in the beginning about reasonable doubt.
20 There are reasonable alternatives to what the government
21 said. And if you believe that there are reasonable
22 alternatives, then you have to find my client not guilty.

23 Did they do everything that they could to prove my
24 client's guilt? No. They brought in expert after expert
25 after expert to show you what was tested.

1 Did they ever bring in somebody to determine if my
2 client had -- where my client had to be when she was shot?
3 Did they have any expert tell you about that at all?
4 Where would he have to be inside this building for him to
5 shoot her and that there would be no bullet holes in the
6 wood? Where does he have to stand? It's a cluttered
7 area. Where does he have to stand? He can't stand over
8 the top of her because the bullet hole would be going in a
9 downward direction. She had no burn marks on her head.
10 That means you can rule out that he didn't put the gun
11 right to her head and pull the trigger. There was no
12 execution in this case.

13 You also heard from the medical examiner that the
14 angle of her head could have prevented some of the soot
15 and some of the scarring on her head. What position was
16 her head in? We have no clue because they didn't find the
17 bullet hole. They didn't find the bullet. We have no
18 clue what position her head was in. And the medical
19 examiner says, yes, it is possible that it occurred within
20 two to three feet, depending on the angle of her head. Do
21 we know the angle of her head? We have no clue what it
22 is. We know that it wasn't angling down because there was
23 no bullet holes in the wood. So it's possible that the
24 gun was fired within two to three feet of her. If that's
25 possible, then a lot of stuff is on the table then.

1 They found holes in the tarp. Did they take any
2 samples of these holes? Did they cut a square around and
3 take the hole out? They had expert after expert after
4 expert. Did they send these off to the lab to determine,
5 hey, did a bullet go through this tarp? Is there anything
6 showing that a bullet came through here so then we can
7 determine where she was at, what position her head was at?
8 No. They didn't do any of that. They didn't investigate
9 these holes because they already had their mind made up.
10 It was Jonathan, and we don't have to do anything else.

11 They didn't consider that it could be some horrible,
12 unexplained accident. Her DNA is on the grip of the gun.
13 The DNA of hers differs. It didn't come from her blood.
14 That's what you heard. The DNA on the grip on the bottom
15 of the magazine did not come from her blood. It probably
16 came from her sweat. It's a hot night in July. It's
17 July. Her hand is probably sweating.

18 So if her blood isn't the source of the DNA on the
19 grip and the magazine, that means she's touching it, she's
20 holding it, she's manipulating it before she was shot.

21 Jonathan was asleep. He said that over and over and
22 over again that he was asleep. Maybe she put a round in
23 the chamber. She wasn't familiar with guns. Maybe she
24 accidentally chambered it, and some tragedy, some terrible
25 accident occurred. We have no clue because they never

1 investigated that possibility. The police assumed
2 Jonathan killed her, and that was it. They were done.
3 They were done. She died on the 13th, he was charged with
4 murder on the 13th. They were done that day.

5 But for you to believe the government's case, you
6 have to believe that two people who just started dating
7 and barely knew each other, two people who have no history
8 of arguing with each other, no history of altercations
9 with each other, two people who, at less than an hour
10 earlier -- less than an hour earlier were having a good
11 time. They were having a good time with friends. You
12 would have to believe something so terrible occurred to
13 motivate one person to kill the other. There is no
14 credible evidence of this. If the government knew of a
15 reason why Jonathan would kill Jamie, they would have told
16 you. They would have presented that to you. But they
17 don't because this case ends at the word "why." Why would
18 he do it? And the answer is there's no reason. He didn't
19 do it.

20 Ladies and gentlemen, my client's not guilty of these
21 charges. I ask you to go back there now and find him not
22 guilty of these charges. There are so many things the
23 government left unanswered. There are so many
24 possibilities. Jonathan was asleep. He doesn't know what
25 happened. Please find my client not guilty of all

1 charges.

2 Thank you, Your Honor.

3 THE COURT: All right. Ladies and gentlemen, I'm
4 going to give you about a five-minute break. Just a quick
5 one this time. And then I'm going to bring you back in,
6 and I'm going to instruct you on the law. And then after
7 that, you will be able to deliberate. So let's take a
8 little five-minute break.

9 Please don't discuss the case still until I direct
10 you to. And I'll see you back here in about five minutes.

11 (WHEREUPON, the jury exits the courtroom at 11:08 a.m.)

12 THE COURT: All right. Court will be in recess about
13 five minutes.

14 (WHEREUPON, a recess is taken at 11:09 a.m.)

15 THE COURT: Anything from the State before we bring
16 the jury back in?

17 MS. ODOM: Nothing from the State.

18 THE COURT: From the defendant?

19 MR. DE BRUIN: No, Your Honor.

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

21 (WHEREUPON, the jury entered the courtroom at 11:17 a.m.)

22 CHARGE ON THE LAW

23 THE COURT: All right. Ladies and gentlemen, I am
24 about to instruct you on the law as I told you in the
25 beginning of the case what I was going to do. And so if

1 you will give me your attention like you have been this
2 week, I sure would appreciate it.

3 As you know, as I told you in the beginning, the
4 defendant was indicted on two charges, two indictments:
5 murder and possession of a weapon during the commission of
6 a violent crime. Ladies and gentlemen, the indictments
7 charge the defendant -- charge the defendant with murder
8 and possession of a weapon during a violent crime. And I
9 remind you that the fact that the defendant was arrested,
10 charged and indicted in this case is not evidence and
11 cannot be considered by you as evidence of guilt in this
12 case, nor does it create any presumption or inference of
13 guilt. These two indictment documents are simply formal
14 written instruments which contain the charges made against
15 the defendant. It is the formal -- they are the formal
16 documents by which this case is brought into this court.
17 This is also true for any search warrants and arrest
18 warrants which may have been issued in this case.

19 I remind you that, during this trial, you and I have
20 had certain duties to perform. As the trial judge, it is
21 my responsibility to preside over the trial of the case,
22 and I also have the duty to rule on the admissibility of
23 the evidence during this trial.

24 You are to consider only the competent evidence
25 before you. If there was any testimony ordered stricken

1 from the record in this case during this trial, you must
2 disregard that testimony. You are to consider only the
3 testimony which has been presented from this witness
4 stand, any exhibits which have been made a part of the
5 record in this case.

6 I have the additional duty to charge you the law
7 applicable to this case as I have told you. As the
8 presiding judge, I am the sole judge of the law of this
9 case, and it is your duty as jurors to accept and apply
10 the law as I now state it to you. If you already have any
11 idea as to what the law is or what the law ought to be and
12 it does not agree with what I now tell you the law is, you
13 must abandon this idea because you are sworn to accept the
14 law and apply the law exactly as I state it to you.

15 In every case tried in this court before a jury, the
16 jury becomes the sole and exclusive judge of the facts.
17 As I told you, I am the judge of the law and you are the
18 judge of the facts. A trial judge, like myself, cannot
19 state, comment on, or make any statement to any trial jury
20 about the facts in a case. Since you the jury are the
21 sole judges of the facts in this case, you are not to
22 infer from what I have said, at any point during the
23 progress of this trial in ruling upon the admissibility of
24 evidence or otherwise, or anything that I say now during
25 the course of this instruction to you, that I had any