

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Feb 02 2023
SC Court of Appeals

Appeal from Allendale County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PAULETTE J. SIMS,

APPELLANT

APPELLATE CASE NO. 2021-001202

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN.
Senior Assistant Attorney General

ATTORNEY FOR APPELLANT

TOMMY EVANS JR.
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803)734-6305

I. McDuffie Stone, III
Solicitor Fourteenth Judicial Circuit
P.O. Box 1880
Bluffton, South Carolina 29526
(843) 470-3725

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 11, 2021	1
MOTION TO SUPPRESS STATE’S VIDEO EVIDENCE.....	2
RULING BY THE COURT.....	7
OPENING STATEMENT BY MS. KEENEY	8
OPENING STATEMENT BY MR. PLEXICO.....	12
TESTIMONY	
JODI KEARSE	
Direct Examination by Ms. Keeney.....	15
Cross-Examination by Mr. Plexico.....	19
JACOB LINDER	
Direct Examination by Ms. Keeney.....	20
Cross-Examination by Mr. Plexico.....	40
JIM EVANS	
Direct Examination by Ms. Keeney.....	45
Cross-Examination by Mr. Plexico.....	49
Re-Direct Examination by Ms. Keeney	49
GERALD PENN, JR.	
Direct Examination by Ms. Keeney.....	50
Cross-Examination by Mr. Plexico.....	60
Re-Direct Examination by Ms. Keeney	63
APRIL BOSTICK	
Direct Examination by Ms. Keeney.....	64
Cross-Examination by Mr. Plexico.....	70
CHANDRE GRANT	
Direct Examination by Ms. Keeney.....	72
Cross-Examination by Mr. Plexico.....	75
Re-Direct Examination by Ms. Keeney	78
CODY GETRIDGE	
Direct Examination by Ms. Keeney.....	79

JESSIE ELMORE	
Direct Examination by Ms. Keeney	84
Cross-Examination by Mr. Plexico	87
RENIQUE RILEY	
Direct Examination by Ms. Keeney	88
DOVITTA JORDAN	
Direct Examination by Ms. Keeney	93
TODD SCHENK	
Direct Examination by Ms. Keeney	98
Cross-Examination by Mr. Plexico	136
Re-Direct Examination by Ms. Keeney	139
MOTION TO SUPPRESS EVIDENCE EMANATING FROM BUCCAL SWABS	141
TESTIMONY	
JACKIE DAVIS	
Direct Examination by Ms. Keeney	153
ANDRENA HARRISON	
Direct Examination by Ms. Keeney	165
JULIA BEGEMAN	
Direct Examination by Ms. Keeney	172
Cross-Examination by Mr. Plexico	175
RACHEL NGUYEN	
Direct Examination by Ms. Keeney	175
CATHERINE LEISY	
Direct Examination by Ms. Keeney	183
Cross-Examination by Mr. Plexico	203
KELLY ROSE	
Direct Examination by Ms. Keeney	205
Cross-Examination by Mr. Plexico	222
Re-Direct Examination by Ms. Keeney	230
STATE RESTS	232
MOTION FOR DIRECTED VERDICT	232

TESTIMONY

PAULETTE SIMS

Direct Examination by Mr. Plexico	233
Cross-Examination by Ms. Keeney	240
Re-Direct Examination by Mr. Plexico	250
Re-Cross Examination by Ms. Keeney	251
Re-Direct Examination by Mr. Plexico	252
CLOSING ARGUMENT BY MS. KEENEY	253
CLOSING ARGUMENT BY MR. PLEXICO	268
CLOSING REBUTTAL BY MS. KEENEY	283
JURY CHARGE	287
VERDICT	306
SENTENCING	316
COURT’S EXHIBIT NO. 3 (SEARCH WARRANT)	318
INDICTMENTS	323
SENTENCE SHEETS	329
CERTIFICATE OF COUNSEL	332

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 8 (IN CAR CAMERA VIDEO) AND STATE’S EXHIBIT NO. 9
(BODY CAMERA VIDEO)**

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF ALLENDALE

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-03-00022
7 2020-GS-03-00023
8 2020-GS-03-00024

9 Paulette Sims,
10
11

12 October 11, 2021
Allendale, South Carolina
Volume I of IV

13 B E F O R E:

14 The HONORABLE COURTNEY CLYBURN-POPE

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

16 Julie Kate Keeney, Representing the State of South
17 Carolina

18 Steve Plexico, Representing Paulette Sims
19
20

21 SHARON G. HARDOON, CSR
22 Official Circuit Court Reporter, III
23
24
25

1 mess with that girl on drugs. And so I told the
2 witnesses that I plan on calling to testify no
3 mention of any drug use because they didn't -- I
4 think it could be relevant if they saw it because
5 it could go to motive. But they didn't actually
6 see her taking any drugs that day. They just,
7 kind of, thought that that's what's going on.

8 So they know not to say anything about
9 that because I told them that that might cause us
10 to have to do this all over again, and nobody
11 wants to have to do this all over again.

12 THE COURT: Let's just make sure that
13 they don't do that. If I see it going there, if I
14 can catch it, we will --

15 MS. KEENEY: One of them talks very fast.

16 THE COURT: All right.

17 MS. KEENEY: So if I catch it, I will
18 interrupt them.

19 THE COURT: Certainly.

20 MR. PLEXICO: I think my last motion is
21 going to be a motion to exclude the video on the
22 grounds that -- she has two videos. One, the
23 officer pulls up as -- who they say -- claim to be
24 my client has a knife over the body of
25 Carolyn Cook. And they want to also play, I

1 believe, the video of her in the car going to the
2 hospital.

3 MS. KEENEY: No. The State has three
4 videos that we're intending to admit. One is the
5 body camera of the deputy, Officer Linder of the
6 Allendale Police Department, the body cam, and in
7 car video. There are two separate disks. So his
8 in car shows him rolling up into the apartment
9 complex, and you can see, who, I guess, we're
10 alleging to be his client over Carolyn Cook's body
11 with a knife in her hand do this (indicating) --
12 stabbing for the court reporter -- so we believe
13 that that is highly relevant to the murder charge
14 considering that Carolyn Cook died of a stab
15 wound, or multiple stab wounds.

16 And the other video is the body camera of
17 Officer Linder who gets out of his car, goes to
18 who we are claiming is the defendant, and is
19 attempting to restrain her. He ends up taking the
20 defendant. You can see her face in the video. We
21 believe it's highly relevant, especially if
22 they're trying to make this an identity case. We
23 think the body cam footage of her video is the
24 most probative evidence you can have, you know,
25 with a knife right there, stabbing the victim. I

1 understand it's prejudicial, but when you're
2 talking about probative evidence, it's about as
3 good as you can get in a murder case, is actual
4 video footage of one of the murders.

5 MR. PLEXICO: In the second video they
6 want to play, essentially the video of her getting
7 tased and getting arrested. There's no stabbing
8 going on. What is done is done. And there's on
9 scene video of what was this person being
10 arrested, Judge.

11 MS. KEENEY: Judge, if he's saying this
12 is not his client, there is only one way to prove
13 it, which would be the video. And I need to prove
14 to the jury that the person who they are arresting
15 for murder is her. So to the point where she gets
16 into the back of the police car -- this is not a
17 case where the suspect runs and the police have to
18 go catch her. So I think it's relevant to show up
19 to the point where she's in the back of the police
20 car proving that that is the defendant in this
21 case.

22 THE COURT: All right. I'll allow all
23 three videos over your objection.

24 MR. PLEXICO: I don't understand the
25 third video.

1 MS. KEENEY: The third video is just
2 Officer Evans's in car camera and it just shows,
3 like, EMS treating -- probably treating both.
4 Getting Bobby Heath and taking him out. There's
5 really not much to it.

6 MR. PLEXICO: I don't think it's
7 relevant, Judge, him getting medical treatment.

8 THE COURT: So the first video is
9 dash-cam. The second video is body warn camera of
10 the arrest. And the third video is --

11 MS. KEENEY: Dash-cam of Officer Evans
12 who is second on scene who helped apprehend the
13 defendant. And it showed -- it ends with -- the
14 point that I want to play is when the defendant is
15 being brought to the police car and apprehended.

16 MR. PLEXICO: I believe it's redundant.
17 It's a waste of time, Judge. You already have a
18 video showing all that. And I believe it's --

19 THE COURT: Video two also shows -- the
20 body camera also shows the arrest and the
21 identification of the -- or the alleged
22 identification?

23 MS. KEENEY: I was not planning on
24 entering evidence on the body camera, just the in
25 car. I can pull it up if Your Honor wants to see

1 it.

2 MR. PLEXICO: Could you repeat your
3 question?

4 THE COURT: Yes, so the first -- just so
5 I'm clear, the first video is pull-up dash-cam
6 video.

7 MS. KEENEY: Right.

8 THE COURT: But the second is body warn
9 and that addresses the arrest and identification,
10 or alleged identification of the defendant?

11 MS. KEENEY: Yes, ma'am.

12 THE COURT: Is that what second body warn
13 camera --

14 MS. KEENEY: The second video, only one
15 body cam video being played.

16 THE COURT: I got it. And so the third
17 video, which is the second dash-cam video --

18 MS. KEENEY: Yes, ma'am.

19 THE COURT: -- also shows another angle
20 of the arrest; is that correct?

21 MS. KEENEY: Yes, ma'am.

22 THE COURT: Okay. All right. Thank you
23 for that clarification. Somehow the description
24 originally, I thought there were three body
25 cameras from the same -- three videos from the

1 same officer. However, I'm going to allow the
2 first two in. I think that will -- I think those
3 are probative. That third one, I think is
4 redundant to show that. So the first two videos.

5 MS. KEENEY: Thank you.

6 THE COURT: Any further motions or items
7 to address?

8 MR. PLEXICO: I do not believe so, Your
9 Honor.

10 THE COURT: Anything from the State?

11 MS. KEENEY: No, Your Honor. The only
12 issue I have, I just need to ask the Court
13 reporter, when we premark those pictures -- I'm
14 going to -- never mind. I had Evans Number 8
15 messed. I just wanted to make sure I didn't mess
16 up my numbering by premarking. I think I'm good.

17 THE COURT: Sure. If you want to make
18 sure.

19 MS. KEENEY: If you could give me, like,
20 five minutes -- a couple minutes to open these
21 boxes.

22 THE COURT: We'll stand down for five to
23 seven minutes. I'd rather you do that than have
24 to stop in the middle.

25 MS. KEENEY: Thank you.

1 MR. PLEXICO: None from the defense, Your
2 Honor.

3 THE COURT: All right. Ladies and
4 Gentlemen, we are about to begin the trial.
5 Before we do that, I will give you a chance to
6 stretch, to stand up, to wiggle around so that you
7 are attentive and you have your blood flowing in
8 order to listen to all the testimony. Stand up
9 and stretch. We will take the opportunity to do
10 that now.

11 All right. Ladies and Gentlemen of the Jury,
12 at this time, we now begin the trial.

13 Madame Solicitor.

14 MS. KEENEY: May it please the Court?

15 OPENING STATEMENT

16 MS. KEENEY: On March 1st of 2020,
17 Carolyn Cook and Bobby Heath, Jr. were just trying
18 to be good friends. But where did being a good
19 friend get them? It got them brutally murdered by
20 the defendant, Paulette Sims.

21 You see, on that day, Carolyn and Bobby's
22 roommate, Gerald Penn, Jr., who people call BB, he
23 noticed that the defendant at the apartment
24 complex that they all lived at, Oakland apartments
25 here in Allendale, the defendant was laying in the

1 middle of the road.

2 So what did BB do? He went up to the
3 defendant and said, hey, get out of the road.
4 You're going to get ran over. And for whatever
5 reason, this put the defendant in a rage. She
6 gets up and she starts attacking BB with her
7 hands. But she didn't stop at that. The
8 defendant went inside her apartment, grabbed a
9 knife, and came back outside the apartment and
10 tried to attack BB with the knife.

11 Carolyn, who is BB's roommate, sees
12 what's going on and she tries to go help her
13 friend, her roommate. So when Carolyn approaches
14 to help BB, the defendant stabbed her, but the
15 defendant doesn't stop there. Bobby, who is
16 Carolyn's boyfriend at the time, sees that his
17 girlfriend is being stabbed by the defendant, so
18 he tries to come to help his girlfriend. And the
19 defendant says, you want some, too, and stabs
20 Bobby one time in the chest. Both Carolyn and
21 Bobby died that same day from their stab wounds
22 that the defendant caused.

23 Now, you're going to hear witnesses
24 testify in this case. We're going to have some
25 people come in that lived at the apartment complex

1 at the time and they're going to tell you exactly
2 what they saw that day. They're going to tell you
3 that they saw the defendant, who they all know as
4 Ashley -- that's what she called herself, Ashley
5 -- they she saw her stab both Bobby and Carolyn
6 that day.

7 You're also going to hear from law
8 enforcement in this case. You're going to hear
9 from an officer with the Allendale Police
10 Department, an officer from the Allendale
11 Sheriff's Office, and from the South Carolina Law
12 Enforcement Division, an officer that worked
13 there. We call it SLED here in South Carolina.
14 They're going to tell you about the investigation
15 and what they saw and the evidence that they
16 collected.

17 In particular, they're going to tell you
18 about the knife they collected. And even better,
19 you're going to get to see what law involvement
20 saw when they arrived at this apartment complex
21 because the law enforcement here in Allendale they
22 have what we call in-car cameras and body cameras,
23 and you're going to see exactly what they saw when
24 they arrived.

25 Now, at the end of the trial after you

1 heard from all the witnesses, you've seen the
2 pictures, the exhibits, and we get to make our
3 arguments one more time, you're going to hear from
4 the judge, and the judge is going to instruct you
5 on the law in this case. And what the judge is
6 going to tell you is that at the State of South
7 Carolina -- we have charged the defendant,
8 Paulette Sims, with two counts of murder, one for
9 Bobby, one for Carolyn, and one count of
10 possession of a weapon during the commission of a
11 violent crime. She's going to tell you what
12 murder is. It's very simple. Murder is the
13 intentional killing of someone with malice. And
14 malice just means basically a, you know, wrongful
15 intent to injure someone with a wicked or depraved
16 spirit or wrongdoing.

17 And she's going to tell you that
18 possession of a weapon during the commission of a
19 violent crime is exactly what it sounds like.
20 That she had a weapon, which we are saying is a
21 knife in this case, and she had that during the
22 commission of a violent crime which is murder.
23 And she's going to ask you to reach a verdict, and
24 so that verdict is either going to be guilty or
25 not guilty. And the word "verdict" is a Latin

1 term which means to speak the truth. And that is
2 all I'm asking you all to do today, or this week,
3 is to reach a verdict that speaks the truth about
4 what happened on March 1st of 2020. I'm asking
5 that you all hold the defendant, Paulette Sims,
6 accountable for killing Carolyn and Bobby that
7 day. Find her guilty.

8 Thank you.

9 OPENING STATEMENT

10 MR. PLEXICO: I'm Steve Plexico. I'm the
11 public defender. I've been a public defender here
12 since 1990. I was surprised when I came down the
13 hill because they still had soldiers guarding the
14 courthouse. It's been so long. It's always a
15 pleasure to come here in front of the jury.

16 This is Paulette's only time she's going
17 to get a trial, and so you all have to really pay
18 attention and we're asking that you all listen to
19 the details and don't make up your minds until
20 everything is said and done. And, particularly,
21 after you hear my closing argument, which I
22 believe will explain a lot of things to you.

23 There is a presumption of innocence that
24 goes with every defendant in America and has
25 always since there's been a country. We got it

1 from England. The presumption of innocence is
2 reaped in common law and it says that a person is
3 presumed to be innocent upon accusation,
4 throughout their trial, into the jury room until
5 the State has proven beyond a reasonable doubt and
6 any reasonable doubt that the defendant is guilty.
7 That presumption of innocence alone is enough to
8 find the defendant not guilty.

9 She's not going to have another day in
10 court. You all decide the facts. No matter what
11 the State says and what's going on, no matter what
12 they want, they have to get past 12 jurors who
13 agree with their version of the facts. And you
14 all, the buck stops here. And individually, you
15 all swore to an oath and you can't back away from
16 that. As a group you have. Just because somebody
17 believes one thing and others don't see the same
18 the way. You must hold firmly to what you believe
19 no matter what they are in order to just please
20 the rest of you. This is about coming and showing
21 that there is no reasonable doubt that my client,
22 Paulette Sims, is guilty. And you all have an
23 individual duty and a collective duty. And your
24 individual duty, in particular, is what I'm asking
25 you not to walk away from.

1 My client under the law is entitled to
2 the benefit of every reasonable doubt. If it's
3 one way more serious than another way, and you
4 have a reasonable doubt about it, she's entitled
5 to the lesser of the two evils, so to speak.

6 I can't emphasize, again, how important
7 this is, and I want to thank you all for being
8 here one more year and being here in my hometown.
9 I just ask you all to do the right thing and keep
10 an open mind until the last minute, until you hear
11 my argument and have that presumption of innocence
12 like a Roman soldier marching through the
13 courtroom into the jury room and stand guard over
14 you.

15 Thank you very much.

16 THE COURT: Madame Solicitor.

17 MS. KEENEY: The State calls Jodi Kearse.

18 THE CLERK: Do you swear or affirm to
19 tell the truth, the whole truth, and nothing but
20 the truth so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Thank you.

23 THE COURT: Miss Kearse, you can remove
24 your mask to testify.

25 THE WITNESS: Okay.

Testimony of Jodi Kearse

114

1 MS. KEENEY: May it please the Court?

2 WHEREUPON:

3 JODI KEARSE,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. KEENEY:

7 Q Will you state your name for the record?

8 A Jodi Kearse.

9 Q Where do you work?

10 A Allendale County 911.

11 Q What's your position there?

12 A I'm the director.

13 Q Okay. And how long have you worked for Allendale
14 County 911?

15 A November 7th of this year will be four years.

16 Q And what are your duties as the director of the
17 911 center?

18 A Just making sure that the center is running
19 like it's supposed to per state guidelines, making
20 sure the equipment is kept up.

21 Q And so when someone calls 911, what happens? Is
22 there a recording? How is that documented?

23 A Yes, it starts recording through our phone
24 system a few seconds before we actually pick the
25 phone up. It records through our system. And

Testimony of Jodi Kearse

115

1 then it records the entire time that the call is
2 going on and it also records -- once we disconnect
3 the line, it records a few seconds afterward.

4 Q Okay. And do you all have, like, a written
5 document to kind of memorialize the 911 call as
6 well?

7 A Yes, that's our CAD that we have.

8 Q It's what they call a CAD report?

9 A Yes.

10 Q And it tells you what times the call comes in,
11 that type of stuff?

12 A Yes.

13 Q And are you in charge -- are you the records
14 custodian over the 911 calls?

15 A I am.

16 Q Do you all keep 911 calls in the ordinary course
17 of business?

18 A Yes.

19 (STATE EXH. 1, 911 call, was marked for
20 identification.)

21 MS. KEENEY: May I approach the witness?

22 THE COURT: Yes.

23 BY MS. KEENEY:

24 Q I'm going to show you what has been marked as
25 State's Exhibit 1. Can you take a look at this and

Testimony of Jodi Kearse

116

1 tell me if you recognize it?

2 A Yes, that's my signature -- my initials.

3 Q And did I ask for you to pull some 911 calls
4 related to this case?

5 A Yes.

6 Q And these calls were March 1, 2020; is that
7 correct?

8 A That's correct.

9 Q Is this a fair and accurate copy of the 911 call
10 on this case?

11 A Yes, it is.

12 MS. KEENEY: At this time, the State
13 moves to admit State's 1 into evidence.

14 THE COURT: Any objection?

15 MR. PLEXICO: Your Honor, I object -- I
16 object on my previous grounds that you already
17 ruled on.

18 THE COURT: Thank you, sir.

19 (STATE EXH. 1, 911 call, was entered into
20 evidence.)

21 BY MS. KEENEY:

22 Q Can you tell me what time the 911 call came in on
23 this case?

24 A At 11:53.

25 Q And what date?

Testimony of Jodi Kearse

117

1 A On March the 1st of 2020.

2 Q And when you say 11:53, is that a.m. or p.m.?

3 A That is a.m.

4 Q Thank you.

5 MS. KEENEY: At this time, permission to
6 publish States's Exhibit 1.

7 THE COURT: Yes.

8 (911 call 1 played in its entirety.)

9 BY MS. KEENEY:

10 Q And that call, the dispatcher dispatched the
11 police and ambulance to Oakland Apartments, correct?

12 A Yes.

13 Q And what county is that in?

14 A Allendale.

15 Q Thank you.

16 (911 call 2 played in its entirety.)

17 BY MS. KEENEY:

18 Q What time was Officer Linder from the Allendale
19 Police Department dispatched?

20 A At 11:56.

21 Q Can you tell what time he arrived on the scene?

22 A At 11:59.

23 Q And was EMS also dispatched?

24 A That's correct.

25 Q Were they dispatched around the same time as

Testimony of Jodi Kearse

118

1 Officer Linder was?

2 A Yes, a couple seconds of each other.

3 Q Does it tell you what time EMS arrived on scene?

4 If it doesn't, that's okay.

5 A I don't see that on here.

6 Q But they were dispatched also at 11:56 a.m.?

7 A Yes, sometimes I wait to dispatch the call.

8 They have to wait until the scene secured by

9 someone in law enforcement, and sometimes they

10 don't transmit that across the radio once they get

11 on the scene.

12 Q Thank you.

13 MS. KEENEY: No further questions for

14 this witness.

15 CROSS-EXAMINATION

16 BY MR. PLEXICO:

17 Q Ma'am, correct me if I'm wrong, but I heard the
18 person who did this her real name is Priscilla; is
19 that correct?

20 A Yes.

21 Q And you don't know if she has this firsthand
22 information or if it's hearsay, correct?

23 A Correct.

24 MR. PLEXICO: I don't have anything
25 further.

Testimony of Jacob Linder

119

1 THE COURT: Redirect?

2 MS. KEENEY: No, Your Honor.

3 THE COURT: This witness may be excused.

4 MS. KEENEY: The State calls

5 Officer Jacob Linder.

6 THE CLERK: Do you swear or affirm the
7 testimony you give to be the truth, the whole
8 truth, and nothing but the truth so help you God?

9 THE WITNESS: I do.

10 THE COURT: Officer Linder, you may
11 remove your mask to testify.

12 THE WITNESS: Okay.

13 MS. KEENEY: Beg the Court's indulgence.
14 May it please the Court?

15 THE COURT: Yes.

16 WHEREUPON:

17 OFFICER JACOB LINDER,
18 after having been sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. KEENEY:

21 Q Officer Linder, where do you work?

22 A Allendale Police Department.

23 Q And what's your position there?

24 A I am an officer.

25 Q How long have you been at the Allendale police

Testimony of Jacob Linder

120

1 department?

2 A Since February of 2017, four and a half
3 years.

4 Q And can you tell me about March 1st of 2020, how
5 you got involved in this case?

6 A On March the 1st, I received a call from
7 dispatch via the radio transmission in reference
8 to a stabbing that had taken place.

9 Q And what address did you respond to?

10 A The address at [REDACTED] Bluff Road. That's the
11 Oakland Apartments.

12 Q In what town is that?

13 A In the town of Allendale.

14 Q What county is that?

15 A Allendale County.

16 Q When you arrived on scene, did you -- you're in
17 your police car, correct?

18 A Correct.

19 Q And is your police car operated -- do you have
20 any, like, video cameras in the police car?

21 A We have an in-car camera.

22 Q How does that get activated? How is that turned
23 on?

24 A You operate it -- turn it on by the blue
25 light being activated or manually.

Testimony of Jacob Linder

121

1 Q When you arrive at the Oakland Apartments, what
2 did you see?

3 A I saw a large crowd gathering. At that
4 point, I activated my blue lights to activate my
5 camera.

6 Q What was the crowd doing?

7 A They were pointing and saying --

8 MR. PLEXICO: I object, Your Honor. That
9 would be hearsay.

10 BY MS. KEENEY:

11 Q Were they pointing you in a certain direction?

12 A Yeah, further down.

13 Q Did you, as a result, drive further down?

14 A Correct.

15 Q Okay. What did you see next?

16 A As I made the turn into the curve, I saw a
17 black female that was hunched over a white female,
18 at which point I exited my patrol car. I stopped
19 and exited my patrol car.

20 Q What did you see next?

21 A At that time, I saw a white male against an
22 apartment entrance that appeared to have a wound
23 to his chest area.

24 Q Okay. What did you do next?

25 A At that point, I made verbal commands for the

Testimony of Jacob Linder

122

1 black female to move, step away from the victim.

2 Q Did she? Did the black female comply?

3 A Not at that time.

4 Q Do you see the black female that you saw over the
5 white female victim in the courtroom today?

6 A I do.

7 Q Can you please let the jury know what she's
8 wearing and point to her?

9 A May I stand up?

10 Q Yes.

11 A She's wearing a white shirt with a black mask
12 on.

13 MS. KEENEY: Let the record reflect that
14 he has identified the defendant.

15 BY MS. KEENEY:

16 Q What was the defendant doing over -- were you able
17 to identify the white female?

18 A At the specific time, I wasn't. I thought
19 she was familiar. As I got closer, I was able to
20 identify her as Carolyn Cook.

21 Q Okay. And was she -- Carolyn Cook, was she
22 moving? Was she breathing? What was your
23 observation?

24 A My observation was that she was not moving at
25 the time.

Testimony of Jacob Linder

123

1 Q What exactly did you see the defendant do over
2 Carolyn Cook's body?

3 A She was making a motion with her hand
4 consistent with a stabbing motion. After several
5 verbal commands, I saw her throw a knife.

6 Q Okay. So you saw the defendant throw a knife.

7 A Yes, ma'am.

8 Q And later when you got closer up, did you see that
9 knife?

10 A Correct. I saw the item and it was a
11 kitchen-style knife.

12 Q Okay. Did you -- did you touch the knife or do
13 anything with the knife at that time?

14 A At that time, I did not.

15 Q Okay. Were you able to apprehend or arrest the
16 defendant?

17 A Yes.

18 Q What did you have to do in order to arrest her?

19 A To effect arrest a taser was deployed, and
20 she was placed in handcuffs and leg shackles.

21 Q And where was she taken to?

22 A My patrol vehicle.

23 Q She was secured in your patrol car at that point,
24 correct?

25 A Correct.

Testimony of Jacob Linder

124

1 (STATE EXH. 2, Photo, was marked for
2 identification.)

3 (STATE EXH. 3, Photo, was marked for
4 identification.)

5 (STATE EXH. 4, Photo, was marked for
6 identification.)

7 (STATE EXH. 5, Photo, was marked for
8 identification.)

9 (STATE EXH. 6, Photo, was marked for
10 identification.)

11 (STATE EXH. 7, Photo, was marked for
12 identification.)

13 MS. KEENEY: May I approach the witness?

14 THE COURT: Yes.

15 BY MS. KEENEY:

16 Q I'm going to show you what's been previously
17 marked as State's Exhibits 2 through 7. Can you flip
18 through these photos and tell me if you recognize
19 them?

20 A Yes, ma'am. I recognize them.

21 Q Are those a fair and accurate depiction of the
22 crime scene that you saw that day?

23 A Yes, ma'am.

24 MS. KEENEY: At this time the State moves to
25 admit State's Exhibits 2 through 7?

Testimony of Jacob Linder

125

1 THE COURT: Any objection?

2 MR. PLEXICO: No objection, Your Honor.

3 THE COURT: Okay.

4 (STATE EXH. 2, Photo, was entered into
5 evidence.)

6 (STATE EXH. 3, Photo, was entered into
7 evidence.)

8 (STATE EXH. 4, Photo, was entered into
9 evidence.)

10 (STATE EXH. 5, Photo, was entered into
11 evidence.)

12 (STATE EXH. 6, Photo, was entered into
13 evidence.)

14 (STATE EXH. 7, Photo, was entered into
15 evidence.)

16 MS. KEENEY: Permission to publish.

17 THE COURT: Yes.

18 BY MS. KEENEY:

19 Q Officer Linder, I have State's Exhibit 2 up here
20 on the screen. Can you see that?

21 A Yes, I can see it.

22 MS. KEENEY: Can I have the witness step
23 down?

24 THE COURT: Yes, ma'am.

25 BY MS. KEENEY:

Testimony of Jacob Linder

126

1 Q Can you stand over here and describe to the jury
2 what they are looking at?

3 A This is --

4 MR. PLEXICO: May I approach, Your Honor?

5 THE COURT: Yes. Hold on one second.
6 Officer, if you will, speak loudly.

7 Yes, you have permission to do that.

8 MR. PLEXICO: Thank you.

9 THE WITNESS: This is where you park.
10 This is the female victim, Miss Carolyn Cook.
11 This is the apartment where the male subject,
12 later identified as Bobby Heath, Jr. was at, and
13 over here is the defendant's residence.

14 BY MS. KEENEY:

15 Q So Apartment [REDACTED] is where Bobby Heath was found?

16 A Yes, ma'am.

17 Q And Apartment [REDACTED] is the defendant's apartment?

18 A Yes, ma'am.

19 Q Okay. Right where my finger is next to Carolyn
20 Cook's body, what is that object right there?

21 A That is the knife in question.

22 Q That's the knife you saw in the defendant's
23 hand?

24 A Correct.

25 Q Thank you. You can stay down there. I'm going to

1 show you State's Exhibit Number 3. Can you just
2 briefly describe what we're looking at, in particular,
3 Apartment [REDACTED]?

4 A Yes. This is Apartment [REDACTED] Again, where
5 the defendant resides -- she resided at the time.
6 Down further is [REDACTED] where the victim was.

7 Q Moving on to State's Exhibit 4, can you describe
8 what's in this photo?

9 A This a sheet covering Miss Carolyn Cook and
10 also the knife.

11 Q And then State's Exhibit Number 5, can you
12 describe what that number item is?

13 A The knife in question.

14 Q Okay. And State's Exhibit Number 6, is this just
15 another, kind of, angle of Apartment [REDACTED]?

16 A Correct.

17 Q And [REDACTED], who was at 826 again?

18 A The male victim, Bobby Heath, Jr.

19 Q And then State's Exhibit Number 7, Apartment [REDACTED],
20 once again, you said that's where Bobby Heath was
21 found, correct?

22 A Correct.

23 Q And what is this where my mouse is?

24 A It's blood.

25 Q And he was out on the, kind of, porch area?

Testimony of Jacob Linder

128

1 A Correct.

2 Q Thank you. You can be seated.

3 Did anyone else from law enforcement help you
4 apprehend the defendant?

5 A Correct.

6 Q Who was it?

7 A Deputy Evans and Captain Ford.

8 Q And where the Deputy Evans work?

9 A The Allendale County Sheriff's Department.

10 Q So you and Deputy Evans finally get control over
11 the defendant, correct?

12 A Correct.

13 Q And you put her in the back of your police car,
14 correct?

15 A Correct.

16 Q Eventually, is it the police department or the
17 sheriff's office, who's processing the scene? Who
18 gets called out to actually collect evidence and take
19 all the pictures?

20 A SLED.

21 Q Okay.

22 A South Carolina Law Enforcement Division.

23 Q And they're just, you know, very well equipped
24 with processing crime scenes?

25 A Correct.

Testimony of Jacob Linder

129

1 Q And, eventually, do you leave the crime scene?

2 A I do.

3 Q Where do you go?

4 A I take the defendant to the hospital.

5 Q Okay. And why did you take her to the hospital?

6 A Because she was tased and also for jail
7 clearance.

8 Q The jail wants them to go to the hospital
9 especially when they get tased?

10 A Yes, that's protocol at the police
11 department.

12 Q Was the defendant at the hospital for a long
13 period of time? Did she get a lot of treatment at the
14 hospital?

15 A No, she was there for a short period of
16 time.

17 Q Do you have an estimate of how long you all were
18 at the hospital?

19 A Approximately 30 minutes.

20 Q Okay. So you all were just, kind of, in and out
21 of the hospital?

22 A Correct.

23 Q And she didn't appear to have any major injuries
24 to her?

25 A No, ma'am.

Testimony of Jacob Linder

130

1 Q Where do you go next after you leave with the
2 defendant from the hospital?

3 A When I leave with the defendant from the
4 hospital, I take her to the Allendale County
5 Detention Center.

6 Q And that is where she was booked in?

7 A Correct.

8 Q What happened with Bobby Heath?

9 A At the scene, he was transported by EMS to be
10 flown out to a hospital.

11 Q Okay. What happened with Carolyn Cook? Did she
12 have to go to the hospital?

13 A No, ma'am. She was determined deceased at
14 the scene.

15 Q Her body stayed there, correct?

16 A Correct.

17 Q Other than the knife that you saw the defendant
18 have, did you see any other weapons on scene?

19 A No, ma'am.

20 Q Did you see any weapons on Carolyn Cook?

21 A No, ma'am.

22 Q Did you see any weapons on Bobby Heath?

23 A No, ma'am.

24 Q Do you know the defendant's nickname?

25 A I knew her as Ashley.

Testimony of Jacob Linder

131

1 MS. KEENEY: May I approach the witness
2 again?

3 THE COURT: Yes.

4 (STATE EXH. 10, Defendant's shirt, was
5 marked for identification.)

6 BY MS. KEENEY:

7 Q I'm going to show you what's been marked as
8 State's Exhibit 10. Do you recognize those? You can
9 open it?

10 A I recognize it as being collected at the
11 jail. The victim's shirt.

12 Q The victim's shirt?

13 A I'm sorry. I didn't mean to say the victim's
14 This is the defendant's shirt.

15 Q So this was the defendant's shirt that she was
16 wearing at the time of -- that you saw her?

17 A Correct.

18 Q And this was collected at the jail, correct?

19 A Correct.

20 Q Do you remember the name of the person that gave
21 this to you?

22 A Miss Jordan.

23 Q And Miss Jordan is Dovitta, does that sound right?

24 A Correct.

25 Q She worked at the jail at the time?

Testimony of Jacob Linder

132

1 A Correct.

2 Q So, obviously, you're not going to go in. You're
3 a male having to go in and strip down a female inmate,
4 correct?

5 A Correct.

6 Q So they get a female jailer to do that?

7 A Correct.

8 Q Item 10 is what Dovitta Jordan collected from
9 Paulette Sims at the jail, correct?

10 A Correct.

11 (STATE EXH. 11, Defendant's pants, was
12 marked for identification.)

13 BY MS. KEENEY:

14 Q I'm going to show what you has been marked as
15 State's Exhibit Number 11. Do you recognize that?

16 A Correct.

17 Q What is that?

18 A It's going to be the pants that the defendant
19 had on.

20 Q At the time that she was apprehended?

21 A Correct.

22 (STATE EXH. 12, Defendant's black shorts,
23 was marked for identification.)

24 BY MS. KEENEY:

25 Q Okay. And then State's Exhibit 12?

Testimony of Jacob Linder

133

1 A This is going to be the black shorts that the
2 defendant had on at the time.

3 Q And all three of these items were given to you by
4 Dovitta Jordan from the jail?

5 A Correct.

6 Q And the, in turn, what did you do with the
7 items?

8 A I gave them back to the crime scene where the
9 SLED crime scene unit was at and turned over the
10 evidence to the crime scene investigator.

11 Q Do you remember his name?

12 A I can't exactly remember.

13 Q Todd Schenk, does that ring a bell?

14 A Yes, ma'am. That was it.

15 Q Okay.

16 MS. KEENEY: Your Honor, at this time the
17 State moves to admit State's Exhibit 10, 11 and 12
18 into evidence.

19 MR. PLEXICO: Your Honor, it's incomplete
20 without the CO, Miss Jordan's testimony, and I
21 would object on those grounds. He didn't see
22 where the clothes came from.

23 MS. KEENEY: We can open them up and he
24 can identify them.

25 THE COURT: I'm going to overrule the

Testimony of Jacob Linder

134

1 objection and allow them into evidence at this
2 time.

3 MS. KEENEY: Thank you.

4 (STATE EXH. 10, Defendant's shirt, was
5 entered into evidence.)

6 (STATE EXH. 11, Defendant's pants, was
7 entered into evidence.)

8 (STATE EXH. 12, Defendant's black shorts,
9 was entered into evidence.)

10 (STATE EXH. 8, In car video; Linder,
11 was marked for identification.)

12 BY MS. KEENEY:

13 Q I'm going to approach the witness once again and
14 show you what's been marked as State's Exhibit Number
15 8. Do you recognize that?

16 A Yes, ma'am. That's my in-car video.

17 Q And you initialed this disk indicating that you
18 reviewed it?

19 A Correct.

20 Q Is that a fair and accurate copy of your in-camera
21 footage when responded to the scene on March 1,
22 2020?

23 A Yes, ma'am.

24 (STATE EXH. 9, Body cam video; Linder, was
25 marked for identification.)

1 BY MS. KEENEY:

2 Q I'm going to show you what has been marked as
3 State's Exhibit 9. Do you recognize that item?

4 A Yes, ma'am.

5 Q What is that item?

6 A That's my body worn camera.

7 Q Okay. And you initial this indicating that you
8 reviewed it, correct?

9 A Correct.

10 Q Is that a fair and accurate depiction of your body
11 worn camera that you were wearing on March 1st of 2020
12 when you arrived on the scene?

13 A Yes, ma'am.

14 MS. KEENEY: At this time, the State
15 moves to admit State's Exhibit 8 and 9 into
16 evidence.

17 MR. PLEXICO: Your Honor, I renew my
18 prior objection.

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

20 (STATE EXH. 8, In-car video; Linder,
21 was entered into evidence.)

22 (STATE EXH. 9, Body cam video; Linder, was
23 entered into evidence.)

24 MS. KEENEY: Permission to publish.

25 THE COURT: Yes.

Testimony of Jacob Linder

136

1 BY MS. KEENEY:

2 Q I'm going to start with State's Exhibit 8, which
3 is the in-car camera.

4 MR. PLEXICO: Your Honor, may I pull up a
5 chair over there?

6 THE COURT: Yes, you may.

7 MR. PLEXICO: Thank you.

8 BY MS. KEENEY:

9 Q While he's pulling up that chair, at the left
10 corner, that says March 1, 2020, correct?

11 A Correct. Yes, ma'am.

12 Q That's the date of this incident?

13 A Correct.

14 Q It's got the time 11:58, that's approximately
15 about what time you were dispatched and what time you
16 were about to arrive on scene, correct?

17 A Correct.

18 (STATE EXH. 8, In-car camera video, played in
19 its entirety.)

20 BY MS. KEENEY:

21 Q So Officer Linder, from my analysis, this white
22 female on the bottom of the screen, that's
23 Carolyn Cook, correct?

24 A Correct.

25 Q And the person right here, the black female, what

1 is that?

2 A That's the defendant.

3 Q Okay. And you see her, kind of, run off to the
4 left, but she never got far, correct?

5 A Correct, she never got far.

6 Q And so you were able to apprehend her and arrest
7 her at that point?

8 A Correct.

9 Q And she goes in the back of your patrol car?

10 A Yes, ma'am.

11 Q Thank you. I'm going to switch over to
12 State's Exhibit Number 9, your body camera.

13 MR. PLEXICO: May I just stay here,
14 Your Honor?

15 THE COURT: Yes.

16 MR. PLEXICO: Thank you.

17 (EXH. 9, body camera video, played in its entirety.)

18 BY MS. KEENEY:

19 Q So that was the defendant being placed in the back
20 of your patrol car?

21 A Correct.

22 Q And she went to the hospital afterwards?

23 A Correct.

24 Q And then to the detention center right after
25 that?

Testimony of Jacob Linder

138

1 A That's correct.

2 Q And you could hear her identifying herself in the
3 video, correct?

4 A Correct.

5 Q What did she say her name was?

6 A She said Ashley one time, and then Paulette,
7 I believe, was the second name that she said.

8 Q Okay. And did she ever say a last name?

9 A Not a last name.

10 Q Do you --

11 A That I remember.

12 Q You don't recall it, but it could be in that
13 video, correct?

14 A It could be, yes, ma'am.

15 Q Okay, thank you.

16 Now, I forgot to the ask you one question
17 about State's 10, 11, 12, which are the clothes that
18 you received from Dovitta Jordon who took it off the
19 defendant at the jail. Did you tamper with these
20 clothes in any way?

21 A No, ma'am.

22 Q You just gave them to Todd Schenk for him to give
23 to processing at SLED, correct?

24 A Correct. They were put in a brown paper
25 bag.

Testimony of Jacob Linder

139

1 Q Okay. So you maintain the integrity of these
2 items?

3 A Correct.

4 Q Thank you.

5 MS. KEENEY: Beg the Court's indulgence.
6 Nothing further for this witness.

7 THE COURT: Cross.

8 Mr. Plexico, you have permission to
9 remove your mask.

10 MR. PLEXICO: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. PLEXICO:

13 Q Sir, did you participate in the search of
14 Carolyn -- did Carolyn Cook and Gerald Penn and
15 Bobby Heath all live together?

16 A Correct.

17 Q Did you participate in the search of their
18 apartment pursuant to a search warrant?

19 A Say that again.

20 Q Pursuant to a search warrant?

21 A Negative. No. No, sir.

22 Q Did you receive a bag of pills and some white
23 powder substance from David Owen?

24 MR. PLEXICO: May I approach the witness
25 to help refresh his memory?

Testimony of Jacob Linder

140

1 THE COURT: Yes, sir.

2 MS. KEENEY: Your Honor, may we approach?

3 THE COURT: Yes. This is off.

4 (Off the record.)

5 THE COURT: All right. Ladies and
6 Gentlemen, we have a matter of law we need to
7 discuss outside your presence.

8 Mr. Bailiff, if you will escort the jury
9 to the jury room.

10 (Jury exits the courtroom at 11:55 a.m.)

11 THE COURT: All right. Mr. Plexico,
12 let's go back in chambers and have this
13 discussion.

14 MS. KEENEY: Okay.

15 (Off the record.)

16 THE BAILIFF: All rise. Court is in
17 session, please.

18 THE COURT: Please be seated.

19 Are we ready to bring the jury back in?
20 Madame Solicitor, you were able to speak with your
21 witnesses?

22 MS. KEENEY: Oh, I didn't do it.

23 THE COURT: All right. Mr. Plexico, are you
24 ready to bring the jury back in?

25 MR. PLEXICO: Yes, Your Honor.

Testimony of Jacob Linder

141

1 THE COURT: Bailiff, will you bring the
2 jury back in.

3 (Jury enters the courtroom at 12:18 p.m.)

4 THE COURT: Mr. Plexico.

5 MR. PLEXICO: Thank you, Your Honor.

6 BY MR. PLEXICO:

7 Q Did you receive items from a SLED agent,
8 David Owens?

9 A I can't recall at this time.

10 MR. PLEXICO: Could I approach the
11 witness, Your Honor?

12 THE COURT: Yes.

13 BY MR. PLEXICO:

14 Q Could you examine this from top to bottom? Is
15 that -- does that delineate items that are set to be
16 from Apartment [REDACTED]?

17 A Correct.

18 Q And that is where BB, Bobby Heath, and Carolyn
19 Cook lived; is that correct?

20 A Correct.

21 Q And you received those -- and they were found in
22 the upstairs area; is that correct?

23 A Correct.

24 Q That's where the bedrooms are in those apartments,
25 upstairs, correct?

Testimony of Jacob Linder

142

1 A Correct.

2 Q Okay. All right. So, you received -- is that a
3 bag or bottle of white powder substance?

4 A It's a plastic bag with a white powder
5 substance.

6 Q And above that, was there some pills turned over
7 to you, too?

8 A Correct.

9 Q All right. And those were turned over to the
10 officer of the Allendale Police Department, correct?

11 A Yes.

12 Q And these were found in Bobby and Carolyn Heath's
13 apartment, correct?

14 A Correct.

15 Q And what did you do with those items?

16 A Turned them over to evidence.

17 Q And they're sitting there today?

18 A Correct.

19 Q So you all never made an effort to have them
20 analyzed; is that correct?

21 A As far as I know. I'm not a hundred percent
22 sure on that part.

23 Q Okay. But you don't know of any effort to have
24 them analyzed?

25 A Not mine.

Testimony of Jacob Linder

143

1 MR. PLEXICO: May I approach?

2 THE COURT: Yes.

3 MR. PLEXICO: Court's indulgence.

4 BY MR. PLEXICO:

5 Q Thank you, Corporal Linder. I don't have anything
6 further.

7 THE COURT: Any redirect?

8 MS. KEENEY: Nothing further for this
9 witness.

10 THE COURT: You may be excused.

11 At this time, we'll adjourn court for
12 lunch. We will -- it's 12:22 at this point. We
13 will reconvene back at 1:30.

14 Ladies and Gentlemen of the Jury, while
15 we're at lunch, let me remind you that you are not
16 to discuss anything regarding this case at all
17 with your fellow jurors, family members, friends.
18 You're not to post anything on social media or
19 attempt to do any type of research on any topics
20 that have been raised thus far, or in the future.
21 We will give you all the information that you need
22 in order to reach a verdict.

23 So please be back at the courthouse
24 promptly at 1:30. At this time, we'll adjourn for
25 lunch.

Testimony of Jim Evans
(Jury enters the courtroom at 1:42 p.m.)

THE COURT: Ladies and Gentlemen, at this point, we will now resume the trial.

Madame Solicitor, call your next witness.

MS. KEENEY: The State calls
Deputy Jim Evans.

THE CLERK: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: Yes.

THE COURT: Deputy Evans, you may remove your mask to testify.

MS. KEENEY: May it please the Court?

WHEREUPON:

DEPUTY JIM EVANS,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q Can you state your name for the record.

A Jim Evans.

Q Where do you work?

A Allendale County Sheriff's Department.

Q What's your position now?

A Deputy.

Q Were you a deputy back on March 1st of 2020?

1 A Yes, ma'am.

2 Q How long have you worked for the sheriff's
3 office?

4 A Then or now?

5 Q Now.

6 A About six years.

7 Q Okay. How long have you been in law
8 enforcement?

9 A Nineteen.

10 Q Okay. I'm going to take you back to March 1st of
11 2020. Can you tell this Court how you got involved in
12 this case?

13 A I was patrol. I was dispatched to an active
14 stabbing at Oakland Apartments.

15 Q Okay. Do you know the address where the
16 Oakland Apartments are located?

17 A No, ma'am, not off the top of my head.

18 Q What county is Oakland Apartments?

19 A It's in Allendale County in the city of
20 Allendale.

21 What happened when you got on the scene? What did you
22 see?

23 A An officer from the City was already on the
24 scene. When I turned the corner, I noticed a
25 black female was stabbing another person that was

Testimony of Jim Evans

149

1 laying on the ground.

2 When I arrived, I exited my vehicle, went to
3 assist the other officer to try to get her off. She
4 was tased. The city officer did try to tase her, but
5 his taser was not effective. My taser was effective.
6 We put her in handcuffs and she was placed in the back
7 of his patrol car.

8 Q And so the black female that was doing the
9 stabbing, were you able to identify her?

10 A Yes, ma'am.

11 Q Who was she?

12 A She's sitting over to the right.

13 Q What color shirt?

14 A White shirt, short hair.

15 MS. KEENEY: Let the record reflect that
16 she's identified -- or he's identified the
17 defendant.

18 BY MS. KEENEY:

19 Q Were you able ever to identify the white female
20 that was on the ground that was being stabbed? Do you
21 remember her name?

22 A I don't know her name. No, ma'am.

23 Q Okay. Was she alive, to your knowledge?

24 A To my knowledge, she was not when I
25 arrived.

Testimony of Jim Evans

150

1 Q And you said that the defendant was your --

2 Officer Linder's taser wasn't working out, and then
3 you deployed your taser and eventually were able to
4 arrest the defendant, correct?

5 A Yes, ma'am.

6 Q And she went straight to Officer Linder's police
7 car, correct?

8 A Yes, ma'am.

9 Q Did you notice anything else about the scene? Was
10 it -- did you notice any weapons or blood or anything?

11 A There was blood on the ground pooling from
12 the victim. There was a knife probably three or
13 four feet from the victim.

14 Q Okay. And were there any other weapons on scene
15 that you saw?

16 A No, ma'am. That's the only one.

17 Q And was there any other victims on scene?

18 A Yes, ma'am. There was a male leaning against
19 an apartment door.

20 Q And what happened with that male victim?

21 A He was transported by EMS.

22 Q Was the female victim, did she have to be
23 transported?

24 A No, ma'am. She was not transported.

25 Q She was left on the scene?

Testimony of Jim Evans

151

1 A She was left on the scene, yes.

2 Q What did you notice about the male victim? Did he
3 have any injuries, to your knowledge?

4 A He -- I don't remember exactly. I know he
5 was leaning against the entryway to the apartment.
6 I got there right behind EMS, so they was
7 attending to him.

8 Q So EMS was treating him?

9 A Yes, ma'am.

10 MS. KEENEY: No further questions.

11 THE COURT: Cross.

12 CROSS-EXAMINATION

13 BY MR. PLEXICO:

14 Q Did you see a pocket knife around Bobby Heath?

15 A Say that again. I couldn't --

16 Q Do you recall seeing a pocket around
17 Bobby Heath?

18 A No, I seen a kitchen knife around the
19 victim.

20 MR. PLEXICO: All right. I don't have
21 anything further.

22 THE COURT: Any redirect?

23 REDIRECT EXAMINATION

24 BY MS. KEENEY:

25 Q Was the victim -- did you see the victim using?

Testimony of Gerald Penn

152

1 that kitchen knife?

2 A No, ma'am.

3 MS. KEENEY: Thank you. No further
4 questions.

5 THE COURT: This witness can be excused.
6 Thank you, sir.

7 MS. KEENEY: The State calls Gerald, BB
8 Penn, Jr.

9 THE CLERK: Do you swear or affirm to
10 tell the truth, the whole truth, and nothing but
11 the truth so help you God?

12 THE WITNESS: I do.

13 MS. KEENEY: May it please the Court?

14 THE COURT: Mr. Penn, you can remove your
15 mask to testify.

16 WHEREUPON:

17 GERALD PENN, JR.

18 after having been sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. KEENEY:

21 Q Okay. Mr. Penn, can you talk real loud and slow
22 for the jury to hear you and say your name for the
23 record, your full name?

24 A Gerald Penn, Jr.

25 Q Do you have a nickname people call you?

Testimony of Gerald Penn

153

- 1 A BB.
- 2 Q And where do you live?
- 3 A Salem.
- 4 Q Okay. Where were you living back in March 1st of
- 5 2020?
- 6 A Oakland Drive.
- 7 Q Okay. And is that Oakland Apartments?
- 8 A Oakland Apartments.
- 9 Q And what county is that in?
- 10 A Allendale.
- 11 Q Back in March of 2020, who did you live with?
- 12 A Bobby Heath and Christian -- Carolyn -- the
- 13 victim.
- 14 Q Does Carolyn Cook ring a bell?
- 15 A Yes. My roommates.
- 16 Q So you were living in an apartment at the Oakland
- 17 Apartment complex with Bobby and Carolyn?
- 18 A Yes.
- 19 Q Do you remember what apartment number you all
- 20 lived in?
- 21 A No, I don't. I don't want to go back
- 22 there.
- 23 Q You don't want to go back there?
- 24 A No. I've seen enough.
- 25 Q Okay. Tell me about March 1st, 2020. Make sure

1 you talk real loud and slow. What happened that day?

2 Can you start from the beginning?

3 A Yeah. I walked out of the house. I was
4 going to find me a little something to chew on. I
5 see Ashley down out in the middle the road. I
6 said get out the road, a car is going to crush
7 you.

8 Q Okay. And you said Ashley. Do you see -- and you
9 can stand up if you need to. Do you see who you know
10 is Ashley in the courtroom today? You can stand up if
11 you need to.

12 A I can stand up. It looks like a maze.

13 Q Can everyone take their masks off so he can see?

14 A Yes, I see her.

15 Q Okay. What color shirt is she wearing? Can you
16 point in her direction?

17 A (Indicating).

18 Q Can you tell what color shirt she's wearing?

19 A Yeah, white.

20 Q White.

21 MS. KEENEY: Let the record reflect that
22 he's identified the defendant.

23 BY MS. KEENEY:

24 Q So you know her as Ashley, correct?

25 A Yes.

Testimony of Gerald Penn 155

1 Q Where was Ashley living at that time, do you know?

2 A Oakland Drive.

3 Q So she's living at the same apartment complex as
4 you, correct?

5 A Yes.

6 Q Okay. So, you just testified that you saw Ashley
7 laying in the road and you went to tell her to get out
8 of road, correct?

9 A She died.

10 Q She died in the road.

11 A Yeah.

12 Q What happened when you told Ashley to get out of
13 road? What did she say?

14 A Oh, I guess I'll just get ran over. So I
15 left her alone.

16 Q Okay. She said I'll get ran over. Okay, what
17 happened next?

18 A She came up behind me, and she said, I'll get
19 you at -- can I say --

20 THE COURT: When you testify, you need to
21 make sure that we can hear, so speak slowly.

22 THE WITNESS: Can you say --

23 THE COURT: You can testify using
24 whatever language is appropriate, but you need to
25 make sure that you're talking slowing into the mic

1 so we can understand what you're saying.

2 Go ahead, sir.

3 Ask your question again, Solicitor.

4 BY MS. KEENEY:

5 Q I think you left off where Ashley came and started
6 saying something like, you -- like an easy win?

7 A Yeah, she was like -- she had a hold on me.

8 Q She had a chokehold on you. What happened next?

9 A I pushed her off me.

10 Q Okay. What happened after that when you pushed
11 her off?

12 A She went to find something to work with.

13 Q She went to find something to work with, is that
14 what you said? What do you mean by that? What did
15 she do? Where did she go?

16 A To her house.

17 Q She went back to her apartment?

18 A Yes.

19 Q And what happened next?

20 A Come out with a knife.

21 Q She brought a knife back with her?

22 A (Witness nods head up and down.)

23 Q Okay. And then what happened? What did she do
24 with the knife?

25 A Tried to stab me with it.

Testimony of Gerald Penn

157

1 Q She tried to stab you?

2 A (Witness nods head up and down.)

3 Q Was she successful in stabbing you? What
4 happened?

5 A She worked pretty hard. The speed bump
6 saved me.

7 Q How did the speed bump save you?

8 A I tripped.

9 Q You trip on the speed bump?

10 A (Witness nods head up and down.)

11 Q And what happened next?

12 A There was beer can and some guy fast-balled
13 to her.

14 Q Okay. So some guy. Do you remember who that was?

15 A Yeah, Jeffrey.

16 Q Jeffrey, he threw a beer can at Ashley?

17 A (Witness nods head up and down.)

18 Q Okay. And that's when she was trying to stab
19 you?

20 A Yeah.

21 Q And what happened next?

22 A I got my -- then my roommate went over and
23 tried to talk to her.

24 Q Who's your roommate?

25 A Carolyn.

1 Q So Carolyn came over and what happened? What did
2 she do?
3 A She walked up to talk to her, kind of calm
4 the situation down.
5 Q Okay. But what happened?
6 A She stabbed her.
7 Q Who stabbed who?
8 A Ashley stabbed Carolyn.
9 Q Ashley stabbed Carolyn?
10 A (Witness nods head up and down.)
11 Q Did Carolyn have any weapons?
12 A (Witness moves head from side to side.)
13 Q You have to say yes?
14 A Yes. No, no, she didn't have no weapons.
15 Q Okay. So Carolyn had no weapons?
16 A (Witness moves head from side to side.)
17 Q So you saw Ashley stab Carolyn?
18 A Yes.
19 Q What happened next?
20 A Well, I guess she was still on the hook.
21 Bobby came up and started stabbing Bobby along
22 with his wife.
23 Q So Bobby and Carolyn they dated, right?
24 A Yes.
25 Q So Bobby comes out and what's happening? What are

Testimony of Gerald Penn

159

1 they saying? What's going on?

2 A He pulled out his knife. She was just
3 holding the knife and Bobby got stabbed, too.

4 Q Bobby got stabbed, too. By who?

5 A By Ashley.

6 Q Okay. And so Bobby pulled out his knife. The
7 defendant, does she still have her knife with her?

8 A Yes.

9 Q Okay. So the defendant still has her knife and
10 has already stabbed Carolyn, right?

11 A I wouldn't have gone over there.

12 Q You wouldn't have gone over there?

13 A No.

14 Q But Bobby went to go help his girlfriend.

15 A His girlfriend didn't need any help.

16 Q What happened next after the defendant stabbed
17 Bobby?

18 A He went and sat down on the stoop, the porch
19 step or stoop. Whatever you call it. The police
20 come out there.

21 Q So after the defendant stabbed Bobby, what did the
22 defendant do next?

23 A Back to stabbing.

24 Q Who did she go back stabbing?

25 A Carolyn.

Testimony of Gerald Penn

160

1 Q So she went back to Carolyn to stab her more?

2 A (Witness nods head up and down.)

3 Q You got to say yes or no.

4 A Yes. I don't know who it was. Carolyn was
5 on the ground.

6 Q Where was the defendant when the police arrived?
7 When the cops show up, where is the defendant at?

8 A Humped over Carolyn.

9 Q Okay. So when the police roll up, the defendant
10 is over Carolyn, correct?

11 A Yes.

12 Q Do you remember how long you lived with Carolyn
13 and Bobby?

14 A Three or four months.

15 Q Three or four months?

16 A I was about to be put on the lease, so about
17 three or four months.

18 Q Okay. I'm going to show you what's already been
19 entered into evidence. I'm going to show you a
20 picture of something, okay?

21 A You're going to show me?

22 Q I'm going to show you a picture on the screen.
23 Did you notice anything about the knife that the
24 defendant had?

25 A You asking now? You're asking now?

Testimony of Gerald Penn

161

1 Q I'll show you the picture in a minute, but when
2 you were there that day, did you notice what happened
3 with the knife? Anything weird about the knife?

4 A Yeah, it was bent.

5 Q It was bent?

6 MS. KEENEY: I'm sorry. Beg the Court's
7 indulgence.

8 BY MS. KEENEY:

9 Q Okay. This is State's Exhibit 5. Do you
10 recognize this? Can you see it on the screen?

11 A I'm looking at it.

12 Q Do you recognize it?

13 A (Witness nods head up and down.)

14 Q What is that?

15 A The knife.

16 Q The knife that who had?

17 A Ashley.

18 Q Ashley, okay. Did you see Carolyn try to attack
19 Ashley in any way?

20 A No, she was going over there -- she was
21 trying to kill me.

22 Q So Carolyn was just trying to come help you?

23 A She couldn't help me.

24 Q I'm sorry. I couldn't hear you.

25 A She couldn't help me because I got out of the

1 way. She wanted to negotiate. She tried to solve
2 the problem.

3 Q She tried to solve the problem, okay. But Carolyn
4 didn't have any weapons?

5 A No, not Carolyn.

6 MS. KEENEY: No further questions.

7 THE COURT: Cross?

8 CROSS-EXAMINATION

9 BY MR. PLEXICO:

10 Q Did you give a statement to the SLED agents in
11 regards to this?

12 A What now?

13 Q Did you give a statement to the SLED agents in
14 regards to it this?

15 A I talked to the police. I don't know who was
16 who. I made a statement. I don't know who. I
17 talked to somebody. They never told me who.

18 THE COURT: Mr. BB, can you sit up for
19 me. Thank you, sir.

20 BY MR. PLEXICO:

21 Q When you came outside, what did you have in your
22 hand?

23 A A beer.

24 Q You had a beer in your hand. And this is shortly
25 before noon, right?

Testimony of Gerald Penn

163

- 1 A Say again.
- 2 Q This is shortly before noon?
- 3 A Shortly before what?
- 4 Q Noon time.
- 5 A Yeah, yeah, yeah.
- 6 Q Now, how many beers had you had so far?
- 7 A I was fresh out of the shower. I was fresh
- 8 out of the shower.
- 9 Q Did you drink the night before?
- 10 A Did I do?
- 11 Q Did you drink the night before?
- 12 A Yes, I did.
- 13 Q Okay. Before. So what did you stay up to, four,
- 14 five o'clock and then sleep in?
- 15 A Say what?
- 16 Q You said you just got a shower around noon.
- 17 A I showered around -- I got a shower around
- 18 eight, nine o'clock.
- 19 Q So you're saying this happened around eight or
- 20 nine o'clock in the morning?
- 21 A That's the time I was in the shower. I don't
- 22 know what time it happened.
- 23 Q All right. Now, so you lived in the house for
- 24 three or four months, correct?
- 25 A (Witness nods head up and down.)

1 Q All right. What was the baggie of white powder
2 substance and the pills used for in the house?

3 A The what?

4 Q The white powder substance in the baggie?

5 A I don't know what you're talking about.

6 Q What about the pills, do you know what they were
7 used for?

8 A Yeah, me. Me.

9 Q And you kept them in a baggie?

10 A No, I kept them on my person. What you
11 trying to do?

12 Q So, when the police came, where were you at?

13 A Outside.

14 Q I can't understand what you're saying.

15 A It happened by the door where everybody was
16 at.

17 Q Okay, so you were outside. All right.

18 Okay. Did you go knock on my client's door
19 and get her outside?

20 A Nope.

21 Q Have you ever hit on my client for sex?

22 A What man won't talk and try to.

23 Q So you don't deny that?

24 A Now, a man talking to a woman, to find out if
25 she's feeling me.

Testimony of Gerald Penn

165

1 Q Could you answer yes or no, and then you can
2 explain. Have you ever hit on her for sex? Have you
3 ever hit on Miss Sims for sex?

4 A You know she had --

5 Q Yes or no.

6 THE COURT: Just answer the question,
7 Mr. Penn.

8 THE WITNESS: I did, yes.

9 MR. PLEXICO: Court's indulgence.
10 I don't have anything further, Judge.

11 MS. KEENEY: Just two questions.

12 THE COURT: Yes. Redirect.

13 REDIRECT EXAMINATION

14 BY MS. KEENEY:

15 Q Who stabbed Carolyn Cook to death on March 1st of
16 2020.

17 A Say that again.

18 Q Who stabbed Carolyn Cook to death on March 1st of
19 2020?

20 A Ashley.

21 Q Who stabbed Bobby Heath, Jr. to death on
22 March 1st, 2020?

23 A Ashley.

24 MS. KEENEY: Thank you. No further
25 questions.

Testimony of April Bostick

166

1 THE COURT: Any recross?

2 MR. PLEXICO: No.

3 THE COURT: This witness may be excused.

4 Thank you, Mr. Penn.

5 MS. KEENEY: The State calls April
6 Bostick.

7 And, Judge, may that witness be excused. You
8 might have said it.

9 THE COURT: Yes, he can be excused.

10 MS. KEENEY: Thank you.

11 THE CLERK: Do you swear or affirm to
12 tell the truth, the whole truth, and nothing but
13 the truth so help you God?

14 THE WITNESS: I do.

15 THE COURT: Miss Bostick, you can remove
16 your mask in order to testify. Thank you.

17 WHEREUPON:

18 APRIL BOSTICK,

19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. KEENEY:

22 Q Okay. Miss Bostick, I need you to talk real slow
23 and real loud because it's kind of heard to hear in
24 the courtroom. Are you good with that?

25 A Yes, ma'am. I am.

Testimony of April Bostick

167

- 1 Q Can you state your name for the record?
- 2 A My name is April Bostick.
- 3 Q Miss Bostick, where do you live at?
- 4 A [REDACTED] Bluff Road, Apartment [REDACTED].
- 5 Q And what's the name of that apartment complex?
- 6 A Oakland.
- 7 Q What county is that in?
- 8 A Allendale, South Carolina.
- 9 Q Were you living in same apartment complex --
- 10 A Yes, ma'am.
- 11 Q -- March 1st of 2020?
- 12 A Yes, ma'am.
- 13 Q You might have lived in a different apartment.
- 14 A Yes, ma'am.
- 15 Q Okay. I want to take you back to March 1st of
- 16 2020. Now, remember real slow and loud, tell me about
- 17 what happened that day?
- 18 A That day, me and the woman -- I forgot her
- 19 name. The one that got stabbed.
- 20 Q Carolyn Cook?
- 21 A Carolyn. That day, I went to her house,
- 22 Bobby's house. Okay? I went there to ask to her
- 23 for a cigarette. You know, the next thing I know,
- 24 me and -- she said got to go. She got to go. The
- 25 next thing I seen is Ashley laying on the

1 ground.

2 Q And I want to stop you right there. Do you see --
3 and you can stand up if you need to. Do you see
4 Ashley in the courtroom today?

5 A (Indicating.)

6 Q What color shirt is she wearing?

7 A A white one.

8 Q A white one. And you know her as Ashley,
9 correct?

10 A (Witness nods head up and down.)

11 MS. KEENEY: Let the record reflect they
12 she's identified the defendant.

13 BY MS. KEENEY:

14 Q Okay. So you see -- keep going. You saw Ashley
15 doing what?

16 A Laying on the ground. Laying the ground. I
17 asked her -- I went to her and asking -- telling
18 her, you got kids. You know, you got kids. I
19 asked her get off of -- you know, off the
20 sidewalk?

21 Q The ground?

22 A The ground. Your kids -- her kids seen the
23 whole thing. You know what I'm saying. You got
24 kids. When I seen her the first time, you got to
25 get up.

Testimony of April Bostick

169

- 1 Q So what happens next after you asked her to get
2 off the ground?
- 3 A Then they coming to the house with BB. They
4 ask, you know -- oh, my God.
- 5 Q Miss Carolyn?
- 6 A Miss Carolyn. She stabbed her. She stabbed
7 her.
- 8 Q And so you said you saw BB. What was BB doing?
- 9 A BB was asking her to get up.
- 10 Q BB was asking Ashley to get off the ground?
- 11 A (Witness nods head up and down.)
- 12 Q Okay. Can you say yes or no?
- 13 A Yes, ma'am.
- 14 Q Okay. So BB asked Ashley to get off the ground.
15 What happened next?
- 16 A Then he stopped her. The woman.
- 17 Q Carolyn?
- 18 A Carolyn. Why you going to kill two people?
- 19 Q Tell me what you saw.
- 20 A I was telling her to get up at first. Her
21 kids seen the whole thing.
- 22 Q What did you see next?
- 23 A Uh?
- 24 Q What did you see next? After BB was telling her
25 to get off the ground, what did you see next?

Testimony of April Bostick

170

1 A Then they -- that man got on to them.

2 Q I know you're nervous.

3 A Miss Carolyn. And he was telling Carolyn to
4 leave BB alone. Leave BB alone. Don't be messing
5 with nobody. She went in her house and got a
6 knife. Why you going to kill somebody.

7 Q Okay, I want to stop you right there. You said
8 saw she went to her house to get her knife. Who are
9 you referring to? Who went inside their house and got
10 a knife?

11 A Ashley.

12 Q Okay. So Ashley comes back out with a knife.
13 What did you see her do next?

14 A Went over to --

15 Q Carolyn?

16 A Carolyn. And she stab her, stab her, stab
17 her, stab her. You know, why you kill these
18 people? Your kids are in the house. Her kids
19 were standing in the apartment. Two boys by
20 themselves.

21 Q So you saw the defendant stab Carolyn. Did you
22 see Carolyn with any weapons?

23 A No.

24 Q Did you see BB with any weapons?

25 A No.

Testimony of April Bostick 171

1 Q And so after defendant stabbed Carolyn, what did
2 the defendant do next? What did you see?

3 A Then Bobby. Bobby come back, and they
4 stabbed Bobby in the chest.

5 Q Who stabbed Bobby in the chest?

6 A Ashley.

7 Q Okay. You saw Bobby get stabbed in the chest by
8 Ashley, too? And then what happened next?

9 A After Bobby -- first I said I'll go get a
10 phone and call an ambulance and the police. I
11 called and I said, okay, you got a stabbing going
12 on out here. Will you please send the police.
13 You know, you going to -- we got a lot of kids
14 around here. And I came back, will you please
15 send a police officer.

16 Q Okay. And so you call the police, and then the
17 come. Is that right? They come to the open
18 apartment.

19 A (Witness nods head up and down.)

20 Q What happens next? What does the defendant do
21 while the police are there?

22 A She was stabbing Carolyn. She was standing
23 on her. She was still stabbing her. She had two
24 fingers sticking in her leg.

25 Q You saw the defendant put her fingers in Carolyn's

1 wound?

2 A In the wound. Yeah, the ambulance, they put
3 their finger put two fingers sticking in her leg.
4 Two fingers sticking in her leg and was licking
5 the blood out of her leg off her finger.

6 MS. KEENEY: No further questions.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. PLEXICO:

10 Q Miss Bostick, did you see Carolyn come up and hit
11 my client in the head?

12 A No. Carolyn did not hit her in the head.
13 I'll tell you, Carolyn did not hit her in the
14 head. Okay. BB did something to her. Okay?
15 Somebody came up to her and hit her in the head
16 with a beer can.

17 Q She was hit the head. You're not disputing that.

18 A Carolyn did none of that.

19 Q Okay. All right. Do you know -- do you know Devo
20 who is the father of one of my client's children?

21 A Yes.

22 Q And you had a relationship with him?

23 A No.

24 Q Did you have sex with him?

25 A No.

Testimony of April Bostick

173

1 MS. KEENEY: I'm going to object to this
2 line of questioning. I don't know what
3 relevance --

4 THE COURT: Move along.

5 MR. PLEXICO: Yes, Your Honor.

6 BY MR. PLEXICO:

7 Q Did you see BB go to my client's house and knock
8 on her door?

9 A No. BB come to Bobby's house.

10 MR. PLEXICO: I don't have anything
11 further.

12 THE COURT: No further questions?

13 MS. KEENEY: No further questions for the
14 State either.

15 THE COURT: Thank you. This witness may
16 now be excused.

17 MS. KEENEY: Thank you. You can go home
18 now.

19 The State calls Chandre Grant.

20 THE CLERK: Do you solemnly or affirm to
21 tell the truth, the whole truth, and nothing but
22 the truth so help you God?

23 THE WITNESS: Yes.

24 THE COURT: Miss Grant, you can remove
25 your mask to testify.

Testimony of Chandre Grant
MS. KEENEY: May it please the Court?

174

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WHEREUPON:

CHANDRE GRANT,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q Can you state your name for the record?

A Chandre Grant.

Q Okay. And you're talking nice and loud. Just
make sure you talk slow so everyone can hear because
it's hard to hear in this courtroom.

A Okay.

Q Miss Grant, where did you live at March 1st, 2020?

A [REDACTED] Bluff Road. Apartment [REDACTED]. Allendale,
South Carolina.

Q What county is that in?

A Allendale, South Carolina.

Q Thank you. Tell me about March 1st of 2020. What
did you see? What happened that day?

A That day I was upstairs inside of my house
and I heard a commotion. And the commotion I
heard is that my old lady she was like, I'm going
to get my bat. I was like, hold up one minute.
Somebody outside, you know, arguing and stuff like
that. So I went upstairs, and when I went

Testimony of Chandre Grant

175

1 downstairs I peeked out my window. And it was
2 this old lady, she was going towards a truck. She
3 went looking for like a bed or something.

4 So the next thing I know, she went
5 walking around the corner. So from walking around
6 the corner, I was like, whoa, wait a minute.
7 What's going on. So I went out my back door. So
8 when I walked out my back door, Ashley was to the
9 right at my back door. So I went to -- there's a
10 bunch of trees in that area. I went toward the
11 trees in that area. That's when I seen
12 Miss Carolyn, you know, on the ground. Which I
13 didn't know what happened at that time. Once I
14 saw her, I was like, what happened.

15 So the next thing I know, from that, that's
16 when Miss Ashley -- that's how I knew her, Ashley.

17 Q Can do you -- and you can stand up if you need to,
18 but do you see Ashley in the courtroom today?

19 A Yes, ma'am.

20 Q What is she wearing and can you point in her
21 direction?

22 A She over to the right (indicating).

23 Q What color shirt does she have on?

24 A She got on white and a black mask on.

25 Q You know her as Ashley?

Testimony of Chandre Grant

176

1 A Yes, I know her as Ashley.

2 MS. KEENEY: Let the record that she's
3 identified the defendant.

4 BY MS. KEENEY:

5 Q Okay. So what did you see Ashley do?

6 A She had a knife in her hand. She went back
7 towards Miss Carolyn. As Miss Carolyn was going
8 toward her, she went towards Miss Carolyn. And as
9 she went back towards Miss Carolyn, Ashley started
10 stabbing Miss Carolyn. You know -- excuse me. I
11 don't know about why she was actually stabbing
12 Miss Carolyn, but she was actually stabbing
13 Miss Carolyn.

14 And then throughout that, Bobby was
15 actually fussing his Miss Ashley. You know, about
16 his girlfriend, Miss Carolyn. You know, you
17 stabbed my girlfriend. But during everything --
18 that's when she went back towards her house, going
19 back towards the house. I don't know if she went
20 back to Miss Carolyn or what, but she went back
21 towards her house.

22 And I see Mr. Bobby. He was there fussing.
23 And she got out and came running towards Mr. Bobby. I
24 told Mr. Bobby to run. And by the time I said run, I
25 had run to the house and Mr. Bobby got stabbed.

Testimony of Chandre Grant

177

1 Q Okay. So you saw the defendant with the knife
2 running towards Bobby?

3 A Yes, she run over towards Mr. Bobby.

4 Q And then later you saw that Bobby was stabbed?

5 A Yes. When I came out the door, he was on the
6 porch holding his hand like this right over his
7 chest, which is where he was stopped on the steps.

8 Q Okay. Did you see Carolyn Cook with a weapon?

9 A No, ma'am.

10 Q Did you see BB with a weapon?

11 A No, ma'am.

12 Q Did you see anyone but the defendant with a
13 weapon?

14 A The only person with a weapon was
15 Miss Ashley. That was the only person.

16 MS. KEENEY: Thank you. No further
17 questions.

18 THE COURT: Cross.

19 MR. PLEXICO: Court's indulgence.

20 CROSS-EXAMINATION

21 BY MR. PLEXICO:

22 Q So whatever was going on was going on before, you
23 didn't see what started this; is that correct?

24 A I didn't not see what started it. Like I
25 said, when I was upset -- I heard the commotion

Testimony of Chandre Grant

178

1 outside. Once I heard the commotion outside,
2 that's when I went downstairs. I heard him say,
3 you will keep my back. So I was like, okay,
4 what's going on? Like I said, I went downstairs.
5 And when I went downstairs, I look out my window.
6 When I was looking out my window, that's when I
7 see the lady over towards the truck.

8 Q So your answer to my question is, you did not see
9 what started it, correct?

10 A Like I said --

11 Q Could you -- a yes or no response.

12 MR. PLEXICO: I object, Your Honor.

13 That's not responsive. I just asked her --

14 THE WITNESS: I never --

15 MR. PLEXICO: It had nothing to do with
16 whether or not she --

17 THE COURT: Hold on. Ask her the
18 question one more time.

19 BY MR. PLEXICO:

20 Q Just yes or no. Did you see what started it?

21 A No, sir.

22 Q Did you see Bobby Heath with a knife?

23 A No, sir.

24 Q Okay. All right. Are you April Bostick's
25 sister?

Testimony of Chandre Grant

179

1 A Yes, sir.

2 Q Okay. Did April Bostick have any kind of a
3 relationship with Devo, the father of one of my
4 client's children?

5 A Who?

6 Q Devo.

7 A I don't know who that is.

8 Q The father of one of my client's children.

9 A I don't know who that is.

10 Q Okay. All right.

11 A I don't know the name. Sorry.

12 MR. PLEXICO: Court's indulgence.

13 THE COURT: Yes, sir.

14 BY MR. PLEXICO:

15 Q You didn't see my client stab Mr. Heath; is that
16 correct?

17 A Can you reask that question?

18 Q Mr. Bobby Heath, you did not see my client stab
19 Mr. Bobby Heath; is that correct? Yes or no?

20 A I seen Ashley stab Mr. Bobby. She ran
21 towards Mr. Bobby. I told Mr. Bobby, I said, run.
22 And once I told him to run, I would run. So at
23 that point in time, I missed that, to say that she
24 stabbed Mr. Bobby.

25 MR. PLEXICO: I don't have any further

1 questions, Judge.

2 MS. KEENEY: Just one question.

3 REDIRECT EXAMINATION

4 BY MS. KEENEY:

5 Q When you saw the defendant run towards Bobby what,
6 if anything, did the defendant have in her hand?

7 A She had a knife in her.

8 Q Thank you.

9 A She a knife in her right hand.

10 Q Thank you.

11 MS. KEENEY: No further questions.

12 THE COURT: Any recross?

13 MR. PLEXICO: No recross, Your Honor.

14 . No, Your Honor.

15 THE COURT: This witness may be excused.

16 Thank you.

17 THE WITNESS: Thank you.

18 MS. KEENEY: The State calls Cody
19 Gettridge.

20 THE CLERK: Do you solemnly swear or
21 affirm to tell the truth, the whole truth, and
22 nothing but the truth so help you God?

23 THE WITNESS: So help me God.

24 THE CLERK: Thank you.

25 MS. KEENEY: May it please the Court?

Testimony of Chandre Grant
THE COURT: Yes.

181

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WHEREUPON:

CODY GETRIDGE,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q You can take your mask down while you're
testifying. Can you state your name for the record?

A Cody Gettridge.

Q And what do you do for work?

A Now, I'm currently the firefighter. I work
part time in Allendale as an EMT.

Q What were you doing for work around March 1st of
2020?

A I was full-time EMT here in Allendale
County.

Q How long have you been an EMT?

A Six years.

Q Okay. And what are some of your basic duties as
an EMT?

A Assess patients, provide care, transport
patients to the facilities that are necessary.

Q Do you have to have any specialized training to be
an EMT?

A Yes, ma'am. It's about a six-month course.

1 It's 180 hours.

2 Q Okay. So in that six-month course, they teach you
3 how to treat patients, do emergent care so that you
4 can transport them if need be to get further medical
5 attention?

6 A Yes, ma'am.

7 Q Okay. Tell me about March 1st of 2020. How did
8 you get involved in this case?

9 A We were dispatched to an altercation. I
10 think it went out as a stabbing or a domestic
11 dispute. So my partner and I responded. We
12 usually stay offsite until the scene is secured.
13 Once we were told that everything was secured, we
14 proceeded on.

15 In the report, it stated 20-0318(b). We
16 found two dead victims. One male, one female.

17 Q Can you tell me what time you were dispatched?

18 A We were, let's see, dispatched at 11:56:09.

19 Q That's in the morning?

20 A Yes, ma'am.

21 Q And what address did you respond to?

22 A [REDACTED] Bluff Road.

23 Q What county is that in?

24 A Allendale.

25 Q So do you have about what time you arrived? Can

Testimony of Chandre Grant

183

1 you tell that from your report?

2 A Per the report, we arrived on scene at
3 12:01:03.

4 Q You get 12:01, and you said there's two victims on
5 scene.

6 A Yes, ma'am.

7 Q Correct.

8 A Yes, ma'am.

9 Q Okay. Who did you help treat, which victim?

10 A I went straight to Miss Carolyn Cook.

11 Q Okay. And according to your report, do you got a
12 date of birth for Carolyn Cook?

13 A Yes, ma'am. [REDACTED]

14 Q So that would make her about 44 years old?

15 A Yes, ma'am.

16 Q Tell me about Carolyn Cook's condition when you
17 treated her?

18 A She was unresponsive, pulseless, and not
19 breathing at that time.

20 Q Was she eventually declared dead on scene?

21 A Yes, ma'am.

22 Q Did you notice anything around her? Anything
23 about her condition?

24 A I noticed she had a couple stab wounds to the
25 chest area and she was covered in blood.

Testimony of Chandre Grant

184

1 Q And you said you had a partner, correct?

2 A Yes, ma'am.

3 Q Who was your partner?

4 A Mr. Jessie Elmore.

5 Q What was Mr. Elmore doing while you were treating
6 Carolyn Cook?

7 A Mr. Elmore went to Mr. Bobby Heath to assist
8 him.

9 Q Okay. Did Mr. Elmore ever come help you at all
10 with Miss Cook?

11 A I went to Mr. Elmore to notify him and we
12 swapped places. He went to Miss Carolyn Cook and
13 verified.

14 Q Did you notice anything about Mr. Heath,
15 Bobby Heath?

16 A He was shirtless and had a one-inch
17 laceration approximately to the left chest.

18 Q Was Carolyn Cook ever transported to the hospital
19 or anywhere?

20 A The only place she went to was the county
21 morgue.

22 Q Okay.

23 A After, she was sent over to law enforcement.

24 Q What about Mr. Bobby Heath, Jr., was he
25 transported anywhere?

Testimony of Chandre Grant

185

1 A We transported him over to Augusta Medical
2 Center. We went to the landing for the helicopter
3 and we loaded him into the helicopter.

4 Q Do you know where this helicopter went?

5 A From what I've been told by the flight crew,
6 he went to Augusta University Medical Center.

7 Q Thank you.

8 MS. KEENEY: No further questions.

9 THE COURT: Cross.

10 MR. PLEXICO: I have no questions,
11 Your Honor.

12 THE COURT: Thank you. This witness can
13 be excused. Thank you, sir.

14 MS. KEENEY: The State calls
15 Jessie Elmore.

16 THE CLERK: Do you swear or affirm to
17 tell the truth, the whole truth, and nothing but
18 the truth so help you God?

19 THE WITNESS: I do.

20 THE COURT: Mr. Elmore, you can pull down
21 your mask to testify, sir.

22 THE WITNESS: Thank you.

23 WHEREUPON:

24 JESSIE ELMORE,
25 after having been sworn, testified as follows:

Testimony of Jessie Elmore
DIRECT EXAMINATION

186

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. KEENEY:

Q Can you state your name for the record?

A Jessie Alan Elmore.

Q Mr. Elmore, where do you work?

A Several places. One of them, the Allendale
Rescue Squad.

Q And what's your position there?

A Paramedic and also trainer.

Q So you're a paramedic. How long have you been a
paramedic?

A I've been a paramedic since 1995.

Q What are some of your basic duties as a
paramedic?

A You name it. Basic first aid, all the way up
to advance life support.

Q Thank you. And do you happen to have any
specialized training to be a paramedic?

A To become a paramedic, you got to first be a
basic EMT, 200 hours of training and then to
become a paramedic it's almost 1,000 hours of
additional training.

Q Okay. Can you please tell the Court how you got
involved in this case on March 1st of 2020? Where did
you respond to and what time?

Testimony of Jessie Elmore

187

1 A I responded to [REDACTED] Bluff Road. It's an
2 apartment, [REDACTED] Toned out at 11:56:09. Arrived
3 at the location 11:46:50. Was actually on the
4 scene 12:01:03. We were toned out to a fight in
5 process. En route, we were told law enforcement
6 was on the scene. We responded down 278 to
7 Bluff Road over past the poles. And by the time
8 we hit the stop sign on Bluff Road, we were
9 notified that law enforcement was on the scene,
10 picking up -- there's possibly one deceased and we
11 proceeded straight on in.

12 Q And who did you treat when you got on scene?

13 A When I first got on the scene, I saw a male
14 against the apartment. I saw two females in the
15 parking area where law enforcement was. My first
16 thought was for the victims. Notified dispatch I
17 needed additional help. I had multiple victims.
18 As I'm leaving -- if I'm exiting the ambulance, I
19 saw the black female standing and was tased again.
20 So I realized she's not one of the victims. She's
21 the assailant. I proceeded to the male victim. I
22 sent my partner to the female.

23 Q Okay. And I know you got your report in front of
24 you. Can you tell me the male victim that you treated
25 what his name is?

Testimony of Jessie Elmore

188

1 A The male victim as Bobby Heath.

2 Q Okay. Does he got date of birth on there?

3 A Date of birth is [REDACTED] of 1963.

4 Q About 57 years old at the time?

5 A About 57 years and [REDACTED] days.

6 Q Thank you. And so you said that he was by on one

7 of the apartments, correct?

8 A Right.

9 Q What was his condition?

10 A He was seated on the ground, no shirt, chest

11 full of blood. When I got to him, he was

12 unresponsive, breathing, he had a stab wound in

13 left chest.

14 Q Okay. And was he eventually -- where did you all

15 take him to?

16 A We loaded him and took him to the LZ at USC

17 in Allendale.

18 Q Okay. So he's getting helicoptered to Augusta?

19 A We medevaced him out to Augusta, yes.

20 Q Did you have any interaction with the white

21 female, Carolyn Cook, that was on the ground?

22 A All right. When I sent my partner, Cody

23 Gettridge, to check on her, he went to her and came

24 straight to me and said me, no pulse, no

25 breathing. Once we got him on the stretcher, I

Testimony of Jessie Elmore

189

1 told him -- this other fireman showed up. I sent
2 them to the ambulance with Mr. Heath. I went and
3 checked on Miss Cook myself and we verified that
4 she was deceased.

5 Q Okay. She didn't get transported to any hospital
6 for any treatment?

7 A No. She was left on the scene with law
8 enforcement because of cautions.

9 MS. KEENEY: Thank you. No further
10 questions.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. PLEXICO:

14 Q One point. In your report, it notes that he
15 improved and became conscious; is that correct?

16 A That is correct.

17 Q All right. He admitted to drug use; is that
18 correct?

19 A He never admitted to drug use. I was advised
20 that there was a possible drug use issue.

21 Q Did you give him Narcan?

22 A I did. It's a common practice for any
23 unresponsive patient to receive Narcan.

24 MR. PLEXICO: I don't have any further
25 questions.

Testimony of Renique Riley

190

1 THE COURT: Thank you. Any redirect?

2 MS. KEENEY: No, Your Honor.

3 THE COURT: This witness may be excused.

4 Thank you, sir.

5 MS. KEENEY: The State calls

6 Renique Riley.

7 THE CLERK: Do you swear or affirm to
8 tell the truth, the whole truth, and nothing but
9 the truth so help you God?

10 THE WITNESS: Yes.

11 THE COURT: Miss Riley, you can remove
12 your mask to testify.

13 MS. KEENEY: May it please the Court?

14 THE COURT: Yes.

15 WHEREUPON:

16 RENIQUE RILEY,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. KEENEY:

20 Q Can you state your name for the record?

21 A Renique Riley.

22 Q Miss Riley, what do you do?

23 A I'm Allendale County Coroner.

24 Q You're the coroner. How long have you been the
25 coroner?

Testimony of Renique Riley

191

1 A Three years.

2 Q So as the coroner, what are some of your duties?

3 A My duty is to investigate deaths. If I go to
4 the scene and I see type of foul play, at that
5 time I will conduct a full investigation.

6 Q Right. And then you make referrals for an autopsy
7 to be done?

8 A Yes, ma'am.

9 Q Okay. And I want to take you back to March 1st of
10 2020, how did you get involved in this case?

11 A My deputy responded to the scene, and -- I
12 was actually out of town. Then she called me and
13 she advised me the nature of the call. But I was
14 en route back to Allendale County. That's when
15 the Augusta University Hospital called me. That's
16 how I got involved.

17 Q Okay. So the victim that was on scene, do you
18 have her name?

19 A The deputy that was on scene?

20 Q No. The deceased body that was on scene?

21 A Yes, Carolyn Cook.

22 Q You got a date of birth for her?

23 A Yes. May I look in my file?

24 Q Yes.

25 A Her date of birth is [REDACTED]

Testimony of Renique Riley

192

1 Q Okay. So she was dead on scene?

2 A Yeah, she was dead on scene.

3 Q When they're dead on scene, what happens next?

4 A Most times SLED comes out. They conduct an
5 investigation. And, at that time, SLED had
6 Miss Carolyn transferred to the morgue. That's
7 what they did. From what I remember, my deputy
8 did some questioning out there.

9 Q Okay.

10 A I can't speak for everything that took place
11 from the time we got the call because I did not
12 respond to the scene.

13 Q But she's dead on scene?

14 A She's dead on scene.

15 Q And as a result of that, did you authorize an
16 autopsy to be performed on Miss Carolyn Cook?

17 A Yes ma'am.

18 Q That autopsy, when did that take place, do you
19 know?

20 A Yes, ma'am. The autopsy took place on
21 March the 4th, 2020 at 10:00 a.m.

22 Q And where was that autopsy?

23 A Newberry Pathology.

24 Q Okay. What's the date of death for
25 Carolyn Cook?

Testimony of Renique Riley

193

1 A The date of death is March the 1st, 2020.

2 Q Now, I'm going to talk about the male victim that
3 was at Augusta Medical. Do you know his name?

4 A Yes. Bobby Heath, Jr.

5 Q And you were notified that he was deceased. He
6 died at the hospital?

7 A He died at the hospital.

8 Q What's his date of death?

9 A His date of death is August the 1st, 2020.

10 Q You said August?

11 A I'm sorry. March 1st, 2020.

12 Q So you died the same day as Miss Cook?

13 A Yes.

14 Q And do you have a date of birth for Mr. Bobby
15 Heath, Jr.?

16 A Yes, [REDACTED]

17 Q Okay. And after you were notified that he was
18 deceased at the hospital, what did you do? Did you
19 authorize anything?

20 A Yes, I authorized transport to pick him up
21 from the hospital to bring him back to Allendale
22 County Morgue.

23 Q Okay. And then did you authorize anything else on
24 top of that?

25 A Yes, I authorized an autopsy at the same

1 time.

2 Q Okay. And where did he get an autopsy?

3 A Newberry Pathology.

4 Q So same place as Miss Cook?

5 A Yes, ma'am.

6 Q And was it the date as Miss Cook's autopsy?

7 A Yes, ma'am. It was same day March 4, 2020 at
8 10:00 a.m.

9 Q Thank you.

10 MS. KEENEY: No further questions.

11 THE COURT: Cross-examination.

12 MR. PLEXICO: I have no cross,

13 Your Honor.

14 THE COURT: All right. This witness may
15 be excused. Thank you, ma'am.

16 MS. KEENEY: The State calls Dovitta
17 Jordan.

18 THE CLERK: Do you swear or affirm to
19 tell the truth, the whole truth, and nothing but
20 the truth so help you God?

21 THE WITNESS: Yes I do.

22 THE COURT: Miss Jordan, you may remove
23 your mask to testify.

24 MS. KEENEY: May it please the Court?

25 WHEREUPON:

Testimony of Dovitta Jordan
DOVITTA JORDAN,

195

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q Miss Jordan, where did you work back in March of 2020?

A The Allendale Detention Center.

Q What was your job there?

A Correction officer.

Q Okay. And how long did you work for the detention center?

A I started in January of 2019 until May of this year.

Q And you took the new job after the detention center?

A Yes, I did.

Q I want to take you back to March 1st of 2020. Were you working that day?

A Yes, I was.

Q And what was your involvement in this case?

A To be assistance to help search and shake down.

Q Shake down. And do you remember who you helped search?

A Yes.

1 Q Who was it? What as the name?

2 A Paulette Ashley Sims.

3 Q And did you help collect clothes from
4 Paulette Ashley Sims?

5 A Yes, I did.

6 Q I'm going to show you --

7 MS. KEENEY: May I approach the witness?

8 THE COURT: Yes.

9 BY MS. KEENEY:

10 Q I'm going to show you what has been entered as
11 State's Exhibit 10, 11, and 12, and I'm going to open
12 it up for you so you don't have to touch it.

13 MS. KEENEY: Can I borrow some scissors.

14 Thank you.

15 BY MS. KEENEY:

16 Q I'm going to open State's Exhibit 10, okay?
17 Sorry. There's a lot of tape on here. Can you see
18 what I'm holding up?

19 A Yes, ma'am.

20 Q Do you recognize this item?

21 A Yes, I do.

22 Q What is this item?

23 A That's the shirt she had on when she came
24 in.

25 Q Okay. So this is the shirt you collected from the

Testimony of Dovitta Jordan

197

1 defendant?

2 A Yes, ma'am.

3 Q And you gave this shirt to Officer Linder?

4 A Yes, ma'am.

5 Q And you didn't tamper with this shirt or do
6 anything with this shirt?

7 A I did not.

8 Q You just gave it to Officer Linder?

9 A Yes, ma'am.

10 Q Okay. I'm going to put this back in the bag.
11 Now, I'm going to move on to State's Exhibit 11.
12 Okay. Do you recognize this item?

13 A Yes, ma'am.

14 Q What is this item?

15 A Those are the pants she had on when she came
16 in.

17 Q The defendant?

18 A Yes, ma'am.

19 Q And these pants, did you tamper with them in any
20 way?

21 A I did not.

22 Q Did you just give them to Officer Linder?

23 A Yes, ma'am.

24 Q Thank you. I'm going to show you State's Exhibit
25 12. It says one black pair of Nautica shorts from

1 Sims. I'm going to open it up. And I'm guessing the
2 point of your involvement is because they don't want
3 male officers stripping down female inmates,
4 correct?

5 A That's correct.

6 Q Do you recognize these?

7 A Yes, ma'am.

8 Q These are off of the defendant?

9 A Yes, ma'am.

10 Q It's what she was wearing when she came to the
11 jail?

12 A Yes.

13 Q Did you tamper with this in any way?

14 A No, I did not.

15 Q You just gave it to Officer Linder?

16 A Yes, ma'am.

17 Q Thank you.

18 MS. KEENEY: No further questions.

19 THE COURT: Cross-examination.

20 MR. PLEXICO: I have no cross, Your
21 Honor. I have no cross.

22 THE COURT: You may be excused. Thank
23 you.

24 MS. KEENEY: Judge, my next witness may
25 take a little while. I don't know if you wanted

Testimony of Dovitta Jordan

199

1 to take a break.

2 THE COURT: All right. At this time, we
3 are going to give the jury a ten-minute bathroom
4 break. If you will, escort the jury out of the
5 courtroom, please.

6 (Jury exits the courtroom at 2:49 p.m.)

7 THE COURT: We'll stand down for ten
8 minutes.

9 (A break was taken from 2:50 p.m. to 3:01 p.m.)

10 THE DEPUTY: All rise. The Court is back
11 in session.

12 THE COURT: Please be seated.

13 Mr. Plexico, are you ready for the jury?

14 MR. PLEXICO: Yes, Your Honor.

15 THE COURT: Miss the State.

16 MS. KEENEY: Yes, ma'am.

17 THE COURT: Bring the jury back in.

18 (Jury enters the courtroom at 3:08 p.m.)

19 THE COURT: Ladies and Gentlemen of the
20 Jury, we will now proceed with the trial.

21 Solicitor.

22 MS. KEENEY: The State calls
23 Todd Schenk.

24 THE CLERK: Do you solemnly swear or
25 affirm to tell the truth, the whole truth, and

Testimony of Todd Schenk

200

1 nothing but the truth so help you God?

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Mr. Schenk, you can remove
4 your mask while testifying.

5 WHEREUPON:

6 TODD SCHENK,
7 after having been sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. KEENEY:

10 Q Can you state your name for the record?

11 A Yes. Todd Schenk, S-c-h-e-n-k.

12 Q Thank you. Where do you work?

13 A I work for the South Carolina Law Enforcement
14 Division commonly known as SLED.

15 Q And how long have you worked for SLED?

16 A Almost eight years now.

17 Q What your position with SLED?

18 A I'm one of the lieutenants in the crime scene
19 department.

20 Q Okay. And as a crime scene investigator, what are
21 your duties?

22 A So in crime scene unit, our job is to assist
23 local agencies when it comes to homicides or any
24 kind of communication when somebody needs help.
25 We respond all over the state when we are

Testimony of Todd Schenk

201

1 requested to help document. We take photographs
2 of crime scenes, collect evidence from crime
3 scenes. It's our job to come and assist and
4 document for an investigation.

5 Q And how did you get involved in this case on
6 March 1st, 2020?

7 A So we were called by the Chief of Police for
8 the Allendale Police Department, and we were
9 advised there was a potential homicide in
10 Allendale at [REDACTED] Bluff Road. I believe it was
11 Oakland Apartments. So we responded to assist
12 Allendale Police Department with the
13 investigation.

14 Q And what county is that apartment complex in?

15 A It's in Allendale County.

16 Q Okay. Do you know about what time you got
17 there?

18 A We got on scene --

19 THE WITNESS: May I look at my notes,
20 Your Honor?

21 THE COURT: Yes.

22 THE WITNESS: We got on scene at 1400
23 hours on the first.

24 BY MS. KEENEY:

25 Q And when you got there, what did you do?

Testimony of Todd Schenk

202

1 A First, we meet -- the local investigators
2 work with SLED agents on scene. In this case, we
3 had a SLED agent and the chief of police. And
4 normally we basically get a run down of what
5 they've seen, what they believe is important.
6 Kind of give us the general idea -- general
7 information about the crime scene so we kind of
8 know where to go with our investigation, where we
9 start processing the scene.

10 Q And when you got there, had the scene been he
11 cure?

12 A Yes. When we get on scene, there was law
13 enforcement personnel. We put crime scene tape
14 up. It was secured.

15 Q Were there any victims on scene when you arrived?

16 A We had one deceased on scene what I got on
17 scene.

18 Q Were you able to identify who that deceased
19 individual was?

20 A I believe she was later identified as Carolyn
21 Cook.

22 Q Okay. So she's still there. What about, was
23 there a second victim on scene with you got there?

24 A So we were told there was a second victim,
25 but we never saw them ourselves.

Testimony of Todd Schenk 203

1 Q Okay. So that victim got transported for medical
2 purposes?

3 A We were informed he was transported, yes,
4 ma'am.

5 Q Okay. Tell me about processing the scene. What
6 did you do?

7 A So when we process a scene. After we got our
8 basic information, my partner and I will then
9 start -- we do a quick walk through. We kind of
10 walk the area to see what we can see right off.
11 We'll then take documentation photographs, overall
12 photographs different ranges and close-up, and
13 what we're trying to do is establish the crime
14 scene by these getting these photographs.

15 Once we've photographed everything, we will
16 then collect the evidence needed.

17 Q Okay. And your partner is who?

18 A My partner was Dalilia Jazic. She's been
19 married now so Chensco (ph) is her name now.

20 Q Okay. And correct me if I'm wrong, you said she's
21 on maternity leave right now?

22 A She is, yes, ma'am.

23 Q But you all did everything pretty much together?

24 A Hand-in-hand. We were together the entire
25 investigation.

1 Q Okay.

2 MS. KEENEY: Your Honor, may I approach
3 the witness?

4 THE COURT: Yes.

5 (STATE EXH. 14, Photo, was marked for
6 identification.)

7 (STATE EXH. 15, Photo, was marked for
8 identification.)

9 (STATE EXH. 16, Photo, was marked for
10 identification.)

11 (STATE EXH. 17, Photo, was marked for
12 identification.)

13 (STATE EXH. 18, Photo, was marked for
14 identification.)

15 (STATE EXH. 19, Photo, was marked for
16 identification.)

17 (STATE EXH. 20, Photo, was marked for
18 identification.)

19 (STATE EXH. 21, Photo, was marked for
20 identification.)

21 (STATE EXH. 22, Photo, was marked for
22 identification.)

23 BY MS. KEENEY:

24 Q Okay. I'm going to show you some pictures.
25 State's Exhibit 14 through 22. Can you just flip

Testimony of Todd Schenk

205

1 through these and tell me if you recognize them?

2 A Yes, ma'am. These are the photographs we
3 took that day, March 1st.

4 Q Okay. So those are the photographs from the crime
5 scene, correct?

6 A Yes, ma'am.

7 Q And is that a fair and accurate depiction of how
8 the crime scene looked when it got there?

9 A Yes, ma'am, it is.

10 Q And I think you al put some markers in there too,
11 right?

12 A Right. We would have taken notes after we
13 took the photographs and before we put the markers
14 in. The yellow tent or markers.

15 THE COURT: At this time, the State moves
16 to admit State's Exhibits 14 through --

17 THE WITNESS: 22.

18 THE COURT: -- 22 into evidence.

19 Any objection?

20 MR. PLEXICO: No objection.

21 THE COURT: Yes, ma'am.

22 (STATE EXH. 14, Photo, was entered into
23 evidence.)

24 (STATE EXH. 15, Photo, was entered into
25 evidence.)

Testimony of Todd Schenk

206

1 (STATE EXH. 16, Photo, was entered into
2 evidence.)

3 (STATE EXH. 17, Photo, was entered into
4 evidence.)

5 (STATE EXH. 18, Photo, was entered into
6 evidence.)

7 (STATE EXH. 19, Photo, was entered into
8 evidence.)

9 (STATE EXH. 20, Photo, was entered into
10 evidence.)

11 (STATE EXH. 21, Photo, was marked for
12 identification.)

13 (STATE EXH. 22, Photo, was entered into
14 evidence.)

15 MS. KEENEY: Permission to publish?

16 THE COURT: Yes.

17 BY THE COURT:

18 Q Agent, I'm going to have you step down, if that's
19 okay with the Judge.

20 THE COURT: It is.

21 MR. PLEXICO: May I move around, Your Honor?

22 THE COURT: Certainly.

23 BY MS. KEENEY:

24 Q Stand right here. I'm going to pull this up.

25 Okay. We are connected. I'm going to start with

Testimony of Todd Schenk

207

1 State's Exhibit Number 14. Do you see that on the
2 screen now?

3 A Yes, ma'am.

4 Q Can you describe to the jury what this picture is
5 of?

6 A This is of Apartment [REDACTED] at the Oakland
7 Apartment complex.

8 Q And is that the victim's apartment, [REDACTED]?

9 A 826 was the victim's apartment, yes, ma'am.

10 Q Now, I'm going to flip down to Exhibit Number 15.
11 What is this picture of?

12 A This is a picture of [REDACTED] which was the
13 suspects's apartment.

14 Q And I'm going to flip to Exhibit Number 16. What
15 is this picture of?

16 A This is one of our photographs when we are
17 trying to establish a crime scene. Here under
18 this sheet is the victim. These evidence markers,
19 the yellow tents. We call those markers. This is
20 there to make it easier to understand where
21 physical pieces of evidence are in the photograph.
22 When you look at the photograph, you can see
23 distance related to the front piece here up to the
24 victim. And then up here, you got the apartments
25 [REDACTED] [REDACTED] and I believe this is [REDACTED] over here on

1 the scene. So this was the general area of the
2 crime scene.

3 Q And the body underneath that towel is the body of
4 who?

5 A That was Carolyn Cook.

6 Q Okay. Now, I'm going to go to State's Exhibit
7 Number 17. Is this just kind of a different view of
8 the same thing you were describing.

9 A Yes, ma'am. We take photographs from
10 different angles. It is a better view of
11 Apartment [REDACTED].

12 Q And do you see the marker Number 1?

13 A Yes, ma'am.

14 Q That's kind of -- what is marker Number 1 of?

15 A That was the black-handled knife that we
16 found on scene next to the victim.

17 Q I'm going to take us to Exhibit Number 18. Is
18 that a close-up of marker Number 1?

19 A Yes. Well, this is more of an establishing
20 photograph trying to show the relationship to the
21 body to marker 2 and marker 1. Marker 1 shows --
22 you can see the bent knife right here at
23 marker 1.

24 Q And so where marker Number 1 is, is that bent
25 knife. Is that the only weapon outside that you

Testimony of Todd Schenk

209

1 saw?

2 A We had suspected blood and taser evidence,
3 but that was the only knife we found outside.

4 Q Okay. And then I'm going to flip to
5 Exhibit Number 19, Marker 7. What is that a picture
6 of?

7 A So this is suspected blood. We refer to it
8 as suspected blood until it's been tested. Until
9 then it's suspected blood, that's why. So this is
10 suspected blood on the ground near the victim.

11 Q Okay. And then State's Exhibit Number 20, those
12 markers, what is that of, 7, 8, and 10?

13 A 7, 8, and 10, this is all suspected blood.
14 And when we put these down, we're trying not
15 establish direction but show somewhat of a path of
16 the suspected blood in the crime scene.

17 Q Okay. And then moving to State's Exhibit
18 Number 21, what is that a picture of?

19 A This is a close-up of marker 10, which is of
20 suspended blood that we located there.

21 Q And then finally State's Exhibit Number 22, what
22 is that picture of?

23 A This is another photograph to establish the
24 evidence within the scene. Here you can see the
25 victim under the sheet. You can the bent knife at

Testimony of Todd Schenk

210

1 marker 1, and then some other evidence, like,
2 these are taser probe wires that were out here.
3 And I believe that's marker 4 there. So this is
4 just another trying to show a different
5 perspective of another photograph we saw when were
6 standing on the side of the apartments. Here, we
7 are towards the apartments, our backs, looking
8 out.

9 Q Thank you, Agent. You can go back to the witness
10 stand right now.

11 MS. KEENEY: May I approach the witness
12 again?

13 THE COURT: Yes.

14 (STATE EXH. 37, Diagram of crime scene, was
15 marked for identification.)

16 BY MS. KEENEY:

17 Q I'm going to show you what has been marked at
18 states Exhibit Number 37. Do you recognize this?

19 A Yes, ma'am, I do.

20 Q What is that?

21 A This is the diagram I created of the crime
22 scene.

23 Q Okay. You helped create that?

24 A Yes.

25 Q Is this a fair and accurate depiction of the crime

Testimony of Todd Schenk

211

1 scene diagram that you all did?

2 A Yes, ma'am.

3 MS. KEENEY: At this time, the State
4 moves to admit State's Exhibit Number 37 into
5 evidence.

6 THE COURT: Any objection?

7 MR. PLEXICO: No objection.

8 THE COURT: All right.

9 MS. KEENEY: And, Your Honor, I'm going
10 to publish in just a little bit once I get some
11 other pictures in.

12 THE COURT: All right.

13 (STATE EXH. 37, Diagram of crime scene, was
14 entered into evidence.)

15 BY MS. KEENEY:

16 Q So when we talked about that marker Number 1, the
17 bent knife you observed, did you collect that item?

18 A Yes, I did.

19 Q Okay.

20 THE COURT: I'm going to approach him one
21 more time. I keep taking my mask on and off.

22 (STATE EXH. 38, Knife, was marked for
23 identification.)

24 BY MS. KEENEY:

25 Q I'm going to show you what's been marked as

Testimony of Todd Schenk

212

1 State's Exhibit Number 38. Do you recognize this
2 item?

3 A I do.

4 Q What is that item?

5 A So this is item 1, the knife at marker 1, my
6 initials, date, time I collected it, and case
7 number, my markings are on it, plus my seal tape
8 where I sealed the knife.

9 Q Okay. And this is the knife you collected from
10 the crime scene?

11 A Yes, ma'am, it is.

12 MS. KEENEY: At this time the State moves
13 to admit State's Exhibit Number 38 into evidence.

14 THE COURT: Any objection?

15 MR. PLEXICO: No objections, Your
16 Honor.

17 THE COURT: All right.

18 MS. KEENEY: Thank you.

19 (STATE EXH. 38, Knife, was entered into
20 evidence.)

21 BY MS. KEENEY:

22 Q Tell me the date you collected that item?

23 A This is March 1st, 2020.

24 Q So that was day you responded to the incident,
25 right?

Testimony of Todd Schenk

213

1 A Yes, ma'am.

2 Q Okay. So when you collected this item, you put it
3 in that box?

4 A Yes, ma'am.

5 Q Did you tamper with this item at all?

6 A No, ma'am.

7 Q What do you do with this item once you collect
8 it?

9 A One we collect it, we put it into a box and
10 it gets sealed and it is transported back to the
11 lab where we seal it and mark it with the lab once
12 we've logged everything in. And we'll send it to
13 different departments in the laboratory for that
14 processing to be done.

15 Q So you keep this secured so nobody can mess with
16 it?

17 A No. This is in my custody until it gets to
18 SLED.

19 Q Okay.

20 MS. KEENEY: If I may approach the
21 witness --

22 BY MS. KEENEY:

23 Q I'm going to show you -- SLED keeps like a chain
24 of custody report, correct?

25 A We do.

Testimony of Todd Schenk

214

1 Q So that you all know where the items were going
2 and who it goes to, correct?

3 A Yes, ma'am.

4 Q On this first case, item number 1, what is that?

5 A This is the electronic chain of custody for
6 the item that was just -- the knife, the black
7 handled knife.

8 Q So what day was it submitted?

9 A It was submitted on 3/5 of 2020.

10 Q Okay. And so the three or four days before, it
11 was still secured. It was just like in a different
12 evidence locker?

13 A It was just -- so we keep everything in the
14 crime scene unit in a specific secured room where
15 all the crime scene officers have access to it.
16 It is sealed within it's own box so that it's not
17 tampered with. And it's in my custody until I can
18 log it in and submit it.

19 Q What date does it say this evidence went into
20 evidence?

21 A It went into evidence on 3/5/2020.

22 Q And who did it go to?

23 A It went from me to our evidence locker
24 downstairs. It was locker Number 5.

25 Q Thank you.

Testimony of Todd Schenk
(STATE EXH. 40, Buccal swab; Cook, was

215

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

marked for identification.)

BY MS. KEENEY:

Q I'm going to show you what has been marked as
State's Exhibit Number 40. Do you recognize that
item?

A Yes, ma'am. This is a buccal swab from
Carolyn Cook.

Q That is the victim in the case?

A The victim on scene.

Q So you helped collect that buccal swab from the
victim, correct?

A Yes, ma'am.

Q And what is the purpose of collecting a buccal
swab from the victim?

A So whenever we have any kind of DNA evidence,
for example, we had suspected blood in this case,
we then did a buccal swab just inside the cheek,
or any party involved, so that we have known DNA
to compare DNA to. So that if the blood can
identify the victim, we have a source from the
victim to locate it to.

Q Okay. So the point of this is, basically, just so
that we know who the victim's -- or what the victim's
DNA is for the lab to compare it to?

1 A That's correct.

2 Q Okay. And you collected this item on
3 State's Exhibit 40 and hour you put it in this bag.

4 A That's correct.

5 Q Did you maintain the integrity of this item?

6 A Yes, ma'am.

7 Q Did you tamper with it in any way?

8 A No, ma'am.

9 Q I'm going to show you once again the chain of
10 custody on this item. I believe you all have it
11 listed as item Number 13. Can you tell me if you
12 collected this and when?

13 A This would have been on March 1, 2020.

14 Q Okay. And the what did you do with this item?

15 A So this is sealed, brought back to the lab,
16 and it goes to with all the other evidence for
17 that case sealed up. And then when I submit it,
18 it gets put into our evidence log, and taken
19 downstairs to evidence and signed in.

20 Q And what day did it go into evidence initially?

21 A This would have been March 5, 2020.

22 Q Same day as the knife?

23 A Yes, ma'am.

24 Q And then where did it go?

25 A This went into the same locker as the other

Testimony of Todd Schenk

217

1 evidence, locker 5.

2 Q And so this is secured and nobody can tamper with
3 it?

4 A No, ma'am.

5 Q Thank you. So you were discussing how you've gone
6 to the crime scene, you take photos, you collect any
7 evidence, what do you do next after you process the
8 crime scene?

9 A So after we process the crime scene, we then
10 meet with investigators to see what else needs to
11 be done. In this case, we did do a cursory search
12 and document both apartments that were involved.
13 After documenting the apartments involved, we met
14 with the investigators to collect tasers that were
15 on scene and collect evidence -- sometimes we get
16 the victim's clothing from a local agency,
17 sometimes they bring us the victim's clothing and
18 we'll do a chain in custody with them and collect
19 the evidence. So, really, it just depends on what
20 the case demands.

21 Q Okay. Did you eventually leave the crime scene,
22 and where did you go?

23 A We did. So once we left the crime scene, we
24 went to the Allendale County Detention Center, 107
25 Law Enforcement Court, Allendale.

Testimony of Todd Schenk

218

1 Q And what was the purpose of you going to the
2 detention center?

3 A We went to go meet the suspect and collect
4 evidence.

5 Q Did you meet with the suspect in this case?

6 A We did.

7 Q Who was the suspect?

8 A Miss Sims.

9 Q Okay. And what is she wearing?

10 A White shirt.

11 MS. KEENEY: Let the record reflect that
12 he's identified the defendant.

13 BY MS. KEENEY:

14 Q What did you do when the met with Miss Sims? You
15 got search warrants, correct, to --

16 A A search warrant was provided for us to
17 identify the suspect.

18 Q Okay. And so what did you do when you were
19 collecting evidence from the defendant?

20 A So first we take photographs of everything we
21 can. In this case, we took a buccal swab and we
22 took swabs from underneath her fingernails. And
23 then there was all this suspected blood on the
24 suspect, so we took swabs of the suspected blood
25 too.

Testimony of Todd Schenk

219

1 Q Okay.

2 MS. KEENEY: May I approach the witness
3 again?

4 THE COURT: Yes.

5 (STATE EXH. 23, Photo, was marked for
6 identification.)

7 (STATE EXH. 24, Photo, was marked for
8 identification.)

9 (STATE EXH. 25, Photo, was marked for
10 identification.)

11 (STATE EXH. 26, Photo, was marked for
12 identification.)

13 (STATE EXH. 27, Photo, was marked for
14 identification.)

15 (STATE EXH. 28, Photo, was marked for
16 identification.)

17 (STATE EXH. 29, Photo, was marked for
18 identification.)

19 (STATE EXH. 30, Photo, was marked for
20 identification.)

21 (STATE EXH. 31, Photo, was marked for
22 identification.)

23 BY MS. KEENEY:

24 Q I'm going to show what you has been marked State's
25 exhibit 23 to 31. Can you tell me if you recognize

1 those photos?

2 A Yes, I do.

3 Q What are those photos of?

4 A These are photographs of the suspect and the
5 clothing.

6 Q Okay. Are those a fair and accurate depiction of
7 the clothing and the suspect, the defendant, that you
8 saw that day?

9 A Yes, ma'am, it is.

10 MS. KEENEY: At this time, the State
11 moves to admit into evidence State's Exhibits 23
12 through 31.

13 THE COURT: 31?

14 MS. KEENEY: Yes, ma'am.

15 THE COURT: Any objection?

16 MR. PLEXICO: I object to 25. I believe
17 you've already heard that and the grounds for it.

18 THE COURT: Yes. Your objection is
19 noted.

20 MS. KEENEY: Permission to publish these?

21 THE COURT: Yes.

22 MS. KEENEY: And permission for him to
23 come off the stand again.

24 THE COURT: Yes.

25 (STATE EXH. 23, Photo, was entered into

Testimony of Todd Schenk

221

1 evidence.)

2 (STATE EXH. 24, Photo, was entered into
3 evidence.)

4 (STATE EXH. 25, Photo, was entered into
5 evidence.)

6 (STATE EXH. 26, Photo, was entered into
7 evidence.)

8 (STATE EXH. 27, Photo, was entered into
9 evidence.)

10 (STATE EXH. 28, Photo, was entered into
11 evidence.)

12 (STATE EXH. 29, Photo, was entered into
13 evidence.)

14 (STATE EXH. 30, Photo, was entered into
15 evidence.)

16 (STATE EXH. 31, Photo, was entered into
17 evidence.)

18 BY MS. KEENEY:

19 Q I'm going to start with State's Exhibit Number 23.
20 What is this photo of? Who is in this photo?

21 A This is the suspect, Paulette Sims.

22 MR. PLEXICO: Your Honor?

23 THE WITNESS: And this is us taking a
24 photograph of her face to show any injuries to her
25 face, and there is some large lumps, bump on her

1 forehead.

2 BY MS. KEENEY:

3 Q So this is a photo of the defendant on
4 March 1, 2020?

5 A Yes.

6 Q Moving on to State's Exhibit 24. Do you recognize
7 that?

8 A This is a closer photograph of her
9 forehead.

10 Q Okay. And then State's Exhibit Number 25, what is
11 that?

12 A This is of her right hand. We are trying to
13 document the suspected blood on the side of her
14 hand.

15 Q Okay. And did you swab her hand?

16 A I know we swabbed her fingernails. I don't
17 remember off the top of my head if we swabbed the
18 suspected blood on her right hand.

19 Q Okay. But you swabbed under her fingernails,
20 correct?

21 A We did that. Yes, we did.

22 Q And you recognize that tattoo in that photo?

23 A Yes. That's on Paulette Sims's right hand.

24 Q Okay, thank you. We will move on to State's
25 Exhibit 26. Do you recognize this photo?

Testimony of Todd Schenk

223

1 A Yes, ma'am. This is Paulette Sims's left
2 foot and ankle. You see there's suspected blood
3 on her foot and ankle area.

4 Q Okay. And did you swab her feet?

5 A I believe we swabbed her feet, yes.

6 Q And State's Exhibit Number 27, what is that a
7 photo of?

8 A This is her left hand and we're trying to
9 document the suspected blood. We were trying to
10 document whatever is going on right here. It was
11 some type of abrasion or suspected blood that we
12 could see of Paulette Sims's left hand.

13 Q And then State's Exhibit Number 28, do you
14 recognize that?

15 A Yes. These would have been photographs taken
16 later at the forensics laboratory. These were the
17 suspect's hands. And were documenting the white
18 paper so it's not in contact with any of the dirt.
19 We keep it as pristine as we can. We'll then
20 document the pants and then reseal them and send
21 them off to whatever department needs them.

22 Q And does that look like the front view of the
23 pants? You can see the tag?

24 A It is. You can see the tag.

25 Q And then moving on to State's Exhibit 29, is that

1 back view of the pants?

2 A Yes, ma'am, it is. You can see the suspected
3 blood there.

4 Q And then State's Exhibit Number 30?

5 A This was the shirt that we received.

6 Q Is that the front or back view?

7 A This is the front. You can see the tag in
8 the back, and there's suspected blood there.

9 Q And State's Exhibit Number 31, what is that?

10 A This is the back of the same shirt. You can
11 see the area of suspected blood.

12 Q Thank you. You can back to the stand, but I'll
13 probably make you come down again.

14 A Okay.

15 Q So you're at the detention center. You're taking
16 pictures of the defendant documenting the blood and
17 other things about her. You said that you had a
18 search warrant to collect evidence from her, and that
19 included a buccal swab, correct?

20 A It did.

21 Q And remind the jury just one more time, the
22 buccal, what was the purpose of getting a buccal swab
23 from the defendant?

24 A It's so that we have her DNA standard to
25 compare any other DNA found on the scene to her.

Testimony of Todd Schenk

225

1 Q Okay.

2 (STATE EXH. 43, Buccal swab; Sims, was
3 marked for identification.)

4 BY MS. KEENEY:

5 Q I'm going to show you what's been marked as
6 State's Exhibit Number 43 and ask if you recognize
7 this item?

8 A Yes, I do.

9 Q What is that?

10 A This is the buccal swab from her. I
11 collected that on 3/1/2020. Of Paulette Sims.

12 Q So you swab her cheek? Is that how you do it?

13 A The inside of her cheek.

14 Q So you collected that from the defendant, and then
15 what do you do with that item?

16 A So this item then gets sealed and transported
17 back to the forensics laboratory where it's kept
18 with all the other evidence in a secured location
19 and secured -- sealed until I can log it in and
20 it's disseminated to the lab.

21 Q So you didn't tamper with that item or do anything
22 with that item other than secured it in a secured
23 location, correct?

24 A That's correct.

25 Q And I'm going to show you, once again, the chain

Testimony of Todd Schenk

226

1 of custody for item Number 30, State's Exhibit 43.

2 When was that officially submitted into evidence?

3 A On 3/5/2020.

4 Q So the same day as the rest of the stuff?

5 A Yes, ma'am.

6 Q So you secured this. The whole time it was in
7 your custody so no one could mess with it, correct?

8 A That is correct.

9 Q And one more question: Where did that go into
10 evidence?

11 A Evidence locker 5.

12 Q Okay. So you also swabbed other areas of the
13 defendant's body, correct?

14 A I did.

15 Q For, I guess, suspected blood?

16 A Yes, ma'am.

17 MS. KEENEY: I'm going to approach with
18 this bag.

19 BY MS. KEENEY:

20 Q I haven't marked it yet, but I'm going to have you
21 open this. Well, do you recognize these items?

22 A Yes, ma'am, I do.

23 Q What are those items?

24 A So these are swabs that I collected from
25 Sims, Paulette Sims.

Testimony of Todd Schenk

227

1 Q Okay. I'm going to hand you these scissors and
2 have you open it, and I want you to pull out item
3 Number 24 for me.

4 A Yes, ma'am.

5 Q Okay. So item Number 24, I'm going to put this
6 State's exhibit on here and we'll mark it as
7 Number 41.

8 (STATE EXH. 41, Swabs of right foot;
9 Sims, was marked for identification.)

10 BY MS. KEENEY:

11 Q Do you recognize this item?

12 A I do, yes, ma'am.

13 Q What is that item?

14 A This is two swabs from the right foot of
15 Sims.

16 Q So you swabbed the right foot, and then what did
17 you do with that item?

18 A So this gets sealed and transported to the
19 forensics lab and then would be disseminated.

20 Q Can you go back into that bag and find item Number
21 29?

22 A Yes, ma'am.

23 Q What is item Number 29?

24 A Item Number 29 is two swabs from right-hand
25 fingernails of Paulette Sims. The right-hand

1 fingernails of Paulette Sims.

2 Q I'm going to mark that item Number 29 as State's
3 Exhibit Number 42.

4 (STATE EXH. 42, Swab of right-hand
5 fingernails; Sims, was marked for identification.)

6 BY MS. KEENEY:

7 Q Do you recognize State Exhibit Number 42. I know
8 you just talked about it?

9 A Yes, ma'am.

10 Q So these two items, State's Exhibit Number 41,
11 which is the swab of her right foot, and State's
12 Exhibit Number 42, which is the swab of her right
13 fingernails, you collected that from her on
14 March 1, 2020, correct?

15 A Yes, ma'am, I did.

16 Q And you then secured those items and eventually
17 take them to SLED crime scene, correct?

18 A Yes, ma'am.

19 Q And did you tamper with those items at all?

20 A I did not.

21 Q You maintained the integrity of those items?

22 A Yes, ma'am, I did.

23 Q And then I'll bring you back to our chain of
24 custody form. Item Number 24, which are the swabs of
25 her right foot. What day were these officially

Testimony of Todd Schenk

229

1 submitted into evidence?

2 A On 3/5/2020.

3 Q So you maintain the integrity of the items during
4 the time you were investigating?

5 A That is correct.

6 Q And where did it go?

7 A This went to evidence locker 5.

8 Q I'm going to flip over to item 29, which is the
9 swabs of right fingernails. You maintained the
10 integrity of that item the whole time?

11 A Yes, ma'am, I did.

12 Q And was that also submitted on 3/5/20?

13 A Yes, ma'am, it was.

14 Q Okay. And it went to evidence locker --

15 A Number 5, yes, ma'am.

16 Q Okay, thank you.

17 At some point did Officer Linder with the
18 Allendale Police Department give you some items
19 belonging to the defendant?

20 A Yes, ma'am, he did. Yes. He transferred a
21 bag of clothes from the suspect. And then it was
22 a bag containing blue floral bra, green and white
23 shirt and a pair of underpants, and black
24 shorts.

25 Q I'm going to show you what's already been entered

1 into evidence as State's Exhibit Number 10, which is a
2 shirt, and 11, which is the pants, are these the items
3 that Deputy Linder -- or Officer Linder gave to you?

4 A Yes, ma'am, they are.

5 Q When he gave it to you, what did you do with these
6 items?

7 A So they sealed and went back to the SLED
8 forensic laboratory.

9 Q Did you tamper with these items in any way?

10 A I did not.

11 Q So they went back to the laboratory. I'm going to
12 show you the chain of custody one more time. In
13 particular, I want to focus on item number 33. Tell
14 me what that item is again.

15 A Item 33 is the pants -- excuse me. 33 is the
16 pants described as one pair of multi-colored pants
17 belonging to Paulette Sims.

18 Q And you officially submitted those into evidence
19 on 3/5/20?

20 A I did.

21 Q And what locker did it go to?

22 A Evidence locker 5.

23 Q You maintained the integrity of that item
24 throughout the time it was in your custody?

25 A I did.

Testimony of Todd Schenk

231

1 Q Thank you.

2 Okay. So, after you collect -- you go to the
3 detention center and collect the evidence off the
4 defendant, the swabs that you took, the buccal swabs
5 and that could be tested for DNA, what do you do
6 neck.

7 A We then go to the coroner's office to
8 document and collect evidence from the victim.

9 Q Okay. And that's when you got the buccal swab
10 from Carolyn Cook, correct?

11 A We may have gotten the buccal swab on scene
12 before we get to the coroner's office.

13 Q So after you go to the coroners office, what other
14 involvement do you have in this case?

15 A I then attended the autopsy on 3/4/2020.

16 Q Okay. So March 4, 2020, you went to the autopsy.
17 Where was the autopsy?

18 A The Newberry Memorial Hospital in Newberry
19 County.

20 Q And whose autopsy was it?

21 A It was for Carolyn Cook and Bobby Heath, Jr.

22 (STATE EXH. 32, Photo, was marked for
23 identification.)

24 (STATE EXH. 33, Photo, was marked for
25 identification.)

Testimony of Todd Schenk

232

1 (STATE EXH. 34, Photo, was marked for
2 identification.)

3 (STATE EXH. 35, Photo, was marked for
4 identification.)

5 (STATE EXH. 36, Photo, was marked for
6 identification.)

7 BY MS. KEENEY:

8 Q Okay. I'm going to show you Exhibits 32 through
9 36 and ask if you recognize these.

10 A Yes, ma'am, I do.

11 Q What are those?

12 A These are the clothing items that I collected
13 from both autopsies in Newberry County.

14 Q And are those a fair and accurate picture of the
15 items you collected?

16 A Yes, ma'am.

17 MS. KEENEY: At this time, the State
18 moves to admit 32 through 36 into evidence.

19 MR. PLEXICO: Can I see those one more
20 time?

21 THE COURT: Yes, sir.

22 MS. KEENEY: Yes.

23 MR. PLEXICO: I have no objections,
24 Your Honor.

25 THE COURT: Thank you.

Testimony of Todd Schenk

233

1 (STATE EXH. 32, Photo, was entered into
2 evidence.)

3 (STATE EXH. 33, Photo, was entered into
4 evidence.)

5 (STATE EXH. 34, Photo, was entered into
6 evidence.)

7 (STATE EXH. 35, Photo, was entered into
8 evidence.)

9 (STATE EXH. 36, Photo, was entered into
10 evidence.)

11 MS. KEENEY: Permission to publish.

12 THE COURT: Yes.

13 BY THE COURT:

14 Q Okay. Let's start with -- you don't have to come
15 down. I think you can probably see from there. Item
16 Number 32, that's Bobby Heath's clothes; is that
17 correct?

18 A Yes, ma'am. Those are the pants of
19 Bobby Heath, Jr.

20 Q Item Number 33?

21 A Those are the boots collected off him.

22 Q Item Number 34?

23 A That's the black shirt collected off
24 Carolyn Cook.

25 Q Item Number 35?

1 A Those are the blue jeans collected off
2 Carolyn Cook.

3 Q Item number 36?

4 A That was the bra collected off
5 Carolyn Cook.

6 Q Okay, thank you. And on the last photo that's
7 already entered, Exhibit Number 37, can you come down,
8 actually, for this one and just explain your diagram
9 to the jury?

10 MR. PLEXICO: May I, Your Honor?

11 THE COURT: Certainly.

12 MR. PLEXICO: Go ahead, sir.

13 THE WITNESS: So this diagram, where the
14 yellow boxes are, those are the markers you saw in
15 the photographs. This is just rough indication --
16 this is a rough, kind of, area where they are --
17 this is just, kind of -- this is not to scale.
18 I'm just trying to show the reference of where
19 everyone was in relation to everything and where
20 the victim was in relation each of the apartments.
21 These white boxes are a rough outline of the
22 corner of the building, reference points just to
23 refer to where we would take measurements. This
24 is the location of the victim, how she was laid
25 out in reference to the suspect's apartment, and

Testimony of Todd Schenk

235

1 this is the parking lot.

2 Q Thank you. And you can have a seat.

3 (STATE EXH. 44, Tube of blood; Heath, was
4 marked for identification.)

5 BY MS. KEENEY:

6 Q I'm going to show you what's been marked at
7 State's exhibit Number 44 and ask if you recognize
8 this item.

9 A Yes, ma'am, I do.

10 Q What is that?

11 A This is a tube of blood from Bobby Heath, Jr.
12 that was collected from the autopsy.

13 Q Okay. And who did you receive that from?

14 A This would have been from the pathology at
15 the autopsy.

16 Q Okay. Does Dr. Rose ring a bell?

17 A That's sounds right.

18 Q What day was that collected?

19 A This would have been collected on 3/4/2020.

20 Q Okay. Obviously, I'm not going to bring the blood
21 in the courtroom, but that's a photo of the blood --

22 A Yes, ma'am.

23 Q -- collected from Bobby Heath, Jr., correct?

24 A Yes, it is.

25 MS. KEENEY: At this time, the State

1 moves to admit 44 into evidence.

2 MR. PLEXICO: No objection, Your Honor.

3 (STATE EXH. 44, Tube of blood; Heath, was
4 marked for identification.)

5 BY MS. KEENEY:

6 Q And I'm going to publish it. You don't have to
7 step down though. That's just a photo of the evidence
8 bag that the blood was put into, correct?

9 A Yes, ma'am.

10 Q When you got that item from the pathologist, what
11 did you do with that item?

12 A It goes into refrigeration when it gets
13 logged in. I put lab number on it and initial the
14 heat sealed pouch. I put it in the heat sealed
15 pouch until it gets disseminated.

16 Q And did you tamper with that item at all?

17 A I did not.

18 Q And did maintain the integrity of that item so no
19 one else could tamper with it?

20 A Yes, ma'am, I did.

21 Q You secured that item?

22 A Yes, ma'am, I did.

23 Q Once again, finally I'm going to show you the
24 chain of custody for item Number 44, which is actually
25 State's Exhibit 44, too. Can you tell me what day it

Testimony of Todd Schenk

237

1 was officially submitted into evidence?

2 A Yes, ma'am. It was 3/5/2020.

3 Q And it goes into a refrigerator because it's got
4 to be stored separate, correct?

5 A Correct. It will go into a refrigerator in
6 the same area.

7 Q So where did it go to?

8 A Oh, this one goes directly to Doris Yarbrough
9 who has a refrigerated evidence section.

10 Q So Doris Yarbrough, who is she?

11 A She is one our evidence intake technicians.

12 Q So she collected it from you that same day 3/5/20,
13 correct?

14 A Yes, ma'am.

15 Q And then she puts it into a refrigerator which is
16 secured so no one can tamper with it?

17 A That is correct.

18 Q Thank you.

19 MS. KEENEY: Beg the Court's
20 indulgence.

21 THE COURT: Okay.

22 BY MS. KEENEY:

23 Q As a result of you all's investigation, do you
24 know who was arrested for the murder of Carolyn Cook
25 and Bobby Heath, Jr.?

Testimony of Todd Schenk

238

1 A We met with the suspect that night, which is
2 Paulette Sims.

3 Q So the defendant was arrested for the two murders,
4 correct?

5 A I believe she was arrested for it, yes,
6 ma'am.

7 MS. KEENEY: Thank you. No further
8 questions.

9 THE COURT: Cross.

10 CROSS-EXAMINATION

11 BY MR. PLEXICO:

12 Q Thank you for coming today, sir.

13 A Yes, sir.

14 Q All right. Did you find a knife near the body of
15 Mr. Heath?

16 A Of Mr. Heath?

17 Q Yes.

18 A We never saw him on scene. No, sir.

19 Q Okay. Do you know where he was approximately,
20 were you told?

21 A We were told one of the victims, I believe it
22 was Bobby Heath, was in front of his apartment at
23 [REDACTED], but he was outside on the porch.

24 Q Was the knife -- were the two knives that I see in
25 one of the exhibits, that's for the clothing of

Testimony of Todd Schenk

239

1 Mr. Heath you identified, did you get those from the
2 coroner?

3 A No, sir. Anything in that photograph we're
4 allowed to have, after the autopsy, the
5 pathologist then transmitted it.

6 Q By the pathologist?

7 A Yes, sir.

8 Q All right. And I see on page 4 of your crime
9 scene report, you refer -- you all refer to collecting
10 a plastic bag with bullet fragments from the
11 pathologist; is that correct?

12 A On the -- was it on the entire report or my
13 actual physical evidence?

14 Q Well, this is -- here.

15 MR. PLEXICO: May I approach?

16 BY MR. PLEXICO:

17 Q Page 4. This is SLED -- this your report, page 4
18 of 4 of 22.

19 A Yes, sir. So on the toxicology transfer
20 sheet that Newberry uses, they already have
21 pre-filled out items. But if you look to the
22 left, there's a dash. The only thing I actually
23 received from autopsy would have been the items
24 denoted with number 1 or 2. So the dashes, I
25 didn't get anything from them.

Testimony of Todd Schenk

240

1 Q All right. And Miss Cook was still on the scene
2 when you were there; is that correct?

3 A Yes, sir, she was.

4 Q All right. At some point, was there a glass
5 smoking pipe observed in her bra?

6 A Yes, sir. We did note that. We did note
7 that that was there.

8 Q Was it tested?

9 A I don't -- give me one second. No, sir, it
10 was not. It was sent to storage.

11 Q Okay. But it was inside her bra?

12 A I believe it was on there, yes, sir.

13 Q A glass pipe was observed in the bra of Cook.

14 A Yes, sir, then it was. Yes, sir.

15 Q And you don't dispute that.

16 A No.

17 Q That's correct. Right.

18 Okay. All right. Now, next let me ask
19 you, did you all seize marijuana from
20 Bobby Heath and Gerald Penn and Carolyn Cook's
21 apartment?

22 A That was suspected drug evidence that was
23 documented by us but it was not collected by me.

24 Q Okay. You know what pot smells like?

25 A Yes, sir, I've been around it.

Testimony of Todd Schenk

241

1 Q You believe that's --

2 A I can't recall, sir. I'm sorry.

3 Q But it was important enough to collect?

4 A I didn't collect it. We'll document what --
5 when we go through a scene, we document anything
6 and everything we can, so we took photographs of
7 it.

8 Q I've seen the term "green leafy substance" for the
9 past 30 years and it's always referred to one thing,
10 so was that what you usually refer to as suspected
11 marijuana as a green leafy substance?

12 A Yes, sir, it is.

13 Q Okay. All right. And I think -- and what do you
14 use glass pipes for in your experience as a SLED
15 agent?

16 A Normally, drug stuff. I can't say, sir.

17 Q But you've never done a drug bust or anything?

18 A No, sir. Luckily.

19 MR. PLEXICO: Thank you, Agent. I
20 appreciate you coming all the way down here.

21 THE COURT: Redirect.

22 MS. KEENEY: I just want to clarify one
23 thing.

24 REDIRECT EXAMINATION

25 BY MS. KEENEY:

1 Q He asked about bullet fragments from the autopsy.

2 To clarify, were there any bullets or fragments

3 obtained from the autopsies of Carolyn Cook or Bobby

4 Heath?

5 A There were not.

6 Q Okay. So they didn't have any bullets on them at
7 the autopsy.

8 A No, ma'am.

9 Q That is just a thing that the pathologist puts
10 under a list that, if it applied, you would check yes.

11 A Generally, the number of how many were there,
12 yes, ma'am.

13 Q So zero bullets were recovered from these
14 autopsies.

15 A That's correct.

16 MS. KEENEY: Thank you. No further
17 questions.

18 THE COURT: Any recross?

19 MR. PLEXICO: I don't have any recross.

20 THE COURT: This witness may be excused.

21 Thank you, sir.

22 THE WITNESS: Thank you.

23 MS. KEENEY: Judge, may we approach?

24 THE COURT: Yes.

25 (Bench conference off the record.)

1 THE DEPUTY: All rise. Court is in
2 session.

3 THE COURT: Before the jury comes in, are
4 there any issues to take up?

5 MR. PLEXICO: Yes, Your Honor. I have a
6 motion to suppress any evidence emanating from the
7 taking of my client's buccal swabs. They took to
8 those to make comparisons, and they are here to
9 testify. I believe it was issued -- they got a
10 search warrant under 17-13-140, which could only
11 be issued if the judge was satisfied with the
12 ground for the application exists or that there is
13 probable cause and belief that they exist.
14 Further, the statute says, does not either modify
15 or limit any statute or other law regulating
16 search, seizure, and the issuance and execution of
17 search warrants. I believe that would be
18 required, constitutional requirements.

19 I presented to the Court in chambers the
20 search warrant to get my client's DNA and buccal
21 swabs. And if you look at the last page, this is
22 the affidavit. A warrant shall only be issued
23 upon affidavits sworn to before the magistrate.
24 That's part of 17-13-140, and it says absolutely
25 nothing about my client's having evidence in her

1 DNA. It simply says that a call to an active
2 assault and it was a black female actively
3 stabbing a white female victim in the parking lot.
4 They detained her. Identified her as Ashley Sims.
5 They identified the victim Carolyn Cook. Another
6 victim was located in the doorway, and, at this
7 time, it says, no motive has been determined.
8 There's no motive.

9 Then they say, in apparently the next
10 paragraph, it is the affiant's belief that the
11 items that were recovered may be -- recovered in
12 the residence may aid in this investigation. Any
13 and all evidence recovered as a result of this
14 search warrant will be compared to other evidence
15 contained in the investigation. In other words,
16 it is affiant's belief that items of evidence may
17 be recovered in the residence that will aid in
18 this investigation. It says not a thing about my
19 client's person which is at the jail. Therefore,
20 as a matter of law, the judge had no probable
21 cause and no -- could not have been satisfied, the
22 grounds for issuing a warrant for buccal swabs and
23 taking of my client's DNA because it's completely
24 unsupported by the affidavit.

25 Therefore, I'm moving to suppress any use

1 of buccal swabs being introduced into evidence and
2 anything emanating from the illegal search and
3 seizure of my client that emanates from the buccal
4 swabs, Your Honor.

5 I think this is clearly supported by
6 Smerber, by -- because my client is in custody.
7 There are no exigent circumstances. And if you
8 look at Marcus, page 223, while verifying that --

9 THE COURT: Hold on a second. Tell me
10 where. You said page 223?

11 MR. PLEXICO: Yes. Yes, Your Honor.

12 THE COURT: I'm with you.

13 MR. PLEXICO: What they're saying is,
14 both the United States and South Carolina
15 Constitution, search warrants may not be issued
16 except for with probable cause. Those are your
17 constitutional requirements. It requires a sworn
18 affidavit for a search warrant 17-13-140, is what
19 I've been reading from and it can only be issued
20 upon a finding of probable cause supported by oath
21 or affirmation. Nothing in the record suggests
22 the court order was issued by the finding of
23 probable cause supported by oath or affirmation.

24 Furthermore, exigent circumstances did
25 not exist to justify without a warrant or order

1 issued under 17-13-140. The order issued under
2 17-13-140 must be supported by probable cause
3 according to the United States and South Carolina
4 Constitutions. Here, it cannot be. It simply
5 cannot be. There are no exigent circumstances.
6 This isn't alcohol. This is simply blood and DNA.
7 They couldn't have done it properly.

8 And then last I gave the Court is a
9 properly done notice of motion and to obtain
10 blood, saliva, and hair samples filed by the
11 solicitor in the 14th Circuit and was in front of
12 Judge Mullen. This is what should have been done
13 to lawfully determine whether or not -- but they
14 never even address the affidavit in the affidavit.
15 Therefore, anything in there that was from my
16 client's DNA is clearly inadmissible.

17 THE COURT: Madame Solicitor.

18 MS. KEENEY: Thank you. Section
19 17-13-140 says that it requires a search warrant
20 for -- specifically, part 4, property constituting
21 evidence of a crime or needing to know that a
22 particular person committed a crime or criminal
23 offense. The search warrant in this case clearly
24 under the description of property sought includes
25 the buccal swab of the defendant. It didn't limit

1 it to that include that. His affidavit says that
2 law enforcement was called. They received a 911
3 call on an active assault. And then when the
4 police department arrived, they observed a black
5 female actively stabbing a white female in the
6 parking lot in front of the apartment [REDACTED], and she
7 was immediately detained.

8 And in the description of the premises to
9 be served, it says that she's currently at the
10 jail. I think it is supported by probable cause.
11 I mean, there is certainly more than enough
12 probable cause that she committed a crime as
13 officers are actively observing her stab the
14 victim to death. I don't understand how, like,
15 that's not probable cause that she committed this
16 crime. And a Smerber hearing would be the same
17 thing which would determine whether or not
18 probable cause that she committed the crime, so I
19 think that the police were smart for just doing it
20 on the front end and not having to wait until
21 after she was arrested, and then months later have
22 to come in before a circuit judge and reestablish
23 probable cause all over again.

24 I think the affidavit is supported by
25 probable cause, and we think they did comply with

1 17-13-140 and the Fourth Amendment.

2 MR. PLEXICO: Your Honor, they never even
3 mentioned her body -- while they thought that her
4 -- that the buccal swabs from her mouth at the
5 jail would aid or what probable cause grounds they
6 have. There's not a sentence, not a word about
7 that. The only one sentence they have, any and
8 all evidence covered as a result -- excuse me --
9 affidavit's believe the items may be recovered in
10 the residence that will aid in this investigation.
11 That is not a justification to go to the jail and
12 take my client's DNA.

13 There was no -- no affidavit required by
14 the statute. Yes, first you got to have a belief
15 about one of these items one through five, but it
16 clearly says that you got to have probable cause.
17 That's what Marcus says. That's why we have
18 Smerber. That's why we have Smerber.

19 It utterly fails to show probable cause
20 to believe that my client's DNA was necessary,
21 because it was never, never addressed by the
22 search warrant affidavit, which is required by the
23 statute.

24 I believe the State's interpretation of
25 this demeans the meaning of the statute.

1 MS. KEENEY: Judge, I would add that in
2 the event you do not think it's supported by
3 probable cause, I would argue that the officers
4 did act in good faith that they actively sought a
5 search warrant for a known standard. It wasn't
6 like they just recklessly went and got her DNA. I
7 would rely on that too.

8 MR. PLEXICO: I don't think there's a
9 good faith exception to this statute, or to the
10 Constitution.

11 MS. KEENEY: Judge, I'm sorry to go back
12 and forth. State vs. McKnight, 291 SC 110, says
13 that the record clearly showed -- in that case, it
14 said that there was no good faith in that case to
15 comply with the statute. So there was clearly --

16 THE COURT: What year is that?

17 MS. KEENEY: It is 1987. So it clearly
18 shows that if they are analyzing whether or not
19 the officers acted in good faith, that there is a
20 good faith exception.

21 MR. PLEXICO: I don't have that in front
22 of me, Judge. I'm bringing it up. All right.

23 THE COURT: That's McKnight?

24 MS. KEENEY: Yes. And then
25 State vs. Covert, 368 SC 188, and I'm just, kind

1 of -- this just got sprung on me about ten minutes
2 ago, so I'm looking it up now. But it says the --
3 headnote 5, a good faith exception permits
4 introduction of evidence received pursuant to a
5 warrant that's defective under 17-13-140 if the
6 officers had made a good faith attempt to comply
7 with the affidavit requirement. I can repeat that
8 if you need me to.

9 THE COURT: I heard you. What year is
10 that?

11 MS. KEENEY: That is 2006.

12 MR. PLEXICO: Your Honor, I see two
13 problems with McKnight. One, there was no effort
14 to comply with the statute. And, secondly, this
15 was excluded on statutory rights. Furthermore, I
16 also have constitutional grounds where the
17 affidavit in and of itself clearly shows no
18 probable cause on the basis of facts sworn to
19 before the magistrate in order to get a buccal
20 swab. It's simply not supported constitutionally
21 and it's not supported by the statute.

22 THE COURT: What's the cite on McKnight?

23 MR. PLEXICO: McKnight is 325 SE.2d 471,
24 is what is says here.

25 THE COURT: 471.

1 MR. PLEXICO: That's SE.2d. For South
2 Carolina it's 291 SC 110.

3 MS. KEENEY: It says in McKnight the
4 officer orally told the magistrate what happened,
5 but he never made any attempt to do any type of
6 affidavit, so that's why they said he didn't act
7 in good faith.

8 That's not what we have here. We have an
9 officer who went to a magistrate, set out probable
10 cause that she was actively stabbing someone. Of
11 course, there is probable cause to believe that
12 there might be some type of evidence on her body
13 when she's actively stabbing a victim to death.
14 So our officer, we believe, did comply and did act
15 in good faith in getting the search warrant. He
16 did do an affidavit. And he highlighted in his
17 items to be searched for any type of evidence on
18 her that would -- that could -- sorry. I lost my
19 space. But any buccal swabs, fingerprints from
20 her, and indicated that she was currently at the
21 jail. So he did -- unlike the McKnight officer,
22 he did actually do an affidavit.

23 THE COURT: All right. Mr. Plexico, what
24 do you think? I'll give you a moment to --

25 MR. PLEXICO: If I could have a minute to

1 look, Your Honor.

2 THE COURT: Yes.

3 MS. KEENEY: Judge, maybe just for the
4 record, do you want me to mark this search warrant
5 as a court exhibit just so you know what we're
6 talking about.

7 THE COURT: Yes, please.

8 MS. KEENEY: Yes, ma'am.

9 Just for the record, this is Court's
10 Exhibit 3.

11 THE COURT: Court's Exhibit 3?

12 MS. KEENEY: Court's Exhibit 3, yes.

13 (COURT EXH. 3, Search warrant, was marked
14 for identification.)

15 MR. PLEXICO: I think Covert, Your Honor,
16 first they reversed it. Okay? The admission of
17 the evidence. And then they address the good
18 faith can apply in certain circumstances to a
19 constitutional violation, but not -- the way I'm
20 reading it, not to a statutory violation. Here,
21 the magistrate failed to sign it. And it couldn't
22 be good faith because there's no word about
23 anything inside the residence. She's at the jail.
24 There's not a word in the affidavit about why my
25 client's DNA was needed. Not a word. There is

1 only one sentence that's relevant saying they
2 believe the items may be recovered in the
3 residence that will aid in this investigation.
4 Not a word about my client at the jail and why her
5 DNA is necessary. There are no facts to show why
6 the buccal swab to get her DNA is necessary, and
7 that clearly fails the statute. It had to be
8 issued erroneously. You just can't have a waiver
9 of a bench warrant -- excuse me -- blanket search
10 warrants. And, essentially, the warrant let him
11 go wherever they want to, let them do whatever
12 they want to do without an affidavit of facts
13 sworn to that factually supports where they're
14 going and what they're doing. The residence, I
15 understand. Not going to the jail.

16 And I'm not moving to suppress the blood,
17 the scrapings of blood on the foot or her hands.
18 I'm not moving to suppression that.

19 THE COURT: You're only moving for this
20 DNA?

21 MR. PLEXICO: For the DNA from the client
22 and anything emanating from that.

23 THE COURT: Anything further, Solicitor?

24 MS. KEENEY: No, Your Honor.

25 MR. PLEXICO: Nothing from defense,

1 Your Honor.

2 THE COURT: Thank you, sir.

3 All right. Mr. Plexico, I'm going to
4 deny your motion. I'm going to allow the
5 testimony -- or the evidence from the buccal swab
6 to come in at this time. Your motion is noted.
7 Your objection, if you wish to renew that, will be
8 noted as well.

9 MR. PLEXICO: Thank you, Your Honor.

10 THE COURT: Thank you, sir.

11 Are there any other matters, Mr. Plexico,
12 that we need to take up outside the presence of the
13 jury?

14 MR. PLEXICO: I have nothing, Your
15 Honor.

16 MS. KEENEY: Your Honor, I don't have any
17 matters, but just for scheduling purposes, I know
18 you told me to get that doctor, the pathologist,
19 before 2:00. She absolutely cannot be here before
20 2:00.

21 THE COURT: Okay.

22 MS. KEENEY: She has a child fatality
23 autopsy where SLED and other people were coming to
24 it, and she's coming from Newberry. But she's
25 going to try to be here as soon as she can.

Testimony of Jackie Davis

261

1 MS. KEENEY: Thank you.

2 THE COURT: Bring the jury back in,
3 please.

4 (Jury enters the courtroom 10:47 a.m.)

5 THE COURT: Ladies and Gentlemen, thank
6 you. We will now proceed with the trial.

7 Madame Solicitor.

8 MS. KEENEY: The State calls Jackie
9 Davis.

10 THE CLERK: Do you solemnly swear or
11 affirm to tell the truth, the whole truth, and
12 nothing but the truth so help you God?

13 THE WITNESS: I do.

14 MS. KEENEY: May it please the Court?

15 THE COURT: Miss Brown?

16 THE WITNESS: Miss Davis.

17 THE COURT: Miss Davis, you can remove
18 your mask in order to testify.

19 WHEREUPON:

20 JACKIE DAVIS,
21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. KEENEY:

24 Q Can you state your name for the record?

25 A Jackie Davis.

Testimony of Jackie Davis

262

1 Q Miss Davis, where do you work?

2 A I currently work at South Carolina Law
3 Enforcement Division, also known as SLED.

4 Q And what's your current position?

5 A Currently, I work in Homeland Security.

6 Q What was your position back around March of
7 2020?

8 A I worked in the forensic lab. I was a
9 forensic technician.

10 Q What's a forensic technician? What are your
11 general duties?

12 A When the cops or the evidence people from
13 other agencies throughout the state bring in the
14 evidence, we actually log it in and put it in the
15 evidence room until the scientists request it.

16 Q How long have you worked for SLED?

17 A Since February of 2015.

18 Q Okay. And you were involved in this case -- I'm
19 going to show you what's already been entered into
20 evidence referring to State's Exhibit Number 38.

21 MS. KEENEY: May I approach the witness?

22 THE COURT: Yes.

23 BY MS. KEENEY:

24 Q I'm going to show you this item Number 38. Do you
25 recognize that item?

Testimony of Jackie Davis

263

1 A I recognize the box.

2 Q Yeah. So, tell me -- and if you need to refer to
3 the chain of custody, you have it in front of you?

4 A Yes, ma'am.

5 Q Page 31. Yeah -- I'm sorry. Item 31.

6 A This would be page 1.

7 Q So page 1. Tell me your involvement with that
8 item?

9 A It looks like on March the 5th of 2020,
10 Todd Schenk of SLED crime scene, after he
11 processed this, he put it in the evidence locker
12 just like this. He sealed it, made sure
13 everything was secure. And then on 3/9 at 10:15
14 in the morning, I took it out of the evidence
15 locker, logged it in, gave it to the SLED member,
16 and then put it on a shelf in the evidence room.

17 Q Okay. What happened next with it?

18 A It stays there in storage until the
19 scientists request it, and then we go pull it off
20 the shelf and transfer it to them
21 electronically.

22 Q Okay. Who got it next?

23 A After me?

24 Q Yes.

25 A It looks like Doris Yarbrough pulled it off

Testimony of Jackie Davis

264

1 of the shelf and gave it to Lesa Chapman who is
2 the admin assistant.

3 Q It ultimately ends up with Andrena Harrison?

4 A Yes.

5 Q All these people work for SLED, correct?

6 A They all work for SLED.

7 Q The whole time it was in your custody, was it in a
8 secured area and not tampered with?

9 A Correct.

10 Q And you helped maintain the integrity of that
11 item?

12 A Yes. Once we put it in the evidence room,
13 there are four locks and three cameras. And only
14 the evidence technicians and two of our
15 supervisors are allowed in the evidence room.

16 Q Okay, thank you. So that item was not tampered
17 with?

18 A No.

19 Q Thank you. I'm going to show you another item.
20 I'm going to have you actually open this for me. I
21 want you to look at this item. And I'm specifically
22 looking for item 1.2. Do you recognize that item?

23 A Yes.

24 Q Okay. And what is item 1.2?

25 A I couldn't tell you. When I get that and I

Testimony of Jackie Davis

265

1 log it in, I log it in as a container and its
2 container shape. So whatever is in here is on the
3 contained basis. I don't ever put it in this bag.

4 Q What's the label say for 1.2. If you want to open
5 it up, you can.

6 A It looks like it's a DNA swab.

7 Q Okay. And according to the chain of custody from
8 the blade, item 1, which would be the knife?

9 A Yes.

10 Q What was your involvement with that item?

11 A After Andrena, who was the latent prints,
12 after she took the latent print off of it, she
13 actually sent it back down to us, and I took it
14 and put it on the DNA intake shelf and stored
15 it.

16 Q Okay. So you got it from Lesa Chapman?

17 A I did.

18 Q You got it from Lesa Chapman, and did you help
19 maintain the integrity of that item?

20 A I did.

21 Q Did you tamper with that item in any way?

22 A No.

23 Q Thank you. It stayed in a secured facility the
24 whole time?

25 A Yes, it goes back into the evidence room.

Testimony of Jackie Davis

266

1 Q Thank you. I'll move on to a different item. I'm
2 going to show you what's already been marked as
3 State's Exhibit 40. It's item Number 13 for SLED.

4 A Okay.

5 Q Do you recognize that item?

6 A Just one minute, please. All I can tell you
7 is it's in a sealed envelope labeled Number 13.

8 Q Okay. And what is -- what was your involvement
9 with that item?

10 A Again, I took this and logged it in, gave it
11 a unit number, Todd had already sealed it, initial
12 and dated it, so all I did was log it in and give
13 it a lab number.

14 Q Okay. What date did you log it in?

15 A 3/9/20.

16 Q Okay. Who did you go to next?

17 A We put it back on the intake shelf in the
18 evidence room. And then it was looks like on 9/10
19 of '21. A forensic technician pulled it and gave
20 it to the DNA analyst, Catherine Leisy.

21 Q And the forensic technician is Olivia Cartwright,
22 correct?

23 A According to the chain, yes.

24 Q And then, according the chain, the item is a
25 buccal swab of Carolyn Cook, correct?

Testimony of Jackie Davis

267

1 A Yes.

2 Q And while this item was in your custody, did you
3 tamper with it in any way?

4 A No.

5 Q And it was secure the whole time?

6 A Yes.

7 Q And you helped maintain the integrity of this
8 item?

9 A Yes.

10 Q Thank you.

11 I'm going to show you what's been marked as
12 State's Exhibit Number 42. It is item Number 29 for
13 SLED. I want to show you your chain of custody page.
14 Do you recognize that?

15 A Honestly, no.

16 Q You --

17 A I have no idea what that is.

18 Q Okay. We had Mr. Schenk open it up earlier. So
19 29.

20 A 29, okay. And what item is it?

21 Q 29. So do you recognize this pouch?

22 A I recognize this pouch, yes.

23 Q Is there -- what was your involvement with this
24 pouch?

25 A He had everything sealed in this. And,

Testimony of Jackie Davis

268

1 again, I logged it in and gave it that log
2 number.

3 Q Okay. And so this pouch has items 24 through 29.

4 A Right. If there are more than one, we make
5 it a container.

6 Q Okay, so this was a container. What was your
7 involvement? He checked it in on 3/5/20, and then?

8 A I took it out the locker on 39, logged it in
9 and put it in the evidence room on the DNA shelf
10 28.

11 Q And then it goes to Olivia Cartwright?

12 A On 9/10, she pulled it and gave it to
13 Catherine Leisy, the DNA analyst.

14 Q And this item, this pouch, did you tamper with it
15 in any way?

16 A No.

17 Q Did you help secure it and you maintained the
18 integrity of this item?

19 A Yes.

20 Q Thank you. I'm going to show you what's been
21 marked as State's Exhibit Number 43, which is SLED
22 item Number 30. Do you recognize that item?

23 A Yes.

24 Q And what is that item according to the chain?

25 A According to the chain, Item 30 is a

Testimony of Jackie Davis

269

1 heat-sealed pouch containing a buccal swab from
2 Paulette Sims.

3 Q And what was your involvement with that item?

4 A I took it out of the evidence locker on
5 3/5 -- I'm sorry. Put it in the evidence locker
6 on 3/5. 3/9, I took it out, logged it in, put it
7 on a DNA shelf for storage.

8 Q And where did it go next?

9 A On 9/10, a forensic technician,
10 Olivia Cartwright took it and gave it to
11 Catherine Leisy, the DNA analyst.

12 Q Thank you. I'm going to show you what has been
13 marked as State's Exhibit 11, item Number 33. Do you
14 recognize this item?

15 A Let me see it for a second, please. No, this
16 would have been in a container. He would have had
17 it in a container. According to the chain of
18 custody, container D.

19 Q This is item number 33, right?

20 A According to what's right there, yes.

21 Q Okay. And what did you do with the item?

22 A It was in a box. The box was already sealed,
23 initialed, and dated by Todd.

24 Q A box like these?

25 A Yeah, container D. Same lab number. He had

Testimony of Jackie Davis

270

1 it sealed initially. I confirmed it was the
2 correct box, gave it a lab number.

3 Q I'm sorry to confuse you.

4 A No, you're fine. Whatever he said was in
5 there, that's what was in there.

6 Q Okay. What did you do? What was the date that
7 you got involved with item 33?

8 A He submitted it on 3/5. On 3/9, I logged it
9 in, put it on the shelf in the evidence room. And
10 on 5/8, another forensic technician, Vera pulled
11 it and gave it to Rachel who is a forensic
12 scientist as well, on 5/8.

13 Q Thank you. I'm going to show you what's been
14 marked as State's Exhibit 44. Now, I didn't bring the
15 actual blood with me here in the courtroom, but this
16 is a SLED photo. Do you recognize that?

17 A Yes.

18 Q Marked as item 44 as well.

19 A Yes.

20 Q So you recognize that? According to the chain,
21 it's the blood standard for Bobby Heath, Jr.?

22 A That is correct.

23 Q And what was your involvement with that item?

24 A I took it out of the refrigerator. It had
25 been logged in already, and we have a refrigerator

Testimony of Jackie Davis

271

1 back in the evidence room where we keep liquids,
2 blood and urine. And I took it from that
3 refrigerator and transferred it to Julia, who is a
4 forensic technician up in toxicology.

5 Q Okay. And before you endorse, you already had it;
6 is that correct?

7 A Right. She actually logged this evidence in.

8 Q Okay. And you gave it to Julia on 3/9/20. And
9 while that item was in your custody, did you tamper
10 with it in any way?

11 A No.

12 Q Did you maintain the integrity of it?

13 A Yes.

14 Q I'm not sure if I asked you, but the last item we
15 dealt with, and I probably did already ask it, but
16 just to cover my bases, item 33 that was in this
17 container, did you tamper with this in any way?

18 A No, I never opened the box.

19 Q Okay. And you maintained the integrity of it the
20 whole time?

21 A Yes.

22 Q Thank you.

23 Final thing that I'm going to show you,
24 State's Exhibit 45 and item Number 44.1, which
25 would, obviously, be related to item 44. Do you

Testimony of Jackie Davis

272

1 recognize that?

2 A I recognize item 44.1.

3 Q Okay. And what was your involvement with that?

4 A I took it from Julia on 3/10 -- no. Actually
5 on 3/12. I'm sorry. And put it back on the DNA
6 shelf in the secured evidence there and left it
7 there for storage.

8 Q And then it goes to Olivia Cartwright?

9 A Yes, on 9/10. And then to Catherine Leisy,
10 the DNA analyst.

11 Q Okay. And 44.1 for the chain is the heat sealed
12 pouch with the blood sample for Bobby Heath, Jr. --
13 the dried blood for Bobby Heath, Jr., correct?

14 A Yes.

15 Q And while item 44.1 was in your custody, did you
16 tamper with it in any way?

17 A No.

18 Q And you helped maintain the integrity of it?

19 A Yes.

20 Q Okay.

21 MS. KEENEY: No further questions.

22 THE COURT: Cross-examination.

23 MR. PLEXICO: I actually have none,
24 Your Honor.

25 THE COURT: Thank you.

Testimony of Andrena Harrison

273

1 MS. KEENEY: Thank you. May this witness
2 be excused?

3 THE COURT: Yes, she may. This witness
4 may be excused.

5 MS. KEENEY: The State calls
6 Andrena Harrison.

7 THE CLERK: Do you solemnly swear or
8 affirm to tell the truth, the whole truth, and
9 nothing but the truth so help you God?

10 THE WITNESS: I do.

11 THE COURT: Miss Harrison, you may remove
12 your mask.

13 MS. KEENEY: May it please the Court?

14 THE COURT: Yes.

15 WHEREUPON:

16 ANDRENA HARRISON,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. KEENEY:

20 Q Can you state your name for the record?

21 A Andrena Harrison, H-a-r-r-i-s-o-n.

22 Q Miss Harrison, where do you work?

23 A I work for the South Carolina Law Enforcement
24 Division, also known as SLED.

25 Q And what's your position there?

Testimony of Andrena Harrison

274

1 A I am a forensic scientist assigned to the
2 latent print department. I've been there since
3 2003 with SLED. I am a sworn law enforcement
4 office. I serve as a training officer and as a
5 safety officer.

6 Q Okay. And tell me -- you got involved in this
7 case, correct?

8 A I did.

9 Q Okay. And what was your involvement?

10 A I received item 1, which was a black-handle
11 knife.

12 Q Okay. So I'm going to show you this item. It's
13 State's Exhibit Number 38. And it's item number 1,
14 like you said, for SLED. Do you recognize that
15 item?

16 A I do.

17 Q Okay. And tell me about when you got that item.

18 A Okay.

19 Q And what your involvement is with it.

20 A I received item 1, the black-handle knife, on
21 March 22, 2020, in a sealed box. This would be
22 the sealed box that it was in.

23 Q Okay. And before you, was it Lesa Chapman that
24 had the item?

25 A Yes.

Testimony of Andrena Harrison

275

1 Q And before that, it was Doris Yarbrough?

2 A Yes.

3 Q And when you received this item, it was sealed,
4 correct?

5 A Correct.

6 Q Had it been tampered with in any way?

7 A No.

8 Q Did you, in fact, open this item?

9 A I did.

10 Q Why did you open it?

11 A I processed it for latent prints.

12 Q Did you find any latent prints on it?

13 A I did not.

14 Q And are there various reasons why you might not
15 get latent prints? Like, everything it touched, does
16 it have latent prints on it?

17 A That's correct. There's several factors into
18 why we don't always get a print. A latent print,
19 in order to understand it, means it's hidden, not
20 easily seen.

21 So the fact that -- if it's too hot or if
22 it's too cold. If you were, like, burning or your
23 hands are sweating, you can leave, like, smears,
24 or doesn't leave anything at all. If it's too
25 cold or it's too dry, you won't leave anything.

Testimony of Andrena Harrison

276

1 For teachers, they touch a lot of paper throughout
2 the day, so it kind of rubs off their ridges.
3 Brick layers, construction workers, the same
4 thing. And then also -- we talked about the
5 teacher and services at the school. Is it bumpy,
6 is it groovy. There are several factors. And you
7 have to keep in mind, a latent, it's 95 to 99
8 moisture. So even if you left one, it can be
9 easily wiped off on the surface.

10 Q And so there were no latent prints found on that
11 item, correct?

12 A That is correct.

13 Q That item is a knife, correct?

14 A That is correct.

15 Q What else did you do with that item?

16 A I did a DNA swab on the items, so I did swabs
17 on item 1.1. I did two swabs from the handle area
18 of item 1. And then I did swabs 1.2, and that's
19 two swabs on the blade area of what appears to be
20 blood and hair from the blade of item 1.

21 Q Okay. I'm going to show you what's been marked as
22 State's Exhibit Number 39. Do you recognize this
23 item?

24 A I do.

25 Q Okay. What are those items?

Testimony of Andrena Harrison

277

1 A Each item -- first, per our policy, when we
2 seal anything, you put your initials and your
3 date. So that's the first indicator of what I
4 recognize and can testify to, this package has my
5 initials and the date 3/22. These two items, this
6 one will be item 1.1, the swab taken from the
7 handle of the item, and this will be item 1.2, the
8 swab taken from the blade which had blood and
9 hair.

10 Q So you created, kind of, like a sub item for item
11 1.1, right?

12 A That's correct.

13 Q And is the purpose of that so that basically you
14 don't have to send the entire knife to the DNA
15 department?

16 A That is correct. So if there's a DNA request
17 on the item, before we start our chemical process,
18 we go ahead and collect the swabs. So the DNA
19 analyst will get me these swabs and I can process
20 those items.

21 Q Okay. The DNA analysis gets the knife, she gets
22 the swabs they take from the knife?

23 A That is correct.

24 Q And so you created that item, I believe. Was it
25 on March 22nd of 2020?

1 A That is correct.

2 Q Okay. And what happened with that item? What did
3 you do with that afterward, 1.1 and 1.2?

4 A So I created this item -- both of these items
5 into our system at 7:40 a.m. Once, I sealed
6 these -- the envelopes I also sealed on the
7 inside. Once I sealed the envelopes with the
8 information pertaining to it, I put it in this
9 package and sealed it. Once I did that and
10 entered it into our system, I put it back in our
11 latent storage area where our admin, Miss Chapman,
12 would be able to tell about that storage.

13 Q Okay. Lesa Chapman, she did take it out on 3/20,
14 correct?

15 A That is correct.

16 Q And then it ultimately goes to the analyst,
17 correct?

18 A That is correct.

19 Q With respect to these items, once you seal it --
20 you don't tamper with it in any way, do you?

21 A No.

22 Q You help maintain the integrity of that item?

23 A That is correct.

24 MS. KEENEY: Your Honor, at this time, I
25 want to publish item -- or Exhibit Number 38.

Testimony of Andrena Harrison

279

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: 38.

MS. KEENEY: Yes.

Judge, I do not have any more questions for her, but I want to finish publishing this.

THE COURT: All right.

MS. KEENEY: No further questions for this witness.

MR. PLEXICO: Is she done?

MS. KEENEY: I am.

MR. PLEXICO: I have no cross.

MS. KEENEY: Judge, may this witness stay in the -- may we approach?

THE COURT: Yes.

(Bench conference off the record.)

THE COURT: Thank you.

MS. KEENEY: You can come this way.

The State calls Julia Begeman.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE COURT: Miss Begeman, you can remove your mask, if you wish, to testify.

MS. KEENEY: May it please the Court?

THE COURT: Yes.

Testimony of Julia Begeman

280

1 WHEREUPON:

2 JULIA BEGEMAN,

3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. KEENEY:

6 Q Can you state your name for the record?

7 A My name is Julia Begeman.

8 Q I'm sorry. I've been mispronouncing your last
9 name. Where do you work?

10 A I work at the South Carolina Law Enforcement
11 Division in the DNA department.

12 Q How long have you been working for SLED?

13 A About three years.

14 Q Okay. And you have some involvement in this case;
15 is that correct?

16 A Correct.

17 Q I'm going to show you what's been marked as
18 State's Exhibit Number 44 and it's SLED item Number 44
19 as well. Now, obviously, we're not going to bring
20 real blood into the courtroom, but do you recognize
21 that?

22 A Yes, I recognize this.

23 Q And Item 44, that's the blood vial from
24 Bobby Heath according to the chain of custody,
25 correct?

Testimony of Julia Begeman

281

1 A Correct.

2 Q And can you tell me, if you need a -- do you have
3 yours in front of you? On page 36, who did you -- 36
4 and 37, who did you receive that item from and when?

5 A I received this item from Jackie Davis on
6 March 9, 2020.

7 Q Okay. And then after you received that item, what
8 did you do with it? Tell me, when you received that
9 item, had it been tampered with in any way?

10 A No, it was sealed when I received it.

11 Q Okay. So it was sealed when you received it. And
12 what did you do with that item? Did you create a new
13 item?

14 A Yes.

15 Q Okay.

16 A So I preserved a portion of the blood on to a
17 small card. It has an area for several drops of
18 blood, and on the bottom I wrote the case number,
19 item number, and labeled who it came from. And
20 then that's allowed to dry overnight and resealed
21 and returned to the evidence control room.

22 Q So, basically, what you all do is, you take the
23 vial of blood and then you put, like, drops or
24 something on a type of paper or card in order to get
25 standard for whoever's blood it is; is that correct?

1 A Yes.

2 Q And then you create a new item number, 44.1,
3 correct?

4 A Correct.

5 Q Which is State's Exhibit Number 45. So do you
6 recognize that item?

7 A Yes.

8 Q Okay. So you created that item from Bobby Heath's
9 blood vial, which would be item 44, correct?

10 A Yes.

11 Q What did you do after you created that item? Did
12 you seal it up? Did you maintain the integrity of
13 it?

14 A Yes. Once I create the item, I seal it with
15 my initials and date at the top. It's on the
16 envelope when I finished with it.

17 Q And then if you look at your chain of custody
18 again, after you created it and sealed it, who did you
19 give it to afterwards?

20 A I gave to Jackie Davis.

21 Q Okay. So the whole time after you sealed it, you
22 didn't tamper with it or anything, correct?

23 A Correct.

24 Q Okay, thank you.

25 MS. KEENEY: Beg the Court's indulgence.

Testimony of Julia Begeman

283

1 No further questions.

2 THE COURT: Any cross for this witness?

3 CROSS-EXAMINATION

4 BY MR. PLEXICO:

5 Q Who did you say you just gave it to?

6 A To Jackie Davis.

7 MR. PLEXICO: Okay. I don't have
8 anything further.

9 THE COURT: Any redirect?

10 MS. KEENEY: No, Your Honor.

11 THE COURT: This witness may be
12 excused.

13 MS. KEENEY: The State calls Rachel
14 Nguyen. For the court reporter, it's N-g-u-y-e-n.

15 THE CLERK: Do you solemnly swear or
16 affirm to tell the truth, the whole truth, and
17 nothing but the truth so help you God?

18 THE WITNESS: I do.

19 MS. KEENEY: May it please the Court?

20 THE COURT: Yes.

21 WHEREUPON:

22 RACHEL NGUYEN,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. KEENEY:

Testimony of Rachel Nguyen

284

1 Q Can you state your name for the record?

2 A My name is Rachel Nguyen, N-g-u-y-e-n.

3 Q Thank you. Where do you work, Miss Nguyen?

4 A I'm currently employed at the South Carolina
5 Law Enforcement Division. What's commonly known
6 as SLED.

7 Q And what's your position there?

8 A I'm currently in the position of a forensic
9 scientist within DNA department. When I processed
10 this case, I as a forensic serologist within that
11 department.

12 Q What is serologist? What does that mean,
13 serology?

14 A Forensic serology is basically studying the
15 body fluids for identification. We're going to
16 examine the systems for evidence. The three body
17 fluids that we look for are blood, semen, and
18 saliva, depending on the request from the
19 agency.

20 Q And so do you have any specialized training to
21 become a serologist?

22 A So I have two bachelor of science degrees;
23 one in forensic science and one in biology both
24 from the University of New Haven. When you get an
25 appointment at SLED, you also receive in-house

Testimony of Rachel Nguyen

1 training. So I underwent a year-long training
2 program under a court-qualified forensic
3 serologist. During that time, I was able to
4 observe different examinations, intensive testing
5 we do, as well as perform those tests. I was in a
6 training program. At the end, you go to
7 competency based. So that's testing your
8 abilities and knowledge of the various job duties
9 you have. That includes a written exam, an oral
10 exam. In my case, which is, I practice mock
11 samples and then mock court. Once all those
12 components are successfully completed, I am then
13 deemed competent to do an independent analysis in
14 the area of forensic serology.

15 Q Okay. And have you ever been qualified as an
16 expert before?

17 A I have.

18 Q Do you know about how many times?

19 A I believe approximately six times.

20 Q Okay.

21 MS. KEENEY: At this time, the State
22 offers her as an expert in serology.

23 MR. PLEXICO: Your Honor, may I examine
24 her on her qualifications briefly?

25 THE COURT: Yes.

Testimony of Rachel Nguyen
VOIR DIRE

286

1

2

BY MR. PLEXICO:

3

Q Where did you graduate from?

4

A I graduated from the University of my.

5

Q I can't understand you. What did you say,

6

University of?

7

A University of New Haven.

8

Q New Haven, okay. All right. And that's in

9

Connecticut?

10

A That is in Connecticut.

11

Q All right. What were your majors?

12

A Forensic science and biology.

13

Q Was your first job in this field with SLED?

14

A That is correct.

15

Q And how long -- when did you start working for

16

them?

17

A I worked for SLED for a little over seven

18

years. I began in the toxicology department

19

within the SLED forensics laboratory. And then I

20

transferred to the DNA department approximately

21

four years ago.

22

MR. PLEXICO: I don't have any further

23

questions, Your Honor. I have no objections to

24

her expertise.

25

THE COURT: Thank you.

Testimony of Rachel Nguyen
MS. KEENEY: Thank you.

287

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. KEENEY:

Q Were you asked to analyze certain items in this case?

A I was.

Q And I just want to focus on item Number 33, and I can hand it up to you as well.

A Can you hand me gloves?

Q Yes. Did you -- can you tell me what date you analyzed these items, or item 33?

A So I took item 33 into my custody on May 8th of 2020 at 7:33. However, my analysis began on May 27th of 2020.

Q And do you know who you received item number 33 from?

A Item number 33 I received from Vera Martinez, who is a forensic technician within our forensic department.

Q And I'm referring to what's been marked as State's Exhibit Number 11, and I guess that would have been in a container, correct?

A Yes. Item 33 was in container D.

Q Is that container D?

A Yes, that's container D.

Q So you recognize this item and you received it

1 from Vera Martinez, correct?

2 A That's correct.

3 Q And had it been tampered with in any way when you
4 received it?

5 A It had not.

6 Q Okay. It was still sealed at the time that you
7 received it?

8 A That is correct.

9 Q What did you do with this item?

10 A The analysis for request for item 33, which
11 is a pair of pants, multi-colored pants to look
12 for blood.

13 Q And what were your results?

14 A The results were that the presumptive testing
15 for blood was positive.

16 Q Okay. And so what happens next? Once it's
17 positive for blood, what do you do next?

18 A So after I screen the item for the possible
19 traces of blood, I will take one of the areas that
20 I tested and I will cut it out. I'll put it in a
21 small envelope and that envelope will be forwarded
22 to the DNA department for further analysis.

23 Q Okay. What's the point of doing that? Why do you
24 cut the pants and make it in a smaller envelope?

25 A So serology, as I mentioned before, is the

Testimony of Rachel Nguyen

289

1 screening for body fluids. Body fluids are rich
2 in DNA. As well as, we try to make larger items
3 into smaller items for the DNA to perform an
4 analysis with. It's just easier.

5 Q Okay.

6 MS. KEENEY: Beg the Court's indulgence.
7 I'm going to mark this as State's Exhibit Number
8 46.

9 (STATE EXH. 46, Pant cutting; Sims, was
10 marked for identification.)

11 BY MS. KEENEY:

12 Q I'm going to show you what I just marked as
13 State's Exhibit 46 and ask you if you recognize this
14 item?

15 A State's Exhibit 46, I do recognize. It has a
16 unique case number, as well as the container L
17 that I created. My initials and date are at the
18 top of the package.

19 Q So that item, you created that from item
20 Number 33, which were the pants, correct? Or it's
21 various things in there, correct?

22 A Yes. So all the screening I performed in
23 this case, and the collection of the cuttings
24 would be found in container L.

25 Q So those pants, item Number 33, the cutting that

1 you did, the presumptive blood, you created another
2 item and put it in there and labeled it 33.1,
3 correct?

4 A That's correct. So I do see 33.1 within this
5 container and 33.1 is a cutting from rear right
6 leg of pair of multi-colored pants.

7 Q Okay. And once you do the cutting, you seal it
8 into that bag, correct?

9 A That's correct. So I will seal the envelope
10 within the packaging with my initials and date,
11 and then all of these cuttings will get sealed in
12 this larger heat-sealed pouch.

13 Q And you do that May 27th of 2020, correct?

14 A That is correct.

15 Q And then what did you do with it afterwards? Who
16 did you give it to?

17 A So container L was given to Doris Yarbrough,
18 who is also a forensic technician within the
19 evidence control department on June 1st of 2020 at
20 1400 hours and 17 minutes.

21 Q And so it was given to her in a sealed condition,
22 correct?

23 A That's correct.

24 MS. KEENEY: No further questions.

25 MR. PLEXICO: Actually, no questions,

Testimony of Catherine Leisy
Your Honor.

291

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: All right, thank you. This witness may be excused.

MS. KEENEY: The State calls Catherine Leisy.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE COURT: Miss Leisy, you may remove your mask to testify.

MS. KEENEY: May it please the Court?

THE COURT: Yes.

WHEREUPON:

CATHERINE LEISY,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q Can you state your name for the record?

A Catherine Leisy, L-e-i-s-y.

Q Where do you work at?

A I work for the South Carolina Law Enforcement Division more commonly referred to as SLED.

Q What's your position there?

A I am a forensic scientist assigned to the DNA

1 department.

2 Q And how long have you worked for SLED?

3 A I've been with SLED for a little over 15
4 years in the same capacity.

5 Q Tell the jury about some of your education and
6 background.

7 A I have a bachelor of science degree in
8 genetic engineering from Cedar Crest College in
9 Allentown, Pennsylvania. I've been trained by
10 other court-qualified analysts in-house for all
11 different types of tests and analyses I'm required
12 to perform. I've also spent approximately four
13 years working in a private testing facility prior
14 to my time with SLED.

15 Q And is there any specialized training that you do
16 or have to do to be a DNA analyst?

17 A There is. Other certain course requirements
18 that I have to take during my undergrad degree.
19 Again, I was trained by other court-qualified
20 analysts at SLED for the different types of
21 analysis we perform here. I'm also required to
22 undergo annual continuing education which consists
23 of seminars or training that covers new techniques
24 and testing that are available in forensics.

25 Q Have you done any publications on DNA?

Testimony of Catherine Leisy

293

1 A One publication, several years ago.

2 Q Do you help present or teach people about DNA?

3 A I do. I do assist in training qualified
4 analysts within the department. I also
5 participated in training for solicitors across the
6 state.

7 Q And have you ever testified in the state and/or
8 federal court?

9 A I have, yes.

10 Q Have you ever been qualified as an expert
11 before?

12 A I have.

13 Q Do you know approximately how many times?

14 A On more than 50 occasions.

15 MS. KEENEY: At this time the State
16 offers her as an expert in forensic DNA
17 analysis.

18 MR. PLEXICO: I have no questions,
19 Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. KEENEY: Thank you.

22 BY MS. KEENEY:

23 Q Were you asked to test some items in this case?

24 A I was.

25 Q When did you start your testing? Do you have a

1 date?

2 A I took custody of the items I tested on
3 September 10th of this year.

4 Q Okay. And you eventually do a report, correct?

5 A That's correct.

6 Q I'm going to show you some item numbers. I'm
7 going to approach with State's Exhibit Number 40,
8 which would be SLED item Number 13. Do you recognize
9 that item?

10 A Yes, I do. I recognize this SLED case
11 number, the item number, as well as my initials on
12 the pouch.

13 Q What is that item?

14 A This is a set of buccal swabs from Carolyn
15 Cook. And buccal swabs are just sterile cotton
16 swabs that are from the inside of an individual's
17 cheek to collect DNA to develop a known DNA
18 profile for that person.

19 Q So that's how you're going to tell what
20 Carolyn Cook's DNA is, correct?

21 A That's correct.

22 Q Okay. When did you receive that item and who did
23 you receive it from?

24 A I took custody of item 13. Again, it was
25 September 10th of this year, and I took custody of

Testimony of Catherine Leisy
1 that item from evidence control technician,
2 Olivia Cartwright.

3 Q Okay. And she got it from a shelf; is that
4 correct?

5 A Correct. It was located in our secured
6 evidence location.

7 Q Okay. And when you received that item, had it
8 been tampered with in any way?

9 A No, it did not.

10 Q Do you test items that have been tampered with?

11 A No. If the evidence had been mishandled or
12 tampered with, it would not be tested.

13 MS. KEENEY: At this time, the State
14 moves to admit State's Exhibit Number 40, Carolyn
15 Cook's known DNA buccal swab.

16 THE COURT: You're moving to admit it?

17 MS. KEENEY: Yes.

18 THE COURT: Any objection?

19 MR. PLEXICO: Item 40-B, Carolyn Cook's
20 DNA swab, I have no objections.

21 MS. KEENEY: Thank you.

22 THE COURT: It's entered.

23 (STATE EXH. 40, Buccal swab; Cook, was
24 marked for identification and entered into evidence.)

25 BY MS. KEENEY:

1 Q I am going to go grab another item. Item number
2 44.1, which is going to State's Exhibit Number 45.

3 MS. KEENEY: Yes, State's Exhibit 45, but
4 their item Number 44.1.

5 (STATE EXH. 45, Blood standard; Heath, was
6 marked for identification.)

7 BY MS. KEENEY:

8 Q Do you recognize that item?

9 A Yes, I do. And I recognize it by the SLED
10 case number, the item number, and my initials on
11 the bag.

12 Q What is that item?

13 A That is a dry blood standard from
14 Bobby Heath, Jr. that was used as a known standard
15 for that particular individual.

16 Q Okay. When did you receive that item?

17 A I also took custody of that on September 10th
18 of this year.

19 Q Who did you get that item from?

20 A It was transferred to my custody from Olivia
21 Cartwright from our secured evidence location.

22 Q And when you received that item, had it been
23 tampered with in any way?

24 A It didn't.

25 MS. KEENEY: At this time, the State

Testimony of Catherine Leisy
1 moves to admit State's Exhibit Number 45.

297

2 MR. PLEXICO: No objection for 45,
3 Your Honor.

4 THE COURT: Yes.

5 (STATE EXH. 45, Blood standard; Heath, was
6 entered into evidence.)

7 MS. KEENEY: Thank you.

8 BY MS. KEENEY:

9 Q I'm going to show you to State's Exhibit 40 or
10 SLED item 33 and ask if you recognize this item.

11 A Yes, I do. And, again, I recognize it by the
12 SLED case number and the item number and my
13 initials on the container.

14 MR. PLEXICO: Your Honor, at this time,
15 I'm going to renew my motion under 17-13-140 of
16 the previously cited constitutional arguments that
17 I made and move to exclude that and any future
18 reference to it.

19 THE COURT: Yes, thank you.

20 BY MS. KEENEY:

21 Q What is that item number?

22 A That was identified as buccal swabs from
23 Paulette Sims.

24 Q So that's how you determined what Paulette Sims's
25 DNA was, correct?

1 A That's correct.

2 Q And when did you receive that item?

3 A Also on September 10th of this year. It was
4 transferred to me by Olivia Cartwright from our
5 secured evidence location.

6 Q Okay. Had that item been tampered with?

7 A It had not.

8 Q And it was still sealed when you received it?

9 A That's correct.

10 Q You would not have tested it had it not been -- if
11 it had been tampered with, correct?

12 A Correct. If I had any question about the
13 validity, I would not have tested it.

14 MS. KEENEY: Okay. At this time, the
15 State moves to admit State's Exhibit Number 43
16 into evidence.

17 MR. PLEXICO: Renew my prior motion,
18 Judge.

19 THE COURT: Yes, sir. Exhibit is
20 admitted with that objection.

21 MS. KEENEY: Thank you.

22 (STATE EXH. 43, Buccal Swab; Sims, was
23 entered into evidence.)

24 BY MS. KEENEY:

25 Q I'm going to show you Sled item 1.1 and 1.2,

Testimony of Catherine Leisy 299

1 State's Exhibit 39. They're in the same bag. Do you
2 recognize those items?

3 A Yes, I do. Again, I recognize the SLED case
4 number, the item numbers, and my initials on the
5 container.

6 Q And when you received those items, had they been
7 tampered with in any way?

8 A There was no indication, no.

9 Q And what date and who did you receive those item
10 from?

11 A Those items were also transferred to me on
12 September 10th of this year by Olivia Cartwright.

13 MS. KEENEY: At this time, the State
14 moves to admit State's Exhibit Number 39 into
15 evidence.

16 MR. PLEXICO: No objection, Your Honor.

17 THE COURT: So moved.

18 (STATE EXH. 39, Blade swabs, was entered
19 into evidence.)

20 MS. KEENEY: Thank you.

21 BY MS. KEENEY:

22 Q Okay. Before we move on to the other items, I
23 want to talk about State's Exhibit Number 39,
24 specifically item 1.2. Can you tell me -- so you
25 analyzed item 1.2, correct?

1 A Yes.

2 Q And what exactly was item 1.2?

3 A SLED 1.2 was identified as swabs from the
4 blade area of the black handled knife.

5 Q Okay. And so I guess Andrena Harrison, who we
6 heard from earlier, she takes the knife and then she
7 takes a swab of the knife, correct?

8 A That's correct.

9 Q The blade and the handle, correct?

10 A Yes.

11 Q So what were your results when you analyzed that
12 item 1.2, the blade of the knife?

13 A Item 1.2, the first step that I performed as
14 a preliminary --

15 MR. PLEXICO: Your Honor, I think I need
16 to object again based on my testimony I made in my
17 prior motion. I hate to interrupt the witness.

18 THE COURT: I understand. Mr. Plexico,
19 if you'd like to make moving objection continue --

20 MR. PLEXICO: Yes, Your Honor, I move to
21 make that continuing objection.

22 MS. KEENEY: Your Honor, can we actually
23 approach real quick.

24 THE COURT: Yes.

25 (Bench conference off the record.)

Testimony of Catherine Leisy

301

1 BY MS. KEENEY:

2 Q Okay. Going back to item 1.2, the swab of the
3 blade of the knife, tell me what your results were
4 again. I'm sorry.

5 A The first step was a preliminary screening
6 for the possible presence of blood. I did receive
7 a positive result indicating that there was
8 possible blood on the item. I was able to develop
9 a DNA profile from that item in a single
10 comparison. So when we're done with all the
11 single comparisons, we then do comparisons with
12 all the known individuals whose standards we
13 receive. And we do that type of comparison in an
14 all likelihood ratio.

15 And an all likelihood ratio is a comparison
16 between two possible explanations for the profile.
17 And a value is calculated to provide support for which
18 of those two possible explanations is more likely to
19 give us that value.

20 So for item 1.2, I determined it was a
21 mixture of two individuals. I then had to develop my
22 two possible explanations. So for the comparisons for
23 Carolyn Cook, my first possible explanation would be
24 that it's Carolyn Cook and an unidentified unrelated
25 individual contributing to this two-person mixture.

1 My second possible explanation would be that it's two
2 unidentified unrelated individuals contributing to
3 this mixture.

4 So for the value of Carolyn Cook, it was
5 determined that the DNA profile developed is
6 approximately 120 septillion times more likely if
7 Carolyn Cook and an identified unrelated
8 individual contributed to the mixture than two
9 unidentified related individuals contributed. So
10 this provides support for the possible explanation
11 that it's Carolyn Cook and unidentified unrelated
12 individual contributing.

13 Q And when you say -- I'll let you continue,
14 actually. What else did you find?

15 A Well, initial evidence for the value of 120
16 septillion would be that the analysis is providing
17 very strong support for this possible explanation
18 that it's Carolyn Cook and an unidentified
19 unrelated individual.

20 The next comparison was to
21 Bobby Heath, Jr. Against the same method with the
22 likelihood ratio comparison was performed, and it
23 was determined that the DNA profile is
24 approximately five times more likely if Bobby
25 Heath, Jr. and an unidentified unrelated

Testimony of Catherine Leisy

303

1 individual contributed than two unidentified
2 individuals contributed.

3 Q And what is Y-STR testing?

4 A Y-STR refers to -- it's a test that focuses
5 solely on locations on the Y chromosome. So when
6 we look on Y testing, we will only get a result
7 from a male individual.

8 Q Okay. And did you perform a Y testing -- did you
9 try to see if there was any male DNA on that blade of
10 the knife?

11 A I did. I did Y-STR on SLED 1.2. I developed
12 a DNA Y-STR profile that was suitable for
13 comparison, and compared it to the Y-STR provided
14 by Bobby Heath, Jr. and determined that the Y-STR
15 profile developed from SLED 1.2 does match the
16 Y-STR profile of Bobby Heath, Jr. And we do a
17 calculation for this type of comparison, but it
18 was determined that the probability of randomly
19 selecting an unrelated individual having a Y-STR
20 profile matching this item is approximately one in
21 9,700.

22 Q So to sum it up, you said that there was -- was it
23 very strong support that Carolyn Cook's DNA was on the
24 blade of the knife?

25 A The analysis puts out very strong support for

1 the possible explanation that it's Carolyn Cook
2 and an unidentified unrelated individual.

3 Q And then when you focus solely on looking to see
4 if there's any male DNA on that knife, it was a match
5 to Bobby Heath, Jr. but it was one in -- what was that
6 statistic again?

7 A One in 9,700.

8 Q Did you look to see if Paulette Sims's DNA was on
9 the blade of that knife?

10 A I did do a comparison, and it was determined
11 that Paulette Sims was excluded as a contributor
12 to the mixture found on the knife blade. But I
13 also show, with the Y-STR testing, that paternal
14 testing to Bobby Heath, Jr. cannot be someone who
15 is a possible contributor because the Y chromosome
16 pass direct from father to son, so the direct
17 paternal individuals many have that same Y-STR.

18 Q Okay. Were you able to determine a DNA profile
19 from the handle, item 1.1, of the knife?

20 A I did do testing on 1.1, which was identified
21 as swabs from the handle. I was not able to
22 develop a DNA profile from that.

23 Q Okay. And what are the possible reasons of why
24 you -- because most people kind of think that if you
25 touch something your DNA is going to be left behind,

Testimony of Catherine Leisy

305

1 is that true?

2 A When we refer to touch DNA, that's sort of
3 transfer of skin cells with DNA through physical
4 contact. But there are quite a few factors that
5 go into determining whether or not we're able to
6 development a profile. So, you know, how tightly
7 an individual held an object, how long they held
8 it, exactly where on the object are they testing,
9 whether their hands are clean. We won't always
10 necessarily be able to develop the DNA profile
11 from touch transfer, and it's less likely we'll
12 see that in developing the DNA profile.

13 Q I'm going to show you, items 24 through 29. I
14 want to focus on item 29, State's Exhibit 42, and ask
15 if you recognize this. Do you recognize those items?

16 A Yes, I do. And I recognize the SLED case
17 number, the item number, and my initials.

18 Q Okay. With respect to item 29, what is that
19 item?

20 A Item 29 is identified as swabs from the right
21 hand fingernails of Paulette Sims.

22 Q Okay. And when you received this bag, these
23 items, had they been tampered with in any way?

24 A There was no indication that they had been
25 tampered with.

Testimony of Catherine Leisy

306

1 Q And once again, you received that on 9/8/2021?

2 A That's correct.

3 Q And was that Olivia Cartwright as well?

4 A It was.

5 Q Okay. So it had not been tampered with, and you
6 would not have tested had it been.

7 A Correct.

8 MS. KEENEY: At this time, the State
9 moves to admit State's Exhibit Number 42 into
10 evidence.

11 MR. PLEXICO: Subject to my prior
12 objection, Your Honor.

13 THE COURT: Admitted.

14 (STATE EXH. 41, Swabs from the right-hand
15 fingernails; Sims, was entered into evidence.)

16 BY MS. KEENEY:

17 Q Did you perform an analysis specifically on
18 item number 29?

19 A I did.

20 Q And can you tell me about what your results
21 were?

22 A So when we get a particular item, the first
23 test we perform would be a preliminary screen for
24 the possible presence of blood. I did obtain a
25 positive result in a possible presence of blood on

Testimony of Catherine Leisy

307

1 the item. I was able to pull up a DNA profile
2 that was suitable for comparison. I interpreted
3 this profile as a mixture between two individuals.
4 For this particular item, because it was a swab
5 taken directly from the person of Paulette Sims, I
6 assumed Paulette Sims it was which aids in the
7 interpretation. I then performed and did a ratio
8 doing comparisons with Carolyn Cook and
9 Bobby Heath, Jr. to this mixture.

10 So for this particular item, my first
11 possible explanation in comparison to Carolyn Cook
12 would be that it's Paulette Sims and Carolyn Cook
13 contributing to the DNA is the profile of the mixture.
14 The second possible explanation would be that it's
15 Paulette Sims and an unidentified unrelated individual
16 contributor. And it was determined that the DNA
17 profile is approximately 580,000 times more likely
18 that Paulette Sims and Carolyn Cook contributed to the
19 mixture than Paulette Sims and an unidentified
20 unrelated individual contributed to the mixture.

21 This provides strong support for the possible
22 explanation that it's Paulette Sims and Carolyn Cook
23 contributing to the mixture.

24 I did the same type of comparison using
25 the standard for Bobby Heath, Jr. and determined

Testimony of Catherine Leisy

308

1 that Bobby Heath, Jr. is excluded as a contributor
2 to the mixture.

3 Q So you're proposition is that it was strong
4 support that the fingernail swab of Paulette Sims is a
5 mixture between Paulette Sims and Carolyn Cook?

6 A Correct. The value calculated indicates
7 strong support for the possible explanation of
8 Paulette Sims and Carolyn Cook contributing to the
9 mixture.

10 Q Thank you. I'm going to show you one more item.
11 I'm going to show you what has been marked as
12 State's Number 46 focusing on item number 33.1. Do
13 you recognize that item?

14 A I recognized the container based on the lab
15 number and my initials. I had to open it, so I
16 could get the contents.

17 Q We can open it. You can pull out item 33.1.

18 A I do recognize it, again based on the case
19 number, item number, and description, as well as
20 my initials.

21 Q What is the description?

22 A It's described as cuttings from the rear
23 right leg of the multi-colored pants of
24 Paulette Sims.

25 Q Okay. Did you receive that item once again on

Testimony of Catherine Leisy

309

1 9/10/21?

2 A That's correct.

3 Q From Olivia Cartwright?

4 A Yes, ma'am.

5 Q And when you received those items, had they been
6 tampered with in any way?

7 A They had not.

8 Q And you would not have tested them if they had
9 been?

10 A Correct.

11 MS. KEENEY: At this time, the State
12 moves to admit State's specifically 33.1 into
13 evidence.

14 THE COURT: Any objection?

15 MR. PLEXICO: Just my prior objection,
16 Your Honor.

17 THE COURT: All right.

18 (STATE EXH. 46, 33.1; Cutting from pants of
19 Sims, was entered into evidence.)

20 MS. KEENEY: I'm going to transfer the
21 exhibit sticker.

22 BY MS. KEENEY:

23 Q So you analyzed 33.1, which was the cuttings from
24 the pants of Paulette Sims, correct?

25 A That's correct.

Testimony of Catherine Leisy

310

1 Q Can you tell me about your findings?

2 A For SLED 33.1, a single source profile was
3 developed, which just means it was indicative of
4 being DNA profile from one individual. I was able
5 to exclude both Paulette Sims and Bobby Heath, Jr.
6 as being contributors to the profile. I did a
7 more likelihood ratio comparing Carolyn Cook to
8 this profile. So our first possible explanation
9 would be that it is Carolyn Cook contributing to
10 the profile.

11 The second possible explanation being that
12 it's an unidentified unrelated individual
13 contributing, and it was determined that the DNA
14 profile developed was approximately 107 septillion
15 times more likely that Carolyn Cook contributed to the
16 profile than an unidentified unrelated individual
17 contributed to the profile.

18 Q Okay. And terms of support, where does that leave
19 us?

20 A 107 septillion will provide very strong
21 support for the possible explanation that it's
22 Carolyn Cook contributing.

23 Q So that's the cutting of the pants, correct?

24 A Correct.

25 Q Rachel Nguyen does the cutting to see that you

Testimony of Catherine Leisy 311
1 can -- she tests to see if there's blood, and if she
2 finds that there is, then she cuts it so you can
3 analyze just the cutting of the pants, correct?

4 A That's correct. Larger items, such as
5 clothing, items of that nature, typically screened
6 by a serologist, they cut the portions of the
7 sample that seem to be relevant for a small
8 portion for the DNA analyst.

9 Q Thank you.

10 MS. KEENEY: Beg the Court's indulgence.
11 No further questions.

12 THE COURT: Cross-examination.

13 MR. PLEXICO: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. PLEXICO:

16 Q Do you use the phrase "strong support" because you
17 can't say that any of this stuff is for certain?

18 A It is a verbal equivalent. It helps provide
19 a little bit of an idea of the strength of the
20 support because the larger the number, the
21 stronger support is. So you're trying to give
22 verbal idea of how strong the likelihood ratio is
23 in relation to comparisons.

24 Q So what's the answer to my question?

25 A As far as certainty, we don't make

Testimony of Catherine Leisy

312

1 identifications with the type of interpretation
2 that we use. We're measuring, again, how much
3 more likely you are to see the profile given one
4 circumstance versus another.

5 Q Well, what a normal person would believe with
6 certainty -- you can't say for certain, one hundred
7 percent, this is anything according to those tests.
8 You just have likelihoods, correct?

9 A Correct. A likelihood ratio is the type of
10 analysis we perform.

11 Q Thank you.

12 A We can't make an identification as to who the
13 contributor is. We just have a much more
14 likelihood that profile is given one circumstance
15 versus the other.

16 MR. PLEXICO: I don't have anything
17 further.

18 THE COURT: Any redirect?

19 MS. KEENEY: No, Your Honor.

20 THE COURT: All right. Thank you.

21 This witness can be excused. Thank you.

22 MS. KEENEY: Judge, may we approach?

23 THE COURT: Yes.

24 (Bench conference off the record.)

25 THE COURT: Ladies and Gentlemen of the

Testimony of Catherine Leisy

321

1 two birds with one stone.

2 THE COURT: Sure.

3 Madame Solicitor, are there any other things
4 before I send for them?

5 MS. KEENEY: No, Your Honor. I was just
6 going to give the court reporter time to write
7 down the exhibits I was going to enter.

8 THE COURT: Bring the jury back in,
9 please.

10 (Jury enters the courtroom at 2:24 p.m.)

11 THE COURT: All right. Ladies and
12 Gentlemen of the Jury, at this time, we will
13 proceed with the trial.

14 Madame Solicitor.

15 MS. KEENEY: State calls Dr. Kelly Rose.

16 THE CLERK: Do you solemnly swear or
17 affirm to tell the truth, the whole truth, and
18 nothing but the truth, so help you God.

19 THE WITNESS: I do.

20 MS. KEENEY: May it please the Court?

21 THE COURT: Yes.

22 WHEREUPON:

23 KELLY ROSE,

24 after having been sworn, testified as follows:

25 DIRECT EXAMINATION

Testimony of Kelly Rose

322

1 BY MS. KEENEY:

2 Q Can you state your name for the record?

3 A Kelly Rose, R-o-s-e.

4 Q And, Miss Rose, where do you work?

5 A I work at Newberry Pathology Group in
6 Newberry, South Carolina.

7 Q And what's your position there?

8 A I'm the forensic pathologist.

9 Q Okay. And what's a pathologist?

10 A A pathologist is basically a doctor that
11 diagnoses disease. So we typically don't see live
12 patients, but we help your doctor, like when you
13 go to doctor for any checkup, we help him diagnose
14 your disease, and we do that with lab results. We
15 interpret them. We, kind of, you know, set the
16 standard for those. Any tissue that you might get
17 taken off your body, we'll look at and tell your
18 doctor what it is, if it's cancer or not.

19 Q And how long have you been a pathologist?

20 A I have been a pathologist since 2005.

21 Q And what about your education and background?

22 A So I went to the College of Charleston and I
23 got a degree in biology with an emphasis in
24 molecular biology and immunology.

25 I then went to medical school at the

Testimony of Kelly Rose

323

1 Medical University of South Carolina. I started my
2 pathology residency there, and then I transferred to
3 Emory and I finished there, and then I did another
4 additional year of forensic training.

5 Q And do you have to do, like, continuing education
6 or anything to be a pathologist?

7 A Yes, a whole lot. I mean, we have to take a
8 bunch of tests and pass them, even become a
9 doctor. And then you have to take more tests to
10 become a pathologist. And then every year, I have
11 to take a test. And every three months I have to
12 take a test. So I feel like I'm always taking
13 tests.

14 Q And have you testified in court before?

15 A I have.

16 Q Have ever been qualified as an expert before?

17 A Yes.

18 MS. KEENEY: At this time, the State
19 moves to qualify her as an expert in pathology.

20 MR. PLEXICO: I just have one question.

21 VOIR DIRE

22 BY MR. PLEXICO:

23 Q How many times have you testified as an expert
24 before?

25 A Approximately 10.

Testimony of Kelly Rose

324

1 MR. PLEXICO: Okay. I don't have any
2 objection to her qualifications.

3 THE COURT: All right. Thank you.

4 MS. KEENEY: Thank you.

5 BY MS. KEENEY:

6 Q So what is an autopsy?

7 A Okay. An autopsy is a procedure that we
8 perform in order to determine cause of death.
9 I'll just take you through what an autopsy is like
10 so you'll understand it. Bodies will come in to
11 the morgue, and I start and look at them on the
12 outside. I do an external examination. That's
13 what we call it. I look at hair, eyes, teeth. I
14 look for injuries. Any signs of national disease
15 on the body. I do all that on the outside.

16 And then we open the body and we -- I will
17 look at each and every organ system, so the heart, all
18 of the major vessels. When I'm done looking at those
19 in the morgue, I take samples of the tissue and then
20 I'll look at those under the microscope as-needed.
21 And, hopefully, by the end of that, you know what the
22 cause of death is.

23 Q Okay. And did you perform an autopsy on
24 Carolyn Cook date of birth [REDACTED]

25 A I did.

Testimony of Kelly Rose 325

1 Q Okay. Can you tell me about that autopsy and who
2 was present during that autopsy?

3 A I was there, obviously, and then I have
4 autopsy technicians that help assist me in
5 performing autopsies, and then an officer from
6 SLED was there.

7 Q That was Todd.

8 A Todd, uh-huh, Schenk.

9 Q And tell me about that autopsy and what your
10 findings were.

11 A I found that she had been stabbed three
12 times, and they were generally about this area
13 (indicating). And two of them affected her left
14 lung, actually went through her chest into her
15 lung tissue proper, and then one got the pulmonary
16 artery, which is a big artery that comes out of
17 your heart. It takes blood to your lungs to be
18 oxygenated. And one of those stabs, it went to
19 about nine, and she had a large collection of
20 blood in her chest cavity. So she had lost a lot
21 of blood inside her body.

22 Q Okay. I'm going to show you some pictures. Were
23 pictures taken of the autopsy?

24 A Yes, we photograph. We take a lot of
25 pictures in autopsy.

Testimony of Kelly Rose

326

1 (STATE EXH. 47, Photo, was marked for
2 identification.)

3 (STATE EXH. 48, Photo, was marked for
4 identification.)

5 (STATE EXH. 49, Photo, was marked for
6 identification.)

7 (STATE EXH. 50, Photo, was marked for
8 identification.)

9 BY MS. KEENEY:

10 Q I'm going to show you what I've marked as
11 State's Exhibits 47 through 50.

12 MS. KEENEY: May I approach the witness?

13 THE COURT: Yes.

14 BY MS. KEENEY:

15 Q Will you tell me if you recognize these photos?

16 A I do.

17 Q And are those -- what are those photos of?

18 A These are four photos that were taken during
19 the autopsy.

20 Q Okay. And those were pertaining to Carolyn Cook's
21 autopsy?

22 A Yes.

23 Q Those are fair and accurate depictions --

24 A Yes.

25 Q -- of what everything looked like that day?

Testimony of Kelly Rose

327

1 A Yes.

2 MS. KEENEY: At this time, the State
3 moves to admit State's Exhibit Numbers 47 through
4 50 into evidence.

5 THE COURT: Through 50? 47 through 50?

6 MS. KEENEY: Yes, ma'am. Yeah, 47
7 through 50.

8 THE COURT: Any objection to those?

9 MR. PLEXICO: No, Your Honor.

10 THE COURT: Okay.

11 MS. KEENEY: Permission to publish.

12 THE COURT: Yes.

13 (STATE EXH. 47, Photo, was entered into
14 evidence.)

15 (STATE EXH. 48, Photo, was entered into
16 evidence.)

17 (STATE EXH. 49, Photo, was entered into
18 evidence.)

19 (STATE EXH. 50, Photo, was entered into
20 evidence.)

21 BY MS. KEENEY:

22 Q I'm going to put up State's Exhibit Number 47.
23 Can you see from there?

24 A I can.

25 Q And you can stay there. I'll hand it up to you

Testimony of Kelly Rose

328

1 while they look at the screen. And what does 47
2 depict?

3 A That is one of the first photographs that we
4 take during the autopsy, and it's of the bag and
5 how the body was received. We just verified that
6 the person that is scheduled for autopsy is
7 actually the body that is going to be autopsied,
8 and that's what that photograph is.

9 Q So that's how you identify whose body you're
10 looking at?

11 A Yes.

12 Q Now, I'm going to show you what been entered as
13 State's Exhibit 48. What is that a picture of?

14 A This is a photograph of her stab wounds to
15 her chest, and that was taken during autopsy.

16 Q Okay. So that's a picture of the three stab
17 wounds that you're referring to?

18 A Yes.

19 Q Tell me about -- a little more specifically about
20 the those stab wounds. All of them, would they have
21 been fatal, or what was the impact of each one?

22 A Actually, all three of these were potentially
23 fatal. Of course, the combination was fatal.
24 They all hit vital structures, though. So if she
25 suffered just one, maybe she would have lived a

Testimony of Kelly Rose

329

1 little longer but it would have been a fatal
2 wound.

3 Q Oh, thank you. I'm going show you 49. What is
4 that picture of?

5 A That's a picture of Carolyn's forehead that
6 was taken during autopsy showing what we call
7 abrasions. It's when you -- anything rough goes
8 across the skin, it takes off the superficial
9 layer of your skin, kind of like a rug burn.
10 Those are abrasions on her forehead.

11 Q Thank you. And switching over to Exhibit 50. I
12 can take those back from you.

13 A Okay.

14 Q What is that injury of?

15 A That's another abrasion. She had some
16 abrasions on her extremities as well, and that's
17 one near her ankle.

18 Q Okay. And were you able to -- were there any
19 other injuries that you noted?

20 A No.

21 Q Okay. And she had her clothes with her at
22 autopsy, correct?

23 A Yes.

24 Q Was anything of note on her, like did she have any
25 weapons on her?

Testimony of Kelly Rose

330

1 A No.

2 Q Okay. And were you able to determine a cause of
3 death for Carolyn Cook?

4 A I was.

5 Q What was the cause of death?

6 A Exsanguination, which just means you bleed
7 out. So exsanguination, and that was due to
8 perforation of the pulmonary artery, which is that
9 large artery that pumps the blood out of the heart
10 and perforation of the left lung due to stab
11 wounds of the chest.

12 Q Okay. And what was the manner of death?

13 A Homicide.

14 Q Thank you. Now, I want to move on to Bobby Heath,
15 Jr.'s autopsy.

16 (STATE EXH. 53, Body diagram, was marked for
17 identification.)

18 BY MS. KEENEY:

19 Q Well, before I do that, I'm going to show you
20 State's Exhibit Number 53, and ask if you recognize
21 this.

22 A I do.

23 Q What is that?

24 A That is a body diagram that I use during the
25 autopsy to help me document the location of

Testimony of Kelly Rose

331

1 injuries.

2 Q Okay. Is that of Carolyn Cook?

3 A Yes, this is of Carolyn Cook.

4 Q Okay. Is that a fair and accurate depiction of
5 the diagram?

6 A Yes.

7 MS. KEENEY: At this time, the State
8 moves to admit State's 53 into evidence.

9 MR. PLEXICO: No objections, Your Honor.

10 THE COURT: Yes, ma'am.

11 (STATE EXH. 53, Body diagram, was entered
12 into evidence.)

13 MS. KEENEY: And, Your Honor, I couldn't
14 get this up on my PowerPoint, so I'm just going to
15 publish it this way.

16 THE COURT: All right.

17 BY MS. KEENEY:

18 Q These markers right here that say one, two, and
19 three, that shows the stab wound, correct?

20 A Yes.

21 Q Okay. I'm just going to put it over here and the
22 jury can look at it later.

23 (STATE EXH. 51, Identification bag; Heath
24 was marked for identification.)

25 (STATE EXH. 52, Picture of chest; Heath, was

Testimony of Kelly Rose

332

1 marked for identification.)

2 BY MS. KEENEY:

3 Q I'm going to show you what has been marked as
4 State's Exhibit 51 and 52 and ask if you recognize
5 those two.

6 A I do.

7 Q And what are those?

8 A The first one is a picture of the bag that
9 Bobby Heath was received in with an identification
10 tag and that's how we identify him at autopsy.

11 The second one picture is a close-up of his
12 torso right here, his anterior chest area, that shows
13 sutures and a stab wound.

14 Q Okay. And are those fair and accurate depictions
15 of the photos -- or what you saw during the autopsy?

16 A Yes.

17 MS. KEENEY: At this time, the State
18 moves to admit State's Exhibits Number 51 and 52
19 into evidence.

20 THE COURT: Any objection?

21 MR. PLEXICO: No objections, Your
22 Honor.

23 (STATE EXH. 51, Identification bag; Heath
24 was entered into evidence.)

25 (STATE EXH. 52, Picture of chest; Heath, was

Testimony of Kelly Rose

333

1 entered into evidence.)

2 BY MS. KEENEY:

3 Q And did you perform the autopsy of
4 Bobby Heath, Jr. on the same day as Carolyn Cook's
5 autopsy?

6 A I did.

7 Q Okay. And do you have the report in front of
8 you?

9 A I do.

10 Q Can you tell me Bobby Heath, Jr.'s date of
11 birth?

12 A [REDACTED]

13 Q And did Carolyn Cook and Bobby Heath, Jr. have the
14 same date of death?

15 A They did.

16 Q Do you know what that date of death was?

17 A Yes. March 1, 2020.

18 Q Thank you.

19 MS. KEENEY: And permission to publish
20 State's Exhibits 51 and 52.

21 THE COURT: Yes.

22 BY MS. KEENEY:

23 Q And so the picture of 51, that's the
24 identification for Bobby Heath, Jr.

25 A Yes.

Testimony of Kelly Rose

334

1 Q And that's just making sure that you're
2 examination the right body?

3 A Yes.

4 Q And then 52, what is that a picture of?

5 A Of his chest and his stab wound.

6 Q And so I'm going to come here to the board for the
7 screen, can you see my finger?

8 A Yes.

9 Q Is that the stab wound?

10 A Yes, it is.

11 Q Okay.

12 (STATE EXH. 54, Body diagram; Heath, was
13 marked for identification.)

14 BY MS. KEENEY:

15 Q And then finally I'm going to show you State's
16 Exhibit Number 54. Do you recognize that?

17 A I do.

18 Q What is that?

19 A That is the body diagram that I used during
20 Mr. Heath's autopsy to document where his stab
21 wound was.

22 Q Is that a fair and accurate copy of your diagram?

23 A Yes.

24 MS. KEENEY: At this time, the State
25 moves to admit State's Exhibit Number 54 into

Testimony of Kelly Rose

335

1 evidence.

2 THE COURT: Any objection?

3 MR. PLEXICO: No objections, Your Honor.

4 THE COURT: Yes.

5 (STATE EXH. 54, Body diagram; Heath, was
6 entered into evidence.)

7 MS. KEENEY: Permission to publish?

8 THE COURT: Yes.

9 BY MS. KEENEY:

10 Q I'm just going to briefly just show the jury.

11 I'll put it on PowerPoint. That will be in evidence.

12 So with Mr. Bobby Heath, Jr.'s autopsy, you do the
13 same type of procedures like you do with Carolyn Cook
14 and like you do general, correct, start from the
15 outside in?

16 A Yes.

17 Q And what were your findings from his autopsy?

18 A He had just one stab wound, but that stab
19 wound went through his sternum. That's your chest
20 plate. It was through that. It went into his
21 heart. And, as it went into his heart, it severed
22 a coronary artery. And those are the arteries
23 that give people heart attacks. So they're the big
24 arteries that supply blood to the heart itself,
25 and it had gone through that.

Testimony of Kelly Rose

336

1 He also blood in his chest cavity and he had
2 blood around his heart. Your heart is a sack, and we
3 call that the pericardium and it can fill up with
4 blood if the heart itself gets injured, and that is
5 not good for life. The crocodile hunter fellow that
6 got hooked in the heart and died because of the blood
7 around his heart. He also had the blood around his
8 heart.

9 Q So what was the official cause of death?

10 A Official cause of his death was also
11 exsanguination due to perforation of the left
12 anterior descending coronary artery and
13 penetration of the left cardiac ventricle.

14 Q And the manner of death?

15 A Homicide.

16 Q Thank you. And I want to briefly discuss
17 toxicology, and were you -- you took lots of some
18 blood samples and urine samples from both victims,
19 correct?

20 A I did.

21 Q And you didn't personally perform any toxicology
22 result, did you?

23 A No, we transferred them to a laboratory. In
24 this case, I believe that the specimens were
25 transferred to Todd Schenk of SLED.

Testimony of Kelly Rose 337

1 Q Are you aware if any type of analysis was done on
2 the victims?

3 A Yes. They had toxicology run on their
4 blood.

5 Q Okay. Do you know the results? You can start
6 with Carolyn Cook.

7 A Okay. I have a copy of that report. So,
8 yes, I've seen these results.

9 Q And what were her results for toxicology?

10 A She had cocaine, she had some
11 methamphetamine, and some alcohol, and a compound
12 that's formed if you have alcohol and cocaine in
13 your body at the same time.

14 In general, when I have gunshot wounds or
15 stab wounds, I don't -- I don't hold my report for the
16 toxicology results because I've already determined
17 what the cause of death is. So they are not
18 necessarily applicable to the cause of death.

19 Q So they're not really relevant?

20 A Right, they're not. If you get stabbed in
21 the heart, you're going to die regardless of
22 what's in your system.

23 Q Okay. What about Bobby Heath, Jr., what was his
24 toxicology result?

25 A Let's see. He also had some ethanol alcohol,

Testimony of Kelly Rose

338

1 but it was below the legal limit, it looks like.

2 He also had some cocaine and the compound that's
3 formed when you have cocaine and alcohol in your
4 system at the same time.

5 Q Okay. Let me ask you this: Did Carolyn Cook die
6 because she had drugs and alcohol in her system or did
7 she die because of stab wounds?

8 A She died because of stab wounds.

9 Q And so the substances in her system are irrelevant
10 to her cause of death?

11 A Correct. I've seen much higher levels in the
12 autopsies that I've done.

13 Q Okay.

14 A And they actually did not play a role in the
15 death either, so...

16 Q And let me ask you this: Bobby Heath, Jr., did he
17 die because of the substances in his system or did he
18 die because of the stab wound?

19 A He died because of the stab wound to his
20 heart.

21 Q Okay.

22 MS. KEENEY: No further questions.

23 THE COURT: Cross.

24 MR. PLEXICO: Thank you.

25 CROSS-EXAMINATION

Testimony of Kelly Rose

339

1 BY MR. PLEXICO:

2 Q Back to the toxicology report of Carolyn Cook, and
3 her toxicology report is four pages; is that correct?

4 Is yours?

5 A Yes.

6 Q Okay. And the first one is .11 for alcohol
7 ethanol, and that's over the legal limit; is that
8 correct?

9 A Yes. And that was in -- okay, yes.

10 Q Page 1. Is that correct?

11 A Yes.

12 Q And the cocaine rates at a 240, what is it,
13 nanograms per milliliter?

14 A Yes.

15 Q All right. And ethanol cocaine is 210?

16 A Cocaet -- yes.

17 Q Okay. And this metabolite is greater than --
18 1,000?

19 A Benzoylecgonine, yes.

20 Q And the meth was 62; is that right?

21 A Yes, sir.

22 Q All right. If you go to page 3, the threshold for
23 THC -- which is the active ingredient in marijuana; is
24 that correct?

25 A Yes.

Testimony of Kelly Rose

340

1 Q That's at 1. She's at 2.2, right?

2 A No. I don't know what their established
3 threshold is. It varies per labs.

4 Q That's what's written on the paper, isn't it?

5 A Oh, yes, it is.

6 Q It's a 1.

7 A It's a 1.

8 Q She a 2.2, right?

9 A That's what the paper says.

10 Q And then the THC metabolite, the threshold is a 5
11 and she's a 22; is that correct?

12 A Yes.

13 Q All right.

14 A You know, the threshold is the limit they set
15 for it to be considered positive.

16 Q Okay.

17 A Not the limit to be considered toxic.

18 Q I didn't ask if she died of marijuana.

19 A I just thought that was a little confusing.

20 Q It's not.

21 A Okay.

22 Q And what the Diazepam?

23 A I don't see Diazepam. I see Oxazepam and
24 Temazepam. That is a mild sedative, generally.
25 It's a Benzodiazepine, that class.

Testimony of Kelly Rose

341

1 Q What's the Nordiazepam?

2 A Where does it say --

3 Q Or Diazepam.

4 A Okay. I see that is telling me that Diazepam
5 and Nordiazepam is a metabolite, and Nordiazepam
6 is a dynatomy of the metabolite. Basically, while
7 these drugs can be sold separately, they can also
8 be metabolites of each other.

9 Q All right. And they're in the ocular fluid, which
10 is the output; is that correct?

11 A Well, the ocular fluid would be ethanol and
12 ethanol isopropanol.

13 Q The threshold of .01 for ethanol, is it .01?

14 A In the ocular fluid.

15 Q I have a magnifying glass, if you need it.

16 A No, I'm fine. I have my reading glasses.

17 Q Okay.

18 A The benzos are not in the ocular fluid,
19 though.

20 Q I'm looking at ocular fluid. It says ethanol
21 result --

22 A Yes.

23 Q -- .128.

24 A Yes.

25 Q And then it says threshold .01.

Testimony of Kelly Rose

342

- 1 A Yes.
- 2 Q Is that correct?
- 3 A That's correct.
- 4 Q All right. Now, turning to Mr. Heath's toxicology
5 report. Do you have a copy of that?
- 6 A I do. Let me pull it. Okay.
- 7 Q All right. It says on page 1, ethanol .06; is
8 that right?
- 9 A Yes.
- 10 Q All right. And cocaine it says 69?
- 11 A Yes.
- 12 Q And the cocaine metabolite is 64; is that
13 correct?
- 14 A That's the cocaethylene. That's a compound
15 made in the body of alcohol and cocaine. The
16 straight metabolite of cocaine is the
17 benzoylecgonine.
- 18 Q What about the cocaine metabolites at 380
19 nanograms per milliliter?
- 20 A Yes, that's an inactive substance.
- 21 Q All right. And his marijuana threshold is at page
22 3 at the top, the threshold is at 1. He's at 3.1.
- 23 A Yes.
- 24 Q And the THC metabolite is at 6; is that right?
- 25 A Yes.

Testimony of Kelly Rose

343

1 Q Okay. His ocular fluid, it says, is .076; is that
2 correct?

3 A Yes, that's correct.

4 Q All right. Now, does -- the use of cocaine and
5 methamphetamine, does that increase your heart rate
6 and your blood pressure?

7 A Yes.

8 Q Okay. Can it actually give you a heart attack if
9 you take enough of it?

10 A It can.

11 Q Does cocaine cause aggression?

12 A Does cocaine cause a what?

13 Q Can cocaine cause aggression?

14 A Aggressions.

15 Q Does cocaine cause aggression?

16 A In some people, yes, not all people.

17 Q Have you read, or are you aware that cocaine --
18 that there is a Clinical Cocaine and Aggressive
19 Behavior, neurobiological and clinical perspectives
20 fast track irritability, angry effect, aggressive
21 behavior commonly associated with cocaine abuse. They
22 describe neurobiological mechanisms that explain the
23 association with, the recommended guidelines of the
24 assessment and treatment of patients who display
25 cocaine-related aggressive activity. Are you aware of

Testimony of Kelly Rose

344

1 any articles like that in your studies?

2 A I am. But I'm also aware of the mechanisms
3 of cocaine in general. It does not produce
4 aggression in everyone.

5 Q Do you have any idea about the effect of cocaine,
6 marijuana and alcohol would have had on Bobby Heath,
7 Jr.?

8 A I could speculate, but I'm not --

9 Q It wouldn't have been good, would it?

10 A Most of the people that I deal with have
11 already passed away, so I am -- that would be a
12 question better asked of maybe a substance abuse
13 counselor or a psychiatrist or a law enforcement
14 officer.

15 Q Well, let me ask you this: Would the meth, the
16 cocaine, the alcohol, and the pot in Carolyn Cook's --
17 that Carolyn Cook had for breakfast, would that have
18 led possibly to aggression behaviors on her part?

19 MS. KEENEY: Judge, I'm going to object
20 to the question and the comments about "had for
21 breakfast" when Mr. Plexico has no idea when these
22 substance were taken.

23 MR. PLEXICO: This happened before noon.
24 She's got it in the morning.

25 THE COURT: Let's rephrase the question,

Testimony of Kelly Rose

345

1 Mr. Plexico.

2 MR. PLEXICO: Okay.

3 BY MR. PLEXICO:

4 Q The methamphetamine, the marijuana -- the
5 combination of the meth the marijuana, okay, the
6 cocaine, all right, and the alcohol, do you have any
7 idea what kind of an effect that would have had on
8 Carolyn Cook?

9 A I have no idea what kind of effect it would
10 have had on her in particular no, I don't.

11 Q Could it have made her aggressive?

12 A Potentially.

13 Q Could it have given her -- made her stronger than
14 she normally would have been?

15 A I don't feel comfortable speaking to that.
16 That's not my --

17 Q Not in your area of expertise?

18 A Correct.

19 MR. PLEXICO: I don't have any further --

20 BY MR. PLEXICO:

21 Q Oh, are these the reports that you read from?

22 MR. PLEXICO: May say approach the
23 witness?

24 THE COURT: Yes.

25 BY MR. PLEXICO:

Testimony of Kelly Rose

346

1 Q This is for Carolyn Cook. This is the one you
2 answered my questions with?

3 A Yes.

4 Q And this is for Bobby Heath, Jr. This is the
5 toxicology report, as this was a toxicology report.
6 Is that the one you used for Bobby Heath to answer my
7 questions?

8 A Yes, sir.

9 Q Okay.

10 MR. PLEXICO: Could I have these marked
11 as a court's exhibit?

12 THE COURT: You can mark them 4 and 5.

13 (COURT EXH. 4, Toxicology report; Cook, was
14 marked for identification.)

15 (COURT EXH. 5, Toxicology report; Heath, was
16 marked for identification.)

17 MR. PLEXICO: Just one minute, Your
18 Honor.

19 I have no further questions.

20 THE COURT: Redirect.

21 MS. KEENEY: Briefly.

22 REDIRECT EXAMINATION

23 BY MS. KEENEY:

24 Q When you were talking about thresholds, the
25 threshold level -- I think you were trying to explain

Testimony of Kelly Rose 347

1 that that doesn't mean they're intoxicated. That just
2 if it's present, correct?

3 A Correct. They have to calibrate the
4 machines, the toxicology machines. And like every
5 laboratory instrument, they have to set a level
6 that is considered positive. Because there's so
7 much variability in humans, that it's not --
8 there's more -- there's a little interpretation
9 there as to what, okay, this level is going to be
10 considered positive because maybe it was
11 secondhand smoke, or maybe they didn't take the
12 drug themselves. So that's what the threshold
13 means.

14 Q And you obviously weren't at Oakland Apartments in
15 Allendale on March 1, 2020, were you?

16 A No.

17 Q So you have no idea how Carolyn Cook or
18 Bobby Heath, Jr. were acting that day?

19 A I have no idea.

20 Q And you have no idea how the defendant was acting
21 that day, do you?

22 A I have no idea.

23 Q And remind me again, the manner of death for
24 victims for both victims?

25 A Homicide.

Testimony of Kelly Rose

348

1 MS. KEENEY: Thank you. No further
2 questions.

3 THE COURT: This witness may be excused.
4 Thank you.

5 MS. KEENEY: Your Honor, at this time the
6 State rests.

7 THE COURT: Thank you. At this time,
8 Let's give the jury a little bit of a break.
9 Please remove the jury and take the jury to the
10 jury room.

11 (Jury exits the courtroom at 2:56 p.m.)

12 THE COURT: Okay. Any motions?

13 MR. PLEXICO: Yes, Your Honor. I move
14 for a directed verdict of not guilty on the two
15 charges of murder. Your Honor, on 2020-GS-03-22
16 and 23. I don't think they've put forward a case
17 that would, in fact, justify sending the case to
18 the jury, Your Honor. Obviously, these are people
19 who are under the influence of intoxicants, and I
20 don't think there is any telling on exactly what
21 happened. We would move to dismiss that.

22 If those are granted, a direct verdict of
23 not guilty, then there would be no violent crime
24 upon which anyone could base a conviction on
25 possession of a weapon during a violent crime

Testimony of Paulette Sims
bring the jury back in.

356

(Jury enter the courtroom at 3:05 p.m.)

THE COURT: Ladies and Gentlemen of the
Jury, we will now proceed with the trial.

MR. PLEXICO: The defense now calls
Paulette Sims.

THE COURT: I swore her in, but let's
swear her in in front of the jury.

MR. PLEXICO: Yes, in front the jury.

THE CLERK: Do you solemnly swear or
affirm to tell the truth, the whole truth, and
nothing but the truth so help you God?

THE WITNESS: I do.

MR. PLEXICO: May it please the Court?

WHEREUPON:

PAULETTE SIMS,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PLEXICO:

Q Can you reach the microphone?

A Yeah.

Q You want to pull your chair up a little bit?

A (Complies.)

Q Thank you.

All right, what's your name?

1 A Paulette Sims.

2 MR. PLEXICO: Could you inquire if the
3 jurors could hear her, Judge?

4 THE COURT: Can you all hear her?

5 JURY PANEL: Yes.

6 BY MR. PLEXICO:

7 Q ALL RIGHT. What do you do?

8 A I'm a single mother of three children.

9 Q How old are your babies?

10 A Eleven, 10, and six.

11 Q How old are you?

12 A Thirty.

13 Q Where do you plan to go when this is over?

14 A Straight home to my three children.

15 Q On the date in question in March of 2020, what
16 were you doing?

17 A I was cooking.

18 Q What were you cooking?

19 A I was cooking pasta.

20 Q At what stage in the preparation were you?

21 A I was making my special spaghetti sauce.

22 Q How do your children like your special spaghetti
23 sauce?

24 A They love it.

25 Q At what point were you in making the sauce?

Testimony of Paulette Sims

358

- 1 A I was cutting onions.
- 2 Q Did you hear anything?
- 3 A I heard a knock at the door.
- 4 Q Did you answer the door?
- 5 A Yes.
- 6 Q Who was outside?
- 7 A BB was outside.
- 8 Q And is BB Gerald Penn?
- 9 A Yes.
- 10 Q How do you know BB?
- 11 A He tried to hook up. He tried to get with
- 12 me.
- 13 Q Tried to get you to have sex with him?
- 14 A Yes.
- 15 Q Okay. What was your response?
- 16 A Not interested at all.
- 17 Q Who does Gerald Penn live with?
- 18 A He lives with Bobby Heath, Jr.
- 19 Q And Carolyn Cook?
- 20 A Carolyn.
- 21 Q Did he have anything in his hand?
- 22 A He had a beer in his hand.
- 23 Q How did he appear to you?
- 24 A Like drunk.
- 25 Q What time was it?

Testimony of Paulette Sims

359

- 1 A It was around, like, 12:00 o'clock, noon.
- 2 Q So he was drunk around noon?
- 3 A Yeah.
- 4 Q He looked drunk at noon?
- 5 A Yes.
- 6 Q All right. What happened?
- 7 A Me and him got into a verbal altercation,
- 8 arguing.
- 9 Q Were you telling him to leave? Stay away from
- 10 your house and leave you and the children alone?
- 11 A Yes.
- 12 Q What happened next?
- 13 A He was so drunk, he fell.
- 14 Q What did you do?
- 15 A Well, I tried to help him up.
- 16 Q Then what happened?
- 17 A I was trying to help him up. Carolyn came
- 18 behind me and was hitting me in the back of my
- 19 head.
- 20 Q What did she hit you with?
- 21 A Her fist.
- 22 Q How many times?
- 23 A Like four or five times.
- 24 Q How hard did Carolyn Cook hit you?
- 25 A It was real hard.

Testimony of Paulette Sims

360

1 Q How did the hits to the back of your head affect
2 you?

3 A I was startled.

4 Q How did your head feel?

5 A It hurt.

6 Q How bad did it hurt?

7 A It hurt real bad.

8 Q What did you do next?

9 A I turned around.

10 Q What did you see?

11 A I saw Bobby Heath, Jr. coming at me with a
12 knife.

13 Q What was Carolyn Cook doing?

14 A She was swinging at me, hitting me.

15 Q She was still hitting you and swinging?

16 A Yeah.

17 Q What did you think was going to happen?

18 A Bobby Heath coming at me with a knife and she
19 was hitting me. I thought maybe they was going to
20 try to kill me.

21 Q What was Bobby Heath, saying?

22 A I don't remember what he was saying.

23 Q What was his facial expression?

24 A He was -- he looked high and angry,
25 threatening.

Testimony of Paulette Sims

361

- 1 Q How close was Bobby Heath to you by now?
- 2 A He was within arm's reach.
- 3 Q What was he doing with the knife?
- 4 A It was jabbing the knife at me.
- 5 Q He was walking up doing this (indicating)?
- 6 A Yes.
- 7 Q How did you feel?
- 8 A I was scared.
- 9 Q Scared for what?
- 10 A Scared for my life.
- 11 Q What was going through your mind, Paulette?
- 12 A Who going to take care of my kids.
- 13 Q Your three little children?
- 14 A Yes.
- 15 Q You were concerned about who was going to take
- 16 care of your three children?
- 17 A Yes.
- 18 Q If you were gone?
- 19 A Yes.
- 20 Q How did you react to the attack?
- 21 A I just got the knife and I hit Carolyn.
- 22 Q What were you trying to do when you swung the
- 23 knife?
- 24 A I was trying to defend myself.
- 25 Q Then what did you do? Was Bobby Heath still

Testimony of Paulette Sims

362

- 1 there?
- 2 A Yes.
- 3 Q Then what did you do?
- 4 A I swung the knife and I hit Bobby.
- 5 Q What was Carolyn Cook doing?
- 6 A She was still trying to hit me.
- 7 Q What did you do next?
- 8 A I swung the knife at her.
- 9 Q What were you trying to do?
- 10 A I was trying to defend myself.
- 11 Q What happened next?
- 12 A I don't remember what happened.
- 13 Q What happened? Why don't you remember?
- 14 A It was like I blacked out.
- 15 Q Were you emotionally overwhelmed?
- 16 A Yes, I was.
- 17 Q Were you -- how high was your level of fear?
- 18 A It was high.
- 19 Q Did you mean to cause harm to anybody that day?
- 20 A No.
- 21 Q How do you feel about what happened to Bobby and
- 22 Carolyn Cook?
- 23 A Bad.
- 24 Q Did it happen suddenly?
- 25 A Yes.

1 Q Were you suddenly attacked?

2 A Yes, sir.

3 Q Answer any questions that the solicitor has.

4 CROSS-EXAMINATION

5 BY MS. KEENEY:

6 Q I think you might have skipped a part. How did
7 you get the knife?

8 A I was cutting onions.

9 Q You were cutting onions?

10 A Yes.

11 Q And this altercation took place in the parking lot
12 of this apartment complex, correct?

13 A Yes.

14 Q So you brought the night out with you?

15 A Yes.

16 Q Okay. So you brought this knife out with you,
17 correct? The knife that's in this box, the one that
18 was bent?

19 A Yes.

20 Q And what type of knife did Bobby Heath have?

21 A It was a knife.

22 Q What kind of knife? What did it look like?

23 A It had a blade to it.

24 Q Was it bigger than the knife you had, or was it a
25 pocket knife, was it a kitchen knife? What was it?

Testimony of Paulette Sims

364

1 A It was a pocket knife. It was a knife.

2 Q Okay. You didn't mention on direct that you
3 brought a knife out into the parking lot with you, did
4 you? Did you forget that part.

5 A I didn't forget it. I came out with the
6 knife.

7 Q Okay. So you're standing in the parking lot with
8 the knife. But you said that BB came to your door,
9 you were inside, correct?

10 A Yes.

11 Q Why did you go outside?

12 A Because I heard a knock at the door and he
13 was out there.

14 Q You are heard a knock at the door. He was out
15 there. I think you testified, correct me if I'm
16 wrong, that BB asked if you wanted to have sex,
17 correct?

18 A Not at that moment.

19 Q Oh, not at that point?

20 A No.

21 Q Why did you go outside?

22 A Because he was out there. He was talking to
23 me.

24 Q So you go outside your apartment with a knife in
25 your hand to go have a conversation with BB?

1 A I want him to leave me alone. Like, why you
2 knocking on my door.

3 Q Okay. So someone knocks on your door, in
4 response, you take a knife out into the parking lot
5 with you to say, leave me alone, with a knife? That's
6 your response to someone knocking on your door?

7 A No, it just came with me.

8 Q I'm sorry. I couldn't hear you?

9 A It just came -- the knife just came with me.
10 I had it in my hand.

11 Q The knife just happened to be in your hand,
12 correct?

13 A Yeah.

14 Q That makes sense.

15 Your children were inside, correct?

16 A Yes.

17 Q And they were inside when you were stabbing
18 Carolyn, correct?

19 A Yes.

20 Q And you've seen the video in this case, correct?

21 A Yes.

22 Q You've seen Officer Linder's in-car camera,
23 correct?

24 A Yes.

25 Q Okay. So when Officer Linder pulls up and has an

Testimony of Paulette Sims

366

1 in-car camera and you see a black female over a white
2 female body going like this (indicating) over and over
3 again, that's you. You're black female over the white
4 female, correct?

5 A Yes.

6 Q That's you. And that's Carolyn Cook's body on the
7 ground that you're standing over making stabbing
8 motions over and over again, correct?

9 A It looks like me on the video.

10 Q It looks like you. You're not really sure if it's
11 you or not?

12 A I mean, I blacked out.

13 Q Okay. Was anyone else stabbing Carolyn Cook that
14 day or just you?

15 A No.

16 Q So it's safe to say that's you over Carolyn Cook's
17 body going like this (indicating) over and over again,
18 correct?

19 A Yes.

20 Q Okay. And then you've also seen Officer Linder's
21 body camera, correct?

22 A I seen the video, yes.

23 Q Okay. I'll pull it back up for you just so we can
24 refresh your memory.

25 I'm going to put in State's Exhibit 9 to

1 refresh your memory about it since your memory is
2 not too good about it.

3 (Video played.)

4 BY MS. KEENEY:

5 Q Did this female right here with the colored pants
6 and blue shirt, black female, that's you, correct?

7 A Yes.

8 Q And this is Carolyn Cook, correct?

9 A Yes.

10 Q Okay. Well, when you just watched that, did you
11 notice Carolyn Cook wasn't moving when you were
12 attacking her?

13 A Yes.

14 Q Okay. Yet you continued to attack her, correct?

15 A Yes.

16 Q Okay. And you noticed the police showed up,
17 correct?

18 A The police was already outside.

19 Q I'm sorry. I couldn't hear you.

20 A The police were right there.

21 Q With the body camera on filming you?

22 A Yeah.

23 Q So you notice the police are there, correct?

24 A Yes.

25 Q And he's got his taser out, correct?

Testimony of Paulette Sims

368

1 A Yes.

2 Q And he is attempting to tase you, correct?

3 A Yes.

4 Q And one of the taser prongs does hit you,
5 correct?

6 A Yes.

7 Q Yet, you're still attacking Carolyn Cook,
8 correct?

9 A Yes.

10 Q Even though the police are there. They're there
11 to save the day, helping you from being attacked from
12 all these people, you are still fighting a dead
13 person, correct?

14 A It seems that way.

15 Q It seems that way, okay. And so what you're
16 saying is, BB, Carolyn Cook, Bobby Heath, Bobby Heath
17 has a knife, you overpowered all these people and
18 stabbed and killed two people, correct, that's what
19 you're saying?

20 A I stabbed two people, yes.

21 Q You killed them, correct? You killed Bobby,
22 correct?

23 A Yes.

24 Q You killed Carolyn, correct?

25 A Yes.

1 Q And you stabbed them to death, correct?

2 A Yes.

3 Q And you go to the hospital, correct?

4 A I don't remember.

5 Q You don't remember your hospital visit after you
6 were arrested?

7 A No.

8 Q So your memory is really not too good from that
9 day, is it?

10 A No.

11 Q And so you don't remember being in and out of the
12 hospital within 30 minutes, correct?

13 A No.

14 Q Okay. Do you remember being at the jail and the
15 SLED officer, Todd Schenk, taking photos of you? Do
16 you remember that?

17 A I seen the pictures, but I don't remember a
18 lot from that today.

19 Q You've seen the photos, correct?

20 A Yeah.

21 Q Let me pull out the PowerPoint. They're on there.
22 You didn't really hardly have any injuries, did you?

23 A No.

24 Q You didn't really have any injuries. You
25 definitely didn't have any stab wounds, did you?

Testimony of Paulette Sims

370

1 A No.

2 Q No. And, in fact -- so all BB did was ask to have
3 sex to you and you said no, correct?

4 A He asked me that.

5 Q He just asked you to have sex and in response you
6 go outside with a knife, correct?

7 A That wasn't that day. He didn't ask for sex.

8 Q Oh, he didn't even ask you for sex that day.

9 MR. PLEXICO: That's asked and answered.
10 This borders on harassment.

11 MS. KEENEY: I was just trying to figure
12 out how it was relevant. So he didn't ask for sex
13 that day.

14 Beg the Court's indulgence.

15 BY MS. KEENEY:

16 Q Solomon McCormick is your ex-boyfriend, correct?

17 A Yes.

18 Q Okay. And when you watched this body cam, did you
19 notice what name you were yelling out loud?

20 A What name did I yell?

21 Q I'll play it for you.

22 (Video played.)

23 MR. PLEXICO: Your Honor, he didn't come
24 here to testify. She testified that she blacked
25 out.

Testimony of Paulette Sims

371

1 MS. KEENEY: She didn't remember. I'm
2 refreshing her memory with the video.

3 MR. PLEXICO: She said she blacked out
4 and she doesn't know what happened; therefore, she
5 has no memory about what she's asking her about.

6 THE COURT: You have the moment where the
7 name was called?

8 MS. KEENEY: It is within first -- I
9 believe it's around about here.

10 THE COURT: I'll allow her to play it.
11 I'll allow her to refresh with that.

12 MS. KEENEY: Okay. I'm not trying to
13 intentionally play any more than you're allowing
14 me. I'm just trying to find the spot.

15 MR. PLEXICO: Can she step out and find
16 the spot, Judge? Can she step out and find the
17 spot?

18 MS. KEENEY: I have no problem doing
19 that.

20 THE COURT: Is it attached remotely.
21 Will it still play in here?

22 MS. KEENEY: It will not. It's not
23 connected. Oh, it is connected. Thank you.

24 THE COURT: Thank you.

25 (Off the record.)

Testimony of Paulette Sims

372

1 MS. KEENEY: I apologize. I found it.

2 BY MS. KEENEY:

3 Q So Solomon McCormick was your ex-boyfriend?

4 A Correct.

5 Q He was not present that day, was he?

6 A No.

7 Q Was that a no?

8 A No.

9 (Video played.)

10 MR. PLEXICO: Your Honor, this isn't what
11 you told her to play.

12 BY MS. KEENEY:

13 Q Did you hear yourself say, "Solomon, stop for
14 real?"

15 A No.

16 (Video played.)

17 THE WITNESS: Okay, yes.

18 BY MS. KEENEY:

19 Q What did Solomon have to do with it if he wasn't
20 even there?

21 A I don't know.

22 Q You don't know? Your memory is not too good from
23 that day, is it?

24 A No.

25 Q But you do remember stabbing Carolyn and Bobby to

1 death, correct?

2 A No, not to death. I just remember stabbing
3 them.

4 Q You remember stabbing them, correct?

5 A Yes.

6 Q Okay.

7 MS. KEENEY: No further questions.

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MR. PLEXICO:

11 Q Until you blacked out, do you remember everything
12 before that?

13 A Yes.

14 Q All right. And were -- aren't -- Bobby Heath and
15 Carolyn Cook aren't they much bigger than you?

16 A Yes.

17 Q Each one is much bigger than you?

18 A Yes.

19 Q And together they're a huge force against you,
20 correct?

21 A Yes.

22 Q And one is armed. Did you have injuries to your
23 head?

24 A Yes.

25 Q You had a big bruise on your head from being

Testimony of Paulette Sims

374

1 beaten on your head?

2 A Yes.

3 Q In addition to the injuries to the back of your
4 head?

5 MS. KEENEY: Objection; leading.

6 BY MR. PLEXICO:

7 Q Were there injuries to the back of your head,
8 too?

9 A Yes.

10 MR. PLEXICO: Court's indulgence.

11 I don't have any more questions.

12 THE COURT: Recross.

13 MS. KEENEY: Just one.

14 REXCROSS-EXAMINATION

15 BY MS. KEENEY:

16 Q So it was three of them against one of you,
17 correct?

18 A Yes.

19 Q And they are so much bigger than you, correct?

20 A Yes.

21 Q Yet you're alive and you killed two of them,
22 correct?

23 A Yes.

24 Q And you've had really not many injuries,
25 correct?

1 A Yes.

2 MS. KEENEY: Thank you. No further
3 questions.

4 MR. PLEXICO: May I, Your Honor?

5 REDIRECT EXAMINATION

6 BY MR. PLEXICO:

7 Q Bobby Heath and Carolyn Cook were the only one who
8 attacked you, correct?

9 A Yes.

10 Q Gerald Penn never attacked you.

11 A No.

12 Q Is that correct?

13 A Yes.

14 Q All right. So it wasn't three. It was actually
15 two, correct, who attacked you?

16 A Yes.

17 MR. PLEXICO: Okay. I don't have any
18 questions.

19 THE COURT: This witness may be
20 excused.

21 MR. PLEXICO: The defense would rest at
22 this point, Your Honor.

23 THE COURT: Thank you, sir.

24 All right. Remove the jury from the
25 courtroom, please.

1 statements. They are not evidence in the case.
2 Obviously, the lawyers will be arguing the
3 evidence in the light most favorable to their
4 positions, but it is not evidence. You've already
5 heard all of the evidence. The testimony and the
6 exhibits are where you will make your decision.

7 However, please pay very close to their
8 arguments. And once they have completed it, I
9 will instruct you on the law, and then it will be
10 in your hands for deliberation.

11 Madame Solicitor.

12 MS. KEENEY: May it please the Court?

13 CLOSING ARGUMENTS

14 MS. KEENEY: In the words of
15 April Bostick, two innocent people died that day
16 for no reason. Now, there is no doubt about who
17 killed Carolyn Cook and Bobby Heath, Jr. The
18 defendant Paulette Sims, or Ashley, she sat in the
19 courtroom and got up on that witness stand and
20 told us she's the killer. So the only question
21 is: Was she justified in killing them? Did she
22 act in self-defense? That is the only question.

23 So let's look at the evidence. What did
24 you hear? We started off with the 911 calls. You
25 heard two 911 calls, and you hear April Bostick

1 call 911 and you can hear in the background, she
2 said, that girl acting retarded, and then she says
3 to the 911 operator, she stabbed, Ashley stabbed
4 the white woman in the chest. Then you hear
5 another 911 call. She said, Ashley stabbed her.
6 That girl's dead. That girl's dead. That girl's
7 dead.

8 We know that the 911 call came in at
9 11:53 and Officer Linder gets there seven minutes
10 later at twelve o'clock. So at 11:53,
11 Carolyn Cook has already been stabbed, and the
12 witnesses who were calling 911 are saying, she's
13 dead, she's dead. She's not moving. Yet, seven
14 minutes later when Linder gets there, what do we
15 see?

16 That takes us to his body camera and his
17 in-car camera. But I want you to think about
18 this, too. What do you not hear on those 911
19 calls? What do you not hear? You don't hear the
20 witnesses saying Paulette the victim. Paulette
21 being attacked. You don't hear anything about the
22 white woman or Bobby Heath attacking Paulette.
23 That's not what they're saying. They're saying,
24 she's the attacker.

25 So what do we see when we get to

1 Officer Linder's in-car camera. He's rolling up
2 at the apartment complex and you see the defendant
3 standing or hovering over Carolyn Cook with the
4 knife in her hand going like this (indicating)
5 over and over and over again. And what do you see
6 Carolyn Cook do? Nothing. She's not moving.
7 She's doing nothing.

8 So when officer Linder gets out of his
9 car, what do you hear the crowd yell? If you need
10 to look at the videos again, you're welcome to.
11 You can just send a note and say you need to look
12 over another piece of evidence.

13 What do you hear on his body cam? You
14 hear the residents of this apartment complex
15 begging Officer Linder to shoot her. They are
16 yelling, shoot her. Think about that. They are
17 asking the cop to kill her because they're so
18 scared about what she's doing.

19 You see Officer Linder yell at the
20 defendant and say, stop, put your hands up, stop,
21 stop, stop, stop. And what did you see the
22 defendant do? She refuses to stop. She is not
23 done with Carolyn Cook. She is repeatedly hitting
24 her to the point where the police are trying to
25 tase her. She still doesn't stop. She's kicking

1 Carolyn in the head because she's not done yet.

2 She's getting up after being tased and still

3 trying to fight.

4 And listen to what says in the body

5 camera. What is she yelling? She's yelling about

6 Solomon. Solomon, stop it. Solomon, stop it.

7 Solomon is her ex-boyfriend that's not even there.

8 He's not even a part of any of this. She's

9 yelling, I got my three, I got my three. I don't

10 know what means to be honest, but then she starts

11 yelling about God, Jesus, and the holly spirit and

12 then she's going F you all, F you all, F all of

13 you all. That is what she's yelling.

14 Notice what she's not yelling. She's not

15 yelling they attacked me, they attacked me. I'm

16 the victim. I'm the victim. She's not yelling

17 any of that.

18 Now, Officer Linder told you that she's

19 pretty immediately arrested once they get her in

20 handcuffs and shackled, she's taken into the

21 police car and she's taken to the Allendale

22 hospital, and she -- just because she's been

23 tased, the jail doesn't want to take her in until

24 she's been medically cleared, and Linder says

25 they're in the Allendale hospital about 30

1 minutes. And he says she didn't have any real
2 injuries. It's clear, if they were only at the
3 hospital for 30 minutes, she had no real injuries.
4 You know, everyone in their own experience knows,
5 if they have something really wrong with them or
6 they have to get scanned or anything, they're
7 going to be at the hospital a lot longer than 30
8 minutes.

9 And if she did have any type of little
10 scrape on her body, it's from what you saw in that
11 video when the officer was trying to get her off
12 of Carolyn Cook and she's not cooperating with law
13 enforcement. That's where her injuries came from
14 and from fighting Carolyn.

15 Now, you heard from Gerald Penn, Jr.
16 They called him BB. He lived with Bobby and
17 Carolyn, and he told you what happened that day.
18 He told you that he sees the defendant dive into
19 the road acting weird, doing weird things and he's
20 like, hey, girl, you need to get out of the road,
21 you're going to get ran over by a car and a pretty
22 reasonable response for BB, like, hey, get out of
23 the road. And this just sends her in a rage.
24 Maybe because April Bostick had just told her to
25 get out and, you know, she was saying why are

1 doing this in front of your kids.

2 So this pisses her off and she goes and
3 she starts beating on BB. And then he pushes her
4 off of him, which is a very reasonable response if
5 someone is beating on you, and she goes back into
6 the apartment, grabs the knife, comes back out,
7 and she is going to try to kill BB. That is what
8 BB says, that she was trying to kill him with that
9 knife and he tripped on the speed bump and it,
10 kind of, throws her off and his buddy throws the
11 beer can at her so that BB doesn't get stabbed.
12 And Carolyn comes out to try to be a good friend,
13 a good roommate, to try to deescalate the
14 situation. But where does that get Carolyn? That
15 get's Carolyn stabbed in the chest.

16 And then Bobby, according to BB, sees
17 what's happened to his girlfriend or his wife, and
18 Bobby come out -- BB says that Bobby had a pocket
19 knife. But guess what? Bobby just witnessed the
20 defendant try to attack BB with a knife and then
21 stab his girlfriend in the chest. If he brought
22 out a pocket knife, he had every right to. He's
23 defending others. He's defending himself. He's
24 making sure no one else got stabbed.

25 So Bobby comes over and what does the

1 defendant do? Stabs him right in the chest.

2 Bobby kind of goes off back to his apartment,
3 slouches down by his apartment door.

4 And guess what she does, even if Carolyn
5 Cook is laying there bleeding out, she's not done
6 with Carolyn Cook. She goes back, according to
7 BB, and she just goes to town on Carolyn Cook to
8 the point where she bends the knife.

9 Now, BB also told you that Carolyn and
10 Bobby, they didn't do anything. They didn't
11 attack her. She was the one doing the attacking.

12 Now, you heard from April Bostick who is
13 one of the 911 callers. She also lives at the
14 apartment complex. She saw the whole thing and
15 confirms a lot of what BB says. She says, she saw
16 the defendant laying in the road and she goes up
17 to her and she's like, why are you laying in the
18 road? Your kids are watching what you're doing.
19 Like, stop doing that. Get up. And she won't
20 listen.

21 And then April sees BB go over to her and
22 say, hey, get up out of the road. And, at that
23 point, April sees the defendant attack BB. And
24 then she sees the defendant go back into her
25 apartment, grab the knife, and comes back out to

1 try to attack BB once again.

2 And then she sees Carolyn intervene to
3 try to help BB, and then Carolyn gets stabbed in
4 the chest. Then she sees Bobby try to come help
5 Carolyn, and then the defendant stabs Bobby in the
6 chest.

7 What does April Bostick say? She says
8 that Carolyn and Bobby did nothing to provoke this
9 attack, that the only person that was the
10 aggressor was the defendant.

11 And what does she say, she said at one
12 point when she goes back -- after she's already
13 stabbed Carolyn, after she's already stabbed
14 Bobby, she goes back to Carolyn's body and starts
15 stabbing her all over again. And then what does
16 she do? She puts her finger in the wounds of
17 Carolyn. And if you look at that in-car video
18 when Officer Linder is rolling up, you can see it.
19 At the very beginning when you actually see
20 Paulette Sims and Carolyn Cook, you can see when
21 Paulette throws the knife, she's taking her
22 fingers and digging in because she wasn't done
23 with Carolyn Cook.

24 You heard from Chandre Grant. She told
25 you she didn't see the very beginning, but what

1 she did see was Bobby crouching over Carolyn,
2 Carolyn was laying on the ground, and then she saw
3 the defendant with a knife in her hand run towards
4 Bobby. What does Chandre say, I said, run, Bobby,
5 run, and I ran too because I didn't want to get
6 stabbed. The next thing she knows, she sees
7 Bobby, kind of, slumped over on his porch clearly
8 injured. And then she sees the defendant go back
9 to Carolyn Cook's body who's laying there and just
10 stabbing Carolyn Cook all over again. What does
11 she say? She concluded and she said, the only
12 person doing any attacking was the defendant.
13 Bobby and Carolyn weren't attacking anyone. She
14 was the one.

15 Now, I'm briefly going to talk about law
16 enforcement that processed the crime scene, the
17 DNA, because, honestly, I have to prove to you
18 that she's the one that did it, right? I didn't
19 know she was going to tell you that she did it, so
20 that was just my way of saying, they collected the
21 evidence, they send it to the laboratory, and
22 just, kind of, explain the DNA. But you know
23 what, it doesn't really matter now because she
24 told you she did it. She told you that she
25 committed -- she's just saying that it was

1 self-defense.

2 You heard from the pathologist, Dr. Rose,
3 who did the autopsy, and she told you that
4 Carolyn Cook died from three stab wounds to the
5 chest, and Bobby had one stab wound to the chest
6 which caused his death, too.

7 Now, there was a lot of talk about the
8 drugs in their system. And the truth is, the
9 drugs in their system did not -- that's not the
10 reason that they died. They died because she took
11 a knife and stabbed them to death.

12 The pathologist told you that she wasn't
13 there that day. That some people, yeah, if
14 they're on drugs -- I mean, it's common sense.
15 Some people can act aggressive if they're on
16 drugs. Other people -- not everybody. Not every
17 time that every person does a drug, they're
18 aggressive. The pathologist wasn't there that
19 day. She doesn't know how Carolyn and Bobby were
20 acting. She certainly didn't know how the
21 defendant was acting.

22 So let's talk about the law in this case.
23 The judge is going to tell you about the charges
24 and she's going to explain what these charges are,
25 but you're going to hear that the defendant is

1 charged with two counts of murder, one for
2 Carolyn, one for Bobby, and possession of a weapon
3 during the commission of a violent crime. And
4 murder is just basically intentionally killing
5 someone with malice aforethought. And malice just
6 basically means ill will, hatred. It's really
7 that simple.

8 The judge is going to tell you that
9 malice isn't like a premeditated thing. It's not
10 something that you have to think about for hours
11 or minutes. It can be formed in a second. It can
12 be formed right when the act is done.

13 And so what I submit to you, Ladies and
14 Gentlemen, is that when you look at this knife,
15 and you look at the pictures, and you look how
16 bent it is and how broken it is, this is the best
17 picture of malice I can show you. She wanted to
18 kill them so bad that she broke a knife.

19 Malice is going back into her apartment
20 and getting a knife and coming back out to kill
21 these people. That's malice. Malice, that body
22 cam footage that you saw, how she was acting, that
23 is hatred. That is malice.

24 With respect to the weapons charge, if
25 you find her -- if you find that she's guilty of

1 murder, then all you have to decide is, did she
2 possess a weapon during the commission of a
3 murder. So did she have the knife during the
4 commission of the murder, then you find her
5 guilty.

6 So like I said, you know exactly who
7 killed Bobby and Carolyn. There's no doubt about
8 that. The question becomes: Do you buy the story
9 that she's trying to sell you? So the judge is
10 going to tell you about credibility. And what
11 that means is, you get to decide which witnesses
12 you find credible. And credible means believable.
13 Who do you believe?

14 So let's talk about what she told you.
15 Let's talk about her story. So she tells you she
16 was inside her apartment and she was making pasta,
17 and she gets a knock on the door and it's BB and
18 he wants to have -- and he wants to have sex with
19 her. But then, later, the story changes. The
20 story changes to, oh, no, no, no. He didn't want
21 to have sex that day. That's not what he wanted
22 that day. So that changes.

23 Then she later testifies that she saw BB
24 had a beer in his hand and he fell and so she went
25 outside to go help him. So she went into the

1 parking lot to help him. At that point in time,
2 Carolyn came up to her and started attacking her.
3 And then the next thing she knows, Bobby comes to
4 her with a knife and she thought she was in fear
5 for her life, she was so scared, so she stabbed
6 him. Doesn't really clarify who she stabbed
7 first. Doesn't really know if Bobby had a regular
8 knife, a pocket knife. Can't really give you any
9 of those details. And that was pretty much the
10 end of her testimony when her attorney was asking
11 the questions.

12 So when I asked the questions, I asked
13 the most obvious question first and foremost,
14 well, I think we skipped a part. How did you get
15 a knife in her hand? You were just talking about
16 making pasta and then seeing BB fall and then you
17 come out to the parking lot, and then you just
18 stabbed him. I missed the part where she had a
19 knife in her hand. So she's like, oh, I was
20 cutting onions for the pasta, so I brought the
21 knife out there.

22 Okay. Well, let's go back to her
23 original story. What does she tell you she was
24 going out there for? She saw BB fall, so she went
25 to go help him up. You don't go help someone up

1 with a knife in your hand. How are you going to
2 help pick someone up with a knife in your hand?
3 Does that make any sense to you? No.

4 She tells you that she doesn't really
5 remember a lot, that -- you know, I asked her if,
6 you know, in that in-car video footage where we a
7 black female is over the white female going like
8 this (indicating) over and over and over again
9 with the knife in her hand, is that you? I mean,
10 it appears to be.

11 Well, then I asked her, was anyone else
12 stabbing Carolyn Cook that day? No. So she
13 finally admits that's me stabbing her. But, you
14 know, her memory is just really not that good from
15 the day. She can't remember, you know, going to
16 the hospital.

17 And, at one point, she changes her story
18 again, because I kept trying to figure out how she
19 got the knife in her hand, and she was like, oh,
20 there was a knock on the door and so I went
21 outside with the parking lot with a knife in my
22 hand. But, originally, it was, I'm going to go
23 help BB get up because he fell. And then the
24 story before that was, no, BB knocked on the door
25 and he wanted to have sex. But then that changed

1 again and it was like, no, no, he didn't want to
2 have sex that day. That didn't happen that day.
3 So why did she even say it? Why was it even
4 relevant? If he wasn't knocking on the door to
5 have sex with her that day, why would she even say
6 it? To confuse you.

7 She confirmed multiple times with me that
8 she didn't have any injuries. She wasn't stabbed.
9 They bring her to the hospital. And just,
10 overall, her memory is just not that great from
11 that day. That is what she said numerous times.
12 And you know what, that part, that part might be
13 true. Because if I was Paulette Sims, I would
14 want to forget that day, too.

15 So in summary, why this is not
16 self-defense, the 911 call, nobody is calling
17 saying that Paulette Sims is the victim. No one
18 is calling saying that Paulette Sims was attacked
19 so she stabbed these people. They're not doing
20 it. The witnesses that live there, they're not
21 telling you that Paulette Sims is some victim.
22 They're telling you that Carolyn Cook and
23 Bobby Heath, Jr., they didn't do anything to
24 deserve this. She's the one diving in the road
25 acting crazy stabbing people.

1 Let me ask you this: If she was acting
2 in self-defense, why would she still be stabbing
3 Carolyn Cook who's laying there lifeless on the
4 ground when the police roll up. And when the
5 police get out of the car, they ask and tell her
6 numerous times, stop, stop, put your hands up.
7 She keeps attacking Carolyn Cook.

8 If she was acting in self-defense, why
9 wouldn't she just immediately stop and say -- you
10 know, you heard what she said, she didn't say,
11 they attacked me. I thought I was about to die.
12 She didn't say any of that. She said, stop it,
13 Solomon, I got my three, F all of you all.

14 Beg the Court's indulgence.

15 (Video played.)

16 MS. KEENEY: Does that look like the
17 actions of someone acting in self-defense? No.
18 Those are the actions of a murderer.

19 Thank you.

20 CLOSING ARGUMENTS

21 MR. PLEXICO: If it pleases the Court,
22 Madame Forelady, Ladies and Gentlemen of the Jury,
23 Madame Solicitor, well, you know, what matters
24 here is what happened at the time, and I'm just
25 going to hit a few points on the Solicitor's -- on

1 some of the things that the Solicitor said.

2 After she was attacked -- what gets me
3 about the whole case is, my client is attacked
4 from behind, she's hit on the head four or five
5 times. You've got a lady who has marijuana,
6 Diazepam pills, methamphetamine, cocaine, and
7 marijuana all in her system, and she has a meth
8 cocaine fueled fist beating on my client's cranial
9 where your brain is. How is that supposed to
10 affect your brain?

11 She turns around and apparently gets hit
12 and smacked in the middle of the head. Okay?
13 Now, how much pain -- and what does she see? She
14 sees Bobby Heath there with a knife. Now, think
15 about it. Well, you've got to act quickly. You
16 haven't heard anything bad about my client. That
17 my client is a terrorist. She's not running a
18 dope house. Everybody who's associated with these
19 people are all apparently hanging out in the dope
20 house. They testified Gerald Penn lives at the
21 dope house. You know, they're going in and
22 bringing out bags of cocaine. Or whatever it is,
23 we don't know. Most of us going after justice,
24 might want to know. But I know what's in there.
25 You know what's in there, because there was these

1 documents that she talked about.

2 And even though, apparently, there was
3 some issues with the pathologist. Didn't quite
4 get her attitude. Very disrespectful. Seemed
5 flippant, I think the word is. She finally
6 admitted that, yeah, there was, you know, alcohol,
7 cocaine, and marijuana in Bobby Heath. All right?
8 And, you know, they were way above the threshold
9 of detention where there's something going on
10 there.

11 And then you look at Carolyn, she had the
12 Diazepam, the pills, the marijuana. She had
13 alcohol that the pathologist said is over the
14 legal limit. And then you had meth. And the
15 cocaine was like 1,000 plus. Remember? I asked
16 her, she said it was greater than 1,000 or
17 greater.

18 So how doped up were these people? Now,
19 how were they acting?

20 Now, My client went out innocently as
21 she's cooking dinner. And she said, in all of
22 this attack on my client's consistent testimony,
23 she went outside, how can you help somebody?
24 (Indicating) Cooking knife here, get up, you're
25 drunk. Leave me and my family alone. You know,

1 those little girls who stay over at the trailer
2 parks and stay in housing projects have a right to
3 be left alone too and raise their kids. This
4 isn't some evil women who they're trying to
5 portray.

6 What happened? You got this young lady
7 with her children, all right, that's just put in a
8 difficult situation. Who's going to interpret it
9 when your own alcohol, marijuana, meth, cocaine
10 pills, are they going to misinterpret the
11 situation that they see?

12 All right. My client turns around, she's
13 already beaten in the head, turned around, popped
14 again. There's Bobby with the knife and it was
15 boom, boom. After that, following SLED, well, any
16 one of them, they're dead. Any one of them,
17 they're dead.

18 So, the elements of self-defense is
19 number one, you got to be without fault in
20 bringing on the difficulty. You know, it could
21 have been your special pasta sauce for your
22 babies, your three little babies, that's not
23 bringing on a difficulty. Nobody -- you know,
24 nobody -- she didn't go out and hunt anybody. She
25 was saying, leave me and my girls alone.

1 You know, you got people over here -- you
2 know, it's the truth. They're having -- they're
3 meth and cocaine for breakfast, and beer. All
4 right? What kind of -- no wonder you want to
5 protect your kids. Stay away from me. Stay away
6 from my apartment.

7 All right. She turns around. She's
8 attacked. It's that simple. Look at her
9 demeanor. Compare my client's demeanor when she
10 testified. Everything she said was consistent.
11 She freaked out. Ain't no question. After that
12 intense spiel, you didn't hear about anything else
13 in the testimony. How would that affect the
14 normal mind anyway? You know everybody would just
15 be totally freaked out in their mind. So, you
16 know, she went into a rage when, my God, look at
17 what just happened. Okay?

18 Watch a person go get beat by coke,
19 meth fueled hands and fists in the back of the
20 head and in the front of the head and then you
21 say, oh, I'm going to criticize their behavior.
22 Well, how would you expect them to act. They're
23 seeing stars. They're going to go with just the
24 basic instinct, several-preservation.

25 You know, without fault. Self-defense

1 has got to be without fault. You got to be in
2 imminent danger. Okay? There's somebody doing
3 this with a knife, even BB Penn said before he had
4 a knife. All right?

5 So, she's under attack. Threat of
6 serious bodily or death. Somebody is beating you
7 in the head and the other one's got a knife and
8 they on you, it's a bad time for you. You are in
9 danger. You better react. And thank God, she
10 acted, right? All right.

11 Then the attack is apparent. You have a
12 duty to retreat if you can do so safely. Okay?
13 The attack, it was from behind. They were there.
14 And do you think Carolyn Cook went out there
15 without her back-up Bobby Heath. No. That makes
16 no sense. That's no sense at all whatsoever.

17 Now, she had to believe she was in
18 danger. A reasonable person would have had to
19 believe she was in danger. Without fault. She
20 must believe she was in imminent danger. It's
21 apparent. All right? She's getting beat, it's
22 apparent. A reasonable person getting beat in the
23 head like that and turning around and seeing
24 somebody with the knife, continuing to get blows
25 to the head would believe they got a risk of

1 serious bodily injury or death. Okay?

2 That's called a mob. A mob is two or
3 more people who are assembled for the premeditated
4 purpose of doing injury to another. I think down
5 South we all know what a mob is. Okay? There
6 ain't no question about that. All right?

7 Now, sounds like a lynch mob. To me,
8 don't take two.

9 All right. Now, you turn around and one
10 of them has got a knife and the other one is
11 beating on you, it is time to do something, and
12 that's what happened. And that's what a
13 reasonable person would do. She subjected to a
14 mob attack, just a modern lynching, and that is
15 very, very sad. And to condemn her actions when
16 she's not senseless for losing her senses, it's
17 not fair. That's not fair. Stand your ground.
18 Think about this. We talked about this. That's
19 what matters here.

20 And remember, you know, the toxicology
21 and talking with them, you know, it's pretty
22 obvious that when -- excuse me.

23 All right. Cocaine can cause aggression.
24 She wanted to pretend that, oh, I don't know about
25 these people. You know, when they were writing

1 books on it and developing clinical programs to
2 handle, you know, cocaine aggression, that tells
3 you what the literature -- the medical literature
4 says. Okay? Use your common sense. You know,
5 people on meth are aggressive. People on cocaine
6 are aggressive. You know, we don't look in a
7 bubble. Okay? You know, what that stuff does.
8 This isn't a lie. You already know. You know
9 what it does to people because you see in the
10 community, you can see it when you go out, you can
11 see in the news articles. You know it because
12 average people with good average amounts of
13 information -- you know this is bad case. There's
14 no question about it, but she deserves the benefit
15 of every reasonable doubt.

16 Well, I believe they just missed --
17 because they were high, they were on dope, I think
18 they just misunderstood the situation. Like I
19 said, a mob attacked my client. They beat her
20 senseless. They that had a knife jabbing at her.
21 And, you know, Miss Cook wouldn't have ever
22 attacked without that back-up from Bobby Heath.
23 And look at them, look at the two of them, both of
24 them are bigger than my client. So we had a
25 diminutive little mother of three that they're

1 trying to lock up when you got a drug fueled
2 crazed group of people come over to my client, and
3 when my client goes off the chain after she's
4 attacked and beat senseless, oh, we want to make
5 her look bad and keep playing the video. Yeah,
6 she's freaked out. Solomon, help me. Somebody.
7 At least my boyfriend should help me. I mean, you
8 know, she's just off the chain. Sure, I know
9 that.

10 But the first stabbed killed Carolyn Cook
11 per the pathologist. The only stab to Bobby Heath
12 caused his death. And if those were justified in
13 self-defense, anything that happened after that
14 doesn't matter because they're already dead. And
15 if it was done in self-defense, the only possible
16 verdict is to find her not guilty. All right?

17 Now, let me explain the burdens of proof
18 here. I just have to show that there is a
19 reasonable possibility that my client had
20 self-defense. They have to -- the State has to
21 disprove self-defense beyond a reasonable doubt,
22 and that's any doubt for which you can give a
23 reason. If you go in here and add the drugs and
24 add all of the facts together, the man had a
25 knife. According to Penn, he had a knife -- and,

1 you know, the structure of the case tells me a
2 lot.

3 You have two murder indictments to
4 consider and one possession of a weapon during the
5 commission of a violent crime. The State believes
6 this is all one action. Think about it. You
7 would have, she killed Carolyn first, that would
8 be Carolyn with the knife. That would be
9 possession of a weapon during the commission of a
10 violent crime against Carolyn.

11 Then it was a separate event and Bobby
12 came up later, that would be Bobby Heath the
13 murder charge about him and possession of a weapon
14 during the commission of a violent crime. All
15 right? But there's only one. The State along
16 with the grand jury, they believed that it was one
17 event, which supports my client's testimony.
18 Okay? That it all happened together. She turned
19 around and stabbed those people. She's not going
20 to lie about it. You know, she freaked out after
21 that, but, I mean, who wouldn't? Who wouldn't
22 have? That would be right along with what a human
23 being would do.

24 You know, and you can't blame somebody
25 for the defending themselves. You know, it was

1 just a bad set of circumstances that just
2 didn't -- certainly never should have happened,
3 but you can't lay the blame with my client.

4 They want -- the lady finally testified
5 she wasn't certain about anything about the DNA.
6 And, you know, she was apparently -- you know,
7 after the attack, she was probably -- my client
8 was in a maximum defense mode. She was just going
9 on instinct. And, you know, who would fairly
10 expect less?

11 All right. You know, they found drugs in
12 Mr. Penn's apartment. He had -- you know, he had
13 things to hide. Okay? He was talking about
14 drinking the night before. They're talking my
15 client's memory. Well, they're drinking the night
16 before. He's having beer for lunch, and you might
17 as well just call it that. I mean, how good was
18 his memory. Okay? You know, he had reasons to be
19 self-serving. And Penn is the one that testified
20 he had the knife out.

21 Yeah, you know, my client had injuries,
22 and they said she didn't have any serious
23 injuries. Well, I mean, thank God. Thank God.
24 Okay? Why didn't she have any serious injuries?
25 Because she used her American right to

1 self-defense. Okay? Yeah, she freaked out, but
2 you got to look beyond that. You got to look
3 beyond that.

4 They want to talk about the 911 calls.
5 Excuse me? Who came in here and said, I made the
6 911 call? Nobody.

7 All right. Did somebody say what she
8 said to him, who said to her, who said to him, who
9 said to her, who said to the lady who called 911
10 what was going on? How much of it did they see in
11 all fairness? Because the only part that matters
12 here is what happened first. All this craziness
13 afterwards, which she had right to be under that
14 intense pressure, a mother of three -- I mean,
15 look at her. Look at her. All right.

16 Getting attacked by two larger people
17 with one that had a knife. Of course she's going
18 to defend herself. After all that, it's just how
19 gross and how terrible it's going to be. But what
20 else could you do? What else could you reasonable
21 do?

22 You know, they looked in my client's
23 apartment, they darn sure didn't find any drugs.
24 Okay? That tells you how my client was living her
25 life, because, obviously, she didn't have the time

1 to go throw away any drugs. All right? So it's
2 not client who's the dope head. I have my clean
3 client defending herself against two dope heads
4 who are armed and beating her in the brain. Okay.
5 And that's just wrong. That's wrong.

6 Like I said, you can see the bruises on
7 her head.

8 And, you know, Heath and Cook
9 misinterpreted the event. All right?

10 Penn's already drunk.

11 You know, my client, I don't think -- she
12 just didn't know what to do. You know, after
13 she's beaten in the head with those meth fueled
14 fists, okay, and she's threaten with the knife, I
15 mean, what was going through her head? She
16 thought she was going to die. She thought it was
17 in imminent danger. Who's going to raise my three
18 children? Who's going to care for my three
19 children? How would a mother feel? That tells
20 you a lot about the truthfulness of her testimony.

21 Yeah, and I'm sorry she just went bonkers
22 after that. Of course, she is too. But, you
23 know, they kept wanting to say, oh, she's not
24 telling the truth, blah, blah, blah, mix you up
25 about her testimony. This lady right here, if you

1 just write a little note -- Madame Forelady, you
2 write a little note to that judge and that judge
3 will see to it you see and hear or relisten to her
4 testimony or anything else you'd like. But don't
5 be misled by inaccurate memories of the State's
6 version of what my client said. You all heard it.
7 You were listening and you know what she was
8 saying wasn't true, but it was an effort to
9 confuse you on the facts. Don't be confused.

10 Court's indulgence, please.

11 THE COURT: Solicitor. I'm sorry.

12 MR. PLEXICO: Court's indulgence.

13 THE COURT: I apologize. Okay.

14 MR. PLEXICO: I just think my client's
15 testimony was not confusing. I think it's pretty
16 straightforward. I mean, she said what she said.
17 It was a terrible day for her, but she had a
18 right. She didn't bring on the difficulty. She
19 was attacked from behind. She was in imminent
20 danger. A reasonable person getting beat in the
21 head and turning around and getting beat in the
22 face and seeing somebody at arm's length with a
23 knife, all right, or right upon you with a knife,
24 that's -- a reasonable person would think that.
25 And the attack is upon her. There is no time to

1 treat. If you look at the law of self-defense, I
2 think she's clearly entitled to that. Okay?

3 Meth heads don't run, and drug dealers
4 don't run society, and they don't run any
5 neighborhood. If they do, they shouldn't. And
6 you go look at those drug fueled assumptions and
7 the behavior of Carolyn Cook and Bobby Heath,
8 they're doing serious drugs for breakfast, and
9 there is no way they put themselves in that
10 situation on violent -- in a violent mob attacking
11 my mother of three and the little gal defended
12 herself, and she did it within the area of the
13 law.

14 And all that stuff they're trying to sell
15 you to convict her about the nuttiness afterwards,
16 yeah, she lost it. Okay? But the right thing to
17 do here is to send her home where she said, when
18 this is over, where are you going? Miss Sims
19 said, I'm going straight to my three children in
20 Florida. Do the right thing, send my client to
21 Florida to my children.

22 The only just verdict is not guilty on
23 all -- manslaughter is the unlawful killing of
24 another upon sufficient legal provocation. And I
25 think that would be a wrong verdict, too, because

1 you would have to discount self-defense. If you
2 just have a belief it might be, you hesitate to
3 act, that's all you need. They have to disprove
4 self-defense beyond a reasonable doubt to even get
5 to thinking about manslaughter or murder. That's
6 not right here. Not in this situation. Not with
7 drug fueled situation. It wasn't coming from my
8 client. Send that little girl back to her
9 children. Let her raise her children.

10 Thank you very much.

11 MS. KEENEY: May it please the Court?

12 THE COURT: Yes.

13 CLOSING ARGUMENTS

14 MS. KEENEY: I briefly want to touch on
15 what Mr. Plexico said about the burden of proof.
16 I have to prove that she committed these crimes
17 beyond a reasonable doubt. And basically what
18 that means is, if you're firmly convinced that she
19 committed these crimes, you must find her guilty.
20 What it does not mean is that you have to be
21 convinced by every single doubt. There is very
22 few things in life that we know with absolute
23 certainty. It's a reasonable doubt, and the judge
24 is going to tell you that.

25 The second thing that I want to touch on

1 is about these drugged out meth maniacs that
2 Mr. Plexico is trying to convince you of. Well,
3 first of all, just because the victims had drugs
4 in their systems, that does not mean that they
5 deserved to be brutally murdered. Okay? I think
6 we all know someone in our lives that has suffered
7 from addiction issues, I don't think they all
8 deserve to be stabbed to death. And he's trying
9 to sell you that, oh, it's just a big
10 misinterpretation by these methed out victims.
11 Well, guess what, it would have to be a
12 misinterpretation between Carolyn, Bobby, BB,
13 April, Chandre, they'd all have to misinterpret
14 what happened. Because what do all three
15 witnesses that are still alive tell you, that she
16 is the one that was acting like a maniac. Not the
17 victims.

18 And think about the credibility of then.
19 Those three witness that came in here and
20 testified this week, they're not related to the
21 victims. They're residents. One is a roommate
22 for, like, three months, and the rest them are
23 just -- they're all living in the same apartment
24 complex. They don't have any ties. They don't
25 have anything to gain from coming in here and

1 lying to you. They get nothing out of it.

2 The only person that has any reason to
3 lie when they testify is her, because she's on
4 trial for murder.

5 Those witnesses, they're just -- they're
6 locals here that witnessed something. And I
7 assure you that nobody really wants to be a
8 witness in a trial. They don't want to have to
9 come here and have to testified, but they saw what
10 they saw and they took a oath and they have no
11 reason to lie to you about what they saw that day.
12 And what they saw was the murder.

13 The other thing that I want to talk to
14 you about is Paulette Sims is not a victim. I
15 have to be crystal clear about that. She can come
16 in this courtroom, get up on that stand with her
17 timid voice and act like the sweetest little thing
18 that you've seen, but you know what, you all had a
19 front row seat to how she was acting that day.
20 You saw it on that screen. That, what you saw on
21 the witness stand, is not what was there on
22 March 1, 2020. You saw how she was on the day
23 that she killed Carolyn and Bobby. So she can
24 pretend all she wants to be a victim, but you got
25 the front row seat of how she was that day.

1 Mr. Plexico wants to say, oh, she's just
2 so small and little and the victims are so big and
3 one of them had a knife. Okay. Where are her
4 injuries? She has no stab wounds. She's in and
5 out of the hospital in 30 minutes with no real
6 injuries. If she's so little and helpless, why do
7 I have two dead victims and no injuries to her.

8 MR. PLEXICO: That wasn't addressed in
9 the Solicitor's opening statement.

10 MS. KEENEY: It's in reply.

11 THE COURT: Overruled.

12 MS. KEENEY: The final thing that I want
13 to talk about is -- or second final thing I want
14 to talk about is this: Rule Number 1, I'm not
15 trying to confuse you about what her testimony
16 was. I'm not one misinterpreting that. And that
17 fact is, I encourage you to relisten to her
18 testimony. I encourage it. You can get that
19 played back. We can make that happen for you. I
20 encourage you to listen to what she said and
21 listen to all her inconsistencies.

22 And if she really was just trying to help
23 BB up, why didn't BB back her story up? Because
24 that's not what happened that day. She wants to
25 go home to her little girls, and she's protecting

1 her little girls that day, well, you know what,
2 you heard from April Bostick, those three little
3 girls, they were watching what she was doing. She
4 didn't care about her actions and how that was
5 affecting her little girls that day.

6 Paulette Sims is not a victim.

7 Bobby Heath, Jr. and Carolyn Cook, they
8 are victims. We got a much different word that we
9 use to describe what Paulette Sims is. It's not a
10 victim. It's what we call a murderer.

11 Thank you.

12 THE COURT: Ladies and Gentlemen of the
13 Jury, I want you to stand up. I have to instruct
14 you on the law at this time, but it will not be
15 brief. So please stretch. And if anyone else
16 needs to do that, I will allow that in the
17 courtroom.

18 All right. Are you all ready for me to
19 instruct you on the law? All right. Have a seat.

20 JURY CHARGE

21 THE COURT: All right. Madame Foreperson
22 and Members of the Jury, you have heard the
23 testimony and the evidence and the arguments of
24 the State and the defendant. I will now explain
25 to you the law that applies to this case.

1 Under the Constitution and Laws of
2 South Carolina, you are the finders of fact in
3 this case. I do not have the right to pass upon
4 the facts or even to express any opinion I might
5 have as to those facts. This is a matter solely
6 for you, the jury to determine. As jurors then,
7 it is your duty to determine the effect, the
8 value, the weight, and the truth of the evidence
9 presented during this trial.

10 As the trial judge, it is my
11 responsibility to preside over the trial of this
12 case, and I also have the duty to rule upon or
13 pass upon the admissibility of the evidence
14 offered during this trial. You are to consider
15 only the testimony which has been presented from
16 this witness stand together with any exhibits
17 which have been made a part of the record in this
18 case and any stipulations of counsel made into the
19 record.

20 I have the additional duty to charge you
21 the law applicable to this case. And as the
22 presiding judge, I am the sole judge of the law of
23 this case. It is your duty as jurors to accept
24 and apply the law as I state it to you now and
25 then reach your verdict. And, finally, I charge

1 you in this regard, that you should not be
2 concerned with what you think the law ought to be,
3 but what I charge you the law to be.

4 You are also the judges, the sole judges
5 of the credibility, that is, the believability of
6 the witnesses who have testified in this case.
7 And in passing upon their credibility, you may
8 take into consideration many things such as the
9 demeanor or manner of testifying, whether the
10 witness had a reason to be biased or prejudiced,
11 whether a witness's testimony was contradicted on
12 the one hand or supported and corroborated on the
13 other hand. You may believe a small portion of a
14 witness's testimony and disregard the larger
15 portion or vice versa. You may believe one
16 witness against many, or many against one witness.
17 All these things you will consider bearing in mind
18 that you should give the defendant the benefit of
19 any reasonable doubt. It becomes your duty as
20 jurors to analyze and to evaluate the evidence and
21 determine that evidence which convinces you of its
22 truth.

23 The rules of evidence ordinarily do not
24 permit witnesses to testify to opinions or
25 conclusions. An exception to this rule is for

1 witnesses we all expert witnesses. A witness who
2 by education and experience has become an expert
3 in some art, science, profession, or calling.
4 They may state an opinion as to relevant and
5 material matter in which the witness claims to be
6 an expert and may also state the reasons for the
7 opinion. You should consider any expert opinion
8 received into evidence in this case, and, like any
9 other evidence, give it the weight you think it
10 deserves. If you decide that the opinion of an
11 expert witness is not based on sufficient
12 education and experience, or if you conclude that
13 the reasons given in support of the opinion are
14 not sound, or that the opinion is outweighed by
15 other evidence, you may disregard the opinion
16 entirely. An expert witness's testimony is to be
17 no greater weight than that of other witnesses
18 simply because the witness is an expert. Further,
19 you are not required to accept an expert's opinion
20 even though it is not contradicted.

21 There are two types of evidence which are
22 generally presented during a trial; direct
23 evidence and circumstantial evidence.

24 Direct evidence is the testimony of a
25 person who claims to have actual knowledge of a

1 fact, such as an eyewitness.

2 Circumstantial evidence is proof of a
3 chain of facts and circumstances indicating the
4 existence of a fact.

5 The law makes absolutely no distinction
6 between the weight or value to be given to either
7 direct or circumstantial evidence, nor is a
8 greater degree of certainty required of
9 circumstantial evidence than that of direct
10 evidence.

11 You should weigh all the evidence in the
12 case. If, after weighing all the evidence, you
13 are not convinced of guilt of the defendant beyond
14 a reasonable doubt, you must find the defendant
15 not guilty.

16 The fact that the defendant was arrested,
17 charged, and indicted in this case is not evidence
18 in this case and cannot be considered by you as
19 evidence of guilt in this case, nor does it create
20 a presumption or inference of guilt. This
21 document is simply the formal written instrument
22 which contains the charges made against the
23 defendant. It is a formal document by which this
24 case is brought to this court.

25 The defendant is presumed to be innocent

1 unless and until the State has established guilt
2 beyond a reasonable doubt. It is a vital
3 important rule of the law that the defendant in a
4 criminal trial, no matter how grave or serious may
5 be the offense with which she is charged, must
6 always be presumed innocent unless and until her
7 guilt has been proven beyond a reasonable doubt.

8 A person charged with committing a
9 criminal offense in South Carolina is never
10 required to prove herself innocent. This
11 presumption of innocence is legal proof of
12 innocence. This presumption of innocence remains
13 with the defendant at all times from the moment of
14 her arrest, throughout the trial proceedings, and
15 goes into your jury room and remains with the
16 defendant even then, unless and until you, the
17 jury, reach a verdict of guilty based on the
18 evidence which the State has presented satisfying
19 you of the defendant's guilt beyond a reasonable
20 doubt.

21 Proof beyond a reasonable doubt is proof
22 that leaves you firmly convinced of the
23 defendant's guilt. There are very few things in
24 this world that we know with absolute certainty.

25 In criminal cases, the law does not

1 require that proof overcomes every possible doubt.
2 The law does not require that. If, based on your
3 consideration of the evidence, you are firmly
4 convinced that the defendant is guilty of the
5 crime charged, you must find him guilty. If, on
6 the other hand, you conclude there is a real
7 possibility that he's not guilty, you must give
8 the defendant the benefit of the doubt and find
9 the defendant not guilty.

10 I charge you, Ladies and Gentlemen of the
11 Jury, that if you have a reasonable doubt, not a
12 substantial doubt, but a reasonable doubt about
13 the defendant's guilt, you must resolve that doubt
14 in favor of the defendant and find him not guilty.

15 As the defendant may be found guilty
16 beyond a reasonable doubt due to the evidence
17 presented, a defendant may be found not guilty due
18 to a lack of evidence against her. I charge you
19 that suspicion, however strong, is not enough to
20 sustain a conviction.

21 The law imposes the burden of proof on
22 one party or the other in all cases. In the
23 present case, the burden of proof is upon the
24 State to establish every element of the crime
25 charged beyond a reasonable doubt. And if, as to

1 any element of the crime, you are left with any
2 reasonable doubt, the defendant is entitled to the
3 benefit of the doubt and must be acquitted.

4 The indictments in this case allege three
5 different offenses against the defendant. The
6 charges are: Indictment Number 1, murder;
7 Indictment Number 2, murder; Indictment Number 3,
8 possession of a weapon during the commission of a
9 violent crime. Each indictment contains a
10 separate and distinct offense. You must decide
11 each indictment separately on the evidence and the
12 law applicable to it uninfluenced by your decision
13 as to any other indictment.

14 The defendant may be convicted or
15 acquitted on all, on any, or all of the offenses
16 charges. You will be asked to write separate
17 verdict of guilty or not guilty for each
18 indictment.

19 Indictment Numbers 1 and 2, murder. The
20 defendant is charged with murder. The State must
21 prove beyond a reasonable doubt that the defendant
22 killed another person with malice aforethought.
23 Malice is hatred, ill will, or hostility toward
24 another person. It is an intentional doing of a
25 wrongful act without just cause or excuse, and

1 with an intent to inflict an injury or, under the
2 circumstances, that the law will infer an evil
3 intent. Malice aforethought does not require that
4 malice exist for any particular time before the
5 actual crime is committed. But malice must exist
6 in the mind of the defendant just before and at
7 the time of the act -- at the time the act is
8 committed. Therefore, there must be a combination
9 of the previous evil intent in the act.

10 Malice aforethought may be express or
11 inferred. These terms expressed and inferred do
12 not mean different kinds of malice, but merely the
13 manner in which malice may be shown to exist.
14 That is, either by direct evidence or by inference
15 from the facts and circumstances which are proved.

16 Express malice is shown when a person
17 speaks words which express hatred or ill will for
18 another or whether the person prepared beforehand
19 to do the act which was later accomplished. For
20 example, lying in wait for a person or any other
21 acts of preparation going to show that the deed
22 was within the defendant's mind would be express
23 malice.

24 Malice may be inferred by conduct showing
25 a total disregard for human life. Although malice

1 must be aforethought, there is no requirement that
2 it must exist for any appreciable length of time
3 before the commission of the act. It may be
4 conceived at the very moment the act occurs.
5 There must be a combination of the evil intent in
6 the act producing the result.

7 Voluntary manslaughter: If you find that
8 the State has failed to prove beyond a reasonable
9 doubt that the defendant committed murder, you may
10 consider whether the State as proved beyond a
11 reasonable doubt that the defendant committed
12 voluntary manslaughter. To prove voluntary
13 manslaughter the State must prove beyond a
14 reasonable doubt that the defendant took the life
15 of another in a sudden heat of passion based on a
16 sufficient legal provocation. Both heat of
17 passion and sufficient legal provocation must be
18 present at the time of the killing to constitute
19 voluntary manslaughter.

20 Sudden heat of passion may for a time
21 affect a person's self control and temporarily
22 serve a person's reason. The sudden heat of
23 passion must be the type that would make an
24 ordinary person unable to coolly reflect on his
25 actions and would produce an uncontrollable

1 impulse to do violence.

2 Sufficiently with provocation must be the
3 type that would make a person of ordinary reason
4 and caution become enraged and lose control
5 temporarily. The provocation needed for voluntary
6 manslaughter must come from some act of or related
7 to the victim. Words alone, however vulgar or
8 insulting are not enough to be legal provocation.
9 Where death is caused by use of a deadly weapon,
10 the words must be accompanied by some overt
11 threatening act which could have produced the heat
12 of passion.

13 The exercise of a legal right no matter
14 how offensive it is to another is never enough to
15 -- is never sufficient legal provocation for
16 voluntary manslaughter. If the heat of the
17 passion had cooled, or if there was enough time
18 between the provocation, if any, and the killing
19 for the passion of a reasonable person to cool,
20 the killing would not be voluntary manslaughter.

21 In deciding whether a reasonable person
22 would have had time to cool off, you have should
23 all the circumstances surrounding the killing.
24 You may consider the nature of provocation, if
25 any, the defendant's mental and physical state,

1 and the circumstances and relationships between
2 the parties.

3 Indictment Number 3: Possession of a
4 weapon during the commission of a violent crime.
5 The defendant is charged with possession of a
6 weapon during the commission of a violent crime or
7 attempt of a violent crime. The State must prove
8 beyond a reasonable doubt that the defendant was
9 in possession of a knife or visibly displayed what
10 appeared to be a knife during the commission of a
11 violent crime.

12 In order to find the defendant guilty of
13 possession of a weapon during the commission of a
14 violent crime -- in order to find the defendant
15 guilty of possession of a weapon during the
16 commission of a violent crime, you must first find
17 the defendant guilty of committing a violent
18 crime. Murder is violent crime. Voluntary
19 manslaughter is also a violent crime. The State
20 must prove beyond a reasonable doubt that the
21 weapon further advanced or helped in the
22 commission of the crime.

23 Self-defense is complete defense. If
24 established, you must find the defendant not
25 guilty. There are four elements required by law

1 to establish self-defense. First, the defendant
2 must be without fault in bringing on the
3 difficulty.

4 Second, the defendant must have been in
5 actual imminent danger of losing her life or
6 sustaining serious bodily injury, or she must have
7 actually believed she was in imminent danger of
8 losing her life or sustaining serious bodily
9 injury.

10 Third, if her defense is based upon her
11 belief of imminent danger, a reasonably prudent
12 person of ordinary firmness and courage would have
13 entertained the same belief. If the defendant
14 actually was in imminent danger and the
15 circumstances were such as would warrant a person
16 of ordinary prudence, firmness, and courage to
17 strike the fatal blow in order to save herself
18 from serious bodily harm or losing her own life.

19 Fourth, the defendant had no other
20 probable means of avoiding the danger of losing
21 her own life or sustaining serious bodily injury
22 than to act as she did in this particular
23 instance. These are the elements of self-defense.

24 A defendant in a self-defense case has
25 the right to act on appearances. A defendant must

1 have believed she was in imminent danger, not that
2 she was actually in such danger because she had
3 the right to act on appearances, and under the
4 circumstances as they appeared to her, she
5 believed she was in such danger and a reasonable
6 prudent woman of ordinary firmness and courage
7 would have entertained the same belief.

8 The defendant alleges that she was
9 attacked by a mob. A mob is defined by
10 South Carolina statute as the assemblage of two or
11 more persons, without color or authority of law,
12 for the premeditated purpose and with the
13 premeditated intent of committing an act of
14 violence upon a person of another.

15 Words accompanied by hostile acts may,
16 depending on the circumstances, establish a plea
17 of self-defense. Self-defense is not available to
18 one who uses language so abusive that a reasonable
19 person would expect it to bring on the physical
20 encounter and which did actually contribute to
21 bring it on.

22 There is no burden upon the defendant to
23 prove self-defense. The defendant is not required
24 to prove any elements of self-defense. The burden
25 is on the State to disprove self-defense beyond a

1 reasonable doubt.

2 If you have a reasonable doubt of the
3 defendant's guilt after considering all of the
4 evidence, including the evidence of self-defense,
5 then you must find the defendant not guilty.

6 On the other hand, if you have no
7 reasonable doubt of the defendant's guilt after
8 considering all of the evidence, including the
9 evidence of self-defense, then you must find the
10 defendant guilty.

11 The defendant does not have to show that
12 she was actually in danger. It is enough that the
13 defendant believed she was in imminent danger and
14 a reasonably prudent person of ordinary firmness
15 and courage would have had the same belief. The
16 defendant has the right to act on appearances even
17 though the defendant's belief may have mistaken.
18 It is for you to decide whether the defendant's
19 fear of immediate danger or death or serious
20 bodily injury was reasonable and would have been
21 felt by an ordinary person in the same situation.

22 Now, you have been chosen and sworn to
23 give the parties a fair and impartial trial. When
24 you have done so, you will have complied with your
25 oath and no one will have a right to criticize

1 your verdict. You must not be influenced by
2 opinions or expressions of opinions you may have
3 heard outside of the courtroom. But rather,
4 should base your verdict solely on the testimony
5 of the sworn witnesses who took the stand, the
6 exhibits received into evidence, and the law which
7 I have stated.

8 Caprice, passion, prejudice, or improper
9 sympathy for or against anyone should not sway
10 you. Remember, you have no friends to reward or
11 enemies to punish, and all parties are entitled to
12 a fair and impartial trial. It is your duty as
13 jurors to consult with each other and to
14 deliberate in an effort to reach an agreement.
15 Each you have must decide this case for yourself,
16 but only after impartial consideration of all the
17 evidence with your fellow jurors.

18 In the course of your deliberations, do
19 not hesitate to reexamine your own views and
20 change your opinion if you become convinced it is
21 erroneous. However, do not surrender your honest
22 conviction as to the weight or effect of the
23 evidence solely because of the opinion of your
24 fellow jurors or for the mere purpose of returning
25 a verdict. As I stated to you earlier, you are

1 the judges of the facts. Your verdict must
2 represent the consider judgment of each juror. In
3 other words, your verdict must be unanimous.

4 Now, you may have noticed that I've read
5 these instructions, and I do so to give you the
6 law as accurately as possible. I'll give you a
7 copy of instructions to have in the jury room.
8 You may refer to these instructions as a whole and
9 may not follow some and ignore others.

10 Madame Foreperson, it will be your duty
11 to preside over the deliberations of the jury.
12 If, during your deliberations, you should desire
13 to communicate with the Court, please reduce your
14 message or question to writing signed by you and
15 you only. Pass the note to the bailiff who will
16 bring it to my attention. I will then respond as
17 promptly as possible either in writing or having
18 you all return to the courtroom. I caution you
19 however, with regard to any message or question
20 that you might send, that you should never state
21 or specify your numerical division at that time.

22 Now, you have heard the evidence and you
23 have heard the law. Whatever your verdict,
24 Madame Foreperson, you will indicate the verdict
25 on the back of the indictment and then sign and

1 date your verdict. Remember that, although
2 foreperson is the only juror who writes the
3 verdict, it is not hers alone. The verdict has to
4 be unanimous.

5 Madame Foreperson, you are not authorized
6 to write the verdict until all of you have agreed
7 on the verdict.

8 Now, Ladies and Gentlemen, I will send
9 you to your jury room, but do not discuss this
10 case until you receive a copy of the jury charge
11 and the exhibits. Once you receive these things,
12 that will be your signal to begin your
13 deliberations. Once you begin your deliberations,
14 you will deliberate until you have reached a
15 verdict at which time you will knock on the door,
16 advise the bailiff, and we will bring you out to
17 receive your verdict.

18 When I send the jury instructions back,
19 Madame Foreperson, we will also send the verdict
20 form and the indictments. You are to complete
21 this form and place your signature at the bottom
22 of this verdict form.

23 All right. Does anyone take issue with the
24 instruction as I've read them?

25 MS. KEENEY: None from the State.

1 will permit us to take about a 30-minute,
2 45-minute lunch break because they're still in
3 deliberations after that time. I would suspect
4 that if we have any questions during that time, if
5 we do receive a question during that time, I would
6 hold it until 12:50 and then we'll reconvene and
7 answer any questions they have at that time.

8 MS. KEENEY: 1:50?

9 THE COURT: 1:50 p.m.

10 (Jury begins deliberations at 1:00 p.m.)

11 THE BAILIFF: All rise. Court is back in
12 session.

13 THE COURT: Please be seated.

14 Madame Solicitor, defense, we have a
15 verdict.

16 If you'll bring the jury in, we'll
17 receive their verdict.

18 (The jury enters the courtroom at 1:58 p.m.)

19 THE COURT: Madame Foreperson, the
20 bailiff has brought it to our attention that there
21 is a verdict. Is there a unanimous verdict?

22 FOREPERSON: Yes.

23 THE COURT: Pass that to our Clerk of
24 Court. Madame Clerk.

25 THE CLERK: In the County of Allendale,

1 The State of South Carolina vs. Paulette Sims, in
2 indictment number 2020-GS-03-00022, 0023, and
3 0024, we, the jury, by unanimous consent, find the
4 defendant Paulette Sims on the charge of murder of
5 Carolyn Cook, guilty.

6 We, the jury, by unanimous consent, find
7 the defendant Paulette Sims on the charge of
8 murder of Bobby Heath, guilty.

9 We, the jury, by unanimous consent, find
10 the defendant Paulette Sims on the charge of
11 possession of a weapon during the commission of a
12 violent crime, guilty.

13 THE COURT: Thank you, Madame Clerk.

14 Madame Solicitor, do you wish to pole the
15 jury?

16 MS. KEENEY: No, Your Honor.

17 THE COURT: Mr. Plexico, do you wish to
18 pole the jury?

19 MR. PLEXICO: Yes, Your Honor.

20 THE CLERK: Miss Juanita Badger, was that
21 your verdict?

22 MS. BADGER: Yes, ma'am.

23 THE CLERK: Is it still your verdict?

24 MS. BADGER: Yes, ma'am.

25 THE CLERK: Miss Pamela Jones, is that

1 a very hard time, and I'd love to see the justice
2 that she gets. She doesn't need to see her
3 children if she killed two innocent people. What
4 would she do for her innocent children. And most
5 of all, my brother is dead. I just lost my
6 father. And me and my brother was always together
7 and now that's not going happen. And I no longer
8 have a father neither. He died from cancer. And
9 my brother wasn't here to support me because she
10 took him from me.

11 THE COURT: Yes, ma'am. Thank you.
12 Thank you for appearing today.

13 MS. KEENEY: And the other family does
14 not want to speak, so that will be all from the
15 State.

16 THE COURT: They do not wish to speak?

17 MS. KEENEY: Correct.

18 THE COURT: That concludes the State's
19 presentation.

20 MS. KEENEY: Yes, Your Honor.

21 THE COURT: Mr. Plexico.

22 MR. PLEXICO: Yes, Your Honor. Steve
23 Plexico for the defense. I'm here with
24 Heather Price and she's prepared some documents.
25 My client, again, she's 30 years old.

1 She's a high school graduate. She's the mother of
2 three children. There's never been any problems
3 with the children. She did quite well.

4 I'll ask Miss Price to take over from
5 here. She's a member of our staff.

6 THE COURT: Yes, ma'am.

7 MS. PRICE: Good afternoon, Your Honor.
8 If pleases the Court, my name is Heather Price. I
9 work for the 14th Circuit as a sentencing
10 specialist in mitigation. I have prepared a
11 report, if you would like a copy. I have one for
12 the State as well.

13 I'll just, kind of, go through this with
14 you, if you'd like to follow. The purpose of this
15 report is to show Paulette is as the whole person.
16 All that we've heard about is one day in her life,
17 and I would just like to give you a better
18 understanding of who she is and how we came to all
19 be together today with her.

20 So, as Mr. Plexico stated, she is a
21 mother of three children. She grew up in Florida.
22 She was born in 1991. We had a hard time, kind
23 of, getting a lot of information about her
24 childhood. Her mom was not very cooperative with
25 us. It was a little challenging.

1 But that day, she was in her home cooking
2 for her children and her children were all present
3 in the home and trouble came to her door. She is
4 a college educated woman. She has some college to
5 say. Like he said, she did graduate high school.
6 She did that while pregnant. She was pregnant at
7 17 with her first child, and, yet she still
8 graduated.

9 For her childhood, she grew up with her
10 mother who was extremely abusive to Paulette. She
11 has five brothers and sisters, but it seems that,
12 from what I gathered from her aunt, which is her
13 mother's sister, that Paulette seemed to always be
14 the mother's emotional and physical, kind of,
15 dumping ground, punching bag.

16 When Paulette -- she had a normal, fine
17 childhood. She did very well in school until
18 about the age of 13, 14. Paulette was sexually
19 assaulted. Her mother knew this. Her mother
20 allowed it to happen and did nothing to protect
21 her. The only reason that that man was taken out
22 of Paulette's life and wasn't allowed to continue
23 is that he ended up being sentenced to a very long
24 prison term for another crime. Otherwise, it
25 probably would have continued. And, as I stated,

1 there was no one there to protect her. And she
2 tried repeatedly to get help and let her mother
3 know. And that is pretty much when -- what
4 trouble she did have as a teenager that began.

5 Shortly after that happened, the man that
6 raised her her entire life, in fact, her middle
7 name comes from his name, she -- her mother, in a
8 period of rage towards Paulette, told her that
9 that man was not her father, and her whole life
10 she thought he was. They were very close. And
11 come to find out that her mother had an affair and
12 she was the product of that, and that kind of
13 clicked in her head why her mom was always
14 singling her out. And the man that she knew as
15 her father left. They divorced. And he never
16 wanted anything to do with Paulette again. So she
17 lost him as well.

18 Her mother is extremely mentally ill.
19 She deals with her mental illness by drinking and
20 using pills day and night. I tell you about this
21 abuse not to necessarily make you feel sorry for
22 her, but I want the Court to understand that when
23 someone grows up under constant stress, constantly
24 in survival mode, you learn how to navigate that.
25 You learn, one, unhealthy coping skills, but you

1 learn how to be on high alert and get out of those
2 situations. And I bring that up because her
3 perceived threat that day, she recognized the
4 signs because she grew up with these -- with this
5 abuse and land mines all around her that she had
6 to learn how to navigate.

7 So she recognized when someone is there.
8 And, you know, when BB was standing at her door,
9 she knew it wasn't good, so she went on high alert
10 and reacted to that.

11 As I stated, she does have three
12 children. The man that she has her first two
13 children with is actually Haitian and he was sent
14 back to Haiti. So she was very young and had two
15 little boys with him back to back. I believe one
16 now is 11 and the other one is nine, so they were
17 fairly close in age. So, again, she was left
18 alone. When she was pregnant, her mom actually
19 threw her out and she was living on the street.
20 If it wasn't for her aunt, taking her in at least
21 to have the babies, she would have just been on
22 the street. Her aunt, by the way, has nine
23 children of her own, which is kind of way Paulette
24 was never completely like living with her, because
25 it was just like -- she already had nine children

1 of her own. Which, by the way, are all doing
2 well. Firefighters, one is in law school. She
3 raised them well, but to take on Paulette, and her
4 sister was then abusive to her because she was
5 helping Paulette.

6 So, Paulette met a new man and
7 subsequently had her third and final child, a
8 little girl, who is now five. That man was
9 physically abusive. And how Paulette even ended
10 up in Allendale from Florida was that she stayed
11 with this man for awhile and he became very
12 violent with her and abusive, and she finally got
13 the courage to leave him and she went to a safe
14 shelter. And the safe shelter worked with the
15 domestic violence shelter that put out
16 applications for Section 8 housing, not just in
17 Florida, but elsewhere, and it so happened that
18 Allendale is the one that became available first.
19 So she ended up moving here with her three
20 children with no family here, but it was her way
21 out. And, you know, she told her aunt that she
22 was, kind of, looking forward to that because --
23 to get away from her family and her mother.

24 Paulette's family has a long history of
25 mental illness, and I just want, you know, you to

1 be aware of that. Her grandmother has been
2 institutionalized for the 20 years. A sibling has
3 been excessively hospitalized. Paulette has a
4 couple times from quite a few suicide attempts.
5 In Florida, they have the Baker Act, which we do
6 need here, but essentially when a police officer
7 responds to a call and they determine that someone
8 may be a detriment to themselves, they can place
9 them on a 72-hour hold, and Paulette has had that
10 happen quite a few times.

11 Like I said, Paulette was attending
12 college. She dropped out due to her second
13 pregnancy. But she always wanted to be a business
14 owner, and she's always been interested in
15 cosmetology. So she really wanted to own her own
16 salon and was taking classes toward that dream
17 when she got pregnant, and then eventually met
18 her -- the man that would be the father to her
19 third child and that never worked out.

20 We would just ask that when you are
21 handing down your sentence that you look at all of
22 her and not just this day. We understand the
23 victim's family and their loss as well, and we
24 would like to acknowledge that. That day was just
25 a horrible day for everyone involved.

1 I would hope -- I have included as well
2 three letters from her children. I'm not going to
3 read them to the Court. They are there. I just
4 don't want to cause my client any undue duress by
5 reading the letters.

6 MR. PLEXICO: May I present them to the
7 Court?

8 THE COURT: I have them.

9 MR. PLEXICO: Thank you, Your Honor.

10 THE COURT: They are at the back of this
11 report?

12 MS. PRICE: Yes, ma'am.

13 Paulette never had a role model in how to
14 be a mom. And she really was a great mom to their
15 children. They were very close.

16 And I would just ask that you keep them
17 in mind as well because they are, of everyone
18 involved, the most innocent victims. I think when
19 you read, you can see that they have some memories
20 in there and they really miss their mom. I would
21 just like to see a sentence that not only
22 acknowledges the guilty verdict, but also gives
23 our client a chance to, at some point, redeem
24 herself, get the help she needs to overcome her
25 trauma, and be a parent to her children again.

1 That's all I have, Your Honor.

2 THE COURT: Thank you.

3 MS. KEENEY: Your Honor, me and
4 Mr. Plexico were just reviewing the sentencing
5 sheets that I'm handing up just to make sure we
6 are in agreement that they are correct, and I
7 believe that we are.

8 MR. PLEXICO: May I, Your Honor?

9 THE COURT: Yes.

10 MR. PLEXICO: Your Honor, I want to thank
11 Miss Price with all the help in the case. My
12 client is here. She signed the sentencing sheets.
13 She accepts the verdict of the jury. And, you
14 know, this is a day-for-day sentence. I think
15 it's a 30-year sentence. It's concurrent with all
16 three charges. A five-year sentence concurrent
17 with the two 30-year concurrent sentences. I
18 think that that would be severe punishment for my
19 client. She's going to miss the childhood of her
20 children, Your Honor. She is redeemable
21 individual, Your Honor.

22 We're just asking you, you know, this is
23 a bad day in her life, obviously, and she accepts
24 the lawfulness that's been determined by the
25 jurors, Your Honor. We're just asking for as much

1 mercy as possible. She is not, like many of my
2 client, at the age of 30 been in and out of prison
3 and a wrap sheet as long as my arm, Judge. And I
4 understand the great loss to these families, but
5 if you look at her coping skills and look at her
6 as an individual, I think I would be severe
7 punishment. And she will still have some of her
8 life left when she is released from prison,
9 Your Honor. She's clearly a redeemable individual
10 who has not led a life of crime.

11 Thank you, Your Honor.

12 THE COURT: Mr. Plexico, does your client
13 wish to address the Court?

14 MR. PLEXICO: She says, no, Your Honor.

15 THE COURT: Thank you.

16 Anything from the State?

17 MS. KEENEY: No, Your Honor.

18 THE COURT: Anything further from the
19 defense?

20 MR. PLEXICO: No, Your Honor.

21 THE COURT: Miss Sims, for indictment
22 number 2020-GS-0300023 and 0022, both indictments
23 for murder, I'm sentencing you to the State
24 Department of Corrections for the term of
25 38 years. With regards to possession of a weapon

1 during the commission of a violent crime,
2 indictment 2020-GS-030024, I'm sentencing you to
3 State Department of Corrections for a term of five
4 years. Those sentences will be concurrent to each
5 other. She will receive credit for the time that
6 she has served.

7 MR. PLEXICO: Thank you, Your Honor.

8 MS. KEENEY: Thank you, Your Honor.

9 (The trial was concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA

COUNTY OF Allendale

SEARCH WARRANT

Date: March 1, 2020

Officer: S/A David Owen, III



STATE OF SOUTH CAROLINA
COUNTY OF Allendale

}

AFFIDAVIT

Personally appeared before me, one S/A David Owen, III who, being duly
(Name of Affiant)

sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140 (Issuance, execution and return of search warrants for property connected with the commission of crime; inventory of property seized), 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all instrumentalities of the crime of Murder, to include but not limited to, DNA Samples, via Buccal (saliva) swabs and fingerprints, from the subject Ashley Simms, a black female, ; illegal contraband, electronic devices, mass media storage devices, recording equipment, personal identification cards, identifying paperwork, miscellaneous paperwork and/or notes determined to be of evidentiary value. *AKA: PALLETTE SIMS MTD*

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED

AKA: PALLETTE SIMS MTD

The person to be searched to a black female named Ashley Simms, with a date of birth of [REDACTED] Simms is currently in custody at Allendale County Detention Center, Allendale, SC.

STATE OF SOUTH CAROLINA
COUNTY OF Allendale

}

Search Warrant

Form approved by:
S.C. Attorney General
Section 17-13-160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF A MUNICIPALITY OF
Allendale County:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140 (Issuance, execution and return of search warrants for property connected with the commission of crime; inventory of property seized), 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)

TO BE SEARCHED

AKA: PAULETTE SIMMS

The person to be searched to a black female named Ashley Simms, with a date of birth of [REDACTED] Simms is currently in custody at Allendale County Detention Center, Allendale, SC.

DESCRIPTION OF PROPERTY

Any and all instrumentalities of the crime of Murder, to include but not limited to, DNA Samples, via Buccal (saliva) swabs and fingerprints, from the subject Ashley Simms, a black female, , illegal contraband, electronic devices, mass media storage devices, recording equipment, personal identification cards, identifying paperwork, miscellaneous paperwork and/or notes determined to be of evidentiary value.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to this Search Warrant shall be made to The Honorable Willard D. Boyette, Jr.

(Name of Judge)

Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Allendale, S.C.
(City or Town)

Willard D. Boyette, Jr. (L.S.)
(Signature of Judge)

3-1, 2020
(Date)

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On March 1, 2020, at approximately 1159 hours, Allendale Police Department (APD) received a 911 call of an active assault. Upon APD officers arrival they observed a black female subject actively stabbing a white female victim in the parking lot in front of apartment [REDACTED]. The subject was detained and identified as Ashley Simms. The victim, identified as Carolyn Cook was pronounced deceased. Another victim, later identified as Bobby Heath was located in the doorway of apartment [REDACTED]. At this time, no motivate has been determined.

It is the affiant's belief that items of evidence may be recovered in the residence that will aid in this investigation. Any and all evidence recovered as a result of this search will be compared to other evidence obtained in the investigation.

Sworn to and Subscribed before me

This 1 day of Mar, 2020

William D. Lora (L.S.)
(Signature of Judge)

David H. Lora
(Affiant's Signature)

Affiant's Agency SLED

Affiant's Agency Address 104 Simmons Street
Walterboro, SC 29488

Affiant's Agency Phone # 843-782-3822

Return

MAR 6 '20 11:44 AM

I received the attached Search Warrant dated 3-1-2020, and have executed it as follows:
 (date on the search warrant)

On 3-1-2020 at 7:00 o'clock P M, I searched ASHLEY SIMMS AKA PHULETTE SIMS
 (Date) (Time) (A/P) (name of person described in warrant)

and/or _____
 (the premises described in warrant)

I left a copy of the warrant with CASE FILE
 (name of person in charge of premises or the location of prominent place of premises searched)

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the search warrant:

PHOTOGRAPHS

(7) SEVEN SWABS

This inventory was made in the presence of S/A D. JAZIL; S/A T. SCHENK
 AND SS/A D. OWEN

I swear this inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 5

day of March, 2020

William D. Foreman (L.S.)
 (Signature of Judge)

David Owen
 (Signature of Officer Executing Search Warrant)

WITNESSES

SLED Blaker Johnson

DOCKET NO. 2020GS0300022

The State of South Carolina
County of Allendale

After being fully advised as to ³²³
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

June Term 2021

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2020A0310100020

THE STATE

vs.

Paulette Sims

ACTION OF GRAND JURY

True Bill

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Foreperson of Grand Jury

Date: Blaker Johnson 6/18/21

Defendant

VERDICT

guilty

Witness:

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF ALLENDALE

)
)
)

INDICTMENT

2020GS0300022

At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Allendale County present upon their oath:

Murder

That in Allendale County, South Carolina, on or about March 1, 2020, the Defendant, Paulette Sims, did, with malice aforethought, kill Carolyn Laraine Cook and Carolyn Laraine Cook did die as a proximate result of Paulette Sims's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

SLED Blake Johnson

DOCKET NO. 2020GS0300023

The State of South Carolina
County of Allendale

COURT OF GENERAL SESSIONS

June Term 2021

ARREST WARRANT NUMBER

2020A0310100021

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 6/18/21

VERDICT

guilty

Foreperson of Petit Jury

Date:
INDICT

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Paulette Sims

325
After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF ALLENDALE

)
)
)

INDICTMENT

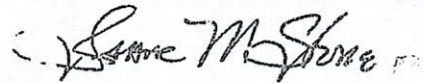
2020GS0300023

At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Allendale County present upon their oath:

Murder

That in Allendale County, South Carolina, on or about March 1, 2020, the Defendant, Paulette Sims, did, with malice aforethought, kill Bobby Heath, Jr. and Bobby Heath, Jr. did die as a proximate result of Paulette Sims's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

SLED Blake Johnson

DOCKET NO. 2020GS0300024

The State of South Carolina
County of Allendale

COURT OF GENERAL SESSIONS

June Term 2021

THE STATE

vs.

Paulette Sims

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

After being fully advised as to my ³²⁷
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2020A0310100022

ACTION OF GRAND JURY

True Bill

Heane J. Pratt

Foreperson of Grand Jury

Date: 6/18/21

VERDICT

guilty

Natasha K. Manuel 10/14/21

Foreperson of Petit Jury

Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)

COUNTY OF ALLENDALE)

INDICTMENT

2020GS0300024

At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Allendale County present upon their oath:

Possession of Weapon During Violent Crime

That in Allendale County, South Carolina, on or about March 1, 2020, the Defendant, Paulette Sims, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime and Paulette Sims was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

30-life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ALLENDALE

STATE

VS.

INDICTMENT/CASE#: 2020GS0300022

PAULETTE SIMS

AW#: 2020A0310100020

AKA:

Date of Offense: 03/01/2020

Race: Black Sex: Female Age: 31

S.C. Code §: 16-3-10

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0116

Address: [REDACTED] Bluff Rd Apt # 820

City, State, Zip: Allendale, SC 29810

DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor *Michael Reaney* 10045

SC Bar #

Defendant *[Signature]*Attorney for Defendant *Steph T. Plems*SC Bar # *012014*WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020GS0300023, 2020GS0300024☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ALLENDALE

STATE

VS.

INDICTMENT/CASE#: 2020GS0300023PAULETTE SIMSAW#: 2020A0310100021

AKA:

Date of Offense: 03/01/2020Race: Black Sex: Female Age: 31S.C. Code §: 16-3-10DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0116Address: [REDACTED] Bluff Road Apt #929City, State, Zip: Alendale, SC 29810DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020 GS0300022, 2020 GS0300024☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

5 years

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ALLENDALE

STATE

INDICTMENT/CASE#: 2020GS0300024

VS.

PAULETTE SIMS

A/W#: 2020A0310100022

AKA:

Date of Offense: 03/01/2020Race: Black Sex: Female Age: 31S.C. Code §: 16-23-490DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0549Address: [REDACTED] Bluff Road Apt 829City, State, Zip: Alendale, SC 29810DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of a Weapon During the Commission of a Violent CrimeIn violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
SolicitorSC Bar # 100145Defendant [Signature]Attorney for Defendant [Signature]SC Bar # 012014WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020 650300023, 2020GS0300024☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.
days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFICATE OF COUNSEL FOR APPELLANT

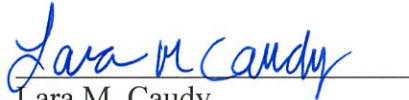
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Feb 02 2023

SC Court of Appeals



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of February, 2023.