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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Appellate Case No. 2021-001275

The Honorable Robert J. Bonds, Circuit Court Judge

State of South Carolina.....Respondent,

v.

Tiesh Rhue Appellant.

**RECORD ON APPEAL
VOLUME IV OF V**

ALAN WILSON
Attorney General

JULIANNA BATTENFIELD
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Attorneys for Respondent

RANEE SAUNDERS
ELIZABETH FRANKLIN-BEST

Elizabeth Franklin-Best, P.C.
3710 Landmark Drive, Suite 113
Columbia, South Carolina 29204

Attorneys for Appellant

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(States exhibits

- **No. 9 – disk;**
- **No. 10 – disk;**
- **No. 19 – missing persons report;**
- **No. 21- video;**
- **No. 24 – flash drive of photographs;**
- **No. 27 – video;**
- **No. 39 – flash drive of photographs;**
- **No. 42 – texts;**
- **Nos. 57-74 – autopsy photos;**
- **No. 76 – autopsy photo;**
- **No. 89 – map of the City of Georgetown;**
- **No. 97 – redacted disk;**
- **No. 101 – Walmart video disk;**
- **No. 102 – Walmart receipt;**
- **Nos. 104-105 – consent forms;**
- **No. 107 – video; and**
- **No. 115 – voicemail CD – are all on file with this Court)**

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 A. That's correct.

2 Q. And he teaches the class?

3 A. That's correct.

4 Q. So what materials were you given or where you
5 given any materials when you went to class?

6 A. Uh-huh.

7 Q. Yes.

8 A. Yes, sir. Absolutely.

9 Q. Okay. And these are all materials that are
10 manufactured -- I say manufactured -- these are all
11 materials that have been created by CellHawk?

12 A. It's a combination of materials, like learning
13 slides, in combination with physical archived reports. So
14 they give examples for each provider and their types of
15 reporting, what those reports look like historically, so
16 they get examples of previous returns that they've received
17 in previous cases. And they show you how to analyze and
18 what the data on those reports mean for each provider.

19 Q. So does -- who has the -- who's got the contract
20 with CellHawk?

21 A. So my department pays the bill for our
22 subscription basically.

23 Q. Okay.

24 A. But the subscription is different than the
25 training. So you don't get the training when you buy a

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 subscription, you get the program. The training is paid for
2 afterwords or separately to be able to manually map.

3 Q. Okay. Are there other companies -- is there, you
4 know, Knight Rider, or who knows what -- I mean, are there
5 other companies --

6 A. There are.

7 Q. -- other than CellHawk that are providing, to the
8 best of your knowledge, substantially the same services?

9 A. So I did an evaluation with our department to
10 figure out where we were going to choose to base our
11 subscription with.

12 Q. All right. Tell me about that.

13 A. So I found, basically in the field, there was two
14 top names, Guardian Forensics and CellHawk.

15 Q. And how did you determine, sir, what the two --
16 what you believed to be the two top names in the field?
17 What information did you use, if any, to determine that?

18 A. So I did a consensus, like a peer review, I talked
19 to surrounding departments that were currently mapping and
20 other large entities that were trying to fill a need that we
21 were filling what they --

22 Q. Other police departments, sir?

23 A. Yes, sir.

24 Q. All right. And what other -- what other entities
25 are you talking about?

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 A. So Horry County Police Department also uses
2 CellHawk. Then we had some other people that we use, like
3 the FBI has used Guardian, they specifically subscribe to
4 Guardian. And that's the -- they use them specifically
5 because they have a unit called Guard Unit, that allows them
6 to verify locational signal strengths from the towers by its
7 unit. So it's a little more comprehensive than we do.

8 So, for instance, like if a handset is connecting
9 to a tower and the tower says we should be able to provide
10 service to this handset in this area, the other third-party
11 service has a unit that verifies, goes out and measures the
12 signal strength to say, Yes, this tower is the one that
13 connects geographically at this location.

14 Q. All right. So other than talking to other uses of
15 these services --

16 A. Yes, sir.

17 Q. -- what, if any, publications, what, if any,
18 articles, tell me about your review other than communicating
19 with other users of the services, sir?

20 A. So when I look at both of them, I received a trial
21 period for both services. I manually map the same record in
22 both platforms to see, One, were they accurate to what we
23 were seeing on the paper? Which both were. But what
24 functionality and reporting needs --

25 Q. Manually mapped to confirm the accuracy?

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 A. Correct.

2 Q. All right.

3 A. And then when looking at both platforms and how
4 they visually give you the data and what kind of reports
5 that they were giving, I felt that the CellHawk met our
6 needs better than the Guardian System. The Guardian System
7 was more comprehensive when talked about those secondary
8 device usages, like the Guard System and stuff, that we
9 didn't need to utilize at our level.

10 Q. All right. Any publications or periodicals that
11 you may have looked at, sir, when you went to decide, or
12 make a recommendation, I guess, as to what service to use?

13 A. No, Your Honor.

14 THE COURT: All right. Let me ask you this:
15 Based on the questions that I asked, does the State --
16 excuse me, does the Defense have any other questions that
17 they want to ask, because I'm going to let everybody say
18 what they want to say and then I'm probably going to have to
19 sleep on this. Mr. Hazzard?

20 MR. HAZZARD: No, sir.

21 THE COURT: Mr. Voigt?

22 MR. VOIGT: No, sir.

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: Anything else from the State?

25 MS. SMITH: Do you have any additional questions

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

1 for him, Your Honor?

2 THE COURT: No.

3 MS. SMITH: We don't have any.

4 THE COURT: Sir, I do want to ask you a couple of
5 other questions.

6 THE WITNESS: Yes, sir.

7 COUNCIL-JONES HEARING FURTHER DIRECT EXAMINATION

8 BY THE COURT:

9 Q. The Google Geofencing -- a lot of Gs there -- ever
10 heard of it before today. All right.

11 To your knowledge has that been used in any court
12 in the State of South Carolina, sir?

13 A. I don't know specific cases of any state. I just
14 know through my training and education that it has been
15 used.

16 Q. Where? Somewhere other than South Carolina?

17 A. Yes, sir. They had a visiting judge at my last
18 techno conference that gave a block of instruction on what
19 they thought for their court and what they were seeing, and
20 it was basically coming down to the scope of the search
21 warrants. And they were using it where he was on the bench.

22 Q. All right. And with the Google Geofencing, all
23 right, can you check it, can you perform a self check as it
24 relates to verification like you can on CellHawk?

25 A. So, no, there's no other way to verify it unless

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

1 you're using it against a totality of circumstances against
2 other records.

3 So, in this case, specifically, they provided me
4 CDRs, and Google Geofence. And when you overlay them
5 together and they match, then you could say with pretty much
6 certainty, that the Google information is accurate, because
7 it wasn't an anomaly from the already known CDR information
8 that you're getting from the cell phone provider. They were
9 falling within the same sector and azimuth of the towers
10 that were being provided with Call Detail Records.

11 Q. Who trained you on Google Geofence, sir?

12 A. The only block of education I've got is through
13 the symposium, because it's so new.

14 Q. Through symposiums?

15 A. Through the detective conferences that we attend
16 --

17 Q. Okay.

18 A. -- through the task force.

19 Q. And the techno conferences, that would be
20 conference that you would go to. Who puts on or talks to
21 you or to the individuals who attend the conference? Do
22 you -- do you go and pick out which one you go to you to?
23 Is it like a continuation class, sir, a seminar?

24 A. Right. So the symposiums are two-fold, they're
25 like, Come here, see what's new in the techno world, because

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

1 we want to sell you stuff. And then for coming to look at
2 our stuff we're going to provide you a laundry list of core
3 classes that you can attend while not -- looking at the new
4 latest and greatest, basically.

5 So you've got to select what avenues that you
6 would like to learn on. Some of it's on cellular downloads,
7 on new things coming out from them, from different
8 companies. There are several companies that deal with
9 those. Google Geofence is a hot topic right now, because
10 they're becoming more prevalent, so there were some courses
11 that were taught by attorneys and some judges that challenge
12 the validity of taking the data and ingesting in and
13 spitting in a courtroom kind of deal, and what they thought.

14 And everything that I learned from those was just
15 Fourth Amendment issues where we're talking about, Was it
16 specific? Was it reasonable to believe that it's going to
17 fall in that sector? Were you too intrusive? Kind of deal.

18 Q. So the people who spoke, were they employees of
19 Google or were they just folks who were asked to come to
20 talk or do you know? I'm asking.

21 A. So the ones that we're speaking about the subject
22 had no relation to Google. They were just subject matter
23 experts or people dealing with those specific fields that
24 we're trying to embark either knowledge or what has become
25 standard practice in those fields.

ALLEN HUGGINS - CJ RECROSS BY MR. HAZZARD

1 Q. Do they provide you with any information, any
2 written information, sir?

3 A. No.

4 THE COURT: All right. I don't have any other
5 questions. Any followup in regard to the additional
6 questions I just asked, Mr. Hazzard?

7 MR. HAZZARD: Yes, sir.

8 COUNCIL-JONES HEARING RECROSS-EXAMINATION

9 BY MR. HAZZARD:

10 Q. One question I would ask regarding -- with regard
11 to the Geofence, any proficiency testing --

12 A. For doing Geofence, no, sir.

13 Q. Okay. That's my only question.

14 A. Do you mind if I expand upon that a little bit?

15 THE COURT: Yeah, you can expand upon it?

16 THE WITNESS: So when you say "proficiency
17 testing," the only that really, because Google -- I'm sorry.

18 BY MR. HAZZARD:

19 Q. I'll move over here. So you can see.

20 A. When Google sends you the locational data in their
21 Excel Spread Sheets, they send you a qualifying, basically,
22 a written statement saying that the information they're
23 providing was obtained and is verified and is accurate and
24 they're signing saying that what they're giving you is true.

25 So that's the only way to really verify unless

ALLEN HUGGINS - CJ RECROSS BY MR. HAZZARD

1 you're talking about double verification by another --
2 another GPS or Call Detail Record, another phone Record,
3 able to put them together. Does that make sense?

4 Q. Yes, sir. I appreciate that. I think you
5 misunderstood my question. I'll try it again.

6 The Judge had asked you about where you learned
7 from and I believe you said you went to some training or
8 conference?

9 A. Right.

10 Q. And my question was based on -- when you went to
11 that conference, did you have to take a test, which is what
12 I mean by proficiency testing.

13 A. Okay. Yes, sir.

14 Q. Did you have to take any testing that would
15 indicate to the extent which you absorbed the knowledge that
16 was given at the conference?

17 A. No. Each of the blocks were small blocks on each
18 specific -- so like the Google Geofence was a couple of
19 hours. You just ingested the material that was provided and
20 went to your next class. There was no written exam or
21 anything like that at the end.

22 MR. HAZZARD: All right. Thank you, sir. No
23 further questions, Judge.

24 THE COURT: Anything else gentlemen? Mr. Voigt?

25 MR. VOIGT: No, sir.

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 THE COURT: Mr. Edgeworth?

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: Solicitor?

4 MS. SMITH: Yes, Your Honor.

5 COUNCIL-JONES HEARING REDIRECT EXAMINATION

6 BY MS. SMITH:

7 Q. Has Geofencing been used to investigate crimes?

8 A. It has.

9 Q. Have you used it to investigate crimes?

10 A. I have.

11 Q. Okay. Has it been useful?

12 A. It has.

13 Q. Okay. Can you elaborate on that?

14 A. We've used it for crimes where we weren't sure who
15 was around or was not around. One of the biggest tools I
16 think they give you is sometimes when a witness is
17 potentially difficult to find or willing to talk, and
18 sometimes if you're able to locate those witnesses by
19 something like Google Data, then get with them offline,
20 sometimes you'll find a witness to a crime that occurred.
21 So it's helped us in that respect.

22 I had a double homicide last year involving an
23 infant that Google has helped us and is helping us right now
24 to determine what occurred there.

25 THE COURT: So how many times have you used it?

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 THE WITNESS: I think I've written maybe less than
2 ten, I would say, is a fair estimate.

3 THE COURT: All right.

4 THE WITNESS: Because they're not that often that
5 you would find a circumstance to use it.

6 THE COURT: And has it been accurate?

7 THE WITNESS: It has.

8 THE COURT: All right. Go ahead. I didn't mean
9 to cut you off.

10 MS. SMITH: No. No. Absolutely, Your Honor.

11 BY MS. SMITH:

12 Q. Have you been able to verify that Google Fencing
13 Data with other sources of data that you have?

14 A. So, my case in point, where I talked about the
15 double homicide from Suggs Street, I was able to verify
16 Google locational data based on video evidence.

17 So, like, before I wasn't able to verify a witness
18 just by the vehicle, because we had several vehicles that
19 went through, but when I got the Google Locational Data
20 back, and I was able to see who the subscriber was, I was
21 able to go and then talk with them and they said, Yeah, I
22 was driving there. Yeah, I was at the gas station. Yeah, I
23 did see this.

24 So through correspondence after verify what Google
25 said, I was able to verify what the actual person who was in

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 the data showed that it was accurate, yeah.

2 THE COURT: All right. Any other questions for
3 this gentleman?

4 All right. Sir, I'm going to ask you to stand
5 down. You can certainly speak with the Solicitor as it
6 relates to the situation you have with the doctor's
7 appointment. I apologize, but you can talk to her about
8 that, and then she will relay to me. You can't talk to her
9 about any other aspect of the case, you know that. I've got
10 to tell you that.

11 THE WITNESS: Thank you.

12 THE COURT: So I'm going to allow you to step
13 down.

14 All right. Solicitor, there was something you
15 wanted to show me earlier that they might want redacted.
16 You certainly can talk with them, I don't know if that could
17 be resurrected or not, but if you want to talk with them in
18 a moment when we break, you certainly can. I wasn't going
19 to slow the pony show up for that at that point.

20 I've got the jury coming back in here at 9:30. Is
21 there anything else that we need to take up tonight?

22 MS. SMITH: Not that I'm aware of, Your Honor.

23 MR. VOIGT: I did, while it was on my mind, want
24 to put those specific objections on the record.

25 THE COURT: I'll listen to it, yes, sir.

1 MR. VOIGT: All right. And that is we have a
2 basic authentication issue buried in this issue. And that
3 is we have Google records that purport to be accurate, but
4 even though there's a low standard, the Court is not being
5 asked to address the authentication. There will be nobody
6 from Google here, I imagine, who can certify and can testify
7 as to that. And our legislature has provided end around for
8 the State, if they're willing to do it, and that's contained
9 19-5-520, and that has not been complied with to the best of
10 my knowledge.

11 So that, I believe at the very core we have
12 information that cannot be authenticated and it kind of
13 renders moot everything that comes thereafter. And you
14 think that after an hour about arguing with this, I actually
15 have another objection, and that is that this is duplicative
16 of other evidence that the State has already introduced
17 would not assist the jury in any way.

18 We're essentially arguing about something that
19 doesn't much matter. So -- and sometimes the Court only
20 gets to know that when it sees what it is that the State is
21 trying to do. But my core argument is that there is no
22 authentication procedure that the State did that saves this,
23 and I wanted to put that on the record, because it's a
24 slightly different an objection that we were making earlier.

25 THE COURT: All right. Gentlemen, anything else?

1 MR. HAZZARD: No, sir.

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: All right. Then I'll see everybody
4 back in here at 9:00 o'clock. And, in fact, if y'all want
5 to start looking at some stuff up there. That's a fine to
6 do it, we got the jury coming in at 9:30.

7 What are we looking at witness wise, Solicitor?

8 MS. SMITH: Your Honor.

9 THE COURT: In terms of -- in terms of where we're
10 going?

11 MS. SMITH: I believe that we have approximately
12 four to five -- I mean, five witnesses left, Your Honor.

13 THE COURT: All right. Okay.

14 MS. SMITH: And please don't hold me to that.

15 THE COURT: I would never do that. All right.

16 Great. Thank you. I'll see everybody back in
17 here at 9:00 o'clock tomorrow morning.

18 MR. VOIGT: Judge, I have a couple of Geofencing
19 cases from the Eastern District of Illinois, if it would
20 assist you or your clerk.

21 THE COURT: Absolutely.

22 MR. VOIGT: And just so that the State can play
23 along at home, it's State, In the Matter of Information
24 Stored at the Premises Controlled by Google, Case Number
25 20M297, in the Northern District of Illinois, Eastern

1 Division. And from the Northern District Eastern Division
2 State in the Matter of Information Stored as Premises
3 Controlled by Google, and that's 20M392.

4 THE COURT: All right. I'll take those cases.

5 MR. VOIGT: They didn't help me that much.

6 MS. RICHARDSON: One more that we have.

7 THE COURT: Yes, ma'am.

8 MS. RICHARDSON: In Re: Search warrant for
9 Geofence Location Data Stored at Google concerning an arson
10 investigation, and that's 497 F. Supp 3rd, 345.

11 THE COURT: All right. You got that case for me?

12 MS. RICHARDSON: Your Honor, can we email that to
13 everybody. Ours is just written all over.

14 THE COURT: All right. Good. Thank y'all very
15 much.

16 (WHEREUPON, the proceedings adjourned for the day
17 at 6:05 p.m.)

18 OCTOBER 19, 2021

19 (WHEREUPON, the proceedings resumed at 9:03 a.m.)

20 THE BAILIFF: All rise.

21 THE COURT: Thank you. You can be seated.

22 All right. Good morning.

23 Solicitor, as it relates the witness that we had
24 on the stand yesterday, is he going to be available today,
25 and if so, when?

1 MS. RICHARDSON: He's here now, Your Honor.

2 THE COURT: Excellent.

3 Good morning, sir. Thank you.

4 THE WITNESS: You're welcome.

5 THE COURT: All right. I've given a lot of
6 thought to the information that was provided on the stand
7 yesterday concerning his ability to give opinion testimony,
8 that is, to qualified as an expert. I think CellHawk and as
9 a cellular data analyzer, I believe is what was stated.

10 As it relates to CellHawk, I'm going to find that
11 he is, in fact, an expert. He testified that CellHawk, the
12 product, has been used in the courts of this State. He has
13 an understanding, clearly, from his testimony he has a clear
14 understanding as to how it works. He has a clear
15 understanding as to its limitations. He's had training in
16 its use. He's researched the use of CellHawk. He's
17 contacted or been aware of and investigated other companies
18 that provide similar services. He's contacted his peers
19 concerning the use of CellHawk and other services similar to
20 CellHawk. He also, as I understand, was trained and, to
21 that extent, was trained on how to manually check the
22 information or to generally check the information that
23 CellHawk provides. And that he has found it in his use to
24 be accurate.

25 And so, to that extent, I think that clearly he's

1 got scientific, technical, or other specialized knowledge
2 that will assist the trier of fact. I think that there have
3 been publications that he's reviewed and I think that he has
4 looked at and examined that information.

5 Certainly, he's contacted his peers concerning
6 this matter. And, again, I think he is aware of that this,
7 in fact, the type of methodology that is used in this
8 matter. I think it's relatively reliable. I think he's
9 testified to that with the manual training that he has
10 received.

11 And, again, really, I think going back to the
12 State v. Jones as it relates to reliability, there's always
13 a possibility that an expert's testimony is incorrect,
14 however, whether to accept an expert's opinion or not is a
15 matter for the jury to decide. The trial courts are tasked
16 only with determining whether the basis for the expert's
17 opinion is sufficiently reliable such that maybe offered
18 into evidence.

19 And I think that he has met the sufficiency
20 threshold for the reliability requirement when testifying as
21 to the methods that were used, the fact that he's reviewed
22 different documentation, that he's contacted his peers, and
23 that it's been accepted in the courts of this State and
24 formally appears to be accepted or relied upon by other law
25 enforcement professionals.

1 As it relates to Geofence, I've reviewed the cases
2 that were provided to me and that is from the Northern
3 District of Illinois, Case Number 20M297, deals with a
4 sealed memorandum order and opinion. I've reviewed
5 documents, and these have been provided by the State, I
6 think that may have been -- I think provided by the State
7 may have been, In Re: Search Warrant Applications for
8 Geofence Location Data Stored in Google concerning an arson
9 investigation. And, finally, there was another case, I
10 think that the defense provided me Northern District of
11 Illinois, Case Number 20M392.

12 All three of those cases dealt primarily with the
13 Fourth Amendment issues concerning Geofence. And I will
14 tell you that the Fourth Amendment issues regarding
15 Geofence, to my recollection, that's really not what was
16 brought to this Court. It was a glancing blow made by
17 Mr. Voigt, but most of it centered around whether this
18 gentleman was an expert and not about the Fourth Amendment
19 issues. Nobody asked me to look at the warrants that were
20 issued, the sufficiency of the warrants, whether they
21 were -- how narrow in scope they were. That's not before
22 me.

23 Do I have serious reservations concerning the
24 Fourth Amendment issues of privacy and search as it relates
25 to Geofence? I sure do. And, in fact, what I will say is

1 that one quote that stood out to me in the 20M392 case,
2 that's the Northern Illinois case, this Court finds it
3 difficult to imagine that users of electronic devices would
4 affirmatively realize that at the time they begin using the
5 device that they are providing their location information to
6 Google in a way that will result in the government's ability
7 to obtain easily, quickly, and cheaply their precise
8 geographical location at virtually any point in the history
9 of the use of their device.

10 That having been said, none of those cases are
11 addressing the science behind, as I read them, Geofence.
12 Nobody is addressing in those documents that Geofence isn't
13 accurate or can't be accurate. No one is addressing the
14 data that Geofence uses or that law enforcement uses in
15 analyzing the data. I think the cases makes it clear and
16 this gentleman's testimony makes it clear that Geofence data
17 is data that is provided by or is possessed by Google. And
18 I think the cases acknowledge that, too, that the data is
19 data that is maintained by Google. And that I believe that
20 law enforcement and other experts in the field rely upon on
21 a very regular basis.

22 This gentleman indicates that he may not be aware
23 that Geofence has been used in the courts of this State, but
24 he is aware of it having been used elsewhere and that
25 certainly is confirmed in the information that was provided

1 to me.

2 He said that he's only used it ten times.
3 However, he has attended various trade shows where the
4 product was addressed and concerns about the product were
5 addressed by attorneys and law enforcement and other
6 individuals who were not employees of Google.

7 Again, he did testify that the vast majority of
8 that circulated around Fourth Amendment issues. Again, not
9 about the use of the technology itself, the accuracy of the
10 technology, and, in fact, as far as accuracy of the
11 technology goes, I believe the officer testified that it
12 could be accurate in this experience to within a few meters.
13 And, in fact, I believe the case law references the fact that
14 Geotech is accurate to or within generally a few meters.

15 As it relates to the information and the business
16 records, I think it is a business record, I think that also
17 if this is any hearsay, the information or documentation
18 that he's relying upon, I mean, I think it's information
19 that an expert would use and that individuals have used in
20 formulating their opinion. And I think that would be
21 another exception as it relates to the hearsay rule and the
22 ability to use the information.

23 He also testified as it relates to testing that
24 while there is not for instance a manual test, as I
25 understand it, as outlined as he testified to with the

1 CellHawk. He did indicate that one of the things that he
2 did and that other folks can do to verify is to actually go
3 and overlay the Geofence data with the CellHawk data and
4 that if the data substantially matches, then you can rest
5 assured that the information that is been input into the
6 system and that the algorithm then exports or puts out, is
7 accurate or fairly accurate. And I think that he's testified
8 that's what folks that's what experts in the field use as a
9 way to confirm that. I don't think it's necessary that as
10 an expert that he understands the details of the algorithms.

11 So I think that all of this information will be
12 helpful to the jury. I think it falls outside the scope of
13 the normal purview of a juror. And I think that this
14 gentleman has the experience, the knowledge, and expertise
15 to give an opinion that will assist a jury in understanding
16 this information. And I think that it is reasonable. I
17 think it's accurate or at least is accurate enough that the
18 jury can then go listen to this information, and pursuant to
19 my instructions I've given them on every expert, I will
20 instruct them that they can accept some of, all of, or none
21 of this experts testimony.

22 So that will be my ruling as it relates to the
23 qualifications of this gentleman. So I'm going to find him
24 as an -- I'm going to find expert in Geotech -- or Geofence
25 and the CellHawk. Those will be the two things that I will

1 find him an expert in. And being able to use that
2 information to extrapolate opinions or reach conclusions
3 concerning the information that he gleans from the use of
4 those two applications.

5 That will be my order.

6 All right. Anything further from the State
7 concerning the Court's order as it relates to the
8 qualifications of this witness?

9 MS. SMITH: No, Your Honor.

10 THE COURT: Anything from the Defense,
11 Mr. Hazzard?

12 MR. HAZZARD: Yes, sir. Very briefly.

13 THE COURT: Yes, sir.

14 MR. HAZZARD: I'll start by saying I completely
15 understand the Court's ruling, but I do want the record to
16 be clear with regard to the nature of my objection. With
17 regard to Google Fencing, Geofencing. I start with just
18 straight out State v. Council, 335-SC-1-1999. And what I
19 look at is the four basic requirements, which there can be
20 more factors, but the four factors that the Court noted.
21 And when I say, "The Court," I'm referring to the Supreme
22 Court of South Carolina. Those four factors being
23 publications and peer review of the technique.

24 As I recall, I asked the witness regarding the
25 peer review for Geofencing, and he said, As it is a

1 proprietary technique, there is no peer review of it,
2 because no one else in what would be perceived as the
3 location industry has any way to review it, has any way to
4 give it a thumbs up or thumbs down as to its accuracy and
5 its efficacy. So that give me pause for concern.

6 Prior application of the method to the type of
7 evidence involved in the case they have said it has been
8 used other times, that is fine. The fact that one court has
9 allowed it, doesn't mean another court has to, because each
10 court can have their own concerns as has been seen with
11 TrueAllele, in different places around the country. And as
12 STRmix.

13 And with regard to TrueAllele, if memory serves
14 correctly, they virtually -- it's impossible for them to use
15 it in New York State, whereas, other courts in other states
16 have allowed it to be used. So I don't think that's
17 dispositive.

18 The third thing, and also of great concern, the
19 third factor, quality control procedures used to ensure
20 reliability. And as I recall my recollection is I asked
21 Mr. Huggins, specifically -- or Officer Huggins
22 specifically, and this also applies to CellHawk, I have a
23 huge concern any time someone says that they have no concept
24 of the error rate for an application. Everything has an
25 error rate. Anything that man creates is subject to error.

1 And to say that it doesn't have an error rate or
2 there is no way that it's tested for an error rate, the
3 company has never said, Hey, we're accurate this percentage
4 of the time based upon our testing and blind review and
5 retesting. So that gives me a great deal of concern.

6 And consistency of method with recognized
7 scientific laws and procedures. Under Rule 702, of course,
8 cannot say that, because, again, no one else in the
9 scientific community has had the opportunity to review it,
10 to kick the tires on it, so to speak, to say, Hey, yeah,
11 this really works. And I think we're getting to the point
12 now and what gives me great pause is we're getting to the
13 point now where folks are starting to testify and say -- oh,
14 and with regard to Geofence, also, it's my recollection is
15 the witness said, Yeah, I went to a, you know, seminar, and
16 of that seminar -- and I don't remember if he said how long
17 it was, whether it was a day, two days, or a whole week, but
18 my recollection is he said approximately, I think it was
19 two hours of it, was related to a presentation on Google
20 Fencing.

21 And I would not think that two hours of a seminar
22 would cause anyone to be an expert on virtually anything.
23 Of course, that can be supplemented by, you know, work and
24 things of that nature, and his dealings with it.

25 But I think we're coming to an age now where

1 witnesses are being offered up as experts on procedures or
2 applications, computer programs. And when the question is,
3 Well, how does it work? Well, I don't know, I'm just
4 trained to use it. And the reason that's a rabbit hole to
5 me is, as I'm sure this Court well knows, you've got STRmix
6 commonly called Starmix for short, and TrueAllele.

7 There are cases around the country where one side
8 has used STRmix the other side has used TrueAllele, both of
9 which are these same type of black-hole proprietary
10 processes, and they've come up with wildly divergent, you
11 know, answers to a given question, such as whose DNA is in a
12 sample?

13 So I have grave concerns, and that is the basis of
14 my objection, I would submit that allowing the jury to hear
15 this information regarding, specifically, Geofencing
16 technology, you know, does violence, you know, to my
17 client's due process rights and the Fifth and Fourteenth
18 Amendment, Your Honor.

19 THE COURT: All right.

20 MR. HAZZARD: And it would violate the Supreme
21 Court's rulings on Council and Jones. So that is the basis
22 of my objection in that regard.

23 THE COURT: Mr. Voigt?

24 MR. VOIGT: Your Honor, I join in Mr. Hazzard's
25 objections to the Court's ruling, but I want to note that I

1 made a specific objection yesterday that the Court has not
2 addressed. And that has to do with Article 901 of the Code
3 of Evidence Authentication of the Google documents that are
4 used to form the basis of this witness expert testimony.

5 And I highlighted a particular statute, which is
6 Revised Statute 19-5-520. And that Statute was enacted a
7 few years ago to alleviate the burden on the State of
8 South Carolina to provide custodians of records to certify
9 as to the authentication of documents, merely by giving
10 notice and providing an affidavit. So there's an easy work
11 around. That has not been done ion this case.

12 So in order to know that these records have not
13 been tampered or altered in any way having come from Google,
14 not to this expert, but to a third party. And then this
15 third party, the Solicitor's Office, transmits these to the
16 expert who then relies upon them for his opinion in whatever
17 he's going to do or say. We haven't met the barest
18 threshold under Article 901. There's an easy way to do it.
19 They haven't done it. I haven't heard that we're going to
20 get testimony. I haven't heard that they're going to
21 somehow comply with the Rules of Evidence and the statute
22 that allows them to do it.

23 Irrespective of the expert's qualifications, we
24 have -- there has to be a measure of reliability, what goes
25 into that experts opinion before it gets to go to the jury.

1 And just like we saw Verizon, just like we saw T-Mobile,
2 there has to be some indication, the State must provide it,
3 that these records are what they say they are. And we're
4 not going to get it, and it's going to be washed through
5 Mr. Huggins's testimony, and I believe that that that's
6 improper.

7 THE COURT: All right. Anything else,
8 Mr. Edgeworth?

9 MR. EDGEWORTH: Just briefly, Your Honor.

10 Obviously, I adopt the arguments made before the
11 Court, but I just wanted to make my position a little bit
12 more, in a real world and succinct. And that is, I also
13 object on the basis that we're putting forth before the jury
14 a witness that we're calling an expert, who's really doing
15 nothing more than utilizing an application and calling that
16 an expertise.

17 And what I mean by that is, if we're talking about
18 a rabbit hole or slippery slope, is are we going to have
19 somebody, and the analogy would be, I'm now an expert in
20 using Facebook, because there I go there and play on it
21 often and I know how to manipulate and put photos here and
22 photos there, so therefore I'm an expert. I mean, that's
23 not expertise, that's just using an application. And that's
24 what these witnesses are doing. Yes, they may have been
25 trained to use the program, but that comes from the

1 experience, such as I'm using Facebook or TikTok or even
2 going to my ESPN app, I know how to get in there and use it,
3 because I'm using it and I see things on it. I don't know
4 how those things got there, unless I made them, if I made a
5 post. And that's not an expertise.

6 And so my argument, in general, is that this is
7 not a field of expertise. That's the reason why I asked the
8 questions about, Is any of this recognized by anyone? No,
9 there is no organization. There's nothing. This is a
10 made-up area of, air quote, science that is generically
11 called digital forensics. And that's no different than me
12 going in to my own computer and just Googling around.
13 That's not an expertise. I found something.

14 And that reaches back to Counsel's position which
15 is the underlying information is not understood nor put
16 forth into evidence by anyone. We're just saying, I gave
17 you some information, I'm going to Google, and I'm trying to
18 figure out something, i.e., type it into the Google search
19 engine.

20 That would be my furtherance of my argument which
21 is that it's not a science, it's not an area of expertise.

22 THE COURT: All right. Well, I'm going to deny
23 each one of your motions. I mean, now, I think if you play
24 around on a car enough you can be a mechanic and give expert
25 testimony. I think -- I think somebody can go and dabble

1 with something enough, quite frankly, they are an expert and
2 could be deemed an expert and I think that's well
3 recognized.

4 I also want to put on the record that the manner
5 in which this gentleman answered questions yesterday, the
6 explanations that he gave were straight forward, were, in my
7 opinion, common -- there was common sense in the
8 explanation. And there was a level of proficiency that I
9 observed from this witness that further bolsters, in my
10 opinion, the decisions that this Court outlined earlier as
11 to why I'm going to allow him to testify as an expert.

12 I don't need -- is there anything else you want to
13 put on the record, Mr. Hazzard? I'm happy to do that. I'm
14 ready to get the jury in here.

15 MR. HAZZARD: Yes, sir. I just want to say that
16 for the record Alexander Rhue Sr. adopts and joins into the
17 arguments and objections made by Mr. Voigt and
18 Mr. Edgeworth.

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

20 MR. HAZZARD: Oh, and one other thing.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: Before there was discussion
23 yesterday regarding whether the State was going to elect
24 hand of one or conspiracy, the conspiracy charges, and the
25 Prosecutor indicated yesterday she would give the Court an

1 answer by the end of the day yesterday. I'm not aware if an
2 answer was given. I don't know if the Court wishes to
3 address that at this time.

4 THE COURT: And I don't doubt you. I don't
5 remember her saying she was going to give us an answer by
6 the end of the day. She may have, I just don't remember
7 that. But I do remember her indicating, sir, absolutely
8 that she was considering electing that which, perhaps, would
9 alleviate some of the questions yesterday that Mr. Voigt
10 has.

11 Solicitor, have you made a decision concerning
12 that?

13 MS. RICHARDSON: Yes, Your Honor. The State will
14 nolle pros the conspiracy charges on each of the Defendants
15 and proceed with murder, obstruction of justice, and
16 desecration of human remains. And with the understanding
17 that that would employ the hand of one is the hand of all
18 charge.

19 THE COURT: I'm sorry, what was the last
20 statement?

21 MS. RICHARDSON: And then that -- then we would
22 have the hand of one is the hand of all charge, as opposed
23 to the conspiracy.

24 THE COURT: I believe that is my understanding
25 that that alleviates part of your concerns, Mr. Voigt?

1 MR. VOIGT: That was the remedy that I asked for,
2 so I have nothing further on that.

3 THE COURT: All right. Solicitor Smith, did you
4 have an opportunity -- there was some document that you were
5 looking at or wanted to talk with them about as far as
6 redactions. Have you had an opportunity to do that?

7 MS. SMITH: No, Your Honor.

8 THE COURT: Ms. Richardson, has that been
9 resolved?

10 MS. RICHARDSON: Yes, Your Honor. It is -- what
11 was marked as State's 108, it is bond paperwork or bail
12 forms for Alexander Rhue Sr. Mr. Hazzard reviewed it and
13 asked that we redact his Social Security Number.

14 THE COURT: All right.

15 MS. RICHARDSON: And the purpose of this document
16 is to establish the phone number of Mr. Rhue Sr.

17 THE COURT: All right. That's fine. And, again,
18 Solicitor, I just didn't know whether we were needing to
19 stop everything and redact yesterday. And certainly we've
20 had an opportunity to do this now and that's great. I want
21 to make sure that you had time to do what you needed to do.

22 Thank you.

23 All right. Anything from the State before we
24 bring the jury in?

25 MS. RICHARDSON: And, Your Honor, we would move

1 that into evidence as a self authenticating document.

2 THE COURT: Any objection, Mr. Hazzard?

3 MR. HAZZARD: If I could see it in its present
4 form --

5 THE COURT: Yes, sir.

6 MR. HAZZARD: -- first, I'd appreciate it.

7 MS. SMITH: Your Honor, while we're waiting on
8 this, could we also get the TV taken out?

9 THE COURT: Sure.

10 MS. SMITH: Your Honor, we have one more matter.
11 Yesterday, it came to our attention.

12 THE COURT: Hold on. Was 108 moved into evidence?

13 MS. RICHARDSON: I just thought we might have to
14 do that in front of the jury.

15 THE COURT: Okay. That's fine. That's fine. No
16 problem.

17 MS. RICHARDSON: And we would just say it's a
18 self-authenticating document being moved into evidence.

19 THE COURT: All right. I just wanted to make
20 sure.

21 MS. RICHARDSON: I think the jury would have to
22 hear.

23 THE COURT: That's fine. Yes, ma'am.

24 All right. Solicitor Smith, go ahead.

25 MS. SMITH: Yes, Your Honor. There is one other

1 matter, that we would like to address before the jury is
2 here. That is the matter of a booking photo of Alexander
3 Rhue Jr. Yesterday, it came to our attention that Mr. Voigt
4 is obviously saying that identity is an issue in the Walmart
5 video. This is a picture of his client on February 26th,
6 that same day within approximately eight hours of the
7 Walmart video being captured or his video -- his image being
8 captured on the Walmart video.

9 Your Honor, if identity is at issue here, there's
10 obviously a need for a comparison for the jury. Obviously,
11 this is highly, highly probative. This is taken -- this
12 photo is taken mere hours after -- if I may approach?

13 THE COURT: Yes, ma'am.

14 MS. SMITH: Do you want me to approach with case
15 law as well, Your Honor?

16 THE COURT: No. Go ahead.

17 MS. SMITH: Yes, Your Honor. Your Honor, I will
18 say that on that photo, because when a person is booked,
19 they are in an orange shirt. This picture has been modified
20 to put it in gray -- to be printed in gray scale instead of
21 in color. So that is the only modification that it is gray
22 scale and black and white and not in color, Your Honor.

23 Additionally, that is not the only modification.
24 The other thing, instead of being a full photo of the
25 clothing, Your Honor, it has also been cropped up to the

1 neck, so it look -- I mean, honestly, so it would look more
2 like a DMV photo, so that there would be no -- we could
3 limit any type of inference to a mug shot and we could limit
4 any type of -- any inference to any prior bad act or
5 anything of that nature, Your Honor. We are asking for a
6 ruling on that photo and whether or not you would like -- I
7 mean, obviously we can have somebody come and authenticate
8 it, of course. But the person to authenticate that is from
9 the jail, we would limit testimony just as into her name and
10 when this photo was taken. And we would limit our questions
11 to that.

12 THE COURT: Mr. Voigt?

13 MR. VOIGT: Stop me when I've objected enough.
14 All right.

15 The State proposes that we lie to the jury. That
16 we take an altered photograph, that we call a witness to
17 identify that, and that we lie to the jury about who this
18 witness is and what they're doing. And that this photograph
19 has been altered in two significant ways. And then there's
20 no identification procedure here, because they called a
21 witness, that witness came and went, was questioned, was
22 cross-examined, was questioned again.

23 So this is nothing but prejudice. There's no
24 probative value whatsoever here. This is an improper
25 procedure, done improperly for an improper purpose. This is

1 offensive to my client's right to a fair trial.

2 THE COURT: All right. Well, hold on. Didn't the
3 officers testify that he was able to recognize your client?

4 MR. VOIGT: Not from that photograph, he didn't.

5 THE COURT: No. No. No. No. On the stand,
6 didn't he testify that he was able to recognize your client?

7 MR. VOIGT: He testified that he had spent
8 10 minutes with him three weeks earlier.

9 THE COURT: Yeah.

10 MR. VOIGT: That photograph is not in relation to
11 three weeks earlier and is not in relation to what the
12 officer testified to. What they're trying to do is bolster
13 a quasi identification using a jail procedure and then
14 whitewash to the jury how this came into our possession --

15 THE COURT: Well.

16 MR. VOIGT: -- as though this is evidence of
17 something.

18 THE COURT: I don't need to hear anymore.

19 MR. VOIGT: Okay.

20 THE COURT: And I'm not meaning to cut you off --
21 well, I am meaning to cut you off.

22 But, as I see it, this clearly looks like a jail
23 photo that's in black and white. And I just think that
24 it's, you know, I think the State is -- I think there's
25 already evidence as to identification. They've already put

1 up a witness. You can do whatever you want to do, sir,
2 obviously, as it relates as to how long he saw him, was able
3 to observe him, things of this nature.

4 But I think, clearly, there's been testimony. I
5 think this is duplicative, the effect of it, and I think
6 it's highly prejudicial because there is no way a jury is
7 not going to look at that and assume that's not a mug shot,
8 that is not a DMV shot. And I don't think any reasonable
9 juror is going to do anything other than conclude that this
10 is a mug shot.

11 So, Solicitor, I'm going to exclude that.

12 MR. VOIGT: Thank you very much, Your Honor.

13 MS. SMITH: Yes, Your Honor. May I approach?

14 THE COURT: Yes, ma'am. Thank you.

15 MR. VOIGT: That's why I invited you to cut me
16 off, because I knew I was going to run long at some point.

17 THE COURT: Do you gentlemen need to be heard on
18 that?

19 MR. HAZZARD: No, sir.

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. Is there anything else we
22 need to take up before we bring the jury in, ladies and
23 gentlemen? From the State?

24 MS. SMITH: No, Your Honor.

25 THE COURT: From Defense?

1 MR. HAZZARD: No, sir.

2 MR. VOIGT: No, sir.

3 MR. EDGEWORTH: No, sir.

4 THE COURT: All right. Let's get the jury in
5 here.

6 (WHEREUPON, the jury entered the courtroom at 9:40
7 a.m.)

8 THE COURT: All right. Mr. Foreman, ladies and
9 gentlemen of the jury, good morning. I believe the State is
10 ready to proceed and continue with the officer.

11 Solicitor?

12 MS. SMITH: Yes, Your Honor. Can Allen Huggins
13 take the stand?

14 THE COURT: Absolutely.

15 ALLEN HUGGINS, having been duly sworn,
16 testified as follows:

17 THE COURT: Good morning, sir. All right.

18 Solicitor, at the time that we broke yesterday
19 evening, what was your last question? Or tell me what were
20 you wanting?

21 MS. SMITH: Your Honor, I was proceeding to move
22 Mr. Huggins in as an expert in CellHawk and Geofencing as
23 well as cellular analysis -- cellular technology and
24 analysis.

25 THE COURT: All right. Ladies and gentlemen,

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 based upon the information that has been provided to the
2 Court, I find that this witness -- I'm going to recognize
3 him as an expert in the field of CellHawk, and Geofence
4 technology and an expert in the analysis of CellHawk and
5 Geofence data. And that would be the -- his field of
6 expertise that we're going to recognize.

7 Now, remember the fact that somebody is an expert
8 witness, they can give opinion testimony, whereas a lay
9 person has to basically give kind of what they sensed, what
10 they saw, what they heard. And, again, finally it doesn't
11 mean that you must accept his opinion, but it's evidence for
12 you to use in any way you see fit, folks. Thank you.

13 Solicitor, you can continue.

14 Yes, sir.

15 MR. HAZZARD: Your Honor, if I might for the
16 record, note my objection as to previously placed on the
17 record.

18 THE COURT: Yes, sir.

19 MR. VOIGT: Similarly, Your Honor.

20 THE COURT: Yes, sir, Mr. Voigt.

21 MR. EDGEWORTH: Same objection, Your Honor.

22 THE COURT: Yes, sir, Mr. Edgeworth.

23 Go ahead, Solicitor.

24 CONTINUED DIRECT EXAMINATION

25 BY MS. SMITH:

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Did you review any records in this case?

2 A. Yes, ma'am, I did.

3 Q. And what records did you review?

4 A. I reviewed cellular data records for several cell
5 phones and several geo locational data provided by Google
6 based on Geofence search warrants and subscriber search
7 warrants.

8 Q. Okay.

9 MS. SMITH: May I approach?

10 THE COURT: Yes, ma'am.

11 BY MS. SMITH:

12 Q. I'm showing you what has been marked as State's
13 109. If you want to look at that? Do you know it is, that
14 flash drive is?

15 A. It's a prepared demonstrative I made for this
16 trial and probably some of the data or raw data.

17 Q. Do you remember viewing that flash drive prior to
18 testifying?

19 A. It should have been, like, the master file
20 basically of the data.

21 Q. The master file of the data?

22 A. Right.

23 Q. When you reviewed it was that a true and accurate
24 copy of the data?

25 A. It was.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 BY MS. SMITH:

2 Q. I'm showing you what has been marked for
3 identification purposes as State's 110, 111, 112, and 113.
4 What am I showing you?

5 MR. HAZZARD: Objection.

6 THE COURT: Yes, sir.

7 MR. HAZZARD: May we approach?

8 THE COURT: Yes, sir.

9 (WHEREUPON, a bench conference was had.)

10 THE COURT: Ladies and gentlemen, I'm going to
11 have to send you right back out. I just got you in here and
12 I'm going to have to send you right back out concerning this
13 objection. We're going to have to take this up and let them
14 put this on the record. I'm sorry, I'll be with you just as
15 soon as I can.

16 (WHEREUPON, the jury exited the courtroom at 9:49
17 a.m.)

18 THE COURT: All right. Let me hear from you
19 again, Mr. Hazzard.

20 MR. HAZZARD: Yes, sir, Your Honor. I believe the
21 Prosecutor just handed the witness some documents, included
22 in those documents were what I perceived to be the
23 certificates -- the purported Certificates of Authenticity
24 from Google.

25 And for this witness who is not employed by

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1 Google, who is not a records custodian, who cannot certify
2 that the records that came from Google were full, complete,
3 accurate, kept in the ordinary course of business, it would
4 be inappropriate to allow him to testify to that.

5 He has no personal knowledge of that. All he is
6 doing is saying, Hey, somebody sent something in the mail
7 and I'm going to read to the jury what someone else sent.
8 So, obviously, that would be hearsay. Obviously, that's not
9 the way to do it.

10 I believe that Mr. Voigt referred to I think it
11 was 19-5-520, if I'm not mistaken, and he can posit the
12 argument much more cogently than I can with regard to the
13 statute. But my basic understanding of the statute is, it
14 puts into place a way for the State to authenticate records
15 without having to provide the custodian of them. Implicit
16 in that to me is, unless you follow this procedure, you have
17 to provide the custodian. And here, they, to my
18 understanding, have not provided the records custodian from
19 Google.

20 THE COURT: Yes.

21 MR. HAZZARD: Nor, have they followed the
22 statutory work around. So at the very least the witness
23 should not be allowed to give any imprimatur of
24 authentication to these records.

25 THE COURT: Mr. Hazzard let me ask you this: So

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1 earlier in the trial they went and they brought the cell
2 phone records custodian.

3 MR. HAZZARD: Yes, sir.

4 THE COURT: And the cell phone records custodian
5 basically confirmed that these were, in fact, the records.
6 And then other experts relied upon those records that were
7 basically certified to be, in fact, the cell phone records.

8 I mean, is that what you're saying that in this
9 case now we don't have that and that they haven't complied
10 with statute? Is that what you're saying, sir? I'm asking.

11 MR. HAZZARD: Yes, sir. Yes, sir. I'm saying
12 statutorily they have to one of two things. Well, based
13 upon the Rules of Evidence and statute, they have to do one
14 of two things.

15 THE COURT: All right.

16 MR. HAZZARD: They have to either provide a
17 records custodian to testify to the authenticity and
18 completeness of the records requested. Or they have to use
19 and comply with the statutory work around and from what I'm
20 seeing they have done neither.

21 THE COURT: All right. So, Solicitor, let me ask
22 you this: No doubt that you -- that the State has not
23 called the records custodian from Google the same way they
24 called the records custodian from Verizon. That's correct,
25 right?

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1 MS. SMITH: Yes, sir.

2 THE COURT: So then what about the need to follow
3 the statute as it relates to records where you don't call
4 the records custodian?

5 MS. SMITH: Your Honor, not only were the parties
6 notified that we intended to use these records, but they
7 were actually provided the records, they were also provided
8 the -- they were provided the certificates, as well, that
9 was -- I think they provided it, I believe, several times.

10 I know for a fact, at least in 2020, they had been
11 provided -- we made the records and certification available
12 for inspection. Not only have we made it available for
13 inspection. We actually gave it to them. We sent it to
14 them so that they could inspect it to their heart's content,
15 Your Honor.

16 We provided information in emails, Your Honor,
17 saying that we intended to use this information we provided.
18 We provided a CD of information that we have intended to
19 use, Your Honor.

20 THE COURT: So do you have -- let me just ask you:
21 Are you saying Mr. Hazzard, that they have not provided you
22 with a reasonable written notice of intent to offer the
23 records, that she'll make the Records of Certification
24 available for inspection? She's telling me that she, in
25 fact, gave you -- she let you know that she was going to use

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1 it and gave you a copy of the information and the
2 certification. Did she do that or not?

3 MR. HAZZARD: She did provide it, but I am not
4 clear when it was provided.

5 THE COURT: All right. Well, let's find out when
6 that information was provided.

7 MS. SMITH: Yes, Your Honor.

8 THE COURT: Because I'm assuming that I'm looking
9 at this, that she had a duty to give an adverse party
10 reasonable written notice of the intent to offer the record
11 and shall make the record and certification available for
12 inspection so that the party has a fair opportunity to
13 challenge the record.

14 MS. SMITH: Yes, Your Honor.

15 THE COURT: So we've got -- now what I need is, I
16 need to see where you've done that. Did you comply? Would
17 that not be the question, Mr. Hazzard?

18 MR. HAZZARD: Yes, sir, Your Honor.

19 THE COURT: And if she provides something that
20 shows that she sent it to you with a copy of the
21 certification, then how would she not have complied, sir?
22 Assuming that wasn't sent two days before trial. I'm just
23 using that as an example.

24 MR. HAZZARD: If the Court makes a finding that it
25 was sent in an appropriate time then I would understand the

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1 Court's position.

2 THE COURT: All right. What about it, sir?

3 Mr. Voigt, if they sent that to you, sir, how
4 would they not have complied with the statute?

5 MR. VOIGT: If they sent it to me and told me that
6 they intended to use the records and certification, then I
7 believe they would have complied. That is not my memory of
8 the communication --

9 THE COURT: Well, we'll look for it. I'm just
10 kind of -- while they're looking, I'm asking. It says a
11 reasonable written notice their intent to offer the record
12 and shall make the certification available. That's all
13 they're required to do, correct? I'm asking.

14 MR. VOIGT: According to the statute.

15 THE COURT: Yes, sir, which is what you have
16 raised.

17 MR. VOIGT: That's correct.

18 THE COURT: That statute. All right, Solicitor.

19 MR. HAZZARD: Your Honor, if I'm not mistaken,
20 what she is referring to are emails that were sent on
21 October 8. And the problem with them was this. She was
22 attempting to, I assume and I still to this day don't know
23 what it is, because I would not open it on the county
24 account, because she was attempting to send something
25 through a Gmail account. I advised her, I believe, that,

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1 Yeah, I cannot open this, and by the way can you send it --
2 because she tried, I think, tried to send it to my personal
3 email, I could not open it. And I said, By the way, can you
4 send it to my office email? And she said something along
5 the lines of, Ron, I think I found a way to send it as an
6 attachment, but it's going to have to come from my Gmail is
7 that okay? And my response was, No, that is absolutely not
8 okay.

9 To give the Court a little bit of a back story,
10 this past January, February, we had a huge hacking and
11 ransom-ware issue in Georgetown County.

12 THE COURT: Okay. Hold on one second.

13 MR. HAZZARD: Yes, sir.

14 THE COURT: I need somebody to be pulling out and
15 printing these documents. I just want to make sure.

16 MS. SMITH: I got it.

17 THE COURT: Okay. I didn't know, but I didn't
18 know if y'all had already done that, fine.

19 Go ahead, sir.

20 MS. RICHARDSON: I'll go downstairs and get that.

21 MR. HAZZARD: Anyway, we had a huge hacking
22 ransom-ware that shut down the entirety of the Georgetown
23 system. And it was shut down for the better part, I
24 believe, about three months. As a result, virtually every
25 one in the Solicitor's Office, everyone in my office, had to

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1 transfer, for instance, from a Georgetown County email
2 address to an Horry County email address, just to be able to
3 send and receive emails again.

4 So I am very, very, very skittish when someone
5 says, Yeah, I'm going to send you something from a
6 non-county, non-government email. So that is my
7 recollection of it, Your Honor.

8 MR. VOIGT: Judge, and I can send you an email
9 that I received on October 4th, which is the week before
10 this. And the substance of the email is, Please find below
11 a link for a PowerPoint prepared by Allen Huggins regarding
12 the phone records in this case. This is a compilation of
13 data you already have been provided.

14 That to me, and perhaps I glossed through it when
15 I read it. Now, I was not able to open that, and that's
16 part of what the conversation that Mr. Hazzard just had. I
17 was not able to open that link and I responded briefly, I
18 can't open it either.

19 But that is not a notice of intent to use the
20 records of the certifications. That is a, Here's
21 Mr. Huggins' PowerPoint. I don't have a problem, based on
22 the Court's ruling, with Mr. Huggins' PowerPoint. That's --
23 I'm talking specifically about these certifications.

24 THE COURT: Yeah, but the PowerPoint is going to
25 involve the records.

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1 MR. VOIGT: And that's what I was arguing
2 yesterday and earlier this morning.

3 THE COURT: But you don't have -- I mean, how can
4 you not have a problem with the PowerPoint if it uses the
5 records?

6 MR. VOIGT: I do. I've already made the
7 objection.

8 THE COURT: Okay.

9 MR. VOIGT: I just don't want to keep -- I made
10 that objection, and you ruled against me, and don't plan on
11 arguing past the objection.

12 THE COURT: Okay.

13 MR. VOIGT: This has to do with the State
14 realizing that perhaps I'm right and trying to fix it
15 through this witness and I believe that's improper, which a
16 whole different batch of objections.

17 THE COURT: I think the only thing before me is
18 whether the State, before the trial or hearing, opponent
19 shall give adverse party reasonable written notice of the
20 intent to offer the record and shall make the record and
21 certifying available for inspection so that the party has
22 a fair opportunity to challenge that record. And I want to
23 see what they sent you. And, you know, we'll go from there.

24 MR. VOIGT: Yes, sir.

25 (WHEREUPON, there was a brief pause in the

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1 proceedings.)

2 MR. HAZZARD: Your Honor, I have found my actual
3 response and can read it verbatim into the record. I do not
4 have the ability to print it out as of right now.

5 THE COURT: All right.

6 MR. HAZZARD: On October 8th at 2:34 p.m.,
7 Ms. Smith sent, appears to be to me, to Greg Voigt, to Josh
8 Edgeworth, an email, Subject, Rhue Demonstrative Google
9 Drive. It says, Good afternoon, comma, I have sent another
10 link -- which goes to what Mr. Voigt was saying about
11 clicking on the link -- I've sent another link to your
12 emails using a Gmail-created account. The link will come
13 from Google and should say something along the lines of,
14 You've been invited to view a Google Drive file. Please let
15 me know if you cannot access the demonstratives. You can
16 also access the demonstrative files through the following
17 link, and it has a link, and then it says, Best regards, Liz
18 Smith, Assistant Solicitor.

19 My response was, verbatim, I clicked on the link
20 provided and it took me to a screen that prompted me to
21 enter my email or phone number. When I enter my email I
22 receive a reply that it cannot find my Google account. Now,
23 is on October 8th, mind you, we started the trial on Monday
24 the 11th. Isn't there some way that this eleventh-hour
25 information can be shared through traditional, comma, county

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1 IT approved means? After the previous technology debacle in
2 Georgetown I am not inclined to attempt to retrieve anything
3 off platform.

4 MR. VOIGT: Judge.

5 THE COURT: Uh-huh.

6 MR. VOIGT: I have also retrieved a July 2nd email
7 from Ms. Richardson. There are three on July 2nd, they are
8 addressed to Mr. Edgeworth, Mr. Hazzard, and myself,
9 Ms. Smith is not copied on them. And I will read then into
10 the record. Now, they contain attachments, a zip drive, and
11 Excel spread sheet, two PDFs, one including that document or
12 what I believe to be that document, and perhaps the warrant.
13 And this is the content of what Ms. Richardson told the
14 three of us: Attached is Stage 1 of our Google Geofencing
15 search warrant and results. And that is at 2:41 p.m. on
16 July 2nd. At 2:43, Attached is Stage 2 of the Google
17 Geofencing results. And then at 2:45, Attached are Google
18 Stage 3 results and the search warrant. That's what they
19 say.

20 I don't believe that complies with the notice of
21 intent requirement that the statute requires.

22 MS. SMITH: Your Honor, I do believe that a CD was
23 also sent to the attorneys back in July of 2021.
24 Ms. Richardson did go downstairs to procure that CD so that
25 Court can review it. Obviously, Your Honor, I can't say

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1 anything about the emails from July 2nd, because I was not
2 privy to those. When Ms. Richardson gets back, I'm sure
3 that she could answer or check that information as well.

4 I do believe that additional information regarding
5 Mr. Huggins and his -- the information that he was going to
6 testify to, I do believe that exhibits were provided to the
7 attorneys in July, as well. However, let me wait for
8 Ms. Richardson to get back.

9 THE COURT: So when were the CDs given to them?

10 MS. SMITH: Your Honor, I'm not exactly sure.

11 THE COURT: Do the CDs contain certifications?

12 MS. SMITH: Yes, Your Honor. It is my
13 understanding, let me be clear, it is my understanding that
14 that is correct.

15 THE COURT: That's what I want to know.

16 MS. SMITH: And she is bringing a copy of the CD
17 up for the Court to review.

18 MR. VOIGT: I will tell you that the July 2nd
19 emails contain the certifications. Not any indication about
20 how they're going to be used, but they do contain the
21 certifications. I would forward them to you, but I don't,
22 frankly, want to clutter your drive with them, these are
23 huge files.

24 THE COURT: All right. So what you're saying is
25 sir, sir, you, in fact, received the certifications?

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1 MR. VOIGT: I received the certifications on
2 July 2nd pursuant to Ms. Richardson's three emails.

3 THE COURT: Well, I certainly -- all right.

4 And so you received the information and you
5 received the certifications on or about July 2nd?

6 MR. VOIGT: Yes, sir.

7 THE COURT: So the only thing now that you're
8 disputing, Mr. Voigt, is the intent to offer the record?

9 MR. VOIGT: I believe that that's required and
10 that is the thrust of my argument, Your Honor.

11 THE COURT: Did you gentlemen also receive the
12 same documents that Mr. Voigt received, Mr. Hazzard, on or
13 about July 2nd? The CD that would have contained the
14 information and the certification?

15 MR. HAZZARD: With regard to the emails, I do see
16 the three emails from July 2nd.

17 THE COURT: All right. Mr. Edgeworth?

18 MR. EDGEWORTH: Yes, Your Honor. I received those
19 emails. And to my recollection, I thought Mr. Voigt had
20 this problem as well, but likewise at that time they were
21 unable to be opened. These files were so huge that anything
22 over 25 mega bites, even Gmail won't allow you to open
23 without special authorization.

24 So we requested disks and I know that -- and I
25 can't put my finger on the time, but I know the receipt of

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1 my disk was much later, because I think there was an
2 inaccurate address for my office. Or, actually, they had
3 the accurate address, it was just never received and they
4 had to resend it. But I can't say for certainty to this
5 Court when I actually received it.

6 MS. SMITH: Was that the one that Ms. Richardson
7 hand delivered to you in Florence?

8 MR. EDGEWORTH: That might have been. Okay, so it
9 was subsequently hand delivered, but I know that it wasn't
10 relieved via mail contemporaneously.

11 THE COURT: Mr. Voigt, will you read those emails
12 from July 2nd? What do those say?

13 MR. VOIGT: All right, Judge. So the first email
14 is at 2:41, and it contains a zip drive, it contains and
15 Excel spread sheet, it contains a search warrant in PDF
16 form, and it also contains in PDF form a Google
17 Certification.

18 THE COURT: All right. Does it say anything?
19 Does it say, Hello, Mr. Voigt, how you doing?

20 MR. VOIGT: This is what it says, Your Honor.

21 THE COURT: Talk to me.

22 MR. VOIGT: Okay. This is from Ms. Richardson and
23 she says, attached is Stage 1 of our Google Geofencing
24 search warrant and results. Okay. That's it.

25 It does not look like I responded to it. A couple

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1 of minutes later, she writes another email, And there's a
2 PDF that purports to be Stage 2 results and another zip
3 drive. And I remember having difficulty opening the zip
4 drives, as well. Attached is Stage 2 of the Google
5 Geofencing results. The third email, Attached are Google
6 Stage 3 results and search warrants. And there is actually
7 a fourth email, at 2:49, There's a PowerPoint summary of the
8 Geofencing results, however, it is too large to email. It
9 is available to review or I can send out a disk in the mail,
10 please advise which you prefer -- and because I'm In
11 Charleston I asked her to send me a disk.

12 THE COURT: All right. Ms. Richardson, I sent you
13 to run and get something printed, but we've been able to
14 pull some of these things up, and I think they've been read
15 into the record.

16 All right. I'm looking at 19-5-520, I've read it
17 twice. I'm going to rule that the information that was
18 provided in July contained -- I mean, I think certainly it
19 contained the records, it contained the certification. I
20 think it's clear why they sent it. I think follow-up emails
21 are clear as to why it was being sent. Clearly, it was sent
22 with the -- that they were going to offer, or the intent to
23 offer the records.

24 I mean, the fact that it couldn't be opened, or
25 that there was problems getting it opened, gentlemen, in

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1 this type of case given the serious nature -- the serious
2 nature of the case, I think it would be incumbent upon
3 attorneys for the defendants in this matter to take steps
4 that if they didn't get the information, or they weren't
5 able to open it, that they take step to ensure that it would
6 be open. I think that they did make reference to the fact
7 that you could come and inspect it. I think you were in
8 possession of this information from as early sometime in the
9 first part of July. And I see no prejudice. I don't see
10 any type of -- I mean, I think everyone has had -- every
11 defendant has been afforded the opportunity to review this
12 information and I think that it's clear that it was provided
13 with the intent to offer it into the record. And you've had
14 access to the certification since as early as July.

15 That's going to be my ruling. All right.

16 Are we ready to bring the jury back in?

17 Solicitor?

18 MS. RICHARDSON: Almost. I took the computer
19 downstairs to print and ran back up here with a computer.
20 I'm so sorry.

21 THE COURT: No, it's my fault. Well, I wanted
22 to -- I'm old school and I like to see something in my hand
23 as opposed to reading it or having it read to me, but I
24 think we got enough information from the emails that were
25 read, for the most part, verbatim, and were referenced to

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1 the dates.

2 So I think we're good. If you go get your
3 computer or whatever you need, and let's get the jury back
4 in here.

5 Do you want to take five Minutes, Mr. Hazzard?

6 MR. HAZZARD: Yes, sir.

7 THE COURT: All right. Good.

8 (WHEREUPON, there was a break held from 10:17 a.m.
9 until 10:24 a.m.)

10 THE BAILIFF: All rise.

11 THE COURT: Thank you. Please be seated.

12 Are we ready for the jury to come in?

13 Mr. Bailiff, can you get us a Jury, please?

14 (WHEREUPON, the jury entered the courtroom at
15 10:24 a.m.)

16 THE COURT: All right. Ladies and gentlemen,
17 welcome back. I think the objection posed by the Defense is
18 overruled. And so, Solicitor, you can proceed.

19 MS. SMITH: Yes, Your Honor. Your Honor, the
20 State moves to introduce items number 109, 110, 111, and 113
21 into evidence.

22 THE COURT: All right. Subject your objection,
23 Mr. Hazzard?

24 MR. HAZZARD: Subject to my previous objection and
25 the fact that at this point no foundation has been laid for

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1 the items that they're seeking to admit.

2 THE COURT: All right. Can you establish a
3 foundation, please, Solicitor?

4 BY MS. SMITH:

5 Q. What are you viewing right now?

6 A. In my training and experience I'm reviewing a
7 Certificate of Authenticity from Google, stating from legal
8 correspondence. There's several types of documents
9 designated.

10 Q. Did you use that to help you determine that these
11 items came from Google?

12 A. Yes, ma'am. They come with a certificate for each
13 stage of the Google Search Warrant. And there's also a
14 second type of search warrant that was completed which would
15 have been a Google Subscriber Search Warrant of the
16 Geofence.

17 Q. And what was that Google Subscriber Search Warrant
18 for?

19 A. So State's Exhibit 110 is a Certificate of
20 Authenticity. It says, "TIE T JVR," it's a Google reference
21 number, this shows me that this is a Certificate of
22 Authenticity for a Google Search Warrant for Geofence.

23 Q. And do you have that data?

24 A. I do have that data.

25 Q. Did you use that data in your analysis?

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1 A. Yes, ma'am. I did.

2 Q. Okay.

3 MS. SMITH: Your Honor, at this point in time, the
4 State moves items 110, 111, and 113 into evidence.

5 THE COURT: All right. 110 is what, Solicitor?

6 MS. SMITH: Your Honor.

7 THE WITNESS: So the 110 is the Google Subscriber
8 Search Warrant.

9 THE COURT: All right.

10 THE WITNESS: And 111 is going to be a Stage 1
11 Result from a Google Search Warrant. And then 112 is a
12 Stage 2 results of Authenticity. And then 113 is going to
13 be from the Stage 3 of the de-anonymizing list linking a
14 Device ID to a Subscriber.

15 THE COURT: All right. So are you moving those,
16 Solicitor?

17 MS. SMITH: I am.

18 THE COURT: All right. Any objection,
19 Mr. Hazzard.

20 MR. HAZZARD: Subject to previous objections.

21 THE COURT: Yes, sir. Mr. Voigt?

22 MR. VOIGT: Subject to previous objections.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: Likewise, Your Honor subject to
25 previous objections.

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1 THE COURT: Thank. All right. Admitted subject
2 to previous objection. Solicitor, are you admitting 110,
3 111, are you admitting 112?

4 MS. SMITH: I am. 10 through 13, and then I have
5 not moved Item Number 109 yet.

6 THE COURT: Okay. And so 112 is included?

7 MS. SMITH: Yes, Your Honor.

8 THE COURT: All right. Go ahead.

9 (WHEREUPON, State's Exhibit Numbers 110, 111, 112,
10 113 were moved into evidence.)

11 BY MS. SMITH:

12 Q. I'm showing you item -- what had been marked as
13 State's Exhibit 114. What is that?

14 A. This is a Stage 3, results for a de-anonymizing, a
15 Device ID and linking it to a Google account.

16 Q. And who's that for?

17 A. This is for Alex Rhue, or Alex seven Rhue at
18 gmail.com.

19 MS. SMITH: Your Honor, the State moves to admit
20 Item number or Exhibit Number 114 into evidence.

21 THE COURT: Any objection, Mr. Hazzard?

22 MR. HAZZARD: If I could see it briefly, I'd
23 appreciate it.

24 THE COURT: Yes, sir.

25 MS. SMITH: Your Honor, the State seeks to admit

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1 State's Exhibit 114.

2 THE COURT: All right. Mr. Hazzard?

3 MR. HAZZARD: Subject to previous objection.

4 THE COURT: Yes, sir. Mr. Voigt?

5 MR. VOIGT: Subject to previous objection.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: Subject to the previous objection,
8 Your Honor.

9 THE COURT: All right. It's admitted subject to
10 the previous objection from the defense. Thank you.

11 (WHEREUPON, State's Exhibit Number 114 was moved
12 into evidence.)

13 BY MS. SMITH:

14 Q. And Item 109, is that the Google Geofencing data?

15 A. Yes, ma'am.

16 Q. And did you review that data?

17 A. I did.

18 Q. Is that data that you used in your analysis?

19 A. Yes, ma'am.

20 MS. SMITH: You Honor, at this point in time the
21 State offers State's Exhibit 109 into evidence.

22 THE COURT: Any objection, Mr. Hazzard?

23 MR. HAZZARD: Yes, sir, Your Honor. Subject to
24 previous objection.

25 THE COURT: Yes, sir. Mr. Voigt?

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1 MR. VOIGT: Subject to previous objection.

2 THE COURT: Mr. Edgeworth?

3 MR. EDGEWORTH: Subject to the previous objection,
4 Your Honor.

5 THE COURT: All right. It's admitted subject to
6 the previous objection.

7 (WHEREUPON, State's Exhibit Number 109 was moved
8 into evidence.)

9 BY MS. SMITH:

10 Q. When you analyze these records what did you do
11 first?

12 A. The first records I was provided was the cellular
13 detail records. So, as I stated yesterday, the first thing
14 you do is examine the records to make sure that they're
15 accurate. Then I'm going to look for the tower records to
16 make sure that they're -- the records needed to plot and
17 then I'm going to verify the tower records with the
18 independent source and provided by the service provider.
19 And then after that I'll put them into CellHawk and go to
20 the initial crime scene verify the tower placement and make
21 sure that they're accurately mapped.

22 And then after that, I normally do a pattern of
23 life for 12 hours, six plus, six minus crime scene time, to
24 see if I can establish any abnormalities. And then I just
25 basically go through the records looking for anything that

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1 seemed abnormal.

2 Q. So you said you started with the Call Detail
3 Records?

4 A. Yes, ma'am.

5 Q. Did you also do the same process with the Geo
6 Locational Data?

7 A. So I reviewed the Certificate of Authenticity and
8 then I reviewed the data to make sure that they were in the
9 format that I previously had seen in my experience. And
10 then from there, they just go in the mapping program and map
11 geographical points on a map based on a time/day group.

12 Q. Okay. And after you do all the verification
13 process, what do you do next?

14 A. I try to verify the Google records by overlaying
15 them with the Cell Detail Records to make sure there's no
16 abnormalities in locational data from Google or the cell
17 provider. And by doing so I can see if anything is
18 abnormal.

19 Q. Okay. Did you also do any mapping in this case
20 based on the data that you had reviewed?

21 A. Yeah. So by using the CellHawk it allows you to
22 map the data, not just a singular point, but all points, and
23 then view a timeline version and the program will play a
24 map-based program that will show you each specific point of
25 data in a timeline and you can visually watch it.

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1 Q. I'm showing you what has been marked as State's
2 115. What is that?

3 A. This is the demonstrative that I created for the
4 Rhue case.

5 Q. Does that include your mapping?

6 A. It includes the mapping, yes.

7 Q. Okay. Would this demonstrative assist the jury in
8 understanding these voluminous records?

9 A. Absolutely.

10 Q. Okay. And you did create this?

11 A. I did.

12 MS. SMITH: Your Honor, at this point in time the
13 State moves State's Exhibit 115 into evidence.

14 THE COURT: All right. Mr. Hazzard, any
15 objection?

16 MR. HAZZARD: Court's indulgence, Your Honor.

17 THE COURT: Yes, sir.

18 MR. HAZZARD: Subject to previous objection
19 regarding the authenticity of the records, Your Honor.

20 THE COURT: I understand. Mr. Voigt?

21 MR. VOIGT: Subject to previous objections, Your
22 Honor.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: Subject to our previous objection,
25 Your Honor.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 THE COURT: All right. Thank you. It's going to
2 be admitted subject to the previous objections by Defense
3 Counsel. Thank you.

4 (WHEREUPON, State's Exhibit Number 115 was moved
5 into evidence.)

6 MS. SMITH: Your Honor, at this point in time the
7 State asks to publish State's -- Your Honor, Did you just
8 admit 115?

9 THE COURT: Yes, I did.

10 MS. SMITH: Perfect.

11 THE COURT: Yes, ma'am. I sure did.

12 MS. SMITH: Okay. State moves to publish to the
13 jury.

14 THE COURT: That's fine.

15 BY MS. SMITH:

16 Q. Detective Huggins, is the clicker up in your
17 possession?

18 A. It is.

19 Q. Would it assist you to step down? I believe we're
20 having a little bit of issue with that screen, would that
21 help?

22 THE COURT: Yes, sir, you can. There's something
23 out of whack with that screen, sir.

24 BY MS. SMITH:

25 Q. I'll step out of your way to ask questions.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 So, we can go on to the next slide, because this
2 is just a little intro page; is that right?

3 A. Yes, ma'am.

4 Q. Okay. So tell us what -- what are these records
5 that we heard so much about this week? What are Call Detail
6 Records?

7 A. Okay. So, again, my name is Detective Huggins,
8 I'm an investigator in Conway. And what I've built here is
9 a demonstrative. It's a presentation trying to explain the
10 basics of cellular technology, the towers, and how we
11 manually map them, and then how the program works to give
12 you a visual presentation so we can stop talking back and
13 forth. But you've got to bear with me here, because I've
14 got to do a little bit of teaching to get you going, and
15 then we'll get into what we like to call the meat and
16 potatoes of the presentation.

17 So a Call Detail Record -- I hate to bring it to
18 you, but it's pretty important -- so this provides a general
19 understanding of how your cellular technology or telephone
20 networks operate. Cell site towers are strategically placed
21 by cellular service providers to provide a seamless
22 operation so people can travel virtually anywhere and make
23 and receive uninterrupted calls, send and receive texts
24 message, and initiate data sessions via their cell phone.

25 Usually, cell sites will be monitored and mounted

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 on high and large poles, buildings or other structures that
2 will provide lines of sight with the population below. Cell
3 sites are typically divided into sectors which are made up
4 of antennas connected to a cellular radio transceiver.

5 Each section is mounted on the cell site and faces
6 a specific direction and provides a maximum cellular
7 coverage for the people in the area. The range of these
8 cell sites and sectors depends on many factors to include
9 environmental and geographical factors whether it is local
10 or located a highly populated or urban environment or
11 desolate rural area.

12 Cell Site Location Information, CSLIs, of the cell
13 sites will include latitude and longitude and a direction or
14 azimuth of the antennas facing the cell sites. This is
15 important because a general location of a specific cell
16 phone based on from what tower and sector the phone is using
17 during a cell phone call and text message data sessions.

18 So what that's saying is each cell tower is
19 divided into sectors and those sectors are defined by the
20 cellular service provider. And each sector is divided
21 generally by 120 degrees making it up the 320 degree
22 sections.

23 When a person either indicates or receives a voice
24 mail, text message, or data session, it's a usage event what
25 we call it, for their cellular device it becomes a

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 broadcasting signal to the cell site tower that routes the
2 communication. These signals include cellular device unique
3 identifiers, that's what we talked about the IMEI, and as
4 well as device -- or details about the device usage and
5 event.

6 Cellular service provides and collects and stores
7 this data usage event transaction records to associate with
8 a cell phone number during the normal course of business.
9 This is how they bill you at the end of the month, they
10 track the data usage and the cell phone calls and the text
11 messages.

12 The use of these records are commonly referred to
13 as cell data -- or Call Detail Records, which we'll refer to
14 hear today CDRs, and they're stored at their respective cell
15 phone company and mostly contain the following information
16 with some exceptions: Date, time, type of event, duration,
17 phone number initiating the usage event, so the call you're
18 calling, even if the caller's identification is blocked.

19 So if you call and you put Star 67 at the
20 beginning of your number and call a number, it doesn't
21 matter to the provider, the provider still stores the phone
22 number that called.

23 The International Mobile Equipment Identifier, the
24 IMEI Number, and the International Mobile Subscriber
25 Identifier, which is known as the IMSI. IP Packet Data

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Session Logs, and IP Packet Data Session Logs is basically
2 how much data you have used on their network during that
3 specific event. And then cell site locations and the
4 sectors information at the beginning and ending of each
5 usage period.

6 So that's important because if a phone moves and
7 it's handed to a different tower it's going to log that
8 information. You'll see it on the CDR as first and last and
9 any of the towers in between. So at the beginning of the
10 CDR of that specific event, it will say first tower, and it
11 will show you where the call initiated. But if you get in
12 your car and drive somewhere, and it hands that off to an
13 additional tower, it will show that in the CDR as it was
14 handed off to another tower.

15 Q. Are towers commonplace?

16 A. They are.

17 Q. Okay.

18 A. So next is just basic examples of a the cell phone
19 towers and what they look like. They are generally large
20 metal structures, but sometimes we'll see them hidden by
21 municipalities based on offensive views. So maybe a
22 municipality doesn't like the way this looks in their city,
23 so they might disguise it as a tree or a flag pole or some
24 other large structure.

25 Q. Detective Huggins, can multiple service providers

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 have usage on a single tower?

2 A. Not only can multiple service providers provide
3 usage on a single tower, but a service provider can have
4 multiple technology groups on that tower. You see everyday
5 where they upgrade 3G, 4G, 5G, well, each of those antennas
6 are different technology groups. So this network tower or
7 cell phone tower might be Verizon's tower, but it might have
8 three different names or numbers associated with it, because
9 each technology group is assigned a different group.

10 So a 3G tower might have 001, where the 4G portion
11 of that tower might be 532, just for example.

12 Q. And what are the things at the top of that tower?

13 A. Those are the cell phone arrays that connect down
14 to the duplex radio beneath. And a duplex radio is nothing
15 more than allows both parties to talk and receive at the
16 same time. So if you're talking and I'm talking, we can
17 both hear each other, because of the provider, one only
18 communicated once.

19 And this is just a closer view of the towers. And
20 you can see it's triangle base, like we spoke about, so it's
21 divided in three different sectors, each sector equaling 120
22 degrees.

23 Q. And after -- now with these, how is it -- so it's
24 split into three sectors. Can you go into the displaying of
25 that data?

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 A. So since the cell phone sectors are split into
2 sectors and antennas with those sectors providing an azimuth
3 for direction, we can obtain a general location for a target
4 cell phone from information in the target cell phone detail
5 records.

6 The location of the cell phone tower in respective
7 in the sector can be placed onto a map and provide a visual
8 representation of its information. Then that would be
9 displayed as a wedge. This type of shape, which extends
10 from the center position of the cell phone tower is shaded,
11 and inside the wedge denotes direction. The shaded does not
12 provide an estimated area of coverage, but it's placed
13 inside the wedge to show the direction. It provides a
14 visual orientation of the general location of a target cell
15 phone during its usage.

16 And I want to make that really clear, when we look
17 at these maps and they're divided into three different
18 sectors, you'll see a colored wedge in it, and it indicates
19 direction of signal. It doesn't indicate the signal
20 strength. So it doesn't mean -- because there could be a
21 geographical obstruction in that area, something like a tall
22 building blocking the sector, so it could grab it from an
23 additional tower.

24 Q. What is an azimuth?

25 A. An azimuth is unit of measure on a map.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Okay.

2 A. So this, again, talking about the sectors. Most
3 cell towers have antennas grouped in three different
4 distinct directions, and each group of antennas associated
5 with radios are called sectors. And this is an azimuth
6 orientation sector.

7 So if we look up here, obviously it's a 360 degree
8 view, so we're able to interpret that 180 degrees times
9 three is 360 degrees which provides total coverage.

10 Q. Okay. And are you able to manually map --

11 A. I am.

12 Q. -- the data that you were given through the cell
13 phone records?

14 A. So I did a manual mapping example demonstrative to
15 show you how I can, without CellHawk ever touching my desk,
16 I can manually map the records and that's a way to
17 independently verify or double verify what CellHawk is
18 showing me.

19 So I took from the records of this specific case,
20 Verizon Tower 1642, which falls on the Charlotte MTX switch,
21 and that tower is located at these GPS coordinates.

22 Q. Were you able to map it?

23 A. I was. So the first thing I do -- sorry, it's
24 going to be kind of slow because this is a lot of data and
25 the computer is trying to get ingest from the CD, so

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 sometimes it takes a second for it to load.

2 So I manually mapped the GPS coordinates provided
3 by the cell tower records, and we can see at the center of
4 the screen there's a large cell tower and a large metal
5 structure located at the corner of Congdon and Kiminski
6 area.

7 Q. Is that just another view?

8 A. And this is a street view. Right.

9 So this is the street view showing that tower, its
10 placement geographically at those locations.

11 Q. Do you check these locations through a database
12 that is given to you?

13 A. Right. So when we talked about tower
14 verification, the provider provides cell tower lists. So
15 overall location for a geographical area, and they say these
16 are all the towers that we have geographically in this area.

17 It gives you a tower location by GPS coordinates
18 and also a physical street address. And then it tells you
19 how to orient the tower on your map showing you which
20 sectors are there and how many sectors and where those
21 sectors fall.

22 So this is an example of the double verification.
23 This is actually a screen shot from the raw data from NDCAC.
24 NDCAC is that Federal Data Base I talked about earlier
25 yesterday from the FBI.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 The service providers send to the FBI, to the
2 NDCAC website, an archive of all their cell tower lists in
3 the United States, or wherever they provide coverage, so
4 they can them historically, because the networks change over
5 time.

6 Q. And do you verify the azimuth and the cellular
7 mapping at that point?

8 A. So what I can do here is I can zoom in on this --
9 so this is on the NDCAC website. This is tower, we can see
10 is 1642, and we can see the GPS coordinates and where it's
11 located North Congdon Street in Georgetown. It shows me
12 where that it has three sectors. And sector three is
13 oriented in a 270 degree azimuth. And also has some
14 information about what type of technology it is and stuff
15 and what type of tower it is.

16 Q. Okay.

17 A. And then if we look again this is the first view
18 you'll see of CellHawk, this is the mapping program, and
19 this shows the tower, the Charlotte MTX Tower 1642, and
20 three sectors and the sector three being oriented at 270
21 degrees. What I do from there is I manually map over the
22 top with a protractor tool to verify CellHawk's placement.

23 And that will be the next slide.

24 Q. So this is what you did here?

25 A. Right. So here's an overlay of a protractor tool

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 showing the center of that sector being 270 degrees, showing
2 that it's properly placed. And then the next thing I do is
3 I pull the left and right boundaries of that.

4 So if I go 60 degrees to the right, you can see
5 the 60 degrees, that's an accurate representation of that
6 wedge.

7 Q. And that center location, again?

8 A. From the center location. And then if you take
9 the totality or total of that sector it will equal 120
10 degrees showing that CellHawk has properly mapped that tower
11 and it is an appropriate visual representation of that
12 tower's information.

13 Q. And were you given data regarding phone number
14 (843)240-1052?

15 A. I was.

16 Q. Okay. And were you able to place that into
17 CellHawk?

18 A. I was.

19 Q. Okay. And is this a visual representation of
20 that?

21 A. It is.

22 Q. Okay. And can you explain this likely, sir?

23 A. I can. So the first thing I did, like I explained
24 earlier, is I do a pattern of life. This is where you
25 manually ingest these records, it plots them on the map, and

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 I bring up a filter tool that shows me on 2/26/2017 at
2 02:00 a.m., is the ending of this presentation and the
3 beginning is 2/25 at 5:10 p.m., is the beginning of this
4 presentation.

5 And what I'll do is I'll allow you to watch that
6 cell tower usage and where it maps on the map. What it will
7 do is it will follow around, it doesn't leave this tower
8 group, but you'll see each event is logged with a time stamp
9 and where on the tower it falls. So you can see if it moves
10 around or if it's stationary.

11 Q. And is it currently playing?

12 A. It is.

13 Q. Okay.

14 A. So we can see they're having hits, 5:00 p.m, 6:00
15 p.m., 6:09, 6:57, 7:20, and you'll just continually watch it
16 and you'll see it as it moves through.

17 So there at 9:20 it changes sectors to Sector 2,
18 as indicated on the presentation. And I noted that the
19 final communication that the handset received with the
20 network will come up shortly 1:53:32 a.m. on the 26th. And
21 that was the last information that the tower received from
22 that handset. There were communications afterwards that
23 we'll get into. But that was the last time the phone had a
24 physical connection the network.

25 Q. Okay.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 A. And I'll let it play through in its entirety to
2 show you that there's no other usage events for the network
3 to the phone.

4 Q. Okay.

5 A. And as you can see the timeline has completed and
6 our last usage event was around 1:00 a.m., 2:00 a.m.,
7 somewhere in there.

8 Q. And that last usage event, can you talk about this
9 final communication, please, sir?

10 A. Right. So things I want to note on this
11 presentation is black means that it was manually mapped and
12 there was a connection to the tower. But you'll notice that
13 there's several things that weren't mapped. And as we
14 talked about yesterday, on Call Detail Records there's
15 communications are logged whether the phone connects or
16 doesn't connect. The network stores those communications.

17 So if, like, you had your cell phone off and you
18 turn it on the following morning and you have five missed
19 calls with voice mails, those will all come in at that time.
20 But all of those communications ultimately are logged within
21 those call detail records.

22 So this last communication is a voice
23 communication at 1:53, but it wasn't a completed
24 transaction. This was actually a call forwarding event you
25 can note by the double event 1:53:02 a.m. and 1:53:32 a.m.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 This call was received by the handset, but wasn't answered.
2 It was forwarded to the voice mail on the phone.

3 Q. When you say "received" does that mean, in
4 layman's terms, did somebody attempt to call the victim's
5 phone?

6 A. Right.

7 Q. Okay. And do we know the duration of the
8 attempted call?

9 A. Yeah. The duration as indicated in the Call
10 Detail Records and it's also mapped inside the call, or
11 CellHawk, and the duration is 254 seconds.

12 Q. What was the calling number?

13 A. The calling number it's on my explanation slide, I
14 believe.

15 Q. Okay. Then why don't we move on to the
16 explanation slide.

17 A. Okay. So before we get there, I've got to give
18 you a little more education. I apologize, but it's
19 important for understanding. In the cell phone network
20 world there's two words: registration and deregistrations,
21 okay.

22 So when I turn my cell phone on and it connects to
23 the network, it registers on the network. And the network
24 says, Okay, I see you're on the network, so I'm going to
25 send you calls instead of sending them directly to your

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 voice mail.

2 So when we look at these records we have to really
3 understand is the phone registered or deregistered from the
4 network. So events that allow the phone to register to the
5 network. So when I power on my device it connects to the
6 network. Again, when I'm moving in a local area code, so
7 I'm handing off towers, the tower is going to relinquish the
8 registration from one to another.

9 After a certain length of time, is your cell phone
10 hasn't had any communications, the network is going to say,
11 Hey, are you still on? So it's going to send out a basic
12 page, not something that you have to physically answer, but
13 it's just going to make sure the device is still connected
14 to the network.

15 Q. What about deregistration, what is that?

16 A. So deregistration is when you power down the
17 phone, when the phone dies, or it's placed in airplane mode,
18 or it leaves the coverage area. So even though your phone,
19 again, today if it has zero battery life and turns down,
20 there's still a small amount of time the phone allows for it
21 to say, Hey, I'm turning off now, but I need to deregister
22 from the network. So the network knows not to look for it
23 anymore.

24 Q. What about some catastrophic event? What happens
25 then?

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 A. So this is important, because sometimes in the
2 Call Detail Records you'll get deregistration events from
3 the network. So if my phone doesn't physically deregister
4 from the network, and the network continually tries to find
5 it but never finds it, it's going to eventually deregister
6 it from the network itself. The network is going to say, I
7 looked over it for you, and this is specific by providers,
8 it's generally 24 to 48 hours. It says, I've tried to find
9 you "X" amount of times and I haven't been able to find you,
10 so I'm going to deregister you so I stop going through the
11 cell phone finding process and send you directly to voice
12 mail. And this only occurs when something catastrophic
13 happens to the phone quickly.

14 So phone drops -- or a car drives off the bridge
15 and goes under water, that's going to be too quick for it to
16 deregister from the network. If someone takes a hammer and
17 smashes down on the phone and destroys it instantly, it's
18 not going to afford it time to deregister from the network,
19 so that's what we talk about catastrophic.

20 Q. If a phone is deregistered on a network and a call
21 comes in what happens?

22 A. It goes directly to voice mail.

23 Q. Okay.

24 A. So this is -- we're kind of going through a voice
25 mail explanation. So it's kind of an algorithm to kind of

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 figure out is the phone registered or deregistered from the
2 network? I know it's kind of hard. So if I go with
3 registered, it's going to instantly call the handset, and
4 that process is going to take roughly 20 seconds to complete
5 if it's answered and I send it to voice mail.

6 So if you call my phone and it's on and registered
7 and I forward you myself to voice mail, that process is
8 roughly seen in the records around 20 seconds. If you call
9 me and I don't answer it and I let it go itself to voice
10 mail, that's generally seen over 25 seconds in the Call
11 Detail Records.

12 Now, in respect that that phone is deregistered
13 from the network you'll see that happen very quickly and
14 that ranges from like three to seven seconds. You'll see
15 the phone attempts to connect to the network, but it can't
16 find it or it said it's not registered and it sends it to
17 voice mail directly. That's when you call and it rings once
18 maybe, and goes straight to voice mail, or sometimes it
19 doesn't ring at all.

20 Q. Okay. And that last -- that last communication,
21 did -- what happened with the communication at 1:53 a.m. on
22 February the 26th, 2017?

23 A. It was routed to voice mail and someone left a
24 voice mail.

25 Q. Okay.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 A. So this is a timeline view, this is a screen
2 recording I captured from computer terminal. This is going
3 to show all of the miscommunications where the phone wasn't
4 registered to the network, and the network didn't know where
5 the phone was and just simply sent these things to voice
6 mail. These are denoted by duration.

7 So you can see, again, we talked about that going
8 to voice mail section, it says "four seconds," can you guys
9 see that? Okay. And you'll see that, as I play this --
10 I'll go through each specific communication, who's calling
11 it, and how long that is. I think it's loading in right
12 now.

13 Okay. So we can see communication a communication
14 at 10:00 a.m. records a voice mail, 11:00, 11:20, and all of
15 those durations if you're looking at them are all short and
16 there's no tower information. So four seconds, four
17 seconds, four seconds, 39 seconds, that person left a voice
18 mail, more than likely. Three seconds, three seconds, four
19 seconds, and these are captured all the way up to
20 approximately 2:00 p.m. on the 26th.

21 Q. Detective Huggins, after going through all of this
22 information were you able to make a conclusion of any sort
23 as to the victim's phone, which is phone number
24 (843)240-1042?

25 A. Yes, ma'am.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Okay. And what was that?

2 A. Okay. So the first thing that I inferred was the
3 last communication where, not necessarily was answered, but
4 the last time the phone was connected to the network was at
5 the 1642 tower, but it's labeled because his phone isn't a
6 3G, it's a 4G device, so it's Tower 69531. It's the same
7 tower, it's just using a different antenna on that tower.

8 The tower providing service was -- the tower
9 likely providing service to 1015 Highmarket street, which
10 was the crime scene, so if we look back at the array, the
11 tower wedge that was providing service to the crime scene
12 area, was the tower -- was the wedge providing -- likely
13 providing service at 1015 Highmarket Street.

14 The last time the victim physically used the call
15 or the device was approximately 11:25 p.m. on the 25th, it
16 was an outgoing call to a 1-800 number, 214-5483.

17 The victim's final successful connection to the
18 network, as we talked about, was at 1:53:32 a.m., on the
19 26th of 2017 and this call was forwarded to voice mail.

20 When I cross referenced the cell phone number
21 inside the case file, I noted that the incoming connection
22 call that went to voice mail was done by Alex Rhue Sr.'s
23 device.

24 Q. And so what is your final conclusion here?

25 A. My final conclusion is that someone --

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 de-authorized the T-Mobile handset around 1:53, or after
2 1:53 and before 10:00 a.m.

3 Q. Okay. And next we have an analyses of Alex Rhue
4 Sr.'s phone?

5 A. Yes, ma'am.

6 Q. Okay. If you could explain this to the jury.

7 A. So Alex Rhue Sr.'s handset number (843)359-8519
8 was the target reference number for the call detail records.
9 His call detail records indicated two towers, Tower 1624 and
10 1565. This is a screen recording of the timeline from --
11 again, before 5:05 p.m. all the way to 4:53 p.m. on the
12 26th. And if you notice on the map I located the crime
13 scene by a pin on the map so it's an indication of where it
14 was geographically located inside the sector.

15 Q. Now, is this a part of your pattern of life
16 presentation that you look for in all of your cases?

17 A. Yes, ma'am.

18 Q. Okay.

19 A. Here I just want to stop it for just a second and
20 make note. There was, if you look at the pattern of life,
21 and when I talk about pattern of life I look at, what's
22 someone generally doing on their device? How much usage
23 they have? And when they're using it.

24 So we can that he's regularly -- or the device is
25 regularly being used till approximately -- so approximately

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 1:59 a.m. on the 26th, but then has no other usage events
2 until 8:40 the following morning.

3 And I believe if we also go back, just here, we
4 can see that the handset is showing denoting movement
5 between the hours of 1:56 a.m. and 1:59 a.m. We go from
6 Sector Two on the tower to Sector One on the tower, and
7 that's denoted by the wedges.

8 Does everybody see that? Okay.

9 And then at 8:40 in the morning again we see tower
10 usage 9:40, for the remainder of the day it looks like it
11 remains in Sector Two of tower 1642 until approximately
12 12:50 and then it comes back.

13 Q. Were you able to summarize this data in a more
14 readable format?

15 A. Uh-huh.

16 Q. Is that a "Yes"?

17 A. Yes, ma'am, it is.

18 Q. And is this that summary?

19 A. It is. So what this does is it does the basic
20 view you've seen where all the usage events, it takes away
21 the complexity of geographical locations and just gives you
22 a usage timeline event by a date/time group.

23 So if we can see each mark on the map -- or on the
24 demonstration shows either what type of event it is, and
25 then when it was used and how long it was used. So shorter

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 indicates the duration, and longer creates longer duration.

2 Q. Okay. And when we're talking about this pattern
3 of life, which number are we talking about?

4 A. So the important think I wanted to display here is
5 that this -- obviously, all this gap of non-usage. We can
6 see it's pretty consistent throughout the evening hours,
7 but, again, right there at 2:00 a.m. the usage stops
8 completely and doesn't resume until the following morning.

9 Q. And did you also do a pattern of life for
10 Alexander Rhue Jr.?

11 A. I did.

12 Q. Okay. Can you explain that?

13 A. And again this is that slide that shows the screen
14 recording of the same duration of time and his usage. And
15 the important thing to denote from this is that the 26th at
16 2:04 a.m. it services the tower -- the side of the tower
17 that services the crime scene. And then, again, around the
18 2:00 a.m. mark, it denotes movement from tower or Sector Two
19 of the tower to Sector Three of the tower showing movement
20 at 2:09.

21 Q. And if you'll please continue.

22 Okay. So we have the final records here.

23 Can you explain this to the jury?

24 A. Yes. So final records we looked at 1:52 and then
25 2:09. So I just wanted to capture that the cell record

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 tower azimuths are changing showing -- indicating that
2 someone is using the phone and they're moving around.

3 Q. And what's the duration?

4 A. 74 seconds at 2:09.

5 Q. Okay. And what number -- what phone number is
6 this coming from?

7 A. (202)309-8154 -- or 8145, I'm sorry.

8 Q. Were you able to cross reference this data with
9 any Google Subscriber Information?

10 A. I was. Yes, ma'am.

11 Q. Okay.

12 A. So the next portion is the Google Subscriber
13 Locational History and this encompasses that Geofence Search
14 Warrant and a Google Subscriber Search Warrant.

15 When we talked about protecting identities, these
16 are the anonymized numbers that Google gives you for the
17 first two stages, these negative 59 long numbers, 64, 79.

18 So it allows you to view the records and indicate
19 what you -- so you don't basically infer anything about
20 anybody or get the information of who it might belong to,
21 you're specifically looking at the data.

22 So this gets loaded in as nothing more than GPS
23 coordinates. They have accuracies that are associated with
24 each GPS coordinate and the technology group used to
25 basic -- or to show how the information was collected.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Okay. And is this -- does this also encompass the
2 phone records or is this just the Google Geo Location Data?

3 A. Just Google Locational Data.

4 Q. Okay.

5 A. So what I obviously did, starting with the
6 pattern of life, and I said, How many locations were
7 provided by Google? How recent or how concurrent they are?
8 And is there any stoppage events? Which, again, the Google
9 Locational Data ended around 2:00 a.m.

10 Q. Okay.

11 A. So that to me indicated that the device was no
12 longer connected.

13 Q. Okay. And what does his depict?

14 A. So this is -- and you'll look at the -- and you'll
15 look at the bubbles, so if you look at to bubbles on the map
16 it depicts all of the Google locations for 2/26 at
17 approximately 2:41 a.m. It shows that it was received by
18 GPS so the GPS function in the phone and it shows an
19 accuracy of 11 meters.

20 Q. Okay. And did you do a combined data locational
21 history?

22 A. I did. So what we'll do is look at each
23 individual hit by time and you can see that they're fairly
24 consistent. Google captures data every couple of minutes
25 when it's connected. And see 51, 52, 53, 56, 57, 58, it's

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 continually capturing data. But you can see that around 52
2 to 59 the device moved. And you can see the accuracy of
3 this hit is less than 3 meters.

4 And basically what I'm doing now is zooming out so
5 you can see the movement in relation to where it began and
6 where it ended. Those were the initial hits that started
7 around 2:50 and then it ended over here off the N. Merriman
8 Street at approximately 2:00 a.m.

9 Q. And you're not from Georgetown are you?

10 A. No.

11 Q. Okay. All right. Did you do a combined -- did
12 you do a combined presentation for those?

13 A. Yes, ma'am.

14 So this is my, what I do to help independently
15 verify Google's information, I overlay the information that
16 we received from the cell phone provider with the Google
17 Subscriber Location Data, and look for any abnormalities.
18 If there's an abnormality where they don't map together, I
19 wouldn't call it consistent.

20 Q. Were there any abnormalities here?

21 A. No, ma'am.

22 Q. Okay.

23 A. And you can see at 1:52 a.m. on the 26th, the
24 green hit is the Google Locational Data showing where Google
25 says the Device ID is. And then there's also correlating

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 data 1:28 on the same side of the tower. So 1:28:49,
2 1:28:44, it's in the same wedge as the GPS data, so I can
3 correlate them together.

4 Q. All right.

5 A. So after I got done with those and correlated them
6 to verify Google's information, I looked at the next Device
7 ID that belonged to Alex Rhue Jr.

8 This was the pattern off life that the phone
9 established. You can see it's actually fairly consistent
10 throughput the 12-hour duration with only a few gaps. The
11 thing that continued to stand out to me when examining these
12 records, was that all of these records ended or had a gap
13 endage where there was no information provided around that
14 2:00 a.m. mark.

15 So you can see that there's one small blip in the
16 middle there, but from roughly 2:00 a.m. until almost 2:45,
17 3:00 a.m., there's not information by the device by Google.

18 Q. If you're not using your phone will Google still
19 be able to obtain any Geographical Location Data?

20 A. Google continually incurs that data from the
21 device as long as it's on and connected.

22 Q. And when you say connected, what connection do you
23 mean?

24 A. So Google goes by several different connection
25 types as Cellular, Wi-Fi, Bluetooth, and GPS. So as long as

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 your phone has those functions on, it will connect. But if
2 you de-authorize like earlier, turn it off, power it off,
3 put it in airplane mode, so you Wi-Fi and Bluetooth and all
4 that stuff is not on, it won't send and receive information,
5 so Google can't track that information.

6 Q. Okay.

7 A. But it's something you have to physically
8 manipulate in order to do.

9 Q. Okay. And next we have.

10 A. This is just a more expanded version of that
11 specific time frame. So 2:00 a.m. to 3:00 a.m. just to
12 denote the huge gap that we were seeing earlier with the
13 small blip around 2:15.

14 Q. Okay. And what do we have here?

15 A. These are the overall GPS hits. And I believe a
16 screen recording of those hits that show where each of them
17 are located. And if you look at the circle sizes, those
18 denote accuracy ratings. So where these are a little bigger
19 it's showing it's likely within 77 meters. So it shows you
20 the actual geographic boundary saying that the device is
21 likely within that bubble.

22 And again, we'll stop it, because there's a couple
23 of key points here. If I back it up just a little bit to
24 the 1:58, 1:55 time, we can see at 1:58 and 2:14 the device
25 is located geographically at the crime scene. And then at

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 2:14:08 a.m. the device has moved from the crime scene and
2 is seen near Prince Street with a 50 meter accuracy rating
3 of a Wi-Fi source.

4 Q. So that would be off of Wi-Fi?

5 A. Correct.

6 Q. If you'll continue, please?

7 A. And, again, the next hit that we saw on the
8 records was at 2:15, that's a 77 meter accuracy rating off a
9 Wi-Fi source in the Green's Liquor Store area. And then it
10 returns back to the crime scene at 2:46 a.m.

11 Q. So prior to 2:46 that phone is not in the crime
12 scene area for a short amount of time?

13 A. Right. So at 1:55 it's seen at the crime scene
14 area. And 1:58 it's seen at the crime scene area. And then
15 at 2:14 is the first GPS coordinate we get provided by
16 Google that shows the device has moved from that area and is
17 seen on Prince Street. And the subsequent hit is over there
18 at near Green's Liquor Store, and then the returning hit to
19 the crime scene is at 2:46 a.m.

20 Q. Okay. Then what did you do?

21 A. Again, after observing the Google Information, I
22 verified through double verification, because we had
23 cellular detail records, so I tried to quantify and show
24 that the records were provided to me by Google were
25 accurate. And so I did -- I overlaid the cell detail

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 records, and at 1:55 a.m. you can see that there's a GPS
2 location provided by Google and at 1:52 there's a subsequent
3 hit in the call detail record indicating Sector Two of Tower
4 1642 showing that it did fall within that wedge showing they
5 were active.

6 Q. And what is this?

7 A. This is where we got out of Geofence and got into
8 the Google Subscriber Data, so the data sets are a lot
9 larger. But can see the same thing, the pattern of life,
10 for Tiesh Rhue, starting at 5:00 p.m. the night before all
11 the way to 8:00 a.m. the following morning. She has an
12 enormous amount of locational data that's stored by Google.
13 These hits are roughly every minute to every half minute,
14 but that event stops at 2:00 a.m. And there's a huge gap
15 where the phone is no longer transmitting, and doesn't
16 return to any sort of connection until roughly 5:00 a.m.,
17 but normal operation until after 6:00.

18 Q. Okay. And what does that indicate to you?

19 A. It indicates the device was manually removed from
20 the network.

21 Q. Okay. And if you'll continue on to the next
22 slide.

23 During this time period, when data is being
24 received, what -- does this slide depict what is happening
25 and geographical location when data is being received?

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 What is this slide?

2 A. So this is where Google -- you don't necessarily
3 always look at the -- you need to look at the source that's
4 providing you accuracy from Google. And because cell phone
5 towers can provide signal for a long -- a large amount of
6 distance, those accuracy bubbles are very large. So when I
7 start looking at accuracy bubbles that are this large, I'm
8 not necessarily looking at it for locational data, I'm more
9 looking for it for pattern of life to see when the device is
10 on and off.

11 But I can see that these devices are correlated
12 with a 10:53 hit and it's also at 10:58, which is the Sector
13 Two of that tower. So I know the device is on, it is
14 sending and receiving data and it's accurately receiving
15 data from the cell phone network because the cell phone
16 network is using it.

17 Q. Okay.

18 A. So when we go back a couple of slides it's
19 important because that's where you can see the huge
20 discrepancy in the pattern of life from that 2:00 a.m. mark
21 until that 6:00 a.m.

22 Q. And so after analyzing all of this data, were you
23 able to come up with a conclusion?

24 A. I was. So with the totality of the circumstances
25 when analyzing all the records that were provided, I

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 indicated that there was a huge discrepancy that happened
2 around the 2:00 a.m. mark. You can see from the overlay of
3 pattern of lives, from Rhue Sr.'s device information from
4 Google, Rhue Jr.'s Google information, Tiesh Rhue's Google
5 information, the victim's cell phone, Rhue Sr.'s cell phone,
6 and Rhue Jr.'s, that there was an event that occurred around
7 2:00 a.m. where all the devices went off the network.

8 Q. Okay. And is that to a reasonable degree of
9 scientific certainty?

10 A. Yes, ma'am.

11 Q. In your expert opinion do you believe that that
12 would have to be physically done?

13 A. So, in my opinion, yes, because if it was one
14 device I think that you could argue that it was a --
15 powering-off event due to battery issues or something. But
16 to have six independent sources from different areas all
17 corroborating the same indication at the same time frame, is
18 highly unlikely that all the devices died at once.

19 Q. Okay. If you want to take a seat, I've got a few
20 more questions.

21 When a -- when you're getting this data, is this
22 dependent on -- what type of location is this dependent on?
23 Is it the cell phone?

24 A. I'm sorry. Can you repeat the question?

25 Q. Is this cellular location data?

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 A. So this is a combination of cellular location data
2 form Google and from the call detail records.

3 Q. So it would be -- if someday were to leave their
4 phone at home, would it pick it up?

5 A. It would.

6 Q. Okay. Would it show -- I mean, is this stuff
7 tracking a physical person or is it tracking a cellular
8 device?

9 A. It's only tracking a device. You'd have to
10 corroborate movement of other sources or lack of movement.
11 So, if a phone was left somewhere, it doesn't indicate that
12 a person was there, it just means that the device is there.

13 Q. Okay. So this is tracking a device?

14 A. Right.

15 Q. Okay. But what is this indicating?

16 A. This is indicating a pattern of life of usage. So
17 what this is indicating is, the want in regard to not of --
18 to receive or send data.

19 Q. Does it indicate --

20 A. So, this isn't locational data, this is a pattern
21 of life showing that at a certain time and date that they no
22 longer wanted to be tracked or send or receive phone calls,
23 so they physically did something to their phone.

24 Q. Would this indicate a de-authorization from the
25 network?

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 A. Yes.

2 Q. Okay.

3 MS. SMITH: I beg the Court's indulgence, one
4 second.

5 THE COURT: Yes, ma'am.

6 BY MS. SMITH:

7 Q. Detective Huggins, if you could answer any further
8 questions that the Defense attorneys have, I have no further
9 questions at this time.

10 A. Yes, ma'am.

11 THE COURT: Mr. Hazzard, do you have questions of
12 this witness, sir?

13 MR. HAZZARD: Yes, sir, Your Honor. May it please
14 the Court.

15 THE COURT: Absolutely.

16 CROSS-EXAMINATION

17 BY MR. HAZZARD:

18 Q. Mr. Huggins, you kept referring to the initial
19 crime scene. What location are you referring to when you
20 say "the initial crime scene"?

21 A. 1015 Highmarket Street.

22 Q. Okay. And what -- you work for the Conway Police
23 Department?

24 A. Yes, sir. I do.

25 Q. Okay. So other than this presentation and the

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 records you say you looked at, what physical investigation
2 did you do in this matter?

3 A. I did none. I had no part of any investigation
4 other than review of the records.

5 Q. So you didn't go to 1015 Highmarket Street?

6 A. No, sir, I did not.

7 Q. Didn't talk to any witnesses?

8 A. No. I was only indicated and provided the
9 records. I was provided a brief synopsis of what they had
10 and when they had it and where it was located, so I could
11 analyze the data based on the information that was provided.

12 Q. So who told you to refer to 1015 Highmarket Street
13 as a crime scene?

14 A. That was indicated to me by Chief Brown of the
15 Solicitor's Office where it was located.

16 Q. So someone from the Solicitor's Office told you to
17 refer to it as a crime scene?

18 A. Chief Brown did, I guess he's an investigator with
19 the up in Conway. He was the one that provided me the data.

20 Q. Chief Brown. He's a chief with the Solicitor's
21 Office?

22 A. Correct. Well, I believe that's his title.

23 Q. Now, you showed -- had the little bubble with the
24 sectors, each of them 120 degrees. Basically, roughly
25 speaking, what area of usage does each cell tower cover?

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 A. Are you talking about, like, distance wise?

2 Q. Yes, sir.

3 A. Roughly -- it depends on location and geographical
4 obstructions but an average two-and-a-half miles, three
5 miles.

6 Q. Okay. And 1015 Highmarket Street is in downtown
7 Georgetown, correct?

8 A. Yes, sir, It is.

9 Q. And you said you went and actually, physically
10 looked at that cell tower?

11 A. Correct. On Google.

12 Q. Okay. So, oh, like on a Google Earth thing --

13 A. Right. So there's --

14 Q. -- or did you physically go visit?

15 A. No. I never physically visited the site. Google
16 provides a thing called SkyView that shows obstructions
17 geographically and topographically. It shows if there are
18 any, like, large buildings or line of sight issues from the
19 tower. So it's a way to view topographically if there would
20 be any signal obstructions, basically what I'm trying to
21 say.

22 Q. Okay.

23 A. You know, based on my location it's a far way for
24 us to come and visually inspect the tower, so we use
25 archived GPS satellite imagery.

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 Q. You're here giving an opinion in a murder case and
2 it's too much for you to drive 45 miles?

3 A. It's just not standard practice. Not when we can
4 view it electronically.

5 Q. So each tower, basically, two to two-and-a-half
6 miles in circumference?

7 A. Yes, sir.

8 Q. Okay. And when you do this -- with regard to the
9 Geofencing, you -- well, first of all, with regard to
10 Geofence, first of all, you request a search of all Google
11 information for a given area, correct?

12 A. So in this case I haven't requested anything, but
13 historically how that process works --

14 Q. I apologize. Let me stop you right there. And I
15 apologize, I do want you to complete your answer, but I want
16 to be very clear on this.

17 So you didn't request anything?

18 A. No, sir. So I had not part in the legal process
19 of obtaining the information, it was merely provided.

20 Q. And, to your knowledge, who did request it?

21 A. I'd have to look at the search warrants, but I
22 believe Chief Brown, was one that did the Google Search
23 Warrants.

24 Q. Chief Brown of the Solicitor's Office?

25 A. Correct.

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 Q. Okay. So Chief Brown requested Google
2 information -- to your knowledge what area did the Geofence
3 cover?

4 A. I couldn't answer that correctly without looking
5 at the Google Search Warrant, because they're very specific
6 with GPS coordinates, and it's laid out in the search
7 warrant that's provided to Google. It's an overview, a
8 satellite view, of that Geofence.

9 Q. Okay. Is there documentation here that would help
10 you answer that question?

11 A. Yeah. I believe you guys have the search
12 warrants.

13 Q. Okay.

14 MR. HAZZARD: Your Honor, I ask that the witness
15 be allowed to retrieve the use of search warrant
16 documentation in this regard that will assist him in
17 determining and testifying at to the perimeters of the
18 Geofence?

19 THE COURT: Yes, sir.

20 THE WITNESS: So that would be the Stage One
21 Geofence from Google.

22 MR. HAZZARD: You may come down and retrieve it,
23 sir.

24 THE COURT: Mr. Hazzard.

25 MR. HAZZARD: Yes, sir?

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 THE COURT: He had a question of you, sir.

2 MR. HAZZARD: Oh, I'm sorry.

3 BY MR. HAZZARD:

4 Q. Yes, sir.

5 A. You asked me to retrieve records, that were the
6 ones that were entered into evidence, I don't know.

7 Q. Oh, I'm sorry. I don't know where they are?

8 A. You're asking me to retrieve a document that I
9 don't physically have.

10 Q. Okay. Then maybe you misunderstood my question.

11 A. I think I did.

12 Q. I think my question was, I asked you the area for
13 the search?

14 A. Correct.

15 Q. And you said, I would need to see the search
16 warrant?

17 A. Correct.

18 Q. And I believe I said, Is that documentation here
19 and present so that you can review it? And I believe you
20 said that it was. So I asked you then to retrieve it.

21 A. Okay. So to backtrack, I may have misunderstood
22 your question. Are you asking if I physically have the
23 search warrant to review? I do not.

24 Q. And you don't believe it's available to you?

25 A. I'm sure that it's provided from the Solicitor's

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 Office from the Defense and you guys. So I'm sure the
2 Solicitor's Office has a copy and you guys do.

3 Q. Okay. So it would be available to you on this
4 table, you think?

5 THE COURT: Solicitor.

6 MS. RICHARDSON: Your Honor. I have the hard
7 copies downstairs and we have some of it digitally on some
8 flash drives I have here.

9 THE COURT: All right.

10 MR. HAZZARD: I may be able to make it simpler, I
11 apologize.

12 THE COURT: Thank you. Yes, sir.

13 BY MR. HAZZARD:

14 Q. Generally speaking, to your knowledge, does a law
15 enforcement agency seeking Geofence information try to make
16 the geographical boundaries as limited and specific as
17 possible?

18 A. I believe so. Because the search warrant process
19 would indicate so. They have to be as least intrusive as
20 possible to deal with Fourth Amendment issues.

21 Q. Okay. So when we're talking about this particular
22 case, we're talking about the area around 1015 Highmarket
23 Street; is that correct?

24 A. To the best of my knowledge, yes.

25 Q. Do you have any questions about that? I mean, you

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 put together this presentation.

2 A. Well, no, I don't have any question about does the
3 Geofencing encompass 1015 Highmarket Street.

4 Q. Yes, sir.

5 A. I just don't know the boundaries to which you
6 want -- or you understand the extension of that Geofence.

7 So, is that Geofence, you know, a thousand meters,
8 two thousand meters, that's going to be indicated on the
9 search warrant.

10 Q. Okay.

11 A. But I know by reviewing the search warrant that
12 Highmarket Street was within geographical boundary.

13 Q. Okay. But even if you said -- you're not talking
14 about 20 miles, right?

15 A. No, sir.

16 Q. You're not talking about 10 miles?

17 A. No, sir.

18 Q. Not even talking about five miles?

19 A. No.

20 Q. Probably not even talking about three miles?

21 A. No, sir.

22 Q. Okay. So the law enforcement agency requesting
23 this information they're the ones who decide the area that
24 they want to search, correct?

25 A. Correct.

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 Q. Okay. So they draw up a search warrant, right?

2 A. Yes, sir.

3 Q. And they submit it to a judge?

4 A. They do.

5 Q. And get a judge to sign it?

6 A. Yes, sir.

7 Q. Because they're a law enforcement agency?

8 A. Correct.

9 Q. Okay. And they then take that signed search
10 warrant that's signed by a judge and they submit it to
11 Google, correct?

12 A. That is correct.

13 Q. And they are requesting that Google search every
14 single account on the face of the Earth, correct?

15 A. That fall within that geographical boundary.

16 Q. Yes, sir. But in order to figure out whether it
17 falls within that geographical boundary they have to search
18 every single account on Earth, right? Some type of cursory
19 search to see if, Hey, do you fall within these perimeters,
20 right?

21 A. I couldn't tell you how their search is
22 encompassed or how they go about deriving the information
23 inside the geographical boundary.

24 Q. Okay. And then the Geofence is populated with
25 every person in the area for that designated time period,

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 correct?

2 A. Right. So when they return it to you in Stage
3 One, you'll receive every device that fell inside of that
4 geographical boundary in the specified time on the search
5 warrant.

6 Q. Okay. And at that point, once Google sends the
7 information that says, let's keep it simple, let's say 500
8 devices were within the boundary for the specified time
9 period. When Google sends back that information about these
10 500 devices, law enforcement then decides, these are the
11 ones we want the information on. They decide, right?

12 A. I believe the number is inaccurate. I believe, by
13 my training and experience, if you submit a Google Geofence
14 search warrant and you were to receive 500 devices, Google
15 would never -- Google would never send that to you. They
16 would deny your legal request and ask you to be more
17 specific in your Google Geofence, because they would believe
18 500 is too intrusive in the people's Fourth Amendment
19 issues. So they would ask you to redefine and resubmit
20 legal process.

21 Q. Okay. Let's say they say 25.

22 A. That would probably be a more accurate assumption.

23 Q. Okay. So let's say, for the purposes of our
24 hypothetical here, law enforcement has sent off their search
25 warrant to Google, Google has responded as requested, and

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 sent back information on 25 devices.

2 At that point, law enforcement then decides which
3 ones they believe are suspect and the ones they want the
4 actual information on, correct?

5 A. Yes and no. So you have another stage between
6 identifying and knowing an identity, you've got a Stage Two
7 result.

8 Q. Uh-huh.

9 A. So in your Stage One, what Google is going to ask
10 you to do is, again, diminish your search based on probable
11 cause. So they're going to ask you to visually inspect the
12 devices that enter your Geofence and describe in an
13 affidavit why you believe that those devices need to be
14 further investigated outside the Geofence.

15 So that's normally indicated by arrivals, times
16 people come in and out, or if they fall within the
17 specific -- let's say if you're doing a block and you have a
18 house that's involved in an incident and the device falls
19 directly geographically by GPS inside that location, then
20 they would ask you to basically do a signed affidavit with a
21 Judge another search warrant to receive further returns from
22 them.

23 And that's when it goes to that Stage Two process
24 which shows you everything that device did, not just within
25 a geographically boundary of that Geofence, but everything

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 that device did over a specific time period.

2 Q. Yes, sir. But law enforcement is the one that's
3 deciding which results to request further information on,
4 correct?

5 A. Yes, sir.

6 Q. Okay.

7 THE WITNESS: If you don't mind, can I have some
8 more water, please?

9 THE COURT: Yeah, I've got it right here.

10 BY MR. HAZZARD:

11 Q. Now, when you talk about cell phone activity, does
12 that cover application activity such as somebody using
13 WhatsApp?

14 A. Are you talking about the connection records?

15 Q. The cell phone records.

16 A. Cell phone network provider or Google?

17 Q. Cell phone network providers?

18 A. Yeah, that would be logged -- well, it would
19 probably be logged both places. One would be logged in a
20 Wi-Fi access through Google, but then it would also be
21 logged through data sessions initiated by the service
22 provider, depending on which connection type you're using on
23 your phone at the time.

24 Q. Okay.

25 A. So if you're, like, inside your house and you're

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 on Wi-Fi, you're probably using Wi-Fi for those data
2 transmissions and not your network plan.

3 Q. Uh-huh.

4 A. And if you weren't connected to a Wi-Fi source
5 then you would be using the network data.

6 Q. Okay. And if I am in this courthouse and I'm
7 using my phone and it says I'm in some azimuth and some
8 sector of some tower.

9 A. Uh-huh.

10 Q. And I walk out the front door and go two blocks
11 down the street, am I more likely than not still in the same
12 sector of the same tower?

13 A. Yes.

14 Q. All right.

15 A. Considering that you're -- yeah, within the 120
16 degrees sectors of that tower.

17 Q. Thank you.

18 MR. HAZZARD: No further questions.

19 THE COURT: All right. Mr. Voigt, sir?

20 MR. VOIGT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. VOIGT:

23 Q. Detective, you are a law enforcement officer?

24 A. Yes, sir, I am.

25 Q. You have the power to arrest?

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. I do.

2 Q. So you're not just a regular old expert who can
3 opine about stuff; is that fair to say?

4 A. Yes. Fortunately, I am.

5 Q. Okay. Do you still have the clicker?

6 A. My clicker is no longer connected, no.

7 Q. Come on down with the clicker.

8 A. The mouse is right there.

9 Q. Oh, is it?

10 A. Yes, sir.

11 Q. Oh, okay. Well, I'll approach you with the mouse,
12 if that's all right?

13 A. I don't know if it will reach that far, I will
14 help you out though.

15 Q. Can you go back a couple slides here for Mr. Rhue
16 Jr., because you talked about this. Okay.

17 A. Which slide would you like?

18 Q. Back to Mr. Rhue Jr., that's who I'm really
19 interested in, because it's my client.

20 A. This is the very beginning.

21 Q. Okay. This is the very beginning?

22 A. Of his Google.

23 Q. Okay. Well, let's go to the map part of it?

24 A. You want to go to the call detail records?

25 Q. This one.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. Okay.

2 Q. All right. Now, you can head back over there.

3 A. Do I need to play it?

4 Q. No. Back in the old days, we'd just throw up a
5 board and we'd all point at it and know what we were talking
6 about. This makes it so much easier.

7 So I think Mr. Hazzard talked to you about this
8 crime scene, that's -- that's not a word -- that's a word
9 that was given to you, right?

10 A. Correct.

11 Q. It could have been like Rhue Residence?

12 A. Incident location.

13 Q. That assumes something happened there, right?

14 A. Right. I understand what you're saying.

15 Q. So, I mean, if people just lived there it could
16 just be the place where people lived, right?

17 A. Right. I could have indicated -- it's just an
18 option thing it's a visual representation for me when I'm
19 reviewing records.

20 Q. So CellHawk actually gives you a click down option
21 of crime scene, because that's kind of what y'all do, right?

22 A. It's not indicated by crime scene, no. They give
23 you a block of tools that look differently. You click down
24 on a GPS coordinate or an address and then you label it
25 yourself.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. Okay. Fair enough. Okay.

2 And is this location -- this is the location
3 specifically having to do with a device associated with Alex
4 Rhue Jr.; is that right?

5 A. Correct.

6 Q. And this a device associated with Alex Rhue Jr.
7 When I use the word "associated," you didn't do that
8 association, right?

9 A. No, sir.

10 Q. So you're relying on other people to have
11 associated that device with Alex Rhue Jr., this is really
12 talking about the device?

13 A. Correct.

14 Q. Okay. And you didn't set up the perimeters for
15 the search warrants for what you were looking to find,
16 right?

17 A. No, sir.

18 Q. And we established that someone else did that in
19 the Solicitor's Office and this was the information that you
20 were provided, right?

21 A. That's correct.

22 Q. And you also testified, I believe, that you had
23 access to that information?

24 A. Correct.

25 Q. You had access to the warrants, you had access to

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 the information that was received pursuant to the warrants?

2 A. Correct.

3 Q. And you prepared this PowerPoint, which is frankly
4 a bit more complicated than most PowerPoints, because it's
5 got little bells and whistles and things that move, and it
6 carries a little bit more information than the average
7 PowerPoint; is that safe to say?

8 A. By my generation, I believe it's pretty standard.

9 Q. Okay.

10 A. I believe that my generation grew up with some
11 stuff like, so this might be intuitive than, I believe,
12 maybe your generation that didn't grow up with it.

13 Q. Fair. Fair. Okay. But the point of my original
14 questions was, when you prepared this, you knew exactly what
15 the perimeters were and you just don't remember them right
16 now, right?

17 A. Perimeters to what?

18 Q. To the search warrant. You knew what location
19 they had asked for, right?

20 A. Right. Right.

21 Q. You just don't know it now and it wasn't important
22 for the purposes of creating this visual display. It wasn't
23 important for your purposes?

24 A. I believe the totality of all the facts were
25 important.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. Okay. All right. But you didn't list it anywhere
2 here where it's easily -- where you can't pull it out of the
3 display that you created?

4 A. No.

5 Q. Because we're talking about something that you
6 ultimately don't know?

7 A. Right. So when Google provides you the records,
8 you can't alter them in their original format. So like the
9 display of the Geofence, inside that data, you would have
10 had to manipulate it.

11 Q. All right. To the extent that you know, and you
12 may not, did all of the activity that Mr. Rhue Jr.'s device,
13 the device associated with Mr. Rhue Jr., did that all come
14 from one cell tower?

15 A. Yes.

16 Q. Okay. Can you tell the jury where on this
17 crime -- where on this map that you provide -- and I'm
18 assuming you got this map from Google, as well?

19 A. So this map is actually pulled from the program
20 itself. So you can change -- at the top right you can see
21 like a little layers button underneath the person.

22 Q. Uh-huh.

23 A. You can change it to topographical. You can
24 change it to street view. You can change it to where it
25 says Street Addresses and gets rid of all, like, the

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1 structures and the trees. This is just the one that I used,
2 because, sometimes people visually see landmarks that they
3 associate with, so they can place themselves in the map and
4 get better oriented.

5 Q. These little -- these locations, like the Auto
6 Zone and the Goodwill, these are things that are populated
7 by the program. And where does it get the information, do
8 you know?

9 A. From Google Maps.

10 Q. Okay. So essentially the source of this is a
11 Google Map?

12 A. Correct.

13 Q. Okay. And where on this Google Map that you've
14 provided is the Black River?

15 A. The Black River?

16 Q. Yeah. The Black River?

17 A. I'm not familiar with the area.

18 Q. Okay. Do you see any geographic locations on here
19 that appear to be bodies of water?

20 A. I'm sorry. Can I come back down there?

21 Q. Oh, absolutely, because apparently that screen...

22 A. Seen better days.

23 Q. Yeah.

24 A. So I don't see any large bodies of water. I see
25 maybe a pond here on Fraser Street.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. Okay. And there's Black River Road, so I'm
2 assuming that must be in some way associated with Black
3 River, right? You may not know, not being from the area.

4 A. I don't know, sir. I apologize.

5 Q. Okay. Where's the Walmart on North Fraser Street?
6 Do you see North Fraser Street?

7 A. Yeah. North Fraser Street is here.

8 Q. Okay. Where's the Walmart?

9 A. I don't know.

10 Q. Okay. And -- you can head back.

11 The activity that you're tracking has -- if I
12 understand your testimony, has two sources, one having to do
13 with the cell -- the cell phone data?

14 A. Correct.

15 Q. And one having to do with Google. So that, I
16 think you testified that this spot here by the Ocean Dragon
17 Chinese, and also equally distant to the Wilds Funeral Home
18 on Prince Street, that this was some sort of Wi-Fi hit. So
19 the cellular device connected to Wi-Fi and that's what told
20 Google that the phone was in this area?

21 A. Yeah. I wouldn't say use the word "connected," I
22 would say attempted to connect.

23 Q. Attempted to connect?

24 A. Right.

25 Q. There was some sort of activity associated with

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Wi-Fi that told Google in some sort of passive way where
2 Google is storing all this information, that a device
3 associated with Alex Rhue Jr. was near a Chinese restaurant?

4 A. If the Chinese restaurant falls within that
5 accuracy bubble I would say that's correct.

6 Q. Well, it may not. That may be unfair. Certainly,
7 on Prince Street, somewhere there?

8 A. Yes, sir.

9 Q. Okay. You talked about an event that occurred at
10 approximately -- now, before I ask you that question, was
11 there an event that occurred at approximately 1:00 a.m. on
12 the 26th of February 2017 that you recall?

13 A. Not that I can recall off memory. I'd have to
14 look at the records.

15 Q. Okay.

16 A. But we did the timeline view so they're easily
17 viewed in this presentation.

18 Q. Well, you can come on down now, if you want. I'm
19 not trying to...

20 A. Well, this view shows 1:52 but it doesn't show
21 above, so we'd have to look at the actual play.

22 Q. We'd have to roll this up a little bit, wouldn't
23 we, hold on a second.

24 A. Yeah, you can't roll it up.

25 Q. I can't roll it up?

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. No, sir.

2 Q. Okay. Fair enough.

3 But we do show something at 1:52, 1:53, 1:54,
4 something like that?

5 A. Yes, sir.

6 Q. All right. And you testified that this was --
7 that the device was manually removed from the network?

8 A. Not at that time, no.

9 Q. When was the device manually removed from the
10 network?

11 A. We'd have to look at the, I believe it's the next
12 slide, that shows the pattern of life, it will show the
13 connections.

14 Q. Can we get to the next slide?

15 A. It's playing through.

16 Q. Okay. Help, expert, help us with your visual
17 display.

18 A. So here.

19 Q. So right about 2:00 a.m. we have something -- come
20 back here for a second.

21 A. Oh, I'm sorry.

22 Q. What's that at 2:15?

23 A. The device reconnects to the network and receives
24 some sort data and then goes back off the network.

25 Q. Okay. And you characterized that as manually --

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1 manually removing the device from the network? Is that what
2 you said?

3 A. Yeah. Yes, sir. Based on the totality of all the
4 devices doing it, I don't believe that you could infer that
5 the device de-authorized from the network based on power.

6 Q. All right. So to the extent that you what that
7 manual removal is?

8 A. De-authorization, sir.

9 Q. Are you calling it now -- I just want to use your
10 term, manual de-authorization?

11 A. Right, about the term.

12 Q. Now. When we're -- you said under direct
13 examination that the phone or phones was manually removed
14 from the network, which may mean exactly the same thing as
15 manual de-authorization.

16 A. Right.

17 Q. Okay. What you -- in layman's terms, what we're
18 talking about is either turning off?

19 A. Yes, sir. Airplane mode.

20 Q. Airplane mode.

21 A. Or --

22 Q. Or powering off?

23 A. Correct.

24 Q. And in your expert opinion it was highly unlikely
25 that multiple devices would have powered off at the same

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 time?

2 A. Right. Based on, like, if your phone went dead.

3 Q. Right. Because it's happened to all of us, you
4 know, our cord is bad or something, or we forget, our phone
5 goes off, and, Oh, my gosh, that's why I haven't gotten any
6 calls and then you --

7 A. Yes.

8 Q. You find a break, you charge it, and then you're
9 good to go. All right.

10 Now, there are other explanations though, such as
11 turning your phone off and going on airplane mode that would
12 explain why multiple devices in the same location would be
13 manually removed from the network at the same time; isn't
14 that true?

15 A. What is your question? I'm sorry.

16 Q. Okay. There is more than one explanation, other
17 than powering off, that would explain why multiple devices
18 at the same in roughly the same time would be manually
19 removed, or de-authorized, is that what you said?

20 A. De-authorized from the network?

21 Q. Yeah.

22 A. So there's only four de-authorizing events, not
23 manual. So it's powering down, loss of battery, airplane
24 mode, and being removed from the network.

25 Q. Did you understand my question?

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. I don't think I am, then.

2 Q. Okay. All right. Other than powering off, which
3 is what you said was highly unlikely in your expert opinion.

4 A. Right.

5 Q. Are there other explanations for why multiple
6 phones in the same geographic area might manually be removed
7 from a network?

8 A. Yeah, I can speculate why someone would turn it
9 off.

10 Q. Okay. So -- and this is kind of what I'm getting
11 at, the clue is in the name. Airplane mode. When we go
12 onto an airplane, isn't it true that we must, pursuant to
13 certain regulations, that there might be 250 people on an
14 airplane that roughly turn off their phones within a 10 or
15 15-minute period?

16 A. That would be a fair assumption, yes, sir.

17 Q. And there's no -- we can't conclude from that, can
18 we, that they all then are acting in concert for some
19 nefarious purpose?

20 A. Right.

21 Q. They're flying to Miami or wherever they would go,
22 right? And when we come into a courtroom there are certain
23 rules about the use of cell phones in courtrooms, are there
24 not?

25 A. There is, sir.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. And it could be that certain people in the
2 audience of this courtroom might all manually turn their
3 phones off to come into the courtroom, right?

4 A. Absolutely.

5 Q. And there's nothing that we can infer from that
6 behavior that gives rise to any sort of suspicion that
7 they're doing anything wrong, is there?

8 A. Not in that context.

9 Q. Okay. And for purposes of context, let me just
10 put my phone away, so I don't have to manually decertify.

11 Some people turn off their phones -- because you
12 kind of said this on direct, this is where I'm going with
13 it -- you said that they turned off their phones to avoid
14 the transmission of data or words to that effect. Do you
15 remember testifying that way?

16 A. Yes, sir.

17 Q. Now, that's you trying to figure out why multiple
18 phones in the same place at the same time might manually
19 decertify or de-authorize, right?

20 A. Well, I base that statement based on the totality
21 of records in the pattern of life before that incident. So
22 if I looked at previous incidents or previous evenings where
23 they had done the like, I would say that's a normal pattern
24 of life for that device.

25 Q. So some people turn off their phones when they go

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 to sleep?

2 A. Right.

3 Q. Not because they want to hide from our tech
4 overlords in Northern California, but rather, that they
5 don't want somebody texting them in the middle of the night
6 and waking them up?

7 A. Correct.

8 Q. Okay. And so there are perfectly innocent reasons
9 why multiple people -- multiple devices in the same area at
10 roughly the same time would turn their phones off or turn
11 them on airplane mode?

12 A. Yes, sir.

13 Q. Okay. Please answer any questions that
14 Mr. Edgeworth may have for you.

15 A. Thank you very much.

16 THE COURT: All right. Mr. Edgeworth?

17 MR. EDGEWORTH: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. EDGEWORTH:

20 Q. Before I jump into another set of questions, I
21 just want to follow up that particular line of questions.

22 It's true that you were not asked to look at any
23 records outside of September 25th -- excuse me, February
24 25th to February 26th in order to determine whether there
25 was some form of pattern, correct?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 A. No, that's incorrect. I have data sets for larger
2 than that.

3 Q. Okay. Are they visualized on the screen?

4 A. They're not visualized on that screen, but they're
5 inside that case file. So some of those data sets are quite
6 large. They're filtered down for those two specific dates
7 for the presentation. But the -- the legal correspondence
8 for each device is slightly different and you get larger
9 data sets by days.

10 Q. I guess, for the purposes of the question, the
11 information that you presented here shows the date range
12 from February 25th to February 26th?

13 A. Correct.

14 Q. Now, you showed on your graphic information
15 regarding Ms. Tiesh Rhue's phone.

16 A. Okay.

17 Q. Her phone number. And you were saying that, I
18 believe that -- and I won't refer to this right now -- but
19 the phone powers off and then comes back on at 5:00 or 6:00
20 in the morning?

21 A. Correct.

22 Q. And would that be consistent with someone with the
23 phone -- with someone waking up in the morning and turning
24 their phone on or charging it?

25 A. Right. If that's their normal pattern of life,

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 and they turn their phone off every evening and return it on
2 in the morning, that would be normal.

3 Q. And the hits or the information that you gleaned
4 from the records they all come from the same area in the
5 diagram, correct? I apologize for the terminology.

6 A. That's okay. I just want to be really clear when
7 I answer.

8 Q. How about this, if I may. I want to show you
9 what's been entered into evidence as State's Exhibit 89.

10 A. Okay.

11 Q. And ask you to take a look at this. Can you tell
12 by looking at it what it appears to be?

13 A. Yeah. It appears to be a tower location or a cell
14 phone tower with azimuths and looks to be locations that are
15 marked within those azimuths. And it looks like
16 communication records or calls from either texts or voice
17 communications.

18 Q. Okay. So is this picture substantially similar to
19 the information or diagram that you were showing in your
20 presentation?

21 A. Yes, sir.

22 Q. Okay. I don't have an easel today, so I'm going
23 to use a chair. In this particular diagram what did you
24 call this, again, one of these?

25 A. So that is a sector.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Okay. That's a sector off the tower?

2 A. That's correct.

3 Q. Okay. And is the picture of this sector
4 substantially similar to the sector that you showed in your
5 presentation?

6 A. It's not similar, it is the same.

7 Q. Because they're always the same?

8 A. Right.

9 Q. Okay. So in this particular diagram we notify --
10 or we see here what's listed as the Rhue Residence,
11 1015 Highmarket Street.

12 A. That's correct.

13 Q. You see that in there?

14 A. I do, yeah.

15 Q. And it is in this particular sector?

16 A. If memory serves me correct, Sector Two of the
17 1642 Tower.

18 Q. We're calling it Sector Two?

19 A. Correct.

20 Q. Now, in comparison to the information you gleaned,
21 all of the activity from Tiesh Rhue's phone was in Sector
22 Two?

23 A. I believe so, yeah, with a high certainty.

24 Q. You recall from your diagram the same information?

25 A. Right.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Which includes her residence?

2 A. If she lives at 1015, I'm not sure.

3 Q. Okay.

4 A. It included 1015 Highmarket Street.

5 Q. All right. So, and then in this particular
6 example here -- you can see it, though?

7 A. I can, thank you.

8 Q. All right. Now, along with -- in your
9 presentation you overlaid what you're terming "the
10 Geofencing Data"?

11 A. Right. Well, Tiesh Rhue's Google data wasn't
12 Geofence, it was Subscriber's Search Warrant.

13 Q. Okay. Is it similar? Will it show the same type
14 of information?

15 A. It will. So with Geofence, it's looking for
16 locational data, when you do a Google Subscriber Search
17 Warrant it gives you everything associated with that device
18 or that account. So you get emails, Play Store purchases,
19 locational data, if you back up your pictures to Google
20 Cloud, it will give you all of that stuff, your videos.
21 Anything you store on the Google Cloud base will be given to
22 you when you do a Google Subscriber Search Warrant.

23 Q. And based on your review of the information that
24 you received regarding that particular device, all of that
25 activity was in the same Section Two, correct?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 A. So her geograph -- or locational data, was based
2 on locational hits from a cell tower, so those are
3 predominantly larger. But, yes, 1015 Highmarket Street does
4 fall within that large geographical bubble or accuracy
5 rating provided by her locational records.

6 Q. Okay. So, again, it was in this sector?

7 A. Yes.

8 Q. Okay. Now, that includes based on your time
9 table, it goes -- I think you already stated it -- that was
10 through 6:00 o'clock the next -- on February 26th?

11 A. The 26th, yes, sir.

12 Q. You also indicated that you reviewed Mr. Leon
13 Harrison Jr.'s phone, correct?

14 A. Which phone was that? I'm sorry.

15 Q. It was the first phone that you were testifying
16 about?

17 A. The victim's phone, yes.

18 Q. You recall your testimony in that regard?

19 A. I do.

20 Q. Okay. And you showed that there was activity with
21 his phone to include a physical dialing around 11:30?

22 A. It was the 11:00 o'clock hour, I'm not sure of the
23 specific minutes, but it was 11:00 o'clock phone call the
24 25th. We can look at it, but I just don't want to misspeak
25 on minutes.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Understood.

2 A. I want to be accurate.

3 Q. And do you recall that the activity indicated --
4 the information you gleaned from his records were in Sector
5 Two?

6 A. I believe so.

7 Q. Are you familiar with 1306 Highmarket Street?

8 A. No, I'm not.

9 Q. Okay. 1306 has been identified in this particular
10 area, you would agree that that's still in Sector Two?

11 A. It would be, yes.

12 Q. There was some activity approximately around 1:53
13 a.m. in the morning with Mr. Rhue's phone?

14 A. Rhue Sr., yes.

15 Q. Excuse me, Mr. Harrison's phone.

16 A. Yes.

17 Q. If Mr. Harrison's call at 1:53 was in this -- it's
18 possible for that call, he would be in this area?

19 A. It would be indicated anywhere within that wedge,
20 yes, correct. So the address you're indicating shows Sector
21 Two, then that would be a fair assumption, because you can't
22 denote a specific location based on sector information.

23 Q. But it's possible that he was in this location at
24 1:53 a.m.?

25 A. Absolutely.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

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

2 THE COURT: All right. Thank you.

3 Solicitor, do you have any redirect?

4 MS. SMITH: One second, Your Honor. Let me grab
5 my notes. Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. SMITH: No further questions.

8 THE COURT: All right. Sir, thank you very much.
9 If you're here pursuant to a subpoena, then I'll release you
10 from that now.

11 THE WITNESS: Thank you.

12 THE COURT: Thank you, sir.

13 Counsel approach.

14 (WHEREUPON, a bench conference was had.)

15 THE COURT: All right. Ladies and gentlemen,
16 we're going to go ahead and take lunch, it's almost 12:15.
17 So if you could be back in the jury room at 1:15. I
18 anticipate promptly starting at 1:15. And don't talk about
19 the case. No research and things of that nature we've
20 talked about. I look forward to seeing you back at 1:15.

21 Thank you.

22 (WHEREUPON, the jury exited the courtroom at 12:13
23 p.m.)

24 THE COURT: All right. Anything further before we
25 break for lunch from the State?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 MS. RICHARDSON: No, Your Honor.

2 THE COURT: Anything from the Defense?

3 MR. HAZZARD: No, sir.

4 THE COURT: All right. I'll see everybody back in
5 here at ten past 1:00.

6 (WHEREUPON, there was a lunch recess held from
7 12:13 p.m. until 1:10 p.m.)

8 THE BAILIFF: All rise.

9 THE COURT: Thank you. Please be seated.

10 All right. State, are we ready to bring the jury
11 out?

12 MS. RICHARDSON: We'll just make sure the witness
13 is out here, Your Honor, and we will be.

14 THE COURT: All right. Defense, gentlemen, are we
15 ready?

16 MR. HAZZARD: Yes, sir.

17 MR. VOIGT: Yes, sir.

18 MR. EDGEWORTH: Yes, sir.

19 THE COURT: Great. And I'm told that all the jury
20 is here.

21 MS. RICHARDSON: The State is ready, Your Honor.

22 THE COURT: All right. Sir, get us a jury,
23 please.

24 (WHEREUPON, the jury entered the courtroom at 1:13
25 p.m.)

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 THE COURT: All right. Ladies and gentlemen, I
2 think we're ready to proceed.

3 If the State would call the next witness.

4 MS. RICHARDSON: The State calls Dr. Gray Amick to
5 the stand.

6 THE COURT: All right.

7 GRAY AMICK, having been duly sworn,
8 testified as follows:

9 THE WITNESS: My name is Gray Amick.

10 DIRECT EXAMINATION

11 BY MS. RICHARDSON:

12 Q. And are you Dr. Amick; is that right?

13 A. Yes.

14 Q. And where are you currently employed?

15 A. I'm currently employed at Integrated
16 Micro-Chromatography Systems in Columbia, South Carolina.

17 Q. And before that, where were you employed?

18 A. Richland County Sheriff's Department.

19 Q. And how long did you work at the Richland County
20 Sheriff's Office?

21 A. I worked there for 15 years.

22 Q. And what position did you hold there?

23 A. I was a DNA Technical Lead and the Lab Director.

24 Q. And prior to that where did you work?

25 A. I worked at the South Carolina Law Enforcement

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 Division for 11 years prior to that.

2 Q. And what did you do at SLED?

3 A. The first five years I was a forensic toxicologist
4 and the next six years I was a DNA analyst.

5 Q. And could you give us the benefit of your
6 education and training?

7 A. Yeah. I got my bachelor of science in biology in
8 1989. And my PhD in biochemistry in 1993 from the
9 University of South Carolina. From then, as you heard, I
10 was employed in 1993 at the South Carolina Law Enforcement
11 Division, commonly known as SLED. I worked there for
12 11 years and was asked to start the DNA laboratory at the
13 Richland County Sheriff's Department. Me and another
14 gentleman did that in 2004 where I worked for 15 years and
15 retired from forensics.

16 Q. And besides your college and PhD, do you have any
17 other training or courses in DNA analysis?

18 A. Yeah, pretty much every of my career in forensics
19 I've attended some continuing education or professional
20 meetings, seminars. So probably over 26 years of continuing
21 education in the field.

22 Q. And how many DNA analysis do you think you've done
23 in your career?

24 A. I'd say probably over 2,000 cases.

25 Q. And have you previously been qualified as an

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 expert in court?

2 A. I have.

3 Q. Okay. And about how many times have you been
4 qualified?

5 A. Approximately 95 times.

6 Q. And is that in General Sessions Court?

7 A. Yes.

8 Q. And do you hold any sort of professional
9 certifications or do any teaching or anything like that?

10 A. I was an adjunct professor at USC, and taught the
11 forensics course there for quite a number of years. I'm a
12 member of the American Academy of Forensic Sciences.

13 MS. RICHARDSON: Your Honor, at this time I'd
14 offer Dr. Amick as an expert in the field of DNA analysis.

15 THE COURT: Any objection, Mr. Hazzard?

16 MR. HAZZARD: No, sir.

17 THE COURT: Any objection, Mr. Voigt?

18 MR. VOIGT: No, sir.

19 THE COURT: Any objection, Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. Ladies and gentlemen, this
22 witness is going to be qualified as an expert in DNA
23 analysis. And, again, that means that he certainly can give
24 opinion testimony whereas a layperson would not be able to.
25 And, again, ladies and gentlemen that does not mean that you

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1 must accept the opinion, but it is evidence for you to use
2 in any way you see fit. Thank you. Continue, please.

3 BY MS. RICHARDSON:

4 Q. And could you give us just a short overview of
5 what you do with the DNA analysis, the process?

6 A. Yeah. Basically, what we are asked to do on these
7 cases are try to develop a DNA profile from the evidence and
8 try to develop a DNA profile from any individual submitted
9 suspect or victim and then compare the two to see if the
10 suspect or victims are included in those evidence profiles.

11 Q. And in doing that, how do you perform the
12 analysis?

13 A. It's a multistep process. Most of these pieces of
14 evidence start as a swab, a Q-tip swab. Some start as
15 cuttings from bedding, from carpets, from any number of
16 items. So we will cut the swab or the cutting of the
17 clothing or carpet or whatever and try to extract the DNA
18 and then amplify the DNA and develop the profile.

19 Q. And what procedures are in place to ensure the
20 integrity of the analysis?

21 A. There's several procedures. The laboratory itself
22 is accredited by a body called ASCLD American Society of
23 Crime Laboratory Directors, it's the international
24 accreditation. It's also audited and certified by the DNA
25 Advisory Board as an FDI Group that audits the laboratory

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1 every year.

2 Both of those accreditations come with a certain
3 set of quality standards that have to be met. Like I said,
4 those standards are insured via on-site audits and
5 proficiency testing every year.

6 Q. And when you worked with Richland County, did you
7 just do testing for Richland County?

8 A. Say that again.

9 Q. When you worked at the Richland County Sheriff's
10 Office, did you only work on Richland County cases?

11 A. No. We had cases, for example, this case from
12 other agencies that would pay for our DNA services. So this
13 case was one that was submitted to us as what we call to
14 assist other agencies and we would charge a fee for our
15 services for those type cases.

16 MS. RICHARDSON: Court's indulgence, Your Honor.

17 THE COURT: Yes, ma'am.

18 BY MS. RICHARDSON:

19 Q. Let me show you what's previously been marked as
20 State's Exhibit Number 90. Can you tell me what that is?

21 A. This appears to be a copy of the property report
22 from this case.

23 Q. Okay. And is that commonly referred to as a chain
24 of custody?

25 A. Yes, it does contain the chain of custody for the

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1 items listed.

2 Q. Okay. And did your lab receive items from the
3 Georgetown Police Department?

4 A. Yes.

5 Q. And who brought those items to the police
6 department initially?

7 A. I think that would be Kyle Walton, City of
8 Georgetown PD.

9 Q. And who were those items transferred to?

10 A. To the property and evidence room, Melody
11 Galinski.

12 Q. Okay. And Ms. Galinski still employed with you or
13 with agency?

14 A. I think she is.

15 Q. And after Ms. Galinski, who do they go to.

16 A. They went to me after that.

17 Q. And when you received them, tell what items you
18 received first of all?

19 A. Items 1, 2, 3, 4, 5, and 6.

20 Q. Okay. And what was Item 1?

21 A. Item 1 is a blood card.

22 Q. Okay. And let me show you what's been marked as
23 State's Exhibit 52.

24 A. Okay.

25 Q. And do you recognize that?

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1 A. Yes. This is Item 1, this is the blood card that
2 I just spoke of.

3 Q. Okay. And there's a sealed bag, could you explain
4 the process for the bag and how the item is brought in?

5 A. Yes. So the agency investigator, whoever submits
6 the evidence, would take the evidence and put it into an
7 evidence bag and seal it with their initials and date,
8 maintain the chain of custody, the integrity. And then when
9 the analyst gets it, in this case when I got it, I would cut
10 this open, take a sample of what I needed and then reseal it
11 and initial and date. And that's what you see over here
12 these reseals and my initials and dates when I opened it.

13 Q. Okay. And what was Item 2 that you received?

14 A. Item 2 is a bedsheet.

15 Q. And let me show you what's been marked as State's
16 Exhibit Number 81.

17 A. This is evidence with my initials on it. It says
18 Evidence Number 3, but this appears to be the bedsheet from
19 the submission.

20 Q. Okay. And let me show -- what else did you
21 receive?

22 A. Item 3 was a carpet padding.

23 Q. Let me show you what's been marked as State's
24 Exhibit Number 32. Do you recognize that?

25 A. Yes. Again this has my initials on it in this

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1 case and this is the carpet padding from that case.

2 Q. Okay. And what else did you receive?

3 A. Hang on. I received Item Number 4, the left and
4 right hand fingernail scrapings.

5 Q. Okay. And let me show you what's been marked as
6 State's 48 and 49.

7 A. Again, these have my initials on them, these
8 appear to be the right and left hand fingernail scrapings
9 from the submission.

10 Q. Okay. And anything that you received?

11 A. Yes.

12 Q. On this initial?

13 A. Well, that was Items 1 through 4, also got 5 and
14 6.

15 Q. Okay.

16 A. Five is two toothbrushes.

17 Q. And did those come in at a later date?

18 A. I have them coming in on the same date. I
19 received them the same time.

20 Q. Okay. When was that?

21 A. Item 5 was received June 27, 2017 at 10:21.

22 Q. And who brought that item in or those items in?

23 A. It appears to be the same individual, Georgetown
24 PD, Kyle Walton.

25 Q. Okay. And who did he transfer for those to?

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1 A. Melody Galinski.

2 Q. Okay. All right. And let me show you what's been
3 marked as State's 15 and 83. Do you recognize those?

4 A. These are the two toothbrushes, I labeled them 5.1
5 and 5.2. So, apparently, it was 5, two toothbrushes, so .1
6 and .2 would be the two different toothbrushes.

7 Q. Okay. And what else did you receive?

8 A. Item 6 is a buccal swab from Leon Harrison Sr.,
9 the father of the victim.

10 Q. Okay. Let me show you first of all what has been
11 marked as State's 91. And can you tell me what that is?

12 A. This is just a bag.

13 Q. Okay.

14 A. Via what was Items 4, 5, and 6 in here.

15 Q. Okay. And 86?

16 A. This is a -- this would be a buccal swab envelope
17 bearing my initials from Leon Harrison Sr.

18 Q. Okay. Now, some of these bags have been opened or
19 the seals have been broken today. Would they have been like
20 that when you received them?

21 A. No. If the integrity of the seal was in doubt or
22 wasn't in tact, I would notate it on my evidence sheets, and
23 I have not noted that.

24 Q. Okay. And all of these items were transferred to
25 you for testing and no problems with the sealing or anything

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1 like that?

2 A. No.

3 Q. Okay. Now, first of all, let's talk about Item
4 Number 1, the blood spot. Were you able to do anything with
5 that?

6 A. Yeah, I attempted to get a DNA profile from that.

7 Q. Were you successful in doing that?

8 A. I was not.

9 Q. Tell me about that -- tell me what you noticed
10 about it.

11 A. So my notes here after looking back at this case
12 and looking at the notes, I made a note that I said
13 "putrefied." Which means the blood card itself had a smell
14 like it was rotten. And when we have that, or when we
15 witness that, then it's a good chance that blood on that
16 card has been broken down from some environmental reason.

17 I later found out that this individual I think was
18 found quite after the time he was deceased. So that
19 explained to me why I may not get a DNA profile from this
20 blood card.

21 Q. And is that typically where you get a DNA profile
22 from a victim is from that blood card from the autopsy?

23 A. Yeah, either that or a blood -- or a buccal swab,
24 a swab in their mouth.

25 Q. Okay. All right. And after you did not get a

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1 profile from the blood spot, what did you do?

2 A. I think I tried again two more times. Recut -- my
3 notes say I recut it once, and the amp failed, and then
4 recut again on March 16th, 2017, also not getting a profile.

5 Q. Okay. So at that point what did you do?

6 A. At that point, I would have talked to
7 investigators, tell them what was going on, and move to the
8 fingernail scrapings or the toothbrush which was collected
9 for victim standard as well.

10 Q. And that was submitted to you on a later date?

11 A. I got that -- I got those on March 20th. It looks
12 like I analyzed them on March 20th. So that's about
13 six days later.

14 Q. Okay. And how did those items come to SLED?

15 A. The same way, to the Richland County Sheriff's
16 Department, I think.

17 Q. I mean, I'm sorry, to the Richland County.

18 A. Those are here in the chain as well. The two
19 toothbrushes and the fingernail clippings.

20 Q. And are those items 14.4, 14.6, and 14.5?

21 A. Right. So that's 4, 5, and 6.

22 Q. Okay.

23 A. So the numeral to the right of the decimal is the
24 item number in our nomenclature.

25 Q. Okay.

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1 A. So, yeah, Items 4, fingernail scrapings; 5
2 toothbrushes.

3 Q. And were those brought to Richland County Sheriff
4 by Johnell Sparkman?

5 A. I don't -- say that name again.

6 Q. Johnell Sparkman?

7 A. Yeah, I don't see that on this chain of custody.
8 So I don't know of that directly. Oh, I'm sorry. I do see
9 five -- 4, 5, and 6, Johnell Sparkman, on 3/20/2017.

10 Q. And that's where as 1, 2, and 3 had been brought
11 on March 14th by Kyle Walton? The two separate trips?

12 A. Yeah. Yes, ma'am.

13 Q. And who did Officer Sparkman release them to?

14 A. Let me see.

15 MR. HAZZARD: Your Honor.

16 THE COURT: Yes, sir.

17 MR. HAZZARD: I hate and I apologize for
18 interrupting the witness, I apologize for interrupting the
19 Solicitor. If we could have a brief bench conference it
20 might take care of something very important.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: Thank you.

23 (WHEREUPON, the following discussion was held at
24 the bench.)

25 THE COURT: Sir. Mr. Hazzard.

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1 MR. HAZZARD: My client informs me that Shaheem
2 Scott, who is on your witness list, is in the courtroom and
3 I didn't know if you were aware of that or if you had
4 removed him from the list.

5 MS. RICHARDSON: I was not aware of that, but I
6 will remove both of them from the witness list.

7 THE COURT: All right.

8 Thank you, Mr. Hazzard.

9 MR. HAZZARD: Yes, sir.

10 (WHEREUPON, the bench conference ended.)

11 THE COURT: Solicitor, you can proceed.

12 BY MS. RICHARDSON:

13 Q. Okay. So, again, who did Johnell Sparkman release
14 the items to?

15 A. I was looking at this chain of custody backwards.

16 Q. Okay.

17 A. So 1, 2, and 3 were brought by Kyle Walton on 3/14
18 and they were released to Patricia Hart, which works in the
19 evidence room.

20 Q. Okay.

21 A. And then those were released to me on the 14th.
22 And then 4, 5, and 6 were brought by Sparkman on the 20th,
23 and those were released to Ashleigh Dixon on the 20th, and
24 then to me on the 20th.

25 Q. Okay. And were all the packages properly sealed

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1 when you received them?

2 A. Yes. The answer is the same, yes.

3 Q. Okay. No evidence of tampering?

4 A. That's correct.

5 Q. Okay. So you talked about trying to get the
6 profile from Item 1. After you received the additional
7 items, can you walk us through what steps you took to
8 compare the DNA in this case?

9 A. So I do the same thing I tried to do with the
10 blood card and that is I try to get a DNA profile. So on
11 3/20 of 2017 I analyzed the left and right fingernail
12 scrapings and the two toothbrushes and attempted to get a
13 DNA profile.

14 Q. Okay. And was there an issue with one of the sets
15 of fingernail clippings?

16 A. Yes. So my notes indicate that the left there was
17 a left and right and that's usually how they're labeled.
18 There was nothing in the right -- the one labeled Right,
19 nothing in the envelope. The left one was, Possibly blood,
20 is what I noted just visually.

21 Q. And did that give you any concern?

22 A. No.

23 Q. Okay. And tell me why?

24 A. Concerned that it was bloody or there was nothing
25 in the right envelope?

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1 Q. That there was nothing in the envelope.

2 A. No. It's -- it's probably the way the pathologist
3 collects stuff. A lot of these envelopes are in kit form.

4 So it has the envelopes for all of the possible
5 samples that would be collected. A lot of times a rape kit
6 is the same way, they'll put the envelopes in there whether
7 they collect the evidence from them or not.

8 Q. Okay. Because they all come in a set?

9 A. Say that again.

10 Q. The envelopes come in a set?

11 A. That's correct.

12 Q. Okay. All right. And were you able to develop a
13 profile for the victim?

14 MR. HAZZARD: Objection. Subject to previous
15 objection. I'm not sure if it was ever on the record during
16 the course of the trial before now with regard to the
17 toothbrush.

18 THE COURT: All right. Let's approach.

19 (WHEREUPON, the following discussion was held at
20 the bench.)

21 THE COURT: Yes, sir, Mr. Hazzard.

22 MR. HAZZARD: I wasn't sure whether we had the --
23 remember we had the issue with the blue and white
24 toothbrush. I had objected to that with regard to the chain
25 of custody for it. And I was not completely whether I had

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1 objected to it during the State's case chief or only in
2 camera. I hope I have not jumped the gun, but I'm assuming
3 he's getting ready to testify regarding a profile developed
4 from the blue and white toothbrush. So I wanted to put my
5 objection on the record to make sure the record was
6 preserved.

7 THE COURT: Solicitor.

8 MS. RICHARDSON: Your Honor, this is the same
9 objection made yesterday that you overruled.

10 MR. HAZZARD: Yeah, I understand that.

11 THE COURT: Okay. I just wanted to remember. I
12 think I do now.

13 MR. HAZZARD: Yes.

14 THE COURT: That's fine I appreciate that, yes,
15 sir.

16 MR. HAZZARD: Yes, sir.

17 THE COURT: Mr. Hazzard, thank you for reminding
18 me of that and I note your objection for the record.

19 Mr. Voigt?

20 MR. VOIGT: Yes, I would join in that, as well.

21 THE COURT: And Mr. Edgeworth?

22 MR. EDGEWORTH: I join in that as well, Your
23 Honor.

24 THE COURT: All right gentlemen. Thank you.

25 (WHEREUPON, the bench conferenced ended.)

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1 Proceed Solicitor.

2 BY MS. RICHARDSON:

3 Q. So did you develop a profile for the victim, Leon
4 Harrison Jr.?

5 A. I did.

6 Q. Okay. And tell me how you did that?

7 A. I actually got a profile from the fingernail
8 scrapings from the victim, from both toothbrushes from the
9 victim, as well.

10 Q. And were they all the same?

11 A. They were.

12 Q. And did you also analyze a buccal swab for the
13 victim's father, Leon Harrison Sr.?

14 A. I did.

15 Q. And why did you do that?

16 A. Just in case the samples from the fingernail
17 scrapings and the toothbrushes, just in case I was not able
18 to get a profile from those we could do a different type of
19 DNA testing on the father to see if we could match that back
20 to the victim.

21 Q. Okay. And were you able to do that?

22 A. I did get a profile from the father's buccal swab,
23 yes.

24 Q. And did you compare it to the -- using YSTR to the
25 two toothbrushes and the fingernail scrapings?

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1 A. I did.

2 Q. Okay. And what was the result of that?

3 A. It was the same profile. So you mentioned YSTR
4 Testing, so that's a different type of DNA --

5 Q. I'm sorry.

6 A. That's a different type of DNA test. And in
7 short, YSTR Testing any paternal relatives will have the
8 same "Y" profile. So a son and a father would have the
9 exact same DNA profile with that type of testing, and that's
10 why we asked for that sample. And when we ran it, it did
11 have the exact same profile as that sample.

12 Q. Okay. All right. So you used those four
13 different items to develop a profile for the victim?

14 A. That's correct.

15 Q. And so did you process the bed sheet?

16 A. Yes. The bed sheet is Item Number 2.

17 Q. And tell me how you processed that.

18 A. So I laid it out on a table, I visually inspect
19 that for stains, and then do some presumptive testing of
20 those stains or not and make cuttings and try to get a DNA
21 profile from those.

22 Q. And what sort of presumptive testings did you do?

23 A. In this case, presumptive tests for blood.

24 Q. And what was the result of that?

25 A. On Item 2, I made three cuttings, it looks like,

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1 and they were all presumptive positive for blood.

2 Q. And did you do any DNA analyses of those cuttings?

3 A. I did.

4 Q. And what -- and did you compare those to the
5 victim's standards?

6 A. I did.

7 Q. And do you have -- did you have any other buccal
8 swabs or profiles to compare to?

9 A. No. I just had the victim's standards and the
10 father's standards.

11 Q. And that's all you were asked to analyze?

12 A. That's all I received.

13 Q. Okay. So what was your determination regarding
14 the cuttings from the bed sheet?

15 A. So just from my report, it's probably the easiest
16 way to say this, so the DNA result from Item 2.2, which was
17 a cutting from the bed sheet, is from an unknown female.

18 Q. Okay. And from Item 2.4?

19 A. 2.4, Item -- the DNA result from Item 2.4 is a
20 mixture, the major contributor is the same unknown female as
21 in Item 2.2. The minor profile is too weak for match
22 purposes.

23 Q. And from the other cuttings 2.1 and 2.4.

24 A. Say that again.

25 Q. Did you make any results regarding the other

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1 cuttings from the bed sheet?

2 A. That's the two statements from the report.

3 Q. That's the two you tested?

4 A. Yes.

5 Q. Okay. And with that minor contributor, were you
6 able to compare it to the victim's standard?

7 A. No. It was too weak for match purposes.

8 Q. And explain to the jury what "too weak" means?

9 A. That means there wasn't enough DNA there to make
10 that comparison.

11 Q. Okay. And did you process Item 3, the carpet
12 padding?

13 A. Yes, I did.

14 Q. Okay. And tell me how you process that?

15 A. It would have been the same way I did the sheet.
16 So I laid it out on a table, looked for visual stains, do a
17 presumptive testing, made cuttings and tried to develop a
18 DNA profile.

19 Q. And how many cuttings did you make from the carpet
20 padding?

21 A. It looks like I made three cuttings from the
22 carpet padding, there were actually four cuttings from the
23 bed sheet. There was an additional one at the bottom. So
24 that's why you hear two more than four. But there were
25 three cuttings from the carpet padding.

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1 Q. Okay. And on the first cutting?

2 A. Again, presumptive testing, Item 3.1 was
3 presumptive positive for blood. 3.2 was also presumptive
4 positive for blood.

5 Q. Okay. And what about 3.3?

6 A. On 3.3 there was no presumptive testing done.

7 Q. And were you able to develop a profile from 3.1?

8 A. 3.1. So the DNA result from Item 3.1 was too weak
9 for match purposes. Again, not enough DNA there to develop
10 enough information to do the comparison, too weak.

11 Q. And then for Item 3.2?

12 A. 3.2. The DNA result from Item 3.2 is inconclusive
13 for match purposes. So that's a little more information
14 there, but not enough for matching to another individual.

15 Q. And tell me what process, what are you looking at
16 to match?

17 A. So I'm looking at -- well, let me back up.

18 So when we attempted to get a DNA profile from a
19 piece of evidence, we're looking at over 24 locations on the
20 DNA molecule for that piece of evidence. Those locations
21 are called loci, a lot of times you'll hear that word.

22 So I'm looking at each one of those loci and the
23 DNA information from each of those. So you may or may not
24 have enough DNA, if each one of those loci to have a reach a
25 threshold to where we can say, Okay, I can compare it to

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1 another individual or I can compare it to something else.

2 So I'm looking at that entire profile as a whole,
3 one by one, and as a whole to see if I have enough
4 information there to make a comparison.

5 Q. And is a certain strength required to make a
6 comparison?

7 A. Yes. So there is a threshold set on our analysis
8 and if a -- if a DNA peak, or one of those DNA -- some of
9 that DNA information doesn't reach that threshold we can't
10 even consider it for comparison purposes.

11 Q. Okay. And that's what happened with Item 3.1?

12 A. Yes. So 3.1, there's information there, but,
13 again, it didn't reach that threshold to where I could
14 conclusively match an individual or not.

15 Q. And I don't know if you've gone through this, but
16 can you explain what you're matching actually?

17 A. Yes. So, like I said, those 23 loci contain peaks
18 that we call alleles. So we can say your DNA comes from
19 your mom and dad. And at each one of those locations, you
20 get half from your mom and half from your dad.

21 So at each one of those locations you're going to
22 have two peaks, one from your mom, one from your dad.
23 That's what I'm looking at when I do this -- when I'm
24 looking at these. Now, you could have the same peak from
25 your mom and dad and they would be on top of each other, and

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1 it would look like one, but you would have no more than two
2 at any one location for an individual.

3 So what I'm looking at are those actual alleles,
4 those differences in the gene at each locus, or each
5 location, to see the evidence if it's the same peak as it is
6 in the standard.

7 Q. Okay. And if you have -- so at each -- at each
8 area, loci, you should have usually two alleles for a person
9 or sometimes one?

10 A. That's right, for a single individual.

11 Q. Okay. And if you get more than two, what does
12 that indicate?

13 A. That means there's more than one individual in
14 that -- on that stain on the mixture.

15 Q. Okay. And that's when you determine that it's a
16 mixture?

17 A. That's right. So if I see more than two alleles
18 at any one location, now I know I'm dealing with a mixture.

19 Q. Okay. So as for the first two cuttings they were
20 too weak or inconclusive to give a comparison?

21 A. 3.1 was too weak. 3.2 was inconclusive.

22 Q. Okay. And do you have an opinion regarding that?

23 A. Do I have an opinion regarding that?

24 Q. Based on the appearance of the evidence.

25 A. I would -- my opinion is the result. That one's

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1 too weak and one's inconclusive.

2 Q. Okay. And then there was a third cutting at 3.3?

3 A. Yes.

4 Q. And tell me about that one.

5 A. 3.3, again, is a very weak sample. And when I
6 look -- when I look at the individual alleles in that one I
7 actually could say it did not match Leon Harrison Jr.

8 So that one there was enough information for me to
9 look at the alleles present and then compare it to the
10 individual in this case. And my conclusion was that the DNA
11 result from Item 3.3. does not match Leon Harrison Jr.

12 Q. Okay. And could you tell if that profile was a
13 mixture or a single source?

14 A. That's a good question. I would say it's
15 difficult to answer based on how weak that sample is. If
16 you take just what I said, black and white, no more than two
17 alleles of any one locus, you would have to say I don't see
18 a mixture there. But I would say my opinion is that it
19 could be a mixture because it's so weak. So it's a
20 difficult -- it's a difficult interpretation on that sample
21 would be my answer.

22 Q. Okay. And given the -- could you tell us what
23 the -- just kind of, in general, what the allele heights or
24 peaks the values for those were?

25 A. Yes. So that indicates the intensity or how much

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1 DNA is there. So the higher the peak the more DNA is there.

2 Q. Okay. And on that cutting, 3.3, what were the --
3 just sort of ball park the allele heights on that, or peaks,
4 I'm sorry.

5 A. They're in the 30 to 40 Range. And the units are
6 called RFU, Relative Florescent Units. So from 30 to 27,
7 33, 45, they're very, very low.

8 Q. And in comparison what are the allele heights on
9 the fingernail scrapings?

10 A. They're going to be in the thousands. I don't
11 have it in front of me. Give me two seconds.

12 Yes. So the fingernail scraping peak heights are
13 from 2,000 to 6,500 range, so they're much higher.

14 Q. Okay. And after you did that cutting, did you do
15 a further check of 3.1, 3.2 and 3.3?

16 A. I did. So I combined all of those cuttings. So
17 what you have after the analysis is, you have a cutting and
18 you try to extract the DNA, and at that point it's a liquid.
19 So I combined the liquid from those cuttings and
20 concentrated it down and tried to get a profile from that.

21 Q. Okay. Were you able to get a profile?

22 A. I got, again, a very weak profile, yes.

23 Q. Okay. And were you able to determine if that
24 profile was a mixture or a single source?

25 A. That profile is a mixture, yes.

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1 Q. Okay. And you could tell that because there were
2 locations with three alleles peaks?

3 A. That's correct.

4 Q. But the majority -- did the majority of those have
5 three allele peaks?

6 A. The majority of them, it only takes one locus to
7 have them, to be a mixture. So I can see three alleles at
8 several of them.

9 Q. Okay. And how would you describe that profile
10 that you developed from that mixture?

11 A. I would describe it as a weak mixture.

12 Q. Okay. And would it also be a partial profile as
13 well?

14 A. Yes. You could use the term "partial profile."

15 Q. Okay. So clearly you're missing some information?

16 A. Yes. You're definitely missing information there.

17 Q. And then did you attempt to -- and did you compare
18 that, the concentrate of those cuttings, to the victim?

19 A. I did. So, again, from my report the DNA result
20 from Items 3.1-3.3 (c), which means concentrate in this
21 case, is a mixture. Leon Harrison Jr. is excluded from
22 being a contributor to this mixture.

23 Q. Okay. And then did you do further testing on the
24 carpet padding?

25 A. I did. We did what's called -- we used a

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 technique called INVAC on this piece of carpet padding.

2 Q. Okay. And tell us about the INVAC?

3 A. So the INVAC is like a forensic vacuum. Think of
4 it kind of like the carpet cleaner you would rent from the
5 grocery store. It basically shoots water onto the sample
6 and then sucks it right up. So you end up with a container
7 of water and then you filter that down on a piece of filter
8 paper and then you can take a cutting of that paper and try
9 to get a DNA profile from all that you've vacuumed up.

10 Q. And then you tested that sample?

11 A. I did.

12 Q. And what was your -- what was the result of the
13 INVAC sample?

14 A. Again, from my report. So the DNA result from
15 items 3(c), which is the INVAC sample, is a mixture matched
16 between a contributor to this evidence and Leon Harrison
17 Jr., is approximately 5,760 times more probable than a
18 coincidental match to a related person.

19 Q. Okay. So when you tested the whole pad you found
20 a match to Leon Harrison Jr.?

21 A. I could not exclude him from the mixture of that
22 evidence, correct.

23 Q. Okay. And do you typically get weak profiles from
24 blood?

25 A. No. I do not.

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 Q. Okay. Tell me in your experience about what you
2 expect from a blood sample.

3 A. So from my experience, if I can see a blood
4 sample, I'm going to get a full profile, and if I don't
5 there's something else going on there.

6 Q. If you don't get a full profile?

7 A. That's correct. If I don't get a full profile --
8 just like that blood card, I can see that blood on the card,
9 I didn't get a profile, I knew something else was at play
10 and it happened to be the sample itself was putrid.

11 Q. Okay. And as far as the carpet padding, could you
12 see blood?

13 A. I did see blood.

14 Q. Okay. And did it presumptively test positive for
15 blood?

16 A. It did.

17 Q. But you only got a weak partial profile on that?

18 A. That's correct.

19 Q. Okay. And do you have an opinion regarding that?

20 A. My opinion is based on that type of evidence, a
21 piece of carpet, and learning later that the carpet above
22 the pad was cut out, it -- it -- one of the likely scenarios
23 is that it was -- tried to clean that area.

24 So when you use a cleaning agent, like, when you
25 see a lot like when, you know, some -- some kind of blood's

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 in a car or on carpet, if you use a cleaning agent, it will
2 cause you not to get a full DNA profile. So that's one
3 possible scenario.

4 Q. And had you been advised of any of that by the
5 police?

6 A. Yes. So that -- that we learned during, you know,
7 conversations with investigators at some point during the
8 analysis.

9 Q. Okay. Do you have an opinion on whether hydrogen
10 peroxide would effect your ability to get a DNA profile?

11 A. Yes. Hydrogen peroxide can destroy the DNA in
12 blood making it -- making it hard to get a DNA profile from
13 the sample.

14 Q. Okay. And what other type things can do that?

15 A. Bleach, a number of cleaning products, anything
16 that has, like, activated oxygen in it will destroy DNA,
17 Ethanol-based cleaners as well. Those will all destroy DNA.

18 Q. Okay. And the term "cannot exclude" is that the
19 term that you say that there's a match?

20 A. That is one term we use to say match, right.
21 That's the one we would use to indicate when there's a
22 mixture that we would -- instead of saying "include," we say
23 "cannot exclude from the mixture."

24 MR. HAZZARD: Court's indulgence, Your Honor.

25 THE COURT: Yes, sir.

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. And can I show you what's been marked as State's
3 116.

4 A. Okay.

5 Q. And can you tell me what that is?

6 A. This appears to be a copy of my report on this
7 case.

8 Q. Okay. And is that an accurate reflection of the
9 findings and report that you made?

10 A. It appears to be, yes.

11 MS. RICHARDSON: Your Honor, at this time I'd
12 offer State's 116 into evidence.

13 THE COURT: Mr. Hazzard?

14 MR. HAZZARD: Subject to previous objections.

15 THE COURT: Mr. Voigt?

16 MR. VOIGT: Subject to previous objections. I
17 also believe it's a hearsay objection due to the nature of
18 his report. It's cumulative based on the testimony we just
19 heard.

20 THE COURT: All right. Mr. Edgeworth?

21 MR. EDGEWORTH: Your Honor, subject to previous
22 objection.

23 THE COURT: All right. I'm going to admit it
24 subject to the previous objection and the more recent
25 objections that Mr. Voigt made. We're going to admit that

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 as State's 116. Thank you.

2 (WHEREUPON, State's Exhibit Number 116 was moved
3 into evidence.)

4 MS. RICHARDSON: Your Honor, I'd also move to
5 admit State's 86 and 91 as the buccal swab and the bag
6 continuing the buccal swab.

7 THE COURT: Mr. Hazzard?

8 MR. HAZZARD: No objection.

9 THE COURT: Mr. Voigt?

10 MR. VOIGT: No objection to those, Your Honor.

11 MS. RICHARDSON: Also State's --

12 THE COURT: Hold on.

13 MS. RICHARDSON: I'm sorry. I forget.

14 MR. EDGEWORTH: No objection, Your Honor.

15 THE COURT: Mr. Edgeworth, no objection.

16 All right. So we're admitting what two did you
17 initially state, Solicitor?

18 MS. RICHARDSON: That is 86 and 91.

19 THE COURT: 86 is what?

20 MS. RICHARDSON: 86 is the buccal swab from Leon
21 Harrison Sr.

22 THE COURT: All right.

23 MS. RICHARDSON: 91 was just the bag, because it
24 had contained multiple items.

25 (WHEREUPON, State's Exhibit Numbers 86 and 91 were

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 moved into evidence.)

2 THE COURT: All right. Thank you. Go ahead.

3 MS. RICHARDSON: 85, and that would be a
4 toothbrush.

5 THE COURT: All right. And go ahead.

6 MS. RICHARDSON: And 15, another toothbrush.

7 THE COURT: All right. Mr. Hazzard, any objection
8 to 85 and 15?

9 MR. HAZZARD: Your Honor, I would need to know
10 which toothbrush is which.

11 THE COURT: All right.

12 MS. RICHARDSON: 85 would be the blue and white
13 toothbrush and 15 would be the green one.

14 MR. HAZZARD: With regard to 85, subject to
15 previous objection. With regard to 15, no objection.

16 THE COURT: All right. Let me hear from you,
17 Mr. Voigt.

18 MR. VOIGT: I will join with Mr. Hazzard, Your
19 Honor.

20 THE COURT: All right. And Mr. Edgeworth.

21 MR. EDGEWORTH: I join Mr. Hazzard's objection,
22 Your Honor.

23 THE COURT: All right. So Number 15, the green
24 toothbrush is admitted without objection and Number 85 is
25 admitted with the objection that was noted by Mr. Hazzard

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1 and joined in by Mr. Voigt and Mr. Edgeworth.

2 (WHEREUPON, State's Exhibit Numbers 85 and 15 were
3 moved into evidence.)

4 THE COURT: Proceed Solicitor.

5 MS. RICHARDSON: The State moves 48 and 49 into
6 evidence. 48 is the right hand fingernail clippings and --
7 48 is right, 49 is left.

8 THE COURT: All right. Mr. Hazzard?

9 MR. HAZZARD: No objection.

10 THE COURT: Mr. Voigt?

11 MR. VOIGT: No objection, Your Honor.

12 THE COURT: All right. Mr. Edgeworth?

13 MR. EDGEWORTH: No objection, Your Honor.

14 THE COURT: All right. 48 is the right clippings,
15 and 49 is the left, admitted without objection.

16 (WHEREUPON, State's Exhibit Numbers 48 and 49 were
17 moved into evidence.)

18 MS. RICHARDSON: 52, which is the blood spot.

19 THE COURT: Mr. Hazzard?

20 MR. HAZZARD: Court's indulgence, Your Honor.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: When she refers to the blood spot, I
23 want to be clear that she's referring to the sample taken
24 from Mr. Harrison Jr.; is that correct?

25 MS. RICHARDSON: One of the samples is the one

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 that was taken to Richland County.

2 MR. HAZZARD: No objection.

3 THE COURT: All right. Mr. Voigt?

4 MR. VOIGT: No objection.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: No objection, your honor.

7 THE COURT: All right. 52, that's the blood spot
8 admitted without objection.

9 (WHEREUPON, State's Exhibit Number 52 was moved
10 into evidence.)

11 MS. RICHARDSON: The State moves 81, which is the
12 bed sheet.

13 THE COURT: Any objection, Mr. Hazzard, to State's
14 81, the bed sheet, sir.

15 MR. HAZZARD: Yes, sir. Subject to previous
16 objection.

17 THE COURT: All right. Mr. Voigt?

18 MR. VOIGT: Subject to previous objection.

19 THE COURT: And Mr. Edgeworth?

20 MR. EDGEWORTH: Subject to our previous objection.

21 THE COURT: All right. I'm going to admit 81 the
22 bed sheet subject to Defense previous objection.

23 (WHEREUPON, State's Exhibit Number 81 was moved
24 into evidence.)

25 MS. RICHARDSON: And Number 30, the carpet

GRAY AMICK - CROSS BY MR. HAZZARD

1 padding, I believe that has already been admitted, that has
2 already been admitted into evidence.

3 THE COURT: Hold on a second. Counsel approach.

4 All right. The Solicitor informs me that State's
5 30 is the carpet padding and it's been admitted. It's
6 already previously been admitted.

7 BY MS. RICHARDSON:

8 Q. And Dr. Amick, do you have any opinion as to why a
9 profile would be on one spot and not on another, like in one
10 area of an item and not on another?

11 A. Why profiles would be on one area and not another?

12 Q. Yeah.

13 A. It's just the nature of the evidence. I mean, you
14 can have DNA in one area and not have it on another. I
15 mean, it's -- you never know what, I guess, you'll get once
16 you start cutting out swabs and swabbing evidence.

17 Q. All right. I have no further questions. Answer
18 any questions that these other attorneys may have for you.

19 THE COURT: Mr. Hazzard.

20 MR. HAZZARD: Thank you, Your Honor. May it
21 please the Court.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. HAZZARD:

25 Q. Good afternoon, Dr. Amick.

GRAY AMICK - CROSS BY MR. HAZZARD

1 A. Good afternoon.

2 Q. Now, when you do DNA profiles -- when you do DNA
3 profiles, or at least when you were at the Richland County
4 Sheriff's Office and you'd be tasked to do DNA profiles for
5 a given situation, you were not limited to just doing a
6 profile for one individual, correct?

7 A. Limited to doing?

8 Q. Let me rephrase my question.

9 A. Okay.

10 Q. You may be asked to develop a profile from one
11 item, whether it's clothing whether it's a swab, and come up
12 with a profile for one person, and then get a profile from
13 other clothing, swabs from surfaces, and come up with a
14 profile for another person, correct?

15 A. That's possible, yeah.

16 Q. Okay. And in this case were you ever asked or did
17 you ever develop a profile from any item for Alexander Rhue
18 Sr.?

19 A. Did I receive a standard swab from that
20 individual; is that what you're asking?

21 Q. I'm asking did you develop a profile that matched
22 Alexander Rhue Sr. off of anything that you were provided?

23 A. I -- I cannot answer that because I did not have
24 his standard --

25 Q. Got you.

GRAY AMICK - CROSS BY MR. HAZZARD

1 A. -- to develop and compare.

2 Q. Okay. And the Prosecutor -- you were talking
3 about why a sample may be weak and you said the Prosecutor
4 asked you about somebody trying to clean it up. But you
5 said there are other possible scenarios. What are those
6 other possible scenarios that would lead to a weak profile
7 or the inability to develop a profile?

8 A. Well, we have another scenario in this case and
9 that is if something -- if blood is left out in the
10 environment it could definitely -- whether it's UV rays from
11 the sun, it could be bacterial or yeast contamination that
12 breaks down the DNA a natural way. So those are other ways
13 that a blood stain can be broken down to the point which you
14 could not get a DNA profile from it.

15 Q. Okay. So over time if there is blood that leaks
16 below a carpet might that lend itself over an extended
17 period of time to yeast and bacteria and those things you
18 were referring to?

19 A. It's possible. Less likely in a climate
20 controlled room or house. So the ones I mentioned are
21 usually involved outside. But in climate control a blood
22 stain could last indefinitely. So that's the way I would
23 answer that.

24 Q. But that would presume that the climate is
25 controlled, correct?

GRAY AMICK - REDIRECT BY MS. RICHARDSON

1 A. That is one assumption you would make to possibly
2 create to that hypotheses.

3 Q. Okay.

4 MR. HAZZARD: I have no further questions.

5 THE COURT: Thank you Mr. Hazzard.

6 Mr. Voigt, do you have any questions, sir?

7 Mr. Voigt?

8 MR. VOIGT: I'm thinking deeply, Your Honor?

9 THE COURT: Yes, sir.

10 MR. VOIGT: I do not.

11 THE COURT: All right. Thank you, Mr. Voigt.

12 Mr. Edgeworth, do you have any questions, sir?

13 MR. EDGEWORTH: Court's indulgence, Your Honor.

14 THE COURT: Yes, sir.

15 MR. EDGEWORTH: I have no further questions for
16 this witness, Your Honor.

17 THE COURT: All right. Thank you.

18 Is there any redirect, Solicitor?

19 MS. RICHARDSON: Just briefly just based on
20 Mr. Hazzard's question.

21 REDIRECT EXAMINATION

22 BY MS. RICHARDSON:

23 Q. Was there any indication that this -- that the
24 stain on the carpet padding was putrid like the blood spot
25 was?

SARA GOODMAN - DIRECT BY MS. RICHARDSON

1 A. There was -- there was no indication of that.

2 Q. Okay. Thank you. No further questions.

3 THE COURT: All right. Gentlemen, anything
4 further, Mr. Hazzard, in regards to the State's follow up?

5 MR. HAZZARD: No, sir.

6 THE COURT: All right. Thank you.

7 All right, sir. Thank you very much. And if
8 you're here under subpoena, I'm releasing you from the
9 subpoena, you're free to go.

10 THE WITNESS: Thank you.

11 THE COURT: Thank you.

12 Call your next witness, Solicitor.

13 MS. RICHARDSON: The State calls Sara Goodman.

14 THE COURT: Okay.

15 SARA GOODMAN, having been duly sworn,
16 testified as follows:

17 THE WITNESS: My name is Sara Goodman.

18 DIRECT EXAMINATION

19 BY MS. RICHARDSON:

20 Q. Ms. Goodman, where are you employed?

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

23 Q. And what do you do with SLED?

24 A. I'm a forensic scientist assigned to the DNA Case
25 Work Division.

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1 Q. Could you tell us your educational background?

2 A. Yes. I have bachelor of science in biology from
3 Erskine College, as well as a master of science in forensic
4 science from Arcadia University in Pennsylvania.

5 Q. And have you had any specialized training?

6 A. I have. Upon my employment at SLED, I went
7 through about a year and a half training program with
8 another court qualified DNA analyst. This included
9 practice, laboratory samples, mock cases, training samples,
10 as well as a series of tests to include oral, written tests,
11 and competency tests for all of the processes that we use,
12 as well as a mock court. And I successfully completed all
13 of those tests to become certified to do DNA case work.

14 Q. Okay. I may have already asked you this, but how
15 long have you been employed with SLED?

16 A. Approximately six-and-a-half years.

17 Q. Okay. And did you do any DNA case work prior to
18 coming to SLED?

19 A. I did not.

20 Q. And in your position at SLED how many samples do
21 you think that you have processed?

22 A. I would say a few thousand.

23 Q. Okay. And do you also have some training in the
24 area of serology?

25 A. I do. Part of my training is also in all other

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1 processes of serology which is identification of body fluids
2 and evidence processing. So I am also qualified in
3 serology.

4 Q. And have you had any separate training in that or
5 is that sort of included in the DNA training?

6 A. That was included in my DNA training.

7 Q. Okay. And have you had performed duties as a
8 serologist at SLED?

9 A. I have.

10 Q. Okay. And about how many times have you done
11 that?

12 A. I would probably also say a couple of thousand, at
13 least.

14 Q. And have you been qualified previously as an
15 expert?

16 A. Yes, I have.

17 Q. Okay. And about how many times have you been
18 qualified as an expert in DNA analysis?

19 A. 22 times.

20 Q. Okay. And in serology?

21 A. I believe a few times.

22 Q. And has that been in the General Sessions Courts
23 in this state?

24 A. Yes, all of them.

25 Q. Okay. Any other courts?

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1 A. I've been qualified once in Federal Court, as
2 well.

3 MS. RICHARDSON: Your Honor, at this time I'd
4 offer Ms. Goodman as an expert in the area DNA analysis and
5 serology.

6 THE COURT: Mr. Hazzard, any objection, sir?

7 MR. HAZZARD: No, sir.

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: No objection, sir.

10 THE COURT: Mr. Edgeworth.

11 MR. EDGEWORTH: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, I'm
13 going to qualify the witness as an expert in DNA analysis
14 and serology. And, again, as a result she can give opinion
15 testimony but it's up to you, ultimately, to consider and
16 use it in any way you see fit. Thank you.

17 Your witness.

18 MS. RICHARDSON: Thank you, Your Honor.

19 BY MS. RICHARDSON:

20 Q. And could you briefly tell us how SLED receives
21 items for DNA and serology analysis?

22 A. Sure. So sled receives items of evidence from law
23 enforcement agencies throughout the State of South Carolina.
24 They will bring the evidence to SLED. It will be given a
25 unique lab number and each item is given an item number as

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1 well that is logged into our evidence control department.

2 For DNA and serology the agency will put a request
3 on those items for a specific DNA or serology analysis. And
4 once I am assigned a case I will pick the evidence up from
5 our evidence control department and take it into my custody.

6 Q. And what sort of steps are taken to preserve the
7 integrity of the evidence you're going to test?

8 A. So upon receipt of the evidence at SLED the
9 evidence must be sealed by the agency before it is logged
10 into our evidence control department. So when I receive it,
11 it will be a sealed item of evidence. I will make sure that
12 it is sealed and not tampered with before I open it, and
13 once I am finished with my analysis, I will then seal it put
14 my initials and the date on my seal.

15 Q. Okay. And if an item is not sealed properly and
16 is not in tact what is the process then?

17 A. Typically that would be caught by our evidence
18 control department. If it is not sealed, they will ask the
19 agent who dropped it off to return to SLED and seal it
20 properly before they will submit it to the laboratory.

21 Q. Okay. And how do you keep track of the items for
22 each case at SLED?

23 A. When the items are logged in and given a lab and
24 item number, they are given a sticker with a bar code on it,
25 and we use that bar code to scan any time an item changes

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1 custody. So we have a computer system, an electronic chain
2 of custody, and so we scan items to track that.

3 Q. Okay. And let me show you what's been marked as
4 State's Exhibit 103, and can you tell me what that is?

5 A. This is the official chain of custody for this
6 case.

7 Q. Okay. And did you -- okay. Let me show you
8 what's been marked as State's Exhibit 93. And do you
9 recognize that?

10 A. Yes. This is the submission paperwork for some of
11 the items in this case.

12 Q. Okay. And how many items were submitted on that?

13 A. On this sheet there are seven items submitted.

14 Q. Okay. And what is the first item?

15 A. The first item is a carpet padding with blood
16 stain.

17 Q. Okay. And let me show you what's been marked as
18 State's 26. Do you recognize that?

19 A. Yes. That has been labeled by our serologist upon
20 her analysis as SLED Item 1, the carpet padding.

21 Q. And that has the sled lab number?

22 A. Yes, it does.

23 Q. Which is L17-04052?

24 A. Yes.

25 Q. Now, this has been opened here, but would it have

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1 been received at SLED like this?

2 A. It would have been received with the agency's seal
3 that you can see part of at the top.

4 Q. The red seal?

5 A. Yes.

6 Q. And would SLED have accepted it in this condition?

7 A. No. They would have required it to be sealed
8 first.

9 Q. All right. And the second item that was received?

10 A. The second item was a fabric with blood stain from
11 mattress.

12 Q. Okay. Let me show you what's been marked as
13 State's Exhibit 82.

14 A. This has also been marked as SLED Item 2 with the
15 same lab number. So it is the fabric with blood stain from
16 mattress.

17 Q. Okay. And the next item.

18 A. The third item is metal shavings from bed.

19 Q. Okay. Let me show you what's been marked as
20 State's 94.

21 A. This has also been marked with the same lab number
22 and SLED Item 3.

23 Q. And the next one.

24 A. Item 4 is fabric with blood stain from corner of
25 mattress.

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1 Q. Let me show you what's been marked as State's 83.

2 A. This is marked with the same laboratory number and
3 Item 4.

4 Q. Okay. And the next item.

5 A. Item 5 is fabric with blood stain from corner of
6 box spring.

7 Q. Let me show you what's been marked as State's 84.

8 A. This again has the same laboratory number and
9 marked as Item 5.

10 Q. Okay. Next item?

11 A. Item 6 is a buccal swab from Leon Harrison.

12 Q. Let me show you what's been marked as State's 86.

13 A. This is labeled as a buccal DNA sample recovered
14 from Leon Harrison Sr.

15 Q. All right. And those all the items you received
16 from on that day or are there additional?

17 A. I also received an Item 7, which was a buccal swab
18 from Tiesh Rhue, the wife of victim, Leon Harrison.

19 Q. Okay. Let me show you what's been marked as
20 State's 87.

21 A. This marked as SLED Item 7, a buccal DNA sample
22 recovered Tiesh Rhue.

23 Q. Okay. And could you just explain the bag and the
24 label to the jury, please?

25 A. Sure. When items are submitted to SLED,

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1 oftentimes for DNA they're put in a clear SLED bag like
2 this, which we call a -- heat-sealed pouch. We seal it with
3 heat. This, at the top, is the bar code that I mentioned
4 for tracking the chain of custody which also has the SLED
5 lab number and item number.

6 Q. Okay. And is that all the items that were
7 received by SLED on that date?

8 A. Yes.

9 Q. Okay. And, again, that was 3/14 of 2017?

10 A. Yes.

11 Q. Okay. And those items went from Kyle Walton to
12 Jackie Davis; is that right?

13 A. Yes, that's correct.

14 Q. Okay. And after they left Ms. Davis where did
15 they go?

16 A. After they left Ms. Davis they went to an EP
17 Intake Shelf, which is within our evidence control
18 department. They then went to Amy Black, who was an
19 evidence control technician and then to Jessica Stowe, who
20 is one of our serologists.

21 Q. And what sort of functions would Ms. Stowe have
22 performed?

23 A. So Ms. Stowe was employed in the serology
24 department. She would have done evidence processing on any
25 items that required processing as well as testing for

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1 serological fluids, which are different body fluids, such as
2 blood, semen, saliva. She will test for the presence of
3 that and oftentimes will take small portions of items to
4 forward to the DNA department.

5 Q. Okay. And let me show you what's been marked as
6 State's 88. Can you tell me what that is?

7 A. Yes. This contains SLED Items 1.1, 2.1, and 3.1,
8 which were cuttings from items 1, 2 and 3 in this case.

9 Q. So that would be a cutting from the carpet
10 padding, the mattress, and what was the last one?

11 A. And the metal shaving, it would be swabs from the
12 metal shaving.

13 Q. So that evidence would have been processed by Ms.
14 Stowe?

15 A. Yes. And then forwarded to me for DNA analysis.

16 Q. All right. And when you received these items and
17 the cuttings were the seals intact?

18 A. Yes. They were sealed into this package before I
19 received them.

20 Q. Okay. And other than the processing, any issues
21 with tampering?

22 A. No.

23 Q. And as far as the serology testing, do you know
24 that the results of that, the serology testing, let's start
25 with Item 1, the carpet padding?

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1 A. Yes. So for the carpet padding, Item 1.1, which
2 was a cutting from the carpet padding, presumptive testing
3 for blood was positive, Item forwarded to the DNA section.

4 Q. Okay. And then Item 2, the fabric from the
5 mattress?

6 A. Item 2.1 is the cutting from the fabric from the
7 mattress, presumptive testing for blood was positive and
8 this item was also forwarded to the DNA section.

9 Q. Okay. And then the metal shaving, is that the one
10 you said was swabbed?

11 A. Yes.

12 Q. So it would not have been presumptive -- or it was
13 presumptive tested or not?

14 A. It was not. It was just swabbed and then those
15 swabs were sent to the DNA section.

16 Q. Okay. And Items 4 and 5, the fabric from the
17 corner of the mattress and box spring, were those tested,
18 presumptive tested?

19 A. Yes. They were presumptive tested for blood, was
20 negative for both Items 4 and 5.

21 Q. Okay. And since those items were negative, were
22 they submitted to you for testing?

23 A. They were not.

24 Q. So just the metal shaving and the items that were
25 positive for blood?

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1 A. Yes, that's correct.

2 Q. Okay. And did you receive -- you received a swab
3 from Ms. Rhue, correct?

4 A. Yes, I did.

5 Q. How about a profile for Mr. Leon Harrison Jr.?

6 A. I did. I received a blood standard but was unable
7 to develop a DNA profile suitable for a comparison. So I
8 then received a DNA profile from the Richland County
9 Forensic Services Laboratory from a toothbrush belonging to
10 Leon Harrison.

11 Q. Okay. So you received the toothbrush itself?

12 A. No. I just received the DNA profile that was
13 developed by Gray Amick with the Richland County Services --
14 Forensic Laboratory, excuse me.

15 Q. And that's what you used for Leon Harrison?

16 A. Yes, that's what I used for comparisons for him.

17 Q. Okay. And did you test the cuttings from the
18 carpet padding?

19 A. Yes, I did.

20 Q. Okay. And did you compare those to both
21 Mr. Harrison Jr. and Ms. Rhue?

22 A. Yes.

23 Q. And what were the results regarding the cutting
24 from the carpet padding?

25 A. It -- the DNA profile developed from item

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1 1703950314-5.1, which is the toothbrush, and I'll refer to
2 is as the toothbrush from now on. If that item is from Leon
3 Harrison Jr., then the DNA profile developed from this item
4 matches the DNA profile of Leon Harrison Jr.

5 The probability of randomly selecting an unrelated
6 individual having a DNA profile matching this item is
7 approximately 1 in 3.1 octillion.

8 Q. And so was this a single source profile?

9 A. Yes, it was.

10 Q. No mixture on that carpet padding?

11 A. No.

12 Q. And, then, as to Item 2.1, the cutting from the
13 mattress?

14 A. Yes. The DNA profile is a mixture of at least two
15 individuals. If the DNA profile developed from the
16 toothbrush is from Leon Harrison Jr., then Leon Harrison Jr.
17 is included as a possible contributor to this mixture.
18 Tiesh Rhue is also included as a possible contributor to
19 this mixture.

20 The probability of randomly selecting an unrelated
21 individual who could have contributed to this mixture is
22 approximately one in 3.5 million.

23 Q. And then the little metal shaving?

24 A. No DNA profile was developed.

25 Q. Okay. And then you didn't test, like we said, the

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1 other items for DNA, the corner of the mattress or the
2 corner of the box spring?

3 A. No, I did not.

4 MS. RICHARDSON: Your Honor, at this time the
5 State would move 88, which is the cuttings; 87 which is the
6 buccal swab of Ms. Rhue; 84, the corner of the box spring;
7 82, the corner of -- or the fabric from the blood stain on
8 the mattress; and 83, the corner of the mattress into
9 evidence.

10 THE COURT: Mr. Hazzard?

11 MR. HAZZARD: Court's indulgence. As best I can
12 tell, based on what the Prosecutor just said, 88 is subject
13 to previous objection, as are 84, 83 and 82; 87 is without
14 objection.

15 THE COURT: All right. I'll note all that for the
16 record, sir.

17 Mr. Voigt?

18 MR. VOIGT: I would concur with Mr. Hazzard's
19 objections, Your Honor.

20 THE COURT: All right. Likewise.

21 Yes, sir.

22 MR. EDGEWORTH: Yes, Your Honor. Join in the same
23 objection.

24 THE COURT: All right. I will note those
25 objections concerning all these matters and I will allow

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1 these matters to be entered into evidence.

2 (WHEREUPON, State's Exhibit Numbers 82, 83, 84,
3 87, 88 were moved into evidence.)

4 MS. RICHARDSON: Your Honor, also 94, which was
5 the metal shaving.

6 THE COURT: Mr. Hazzard?

7 MR. HAZZARD: Subject to previous objection.

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: Subject to previous objection.

10 THE COURT: All right. Mr. Edgeworth?

11 MR. EDGEWORTH: Subject to the previous objection.

12 THE COURT: All right. Admitted subject to the
13 Counsel's objection.

14 (WHEREUPON, State's Exhibit Number 94 was moved
15 into evidence.)

16 MS. RICHARDSON: Your Honor, just for the record
17 Item 26, which is the larger piece of carpet padding, is
18 already -- would have already been moved into evidence with
19 Investigator Powell, just for the record.

20 THE COURT: All right.

21 BY MS. RICHARDSON:

22 Q. So let me show you what's been marked as State's
23 Exhibit 99. Did you or did SLED receive some additional
24 items in this case?

25 A. Yes. These are additional items that are that

SARA GOODMAN - DIRECT BY MS. RICHARDSON

1 were submitted to sled on May 2nd of 2017 for this case.

2 Q. And who were those submitted by?

3 A. Kyle Walton.

4 Q. And who received those items?

5 A. Jackie Davis.

6 Q. Okay. And after Ms. Davis where did they go?

7 A. After Ms. Davis, they were put on a DNA intake
8 shelf, which was in the evidence control department. They
9 then, at a later date went back into her custody, and then
10 they were transferred into my custody.

11 Q. Okay. And when you received those items were
12 they -- was the seal and the procedures you described
13 earlier intact?

14 A. Yes.

15 Q. Let me show you what's been marked as State's 106,
16 and I believe just the bag has been marked. Can you
17 describe that bag?

18 A. Yes. So this is marked with the SLED Lab Number
19 and a bar code. This is labeled as Container C., a
20 container just means it contains several items.

21 Q. Okay.

22 A. So within here there are four items. They are
23 labeled as SLED Items 9 -- excuse me, 8, 9, 10, and 11,
24 along with my initials.

25 Q. And those are State's 77, 78, 79, and 80.

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1 A. That's correct, yes.

2 Q. Okay. And can you tell me what 77 is?

3 A. Yes. 77 is the Item 8, it's the swabs from blood
4 spot on the wall by the window.

5 Q. Okay. 78?

6 A. 78 is SLED Item 9. It is swabs from the blood
7 spot on the wall by the closet.

8 Q. Okay. 79?

9 A. It is SLED Item 10. It is swabs from the blood
10 spot on the wall by the bedroom door.

11 Q. Okay. And 80?

12 A. That's SLED Item 11. It is swabs from a blood
13 spot on the wall by the laundry room wall in the kitchen.

14 Q. And there are some other items in that bag?

15 A. Oh, yes. So these are just my dried down DNA
16 extracts from these items. So when we extract the DNA
17 that's just pulling the DNA off of the swabs into a
18 solution. And when our analysis is completed I will dry
19 down those extracts to preserve the evidence just in case
20 they ever need to be retested. So these are just my dried
21 down extracts for all of the forementioned items.

22 Q. And I may have already asked you this, but when
23 you got this packaging and these swabs in there, was there
24 any evidence of tampering?

25 A. No. It was sealed.

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1 Q. All Right. And so did you compare those items as
2 well?

3 A. Yes, I did.

4 Q. Let me show you what's been marked as State's 117.
5 And can you tell me what that is?

6 A. Yes, this is the serology report from SLED for
7 Items 1, 2, 3, 4, and 5.

8 Q. And that's the carpet padding, the fabric from the
9 mattress, the metal shaving, and the other portions of the
10 mattress as well?

11 A. Yes, that's correct.

12 Q. And is that an accurate copy of the report that
13 you relied on in doing your DNA analysis?

14 A. Yes, it is.

15 MS. RICHARDSON: Your Honor, at this time I'd
16 offer State's 117 into evidence.

17 THE COURT: Mr. Hazzard?

18 MS. RICHARDSON: Serology.

19 MR. HAZZARD: Regarding the items you were
20 referencing, like, 77, 78, 79, and 80?

21 MS. RICHARDSON: No. It's the first items.

22 MR. HAZZARD: I apologize. If I could take a look
23 at them real quick. I apologize, Your Honor. Court's
24 indulgence.

25 THE COURT: No problem, sir. Take your time.

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1 MR. HAZZARD: Subject to previous objection, Your
2 Honor.

3 THE COURT: All right. Mr. Voigt?

4 MR. VOIGT: Subject to previous objection, Your
5 Honor.

6 THE COURT: All right. Yes, sir.

7 MR. EDGEWORTH: Subject to the previous objection,
8 Your Honor.

9 THE COURT: Thank you, Mr. Edgeworth.

10 All right. I'll admit it subject to the previous
11 objection.

12 (WHEREUPON, State's Exhibit Number 117 was moved
13 admitted into evidence.)

14 BY MS. RICHARDSON:

15 Q. State's 118, can you tell me what that is?

16 A. Yes, this is a copy of my DNA report for this
17 case.

18 Q. Okay. And all of the analysis that we've talked
19 about is on this report?

20 A. Yes, that's correct.

21 Q. And is that an accurate reflection of that report?

22 A. Yes, it is.

23 MS. RICHARDSON: Your Honor, at this time I'd
24 offer State's 118 into evidence.

25 THE COURT: Mr. Hazzard?

SARA GOODMAN - DIRECT BY MS. RICHARDSON

1 MR. HAZZARD: Subject to previous objections, Your
2 Honor.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: Subject to previous objection.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: Subject to our previous objection,
7 Your Honor.

8 THE COURT: All right. I'm going to admit that
9 subject to, of course, the Defense previous objections.

10 (WHEREUPON, State's Exhibit Number 118 was moved
11 into evidence.)

12 BY MS. RICHARDSON:

13 Q. Okay. And I believe we were on the swabs at that
14 point. So you're testing of Item 8, the swab from the wall
15 by the window. What did you determine on that?

16 A. For Item 8, presumptive testing for blood was
17 negative. The DNA profile is a mixture at least three
18 individuals. The partial DNA profile of the major
19 contributor matches the DNA profile of Tiesh Rhue.

20 The probability of randomly selecting an unrelated
21 individual having a DNA profile matching the major
22 contributor to this item is approximately one in 62 million.
23 Due to the inability to calculate a statistic no further
24 interpretation will be offered regarding the minor
25 contributors.

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1 Q. And do you, based on your training and experience,
2 can things effect the presumptive testing for blood?

3 A. There are some things that can effect our
4 presumptive testing that we use at SLED. It is known that
5 Bluestar and LCV, which are other types of tests for blood,
6 can interfere with the type of tests that we use. So
7 sometimes, if items were tested with Bluestar LCV, they will
8 test negative for phenolphthalein, which is the type of
9 testing we do for blood.

10 Q. Okay. So on this one it was at least three
11 profiles?

12 A. Yes, at least three individuals.

13 Q. Okay. And the other profiles, besides Ms. Rhue,
14 you couldn't make an opinion on; is that right?

15 A. That's correct.

16 Q. And then Item 9?

17 A. For Item 9, presumptive testing for blood was
18 positive. If the DNA profile developed from the toothbrush
19 is from Leon Harrison Jr., then the DNA profile developed
20 from this item matches the DNA profile of Leon Harrison Jr.

21 The probability of randomly selecting an unrelated
22 individual having a DNA profile matching this item is
23 approximately one in 3.1 octillion.

24 Q. Okay. And the sample on the wall by the closet
25 was not a mixture?

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1 A. No, it was a single source profile from one
2 person.

3 Q. All right. And Item 10.

4 A. Item 10, swab from the wall by the bedroom door,
5 presumptive testing for blood was negative. The DNA profile
6 was a mixture at least three individuals. The partial DNA
7 profile of the major contributor matches the DNA profile of
8 Tiesh Rhue.

9 The probability of randomly selecting an unrelated
10 individual having a DNA profile matching the major
11 contributor to this item is approximately one in 1.3
12 octillion. Due to the inability to calculate a statistic no
13 further interpretation will be offered regarding the minor
14 contributors.

15 Q. Okay. And Number 11, the swab by the laundry room
16 wall?

17 A. Presumptive testing for blood was negative. The
18 DNA profile is a mixture of at least two individuals. The
19 partial DNA profile of the major contributor matches the DNA
20 profile of Tiesh Rhue.

21 The probability of randomly selecting an unrelated
22 individual having a DNA profile matching the major
23 contributor to this item is approximately one in 15
24 septillion. And due to the inability to calculate a
25 statistic no further interpretation will be offered

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1 regarding the minor contributors.

2 MS. RICHARDSON: Your Honor, if we may approach.

3 (WHEREUPON, a bench conference was had.)

4 THE COURT: All right. So the swab by the wall on
5 the window is going to be marked as 75, Solicitor?

6 MS. RICHARDSON: Yes, Your Honor. And I think we
7 identified as 77, but there was already a 77.

8 THE COURT: All right. No objection, correct,
9 gentlemen?

10 MR. VOIGT: No objection.

11 MR. HAZZARD: To marking that as 75?

12 THE COURT: Yes, sir.

13 MR. HAZZARD: No, sir. no objection marking that
14 as 75.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No, Your Honor.

17 THE COURT: All right.

18 MS. RICHARDSON: And now the State seeks to move
19 what has now been marked as 75, 78, 79, and 80 into
20 evidence. These were the four swabs from the walls.

21 THE COURT: Mr. Hazzard?

22 MR. HAZZARD: I'm sorry, that was 75.

23 MS. RICHARDSON: 75 would be what is Item 1, which
24 was Item C1, with Georgetown, which was the blood spot on
25 the wall by the window.

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1 MR. HAZZARD: Yes, ma'am. I just needed to know
2 it was 75.

3 MS. RICHARDSON: Sorry.

4 MR. HAZZARD: No problem.

5 MS. RICHARDSON: 78, 79.

6 MR. HAZZARD: Yes, ma'am.

7 MS. RICHARDSON: And 80.

8 MR. HAZZARD: Thank you very much.

9 Your Honor, with regard to Exhibits 75, 78, 79 and
10 80, subject to previous objection.

11 THE COURT: All right. Mr. Voigt?

12 MR. VOIGT: Subject to previous objection.

13 THE COURT: Mr. Edgeworth?

14 MR. EDGEWORTH: Subject to our previous objection.

15 THE COURT: All right. Admitted subject to the
16 Defense previous objections. Thank you.

17 (WHEREUPON, State's Exhibit Numbers, 75, 78, 79,
18 and 80 was moved into evidence.)

19 MS. RICHARDSON: All right. I have no further
20 questions. Answer any questions that the other attorneys
21 may have for you, please.

22 THE COURT: Mr. Hazzard, do you have any questions
23 of this witness.?

24 MR. HAZZARD: No, sir, Your Honor.

25 THE COURT: Thank you. Mr. Voigt, do you have any

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1 questions of this witness?

2 MR. VOIGT: I do not, Your Honor.

3 THE COURT: All right. Mr. Edgeworth, do you have
4 any questions of this witness?

5 MR. EDGEWORTH: No, Your Honor.

6 THE COURT: All right. Thank you.

7 Ma'am, thank you very much. If you're here
8 pursuant to a subpoena, I will release you from that
9 subpoena. You're free to go. Have a safe trip back.

10 THE WITNESS: Thank you.

11 THE COURT: Yes, ma'am.

12 I'm going to go ahead and let's take our afternoon
13 break and I'll get y'all back in here hopefully around ten
14 after, so we'll see you hopefully around then. Thank you.
15 Don't talk about the case. No research on the case.

16 Go stretch, go have a nice few minutes, and we'll
17 be back with you.

18 (WHEREUPON, the jury exited the courtroom at 2:53
19 p.m.)

20 THE COURT: All right. Anything from the State
21 before we take a break?

22 MS. RICHARDSON: No, Your Honor.

23 THE COURT: Anything from the Defense,
24 Mr. Hazzard?

25 MR. HAZZARD: No, sir.

1 THE COURT: Mr. Voigt?

2 MR. VOIGT: No, sir.

3 THE COURT: Mr. Edgeworth?

4 MR. EDGEWORTH: No, Your Honor.

5 THE COURT: All right. We'll see y'all back at
6 about ten after.

7 (WHEREUPON, there was a break held from 2:53 p.m.
8 until 3:10 p.m.)

9 THE BAILIFF: All rise.

10 THE COURT: Thank you. Please be seated.

11 All right. Solicitor, are we ready to proceed?

12 MS. RICHARDSON: Your Honor, if you could just
13 give us a minute more. I guess we're missing the CD drive
14 right here.

15 THE COURT: Okay.

16 MS. RICHARDSON: They've gone to get it. I made
17 the mistake of taking it downstairs when we went to lunch.

18 THE COURT: No problem.

19 (WHEREUPON, a brief pause was held.)

20 THE COURT: All right. Are we still waiting?

21 MS. RICHARDSON: We're ready, Your Honor.

22 THE COURT: All right. Let's get the jury in
23 here. Defense, are we ready?

24 MR. HAZZARD: Yes, sir.

25 MR. VOIGT: Yes, sir.

1 MR. EDGEWORTH: Yes, sir.

2 THE COURT: Good. Thank you, gentlemen.

3 Thank you, Mr. Bailiff.

4 (WHEREUPON, the jury entered the courtroom at
5 3:13 p.m.)

6 THE COURT: All right, folks.

7 Solicitor, you can call your next witness.

8 MS. RICHARDSON: Your Honor, first of all the
9 State seeks to admit State's Exhibit 108 as a
10 self-authenticating document and it is support paperwork
11 regarding Alexander Rhue Sr. containing a phone number.

12 THE COURT: All right. You want to share that
13 with Mr. Hazzard? He's already seen it?

14 Any objection, Mr. Hazzard?

15 MR. HAZZARD: Oh, no, sir.

16 THE COURT: All right. Mr. Voigt?

17 MR. VOIGT: No, sir.

18 THE COURT: Mr. Edgeworth?

19 MR. EDGEWORTH: No, Your Honor.

20 THE COURT: All right. So admitted.

21 MS. RICHARDSON: And, Your Honor, just for the
22 record, upon the party's agreement, any personal identifying
23 information as far as Social Security Number, that sort of
24 thing, has been redacted.

25 THE COURT: Yes, ma'am. Thank you, Solicitor.

1 MS. RICHARDSON: State's 108.

2 (WHEREUPON, State's Exhibit Number 108 was moved
3 into evidence.)

4 MS. SMITH: The State calls Barry Powers.

5 THE COURT: All right.

6 BARRY POWERS, having been duly sworn,
7 testified as follows:

8 THE WITNESS: My name is Barry Warren Powers.

9 DIRECT EXAMINATION

10 BY MS. SMITH:

11 Q. Where are you currently employed?

12 A. I work for the Georgetown City Police Department.

13 Q. And what do you do there?

14 A. I'm a police officer.

15 Q. And what is your rank?

16 A. I'm a sergeant, a patrol sergeant.

17 Q. And how long have you been there?

18 A. I've been a police officer for 22 years. I've
19 worked at Georgetown for 15 and a half.

20 Q. Prior to becoming a sergeant on patrol, did you do
21 anything before that?

22 A. Yes, ma'am. From 2013 through 2017, I worked -- I
23 was assigned as a narcotics agent with the 15th Circuit Drug
24 Enforcement Unit.

25 Q. Okay. And what is a narcotics agent?

BARRY POWERS - DIRECT BY MS. SMITH

1 A. I conducted narcotics investigations and working
2 with a multi-jurisdictional drug task force.

3 Q. As a narcotics agent with the DEU, did you have
4 any specific tasks that you were assigned?

5 A. Yes, ma'am. Along with my job as a narcotics
6 investigator, I was also certified as a -- through
7 Cellbrite, as a certified logical and physical analyst in
8 order to forensically extract the data from mobile devices
9 and to interpret that data.

10 Q. Are you currently certified?

11 A. Yes, ma'am.

12 Q. In the present matter did you happen to do any
13 physical extractions on any cell phones in this case?

14 A. Yes, ma'am.

15 Q. Okay. I'm showing the witness what has been
16 premarked as State's Exhibit 119. Briefly, just an
17 overview, can you explain what that is?

18 A. This is the cover sheet from an extraction report.
19 This is the cover sheet of an extraction report that I
20 conducted on an Alcatel One Touch Evolve 2.

21 Q. Okay. So when you say an extraction report, what
22 type of extraction?

23 A. The Cellbrite software and hardware, which is a
24 small computer that I use, it copies the data off of a
25 mobile device in such a fashion as to not change any of the

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1 data, just make an exact copy of what is on the device.

2 It then allows me to make sense of that data. It
3 presents the data in a format that I can read and understand
4 so that I can look at the data.

5 Q. So is this basically a copy of the phone?

6 A. Yes, ma'am.

7 Q. Okay. Would you be able -- if you knew a password
8 of a phone would you be able to get the same information
9 just by scrolling through the phone?

10 A. Yes, ma'am.

11 Q. Okay.

12 A. It would take a very long time.

13 Q. And on State's Exhibit 119, can you tell me what
14 phone number that is?

15 A. Yes, ma'am. The phone number for the phone is
16 1(843)240-5159.

17 Q. Do you know if -- do you remember if this search
18 of the cell phone was done with a search warrant or with the
19 consent of the party?

20 A. It was presented to me with a signed consent form.

21 Q. Okay. And whose phone was it?

22 A. Tiesh Rhue.

23 MR. HAZZARD: Court's indulgence, Your Honor.

24 THE COURT: Yes, sir.

25 BY MS. SMITH:

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1 Q. I'm handing you State's Exhibit -- what's marked
2 for identification as State's Exhibit 120. Could you please
3 tell the jury what that is?

4 A. This is a copy of the call logs from this cell
5 phone.

6 Q. Okay. How many call logs are there?

7 A. 500.

8 Q. And what is the date range on these call logs?

9 A. The date range runs from March 1st, 2017 at
10 9:03 p.m., through March 10th, 2017 at 3:29 p.m.

11 Q. Have you reviewed these records?

12 A. Yes, ma'am.

13 Q. You've reviewed the call log?

14 A. Yes.

15 Q. And in your review of the call log, were you able
16 to identify any ingoing or outgoing calls from a number
17 (843)240-1042?

18 A. No, ma'am.

19 Q. Saved in her phone as "Hopefully"?

20 A. No, ma'am.

21 Q. Okay. So were there any calls between that number
22 and this phone from March 1st, 2017 to March 10th, of 2017?

23 A. No, ma'am.

24 MS. SMITH: Your Honor, State moves 120 into
25 evidence at this time.

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1 THE COURT: Any objection, Mr. Hazzard?

2 MR. HAZZARD: No, sir.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: No, sir.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: No, Your Honor.

7 THE COURT: All right. It's admitted without
8 objection.

9 (WHEREUPON, State's Exhibit Number 120 was moved
10 into evidence.)

11 BY MS. SMITH:

12 Q. Now, with Cellbrite are you also able to view text
13 messages?

14 A. Yes.

15 Q. Are you able to read them?

16 A. Yes.

17 Q. Can Cellbrite even isolate communications between
18 the target phone and a specific number?

19 A. Yes, ma'am.

20 Q. Okay. And in this case were you able to do so?

21 A. Yes, ma'am.

22 MR. HAZZARD: Thank you, ma'am. Court's
23 indulgence.

24 THE COURT: Yes, sir, Mr. Hazzard.

25

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1 BY MS. SMITH:

2 Q. Let me show you what's been marked as 121. What
3 am I showing you?

4 A. These are -- this is a generation of -- the
5 software generated a report of the text messages between the
6 contact known as "Hopefully" and the cell phone.

7 Q. And whose cell phone is this?

8 A. This is Tiesh Rhue's cell phone.

9 Q. So the communications between Tiesh Rhue and what
10 is labeled as "Hopefully"?

11 A. Yes.

12 Q. Okay. And have you verified -- have you looked
13 over that information?

14 A. Yes, ma'am.

15 Q. You looked over those texts?

16 A. Yes, ma'am.

17 MS. SMITH: Your Honor, at this time the State
18 moves 119 into evidence -- or seeks to move 119 into
19 evidence and seeks to move 121 into evidence.

20 THE COURT: Do you have any objection,
21 Mr. Hazzard?

22 MR. HAZZARD: No, sir.

23 THE COURT: Mr. Voigt?

24 MR. VOIGT: No, Your Honor.

25 THE COURT: Mr. Edgeworth?

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1 MR. EDGEWORTH: No, Your Honor.

2 THE COURT: All right. So 119 and 121 admitted
3 without objection. Thank you, Solicitor. Go ahead.

4 (WHEREUPON, State's Exhibit Numbers 119 and 121
5 were moved into evidence.)

6 MS. SMITH: Your Honor, can we move the TV and
7 present these messages in a format where the jury can
8 actually see them?

9 THE COURT: Yes, ma'am.

10 Sir, don't worry, if you need to step down you
11 can. That monitor is out of whack. Okay?

12 THE WITNESS: Yes, sir. Thank you.

13 THE COURT: Yes, sir.

14 BY MS. SMITH:

15 Q. When you also do the extraction of this cell phone
16 belonging to Tiesh Rhue, were you able to do an analytic
17 where you were able to determine the number of total texts a
18 contact makes between parties?

19 A. Yes, ma'am.

20 Q. Okay. If I showed you this analytics would you
21 recognize it? I'm showing the witness what has been labeled
22 and marked for identification purposes as State's 122.

23 What is that?

24 A. This is the analytics pages from the generated
25 report.

BARRY POWERS - DIRECT BY MS. SMITH

1 Q. Okay. And does Hopefully appear on that page?

2 A. Yes.

3 Q. How many times?

4 A. Twice.

5 Q. Okay. And how many communications are there
6 between Tiesh Rhue's phone and Hopefully?

7 A. Total communications between the two separate
8 numbers are 754 and 283. I believe that came to 1,037
9 contacts back and forth.

10 Q. Okay.

11 A. That includes missed calls, sent and received,
12 text messages, and all of that.

13 Q. All right.

14 MS. SMITH: Your Honor, at this time the State
15 seeks to move 122 into evidence.

16 THE COURT: Mr. Hazzard, any objection as it
17 relates to 122, which I believe is the analytic summary
18 page?

19 MR. HAZZARD: No, sir.

20 THE COURT: Mr. Voigt?

21 MR. VOIGT: No, Your Honor.

22 MR. EDGEWORTH: No, Your Honor.

23 THE COURT: All right. Thank you. Admitted
24 without objection.

25 (WHEREUPON, State's Exhibit Number 122 was moved

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1 into evidence.)

2 BY MS. SMITH:

3 Q. If I could direct you to Page 23.

4 A. Yes, ma'am.

5 Q. Sergeant Powers, do you know if these text message
6 communications are in UTC or Eastern Standard?

7 A. The dates and -- the dates and times are adjusted
8 for Eastern Standard Time.

9 Q. Okay. Thank you.

10 A. Each one says UTC minus five, making it the
11 correct time zone.

12 Q. Can I direct your attention to February the 13th
13 2017 at 2:21 p.m.?

14 A. Yes.

15 Q. Are you there?

16 A. Yes.

17 Q. Okay. Perfect.

18 Can you tell the direction that this text message
19 is going?

20 A. Yes, this message is going out to Hopefully at the
21 (843)240-1042 number.

22 Q. And what do these communications say?

23 A. Would you -- do you want me to read it?

24 Q. Please.

25 A. The text message reads: I've dedicated my heart

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1 to you and you know I have completely done everything in my
2 power to love you the way you want to be loved, but I see
3 that you think I'm a whore and you hate me because I've
4 never played no one in your face, but there's so much -- so
5 many bitches you played in my face. I'm crazy because from
6 the moment I married you I've been in love with you, and
7 being crazy in love makes you be extremely insane. I would
8 never hurt you ever again, but you're breaking me down daily
9 all cause you can't choose me and only me.

10 Q. Okay. And can you continue with that line?

11 A. To the next message?

12 Q. Yes, sir.

13 A. The next message goes to the same number at 2:51
14 p.m.: I want you and only you and now that you know that
15 you choose now to play with my heart.

16 Q. Will you continue with this communication, please,
17 sir?

18 A. The next one is at 2:54 p.m., outgoing as well to
19 Hopefully: I know you can respond so please text me back.
20 I'm not a whore or a liar, I'm just a woman in love with her
21 husband.

22 Q. And at that point in time does the number
23 Hopefully respond?

24 A. Yes, at 2:56 p.m. The text message comes in: You
25 sometimes act a little too crazy and I don't have time or

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1 time -- or T-I-M-R, it's probably a misspelling.

2 Q. Okay. And then what happened after that?

3 A. The next outgoing message back to Hopefully is:
4 Read all my messages, you know I'm crazy in love with you.

5 That's at 2:57 p.m.

6 Then there's another outgoing: I want my marriage
7 with you to work, but you have to want me too and only me
8 flaws and all.

9 That's at 14:59.

10 Q. Okay. And then will continues until approximately
11 3:50 p.m.?

12 A. At 3:04 p.m., outgoing again to Hopefully: Hello.

13 There's a response from Hopefully at 3:13 p.m.:
14 What flaws?

15 There's a -- the next one is an outgoing at 3:17
16 back to Hopefully: That I'm not perfect and I never will
17 be, but as good -- as God is my witness, I love you, but my
18 love is forever to you, your love is temporary and at any
19 moment, something goes wrong, you leave me and go back to
20 them.

21 Hopefully responded at 3:23 p.m.: Only me, no one
22 else, I be alone.

23 The response to that, outgoing to Hopefully: You
24 know I'm not stupid and I have good intuition, always have,
25 my heart feels what my eyes can't see always.

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1 That's at 3:26 p.m.

2 Then another outgoing at 3:45 p.m.: Why can't you
3 just love me the right way, to Hopefully.

4 Response from Hopefully at 3:47: Tie, I do you
5 just want you cake and eat it too at times.

6 That's 3:47 p.m.

7 Q. And then the next two, please?

8 A. Outgoing to Hopefully: That's a lie and I know
9 you're the one who loves a variety. I'm your wife and you
10 treat me like some whore, you f'ing.

11 That's at 3:50 p.m.

12 And Hopefully responds at 3:53 p.m.: And my
13 intuitions is telling me the same.

14 Q. And can I direct your attention to Page 28 on
15 2/13/2017 at 4:43 p.m. Who is that text message from?

16 A. At 4:43 there's an incoming from Hopefully: Tie,
17 shit is not right, we just need help or something, but this
18 hands on thing I can't do neither. The accusing it got me
19 want to say eff it for real.

20 Q. And then the next one.

21 A. The response at 4:49: I said that we need help,
22 and you are right, I need help with my anger, but
23 accusations, no facts. Love me only. Love me only. And
24 stop having me -- stop leaving me and uphold your vows to
25 me, but helping your queen, slash, wife out a lot more than

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1 you do.

2 Q. Can I direct your attention to Page 35 on
3 2/16/2017 at 1:14 p.m., and can you tell me the
4 directionality of the text message?

5 A. I'm sorry, can you repeat the time?

6 Q. Yes. 1:14 p.m. on February the 16th, that's
7 Page 35.

8 A. I think it's on Page 36.

9 Q. Excuse me, 36.

10 A. At 1:14 there's an outgoing text to Hopefully, it
11 says: I'm was trying to be strong, but I can't no more,
12 this is the end of me, I've parked the car and I'm taking
13 these pills, all of them. I hope you know I've loved you so
14 much that no one can have me. I hope I die today.

15 Q. Okay. And then the next text.

16 A. Another outgoing to Hopefully at 1:27 p.m.:
17 You're still my husband, take care of my kids, please, but
18 I'm almost done. I'll always love you even when I'm gone.

19 Q. On Page 44. I'll direct your attention to Page 44
20 February the 23rd 2017 at 9:32 p.m.

21 A. Incoming from Hopefully, it says: I know you're
22 out with your sis for her B-day, and me too for my bro B-day
23 have fun, see you when you get home.

24 Q. All right. On Page 45, on February the 25th,
25 2017, starting at 10:51 a.m.

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1 A. Outgoing to Hopefully: I'm really sick and I need
2 you.

3 The response from Hopefully was: Are you talking
4 to me and what's wrong with you?

5 Q. Okay.

6 A. At 10:58 a.m., from Hopefully: Hello.

7 Q. And then what happens?

8 A. A response at 12:54 p.m., outgoing to Hopefully:
9 You got to call me, please, Junior.

10 Q. Okay. And then what happens?

11 A. At 2:29 p.m., a response from Hopefully: How are
12 you feeling?

13 At 2:39 p.m., outgoing to Hopefully: I'm okay,
14 but I need you.

15 Q. If you'll just continue to the end of the day on
16 February 25th, 2017.

17 A. At 2:46 p.m., from Hopefully: I got you, when you
18 get off later.

19 Response at 2:52 p.m., outgoing to Hopefully:
20 Let's take a bath, light some candles, and after rub each
21 other with some oil and then make love.

22 At 2:57 p.m., the response from Hopefully was:
23 Sounds like a plan.

24 At 2:59 p.m., outgoing to Hopefully: Okay, thanks
25 baby, now if you want to surprise me with some extras, I'm

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1 down.

2 Response from Hopefully: Got ya.

3 At 3:01 p.m., outgoing to Hopefully: Okay, cool,
4 I love you too.

5 Incoming from Hopefully at 3:11 p.m.: I love you
6 too.

7 Incoming again 7:45 p.m. from Hopefully: On my
8 way to you, baby.

9 Q. And then?

10 A. At 7:47 p.m. outgoing to Hopefully: Okay.

11 Q. Is this the last communication between Tiesh Rhue
12 and phone number (843)240-1042 on February 25th, 2017?

13 A. Yes.

14 Q. Incoming or outgoing message?

15 A. Yes.

16 Q. Okay. After February 25th, 2017, are there any
17 additional text messages between the parties?

18 A. There are four outgoing messages to Hopefully, no
19 responses.

20 Q. Okay. Can you give me the dates and times of
21 those messages?

22 A. On February 26, 2017 at 9:37 a.m., outgoing to
23 Hopefully: Where are you? I want you home with me.

24 Q. And the next one.

25 A. At 10:31 a.m., on the same date, February 26th,

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1 2017: Please respond, baby, I love you.

2 Again, on the same date, February 26th, 2017, at
3 3:19 p.m.: Why are you doing this to me again?

4 Q. Okay. After -- is there any other text messages?

5 A. Just one more on the 27th outgoing at 7:04 a.m.
6 Good morning, babe, please call me.

7 Q. All right. After February 27th, 2017, at 7:04
8 a.m., does Tiesh Rhue ever text the number belonging to
9 Hopefully until her phone is searched?

10 A. No.

11 Q. Okay. Did you review these records?

12 A. Yes.

13 Q. Not just the text messages between Tiesh and the
14 phone number attributed to Hopefully?

15 A. Yes.

16 Q. Okay. Are there communications between Tiesh and
17 other men?

18 A. Yes.

19 Q. Okay. Are any of those sexual and explicit in
20 nature?

21 A. Yes.

22 MR. VOIGT: Judge.

23 THE COURT: Yes, sir.

24 MR. VOIGT: There is a matter of law that we
25 perhaps have to take up outside the presence of the jury.

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1 THE COURT: Ladies and gentlemen, I'm going to
2 send you back to the jury room, I'll get you back in here as
3 soon as we can. Please don't talk about the case, conduct
4 any research. We'll get you back in here as soon as we can.
5 Thank you.

6 (WHEREUPON, the jury exited the courtroom at 3:51
7 p.m.)

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: Thank you very much, Your Honor.

10 I was shown a document by the Solicitor's office,
11 this was a document that was previously been disclosed, so
12 it's not like it's a surprise to me. It's used in the trial
13 of this matter, however, it is a surprise to me.

14 I believe this is improper character evidence of
15 Ms. Rhue, but I will defer to Mr. Edgeworth. I believe
16 that's more his department.

17 MR. EDGEWORTH: Your Honor, may it please the
18 Court?

19 THE COURT: Yes, sir.

20 MR. EDGEWORTH: I will object to the use of this
21 document on a couple of things. For one, of course, the
22 fact that it's an improper attempt to elicit -- evidence of
23 the character of my client through this extrinsic evidence
24 that was obtained as part of this dump apparently. I think,
25 also, to include that fact that it's highly prejudicial in

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1 the sense that they're just trying to heighten or inflame
2 the jury by the fact that there apparently was some,
3 obviously, adulterous or other type activity, which is
4 actually already in evidence, it's been admitted to
5 otherwise.

6 THE COURT: She admitted to it in the interview
7 and that came in, correct?

8 MR. EDGEWORTH: Yes, Your Honor.

9 THE COURT: And then he's just admitted on the
10 stand that they were sexual in nature; is that correct?

11 MR. EDGEWORTH: It appears so, Your Honor.

12 THE COURT: All right. Go ahead.

13 MR. EDGEWORTH: Well...

14 THE COURT: I just want to confirm that. That's
15 what my recollection was and I wanted to confirm that that
16 was yours --

17 MR. EDGEWORTH: Yes, Your Honor.

18 THE COURT: -- and not something that I -- go
19 ahead.

20 MR. EDGEWORTH: That's my understanding of
21 testimony, he testified that he's reviewed it and that they
22 are sexual in nature. She's already -- it's already been
23 placed in evidence by the statements. So I think the use of
24 this extrinsic evidence to bolster that is improper.

25 THE COURT: All right. Let me see it.

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1 MS. SMITH: Yes, of course.

2 THE COURT: Please. And, in the meantime, I'm
3 also happy to hear from you, Solicitor.

4 MS. SMITH: Your Honor, I would actually be happy
5 to limit it to closer in time to the date of Mr. Leon
6 Harrison Jr.'s murder.

7 THE COURT: What are you looking for specifically
8 in here?

9 MS. SMITH: Your Honor, there are several
10 misleading statements that she makes to the victim in this
11 case saying that she's extremely sick or that she's going to
12 commit suicide. And immediately, after when she's saying
13 these things, she is talking to other people, men in
14 particular, in which no I'm totally fine, I'm absolutely
15 okay, you know.

16 And then she says that she's really, really,
17 really sick on February the 25th. And there are
18 communications that show she is not sick that day. Then she
19 sends a text message to the point where she is -- where she
20 is --

21 THE COURT: All right. Where is this on
22 February 25th?

23 MS. SMITH: And I apologize, if you'll give me one
24 second while I switch to it.

25 THE COURT: Yes.

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1 MS. SMITH: Your Honor, I may have been mistaken,
2 actually, it may have been on the 24th. I think I may have
3 just read it wrong, I apologize.

4 Your Honor, it's not the 25th, I apologize, it is
5 the 26th. I am -- it was not my intent to mislead the Court
6 in any way possible.

7 THE COURT: I don't think you're doing that at
8 all, Solicitor. All right.

9 So I'm looking on the 26th, Solicitor. And so
10 tell me what we're looking at and where you want to direct
11 my attention to.

12 MS. SMITH: Okay. Where there's -- and obviously
13 the picture is not being sent here -- but that she's texting
14 these people saying -- I mean -- saying, Send Me a pic,
15 okay.

16 THE COURT: Send me a pic. Are you talking about
17 6939, incoming text?

18 MS. SMITH: Yes.

19 THE COURT: All right. Send me a pic. All right.
20 Who is this -- this is somebody who's texting her?

21 MS. SMITH: Yes.

22 THE COURT: All right. Uh-huh.

23 MS. SMITH: And then we're going into: I want you
24 so bad. Let's see, to: I'm at my house, and, I want you
25 too. And that would be -- excuse me, Your Honor, I

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1 apologize, that would be 6957 and 6958. Then we're going
2 into February 27th where she begins texting numerous men:
3 Good morning, good morning, good morning, good morning, good
4 morning handsome, good morning King. I mean, it's just
5 numerous, numerous, numerous.

6 Your Honor, I do believe this goes to malice, lack
7 of remorse, that is more of what I'm seeking to admit.

8 THE COURT: So you're wanting this in for what
9 purpose, Solicitor?

10 MS. SMITH: Lack of remorse.

11 THE COURT: So were you wanting to admit this
12 entire package of information?

13 MS. SMITH: Your Honor --

14 THE COURT: Because I can tell you right now I'm
15 not letting that back when they're dopping all sorts of
16 words that are offensive that have absolutely nothing to do
17 with this. Asking for pics.

18 I think that's, you know, that's just completely
19 inflammatory. And I think it's -- I think it's out of the
20 field of play. She's through the -- when I say she admitted
21 it, through the video --

22 MS. SMITH: Yes, Your Honor.

23 THE COURT: -- she's admitted that she's --
24 that -- I don't know if it's an open relationship, or
25 whatever you call it, but she's admitted that she's had an

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1 open type of relationship. He's admitted that they were
2 sexual in nature.

3 I think the only thing -- Mr. Edgeworth, let me
4 hear you on this. Okay.

5 When I look at the 27th, sir, I think it was the
6 27th, she was making reference to, calling some gentleman
7 Queen -- or calling the gentleman King, excuse me -- and
8 calling her a Queen, this type of thing.

9 I mean, what's your objection as to that, because
10 I can kind of see that basically this is the day after all
11 of this -- what's your position on that? Because I
12 certainly don't see that as necessary as being sexual in
13 nature. But it certainly does show somebody perhaps that
14 isn't -- I think a jury could potentially glean some light
15 on somebody's state of mind as it relates to the day after
16 someone goes missing like this.

17 Talk to me about that. Let me hear from you, sir.

18 MR. EDGEWORTH: Well, I mean, Your Honor, it's
19 hearsay. It's this evidence that's been procured from --
20 and I guess I'm trying to get my head wrapped around the
21 question so that I can answer appropriately.

22 I think that the purpose that the State is
23 intending to use it for is only really limited to
24 exaggerating or exacerbating something that's already been
25 admitted, and, that is, other over relationships.

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1 THE COURT: All right. I'm going to agree with
2 you. I'm excluding this. I think it's gratuitous. I think
3 it's already been -- the real facts of the matter have
4 already been into evidence. And I think there's plenty for
5 the jury to draw their conclusion on already. So I also
6 think it's duplicative in nature. I'm not going to allow
7 that in.

8 MS. SMITH: Yes, Your Honor.

9 Your Honor, what if -- Your Honor, if we could
10 limit to the time in which she is texting him to come over.
11 It would go to the Defendant's state of mind. Your Honor,
12 it would also not be hearsay as it would be a statement of
13 Ms. Rhue herself. And any responses for the others are not
14 being offered for the truth of the matter asserted.

15 THE COURT: Wait a second. You're talking about
16 what we've already gone over?

17 MS. SMITH: Just -- just limited to the 25th, Your
18 Honor. February the 25th of 2017.

19 And if I may direct you to 6876, Your Honor, and
20 that would be on Page 557.

21 THE COURT: 6876.

22 MS. SMITH: 6876, yes, Your Honor.

23 THE COURT: Uh-huh. 6876.

24 MS. SMITH: A text to --

25 THE COURT: To Mommy?

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1 MS. SMITH: Yes, Your Honor. This is right after
2 she has texted him to come over, that she'll draw a bath and
3 the other items.

4 THE COURT: So you just want to get that one text
5 in?

6 MS. SMITH: It's -- it's the day, Your Honor. I
7 mean, there are numerous -- you know, this is going to the
8 fact that luring him over. That on 6843, you know, she's --
9 there are text messages between the victim and Ms. Rhue
10 start at 6816, that's on Page 555, Your Honor.

11 And then, you know, she's not feeling well, let's
12 take a bath, okay, love you. She does get into an
13 altercation. However, then she texts her mother, I can't
14 handle the stress of things never working out for me and for
15 once I can say I'm at my weakest point. I feel like I'm
16 getting life -- I feel like getting life insurance on myself
17 and giving up. I do a lot the right way, but my life really
18 sucks. I don't want to drink, but life is kicking me really
19 hard and I'm just tired, mentally tired, and I'm scared I'm
20 going to lose my mind.

21 Your Honor, this does go to -- or, I drink to keep
22 calm, but nothing is working. Right after that the victim
23 texts her and says: I'm on my way to you, baby. To which
24 she replies: Okay.

25 Your Honor, this does go to her state of mind

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1 during this time. It also is from her. She is a party
2 deponent. This would be non-hearsay statements.

3 THE COURT: All right. I'm not going to let any
4 of this in.

5 MS. SMITH: Yes, Your Honor.

6 THE COURT: I just think that, again, it's
7 gratuitous. I think -- I question the relevance, if it is
8 relevance, I think it's highly prejudicial and I think the
9 prejudicial aspects outweigh the probative value.

10 And, in addition to that, again, you've already
11 gotten in through this witness testimony about her --
12 clearly her state of mind at or near the time this happened
13 as it relates to pills, and wanting to end her life, and
14 things of this nature. I'm not going to allow that in.

15 MS. SMITH: Yes, Your Honor.

16 THE COURT: Yes, ma'am. Thank you.

17 MR. EDGEWORTH: Thank you, Your Honor.

18 MS. SMITH: Your Honor, before we bring the jury
19 in, I just want to make sure that I am not going against
20 your ruling in any way, shape, or form.

21 Obviously, the documents themselves stay out,
22 however, if he has the knowledge of it can I -- would you
23 allow me to ask him, Does her -- does Ms. Rhue's -- do
24 Ms. Rhue's text conversations with other men continue in
25 their normal course of action after -- after Mr. Harrison

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1 goes missing?

2 THE COURT: No.

3 MS. SMITH: Okay.

4 THE COURT: You may not.

5 MS. SMITH: Yes, sir.

6 THE COURT: I just -- I think it's, again, I think
7 it's gratuitous. I think it's already been established
8 through her tape that was played to this jury and through
9 his testimony. I think the jury clearly understands that
10 this is and or was an open relationship at the time. And I
11 think you can argue substantially whatever you want to argue
12 in closing. All right?

13 MS. SMITH: Yes, Your Honor.

14 THE COURT: Thank you.

15 All right. Is there anything else before we bring
16 the jury in?

17 MS. SMITH: No, Your Honor.

18 THE COURT: Defense?

19 MR. HAZZARD: No, sir.

20 MR. VOIGT: No, sir.

21 MR. EDGEWORTH: No, Your Honor.

22 THE COURT: Let's get the jury in.

23 (WHEREUPON, the jury entered the courtroom at 4:08
24 p.m.)

25 THE COURT: All right. Thank you, ladies and

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1 gentlemen. Solicitor, you can continue.

2 MS. SMITH: Yes, Your Honor, briefly.

3 THE COURT: And I think that was your objection we
4 broke on?

5 MR. VOIGT: It was, Your Honor.

6 THE COURT: And that objection is sustained.

7 Please proceed, Solicitor.

8 MS. SMITH: Yes, Your Honor.

9 BY MS. SMITH:

10 Q. After February 27th, 2017, in the early morning
11 hours, were there any further communications between Tiesh
12 Rhue and the number (843)240-1042, either text or phone
13 calls?

14 A. No, ma'am.

15 Q. Okay. No further questions.

16 THE COURT: All right. Thank you.

17 Mr. Hazzard, do you have any questions, sir?

18 MR. HAZZARD: No, sir.

19 THE COURT: Thank you. Mr. Voigt, do you have any
20 questions, sir?

21 MR. VOIGT: I do not, Your Honor.

22 THE COURT: And Mr. Edgeworth, do you have any
23 questions, sir?

24 MR. EDGEWORTH: No questions for this witness,
25 Your Honor.

1 THE COURT: Sir, thank you very much for coming
2 in. If you're under subpoena, you're released from your
3 subpoena and free to go, okay?

4 THE WITNESS: Thank you.

5 THE COURT: Have a good day. Yes, sir.

6 All right. Solicitor, you can call your next
7 witness.

8 MS. RICHARDSON: Your Honor, at this point we have
9 a matter of law to take up with the Court.

10 THE COURT: Okay. Ladies and gentlemen, as
11 there's a matter of law to be taken up with the Court, I'll
12 send you back out. I'm sorry. I'll get you back in here as
13 soon as I can.

14 (WHEREUPON, the jury exited the courtroom at 4:12
15 p.m.)

16 THE COURT: Solicitor.

17 MS. RICHARDSON: Your Honor, the State intends to
18 rest, but before we do, we'd like to make sure and have the
19 evidence review and make sure everything has been admitted.
20 And we all discussed doing that yesterday, but didn't want
21 to rest on the record until we've done that to just make
22 sure everything has been admitted.

23 THE COURT: Well, why don't y'all take a few
24 minutes and see if you can do that.

25 Is that all right, Mr. Hazzard?

1 MR. HAZZARD: Yes, sir.

2 THE COURT: Mr. Hazzard, thank you.

3 MR. HAZZARD: Yes, sir.

4 THE COURT: Mr. Voigt?

5 MR. VOIGT: Yes, Your Honor.

6 THE COURT: All right. Mr. Edgeworth?

7 MR. EDGEWORTH: Yes, Your Honor. No problem.

8 THE COURT: All right. That will be fine. Let's
9 take a few minutes and do that. They'll be glad.

10 MS. RICHARDSON: That's what I thought, too.

11 THE COURT: What I mean was, they'll be happy
12 maybe that you're resting, but, I mean, that's fine. Thank
13 you. Take some time. We'll be at ease for about the
14 next -- is there anything that needs to be brought to my
15 attention or to the jury as it relates to the review of the
16 evidence, from the State?

17 MS. RICHARDSON: Yes, Your Honor. We need to --
18 just out -- they're showing the 39 was not admitted, so we
19 need to admit it into evidence on the record. And I think
20 they wanted to restate their -- note their objection on the
21 record.

22 THE COURT: Is that -- is that correct?

23 MR. HAZZARD: That is correct, but out of an
24 overabundance of precaution, I would ask that the Prosecutor
25 check out the flash drive, make sure it says what it is what

1 the envelope purports it to be. And then, once that's done,
2 yeah, I've got no problem with her moving and admitting it
3 and us objecting again.

4 THE COURT: All right. And what about it,
5 Mr. Voigt?

6 MR. VOIGT: I agree with Mr. Hazzard, Your Honor.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: I agree, Your Honor.

9 THE COURT: All right. She's going to check that
10 right now.

11 MR. HAZZARD: Because it's purported to be just a
12 flash drive of the photos from the search of the house. I
13 want to make sure it's not anything else.

14 MS. RICHARDSON: The 190 Photos, 1015 Highmarket
15 Street. This would be from the 3/14/2017 search.

16 MR. HAZZARD: All right. Thank you, ma'am.

17 MS. RICHARDSON: So that other flash drive that
18 broke was supposed to have 330 photos on it, that's probably
19 why it broke.

20 THE COURT: All right. So my plan is to allow you
21 to make that notation in front of the jury and then you plan
22 on resting?

23 MS. RICHARDSON: Yes, Your Honor.

24 THE COURT: All right. Then I'm going to send the
25 jury home for the day, okay. We'll have some -- once

1 they're discharged, if y'all want to take a brief break, you
2 can. And then I'm glad to hear any motions as it relates to
3 other issues concerning your clients. Probably, we will
4 address those first thing in the morning, give you an
5 opportunity to talk with your clients. I always think
6 that's best.

7 And then we will bring the jury back in, y'all can
8 put forth any evidence you want. And then, when that is
9 completed, it will be my plan to then take a break argue and
10 charge. Anybody have a problem or any questions about that?

11 MS. RICHARDSON: No, Your Honor. I just ask that
12 we have a sufficient break, that we can sort of set up and
13 organize, and if anybody wants to use any of the exhibits,
14 we can kind of get them in order.

15 THE COURT: Well, I'll leave that up to
16 Mr. Hazzard. He seems to be real good at establishing what
17 the breaks are and how long they need to be.

18 No, I'm joking. Y'all have plenty of time to do
19 whatever you need to set that up, you know that.

20 MS. RICHARDSON: Okay. Thank you.

21 THE COURT: So, Mr. Bailiff, can you bring the
22 jury in please, sir.

23 (WHEREUPON, the jury entered the courtroom at 4:44
24 p.m.)

25 THE COURT: All right. Solicitor, you brought a

1 matter of law to the Court's attention. Is there anything
2 else that you need to put on the record at this point with
3 the jury back in the courtroom?

4 MS. RICHARDSON: Yes, Your Honor. The State moves
5 State's Exhibit Number 39 into evidence. There was some
6 discrepancy as to whether that had been done.

7 THE COURT: All right.

8 MS. RICHARDSON: So we move State's 39, which is
9 the flash drive of the photos from 1015 Highmarket Street.

10 THE COURT: All right. Mr. Hazzard?

11 MR. HAZZARD: Subject to previous objection, Your
12 Honor.

13 THE COURT: Mr. Voigt?

14 MR. VOIGT: Subject to our previous objection,
15 Your Honor.

16 MR. EDGEWORTH: Subject to our previous objection,
17 Your Honor.

18 THE COURT: Thank you, Mr. Edgeworth.

19 All right. Solicitor, you can call your next
20 witness.

21 MS. RICHARDSON: At this time the State rests.

22 THE COURT: All right. Thank you, Solicitor.

23 Ladies and gentlemen, the State has rested their
24 case. As a result of that, there are several matters of law
25 that I will have to take up with them now at this point

1 having rested their case. Those matters will take a
2 significant amount of time. So I'm going to send you home.
3 I'm going to ask that you be back at 9:30 tomorrow morning.
4 And at that point we will proceed.

5 So, again, don't talk about the case. No research
6 on the case. If anybody bothers you about it, you let me
7 know. I'll see you at 9:30 tomorrow morning.

8 Thank you very much, folks.

9 (WHEREUPON, the jury exited the courtroom at 4:46
10 p.m.)

11 THE COURT: All right. Does the Defense has some
12 motions to make?

13 MR. HAZZARD: Yes, sir, Your Honor.

14 THE COURT: All right. Do you want to take a
15 break before you make those motions, Mr. Hazzard, would you
16 like to take a few minutes?

17 MR. HAZZARD: I would appreciate it.

18 THE COURT: All right. That's fine.

19 MR. HAZZARD: If we could have about ten minutes,
20 I'd appreciate it.

21 THE COURT: Why don't we try to be back at 10 till
22 5:00; is that all right?

23 MR. HAZZARD: Yes, sir, five minutes, yes, sir.

24 THE COURT: Well, I'm looking right there that
25 would be -- no, no, excuse me. I meant five till 5:00,

1 because I wanted you to have ten minutes, Mr. Hazzard. I'm
2 sorry about that, I read the clock wrong.

3 See you back at about five till five. Okay,
4 folks?

5 MR. HAZZARD: Yes, sir.

6 (WHEREUPON, there was a break held from 4:46 p.m.
7 until 4:56 p.m.)

8 THE BAILIFF: All rise.

9 THE COURT: Thank you. Please be seated.

10 Does the Defense has some motions they want to
11 make?

12 MR. HAZZARD: Yes, Your Honor. May it please the
13 Court.

14 THE COURT: Yes, sir.

15 MR. HAZZARD: As the State has rested, it is my
16 understanding, at this time the Defendant, Alexander Rhue
17 Sr. makes a motion for a directed verdict on all remaining
18 charges. And to my understanding those charges are
19 Indictment 2017-GS-22-0878 for murder; 2017-GS-22-877 for
20 desecration of human remains; and 2017-GS-22-875 for
21 obstruction of justice.

22 And I stand prepared to make an argument for the
23 directed verdict on each of these in turn.

24 THE COURT: All right. I'm ready to hear from
25 you, sir.

1 MR. HAZZARD: Thank you, Your Honor.

2 I would first direct the Court's attention to
3 basically the history of the standard for directed verdict
4 and the fact that it really has not changed much over the
5 past 25 years.

6 I would first direct the State's attention to
7 State versus Ballenger, 322 SC 196, that's a 1996 case of
8 our Supreme Court of South Carolina. Then State v. Hepburn,
9 406 SC 416, a 2013 case from our Supreme Court of South
10 Carolina.

11 THE COURT: That was State v. what?

12 MR. HAZZARD: Hepburn, H-E-P-B-U-R-N, 406 SC 416,
13 a 2013 Supreme Court Case. And State v. Cain, C-A-I-N, 419
14 SC 24, that's a 2017 case from our Supreme Court.

15 And, basically, what all three of them say is
16 that: A motion for directed verdict should be granted when
17 the jury would be speculating at to the accused guilt or
18 where evidence is sufficient only to raise a strong
19 suspicion of guilt. That was the Ballenger Court's
20 pronouncement.

21 The Hepburn Court, 17 years later said: The trial
22 court should grant a directed verdict motion when the
23 evidence merely raises a suspicion that the accused is
24 guilty, as suspicion implies a belief or opinion as to guilt
25 based upon facts or circumstances which do not amount to

1 proof.

2 Now, it also goes on to say: To be fair, on the
3 other hand the trial judge is not required to find that the
4 evidence infers guilt to the exclusion of any other
5 reasonable hypothesis.

6 Moving forward to 2017 in the Cain case, they
7 simply say: A motion for directed verdict should be granted
8 where evidence is such as to permit the jury to merely
9 conjecture or to speculate, basically bringing you back
10 around to the Ballenger case, which was 25 years prior.

11 Now, the charge of murder that Mr. Rhue Sr. is
12 charged with, the elements of that offense are the unlawful
13 killing of another with malice aforethought. I would submit
14 to the Court there has been absolutely no testimony or
15 evidence, direct or circumstantial, that indicates that
16 Alexander Rhue Sr. killed anyone in any way -- that he
17 definitely did not kill Leon Harrison Jr.

18 There has been not one word or testimony that he
19 took an active hand in causing the death of Leon Harrison
20 Jr. That, then, I think, brings our analysis to the hand of
21 one is the hand of all.

22 Well, it says if two or more people are together,
23 acting together, assisting each other in committing the
24 offense, the act of one is the act of all, or as it is
25 sometimes said, the hand of one is the hand of all. And I

1 have taken that conveniently from your charge, Your Honor,
2 on Page 24.

3 I would submit to the Court there has been no
4 evidence that Alexander Rhue Sr. was acting together with
5 anyone or assisting anyone in the commission of the death of
6 Leon Harrison Jr.

7 The State has put up things that definitely are
8 open to conjecture. For instance, they have said, Oh, he
9 went to Walmart with a person that they want to identify as
10 his son, but I don't think that is in evidence, at 1:00 in
11 the morning and purchased two 88-cent bottles of peroxide.

12 If you take that identification, as the light most
13 favorable to the State, in other words, that's not something
14 that's in evidence. That identification is not in and of
15 itself in evidence. But if the Court were to take that, in
16 a light very favorable to the State, and say, Yes, that is
17 Alexander Rhue Sr. at Walmart at 1:00 o'clock in the morning
18 on February 26, 2017, and he's with someone who purchases
19 two 88-cent bottles of peroxide.

20 That, at best, I mean, the State tried very hard
21 to say from Mr. Amick, the expert, Well, you know, couldn't
22 hydrogen peroxide be used to weaken blood stains? And he
23 said, Well, yeah, it could, but there's also other reasons
24 why. You know, there's yeast and bacteria, age, all of
25 the -- UV lights -- all of those play or can play a part.

1 So, again, you're talking about mere conjecture
2 even if the Court were to take that leap of faith, and
3 that's what all of this is, is requiring a leap of faith.
4 That, somehow, that action was an act in aiding in the hand
5 of one is the hand of all.

6 They would also possibly point to the statement
7 that is alleged to have been made by Alexander Rhue Jr.,
8 something along the lines of, Yeah, we got rid of him.
9 Well, the significance of that is, as I recall, nowhere is
10 the "We" specified to be Alexander Rhue Sr.

11 So even if the Court were to say the co-defendant
12 made a statement against interest, I would submit in no way,
13 shape, or form, does that statement against interest
14 implicate Alexander Rhue Sr.

15 So we have no testimony, whatsoever, indicating
16 Alexander Rhue Sr. directly caused the death of Leon
17 Harrison Jr. I would submit we have no credible testimony
18 that indicates that he did anything in aiding others. The
19 evidence that they did put into evidence, the cell tower
20 records, things of that nature, show that his phone never
21 left what they refer to as a three-mile vicinity of 1015
22 Highmarket Street.

23 This significance of that, I would posit it to the
24 Court, is the fact that there is no question that the
25 victim's body was found on the Black River some -- I think,

1 Perry Collins, the homeowner who discovered it, said that it
2 was least eight miles away, I think, was his exact testimony
3 as to the distance top that point. I think it's actually
4 more like 12 or 13 miles, but even going with the testimony
5 that's eight miles away, well outside the zone that they put
6 in that shows that, you know, his activity never goes
7 anywhere.

8 Now, they tried to cover that by saying, Oh, well,
9 everyone turned their phone off. Again, leading to mere
10 conjecture, because older folks like me and Mr. Rhue Sr.,
11 we're prone to turn our phones off at 2:00 a.m. when we go
12 to sleep. And the period of time they said specifically was
13 between 2:00 a.m. and 8:00 a.m. And there is nothing
14 sinister or nefarious whatsoever about that, I would submit
15 to the Court. Definitely not to get you past mere
16 conjecture, suspicion, speculation, okay, as far as showing
17 him doing some action assisting anyone else or committing
18 the offense.

19 So with regard to the charge of murder we would
20 submit that a directed verdict motion of not guilty for
21 Alexander Rhue Sr. is appropriate.

22 Turning our attention to the desecration of human
23 remains charge, with regard to that charge, there are
24 different and amorphous elements to it, because one of the
25 hardest things in the world is to find anything that says

1 exactly what is desecration.

2 Now, the law says things about burial grounds,
3 disinterment, things of that nature, there definitely has
4 been no evidence submitted here to that regard. So we then
5 turn our attention to the more vague pronouncement of
6 regarding desecration, which is, apparently, doing anything,
7 and if you go way back to the 1600 and 1700s where they
8 first start talking about what constitutes desecration, it
9 all has to do with the violation of some religious artifact.
10 But, for the sake of this argument, we will say that's not
11 what the law intends in South Carolina.

12 If the law intends in South Carolina that an
13 individual not move, disturb, harm, deface, further damage
14 the remains of another person. I would submit to the Court
15 there's been absolutely no testimony submitted that, direct
16 or circumstantial, that would indicate in any way, shape, or
17 form that Alexander Rhue Sr. was ever in possession of the
18 deceased body, ever manipulated the deceased body, in any
19 way, shape, or form, ever moved the deceased body.

20 So we would submit a directed verdict of not
21 guilty with the appropriate --

22 THE COURT: Hold on.

23 MR. HAZZARD: -- charge.

24 THE COURT: You said, sir, that there was no
25 evidence that he ever what?

1 MR. HAZZARD: Manipulated the body -- if they --
2 since we're not talking about anything having, to with my
3 knowledge, with disinterring or distroubling burial grounds,
4 or under the traditional Old English interpretation of
5 desecration as it had to do with religious artifacts --

6 THE COURT: Yes.

7 MR. HAZZARD: -- and things of that nature, since
8 we're not talking about that or that, I'm assuming what we
9 are talking about is in some way disturbing, defacing,
10 defiling, tampering with, mistreating the corpse of a
11 victim. And I would submit to the Court that the record is
12 absolutely bereft of any evidence, whatsoever, that he was
13 ever in the presence in the corpse of Leon Harrison Jr.,
14 that he ever manipulated or touched it, that he ever moved
15 it, or had anything to do with it.

16 Throughout the State's case in chief, basically
17 any law enforcement officer that took the stand, I asked
18 them: You searched and had the opportunity to your heart's
19 content Mr. Rhue's belongings? And they said: Yes.

20 Even went so far as to say: After he was
21 arrested, you went out to the jail and seized his clothes
22 and his shoes, got to search them? Yes.

23 You got to search any car that he has anything to
24 do with? Yes.

25 Did you find anything relevant to this case? And

1 the answer was, No.

2 So, yes, the State has done a masterful job over
3 these seven days of trying to sew speculation, but when you
4 look at it in the cold light of day that's all it is, is
5 speculation. Because, again, their evidence is Alexander
6 Rhue Sr. never really left the area surrounding that cell
7 tower. And that if, once he turned his cell phone off at
8 2:00 a.m., heaven forbid, literally, is their argument that
9 he then loaded up Mr. Harrison Jr -- and all due respect to
10 the deceased, too early gone -- but, what, loaded him up in
11 wheelbarrow and pushed him up there?

12 And one of the other interesting things is, they
13 want to put so much stock in cell phone records, let's go
14 back before 2:00 a.m., there hasn't been a single argument
15 made that this gentleman -- and I'll confine my argument to
16 this gentleman --

17 THE COURT: Yes, sir.

18 MR. HAZZARD: -- because he's my client. There's
19 not been a single argument made that this gentleman called
20 anyone else and that anyone else came to the house.

21 So I'm still trying to figure, if he didn't -- if
22 he didn't pack up the decedent and move him in his car, or
23 any other car in the family, or any other car that was
24 there, how do we -- how do we get there?

25 So, yeah, they can -- they can talk about turning

1 off cell phones and they can talk about cell towers and they
2 can talk about Geofencing and they can talk about all of
3 that, but the bottom line is there is absolutely no evidence
4 indicating that this gentleman possessed, touched,
5 manipulated, moved, or desecrated the body of the deceased
6 and moved him to the Black River some eight, nine, ten miles
7 away. So, yes, mere conjecture, suspicion, and speculation,
8 and as regards to that, it therefore fails.

9 With regard to indictments, 2017-GS-22-876 and
10 879, for criminal conspiracy those have been nolle prossed.

11 Now, with regard to 2017-GS-22-875, obstruction of
12 justice -- Court's indulgence, Your Honor.

13 THE COURT: Yes, sir.

14 MR. HAZZARD: This big issue I have here, is I do
15 recall anyone during the State's case in chief testifying as
16 to anything that Alexander Rhue Sr. did to obstruct or
17 impede or hinder the State's investigation.

18 He answered the questions that he was asked. And
19 I think it is very telling and informative that as was
20 mentioned before, the warrant for obstruction of justice
21 initially, the allegation was that he failed to tell them
22 where Alexander Rhue Jr. was. That was the basis for that
23 arrest warrant when he was arrested, because the Court
24 actually got to review the recording where Mr. Rhue Sr.
25 requested an attorney, and so it is not in evidence, but the

1 Court got an opportunity to review that, and that's what
2 Investigator Morris said. Because he said, Obstruction of
3 justice, what? Why? He said, Well, you lied to us about
4 where your son is.

5 Now, how someone is supposed to know to a
6 mathematical certainty where someone else is, who is outside
7 of their presence at any point in time, I am not sure. It
8 is not a situation where they can say that they knew that
9 Mr. Rhue Jr. had, you know, hopped a plane or a bus to
10 Canada or Mexico. And he said, No, he's still here in
11 Georgetown.

12 It was a matter of where's your son? And he said
13 he left the house around 10:00 o'clock and didn't tell me
14 where he was going. So as of this moment I don't know where
15 he is. Just like if you were to ask me right now, Where is
16 my wife, who is a homemaker, I can only tell you where she
17 was when I left the house at 7:30 this morning. I have no
18 idea where she is right now, hopefully at home. But if the
19 police were to ask me where is your wife, and I say as far
20 as I know she's at home, or if she left the house, I don't
21 know where she went. That is not obstruction of justice,
22 Your Honor.

23 Now, if they want to morph that and say the
24 obstruction of justice is this whole thing about, You told
25 us you got up around 1:00 a.m., which he did say up, he

1 said, I got up and I checked on the dogs and I checked the
2 doors and I checked the kids around 1:00 a.m. They never
3 asked him anything further. They never asked him, Did you
4 go anywhere after that? Did you leave the house after that?
5 They never asked him that. And I don't know that he's
6 supposed to know to volunteer that. But I think it is
7 interesting that he didn't -- he didn't -- he didn't tell
8 them, Oh, no, I slept like a baby all through the night.
9 No, he said, Yeah, I went to bed about 9:30. My son came in
10 the bedroom and he was getting ready to go out, he ironed
11 his clothes and everything, then he left. And then I woke
12 up around 1:00, and went and checked like I always do. And
13 they left it at that.

14 So I'm not even really sure what the allegation is
15 of obstruction of justice. And unless the jury heard
16 something I didn't hear, which is very possible, I don't
17 think they know what the allegation is of obstruction of
18 justice.

19 So since there has been no evidence of hindering,
20 impeding, obstructing, or impairing the investigation by
21 anything, any words or deeds of his, I would submit that a
22 directed verdict on that charge of obstruction of justice
23 would be appropriate as well, Your Honor. Thank you.

24 THE COURT: All right. Solicitor, let me hear
25 from you on this Defendant.

1 MS. RICHARDSON: Your Honor, as for Alexander Rhue
2 Sr. he puts himself -- he puts himself at the house that
3 night. He admits to hearing some sort of confrontation.
4 There's evidence that his daughter called out for him during
5 or immediately after that confrontation.

6 Your Honor, as for the charge of murder, there is
7 evidence of injury that occurred to Leon Harrison Jr. in
8 that home, where he admits to being that night. There's
9 evidence that the injury and death of Mr. Harrison occurred
10 that night, based on the cell phone information that he --
11 his cell phone deactivated and was turned off from the
12 network, because it had been in the possession of Ms. Rhue.

13 There's been testimony about the --

14 THE COURT: The possession -- I'm sorry, what was
15 that, Solicitor?

16 MS. RICHARDSON: That the phone was in her
17 possession during some of the night.

18 Also, Your Honor, there's evidence that the house
19 is small, she called out for him to help. He had some sort
20 of injury in that home based on the forensics of the blood
21 that was found in the home. There was efforts to conceal
22 the discovery of that evidence.

23 THE COURT: What about him? What did he do to
24 conceal? I'm not -- I'm not -- I mean, we're talking about
25 him and a murder charge, what did he do?

1 MS. RICHARDSON: Your Honor, he told the police he
2 was at home.

3 THE COURT: Right.

4 MS. RICHARDSON: And then was on video at Walmart
5 at 1:00 in the morning buying peroxide, which Mr. Amick has
6 indicated, and everybody knows by common sense, can alter
7 blood. He deactivated his cell phone around 2:00 a.m. The
8 victim was tied up. There's been evidence about the weight
9 and height of the victim. And, obviously, the body was
10 transported at some time.

11 THE COURT: Yeah, but there's no evidence as to
12 when the body was tied up, as to what time it was tied up,
13 correct? No evidence he moved it?

14 MS. RICHARDSON: Your Honor, the evidence that he
15 moved it would be the hand of one, the hand of all, type of
16 thing. And also guilty -- guilty knowledge that he's
17 concealing his whereabouts. He is attempting to conceal the
18 whereabouts of his son. They are attempting to shield the
19 discovery of cell phone evidence by deactivating their cell
20 phone data of the circumstantial evidence, that is, the
21 period of time when they could not be tracked.

22 THE COURT: So by just turning your phone off at
23 night, that's evidence that you're trying to conceal, that
24 you don't want to be tracked?

25 MS. RICHARDSON: Your Honor, when you take that --

1 not one circumstance in and of itself, it's the
2 circumstances taken together. When you turn your cell phone
3 off and you've told the police you were home all night and
4 you're out buying peroxide and someone got injured and found
5 dead and the evidence of that injury is in your home. When
6 there is a voice mail where your daughter is calling out for
7 your assistance. All of that evidence taken together, Your
8 Honor, is the hand of one is the hand of all.

9 And, in conjunction with the fact that there is
10 direct evidence against Alexander Rhue Jr. regarding
11 admitting to two separate people being involved in the death
12 of Leon Harrison Jr.

13 And, Your Honor, again the --

14 THE COURT: Where is the evidence as to where he
15 died? Where did he die? Where did Mr. Harrison die? Did
16 he die in Georgetown County? Isn't that something you've
17 got to prove?

18 MS. RICHARDSON: Yes, Your Honor.

19 THE COURT: Let me hear about that.

20 MS. RICHARDSON: The evidence indicates that he
21 had -- his blood is found in the home, there's evidence of
22 fresh concealment of the blood.

23 The pathologist has testified that any kind of
24 bleeding injury can lead to death. Also he was found in the
25 Black River in Georgetown County tied up.

1 And obviously --

2 THE COURT: Let me ask you something, because I
3 don't know the answer to this: Where I live, the Edisto
4 River separates Charleston County from Colleton County. And
5 so, to a certain extent, depending on what side of the
6 Edisto River you're on is what county you're in.

7 Does the Black River -- is it Georgetown County on
8 both sides or does -- is one -- is one side Georgetown
9 County and the other side another county? I don't know.

10 Do you understand what I'm asking?

11 MS. RICHARDSON: Yes. In that area both sides are
12 Georgetown County.

13 THE COURT: I'm sorry?

14 MS. RICHARDSON: That stretch of river, both sides
15 are Georgetown County.

16 THE COURT: All right. Thank you. Go ahead.

17 What about desecration of the body, Solicitor?

18 MS. RICHARDSON: Your Honor, the desecration, as
19 Mr. Hazzard said, there's a variety of definitions. But
20 basically it's to treat the body not as sacred and to also
21 cause injury and destroy the body.

22 Your Honor, the fact that the body was disposed of
23 and the way that it was disposed of led for it to decompose
24 and to be destroyed by animals, as well. And not treating
25 it as a body as supposed to be treated as far as burial and

1 that sort of thing.

2 THE COURT: But where is the evidence that he did
3 any of that? I mean, where is the evidence that he -- I
4 mean, as Mr. Hazzard brought up, that he even touched the
5 body? I don't -- I haven't heard anything that he touched,
6 that he tied wire, that he -- I've heard no evidence that he
7 moved it.

8 There's no -- I mean, I guess he didn't -- I guess
9 when he turned his -- I mean, there's evidence that he
10 turned his cell phone off. I mean, beyond turning your cell
11 phone off -- I mean, the peroxide, that's all bought for the
12 purposes of supposedly cleaning up the blood.

13 MS. RICHARDSON: Correct. And at some point, you
14 know, the carpeting was removed as well.

15 THE COURT: Yeah, but, I mean, where's the --
16 where's it that -- where did he do anything to the body?
17 Where's the evidence that he did something to the body?

18 MS. RICHARDSON: Your Honor --

19 THE COURT: Because that's the -- that's the nexus
20 of that charge, isn't it? It's the mistreatment of the
21 body.

22 MS. RICHARDSON: Your Honor, it's that they
23 were -- all three admit to being there, they were together.
24 The body was wrapped or bound and transported from the area
25 to the river. There's evidence that he attempted to

1 conceal. The evidence of concealing shows guilty knowledge
2 and participation, that he aided in trying to conceal the
3 whereabouts of himself, his son, and that there was some
4 sort of joining together to turn off the cell phones so they
5 could not be tracked.

6 THE COURT: I mean, but for the cell phones being
7 turned off, what would you have? I mean, they were there.
8 I mean, of course he's going to be there, he lives there. I
9 mean, that gentleman basically lives there.

10 So it's pretty natural for somebody who's however
11 old he is, 60 years old -- I don't want to be putting an age
12 on anybody that's not 60 -- but let's say --

13 MR. HAZZARD: He says over 60.

14 THE COURT: All right. Over 60 years old, I think
15 it's inevitable that they're going to be at their house at
16 night. So, okay, he's at his house at night, but I just
17 don't -- I'm having trouble.

18 MS. RICHARDSON: He admits to hearing the
19 confrontation. She admits, or on the video, you can hear
20 her calling for his assistance. His cell phone is used to
21 call another -- to call the other female -- and that's where
22 we have the voice mails and the voice mail that's been
23 described as a butt dial that appears to have her calling
24 for her father.

25 Additionally, Your Honor, that same phone is used

1 to call -- to call Western Union. Her phone and then his
2 phone within a minute of each other. And this is during the
3 period of time that he admits that he was up and walking
4 through the house and checking on them. Additionally, he
5 and Ms. Rhue --

6 MR. HAZZARD: I would ask that there -- I
7 apologize to interrupt you.

8 THE COURT: Hold on.

9 MR. HAZZARD: But I would ask that there be some
10 clarification when you say the possessives "her" and well
11 specifically "his" because I think you're referring on one
12 sense to Leon Harrison Jr. then another sense to Alexander
13 Rhue Sr.

14 THE COURT: Mr. Hazzard. Mr. Hazzard, she's
15 making an argument to me.

16 MR. HAZZARD: Yes, sir.

17 THE COURT: And so where she didn't interrupt you,
18 I'd appreciate you not interrupting her. And I will give
19 you, you know, I will give you time to voice anything you
20 want to. You've been with me the eight days, you know that.
21 So, just bear with me, let me hear from the Solicitor and
22 we'll move around and I'll allow you to address whatever
23 concerns you have. Okay, sir?

24 MR. HAZZARD: Yes, sir. My apologies to you.

25 THE COURT: That's all right.

1 Go ahead, Solicitor. I'm sorry.

2 MS. RICHARDSON: Your Honor, going back to the
3 hand of one is the hand of all, we also look at the evidence
4 against the other two participants as far as statements by
5 Alexander Rhue Jr. to two different individuals. And also
6 the actions of Ms. Rhue in leaving the voice mail and the
7 bank or the Western Union being contacted after it was
8 indicated he had left.

9 THE COURT: All right.

10 MS. RICHARDSON: And the circumstances taken all
11 together, Your Honor, and, again, a small home there was an
12 argument, there's evidence of blood letting in that house
13 concealment of the blood letting, and that Mr. Rhue Jr.
14 acted -- Mr. Rhue Sr. actively goes to Walmart to get
15 peroxide to aid in cleaning that or removing those stains.

16 There's evidence that one spot of the blood is one
17 in, whatever, octillion, with a strong profile. And then
18 the other area had shown some evidence of a lower profile
19 which could be evidence of cleaning, as stated by Dr. Amick.

20 THE COURT: All right. Let me hear from you on
21 the obstruction.

22 MS. RICHARDSON: Again, Your Honor, as far as the
23 obstruction actions that he took to hinder and obstruct this
24 investigation primarily, Your Honor, that he lied about his
25 whereabouts and the whereabouts of his son. He is clearly

1 on -- he, in particular, is clearly on video in the Walmart.
2 His cell phone leaves the area after he told them it did
3 not, that caused them to have to go to Walmart and watch all
4 the hours of video, get the mappings and that sort of thing
5 done. Those actions aid -- or hindered law enforcement.

6 Also, Your Honor, by purchasing an agent that can
7 clean blood. There was concealment and obstruction of some
8 of the evidence in the house, which also was obstruction of
9 justice. The joining together with everyone to turn off the
10 cell phones during that period of time in the middle of the
11 night.

12 But, primarily, Your Honor, he lied about his
13 whereabouts and the whereabouts of Alexander Rhue Jr., which
14 required -- and the whereabouts of Leon Harrison Jr.,
15 because the phone records make it clear that his phone was
16 still in the house.

17 THE COURT: I'm sorry. What was that again,
18 Solicitor?

19 MS. RICHARDSON: That his -- and the whereabouts
20 of Leon Harrison Jr., because he indicated that he left sort
21 of immediately after the argument, and then we have these
22 phone calls that span about an hour-and-a-half period of
23 time. Including the phone calls and voice mails to Rosario
24 Grate that span a period of time. But also the phone calls
25 from his phone immediately after the same number was called

1 by Tiesh Rhue's phone.

2 THE COURT: I want to ask you one other thing,
3 Solicitor: Is it your recollection that the evidence was
4 that he informed law enforcement that he was home all night?
5 Because I don't remember hearing it that way. I don't
6 remember him saying -- now, I thought he said he was at home
7 or he went to bed. And then at one other point he said that
8 his son came in there and ironed a shirt and things like
9 that.

10 MS. RICHARDSON: It's my recollection that he
11 indicated that he was at home. And that he got up at 1:00
12 in the morning and checked for the victim.

13 THE COURT: Right.

14 MS. RICHARDSON: There's also a phone call to --

15 THE COURT: Or the dogs. He said he got up and
16 looked and checked on the dogs. Uh-huh.

17 MS. RICHARDSON: And also, Your Honor, he made a
18 phone call with Tiesh Rhue in the middle of the night, as
19 well.

20 THE COURT: All right. Let me do this, I'm going
21 to come back to you, Mr. Hazzard, I'm not going to forget
22 about you, if I do, remind me.

23 Let me hear from you, Mr. Voigt, as it relates to
24 your client, sir.

25 MR. VOIGT: Thank you very, Your Honor.

1 THE COURT: In regard to -- let's just start off
2 with the -- with the murder, with the desecration of the
3 body, and the obstruction. If that's all right?

4 MR. VOIGT: Judge, in any order, that's fine.

5 THE COURT: It keeps it easy, since that's the way
6 he started, if we could just go in that route, it helps me
7 with my notes and it helps my clerk how to think.

8 MR. VOIGT: And I was inclined to go the opposite
9 way, just because of the ease of the hill that I have to
10 climb. But regarding the murder, as the Court is aware, the
11 Court is looking for the existence of evidence not its
12 weight. And so I'm going to tailor my arguments to the
13 existence of evidence.

14 There is no evidence that Alexander Rhue Jr.
15 lifted a hand to Leon Harrison Jr. at any time, in any way,
16 that brought about Mr. Harrison Jr.'s death.

17 There is testimony that he was in the house on
18 that night. His own -- his own statement places him --

19 THE COURT: Let me stop you right there.

20 MR. VOIGT: Sure.

21 THE COURT: Don't the -- didn't the snitches say,
22 He took him out and rolled him or took him for a ride? And
23 didn't the other fella say that he told him that he killed
24 him? I mean, that's just -- that's what I heard, and if
25 that's what I heard. How, if I look at those two witnesses

1 in the light most favorable to the State, how in the world
2 do I get around that? That's what I want you to address.

3 MR. VOIGT: All right. Let's go with the
4 statement, He's out of here, which I believe is what
5 Mr. Simmons said. All right.

6 I don't know that that is subject to only one
7 interpretation. All right. He also said, We took him for a
8 ride. So Antwan Simmons' statement here today, which is
9 slightly different than what he may have said in other
10 places, but when I say here today, during this trial, he
11 said, We took him for a ride and he's out of here.

12 Now, let's look at the, He's out of here, part.
13 This is a man who has come and gone. He's here and there.
14 There's plenty of testimony in the record that there are
15 long gaps of Mr. Harrison Jr.'s absence from the house. I'm
16 not sure in and of itself that statement conclusively is --
17 it doesn't read as a confession.

18 And then, We took him for a ride. All right. In
19 almost the next breath he concedes that my client does not
20 drive. Does not have a car. There's no evidence that he
21 has a car. There's no evidence -- and this is where the
22 State puts up evidence that seems to be directly
23 contradictory to this. And, again, we're not talking about
24 weight, we're talking about existence.

25 The cell phone location data records of my client

1 do not put him near the Walmart. They don't put him in a
2 place that's -- other than the place where he laid his head
3 that night, they don't put him in a place that gives rise to
4 any sort of suspicion of illegal activity.

5 We don't have any evidence whatsoever of putting
6 him in the room of the house. There's no DNA, there's
7 nothing like that. We don't have the extraneous phone calls
8 that can't be explained or anything like that.

9 The best evidence that the State has produced from
10 its witnesses, the existence of evidence, is that Mr. Rhue
11 Jr. is entirely dependent on others for transportation, for
12 all purposes. And the evidence submitted by the State, they
13 have not put any evidence into the record that -- where a
14 jury could believe that Mr. Rhue was capable of giving
15 anyone a ride even as colloquially slang for doing something
16 bad or malicious to him.

17 So I don't believe -- I believe that the State --
18 the existence of the State's evidence just -- it does not
19 exist as to desecration of human remains. And I can always
20 go back to murder if you have a question.

21 THE COURT: I've heard enough on murder.

22 MR. VOIGT: Thank you.

23 THE COURT: I don't mean to cut you off, if
24 there's anything else you want to talk to me about.

25 MR. VOIGT: No. No. I was ready to -- the dial

1 had kind of turned and I was ready to move --

2 THE COURT: Yes, sir, that's fine. Go right
3 ahead, sir.

4 MR. VOIGT: As to desecration of human remains,
5 there is no evidence placed into the record by any witness
6 of the State as to the time of death of Leon Harrison Jr.

7 There is no evidence whatsoever that my client had
8 anything whatsoever to do with transporting Mr. Harrison's
9 body from wherever he may have died, which has not been
10 established by any positive evidence of the State, to
11 wherever he may have been found. There's no evidence
12 whatsoever educed that he tied knots, that he left a body.
13 We have no idea were the knots tied before Mr. Harrison died
14 or after. It may have a bearing on desecration of human
15 remains, but we don't have that evidence. We have
16 conjecture, we have theories, we have suppositions, but we
17 don't have evidence.

18 And so as to desecration of human remains, I see
19 no evidence in this record to support it, even with the fact
20 that perhaps the statute is vague. But even if the statute
21 ute does not fail for vagueness, there's no evidence in this
22 record that Alexander Rhue Jr. did anything in furtherance
23 of the desecration of the body of Leon Harrison Jr.

24 As to obstruction of justice. The testimony --
25 it's the positive testimony that my client comes in

1 willingly of his own volition to the police station and
2 gives a statement. He tells the police officers his phone,
3 he tells them where he was, and he submits to a buccal swab
4 with not a hesitation. Within the first 30 days of this
5 investigation, the person who, I believe the State believes
6 is the prime suspect in this homicide investigation, walks
7 into the Georgetown Police Station, gives the officers a
8 statement, gives them his DNA and his phone number. I don't
9 believe he's hindered or obstructed any part of this
10 investigation.

11 I don't remember Investigator Morris testifying
12 that my client obstructed this investigation. Any sort of
13 extra hurdle that police would have had because of my -- you
14 know, my client intentionally did anything. We don't have
15 that evidence.

16 And so I would join with Mr. Hazzard with the
17 differentiating how the facts as they play out in this trial
18 will apply to our different clients.

19 THE COURT: Thank you.

20 Solicitor, in regard to the Mr. Rhue Jr., I'm
21 happy to hear from you.

22 MS. RICHARDSON: Your Honor, as for the murder,
23 again, as Your Honor stated there were two different
24 individuals who said that he admitted to doing something or
25 being involved. I took him for a ride, which the witness

1 said was slang for killing him, also that the other witness
2 indicated they had dumped the body.

3 Your Honor, he also had the text message to his
4 friend in the middle of the night indicating there had been
5 some sort of family emergency and that he needed to leave
6 the area.

7 Again, Your Honor, that he said that he was home
8 all night, which was actually contrary to what his dad said
9 the first time. And that he, again, the officers identified
10 him as being on the video at Walmart. That the cell phone
11 records show that he had moved from the area that caused the
12 officers to have to go to Walmart and look for additional
13 information. Went so far as to try to --

14 THE COURT: Solicitor, remind me where is it he
15 said he was home all night? I'm trying to remember where
16 that was in the testimony.

17 MS. RICHARDSON: It was on the 3/13/2107 interview
18 where he's eating the Ramen noodles.

19 THE COURT: Okay. When he was at the
20 headquarters?

21 MS. RICHARDSON: Right, when he was at the
22 headquarters and he told Bobby Sorze (ph), I was playing
23 video games and watching a movie and that sort of thing
24 being home all night. He heard an argument, that he left,
25 and he did give any of that information.

1 THE COURT: All right. Go ahead.

2 MS. RICHARDSON: There was also evidence of malice
3 and problems between Mr. Rhue Jr. and the victim.

4 And, Your Honor, I'll point out and I don't have
5 the whole case, I'm just looking at a summary of it, that
6 evidence that Defendants are the last person to be seen at
7 the -- at the incident location where the State believes the
8 murder occurred. Also efforts to conceal evidence or
9 circumstantial evidence of the guilt of the Defendants.

10 Again, Your Honor, the same things I said earlier
11 about the blood and the evidence there. And, Your Honor, I
12 would submit, too, that as far as guilty knowledge and
13 attempt to conceal whereabouts, the fact that their phone
14 doesn't ping or be tracked at Walmart indicates efforts that
15 it wouldn't happen. And, of course, we evidence -- or that
16 they had left it at home purposely.

17 And we have evidence from Allen Huggins regarding
18 efforts to conceal their whereabouts in the middle of the
19 night and the parties acting in concert to do so.

20 THE COURT: All right. Thank you.

21 Mr. Edgeworth, I'm happy to hear from you, sir,
22 with regard to your client, Ms. Rhue.

23 MR. EDGEWORTH: Thank you, Your Honor. May it
24 please the Court. I'll try not to be overly accumulative
25 with some of the arguments already made.

1 THE COURT: Take your time, sir.

2 MR. EDGEWORTH: But even beginning with the
3 murder, and I'm going to try to make my thoughts as linear
4 as possible as far as the argument is concerned, but my
5 instinct is to always to start with the biggest question
6 that we're missing here is: We don't know when Mr. Harrison
7 died and we don't know where he died.

8 There is no evidence whatsoever in the record as
9 to those two facts. And to make the greatest point on that
10 particular issue, which goes to the rest of my argument, is
11 the pathologist testified that, you know, because of the
12 state of the body, there was -- the only catch all of
13 information that they could conclude from the autopsy was a
14 catch all phrase called "homicidal violence." And her basis
15 for that was the fact that the body was tied up.

16 So she further stated that you can't really get
17 into the details of whether he drowned, so therefore we
18 don't know whether he was bound and drowned. And there was
19 no -- which leads to the point that we don't know -- there
20 was no testimony where and when the blood that they found in
21 the home came from.

22 What the State is attempting to do is have us
23 speculate, or have the jury speculate, that there must have
24 been some type of incident of which there's no evidence.
25 It's not -- the pathologist didn't indicate that --

1 THE COURT: I'm sorry. I'm sorry.

2 MR. EDGEWORTH: Yes, sir.

3 THE COURT: There's been no evidence -- what were
4 you saying there?

5 MR. EDGEWORTH: There's no evidence -- the point I
6 made just before you --

7 THE COURT: Yes, sir.

8 MR. EDGEWORTH: -- inquired was: There's no
9 evidence in the record as to when the blood that they found
10 in the home was placed there.

11 THE COURT: Correct.

12 MR. EDGEWORTH: And the mere fact that they're now
13 using blood that is found without knowing when it was put
14 there is -- they're asking the jury to speculate and to
15 reach a conclusion that can't be reached without any further
16 evidence with these circumstances.

17 In regards to Ms. Rhue, the evidence shows that
18 she was in her home at all times. And because we do not
19 know when and where Mr. Harrison died, based on the evidence
20 that's in the record, there's no -- there's no evidence that
21 supports that she was involved in his murder.

22 As to the -- shall I move on, Your Honor?

23 THE COURT: Yeah, that's fine. Yes, sir.

24 Go ahead. Whatever you want.

25 MR. EDGEWORTH: As to desecration, I move back to

1 the same point. Because we don't know when and where
2 Mr. Harrison died. We don't know when or how or why the
3 body could have been desecrated in any form or fashion. In
4 regards to my client, the evidence shows that she was in her
5 home at all times, or at least in the area of which her
6 home, based on the cell phone records, at all times
7 consistent with the evidence that's been put forth before
8 this Court.

9 If the State were making the argument that by
10 moving the body to the Black River at some time, the
11 evidence doesn't show that she left her home or the area in
12 which her home is.

13 If their contention is that she died -- that
14 Mr. Harrison died in the home, there's no evidence that
15 Ms. Rhue participated or had anything to do with the
16 movement of that body.

17 And then, lastly, Your Honor, as to the
18 obstruction charge I would submit to the Court that from day
19 one, and all the evidence is in the record, Ms. Rhue has
20 participated in the investigation. She made multiple
21 voluntary statements. She gave consent to search her cell
22 phone and to give a buccal swab. She did not -- she was
23 never asked in regards to anything other than her -- where
24 she -- or the context of the arguments that she had with
25 Mr. Harrison and even acknowledged that she had taken the

1 phone. She didn't lie about any specific -- or she didn't
2 lie about any fact that was asked by law enforcement. And,
3 not only that, she was asked multiple times.

4 So the fact that they don't accept her answers
5 doesn't make it obstruction. And I would submit to you that
6 based on that that I would join in the motions to dismiss
7 these counts.

8 THE COURT: All right. Solicitor.

9 MS. RICHARDSON: Your Honor, what I'm hearing from
10 everybody is just because -- there's no requirement under
11 the law that you pinpoint exactly the time of death and the
12 actual method of death beyond it being a homicide. There
13 are plenty of cases where bodies are completely decomposed
14 or even no body cases, Your Honor. But we do have evidence.
15 This about the existence and not the weight of evidence. We
16 do have evidence of when he died.

17 That evidence is based on his -- when his cell
18 phone was turned off, when his cell phone appeared to be
19 being used by her, because she was also using hers to try to
20 access his bank accounts. That is when his cell phone
21 deactivated from the network and was still in that area.

22 And where he -- where he died, Your Honor, we do
23 have evidence of that. There is blood found, his blood,
24 found in the house in the area that's being concealed there
25 is a portion consistent with castoff. Evidence of an injury

1 the last night that he was seen, Your Honor, is evidence of
2 where he died and when he died.

3 THE COURT: Hold on. Evidence of an injury the
4 last night he was seen?

5 MS. RICHARDSON: Right.

6 THE COURT: Where is the evidence of an injury the
7 last night he was seen? Because we have no idea how long
8 the blood's been there, correct? Zero testimony to that.

9 MS. RICHARDSON: Well, when did they go to clean
10 it up. We've got that. We've got evidence that that's the
11 night they went and they lied about their whereabouts to go
12 get peroxide.

13 THE COURT: All right.

14 MS. RICHARDSON: That is evidence that that's when
15 the blood was spilled in the house and efforts were taken to
16 clean it up. Also, Your Honor, any -- a change to the
17 pattern of life of the victim as far as people not being
18 able to get in touch with him, I know there's been some
19 other evidence, but as far as the phone being cut off
20 completely that night, in conjunction with the peroxide, the
21 missing carpet, the blood, his blood being found in the
22 house, is evidence of when and where he died.

23 THE COURT: All right. Mr. Hazzard, you want to
24 tell me something else, sir?

25 MR. HAZZARD: Yes, sir, Your Honor. Very briefly.

1 May it please the Court.

2 I would submit all of this would be interesting
3 had the jury heard some testimony that -- from someone
4 placing the components of hydrogen peroxide on that padding.
5 I would think then maybe the jury could make a logical
6 connection between a substance purchased in the pharmacy
7 section that has many, many, many uses. If it was a
8 cleaning agent, it would be in the cleaning section.

9 If they had something where one of the five
10 children said, Yeah, I woke up the next morning and Grampy's
11 on his knees scrubbing the carpet padding with a bottle of
12 peroxide beside him, then maybe we would have something
13 where the jury could make a logical connection. It leaves
14 speculation, conjecture, and suspicion, which are not
15 permissible.

16 And I loved the way, facetiously saying, they are
17 trying so hard, because part of the State's argument to this
18 court on this motion, Well, we have evidence that Tiesh Rhue
19 called out to her father. That's nice. My wife calls out
20 to me all the time and, much to her chagrin, I don't hear
21 her or respond.

22 Now, if you had some testimony when they were
23 asking her questions and she said, Okay, you say I called
24 out to him. If they said, Well, what did he do? Did he
25 come to your aid? Did he come and talk to you? Did he come

1 out back where the argument was supposedly happening? Then
2 maybe we would have something.

3 But for their argument to be that his involvement
4 is based on the fact that someone else allegedly called out
5 to him with absolutely no testimony or evidence regarding
6 actions on his part or a response, I would submit, fails.

7 And then the Prosecutor says, We have evidence of
8 the injury that night. The Court has already pointed out,
9 we have no idea how long that blood was there, none
10 whatsoever.

11 So I appreciate what they want to be in the record
12 and what they want the evidence to be, but, no, we have
13 absolutely no evidence that the injury was sustained that
14 night. We have no absolutely no evidence that the blood
15 found in that room has anything to do with his death.

16 And, for instance, we don't even know that he was
17 injured that night. Why don't -- we do we not know?
18 Because the Prosecutor tried really hard, if the Court
19 thinks back to the pathologist's testimony, the Prosecutor
20 tried really, really hard in talking about the damage to
21 Mr. Harrison Jr.'s corpse, to try to say, Well, couldn't
22 this be from some form of homicidal violence? She kept
23 pushing that narrative and the pathologist kept saying,
24 Well, yeah, it could be, but it looks more like predation.
25 We heard the word "predation" probably 11 or 12 times,

1 meaning we have no idea if he was alive when he was put
2 there, if he was dead when he was put in there. Again, all
3 simply calling for speculation as to murder, as to
4 desecration of human remains.

5 And I would point out this to the Court, and I
6 will sit down, the Prosecutor keeps saying, Well, he was in
7 the house. Well, as the Court pointed out, Yes, he lives
8 there the vast majority of the time, he being Alexander Rhue
9 Sr.

10 By the law, as I understand it, when you're
11 talking about the hand of one is the hand of all, Alexander
12 Rhue Sr. could have been sitting there on the couch and
13 watched two other people kill Mr. Harrison Jr., with
14 knowledge beforehand that they were going to kill him, but
15 if did not aid or assist in any way, he would not be guilty
16 under the hand of one is the hand of all. That is my
17 understanding of the law.

18 THE COURT: What is the relationship with that and
19 the mere presence?

20 MR. HAZZARD: Because that's --

21 THE COURT: Merely presence, remind me of that.

22 MR. HAZZARD: Well, let's see -- and once again
23 I'm looking at the Court's own charge here -- it says, Prior
24 knowledge of the crime that's going to be committed without
25 more is not sufficient to make a person guilty of that

1 crime. Mere knowledge that another person is going to
2 commit a crime, even if the defendant is present when the
3 crime is committed is not sufficient to convict the
4 defendant as principle. Guilt as a principle is shown by
5 actual or constructive presence at the scene as a result of
6 prior arrangement.

7 THE COURT: All right.

8 MR. HAZZARD: So my position is, Yes, he was
9 present and that is -- that is all that they can show.
10 That, yes, he was present in the place where he lays his
11 head the vast majority of the time. There has been no
12 evidence submitted for the jury's consideration that he knew
13 of anything that allegedly happened to Mr. Harrison in the
14 house.

15 There's been no actual real substantial testimony
16 or evidence that anything actually did happen to him in the
17 house that night. And the Court asked regarding the Black
18 River, both sides of the Black River, very well, are in
19 Georgetown County. But I'll tell you, if you go a couple of
20 miles farther upstream, you're in Williamsburg County.

21 So we have absolutely no evidence -- and I believe
22 it's Williamsburg County, it's definitely another county
23 than Georgetown, so we have absolutely no evidence as to
24 when and where his body was placed in the Black River, where
25 it was ultimately found.

1 THE COURT: Okay.

2 MR. HAZZARD: So I would submit they even failed
3 with regard to the issue of jurisdiction. They are hoping
4 people buy into the, It happened at the house that night,
5 but I submit that all they have is conjecture and
6 speculation and suspicion and that is not sufficient to
7 survive the --

8 THE COURT: All right. Is the Defense -- is there
9 anything else the Defense wants to tell me as it relates to
10 the directed verdict motion?

11 MR. VOIGT: No, sir. I would join in with
12 Mr. Hazzard's comments.

13 THE COURT: All right.

14 MR. EDGEWORTH: Likewise, Your Honor. Nothing
15 further.

16 THE COURT: Solicitor, is there anything else you
17 want to tell me?

18 MS. RICHARDSON: Yes, Your Honor. If there's
19 evidence, and we have some direct and some circumstantial
20 evidence, if there's evidence that a jury could logically
21 deduce what had happened and points to the guilt of the
22 defendants, and that's what we have here, Your Honor.

23 It's almost like if -- obviously, this individual
24 was murdered. Obviously he was killed at the hands of
25 others. And he was killed in a manner where they attempted

1 to conceal how he died and, obviously, they were attempting
2 to get away with it. And evidence of concealing a crime is
3 evidence of guilty knowledge, of being involved in the
4 crime, Your Honor. And, You Know, if Mr. Perry hadn't been
5 outside working in his yard.

6 THE COURT: And that was a case, Solicitor? You
7 were --

8 MS. RICHARDSON: Yeah.

9 THE COURT: Make sure -- I need my clerk to get
10 that case for me.

11 MS. RICHARDSON: State v. Lawless, 541 SC 2nd 254.

12 THE COURT: Okay.

13 MS. RICHARDSON: Also State v. Edwards, 379 SC 2nd
14 888.

15 THE COURT: All right.

16 MS. RICHARDSON: And, again, we're looking at the
17 existence or non-existence of evidence and not it's weight.
18 And we're not looking at just one piece of evidence, we're
19 looking at, because it is a circumstantial case, how that
20 evidence builds together, Your Honor.

21 THE COURT: All right. I will tell you that, as
22 it relates to the murder charge for Mr. Rhue Jr., while it
23 may not be very strong, sir, I think there definitely is
24 evidence that's been presented that is going to allow that
25 charge to go to the jury. I think by virtue of the

1 testimony alone.

2 So, as it relates to the murder charge for
3 Mr. Rhue Jr., I'm going to deny that motion and I'm going to
4 allow that matter to move forward at this point. Okay?

5 The other matters, I'm going to have to think
6 about it and I'm going to let you know about those tomorrow
7 morning. I'm going to have to -- I'm going to have to get
8 some more -- the -- that one, Mr. Voigt, to me becomes
9 pretty elementary and I think there's enough there, and I
10 think you can take that any number of ways, but one of the
11 ways that you can definitely take that testimony, and I
12 think the jury can believe that individual. And I think
13 that's enough right there to allow this to move forward and
14 for me to deny your motion as it relates to that.

15 As it relates to all of the other charges against
16 Mr. Rhue Sr. and Ms. Rhue, I've got to think about those and
17 I'm going to deliberate some over those tonight, try to look
18 at those cases. And what I plan on doing is, I'd like for
19 everybody to be back here at 9:00 tomorrow, we'll go and
20 I'll go ahead and let you know what my decisions are there.

21 Then, of course, you gentlemen, I'm sure this
22 evening, I know you've already done this, but you may want
23 to talk with or give you an opportunity to talk with your
24 clients about their rights and their Constitutional Rights
25 as to what they want to do. And then I will go and I will

1 question them about those -- about whether or not they want
2 to testify. I'm going to question each of one of the
3 defendants in detail about that and make sure that we
4 understand and that they understand that that's their
5 decision and no one else's.

6 But we'll go over all of that tomorrow, but I want
7 to give y'all adequate time to talk with your clients about
8 that and what you want to do. And, of course, then if
9 there's any case you want to put forward, we'll move forward
10 with that.

11 The jury charges, the only thing -- I think we've
12 already had a conference as it relates to the jury charges.
13 I think I'm taking out the -- where keeping in the hand of
14 one the hand of all, but the conspiracy charges are out.
15 And so that will be the modification that we will make I
16 think to the jury charges, okay? So I don't want to get in
17 here and start debating the jury charges again tomorrow.
18 Okay?

19 So, to that extent -- I say that, you know, if
20 something comes up, but what I don't want to do is spend an
21 hour deliberating the charges. I think we've got that down.
22 If there's something that comes up, I'm happy to listen, but
23 I want to try to, in fairness to everybody, try to move
24 things along.

25 Anything further from the State? Does the State

1 have any motions? Do you have anything in reply -- any
2 motions -- anything you need to bring to the Court's
3 attention at this point?

4 MS. RICHARDSON: Your Honor, the only thing I can
5 say, I think somehow I missed Mr. Edgeworth, I don't know if
6 Mr. Hazzard jumped in before he -- I don't know. Somehow I
7 missed Mr. Edgeworth.

8 I would say, Your Honor, as to her, you know,
9 again, there is some evidence in the record regarding, you
10 know, said labor, and the Court could consider that as well.

11 THE COURT: All right. And I understand that
12 argument. All right. So we'll be at ease until 9:00
13 o'clock tomorrow morning.

14 And, I'm sorry, anything else from the Defense,
15 Mr. Hazzard?

16 MR. HAZZARD: No, sir, Your Honor.

17 THE COURT: All right. Mr. Voigt?

18 MR. VOIGT: No, Your Honor.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. And I want y'all to know
22 when I joke a little bit about my law clerk, that's just
23 joking. She does a fabulous job and I want her to know
24 that, okay? I want y'all to know that, too. All right?

25 All right. Thank y'all. See y'all tomorrow

1 morning.

2 (WHEREUPON, the proceedings adjourned for the day
3 at 6:11 p.m.)

4 OCTOBER 20, 2021

5 (WHEREUPON, the proceedings resumed at 9:08 a.m.)

6 THE BAILIFF: All rise.

7 THE COURT: Thank you very much. Please be
8 seated.

9 MR. HAZZARD: My apologies for delaying the Court.

10 THE COURT: No problem.

11 MS. RICHARDSON: Before we start, can we meet with
12 you, Your Honor?

13 THE COURT: Sure.

14 MS. RICHARDSON: And may I ask that we step in the
15 back hallway to do this? I'll explain why.

16 THE COURT: All right.

17 (WHEREUPON, there was a pause in the proceedings.)

18 THE BAILIFF: All rise.

19 THE COURT: All right. Thank you, you can be
20 seated. All right.

21 Concerning some ruling on the motions for directed
22 verdict, I've thought about this matter, or these matters,
23 for a significant amount of time last night and this
24 morning. As it relates to the desecration of the body and
25 the motion for directed verdict, I would grant the motion

1 for directed verdict as to all three Defendants on the
2 desecration of the body charge. I don't think we know when
3 Mr. Harrison passed away. We don't know when he died. And
4 I think amongst other things where desecration of the body,
5 somebody has got to be deceased. And so to that extent, we
6 don't know when -- we don't know if he was alive or if he
7 was whether he was deceased when speaker wire may have been
8 wrapped around him. We don't know when -- exactly when or
9 where he was thrown or placed into the river.

10 And so to that extent, I think that, for instance,
11 I don't know that would be desecration of a body if he was
12 alive when he was thrown into the river if that is, indeed,
13 what happened. I don't -- there's just not any evidence as
14 it relates to who touched him, where he was touched, and
15 even if he was touched after he was deceased.

16 As a result of that, I think that it would be --
17 the jury could only speculate as to the desecration of a
18 body charge. And so, for those reasons, I am going to grant
19 the motion for directed verdict as it relates to desecration
20 of the body as to all three Defendants.

21 I've already ruled that I was going to deny the
22 motion for directed verdict as it concerns Alex Rhue Jr.
23 regarding murder. I want to also now place on the record
24 that I'm going to deny the motion for directed verdict as to
25 murder regarding Mr. Rhue -- Defendant, Mr. Rhue Sr., and

1 Defendant, Ms. Rhue.

2 I am also going to deny the motion for directed
3 verdict for obstruction of justice as it relates to all
4 three Defendants, Rhue Sr., Rhue Jr., and Ms. Rhue.

5 I reviewed the case of State versus Mueller, and
6 that is Opinion Number 5590425 SC 625, that's 825 SE 2nd 53.
7 That's a 2019 case, which reads among other parts:

8 Circumstantial evidence gains its strength from its
9 combination with other evidence and all the circumstantial
10 evidence presented in a case must be considered together to
11 determine whether it's sufficient to submit to the jury. In
12 the lens through which a Court considers circumstantial
13 evidence, when ruling on a directed verdict motion it's
14 distinct from the analysis performed by the jury. To wit,
15 my analysis is to determine whether the evidence presented
16 is sufficient to allow a reasonable juror to find the
17 defendants guilty beyond a reasonable doubt.

18 I believe that there has been substantial
19 testimony to allow this matter to go to the jury, both of
20 these charges. I believe that the facts -- or I believe
21 that the evidence, when looked at in the light most
22 favorable to the State, I believe that it shows that, at the
23 residence on Highmarket Street, there was a large amount of
24 blood found. I believe that this blood was, in fact, I
25 think there's evidence that this was, in fact, the victim's

1 blood. There's evidence that the carpet cut looked fresh.
2 To wit, I think it's very reasonable to infer that the
3 blood, in fact, was fresh, relatively speaking.

4 I know that the expert was not able to opine
5 whether it was fresh or not fresh, but I think that when you
6 take the carpet cut in conjunction with the testimony from
7 the officers that it looked fresh. I think were was
8 testimony that the victim and Ms. Rhue, for a lack of better
9 words, had a very volatile relationship. That evening
10 they -- she was mad at him, they argued. Mr. Rhue Jr. had a
11 bad relationship with the victim.

12 Again, I'm looking at all of this and summarizing,
13 surmising, based upon what I believe, looking at it in the
14 light most favorable to the State, I think that their
15 evidence was that Mr. Rhue Jr. had a bad relationship with
16 the victim. The victim's phone -- I think there's
17 sufficient testimony that the victim's phone never left the
18 house. I think there's sufficient testimony that this was
19 the last place the victim was seen alive. I think there's
20 sufficient testimony that the defendant had realized, that
21 evening, in fact, that their relationship was over.

22 I think there's testimony that tends to indicate
23 that Mr. Rue Sr. indicated that he was at the home all
24 night. And that he was not fully forthcoming to law
25 enforcement and/or was deceptive in that fact. I think the

1 jury can reasonably deduce that based on the evidence that's
2 been presented. I think he provided conflicting testimony
3 as to when he went to bed and, that is, when he went to
4 sleep. This was a small house. There's evidence that she
5 was yelling out for her father, Mr. Rhue Sr.

6 Again, it appears, I think there's evidence that
7 the defendant's phone's never left the home, but, in fact,
8 two of the defendants went to Walmart. They purchased
9 peroxide at 1:00 a.m. There was testimony that it was a
10 cleaning agent and that it would prevent or could interfere
11 with a DNA ID or match. It could interfere with the
12 sourcing of the blood. The phone evidence, again, certainly
13 indicates that the phones were turned off at or about the
14 same time. I think there's a strong inference. I think
15 there's also -- I think there's circumstantial evidence --
16 there's suspicion, circumstantial evidence to show a
17 coordination of activity between these individuals that
18 evening.

19 He wasn't reported missing for several weeks.
20 Mr. Rhue Sr. was giving him rides everyday to work or
21 picking him up, but nothing is going on for two weeks, he
22 doesn't report him missing, he doesn't take any action.

23 There's testimony that Mr. Rhue Jr., at least
24 through the witnesses, say that Mr. Rhue Jr. indicated that
25 he killed or certainly can infer that he killed the

1 defendant. There's testimony that Mr. Rhue Jr. indicated
2 that, We dumped him, or I don't know if it was dump the body
3 river, but, We dumped him. And I think that "We" certainly,
4 based upon the facts that have been presented and the
5 coordination, the evidence -- the circumstantial evidence of
6 coordination between these individuals, in that small house,
7 that evening, I believe, allows a jury to, based upon that
8 evidence, I think that a jury could, in fact, decide or find
9 that all three of these individuals are guilty beyond a
10 reasonable doubt.

11 In addition, I also want to -- I remember that
12 Mr. Rhue Jr. also had a very unusual text about things being
13 messed up and needing to leave town or leave town quickly.

14 All right. I think that, for all of those
15 reasons, I believe that there's sufficient evidence for this
16 matter, in the light that I'm required to review this
17 evidence, to allow this matter to move forward and to deny
18 those directed verdicts at this time as it relates to the
19 murder concerning all three defendants and, as it relates to
20 obstruction of justice as it relates to all three
21 defendants. And that will be my ruling.

22 Any questions from the State? Does the State
23 understand my ruling?

24 MS. RICHARDSON: Yes, Your Honor.

25 THE COURT: I'm not asking if you agree with it,

1 I'm just asking that you make sure you understand the ruling
2 I've made and had any questions concerning it?

3 MS. RICHARDSON: No, Your Honor. My only question
4 would be how to, of course, we all advise the jury at the
5 beginning what the charges were, how to address that issue
6 with the jury.

7 THE COURT: All right. We'll talk about that in a
8 second.

9 Concerning my ruling, Mr. Hazzard, you understand
10 it, sir?

11 MR. HAZZARD: Yes, sir.

12 THE COURT: All right. Mr. Voigt?

13 MR. VOIGT: I understand it and please note my
14 exception where applicable.

15 THE COURT: Yes, sir. And with Mr. Hazzard, I
16 understand that. And Mr. Edgeworth?

17 MR. EDGEWORTH: Yes, Your Honor.

18 THE COURT: From the Defense, let me ask you: How
19 would you propose, as it relates to now, basically, we're
20 down to, I guess, two charges and instructing the jury to
21 that? I submit I will just tell them that basically the
22 only two charges that they need to consider that we're going
23 to talk about are these and the other charges, you know, as
24 a matter of law, they're not -- you know, we've disposed of
25 that, or as a matter of law that they're not to take up or

1 consider those?

2 MR. HAZZARD: I have no objection to that
3 instruction.

4 MS. RICHARDSON: That's suitable with the State,
5 Your Honor.

6 THE COURT: All right. I'll -- before we get them
7 out here, immediately with my charges, I will have something
8 written that I will hand to y'all. But it will be very
9 brief. I don't think there's any reason to bring a whole
10 lot of attention to that other than to merely state the
11 obvious, that's just not for their consideration. That
12 these are the charges that they are to consider.

13 All right. Mr. Hazzard, have you had an
14 opportunity to talk with your client about his right to
15 testify or his right to remain silent in this matter?

16 MR. HAZZARD: Yes, sir.

17 THE COURT: All right. Has he made a decision as
18 to whether or not he desires to testify or to exercise his
19 Fifth Amendment Rights and remain silent?

20 MR. HAZZARD: To my understanding he has.

21 THE COURT: And what is that, sir?

22 MR. HAZZARD: My understanding is that his
23 decision is to invoke his right to remain silent. And I
24 would ask the Court to have a colloquy with him to determine
25 that.

1 THE COURT: I plan on doing that.

2 Have you had an opportunity to talk to your client
3 about that, sir?

4 MR. VOIGT: I have, Your Honor.

5 THE COURT: And have you -- do you know -- has he
6 made a decision as to what he wants to do, sir?

7 MR. VOIGT: Your Honor, his decision is to invoke
8 his Fifth Amendment Right to remain silent.

9 THE COURT: I certainly understand that.

10 And Mr. Edgeworth, have you also had an
11 opportunity to talk with your client?

12 MR. EDGEWORTH: I have, Your Honor.

13 THE COURT: Okay. And has she made a decision as
14 to it relates to this?

15 MR. EDGEWORTH: Yes, Your Honor. She wishes to
16 invoke her Fifth Amendment Right.

17 THE COURT: All right. I understand.

18 What I want to do is -- and I know it's going to
19 take some additional time, but I want to go through the -- I
20 want to go through this individually with each Defendant.
21 Because I want each Defendant to understand clearly that it
22 is their individual decision and not a collective decision
23 amongst three Defendants with three family members.

24 So I want to -- and I know it will take a few
25 extra minutes, but I want to go through that individually,

1 with each Defendant.

2 Is there any objection to that, Mr. Hazzard?

3 MR. HAZZARD: No, sir.

4 THE COURT: Any objection?

5 MR. VOIGT: No, Your Honor.

6 THE COURT: Any objection?

7 MR. EDGEWORTH: No, Your Honor.

8 THE COURT: Any objection from the State?

9 MS. RICHARDSON: No, Your Honor.

10 THE COURT: All right. Well, at this time what
11 I'd like, y'all can be seated if you'd remain standing for
12 right now, Mr. Rhue Sr.

13 All right. Could we place -- and I'm sorry,
14 Mr. Rhue's first name escapes me.

15 MR. HAZZARD: Alexander.

16 THE COURT: All right. Mr. Alexander Rhue Sr.,
17 could someone place him under oath, please?

18 ALEXANDER RHUE SR., having been duly
19 sworn, testified as follows:

20 THE DEFENDANT: I do.

21 THE COURT: All right. Mr. Alexander Rhue Sr.

22 Sir, at this time I'm going to explain to you
23 certain of your rights. If you don't understand anything I
24 say, please let me know. If you want me to explain anything
25 in more detail, please let me know.

1 Do you understand that, sir.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. We now have reached the stage
4 of the trial where you may present your defense, sir. You
5 have the right to claim the protections given to you by the
6 Fifth Amendment to the Constitution of the United States.
7 This amendment states in part, sir, No person shall be
8 compelled in any criminal case to be a witness against
9 himself.

10 Do you understand that, sir?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Mr. Rhue, this means that
13 you cannot be required to testify in this case. You have
14 the right to testify on your own behalf however, no one can
15 make you testify. This is a personal right and no one can
16 waive this right except you, sir.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Rhue, if you decide to testify you
20 will be subject to the same rules that govern other
21 witnesses, and you may be examined and cross-examined on any
22 relevant issue in this case. In addition, if you have any
23 convictions involving dishonesty, sir, or false statement,
24 or for crimes punishable by imprisonment for more than one
25 year and this Court deems that the probative value of

1 admitting this evidence outweighs it's prejudicial effect to
2 you, the Solicitor will be able to introduce your record and
3 attack your credibility.

4 Do you understand that, Mr. Rhue?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: If you decide to testify, Mr. Rhue,
7 the decision on your part must be freely, voluntarily, and
8 intelligently made with knowledge of the protections given
9 to you by the Fifth Amendment and the consequences of your
10 decision to testify.

11 Do you understand that, sir?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you decide not to testify, I will
14 instruct the jurors that they cannot give the fact that you
15 did not testify any consideration whatsoever and that there
16 is to be absolutely no prejudice to you because you did not
17 testify.

18 Mr. Rhue, it is left entirely up to you, sir,
19 whether or not you testify. You may talk to your lawyer,
20 your family, friends, anybody else, but the final decision,
21 sir, is left to you.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand, Mr. Rhue, what I've
25 explained to you, sir?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions, Mr. Rhue,
3 about what I've explained to you?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Have you discussed with your lawyer
6 whether you should testify or not, sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you wish to talk with your lawyer
9 or need any more time to talk with your lawyer about this
10 matter at this time?

11 THE DEFENDANT: No, sir.

12 THE COURT: Do you wish to testify, Mr. Rhue?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. Thank you. You can be
15 seated.

16 THE DEFENDANT: Thank you.

17 MR. HAZZARD: Your Honor, if I may, I would also
18 place on the record, and this is something I actually
19 normally do in pretrial motions, I want to place on the
20 record the fact that, to my recollection, there were no plea
21 offers made to Alexander Rhue Sr. in this case. Therefore
22 there were no plea offers for him to consider, accept, or
23 reject.

24 THE COURT: All right, sir.

25 MS. RICHARDSON: Your Honor, there were no plea

1 offers, but there was an offer for him to proffer.

2 THE COURT: All right. Will you place
3 Mr. Alexander Rhue Jr. under oath, if somebody could do that
4 for me, please?

5 ALEXANDER RHUE JR., having been duly
6 sworn, testified as follows:

7 THE DEFENDANT: Yes.

8 THE COURT: All right. Mr. Alexander Rhue Jr.
9 Sir, you can put your hand down.

10 At this time, I'm going to explain, sir, a certain
11 of your right. If you don't understand anything I say,
12 please let me know. If you want me to explain anything in
13 more detail, please let me know.

14 Do you understand that, Mr. Rhue?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: We've now reached the stage of the
17 trial where you, sir, may present your defense. You have
18 the right to claim the protections given to you, sir, by the
19 Fifth Amendment to the Constitution of the United States.
20 And the amendment, in part, states that, No person shall be
21 compelled in any criminal case to be a witness against
22 himself.

23 Do you understand that, sir?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: This means that you cannot be required

1 to testify in this case. You have a right -- you have the
2 right to testify on your own behalf. However, no one can
3 make you testify. This is a personal right and no one can
4 waive this right except you.

5 Do you understand that, sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Sir, if you decide to testify, you
8 will be subject to the same rules that govern other
9 witnesses and you may be examined and cross-examined on any
10 relevant issue in this case.

11 In addition, if you have any convictions, sir,
12 involving dishonesty or false statement, or for crimes
13 punishable for imprisonment for more than one year and this
14 Court deems that the probative value of admitting the
15 evidence outweighs its prejudicial effect to you, the
16 Solicitor will be able to introduce your record to attack
17 your credibility.

18 Do you understand that, sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If you decide, Mr. Rhue, to testify
21 this decision on your part must be freely, voluntarily, and
22 intelligently made with knowledge of the protections given
23 to you by the Fifth Amendment and the consequences of your
24 decision to testify.

25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Sir, if you decide not to testify, I
3 will instruct the jurors they cannot give the fact that you
4 did not testify any consideration whatsoever. And that
5 there's to be absolutely no prejudice to you because you did
6 not testify.

7 It is left entirely up to you, Mr. Rhue, whether
8 or not you testify. You may talk with your attorney, your
9 family and friends, or anyone else, but the final decision,
10 Mr. Rhue, will be left entirely up to you.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand, Mr. Rhue, what I've
14 explained to you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any question about what
17 I've explained to you, Mr. Rhue?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Rhue, have discussed this matter
20 with your lawyer, that is, whether you should or should not
21 testify?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you need any additional time to
24 speak with your lawyer concerning this matter, Mr. Rhue?

25 THE DEFENDANT: No, sir.

1 THE COURT: Mr. Rhue Jr., do you -- Alexander Rhue
2 Jr., do you wish to testify, sir?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Thank you, sir, you can be
5 seated.

6 THE DEFENDANT: Yes, sir.

7 MR. VOIGT: And for the record, Your Honor, I
8 don't believe that Mr. Rhue Jr. was even offered a proffer
9 in this matter.

10 THE COURT: Okay. All right.

11 And can someone place Ms. Tiesh Rhue under oath,
12 please?

13 TIESH RHUE, having been duly sworn,
14 testified as follows:

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Ms. Tiesh Rhue, at this
17 time -- you can put your hand down, ma'am.

18 At this time I'm going to explain to you certain
19 of your rights. If you don't understand anything I say
20 please let me know, Ms. Rhue. If you want me to explain
21 anything in more detail, please let me know.

22 Do you understand that, Ms. Rhue?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Ms. Rhue, we've now reached the stage
25 of this trial where you may present your defense. You have

1 a right to claim the protections given to you by the Fifth
2 Amendment to the Constitution of the United States. And
3 this amendment states, in part that, No person shall be
4 compelled in any criminal case to be a witness against
5 himself.

6 Do you understand that, Ms. Rhue?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: This means that you cannot be required
9 to testify in this case, Ms. Rhue. You have the right
10 testify on your own behalf. However, no one can make you
11 testify. This is a personal right and no one can waive this
12 right except you.

13 Do you understand that, ma'am?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Ms. Rhue, if you decide to testify you
16 will be subject to the same rules that govern other
17 witnesses and you may be examined and cross-examined on any
18 relevant issue in this case. In addition, Ms. Rhue, if you
19 have any convictions involving dishonesty, or false
20 statement, or for crimes punishable by imprisonment for more
21 than one year, and if this Court determines that the
22 probative value of admitting this evidence outweighs its
23 prejudicial effect to you, the Solicitor will be able,
24 Ms. Rhue, to introduce your record and attack your
25 credibility.

1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: If you decide to testify this decision
4 on your part must be freely, voluntarily, and intelligently
5 made with knowledge of the protections given to you by the
6 Fifth Amendment and the consequences of your decision to
7 testify.

8 Do you understand that, Ms. Rhue?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Ms. Rhue, if you decide not to
11 testify, I will, in fact, instruct the jurors that they
12 cannot give the fact that you did not testify any
13 consideration whatsoever and that there's to be absolutely
14 no prejudice to you because you did not testify.

15 Ms. Rhue, it is left entirely up to you whether
16 you testify or not. You may talk to your lawyer, you may
17 talk to your family, friends, or anyone else, but the final
18 decision will be left entirely up to you.

19 Do you understand that, Ms. Rhue?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Ms. Rhue, do you understand what I've
22 explained to you, ma'am?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you have any questions about what
25 I've explained to you, Ms. Rhue?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Have you discussed with your lawyer
3 whether you should testify or whether or not -- whether you
4 should or should not testify?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Ms. Rhue, do you need any time to talk
7 with your lawyer about this matter?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Ms. Rhue, do you wish to testify?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: All right. Thank you.

12 MR. EDGEWORTH: Likewise, Your Honor, for the
13 record, there were no plea offers tendered to my client.

14 THE COURT: I'm sorry?

15 MR. EDGEWORTH: Likewise, Your Honor, for the
16 record, there were no plea offers tendered to my client.

17 THE COURT: All right. Thank you, Mr. Edgeworth.

18 All right. Any exceptions or any additions as it
19 relates to the questioning that I just made -- that I just
20 entertained from, Mr. Hazzard?

21 MR. HAZZARD: No, sir.

22 THE COURT: Mr. Voigt?

23 MR. VOIGT: No, sir.

24 THE COURT: Mr. Edgeworth?

25 MR. EDGEWORTH: No, Your Honor.

1 THE COURT: Solicitor?

2 MS. RICHARDSON: No, Your Honor.

3 THE COURT: All right. So at this time I guess
4 we're ready to bring the jury back in and then the -- does
5 the Defense plan on presenting any evidence, Mr. Hazzard?

6 MR. HAZZARD: No, sir.

7 THE COURT: All right. Mr. Voigt?

8 MR. VOIGT: No, Your Honor.

9 THE COURT: Okay.

10 MR. EDGEWORTH: No, Your Honor.

11 THE COURT: Okay. What I'm going to do is I'm
12 going to bring them back in and I'm going to basically
13 indicate that you have now the opportunity to present your
14 case. And I'm going to have you then go and rest or
15 whatever fashion you would like to address the Court as it
16 relates to any case that you want to put forward.

17 Does that meet with your approval, Mr. Hazzard?

18 MR. HAZZARD: Yes, sir.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: It does, Your Honor. I have a
21 question, is it at that point that we renew our motions
22 or -- I don't like brining them in for that, sending them
23 out, renewing motions which is going to be pro forma, and
24 then bringing them back.

25 THE COURT: Well, what I had planned on doing was

1 basically going -- having you come in -- having the jury
2 come in. Having you gentlemen put on a case, if you wish to
3 put on a case, or indicate that you're resting, that is, not
4 putting on a case. Then what I would do is I would send the
5 jury back out, I would allow you to put your motions on the
6 record. And then at that point we would bring the jury back
7 in after a brief break -- whatever Mr. Hazzard would deem
8 appropriate -- we would have a brief break and then go
9 straight into closing and charge.

10 Does that meet with everyone's approval,
11 Solicitor?

12 MS. RICHARDSON: Yes. I'd just like to have
13 sufficient time between that to bring out the television and
14 some easels and equipment.

15 THE COURT: And I will -- Solicitor, I would like
16 to think that over the past eight days I've given sufficient
17 time for everything and I will certainly give you sufficient
18 time to do whatever it is that you need to do to prepare for
19 your -- arrange the technology as it relates to preparing
20 for your closing.

21 Does that meet with your approval, Mr. Hazzard?

22 MR. HAZZARD: Yes, sir.

23 THE COURT: Mr. Voigt?

24 MR. VOIGT: Yes, Your Honor.

25 THE COURT: Mr. Edgeworth?

1 MR. EDGEWORTH: Yes, Your Honor.

2 THE COURT: All right. So let's go ahead and
3 bring the jury in, please.

4 (WHEREUPON, the jury entered the courtroom at 9:45
5 a.m.)

6 THE COURT: All right. Ladies and gentlemen, good
7 morning. The State has now rested.

8 And so at this time, Mr. Hazzard, I'll be happy to
9 hear from you as it relates to any case that you might want
10 to put on.

11 MR. HAZZARD: Thank you, Your Honor. May it
12 please the Court. At this time Alexander Rhue Sr. rests.

13 THE COURT: All right. Thank you.

14 Mr. Voigt?

15 MR. VOIGT: Thank you very much, Your Honor. May
16 it please the Court. At this time Alexander Rhue Jr. rests.

17 THE COURT: All right.

18 MR. EDGEWORTH: Thank you, Your Honor. May it
19 please the Court. At this time Ms. Tiesh Rhue rests.

20 THE COURT: All right. Thank you, Mr. Edgeworth.

21 All right. Ladies and gentlemen, the Defense has
22 rested. And to that extent now, all of you have heard all
23 of the evidence in this case. And so what I'm going to do
24 is there are certain additional motions that I have to take
25 up. Once those motions have been resolved, then, at that

1 stage, we will bring you back out where the lawyers will
2 present to you their closing arguments and I will then
3 charge you on the law that is applicable in this case.

4 In the meantime, you are not to discuss the case.
5 You will only discuss the case after you hear the law, and
6 even then, once I then tell you to begin your deliberations.

7 So, again, I'd ask you to return to the jury room.
8 We will get you back in here as soon as we can. Thank you
9 very much. Any -- hold on one second.

10 Anything -- any objections as to what I've
11 instructed the jury from the State?

12 MS. RICHARDSON: No, Your Honor.

13 THE COURT: Mr. Hazzard?

14 MR. HAZZARD: No, sir.

15 THE COURT: Mr. Voigt?

16 MR. VOIGT: No, sir.

17 THE COURT: Mr. Edgeworth?

18 MR. EDGEWORTH: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen,
20 y'all please go to your jury room. Thank you very much.

21 (WHEREUPON, the jury exited the courtroom at 9:49
22 a.m.)

23 THE COURT: All right. Any motions, Mr. Hazzard?

24 MR. HAZZARD: Your Honor, at this time Defendant
25 Alexander Rhue Sr. would renew all motions made throughout

1 the course of the trial. Specifically, with regard to the
2 motions for exclusion and suppression of evidence based on
3 the search warrants as has been discussed both in the
4 virtual hearing that was held before the Court and that was
5 held in camera at the beginning of this trial. We would
6 move that those items be excluded from evidence and stricken
7 and that the jury be appropriately charged in that regard.

8 All other motions made throughout the course of
9 the trial we also renew them and for the basis of -- and on
10 the basis that was made contemporaneous with the objection.

11 At this time, also, Alexander Rhue Sr. renews his
12 motion for a directed verdict for the reasons with regard to
13 the charges of murder and obstruction of justice, for the
14 reasons that were placed on the record at the time of that
15 motion, specifically, that I still feel that the evidence,
16 taken in the light most favorable to the State, as
17 enunciated by the Court, still leads simply to the jury
18 having to speculate and surmise and suppose as to what
19 actually occurred, with regard to the elements of those
20 offenses, Your Honor.

21 THE COURT: All right. And, sir, I'm going to
22 respectfully deny those motions for the same reasons that
23 the Court has elaborated upon throughout the course of the
24 trial and prior orders this Court has issued as it relates
25 to the search warrants. Okay?

1 Yes, sir, Mr. Voigt.

2 MR. VOIGT: Thank you very much, Your Honor.

3 At this time Alexander Rhue Jr. renews all motions
4 and objection made either pretrial or throughout the course
5 of this trial for the reasons stated on the record at those
6 specific times.

7 Similarly, Alexander Rhue Jr. renews his motions
8 for directed verdict as to the remaining charges.

9 THE COURT: All right, sir. And, again, I will
10 respectfully deny those motions and would state that
11 basically the Court -- for all the reasons that the Court
12 has given.

13 Yes, sir, Mr. Edgeworth.

14 THE DEFENDANT: Thank you, Your Honor.

15 At this time Ms. Tiesh Rhue also renews her
16 objections that were made pretrial and during the trial of
17 this matter and to include the objections and their
18 arguments made therewith. Likewise, we renew our motion for
19 directed verdict as to the remaining counts of murder and
20 obstruction of justice based on the previous arguments.

21 THE COURT: All right, sir. Thank you very much.
22 And, again, I'll respectfully deny those motions.

23 Anything, any motions from the State?

24 MS. RICHARDSON: No, Your Honor.

25 THE COURT: All right. So at this point, I think

1 that we would be at ease to give everybody an opportunity to
2 get ready or at a least, at a minimum, allow the State to
3 get ready to prepare.

4 Mr. Hazzard, you were looking at your watch, do
5 you think maybe if we come back at 10 after, would that give
6 everybody sufficient time, about 20 minutes?

7 MR. HAZZARD: I believe it would, Your Honor.

8 THE COURT: All right. Would that be all right
9 from the State?

10 MS. RICHARDSON: Yes, Your Honor.

11 THE COURT: You think you could get ready about
12 20 minutes?

13 MS. RICHARDSON: Yes, Your Honor.

14 MR. VOIGT: Yes, Your Honor.

15 MR. EDGEWORTH: Yes, Your Honor.

16 THE COURT: All right. Then we'll be at ease for
17 approximately 20 minutes. Monica is going to fine tune the
18 jury charges. And then, also, I will let you know what I'm
19 going to read concerning the charges that have been
20 dismissed. All right?

21 MR. HAZZARD: Yes, sir.

22 THE COURT: We'll be at ease.

23 (WHEREUPON, there was a break held from 9:53 a.m.
24 until 11:01 a.m.)

25 THE BAILIFF: All rise.

1 THE COURT: Thank you. Please be seated.

2 All right. Has the State had adequate time to set
3 up everything that they need to set up in preparation of
4 closing arguments?

5 MS. RICHARDSON: Yes, Your Honor. Thank you.

6 THE COURT: All right. Are you going to open in
7 full and then have a rebuttal -- oh, no, y'all get last
8 arguments since you didn't put anything on or enter
9 anything, correct?

10 MR. HAZZARD: Yes, sir.

11 MS. RICHARDSON: Correct, Your Honor.

12 THE COURT: I'm sorry about that. I apologize.

13 What order are we going to go in? Has that been
14 decided from the Defense? That's not going to be an issue?

15 MR. HAZZARD: Your Honor, my understanding is I'm
16 going to go first and I don't know who's going to go in what
17 order afterwards.

18 MR. VOIGT: Judge, I'm going to try to piggy back
19 on a little bit of the technology here. I think I'll go
20 second if that's what y'all want and Mr. Edgeworth can bring
21 us home.

22 THE COURT: Is that satisfactory, Mr. Edgeworth?

23 MR. EDGEWORTH: Yes, Your Honor.

24 THE COURT: I just didn't want there to be an
25 issue once we had the jury out there as it relates to the

1 order of things.

2 Now, has everybody had an opportunity to review
3 the jury charges that my clerk sent to you just a few
4 moments ago? I think they contained the language that I
5 plan on instructing the jury as it relates to the charges
6 that have been dismissed or that I granted directed verdict
7 on. Have you had a chance to review that from the State?

8 MS. RICHARDSON: I have, Your Honor. And that's
9 suitable with the State.

10 THE COURT: All right. Mr. Hazzard?

11 MR. HAZZARD: Yes, sir. No objection on behalf of
12 Alexander Rhue Sr.

13 THE COURT: Mr. Voigt?

14 MR. VOIGT: No objection, Your Honor.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No objection, Your Honor.

17 THE COURT: All right. And also then you've had
18 an opportunity to look at and she did make some of the fine
19 tuning as it relates to the information that was changed or
20 agreed to be changed or that I ordered to be changed at the
21 charge conference. Has the State had an opportunity and are
22 the jury instructions satisfactory to the State?

23 MS. RICHARDSON: Yes, Your Honor.

24 THE COURT: Mr. Hazzard?

25 MR. HAZZARD: Yes, sir, Your Honor. No

1 exceptions, additions, or deletions.

2 THE COURT: Mr. Voigt?

3 MR. VOIGT: No objections, additions, or
4 deletions, Your Honor.

5 MR. EDGEWORTH: No objections, Your Honor.

6 THE COURT: Thank you, Mr. Edgeworth.

7 All right. Then if there's nothing further from
8 the State and nothing further from the Defense I'm going to
9 bring the jury in. I'm going to instruct them about Closing
10 Arguments of Counsel. And then I'm happy to hear from you,
11 Solicitor, all right?

12 MR. HAZZARD: Yes, sir.

13 THE COURT: Okay. Mr. Bailiff, you can get us a
14 jury, please?

15 (WHEREUPON, the jury entered the court room at
16 10:34 p.m.)

17 MR. HAZZARD: Your Honor.

18 THE COURT: Yes, sir.

19 MR. HAZZARD: May we approach the bench?

20 (WHEREUPON, a bench conference was had.)

21 THE COURT: All right. Mr. Foreman, ladies and
22 gentlemen, you have heard all of the evidence in this case.
23 And at this time it's now time for the attorneys to make
24 their closing arguments.

25 The arguments of the attorneys, ladies and

1 gentlemen, are not evidence in the case. Their statements
2 and arguments are meant to help you understand the evidence
3 and apply the law to the evidence. You should disregard any
4 remark, statement, or argument which is not supported by the
5 evidence presented during the trial or the law that I will
6 explain to you after the arguments.

7 So, ladies and gentleman, thank you for your
8 attention over the past, I guess, eight days. And I would
9 ask now that you continue to give your attention to the
10 Solicitor.

11 Solicitor, we're happy to hear from you.

12 MS. RICHARDSON: May it please the Court.

13 THE COURT: Yes, ma'am.

14 CLOSING ARGUMENT ON BEHALF OF THE STATE

15 MS. RICHARDSON: At the beginning of this case I
16 told you that this was a case where you could look and say
17 blood is thicker than water. And I didn't do that to be
18 cute. I did that to explain and to put in your mind what
19 the real dynamic is here. These three are blood. Leon
20 Harrison was marriage, was not. These three have stuck
21 together. They stuck together to get rid of someone who was
22 causing pain to one of their own. They stuck together to
23 hide it, to cover it up, and to try to get away with it.
24 Blood is thicker than water. They are sticking together.

25 The Judge will tell you, and I know these three

1 will tell you, the State has the burden of proof. We don't
2 take that lightly. This case must be proven beyond a
3 reasonable doubt in regard to all three defendants. That's
4 why we've been here for eight days. That's why we put all
5 of this in here. And that's why we've gone through all of
6 the evidence in this case.

7 The Judge is also going to tell you that
8 reasonable doubt is just that, it's reasonable. There are
9 very few things that can be proved with absolute certainty.
10 And you don't have to prove it beyond every possible doubt.
11 It's what would leave you in your good common sense after
12 looking at everything together, firmly convinced that they
13 did it, firmly convinced.

14 Now, this is a circum -- primarily a
15 circumstantial case. There is some direct evidence. The
16 Judge will talk to you about the difference between
17 circumstantial evidence and direct evidence. And he'll also
18 tell you there's no difference in the weight. There's no
19 difference.

20 Direct evidence would be, I did it; that would be
21 direct evidence. I saw him do it; direct evidence. On
22 video; direct evidence.

23 Circumstantial evidence is the type of things we
24 use every day to figure out things or to make logical
25 conclusions. We do it every day and it's done in nearly

1 every case.

2 When you throw something in the water it leaves
3 ripples. We're trying to connect and bring those ripples
4 back. You walk outside, the grass is wet. Oh, did it rain?
5 Or maybe the dew fell. You didn't see it rain, but you look
6 at things. Is there a mud puddle? Is the grass wet? What
7 did the forecast say? You use those facts to figure out
8 what happened.

9 Those with children use it a lot. You know,
10 something's broken, something's missing, Who did it? You
11 don't see it, but as a parent, you use those clues to figure
12 it out. Is there a wrapper in the bedroom from some food
13 that's missing? It's those sort of things you use the
14 results and what's happened to figure it out. And another
15 thing you use is common sense. And another thing that you
16 use is circumstantial. And when somebody lies to you, that
17 tell you a lot. Somebody lies to you, we know, they've got
18 something to hide.

19 The Judge is also going to tell you that you have
20 to look at the circumstantial evidence together. One piece,
21 in and of itself, is necessarily enough. But the more you
22 add, the more you add, the more circumstances that there are
23 the stronger it is together. Just like the pieces of twine
24 together to form a rope. The more there is, the more likely
25 it is that these circumstances resulted in this event. It's

1 just -- it's just common sense.

2 So, if you take any one thing, any one thing
3 standing in and of itself, might not tell you much. But
4 when you take that thing with this thing and this thing and
5 this thing, they come back together to show you what
6 happened. So that is circumstantial evidence.

7 In this case the Defendants are charged -- we're
8 going to start first of all with the obstruction of justice.
9 Let's just start with that one. And the Judge will tell you
10 what that is. But, basically, it's the intentional doing of
11 any act which prevents, obstructs, impedes, hinders the
12 administration of justice. I think that is just as blatant
13 in this case as it can be. Just as blatant as it gets.

14 There is a man missing, initially, and they go and
15 figure out the last that he's been. And what do they tell
16 the police?

17 (WHEREUPON, a portion of the videotaped interviews
18 of Mr. Rhue Sr., Mr. Rhue Jr., and Tiesh Rhue was
19 played. Not transcribed herein.)

20 MS. RICHARDSON: And I'm not going to go -- I'm
21 sure that I've played enough video for you this week and
22 audio, I'm not going to go back through it, but that's just
23 part of it. They are questioned a little more about it, and
24 you're welcome to go back and listen to any of that that you
25 want to.

1 But, basically, Mr. Rhue Sr. gives, you know, I
2 was there, at first I didn't hear anything. Mr. Rhue Jr.,
3 if you remember the video where he was eating a cup of
4 noodles, I don't think any of us will forget that. He talks
5 about he was playing video games with the kids and watching,
6 I think, Straight out of Compton, but gives this whole long
7 story about how he's home asleep.

8 Ms. Rhue also says that she was there and never
9 left. And at first she was -- she's real careful not to --
10 to go into a lot with her father and her brother. But the
11 phone records -- you notice she's also real careful with
12 distancing herself from that bedroom. I went and slept with
13 my son. And she also says -- and the father ends up saying,
14 that he -- pretty much that everything that happened,
15 happened outside. That Mr. Harrison came in and grabbed his
16 stuff out of the kitchen and left with his phone.

17 That's a lie. That's a lie. They weren't home
18 all night. That's a lie. Walmart, 1:06 a.m. And this is a
19 snippet from the video that was taken outside the house, the
20 one you just heard a portion of on March 15th, same hat,
21 just like the officer said. And who was he with? And
22 that's a snippet from the cup of noodles video. They lied
23 and misled the police. And the police initially discovered
24 that because of these phone records.

25 They get all of their phone records and they see,

1 they all live -- they're down here, this is where they were,
2 all night we're right here. and they see that at different
3 times they leave and that they're in a different vicinity.
4 And if you'll see the green is Mr. Alexander Rhue Sr., and
5 the interesting thing is that that's at 1:59 a.m., it's not
6 at 1:06, it's at 1:59.

7 And then Mr. Rhue Jr. is out on a different tower
8 in Sector 2 at 12:04, 1:51, and 1:52. But -- so because of
9 that -- and with the -- I don't know if you recall, but the
10 cell site data is not as specific as the Google data, it
11 gives you just these, kind of, general areas.

12 So the officers knew that in that general area it
13 was Walmart, it's the only thing open, before the pandemic,
14 24/7. And so they looked at the video, and guess what, they
15 found them there at a different that even what phone records
16 said. What does that show us? Those phones were home.
17 They left their phones at home when they went to Walmart.

18 But because of that the officers had to go to
19 Walmart -- they get the phone records, had to go to Walmart
20 and develop all of that. Hindering and obstructing the
21 officers finding out what happened because they didn't want
22 them to see what they were buying at Walmart.

23 And she -- and as far as she's concerned, you
24 know, she doesn't know what her daddy and her brother are
25 doing, but -- and that she was asleep all night. If you

1 look at her phone records, she's calling her daddy. She's
2 calling her daddy who she says she didn't know if he left
3 the house or not. She's calling him on the phone. And
4 additionally as far as obstructing the police in determining
5 and finding out what happened Mr. Leon Harrison, Sr. (sic),
6 they hid and destroyed evidence, including, most
7 importantly, him.

8 So that's the obstruction of justice. And as you
9 can see, they bought the peroxide at 1:07 a.m. No question,
10 all of them misled, and even if it wasn't direct, misled the
11 police. We're here, we don't know what happened. He walked
12 out the back door.

13 And if you think about it, every single time,
14 we've heard from her a bunch, and why did they have to talk
15 to her so much? And I'm not going to play all of these for
16 you, but the changes were subtle. The changes were just,
17 kind of, subtle in what she said happened and the time frame
18 that she said that they happened in. Every time it was just
19 a little bit -- a little bit more, just a little bit
20 different to make it sound better to where the police were
21 in the stage of the investigating, to sort of try to explain
22 that stuff away. That's why they had to talk to her so
23 much.

24 But everything she described happened fast, fast,
25 fast. I got that phone, heard those -- saw he was talking

1 with another woman, I did that call, he got it, got his
2 stuff and left. Quick, quick, quick.

3 Then we go to the charge of murder and the Judge
4 will instruct you on what murder is. Murder. Murder is the
5 killing of another with malice aforethought. And all of
6 this has to be intentional. The killing of another.

7 So then it becomes, well we don't know how he
8 died. We don't know how he died. I think it was even said,
9 It could be natural causes. Come on. This man was killed
10 by another person. That has got to be one of the most
11 obvious things in this case.

12 And I'm not going to put this on the big screen,
13 he is floating in the river. Floating in the river. His
14 hands and feet are bound. Multiple, multiple twists. And
15 they're bound even up around his thumb, like that, and
16 looped around his thumb. Well, he couldn't have done it.
17 It wasn't an accident. Somebody killed this man. Somebody
18 killed JR.

19 And then the Judge is going to tell you that it
20 has to be with malice aforethought. And that's a legal
21 term, he'll explain it to you. But malice basically means
22 some ill will, some sort of hatred, and aforethought means
23 before. And the Judge is going to tell you that that --
24 there's no sets of time, that it can be just right before.
25 It doesn't mean you have to plan it a month ahead of time,

1 or anything like that, it can be right before it. Malice,
2 evil, ill will, expressed or implied, expressed means you
3 say it, or implied.

4 The condition of this body, the twists of wires
5 show it hated, evilness, and throwing him away. Throwing
6 him away in a place where he may have never been found. And
7 his family may have never got to have a service and say
8 goodbye. Thrown away in a place where there was some
9 evidence that predators were starting.

10 So I say all of this to say there's no doubt that
11 it's the killing of another with malice aforethought. So
12 these elements, they're there, that's what we call them
13 elements. Our question is, and the issue for you is: Who
14 done it? Who did it? Who did it? That's what this case is
15 about is: Who did it?

16 First of all, we're going to look at who he was
17 supposed to meet. You have the text messages and you have a
18 couple of months of text messages between him and his wife.
19 And you can see that it had been a tumultuous relationship.
20 But that night, let's take a bath, light some candles, and
21 after rub each other with some oil and then make love. She
22 sent him that that day, that day.

23 They were trying to get -- or she was trying to
24 get back together with him. If you look at the whole
25 history of text messages, and I'm not going to read them all

1 now, you'll see, and this was on the day before Valentine's
2 Day. And the green is her and the blue is him.

3 If you go back through, just kind of like he's on
4 the phone: I said that we need help and you were right. I
5 need help with my anger, but accusations, no facts. Love me
6 only. Love me only. And stop leaving me and uphold your
7 vows to me by helping your queen wife out a lot more than
8 you do. I've dedicated my heart to you. And you know that
9 I have completely done everything in my power to love you
10 the way you want to be loved. But I see that you think I'm
11 a whore and you hate me. I never played no one in your face
12 and there's so many bitches you've played in my face. I am
13 crazy, because from the moment I married you I've been in
14 love with you, and being crazy in love makes you extremely
15 insane. I would never hurt you again, but you're breaking
16 me down daily, all because you can't choose me and only me.

17 And I know that there's testimony, you'll see in
18 her statements, that she admits to infidelity. That they
19 both had been involved in infidelity. You'll also hear in
20 her statement, I'm not going to play this part, but you'll
21 recall she said, You know, this person is telling me this
22 it's not that serious, but the say these text messages are,
23 it looks like it's more than that. And there seems to be a
24 big distinction, and when you listen to her statements and
25 you look at these, and the difference between sex and love.

1 No matter what was going on she wanted him and only him.
2 She was jealous. She was -- no matter what she was doing on
3 her own, she was jealous. I think there's a statement
4 somewhere in the text messages where he says, Tie, you want
5 you cake and eat it too. She wanted to do what she wanted,
6 but she wanted him to with her and only her.

7 So, she tells -- she tells the officers in every
8 interview, first thing, we were supposed to meet and have
9 this nice romantic bath, I get there, he's on the phone.
10 And she had already been upset about that, he's on that
11 phone. And she -- in the other interview said there was not
12 a lock on his phone. She snatches it, she's snatches that
13 phone and reads those texts.

14 (WHEREUPON, clips of voice mails was played. Not
15 transcribed herein.)

16 MS. RICHARDSON: So she calls Rosario, the
17 girlfriend, from his phone and she said she did. She called
18 her and spoke with her once, Rosario hung up on her. She
19 called back and left this voice mail. And then we have
20 this, what we've all called a butt dial or accidental voice
21 mail. And then there was also a text that was sent later
22 that night that Rosario said didn't come from him, it was
23 basically supposedly a break up text with Rosario.

24 What did she see on that phone? Now, we don't
25 have his phone, we never found it. But we got Rosario's,

1 and what did she see? And the blue are from him and the
2 green are from her. You got me too in a good way. And look
3 when these are sent, these are sent the same day.

4 So when she got the phone that's going to be when
5 she saw them. These are sent the same day that they're
6 supposed to have a bath and get back together, same day.

7 You got me, too, in a good way, LOL in a good way;
8 is that right? I must be doing something right, LOL. You
9 got it, you're like a drug to me.

10 That what he says to Rosario, You're like a drug
11 to me.

12 Love you. Love you. Love you, too.

13 And there's a few more of those. But it's clear
14 that he was telling another woman that he loved her.

15 What she also says that's interesting -- and
16 you'll hear that in her video where she said she never -- if
17 you want to go back and listen, she does tell the officer
18 she had never told another man she love him.

19 This is in the first interview on March 10th,
20 which is sort of that long interview. She tells officers a
21 bunch of things. But one of them that she says indicates
22 that maybe this wasn't so quick, that they did break up that
23 night.

24 (WHEREUPON, a clip of Tiesh Rhue interview played.
25 Not transcribed herein.)

1 MS. RICHARDSON: The last time I saw him, the day
2 we decided to superate completely. February 25th.

3 What else did start talking about? And if you'll
4 remember, you know, a lot of times she was kind of quiet.
5 And when she started talking about money, she got real
6 aggravated. And there's no question, based on what's in
7 that recording, you see her in this uniform, that she works
8 hard. No question. She works hard. She's got five
9 children to take care of. She said, their daddies don't do
10 what they're supposed to do.

11 And what's she having to do? She's having to help
12 Leon, JR, pay his child support. She's says, you know, I'm
13 making it on my own, but I'm having to help him pay his
14 child support. And they went in the house that first day
15 and got those documents out to see if he lived there, his
16 income tax was going to be garnished for child support.
17 They're married. Income taxes were going to be garnished
18 for child support.

19 She's angry about money. And here, he's always
20 had a good job, makes more money than I do. I don't know
21 where his money goes. It's what she said, I don't know
22 where his money goes. He makes a lot more than I do. He's
23 paid on a prepaid card.

24 The last night he was seen, when supposedly he had
25 left the house with his phone after their fight, got his

1 work boots and walked out the door, never was seen or heard
2 from again. His phone is in the orange, her phone is in the
3 purple. At 11:23, her phone calls Western Union, Netspend
4 Master Card Customer Service, at 11:23 and at 11:24, back to
5 back. And you can see on his phones the calls to Rosario --
6 the last calls to Rosario ended at 11:07, with that voice
7 mail. At 11:25, one minute after she's dialing, or her
8 phone is dialing Western Union, his phone, that supposedly
9 he left immediately after, his phone is calling the same
10 place. I thought his phone is in his pocket. And he had
11 walked in some unknown direction. His phone is calling what
12 her phone is calling.

13 And the other thing about the phones, and we'll go
14 into those a little more, his phone starts connecting --
15 that Western Union call at 11:23, that's the last call that
16 was -- that was connected. After that there is a voice mail
17 from Rhue Sr. There's a voice mail from Alexander Rhue Sr.
18 to his phone at 1:53. But after this 11:25 call anything
19 else that went to his phone went to what? Voice mail.

20 And by the next morning -- by the next morning,
21 his phone was deactivated. And Mr. Huggins told you, and
22 the guy from T-Mobile told you, that means it was
23 deactivated, it was either a battery died or it was cut off.
24 That night.

25 And what was found in the house? How else do we

1 know he was -- that this was the last place he was? This
2 big piece of carpet missing. Big piece of carpet missing.
3 And what does she say about that? Well, we'll get to that
4 in just a minute.

5 This big old piece of carpet is missing. Go to
6 the next one, and again, and there's a little stain. And
7 they swab that stain. Captain Pierce told you he swabbed
8 that stain, and what was it? Blood. He used two different
9 tests, two different tubes, and if you remember seeing those
10 in the pictures, that's blood. So they pulled it up and
11 it's soaked all the way down, all the way down.

12 Now -- go to the next one -- and then they find --
13 got back two more for me, I'm sorry. One more. One more.

14 All right. And if you notice in this picture,
15 because there's not a good picture of the angle at the foot
16 of the bed before they moved the tote. And if you'll notice
17 this tote is up against here, see it? And up against this
18 stuff here. They move that tote because it was up against
19 that shoe rack over here, they moved it. And look at that.
20 There's another piece missing. And you can see that there's
21 a stain on that. They told you that they can swab the
22 outside of that. But they cut it up or they but the padding
23 up and lo and behold. And they test it with the presumptive
24 test and it's positive for blood.

25 If you'll go back again. And you can see -- and

1 there's a bunch of pictures of this, if you want to look at
2 them any closer -- there's little carpet fibers laying all
3 here. That shows me that that was done recently. I mean,
4 the little pieces are still there. And you see how dirty
5 that is, debris, just little pieces of dirt and trash and
6 all that, and not there, and not there.

7 And that's Captain Pierce, and he's looking at the
8 spot that he found up on the door jamb in the closet, you
9 see the shoes were right up under here is where that
10 little -- the big piece of carpet with the little stain.
11 It's kind of backwards, the larger piece of carpet had the
12 small stain, the small piece of carpet had the big stain.
13 And what does he tell you about that? That has been
14 cast-off, cast-off.

15 Ms. Goodman, from SLED, said that is Leon Harrison
16 Jr.'s blood. His blood, his blood only. One in some kind
17 of octillion that's his blood. The stain under it, that's
18 his blood and his blood only. Again, one is some octillion.

19 And what about it -- why -- let's talk about this.
20 Why are these carpet cut? What's the story on this? Let's
21 see what she says the first time.

22 (WHEREUPON, a clip of Tiesh Rhue was played. Not
23 transcribed herein.)

24 MS. RICHARDSON: Okay. So she makes it sound like
25 it happened, you know, pretty much right after they moved in

1 or shortly after they had been in. And indicates that the
2 bed, they didn't get until about -- it was about a
3 year-and-half after they moved in. So they had been there a
4 while. So she makes it sounds like that was, you know, just
5 a long time ago.

6 And then the daddy.

7 (WHEREUPON, a clip of Mr. Rhue Sr. interview was
8 played. Not transcribed herein.)

9 MS. RICHARDSON: He don't know nothing about that.
10 And he said -- he ends up saying he'd only been there about
11 10 months since -- since his mother died. And she indicated
12 that the purpose of the -- and I'm going to touch this and
13 I'm going to touch it with gloves -- but she indicates the
14 purpose of cutting out this carpet was for a sample. A
15 sample. You're going to cut out something this big to take
16 to the store for a sample? And two of them -- and you're
17 going to pick the dirtiest area of the carpet to match the
18 color. You saw how much blood was under that second one.
19 You're going to pick the dirty carpet one to try to match
20 new carpet to, instead of, like, going in the corner of the
21 closet to get a little piece.

22 Now, does that make any sene? Does that make any
23 sense at all? No.

24 And the same man, that in that first interview,
25 she's saying, Oh, he wasn't paying the rent, he wasn't doing

1 this, he was, you know, I think she said several thousand
2 dollars behind in rent, he wasn't doing what he was supposed
3 to.

4 So the man who's not paying the rent -- and,
5 again, it's a rental house, you're going to replace the
6 carpet in a rental house? Yeah, he was going to -- he was
7 going to match that carpet. Okay.

8 (WHEREUPON, a clip from Tiesh Rhue interview
9 played. Not transcribed herein.)

10 MS. RICHARDSON: And what else? What other
11 circumstances that night? What other circumstances that
12 night? You've heard that there's a fight. You've heard
13 she's found out that he's in love with another woman. We
14 heard her call for her daddy. And in that interview she
15 also talks about all the problems between her brother,
16 Alexander Rhue Jr., and the victim, Leon Harrison.

17 Basically, big brother doesn't like him, because
18 obviously, you know, he is cheating, and he has been in and
19 out. And big brother is sticking to his blood. And they've
20 had a lot of problems over that. Big brother gets a call,
21 or sends a text, and you've got a copy of this from Meyan
22 Thomas. Meyan Thomas who also said there had been a lot of
23 problems between Alexander Rhue Jr. and Leon Harrison: Boo,
24 I'm in D.C., had a family emergency, ASAP. Had to catch the
25 Greyhound up here, I'll explain more later. Boo, love you

1 Queen, I'm sorry. Boo, hit you tomorrow. And then he uses
2 a profanity and says: This is real crazy right now, love
3 you. So he texts his best friend and says, We've had a
4 family emergency.

5 And then we have Antwan Simmons and what does
6 Antwan Simmons say? He said, You know, we were working on a
7 job together, riding, he went and helped us move some
8 furniture with -- rode with me to help my brother move some
9 new furniture. Of course, it's tax time, and he says
10 something to me that he took -- he took JR for a ride. He
11 took JR for a ride, he's out of here. And he says to him,
12 in their sort of street talk or phrase, taking him for a
13 ride means killing him.

14 So he said he stewed over that thing and went and
15 talked to the family the next week and didn't tell them
16 exactly what he said, but started worrying, because he's a
17 distant cousin, and said, have you seen him or heard from
18 him? And, if not, I'll tell you happened or I'll tell you
19 what I was told.

20 And Mister -- the father, Mr. Leon Harrison Sr.
21 said, you know, after that he told his sons and that's when
22 everybody realized, kind of coordinated that nobody had --
23 nobody had heard from him. Met up with Mr. Simmons again
24 and Mr. Leon Harrison Sr. later that week went to the police
25 and reported his son missing.

1 Now, as far as Mr. Simmons is concerned, it was
2 not a -- he didn't say he said, you know, that we killed him
3 this way or we dumped him in the river, or anything like
4 that, it was just kind of a weird statement that he knew
5 what it meant and it gave him concern and he followed up on
6 it. If he were just sort of fabricate some sort of story it
7 would be a lot more detailed than that.

8 And also Austin Kight says that Mr. Rhue Jr., that
9 when they were in jail, told him they knew some mutual
10 people from Georgetown, didn't give an awful lot of details,
11 not real detailed, but said we dumped the body, he had to be
12 identified by his tattoos, they've got nothing on us, we're
13 going to get away with it.

14 The Western Union thing shows that his phone was
15 still there and that Tiesh was using her phone using his
16 phone to try to access the money. Motive. The anger and
17 the jealousy and the money.

18 And then they begin hiding where they are. And
19 that's one of the -- that's one of the most interesting
20 things in this case. At 1:00 a.m. when Rhue Jr. and Rhue
21 Sr. are at Walmart their phones don't show that. Their
22 phones don't show that, which indicates the phones were left
23 because they didn't want the police to see what they were
24 buying, they were buying the peroxide.

25 Now, you heard Mr. Hazzard ask Mr. Walker from

1 Walmart, and we all know what Walmart sells, they do sell
2 everything. Well, you know, they weren't buying tarps. And
3 I don't know, maybe buying tarps and those sort of things
4 would have drawn suspicion at that time of the night, but
5 they hid what they tried to hide what they did buy. Tried
6 to hide what they did buy.

7 And then you heard from Allen Huggins and he
8 talked with you about the phones, that they had two sort of
9 different ways they would track the phones. You had the
10 cell tower data, which is not quite as specific. And then
11 you have the Google data.

12 Well, the Google data is different, because it is
13 more specific, but also with a phone, on all these phone
14 records you see the location is when they do something, so
15 you don't see it in between. It's -- you see the locations
16 when they get a text, they make a call, that's when you get
17 that tower information, and in between, you don't get
18 anything. You don't get anything in between.

19 So you'll see that their last calls were sort of
20 all around the same time, but you're not going to get that
21 in between stuff, but Google is different. And they are
22 tracking your location. If you have a Google account or any
23 sort of Google thing on your phone, then what they're
24 doing -- and I think it's kind of like we always feel our
25 phones are listening to us, and all of a sudden you'll

1 something that you had been near, but they are constantly
2 getting information from your phone, Google is. They're
3 getting your location constantly.

4 And what -- so that's more of a passive thing, you
5 don't have to actively call or text for us to get your
6 location, they are doing that passively. I mean, you could
7 be asleep. They are sending this information to your phone
8 anyway when it's attached to the network.

9 And around 2:00 a.m., that passive -- and I call
10 it passive data, he was saying that location data from
11 Google, the stuff that you would get if you were using your
12 phone or not. It cuts off on everybody -- on everybody.

13 And you can see, and you'll have this PowerPoint
14 to look at, that with all of them, he coordinated that
15 during these times and he combined both the phones, the cell
16 tower stuff when they used the phone and Google, to say that
17 during this time they're off.

18 And what does that mean? Because you heard them
19 ask and we don't have it, we don't have a ping, we don't
20 have a Google location that shows them go to the river, we
21 don't. And why don't we? Because they covered their
22 tracks.

23 What did Allen Huggins tell you? With that many
24 at one time, because it wasn't just the phone data, it was
25 also Gmail accounts and that sort of thing. With that many

1 at one time, that's not just my phone died or I turned it
2 off to go to sleep. And, again, we all know if you don't
3 turn it off to go to sleep all you have to do is hit the
4 silent button on the side. All at one time.

5 So then it becomes, again, who did it? Who did
6 it? And you've heard some -- a few questions about the Bank
7 of America and Kyle Walton was asked about somebody saying
8 they saw him walking at the Bank of America. No time --
9 couldn't give any times, couldn't give any specifics. And
10 then you've heard about this Flores guy, the fact that there
11 was some drug activity.

12 But all of the evidence from these phones show
13 that Leon Harrison Jr. never left that house alive. He
14 was -- or never left that house and was able to use his
15 phone, she had his phone. She, who said he walked out the
16 door with it.

17 So then it becomes, if it's somebody there --
18 somebody there, circumstances show it was somebody there.
19 Well, which one? Which one? It doesn't matter. It doesn't
20 matter which one. They are sticking together. The hand of
21 one is the hand of all.

22 And the Judge will tell you that if they're
23 working in concert it doesn't matter who actually struck the
24 fatal blow. It doesn't matter if they're working together.
25 Okay? So how do we know they're working together? Got to

1 prove that. How do we know they're working together? Look
2 at the crime scene, there's two areas of blood, two.

3 Now, I've often wondered why we've got this big
4 old piece of carpet cut out for a little bit of blood? And
5 a little piece for a big piece of blood. What was above the
6 big piece? A cast-off to indicate there's a larger area.
7 And that was a small cast-off, there was a larger area. And
8 there was one point of saturation on that big piece. Again,
9 over here is where most of the blood was.

10 And that's another thing, looking at that smaller
11 piece of carpet with the big piece of blood. And we heard
12 Dr. Amick, from Richland County at the time, from the
13 sheriff's office, they sent it there to get a rush job, and,
14 obviously, they sent the bigger piece. And he had
15 trouble -- he had trouble getting a sample from that. He
16 told you that it was week, like the allele peaks that he
17 talks about where you match the mom and dad's DNA, or the
18 tow items of DNA. The allele peaks rise, and he gets a 45
19 and 100. Whereas, on the fingernails, they were in the
20 thousands, in the thousands.

21 And he said, you know, looking at this, and if you
22 look at that picture you can see the stain, looking at that
23 I should be able to just, boop, get it right. Just like
24 Sara Goodman did on that little stain. She got it right up
25 in one in whatever octillion.

1 He had to try several different ways. And he said
2 that was a mixture. It was a mixture. But there was a
3 match in there for Leon Harrison Jr. But the important
4 thing about that is that it should have been stronger. It
5 should have been stronger, and it wasn't. And they bought
6 peroxide that night.

7 Now, you and I and anyone can look at those
8 pictures and can tell which probably looked worse on the
9 carpet. Which one do you think, you're cleaning up the
10 carpet would have looked the worse? And where would your
11 efforts have been concentrated? Where there was more blood.
12 But yet that's where -- and even on the other piece you
13 can't get a profile. So this is -- well, you know, that
14 could have happened a long time ago, you know.

15 Well, why is one bigger -- why are they different?
16 Why are they different? Because they were cleaned. He said
17 peroxide can degrade the DNA. Efforts to clean. That's
18 efforts together. Efforts together.

19 And he bled in two different areas of that room.
20 And you've seen the pictures of the bindings, he is tied up
21 now. Just a -- he's a 200-pound man tied up to the point
22 that it leaves marks in his skin. Tied up to the point, she
23 said that it was some binding, but still, or bloating, to a
24 point she had to go into the skin a little bit to get them
25 out. The nature of these bindings and how they were done is

1 evidence that it took more than one.

2 And what did Dr. Schandl also tell you? These
3 pictures look bad. When he was found -- and I'm not going
4 to show you these for very long -- they look bad. But when
5 he was found there is evidence of injury to his body. Now,
6 she said that could have been before death, that could have
7 been after death. But there is evidence of injury to his
8 body. And even this big really bad one, and then there's a
9 big deep cut in his hand, which she said could be consistent
10 with a defensive wound. And if you look at it his hands
11 were like this, and it's that bottom hand, and it's cut all
12 the way, she said down to the muscle, cut all the way.

13 But she said she couldn't say because he'd been in
14 the water for so long, for sure. But he's got these areas,
15 that if it had occurred before death, which the
16 circumstances showed he did, because his blood's there,
17 wouldn't have been instantly fatal. He didn't get stabbed
18 in the heart, they didn't hit any big artery. It wouldn't
19 have instantly fatal. He would have bled for a while. And
20 then he's tied up and at some point he's thrown in the
21 river. It had to be a concerted effort. And all of that
22 would have contributed to his death. And, also, we've
23 already talked about they coordinated the phones,
24 coordinated turning his off, hiding it. And you have these,
25 we've already gone into that.

1 The circumstances. All of these circumstances,
2 woven together, taken together, point conclusively to the
3 guilt of these three individuals working together. Hand of
4 one is the hand of all.

5 I'm going to sit down now. I won't be able to
6 speak to you again. And you're going to hear from these
7 other attorneys. And they're going to talk to you about the
8 other things in the case and talk to you about other people
9 and that sort of thing.

10 But remember this, he was identified by his
11 tattoos. We dumped the body, they ain't got nothing on us
12 we're going to get away with it. Don't let them.

13 Thank you.

14 THE COURT: All right. Thank you, Solicitor.

15 Mr. Hazzard?

16 MR. HAZZARD: Thank you, Your Honor.

17 THE COURT: I'm happy to hear from you.

18 MR. HAZZARD: May it please the Court. It's going
19 to take one second.

20 THE COURT: Yes, sir.

21 CLOSING ARGUMENT ON BEHALF OF ALEXANDER RHUE SR.

22 MR. HAZZARD: I always have these notes, and I
23 never seem to end up following them.

24 There are two tragedies here, no question about
25 it. The first tragedy is that a young man's life ended in a

1 horrific fashion. There's no question about that.

2 The second tragedy is that Alexander Rhue Sr. has
3 lived under a cloud of suspicion for something he didn't do
4 for over four-and-a-half years.

5 This case is going to take courage from each and
6 every one of you. Courage to say I have sat here for
7 eight days. I have seen over 100 exhibits. I have listened
8 to over 40 witnesses. And at the end of the day this man is
9 not guilty of what he is charged with, because the easy
10 thing would be to say, Well, they put on this big show and
11 they put in all these exhibits and they called all these
12 witnesses, so he must have done something, and that's what
13 they're banking on.

14 Now, let's go through -- and let me say right up
15 front -- we have heard so much about blood in the bedroom.
16 I'll tell you right now, I don't care about the blood in the
17 bedroom. Let me repeat that. I don't care about the blood
18 in the bedroom. Why? Because it has nothing to do with
19 this case. It is a red herring to distract you.

20 I stopped listening about the blood in the bedroom
21 as soon as Bert Powell sat on that stand and said, We took
22 that luminal stuff and we sprayed it all over the kitchen --
23 remember the kitchen is right outside the master bedroom --
24 We sprayed it and what did we come with? Not a drop of
25 blood. Not a drop of blood.

1 And luminal, you can -- you can scrub, you can
2 wipe, that does not take away the protein from blood. We
3 have all seen enough 48 Hour Mystery and Dateline NBC to
4 know that they will turn -- they'll spray that luminal turn
5 the lights off and it will light up like a Christmas tree
6 where blood was, but there's none there. And why is that
7 significant?

8 Well, what is the State's theory? When I gave my
9 opening statement, eight days ago -- well, I guess now it's
10 actually ten days ago -- I said in 33 years I have never
11 done a trial where I had no idea what the State's theory of
12 the case was. Well, I guess, now we know.

13 The State's theory of the case -- let's walk
14 through it a piece at a time. The State's theory of the
15 case is that Tiesh Rhue lures her husband over to the house
16 on February 25th by saying, Let's spend some quality time
17 together, not to mention the text before that saying, Let's
18 stop this life we're living. Let's be a husband and wife
19 like it should be. Let's not me see people, you see people.

20 So you've got a bunch of those texts coming up
21 before the one about the oil and whatever. The reason that
22 struck me -- this whole thing -- because remember the police
23 were like, Well, I mean, you've got five kids in the house,
24 that sounds kind of odd. What I know is this, his response
25 was something to the effect of, Sounds good, yeah.

1 I'm a married man. If my wife text me right now
2 and says, Hey baby, let's have some romantic time and bubble
3 bath and all this stuff, the text she's going to get back
4 is, Does our daughter have a sleep over? That's the text
5 she's going to get back. But that's not what he responds.
6 So that tells me it wasn't that unusual for them to spend
7 that quality time previously even with the children present.

8 So, that's theory, is that it's a luring thing,
9 she lures him over. So, okay, he gets there, they have a
10 disagreement. They have an argument of some sort. And
11 there's no question about that. There's no question that
12 there's an argument because of what? Because of the text
13 messages and the phone call that he made to Rosario Grate.

14 So that's the first thing and you can see where
15 the State kind of wants to have it both ways. They want to
16 have it both ways. On the one hand they want to say it was
17 this big preconceived plan where she was going to lure him
18 over there for the purpose of doing away with him. But
19 then, Oh, well, I mean, she gets home from work after 10:00
20 and he's on the phone with another woman and she flies into
21 a rage. Which is it? Which is it?

22 See, they're throwing so much at the wall, they're
23 just saying, Believe anything. And the reason they have to
24 do that is, as we go through this, you will see they are
25 trying to jam a very square peg into a round hole. And why

1 are they doing it, because it started with Bert Powell, who
2 is, what, three days on the job as a criminal investigator
3 when this case landed in his lap. And we have Investigator
4 Morris here, who, amazingly enough had never heard of a
5 cadaver dog. Cadaver, meaning a corpse. Dog for the
6 purpose of finding deceased people. Whether it is a crime
7 scene. Whether it is -- you'll see it when, you know,
8 buildings collapse, 911.

9 You can tell when they go from a rescue to
10 recovery of remains. Why? Because that's when they bring
11 in the cadaver dogs to scent for deceased individuals. This
12 is the first person in law enforcement I have ever heard say
13 they have never heard of that. But, anyway, that's who's on
14 the case. That's who's on the case.

15 So, anyway, let's get back to the State's theory.
16 She has either lured him over or gotten into a big rile with
17 him over the phone call, whichever one you choose. And she
18 calls out for her daddy, and she calls out for her brother,
19 according to them. Now, I'm not sure at what point that was
20 supposed to be, they're talking about this butt dial. I've
21 listened to that recording 50 times, I still don't know
22 what's being said on there, and I don't think I ever will.

23 I think this Zapruder Film, I still don't know if
24 there's somebody on the grassy knoll 60 years later. But
25 we're going -- we're going with the State's theory, okay?

1 She calls out for her daddy, and she calls out for her
2 brother, and exactly what did they do? Does Grampy come
3 running to the rescue and somehow the three of them then pin
4 this man up in the bedroom and what? He wasn't bludgeoned
5 with anything. No blunt force trauma. No broken bones.
6 Cannot see where he was stabbed with anything. No injury to
7 any major artery. Not even the Prosecutor -- she tried so
8 hard to get Dr. Schandl to say that the damage to
9 Mr. Harrison Jr.'s body had to come -- had to come from some
10 kind of instrument. Because if that doesn't happen, well,
11 their theory falls apart.

12 So -- but what did Dr. Schandl say? She said, No,
13 looks like signs of predation. P-R-E-D-A-T-I-O-N. A sister
14 word to predatory, meaning, animal activity. And the
15 Prosecutor kept after her, Well, I mean, could it have been?
16 I mean, if he was cut beforehand, I mean, wouldn't animals
17 kind of go for that? And she said, Well, yeah, in a sense
18 they would, but still looks like predation to me. So we
19 know he wasn't -- doesn't appear that he was stabbed. He
20 definitely wasn't shot. And didn't nobody beat him over the
21 heads. Even the Prosecutor said to Dr. Schandl, he wasn't
22 poisoned.

23 So, I don't know. So if he was overpowered and
24 bound up and tossed in the river alive, okay, what's the
25 deal with all the blood and why is it supposedly significant

1 to the night of February 25th? That's the problem with the
2 blood, that's where it starts. But, again, where they lost
3 me with the blood was when, okay, let's go back to the
4 State's theory. They have over -- Grampy, and the other two
5 I guess, have overpowered him in this little bedroom with
6 five kids, right there in the house, mind you, who the
7 police interviewed and if -- I don't think there's anybody
8 on Earth who believes that you can get five kids to tell the
9 same lie for any length of time.

10 They're interviewed separately, they're not all
11 together. They actually went to the different schools and
12 interviewed them. And if you think any one of those kids
13 said, Yeah, I saw Grampy out there, you know, wiping the
14 floor, or cleaning something up, or I heard Grampy beating
15 on somebody, or jumping on somebody's back. I'm pretty sure
16 you would have heard that, because the State would have made
17 sure to bring it to you. But why didn't they? Because it
18 doesn't exist.

19 But, anyway, let's get back to the State's theory.
20 The three of them go in there, they somehow over power him,
21 they somehow cause him grievous bodily injury, such that
22 blood is now supposedly flying everywhere, okay? But, yet,
23 here you've got racks of shoes, you've got clothes, you've
24 got -- the one thing that everybody can agree about is
25 that's a tiny bedroom. Where did the rest of the blood go?

1 If that's what happened that night.

2 But moving on. Now, that they have grievously
3 wounded him to cause him to lose blood, they then have to
4 transport him out of the house, okay? So all of this -- all
5 of these grievous injuries that are supposedly spurting
6 blood, they suddenly stop bleeding when it's time to get him
7 through the rest of the house. That's what they're trying
8 to sell you. That's what they're trying to sell you. They
9 want you to do -- because that's all they got is, Oh, well,
10 there's -- there's some blood.

11 And another thing I found that was interesting, is
12 that normally, I would expect someone who could testify to
13 the viscosity of blood. Someone who could testify to what's
14 called the capillary effect. And when I mean, The capillary
15 effect, all I'm talking about is, I'm pretty much sure every
16 one of us has either experienced or seen it happen to
17 somebody else, where you take a pen and stick in either your
18 back pocket or your shirt pocket, and the next thing you
19 know, you've got a huge, huge stain. A pen only has so much
20 ink in it, why does the stain look so big?

21 But, anyway, I would have expected that. If
22 you're going to say, Well, we've got this stain here. But I
23 thought it was interesting, the whole purpose of taking
24 photographs and using those little measuring thingies that
25 they put on them, you know, like that, is so you can say,

1 This is the size, because as we all know, photographs can
2 look different. But, anyway, be that as it may. You didn't
3 hear anybody say that because that might have been a problem
4 for the State's case. But, again, I ain't worried about
5 what's in the bedroom, because it has nothing to do with
6 this case.

7 So, anyway, getting back to the State's theory.
8 We have now somehow magically transported him throughout the
9 rest of the house without him bleeding a drop any more. No
10 drop on any furniture. No drop on a kitchen table leg.
11 Nothing. Imagine, he has just stopped bleeding and we
12 transport him.

13 Now, where are we taking him? Not really sure.
14 We will get back to that. We'll come back to that one,
15 because I guess at some point we got to bind him up.

16 And my grandmother said so many things when I was
17 a child that apply to me being an adult. As a child,
18 sitting beside her and just listening top her talk to other
19 folks. And one the thing she always says, Child, if you
20 want to know which way the wind is blowing, don't look at
21 the big oak tree, look at the leaves on the tree. Look at
22 the little things, okay?

23 What's the one of the little things here? There
24 is no question Mr. Harrison Jr. is bound hand and foot.
25 What struck me, what did Dr. Schandl call it, nautical

1 knots. Nautical. She's got knowledge in that. So, I'm
2 thinking, Okay, surely somebody's going to testify that
3 Grampy was in the Merchant Marines or Grampy used to sail or
4 Grampy was a shrimper man. No, because he wasn't. So their
5 own expert gives you more of an idea when you look at the
6 little things of who actually did this. And it wasn't him,
7 because I'm not thinking the other two have spent any time
8 on a ship, either.

9 But, getting back to the State's theory. We have
10 subdued him, injured him so that he's bled all over the
11 bedroom, we then carried him out and through the house,
12 because he's now magically stopped bleeding. And then, I
13 guess, they load him up in a wheelbarrow and take him about
14 12 miles up the road.

15 Now, why do I say that, oh, let's talk about the
16 license plate readers. They didn't want to talk about the
17 license plate readers. First of all, they wanted to act
18 like they didn't have any license plate readers. Then, when
19 I showed them the 73-page investigative report, Oh, well, we
20 did use a license plate readers in this case. Why? Because
21 the license plate readers tell them any car going anywhere
22 anytime in this county.

23 Let me repeat that. Any car going anywhere
24 anytime in this county they can track it. And that's what
25 he eventually told you, but, yet, no car related to Grampy

1 Rhue or the other two is found to be going anywhere up the
2 Black River towards the Riverview Club, okay? And we know
3 that, because they searched every car, didn't find a thing.

4 So didn't transport him in a car. Put him on the
5 back of a horse, I don't know. I don't know. And you
6 notice that's one thing the State has never touched in
7 eight days, they have never -- she didn't even touch it
8 today. Didn't even touch it today.

9 You're going to say, these people committed this
10 crime, you've still got to get him to that Black River. And
11 they ain't done it yet, because they can't. Why? Because
12 the square peg won't fit in a round hole. But we've been at
13 this for eight days.

14 Then they want to say, Okay, at some point Grampy
15 Rhue lied to the police, because he didn't tell them -- he
16 went to bed at 9:00 or 9:30 -- Lord, I hate this -- if you
17 choose to review it again, I find it very interesting that
18 they cut off his statement today when he says, Yeah, I went
19 to bed around 9:30. They leave out the part right after
20 that where he says, but I got up around 1:00. They leave
21 that out. Why they don't want to tell you that? I don't
22 know. I don't know why they want to mischaracterize his
23 statement, but it is what it is.

24 And, again, they try to have it both ways, because
25 on the one hand supposedly these criminal masterminds are

1 saying, Okay, we're going to load up, go to the Walmart and
2 get two 88-cent bottles of peroxide to clean up all this
3 blood, that, once again, has nothing to do with this
4 situation, but we going -- we going to leave our phones at
5 home, because that way nobody will know we went there.
6 Because, apparently, although Walmart has more cameras per
7 square foot that virtually anyplace on earth, they'll never
8 figure that out. So that's -- that's what they want to
9 impute to you, again. Anything they can throw, any way they
10 can try to cobble it and twist it, is that they are doing
11 here.

12 Five children in the house and supposedly on the
13 night of February 25th, early morning of February 26th,
14 2017, somehow, in some magical way, they overpowered this
15 man, did something to him in some form or fashion, that no
16 one else saw.

17 But let's get back for a second, if you would, and
18 I will not belabor these points -- I will try not to -- that
19 the issue of how did he get to his final resting place, that
20 being Leon Harrison Jr. Somebody may want to go back in the
21 jury room and say, Well, somebody else could have helped
22 them, okay. Let's talk about that, that's not even a part
23 of the State's theory, but I want to cover everything.

24 The reason that doesn't fly is because, remember
25 we done turned the phones off, we can't call anybody to come

1 help us. And I guarantee you, before the magical phones
2 getting turned off happened, had any one of the three of
3 them called anyone that seemed kind of suspicious?
4 Guaranteed, you'd have heard about that.

5 So we can't call anybody. So then, let's just
6 say, well, maybe somebody just happened to stop by the house
7 and we could convince them, Hey, let us load up this now
8 non-bleeding body into your trunk and you run us up the
9 Black River. Why doesn't that work? Oh, remember, we got
10 the Geofence, around the house that tells you every
11 electronic device for that period of time. So, no one
12 coming in, no one going out.

13 So that's why I said, according to the State's
14 theory, put him in a shopping cart, put him in a
15 wheelbarrow, I don't know how these folks supposedly
16 transported him up there.

17 Now, what I told you from the beginning and what
18 I've been harping on is the Riverview Club. A club on the
19 Black River upstream from where he was found. If you choose
20 to look at Ms. Grate's -- I think they put her text messages
21 into evidence, and if you choose to look at them, remember
22 she testified that she was going out that night. She was
23 going out that night. And she asks him about it and he
24 said, Sure, you do you, you go on out. And she says, Well,
25 maybe we can hook up later. And he says, Well, yeah, sounds

1 good, maybe, and then you can give me a ride home. Yeah.

2 So he's got -- he's got a very busy agenda,
3 because he wants to meet up with his girlfriend. And, oh,
4 by the way, they had that little thing in passing about
5 Rosario Grate saying that Tiesh Rhue had gotten into an
6 argument with him in public on New Years, that was at the
7 Riverview club. That's where he hangs out. So there ain't
8 no question about that.

9 So he's got a busy agenda. He's got to supposedly
10 meet up with -- or he's got to meet up with Mr. Flores and
11 Mr. Cabral, which they take very heavy pains not to discuss
12 the fact that he in the dangerous business of dealing drugs.

13 But, leave that as it may, he's supposed to do
14 that, he wants to meet up with Rosario. I'm thinking he
15 goes up to the club, he's going to get the drugs that he's
16 going to sell to Mr. Flores and Mr. Cabral later on. And
17 there is some issue that occurs there.

18 Now, I'm pretty sure for a night club, with a PA
19 system and all that good stuff, I'm pretty sure they've got
20 some pretty high gauge speaker wire there. But the police,
21 who did all of this investigation -- I would like to think
22 one of the first places I would look is where someone's body
23 is and what can be extrapolated from that. He didn't start
24 out where he was found across from Perry Collins' property,
25 he started up river from that. I would think that, if it

1 were me, I would be saying, Hey, what's up river from where
2 he's found? No, ain't no Geofence around there, they're not
3 checking that out. What in the world?

4 Again, two cops who don't know what they're doing.
5 They see, Hey, looks to be blood, it must be here. And
6 every single thing from that point has been about that. Guy
7 says, Hey, you put out a flyer that says the last place he
8 was seen, 1015 Highmarket Street around this time of night,
9 I happened to see him down the road at the Bank of America
10 about that time. We going to follow up on that? Ah, let
11 that go. Why? Because it doesn't fit with our theory.
12 That's the anatomy of how the second tragedy occurs of this
13 innocent man being charged for a crime he did not commit.

14 The police told you they worked so hard. That's
15 what Allen Morris told you. And I love Allen Morris. He is
16 one of my favorite people, he, honest to God, is. But he
17 said. We worked so hard, but I think they were just over
18 matched. Because you might have heard Mr. Voigt say to him,
19 or say, You could have asked other agencies for help. You
20 could have asked other agencies for help. You could have
21 asked SLED for help. You could have asked Charleston for
22 help. Could have asked Horry County for help. You could
23 have asked for help.

24 But they don't follow up on the Bank of America
25 tip. They apparently really don't follow up on the whole

1 meeting with Luis Flores and Ricardo Cabral. They did not
2 search, by their own admission, any other house or car
3 related to Leon Harrison Jr., any other one, you know.
4 Didn't search Rosario Grate. Didn't search Brittani Green.
5 Didn't search anyone else's. And they say, you know,
6 because remember the thing is: He came over, they argued,
7 he left. Okay?

8 I asked, Well, did you talk to neighbors? Oh,
9 yeah, we canvassed the whole neighborhood. You got
10 everything else in this 73-page report, show me where it is.
11 Oh, well, I can't be responsible for what they write down.
12 No, it's not in there, because they didn't do it. They
13 didn't do it.

14 So if he walks down the street -- because
15 everywhere he goes, people give him rides, right? Because
16 he done wrecked the one car. So everywhere he goes, he's
17 getting a ride. And who's to say he doesn't walk down the
18 street, see a neighbor and say, Hey, can you give me a ride
19 up to the Riverview? Sure, I'll give you a ride up there.

20 And as I've already said, they did not, for
21 reasons satisfactory only to themselves, Geofence the area
22 around the Riverview Club where the body was recovered. I
23 mean, wouldn't that tell you what phone activity was going
24 on up there? What they worked hard at is putting a square
25 peg in the round hole.

1 Now, Alexander -- I want to cover a couple of
2 things with you very quickly. One is, your patience, your
3 collective patience, has been tried greatly, and I
4 appreciate that, because Lord knows I have objected and
5 objected and objected. But my job is to try to make sure
6 evidence that appears before you is appropriate. And my
7 colleagues and I have disagreements as to what is
8 appropriate and what isn't, and the Judge is the referee and
9 he decides. So I do my part and make my objection, they
10 make their argument, Judge decides.

11 So, please, if you're going to hold that against
12 anyone, hold it against me. Don't hold it against Grandpa
13 Rhue. Also, the fact that he didn't testify for you, what
14 is he going to say? I didn't do it. You got to see him
15 interviewed by the police, and he told them everything he
16 could. There is nothing he could add from the witness stand
17 to what you got to hear him say already. And it is
18 virtually impossible for someone to prove a negative. In
19 other words, to prove I didn't do something.

20 House full of people, got my food labeled in my
21 little container, somebody -- I come back and it's gone.
22 Alright, there's five people in the house, who ate my food?
23 You must have eaten my food, Johnny. I didn't eat your
24 food. Prove it you didn't do it. How do you do that?

25 But that is why through our great system the

1 burden of proof is always on the State. They're the ones
2 making the allegations, they're the ones saying somebody did
3 something wrong. So they have the burden of proving what
4 they say. Not by just throwing stuff up against the wall.
5 Not by making inconsistent claims, but with actual evidence,
6 actual evidence. And I would submit to you that they have
7 failed on that burden greatly in this case.

8 Give me a second to discuss with you the charges
9 that currently exist against my client. The first is
10 murder, the unlawful killing of another with malice
11 aforethought. Please think in your collective minds, as I'm
12 sure you will discuss in your jury room, of the fact that
13 there has been absolutely not one single shred of evidence
14 submitted for your consideration to indicate that Alexander
15 Rhue Sr. did anything to harm Leon Harrison Jr. at any point
16 in time. No one has said anything.

17 So, since they can't prove that, which they can't
18 prove any of this, they then say, Well, they're all working
19 concert, the hand of one is the hand of all, okay. What did
20 he do in concert? What did he do? In their theory, I
21 guess, he somehow overpowered and incapacitated Mr. Harrison
22 Jr. But, again, how did he get to the Black River? How do
23 you -- it makes no sense. He's injured in the bedroom. He
24 stops being injured when he gets to the kitchen.
25 Apparently, everybody agrees that everybody is going to be

1 super quiet, because none of the children in the house see
2 or hear anything, before, during or after. Nobody is
3 saying, Yeah, the next morning, you know, Grampy had the mop
4 out and he was doing this and that. No, no, no, no.

5 So I would submit to you -- and this whole thing
6 about the phones, I don't even get that. I don't even come
7 close to getting that, because on the one hand they tell
8 you, Well, he was out and about and it was after he went to
9 Walmart, but he didn't have the phone at Walmart, because he
10 has to not have the phone at Walmart for that to be him.

11 He does not have the phone there, but then he
12 apparently somehow, I don't know, I guess goes back to the
13 house, retrieves the phone, goes back out for this phone
14 call, I don't know, that they claim is somewhere away from
15 the residence, but all within two and a half to three miles
16 of the house. But that that in some way, shape, fashion, or
17 shape, or form, is an indication that they are all planning
18 to do something.

19 I don't know about you, I turn my phone off every
20 night. The phone calls I get, I ain't trying to get any
21 when it's time to go to bed. And then the shocker, his
22 phone was off for 2:00 to 8:00, 2:00 to 8:00, and that's
23 some kind of -- oh, again, when you've got to put the square
24 peg in the round hole, man, you better pull out everything
25 you can humanly think of. And the -- so that, I guess, is

1 what they're saying is obstruction of justice in some form
2 or fashion, but when you want to talk about somebody who's
3 being truthful, police went and talked to him, what did he
4 say? I was there. I was there with the kids, going to bed.
5 Son was there, he was ironing clothes, getting ready to go
6 out. I knew that Leon Jr. had come over, because I could
7 hear him talking out in the back, sounded like they were
8 having argument, didn't get into it, you know. Simple as
9 that. That's what he said, you know. Got up around, a
10 little after 1:00, went and checked on the dogs, did
11 whatever, you know.

12 Now, the Prosecutor covered this with you very
13 briefly, but I'm going to go a little bit into the history
14 of it. We talked about the State's burden of proof. Their
15 burden of proof is to prove their allegations beyond a
16 reasonable doubt.

17 Now, when I was a kid and God blessed me starting
18 the practice of law, because I do think of this as an honor
19 and a privilege. And I think about that every single day.
20 The standard or the way they describe beyond a reasonable
21 doubt -- back before pants with pockets, you know, running
22 water -- was a reasonable doubt was a doubt for which you
23 could give a reason.

24 It has since kind of morphed and have been updated
25 by our Supreme Court so that now it kind of has two prongs

1 to it in explaining it so that you look at it almost like
2 two sides of the same coin.

3 One, they say is, what they then went to initially
4 was: A reasonable doubt is a doubt that causes a reasonable
5 person to hesitate to act. A simple way of looking at that
6 is, you've got a four-year-old child, you can tell that the
7 kid next door is obviously on drugs, by the track marks on
8 their arms, and they say, Hey, you want me to babysit your
9 kid? I'm thinking you've got a reasonable doubt whether
10 that person babysit your kid. That would cause you to
11 hesitate to act on it.

12 But they then updated it to kind of give you the
13 other side of the coin, that the Prosecutor also relayed to,
14 which is: To find the defendant guilty, you have to find
15 that there is evidence that leaves you firmly convinced of
16 guilt. Firmly convinced of guilt. And if you have any
17 question of what the concept of, firm conviction, means --
18 in family court, where there are no juries and the Judge
19 makes their own determination, the level of evidence that
20 has to be proven to take a child away from their parent is
21 firmly convinced. So that's the level we're talking about.

22 Now, so let's look at both sides of the coin with
23 regard to this evidence. With regard to the allegations
24 made by the State, the fact that five children -- because
25 their allegation, of course, is that he was killed in that

1 house on that night, never left there alive according to
2 them. The fact that there were five children present in
3 that home that night who never left, does that leave you
4 firmly convinced that that is what happened and that
5 Alexander Rhue Sr. is guilty or does that give you a reason
6 for doubt?

7 The fact that they want to rely on the blood
8 that's in the bedroom, saying this is how it all is, that
9 there's no blood, no trail, nothing anywhere else in the
10 house. Does that leave you firmly convinced of guilt or
11 does that give you a reason for doubt?

12 The fact that there is no evidence, no blood in
13 any car associated with any of these three folks, especially
14 not Alexander Rhue Sr., does that leave you firmly convinced
15 of guilt or does that give you a reason to doubt?

16 The fact that the license plate readers don't show
17 any vehicle associated with Alexander Rhue Sr. going
18 anywhere near the Black River on that night or any other
19 day, does that leave you firmly convinced of the State's
20 story or does that give you a reason for doubt?

21 The fact that the cell tower records show that
22 Alexander Rhue Sr. never left the area within, I think it
23 was said, two and a half to three miles around
24 1015 Highmarket Street, does that leave you firmly convinced
25 or give you a reason for doubt?

1 The fact that there were absolutely no injuries on
2 Alexander Rhue Sr., or anybody else that I know of to my
3 knowledge. Although, no, Tiesh Rhue had the scratches, and
4 they explained that, that she had gone up there to deliver
5 the kids, and when she went back to pick up the kids, baby
6 daddy's girlfriend jumped in, they got in a fight, they
7 talked to baby daddy, he confirmed it. Yes, she was up
8 here, my girlfriend and her got into a fight, she scratched
9 her. But other than that, Alexander Rhue Sr., no injuries.

10 Once again, according to them, Leon Harrison Jr.
11 is in there fighting for his life. No injuries. Does it
12 leave you firmly convinced of guilt or does that give you a
13 reason for doubt?

14 The fact that no evidence, no blood, nothing was
15 found on Alexander Rhue Sr.'s clothes, shoes, or belongings,
16 because, remember, they had three chances to go in there and
17 they said we went in there and we searched everywhere and
18 everything. And I specifically asked them, Okay, well, this
19 is the room that he stays in when he's here, did you look
20 through all that stuff? Yes, we did. And then when you
21 arrested him, on one of the three times you arrested him,
22 because remember he was for accessory after the fact, I
23 believe, first -- and if I get the order wrong, I
24 apologize -- but he was arrested three separate times. He
25 was charged with accessory after the fact. Then he was

1 charged with obstruction of justice. Then all of a sudden
2 he was charged with murder. Does that make you think they
3 knew what they were doing or talking about?

4 But anyway, I asked them, when he was in jail on
5 one of these arrests -- they even went and got the clothes
6 and the shoes that he wore into the jail, tested them,
7 didn't find anything. Does that leave you firmly convinced
8 of some guilty activity or does that give you a reason for
9 doubt?

10 The fact that Mr. Harrison Jr.'s friend saw him
11 walking near the Bank of America at a material time in their
12 timeframe, does that leave you firmly convinced of guilty or
13 does that give you a reason for doubt?

14 The fact that the police didn't check out anyone
15 else, because they're too busy trying to put that square peg
16 in that round hole, does that leave you firmly convinced or
17 does that give you reason for doubt?

18 And there's more. I could talk about nautical
19 knots. I could talk about the predation, meaning that he
20 wasn't injured in the house, that it happened after he was
21 placed in the river. I could talk about the police report
22 saying that they did not indicate that they interviewed
23 anyone in the neighborhood. I could talk about the fact
24 that virtually every phone app has a location component,
25 that no matter what you do.

1 But one of the interesting things that happened
2 today is, I'm always fearful, when I was a younger attorney,
3 I wasn't supposed to be in the court, I was supposed to be
4 in the office, my boss said, Hey, I need you to run over to
5 the court, and my boss was in court. And so I come over and
6 I didn't even think about it, because you're always thinking
7 about I need to turn my phone off or silence it, yada, yada,
8 yada. And so I just run there I talk to my boss and she's
9 like sit down, sit down, I need you to hold on a second.
10 And while I'm sitting there, my phone goes off, and the
11 Judge makes me sit there until he finishes the entire
12 morning session of court, and then he gave me a singing to
13 in front of everyone, and then he fined me \$500. Which, at
14 that time, I doggone sure couldn't afford it. So I've
15 always been very mindful of, I got to silence the phone, got
16 to turn the phone off.

17 Well, today I come in here and I'm turning my
18 phone off, because I don't want there to be any chance that
19 anything goes wrong, and a message I've never noticed before
20 popped up. And what did that message say it was: Even with
21 your phone off, your location will still -- your location
22 app will still work. In other words, you know, you got the
23 thing where you may have misplaced your phone, but you got
24 an Ipad, and you do it with your Ipad and it makes the phone
25 ring or something like that, that's what my phone said here,

1 which I found very interesting. But I am not, as y'all can
2 tell, a tech savvy person. But I could have brought that
3 up, could of brought the fact that there's no Geofence
4 around the area where the victim's body was recovered, and
5 whether that was a reason for doubt.

6 This has gone on for over four-and-a-half years.
7 there's two tragedies. The tragedy that Leon Harrison Jr.
8 was horrifically killed and we can't do anything about that.
9 But what we can do something about is the second tragedy
10 that this man, this good man, has lived under a unwarranted
11 cloud of suspicion all of that time he was needed.

12 Please, follow your oath. Give him back his good
13 name. Find him not guilty of murder and not guilty of
14 obstruction of justice.

15 I thank you for your time, your attention, and the
16 honor of appearing before you.

17 THE COURT: All right. Thank you, Mr. Hazzard.

18 Mr. Voigt?

19 MR. VOIGT: Judge, if I could have a moment? I
20 have to transfer a cord, because I'm going to attempt to
21 play with technology.

22 THE COURT: All right, sir.

23 CLOSING ARGUMENT ON BEHALF OF ALEXANDER RHUE JR.

24 MR. VOIGT: Apparently, it can be done quickly,
25 after all.

1 Well, thank you very much. Many days ago, I came
2 in a little hot. And I told you to pay attention for where
3 you might to start maybe getting upset or angry. And maybe
4 that's because I was upset and angry. And that's because I
5 see things slightly differently than the State of South of
6 Carolina. And I see things slightly differently than the
7 Georgetown Police Department. And I see things slightly
8 differently than half of the people who sit out here.

9 I'm going to try not to hit exactly the same
10 points in exactly the same way that Mr. Hazzard did. You
11 have has through enough. You have been punished for being a
12 good citizen, so has Alexander Rhue Jr., so has Alexander
13 Rhue Sr., and so has Tiesh Rhue. They have been punished by
14 their government for being good citizens.

15 You've been alternately bored and shuffled in and
16 out of this room. And you've been tasked with fixing a
17 problem, and the problem began February 25th, 2017, because
18 we don't know what happened. And so people in a family
19 started to speculate and started to guess. And they were
20 worried. And this is -- that's at the beginning, and here
21 we are, here at the end. And the tragedy is we don't know
22 anymore today than we knew then. And it's because the State
23 of South of Carolina took the wrong track, didn't follow a
24 lead, didn't find evidence.

25 Now, we're going to talk a little bit about

1 evidence and what evidence is. And this looks like
2 evidence. There are exhibits, they're placed in evidence,
3 you've been shown some. I have none of them in this
4 fabulous presentation you're about to see, because they're
5 not evidence. They're more like the lint that accumulates
6 in your pocket. It's there, but it doesn't mean anything.

7 What do you mean it doesn't mean anything?
8 Mr. Voigt, there over a 100 exhibits over here. These all
9 have meaning, because remember, the State picks what goes
10 on. But that's not really what this is. This case begins
11 because one part of a family dislikes another part of a
12 family. This is mob justice. This is what we're supposed
13 to stop, okay?

14 What we're talking about are rumors, hunches, and
15 this is really important for what you've got -- gotten to
16 see, assumptions. We're going to assume something.
17 Remember, I said at the beginning, when you come to a place
18 and you're describing evidence and it's, it must have been,
19 or, he should have, or as the State, for the very first time
20 today said that Tiesh Rhue had Leon Harrison Jr.'s phone.
21 Think back to Day 1, Day 2, what witness said that? What
22 piece of evidence pointed there? That's an assumption,
23 that's not what we're doing.

24 I told you at the beginning that the verdict, the
25 end here, what they're asking you to do is a destination,

1 and there's a path. And I would have shown you these very
2 fancy pictures that I stole from the internet, but the
3 analogy is this, all right. In a very good case, the State
4 can put together pieces of evidence that will lead you
5 there. Here's the murder weapon. Here's a confession, not
6 a statement, a confession, I did this thing. Here is --
7 here is a telephone call that actually means something.
8 Here is geo location data that puts somebody at the scene of
9 the crime.

10 Now, truthfully, and we've tried a bunch of these
11 cases, all of us, the State's case is rarely so pristine
12 where you can go, Oh, yeah, I can get to there, the
13 destination, just by using this evidence. Often, it looks
14 much more like this. Which is, you kind of got to go this
15 way and shimmy over this way and go that way, and you can
16 get there, be we got to -- we got some obstacles, okay. And
17 that's what the State is portraying to you that we have
18 here.

19 Albeit, we don't have any evidence, but if we did,
20 it would be really good evidence. And the reason why we
21 don't have evidence -- whose fault is it that they don't
22 evidence? You heard it, like a 40-minute speech on, We
23 don't have evidence, because they're so gosh darn smart.
24 They're guilty, because we don't evidence. No, that's not
25 how it works. Sometimes you cannot get from here to there.

1 And that's what this case is. You cannot get to guilty, you
2 can't do it. You can try. I don't want you to spend too
3 much time doing it, we've wasted enough. You can try, but
4 you will find that there is a gap where evidence should be,
5 where a bridge should be, and you can't get there.

6 Proof beyond a reasonable doubt. Mr. Hazzard just
7 went through that, I'll go through it a little bit at the
8 end. Whose -- whose burden is it? Over here. Always over
9 here for all things. Always, all the time.

10 I said at the beginning, I didn't have to say a
11 word. I tried a case once many years ago where I gave my
12 closing argument and said one word, I said Nuh-uh, I sat
13 down. Maybe you're going to wish in 40 minutes that I've
14 done that here. But sometimes the case is so bad that a
15 simple Nuh-uh is enough.

16 They have to meet -- they can answer every
17 question that you have about the elements of the crime.
18 What are you being sold? I think it's interesting
19 Mr. Hazzard and I basically came up with the same
20 formulation. You're being sold something. You're being
21 sold that that, look at this thorough investigation. We
22 have 121 different exhibits and you are missing out on this
23 big demonstrative display over here. I don't want that to
24 pass -- 121 very important exhibits. Oh, look at this,
25 here's Number 94. Number 94, we got to hear where 94 came

1 from, who took it from the house, and we got to hear who
2 tested it for blood. And we got to hear the chain of
3 evidence about how this traveled all the way to Columbia and
4 all the way back, and who touched it, and who tested it, and
5 who did things with it. State's Number 94 admitted without
6 objection. Without objection -- well, I think probably
7 pursuant to previous objection, but...

8 What is it? Why is it important? Remember, they
9 control this whole show. I use that word "show" a little
10 bit under advisement. But what is this? Why is this so
11 important? Does this show the completeness of the
12 investigation? Does this show we will turn over every rock
13 to get the evidence that we need. A metal shaving found
14 near a bed or on a bed. We don't even know if it's a metal
15 shaving. It's a piece of metal. It's been tested. What
16 does it have to do with this case? It's garbage.

17 It's the detritus that accumulates in our lives
18 for no apparent reason. It has no explanation, it has no
19 purpose. How much of your life has been wasted talking
20 about State's Exhibit Number 94? I can find other ones, but
21 let's just stop here, because I think it proves my point.

22 You're being sold a story. You're being sold a
23 story -- well, it's obvious that Mr. Harrison's been killed.
24 And it's obvious that somebody did it. Yeah, okay. But
25 who? And how do we know?

1 Like much of what the State's presentation has
2 been sounds better than the original German, this is blood
3 is thicker than water. It comes from a 13th Century German
4 Proverb, best we can tell, they've used that formulation in
5 English, it's kind of used differently. And then, really
6 about the middle of the 19th Century, what had been a German
7 phrase becomes an English phrase. It's one of the few
8 things -- and the reason why I looked it up, because I'm
9 just kind of interested in this sort of thing -- it doesn't
10 come from the King James Bible and it doesn't come from
11 Shakespeare. And that's 90 percent of the interesting
12 phrases in the English language.

13 Let's talk about blood is thicker than water.
14 Brittani Green testified so many days ago, and my notes are
15 so sparse, I can't remember that she said anything
16 interesting. All right. I did notice this, it's kind of
17 odd, that he calls his children every couple of days. And I
18 believe that's probably generally true, I have no way of
19 discounting that, but he hadn't called his children at all
20 the week before his disappearance. Is that really
21 significant? No. No, it isn't. All right. But remember I
22 started this talking about mob justice and who's on one side
23 of this mob trying to get Alexander Rhue Jr., this is what
24 this is.

25 Well, it starts with Brittani, who's going to just

1 kind of make JR, just a slightly better version of JR than
2 he really was, but somehow the truth leaks out when she
3 testifies. Well, he's not perfect. There might be a week
4 where he doesn't call his children.

5 And how about Ms. Grate. The thing that kind of
6 struck me, and I didn't know where this was going exactly
7 until yesterday, but the State is making -- the State -- the
8 State of South Carolina is making a valued judgment on the
9 quality of people's relationships to Mr. Harrison Jr.

10 The tone of the questioning to Ms. Grate was
11 saccharin. It was a storybook romance, they loved each
12 other. Look, I cannot pronounce judgment on that. I have
13 no thought or theory about that. I'm merely talking about
14 the tone of the State's presentation, because we're going to
15 come back to yesterday and we are going to dump a bucket of
16 mud on the man's wife who professes her love, but we're not
17 going to believe it, we're not going to have any of it.

18 They pick and choose what to emphasize, what to
19 tell you is important, what is sincere and what is a lie and
20 what is a lure. And they even want to give you some sort
21 of -- I think it's a back door motive, which is, he doesn't
22 pay his bills, I don't know where his money goes, she works
23 so hard -- this is like the State in the role as a marriage
24 counselor with Ms. Rhue, and she kills him.

25 Well, that kind of stops the money from coming in,

1 doesn't it? Well, never accused the State of having
2 consistent theories, because they're inconsistent.

3 Was she going to meet him at the club? Don't
4 know. He is back and forth. He comes and goes. It's not
5 unusual. Remember, she doesn't report him missing until
6 after somebody else does.

7 Let's talk about Ms. Thomas a little bit, because
8 now we're talking about -- Ms. Thomas, I don't think tells
9 you anything interesting whatsoever to say about Mr. Rhue
10 Sr. or Tiesh Rhue, but she's got some interesting stuff,
11 allegedly to say about Leon -- about Alexander Rhue Jr.

12 Now, she is JR's cousin, okay. That's going to be
13 a theme. Where do these witnesses come from that have
14 these -- what I loved, was the State selling the vagueness
15 and the lack of detail as that's important, that shows it's
16 true. In what other circumstance does it show that it's
17 true? The lack of detail shows that, it's not. We are
18 through the looking glass in this case. Up is down, down is
19 up. Less detail is better. Facts that cannot be
20 corroborated are better than facts that we know.

21 Wait a second, five witnesses come in and talk
22 phone records. We got some of this, we got Allen Huggins
23 from Conway coming in talking about Geofencing. We got
24 Tiesh Rhue's text messages. Spend a whole bunch of time
25 with T-Mobile and Verizon. Did we corroborate that text

1 message? Did you hear it? Did I miss it? Was it day
2 three? Did I just zone out? No corroboration.

3 What did they corroborate? We know how Tiesh Rhue
4 got scratches on her face in Washington D.C. in March of
5 2017. They got that. Talk about a little text message,
6 which seems weird, it seems kind of cooked up. And by the
7 way, was not true. Nobody hitched a bus to D.C.

8 And let's -- if you remember -- one of the things
9 that you use to -- one of the things that you use to
10 evaluate a witness's truthfulness is demeanor. What's
11 demeanor mean? How do they act? How clear voiced are they?
12 What are their recollections? There's more, and you know
13 there's more, there's body language. There's little tells.
14 And you bring your common experience and your common
15 experience dealing with people -- and some of you, in your
16 various lines of work, have dealt with a lot people.

17 Who gets angrier than defensive people? People
18 who maybe -- might be wrong. They get angry at you for
19 pointing it out. Oh, how could you. How angry was she?
20 What did I ask her that made her angry? I doubted her story
21 and she got very angry. It's because she made it up. And
22 it's not corroborated. And whose side is she on? Whose
23 blood is she? Oh, blood's thicker than water all right.
24 It's just not the way the State intended.

25 Oh, I've got more. Antwan Simmons. Wait a

1 second, is this going to be a coincidence or a theme? Oh,
2 it sure is. Guess whose cousin he is? Huh. Weird. He
3 hears a vague brag. You can remember what he said, maybe, I
4 don't know, it wasn't all that impressive.

5 Now, remember the State has the ability, has the
6 ability, perhaps has the duty, to corroborate all these
7 statements. Was Alexander Rhue so clever -- Alexander Rhue
8 Jr., so that we're clear -- was so clever that he turned his
9 phone off while he talked about this trip with Antwan
10 Simmons so that we didn't know that we couldn't put Antwan
11 Simmons and Alexander Rhue Jr. in the same place at the same
12 time, so that we could go, Oh, that's when that ride to
13 Myrtle Beach took place. We couldn't corroborate that.

14 But you know what, we don't even need all that
15 fancy phone records that we spend days on, we're going to
16 spend a little time -- there's three people in the cab and
17 there was testimony about what kind of cab or truck this is,
18 and Mr. Simmons said -- said, Well, it's got those little
19 fold out seats in the back. Not a full back seat. Which
20 way are your knees pointed? Oh, yeah. So tight he can't
21 transport workers on that truck. It's so tight. Did we
22 corroborate this? There was somebody else in there. Did we
23 corroborate it? No, we didn't.

24 Body language. Now, he does something different,
25 he doesn't get angry at me. He does something that you have

1 seen children do, that you have seen co-workers do, that you
2 have seen adults do. Just before he tells the lie, he looks
3 at the floor, it's a tell, he's gathering his thought. He
4 doesn't want to meet you in the eye. Meet me in the eye.
5 He wants to look at the floor. That's the tell that the
6 next thing coming out of his mouth is a story. It's not
7 what happened.

8 Did they discuss JR's disappearance? Perhaps, I
9 don't know. Did he construe it into something darker?
10 Well, of course he did, because he had to look at the floor
11 to gather himself before he launched the lie into the world.

12 That's a piece of work right there. Ordinarily,
13 extrinsic evidence of previous statements isn't admissible,
14 but I let that one fly, and I don't care if you read it,
15 it's garbage. Garbage in, garbage out.

16 Weirdly -- no, not weirdly, this is the theme,
17 right? Blood is thicker than water. Friend of more than
18 two decades -- more than two decades with a member of Leon
19 Harrison Jr.'s family. Some random person comes in and
20 admits that we took him for a ride, or we dumped the body,
21 or we did something vague, because, God forbid there are
22 details. You know, details might actually sell it, but, no,
23 we don't have details. And he gets some sort of deal from
24 the Solicitor's Office at the end, a little drug court, go
25 heal yourself.

1 Ah, corroboration, again. How do we know these
2 things are true? How do we know that Tiesh Rhue didn't --
3 those weren't defensive and that somebody didn't scratch --
4 how do we know that a woman in Washington D.C. scratched her
5 face? Because the police took the effort to corroborate it.

6 We had an officer from Horry County come down here
7 and say something about phone records and what they meant.
8 Well, where is the evidence that these two people were ever
9 in the same place at the same time? Guess who has the
10 records? Guess who knows? Guess who can call witnesses?
11 Guess who controls how this production is laid out? The
12 State of South Carolina.

13 Did they do it for you? No. They didn't do it
14 for you, because maybe it's not true and we can't prove it.
15 Believe it anyway. Believe it anyway. We're not going to
16 back that up. We could, but we're not going to. Trust us.
17 Come on, trust us. I'm going to sell you that car on the
18 lot that you saw on that previous pic -- just trust us on
19 this. We got this.

20 All right. That's the best that the family can
21 do, okay? That is the best that they can do. They're
22 hearing rumors, they're on Facebook. We heard some of that
23 from the detectives, from the investigators. And you think,
24 Well, okay, that's we can cover that on maybe day one of the
25 trial, but certainly on day two or day three, we're going to

1 get like, you know, evidence or not.

2 Well, let me go back. There we go. We did
3 everything that we could do. That's what came out of
4 Investigator Morris's mouth at some point during the
5 testimony. All right.

6 Poor Bert Powell, I do feel sorry for him, he's an
7 investigator for five days, he's a patrol guy then, he's a
8 patrol guy now. Everybody's got different skill sets.
9 Five days as an investigator that's not -- that's not ideal.
10 It's not perfect. Okay. This is Investigator Morris's
11 first murder investigation. Okay. I think we all agree,
12 we're better on our tenth of anything, than we are on our
13 first, we do learn from mistakes.

14 Mr. Hazzard, mentioned this, the look on
15 Investigator Morris's face should have told you something,
16 he had no idea what I was talking about. We have a case
17 where, at the center, is poor Mr. Leon Harrison Jr. who is
18 dead and now decaying, he is a cadaver. Cadavers give off
19 certain smells. And dogs have much more sensitive noses
20 than we do. And just like there are bomb sniffing dogs,
21 drug sniffing dogs, there are dogs that when you do
22 searches, are going looking for bodies. And even if the car
23 looks clean, it may not smell clean to the dog, it may alert
24 on it.

25 Just because the Georgetown Police Department

1 doesn't keep one, because, you know, they need to be
2 trained. You know, and we never really had to consider this
3 in this case, but the law on dogs, any one of those kinds of
4 dogs, requires that the dogs be working in the field, but
5 not work too much, they have to take time off, so that they
6 can smell the flowers or whatever else, you know, the
7 non-thing that they're going to alert to. And it's
8 really -- it's a specialization and I would understand why
9 the Georgetown Police Department might not have one. State
10 Law Enforcement Division, we're going to use them for a
11 whole bunch of stuff. Going to make a call? No. Okay.

12 Knots. Now, Mr. Hazzard covered some of this. We
13 had an expert -- really an expert -- talk about the nautical
14 nature of the knots. And I did some of this questioning for
15 Investigator Morris and I asked him these questions: What
16 did you do? You're there at the autopsy, you have this
17 expert, she can tell you some stuff. She has done thousands
18 of autopsies. Ask away. No. No interest. The lightbulb
19 does not go off. Remember, there's no part of this that's
20 important, it's all important. There's no ability to
21 distinguish -- there's no ability to understand why State's
22 94 is not evidence of anything. Throw it against the wall
23 to see if it sticks.

24 It would have been really nice to know who, near
25 the club, near the Black River, anywhere where we might have

1 actually found evidence, had knowledge of knots, and these
2 weren't -- I think we had lots of testimony -- these were
3 not little bunny knots. We're not just around and through,
4 no. Wrapped and wrapped. And you can look at the pictures
5 of them. As a matter of fact, they may actually be here.
6 Not just any old knots. Any evidence linking Alexander Rhue
7 Jr. to a specific knowledge of knots? No.

8 Why -- we went to Radio Shack and Walmart. That's
9 your investigation. Ends right there. They didn't have it,
10 I looked on the shelf, it wasn't there. That's it. There
11 are people in this state, there are agencies in this state,
12 there are people -- there are experts on everything. There
13 are people with specialized knowledge about everything.

14 If you wanted to know the release date of the
15 first Furby, a talking toy for children, you could find
16 somebody for that. If you wanted to price your first
17 generation Star Wars figurines, you could find somebody.
18 You probably would have to use the internet from your desk.
19 But you would have to know that it was a question you had to
20 ask. Nobody thought to ask the question. No one thought to
21 look.

22 The next time, there's a limited amount I have to
23 say about next point. There's a limited amount of testimony
24 that came out. I don't much care that from time to time
25 Leon Harrison Jr. sold drugs, I don't care. I do know, as

1 you all might, through your common experience, that that is
2 not the world's safest occupation or past time, it is not.

3 Where was the investigation? Talked to them, that
4 was it. That was it, that was the whole thing. You just
5 found out that there's a whole secret chapter of Leon
6 Harrison Jr.'s life and you skim the first paragraph and you
7 close the book. It's a lack of imagination.

8 Certainly, as you were listening to the testimony,
9 these questions occurred to you, they must have. You were
10 told at the very beginning to look for them. I'm sure that
11 you did.

12 Mr. Hazzard covered a bit of this point here.
13 And, again, I'm not trying to beat up, too much, on the
14 Georgetown Police Department, but we have people whose
15 been -- we have -- we have one investigator whose been an
16 investigator for five days rummaging around a house. We've
17 got one on his first murder investigation. And we have one
18 who later becomes the interim chief, who is basically a jack
19 of all trades. And they are bigfooting this little house on
20 Highmarket Street and taking pictures and you never heard
21 what the scale was. Hey, put that scale up there, you know,
22 that little black and white thing, stick that right up there
23 near the spot we wanted you to see. And it's just
24 millimeters. What was it? How far from the edge of the
25 wall was it? Oh, you didn't measure it? How big was that

1 spot? You didn't measure it? That's what having an actual
2 crime scene technician comes in.

3 I didn't want to ask this question, my point -- my
4 point is, you know, you get it I'm sure -- is that the
5 thoroughness of the investigation was wanting. It lacked
6 for a certain understanding of what a crime scene is,
7 understanding of what a murder investigation is, but this
8 one truly confused me.

9 On the bedsheet where a grown woman sleeps, there
10 is menstrual blood stains. And we had to have a SLED expert
11 determine that. And we put it into evidence, like it
12 mattered. I'm embarrassed for all us that we had to do
13 that, because nobody has a filter.

14 Remember, I don't control what comes in, I try,
15 but, you know, I really don't. I don't control the focus of
16 this investigation. I don't focus what they think is
17 important and what I think is important. It's what they
18 think is important, is important. It's in evidence. Why?
19 It was never important. It never lead you anywhere. All it
20 did was, confirm that she lived in her own house, but we
21 already knew that.

22 Every search warrant, something associated with
23 the Rhues, we didn't look anywhere else. We didn't look at
24 anybody else's phone records, other than Leon Harrison
25 Jr.'s, and that's, I mean, he died and we needed to look at

1 his records. But everything else, from the very beginning,
2 focused on the Rhues to the exclusion of anything.

3 All right. I kind of hit on this when I started.
4 What are we doing on a deeper level than just what's
5 happening with the Rhues? What's happening with the State
6 of South Carolina and the Georgetown Police Department with
7 the Rhues? Text your husband, that's evidence of your
8 guilt. Go to Walmart -- or don't go to Walmart, let me come
9 back to that -- and you're guilty. Leave your house. Ah,
10 got you there. You can listen to all those statements,
11 they're not confessions. Confessions are like really good
12 evidence. Statements are like second string evidence.

13 What is -- they just didn't tell the State's
14 investigators what the State's investigators wanted to hear.
15 Ask her again. I think one of those times outside, All
16 right, let's start from the beginning. I didn't like your
17 story the last time we talked, let's start again, because
18 they're going to try to -- they're going to catch you in
19 some way. And that's -- that's how a rookie investigator
20 might think this plays. You know, if I get her to say --
21 say the same story seven times, maybe on the seventh time
22 they'll forget that they were watching that show and they
23 won't mention it. Turn off your phone. I don't have any
24 evidence to show you, because they're so clever.

25 We'll play a little thought experiment with you on

1 this, this has to do with reasonable doubt concerning only
2 my client, Alexander Rhue, guilty. Let's say that, despite
3 my best efforts, despite what I'm brining to you right now,
4 you find him guilty of murder, okay?

5 Thank God, you're out of jury service, you're
6 heading home, two weeks from now you're at a Bar-B-Q, or a
7 cocktail party, or wherever you go, in a social setting, and
8 somebody says, Well, you know, they were on that big jury in
9 Georgetown, you know where the body was in the water, pretty
10 serious case. Oh, so you were on that jury, you found him
11 guilty, huh. I couldn't tell from the newspaper article,
12 how was he killed? Oh, we didn't know. Oh, but the State
13 said it didn't matter. Where was he killed? Don't know
14 exactly where he was killed, but the State said it didn't
15 matter. Well, who did what and how did he get to the river
16 and he was bound? Tell us about that. What? Oh, well,
17 none of that mattered.

18 I don't want you -- I don't want it to dawn on you
19 sometime later, when you're thinking about this, because
20 you're going to be thinking about this for a minute. Oh,
21 wait a second, that was what -- that's reasonable doubt.
22 That's what that thing is. I don't have the answers to very
23 basic questions, and I'm supposed to make a decision, the
24 most profound decision in the history, for my purposes, for
25 Alexander Rhue Jr. and they didn't give it to me. If they

1 had it, they didn't show it to me, and maybe they don't know
2 it. But they're asking me to do something, and there is a
3 hole where evidence should be. Who did what, when, and how
4 do you know? And you don't. We've got some guesses, we've
5 got some assumptions and we've got some suspicions. And
6 that's not evidence.

7 They ignored this stuff like it didn't even
8 happen, okay. Where was the last place he was seen? Maybe
9 it was there, we don't investigate that. We don't
10 investigate the drug dealing. Who left town of all the
11 people they talked to? Who left town and who didn't? I
12 think that would be kind of interesting to know, wouldn't
13 it? A little guilty knowledge, maybe. I mean, you can
14 stretch it, but you don't know the answer to that question.
15 Who tied the knots? Where did they get the knowledge? We
16 don't know. Where else could they have looked? Well, we'll
17 never know.

18 Somebody -- we heard this just as a passing
19 reference, the day before he's reported missing, somebody's
20 down by the river looking for him and it ain't the Rhues,
21 okay. Who? Why? What does it mean? What does it mean?
22 It means that we already got the Rhues, but if we just keep
23 asking the same questions over and over again, they'll
24 break.

25 I'm going to explain that first little bit to you

1 there, right, because we are being lead to believe that the
2 Rhue family, this criminal enterprise, of a grandfather, and
3 a brother -- a father and a brother and a sister, were so
4 clever that they had evaded any sort of detection by
5 simultaneously turning their phones off, because that's the
6 only explanation, could not be something more simple.

7 I'm going to introduce to you the concept of
8 Occam's Razor, named after a British Friar from about
9 400 years ago who dabbled in logical proofs. And I hope
10 none of you had to take logic in college, it's like math,
11 but with words, and it's very confusing.

12 But -- and how it comes into our analysis is it --
13 what it really is, when you have two complex systems or two
14 complex thoughts, and you're trying to prove which one of
15 these complex thoughts is true, what you're going to look
16 for, most likely, is the one that contains the least number
17 of assumptions. And how that comes into the English
18 vernacular is this: The simplest explanation is usually the
19 best one.

20 And I'm going to piggyback on something
21 Mr. Hazzard said, because that's how I'm going to apply
22 Occam's Razor to blood stains on the floor. These geniuses,
23 who coordinated, like in the movies, check your watch, at
24 2:00 we go dark. Right? At 2:00 we go dark, except my
25 client didn't. I mean, that kind of was a little fly in the

1 ointment there, the testimony was my client really didn't go
2 dark at 2:00 and he was up a little bit later, and it may
3 kind of tell you the quality of the State's evidence it's
4 not all it's cracked up to be, because it's easily refuted
5 in their own presentation, okay.

6 We're going to go dark, because we're super smart
7 geniuses, criminal geniuses, about to do this criminal
8 enterprise. And we got the crime scene. Everybody is going
9 to talk about a crime scene being the Highmarket Street
10 address. And these super geniuses, who knew to go dark at
11 the same time. We, don't know how they transported the
12 body, because no evidence of that. But they all go dark and
13 they leave a blood stain, or two or three or four, in the
14 house for two weeks.

15 What can you do to a blood stain in two weeks?
16 Can you cut out a carpet? Sure. Can you cut out a padding?
17 Sure. Can you pour bleach on the blood stain and destroy
18 the DNA? Sure.

19 How about the internet searches, you know, that's
20 evidence. In some cases that are thoroughly investigated,
21 internet searches are evidence. What did you look for? How
22 do I -- how do I get DNA out of blood. How do I -- how do I
23 transport a body? How do I tie a knot that is so tight that
24 somebody can't slip out of it? Do bodies float or do they
25 sink?

1 Internet searches on phones on computers. You
2 know who can look for them, police officers can, with search
3 warrants. They have to have the thought, has to occur to
4 them. Why is it occurring to me four-and-a-half years later
5 that it might be really important?

6 What's Occam's Razor mean applied to the blood
7 stains on the floor? The people in the house didn't think
8 it was a crime scene and didn't think it was evidence of a
9 crime. That's the simplest explanation is the first one you
10 heard, which was he cut that stuff out. I don't know. It's
11 not a crime scene. It's not actually evidence.

12 They want you to believe that at all stages in
13 this case they acted in concert to cover their tracks. To
14 make sure that they would not be found out. And, yet, they
15 leave right there, where anybody can see it or find it.

16 Maybe the simplest explanation is the best one.
17 They acted like they were not guilty, like they had nothing
18 to lose, like they had nothing to fear, because they had
19 nothing to fear, because they were not guilty.

20 We talked about homicidal violence. That's an
21 unfortunate word, all right. In most murder cases we don't
22 rely on something that has almost no meaning, whatsoever,
23 but in a case where you have no evidence about how somebody
24 died, we have to put it in there, all right.

25 How did they sleep -- how did the kids sleep

1 through it? We'll never know. Oh, maybe the simplest
2 explanation is, there was nothing to sleep through. You
3 know what happened, at 2:00 a.m. everybody kind of went to
4 bed, these kids have been asleep for hours. There was
5 nothing to wake them up. There was nothing interesting.

6 Why is there so little evidence in the bedroom?
7 So little evidence. Mister -- this was kind of interesting
8 so -- and this is, again, all the police work kind of
9 stuff -- I asked Investigator Morris, certainly, with all
10 that clothes full of -- you know, closet full of clothes,
11 certainly, you must have had to go through the sleeves of
12 each one to make sure that, you know, if we're talking --
13 now, the forensic pathologist said there were major
14 arteries.

15 So we're not talking a situation where blood is
16 spraying in some sort of grotesque manner. But if the
17 allegation is that somebody is bleeding fairly heavily,
18 casting off blood, we're going to go through each and every
19 article of clothing, because there could be more evidence
20 there. We're going to turn over every shoe, we're going to
21 look inside the shoe. And what did he tell you? Well,
22 somebody must have. He didn't. The lead investigator
23 didn't do it. The jack-of-all-trades captain, did he say he
24 did it? Nope. How about investigator for five days, did he
25 do it? You didn't hear testimony of it. That's the quality

1 of what we're working with here.

2 I want to go back for a second. Well, who went to
3 Walmart? The State wants to have it two different ways.
4 The phones show us that one of these folks went into a
5 sector that contains Walmart. So we watched -- catch --
6 catch the slight of hand -- we watched four hours of video
7 looking for someone who looked like the Rhues. Right?
8 That's the way of saying it. We're either looking for the
9 Rhues, or we're looking for somebody who looks like the
10 Rhues. And we found someone who looks like Alexander Rhue
11 Sr.

12 Now, when it comes to Alexander Rhue Jr., my
13 client, was he there? The other phone records did not seem
14 to put him there, and the State would like to explain that.
15 In other words, they've got records that seem to not
16 Alexander Rhue anywhere near Walmart. There's somebody who
17 might look like him there. There's certainly a man in a
18 yellow hat, and that's all you need to see, apparently to
19 make that connection.

20 But there's a -- the evidence that Lieutenant
21 Huggins -- Lieutenant Huggins, I just gave him a
22 promotion -- that Detective Huggins gave, did not put
23 Alexander Rhue anywhere near Walmart. And these are
24 inconsistent things that you can hold against the State, but
25 they're going to tell you that somehow, criminal master

1 minds have thwarted law enforcement once again and hidden
2 their true direction and their true location.

3 I don't get to tell you the law -- not yet, but
4 you don't have to listen to me, you have to listen to the
5 Judge. Listen for this sentence, it's in there, trust me,
6 okay, it concerns circumstantial evidence. We are not
7 talking about suspicions now. We're not talking about,
8 Well, he must have done that, or they should have done that,
9 or it had to be this way. That's -- those are guesses. We
10 don't do guesses. If we get to the point where you have to
11 connect all of this, their proof has failed.

12 On a previous slide you may have seen a little
13 sentence, Connect Alexander Rhue Jr. to the bedroom where
14 the blood was found. What evidence do you have? Not
15 conjecture, not guessing, not hunches.

16 Think back, what evidence that he ever entered the
17 room, interacted with anything in the room? Zero. You are
18 not here to guess. You're not here to make it better where
19 it isn't. You know what you are? You're the last rampart.

20 I can only do so much to defend Alexander Rhue Jr.
21 I've only got so many arrows in my quiver. I've only got so
22 much power. I've only got so much persuasion packed into
23 me. That's your job. We are not equal. There's three of
24 us, two of them, three of them, however, but we're not
25 equal. Who can go get all those records? Who can

1 corroborate all those witness statements? Who can prove
2 things? Whose job is it? Theirs, not mine. Never mine.
3 Never mine.

4 The innocent things that they are trying -- and
5 that's why I was angry earlier, and I've managed to keep it
6 under control. Innocent behaviors, we don't believe you,
7 therefore you're lying, therefore you're guilty. That's it.
8 That's the whole case. I just summed it up for you right
9 there.

10 Think about my client for a second. What
11 interaction did you have? You didn't have 17 statements,
12 you had one interesting one. How did he get there? Did
13 they have to go find him? Walks into the station with his
14 lunch. Nothing to fear, nothing to hide. A man sits and
15 eats his lunch and the investigators talk to him and he puts
16 the spoon down in the cup of soup, or ramen, or whatever, he
17 puts it down and he talks to them. And he tells them where
18 he's been, and what he's done, and who he knows, and what
19 his opinions of this one or that one are.

20 I said earlier there would be body language.
21 Alexander Rhue Jr., like me sometimes, talks with his hands
22 and makes gestures and motions, and he's forthright and
23 clear. Will you give us a buccal swab? Yeah, sure. Leans
24 in, leans into the buccal swab. Nothing to hide, nothing to
25 fear.

1 Simplest explanation is, he didn't do anything,
2 not a crime. Did he occasionally argue with JR, because JR
3 mistreated his sister? Yes. In that statement did you hear
4 him say sometimes my sister mistreats JR. Yes. Did I try
5 not to get in the middle of all that, because that's drama?
6 Yes. Nothing to fear, nothing to hide. But they want you
7 to believe that's proof of guilt or obstructing justice by
8 not -- by not just coming in and falling on a murder charge
9 that you didn't do? Certainly there's a higher bargain than
10 that.

11 Let's talk about the bar. Proof beyond a
12 reasonable doubt. You sat here for the better part of
13 two weeks, and at the end of the State's evidence, it's, you
14 know what, Rhue Jr. maybe had something to do with it.
15 Yeah, I've got my suspicions about that guy. Maybe he did
16 do it. Yeah, maybe he did. Hum.

17 You know what, based on what they've given, and
18 all this evidence, I think Alexander Rhue probably did it.
19 And he probably had something to do with it. He may have --
20 yeah, he probably did it. What's your verdict?

21 Oh, yeah, because that's not the burden of proof.
22 We've got to get beyond suspicious. We've got to get beyond
23 innuendos, beyond assumptions. That's all the State's given
24 you and boxes filled with nothing. There's no evidence in
25 this case, because there's no evidence that they did

1 anything. That's the simplest explanation.

2 You really have one choice. If you've watched the
3 same case I have, and it's not guilty, that's it. I'm not
4 asking. I'm not pleading. I'm telling. The law says, If
5 you don't have it and they didn't prove it, that's it, check
6 the box, move on. Thank you very much.

7 THE COURT: All right. Ladies and gentlemen,
8 we've been going for well over two hours. We've got at
9 least one more closing argument and my instructions. What
10 I'm going to ask is that you go back to the jury room,
11 stretch for a moment. I understand that there's some lunch
12 that has been delivered, because the plan was to have a
13 working lunch, so to speak, so we've got lunch back there.

14 If you want to grab something quick, fine, but my
15 plan would be to bring you back in here within the next 10
16 to 15 minutes, just to give everybody an opportunity to
17 stand up, stretch, go to the restroom. Have Mr. Edgeworth,
18 make his closing argument. And then I would read to you the
19 jury charge and then send you back to the jury room, check
20 briefly with these folks, and then more than likely tell
21 you, you can begin to deliberate. So that is the plan.

22 Any problems with that from the Solicitor's
23 Office?

24 MS. RICHARDSON: No, Your Honor.

25 THE COURT: Mr. Hazzard?

1 MR. HAZZARD: No problems, Your Honor.

2 THE COURT: Mr. Voigt?

3 MR. VOIGT: No, sir.

4 THE COURT: Mr. Edgeworth.

5 MR. EDGEWORTH: No, sir.

6 THE COURT: All right. So ladies and gentlemen,
7 don't talk about the case. Now is not the time to do that,
8 it will be in a few moments but not now. If you just go
9 back stretch, bathroom break, if you want to get something
10 quick. But I plan on bringing you back in here probably 10,
11 nor more than 15 minutes for the final close and then the
12 instructions. Okay. Thank you.

13 (WHEREUPON, the jury exited the courtroom at 1:14
14 p.m.)

15 THE COURT: Any objection from the State as to the
16 information that I just provided the jury?

17 MS. RICHARDSON: No, Your Honor.

18 THE COURT: Okay. Anything from Mr. Hazzard?

19 MR. HAZZARD: No, sir.

20 THE COURT: Mr. Voigt?

21 MR. VOIGT: No, sir.

22 THE COURT: Mr. Edgeworth?

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: All right. We'll be at ease for
25 about, well, 10 to 15 minutes, okay?

1 (WHEREUPON, a break was held from 1:14 p.m. until
2 1:28 p.m.)

3 THE BAILIFF: All rise.

4 THE COURT: Thank you. Please be seated.

5 All right. Is the State ready to proceed?

6 MS. RICHARDSON: Yes, Your Honor.

7 THE COURT: All right. Mr. Hazzard?

8 MR. HAZZARD: Yes, sir.

9 THE COURT: Mr. Voigt?

10 MR. VOIGT: Yes, sir.

11 THE COURT: Mr. Edgeworth?

12 MR. EDGEWORTH: Yes, Your Honor.

13 THE COURT: All right. Great.

14 Mr. Bailiff, could you bring us a jury in, please?

15 THE BAILIFF: Yes, sir.

16 THE COURT: Thank you. And during my
17 instructions, I don't want anyone leaving or coming in the
18 courtroom, also.

19 MS. SMITH: Your Honor, I believe that the
20 victim's brothers are here and would like to be allowed in
21 the courtroom; is that okay?

22 THE COURT: Yeah, if they get in here right now.

23 (WHEREUPON, the jury entered the courtroom at 1:31
24 p.m.)

25 THE COURT: All right. Ladies and gentlemen,

1 thank you for bearing with us and at this point, I would
2 recognize Mr. Edgeworth.

3 CLOSING ARGUMENT ON BEHALF OF THE TIESH RHUE

4 MR. EDGEWORTH: Thank you, Your Honor. May it
5 please the Court?

6 THE COURT: Yes, sir.

7 MR. EDGEWORTH: Ladies and gentlemen of the jury,
8 you heard the closing from the State, and I can tell you
9 that the only thing that I don't question from their closing
10 is that someone killed JR, and that's the only thing that I
11 don't question. But everything else, every other piece of
12 evidence and testimony that was put before you, I question,
13 and so should you.

14 Question why it is they're telling you a story
15 that is completely and utterly jaded to what they want you
16 to believe. They haven't told you every side. They haven't
17 tried to dissect. They haven't given you everything that
18 you need to know so that you can go back in that room and
19 make your decision. And that is why I'm going to tell you
20 the things that you need to know so that you can do just
21 that. Not fall for the trap of this is the case and you do
22 what I say.

23 Ms. Tiesh Rhue, she was the spouse, the wife, of
24 Mr. Harrison, JR. No one disputes that. But the State
25 would have you believe that his was some type of tumultuous

1 relationship and that torment somehow caused her to lure her
2 husband to the house so that this extravagant plan could be
3 put into play.

4 They want you to believe that these, as you've
5 heard, the commentary made, the masterminds of some plot,
6 that somehow done this thing, this dirty deed, and are now
7 here to fool you.

8 My grandfather -- great grandfather, rather, he
9 was a lawyer, and I didn't know him very well, because he
10 was much older than I. When I was five-years old we had his
11 early 100th birthday party. And he lived to be 106, but he
12 was a little sick. And when I saw him and I heard that he
13 wanted to be 100-years old -- or when I wanted to be
14 100-years old, I was like, Well, man, he's lawyer, I want to
15 be a lawyer so I can be 100-years old. And that's where my
16 interest in the career of being a lawyer began.

17 But he had a saying, and he could still say it, he
18 sat in his wheelchair, opened his gifts, do the whole nine
19 yards, and he would say this, he would say: It's not the
20 devil in the details, it's the truth, because the devil is
21 looking for fools.

22 So let's talk about these details. Here we are,
23 Ms. Tiesh Rhue, mother of five children, wife to
24 Mr. Harrison, admits to having a relationship that was up
25 and down and tells law enforcement all about it when she's

1 asked. She tells him that he lives here and he lives there.
2 Why didn't you tell anybody that he was missing? It was
3 nothing new, but they want to take that fact and somehow
4 turn it into guilt. You didn't tell anybody anything. To
5 her it was the same old, same old.

6 You've seen the text messages, you've seen the
7 adversariness. She even acknowledged that she got into an
8 argument on the night that he went missing. Is that
9 something you would do if you had something to hide? Or
10 would you hide? She had gone on a trip to D.C. to take her
11 children to see their father. And while she's away
12 Mr. Harrison watched the house, took care of the dogs, may
13 or may not have stayed there, she doesn't know.

14 His girlfriend, Ms. Rosario Grate, said she saw
15 him all the time and that there were times when he would go
16 away for days at a time. But we're ignoring that fact. The
17 State wants to say, Oh, no we didn't hear that. We didn't
18 hear that that's true. All we know is that, if you didn't
19 report him missing, then you must have something to hide.
20 They're only wanting to tell you the things that they want
21 you to hear. They want you to be a fool.

22 Mr. Harrison Sr. testified and he said -- he said,
23 He thought that they got along okay. Meaning, his son and
24 Ms. Rhue. He also said that they went back and forth. He
25 was living here, he was living there. Another person tells

1 the same story, but they want to use those same facts
2 against Ms. Rhue, that somehow she's not going to tell the
3 truth. So much that they went back not two, not three, but
4 at least four times to talk to her about what happened. And
5 every single time she told them that she had been to
6 Washington D.C. She told them that he came over that night,
7 they were supposed to meet up, got into an argument, took a
8 phone, made a little nasty comment to the girlfriend. What
9 was so new? But they want to take that fact and point the
10 finger at Ms. Rhue, even though everybody in the room
11 already knew.

12 Investigator Powell admitted that the dad,
13 Ms. Brittani Green, who is the mother of Mr. Harrison's
14 children with JR, Ms. Grate, and the aunt, who worked at the
15 Detention Center, none of them contacted law enforcement
16 either. It took 12 days for the family to report him
17 missing. Yet, they want to say that the fact that Ms. Rhue
18 didn't report him missing means she's guilty. They only
19 want you to reach that conclusion because they took you down
20 on the fool's path.

21 That detail is not important. Ms. Grate told you
22 that they saw each other sometimes week on, week off. She
23 said that Ms. Rhue knew about them and they had been dating
24 for a while, it's nothing new. She also told you that they
25 had plans. Meaning, her and Mr. Harrison to go out on the

1 night that he went missing. But what do they want to do,
2 say that because Ms. Rhue got into an argument with the
3 girlfriend, she must have been involved with him going
4 missing. Picking and choosing little details to try to get
5 you to follow the fool. Not true.

6 Ms. Meyan Thomas testified, and, with a little
7 reluctance, she admitted that Ms. Rhue, not only gave her a
8 ride after she saw and tried to intervene with her domestic
9 situation, but also gave her clothing in, kind of, like a
10 hand-me-down fashion, because she probably needed it.

11 Is that the kind of person who's going to do a
12 type of thing, just trying to hide something? Just trying
13 to be -- Mr. Harrison -- and this is just a point I kind of
14 forgot -- it just came to me, he also told you that
15 following Mr. Harrison, his son's death, Ms. Rhue was the
16 one who made the funeral arrangements. You didn't hear him
17 say, Y'all can't come. He said that she made the funeral
18 arrangements.

19 The State wants you to take all the things that
20 would normally be, probably not abnormal for us in our
21 everyday life, and turn it into something that points to
22 guilt. Surely, you've had arguments with your spouses.
23 I've had one recently. I had to be here in this trial while
24 my wife was having surgery and she sure as heck wanted me to
25 be there with her. It wasn't really a whole lot I could do

1 about it.

2 The State just wants you to follow the path. The
3 path to nowhere. This crime scene that was -- well, it was
4 made up, it was the terminology that was admitted from the
5 stand, was told to be used by law enforcement. Right? The
6 cellular guy, the phone guy, met with Chief Brown. Told
7 them to refer to it as a crime scene, they want you to think
8 it's a crime scene, when there's no evidence of a crime at
9 all.

10 You've heard ad nauseam now about the failures,
11 the failures of law enforcement. You know that there was
12 blood that was found and there was a, you know, a gap in the
13 floor. Well, the gap was explained, let's don't believe
14 Ms. Rhue. She told them from day one. There was blood
15 there, but we don't know when it was there, but they want
16 you to believe that there's somehow evidence that that was
17 what came from an incident when there's no evidence
18 whatsoever.

19 Don't we think, I'm sure you were thinking this
20 whole time, that okay, Well, if something happened in this
21 small room as testified by multiple people, I think the
22 largest it got was 10 by 12. I mean, we're talking about
23 one, two, three, four, five, six, seven, eight, nine, ten,
24 eleven, twelve. That's the widest it could have possibly
25 been.

1 And so do we not think that if something such as
2 homicidal violence took place that there wouldn't just be
3 blood everywhere? They want you to ignore that. They want
4 to say, Well, you know a little spot here, is this person's
5 blood. And, Oh, this spot over here is Mr. Harrison's
6 blood. Oh, by the way don't remember today that he lived
7 there. But -- but when it's convenient, when it's
8 convenient to the story line, he didn't live there all the
9 time. But -- the last but on that one is, when it's
10 convenient to the State, him not being there all the time
11 points to Ms. Rhue.

12 Only when it's convenient, only when the evidence,
13 when there's both sides, they'll argue whichever side they
14 need to, to try to make the story fit. The detail. Nope,
15 the devil trail. They want you to ignore it.

16 What about some of the witnesses that they
17 brought -- some of the other witnesses they brought before
18 you? Well, you have Antwan Simmons. They want you to
19 believe his little story over here about an alleged
20 statement in a car where he admitted he was high, but they
21 don't want you to pay attention to the fact that he also
22 said, It was not uncommon for JR to go missing.

23 That's why no one reported him missing. Where he
24 went, nobody knows, but nobody reported him, because they
25 know, not a big deal. Yet, when it's convenient, let's

1 point to Ms. Rhue. When it's convenient let's turn some
2 arguments between spouses into tumultuous relationship. If
3 it was so tumultuous, by the way, would it make any sense
4 that, Well, hum, I'm going to try to invite my husband over,
5 you know, prior to Valentines and try to reconcile knowing
6 that he's got a girlfriend and, you know, I know that he's
7 got a girlfriend, so maybe I should just give up. Did that
8 sound like the kind of person that you saw on the video?
9 No. She was trying to get her husband. And you know what
10 he was doing?

11 You talk about playing both sides, in that text
12 message, he was playing both sides. Why else would he agree
13 to come over on the night he went missing if he wasn't
14 trying to play both sides. He already agreed to go out with
15 Ms. Grate, they were going to head up to the River Club.
16 What's he going to do? Go have a bath and maybe do some
17 other activities at the wife's house, because I know that
18 she will let me come back, because she's let me come back so
19 many times, and then I'm going to head on out to the club.

20 Doesn't that make more sense? Doesn't that make
21 more sense to say that, Okay, he comes over, she gets into
22 an argument, then he does say, You know what, I'm not
23 getting it on tonight, and I just pissed her off, I
24 shouldn't have been on the phone when she got off work,
25 because she's working all day and I'm just hanging out, and

1 I'm on the phone with my girlfriend. You don't think that
2 he's just like, You know what, I ain't putting up with this.
3 Because he always checks out. That's what happens. That's
4 what the evidence says. But the State would have you
5 believe that he, I guess, hung out for a while. Because
6 there are a few things, these details that they left out,
7 will tell you, Well, he either hung out with the people who
8 allegedly were trying -- getting ready to kill him or he
9 left to the club.

10 Well, let me tell you why you know this. I'm
11 grabbing this chair -- not for that again, y'all have had
12 enough of demonstrative -- but I'd like to sit down and talk
13 to you for a second. And the reason why I want to do that
14 is because, when I was little and I knew that my dad had
15 important to say, I'd somehow find myself at the Krispy
16 Kreme sitting across from him while he was drinking some
17 coffee and I'd have a doughnut, and the next thing you know
18 I was getting the "what for," because he knew something that
19 I didn't know, or at least I didn't know he knew.

20 And one of the most glaring parts of this trial,
21 and I'm sure you caught, and if you didn't catch it, that's
22 okay. But you guys noticed -- and I'll step up for a
23 second -- these gentlemen here, fantastic job of doing
24 cross-examination, nothing that I wouldn't do, but when I
25 got up there, there was no reason for me to rehash these

1 points, but there a few that I wanted to make sure that you
2 guys knew.

3 We can talk about knots. We can talk about stains
4 over here. We can talk about subtle changes in the story.
5 You know, I was going to act like, kind of like a planned,
6 you know, closing. But, you know, when you're third in
7 line, which is fine, you know, you've got to say, Oh, I've
8 got to change it just a little but, I don't want to overbear
9 the jury here, hearing the same thing over and over.

10 But my point has yet to have been made. My point
11 is one of the details that has been just completely ignored.
12 Ignored on purpose? Don't know.

13 Dr. Schandl testified, she is like really one of
14 the only experts that we heard from, and she told you that,
15 you know, we really don't know how he died. And that we use
16 a phrase called "homicidal violence." Well, and we use it
17 in this particular scenario, because we know he was bound
18 up, and he couldn't have done it to himself.

19 Well, you know, I'm sure you're thinking, Yeah, we
20 know that part. No one has disagreed with that. There's no
21 reason to put on evidence of that part. But she did say
22 that he -- We couldn't tell you that he drowned, because
23 drowning is kind of like, at the end of the day, if you
24 can't come up with something else, there's no real cause of
25 death and we could rule that in, but usually it's rule out.

1 She talked -- we've talked about the predation and
2 we've talked about the fact that, you know, his body was
3 basically drained of blood at the time and so they had to do
4 the samples. What did she say we had to do to get more
5 information about this body? They had to take a sample of
6 his liver, and they took that sample and sent it off to
7 forensics, and forensics comes back and says, He had alcohol
8 in his system. And not just a little bit of alcohol, it
9 was -- according to her the extrapolation was somewhere in
10 the area .126, .12. He had to be a little drunk even for
11 his size.

12 So the question becomes when in the heck did he
13 have time to get drunk? Would the State have you believe
14 that he came over and they got in an argument and then he's
15 sitting around having a few drinks with everyone right
16 before, you know, the butchering happened? No. The story
17 is he left. Ms. Rhue told you that. They don't want you to
18 follow the story she's provided on four or five different
19 occasions. He left. Seen down by the Bank of America.
20 Heading away from the home. Already had plans to go out and
21 meet the girlfriend at the Riverview Club. And what do you
22 do at the club? Get your drink on.

23 So where in the world in any of the evidence that
24 we see some explanation of how he got drunk? A lot of times
25 it usually boils down to one of two things. And I submit to

1 you that's a big thing. Do they want you to believe that
2 while he was being attacked and slung all over -- and the
3 blood slinging all the place and somehow it magically
4 disappeared, that he was having a few drinks, and not just a
5 few, the testimony was he was over 200 pounds. So he had a
6 bunch of drinks to get one and a half times the legal limit.

7 Whether they ignored that on purposed or didn't
8 put any explanation in the box, I'm telling you now, where
9 is it at? Where's that explanation? Where's the little
10 back door that they want you to believe that all these
11 circumstances -- and I'm throwing around of air quotes,
12 because that's what it is, a bunch of air quotes. They want
13 you to keep on walking over here down this fool's path. And
14 I know you're not going to do it, because it makes no sense.
15 There is no reason, there is no evidence, there's nothing
16 but doubt.

17 A few other things just to kind of remind you.

18 You heard about this jailhouse snitch that we flew
19 down -- or I say "We" -- the State of South Carolina flew
20 down from Massachusetts, so that he can tell his little
21 story. During his examination, not -- the story here is
22 obviously insane, because it wasn't anywhere close to what
23 happened. But he acknowledged that, at the jail there's
24 cameras everywhere, especially in the common area where this
25 alleged statement took place. And one of the easiest things

1 in the world to do when you're in the jail is to get
2 conformation about things that go on in the jail. One would
3 be simply going and looking at the video. One thing that
4 law enforcement does all the time, they sure as heck will
5 run over there to the jail calls, and pull those jokers out.

6 Why did they leave that out? Did he make some
7 phone calls? Did he receive some phone calls from someone?
8 He said that Punkin -- they both knew, Punkin was from
9 Georgetown. Were they not communicating? Punkin was
10 related to Mr. Harrison. We don't know, because they don't
11 want you to know. We don't know whether Mr. Rhue Jr. was
12 ever anywhere near this guy. They could have gotten the
13 video. It's running it all day, every day. They didn't put
14 it in the box. They just want you to hear that little piece
15 and hope you forget that, wait a minute, now our job is to
16 make sure that all these circumstances make sense. Take a
17 leap of faith. But that's not how it works. That's not how
18 it works.

19 Somebody killed JR, that is truth that we know,
20 not really like the Dallas JR, but JR just the same. And it
21 disturbs me that we would put this kind of evidence that's
22 not full evidence for you to contemplate, and I'm sure
23 you're disturbed, too. And when you go back there and
24 evaluate this evidence don't follow that fool path. Because
25 in the detail, is the truth. Thank you.

1 THE COURT: All right. Thank you Mr. Edgeworth.

2 CHARGE ON THE LAW

3 THE COURT: All right. Ladies and gentlemen, it's
4 now my duty as trial judge under the Constitution of the
5 State to charge and instruct you on the law applicable in
6 this case.

7 It's your duties as jurors to accept and apply the
8 law as I will now state it to you. It's your exclusive duty
9 to decide all the issues of fact in this case and determine
10 the effect, value, and weight of the evidence. Both the
11 State and the Defendants have a right to expect that you
12 will carefully consider and evaluate the evidence and apply
13 the law of this case to it. So that, in the end, ladies and
14 gentlemen, both the State of South Carolina and the
15 Defendants will receive an impartial trial.

16 I want you to understand, ladies and gentlemen,
17 that when I use the word "Defendants," I refer to
18 Mr. Alexander Rhue Sr., Mr. Alexander Rhue Jr., and
19 Ms. Tiesh Rhue.

20 Furthermore, it's important to understand that the
21 State of South Carolina charges the Defendants Alex Rhue Sr.
22 with offense known as murder and obstruction of justice.

23 Defendant Alex Rhue Jr. with the offenses known as
24 murder and obstruction of justice.

25 And the Defendant Tiesh Rhue with the offenses

1 known as murder and obstruction of justice, ladies and
2 gentlemen.

3 To these charges Defendants have entered a plea of
4 not guilty. This plea of not guilty places the burden of
5 proof on the State to prove guilt of the Defendants to you,
6 the jury, beyond a reasonable doubt.

7 At the beginning of this trial each Defendant was
8 charged by indictment with additional crimes. The same law
9 that makes you the judge of the facts, makes me the judge of
10 the law. As a matter of law these other charges, or
11 indictments, are not to be considered by you, the jury.

12 I remind you, ladies and gentlemen, that the fact
13 the Defendants were arrested, charged, and indicted in this
14 case is not evidence in this case and cannot be considered
15 by you as evidence guilt in this case. Nor, does it create
16 any presumption or inference of guilt. The indictment is
17 simply the formal written instrument which contains the
18 charges made against the Defendants. It is the formal
19 document by which these cases are brought into court.

20 Now, during this trial, ladies and gentlemen, you
21 and I have had separate duties to perform. As the trial
22 judge, it's my responsibility to preside over the trial and
23 I also have the duty to rule upon the admissibility of
24 evidence offered during the process of this trial.

25 In that regard, you are to consider only the

1 competent evidence before you, ladies and gentlemen. You
2 are to disregard from your mind any testimony ordered
3 stricken from the record of this case during the progress of
4 the trial, if there was any. And you are to consider only
5 the testimony which has been presented from this witness
6 stand, together with any exhibits admitted into the record
7 of this case, any stipulations of Counsel made into the
8 record, again, if there were any such stipulations.

9 Furthermore, I have the additional duty to charge
10 you on the applicable law of this case and in that regard I
11 am the judge of the law in this case. It is your duty,
12 ladies and gentlemen, to accept the law and apply the law as
13 I state it to you. If you have any preconceived ideas as to
14 what the law is or what the law ought to be, and it does not
15 agree with what I tell you the law is, you are obligated
16 under your oath, ladies and gentlemen, to abandon these
17 preconceptions, because you are sworn to accept the law
18 precisely as I state it to you.

19 Ladies and gentlemen, in this trial you are the
20 sole and exclusive judge of the facts and I am the judge of
21 law. Do not infer that I have opinion -- any opinion about
22 the facts in this case from anything that I've said during
23 the course of this trial in ruling upon the admissibility of
24 evidence or otherwise or from anything that I say during the
25 course of this charge to you. In this regard the law simply

1 does not permit me to have an opinion about the facts. As
2 jurors, again, it is your duty alone to determine the
3 effect, value, and weight of the evidence presented during
4 the course of this trial.

5 The indictments in this case allege several
6 different offenses against each Defendant. The charge
7 against Alex Rhue Sr. are indictment -- the first
8 indictment, murder, and the second indictment, obstruction
9 of justice.

10 The charge against Alex Rhue Jr. are in the first
11 indictment, murder, and the second indictment, obstructing
12 justice.

13 And the indictment and the charges against Tiesh
14 Rhue are indictment -- the first indictment's murder, and
15 ladies and gentlemen, the second indictment is obstructing
16 justice.

17 Each indictment charges a separate and distinct
18 offense. You must decide each indictment separately on the
19 evidence and the law applicable to it uninfluenced by your
20 decision as to any other indictment. The Defendants may be
21 convicted or acquitted on any or all of the offenses
22 charged. You will be asked to write a separate verdict of
23 guilty or not guilty for each indictment and for each
24 Defendant.

25 Ladies and gentlemen, I charge you that there are

1 three Defendants in this case. The case of each Defendant
2 and the evidence and law concerning that Defendant should be
3 considered separately and individually. Your verdict does
4 not have to be the same for all Defendants. The fact that
5 you may find one Defendant guilty or not guilty should not
6 control your verdict as to the other Defendants.

7 Where more than one person is charged with a
8 crime, if the evidence warrants it, you may convict one and
9 acquit the others or you may acquit all or you may convict
10 all. It will depend upon your view of the testimony and
11 evidence. You must take each Defendant and consider the
12 evidence as to that Defendant and my instructions to you on
13 the law. You will then write a separate verdict of guilty
14 or not guilty for each individual Defendant.

15 Now, ladies and gentleman, it's vital to
16 understand that the Defendants are presumed, under the law,
17 to be innocent of these charges. The Defendants have no
18 obligation to prove his or her innocence. It's a
19 fundamental rule of our law that a Defendant, irrespective
20 of the seriousness of the charges against him or her, is
21 always presumed innocent of the crimes for which he or she
22 is charged unless and until his or her guilt has been proven
23 by evidence that satisfies you, the jury, beyond a
24 reasonable doubt.

25 The presumption of innocence is not a mere legal

1 theory or legal phrase, ladies and gentlemen. The
2 presumption of innocence is very important. And you need to
3 understand that this presumption accompanies each Defendant
4 from the time of their arrest and appearance in this court
5 and continues with each Defendant even after you retire to
6 the jury room to deliberate.

7 In other words, the Defendants receive the benefit
8 of the presumption of innocence until the very end of the
9 trial when you, the jury, will deliberate upon the evidence
10 and decide whether the State has proven each Defendant's
11 guilt beyond a reasonable doubt.

12 Ladies and gentlemen, what's a reasonable doubt in
13 law? The reasonable doubt is the kind of doubt that that
14 would cause a reasonable person to hesitate to act. Proof
15 beyond a reasonable doubt is proof that leave you firmly
16 convinced of the Defendant's guilt. There are very few
17 things in this world that we know with absolute certainty.
18 So even in criminal cases the law does not require the proof
19 that overcomes every possible doubt.

20 However, if, based on your consideration of the
21 evidence you are firmly convinced that the Defendant is
22 guilty of the crimes charged, you must find him or her guilty.
23 If, on the other hand, you think there's a real possibility
24 that he or she is not that guilty, you must give him or her
25 the benefit of the doubt and find them not guilty.

1 Jurors, please understand that reasonable doubt
2 may arise from evidence which has been presented in the case
3 or from the lack of evidence in the case. It's your
4 responsibility, ladies and gentlemen, to determine whether
5 or not reasonable doubt exists as to the guilt of each
6 Defendant.

7 I charge that the Defendants are entitled to every
8 reasonable doubt arising in the whole case. If upon any
9 issues of fact essential to conviction and a verdict of
10 guilty, you have a reasonable doubt as to how that issue
11 should be resolved, it would be your duty to resolve that
12 reasonable doubt in favor of the Defendants.

13 Thus, in summary, it's important to understand the
14 Defendants are not required to prove their innocence.
15 Instead, the State is required by law to prove every
16 essential element of the offense charged against each
17 Defendant by evidence which satisfies you of his or her
18 guilt beyond a reasonable doubt. Only then can you convict
19 the Defendants and find him or her guilty.

20 Ladies and gentlemen, in determining what the
21 facts in this case are, you must judge the credibility,
22 which simply means the believability of the witnesses and
23 the value and or weight to be given to their testimony. You
24 alone must decide the force and effect of the testimony.

25 In making this decision there are many things you

1 may and should take into consideration. Such as the
2 appearance and manner of the witness on the stand, a
3 characteristic often refereed to as the demeanor of the
4 witness. Was the witness forthright or hesitant? Was the
5 witness's testimony consistent or did it contain
6 discrepancies? What was the ability of the witness to know
7 the fact about which he or she testified? Did the witness
8 have a cause or reason to be bias and prejudice in favor of
9 the testimony he or she gave? Was the testimony of the
10 witness corroborated or made stronger by other testimony in
11 evidence or was it made weaker or impeached by other such
12 testimony in evidence?

13 As jurors, please understand that you have the
14 right to believe a small portion of a witness's testimony
15 and disregard the larger portion or visa versa. You may
16 believe all of a witness's testimony or none. You may
17 believe the testimony of a single witness against that of
18 many witnesses, or the other way around.

19 In exercising your mental processes and attempting
20 to decide the verdict the law simply requires that you
21 exercise good judgment. Your common sense, your sense of
22 logic and reason, and your experiences in life, you then
23 apply these attributes to the evidence and apply the law as
24 I stated to you and thus arrive at a verdict.

25 Ladies and gentlemen, there are two types of

1 evidence which are generally presented during trial, direct
2 and circumstantial. Direct evidence directly proves the
3 existence of a fact and does not require a deduction.
4 Circumstantial evidence is proof of a chain of facts and
5 circumstances indicating the existence of a fact. Crimes
6 may be proven by circumstantial evidence. The law makes no
7 distinction between the weight or value to be given to
8 either direct or circumstantial evidence.

9 However, to the extent the State relies on
10 circumstantial evidence, ladies and gentlemen, the
11 circumstances must be consistent with each other and when
12 taken together point conclusively to the guilty of the
13 accused beyond a reasonable doubt.

14 If the circumstances merely portray the
15 Defendant's behavior is suspicious, the proof has failed.
16 The State has the burden of proving the Defendant's guilty
17 beyond a reasonable doubt. This burden rests with the State
18 regardless of whether the State relies on direct or
19 circumstantial evidence or some combination of the two.

20 The rules of evidence, ladies and gentlemen, do
21 not ordinarily permit witnesses to testify to opinions or
22 conclusions. An exception to this rule exists for witnesses
23 we call expert witnesses. Witnesses who, by education,
24 experience, have become experts in some art, science, or
25 profession, or calling may state an opinion to relevant and

1 material matter in which the witness claims to be an expert
2 and may also state the reasons for the opinion.

3 You should consider any expert opinion received as
4 evidence in this case and like any other evidence give it
5 the weight you think it deserves, ladies and gentlemen. If
6 you decide that the opinion of an expert is not based on
7 sufficient education and experience, or if you conclude that
8 the reason given in support of the opinion are not sound or
9 that the opinion is outweighed by other evidence, you may
10 disregard the opinion entirely.

11 An expert witness's testimony is to be given no
12 greater weight than that of any other witness, simply
13 because the witness is an expert. Further, you are not
14 required to accept an experts opinion even though it is not
15 contradicted.

16 Ladies and gentlemen, a statement alleged to have
17 been made by a Defendant in this matter has been admitted
18 into evidence in this case. While the Court has determined
19 that the statement is admissible, I instruct you that you
20 make the ultimate decision of whether or not the Defendant
21 made the statement. If the Defendant did make the
22 statement, you must determine whether the statement was made
23 by the Defendant voluntarily and of his or her own free
24 will.

25 This means that the statement was not caused by

1 pressure, force, fear, threats, coercion, or intimidation,
2 or by hope or a promise of leniency or a reward of any kind.
3 In determining whether the statement was voluntary, you
4 should consider both the characteristics of the Defendant
5 and the details of the questioning.

6 Some of the factors, ladies and gentlemen, that
7 you must consider are: The age of the Defendant; the
8 Defendant's education or lack thereof; the Defendant's
9 mental ability or capacity; the Defendant's IQ or
10 intelligence; the Defendant's background and environment;
11 the place and length of detention; the nature of the
12 questioning; and the advice, or lack thereof, to the
13 Defendant of his or her Constitutional Rights, including,
14 but not limited to: The Right to Remain Silent, That any
15 statement could be used against him or her in a court of
16 law; the right to have a lawyer present; that if he or she
17 could not afford a lawyer, a lawyer would be appointed to
18 represent him or her without any cost; and that he or she
19 could stop making a statement at any time.

20 You must carefully consider all the surrounding
21 circumstances before you give any weight to an alleged
22 statement. The State has the burden of proving beyond a
23 reasonable doubt that the alleged statement was voluntary,
24 ladies and gentlemen, and if you determine it was you may
25 give the statement any further consideration that you deem

1 proper. You must decide what weight, if any, should be
2 given to the alleged statement. If you determine the
3 alleged statement was not free and voluntary, a statement of
4 the Defendant, you should not consider that statement at
5 all.

6 Now, ladies and gentlemen, I want to instruct you
7 right now and emphasize the fact that a Defendant chose not
8 to testify if not to be -- not a factor to be considered by
9 you in any way in your deliberations and in your
10 consideration on the question of guilt or innocence of the
11 Defendant. It must not be considered by you in any manner,
12 whatsoever.

13 A Defendant has the constitutional right to remain
14 silent and the assertion of this right must not be
15 considered by you in your deliberations. I repeat, under
16 your oath, you are to draw no conclusion, whatsoever, from
17 the fact that the Defendants in this case chose not to
18 testify. The fact that the Defendants have chosen not to
19 testify should not even be discussed in the jury room.

20 The burden of proof, as I have stated to you is on
21 the State. The Defendants are not required to prove their
22 innocence. The burden of proof remains on the State to
23 prove guilt beyond a reasonable doubt.

24 Ladies and gentlemen, in order to establish
25 criminal liability, criminal intent is required. For

1 example, the mental state required to be proven by the State
2 for a particular crime might be purpose, intent, knowledge,
3 recklessness, or criminal negligence. Criminal intent must
4 be proven by the State beyond a reasonable doubt. Criminal
5 intent is always a matter that must be determined by the
6 jury from the circumstances surrounding the situation,
7 ladies and gentlemen. There is no way to prove intent to a
8 mathematical certainty. There's no way medical science can
9 dissect a person's brain and determine what the person had
10 in mind.

11 So the law says that criminal intent maybe
12 inferred from the circumstances shown to have existed. This
13 is how you make a determination of whether or not the
14 element requiring intent was present. It's not necessary to
15 establish intent by direct and positive evidence, but intent
16 may be established by inference, in the same way as any
17 other fact by taking into consideration the acts of the
18 parties and all the facts and circumstances in this case.

19 Criminal intent is a mental state, a conscious
20 wrongdoing, and it's up to you to determine what the
21 defendant intended to do, based upon the circumstances shown
22 to have existed. Criminal intent can arise from action or a
23 failure to act. It may arise from negligence recklessness
24 or indifference to duty or to consequences that is
25 considered by the law to be the equivalent of criminal

1 intent.

2 Ladies and gentlemen, if a crime is committed by
3 two or more people who are acting together in committing a
4 crime the act of one is the act all. A person who joins
5 with another to commit an unlawful act is criminally
6 responsible for everything done by the other person which
7 happens as a probable or natural consequence of the act done
8 in carrying out the common plan and purpose.

9 For example, two people can be guilty of killing
10 another person when only one of the two had a gun. There
11 was only one bullet and only of the two fired the shot that
12 caused the death. If two or more people are together,
13 acting together, assisting each other in committing the
14 offense, the act of one is the act of all, or as it is
15 sometimes said, the hand of one is the hand of all.

16 Prior knowledge that a crime is going to be
17 committed without more, is not sufficient to make a person
18 guilty of that crime. Mere knowledge that another person is
19 going to commit a crime, even if the Defendant is present
20 when the crime is committed is not sufficient to convict the
21 Defendant as a principal. Guilt, as a principal, is shown
22 by actual or constructive presence at the scene as a result
23 of prior arrangement.

24 Therefore, a finding of a prior arranged plan or
25 common scheme is necessary for a finding of guilt as a

1 principal. The State must prove beyond a reasonable doubt
2 by competent evidence, ladies and gentlemen, the theory of
3 the hand of one is the hand of all. A principal in a crime
4 is one who either actually commits the crime or is present,
5 abetting -- excuse me -- aiding, abetting, or assisting in
6 committing the crime.

7 When a person does an act in the presence and with
8 the assistance of another the act is done by both, where two
9 or more acting with a common plan or intent are present at
10 the commission of a crime, it does not matter, ladies and
11 gentlemen, who actually commits the crime. All are guilty.
12 The hand of one is the hand of all. Present at the
13 commission of a crime needs to be sufficiently near to aid,
14 abet, and assist in the commission of a crime.

15 However, mere presence at the scene of a crime is
16 not sufficient to convict one as a principal on the theory
17 of abating -- of aiding and abetting. Intent is also a
18 necessary element for there to have been a common design or
19 intent to commit the crime and the crime must have been
20 committed pursuant thereto with the person aiding and
21 abetting some overt act.

22 Intent means intending the result which actually
23 occurs, not accidentally or involuntarily. Intent may be
24 shown by acts and conduct of the Defendant and other
25 circumstances from which you may naturally and reasonably

1 infer intent. The State must proves these elements, again,
2 beyond a reasonable doubt.

3 A person may be constructively present at the
4 commission of a crime even though the person is some
5 distance away from the actual scene if it is shown beyond a
6 reasonable doubt that the person played a role in the
7 commission of the crime as a result of some prior
8 arrangement.

9 Ladies and gentlemen, I charge you that mere
10 presence at the scene is not sufficient to prove someone
11 guilty of a crime. The Defendant's presence where a crime
12 is being committed or a mere association with the person who
13 commits the crime does not make a Defendant an accomplice or
14 and aider or abettor of the person committing the crime.
15 The burden is on the State to prove every element of the
16 crime charged.

17 If you find, after reviewing all the evidence,
18 that the State has proven that a Defendant was only present
19 at the scene of a crime and that they have not proved beyond
20 a reasonable doubt any other participation in the crime,
21 then you must find the Defendant not guilty. The law that
22 proof of the -- the law is at proof at the scene of the
23 crime is not sufficient to find someone guilty.

24 In order to be guilty as an aider or abettor the
25 participant must be chargeable with knowledge of the

1 principal's criminal conduct. Prior knowledge that a crime
2 is going to be committed without more is not sufficient to
3 make a person guilty of the crime.

4 Ladies and gentlemen, each Defendant is charged
5 with murder. The State must prove beyond any reasonable
6 doubt that the Defendants killed another person with malice
7 aforethought. Malice is hatred, ill will, or hostility
8 towards another. It is the intentional doing of a wrongful
9 act without just cause or excuse and with an intent to
10 inflict an injury or under circumstances that the law will
11 infer an evil intent.

12 Malice aforethought does not require that malice
13 exists for any particular time before the act is committed,
14 but malice must exist in the mind of the Defendant just
15 before and at the time of the act -- at the time that the
16 act is committed. Therefore, there must be a combination of
17 the previous evil intent and the act.

18 Malice aforethought may be expressed or inferred.
19 These terms "Expressed" and "Inferred" do not mean different
20 kinds of malice, but merely the manner in which malice may
21 be shown to exist, either by direct evidence or inference
22 from the facts and circumstances which are proved.

23 Expressed malice is shown when a person speaks
24 words which express hatred or ill will for another or when
25 the person prepared beforehand to do the act which was later

1 accomplished. For example, laying in wait for a person or
2 any other acts of preparation going to show that the deed
3 was within the Defendant's mind would be expressed malice.
4 Malice may be inferred from conduct showing a total
5 disregard for human life.

6 Ladies and gentlemen, each Defendant in this case
7 has been charged with obstruction of justice. The State
8 must first prove beyond a reasonable doubt the Defendant
9 committed an act which prevented, obstructed, impeded, or
10 hindered the administration of justice. The State must also
11 prove beyond a reasonable doubt that the Defendant did act
12 with the intent to obstruct justice. The Defendant does not
13 have to succeed in the effort to obstruct justice, it's
14 enough is some act is done in furtherance of the attempt to
15 obstruct justice.

16 All right. Ladies and gentlemen, I've got a few
17 more remarks for you before you begin your deliberations in
18 this matter.

19 I want you to clearly understand that you are not
20 partisans or advocates for the State of South Carolina or
21 for the Defendants. It's your duty by your joined
22 deliberations to determine the facts in this case given to
23 the Defendants the benefit of every reasonable doubt on each
24 and every issue. Then to, the facts which you determine to
25 be true, you should take and apply the law, which has been

1 given to you by this Court, and thus arrive at a verdict in
2 this case.

3 Thus, when you have accomplished these
4 responsibilities, you will have satisfied your oath as
5 jurors and you will have discharged your duty to this Court.
6 Once you retire to the jury room, the Bailiff will give you
7 a verdict form, and we'll give the verdict form to the
8 Foreperson. And when you, the jury, arrive at a verdict as
9 to the offenses charged in this case -- excuse me.

10 Once you retire to the jury room, the Bailiff will
11 give you the verdict form to the Foreman, and when the jury
12 arrive at a verdict as to the offenses charged in this case
13 of each Defendant, the Foreperson will select the verdict as
14 to that offense on the verdict form.

15 If the State has failed to prove the guilt of a
16 Defendant beyond a reasonable doubt your verdict will be not
17 guilty. Likewise, if the State has proven the guilt of a
18 Defendant beyond a reasonable doubt, your verdict will be
19 guilty.

20 Once a decision has been made, the Foreperson will
21 check whichever choice is the verdict of the jury as to the
22 offense charged. The verdict that you render in this case
23 must be the verdict of each and every juror, ladies and
24 gentlemen. It must be your unanimous verdict. All 12
25 jurors must agree on the verdict, which you authorize the

1 Foreperson to write for the jury.

2 Ladies and gentlemen, I want you to further
3 understand that the order in which the choices of the
4 verdict appear on the verdict form are not suggestive of any
5 verdict on the part of this Court. The verdict in this case
6 is to be determined by you, the jury, not the Court.

7 Furthermore, ladies and gentlemen, please
8 understand that, even though I will give the verdict form to
9 the Foreperson, it is not his verdict alone, it's the
10 verdict of all 12 of you, ladies and gentlemen. And I
11 emphasize, again, that it must be a unanimous verdict. You
12 must consider the instructions as a whole and not follow
13 some and ignore others.

14 I now ask you to retire to the jury room, but do
15 not begin your deliberations until you are told to do so.
16 The law requires that I now consult with the attorneys to
17 make sure that I have not left anything out of the
18 instructions. After I have checked with the attorneys, the
19 Bailiff will bring in the verdict forms and instruct you to
20 begin your deliberations.

21 Also, should you have any questions, ladies and
22 gentlemen, during your deliberations you must put them in
23 writing and send them to me by the Bailiff. The Court
24 Bailiff will be placed immediately outside the jury room
25 during your deliberations.

1 Once you've reached your verdict, please knock on
2 the door and the Bailiff will advise the Court that you've
3 reached a verdict and we will return you to the courtroom as
4 promptly as possible.

5 Now, ladies and gentlemen just one more moment,
6 I'm going to show you the verdict form. I've got verdict
7 forms for each Defendant in this case. And just to let you
8 know what this verdict form says.

9 For instance, one here is going to say: We the
10 jury in the above captioned case on the charge of murder of
11 Leon Harrison Jr. unanimously find the Defendant Alexander
12 Rhue Jr. not guilty or guilty. And, again, don't take any
13 significance on the fact that I placed one above the other,
14 there's nothing important or unique about that fact. I have
15 to do it one way and that's the way -- actually my law clerk
16 put it down on the list, okay, so I don't want you to draw
17 anything from that.

18 And then, of course, also on this same verdict
19 form: We the jury in the above captioned case on the charge
20 of obstruction of justice unanimously find Alexander Rhue
21 Jr., and here, not guilty or guilty.

22 So what would happen is, when you reach your
23 verdict, you simply instruct the Foreperson if he would go
24 and if he would check one of those. And then what I would
25 ask is the Foreperson, if you would put your initials at the

1 break of the page, there's actually a second page here, if
2 you would put right here at the break your initials,
3 Mr. Foreman, once you reach that decision. And then if you
4 would sign right her on the second page. And, of course,
5 what I have is I have a verdict form for each Defendant,
6 okay. So I'm going to pass that back to you.

7 You also will receive the evidence, they're going
8 to go over the evidence, very briefly. You'll have that if
9 you want to look at any of that evidence, you feel free to
10 do so.

11 So, ladies and gentlemen, I want to thank you.
12 I'm going to ask you to retire the jury room, but remember
13 do not begin your deliberations until you are instructed to
14 do so by the Bailiff. All right. Thank you.

15 (WHEREUPON, the jury exited the courtroom at 2:29
16 p.m.)

17 THE COURT: All right. Are there any exceptions
18 or additions concerning the charge that I presented to the
19 jury from the State?

20 MS. RICHARDSON: No, Your Honor. And I'd also
21 like to advise the Court that we do have a laptop available
22 for the jury with all internet removed that's available for
23 inspection that can be sent back with them to review any
24 evidence.

25 THE COURT: Thank you, Solicitor.

1 Any exceptions or additions concerning my charge
2 to the jury, Mr. Hazzard?

3 MR. HAZZARD: No, sir.

4 THE COURT: Any exceptions or additions to my
5 charge, Mr. Voigt?

6 MR. VOIGT: No, Your Honor.

7 THE COURT: Mr. Edgeworth, any exceptions or
8 additions to my charge to the jury?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. Folks, I have the jury
11 form. I've got one for Ms. Rhue, Mr. Rhue Jr., and Mr. Rhue
12 Sr. That's the verdict form that each of you have already
13 looked at, and to my knowledge have approved, correct,
14 Solicitor?

15 MS. RICHARDSON: Yes, Your Honor.

16 THE COURT: Mr. Hazzard?

17 MR. HAZZARD: Yes, sir.

18 MR. VOIGT: Yes, sir.

19 MR. EDGEWORTH: Yes, Your Honor.

20 THE COURT: All right. What I want to do is, I
21 want y'all to make sure that we've got the appropriate
22 evidence that's going back. And, if so, then what I want to
23 do is I want to send that evidence back with the verdict
24 form. I'll give that to the Bailiff and tell the Bailiff
25 that he can inform the jury to begin with deliberations.

1 Does that meet with your approval?

2 MS. RICHARDSON: Your Honor, we need to bring out
3 the alternate.

4 THE COURT: Thank you for reminding me of that.

5 Is there any objection before the jury begins
6 deliberating -- to bringing out, and then what I would plan
7 to do is to release the alternate.

8 Any objections to releasing the alternate from the
9 State?

10 MS. RICHARDSON: No, Your Honor. I think that's
11 appropriate at this time.

12 THE COURT: Mr. Hazzard?

13 MR. HAZZARD: No, sir.

14 MR. VOIGT: No, sir.

15 MR. EDGEWORTH: No, Your Honor.

16 THE COURT: Thank you, gentlemen.

17 All right. Mr. Bailiff, could you go ahead and
18 bring me the alternate juror? And, Mr. Bailiff, makes sure
19 that he brings lunch or brings all of his property. He's
20 not going to be going back into the jury room, okay?

21 THE BAILIFF: Thank you.

22 THE COURT: Any objection to them eating and
23 deliberating at the same time, from the State?

24 MS. RICHARDSON: No, Your Honor.

25 MR. HAZZARD: No, sir. But, normally, the jury is

1 instructed that if they are going to eat and deliberate they
2 have to do it as a group. In other words, three can't be
3 talking about the merits of the meal, while nine more are
4 doing what they're doing. So as long as the Court instructs
5 them in that regard.

6 THE COURT: All right. Do you want me to bring
7 them out and instruct them to that or would a note be
8 sufficient or just have the Bailiff inform them of that?

9 MR. HAZZARD: You can step to the door and tell
10 them that. I don't have a problem with that.

11 THE COURT: All right. So you want me to tell
12 them to make sure that if they're going to eat and
13 deliberate that everyone focus their attention on only
14 eating, but making certain that they're all participating in
15 the deliberation and not debating about the quality of the
16 meal; is that fair?

17 MR. HAZZARD: Yes, sir. That -- they all
18 choose -- if they choose to have a working lunch where they
19 are eating and deliberating that is appropriate. If one or
20 more decide we don't want to deliberate, we want to eat,
21 well, then they all have to eat, and save the deliberations
22 until they're all finished. Some can't do one, while others
23 do another, they all obviously have to deliberate as a group
24 of 12.

25 THE COURT: Okay. Any objection to my informing

1 them of that?

2 MS. RICHARDSON: No, Your Honor.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: No, sir.

5 THE COURT: All right. Mr. Edgeworth?

6 MR. EDGEWORTH: No, Your Honor.

7 THE COURT: All right. Why don't y'all how about
8 get the alternate, bring the alternate -- there he is.

9 Hey, sir, come on around here.

10 THE ALTERNATE JUROR: How are you doing, sir?

11 THE COURT: Great. Sir.

12 THE ALTERNATE JUROR: Yes.

13 THE COURT: I want to thank you so much for your
14 service this week. I mean, you've been here for eight days
15 and now I have to pull you out and not allow you to
16 participate, but unfortunately the rules provide that only
17 12 people can be in there to deliberate. I don't want you
18 to think that the service that you provided to your county
19 and to this Court is any less than the folks that will
20 deliberating on this. I thank you so much for honoring your
21 subpoena, sir. I can't tell you how important that is and
22 how much that means to every attorney in this room.

23 So, with that, sir, I'm going to discharge you.
24 You have completed your service for the week -- well,
25 actually week and a half, but you've completed your service.

1 You won't be subject to being called as a juror for the next
2 three years in State Court. But, unfortunately, that
3 doesn't apply to Magistrate's Court or Federal Court or City
4 Court.

5 But I thank you so much, sir. You also, sir, are
6 going to be free to -- you're to discuss this matter with
7 whoever you want. If you don't want to discuss this matter,
8 you don't have to discuss this matter. The only that I
9 would ask, sir, is that you would wait until the jury
10 concludes their deliberations before you discuss this matter
11 with anyone. I thank you so much for your service.

12 THE ALTERNATE JUROR: Thank you, Your Honor.

13 THE COURT: Yes, sir.

14 (WHEREUPON, the alternate juror exited the
15 courtroom at 2:34 p.m.)

16 THE COURT: All right. I'm going to go and
17 instruct the jury. And, in the meantime, if y'all can make
18 sure that the exhibits are in order and whatever needs to be
19 done there, I'd appreciate that.

20 (WHEREUPON, a break in the proceedings held from
21 2:38 p.m. until 2:43 p.m.)

22 THE COURT: Do we have everything ready to go back
23 to them?

24 MS. RICHARDSON: Yes, Your Honor.

25 THE COURT: Okay. Is there a box?

1 MR. HAZZARD: I had suggested there is a box right
2 there.

3 THE COURT: All right. I think we've agreed on
4 everything, so, Mr. Bailiff, if you could put that stuff in
5 the box, put all of the evidence in the box, and this
6 verdict form, take it with them, put it on top. Then you
7 can let them know they are free to begin their
8 deliberations.

9 Any objections from the State?

10 MS. RICHARDSON: No, Your Honor.

11 THE COURT: Mr. Hazzard?

12 MR. HAZZARD: No, sir. No objections.

13 MR. VOIGT: No, Your Honor.

14 MR. EDGEWORTH: No, Your Honor.

15 THE COURT: All right. Thank you gentlemen.

16 Do you want to give them the box of gloves, so if
17 they want to look at something, they can put gloves on,
18 please? Thank you.

19 We'll be at ease until we hear from them.

20 MS. RICHARDSON: The laptop and speakers need to
21 go back, as well.

22 THE COURT: Are we going to take them?

23 MR. HAZZARD: I was thinking if they ask for them
24 then they can go back.

25 THE COURT: Generally, what I've done is if

1 they've asked for it, it doesn't matter. If the State wants
2 to send it back, any objection to the laptop going back?

3 MR. HAZZARD: No, sir.

4 MR. EDGEWORTH: No, Your Honor.

5 THE COURT: All right. Well, we'll let the
6 Bailiff when he or she comes back, put the laptop and the
7 speakers and take those back also. All right?

8 We can go off the record.

9 (WHEREUPON, the jury began deliberations started
10 at 2:45 p.m. Off record until 3:25 p.m.)

11 THE BAILIFF: All rise.

12 THE COURT: I just want to put on the record
13 what's going on before we do anything or tell the jury
14 anything.

15 MS. RICHARDSON: Oh, yes, sir.

16 THE COURT: All right. We're just waiting for
17 Mr. Voigt.

18 MR. HAZZARD: Yes, sir.

19 THE COURT: Gentlemen, you're aware, apparently,
20 the jury is having a technical issue. We'll wait for
21 Mr. Voigt to come in. Apparently they're having trouble
22 getting the computer to play something that they want to
23 look at. So we need to find a way to assist them with that,
24 and I was going to wait for Mr. Voigt to get here, so we can
25 discuss that.

1 (WHEREUPON, a brief pause in the proceedings.)

2 THE COURT: All right. Mr. Voigt, I just
3 mentioned a moment ago to your compadres, my understanding
4 is that the jurors, there's some evidence that they want to
5 look at, but they're having trouble with the computer and/or
6 getting access to the computer and/or getting the whatever
7 it is that they want to look at to play.

8 So what do y'all want to do? Solicitor?

9 MS. RICHARDSON: Your Honor, we can give them
10 instructions on how to restart the computer or it could be
11 sent out here and we could all get it restarted and send it
12 back to them.

13 Apparently, there's just a glitch with it that I
14 didn't know about that it's requiring a user name and
15 password. But if they manually power it down, it should
16 power back up without the need for a password and user name.

17 THE COURT: What do you want to do?

18 MR. HAZZARD: Well, since we're not sure exactly
19 if that's the issue, I would suggest having the Foreman come
20 out, explaining specifically what the issue is, the Foreman
21 can then go back in, Prosecutor can tell you what the fix
22 is, and you can send in a handwritten note saying, Hey, try
23 this.

24 THE COURT: All right. Does that meet with
25 everybody's approval?

1 MR. EDGEWORTH: Yes, Your Honor.

2 MS. RICHARDSON: Yes, Your Honor.

3 MR. HAZZARD: Yes, sir.

4 THE COURT: Okay. Let's get the Foreman to come
5 out, Mr. Bailiff.

6 (WHEREUPON, the Foreman entered the courtroom at
7 3:42 p.m.)

8 THE COURT: Mr. Foreman.

9 MR. FOREMAN: Yes, sir.

10 THE COURT: I understand, is there a problem with
11 the computer, sir?

12 MR. FOREMAN: Yes, we can't open any of the
13 pictures on the flash drive or the disks.

14 THE COURT: Okay. So are you able to turn it on.

15 MR. FOREMAN: We can get them on. We can get them
16 to show up on the screen, not in a picture form, but, you
17 know, little characters on the screen, but we can't get them
18 to come up with picture.

19 THE COURT: All right. Let's do this. Let me
20 send you back in talk to them. And I may have you come back
21 out or we will pass a note to you. All right, sir?

22 MR. FOREMAN: Okay.

23 THE COURT: It sounds like to me it's more than
24 just perhaps repowering. I don't know. Whatever y'all want
25 me to do, I'll do.

1 MS. RICHARDSON: If we could have it brought out
2 and we could all inspect it and see. I could have our IT
3 department remote in, as well.

4 THE COURT: Mr. Hazzard?

5 MR. HAZZARD: I have no objection to that.

6 THE COURT: Mr. Voigt?

7 MR. VOIGT: No objection, Judge.

8 MR. EDGEWORTH: No objection, Your Honor.

9 THE COURT: All right. So let's -- how about if
10 they -- do you want to get them to remove -- to send out the
11 computer and what it is they want to look at so we can try
12 to basically get those two documents in there, make sure
13 they're working and send it back?

14 MR. HAZZARD: No objection.

15 MR. EDGEWORTH: No objection.

16 MR. VOIGT: No objection.

17 MS. RICHARDSON: Yes.

18 THE COURT: All right. I put, Please send out the
19 computer and documents that you want to examine, via the
20 Bailiff, Judge Bonds.

21 Does that meet with everybody's approval?

22 MR. HAZZARD: Yes, sir.

23 MS. RICHARDSON: Yes, Your Honor.

24 MR. VOIGT: Yes, sir.

25 THE COURT: All right. Mr. Bailiff, if you would

1 give them this note. And, sir, when you give them this note
2 and when you bring out the documents that they want to look
3 at and the computer, please bring the note back out so I can
4 make that note a Court's Exhibit, sir.

5 THE BAILIFF: Okay.

6 (WHEREUPON, the Foreman entered the courtroom at
7 3:45 p.m.)

8 THE COURT: Mr. Foreman, this is -- you're handing
9 me the documents -- these are the documents that y'all want
10 to look at?

11 MR. FOREMAN: Yes, sir.

12 THE COURT: Okay. These three?

13 MR. FOREMAN: Yes.

14 THE COURT: All right. Good. We'll see if we
15 can't fire that up, okay?

16 MR. FOREMAN: Thank you.

17 THE COURT: And we'll have this information with
18 you, sir. Thank you.

19 (WHEREUPON, the Foreman exited the courtroom at
20 3:49 p.m.)

21 THE COURT: All right. Let the record reflect
22 that the Bailiff returned to me the Solicitor's Office Juror
23 Computer, Solicitor's Office Juror Laptop, I guess this is
24 the actual DVD player. There is two DVDs, State's Exhibit
25 21, State's Exhibit 27, and a purple flash drive that has --

1 indicates it's 190 pictures. I don't know what evidence
2 number.

3 MS. RICHARDSON: That would be State's Exhibit 39.

4 THE COURT: Okay. So I've got this right here.
5 It's been brought to me. I've the Bailiff back to -- excuse
6 me, I've sent the Foreperson who brought that to me back
7 into the jury room. I've got the note that I sent to him.
8 I want to make that as a Court's Exhibit.

9 Any objection from the State as to what's happened
10 and have I accurately put on the record what transpired?

11 (WHEREUPON, Court's Exhibit Number 7 marked.)

12 MS. RICHARDSON: No objection, and you have, Your
13 Honor.

14 THE COURT: Mr. Hazzard?

15 MR. HAZZARD: No and yes.

16 THE COURT: Mr. Voigt?

17 MR. VOIGT: No and yes.

18 MR. EDGEWORTH: No and yes, Your Honor.

19 THE COURT: All right. Do you folks want to come
20 look at this and see if y'all can use your expertise?

21 Mr. Hazzard, we didn't have this problem when you
22 and I started practicing law, did we?

23 MR. HAZZARD: No, we did not.

24 (WHEREUPON, a brief pause held.)

25 THE COURT: Solicitor, I'm informed we've got a

1 fix to the technical issues?

2 MS. RICHARDSON: Yes, Your Honor. Apparently,
3 when they were putting the medium in it wasn't automatically
4 popping up they had to go to the quick access shortcut. And
5 then access either the DVD or the flash drive on that side,
6 but we did test them and they worked.

7 THE COURT: Okay. So is the flash drive ready to
8 fire up? Can they just go right to that or do they go to
9 through this --

10 MS. RICHARDSON: They still have to get that quick
11 access. Oh, it's minimized then. I left it up.

12 THE COURT: Okay. So the quick access link brings
13 up the folders, choose DVD or flash drive. All right.

14 How do y'all propose we get this back to them? Do
15 you want me just to send a note? Do you want to bring the
16 Foreperson back out and tell him and give him a note to take
17 back? What would you like to do, State?

18 MS. RICHARDSON: Either way, Your Honor.

19 THE COURT: Mr. Hazzard?

20 MR. HAZZARD: Foreperson.

21 THE COURT: All right. Is that okay?

22 MR. VOIGT: I concur, Your Honor.

23 MR. EDGEWORTH: Yes, Your Honor.

24 THE COURT: All right. Let's get the Foreperson
25 out here.

1 (WHEREUPON, the Foreman entered the courtroom at
2 4:00 p.m.)

3 THE COURT: Hey, Mr. Foreman, what I'm going to do
4 is, since I'm not technical savvy, I'm going to have my
5 expert right here, my law clerk, explain to you, I think,
6 what needs to be done, such that y'all can view what you
7 need to view.

8 MR. FOREMAN: Okay.

9 THE COURT: And I'm also going to give you some
10 instructions to take back with you. Okay, sir?

11 MR. FOREMAN: Okay.

12 (WHEREUPON, A brief pause held.)

13 THE COURT: And she's going to give you a copy of
14 the instructions. Hold on one second, sir. I want to read
15 you -- make sure I read the instructions into the record.

16 All right. The instructions that I'm going to
17 have marked as a Court's Exhibit, a copy which I'm going to
18 give to him says, says, To use the computer click Quick
19 Access Link to bring up the folders, select DVD or flash
20 drive.

21 That's the original note. Does that note meet
22 with approval to go back with the Foreperson?

23 MS. RICHARDSON: Yes, Your Honor.

24 MR. HAZZARD: No objection.

25 MR. VOIGT: No objection.

1 MR. EDGEWORTH: No objection, Your Honor.

2 THE COURT: All right. So I'm marking this as the
3 Court's Exhibit.

4 Sir, I'm giving this to you that you can also use
5 as a guide in the event that you get back there and, if
6 you're like me, you might not be able to remember.

7 MR. FOREMAN: Okay.

8 THE COURT: All right. Any objection to the
9 information that I have and my clerk has provided to the
10 Foreperson, from the State?

11 MS. RICHARDSON: No, Your Honor. The flash drive
12 may have a name like Lexar. It'll have the name of the
13 flash drive, the company?

14 THE COURT: Okay. Mr. Hazzard?

15 MR. HAZZARD: No objection.

16 MR. VOIGT: No objection.

17 MR. EDGEWORTH: No objection, Your Honor.

18 THE COURT: All right, sir. Thank you very much.
19 You can retire to the jury room.

20 (WHEREUPON, the Foreman exited the courtroom at
21 4:02 p.m.)

22 THE COURT: All right. I hope that has it and
23 we'll be waiting to hear from the jury. Thank you.

24 (WHEREUPON, Court's Exhibit Number 8 was marked.)

25 (WHEREUPON, a break was held while deliberations

1 continued from 4:02 p.m. until 5:32 p.m.)

2 THE BAILIFF: All rise.

3 THE COURT: Thank you. Please be seated.

4 They got a late lunch, so I think they should be
5 good for awhile. So that's kind of what I've got planned,
6 and I just wanted to let you all know that, given that it's
7 5:30. We'll just let them keep working until they let us
8 know. All right.

9 MR. HAZZARD: Yes, sir.

10 THE COURT: All right. We'll be at ease.

11 THE BAILIFF: All rise.

12 THE COURT: Thank you. Be seated.

13 All right. Let's wait and get Mr. Hazzard in
14 here.

15 MR. EDGEWORTH: He's on the way, Your Honor.

16 THE COURT: All right. Let's come to order.

17 I received a note from the jury that I'm going to
18 read. If you want to come up and read it, you can, after I
19 finish putting it on the record, but I'm also going to mark
20 it as a Court's Exhibit.

21 It says: Your Honor, may we get the Judge's
22 definitions and Jury Instructions to review? Thank you,
23 Charles Powell, Juror 182.

24 So I want to go ahead and mark this as a Court's
25 Exhibit. It says they want the Judge's definitions and the

1 jury instructions to review.

2 (WHEREUPON, Court's Exhibit Number 9 was marked.)

3 THE COURT: I will say that in cases that I have
4 tried in the few months that I've been on the bench that
5 there have been cases where I have sent my jury instructions
6 back. That generally has been -- I acknowledge and tell
7 them I'm sending them back -- and they take it and then they
8 use it as they see fit. And then, when they come back out
9 of deliberations, they would return those instructions.

10 But, you know, I didn't do that with this case I
11 didn't ask. Generally what I would do, is I would ask what
12 is your opinion. And, if you have an opinion, if everybody
13 says, fine, fine, I'll send it back. If somebody says they
14 don't want to, then I won't. I'll do it old school, which I
15 think old school would be that they don't go back.

16 But I think there's been a push, or at least some
17 judges, I know Judge Brown does that a good bit, because in
18 fact that's who I sat with when I first went on the bench,
19 and so we did that. But that is the question. I am happy
20 to hear from the State concerning the question and any ideas
21 the State has about what we need to do at this point?

22 MS. RICHARDSON: Your Honor, no objection from the
23 State to sending them back. If you send all of them back I
24 think that's no different than if you came out here and read
25 them. So, no objection at all to sending them back.

1 THE COURT: Mr. Hazzard? And I'm not -- I'm just
2 saying that's something I've done, I'm not abdicating for
3 that in any way. I didn't mean to do that. I was just
4 telling you what my experience has been recently. But I'm
5 happy, also, to hear from you, Mr. Hazzard.

6 MR. HAZZARD: May it please the Court?

7 THE COURT: Yes, sir.

8 MR. HAZZARD: I've definitely been fortunate
9 enough to have trials, as the Court was saying, where the
10 judge sent them back on the front end.

11 THE COURT: Yes, sir.

12 MR. HAZZARD: So I agree with the State as long as
13 they all go back, which they will, because they have not
14 specified they want to hear any particular portion. So I
15 have no objection, Your Honor.

16 THE COURT: Mr. Voigt?

17 MR. VOIGT: Judge, in the 30 seconds or so that
18 I've had to try to figure out how this benefits my client,
19 I've done it both ways and I don't see where it cuts for or
20 against any particular sides. So I have no objection.

21 THE COURT: Mr. Edgeworth?

22 MR. EDGEWORTH: Your Honor, on behalf of Ms. Rhue,
23 I have no objection.

24 THE COURT: All right. And so, when you folks are
25 telling me no objection, am I correct in understanding then

1 that you have no objection to sending my jury charges
2 back -- the entirety of my jury charges back to the jury?

3 MS. RICHARDSON: Yes, Your Honor.

4 THE COURT: Okay. Do we have my jury charges?

5 Did I make any notes on them? All right.

6 What about the definition? I don't know that
7 there are any definitions that need to go back. I don't
8 know what they would be referring to. I mean, as far as
9 definitions, I think, like, for instance murder is defined
10 there.

11 I submit just here are the requested jury
12 instructions. And I'll put that on a note -- on a Post-it
13 note that's attached to these jury instructions.

14 Does that meet with your approval from the State?

15 MS. RICHARDSON: Yes, Your Honor. I think the
16 only terms that were defined, were defined in the jury
17 instructions. So I think that's correct.

18 THE COURT: Mr. Hazzard?

19 MR. HAZZARD: No objection.

20 THE COURT: Mr. Voigt?

21 MR. VOIGT: I agree with the State on that.

22 THE COURT: Mr. Edgeworth?

23 MR. EDGEWORTH: Yes, Your Honor. I have no
24 objection. I believe that's most likely what they meant.

25 THE COURT: All right. Do y'all want to come up

1 and look at this, the jury instruction? Do you want to
2 peruse this document.

3 MR. HAZZARD: I'll take a look at it.

4 THE COURT: Yeah, I mean, that's fine.

5 All right. The note that I was going to attach to
6 it says, Here are the requested jury instructions.

7 (WHEREUPON, a brief pause while examining the
8 document.)

9 THE COURT: All right. I'm going to send my jury
10 instructions back attached to the front underneath the jury
11 charge is a note that reads: Here are the requested jury
12 instructions. That meets with your approval, Solicitor?

13 MS. RICHARDSON: Yes, Your Honor.

14 THE COURT: Mr. Hazzard?

15 MR. HAZZARD: Yes, sir.

16 THE COURT: Mr. Voigt?

17 MR. VOIGT: Yes, sir.

18 THE COURT: And Mr. Edgeworth?

19 MR. EDGEWORTH: Yes, sir.

20 THE COURT: And you have all had an opportunity to
21 review these documents; correct?

22 MS. RICHARDSON: Yes, Your Honor.

23 MR. HAZZARD: Yes, sir.

24 MR. VOIGT: Yes, sir.

25 MR. EDGEWORTH: Yes, Your Honor.

1 THE COURT: Great. Mr. Bailiff, take that back to
2 them. Do let them know that I want those or you could just
3 make sure I want those back. So, when we would conclude, or
4 if they reach a verdict, those jury charges need to come
5 back to me. Okay, sir?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Thank you. All right. We'll be at
8 ease.

9 (WHEREUPON, a break held during jury
10 deliberations, from 5:56 p.m. until 7:15 p.m.)

11 THE BAILIFF: All rise.

12 THE COURT: All right. It's 7:15.

13 What are y'all's thoughts concerning -- do you
14 want to send a note and ask if they want some dinner? You
15 know, they're seeming to continue to work, on the one hand,
16 I'd hate to disturb them, particularly if they're not asking
17 for anything.

18 I just want your thoughts on that, Solicitor?

19 MS. RICHARDSON: Yes, Your Honor. I think it
20 would be appropriate to ask them if they want dinner.

21 THE COURT: All right. Mr. Hazzard, what are your
22 thoughts, sir?

23 MR. HAZZARD: I would not be inclined to disturb
24 them.

25 THE COURT: Mr. Voigt?

1 MR. VOIGT: I suspect we're going to hear from
2 them shortly. So I think we just kind of staying in place
3 for right now might be a good idea.

4 MR. EDGEWORTH: Yes, Your Honor, I concur. I
5 think that when it comes to the time, they will ask, I
6 prefer not to disturb them.

7 THE COURT: All right. At this point, I would
8 submit that I would only go back and interrupt them, for
9 lack of a better words, and inquire about dinner if there
10 was going to be a unanimous consent concerning that. And so
11 with the fact that we don't have a unanimous consent, I
12 would side on not bothering them, given the fact that they
13 haven't asked.

14 So, Solicitor, I appreciate you, and that's why I
15 wanted to get everybody on the record and what their
16 thoughts are. But what I'm going is, for right now, I'm
17 going to let them go another -- I'll let them go until 8:00
18 o'clock. And I think at 8:00 O'clock, I'll ask them if they
19 want some dinner or what they want to do. And that will
20 give them another 30, 40 minutes.

21 And, at that point, I think they would have had
22 the case probably close to five hours, and so we'll see what
23 they want to do. All right?

24 MR. EDGEWORTH: Thank you, Judge.

25 MR. HAZZARD: Thank you.

1 THE COURT: All right. We'll be at ease.

2 (WHEREUPON, a break held during jury deliberations
3 from 7:19 p.m. until 7:32 p.m.)

4 THE BAILIFF: All rise.

5 THE COURT: Mr. Bailiff?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Do we have a verdict?

8 THE BAILIFF: Yes, sir. The green light is on.

9 THE COURT: All right. If they do have a verdict,
10 if you would go ahead and bring that verdict to me please,
11 sir.

12 THE BAILIFF: Okay.

13 THE COURT: Ms. Richardson, we had a green light
14 just a moment ago and the Bailiff understands, or it's his
15 belief, there was a verdict. I told him, if there is one,
16 please go inside and bring me the verdict.

17 MS. RICHARDSON: Your Honor, can you meet with the
18 attorneys before we read the verdict is read, please?

19 THE COURT: Yes, ma'am.

20 MR. HAZZARD: Do you want us to go in the hallway?

21 MS. RICHARDSON: Yes.

22 THE COURT: For the record. Mr. Voigt, you were
23 outside, did you see the green light?

24 MR. VOIGT: I did see the green light. And I
25 realized that only half of the -- we were missing some

1 people.

2 THE COURT: All right. Well, we do have a green
3 light. I've instructed the Bailiff to go and inquire if
4 there, in fact, was a verdict. He's instructed me that it's
5 his understanding that there was. I asked him to bring me
6 the verdict. I have the verdict here. And now I understand
7 that Counsel wanted to speak in the hallway briefly.

8 MS. RICHARDSON: Yes, Your Honor.

9 THE COURT: That's absolutely fine.

10 (WHEREUPON, a brief pause in the proceedings.)

11 THE BAILIFF: All rise.

12 THE COURT: Thank you. You can be seated.

13 Mr. Ford?

14 MR. FORD: Yes, sir.

15 THE COURT: Can I talk to you, sir.

16 (WHEREUPON, a brief pause in the proceedings.)

17 THE COURT: All right. I want everybody to
18 know -- wait a second we got to get the State in here, I'm
19 waiting on them, I'm sorry. All right.

20 Solicitor, were you able to accomplish what was
21 discussed in chambers?

22 MS. RICHARDSON: Yes, Your Honor.

23 THE COURT: All right. We've got everybody here.

24 I want to tell everyone in this courtroom that if
25 you cannot, or think that you cannot, control your emotions

1 to leave this courtroom now. Because I'm telling you that
2 when the verdict is announced I will not tolerate outbursts
3 of any kind and that includes my ability to immediately hold
4 an individual in contempt of court. And in doing so, also,
5 allows me to immediately jail someone for contempt of court.
6 And I want to make sure everyone understands that.

7 So if you cannot contain your emotions or do not
8 think you can contain emotions I want you to leave now.

9 All right. Anything further from the State before
10 we bring the jury in?

11 MS. RICHARDSON: No, Your Honor.

12 THE COURT: Anything further from the Defendant
13 Rhue Sr.?

14 MR. HAZZARD: No, sir.

15 THE COURT: Defendant Rhue Jr.?

16 MR. VOIGT: No, Your Honor.

17 THE COURT: Anything on behalf of Defendant
18 Ms. Rhue?

19 MR. EDGEWORTH: No, Your Honor.

20 THE COURT: All right. Let's get the jury,
21 Mr. Bailiff.

22 (WHEREUPON, the jury entered the courtroom at 7:45
23 p.m.)

24 THE COURT: Thank you, sir. All right. The
25 Foreperson has returned my charges.

1 Ladies and gentlemen of the jury, thank you for
2 your attention that I know you've given this over the past
3 eight days. And now, particularly, over the past,
4 approximately, five-plus hours.

5 Mr. Foreman, I understand that the jury has
6 reached a verdict; is that correct?

7 MR. FOREMAN: Yes, sir.

8 THE COURT: All right. I'm going to ask the Clerk
9 to publish the verdict. I'm going to hand her, one at a
10 time, if you could publish the verdict.

11 In this case, right now, if we could have Mr. Rhue
12 Sr. stand?

13 Thank you. Madam Clerk.

14 THE CLERK: The State of South Carolina versus
15 Alexander Rhue Sr., Indictment Numbers 2017-GS-22-00875 and
16 2017-GS-22-00878.

17 We the Jury in the above captioned case on the
18 charge of murder of Leon Harrison Jr., unanimously find
19 Alexander Rhue Sr., not guilty.

20 We the Jury in the above captioned case in the
21 charge of obstruction of justice unanimously find Alexander
22 Rhue Sr., guilty.

23 THE COURT: All right. Thank you.

24 You can be seated, Mr. Rhue Sr.

25 All right. In regard to Alexander Rhue Jr., if

1 you could please stand?

2 THE CLERK: The State of South Carolina versus
3 Alexander Rhue Jr., Indictment Numbers 2017-GS-22-00870,
4 2017-GS-22-00872.

5 We the Jury in the above captioned case on the
6 charge of murder of Leon Harrison Jr., unanimously find
7 Alexander Rhue Jr., guilty.

8 We the Jury in the above captioned case on the
9 charge of obstruction of justice unanimously find Alex Rhue
10 Jr., guilty.

11 THE COURT: All right. Have a seat, sir.

12 In regard to Tiesh Annette Rhue, if she would
13 stand with her attorney. If you'll publish that, please.

14 THE CLERK: The State of South Carolina versus
15 Tiesh Annette Rhue, Indictment Numbers 2017-GS-22-00882 and
16 2017-GS-22-00883.

17 We the Jury in the above captioned case on the
18 charge of murder of Leon Harrison Jr., unanimously find
19 Tiesh Rhue, guilty.

20 We the jury in the above captioned case on the
21 charge of obstruction of justice, unanimously find Tiesh
22 Rhue, guilty.

23 THE COURT: All right. Is there anything from the
24 State before I would release the jury in this matter?

25 MS. RICHARDSON: No, Your Honor.

1 THE COURT: All right. Anything from Defendant
2 Rhue Sr., Mr. Hazzard?

3 MR. HAZZARD: We will have some motions, but they
4 do not concern the jury. I do wish to say that I wish to
5 commend them for their very hard work in this case.

6 THE COURT: All right. Anything that needs to be
7 taken up before I would discharge the jury from the
8 Defendant Rhue Jr., Mr. Voigt?

9 MR. VOIGT: Thank you, Your Honor. I would ask
10 that we poll the jury regarding Alexander Rhue Jr.

11 THE COURT: All right. Madam Clerk, if you would
12 please poll the jury in regard to Mr. Rhue Jr.

13 THE CLERK: Ladies and gentlemen of the jury, when
14 I call your jury number please stand and answer the question
15 that I'm about to pose to you.

16 Juror Number 69, was this your verdict and is this
17 still your verdict?

18 JUROR: Yes, ma'am.

19 THE CLERK: Juror Number 22, was this your verdict
20 and is this still your verdict?

21 JUROR: Yes.

22 THE CLERK: Thank you.

23 Juror Number 106 was this your verdict and is this
24 still your verdict?

25 JUROR: Yes, ma'am.

1 THE CLERK: Thank you.

2 Juror Number 100, was this your verdict and is
3 this still your verdict?

4 JUROR: Yes, ma'am.

5 THE CLERK: Thank you, please be seated.

6 Juror Number 180, was this your verdict and is
7 this still your verdict?

8 JUROR: Yes.

9 THE CLERK: Thank you, please be seated.

10 Juror Number 57, was this your verdict and is this
11 still your verdict?

12 JUROR: Yes, ma'am.

13 THE CLERK: Thank you, please be seated.

14 Juror Number 151, was this your verdict and is it
15 still your verdict?

16 JUROR: Yes, ma'am.

17 THE CLERK: Thank you, please be seated.

18 Juror Number 249, was this your verdict and is it
19 still your verdict?

20 JUROR: Yes.

21 THE CLERK: Thank you, please be seated.

22 Juror Number 182, was this your verdict and is it
23 still your verdict?

24 JUROR: Yes, ma'am.

25 THE CLERK: Thank you, please be seated.

1 Juror Number 102, was this your verdict and is it
2 still your verdict?

3 JUROR: Yes, ma'am.

4 THE CLERK: Thank you, please be seated.

5 Juror Number 110, was this your verdict and is it
6 still your verdict?

7 JUROR: Yes.

8 THE CLERK: Thank you, please be seated.

9 Juror Number 108, was this your verdict and is it
10 still your verdict?

11 JUROR: Yes, ma'am.

12 THE CLERK: Thank you, please be seated.

13 THE COURT: Thank you, Madam Clerk.

14 Mr. Voigt, anything else from -- on behalf of your
15 client, Mr. Rhue Jr., sir, before I would discharge the
16 jury?

17 MR. VOIGT: No, Your Honor.

18 THE COURT: Mr. Edgeworth, do you have anything or
19 any motions or any requests from this Court before I would
20 release the jury on behalf of your client, Ms. Rhue?

21 MR. EDGEWORTH: Yes, Your Honor. On behalf of
22 Ms. Rhue, we would like for the jury to be polled.

23 THE COURT: Madam Clerk, would you please poll the
24 jury regarding Ms. Rhue?

25 THE CLERK: Yes, sir.

1 THE COURT: Thank you.

2 THE CLERK: When I call your number will you
3 please stand and answer this question?

4 Juror Number 69, was this your verdict and is this
5 still your verdict?

6 JUROR: Yes, ma'am.

7 THE CLERK: Thank you.

8 Juror Number 22, was this your verdict and is this
9 still your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: Thank you.

12 Juror Number 106, was this your verdict and is
13 this still your verdict?

14 JUROR: Yes.

15 THE CLERK: Thank you.

16 Juror Number 100, was this your verdict and is
17 this still your verdict?

18 JUROR: Yes, ma'am.

19 THE CLERK: Thank you.

20 Juror Number 180, was this your verdict and is
21 this still your verdict?

22 JUROR: Yes.

23 THE CLERK: Thank you.

24 Juror Number 57, was this your verdict and is this
25 still your verdict?

1 JUROR: Yes, ma'am.

2 THE CLERK: Thank you.

3 Juror Number 151, was this your verdict and is
4 this still your verdict?

5 JUROR: Yes.

6 THE CLERK: Juror Number 249, was this your
7 verdict and is this still your verdict?

8 JUROR: Yes.

9 THE CLERK: Thank you.

10 Juror Number 182, was this your verdict and is
11 this still your verdict?

12 JUROR: Yes, ma'am.

13 THE CLERK: Thank you.

14 Juror Number 102, was this your verdict and is
15 this still your verdict?

16 JUROR: Yes, ma'am.

17 THE CLERK: Thank you.

18 Juror Number 110, was this your verdict and is
19 this still your verdict?

20 JUROR: Yes.

21 THE CLERK: Juror Number 108, was this your
22 verdict and is this still your verdict?

23 JUROR: Yes, ma'am.

24 THE CLERK: Thank you.

25 THE COURT: Thank you, Madam Clerk.

1 Mr. Edgeworth, anything else on behalf of your
2 client, Ms. Rhue, before I would release the jury, sir?

3 MR. EDGEWORTH: Nothing at this time, Your Honor.

4 THE COURT: All right.

5 Ladies and gentlemen, thank you again for your
6 work over the past week and a half. We appreciate it. I
7 know it was a sacrifice to be here, to put your lives on
8 hold, to listen and to the attention that you gave to this
9 case. I just can't thank you enough for what you've done,
10 not just for the Court, but for Georgetown County, in terms
11 of being here and honoring the subpoena that you were served
12 with, I thank you.

13 I want to let you know that I'm going to have
14 escorts available to make sure you get downstairs and to
15 your vehicle. But I also want to let you know that I
16 anticipate that there will be some motions made in the next
17 few minutes. And then, after those motions, depending on
18 the outcome of those motions, we would then move forward
19 with sentencing.

20 If you want to leave, you're free to leave. If
21 you want to stay, you certainly can stay. But as far as
22 your duty and your obligation and what you've done, you have
23 completed that service and I appreciate it.

24 So those of you who want to leave, we've got
25 somebody who will be able to assist them, getting down, or

1 we've got some people outside. I need somebody to walk them
2 down and then I need some people outside, now, to be making
3 sure that these folks get to their car, can we make that
4 happen, sir?

5 OFFICER: Yes, sir.

6 THE COURT: All right. So those of you who want
7 to leave, feel free to leave. If you want to stay, you
8 certainly can stay. But thank you so much and I would
9 discharge you at this time.

10 Thank you, again, ladies and gentlemen.

11 (WHEREUPON, the jury exited the courtroom at 7:56
12 p.m.)

13 THE COURT: All right. Mr. Hazzard, are you ready
14 to move forward with post-trial motions, sir?

15 MR. HAZZARD: I am, Your Honor.

16 THE COURT: I'm happy to hear from you, sir.

17 MR. HAZZARD: Thank you, Your Honor.

18 On behalf of Alexander Rhue Sr., the Defense again
19 renews all motions and objections made during the course of
20 the trial. And at this time the Defense makes a motion for
21 a new trial on the charge of obstruction of justice.

22 The position of the Defense is that there is not
23 sufficient evidence in the record for the jury to return a
24 verdict of guilty on that particular charge.

25 With regard to the motions that were made

1 previously, to recap, many of the motions have to do with
2 the search of the residence, the three search warrants. The
3 Court's ultimate determination that the third search warrant
4 cured the issues with the first and the second. We would
5 submit that that ruling violates Mr. Rhue's rights under the
6 4th and 14th Amendments to the United States Constitution as
7 well as Article I Section 3, of the South Carolina
8 Constitution, and in so doing, thus violates his due process
9 rights to a fair trial under the 5th and 14th Amendments
10 United States Constitution and Article I, Section 10 of the
11 South Carolina Constitution.

12 Those would be the motions on behalf of Defendant
13 Alexander Rhue Sr. at this time.

14 THE COURT: All right. Mr. Hazzard, thank you. I
15 will respectfully deny your motions, sir. All right.

16 Mr. Voigt, do you have any motions that you would
17 make at this time on behalf of Mr. Rhue Jr., sir?

18 MR. VOIGT: I do, Your Honor.

19 At this time I'm going to renew all of my previous
20 motions and objections in this matter. As well as make a
21 motion for a new trial regarding both of the guilty verdicts
22 that the jury has returned.

23 Regarding my previous motions it was my original
24 motion to suppress. I believe, and still believe, that the
25 initial search warrant was invalid. The subsequent search

1 warrants were, likewise, invalid. And, but for those search
2 warrants, there would have been a different result -- but
3 for the returns of those search warrants, which I believe
4 violated my client's Constitutional Rights, specifically the
5 4th Amendment and those listed by Mr. Hazzard, that there
6 would have been no evidence, whatsoever, upon which to base
7 a prosecution, let alone, base a guilty verdict.

8 I have sat, as the Court has, through more than a
9 week of this trial. I believe that there's not sufficient
10 evidence in the record to support a guilty verdict of murder
11 and I would make a motion for a new trial in that respect,
12 as well as for obstruction of justice.

13 As a matter of fact, I believe of all of the three
14 people that were put on trial for that particular charge, my
15 client, there is the least inference that he obstructed
16 anything at any time, at any investigation. He came in
17 willingly. He gave his statement willingly. He gave
18 evidence against himself by buccal swab willingly. And when
19 an arrest warrant was issued for his arrest he walked into
20 the station and turned himself in. He did nothing to delay,
21 impede, or obstruct justice in any way. And I don't believe
22 the jury has heard any evidence of that.

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

24 I respectfully deny your motion.

25 MR. VOIGT: Thank you, Your Honor. Please note my

1 exception.

2 THE COURT: Yes, sir. Mr. Edgeworth?

3 MR. EDGEWORTH: Thank you, Your Honor. May it
4 please the Court?

5 First and foremost, Defendant Tiesh Rhue renews
6 all previous motions and objections made heretofore on this
7 particular case.

8 In addition, likewise, Ms. Rhue moves for a new
9 trial. We contend that there was not sufficient evidence in
10 the record for either of these charges. And further submit
11 that, as previously stated, the search warrants were
12 improper, invalid, and not cured by the third search
13 warrant. And, thus, violating my client's Constitutional
14 Rights as previously stated. Thank you.

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

16 I will respectfully deny your motion.

17 Any further motions from the Defense before we
18 move forward with sentencing?

19 MR. HAZZARD: No, sir.

20 THE COURT: Mr. Voigt?

21 MR. VOIGT: No, Your Honor.

22 THE COURT: Mr. Edgeworth?

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: All right. Solicitor?

25 MS. RICHARDSON: Yes, Your Honor.

1 There are two family members of the victim that
2 wish to address the Court.

3 THE COURT: Yes, ma'am. Solicitor, is somebody
4 working on the sentencing sheet?

5 MS. RICHARDSON: I have them, Your Honor.

6 THE COURT: All right. Thank you.

7 Go ahead, I'm sorry.

8 MS. GREEN: Hi, Your Honor. My name is Brittani
9 Green, the mother of Leon Harrison's children. First I'd
10 like to take this time to thank the jury, the Solicitors and
11 you, Your Honor, for your time and energy involved in this
12 case.

13 For 10-plus years I had the privilege and the
14 honor of being Leon's girlfriend and the mother of his two
15 children names Jaques (ph) and Jaquara (ph) Harrison.

16 I find it extremely impossible to say that any
17 part of our lives haven't changed because of JR's his death.
18 Every plan I ever made involving our children, JR would be
19 included. But because of the actions of the Defendant's
20 deciding his expiration date of life, I can no longer
21 include him. I am now left as a single mother left to raise
22 our children alone, but all JR wanted to do was to see them
23 grow up. He often talked about that a lot.

24 He will no longer be able to run along the
25 sidelines at our son's football games, meeting him to

1 celebrate his touch downs. He will no longer be able to
2 attend another father and daughter dance with his favorite
3 girl in the world. He will no longer be able to call them,
4 check in on them, ask them about their day, while telling
5 them how much he loves them. He will no longer be able to
6 give his biggest hugs and his sweetest kisses to them.

7 The Defendants scraped my children from all of
8 that and much more. Since JR's death, we have been on an
9 emotional roller coaster, angry, hurt, in pain, mentally,
10 physically, and emotionally drained. Our children will
11 often break down to the point that would have to stay home
12 from work and keep them out of school, now, to the point
13 that we have to seek grief counseling.

14 JR was so lovely and kind and caring. He was a
15 wonderful person and father when he with his heart. He left
16 a hole in many of our hearts. It feels like this is a
17 forever pain. Today and for the rest of our lives we'll be
18 mourning the loss of JR. I hope that JR's death doesn't go
19 in vain. It's this sentence when the Defendants have the
20 intentions to effect the thinking and actions of others.
21 This sentence will not bring JR back but in the hopes that
22 it will keep the Defendants from committing heinous crimes
23 again. Thank you, Your Honor.

24 THE COURT: Thank you.

25 MS. JOHNSON: Your Honor, my name is Sandra

1 Johnson. I am the biological aunt of Leon Harrison. I miss
2 JR. I hope he doesn't mind me calling him JR, because
3 that's what was his nickname I always called him. He was
4 raised as my own child. I referred to JR as my son, because
5 that's who he was to me. JR and his brother, Shaheem Scott,
6 came to live with me and my five kids after the death of his
7 mother, Bonnie Scott. Him and Shaheem, both lived with me
8 until they became of age to live on their own. I am
9 currently dealing with murder of JR now currently a tragedy
10 drowning of my own biological son just a year ago.

11 I am in distraught. I cannot bring myself to step
12 into the courtroom until now. My son Micky drown in a
13 way -- that -- the same river that JR was dumped in. There
14 was no word imaginable to describe how I feel. Generation
15 after generation a male close to me has been murdered or
16 died tragically in water have been involved one way or
17 another.

18 My own father was murdered and left with his body
19 stuffed face down in an outside toilet. My son JR was
20 murdered and dumped in the same river as my son Micky was
21 found in. I'm sorry.

22 They both same ending, both drowned. So you see
23 my family has really been going through it. JR was missing
24 and we ultimately found murdered and disposed of his --
25 after celebrate his brother birthday and family friends. JR

1 was missing for a while without anyone noticing at first,
2 because we don't talk to every member of our family every
3 day. Especially when they have their own busy life, they
4 work and their family.

5 We made the mistake of assuming someone had talked
6 to him, so while I'm assuming his dad talked to him, his dad
7 was assuming his brother talked to him, so far. We tend to
8 say, No news is good news, but JR's murder proved otherwise
9 for our family. People say that they love him and that he
10 was a good guy deciding his death warrant or play
11 executioners. One of these people shared intimate moments
12 with him.

13 His hope and dream his goal and aspirations still
14 play a role in determining his life. The harm done to our
15 family by JR's murder is so hard and can never be erased.
16 The murder of JR rocked us to the core.

17 To this day we are in therapy, some of us is in
18 grief counseling, some of us have turned to alcohol, some of
19 us are so numb that we don't even know are we coming or
20 going.

21 So we're to deal with this malicious murder of a
22 loved one is nothing anyone can say to make our family feel
23 better. We knew who JR was. We knew he was a lover and not
24 a fighter. Yes, he was. We knew how much he loved his
25 family. We knew that when it was time for his family to get

1 together, JR was always going to come walking up the street,
2 and I always asked him for \$10, and he would say no Auntie
3 or give me the \$10, that was our things that we had
4 together.

5 I miss my nephew. It was hard on me, because I
6 lost my son a year ago, his birthday was Monday. So it's
7 really hard for me to stand up here and describe how I feel
8 about JR. JR was not my nephew, he was my son. And two
9 deaths, I lost my father, I lost my JR, and I lost my son.

10 Our family went through a whole lot. And to come
11 to this day, I thank God that we have justice. I thank God
12 for my brother, because he's going through a lot, we're
13 going through a lot, but we are strong. We are one. And I
14 thank you.

15 THE COURT: Thank you.

16 MS. RICHARDSON: Your Honor, I will pass up the
17 sentencing sheets.

18 THE COURT: Thank you, Solicitor.

19 MS. RICHARDSON: Your Honor, you heard all of the
20 facts and evidence in this case. The State, with
21 sentencing, obviously, with your discretion. What I would
22 add for the record is that Ms. Tiesh Rhue has no prior
23 criminal record.

24 Mr. Alexander Rhue Sr., his NCIC indicates a
25 misdemeanor; obstruction of justice in 2006; a drug

1 paraphernalia charge in 2007; a simple assault in '97; a
2 possession of controlled substance, that was a time-served
3 sentence in 2004; as well as a heroin charge that he had a
4 violation of probation for in 2006. We show criminal record
5 for him since 2006.

6 As for Mr. Alexander Rhue Jr., I'm showing 2003,
7 unlawful carry and a hindering and some minor traffic
8 charges. In 2003 a strong armed robbery and burglary second
9 degree conviction. Those were in Horry County, he received
10 an active YOA sentence for those. He had a grand larceny in
11 2009, and probation violation in the State of Virginia. And
12 then a parole revocation for strong armed robbery and
13 burglary in 2014.

14 THE COURT: Anything else you want to tell me,
15 Solicitor?

16 MS. RICHARDSON: I'm sorry, Your Honor?

17 THE COURT: Anything else you want to tell me,
18 Solicitor?

19 MS. RICHARDSON: No, Your Honor.

20 THE COURT: All right. Mr. Hazzard, I'm happy to
21 hear from you, sir, if you want to address the Court in
22 mitigation to your client, Mr. Rhue Sr., sir.

23 MR. HAZZARD: Yes, sir, Your Honor.

24 Mr. Rhue Sr. is 61-years old. He is a -- although
25 referred to as a handyman during the trial -- he is a master

1 flooring technician and has been for many years. He was
2 currently working in Jacksonville, Florida on a private job.
3 He is so good at what he does that people pay him to come
4 around the southeast, pay for his room and board, pay him
5 premium wages to install hardwood, tile, but more usually,
6 marble and granite. That's the level at which this man
7 works when he chooses. Because obviously, as the Court has
8 seen, he spends as much time as possible with his
9 grandchildren.

10 But the respect he has for the Court is that he
11 worked through Sunday, October 10th, got in a car and drove
12 straight through and came here to court, because it was
13 requested that he be here.

14 Throughout the four-and-a-half or more years that
15 I've represented him, that is the man he has been. He has
16 appeared any time that it's been required that he appear.
17 He has been very humble in his demeanor. And there's
18 nothing more that I can add, because I know the Court has
19 taken note of his demeanor and how he has carried himself
20 over the course of this trial.

21 I would point out that he was initially arrested
22 on March 31st of 2017 for obstructing justice. And
23 according to the court records, he made bond on that charge
24 on April 3rd of 2017. The same time he was arrested and
25 charged with accessory after the fact to A, B, or C, felony

1 or murder.

2 Subsequent to that, he was out on bond for
3 approximately five weeks. And then he was arrested on
4 May 10th of 2017, charged with murder, charged with
5 desecration of human remains and charged with conspiracy
6 related to the charge of murder. He spent 18 months of
7 incarceration prior to making bond on November 5th of 2018.

8 While he was incarcerated on those charges, he
9 then was arrested and charged on August 30th of 2017 while
10 in the Detention Center and charged with conspiracy to
11 obstruct justice. Those are the nature of his charges.

12 So when the Court crafts its sentence, we would
13 hope that the Court would take into consideration that
14 whatever violation of the law that this man is engaged in
15 and of everything that he was charged with, I think I've
16 made it clear that, again, the amorphous and malleable
17 nature of the obstruction of justice charge.

18 When he was initially charged with obstruction of
19 justice, he was told he was being arrested because he failed
20 to tell the police where his son was. That is not something
21 that was ever presented to the jury in this courtroom. So
22 it seems to have shifted and changed to meet the whims and
23 needs and it is a very malleable statute.

24 But, based on what we saw in his interviews with
25 the police, it almost seems as if they were upset with him

1 because he didn't aid them in their investigation. Not that
2 he did anything to impede, hinder, their investigation.

3 So we would ask the Court to take into
4 consideration the 549 days that he's already spent detained
5 behind this matter and ask the Court to craft a sentence of
6 time served, and if the Court does not find that
7 appropriate, a probationary sentence, Your Honor.

8 THE COURT: Solicitor, 549 days, does that sound
9 right in terms of his time? I don't doubt Mr. Hazzard.

10 MS. RICHARDSON: I don't doubt Mr. Hazzard.

11 THE COURT: I mean, I need to know that and I just
12 wanted to, while he brought that up, I wanted to see if you
13 could confirm that.

14 Anything else, Mr. Hazzard?

15 MR. HAZZARD: Your Honor, to shed hopefully some
16 light on that and possibly Ms. Wilson can confirm it,
17 because I pulled this information from the Clerk of Court's
18 website. Again, four days, March 31st of 2017 to April 3rd,
19 so it goes by -- and actually he probably gets a couple more
20 days than that, because folks normally arrested one day and
21 then they appear in front of the Magistrate the next day and
22 that next day is what normally goes down as the arrest day.

23 But, be that as it may, four days, March 31st,
24 2017 to April 3rd, 2017. On indictments 2017-GS-22-875,
25 obstructing justice. And warrant 2017A2220200138, accessory

1 after A, B, and C or murder. Because as the Court will
2 recall, the accessory charge was nolle prossed at the start
3 of the trial, because it had never been indicted.

4 Then May 10th to November -- May 10th of 2017 to
5 November 5th of 2018, basically 18 months, or what the Court
6 would know as the 545-day rule for our dockets. So that's
7 where the 549 seems to come from.

8 THE COURT: All right. Solicitor, 549?

9 MS. RICHARDSON: Your Honor, that sounds correct.
10 And the State is of the opinion that he should receive
11 credit for all time served on any of the charges related to
12 this matter.

13 THE COURT: All right. Mr. Hazzard, anything
14 else, sir?

15 MR. HAZZARD: No, sir, Your Honor. We thank the
16 Court for attention in this matter.

17 THE COURT: All right. Thank you.

18 Yes, sir. Mr. Voigt, anything you'd like to
19 address the Court by way of mitigation, sir?

20 MR. VOIGT: Thank you very much, Your Honor. May
21 it please the Court?

22 Alexander Rhue Jr. as you've heard, as a young man
23 nearly two decades ago, was involved in a strong armed
24 robbery and a burglary as well as an unlawful carry in a
25 very short period of time for which he received a YOA.

1 Almost 13 years later, 12 years later, he had that
2 YOA revoked, and as a 27-year old was returned to the
3 penitentiary based on a 2009 conviction in Virginia. He had
4 moved out of the state. And he moved to get away to from
5 certain influences.

6 And when he first came to my office, he was not
7 yet a father, he had just talked to the police. And he told
8 me this story about what the police were telling him he had
9 done. And he has been that exact same person since he first
10 walked into my office. He has told me what -- he's been up
11 front and told me what he did, what he did not do. How
12 excited he was to be a father for the first time, and that
13 child is now over four-years old.

14 He has had difficulty finding and keeping
15 employment in this area, because as soon as they do a simple
16 Google search or run a background check, this murder charge
17 was always costing him jobs.

18 And he stayed in jail longer than the other
19 Defendants in this matter and has. And as Mr. Hazzard
20 described, he, as well as his father, were arrested on
21 multiple dates. However, unlike Mr. Rhue Sr., Mr. Rhue Jr.
22 stayed in jail the entire time and has served over 27 months
23 in this matter before he was released on bond.

24 He has always appeared. He has taken this case
25 very seriously. I have always received phone calls and

1 messages from Mr. Rhue when months have passed, especially
2 during Covid when the courts seemed to be shut down. He was
3 always very aware of what his obligations were to the Court
4 and to the State. And he even appeared at the motion
5 hearing which was held virtually because he was so invested
6 in the legal issues and what he was being accused of.

7 He has recently been working with his father and
8 learning that trade. And he has been trying to make a life
9 of it here in Georgetown which, as you might imagine, has
10 been very difficult for him.

11 I don't have anything further, Your Honor.

12 THE COURT: What about time served, do you have a
13 calculation of days for me?

14 MR. VOIGT: I don't have a calculation of days,
15 Your Honor, because -- I do not have a calculation of days.

16 THE COURT: Solicitor, can you work on that?

17 MS. RICHARDSON: I'm calculating it.

18 THE COURT: What I want to do is, I want to hear
19 from Mr. Edgeworth, and then I'm going to take a moment, and
20 then we'll be at ease for a moment. Perhaps that will give
21 the Solicitor and the Clerk an opportunity to consult with
22 you as it relates to time served. Because I do, in fact,
23 want to make certain he gets credit for all time served,
24 sir.

25 MR. VOIGT: Thank you, Judge.

1 THE COURT: Anything else you want to tell me,
2 sir?

3 MR. VOIGT: Not at this time, Your Honor.

4 THE COURT: Okay. Mr. Edgeworth?

5 MR. EDGEWORTH: Thank you, Your Honor. May it
6 please the Court.

7 As the Court well knows, and has heard through
8 some of the testimony, ms. Rhue is the mother of five
9 children. Only one of which is an adult child. The Court
10 has heard how hard she has worked to maintain that
11 household. And as had done so continuously until these
12 events. And since that time it was so difficult for her to
13 gain employment in the area, due to publicity and community
14 involvement, that she essentially had to resort to becoming
15 her own small business owner/entrepreneur, where I believe a
16 type of business of making scented and fragranced candles
17 and things like that, so that she can sell them and still
18 provide for her family. Those are the hardships that this
19 entire process has created.

20 She has, by my calculations, she's served 90 days
21 in the Detention Center, and at which point she was released
22 on GPS monitoring and remained so for a period of almost
23 922 days.

24 Obviously, this being a hardship for her family,
25 the Court had heard that her father and her brother lived in

1 the household and helped while she was working and I think
2 that should be taken into consideration that although she
3 may have some family that remains on the outside, we ask the
4 Court to consider all of that in making its sentence.

5 THE COURT: All right. Mr. Hazzard?

6 MR. HAZZARD: Yes, sir, Your Honor.

7 THE COURT: Is there anything that your client
8 wants -- does your client want to address the Court, sir?

9 MR. HAZZARD: Court's indulgence, Your Honor.

10 THE COURT: Yes, sir.

11 MR. HAZZARD: Yes, Your Honor.

12 THE COURT: Mr. Hazzard, I understand there's
13 potential appeals and other issues. I don't want to force
14 him in any way, but if he wants to address the Court, I want
15 to give everybody that opportunity.

16 You understand that, sir?

17 MR. HAZZARD: He will stand mute before the Court,
18 but ask the Court to look favorably on him that and give him
19 mercy in this matter, Your Honor.

20 THE COURT: That's fine, Mr. Hazzard. I just want
21 to give everybody the opportunity, but I do understand that
22 there are other issues. And I don't want anybody to think
23 that I'm pressuring anyone to speak. I just want to give
24 that opportunity.

25 MR. HAZZARD: Yes, Your Honor.

1 THE COURT: I appreciate that, sir.

2 Mr. Voigt, does your client wish to address the
3 Court, of course, understanding there are potential issues
4 concerning appeal, but I want to give any Defendant an
5 opportunity to address the Court if they want to.

6 MR. VOIGT: We have -- my client and I have
7 discussed this, Your Honor, and at this time he declines to
8 address the Court.

9 THE COURT: I understand, yes, sir.

10 And, likewise, Mr. Edgeworth, is there anything
11 that your client would like to say? And, again, I'm not
12 trying to force anybody to say anything, but just as part of
13 what I do is, I'm going to allow a Defendant, if they want
14 to address the Court, they can. Whatever she wants to do is
15 fine with me, sir.

16 MR. EDGEWORTH: Your Honor, in speaking with my
17 client, at this time she does not wish to address the Court.

18 THE COURT: I certainly understand that, sir,
19 that's not a problem at all.

20 MR. EDGEWORTH: Thank you.

21 THE COURT: All right. We're going at be ease for
22 a moment. I'm going to step in the back. I need to think
23 about a few things. In the meantime, I'd appreciate the
24 Solicitor trying to calculate the time as it relates to
25 Mr. Rhue Jr.

1 Officer, I would like each of the Defendants
2 placed in handcuffs at this time, please.

3 (WHEREUPON, a pause in the proceedings from 8:28
4 p.m. until 8:40 p.m.)

5 THE BAILIFF: All rise.

6 THE COURT: Thank you, you can be seated.

7 Mr. Ford, can you come see me please, sir?

8 MR. FORD: Yes, sir.

9 (WHEREUPON, a brief pause held.)

10 THE COURT: All. Right. Anything we need to take
11 up before we proceed, Solicitor?

12 MS. RICHARDSON: No, Your Honor. I have those
13 calculations.

14 THE COURT: What were those calculations?

15 MS. RICHARDSON: For Ms. Tiesh Rhue, we're showing
16 103 days in jail and 911 days on house arrest with GPS
17 monitoring.

18 THE COURT: Okay. How many days in jail?

19 MS. RICHARDSON: 103 is what I'm showing.

20 THE COURT: Does that sound right, Mr. Edgeworth?

21 MR. EDGEWORTH: Yes, Your Honor.

22 THE COURT: Yes, ma'am.

23 MS. RICHARDSON: On Mr. Alexander Rhue Jr.,
24 691 days in jail and 522 days on house arrest with
25 monitoring.

1 THE COURT: All right.

2 MS. RICHARDSON: Mr. Alexander Rhue Sr.

3 THE COURT: Uh-huh.

4 MS. RICHARDSON: 549 days in jail; is that
5 correct, Mr. Hazzard?

6 MR. HAZZARD: Yes, ma'am.

7 THE COURT: All right.

8 MS. RICHARDSON: And 609 days of house arrest with
9 monitoring.

10 THE COURT: All right.

11 To the family of Mr. Harrison -- and in
12 particular, there's Mr. Harrison, Sr. right there -- very
13 sorry for your loss, sir. I'm very sorry that you had to
14 take the stand today -- or earlier this week. I know that
15 was hard on you, sir.

16 MR. HARRISON: Thank you.

17 THE COURT: And I know that you sometimes have
18 trouble with names and dates. If I'd been through what
19 you've been through, sir, I think I'd have trouble with
20 names and dates too. I want you to know that.

21 Ladies and gentlemen, I'm going to tell you right
22 now, when I pronounce sentence, as I told you earlier, I
23 don't want any outbursts. If there are outbursts, I
24 certainly will strongly consider, again, using my contempt
25 powers which involves my ability to have one of these

1 gentlemen take you into custody immediately and hold you in
2 contempt of court.

3 So, again, if there's anybody who does not believe
4 that they can keep their emotions in check, I strongly
5 recommend that you leave now.

6 All right, Mr. Rhue, Sr. All right.

7 Mr. Rhue, in Case Number 2017-GS-22-00875,
8 obstruction of justice, sir, I'm going to commit you to the
9 State Department of Corrections for a period of eight years
10 provided that upon the service of 549 days, to wit your time
11 served, sir, I'm going to suspend that with three years
12 probation.

13 So I'm going to give you credit for the 500 -- I'm
14 going to sentence you to eight years, I'm giving you credit
15 for your time served of 549 days, I'm giving you three years
16 probation. All right?

17 THE DEFENDANT: Thank you, sir.

18 THE COURT: All right. Mr. Hazzard?

19 MR. HAZZARD: Yes, sir, Your Honor.

20 THE COURT: Any questions concerning that?

21 MR. HAZZARD: There are no questions, Your Honor.

22 However, since you have given him a probationary
23 sentence, there is not, to my knowledge, a Probation Agent
24 available. I would ask the Court to make an order that he
25 report back here on Monday, November 7th, that is our next

1 term of court. He can then check in with a Probation Agent
2 and they can take it from there.

3 THE COURT: All right. I will grant that request,
4 at the conclusion of the hearing this evening, he is to be
5 released. He is to return back on -- did you tell me
6 November 7th, Mr. Hazzard?

7 MR. HAZZARD: Yes, sir. I believe that's right.

8 THE COURT: November 7th?

9 THE CLERK: It's the eighth.

10 MR. HAZZARD: The eighth, okay.

11 THE COURT: November 8th. He is to return
12 November 8th where he will report to a Probation Agent. If
13 he fails to do that, a bench warrant is to be issued for his
14 immediate arrest. Any further questions, Mr. Hazzard?

15 MR. HAZZARD: No, sir.

16 THE COURT: All right. Under the Other Section, I
17 have put: To report to Probation Agent on November 8, 2021,
18 failure to report will result in a bench warrant.

19 MR. HAZZARD: Yes, sir.

20 THE COURT: All right.

21 Mr. Alexander Rhue Jr., sir. All right.

22 Mr. Rhue Jr., on Indictment Number 2017-GS
23 22-00870, sir, for obstruction of justice, the sentence of
24 this Court is that you are committed to the State Department
25 of Corrections for a period of eight years. That is to run

1 concurrent with 2017-GS-22-00872, and I am going to provide
2 you with credit for time served, 691 days. I'm not
3 providing credit for house arrest or GPS monitoring.

4 All right, sir. For 2017-GS-22-00872, for murder,
5 sir, you are committed to the State Department of
6 Corrections for a term of 37 years. That sentence will run
7 concurrent with 2017-GS-22-00870, and I'm giving you credit
8 for 691 days; is that correct, Solicitor?

9 MS. RICHARDSON: Yes, Your Honor.

10 THE COURT: 691 days, I'm giving your credit for
11 that. I'm not giving you credit for any type of house
12 arrest or monitoring.

13 Mr. Voigt, do you have any questions concerning
14 the sentence of the Court, sir?

15 MR. VOIGT: I do not, Your Honor.

16 THE COURT: All right. Ms. Tiesh Rhue.

17 All right. Ms. Rhue, 2017-GS-22-00883,
18 obstruction of justice, I'm sentencing you to the
19 South Carolina Department of Corrections for a period of
20 eight years. That is to run concurrent with
21 2017-GS-22-00882, and I'm going to give you credit, ma'am,
22 for the 103 days of time that you've served.

23 All right. 2017-GS-22-00882, murder, ma'am, I'm
24 committing you to the South Carolina Department of
25 Corrections for a term of 37 years, that is to run

1 concurrent with 2017-GS-22-00883. And I'm giving you credit
2 for 103 days time served.

3 Mr. Edgeworth, do you have any questions
4 concerning my sentence, sir?

5 MR. EDGEWORTH: No, Your Honor.

6 THE COURT: All right. Solicitor, is there
7 anything further that we need to take up at this time before
8 we conclude this matter?

9 MS. RICHARDSON: No, Your Honor.

10 THE COURT: Mr. Hazzard, anything that we need to
11 take up before we conclude this matter?

12 MR. HAZZARD: Not on behalf of Alexander Rhue Sr.,
13 Your Honor.

14 THE COURT: Anything further, sir, on behalf of
15 Alex Rhue Jr.?

16 MR. VOIGT: No, Your Honor.

17 THE COURT: And, Mr. Edgeworth, anything further
18 on behalf of Ms. Tiesh Rhue?

19 MR. EDGEWORTH: Only, Your Honor, my client's
20 request would be able to say goodbye to her family members
21 that are in the gallery, of course, remaining on this side
22 before she is taken behind the wall there.

23 THE COURT: That meets with my approval, as long
24 as it meets with security's approval. I leave that in their
25 hands, sir.

1 MR. EDGEWORTH: Yes, Your Honor.

2 THE COURT: All right.

3 MR. VOIGT: And I will join in that request, Your
4 Honor.

5 THE COURT: Again, I don't have a problem with
6 that, but I'll leave that in the discretion of the Officers
7 who are providing court security.

8 MR. EDGEWORTH: Yes, Your Honor.

9 THE COURT: All right.

10 And this gentleman can be released from custody
11 with the understanding that he will report back -- and you
12 can release him -- again, as it relates to security, you can
13 release him whenever you deem fit this evening. So if
14 that's not right this second, y'all all do whatever you need
15 to do.

16 All right. Thank you. We're adjourned.

17 (WHEREUPON, the proceedings ended at 8:58 p.m.)

18 END OF REQUESTED TRANSCRIPT

19

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**Georgetown County Circuit Court
RANDOM STRIKE SHEET**

Judge Name: Bonds Robert J

Sorted By Random Nbr

Trial Type: Criminal

Panel ID: Rhue Trial

Description: Rhue Trial

Trial

Courtroom: CTR

	NAME	JURORNBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1	Blocker, Lance W	21	W	M	()	()	()	
2	Fulton, Chase R	69	W	M	()	()	()	
3	Blondahl, Suzann C	22	W	F	()	()	()	
4	Hockenberry, Brandon R	106	W	M	()	()	()	
5	Heazel, Joan J	100	W	F	()	()	()	
6	Plummer, Dedra A	180	W	F	()	()	()	
7	Duvall, Noelle K	57	W	F	()	()	()	
8	Michau, Shawn C	151	W	M	()	()	()	
9	Wright, Fredricka D	249	B	F	()	()	()	
10	Powell, Charles W Jr.	182	W	M	()	()	()	
11	Hentz, Julie D	102	W	F	()	()	()	
12	Horne, Gary L	110	W	M	()	()	()	
13	Childers, Christopher R	37	W	M	()	()	()	
14	Holmes, Christopher D	108	W	M	()	()	()	

Total Number of Jurors: 14

**** END OF REPORT ****

CERTIFICATE OF REPORTER

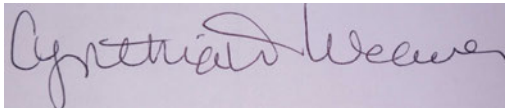
State of South Carolina)

County of Georgetown)

I, Cynthia D. Weaver, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions for Georgetown County, South Carolina, on the 11th through 15th and the 18th through the 20th of October, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 15, 2022

A handwritten signature in purple ink that reads "Cynthia D. Weaver". The signature is written in a cursive style and is placed on a light purple rectangular background.

Cynthia D. Weaver,
Official Court Reporter
State of South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

STATE

VS.

Tiesh Annette Rhue

AKA:

Race: BLACK Sex: F Age: 37

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED]

City, State, Zip: Georgetown, SC 294403529

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2200882

A/W#: 2017A2220200219

Date of Offense: 2/25/2017

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

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 30-life

in violation of § 16-03-0010, 0020 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:

Richardson, Alicia A.

SCB8880

SC Bar#

Defendant

Edgeworth, William Josh
Attorney for Defendant

SCB73788

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 37 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: 2017 GS 2200883

☒ 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.
103 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 VS Tiesh Annette Rhue INDICTMENT/CASE#: 2017GS2200882

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years
And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 20.00 Beginning 1 mo after release

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk: Susananna Hall

Court Reporter: Cynthia Weaver

Presiding Judge: Paul B. Burch

Judge Code: 2770

Sentence Date: 10/20/21

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

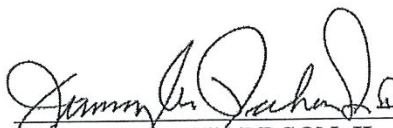
At a Court of General Sessions, convened on July 26, 2017, the Grand Jurors of Georgetown County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Tiesh Annette Rhue did in Georgetown County, on or about February 25-26, 2017, while acting in concert with others, did willfully, feloniously, and intentionally kill the victim, Leon Harrison, Jr., with malice aforethought, either express or implied, and the victim did die as a proximate result thereof on or about February 25, 2017 in Georgetown County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

DOCKET NO. 2017GS2200882

The State of South Carolina

County of Georgetown

Alicia Richardson 17G00302

COURT OF GENERAL SESSIONS

JULY, 2017 TERM

THE STATE

vs.

TIESH ANNETTE RHUE

GEORGETOWN, SC 29440-3529

DOB:

SSN:

B / F

ATTORNEY:

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

WITNESSES

Georgetown Police Department

ARREST WARRANT NUMBER

2017A2220200219

CDR: 0116 \$16-03-0010, 0020

DOI: 2/25-26/2017

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

STATE

VS.

Tiesh Annette Rhue

AKA:

Race: BLACK Sex: F Age: 37

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED]

City, State, Zip: Georgetown, SC 29440-3529

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2200883

A/W#: 2017GS2200883

Date of Offense: 2/25/2017

S.C. Code § : 17-25-0030

CDR Code #: 0118

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: Obstruction of Justice 0-10 yrs. Max fine

in violation of § 17-25-0030 of the S.C. Code of Laws, bearing CDR Code # 0118

☒ 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:

Richardson, Alicia A.

SCB8880

SC Bar#

Defendant

Edgeworth, William Josh
Attorney for Defendant

SCB73788

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 8 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: 2017 GS 2200882

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOD.
743 103 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 VS Tiesh Annette Rhue INDICTMENT/CASE#: 2017GS2200883

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 20.00 Beginning 1 mo after release

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Susananna Wiley

Court Reporter: Cynthia Weaver

Presiding Judge: Tyler Boon

Judge Code: 2170

Sentence Date: 10/20/21

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on July 26, 2017, the Grand Jurors of Georgetown County present upon their oath:

OBSTRUCTION OF JUSTICE

CDR: 0118 C/L, 17-25-0030

That Tiesh Annette Rhue did in Georgetown County between February 25, 2017 and March 22, 2017, intentionally do an act which prevented, obstructed, impeded, or hindered the administration of justice, to wit: provided false statements to Law Enforcement and concealed evidence in the investigation of the Murder of Leon Harrison, Jr., in violation of the Common Law offense of Obstruction of Justice.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

DOCKET NO. 2017GS2200883

The State of South Carolina

County of Georgetown

Alicia Richardson 17G00302

COURT OF GENERAL SESSIONS

JULY, 2017 TERM

THE STATE

vs.

TIESH ANNETTE RHUE

GEORGETOWN, SC 29440-3529

DOB:

SSN:

B / F

ATTORNEY: Dale M Savage

Indictment for

OBSTRUCTION OF JUSTICE

Jimmy A. Richardson, II, Solicitor

WITNESSES

Georgetown Police Department

ARREST WARRANT NUMBER

2017GS2200883

CDR: 0118 §, 17-25-0030

DOI: 2/25/2017 - 3/22/2017

ACTION OF GRAND JURY

TRUE BILL

8/30/17

Guadalupe Cooper

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:



GEORGETOWN POLICE DEPARTMENT
Consent to Search Form

DATE: 3/10/2017

LOCATION: Georgetown Police Department

I, Rosario Grate, having been informed of my Constitutional right not to have a search made of the premises hereinafter mentioned without a search warrant, and of my right to refuse to consent to such a search, hereby authorize:

Investigator Powell

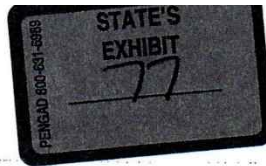
to conduct a complete search of my ^{cell phone} ~~premises/automobile~~ located at:

^{cell phone}
~~Make and model of vehicle if applicable:~~ Samsung Galaxy Smartphone

These agents are authorized by me to take from the premises any letters, papers, materials, or other property they feel is relevant to the investigation. This written permission is given freely and voluntarily, without promises or threats of any kind.

SIGNED: Rosario Grate

WITNESS: _____



To whom it may concern,

6-10-17

This letter needs to go to either Homicide Detective or who ever is working and prosecuting the murder of the boy J.R. whom they found floating in the black river, I think his head was cut off if I'm not mistaking. I don't know the Guy's real name. He was one of my friends nephew and they called him J.R. If I'm not mistaking this murder happened in March or April, 3 people were arrested the man's girl friend and 2 people with the last name Rhue. Well I was arrested on a Driving under Suspension and I have a hold for Child Support in Georgetown. I'm at J Reuben Long Detention Center. So while I've been here I was talking to a Guy and he said his family lived in Georgetown but most of them were from Washington DC. So I ask if he knew some people and he said yes. These were his cousins, so I then asked if he knew ~~person~~ Pumpkin Jones. He said yes but he don't mess with her, so I said you know her nephew J.R. not murdered, He said yes, about 20 min later he came up to me and said that, that's what he was in Jail for. The murder of J.R. He said his charges were murder, Conspiracy after the fact and disposing of a body. He then carried on to say they don't have anything on the 3 of them. That we clumped the body and they only knew it was J.R. because of a tattoo on his arm. So we gonna get off. His name is Alexander Rhue, So I will ask that a detective or someone come to J Reuben Long and I will write a statement, This info will help prosecute them for what they did. And I will also testify if I'm needed to all I'm asking in return is for someone to help me in my family Court case and speak to the Judge in my behalf about

getting my bench warrant @ lifted, or to possible let me
go home when I go to court. I've been an addict for 8 yrs
and finally last Sept 2016 I went to a 7 month rehab
after almost a month Detox Center, when I got out my wife
and I moved into a home in Conway, my wife has been
clean for 2 years, and me for 9 months, my time at J Reul
is finished June 24th 2017, like 2 weeks from today
then I go to Georgetown for my child support. I've changed
my life and my wife also. I just need a chance to show
I'm going to help yall any way either way bc I cant
live with what he told me and not say nothing, but it would
be nice if yall could help me and speak to the family
court judge about my situation to help me if possible. So
please come to J Reul's long and speak with me if
possible. It would be nice to do so before I go to
Georgetown so you can try to help me to.

Thank you so much

Austin Kenneth Knight

DAB