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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Appellate Case No. 2022-000457

The Honorable Roger Young, Circuit Court Judge

State of South Carolina.....Respondent,

v.

Tamika Williams Appellant.

**RECORD ON APPEAL
VOLUME I OF II**

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(State’s Exhibits

- **No. 6 – photo;**
- **Nos. 24-26 – photos;**
- **Nos. 50-54 – photos, all versions;**
- **No. 56 – photo, all versions;**
- **Nos. 59-61 - photos, all versions;**
- **No. 62 – body cam video;**
- **No. 63 – DVD, defendant’s interview;**
- **No. 64 – CD, 911 call; and**
- **No. 70 – CD, photos – are all on file with this Court.)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-6228
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TAMIKA YOLANDA WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

April 4, 2022
Charleston, South Carolina

Volume 1 (of 4)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, SR., JUDGE

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[Certified Transcript Provided for: Elizabeth Franklin-Best]

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JACKSON V DENNO HEARING

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Advisement of Rights form	50

PROCEEDINGS

THE COURT: Hi folks. My name is Roger Young. I am the Judge that will be presiding over the trial that we're going to draw a jury for here in just a few minutes.

You met Judge McCoy earlier. She qualified and asked you a bunch of questions. And so the questions that we're now going to ask you are case specific. In other words they are going to pertain pretty much to this case.

The whole idea is we want to have 12 jurors who can take basically take an oath that says I promise that I will make my decision based on what I hear in this courtroom and I will be able to apply the law that the Judge tells me applies to this kind of case; even if it's not what I think the law is or what I wish the law would be who can take an oath that says I will accept the law as the Judge instructs it and apply it to the facts as the jury finds it. And that's how you come up with a verdict.

All right. So, none of our questions are designed to embarrass you in any way. We don't want to unnecessarily pry into your personal affairs. But some of the questions are going to be something that you might, if it applies to you, you might not want to stand

1 up in front of a group of people and just tell us what
2 the answer is. You are welcome and I encourage you to
3 come down and talk with me more privately. The court
4 reporter will be there with us to take down what you say.

5 But please don't just sit there if something is
6 embarrassing to you or you consider it very private and
7 you don't want to discuss it with a bunch of other
8 people. Some of it we just have to ask, okay.

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VOIR DIRE

THE COURT: Now, this is a criminal case and the case is the State of South Carolina verses Tamika Yolanda Williams. And Ms. Williams is not here in the courtroom here presently but will be with us when we start the trial.

Ms. Williams is charged with homicide by child abuse. She has pled not guilty to that charge. And so when somebody gets charged with a crime by the government in this country if they plead not guilty as she has done then the State has to provide them with a jury trial and has to convince that jury, all 12 jurors, that she is guilty of that charge beyond a reasonable doubt.

She doesn't have to prove that she is innocent; she only has to show up and that's the only thing she has to do. She doesn't have to testify, she doesn't have to call witnesses. And at this point she doesn't even have to tell me if she intends to or not, okay. The burden is entirely on the State.

And so I want you to keep that in mind because there are some concepts that I'm sure you've heard of, legal concepts that I will try to explain along the way but you've probably have heard them, never really gave it a whole lot of in depth thought or research into it. But these are constitutional rights that people have. And so

1 they belong not only to the defendant but they belong to
2 you, they belong to me and everybody that is here all
3 right. So these are important things. They're not just
4 these theoretical things. So, again I'll remind you of
5 those probably more than one time throughout the trial.

6 Now, the case in criminal court is prosecuted by the
7 State of South Carolina. And in South Carolina the
8 prosecutors are known as Solicitors. And the Solicitor
9 for this circuit, which is the 9th Circuit, which is made
10 up of Charleston and Berkeley County the Solicitor, is
11 Scarlett Wilson.

12 And Ms. Wilson has designated two people to try this
13 case for her this week. And I'm going to ask you first
14 is there any member of the jury panel who is related by
15 blood or marriage or acquainted in any way with Ms.
16 Scarlett Wilson? If so, would you please stand.

17 [Whereupon, no one stands]

18 THE COURT: And I find none. Now the people that
19 she has designated to prosecute this case on her behalf
20 and the State of South Carolina's behalf this week are
21 Ms. Debbie Herring Lash and Mr. Nick Uricchio. That's
22 these two folks standing up there beside you right now.

23 Is there any member of the jury panel who is related
24 by blood or marriage or acquainted with either of those
25 two folks? If so, would you please stand.

1 [Whereupon, a juror stands]

2 THE COURT: Yes, sir. Your name and number please?

3 JUROR NUMBER 128: 128, Lake Howard. Robert Lake
4 Howard.

5 THE COURT: 128, okay. And who do you know?

6 JUROR NUMBER 128: Nick and I went to high school
7 together.

8 THE COURT: All right. So I don't know exactly how
9 old Nick is but he's starting to get a little long in the
10 tooth there so it's been a while. It's been more than
11 five years since you graduated from high school.

12 JUROR NUMBER 128: Yes.

13 THE COURT: So the fact that you know him and went
14 to high school with him would that affect your ability to
15 be fair and impartial in this case either for or against
16 the State or for or against the defendant?

17 JUROR NUMBER 128: No, sir.

18 THE COURT: All right. Thank you very much.
19 Anyone else?

20 [Whereupon, no one stands]

21 THE COURT: All right. Now again Ms. Tamika
22 Yolanda Williams is the defendant in this case. Is there
23 any member of the jury panel who is related by blood or
24 marriage or acquainted with Ms. Tamika Yolanda Williams?
25 If so, would you please stand.

1 [Whereupon, no one stands]

2 THE COURT: I find none. She has as her lawyer Mr.
3 Edward Longshore. That's this gentleman standing there
4 in front of you now. He's with the Longshore Law Firm in
5 Charleston.

6 Is there any member of the jury panel who is related
7 by blood or marriage or acquainted in any way with Mr.
8 Longshore or perhaps you have been involved in a legal
9 matter with him or his law firm in the past? If so,
10 would you please stand.

11 [Whereupon, no one stands]

12 THE COURT: Okay. I find none. I'm going to call
13 you out the names of some witnesses who may be called in
14 this case. It's not necessarily all these people are
15 going to be called. Probably maybe half of them at best
16 will probably be called.

17 But we have to call out the names for everybody that
18 could possibly be called because if we don't and then
19 something happens and we've got to call somebody and I
20 didn't call the name out and you know them then that
21 could present a problem.

22 So what I'm going to ask you when I call these names
23 out if you are related by blood or marriage or acquainted
24 with these folks in any way when I call their name out
25 would you please stand. The first is Elijah Williams.

1 [Whereupon, no one stands]
2 THE COURT: I find none. Marcus Williams.
3 [Whereupon, no one stands]
4 THE COURT: I find none. Sharon Williams.
5 [Whereupon, no one stands]
6 THE COURT: I find none. Ashley Williams.
7 [Whereupon, no one stands]
8 THE COURT: I find none. M.W. Williams.
9 [Whereupon, no one stands]
10 THE COURT: I find none. Kelly Kraus, K-R-A-U-S
11 is how you spell Kraus.
12 [Whereupon, a juror stands]
13 JUROR NUMBER 205: That name is familiar to me. I
14 believe I may at one point have worked with Ms. Kelly
15 Kraus at Roper Saint Francis.
16 THE COURT: Okay. Would that affect your ability
17 to be fair and impartial in this case if she is, in fact,
18 called as a witness?
19 JUROR NUMBER 205: No, sir.
20 THE COURT: Okay. Thank you.
21 THE COURT REPORTER: Could I get your number ---
22 THE COURT: --- oh, what is your name and number?
23 JUROR NUMBER 205: 205, William Okieffe.
24 THE COURT: Anita Moore with the North Charleston
25 Police Department.

1 [Whereupon, no one stands]

2 THE COURT: I find none. Detective Dave Pritchard
3 with North Charleston Police.

4 [Whereupon, no one stands]

5 THE COURT: I find none. Corporal Mike Cook with
6 North Charleston Police.

7 [Whereupon, no one stands]

8 THE COURT: I find none. Detective Mike Powitchko,
9 P-O-W-I-T-C-H-K-O. I'm probably mispronouncing that but
10 I pronounced it as best as I possibly can. All right
11 Powitchko.

12 [Whereupon, no one stands]

13 THE COURT: I find none. Detective Mike Sanchez,
14 North Charleston Police.

15 [Whereupon, no one stands]

16 THE COURT: I find none. Sergeant Scott Johnson,
17 North Charleston Police.

18 [Whereupon, a juror stands]

19 THE COURT: Yes, your name and number?

20 JUROR NUMBER 154: I'm Rhonda Laverne, juror 154. I
21 believe Scotty Johnson I believe that's my husband's
22 cousin. It wouldn't affect my judgment but I believe
23 that's my husband's cousin. But there could be more than
24 one Scott Johnson.

25 THE COURT: So, tell me again how you might know

1 him?

2 JUROR NUMBER 154: My husband's cousin.

3 THE COURT: Your husband's cousin ---

4 JUROR NUMBER 154: --- so my cousin-in-law.

5 THE COURT: So if he's called as a witness it

6 wouldn't affect your ability ---

7 JUROR NUMBER 154: --- no ---

8 THE COURT: --- to be fair and impartial to both

9 sides ---

10 JUROR NUMBER 154: --- yes, I could be fair.

11 THE COURT: Thank you. Shawnta Middleton, North

12 Charleston Police.

13 [Whereupon, no one stands]

14 THE COURT: I find none. Jeremy Ledford, North

15 Charleston Police.

16 [Whereupon, no one stands]

17 THE COURT: Kendra Moseley, North Charleston

18 Police.

19 [Whereupon, no one stands]

20 THE COURT: Tiffany Wilcome, W-I-L-C-O-M-E, North

21 Charleston Police.

22 [Whereupon, no one stands]

23 THE COURT: Audrey Tyrrell.

24 [Whereupon, no one stands]

25 THE COURT: Dante Ghi, G-H-I is how that's spelled

1 from North Charleston Police -- excuse me, Summerville
2 Police. Dante Ghi; Ghi is spelled G-H-I.

3 [Whereupon, no one stands]

4 THE COURT: I find none. Patrick Wells, Charleston
5 County EMS.

6 [Whereupon, no one stands]

7 THE COURT: I find none. Carl Benton, Charleston
8 County EMS.

9 [Whereupon, no one stands]

10 THE COURT: I find none. Cedric Chevalier, U.S.
11 Fish & Wildlife.

12 [Whereupon, no one stands]

13 THE COURT: I find none. Trooper Scotty Radabaugh.
14 It says PN State Police, is that Pennsylvania?

15 MR. URICCHIO: Yes, Your Honor, formerly with North
16 Charleston.

17 THE COURT: Okay. So Scotty Radabaugh who used to
18 be with North Charleston Police and apparently now is in
19 Pennsylvania. Anybody know him?

20 [Whereupon, no one stands]

21 THE COURT: I find none. Doctor Christopher
22 McCrae, a doctor at Trident Hospital.

23 [Whereupon, no one stands]

24 THE COURT: I find none. Doctor Susan Presnell,
25 Medical University.

1 [Whereupon, no one stands]

2 THE COURT: I find none. Doctor John Melville with
3 Medical University.

4 [Whereupon, no one stands]

5 THE COURT: Wendy Vanhorn.

6 [Whereupon, no one stands]

7 THE COURT: I find none. Tammy Jackson.

8 [Whereupon, no one stands]

9 THE COURT: I find none. Jasmine Ruiz-Yi, so Ruiz
10 is R-U-I-Z hyphen Y-I. She's with SLED or State Law
11 Enforcement, South Carolina Law Enforcement Division.

12 [Whereupon, no one stands]

13 THE COURT: Jennifer Bartman also with SLED.

14 [Whereupon, no one stands]

15 THE COURT: I find none. Michael Bradley.

16 [Whereupon, no one stands]

17 THE COURT: I find none. Nancy Ritter-Peacock from
18 the Coroner's Office for Charleston County.

19 [Whereupon, no one stands]

20 THE COURT: Detective Jerry Jellico. Is that North
21 Charleston?

22 MS. HERRING LASH: Yes, Your Honor.

23 [Whereupon, no one stands]

24 THE COURT: And Detective Jon Glenn. North
25 Charleston?

1 MR. URICCHIO: Yes, Your Honor.

2 [Whereupon, no one stands]

3 THE COURT: Angela Tisdale.

4 [Whereupon, no one stands]

5 THE COURT: I find none. Naomi Plowden.

6 [Whereupon, no one stands]

7 THE COURT: I find none. Is there any member of
8 the jury panel either you or one of your family members
9 been the victim of or a witness to a homicide, a crime of
10 violence or any incident involving child abuse or
11 neglect? If so, would you please stand? And if you want
12 to come up and tell me about it you're welcome to.

13 [Whereupon, no one stands]

14 THE COURT: Okay. I find none. Any member of the
15 jury panel either you or one of your immediate family
16 members ever been accused of a violent crime? If so,
17 would you please stand.

18 [Whereupon, a juror stands]

19 THE COURT: Yes, your name and number?

20 JUROR NUMBER 52: Juror number 52, Kristie Cox.

21 THE COURT: 52? Do you want to come up?

22 [Whereupon, the juror comes forward]

23 JUROR NUMBER 52: My husband had a distant cousin
24 but they grew up as friends. He murdered his
25 grandmother.

1 THE COURT: Okay. And where was that?

2 JUROR NUMBER 52: Conway, South Carolina.

3 THE COURT: And how long ago?

4 JUROR NUMBER 52: 2007 I believe; 2008. It was in
5 college.

6 THE COURT: Would that affect your ability to be
7 fair and impartial in this case either for or against the
8 State or for or against the defendant?

9 JUROR NUMBER 52: No, sir.

10 THE COURT: Okay. Thank you.

11 [Whereupon, the juror returns to the audience]

12 THE COURT: Anyone else?

13 [Whereupon, no one stands]

14 THE COURT: Any member of the jury panel either you
15 or one of your immediate family members ever been
16 involved with law enforcement or the legal system in any
17 case of assault upon a child? If so, would you please
18 stand?

19 [Whereupon, a juror stands]

20 JUROR NUMBER 175: 175, Greg Manthey.

21 THE COURT: Your number again?

22 JUROR NUMBER 175: 175.

23 THE COURT: Okay. Did you want to tell me about it
24 or do you want to come up?

25 JUROR NUMBER 175: I worked for the Bureau of

1 Prisons for 30 years and I've seen all kinds of child
2 abuse cases and the things that happen to those people in
3 prison and stuff.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case either for or against the
6 State or for or against the defense?

7 JUROR NUMBER 175: No.

8 THE COURT: Okay. Thank you.

9 [Whereupon, a juror stands]

10 THE COURT: Yes, your name and number?

11 JUROR NUMBER 26: Emily Bustamante, 26.

12 THE COURT: Okay. Do you want to come up?

13 [Whereupon, the juror comes forward]

14 JUROR NUMBER 26: My brother was --

15 THE COURT: Speak up; she [indicates] has to be
16 able to hear you.

17 JUROR NUMBER 26: My brother was accused of child
18 abuse when he was 15 years old.

19 THE COURT: He was accused of it?

20 JUROR NUMBER 26: Yes.

21 THE COURT: Was he convicted?

22 JUROR NUMBER 26: He was 15 years old --

23 THE COURT: How long ago was that?

24 JUROR NUMBER 26: He's 27.

25 THE COURT: All right. Would that affect your

1 ability to be fair and impartial in this case either for
2 or against the State or for or against the defense?

3 JUROR NUMBER 26: No.

4 THE COURT: Okay.

5 [Whereupon, the juror returns to the audience]

6 [Whereupon, the Court confers with counsel]

7 [Whereupon, the juror comes forward]

8 THE COURT: Yes sir, your name and number?

9 JUROR NUMBER 198: Alexander Nesbitt, I'm not sure
10 what my number is.

11 THE COURT: Nesbitt?

12 JUROR NUMBER 198: Yes.

13 THE COURT: Okay. What would you like to tell me?

14 JUROR NUMBER 198: My girlfriend at the time her son
15 was charged with sexual abuse --

16 THE COURT REPORTER: I'm sorry.

17 THE COURT: We just need you to speak up loud
18 enough.

19 JUROR NUMBER 198: I said my girlfriend at the time
20 her son was charged with a sexual assault.

21 THE COURT: All right. And how long ago was this?

22 JUROR NUMBER 198: This was probably 12 years --

23 THE COURT: How long?

24 JUROR NUMBER 198: Twelve years.

25 THE COURT: 12 years ago? Was he charged with it?

State v Tamika Yolanda Williams
Voir Dire
April 4, 2022

1 JUROR NUMBER 198: Yes.
2 THE COURT: Did he go to jail?
3 JUROR NUMBER 198: Yes.
4 THE COURT: Okay. And where was this?
5 JUROR NUMBER 198: It was in Charleston County.
6 THE COURT: Okay. Would that affect your ability
7 to be fair and impartial in this case either for or
8 against the State or for or against the defense?
9 JUROR NUMBER 198: I'm not sure to tell you the
10 truth --
11 THE COURT: Okay. Thank you. You can be seated.
12 [Whereupon, the juror returns to the audience]
13 THE COURT: Anyone else?
14 [Whereupon, no one stands]
15 THE COURT: Any member of the jury panel been
16 involved with the Department of Social Services in any
17 capacity? If so, would you please stand?
18 [Whereupon, jurors stand]
19 THE COURT: Okay. Let's start with you. Your name
20 and number?
21 JUROR NUMBER 76: Jerry Evans, 76.
22 THE COURT: Okay.
23 JUROR NUMBER 76: I'm an attorney in the Charleston
24 area and I have had court appointed DSS cases although it
25 has been many years ago.

1 THE COURT: Would that affect your ability to be
2 fair and impartial in this case either for or against the
3 State or for or against the defense?
4 JUROR NUMBER 76: No, it would not.
5 THE COURT: Thank you. Yes ma'am, your name and
6 number?
7 JUROR NUMBER 286: Paula White; I don't know my
8 number.
9 THE CLERK OF COURT: 286, ma'am.
10 THE COURT: 286?
11 THE CLERK OF COURT: Yes, sir.
12 THE COURT: Okay. What would you like to tell me?
13 JUROR NUMBER 286: I currently work at the
14 Department of Social Services in North Charleston as a
15 case manager assistant. So, I see and hear all types of
16 what is going on.
17 THE COURT: Do you know anything at all about this
18 case?
19 JUROR NUMBER 286: No, I don't.
20 THE COURT: Okay. Do you know any of the people
21 that we talked about their names?
22 JUROR NUMBER 286: No.
23 THE COURT: All right. Do you think that would
24 affect -- what do you do at DSS?
25 JUROR NUMBER 286: Assist; I'm a case manager

1 assistant. I assist the case managers.

2 THE COURT: Would that affect your ability to be
3 fair and impartial in this case for or against the State
4 or for or against the defense?

5 JUROR NUMBER 286: No, sir.

6 THE COURT: All right. Thank you. Anybody else?
7 [Whereupon, no one stands]

8 THE COURT: Is there anybody that has previously
9 been a witness in either a civil or a criminal case? If
10 so, would you please stand.

11 [Whereupon, jurors stand]

12 THE COURT: Your name and number?

13 JUROR NUMBER 139: Susan Kennie.

14 THE COURT: 139. Okay, what kind of case were you
15 a witness in?

16 JUROR NUMBER 139: I was in a civil case. I had a
17 civil case --

18 THE COURT: Say it a little louder for me.

19 JUROR NUMBER 139: I had a civil case.

20 THE COURT: Okay. And how long ago was this?

21 JUROR NUMBER 139: 1991.

22 THE COURT: And what kind of case was it?

23 JUROR NUMBER 139: A lawsuit against Workman's Comp.

24 THE COURT: Okay. Would that affect your ability
25 to be fair and impartial in this case?

1 JUROR NUMBER 139: No.

2 THE COURT: Okay. Thank you. Yes, your name and
3 number?

4 JUROR NUMBER 57: Charles Cyr, 57.

5 THE COURT: Okay.

6 JUROR NUMBER 57: Twenty-five years ago I was
7 subpoenaed as a witness for I think it was a criminal
8 case. It was a domestic dispute and they subpoenaed
9 everyone in the apartment complex. And it was almost
10 immediately dismissed by the Judge who told them they
11 were stupid --

12 THE COURT: Thank you. Anybody else?

13 [Whereupon, no one stands]

14 THE COURT: Any member of the jury panel either you
15 or any member of your immediate family ever had any
16 criminal charges that were prosecuted by the 9th Circuit
17 Solicitor's Office or currently pending?

18 [Whereupon, no one stands]

19 THE COURT: I find none. Any member of the jury
20 panel either you or one of your immediate family members
21 ever been employed by any local, state or federal law
22 enforcement agency?

23 That would include but is not limited to Charleston
24 County Sheriff, City of Charleston Police, North
25 Charleston Police, South Carolina Law Enforcement

1 Division, SLED, or the FBI in any capacity now or in the
2 past?

3 [Whereupon, jurors stand]

4 THE COURT: Okay. Let's start with you again.
5 Your name and number?

6 JUROR NUMBER 57: Charles Cyr, 57. I was the IT
7 manager for the City of Folly Beach for about 20 years
8 which included Public Safety Court.

9 THE COURT: Okay. Thank you.

10 JUROR NUMBER 175: Greg Manthey, 175. I worked for
11 the Bureau of Prisons for 30 years.

12 THE COURT: Okay. Thank you.

13 JUROR NUMBER 81: Paul Fleming, number 81. I
14 currently have a cousin who is with the Secret Service
15 and travels with the President and the Vice President.

16 THE COURT: And who is it again?

17 JUROR NUMBER 81: My cousin.

18 THE COURT: Your cousin?

19 JUROR NUMBER 81: First cousin.

20 THE COURT: Okay. Thank you. Yes, your name and
21 number?

22 JUROR NUMBER 171: I don't know my number, sir.

23 THE COURT: Your name then?

24 JUROR NUMBER 171: Pepe Mackey.

25 THE COURT: Pardon?

1 JUROR NUMBER 171: Pepe Mackey.

2 THE COURT: 171. Okay, what would you like to tell
3 me?

4 JUROR NUMBER 171: My son works for the Sheriff's
5 office.

6 THE COURT: For where?

7 JUROR NUMBER 171: The Sheriff's office on Leeds
8 Avenue.

9 THE COURT: Okay. Thank you. Anybody else?

10 [Whereupon, no one stands]

11 THE COURT: This case involves an incident that
12 took place on June the 26th, 2018. Again, it was in
13 North Charleston and I told you the defendant's name.

14 Is there any member of the jury panel who knows
15 anything at all about this case either personally, talked
16 to a witness, read about it in the paper or saw a
17 newspaper clipping; I don't know if there was any. But
18 if you know anything at all about this case in any way
19 would you please stand?

20 [Whereupon, no one stands]

21 THE COURT: I find none. Any member of the jury
22 panel have any kind of reason why you don't think you
23 could be a fair and impartial juror in this case? It
24 could be any reason under the sun; religious,
25 philosophical moral reasons. I give you a typical

1 example would be sometimes you have people that read
2 verses in the Bible to say oh well that precludes me from
3 serving on a jury. I disagree with their interpretation
4 but it's theirs.

5 Anything at all that would keep you from being able
6 to take that oath that I told you about in which you say
7 I promise that I can base my decision based on what I
8 hear in the courtroom and I promise that I can apply the
9 law that you, the Judge, tells me applies to that kind of
10 case.

11 If you don't think you could do that for any kind of
12 reason I'm not going to try to talk you out of your
13 reasons or anything at all. I just need to know about it
14 and these folks need to know about it so they can decide
15 whether or not to seat you as jurors in this case.

16 So, if you have any reason at all that you don't
17 think you could be a fair and impartial juror may cover
18 something that I said or something else entirely you're
19 welcome to come forward and talk to me about it more
20 privately. If that applies to anyone and you wish to
21 talk to me about it, please stand.

22 [Whereupon, the juror comes forward]

23 THE COURT: What's your name and number?

24 JUROR NUMBER 180: Kelli Matthews, 180.

25 THE COURT: Okay. What would you like to tell me?

1 JUROR NUMBER 180: I have a dear friend whose
2 husband drowned her three children and the anniversary
3 was just last week. It's been ten years ago. It made
4 the news and everything else.

5 Just hearing this one just brought that one back up
6 and all that you could imagine that would entail with
7 having a friend whose husband go through the law and he
8 had custody and he shouldn't have had custody and the
9 police didn't do a thing. And he took them to a hotel
10 and drowned them; at three, five, and six.

11 THE COURT: Do you think that would affect your
12 ability to be fair and impartial in this case?

13 JUROR NUMBER 180: Yes.

14 THE COURT: Okay. Thank you. You can be seated.

15 JUROR NUMBER 180: Be seated?

16 THE COURT: Yes. Just go ahead and be seated.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 221.

19 [Whereupon, the juror comes forward]

20 THE COURT: 221?

21 JUROR NUMBER 221: Yes, sir.

22 THE COURT: What would you like to tell me?

23 JUROR NUMBER 221: I was formerly employed by North
24 Charleston Fire Department. I'm not sure if I could have
25 possibly responded to this call. I've had multiple cases

1 in the North Charleston area.

2 THE COURT: What is the address?

3 MR. URICCHIO: 141 Remount Road, Apartment 9.

4 MS. HERRING LASH: An apartment complex off Remount
5 Road.

6 JUROR NUMBER 221: I can't be sure.

7 THE COURT: If it turns out that -- well you would
8 have been listed on one of the incident reports or
9 something if you had ---

10 JUROR NUMBER 221: --- yes ---

11 THE COURT: --- so the fact that you weren't means
12 you weren't.

13 JUROR NUMBER 221: Okay.

14 THE COURT: Would the fact that you had that job
15 would that affect your ability to be fair and impartial
16 to ---

17 JUROR NUMBER 221: --- I don't believe so.

18 THE COURT: Okay. Thank you. You can be seated.

19 [Whereupon, the juror returns to the audience]

20 THE BAILIFF: Juror number 256.

21 [Whereupon, the juror comes forward]

22 THE COURT: Yes?

23 JUROR NUMBER 256: Judge, so ---

24 THE COURT: --- what's your number again?

25 JUROR NUMBER 256: 256.

1 THE COURT: 56?

2 JUROR NUMBER 256: So I'm currently -- my wife just
3 told me she wanted a divorce and she took, stuck me with
4 the house. And I'm also starting a new medication, a new
5 regimen and I just have a lot of anxiety and depression
6 and PTSD. And right now I -- and I also lost my job
7 three weeks ago so.

8 THE COURT: Okay.

9 JUROR NUMBER 256: I'm not saying it would
10 completely affect my judgment but right now is probably
11 not my best time for me to...

12 THE COURT: Okay. Why don't I do this? Why don't
13 I just transfer you to another time later on when things
14 are more settled down for you? Okay. You can go back
15 and be seated.

16 JUROR NUMBER 256: Okay. Thank you.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 26.

19 [Whereupon, the juror comes forward]

20 JUROR NUMBER 26: So my thing would just be I'm a
21 Mom and I have a child and I think that it would be hard
22 for me not to ---

23 THE COURT: I'm sorry?

24 JUROR NUMBER 26: I said I'm a mother and I have a
25 daughter and I just think it would be hard to not be

1 biased if it involves a child.

2 THE COURT: You think that would affect your
3 ability to be fair and impartial in this case for or
4 against the State or for or against the defense?

5 JUROR NUMBER 26: I think it's a possibility.

6 THE COURT: Okay. Thank you.

7 [Whereupon, the juror returns to the audience]

8 THE BAILIFF: Juror number 82.

9 [Whereupon, the juror comes forward]

10 JUROR NUMBER 82: How you doing?

11 THE COURT: Yes, sir?

12 JUROR NUMBER 82: I just wanted to double check on
13 the names Marcus and M.W.

14 THE COURT: M.W. was a...

15 MS. HERRING LASH: He's a child.

16 THE COURT: He's a child and he's about six years
17 old now?

18 MS. HERRING LASH: He's probably about six or seven
19 now.

20 JUROR NUMBER 82: Okay.

21 THE COURT: Marcus was the father.

22 JUROR NUMBER 82: Okay. I just wanted to check. I
23 actually knew a Marcus.

24 THE COURT: Okay. Do you know these people?

25 JUROR NUMBER 82: I don't know for sure --

1 MS. HERRING LASH: They are originally from
2 Kingstree.

3 JUROR NUMBER 82: Okay. The ones I know are from
4 Huger, South Carolina.

5 THE COURT: Okay. Thank you.

6 [Whereupon, the juror returns to the audience]

7 THE COURT: Anybody else?

8 [Whereupon, an off the record bench conference is
9 held]

10 THE COURT: Folks, here's how we do this in Circuit
11 Court for criminal cases. In just a minute the Clerk
12 will have a list that has completely randomized y'all by
13 number. In the old days what they used to do is they
14 would take everybody's number and put it on what looked
15 like a little pill casing or something and then they
16 would have this big canister and roll it. And then
17 either a blind person or a small child would reach inside
18 that canister and pull the names out.

19 Well, we've advanced and we now have us an algorithm
20 that does that for us. And this algorithm just takes the
21 computer list of everybody and just completely randomizes
22 it and then that's how we come up with a list; the same
23 way. When the Clerk calls your name out you come just
24 down the aisle here [indicates] and you turn around and
25 face back towards the panel and then the State will first

1 have the opportunity to say either present the juror or
2 excuse the juror. And if the State says present the
3 juror or seat the juror then the defense will have the
4 opportunity to do the same; present or strike.

5 We'll do that until we get 12 people who we can
6 agree on that are acceptable to both sides. And then
7 we'll also draw the names of two alternates because this
8 case I'm told will probably last until Wednesday. It
9 might go over into Thursday so I like to do a couple of
10 alternates just because well, you just never know.

11 So give us just a minute to get this ready and then
12 we'll call those names out.

13 [Off the record momentarily]

14 THE COURT: A lot of times we do this part up in
15 the courtroom but since we were confined we started this
16 and found it a better way to do it to save you a little
17 bit of time.

18 What we'll do actually after we draw the jury the
19 jurors will go with the bailiff and the bailiffs will
20 show you where you are to report to after lunch and then
21 the rest of y'all will be free for the rest of the day.

22 Just call the telephone number after 6 o'clock and
23 there will be a few instructions for the next day as to
24 when you are to report back or call back the next day
25 after 6 o'clock.

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STRIKING OF THE JURY

THE COURT: When she calls your name and number out bring your belongings with you because if you get picked you'll stand along the wall there [indicates] until we get everybody picked.

THE CLERK OF COURT: Juror 247, Kristen Scott.
[Whereupon, the juror stands]

THE CLERK OF COURT: What say you for the State?

MS. HERRING LASH: Please present the juror.

THE CLERK OF COURT: What say you for the defense?

MR. LONGSHORE: Please excuse the juror.

THE CLERK OF COURT: You've been excused from the trial of this case. Please be seated.
[Whereupon, the juror is seated]

THE CLERK OF COURT: Juror 1, Debra Ackerman.
[Whereupon, the juror stands]

THE CLERK OF COURT: What say you for the State?

MS. HERRING LASH: Please present the juror.

THE CLERK OF COURT: What say you for the defense?

MR. LONGSHORE: Please excuse the juror.

THE CLERK OF COURT: You've been excused from the trial of this case. Please be seated.
[Whereupon, the juror is seated]

THE CLERK OF COURT: Juror 269, Frank Tobin.
[Whereupon, the juror stands]

State v Tamika Yolanda Williams
Striking of the Jury
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1 THE CLERK OF COURT: What say you for the State?
2 MS. HERRING LASH: Please present the juror.
3 THE CLERK OF COURT: What say you for the defense?
4 MR. LONGSHORE: Please seat the juror.
5 THE CLERK OF COURT: You're now a juror in the
6 trial of this case. Please stand along the wall.
7 [Whereupon, juror number 269 is seated as a juror]
8 THE CLERK OF COURT: Juror 81, Paul Fleming.
9 [Whereupon, the juror stands]
10 THE CLERK OF COURT: What say you for the State?
11 MS. HERRING LASH: Please present the juror.
12 THE CLERK OF COURT: What say you for the defense?
13 MR. LONGSHORE: Please seat the juror.
14 THE CLERK OF COURT: You're now a juror in the
15 trial of this case.
16 [Whereupon, juror number 81 is seated as a juror]
17 THE CLERK OF COURT: Juror 12, Ryan Benware.
18 [Whereupon, the juror stands]
19 THE CLERK OF COURT: What say you for the State?
20 MS. HERRING LASH: Please present the juror.
21 THE CLERK OF COURT: What say you for the defense?
22 MR. LONGSHORE: Please excuse the juror.
23 THE CLERK OF COURT: You've been excused from the
24 trial of this case. Please be seated.
25 [Whereupon, the juror is seated]

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April 4, 2022

1 THE CLERK OF COURT: Juror 65, April Distler.
2 [Whereupon, the juror stands]
3 THE CLERK OF COURT: What say you for the State?
4 MS. HERRING LASH: Please present the juror.
5 THE CLERK OF COURT: What say you for the defense?
6 MR. LONGSHORE: Please seat the juror.
7 THE CLERK OF COURT: You're now a juror in the
8 trial of this case.
9 [Whereupon, juror number 65 is seated as a juror]
10 THE CLERK OF COURT: Juror 250 William Sherrod.
11 [Whereupon, the juror stands]
12 THE CLERK OF COURT: What say you for the State?
13 MS. HERRING LASH: Please present the juror.
14 THE CLERK OF COURT: What say you for the defense?
15 MR. LONGSHORE: Please excuse the juror.
16 THE CLERK OF COURT: You've been excused from the
17 trial of this case. Please be seated.
18 [Whereupon, the juror is seated]
19 THE CLERK OF COURT: Juror 221, Timothy Potter.
20 [Whereupon, the juror stands]
21 THE CLERK OF COURT: What say you for the State?
22 MS. HERRING LASH: Please present the juror.
23 THE CLERK OF COURT: What say you for the defense?
24 MR. LONGSHORE: Please excuse the juror.
25 THE CLERK OF COURT: You've been excused from the

1 trial of this case. Please be seated.

2 [Whereupon, the juror is seated]

3 THE CLERK OF COURT: The defense has exhausted six
4 strikes. Juror 286, Paula White.

5 [Whereupon, the juror stands]

6 THE CLERK OF COURT: What say you for the State?

7 MS. HERRING LASH: Please present the juror.

8 THE CLERK OF COURT: What say you for the defense?

9 MR. LONGSHORE: Please excuse the juror.

10 THE CLERK OF COURT: You've been excused from the
11 trial of this case. Please be seated.

12 [Whereupon, the juror is seated]

13 THE CLERK OF COURT: Juror 94, Briget Gibbs.

14 [Whereupon, the juror stands]

15 THE CLERK OF COURT: What say you for the State?

16 MS. HERRING LASH: Please present the juror.

17 THE CLERK OF COURT: What say you for the defense?

18 MR. LONGSHORE: Please seat the juror.

19 THE CLERK OF COURT: You're now a juror in the
20 trial of this case.

21 [Whereupon, juror number 94 is seated as a juror]

22 THE CLERK OF COURT: Juror 295, Colin Wolf.

23 [Whereupon, the juror stands]

24 THE CLERK OF COURT: What say you for the State?

25 MS. HERRING LASH: Please present the juror.

State v Tamika Yolanda Williams
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April 4, 2022

1 THE CLERK OF COURT: What say you for the defense?
2 MR. LONGSHORE: Please excuse the juror.
3 THE CLERK OF COURT: You've been excused from the
4 trial of this case. Please be seated.
5 [Whereupon, the juror is seated]
6 THE CLERK OF COURT: Juror 292, Ryan Wiora.
7 [Whereupon, the juror stands]
8 THE CLERK OF COURT: What say you for the State?
9 MS. HERRING LASH: Please excuse the juror.
10 THE CLERK OF COURT: You've been excused from the
11 trial of this case. Please be seated.
12 [Whereupon, the juror is seated]
13 THE CLERK OF COURT: Juror 300, Austin Zepp.
14 [Whereupon, the juror stands]
15 THE CLERK OF COURT: What say you for the State?
16 MS. HERRING LASH: Please present the juror.
17 THE CLERK OF COURT: What say you for the defense?
18 MR. LONGSHORE: Please seat the juror.
19 THE CLERK OF COURT: You're now a juror in the
20 trial of this case.
21 [Whereupon, juror number 300 is seated as a juror]
22 THE CLERK OF COURT: Juror 209, John Osborne.
23 [Whereupon, the juror stands]
24 THE CLERK OF COURT: What say you for the State?
25 MS. HERRING LASH: Please present the juror.

State v Tamika Yolanda Williams
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April 4, 2022

1 THE CLERK OF COURT: What say you for the defense?
2 MR. LONGSHORE: Please seat the juror.
3 THE CLERK OF COURT: You're now a juror in the
4 trial of this case.
5 [Whereupon, juror number 209 is seated as a juror]
6 THE CLERK OF COURT: Juror 115, Lazette Harvey.
7 [Whereupon, the juror stands]
8 THE CLERK OF COURT: What say you for the State?
9 MR. URICCHIO: Could you repeat her number again,
10 please?
11 THE CLERK OF COURT: 115.
12 MR. URICCHIO: Thank you, ma'am.
13 THE CLERK OF COURT: What say you for the State?
14 MS. HERRING LASH: Please excuse the juror.
15 THE CLERK OF COURT: You've been excused from the
16 trial of this case. Please be seated.
17 [Whereupon, the juror is seated]
18 THE CLERK OF COURT: Juror 68, Samuel Dorsett.
19 [Whereupon, the juror stands]
20 THE CLERK OF COURT: What say you for the State?
21 MS. HERRING LASH: Please present the juror.
22 THE CLERK OF COURT: What say you for the defense?
23 MR. LONGSHORE: Please excuse the juror.
24 THE CLERK OF COURT: You've been excused from the
25 trial of this case. Please be seated.

State v Tamika Yolanda Williams
Striking of the Jury
April 4, 2022

1 [Whereupon, the juror is seated]
2 THE CLERK OF COURT: Juror 202, Emily Nordloh.
3 [Whereupon, the juror stands]
4 THE CLERK OF COURT: What say you for the State?
5 MS. HERRING LASH: Please present the juror.
6 THE CLERK OF COURT: What say you for the defense?
7 MR. LONGSHORE: Please seat the juror.
8 THE CLERK OF COURT: You're now a juror in the
9 trial of this case.
10 [Whereupon, juror number 202 is seated as a juror]
11 THE CLERK OF COURT: Juror 69, Jeffrey Doyle.
12 [Whereupon, the juror stands]
13 THE CLERK OF COURT: What say you for the State?
14 MS. HERRING LASH: Please present the juror.
15 THE CLERK OF COURT: What say you for the defense?
16 MR. LONGSHORE: Please excuse the juror.
17 THE CLERK OF COURT: You've been excused from the
18 trial of this case. Please be seated.
19 [Whereupon, the juror is seated]
20 THE CLERK OF COURT: The defense now has one strike
21 remaining. Juror 299, Thomas Zeigler.
22 [Whereupon, the juror stands]
23 THE CLERK OF COURT: What say you for the State?
24 MS. HERRING LASH: Please present the juror.
25 THE CLERK OF COURT: What say you for the defense?

State v Tamika Yolanda Williams
Striking of the Jury
April 4, 2022

1 MR. LONGSHORE: Please seat the juror.
2 THE CLERK OF COURT: You're now a juror in the
3 trial of this case.
4 [Whereupon, juror number 299 is seated as a juror]
5 THE CLERK OF COURT: Juror 82, Edwin Ford.
6 [Whereupon, the juror stands]
7 THE CLERK OF COURT: What say you for the State?
8 MS. HERRING LASH: Please present the juror.
9 THE CLERK OF COURT: What say you for the defense?
10 MR. LONGSHORE: Please seat the juror.
11 THE CLERK OF COURT: You're now a juror in the
12 trial of this case.
13 [Whereupon, juror number 82 is seated as a juror]
14 THE CLERK OF COURT: Juror 18, John Bridges.
15 [Whereupon, the juror stands]
16 THE CLERK OF COURT: What say you for the State?
17 MS. HERRING LASH: Please present this juror.
18 THE CLERK OF COURT: What say you for the defense?
19 MR. LONGSHORE: Please seat the juror.
20 THE CLERK OF COURT: You're now a juror in the
21 trial of this case.
22 [Whereupon, juror number 18 is seated as a juror]
23 THE CLERK OF COURT: Juror 232, Kevin Richbourg.
24 [Whereupon, the juror stands]
25 THE CLERK OF COURT: What say you for the State?

State v Tamika Yolanda Williams
Striking of the Jury
April 4, 2022

1 MS. HERRING LASH: Please present this juror.
2 THE CLERK OF COURT: What say you for the defense?
3 MR. LONGSHORE: Please excuse the juror.
4 THE CLERK OF COURT: You've been excused from the
5 trial of this case. Please be seated.
6 [Whereupon, the juror is seated]
7 THE CLERK OF COURT: The defense has now exhausted
8 all remaining strikes. Juror 198, Alexander Nesbitt.
9 [Whereupon, the juror stands]
10 THE CLERK OF COURT: What say you for the State?
11 MS. HERRING LASH: Please excuse this juror.
12 THE CLERK OF COURT: Any challenge from the
13 defense?
14 MR. LONGSHORE: No challenge.
15 THE CLERK OF COURT: You're now excused from the
16 trial of this case.
17 [Whereupon, the juror is seated]
18 THE CLERK OF COURT: The plaintiff now has two
19 strikes remaining. Juror 138, Patrick Jones.
20 [Whereupon, the juror stands]
21 THE CLERK OF COURT: What say you for the State?
22 MS. HERRING LASH: Please present this juror.
23 THE CLERK OF COURT: Any challenge from the
24 defense?
25 MR. LONGSHORE: No challenge from the defense.

State v Tamika Yolanda Williams
Striking of the Jury
April 4, 2022

1 THE CLERK OF COURT: You're now a juror in the
2 trial of this case.
3 [Whereupon, juror number 138 is seated as a juror]
4 THE CLERK OF COURT: Juror 32, Brian Celek.
5 [Whereupon, the juror stands]
6 THE CLERK OF COURT: What say you for the State?
7 MS. HERRING LASH: Please present this juror.
8 THE CLERK OF COURT: Any challenge from the
9 defense?
10 MR. LONGSHORE: None from the defense.
11 THE CLERK OF COURT: You're now a juror in the
12 trial of this case.
13 [Whereupon, juror number 32 is seated as a juror]
14 THE CLERK OF COURT: Now striking for alternates.
15 The first alternate, juror 34, Andrew Charles.
16 [Whereupon, the juror stands]
17 THE CLERK OF COURT: What say you for the State?
18 MS. HERRING LASH: Please present this juror.
19 THE CLERK OF COURT: What say you for the defense?
20 MR. LONGSHORE: Please seat the juror.
21 THE CLERK OF COURT: You're now a juror in the
22 trial of this case.
23 [Whereupon, juror number 34 is seated as an
24 alternate juror]
25 THE CLERK OF COURT: Juror 205, William Okieffe.

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Striking of the Jury
April 4, 2022

1 [Whereupon, the juror stands]
2 THE CLERK OF COURT: What say you for the State?
3 MS. HERRING LASH: Please present this juror.
4 THE CLERK OF COURT: What say you for the defense?
5 MR. LONGSHORE: Please excuse the juror.
6 THE CLERK OF COURT: You've been excused from the
7 trial of this case.
8 [Whereupon, the juror is seated]
9 THE CLERK OF COURT: The defense now has one strike
10 remaining. Juror 228, Laura Reed.
11 [Whereupon, the juror stands]
12 THE CLERK OF COURT: What say you for the State?
13 MS. HERRING LASH: Please present this juror.
14 THE CLERK OF COURT: What say you for the defense?
15 MR. LONGSHORE: Please seat the juror.
16 THE CLERK OF COURT: You're now a juror in the
17 trial of this case.
18 [Whereupon, juror number 228 is seated as an
19 alternate juror]
20 THE CLERK OF COURT: Your Honor, we have your jury.
21 THE COURT: All right. Anything from the State?
22 MS. HERRING LASH: No, Your Honor.
23 THE COURT: From the defense?
24 MR. LONGSHORE: No, Your Honor.
25

1 THE COURT: Well folks, you're our jury now. What
2 I'm going to do is send you with the bailiffs and they
3 will take you up to the jury room and show you where you
4 will report back after lunch. After you get there you're
5 free to go to lunch, okay.

6 Go to lunch anywhere you want to. Call home, call
7 work and tell them you got picked on a jury and the only
8 thing you can tell them though is you got picked on a
9 case that involves homicide by child abuse. That's the
10 only thing you know about it and that's the only thing
11 I'll allow you to tell them about it.

12 And the reason is real important. You're going to
13 hear this instruction a lot. The reason why you don't
14 talk about the case with anybody is it violates your oath
15 and two, you hear your witnesses sequentially so you're
16 going to hear some witnesses and then you're going to
17 hear other witnesses.

18 A lot of times you change your mind throughout the
19 trial. So it's not proper for you to begin your
20 deliberations at any time or your discussions because
21 once you start throwing out well, I didn't believe that
22 part. Then you might get to cross-examination and your
23 mind has changed. But mainly your impressions during
24 trial you just need to keep to yourself. Once the case
25 is complete and over with and you've heard all of the

1 witnesses and I have instructed you on the law then you
2 can discuss the case amongst yourselves to your heart's
3 content. So even though you can go to lunch with a juror
4 now if you want to, one of your fellow jurors, don't
5 discuss the case in anyway. Talk about whatever you want
6 to except this case.

7 Talk about how great it is being at lunch; whatever
8 you want to talk about except this case. And you can
9 tell your family or friends or work that you're on the
10 jury. And you'll probably work until around 5 o'clock
11 each day and then we will break and resume in the morning
12 and that's around 9:30. That's usually the schedule that
13 we keep.

14 I'm going to again send you to lunch. We've got a
15 little pretrial work that we've got to do after we get a
16 bite to eat so be back in your jury room at 3:30. If
17 you're going to go now so we can take a lunch break.
18 We've got some pretrial stuff but we should be ready to
19 go at 3:30 this afternoon. So don't come back here. You
20 go back to the room where they're going to show you to
21 report to. Thank you for your patience. We'll see you
22 in a couple of hours.

23 [Whereupon, the jury exits at 1:17 p.m.]

24 [Off the record momentarily]

25 THE COURT: Okay. So the rest of you folks you're

1 excused for the remainder of today. If you will call the
2 telephone number that they gave you and it will either
3 say report back tomorrow or call back tomorrow after 6
4 p.m. Or it will say you're not needed any longer. There
5 is a possibility that we might try one short case after
6 this one is over. We've just got to get a feel for how
7 this one progresses along. Trials have a lot of moving
8 parts.

9 And the best case scenario you've got a good
10 educated guess on how long something is going to take.
11 Sometimes they don't last as long, sometimes they take
12 twice as long. The consensus seems to be right now that
13 we will probably finish this case Wednesday, maybe
14 Thursday morning. So we might have to check later on in
15 the week to draw a jury for a short one to two day trial.

16 So thank you so much for your patience today.
17 You're welcome to come back and watch this case but you
18 do not have to come back and hang around the courthouse
19 until the message tells you to come back. Thank you for
20 your patience. See you maybe later this week.

21 [Whereupon, the jury panel exits at 1:20 p.m.]

22 [Whereupon, Court is in recess from 1:20 p.m. until
23 2:45 p.m.]

24 THE COURT: All right. Is this Ms. Williams?

25 MR. LONGSHORE: Yes it is, Your Honor.

1 THE COURT: All right. Well, let's see. What do
2 we need to take care of this afternoon?

3 MS. HERRING LASH: Your Honor, the defense has a
4 motion regarding the statement.

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1 THE COURT: Okay. And your motion is that it was
2 not freely and voluntarily made?

3 MR. LONGSHORE: That's correct, Your Honor.

4 THE COURT: Okay. And what's the basis for that?

5 MR. LONGSHORE: Beg the Court's indulgence.

6 [Whereupon, Mr. Longshore reviews documents]

7 MR. LONGSHORE: Your Honor, based on the fact that
8 my client had just given birth. She was still on
9 medication. She was, her uterus was swollen and
10 suffering from a hernia. She was still hemorrhaging
11 blood. She had not slept in four days.

12 And not to mention that her son had just passed away
13 coupled with some of the statements that were made to her
14 or inferences made to her from Detective Jellico in terms
15 of potential penalties if she were to give a statement
16 that was favorable to whatever it was he wanted her to
17 say. So we believe that is the basis for a motion to
18 suppress.

19 Not to mention that in her statement she recants
20 multiple times. As he leaves the room every time
21 basically that he leaves the room she attempts to recant
22 and then he comes back and essentially attempts to nail
23 her back down to the original version of the statement
24 that she gave. So on that basis, Your Honor; we would
25 argue that it was not freely and voluntarily given. She

1 didn't knowingly waive her rights.

2 THE COURT: Okay. What's the State's position?

3 MS. HERRING LASH: Your Honor, we will put up
4 Detective Jerry Jellico to go over it.

5 THE COURT: Okay.

6 MS. HERRING LASH: What he did.

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1 MS. HERRING LASH: The State would call Detective
2 Jellico.

3 [Whereupon, Detective Jellico comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your name and
7 spell your last name for the record.

8 THE WITNESS: Jerry Jellico, J-E-L-L-I-C-O.

9 - - - - -

10 JERRY JELLICO,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HERRING LASH:

15 Q. Detective Jellico, I'm just going to right now go to
16 the part of your investigation where you talked with Ms.
17 Williams at the station on the second day. And how did
18 she get to the station?

19 A. We picked her up.

20 Q. And what was the room like where she was
21 interviewed?

22 A. It's one of the interview rooms at the North
23 Charleston Police Department. It's audio and it captures
24 audio and visual.

25 Q. And was she handcuffed?

1 A. No, ma'am.

2 Q. And did you begin the interview by advising her of
3 her rights?

4 A. Yes, I did.

5 Q. And how did you go about advising her of her rights?

6 A. I used the standard form that we have at the North
7 Charleston Police Department advice of constitutional
8 rights.

9 MS. HERRING LASH: Your Honor, may I approach the
10 witness?

11 THE COURT: You may.

12 [Whereupon, State's exhibit number 69 is marked for
13 I.D. purposes only by the court reporter]

14 Q. [Ms. Herring Lash] I'm going to show you what has
15 been marked as State's exhibit number 69 at this time for
16 I.D.

17 [Whereupon, the witness is shown exhibit]

18 A. Yes, ma'am.

19 Q. Do you recognize that?

20 A. Yes, ma'am. This is the form that I utilized that
21 day.

22 Q. And how did you go about using it?

23 A. First of all I fill out the top portion of the form
24 which is basic demographics; name, how high you went in
25 school, where you got your diploma, your date of birth.

1 And then I ask her to read me the first right out loud on
2 the advisement form. And she read the first right out to
3 me on the advisement form and then after that I read the
4 remaining rights to her.

5 Q. And did she appear to understand what you were
6 reading?

7 A. Yes, she did.

8 Q. In fact did she read along with you or watch along
9 as you read?

10 A. Yes, ma'am.

11 Q. And then after you read the rights what did you have
12 her do?

13 A. Well, she placed her initials behind each and every
14 right when we first read them. And then there is a
15 second part of the form that says I fully understand each
16 of these rights which has been explained to me.

17 She signed that and then after that I read the
18 waiver portion to her.

19 Q. And at any -- is that the point where you started
20 interviewing her?

21 A. Right. After she signed the waiver portion of the
22 form and said she understood it then I began the
23 interview.

24 Q. Did she appear to be under the influence of
25 anything?

1 A. No, ma'am.

2 Q. Did -- what was the drug she told you she had taken?

3 A. I don't recall.

4 Q. Was it Tylenol?

5 A. Yes, ma'am.

6 Q. And did you threaten her in any way?

7 A. No, ma'am.

8 Q. Did she ever ask to stop the interview?

9 A. No, ma'am.

10 Q. Did she ever ask for an attorney?

11 A. No, ma'am.

12 Q. Did you make any promises to coerce her into talking

13 to you?

14 A. No, ma'am.

15 Q. Was the -- I think you've said what happened in the

16 room as far as taped but was it video and audiotaped?

17 A. Yes, ma'am.

18 Q. Now when you began talking to her were you aware

19 that she had just had a baby?

20 A. Yes, ma'am.

21 Q. Did she appear to be in too much discomfort to talk

22 with you?

23 A. No ma'am, because I had spoken to her the first day

24 when I responded to the scene. So this is the second day

25 when I actually talked to her again.

1 Q. And during the interview she mentions to you
2 something about mental health.

3 A. Yes, ma'am.

4 Q. Where did the mental health issue come up from?

5 A. It actually started the first day when I responded
6 to the scene of a dead infant. I met with a family
7 member, her father-in-law who was outside and said that
8 she had a mental issue, a mental health issue.

9 At that point I did ask her inside did she have any
10 mental health history and she said yes. And we went back
11 to the police station for the first initial interview and
12 I went into that again about her mental health. And she
13 said it was a long time ago and it happened in a place
14 called --

15 THE COURT REPORTER: Happened?

16 A. At a place, she went to a place called Waccamaw.

17 Q. [Ms. Herring Lash] And on the second day did she
18 bring up the mental health again?

19 A. Yes, she did.

20 Q. And I think you have a page from the interview, page
21 23.

22 [Whereupon, the witness reviews document]

23 A. Yes, I do.

24 Q. And what does she ask you about the mental health?

25 A. She says [Reading] You said I will have to go to a

1 mental place.

2 Q. And what did you tell her?

3 A. [Reading] But you don't have to be -- have an
4 examination I believe.

5 Q. And then what does she say?

6 A. [Reading] And I still go to jail? I said you
7 could, yes.

8 Q. And then what does she say?

9 A. [Reading] But if I had, if I had that I had if I
10 did it. And I said no, I want the truth. I don't want
11 you saying something just to say something.

12 I know in my heart and you know the only person
13 left, the doctor said this, see if you're proving it it's
14 like this the doctor told me this. I said listen this
15 how about this child here, right?

16 You want me to keep reading this whole thing ---

17 Q. --- no, that's enough. And then later on does she
18 say something again about [Reading] If I just go on and
19 say would they just get me help.

20 A. You're on?

21 Q. On page 24. Do you see that?

22 A. I've got to find it.

23 [Whereupon, the witness reviews document]

24 Q. It's...

25 A. Which line?

1 Q. It's 14.

2 A. She says [Reading] That's what I'm saying. If I go
3 on and say will they get me help or are they going to --
4 and then it's crossed off between us.

5 Q. What do you tell her?

6 A. [Reading] Well I don't know because I don't know
7 what your side of the story is. If you try to be
8 deceitful with me you see what I'm getting at. I don't
9 know because I was not there. I just got medical
10 evidence.

11 Q. And do you continue to tell her that these decisions
12 about what happens is beyond her? Beyond you; I'm sorry.

13 A. Yes. I told her that all these things about any
14 kind of mental health is above my pay grade, beyond me.

15 Q. Did you ever tell her if you say you did this you'll
16 just go to mental health?

17 A. No, ma'am.

18 Q. Did you tell her several times that she could go to
19 jail?

20 A. Yes, I did.

21 Q. And in the car on the way there did y'all have a
22 discussion about going to jail?

23 A. Yes.

24 Q. What was that?

25 A. We were in the car driving to the station and she

1 wanted to talk to me about the case. And I said there
2 were some concerning things had come up and they weren't
3 good. I'm paraphrasing. And she said what could happen.
4 And I said you could go to jail; somebody could go to
5 jail is what I said.

6 Q. And did you talk anymore to her?

7 A. No, I told her we couldn't talk actually because it
8 was heavy traffic in the north area and I couldn't talk
9 to her and drive.

10 Q. Do y'all even have a conversation later in the tape
11 about remember we couldn't talk; we almost got in two
12 wrecks on the way.

13 A. Yes, ma'am.

14 Q. And so at any time did you threaten her or promise
15 her anything that would happen?

16 A. No, ma'am.

17 Q. What did you tell her when she asks about the
18 potential for what would happen? Is it I think above ---

19 A. --- yes, it's above my pay grade ---

20 Q. --- your pay grade but above your position.

21 A. Yes.

22 Q. And how long was she there?

23 A. In the interview?

24 Q. Uh Huh?

25 A. Three hours.

1 Q. Was it continuous or did you leave?

2 A. I probably left, yes.

3 Q. Did you have another investigation going on?

4 A. Yes. That day there was another child that was
5 found dead.

6 Q. And I know that you said her educational background
7 you got into it it was high school but did she tell you
8 she was pursuing other education at Strayer University
9 also?

10 A. Yes.

11 Q. Did she appear to be a mature individual?

12 A. Yes, she did.

13 Q. And as a matter of fact what did she tell you about
14 her mental health status on that day?

15 A. She said she was fine. She wasn't suffering from
16 any depression or anything.

17 MS. HERRING LASH: Those are all the questions I
18 have right now, Your Honor.

19 THE COURT: Cross?

20 MR. LONGSHORE: Thank you, Your Honor. May it
21 please the Court?

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1 CROSS-EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Good afternoon Investigator Jellico.

4 A. Good afternoon.

5 Q. Now I believe you said on direct that this interview
6 takes place on the 27th of June is that right?

7 A. Is that the second one; the one we're talking about
8 now ---

9 Q. --- yes, the one we're talking about right now.

10 A. Yes.

11 Q. And that's the day after the incident.

12 A. That's correct.

13 Q. And the incident you responded to that scene as
14 well, correct?

15 A. Yes. Yes, sir.

16 Q. So you had already, you had actually already met
17 with and interviewed the defendant on the 26th.

18 A. That's correct.

19 Q. And even on the 26th at that point y'all are already
20 suspicious of Ms. Williams as a potential suspect in this
21 case.

22 A. Not really. I didn't really, on the 26th the only
23 thing I had was the scene to go on and it was more of a
24 taking her back to the station to find out where you were
25 at, where you were at; that kind of thing. I responded

1 to the hospital but it was really open at that point.

2 Q. Okay. Do you have a copy of your supplemental
3 report?

4 A. I may.

5 [Whereupon, the witness reviews document]

6 Q. If you don't I can grab it for you.

7 A. I think this [indicates] is it right here.

8 Q. You may find in there I think it's about the second
9 or third paragraph that says that a search warrant was
10 executed on the apartment.

11 A. That's correct.

12 Q. Okay. And that was on the 26th, correct?

13 A. Yes.

14 Q. Okay. So y'all normally execute search warrants on
15 people that are not suspects?

16 A. Yes, sir. Everybody has an expectation of privacy
17 in this house. If there is a dead child we're going to
18 execute a search warrant because of that.

19 Q. And on the 27th I believe you went to the autopsy
20 first.

21 A. Yes. Yes, sir.

22 Q. Then after that you and I believe it was Sergeant
23 Glenn went back to the apartment, does that sound
24 correct?

25 A. We ended up going back to the apartment, yes.

1 Q. Okay. And you picked up, and I believe you picked
2 up Tamika is that correct?

3 A. When I got back to the apartment there were two
4 people in a vehicle outside yes and I asked her if she
5 would come back to the station with me to talk.

6 Q. Okay. And Sergeant Glenn escorted Mr. Williams.

7 A. That's correct.

8 Q. And y'all didn't let them ride together; you
9 separated them.

10 A. Yes, sir.

11 Q. And I believe at that point when y'all pulled up and
12 spoke to them you indicated there had been new
13 developments in the case, is that right?

14 A. I probably would have said something like that, yes.

15 Q. And Tamika was then placed in your patrol car?

16 A. In my car.

17 Q. Your car?

18 A. I don't have like a patrol car.

19 Q. Was she in the back or the front?

20 A. Front seat.

21 Q. Now as Ms. Herring Lash had noted on the way back to
22 the station, and this is also noted in the supplemental
23 report and I think you've already testified basically
24 that you remember this, that she indicated, she being the
25 defendant indicated she wanted to know what developments

1 or what new developments were, what they were in the
2 case, is that correct?

3 A. That's correct.

4 Q. And in your report you indicated that you had told
5 her that it was bad, is that correct?

6 A. I'd have to see the exact words in here if that's
7 what you're getting at; the exact language.

8 Q. Well, that's the wording that's in the report.

9 A. Okay. Then I'll take you at your word if that's
10 what it is.

11 Q. You're welcome to read it.

12 A. That's fine.

13 Q. And you told her that somebody could go to jail, is
14 that correct?

15 A. Yes.

16 Q. And you're aware at that point that her child Baby
17 had died the day before, correct?

18 A. That's correct.

19 Q. Roughly less than 24 hours actually prior to this.

20 A. That's correct.

21 Q. You're also aware that she because you'd interviewed
22 her the day before you knew that she had given birth
23 three days prior to your initial interview with her.

24 A. Yes, I did.

25 Q. Three days prior to the incident.

1 A. Yes, sir.

2 Q. And so at this point the day of the interview that
3 we're discussing now it had been four days since she had
4 given birth, is that correct?

5 A. That's correct.

6 Q. And you're aware that she had been home from the
7 hospital only a little less than two days prior?

8 A. Yes, I am. Yes I was; excuse me.

9 Q. So when you get to the station you interviewed her
10 in the interrogation room, is that correct?

11 A. In the interview room.

12 Q. Interview room; excuse me. And there's video and
13 audio recording capabilities in the interview room.

14 A. In all the rooms, yes.

15 Q. You didn't talk to her at your desk. You took her
16 in the interview room.

17 A. We put everybody directly in there first.

18 Q. Now when you went to the apartment and told Tamika
19 that there had been new developments in the case, Tamika
20 Ms. Williams, that wasn't just a request.

21 A. That was just a statement that there were new
22 developments in the case and I wanted to know if she
23 would come back to the station along with Mr. Williams
24 and talk to us about it.

25 Q. But y'all didn't offer for her to come the next day,

1 is that correct?

2 A. What do you mean; did I ask her if she would come
3 the following day?

4 Q. That's right.

5 A. No, we would never do that. We just ask let's do it
6 today.

7 Q. Did you give her the option to ride with you to the
8 station?

9 A. They didn't have any vehicle. Their vehicle was
10 broken from my understanding. And that's why, and I'm
11 getting this from my first day being there, the father-
12 in-law had showed up to help them; he was supposed to
13 help them fix the van.

14 Q. Now again referring to the supplemental report
15 nowhere in the report does it indicate that you offered
16 to let her come to the station on another day or another
17 time?

18 A. No, sir because she said she'd come today.

19 Q. And once she gets to the station and you start
20 interrogating her, questioning her, you tell her that you
21 understand that she's under a lot of stress at that
22 point, is that correct?

23 A. If I'm looking at the transcript of this. It's been
24 so many years I cannot remember verbatim.

25 Q. I can grab a copy of it.

1 A. That would help if you show me on the transcript.
2 MR. LONGSHORE: Beg the Court's indulgence.
3 [Whereupon, Mr. Longshore reviews documents]
4 MR. LONGSHORE: May I approach?
5 THE COURT: Yes.
6 MS. HERRING LASH: Could you tell me what page?
7 MR. LONGSHORE: Oh, I'm sorry, page 20.
8 MS. HERRING LASH: Of the second day?
9 MR. LONGSHORE: Of the second day --
10 [Whereupon, the witness is shown document]
11 A. What was the question again?
12 Q. Oh, I'm sorry. You indicated to her that you
13 understood she was under a lot of stress.
14 A. It's where you have highlighted?
15 Q. Yes.
16 A. [Reading] Anyway I know you know what happened but
17 you know what I can look at you and you're a God-fearing
18 person. Things happen. And you're under a lot of
19 stress.
20 You're just coming home and the child has been
21 crying, crying, crying and I know you need help inside.
22 I can feel you. I can see the love of God in you all
23 right.
24 I don't know if there is another part of this.
25 Q. That's sufficient.

1 MR. LONGSHORE: Your Honor, may I approach?

2 THE COURT: Yes.

3 [Whereupon, Mr. Longshore retrieves document from
4 the witness]

5 Q. [Mr. Longshore] So at this point you know that you
6 have someone you are interviewing who is under a great
7 deal of stress and who also has not had a lot of sleep,
8 is that correct?

9 A. I didn't know about sleep that I can recall. But I
10 know that she, anybody who loses a child would be under
11 stress. I mean that's just reasonable.

12 Q. Well the indication or the implication was that the
13 child had been crying, crying, crying.

14 A. That's me saying that, yes.

15 Q. And at no point during the interview did you offer
16 to stop the interview is that correct?

17 A. No.

18 Q. And at some point right around there Tamika, Ms.
19 Williams, asked you if she could go to jail? Do you
20 recall that?

21 A. I mean I'm sure she did.

22 Q. And you indicated that it depends if it was
23 intentional or an accident. Do you recall that?

24 A. Being that this was in 2018 I'd have to see it.

25 MR. LONGSHORE: Beg the Court's indulgence.

1 [Whereupon, Mr. Longshore reviews documents]

2 MR. LONGSHORE: Your Honor, may I approach?

3 THE COURT: Uh Huh.

4 [Whereupon, Mr. Longshore provides documents to the
5 witness]

6 MS. HERRING LASH: What page is it?

7 MR. LONGSHORE: Page 22; I'm sorry.

8 A. I'd probably have to have page 21 sir to -- because
9 a piece of a sentence is missing, to see the whole
10 context of the statement.

11 MR. LONGSHORE: Your Honor, may I approach again?

12 [Whereupon, Mr. Longshore provides additional
13 documents to the witness]

14 [Whereupon, the witness reviews document]

15 A. I said [Reading] Yes you could go to jail. You
16 could be found -- you could be in jail jail right or they
17 could decide that.

18 I don't know how -- that's what I was getting after
19 as to why it happened you know is if it was an accident
20 and it wasn't intentional.

21 What was it? Did you have problems because women
22 have problems after birth and that issue you know about
23 it. I don't have to talk about it. My wife kind of went
24 through it.

25 Q. That's good right there. So you indicated there

1 that it depends on whether it was intentional or an
2 accident. You don't know whether she will go to jail.

3 A. Right, it's up to the Courts.

4 Q. But there is a distinction there. So you're
5 implying a distinction that potentially there is a
6 possibility that she could not go to jail.

7 A. Yes, if the Courts decide, that's correct.

8 Q. And you I think you testified on direct you knew she
9 was taking medication?

10 A. I remember Tylenol but I don't know of any other
11 medication.

12 Q. You don't know what other medication she was
13 prescribed at the hospital?

14 A. None that I can recall.

15 Q. You do know she was put to sleep at the hospital?

16 A. Right, to have the baby, yes an epidural.

17 Q. And you recall her saying she was weak at any point
18 in the interview?

19 A. Like I said no, I don't.

20 MR. LONGSHORE: Beg the Court's indulgence.

21 [Whereupon, Mr. Longshore reviews documents]

22 MR. LONGSHORE: Your Honor, may I approach?

23 [Whereupon, Mr. Longshore provides documents to the
24 witness]

25 Q. [Mr. Longshore] If you could just read that

1 highlighted part aloud on page 20 -- what page did I give
2 you?

3 A. Twenty-five.

4 Q. Twenty-five.

5 A. [Reading] Being I am taking medicine you know yes
6 has caused me to do things too; I'm going to be honest,
7 yes. You know it's caused me to do things -- this is her
8 saying it -- and I just want to say I would, I am guilty
9 mostly because I know I allowed this to happen.

10 Plus like you say I just told you I'm weak, dizzy,
11 and sometimes things just happen. I just let it go.

12 Q. Do you recall her indicating to you she had a
13 hernia?

14 A. Yes, in the back I believe from the birth.

15 Q. And you recall also I think you had commented on
16 this that her feet were swollen?

17 A. If I did I don't remember it.

18 Q. I can pull it up.

19 A. No I believe you --

20 Q. Let's go back briefly to the car ride.

21 A. The second day, sir?

22 Q. Yes, sir. The second day; I apologize. According
23 to the supplemental report you indicated or told Tamika
24 that she could go to jail or I think specifically you
25 said someone could go to jail.

1 A. Someone could go to jail, yes.

2 Q. And there were other people in the house, is that
3 right?

4 A. Yes, there was the husband and a small three year
5 old child.

6 Q. M.W. the little boy.

7 A. Right. Yes, sir.

8 Q. And at that point M.W. had not been returned
9 back to the family.

10 A. The second day, that's correct. Yes, sir.

11 Q. And I think everybody was trying to locate -- at
12 some point in the interview you were trying to locate
13 exactly where he was, is that correct?

14 A. It's possible, yes sir. I know the Department of
15 Social Services was involved in it and they don't usually
16 tell us everything.

17 MR. LONGSHORE: Your Honor, may I approach?

18 [Whereupon, Mr. Longshore retrieves documents from
19 the witness]

20 MR. LONGSHORE: No further questions, Your Honor.

21 THE COURT: Any recross -- redirect, I guess?

22 MS. HERRING LASH: No, Your Honor.

23 THE COURT: You may step down.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

1 THE COURT: So did we ever determine whether she
2 was taking any kind of medication other than Tylenol or
3 Motrin?

4 MS. HERRING LASH: Tylenol is all that she says.
5 They talk about it at one part of the interview that she
6 has prescriptions that she had not yet filled.

7 THE COURT: Okay.

8 MS. HERRING LASH: And the only other medication
9 found in the home was, I can't remember the pronunciation
10 but it was for nausea.

11 THE COURT: All right. Anything else from the
12 State?

13 MS. HERRING LASH: Your Honor, just -- you want me
14 to go into my argument at this point?

15 THE COURT: Did you have anything that you were
16 going to ---

17 MS. HERRING LASH: --- nothing, no other testimony.

18 THE COURT: Did you have any testimony you were
19 putting up?

20 MR. LONGSHORE: No, Your Honor.

21 THE COURT: Okay. Let's hear from you, Ms. Herring
22 Lash.

23 MS. HERRING LASH: You want me to go first?

24 THE COURT: Yes.

25

CLOSING ARGUMENTS

BY MS. HERRING LASH:

Your Honor, I think the basic thing that the defense is I guess alleging is that this was an involuntary statement. And the State must prove by the preponderance of the evidence that it was voluntary. And the voluntariness is really whether it was so coercive that her will was over born.

And when you look at the totality of the circumstances, Your Honor, she was very comfortable talking to Detective Jellico. Not only physically appeared comfortable most of the time but seemed to have a bit of rapport with him. At one point in the interview she even says oh sir no, you've done nothing or it's not you, sir.

And she expressed that she understood her rights. When you see the video she actually is very cognizant. She's reading kind of along with him. She had a high school education and was taking classes at Strayer University.

She never asks for a break. She's offered a bathroom break at one point and says no, I don't need one yet. She's offered food and she says she's fine. She is given water. And the overall atmosphere I guess Your Honor one of the things now that almost every case, and

1 this one everything she -- all their interaction is on
2 video. And you can tell the overall atmosphere is pretty
3 comfortable. She's a mature individual. She didn't
4 complain of any physical issues during the interview
5 except one time she talks about the back hernia. She
6 says her feet are still a little swollen. He does look
7 down and he goes well, they're not swollen like they were
8 yesterday. And she says no.

9 She is only there for at the maximum four hours.
10 And she is repeatedly asked and she goes I don't have
11 depression. I'm fine. I don't have any mental issues.
12 And he, any inducement like you need to tell the truth
13 the biggest promise he makes I guess Your Honor is things
14 will go better if you tell the truth.

15 And as far as whether it was intentional or
16 accidental had she given a plausible explanation to
17 explain the severity of the injuries they would have
18 looked into that. But her explanation in no way was
19 plausible to explain the injuries.

20 And the courts have found just to quote State v
21 Parker 381 S.C. 68 criminals feel, very few criminals
22 feel compelled to confess to police purely of their own
23 accord without questioning thus interrogation can always
24 be pointed out as causing a confession. Generally
25 recognized police may use psychological tactics in

1 eliciting a statement. These ploys may in part be part
2 of the decision that the suspect weighs. To go back to
3 the facts in this case when she is left alone she prays
4 or talks out loud to herself. And one of the things that
5 she is doing she is weighing I just don't want to go to
6 jail. I was going to say this Lord; I don't want to go
7 to jail.

8 She is weighing slipping -- and this is my
9 interpretation, she is not saying this -- is it better to
10 say slipped or M.W. did it. She's continually
11 weighing her options of what to say. And so she's
12 balancing her you know what to say.

13 Also, excessive friendliness can be deceptive with
14 other tactics and may create an atmosphere where the
15 suspect feels that they're not in an adversarial role.
16 But that has been recognized as fine, it's like being a
17 good guy. When you look at the totality of the
18 circumstances it has also been found that you can
19 minimize with a suspect in trying to get them to consider
20 what they're doing.

21 Maximize the amount of evidence, which he really
22 does not do that. The evidence from the autopsy was
23 pretty significant damage to this child's head, the
24 skull, and brain. And she goes back and forth and says
25 she doesn't feel a compulsion to say one thing or

1 another. She goes back and forth between M.W. did it
2 and he slipped. M.W. did it and he slipped. And all
3 the time asking at one point I think he read if I just
4 say that it was an accident can I just get mental health.
5 And he told her as you heard, no, that's not up to me. I
6 need to know what exactly happened.

7 So her statement was not involuntary and certainly
8 not to the point that her will was over born at any point
9 during this interview. It comes across when you look at
10 it in its totality really more of an interview than an
11 interrogation allowing her to talk about what happened.
12 And she does not appear to be in any way under such
13 physical distress that she can't be there.

14 And the State, the detective didn't choose the
15 timing. I mean it's very unfortunate that the timing
16 fell as it did but the baby was three days old. They're
17 not going to wait three weeks, two weeks, even a couple
18 of days to interview the person who is one of the
19 suspects. They are interviewing the father
20 simultaneously in the other room.

21 THE COURT: Mr. Longshore?

22 MR. LONGSHORE: Thank you, Your Honor. May it
23 please the Court?

24

25

CLOSING ARGUMENTS

BY MR. LONGSHORE:

My client is somebody who had never been in trouble a day in her life at this point. She suddenly finds herself in an interrogation room with an experienced detective, who I believe had been a detective or at least on the police force for 30 years; over 30 years. And so there is definitely an imbalance there.

I would question whether she was voluntarily and knowingly waiving her rights, Your Honor. She had just given birth. She's on medication. Her feet are swollen. She's suffering from a hernia. She hasn't had much sleep. Just got home from the hospital, just gave birth. One son in less than 24 hours prior she had found dead.

Her other son has not been returned to her at this point and is essentially I think it was Lowcountry Children's Home but essentially there is a threat that he's in custody and he may not be returned or DSS was in the process of getting him and she was concerned about her son being returned to her.

It's against this backdrop that Detective Jellico is informing her it's bad and someone is going to jail. And the implication there is it is potentially her. It could also potentially be that she won't get her son back from DSS custody. So, my client at this point is under a

1 great amount of stress, a great amount of duress. And I
2 would point out that again during this interview process
3 it goes on extensively for roughly about three hours.

4 And I think there is a legitimate question as to
5 whether or not her will is over born in that situation
6 and whether or not she was induced by the implication
7 that she could potentially have mental health counseling
8 if she simply stated that she dropped the baby as opposed
9 to stating as she did in the first interview that her
10 three year old who was actually a week away from four,
11 four years old, her four year old son had dropped, must
12 have dropped the baby.

13 So on that basis Your Honor we would move to
14 suppress her statement.

15 THE COURT: Do you want to reply?
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CLOSING ARGUMENT REPLY

BY MS. HERRING LASH:

Your Honor, I just think when you look at the totality of the circumstances she was comfortable. She was talking to him in a conversational manner. And her will at no point was over born and at no point was she involuntarily held there during this time.

And she is there for three hours but he was not in the room continuously. A lot of the tape is her talking to herself when she's in there alone. So, it wasn't a continuous badgering. As a matter of fact it was no badgering of her.

And I have to say I guess just one more time in fact had her explanation been plausible and it could have been an accident we wouldn't be here.

RULING BY THE COURT

THE COURT: Well, I read the transcript. I've reviewed parts of the video that I had questions about just because I said well I want to see what the demeanor looked like on the video as opposed to what is on the written transcript.

It's pretty clear to me that the defendant in this case was not under any coercion to testify. She was read her rights. She understood them when they were explained to her. She answered all the questions in a forthright manner with the detective. And there was no question that she was never threatened with anything. She wasn't promised anything.

I think there was a point in time where she was thinking well, if I said this and confessed then I might get a better deal and maybe some mental health counseling instead of the possibility of going to jail. But later on she backed off that and she said look, I didn't do this. I just said that because of that.

That doesn't mean that she didn't give, didn't make those statements voluntarily. That's for the jury to decide which of the statements to believe. But that in no way to me shows that she didn't know what she was doing nor was she being threatened or promised anything. She simply took that upon herself to read into the tea

1 leaves that she could get a better deal if she confessed
2 early on. But anyway, I do believe that the evidence
3 shows by a preponderance of the evidence that the
4 statement was freely and voluntarily made so I will allow
5 the statement to be entered into evidence.

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1 MS. HERRING LASH: Your Honor, one more just
2 housekeeping thing. We have agreed on a redacted
3 version.

4 THE COURT: Okay.

5 MS. HERRING LASH: We took out to the best of our
6 three abilities all of the hearsay statements the
7 detective made about doctor said this or doctor said that
8 and it's like about an hour and 30 minutes.

9 MR. LONGSHORE: It's down to about an hour and 30.

10 THE COURT: Okay.

11 MS. HERRING LASH: So we've agreed on that version,
12 the redacted one for the jury to see.

13 THE COURT: All right. Other pretrial stuff that
14 we talked about earlier photographs and things like that
15 you've either agreed on them or if there is a discussion
16 about them we'll deal with them ---

17 MS. HERRING LASH: --- right --

18 THE COURT: --- closer in time to their admission.

19 MS. HERRING LASH: Before we ---

20 THE COURT: --- you're not planning on putting
21 anything up in your opening statement?

22 MS. HERRING LASH: No. And before we actually
23 begin we've agreed on the statement, the photographs from
24 the scene I could enter those.

25 THE COURT: The what from the scene?

1 MS. HERRING LASH: The photographs just of the
2 scene I can enter those. But we have not agreed on the
3 autopsy photos.

4 THE COURT: Okay. Well, y'all work on that and see
5 if you can reach an agreement. Anything else?

6 MS. HERRING LASH: Your Honor, also we have one
7 other video that we're putting in, the body cam of her
8 statement to the responding officer. He is here. It's
9 like less than a few minutes long.

10 MR. LONGSHORE: It would be very short.

11 MS. HERRING LASH: The only part of that statement
12 that we are putting in we have cropped all the pictures
13 out of the baby and everything else. She in two spots
14 gives her story about what happened. And our argument
15 that it is admission by a party opponent. The other
16 people's statements are not in there.

17 THE COURT: I saw the odd blocking on that.

18 MS. HERRING LASH: Yes, that's what it was.

19 THE COURT: Okay. I was trying to figure out is
20 this a weird camera thing going on here.

21 MS. HERRING LASH: We were trying to take all
22 pictures and then there is some parts where you just hear
23 and there is no visual is just anything that showed the
24 baby or the people working on the baby or anything like
25 that we took totally out.

1 MR. LONGSHORE: That's correct, Your Honor.

2 THE COURT: All right. So we're all on the same
3 page on that?

4 MS. HERRING LASH: Did you want us to put up the
5 responding officer just to say ---

6 THE COURT: --- is this necessary? Are you
7 objecting to its admission?

8 MR. LONGSHORE: I'm not objecting to the admission
9 of that, Your Honor. I'm not objecting to the admission
10 of that.

11 THE COURT: Okay.

12 MS. HERRING LASH: And the only other thing we had
13 talked about agreeing to sequester witnesses.

14 THE COURT: Okay.

15 MS. HERRING LASH: And Marcus Williams is in here.
16 He will be the first witness but he also the victim's
17 father.

18 THE COURT: Okay. Well, we won't start witnesses
19 until tomorrow morning.

20 MS. HERRING LASH: Right. But he will be in here.
21 I just wanted to let the Court know.

22 THE COURT: Okay. Well, go ahead and send him out
23 and send him on home. If he's sequestered he doesn't
24 need to hear the opening statements.

25 MS. HERRING LASH: Well, I was asking he not be the

1 one witness that is sequestered because he's the victim's
2 representative. But he can just leave. He will be the
3 first witness if you'd rather him not be here that's
4 fine.

5 THE COURT: You're right. He would have the right
6 as the victim's father, yes.

7 MS. HERRING LASH: And then he will be the first
8 witness.

9 MR. LONGSHORE: And I have no objection to that.
10 Again, he is the first witness so he's not going to see a
11 whole lot.

12 MS. HERRING LASH: And Detective Jellico is the
13 case agent so I was not going to sequester him.

14 MR. LONGSHORE: I have no objections to that.

15 THE COURT: All right. So we'll bring the jury in.
16 I'll make my opening instructions to them. Then you'll
17 make an opening and you'll if you want make an opening
18 and then we will break for the day and resume tomorrow
19 morning at 9:30 with the witnesses.

20 The court reporter has a medical appointment
21 tomorrow afternoon that we need to break about 2:30 at
22 the latest for her to be able to make that so we don't
23 have to put in to get a whole court reporter for tomorrow
24 which can be problematic. So we'll start tomorrow and
25 see where we get and if we need to take a lunch break, we

1 might just break at lunch for the day, okay. So we'll
2 think about lining up the witnesses that way. All right.
3 So we've got everybody in here and -- now Ms. Williams
4 your lawyer inquired about whether or not I'd allow you
5 to stay out on bond once the trial starts.

6 Most of the time we just revoke bond and you are
7 incarcerated at the jail throughout the trial. Your
8 bondsman said they will stay on your bond. So where are
9 you staying at?

10 MS. WILLIAMS: I'm staying at the La Quinta Inn and
11 Suites motel with my mother. That's like eight minutes
12 away from here.

13 MR. LONGSHORE: It's the one over there near the
14 California Dreaming across the river.

15 THE COURT: All right. Well, as long as the
16 bondsman continues to allow, agrees to stay on bond I'll
17 let you out in the evenings. But do not be late
18 tomorrow. I was concerned when we couldn't find you
19 before we drew the jury. Don't make me concerned over
20 this, okay. I just wanted to make sure you understood
21 that.

22 MR. LONGSHORE: And Your Honor that was my fault.
23 She had left her car, she had left her phone in the car
24 excuse me, and I didn't know that. So I was texting her
25 and she had texted me earlier and I thought she had her

1 phone with her and there was some confusion. She was
2 actually right outside the courtroom up here, which is
3 where I'd told her to go.

4 THE COURT: Okay. Let's bring the jury in.

5 [Off the record momentarily]

6 THE COURT: Ms. Williams, when we get started here
7 in a minute I'm going to ask you to stand up and ask you
8 to drop your mask because you weren't there when we
9 picked the jury none of them recognized you by name but
10 sometimes people go oh, I didn't know them by name but I
11 recognize their face now. I want to give them the
12 opportunity to tell me if anybody thinks they know you
13 before we proceed on.

14 MS. WILLIAMS: Yes, sir.

15 THE COURT: I didn't want that to come as a
16 surprise.

17 [Whereupon, the jury enters at 3:37 p.m.]

18 THE COURT: All right. Okay folks, before we begin
19 I need to remember to have the Clerk put you under oath
20 so she'll do that right now. I'll ask you to stand and
21 raise your right hand right after I asked you sit down.

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JURY SWORN

THE CLERK OF COURT: May I have the defendant stand?

[Whereupon, the defendant stands]

THE CLERK OF COURT: Do you swear or affirm that you shall well and truly try and a true deliverance make between the State of South Carolina and the defendant at the bar whom you shall have in charge and a true verdict render according to the evidence and the laws so help you God? Please indicate by saying I do.

[Whereupon, all jurors respond affirmatively]

THE CLERK OF COURT: If you have accepted this oath please be seated. If you have not accepted this oath please remain standing.

[Whereupon, all jurors are seated]

State v Tamika Yolanda Williams
Court's Preliminary Remarks to Jury
April 4, 2022

1 THE COURT: Okay folks, I wanted to introduce to
2 you Ms. Williams. This is Tamika Yolanda Williams. She
3 is the lady standing there with you now. She wasn't down
4 in the jury room earlier and while none of you recognized
5 her by name I just wanted to give you the opportunity to
6 see her now.

7 Is there any member of the jury panel related by
8 blood or marriage or acquainted with her or think you
9 know her now that you've seen her in person?

10 [Whereupon, no one stands]

11 THE COURT: Okay. I find none. Thank you. You
12 may be seated.

13 [Whereupon, the defendant is seated]

14 THE COURT: Well folks we are going to get started
15 now. What we're going to do this afternoon is I'm going
16 to give you some general instructions and then the
17 parties have opening statements. And then that will be
18 what we will do today and then tomorrow morning we will
19 start with the evidentiary portion of the trial.

20 Now, the way a criminal case works the State of
21 South Carolina brings a charge against somebody. Then if
22 that person pleads not guilty then the State has to
23 provide them a jury trial with 12 jurors. And the State
24 has to prove beyond a reasonable doubt that the defendant
25 is guilty of this charge. In this case the defendant,

State v Tamika Yolanda Williams
Court's Preliminary Remarks to Jury
April 4, 2022

1 Ms. Williams, is charged with homicide by child abuse.
2 I'm going to read you what the indictment says. The
3 indictment is simply the charging instrument that puts
4 the defendant on notice of what she is to stand trial for
5 and it gives this Court jurisdiction to hear the case.
6 This is not evidence, all right. This is simply telling
7 you and her what the charge is.

8 And the reason I stress that is because indictments
9 are not evidence is the only thing that is going to go
10 back in the jury room with you ultimately that is not
11 evidence. And the sole purpose for that is that the
12 Foreman can write on the back of it what the verdict is.

13 The defendant is charged under indictment 2018-GS-
14 10-06228 with homicide by child abuse. And it alleges
15 that the defendant Tamika Yolanda Williams did on or
16 about June 26th, 2018 in Charleston County, South
17 Carolina, cause the death of Baby Williams, a child
18 under the age of 11 while committing child abuse or
19 neglect and the child's death occurred under
20 circumstances manifesting an extreme indifference to
21 human life.

22 This is in violation of 16-3-85 (a) (1) of the South
23 Carolina Code of Laws 1976 as amended. Ms. Williams pled
24 not guilty to this charge so again it is now incumbent
25 upon the State to prove this charge to you, unanimously

1 prove to you beyond a reasonable doubt that she is guilty
2 of it. Again, she doesn't have to prove anything. The
3 only thing she's got to do is show up for trial and she's
4 done that, okay. Now, that's an important constitutional
5 right that every single one of us has. You have it, I
6 have it, she has it and it should not be underestimated
7 how important that is.

8 So, the way that trials work is the person for the
9 side that brings the charge has to go first and they have
10 the burden of proof. They have to prove what they
11 allege. So in this case the State of South Carolina
12 brought this indictment and so they will present their
13 case first.

14 As I told you the State of South Carolina in South
15 Carolina are prosecutors who are known as solicitors.
16 And I introduced you to the two folks that are in the
17 Solicitor's office that will be presiding over this. So
18 there are different phases to trials.

19 And in a trial like this you'll have opening
20 statements, which we will have this afternoon. Then
21 we'll have the evidentiary portion. Then we will have
22 closing arguments and then I will charge you on the law
23 and then you will retire to consider what your verdict
24 will be. Now, I said the State has the burden of proof.
25 The burden of proof simply means the amount of evidence

1 that the party has to present to you in order to convince
2 you of the truth of it. Different levels of burdens of
3 proof apply to different kinds of cases. This is a
4 criminal case and so the burden of proof is very high and
5 it's on the State. Again, I told you she doesn't have to
6 prove anything. The State has to prove.

7 And so the State's burden of proof is what we call
8 proof beyond a reasonable doubt, which means in other
9 words after you've heard all the evidence if you are
10 firmly convinced that the State has met it's burden of
11 proof and you are firmly convinced of her guilt then you
12 are under a duty to convict her of the charge.

13 On the other hand if you believe the jury -- the
14 State has not met its burden of proof then you are under
15 a duty to acquit the defendant of the charge. I'll give
16 you the difference between the burden of proof in a
17 criminal case and the burden of proof in a civil case
18 simply because it helps us understand and it might help
19 you understand.

20 It certainly helps people like me that are visual
21 learners understand what the difference is because while
22 I have spoken English and every single word I've said so
23 far most of you probably while you heard of the phrase
24 proof beyond a reasonable doubt simply go I really don't
25 know what that means. And it really doesn't mean

1 anything more than you have to be firmly convinced of the
2 truth of what the State attempted to prove. But we use
3 the scales of justice. You've seen the scales of justice
4 where lady justice is there with her hands out, the old
5 fashion scales where you put a weight on one hand and you
6 put something else on the other hand and that's how you
7 determine what the weight of something is.

8 Well, in the scales of justice you have the State is
9 on one hand and the defendant is on the other hand and at
10 the beginning of the trial those scales are even. But to
11 meet the burden of proof the State has to tip those
12 scales in its favor in order to have met the burden of
13 proof.

14 And in a criminal case like this those scales have
15 to be tipped quite a bit. I point that out to contrast
16 it with a civil case where you have like an automobile
17 accident or maybe a dispute over a business matter or a
18 breach of contract or something like that. In a civil
19 case the party that brings the lawsuit has the burden of
20 proof but the burden of proof is what we call a
21 preponderance of the evidence, which means the greater
22 weight of the evidence or essentially a little more than
23 50 percent.

24 So in the civil case you have the scales even but
25 the plaintiff only has to tip those scales just a little

1 bit and they've met their burden of proof and as so
2 they're entitled to a verdict. But that is not the
3 burden of proof in a criminal case. The burden of proof
4 in a criminal case is much heavier and it is the State's
5 burden so those scales have to be tipped quite a bit in
6 order to say the State has met that burden of proof.

7 Now, because the State has the burden of proof they
8 will present their case first. They will call witnesses
9 first and they will get to ask questions first. So when
10 the parties call a witness to the stand the party that
11 calls them asks questions first. That's called direct
12 examination.

13 Then after they've asked their questions the other
14 side gets to ask questions. That's called cross-
15 examination. And then I usually allow one round of
16 follow-up so we'll have redirect and recross. So with a
17 typical witness you'd have direct examination, cross-
18 examination, redirect and recross and then we move on to
19 the next witness, okay.

20 So after they call a witness they can then call as
21 many witnesses as they choose to. And then after the
22 State has put up all the evidence that they intend to we
23 move then to the part of the case where the defendant if
24 she chooses can put up evidence if she wants to. She can
25 testify if she wants to. But this is very, very, very

1 important. She, again, does not have to prove anything.
2 So she does not have to testify. She doesn't have to put
3 up a single witness and she doesn't even have to tell me
4 at this point in the trial if she intends to either
5 testify or call any witnesses, all right.

6 And if she does not you are not to hold that against
7 her in any way at all when you are discussing what the
8 outcome of the verdict should be. It shouldn't even come
9 up in the jury room. That is an important constitutional
10 right. Just like I said with the burden of proof this is
11 an important constitutional right that nobody has to get
12 up and put evidence up in a criminal trial if they are
13 accused of a crime.

14 Again, that is something that I have as a right, she
15 has as a right, and you have as a right. And that is not
16 just some theoretical thing we talk about in law school.
17 It's the real deal. And it applies in this case, okay.

18 So, here's the thing that I -- I talked a little bit
19 just before I let you break for lunch about not talking
20 about the case any while the case is going on. And why
21 we don't let you have interim discussions about the case
22 is pretty simple when you stop and think about it. Y'all
23 have all gotten through life at this point and you
24 realize well there is usually two sides to every story.
25 And a lot of times you're going to hear something just

1 like in life and you'll go wow that makes a pretty big
2 impression on me. And then after you hear a little bit
3 more you go well, now that I know a little bit more about
4 this I might change my mind about it. That's entirely
5 possible that is going to happen to you during this
6 trial. It's entirely possible that you might circle back
7 around and believe what you believed in the first place.

8 But the reason why it's important to keep an open
9 mind throughout the trial and not have interim
10 discussions is because it's only human nature that once
11 you start verbalizing what your position is people tend
12 to hunker down. And then you've made an impression on
13 somebody else and it's just not the way we make the
14 decisions here.

15 So just bear with us because we'll be here together
16 for a few days and after the case is over with you can
17 talk about this case all you want to whomever you want
18 to. But while we're in this trial I'm going to ask that
19 you not discuss the case with anybody else including each
20 other.

21 I'm going to ask that you not go and put stuff on
22 the Internet about your jury experience. You can put
23 whatever you want to once the trial is over with. But
24 putting something out on the Internet, social media or
25 whatever, even that you're in jury duty is really not

1 good because it just invites people it's like an
2 irresistible impulse they cannot stop from commenting.
3 That's just the way people are in this world today. So
4 don't put anything out on the Internet about this.

5 Don't try to find out anything at all about the
6 outcome -- about this case. We have public records that
7 are available through the Clerk of Court's office. I
8 don't know if there was any publicity about this case
9 back in 2018; I don't know anything about that.

10 If there was though it's not for you to consider
11 because under that oath that you just took you basically
12 said I will make my decision what I hear in this
13 courthouse in this room. You folks will hear a dispute
14 about evidence. If we didn't have a dispute about
15 evidence we wouldn't be here, all right.

16 But you folks are going to be resolving that
17 difference. You see we have these different roles you
18 and I in this trial. We are both judges. You're the
19 judges of the facts. I'm the judge of the law. So
20 wherever there is a dispute about the facts you folks
21 resolve it, not me. I won't be in that jury room when
22 you come up with your verdict. I'm not allowed to be in
23 there. I'm not allowed to give you any impressions that
24 I have or tell you what to do or what to think. And if
25 for some reason you think I'm making eye contact and

1 going -- I think the Judge didn't really care for that
2 statement or whatever you read it wrong, okay. There's a
3 million other things that I got to do for this trial, for
4 what is coming up and then the next case, okay.

5 So if you think that I'm sending out vibes or
6 signals or something about the way things are trust me;
7 you read it wrong. So, I want you to think about that
8 you are going to resolve the differences of the facts and
9 I will tell you what the law is at the end of the trial.

10 I also will be presiding over the trial just to make
11 sure that our rules of procedure and our rules of
12 evidence get followed. That's my job. But at the end of
13 the trial after I charge you on what the law is, go over
14 the verdict with you then it's all in your hands, okay
15 because again I won't be back there in the jury room
16 helping you make a decision or anything like that.

17 So, we're going to have these opening statements
18 here in just a minute. Opening statements are what for
19 20 years now have been calling the Reader's Digest
20 condensed version of the trial.

21 Then I realized here not long ago you know there are
22 going to be young people who probably never know what a
23 Reader's Digest condensed version of a book is anymore.
24 I don't even know if they make those things anymore. But
25 really what they are going to be doing is they are going

1 to just be giving you a little overview of what this case
2 is about. This is an important, very very important
3 thing for you to remember. What the lawyers get up and
4 say to you is not to be considered by you as evidence.

5 They weren't witnesses. They weren't there. They
6 can't tell you anything about evidence. If they were
7 witnesses then they wouldn't be allowed to participate as
8 trial lawyers in the case. They would be called as
9 witnesses and put on the witness stand.

10 So when a person gets up and testifies they're put
11 under oath and they tell you what they heard, they saw,
12 they touched, they felt, they smelled. That's evidence.
13 If I let them document into the evidence that evidence,
14 that piece of paper is evidence. If you see a
15 photograph, that's evidence. If you see a video, that's
16 evidence. But lawyer talking is not evidence.

17 So when a witness is on the witness stand and a
18 lawyer asks a question that question is not evidence.
19 The answer to the question is evidence, okay. So keep
20 that in mind because what really happens in a trial is
21 most of the time you hear more from the lawyers than you
22 do anything else. And it's easy to say well, the lawyer
23 said this. But a lawyer was not testifying. The lawyer
24 was either doing their job and getting evidence in the
25 record or they were making an objection; that sort of

1 thing. But what they say is not to be considered by you
2 as evidence. So both sides will get the opportunity to
3 make those opening statements and then that's where we'll
4 break for the day.

5 Now tomorrow we're going to start with the evidence.
6 And that's with people getting up being put under oath
7 and then they tell you what they heard, they saw, they
8 touched, they felt, they smelled. You'll see documents,
9 you'll see photographs, you'll see videos. All of those
10 things will be considered by you as evidence.

11 Once we have all the evidence in again we'll have
12 the lawyers come up. They'll summarize the evidence that
13 actually you heard at trial and they'll give you a little
14 preview of what I'll be charging you as the law and then
15 you will consider what the verdict will be.

16 The process begins now with the opening statements
17 with the State having the burden of proof, the State gets
18 to make their opening arguments. So who is going to be
19 making opening? Mr. Uricchio, all right you have the
20 floor.

21 MR. URICCHIO: May it please the Court, opposing
22 counsel?

23

24

25

OPENING STATEMENTS

BY MR. URICCHIO:

On June 23rd, 2018 Baby Williams was brought into this world. On June 26th, 2018 he was taken out of this world by the very woman who brought him into it. The evidence in this case will show this defendant killed her three day old baby.

The defendant is charged with homicide by child abuse. A person is guilty of homicide by child abuse if a person caused the death of a child under the age of 11 while committing child abuse or neglect and that death occurred under circumstances manifesting an extreme indifference to human life.

The evidence in this case will show this defendant caused injuries to Baby that led to his death. However, the evidence will not show you why she did these acts. The law does not make us prove an intent to kill for homicide by child abuse. And there really is no reasonable or rational explanation why you would kill a three day old baby.

Now the State, Ms. Herring Lash and I represent the State, and the State has the burden of proof in this case. You've heard the Judge talk about it. The burden of proof is beyond a reasonable doubt. Now, there are few things in life that we know with absolute certainty

1 and in criminal cases the law does not require us to
2 prove everything beyond a doubt on any of that. However
3 reasonable doubt, or beyond a reasonable doubt is
4 evidence that leaves you firmly convinced of the
5 defendant's guilt.

6 To show that we will call witnesses to testify.
7 Some of those witnesses will be family members of Baby
8 You will hear from Baby father, Marcus Williams. You
9 will hear from Baby grandfather, Elijah Williams.
10 You will hear from some of the first responders in the
11 case. Scott Radabaugh formerly with North Charleston
12 Police Department will testify. He was one of the first
13 officers on the scene.

14 You will also hear from Patrick Wells with
15 Charleston County EMS. He treated Baby at the scene.
16 Also from North Charleston you will hear from a crime
17 scene investigator or tech. Her name is Anita Moore.
18 She will tell you some of the evidence that was collected
19 at the scene.

20 You will hear from the Coroner, a member of the
21 Coroner's office. And you will also hear from two
22 doctors. Now one of those doctors is the doctor that
23 performed the autopsy on Baby And that doctor will
24 testify that Baby sustained multiple impacts to his
25 head. And those multiple impacts to his head caused

1 multiple skull fractures to this three year old -- three
2 day old. And those skull fractures ended in his death.
3 We believe the evidence will show in this case that the
4 defendant did kill her three day old child. And at the
5 end of this case we, the State, will ask you to find her
6 guilty of such. Thank you.

7 THE COURT: Mr. Longshore?

8 MR. LONGSHORE: May it please the Court, Your
9 Honor?

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OPENING STATEMENTS

BY MR. LONGSHORE:

In ancient Israel they had a tradition many years ago where once a year the priest would summon a farmer to the Temple. And he asked the farmer to bring with him a goat. Once he did this one by one all of the villagers would come to the Temple and they'd dip their hands in paint and they'd place those hands on the goat. And they would silently confess their sins for the past year.

At the end of this ceremony the Priest would banish the goat from the village, send him out in the wilderness to die. Now over time a name was given to that goat that was used in that particular ceremony. It was called a scapegoat.

Now, I submit to you that in this case when all the evidence is presented and all the witnesses have testified that my client, Tamika Williams, is the scapegoat. Now as the Judge mentioned when you're looking at her throughout this trial you're looking at an innocent woman.

You're required to look at her as an innocent woman by law. She is cloaked in a veil of innocence. And she remains that way until the State has met their burden and proven their case to all 12 of you beyond a reasonable doubt. Now, when I think of a jury I don't think of the

1 jury as one organism, one mind. I think of you as 12
2 individuals who all bring your own unique background and
3 circumstances into this case. And for the State to meet
4 their burden they have to prove to each and every one of
5 you that they have met that burden beyond a reasonable
6 doubt. And until or unless they do that then you must
7 view my client as not guilty.

8 I have great confidence that after you've listened
9 to this case you will return the only just verdict and
10 that is not guilty. Thank you.

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1 THE COURT: Okay. Well, folks as I told you we
2 will break for today. We'll start tomorrow morning at
3 9:30. If you could be in the jury room by about 9:20 at
4 the latest we should be able to get started right at
5 9:30.

6 So go home this evening, relax. You don't have to
7 think about the case. You don't have to think about
8 anything. But remember don't talk to anybody about the
9 case including other juror members. Please don't try to
10 find anything out on the Internet. Don't post things on
11 social media.

12 And if anyone does attempt to talk to you about the
13 case please report that back to me tomorrow morning.
14 Y'all are free to go for this evening and we will see you
15 back at 9:30 tomorrow morning. Go with the bailiff.

16 [Whereupon, the jury exits at 4:04 p.m.]

17 THE COURT: Okay. Anything we need to deal with
18 before we break?

19 MR. LONGSHORE: Nothing from the defense, Your
20 Honor.

21 MS. HERRING LASH: Nothing from the State, Your
22 Honor.

23 THE COURT: All right. Well, I appreciate y'all
24 working together and we will see you tomorrow morning.
25 I'll probably be in by 9 or so if you need something just

1 let me know. See you in the morning.

2 MR. LONGSHORE: Yes, sir.

3 THE COURT: And I'll allow you to go home tonight.
4 But again remember be here early, okay.

5 MS. WILLIAMS: Yes, sir.

6 [Whereupon, jury trial adjourns at 4:04 p.m.]

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C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
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 trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 4th day of April, 2022.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

June 5, 2022

Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-6228
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TAMIKA YOLANDA WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

April 5, 2022
Charleston, South Carolina

Volume 2 (of 4)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, SR., JUDGE

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Attorneys for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: Elizabeth Franklin-Best]

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STATE

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2	Photo	113
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5	Photo	113
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7	(not used)	
8	Photo	113
9	(not used)	
10	(not used)	
11	Photo	113
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13	Photo	113
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16	(not used)	
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20	(not used)	
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<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
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PROCEEDINGS

THE COURT: Do we have anything we need to take up before we get the jury?

MS. HERRING LASH: One thing, Your Honor. We have agreed and stipulated on several exhibits. I'd like to put those into the record.

THE COURT: Okay.

MS. HERRING LASH: Exhibit 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 38, 44, 45, 46, 47, 65, 66, 67, and 68.

THE COURT: All right.

[Whereupon, State's exhibit numbers 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 38, 44, 45, 46, 47, 65, 66, 67, and 68 are entered into evidence by the Court]

THE COURT: Are there ones that are not agreed upon?

MS. HERRING LASH: Yes, Your Honor.

THE COURT: Okay.

MS. HERRING LASH: Some of those will be the crime scene person used a method called BLUESTAR which used to be used Luminol. And Mr. Longshore doesn't know her and doesn't know her qualifications to use that. So we're not putting those in until she testifies about her ability to use it.

1 THE COURT: Okay.

2 MS. HERRING LASH: And the autopsy.

3 THE COURT: Okay. So, when we left yesterday we
4 were --

5 [Whereupon, the Court confers with the Clerk of
6 Court]

7 THE COURT: Well, my plan was to go to about noon
8 and then we'd have the jury have some sandwiches and take
9 a short break and then go to about 2 o'clock and then
10 break for the day. That obviously has been changed a
11 little bit with the information that I just got that the
12 Clerk changed their procedure.

13 But at any rate I'm just trying to think out loud
14 now I don't want them to go to 2 o'clock without any
15 lunch break or anything like that. What is your thoughts
16 for what you had anticipated getting in today?

17 MS. HERRING LASH: I'm fine going to 2 o'clock but
18 I'm not like most people. I think that, I mean we have
19 witnesses that can be here and that the ones that are
20 kind of on standby so we can get through all but two
21 maybe. I'm afraid for a lunch break they'll need an hour
22 and a half. I don't know.

23 THE COURT: Well, we would only be taking just a
24 few minutes but it's obviously changed.

25 MS. HERRING LASH: Oh, I know with...

1 THE COURT: Anyway we'll just kind of play it
2 forward and see how it goes this morning. Anything else
3 we need to take up before the jury comes in? You got
4 your first witness ready?

5 [Off the record momentarily]

6 THE COURT: All right. Everybody is here. Let the
7 record reflect the witness is in the courtroom. All
8 right. Bring the jury in.

9 [Whereupon, the jury enters at 9:34 a.m.]

10 THE COURT: All right. Okay folks, welcome back.
11 We are going to now resume with the State calling their
12 first witness.

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1 MS. HERRING LASH: The State would call Marcus
2 Williams.

3 [Whereupon, Mr. Williams comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name for
7 the record and spell your last name.

8 - - - - -

9 MARCUS WILLIAMS,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. HERRING LASH:

14 Q. Marcus, there is a microphone right there so try to
15 talk into it because I know you have a soft voice, okay.

16 A. Yes, ma'am.

17 Q. Marcus, where do you live?

18 A. I stay in Columbia right now.

19 Q. And are you working?

20 A. Yes, ma'am.

21 Q. And where do you work?

22 A. I'm a security officer at Intercom.

23 Q. At Intercom?

24 A. Yes --

25 Q. How long have you been in Columbia?

1 A. Since 2018.
2 Q. And where did you grow up, Marcus?
3 A. I grew up --
4 THE COURT REPORTER: I'm sorry, in where?
5 A. Lake City.
6 Q. [Ms. Herring Lash] And who is your dad and step-mom?
7 A. Elijah Williams and Sharon Williams.
8 Q. Sharon?
9 A. Yes, ma'am.
10 Q. And do you know Tamika Williams?
11 A. Yes, ma'am.
12 Q. Do you see her in the courtroom?
13 A. Yes, ma'am.
14 Q. Could you point her out?
15 A. She's the one in the red.
16 Q. And how do you know Tamika?
17 A. We was married.
18 Q. How did you meet her?
19 A. We met at McDonalds.
20 Q. What were you doing at McDonalds?
21 A. I was the lobby person.
22 Q. The lobby person?
23 A. Uh Huh.
24 Q. And was she working there or?
25 A. No, she was a customer there.

1 Q. And y'all got to know each other?
2 A. Yes, ma'am.
3 Q. When did you meet her?
4 A. At McDonalds.
5 Q. When; like what year if you remember?
6 A. I think 2011 or probably 2010, somewhere around
7 there.
8 Q. Okay. And did you and Tamika eventually get
9 married?
10 A. Yes, ma'am.
11 Q. When did y'all get married?
12 A. September 11, 2011 at my grandmama's house.
13 Q. At grandmama's?
14 A. Yes, ma'am.
15 Q. Where did your grandmama live?
16 A. Salters, South Carolina.
17 Q. Salters?
18 A. Yes, ma'am.
19 Q. That's a small town.
20 A. Pretty much.
21 Q. And where did y'all live when you got married?
22 A. At my grandmama's house.
23 Q. And did you work then?
24 A. Yes, ma'am.
25 Q. What was your job then?

1 A. I was still working at McDonalds.
2 Q. And did you and Tamika move to another place?
3 A. Yes, ma'am.
4 Q. Where did y'all move to?
5 A. Kingstree.
6 Q. And did you have family in Kingstree or did she?
7 A. No, she did.
8 Q. And where did you work in Kingstree?
9 A. I still working at McDonalds.
10 Q. And what about Tamika? Did she work there?
11 A. Yes. She worked at McDonalds.
12 Q. How long?
13 A. Maybe two months.
14 Q. And what happened she didn't work there anymore?
15 A. Something to do with the job.
16 Q. What?
17 A. Something dealing with the job.
18 Q. Something bad with the job?
19 A. Yeah.
20 Q. Did y'all move from Kingstree somewhere else?
21 A. Yeah, back to my grandmama's house.
22 Q. In Salters?
23 A. Yes, back in 2014.
24 Q. And were y'all working or were you working?
25 A. I was working, well I was off from work for a while

1 until I started working on temporary work.
2 Q. Where?
3 A. Doing temporary work ---
4 Q. --- temporary? Okay. And did y'all eventually move
5 to Charleston?
6 A. Yes, ma'am.
7 Q. Did you have any relatives in Charleston?
8 A. Yes.
9 Q. Who was that?
10 A. I got my Dad, my uncles, my aunts; and other family
11 members there.
12 Q. And did your -- did they help you get a job and a
13 place to live?
14 A. I did that myself.
15 Q. What?
16 A. I did it by myself.
17 Q. You did it by yourself? What job did you get?
18 A. I started my first job at Walmart.
19 Q. And where were y'all living?
20 A. We was staying at my uncle's apartment.
21 Q. And about how long did that last?
22 A. Maybe like one or two years. I'm not sure.
23 Q. And now eventually did you have a child that was
24 older than Baby
25 A. Yes. I started having M.W. since I was working

1 at Walmart.

2 THE COURT REPORTER: You started having, say it
3 again.

4 A. We had a child. My first child when I worked at
5 Walmart.

6 Q. [Ms. Herring Lash] And his name is M.W.

7 A. Yes, ma'am.

8 Q. Is it M-A-R-K-E-E-S-E?

9 A. Yes, ma'am.

10 Q. And when was M.W. born?

11 A. M.W. born July the 4th, 2014 at Manning, South
12 Carolina.

13 Q. In Manning?

14 A. Yes, ma'am.

15 Q. And when he was born where did he and Tamika stay?

16 A. They stayed at grandmama's house in Kingstree, South
17 Carolina while I get myself established in Charleston.

18 Q. Okay. And did her grandmama and her momma both help
19 her with M.W.

20 A. Yes, ma'am.

21 Q. Did you visit them some?

22 A. Yes.

23 Q. And did Tamika and M.W. eventually move back to
24 Charleston?

25 A. Yes, as soon as I got my own apartment.

1 Q. And where was the next apartment you got?
2 A. Right there off North Carolina Avenue at my uncle's
3 apartment.
4 Q. Off of what?
5 A. North Carolina Avenue.
6 Q. North Carolina Avenue?
7 A. Yes.
8 Q. And how long did y'all live there?
9 A. Right recently after my uncle passed away.
10 Q. Until he passed away?
11 A. Uh Huh.
12 Q. And then were did y'all go?
13 A. Remount Road.
14 Q. And Remount Road is where you were living in 2018?
15 A. Yes, ma'am.
16 Q. And during this time in Charleston where were you
17 working?
18 A. I was working at -- during that time I was still
19 working at the hospital.
20 Q. At the hospital? What were you doing at the
21 hospital?
22 A. I was the, I was making beds.
23 Q. And aid?
24 A. I was making beds and stuff, like a janitor.
25 Q. Oh, making beds and stuff?

1 A. Yes.

2 Q. Okay. And which hospital?

3 A. At Francis Hospital, next door to MUSC.

4 Q. Okay. St. Francis? You and -- did Tamika work?

5 A. No, ma'am. The only job she do was she played at

6 church every Sunday.

7 Q. What did she play at church?

8 A. Keyboarding.

9 Q. At which church?

10 A. At Lane Bible Way or whatever church they call her.

11 Q. Lane Bible Way?

12 A. Yeah.

13 Q. What town is that in?

14 A. Lane, South Carolina.

15 Q. Lane?

16 A. Yeah. Sometimes she goes to Kingstree and play at

17 church there.

18 Q. I've never heard of Lane. Is that another small

19 town?

20 A. It's a small town -- on the way to Salters.

21 Q. Okay. And did you take care of M.W. a lot?

22 A. Yeah sometimes I'd be there.

23 Q. What did y'all do, you and M.W.

24 A. We played around and had fun. Little father son

25 stuff.

1 Q. Little father son stuff?
2 A. Uh Huh.
3 Q. Did he like music?
4 A. Yeah, he liked to sing.
5 Q. He sings a lot?
6 A. Yes, ma'am.
7 Q. And did you take him outside and let him play
8 outside?
9 A. Yeah, we would walk around and then come back in the
10 house.
11 Q. Did Tamika go outside and play with him a lot?
12 A. Sometimes.
13 Q. Did she like to go outside?
14 A. I don't know because I was most likely working.
15 Q. Did you come home every night?
16 A. Every time I go I don't have no place else to go I
17 just work and come home.
18 Q. How many jobs did you work?
19 A. One. And if we get struggling or hard sometimes I
20 worked two.
21 Q. Sometimes two?
22 A. Yeah. Or if I get the chance I'd probably do
23 temporary work, the temp job but I was still working.
24 Q. And who did the cooking and everything?
25 A. Sometimes I do.

1 Q. Did you do it most nights?
2 A. Some nights.
3 Q. And who kept the finances?
4 A. She do. I was basically working and I give her the
5 money.
6 Q. You gave her the money?
7 A. Uh Huh.
8 Q. Did you get an allowance?
9 A. Maybe here and there. But there ain't no set
10 allowance. It's whatever we need for certain bills and
11 stuff.
12 Q. Did you always have money for lunch and stuff?
13 A. Sometimes.
14 Q. And were you and Tamika y'all were both happy about
15 having another baby?
16 A. Yes, ma'am.
17 Q. And that next baby was Baby
18 A. Yes, ma'am.
19 Q. And when was Baby born?
20 A. He was born June the 23, 2018.
21 Q. June 23rd?
22 A. Yes, ma'am.
23 Q. And where was he born?
24 A. He was born at MUSC.
25 Q. And how did y'all get to the hospital?

1 A. A lady I know is like a mother to me and she take
2 me.

3 Q. A lady ---

4 A. --- yes.

5 Q. And was y'all car working or what was going on with
6 your car?

7 A. It was broke down because it needed a new wire for
8 the --

9 THE COURT REPORTER: A new wire?

10 A. A cord. It stopped the car sometimes.

11 Q. [Ms. Herring Lash] And where did M.W. stay when
12 you were at the hospital?

13 A. He was staying with his grandmother, her mother, in
14 Kingstree.

15 Q. And did you stay at the hospital?

16 A. Yes ma'am, every night.

17 Q. And what did you do during the day?

18 A. Basically stayed there.

19 Q. And did you help with Baby

20 A. Yeah.

21 Q. Did he stay in the room with y'all or in the
22 nursery?

23 A. He stayed in the room with us.

24 Q. Now when y'all were all at the hospital did he cry a
25 lot?

1 A. Yeah, he cried.

2 Q. What did y'all do at night with him?

3 A. Sometimes he'd cry. I helped feed him the bottle

4 maybe and sometimes change the diaper. Maybe like once

5 or twice. Sometimes the nurse would come by and check on

6 him.

7 Q. And how long were y'all at the hospital?

8 A. We been there about the second day and we go home.

9 Q. And did Tamika want some help with Baby

10 A. Sometimes.

11 Q. Did she talk about it to the nurses or to you?

12 A. No, she told them thanks for the help.

13 Q. Pardon me? She told them thanks for the help?

14 A. Uh Huh.

15 Q. Are you talking about the nurses?

16 A. Uh Huh.

17 Q. Yes or no?

18 A. Yes, ma'am.

19 Q. And how did y'all get home?

20 A. Well, her mom's boyfriend take me to the apartment

21 and pick up my van. So I drive the van back to the

22 hospital to get them.

23 Q. And was M.W. now at the hospital?

24 A. Yes.

25 Q. How did he get there?

1 A. They bring him to the hospital.
2 Q. Her family?
3 A. Yeah.
4 Q. And what happened on the way home?
5 A. The van stopped right on Meeting Street off the
6 railroad tracks.
7 Q. Off the railroad tracks?
8 A. Off the railroad tracks, yes.
9 Q. And what did y'all do when the van stopped?
10 A. I called my dad.
11 Q. Your dad?
12 A. Yeah, because I know my dad -- and I pushed the van
13 out the road and I called my dad and he talked about it
14 and he said call a taxi but at the same time the taxi man
15 stopped and pushed us side the road.
16 Q. The taxi did?
17 A. Yeah.
18 Q. And then did y'all ride the taxi?
19 A. Yeah, ride the taxi back home.
20 Q. And was it dark when y'all got home?
21 A. No, it still was daylight.
22 Q. It still was daylight? So when y'all got home who
23 all was there?
24 A. It was me, M.W. Tamika, and the baby.
25 Q. And what did y'all do?

1 A. Basically we sit there until my dad get there.
2 Q. And why was your dad coming?
3 A. He was checking the van. He was going to pick me
4 up and check my van with me.
5 Q. Okay. And did he come?
6 A. Yes, ma'am.
7 Q. When he came did he get to see Baby
8 A. Yes. After we got back, after we got back I told my
9 dad, you want to see Baby
10 Q. You told him he could see Baby
11 A. Uh Huh.
12 Q. Did he stay with y'all or just pop ---
13 A. --- he didn't stay. He just come by and walk in.
14 The baby looked at him the first time and I remember
15 that.
16 Q. The baby looked at him?
17 A. Uh Huh.
18 Q. And did y'all get the van fixed that night or not?
19 A. No. No, because my dad told me he was going to pick
20 me up around 2 o'clock tomorrow. But the next day he
21 came home.
22 Q. So, you got back. Did you dad text you that night
23 at all?
24 A. Not --
25 THE COURT REPORTER: I'm sorry?

1 A. Not that I know of. I don't remember.
2 Q. You don't remember?
3 A. Uh Uh.
4 Q. Did you talk to Tamika's mom that night?
5 A. Yes.
6 Q. What was...
7 A. Well ---
8 Q. --- you can't say what was said but how was that
9 conversation?
10 A. Well, all I know, all I know was Tamika was talking
11 about my dad getting in my head.
12 Q. Tamika talked about what?
13 A. My dad getting in my head.
14 Q. You dad got in your head?
15 A. Yeah. But he had just had walked in the room and I
16 closed the door. And then she was on the phone talking
17 to her mom on the phone. And she said her mom wanted to
18 talk to me so I talked to her outside.
19 Q. And you said that she thought your dad got in your
20 head?
21 A. Yes, because we were talking about her, it was
22 frustration when we talk about the van --
23 Q. --- about what?
24 A. About the van. I took the van and didn't check the
25 rope and it's not running right.

1 Q. Was he mad at you for taking the van?
2 A. Yes.
3 Q. Because he knew it was broken kind of?
4 A. Yeah.
5 Q. And so you talked to Tamika's mom?
6 A. Yeah.
7 Q. And how was that conversation?
8 A. It was an all right conversation. It was a good
9 conversation.
10 Q. And did you give her the phone back?
11 A. Yes, ma'am.
12 Q. Now that night did Baby sleep?
13 A. No, he's still crying.
14 Q. Did he cry a lot?
15 A. Basically. The only time he don't cry is when you
16 hold him.
17 Q. Only when you hold him he doesn't cry? So did you
18 hold him that night?
19 A. Yes, ma'am.
20 Q. And did you feed him some bottles?
21 A. Yes, ma'am. He needed to be changed. And then
22 every time I put him down he started crying. I'd lift
23 him back up and he'd stop crying.
24 And I talked to him and Tamika said something and I
25 closed the door and I told her I'm not going to listen to

1 all that going on.
2 Q. Now let's go back. You said when you picked him up
3 he looked at you and then you closed the door. What
4 door?
5 A. The bedroom door.
6 Q. What bedroom were you in?
7 A. In M.W. bedroom because he didn't sleep in
8 that bedroom.
9 Q. Where did M.W. sleep?
10 A. He sleep with us.
11 Q. And where was Tamika when she was hearing the noise?
12 A. She was in the living room.
13 Q. And what did you do when she -- what did she say
14 about the noise?
15 A. Wanted to know what was going on in there. But my
16 mind was focused on Baby at the same time ---
17 Q. --- what did she say? I didn't understand you; I'm
18 sorry.
19 A. She said something about the noise and I had closed
20 the door. I said I have to take care of Baby because I
21 have to change the diaper and he is going to cry anyway
22 so I'll go ahead and change it.
23 Q. She was saying something about the noise?
24 A. Yeah.
25 Q. What was the noise?

1 A. About all that noise going on ---
2 Q. --- what was the noise?
3 A. The baby, Baby
4 Q. Baby crying?
5 A. Yeah.
6 Q. And so you changed him?
7 A. I changed him. That was the last time I changed
8 him.
9 Q. And so that night you and Tamika didn't sleep much?
10 A. No, and I had sneaked a little nap.
11 Q. You snuck a little nap.
12 A. Yeah. I come into the living room and sleep while
13 she was with the baby. I can't remember what happened
14 after. But we didn't get much sleep like I should --
15 THE COURT REPORTER: You didn't sleep?
16 A. We didn't sleep at nighttime but he would start
17 crying. And I took a little nap but I got up. I can't
18 remember what we did but I know it was like 6 in the
19 morning. The sun was coming up.
20 Q. When y'all woke up it was 6?
21 A. Yeah.
22 Q. And what did y'all do that next morning?
23 A. I can't remember what we did in the morning but I
24 remember she told me to go to the store.
25 Q. To the store? And which store did you go to?

1 A. Family Dollar or Dollar General.
2 Q. Did you go to both of them?
3 A. Yes, ma'am.
4 Q. And what were you going to the store for?
5 A. She told me to get some milk, Vienna sausages and a
6 honey bun.
7 Q. Milk, Vienna sausage and honey bun?
8 A. Yes, ma'am.
9 Q. And how did you get to the store?
10 A. I walked.
11 Q. And when you left to go to the store where were
12 M.W. -- where was M.W. I'm sorry.
13 A. M.W. was in the living room playing around.
14 Q. Okay. And where were Tamika and Baby
15 A. She was in the bathroom holding the baby.
16 Q. Holding the baby?
17 A. [No response]
18 Q. Holding the baby?
19 A. Yes, ma'am.
20 Q. So you walked to both of those stores?
21 A. Yes, ma'am.
22 Q. What happened -- when you got home where was Tamika
23 and Baby
24 A. She's still in the bathroom.
25 Q. Do you remember where M.W. was when you got

1 home?
2 A. Still playing around in the living room.
3 Q. And what happened after that?
4 A. So I told Tamika I'm going to the Doscher's.
5 Q. To Doscher's?
6 A. Yes. I told her I'll go to Doscher's so usually
7 they keep all the milk and child formula in the grocery
8 store.
9 Q. Did they have the formula at Dollar General?
10 A. No.
11 Q. Okay. So you're going to Doscher's now?
12 A. Yeah. So I had put the stuff down and went outside
13 and started walking to Doscher's.
14 Q. Walking to Doscher's?
15 A. Uh Huh.
16 Q. And then what happened when you got to Doscher's?
17 A. I had told the lady I know if she got any formula
18 for the baby. I was looking for Good Start.
19 Q. You're looking for Good Start?
20 A. Yeah. And I tell her what kind she got and she told
21 me what kind but a different flavor of it. So I said I'd
22 get Smooth.
23 Q. Smooth?
24 A. Yeah. So she got Smooth and I okay, I wanted a
25 price check.

1 Q. A price check?
2 A. Yeah. And once she checked the price and I said I
3 ain't got that much money. I'll go back home and I'll
4 have it brought back.
5 Q. So you walked back home?
6 A. Yes, ma'am.
7 Q. When you walked back home that time where were
8 Baby and Tamika?
9 A. Still in the bathroom.
10 Q. In the bathroom. And do you know where M.W.
11 was?
12 A. He's still playing around in the living room. I
13 think he just come out the bedroom somewhere.
14 Q. How many bedrooms did y'all have?
15 A. We got two.
16 Q. One was his and one was yours and Tamika?
17 A. Yes.
18 Q. And so did you walk, did you get money?
19 A. Yes.
20 Q. How did you get the money?
21 A. I told Mika I said I'm going to grab a couple of
22 dollars out of her pocketbook and she will like okay.
23 Then as I'm grabbing it I grab two extra dollars and I
24 hide it.
25 Q. How many?

1 A. About two extra dollars.
2 Q. Two extra dollars?
3 A. Yeah. I told her about it and I tell her about the
4 change and she said something but I said well I got to
5 get tax. I said see how much it is but it's got the tax
6 on it too.
7 Q. You were worried about the tax so you wanted extra?
8 A. Yeah.
9 Q. Did she want you to take extra?
10 A. She kind of tell me to take it and talk about it but
11 I got it.
12 Q. So then what did you do?
13 A. I walked back to Doscher's.
14 Q. And did you get the formula?
15 A. Yes, ma'am.
16 Q. And then did you walk back?
17 A. Yes, ma'am.
18 Q. And when you got back this time where were Tamika
19 and Baby
20 A. Still in the bathroom.
21 Q. And where in the bathroom were they?
22 A. They was sitting on the toilet.
23 Q. On the toilet?
24 A. Uh Huh.
25 Q. And was Tamika holding Baby

1 A. Yes, ma'am.

2 Q. And where was M.W.

3 A. He was playing around in the living room as usual.

4 And I had to put the stuff in the kitchen. I had to fix

5 the milk for Baby And I had to have it warm.

6 Q. Warm milk?

7 A. Warm milk and fixed her food too at the same time.

8 Q. Let me ask you one thing. When you say milk you

9 mean formula?

10 A. Formula, yes.

11 Q. And what food did you fix for her?

12 A. Some beef stew.

13 Q. Beef stew?

14 A. Uh Huh.

15 Q. So after you got all that fixed what did y'all do?

16 A. Well, I give the milk to Tamika and I started

17 playing with M.W. a little bit. And I know he needed

18 a little attention too so I played with him.

19 Q. Right.

20 A. And then she told me that you can't go about the

21 baby --

22 Q. About what?

23 THE COURT REPORTER: I'm sorry. Tell me again.

24 A. She's going to go ahead and feed the baby and give

25 him the rest of the formula, the rest of the milk.

1 Q. Give the baby the rest of the formula?
2 A. Yeah.
3 Q. So for you to give it to him?
4 A. Yeah.
5 Q. So did you then feed Baby
6 A. Yeah. I sat down and have him on my arm and feed
7 him. And also I sang him a little song so he could try
8 to go to sleep.
9 Q. What song did you sign him?
10 A. This Little Light of Mine.
11 Q. What?
12 A. This Little Light of Mine.
13 Q. This Little Light of Mine? And what was Tamika
14 doing then.
15 A. She was still in the bathroom.
16 Q. Did she eat the stew?
17 A. After I put the baby down to sleep.
18 Q. So as you were holding Baby did he eventually go
19 to sleep?
20 A. Yes, ma'am.
21 Q. And then did you put him down?
22 A. Yes. I put him in the bassinette face up.
23 Q. Okay. Face up?
24 A. Uh Huh.
25 Q. Marcus, I'm going to show you what has been entered

1 into evidence as State's exhibit number 46. I think
2 you'll see it on the screen behind you, well I'm sorry;
3 you have a screen in front of you right?

4 A. Uh Huh.

5 [Whereupon, State's exhibit number 46 is published
6 to the jury]

7 Q. Now, so these ladies and gentlemen have not seen
8 that so tell us where people are in that picture?

9 A. That [indicates] was me. And she is sitting right
10 here [indicates].

11 Q. And where does M.W. sit when he's in there?

12 A. Well, I don't know about this picture here but he
13 was playing around when Tamika was in the bathroom.

14 Q. Okay.

15 A. We had the baby bassinette right here [indicates].
16 Then after he go to sleep M.W. was right here
17 [indicates] at first and I tell him don't get in the
18 bassinette.

19 Q. Don't what?

20 A. Don't climb in the bassinette.

21 Q. Was he trying to climb in the bassinette?

22 A. Yeah. And then he went back to me and ignored the
23 baby like that and he said Daddy you want to fight. I
24 said no, I'm taking care of your little brother right
25 now.

1 Q. He said Daddy, you want to fight?
2 A. Yeah. He always say that.
3 Q. And how do y'all fight when you fight?
4 A. Well, I do this [indicates] and me more like doing
5 this [indicates] to me. But it wasn't rough.
6 Q. And so did he actually get to crawl into the
7 bassinette?
8 A. No, because I stopped him right there.
9 Q. So when you eventually got Baby to sleep what did
10 you do?
11 A. I had kneeled down besides waking the baby.
12 Q. Kneeled down?
13 A. Yeah. And put him in the bassinette.
14 Q. And when you say kneel down did ---
15 A. --- on my knee. I got out of the chair on my knees
16 and I'm holding the baby in my arms.
17 Q. Okay.
18 A. And I basically put him in the bassinette.
19 Q. Okay. Now going back to M.W. did you ever see
20 him pick up Baby
21 A. No.
22 Q. When he played with Baby you said when you were
23 holding him how did he play with him?
24 A. He rubbed him and patted his head.
25 Q. Pat his head? And so when you laid Baby in the

1 bassinette what did you do?

2 A. I went in the kitchen and grabbed Mika her beef
3 stew. And then I put it back. I had put her beef stew
4 in the microwave. I went in the living room played with
5 M.W. a little bit.

6 Then after she got out the bathroom I went in the
7 kitchen and gave her food. And then after that I said
8 I'm going to grab a Tylenol because my leg is hurting
9 because I've been walking.

10 Q. So your leg was hurting?

11 A. Yeah. And then...

12 Q. You got a Tylenol. Did she eat the stew?

13 A. Yes, ma'am.

14 Q. And did you feed M.W. any?

15 A. No, ma'am. I went in to sit down.

16 Q. And where did you sit? That same place?

17 A. I sat in a chair. And after I sit down and I can't
18 remember what was going on next thing I know I saw the
19 Different World on the T.V. ---

20 Q. --- you say?

21 A. The show Different World.

22 Q. Different World.

23 A. And I had went to sleep after that.

24 Q. And when you went to sleep where was M.W.

25 A. I'm not -- I don't know.

1 Q. You're not sure, okay. And when you went to sleep
2 where was Tamika?
3 A. I don't know.
4 Q. And -- so did you wake up?
5 A. She waked me up.
6 Q. Who woke you up?
7 A. Tamika.
8 Q. And how did she wake you up?
9 A. Tapped my shoulder.
10 Q. You said tap your shoulder.
11 A. Tapping my shoulder like that [indicates].
12 Q. And what happened when she tapped your shoulder?
13 A. And she was saying something to me and then she told
14 me to cut the air conditioner on.
15 Q. Okay. Let me show you what has been entered into
16 evidence as State's exhibit number 47. And it will be on
17 that screen in front.
18 [Whereupon, State's exhibit number 47 is published
19 to the jury]
20 Q. And she said something about the thermostat?
21 A. Uh Huh.
22 Q. What did she say about the thermostat do you
23 remember. That's [indicates] the thermostat? And did
24 you have to adjust it?
25 A. Yes.

1 Q. And so that's her chair where she was at?
2 A. Uh Huh.
3 Q. And she woke you up to adjust the thermostat?
4 A. She said cut the AC on.
5 Q. Cut the AC on?
6 A. Yeah. I was still kind of out of it because I was
7 still sleeping and she had to wake me up. And she was
8 like oh, this is what I'm talking about. Then she said
9 go ahead and check the baby.
10 Q. She told you to check the baby. Then what did you
11 do?
12 A. I tell her let me cut the AC on first and then I'll
13 check on the baby.
14 Q. Okay.
15 A. And after I got the AC on I saw this spot on the
16 floor.
17 Q. A spot on the floor? What was it do you know?
18 A. I wanted to know what it is at the time because I'm
19 thinking it's probably a grape stain.
20 Q. A grape?
21 A. Yeah. So I don't know what it is because I don't
22 know what happened. And I was thinking M.W. probably
23 playing with something and probably dropped something in
24 the floor.
25 Q. That M.W. probably dropped something?

1 A. Yes, that was my first thought. So I said I'll
2 probably clean it up later. Then I looked at the
3 bassinette and I see something different about Baby
4 Q. About what?
5 A. I see something different about him.
6 Q. About Baby What did you see?
7 A. He was laying on his stomach.
8 Q. And how did you lay him down?
9 A. I laid him on his back.
10 Q. And did you notice anything else different about
11 him?
12 A. A stain on his shirt.
13 Q. A stain on his shirt? Did you know what that was?
14 A. I don't know what it is because I still --
15 THE COURT REPORTER: --- I'm sorry, repeat your
16 answer.
17 A. I said I don't know what it is because I was
18 thinking M.W. my son probably rubbed him.
19 Q. [Ms. Herring Lash] You thought M.W. had rubbed
20 that grape on him?
21 A. Yeah. So like I said I didn't know.
22 Q. So what happened next?
23 A. He didn't breath. At first I think he probably
24 rolled over and he probably was sick in his stomach.
25 Q. Did you know he couldn't roll over or you didn't

1 know?

2 A. I didn't know. All I know is he didn't breathe at
3 the time so I had to shake him and he didn't wake up.
4 Then I had shake him again.

5 Q. And he didn't wake up?

6 A. [No response]

7 Q. So what did you do?

8 A. I called 911.

9 MS. HERRING LASH: May I approach the witness, Your
10 Honor. Your Honor, may I approach the witness?

11 THE COURT: Sure.

12 Q. [Ms. Herring Lash] I want to show you -- you want to
13 wait a minute. That's all right. We can wait a minute.
14 This is State's exhibit number 64 for I.D.

15 [Whereupon, the witness is shown exhibit]

16 Q. Do you recognize this? How do you recognize it?

17 A. My signature.

18 Q. Your signature? Is that your initials right there
19 [indicates]?

20 A. Yeah.

21 Q. And what date did you put that on there?

22 A. 3/24/22.

23 Q. 3/24/22? Did you look at this?

24 A. Yes, ma'am.

25 Q. And was it the call that you made to 911?

1 A. Yeah.

2 Q. And you listened to it? I'm sorry, you didn't
3 look; you listened.

4 A. Yes, ma'am.

5 MS. HERRING LASH: Your Honor, at this time we
6 would offer State's exhibit 64 into evidence.

7 THE COURT: Without objection?

8 MR. LONGSHORE: Without objection, Your Honor.

9 THE COURT: All right.

10 [Whereupon, State's exhibit number 64 is entered
11 into evidence by the Court]

12 Q. [Ms. Herring Lash] We're going to play that for you
13 Marcus okay?

14 [Whereupon, the 911 call plays]

15 [Whereupon, the 911 call ends]

16 Q. [Ms. Herring Lash] So Marcus did EMS and police come
17 in?

18 A. Yes, ma'am. I assume. I was so upset at the time
19 and I saw EMS outside and I waved them in ---

20 Q. --- you saw EMS outside? Go ahead; I'm sorry.

21 A. I had waved them in. He took the baby out of my
22 wife's hands and I see him put him on the floor and do
23 CPR.

24 And every time I paced myself from the bedroom to
25 the living room I see different policemen every time. I

1 don't know how many times I paced or like pacing ---
2 Q. --- you were pacing?
3 A. Pacing and I saw police every time. And that's when
4 I stopped to wake my little son up, wake up my three-
5 year-old at the time. So ---
6 Q. --- was he asleep?
7 A. Yeah.
8 Q. Where was he asleep?
9 A. He was sleeping in that chair right next to me. I
10 didn't know because I'm more focused on the child.
11 Q. On Baby
12 A. On my baby, my baby.
13 Q. Where did you stay when the EMS were there?
14 A. I stayed in the house.
15 Q. Did you stay in the living room with them or the
16 bedroom?
17 A. I stayed in there.
18 Q. Were you pacing, is that what you said?
19 A. I'm pacing, pacing myself back and forth to the
20 bedroom to the living room because I'm so upset.
21 Q. And eventually did your dad come?
22 A. Yeah, after they wake up my son.
23 Q. After they wake up M.W.
24 A. Yeah. I went to the bedroom and started crying.
25 Q. Your dad had been planning to come because of the

1 car, right?

2 A. Yes. He was coming 3 o'clock --

3 THE COURT REPORTER: -- he was coming at 3 o'clock

4 what?

5 A. He was supposed to come at 3 o'clock and I

6 overslept.

7 Q. [Ms. Herring Lash] You overslept. Did you hear him

8 if he came and knocked would you hear him?

9 A. No, I didn't hear him.

10 Q. And did you and Tamika go to the police station that

11 day?

12 A. Yes, ma'am.

13 Q. And did you talk to the police?

14 A. Yes, ma'am.

15 Q. Did they take you there in the car?

16 A. Yes, ma'am.

17 Q. And did they bring you back?

18 A. Yes, ma'am.

19 Q. And what did -- when y'all got back did people come

20 over?

21 A. Yes, ma'am.

22 Q. Who?

23 A. My family members, my aunts and my step mom and dad

24 they come over to see us.

25 Q. Did they stay for a long time?

1 A. No, they didn't talk to us.
2 Q. And where was M.W.
3 A. M.W. had been taken to MUSC.
4 Q. At MUSC? Did he spend the night there?
5 A. I think so.
6 Q. And what did -- did you and Tamika stay at the
7 apartment that evening?
8 A. Yes, ma'am.
9 Q. What did y'all do?
10 A. I stayed with guilt for our child --
11 Q. You what?
12 A. I was there for guilt over our child's death.
13 Q. Guilt for your child's death?
14 A. Because it's something that they take away from me.
15 Q. Did y'all talk that evening?
16 A. Yeah.
17 Q. What did you talk about?
18 A. I can't remember. I can't remember because I know
19 -- I went in the living room and sat down. And she was
20 mopping.
21 Q. She was mopping?
22 A. Yeah. And then I went straight to bed and then I
23 started talking about random stuff and I said -- our life
24 be better because it's something you don't want when
25 somebody loses a child.

1 Q. Right. To lose a child?

2 A. That's something you see on TV saying. But in real

3 life it's just different.

4 Q. So that next morning what happened?

5 A. Well we got up and Tamika said about getting her

6 prescription and we'd get something to eat after that.

7 Q. She hadn't gotten her prescriptions yet?

8 A. Not yet.

9 Q. And so what happened? Did the police come?

10 A. Yeah. As soon as we about to go and two detectives

11 came.

12 Q. And did y'all go with them?

13 A. Yes, ma'am.

14 Q. And did you talk to them again?

15 A. Yes, ma'am.

16 Q. And did they take you in the room with Tamika?

17 A. No ma'am, and not the first day either. We always

18 in separate rooms for, since two days.

19 Q. During that time on the second day at some point

20 they take you in the room?

21 A. Yeah, in an interrogation.

22 Q. And did she talk to you when they took you in there?

23 A. Not at first but I had looked on the table and there

24 was a doll baby facing down.

25 Q. A doll baby?

1 A. And I started, I put it down and starting crying
2 telling her what she done.
3 Q. You fell down?
4 A. Because I was so upset.
5 Q. And what did you tell her you said?
6 A. I said you could have wake me up or call the police
7 when that happened. I said tell what she had done.
8 Q. You said what did she do, what she did.
9 A. Un Huh.
10 Q. And what did she tell you?
11 A. She told me about you know I'm on medication, right?
12 I had to hold the baby.
13 Q. She held the baby?
14 A. And then dropped him.
15 Q. Dropped him?
16 A. And she waited 20 minutes and then wake me up.
17 Q. Did you stay in there after that or did they take
18 you out?
19 A. They take me out.
20 Q. And did you go home that day?
21 A. I went to my aunt's house. After she been in court
22 that next day I went back home.
23 Q. You went back home the next day?
24 A. Yeah, after I get M.W. from one of the
25 detectives.

1 Q. What did you do at home the next day?
2 A. Nothing --
3 Q. Was M.W. with you?
4 A. I was alone.
5 Q. Alone?
6 A. I didn't hear a word the rest of the week or maybe
7 two weeks. I was so heartbroken then.
8 Q. Did you lose your job?
9 A. No.
10 Q. Did you lose your apartment?
11 A. I was just about to. I almost been evicted. I
12 didn't do anything. After that I was still alone a whole
13 week or two.
14 Q. And what about M.W. Where did he go?
15 A. M.W. still at MUSC.
16 Q. MUSC? When he got out of MUSC who did he go with?
17 A. He go with my sister. My...
18 Q. Go ahead.
19 A. He was with my sister. DSS got my sister temporary
20 guardian for my son.
21 Q. And who is M.W. with now?
22 A. He's with my dad now.
23 Q. And how is he doing?
24 A. He's doing okay.
25 Q. Is he doing good in school?

1 A. Yes, ma'am.

2 Q. Do you visit M.W.

3 A. When I get a chance to I go. It's kind of hard with
4 what my schedule is now.

5 Q. And why doesn't M.W. live with you?

6 A. I'm not financially stable right now.

7 Q. Your financial? Have you gotten back on your feet
8 yet?

9 A. Kind of. I had lost a lot so I am getting back. I
10 ain't got back --

11 Q. What?

12 A. I ain't got back to where I used to was.

13 Q. You hadn't got back to where you used to was?

14 A. Uh Uh.

15 MS. HERRING LASH: Beg the Court's indulgence.

16 [Whereupon, Ms. Herring Lash and Mr. Uricchio
17 confer]

18 Q. [Ms. Herring-Lash] Marcus, those are all the
19 questions that I have for you. Now you need to answer
20 any that Mr. Longshore has, okay.

21 THE COURT: Whenever you're ready.

22 MR. LONGSHORE: May it please the Court, Your
23 Honor?

24

25

1 CROSS-EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Good morning Mr. Williams, how you doing?

4 A. I'm doing okay.

5 Q. Do you mind if I call you Marcus?

6 A. [No response]

7 Q. Now, when y'all first got home from the hospital

8 after Baby was delivered how was Tamika doing? Did she

9 need your help?

10 A. Yes. I helped her when I can -- but I still be

11 there when she needed me.

12 Q. Was she having trouble getting around?

13 A. Only when she talked about a hernia she had.

14 Q. And I believe you said when you were feeding the

15 baby y'all had alternated feeding the baby. You'd feed

16 her [sic] some then ---

17 A. --- I give her the bottle first. Anytime we're in

18 the house I give her the bottle first. And she told me

19 to give the rest of the bottle to Baby

20 So I grabbed Baby and the bottle from her hand and

21 I went to the living room.

22 Q. Yes, sir. And M.W. he was, they keep saying he

23 was three years old but he was at the time of this

24 incident which was June 26th ---

25 A. --- he would be four in a week.

1 Q. He as a week away from four years old. So he was
2 basically four years old. And I believe you said

3 M.W. he was happy about having a little brother.

4 A. Yeah.

5 Q. And he's a rambunctious little kid?

6 A. A little rambunctious but he's very active
7 sometimes.

8 Q. He liked to run around and play?

9 A. Yeah.

10 Q. And I believe you mentioned at some point that he
11 liked to play with the bassinette, tried to climb in it?

12 A. He tried to climb in but I had stopped him.

13 Q. And I think you also testified with Ms. Herring Lash
14 that Baby he was crying a lot when y'all got home, is
15 that right?

16 A. Yeah. That's when they told us to get the Smooth
17 milk because his stomach cramped up. I just remember
18 that.

19 Q. He as having stomach problems.

20 A. Yeah.

21 Q. So he kept y'all up pretty much the whole first
22 night?

23 A. Pretty much the night.

24 Q. And when your baby boy cried it woke you up didn't
25 it?

1 A. Basically we never went to sleep, we didn't sleep.

2 Q. You didn't sleep? And when the baby cried did it
3 scare M.W.

4 A. No.

5 Q. He didn't ever run away; he didn't like hearing the
6 crying?

7 A. No.

8 Q. And you said that you had gone to Dollar General the
9 morning of the 27th, is that right?

10 A. Yes.

11 Q. And you went to Doscher's?

12 A. Uh Huh.

13 Q. You don't remember exactly what times you went ---

14 A. --- it got to be somewhere around 12.

15 Q. Somewhere around 12? But you weren't looking at
16 your watch the whole time?

17 A. It was earlier. I had the time before in my phone
18 but it's somewhere around 12 because between the time
19 till I went to sleep and Different World is coming on
20 after hours in the afternoon.

21 But my dad, it was before 3 because my dad was
22 supposed to pick me up at 3 o'clock so I got it that
23 morning after we woke up.

24 Q. And then when you got back you fixed beef stew for
25 Tamika, is that right?

1 A. Yeah.

2 Q. And then she ate beef stew and you went and sat in
3 the chair, is that right?

4 A. Uh Huh.

5 Q. You weren't looking at the clock the whole time like
6 any normal person you weren't sitting there staring at
7 the clock the whole day.

8 A. No because the only thing I remember was the
9 Tylenol. I remember when Different World was on. It
10 used to come on for several hours and the only thing I
11 remember is Different World.

12 Q. And they kind of run episode after episode?

13 A. Yeah. And I was waiting for my dad at 3 o'clock but
14 it ain't 3 o'clock yet.

15 Q. And when you fell asleep in the chair you said you
16 didn't know where M.W. was.

17 A. Right.

18 Q. But he wasn't in his chair. Y'all kind of had
19 designated chairs, is that right?

20 A. We all got different chairs. We've got three chairs
21 in the living room.

22 Q. But he wasn't asleep in his chair?

23 A. No, everybody was up at the time. And after I went
24 to sleep, after I went to sleep I don't know what time it
25 was going on during the time I was asleep.

1 Q. And whenever you woke up you woke up because Tamika
2 she tapped you.

3 A. She hit me on the shoulder.

4 Q. She hit you on the shoulder. So y'all's chairs were
5 so close that from where she was to where you were she
6 could reach over and ---

7 A. --- no, she walked. She walked toward me.

8 Q. She got up and walked over?

9 A. Yes.

10 Q. And when you found Baby and you said there was a
11 stain on his shirt you testified to Ms. Herring Lash that
12 you thought at first maybe it was M.W. had rubbed
13 something on him or?

14 A. Yes, rubbed something because I didn't know it was
15 there at the time.

16 Q. And on the morning or afternoon, lunchtime whenever
17 it was after you fell asleep until the time you woke up
18 you didn't hear anything is that correct?

19 A. Correct.

20 Q. And during that time your father came by and knocked
21 on the door at some point?

22 A. Yeah, he told me.

23 Q. You heard that later?

24 A. My dad told me about it.

25 Q. He told you about it later?

1 A. Uh Huh.

2 Q. But that didn't wake you up because you didn't hear
3 him.

4 A. No usually when somebody open the door if somebody
5 is at the back door I know Tamika well, if M.W. is up
6 he would open the door. And sometimes we really don't
7 sleep hard.

8 Q. So from the time you went to sleep until the time
9 you get up and you were the one that found Baby in the
10 bassinette, correct?

11 A. Correct. It was like she waked me up so it was like
12 she could have checked on the baby herself because Tamika
13 woke me up out of my sleep. She come to me and she told
14 me to cut the AC on and check on the baby.

15 Q. And you were asleep in the room right next to her,
16 correct?

17 A. We were all in the room together.

18 Q. Okay. And you didn't hear anything?

19 A. No.

20 Q. You didn't see anything?

21 A. [Nods negatively]

22 THE COURT REPORTER: Is that no?

23 A. No, ma'am.

24 MR. LONGSHORE: Beg the Court's indulgence.

25 [Whereupon, Mr. Longshore views documents]

1 Q. [Mr. Longshore] Did you ever see the bassinette tip
2 over?

3 A. No, sir.

4 Q. Do you recall giving an interview with Investigator
5 Glenn on the 26th, the evening that Baby passed?

6 A. [Nods affirmatively]

7 THE COURT REPORTER: Was that yes?

8 A. Yes, ma'am.

9 Q. [Mr. Longshore] Do you recall him asking you if the
10 bassinette had ever fallen over and you said you didn't
11 know.

12 A. I don't know. All I know was I woke up this morning
13 and the bassinette was still straight. The baby was on
14 his stomach straight up and down.

15 And so it was like if something happened like the
16 bassinette could slide or tumble over but it was
17 standing, the bassinette was standing in the same spot.

18 MR. LONGSHORE: Your Honor, may I approach the
19 witness.

20 THE COURT: You may.

21 MS. HERRING-LASH: Which page?

22 MR. LONGSHORE: I apologize. This is page 10 at
23 the bottom.

24 [Whereupon, the witness is shown document]

25 Q. [Mr. Longshore] Can you read starting at line 19

1 through line 25; just the highlighted part right there
2 [indicates]. The detective asking the questions and you
3 answering the questions.

4 A. [Reading] Has he ever --

5 Q. Can you speak up just a hair?

6 A. [Reading] Had he ever, has he ever or had anybody
7 has the bassinette ever fallen over in accident? Even if
8 he is just running around and hitting things or pushing
9 them. Really I don't know.

10 I just know my son -- my baby boy in the bassinette,
11 the stand, I saw the stand on the floor between my wife
12 and the bassinette and I don't know what happened.

13 Q. So you're talking about the stand. What's the stand
14 in that question? Is that the TV stand?

15 A. The bassinette, the stand behind the bassinette.
16 And I don't really know what's going on.

17 Q. Okay.

18 A. I don't know. I really don't know. Explain to me
19 what happened because I don't know nothing.

20 MR. LONGSHORE: Thank you, Your Honor. No further
21 questions.

22 THE COURT: Redirect?
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25

1 REDIRECT EXAMINATION

2 BY MS. HERRING LASH:

3 Q. Marcus, I'm going to let you look at State's exhibit
4 46.

5 [Whereupon, State's exhibit number 46 is published
6 to the jury]

7 Q. When you say stand what are you talking about?

8 A. Probably this TV stand.

9 Q. The TV stand is there behind it?

10 A. Yeah.

11 Q. And how was the TV stand?

12 A. It was standing.

13 Q. And how was the bassinette?

14 A. It was in its spot. Everything was in its spot. I
15 see, I see the baby and the baby is facing down and the
16 bassinette is this [indicates] area.

17 If M.W. had the baby it probably, the bassinette
18 would slide over or tip. They were facing like this
19 [indicates] up and down and the baby on his stomach.

20 Q. You said if M.W. had it, it would tip over or
21 what do you think.

22 A. I think. Like I said I told them I don't know
23 what's going on because I'm basically sleeping and I
24 can't blame nobody in the house. I know I did before, I
25 know I did after they go to sleep so anything between

1 during the time I was sleeping it's on them. But me, I
2 don't know nothing going on. I wish, I wish, I wish I
3 knew what happened. Maybe sometime, sometime I think to
4 myself every day.

5 Q. Why?

6 A. I was asleep.

7 Q. Those are all the questions I have Marcus.

8 THE COURT: Recross?

9 MR. LONGSHORE: Just briefly, Your Honor.

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RECROSS EXAMINATION

BY MR. LONGSHORE:

Q. Marcus, when you gave your statement to the investigator the day of the 26th that was at the police station, correct?

A. Yes, sir.

Q. And there were three people in that house when Baby passed, correct?

A. Yes, sir.

Q. And you were well aware that you easily could have been charged?

A. Yeah.

MR. LONGSHORE: No further questions.

MS. HERRING LASH: No questions.

THE COURT: Okay. You can step down.

[Whereupon, the witness is excused and exits the witness stand]

1 THE COURT: All right folks, let's take about a 10-
2 15 minute break so you can go back and use the restroom
3 and stretch your legs. I will again remind you to not
4 talk about the case or witness demeanor or anything like
5 that. Just use the restroom, stretch, relax and we'll
6 have you back in about 15 minutes, okay.

7 [Whereupon, the jury exits at 10:40 a.m.]

8 THE COURT: Okay. Who are you going to have next?

9 MR. URICCHIO: Your Honor, next we're going to call
10 Elijah Williams, the grandfather. There is a witness
11 that we have to get done today. His name is Scott
12 Radabaugh. He is now with Pennsylvania State Police and
13 his wife is having surgery tomorrow morning and he has to
14 catch a flight so we've got to get him out today.

15 THE COURT: When are you planning on calling him?

16 MR. URICCHIO: He will be called in the next three
17 witnesses. We should be able to get all three of them
18 done.

19 THE COURT: Okay. See you in a few minutes.

20 [Whereupon, Court is in recess from 10:40 a.m. until
21 10:55 a.m.]

22 THE COURT: Do you have your witness ready?

23 MS. HERRING LASH: Yes, Your Honor. He's in the
24 courtroom now.

25 THE COURT: Everybody is here.

1 [Off the record momentarily]

2 THE COURT: Are they ready?

3 THE BAILIFF: Yes, sir.

4 THE COURT: Bring them in.

5 [Whereupon, the jury enters at 11 a.m.]

6 THE COURT: All right. We'll resume now with the
7 State calling the next witness.

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1 MR. URICCHIO: Thank you, Your Honor. The State
2 calls Elijah Williams.

3 [Whereupon, Mr. Williams comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 for the record and spell your last name.

8 THE WITNESS: My name is Elijah Williams, W-I-L-L-
9 I-A-M-S.

10 - - - - -

11 ELIJAH WILLIAMS,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. URICCHIO:

16 Q. Good morning, Mr. Williams. Thank you for being
17 here. Let's introduce you to the jury. Where did you
18 grow up?

19 A. Pardon me?

20 Q. Where did you grow up, sir?

21 A. I grew up in a small town in Williamsburg County,
22 South Carolina; Salters, South Carolina.

23 Q. Where did you go to high school?

24 A. I went to three different high schools. I attended
25 Blakeley High School, Tomlinson High School in Kingstree,

1 and I graduated from C.E. Murray High School in
2 Greeleyville, South Carolina.

3 Q. And what do you do for a living now Mr. Williams?

4 A. I'm a supervisor, asphalt supervisor for the City of
5 Charleston.

6 Q. And how long you doing that for?

7 A. Well, I was there -- actually I was in asphalt for
8 about nine years but I've been with Charleston for about
9 three years now.

10 Q. So you're the man fixing our potholes then.

11 A. Yes, I am.

12 Q. We appreciate that. We got enough in here don't we?
13 Where do you live now?

14 A. I live in McClellanville, South Carolina.

15 Q. Okay. And are you a part of any organizations?

16 A. Well, I am the Associate Pastor in my home church,
17 Marion Missionary Baptist Church -- Associate; I'm not
18 the Pastor.

19 THE COURT REPORTER: What's the name of the church
20 again, sir?

21 A. Marion, M-A-R-I-O-N. Marion Missionary Baptist
22 Church.

23 Q. [Mr. Uricchio] And do you have any children?

24 A. Yes, I do. I have four children.

25 Q. And is Marcus your son?

1 A. Yes, he is.
2 Q. Okay. Do you have any grandchildren?
3 A. Yes, I have three grandchildren.
4 Q. And what are their names?
5 A. My oldest grandchild is named Sage, then I have a
6 grand named M.W. and Zoe.
7 Q. And Baby until he passed away, right?
8 A. Baby passed away. Yes, he would have been my
9 grandson as well.
10 Q. And do you know Tamika Williams?
11 A. Yes, I do.
12 Q. And is Tamika in the courtroom today?
13 A. Yes, she is.
14 Q. And what is Tamika wearing?
15 A. What is she?
16 Q. What is she wearing? What color shirt is she
17 wearing?
18 A. She is wearing a red and black sweater I believe.
19 Q. Perfect.
20 MR. URICCHIO: Let the record show that he has
21 identified the defendant.
22 Q. [Mr. Uricchio] Did you get to spend a lot of time
23 with Marcus and Tamika when they were married?
24 A. Not a whole lot, no I didn't.
25 Q. And why was that?

1 A. Well, whenever I would go there I would feel strange
2 because we didn't; Tamika and I didn't particularly get
3 along --

4 THE COURT REPORTER: I'm sorry, you didn't get
5 along and what's the last thing you said?

6 A. We didn't get along. I wouldn't say we didn't get
7 along it's just that Tamika was difficult as far I am
8 concerned for me to deal with it because I couldn't see
9 her, I couldn't see, I couldn't take my grandson with me.

10 I didn't want to cause trouble for Marcus because
11 whenever I would go there I talked with him. Whenever I
12 would talk with my son she would disapprove everything
13 that, she would not allow me to speak to him freely and
14 things like that.

15 Q. I got you. You say you wanted to spend time with
16 your grandson you're talking about M.W. right?

17 A. M.W. yes.

18 Q. Okay. And how often did you get to see M.W.

19 A. How often?

20 Q. Yes.

21 A. Not very often. I would see M.W. if I go by the
22 apartment sometimes when I go by the apartment the only
23 time I would see him is if he would bring him out to me
24 you know to the door or whatever. I couldn't take him
25 with me. Other than that I had a brother who lived in

1 the same apartment complex so I would go over to my
2 brother's house and usually when I would spend real
3 quality time with M.W. it would be when I would go
4 over there and wait on my son Marcus to bring him over to
5 me.

6 Q. So you would go to your brother's house and Marcus
7 would bring M.W. over at that time?

8 A. Yes, yes.

9 Q. Okay. And so when Marcus and Tamika were together
10 did Marcus have a job?

11 A. Yes.

12 Q. And did Tamika work?

13 A. No, she didn't work. For the vast majority of the
14 time she didn't work. I know that.

15 Q. Okay. Do you ever recall her having a job?

16 A. Pardon me?

17 Q. Do you ever recall her working?

18 A. I remember when Marcus and Tamika first got married
19 she worked for a brief period of time and I think it was
20 at Burger King or McDonalds I believe.

21 Q. So fast food?

22 A. Yes.

23 Q. And why did she no longer work at the fast food
24 place if you know?

25 MR. LONGSHORE: Objection, Your Honor.

1 THE COURT: What's the objection?

2 MR. LONGSHORE: Hearsay.

3 THE COURT: Sustained.

4 Q. [Mr. Uricchio] Were you able to meet Baby before
5 he passed?

6 A. Yes, I met him for about maybe five minutes or less.

7 Q. And when was that?

8 A. It was the night that he was -- the night before he
9 died. I did go there and I saw him. My son invited me
10 in the house to see the baby so I did walk in. She had
11 the baby in her arms and I spoke to Baby

12 And when I spoke to him he opened his eyes I
13 remember because she was surprised that the baby actually
14 opened his eyes and looked at me.

15 But that was the only time. I stayed there for
16 about five minutes and did some baby talk with him as all
17 grandparents does, do and I left.

18 Q. So that was the night that they came home from the
19 hospital?

20 A. Yes. Yes, it was the night they came home from the
21 hospital.

22 Q. Let's sort of talk about that. What was going on
23 that day when Tamika was coming home?

24 A. I want you to understand this was four years ago and
25 I'll tell you exactly what I remember according to what I

1 can remember.

2 Q. That's all we're asking.

3 A. That day I was working on Marcus' car, van. It was
4 that day and -- which day are you talking about now?

5 Q. Okay. Let me rephrase it. Was Marcus' van broke?

6 A. Yes.

7 Q. Okay. When did Marcus' van break?

8 A. Well it broke a couple of times. The first time it
9 was a few days earlier, a couple of days or so earlier if
10 I recall correctly. And it was on Spruill Avenue. It
11 stopped on him on Spruill Avenue. And I went there to
12 help him.

13 He called me and asked if I would fix his van. And
14 I knew that he needed transportation because either
15 Tamika had just had the baby or she was late in her
16 expected date. I know she was in the hospital for a
17 period of time.

18 I can't tell you exactly but I do know that I went
19 and fixed the car. And when I did I told Marcus that I
20 was patching the car up enough for him to get the car
21 home. But I told him don't drive the car. I remember
22 that.

23 And I did take the car home. I can't remember, I
24 think my wife came and she drove one car as I drove the
25 other if I recall correctly. But I took his car back to

1 him and that's when I told him he couldn't drive the car.
2 Now the next day he called me and he told me his car
3 stopped on him again. And this time it was on Meeting
4 Street.

5 Q. And who did he have with him?

6 A. He told me that he had the baby and Tamika. And I
7 remember I scolded him because I told him I told you not
8 to drive the car. He told me he just wanted to bring his
9 son home.

10 Q. I got you. So did you meet Marcus that day or did
11 you go look at the car that day?

12 A. I did look at the car that day. I looked at the
13 car. And I want you all to understand we're talking four
14 years ago and you're talking about a man that had I had
15 like a light stroke between now and then.

16 So I can't remember everything detailed but I do
17 remember what I'm telling you. This I can remember. I
18 told Marcus I scolded -- mind if I just tell you in my
19 own words?

20 Q. Yes. Just remember you can't say what somebody told
21 you.

22 A. Okay. I'll tell you what I told him.

23 Q. Okay.

24 A. I told Marcus after I told Marcus not to bring the
25 car home. I remember I got on him because he had. But

1 he told me he wanted -- well I won't tell you that
2 anyway. I told him not to bring the car home, okay.

3 But he brought the car -- he went to the hospital
4 and got his baby, got his family and he started back and
5 the car stopped on him on Meeting Street.

6 He called me. By this time I was home. I was in
7 McClellanville and McClellanville is about almost an
8 hour's drive away.

9 So I told him I would be there and I will fix his
10 car, help him get his car back, you know after I scolded
11 him about trying to drive the car.

12 And so later on I did come but by the time I got to
13 Charleston it was dark and I couldn't see. I had my
14 tools with me.

15 Q. So you were looking at the van?

16 A. Yes. I had my tools and I came, when I got back I
17 had my tools with me. And when I got to the van it was
18 dark and I remember there were mosquitoes and all kind of
19 things. This was on the side of a wooded area.

20 And so I decided well, I'll just work on it
21 tomorrow. So I left the car and I went to his apartment
22 and I told him I couldn't work on the car because I can't
23 see.

24 Q. And is that when you saw Baby that night?

25 A. And that's when I saw Baby And I told him I

1 can't work on the car tonight because I cannot see. And
2 besides the mosquitoes were out there and I was tired; I
3 had already worked all day.

4 I said but I will come back tomorrow. And we was
5 supposed to go to the junkyard and get a part for the
6 car. But Marcus is not mechanically inclined just to say
7 the least.

8 But I would be the one taking the part off the car
9 and I would have been the one to put the new part on the
10 car. But I was going to let him come along with me. I
11 told him I will be back when I get off work tomorrow.

12 I was working for the State then. I was working for
13 the Department of Transportation doing the same thing but
14 I was working with a different company, a different
15 place.

16 So, I told him that -- the next day when I got off
17 when I got off work I went by his house after I went by
18 his house I knocked on the door.

19 Q. So did you mean that night when the car was broken
20 you said you'd come back, correct?

21 A. Yes.

22 Q. And you were going to come back the following day?

23 A. I was coming back the next day, yes.

24 Q. Okay. And what were you doing the following day
25 before you went to fix the truck?

1 A. I was working.

2 Q. You were working doing paving. So you made plans
3 with Marcus to return after work and fix the van.

4 A. Yes.

5 Q. Okay. And did you, after you left that night and
6 before you were back to fix the van did you communicate
7 with Marcus again?

8 A. Yes, actually I did. I texted Marcus. I didn't
9 talk with him verbally but I did text him. And I
10 explained some things to him. Want me to tell you what I
11 told him?

12 Q. You don't have to tell us exactly what you told ---

13 A. --- I explained some things to him because he was
14 because Marcus has always been doing more than he should
15 have done in my opinion.

16 And I told him that he cannot take care of two
17 babies and work and come home and sit up all night long
18 and then get up and go back to work tomorrow.

19 I said you did it for four years and you cannot, in
20 my text I mean it's not verbatim but this is what I was
21 telling him, it was impossible for you to take care of
22 two babies.

23 It's impossible for you to work all day, come home
24 and take care of two babies and go back to work the next
25 day. I think I told him a little bit more than that but

1 that's the gist of what I told him.

2 Q. So you were just giving some fatherly advice?

3 A. Yes.

4 Q. And sometimes fathers got to tell it how it is,
5 right?

6 A. Yes.

7 Q. So the following day did you go back to Marcus'
8 apartment?

9 A. Yes.

10 Q. And what time do you think that was?

11 A. You talking about when I ---

12 Q. --- when you went back the second day.

13 A. When I went back the second day was when I went back
14 and I actually told him that I was going -- I knocked on
15 the door. I went back to fix the car. It was about I
16 don't know; it was after I got off work.

17 I worked until 3:30, got off at 3:30 and it was
18 shortly after I got off work, immediately almost after I
19 got off work I went to his house to get him. I said you
20 and I are supposed to go, let him know that he and I was
21 supposed to go to the junk yard and pull a part off of a
22 car.

23 So I went there and I knocked on the door. And when
24 I knocked on the door no one came. And I thought I
25 realized that Marcus was probably tired because he had a

1 young baby and probably Tamika was too. So I said to
2 myself there is no need for me to hang around here
3 because he's not going to have to go in the car anyway.
4 So I might as well just go ahead and get the part. So I
5 left.

6 Q. So when you knocked at the door when you came no one
7 answered?

8 A. Nobody answered, no.

9 Q. And how hard did you knock on the door?

10 A. Not very hard. I just knocked on the door lightly.
11 I knocked on the door but I really was hesitant about
12 knocking on the door because I knew that they had a
13 newborn baby.

14 You know they had just gotten the baby so I didn't
15 want to wake them up or wake the baby especially I didn't
16 want to wake Marcus up because I know he had to go to
17 work.

18 Q. Because you know what happens when you wake up a
19 newborn at somebody's house?

20 A. Right.

21 Q. Because you have three kids of your own and grands,
22 right?

23 A. Right.

24 Q. And you know the rule?

25 A. Yes.

1 Q. You don't want to wake up a sleeping baby, right?

2 A. Right.

3 Q. So you knocked gently?

4 A. Yes, I did.

5 Q. So when no one came to the door what did you do
6 next?

7 A. I just turned around and got back in my car and I
8 said well, I'll be the one to pull the parts. In my mind
9 this is what I'm thinking, I'm going to have to pull the
10 part and I'm going to have to put the part on so I might
11 as well let them rest and go ahead and do what I got to
12 get done so I can go about my business.

13 And so I left. The junkyard was maybe ten minutes
14 away from his house. And I drove to the junkyard. When
15 I got there I pulled on the side of a wooded area, used
16 to be on the side of the parking lot.

17 But the mosquitoes there started eating me there too
18 so I says well -- then I realized when I got there I
19 realized I didn't have my tools because the night before
20 I drove my truck -- drove my car but this time I was
21 driving my truck.

22 So that's when I realized I didn't have my tools so
23 I just pulled over in this little area and said I'll just
24 wait here and I'll go back later and tell Marcus. So
25 when I pulled over there I was there maybe a minute.

1 Q. So you went to the junkyard, right?

2 A. Yes.

3 Q. And then what you're basically saying is you left
4 your tools in a different car.

5 A. Yes.

6 Q. And when you got to the junkyard why did you need
7 your tools there?

8 A. Why did I need?

9 Q. Uh Huh?

10 A. I needed the tools in order to be able to pull the
11 part off the car.

12 Q. So you needed the tools to pull the part off the car
13 you were salvaging out the junkyard?

14 A. Exactly.

15 Q. And you didn't have your tools?

16 A. No, I didn't.

17 Q. So you couldn't pull the part off?

18 A. I couldn't.

19 Q. Okay. So what did you do next?

20 A. That's when I pulled to the side and I sat there for
21 a minute. I wasn't there a minute, I doubt a minute
22 because I didn't have in my old truck I didn't air
23 conditioning.

24 So the mosquitoes were biting me. I had the window
25 -- the reason I pulled under the tree was because it was

1 hot. So I pulled under the tree and the mosquitoes
2 started biting.

3 Q. And this is June in Charleston, right?

4 A. Yes.

5 Q. And you're from McClellanville.

6 A. Yes.

7 Q. Is it hot in June?

8 A. Yes, it is.

9 Q. How do you live without AC in your truck?

10 A. It's impossible.

11 Q. I bet. So after you pulled over where did you go
12 after you left the junkyard?

13 A. I went directly back to his house on Blackwell
14 Street.

15 Q. Okay. And what did you see when you arrived at his
16 house?

17 A. When I got there I saw emergency vehicles. I could
18 hear my son screaming and crying so I jumped out my truck
19 and I ran to the apartment.

20 Q. Would they let you in the apartment?

21 A. Not immediately because Baby was still in the
22 house. So the officer told me I had to wait a minute.
23 So I stood out there and waited until they brought the
24 baby out. And when they did you know it's an image that
25 I can still see in my mind because it was a full length

1 stretcher with a three year old [sic] on it. They had
2 this apparatus on his nose. It was painful but I do
3 remember that.

4 And then they allowed me to go in the house. And
5 when I went in the house that's when I saw Marcus. I saw
6 him but I could hear him all along.

7 Q. Where was Marcus in the house?

8 A. Marcus was in the back. They had a little mat on
9 the floor.

10 Q. So he was in the bedroom?

11 A. Yes, he was.

12 Q. And what was Marcus' -- you can't say what Marcus
13 said to you or anything but what was Marcus' demeanor?

14 A. Marcus was completely -- all he was doing was crying
15 and screaming. He was crying -- it sounded like he was
16 crying all over the house the way it sounded. And I was
17 doing all that I could to try and -- in fact my grandson,
18 M.W. was there as well.

19 But he was going through something, some emotional
20 thing because as I walked by him I saw him as well. The
21 only thing he wasn't crying. And I actually walked by
22 him to go to Marcus to see if I could do anything to help
23 him. It was just one of those situations.

24 Q. So Marcus was there, M.W. was there. Was the
25 defendant there, Tamika?

1 A. Yes, she was.

2 Q. Did you speak with Tamika while you were there?

3 A. I don't recall speaking to her but I did -- I saw
4 here.

5 Q. And what was Tamika's demeanor?

6 A. Tamika was just sitting there. She was calm. But
7 she was just sitting there --

8 THE COURT REPORTER: I'm sorry, she what?

9 A. Just sitting.

10 Q. [Mr. Uricchio] So, after that did you leave?

11 A. I didn't, I know I didn't leave immediately. I
12 tried to console Marcus because he was still crying. I
13 didn't leave immediately.

14 Again, I do know that Marcus and Tamika was taken
15 away. But to give you all the details after that point I
16 cannot give you every detail. But I know that.

17 Q. And that day stuck out to you because that was a
18 pretty big experience for you I would imagine.

19 A. Yes.

20 Q. All right. So with M.W. where is M.W. now?

21 A. Where is he? M.W. is with me.

22 Q. He's with you? And is M.W. sort of the boss of
23 the house now? Or sharing the boss of the house? If you
24 need a minute you can grab a tissue and just take your
25 time.

1 A. Both.

2 Q. And is M.W. doing good in school now?

3 A. Yes, he is.

4 Q. And does he play basketball?

5 A. Yes, he's playing it.

6 Q. And who had M.W. before you in between Marcus
7 and Tamika and you?

8 A. Prior to me having M.W. my daughter had
9 M.W.

10 Q. And then she -- and now he's living with you,
11 correct?

12 A. Pardon me?

13 Q. Now he's living with you?

14 A. Yes.

15 Q. Does M.W. remember his Momma, his mother?

16 A. No.

17 Q. And why doesn't Marcus have M.W.

18 A. Well, Marcus is not financially situated where he
19 can take care of M.W. I decided I was going to give
20 him a break and M.W. a break too.

21 I can do a better job right now than he can because
22 to raise a child by yourself is not an easy thing to do,
23 especially one who has problems that needs to be
24 addressed. Marcus don't have it right now where he's
25 able to do that. Financially he's not equipped to be

1 able to do that.

2 Q. But M.W. is excelling now, right?

3 A. Yes, he is.

4 MR. URICCHIO: Beg the Court's indulgence.

5 [Whereupon, Ms. Herring Lash and Mr. Uricchio
6 confer]

7 Q. [Mr. Uricchio] I don't have any further questions.
8 Just answer any questions Mr. Longshore has for you,
9 okay.

10 THE COURT: Cross?

11 MR. LONGSHORE: No questions, Your Honor.

12 THE COURT: You may step down. Thank you.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

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1 THE COURT: Next witness?

2 MR. URICCHIO: The State calls Trooper Scott
3 Radabaugh.

4 [Whereupon, Trooper Radabaugh comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 THE CLERK OF COURT: Please state your full name
8 for the record and spell your last name.

9 THE WITNESS: My name is Scott Radabaugh, its R-A-
10 D-A-B-A-U-G-H.

11 - - - - -

12 SCOTT RADABAUGH,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. URICCHIO:

17 Q. Thank you for being here Mr. Radabaugh. Where did
18 you grow up?

19 A. I grew up here in Charleston, born and raised.

20 Q. And where did you go to high school?

21 A. I went to James Island Charter High School and
22 graduated in 2006.

23 Q. And how long have we known each other?

24 A. Since kindergarten.

25 Q. Where did you go to college?

1 A. So I went to Charleston Southern University.
2 Q. And what did you major in in Charleston Southern?
3 A. I majored in Business Administration.
4 Q. And where are you currently employed now?
5 A. Currently I'm employed with the Pennsylvania State
6 Police.
7 Q. And what's your position up there?
8 A. I am a criminal investigator up there.
9 Q. Is that your first job in law enforcement?
10 A. No, it is not.
11 Q. Okay. When did you start in law enforcement?
12 A. I started in law enforcement in 2011 with the North
13 Charleston Police Department.
14 Q. And how long were you at North Charleston for?
15 A. I was at North Charleston from May 2, 2011 up until
16 the end of I believe July of 2018.
17 Q. And why did you leave the NCPD?
18 A. I left NCPD taking a job with Pennsylvania State
19 Police.
20 Q. And that's where you are currently employed?
21 A. That's correct, yes.
22 Q. Okay. And when you were with NCPD did you receive
23 any training?
24 A. I did. I attended the South Carolina Criminal
25 Justice Academy there in Columbia as well as each year we

1 had annual in-service trainings to keep certifications.

2 I also had tactical training with the SWAT team there.

3 Q. And what were your positions at NCPD?

4 A. I was a patrolman first class, so I was a patrol
5 officer and I was also a team leader on the SWAT team
6 there.

7 Q. You're a SWAT team guy?

8 A. Yes. Yes, I am.

9 Q. And what were some of your duties as a patrol
10 officer?

11 A. So as a patrol officer you are essentially the first
12 responder. If someone were to call 911 and request
13 police assistance the first officer that they are going
14 to send is a patrol officer.

15 So they are going to be the first responding to the
16 call. They are generally in charge of taking the initial
17 report and then also when we're not on calls we handle
18 proactivity whether it be traffic enforcement and things
19 of that nature.

20 Q. And what was your jurisdiction up there? Was it
21 just North Charleston?

22 A. That's correct. Our jurisdiction was in the city
23 limits of North Charleston.

24 Q. And did you become familiar with Remount Road?

25 A. Yes, sir.

1 Q. Okay. I'm going to show you State's exhibit 65.
2 [Whereupon, the photograph is published]
3 Q. And what does that area show?
4 A. This [indicates] would be the Charleston Farms
5 Remount Road area.
6 Q. Okay. And this is State's exhibit 66.
7 [Whereupon, the photograph is published]
8 Q. How far is 1441 Remount Road to the Doscher's?
9 A. So Doscher's is the grocery store there that is
10 about .6 miles.
11 Q. .6 miles?
12 A. That's correct.
13 Q. Okay. I'm going to show you State's exhibit 67.
14 [Whereupon, the photograph is published]
15 Q. And how far is it to the Family Dollar from 1441
16 Remount Road?
17 A. I believe it is .3 miles; just under a half mile.
18 Q. Okay. This is State's exhibit 68.
19 [Whereupon, the photograph is published]
20 Q. How far is it from 1441 Remount Road to the Dollar
21 Tree?
22 A. About the same I believe; .3 or .4 miles maybe.
23 Q. Okay. Let's turn to June 26th, 2018. Were you on
24 duty?
25 A. I was, yes sir.

1 Q. And were you on duty as a patrol officer for NCPD?
2 A. Yes, I was.
3 Q. And NCPD is short for?
4 A. North Charleston Police Department.
5 Q. Okay. Were you patrolling by yourself or did you
6 have a partner with you in your vehicle?
7 A. I would have been by myself at that time.
8 Q. Okay. Did you respond to a call on Remount Road?
9 A. Yes sir, I did.
10 Q. And do you remember the address?
11 A. It was 1441 Remount Road, Apartment 9.
12 Q. And is that in Charleston County?
13 A. Yes, it is within the county. And can you point on
14 there; you can circle it, where that apartment would be?
15 [Whereupon, the photograph is published]
16 A. Sure. It's going to be where this red dot is right
17 here [indicates]. This is the apartment complex.
18 Q. Got you.
19 A. There [indicates] off of Remount Road.
20 Q. Do you remember what kind of call it came out as?
21 A. It came out as a medical call in reference to an
22 unresponsive infant.
23 Q. And how do you get calls or calls for service?
24 A. We would have received that through our dispatchers
25 through radio communication.

1 Q. Okay. And so when you arrived were you the first
2 responder on the scene?

3 A. I was the first police officer but I was not the
4 first responder. When I had gotten there EMS personnel
5 had already arrived on scene.

6 Q. And what did the scene look like when you arrived?

7 A. Immediately upon entering into the residence to the
8 right there was a bassinette and then there was the baby
9 on the floor laying on his back. EMS was working on the
10 infant there.

11 To my -- also within the living room to my left was
12 what I learned to be Mom and another juvenile, a three
13 year old at the time, and then the father was kind of in
14 the back bedroom at that point.

15 Q. Okay. What did you do when you first arrived?

16 A. Immediately on arriving on those scenes the first
17 thing you do is priority of life. So I asked EMS if
18 there was anything that I can do whether I need to get
19 something out of their bag.

20 As more people -- they were able to kind of maintain
21 working on the infant so at that point I then began fact
22 finding, getting information, getting the individuals
23 involved with the residence getting their name and
24 information.

25 Q. And what were their names?

1 A. So there was Tamika Williams, which would be mom.
2 There is Marcus Williams who was father, and then there
3 is M.W. Williams who is at the time three year old
4 juvenile. And I believe the baby's name was Baby. .

5 Q. Okay. And what was the demeanor of Tamika and
6 Marcus?

7 A. So when I spoke with Tamika she lacked any affect.
8 Little to no emotion at all; very matter of fact. And
9 when I spoke with Marcus in the back bedroom he was much
10 more visibly distraught crying uncontrollable at times.

11 Q. And when you were at NCPD did y'all wear body
12 cameras?

13 A. We did. Yes, sir.

14 Q. What is a body camera?

15 A. A body worn camera is essentially a camera that at
16 the time we would have affixed to kind of our chest area.
17 And upon activation it will record essentially what is in
18 front of us, whatever way our body would turn it would
19 follow. So it's a camera recording our interactions
20 during police interaction.

21 Q. Did it record video and sound?

22 A. It did; audio and video.

23 Q. And were you wearing a body camera on this day?

24 A. I was, yes.

25 Q. And was it active?

1 A. It was.

2 Q. Okay. If you spoke to Tamika do you think it would
3 have been captured on body camera?

4 A. It would have been, yes.

5 MR. URICCHIO: Your Honor, may I approach the
6 witness?

7 THE COURT: Yes.

8 Q. [Mr. Uricchio] I'm showing you what has been marked
9 as State's exhibit 62.

10 [Whereupon, the witness is shown exhibit]

11 A. Yes.

12 Q. Do you recognize that?

13 A. I do, yes.

14 Q. And what is that?

15 A. This would be the C.D. that would contain my body
16 worn camera from that incident.

17 Q. And how do you know that's the C.D.?

18 A. I initialed it with my initials SWR prior to today.

19 Q. Okay, perfect.

20 MR. URICCHIO: Your Honor, the State would admit
21 State's exhibit 62 at this time.

22 MR. LONGSHORE: Without objection, Your Honor.

23 THE COURT: Without objection it's in.

24 [Whereupon, State's exhibit number 62 is entered
25 into evidence by the Court]

1 MR. URICCHIO: Your Honor, the State would publish
2 it to the jury if that's okay.

3 THE COURT: You could. You may want to explain to
4 them I think you have some parts that are cropped.

5 MR. URICCHIO: Yes.

6 Q. [Mr. Uricchio] So is this your full body camera?

7 A. No. I believe what you are going to see is a bit of
8 a redacted version of the body camera. It would be the
9 same video however some things may be blurred out just
10 for the interest of not showing some details.

11 Q. Understood. Thank you.

12 [Whereupon, the video clip plays]

13 Q. Go ahead and pause it.

14 [Whereupon, the video clip pauses]

15 Q. What's going on behind that box?

16 A. For reference so you can understand up to the right
17 side would be the bassinette and just to the left of that
18 bassinette is going to be an EMS personnel working on the
19 infant. There is blood on the ground as well as on the
20 bassinette there. He is performing CPR to the infant.

21 Q. Thank you. Go ahead.

22 [Whereupon, the video clip resumes]

23 [Whereupon, the video clip pauses]

24 Q. Who's that guy right there next to the defendant?

25 A. The officer there?

1 Q. Yes?

2 A. That is Officer Cedric Chevalier.

3 Q. And was he a patrol officer with NCPD too?

4 A. He was. He was assigned --

5 THE COURT REPORTER: He was what?

6 A. He was assigned to my patrol team.

7 [Whereupon, the video clip resumes]

8 [Whereupon, the video clip pauses]

9 Q. When the video first started what was being moved?

10 A. So that would have been the bassinette that was

11 moved. The position of the bassinette we had to move in

12 order to assist in life saving effort there.

13 Q. And were those employees of -- do you know who those

14 were ---

15 A. --- they would have been either EMS or North

16 Charleston Fire Department, with Charleston County EMS or

17 North Charleston Fire Department.

18 Q. Okay. And who are you speaking with?

19 A. So the female there is the mother, Tamika Williams.

20 [Whereupon, the video clip resumes]

21 [Whereupon, the video clip pauses]

22 Q. So that's sort of hard to hear, right?

23 A. Correct, yeah.

24 Q. Can you sort of summarize what the defendant said?

25 A. Sure. So she had originally said that they were

1 sitting in the living room and then her and Marcus went
2 to the back bedroom to take a nap leaving M.W. and
3 the baby in the living room together because she believes
4 -- it was her belief that M.W. possibly had lifted
5 the baby out of the bassinette dropped the baby and then
6 placed the baby back in the bassinette.

7 Q. Okay. Thank you.

8 [Whereupon, the video clip resumes]

9 [Whereupon, the video clip pauses]

10 Q. Who are you talking to back there?

11 A. So that is Marcus. That is Dad. It's very dark. It
12 would have been dark for me as well but that is Marcus
13 Williams back there in the bedroom.

14 Q. Okay.

15 [Whereupon, the video clip resumes]

16 [Whereupon, the video clip pauses]

17 Q. So, what is she saying there?

18 A. So again she's going over what she believed
19 happened. She related, I think at this point she related
20 that she was sleeping in this chair right here
21 [indicates] and Marcus was sleeping in that chair
22 [indicates].

23 And then they got up to move to the back bedroom
24 leaving M.W. there with the baby alone. And she
25 again surmised that M.W. lifted the baby out of the

1 crib or out of the bassinette and dropped the baby and
2 then placed him back into that bassinette.

3 [Whereupon, the video clip resumes]

4 [Whereupon, the video clip ends]

5 Q. Okay. So you spoke with Tamika?

6 A. Yes.

7 Q. What else did you do on scene?

8 A. Due just to the nature of the scene I notified my
9 sergeant, Sergeant Scott Johnson at the time. I had
10 related the status of the baby to Sergeant Johnson who
11 was responding to the scene. As soon as he responded to
12 the scene then the decision was made to notify the
13 detectives.

14 At that point to maintain the integrity of the scene
15 I established a crime scene log in which it is just
16 responsible for documenting everybody that comes in and
17 out of the scene to maintain that scene integrity.

18 Q. And so who else responded after you notified your
19 sergeant?

20 A. So our sergeant would have responded. North
21 Charleston Police Department detectives responded and our
22 forensic services unit also responded as well.

23 Q. Did any non-first responder respond?

24 A. Yes. At some point Marcus' father Elijah responded
25 to the scene. We initially left him out but then

1 ultimately I let Elijah come into the scene just because
2 at that time Marcus was very distraught so I figured he
3 could use his father there during this terrible time.

4 Q. And while at the home did you know the extent of
5 Baby injuries?

6 A. No, I wouldn't have known the extent. I saw there
7 was visible blood on the ground and on the infant but as
8 far as injuries per se, no I would not have known.

9 Q. Okay.

10 MR. URICCHIO: Beg the Court's indulgence.

11 [Whereupon, Ms. Herring Lash and Mr. Uricchio
12 confer]

13 Q. [Mr. Uricchio] When you first arrived you said
14 Tamika and Marcus were present.

15 A. That's correct.

16 Q. And the infant was on the floor?

17 A. Yes.

18 Q. What was M.W. doing?

19 A. M.W. the juvenile was sleeping on that chair
20 that you see him seated in.

21 Q. Did you wake him or did somebody wake him up?

22 A. Somebody had to wake him up. He had to actually be
23 I guess startled to wake up.

24 You can hear in the very beginning of the video
25 saying hey buddy, hey buddy. I believe it was the EMS

1 personnel trying to wake M.W. up.

2 Q. Please answer any questions Mr. Longshore has for
3 you.

4 A. Absolutely.

5 THE COURT: Cross?

6 MR. LONGSHORE: May it please the Court, Your
7 Honor?

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1 CROSS-EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Good afternoon.

4 A. Almost.

5 Q. Close.

6 A. Yes, sir.

7 Q. How you doing?

8 A. I'm doing well, thank you.

9 Q. I appreciate you coming down from Pennsylvania

10 today.

11 A. Yes, sir.

12 Q. And I don't have a lot of questions for you. You

13 were one of the first officers to arrive on scene, you

14 and -- I'm going to call him Officer Chevy because ---

15 A. --- that's fine. That's what we refer to him as as

16 well, as Officer Chevy ---

17 Q. --- that's what I've been told.

18 A. That's correct.

19 Q. Y'all were the first two responders on scene.

20 A. Yes, sir. That's correct.

21 Q. Did y'all get there before EMS or EMS got there

22 first?

23 A. EMS arrived first, yes sir.

24 Q. And then shortly after y'all get there it was sort

25 of chaos; a lot of officers coming in and out.

1 A. Yes, sir.

2 Q. So it's fair to describe that scene as somewhat
3 chaotic. You've got officers going in and out and EMS is
4 there?

5 A. Correct, yes.

6 Q. So you testified that you had been an officer since
7 2011 is that right?

8 A. Yes, sir.

9 Q. Okay. So that's 11 years?

10 A. It will be 11; May 2nd will make 11 years for me.

11 Q. And at that time I guess around seven years
12 probably.

13 A. Yes, sir.

14 Q. And I assume during that time as a patrol officer
15 you've seen your fair amount of traffic accidents?

16 A. Yes, sir.

17 Q. Probably been to your fair amount of crime scenes?

18 A. Yes, sir.

19 Q. And been in traumatic situations?

20 A. Yes, sir.

21 Q. And it's fair to say that different people don't
22 always respond the same to a traumatic situation?

23 A. Yes, sir.

24 Q. Now in order to get to Baby as they were treating
25 him I believe you had mentioned that the bassinette had

1 to be moved?

2 A. That is correct, yes sir.

3 Q. And what's cut out of that video is that EMS is
4 essentially sort of standing where the blood was, is that
5 accurate?

6 A. Yes, I believe once the bassinette was moved they
7 would have been in that vicinity.

8 Q. And at some point a little bit later on I believe
9 you testified that M.W. was asleep initially.

10 A. Yes, sir.

11 Q. Okay. But somebody shook him awake and once he was
12 awake he began rocking back and forth.

13 A. Constantly, yes sir.

14 Q. Pretty violent; banging his head against the back of
15 the chair, is that correct?

16 A. Yes, sir.

17 Q. Did that strike you as at all odd?

18 A. I would say it's not usual behavior.

19 Q. And you also testified that Tamika had indicated
20 that she and Marcus had gone to the back bedroom, is that
21 correct?

22 A. That's correct.

23 Q. Actually what she says in the video is they went to
24 the back, she points to the back. Is that accurate? I
25 didn't recall them saying anything about going in the

1 bedroom; they just said they went to the back.

2 A. That could be correct. Directly behind that living
3 room would have been two bedrooms.

4 Q. And also directly behind the recliners would have
5 been the heating and air conditioning, do you recall
6 that?

7 A. I don't recall that. I remember the kitchen off to
8 the left.

9 MR. LONGSHORE: No further questions, Your Honor.
10 Thank you.

11 THE COURT: Redirect?

12 MR. URICCHIO: No redirect, Your Honor. The State
13 would request that he be excused if it is okay with Mr.
14 Longshore so he can get back to his family.

15 MR. LONGSHORE: Without objection.

16 THE COURT: You're free to go. Thank you.

17 THE WITNESS: Thank you, Your Honor.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 THE COURT: Next witness.

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1 MR. URICCHIO: The State calls Patrick Wells.

2 [Whereupon, Mr. Wells comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 THE CLERK OF COURT: Please state your full name
6 for the record and spell your last name.

7 THE WITNESS: Patrick Wells, W-E-L-L-S.

8 - - - - -

9 PATRICK WELLS,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. URICCHIO:

14 Q. Thank you for being here today Mr. Wells. Let's
15 introduce you a little bit. Where did you grow up?

16 A. I was born in Durham, North Carolina but I've lived
17 here most of my life in Charleston.

18 Q. And what do you do for a living?

19 A. I'm a paramedic.

20 Q. And who do you work for?

21 A. I work for Charleston County EMS.

22 Q. And how long you been with Charleston County?

23 A. I started in May 2007; almost 15 years.

24 Q. And what are the positions that you've held in
25 Charleston County EMS?

1 A. EMT basic, EMT intermediate, paramedic, crew member,
2 crew chief, senior crew chief, and division chief.

3 Q. So you've almost done it all.

4 A. I wouldn't say that.

5 Q. What certifications do you hold?

6 A. Well, I'm a paramedic and then advanced
7 certifications or other certifications are life basic
8 life support, advanced cardiac life support, pediatric
9 advanced life support, and then various like command
10 system courses and certifications.

11 Q. In June of 2018 what position did you hold?

12 A. I was a division chief as I am today.

13 Q. And what is a division chief?

14 A. A division chief is like a field supervisor. So
15 we're responsible for managing the schedule on a day to
16 day basis, we do field evaluations.

17 We respond to calls and work as a paramedic, we do
18 quality assurance of patient care reports, kind of field
19 issues from the ambulance crews, troubleshoot issues;
20 stuff like that.

21 Q. So it's sort of like a supervisory role?

22 A. Yes, it's kind of like middle management. I'm still
23 the field supervisor, not like an administrator in the
24 office but yes, field supervisor.

25 Q. And even though you're a division chief didn't you

1 also work like moonlight for Charleston County EMS doing
2 other jobs?

3 A. Yes. So I tend to work a lot of overtime so I may
4 work on an ambulance, some days I may work in the senior
5 crew chief role some days as well.

6 Q. And what is a senior crew chief?

7 A. A senior crew chief is another sort of a middle
8 position inbetween the crew chief, which is on an
9 ambulance generally speaking and the division chief which
10 is always on a quick response vehicle or a Tahoe.

11 At the time in 2018 a crew chief, excuse me a senior
12 crew chief was often times in a quick response vehicle as
13 well. And they would have some supervisory
14 responsibility but their main role was just being a
15 paramedic in a Tahoe responding to calls and providing a
16 little bit of leadership for the crews in the field.

17 Q. Okay. So what is a quick response vehicle for us
18 uninformed?

19 A. For EMS a Charleston County EMS a quick response
20 vehicle is a Chevrolet Tahoe. It's an SUV, you're by
21 yourself generally speaking. It's just you as a
22 paramedic. You're not in a transport vehicle an
23 ambulance or a non-transport vehicle.

24 Q. And why do we have those?

25 A. To provide first response generally. We go to -- I

1 could quote you the stats but a lot of the calls we go to
2 are non-transports, a fair amount of them I should say,
3 things like patient refusals; not everybody wants to go
4 to the hospital --

5 THE COURT REPORTER: I'm sorry, would you slow down
6 just a little bit.

7 A. So a lot of patients don't end up going to the
8 hospital. They may refuse transport. We may treat them
9 and then release them. We can help on a quick response
10 vehicle on those scenarios.

11 Q. [Mr. Uricchio] Got you. Because we only have so
12 many ambulances, right?

13 A. Exactly. And then we also first respond to calls.
14 In quick response vehicles we can get there a little bit
15 quicker in that smaller vehicle capacity.

16 Q. Got you. So on June 26th, 2018 were you working?

17 A. Yes.

18 Q. And what were you doing that day?

19 A. I was on what we call a Charlie unit. I was in a
20 quick response vehicle in the senior crew chief role.

21 Q. So you were being a first responder and not...

22 A. Correct. And I'm a first responder as well as
23 division chief but yes, I'm more in that role as a senior
24 crew chief.

25 Q. Okay. And did you respond to a call at 1441 Remount

1 Road?

2 A. Yes.

3 Q. And what county is that in?

4 A. It's in Charleston County.

5 Q. Do you remember the time you responded to that

6 address?

7 A. I believe it was a 16:13 but I can reference it on

8 my report.

9 [Whereupon, the witness reviews document]

10 A. Yes, I was dispatched and responded at 16:13, which

11 is 4:13 p.m.

12 Q. Okay. And what time did you arrive on scene?

13 A. At 16:14.

14 Q. And 16:14 is military time, right?

15 A. Correct.

16 Q. So the easiest is do you subtract 12 hours?

17 A. Yes.

18 Q. So 16:14 would be?

19 A. 4:14 p.m.

20 Q. Got you. Were any other first responders on scene

21 when you arrived?

22 A. No.

23 Q. What did you do when you arrived?

24 A. I remember first arriving I had to ask for an

25 apartment number. I believe it was dispatched without

1 the apartment number. I received the apartment number
2 from dispatch; I got my equipment and went to the front
3 door. I believe the front door was cracked and so I
4 entered, announced myself and entered the residence.

5 [Whereupon, State's exhibit 1 is published]

6 Q. Was this the front door you entered?

7 A. Yes.

8 Q. What did you do when you entered the front door?

9 A. I walked to the -- there was an adult female holding
10 the baby in a chair just kind of straight ahead and so I
11 walked to them.

12 [Whereupon, State's exhibit 2 is published]

13 Q. So is this looking in the front door?

14 A. Yes.

15 Q. Okay. Where was the female holding the baby?

16 A. In the brown covered glider chair.

17 Q. And you should be able to draw on that if you want.

18 [Whereupon, the witness indicates on photograph]

19 Q. It's right there?

20 A. Yes.

21 Q. Okay. Do you recall if anybody else was present
22 when you walked in?

23 A. Yes. So there was a child, I believe it is the
24 child in the blue on the left was sitting in that chair.

25 Q. Do you know if the child was awake or asleep?

1 A. That child was asleep.

2 Q. What observations did you have when you entered the
3 scene?

4 A. I saw the sleeping child. The mother was holding
5 the baby who appeared to be unresponsive. And there was
6 blood like on the floor and then there was a bassinette
7 near the chair that had blood in it as well. And the
8 child, the baby had blood on it.

9 Q. So what did you do once you entered? Did you speak
10 with the mother?

11 A. Yes. So I briefly asked the mother a couple of
12 questions and while I'm asking the mother questions I'm
13 also assessing the baby.

14 Q. Is the mother still holding the baby at this time?

15 A. Yes.

16 Q. Okay. What did you -- did you ask the mother to put
17 the baby on the floor?

18 A. Eventually after I assessed the child briefly.

19 Q. What did the mother say happened to the baby if she
20 did?

21 A. So the mother said that she thinks that the other
22 child in the room may have dropped the baby.

23 Q. Okay. Did you start assessing the baby?

24 A. I did.

25 Q. And what was your assessment?

1 A. So the baby was flaccid, limp, lifeless, not
2 breathing. No pulse. No signs of life. There was blood
3 as I said on the baby as well.

4 Q. Where was the blood on him?

5 A. Blood was -- there was a little bit on the forehead.
6 There was some dried blood around like the mouth or
7 facial area. Then there was a trail of blood on the I
8 think it was a onesie that he was wearing.

9 Q. Did he have any reversible signs of death?
10 Irreversible.

11 A. Irreversible signs, no he did not.

12 Q. And what are irreversible signs of death?

13 A. So something like rigor mortis, dependent lividity
14 and injuries incompatible -- are a few examples.

15 THE COURT REPORTER: What's the third one?

16 A. Irreversible -- I'm sorry, injuries incompatible
17 with life.

18 Q. [Mr. Uricchio] And what is rigor mortis?

19 A. Rigor Mortis is the stiffening of the joints that
20 occurs after death.

21 Q. Okay. And you said dependent lividity?

22 A. Dependent lividity.

23 Q. I'm sorry, I'm a Charleston boy; I don't know how
24 this works, what all that means. So can you explain that
25 in layman's terms?

1 A. So dependent lividity is basically in layman's terms
2 it's the pooling of the blood that happens after death.
3 When the heart is not circulating the blood pools at kind
4 of the lowest point with gravity.

5 Q. Okay. And did you say was the infant breathing?

6 A. Was the infant breathing is your question? The
7 infant was not breathing.

8 Q. And you said he had no pulse, correct?

9 A. Correct.

10 Q. So what other observations, if any, did you have?

11 A. I mentioned the blood on the forehead. There looked
12 like there was an abrasion or scrape on the forehead and
13 then I mentioned the blood kind of in the general area of
14 the house.

15 Q. When you touched him was his skin warm or cold?

16 A. So the skin was not cold. It was warm. It was what
17 you would generally expect with a patient who is either
18 alive or had not been deceased for an extended period.

19 Q. Did you figure out where the blood was coming from?

20 A. No. I had kind of a theory that it had probably
21 come from the mouth at some point because there were no
22 visible wound that would explain it on the external like
23 on the skin.

24 Q. Was he actively bleeding?

25 A. No, not externally not that I could see.

1 Q. What did you do?

2 A. So I asked the mother to place the child on the
3 floor so that I could begin CPR. I also put the patient
4 on the cardiac monitor which revealed asystole.

5 Q. And what is a cardiac monitor?

6 A. So basically it's the machine that we use that shows
7 us the electrical activity of the heart is one of the
8 meters that it has. It can defibrillate and take blood
9 pressures as well.

10 Q. Is that the one that goes up and down?

11 A. Exactly.

12 Q. And what did it show? What did the cardiac monitor
13 show?

14 A. It showed flat line or asystole, that's what
15 asystole means. It's a flat lined. There was no --

16 THE COURT REPORTER: What is it again?

17 A. Asystole A-S-Y-S-T-O-L-E. It showed no electrical
18 activity in the heart.

19 Q. [Mr. Uricchio] Does that mean the heart is not
20 beating?

21 A. It means it's not beating and there is no
22 electricity, there is no electrical activity.

23 Q. So you're performing CPR at this time?

24 A. Yes, I began CPR.

25 Q. Were there any other first responders on scene?

1 A. Not at this time.

2 Q. Okay. When did the next first responders arrive or
3 who arrived next?

4 A. The police and the fire department both got there
5 around the same time.

6 Q. And what did the other first responders do?

7 A. So when the -- I believe it was the police officer
8 that walked in first, I asked him to help me get the bag,
9 our mask out of one of my bags and I asked the fire
10 department to take over chest compressions because that's
11 what I was doing at the time was chest compressions.

12 Q. Because you're only one person you need help getting
13 stuff out.

14 A. Exactly. I've only got two hands and when you're by
15 yourself you have to prioritize what you do.

16 Q. So the fire department took over CPR for you?

17 A. Yes.

18 Q. What was your next treatment?

19 A. So I believe the police officer gave me the bag
20 valve mask around the same time so I was initiating that
21 before I probably quickly handed that task off to the
22 fire department to establish a more advanced airway.

23 Q. And valve bag what is that?

24 A. So that's the device that pushes air into -- that we
25 use to push air into patient's lungs. You've probably

1 seen it on TV where you hold the mask and squeeze a bag.

2 Q. Got it. When you were putting that -- did you --

3 while you were using the valve bag did you try and submit
4 a breathing tube or anything like that?

5 A. I eventually put in a breathing tube called a king
6 tube.

7 THE COURT REPORTER: King?

8 A. King, yes.

9 Q. [Mr. Uricchio] And is that something to open a
10 patient's airway?

11 A. It's to establish an airway I guess you would say.
12 It's a breathing tube so it effectively goes down the
13 throat and it sort of protects the airway and allows us
14 to more directly give the patient oxygen and breathe with
15 it.

16 Q. Did you notice any blood in his airway or his
17 mouth?

18 A. I did not but the King tube is a blind insertion
19 airway so it's a little different than when we intubate a
20 patient where we're looking in the airway and putting the
21 tube directly into through the vocal cords.

22 This is a tube that we just put down and it goes
23 sort of into the esophagus but it then can use the lumen
24 that has the opening to push air in correctly.

25 Q. And are y'all still on scene doing this?

1 A. Yes, we're still on scene.
2 Q. And it's you and the fire department working on him?
3 A. Yes, at this point.
4 Q. Did other EMS personnel arrive?
5 A. Yes. So there was an ambulance that came with two
6 EMS personnel and there were also two EMS supervisors
7 that arrived as well.
8 Q. Did y'all make a decision to transport at all?
9 A. Yes. Probably less than ten minutes after the
10 ambulance arrived we decided to just go ahead and
11 transport the patient.
12 Q. Did you stay working on the patient?
13 A. Yes. So I actually stayed with the patient
14 throughout and so I went in the ambulance and transported
15 the patient.
16 Q. And where did y'all take him?
17 A. We took him to Trident Medical Center up in North
18 Charleston off 78.
19 Q. And at any point did the infant have any signs of
20 heartbeat?
21 A. No. There was effectively no change in his
22 condition at all during the transport.
23 Q. So when you first arrived he wasn't breathing,
24 correct?
25 A. Right.

1 Q. And when you took him to the hospital he wasn't
2 breathing?

3 A. He was not breathing on his own. We were breathing
4 for him effectively.

5 Q. And at any time did he establish any electrical
6 activity in his heart?

7 A. No, every rhythm check revealed asystole. We never
8 saw any electrical activity.

9 Q. And did your treatment end after you turned him over
10 to the hospital?

11 A. Yes.

12 MR. URICCHIO: Beg the Court's indulgence.

13 [Whereupon, Ms. Herring Lash and Mr. Uricchio
14 confer]

15 Q. [Mr. Uricchio] Please answer any questions Mr.
16 Longshore has for you.

17 MR. LONGSHORE: May it please the Court, Your
18 Honor.

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1 CROSS-EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Hey Mr. Wells, how you doing?

4 A. Good morning.

5 Q. I just have a couple of questions. You testified on

6 direct examination when the mother arrived or when you

7 arrived the mother was cradling the baby?

8 A. Yes.

9 Q. And she was sitting in that recliner?

10 A. Yes.

11 Q. And the baby had been bleeding, there was blood on

12 the baby.

13 A. Correct.

14 Q. And in your notes you indicated and I think you

15 testified as well the patient's skin was still warm and

16 it indicated the child had not been dead for long.

17 A. Correct.

18 Q. Thank you.

19 MR. LONGSHORE: No further questions.

20 THE COURT: Redirect?

21 MR. URICCHIO: No redirect, Your Honor.

22 THE COURT: You can step down.

23 [Whereupon, the witness is excused and exits the

24 witness stand]

25

1 MR. URICCHIO: The State calls Kelly Kraus.
2 [Whereupon, Ms. Kraus comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]
5 THE CLERK OF COURT: Please state your full name
6 for the record and spell your last name.
7 THE WITNESS: Kelly Kraus, K-R-A-U-S.
8 - - - - -
9 KELLY KRAUS,
10 Having been first duly sworn,
11 Was examined and testified as follows:
12 DIRECT EXAMINATION
13 BY MR. URICCHIO:
14 Q. How are you doing this morning Ms. Kraus?
15 A. Good morning.
16 Q. Thank you for being here. Let's start off with some
17 easy questions. Where did you grow up?
18 A. Charleston, I'm local, a native.
19 Q. Very few of us left. Where did you go to college?
20 A. Appalachian State University in North Carolina.
21 Q. And what did you major in?
22 A. Criminal justice.
23 Q. And where are you currently employed?
24 A. I currently work at the Kiawah Island Committee
25 Association as the Assistant Director of Security.

1 Q. And how long have you been with Kiawah?

2 A. Three years.

3 Q. And what was your former position before Kiawah?

4 A. I was a Deputy Coroner for Charleston County
5 Coroner's Office for 13 years.

6 Q. And were you in law enforcement before that?

7 A. Yes. Prior to that I was a police officer with the
8 Charleston Police Department for four years.

9 Q. And at the Coroner's office what was your title?

10 A. Deputy Coroner.

11 Q. And did you have to do training for that position?

12 A. I did. We had to attend Coroner's School at the
13 South Carolina Criminal Justice Academy. Also, we had to
14 maintain yearly educational hours, 16 hours a year, and I
15 reached the highest level board certification with the
16 American Medical Legal Death investigators.

17 Q. And what is a coroner?

18 A. A coroner determines the cause and manner of death.
19 They investigate and are notified on any death that is
20 unnatural or unwitnessed within the county.

21 Q. And as a deputy coroner what were your duties?

22 A. As a deputy coroner our duty is to investigate those
23 deaths that are unwitnessed or unnatural and to determine
24 the cause and manner of death, identify the decedents,
25 sign the death certificates and also investigate any

1 requests for cremations.

2 Q. Were you working as a deputy coroner on June 26th,
3 2018?

4 A. I was.

5 Q. And were you involved in an investigation in this
6 case?

7 A. I was.

8 Q. How were you made aware of Baby Williams' death?

9 A. My office got notified by the emergency room at
10 Trident Medical Center of his death.

11 Q. And what did you do once you were notified?

12 A. Once I was notified I responded to the emergency
13 room and then I had another deputy coroner Sheila
14 Williams respond to the scene which is typical when
15 someone is transported, a juvenile is transported to the
16 hospital.

17 Q. And when you responded to the emergency room what
18 did you find out?

19 A. I learned that Baby was transported by EMS after
20 being found unresponsive. He was in cardiac arrest when
21 he arrived to the emergency room and they did all sorts
22 of life resuscitation and to no avail. They pronounced
23 his death in the emergency room and called me.

24 Q. And what did you do after you got that information
25 at the emergency room?

1 A. What I do is I speak to the nurses and learn any
2 information I can and then I examine the decedent and
3 photograph the decedent.

4 Q. And did you do that in this case?

5 A. I did.

6 Q. Did you take custody of Baby body at that time?

7 A. I did.

8 Q. And where did you take him?

9 A. I took custody of Baby body and I transported
10 him to the next deputy, Deputy Coroner Sheila Williams
11 who was at the scene. She met me at the North Charleston
12 Police Department and I transferred his body to her.

13 Q. And why do y'all take custody of the body?

14 A. For autopsy.

15 Q. Okay. And where did she take the body?

16 A. So once I transferred his body to Deputy Coroner
17 Williams she then took him to MUSC.

18 Q. And that's where the autopsy was performed?

19 A. Yes.

20 Q. Okay. While you were at North Charleston did you
21 speak to the parents?

22 A. I did.

23 Q. And as a deputy coroner do you notify next of kin?

24 A. We do. We make all death notifications.

25 Q. And did you notify Tamika and Marcus in this case?

1 A. I did.

2 Q. And was that done at NCPD?

3 A. That was.

4 Q. And do you remember their reactions?

5 A. Yes. They were both sitting down and once I told
6 them that Baby had passed away the decedent's father
7 got up and started to cry and went to the wall. And the
8 decedent's mother just sat down with me and continued to
9 talk with me.

10 Q. So after you informed the parents the following day
11 did you go to MUSC?

12 A. I did for the autopsy.

13 Q. And did you stay for the autopsy?

14 A. I did.

15 Q. Okay. And were you able to determine a cause and
16 manner of death?

17 A. Yes. The autopsy determined that the cause of death
18 was blunt head trauma and the manner of death was
19 homicide.

20 Q. Did you do anything else?

21 A. No. What I would do next would be to notify the
22 next of kin of the results and then release the decedent
23 to a funeral home.

24 Q. Did you sign the death certificate.

25 A. And then sign the death certificate, yes.

1 Q. Thank you.

2 MR. URICCHIO: Beg the Court's indulgence.

3 [Whereupon, Ms. Herring Lash and Mr. Uricchio
4 confer]

5 Q. [Mr. Uricchio] Please answer any questions Mr.
6 Longshore has for you.

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1 CROSS-EXAMINATION
2 BY MR. LONGSHORE:
3 Q. Hello Ms. Kraus. How you doing?
4 A. I am well.
5 Q. You said you were a criminal justice major, is that
6 correct?
7 A. Yes.
8 Q. And your background is in law enforcement?
9 A. Yes.
10 Q. And your training was provided by law enforcement?
11 A. Yes, as a police officer.
12 Q. Thank you.
13 MR. LONGSHORE: No further questions, Your Honor.
14 THE COURT: Redirect?
15 MR. URICCHIO: No redirect, Your Honor.
16 THE COURT: You may step down. Thank you.
17 [Whereupon, the witness is excused and exits the
18 witness stand]
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1 THE COURT: Do you have another short witness?

2 MS. HERRING LASH: The next witness will not be
3 short but we can start on her.

4 THE COURT: Come up here a second.

5 [Whereupon, an off the record bench conference is
6 held]

7 THE COURT: Folks, let me send you back to the jury
8 room for a few minutes. I had the Clerk order you some
9 lunch. It's not here yet. And as I told you we're going
10 to break around 2 today so that one, I want to get you
11 out before the storm moves in because you don't want to
12 be downtown Charleston when it's raining; trust me on
13 that one, when it's raining hard. That will also let our
14 court reporter be able to go to her doctor's appointment
15 that she could not get rescheduled.

16 The problem is our lunch isn't here yet or your
17 lunch isn't here yet. So we've got a preliminary matter
18 that we need to take care of on the next witness. So I'm
19 going to send you back to the jury room. Maybe the lunch
20 will come if they do then it will be okay to go ahead and
21 start that.

22 If not, we'll just take a break while we handle this
23 and bring you back and then we'll start and when lunch
24 gets here we'll stop. Hopefully, again I'm trying to
25 break by around 2 o'clock; somewhere in that

1 neighborhood. So that's kind of the goal. We'll break
2 for the day. So don't talk about the case. You can talk
3 to each other about anything else you want to but don't
4 begin deliberations or discussions.

5 While you're back there I usually let the jury pick
6 the Foreman of the jury. There is no extra pay involved.
7 You just write the verdict down at the end and conduct
8 the deliberation discussions at the end. Anybody can be
9 the jury Foreperson except the two alternates.

10 So while you're back there why don't you go ahead
11 and get a sense if anybody wants to volunteer for the
12 job. If nobody does then I'll appoint somebody. We'll
13 see you back in a few minutes.

14 [Whereupon, the jury exits at 12:20 p.m.]

15 THE COURT: What's the next witness's name?

16 MS. HERRING LASH: Anita Moore.

17 THE COURT: Why don't we just take ten minutes? If
18 anybody needs to use the restroom they can do that.

19 MS. HERRING LASH: Pardon me?

20 THE COURT: Let's take ten to use the restroom and
21 then we'll bring her up and get started.

22 [Whereupon, Court is in recess from 12:20 p.m. until
23 12:29 p.m.]

24 THE COURT: All right. You got your witness ready?

25 MS. HERRING LASH: Yes, Your Honor, she's in here.

1 MS. HERRING-LASH: Anita?
2 [Whereupon, Ms. Moore comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]
5 THE COURT: We're just going to jump straight to
6 the part where you ---
7 MS. HERRING LASH: --- yes ---
8 THE COURT: --- see if she is qualified to...
9 - - - - -
10 ANITA MOORE,
11 Having been first duly sworn,
12 Was examined and testified as follows:
13 VOIR DIRE
14 BY MS. HERRING LASH:
15 Q. Anita, I'm just going to ask you about your
16 educational background.
17 A. Yes, ma'am.
18 Q. Dealing with BLUESTAR specifically. How long have
19 you been crime scene?
20 A. I've been in crime scene for about 18 years.
21 Q. And have you used BLUESTAR or its equivalent?
22 A. Yes, ma'am.
23 Q. And what, just for the Court, what was it called
24 before BLUESTAR?
25 A. BLUESTAR is a different formulation of Luminol.

1 Luminol used to be used primary and it's still used. But
2 now BLUESTAR is just a different formulation to where it
3 can last a little bit longer.

4 Q. Okay. Did you begin your use of this kind of liquid
5 or whatever it is with Luminol?

6 A. Yes, ma'am.

7 Q. Did you have training for that?

8 A. Yes, ma'am.

9 Q. What was that?

10 A. I have a Bachelor's degree in Science and Chemistry
11 from the College of Charleston. I also attended the
12 National Forensic Academy, which is a ten week course
13 that goes over a lot of areas in crime scene to include
14 fingerprint enhancement and bloodstain interpretation.

15 We also do in-house training. So when BLUESTAR
16 first came out we did a study on it ourselves in the
17 laboratory to determine its validity and make sure for
18 our own benefit how to use it, how to take photographs
19 with it, and to make sure it worked on the samples the
20 way it said it did.

21 Q. How did you do that?

22 A. We took known samples of different types of
23 material, on carpets, on linoleum, different patterns and
24 actually used the product and tried it to make sure it
25 did actually work.

1 Q. And what does it do?

2 A. It's a reactive that will actually enhance blood
3 that has been there that you can't normally see with the
4 naked eye. So once it reacts to it it's the Luminol base
5 with a sodium hydroxide and peroxide and it shows the
6 blood as a blue color. And it will stay depending on how
7 dilute or strong the blood is on the scene 30 seconds to
8 a minute it's really bright blue. And that will give us
9 a positive that blood is present. It doesn't tell us
10 what type.

11 Q. It doesn't say if its human or what, it just tells
12 you there is blood.

13 A. No, ma'am. Right.

14 Q. And do you have to learn how to adjust the lighting?

15 A. Yes ma'am, because every scene is different so when
16 you're getting ready to take the photographs you want to
17 take some standard pictures to make sure that you can
18 still see and give the correct exposure for the camera to
19 be able to see that kind of luminous that you would
20 normally see with it just being your eyes.

21 Q. And have you been using this pretty consistently?

22 A. Yes, ma'am.

23 Q. About how many crime scenes do you think you have
24 used BLUESTAR?

25 A. BLUESTAR I really don't, maybe 10 or 15. But I also

1 teach an Introduction to Forensic Science class at the
2 College of Charleston and every semester I use the
3 BLUESTAR to show students how it works and explain to
4 them as well. So I use it fairly often.

5 Q. And before that how often do you think you used
6 Luminol?

7 A. I really don't know. I'm sorry.

8 Q. Eighteen years worth?

9 A. Yes, ma'am. I mean you don't use it every year, you
10 don't use it every day. But we do continuing education
11 as well through seminars and in-house processing to where
12 you keep up to date with the new technologies and how to
13 use the chemicals so you don't.

14 Q. Have you kept up to date on those things?

15 A. Yes, ma'am.

16 Q. And you teach students at the College of Charleston
17 about it too?

18 A. Yes, ma'am.

19 Q. And do you use blood to do that?

20 A. Yes, ma'am.

21 Q. Whose blood?

22 A. It used to be mine.

23 MS. HERRING LASH: Your Honor, I think that would be
24 all I would have just on the BLUESTAR for this witness.

25 THE COURT: Would you like to voir dire the witness?

VOIR DIRE

BY MR. LONGSHORE:

Q. How you doing Investigator Moore?

A. Good.

Q. You testified you had some training in blood interpretation with regard to BLUESTAR, correct?

A. Yes, sir.

Q. And you studied in forensic sciences and teach with regards to identifying what presumptively could be blood whenever you spray the Luminol substance on it?

A. Yes, sir. And I forgot to mention I do have my Master's degree in forensic science as well.

Q. Have you ever testified as an expert in blood spatter analysis?

A. No, I have not.

Q. Are you an expert in blood spatter analysis?

A. I have done numerous trainings. I've done two 40 hour classes. I've been using it for, some form of it for quite a few years. I've never been qualified as an expert in bloodstain interpretation.

Q. Thank you.

1 MR. LONGSHORE: I don't have any further questions,
2 Your Honor and I'm fine with her testifying about
3 BLUESTAR. I think she is qualified and has training in
4 identifying that it lights up for what presumptively
5 could be blood.

6 However, there is a number of statements or a number
7 of places in her report where she talks about what
8 illuminates is spatter. And I don't think she has the
9 qualifications necessary and has not testified prior as
10 an expert in blood spatter analysis. There are people,
11 SLED has folks who are ---

12 THE COURT: --- isn't spatter a generic term? And
13 what you're saying is well spatter on the wall means it
14 went up or whatever. But to just say blood spatter well
15 that's what you call blood droplets.

16 MR. LONGSHORE: Well, I would think to use that as
17 a generic term would be confusing to the jury, Your
18 Honor. It is a specific separate science. There are
19 experts who ---

20 THE COURT: --- if you were to say well the fact
21 that it's on this spot means this that would be an
22 analysis sort of thing. But to simply say I turned on
23 the light and it picked up what appeared to be blood. I
24 think the term of art spatter is what is used to describe
25 blood droplets that are on the floor or wall or whatever

1 it is. How it got there is a different thing.

2 MR. LONGSHORE: Your Honor, disrespectfully I
3 disagree with that. Part of that science is identifying
4 the difference between drops of blood verses spatter,
5 between smudging. And I just don't think ---

6 THE COURT: --- well, I could be wrong ---

7 MR. LONGSHORE: --- I think the term is prejudicial
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VOIR DIRE

BY THE COURT:

Q. Is spatter a generic term or is there a special meaning for spatter?

A. When you're doing blood scene interpretation there is, they are talking about blood stain analysis. And generally you are looking at an overall of what they consider spatter. But there are different types.

There are swipes, there's transfer stains and all those are considered. As he's talking about the difference between droplets I've been through several classes in bloodstain interpretation.

I've also been certified as a crime scene analyst through the International Association of Identification and through the American Board of Criminalistics as a crime scene generalist.

I know the difference between a droplet and I know the difference between spatter. I know the difference between low velocity, medium velocity, and high velocity type spatter.

1 MR. LONGSHORE: Your Honor, if I may? I would just
2 say that I have no problem with her testifying that she
3 identified blood here and blood here and blood here. And
4 the term spatter as I understand it implies
5 directionality. It's often times used to show what
6 direction an object may if you hit something then it
7 would show you the direction that the force ---

8 THE COURT: --- why don't you ask her? I don't
9 know. You're saying you object to this because that's
10 your understanding. You may need edification like I had
11 to do.

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1 VOIR DIRE (resumes)

2 BY MR. LONGSHORE:

3 Q. Can you give me your interpretation of that or how
4 you would distinguish the two?

5 A. When you read normal, when you read books in
6 reference to it they do use spatter as an overall
7 generalization a lot of times. But it can be specific to
8 where you do have cast off spatter.

9 You have droplets, you know 90 degree droplets can
10 look different than like here in saying there is some
11 type of force or movement in that directionality and you
12 can get spatter from that.

13 But they do generally use it as an overall topic
14 blood stains. And when they're talking spatter it
15 doesn't indicate some type of directionality but it is
16 used generally as an overall as well.

1 MR. LONGSHORE: As long as that is clarified that
2 she's not suggesting that the blood came from a certain
3 direction, just that she identified I would agree ---

4 THE COURT: --- well artful questioning by counsel
5 would clear that up.

6 MR. LONGSHORE: Well again, my overall objection
7 that I will stand by is that she is not an expert in
8 blood spatter analysis and should not be allowed to
9 testify to that.

10 THE COURT: Is she offering an opinion in blood
11 spatter analysis?

12 MR. LONGSHORE: I just don't think she is qualified
13 to do that.

14 MS. HERRING LASH: I mean I didn't voir dire her on
15 blood spatter analysis because I'm not exactly sure what
16 it is. I did not plan on asking her any questions about
17 what direction this blood that you saw illuminate came
18 from. I was going to ask her because there are two
19 different stains; one swish looking and one droplet.

20 MR. LONGSHORE: And I have no problem with that
21 line of questioning.

22 THE COURT: Okay.

23 MS. HERRING LASH: And that's what I was going to
24 ask her. Now she has, she will explain that the smaller
25 the droplet the higher the velocity.

1 MS. HERRING LASH: But she will not say anything
2 about which direction it came from or anything like that.

3 VOIR DIRE

4 BY MS. HERRING LASH:

5 Q. Am I'm stating what you have analyzed.

6 A. Yes, from all the training the smaller the drops
7 that you see the more velocity or force that was acted
8 upon it that created that stain. Larger drops usually
9 indicate less force and it's a high impact stain if it's
10 got a lot of force to it.

11 And I can give examples of the type of stains that
12 you would have for that. But yes, the smaller the
13 diameter of the stains indicates a larger force applied.

14 Q. And what training have you had in that area?

15 A. Again, I've been through two 40 hour classes in
16 bloodstain pattern interpretation through the National
17 Forensic Academy and through a standalone class, I
18 believe it's through Ron Smith ---

19 THE COURT REPORTER: --- through?

20 A. Ron Smith and Associates, I think. And then we also
21 have again continuing education classes when you got to
22 conferences. Depending on what they have you can also do
23 classes, seminars through there as well.

24

25

1 MS. HERRING LASH: And that about the velocity was
2 the most I guess technical question. The rest will be
3 how you used the light? Did it illuminate?

4 THE COURT: Do you want to say anything else? It
5 sounds to me like she's qualified to give that opinion
6 anyway about blood spatter analysis. It doesn't really
7 sound like that's much of an issue in this trial.

8 But to the extent that it is and it's in the purview
9 of what her opinion will be it sounds to me like she's
10 qualified to give it. I mean she's taken a lot of
11 classes on it, teaches it, uses it a lot, has a good
12 educational background on it and teaches other people how
13 to use it. I don't know what more she could do to get
14 qualified.

15 MR. LONGSHORE: In cases I've dealt with in the
16 past SLED has blood spatter experts who spend their
17 entire career in this field and there is lots of ---

18 THE COURT: --- well, maybe so ---

19 MR. LONGSHORE: --- and we can go ahead with ---

20 THE COURT: --- what are you offering her as an
21 expert in?

22 MS. HERRING LASH: Crime scene analysis.

23 THE COURT: Okay.

24 MS. HERRING LASH: I know what he's talking about
25 when they analyze like the direction and they use a

1 string and they do all this we're not asking her any of
2 those kind of specific questions.

3 MR. LONGSHORE: Okay. As long as we're not delving
4 into that then I'm okay. I mean I certainly think she's
5 qualified to talk about BLUESTAR and what it illuminates.
6 And I don't want to get too hung up on the term spatter
7 if it's been indicated that it's a generic term that is
8 commonly accepted.

9 THE COURT: Okay. All right. You'll be allowed to
10 testify and you'll be qualified as an expert in -- what
11 did you say crime scene forensics is what you want ---

12 MS. HERRING LASH: --- crime scene analysis.

13 THE COURT: So they tell me that their lunch is
14 here so let's go ahead and give them 15 to 20 minutes to
15 eat. How about let's resume at 1 o'clock and we'll see
16 where we get this afternoon around 2 o'clock.

17 MS. HERRING LASH: We're breaking at 2:00?

18 THE COURT: Yes. So if you can find a spot ---

19 MS. HERRING LASH: --- that's what I'm thinking ---

20 THE COURT: --- that works there.

21 MS. HERRING LASH: Okay.

22 THE COURT: Okay. You can step down.

23 [Whereupon, the witness exits the witness stand]

24 [Whereupon, Court is in recess from 12:45 p.m. until
25 1:07 p.m.]

1 THE COURT: Y'all ready?

2 MS. HERRING LASH: Judge, we had talked about the
3 next witness, not Ms. Moore but the witness after that's
4 testimony Doctor Melville but we'll wait until in the
5 morning because I don't think we could get him in.

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

7 [Whereupon, the jury enters at 1:11 p.m.]

8 THE COURT: Okay. Who got picked as Foreman?

9 [Whereupon, a juror raises his hand]

10 THE COURT: Your name and number?

11 JUROR NUMBER 138: Patrick Jones, Your Honor, number
12 138.

13 THE COURT: All right. Well, congratulations. As
14 I said you don't get any extra pay; just keep the troops
15 from breaking out of rank and write the verdict down at
16 the end.

17 JUROR NUMBER 138: I'll do my best ---

18 THE COURT: --- you can handle that. I've only had
19 one guy one time they didn't come up with anybody and I
20 just said you and he said I don't think I want to do it.
21 I never had anybody do that. So thank you for doing
22 that.

23 JUROR NUMBER 138: Yes, sir.

24 THE COURT: You ready to call your next witness?
25

1 MS. HERRING LASH: Yes, Your Honor. The State
2 would call Anita Moore.

3 [Whereupon, Ms. Moore comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your first and
7 last name and spell your last name loudly and clearly
8 into the microphone.

9 THE WITNESS: Anita Marie Moore, M-O-O-R-E.

10 - - - - -

11 ANITA MOORE,

12 Having been previously duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. HERRING LASH:

16 Q. Ms. Moore, do you mind if I call you Anita?

17 A. Yes, ma'am.

18 Q. Where do you work?

19 A. I work for the North Charleston Police Department.

20 Q. How long have you been there?

21 A. Almost nine years.

22 Q. And where did you work before then?

23 A. The City of Charleston.

24 Q. And what is your educational background?

25 A. I have a Bachelor of Science in Chemistry from the

1 College of Charleston. I also have a Master's of
2 Forensic Science from the University of Florida. And
3 I've also been to the National Forensic Academy out of
4 the University of Tennessee.

5 Q. And what is your professional training and duties?

6 A. I'm a crime scene investigator or crime scene
7 technician. And my job is to go out to crime scenes when
8 called to observe, collect, and preserve any physical
9 evidence of a crime scene.

10 Q. And what is your training that you've had in the
11 area of crime scene?

12 A. The National Forensic Academy is a ten week course
13 that you go in and you focus in directly on all aspects
14 of crime scene analysis. We do online training, we do
15 in-house training. We also do continuing education.

16 I've been through a crime scene reconstruction
17 course. I've also been certified through the
18 International of Identification -- sorry, International
19 Association of Identification as a crime scene analyst
20 and through the American Board of Criminalistics as a
21 crime scene knowledge expert.

22 Q. And a little later in your testimony we will get to
23 the use of BLUESTAR. Have you been trained in that and
24 what is it?

25 A. Yes, ma'am. I take training in that as well.

1 BLUESTAR is a agent that we can use to enhance blood that
2 you can't see with the naked eye so we can see where it's
3 been and be able to analyze it from there.

4 Q. And have you had specific training of its use?

5 A. Yes, ma'am.

6 Q. And what is that?

7 A. Through the National Forensic Academy we did
8 training in Luminol, which is the base parent of
9 BLUESTAR. BLUESTAR is just a different form of it.

10 And we also did when BLUESTAR came out we did in-
11 house studies to determine that it is a valid process to
12 use similar to Luminol. And we do continuing education.
13 I also teach and use it in that as well.

14 Q. Where do you teach?

15 A. The College of Charleston.

16 Q. What is the class you teach there?

17 A. Introduction to Forensic Science.

18 Q. And do you also, have you also had some training in
19 blood analysis?

20 A. Yes, ma'am. I've taken several courses in
21 bloodstain pattern analysis.

22 Q. And did you respond to this crime scene in June of
23 2018?

24 A. Yes, I did.

25 Q. What date and time?

1 A. It was June 26th. I believe I responded closer to 5
2 o'clock but we didn't start doing the analysis until
3 later in the evening.

4 Q. And what do you do before entering a crime scene?

5 A. When we first arrive on a crime scene we talk with
6 the officer that is on scene to get a general information
7 about what has occurred so we can have an idea of what we
8 need to be doing. We get the case information and the
9 location.

10 Q. And how do you begin your documentation of the crime
11 scene?

12 A. A lot of the documentation we do is by photographs.
13 So when we first arrive on scene we get our case
14 information. We take a photograph of that card to show
15 the date, time, and case number and then we take overall
16 photographs.

17 So we start from outside of the location so we can
18 show the address of where we're at and then we take
19 overall photographs of the entire residence.

20 Q. And we will talk about and go into those photographs
21 in a moment so we can do them all together but when you
22 were at this scene on that day did you photo document
23 everything that you saw?

24 A. Yes, ma'am. It was a one story apartment and it had
25 two bedrooms, a living room and a kitchen. So as I

1 walked in through the front door you go into the living
2 room so I started with overall photographs of that and
3 then continued to the other bedroom, the bathroom, and
4 the kitchen.

5 Q. And you do that just so that you get every part of
6 the location?

7 A. Yes, because unfortunately a lot of times we don't
8 know everything that there is to know about a case so we
9 try to document as much as possible while we're on scene.

10 Q. And did you respond to another location regarding
11 this case when you left that scene?

12 A. Yes, during the scene we were waiting for the county
13 coroner to arrive and we were informed that she was
14 actually going to the hospital first.

15 So as the officer secured the residence and stayed
16 there I went and met with the county coroner at the
17 hospital to take photographs of the deceased.

18 Q. And so you took photographs of Baby also at the
19 hospital?

20 A. Yes, I did.

21 Q. And did you return to the scene on Remount Road
22 after the hospital on this same day?

23 A. I did. Most scenes when there has been somebody who
24 is deceased we will be there with the coroner. The
25 coroner will respond back to the scene or respond to the

1 scene as well. And while they're taking their
2 photographs I'm with them and we're working together to
3 document the scene because we don't move the body until
4 they get there. Well, the child was already transported
5 before I arrived but the whole scene was still there.

6 So when she came back to the scene I came back with
7 her and we documented everything and I photographed and
8 collected evidence that we need at that point before so
9 she can take her photos before we collect it. And then I
10 also do the video of the -- as well --

11 THE COURT REPORTER: Video of the?

12 A. I'm sorry. The video of the reenactment.

13 Q. [Ms. Herring Lash] And did you collect items at this
14 scene?

15 A. Yes, I did.

16 Q. And what did you collect? We will go over the
17 pictures in a moment.

18 A. There was a bassinette in the living room that had
19 blankets and pillows. I can go over all the specifics if
20 you don't mind me ---

21 Q. --- you can go over that when we do the photographs.

22 A. Okay.

23 Q. Now did you also take these items with you when you
24 collected them?

25 A. Yes, I did.

1 Q. And do you take them back to the station?

2 A. Yes. When we collect evidence from the crime scene
3 I secure it in my city vehicle and transport it back to
4 City Hall which is where our property room is.

5 I then package all the evidence if I don't have to
6 do anything else with it I will package it, seal it and
7 then submit to the property evidence property room for
8 them to house it until it's needed for analysis.

9 Q. Now did you return to Remount Road on the next day
10 also?

11 A. Yes, we did.

12 Q. And what did you go to for the next day?

13 A. Through the investigation detectives determined that
14 we needed to respond back out to the residence and use
15 BLUESTAR to check the living room or the residence for
16 any type of blood that we didn't see on the first day.

17 Q. And had you also attended the autopsy?

18 A. I don't believe I did. I think I just saw photos
19 from the autopsy.

20 Q. But you did go and see the body?

21 A. Yes.

22 Q. And did you notice anything on the body that you
23 were going to try to find at the scene?

24 A. Yes. On the forehead there were some impressions or
25 bruising that was in the shape of a square. I believe

1 there were two particular areas. So we were looking for
2 anything that might have created that injury to the
3 juvenile.

4 Q. And so you went back to use the BLUESTAR and to
5 search for an object that would match that for the best
6 of your ability?

7 A. Yes, ma'am.

8 Q. And we talked about your training with BLUESTAR.
9 And you do trials yourself also to check and make sure
10 that BLUESTAR is working?

11 A. Yes ma'am, we do.

12 Q. And let's go through your photographs now. We have
13 admitted them State's exhibit number 1.

14 [Whereupon, State's exhibit number 1 is published]

15 Q. And what is this?

16 A. This is the entrance to the apartment where the
17 incident occurred.

18 Q. And number 2?

19 [Whereupon, State's exhibit number 2 is published]

20 A. That is the doorway with the door open showing into
21 the living room.

22 Q. And number 3?

23 [Whereupon, State's exhibit number 3 is published]

24 A. When you go in it's to the right so we take 360
25 degree photos so I'm taking photographs of the far right

1 where it's showing the bassinette.

2 Q. And these were pictures that you took on the first
3 day, is that correct?

4 A. Yes, ma'am.

5 Q. And exhibit number 4?

6 [Whereupon, State's exhibit number 4 is published]

7 A. This is another photo of the living room just
8 continuing over. You can see the bassinette and some red
9 blood like stains on the floor.

10 Q. Can you, if you point on that screen in front of you
11 it will make a mark. Can you show where the blood is?

12 A. The blood is over in this area here [indicates].

13 Q. And that was also taken the first day?

14 A. Yes ma'am, it was.

15 Q. And let's go to number 5.

16 [Whereupon, State's exhibit number 5 is published]

17 A. That is a close up of the bassinette that was in the
18 living room that I was informed that the child was in.

19 Q. Now this picture was taken on the first day, right?

20 A. Yes, ma'am.

21 Q. And when you first entered?

22 A. Yes, ma'am.

23 Q. And there's no blood.

24 A. No, ma'am. There was no blood underneath the
25 bassinette.

1 Q. Or is that -- what is that to the right of the
2 bassinette?

3 A. In this photograph the bassinette is here
4 [indicates]. This here [indicates] is the TV stand that
5 has the TV and the spot that is over here [indicates] is
6 what I called a TV stand. It looked like a TV stand but
7 it was used as a shelving unit.

8 Q. And number 6?

9 [Whereupon, State's exhibit number 6 is published]

10 A. That's a close up of the bassinette.

11 Q. And were you photographing the blood in the
12 bassinette?

13 A. Yes, ma'am.

14 Q. It doesn't show up real well from here. Can you see
15 on there where the blood is?

16 A. Yes, ma'am. You can see spots here [indicates],
17 here [indicates]. I mean it's all over the pillows.
18 There is also some on the side of the bassinette as well.

19 Q. The inside of the side or the outside of the side?

20 A. It was on the inside because it was showing on this
21 [indicates] particular part of the material ---

22 Q. --- is solid ---

23 A. --- is solid and there is mesh underneath and it was
24 on the solid on the inside and not on the outside.

25 Q. And number 8?

1 [Whereupon, State's exhibit number 8 is published]

2 A. That was some blood that was further in the living
3 room where the shoes were to the left of the stand. We
4 took those because it looked like there was some heel
5 impressions.

6 Q. Heel impressions?

7 A. Uh Huh.

8 Q. And that is a slipper right there [indicates]?

9 A. Yes.

10 Q. And in the corner there is another pair of slippers
11 I guess with the bucket and a mop?

12 A. Yes, ma'am.

13 Q. And number 11?

14 [Whereupon, State's exhibit number 11 is published]

15 Q. And why did you take this picture and who is it?

16 A. That is -- this is going to be a photo of the other
17 juvenile that was in the residence due to he had some
18 blood stains that were on his legs as well.

19 Q. And can you see the stain there [indicates]. It's
20 on his knees.

21 A. Yes. There is a little bit there [indicates] and it
22 looks like there is a little bit there [indicates] as
23 well.

24 Q. And number 12?

25 [Whereupon, State's exhibit number 12 is published]

1 Q. And were you just going around as you described
2 taking pictures of the entire apartment?

3 A. Yes. That was the photograph of the bathroom sink
4 and that was one of the overall photographs. We
5 photographed as much as we can when we first arrived.

6 Q. And we're not showing you all of those photographs
7 because some of them are bedrooms and the kitchen that
8 didn't...

9 A. Yes, there were hundreds.

10 Q. But this photograph of this bathroom sink was taken
11 the first day when you arrived.

12 A. Yes.

13 Q. Number 13.

14 [Whereupon, State's exhibit number 13 is published]

15 A. This is another photograph of the juvenile that was
16 in the residence. And we did that in relation to show
17 the relation to him and the bassinette.

18 Q. And was there any blood on his clothing?

19 A. I did not see any blood on his clothing.

20 Q. And you can see a good close up of his clothing.

21 A. Yes.

22 Q. And you were actually in the apartment with him.

23 A. Yes, I was.

24 Q. Number 15.

25 [Whereupon, State's exhibit number 15 is published]

1 Q. And he is -- what is happening there?

2 A. The juvenile seemed very upset at the time. At one
3 point he was rocking in the chair so we didn't have him
4 leave the residence like we would normally do because we
5 really didn't know everything about this scene at the
6 time.

7 And I was taking photographs throughout the duration
8 that we were there and this was showing that the juvenile
9 was walking around and he had been walking in the blood
10 and that was possibly the heel impression that we saw.

11 Q. And so he did walk in the blood?

12 A. Yes.

13 Q. And number 17?

14 [Whereupon, State's exhibit number 17 is published]

15 A. At one point the mother and father were leaving to
16 go with I believe the detectives and I was informed that
17 she had some blood on her shirt.

18 They informed me that she was holding the child at
19 one point so we took an overall photograph of the shirt
20 to show the blood as well.

21 Q. And number -- that is number 18 next?

22 [Whereupon, State's exhibit number 18 is published]

23 Q. It's a close up.

24 A. That is a close up of the blood stain with a ruler.

25 Q. But she had been holding the infant when they got

1 there ---

2 A. --- from what I understand, yes. The infant was
3 already gone before I arrived.

4 Q. And number 19?

5 [Whereupon, State's exhibit number 19 is published]

6 A. And that was a close up of the blood stain that we
7 saw inside of the bassinette.

8 Q. And this shows that it's inside because of the
9 little mark on the ---

10 A. --- yes, this little area right there [indicates]
11 shows that the blood is on the inside of the bassinette.

12 Q. Now, we talked about when you went back you also
13 collected evidence on that day?

14 A. Yes, ma'am.

15 Q. Let's look at number 21?

16 [Whereupon, State's exhibit number 21 is published]

17 Q. And what are these marks here?

18 A. When we collect evidence at a crime scene a lot of
19 times we will use evidence markers to separate out all
20 the evidence so it can be packaged separately.

21 So from just looking at the top layer of what the
22 items were I placed the evidence markers on each of the
23 bags that I could determine that was there to be able to
24 collect them. So those are the blankets, the pacifier,
25 and the pillow that were taken and I collected.

1 Q. And you make those markers so that you I guess
2 document what you took and where it was before you took
3 it.

4 A. Yes, ma'am.

5 Q. And number 22.

6 [Whereupon, State's exhibit number 22 is published]

7 A. That is the bassinette after I had collected
8 everything that was already in it and we collected the
9 bassinette as well so we marked that and photographed it
10 as well.

11 Q. And now we'll go back and these next pictures will
12 be from the second day when you went back with the search
13 warrant I think. Number 23?

14 [Whereupon, State's exhibit number 23 is published]

15 A. Yes, that was the second day when we returned. See
16 the yellow color with the photograph that is where we had
17 turned off some of the lights.

18 When we use BLUESTAR it actually does better and you
19 can see it with your eyes when you're in a room. But you
20 can see it better when the room is darkened.

21 So when you're using these type of materials you
22 want to try and darken the room as much as possible and
23 still be able to see.

24 So we had already started to try and darken the room
25 we determined, I was instructed by the detectives to

1 collect the slippers so they were marked and collected as
2 well.

3 Q. But now these were not the slippers that had been
4 sitting in the middle before, the day before were they?

5 A. Right.

6 Q. Do you know what happened to the slippers that had
7 been sitting in the middle of the floor the day before?

8 A. I do not.

9 Q. Did you see them when you went back on the second
10 day?

11 A. I don't recall.

12 Q. But you collected what the slippers are that are
13 marked number 7 there?

14 A. Yes ma'am, because those were the ones that were
15 there.

16 Q. Number 24.

17 [Whereupon, State's exhibit number 24 is published]

18 A. That is the shelving unit that was up against the
19 wall next to the TV.

20 Q. And this picture was taken of that unit the second
21 day, right?

22 A. Yes.

23 Q. So did you notice on the first day if these were the
24 same objects or is it neater or did you notice anything
25 at all?

1 A. I'd have to go back and look at the one to begin
2 with but I do believe that things had been moved and
3 straightened up on the second day. Those were not the
4 same positions.

5 Q. Because the family was home that night?

6 A. Yes, they were.

7 Q. And number 25?

8 [Whereupon, State's exhibit number 25 is published]

9 Q. And what is this?

10 A. On the shelving unit I called them little end caps
11 they were the things that were on the corners of the top
12 of the unit. And they were in a square shape, which
13 seemed consistent with the type of bruising that we saw
14 so we photographed it with a ruler to document it.

15 Q. And can we go back to the prior picture.

16 [Whereupon, the prior photograph is published]

17 Q. Do you recall where on this shelf -- well, let me
18 ask you first? Was that picture that you just had a
19 close up of of this shelf?

20 A. Yes, it was.

21 Q. And where on this shelf were what you called the end
22 caps that you photographed?

23 A. It's the little pieces that were over where the legs
24 would be.

25 Q. Okay. Were there two others on there or others on

1 there at the back?

2 A. Yes, there is some up against the wall as well.

3 Q. Which ones did you photograph?

4 A. We photographed the two front ones that I circled.

5 Q. Okay, the two front ones that you circled?

6 A. Yes.

7 Q. And then the next picture is a close up of the

8 square?

9 [Whereupon, the photograph is published]

10 A. Yes, it is.

11 Q. And I think you can probably see from there is there

12 a smaller square within that square?

13 A. Yes. It almost looks like a, I don't know the

14 correct geometrical term for it but like a pyramid --

15 Q. And number 26?

16 [Whereupon, State's exhibit number 26 is published]

17 Q. Is that the other side?

18 A. Yes. So the first one was the one on the left and

19 this is the one on the right. And this one we know

20 because it was crooked.

21 Q. And you can see the little square within the big one

22 a little bit clearer on this.

23 A. Yes, ma'am.

24 Q. And there you can see it. Let's go to number 27.

25 [Whereupon, State's exhibit number 27 is published]

1 Q. And what is this?

2 A. This is the room that has been darkened and after I
3 had sprayed a first layer of BLUESTAR. So the room needs
4 to be a little bit darker to be able to visualize a
5 little bit easier you have to try to get the exposure
6 enough to where you can see items and still be able to
7 record the chemical luminescence that comes off of the
8 stains with the BLUESTAR.

9 This is where you can see the ruler and then you can
10 see blood that is over there [indicates]. That bright
11 blue is the BLUESTAR that shines indicating there was
12 blood on scene.

13 Q. Turn the lights down and it may show up a little
14 better.

15 [Whereupon, the courtroom lights are dimmed]

16 Q. And that's what you're talking about?

17 A. Yes.

18 Q. And can you recognize what object is there beside
19 those blues or do you need to look at the picture again
20 of the overall with the lights on, with the lights in the
21 room turned on?

22 A. I think it was the bunny or the animal or material;
23 I don't recall.

24 Q. Put State's exhibit 24 up again.

25 [Whereupon, State's exhibit number 24 is published]

1 A. It looks like a stuffed animal. But you can tell
2 the bottles, you can see where the bottles here
3 [indicates] and you can see the bottles in the other
4 photograph as well so you can see that it's the same
5 location.

6 Q. And you can see from -- can you close up them --
7 there is no blood visible to the naked eye on that table.

8 A. No, I couldn't see any.

9 Q. And then I think we were on 27 with the part that
10 you had described. And now 29.

11 [Whereupon, State's exhibit number 29 is published]

12 A. It's really hard to see.

13 Q. And what is that?

14 A. That is the area between the shelf unit and the TV
15 stand. So the shelf unit was here [indicates], the TV
16 stand was here [indicates] and the bassinette was in
17 front of the shelf unit that you can see.

18 Q. And this picture was taken on the day of the search
19 warrant?

20 A. Yes, it was.

21 Q. And we had pictures on the day prior that showed no
22 blood there.

23 A. Right.

24 Q. So there is no blood there on the day prior or no
25 blood visible either on this day?

1 A. No ma'am, I did not see any.

2 Q. And then let's look at number 30.

3 [Whereupon, State's exhibit number 30 is published]

4 Q. And what is this?

5 A. This is where I've sprayed the BLUESTAR and you can
6 see these blue, it's called chemiluminescence where it's
7 that glow, that blue glow you're seeing on those dots
8 should be blood stains.

9 Q. I think there is glare from the lights. And how are
10 you -- are you regulating the light as you're doing this?

11 A. Yes. I took several photos before spraying the
12 BLUESTAR using different time exposures to try and get
13 the best picture and that's where you're getting that
14 yellow color.

15 It's where -- I'm using an open -- function on the
16 camera where I'm allowing the light in for a certain
17 amount of time and we've got curtains up or blankets, the
18 detectives had to hold blankets up on the windows.

19 Q. Do you kind of work with it to get the adjustment of
20 the light?

21 A. Yes.

22 Q. And then State's number 38.

23 [Whereupon, State's exhibit number 38 is published]

24 Q. This is just back to another item that you took.

25 What is this?

1 A. That was in the master bedroom and it was the gray
2 t-shirt that the mother was wearing the day before.

3 Q. And State's number 44.

4 [Whereupon, State's exhibit number 44 is published]

5 A. And this the left hand side of the shelving unit
6 showing the floor and the stand.

7 Q. And is there blood on there?

8 A. You can see this is the first day, it was the
9 slippers and you can actually see the blood that is right
10 there [indicates] that is showing up the first day.

11 Q. And this is from the first day?

12 A. Right. And you can't see any blood on the shelf
13 here. I think there was like a spot on the shelving unit
14 at the bottom.

15 Q. And State's number 45.

16 [Whereupon, State's exhibit number 45 is published]

17 A. And you can see there is just two little spots right
18 there [indicates].

19 Q. And number 60.

20 [Whereupon, State's exhibit number 60 is published]

21 Q. We had some that were taken out for our hearing and
22 I forgot those. I apologize. Let's go to State's number
23 28.

24 [Whereupon, State's exhibit number 28 is published]

25 Q. I'm going to slip back, I'm sorry, to some of your

1 BLUESTAR. Can you recognize what this is?

2 A. Yes. This is the shelf unit and the right side of

3 the shelf unit because the ruler is there, the shoe is

4 there so you can see the orientation of where the photo

5 was taken.

6 Q. And is there any BLUESTAR on this if you can see it?

7 A. Yes. It is difficult to see on here but you can see

8 the BLUESTAR, the stains. There are a lot of areas that

9 were in here that did have some very strong blood

10 actually ---

11 Q. --- and where is this?

12 A. That's going to be to the right of the top of the

13 shelf unit. Where the shoe was ---

14 Q. --- where the TV ---

15 A. --- yes, close to where the TV was.

16 Q. And so the TV was here [indicates] and the shelf was

17 here [indicates].

18 A. Yes.

19 Q. And this is the area that showed no blood the first

20 day?

21 A. Yes, ma'am.

22 Q. And State's 31.

23 [Whereupon, State's exhibit number 31 is published]

24 Q. Do you know where this was? I know you have a list.

25 A. I do have a list. I don't have it listed by your I

1 don't recall ---

2 Q. --- okay, I can tell you. It is search warrant
3 number 33.

4 A. My description as I do my crime scene log for
5 photographs I state that it is a strong reaction of
6 BLUESTAR in a complete area. And that was that area that
7 was in front of ---

8 Q. --- of the TV stand?

9 A. Of the TV stand, yes. It's very hard to see.

10 Q. We can go to the next one. You can see it I guess
11 when you were there better than in photographs.

12 A. Yes.

13 Q. 32.

14 [Whereupon, State's exhibit number 32 is published]

15 A. It's the same photograph. I changed the exposure on
16 it. And you can see all of this [indicates] area with
17 the blue glow.

18 Q. We can't see it. You can see it there?

19 A. You've got stain here [indicates], here [indicates].
20 It's hard to see when it gets blown up.

21 Q. So it can come through on the computer later. So
22 State's 34.

23 [Whereupon, State's exhibit number 34 is published]

24 A. Again, we're continuing to take photographs and
25 trying to get the best picture I can. You can actually

1 see it better on that one than I can here. This
2 [indicates] is the shelf, this [indicates] is the TV, and
3 you can see here [indicates], here [indicates], here
4 [indicates], and even here [indicates] a large ---
5 Q. --- you can see it up there. We just can't see
6 it...
7 A. I don't know if I want to stand up but you can see
8 very small stains. There were a lot of very small stains
9 that were glowing.
10 Q. Is there any significance to them being small?
11 A. The smaller the stain that you see usually
12 determines how much force was applied to that blood.
13 Q. The velocity?
14 A. Yes, ma'am.
15 Q. And the smaller the greater velocity?
16 A. Yes, ma'am.
17 Q. Number 35.
18 [Whereupon, State's exhibit number 35 is published]
19 Q. Okay, there we can see.
20 A. That's another picture of that same area. I don't
21 know if you can see the shelf unit but it's that same
22 area, different exposure so you can see it a lot better.
23 Q. Okay. And number 36.
24 [Whereupon, State's exhibit number 36 is published]
25 A. Sorry, it took me a second to see on here. This is

1 a picture of the bathroom, of the bathroom sink.

2 Q. The bathroom sink that we saw that was completely
3 clean the day before?

4 A. Yes. You can see the outline of the sink there.

5 Q. And this is the bathroom sink?

6 A. Yes, it is.

7 Q. And the next one State's 42.

8 [Whereupon, State's exhibit number 42 is published]

9 Q. This is -- where is this?

10 A. That is in the living room again. It's a little
11 blurry but you can see the large streaks.

12 Q. And where is that?

13 A. That's directly in front of the shelf unit on the
14 floor. And you can see how it glows. It's a little bit
15 larger; it's kind of spread out. That would be the
16 typical scene when blood has been cleaned or moved.

17 Q. And is that where the bassinette would have been
18 sitting the first day after it had been moved by...

19 A. The bassinette was moved before I got there.
20 According to EMS it had been moved up or to the side; I'm
21 not sure exactly. They didn't say what it was
22 specifically. But this stain was to the left where the
23 bassinette was when I arrived.

24 Q. So that stain is near where the bassinette had been
25 moved to ---

1 A. --- yes, I believe the bassinette was somewhere over
2 in this area [indicates].

3 Q. And we're back to 31.

4 [Whereupon, State's exhibit number 31 is published]

5 [Whereupon, Ms. Herring-Lash and Mr. Uricchio
6 confer]

7 Q. You can't see it up there but that's the sink
8 again?

9 A. Yes. I think there is another photograph. What
10 we're trying to see is there was a large impression, hand
11 impression or hand that was on top of the sink.

12 Q. What number is that of yours of the one that you're
13 talking about of the large hand impression?

14 A. It was search warrant photograph 39 through 44 and
15 45. 45 is where I lightened up the bathroom so you can
16 see the sink. And then 39 through 44 I state that
17 BLUESTAR applied to the bathroom sink and countertop.
18 Extreme blue reaction impression of a hand smears.

19 Q. And so State's 35?

20 [Whereupon, State's exhibit number 35 is published]

21 Q. That's the sink.

22 A. That's the sink. And all that blue is blood. It's
23 hard to see it in the photograph but in person, all I can
24 do is my testimony is it looked like a hand.

25 Q. So some of those pictures that BLUESTAR showed you

1 took those because the first day there was no blood
2 there.

3 A. Yes, ma'am.

4 Q. And on the second day you did not take pictures with
5 the BLUESTAR of where the blood had been the first day
6 that was visible?

7 A. Correct. We knew blood was there. What we were
8 looking for was areas that we didn't see blood the first
9 day. So we didn't, I did not spray the floor where we
10 saw the blood the first day.

11 Q. Do you remember if the blood that you had seen there
12 the first day was cleaned up by the second day?

13 A. Yes, it was cleaned up the second day.

14 Q. Because the family was home that night.

15 A. Yes, ma'am.

16 Q. And now we had talked a bit a moment ago about the
17 items you took and you took them back to North Charleston
18 and you packaged them.

19 A. Yes, ma'am.

20 Q. And you also noticed that, you testified that you
21 took several pictures of M.W. a swipe on his knee.

22 A. Yes, ma'am.

23 Q. Was he sent to MUSC?

24 A. Yes ma'am, he was.

25 Q. And you packaged -- the items you took did you also,

1 was M.W. swabs also sent to SLED?
2 A. Yes ma'am, they were.
3 Q. And did you package all these items and were they
4 transported to SLED?
5 A. I did not package the swabs; that was taken care of
6 by the hospital ---
7 Q. --- the hospital collected ---
8 A. --- the items that I collected I did package and
9 seal and then they were transported to SLED for further
10 analysis.
11 Q. And what testing was requested to be done at SLED?
12 A. Blood analysis to determine if there was blood there
13 and then further for DNA analysis.
14 Q. For whose blood?
15 A. To determine whose blood it was.
16 Q. And did you get the results?
17 A. Yes, usually when the analysis is completed they
18 send the results back to us and we download them from the
19 SLED website.
20 Q. And what were the results of each item that was
21 tested?
22 A. The results that I read stated that the blood that
23 was analyzed did come back to Baby Williams.
24 Q. And what ones were tested?
25 A. Do you mind if I consult?

1 [Whereupon, the witness reviews document]

2 A. A lot of them were sent but not all of the items
3 were tested. The swabs from the right forearm of
4 M.W. Williams, swabs from the left knee of M.W.
5 Williams, they did a cutting from the exterior right
6 strap of the gray tank top. That was analyzed as well.

7 A cutting from the edge of one side of the pillow,
8 the cutting from near one corner of white with pink and
9 green stripes receiving blanket; and that's all that were
10 analyzed.

11 Q. And what were the results?

12 A. They were all matching to Baby Williams.

13 Q. And they were all blood and blood of Baby

14 A. Yes.

15 MS. HERRING LASH: Beg the Court's indulgence.

16 [Whereupon, Ms. Herring Lash and Mr. Uricchio
17 confer]

18 MS. HERRING LASH: Your Honor, at this time we
19 would ask to move into evidence 31 through 36 that we had
20 the hearing about --

21 MR. LONGSHORE: Without objection, Your Honor.

22 THE COURT: Admitted.

23 [Whereupon, State's exhibit numbers 31 through 36
24 are entered into evidence by the Court]

25 Q. [Ms. Herring Lash] Those are all the questions I

1 have, Anita. If you would, answer any that Mr. Longshore
2 has.

3 A. Yes, ma'am.

4 MR. LONGSHORE: Can we approach, Your Honor?

5 THE COURT: Yes.

6 [Whereupon, an off the record bench conference is
7 held]

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1 THE COURT: Okay. Folks, this looks like a good
2 place to break then for the day. So I will remind you to
3 not talk about the case with anybody including other
4 members of the jury. Don't try to find out anything
5 about the case on the Internet or post anything on social
6 media. Please if anybody does talk to you about the case
7 report that to me tomorrow when you come back.

8 If you would be back in the jury room tomorrow
9 morning at 9:30 and we should be able to get started
10 right then. Thank you very much for your patience.

11 [Whereupon, the jury exits at 1:53 p.m.]

12 THE COURT: Okay. So you are still under the
13 jurisdiction of the Court and I'm just telling you don't
14 talk to anybody about your testimony tonight. They may
15 want to discuss something about scheduling or something
16 with you is fine but nothing about your testimony. And
17 just come back and be ready to go at 9:30 in the morning.

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 [Whereupon, the witness is excused and exits the
21 witness stand]

22 THE COURT: All right. Anything else we need to
23 take up? What's your plan for tomorrow?

24 MS. HERRING LASH: Finishing up with her and then
25 we have Doctor Melville, Jerry Jellico who will be the

1 length of the interview about an hour and a half and then
2 the pathologist.

3 THE COURT: And Doctor Melville is?

4 MS. HERRING LASH: He is the forensic pediatrician.

5 THE COURT: Okay.

6 MS. HERRING LASH: And he will, he actually
7 examined and took the swabs from M.W. And he is the
8 one that we also were going to call as an expert in short
9 falls, the literature regarding short falls.

10 THE COURT: And you are objecting to his testimony?

11 MR. LONGSHORE: Well, with him being qualified as
12 an expert on short falls we'll probably do a quick voir
13 dire on him.

14 THE COURT: Okay.

15 MS. HERRING LASH: And I have provided the article
16 and the research that he will be testifying from to Mr.
17 Longshore.

18 MR. LONGSHORE: That's correct, Your Honor.

19 THE COURT: Okay. All right, see you at 9:30.

20 MS. HERRING LASH: Thank you, Your Honor.

21 [Whereupon, jury trial adjourns at 2:00 p.m.]
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25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
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 trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 5th day of April, 2022.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

June 5, 2022

Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-6228
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TAMIKA YOLANDA WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

April 6, 2022
Charleston, South Carolina

Volume 3 (of 4)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, SR., JUDGE

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JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: Elizabeth Franklin-Best]

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4	Photo	
5	Photo	
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8	Photo	
9	(not used)	
10	(not used)	
11	Photo	
12	Photo	
13	Photo	
14	(not used)	
15	Photo	
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21	Photo	
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1 PROCEEDINGS

2 [Whereupon, State's exhibit numbers 28 and 42 are
3 entered into evidence by the Court]

4 [Whereupon, Ms. Moore comes forward to the witness
5 stand]

6 [Whereupon, the jury enters at 9:34 a.m.]

7 THE COURT: Be seated. Welcome back. We are going
8 to resume now with the witness whose testimony we broke
9 off with yesterday, Anita Moore. I'll remind you, you
10 are still under oath.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: And I believe we were at cross-
13 examination.

14 MR. LONGSHORE: May it please the Court, Your
15 Honor?

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1 ANITA MOORE,

2 Having been previously duly sworn,

3 Was examined and testified as follows:

4 CROSS-EXAMINATION

5 BY MR. LONGSHORE:

6 Q. Good morning Investigator Moore, how you doing?

7 A. I'm fine. Thank you.

8 Q. Yesterday we were talking a bit about BLUESTAR which
9 is the substance that you spray that illuminates and can
10 indicate potentially the presence of blood, is that
11 correct?

12 A. Yes, sir.

13 Q. Now BLUESTAR it illuminates on an object that
14 indicates the presence of blood but doesn't necessarily
15 confirm that its blood is that correct?

16 A. That's correct.

17 Q. You would actually need other tests to confirm that
18 its actual blood is that right?

19 A. Yes, sir.

20 Q. So BLUESTAR is just a presumptive test, a test for
21 human blood, that's what it is looking for right?

22 A. Yes, it's reactive to any group that is in blood.

23 Q. And even if you confirm that its blood it doesn't
24 tell you whose blood does it?

25 A. You would have to send it for DNA analysis to

1 determine whose blood it was, yes.

2 Q. And none of the blood or none of the alleged blood
3 that was highlighted was sent away for DNA testing?

4 A. No, it was not.

5 Q. And also we don't even know that it was human blood,
6 is that correct?

7 A. Correct.

8 Q. Not only that Investigator Moore but the actual over
9 spraying of BLUESTAR can dilute the sample, is that
10 correct?

11 A. If you spray too much yes it can.

12 Q. And also an officer's experience and training that
13 can affect the outcome.

14 A. If you don't use it properly, yes.

15 Q. Now you said you found the illumination over by the
16 TV set, the actual, where the TV was located right in the
17 corner of the room?

18 A. Yes, sir.

19 Q. So the bassinette is sort of over here [indicates]
20 in the center of the room and the TV set is sort of in I
21 think the northwest corner?

22 A. When I arrived the bassinette if you would -- here's
23 the shelf unit [indicates] the TV was catty-cornered in
24 that corner, northwest corner. The bassinette was
25 sitting almost in front of the TV itself. So it wasn't

1 close, it was just slightly away from the two units. But
2 it wasn't in the center of the room.

3 Q. That would have been to the right of the bassinette,
4 correct? If you're walking in the door and you turn to
5 look at the bassinette the TV would have been to the
6 right of the bassinette?

7 A. Yes, sir.

8 Q. Okay. And then the table, what we called a stand
9 the other day it's actually on the left side of the
10 bassinette, is that correct?

11 A. Yes, it would be.

12 Q. And the recliner where Tamika was located or where
13 she was sleeping that was to the left of the bassinette,
14 correct?

15 A. Yes, it was on the opposite wall.

16 Q. On the opposite wall. And that would have been the
17 wall furthest away from the recliners, correct?

18 A. I'm sorry?

19 Q. Where the blood was found allegedly ---

20 A. --- oh, I'm sorry; yes sir ---

21 Q. --- would have been furthest away from the recliner.
22 Now, I don't remember if we mentioned this yesterday; we
23 might have glazed over it. But I think you also
24 indicated there were two small handprints that
25 highlighted on the side of the recliner, is that correct?

1 A. Yes. It appeared to be small hands on the edge of
2 the armchair, and I don't know if I stated it in my
3 report ---

4 Q. --- and that would have been on the right side of
5 the chair if you were sitting in it, is that correct?

6 A. Yes.

7 Q. They were on the outside?

8 A. I would say kind of like sitting like on the edge
9 where they were.

10 Q. Like the child may have been standing there with his
11 hands on the recliner?

12 A. Yes.

13 Q. Now just out of curiosity we showed where all it
14 appeared that BLUESTAR was sprayed. I believe all those
15 pictures were introduced yesterday.

16 But BLUESTAR as far as I've seen in your records or
17 from the photographs it does not appear it was sprayed
18 over on Marcus' chair, is that correct?

19 A. No, I did not.

20 Q. And furthermore there is no evidence it was sprayed
21 over on the recliner where M.W. had been sitting, is
22 that correct?

23 A. I don't recall.

24 Q. There is nothing -- you're welcome to read through
25 your report; I think it is three or four pages if you've

1 got there in front of you or I can pass ---
2 A. --- I don't recall that we, if we sprayed or not.
3 It was not in my report.
4 Q. It wasn't in your report?
5 A. No.
6 Q. And you would have put it in your report if you
7 recalled doing it?
8 A. Yes.
9 Q. That's a pretty important thing to put in your
10 report. We could agree on that, correct?
11 A. Yes, sir.
12 Q. And also no BLUESTAR was sprayed in M.W. room,
13 is that correct?
14 A. Correct.
15 Q. No BLUESTAR was sprayed on M.W. toys, is that
16 correct?
17 A. Correct.
18 Q. Now the search warrant was executed and the BLUESTAR
19 was applied on the 27th, is that correct?
20 A. Yes, sir.
21 Q. And that's the day after Baby was found dead, is
22 that correct?
23 A. Yes, sir.
24 Q. But you actually saw and photographed Baby
25 injuries at the hospital on the 26th, is that correct?

1 A. I photographed his injuries at the residence on the
2 26th -- not injuries, I'm sorry. Yes, his injuries at
3 the hospital on the 26th.

4 Q. And I believe in those photographs or in your report
5 you indicated that you observed Baby injuries to his
6 forehead and over his eye, the square or rectangle
7 object?

8 A. Let me confirm what I wrote.

9 [Whereupon, the witness reviews document]

10 A. Yes, I did state that I observed two bruises; one on
11 the right temple and one above the right eye about the
12 center of the forehead.

13 Q. So you observed those injuries on the 26th?

14 A. Yes.

15 Q. There was no search warrant executed after you
16 observed those injuries on the 26th, correct?

17 A. Correct.

18 Q. The search warrant was actually executed the next
19 day on the 27th, does that sound accurate?

20 A. Yes.

21 Q. And the night of the 26th Tamika and M.W. --
22 Marcus, excuse me, were allowed to go home, is that
23 correct?

24 A. Yes, they were.

25 Q. They were interviewed and then they went home?

1 A. I believe so, yes.

2 Q. Do you recall the reason for that?

3 A. That was not in my purview.

4 Q. So Tamika and M.W. [sic] actually spent the
5 night of the 26th in the apartment?

6 A. Yes. I believe, I don't know. They were released.
7 I don't know where they went after that.

8 Q. And Tamika I believe you did testify had cleaned up
9 whatever blood was on the floor by the next day when you
10 got there on the 27th, is that correct?

11 A. Somebody cleaned up, I don't know. But the blood
12 that we saw on the 26th, which was on the left side of
13 the room was not there when I got there on the 27th.

14 Q. And that's understandable, correct?

15 A. Yes.

16 Q. At that point she doesn't know she is a suspect.
17 Marcus doesn't know he's a suspect, correct?

18 A. I don't know, sir.

19 Q. Well, they were allowed to go home so I assume they
20 weren't, they didn't charge them with anything.

21 A. Again, that's beyond my information.

22 Q. But it wouldn't be unusual that they would want to
23 clean up the blood of their son who just died that
24 morning.

25 A. I would assume so.

1 Q. And if somebody cleans up blood that creates the
2 potential for transfer, is that correct?

3 A. It's possible.

4 Q. And if there is transfer blood that can contaminate
5 a crime scene?

6 A. In the sense of when you mention contaminating.

7 It's going ---

8 Q. --- it moves the blood around ---

9 A. --- it's going to move it around, yes.

10 Q. Moreover an apartment full of officers walking
11 through blood can contaminate a crime scene, is that
12 correct?

13 A. It's possible.

14 Q. And I believe there were photographs introduced
15 yesterday that you took of M.W. is that correct?

16 A. Yes.

17 Q. And in one of those photographs M.W. was allowed
18 to walk through the blood, is that correct?

19 A. Yes.

20 Q. Allowing him to walk through the blood can
21 contaminate the crime scene, is that correct?

22 A. It could. He did not go -- once we saw what he was
23 doing we moved him to the chair.

24 Q. It can create a transfer of blood, is that correct?

25 A. Yes, it can.

1 Q. Let's talk a little bit about this TV stand. And
2 this is the stand that was being used as a table; not the
3 one with the actual TV on it.

4 When you went to the hospital and photographed
5 Baby you took some photos of what appeared to be square
6 or rectangular marks on the child's head, is that
7 correct?

8 A. I took photos of bruises that were on the head. I
9 believe that once the autopsy was completed the bruising
10 was more pronounced and could be seen better and that's
11 why I went back the next day.

12 Q. And that was the night of the 26th that you took
13 those photographs of Baby correct?

14 A. Yes.

15 Q. Now on the 27th when the search warrant was executed
16 on the home you went looking for something that would
17 match those square or rectangle marks, is that correct?

18 A. Yes.

19 Q. And you actually took some photographs of I guess
20 they are toppers. They are little rubber pieces on the
21 top of where the legs come up on the table, is that
22 correct?

23 A. Yes, sir.

24 Q. On the stand. And I believe that you had indicated
25 that those square marks were consistent with Baby

1 injuries?

2 A. They appeared consistent to me, yes.

3 Q. Consistent doesn't mean they caused the injuries,
4 correct?

5 A. I can't say for sure they caused the injuries, no.

6 Q. And again that was on the 27th that you were taking
7 pictures of the stand?

8 A. Yes. At that point we saw the injuries and they
9 were more defined where we knew what we might be looking
10 for. The day before it was just we could see bruising.

11 Q. If a search warrant had been executed on the 26th
12 that table could have been seized, correct?

13 A. Possibly.

14 Q. If you believed there was a square object in the
15 apartment that was essentially according to the State's
16 case a murder weapon you could have gone and executed a
17 search warrant on the 26th, correct?

18 A. We didn't know that's what we were looking for on
19 the 26th from what I understand.

20 Q. You knew you were looking for a square or
21 rectangular object, correct?

22 A. We knew we were looking for a bruising and from what
23 I understand we didn't know until the next day that it
24 was more defined where it looked like a square. From
25 what I remember it was just bruising on the forehead and

1 again it was more defined. You could tell it was more of
2 a square shape the next day when we did the autopsy
3 photos.

4 Q. The next day you didn't get the stand. You never
5 seized it and took it into evidence, did you?

6 A. No, we did not.

7 Q. So no forensic testing was done on that table?

8 A. No, sir.

9 Q. The toppers weren't taken off the table. The little
10 rubber toppers weren't popped off, correct?

11 A. No, sir.

12 Q. No forensic testing was ever done on those, correct?

13 A. No, sir.

14 Q. And again you never collected any of M.W. toys
15 to see if there were any toys or objects in his room that
16 would match the injuries of Baby correct?

17 A. No sir, we didn't find anything that indicated that
18 we needed to.

19 Q. There is nothing in the report that says you looked.
20 You're welcome to read through it.

21 A. The detectives and myself we searched the residence
22 and we documented what we did find.

23 Q. You did indicate in your report that you noticed
24 blood on M.W. is that correct?

25 A. Yes.

1 Q. I believe you stated you noticed blood on his knee,
2 is that correct?

3 A. Yes, sir.

4 Q. You noticed blood on his leg, is that correct?

5 A. Yes, sir.

6 Q. You noticed blood on his foot, correct?

7 A. Yes, sir.

8 Q. The top and bottom.

9 A. I'd have to double check. I remember it was on the
10 top. I don't remember if we saw it on the bottom of his
11 foot.

12 Q. And you also noticed a little bit of blood on his
13 head, is that correct?

14 A. Yes.

15 Q. Now, no other clothing of Tamika's other than the
16 shirt that she was wearing whenever y'all arrived on the
17 26th and the one that was photographed was taken from the
18 house, is that correct?

19 A. Correct.

20 Q. And she admitted and the EMS -- I don't think you
21 were in here for that -- I think it has been pretty well
22 established she picked up the baby after they found him
23 in the bassinette, correct?

24 A. From what I understand, yes.

25 Q. And you're aware that the defendant Tamika had just

1 given birth three days prior to the day that Baby was
2 found dead?

3 A. I did learn that, yes.

4 Q. Now when you executed the search warrant on the 27th
5 there is nothing in your report to indicate that anybody
6 went through the trash, is that correct?

7 A. I don't have anything in my report stating that, no.

8 Q. And there is nothing in your report to indicate that
9 anybody sought to find out where the trash goes in case
10 somebody threw something out where it might be delivered
11 to what dump so you could try to track it down, is that
12 correct?

13 A. No, I don't believe so.

14 Q. Were any other search warrants executed after the
15 27th that you're aware of?

16 A. Not that I'm aware of.

17 Q. Now I believe you also testified that the bassinette
18 did have, and we saw photographs, it did have blood in
19 multiple spots around the inside, the interior, is that
20 correct?

21 A. Yes, sir.

22 Q. It also had blood on the sides, on the insides?

23 A. Yes, sir.

24 Q. That's an important piece of evidence is it not, the
25 bassinette?

1 A. And I collected it, yes sir.

2 Q. And you logged it into evidence?

3 A. Yes, I did.

4 Q. And you're aware that the bassinette is missing?

5 A. I am aware.

6 Q. Thank you.

7 MR. LONGSHORE: No further questions, Your Honor.

8 THE COURT: Redirect?

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REDIRECT EXAMINATION

BY MS. HERRING LASH:

Q. Just a few questions Ms. Moore, Anita. You were there when EMS was there and Fire?

A. No. EMS had already transported the juvenile before I got there.

Q. So by the time you got there and took the pictures if they would have walked in blood and transferred it, it would have been visible to you in the pictures.

A. Yes, ma'am.

Q. So you were there after they had left?

A. Yes, ma'am.

Q. And the -- when you're looking at BLUESTAR do you often, are you often able to distinguish I guess I'll call it swish mark from a drop?

A. Yes, ma'am. The BLUESTAR is actually going to illuminate what is present in the sense of what was originally dropped.

So if it was round circles or droplets or if the blood was swiped, if something went through the blood while it was still there that would show in that instance. And that's how we can tell what we're looking at.

Q. And in this particular application there was one picture, I'll show you what has been marked into evidence

1 as State's number 42.

2 [Whereupon, State's exhibit number 42 is published]

3 Q. Is that, and that is State's 42. Let me tell you
4 what number on your list it is. I think it's near the
5 floor?

6 A. Yes, it was in the area where when I arrived the
7 bassinette was sitting in that general vicinity. And
8 it's a larger area and you can see where it kind of drags
9 along and you've got multiple areas to where it looks
10 like something possibly blood was moved around the floor.

11 Q. And so that could be, I think you were asked if
12 someone was cleaning up, that could be a picture where it
13 looked like a swish mark.

14 A. If the blood was still wet that would create and the
15 blood was moved then you would see that type of stain.

16 Q. And if a blood was already -- if the blood was
17 already dry and someone was cleaning it up would you
18 anticipate that kind of stain?

19 A. Generally you won't see it as much, no.

20 Q. And I'll show you just to distinguish the difference
21 State's exhibit 30.

22 [Whereupon, State's exhibit number 30 is published]

23 Q. And those are there are several but this picture you
24 can kind of see in here are the droplets.

25 A. Yes, ma'am.

1 Q. And you said something yesterday about the smaller
2 the droplet the more velocity.

3 A. Yes, ma'am.

4 Q. Could you explain what you mean by that?

5 A. When you have a larger force that is enacting on
6 blood that creates more velocity to create smaller
7 stains.

8 If you're standing and you just have blood dripping
9 off your finger it's going to create a larger drop. But
10 when you add force on it, it creates a larger or smaller
11 stain because there is more force to it.

12 Q. And as far as other materials I'll call them that do
13 react to BLUESTAR do you know what some of those are?

14 A. Chlorine can, some varnishes or acrylic paints, some
15 root ---

16 Q. --- root vegetables ---

17 A. --- vegetables can but they do react differently.
18 They don't glow as long or as blue. They're more of a
19 whitish to blue and sometimes they flash where it will be
20 the color and then it goes away.

21 Q. Have you actually done experiments looking at how
22 those react in relation to how blood reacts?

23 A. I've seen videos. I've tried some like horseradish
24 and things to that nature but I couldn't get them to
25 react.

1 Q. Okay. But you've seen videos and there is a
2 difference in the way they react?

3 A. Yes.

4 MS. HERRING LASH: Beg the Court's indulgence.

5 [Whereupon, Ms. Herring Lash and Mr. Uricchio
6 confer]

7 Q. [Ms. Herring Lash] And just to go back it would have
8 been -- if a search warrant had been executed that would
9 be something that the detectives did?

10 A. Yes, ma'am. That's up to them to get the search
11 warrant and then we assist.

12 Q. And you after seeing the body you knew the shape of
13 the object that you were looking for?

14 A. Right. The first night we knew there was some
15 bruising and you maybe could see a line. But again the
16 autopsy photos what we saw the next day was more defined
17 so we knew more what we were looking for.

18 And at that point from what I understand it's
19 hearsay but through the investigation that's when they
20 determined it was necessary for a search warrant so we
21 were able to know that we were looking for more.

22 Q. And as far as what was searched did you document
23 everything in the entire house that was searched or what
24 you took?

25 A. Normally the detectives will do a complete search of

1 the residence. We will look at everything.
2 Unfortunately we don't, I don't record every single door
3 that I open or every single toy or maybe a bag of clothes
4 that we looked in. But when they do a search warrant on
5 a residence the detectives will go through the whole
6 residence.

7 Q. And to be fair you don't remember which toys were
8 looked at or not looked at?

9 A. The room was full of toys. They were all in a neat
10 order. Nothing appeared to be had any blood stains that
11 we saw or were out of order.

12 Q. So there were no visible blood stains?

13 A. No, there was not.

14 Q. Those are all the questions I have, Anita. Thank
15 you.

16 THE COURT: Recross?

17 MR. LONGSHORE: No further questions, Your Honor.

18 THE COURT: All right. You may step down.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

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1 THE COURT: Folks, before we call the next witness
2 we have to take up some legal matters and we have to do
3 that outside of your presence. I'm going to send you
4 back to the jury room.

5 Again, do not begin discussions or deliberations
6 about the case and hopefully it won't be too long. I'm
7 not exactly sure how long it will take but we've just got
8 to make a few rulings and then we'll have the next
9 witness for you.

10 [Whereupon, the jury exits at 10:00 a.m.]

11 THE COURT: Okay. So this witness we need to
12 determine if he's qualified or if he's qualified can he
13 testify to what he wants to testify to. Is that
14 basically what it boils down to?

15 MR. LONGSHORE: Well, my only concern, Your Honor
16 is he is I don't think there is any doubt that he can
17 testify as an expert in forensic child abuse. The
18 question is Ms. Herring Lash wants to get into this whole
19 issue of qualifying him as an expert in something called
20 short distance fall deaths.

21 So my examination of his C.V. and looking at his
22 background we can ask him that but I don't think he's
23 ever done any studies himself. He has no experience with
24 short fall death injuries in examining people himself.
25 He never examined the decedent in this case. And we're

1 not necessarily even arguing that this is a short fall
2 case. So I don't know exactly what he's testifying to.
3 But I don't think he's an expert in short distance fall
4 deaths.

5 Just because he reads literature -- I'm a huge music
6 fan Your Honor and Wilco is my favorite band of all
7 times. I read all the books on them and I can tell you
8 all sorts of background on them. But -- and most people
9 would say I'm great at music trivia and I know a lot
10 about music, I play music myself.

11 But if you started to try to and qualify me as an
12 expert in Taylor Swift's music then I would fail
13 miserably. So just because he's an expert in some
14 broader field of child abuse I don't think that that
15 qualifies him for everything that might tangentially sort
16 of relate possibly to child abuse.

17 THE COURT: All right. I'm not familiar with the
18 field of short distance fall deaths but I guess we'll
19 find out if it exists and if he's an expert in it.
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1 [Whereupon, Doctor Melville comes forward]

2 THE COURT: So, you're Doctor Melville?

3 THE WITNESS: Yes I am, sir.

4 THE COURT: Okay. She'll swear you in.

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 THE CLERK OF COURT: Please state your full name
8 for the record and spell your last name.

9 THE WITNESS: John Donald Melville, M-E-L-V-I-L-L-E.

10 - - - - -

11 DR. JOHN MELVILLE,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. HERRING LASH:

16 Q. Doctor Melville, would you start off by just telling
17 us your educational background?

18 A. Yes. So after I finished my Bachelor's and Master's
19 degree in computer science at Brigham Young University I
20 attended medical school at the University of California
21 at San Diego.

22 Following my medical degree I did a double residency
23 in Internal Medicine, which is the medical care of
24 adults, and pediatrics, which is the medical care of
25 children. Following my residency I was board certified

1 in general pediatrics by the American Board of Pediatrics
2 and general internal medicine by the American Board of
3 Internal Medicine. Because I now dedicate my practice to
4 children I have not maintained my internal medicine
5 credential and so it expired.

6 Following residency I spent four years as a general
7 internist and pediatrician in Kotzebue, Alaska at which
8 time I went back to the University of Texas Health
9 Science Center at San Diego where I spent three years as
10 a postdoctoral fellow in child abuse pediatrics.

11 As part of my fellowship I evaluated children
12 suspected of having been abused or neglected under the
13 supervision of faculty. I also performed original
14 research and I taught at both the local and national
15 level on the topic of child abuse pediatrics.

16 Following my three year fellowship in Texas I took a
17 comprehensive examination and was board certified in
18 child abuse pediatrics by the American, the child abuse
19 sub-board of the American Board of Pediatrics.

20 Q. And what this particular hearing is about Doctor
21 Melville you may have heard this when you were coming in
22 if any education or any training you have dealing with
23 head trauma in children or how they sustain head trauma
24 or maybe to explain what an area of falls means per the
25 literature. That's a broad question but I think you get

1 it.

2 A. So head trauma is a very important topic in child
3 abuse pediatrics. It's a major section of the leading
4 textbooks on child abuse pediatrics. It is regularly
5 tested on the boards. It's something that I lecture
6 about when I give lectures to the South Carolina
7 Children's Law Center.

8 Short falls are also an important topic in child
9 abuse pediatrics. I was pleased to author with my
10 colleague Doctor Sandy Nurang [phonetic], Chris Reely
11 [phonetic] and some others a law review on abuse of head
12 trauma. And that law review did have a large section on
13 short falls.

14 Q. So you have published about short falls?

15 A. I have.

16 Q. And for preparation for this did you review some
17 literature that you are familiar with in the area of
18 short falls?

19 A. So, again presuming that there is an area of short
20 falls yes I have reviewed again some of the literature
21 that we commonly use in teaching and thinking about short
22 falls in infants.

23 Q. And I guess that we're probably using that term
24 short fall as kind of a lay term. I don't know that you
25 in the medical field have that as a medical term. It's

1 head trauma.

2 A. So short fall is a term of art within child abuse
3 pediatrics. Head trauma or as we would style it abusive
4 head trauma is a different term of art within child abuse
5 pediatrics.

6 Q. So you're familiar with both?

7 A. Absolutely.

8 Q. And the articles that you have reviewed for this
9 particular case were they published and peer reviewed and
10 accepted in the community of child abuse pediatrics?

11 A. They have been peer reviewed. They have been
12 published in reputable journals and they are widely
13 accepted in the field of child abuse pediatrics.

14 Q. And you have your own expertise from your training
15 and your education and your publications and are able to
16 interpret what that literature is saying more than
17 perhaps I could.

18 A. So again, reading medical literature is one of the
19 topics that we teach our fellows about. And a year or
20 year and a half ago I was honored to join my colleague
21 Daniel Lindberg [phonetic] giving the Cab Echo [phonetic]
22 which is an online weekly lecture to all of the fellows
23 who are currently training in child abuse pediatrics like
24 I did in San Antonio. And so we gave the Cab Echo
25 [phonetic] lecture specifically on the topic of

1 interpreting the medical literature.

2 MS. HERRING LASH: At this point Your Honor I would
3 offer Doctor Melville as qualified to testify about the
4 literature on the area of short falls and child abuse.

5 THE COURT: Well, I guess I'm a little bit confused
6 by what you just said you wanted to offer him as an
7 expert in. You want to offer him as an expert in the
8 literature?

9 MS. HERRING LASH: Well, no ---

10 THE COURT: --- normally we have somebody give
11 their opinion about something.

12 MS. HERRING LASH: And I was really kind of
13 focusing on the question just for this hearing. For his
14 testimony I would be offering him as an expert in child
15 abuse pediatrics.

16 But what I am offering him for purposes of this
17 hearing is that he has shown an underlying ability and
18 has studied the area of head trauma as it applies to
19 short falls, and has reviewed specific literature for
20 this hearing in order to speak about the literature.

21 I was not going to ask him specific opinion
22 questions but to talk about the literature and what the
23 results of all of the research that has been done on the
24 literature that he reviewed. Is that about as clear as
25 mud?

1 THE COURT: I guess I have a big so what question
2 because there is literature out there on a lot of things.

3 MS. HERRING LASH: I think what this ---

4 THE COURT: --- we would normally bring an expert
5 in to give us an opinion about based on what my knowledge
6 is which is training, experience, and literature in my
7 opinion this was a fall that fell under this category of
8 short fall deaths.

9 So just to say he's read literature that's fine;
10 that part of what makes him an expert. But I'm a little
11 bit confused on what you, what we're doing here right
12 now. If he is going to ultimately give an opinion about
13 what was -- was this death consistent with a short fall
14 or not that's fine. The literature would be part of any
15 decision but...

16 MS. HERRING LASH: He did not examine Baby The
17 pathologist did. But the pathologist does not have any
18 background and knowledge of any research that has been
19 done regarding when infants or newborns fall from certain
20 heights or fall in order to opine about if the fractures
21 that she saw and the fatal brain injury that she saw
22 could have resulted from a simple slip out of the arms.

23 There is lots of literature that we have reviewed
24 that Doctor Melville has of research where some of it
25 documented children falling out of hospital beds and the

1 resulting trauma that many of them, you know the injuries
2 that was the result of these falls.

3 And that is what I was going to ask him about as far
4 as the literature goes because I do think that there is a
5 statement by the defendant that she simply dropped Baby
6 and that this caused his injuries.

7 THE COURT: Okay. But again -- ultimately are you
8 planning on trying to elicit an opinion from him that
9 this death is consistent or inconsistent with a quote
10 unquote short fall death, which I'm not really sure what
11 that means.

12 MS. HERRING LASH: May I ask him?

13 Q. [Ms. Herring Lash] What is a short fall?

14 A. So short fall has two words, short and fall. Fall
15 is the unobstructed unassisted motion of a body to the
16 earth under the influence of gravity.

17 Short has been defined differently in different
18 papers. About the lowest that I've seen somebody see as
19 a threshold is a meter and a half or about five feet.
20 Some of the papers will define short falls up to 12 feet.

21 MS. HERRING LASH: And I will ask him, and I don't
22 know the answer to this, if a simple fall if he has an
23 opinion to a reasonable degree of medical certainty
24 whether or not a simple slip out of the arms would result
25 in three complex fractures and a severe brain bleed based

1 on his knowledge of the research on children that has
2 sustained falls as this. And I feel he has offered the
3 expertise to be able to offer that opinion.

4 THE COURT: Mr. Longshore you want to voir dire the
5 witness or join in this discussion?

6 MR. LONGSHORE: I don't really have any questions
7 for the witness, Your Honor. I mean -- well, I suppose I
8 do.

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1 CROSS-EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Doctor Melville, you don't have a background in
4 Physics, do you?

5 A. I do not have a degree in Physics. I took
6 undergraduate Physics like all premeds do.

7 Q. You're not a Biomechanics expert are you?

8 A. I am not an expert in Biomechanics. Introductory
9 Biomechanics is part of the curriculum of child abuse
10 pediatrics.

11 But I will not be computing forces or velocities or
12 conducting trials or doing any of the core activities of
13 a Biomechanics.

14 Q. Is there a distinction between dropping a child
15 because the studies that I've read are sort of all over
16 the board. Is there a distinction between dropping a
17 child from five feet to four feet?

18 A. So, obviously minor -- my minor -- Physics will tell
19 me that dropping a child from five feet is more force
20 than dropping a child from four feet.

21 But those are both falls that we would categorize
22 when we do clinical research as short falls.

23 Q. And you've done no studies yourself. Everything
24 that you're basing your opinion on is just articles
25 you've read, studies you've read.

1 A. I have not conducted independent research on short
2 falls.

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EXAMINATION

BY THE COURT:

Q. So earlier you indicated if I understood you correctly that short falls could be anywhere from a meter or so, a yard, up to 12 feet and would be qualified under the literature as a short fall death or short fall?

A. So yes. So most of the literature that I'm aware of is clinical literature where we look at patients who come to us.

We get information about how they were injured and so then you have to put people into buckets and then you look at those buckets and say how did the kids do? And so when we do fall research the buckets we use are short falls and long falls.

And different researchers have used a different threshold as I say between about five and I think the highest I've ever seen is 12 feet as the distinction between a short fall and a long fall.

Q. So what is ultimately your opinion in this case that you would be offering about a short fall?

A. My opinion is that the chance that a child under two years of age will die of a short fall is less than one in two million.

1 MS. HERRING LASH: And that is based on the
2 literature and his knowledge.

3 THE COURT: So he's not being offered to show or to
4 opine that the death in this case are consistent or
5 inconsistent with what is termed a short fall death in
6 the literature but to just give us the statistical odds
7 of it?

8 MS. HERRING LASH: I don't -- he with the
9 information of the injuries in this case the opinion
10 would be it sounds like from what he's saying is the
11 chances a child with the injuries that this baby
12 sustained dying from a slip would be one in a million.

13 THE WITNESS: Much less than that.

14 MS. HERRING LASH: Much less than that ---

15 MR. LONGSHORE: --- may I ask?

16 MS. HERRING-LASH: Which is what the research says.

17 THE COURT: Mr. Longshore?

18 MR. LONGSHORE: May I inquire of the witness one or
19 two questions?

20 THE COURT: Sure.

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RECROSS EXAMINATION

BY MR. LONGSHORE:

Q. You are aware Doctor Melville that there is a growing body of literature that disputes those numbers, those statistical numbers correct?

A. I am aware of that literature, yes.

Q. You aware of Doctor John Plunkett [phonetic]?

A. I am aware of Doctor Plunkett's [phonetic] study, yes I am.

Q. And some of the difficulty in short fall death studies is because you can't go take a bunch of infants and drop them?

A. That would be extremely unethical.

Q. Correct.

MR. LONGSHORE: Your Honor, my point is I mean the literature is all over the board on this. I mean for him to get up there and say one in a million or one in whatever I don't think he's qualified to say that just because he's read some articles or done some research.

He's not done any clinical studies of this. He knows nothing about the victim in this case by his own admission -- well, one question.

Q. [Mr. Longshore] These studies are mostly done on children, school age children correct?

A. The studies that I am referring to are in children

1 typically under two years of age. Doctor Plunkett's
2 [phonetic] study was the study done on school age and
3 older children.

4 Q. How many children in the studies you're relying on
5 were three days or less old?

6 A. I do not know the exact number. I know that ---

7 Q. --- ten days or less?

8 A. I know that two of the studies in particular that we
9 were planning to look at happened in newborn nurseries
10 which intend to happen in children under ten days of age.

11 I'm trying to get the exact numbers in my head. I
12 think there was -- I'm not going to guess. But I know
13 that Ms. Herring Lash has the studies and it was tens of
14 children in that age range at least.

15 Q. Tens of children.
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1 MS. HERRING LASH: Your Honor, I think the fact
2 that there is literature that can be presented to the
3 jury that helps them understand that a child can be can
4 slip out of arms and fall even if they are three days
5 old.

6 I think one of the articles the children were
7 between 24 and 48 hours old. That they don't sustain
8 traumatic injuries from those falls, that the jury
9 deserves to understand and hear that that literature
10 exists.

11 And these children weren't dropped. They fell out
12 of documented beds -- I think one of the studies that I
13 remember they fell out of hospital beds onto hospital
14 floors. And if you would prefer he not give an exact
15 opinion but just discuss the fact that there is research
16 where clinicians and he's done more than just read
17 articles, Your Honor.

18 He's published and he has a great deal of education
19 in this area including a fellowship, which a large
20 portion of was regarding head trauma. That he can
21 discuss the fact that this literature exists and that
22 there have been studies done with a population under the
23 age of two. And not tell them ---
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EXAMINATION

BY THE COURT:

Q. --- how about a population under the age of a few days? I mean I would think that the skull of somebody who is two years old is going to be harder if that's too much of -- that's just a layman's term. But isn't the skull of a two year old going to be thicker and harder than that of a two day old?

A. Um...

Q. --- if you want to say well it's one in two million just the chances of somebody actually dying from a fall from just like two feet high, three feet high isn't somebody who is a baby that's two days old, three days old wouldn't their skull be softer and that might be more of a chance that they would die from it than a two year old or a four year old or a six year old.

A. What I can say is that we do not have well documented case reports in the literature of that occurring. Babies unfortunately continue to fall a lot in hospitals despite our efforts to prevent that.

And the reports that we have, again I used under two because that's the cut-off that we typically use in the literature for infants and young children verses early toddlers. But what we do not have is high quality case reports of children under two who have a short fall and

1 die. And we have many observational studies of large
2 series of children under two who have short falls and
3 don't die.

4 Q. Well, I can imagine there are all kinds of ethical
5 obstacles to doing a study in this field. So I
6 completely understand the difficulty in being able to
7 answer the question.

8 But the answer to the question is you don't really
9 have any data to support that it would be more likely
10 that they would die from it or not die from a short fall.

11 A. I believe that there is clinical data to support
12 that they would be unlikely to die from a short fall even
13 in the immediate postnatal period.

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1 MS. HERRING LASH: And I think that's kind of the
2 issue, Your Honor.

3 THE COURT: Well, it is the issue.

4 MS. HERRING LASH: That the jury may believe that a
5 three day old would be more fragile as far as a head
6 injury when actually the softness of the bone makes it
7 perhaps less likely to fracture than a harder bone
8 because it's just been manipulated enough to go through
9 the birth canal and the sutures aren't yet closed.

10 But I can hand Doctor Melville this study where the
11 children were between the ages of 24 to 48 hours if you
12 want him to refer to the numbers. But they used a
13 newborn nursery to document falls in the newborn nursery.
14 That study I think if I'm correct was really researching
15 the way for hospitals to improve the way that they handle
16 newborns.

17 But that is exactly the issue that I think is
18 important to illuminate the jury about that a three day
19 old is not necessarily more likely to die from a slip out
20 of the arms or a fall than an older child because I think
21 that's a danger. And it's in fact not so. The research
22 shows that those children for the most part don't die.
23 And I'm probably misstating the statistics.

24 THE COURT: Mr. Longshore, you want to be heard?

25 MR. LONGSHORE: I would just argue again Your Honor

1 the data by the witnesses on admission is extremely
2 limited. This is highly prejudicial to go throwing out
3 numbers when there is relatively little information to
4 back up what he's saying. Again, there aren't a lot of
5 controlled studies done. He personally has never done a
6 study on this.

7 I don't care under the field of forensic child abuse
8 if he wants to talk about a whole bunch of different
9 things and we can deal with those when he gets to them.
10 But I really don't know why he's here necessarily other
11 than to say something that is highly prejudicial and
12 throw out some huge statistical figure based on extremely
13 small sample size. And it's very prejudicial to my
14 client and I don't see the probative value of it.

15 MS. HERRING LASH: And Your Honor I can ask him, I
16 guess let's say -- the question that you asked him is a
17 child three days old more likely to die from a fall than
18 a two year old. And he can answer just as he did in the
19 research they show that they -- people don't drop them
20 but they're not more likely to die than the other
21 children in the studies.

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EXAMINATION

BY THE COURT:

Q. What's your data say on something like that? I mean to back up that statement obviously it's not going to be a controlled study. It's just things that have happened and got reported.

A. So, the study that I think is the most reliable is the study that Chadwick [phonetic] did. And he used the California Epidemiological Injury database.

It is a database that California keeps specifically to try and understand mechanisms of injury in children. And so that is where we get again, its children under two years of age; not children under three days of age which is a very difficult study to do.

But in that study given the number of children they were tracking it's about .48 per million children die or reported as having died from a short fall.

And when the rate is that low it gets very, very hard to distinguish is it actually zero and those were missed child abuse or is it just a fantastically rare event that children who you know a child under two falls a couple of times a day when they're learning how to walk.

And overall the chance that a child in either the first or second year of their life will be reported to

1 the California injury tracking database as having died
2 from a short fall is about .48 per million children.

3 THE COURT: Let's take ten minutes so I can think
4 about this.

5 MS. HERRING LASH: Thank you, Your Honor.

6 [Whereupon, Court is in recess from 10:34 a.m. to
7 11:06 a.m.]

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1 THE COURT: All right. Well, here's my thoughts on
2 it. Basically what this boils down to is a statistics
3 question. And there is not a lot of literature in the
4 body of short fall child deaths. It's not really been
5 recognized as an expert, a field of expertise. And we're
6 kind of relying on you know essentially one or two
7 studies.

8 I just feel like at this point to allow the
9 testimony which basically would say based on evidence
10 that has not even been presented yet the chances of her
11 story being correct or believable is statistically
12 insignificant or statistically small.

13 I just think that is unfairly prejudicial to the
14 defendant and would likely confuse the jury. So, I'm
15 going to not allow him to testify on that, okay.

16 MR. LONGSHORE: Thank you, Your Honor.

17 MS. HERRING LASH: I won't ask then any questions
18 past what he had to with M.W.

19 THE COURT: What were you planning on asking him
20 about?

21 MS. HERRING LASH: He is the person that saw
22 M.W. and swabbed him and determined that there was no
23 physical abuse inflicted that he could tell on M.W.

24 THE COURT: Okay.

25 MS. HERRING LASH: And that he did not refer him to

1 a forensic interview because he didn't think he was
2 verbally capable of giving a forensic interview.

3 THE COURT: What was the last part?

4 MS. HERRING LASH: He did not refer him to a
5 forensic interview because he determined that M.W.
6 was not, and I may be misstating his exact wording but he
7 was not verbally capable of being forensically
8 interviewed.

9 THE COURT: Okay. So just for that limited
10 purpose.

11 MS. HERRING LASH: Yes. And that I don't think...

12 MR. LONGSHORE: I don't have any objections to
13 that, Your Honor.

14 THE COURT: Okay. Bring the jury back in then.

15 [Whereupon, the jury enters at 11:10 a.m.]
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1 THE COURT: All right folks, you may be seated.
2 The next witness is Doctor Melville. We've already had
3 him up on the stand but I would ask that you put him
4 under oath in front of the jury.

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 THE CLERK OF COURT: Please state your full name
8 and spell your last name for the record.

9 THE WITNESS: My name is John Donald Melville, M-E-
10 L-V-I-L-L-E.

11 - - - - -

12 JOHN MELVILLE,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. HERRING LASH:

17 Q. Doctor Melville, where do you work?

18 A. I work at the Medical University of South Carolina.

19 Q. And how long have you worked there?

20 A. Five and a half years.

21 Q. And what is your professional background just
22 briefly please.

23 A. So, I'm a medical doctor. I'm a pediatrician with a
24 subspecialty in the field of child abuse pediatrics.

25 Q. And what is your educational background?

1 A. So after I completed my Bachelor's and Master's
2 degree at Brigham Young University I attended medical
3 school at the University of California at San Diego
4 School of Medicine.

5 Following medical school I did a combined internship
6 and residency in Internal Medicine, which is the medical
7 care of adults, and pediatrics, which is the medical care
8 of children.

9 At the end of four years of residency I took
10 comprehensive examinations and was board certified in
11 general pediatrics by the American Board of Pediatrics
12 and general internal medicine by the American Board of
13 Internal Medicine. I do not currently see adults so I
14 have allowed my internal medicine credential to lapse.

15 Following my residency I spent four years as a
16 general internist and pediatrician in Kotzebue, Alaska.
17 After that I returned as a postdoctoral fellow in child
18 abuse pediatrics at the University of Texas Health
19 Science Center at San Antonio.

20 In the course of my fellowship I was responsible to
21 evaluate children suspected to have experienced child
22 abuse or neglect under the supervision of faculty.

23 I conducted original research, I published that
24 research and I taught in the topic of child abuse
25 pediatrics at both the regional and national level.

1 Q. And did you see M.W. Williams?
2 A. Yes, I did.
3 Q. And when did you see him and where?
4 A. I saw him in the children's emergency department
5 which at the time was in the MUSC hospital. And it was
6 on 6/26/2018.
7 Q. And was that in the evening hours?
8 A. That was in the evening, yes. I had gone home for
9 the day and was called back to the hospital.
10 Q. And who was with him when you arrived?
11 A. Detective Powitchko with the North Charleston Police
12 Department.
13 Q. And were you able to get a complete medical history
14 regarding M.W.
15 A. I was not.
16 Q. And were you able to get a good and complete
17 developmental history?
18 A. I was not.
19 Q. And was that because there was no historian with
20 him?
21 A. That's correct.
22 Q. And were there some developmental delays that you
23 observed?
24 A. There were.
25 Q. And did those, did you know the source of those

1 developmental delays?

2 A. I did not.

3 Q. And what was M.W. height and weight at the
4 time?

5 A. I have his height recorded as 104 centimeters and
6 his weight as 17 kilograms.

7 Q. What is that in feet and pounds if you know?

8 A. Well a meter is about a yard so 104 centimeters
9 would be just over three feet. Two point two grams to
10 the kilogram so 17 times 2 would be 34. 17 over five is
11 about three so about 35 pounds if I'm doing public math
12 correctly.

13 Q. I know. I didn't mean to put you in that situation.
14 But about three feet and about 30 something pounds?

15 A. That would be correct.

16 Q. And did you examine M.W. conduct a physical
17 examination?

18 A. I did.

19 Q. Were there any signs of inflicted trauma?

20 A. There were no signs of inflicted trauma to M.W.

21 Q. As part of this examination did you collect
22 suspected blood evidence?

23 A. I did.

24 Q. Where on his body did you collect it from?

25 A. I collected from five different locations. The

1 right elbow, just above both knees and on the bottom of
2 both feet.

3 Q. And did you swab those areas and package it to be
4 sent off?

5 A. I did.

6 Q. And did you refer M.W. for a forensic interview
7 to be done?

8 A. I did not.

9 Q. And why not?

10 A. When I saw M.W. in the emergency department I
11 could understand less than ten percent of what he was
12 saying to me.

13 And so based on my training as a child abuse
14 pediatrician I felt that he did not possess the
15 developmental skills to complete a forensic interview.

16 Q. And you noted the areas, I go back to there was
17 blood, you did not collect any blood or see any suspected
18 blood anywhere else on his body?

19 A. So, on the right ankle there was a spot that when I
20 was just doing my live exam I said oh, it's a scratch and
21 a scratch on the ankle isn't that exciting.

22 As I went, later on the next week when I was going
23 through my photographs I said oh my goodness that might
24 have been another blood spot. By that point it was too
25 late so I did not collect that blood spot.

1 Q. And nothing on his head or his face or his hands?

2 A. No, all the findings on the head and the face so at
3 the original examination there was a lump on his head
4 that I thought might be an injury.

5 But it was completely unchanged two weeks later so
6 with the benefit of hindsight I think that that bump was
7 just his head is lumpy. Heads are that way.

8 Q. But you did look at his head?

9 A. I did.

10 Q. Those are all the questions that I have Doctor
11 Melville. Thank you.

12 THE COURT: Cross?

13 MR. LONGSHORE: No questions, Your Honor.

14 THE COURT: All right. You may step down. Can I
15 see y'all a second?

16 MS. HERRING LASH: Your Honor, may he be excused?

17 THE COURT: Yes, please. You're welcome to stay
18 but you're free to go.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

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1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: Folks, I've got to send you back out
4 for just a few minutes. I don't think it will take as
5 long as the last one. But I'll just have to make sure
6 that I can rule on a couple of legal matters before you
7 hear the evidence. So again don't begin deliberations or
8 discussions. We'll have you back in a few minutes.

9 [Whereupon, the jury exits at 11:20 a.m.]

10 THE COURT: Okay. Who is the witness, their name?

11 MR. URICCHIO: The State calls Doctor Erin
12 Presnell, Your Honor.

13 THE COURT: Okay.

14 MS. HERRING LASH: I was just trying to pick out
15 which photograph to give you, Your Honor.

16 THE COURT REPORTER: Did you say Erin Presnell?

17 MR. URICCHIO: Yes.

18 THE COURT REPORTER: Is it listed as Susan on the
19 witness list ---

20 MR. URICCHIO: --- yes, it's Susan E. Presnell but
21 she goes by Erin.

22 [Whereupon, Ms. Herring Lash provides photographs to
23 the Court]
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1 [Whereupon, Doctor Presnell comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 THE CLERK OF COURT: Please state your full name
5 for the record and spell your last name.

6 THE WITNESS: My name is Susan Erin Presnell, P-R-
7 E-S-N-E-L-L.

8 MS. HERRING LASH: Beg the Court's indulgence.

9 MR. LONGSHORE: I apologize, Your Honor.

10 [Whereupon, Ms. Herring Lash and Mr. Longshore
11 review photographs]

12 MS. HERRING LASH: Your Honor, I'll just show you
13 these. I'm not going to remember the numbers since you
14 will have the numbers so you can just look at them before
15 we start.

16 [Whereupon, the Court reviews photographs]

17 MS. HERRING LASH: Your Honor, what you will see
18 there is the original, and then a filtered version and
19 then the black and white of all. Each one has three
20 different versions.

21 THE COURT: Okay. Well, I guess you need to go
22 through and tell me why you need to have each of these
23 in. It goes without saying just looking at them they are
24 jarring.

25 MS. HERRING LASH: Right.

1 THE COURT: So to overcome that to the jury tell me
2 why it's absolutely necessary they need to see these?

3 MS. HERRING LASH: We would rely predominately on
4 State v Collins at 409 S.C. 524 and State v Gray 408 S.C.
5 601 that both in essence say that if the photograph even
6 if it is gruesome if it is necessary to help and aid the
7 witness predominately -- these cases, the Gray case
8 specifically is about an autopsy pictures.

9 Collins is even about; I think Collins is about
10 pictures of a mutilated body that was attacked by dogs at
11 the scene. It's not even a medical sterile picture;
12 those are. That if the pictures are necessary for the
13 witness to be able to explain what the injuries are and
14 the severity of the injuries that the jury should be able
15 to see them.

16 I think that Collins says: Courts and juries cannot
17 be squeamish about looking at unpleasant objects and
18 things or circumstances in the proceedings to enforce the
19 law and especially when there is a search for the truth.
20 The mere fact that it is gruesome or revolting if it
21 sheds light on the strength or gives character to the
22 evidence or substantially any issue in the case it should
23 be admitted.

24 And in this case we have to prove extreme
25 indifference to human life. And I think that the

1 severity of the fractures are necessary to show the jury
2 the severity of the injury and the trauma that this
3 infant sustained. Just saying to them there is a skull
4 fracture is not the same as seeing the kind of fracture.

5 And in the Collins case and in the Gray case they
6 point out that just because an injury can be diagramed
7 that is not as illustrative and as informative to the
8 jury as actually seeing what happened to the body.

9 And because we have the challenge here of showing
10 extreme indifference and overcoming the defense that
11 either he was simply slipped out of hands or that a three
12 year old did this we have to show the extent of the
13 injuries.

14 THE COURT: Why don't you ask the witness on each
15 of these what is the probative value of the photograph
16 because I'm not really even sure what I'm looking at ---

17 MS. HERRING LASH: --- I know ---

18 THE COURT: --- here. It's just very unsettling to
19 imagine what it is.

20 MS. HERRING LASH: And I think that kind of goes to
21 the importance of them.

22 THE COURT: Nevertheless. We need to go through
23 it.

24 - - - - -

25 DR. SUSAN E. PRESNELL,

1 Having been first duly sworn,

2 Was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MS. HERRING LASH:

5 Q. Doctor Presnell, we will show you, and it will be in
6 front of you, first of all let's go with State's exhibit
7 56.

8 [Whereupon, the photograph is shown]

9 THE COURT: There is no challenge to her
10 qualifications or anything, is there?

11 MR. LONGSHORE: No challenge to her qualifications,
12 Your Honor.

13 THE COURT: Okay.

14 Q. [Ms. Herring Lash] For I.D.

15 THE COURT: Turn that off real quick.

16 [Whereupon, an off the record bench conference is
17 held]

18 [Whereupon, the photograph is shown]

19 A. It might be easier to start on the outside and work
20 in; sort of from the inside out.

21 Q. [Ms. Herring Lash] Okay. I don't have any that are
22 -- I was just showing the exact -- the injuries.

23 A. I'm sorry, what?

24 Q. I don't have any of the head. These are the only
25 three, we only have four here that we're trying to get

1 in.

2 A. We don't have any of the face, the infant's face?

3 Q. Not that are objected to.

4 A. Okay.

5 Q. That's why I'm just showing the ones that are
6 objected to.

7 THE COURT: There are other photos that are coming
8 in.

9 THE WITNESS: Okay.

10 THE COURT: These are the ones...

11 MS. HERRING LASH: These are the ones that are
12 objectionable.

13 A. Okay. So at autopsy one of the things that we do is
14 cut behind the ears and reflect the scalp forward so it's
15 over the face. What we're looking at here is the left
16 side of the head. Do you have a pointer?

17 THE COURT: Which exhibit number is this?

18 THE LAW CLERK: 56.

19 Q. [Ms. Herring Lash] You can touch the screen.

20 A. Okay. So this is looking at the left side of the
21 skull with the scalp reflected forward. And this right
22 here [indicates] is all fracture so that's demonstrating
23 the fracture.

24 Q. 57?

25 [Whereupon, the photograph is shown]

1 Q. I'm sorry, the other one, 55; my mistake.

2 [Whereupon, the photograph is shown]

3 A. This is the same picture a little further back. So
4 again illustrating this fracture [indicates].

5 Q. 54?

6 [Whereupon, the photograph is shown]

7 A. This is on the right side of the head so the same
8 type of situation with the scalp reflected forward and
9 illustrating this complex skull fracture [indicates] it
10 going basically the whole side of his head.

11 THE COURT: This is essentially after you pulled
12 the skin back what you found; there is no cutting of
13 anything or?

14 THE WITNESS: Right. There [indicates] is the saw
15 cut but this right here [indicates] is the fracture.

16 THE COURT: That's the injury?

17 THE WITNESS: Yes.

18 Q. [Ms. Herring Lash] 53?

19 [Whereupon, the photograph is shown]

20 A. Now we haven't taken the skull off. The skull is
21 still on. The scalp is reflected forward. We're looking
22 at the left side of the head and so this part [indicates]
23 of the scalp would reflect back.

24 So this [indicates] area of hemorrhage and this area
25 [indicates] of hemorrhage match up. They would meet each

1 other.

2 Q. And 52?

3 [Whereupon, the photograph is shown]

4 A. This is just an example of not this infant but
5 another infant with the scalp reflected forward showing a
6 normal appearance of the scalp with no hemorrhage.

7 Q. And 51 in comparison to 52?

8 [Whereupon, the photograph is shown]

9 A. This is the same angle but on this infant. You can
10 see the amount of just extensive hemorrhage and you can
11 see the skull fracture at that angle too.

12 Q. Is that the third skull fracture you can see?

13 THE COURT: This is Baby

14 MS. HERRING LASH: Yes, Your Honor. And the other
15 picture of the infant that did not have a hemorrhage was
16 to show that if there is a question in the jury's mind
17 that when you reflect during the autopsy if you would
18 have blood just as a result of the autopsy which often is
19 believed that that's not the case; that Baby
20 hemorrhage was severe.

21 And we did prepare these with filters to make the
22 blood less. I think you saw those but do you want me to
23 put those up there to see?

24 THE COURT: It's the same thing just different ---

25 MS. HERRING LASH: --- yes, it's a cleaner version

1 or a less gruesome version if you will. And then we have
2 the black and white also. There is no objection to the
3 black and white.

4 MR. URICCHIO: Your Honor, this would be the medium
5 filter and then this would be the black and white.

6 [Whereupon, photographs are shown]

7 THE COURT: Can you show what you need to show
8 doing it in black and white?

9 MS. HERRING LASH: The black and white is not
10 nearly as clear a distinction but that's the filter and
11 that is the black and white. On some of them you can see
12 it clearly with the black and white; some it kind of
13 fades.

14 But we prepared those in this way so that Your Honor
15 could look at them and determine if it is as visible and
16 as you know if it's illustrative enough in the black and
17 white as opposed to the color because it is very
18 important that the jury understand the severity of these
19 injuries due to what we have to prove.

20 THE COURT: So the darkened areas are hemorrhaging?

21 MS. HERRING LASH: They are blood, yes.

22 THE COURT: And that's shown in black and white.

23 MS. HERRING LASH: Doctor Presnell would have to
24 explain that that is blood and not -- that's what that
25 is. You can't tell from looking at the picture in black

1 and white that that's ---

2 THE COURT: --- go back to the color one of it.

3 [Whereupon, the photograph is shown]

4 MS. HERRING LASH: That is the medium version.

5 [Whereupon, the photograph is shown]

6 MS. HERRING LASH: And that is the actual, Baby
7 actual.

8 THE COURT: So the red that we're seeing is blood
9 obviously?

10 THE WITNESS: The dark red, the maroon red.

11 THE COURT: And that's something you would not
12 normally see in an autopsy?

13 THE WITNESS: Correct. That's trauma. That's
14 blunt trauma ---

15 THE COURT: --- so that means there was a fracture
16 and then blood flowed out into the skull?

17 THE WITNESS: So you can have, it means it is a
18 bruise on the scalp and then we do have fracture under
19 this although you don't have to always have a skull
20 fracture just to have a scalp bruise or a hemorrhage.

21 Q. [Ms. Herring Lash] And I think in this particular
22 case there were more hemorrhages than fractures or more
23 impact areas than -- some bleeds did not; some did not
24 result from a fracture. Is that...

25 A. We just have like on the left side it's a little

1 more limited. We see the impact here [indicates] and the
2 back of the head here [indicates]. On the right side of
3 the head it is just diffuse. I mean I can't distinguish
4 the individual impact sites.

5 THE COURT: Put up 56 again.

6 [Whereupon, the photograph is shown]

7 THE COURT: Go to the black and white on that.

8 [Whereupon, the photograph is shown]

9 THE COURT: What are your thoughts Mr. Longshore?

10 MR. LONGSHORE: Well, Your Honor I would argue in
11 my mind's eye you can see a clear delineation where the
12 blood is. I think the doctor can explain that in the
13 black and white photos.

14 I would argue that the color photos are extremely
15 prejudicial. They are incredibly gruesome. And again
16 you can plainly see the injuries in such a way that the
17 doctor can explain it using the black and white photos.
18 I don't see a distinction.

19 THE COURT: And that's 56 right there?

20 MR. URICCHIO: Yes, Your Honor.

21 THE COURT: Well, here's what I -- these pictures
22 are very unsettling obviously but if they're relevant
23 they are relevant. What I would like to do is minimize
24 the gruesomeness to the jury if at all possible and I'm
25 not sure that that is possible. Because you've got these

1 with different filters on them let's do this. I'll let
2 you put up the unfiltered one on the first one and
3 explain what it is they're seeing, why it's red. It
4 doesn't look like anything human but explain what it is.

5 And then as you go on to the others we will explain
6 to the jury this is what the natural color photo looks
7 like but then any questions that you need to ask let's go
8 to the black and white. It will seem, I think it's
9 important that they see that this blood flow is all over
10 the inside of the skull ---

11 MS. HERRING LASH: --- number 51?

12 THE COURT: --- yes. But when you get to like the
13 fractures you can see all that. But you can put that up
14 but then say let's move on to the black and white ones so
15 you can spend more time on those.

16 MS. HERRING LASH: And with the others just put the
17 fractures just the black and white?

18 THE COURT: Correct.

19 MS. HERRING LASH: And with 51 the color?

20 THE COURT: Which one is that?

21 MS. HERRING LASH: That's 51.

22 THE COURT: That's 51?

23 MS. HERRING LASH: Yes, Your Honor.

24 THE COURT: So, 51 and 46 -- which one is the one
25 that, okay so 56 shows the fracture? Okay.

1 MS. HERRING LASH: There are three different
2 fractures.

3 THE COURT: Yes.

4 MS. HERRING LASH: One of the fractures I think is
5 you can really only see in the color picture very well
6 and that's on 51. This is one of the fractures.

7 THE WITNESS: This is the left side.

8 THE COURT: Can you have an other side of the head?
9 That would be 54.

10 [Whereupon, the photograph is shown]

11 THE WITNESS: Yes.

12 THE COURT: Here's what I'll let you do. I'll let
13 you put in the unfiltered on 56, 54, and 51 but explain
14 quickly what it is that you're seeing. And then if you
15 need to get into any detail about it let's go to the
16 black and white if we've got to spend any time on it.

17 MS. HERRING LASH: 56, 54, and 51.

18 THE COURT: Correct.

19 MS. HERRING LASH: And then just put that up ---

20 THE COURT: --- but the black and white on the rest
21 of them ---

22 MS. HERRING LASH: --- and then change it to black
23 and white as she describes it?

24 THE COURT: Right.

25 MS. HERRING LASH: And the rest of them just the

1 black and white?

2 THE COURT: Correct. But you are free to ask her
3 just for purposes of these photographs it would look the
4 same color as the other one; we're just trying to show
5 respect.

6 MS. HERRING LASH: I'll just put the color up on it
7 for her to say that's the left side or the right side and
8 then go to the black and white with the rest of the
9 explanation.

10 THE COURT: Okay. Can you do that?

11 THE WITNESS: Yes.

12 MS. HERRING LASH: And the normal scalp we can show
13 just to explain that that is what a baby's head that has
14 not been injured would look like.

15 THE COURT: That's fine. That one you can do in
16 color.

17 MS. HERRING-LASH: Okay.

18 MR. LONGSHORE: And Your Honor if I may? I don't
19 know if the family is going to be in here.

20 THE COURT: Well, I sent them out earlier because I
21 said that's why I brought her up; she said they hadn't
22 seen it so I said send them out. They don't need to see
23 it for the first time in here. If they want to bring the
24 family back in to hear this testimony I want them to see
25 those pictures outside first. So if you want to take a

1 minute to do that otherwise you could just explain to
2 them these are extraordinarily unsettling pictures. They
3 won't be able to unsee this but they have the right to be
4 in here but at least in my opinion they don't need to be
5 in here for this testimony.

6 But if they want to, they are welcome to. I would
7 just prefer that you show it to them so that the first
8 time they see it is when it's not up on the screen.

9 MS. HERRING LASH: I'll just take a moment and go
10 ask them.

11 [Whereupon, Mr. Uricchio takes photos to show family
12 outside the courtroom]

13 MS. HERRING-LASH: And while he's doing that Your
14 Honor we have other pictures that I want to move in that
15 we will be using. 49 is the baby's face. There is no
16 objection to State's exhibit 49. 50 is the injury to the
17 mouth and that is without objection.

18 57 is the body diagram from the autopsy. That's
19 without objection. 58 is the diagram of the skull with
20 the scalp reflected back from the autopsy with no
21 objection ---

22 THE COURT REPORTER: --- hold on one second. You
23 said that's 58?

24 MS. HERRING-LASH: Yes, ma'am. With no objection.

25 MR. LONGSHORE: No objection.

1 MS. HERRING LASH: And 59 is a picture of the
2 onesie and 60 is another picture of the onesie; the
3 opposite side.

4 MR. LONGSHORE: No objection.

5 MS. HERRING LASH: Instead of 49 we'll put in 61.

6 MR. LONGSHORE: Without objection, Your Honor.

7 THE COURT REPORTER: So 49 is out and 61 ---

8 THE COURT: --- 61 did you say? Ms. Herring Lash
9 you said 61 in place of 49?

10 MS. HERRING LASH: Yes, Your Honor. They're both
11 the same but 61 is cleaner.

12 THE COURT: Okay. Let's take five to take a break
13 and see what the family wants to do. If you need to use
14 the restroom you can. Be right back.

15 [Whereupon, State's exhibit numbers 50, 51, 54, 56,
16 57, 58, 59, 60, and 61 are entered into evidence by the
17 Court]

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1 [Whereupon, Court is in recess from 11:50 a.m. till
2 11:52 a.m.]

3 THE COURT: All right. I see the family members
4 are back in.

5 MS. HERRING LASH: Yes, Your Honor, they decided
6 to.

7 THE COURT: All right. Let the record reflect the
8 defendant is in the courtroom. Is everybody ready?

9 MS. HERRING LASH: Yes, Your Honor.

10 THE COURT: Bring the jury back. Stipulate to the
11 ones that you are admitting -- we've done that. Those
12 are on the record. And then when you go to offer these
13 he'll object and I'll just admit them over previous
14 objection.

15 [Whereupon, the jury enters at 11:54 a.m.]
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1 THE COURT: All right. The State has called their
2 next witness who is Doctor Susan Presnell who is in the
3 jury box. I will have the Clerk administer the oath to
4 her.

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 THE CLERK OF COURT: Please state your full name
8 for the record and spell your last name.

9 THE WITNESS: My name is Susan Erin Presnell, P-R-
10 E-S-N-E-L-L.

11 - - - - -

12 DR. SUSAN PRESNELL,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. HERRING LASH:

17 Q. Doctor Presnell, where are you employed?

18 A. I am a forensic pathologist and I work at the
19 Medical University of South Carolina that's right down
20 the road.

21 Q. And what is your current position?

22 A. I'm a forensic pathologist there.

23 Q. And what does that mean?

24 A. Well, so forensic pathology is a subspecialty of the
25 field of medicine and pathology. Pathology is the study

1 of disease so most pathologists diagnose disease like
2 they take a biopsy or a surgeon removes a portion of
3 organ. That tissue goes to a pathologist and they say
4 cancer, infection, no cancer etcetera.

5 So I'm trained in regular general pathology but I
6 subspecialize in forensic pathology where we're not
7 looking at just a piece of tissue but a whole entire
8 person that has passed. The process of course is called
9 the autopsy.

10 And ultimately we are trained to interpret injuries,
11 diagnose disease, and again ultimately come up with the
12 cause and manner of death.

13 Q. And how long have you been in that position?

14 A. Since 1999 so 22 almost 23 years.

15 Q. And what is your educational background?

16 A. I'm a forensic pathology so I went to college at
17 Clemson. I majored in Microbiology and then I came to
18 MUSC in 1989 and I stayed. I did my medical school
19 years.

20 After medical school I chose pathology as my
21 residency, my training; my subspecialty. So I stayed and
22 I trained there.

23 And then I did my additional forensic training here
24 and then they said would you like to stay on as faculty
25 and I said yes, thank you. And during this whole process

1 I took the boards so I'm a board certified physician as
2 well as I'm board certified in anatomic pathology and
3 general clinical pathology; those are the general
4 pathology fields and forensic pathology.

5 Q. And have you testified as an expert in forensic
6 pathology?

7 A. Yes. And I estimate 200ish.

8 MS. HERRING LASH: Your Honor, at this time I would
9 offer Doctor Presnell as an expert in forensic pathology.

10 MR. LONGSHORE: Without objection, Your Honor.

11 THE COURT: Okay. Folks, remember when on I think
12 it was Monday I talked to you about evidence and normally
13 evidence is when people get up on the witness stand and
14 they tell you what they saw, they heard, they touched,
15 they felt, they smelt.

16 We normally do not let people get up and testify
17 about their opinion about the evidence; they just tell
18 you what they saw. However, the law says that when under
19 certain circumstances when somebody because of experience
20 or education or specialized training in some field
21 becomes an expert in that field then they are allowed to
22 come into court and testify and give you an opinion about
23 that evidence based on their field of expertise.

24 This witness has now been qualified as an expert in
25 the field of forensic pathology and she will be allowed

1 to not only testify about her observations but to give
2 you her opinion about what those observations show. It
3 like every bit of testimony or every bit of evidence that
4 comes in you determine how much weight to give the
5 testimony that you're about to hear.

6 The fact that she has been qualified as an expert in
7 this field does not mean that you are required to
8 automatically accept it. You are to basically give her
9 testimony the amount of weight that you think it deserves
10 after you have heard all of the evidence in the case,
11 okay. You may continue.

12 MS. HERRING LASH: Thank you, Your Honor.

13 Q. [Ms. Herring Lash] Doctor Presnell, did you perform
14 an autopsy on Baby Williams?

15 A. Yes. I performed the autopsy on June 27th, 2018 at
16 MUSC.

17 Q. And first of all you have a list of diagnoses that
18 you come up with. What were the diagnoses that you came
19 up with for Baby

20 A. At the end of the autopsy I generate an autopsy
21 report and then at the very top of the autopsy report
22 there is a generalized list of the findings.

23 So in Baby case I found multiple skull
24 fractures, so fractures of the skull, subdural and
25 subarachnoid hemorrhages which are intracranial

1 hemorrhages or hemorrhages inside the skull.

2 Q. What is the difference in subdural and subarachnoid?

3 A. Subarachnoid is right underneath the lining on the
4 brain and subdural is right above that. So it's in the
5 space between the brain and the skull.

6 Also scalp and glial contusions and so that is the
7 scalp and glial is the soft tissue that is underneath the
8 scalp. So we had bruising on the scalp and the tissue
9 underneath it as well.

10 We also have facial contusions and abrasions. And
11 when I say contusions I mean bruises caused by blunt
12 trauma. And then abrasions are scrapes sort of like
13 scratches.

14 He also had some scleral purpura and petechiae which
15 are just little tiny pinpoint hemorrhages that can be
16 non-specific or they could be from blunt trauma. He also
17 had some retinal hemorrhages or hemorrhage inside his
18 eyes.

19 He had a tear or a laceration of the frenulum which
20 is that little piece of skin that attaches the gums to
21 the lip on his upper lip. And he also had little healing
22 scrapes on the sides of his wrists and ankles.

23 Q. And was a blood toxicology done?

24 A. Yes. As part of a complete autopsy a toxicology is
25 run and in Baby case it came back with caffeine only.

1 Q. And did you determine at the autopsy the cause of
2 death?

3 A. I determined his cause of death to be blunt head
4 trauma.

5 Q. And a manner of death?

6 A. The manner of death from medical examiner's
7 standpoint he was classified as a homicide meaning death
8 at the hands of another.

9 Q. And did you receive a case history, a very brief
10 case history that you received?

11 A. Yes. So in South Carolina we have a coroner death
12 investigation system. So the Coroner who is elected, our
13 Charleston County Coroner would have responded to this
14 death scene and then that person would decide where to
15 send, whether to get an autopsy where to send the person
16 for autopsy.

17 And so in this case Ms. Kelly Kraus who is Deputy
18 Coroner in Charleston sent us this case and let me know
19 at the beginning that when the baby was born, so the baby
20 was three days old and that it had been found
21 unresponsive in his bassinette and that there had been
22 some blood at the scene.

23 And also that the baby was a normal term gestation
24 meaning it wasn't premature and that it was delivered
25 normally not via C-section.

1 Q. And did you also find evidence of injury that you
2 noted on the autopsy?

3 A. What?

4 Q. The evidence of injury?

5 A. Oh, yes. In my autopsy report I have an evidence
6 and injury section where I basically just describe all of
7 the injuries. And it might be -- if you'd like me to go
8 through it might illustrative to use a diagram.

9 Q. I do have a diagram that you prepared at the time of
10 the autopsy if that would be helpful for you to show
11 injuries?

12 A. It would be helpful to start. Baby diagrams are
13 very small so this kind of gives you an overview and then
14 I think really seeing some of the images and the pattern
15 to them will be better after we look at the diagram.

16 Q. And this would, I'll be showing you what has been
17 entered into evidence as State's exhibit 57 without
18 objection. And it will appear in front of you Doctor
19 Presnell.

20 [Whereupon, State's exhibit number 57 is published]

21 A. Basically this is a copy of the diagram that I did
22 in autopsy taking my notes. And it's got my handwriting
23 so it's kind of hard to see.

24 But to just kind of give you an overall view most of
25 the well the significant injuries are on the head area.

1 And we have multiple impact sites. And again it shows a
2 pattern. They have a rectangular square looking
3 appearance to them which I think you'll appreciate better
4 on the photographs.

5 So we have three impacts on the forehead. These are
6 ones that -- I'm sorry.

7 Q. It's very sensitive ---

8 A. --- maybe we should make the diagram a little
9 bigger.

10 MR. URICCHIO: Okay.

11 [Whereupon, the diagram is enlarged]

12 A. So, I'll try this again. We have three areas of
13 impact on the forehead. There [indicates] is one over on
14 the left forehead, two [indicates] right above the right
15 eyebrow, three [indicates] over the right temple area.

16 And then there is a bruise on the right cheek and
17 then there is this impact that is to the upper lip
18 [indicates].

19 This is the one that has the frenulum, the piece of
20 skin that touches the lip and the gums together
21 completely torn apart from the jaw or the teeth area here
22 [indicates]. And there actually looks like there is a
23 little bit of extension onto the left cheek.

24 Q. Extension from the impact ---

25 A. --- from like -- there is some bruising on the left

1 cheek which I think I just grouped together with the
2 bruise on the lip but you'll see it in the photographs.
3 And then like I said he did have a couple of abrasions on
4 his wrists and on his ankles.

5 The spots on his back are just birthmarks and they
6 are not injuries. And the rest is mostly just some
7 medical intervention.

8 Q. And I think there is another picture toward the
9 bottom. I don't know if there is anything on that.

10 A. A little tiny -- abrasion right behind the left ear.

11 Q. And what does that mean?

12 A. A little tiny scratch.

13 Q. Okay, a little scratch? And you also prepared when
14 you were doing the diagram another diagram actually of
15 the head. And would it help you in describing that to
16 look at the other ---

17 A. --- yes. So one of the things to do -- well, the
18 autopsies that we do for forensic autopsies are always
19 complete autopsies. So we are going to look at all the
20 organs inside no matter what is the cause of death. No
21 matter if you got a gunshot we're going to look at
22 everything.

23 And then one of the things to look at is the brain.
24 And so the way that we get to that is to cut an incision
25 from behind one ear to behind the other ear. And then, I

1 know it sounds bad but it allows us access, and then
2 everything can go back together and the person can still
3 be viewed.

4 Q. We can put up what has been entered as State's
5 exhibit number 58 without objection.

6 [Whereupon, State's exhibit number 58 is published]

7 A. So then after that cut we reflect the scalp and we
8 pull it up over the face. So for example in this picture
9 the face is under that part of the skull.

10 So this is just the diagram and I'm trying to show
11 the fracture. This [indicates] is the skull that is
12 showing. So the scalp is now over the face and this
13 right here [indicates] is a fracture that should not be
14 there. That's across the right side of the head.
15 Obviously, this is an adult head but it actually makes it
16 easier to see.

17 So now we're looking at the left side of the head.
18 Again, the scalp is reflected forward and right here
19 [indicates] is another fracture. It continues towards
20 the back of his head and to the back here [indicates].
21 This is the back view and this [indicates] is the left
22 side again showing the fracture.

23 I think we will also get the opportunity to see the
24 hemorrhage that is associated with that. There will be a
25 lot of hemorrhage in the soft tissues in the scalp in

1 that glial tissue that I was saying at the beginning when
2 I went through the diagnoses list.

3 Q. I think when you were discussing the evidence of
4 injury you did talk about fractures and areas of impact.
5 Did every area of impact result in a fracture?

6 A. Well, so I can describe what I can see. So I can
7 see the contusions. I can see, and when I say impact I
8 mean like blunt trauma. So, like the ones on the
9 forehead no there is not necessarily a fracture under
10 there.

11 And then we'll see on the sides of the head there is
12 lots of hemorrhage on the soft tissue so I can't say
13 exactly how many impacts it was but I can say there is a
14 fracture underneath that.

15 Q. So the brain can be injured without a skull fracture
16 right above it?

17 A. The brain can be injured?

18 Q. The bleeding.

19 A. Yes, it could yes.

20 Q. And did he have some hemorrhage that didn't
21 associate with actual fractures or could you distinguish
22 that?

23 A. So he did have some subarachnoid subdural which is
24 the blood inside the skull but I can't say that it
25 wouldn't have been from the injuries that caused the

1 fractures.

2 Q. They are kind of, we'll see it I guess maybe when we
3 see the picture you can describe the amount of hemorrhage
4 that wouldn't allow you to distinguish. And what, I
5 think you covered this, but what do you mean by impact?

6 A. Blunt trauma as opposed to sharp trauma like a
7 knife; something, a blunt object.

8 Q. And you also have indicated I think during this that
9 you did photograph these injuries when you were doing the
10 autopsy.

11 A. I did.

12 Q. I'll show you State's exhibit number 50, which has
13 been entered into evidence without objection.

14 [Whereupon, State's exhibit number 50 is published]

15 Q. And what is, you discussed this and I think you told
16 the jury that you would explain it better when you had
17 the picture, what is this?

18 A. Well, it looks pretty straight-forward. This is the
19 bruised lip. We're holding the lip upwards so that you
20 can see the torn frenulum that is on top of the gums.

21 Q. And was that area the only area that actually was
22 bleeding?

23 A. Well nothing was bleeding when I, for me nothing was
24 bleeding because he had passed.

25 Q. But that would be the area that the blood would have

1 come from?

2 A. Any area, so this I would expect to bleed profusely,
3 a facial injury like that and any of the scrapes or
4 abrasions that caused disruption of the skin on top could
5 have bled some. But the mouth injury I would expect that
6 laceration would have bled profusely.

7 Q. And the other areas of injury the fractures and the
8 internal hemorrhaging would be closed head injuries
9 meaning they didn't bleed outward.

10 A. Yes. They were not bleeding out, yes.

11 Q. And I will show you State's exhibit 59 and 60 that
12 has been entered without objection.

13 [Whereupon, State's exhibit numbers 59 and 60 are
14 published]

15 Q. And do you recognize what this is?

16 A. Yes. When Baby came to us at autopsy he was
17 wearing this onesie. It had been previously cut by I
18 assume by EMS so it's kind of pieced back together.

19 We took it off him and pieced it back together. So
20 you see the onesie and then a lot of like hemorrhage up
21 around the neck area.

22 Q. And this would have most likely been from the lip
23 injury, this blood?

24 A. Yes, it could have been.

25 Q. And I will now show you -- let me look -- I want to

1 ask you one thing before we go into these. You said that
2 these are fractures. Were they what you would call
3 complex fractures?

4 A. So they're not simple when they are fractures.

5 Q. What would that mean if it's simple linear?

6 A. So sometimes a short fall or medium fall can, there
7 are documented incidences of causing a simple linear
8 fracture and usually it parietal meaning on the side of
9 the head. It is a single fracture and it's not
10 associated with any long term ill effect.

11 These fractures, I think you might appreciate when
12 you see them is not a simple linear fracture but they go
13 around the right side of skull. They are angulated, they
14 like turn the corner.

15 There are two separate, the two fractures that are
16 on the right and left are separate; they don't connect.
17 These are two separate areas of injury verses the single
18 one small linear skull fracture.

19 Q. And I will Doctor Presnell when you took these
20 pictures you were taking them as you saw them so that
21 they would turn out to be rather gruesome for the jury's
22 observation? Is that accurate?

23 A. Well, I didn't take them to be gruesome but I took
24 them for evidence documentation.

25 Q. Right. And so to make it a little easier I will

1 show you very briefly the next photograph just for you to
2 identify ---

3 THE COURT: --- before you do that are you getting
4 into the ones that we talked about?

5 MS. HERRING LASH: Yes, Your Honor.

6 THE COURT: Okay. Let me just explain to you.
7 Autopsy photographs are not easy to see under any
8 circumstances. What you're about to see is going to be
9 unsettling to you but you have to see it. And she'll
10 explain to you why it is necessary.

11 We have color photos and we have black and white of
12 the same color photos. I've instructed the Solicitor to
13 show you the color photos very briefly so they can
14 explain to you why it's necessary for you to see the
15 color photo but then we're going to switch over to the
16 black and white of the same thing when it is necessary
17 for her to explain to you some of the more detailed part
18 of the photograph.

19 But there is just no getting around the fact that
20 it's unsettling and I understand that. But we're trying
21 to do this and minimize the impact to you as much as
22 possible but it's just necessary for you to see what
23 you're about to see, okay.

24 Q. [Ms. Herring Lash] To begin with I'll show you what
25 has ---

1 MR. LONGSHORE: --- Your Honor, if I could briefly
2 just note my previous objection to the photograph.

3 THE COURT: Sure. And these are going to be
4 admitted over objection of counsel.

5 [Whereupon, State's exhibit number 52 is entered
6 into evidence by the Court]

7 Q. [Ms. Herring Lash] State's exhibit number 54
8 briefly.

9 A. Could we start off with 52 and normal and that way
10 we can get oriented?

11 Q. Okay.

12 A. Sometimes it's kind of difficult to orient yourself
13 with the injuries present to.

14 Q. And 52?

15 A. Is not Baby

16 [Whereupon, State's exhibit number 52 is published]

17 Q. And if you will explain for the jury what 52 is.

18 A. So remember the diagram that I showed you the cut
19 from behind one ear to behind the other and the scalp is
20 reflected forward.

21 So we're seeing the skull right here that this white
22 glistening tissue [indicates] is the glial. And then
23 this [indicates] is the scalp. His face would be under
24 this area [indicates].

25 This is not Baby This is a normal infant and

1 what the normal appearance of the scalp with no trauma
2 and a skull with no trauma should look like.

3 Q. And I guess it perhaps goes without saying but this
4 is during an autopsy.

5 A. Yes.

6 Q. And the autopsy did not cause any bleeding or injury
7 to him.

8 A. The autopsy is not going to cause bleeding. The
9 person would be deceased already.

10 Q. And when one is deceased they do not actively bleed
11 anymore.

12 A. They don't bruise, yes.

13 Q. Now we will just go briefly to State's exhibit
14 number 54 was it and then ---

15 A. --- maybe if we can do the first ---

16 Q. --- the overall one?

17 A. Yes, because then what is happening is we will see a
18 picture just like we saw of the normal baby and then we
19 will remove some of the soft tissue hemorrhage and we'll
20 see the fracture better illustrated underneath once the
21 soft tissue is removed.

22 Q. And we will go just very briefly to State's 51.

23 [Whereupon, State's exhibit number 51 is published]

24 A. This is ---

25 Q. --- that has been admitted over objection.

1 A. This is the same picture that we saw the normal
2 baby. Here [indicates] is the scalp, its tilted back a
3 little bit, and here [indicates] is the skull. All of
4 that maroon color ---

5 Q. --- let's go to the black and white.

6 [Whereupon, the black and white photograph is
7 published]

8 A. Perfect. All of that dark color is just extensive
9 hemorrhage. You can kind of make out two areas but
10 they're both diffuse hemorrhage.

11 Q. And what does diffuse mean?

12 A. Not focal. It's a large -- it is distinct. Diffuse
13 meaning all over the right side of the skull.

14 Q. Does the fact it is diffused make it harder to
15 pinpoint exactly...

16 A. Well, there are impacts in those areas; I just can't
17 tell how many. You can actually see some of the skull
18 fracture right there [indicates].

19 So we're going to in later pictures we're going to
20 take off some of that soft tissue so we'll see the skull
21 fracture more distinctly.

22 Q. And that is Baby as opposed to the one we saw
23 previously, which was another baby.

24 A. Correct.

25 Q. And now if we could go to number 56, which has been

1 admitted over objection, very briefly to the color
2 picture.

3 [Whereupon, State's exhibit number 56 is published]

4 A. This is the left side of the head so if we could
5 either do the right side of the head or the left before
6 this tissue is taken off.

7 [Whereupon, the photograph is published]

8 Q. And what is this?

9 A. This is the left side of the head and we see the
10 skull right here [indicates]. The scalp is in this area
11 [indicates].

12 And here you can see this complex skull fracture so
13 this is the fracture right here [indicates]. It goes
14 across the left side of the head towards the back of the
15 head.

16 Q. And when you were talking a moment ago about a
17 complex fracture being different from a linear is that
18 what we mean by complex fracture?

19 A. Yes.

20 Q. And now if we could go just to the black and white
21 of State's exhibit number 53.

22 [Whereupon, State's exhibit number 53 is entered
23 into evidence by the Court]

24 [Whereupon, the photograph is published]

25 A. So now we're on the left side of the head and we put

1 the tissue back on, the skull back on. And so it's that
2 same picture with the scalp reflected forward and we see
3 hemorrhage here [indicates] and here [indicates]. So
4 those are two distinct impact sites once you flip the
5 scalp back those would be in the same area. So you have
6 the impact site to the back of the left side of the head.
7 Q. And that is where we just saw the fracture that
8 you...

9 A. Yes. And that picture that we just saw before is
10 underneath this, the soft tissue.

11 Q. And now -- and that was State's exhibit 53 admitted
12 over objection. And now we'll go briefly in the color
13 to State's exhibit 54 and then we'll switch to the black
14 and white.

15 [Whereupon, State's exhibit number 54 is published]

16 Q. If you will just say where this is?

17 A. It's on the right side of the head. So we're
18 looking at the right towards the back. So the front of
19 the face would be here [indicates].

20 You can see the scalp right here [indicates]. This
21 is, right here [indicates] is a cut from our saw in
22 autopsy but this [indicates] is the skull fracture.

23 Q. And that is the right side.

24 A. It is the right side.

25 Q. And let me go back through here. And this infant

1 was three days of age is that correct?

2 A. Yes.

3 Q. And is a three day old child any more easily injured
4 than an older individual?

5 A. I'm really not sure how to answer that. Babies are
6 made to be born. They come through a vaginal canal where
7 their heads are meant to be squishy. But clearly their
8 bones are more thin. So again, I'm not sure how to
9 answer that.

10 Q. And so they have kind of two things going on;
11 they're squishy and they're thin.

12 A. Maybe squishy is not the best word but more flexible
13 and more pliable.

14 Q. Did you observe injuries to the baby's forehead? I
15 think you've already explained and I think you've told
16 the jury it would be more clear with the picture.

17 A. Yes. That diagram is really small.

18 Q. I'll show you State's exhibit number 61.

19 [Whereupon, State's exhibit number 61 is published]

20 A. So in this photograph the most distinct injuries are
21 this I called them contused abrasions or abraded
22 contusions. Right there [indicates] and right here
23 [indicates] over the right eyebrow.

24 There is a little bruise on the cheek [indicates].

25 And I made reference to that bruise and it goes up to the

1 nose there [indicates]. I'm not sure if we have some
2 additional pictures to look at.

3 Q. We don't of the face.

4 A. Okay. But they do have an angled or square type of
5 appearance.

6 Q. And so that is State's exhibit 61. And I'll show
7 you -- did you have the opportunity to also look at a
8 table and look at it in comparison to this picture?

9 A. I saw a photograph, yes.

10 Q. I'll show you that photograph, first of all State's
11 exhibit 24.

12 [Whereupon, State's exhibit number 24 is published]

13 Q. And just to orient the jury that that is the table
14 and now State's exhibit number 25.

15 [Whereupon, State's exhibit number 25 is published]

16 Q. And were you able to look at this in comparison to
17 the injuries on the forehead?

18 A. I saw a photograph, this photograph, it's kind of a
19 square raised area on the edge of the table. Can you
20 bring up the other face picture where it is up and down?

21 [Whereupon, the photograph is published]

22 A. So, it's got a ruler in the picture and so it's
23 around, it's like the square is around a quarter of an
24 inch which goes along with about the size of the injuries
25 on the baby's forehead.

1 Q. So they were consistent?

2 A. I mean yes ---

3 Q. --- they look consistent ---

4 A. --- they are consistent. So again I don't know if
5 you can appreciate how this, how that [indicates] has the
6 square and that [indicates] has the square.

7 And then also on the right side, the right temple
8 there is another one that has that squared angled
9 appearance as well.

10 Q. And we did not get to enter all of the face pictures
11 to make it milder for the jury and that's why we're not
12 having all of the pictures.

13 A. Got you.

14 Q. But you can say from looking at those and the
15 measuring it is consistent.

16 A. They are consistent, yes.

17 Q. And do you have an opinion to a reasonable degree of
18 medical certainty that these fractures would have been
19 caused by some kind of significant force due to -- you
20 can explain.

21 A. Yes, definitely significant blunt trauma. We have
22 repeated impact sites. We have extensive skull
23 fracturing, extensive hemorrhage across the scalp, a
24 hemorrhage inside of the skull as well.

25 Q. Multiple fractures and impact sites?

1 A. Yes.

2 Q. And was this your only involvement in this case?

3 A. I think so, I'm not sure. I spoke to the Solicitor
4 a couple of times throughout the last couple of years. I
5 don't think I anymore helped.

6 MS. HERRING LASH: Beg the Court's indulgence.

7 [Whereupon, Ms. Herring Lash and Mr. Uricchio
8 confer]

9 Q. [Ms. Herring Lash] Doctor Presnell, those are all
10 the questions I have. If you would answer any that Mr.
11 Longshore has.

12 THE COURT: Cross?

13 MR. LONGSHORE: May it please the Court, Your
14 Honor?

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1	CROSS-EXAMINATION
2	BY MR. LONGSHORE:
3	Q. Good afternoon Doctor Presnell. How you doing?
4	A. I'm good.
5	Q. Lots of things can cause blunt force trauma, is that
6	right?
7	A. Lots of blunt objects, any blunt object.
8	Q. Two objects colliding could potentially cause blunt
9	force trauma, is that correct?
10	A. Two objects colliding yes, if one of them is blunt.
11	Q. And an object striking a stationary object can cause
12	blunt force trauma.
13	A. Yes.
14	Q. A fall could cause blunt force trauma, is that
15	correct?
16	A. Absolutely.
17	Q. Now you didn't examine Baby prior to his death did
18	you?
19	A. No.
20	Q. As part of your preparation for this case did you
21	have an opportunity to review his notes from the
22	hospital?
23	A. I don't recall. I might have reviewed them at the
24	time of autopsy but not prior to coming here today.
25	Q. Okay. So you don't know anything about the nature

1 of his frenulum, am I pronouncing that correctly?

2 A. You are.

3 Q. When he was in the hospital you don't know if it was
4 well formed prior to him leaving the hospital.

5 A. I don't know ---

6 Q. --- you don't have any independent recollection, any
7 independent knowledge of that.

8 A. So I didn't have any indication that it was
9 lacerated. Is that what you're asking?

10 Q. Yes.

11 A. Like during the birth process?

12 Q. Yes.

13 A. This is a pretty extensive laceration. I think I
14 commented it goes, it's torn from the maxilla, which is
15 the upper jaw, point 4 inches, which is almost a half
16 inch.

17 Q. And the autopsy in this case was performed on the
18 27th?

19 A. Yes.

20 Q. So that's as far as you know a day after the
21 incident, correct?

22 A. Yes.

23 Q. And I think you testified that the skull on a
24 newborn is not yet fully formed, is that correct?

25 A. Well, if you've heard the reference to soft spots

1 that's because the plates of the skull haven't fused
2 together and so you still have some soft areas where
3 there are spaces between the skull plates.

4 Q. And you said that you had looked at photos of
5 they've been calling it the stand, the table, to compare
6 to the injuries on Baby is that correct?

7 A. Well, I saw those photographs that were just shown.

8 Q. You were never actually shown the table.

9 A. No.

10 Q. You weren't shown the little square part on top of
11 the table.

12 A. I was not.

13 Q. It would have been helpful in your analysis to be
14 able to actually compare the physical objects and match
15 them up to make sure they actually match, is that
16 correct?

17 A. Well, it would have been nice to have had that at
18 the time of autopsy if it was identified but we didn't.

19 Q. And you testified the injures were consistent with
20 the square or rectangular marks on the table, is that
21 correct?

22 A. Yes. I mean they are consistent. They're the same
23 kind of square pattern.

24 Q. And consistent doesn't necessarily mean that's what
25 caused them ---

1 A. --- right ---
2 Q. --- it's just consistent?
3 A. Yes, correct.
4 Q. Now --
5 MR. LONGSHORE: Beg the Court's indulgence.
6 [Whereupon, Mr. Longshore reviews documents]
7 Q. [Mr. Longshore] I think you testified that you have
8 testified over 200 times in forensic cases?
9 A. It's an estimate.
10 Q. And when you testify in these types of cases is it
11 primarily for the State?
12 A. Whoever subpoenas me but yes, usually it is the
13 State that subpoenas me.
14 Q. Is it fair to say that in those 200 times that
15 you've been correct in your assessment of what caused
16 blunt trauma if it was a blunt trauma case?
17 A. I don't know.
18 Q. You don't do any controlled studies on cases that go
19 to court to see whether or not the person was found
20 guilty or not guilty.
21 A. So like for me my findings are my findings. I don't
22 know if the person on trial is the person that was
23 responsible for them or not. I stand by my findings and
24 my photographs and diagrams.
25 Q. But out of the number of cases you've testified in

1 you have no idea how many people have been found guilty
2 or not guilty?

3 A. No and I really don't, wouldn't see the purpose of
4 me knowing that.

5 Q. It would be important to know how many times you've
6 been found to be correct or not wouldn't it?

7 A. I think you're doing apples and oranges. My
8 findings of what I find are the apples and then whoever
9 is responsible for it is the orange.

10 I'm not sure if the right person is on trial or not.
11 I don't know that. I'm here to testify on behalf of the
12 deceased person and my findings at autopsy.

13 Q. And that's usually for the State.

14 A. Usually it's the State that subpoenas me, yes.

15 Q. Now if there is blunt force trauma typically you
16 would expect hemorrhaging when you peel back the face?

17 A. Well, we don't normally peel back the face but yes
18 blunt trauma usually causes bruises or contusions and so
19 that is hemorrhage under the skin.

20 Because we reflect back the scalp we can see all the
21 hemorrhage that was under the scalp. But we didn't cut
22 into the face.

23 Q. And hemorrhaging is a fancy word for blood that is
24 underneath.

25 A. Bleeding, yes.

1	MR. LONGSHORE: No further questions.
2	THE COURT: Redirect?
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1 REDIRECT EXAMINATION

2 BY MS. HERRING LASH:

3 Q. Just one question and I may get the terminology

4 incorrect Doctor Presnell. But I think you said with a

5 three day old the skull is not yet, the sutures is not

6 yet formed.

7 A. It's not fused.

8 Q. Fused? As a pathologist do you, are you able to

9 distinguish a skull that is not yet fused from a

10 fracture?

11 A. Oh yes, absolutely.

12 Q. Would that be pretty easy to determine ---

13 A. --- oh, yes.

14 Q. And in this case those were not places in his skull

15 that were not yet fused but they were fractures.

16 A. These were fractures. I mean you can see his

17 sutures too if you want to look at more pictures but

18 those were fractures.

19 Q. Those are all the questions I have Doctor Presnell.

20 THE COURT: Recross?

21 MR. LONGSHORE: Nothing further, Your Honor.

22 THE COURT: You may step down. Thank you.

23 [Whereupon, the witness is excused and exits the

24 witness stand]

25

1 THE COURT: Okay folks this is where we will take a
2 break for lunch. I'm going to send you to lunch wherever
3 you want to go. You're free to go with other members of
4 the jury panel or go alone but do not talk to each other
5 about the case or anybody about the case. Don't discuss
6 any of the testimony you've heard, witness demeanor;
7 anything like that.

8 If you would, let's see its 12:30 now just be back
9 in the jury room by 2 o'clock and we will resume at 2
10 o'clock. Thank you for your patience.

11 [Whereupon, the jury exits at 12:36 p.m.]

12 THE COURT: What's your afternoon?

13 MS. HERRING LASH: We only have one witness left,
14 Your Honor and that would be Detective Jellico to enter
15 the taped interview.

16 THE COURT: Okay.

17 MS. HERRING LASH: And that interview is an hour
18 and half long.

19 THE COURT: Okay. So we'll break for the day
20 probably when that is over with and then you'll make a
21 decision as to what you're doing for tomorrow morning?

22 MR. LONGSHORE: Sound good, Your Honor.

23 THE COURT: Okay.

24 MR. LONGSHORE: Well, I suppose depending on time
25 we probably, we have one short other witness, Tamika's

1 mother we probably could squeeze in today if you wanted
2 to.

3 THE COURT: Well, you decide.

4 MR. LONGSHORE: Okay. Thank you, Your Honor.

5 THE COURT: All right. See y'all at 2:00.

6 MR. URICCHIO: Your Honor, just one quick question
7 if you've got a second. With the jury and the pictures
8 how do you want to do that because I've talked to Mr.
9 Longshore and our game plan was I'm going to make a C.D.
10 because a lot of that BLUESTAR comes out better on an
11 actual computer and we've been told that they have a
12 computer back there to look at it. And I just need to
13 know with the autopsy photos what photos do you actually
14 want to be sent back to the jury to review.

15 MS. HERRING LASH: I think Judge if you prefer we
16 would be fine with the black and white of all the ones
17 that were entered; even the ones that they saw in color.

18 THE COURT: And none with the red?

19 MS. HERRING LASH: With the filter.

20 THE COURT: Okay.

21 MS. HERRING LASH: I think that would be more with
22 your ruling of not having them dwell on them.

23 THE COURT: Okay. I appreciate that. That's what
24 we'll do.

25 MR. LONGSHORE: I prefer that too, Your Honor.

1 Thank you.

2 THE COURT: All right.

3 [Whereupon, State's exhibit number 70 is entered
4 into evidence by the Court]

5 [Whereupon, Court is in recess from 12:40 p.m. until
6 1:58 p.m.]

7 THE COURT: All right. You got your witness ready?

8 MS. HERRING LASH: Yes, Your Honor, he's here.

9 THE COURT: Okay. Anything we need to take up
10 before we bring the jury in?

11 MR. LONGSHORE: Nothing from us, Your Honor.

12 THE COURT: All right. Let the record reflect the
13 defendant is in the courtroom. Bring the jury in.

14 [Whereupon, the jury enters at 2:00 p.m.]

15 THE COURT: Thank you. All right folks, we're
16 going to resume now with the State calling their next
17 witness.

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1 MS. HERRING LASH: The State would call Detective,
2 former Detective Jerry Jellico.

3 [Whereupon, Mr. Jellico comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 and spell your last name for the record.

8 THE WITNESS: Jerry Jellico, J-E-L-L-I-C-O.

9 - - - - -

10 JERRY JELLICO,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HERRING LASH:

15 Q. Detective Jellico, are you currently employed?

16 A. No, I am retired.

17 Q. How long have you been retired?

18 A. I guess going on about three years now.

19 Q. And where did you work before retirement?

20 A. The North Charleston Police Department.

21 Q. And how long were you in law enforcement?

22 A. Thirty-two, thirty-three years.

23 Q. And in June of 2018 where were you employed?

24 A. I was employed by the North Charleston Police
25 Department in the detective division.

1 Q. Any particular unit?

2 A. I was for 27 years I was pretty much a detective and
3 I was assigned at this time in the what do they call it?

4 Q. Special victims?

5 A. Special victims unit and homicide.

6 Q. And did you respond to the scene?

7 A. Yes.

8 Q. In this case? When and what time?

9 A. On the date that it occurred, bear with me.

10 [Whereupon, the witness reviews document]

11 A. August the ---

12 Q. --- June ---

13 A. --- June the 28th, 2018.

14 Q. And I think it was the 26th that you actually
15 responded. Your report may have been the 28th.

16 A. I can barely see with glasses.

17 [Whereupon, the witness reviews document]

18 A. Yes.

19 Q. And who was there when you arrived?

20 A. I received; I don't get dispatched to a call. I
21 always get a telephone call and I would arrive on the
22 scene.

23 When I arrived there there was some medical
24 personnel; like EMS still there. There were responding
25 officers at the scene. The defendant was there. The

1 husband was there and a small child was there.

2 Q. And did you discuss what was going on with the
3 officers?

4 A. Yes. Of course I asked the responding officers what
5 you saw when you got here and what was going on.

6 Q. And what did you do while there?

7 A. While there I attempted at first to talk to M.W.
8 the three year old child was sitting in a chair and he
9 was rocking back and forth.

10 I got him outside and let him play with my badge
11 trying to get him to talk to me but he would not talk.
12 He would just say the words car, car, car over and over.

13 Q. Was he looking at cars out in the parking lot?

14 A. Yes. I realized that wasn't going to work. So at
15 that time I looked around the scene just in that general
16 area and I did see some blood droppings or what appeared
17 to be blood on the floor.

18 I saw the bassinette and it had some stains of what
19 appeared to be or could be blood inside the bassinette.
20 The baby had already been removed from the scene.

21 At that point with everybody there and the noise
22 from this apartment I asked if Ms. Williams and Mr.
23 Williams would come back to the police department so I
24 could get an understanding of what happened.

25 Q. Before doing that did you ask for a search warrant

1 to be drawn up ---

2 A. --- yes.

3 Q. And how do you go about doing that?

4 A. What I did was I called another detective and I said
5 -- because you're going into somebody else's house and
6 everybody has an expectation of privacy and I don't know
7 what happened at this point.

8 I asked for another detective to draw a search
9 warrant up because I knew the baby had expired. They
10 didn't but I did. So I asked for a search warrant to be
11 drawn up so forensics could come in and start taking
12 pictures.

13 Q. And when you said, you said the parents went with
14 you back to the station?

15 A. That's correct.

16 Q. And how did they get, how were they transported to
17 the station?

18 A. We drove them in separate cars --

19 THE COURT REPORTER: I'm sorry?

20 A. We drove them in separate cars.

21 Q. [Ms. Herring-Lash] Who did you drive?

22 A. I drove Ms. Williams.

23 Q. And was Mr. Williams transported also?

24 A. Yes, he was.

25 Q. And who drove him?

1 A. I do not recall.

2 Q. And while you were at the station what did you do
3 there?

4 A. Just basically talked to her and tried to find out
5 basically what happened to set the scene in my head after
6 I had seen it.

7 Q. And then when you were there with them did the
8 Coroner or Deputy Coroner arrive?

9 A. Yes, they did.

10 Q. And did she inform them then of the death?

11 A. Right. At that point because law enforcement we do
12 not make the notifications to the family if somebody has
13 died.

14 We brought the Coroner and we put both of them in
15 the same room with the Coroner and us and the Coroner
16 told them that Baby had passed.

17 Q. And did you observe, you can't say what anybody said
18 at this point, but did you observe their reaction?

19 A. Yes, I did.

20 Q. And what was Marcus' reaction?

21 A. Marcus stood up and walked against the wall, the
22 interview room wall and buried his head and began crying,
23 crying sobbing.

24 Q. And what was Ms. Tamika Williams' reaction?

25 A. She just kept talking.

1 Q. And do you know whether or not the three year old
2 was taken to MUSC?

3 A. Yes, he was.

4 Q. And did he remain there for the evening?

5 A. Yes, he did.

6 Q. Did you, were you in communication with the
7 Department of Social Services about placing him
8 throughout the ---

9 A. --- I talked to the Department of Social Services
10 about the case, yes I did.

11 Q. And were they going to attempt to have him
12 interviewed?

13 A. Yes, they were.

14 Q. And do you know whether or not the pediatrician made
15 the decision not to try to do that?

16 A. Yes, I do.

17 Q. And, now when you spoke it was -- what did you do
18 the next day; let me ask you that.

19 A. The next day I went to the autopsy of Baby

20 Q. And were you informed of what the injuries were and
21 the cause of death?

22 A. Yes, I was in there when they were performing the
23 autopsy. And Doctor Erin explained to me the nature of
24 the injuries.

25 Q. And after receiving this information what did you

1 do?

2 A. I went back to the police department and made the
3 decision to go back to the scene to see about talking to
4 Ms. Williams and Mr. Williams.

5 Q. Did you prepare a search warrant also?

6 A. Yes.

7 Q. And what was that for?

8 A. To go back based on the new information that I had
9 received to process the scene again.

10 Q. And did you do that processing or did other people
11 do that?

12 A. Other people did.

13 Q. And when you went back to the scene what was going
14 on and what did you do?

15 A. When I went back to the scene I discovered Ms.
16 Williams and Mr. Williams in a vehicle sitting outside in
17 the parking lot.

18 So I approached them and asked them if they would
19 come back to the station because there were new
20 developments in the case.

21 Q. And did you drive one of them?

22 A. Yes.

23 Q. Who did you drive?

24 A. I drove Ms. Williams and Sergeant Glenn drove Mr.
25 Williams.

1 Q. And when you were there at the apartment did you
2 make any observations regarding the acoustics in the
3 apartment?

4 A. The acoustics are horrible. You can hear every car
5 that drives by outside.

6 Q. And so once you got to the station did you at this
7 time question Ms. Williams?

8 A. Yes, I did.

9 Q. And did you advise her of her constitutional rights
10 not to undergo this interview?

11 A. Yes, I did.

12 Q. And what did you use to do that advisement?

13 A. I used the standard form that we have at the North
14 Charleston Police Department. It's an advisement of
15 rights form.

16 MS. HERRING LASH: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q. [Ms. Herring Lash] I'm going to show you State's
20 exhibit number 69 for I.D.

21 [Whereupon, the witness is shown exhibit]

22 Q. And do you recognize this?

23 A. Yes. This is the form I utilized that day.

24 Q. And how did you go about using that form?

25 A. Well, the top portion of the form is basically the

1 person's name, the grade they completed in school,
2 whether they got a GED, a diploma and where from. And
3 then the first part of the form says I, Tamika Williams,
4 who I am interviewing ---

5 Q. --- what is the first part if you'd go through the
6 age that you write in?

7 A. I write in her name, Tamika Williams, the case
8 number of the entire incident, her date of birth, she had
9 completed 12th grade in school and she had attended
10 school in Kingstree.

11 Q. And then you go on about the rights?

12 A. Right. In the first one it says, I, Tamika Williams
13 have been advised by Jerry Jellico, me, of the North
14 Charleston Police Department and then the rights actually
15 start on the form.

16 So what I did is I turned the form around and I
17 always ask whoever I'm interviewing to read me the first
18 right on the form out loud so I can understand if they
19 can read.

20 Q. And was she able to do that?

21 A. Yes, she was.

22 Q. And then after that what did you do?

23 A. After that I read the remaining rights out loud to
24 her and she acknowledged that she understood each of her
25 rights and she placed her initials behind each right.

1 Q. Did you tell her that if she acknowledges them to
2 initial it?

3 A. Yes.

4 Q. And after the rights is there another portion?

5 A. Well, there are two other portions. The bottom part
6 of that says I fully understand each of these rights
7 which has been explained to me, which is the rights above
8 this.

9 At that point she understood them. She signed her
10 signature and I signed as a witness. And then there is a
11 bottom portion of the form which is the waiver portion
12 which says having these rights in mind I wish to waive
13 these rights and answer questions.

14 No threats, force or promises of any kind have been
15 made to me by anyone to cause me to waive these rights
16 and answer questions.

17 Q. And did she sign that portion?

18 A. Yes, she did.

19 MS. HERRING LASH: Your Honor, at this time we
20 would offer State's exhibit number 69 into evidence.

21 MR. LONGSHORE: Without objection, Your Honor.

22 THE COURT: All right.

23 [Whereupon, State's exhibit number 69 is entered
24 into evidence by the Court]

25 Q. [Ms. Herring Lash] Now, what kind of room were you

1 talking to her in?
2 A. An interview room.
3 Q. And was she handcuffed?
4 A. No.
5 Q. Did she seem to understand her rights as you
6 explained them?
7 A. Yes, she did.
8 Q. Did she appear to be actually engaged and listening?
9 A. Yes, she did.
10 Q. Did she appear to be under the influence of any form
11 of substances?
12 A. No.
13 Q. Did you threaten her at all to get her to speak?
14 A. No, ma'am.
15 Q. Did you ever ask her -- did she ever ask to stop the
16 interview?
17 A. No, she did not.
18 Q. Did she ever ask for an attorney?
19 A. No, she did not.
20 Q. Did you make any promises to her to coerce her into
21 talking to you?
22 A. No, I did not.
23 Q. Now was this interview recorded both audio and
24 visually from beginning to end?
25 A. Yes, it was.

1 Q. Let me show you what has been marked as State's
2 exhibit 63 for I.D. purposes.

3 MS. HERRING LASH: Your Honor, may I approach the
4 witness?

5 THE COURT: Yes.

6 [Whereupon, the witness is shown exhibit]

7 Q. [Ms. Herring Lash] Do you recognize this?

8 A. Yes, I do.

9 Q. And what is that?

10 A. This is a copy of the interview that I completed on
11 that day with Ms. Williams.

12 Q. Now have you, how do you know that is the interview
13 that we are entering here?

14 A. Because I placed my initials on it whenever I did
15 it.

16 Q. And when you reviewed this did you realize that it
17 had been redacted?

18 A. Yes, I did.

19 Q. And that means portions have been taken out that are
20 inadmissible?

21 A. That's correct.

22 Q. So this interview that you reviewed was the redacted
23 interview?

24 A. That's correct.

25 Q. You also have reviewed the original?

1 A. Yes, I have.

2 MS. HERRING LASH: Your Honor, at this time we
3 would offer to play the interview.

4 MR. LONGSHORE: Without objection, Your Honor.

5 THE COURT: You may publish to the jury.

6 [Whereupon, State's exhibit number 63 is entered
7 into evidence by the Court]

8 THE COURT: You said it would take approximately an
9 hour and a half?

10 MS. HERRING LASH: I think so, Your Honor.

11 THE COURT: If at any time you feel like you need
12 to take a break and use the restroom or anything like
13 that get my attention or the bailiff's attention and
14 we'll stop and take a break and you can use the restroom
15 and come back and we'll play the rest.

16 MS. HERRING LASH: And Your Honor I'm going to sit
17 down while we...

18 THE COURT: Go ahead.

19 [Whereupon, State's exhibit number 63, the video
20 interview is published to the jury]

21 [Whereupon, the video pauses]

22 THE COURT: Okay. Let's take a break so we all can
23 use the restroom. Again, don't discuss the case and
24 we'll have you back in about 10 or 15 minutes.

25 [Whereupon, the jury exits at 2:55 p.m.]

1 THE COURT: Okay. Let's be back in about 10 or 15
2 minutes.

3 [Whereupon, an off the record bench conference is
4 held]

5 [Whereupon, Court is in recess from 2:57 p.m. until
6 3:09 p.m.]

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

8 [Whereupon, the jury enters at 2:00 p.m.]

9 THE COURT: All right. We will resume with the
10 playing of the video.

11 [Whereupon, State's exhibit number 63, the video
12 interview, resumes playing to the jury]

13 [Whereupon, State's exhibit number 63, the video
14 interview, concludes]

15 Q. [Ms. Herring Lash] And Ms. Williams was charged that
16 evening?

17 A. Yes.

18 MS. HERRING LASH: Those are all the questions I
19 have.

20 THE COURT: Any cross?

21 MR. LONGSHORE: No cross, Your Honor.

22 THE COURT: You may step down.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25

1 THE COURT: Anything further from the State?

2 MS. HERRING LASH: No, Your Honor. At this time the
3 State rests.

4 THE COURT: Okay. Folks, you have heard now all the
5 evidence that you are going to hear from the State in
6 this case. So I'm going to need to take up some law
7 matters and then we'll plan out where we go for the rest
8 of the trial in a few minutes.

9 I'm going to send you back to the jury room. Don't
10 begin deliberations or discussions about the case and I
11 should have you back in a few minutes.

12 [Whereupon, the jury exits at 4:07 p.m.]

13 THE COURT: All right. Any motions?
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MOTION FOR DIRECTED VERDICT

MR. LONGSHORE: Your Honor, at this time the defense would move for a directed verdict. Even if viewed in the light most favorable to the State the prosecution has failed to state or produce evidence sufficient for conviction.

There is no proof that an actual homicide occurred. No weapon to explain the injuries. The child had blunt force trauma but that's it. Nothing more than accident can be proven. The defendant gives a statement and in her statement the most she admits to is an accident dropping the child.

Again, we don't think that meets the threshold even the minimum threshold to meet the elements of this offense. And so we'd move for a directed verdict on those grounds specifically.

THE COURT: All right. What's the State's response?

MS. HERRING LASH: Your Honor, there is sufficient evidence, more than sufficient evidence in the record for a jury to conclude that the amount of force that it would have taken to fracture this baby's skull and to cause the fatal brain hemorrhage would have been significant. And in the light most favorable to the State looking at that evidence there is plenty of evidence for the jury to

1 convict her of extreme indifference to human life.

2 THE COURT: All right. Well, I find that the State
3 has presented sufficient evidence to show that there was
4 a death caused, death of a child under 11 that was
5 committed either through child abuse or neglect and the
6 death occurred under circumstances that manifested in
7 extreme indifference to human life.

8 You know it's a circumstantial evidence case on the
9 extreme indifference issue but there is evidence in the
10 record that she admitted that she dropped the child. Now
11 she retracted that at some point. But there is also
12 evidence in the record that says that the father was
13 asleep during the entire incident and a three year old
14 highly unlikely would have been able to cause these types
15 of injuries.

16 And so there is sufficient circumstantial evidence
17 to suggest that the defendant caused the death of the
18 child. And it was under circumstances of either neglect
19 or child abuse and those circumstances manifested extreme
20 indifference to life so your motion is denied.

21 MR. LONGSHORE: Thank you, Your Honor. At this
22 time I'd also like to renew all previous objections
23 including but not limited to Investigator Moore being
24 qualified as an expert and being allowed to testify about
25 the BLUESTAR illumination process as well as the

1 admission of the color photos of the autopsy and on all
2 the grounds previously stated as objections.

3 THE COURT: All right. Well, those are denied.

4 MR. LONGSHORE: Thank you, Your Honor.

5 THE COURT: All right. So, have y'all made a
6 decision on your defense?

7 MR. LONGSHORE: I think we have, Your Honor.

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FIFTH AMENDMENT RIGHTS

THE COURT: Ms. Williams, you've heard me tell the jury at the beginning of the trial that you don't have to testify. The State has to prove beyond a reasonable doubt that you are guilty of this charge. You don't have to present a defense. You don't have to call witnesses and you don't have to testify if you don't want to.

If you don't want to then I'll tell the jury that they are not to hold that against you while they are deliberating. This is a constitutional right that you possess and I possess; we all possess as citizens of this country. And so it is a right that you possess.

You consult with your lawyer about it. I'm sure you have talked with your lawyer about it. However, it is ultimately your decision and your decision alone as to whether or not you want to present a defense and as part of that defense if you wanted to testify.

So I have now -- the State has presented their case in chief. I've made a decision that there is sufficient evidence to go forward. If nothing else if you don't put up anything the case could go to the jury and I would instruct them not to hold your failure to testify against you at all. However, you can make that decision and want to testify as I explained. But it ultimately is your decision and your decision alone. So, have you made a

1 decision about whether or not you want to testify and
2 present a defense?

3 MS. WILLIAMS: Yes, sir.

4 THE COURT: And what is your decision?

5 MS. WILLIAMS: I'm going to testify.

6 THE COURT: You want to testify?

7 MS. WILLIAMS: Yes, sir.

8 THE COURT: Okay. Mr. Longshore, other than her
9 testifying are you going to have any witnesses?

10 MR. LONGSHORE: I have her mother outside, right
11 outside the door. She would be an extremely short
12 witness if she testified. And I don't anticipate at
13 least the direct on Tamika to last forever. The jury has
14 heard most everything.

15 THE COURT: Well, I don't know how long you would
16 take on your cross-examination of either witness. I'm
17 willing to give you overnight to have her testify but if
18 you want to have her testify this afternoon that's a
19 decision y'all can make.

20 MR. LONGSHORE: We're more than happy to go
21 forward, Your Honor.

22 THE COURT: Okay.

23 MS. HERRING LASH: And I will go forward, Your
24 Honor. If the mother testifies I will have very very
25 little cross. And I don't anticipate Ms. Williams' cross

1 being extensive but of course I haven't heard her testify
2 so I can't commit to that.

3 THE COURT: Okay.

4 MS. HERRING LASH: So the State is fine with going
5 forward now.

6 THE COURT: All right. Why don't we take five
7 minutes so y'all can use the restroom and we'll come back
8 and call your next witness.

9 MR. LONGSHORE: Thank you, Judge.

10 [Whereupon, Court is in recess from 4:15 p.m. to
11 4:20 p.m.]

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1 THE COURT: Thank you. All right, are you ready?

2 MR. LONGSHORE: Yes, Your Honor.

3 THE COURT: Where is your witness?

4 MR. LONGSHORE: Right here [indicates].

5 THE COURT: Oh, I thought you were going to call
6 somebody else first.

7 MR. LONGSHORE: Oh no, I decided to go with Tamika
8 first.

9 THE COURT: Okay. Bring the jury in.

10 [Whereupon, the jury enters at 4:26 p.m.]

11 THE COURT: All right folks, you've now heard the
12 State's case and we will move to the presentation of the
13 defense's case. Mr. Longshore, call your first witness.

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1 MR. LONGSHORE: Your Honor, the defense calls
2 Tamika Williams to the stand.

3 [Whereupon, Ms. Williams comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 for the record and spell your last name.

8 THE WITNESS: My name is Tamika Williams, W-I-L-L-
9 I-A-M-S.

10 - - - - -

11 TAMIKA WILLIAMS,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. LONGSHORE:

16 Q. Good afternoon, Tamika.

17 A. Good afternoon.

18 Q. Have you ever testified in a court case before?

19 A. No sir, I never have.

20 Q. Have you ever testified in a criminal case? I guess
21 not; you've never testified at any.

22 A. No, sir.

23 Q. And how old are you Tamika?

24 A. I am 35 years old.

25 Q. So on June 26th, of 2018 when Baby was, when he

1 passed how old were you?

2 A. I believe I was 31 years old.

3 Q. And you didn't grow up in Charleston. Where did you
4 grow up?

5 A. I was born and raised in a small town called
6 Kingstree and that's located in Williamsburg County.

7 Q. And where did you go to grade school and middle
8 school?

9 A. I attended grade school in Kingstree as well,
10 Anderson Primary School, yes sir.

11 Q. Where did you go to high school?

12 A. And I went to high school in Kingstree.

13 Q. Did you go to college or technical school?

14 A. Yes, sir. I finished, I completed the 12th grade. I
15 graduated with my diploma. I went to Williamsburg
16 Technical College which is also located in Kingstree,
17 South Carolina and I graduated from there with an
18 Associate's degree.

19 Q. And what sort of work have you done in the past?

20 A. I worked at a few fast food restaurants, McDonalds
21 and Canton Express, which was a Chinese restaurant. I've
22 worked at Valley Forge at the flag plant.

23 I've also worked on the work study program at
24 Williamsburg Technical College. And I worked in the shoe
25 department at Peoples.

1 Q. Have you also continued your education?

2 A. Yes, sir. During the time that I was pregnant with
3 Baby I was attending Strayer University trying to get
4 my Bachelor's degree in general business.

5 Q. And do you attend church regularly in Kingstree?

6 A. Yes sir, I do.

7 Q. What church is that?

8 A. The name of the church which is located in Lane,
9 South Carolina, that's also a small town, is called Bible
10 Way Temple Church.

11 Q. And do you perform any sort of services there at the
12 church?

13 A. Yes, sir. I am a musician. I play two instruments;
14 the keyboard and the organ.

15 Q. And how long have you been going to that church?

16 A. I have been attending Bible Way Temple every since I
17 was a little girl, a small child. I grew up in that
18 church.

19 Q. And do you recall or when was it exactly that you
20 and Marcus met?

21 A. Me and Marcus met I believe in the year of 2010 at
22 McDonalds.

23 Q. Was it love at first sight?

24 A. Yes, sir.

25 Q. And was he working at McDonalds?

1 A. Yes, sir. He was working there and I was a
2 customer.

3 Q. And how long after y'all met was it before you
4 decided to start dating?

5 A. I can't exactly remember how long it was but shortly
6 after that me and Marcus started dating. And I believe
7 in 2011 we got married.

8 Q. And I think Marcus might have testified, where did
9 y'all get married?

10 A. Our wedding happened in his grandmother's yard,
11 Emmie -- yard.

12 THE COURT REPORTER: Emmie?

13 THE WITNESS: Emmie Dozier, yes ma'am.

14 Q. [Mr. Longshore] And where were y'all living at that
15 particular time?

16 A. After we got married we lived with Ms. Emmie Dozier
17 for a little while.

18 Q. And that was in what year?

19 A. That was in the year of 2011?

20 Q. And what year did you have your first child
21 together?

22 A. The year that I gave birth to M.W. was 2014.

23 Q. Was that a planned pregnancy?

24 A. Yes sir, it was.

25 Q. And how did that make you feel?

1 A. I was very happy and very excited to give birth to
2 my first child; very happy. We even went and purchased
3 things for the child. And I discussed the baby's birth
4 and everything how I wanted it. I prayed everything
5 would work out.

6 And me and my mother we could always talk and we
7 talked about a lot of things when I was pregnant with

8 M.W. And I shared a lot of my feelings with her too
9 as well. So I was very happy and excited to be pregnant
10 with M.W.

11 Q. And was that a pretty normal pregnancy with
12 M.W.

13 A. When I gave birth to M.W. they had to induce my
14 labor and take him a few weeks early because I started
15 hemorrhaging. But still he came out healthy and normal
16 and everything went well from there.

17 Q. And how did you feel after you had M.W.

18 A. I still was happy. And I tried to love him as best
19 I know how as a mother.

20 Q. And were y'all still living up around Kingstree at
21 that point or where were you living?

22 A. When I gave birth to M.W. we just had moved to
23 Charleston because I remember staying, when I first gave
24 birth to M.W. I stayed with my grandmother and
25 grandfather for a little while so that they could help

1 assist me with the baby, they could help me out until
2 Marcus had get established. He was working in Charleston
3 and he had to work in Charleston to get himself
4 established at the time. But he was still call; he would
5 still come when he can to check and make sure that I was
6 alright.

7 But I was living with my grandmother and grandfather
8 at the time. And then eventually after he got
9 established we moved to Charleston.

10 Q. And what year was it that you got pregnant with
11 Baby

12 A. The year I got pregnant with Baby was in 2018.

13 Q. And where were you living at that point?

14 A. We was living in Charleston.

15 Q. You still with grandma?

16 A. No, sir. We had already moved to Charleston when I
17 was pregnant with Baby

18 Q. So what address were you living at?

19 A. We was on Remount Road, yes sir.

20 Q. And when you found out you were pregnant with Baby
21 how did that make you feel?

22 A. Once again, I was happy and very excited. When I
23 was pregnant with both of my sons I was happy, yes sir.

24 Q. And how was that pregnancy?

25 A. That pregnancy went a little better than the first.

1 I went longer than I did with Baby than I did with
2 M.W. I went for the whole full term, the full nine
3 months with Baby He was born at 39 weeks, a healthy
4 beautiful baby boy.

5 Q. And when he was born that was at what hospital?

6 A. At I believe MUSC hospital women's center over here.
7 Yes, sir.

8 Q. Do you remember how many days you were in the
9 hospital with Baby after he was born?

10 A. I gave birth to Baby that was June the 23rd. And
11 I came home that was on June the 25th.

12 Q. So you were in the hospital for two or three days?

13 A. Yes, sir.

14 Q. Where did Baby stay while you were in your
15 hospital room?

16 A. Baby was in the room with me and his father, with
17 me and Marcus.

18 Q. Did he sleep a lot?

19 A. He was still cranky and fussy, crying. But he did
20 eventually get some sleep.

21 Q. And who was responsible for feeding the baby?

22 A. Me and Marcus both took turns feeding the baby. I
23 fed him some and then we alternated; Marcus would feed
24 the baby.

25 Q. And do you remember what day it was when you got

1 home?

2 A. I believe it was, when I got released from the
3 hospital it was on June the 25th of 2018.

4 Q. And do you remember if that was, if they released
5 you in the daytime or the nighttime?

6 A. I do not remember. I believe it was later on that
7 evening. But I don't remember exactly for sure. This
8 was about four years ago.

9 Q. And where was M.W. at that point when they
10 released you?

11 A. On the day when I was about to go home my mother, he
12 went with my mother during the time I was in the hospital
13 giving birth to Baby

14 And when I was about to be released from the
15 hospital on the 25th my mother brought him to the
16 hospital. He was with us then and we all went home
17 together; me and Marcus, Baby and M.W.

18 Q. So your mother had been keeping M.W. while you
19 were in the hospital?

20 A. Yes, sir.

21 Q. What can you tell me about the first night home from
22 the hospital?

23 A. When we got home basically me and Marcus was trying
24 to adjust. We were trying to get adjusted back into the
25 home with the new baby and all. And we would take turns;

1 I would assist with Baby and he would try to take care
2 of M.W. We gave M.W. attention as well as
3 Baby

4 And we were just trying to get adjusted and try to
5 get the baby adjusted because the baby was still fussing
6 and crying. So basically we were just trying to get
7 ourselves settled in, yes sir.

8 Q. Did you get much sleep that first night?

9 A. No sir, I didn't.

10 Q. Did Marcus get much sleep?

11 A. No sir, he didn't either.

12 Q. And the next day which would have been the 26th what
13 can you tell me about the events of the morning of that
14 day?

15 A. I can't remember all the details of what happened
16 during that morning so y'all please bear with me; this
17 was about four years ago. But I am going to say what I
18 can remember the best I know how.

19 That morning when we woke up my mind was on Baby
20 And I told Marcus I said we still got to get the baby the
21 correct formula. And he said okay.

22 And so that's when he said I'm going to go to Family
23 Dollar and see if they have the Good Start formula in
24 that store first. So he went and he walked. He walked
25 to Family Dollar and he went to see if they had the

1 formula in there. And while he was gone me and Baby
2 was in the restroom.

3 And I was holding Baby and I was playing some
4 lullabies on my phone like newborn babies lullabies to
5 try and keep Baby calm and confident until Marcus could
6 get back with the formula, with his milk.

7 And I was sitting on the toilet and the reason why I
8 was sitting on the toilet holding Baby was because I
9 was still hemorrhaging quite bad and was in a little
10 pain. And I just sat there until Marcus came back with
11 the baby formula and everything and kept Baby calm.

12 So Marcus did had come back and he told me that they
13 didn't have the Good Start formula at Family Dollar. So
14 that's when I said you can go in my pocketbook and get
15 some extra tax or money and try another store.

16 So nevertheless that's when he walked to Doscher's I
17 believe and went to see if they had the formula in there.
18 I was still in the restroom once again because I felt bad
19 and I just wanted to maintain until he come back and kept
20 Baby calm.

21 And I was also; the door was never closed in the
22 restroom. I was also making sure M.W. was alright
23 too. I kept checking on him while Marcus was gone. He
24 was busy running around and stuff and he would sit down
25 and watch TV every once in awhile but he was fine.

1 Q. Once Marcus got back with the formula who fed the
2 baby?

3 A. When Marcus got back with the formula and he fixed
4 the formula and everything I started off feeding Baby a
5 little bit of the formula.

6 And then I called Marcus in there and told Marcus to
7 come in and get Baby and feed him the rest of the
8 formula and see if he could put Baby to sleep.

9 Q. Where were you at that point?

10 A. I was still in the restroom, yes sir.

11 Q. And then what happened?

12 A. And after he came and got Baby fed Baby gave
13 Baby a nap I got myself situated and came from out the
14 bathroom. He had already fixed my beef stew. He warmed
15 that up too as well while he was fixing the formula for
16 the baby.

17 And I came out of the restroom and everybody was
18 already in the living room. He had Baby sleeping after
19 he fed him. Baby went to sleep then and he was laying
20 in his bassinette. And M.W. was, and Marcus was in
21 the living room and M.W. also was in the living room.

22 So all three of them was already in the living room
23 by the time I came from out the restroom. And I came out
24 of the restroom and sat in the recliner chair and that's
25 when I asked Marcus about the beef stew and he gave me

1 the beef stew and I took two Tylenol as I was eating the
2 beef stew soup. Then Marcus told me he was going to take
3 two Tylenol too because his legs was bothering him. So
4 he took two Tylenols for his leg.

5 After that we was sitting in the room, everybody.
6 And I can't remember exactly who went to sleep first.
7 All I know is I started dozing off. M.W. was still
8 up and he was watching TV rocking in the chair like how
9 he always do.

10 So when I dozed off all I remember was him still
11 being up. That's all I remembered.

12 Q. What chair were you in again?

13 A. The recliner chair. Yes, sir.

14 Q. And what chair was Marcus in?

15 A. He was in the sitting chair that was closest to the
16 restroom, to the bathroom.

17 Q. And what chair was M.W. in?

18 A. In the chair right next to that beside Marcus.

19 Q. And then what happened after that?

20 A. After that I dozed off and I woke up. And after, it
21 wasn't long after I woke up I woke Marcus up and I told
22 Marcus, I said Marcus could you please cut the air on
23 with the central unit.

24 And he got up and cut it on for me. And after he
25 got up and cut it on I said Marcus, while you're standing

1 there just look in the bassinette and make sure that
2 Baby is okay.

3 So he went, he walked over to the bassinette and as
4 he made his way to the bassinette he looked in the
5 bassinette and I saw the facial expression that he made.

6 And the facial expression that he made was not a
7 pleasant facial expression. And he was upset. And I
8 asked him what was wrong with him and he didn't say
9 anything. He walked to the room and he starts crying.

10 And that's when I got up. I got up and I walked
11 over to the bassinette. I didn't pay attention to
12 anything that was on the floor, no blood or nothing. I
13 just got up because I was still half sleepy myself.

14 So I got up and I went and I looked in the
15 bassinette and that's when I saw Baby the way he was in
16 there and the blood and everything. And right then and
17 there I went into a state of shock because I was like
18 this can't be happening.

19 And when I looked in the bassinette and saw Baby
20 the way that he was that's when I immediately said
21 Marcus, we have to call 911. Call 911.

22 Q. And at that point did Marcus call 911?

23 A. Yes. He called 911 and he was trying his best to
24 explain to them what had happened. And then while he was
25 trying to explain to them he couldn't so I had to finish

1 talking to them, to the 911 people. And I tried to
2 explain to them to myself what had happened; even though
3 I was all torn apart and in a state of shock. I tried my
4 best.

5 Q. Were you paying attention to what time it was?

6 A. No sir, I didn't. It's not like I was sitting there
7 looking at the clock. I don't remember exactly what time
8 it was. No, sir.

9 Q. Do you remember whether you got up and went to the
10 back or whether you walked in any direction?

11 A. No, sir.

12 Q. And so after you called 911 or after Marcus called
13 911 did you get on the phone with them?

14 A. Yes, sir.

15 Q. And how soon after that before they responded?

16 A. It wasn't long. I don't know the exact time or
17 anything. Like I said this was four years ago. But it
18 wasn't long before they came.

19 And when they came I was, I had Baby I was
20 holding Baby because I was still in a state of shock
21 like Lord, this cannot be happening to my baby, to my
22 baby.

23 And I picked my baby up and I embraced him. And
24 then after that that's when everybody started to come
25 rushing in, 911 and then everybody else.

1 Q. Do you remember having the police officers in your
2 apartment that day?

3 A. No sir, I don't.

4 Q. Was it a lot of them or a few of them?

5 A. It was probably a few of them. Like I said I don't
6 really remember how many of them it was. But it wasn't a
7 whole lot either.

8 Q. Do you remember speaking specifically to Officer
9 Radabaugh?

10 A. Yes.

11 Q. And do you remember anybody asking you to come down
12 to the station?

13 A. Yes.

14 Q. And did they ask Marcus to come down to the station?

15 A. Yes, they did.

16 Q. Did you voluntarily go with them?

17 A. Yes.

18 Q. And did you give an interview?

19 A. Yes, I did.

20 Q. And after that interview did the police take you,
21 where did the police take you after that?

22 A. You mean the first interview?

23 Q. Yes, after you get done with the first interview.

24 A. After we done with the first interview we was able
25 to come back home that night.

1 Q. Tell me a little bit about that night. Were you
2 able to sleep?

3 A. No sir, I was not able to sleep. I went home
4 because I had to have some time to myself to process
5 everything. And that's when I really let all of my
6 emotions everything out, what I was feeling.

7 That's when I went home and I began to grieve the
8 death of my son. Like I said I was trying to process
9 everything. And me and Marcus we talked for a little
10 while and we both discussed how we felt about everything.

11 And I told Marcus that I was going to clean up the
12 blood of Baby that was on the floor because I didn't
13 want to stay in our home in the apartment and see my
14 child's blood on the floor because I was already hurting
15 after that, trying to deal with that, trying to process
16 everything. So I couldn't continue to look at that blood
17 on the floor. It would upset me.

18 Q. So was a difficult night? Is that fair to say?

19 A. Yes. It was very difficult.

20 Q. Then the next day the 27th do you recall Detective
21 Jellico and I think it was Sergeant Glenn driving up to
22 the apartment?

23 A. Yes, sir.

24 Q. And where were you at that particular point in time?

25 A. Me and Marcus was in I believe his father's truck,

1 Elijah's truck, we was about to go get something to eat
2 that day.

3 Q. And do you remember what Detective Jellico told you
4 at that point?

5 A. I believe he said they had developed he had saw some
6 new evidence that was already developed and he was going
7 to go down to the station with him and talk that over if
8 I'm saying that correctly.

9 Q. And do you remember the car ride to the station?

10 A. Not everything about that but some things, yes sir.

11 Q. Do you remember anything that he might have said to
12 you on the ride?

13 A. I remember the part when he said that somebody or
14 someone has to go to jail. I remember that part, yes
15 sir.

16 Q. And how did that make you feel?

17 A. When he mentioned that someone had to go to jail I
18 wasn't, first of all I'm not a selfish person. I wasn't
19 only thinking about me I was thinking for my family.

20 My mind went off me and I started thinking about
21 Marcus because I didn't know what really happened myself.
22 I woke up and found my baby dead.

23 And my mind went off of me and I said Lord and I
24 started thinking about Marcus. And then most importantly
25 I started thinking about M.W. that's when he said

1 somebody has to go to jail. And I was like what's going
2 to happen to M.W. Is he going to be placed in the
3 system, foster care or something because I would not want
4 that to happen.

5 I'm a mother that is a protective mother and I'd be
6 very concerned about who has my child, who my child is
7 around and things of that nature. And when he mentioned
8 that all of that started coming to me.

9 I was like I don't want M.W. to be placed in the
10 system, foster care or anything; not even in jail either
11 if he did do this. I did not for once ever try to throw
12 my son under the bus.

13 The reason I said he might have done it was simply
14 because when I went to sleep I remember him being the
15 last person up in that chair rocking looking at TV. So
16 that's the reason why I said okay, it might have could
17 have been M.W.

18 But I was not trying to sink him or throw him under
19 the bus or just to blame anybody. I still yet don't know
20 what happened to this day for God's sake. And I'm trying
21 to come clean today to confess the truth within me
22 because I didn't murder my child.

23 I don't know what happened. I'm confused about
24 that. And just mentioning the thought of jail like I
25 said before I've never been in jail, I don't have a

1 record. I'm a peaceful person. I don't bother anyone. I
2 don't. And I try to lead a decent life that God intends
3 for me to live.

4 So with that being said back to the subject yes, I
5 started thinking about my family. I didn't want Marcus
6 to go to jail or M.W. but my heart merely went out to
7 my child, M.W.

8 Okay Baby is gone. But all I have left, the only
9 child I have left living is M.W. He's the only one
10 I have left and I didn't want anything to happen to him
11 that would really destroy me that I couldn't deal with or
12 live with. I couldn't have that.

13 Q. Ms. Williams, at that point how long had it been
14 since you had seen M.W. from the 27th, how long had
15 it been since you'd seen M.W.

16 A. On the 27th M.W. was taken away from me I
17 believe the day of the accident, when the accident had
18 occurred and happened. So and I believe that was on the
19 day of the 26th.

20 Q. So you hadn't seen him in basically 24 hours?

21 A. Yes. And that still was like too long for me
22 because I'm so used to him being with me.

23 Q. Now, we all just watched the video of the second
24 interview.

25 A. Yes, sir.

1 Q. You were in there with Detective Jellico.

2 A. Yes, sir.

3 Q. Would you please tell the jury why you said you
4 dropped the baby in the second interview?

5 A. The reason I gave Detective Jellico that false
6 confession, that false statement that I dropped Baby
7 was because I started, I was in a state of shock. I
8 didn't have much sleep. I didn't get a chance to see
9 M.W. in some hours or 24 hours I believe so. I can't
10 remember exactly how long but he was taken away from me.

11 And I started thinking about my family and I was
12 like okay, I'm just going to tell Detective Jellico
13 something so that I could go home to my family and maybe
14 be with them; not knowing that I would suffer the
15 consequences later.

16 But I gave that false confession because I was
17 worried about my son M.W. I didn't want anything to
18 happen to him if he did had done this. I took the blame.

19 I took the fall because like I said this is the
20 first time something like this had ever happened to me
21 and I didn't know what to expect what was going to
22 happen. I took the fall. I said I did it.

23 And I was trying when I said on there I was trying
24 to save my family, I was. But most importantly I was
25 looking out for M.W. because he was all I still had

1 left, that's the only child living. And Baby is gone
2 but M.W. is still here.

3 So, and like I said I didn't have much sleep that
4 night. I wasn't able to think, function properly. I
5 wasn't myself. I wasn't. I just gave birth, just lost
6 my baby trying to grieve in a state of shock. Everything
7 happened so fast, so fast, so fast.

8 So that's another reason why I gave that false
9 statement. I wasn't myself. I was in a state of shock
10 and all I was thinking about was my family, M.W.
11 What's going to happen?

12 Q. Ms. Williams?

13 A. Yes, sir.

14 Q. Were you arrested after you gave that statement?

15 A. Yes sir, I went to jail.

16 Q. And since then when was the last time you saw
17 M.W.

18 A. I didn't get to see M.W. for awhile after that;
19 it was awhile.

20 Q. Do you recall if this case was in the news?

21 A. It was. I was on the news too as well.

22 Q. Are you still married to Marcus?

23 A. No sir, I'm not. We're divorced. And that's even
24 hurtful because I always loved my husband and I still do
25 to this day. But it's just the part that I'm going

1 through, I'm going through some things and I just wanted
2 to be by myself, get myself together, work on me.

3 Q. And in the past couple of years since this happened
4 what have you been doing?

5 A. Since this happened I've been following the court
6 orders and doing what I'm supposed to do; working on
7 myself trying to get my life together.

8 I'm working. I have a better job. And I'm still
9 attending church and I'm doing better than I was. I'm
10 taking care of myself and just trying to find peace in my
11 life.

12 Q. How often do you attend church?

13 A. I attend church very often like every other Sunday
14 like that.

15 Q. Is it fair to say you're a very religious woman?

16 A. Yes sir, it is fair. I am a religious woman.

17 Q. Is it fair to say -- well, let me rephrase that. If
18 you're going to tell the truth to anybody who would you
19 tell the truth to?

20 A. First to anybody? I would tell the truth most
21 importantly to God and come clean with myself, which is
22 what I'm trying to do right now at this point in time
23 because God has given me a second opportunity to tell the
24 truth. And as Detective Jellico did say the truth shall
25 set you free. And I have been carrying this for four

1 years feeling like a criminal. Feeling like a villain
2 when I know in my heart I did not hurt my baby.

3 So I had to come to trial. I wanted to testify to
4 get this off of me so that the truth could just be out.
5 Yes, sir.

6 Q. Thank you, Ms. Williams.

7 A. Uh Huh.

8 MR. LONGSHORE: No further questions, Your Honor.

9 THE COURT: Cross?
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1	CROSS-EXAMINATION
2	BY MS. HERRING LASH:
3	Q. Good afternoon Ms. Williams.
4	A. Good afternoon.
5	Q. And you said that since this has happened you have
6	been staying in Kingstree?
7	A. Yes, ma'am. That's correct.
8	Q. And you've been trying to work on yourself?
9	A. Yes, ma'am.
10	Q. You been living with your boyfriend?
11	A. Yes, ma'am. Uh Huh.
12	Q. And y'all have been having a good time.
13	A. The times aren't always good, no ma'am.
14	Q. Not always?
15	A. Not always.
16	Q. Well, you posted like at Valentine's when you and
17	your boyfriend were having fun and having a good time.
18	A. We was just at home just doing something special for
19	Valentine's Day because he was just trying to cheer me up
20	because he knew I was going through a lot already. Yes,
21	ma'am.
22	Q. Are you still with him?
23	A. We are friends now. Yes, ma'am.
24	Q. Well, let's go back and talk about the Baby
25	Hospital stay. He was pretty fussy then?

1 A. Yes, ma'am.

2 Q. And you didn't get much sleep.

3 A. No, ma'am.

4 Q. And when y'all got home you and Marcus pretty much

5 both held Baby most of that night, is that right?

6 A. Yes, ma'am.

7 Q. And where was M.W.

8 A. M.W. was right in there with us. He was in the

9 home with us.

10 Q. But y'all were holding Baby

11 A. We took turns holding Baby and then most of the

12 time I would put my focus on M.W. because he also

13 needed attention too as well.

14 Q. And he slept in the big bed that night?

15 A. Yes, ma'am. Uh Huh.

16 Q. And so the next day for a large part of that day

17 that you told us about you were sitting in the bathroom

18 with Baby

19 A. Yes, ma'am.

20 Q. And M.W. was in the front room.

21 A. He was just running around playing.

22 Q. I know he was watching him ---

23 A. --- yes ma'am ---

24 Q. --- but he was in the front room, he wasn't in there

25 with Baby

1 A. No, ma'am.

2 Q. And the night before y'all were holding Baby

3 A. We hold ---

4 Q. --- either you or Marcus.

5 A. Can you repeat that?

6 Q. The first night y'all got home you and Marcus both

7 kind of had to hold him most of the night; Baby

8 A. Yes, ma'am. We took turns holding Baby yes

9 ma'am.

10 Q. And then the next day you were kind of holding

11 Baby all day you said.

12 A. Not all day.

13 Q. Well, in the bathroom.

14 A. Yes ma'am, until Marcus got back with the formula.

15 Q. And then Marcus took him.

16 A. Yes ma'am, that's correct.

17 Q. Now going back to the medication you were on you

18 were just taking Tylenol is that right?

19 A. Yes ma'am and I took two of them.

20 Q. Because you didn't have your other prescriptions

21 filled yet.

22 A. No ma'am, I didn't.

23 Q. And so you're there and you're asleep and when you

24 wake up is that when you asked Marcus to ---

25 A. --- right after I woke up yes ma'am, and I can't

1 believe if I shook him or not but I know I woke him up
2 and I said Marcus if you don't mind would you please get
3 up and cut the air on, the heating unit. And he got up
4 and he adjusted it to the air, yes ma'am.

5 Q. So I think a few moments ago you were saying that
6 you were trying to save M.W.

7 A. Yes, ma'am.

8 Q. That's what you were saying.

9 A. Yes ma'am, that's correct.

10 Q. And all this time that's what you were trying to do
11 was save M.W.

12 A. Yes, ma'am.

13 Q. But on the 911 call you tell them M.W. did this.

14 A. Yes, ma'am. And the reason why I said that was
15 because before I fell asleep I just remember him being
16 the last person up in the home.

17 Q. And you told the officers that M.W. did it.

18 A. That's why I said that, yes ma'am.

19 Q. And the first day you told the officers M.W. did
20 this.

21 A. Yes ma'am, but I still wasn't sure.

22 Q. And you told Detective Jellico that M.W. did
23 this.

24 A. Yes, ma'am.

25 Q. As a matter of fact you told God when you were

1 praying M.W. did this.
2 A. Yes, ma'am.
3 Q. And you told him exactly what M.W. did.
4 A. I was just feeling my way.
5 Q. You said M.W. picked that baby up and dropped
6 him. He picked him up again and he dropped him trying to
7 put him in the bassinette. That's what you were telling
8 God M.W. did, right?
9 A. Yes, ma'am. I was trying to feel my way like put
10 two and two together of what could have happened.
11 Q. But you were sleeping.
12 A. I was asleep, that's correct.
13 Q. But you were talking about all the different things
14 M.W. did even though you were sleeping you were
15 telling God what he did.
16 A. I wasn't sure what he did. I was just trying to
17 feel out in myself what might have could have happened
18 that's all ---
19 Q. --- but you said God is the one you tell the truth.
20 A. Yes, ma'am.
21 Q. And that's what you told God.
22 A. Yes, ma'am.
23 Q. And you were also very concerned that M.W. was
24 saying that Momma did it, that you did it, correct?
25 A. When he told me he said that M.W. was speaking I

1 was just concerned whether he was able to talk or not
2 because I know he wasn't a verbal child. That's what
3 mainly concerned me that okay he's able to talk. That's
4 all that concerned me. But I wasn't worried about
5 anything.

6 Q. But you were saying when you were praying to God
7 they said M.W. said Momma did it. M.W. said my
8 baby; my baby said Momma did it. And no one ever told
9 you he said that; you were just saying that.

10 A. Yes, I was just saying it because I wasn't sure what
11 he said to y'all --

12 Q. You prayed M.W. said that because he was awake
13 and saw what happened.

14 A. No, ma'am.

15 Q. Isn't that true that M.W. was awake when this
16 happened?

17 A. No, ma'am. I don't know what happened. That's all
18 I can say.

19 Q. So when you told the officer that you got up to
20 check on Baby that wasn't true.

21 A. No, that wasn't. In that confession that I gave
22 Detective Jellico that whole confession wasn't true.

23 Q. When you told him that you dropped him on the floor
24 that wasn't true?

25 A. No, ma'am.

1 Q. And when you told him that you had to let him lay
2 there a minute because you were in too much pain to pick
3 him up that wasn't true.

4 A. None of that was true.

5 Q. And that you sat down and meditated about your
6 finances. None of that was true.

7 A. None of it.

8 Q. You just made all of that up.

9 A. I sure did.

10 Q. But all because you were trying to save Baby -- I
11 mean save M.W.

12 A. I was concerned about him. I was. I was very
13 concerned about M.W. And you have to understand I
14 just lost my baby so my mind was very mostly focused
15 mainly focusing on M.W.

16 Q. It sounds like in this interview you heard it what
17 you're really focusing on is not wanting to go to jail.
18 Over and over and over again I just don't want to go to
19 jail. Send me to mental health. I just don't want to go
20 to jail. That was your focus wasn't it?

21 A. No, ma'am.

22 Q. That's what you said.

23 A. I said that but that wasn't my main focus.

24 Q. And your focus was M.W. who you were saying did
25 it even after you told Detective Jellico that he slipped.

1 You went back and told God M.W. did it. You told him
2 that again.

3 A. Because I'm trying to put together myself what
4 happened. Yes, ma'am. I'm praying to God asking maybe
5 God can give me some confirmation, can show me
6 spiritually what happened. Yes, ma'am.

7 Q. You were saying to God that M.W. said I did it.
8 And you told Detective Jellico when you were telling him
9 the lie, the one lie, that M.W. watched you drop him.

10 A. And that didn't happen either.

11 Q. That didn't happen either.

12 A. No, ma'am.

13 Q. So nothing you said in that interview was really the
14 truth ---

15 A. --- it was not the truth.

16 Q. But you didn't mind telling the police something
17 that wasn't true.

18 A. Because I was just concerned about getting home to
19 my family and that even though yes I lied to Detective
20 Jellico I had to pray and ask God for that lie, that
21 false statement that I gave him.

22 But my concern, my main concern was getting home to
23 my family so that I could grieve the death of my newborn.

24 Q. Your concern was not going to jail wasn't it Ms.
25 Williams?

1 A. Well, I've never been in jail before and I was just
2 a little bit concerned about that yes ma'am because
3 that's a place I've never been in my entire life.

4 Q. And you were real concerned about that according to
5 what you kept saying.

6 A. Because I didn't know what would happen to M.W.

7 Q. But you were willing to say M.W. did this, that
8 he committed this homicide.

9 A. No, ma'am. I'm still not sure what happened.

10 Q. But you said it.

11 A. Yes, ma'am.

12 Q. Because all that you said was a lie.

13 A. In the interview, yes ma'am.

14 Q. And it was a lie because Baby didn't fall one time
15 did he?

16 A. Say that again.

17 Q. Baby didn't just fall one time, did he?

18 A. I don't know what happened.

19 Q. But you saw pictures of Baby

20 A. Today, yes.

21 Q. At the time didn't Detective Jellico tell you about
22 his face?

23 A. He might have mentioned this. This was four years
24 ago but yes ma'am I think so.

25 Q. And so you knew what Baby had suffered. He told

1 you about the fractures.

2 A. He told me about them. I remember he mentioned
3 them, yes ma'am ---

4 Q. --- I know he didn't show them to you but he told
5 you about them.

6 A. He mentioned them, yes ma'am.

7 Q. And you still said M.W. did it?

8 A. After he mentioned them I already explained that I
9 was just trying to feel my way and figure out what
10 happened because all I remember was him being the only
11 one up when I fell asleep. That's why I kept assuming
12 okay M.W. must have did it.

13 Q. I guess what you're telling us Ms. Williams is that
14 you don't mind telling a lie.

15 A. No, ma'am. I'm not a liar.

16 Q. But you lied that whole day.

17 A. That time because I was not myself. I had a lot
18 going on. I was in a state of shock. I'm trying to put
19 everything together so that's the main reason why I lied,
20 yes ma'am.

21 Q. Right. You chose to lie that day to help yourself
22 out.

23 A. No, ma'am.

24 Q. So you could go home.

25 A. I wanted to go home to my family, yes ma'am.

1 Q. So you decided to lie so you could go home.
2 A. That's not why I lied.
3 Q. Well you said your goal was to be able to go home
4 and that you just lied about everything that day.
5 A. No, ma'am. I was confused that day.
6 Q. But you were lying.
7 A. Yes, ma'am.
8 Q. And you didn't mind lying about it.
9 A. It's not that I didn't mind I just lied. Yes,
10 ma'am.
11 Q. And so you would lie to help yourself.
12 A. No, ma'am. That's why I'm here today; to tell the
13 truth.
14 Q. You're here today to help yourself again to try to
15 go home.
16 A. No, ma'am. This is the truth. This is what
17 happened.
18 Q. And this time we're supposed to believe you because
19 you've lied every other time you talked to someone.
20 A. No, ma'am. Those just was confusions, that's all.
21 I was confused.
22 Q. Well, those statements sound pretty specific. Not
23 confused when you're talking about exactly what Baby
24 did -- excuse me, I didn't mean to say that, exactly what
25 M.W. did.

1 A. Uh Huh.

2 Q. And pretty specific when you talk about well you
3 just dropped him and he laid there and then you were
4 hurting so you had to just bend over and pick him up.
5 And then how you carried him and laid him back.

6 MR. LONGSHORE: Objection, Your Honor. I'm not
7 sure if that's a question or she is testifying.

8 THE COURT: Sustained.

9 Q. [Ms. Herring Lash] You were pretty specific even --
10 what did you meditate about? What did you say you
11 meditated about?

12 A. I meditated about nothing because as I said that
13 whole confession was made up.

14 Q. So you were lying?

15 A. With that confession, yes.

16 Q. And you lied to help yourself.

17 A. No ma'am, that wasn't to help myself. I was
18 confused.

19 Q. And so we're supposed to believe you an admitted
20 liar, yes or no?

21 A. Say that again.

22 Q. We are supposed to believe an admitted liar?

23 A. You said I am a liar?

24 Q. Uh Huh.

25 A. No, ma'am. I'm not a liar. I was just confused

1 that day.

2 Q. When you got confused you lied.

3 A. Yes, because I had a lot at stake that day.

4 Q. That's all the questions I have, Ms. Williams.

5 THE COURT: Redirect?

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1 REDIRECT EXAMINATION

2 BY MR. LONGSHORE:

3 Q. Are you accusing M.W. of murder or were you just
4 saying it was an accident?

5 A. I was saying it probably just was an accident that
6 happened.

7 Q. Thank you.

8 MR. LONGSHORE: Nothing further, Your Honor.

9 THE COURT: Anything?

10 MS. HERRING LASH: No, Your Honor.

11 THE COURT: All right. You may step down.

12 [Whereupon, the witness is excused and exits the
13 witness stand]

14 THE COURT: Do you have another witness?

15 MR. LONGSHORE: Yes, Your Honor. She's outside.
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1 MR. LONGSHORE: Your Honor, the defense would call
2 Angela Tisdale.

3 [Whereupon, Ms. Tisdale comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your full name
7 for the record and spell your last name.

8 THE WITNESS: My name is Angela Ruth Tisdale. Last
9 name is T-I-S-D-A-L-E.

10 THE COURT REPORTER: Would you spell the middle
11 name for me please?

12 THE WITNESS: My middle initial, middle name is
13 Ruth, R-U-T-H.

14 THE COURT: Have a seat.

15 MR. LONGSHORE: You can sit down Ms. Tisdale.

16 [Whereupon, the witness is seated]

17 - - - - -

18 ANGELA TISDALE,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. LONGSHORE:

23 Q. How are you doing this afternoon, ma'am?

24 A. I'm doing good.

25 Q. What's your relation to Tamika Williams?

1 A. Her mother.
2 Q. And where are you from Ms. Tisdale?
3 A. I'm from Kingstree. A little town called Kingstree,
4 South Carolina in Williamsburg County.
5 Q. You still living there now?
6 A. Yes, sir.
7 Q. And how many kids do you have, Ms. Tisdale?
8 A. I have three.
9 Q. And where in the order of things does Tamika fall?
10 Was she the oldest, the youngest?
11 A. She would be the oldest.
12 Q. Are you married?
13 A. I'm a widow.
14 Q. How long have you been widowed?
15 A. I've been a widow for approximately -- my husband
16 died in 2018.
17 Q. And Ms. Tisdale how was Tamika as a child?
18 A. Tamika when she was a child she was a good child at
19 birth. And she never give me no problems since I brought
20 her into this world.
21 And we had a close relationship and we've always had
22 that bond, together we been together frontwards and
23 backwards.
24 Q. So y'all are close?
25 A. We are real close, yes sir.

1 Q. And at some point around 2010 do you recall her
2 starting to date somebody new?
3 A. Yes.
4 Q. And who was that?
5 A. Mr. Burnell [sic] Singletary.
6 Q. Well, do you recall when she started dating Mr.
7 Williams?
8 A. Oh I'm sorry ---
9 Q. --- I apologize.
10 A. 2010 she started dating a young man whose name is
11 Mr. Marcus Williams.
12 Q. And had you met Mr. Williams?
13 A. Yes, sir.
14 Q. And how well do you know him?
15 A. I know him very well.
16 Q. And do you remember how long they dated before they
17 got engaged?
18 A. Well, I'll say to my understanding they were dating
19 like approximately like almost a year.
20 Q. And did you attend the wedding?
21 A. Yes, I did.
22 Q. Do you remember where the wedding was?
23 A. Where it was?
24 Q. Where it was it was in Lane, South Carolina.
25 THE COURT REPORTER: In Lane?

1 A. Lane. L-A-N-E.
2 Q. [Mr. Longshore] And in some point within a couple of
3 years do you remember her getting pregnant?
4 A. Yes, I did.
5 Q. And do you recall how she responded to getting
6 pregnant?
7 A. She was very excited. She was very happy.
8 Q. And that would have been her pregnant with M.W.
9 her oldest, correct?
10 A. Correct.
11 Q. And do you remember in 2018 when she got pregnant
12 again?
13 A. Yes, sir.
14 Q. Can you please tell the jury what was her response
15 or how she was behaving when she found out ---
16 A. --- her response with me would be the same with
17 M.W. She was very excited and she was very happy.
18 Q. Was there anything unusual that you remember about
19 her behavior?
20 A. No, sir.
21 Q. She wasn't upset?
22 A. No, sir. She was happy.
23 Q. And do you remember anything unremarkable about the
24 pregnancy itself?
25 A. No, sir.

1 Q. And did you visit her in the hospital?
2 A. Yes, I did.
3 Q. And who was taking care of M.W.
4 A. I was.
5 Q. So you were taking care of M.W. while she was in
6 the hospital ---
7 A. --- while she was in the hospital, yes sir.
8 Q. And did you get a chance to meet Baby
9 A. Yes, I did.
10 Q. And did you see Tamika while she was in the hospital
11 after she had delivered Baby
12 A. Yes, I did.
13 Q. What was her overall demeanor when you visited with
14 her in the hospital?
15 A. She seemed to me she was very happy with the newborn
16 even though he was my grandson also. She was very,
17 always energetic, happy and always has that strong mind,
18 which she you know we always had I'd say a compatible; we
19 are like two in one. And then when she go to work or
20 whatever she can help me with.
21 Q. Did you see her after she left the hospital?
22 A. Yes, I did. I was there all day until she left the
23 hospital. Yes, I did.
24 Q. Were you at the apartment after they got home?
25 A. No. We went behind them. And after we went not

1 quite a mile we went half-way. And then after that we
2 took a detour and went home.

3 Q. And were you the one that brought M.W. to the
4 hospital?

5 A. Yes, sir.

6 Q. And that was the night that she got home from the
7 hospital, she and Marcus?

8 A. Well we brought M.W. back, yes sir.

9 Q. And do you recall seeing Tamika when you got to the
10 apartment?

11 A. Yes, I called her.

12 Q. And was there anything remarkable about her behavior
13 that evening?

14 A. No, not to my understanding, no sir.

15 Q. Did you see her again before you found out that
16 Baby had passed?

17 A. Well, I was gone. I was at work, I was on my job.
18 And I got a phone call from her sister, Ashby. That's
19 how I get the communicate that. I didn't know anything
20 until I got off work and I got a phone call.

21 Q. And since she was arrested and charged how has
22 Tamika been handling things?

23 A. Seems to me from my best understanding she seemed to
24 handle things you know very good to me. She was you
25 know ---

1 Q. --- has she been working?
2 A. Say again.
3 Q. Has she been working?
4 A. Yes, sir.
5 Q. She been going to church?
6 A. Yes, she did.
7 Q. And can you please tell the jury how this has
8 affected her life being charged?
9 A. Well from my understanding it affected her to a
10 little emotion you know like a little you know it really
11 didn't take effect on her and anything it just affected
12 her. It really took a toll on me. It didn't affect her
13 at all.
14 Q. She's had a difficult time without M.W.
15 A. Well, she's still been the same to me.
16 Q. Has she been able to see M.W.
17 A. Yes.
18 Q. In the last four years?
19 A. No, she didn't get to see him in four years during
20 the time when she ---
21 Q. --- oh no, I'm talking -- I apologize. Since she
22 got out of jail?
23 A. Okay.
24 Q. She had not been able to see M.W.
25 A. No sir, not even me.

1 Q. And has that affected her?

2 A. Yes, sir.

3 Q. Has that been a very emotional experience for her?

4 A. Yes, sir.

5 Q. Thank you. No further questions.

6 THE COURT: Cross?

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1 CROSS-EXAMINATION

2 BY MR. URICCHIO:

3 Q. Ms. Tisdale, good evening. My name is Nick
4 Uricchio. I'm going to ask you a couple of questions,
5 okay?

6 A. Okay.

7 Q. Ms. Tisdale, so Tamika hasn't been affected at all
8 by this is what you just said, correct?

9 A. No, sir.

10 Q. So she's no big deal to her since her son died and
11 she doesn't get to see him ---

12 A. --- yeah, with the baby it takes a lot out of her.
13 Yeah, she was very upset.

14 Q. But didn't you just testify that she has been fine
15 since this happened or did I mishear you?

16 A. No, she wasn't, no.

17 Q. So she is or isn't. I'm lost.

18 A. Say what now?

19 Q. Earlier you just said that she's been doing fine,
20 correct?

21 A. Yes, she was doing fine. But after all that she
22 went through after she was locked in the jail she was in
23 a lot of distress.

24 Q. Okay. And you said you never had any issues with
25 Tamika when she was a child, right?

1 A. No sir, not a bit.
2 Q. No problems whatsoever?
3 A. No, sir.
4 Q. She didn't have any problems when she was a
5 teenager?
6 A. No sir never a bit.
7 Q. And let me ask you this. You were at the hospital
8 when Baby was born correct?
9 A. Correct.
10 Q. And you took care of M.W. correct?
11 A. Yes, I did.
12 Q. Okay. Were you there when this happened? When this
13 incident happened when Baby was injured and passed
14 away?
15 A. I wasn't there. But I was at work when I got a
16 phone call like I told Mr. Long, Edward. I was on my job
17 working.
18 Q. You were working?
19 A. Yes, sir. I was working.
20 Q. So you weren't present in the room?
21 A. No, sir.
22 Q. So you don't know what happened?
23 A. I don't know exactly what happened, no sir.
24 Q. Okay.
25 MR. URICCHIO: Beg the Court's indulgence.

1 [Whereupon, Ms. Herring Lash and Mr. Uricchio
2 confer]

3 Q. So when Tamika was a teenager you never had to get
4 any help for her at all?

5 A. No. No, sir.

6 Q. Tamika never had to go to a counselor when she was
7 younger?

8 A. She only started going to a counselor when she was
9 might have been in her 12th grade. She never had a
10 chance to you know like constantly go when she was a
11 little baby -- she started going when she was like in her
12 teens, yes sir.

13 Q. Okay. So she did have some issues when she was in
14 her teens?

15 A. Yes, sir.

16 MR. URICCHIO: I have no further questions, Your
17 Honor.

18 THE COURT: Redirect?

19 MR. LONGSHORE: Nothing, Your Honor.

20 THE COURT: You can step down.

21 [Whereupon, the witness is excused and exits the
22 witness stand]

23

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25

1 THE COURT: Any other witnesses?

2 MR. LONGSHORE: Nothing further from the defense,
3 Your Honor.

4 THE COURT: Anything -- any reply from the State?

5 MS. HERRING LASH: No, Your Honor.

6 THE COURT: Okay. Well folks you have now heard
7 all the evidence that you're going to hear in this case.
8 We're going to do the charge and arguing tomorrow
9 morning.

10 So while you've heard all the evidence now it is
11 still not proper for you to begin your deliberations or
12 discussions about the case. Don't talk to anybody about
13 the case including other members of the jury panel and
14 importantly if anybody does talk to you about it please
15 report that to me.

16 Don't try to find out anything on the Internet.
17 Don't try to post anything on social media. I promise
18 you that after the case is over put whatever you want on
19 the Internet; I don't care what you say. But just don't
20 do it until the case is over with; whatever the outcome
21 may be.

22 So again tomorrow morning I'll have you back. You
23 will hear closing arguments and then I will charge you on
24 the law and then you will retire to consider what your
25 verdict will be. So, if you would be back in the jury

1 room by 9:30. We should be able to get started pretty
2 close to that time, okay. Thank you for your patience.
3 We'll see you tomorrow morning.

4 [Whereupon, the jury exits at 5:28 p.m.]

5 THE COURT: Any motions?

6 MR. LONGSHORE: I don't have any motions.

7 THE COURT: Okay. Did y'all have a chance to look
8 at the jury charges yet? I don't think we got anything
9 from you but you can look at them tonight. But I was
10 just going to say if you've got something that you want
11 to change or add or subtract how about email my law clerk
12 tonight and let me know. And how about let's meet at
13 9:15 tomorrow and we'll have a charge conference and then
14 be ready to go, okay.

15 MR. LONGSHORE: One brief matter, Your Honor. I
16 apologize. I did want to renew my directed verdict
17 motion.

18 THE COURT: Okay. Well they're denied. Thank you.

19 MR. LONGSHORE: I didn't know if you wanted me to
20 put anything extra on the record.

21 THE COURT: Okay. We'll see you tomorrow morning
22 at 9:15.

23 MR. LONGSHORE: Thank you, sir.

24 [Whereupon, jury trial adjourns at 5:31 p.m.]
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
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 trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 6th day of April, 2022.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

June 5, 2022

Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2018-GS-10-6228
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TAMIKA YOLANDA WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

April 7, 2022
Charleston, South Carolina

Volume 4 (of 4)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, SR., JUDGE

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Attorneys for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: Elizabeth Franklin-Best]

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[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
70	C.D. of photos	463	466

COURT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
1	Note from jury	527	
2	Note from jury	528	
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PROCEEDINGS

CHARGE CONFERENCE

[Whereupon, State's exhibit number 70 is marked by
the court reporter]

THE COURT: Okay. Did y'all have a chance to look
at these jury charges over?

MR. LONGSHORE: Yes, Your Honor.

MS. HERRING LASH: Yes, Your Honor.

THE COURT: Anything from the State?

MS. HERRING LASH: No, Your Honor.

THE COURT: From the defense?

MR. LONGSHORE: Nothing from the defense, Your
Honor.

THE COURT: Okay. That's good. Y'all got the copy
where I took the charge out about the defendant not
testifying?

MR. LONGSHORE: I've still got it in there ---

THE COURT: --- well, we've taken it out.

MS. HERRING LASH: I knew you were taking it out so

THE COURT: --- other than that that's the only
change in there. So, how long do you think you need?

MS. HERRING LASH: When I say, when I said it to
myself it was 25 minutes but it could probably be a
little longer I'd say.

1 THE COURT: How long?

2 MS. HERRING LASH: Twenty-five minutes is what it
3 was when I said it to myself but sometimes I adlib a
4 little bit.

5 THE COURT: All right. So 25 on the front end.
6 How long do you think you'll need?

7 MR. LONGSHORE: Well, I haven't really timed it
8 Your Honor but I would suspect around between 20 and 30
9 minutes.

10 THE COURT: Okay. I mean I'm not going to hold it
11 to you but at some point you get to about 30 minutes and
12 it doesn't look like you're winding up I'll probably say
13 start winding it up; that kind of thing. I don't like
14 interrupting people.

15 MR. LONGSHORE: I'll talk fast.

16 THE COURT: It's easy to lose time on these. Then
17 we'll give you a few minutes to reply at the end?

18 MS. HERRING LASH: Yes, Your Honor.

19 THE COURT: All right. Is there anything else we
20 need to take up before the jury comes?

21 MR. URICCHIO: Yes, Your Honor. We're going to
22 admit State's 70 I think without objection. It's just a
23 digital copy of all the photos on a C.D. because they
24 come in clearer on a computer.

25 THE COURT: Okay. Is there a computer for them to

1 watch, look at these things on or this is just for the
2 record?

3 THE LAW CLERK: We're confirming that.

4 THE CLERK OF COURT: Yes, I'm checking. And Angela
5 says there is a T.V. in there but she's checking to see
6 if we can get a computer in there right now.

7 THE COURT: All right.

8 MR. URICCHIO: And Your Honor, just for
9 clarification on the color photos I've only put black and
10 white photos on here. We were going to send back the
11 black and white and color photos with the color photos
12 you let in on the evidence but we wanted a ruling on
13 that.

14 THE COURT: I thought we had agreed only the black
15 and whites were going to go back.

16 MS. HERRING LASH: I meant for that but I can take
17 them out. The actual hard copies I just left the ones
18 black and white and color that we showed. But on that
19 [indicates] we just put black and white? But that's what
20 we wanted clarification. I can take the colors out if
21 you meant for both colors to go out.

22 THE COURT: We're talking about the autopsy photos?

23 MS. HERRING LASH: Yes, Your Honor.

24 THE COURT: I wanted to avoid the exposure of the
25 color photos as much as possible. I think they are

1 necessary but they are very difficult to look at. The
2 jury saw it and if the jury wants to see them I guess
3 we'll make that available to them. Right now we can just
4 make it that they can only see the black and white ones
5 we'll do that.

6 [Off the record momentarily]

7 [Whereupon, State's exhibit number 70 is entered
8 into evidence by the Court]

9 THE COURT: I think all the jurors are here if
10 y'all are ready to go. Do y'all need five minutes?

11 MS. HERRING LASH: I'm ready, Your Honor.

12 THE COURT: You ready?

13 MR. LONGSHORE: I'm ready, Your Honor.

14 THE COURT: Bring the jury on back out.

15 [Whereupon, the jury enters at 9:29 a.m.]
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1 THE COURT: Welcome back, folks. We're going to
2 now get started on the final phase of the trial before
3 you get the case to begin your deliberations. We'll
4 start with the jury charges and then I will -- we'll
5 start with the lawyer's closing statements and then I
6 will charge you on the law.

7 Closing statements are if you will remember from
8 Monday when I was explaining to you a little bit of the
9 overview of the trial. You've heard all of the evidence
10 now that you're going to hear in this case. You've seen
11 all the photos or videos of everything that came into
12 evidence. That's all done and you've heard it.

13 What you're going to hear now are the lawyers
14 getting up and giving you closing arguments which will
15 review the evidence that you've heard. They'll give you
16 a little preview of the law that I will be charging you
17 and they'll be attempting to persuade you to render a
18 verdict in their client's behalf.

19 I also stress that what the lawyers say is not to be
20 considered by you as evidence. It is simply argument.
21 Now, our rules of procedure state that because the State
22 has the burden of proof the State has the right to go
23 first and last in argument.

24 So you will first hear from the State, then you will
25 hear from the defense and then the State will have the

1 opportunity to make a short reply in response to anything
2 that the defense brought up. So Ms. Herring Lash, are
3 you going to be making the closing argument?

4 MS. HERRING LASH: Yes, Your Honor.

5 THE COURT: You may proceed.

6 MS. HERRING LASH: May it please the Court and
7 counsel?

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CLOSING ARGUMENT

BY MS. HERRING LASH:

What happened in the small home of Tamika, Marcus, M.W. and Baby on the afternoon of June 26th, 2018 was tragic. It was tragic for everybody. Exactly what happened is only known to Tamika. The one that says tells you the different things.

If M.W. saw this he would not have been able to really perceive what was going on. And as you heard I think Doctor Melville said he could only understand about ten words or so that M.W. was telling him. So M.W. also could not have verbalized it.

Marcus and Tamika both tell you that Marcus was asleep; according to Tamika sleeping really hard. It's a bit suspicious why she would stand up and shake his shoulder to get him to turn the air conditioner on when it was closer really to her than his shoulder was to her. And according to her -- and then to ask him to check on the baby.

According to her second story she already knew at that time Baby was injured or had fallen or had slipped from her hands because she had put him back and then sat down. So she had him find the baby. That's if you think about her second story. Most importantly she perhaps wanted someone else to find the baby. Her first story

1 though, which we know cannot be true was that M.W.
2 did this. You have seen the multiple injuries.

3 [Whereupon, a photograph is published]

4 MS. HERRING LASH: And when I talk about the
5 multiple injuries and the multiple fractures I will just
6 be saying multiple fractures or fractures but I wanted to
7 use this to point out to you because it was very
8 difficult to understand that these fractures are on what
9 you call different planes.

10 They weren't like three fractures here [indicates],
11 or three fractures here [indicates], or three fractures
12 here. There was one on one side, one on the other side,
13 and one near the back. So it wasn't one blow that
14 inflicted these severe fractures. But they were severe
15 enough to cause complex fractures. Not just simple line
16 fractures. And there were also more areas of impact.

17 Doctor Presnell told you at least four but that she
18 couldn't be sure about under the hemorrhage because it
19 was so diffused that she couldn't discern if they were
20 separate impact sites under the diffused hemorrhage that
21 you saw. So M.W. just could not have done all this.

22 The other thing is this baby according to Tamika
23 weighed seven pounds -- excuse me, eight pounds and seven
24 ounces. M.W. was I think 30 to 35 pounds and three
25 feet. He would have had to have picked Baby up. And

1 you heard that Baby was bleeding and M.W. had blood
2 on his knees, his forearm, and feet. We all saw him
3 walking in the blood. Probably not the best preservation
4 of a crime scene but they were trying to be sensitive to
5 this little child also. And we know that he got blood on
6 his feet.

7 And most importantly you see a picture of M.W.
8 standing there. There is no blood on his shirt. Now he
9 would have had to have carried the baby, the eight pounds
10 seven ounce baby like this [indicates] to keep blood from
11 getting on his shirt. I submit to you M.W. would
12 have had to have had him like this [indicates] in order
13 to carry him.

14 And then when you look at the bassinette and how the
15 blood was in the bassinette not on the outside rims of
16 the bassinette. M.W. would have had to go up and
17 over without touching the outside of the bassinette to
18 get him in there.

19 Now an adult, Tamika, could not really easily
20 carried a baby around like this [indicates] for long but
21 for long enough to have picked him up and just put him
22 in. She wouldn't have had to worry about the up and over
23 as much. And you saw the pictures. There was a little
24 smear on the inside of the bassinette. Nothing on the
25 outside of the bassinette and it was all kind of in that

1 middle part. And please remember, and it may have been
2 hard to pick out because you heard so much in Tamika's
3 statement, and I pointed this out to her yesterday but
4 when she was praying she actually described how M.W.
5 did it; that he dropped the baby, then he walked, then he
6 had him and he dropped him again when he was putting him
7 in the bassinette.

8 Well, that just defies logic. She wasn't watching
9 him do this but she's saying how he did it. Unless you
10 believe the fourth story she told about she was just
11 confused and she was just praying for answers about how
12 he did it.

13 And if M.W. did it by some miracle no one woke
14 up when he was doing it and he would have caused more
15 noise; even if -- he would have turned over the
16 bassinette I submit to you.

17 Marcus was very tired that day. He had been up for
18 the most part three days. And Tamika was very tired too.
19 They were both exhausted. Any of you that have had
20 children probably realize what those first few days are
21 like. They were exhausted.

22 And then Marcus had gotten out that morning and
23 according to the calculations that Officer Radabaugh had
24 walked the equivalent of a little over three miles in the
25 hot midday June sun, came back, fed -- cooked the food,

1 fed them and went to sleep. Now I know I get up every
2 morning early and turn on the T.V., play with the dog,
3 get ready, dry my hair and my husband never knows I've
4 gotten out of bed. I on the other hand if he turns over
5 I wake up. People just sleep differently especially when
6 you're exhausted.

7 Now the second day when Tamika goes back to the
8 station to talk, the first day you hear the story mainly
9 on 911 and body camera. The second day when she goes
10 back she realizes because she says the detective told her
11 you know somebody is going to jail because by then he's
12 seen the autopsy. He knows that the baby didn't do it;
13 he knows M.W. didn't do it.

14 So then she changes her story because she realizes
15 that the M.W. story ain't going to work. So now the
16 story is she's sitting down and she gets up to check on
17 Baby and she picks him up and because of medicine, and
18 she talks a lot about I'm on medication, I'm on
19 medication they're not going to charge me if I'm on
20 medication. But it was Tylenol, she told you that.

21 And she drops him. She can't bend over right away.
22 But when she drops him does she say Marcus, Marcus I
23 dropped the baby? No. She lets him lay there. And he's
24 bleeding, bleeding while he's laying there. So she picks
25 him up and she doesn't see any blood on the floor. She

1 doesn't see any blood on his face. She doesn't see any
2 blood on his onesie. She just puts him back in the crib,
3 or excuse me, bassinette and walks over, drags over to
4 her chair and meditates about how they're going to pay
5 their bills.

6 EMS no longer says that when they got there Baby
7 was no longer bleeding, that it was dried blood. But
8 that the only place that the blood came from was the lip,
9 the torn frenulum as Doctor Presnell explained is that
10 little piece of skin that connects your upper lip. The
11 frenulum was torn. And face injuries bleed profusely, a
12 lot; especially the mouth. But all the fractures were
13 closed head. They didn't bleed out.

14 So the amount of blood around shows you that that
15 injury was near the beginning because when he was being
16 hurt and harmed after that injury is when the blood would
17 have been coming out and getting on the floor on both
18 sides of the bassinette.

19 You can see the blood visibly on the left, I'm not
20 very good at positioning, but the left side you can see
21 the blood on the crime scene pictures. On the right side
22 you don't see any visible to the eye the first day.

23 But when they used the BLUESTAR you can see that it
24 was on both sides. Now we all realize that it is very
25 difficult to imagine, to see it in your mind's eye but

1 Baby the scene, and Baby body tells you that it
2 happened and that it was forceful, it was violent, and
3 the little body was damaged with fractures and a fatal
4 brain bleed.

5 We don't know why. We all want to know why but we
6 don't know why. We do have to show you that the actual
7 act was intentional, that it wasn't like a simple flip
8 out of my arms. But her intent is not a part of this
9 statute.

10 If you have ever been on another, a murder case or
11 you hear about the crime of murder it's malice
12 aforethought intentional. This is causes the death of a
13 child under the age of 11 while committing abuse or
14 neglect and the death occurs under circumstances
15 manifesting or with extreme indifference to life.

16 Not why, not the motive. We'll never know that.
17 But that's not an element that the State must prove. Why
18 would be impossible. Extreme indifference is kind of
19 difficult to understand perhaps but it's one of those
20 behaviors that you know when you see it. And the
21 injuries to this baby scream extreme indifference to you.

22 Marcus nor Tamika woke up when Elijah knocked on the
23 door. But he says that he did not knock loudly because
24 he didn't want to wake up a sleeping baby and perhaps the
25 parents could finally be getting some sleep. He thought

1 that if M.W. would have been awake he would have come
2 to the door. He tells you sadly that M.W. does not
3 remember his mother. That's why you didn't hear from
4 him. But M.W. is doing fine now, playing basketball,
5 going to school and doing fine.

6 Two points from when Tamika was praying that I
7 wanted to point out to you. One I had already mentioned
8 about what she says about how it happened and the other
9 about M.W. saying she did it.

10 [Whereupon, the video clip plays]

11 [Whereupon, the video clip ends]

12 MS. HERRING LASH: She said even herself and you
13 heard law enforcement never told her M.W. said she
14 did it. She said she was told he was talking. Why would
15 she think M.W. said she did it if he was talking?

16 Because she knew M.W. knew that she did it
17 because as she told you or as she told the officers later
18 that M.W. was awake when this happened. That he was
19 awake but that he went back and laid down and went to
20 sleep. If you remember the detective said he just laid
21 down and went back to sleep? And she said yeah he did.

22 So she knew M.W. knew. And she didn't know that
23 M.W. wasn't going to talk. I mean he did try to talk
24 --

25 [Off-the-record momentarily due to a sudden power

1 outage in the courtroom]

2 MS. HERRING LASH: On the 26th, on the 27th, and
3 here yesterday her goal was whatever story it takes to
4 stay out of jail. I'll say my baby did it. I'll say I
5 dropped him. I'll say I was confused. I'll say I didn't
6 know what happened; anything it takes to stay out of jail
7 because she said first yesterday -- I'll go into this in
8 a moment, but she changed her story even in here
9 yesterday where she was lying and then she was confused.

10 She may have figured out if she said she was lying I
11 was going to tell you she was lying to get out of trouble
12 and I am telling you that. Marcus never saw M.W. try
13 to pick up Baby or being violent with Baby And
14 you've heard they got home rather late. The granddad
15 said it was too dark when by the time he got out there
16 and that that M.W. slept in their bed and they were
17 up holding Baby So he didn't have a lot of time that
18 day.

19 The next day she was sitting on the commode holding
20 Baby a long time and M.W. didn't have access. But
21 when you hear her talking on that body cam she's like
22 M.W. is always trying to pick him up. M.W. is
23 always playing with that baby trying to pick that baby up
24 like it's a habit. That child, Baby had not even been
25 home 24 hours and a lot of that day he had been

1 unfortunately been in their arms. Marcus explained to
2 you as best he could what happened. But he couldn't tell
3 you what happened when he was asleep. And he never tried
4 to tell you what happened when he was asleep.

5 Tamika knows that he was asleep. She knows he
6 didn't know. And he was, you saw his reaction. You
7 heard it on 911. You saw it; you saw when she was
8 talking to him. He was emotional. He was distraught.
9 He was stressed.

10 Nobody is trying to say to you that because Tamika
11 wasn't emotional that she did this. But you have
12 reasonable reasons to believe she did it, reasonable
13 reasons.

14 Marcus' story, his history of what happened that day
15 has stayed the same. He, there was one difference that
16 he was asked about something about the stand; I'm not
17 exactly sure. But if he had different versions he would
18 have been cross-examined about it. And you didn't get to
19 hear his story or his interview because of the rules of
20 evidence.

21 Patrick Wells and Scott Radabaugh both did jobs,
22 their jobs excellently on that day. You got a glimpse
23 and heard what was happening at the scene from what
24 Patrick Wells explained and from the body cam that
25 Officer Scott Radabaugh had on him. And you heard Tamika

1 telling him all about all that M.W. had done. There
2 is one point in the body cam where a seasoned EMS worker
3 talks to Tamika. And I say seasoned because you saw that
4 he was older than the others. And he's asking her, he's
5 standing there by the door and he's asking her that baby
6 did it? And he picked him back -- how did he get back in
7 there? His expression is priceless when she gives that
8 version.

9 Anita Moore was a very competent crime scene
10 technician. She documented everything she was told to
11 document. Photographs, obviously the first day and the
12 second day. She used the BLUESTAR and she explained to
13 you how it works.

14 I apologize to you for the fact that it didn't show
15 up on this screen but my understanding is that you will
16 have a monitor in your jury room and it will show up, all
17 of the pictures actually will show up better on the disk
18 that you will have back in -- the screen with you.

19 And you will see, you saw, you see the picture from
20 the first day and there is no blood visible by the T.V.
21 and with BLUESTAR it is. But it just shows that there
22 was no blood visible to the naked eye. But it shows the
23 amount of blood. And of course Tamika cleaned up that
24 night. Nobody is faulting her for doing it. Anybody
25 would have done that. Doctor Melville determined that

1 M.W. was as I talked to you about not really capable
2 of giving a forensic interview because of his verbal
3 skills. But frankly most children who are three almost
4 four aren't really that able to give forensic interviews
5 just because they're babies.

6 He got blood that -- he examined M.W. body.
7 He got blood from his knee, his forearm and his feet.
8 That was packaged and sent to SLED. And Anita Moore told
9 you the results that everything that was sent to SLED
10 turned out to be Baby blood, which really kind of
11 goes without saying there was no other bleeder there at
12 the house that day.

13 Doctor Presnell who you heard from told you the
14 cause and manner of death. You can hopefully appreciate
15 from the pictures which we showed you very briefly and
16 won't send back the color pictures. But you needed to
17 see to appreciate what happened to this baby's head.

18 But you will have the black and whites. And from
19 her description of what complex fractures are and the
20 torn frenulum and the injuries that Baby displayed were
21 inflicted with extreme indifference to his life.

22 Of note she also pointed out these marks that you
23 can see here [indicates]. It's not as clear here as it
24 was to her. But they appear to have patterns. And she
25 said there was another one up on his left but that it

1 didn't turn out but it was like a pattern she thought.
2 But she had a ruler she said and measured that. And then
3 Anita Moore went to the scene and took pictures of the
4 end caps of that shelf. And Doctor Presnell said that
5 she said they were consistent. She didn't overstep and
6 try to tell you I'm going to say that it's the exact
7 object. She told you that her opinion was they were
8 consistent.

9 She also said that she does not see these types of
10 injuries from short falls or even mid falls. She told
11 you the force would have been great and multiple sites as
12 I've already pointed out. She could not say if a three
13 day old was more or less likely to be injured. You may
14 think one way but the doctor couldn't give you that; they
15 don't know.

16 Yesterday you had Tamika's latest story how she has
17 no clue what happened that she lied to Detective Jellico,
18 a false confession. She never confessed. She never told
19 you the truth. She was lying. She didn't drop this
20 baby. This baby wasn't just dropped.

21 Nobody used the word confession but Tamika. Then
22 when she realized that the lie story wasn't going to
23 particularly look good she changed it yesterday to no, I
24 was just confused. That's what it was; I was confused.
25 If she truly did not know what happened from day one she

1 would have done what Marcus did and just say I don't know
2 what happened; I was asleep. Let's look at the confusion
3 just to point out one thing. She says if her confusion
4 story is right, she didn't know what had happened. She
5 woke up Marcus and she got him to adjust the air and then
6 to come over and go check on the baby.

7 Then they call 911. Immediately she tells the 911
8 worker my three year old did this. That confusion set in
9 pretty early immediately to 911. And then you hear her
10 on the tape, the body cam; I'm sorry, telling all about
11 what M.W. did. She wasn't confused. She was lying.
12 She was trying to stay out of jail.

13 When she is being arrested she changed the story.
14 And then when the Detective leaves she changes it back
15 while she's praying and then he comes back and she
16 changes it back. By then she may have been confused
17 about what she was saying because she had changed it so
18 many times.

19 But please remember even she keeps saying on that
20 tape and here I just don't want to go to jail. I just
21 don't like jail. I wouldn't be good at jail. She's
22 never been to jail but she doesn't want to go and she's
23 going to tell you whatever she can to not have to go.
24 But she's really still saying M.W. did it. She's
25 still saying she was asleep and Marcus was asleep. What

1 a horrible burden to put on a little boy. Talk about a
2 scapegoat, we have a scape-lamb here, a child, a baby.

3 You may not want to believe that this could have
4 happened. You may feel sorry for her. But use your
5 common sense. It happened. You all have been very
6 attentive. And it has been difficult and we appreciate
7 that.

8 This is important to the State. It's important to
9 Marcus and his family and it's important to Tamika and
10 her family. And you've been very attentive. The Judge
11 explained to you in the beginning that the burden is on
12 the State to prove the elements, and the elements are,
13 the child under 11 who died with extreme indifference to
14 human life to prove the elements beyond a reasonable
15 doubt; not any doubt, not every doubt but a reasonable
16 doubt.

17 There are few things in this world that any of us
18 know with absolute certainty. If that were the standard
19 if that was what reasonable doubt meant the State could
20 never get a conviction. But if you knew this with
21 absolute certainty you would have been up there and not
22 there.

23 The concept is difficult but was ask that you look
24 at the evidence logically and with your common sense.
25 You all came in here on Monday. You didn't know anything

1 about this or any of these people. If you now believe
2 that Tamika did it the State has met that burden.

3 [Whereupon, the video clip plays]

4 [Whereupon, the video clip ends]

5 MS. HERRING LASH: But Baby body tells you it
6 was not an accident. And please find a verdict that
7 speaks that truth.

8 THE COURT: All right. Mr. Longshore?

9 MR. LONGSHORE: Thank you, Your Honor. May it
10 please the Court, Prosecutor?

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CLOSING ARGUMENT

BY MR. LONGSHORE:

I'm Ed Longshore. We met at the beginning of this. I know it's been a long four days. But folks I'm no idealist but I've devoted 23 years of my career and most of my professional life to the rule of law. And I believe in the rule of law.

And the law is designed to convict specific people for specific crimes. We don't deal in generalities. It's the State's burden to prove that my client committed each and every element of this offense beyond a reasonable doubt. And it's also their burden to prove number one the crime occurred at all that this wasn't an accident. And number two that she committed the offense and someone else didn't.

Now I need to address this right out of the gate. Ms. Herring Lash has indicated that when Tamika testified that she was concerned about going to jail. And when she gave her second statement to Detective Jellico she was worried about going to jail.

She's in court charged with homicide. She's charged with killing her own newborn child. If I was on that witness stand I would be concerned with the prospect that I might go to jail. If I was in an interview room, and keep in mind this was the second interview, she had

1 already given them a full statement which essentially
2 comports with what she said on the witness stand. And
3 when she recanted during the second statement she said
4 that she was really telling the truth when she gave them
5 her initial version which was over a three hour
6 interview.

7 So they are saying that you should find her guilty
8 because she changed her story. If that was the case then
9 we should convict everybody that ever changes their story
10 or anyone who tells anything inconsistent in a criminal
11 case or who lies.

12 I submit to you that two things can be true at the
13 same time. Maybe she wasn't completely forthright and
14 certainly she's admitted she was not forthright and she
15 lied in the second investigation -- in the second
16 interview with Detective Jellico. However, that doesn't
17 mean she murdered her child.

18 This is a woman who is under a great deal of
19 pressure. The first time over three hours of
20 interrogation whatever she told them didn't satisfy them.
21 Detective Jellico on the way back to the jail says this
22 is bad; somebody is going to jail. They haven't returned
23 her son to her. He's in DSS custody so they got that
24 dangling that over her head that maybe they are going to
25 take M.W. away. She doesn't know if they mean Marcus

1 who is her husband who she loves. She doesn't know if
2 they mean M.W. her son or she doesn't know if they
3 mean her. And it's completely reasonable that someone
4 would be concerned about all those things. She just gave
5 birth. She hasn't slept much. She's suffering from
6 considerable amounts of pain.

7 Her husband, God bless him but he's completely
8 useless in this situation. He's hysterical. As he
9 testified she is the one who keeps up with the finances.
10 She was the rock in that family, the glue that held
11 everything together so she's got to step up. She has no
12 choice.

13 And one of the reasons I put her on the witness
14 stand was not because I thought she was going to come
15 across as an extremely polished witness or an extremely
16 consistent witness. I just thought that she would come
17 across that's like anybody else; scared. She's never
18 testified before in court.

19 Unlike Ms. Presnell who got up there, Doctor
20 Presnell who testified that she's been in court over 200
21 times. My client has never been in court before in her
22 life. She's not good at public speaking. To think that
23 she is going to get up there and have some wonderful
24 performance is absurd. She was just trying to do the
25 best she could under the circumstances. This is a woman

1 who spent most of her life in Kingstree. Her biggest
2 move, the biggest thing that has happened to her in her
3 life is moving down here to Charleston and then she moved
4 back to Kingstree. She hasn't been all around the world.
5 She's not an extremely sophisticated person. She doesn't
6 always choose the right words to say. But again, none of
7 those things mean that she killed her newborn child.

8 Now, the State in this case I would argue has come
9 in here with a shock and awe campaign. They have
10 attempted to overcome your reason and appeal to your
11 sense of anger and emotion that this child is dead. They
12 showed those autopsy photos. I didn't submit those.
13 They showed the pictures of Baby dead laying there on a
14 table, which is a horrible thing. Those are pictures you
15 cannot unsee.

16 Keep in mind by the way I have never once disputed
17 the cause of death. The child clearly died of blunt
18 force trauma to the head, multiple skull fractures. No
19 one has ever disputed that. I would argue that the point
20 of putting all that up is to overcome your own judgment
21 and your own ability to follow the law because they don't
22 want you to do that.

23 They want you to be so angry that maybe we should
24 just take Tamika out and shoot her. Why even have a
25 justice system. But that's not the way this system

1 works. And folks this case is full of plenty of holes.
2 And as one of my favorite song writers the late great
3 Townes Van Zandt said them holes are all that's real and
4 we all got holes to fill. Some hit you like a storm.
5 Sometimes you dig your own.

6 Well, this case has had enough contradictory
7 statements and evidence, and you'll see it all when you
8 look at the pictures and get back there that you could
9 dig a hole all the way to China and back.

10 And it's interesting that they put up a statute just
11 a little while ago and Ms. Herring Lash starts talking
12 about well, you know maybe if you don't think she did it
13 there is another part of the statute that talks about
14 neglect and if you show extreme indifference to human
15 life that that's good enough. You can go ahead and
16 convict her for that. That's a concession.

17 That's what she did. When Mr. Uricchio got up very
18 confidently on the first day what did he do? He didn't
19 say well, maybe she neglected the child and something
20 happened. He pointed at my client and said we will prove
21 she committed homicide. And now they're backpedaling
22 away from that.

23 And that's because the evidence does not line up
24 with what they're trying to tell you. They trying to
25 pound a square peg into a round hole and it won't exactly

1 fit. And they know that so they've got to hit you with
2 the emotional stuff. Now, when I was growing up my
3 grandmother always used to say to me sometimes with a
4 hickory switch and sometimes more gently that two wrongs
5 don't make a right.

6 I'll say that again; two wrongs don't make a right.
7 And in this case two wrongs will never make this right.
8 Now was it wrong of Tamika to lie to Investigator Jellico
9 in the second statement? I submit to you that it was.
10 And I've given you the reasons why I think she did it.
11 And she's given you the reasons why she did it.

12 But is it equally wrong? Is it equally wrong to
13 convict her of homicide by child abuse? One of the most
14 vile and insidious things we could ever convict anyone
15 of; killing her own three day old child intentionally
16 simply because she lied in her statement.

17 Now, you'll be instructed on the law at the end of
18 this and I don't think there is going to be an
19 instruction in there that says well, if she lied about
20 this then she's definitely guilty of murder. The
21 evidence does not support that.

22 And this is the most interesting part, one of the
23 most interesting parts to me. The State is relying on 12
24 strangers that we just met earlier this week to decide
25 beyond a reasonable doubt that my client committed this

1 offense; that she murdered her child. That's what they
2 are asking you to find. This has extreme consequences
3 for my client and will alter the course of the rest of
4 her life. They're asking you to do that.

5 Meanwhile, her husband who is the father of Baby
6 who was in the room maybe from here to this table
7 [indicates] maybe five feet away from where Baby died
8 what did he testify? He testified he doesn't know what
9 happened. He doesn't know what happened. But they're
10 asking you to convict her beyond a reasonable doubt. And
11 you weren't there. I wasn't there. Ms. Herring Lash
12 wasn't there.

13 So let's talk a little bit about the facts and I'll
14 try to be as quick as I can going through this. On the
15 evening of June 26th Tamika and Marcus come home from the
16 hospital. I don't think anybody is disputing that. The
17 client Tamika had by all accounts a normal pregnancy.
18 Marcus, Tamika and her mother all testified that she was
19 tired but she was in relatively good spirits. She comes
20 home ready to settle into her new life with her now four
21 person family.

22 M.W. is brought by Tamika's mother to meet and
23 stay with the family and meet his new brother. I would
24 argue there is nothing remotely remarkable about this
25 first night home from the hospital; nothing to indicate

1 anything is about to happen. It sounds like any friend
2 I've had in my whole life their first night home with
3 their child. Now they don't get much sleep that night;
4 again not particularly unusual. The baby is fussy. They
5 testified, both of them did, that they alternated feeding
6 the child and getting up with the child. They didn't get
7 much sleep, if at all.

8 And this is the common theme and I'm sure you've
9 heard it with all your friends and I'm sure many of you
10 have dealt with it yourselves. And the next morning
11 sometime in the late morning Marcus goes out to get
12 formula. And he goes to the Dollar General and he comes
13 back. I sort of lose track of his story myself but he
14 comes back and he didn't have quite enough change.

15 And Tamika gives him the rest of the money so he can
16 go get the formula. Now, of course, that's the act of
17 somebody who is getting ready to murder their child is
18 let me make sure to give you a little extra money so we
19 can get this different formula because the child has been
20 gassy on the formula they gave us at the hospital.

21 Meanwhile, in the interview with Detective Jellico
22 is talking about and this was backed up in Marcus'
23 statement there is appointments for M.W. and for
24 Baby to go to the WIC offices so that they can get the
25 formula switched up the next day. So while he's out

1 doing that she's making an appointment so that she can
2 get different formula for him, for Baby because he's
3 gassy and he's fussy and they're trying to get him on the
4 right formula. Again, does this sound like somebody who
5 within an hour or two is getting ready to violently
6 murder the child? I would argue that is completely
7 inconsistent.

8 Then sometimes around 1 or 2 p.m. and I don't think
9 anybody is arguing about this timeline because this
10 timeline is all over the board. I think it's pretty much
11 impossible to know most of what most of the times of
12 different things and different events occurred up until
13 the point when Elijah gets there at 3:45 and EMS is
14 called at 4:12.

15 But somewhere around 1 or 2 Marcus falls asleep in
16 his chair. I don't think anybody is disputing that. The
17 baby at that point had been fed and was sleeping. Not
18 crying, not hollering, he was finally sleeping. Mom eats
19 her beef stew which Marcus had heated up in the microwave
20 and she feeds a little bit to M.W. and then she sits
21 down in her chair.

22 They each have assigned chairs. Her recliner is
23 over here [indicates], Marcus is over here [indicates],
24 M.W. is over here [indicates]. The bassinette is
25 right there [indicates], the T.V. on the other side of

1 the bassinette. She sits down in her chair and she dozes
2 off herself. Again, understandable she's basically been
3 awake for three days. Remember she was in the hospital
4 for three days. They didn't release her right away.

5 Now we know from her interviews and statements and
6 her testimony that M.W. and by the way Marcus also
7 testified to this, that M.W. was still awake when
8 both of them fall asleep.

9 And we don't know exactly what time this was but
10 let's just assume it's probably somewhere, if Marcus went
11 to bed somewhere or if he fell asleep somewhere between
12 12 and 1 or 1:30 maybe that this has got to be somewhere
13 between probably 2 and 3 or 3:30; somewhere in that
14 neighborhood.

15 So M.W. is awake. The parents fall asleep.
16 That's what they both testified to. We also know from
17 Marcus' testimony that M.W. even though he says he
18 was up when he fell asleep he says something that I found
19 truly remarkable when he testified to it and I asked him
20 about it, and he sort jibber jabbered around about it and
21 didn't make a whole lot of sense.

22 I pointed out in his earlier statement because Ms.
23 Herring Lash of course said that his statements have
24 never changed one iota partly by the way because if you
25 look at her interviews they are like this thick

1 [indicates]. They interviewed her for about six hours.
2 Marcus gets maybe 20 minutes the first time and 30
3 minutes the second time whenever he is crying and
4 hysterical in the back and Radabaugh comes in there. He
5 just comes in there and asks him for his I.D. He doesn't
6 really question him.

7 Meanwhile Tamika is getting questioned. He is never
8 a suspect. They decided when they walked in there that
9 this was postpartum depression and the mother had done
10 it. They knew that within moments of walking in that's
11 what the police thought happened. And they worked
12 backwards from there to try and prove that happened.

13 Now never mind that not one soul has come in here
14 and testified that Tamika suffered from postpartum
15 depression. No one has come in and said she was unhappy
16 or she was sullen over having this child. As a matter of
17 fact her actions indicate that she was taking the normal
18 steps that any new mother would to try to make
19 preparations to get the child on the right formula and do
20 the things that were necessary to care for him.

21 But what Marcus said which is interesting is when
22 asked was M.W. awake he said yeah he was awake.
23 Where was he and he says I don't remember. Y'all have
24 seen the pictures of the apartment. I find that truly
25 remarkable he doesn't remember where M.W. was. He

1 was in the apartment. But I understand he was tired.
2 And then we know that around 3:45 to 4 p.m. Elijah comes
3 by. Elijah, the father of Marcus, he comes by and he
4 testified that he lightly tapped on the door. He said he
5 didn't bang on the door; he lightly knocked on the door.
6 When asked why he lightly knocked on the door he said
7 because he knew they had been up, he knew they were tired
8 and if they were asleep he didn't want to disturb them.

9 We also know from different testimony that the T.V.
10 was on and the heat was on. You've heard that a million
11 times how the heat was home because that's the first
12 thing Marcus does when he gets up is Tamika asks him to
13 turn off the heat. Both those things making noise which
14 I think makes it plausible that if he tapped on the door
15 they may not have heard him as they were sleeping.

16 The next thing we know is Tamika wakes up and wakes
17 up her husband asking him to turn the heat down and check
18 on the baby. Now we are made to feel by the State like
19 this is the smoking gun you know. That this somehow is a
20 secret plan of hers I made the husband check on the baby
21 that way he'll find the baby.

22 She's like three feet away. She's in her recliner.
23 The husband essentially is the same number of feet away.
24 When they say go check on the heat they're not talking
25 about walk down the wall and check on the heat. The heat