

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Lexington County
Walton J. McLeod, IV, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LINDA LYN MONETTE,

APPELLANT

APPELLATE CASE NO. 2021-001276

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THE COURT:

From the pre-trial hearing held September 17, 2021 before Judge Walter J. McLeod, IV:
DEFENSE EXHIBIT #1 (HALLWAY SURVEILLANCE VIDEO);
COURT’S EXHIBIT #1 (VIDEO INTERVIEW OF LINDA MONETTE MAY 14, 2019);
COURT’S EXHIBIT #2 (VIDEO INTERVIEW OF LINDA MONETTE MAY 15, 2019);
COURT’S EXHIBIT #4 (VIDEO OF ANDERSON-LIVINGSTON INTERVIEW); and
COURT’S EXHIBIT #7 (VIDEO OF HART-MCCANN INTERVIEW MAY 17, 2019)

From the trial held September 20-24, 2021 before Judge Walter J. McLeod, IV:
STATE’S EXHIBIT #87 (A) (RECORDED STATEMENT); and
DEFENDANT’S EXHIBIT #1 (VIDEO CLIP)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2020-GS-32-02414
COUNTY OF LEXINGTON	)	2020-GS-32-02410
	)	2020-GS-32-02409
	)	2020-GS-32-02415
	)	2020-GS-32-02416
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
LINDA L. MONETTE,	)	
DEFENDANT.	)	
_____	)	

September 17, 2021
Lexington, South Carolina

B E F O R E:

THE HONORABLE WALTER J. McLEOD, IV, JUDGE

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

LAURA SUZANNE MAYES, ESQ.
SAMUEL R. HUBBARD, ESQ.
Attorney for the Plaintiff

ROBERT T. WILLIAMS, ESQ.
Attorney for the Defendant

Transcribed by:
CHERYL A. SMITH
Circuit Court Reporter
from DCRP, Digital
Courtroom Recorder
Project

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 9:47 a.m.)

THE COURT: The purpose of today is really to, I guess, start on pretrial motions that otherwise wouldn't begin until Monday after jury selection.

I received a variety of different materials over the last couple days. I believe the State -- or, excuse me, the defendant filed a couple motions to suppress. I received audio recordings of several of the statements by the defendant, other stuff that's not coming to my head, but you all are on the emails. So today I just want to get started.

And as far as the best place to start, y'all intend Jackson v. Denno to be first? Or ---

MS. MAYES: We do, Your Honor. We actually have some audio and video that if we could just have a few minutes for IT to complete set up.

THE COURT: Just to be clear, are we going to play all the statements in the courtroom?

MS. MAYES: We are not, Your Honor. We have probably 10 to 12 hours worth of statements.

MR. WILLIAMS: Your Honor, I probably need to address that at the very beginning of all this. Because, Your Honor, what I have viewed -- because I've gotten copies of everything the Court's gotten, and it would appear that

1 the videos and the audios that have been sent to the Court
2 as well as to me are severely redacted. And when I say
3 "severely redacted," I mean it leaves off a lot of the law
4 enforcement using what I consider coercive language,
5 coercive instruction, things directing how that person was
6 supposed to answer. And if Your Honor is going to make an
7 evaluation as to whether or not it's a voluntary
8 confession, whether or not it is a truthful confession,
9 then I would think that Your Honor would need the original
10 videos of those interviews. Not original, original. I
11 mean ones that are not redacted, Your Honor. If ---

12 THE COURT: I read -- obviously, I listened to
13 several -- I don't know. I didn't listen to 12 hours, but
14 I listened to a lot of -- well, more audio than I listened
15 to in another case yet. There's also the transcribed
16 statement, which I have read, which I suspect that may be
17 some of the stuff that Mr. Williams may want to take issue
18 with.

19 MR. WILLIAMS: That's exactly what I'm talking about.

20 THE COURT: But we can talk it out. But, I mean,
21 I've certainly read it. And I think I understand the
22 general context, and I'll let you fill in the gaps.

23 MS. MAYES: And, Judge, we're operating under the
24 constraints of Washington.

25 As the Court is aware, in September of last year, the

1 Court of Appeals came down with the decision of
2 Washington, which now requires the State to make
3 redactions such as have been noted in the redacted version
4 of the statement that was submitted to you.

5 And Your Honor is correct that it is a Veritext
6 transcript that reflects the entirety of that May 17,
7 2019, interview. The Veritext transcript that we provided
8 cost us probably a thousand dollars to have that
9 transcript done, but it does reflect the full interview
10 from the point of the Miranda on May 17th all the way
11 through the completion of that interview. However, under
12 Washington, the State is now required to redact any type
13 of framework in questioning in which it can be perceived
14 that law enforcement is shifting the burden. So to ask
15 her to explain certain aspects of her actions under
16 Washington must be redacted. When law enforcement informs
17 her that she is being untruthful, again, pursuant to
18 Washington, we are now required to make that redaction.
19 So that's the framework that we're operating under.

20 We believe that this statement is still admissible.
21 Her responses are still admissible. But the statement in
22 its original format cannot be offered pursuant to State v.
23 Washington. And, again, a lot of things have changed in
24 the course of the last year with this case decision.

25 MR. WILLIAMS: And, Your Honor, there is one other

1 thing. I'm not sure that we've ever received the complete
2 video. What we have received has been the redacted video,
3 unless the solicitor can show me that she sent me the
4 complete video.

5 MS. MAYES: We can, Your Honor. It will take a few
6 moments. But our paralegal does have an accounting of all
7 discovery, and we would have provided that video in its
8 original format. What we provided to the Court over the
9 course of the last week is our redacted version. So beg
10 the Court's indulgence.

11 MR. WILLIAMS: And there is one additional item, Your
12 Honor, since we're talking about the tapes and ---

13 MS. MAYES: I'm sorry. What now?

14 MR. WILLIAMS: Go ahead. I didn't mean to
15 (indiscernible).

16 Your Honor, there is -- there is additional video
17 which we would want to play which appears to be the police
18 officers talking to Linda Monette before she was taken
19 into the interview room and exactly how they were talking
20 to her, basically, of a threatening nature. And we have
21 that. We have secured a copy of that from the information
22 that we received from the -- from the solicitor's office.
23 So we would like the Court to view that also. We just
24 pulled that out in the early morning hours, Your Honor, if
25 you will. Because we do think that, regardless of the

1 case she's citing, that if -- you know, if you've got a
2 police officer who's threatening, yelling and that kind of
3 thing, that should go to the voluntariness of whatever
4 statement they're giving.

5 MS. MAYES: And again, today's hearing is simply
6 about the voluntariness. We certainly don't object to the
7 Court watching whatever the defense may want to offer in
8 that regard, but we're redacting in advance regarding
9 what's going to be submitted to the jury. And so that's
10 what we've already taken precautions for.

11 Now, with that said, Your Honor, we have multiple,
12 multiple statements in this case. We begin with a 9-1-1
13 call and a body-cam statement that is made at the crime
14 scene just minutes after this has occurred. All of that
15 has been submitted to Your Honor. That is going to be the
16 body cam of Dustin Pollard. We don't foresee any type of
17 objection to the admission of those statements, because
18 clearly she is not in custody. And so if we could just
19 have an agreement from the outset regarding the
20 noncustodial aspects of the 9-1-1 call and the body cam, I
21 think we're all on the same page.

22 MR. WILLIAMS: Not a problem on that, Judge.

23 MS. MAYES: Okay. Next, Your Honor ---

24 THE COURT: For my -- that's a stipulation that the
25 9-1-1 call and the video or audio of the body cam?

1 MS. MAYES: Body cam. And it contains audio as well
2 as video that was also submitted to the Court and has --
3 proper redactions have been done. But that ---

4 THE COURT: All right. So those ---

5 MS. MAYES: That's noncustodial in nature.

6 THE COURT: Very well. So noted.

7 MS. MAYES: Next, Your Honor, later, after the
8 transport of Mason Hanahan to the hospital, Linda Monette
9 is originally riding in the ambulance that transports
10 Mason to Lexington Medical Center. After exiting the
11 ambulance, she is escorted to a family room at Lexington
12 Medical Center. We estimate that to be about 1:22 a.m.
13 The 9-1-1 call was at 12:23 a.m., so we're just at maybe
14 an hour after all of this has transpired.

15 While in the family room as she does make a
16 statement, Your Honor, to an initial officer, and then at
17 three -- 2:49, 2:10, 3:02 and 3:11, she is still in that
18 family room area at Lexington Medical Center and is
19 interviewed by Detective Sherban. Again, this is only
20 about her role as a witness, what she might have observed,
21 who could have done this, the description of the
22 perpetrator and all of that information. And that's going
23 to be roughly between 2:10 a.m. and 3:11 a.m., but it's in
24 a set of four separate audios, so 2:10 a.m., 2:49 a.m.,
25 3:02 a.m. and 3:11 a.m. She is not in custody, Your

1 Honor.

2 MR. WILLIAMS: We agree.

3 MS. MAYES: Okay.

4 THE COURT: So noted.

5 MS. MAYES: The following afternoon, Your Honor, she
6 is at Palmetto Health Richland Hospital in Columbia where
7 Austin Hanahan, who she had a relationship with, was being
8 treated. I believe he had been in and out of surgery over
9 the course of that 24-hour period. She is in a waiting
10 area at Palmetto Health Richland Hospital, again, not in
11 custody.

12 She speaks with Detective Marthers and Detective Sam
13 Smith, again, giving a description of who could have done
14 this, the events as she recalls them. And this is when
15 she actually shows law enforcement investigators a
16 photograph. And she pulls the photograph up on her phone.
17 It's a group photograph of members of the Gangster
18 Disciples as she refers to them. And in that photograph
19 she ---

20 THE COURT: She referred to them as GD.

21 MS. MAYES: GD. Yes, sir, Your Honor.

22 She identifies an individual in that photograph that
23 could possibly be the intruder. And she does not know his
24 name, she does not provide a name. She refers to him as
25 "the boy." But she does make that identification. And as

1 a result of being shown that photograph by Linda Monette,
2 Detective Marthers then sends it on to other
3 investigators. Again, she is not in custody at this
4 point. All appearances are that this is a voluntary
5 interview, and it's also recorded.

6 So that would be our position.

7 MR. WILLIAMS: I think we're okay on that one, Your
8 Honor.

9 MS. MAYES: Okay.

10 THE COURT: Very well.

11 MS. MAYES: So now we would move ahead, Your Honor,
12 to the first custodial interview. And this is going to
13 take place at 5:57 p.m. on May 14th. She has been
14 arrested on a charge of possession with intent to
15 distribute marijuana. That arrest for possession with
16 intent to distribute marijuana took place sometime just
17 before her transport over to the Lexington County
18 Sheriff's Department.

19 The interview begins at 5:57. We believe the arrest
20 warrant is served sometime after 4 p.m. by the U.S.
21 Marshal Task Force which includes Shannon Dykes. She's
22 then transported over to the sheriff's department. This
23 interview is conducted, again, by the U.S. Marshal Task
24 Force including Shannon Dykes and Detective Joe Hart.

25 We're prepared to call witnesses on this matter.

1 MR. WILLIAMS: And I think they need to on that one,
2 Your Honor.

3 THE COURT: All right. Let's get started.

4 MS. MAYES: And as Your Honor knows, as Your Honor is
5 aware, when we were looking at setting up this particular
6 hearing, I think you know that we really just kind of put
7 this in place over the course of late last week or early
8 today and there were some prescheduled vacations already
9 out there. Detective Shannon Dykes is one of them,
10 Detective Sergeant Brian Anderson is another, and then
11 Detective Brannon Marthers is currently at home with a
12 child who's quarantined from school. So with all that
13 understood, Your Honor, we have multiple witnesses who are
14 available today. If we need additional witnesses
15 available Monday, we can arrange for that to occur as
16 well.

17 MR. WILLIAMS: Obviously, I can't consent to have
18 three witnesses who are part and parcel to that.

19 THE COURT: Of course, I knew of it as well. I mean,
20 can we . . .

21 MS. MAYES: So Detective Joe Hart, Your Honor, is
22 present.

23 THE COURT: I know he was certainly a major player in
24 the interview and ultimately -- Mr. Dykes was present but
25 he didn't -- did he say anything?

1 MS. MAYES: He was present, Your Honor. However,
2 Detective Hart is -- this is recorded on video, so there
3 is no portion of this interview that is not recorded.
4 There is a break where Sergeant Anderson comes in. That's
5 recorded. The interview then resumes with Detective Hart
6 and Detective Dykes. That is recorded as well. And,
7 again, all of these witnesses will be back and will be
8 available Monday. These were prescheduled vacation.

9 MR. WILLIAMS: Your Honor, I understand.

10 MS. MAYES: My understanding is both are out of
11 state.

12 THE COURT: Okay. Well, but to be clear,
13 Investigator Hart, Detective Hart was the primary
14 questionnaire, was he not?

15 MS. MAYES: Yes. Yes, Your Honor. And everything is
16 preserved by video and has been previously provided.

17 So with that, Your Honor, at this time, the State
18 would call ---

19 MR. WILLIAMS: Your Honor, if I could speak to that.

20 THE COURT: Yes, sir. Go ahead, Mr. Williams.

21 MR. WILLIAMS: We can't just agree to not -- not have
22 the ability to cross-examine witnesses, because we've
23 already learned that videos are redacted periodically as
24 they're submitted. So there's absolutely no way we could
25 agree to go by with whatever the video shows as being an

1 accurate representation of what transpired on that
2 particular day.

3 THE COURT: Right. Well, your objection -- or lack
4 of agreement is noted.

5 Let's proceed with Detective Hart.

6 WHEREUPON,

7 MICHAEL JOE HART,

8 After having been duly sworn, testified as follows:

9 THE CLERK: State your name for the record, and spell
10 your last name.

11 THE WITNESS: Detective Michael Joe, J-O-E, Hart,
12 H-A-R-T.

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q Good afternoon. Tell us a little bit about yourself.
16 How long have you been a member of the Lexington County
17 Sheriff's Department?

18 A Two days shy of ten years.

19 Q All right. And how long have you worked in the
20 Detective Division?

21 A A little over two years and eight months. I'm sorry.
22 Four years and eight months.

23 Q And that's specifically within the Major Crimes Unit?

24 A Yes, ma'am.

25 Q Tell us, Detective Hart, how you became involved in

1 the investigation of a home invasion at [REDACTED] Cedar Vale
2 back in May of 2019.

3 A Well, that week started the Jones trial, which was
4 big for this county. And my sergeant at the time,
5 Sergeant Creech, was involved in that trial as well as my
6 lieutenant, Jesse Lance.

7 So I was covering the phones for Sergeant Creech, and
8 I received a phone call from Lieutenant Frier, who was our
9 watch command at the time, that there had been a shooting
10 and that there was -- I don't believe he had passed at the
11 time, but he was likely going to succumb to his wounds and
12 that they needed Major Crimes investigators on scene. So
13 I responded to the scene and met with Lieutenant Frier and
14 everyone else on scene.

15 Q All right. And did it come to your attention that
16 Linda Monette has been served with a warrant for
17 possession with intent to distribute marijuana over in
18 Richland County by Detective Shannon Dyke?

19 A Yes, ma'am.

20 Q All right. Following the service of that warrant,
21 what action occurred?

22 A Detective Dykes transported Ms. Monette back to the
23 sheriff's department where I had met with them, brought
24 her into an interview room. And Detective Dykes and I
25 interviewed her after reading her Miranda warnings.

1 Q Okay. I want to follow up on that a little bit more.
2 The charge of possession with intent to distribute
3 marijuana, how is that separate and apart from the
4 investigation regarding the home invasion?

5 A During an execution of a search warrant into the
6 death in the house, a bag of -- a quantity of marijuana
7 was located in a bag that was -- based on the quantity,
8 per statute was determined to be an amount consistent with
9 the distribution for sale of marijuana.

10 Q And just to clarify, is it your understanding that
11 that marijuana was in the home and preexisted the home
12 invasion?

13 A Yes, ma'am.

14 Q (Indiscernible) would be unrelated to the crime?

15 A Yes, ma'am.

16 Q And then what information do you have about the date
17 and time of this home invasion at [REDACTED] Cedar Vale?

18 A I note -- if you'd excuse me just a second.

19 Q Take your time.

20 A I know that it occurred on -- well, let me take that
21 back. I believe that it occurred early morning of May 14,
22 2019. It could have occurred just before into the evening
23 of May 13th, but it would have been very close to midnight
24 or thereafter.

25 Q So what information do you have about the time of the

1 9-1-1 call on May 14, 2019?

2 A So according to our dispatch log, it was called in at
3 5/14/2019 at 23 minutes and 23 seconds after midnight.

4 Q 12:23 a.m.?

5 A Yes, ma'am.

6 Q And who was the 9-1-1 caller?

7 A It says Glenda Monette, but we learned later it was
8 Linda Monette.

9 Q And is it your understanding that, when that 9-1-1
10 call was made, that the home invasion was fresh and had
11 just occurred?

12 A Yes, ma'am.

13 Q That's your understanding from reviewing not only the
14 9-1-1 call but body-cam footage as well as a consultation
15 with officers at the scene?

16 A Yes, ma'am.

17 Q Was the suspect at large?

18 A Yes, ma'am.

19 Q Given that, Detective Hart, how important if at all
20 was it for law enforcement to follow up with any witnesses
21 to that crime?

22 A It's very important.

23 Q And at that point in time, what was your
24 understanding as to how many people had been inside the
25 home at the time of this invasion?

1 A My understanding was Ms. Monette, Austin Hanahan, the
2 owner of the home, Austin's son was inside the home asleep
3 on the couch, and then the -- the person who broke into
4 the house, so there would have been four at the time of
5 the invasion.

6 Q All right. And Mason Hanahan, did law enforcement
7 ever have an opportunity to interview Mason Hanahan?

8 A No, ma'am.

9 Q All right. He was pronounced dead upon arrival at
10 Lexington Medical Center?

11 A Yes, ma'am.

12 Q And regarding Austin Hanahan, at this point in time,
13 2014, less than 24 hours from the time that the home
14 invasion occurred, had you yet had the opportunity to
15 conduct a full interview with Austin Hanahan?

16 A No, ma'am.

17 Q What was his status in the hospital?

18 A I believe at this time he was in surgery.

19 Q He was being treated at Richland Memorial Hospital in
20 Richland?

21 A Yes, ma'am.

22 Q And from the perspective of law enforcement, who, if
23 anyone, was the remaining witness who could be interviewed
24 regarding the identity of the suspect?

25 A Ms. Monette.

1 Q And after she was served with that possession with
2 intent to distribute marijuana warrant, what, if any,
3 effort did law enforcement take to interview her regarding
4 the unsolved home invasion in which an intruder was at
5 large?

6 A After she was served the warrant? Well, when she was
7 brought to the sheriff's department, we brought her into
8 the interview room, and that's when we attempted to
9 interview her after the service of the warrant about the
10 crime.

11 Q All right. Now, when we talk about service of the
12 warrant, is it protocol to inform someone why they're
13 detained, why they've been arrested?

14 A Yes, ma'am.

15 Q Is it protocol to read that warrant to them?

16 A Yes, ma'am.

17 Q Aside from that, was it your intent to interview her
18 about the possession of marijuana in a bedroom?

19 A No, ma'am.

20 Q What was your intent and the purpose of this
21 interview?

22 A My intent was to attempt to interview her to try to
23 get some leads in the investigation of the deceased
24 eight-year-old.

25 Q So there was a complete and separate purpose apart

1 from the drug charge.

2 A Yes, ma'am.

3 Q And did you convey that to Linda Monette during the
4 course of your contact with her?

5 A I did, yes, ma'am.

6 Q Did you preserve this interview with Linda Monette by
7 any form of audio or video documentation?

8 A Yes, ma'am. It was recorded by our preinstalled
9 interview system, the Axon interview system.

10 Q Okay. And can you tell us whether or not that system
11 remained in place throughout the course of the interview?

12 A It did, yes, ma'am.

13 Q When you say "preinstalled," where is it installed
14 within the room?

15 A There is a -- a camera installed in the corner of the
16 room in the ceiling and a microphone further away from the
17 corner also in the ceiling.

18 Q Now, are you the person operating this recording?

19 A I believe I did log into the system to set it up,
20 yes, ma'am.

21 Q And did it remain on and recording throughout this
22 event?

23 A Yes, ma'am.

24 Q Did you, at any time, log out or redact or edit any
25 portions of that interview that was taking place in the

1 interview room?

2 A No, ma'am.

3 Q As well as yourself, who else do you recall being
4 inside the interview room for that initial contact with
5 Linda Monette?

6 A Detective Shannon Dykes.

7 Q Now, at any point during the course of the interview,
8 do you and Detective Dykes step out?

9 A Yes, ma'am.

10 Q Did Linda Monette remain there in the interview room?

11 A She did, yes, ma'am.

12 Q Who, if anyone, entered the room at that point in
13 time?

14 A Sergeant Brian Anderson.

15 Q And you had an opportunity to review that video as it
16 relates to Sergeant Anderson's contact with Linda Monette?

17 A Yes, ma'am.

18 Q Was that done for the purpose of further interviewing
19 or interrogation?

20 A No, ma'am. Just somebody -- she was in custody at
21 the time. Just somebody to more or less sit on our inmate
22 while we were out of the room.

23 Q Okay. When that is taking place, is Sergeant
24 Anderson initiating any questions or interrogation of
25 Linda Monette?

1 A No, ma'am.

2 Q Who initiates that discussion?

3 A Ms. Monette does.

4 Q And following that interaction with Sergeant
5 Anderson, who, if anyone, enters the room?

6 A I know that myself and Detective Dykes both came in,
7 but I couldn't tell you right now the order that we came
8 in. But we did both come back in.

9 Q You came back in for the purpose of continuing the
10 interview?

11 A Yes, ma'am.

12 Q Throughout all of that interaction, did it appear to
13 be free and voluntary on the part of Linda Monette?

14 A Yes, ma'am.

15 Q I'm going to ask you some more questions and further
16 detail about that.

17 You mentioned previously that the video system and
18 audio system was in play (indiscernible) walk into that
19 interview room?

20 A Yes, ma'am.

21 Q Have you supplied that data and that reporting,
22 including audio and video, to the solicitor's office?

23 A Yes, ma'am, I did.

24 Q And have you had an opportunity to review it as well?

25 A Yes, ma'am.

1 Q And is it your understanding that the interview and
2 recording on May 14, 2019, after (indiscernible) contact
3 with Linda Monette?

4 A Yes, ma'am.

5 MS. MAYES: At this time, Your Honor, the Court's
6 Exhibit 1 for evidence.

7 THE COURT: Anything from defense?

8 MR. WILLIAMS: Not for the purposes of this hearing,
9 Your Honor.

10 THE COURT: Yeah. Okay. Very well.

11 BY MS. MAYES:

12 Q Now, you mentioned that it is protocol to advise her
13 of the content of her warrant, the possession with intent
14 to distribute marijuana?

15 A Yes, ma'am.

16 Q Was that done in this case?

17 A It was, yes, ma'am.

18 Q And, again, was that the purpose of this interview?

19 A No, ma'am.

20 Q Did you subsequently have the opportunity to explain
21 to Ms. Monette that you intend to question her about the
22 other matter?

23 A Yes, ma'am.

24 Q And what was referred to as the other matter?

25 A The home invasion homicide.

1 Q Did she appear to be free and willing to discuss that
2 with you?

3 A Yes, ma'am.

4 Q Did her willingness appear to be voluntary?

5 A Yes, ma'am.

6 Q Was that the result of any threat or coercion by
7 yourself or Detective Dykes?

8 A No, ma'am.

9 Q We're going to watch this now, and I'm going to ask
10 you also about the Miranda warning rights read to her.
11 Was that also reflected in this portion of the interview?

12 A Yes, ma'am.

13 Q As you're reading her her Miranda rights, did she
14 appear to understand them?

15 A Yes, ma'am.

16 Q All right. Did she, at any point, ask for an
17 attorney?

18 A No, ma'am.

19 Q Was it clarified to her the purpose of this
20 interview?

21 A Yes, ma'am.

22 Q And after that occurred, did she freely and
23 voluntarily agree to speak with yourself and Sergeant
24 Dykes?

25 A Yes, ma'am.

1 (WHEREUPON, Court's Exhibit Number 1, a video, was played
2 in open court.)

3 MR. WILLIAMS: Judge, can we wait a second to see if
4 Sally can take that reverb out of that? Because that
5 keeps ---

6 THE COURT: That would be fine. I didn't know if it
7 was just because of our ---

8 MR. WILLIAMS: No. It was -- it was -- I'm having
9 the same issue. I'm looking at Your Honor. I think it's
10 going in your ears, too, isn't it?

11 UNIDENTIFIED: Our IT guy, Justin, says we may not be
12 able to with the system down here in this courtroom. That
13 may be an issue just for the room ---

14 THE COURT: Is that a separate speaker or is that
15 just the laptop?

16 (Pause in proceedings.)

17 THE COURT: Okay.

18 BY MS. MAYES:

19 Q We're going to start over again here, Detective Hart,
20 at the outset of this interview. It's 5:45 p.m. At this
21 point in time -- I'm sorry, 5:45 into the interview. This
22 is 6:02 p.m. on May 14, 2019. At this point, has any
23 questioning occurred?

24 A Not since her arrest, no, ma'am.

25 Q All right. Has any questioning been conducted by

25 A Yes, ma'am.

1 Q At the outset of the interview, did she request to
2 see her warrant?

3 A She requested to hear it. I don't remember exactly
4 if she requested to see it or not. But she wanted to know
5 exactly what she was being charged with. Yes, ma'am.

6 Q And, again, is that protocol as well?

7 A Yes, ma'am.

8 MS. MAYES: For the Court's benefit, do we need to go
9 back to the outset?

10 THE COURT: No, ma'am.

11 BY MS. MAYES:

12 Q Okay. So after she is advised of the content of her
13 warrant, did you advise her in any way that, again, this
14 was not about the drug charge?

15 A Yes, ma'am.

16 (WHEREUPON, Court's Exhibit Number 1, a video, continues
17 to play in open court.)

18 BY MS. MAYES:

19 Q All right. Again, after she is read her warrant,
20 what action do you take to clarify that she is not being
21 interviewed by you regarding that charge?

22 A I told her that if she didn't want to talk about
23 that, she didn't have to -- we didn't have to. And then I
24 asked her if she still wanted to talk about the home
25 invasion. She clarified that she did want to talk about

1 it.

2 Q All right. And at this point in time, what was her
3 status regarding the home invasion?

4 A She was a witness.

5 Q All right. And did she appear to freely and
6 voluntarily choose to speak about her witnessing this
7 event?

8 A Yes, ma'am.

9 Q In fact, did she use words to indicate that she
10 wanted to discuss it?

11 A Yes, ma'am.

12 Q And that she was there to discuss it?

13 A Yes, ma'am.

14 Q Did she ever invoke a right to silence that was clear
15 or unambiguous to you?

16 A No, ma'am.

17 Q Even regarding the drug charge, did she take any
18 action to reinitiate discussion regarding that?

19 A Yes, ma'am, she did.

20 Q After Detective Dykes informs her of the content of
21 the warrant, what, if anything, did she do in response to
22 that?

23 A She was asking questions about what was meant by in
24 the warrant -- in the body of the warrant about the
25 packaging material.

1 Q She was posing those questions to who?

2 A To myself.

3 Q Did you take that to mean she was eliciting further
4 discussion even about that charge?

5 A Yes, ma'am.

6 Q Now, when it's clarified to her that you were not
7 there to discuss the drugs, does she ultimately agree to
8 speak with you about the entire situation?

9 A Yes, ma'am.

10 Q Do you recall her using the words "either, it's fine,
11 really"?

12 A Yes, ma'am.

13 Q What is your understanding of her phrase "either,
14 it's fine, really"?

15 A Understanding is either the charge she's currently
16 being held on or the home invasion homicide.

17 Q That she's now willing to discuss either.

18 A Yes, ma'am.

19 Q And discussion of either would be fine, really?

20 A Yes, ma'am.

21 Q And following that statement, who initiates
22 discussion regarding the drugs in the home?

23 A She did.

24 Q And at any point in time, does she ask you to stop
25 questioning regarding her witnessing the home invasion?

1 A No, ma'am.

2 Q At any point in time, does she request an attorney?

3 A No, ma'am.

4 Q Do you have with you a summary of the content of this
5 interview, Detective Hart?

6 A Yes, ma'am, I do.

7 Q I'm going to refer you to that specifically regarding
8 the interview conducted on May 14, 2019, in the presence
9 of Detective Dykes. I'm going to ask you to read
10 specifically from your supplemental regarding the content
11 of this interview.

12 THE COURT: Can you see it?

13 THE WITNESS: I can. Yes, sir.

14 Do you want me to go ahead and start?

15 BY MS. MAYES:

16 Q Yes.

17 A All right. And start when -- basically in the
18 interview room is where I'm starting? Or ---

19 Q Yes.

20 A Okay.

21 Q And just to back up a little, I know you've already
22 said that she was provided food, but is that also
23 documented in your supplemental as to whether or not you
24 asked her if she needed anything to eat or drink?

25 A Yes, ma'am.

1 Q And what, if anything, did you note in that regard,
2 Detective Hart?

3 A That she stated that she did need something.

4 Q All right. And what, if any, action does your
5 supplemental reflect that you took to provide her with
6 the ---

7 A I retrieved a water, and Detective Dykes retrieved an
8 apple and a cheese stick for her.

9 Q Now, there was a reference during the course of this
10 interview to her not having adequate sleep. Can you tell
11 us whether or not she is looking you in the eye during the
12 course of this interview?

13 A She is, yes, ma'am.

14 Q Does she appear to understand fully the questions
15 that were posed to her?

16 A Yes, ma'am.

17 Q Was she able to give responses that were adequate
18 regarding questions that were posed?

19 A Yes, ma'am.

20 Q Did she appear to have her common sensibility?

21 A Yes, ma'am.

22 Q Did she ever appear to be overcome by sleep or sleep
23 deprivation?

24 A No, ma'am.

25 Q So looking here at your supplemental, can you begin

1 with what, if anything, you noted after she was advised of
2 her Miranda warning?

3 A It says, "I read Linda her Miranda warnings and told
4 her I was not interested in asking her about the drugs but
5 asked her if she was willing to speak to me about the
6 incident at the residence."

7 Q Please continue.

8 A All right. "Detective Dykes read Linda her arrest
9 warrant, and she stated that she would waive her rights
10 and speak to me and Detective Dykes about the incident.

11 "I asked Linda to tell me what happened, and she
12 stated that Austin had his son on 5/13/2019, and he
13 brought him back to the house after watching a movie.
14 Linda stated that she believed that it was around
15 1900 hours, or 7 p.m., when she got to the house, and
16 Mason was asleep at about 2100 hours, or 9 p.m.

17 "Linda stated that me and Austin were in the bedroom.
18 We go into the kitchen to grab a snack like we always do
19 in the middle of the night, sometimes two or three times
20 in the middle of the night because we just like to do
21 that. That's like our thing.

22 "So the third time I went by myself, and every time
23 would turn the kitchen light on, right, and we had to turn
24 it off behind us as we go just like normal.

25 "Linda stated that as she was shutting the

1 refrigerator door while she was in the kitchen by herself,
2 she thought that she heard a jiggle at the handle of the
3 back door. Linda advised that she did not believe that
4 someone was trying to get in. It just sounded like they
5 just touched it.

6 "Linda stated that when she walked out of the kitchen
7 and turned in to the living room, this man kicked in the
8 -- kicked the door open. Linda advised that when she
9 looked, all she saw was black and the design on the
10 bandanna.

11 "Linda stated that she ran right next to where I was
12 hoping that he wouldn't see me. Linda then stated, 'I
13 guess this guy, he doesn't know, he'd never been to our
14 house before, he obviously doesn't know us because he
15 didn't know where our valuables were, and he didn't try to
16 take them.'

17 "Linda stated that the male came into the laundry
18 area after her, used his right arm to grab her around the
19 neck, picked her up, and used his left hand to hold a gun
20 to her head.

21 "Linda stated that the male was pulling her back
22 toward the back door and said, 'Where's your man's at,'
23 which reminded her of a group of friends that would maybe
24 talk the way that we used to associate with.

25 "Linda stated that when she heard the male say those

1 words, that it was a red flag to her along with the
2 bandanna on his face.

3 Linda stated that she screamed Austin's name three
4 times, and the male pulled her back to see down the
5 hallway.

6 "Linda advised that Austin's eyes got really big, and
7 she tried to get out of the line of fire. Linda stated
8 that the guy kept trying to pull her up to keep her above
9 the counter for him to shoot.

10 "Linda advised that Austin shoots first and the guy
11 shoots back. Linda then stated that the guy ducked down
12 behind the counter and pulled her down behind the counter.
13 Linda then stated that the guy tried to pull her up above
14 the counter, but she tried to go back -- go down because
15 there were guns going off, and she had never been around
16 that before, and it scared the hell out of her.

17 "Linda stated that she believed that the guy got shot
18 in the arm because she got a splash of blood on her shirt
19 and she got powder on her shirt.

20 "Linda then stated, 'He must have shot the little boy
21 on accident,' which is the first time that she had not
22 referred to him as Mason.

23 "Linda advised that the guy was trying to shoot over
24 the counter, and because of the way that he was trying to
25 shoot over the counter but stay down, the gun was angled

1 down and the round hit Mason. Linda advised that the boy
2 fell to the ground and used his hands to get off the floor
3 and then ran out of the door."

4 Q All right. Let me stop you right here.

5 This time when she used the reference "boy," who is
6 she referring to?

7 A The home invader with the gun.

8 Q Okay. Please continue.

9 A "Linda stated that whenever they kicked in the door
10 and then corrected to 'he kicked in the door,' and advised
11 that he kicked the door so hard that he kicked it open but
12 it shut back so he had to open it again.

13 "Linda then stated that she scratched him with her
14 fingernail which broke it off -- broke off a fingernail.

15 "Linda stated that after Austin sees the boy run out
16 the door, he goes out the house after him and cranks up
17 his car.

18 "Linda then advised that they did not see a car
19 outside, did not see people on foot, did not see a blood
20 trail or anything. Linda stated that she did not think
21 that they shot the boy, but someone pointed out blood on
22 her shirt and she heard the news release stated that the
23 intruder in the house was injured."

24 Q All right. Let me stop you right there.

25 Was that just a possible lead that law enforcement

1 was following up on?

2 A Yes, ma'am.

3 Q And ultimately, they sought all of the information
4 that you know as an investigator on this case regarding
5 recovery of CSI evidence including blood splatter inside
6 the house and outside the house. Was there ever any
7 foreign blood identified?

8 A No, ma'am.

9 Q Including the examination of the shirt worn by Linda
10 Monette?

11 A No, ma'am.

12 Q Were all indications that the blood observed both on
13 her clothing and at the scene belonged to Austin Hanahan
14 and little Mason Hanahan?

15 A Yes, ma'am.

16 Q Please continue.

17 A "Linda stated that she got her phone to call 9-1-1
18 and held Mason until deputies got to the residence.

19 "I asked Linda if she was physically all right, and
20 she stated that he hit her with the gun. And I asked her
21 where he hit her, and she showed me the right side of her
22 face high on her right cheek. Linda stated that she did
23 not tell anyone about him hitting her with a gun. I
24 looked at Linda's face and did not see any sign of injury
25 or swelling.

1 "Linda stated that her knees were cut up. Linda
2 advised that she fell to her knees when he put the gun to
3 her head.

4 "I asked Linda what she meant about it sounding like
5 a group that she used to hang out with. Linda advised
6 that the lingo reminded her of the group because of the
7 ghetto-ass talk.

8 "Linda stated that the people in the music video were
9 the only link to the type of person that would be coming
10 to this house."

11 Q Let me stop you right there.

12 Your reference to the music video, is that something
13 you had already learned during the course of this
14 investigation?

15 A Yes, ma'am.

16 Q Did that refer to a music video filmed in
17 approximately August of 2018?

18 A Yes, ma'am.

19 Q At what residence was that music video filmed?

20 A At the incident location.

21 Q All right. Can you tell us whether or not Linda
22 Monette herself participated in that music video?

23 A She did, yes, ma'am.

24 Q She was observed in the music video?

25 A Yes, ma'am.

1 Q All right. Is it known to law enforcement, including
2 yourself, that members of the Gangster Disciples were also
3 present participating in that music video?

4 A Yes, ma'am.

5 Q Please continue.

6 A "Linda stated that the people in the music video were
7 people that she knew from high school and people whom
8 Austin knew through a mutual friend who is not a good
9 person.

10 "Linda advised that Austin would not normally allow
11 gang members into his house, but they were being nice and
12 let some musicians record a video. Linda placed the word
13 'musicians' in air quotes.

14 "Linda stated that she believed that the person was
15 the person who would have anything to do with this.

16 "I asked Linda who the person was she was referring
17 to, and she stated that it was Chris Fuller.

18 "I asked Linda why she put the word 'musicians' in
19 air quotes, and she stated that it was because they
20 thought they were rappers, but they were not."

21 Q All right. And just to clarify on Chris Fuller, is
22 he also known to law enforcement?

23 A Yes, ma'am, he is.

24 Q Is he known to have connections to Gangster
25 Disciples?

1 A Yes, ma'am, he is.

2 Q Is he a black male or a white male?

3 A White male.

4 Q And through the course of your investigation, has law
5 enforcement also learned whether or not he had previously
6 had a relationship with Linda Monette?

7 A Yes, ma'am.

8 Q Did that include a sexual relationship?

9 A Yes, ma'am.

10 Q Please continue.

11 A "Linda stated that there were several people at the
12 party that stood out to her. But when she and the
13 detectives were going through tagged photos on Facebook,
14 they located one person whom really stood out to her, and
15 she showed him to the detectives who she talked to
16 earlier.

17 "Linda stated that she knew that this incident was
18 not revenge motivated and she knew that someone wanted to
19 take the money from us.

20 "Linda advised whenever they came in, they
21 immediately asked, 'Where's your man at,' knowing damn
22 well that when he comes out of his bedroom and sees a gun
23 to my head, he's going to, what, give them his money."

24 Q Let me stop you right there, Detective Hart.

25 I'm going to show you a photograph and ask you

1 whether or not you recognize it.

2 A Yes, ma'am.

3 Q And can you tell us who originally provided this
4 photograph to law enforcement?

5 A Ms. Monette did.

6 Q And which member of law enforcement did she provide
7 that photograph to?

8 A Detective Brannon Marthers.

9 Q All right. And was Detective Sam Smith also present
10 during that interview when she supplied that information?

11 A Yes, ma'am, he was.

12 Q And subsequently, did Detective Marthers supply it to
13 you as well as to Sergeant Brian Zwolak with the Gang
14 Enforcement Task Force?

15 A Yes, ma'am.

16 Q Were you able to make an identification of the person
17 that she pointed out?

18 A Yes, ma'am, we were.

19 Q What is the name of that individual?

20 A Tamare Howell.

21 Q Also present in that photograph, is there an
22 individual known as Rey or Reynerio Romero?

23 A Yes, ma'am.

24 Q Street name Rey G?

25 A Yes, ma'am.

1 Q Please continue.

2 A "Linda stated that instead, Austin shoots them first
3 and freaks them out.

4 "I asked Linda who the person in the pictures who
5 stuck out to her was, and she stated that she could not
6 remember his name, but she showed someone his picture and
7 they already saved it. Linda advised that it is a boy
8 whom she knows through the mutual friend. And she knows
9 him to be a really bad person, and that is why she and
10 Austin do not hang out with him anymore.

11 "Linda stated that she believed that the incident had
12 to be planned, but after the person who came into the
13 house did not know where anything was and did not know
14 what the purpose of the whole thing was because he killed
15 an innocent boy, shot an adult and hit her to leave with
16 nothing.

17 "Linda advised that it couldn't have gone -- it
18 wouldn't have gone any different if anyone else was there.

19 "Linda stated that she did not understand why one
20 person would go into a house with three cars at it knowing
21 that we are an armed household that no one is coming
22 through that -- through our door. I asked Linda how
23 anyone would know that they were an armed household, and
24 she stated that, obviously, they know something about us
25 or they wouldn't be coming to our house.

1 "Linda then advised that she could not think of a
2 single criminal who would pull up to a house with a pistol
3 while three cars were outside. There could have been five
4 people sitting inside for all he knew.

5 "Linda stated that his house, she knows that it was
6 not one of their friends; however, she knows that Chris
7 Fuller is a gang member.

8 "I asked Linda and Chris -- if Chris fit the
9 description of the male in the house, and she stated that
10 he did not, but she would not be surprised if he was
11 sitting up the road and drop someone off to do this."

12 Q All right. Now, was there a specific point in the
13 interview where she gives a description of the intruder
14 and his clothing?

15 A Yes, ma'am.

16 Q I'm going to ask you to move to that part of your
17 supplemental.

18 A All right. Just to clarify, you're talking about the
19 couple sentences later?

20 Q Yes.

21 A Okay.

22 Q (Indiscernible) the bandanna description.

23 A Yes, ma'am.

24 "Linda advised that the person who came into the
25 house had a GD bandanna on his face. And I asked Linda

1 what she meant, and she stated 'Gangster Disciple.'

2 "I asked Linda if the bandanna had GD on it, and she
3 stated that it did not. She recognized it because of the
4 color.

5 "I asked Linda what the color was, and she stated
6 that it was black or navy blue. Linda then stated that
7 she knew that because she just knows things and she was an
8 attentive person.

9 "I asked Linda what would lead anyone to believe that
10 there was money to steal in the residence, and she stated
11 that whenever 20 to 30 little gang-banging black boys were
12 invited to come shoot a rap video at the house, they got
13 to see a lot of the amenities of the house.

14 "I asked Linda if the shirt that potentially had
15 blood on it was the shirt that she was wearing, and she
16 stated that it was not. She had changed her shirt, and it
17 was in the bag that was in the interview room.

18 "Detective Dykes asked Linda if she told
19 investigators that there was blood on the shirt, and she
20 stated that they saw it.

21 "Linda advised that she did not know if the blood was
22 from the little boy or if it was from the intruder."

23 Q Regarding the little boy this time, she's referring
24 to whom?

25 A Mason.

1 Q Continue.

2 A "Linda stated that she assumed that the blood was
3 from the intruder.

4 "I then asked Linda what snacks she got from the
5 refrigerator, and she stated that she got cheese and
6 apples, some of which were still in the refrigerator.

7 "I asked Linda where she was when the door crashed
8 open, and she stated that she was getting ready to round
9 the bar to enter into the living room facing the child on
10 the couch. Linda stated that she had to turn to run into
11 the laundry room in hopes that he could not see her.

12 "I confirm where Linda was hit again, and she rubbed
13 her right cheekbone. And Detective Dykes asked her if she
14 had told anyone else about being hit in the face, and she
15 stated that she did not.

16 "I confirm with Linda that she says the intruder
17 grabbed her with his right arm and held her back to his
18 chest while holding the gun in his left hand.

19 "I ask Linda at what point she was hit in the face
20 with the gun, and she stated when he pulled her into the
21 kitchen facing Austin.

22 "Linda stated that Austin had his eyes so wide and
23 just started -- and just stared and then shot at the guy
24 with me standing right there.

25 "I asked Linda about the handgun that the intruder

1 had, and she stated that it was a small black handgun,
2 small enough to fit in his pocket.

3 "Detective Dykes asked Linda if there were any lights
4 on in the house at the time, and she stated that the
5 kitchen light was off at the time because she turned it
6 off when she finished getting her snack.

7 "Linda stated that she feels like people saw the
8 light coming on and off every 20 minutes until they saw
9 her come into the kitchen by herself. Linda stated that
10 there was a mini lamp on top of the washing machine that
11 was on. There is a lamp behind a brown chair in the
12 living room that stays on all the time.

13 "While talking about the lamp on the washing machine,
14 Linda stated that the lamp stays on because of Austin's
15 cousin James.

16 "Linda stated, 'It's crazy the way things worked
17 out.' I asked Linda what she meant, and she stated that
18 Mason was not supposed to be there. Linda stated, 'He's
19 never there. He is only there every other weekend and is
20 never there without his siblings.' I asked Linda why
21 Mason was there, and she stated that they were celebrating
22 him being voted to All Stars in baseball.

23 "Linda stated that Austin got Mason early from school
24 and took him to watch a movie, went to the mall and then
25 went back home.

1 "Linda advised that she had not arrived to the house
2 until at least 6 p.m. I asked Linda where she had been
3 before that, and she stated that she had been at the
4 Planet Fitness on Bush River Road. Linda stated that she
5 worked from approximately 8:30 a.m. until approximately
6 11:30 a.m. and then went home to do laundry. Linda
7 advised that she did laundry and put a vanity in her room,
8 organized her room, put new lights in her room and then
9 went to the gym."

10 Q Let me ask you about the trip to the gym. Did she
11 identify that as being Planet Fitness on Bush River Road?

12 A Yes, ma'am.

13 Q At this point in time during the course of the
14 interview, had she ever advised you or Detective Dykes
15 that she was at the gym with Rey Romero?

16 A No, ma'am.

17 Q Please continue.

18 A "Linda stated that after the gym she went straight to
19 Austin's house because he invited her to eat Chinese food
20 that he ordered so that they would make up after spending
21 four or so days apart.

22 "Detective Dykes asked Linda what her jobs were, and
23 she stated that she was an entertainer and home health
24 aide. Detective Dykes asked Linda to clarify
25 'entertainer,' and she stated that she was an independent

1 contractor. Detective Dykes again clarified where she was
2 an independent contractor at, and she stated that she
3 worked at Platinum West. Linda stated that she was also
4 an independent contractor for Uber.

5 "I asked Linda if she went straight from the gym to
6 Austin's house, and she stated that she did. So I asked
7 Linda what -- how long she worked out, and she stated that
8 it was approximately 45 minutes. And she also went to the
9 massage while at the gym.

10 "I asked Linda where she meant when she stated that
11 she decorated her room, and she stated that she rents a
12 room from her deceased boyfriend's mother on Smith Pond
13 Road."

14 Q Let me stop you right there.

15 During the course of the investigation, did law
16 enforcement recover video footage from Planet Fitness?

17 A Yes, ma'am.

18 Q Did it confirm that she was there and present earlier
19 that day on May 13, 2019?

20 A Yes, ma'am.

21 Q What, if anything else, did the video surveillance
22 from Planet Fitness determine?

23 A That she arrived there with and left with Reynerio
24 Romero.

25 Q And in addition, Detective Hart, there's a reference

1 to a house at Smith Pond Road. Was a search warrant
2 executed at that location?

3 A It was, yes, ma'am.

4 Q Was it determined whether or not she had belongings
5 at that location?

6 A Yes, ma'am.

7 Q So in reference to her home, in the eyes of law
8 enforcement based on your findings there at Smith Pond
9 Road, what was her actual residence?

10 A The address on Smith Pond Road.

11 Q So it was not [REDACTED] Cedar Vale.

12 A No, ma'am.

13 Q Please continue.

14 A "I asked Linda where she went after Lexington Medical
15 Center, and she stated that she took a cab to Prisma
16 Health Richland.

17 "I asked Linda where she got the clothes that she
18 changed into, and she stated that her mother brought them
19 to Richland.

20 "I asked Linda if she recognized the voice of someone
21 who had been to the house, and she stated that she did
22 not.

23 "I asked Linda if she noticed any sort of cologne,
24 and she stated that she did not pay attention to anything
25 like that.

1 "I then asked Linda what type of hair the suspect
2 had, and she stated that she knew that it was short hair
3 because the hoodie was close to his head.

4 "I asked Linda the suspect's build, and she stated
5 that he was a head above her and had a skinny build.
6 Linda stated that he was a black male with dark skin but
7 could not tell if he had facial hair because he had a
8 bandanna pulled up over his nose.

9 "I asked Linda if she saw any scars or tattoos, and
10 she stated that she did not, but she recognized that he
11 had really dark eyes.

12 "I asked what the fight that she and Austin had that
13 she had left for four days was about, and she stated that
14 they did not have a fight, they just took a break."

15 Q Would this be a break in their relationship?

16 A Yes, ma'am.

17 Q And that leading up to this they were not together?

18 A Yes, ma'am.

19 Q And your understanding is that she had come back into
20 the residence or reinitiated contact with Austin on what
21 day?

22 A On the 13th.

23 Q May 13, 2019?

24 A Yes, ma'am.

25 Q So earlier in the evening on the night that Mason was

1 killed?

2 A Yes, ma'am.

3 Q Please continue.

4 A "I asked Linda where she stayed while she was on a
5 break from Austin, and she stated that at the house on
6 Smith Pond Road. She believed that the address was
7 [REDACTED] Smith Pond Road.

8 "I asked Linda how long she had been with Austin, and
9 she stated that it was approximately one year.

10 "I asked Linda how long she and Austin -- how she and
11 Austin met, and she stated that they met through Chris
12 Fuller.

13 "Then offered Linda the opportunity to go to the
14 restroom, and she stated that she did not have to go. So
15 I told her that I would attempt to locate a female" -- I'm
16 sorry. "She stated that she did have to go, so I told her
17 that I would attempt to locate a female to escort her.

18 "I did leave the interview room to go to the
19 restroom. While en route back to the interview room from
20 the restroom, I located Detective Livingston and asked her
21 if she would be willing to escort Linda to the restroom,
22 which she did agree to.

23 "Linda was escorted to the restroom, and shortly
24 after her return, Detective Dykes and myself returned to
25 continue the interview."

1 Q All right. I'm going to stop you right there.

2 You take a bathroom break for yourself.

3 A Yes, ma'am.

4 Q In addition, a bathroom break is extended to Linda
5 Monette.

6 A Yes, ma'am.

7 Q And who is the detective who actually escorted Linda
8 Monette to the bathroom?

9 A Detective Hayli Livingston.

10 Q All right. During that course in time that you had
11 stepped out to go to the bathroom, who, if anyone, from
12 the sheriff's department comes into the room?

13 A Sergeant Brian Anderson would have stepped in.

14 Q All right. And, again, was his purpose to conduct an
15 interview?

16 A No, ma'am.

17 Q It was simply to do what?

18 A It was just to watch, again, at that time our inmate.

19 Q And having been familiar with the video footage, can
20 you tell us whether or not a conversation was initiated
21 during the time period that Sergeant Anderson entered the
22 room?

23 A Yes, ma'am, there was.

24 Q And on whose part is that conversation or the
25 question initiated?

1 A Ms. Monette initiated it.

2 Q We're going to move forward to 1:10 in the video.

3 And, again, she gets a bathroom break, and then you do as
4 well?

5 A Yes, ma'am.

6 Q All right.

7 (WHEREUPON, Court's Exhibit Number 1, a video, is played
8 in open court.)

9 MS. MAYES: There is a glitch in the video. Beg the
10 Court's indulgence.

11 (Pause in proceedings.)

12 MS. MAYES: We had a glitch, Your Honor, where the
13 video frame was stuck, so we just need to get it moving
14 again.

15 THE COURT: They're designed to come up at
16 appropriate times.

17 (WHEREUPON, Court's Exhibit Number 1, a video, continues
18 to play in open court.)

19 BY MS. MAYES:

20 Q All right. Let me stop you right here.

21 Again, at this point, is this after the bathroom
22 break?

23 A It's been after hers, yes, ma'am.

24 Q And then who is in the (indiscernible)?

25 A That's Sergeant Brian Anderson.

1 (WHEREUPON, Court's Exhibit Number 1, a video, continues
2 to play in open court.)

3 BY MS. MAYES:

4 Q All right. Following the exit of Sergeant Anderson,
5 did Linda Monette continue a discussion with you?

6 A Yes, ma'am, she did.

7 Q Did that include a discussion regarding drugs found
8 in the home?

9 A Yes, ma'am.

10 Q And related to the separate drug charge against her?

11 A Yes, ma'am.

12 Q Who initiated that conversation after you have
13 entered the room with Detective Dykes?

14 A She did.

15 Q All right. Take us now to your supplemental and tell
16 us what, if anything, you noted in that regard here for
17 the second portion of this interview.

18 A "Linda began arguing that the warrant affidavit on
19 her warrant was incorrect due to the statement that there
20 was a large amount of cash located as well as a large
21 amount of marijuana. Linda stated that the large amount
22 of cash was Austin's because he had just gotten money out
23 of the bank and the marijuana was hers.

24 "I asked Linda if there was a large amount of cash
25 normally at the residence, and she stated that there was

1 not. Linda stated that Austin runs a family-owned
2 painting business and can easily make between \$30- to
3 \$50,000 per week with two helpers. Linda advised that
4 Austin had just went to Charleston to look at an upcoming
5 job.

6 "I asked Linda if it was common for Austin to cash a
7 check and take all of his money out of the bank, and she
8 stated that it was not. Linda stated that Austin was
9 trying to hide money from his wife because they were going
10 through a divorce and his wife was asking for what he
11 considered to be an unreasonable amount of money.

12 "I informed Linda that the reason that I was asking
13 if Austin normally kept a large quantity of cash around
14 the house is because I was curious if anyone, especially
15 the persons at his home for the filming of the music
16 video, could have known about or seen that he kept a large
17 quantity of money. Linda stated that if anyone who was at
18 the home had seen or known about the money, it was because
19 they were looking in places that they should not have been
20 looking.

21 "Linda then advised that she did not know how anyone
22 could take something that did not belong from them, but
23 stated that it is what they were there to do because they
24 would not just come there to shoot someone and leave.

25 "I asked Linda about a name she mentioned, Brandon

1 Rodigheiro. Linda stated that she had -- that she knew
2 that he was not involved with this incident. And I asked
3 her how she knew -- knew that, and she stated that he had
4 been in jail during this incident. I asked Linda what her
5 relationship with Brandon was, and she stated that they
6 were friends, but had been more than friends at one point.

7 "I asked Linda what Brandon was in jail for, and she
8 stated that she did not know but she knew that his bond
9 was denied. Linda stated that she also knew that
10 Brandon's baby mother was also just arrested. Linda also
11 stated that she had been talking to Brandon via the
12 telephone over the last few days.

13 "I asked Linda if Brandon knew where Austin lives,
14 and she stated that he did. Linda stated that she had
15 called LCSD in reference to Austin's house in reference to
16 Brandon and his girlfriend threatening her."

17 Q All right. Let me stop you there.

18 Does that appear to be a previous unrelated incident?

19 A Yes, ma'am, it did.

20 Q Through the investigation, did that appear to be
21 remote in time or not within this timeframe?

22 A Yes, ma'am.

23 Q Did that occur prior to Brandon's incarceration?

24 A It did, yes, ma'am.

25 Q I'm now going to ask you whether or not you got a

1 further description of the bandanna worn by the intruder.

2 A I did, yes, ma'am.

3 Q What, if anything, did she respond in that regard?

4 A "I then asked Linda about the bandanna that she said
5 the suspect was wearing and asked her how she knew it
6 would be a GD bandanna. Also asked Linda how she knew
7 anything about gangs, and she stated that she went to
8 White Knoll, referring to White Knoll High School. Linda
9 stated that they had riots and a lot of gang activity at
10 White Knoll High School, but she was a straight A student
11 and had never been in trouble before. Linda stated that
12 she had also watched several documentaries about gangs in
13 that she had made assumptions about people she had seen
14 walking around with.

15 "I asked Linda about a statement that she made
16 earlier stating that Mason was never at the house." I'm
17 sorry. Did you want me to keep reading?

18 Q Yes.

19 A Okay. "She -- stating that Mason was never at the
20 house, and she stated that Mason does not usually spend
21 nights like that.

22 "I asked Linda if Austin called her or texted her and
23 told her that he was ordering Chinese food, and she stated
24 that she believed that it was a text. Linda stated that
25 Austin texted her and told her that he was ordering

1 Chinese food and stated, 'I would love for you to come
2 by.'

3 "I asked Linda what time she arrived at Austin's
4 house, and she stated that she arrived about 7 p.m."

5 Q At this point in time, again, had you actually had
6 the opportunity to conduct a phone extraction or was that
7 still outstanding?

8 A It was still outstanding.

9 Q All right. So at this point in time, were you aware
10 as to who had actually initiated that contact with Austin
11 Hanahan that night?

12 A I was not, no, ma'am.

13 Q But now having that information (indiscernible) the
14 investigation, who initiated that contact with Austin
15 Hanahan regarding coming over?

16 A Ms. Monette did.

17 Q Please continue.

18 A Yes, ma'am.

19 "I then asked Linda what time she got to the gym, and
20 she stated that she did not know. She normally goes to
21 Planet Fitness in Cayce, but she went to the Planet
22 Fitness on Bush River this time, which has a sign-in sheet
23 that records the times.

24 "I asked Linda how Mason was laying, and she stated
25 that Mason was laying with his head away from the kitchen

1 and he was on his side facing away from the back of the
2 couch.

3 "I asked Linda about her and Austin eating snacks
4 throughout the evening, and she stated that they went to
5 get snacks a couple of times and she went by herself.

6 "Linda then started talking about Austin's cousin
7 making jokes with Mason. I asked Linda if Austin's
8 cousin, James Baughman, was at the house when the incident
9 occurred, and she stated that he spent the night with his
10 wife, Ty [phonetic].

11 "I then asked Linda if Austin would have anyone that
12 would be angry at him, and she stated that he was a
13 God-fearing man and did not owe anyone money or have any
14 enemies.

15 "Detective Dykes asked Linda why Austin would have
16 come out with a firearm without any knowledge that someone
17 had broken into the house, and she stated that if we had
18 heard her voice, we would have known that she was in
19 distress. Linda stated that the loud-ass boom from the
20 door being kicked in has also probably raised Austin's
21 alarm.

22 "Linda stated that someone had set up Austin before
23 and tried to steal from him.

24 "I asked Linda why she assumed that they wanted
25 Austin to give them something by holding a gun to her

1 head, and she stated that it would have made more sense to
2 her to have quietly held the gun to her head and made her
3 get whatever they wanted. Linda then rationalized that
4 the door being kicked in ruined any chance of quietly
5 making her retrieve whatever they wanted.

6 "I asked Linda if she knew how many rounds were
7 fired, and she stated that she knows that probably seven
8 shots were fired, three hit people and Austin took out the
9 windows behind her. Linda then stated that one of the
10 rounds hit the boy, then that would be another round.

11 "I then left the room to use the restroom and speak
12 with detectives watching the interview. I returned to the
13 room and Detective Dykes then left the room to use the
14 restroom.

15 "I told Linda that an investigator was listening to
16 the 9-1-1 call and that she stated that there were men
17 outside and asked her if there was any reason to believe
18 that there was more men than the intruder. Linda stated
19 that she had no reason to believe that the intruder was
20 alone. Linda advised that she did not see how only one
21 person could commit the crime against them.

22 "I told Linda that since we did not have a suspect in
23 this crime, we would be obtaining a search warrant for her
24 cell phone which we would normally do anyway. I asked
25 Linda the passcode for her cell phone, and she provided

1 the passcode of 070474."

2 Q And can you tell us whether or not that appeared to
3 be voluntary and part of her cooperation during the course
4 of this interview?

5 A Yes, ma'am, it did.

6 Q Please continue.

7 A "Linda stated that she felt like someone was trying
8 to point the finger at her. I asked Linda who was trying
9 to point the finger at her, and she stated that the
10 investigators at the hospital were saying that there was
11 more than she knew -- more that she knew than she was
12 saying. I asked Linda if there was more that she knew,
13 then she stated there was not.

14 "Linda stated that when asked if she knew who did
15 this, she stated that she did not, but she believed that
16 she might have an idea. Linda advised that she felt like
17 this was why investigators were treating her like she knew
18 more.

19 "Linda stated that the only reason that she felt like
20 she might have an idea who it was was because of the color
21 of the bandanna.

22 "Linda stated that she believed that people in the
23 same gang should know each other. Linda stated that when
24 she saw the bandanna and thought of people Austin knew,
25 she thought that the young black boys in Red Bank or Chris

1 Fuller would be the only ones who would have done this.

2 "I asked Linda who Chris was, and she stated Chris
3 Fuller.

4 "I asked Linda when the last time that Chris was at
5 the house, and she stated that Austin does not tell her
6 every time someone comes over."

7 Q Again, is this the same individual that you referred
8 to previously that had been in a relationship with Linda
9 Monette as well?

10 A Yes, ma'am.

11 Q I want to move forward and ask you whether or not
12 there was communication about what occurred that night in
13 the master bedroom prior to the intrusion.

14 A Yes, ma'am, there was.

15 Q What, if anything, do you note in that regard?

16 A "Ms. Monette said, 'I had nothing to do with this. I
17 was in the bed sleeping with my man, if you want to know
18 all the details.'

19 "Linda stated that she and" -- I'm sorry. There's a
20 typo there. "She and Austin were having sex together in
21 the bedroom. And the dogs barked three times, and Austin
22 got onto them for barking.

23 "I asked Linda where the dogs were at, and she stated
24 that one was in the cage and the other was out running
25 around the house.

1 "Linda stated that once they finished having sex, so
2 they went into the kitchen to have a snack like they
3 always do.

4 "I asked Linda if there was something in particular
5 that they eat, and she stated that they always leave
6 whatever they ate for dinner on the stove so they can eat
7 it after they had sex.

8 "I asked Linda if the sex was planned, and she stated
9 that they did not plan it.

10 "Linda stated that when the intruder came into the
11 house, she was only wearing a T-shirt.

12 "Linda stated that she did not understand why someone
13 would think that she would be involved in this. And I
14 informed her that it was strange that she would believe
15 that someone was coming in specifically to steal money,
16 but according to her, no one knew that he had a large
17 quantity of cash.

18 "I told Linda that when she talked about Austin
19 coming out of the bedroom and beginning to shoot, she
20 sounded angry, and I asked her if she was angry because he
21 was shooting towards her. Linda stated that she was not
22 angry because she wanted him to protect his house. Linda
23 stated that she thought that she had been shot and did not
24 care.

25 "Linda stated that she would never hurt a child, and

1 I told her that she did not hurt anyone. We needed to
2 know who shot Mason.

3 "Linda advised that the back door was deadlocked.
4 And I asked her who locked it, and she stated that Austin
5 had.

6 "I asked Linda who was looking out the kitchen into
7 the front yard because we could tell that someone had been
8 due to the blinds being manipulated as to be able to see
9 out, and she stated that Austin always keeps it like that.

10 "Linda stated that it hurt her feelings that we
11 thought she was involved in the robbery. And I told her
12 that if we find out that she was involved in it, she would
13 get charged with the murder and the attempted murder and
14 the remaining potential charges. And she stated that she
15 was not involved in any of it.

16 "Linda stated that she was being overly cooperative.

17 "Linda stated that all she wanted was to help him.
18 And I asked who she was talking about, and she stated
19 Mason. I informed her -- I informed her that was like
20 only the second time that she had referred to him by name,
21 that she had been calling him 'the boy.' Informed Linda
22 that it was common with people who were trying to
23 disassociate themselves from someone to not call them by
24 their name, to use terms that are impersonal.

25 "I informed Linda that I believe that she was going

1 to leave Austin and trying to rob him to get money for
2 Brandon's bond. Linda stated that she was not involved
3 and asked if she could be questioned with a polygraph.

4 "I asked Linda if she was willing to consent to a
5 polygraph examination, and she stated that she was. I
6 informed Linda that I would inquire as to the scheduling
7 of a polygraph examination.

8 "I asked Linda if she told anyone about the cash --
9 about the cash money, and she stated that she did not."

10 Q Let me stop you right there and ask you, again,
11 regarding the polygraph, just for purposes of this
12 pretrial hearing.

13 A Yes, ma'am.

14 Q Can you tell us whether or not Linda Monette
15 initiated discussions about the polygraph?

16 A Yes, ma'am, she did.

17 Q Did she appear to freely and voluntarily want to
18 participate in a polygraph examination?

19 A Yes, ma'am.

20 Q Is that something that she continued to do with you
21 and other officers over the course of the next few days?

22 A Yes, ma'am.

23 Q Please continue.

24 A "I asked Linda if she told anyone about cashing his
25 check, and she stated that she did not.

1 "Linda stated that she did not know where Austin was
2 keeping the money or how much money he had.

3 "I then left the room and asked Captain Taylor about
4 scheduling a polygraph examination.

5 "I walked back into the interview room, and Linda
6 stated that I was right, that she had spoken to Brandon
7 about getting him some money.

8 "I asked Linda to give me a name, and she told me
9 Chris Fuller. And I told her that Chris Fuller was white
10 and he was not the person in the house, to give me a name,
11 and she said Rez. I told Linda to give me the name of
12 the man in the house, and she stated that she did not
13 know."

14 Q All right. Just to clarify, you are following up and
15 asking as to the identity of the intruder?

16 A Yes, ma'am.

17 Q And she gave you the name Chris Fuller who's a white
18 male?

19 A Yes, ma'am.

20 Q And the next name she gave you was a Rez?

21 A Yes, ma'am.

22 Q Is Rez also known to be a member of the Gangster
23 Disciples?

24 A He is, yes, ma'am.

25 Q Is that Torrez Adams?

1 A Yes, ma'am.

2 Q And is Torrez Adams known to be an associate of Rey
3 Romero?

4 A He is, yes, ma'am.

5 Q Is he known to be an associate of Tamare Howell?

6 A He is, yes, ma'am.

7 Q Is he known to be an associate of Linda Monette?

8 A Yes, ma'am, he is.

9 Q And to your knowledge, is he someone that was known
10 to Linda Monette prior to May 13, 2019?

11 A Yes, ma'am.

12 Q Please continue.

13 A "I told Linda that I could tell that she knew who the
14 person was in the house, and she stated that was not
15 true."

16 MS. MAYES: Beg the Court's indulgence. We are
17 eliciting for purposes of this hearing the full content of
18 the summary. Pursuant to Washington, there are certain
19 portions that will be redacted such as the statement that
20 was just expressed, which is that she was confronted with
21 the fact that the officer did not believe her, that that
22 portion will be redacted.

23 THE COURT: Very well.

24 BY MS. MAYES:

25 Q Please continue.

1 A Yes, ma'am.

2 "Linda stated that she did not contribute to anything
3 that happened in the house. Linda stated that all she
4 knew was that he was a tall dark-skinned male. Linda
5 stated that she could show me a picture of the male right
6 now on Facebook because she showed the picture to the
7 investigators before.

8 "Linda stated that she felt like the male in the
9 house is the one who hangs out at the hood store. I asked
10 Linda what his name -- his street name or his Facebook
11 name was, and she stated that she did not know. I asked
12 Linda whose picture of the man was tagged in, and she
13 stated that it was Trey.

14 "I told Linda that she had to know that it was
15 someone in the rap video to even mention it in the first
16 place. Linda stated that the bandanna was the thing that
17 made her believe that it was someone from the rap video."

18 Q Now, in reference to your comment about the hood
19 store, during the course of this investigation and
20 (indiscernible) work in Major Crimes Unit, are you
21 familiar with that location?

22 A I am, yes, ma'am.

23 Q What is the actual name of that business?

24 A I believe it's 7 to 11.

25 Q 7 to 11 store.

1 A Yes, ma'am.

2 Q And that is located on what road within Lexington?

3 A Two Notch Road.

4 Q And so she indicates that she believes the intruder
5 is someone she feels like she recognizes from the hood
6 store?

7 A Yes, ma'am.

8 Q And she also makes reference again to that
9 photograph?

10 A Yes, ma'am.

11 Q Is that the photograph that you previously identified
12 being one that she showed Detective Marthers from
13 Facebook?

14 A Yes, ma'am.

15 Q And it's a group photo?

16 A Yes, ma'am.

17 Q Containing photographs of Rey Romero?

18 A Yes, ma'am.

19 Q Tamare Howell?

20 A Yes, ma'am.

21 Q Please continue.

22 A "Linda continued to deny any knowledge of the robbery
23 and stated that she loved Austin and she was going to have
24 his baby. Linda stated that Austin told her that he was
25 going to marry -- marry you.

1 "I told Linda that I wanted to continue talking with
2 her, but Detective Dykes needed to take her to the jail
3 and book her in for the night."

4 Q All right. Let me stop you right there.

5 Prior to returning her to the jail, did you ask her
6 whether or not she would be willing to talk again the
7 following day?

8 A Yes, ma'am.

9 Q And were there references to having further
10 discussion on the following day, which would be May 15,
11 2019?

12 A Yes, ma'am.

13 Q What, if anything, did you note in that regard?

14 A She was -- she stated that she was willing to come
15 back and talk to us again the next morning.

16 Q All right. At this point in the interview, can you
17 tell us whether or not she now mentions an individual by
18 the name of Rey?

19 A Yes, ma'am.

20 Q What, if anything, did she say, and what prompted her
21 to elicit that name?

22 A "I told her that I believe she knew who the person
23 was, and she stated that he had a bandanna on his face
24 like the guys who hang out at the gas station that she
25 hangs out at. Linda stated that she had heard them

1 talking about committing robberies before.

2 "I asked Linda who had talked about, and she stated
3 that she did not know. I asked Linda who had talked about
4 robbing someone, and she stated that her friend Rey talked
5 about Rez and TyShawn wanted to rob her at the hood
6 store."

7 Q So she identifies for the first time the name Rey?

8 A Yes, ma'am.

9 Q All right. Did you have any other information to go
10 along with that? At this point, did you have information
11 that he had been with her earlier that day?

12 A No, ma'am. At this point, I did not.

13 Q All right. And so she identifies Rey as someone she
14 heard talking about robberies before?

15 A Yes, ma'am.

16 Q And ultimately, was she returned to the detention
17 center?

18 A Yes, ma'am.

19 Q And at the end of that interview or towards the end
20 of that interview, did you ask her whether or not she had
21 recently been to what she termed the hood store but you
22 have identified as the 7 to 11 store located at Two Notch
23 Road in Lexington County?

24 A Yes, ma'am.

25 Q Did you ask her specifically when was the last time

1 she had been at the hood store?

2 A I did.

3 Q And what was her response to that?

4 A She said it had been approximately a week ago when
5 she had stopped and bought a bottle of water.

6 Q And did you ask her anything else?

7 A Yes, ma'am.

8 "I asked her if she had spoken to anyone while at the
9 store, and she stated that she said 'hey' to her friend
10 Rey.

11 "I asked her what Rey's last name was, and she stated
12 that it was Romero."

13 Q What else did she say?

14 A "She said she and Rey had been friends for a long
15 time and helped her through whenever her boyfriend
16 passed."

17 Q All right. So you asked her specifically when is the
18 last time she had been at what she terms the hood store,
19 and she said approximately a week ago.

20 A Yes, ma'am.

21 Q She stated that while there, she had spoken to her
22 friend Rey to say hello to him.

23 A Yes, ma'am.

24 Q And at that point, she further identifies Rey as
25 having the last name Romero.

1 A Yes, ma'am.

2 Q And that he was a friend of hers that she'd known for
3 a long time.

4 A Yes, ma'am.

5 Q At any point during this interview, did she make you
6 aware that she had been at that store, the 7 to 11 store,
7 earlier on the evening of this home invasion?

8 A No, ma'am.

9 Q Or that she had been in the company of Rey Romero
10 throughout that day?

11 A No, ma'am.

12 Q And was she returned to the detention center?

13 A Yes, ma'am.

14 Q At any point in time, did she express a desire for an
15 attorney?

16 A No, ma'am.

17 Q At any point in time, did she appear to not
18 understand your questions regarding this investigation?

19 A No, ma'am.

20 Q Did her speech appear coherent?

21 A Yes, ma'am.

22 Q At any point in time, did you promise her anything in
23 exchange for making the statement or cooperating during
24 the course of this interview?

25 A No, ma'am.

1 Q Did you threaten her in any way ---

2 A No, ma'am.

3 Q --- to participate in this interview?

4 A I did not.

5 Q Based upon all of your observations, did her
6 participation appear to be free and voluntary?

7 A Yes, ma'am.

8 Q Do your notes adequately reflect the content of
9 information and responses supplied to you by Linda Monette
10 during the course of this interview on May 14th?

11 A Yes, ma'am.

12 Q We're going to move now to the following morning,
13 which is May 15th, and I'm going to ask you whether or not
14 you had the opportunity to revisit with Linda Monette.

15 A Yes, ma'am.

16 Q And where did this interview take place?

17 A At the sheriff's department in an interview room.

18 Q And, again ---

19 THE COURT: The date was what? Just so I hear it
20 correctly.

21 MS. MAYES: The following day, Your Honor, which is
22 going to be May 15th ---

23 THE COURT: Thank you.

24 MS. MAYES: --- 2019 at 2:32 a.m.

25 THE COURT: Thank you.

1 BY MS. MAYES:

2 Q And, Detective Hart, can you tell us whether or not
3 this is the same interview that you would have referred to
4 previously the evening or late afternoon before when you
5 advised Linda Monette that you'd like to speak with her
6 again?

7 A Yes, ma'am.

8 Q Did she ever express unwillingness to do that?

9 A She did not, no, ma'am.

10 Q Can you tell us whether or not the video and audio
11 system remained in place for this following interview on
12 the 15th?

13 A It did, yes, ma'am.

14 Q Have you had an opportunity to review it?

15 A I have, yes, ma'am.

16 Q Have you made any material alterations or can you
17 tell us whether it was recorded in its original format?

18 A Yes, ma'am. It was recorded. And no, ma'am, there
19 -- there have been no alterations to it.

20 Q And in its original format, was that supplied to the
21 solicitor's office?

22 A Yes, ma'am.

23 Q And the solicitor has supplied -- has received that
24 for purposes of discovery?

25 A Yes, ma'am.

1 Q I'm going to show you what is marked (indiscernible)
2 May 15, 2019, ask you whether this is the same item that
3 you supplied to the solicitor's office.

4 A Yes, ma'am.

5 MS. MAYES: This will be Court's Exhibit 2, Your
6 Honor, for publication at this time.

7 THE COURT: Very well.

8 BY MS. MAYES:

9 Q So a few questions here at the outset, Detective
10 Hart. We saw in the previous interview on May 14, 2019,
11 that Linda Monette appeared to be wearing street clothes?

12 A Yes, ma'am.

13 Q She had arrived there at the detention center having
14 been arrested in Richland County at the hospital?

15 A Yes, ma'am.

16 Q By Detective Dykes of the U.S. Marshals Task Force?

17 A Yes, ma'am.

18 Q And then you ended that interview with the
19 understanding that she was now in custody on what charge?

20 A On the possession with intent to distribute marijuana
21 charge.

22 Q And was she booked during the course of the evening?

23 A Yes, ma'am, she was.

24 Q So the following day she is in what type of clothing?

25 A She's in a standard Lexington County Detention Center

1 inmate uniform.

2 Q Has she as of yet been able to post bond regarding
3 that possession to distribute marijuana charge?

4 A I would like to say no, ma'am, but I'm not --
5 honestly, I'm not sure.

6 Q Okay.

7 A I don't believe she has.

8 Q In other words, she is still in custody?

9 A Yes, ma'am, she -- she is. Custody has not been
10 broken. I can tell you that.

11 Q All right. And has she been charged in any way in
12 connection with the home invasion?

13 A Yes, ma'am.

14 Q What do you mean?

15 A Oh, at this point? Oh, no, ma'am. No, ma'am. At
16 this point, she had not.

17 Q And so to clarify, she's been still in custody only
18 on that possession with intent to distribute marijuana
19 charge.

20 A Yes, ma'am.

21 Q In the eyes of law enforcement, did she remain a
22 witness regarding the home invasion?

23 A Yes, ma'am.

24 (WHEREUPON, Court's Exhibit Number 2, a video, was played
25 in open court.)

1 BY MS. MAYES:

2 Q All right. Oh, would she have had the opportunity to
3 sleep during the course of the night there at the
4 detention center?

5 A Yes, ma'am.

6 Q And does she have any other items present or
7 available to her during the course of this interview?

8 A I know that she had water. I'm sorry. I can't tell
9 if she has any food items in front of her. But we
10 certainly would have access to it if she requested it.

11 Q All right. And, again, you have advised her of her
12 Miranda warnings or rights as depicted there in that
13 video. Does she appear to understand those warnings?

14 A Yes, ma'am.

15 Q Does she appear to freely and voluntarily waive those
16 rights in order to participate in this interview with you?

17 A Yes, ma'am.

18 Q Did she ever ask for an attorney during this exchange
19 or ask for it to stop?

20 A No, ma'am, she did not.

21 Q Did this appear to be a free and voluntary waiver of
22 her Miranda rights?

23 A Yes, ma'am, it did.

24 Q Did you threaten her on the way over there to
25 participate in this interview?

1 A No, ma'am.

2 Q Or coerce her in any way?

3 A No, ma'am.

4 Q Did you promise her anything in exchange for
5 participating in this interview?

6 A We did not, no, ma'am.

7 Q Were you able, once again, to summarize in the form
8 of a supplemental report the content of this interview and
9 the responses provided to you by Linda Monette?

10 A I was, yes, ma'am.

11 Q And I'm going to refer you to your supplemental
12 report regarding this interview and exchange which begins
13 at around 10:30 a.m. on May 15, 2019.

14 A Yes, ma'am.

15 "At approximately 1030 hours, Detective Dykes and I
16 walked Linda back over from LCDC to an interview room.
17 Linda began crying, and I again read Linda her Miranda
18 warnings, and when she -- and she waived her rights.

19 "I asked Linda to tell me again what happened, and
20 she began telling me about standing in the kitchen or was
21 having trouble speaking through the crying, which did not
22 appear genuine to me."

23 MS. MAYES: All right. So, once again, Your Honor,
24 for the record, he is reading directly from the
25 supplemental report, but that response would be redacted.

1 THE COURT: All right.

2 BY MS. MAYES:

3 Q Please continue.

4 A "Linda stated that she was standing in the kitchen
5 and someone forced the door open and put a gun to her
6 head. Linda stated that she immediately started peeing on
7 herself, and he tried to push her into the laundry room
8 because she was already trying to go that direction.
9 Linda stated that he dragged her back into the kitchen and
10 asked her, 'Where your man's at.'

11 "Linda stated that she called for Austin, and the
12 male pulled her 10 to 15 feet down the hallway. Linda
13 advised that Austin came around the corner and started
14 shooting at him and stated that Austin shot first and she
15 thought that she was going to be shot. Linda stated that
16 the guy shot Mason and then shot Austin. Linda advised
17 that Austin was the last one to shoot and the first one to
18 shoot.

19 "Linda stated that the boy fell to the ground and
20 then ran out the door.

21 "Linda advised that Austin ran out the door. No one
22 was there and he did not see a car.

23 "Linda stated that she did not know who did it.

24 "Linda stated that Austin was an amazing dad.

25 "I asked Linda if 'where your man's at' was the only

1 thing the intruder said to her, and she stated that he
2 also told her, 'Don't get any of that on me,' when she
3 urinated on herself.

4 "I then asked Linda to go through her day before she
5 went to Austin's house. Linda stated that she got off
6 work at approximately 1130 hours and then drove to her
7 house which then she did laundry and had to move in a
8 bunch of shit she got from her mother's house.

9 "Linda advised that she had gotten a room in the
10 house before she met Austin and she continued to keep
11 belongings there.

12 "Linda stated that she installed a new air condition
13 unit in that room and then went to the gym.

14 "Linda advised that she wore her gym clothes to
15 Austin's house and removed her shirt and put on Austin's
16 shirt.

17 "Linda stated that Mason fell asleep on the couch and
18 James came back for a minute or two.

19 "Linda advised that she and Austin have a few snacks
20 and then went into the bedroom and had sex.

21 "Linda stated that she got up and went to the kitchen
22 to get another snack.

23 "I asked Linda approximately what time they had sex,
24 and she stated that it was approximately 2300 to 2330
25 hours, or 11:00 to 11:30 p.m.

1 "I asked Linda if Austin expected her to come to his
2 house, and she stated that Austin was expecting her, that
3 he told her -- and told her that he was ordering Chinese
4 food and would love for her to come over.

5 "I asked Linda how Austin communicated with her about
6 coming over, and she stated that she did not remember if
7 he called her or texted her, but she knew that she texted
8 him and asked him if he wanted her to come over, and he
9 texted her that he would love for her to.

10 "I asked Linda which gym she went to, and she stated
11 that she went to Planet Fitness on Bush River, which is
12 not the one she normally attended, because she wanted to
13 try out a new gym.

14 "I asked Linda how long she was at the gym, and she
15 stated that she was there for approximately an hour.

16 "I asked Linda what time she went to Austin's house,
17 and she stated it was directly after the gym. I asked
18 Linda what time she got to Austin's, and she stated that
19 she did not know.

20 "Linda stated that she knows that Mason was awake
21 when she got to Austin's house because James was there and
22 was talking to him.

23 "I asked Linda where they normally ate, and she
24 stated that they normally put food on the stove. Linda
25 stated that they normally ate in the living room because

1 Austin did not like for them to eat in the bedroom or the
2 dining room because they did not have -- because they did
3 not use it for eating.

4 "I walked out of the" -- I'm sorry. "I walked out of
5 the room to print Linda's text messages with Austin. When
6 I returned to the room, I asked Linda if she had heard
7 anything about Austin. She stated that she only heard
8 that he was hurt.

9 "I asked Linda what made her go to Planet Fitness on
10 Monday, and she stated -- instead of the one in Cayce.
11 Linda stated that she felt like the Bush River location
12 was the same distance as the one in Cayce and she had
13 never been there. She stated that they allowed you to
14 bring a guest because she is a member. Linda stated that
15 Austin's house was only about two exits up from the Bush
16 River Road location.

17 "I asked Linda if she was already planning on going
18 to Austin's house after the gym, and she stated that it
19 was assumed because she went to Austin's house all the
20 time. Linda stated that she lived there in his eyes.

21 "I again asked Linda if there was a specific reason
22 why she went to that gym location, and she stated that
23 there was not. It was closer to Austin's and he had been
24 texting her.

25 "Linda stated that she and Austin would either call

1 or text each other every day.

2 "I asked Linda how she felt about her relationship
3 with Austin. She stated that she loved him and was going
4 to be with him forever.

5 "I asked Linda if they were exclusive, and she stated
6 that they were. Linda advised that a long time ago she
7 caught him with a girl. Linda stated that they have been
8 exclusive for the last six months.

9 "Linda stated that she had some compromising
10 photographs on her cell phone, but Austin does not care
11 what she does as long as she comes home to him."

12 Q Let me stop you right there.

13 Here you're asking if this was an exclusive
14 relationship. She indicates that it was ---

15 A Yes, ma'am.

16 Q --- but that she does have some other photos on her
17 cell phone.

18 A Yes, ma'am.

19 Q All right. At this point, has she informed you that
20 she's also involved in a romantic relationship with Rey
21 Romero?

22 A She did not, no, ma'am.

23 Q Including a sexual relationship?

24 A She did not, no, ma'am.

25 Q Please continue.

1 A It says, "Austin advised that she did not" -- I'm
2 assuming that's supposed to mean "Linda advised that she
3 did not sleep with other men.

4 "Linda stated that she had met Austin's entire family
5 except for a sister who lives in Baltimore, and she has a
6 good relationship with his family.

7 "I informed Linda that I had spoken with her mother
8 earlier in the morning and that she had told me that she
9 told her that she possibly knew who was responsible.
10 Linda stated that she believed the boys from Red Bank were
11 the only people she believed could be responsible. Linda
12 stated that those were the only people whom she knew that
13 were gang affiliated.

14 "I asked Linda the names of the people that she
15 believed were responsible, and she provided the names of
16 Rez, Shaq, Trey and Jeremy were all whom she went to high
17 school with.

18 Q Let me stop you right there.

19 Through the course of this investigation, can you
20 tell us whether or not Rez was identified as Torrez Adams?

21 A Yes, ma'am, he was.

22 Q Whether or not Shaq was identified as Shaquille
23 Summers?

24 A Yes, ma'am, he was.

25 Q Whether or not Trey was identified Treyon Bonner?

1 A Yes, ma'am, he was.

2 Q Whether or not Jeremy has been identified as
3 Jeremy Williams also known as Busta and also known as
4 Bosso?

5 A Yes, ma'am, he was.

6 Q Please continue.

7 A "Linda stated that they were the boys singing in the
8 rap video but she did not believe that they would be
9 responsible because they were friends with her boyfriend
10 before he passed away. I asked Linda why she did not
11 believe that those persons would be responsible, and she
12 stated that they all knew what she had been through and
13 they would not do that to her.

14 "I asked Linda who would be responsible, and she
15 stated that all of the names that she had provided to us
16 were gang members, and they all hang out at the hood store
17 that she told us about.

18 "I informed Linda that she told us that the day
19 before that all of the marijuana in the house was hers and
20 I asked her if people would come to the house to buy
21 marijuana. Linda stated that some of the weed was hers,
22 but she took responsibility for all of it the day before
23 because most of it was Austin's, and he had way bigger
24 things going on.

25 "Linda then advised that she would go meet people to

1 sell the marijuana and she was not allowed to have people
2 come to the house. Advised Linda if Austin had" -- I'm
3 sorry. "I asked Linda if Austin had ever had people come
4 to the house to buy marijuana, and she stated that she did
5 not know, that he had -- that he did have guy friends come
6 over, but she usually kept the children occupied when he
7 had people come over.

8 "I left the room to retrieve the printed-out copies
9 of her text messages between her and Austin and then came
10 back in and asked Linda if the marijuana was hers or not,
11 and she stated that it was -- what was in the gift bag was
12 hers, but that plus a blunt in the ashtray was all that
13 was hers. The rest was Austin's."

14 Q All right. So let me stop you right there.

15 When you refer to coming back with text messages, has
16 there been an initial phone extraction conducted in this
17 case by Detective Sherban?

18 A Yes, ma'am, there had.

19 Q And that's the phone extraction that you already
20 would have recovered at the point to have copies of the
21 text messages between herself and Austin Hanahan?

22 A Yes, ma'am.

23 Q And then in addition to that, what additional -- were
24 other areas of the home found to also have marijuana
25 present?

1 A Yes, ma'am.

2 Q Is that what's being referenced here during this
3 course of the investigation?

4 A Yes, ma'am.

5 Q Please continue.

6 A "I told Linda that I had her text messages with
7 Austin, and I read them to her. After reading Austin's
8 reply to her text" ---

9 Q All right. And in response to that particular text,
10 I'm going to ask you whether or not it was vulgar in
11 nature.

12 A Oh, yes, ma'am.

13 Q And what, if any, response did she have to that?

14 A She -- she stated that they had a weird sense of
15 humor, she and Austin had a weird sense of humor.

16 Q What does she state next?

17 A (No response.)

18 Q Let me ask you this. Did you question her about
19 whether or not -- did you question her again about whether
20 or not she may have been involved with other individuals?

21 A Oh, yes, ma'am, I did.

22 Q And did you also question her about whether or not
23 she specifically had been involved with the individual she
24 called a friend, Rey Romero?

25 A Yes, ma'am, I did.

1 Q And tell us about that portion of the discussion
2 during this interview.

3 A Let's see. "I told Linda that there was a lot of
4 videos on her phone with her having sex with other men,
5 and she stated that she only fucked with one other man. I
6 asked his name, and she stated that it was Rey Romero. I
7 told Linda that she told us the day before that she had
8 been exclusive with Austin for the last six months, and
9 she stated that she had not, that she had also had sex
10 with Brandon in the last six months as well.

11 "I told Linda that I could tell that she had deleted
12 an entire text message thread from her cell phone and
13 asked her what the thread she had deleted. Linda stated
14 that she had deleted messages all the time. She probably
15 deleted messages about selling someone marijuana. I told
16 Linda that there were several messages on her phone about
17 selling marijuana. I then got a phone call and left the
18 room.

19 "When I walked back into the room, Detective Dykes
20 was telling Linda that she was not going to be charged
21 with prostitution if we found out that she had been
22 tricking.

23 "Detective Dykes told Linda that omission was lying.
24 Linda stated that she did not think that her sex life was
25 important, but she now understands that it is. Linda

1 stated that she had been having sex with Rey, but no one
2 knew that she was having sex with him.

3 "Retrieved a printout of Rey's most recent booking
4 photo which identified him as Reynerio Romero and showed
5 it to her, and she confirmed that that was the Rey who she
6 was talking about.

7 "I again asked Linda where she was before she went to
8 Austin's house, and she stated that she was at her house.
9 I asked Linda where she was before she was at her house,
10 and she stated she was at work before her house.

11 "I again asked Linda why she went to the gym on Bush
12 River Road, and she stated that she went there to meet up
13 with Rey.

14 "Linda stated that she and Rey left separately from
15 the gym and she went to Austin's house.

16 "I asked Linda why she did not tell us about meeting
17 up with Rey earlier, and she did not answer.

18 "I asked Linda if Rey was the male who came into the
19 house, and she stated that he was not.

20 "Linda stated that she was sorry that she had not
21 been honest about Rey, but she was not a liar.

22 "I asked Linda again if she tricked, and she stated
23 that she did not. I asked Linda again, and she stated
24 that she had before from the club.

25 "I told Linda that she was texting Austin on 5/12

1 about a female named Bree and told him, 'You ain't shit,
2 man.'"

3 Q Let me stop you right there.

4 Did there -- from your examination from her phone,
5 did there appear to be some deleted text messages?

6 A Yes, ma'am.

7 Q And through the course of your investigation, was it
8 learned those text messages were between Linda Monette and
9 Rey Romero?

10 A Yes, ma'am.

11 Q And in regards to examination of her phone and her
12 relationship with Austin, did it appear that she and
13 Austin were having some type of disagreement regarding
14 their relationship in the days preceding this event?

15 A Yes, ma'am.

16 Q Is that what you're referring to with the examination
17 of her text messages on May 12th?

18 A Yes, ma'am.

19 Q And did she acknowledge that that was accurate, that
20 she and Austin had been engaged in a disagreement
21 regarding their relationship?

22 A Yes, ma'am.

23 Q And on a break as she had put it previously?

24 A (No answer.)

25 Q Now, regarding Rey Romero, does she, at any point in

1 this interview, acknowledge that she has been with him
2 recently in areas around the hood store, around Topaz
3 Court or any other area near Red Bank?

4 A Yes, ma'am, she did.

5 Q What did she say in that regard?

6 A "Linda stated that when she found out that Austin was
7 with another girl, she drove to Topaz where Jeremy
8 Williams lived and hung out with Rey. Linda stated that
9 whenever she came to see Rey, she would pick him up from
10 the house on Topaz Court and leave because he did not want
11 her there to hang out with the people there. Linda stated
12 that Rey did not want her at the house on Topaz Court
13 because he told her the people in the house wanted to rob
14 her when she would come by and they had robbed people in
15 the yard before."

16 Q All right. So just to clarify, this residence at
17 Topaz Court, is it a residence that she, according to the
18 information she was supplying you on this date, would take
19 Rey to?

20 A Yes, ma'am.

21 Q And pick Rey up from?

22 A Yes, ma'am.

23 Q Did you question her as to her most recent contact
24 with Rey?

25 A Yes, ma'am.

1 Q And what, if anything, did she say?

2 A "I asked Linda if she had sex with Rey on Monday,
3 which would have been the 13th, and she stated that she
4 did not.

5 "I asked Linda why she met with Rey at the gym, and
6 she stated that Rey texted her and wanted to go to the gym
7 because he had not been to the gym in a long time and
8 wanted to start working out again."

9 Q All right. And, again, were you able to recover any
10 text messages between she and Rey regarding meeting at the
11 gym?

12 A No, ma'am.

13 Q And by her own admission, have those text messages
14 been deleted?

15 A Yes, ma'am.

16 Q Please continue.

17 A "I asked Linda why he chose to meet Monday of all the
18 days he could have chosen, and she stated that he texted
19 her and asked her.

20 "Detective Dykes asked Linda if Rey had a vehicle,
21 and she stated that he did not. And she stated that one
22 of the boys from the hood store drives a small silver car
23 and Rey -- and drives Rey around all the time. Linda
24 advised that the small silver car went to the gym."

25 Q All right. And just to clarify, did you ultimately

1 obtain video from Planet Fitness on Bush River Road?

2 A Yes, ma'am.

3 Q Can you tell us what type of vehicle Linda Monette
4 was driving at this point in time?

5 A (No answer.)

6 Q Were you able to identify her vehicle on the video
7 surveillance?

8 A Yes, ma'am.

9 Q Can you tell us whether or not it was consistent with
10 a black Kia sedan?

11 A It was, yes, ma'am.

12 Q And having observed that video surveillance, does it
13 appear whether she and Rey Romero arrived together?

14 A Yes, ma'am.

15 Q And leave together?

16 A Yes, ma'am.

17 Q Please continue.

18 A "Detective Dykes asked Linda if she was sure that Rey
19 was not the person in the house, and she stated that he
20 was not because the intruder's skin tone was too dark. I
21 asked Linda who was at the house, and she stated that she
22 did not know, that she had given us the names of all the
23 people that Rey knew.

24 "I asked Linda why she met with Rey at the gym, and
25 she stated that they met just to work out. I told Linda

1 that I believed that they had met up to talk about the
2 pending robbery and plan its execution. Linda stated that
3 she did not have anything to do with the incident and she
4 promised that she had nothing to do with it even though
5 she had been promising and swearing about lies that we had
6 since caught her in.

7 "I asked Linda if the people in the car that dropped
8 Rey off, which she described as a light-skin taller black
9 male with poofy hair and his mixed girlfriend, stayed
10 outside the gym until Rey left or if they dropped him off
11 and left. Linda stated that the car was gone when she
12 left. I asked Linda what happened to Rey when she left,
13 and she stated that she did not remember."

14 Q Okay. So just to clarify, she is, once again,
15 maintaining that Rey arrived to the gym separately and
16 left separately?

17 A Yes, ma'am.

18 Q And that's information video surveillance has
19 disputed?

20 A Yes, ma'am.

21 Q Please continue.

22 A "Detective Dykes asked Linda where she took Rey after
23 the gym, and she stated that if she had taken him
24 anywhere, it would have been to the hood store. Linda
25 stated that sometimes she drops Rey off at a friend's

1 house in the Fern Apartments, but she was pretty sure that
2 she took him to the hood store.

3 "I asked Linda what she talked about with Rey while
4 going to the hood store, and she stated that they did not
5 talk while driving.

6 "Linda stated that she had picked up Rey from the
7 hood store before and taken him to the house on Smith Pond
8 Road, and she was afraid that, if Rey was the person who
9 came into the house, he might try to hurt her deceased
10 boyfriend's mother.

11 "I told Linda that she told us earlier that she was
12 confident that Rey was not the male in the house, and she
13 advised that she believes that the skin was too dark to be
14 Rey, but it was consistent with a black boy at the hood
15 store. I asked Linda about the boy's name, and she stated
16 that he was the one person who hangs out at the hood store
17 whom she did not know. Linda advised that Rey told her
18 not to hang out with that male, that they rob people.

19 "I asked Linda how the male would know where Austin
20 lived, and she stated he was invited to participate in the
21 rap video.

22 "I asked Linda if the male was in the rap video, and
23 she stated that she thought he might be.

24 "I asked Linda why someone would wait nine months to
25 break into a house to steal something because there would

1 be a likelihood after nine months that whatever they saw
2 valuable in the house would be gone.

3 "Detective Dykes asked Linda if she told Rey how much
4 money was in the house, and she stated that she did not
5 tell Rey anything about the money because she did not know
6 how much was in the house. I asked her again how much was
7 in the house, and she stated that she did not know how
8 much was in the house. I told Linda that she told
9 Sergeant Anderson the night prior that Austin had just
10 cashed a check for \$15- to \$20,000. Linda continued to
11 deny knowing anything about the money in the house or
12 about Rey knowing about anything in the house.

13 "Detective Dykes reminded Linda that she told us that
14 she had been honest about everything she told us the night
15 before and we had since found out about her and Rey being
16 together, which she did not mention the night prior.
17 Linda then stated she did not want to get Austin in
18 trouble.

19 "I continue to ask Linda about how much money she
20 told Rey was in the house, and she stated that she knows
21 that Austin hides money in his room in different places
22 because he has told her before and she has seen him get
23 money out of a baseball cap on the wall. Linda advised
24 that Austin told her he likes to keep his money separated
25 because if someone comes in his house and takes any, it is

1 not all together.

2 "Linda stated that she did not tell anyone about the
3 money and she wished that we believed her.

4 "Linda stated that people know that Austin sells weed
5 and he has a lot of weed.

6 "I again asked Linda what time she got to the gym,
7 and she stated that it was around 1630 hours. And I asked
8 her when she left the gym, and she stated that she could
9 not remember.

10 "Linda stated that she did not know that someone was
11 going to kick in the door and then stated, 'I can't just
12 pee on command on myself.'"

13 Q All right. Let me stop you there.

14 In addition to the video footage that was obtained
15 from Planet Fitness, did you also, during the course of
16 this investigation, obtain video footage from the 7 to 11
17 store located at Two Notch?

18 A Yes, ma'am, we did.

19 Q Can you tell us whether or not the black Kia is
20 observed dropping off Rey at any point on May 13, 2019?

21 A Yes, ma'am, it was.

22 Q That would be the same day of the home invasion?

23 A The -- the evening prior.

24 Q Or earlier, earlier that day.

25 All right. Can you tell us whether or not the

1 conversation and discussion of the interview, including
2 the description of the intruder, continued?

3 A I'm sorry. Could you repeat that?

4 Q Can you tell us whether or not you and Detective
5 Dykes continued to question her or interview her regarding
6 the identity of the intruder?

7 A Yes, ma'am, we did.

8 Q What, if anything, does your supplemental note?

9 A "Detective Dykes and I continued questioning Linda
10 about who the intruder was, and she stated that she
11 believed that one of the persons named on the list that
12 she provided to us would likely know about it.

13 "Linda stated that she was scared because she did not
14 want to go to jail for something that she did not do. I
15 informed Linda that she could not go to jail for something
16 that she did not do.

17 "I asked Linda what text thread she deleted from her
18 cell phone, and she asked if we had the messages between
19 her and Rey. Linda stated that she might have deleted
20 messages about marijuana sales. I informed her that there
21 were several messages regarding marijuana sales, and it
22 would not make any sense to delete some but not all.

23 "Linda stated that she has sold up to a pound of
24 marijuana for Austin before, and Austin is known to buy
25 and sell cocaine. Linda stated that he has sold cocaine

1 to a friend named Jerome and Chris.

2 "Linda then advised Austin was involved with some
3 Asians who bring him a lot of weed. I asked Linda what
4 the Asians' men's names were, and she stated that they
5 were Bobby and T. Linda advised that Asians were -- the
6 Asians were wealthy men, that they had been to Austin's
7 house before, and they had bought Austin's children gifts
8 before.

9 "Linda stated that the Asians came to Austin's house
10 recently and told them that someone had come to their
11 house and robbed them. Linda advised that the Asian men
12 did not know who robbed them, but it was on video and
13 there were men dressed as police officers wearing fake
14 gardening gloves."

15 Q All right. So let me stop you there.

16 So her original statement was identifying someone
17 that, according to her, she recognized from the hood store
18 as possibly being involved.

19 A Yes, ma'am.

20 Q And matching the description of the intruder.

21 A Yes, ma'am.

22 Q And she's now giving information regarding Asian
23 individuals?

24 A Yes, ma'am.

25 Q And other unknown individuals.

1 A Yes, ma'am.

2 Q Now, moving on, was she able to ever acknowledge with
3 confirmed identity during this interview? Was she ever
4 able to confirm the identity during the course of this
5 interview of the individual that broke in?

6 A No, ma'am.

7 Q Was she ever able to make a statement such as "I
8 immediately knew him"?

9 A No, ma'am.

10 Q "I immediately recognized his eyes"?

11 A No, ma'am.

12 Q "I immediately recognized his voice"?

13 A No, ma'am.

14 Q "As soon as he came in the door, I immediately knew"?

15 A No, ma'am.

16 THE COURT: Madam Solicitor?

17 MS. MAYES: Yes.

18 THE COURT: I don't want to cut you off, but we do
19 need to take a short break here. Not right this minute,
20 but if you could just find a transition spot into a break,
21 I'd appreciate it.

22 MS. MAYES: I believe we can, Your Honor.

23 BY MS. MAYES:

24 Q So moving -- moving along, did you have the
25 opportunity to actually make Linda Monette aware that you

1 had recovered a video from the Planet Fitness?

2 A Yes, ma'am.

3 Q What occurred in that regard?

4 A "I told Linda that we had just gotten access to video
5 that shows her arriving at the gym with Rey in the car
6 with her. Linda shook her head and stated that she did
7 not recall that. Linda stated that she felt as though she
8 was misremembering because of the pressure that she was
9 under while being interviewed.

10 "I asked Linda why she deleted her text messages with
11 Rey, and she stated that, after the male left the house,
12 she texted Rey and asked him if he knew who could have
13 been responsible."

14 Q Was this the first time that she had acknowledged
15 that she had contacted Rey Romero immediately after the
16 invasion?

17 A Yes, ma'am.

18 Q Please continue.

19 A "Linda stated that she called Rey because he did not
20 answer her text, and she told him that the person who
21 broke into the house had the same color flag as all of his
22 friends. Linda advised Rey that Rey told her to stop
23 talking crazy over the phone.

24 "I asked Linda why she deleted the text messages, and
25 she stated that she did not want Austin to see it. I told

1 Linda that Austin had already been shot at that point and
2 he would have not been concerned with going through her
3 text messages.

4 "Linda advised that she texted Rey after they had
5 already gotten to the hospital.

6 "I asked Linda why she had deleted the messages, and
7 she stated that she always deleted the messages between
8 her and Rey. I told Linda that she did not because she
9 had messages on her phone from the 14th that she did not
10 delete. Linda stated that she deletes a lot of messages,
11 and I again asked her why she deleted them.

12 "Linda stated that Rey told her that she was going to
13 be okay and things would get better, and she replied that
14 she would give her life for Mason.

15 "Linda advised that a comment that Rey made about
16 Austin made her think that he might be involved.

17 "I asked Linda where she picked Rey up from before
18 taking him to the gym, and she stated that she picked him
19 up from the hood store.

20 "I asked Linda if she had sex with Rey Monday, and
21 she stated that she did not, but she did not long before
22 Monday.

23 "I asked Linda why she picked him up from the hood
24 store and carried him to the gym and then return him to
25 the hood store, and she stated that they had been talking

1 about going to the gym for a while."

2 Q All right. Now, can you tell us whether or not,
3 during the course of the interview with you and Detective
4 Dykes, she ultimately acknowledges a statement made by Rey
5 Romero in furtherance of the conspiracy to hit a lick?

6 A Yes, ma'am.

7 Q What, if anything, does she say in that regard?

8 A "Linda stated that Rey made a comment approximately a
9 month prior that his birthday was coming up and he wanted
10 to hit a lick, which I know to be slang for commit a
11 robbery or burglary.

12 "I asked Linda when Rey's birthday was, and she
13 stated that it was [REDACTED].

14 "I told Linda that Mason was not supposed to be at
15 the house, and she stated that she knew he was going to be
16 there.

17 "I told Linda that I knew that she had just found out
18 about Mason being at the house around lunchtime Monday
19 because of the text messages.

20 "Detective Dykes asked Linda where Rey gets his weed
21 from because she mentioned that he sells marijuana as
22 well. Linda stated that sometimes Rey gets marijuana from
23 her.

24 "Detective Dykes confirmed with Linda that Rey would
25 know that Austin has a large quantity of marijuana since

1 she gets it from him and she gives it to Rey.

2 "Linda stated that Rey would know that Chris and
3 Austin were friends and would know that Austin has
4 marijuana.

5 "Detective Dykes asked Linda if Rey would know that
6 Austin had a large quantity of money, and she stated that
7 he could assume, but he would have no way to know.

8 "Detective Dykes told Linda that Rey was in a
9 relationship with her so he would know about Austin's
10 money.

11 "Linda advised that Rey was the only black person
12 that she served, and sold to approximately ten people.

13 "Linda stated that she had money, and I asked her if
14 -- if she had money, why she sent out an audio file saying
15 that she needed to get money."

16 Q All right. And so let me stop you right there.

17 The audio file is something from her cell phone?

18 A Yes, ma'am.

19 Q And it was recent in time to this event?

20 A Yes, ma'am.

21 Q And also an indication that she needed money?

22 A Yes, ma'am.

23 Q Please continue.

24 A "Linda advised that she -- Linda advised that -- said
25 she needed to get money -- some money together. Linda

1 stated that she needed to get money together for Brandon."

2 Q That was for Brandon Rodigheiro?

3 A Yes, ma'am.

4 Q Who she had previously identified as another romantic
5 partner?

6 A Yes, ma'am.

7 Q Currently incarcerated?

8 A Yes, ma'am.

9 Q And this would be in reference to bond money?

10 A Yes, ma'am.

11 Q Please continue.

12 A "I asked Linda who she thought was trying to get --
13 who she was trying to get the money from, and she stated
14 that she was a dancer and she could get money -- get the
15 money in a night.

16 "Detective Dykes told Linda that we knew about
17 Austin, Rey and Brandon and asked if there was anyone
18 else. I told Linda that we also knew about the johns,
19 which is a common slang terms for persons whom solicit
20 prostitutes."

21 MS. MAYES: All right. I'm going to stop you right
22 there.

23 I'm going to ask you whether or not she ultimately
24 acknowledged sexual contact with Rey, having a sexual
25 relationship with Rey during the time period leading up to

1 this even if not on Monday.

2 I'll tell you what. Your Honor, this might be a good
3 time for a break.

4 THE COURT: All right. Let's take a few minutes
5 here. Everybody refresh yourselves. Let's call it ten
6 minutes. I'll be back with you shortly after. I know
7 we're not at trial, but I don't think you need to discuss
8 your testimony with the State while you're on a break.

9 (WHEREUPON, a recess is taken at 12:12 p.m.)

10 THE COURT: All right. We can pick up where we left
11 off.

12 Madam Court Reporter, are you ready to go?

13 BY MS. MAYES:

14 Q Detective Hart, for the sake of brevity, did you
15 document the content of the audio and video recording that
16 you have supplied in this case in the form of a
17 supplemental?

18 A Yes, ma'am, I did.

19 Q Does the supplemental reflect adequately the content
20 of this interview?

21 A Yes, ma'am, it does.

22 Q And that has been provided pursuant to discovery in
23 this case?

24 A Yes, ma'am.

25 Q Now, particular portions of this, can you tell us

1 whether or not that included you confronting Linda Monette
2 regarding deleted text messages with Rey Romero?

3 A Yes, ma'am, it did.

4 Q Did she acknowledge that there were text messages
5 that were deleted?

6 A Yes, ma'am, she did.

7 Q I'm going to refer you specifically to page 120 of
8 your supplemental, and I'm going to ask you whether or not
9 she made any admissions about being concerned about the
10 content of the text messages with Rey Romero being covered
11 by law enforcement.

12 As to page ---

13 A Yes, ma'am, she did.

14 Q Okay. What, if anything, did she say in that
15 regard?

16 A "Detective Dykes asked if -- Linda if the reason she
17 deleted messages between Rey and herself was because she
18 did not want law enforcement to see it. Linda admitted
19 that she did not want to get in trouble for texting about
20 it. Detective Dykes then confirmed that Linda deleted
21 messages to keep law enforcement from seeing them.

22 "I told Linda that she had also tried to conceal the
23 fact that she was with Rey at the gym, and she stated she
24 forgot about Rey because they were just talking about her
25 day. I told her she picked Rey up from the store, drove

1 him to the gym and then drove him back to the store. It
2 was not likely that she forgot about it the next day."

3 Q All right. So moving on, I'm going to ask you
4 whether or not in a later portion of the interview, I'll
5 refer you specifically to page 122 of your supplemental,
6 does she acknowledge anything about hearing the dogs bark
7 on the night of the home intrusion?

8 A Yes, ma'am, she does.

9 Q What, if anything, does she say in that regard?

10 A She stated, "The dogs were barking. Austin just told
11 them to shut up, that one of the dogs was barking in a
12 manner that was inconsistent with the way she normally
13 barked. So she went into the kitchen and grabbed a snack.
14 Linda advised that when she walked around the counter, the
15 door was kicked in."

16 Q Let me stop you right there.

17 She acknowledged hearing a dog bark and that she then
18 got up alone to go to the kitchen?

19 A Yes, ma'am.

20 Q And that that's when the door was kicked in?

21 A Yes, ma'am.

22 Q All right. I'm going to move forward now to page 123
23 of your supplemental. Did she provide any further
24 information regarding her involvement that day with Rey
25 Romero and any timeline of events according to Linda

1 Monette that occurred that day while she and Rey Romero
2 were together?

3 A You said another event when they were together that
4 day? Is that what you're asking?

5 Q Yes.

6 A Yes, ma'am.

7 "Detective Dykes asked Linda if she went to another
8 store with Rey before or after he dropped -- she dropped
9 him off at the hood store, and she stated that she had
10 stopped at Food Lion with him to grab a \$20 bill from a
11 boy named Tito. Linda stated that it was at the Food
12 Lion in Red Bank, but she could not find Tito at the Food
13 Lion.

14 "Linda stated she drove to a Food Lion with Rey from
15 Planet Fitness, and then she dropped Rey off at the hood
16 store.

17 "Detective Dykes asked Linda where else she went
18 Monday, and she stated that she went to Tito's house
19 before Food Lion to see Tito, Selena, Sergio and Isaiah
20 and advised that when she arrived at the house, David
21 Ramirez came up to her car window.

22 "Linda stated that she also believes that she and Rey
23 stopped at a Circle K gas station to get cigarettes.
24 Linda advised that she also went to a place called Dab
25 City next to Planet Fitness after they left the gym.

1 "And then Detective Dykes and I walked Linda back to
2 the detention center to ensure that she made her bond
3 hearing that afternoon."

4 Q All right. So to follow up on that, she
5 acknowledges, by this point in the interview, that she and
6 Rey have been together to Planet Fitness and from Planet
7 Fitness on the day of the incident, May 13, 2019, that led
8 into the early morning hours of May 14, 2019.

9 A Yes, ma'am.

10 Q She acknowledges that she had dropped Rey off at the
11 hood store at some point later that day after Planet
12 Fitness.

13 A Yes, ma'am.

14 Q She acknowledges that she and Rey had been together
15 at other locations such as Food Lion, Dab City and
16 potentially Circle K.

17 A Yes, ma'am.

18 Q And at the end of this interview, she is escorted
19 back to the detention center because she is potentially
20 going to have a bond hearing.

21 A Yes, ma'am.

22 Q And she is still in the custody of law enforcement.

23 A Yes, ma'am.

24 Q At this point in time, are you aware as to whether or
25 not Detective Livingston would have had the opportunity to

1 conduct or have any contact with the defendant, Linda
2 Monette?

3 A Yes, ma'am.

4 Q What do you recall in the regard?

5 A I know that Detective Livingston, being the only
6 female in our Major Crimes Division at the time, escorted
7 Ms. Monette to the restroom again.

8 Q Following that interaction, what occurred?

9 A Ms. -- Detective Livingston told me that -- that
10 Linda requested to speak with her later about the case.

11 Q So on the bathroom break, it was your understanding
12 that a request was made by the defendant, Linda Monette,
13 to participate again in an interview?

14 A Yes, ma'am.

15 Q And who would that interview be with?

16 A With Detective Livingston.

17 Q And what, if any, arrangements were made for that to
18 occur?

19 A We'd arrange for Detective Livingston after
20 Ms. Monette's bond hearing, after she was able to make her
21 bond hearing, arrange for Detective Livingston and
22 Sergeant Anderson to retrieve her from the jail and
23 interview her after that hearing.

24 Q And do you have the time of that event?

25 A (No answer.)

1 Q Or can you tell us whether or not that would have
2 occurred within a two-hour period?

3 A I don't have the time documented here in front of me.
4 Just a second.

5 Yes, ma'am. She will return to speak with Detective
6 Livingston within a two-hour period.

7 Q Okay. Approximately 4:16 p.m. ---

8 A Yes, ma'am.

9 Q --- does that sound accurate?

10 Now, have you had the opportunity to review that
11 interview conducted by Detective Hayli Livingston as well
12 as Sergeant Brian Anderson?

13 A Yes, ma'am, I have.

14 Q Was that also recorded in any type of format there at
15 the sheriff's department?

16 A Yes, ma'am.

17 Q What type of video format recorded that interview?

18 A The same video that recorded the other two. It's the
19 preinstalled equipment in the rooms.

20 Q And can you tell us whether or not on this particular
21 date, May 15, 2019, any type of written statement was made
22 by Linda Monette?

23 A Yes, ma'am.

24 Q And that written statement on the 15th was made to
25 which officer or officers?

1 A Detective Livingston and Sergeant Anderson.

2 Q And has a copy of that written statement been made
3 part of your case file?

4 A Yes, ma'am.

5 Q As well as provided to the State and the defense in
6 this case?

7 A Yes, ma'am.

8 Q Can you tell us whether or not, in your
9 communications with Linda Monette on the 15th, she
10 continued to agree to participate in a polygraph
11 examination?

12 A Yes, ma'am, she did.

13 Q Did all of that communication about a polygraph
14 appear to be free and voluntary from what you observed?

15 A Yes, ma'am.

16 Q Did you prepare paperwork for the defendant to
17 participate in a polygraph at the State Law Enforcement
18 Division?

19 A I did, yes, ma'am.

20 Q On which date was the paperwork actually prepared and
21 submitted?

22 A On the 16th.

23 Q All right. That would be the day prior to the
24 polygraph?

25 A Yes, ma'am.

1 Q And ultimately, on the 17th, were you present for the
2 administration of that polygraph at the State Law
3 Enforcement Division?

4 A Yes, ma'am.

5 Q Who else was present?

6 A Lieutenant McCann.

7 Q And then the polygraph examiner is Caitlin
8 McPherson-Bryant?

9 A Yes, ma'am.

10 Q Were you able to observe the contact that she was
11 having with the defendant, Linda Monette, during that
12 process?

13 A Yes, ma'am.

14 Q Can you tell us, based upon your observations, did
15 her participation in that polygraph appear to still be
16 free and voluntary?

17 A Yes, ma'am.

18 Q Who actually transported Linda Monette to the State
19 Law Enforcement Division?

20 A Myself and Lieutenant McCann.

21 Q And throughout that time, again, did her
22 participation appear to remain free and voluntary?

23 A Yes, ma'am.

24 Q Can you tell us whether or not she was advised of her
25 Miranda rights once again on the morning of May 17, 2019,

1 during the course of that polygraph process?

2 A She was, yes, ma'am.

3 Q And, based upon your observations, did she appear to
4 acknowledge those rights and understand those rights as
5 they were administered to her by Agent McPherson-Bryant?

6 A Yes, ma'am, she did.

7 Q Following that interview, what, if any, contact did
8 you and Lieutenant McCann have with Linda Monette?

9 A We returned Ms. Monette back to Lexington County
10 Detention Center. And when we tried to take her back into
11 the detention center, she refused to go back, wanted to
12 talk to us at the sheriff's department. So we walked her
13 back to an interview room, mirandized her again and then
14 interviewed her again.

15 Q All right. And you were with Lieutenant McCann at
16 this point in time?

17 A Yes, ma'am.

18 Q What, if any, behavior did you observe by Linda
19 Monette?

20 A Meaning? I'm sorry.

21 Q How -- how willing was she to speak with you and
22 Lieutenant McCann at this point?

23 A Very insistent. We -- we actually tried to put her
24 back in the detention center, and she insisted that we
25 take her back to the sheriff's department and speak with

1 her.

2 Q When you say "insisted," did her body language
3 indicate that she was willing and wanted to go with you?

4 A Yes, ma'am.

5 Q Did her verbal cues indicate that she was willing and
6 wanting to go with you?

7 A Yes, ma'am.

8 Q She made that clear to you.

9 A Yes, ma'am.

10 Q With that being, again, something initiated by Linda
11 Monette, what, if any, decisions did you and Lieutenant
12 McCann make regarding an additional interview?

13 A We decided to go ahead and do an additional
14 interview.

15 Q And that took place where?

16 A In the sheriff's department interview room.

17 Q And you've had an opportunity once again to review
18 any audio and video recordings from that event?

19 A Yes, ma'am.

20 Q Can you tell us whether that event was also recorded
21 in its original format?

22 A Yes, ma'am, it was.

23 Q And you supplied the original format to the State for
24 purposes of discovery?

25 A I did, yes, ma'am.

1 Q And can you tell us whether or not a written
2 statement was also obtained on that date, May 17, 2019?

3 A It was, yes, ma'am.

4 Q Now, again, regarding Miranda, I know you've
5 indicated that it was recorded by video and audio, but,
6 again, at the outset of this interview conducted by
7 yourself and Lieutenant McCann, was she once again advised
8 of her Miranda rights?

9 A Yes, ma'am, she was.

10 Q Based upon all of your observations not only that
11 morning but through the last three days, the 14th, the
12 15th and then again on the 17th following the paperwork
13 that was done on the 16th, throughout that time, does she
14 appear to freely and voluntarily waive her Miranda rights
15 with the willingness to speak with you?

16 A Yes, ma'am, she did.

17 Q I'm going to show you a document and ask you whether
18 or not you recognize it.

19 A Yes, ma'am. It's the written statement provided by
20 Ms. Monette to myself and Lieutenant McCann.

21 Q Now, whose signature is on the file page
22 (indiscernible)?

23 A Linda Monette's.

24 Q And whose signature is on this document on page 1,
25 page 2, page 3 and page 4?

1 A Linda Monette's.

2 Q Were you present when this was obtained?

3 A I was, yes, ma'am.

4 Q And who else was in the room when this was obtained?

5 A Lieutenant McCann.

6 Q And can you tell us whose handwriting this document
7 was prepared in?

8 A Linda Monette's.

9 Q Can you tell us whether, once again, she acknowledged
10 her Miranda rights by being able to read them and initial
11 them on this form?

12 A She did, yes, ma'am.

13 Q Having been previously verbally advised that morning
14 both by the SLED agent at the polygraph examination and by
15 yourself at the (indiscernible) interview?

16 A Yes, ma'am.

17 Q On the final portion of the statement which would be
18 the (indiscernible) 3 and all of page 4, we see a question
19 and answer provision. Who is actually writing the
20 question?

21 A The first question was me. I wrote that question.
22 And I believe all the remainder of them, Lieutenant McCann
23 wrote them.

24 Q You recognize the handwriting of Lieutenant McCann?

25 A Yes, ma'am.

1 Q And who is providing the answers for the
2 (indiscernible) a portion of this written statement?

3 A Linda Monette.

4 Q Throughout the process of obtaining this written
5 statement, can you tell us whether or not her
6 participation appeared to be free and voluntary?

7 A Yes, ma'am, it did.

8 Q Did you threaten her or coerce her in any way to
9 participate in this portion of the interview?

10 A No, ma'am.

11 Q And providing the written statement?

12 A No, ma'am, we did not.

13 Q Was she promised anything in exchange for providing
14 this written statement?

15 A No, ma'am.

16 Q Was she given adequate food, water and anything else
17 that she may need during the course of this interview?

18 A Yes, ma'am.

19 MS. MAYES: I'm going to mark this as Court's
20 Exhibit 3, Your Honor, and then we are ready
21 (indiscernible).

22 THE COURT: Very well.

23 Any cross-examination, Mr. Williams?

24 MR. WILLIAMS: Yes, Your Honor.

25 THE COURT: Very well.

CROSS EXAMINATION

BY MR. WILLIAMS:

Q Officer Hart, we've seen a lot of the -- I guess we've watched how this (indiscernible). One of the things that you said was that she was insistent on having the final say with you or another detective with you (indiscernible); is that correct?

A Yes, sir.

Q And the statement that was just marked was the one that she has -- the written statement she initially signed and was witnessed by both of y'all, right?

A Yes, sir.

Q And when did you afford her Miranda warning for this particular (indiscernible)?

A When we got into the room, we -- and sat her down, I told her I had to read her her Miranda rights again.

Q And you hadn't given her her Miranda warning since the last time y'all get a statement from her, right?

A I did not personally, no, sir.

Q Nobody that you are aware of has given her Miranda warnings before this statement was taken because you were with McCann?

A I was.

Q She didn't give her her Miranda warnings before this as far as you know.

1 A SLED gave her her Miranda warnings that morning.

2 Q That was at the poly?

3 A Yes, sir.

4 Q All right. Do you recall seeing a video that was
5 part of discovery that would have included you and the
6 defendant and McCann being escorted in the hallway prior
7 to the taking of this statement that we've been referring
8 to?

9 A Yes, sir.

10 MR. WILLIAMS: So, Your Honor, I guess with the
11 Court's permission, it's best probably to just play this,
12 and maybe -- maybe he can explain -- because it's before
13 poly, maybe he can tell me exactly what's being said.

14 THE COURT: All right.

15 (Pause in proceedings.)

16 MR. WILLIAMS: Just go ahead and start. I'm going to
17 let him watch it, tell me what's being said.

18 (WHEREUPON, Defendant's Exhibit Number 1, a video, was
19 played in open court.)

20 BY MR. WILLIAMS:

21 Q Let me just -- let me just ask you about that. That
22 was a video of you taking her to the interview room where
23 she ended up signing a statement, which obviously was done
24 at 2:30. And this video -- this video is reflective of
25 1355 to 1409 on the same date, so that was just minutes

1 before you took her to the interview room and she went
2 ahead and gave this witness statement; is that correct?

3 A She gave the -- the written statement was several
4 minutes after the incident in the hallway. But yes,
5 sir.

6 Q Right.

7 A We went from that hallway to the interview room.

8 Q Right. And there was -- there was nothing in that
9 hallway, you were not telling her what her Miranda
10 warnings in that hallway or going over any of her
11 constitutional rights in that hallway, were you?

12 A No, sir.

13 Q And there was some, I guess, loud talking, if you
14 will? I've been accused of loud talking before. I just
15 wanted to know if there was any loud talking coming from
16 y'all in regards to what she needed to say and how her
17 story needed to be and was it instructive, were you
18 instructing her what you expected to hear in her
19 confession -- alleged confession.

20 A Yes, sir. We told her several times we wanted --
21 wanted her to tell us the truth, that we had caught her in
22 several lies.

23 Q And did you instruct her what you expected to hear?
24 Did you tell her you know what happened and you were
25 telling her that she needs to say what you're telling her

1 to say?

2 A We didn't -- we never said we -- she needs to say
3 what we're telling her to say. We told her we -- we knew
4 what had happened.

5 Q And you instructed her to what you knew what had
6 happened, right?

7 A We didn't tell her what had happened. We -- we gave
8 her what's called a theme, which is a common interview
9 technique which tries to lessen a suspect's involvement in
10 a crime but still admit some culpability in a crime. And
11 we were trying to give her a theme to -- to help her, I
12 guess, put yourself at ease in admitting to her
13 involvement in the home invasion.

14 MR. WILLIAMS: The -- Your Honor, while I'm -- I
15 guess while I'm messing with this, we would move to
16 introduce this as Defendant's Exhibit Number 1.

17 You've got to pop that sucker out.

18 THE COURT: For the purpose of this hearing only.

19 MR. WILLIAMS: I understand, Your Honor.

20 THE COURT: So admitted.

21 (WHEREUPON, Defendant's Exhibit Number 1 was admitted into
22 evidence.)

23 BY MR. WILLIAMS:

24 Q Now, the last time -- the last time that she had
25 received any Miranda warnings whatsoever was before the

1 polygraph had been done, correct?

2 A Yes, sir.

3 Q And how long ago was that before this?

4 A It had been a couple hours, at least. I don't know
5 the exact time.

6 Q At least two hours.

7 A Yes, sir.

8 Q What is it -- what theme are you trying to indicate
9 to her when you say, "What's going to happen when you go
10 to prison"?

11 A That's not part of a theme.

12 Q What -- what is that?

13 A That's -- so that's me questioning to her at that
14 point in time what if you were to go to prison for a
15 murder that you didn't pull the trigger on but the actual
16 trigger puller goes free because we don't know who he is
17 because of the lies that you've told us.

18 Q So the phrase "what's going to happen when you go to
19 prison" is said to encourage her to say what this theme is
20 and what you think happened; is that right?

21 A No, sir. I encouraged her several times, and I think
22 Lieutenant McCann did as well, the truth. We kept saying
23 we want the truth, not what we want to say, but ---

24 Q The -- since you've kind of summarized, and I think
25 I've heard the solicitor talk about -- about

1 inconsistencies and you said that this is inconsistent,
2 and did you subsequently investigate this, and this turns
3 out not to be true? Or you've done this videotaping and
4 you see where they get to the video store, it turns out
5 not to be the case?

6 After this conversation in the hallway is done, her
7 statements change in regards to everything that she has
8 said, essentially. Every other statement she's made
9 changes after this theme party that you had in the
10 hallway, correct?

11 A I wouldn't say that they completely change. I think,
12 for the most part, they were the same. She added a little
13 more of her involvement into it.

14 Q It is the first time that you could get close to,
15 encourage and indicate that she was involved in any kind
16 of conspiracy, isn't it?

17 A Yes, sir. I believe that was the first time that she
18 indicated she was part of the conspiracy.

19 Q But up until this point, you didn't have anything
20 from her that was enough to prove the conspiracy until
21 after you had this conversation with her in the hallway.

22 A Yes, sir.

23 MR. WILLIAMS: That's all I have.

24 THE COURT: Redirect.

25 MS. MAYES: Yes, sir, Your Honor.

REDIRECT EXAMINATION

1

2

BY MS. MAYES:

3

Q All right. I want to go back to the initial assessment you gave of what occurred after you returned from the polygraph. When you return from the polygraph, how willing, if at all, was she to go back to the detention center and actually be booked?

6

7

A Not at all.

8

9

Q And one thing I want to cover for purposes of the timeline, you had originally stated for the record that the day of her arrest from the possession to distribute marijuana charge was made (indiscernible). We are now on the morning of May 17th where she goes for the polygraph, which there's some testimony she was looking (indiscernible). She returns back to the detention center and is now initiating her communication with you and Lieutenant McCann. Had she been arrested on any additional charge leading up to this day from May 17th?

10

11

12

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14

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18

19

A Yes, ma'am, she had.

20

Q And what was that charge?

21

A An obstruction of justice charge.

22

Q All right. And what date was that obstruction of justice warrant served?

23

24

A It would have been the 15th, I believe.

25

Q Can you check your records just to verify that?

1 A Yes, ma'am. It was the 15th.

2 Q And who obtained that warrant, Detective Hart?

3 A Our victim's advocate Nieves [phonetic].

4 Q All right. But were you and other members of the
5 Major Crimes Unit involved in making that decision to
6 bring the charge of obstruction of justice?

7 A Yes, ma'am.

8 Q Can you tell us whether or not that charge for
9 obstruction of justice involved the multiple episodes of
10 what you previously described as Linda Monette being
11 deceitful during the interview?

12 A Yes, ma'am.

13 Q And that includes deceitful about her whereabouts on
14 May 13th.

15 A Yes, ma'am.

16 Q And does that include withholding information about
17 her involvement with Rey Romero?

18 A Yes, ma'am.

19 Q Does that include the deleting of text messages to
20 Rey Romero that she has acknowledged involved the
21 discussion of the events of the home invasion?

22 A Yes, ma'am.

23 Q Does that include her deletion of text messages that
24 followed immediately the home invasion?

25 A Yes, ma'am.

1 Q Had she acknowledged at this point that she first
2 began texting Rey Romero as EMS was working on Mason
3 Hanahan?

4 A Yes, ma'am.

5 Q And then subsequently deleted those text messages?

6 A Yes, ma'am.

7 Q Has she acknowledged to law enforcement whether or
8 not the content of the text messages, according to her,
9 involved discussions with Rey about who came inside?

10 A Yes, ma'am.

11 Q Have you also recovered communications from her phone
12 extraction that indicates she had telephone contact with
13 Rey Romero in addition to the text message contact?

14 A Yes, ma'am.

15 Q So once she's charged with obstruction of justice,
16 has that warrant been served?

17 A Yes, ma'am.

18 Q So when you're having this discussion with her in the
19 hallway, she's already been charged with obstruction of
20 justice.

21 A Yes, ma'am.

22 Q And your reference to potential penalty or
23 consequence of that for having been deceitful and possibly
24 withholding information, can you tell us whether or not
25 that related to what we heard there in the hallway?

1 A Yes, ma'am.

2 Q Now, apart and independent from the obstruction of
3 justice charge, did you make it known to her that you
4 wanted to speak with her regarding who actually committed
5 the home invasion?

6 A Yes, ma'am.

7 Q Who actually committed the burglary?

8 A Yes, ma'am.

9 Q Who actually committed the attempted armed robbery?

10 A Yes, ma'am.

11 Q Who actually murdered Mason Hanahan?

12 A Yes, ma'am.

13 Q Did she indicate to you that she wanted to provide
14 information in that regard?

15 A Yes, ma'am.

16 Q Now, what were the results of her polygraph? And
17 I'll ask it this way just for purposes of this hearing.
18 Can you tell us whether or not deception was indicated?

19 A Yes, ma'am, it was.

20 Q Was she informed of that?

21 A Yes, ma'am.

22 Q In the hallway, there is a discussion. And, again,
23 just to clarify, who is the female officer present for
24 that discussion?

25 A Lieutenant McCann.

1 Q Is there a discussion about the fact that she has
2 lied repeatedly in multiple previous interviews?

3 A Yes, ma'am.

4 Q By her own admission, she withheld information.

5 A Yes, ma'am.

6 Q By her own admission, she deleted text messages.

7 A Yes, ma'am.

8 Q And by her own admission, she did not tell the truth
9 about her whereabouts on May 13th.

10 A Yes, ma'am.

11 Q You confront her with that.

12 A Yes, ma'am.

13 Q Does Lieutenant McCann confront her with that?

14 A Yes, ma'am.

15 Q Is she confronted with the results of her polygraph?

16 A Yes, ma'am.

17 Q What, if any, attitude did you have about yet again
18 continuing another interview with her if it was going to
19 again result in deceit?

20 A We did not want to interview her again if she was
21 going to continue to deceive us.

22 Q And why is that?

23 A Because we -- we had been through three days of it at
24 that point.

25 Q And did you relay that to her?

1 A Yes, ma'am.

2 Q And so when you are stating to her that she is going
3 to have to tell the truth and she cannot continue to lie,
4 what was that in reference to?

5 A We told her that's the only -- the only way we would
6 take her back to the interview room and talk to her again
7 if she was going to be honest with us.

8 Q And I believe, at one portion of the interview,
9 Lieutenant McCann is heard saying "one time, one time."
10 What is that in reference to?

11 A If she lied to us again, we would take her back to
12 the jail.

13 Q And you yourself have conducted multiple interviews
14 with her. Had Detective Livingston also conducted
15 interviews with her?

16 A Yes, ma'am.

17 Q Sergeant Anderson?

18 A Yes, ma'am.

19 Q Were you interested in continuing to revisit the same
20 subject matter without her being forthcoming?

21 A No, ma'am.

22 Q Ultimately, whose decision was it to participate in
23 this interview?

24 A Hers.

25 Q And how did she make that clear to you?

1 A She -- well, she refused to go into the booking area
2 of the jail, and she told us she wanted to go back over to
3 the sheriff's department and talk some more about this
4 case.

5 Q And the confrontation that we heard, what were you
6 confronting her with?

7 A I was confronting her with several lies that we had
8 caught her in.

9 Q Her own prior statements.

10 A Yes, ma'am.

11 Q Were there any threats as to what would happen to her
12 in the future if she did not participate in this
13 interview?

14 A No, ma'am.

15 Q Your reference to prison regarded the obstruction of
16 justice and that she had already lied?

17 A Yes, ma'am.

18 Q And appeared to be covering for someone.

19 A Yes, ma'am.

20 Q But in regards to this interview, did she receive any
21 threats or coercion to force her to participate?

22 A No, ma'am.

23 Q Was she promised anything?

24 A No, ma'am.

25 MS. MAYES: Nothing further, Your Honor.

1 THE COURT: Recross?

2 MR. WILLIAMS: Thank you, Your Honor.

3 RE CROSS EXAMINATION

4 BY MR. WILLIAMS:

5 Q So at this point in time, the only charges that she
6 had been charged with was PWID and obstruction of justice.

7 A Yes, sir.

8 Q She had not been charged with the murder charge.

9 A No, sir.

10 Q And when you were referring to polygraph, number one,
11 you're not qualified to administer a polygraph, and you
12 know nothing about polygraph.

13 A Only what the polygrapher has told me.

14 Q So what you were stating is that that's what some
15 report indicated that she had failed the polygraph. And
16 you don't know if that's related -- you don't know if it's
17 related specifically to a question that was asked that is
18 sensitive to your investigation or whether or not it had
19 to do with her fear, her feelings, her upsetness or
20 anything like that, correct? Because you're not an
21 expert.

22 A I'm not an expert, no, sir. But I was told by the
23 polygrapher that she did fail the relevant questions to
24 the case.

25 Q So -- and you didn't make a comment during this

1 hallway deal about that you're going to go to prison for
2 murder. You didn't make that comment.

3 A I don't remember specifically saying you're going to
4 go for murder. I said that the murderer would still be
5 out.

6 Q Are you denying that you made that comment?

7 A I'm saying I don't remember making a -- and I
8 certainly didn't hear it there, but I don't remember
9 saying, "You're going to go to prison for murder."

10 Q So your argument in this particular situation, even
11 though -- even though we have already established that you
12 haven't had rights read to her for at least two hours
13 before the polygraph, the argument here is that it's like
14 a search. It -- whatever -- whatever information gleaned
15 from this hallway visit was akin to the ultimate discovery
16 rule of searches when it comes to like drug deals and
17 stuff like that. You already had what you needed, right?

18 A No, sir. We actually told her we didn't want to talk
19 to her anymore about the case, and she was insistent about
20 going back to the sheriff's department and talking with us
21 some more.

22 Q So all the conversation that you just had with the
23 solicitor about that she had already told you these
24 things, then that's not the argument that this is just
25 ultimate discovery? Your conversation in the hallway,

1 your threats and all, that didn't have anything to do with
2 getting her to say these words and giving you a written
3 statement.

4 A No, sir. We didn't want to talk to her again. We
5 had already had all these comments from her.

6 Q How long did you keep her from the time in which she
7 gave her first statement till the second statement? Did
8 she give -- did she give two statements?

9 A As far as ---

10 Q After this.

11 A Before -- oh, after this? I couldn't -- I'd have to
12 watch the video and look at the time frames. I couldn't
13 tell you.

14 Q So referring to Court's Exhibit Number 3, the time
15 span that was involved, was it written in two different
16 time periods? Was there a gap in between in which he gave
17 some statement and then she took some time and she gave
18 another statement?

19 A It was all -- I don't want to misspeak. So it was
20 all in the same room during the same time frame. There
21 wasn't a break in us leaving or -- that room, but there
22 was she had stopped writing and then started writing
23 again, if that's what you're asking.

24 Q How long?

25 A I -- honestly, I don't know. I'd have to look at the

1 video and look at the time frames.

2 Q You started with the writing beginning at 2:30,
3 right, on that date?

4 A Yes, sir.

5 Q The only way -- and there's nothing else
6 (indiscernible). We don't know how long it took to write
7 (indiscernible)?

8 A Not without watching the video, no, sir.

9 MR. WILLIAMS: Your Honor, that's all I have.

10 THE COURT: All right. The witness may step ---

11 MS. MAYES: One brief question, Your Honor.

12 THE COURT: Wait a minute. I don't think ---

13 MS. MAYES: Okay. Yes, sir, Your Honor.

14 THE COURT: The witness is done.

15 MS. MAYES: All right.

16 THE COURT: I -- I hesitated because you stood up.

17 MS. MAYES: The State calls Detective Hayli
18 Livingston.

19 THE COURT: I've got a story to tell you all later.

20 WHEREUPON,

21 HAYLI LIVINGSTON,

22 After having been duly sworn, testified as follows:

23 THE CLERK: Take your mask off, state your name and
24 spell your last name for the record.

25 THE WITNESS: Hayli, H-A-Y-L-I, Livingston,

1 L-I-V-I-N-G-S-T-O-N.

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q Detective Livingston, where are you employed and in
5 what capacity?

6 A The University of South Carolina Children's Law
7 Center, and I'm an investigations trainer.

8 Q All right. How did you become involved in this
9 investigation concerning Linda Monette?

10 A Prior to my -- I'm right at under two years at USC.
11 I served about 11 years in law enforcement with my last
12 four and a half of that being at the Lexington County
13 Sheriff's Department Major Crime Unit as a detective.

14 Q All right. How did you first come into contact with
15 Linda Monette during the course of this investigation?

16 A I came in, I believe, on night shift. I think I'd
17 gotten there a little bit early that day, if memory
18 serves. And Detective Hart asked me if I minded escorting
19 her to the restroom. He said that there were no other
20 females available and that she'd requested to go to the
21 bathroom.

22 Q All right. And what occurred?

23 A I told him yes. I can't remember if he brought her
24 out into the hallway or if I went into the room and got
25 her. But at any rate, I escorted her to the end of the

1 hallway into the bathroom.

2 She made several statements to me then about them
3 thinking that she had something to do with killing her
4 stepson and that she didn't. And she told me that they
5 were, quote, being dicks to her and that she didn't really
6 want to talk to them anymore.

7 I told her the truth was that I had just come in, I
8 had no idea really to what she was speaking. I knew that
9 a young boy had lost his life, but that's really all I
10 knew about it.

11 She continued while she was using the restroom to
12 tell me that they -- that they didn't believe her, and
13 that they think that she had something to do with it, and
14 that if she were going to talk to anybody else about it,
15 she would talk to me. And then she asked if I could bring
16 her some pads or tampons.

17 Q All right. So going back, who actually asked for you
18 to be involved in an interview?

19 A Linda.

20 Q Did you, at any point during this bathroom break,
21 propose to her that you conduct an interview?

22 A No.

23 Q Whose idea was it?

24 A Ms. Monette's.

25 Q What happened next?

1 A If memory served, I told her that I couldn't just
2 basically become involved in the case, that I would have
3 to speak to the case officer, which was Detective Hart. I
4 also told her that her bond hearing, I believe, was coming
5 up and that they wanted her to make sure that she was able
6 to make that.

7 Again, she made statements about wanting to speak
8 with me regarding what happened and kept insisting that
9 she had nothing to do with Mason's death.

10 And then I escort -- I told her I would see what I
11 could do about the pads and tampons and escorted her back
12 to the jail.

13 On the way to the jail, she told me that she thought
14 Rey was involved, which at the time I wasn't familiar.

15 Q All right. So is that something that was solicited
16 by a question from you?

17 A No.

18 Q And, again, that came spontaneously from who?

19 A From Linda, from Ms. Monette.

20 Q So after she has indicated to you that she believes
21 someone named Rey is involved and that she wishes to
22 communicate directly with you regarding any information
23 that she may have, what action did you take?

24 A I went back -- after I rebooked her back in or signed
25 her back into the jail, I went back and talked to

1 Detective Hart. They were having a Major Crimes briefing.
2 It maybe lasted 10 or 15 minutes. I told her -- told them
3 what she had said and asked if he wanted me to interview
4 her or if they had other plans for the investigation.

5 Q All right. So if the earlier interview conducted by
6 Detective Dykes and Detective Hart had begun at
7 10:32 a.m., if the video time on that is three hours and
8 59 minutes, can you tell us whether or not that would put
9 your bathroom break at approximately 2:32 p.m.?

10 A Roughly, yes.

11 Q And from the time of your bathroom break to the
12 outset of your interview with the defendant, would you
13 estimate that was less than two hours?

14 A Very close, yes.

15 Q And if the video time for your interview with
16 Sergeant Anderson reflects 4:16 p.m., can you tell us
17 whether or not you believe that to be accurate?

18 A Yes.

19 Q Tell us about your initial interview with the
20 defendant. Who was present with you and where did that
21 take place?

22 A Sergeant Anderson, and it took place in one of the
23 Major Crimes -- or headquarters interview rooms.

24 Q And would that be the same interview room that we
25 previously observed to have the audio and the video

1 recording?

2 A I can't recall if it's the exact same room. But yes,
3 it would have had the audio/video recording.

4 Q And was this contact with Linda Monette audio and
5 video recorded?

6 A Yes.

7 Q And you've had an opportunity to review that for
8 purposes of this investigation?

9 A Yes, ma'am.

10 Q Is that a fair and accurate reflection of the
11 interview as it was conducted?

12 A Yes, ma'am.

13 Q I'm going to show you an item marked
14 Anderson-Livingston dated May 15, 2019, and ask you
15 whether or not you've had an opportunity to review the
16 video footage.

17 A Yes, ma'am.

18 Q Does that appear to be the same interview you
19 conducted on that date?

20 A Yes, ma'am.

21 MS. MAYES: This will be Court's Exhibit 4 at this
22 time, Your Honor.

23 THE COURT: Very well.

24 MS. MAYES: And the State would ask permission to
25 publish.

1 THE COURT: Very well.

2 BY MS. MAYES:

3 Q Now, Detective Livingston, did you have knowledge as
4 to whether or not the earlier interview conducted by
5 Detective Hart and Detective Dykes would have included
6 Miranda rights?

7 A Yes.

8 Q Did you acknowledge that at the outset of your
9 interview?

10 A I did.

11 Q Even having acknowledged that, did you also reiterate
12 and provide Miranda rights yet once again?

13 A I did.

14 (WHEREUPON, Court's Exhibit Number 4, a video, was played
15 in open court.)

16 BY MS. MAYES:

17 Q All right. So at the outset there is a reference,
18 once again, to the bathroom break. What were you
19 referencing there during the course of this initial
20 interaction with Monette?

21 A That she had asked to speak with me.

22 Q Now, in advising her of her rights, you said you were
23 aware that she had previously been advised earlier that
24 day by both Detective Hart and Detective Dykes.

25 A I knew she had been by one or the other or both.

1 Q All right. Did she ever make an unequivocal request
2 for an attorney?

3 A No.

4 Q Did she ever request an attorney be present in the
5 room during the course of the interview?

6 A No.

7 Q Did you, at any point, ask a clarifying question to
8 determine that she did want to proceed without an
9 attorney?

10 A I did.

11 Q What did you ask?

12 A I asked, I said, "Let's back it up. Do you want to
13 talk to me? Because I can't go forward unless you say
14 yes."

15 Q And what was her response?

16 A "Yes." And then she apologized as if she realized
17 she hadn't been clear.

18 Q All right. So did you consider that to be a clear
19 confirmation or affirmation that she did wish to proceed
20 with the interview?

21 A Yes.

22 Q Following your clarifying question?

23 A Yes, ma'am.

24 Q Now, in addition to that, did she also make
25 references on her own prior to even your clarifying

1 question that included a discussion of the case?

2 A Yes.

3 Q Did she talk about her house getting broken into?

4 A She did.

5 Q Do you recall her making the statement, "I don't even
6 understand why I'm even in this situation"?

7 A Yes.

8 Q Did you interpret that to be a discussion or an
9 intent to continue the discussion with you?

10 A Yes.

11 Q And, again, following that clarifying question, did
12 she freely and voluntarily waive her rights to participate
13 in this interview?

14 A She did.

15 Q Including any right to counsel?

16 A Yes, ma'am.

17 Q Did you also make it clear to you -- clear to her
18 that you were not there to question her on the marijuana
19 charge?

20 A Yes, ma'am.

21 Q Was it known to her that the purpose of this
22 interview was to, in fact, determine any details that she
23 may have regarding the murder investigation?

24 A Yes, ma'am.

25 Q And that was clear to her at the outset of the

1 interview?

2 A Yes, ma'am. I mean, I -- she seemed to be clear on
3 that, yes.

4 Q Now, Detective Livingston, did you have the
5 opportunity to make notes and summarize the content of
6 this interview as well?

7 A Yes.

8 Q Can you tell us whether or not you have a copy of
9 that summary with you?

10 A I do.

11 Q I'm going to refer you to the portion of your
12 supplemental report where you do summarize the content of
13 this interaction with Linda Monette.

14 A Okay.

15 Q Please continue.

16 A You want me to read?

17 Q Yes.

18 A Starting with "Linda continuously"?

19 Q Yes.

20 A Okay. "Linda continuously reiterated to us the same
21 things that she had told Detective Hart previously.
22 Eventually, Linda did tell us when Rey asked where she was
23 that night that she lied and told him she was at home.
24 She told us that he was likely mad that she had lied about
25 being with Austin.

1 I asked Linda if Rey had ever mentioned a robbery at
2 Austin's house before. She told me that he talked to her
3 before about his, quote, his" ---

4 Q Let me -- let me just ask you, is that a vulgar term?

5 A It is. I was going to spell it.

6 Q All right. Well, okay.

7 A Or not. I can do whatever.

8 She said, quote, His little N-I-G-G-A's wanting to do
9 a lick there, end quote.

10 "She went on to say that he asked Rey to stand that
11 down, and Rey told her that he wouldn't let it happen.
12 She also told us that Rey could have allowed it that night
13 because Linda wasn't supposed to be there."

14 Q All right. So to clarify, during the course of this
15 interview, she's acknowledging that Rey has spoken
16 previously about robbing Austin's house?

17 A Yes, ma'am.

18 Q And she's saying that she had asked Rey to, quote,
19 stand that down?

20 A Yes.

21 Q And then she acknowledges that Rey could have been
22 responsible for it occurring that night?

23 A Right.

24 Q Please continue.

25 A "I asked Linda again if she knew who the shooter was.

1 She told me that she didn't know his name but that she had
2 seen him hang out with Rey at the hood store. She told me
3 that his height, build, eyes and skin color were very
4 familiar to her." And then she provided a statement.

5 There was ---

6 Q All right. And the statement that she provided, can
7 you tell us whether or not that was in writing?

8 A It was.

9 Q I'm going to show you a document and ask you whether
10 or not you recognize it.

11 A Yes. This is the statement.

12 Q All right. Whose signature is on each page?

13 A Linda's.

14 Q And whose handwriting is it in?

15 A Linda's, with the exception of the questions on the
16 last page.

17 Q And whose handwriting is that in?

18 A Mine.

19 Q Were you present for the entire course of this
20 witness statement?

21 A I believe so. I may have stepped out. That's
22 policy. But without looking back, I can't recall exactly.
23 I was definitely present for the question and answer, yes.

24 Q You've had an opportunity to review this audio and
25 video in this case?

1 A Yes.

2 Q Did it accurately reflect what occurred in the course
3 of the written statement?

4 A Yes.

5 Q Was she threatened in any way in order to participate
6 in providing that written statement?

7 A No.

8 Q Was she coerced by yourself or Sergeant Anderson to
9 sign that witness statement?

10 A No.

11 Q Did you observe her writing the witness statement?

12 A Yes.

13 Q Whose handwriting are the answers to your questions
14 in?

15 A Linda's.

16 Q Would you have explained that portion of the
17 interview with her?

18 A Yes.

19 MS. MAYES: Beg the Court's indulgence.

20 I'm going to mark this as Court's Exhibit 5, being
21 the written statement identified by the witness.

22 THE COURT: Very well.

23 BY MS. MAYES:

24 Q All right. Detective Livingston, I'm going to ask
25 you whether or not the written statement portion is

1 completed in the video.

2 A Yes.

3 Q And I'm going to ask you to watch this briefly
4 beginning at 2:07.

5 (Pause in proceedings.)

6 THE COURT: Madam solicitor, this was provided in
7 advance, too, right?

8 MS. MAYES: It was, Your Honor, as well as the
9 written statement (indiscernible).

10 THE COURT: Thank you.

11 (WHEREUPON, Court's Exhibit Number 4, a video, is
12 played in open court.)

13 BY MS. MAYES:

14 Q Ultimately, Detective Livingston, does she fill out
15 the form and the top portion of Court's Exhibit 5 and you
16 have a copy of it as well?

17 A Yes, ma'am.

18 Q Does she fill out the content describing the events
19 that she had been questioned about?

20 A Yes, ma'am.

21 Q Based upon all of your observations throughout the
22 interview, did this appear to be freely and voluntarily
23 given?

24 A Yes.

25 Q And you made a reference to the rights that

1 previously have been read to her. Did she acknowledge
2 that she could read herself?

3 A Yes.

4 Q And that she had completed the 12th grade?

5 A Yes.

6 Q Did she ultimately acknowledge each of those rights
7 contained therein in the statement form?

8 A Yes, ma'am.

9 Q I'm going to ask you to take a look at what is
10 Court's Exhibit 5. And if you could start there at the
11 beginning and tell us the date on this particular written
12 statement.

13 A May 15, 2019.

14 Q And the location?

15 A Lexington County Sheriff's Department.

16 Q And the time that it began?

17 A 1812, so 6:12 p.m.

18 Q Does it contain her date of birth?

19 A It does.

20 Q As well as the current address for Linda Monette?

21 A Yes.

22 Q And what is that?

23 A [REDACTED] Smith Pond Road, Lexington.

24 Q And what grade in school did she complete?

25 A 12th.

1 Q Is she able to provide a contact person as well as
2 phone number?

3 A Yes.

4 Q Did you identify yourself as well as Sergeant
5 Anderson as the officers obtaining this statement?

6 A I did.

7 Q Can you tell us each of the rights contained on this
8 statement form and whether or not there is an initial next
9 to it indicating that she has acknowledged those rights?

10 A Yes. "I have the right to remain silent," she
11 initialed. "Anything I say can and will be used against
12 me in a court of law," initialed. "I have the right to
13 talk to a lawyer for advice before, ask any questions and
14 to have him or her present with me during questioning,"
15 she initialed. "If I have no money for lawyer's fees, the
16 Court will appoint one to represent me without cost if I
17 wish," she -- she initialed. "And if I decide to answer
18 questions now without a lawyer present, I will still have
19 the right to stop answering questions at any time. I also
20 have the right to stop answering questions at any time
21 until I talk with a lawyer," she initialed. "I have read
22 this statement of my rights, and I understand what my
23 rights are," she initialed. "I make the following
24 statement." And then her statement.

25 Q You may begin at the outset.

1 A Read her statement. "I got to Austin's Monday about
2 7 p.m. after leaving a serve's house in Red Bank off
3 McLee. I came inside and sat on the couch next to Mason
4 who was about to fall asleep. James left to go home to Ty
5 for the night."

6 Q Let me stop you right there. James is the reference
7 to James Baughman, a relative?

8 A Yes.

9 Q Please continue.

10 A "Mason was asleep by about 8:30 p.m. Sitting on the
11 couch I received a text from Rey asking me where I was at.
12 I told him I was at my house; however, I was actually at
13 Austin's house.

14 "I went and laid down with Austin" -- she wrote "in
15 the back" but scratched it out and corrected to "his
16 bedroom. We had sex and cuddled with each other. We
17 smoked a joint and got hungry. We got up and went to the
18 kitchen to grab a snack. We did so twice together.

19 "30 minutes or so later I went back to the kitchen
20 for a bite to eat. At the fridge I heard a doorknob move
21 as if someone was seeing if the door was locked.

22 "I was done in the kitchen, turned out the light and
23 headed back to our bedroom. As I turned to enter the
24 living room, I heard a loud thud behind me. I looked back
25 and saw the black -- black door hitting the wall." I

1 think she meant "back door."

2 "The man came from behind me trying to grab me. I
3 barely made it three steps before the man -- before he --
4 muscle me -- made me -- made me stand up." Sorry. "Made
5 me stand up and put his arm around my neck and pointing a
6 gun to me. He immediately asked, 'Where's your man's at?'

7 "I screamed Austin's name multiple times. He moved
8 me to where Austin could see me with the gun to my head.
9 Austin immediately came around the corner with a gun.
10 Austin looked at me in fear not knowing what to do and
11 shot at the intruder. The intruder then fired back at
12 Austin while trying to hide behind the separator between
13 kitchen area and living room.

14 "Austin continued to shoot as well as the intruder.
15 Austin came towards the opening -- the opening of the
16 hallway, shot another time, and the intruder hit the
17 floor. Panicking to get out of the house, he grabbed the
18 -- the black doorknob enough to get out the door.

19 "Austin ran towards the front door to try and see
20 where the man went. He saw nothing and immediately came
21 back inside very upset. He told me to call 9-1-1. I was
22 on the way to the bedroom already to do so.

23 "I called and brought the phone to the couch while
24 trying to apply pressure to Mason's head. Cops arrived
25 and EMTs slowly followed.

1 "After getting into the ambulance, I sent a text to
2 Rey asking who could have done this. I got no response.
3 I called after arriving at the hospital. He hadn't seen
4 my text about what happened. I informed him of what took
5 place at the house. I told him how familiar the intruder
6 was. Rey said he was at home in bed and that -- in that
7 time and had no idea was going on -- what was going on.
8 He asked if I was even serious. I told him how awful the
9 events were that took place.

10 "He asked me why I told him that I was at home. I
11 told him that I went to Austin's for bed and that Austin
12 -- or bud" -- sorry -- "and that Austin wanted me to come
13 over and spend time with him. He told me that everything
14 would get better, and I told him I had to go."

15 Then we entered the question/answer portion.

16 So question, "Did you recognize the person that broke
17 into the house?"

18 Her answer, "Yes. His height, build, eyes and skin
19 color. I've seen him multiple times at the hood store
20 with Rey."

21 Question, "Why would he break into Austin's house?"

22 Answer, she wrote, "He," scratched it out and
23 corrected to "I feel like this happened because I told Rey
24 that we have weed at our house, less than two pounds.
25 Everyone knew Austin was well-off, especially after the

1 music video shoot and being welcomed in his home."

2 Next question, "Has Rey ever mentioned a robbery at
3 Austin's house?"

4 Answer, "He told me that his little" ---

5 Q This involves slang?

6 A Yes.

7 Q And a slur?

8 A Yes.

9 Q Please continue.

10 A "His" -- do you want me to spell it for the record?

11 "His little N-I-G-G-A-S, end of quotes, wanted to break
12 into Austin's house. He said he wouldn't let that happen
13 after I told him to stop with that idea."

14 Question, "Was the shooter the only one at the house
15 during the shooting?"

16 Answer, "Yes. That I saw. I know that his friends
17 don't do crimes alone and he said that in the past about
18 separate events."

19 Question, "Do you know what kind of vehicle Rey
20 usually drives? What about the other guys you
21 referenced?"

22 Answer, "He doesn't drive. Sometimes he has his
23 friend in a silver car drive him around."

24 Question, "Did you have any involvement whatsoever in
25 this incident?"

1 Answer, "No, I did not."

2 And that's the end of the statement. And she
3 initialed the end of the statement.

4 Q And did obtaining this written statement as well as
5 your participation in the video interview conclude your
6 contact with Linda Monette?

7 A Yes.

8 Q Did you have any other significant contact with her
9 following your role in this investigation?

10 A No.

11 Q And, again, all of this occurred at approximately
12 4:16 p.m. on May 15, 2019?

13 A Yes, ma'am.

14 Q Being the outset time for that interview.

15 A 4:16 p.m.

16 Q Does that sound accurate?

17 A Yes.

18 Q And the written statement obtained at approximately
19 6:12 p.m.?

20 A Yes.

21 MS. MAYES: Nothing further, Your Honor.

22 THE COURT: Cross-examination.

23 CROSS EXAMINATION

24 BY MR. WILLIAMS:

25 Q Two questions only. Why did you say anything about

1 you were spending your (indiscernible)?

2 A I was just letting her know that I appreciated that
3 she wanted to speak to me and that I just wanted her to
4 understand that I was there because she asked me to be
5 there, and that kind of laying the groundwork, look, I've
6 got this stuff. I want to be honest with you. I just
7 want you to be honest with me.

8 Q The other question is why does the statement form,
9 which is signed by her, request a start time on her
10 written statement as being 1812?

11 A I don't understand your question.

12 Q If I look at the camera, it indicates that she gives
13 everything at 1824, and I was trying to place that 1290.

14 A So when I fill out the top portion, the date, the
15 place and the time is in my handwriting. I would have
16 looked at my watch, and that's where that time would have
17 come from.

18 When she began writing may have been later. I mean,
19 she communicates prior to filling that out.

20 Q So if we go back and look at the statement at some
21 point in time where you're filling it out, it should be
22 1812 is what you're telling me.

23 A That's what my watch said. That's the only time --
24 or way I had to reference time in there.

25 MR. WILLIAMS: That's all I have, Your Honor. No

1 further questions.

2 THE COURT: All right. Any redirect?

3 MS. MAYES: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. MAYES:

6 Q Did you promise her food in exchange for an
7 interview?

8 A No. I didn't even tell her I was getting food.

9 Q All right. Is providing food and drink during the
10 course of an interview something that's routine if you
11 expect it to be lengthy over the course of maybe
12 30 minutes to an hour?

13 A Yes, ma'am.

14 Q And, again, at any point in time, did you tell her,
15 advise her that you were providing that to her in exchange
16 for a statement?

17 A No.

18 MS. MAYES: Nothing further.

19 THE COURT: All right.

20 MR. WILLIAMS: Nothing on recross, Your Honor.

21 THE COURT: All right. The witness may step down.

22 MR. HUBBARD: If I may, Your Honor.

23 THE COURT: Yes, sir.

24 MR. HUBBARD: The State calls Special Agent Caitlin
25 McPherson-Bryant.

1 WHEREUPON,

2 CAITLIN MCPHERSON-BRYANT

3 After having been duly sworn, testified as follows:

4 THE CLERK: You can take your mask off. State your
5 name and spell your last name for the record.

6 THE WITNESS: My name's Caitlin McPherson-Bryant,
7 M-C-P-H-E-R-S-O-N, hyphen, B-R-Y-A-N-T.

8 DIRECT EXAMINATION

9 BY MR. HUBBARD:

10 Q Agent McPherson-Bryant, where do you work?

11 A South Carolina Law Enforcement Division.

12 Q What do you do there?

13 A I am assigned to the polygraph unit. I am a
14 polygraph examiner.

15 Q Do you recall having an opportunity to do a polygraph
16 on May 17, 2019, involving this case, Linda Monette?

17 A Yes, sir. Yes, sir.

18 Q Did you offer her a polygraph?

19 A Yes, sir.

20 Q Now, prior to giving someone a polygraph, what is
21 SLED's policy?

22 A Before we enter into that, we're going to read
23 Miranda and advisement of rights.

24 Q And did you do that in this case?

25 A Yes, sir.

1 Q I'm going to show you a form. Does that look like
2 the form you used for this case?

3 A Yes, sir.

4 Q Does it have the date of 5/17/19?

5 A Yes, sir.

6 Q And what time does it have?

7 A 10:28 a.m.

8 Q Is that your handwriting?

9 A Yes.

10 Q Now, do you have a method or a process you use when
11 you read Miranda?

12 A Usually, one of -- one of two ways. I'm either going
13 to read all of them and they're going to initial after I
14 read all of them, or I'm going to read all -- I'm going to
15 read each individual one and they're going to initial
16 after each individual. Those are the only two ways I do
17 that.

18 Q But either way, the person initials if they
19 understand?

20 A Yes, sir.

21 And there's two questions following Miranda. If they
22 understand the right, I'm going to ask them to write --
23 initial it and write the word "yes."

24 Q Okay. Let's go through that form, if you will, for
25 the Court. What is the first question that you ask her or

1 the first thing you read?

2 A "You have the right to remain silent." .

3 Q By that, are there initials?

4 A Yes.

5 Q And whose initials are they?

6 A Linda's.

7 Q Linda Monette's, so it's LM?

8 A Yes.

9 Q That's her handwriting.

10 All right. And the second one?

11 A "Anything you say can be used in court as evidence
12 against you."

13 Q Again, are those her initials next to that?

14 A They are.

15 Q After that, what's the question?

16 A "You are entitled to talk to a lawyer now and have
17 him present now or at any time during questioning."

18 Q And you see her initials there?

19 A I do.

20 Q What -- what do you have after that?

21 A "If you cannot afford an attorney, one will be
22 appointed for you without cost."

23 Q You have her initials?

24 A I have her initials.

25 Q What's the next one?

1 A "If you decide to answer questions now without a
2 lawyer present, you will still have the right to stop
3 answering at any time. You also have the right to stop
4 answering at any time until you talk to a lawyer."

5 Q After that, what do you have on your form?

6 A "Do you understand these rights?"

7 Q And do you see an initial?

8 A There is initials and the word "yes."

9 Q Her initials and the word "yes"?

10 A Yes.

11 Q Did she write the word "yes"?

12 A She wrote the word "yes."

13 Q Do you see a question following that?

14 A "Do you wish to talk to us at this time?"

15 Q And what do you see?

16 A Her initials, and she, again, wrote the word "yes."

17 Q Okay. And then I see that it says "waiver of
18 rights." Do you read that to her as well?

19 A I do.

20 Q Can you read that for the Court?

21 A "I have read this statement of my rights and I
22 understand what my rights are. You -- I am willing to
23 talk now without a lawyer present. I understand and know
24 what I'm doing. No promises or threats have been made to
25 me and no pressure or coercion of any kind has been made

1 -- has been used against me."

2 Q And whose signature is that below that?

3 A Linda Monette -- Linda Monette.

4 Q Okay. And did you also sign as a witness?

5 A I did.

6 Q Now, let me ask you, it says "no threats or
7 coercion." Did you make any kind of threats that if she
8 didn't cooperate with you on the polygraph that you would
9 do anything?

10 A I did not.

11 Q Did you make any kind of promises?

12 A I did not.

13 Q Did you minimize what was going on in order to get
14 her to do this?

15 A I did not.

16 Q Also, prior to giving a polygraph, do you also have
17 to ask if they have any kind of medication or anything
18 that would interfere with her ability to take a polygraph?

19 A Yes.

20 Q And did you go through those questions with her as
21 well?

22 A I did.

23 Q Did you determine whether she had anything in her
24 system that would interfere with her ability to take a
25 polygraph?

1 A Nothing that she indicated at that time.

2 Q Okay. If she had had something, what would SLED's
3 policy be?

4 A It would depend on what it is and how long ago it had
5 been.

6 Q Are there some substances that if someone takes you
7 won't give a polygraph to?

8 A That -- it depends. Usually no.

9 Q Okay.

10 A But it depends.

11 Q In this instance when you were dealing with
12 Ms. Monette, is there anything about her appearance or
13 condition that concerned you about her ability to take a
14 polygraph?

15 A Not to my knowledge, no.

16 Q All right. Now, after giving her a Miranda form, you
17 also then go and ask about consent to take a polygraph as
18 well?

19 A Uh-huh.

20 Q Is there a separate form?

21 A There is.

22 Q And I'm going to show you what I've handed up, a
23 consent to interview polygraph form -- a consent to
24 interview with polygraph form. Did you fill that out as
25 well?

1 A I did.

2 Q Now, there's a part that has, "Before we begin an
3 examination by means of the polygraph concerning," and
4 there's some handwriting there. Who wrote that?

5 A I did.

6 Q What does it say?

7 A "Whether or not you planned with anyone to rob
8 Austin."

9 Q Okay. Is that what the focus of the polygraph was
10 going to be on?

11 A Yes.

12 Q And by writing that, is that informing her what this
13 is going to be?

14 A Yes.

15 Q And after that, let's see, it says, "You must
16 understand your rights." Can you read, again, your rights
17 you have on that form?

18 A "You have the right to refuse to take the polygraph
19 test. If you agree to take the polygraph test, you have
20 the right to stop the test at any time. If you agree to
21 take the polygraph test, you have the right to refuse to
22 answer any individual question."

23 Q After that, is there also a waiver and consent?

24 A "I have read this statement of my rights and I
25 understand what my rights are. I voluntarily agree to be

1 examined by means of the polygraph during this interview.
2 I understand and know what I am doing. Neither threats
3 nor promises have been made to me to obtain my consent for
4 the use of polygraph. I understand the examination does
5 contain observation device and the examination may be
6 monitored or recorded."

7 Q Did she sign that?

8 A She did.

9 Q And did you witness it?

10 A I did.

11 Q Again, this is on that same day, May 17th?

12 A It is.

13 Q And then finally, the final page in what I handed up,
14 the polygraph report, is that completed by you?

15 A It was.

16 Q On the testing issue, can you read what that portion
17 is?

18 A "The eight-year-old victim was shot to death during
19 an armed robbery incident at the victim's home. The
20 examinee is suspected of being involved in planning the
21 robbery. The examinee denied being involved in this
22 incident and denied knowing who shot the victim. A
23 polygraph was requested in order to determine if the
24 examinee was being truthful about this incident."

25 Q On examiner's results, you have some (indiscernible)

1 | there. What does that say?

2 A That -- you want me to read?

3 | 0 Yes.

4 A "The responses indicative of attempted deception were
5 noted to the relevant issue. The following relevant
6 questions were used. R-5, did you plan with anyone to rob
7 Austin? Examinee's response, no. R-7, did you plan with
8 anyone to rob Austin this month? Examinee response, no."

9 Q So to those two questions, that's where you had
10 responses that were indicative of attempted deception?

11 | A Yes.

12 MR. HUBBARD: Your Honor, I offer these three pages
13 as Court's exhibits in response to what's been brought out
14 on both direct and cross today.

15 THE COURT: Very well.

16 (WHEREUPON, Court's Exhibit Number 6 was marked for
17 identification.)

18 BY MR. HUBBARD:

19 Q While taking the polygraph, at any time, did
20 Ms. Monette say, "Listen, I'm done with this. I don't
21 want to do this"?

22 | A No.

23 Q At any time, did she seem like she wanted to stop or
24 talk to a lawyer?

25	A	No.

1 Q She never indicated that to you?

2 A No. No, sir.

3 MR. HUBBARD: All right. That's all I have at this
4 time. Please answer any questions of the defense.

5 CROSS EXAMINATION

6 BY MR. WILLIAMS:

7 Q Just a couple questions. Did you tell her that
8 polygraph results are not admissible in a court of law?

9 A If asked, yes.

10 Q Did you tell her that polygraph results are not
11 admissible in a court of law?

12 A That's not a normal procedure.

13 Q That was not a normal -- what -- normal procedure.
14 You didn't tell her that, right?

15 A To my knowledge, I -- no.

16 Q What other question -- wasn't there a medical
17 questionnaire or something with her?

18 A Yes. There was a medical -- well, it's not a
19 questionnaire. It is a suitability, and it's there to
20 make sure she's suitable.

21 Q Did she have anything -- I'm sorry. I cut you off.
22 Did she have anything on that suitability that indicates
23 she wasn't a hundred percent?

24 A To my knowledge, no.

25 Q Did she have anything about blood pressure or

1 anything like that?

2 A I don't have that in front of me. I can't tell you.

3 Q Do you have a form that reflects that?

4 A What do you ---

5 Q Do you have a form in which you check off whether or
6 not the person has high or low blood pressure?

7 A I -- there is a form. There is a form.

8 Q All right. Would that make a difference on your
9 results?

10 A No.

11 Q Why do you ask her?

12 A Why do we ask it?

13 Q Yeah.

14 A If you have heart problems as in you've had a heart
15 attack or you have a heart valve or you have something
16 that you've had major surgery with, that's why it's asked.

17 Q But you don't have a copy of that?

18 A I -- I ---

19 Q (Indiscernible) of your file.

20 A It is not here, no.

21 MR. WILLIAMS: That's all I have, Your Honor.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY MR. HUBBARD:

25 Q Did I ask you to bring it up or is this all we've

1 gone over?

2 A This is all we've gone over.

3 Q So you do have a file that has more -- additional
4 (indiscernible)?

5 A Yes, sir.

6 Q The bottom line is this. Based on your training, was
7 Ms. Monette cleared and seemed okay per SLED's regulations
8 to take a polygraph?

9 A Yes, sir.

10 Q And per your regulations, do y'all sit down and tell
11 people about the law, about what a polygraph can and can't
12 do?

13 A No.

14 MR. HUBBARD: Okay. Thank you.

15 THE COURT: Any recross?

16 MR. WILLIAMS: No, Your Honor.

17 THE COURT: The witness may step down. Thank you.

18 MR. HUBBARD: If she may be excused, Your Honor.

19 THE COURT: Very well.

20 MS. MAYES: The State calls Lieutenant Marlo McCann.

21 THE COURT: Does anybody need a short break? I
22 expect this one will take a while.

23 MS. MAYES: Yes, yes.

24 THE COURT: Why don't we take five to ten minutes.

25 Everybody refresh yourselves and we'll get right back on

1 it.

2 (WHEREUPON, a recess is taken at 2:13 p.m.)

3 WHEREUPON,

4 MARLO McCANN

5 After having been duly sworn, testified as follows:

6 THE CLERK: Take your mask off. State your name,
7 spell your last name.

8 THE WITNESS: My name is Marlo McCann, M-C-C-A-N-N.

9 DIRECT EXAMINATION

10 BY MS. MAYES:

11 Q Lieutenant McCann, can you provide some information
12 that led you to become the lieutenant, the current
13 lieutenant of Major Crimes of the Lexington County
14 Sheriff's Department?

15 A Where do you want me to start? So I -- I was
16 actually a sergeant at the time of this incident in 2019.
17 I since promoted to lieutenant. At the time, I was the
18 senior officer on duty due to Detective Hart's sergeant
19 being tied up on another matter. And I assisted with this
20 case in that capacity.

21 Q All right. And just to clarify, you were a Major
22 Crimes Division sergeant?

23 A Yes, ma'am.

24 Q And in that role, you had had the opportunity to
25 conduct numerous interviews in the past?

1 A Yes, ma'am.

2 Q Did that include during the course of homicide
3 investigations?

4 A That's correct.

5 Q Can you tell us how you became involved in
6 accompanying Detective Hart and the defendant, Linda
7 Monette, to the South Carolina Law Enforcement Division on
8 the morning of May 17th for the purpose of a polygraph
9 examination?

10 A Due to the fact that the defendant, Ms. Monette, is a
11 female, I went with Detective Hart in the event that she
12 needed a restroom break or something like that that he
13 would not be able to assist her with while at SLED.

14 Q Now, up until this point, had you been advised as to
15 whether or not the defendant had requested or initiated
16 any type of polygraph examination?

17 A Detective Hart had told me that the previous day.

18 Q You were aware that it's something that she
19 voluntarily chose to do?

20 A Yes, ma'am.

21 Q And law enforcement gave her that opportunity?

22 A That's correct.

23 Q Were you present when Linda Monette was advised of
24 her Miranda warnings or rights by the SLED agent, Caitlin
25 McPherson-Bryant?

1 A I was.

2 Q Can you tell us whether or not Linda Monette appeared
3 to engage in that discourse with the SLED agent?

4 A She did. She was and willing.

5 Q And did she appear to understand her rights?

6 A Yes, ma'am.

7 Q At any point in time, did she request an attorney?

8 A No.

9 Q At any point in time, did she request that the
10 contact stop and that she not complete taking the
11 polygraph examination?

12 A No.

13 Q Did she appear to freely and voluntarily waive her
14 Miranda rights during the course of that exchange with
15 Agent McPherson-Bryant?

16 A She did.

17 Q If that began at approximately 10:28 p.m., would you
18 agree that that contact there with the polygraph continued
19 on and through approximately 1:30 p.m.?

20 A Yes, ma'am.

21 Q Were you advised of the results of that polygraph?

22 A We were. We were briefed after the examination by
23 the SLED agents.

24 Q Where did you and Detective Hart go next?

25 A We then transported Ms. Monette back to Lexington

1 County Detention Center.

2 Q Would you agree with the time that you arrived back
3 and start a subsequent interview being around 2:22 p.m.?

4 A We were -- I think we arrived back around 2:00, and
5 then, yeah, the interview would have started probably that
6 time.

7 Q All right. Now, we saw previously what is Defense
8 Exhibit Number 1?

9 A Yes, ma'am.

10 Q And I'm going to ask you specifically about that.
11 Did you have the opportunity to observe any type of
12 behaviors from Linda Monette once you arrived back at the
13 Lexington County Detention Center and attempted to book
14 her following the polygraph?

15 A I did.

16 Q What did you observe?

17 A When we were walking back into the jail up the
18 transfer hallway, Ms. Monette had made a statement about
19 the polygraph. She didn't understand the results. And
20 Detective Hart basically explained to her that the results
21 were the way they were because of the deception. She was
22 adamant that she had told the truth and still couldn't
23 understand why the tests said she had shown signs of
24 deception.

25 She said that she wanted to talk. We told her that

1 we didn't really want to talk at that point if she was
2 just going to continue to maintain this same line of
3 innocence that she had maintained the whole time that we
4 now knew was not true.

5 Q All right. So let me ask you this. Did you note
6 that exchange in your supplemental?

7 A Yes, I did.

8 Q Would you consider this to be a discussion that you
9 did not wish to have any further conversations with her
10 unless she would be more forthcoming?

11 A That's correct.

12 Q Did she appear to understand or appreciate your
13 position on further communications?

14 A She did.

15 Q In fact, at that point coming back from the
16 polygraph, did you have any intent whatsoever to even
17 engage in an interview with her?

18 A No, ma'am.

19 Q What was your intent?

20 A We were going to take her back to the jail and just,
21 you know, turn her back over to the detention staff.

22 Q Where she was being held ---

23 A Yes.

24 Q --- to be further booked.

25 A Correct.

1 Q What did you see her physically do in response to
2 being returned to the booking area?

3 A She stopped in that hallway, engaged in a
4 conversation with us. The officers inside the booking
5 area, actually, they have to buzz the door for you to be
6 able to open it. I opened the door to try -- her to go
7 back inside, and she stood firm and wouldn't move toward
8 the door to go back in.

9 Q Whose idea was it to continue discussions?

10 A It was hers.

11 Q And how did she relate that to you?

12 A That she asked Joe -- or, I'm sorry, Detective Hart
13 and I that we please talk to her.

14 Q And at this point in time, you had been or been made
15 aware of how many days of questioning with her?

16 A At least three.

17 Q Did you see a point in continuing any interviews with
18 her?

19 A At that point, no.

20 Q And did you express that to her?

21 A I did.

22 Q Did Detective Hart express that to her?

23 A Yes, ma'am.

24 Q Did you confront her with the numerous lies or
25 deception -- pattern of deception that had occurred over

1 the last three days?

2 A Yes, ma'am.

3 Q Did that include her lying about a sexual contact
4 with Austin?

5 A It did.

6 Q As well as others?

7 A Correct.

8 Q As well as the lies about her relationship with Rey
9 Romero?

10 A That's correct.

11 Q And withholding her contact with Rey Romero on
12 May 13th?

13 A Yes, ma'am.

14 Q Did you express to her that she needed to be truthful
15 if you would grant her request of an interview?

16 A We did. I told her that we would talk to her as long
17 as she was honest with us, and the first time we caught
18 her in a lie, we wouldn't talk anymore.

19 Q Did you consider that to be fair, given the history
20 of the last three days?

21 A I did.

22 Q Having made that expression, did she state any
23 further desire to communicate with you or Detective Hart?

24 A She did. She asked that we speak with her.

25 Q At any point in time, did she ever withdraw her

1 request for continue to interview her discussions with you
2 and Detective Hart?

3 A No, ma'am.

4 Q What can you tell us about the acoustics there in the
5 hallway, the hallway video that we just watched a few
6 moments ago?

7 A It's -- that hallway is pretty much concrete, and it
8 echoes really bad in there.

9 Q All right. Would you consider the conversation to
10 have been yelling?

11 A Not necessarily, because the echo is so loud in
12 there, and I've been told I have a loud voice anyway. But
13 it does echo very bad in there.

14 Q When there was an admonition to tell the truth, were
15 you speaking forcefully?

16 A Somewhat.

17 Q And was Detective Hart?

18 A Yes, ma'am.

19 Q And did that appear to be all within the realms of
20 you expressing the importance of her being truthful?

21 A Yes, ma'am.

22 Q In light of the last three days?

23 A That's correct.

24 Q Where was this subsequent interview conducted?

25 A At the Lexington County Sheriff's Department in one

1 of our interview rooms.

2 Q And is that the same interview room that we've seen
3 previously with the audio and video setup?

4 A Not certain if it's the exact same room, but yes, it
5 would have the same setup.

6 Q And you've had the opportunity to observe that video
7 in full?

8 A Yes, ma'am.

9 Q Can you tell us if it adequately reflects her
10 demeanor and willingness to speak with both you and
11 Detective Hart ---

12 A It does.

13 Q --- at the outset?

14 A It does.

15 Q I'm going to show you what is marked Hart-McCann,
16 May 17, 2019, and ask you whether or not you've had an
17 opportunity to observe this video and audio recording.

18 A I have.

19 Q Does it reflect the full interview?

20 A It does.

21 Q I believe there's another interview that's been
22 subject to this action, but you've been able to observe
23 this interview in its full (indiscernible)?

24 A That's correct.

25 MS. MAYES: Your Honor, this will be Court's

1 Exhibit 6. It will be the interview conducted on May 17th
2 with Lieutenant McCann and Detective Hart. 7, Your Honor.

3 THE COURT: Very well.

4 BY MS. MAYES:

5 Q Now, at the outset of this interview, did, once
6 again, you or Detective Hart have the opportunity to
7 advise Linda Monette of her Miranda warnings or rights?

8 A Detective Hart did.

9 Q And that's with the full awareness that she had been
10 previously advised on May 14th?

11 A Correct.

12 Q And May 15th?

13 A Correct.

14 Q And earlier that morning on May 17th at the polygraph
15 examination?

16 A That's correct.

17 Q As well as separately by Detective Livingston again
18 on the 15th?

19 A Yes.

20 Q As well as previously having provided a written
21 statement where her Miranda rights would have been
22 initialed and acknowledged by her?

23 A Yes.

24 Q There have been multiple, multiple occasions where
25 she has been previously advised of her Miranda warnings

1 and rights.

2 A That's right.

3 (WHEREUPON, Court's Exhibit Number 7, a video, was played
4 in open court.)

5 BY MS. MAYES:

6 Q And what is she doing at this point in time,
7 Detective McCann?

8 A She's providing a written statement.

9 Q All right. I believe previously marked as an exhibit
10 in this case is State's Exhibit -- Court's Exhibit 3, and
11 I ask you to take a look at that document and ask you
12 whether or not you recognize it.

13 A I do.

14 Q How is that?

15 A This is the voluntary statement that was provided to
16 Detective Hart in the May 17, 2019, by Linda Monette.

17 Q Is this the statement we see her writing as we go?

18 A It is.

19 Q Now, do you remain present towards the end of this
20 exchange to ask follow-up questions and observe her
21 provide answers?

22 A I do.

23 Q How would you describe the change in her demeanor
24 from when she begins to provide this statement over the
25 course of this interview?

1 A Her demeanor changed drastically throughout the
2 course of this interview and this statement. She went
3 from initially being, you know, adamant that she didn't
4 understand the results of the polygraph to at the end
5 seeming almost relieved that we had had the conversation
6 we had.

7 Q And when you talk about her appearing relieved, does
8 she acknowledge that and agree with that?

9 A She does.

10 Q Does her body language change?

11 A Absolutely.

12 Q Does she make comments that she can now eat?

13 A She does.

14 Q She expresses that relief?

15 A She does.

16 Q Having provided additional information about her
17 knowledge of the crime?

18 A Finally being honest with us.

19 Q That was her words?

20 A Yes.

21 Q And when you make an acknowledgment to her that you
22 see that change in demeanor and you appreciate her being
23 honest, does she acknowledge that with you as well?

24 A She does.

25 Q During the first few minutes of this interview, does

1 she have food to eat?

2 A She does.

3 Q You provided her with crackers?

4 A Yes, ma'am.

5 Q Does she write the statement on her own without any
6 interaction or introductions from you?

7 A She does.

8 Q Until there is follow-up questioning or until she has
9 a question of her own?

10 A Correct.

11 Q All right. I'm going to move forward to 10:42.

12 (WHEREUPON, Court's Exhibit No. 7, a video, continued to
13 play in open court.)

14 BY MS. MAYES:

15 Q Is she now reading portions of the statement to you
16 as she wrote them in her own handwriting?

17 A Yes, ma'am.

18 Q I'm going to refer you to what is Court's Exhibit 3
19 and ask you, for the record, what is the date and time on
20 this statement?

21 A May 17, 2019, 2:30 p.m.

22 Q And does she fill out the top portion acknowledging
23 her Miranda rights?

24 A She initials by each one, yes, that she understands
25 what they are and acknowledges.

1 Q Does she acknowledge that she's completed the 12th
2 grade?

3 A She does.

4 Q Does that include "I have the right to remain
5 silent"?

6 A It does.

7 Q "Anything I say can and will be used against me in a
8 court of law"?

9 A Yes.

10 Q "I have the right to talk to a lawyer for advice
11 before asked any questions and to have him or her present
12 with me during questioning"?

13 A Yes.

14 Q "If I have no money for a lawyer's fee, the Court
15 will appoint one to represent me without the cost --
16 without cost to me if I wish"?

17 A Yes.

18 Q "And if I decide to answer questions now without a
19 lawyer present, I would still have the right to stop
20 answering questions at any time"?

21 A Yes.

22 Q "I also have the right to stop answering questions at
23 any time until I talk with a lawyer"?

24 A Yes.

25 Q Now, does she fill out the remaining portion of this

1 statement?

2 A Yes.

3 Q Did, at any point, she ask to terminate the statement
4 or request an attorney?

5 A No.

6 Q Did she ever not appear -- or appear to not
7 understand her rights?

8 A Not at all.

9 Q Based upon all of your observations, did it appear to
10 be a free and voluntary waiver of those rights?

11 A It did.

12 Q Can you begin at her statement with the word
13 "Monday"?

14 A "Monday I was with Rey Romero at my house. He saw
15 where I was still in contact with Austin. He got highly
16 upset when he found out I never stopped sleeping with
17 Austin. He said, quote, I'm going to Rob that N-I-G-G-A,
18 end quote.

19 "I told Rey to not lose his temper. I asked would he
20 really do that, and he said, quote, my little N-I-G-G-A-S
21 will, end quote. I wasn't sure if it was factual at
22 first.

23 "When I was in bed with Austin, I heard something
24 outside that startled the dogs. I went to Austin's
25 kitchen. I saw somebody coming up the driveway. At first

1 I thought it was Rey. When the guy kicked the door in, I
2 recognized that it was his friend. He kicked the door in
3 and started to manhandle me.

4 "I immediately knew that Rey meant exactly what he
5 had said earlier. Nobody was supposed to get hurt. Rey
6 was highly pissed that I had been spending all my time
7 with him just to go back to Austin.

8 "The day before Rey said, quote, Do you love me? And
9 I said, quote, Yes. He said, quote, Well, know how much,
10 and you fuck with me by the end of this."

11 Q All right. One more time, if you could clarify that
12 statement.

13 A Read -- you want me to start at "do you love me" ---

14 Q No.

15 A --- or that quote?

16 Q Right.

17 A He said, "We'll -- we'll know how much, and you fuck
18 with me by the end of this."

19 Q All right.

20 A "He said this would never happen with me in the
21 house. The intruder saw my car and still proceeded into
22 the house. Immediately I knew that." And it stops
23 there ---

24 Q Okay.

25 A --- the first part.

1 You want me to go ahead and read?

2 Q Yeah.

3 A Okay. "That morning Rey said he wanted to rob
4 Austin's house. He said Austin was too pussy to defend
5 himself. He said he was going to send his, quote, little
6 N-I-G-G-A-S, end quote, to take his weed. We talked about
7 how if somebody put a gun to my head that Austin would
8 give the weed up. He said it was going to be done whether
9 I was there or not.

10 "I immediately texted Austin and asked to hang out.
11 I was worried something bad was going to happen.

12 "I got to Austin's after returning from a serve. We
13 were hanging out in the bedroom, and the dog started
14 barking. This happened many times.

15 "I get worried, so I go to the kitchen. I looked out
16 the window and see a dark figure running toward the door.
17 As I'm turning the corner to head to Austin's bedroom, the
18 door is kicked in, and I immediately recognize the
19 intruder.

20 "Rey did not do what we had originally talked about.
21 Somebody else was sent to Austin's house. Rey would --
22 wouldn't answer the phone afterwards. I immediately knew
23 this was his idea, though he had previously -- we had
24 previously talked of it going a different way than it
25 did."

1 Q All right. Let me stop you right there.

2 When she said "we had previously talked of it going a
3 different way than it did," that she is referring to
4 herself and who?

5 A Rey Romero.

6 Q Rey Romero?

7 A Yes. Correct.

8 Q Please continue.

9 A "I did not want money. I did not want weed. This
10 was going to happen whether I was present or not. I
11 didn't want anyone to get hurt.

12 "Rey showed no emotion after I told him that Mason
13 had been killed. He wouldn't tell me who came into the
14 house, but by recognition I knew."

15 Q All right. So to clarify that statement, in the
16 previous interview, she indicated that she may know who it
17 would be.

18 A Correct.

19 Q That's after initial statements that she didn't know
20 at all.

21 A Right.

22 Q And she is now indicating to you that she knows by
23 recognition the person.

24 A Correct.

25 Q Who is the person, Lieutenant McCann, that she's

1 referring to?

2 A That came into the home?

3 Q Correct.

4 A We were told that it was -- I'm sorry.

5 Q Is Tamare Howell ---

6 A Tamare Howell, yeah.

7 Q --- the person that was identified from the
8 photograph?

9 A That's correct.

10 Q All right. And Tamare Howell -- Howell is who she's
11 referring to during the course of this interview, although
12 she does not call him by name?

13 A Correct.

14 Q She's referring to the person that she previously
15 identified in the photograph.

16 A Correct.

17 Q All right. Please continue.

18 A Question Number 1, "How did you recognize the
19 intruder?"

20 Her answer, "His skin tone, the words he used, the
21 height, the sound of his voice and his eyes."

22 Next question, "How have you been around this person
23 before?"

24 Her answer, "I saw him many, many times in person and
25 up close at the store. He would come to the passenger

1 window at times and talk to Rey. Many times he is at the
2 store when I pick up or drop off Rey."

3 Q All right. So she is acknowledging prior contact
4 with this person not only by sight, but also by verbal
5 communication?

6 A That's correct.

7 Q As well as with Rey Romero present for the same
8 communication.

9 A Correct.

10 Q Please continue.

11 A Next question, "Have you ever heard Rey call him by
12 name or street name?"

13 Answer, "Yes. But I do not remember."

14 Next question, "Why did Rey say he wanted to rob
15 Austin and of what?"

16 Her answer, "To have a good birthday with a
17 successful lick for weed."

18 Q All right. And, again, who has written these
19 questions?

20 A I wrote those questions.

21 Q And who is providing the answers?

22 A Linda Monette.

23 Q All right. Now, the next two questions, can you tell
24 if they relate directly to her involvement in this crime?

25 A That's correct.

1 Q What is the next question?

2 A Question, "Rey told you that Monday, 5/13/19, that it
3 would be done that night."

4 Her answer is "yes."

5 Q Next question.

6 A "Did you agree to go along with someone putting a gun
7 to your head to help Rey rob Austin?"

8 Q Her answer?

9 A "Yes."

10 MS. MAYES: Beg the Court's indulgence.

11 (Pause in proceedings.)

12 BY MS. MAYES:

13 Q Moving forward to 1:51:01. Are you continuing to
14 talk with her to clarify any question you might have about
15 the statement as you go?

16 A Yes, ma'am.

17 Q And is she providing more information as it goes as
18 well?

19 A She is.

20 Q And then looking here at 1:40:30 with your portion
21 where you were alone with her one on one ---

22 A Yes, ma'am.

23 Q --- did she appear to be, again, freely and
24 voluntarily providing this statement when it was just the
25 two of you?

1 A She did.

2 Q We're going to take a look at 1:40:30.

3 (WHEREUPON, Court's Exhibit Number 7, a video, was played
4 in open court.)

5 BY MS. MAYES:

6 Q Is this the question and answer portion where you're
7 writing questions and she's answering?

8 A I couldn't hear that.

9 Q Okay.

10 (WHEREUPON, Court's Exhibit Number 7, a video, continues
11 to play in open court.)

12 MS. MAYES: All right. We're going to take one brief
13 break, Your Honor. We do have a lag in the video between
14 the video and the audio. And we're at 1:50:01.

15 (WHEREUPON, Court's Exhibit Number 7, a video, continues
16 to play in open court.)

17 BY MS. MAYES:

18 Q All right. You're reading directly from what,
19 Lieutenant McCann?

20 A Linda's statement.

21 Q All right. And does she continue to acknowledge the
22 information contained therein?

23 A She does.

24 Q And as to that final question, "Did you agree to go
25 along with someone putting a gun to your head to help Rey

1 rob Austin," what was her response to that question?

2 A "Yes."

3 Q And that's what we just saw here on the video as well
4 as in her written statement?

5 A Yes, ma'am.

6 Q There's a portion where she addresses immediately
7 texting Austin. Did she clarify that that is because she
8 is aware and has knowledge of Rey's intent to commit this
9 robbery?

10 A Yes.

11 Q And that's the correlation of her agreement to go
12 along with someone putting a gun to her head and help Rey
13 rob Austin?

14 A Yes, ma'am.

15 Q And following the written statement that you obtained
16 that is marked as Court's Exhibit 3 and is now a part of
17 this record, did she ever retract the content of that
18 statement?

19 A She did not.

20 Q Did she ever ask for questioning to stop for her to
21 have an attorney present?

22 A No, ma'am.

23 Q Did she ever ask to further clarify or change the
24 content of anything contained in Court's Exhibit 3, her
25 written statement, acknowledging her participation in this

1 conspiracy for Rey Romero to rob Austin Hanahan?

2 A She did not.

3 Q Did she acknowledge her participation in the
4 conspiracy?

5 A Yes, ma'am.

6 MS. MAYES: Beg the Court's indulgence.

7 Nothing further at this time, Your Honor.

8 THE COURT: All right. Cross-examination.

9 MR. WILLIAMS: May it please the Court.

10 CROSS EXAMINATION

11 BY MR. WILLIAMS:

12 Q Investigator McCann, this particular interview, you
13 remember when all this was concluded, you also understood
14 that she had never had access to a phone, right? Because
15 she talked about it in the interview. She said she'd
16 never been able to call anybody because you didn't have
17 access to a phone, and she asked how she could get a
18 public defender.

19 A She did.

20 Q And this was after you had finally gotten that
21 statement that y'all need, she finally is going to figure
22 out how to get an attorney and how to have access to a
23 public defender.

24 A She asked us about the public defender. There was
25 some discussion about phone calls, and she said she had

1 made a phone call from booking and tried to call her mom,
2 but the number had been blocked. She didn't say anything
3 about trying to call a public defender.

4 Q Did she say anything about not being able to call
5 anybody?

6 A She said she couldn't call her mom. She said her
7 dad's number was not blocked.

8 Q Let me ask you about this tape right here. This
9 tape, this is the original tape of what this redacted
10 stuff is that we have, right?

11 A Should be.

12 Q All right. And in some of that redacted stuff,
13 there's a discussion about how the story came out.
14 Because when Hart's in there talking to him, he's saying
15 that your mama don't believe you, and that's why you're
16 not bonded out. Do you remember that?

17 A I don't believe that was during this interview.

18 Q You don't?

19 A I don't believe so.

20 Q When was -- which interview was that in?

21 A I'm not sure. This is the only one I participated
22 in. It may have been in this one, but I don't recall
23 that.

24 Q Do you remember Hart telling her that -- that her --
25 the notebook is full of lies that we had, that's why you

1 got the warrant, and he's explaining about the obstruction
2 of justice? Do you remember that part?

3 A I remember him explaining the obstruction of justice
4 charge, yes, sir.

5 Q Do you remember, when she was asked if she gave this
6 statement, she wanted to know isn't that going to make it
7 worse for me, and Hart said, "No. You just told us"? Do
8 you remember her doing that?

9 A You're talking about the obstruction charge, correct?

10 Q Worse for her. It just says "worse for her." It
11 didn't say ---

12 A I believe that's in that same part of that
13 conversation.

14 Q Do you want to show me on this page 75 where she says
15 it has to do with obstruction of justice?

16 A Well, there's several more pages to this. This
17 particular page may not show that. That's not the whole
18 part of that conversation.

19 Q But you're saying everything was related to
20 obstruction of justice, right?

21 A No. I believe that particular part of the
22 conversation they were discussing her obstruction of
23 justice charge. He was explaining to her that she was
24 charged with obstruction of justice because she had been
25 untruthful.

1 Q So let me show you something that's marked page 34.
2 And it's got you and -- it's got you and Officer Hart in
3 there. And it says -- what does it say about her parents,
4 why she hadn't been bonded out?

5 A "Oh, and, by the way, you haven't bonded out because
6 your parents don't believe you."

7 Q So you were there when he said it, right?

8 A I was. I'm not denying. I don't remember it. But I
9 was, yeah.

10 Q That's not important, the fact that you talk about
11 somebody's parent and why they don't believe you and then
12 you have to get a statement for them, right?

13 A I'm sorry?

14 Q Let me ask you this. Were you there when the -- when
15 y'all were directing her what to say when she says that I
16 feel that he wanted to do so, that she wanted to use the
17 words "feel" and Officer Hart said, "I told you not to use
18 those words back there"? Is he discussing the
19 conversation you had in the hallway about how she needs to
20 answer these statements?

21 A I can't answer for what he meant.

22 Q You were present, though?

23 A I was present. But I'm not sure what he meant. I
24 didn't make that statement.

25 Q You remember being there when he said it, don't you?

1 A I do.

2 Q So let me talk to you about the hallway. You said
3 the hallway. If we look here on that tape that was
4 played, and y'all start here, and you start having this
5 conversation all the way down the hallway, then you get to
6 this door on the other end, what is that the door to?

7 A It goes into the booking area.

8 Q So the conversation that y'all had with her and the
9 fussing you had with her was way before -- way before you
10 got to the booking area.

11 A Before we got to the door.

12 Q Before -- isn't that what you just said on direct?
13 You said she got to the booking area, and y'all stopped
14 and she wouldn't go any further. And that's when you had
15 all this discussion.

16 A I said we were in the transport hallway going to the
17 booking area.

18 Q But didn't you just say on direct that that's when
19 all this began because she wouldn't go forward into the
20 booking area? But we just saw on that tape that all this
21 conversation was going on all the way before you go to the
22 booking area.

23 A That hallway leads to the door that goes into the
24 booking area. That's where that discussion took place ---

25 Q I got you.

1 A --- in that hallway going back to the booking area.

2 Q The point of the whole thing is that she didn't just
3 stop at the booking area and then this conversation
4 starts. You didn't tell her about an attorney. Y'all
5 started yelling at her all before you ever got to the
6 booking area and she stopped at the door.

7 A And when I held the door open, she didn't walk
8 through it.

9 Q You said you weren't yelling. Did you use curse
10 words at her?

11 A I probably did. Yes, sir.

12 Q So you were cursing at her, raising your voice,
13 threatening her. Y'all were threatening her, weren't you?

14 A No, sir.

15 Q What do you call it when you do that? When you tell
16 people I don't want to hear any more or you'd better do
17 this, you'd better do that, isn't that threatening?

18 A Never told anybody they never better do anything.

19 Q How long is this -- how long is this interview?

20 A I can get you the times. It started at 2:22 and
21 ended -- it was two hours and nine minutes.

22 Q All right. There is a gap in the witness statement
23 that she has, right?

24 A That's correct.

25 Q What happens for that hour in between the finishing

1 of the written statement?

2 A We talk to her.

3 Q About?

4 A What happened.

5 Q Did you indicate to her that you didn't believe what
6 she was saying, she needed to say something different?
7 Did you do that at all?

8 A I told her that we -- there were statements that she
9 made during that interview that we knew were not true and
10 that she needed to tell the truth because that's what she
11 agreed to do when we walked her over there.

12 Q Did y'all take any more statements after this?

13 A No.

14 Q And that is -- this is -- the statement all changed
15 after y'all had this -- this discussion in the hallway,
16 right?

17 A No. Wait ---

18 Q It didn't change?

19 A You're talking about her written statement or her
20 verbal?

21 Q Every statement that she had given, the whole
22 transition, it finally broke once y'all had this
23 discussion in the hallway, right?

24 A No. Because when we first went in the interview
25 room, she wasn't truthful. And we attempted to take her

1 back to the jail yet again, and she refused to get up and
2 go.

3 Q So she was fighting changing her story even when you
4 were in the room, right?

5 A She continued to maintain the story she had
6 previously told in the room. Detective Hart confronted
7 her about that. And we attempted to take her back to the
8 jail after he caught her not being honest, and she refused
9 to get up out of the chair and go back to the jail.

10 MR. WILLIAMS: That's all I have, Your Honor.

11 THE COURT: Redirect?

12 MS. MAYES: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q All right. So this is two hours and nine minutes.

16 A Yes, ma'am.

17 Q During the course of this two hours and nine minutes,
18 it includes her filling out a written statement form?

19 A Correct.

20 Q Does it include you examining the content of that
21 written statement form ---

22 A It does.

23 Q --- asking her to expound on that further?

24 A Correct.

25 Q To clarify any details or issues that you may have

1 questions about?

2 A That's right.

3 Q Does that also include you following up with
4 questions she can answer ---

5 A Yes.

6 Q --- that would give you more information?

7 A Yes.

8 Q And we know we see her eating in this video, but for
9 the purpose of this record, what food do you recall her
10 having access to during the course (indiscernible)?

11 A When we first started, she was given a Coke and a
12 pack of crackers. After some time in the interview, and
13 I'm not exactly how long we had been in there, she asked
14 if we had anything else she could have to eat. And we
15 offered her the banana.

16 Q All right. Now, Mr. Williams was asking you about
17 the contact that you had back in the hallway. That is
18 Defense Exhibit 1 that's been played for the record.
19 You've also addressed your recollection of those events.
20 Did you, at any point, threaten her during the course of
21 that exchange to participate in this interview?

22 A No. We didn't want to interview her again.

23 Q Did you threaten her in any way to provide a written
24 statement?

25 A No.

1 Q Did you, at any point, do or say anything that
2 overbore her will in this case?

3 A No, ma'am.

4 Q In fact, who was the person who continued to request
5 the interview even after the exchange in the hallway?

6 A Linda Monette.

7 Q Did she appear to be reluctant to go back to booking
8 without speaking to you further?

9 A She did.

10 Q When you gave her an admonition that she had failed
11 the polygraph and this interview would have to contain
12 elements of truth, did she agree to do that?

13 A She did.

14 Q Did you threaten or coerce her to say anything
15 different?

16 A No, ma'am.

17 Q Did you have her acknowledge that she had, in fact,
18 failed the polygraph?

19 A Yes, ma'am.

20 Q Is that routine to advise someone of the results of
21 their polygraph?

22 A It is.

23 Q Having been advised of that, did she have an
24 understanding that you weren't going to go back and rehash
25 the same information she had provided for three days that

1 you had already established were untruth?

2 A Yes, ma'am.

3 Q Including the relationship with Rey Romero?

4 A Yes, ma'am.

5 Q Including your knowledge that she had deleted
6 texts ---

7 A Yes, ma'am.

8 Q --- with Rey Romero?

9 A Yes, ma'am.

10 Q And so once back in the interview room, did you say
11 or do anything to force her to fill out this statement?

12 A I did not.

13 Q The information that she provided in this statement,
14 was it new?

15 A Yes. Some of it was.

16 Q And being new, did you then react in a way to
17 acknowledge that she is finally providing information that
18 is relevant to the investigation?

19 A Yes, ma'am.

20 Q And that's when there's an acknowledgment of her
21 change not only in demeanor, but in physical condition?

22 A That's true, correct.

23 Q Did you see that in her color?

24 A That's correct.

25 Q And she continued to provide that information.

1 A She does.

2 Q There when we see the final exchange when she writes
3 the answer "yes" to "did you agree to go along with
4 someone putting a gun to your head to help Rey rob
5 Austin," were there any threats or coercion to obtain or
6 elicit that response?

7 A No.

8 Q And in the previous response, did she know that this
9 was going to happen on Monday, May 13, 2019, when she
10 responded "yes"?

11 A She did.

12 Q Did you observe Detective Hart engage in any type of
13 coercion or threats to elicit the responses contained in
14 this written statement?

15 A I did not.

16 Q Or her participation in this interview?

17 A No, ma'am.

18 Q So Mr. Williams is asking you about the exchange in
19 the hallway.

20 A Yes.

21 Q Did you speak in a voice that was firm?

22 A I did.

23 Q Was it important to you to convey to her that she had
24 failed the polygraph and you weren't going to listen to
25 that same story again?

1 A It was.

2 Q But whose choice was it to participate in the
3 interview and speak with you further?

4 A Linda Monette.

5 Q At any point in time, was her will overborne by
6 yourself or Detective Hart, based on your observation?

7 A No, ma'am.

8 MS. MAYES: Nothing further.

9 THE COURT: Recross?

10 RECROSS EXAMINATION

11 BY MR. WILLIAMS:

12 Q Quick question. We just ended that she's doing
13 better, she feels better, looks better. When you took her
14 -- you went ahead and took her on down to booking, right?

15 A I don't remember which one of us walked her back. I
16 can look at my report.

17 Q Did you tell her as you walked her back to booking,
18 "As long as you don't change your words, you'll be good"?

19 A I didn't put in here which one of us escorted her
20 back to the jail. And no, sir. I have no recollection of
21 making that statement to her.

22 MR. WILLIAMS: That's all I have, Your Honor.

23 THE COURT: All right. The witness may step down.

24 MS. MAYES: Your Honor, if the record may reflect
25 there was an additional conversation at sidebar regarding

1 a statement made on June 11, 2021, this past June.. It was
2 a report to Detective -- or Deputy Hanna Joslin. She is a
3 Lexington County Sheriff's Department deputy. The report
4 is documented by body cam, and it occurs at the Lexington
5 County Detention Center in which Linda Monette voluntarily
6 reaches out to law enforcement, makes a statement
7 regarding Rey Romero. She is listed as the victim in the
8 report. She is reporting threatening behavior towards her
9 by Rey Romero and makes additional statements that were
10 preserved on body cam that's been provided pursuant to
11 discovery. It was not a custodial interrogation on the
12 facts of this case, and there is no challenge to the
13 voluntariness of that statement.

14 THE COURT: All right. Concur?

15 MR. WILLIAMS: That -- that is correct.

16 THE COURT: All right.

17 MS. MAYES: So, Your Honor, to summarize the content
18 of potential statements by Linda Monette, we have the body
19 cam and the 9-1-1 -- body cam of Dustin Pollard there at
20 the scene. We have the 9-1-1 call. Those are not
21 challenged. We have an audio statement to Detective
22 Sherban at the hospital, not challenged, not in custody.
23 We have an audio statement to Detective Brannon Marthers
24 and Sam Smith. They were together. That's at Palmetto
25 Health Richland on May 14, 2019. She is not in custody

1 and that is not challenged.

2 The State is offering content of statements made to
3 Detective Hart and Dykes on May 14, 2019; the content of
4 the statements and video to Sergeant Brian Anderson on
5 May 14, 2019; the content of a statement and video made to
6 Detective Hart and Dykes on May 14, 2019, following the
7 interaction with Sergeant Anderson; then on the following
8 day, May 15, 2019, the statement and its content to
9 Detective Hart and Detective Dykes; May 15, 2019, the
10 statement to Detective Livingston in the bathroom wishing
11 to initiate contact; May 15, 2019, statement made to
12 Detective Livingston and Anderson which includes a written
13 statement dated May 15, 2019.

14 MR. WILLIAMS: I can make it even simple. The only
15 ones we are really contesting is the statements that we
16 were just going over. That is with Jamie and with Hart
17 and the hallway episode. Because it's our contention that
18 that led to her not giving a truthful statement. Will
19 that help you?

20 MS. MAYES: It will.

21 THE COURT: Just so I'm clear, the defendant is not
22 contesting any of the prior statements before the hallway
23 video.

24 MR. WILLIAMS: That's correct.

25 THE COURT: And the only one you're contesting is the

1 one where Detective Hart and McCann in that room right
2 there on the screen.

3 MR. WILLIAMS: That's correct.

4 MS. MAYES: And that is ---

5 THE COURT: Okay. Which is the one that is subject
6 to the transcript as well, if I'm not mistaken.

7 MS. MAYES: Your Honor, that is May 17, 2019. Your
8 Honor did receive a copy of the Veritext transcript. It
9 does contain the start of this interview all the way to
10 the finish as well as it being captured on audio and
11 video. And then the written statement that is Court's
12 Exhibit 7 is a product of what takes place during the
13 course of this interview. The State offers each of these
14 statements, Your Honor, and, of course, subject to
15 redactions required under State vs. Washington. But the
16 statement obtained in writing should be good in whole and
17 in its entirety.

18 And, Your Honor, we are prepared for any arguments at
19 the time you deem appropriate.

20 THE COURT: Mr. Williams, do you want to respond?

21 MR. WILLIAMS: Yes, Your Honor. I thought I would
22 rather do a little bit of housekeeping, too, in regards to
23 that, because I think we've reached an agreement on my
24 motion to kind of simplify things.

25 In regards to the sequestration, both sides agree to

1 And finally, Your Honor, Austin Hanahan, although he
2 is a witness in this case, he is also a victim by statute.
3 He would be exempt from sequestration under the Victims'
4 Rights Act.

5 MR. WILLIAMS: We don't contest that, Your Honor.

6 THE COURT: All right. And just so I'm clear, I
7 believe the statement -- well, does it matter? He's not
8 contesting.

9 But I think the ones that you mentioned earlier in
10 your summary were the ones that were provided to me in
11 advance, because I remember hearing the one with Detective
12 Sherban, even though I didn't see it today or hear it
13 today. So I think that covers all that.

14 So the real decision is just on the final written
15 statement, of course, Exhibit 7, and the Hart-McCann
16 interview. Okay.

17 MS. MAYES: And, Your Honor, although it was not made
18 a Court's exhibit, Your Honor as well as the defense did
19 receive the Veritext transcript. Again, we had that done
20 by an outside court reporting service. We do consider it
21 to be as reliable as possible regarding the full content
22 of this interview on May 17, 2019, with Hart and McCann.

23 MR. WILLIAMS: Your Honor, I would -- I would ask it
24 be made a Court's exhibit if the Court's going to be
25 looking at it.

1 MS. MAYES: I have no objection to that.

2 MR. WILLIAMS: You have it so maybe it is a Court's
3 exhibit.

4 THE COURT: Yeah. This -- this one's not a court
5 exhibit, I assure you. But if we have an extra copy, if
6 we could just make -- the transcript will be Court
7 Exhibit 8. All right. The record will reflect it will be
8 Court Exhibit 8. All right.

9 Y'all give us five, ten minutes. Let us just talk.
10 It's been a long day.

11 (WHEREUPON, a recess is taken at 3:30 p.m.)

12 THE COURT: Are we done with videos?

13 MS. MAYES: I'm sorry, Your Honor?

14 THE COURT: Are we done with the present videos?

15 MS. MAYES: We are, Your Honor. And the transcript
16 has also been marked as a Court's exhibit.

17 We do have a case we'd like to submit to Your Honor
18 for the record. It's U.S. vs. Braxton, 1997, regarding
19 the lack of coercion when someone is admonished to tell
20 the truth.

21 THE COURT: Give me that case again, please.

22 MS. MAYES: I'm going to pass this up, Your Honor.

23 THE COURT: All right.

24 MS. MAYES: This is U.S. v. Braxton, 112 F.3d 777
25 (indiscernible).

1 And I know Your Honor is looking over it. But in
2 Braxton, Your Honor, the Court acknowledged that the mere
3 existence of threats, implied promises, improper influence
4 or other coercive police activity does not automatically
5 render a confession involuntary. The proper inquiry is
6 whether the defendant's will has been overborne or his
7 capacity for selfdetermination critically impaired. And
8 further, it establishes that the test would be the
9 totality of circumstances. That would be the proper
10 standard. And in this case, Your Honor, there is
11 overwhelming evidence that she initiated the desire to
12 continue with this interview with law enforcement and to
13 provide a written statement.

14 The mere fact that she was given an admonition to
15 tell the truth in no way makes this coercive conduct. In
16 fact, police can tell a suspect that he must tell the
17 truth if he's going to say anything at all. And, again,
18 that is citing U.S. v. Braxton as well as State vs.
19 Ballington, a South Carolina case.

20 Now, on Ballington, Your Honor, Ballington, as I
21 stated, is a South Carolina case. I'll pass up a copy of
22 that as well as well as for Mr. Williams. That is
23 346 S.C. 262. This is also a murder case, Your Honor,
24 2001, out of Lexington County.

25 Your Honor, in Ballington, the Court determined that

1 a termination of voluntariness requires examination again
2 of the totality of circumstances. In that case, the
3 detective advised Ballington of his earlier statements not
4 being consistent with the physical evidence and that he
5 should be honest. The Court held that we do not believe
6 Ballington's will was overborne by the detective's comment
7 even considering his irrational mental state. In that
8 case, they outright told him you're going to have to tell
9 the truth. Considering the totality of circumstances, the
10 State proved by a preponderance of the evidence that
11 Ballington's confession was voluntary and the trial court
12 properly admitted it.

13 And, Your Honor, in that case, again, Ballington had
14 certain cognitive disabilities. It was known that he had
15 a fragile mental state. The defense actually offered
16 testimony in that regard through Dr. Harold Morgan, a
17 forensic psychiatrist.

18 Here we have a defendant who has completed 12 years
19 in school, she is gainfully employed, she is able to
20 freely express her emotions, her opinions, her
21 recollection of events. There is no -- no impairment
22 whatsoever that we see in her mental manifestation. And,
23 again, Your Honor, in Ballington, it was upheld just like
24 U.S. v. Braxton that police can tell a suspect that they
25 must tell the truth if they're going to continue with an

1 interview or with cooperation.

2 Your Honor, regarding admissibility, again, it's the
3 totality of the circumstances standard regarding whether
4 or not there was coercion. And in this case, we think
5 there's overwhelming evidence that she initiated and
6 willfully participated in these interviews.

7 But as to admissibility, the jury determines if it's
8 voluntary. And, of course, they will have an opportunity
9 to observe the Miranda both on video as well as the
10 officer's testimony about her waiver of Miranda, so beyond
11 the admissibility. Ultimately, Your Honor, the
12 voluntariness, again, will be a determination for the
13 jury.

14 THE COURT: All right. Thank you.

15 Anything else, Mr. Williams?

16 MR. WILLIAMS: Your Honor, I'm only going to stand up
17 and argue that there's anything wrong with the police
18 officers telling (indiscernible) resolve the other stuff
19 (indiscernible) yelling, withholding of counsel, the
20 inability to eat food, the length of the time involved,
21 the direction -- the comments about the parents don't
22 trust them and that's why they're not out on bond, all the
23 other stuff (indiscernible) not telling the truth.

24 THE COURT: I think -- I think totality of
25 circumstances is something we hear a lot regardless of the

1 case you're in. This is why those cases were -- there is
2 a lot of circumstances to total. It's just -- there's
3 just a lot of interviews. There's just a lot of material
4 here, hence why we're here on a Friday not doing this
5 Monday.

6 And to be fair, you know, Mr. Williams, you made your
7 points well and I can see your points. But in looking at
8 the totality of everything under a preponderance standard,
9 overall, I believe the statement, particularly the ones
10 you contest, are voluntary, will be admissible at trial.
11 A jury may find they don't agree with the statement that's
12 voluntary. That will be a decision they will have the
13 opportunity to make at the appropriate time. But for
14 Jackson v. Denno purposes, I find it's voluntary and
15 admissible next week.

16 So anything else for the record today?

17 MS. MAYES: Your Honor, one more case I just want to
18 pass up for the -- for the record, and that is State vs.
19 Johnson. And, again, that is where police advise the
20 suspect that it was, quote, unquote, a BS story, and that
21 he could potentially end up in prison for life if he
22 maintained that story. So, again, acknowledging the
23 responsibility of law enforcement to obtain truthfulness
24 during the course of their interactions. And I'm just
25 going to pass up State vs. Johnson, a 2018 case, for the

1 Court, part of the record. And we realize that the Court
2 has ruled and we are ready.

3 THE COURT: All right. Anything else for today?

4 MS. MAYES: Your Honor, on the matter of the
5 redactions, we have tried our best to comply with the
6 Court's ruling in State vs. Washington with the redacted
7 version that we submitted to the Court. The defense also
8 got a copy of that. We spent a lot of time working on it.
9 We are not yet at a point where we know exactly how we
10 want to present that. That's something that is still a
11 work in progress for us because, as Your Honor would have
12 seen, there was a lot -- there was a lot of editing there,
13 and so it's going to require some type of instruction from
14 the Court that it has been subjected to a redaction.
15 Otherwise, the jury is not going to understand why they're
16 seeing ---

17 THE COURT: Yeah.

18 MS. MAYES: --- a video clip with obvious redaction.
19 And so just something that we want to think about in the
20 framework of how this is presented.

21 If we do play that in its entirety as opposed to mini
22 clips, for example, we're going to need a specific
23 instruction that we all agree upon allowing the jury to
24 understand that redactions have taken place, that they
25 have been -- that they have been done with guidance and

1 approval from the Court, and that any redactions are not
2 relevant to the case and are not a matter for their
3 consideration. We've done similar curative instructions
4 regarding redactions in other cases.

5 MR. WILLIAMS: Your Honor, I'm not -- I'm not sure
6 that that's going to prohibit us from asking investigators
7 those parts that have been redacted out of (indiscernible)
8 and asking them isn't it true that you said such and such
9 and such and such. So whether the video that they offer
10 doesn't show it -- see, that's what's kind of silly about
11 the whole thing is because I guarantee these officers know
12 I'm going to ask them something about, you know, how you
13 instructed the questioning and that kind of thing. So ---

14 MS. MAYES: And that's where -- when we get to those
15 portions, I believe that there would have to be
16 acknowledgment on the record by the defense and
17 potentially by the defendant herself that this is
18 strategy. Under Washington, if the State offers it, we're
19 going to be looking at a potential reversal because we
20 have offered improper evidence. So if it's coming ---

21 THE COURT: Is this something that can be handled via
22 -- assuming we can all agree on the language, but via a
23 stipulation that I can read to the jury?

24 MS. MAYES: Potentially.

25 MR. WILLIAMS: I -- I think -- as far as I'm

1 concerned, I think I could reach an agreement of what be
2 taken out and what's not. But I know better than to ever
3 say that when you have two lawyers who are going to argue
4 about something.

5 THE COURT: Well, look, I mean, I understand the
6 purpose that we've talked about from Washington today. So
7 -- at least from the first part of playing the video,
8 oftentimes we tell the jury, jury, it's what you hear from
9 the witness. In this case, it's what you hear or see on
10 the video screen. You're not to entertain any thoughts of
11 what wasn't there because it's not important. We do that
12 to save your -- your time's valuable, and we want to keep
13 this trial as efficient as possible. Now, I can probably
14 say it better than that, but that's kind of the gist on
15 how the video could be handled.

16 Now, as far as cross-examination, we may want to chat
17 on that a little more.

18 MR. WILLIAMS: Your Honor, it is almost like you
19 always have the right to publish part of any document that
20 you introduce into evidence meaning that ---

21 MS. MAYES: 106.

22 MR. WILLIAMS: Yeah. So if the State introduces or
23 files as an exhibit the whole -- the whole thing, if she
24 only publishes that section which she thinks is
25 appropriate, I don't know that I'm going to be dialing in

1 there pulling anything to let them play on the screen if
2 you kind of follow where I'm going with that, Judge.

3 MS. MAYES: And so potentially, it's just something
4 that we want to think about down the road. In reality,
5 Your Honor, this will not be an issue until probably late
6 Tuesday at the earliest that we start dealing with these
7 matters. But we just want the Court to be aware that
8 where the redactions are concerned, we have to be very
9 careful. And then if later additions are going to be made
10 back into the video, it's just something I think we all
11 want to think about so that we can have advanced
12 decision-making.

13 THE COURT: Okay. Let's not make a decision at this
14 time. But let's -- maybe after the first round of
15 qualification Monday, maybe we can just talk about at
16 least part of the jury blurb we can give them at least
17 referencing the videos. And then if you and Mr. Williams
18 will come up with the appropriate method as far as what he
19 can do on cross, if we can make a stipulation to that
20 between us, at least not in front of the jury, maybe.
21 However, I'm sure between the three of us we can figure it
22 out. And if we can't, we'll cross that bridge when we get
23 to it.

24 MS. MAYES: And then the Court has already received
25 our motions as well regarding admission of evidence of

1 prior planning as well as admission of statements in
2 furtherance of the conspiracy. The Court is aware of
3 those statements because they are contained basically in
4 the -- expressly stated in the body of that written
5 statements. And they are statements attributed to Rey
6 Romero as a co-conspirator from Linda Monette herself.
7 And we certainly believe that's going to fall under
8 Rule 801(d)(2)(E) and would be admissible.

9 THE COURT: Very well. Anything else?

10 MR. WILLIAMS: I'm still going to take that up when
11 (indiscernible) being offered.

12 THE COURT: We can take it up Monday. We've got
13 plenty of time for that.

14 Anything else for today?

15 All right. Thank you all -- what? What?

16 MR. WILLIAMS: There is. Since we have the burly
17 police officers here, I've got a bunch of clothes for this
18 young lady that she needs to wear on Monday. I don't know
19 whether or not it needs to be . . .

20 THE COURT: All right. Everybody, thanks for your --
21 being here today and getting this done today. Y'all have
22 a good weekend. We are adjourned.

23 (WHEREUPON, proceedings concluded at 3:52 p.m.)
24
25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF LEXINGTON)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record, to the best of
11 my ability based on the audio and notes provided, of the
12 digitally recorded proceedings had from the DCRP, Digital
13 Courtroom Recorder Project, and evidence introduced in the
14 trial of the captioned case, relative to appeal, in the
15 Court of General Sessions for Lexington County, South
16 Carolina, on the 17th day of September, 2021.

17 I do further certify that I am neither of kin,
18 counsel, nor interest to any party hereto.
19

20 January 17, 2022
21
22

23 Cheryl A. Smith

24 Cheryl A. Smith, CVR-M

25 Court Reporter



Lexington County Sheriff's Department Statement Form



DATE 05/17/19 PLACE 521 Gibson Pk. TIME STARTED 2:30 PM

I, the undersigned, Linda Monette, am 23 years of age, my date and place of birth being the [REDACTED] day of [REDACTED] at Lex. SC
My present address is [REDACTED] Cedar Lake Dr.

I completed 12th grade(s) in school. I can read and write. LM (Initials)

CONTACT NUMBERS: H) _____ W) (803) 306-2833

ALTERNATE CONTACT: Name Shelly Polison Phone Numbers: (803) 834-9093

Before answering any questions or making any statements, Det. M. Hart / Sgt M. McCann,

a person who identified him/herself as a Detective / LCSD

duly warned and advised me that:

- 1) I HAVE THE RIGHT TO REMAIN SILENT. LM
- 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. LM
- 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. LM
- 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH. LM
- 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER. LM

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I MAKE THE FOLLOWING STATEMENT:

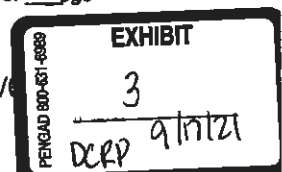
Monday I was w/ Rey Romero at my house, he saw where I was still in contact w/ Austin. He got highly upset when he found out I never stopped sleeping w/ Austin. He said "I'm gone rob that nigga". I told Rey to not lose his temper. I asked would he really do that & he said, "my lil nigger will." I wasn't sure if it was factual at first. When I was in bed w/ Austin, I heard something outside that startled the dogs.

Witness _____

Notary Public _____

Person giving Statement Linda Monette

Date 05/17/19



VOLUNTARY STATEMENT

Page 2 of 4 pages.

I went to Austin's Kitchen, I saw somebody coming up the driveway. At first, I thought it was Rey. When the guy kicked the door in, I recognized that it was his friend. He kicked the door in & started to grab handle me. I immediately knew that Rey wasn't exactly what he had said earlier. Nobody was supposed to get hurt. Rey was highly pissed that I had been spending all my time w/ him just to go back to Austin. The day before Rey said "Do you love me?" & I said "Yes". He said "Well, now how much you love me by the end of this." Rey said this would never happen w/ me @ the house. The intruder saw my car & still proceeded into the house. Immediately, I knew that

That morning Rey said he wanted to rob Austin's house. He said Austin was too pussy to defend himself. He said he was going to send his "niggas" to take his weed.

We talked about how if somebody put a gun to my head that Austin would give the weed up. He said it was going to be done whether I was there or not. I immediately texted Austin and asked to hangout

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Michelle Monette
Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20__.

Notary Public of South Carolina

LCSD 006, Revised 7/07

VOLUNTARY STATEMENT

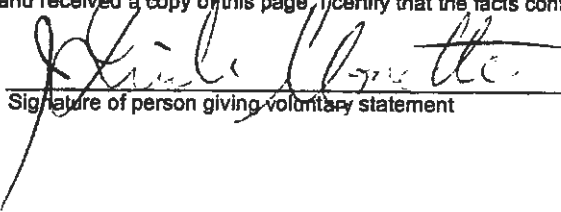
Page 3 of 4 pages.

I was worried something bad was going to happen. I got to Austin's after returning from a service. We are hanging out in the bedroom and the dogs start barking. This happens many times. I get worried so I go to the kitchen. I looked out the window & see a dark figure running towards the door. As I'm turning the door to head to Austin's bedroom, the door is kicked in & I immediately recognize the intruder. Ray did not do what we had originally talked about. Somewhere else was sent to Austin's house. Ray wouldn't answer the phone afterwards. I immediately knew this was his idea, though we had previously talked of it going a different way than it did. I did not want money. I did not want weed. This was going to happen whether I was present or not. I didn't want anyone to get hurt. Ray showed no emotion after I told him that Mason had been killed. He wouldn't tell me who came into the house, but by recognition. I KNOW.

Q: How did you recognize the intruder?

A: His skin tone, the words he used, the height, the sound of his voice and his eyes.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.


Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20____.

Notary Public of South Carolina

LCSD 006, Revised 7/07

VOLUNTARY STATEMENT

Page 4 of 4 pages.

Q: HOW HAVE YOU BEEN AROUND THIS PERSON BEFORE?

A: I SAW HIM MANY MANY TIMES IN PERSON + UP CLOSE AT THE STORE. HE WOULD COME TO THE PASSENGER WINDOW @ TIMES TO TALK TO REY. MANY TIMES HE IS AT THAT STORE WHEN I PICKUP / OR DROP OFF REY.

Q: HAVE YOU EVER HEARD REY CALL HIM BY NAME OR A STREET NAME?

A: YES, BUT I DO NOT REMEMBER.

Q: WHY DID REY SAY HE WANTED TO ROB AUSTIN? OF WHAT?

A: TO HAVE A GOOD BIRTHDAY W/ A SUCCESSFUL LIFE, FOR WEED.

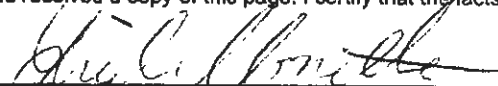
Q: REY TOLD YOU THAT MONDAY (5/13/19) THAT IT WOULD BE DONE THAT NIGHT?

A: YES.

Q: DID YOU AGREE TO GO ALONG WITH SOMEONE PUTTING A GUN TO YOUR HEAD TO HELP REY ROB AUSTIN?

A: YES.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.


Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20__.

Notary Public of South Carolina

LCSD 006, Revised 7/07



Lexington County Sheriff's Department Statement Form



DATE 5/15/19 PLACE LCSD TIME STARTED 1812 PM

I, the undersigned, Linda Monette, am 23 years of age, my date
and place of birth being the [REDACTED] day of [REDACTED], at Lexington, SC
My present address is [REDACTED] Smith Pond Rd. Lexington, SC 29073
I completed 12 grade(s) in school. I can read and write. UM (Initials)

CONTACT NUMBERS: H) _____ W) _____ C) _____

ALTERNATE CONTACT: Name Shelly Rolison Phone Numbers: (803) 834-9093

Before answering any questions or making any statements, Det. [REDACTED] / Sgt. Anderson
a person who identified him/herself as a LCSD

duly warned and advised me that:

- 1) I HAVE THE RIGHT TO REMAIN SILENT. UM
- 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. UM
- 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. UM
- 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH. UM
- 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER. UM

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. UM I MAKE THE FOLLOWING STATEMENT:

I got to Austin's Monday about 7 p.m.
after leaving a server's house in Reelbank of McLee
I came inside and sat on the couch
next to Mason who was about to fall asleep.
James left to go home to Ty for the night.
Mason was asleep by about 8:30 p.m.
Sitting on the couch I received a text
from Rey asking me where I was at.
I told him I was at my house; however
I was actually @ Austin's house.

Witness

Notary Public

Person giving Statement

Date

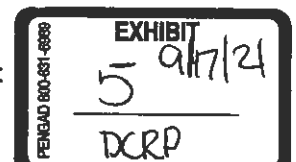
LCSD 173, Revised 11/04

My Commission expires

Pg 1 of ____ pgs

F19-01926 and 01996

LE Report:



VOLUNTARY STATEMENT

Page 2 of 4 pages.

I went and laid down w/ Austin in the back his bedroom. We had sex and cuddled w/ each other. We smoked a joint and got hungry. We got up and went to the kitchen to grab a snack. We did so twice together. 30 mins. or so later I went back to the kitchen for a bite to eat. At the fridge, I heard a doorknob move as if someone was seeing if the door was locked. ~~and~~ I was done in the kitchen, turned off the light and headed back to our bedroom. As I turned to enter the living room, I heard a loud thud behind me. I looked back and saw the black door hitting the ~~door~~ wall. The man came from behind me trying to grab me. I barely made it 3 steps before he made me stand up ~~spitting~~ his arm around my neck and pointing a gun to me. He immediately asked, "Where's your man at?" I screamed Austin's name multiple times. He moved me to where Austin could see me. W/ the gun to my head. Austin immediately came around the corner w/ a gun. Austin looked at me in fear, not knowing what to do & shot at the intruder. ~~He~~ The intruder then fired back @ Austin while trying to hide behind the separator between kitchen area & living room. ~~and~~ Austin continued to shoot, as well as the intruder. ~~and~~ Austin came towards the opening

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Shirley Monette
Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20 ____.

Notary Public of South Carolina

LCSD 008, Revised 7/07

VOLUNTARY STATEMENT

Page 3 of 4 pages.

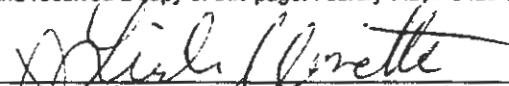
the opening of the hallway. Shot another time, and the intruder hit the floor panicking to get out of the house. He grabbed the black door knob enough to get out the door.

Austin ran towards the front door to try and see where the man went. He saw nothing & immediately came back inside very upset.

He told me to call 911. I was on the way to the bedroom already to do so. I called and brought phone to the couch while trying to apply pressure to Mason's head. Cops arrived & EMTs slowly followed.

After getting into the ambulance I sent a text to Reyn asking who could of done this? I got no response. I called after arriving @ the hospital. He hadn't seen my text about what happened. I informed him of what took place @ the house. I told him how familiar the intruder was. Reyn said he was @ home in bed @ that time & had no idea what was going on. He asked if it was even serious. I told him how awful the events were that took place. He asked me why I told him that I was at home. I told him that I went to Austin's for bud & that Austin wanted me to come over & spend time w/ him. He told me everything would get better and I told him I had to go.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.


Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20 ____.

Notary Public of South Carolina

LCSD 006, Revised 7/07

VOLUNTARY STATEMENT

Page 4 of 4 pages.

Q: Did you recognize the person that broke into the house?

A: Yes, his height, build, eyes, and skin color. I've seen him multiple times at the Hoot Store w/ Ray. LM

Q: Why would he break into Austin's house?

A: He ~~is~~ I feel like this happened because I told Ray that we have weed @ our house. (less than 2 lbs.) Everyone knew Austin was well off, especially after the music video shoot and being welcomed in his home. LM

Q: Has Ray ever mentioned a robbery at Austin's house?

A: He told me that his "lil niggas" wanted to break into Austin's house. He said he wouldn't let that happen after I told him to stop w/ that idea. LM

Q: Was the shooter the only one at the house during the shooting?

A: Yes, that I saw. I know that his friends don't do crimes alone & he said that in the past at least a separate event. LM

Q: Do you know what kind of vehicle Ray usually drives? What about the other ~~person~~ you referenced?

A: He doesn't drive. Sometimes he has his friend in a silver car drive him around. LM

Q: Did you have any involvement, want-in-act, in this incident?

A: NO I did not. LM

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

[Signature]
 Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20__.

Notary Public of South Carolina

LCSD 006, Revised 7/07



MIRANDA RIGHTS

PLACE: SLED DATE: 5/17/19 TIME: 10:28 am

BEFORE WE ASK YOU QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

LM

You have the right to remain silent.

LM

Anything you say can be used in court as evidence against you.

LM

You are entitled to talk to a lawyer now and have him present now or at any time during questioning.

LM

If you cannot afford an attorney, one will be appointed for you without cost.

LM

If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

YES LM

Do you understand these rights?

YES LM

Do you wish to talk to us at this time?

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to talk now without a lawyer present. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: Linda MonetteWitness: E. M. B. B. B.

Witness: _____

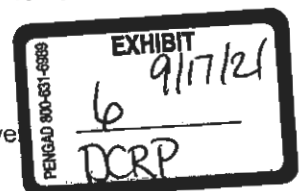
CASE # P16-0130DATE: 5/17/19EXAMINER: CMB

DOCUMENT 7

Form#P-005 (Rev. 7-24-06)
CALEA 1.2.3, 44.2.3

F19-1926 & F19-01996

SLED Waiver



SOUTH CAROLINA LAW ENFORCEMENT DIVISION



CONSENT TO INTERVIEW WITH POLYGRAPH

PLACE: SLED Headquarters
Columbia, SC

DATE: 5/17/19 TIME: 10:28 AM/PM

BEFORE WE BEGIN AN EXAMINATION BY MEANS OF THE POLYGRAPH CONCERNING:

Whether or not you planned with anyone to rob Austin.

YOU MUST UNDERSTAND YOUR RIGHTS.

YOUR RIGHTS

YOU HAVE THE RIGHT TO REFUSE TO TAKE THE POLYGRAPH TEST.

IF YOU AGREE TO TAKE THE POLYGRAPH TEST, YOU HAVE THE RIGHT TO STOP THE TEST AT ANYTIME.

IF YOU AGREE TO TAKE THE POLYGRAPH TEST, YOU HAVE THE RIGHT TO REFUSE TO ANSWER ANY INDIVIDUAL QUESTIONS.

WAIVER AND CONSENT

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I VOLUNTARILY AGREE TO BE EXAMINED BY MEANS OF THE POLYGRAPH DURING THIS INTERVIEW. I UNDERSTAND AND KNOW WHAT I AM DOING. NEITHER THREATS NOR PROMISES HAVE BEEN MADE TO ME TO OBTAIN MY CONSENT FOR THE USE OF THE POLYGRAPH. I UNDERSTAND THE EXAMINATION ROOM DOES CONTAIN AN OBSERVATION DEVICE AND THE EXAMINATION MAY BE MONITORED OR RECORDED.

SIGNED

Quil Monette
(EXAMINEE)

Jim Burt
(WITNESS)

CASE # P14-0130

DATE: 5/17/19

EXAMINER: CMB

DOCUMENT 9



SOUTH CAROLINA LAW ENFORCEMENT DIVISION POLYGRAPH REPORT



This is an official report of the South Carolina Law Enforcement Division Polygraph Department and is to be used in connection with an official criminal investigation. This report is intended only for the use of the agency to which it was disseminated and may contain information that is either privileged or confidential. Its contents are not to be distributed outside your agency except to those with appropriate legal interest.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

Date of Examination May 17, 2019	Examinee Linda Monette	Examination Results Deception Indicated	Polygraph Case P19-0130
Polygraph Examiner S/A Caitlin A. McPherson-Bryant	Victim Mason Hannahan	Location of Examination SLED Polygraph Section, Columbia, SC	

Testing Issue

The 8-year-old victim was shot to death during an armed robbery incident at the victim's home. The examinee is suspected of being involved in planning the robbery. The examinee denied being involved in this incident and denied knowing who shot the victim. A polygraph was requested in order to determine if the examinee was being truthful about this incident.

Examiner's Results

Responses indicative of attempted deception were noted to the relevant issue.
The following relevant questions were used:

R5) Did you plan with anyone to rob Austin?

Examinee Response: No

R7) Did you plan with anyone to rob Austin this month?

Examinee Response: No

Testing Format
Bi-Zone Comparison

Instrumentation:
Axciton computerized polygraph

Post-Test Interview/Comments

The examinee was advised of the results of the test. The examinee did not make any admissions.

This opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, your agency will be promptly notified by written report.

Officer's Signature <i>[Signature]</i>	Agency Lexington County Sheriff's Office	Date Notified May 17, 2019
Examiner's Signature <i>C. McPherson-Bryant</i>	Agency South Carolina Law Enforcement Division	Date of Report May 17, 2019

DOCUMENT 6

P-004
REVISED 10/2001

August 6, 2021

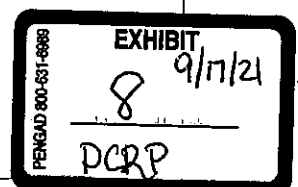
Audio Transcription

Page 1

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Linda Monette Interview

File Name: Hart-McCann 051719 1422



Audio Transcription

Page 2

1 INV. HART: Do you want to write it or
2 do you want to tell us?

3 LINDA MONETTE: I'll just write it.

4 INV. HART: Do you need anything to
5 drink? Do you want a bottled water?

6 LINDA MONETTE: (indiscernible) I
7 haven't eaten yet, so...

8 INV. HART: I mean, I can't go get you
9 a whole thing but I can get you crackers or
10 something.

11 LINDA MONETTE: Anything. I couldn't
12 eat food this morning either.

13 INV. HART: I mean, let me work on
14 that. I'll be right back, okay?

15 LINDA MONETTE: Thank you.

16 INV. HART: So, these are the rights
17 that they read you (indiscernible), okay? You
18 have the right to remain silent. Anything you
19 say can be used against you in a court of law.
20 You've already talked to a lawyer before being
21 asked questions (indiscernible) questions. Do
22 you have money -- no money (indiscernible)
23 represent you (indiscernible). If you decide to
24 answer any questions now without a lawyer
25 present, you still have the right to stop

August 6, 2021

Audio Transcription

Page 3

1 answering any questions at any time. Also, you
2 have a right to stop answering questions at any
3 time until you talk to your lawyer.

4 Same questions as the ones they read
5 you (indiscernible). We'll fill all this out.
6 Just start writing it. Write it like you're
7 telling a story. Do you need your hand -- which
8 hand?

9 LT. MCCANN: Right or left?

10 LINDA MONETTE: Right.

11 LT. MCCANN: Stand up for me. He's
12 going to get you a bottle of water and some
13 crackers. He's going to bring them and I'll step
14 out and get them for you, okay?

15 LINDA MONETTE: Thank you.

16 LT. MCCANN: You're welcome.

17 INV. HART: Write it like you're
18 telling a story.

19 LT. MCCANN: Do you need some tissues?

20 LINDA MONETTE: Sure.

21 LT. MCCANN: Let me grab some.

22 LINDA MONETTE: Thank you. Thank you.
23 He told me that (indiscernible).

24 INV. HART: All right. Do me a favor.
25 Read it out loud.

Audio Transcription

Page 4

1 LINDA MONETTE: Monday I was with Rey
2 Romero at my house. He saw where I was still in
3 contact with Austin. He got highly upset when he
4 found out I never stopped sleeping with Austin.
5 He said (indiscernible). I told Rey not to lose
6 his temper and I asked (indiscernible). And he
7 said that we (indiscernible). I wasn't sure if
8 it was factual at first. When I was in bed with
9 Austin, I heard something outside that scared the
10 dogs. And that's whenever I realized that it was
11 not a joke.

12 I went to Austin's kitchen, and I saw
13 somebody coming up the driveway. At first, I
14 thought it was Rey. Then when the guy kicked the
15 door open, I recognized that it was his friend.
16 He kicked the door in and started hitting me. I
17 immediately (indiscernible). Nobody was supposed
18 to get hurt. Then Rey was highly pissed that I'd
19 been spending all my time with him just to get
20 back at Austin. I'd done that before to Rey.
21 The first time that we started seeing each other
22 and he didn't like it.

23 INV. HART: Linda, you left something
24 out. We know you left something out. And I told
25 you I want 100 percent truth when you came in

August 6, 2021

Audio Transcription

Page 5

1 here, and that's not what you gave me. You did
2 not give me 100 percent truth. Linda, Rey
3 doesn't get mad at you because you've been with
4 Austin, and then all of a sudden, you text Austin
5 and go over to his house for no reason and give
6 him a blow job. Okay? That doesn't happen. You
7 went over there --

8 LINDA MONETTE: That's not the way that
9 it happened.

10 INV. HART: Linda, you broke up with
11 Austin. You two broke up last week. We know
12 that. You told Linda that. You told Linda that
13 you two were toxic and it was never gonna work.

14 LINDA MONETTE: Leah?

15 INV. HART: Leah -- that it was never
16 gonna work.

17 LINDA MONETTE: Austin was kind of
18 mean, but we always came back to each other.

19 INV. HART: No. You don't have this
20 conversation with Rey and then go back over there
21 to make up with Austin.

22 LINDA MONETTE: He said that he was
23 gonna (indiscernible).

24 INV. HART: And you went over there --
25 you went over there to make sure that it went

Audio Transcription

Page 6

1 right and to make sure that Austin didn't get
2 hurt. That's why you went over. That's why you
3 went over there, isn't it, Linda?

4 LINDA MONETTE: No, sir.

5 INV. HART: Linda, you didn't go over
6 there --

7 LINDA MONETTE: No, I'm being honest.

8 INV. HART: Linda, listen to me.

9 LINDA MONETTE: (Indiscernible).

10 INV. HART: Linda, stop interrupting
11 me. We had this conversation back there. Stop
12 interrupting me. You didn't go over there to
13 give him a blow job to make sure that it didn't
14 happen. That's not what you did. You went over
15 there to make sure that it went all right and
16 nobody got hurt. You knew that it was gonna
17 happen on Monday night. You tried to text Rey --
18 and I know this because James Mahoney saw you do
19 it. Tried to text Rey to tell him not to come
20 over. You knew that it was gonna happen, but you
21 tried to tell him not to come over.

22 LINDA MONETTE: I didn't want none of
23 this to happen.

24 INV. HART: You tried -- but you knew
25 it was gonna happen and you told him not to come

August 6, 2021

Audio Transcription

Page 7

1 over. Right?

2 LINDA MONETTE: I didn't want it to
3 happen.

4 LT. MCCANN: Is that right though?

5 INV. HART: Is that right?

6 LT. MCCANN: You texted him and told
7 him not to come. Yes or no.

8 INV. HART: I told you to be 100
9 percent honest with me. That's what happened,
10 wasn't it.

11 LINDA MONETTE: I didn't text him.

12 INV. HART: Okay.

13 LINDA MONETTE: I tried to call him and
14 he didn't answer. He hadn't been on the phone in
15 a while. And I started to hear stuff outside so
16 I went to the kitchen.

17 INV. HART: You -- Linda. Linda.

18 LINDA MONETTE: And I saw the person
19 coming up the driveway.

20 INV. HART: Who's car was it? What
21 (indiscernible)?

22 LINDA MONETTE: I didn't see one. I
23 swear.

24 INV. HART: I -- I told you if we came
25 over here, it's gonna be 100 percent --

Audio Transcription

Page 8

1 LINDA MONETTE: Yes, sir.

2 INV. HART: That's not -- you're not
3 giving me 100 percent truth. You're leaving out
4 details.

5 LINDA MONETTE: I didn't see a car, I
6 swear.

7 INV. HART: Okay.

8 LINDA MONETTE: I swear I didn't.

9 INV. HART: Tell me why you went over
10 there.

11 LINDA MONETTE: To spend time with
12 Austin.

13 INV. HART: No. Tell me -- you spent
14 all day with Rey after you had this conversation
15 with Rey where Rey got pissed --

16 LINDA MONETTE: Because he was going to
17 rob Austin's house.

18 INV. HART: And you went over there --

19 LINDA MONETTE: I didn't want it to
20 happen.

21 INV. HART: But you knew it was gonna
22 happen.

23 LINDA MONETTE: Because Austin --
24 Austin had told me that Mason was there and I
25 didn't want them to come.

August 6, 2021

Audio Transcription

Page 9

1 LT. MCCANN: Did you ever --

2 LINDA MONETTE: He told me that morning
3 that Mason was gonna be there. And then I'm
4 like, no.

5 LT. MCCANN: Did you ever try to
6 contact Rey again after that to tell him not to
7 come?

8 LINDA MONETTE: I tried to call him and
9 his phone was off.

10 INV. HART: And you tried to text him.

11 LINDA MONETTE: I didn't text him. I
12 texted him afterwards and I said, "Do you know
13 who could have done this?" because the person
14 that came in was not him.

15 LT. MCCANN: So --

16 LINDA MONETTE: He -- he said it was
17 gonna be.

18 LT. MCCANN: This friend of his that
19 you say came in the house, to your knowledge had
20 that friend ever been to Austin's house before?

21 LINDA MONETTE: I think so. I think
22 he's one of the people that came over whenever
23 Austin invited the group over. I'm almost --

24 LT. MCCANN: Where I'm going with this
25 --

Audio Transcription

Page 10

1 LINDA MONETTE: -- almost 100 percent
2 sure.

3 LT. MCCANN: Where I'm going with this
4 is how would that guy have known to come to that
5 door. That's not the front door of the house.

6 LINDA MONETTE: You're right.

7 LT. MCCANN: So, how would he have
8 known to come to that door?

9 LINDA MONETTE: That's what I'm not
10 sure of. We heard --

11 INV. HART: Linda --

12 LINDA MONETTE: We heard commotion in
13 the yard and he -- it very well could have been
14 someone trying to come through the front door.
15 But then the commotion moved to the other side of
16 the house. And Austin was awake for that.

17 INV. HART: Linda, you moved the towel
18 rack so you could see.

19 LINDA MONETTE: I swear I didn't touch
20 the towel rack.

21 INV. HART: The towel's still fixed
22 there. We have pictures of it when we --

23 LINDA MONETTE: I didn't touch the
24 towel, I promise. I promise. I didn't touch it
25 at all.

August 6, 2021

Audio Transcription

Page 11

1 INV. HART: Linda, I told you to be
2 able to lock up a person that shot and killed --

3 LINDA MONETTE: Yes. Yes, and I want
4 to.

5 INV. HART: -- Mason we have to have
6 100 percent truth. But you're trying to say that
7 you didn't know it. But you did. And we know
8 that.

9 LINDA MONETTE: I'm telling you I could
10 take you to the person right now and you could
11 talk to them. Please. Please let me help you
12 show -- I can show you where they're at.

13 INV. HART: This is how you're helping
14 us, Linda. This is how you're -- we told you
15 that back there. This is how you're helping us.
16 We need all the facts.

17 LT. MCCANN: So, let me ask you this.
18 You obviously had a conversation with Rey after
19 this happened because you deleted those text
20 messages.

21 LINDA MONETTE: Yes, ma'am. I texted
22 him and I said, "Do you know who could have done
23 this?"

24 LT. MCCANN: Wait a minute. I'm asking
25 questions right now.

Audio Transcription

Page 12

1 LINDA MONETTE: Yes, ma'am.

2 LT. MCCANN: Don't answer yet because
3 I'm not finished. So, you obviously had a text
4 message conversation with him that you felt the
5 need to delete.

6 LINDA MONETTE: Yes, ma'am.

7 LT. MCCANN: Wait a minute.

8 LINDA MONETTE: Okay.

9 LT. MCCANN: What did he tell you in
10 those text messages that were so damning and so
11 important that you had to get rid of them?

12 LINDA MONETTE: The text message that I
13 deleted was --

14 LT. MCCANN: There was more than one.
15 There were a lot of them.

16 INV. HART: You deleted the entire
17 thread. Every conversation that you had with him
18 before Tuesday morning, you deleted.

19 LINDA MONETTE: But you saw where I
20 said that I would do anything for Mason's --

21 LT. MCCANN: I'm talking about --

22 LINDA MONETTE: You have those --

23 LT. MCCANN: Listen to me. I'm talking
24 about when you were -- were you standing there
25 beside that couch, while EMS is working Mason

August 6, 2021

Audio Transcription

Page 13

1 while he's laying there dying, you're texting
2 Rey. What was in that conversation between you
3 and Rey?

4 LINDA MONETTE: I said somebody just
5 came to the house, they kicked the door in, they
6 held me at gunpoint, they shot Mason and they
7 shot at Austin. Who do you think could have done
8 this?

9 LT. MCCANN: And then?

10 LINDA MONETTE: Because he said that he
11 wanted to rob Austin's house. And that was not
12 him that came through the door.

13 LT. MCCANN: And he said what?

14 LINDA MONETTE: So, it scared me.
15 That's why I peed on myself. I didn't --

16 LT. MCCANN: And he said what back to
17 you?

18 LINDA MONETTE: He never answered, so I
19 called him at the hospital.

20 LT. MCCANN: No, no, no, no. He did
21 answer at some point because there were multiple
22 messages.

23 INV. HART: It was a ten-and-a-half-
24 minute conversation between you and Rey.

25 LINDA MONETTE: Yeah, in the hospital.

Audio Transcription

Page 14

1 INV. HART: Ten minutes.

2 LINDA MONETTE: Yeah.

3 INV. HART: We haven't even been in
4 here for ten minutes.

5 LT. MCCANN: I'm talking about text
6 messages. There were multiple text messages that
7 were deleted after the shooting happened between
8 you and Rey. Not just one.

9 LINDA MONETTE: After the message where
10 I'd asked who it was that came into the house, he
11 had started messaging and that's whenever the
12 messages followed where I said I would give my
13 life for Mason. Those were in that group that
14 got deleted.

15 INV. HART: And the -- and the problem,
16 Linda --

17 LINDA MONETTE: I promise they were.
18 Like, he didn't answer my text, so I thought it
19 was weird so I called him. And I swear --

20 INV. HART: Linda -- Linda, stop
21 talking over me, please. Linda, look at me. The
22 problem is you told us you deleted those texts
23 because you knew we were gonna get your phone.
24 You put in your phone, "I'll do anything for him,
25 I'll die for him" knowing that we -- we were

August 6, 2021

Audio Transcription

Page 15

1 going to get your phone. You told us you deleted
2 them.

3 LINDA MONETTE: Listen, nobody was ever
4 supposed to be hurt.

5 INV. HART: And we know that. And we
6 know that.

7 LT. MCCANN: Okay. And you keep saying
8 that, but you're not telling us how you know
9 that. How do you know nobody was trying to get
10 hurt?

11 LINDA MONETTE: He said that he was
12 going to rob Austin's house.

13 LT. MCCANN: Okay.

14 LINDA MONETTE: And that he needed me.

15 LT. MCCANN: So, how do you know he
16 wasn't planning to hurt Austin? He's pissed at
17 you because you -- he found out that you were
18 back in contact with Austin. So, what would --

19 LINDA MONETTE: (Indiscernible).

20 LT. MCCANN: No, no, no. What would
21 lead you to believe if he's that pissed off that
22 he's gonna go over there and rob him that he
23 wouldn't hurt him, too? How did you know? Think
24 about my question. How do you know that nobody
25 was supposed to get hurt? Because you keep

Audio Transcription

Page 16

1 saying that --

2 INV. HART: Because you knew that.

3 LT. MCCANN: But you won't answer my
4 question. You keep diverting and redirecting
5 conversation and changing topic, and that's
6 getting really old. So, tell me how did you know
7 that nobody was supposed to get hurt. How did
8 you know that?

9 LINDA MONETTE: Because Rey's told me
10 about a person that he robbed recently --

11 LT. MCCANN: No, no, no, no, no. No.
12 That night. We're talking about Monday night. I
13 don't care what Rey said before Monday. How do
14 you know Monday night that nobody was supposed to
15 get hurt? How do you know that?

16 INV. HART: And honest, you're thinking
17 too much. You're thinking.

18 LINDA MONETTE: Because I was there.

19 INV. HART: No. No. If you were --

20 LINDA MONETTE: Because I was there.

21 INV. HART: Listen, Linda. If you were
22 telling us the truth, you wouldn't have to stop
23 and think about it when we stop making you cut us
24 off.

25 LINDA MONETTE: Yes, sir.

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1 INV. HART: If you were telling the
2 truth, you wouldn't have to stop and think about
3 it. You cut us off because you don't want us to
4 finish our questions because you don't want to
5 answer them truthfully. And you promised me in
6 the jail --

7 LINDA MONETTE: Yes, sir.

8 INV. HART: -- when we went over here,
9 you were gonna give me 100 percent truth. But
10 you're trying not to make yourself look bad. And
11 the only -- listen to me, Linda. The only way to
12 be honest and for us to lock up the guy who shot
13 Mason in the head, who put Mason in the ground,
14 the only person for us to lock him up is for you
15 to be completely honest. Okay? Because right
16 now, you're the only one on the hook for it
17 because you're the one lying to us and you're the
18 one making it to where we can't charge them
19 because everything you're telling us has been
20 lies.

21 LT. MCCANN: And you know what? It --
22 it is gonna look bad on you. You would agree?
23 It is. I'm not gonna lie to you. It's not gonna
24 look like you're 100 percent innocent and Snow
25 White in this because you're not. But at least

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1 you have a clear conscience and you're not back
2 there throwing your guts up anymore because you
3 know what happened to this kid and it's eating
4 you up on the inside.

5 INV. HART: Because you know it wasn't
6 supposed to go that way because Austin wasn't
7 supposed to come out with a gun and Mason wasn't
8 even supposed to be there.

9 LT. MCCANN: And you keep saying that
10 over and over. Nobody was supposed to get hurt.
11 I need you to tell me how you know that. And I
12 need you to be honest with me because we're -- I
13 got a little irritated with you back there. I
14 ain't gonna -- no doubting that. And I told you
15 the first time you lie, this -- this talk is
16 over. Okay?

17 LINDA MONETTE: Rey said he was gonna
18 rob his house before his birthday on [REDACTED] [REDACTED].

19 LT. MCCANN: Okay.

20 LINDA MONETTE: He didn't tell me that
21 Monday night he was coming, but when I saw the
22 boy coming up the driveway, I knew exactly what
23 was gonna happen.

24 LT. MCCANN: But you're still not
25 answering my question. How did you know that

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1 nobody was supposed to get hurt?

2 LINDA MONETTE: Rey said that he
3 wouldn't hurt anybody.

4 LT. MCCANN: When did he say that?

5 LINDA MONETTE: Whenever he talked
6 about it.

7 LT. MCCANN: Earlier that day when he
8 told you, "I'm gonna rob his house."

9 INV. HART: Linda, don't look down.
10 We're up here.

11 LT. MCCANN: Is that when he said it?
12 Earlier that day when he told you he was gonna
13 rob his house.

14 LINDA MONETTE: He wouldn't hurt
15 Austin.

16 LT. MCCANN: Is that when he said it?
17 Earlier that day? So, earlier that day, he tells
18 you, "I'm gonna rob his house," and you say don't
19 hurt Austin and he said okay? That was all
20 Monday. All this conversation was on Monday.

21 INV. HART: And that's why you went to
22 Austin's house.

23 LINDA MONETTE: I wanted to make sure
24 nothing happened to him.

25 LT. MCCANN: Because you --

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1 LINDA MONETTE: I didn't want weed out
2 of it. I didn't want weed out of it.

3 LT. MCCANN: Whether or --

4 LINDA MONETTE: That's the honest to
5 God truth.

6 LT. MCCANN: Whether you and Rey
7 discussed him coming that night or not, you knew
8 he was serious, didn't you? You knew he was
9 gonna come.

10 LINDA MONETTE: That it was gonna
11 happen on his birthday.

12 LT. MCCANN: Yes. You knew --

13 INV. HART: And you're the only one
14 that knew he'd cash the check. You're the only
15 one who knew about all the money. You're the
16 only one that knew where all the weed was in the
17 house. And you --

18 LINDA MONETTE: I actually don't
19 though.

20 INV. HART: You know where enough of it
21 is. You knew where pounds of it is. Pounds.

22 LINDA MONETTE: Austin had two pounds
23 in his house.

24 INV. HART: Austin had a lot more than
25 two pounds. You knew --

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1 LINDA MONETTE: (Indiscernible).

2 INV. HART: You knew where --

3 LT. MCCANN: You knew where two pounds
4 were but that don't mean that's all he had.

5 INV. HART: You knew where enough of it
6 to make it worth it was. You're the only one
7 that knew. Rey couldn't have known that.
8 There's no way that Rey knew --

9 LINDA MONETTE: Rey asked me where the
10 pounds of weed were right before this --

11 LT. MCCANN: Okay.

12 LINDA MONETTE: And I told him that
13 Austin didn't have that much.

14 LT. MCCANN: Okay. So --

15 LINDA MONETTE: And he did. He asked
16 me for weed and I swear to you that he did not
17 have that much.

18 LT. MCCANN: So, we're getting
19 somewhere. Okay. Monday, you're with Rey.
20 Rey's mad because he finds out --

21 LINDA MONETTE: He saw Austin text me.

22 LT. MCCANN: Okay. And he then says
23 what to you? I don't have my glasses, I'm sorry.

24 LINDA MONETTE: He said, "I'm gonna rob
25 that nigger."

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1 LT. MCCANN: Okay. And what else was
2 said during that conversation?

3 LINDA MONETTE: I asked if he was
4 really gonna do that.

5 LT. MCCANN: Mm hm.

6 LINDA MONETTE: And he said that his
7 friends would, not him.

8 LT. MCCANN: Mm hm.

9 LINDA MONETTE: I didn't know what to
10 believe.

11 LT. MCCANN: Mm hm.

12 LINDA MONETTE: I promise I didn't do
13 it for the money or for weed. Rey was so pissed
14 at me. And then he asked me if I loved him.
15 After we got into the argument, he said, "Are you
16 sure you love me?"

17 LT. MCCANN: Was this before or after
18 you all went to the gym?

19 LINDA MONETTE: After.

20 LT. MCCANN: Okay.

21 LINDA MONETTE: I think it was after.

22 LT. MCCANN: You all went back to your
23 house after the gym or did you drop him off at
24 the store?

25 LINDA MONETTE: We didn't go back to my

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1 house after the gym.

2 LT. MCCANN: Okay. Okay. So, it
3 couldn't have been after the gym.

4 LINDA MONETTE: But that's not why we
5 went to the gym that day.

6 LT. MCCANN: No, no, no. I'm not saying
7 that.

8 LINDA MONETTE: Yeah.

9 LT. MCCANN: I'm just trying to figure
10 this out in my head of when this conversation
11 happened.

12 LINDA MONETTE: Well, I thought it was
13 just an empty threat.

14 LT. MCCANN: Mm hm.

15 LINDA MONETTE: I've heard him say a
16 lot of things about hurting people and I've
17 never, ever actually seen it.

18 LT. MCCANN: Mm hm. You ever seen him
19 as mad as he was that day?

20 LINDA MONETTE: No.

21 LT. MCCANN: So, you all had this
22 conversation before going to the gym?

23 LINDA MONETTE: It'd have to be.

24 LT. MCCANN: All right. So, you all
25 have this talk, he's mad, but you all still go to

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1 the gym. Well, that don't make any sense either
2 because you picked him up at the store before you
3 all went to the gym and you took him back there.

4 LINDA MONETTE: I didn't want him to be
5 pissed off. I was trying to (indiscernible).

6 LT. MCCANN: Well, what I'm trying to
7 figure out though is how he got from --

8 LINDA MONETTE: And he would listen to
9 me.

10 LT. MCCANN: How he got from your house
11 to the store for you to have to go there to get
12 him if he was already with you.

13 LINDA MONETTE: Ma'am, I'm sorry, say
14 that again.

15 LT. MCCANN: You said he was with you
16 at your house. You're saying this conversation
17 took place before you went to the gym.

18 LINDA MONETTE: Monday morning, he woke
19 up at my house and I took him to the store before
20 I had work at 8:00 in the morning.

21 LT. MCCANN: Okay. And then you went
22 to work.

23 LINDA MONETTE: Yes.

24 LT. MCCANN: And then what happened?

25 LINDA MONETTE: After I got off work, I

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1 remember I had text him. I just know that we had
2 this conversation in person.

3 LT. MCCANN: Mm hm.

4 LINDA MONETTE: I feel like it was
5 after the gym.

6 LT. MCCANN: So -- no, no, no. You're
7 -- you're jumping way ahead.

8 LINDA MONETTE: I just know that he --

9 LT. MCCANN: You all spent Sunday night
10 -- wait a minute. You're jumping ahead on me.
11 Hold on. You all spent Sunday night together.
12 He wakes up at your house. You drop him off at
13 the hood store.

14 LINDA MONETTE: Yes, ma'am.

15 LT. MCCANN: And then you go to work.

16 LINDA MONETTE: Yes, ma'am.

17 LT. MCCANN: When you get off of work,
18 where do you go?

19 LINDA MONETTE: Um.

20 LT. MCCANN: When you get off work
21 Monday.

22 LINDA MONETTE: I'm sorry. I'm just --
23 give me one second. I'm trying -- I just really
24 want to say the right thing. I don't want to --
25 the truth.

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1 INV. HART: Not the right thing. The
2 truth. The truth.

3 LINDA MONETTE: My -- my memory's bad.
4 I'm just trying to remember. I know that I know
5 I said -- whenever I got off work, I remember
6 texting him. And I can't remember if I went to
7 (indiscernible) house. It would be in my text
8 messages if so. If I was (indiscernible). But I
9 remember whenever I text him and I said, "I'm
10 going to the gym by 4:30," and we had planned to
11 go at 3:30. This had been a plan for a couple
12 days to go to the gym because we'd been talking
13 about working out together. We went and -- wait,
14 no. After work, I went home to get into my gym
15 clothes and I cleaned up my room. I did laundry.

16 LT. MCCANN: And then that's when you
17 went and picked him back up at the store later
18 and you guys went to the gym.

19 LINDA MONETTE: Yes.

20 LT. MCCANN: And you took him back to
21 the store after that.

22 LINDA MONETTE: He was helping me work
23 out at Planet Fitness.

24 LT. MCCANN: Okay. Okay.

25 INV. HART: How come --

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1 LINDA MONETTE: He saw Austin text me
2 on my phone.

3 LT. MCCANN: I know. And that's when
4 he got ticked off.

5 LINDA MONETTE: Yes. And he asked me
6 -- he asked me if I was sleeping with him. And
7 the reason he got so pissed off is because me and
8 Rey, we don't use condoms. Me and Austin never
9 use condoms. And he said if he ever found out
10 that you were sleeping with him raw, he pretty
11 much said he'd kill me.

12 LT. MCCANN: Okay. And that
13 conversation was --

14 LINDA MONETTE: I didn't think -- I
15 don't think he really meant that but that's --

16 LT. MCCANN: That conversation was at
17 Planet Fitness?

18 LINDA MONETTE: Yes. So, in the time
19 of us leaving and me dropping him off, he was
20 pissed off and he said, "I need to go. I need to
21 make money." And he just kept talking about how
22 he was gonna hit a lick, celebrate his birthday
23 before [REDACTED].

24 LT. MCCANN: Okay. All right. So,
25 let's fast forward. You -- you and Austin then

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1 have a conversation over text message and you end
2 up at his house.

3 LINDA MONETTE: Yes.

4 LT. MCCANN: All right. From there,
5 what happened?

6 LINDA MONETTE: I show up at Austin's
7 house. I grab weed from him.

8 LT. MCCANN: From?

9 LINDA MONETTE: From Austin. He asked
10 if I need anything because after that weekend of
11 me being with Rey the whole time, I didn't have
12 any -- much left. Okay.

13 LT. MCCANN: So, did he know you had
14 been with Rey?

15 LINDA MONETTE: No.

16 LT. MCCANN: Okay.

17 LINDA MONETTE: He knows that I hung
18 out with him last year, but since -- since our
19 relationship progressed sexually, I didn't tell
20 Austin about any of that.

21 LT. MCCANN: Okay. So, you grab
22 Austin's -- or you grab some weed from Austin.

23 LINDA MONETTE: Yes. He gives me an
24 ounce. I go to Mickley Road, serve up my friend,
25 Mike, and come right back to the house. I think

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1 I might have stopped for gas or a drink or
2 something on the way. But I was by myself hands
3 down. When I left Mike Turk's house, I bought a
4 pack of cigarettes. They're still sitting in my
5 car, brand new.

6 LT. MCCANN: Okay.

7 LINDA MONETTE: I might have smoked
8 three of them.

9 INV. HART: Where'd you buy them?

10 LINDA MONETTE: We always go to the
11 Circle K by Austin's house but all -- I -- right
12 hand to God, I know I stopped and bought
13 cigarettes. And that's all -- that -- that's
14 what I remember. I cannot remember what gas
15 station.

16 LT. MCCANN: All right. So, then you
17 get back to Austin's house.

18 LINDA MONETTE: I get back to Austin's
19 house. Mason and James are hanging out.
20 Austin's in there. I asked Austin for a quarter
21 pound. He gave me more weed. James left.

22 LT. MCCANN: Was that weed for you?

23 LINDA MONETTE: Yeah.

24 LT. MCCANN: Okay. That's not to serve
25 up somebody, that was for you.

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1 the dogs go off. They never bark. I knew
2 something was wrong. And I went in the kitchen
3 and Austin actually is the one who put the blinds
4 like that, but I did look out of it. And I saw
5 somebody running up to the door. I started to go
6 through the room to get back to the room with
7 Austin and they -- they kicked the door in. And
8 it was not Rey.

9 INV. HART: Linda, you left the entire
10 part out about you texting while you were there
11 with Austin before all this happened.

12 LINDA MONETTE: Yeah, Rey asked me
13 where I was at and I lied and I told him that I
14 was at my house. I feel like he wanted to do it
15 on a day that I was not there. Honest to God, I
16 think that's why.

17 INV. HART: I think. I feel. I told
18 you not to use those words back there.

19 LINDA MONETTE: That's why. That's
20 why. He didn't think I was there. I guess his
21 friend showed up, sees my car there -- his friend
22 doesn't know my car. Rey does.

23 INV. HART: Well, you said his friend
24 shows up and sees your car there.

25 LINDA MONETTE: Well, yeah, he sees my

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1 car but does he recognize it as my car or someone
2 else's? That's what I'm getting at. I -- I know
3 he's never been in my car. So, I -- I really
4 don't think that he would recognize it as mine.

5 INV. HART: (Indiscernible).

6 LINDA MONETTE: The guy that came in.

7 INV. HART: What's his name?

8 LINDA MONETTE: I don't know but I
9 swear (indiscernible) right now.

10 INV. HART: How do you know him?

11 LINDA MONETTE: At the store.

12 INV. HART: You've only ever seen him
13 at that store?

14 LINDA MONETTE: Yep, with Rey and all
15 of his little conniving friends. He says that
16 his friends didn't care about hurting kids or
17 animals or any of that.

18 INV. HART: Okay, Linda --

19 LINDA MONETTE: I told Rey not to hurt
20 nobody and not to do that.

21 INV. HART: Linda, the problem is
22 didn't get one text that says, "Where you at?"
23 and you responded one time and said I'm at -- I'm
24 at my house.

25 LINDA MONETTE: He said --

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1 INV. HART: There were more -- there
2 were more texts than that.

3 LINDA MONETTE: He did.

4 INV. HART: I'm not saying that that
5 didn't happen. I'm saying there were more texts
6 than that. But why aren't you --

7 LINDA MONETTE: He said you -- he said,
8 "You don't have to explain yourself to me"
9 whenever I told him I was at my house. And I
10 don't know --

11 INV. HART: So, he texted you and said,
12 "Where you at?" And you texted him and said I'm
13 at my house. And then he said --

14 LINDA MONETTE: Relaxing, taking time
15 to myself. And he said, "You don't have to
16 explain yourself to me." Or he said, "It's okay,
17 you don't have to explain yourself to me." It's
18 -- if you look at the text messages, that's what
19 it says.

20 INV. HART: I told you I want to -- I
21 want to be able to arrest the person that killed
22 Mason.

23 LINDA MONETTE: Yes, sir. I want it,
24 too.

25 INV. HART: You're not -- no, you're

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1 not. You're not giving me any --

2 LINDA MONETTE: I promise I don't know
3 his name.

4 INV. HART: You're not even telling me
5 the truth about what happened, Linda.

6 LINDA MONETTE: That is what happened.

7 INV. HART: That's not what happened.
8 That's not what happened.

9 LT. MCCANN: All right. Well.

10 LINDA MONETTE: I promise.

11 INV. HART: Let's walk.

12 LT. MCCANN: Yeah, I think we're done.

13 INV. HART: Fill this out real quick.

14 LINDA MONETTE: What's today's date?

15 INV. HART: 5/17. Oh, and by the way,
16 you haven't bonded out because your parents don't
17 believe you.

18 LINDA MONETTE: Why?

19 INV. HART: Five-two-one
20 (indiscernible). Time started --

21 LINDA MONETTE: Why don't they believe
22 me?

23 INV. HART: Write --

24 LINDA MONETTE: I promise this is
25 really what I know.

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1 INV. HART: Write 2:30 (indiscernible).
2 2:30 (indiscernible). Your own parents don't
3 believe you, Linda. Your parents know you better
4 than I do. I just met you Tuesday. Your parents
5 don't believe you. Write 2:30 --

6 LINDA MONETTE: My mom even thinks
7 that?

8 INV. HART: Yeah.

9 LINDA MONETTE: My dad barely even
10 knows me that well.

11 INV. HART: Your mom -- I brought your
12 mom in here in the morning and talked to her.
13 She doesn't believe you.

14 LINDA MONETTE: What did she say?

15 INV. HART: She doesn't believe you.
16 She doesn't believe you, Linda. And you know
17 why. You know why. Because you're not telling
18 us the entire --

19 LINDA MONETTE: I knew that they were
20 gonna try to break into his house but I didn't
21 know it was gonna be that night.

22 INV. HART: Linda, 2:30 and then a P,
23 please. 2:30 p.

24 LINDA MONETTE: If I fill this out,
25 they're gonna try to give me another charge when

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1 I'm telling the truth.

2 LT. MCCANN: You don't have to fill
3 that out.

4 INV. HART: You don't have to fill that
5 out.

6 LT. MCCANN: That doesn't have anything
7 to do with the charge.

8 INV. HART: The statement doesn't have
9 anything to do with it. You've already told us -
10 -

11 LINDA MONETTE: I'm telling you --

12 INV. HART: -- what you told us. Just
13 go ahead. Let's just complete the form. 2:30
14 and then a P.

15 LINDA MONETTE: I don't want to do
16 that.

17 INV. HART: Okay. Then let's go to the
18 jail.

19 LINDA MONETTE: Why can't you just
20 listen to me. I'm telling you.

21 INV. HART: Because you're leaving
22 stuff out, Linda. I told you.

23 LINDA MONETTE: The text messages,
24 that's really what they say.

25 INV. HART: It's more than just the

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1 text messages, Linda. There's more. And if you
2 don't think Rey and his niggas are gonna throw
3 you under the bus and blame you for the whole
4 damn thing, you obviously --

5 LINDA MONETTE: They know that I told
6 them not to do that.

7 INV. HART: They don't know anything,
8 Linda.

9 LINDA MONETTE: I told him that. Just
10 Rey. He's the only person who talked about it
11 with me in the car.

12 INV. HART: Linda, this is what we're
13 gonna do. (Indiscernible). Let me put that
14 other handcuff on you.

15 LINDA MONETTE: Can I please have one
16 of those crackers?

17 INV. HART: Yeah. We got them for you.

18 LT. MCCANN: Yeah, here. You might as
19 well eat them while we're walking because once
20 you get over there, they're going in the trash.
21 They won't let you have them.

22 LINDA MONETTE: I just don't know,
23 like, what else to say.

24 INV. HART: Do -- all you have to do is
25 tell us A to Z, and don't leave out any letters

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1 in between. But you're leaving out letters
2 because you don't want to --

3 LINDA MONETTE: Can I take you to this
4 person?

5 INV. HART: No. I don't need you to
6 take me to a person. What I need are the facts
7 of what happened. Not what you want us to know
8 about what happened because you want to try to
9 make yourself look all right. The facts about
10 what happened, A to Z with no letters missing in
11 between. But you're giving us A and D and K and
12 F. You're giving them to us in the order that
13 you want them and leaving out the letters you
14 don't want in there because you want us to know
15 what you want us to know because you don't want
16 to look like a bad person. I told you in that
17 jail I don't give a fuck if you look like a bad
18 person or not. I want to lock the dumb
19 motherfucker that shot an 8-year-old kid in the
20 head. Accident or not, I don't believe he meant
21 to do it, but it happened and that's what
22 matters. He -- that dumb motherfucker went in
23 the house with a gun and shot an 8-year-old in
24 the back of the head that's laying on the couch
25 asleep.

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1 LINDA MONETTE: Rey said that he wasn't
2 going to do that. Not --

3 INV. HART: Rey did not --

4 LINDA MONETTE: -- hurt Mason.

5 INV. HART: Okay. But you're leaving
6 stuff out, Linda. And we can't use anything
7 you're telling us because you're leaving stuff
8 out and we can prove you're leaving stuff out and
9 it doesn't help us.

10 LINDA MONETTE: I swear I didn't touch
11 the thing in the door. The blinds were already
12 like that.

13 INV. HART: Linda.

14 LINDA MONETTE: I saw him coming up the
15 driveway. I swear I did.

16 INV. HART: But you knew he was coming.
17 You knew he was coming. That's why you --

18 LINDA MONETTE: He told me he was gonna
19 do it when I wasn't there.

20 INV. HART: Rey did not tell you that.

21 LINDA MONETTE: Yes, he did.

22 INV. HART: Rey didn't tell you that.
23 That's not why you went over there. You went
24 over there because you knew it was gonna be that
25 night and you wanted to make sure nothing

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1 happened. Linda.

2 LINDA MONETTE: I didn't want nobody to
3 get hurt.

4 INV. HART: And you're -- and I told
5 you over there I don't want you coming over here
6 feeding me a line of bullshit, and that's all
7 you're doing.

8 LINDA MONETTE: I don't want anybody to
9 get hurt.

10 INV. HART: I don't want -- I didn't
11 want anybody to get hurt. I got a 9-year-old who
12 I'm supposed to be fishing with right now. My 9-
13 year-old son. But instead I'm investigating a
14 murder of an 8-year-old boy who was laying on the
15 couch sleeping and he got killed because some
16 dumb motherfucker thought it was a good idea to
17 go rob weed and money. That's why we're here.

18 LINDA MONETTE: I didn't --

19 INV. HART: I don't give a damn about
20 what you have to say or if it makes you look good
21 or bad. What I give a damn about is locking up -
22 -

23 LINDA MONETTE: It's not about me.

24 INV. HART: Hush. Exactly, it's not
25 about you. I give a damn about locking up

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1 somebody who shot and killed an 8-year-old boy.
2 That's what I care about. And you don't even
3 have the common decency to tell us the facts so
4 we can do that. Because you care too much about
5 yourself, Linda.

6 LINDA MONETTE: He said that he
7 wouldn't hurt whoever was there.

8 INV. HART: No. No, he didn't. No, he
9 didn't.

10 LINDA MONETTE: He said he would never
11 do it when I visited there.

12 INV. HART: No, he didn't. That's not
13 why you went over there. That is not why you
14 went over there. You didn't go over there
15 because he said he wouldn't do it when you're
16 there. That is not why you did it.

17 LINDA MONETTE: I go over to Austin's
18 all the time.

19 INV. HART: Linda, you broke up with
20 Austin. You broke up with Austin.

21 LINDA MONETTE: We didn't officially
22 break up.

23 INV. HART: Yes, you did. Yes, you
24 did. There's not a damn thing in that house
25 that's yours. I walked through it yesterday.

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1 Not a damn thing --

2 LINDA MONETTE: He threw all my stuff
3 away.

4 INV. HART: Linda, you took it all out
5 because you broke up. You went over there for
6 the purpose -- we know what the purpose is.
7 We're trying to lock up a murderer and you are
8 sitting here helping him.

9 LINDA MONETTE: He wanted to take
10 Austin's weed, and I told him not to hurt
11 anybody.

12 INV. HART: And that's why you went
13 over there. Because you knew what was gonna
14 happen.

15 LINDA MONETTE: Yes, and I didn't want
16 anybody to get hurt.

17 INV. HART: Exactly.

18 LT. MCCANN: Okay.

19 INV. HART: Why didn't you tell us
20 that? You just answered --

21 LINDA MONETTE: I'm scared.

22 LT. MCCANN: You just answered the
23 question. You knew it was getting ready to
24 happen, so you went over there to make sure
25 nobody got hurt. You just said it.

Audio Transcription

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1 LINDA MONETTE: I didn't know what time
2 or anything but I --

3 LT. MCCANN: You knew he was coming
4 that night.

5 LINDA MONETTE: No, but I felt like he
6 meant --

7 LT. MCCANN: No, no, no, no, no. No.

8 INV. HART: Not felt.

9 LINDA MONETTE: Yes. Yes, you -- yes.
10 Yes.

11 LT. MCCANN: You knew.

12 LINDA MONETTE: Yes.

13 LT. MCCANN: You knew he was coming.

14 LINDA MONETTE: Yes.

15 LT. MCCANN: So, you knew before you
16 ever got there that he was coming that night.
17 You just said it. Don't back up on me now. And
18 what was supposed to happen that night when Rey
19 got there?

20 INV. HART: What was the actual plan?
21 What were you supposed to do? What was supposed
22 to happen?

23 LT. MCCANN: You know what? You're
24 already there. Just say it. You're already
25 there.

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1 LINDA MONETTE: Rey's friends were
2 supposed to kick in the door and take the weed.

3 LT. MCCANN: And he told you that was
4 gonna happen.

5 INV. HART: He was supposed to take you
6 hostage, and Austin was supposed to give him weed
7 and money. Right?

8 LT. MCCANN: So you didn't get hurt.

9 LINDA MONETTE: Yes, sir.

10 LT. MCCANN: All right.

11 LINDA MONETTE: I just didn't -- I
12 didn't know that he was coming right then, so
13 that's why --

14 INV. HART: You might have known the
15 exact time.

16 LINDA MONETTE: So, that's why I was so
17 scared whenever the door got kicked in because --

18 INV. HART: You might not have known
19 the exact time, but you knew it was that night.
20 Linda. You knew it was that night.

21 LT. MCCANN: Sit down.

22 INV. HART: You -- you --

23 LINDA MONETTE: I felt like it was
24 gonna happen.

25 INV. HART: Linda, don't say I felt.

Audio Transcription

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1 Don't say I felt. I don't want I felt. I want -
2 -

3 LT. MCCANN: We're not feeling anymore.
4 We're knowing. Okay? Because you done said it.

5 INV. HART: You said I knew he was
6 coming that night, I didn't know what time. They
7 were supposed to take you hostage, put a gun to
8 your head, and Austin was supposed to give them
9 the weed and the money.

10 LT. MCCANN: So you didn't get hurt.

11 INV. HART: Yes or no?

12 LINDA MONETTE: So no one got hurt.

13 INV. HART: So no one got hurt. Yes or
14 no? Yes or no?

15 LINDA MONETTE: Yes, sir.

16 LT. MCCANN: Okay. So, you had that
17 conversation about doing that. Who was that
18 conversation between? You and who?

19 LINDA MONETTE: Rey.

20 INV. HART: Just you and Rey?

21 LINDA MONETTE: Yes.

22 LT. MCCANN: So, you and Rey plan --

23 LINDA MONETTE: Not to split the money.

24 INV. HART: Okay.

25 LT. MCCANN: Now, listen, let me --

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1 INV. HART: Listen. Listen.

2 LT. MCCANN: Listen to me. You and Rey
3 planned earlier that day that you would go over
4 there, his friends would kick the door in, put a
5 gun to your head, and demand what?

6 LINDA MONETTE: He wanted his weed.

7 LT. MCCANN: Weed?

8 LINDA MONETTE: Rey had been asking him
9 for weed the whole weekend.

10 LT. MCCANN: Because you thought if
11 somebody had a gun to your head, Austin would do
12 whatever they wanted to save you.

13 INV. HART: You just told us that. You
14 just told us that, right? That's what you
15 thought.

16 LT. MCCANN: That's what you and Rey
17 talked about.

18 INV. HART: And you told me that
19 Tuesday when I brought you in here Tuesday night.
20 You said if they put a gun to my head, Austin
21 would have done whatever they wanted. And that's
22 what you expected to happen. And I could tell
23 you were angry Austin came out with a gun because
24 nobody was supposed to get hurt. Nobody was
25 supposed to shoot, right?

Audio Transcription

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1 LT. MCCANN: So, do you know now why
2 you failed that question on your polygraph?

3 LINDA MONETTE: Yes, ma'am.

4 LT. MCCANN: Because you did help. You
5 did help plan it. Didn't you?

6 INV. HART: Even if you were doing it
7 just to make sure nobody got hurt, you knew about
8 it. You knew about the robbery.

9 LINDA MONETTE: I knew it was gonna
10 happen, but I did not want anyone to get hurt.

11 INV. HURT: I see that.

12 LT. MCCANN: Okay.

13 LINDA MONETTE: So, Rey said that if I
14 didn't comply that he was gonna come take the
15 shit regardless.

16 LT. MCCANN: Okay. So, you -- you knew
17 it was gonna happen that night.

18 LINDA MONETTE: Yes.

19 LT. MCCANN: You and Rey talked about
20 how to do it.

21 LINDA MONETTE: Kind of. He didn't
22 really -- he didn't say a lot.

23 INV. HART: But you just told us --

24 LINDA MONETTE: But --

25 INV. HART: -- that he was supposed to

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1 kick in the doors.

2 LINDA MONETTE: He said -- he said
3 words that -- that --

4 INV. HART: What words?

5 LINDA MONETTE: -- almost certainly --

6 LT. MCCANN: Okay. What did he say?

7 LINDA MONETTE: He said, "I'm going to
8 rob that nigger."

9 LT. MCCANN: Okay. But --

10 LINDA MONETTE: While I'm alone --

11 LT. MCCANN: No, no, no. You're --
12 you're not -- you're missing my question.

13 LINDA MONETTE: Yes, ma'am.

14 LT. MCCANN: You and Rey talked about
15 how to do this, how it should happen so nobody
16 would get hurt.

17 LINDA MONETTE: I said -- yes, that he
18 better not hurt nobody.

19 LT. MCCANN: Okay. So, you all did
20 plan something.

21 INV. HART: Whose idea was it to kick
22 in the door?

23 LINDA MONETTE: Rey's.

24 INV. HART: Who's idea was it to take
25 you hostage?

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1 LINDA MONETTE: Rey's.

2 INV. HART: Did Rey think that if -- if
3 they took you hostage, Austin would --

4 LINDA MONETTE: He said if I didn't do
5 it -- if he -- if he couldn't --

6 INV. HART: Listen --

7 LINDA MONETTE: -- do it when I was
8 there, he would do it when I wasn't there. And I
9 knew that someone would really get hurt then.

10 LT. MCCANN: Mm hm. So, you -- what
11 you're saying --

12 LINDA MONETTE: And Mason still got
13 hurt.

14 LT. MCCANN: You put yourself in this
15 situation to try to help somebody else. To keep
16 somebody else from getting hurt.

17 LINDA MONETTE: He said he was gonna do
18 it anyways.

19 LT. MCCANN: Is that what you're trying
20 to say, though? That you went along with this
21 plan so nobody else would get hurt?

22 LINDA MONETTE: He was gonna do it
23 either way.

24 LT. MCCANN: Is that what you're
25 telling me?

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1 LINDA MONETTE: Yes, ma'am. I didn't
2 want anybody to get hurt.

3 LT. MCCANN: How'd that work out for
4 you? Now we've got a dead kid. Because you
5 helped plan this.

6 INV. HART: Linda, let's go get the guy
7 that shot him. Okay? Let's do that.

8 LT. MCCANN: Okay?

9 LINDA MONETTE: Please. Please.

10 LT. MCCANN: So, Rey -- Rey --

11 LINDA MONETTE: I didn't do that.

12 LT. MCCANN: Rey and who?

13 LINDA MONETTE: I swear I don't know
14 his name. I know that's why Rey is the person
15 who -- I know that's why Rey sent him in.

16 INV. HART: It's 100 percent the guy
17 that you showed us on Facebook. A hundred
18 percent. Is that what you're telling us?
19 Because we can't charge somebody based on "I feel
20 like it's him, I think it's him."

21 LINDA MONETTE: I'm like 95 percent
22 sure.

23 LT. MCCANN: (Indiscernible).

24 LINDA MONETTE: When I saw -- when I
25 saw his face, it made my stomach cringe.

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1 LT. MCCANN: Okay. So, let me ask you
2 this. When that door got kicked in and that guy
3 came in and grabbed you and put that gun to your
4 head --

5 LINDA MONETTE: It scared the shit out
6 of me.

7 LT. MCCANN: Where was Rey?

8 LINDA MONETTE: I don't know. I called
9 him later and he pretended that he was sleeping.
10 He didn't even sound like he was really sleeping.
11 When I called him -- I called him like -- I think
12 it was like an hour and a half later. That's
13 that ten-minute phone call. I was crying. I was
14 like, I'm covered in Mason's blood. Somebody
15 came in here and hurt both of them. And didn't
16 even take anything. They didn't even ask for
17 anything.

18 INV. HART: They didn't have time to
19 ask because Austin came out with a gun.

20 LINDA MONETTE: I was lying to Austin
21 (indiscernible). I knew he would. I knew he
22 would. Austin's always stood up for what he
23 believes in and he will always protect his
24 family.

25 INV. HART: But you didn't --

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1 LINDA MONETTE: He's done that for me
2 before.

3 INV. HART: But what scared you is he
4 was shooting when they were holding you.

5 LT. MCCANN: And nobody was supposed to
6 shoot. You said that yourself.

7 INV. HART: Nobody was supposed to
8 shoot anybody. You said nobody was supposed to
9 get --

10 LT. MCCANN: You didn't -- you didn't
11 anticipate that -- you didn't -- you didn't stop
12 and think about what Austin may do when you and
13 Rey made this plan, did you?

14 INV. HART: You thought -- you and Rey
15 --

16 LT. MCCANN: You thought he would just
17 give it up. You didn't -- you never thought he
18 would grab a gun and try to fight back, did you?

19 LINDA MONETTE: Austin -- Austin was
20 not -- doesn't really get scared of people.

21 INV. HART: Linda, that's not -- it's
22 not a matter of him being scared.

23 LT. MCCANN: That's not what we're
24 asking.

25 INV. HART: It's him being scared for

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1 you. That's what you thought.

2 LINDA MONETTE: I imagined that if
3 there was a gun to my head that, yes, he would
4 not shoot --

5 INV. HART: That's what you imagined.

6 LT. MCCANN: It didn't go as planned.

7 INV. HART: But he did.

8 LT. MCCANN: It didn't go as planned,
9 did it? That's not the way the plan was supposed
10 to go down, was it?

11 LINDA MONETTE: I wasn't -- I wasn't
12 gonna leave Austin. I was still gonna be with
13 him. I still want to be with him. Like, those
14 people used me.

15 LT. MCCANN: They did. And now look
16 where you are and look where they are.

17 LINDA MONETTE: And they're free.

18 LT. MCCANN: And that's why we've been
19 asking for your help every day since Tuesday.
20 It's not because --

21 LINDA MONETTE: Thinking they're gonna
22 hurt my family.

23 LT. MCCANN: Listen to me. It's not
24 because we think you're a horrible person or
25 you're some bad person that needs to be locked up

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1 and the key thrown away and you never see the
2 light of day again. It's not because of that.
3 It has nothing to do with that. It's because an
4 8-year-old baby was asleep on the couch and don't
5 even know what -- he has no idea what hit him.
6 Thank God he doesn't know what happened to him.

7 INV. HART: Luckily, he didn't suffer.

8 LT. MCCANN: You know, and you and Rey
9 and Austin, you all are adults. You know? You
10 all are still young people and you still got a
11 lot of years ahead of you, but you're an adult.
12 You at least made it to adulthood and you've got
13 to do a lot of things that that child is never
14 gonna get to see or do. Because he got stuck in
15 the middle of somebody's plan that went all wrong
16 and got screwed up. And that's what we've been
17 wanting you to tell us all week long. And you
18 know what? I'm glad --

19 LINDA MONETTE: I didn't kill Austin's
20 family --

21 LT. MCCANN: No, no, no. Listen --
22 listen to me. I'm glad you finally told the
23 truth because you feel better now, don't you? A
24 lot better.

25 INV. HART: Because the guilt's been

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1 eating you alive since -- since Tuesday morning.

2 LT. MCCANN: And I was right --

3 LINDA MONETTE: I didn't want any of
4 that to happen.

5 LT. MCCANN: I know you didn't.

6 LINDA MONETTE: I didn't want money. I
7 didn't want weed. I can buy that on my own.

8 LT. MCCANN: Here's the thing. Here's
9 the thing. Nobody thinks that you wanted an 8-
10 year-old child to die. Nobody thinks that. He
11 doesn't think that. I don't think that. Anybody
12 else that's sat and talked to you --

13 LINDA MONETTE: I didn't want Austin to
14 get hurt either.

15 INV. HART: Nobody thinks that.

16 LINDA MONETTE: I really do love
17 Austin.

18 LT. MCCANN: Well, here's the problem,
19 Linda. That did happen. I wasn't there. He
20 wasn't there. None of those other cops were
21 there. But you were and you know exactly what
22 happened and you've lied at me.

23 LINDA MONETTE: When I saw it wasn't
24 Rey that came in the house, that's why I text
25 Rey.

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1 INV. HART: Because you expected it to
2 be Rey.

3 LT. MCCANN: You thought it was gonna
4 be him?

5 LINDA MONETTE: Yeah.

6 LT. MCCANN: Is that what he told you?
7 Did he tell you --

8 LINDA MONETTE: He didn't say verbatim.
9 He said my friends, the little niggers. That's
10 what he calls them.

11 LT. MCCANN: Mm hm. But when you --

12 LINDA MONETTE: As soon as the door --

13 LT. MCCANN: Listen --

14 LINDA MONETTE: As soon as the door
15 came open, I literally -- I felt I could
16 recognize the guy.

17 LT. MCCANN: When you talked to Rey --

18 LINDA MONETTE: Immediately.

19 LT. MCCANN: Linda, when you talked to
20 Rey --

21 LINDA MONETTE: (Indiscernible) I
22 couldn't tell though.

23 LT. MCCANN: When you talked to Rey
24 earlier that day about you all doing this, you
25 thought it was gonna be him that kicked that door

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1 in, didn't you? Because that's what you all
2 talked about. You planned it with him, not his
3 little niggers. You planned it with Rey. So,
4 you thought when that door got kicked in, he was
5 gonna be the one doing it, right?

6 LINDA MONETTE: No, ma'am, because
7 Austin knows who he is.

8 LT. MCCANN: But you didn't plan it
9 with anybody but Rey.

10 LINDA MONETTE: That's what I'm saying.
11 Rey definitely did 99 percent of the plan. I was
12 just there.

13 LT. MCCANN: And went along with it.

14 LINDA MONETTE: I didn't -- I didn't
15 want anybody to get hurt.

16 LT. MCCANN: You're backing up on me.

17 INV. HART: Okay. But you knew what
18 the plan was and that's why you went over there.
19 Because you didn't want -- you didn't want
20 anybody to get hurt and you knew the plan.

21 LT. MCCANN: Because you knew he was
22 gonna do it whether you were there or not, right?

23 LINDA MONETTE: Yes. Yes. By June 1st
24 is the date that he gave me --

25 LT. MCCANN: No, no, no, no. Don't

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1 even go there because you all talked about doing
2 it that night. You already told me that.

3 LINDA MONETTE: I know.

4 LT. MCCANN: So don't throw that June
5 1st crap in there because now -- now you're
6 starting to lie again.

7 LINDA MONETTE: I didn't know that.

8 INV. HART: But you knew it was gonna
9 be that night. You feel better you're not
10 keeping it in the closet now?

11 LT. MCCANN: We know you've been
12 scared. I get it. I mean, you saw some pretty
13 bad stuff happen the other night.

14 LINDA MONETTE: And I felt -- I felt
15 really bad because I tried to help Mason and I
16 couldn't.

17 LT. MCCANN: I know. You couldn't.
18 Nobody could.

19 INV. HART: You were holding his head
20 together. There's nothing you can do at that
21 point.

22 LINDA MONETTE: Like, I could hear his
23 skull, like, like, cracking when I held it. I
24 literally wanted to kill them myself.

25 INV. HART: I believe that because you

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1 didn't -- you didn't want anybody to get hurt.

2 LINDA MONETTE: But I knew I couldn't
3 say anything because they were gonna go after me.

4 LT. MCCANN: Because if you did say
5 something --

6 LINDA MONETTE: I'm worried about my
7 mom's house.

8 LT. MCCANN: If you did say something,
9 then you're right. They know because you and Rey
10 had that plan. And if anybody told, it would've
11 had to be you.

12 LINDA MONETTE: They made me the fall
13 girl. I'm just scared that someone's gonna shoot
14 my mom's house up or something. That's something
15 they would do.

16 INV. HART: Was the person lefthanded
17 or righthanded?

18 LINDA MONETTE: He held the gun in his
19 left hand.

20 INV. HART: Do you know anybody who's
21 lefthanded?

22 LINDA MONETTE: I haven't -- I don't
23 really see people write. I -- no, I don't know
24 off the top of my head. One of the other
25 investigators said -- whenever I told him about

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1 it, he said based on the arm you use, whether he
2 was righthanded or lefthanded or not, it depends
3 whether he just wanted power over you or to be
4 able to use his dominant hand to shoot
5 accurately. He used his right arm to secure me
6 to him really tightly. And obviously, he doesn't
7 (indiscernible) with his left arm because that's
8 -- that's where the gun was at.

9 INV. HART: Is that why you slipped on
10 the floor because he wasn't expecting Austin to
11 shoot?

12 LINDA MONETTE: Yeah.

13 INV. HART: It surprised him and he
14 fell.

15 LINDA MONETTE: Yeah. That's why I
16 thought the blood on my shirt was from the guy.

17 INV. HART: Because you thought he'd
18 been hit and fell.

19 LT. MCCANN: And fell.

20 LINDA MONETTE: Yeah. Because he came
21 to the ground like a bullet hit him. There were
22 shell casings and glass he was slipping on the
23 way out. I was scared that after he ran out the
24 door that it wasn't over. I ran straight to
25 Austin and then we both went to Mason.

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1 INV. HART: Does Rey keep a gun?

2 LINDA MONETTE: He has access to one.

3 LT. MCCANN: Does he carry one with him
4 all the time?

5 LINDA MONETTE: No.

6 INV. HART: Have you ever seen that gun
7 before?

8 LINDA MONETTE: I don't -- it's hard to
9 tell. Maybe.

10 LT. MCCANN: He don't have a car, does
11 he?

12 LINDA MONETTE: No --

13 LT. MCCANN: Where's he staying at?

14 LINDA MONETTE: He's -- he stays in
15 Columbia with his mom and dad.

16 INV. HART: Where's he staying at right
17 now?

18 LT. MCCANN: Yeah, over here.

19 LINDA MONETTE: In Red Bank.

20 INV. HART: He's staying in Red Bank.
21 Where's he staying in Red Bank? You picked him
22 up, you dropped him off. Where's he staying?

23 LINDA MONETTE: Like, honest to God, if
24 he wasn't staying with me, he was either staying
25 at his house in Columbia --

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1 INV. HART: Or?

2 LINDA MONETTE: -- for the past couple
3 weeks --

4 INV. HART: Okay. Do you know where?

5 LINDA MONETTE: However, before that, I
6 know of him staying off of Topaz Court.

7 INV. HART: Or?

8 LINDA MONETTE: Or his house or the
9 Fern Apartments.

10 INV. HART: Fern Hall Apartments.

11 Who's he staying with at Fern Hall?

12 LINDA MONETTE: But, see, I don't know
13 if he spent the night. I know they would spend a
14 vast majority of the day there.

15 LT. MCCANN: Who?

16 LINDA MONETTE: I know somewhere he
17 spends the night at?

18 INV. HART: Where's that?

19 LINDA MONETTE: Right off of -- it's on
20 Lyndale Court.

21 INV. HART: Lyndale Court.

22 LINDA MONETTE: Yeah.

23 INV. HART: Who's he stay with there?

24 LINDA MONETTE: The girl's name -- the
25 girlfriend's name is Monique. Monique Gardner.

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1 She doesn't own the place. Her boyfriend does.
2 His name starts with a Z or an X. I think it's
3 Zen or Xan.

4 INV. HART: What does Zen or Xan drive?

5 LINDA MONETTE: Xan. Xan,

6 INV. HART: What does Xan drive?

7 LINDA MONETTE: I have no idea.

8 There's always different cars there when I go.
9 I've dropped him off or picked him up, he's never
10 let me go inside. Ever.

11 LT. MCCANN: So --

12 LINDA MONETTE: Austin's neighbor owns
13 the apartment, literally, across the street to
14 that boy's house.

15 INV. HART: On Lyndale Court?

16 LINDA MONETTE: Yes. And -- oh, God.

17 LT. MCCANN: When you dropped him off
18 at the hood store, does he usually get in the car
19 with somebody else or does he go to somebody's
20 house --

21 LINDA MONETTE: He just -- he just kind
22 of walks around and bounces around. All they do
23 is sell drugs over there.

24 INV. HART: We know that, Linda. Let
25 me ask you a question. Did you take him to the

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1 hood store Monday?

2 LINDA MONETTE: Yes.

3 INV. HART: Okay. So, we went and took
4 their old camera system out of there --

5 LINDA MONETTE: Monday morning at,
6 like, 7:30 and no one was there. And he
7 literally walked on foot down the road to his
8 friend Shaq's house.

9 INV. HART: Okay.

10 LINDA MONETTE: Which is a couple doors
11 down.

12 INV. HART: Where did you take him that
13 afternoon after the gym?

14 LINDA MONETTE: After the gym?

15 INV. HART: After the gym.

16 LINDA MONETTE: Did I drop him off in
17 the Fern? I swore I dropped him off at the store
18 because every time I drop him off there, he's got
19 cars that are pulling up waiting on him. That's
20 why he don't let me get out. He really doesn't.

21 INV. HART: And the reason I ask you is
22 when we watch that video --

23 LINDA MONETTE: I wasn't on there.

24 INV. HART: I don't want to not see you
25 drop him off.

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1 told you all --

2 INV. HART: To go get your money.

3 LINDA MONETTE: Yeah, to go get -- no,
4 I went to Food Lion to meet Tito, which he does
5 live at David's house. They're all brothers.
6 Anyways, I went in there to pick up money from
7 David and his sister. They were sitting outside.
8 So, Lena, David, and the girl's name starts with
9 a B -- Bethany, I think. They just had a baby.
10 Anyways, I was over there picking up money and we
11 went to Food Lion. Me and Rey walked around Food
12 Lion. You'll see that on the cameras if you all
13 can pull those, too.

14 We went up to the cashier. After I got
15 my snacks, I got in line, asked the cashier, "Is
16 Tito here? He owes me \$20.00." I was like, "I
17 know that's weird. You probably don't know him
18 yet because he's knew, but is he here?" And she
19 was like, "Yeah, he's here, but he's in the
20 back." So, I said, "Okay, don't worry about it."
21 I sent Tito another message on Facebook Messenger
22 and I asked -- I was like, "I'm here. Where you
23 at?" And he didn't respond. I swore that I
24 dropped him off at the hood store after that.

25 INV. HART: I'm not saying that you

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1 didn't --

2 LINDA MONETTE: The only place that I
3 could've dropped him off at is Zay's house, the
4 Fern, or that hood store. There's no other place
5 that I would have taken him.

6 INV. HART: Zay's house is on Lyndale
7 Court?

8 LINDA MONETTE: Mm hm. It's on the
9 left-hand side.

10 INV. HART: Right. So, after the
11 shooting, what all was in those text messages?

12 LINDA MONETTE: Are the shooting? I
13 had asked him, really, who did that. Because I
14 wanted -- I wanted him to be able to tell me who
15 that was.

16 INV. HART: Did you tell him that he --
17 that he shot Mason?

18 LINDA MONETTE: Yes. I was hysterical
19 on the phone. I was crying. I told him I was
20 covered in Mason's blood and I was at the
21 hospital with no shoes on, barely with pants on
22 that I peed in because of this. And that Mason
23 was dead and that Austin had been shot. And his
24 response was, "Are you kidding me? This is a
25 joke. You're joking, right?" And that's just

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1 not a normal person's reaction. I knew
2 immediately that exactly that was his friend that
3 he sent in. And he was acting like a dumbass,
4 like he didn't know anything. So, he switched
5 the plan up and sent somebody different. So,
6 that way I couldn't tell on Rey. That way Austin
7 couldn't tell on Rey. We wouldn't be able to
8 identify him, so he thought. Whenever his friend
9 came in, oh, I knew. I knew.

10 INV. HART: You knew who it was?

11 LINDA MONETTE: Yeah.

12 INV. HART: Is it a guy from the hood
13 store? Is it the one that you told us pointed
14 the --

15 LINDA MONETTE: I just hate to be --
16 God. Okay. Remember how I told you that guy
17 with the last name Johnson came in here earlier
18 and it freaked me out whenever I saw him.

19 INV. HART: Okay.

20 LINDA MONETTE: He looks just like that
21 guy. Just like that guy. Same build, same
22 height, same skin color, everything.

23 INV. HART: What does he look like?

24 LINDA MONETTE: They hang out in the
25 exact same clique.

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1 INV. HART: What's his hair like?

2 LINDA MONETTE: Cut short just like the
3 other guy's. They really look alike. And I was
4 looking at his body whenever I was out there
5 because I was trying to imagine, could that guy
6 be someone that would have the strength to kick
7 in a door.

8 INV. HART: Let me ask you a question.
9 Because you -- this is what you said.

10 LINDA MONETTE: Yeah.

11 INV. HART: Did Chris Fuller have
12 anything to do with any of this?

13 LINDA MONETTE: I hope to God not. To
14 my recollection, no. This is --

15 INV. HART: But --

16 LINDA MONETTE: This is the clique that
17 now hates Chris Fuller. But they are in the same
18 gang. Me and Austin cut these people off.

19 LT. MCCANN: Well, you didn't cut them
20 all off, obviously, because --

21 LINDA MONETTE: Except the one that I
22 thought I could trust that I've known for 12-plus
23 years.

24 LT. MCCANN: Which is Rey.

25 LINDA MONETTE: Yes. He did that to

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1 our friend Elizabeth. He's known her just as
2 long as me. He was great friends with her. He
3 held a gun to her head and took one pound from
4 her. Over one pound.

5 LT. MCCANN: But that wasn't something
6 that they planned like you and him did.

7 LINDA MONETTE: I'm pretty sure that
8 him and his buddy did plan that.

9 LT. MCCANN: No, no, no. I mean that -
10 -

11 INV. HART: That's not something him
12 and Linda planned.

13 LINDA MONETTE: No.

14 LT. MCCANN: The girl you're --

15 INV. HART: Or him and -- him and
16 Elizabeth. What did you say her name was?

17 LINDA MONETTE: Yeah.

18 LT. MCCANN: Him and Elizabeth didn't
19 have a plan like --

20 LINDA MONETTE: No, this was -- this
21 was Elizabeth's weed and Rey was coming there to
22 buy it.

23 LT. MCCANN: Right. But they --

24 LINDA MONETTE: And he just stole it.

25 LT. MCCANN: That wasn't a plan that

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1 they had like the thing that you and Rey planned
2 to do Monday night with Austin.

3 INV. HART: That was different.

4 LINDA MONETTE: Yeah.

5 LT. MCCANN: He was legit robbing her.

6 LINDA MONETTE: Oh, yeah.

7 LT. MCCANN: She wasn't helping him
8 like you did.

9 LINDA MONETTE: No. No, she wasn't.
10 What will my charges be, sir?

11 INV. HART: Well, we've got to sit down
12 and talk about that. The more important thing is
13 we need to get Rey and we need to get this other
14 (indiscernible).

15 LINDA MONETTE: I can show you where
16 his house is but I -- I don't know the address or
17 any of that. We could drive by it and I could
18 point it out to you.

19 INV. HART: His parents' house. Is
20 that what you mean?

21 LINDA MONETTE: Yes. That's where
22 you're gonna find him.

23 INV. HART: What kind of cars do they
24 have at his parents' house?

25 LINDA MONETTE: There's this four-door

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1 thing with a -- with a hatchback on it. Honest
2 to God, I've only been there at nighttime and I
3 think it was, like, a gray or burgundy color. I
4 know that's far off. That's far off, right?

5 LT. MCCANN: Gray or burgundy are
6 really different.

7 LINDA MONETTE: But it just -- it was
8 like a dark -- it was a deep shade. Rey said
9 that he was gonna be the one to do this and he
10 sent somebody else to throw me and Austin off.

11 LT. MCCANN: Rey told you that day when
12 you all were talking that he was going?

13 LINDA MONETTE: He said, "I'm gonna rob
14 that nigger's house." Like I said. But then he
15 said his little niggers were gonna do it. I
16 mean, I almost wouldn't put it past Rey. Like I
17 said, I know that he had just done that to
18 someone that we've known our whole lives.

19 LT. MCCANN: Right.

20 LINDA MONETTE: People that were his
21 friends.

22 LT. MCCANN: But you're kind of getting
23 -- getting back out there, Linda, because you
24 already told us that you and him sat down and
25 talked about this and discussed the plan. You

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1 know, planned out how it was supposed to go down.
2 So, you're kind of -- you're kind of getting back
3 there where you been for the last couple of days.
4 Let's don't go back out there. Okay? Because
5 you -- you wore that story out because now you
6 told the truth.

7 LINDA MONETTE: It feels weird.

8 LT. MCCANN: I bet you do.

9 INV. HART: Bet you do -- you look
10 better.

11 LT. MCCANN: You do.

12 INV. HART: That quick. Because that
13 had you physically sick.

14 LINDA MONETTE: I was really throwing
15 up, like, every couple of hours.

16 INV. HART: Because you know what
17 really happened.

18 LINDA MONETTE: Austin's gonna hate me.

19 LT. MCCANN: You know what? You don't
20 need to worry about that right now.

21 LINDA MONETTE: I just love him. And I
22 loved his son and I love his girls, too.

23 LT. MCCANN: Right now, what you need
24 to be worried about is what you need to do to fix
25 this. Because, unfortunately, yes, some of that

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1 is your responsibility. And I can't sit here and
2 lie to you and tell you it's not because it is.

3 INV. HART: But you can't undo it at
4 this point. All you can do now is --

5 LT. MCCANN: Make it right from here.

6 INV. HART: Make it right.

7 LT. MCCANN: And I'm sure if you could
8 go back to Monday, you would change every bit of
9 that. But unfortunately, you can't so now you've
10 got to make it right. Starting right here, right
11 now with this conversation because you're already
12 on that road. You've already started to make it
13 right by telling me the truth. Now you just --
14 you've just got to keep making it right. You can
15 do it.

16 INV. HART: Did we finish this? Do you
17 want to add more to the bottom of that?

18 LINDA MONETTE: Are you gonna take one
19 of these off?

20 LT. MCCANN: Yeah. Here, I'm gonna dry
21 this table off and then I'll get you a new one of
22 these. Oh, shit.

23 LINDA MONETTE: It's okay.

24 LT. MCCANN: Damn. You ain't eaten in
25 three days and I'm breaking your crackers. Let

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1 me go -- I'm gonna throw this away and I'll be
2 right back. All right. Take a deep breath.
3 You've got this.

4 LINDA MONETTE: The reason why I felt
5 like I was being honest whenever she asked me
6 that question on the polygraph is because me and
7 the guy that came in there didn't plan that.

8 INV. HART: But that's -- but the
9 reason that you failed is because that's not the
10 way the question was.

11 LINDA MONETTE: Yes, sir.

12 INV. HART: Why don't you -- why don't
13 you skip a line and start with that morning. The
14 conversation about that morning, the conversation
15 that you and Rey decided the way it was gonna go
16 down, why you went over there, and then work your
17 way through it. Okay?

18 LINDA MONETTE: Isn't that gonna make
19 it worse for me?

20 INV. HART: No, you just told us.

21 LINDA MONETTE: I know.

22 INV. HART: You just told us.

23 LINDA MONETTE: I feel like --

24 INV. HART: That's --

25 LINDA MONETTE: -- the last time I

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1 filled out a statement, you all served me a
2 warrant the next morning for obstruction of
3 justice.

4 INV. HART: You knew you were getting
5 that warrant because you were lying to us. We
6 told you.

7 LINDA MONETTE: It's not because of the
8 statement? You promise?

9 INV. HART: You -- the other detective
10 showed you the notepad full of lies that we had
11 -- that's why you got the warrant. The statement
12 has nothing to do with it. The statement is you
13 telling us what happened.

14 LINDA MONETTE: And no one can see
15 this? Are you sure? Like, Rey -- Rey or any of
16 the suspects, are they gonna see this?

17 INV. HART: The only way they're gonna
18 see that is when it's time for court. When we go
19 to court.

20 LT. MCCANN: You're gonna be there
21 anyway.

22 INV. HART: But right now, you need to
23 think about you.

24 LINDA MONETTE: I just don't want to
25 get hurt. I'm telling you they'll make a way.

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1 INV. HART: They're not gonna make a
2 way to hurt you. And this is what your mama
3 wanted all along and this is why you're still
4 here. You talk to her. This is why she didn't
5 bond you out because she knew -- your mama knows
6 you better than I do. I don't know you. But
7 your mama does.

8 LINDA MONETTE: She knows I've never
9 been a troublemaker.

10 INV. HART: I know.

11 LT. MCCANN: She knew you weren't
12 telling the truth, too.

13 LINDA MONETTE: How? I hadn't even
14 talked to her.

15 INV. HART: Because it's your mama.

16 LT. MCCANN: Because --

17 INV. HART: Because we told your mama
18 what -- what you said to us. We told -- I sat
19 down in that room right there that you and I were
20 in the other day and I told your mama everything
21 you told me. And she told me that you weren't
22 telling the truth.

23 LINDA MONETTE: Now that I've told the
24 truth, like, is this polygraph test gonna give me
25 another charge? Honestly?

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1 INV. HART: No, you're not gonna get --
2 you're not gonna get anything for the polygraph.

3 LT. MCCANN: People don't get charged
4 for failing polygraphs. That's not the way it
5 works.

6 LINDA MONETTE: I really thought it
7 would help but --

8 INV. HART: It did.

9 LINDA MONETTE: No, it was stupid.

10 INV. HART: It helped you realize that
11 --

12 LINDA MONETTE: I need to tell the
13 truth.

14 INV. HART: It did.

15 LINDA MONETTE: Was that the only
16 question in there that I failed?

17 INV. HART: No. I told you it's
18 several questions.

19 LT. MCCANN: Every question that they
20 asked you about that night, you failed.

21 LINDA MONETTE: What else did they ask
22 besides did I help?

23 INV. HART: They asked if you intended
24 to tell the truth on --

25 LT. MCCANN: What happened.

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1 INV. HART: -- what happened that
2 night. And you said yes.. It indicated you
3 failed that question. You asked -- they asked if
4 you had planned and you said no.

5 LT. MCCANN: With anyone and you said
6 no.

7 INV. HART: You failed that question.
8 And then there was another one. What was the
9 other one? If you --

10 LT. MCCANN: It was a question when she
11 asked, "Do you think I'm gonna ask you something
12 I haven't already asked you?" You failed that
13 one.

14 LINDA MONETTE: Oh. She said, "Do you
15 think I'll ask you questions that we haven't gone
16 over?" And I said yes. And I failed that?

17 INV. HART: Mm hm.

18 LT. MCCANN: I don't know.

19 LINDA MONETTE: That's an opinion.
20 That's weird.

21 LT. MCCANN: I think she may have told
22 you that --

23 LINDA MONETTE: You know what I mean?

24 LT. MCCANN: -- in the pre-thing
25 though. That -- no, no, no. I think she may

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1 have told you that in the pre-thing, I'm not
2 gonna ask you questions that I haven't already
3 asked you, as kind of a trick thing -- kind of a
4 trick question kind of way. You see what I'm
5 saying?

6 LINDA MONETTE: To make me nervous.

7 LT. MCCANN: Yeah.

8 INV. HART: Not to make you nervous.

9 To --

10 LT. MCCANN: No, to see if your --

11 INV. HART: To see what you're worried
12 about.

13 LT. MCCANN: Yes.

14 LINDA MONETTE: The guy that was in
15 there talking to me, he said he could see it in
16 my face.

17 INV. HART: We all could.

18 LT. MCCANN: We all could. We've been
19 seeing it for three days, hon.

20 INV. HART: We've been telling you.

21 LINDA MONETTE: I've just never been to
22 jail. I was scared. I don't want to lose, like,
23 my life.

24 LT. MCCANN: Right.

25 LINDA MONETTE: I'm a smart girl. Like

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1 --

2 INV. HART: You are a smart girl.

3 LINDA MONETTE: You know what I mean?

4 Like, I'm about -- I was about to graduate
5 college and now I'm not even gonna go. Like I
6 spent the last thousand dollars, cleared my whole
7 bank out, just to pay this and how I'm here and
8 I'm gonna miss my classes.

9 INV. HART: Well, let's make it right.

10 LINDA MONETTE: Now I'm gonna have a
11 felony and I'm not ever gonna be able to be a
12 nurse.

13 INV. HART: Let's make it right, Linda.
14 For Mason.

15 LINDA MONETTE: Austin's cousin, James,
16 whenever I saw him at the hospital, he told me
17 that if I had anything to do with it, he was
18 gonna kill me. And I felt so bad. They never
19 told me they were on the way. Like, I just felt
20 like I knew when I heard the noises.

21 LT. MCCANN: Mm hm. All right. So,
22 have you started again yet?

23 LINDA MONETTE: Not yet. I was gonna
24 say whenever he came through the door, that's
25 when I realized immediately it was not Rey and

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1 that he had sent his friend. Because that's kind
2 of where it left off --

3 LT. MCCANN: Well, and you're leaving
4 out the part, too, about you and Rey talking --

5 LINDA MONETTE: The conversation.

6 LT. MCCANN: Yeah.

7 LINDA MONETTE: Well, that would have
8 came in the very beginning.

9 LT. MCCANN: Yeah, but you can just --
10 you can put it down there. Matter of fact, why
11 don't you start there.

12 LINDA MONETTE: Uh-huh.

13 LT. MCCANN: Just stop here and just --

14 LINDA MONETTE: Draw a line?

15 LT. MCCANN: -- skip a couple lines --
16 just skip a couple lines and start with how you
17 all had this talk about planning this thing. And
18 just kind of start over. You don't have to write
19 the whole thing over again just --

20 LINDA MONETTE: Okay. So, that morning
21 -- it's not really morning. It was like noon.

22 LT. MCCANN: That's okay.

23 LINDA MONETTE: I'm so scared about
24 them.

25 LT. MCCANN: I understand.

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1 LINDA MONETTE: And I really just hope
2 they don't hurt my mom's house.

3 LT. MCCANN: I understand.

4 LINDA MONETTE: Because Rey, he knows
5 I'm in jail right now. I know he's seen my
6 charges. I'm sure he's looked me up and seen the
7 obstruction of justice charge. He already knows
8 what's going on. And he's the only person who
9 knows where my mom's house or my trailer. God.
10 And like, my trailer, that lady, Leah -- her real
11 name's Melissa. That's what I call her though.
12 That was my boyfriend's mom because my boyfriend
13 died. That's his mom. I just hope nothing
14 happens to her.

15 I -- it's like he really didn't go into
16 a lot of detail. Like, he told me just enough,
17 like, honestly. Because I think he definitely
18 knew that I was gonna tell on him. Like, his
19 comment -- a comment -- this is stupid but he --

20 LT. MCCANN: Well, and here's the thing
21 --

22 LINDA MONETTE: He said I'll know --
23 I'll know if you fucked me by the end of this
24 summer.

25 LT. MCCANN: You are gonna have to put

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1 in there your part in this. You can't avoid
2 that.

3 LINDA MONETTE: Yes, ma'am.

4 LT. MCCANN: You're gonna have to put
5 that in there. If you choose to write it, you've
6 got to put that in there.

7 LINDA MONETTE: He said Austin was too
8 pussy to defend himself. It still bothers me.

9 LT. MCCANN: I know. But at least you
10 only have now to deal with this. Does that make
11 sense?

12 LINDA MONETTE: I'm trying to think
13 what to say next. That morning Rey said he
14 wanted to rob Austin's house and he said Austin
15 was too pussy to defend himself. He said he was
16 going to send his little niggers to take his
17 weed. And then I could say that I knew this was
18 gonna happen.

19 LT. MCCANN: No. There's more to it
20 that you're leaving out because you and he talked
21 about how if somebody put a gun to your head and
22 all that's got to be on there.

23 LINDA MONETTE: We talked about how if
24 somebody put a gun to my head that Austin would
25 give the weed up.

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1 LT. MCCANN: Okay. Then what happened?

2 LINDA MONETTE: We parted ways for the
3 night and he turned his phone off for eight
4 hours.

5 LT. MCCANN: (Indiscernible) real quick
6 here.

7 LINDA MONETTE: I'm just -- I'm sorry.
8 I'm just really overwhelmed right now. Is that
9 mine?

10 LT. MCCANN: Yes.

11 LINDA MONETTE: Okay.

12 LT. MCCANN: And you all talked about
13 when it was gonna happen.

14 LINDA MONETTE: Yeah, that night.

15 LT. MCCANN: Okay. So, you all talked
16 about it would be that night. And --

17 LINDA MONETTE: And that it would be
18 done whether I was there or not.

19 LT. MCCANN: All right.

20 LINDA MONETTE: That was made a point.

21 LT. MCCANN: Right.

22 LINDA MONETTE: So, I felt obligated to
23 be there to just put myself in the way and that's
24 what happened.

25 LT. MCCANN: Okay.

1 LINDA MONETTE: I immediately texted
2 Austin. And really, I was going to stay the
3 night like I normally would, but I just didn't
4 physically ask him.

5 LT. MCCANN: Okay.

6 LINDA MONETTE: I just --

7 LT. MCCANN: That was -- that was
8 something you kind of planned to do. You just --
9 but first you needed him to say it was okay for
10 you to come over.

11 LINDA MONETTE: Yeah. I -- I would
12 never just --

13 LT. MCCANN: Right, right.

14 LINDA MONETTE: Me and Austin really do
15 have a good relationship. I mean, he -- he can
16 be an asshole and call me a lot of names. Like,
17 in the texts, you'll see where he calls me a
18 nigger lover and all this.

19 LT. MCCANN: Right.

20 LINDA MONETTE: And that's all because
21 of Rey from whenever I was honest and telling him
22 I was hanging out with him. He didn't like it
23 even when I was honest.

24 LT. MCCANN: I got you.

25 LINDA MONETTE: So.

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1 LT. MCCANN: Okay. All right. So,
2 last thing you put on here was, "I immediately
3 texted Austin and asked to hang out."

4 LINDA MONETTE: Okay. I was worried
5 something bad was gonna happen. I knew something
6 bad was gonna happen.

7 LT. MCCANN: How'd you know?

8 LINDA MONETTE: Rey. I mean, kicking
9 the door in is bad.

10 LT. MCCANN: He told you -- or you mean
11 just because of what you all had discussed doing
12 --

13 LINDA MONETTE: It's obvious, right?

14 LT. MCCANN: Okay. Got you.

15 LINDA MONETTE: Well, I mean, I was
16 worried that someone would be hurt and that's why
17 I wanted to be there.

18 LT. MCCANN: Well, and that's -- that's
19 -- that's -- some parts that I guess

20 LINDA MONETTE: He never said he was
21 going to hurt -- he said he wouldn't hurt
22 anybody. But the thing is he always said that
23 his -- his -- he used these words. God. Little
24 niggers. He said that they don't care about
25 anyone else and they don't care about kids and

1 they don't care about anybody as long as they get
2 what they want.

3 LT. MCCANN: Because we kind of -- we
4 kind of got off that, I guess, because you said
5 you talked about if somebody put a gun to your
6 head -- that you all had it more planned out than
7 that.

8 LINDA MONETTE: That's really how it
9 started. He said -- he saw where I was talking
10 to Austin, got pissed off. I told him the truth
11 that me and Austin do not use condoms and, yes,
12 I'd been sleeping with him without using condoms
13 either places. Okay. Rey had -- had unprotected
14 sex with me one night to where he tried to get me
15 pregnant, I think. And, like, I got on to him
16 about it and, like, kind of pissed him off.
17 Whatever. I let that slide. It wasn't a big
18 deal. And then whenever he found out that I was
19 recently still seeing Austin, he got pissed.

20 LT. MCCANN: And so, he said he wanted
21 to rob him.

22 LINDA MONETTE: And he said, yeah, that
23 pussy boy, he -- he wouldn't -- what did he say?
24 He wouldn't -- he wouldn't do nothing anyways.

25 LT. MCCANN: Okay. So, where I'm going

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1 with this is you say we talked about how if
2 somebody put a gun to my head that Austin would
3 give the weed up.

4 LINDA MONETTE: Yes.

5 LT. MCCANN: But there was more to that
6 plan than just that.

7 LINDA MONETTE: He said that he wanted
8 to rob Austin's house.

9 LT. MCCANN: Right.

10 LINDA MONETTE: That he wanted his
11 weed.

12 LT. MCCANN: Right.

13 LINDA MONETTE: He pretty much --

14 LT. MCCANN: But you all also talked
15 about how that person was gonna get in the house
16 and all that. Right?

17 LINDA MONETTE: He never actually said
18 that he was gonna kick the door in.

19 LT. MCCANN: Okay. I might have
20 misunderstood that.

21 LINDA MONETTE: I assumed that because
22 of the way that he's robbed someone before.

23 LT. MCCANN: Okay. Okay. All right.

24 LINDA MONETTE: So, when I saw that
25 door get kicked in, my heart did sink. And yes,

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1 I peed all over myself because I genuinely didn't
2 think that's what was gonna happen.

3 LT. MCCANN: Okay.

4 LINDA MONETTE: I didn't know how they
5 were gonna get in. I was -- okay. You know what
6 I mean? Honestly.

7 LT. MCCANN: Yeah. Okay. And maybe
8 that was just conversation we had and I just --

9 LINDA MONETTE: But he's the type that
10 could kick a door in if he wanted to.

11 LT. MCCANN: Okay. Got you. Okay.
12 So, I immediately texted Austin and asked to hang
13 out. I was worried --

14 LINDA MONETTE: Something bad was going
15 to happen. Do I just, like, pick up now where I
16 started to hear the dogs barking and stuff? Like
17 -- or do I talk about how Rey text me and asked
18 me where I was at?

19 LT. MCCANN: Yeah, that's important.

20 LINDA MONETTE: Okay. I got to
21 Austin's after returning again -- returning from
22 (indiscernible). AKA arrived there the second
23 time now that night at his house.

24 LT. MCCANN: Okay.

25 LINDA MONETTE: Because I had gone out,

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1 smoked the weed, came right back.

2 LT. MCCANN: Got you.

3 LINDA MONETTE: After returning from
4 (indiscernible), we were just hanging out.

5 LT. MCCANN: Yeah. Well, I mean, you
6 kind of --

7 LINDA MONETTE: We were just hanging
8 out and -- I almost feel like I can eat now.

9 LT. MCCANN: I'm sure you do. Yeah,
10 just go from there and kind of fill in those gaps
11 that you left earlier when you did the -- the
12 first part on this. So, after getting back --

13 LINDA MONETTE: I just got back to his
14 house --

15 LT. MCCANN: Yeah, okay. All right.
16 So, go from there.

17 LINDA MONETTE: We're hanging out. We
18 hear noises. He tells the dogs to be quiet.

19 LT. MCCANN: Yep. Instead of trying to
20 add it all on, just, you know, start over.

21 LINDA MONETTE: Dang, my hand hurts.
22 Okay. It was hard to write about myself, but I
23 did put it in (indiscernible). If you want me to
24 add more to that, I can.

25 INV. HART: What I'll do is I'll -- I'm

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1 gonna read it, and then if I have any questions,
2 I'll write the questions and have you write your
3 answers.

4 LINDA MONETTE: Okay. You believe me
5 now?

6 INV. HART: This I believe, yes.

7 LINDA MONETTE: Honestly, I swear when
8 I saw that guy's face, I was immediately --
9 immediately swore that I knew who it was. I just
10 hate to be wrong because he -- it was so fast.
11 But I swear, like, it's got to be. I don't know
12 who else it could be. I know Rey does. He's got
13 to.

14 INV. HART: How does Rey communicate
15 (indiscernible)?

16 LINDA MONETTE: Through his cell phone.

17 INV. HART: Through texts, emails --

18 LINDA MONETTE: Calls.

19 INV. HART: Instant --

20 LINDA MONETTE: A lot of calls. He
21 doesn't talk much on the phone.

22 INV. HART: He doesn't talk much?

23 LINDA MONETTE: Over the phone, like
24 verbally, but through text messages, yes. He's
25 more of a --

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1 INV. HART: Facebook? Snapchat?

2 LINDA MONETTE: -- in-person type
3 person. Snapchat. But I --

4 LT. MCCANN: How does he talk to his --
5 his niggers?

6 LINDA MONETTE: A lot of times, I just
7 drop him off at the hood store and they're all
8 outside and they just talk in person. That's
9 what I'm saying. I dropped him off that day. He
10 conspires with them.

11 INV. HART: Was he out there that day
12 when you dropped him off? Was he wearing what he
13 wore that night?

14 LINDA MONETTE: He was wearing a white
15 shirt. But it wasn't a navy blue hoodie.

16 INV. HART: So, the navy blue hoodie --

17 LINDA MONETTE: He still could've put
18 it over that.

19 INV. HART: Well, what was on the navy
20 blue hoodie?

21 LINDA MONETTE: Plain.

22 INV. HART: It was plain?

23 LINDA MONETTE: Plain.

24 INV. HART: Did it have a zipper?

25 LINDA MONETTE: Yeah. A zipper, the

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1 drawstrings, yep.

2 INV. HART: What color were the
3 drawstrings?

4 LINDA MONETTE: Same color as the
5 jacket. Metal claps on the end. And I can't
6 think of any more to tell than that. Plain.

7 INV. HART: It was just plain, just
8 solid blue, just like that.

9 LINDA MONETTE: Plain. Just like that
10 but a darker shade. Like your shirt.

11 INV. HART: And his jeans. What did
12 his jeans look like?

13 LINDA MONETTE: I know that -- I know
14 that right whenever the police got there, that it
15 was fresh in my mind then and I told over -- the
16 dispatch over the -- because he said, "Here's my
17 walkie-talkie, just tell them what you saw.
18 Hurry, before you forget." And I did. And I'm
19 -- I believe that I saw black -- or black or just
20 really, really dark blue jeans. But the lighting
21 was kind of dim in there.

22 INV. HART: What about his shoes?

23 LINDA MONETTE: Everything was dark.
24 Everything was dark. Nothing -- if it was
25 bright, I feel like it would have caught my eye.

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1 INV. HART: How did you recognize the
2 intruder? (Indiscernible) of how you recognized
3 him.

4 LINDA MONETTE: His skin tone, the
5 words he used. His lack of empathy is, like,
6 what really, like, made me sure because whenever
7 I was, like, peeing on myself, he -- he almost,
8 like, found humor in it. And that's whenever I
9 knew -- like, that's whenever I knew that it's
10 who I thought it was. The words that he used,
11 his skin tone --

12 INV. HART: Did you talk to him before?
13 Have you heard him talk?

14 LINDA MONETTE: I've heard him talk a
15 couple times. I mean, a couple times. But I
16 just know that he talks like a ratchet person
17 just like what I heard. Maybe not with the exact
18 same voice. Like, when I was in panic, it's
19 really hard to tell. But I know that if I heard
20 him say, "Don't get that shit on me" or "Where's
21 your man's at?" I'd know. Because it's really
22 been round in my head since it happened. Really.
23 I know that I'd know because when I saw that
24 picture, I felt my stomach knot up.

25 INV. HART: How'd you -- how'd you find

1 that picture?

2 LINDA MONETTE: I was scrolling through
3 Facebook. I immediately knew that Rey had
4 something to do with it, obviously, so whenever
5 the cops were talking to me at the hospital, I
6 pulled my Facebook up on my phone and I started
7 scrolling through. And I kept scrolling until I
8 found him because I knew what I was looking for
9 in my head. I just couldn't explain it because I
10 didn't have his name. And I know he goes by a
11 street name, I just don't know what either of his
12 names are. . Anyone at the hood store is just
13 gonna give you an absolute hard time talking to
14 you. Like, they're not gonna want to tell you
15 anything. I already know that. But I think that
16 when they see how serious it is, I think
17 someone's just gonna come out and they're just
18 gonna say it.

19 INV. HART: Well, even hardcore thug
20 criminals don't like an 8-year-old dead. And I
21 think -- I think we get a lot more --

22 LINDA MONETTE: He was over the counter
23 shooting with his less dominant hand, so I
24 believe --

25 INV. HART: With his right hand?

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1 LINDA MONETTE: It was his left hand.

2 INV. HART: Left hand. Okay.

3 LINDA MONETTE: I just say less
4 dominant --

5 INV. HART: So, you think he's
6 righthanded.

7 LINDA MONETTE: -- because I felt like
8 he only had his arm around on me to have his
9 strong arm around me so I couldn't move. Because
10 in his head, if I didn't move, Austin wasn't
11 gonna shoot. You see what I mean? He wasn't
12 actually coming there to kill everybody. I don't
13 -- I don't think. That wasn't what was talked
14 about. The height, his skin tone, the words he
15 used, almost the sound of his voice.

16 INV. HART: Was it the sound of his
17 voice? Did it sound like his voice? You know --
18 you know him and you were there. I don't --

19 LINDA MONETTE: I didn't get -- I
20 couldn't smell anything. It smelled like smoke
21 in the air (indiscernible). At least the only
22 thing that stuck with me. I'd never smelled that
23 before. I've never -- I've never been around,
24 like, guns being shot inside of a house. So, it
25 was scary as hell still.

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1 INV. HART: (Indiscernible).

2 LT. MCCANN: (Indiscernible).

3 LINDA MONETTE: Can -- can you all do a
4 lineup and put -- and get them to wear a bandana
5 on their face just like they did at the house?

6 LT. MCCANN: No, we can't do that. But
7 I think somebody may have been working on one --

8 LINDA MONETTE: Or just say a line that
9 they -- that the person in the house said?

10 LT. MCCANN: Let me read this real
11 quick before I ask you questions because I didn't
12 catch this part.

13 LINDA MONETTE: Okay.

14 LT. MCCANN: Because you hadn't
15 finished writing it yet when I stepped out.

16 LINDA MONETTE: Yeah. And I forget
17 where all that lines up. I just kind of took --

18 LT. MCCANN: I'm sure that's fine.

19 LINDA MONETTE: I feel so much better.
20 I hate that Austin's gonna hate me forever. He
21 really was the best boyfriend I've ever had
22 though even though he was a jerk.

23 I really think Rey chickened out and,
24 like, that's why he sent somebody else. Or just
25 because he's not an idiot and maybe he knew that

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1 I'd recognize him. But I really feel like it's
2 because he got scared. I don't know. I've never
3 seen him --

4 LT. MCCANN: Are you saying Rey got
5 scared?

6 LINDA MONETTE: Yeah. I think he --

7 LT. MCCANN: But he's done it before,
8 you said.

9 LINDA MONETTE: Yeah, he's been doing
10 it before but in a group. That's why I assumed
11 it was a group that was there.

12 LT. MCCANN: Oh, I got you.

13 LINDA MONETTE: When they robbed that
14 girl, he had his buddy Tyshawn with him, the one
15 I was worried that had something to do with this.

16 LT. MCCANN: But you don't think --
17 that wasn't him?

18 LINDA MONETTE: It definitely was not
19 him coming in the house.

20 LT. MCCANN: Okay.

21 LINDA MONETTE: I didn't see anyone
22 outside besides the very dark figure running full
23 blown to the damn door. I didn't even make it
24 into the living room before he made it in the
25 house. Do you think I'm gonna serve time for

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1 this? Honestly?

2 LT. MCCANN: I really don't know. What
3 I can tell you is --

4 LINDA MONETTE: Would they give me,
5 like, parole or probation or something, like, for
6 a long ass time? Can I request that? Or ankle
7 monitoring or whatever I could. I'll take a drug
8 test every month, vocation, all that.

9 LT. MCCANN: I mean, here's the thing.
10 I -- I cannot even begin to forecast what may
11 happen later on down the road. Okay? What I can
12 tell you though, Linda, is -- at this point, is
13 the more you help yourself by being honest from
14 here on out -- because you've already broke that
15 barrier, so to speak, for lack of a better word.
16 Because you had this wall up until an hour or so
17 ago that you were behind this wall, and now
18 you've broke that wall down and you can't turn
19 around and go back the other way now. You've got
20 to keep going forward and you've got to keep
21 helping yourself. And the more you help yourself
22 now, the more that's gonna help you later.
23 Honest.

24 LINDA MONETTE: Okay.

25 LT. MCCANN: I mean --

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1 LINDA MONETTE: So, even when they see
2 that I was scared the first two days and left out
3 things, are they gonna use that against me?

4 LT. MCCANN: Well, honestly --

5 LINDA MONETTE: Could they possibly
6 drop that obstruction of justice?

7 LT. MCCANN: I -- I don't know.

8 LINDA MONETTE: Because in all reality,
9 they would never know who did it if I never said
10 anything.

11 LT. MCCANN: Well, and you're right.

12 LINDA MONETTE: That's the sad part.

13 LT. MCCANN: But what you have to
14 understand, too, is up until today you were
15 obstructing justice. So, when you call that
16 charge, that's what you were doing.

17 LINDA MONETTE: Yes, ma'am.

18 LT. MCCANN: Okay?

19 LINDA MONETTE: Because I know that's
20 up to 10 years I could get for that. Just that
21 one.

22 LT. MCCANN: And, you know, the thing
23 of it is I can't tell you this is all gonna go
24 away, obviously. But what I can tell you --

25 LINDA MONETTE: Do you believe that

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1 I'll get charged with murder?

2 LT. MCCANN: And I can't answer that
3 either. It all depends -- I mean, we -- we've
4 got still a lot of work to do. Okay? What I can
5 tell you, it ain't gonna happen today, it ain't
6 gonna happen tomorrow. Okay? Because based on
7 what you've given us, even though it's good stuff
8 and it's what we wanted, it's what we needed, now
9 we've got more work to do to sort through this
10 whole thing. We've got people we've got to find
11 now. We've got people we've got to identify and
12 things like that. So, we're definitely headed in
13 the right direction, but again, I can't forecast
14 you. I can't make any promises of what somebody
15 -- you know, a judge may decide is best for you
16 based on what happened. But what I can tell you
17 is the more that you help yourself on the front
18 end, the more that's gonna help you later. You
19 know, and I know you said the other day that you
20 were scared of these guys because they're in the
21 gang world and all this stuff. You know.

22 LINDA MONETTE: One of Rey's friends is
23 in jail right now for killing somebody.

24 LT. MCCANN: Oh, yeah?

25 LINDA MONETTE: Yeah.

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1 LT. MCCANN: Yeah. I mean, I -- I
2 understand that you're concerned for your own
3 safety. You know, I get that. Okay. But right
4 now, you've got to help us help you help
5 yourself, if that made any sense whatsoever.

6 LINDA MONETTE: Yeah.

7 LT. MCCANN: Okay. All right. So, he
8 asked you how did you recognize the intruder.
9 And you said his skin tone, the words he used,
10 the height, the sound of his voice, and his eyes.
11 So, my next question is how have you been around
12 that person before?

13 LINDA MONETTE: Dropping Rey off at
14 that store.

15 LT. MCCANN: Okay. How were you able
16 to recognize all these things about that person?

17 LINDA MONETTE: In person and up close
18 at that store. He would come to (indiscernible).
19 He talked to Rey (indiscernible).

20 LT. MCCANN: And I think you may have
21 already answered this, but I'm gonna ask it
22 anyway. All right. I need you to think really
23 hard about this one, okay? And it's a pretty
24 simple question. But when I -- when I say I need
25 you to think hard, what I mean is I need you to

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1 really think back.

2 LINDA MONETTE: Okay.

3 LT. MCCANN: And think about what I'm
4 asking you here. Have you ever heard Rey call
5 him by name or by a street name?

6 LINDA MONETTE: Yes, but I cannot
7 recall what it is.

8 LT. MCCANN: Okay. Just write that.

9 LINDA MONETTE: I wish I knew. I feel
10 like if I could use my phone and get on Facebook,
11 I could probably (indiscernible) and figure it
12 out.

13 LT. MCCANN: And it might come to you.
14 Okay?

15 LINDA MONETTE: I just -- I never have
16 addressed the dude myself.

17 LT. MCCANN: Yeah.

18 LINDA MONETTE: Rey didn't want me
19 talking to him.

20 LT. MCCANN: So, you never had a
21 conversation with him?

22 LINDA MONETTE: Rey wanted to make sure
23 -- now I see, he wanted to make sure that me and
24 these people were not close so that way this
25 would be effective on his end. This is open. I

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1 don't know why I shut this back.

2 LT. MCCANN: Oh, it's okay.

3 LINDA MONETTE: Since Rey made the plan
4 and his friend is the one who came in the house,
5 what -- what do you think -- what law is Rey
6 breaking? By saying he's gonna do something and
7 then not doing it but he can -- he's conspiring
8 to break the law when he sends his friend.

9 LT. MCCANN: And there's -- there's
10 that. There's the conspiracy side of it and
11 there's the accessory kind of stuff, you know.

12 LINDA MONETTE: Can you all see where
13 Rey was at when he answered my phone call?

14 LT. MCCANN: Probably.

15 LINDA MONETTE: He said he was at his
16 mom's house, but I don't believe him. Do you
17 think you could see where Rey was located
18 whenever he answered my phone call at the
19 hospital?

20 INV. HART: Potentially.

21 LINDA MONETTE: It was a ten-minute
22 phone call.

23 INV. HART: Potentially. There was,
24 like, a late '80s box-style Caprice or Monte
25 Carlo or something like that. We think that's

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1 the car they came in. Whose car would that be?
2 Who has a car like that?

3 LINDA MONETTE: A Monte Carlo? Can you
4 show me a picture?

5 INV. HART: Or --

6 LINDA MONETTE: I'm not familiar with
7 cars.

8 INV. HART: -- a Caprice. Let's see.

9 LINDA MONETTE: Do you want me to go
10 ahead and answer that?

11 LT. MCCANN: You can, yeah. And then
12 why did Rey say he wanted to rob Austin and of
13 what?

14 LINDA MONETTE: To have a good
15 birthday. (Indiscernible). Really, Austin -- I
16 mean Rey was not aware of the money in the house.

17 INV. HART: This might not be the year,
18 make or model. It might not even be that, but
19 it's a car similar to that. Who do you know who
20 has a car similar to that?

21 LINDA MONETTE: And it was dark?

22 INV. HART: Yes. It wasn't white or
23 silver. It was dark. I don't know if it was
24 green, gray, red, blue. Dark.

25 LINDA MONETTE: But it was old like

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1 that?

2 INV. HART: (Indiscernible).

3 LINDA MONETTE: I've never seen a car
4 like that. I think I've only ever seen that type
5 of car and it was, like, light blue or something.

6 INV. HART: And it could be light blue.
7 But it's dark outside --

8 LINDA MONETTE: That's familiar. I
9 just -- I can't even connect --

10 INV. HART: As long as it's not white
11 or silver so it looks bright at night, we don't
12 know the color because we know it was dark when
13 somebody saw the car.

14 LINDA MONETTE: Maybe Trey?

15 INV. HART: Trey?

16 LINDA MONETTE: Trey -- Trey Bonner,
17 possibly. That's one of his friends. I know
18 that -- I know that --

19 LT. MCCANN: He's got a car like that?

20 LINDA MONETTE: I know that he has a
21 big body car.

22 INV. HART: Okay.

23 LINDA MONETTE: I -- I don't know shit
24 about cars but I'm sure if you looked on
25 Facebook, because he probably posted a picture of

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1 it. That's the only thing I can think of. It's
2 not really -- it's not really ringing a bell to
3 me. Austin's tattoo artist drives a car that
4 looks a lot like that, but it's actually an old
5 Mustang.

6 LT. MCCANN: Do you know Trey?

7 LINDA MONETTE: Yeah, from school.

8 LT. MCCANN: Okay. So, that wasn't
9 Trey that came in the house that night?

10 LINDA MONETTE: No. Trey was way too
11 fat and way too tall.

12 LT. MCCANN: Okay. I don't know this
13 guy, so I --

14 LINDA MONETTE: Yeah. Yeah. I don't
15 know. Can you look him up on Facebook? Can I --
16 can I look at something off there?

17 INV. HART: Look him up on Facebook?

18 LT. MCCANN: Who? Trey?

19 LINDA MONETTE: Trey Bo is his, like,
20 street name.

21 INV. HART: What's his Facebook?

22 LINDA MONETTE: I don't know. It's
23 under, like, some weird street nickname shit.
24 Like, I'd have to pull it up and show you. It'd
25 be hard to pronounce. But I know I can find it.

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1 I'd recognize it.

2 LT. MCCANN: All right. So, we're
3 gonna back up a little bit maybe, I guess. So,
4 Rey told you that Monday, this is the 13th, that
5 it would be done that night?

6 LINDA MONETTE: But not a specific
7 time.

8 LT. MCCANN: Okay. And I'm gonna stop
9 right there and say we can catch up to what I
10 asked you while he was out of the room and then
11 we'll figure out where to go from there. That's
12 what I --

13 LINDA MONETTE: Do you all have
14 something else I can eat by chance?

15 INV. HART: Yeah, we can --

16 LT. MCCANN: Yeah. Well, there's a
17 bunch of --

18 INV. HART: There's a bunch of bananas.

19 LINDA MONETTE: I haven't eaten all
20 day.

21 LT. MCCANN: You like bananas and stuff
22 like that?

23 LINDA MONETTE: A banana is great.

24 LT. MCCANN: All right. There's a
25 whole bunch of them in the breakroom.

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1 INV. HART: Somebody brought in a bunch
2 of bananas.

3 LINDA MONETTE: Thank you.

4 LT. MCCANN: You're welcome.

5 LINDA MONETTE: I wish I knew whose car
6 that was. I feel like -- I don't know. Trey and
7 Rey don't get along though now that I think about
8 it. But, I mean, it'd still be something to look
9 into. I just thought about -- the other day --
10 you know that Rey had his jaw wired shut because
11 a boy named Trey came up to his door and knocked
12 -him in his face and broke his jaw. And his mouth
13 was wired shut for a month straight.

14 INV. HART: Trey?

15 LINDA MONETTE: Rey was. But Trey is
16 the one that did that to him.

17 LT. MCCANN: Trey Bonner dude?

18 LINDA MONETTE: Yeah. So, they've been
19 -- yeah, they've been beefing for a while. Like,
20 the past month. And I didn't even think about
21 that. But, I mean, it's a possibility, I guess.

22 LT. MCCANN: If Trey thought that he
23 was gonna get some money or some weed, would --
24 would he do it anyway, beef or not?

25 LINDA MONETTE: Maybe because --

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1 LT. MCCANN: But you can't say for
2 sure.

3 LINDA MONETTE: Yeah. They just don't
4 -- they just -- they sell drugs. That's what
5 they do.

6 INV. HART: How confident are you that
7 the one at the hood store is the one --

8 LINDA MONETTE: Very.

9 INV. HART: You say very.

10 LINDA MONETTE: Like, the more I think
11 about it, I'm like 99.999. Like, if I see him,
12 like, I'd be half a mind to not go up and beat
13 the shit out of him. Because the more I think
14 about it, the more I just -- I just strongly
15 feel.

16 INV. HART: Well, I don't -- and here's
17 the deal. I don't want you to think about it
18 now. I want you to picture the face that you saw
19 that night, the build that you saw that night --

20 LINDA MONETTE: And that's what he
21 looked like.

22 INV. HART: And that's him?

23 LINDA MONETTE: That's what I seen.
24 That's what I saw. That's what I -- I looked
25 through Facebook through all of his friends until

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1 that person was, like, that's who it is. That's
2 what I told him.

3 INV. HART: So, you -- and you knew it
4 was him because you recognized him because you'd
5 seen him several times before.

6 LINDA MONETTE: Mm hm.

7 LT. MCCANN: All right. This is a hard
8 question, but you've already answered it. Now I
9 just need you to answer it, if that makes any
10 sense. Did you agree to go along with someone
11 putting a gun to your head to help Rey rob
12 Austin?

13 LINDA MONETTE: Yes.

14 LT. MCCANN: Now, (indiscernible).
15 Because you talked already about how you were
16 worried something bad was gonna happen, so you
17 got to Austin's.

18 LINDA MONETTE: Yeah.

19 LT. MCCANN: I immediately texted
20 Austin and asked to hang out. You were worried
21 something bad was gonna happen. You got to
22 Austin's after returning from the
23 (indiscernible). You all were hanging out in the
24 bedroom. The dogs started barking. At the
25 meantime, you got worried, so you went to the

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1 kitchen, looked out the window, saw the dark
2 figure running --

3 LINDA MONETTE: Towards the door.

4 LT. MCCANN: Toward the door. Sorry,
5 I've got to put my glasses on.

6 LINDA MONETTE: Okay.

7 LT. MCCANN: As I turned the corner to
8 head to Austin's bedroom, the door is kicked in
9 and I immediately recognize an intruder. Rey did
10 not do what he had originally talked about.
11 Somebody else was sent to Austin's house. Rey
12 wouldn't answer the phone afterwards and I
13 immediately knew this was his idea though we had
14 previously talked of it going a different way
15 than it did. I did not want money. I did not
16 want weed. This was going to happen whether I
17 was present or not. I didn't want anyone to get
18 hurt. Rey showed no emotion after I told him
19 that Mason had been killed. He wouldn't tell me
20 who came into the house but by recognition, I
21 knew.

22 So, you asked Rey who -- who the hell
23 did you send over here.

24 LINDA MONETTE: Yeah, pretty much. I
25 said, "Who do you think could have done this?"

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1 Because when I -- and Rey never said he was gonna
2 be the person to come through the door. But --

3 LT. MCCANN: You expected that based on
4 your conversation --

5 LINDA MONETTE: He acts like a hard
6 ass. He says that he just handles his shit his
7 way, and if he doesn't want to, his friends will.

8 LT. MCCANN: But given the -- given the
9 conversation you had with Rey earlier in the day,
10 you felt safe to think that Rey was gonna be the
11 one coming over there to do it.

12 LINDA MONETTE: Most likely, yes.

13 LT. MCCANN: Okay. And so, you -- you
14 said that when whoever this guy was that kicked
15 the door in and grabbed you, you immediately knew
16 that wasn't Rey.

17 LINDA MONETTE: Yeah.

18 LT. MCCANN: But you didn't -- you
19 recognized the guy, but you don't know his name
20 or anything like that.

21 LINDA MONETTE: I don't know his name.

22 LT. MCCANN: So, after everything's
23 done, you know, shots have been fired, ambulances
24 have come, whatnot, you're back in communication
25 with Rey. And you asked Rey specifically, "Who

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1 was that?"

2 LINDA MONETTE: Yeah.

3 LT. MCCANN: And he would not tell you.

4 LINDA MONETTE: Who could have done
5 this? What he said was --

6 LT. MCCANN: Did he deny?

7 LINDA MONETTE: He tried to act like he
8 didn't know anything. He showed no signs of
9 emotion. No, "Oh, my God, that's so -- that's so
10 sad."

11 LT. MCCANN: Mm hm.

12 LINDA MONETTE: He literally laughed
13 and said, "Are you kidding me? You're joking,
14 right?" Like, he really acted like it was
15 nothing.

16 LT. MCCANN: Mm hm.

17 LINDA MONETTE: I'm literally sitting
18 there, like, covered in Mason's blood, crying so
19 hard to him. He said, "Everything's gonna be
20 fine."

21 LT. MCCANN: Mm hm.

22 LINDA MONETTE: And I'm like, "What?"
23 I said, "This is gonna ruin this family." I was
24 like this boy just got accepted into All-Stars.
25 I started talking about Mason, like --

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1 LT. MCCANN: Right.

2 LINDA MONETTE: You can tell in that
3 phone call that I'm -- I was not okay with what
4 happened. I told Rey, I was like -- I was like,
5 "I need to see you." Like, a part of me wanted
6 to think that he wasn't the one who sent that
7 person, but I knew it because we had already --
8 it had already been talked about.

9 LT. MCCANN: Yeah. What -- what are
10 the chances --

11 LINDA MONETTE: But part of me was just
12 feeling vulnerable still towards him that maybe,
13 just maybe, it was someone else.

14 LT. MCCANN: What are the chances
15 though of you all having that conversation
16 earlier that day and somebody else being the one
17 that just arbitrarily picked that night to do it?

18 LINDA MONETTE: Yeah.

19 LT. MCCANN: You know? That -- that's
20 pretty --

21 LINDA MONETTE: So, he obviously sent
22 someone to do it.

23 LT. MCCANN: But, I mean, when you
24 asked him afterwards, you know, about did you
25 send somebody or -- or whatever --

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1 LINDA MONETTE: He said, "Stop talking
2 crazy over the phone."

3 LT. MCCANN: Okay. So, he --

4 LINDA MONETTE: I immediately knew.
5 That was the confirmation to me.

6 LT. MCCANN: He wouldn't talk to --
7 talk to you about it at that point.

8 LINDA MONETTE: No.

9 LT. MCCANN: He didn't say, "Hell, no,
10 girl. You're crazy." Or none of that.

11 LINDA MONETTE: Yeah, none of that.
12 No.

13 LT. MCCANN: It was, "Quit talking that
14 shit over the phone."

15 LINDA MONETTE: He was like, "Ha, ha,
16 are you joking? You're joking with me, right?"

17 LT. MCCANN: Yeah.

18 LINDA MONETTE: Trying to be funny.
19 Really.

20 LT. MCCANN: Got you.

21 LINDA MONETTE: And that really made me
22 -- I started crying more after that because I was
23 just like, this was not supposed to happen.

24 LT. MCCANN: Okay. And I think you
25 talked about -- yeah, you did. You talked about

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1 your conversation with him afterward, that he
2 wouldn't answer the phone. I didn't want anyone
3 to get hurt. Rey showed no emotion after I told
4 him that Mason had been killed. He wouldn't tell
5 me who came into the house. So, you -- you --
6 you did confront him with that.

7 LINDA MONETTE: Oh, yeah.

8 LT. MCCANN: And he --

9 LINDA MONETTE: I said -- I said that
10 guy that came to the house was wearing the same
11 bandana that all your little homeboys wear. I
12 said, so tell me who did it. Who came in that
13 house? And he said, "Stop talking crazy like
14 that over the phone."

15 LT. MCCANN: Mm hm.

16 LINDA MONETTE: So, obviously, he knows
17 how serious a murder investigation is to the
18 point where he knew not to speak of it.

19 LT. MCCANN: Mm hm.

20 LINDA MONETTE: Because if he had no
21 involvement, wouldn't he try to figure out who
22 did it?

23 LT. MCCANN: Yeah.

24 LINDA MONETTE: That's what I thought.
25 I said it looked just like your friend. And he

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1 didn't --

2 LT. MCCANN: And if I didn't have
3 anything to do with that, I'd have been probably,
4 you know, "Hell no, what are you talking about?"

5 LINDA MONETTE: If you were, like, a
6 gang member and you -- you wouldn't want them to
7 mix you up with the other gang member that did
8 that. Obviously, you would say something.

9 LT. MCCANN: Right.

10 LINDA MONETTE: Like, no, that's not
11 me. Don't put my freedom on the line.

12 LT. MCCANN: You would think, yeah.

13 LINDA MONETTE: So, that's what -- that
14 was just, like, very odd to me. He'd already
15 asked me what I was doing. He thought I wasn't
16 there. He was gonna do the plan by himself this
17 time. Instead, he sends his friend in and his
18 friend probably didn't even recognize me right
19 away.

20 LT. MCCANN: Mm hm.

21 LINDA MONETTE: But he never shot me
22 and that's how I knew that, by the end of it, he
23 knew who I was.

24 LT. MCCANN: Okay. So, Rey would have
25 had no way of knowing --

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1 LINDA MONETTE: What --

2 LT. MCCANN: -- that -- well --

3 LINDA MONETTE: When he -- when his
4 friend got there.

5 LT. MCCANN: Yeah.

6 LINDA MONETTE: Because he was like,
7 "Are you kidding me? Are you serious?"

8 LT. MCCANN: Unless somebody drove him
9 there.

10 LINDA MONETTE: You're right. You're
11 right.

12 LT. MCCANN: We don't know. I mean,
13 you mentioned that in one of the other
14 conversations.

15 LINDA MONETTE: I didn't see a car.

16 LT. MCCANN: So, we don't know if this
17 guy drove or somebody was waiting outside or
18 what. We don't know that. But what we do know
19 is that you and Rey planned this thing out
20 earlier in the day. You all talked about this
21 thing going down. And you -- think about this.
22 You had this conversation with Rey where you say
23 to Rey, well, if somebody's got a gun to my head,
24 Austin's gonna do whatever they want. And this
25 guy kicks in the door and immediately does what?

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1 LINDA MONETTE: Puts a gun to my head.

2 LT. MCCANN: You see where I'm going
3 with that?

4 LINDA MONETTE: So, it's obviously Rey.

5 LT. MCCANN: I mean, I can't say that
6 but --

7 LINDA MONETTE: And you could tell that
8 boy didn't know where he was going in the house.

9 LT. MCCANN: Yeah.

10 LINDA MONETTE: And I wasn't about to
11 lead him to the valuable -- I was -- he had me --
12 he kept me in the kitchen.

13 LT. MCCANN: Right.

14 LINDA MONETTE: And the funny thing is,
15 the weed and all that was right there in the
16 cabinets that he wasn't even trying to go
17 towards.

18 LT. MCCANN: But you --

19 LINDA MONETTE: So, I never -- I never
20 told Rey where the weed was or the money. None
21 of that.

22 LT. MCCANN: But you agreed with Rey
23 that --

24 LINDA MONETTE: I said yeah, if there
25 was ever a gun to my head, Austin would give him

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1 whatever.

2 LT. MCCANN: But Rey -- Rey pretty much
3 made it known that he wanted to rob Austin of
4 that weed and that money.

5 LINDA MONETTE: Weed. He never
6 mentioned --

7 LT. MCCANN: He never mentioned money?
8 Okay.

9 LINDA MONETTE: No, he had no idea
10 about the money.

11 LT. MCCANN: So, he -- he made it known
12 to you that morning that he wanted to rob Austin
13 of his weed.

14 LINDA MONETTE: Yes.

15 LT. MCCANN: And between the two of
16 you, you all kind of formulated how that can
17 happen so he can get that weed and get out of
18 there. Because you said many times nobody was
19 supposed to shoot because that was something you
20 already talked about. Right? You come in there
21 and put a gun to my head --

22 LINDA MONETTE: And it really did scare
23 me. I wasn't pretending. I -- I didn't know
24 that person was coming at that time or even --

25 LT. MCCANN: No, no, no. What -- what

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1 I mean by that is if --

2 LINDA MONETTE: At first, I thought it
3 was Rey running up the driveway.

4 LT. MCCANN: You and Rey sit there and
5 you all talk about this and you all figure out
6 how to make this thing go down. And, hey,
7 nobody's gonna get hurt. Nobody can get hurt.
8 You can put a gun to my head but can't nobody get
9 hurt. And you all agreed to that.

10 LINDA MONETTE: I said no kids getting
11 hurt, no anyone getting hurt, none of that.

12 LT. MCCANN: Right. And so --

13 LINDA MONETTE: And I told him to never
14 do that whenever I was living at that house and
15 he really did take it upon himself to still send
16 his friend that night.

17 LT. MCCANN: So --

18 LINDA MONETTE: I told him, yeah,
19 Austin would give it over.

20 LT. MCCANN: Okay. So, let me ask you
21 this because you said earlier that Rey would be
22 pissed off if -- or he was pissed off because he
23 knew you'd been talking to Austin again.

24 LINDA MONETTE: Oh, yeah.

25 LT. MCCANN: So, when you all had this

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1 conversation earlier in the day, he at that point
2 agreed to let you go back to Austin's house to
3 help him do this.

4 LINDA MONETTE: Mm hm.

5 LT. MCCANN: Is that right?

6 LINDA MONETTE: Yeah. I mean, he
7 agreed to let me go back to Austin's to do it.
8 Yeah. I mean, he -- he said that he was gonna do
9 it whether I was there or not. It didn't matter.

10 LT. MCCANN: But -- right. But that
11 particular night --

12 LINDA MONETTE: Yeah.

13 LT. MCCANN: -- you -- you and him kind
14 of worked it out to where --

15 LINDA MONETTE: He said that he wanted
16 to rob his house and that it'll be done.

17 LT. MCCANN: And you said, okay, I'll
18 go -- I'll be over there and this can go down.

19 LINDA MONETTE: See, I didn't tell him
20 I was gonna be there. That's the crazy part.
21 Like, I told him I was going by Austin's to grab
22 weed, right, and leave. But see, I'd already
23 text him and said I'm not -- I'm not at Austin's
24 house. Like, I'm at my house. So, he sends a
25 friend in.

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1 LT. MCCANN: Mm hm. And I guess where
2 I'm trying to understand is --

3 LINDA MONETTE: Thinking I'm not there.
4 But I am.

5 LT. MCCANN: He's -- he doesn't --
6 obviously doesn't want you seeing Austin as in an
7 intimate type relationship thing.

8 LINDA MONETTE: Yeah.

9 LT. MCCANN: But he was okay with you
10 being over at Austin's to help him facilitate
11 robbing him of his dope.

12 LINDA MONETTE: Exactly. Yeah.

13 LT. MCCANN: Okay. And so --

14 LINDA MONETTE: AKA, he doesn't give a
15 shit about me.

16 LT. MCCANN: No, no, no. That's --
17 that's not exactly where I'm going with this.
18 Where I was actually going, even though you have
19 a valid point, is that you were -- you were gonna
20 go over there and -- and help him do this and you
21 all, you know, you all kind of talked about it.
22 Like I said, you all -- you all worked it out as
23 to how this would happen. Never really got into
24 the -- he told you it was gonna be that night
25 whether you were there or not according to what

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1 you wrote in your statement. So, you went ahead
2 on over there anyway. Because you did know it
3 was gonna be that night.

4 LINDA MONETTE: I had no idea what time
5 --

6 LT. MCCANN: He just made the statement
7 it's -- it's going down tonight whether you're
8 there or not.

9 LINDA MONETTE: Yeah. So, I got there
10 as soon as I could.

11 LT. MCCANN: Okay. I don't think we
12 need to put anything else on here, honestly. I
13 think she's answered everything that we needed
14 her to answer and I was just getting some
15 clarification from her on making sure I was
16 tracking with the story and everything when you
17 walked back in just now. So.

18 INV. HART: Well, now we just need to
19 sign it.

20 LINDA MONETTE: Okay.

21 INV. HART: So, at the bottom of all
22 these pages -- right there -- you can sign it
23 right there.

24 LT. MCCANN: Yeah, you got it. How
25 many pages we have now? Four?

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1 INV. HART: We've got four pages. Oh,
2 excuse me.

3 LINDA MONETTE: If I get bonded out, is
4 it likely that they come try to pick me up with
5 another charge, or should I not try to get bonded
6 out? Honestly?

7 LT. MCCANN: Well, we can't tell you
8 that.

9 INV. HART: Yeah, we can't give you
10 advice on any of that. So, write 2:30 right
11 there (indiscernible). And then put your name
12 here on the other side. And here. Today's date
13 is the 17th day of May. And scratch out '19 and
14 write 2019 right there. It's --

15 LINDA MONETTE: Oh, it says place of
16 birth.

17 INV. HART: Oh, yeah, yeah, you're
18 right.

19 LINDA MONETTE: This is what I did last
20 time. Case number and (indiscernible). At
21 Lexington --

22 INV. HART: Sorry, I'm trying to read
23 upside down.

24 LINDA MONETTE: Present address. Do I
25 put the Smith Pond or Austin's? Austin's, right?

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1 I mean, that's really where I was living.

2 INV. HART: It -- it doesn't matter.

3 LINDA MONETTE: It doesn't matter?

4 Okay.

5 INV. HART: And then I completed
6 however many grades (indiscernible).

7 LINDA MONETTE: You don't count
8 college, right?

9 INV. HART: It doesn't matter. The --

10 LT. MCCANN: You graduated high school.

11 LINDA MONETTE: Yeah.

12 LT. MCCANN: You can read and write.

13 INV. HART: Numbers, home, work, and
14 cell. Whatever you've got there. And alternate
15 contacts (indiscernible).

16 LT. MCCANN: Have you tried to call
17 your mom?

18 LINDA MONETTE: No, they blocked my
19 number from calling her?

20 LT. MCCANN: Really?

21 LINDA MONETTE: Yeah. My dad's not
22 blocked yet. I need to call my mom. Maybe I
23 could if I could find a way to --

24 INV. HART: Maybe her phone just
25 doesn't take --

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1 LT. MCCANN: Collect calls.

2 LINDA MONETTE: It does. I did it
3 before. And then they blocked her number right
4 after I got off the phone with her.

5 INV. HART: Who blocked it?

6 LINDA MONETTE: Someone had to have
7 blocked her number.

8 LT. MCCANN: So, you -- you've called
9 her since you've been in here.

10 LINDA MONETTE: One time in booking.
11 And guess what? They've given me an invalid PIN
12 number the whole time. They won't let me use the
13 --

14 LT. MCCANN: Did you set your voice
15 thing up?

16 LINDA MONETTE: Yep, it's invalid. And
17 they're like, oh, sorry, tough shit. And I'm
18 like, so I can just never use the phone?

19 LT. MCCANN: Yeah. So, how'd you call
20 your dad?

21 LINDA MONETTE: I went down to booking.
22 Someone was nice enough to let me get a quick
23 phone call.

24 INV. HART: We'll talk to them about
25 it.

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1 LINDA MONETTE: Thank you.

2 INV. HART: (Indiscernible).

3 LINDA MONETTE: I did talk to one of
4 them today.

5 LT. MCCANN: Yeah.

6 LINDA MONETTE: I need to talk to my
7 dad about getting my --

8 INV. HART: I don't know if it'll be
9 today because he might have already gone.

10 LINDA MONETTE: Okay.

11 INV. HART: But we'll get it fixed,
12 certainly, Monday at the latest. Before
13 answering -- oh, here, we need to write that. It
14 says: Before answering any questions or making
15 any statements, Detective Hart and Sergeant Lynn
16 McCann identified (indiscernible). And then go
17 through and initial all this.

18 LINDA MONETTE: Can I get a public
19 defender?

20 INV. HART: So --

21 LINDA MONETTE: And does that -- that's
22 a bad idea, right?

23 INV. HART: Did they not cover that
24 (indiscernible)?

25 LINDA MONETTE: Yeah, he said something

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1 about it, but I could never use the phone, so I
2 can't call anybody.

3 INV. HART: So, you don't need to call
4 them. You can write a letter.

5 LINDA MONETTE: To who?

6 INV. HART: To -- and they'll give you
7 -- it should be on your bond paperwork .

8 LT. MCCANN: Yeah, it should -- yeah,
9 the instructions to do it should be on your bond
10 paperwork. Do you have that?

11 LINDA MONETTE: Upstairs. I think I
12 have it.

13 INV. HART: It'll be on your bond
14 papers. So, when you -- when you went to bond
15 court and he showed you a piece of paper that
16 said -- and he probably circled it.

17 LINDA MONETTE: Yep, he said --

18 INV. HART: This is how you get a
19 public defender.

20 LINDA MONETTE: He said fill this out.

21 INV. HART: So, when you get your form
22 when you get back to your room, look at it and
23 see where he circled it and that's how you apply
24 with them. Sign and then date. So, he should --
25 you'll have to write a letter and they'll have to

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1 come over and screen you and make sure you're
2 eligible for a public defender.

3 LINDA MONETTE: Oh, they said that I
4 was accepted to have one.

5 INV. HART: Okay.

6 LINDA MONETTE: On that paper --

7 LT. MCCANN: Because of your monthly
8 income?

9 LINDA MONETTE: Oh, is that why?

10 INV. HART: It goes off your monthly
11 income.

12 LT. MCCANN: Yeah. He asked you how
13 much you make and stuff like that and you told
14 him and he said you're already qualified?

15 LINDA MONETTE: Well, he -- there's a
16 box that's checked that said you're approved for
17 a public defender.

18 LT. MCCANN: Yeah.

19 INV. HART: Because he asked you where
20 you work and then what you make.

21 LINDA MONETTE: Yeah.

22 INV. HART: That's how it is. Because
23 it's -- a public defender is an indigent defense.
24 It's what it is, somebody who can't afford to pay
25 the legal fees. That's what a public defender

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1 is.

2 LINDA MONETTE: Okay. And what's
3 today's date?

4 INV. BRUCE: Today is 5/17. All right.
5 Do you need to use the bathroom or anything?

6 LINDA MONETTE: Yes, please.

7 LT. MCCANN: All right. This is your
8 copy. We'll just leave that right there. We'll
9 take you to the bathroom and then we'll get you -
10 -

11 LINDA MONETTE: Do I keep this?

12 LT. MCCANN: Yep.

13 INV. HART: Yeah.

14 LT. MCCANN: You can do whatever you
15 want with it.

16 INV. HART: You can stick it in your
17 pocket or you can put it in the trash --

18 LT. MCCANN: Our policy says we have to
19 give it to you. What you do with it after that
20 is your business. If that makes sense.

21 LINDA MONETTE: I don't want to get
22 beat up because they think I'm a snitch. Oh,
23 well.

24 INV. HART: You done with that?

25 LINDA MONETTE: Yeah.

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1 INV. HART: What about your Coke? You
2 want any more of that? Okay.

3 LINDA MONETTE: No, there's crazy
4 people but I'm in the...

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.

<%12151,Signature%>

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Date: August 20, 2021

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1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit

3
4 State of South Carolina,) Transcript of Record
5 vs.) 2020-GS-32-02409
6 Linda Lyn Monette,) 2020-GS-32-02410
7 Defendant.) 2020-GS-32-02414A
8) 2020-GS-32-02415

9 September 20th-24th, 2021
10 Lexington, South Carolina

11
12 B E F O R E:

13 The Honorable Walton J. McLeod IV, Judge

14
15 A P P E A R A N C E S:

16 S. R. "Rick" Hubbard III, Eleventh Circuit Solicitor
17 L. Suzanne Mayes, Deputy Solicitor
18 LeAnna S. McMenamin, Assistant Solicitor

19 On behalf of the State of South Carolina

20 Robert "Theo" Williams, Sr., Esquire
21 Anna M. Williams, Esquire

22 On behalf of the Defendant

23 Reported by: Stacy S. Johnson,
24 Circuit Court Reporter
25

1 THE COURT: You may certainly do so while you're
2 speaking to the jury.

3 MS. McMENAMIN: Thank you.

4 On May 13, 2019, eight-year-old Mason Hanahan had
5 one of the best days that an eight-year-old little boy
6 could have. To start off with, members of the jury, he
7 got to leave school early. They had a half day. His
8 dad picked him up and took him to his very first practice
9 for the All-Stars baseball team. This kid loved baseball.
10 Then after that, members of the jury, he got to celebrate
11 with his dad. They had went and saw the new Avengers
12 movie that had just come out, they went and had dinner
13 together, just the two of the, and then they went home
14 to his father's house at [REDACTED] Cedar Vale Lane in Lexington
15 where they watched YouTube videos until the kid was too
16 tired to stay awake, and Mason fell asleep on the couch.

17 Now things in the Hanahan household unfortunately
18 went from perfect to horrific shortly after midnight.
19 See, in the early morning hours of May 14, 2019, a masked
20 man, an intruder, kicked in the door to their home and
21 came inside. Austin Hanahan, Mason's dad, who was in his
22 master bedroom on the opposite side of the house, heard
23 this noise. You'll hear how he walked down the hallway,
24 he got to where the living room is where you can see into
25 the kitchen and he saw this masked man with a gun to his

1 girlfriend's head. And Mason, he's still asleep right
2 there on that couch right in line between Austin and that
3 intruder. Austin has a gun and in an attempt to protect
4 his loved ones, to protect his home, he fires at that
5 intruder several shots. Unfortunately, that intruder
6 fired back. He hit Austin in the abdomen one time and
7 he shot and killed Mason Hanahan. Mason died as a result
8 of a gunshot wound to the head.

9 Now, members of the jury, you might be thinking
10 didn't this woman just tell me a masked man came into
11 that home? That a masked man shot Austin? A masked man
12 killed Mason? Then why is a woman sitting right there at
13 that table on trial today? Well, members of the jury,
14 Linda Monette, she orchestrated the whole thing. This
15 happened as a result of her plan, her greed, her
16 selfishness. The evidence will show you that. You'll
17 hear how she was only dating Austin because he had a lot
18 of cash in the home and a lot of weed, marijuana, dope,
19 whatever you want to call it. He had money and drugs in
20 the house and Linda Monette wanted it. And you'll hear
21 that she conspired with a man named Rey Romero. Rey,
22 you'll learn, is a member of a gang, the Gangster
23 Disciples. Remember that name. You're gonna hear it a
24 lot throughout this trial. The Gangster Disciples.
25 Members of the jury, that's gonna be one of the

1 first things you hear from that witness stand in her
2 9-1-1 call. A man with a GD, Gangster Disciple, mask
3 came into the home and held me at gunpoint. He wanted
4 to shoot me. That's what you'll hear come out of her
5 mouth.

6 And, members of the jury, you'll learn through the
7 evidence that she and Romero concocted this plan. She
8 wasn't being held hostage. She was playing the damsel
9 in distress because if she wasn't a part of it, she was
10 worried Austin would realize she was in on it, that
11 Austin would realize she took the money because up until
12 that brief period right around this incident, she was
13 there all the time. She stayed the night most of the
14 time. They'd been dating on and off for a year. She
15 had knowledge of the drugs, members of the jury. You'll
16 hear she helped him sell it. She had knowledge of the
17 money. She was with him a few days prior when you'll
18 find out Austin cashed a check totaling about ten grand
19 and she knew he was hiding it in various places in the
20 house, and the evidence will show you that.

21 This was a plan. This wasn't an accident or a
22 coincidence that she'd been gone for days and then the
23 day she's back and the minute she's alone it happens.
24 The evidence will show you that.

25 Now, members of the jury, I ask that you make no

1 mistake. Linda Monette may not have pulled that trigger,
2 fired that deadly bullet, but in the law of South Carolina
3 she's just as guilty as that masked man. Her -- the
4 blood of Mason Hanahan is on her hands. The law of South
5 Carolina tells us, members of the jury, very simply, that
6 the hand of one is the hand of all. That when a person
7 joins with another to commit an unlawful act, they are
8 criminally responsible for everything done by their
9 partner, for everything that happens as a probable or
10 natural consequence of the acts done by that partner in
11 carrying out the common plan. The hand of one is the
12 hand of all.

13 And the evidence will show in this case that by
14 being that damsel in distress, that hostage, she acted
15 with him. That this was the plan she and Rey came up
16 with. They conspired, they created a plan, and then she
17 acted in furtherance of it by standing there and letting
18 him hold a gun to her head because, members of the jury,
19 you'll hear she thought Austin wouldn't have it in him.
20 That if the gun was to her head, he'd just hand the money
21 over, hand the weed over, do anything to keep her safe.

22 Now that plan doesn't have to go according to plan,
23 and it didn't, but it was their plan and under our law
24 she's just as guilty for all of that intruder's action.
25 She's just as guilty of attempted armed robbery, just as

1 guilty of burglary in the first degree, and of murder.

2 Now I'll put it out there, members of the jury.

3 We do not know the identity of that intruder. It is
4 terribly unfortunate. Law enforcement, they investigated,
5 they tried to turn over every stone that they possibly
6 could, and we do not know the identity of that individual.
7 But you'll see the evidence indicates, strongly indicates,
8 that individual was a member of the same gang as Rey
9 Romero, the Gangster Disciples. You'll see that it just
10 makes sense, it adds up. Why wouldn't Rey come in the
11 house? Why would another member of the gang do it? This
12 will all come to fruition as you're presented with the
13 evidence. But, again, make no mistake this was Linda
14 Monette's plan that she concocted with Rey and that she
15 worked with that man wearing that bandana, that GD
16 bandana. The Gangster Disciples.

17 And before we go any further, members of the jury,
18 into how this all evolved, how it all happened, okay,
19 before we go any further into what the elements of these
20 various crimes she's charged with are, I want to touch
21 on, again, something the judge mentioned.

22 We all play different roles throughout this trial.
23 As representatives of the State, we will present you with
24 the evidence necessary to prove the defendant beyond a
25 reasonable doubt. That's our burden of proof. And you,

1 as jurors, your job is to weigh that evidence. You get
2 to decide what's important and what's not and you make
3 the ultimate decision at the end of this trial regarding
4 guilt. That may seem like an intimidating job, like a
5 daunting task, but if you think of this trial, members
6 of the jury, like putting together a puzzle, you'll see
7 it's pretty simple, pretty straightforward, so let's
8 start.

9 When I do a puzzle, I dump all the pieces out on
10 the table and then prop up the top of the box, right,
11 with the pretty picture on it so I can look at that when
12 I'm putting the pieces together. It guides me. The
13 pretty picture here that will guide you is the law. And
14 as Judge McLeod mentioned, he will instruct you on the
15 law. That's his job, among other things. At the end of
16 this trial, he will instruct you on the law before you
17 go back and deliberate, but don't you want a guidepost
18 now to kind of see what the law tells you so you can be
19 paying attention as testimony is elicited and evidence
20 is presented to you? So let's go over that now.

21 We've already talked about the hand of one is the
22 hand of all, but let's look at the attempted armed
23 robbery charge. The law tells us that a person is guilty
24 of attempted armed robbery when they attempt to knowingly
25 and willfully have possession of an object that a victim

1 would reasonably believe a weapon or they actually have a
2 weapon and then they attempt to take money or goods from
3 that person, their belongings, and they do this with the
4 intent to deprive them of those belongings. They're not
5 giving them back.

6 Now, members of the jury, we're not saying the
7 defendant went in there herself with a gun and said
8 Austin, give me your money, give me your drugs. No.
9 But the hand of one is the hand of all and the evidence
10 will show you she acted with that intruder who came in
11 with the intent to rob Austin. He came in there carrying
12 out the plan that had been concocted by the defendant and
13 Rey Romero and because she acted in accordance with that
14 plan, that she conspired, she acted with him, she's just
15 was guilty.

16 Burglary in the first degree, that's the other
17 charge, members of the jury. A person is guilty of this
18 when they knowingly and willfully enter a dwelling with
19 intent to commit a crime therein. When they are in that
20 home, entering the home or fleeing from the home, if
21 they also have a deadly weapon, a gun, and someone gets
22 injured, they're guilty of burglary in the first degree.

23 Here this masked intruder you'll hear comes into the
24 home, kicks the door in, takes the defendant hostage and
25 then the shooting occurs, and Mason Hanahan dies from a

1 gunshot wound to the head. He committed murder in that
2 home while armed with a deadly weapon and the hand of one
3 is the hand of all.

4 Conspiracy, that's the third charge the defendant
5 is accused of. The defendant is guilty of conspiracy
6 when we prove that she combined with one or more persons
7 with the purpose of committing an unlawful act. They
8 need a mutual understanding, a plan or an agreement, but
9 members of the jury, this doesn't have to be a formal
10 agreement, okay? They don't have to sit down, type it
11 up and sign the bottom of it. They don't have to sit
12 around a table together and hash out every detail, right?
13 It's a mutual understanding of what the plan is.
14 Generally this is what we're gonna do. The evidence
15 will show she conspired with Rey, that she had to be the
16 hostage. It will show that they were together that day
17 together, physically together, communicating via phone
18 and text, and that she tried as hard as she could to
19 separate herself from him after the fact. The evidence
20 will show they conspired and that was their plan. The
21 mutual understanding was the door would get kicked in,
22 she'd be held at gunpoint, and then Austin, he'd just
23 give up the money and drugs.

24 Now murder, members of the jury, we all generally
25 know what that means. It's pretty obvious. But under

1 the law of South Carolina murder is the killing of
2 another with malice aforethought. Malice is the intent.
3 Malice is a hatred, ill will, hostility towards another.
4 It is the intentional doing of a wrongful act without
5 just cause or excuse and with an intent to injure. It
6 is also the doing of a wrongful act under circumstances
7 that the law will infer an evil intent. Malice may be
8 inferred, members of the jury, from conduct showing a
9 total disregard for the value of human life.

10 Under our law if a person intentionally kills
11 another during the commission of a felony, attempted
12 armed robbery, burglary in the first degree, those are
13 felonies, if someone kills another while committing these
14 acts, there's an implication of malice. Where two or
15 more people combine together, conspire, members of the
16 jury, to commit a felony during which a homicide is
17 committed as a natural and probable consequence, all
18 those involved in participating, active participants,
19 are guilty. The hand of one is the hand of all.

20 Like I said, Linda Monette may not have pulled that
21 trigger, but it doesn't mean Mason Hanahan's blood isn't
22 on her hands. The law tells us that. The evidence will
23 show you that.

24 Now back to our puzzle. The evidence, that is the
25 pieces of the puzzle if you haven't guessed it yet,

1 jury. You're gonna put the evidence together when
2 you're deliberating at the end of this trial. Evidence
3 that can be many things. Evidence can be photographs,
4 it can be videos, surveillance footage, statements.
5 Evidence also contains testimony. The statements made
6 by people from that witness stand in this courtroom
7 throughout this trial are evidence that, again, you get
8 to weigh. You get to decide what's more and less
9 important and you get to think about that when you're
10 deliberating and making your ultimate decision.

11 So what's that testimony gonna be? What are those
12 pieces of the puzzle going to look like? Well, members
13 of the jury, of course, we're going to call first
14 responders. You're going to hear the 9-1-1 call made
15 by the defendant that I mentioned earlier where she's
16 talking about the man coming in wearing a GD bandana,
17 a Gangster Disciple bandana. Comes out from the very
18 beginning. You're going to hear when she realizes what
19 happened to eight-year-old little Mason. Members of
20 the jury, you're going to hear from Dustin Pollard.
21 He's the first sheriff's deputy on the scene. The
22 unlucky individual that had to walk into the house and
23 find all of that. And you'll hear from EMS, Jasmine
24 Rankine and Kameron Wiesen. They're going to testify.
25 They're the two that were the lead here with EMS.

1 They're the ones who treated Austin, who was shot in the
2 abdomen. They're the ones who did everything that they
3 could to help Mason. Oxygen, IV's, chest compressions,
4 but ultimately his life was ended by that gunshot wound
5 to the head.

6 Members of the jury, you'll also hear from numerous
7 individuals with the sheriff's department who helped
8 investigate this case. You'll hear from SLED, the South
9 Carolina Law Enforcement Division, members of that who
10 helped with the analysis of evidence collected from the
11 scene. You'll get to see photographs of the scene, a
12 diagram of the house. I promise that will help clarify
13 a lot of this during the trial. You'll get to see
14 surveillance footage, and you know what, members of the
15 jury, you'll get an inside look at the defendant's cell
16 phone, that you'll see her on Dustin Pollard's body cam
17 while EMS is right there with little Mason trying to save
18 his life. You'll get to see the contents of that and
19 you'll learn how the combination of those records and
20 the surveillance footage shows her with that guy, Rey
21 Romero, all day. Shows her trying to cover her tracks
22 and separate herself from him as much as she can. The
23 evidence will show you that. It will show that she's
24 more than just an innocent bystander.

25 Now throughout this trial you'll also hear and see

1 some of the interviews of the defendant. Some were just
2 audio, some are video and audio. It depends on the
3 capabilities and access of the individual interviewing
4 her at the time. Now, members of the jury, there are
5 hours and hours of video footage, so you won't see every
6 last second of it necessarily, but you're gonna see and
7 hear a lot of it, and I encourage you listen, listen to
8 the tone of that woman's voice, listen to her word
9 choice, the specific words she uses, look at her body
10 language and her demeanor when she's speaking with law
11 enforcement about what happened. Pay attention to all
12 of that and pay attention to how her story changes. Pay
13 attention to her statements. It's gonna be important.

14 See, members of the jury, one of the first people
15 to interview the defendant was Detective Sherban. He'll
16 take the stand today. He'll play you his interview, some
17 of that, and you will hear the defendant's first story,
18 okay? You'll hear her answer some questions. You'll
19 hear the defendant deny knowledge of drugs in the house,
20 which you'll learn and she'll admit, she was helping to
21 sell. You'll hear her deny knowledge of the money in the
22 house, which you'll hear her admit. You'll hear her talk
23 about -- oh, you'll hear her ask questions of an officer
24 just standing there about how much money did you get,
25 where did you find it, what are you gonna do with it,

1 what's gonna happen to all the money? You'll hear those
2 words come out of her mouth, but she denies any knowledge
3 of it really initially. You'll hear her say she has no
4 idea who could have done this, that they don't hang out
5 with people who could do such a thing, no one would want
6 to do that to Austin, but you'll learn she did. She
7 wanted to do that.

8 Pay attention, members of the jury, when they talk
9 about a music video filmed at Austin Hanahan's home where
10 the defendant was present, where she's a dancer in the
11 background of a video. Listen to how she talks about it
12 at first, how she names several people in the video, is
13 reluctant to admit that they're gang members and reluctant
14 to admit how she knows them. One name won't come out.
15 Rey Romero. And then when she herself is in another
16 interview with another sheriff's deputy -- or detective,
17 she'll pull up a photograph of a bunch of gang members,
18 she'll name a bunch of them, but who will you see front
19 and center in that picture that she provides of her own
20 accord that she doesn't know? Rey Romero.

21 And listen, members of the jury, as she talks about
22 Austin defending them or attempting to, how he shot at
23 us, how we ducked down. Listen for that. And you'll
24 hear, members of the jury, from members of the sheriff's
25 department, so many of them that talked to her, that knew

1 from the beginning it didn't add up, something was off
2 with her story. That's what really began to fuel this
3 investigation into her. Her own words.

4 So what was her first story? What are you gonna
5 hear? She'll tell you how -- she'll admit she hadn't
6 been to Austin's house for several days. You'll hear
7 from Austin that they'd been arguing, he didn't want to
8 see her, but she suckers him into letting her back into
9 the house. How she hadn't been there for days and the
10 first day she's back they're hanging out. Later that
11 night they both go to the kitchen a couple of times to
12 get a snack. You'll hear her say how the first time she
13 goes on her own, the first time she's alone in that
14 house, she's in the kitchen at the refrigerator -- and,
15 like I said, there's a diagram, this is gonna make a lot
16 more sense, but bear with me. You'll hear her say she's
17 standing at the fridge eating a snack when she hears a
18 sound at the door that's over here in the kitchen.
19 You'll hear her say that she closed the fridge and rather
20 than going to the dining room that's right here, I mean,
21 the entrance to it is right next to the fridge and leads
22 to the hallway into the bedroom, you'll hear her say how
23 she walked through the kitchen and turned off the light
24 walking towards the danger. You'll hear her say how she
25 turns and then heads toward the kitchen, but before she

1 can she hears that door again. You'll hear her tell you
2 how instead of running towards Mason asleep on the couch
3 or running towards the room where Austin is, she heads to
4 the laundry room back towards the danger, and that's when
5 the door just happens to get kicked in, that's when she
6 gets taken hostage and that's when she says the intruder
7 drags her back into the kitchen to where Austin can see
8 them. Pay attention to her words.

9 This story, members of the jury, will change several
10 times and several ways. You'll hear that for yourself.
11 You'll also hear her initially deny being with Rey Romero
12 at all. She'll try and act like she doesn't know him and
13 then it will come out, oh, yeah, we -- we were together
14 that day for a little. He met me at the gym. Then it
15 comes out they were together that morning and she took
16 him to the gym. You'll see that. You'll see them get
17 out of the car, walk inside. You'll see them in the gym
18 together laughing, smiling, working out. You'll see them
19 leave together and get back in her car, but does she tell
20 law enforcement that when she's first saying what she'd
21 been doing that day? Listen for that.

22 Members of the jury, there's more security footage
23 that shows them together later that afternoon and when
24 you compare it with the phone extraction, the contents
25 of her phone, you can see she's at the 7 to 11 store

1 with Rey Romero when she's texting and calling Austin
2 to sucker him into letting her back in the home. Pay
3 attention to that.

4 But it's not just her statements, members of the
5 jury, it's not just what she says, it's what the evidence
6 shows. It's what's collected from the scene. It's what
7 makes sense about the layout of the home. It's what
8 other individuals will testify from that stand and tell
9 you. People who are friends with her, worked with her,
10 who were in romantic relationships with her, that will
11 tell you she'd been planning this for weeks, that will
12 tell you she said multiple times she wanted to rob
13 Austin. He had money and weed and she wanted it.
14 People who will tell you Rey Romero is not even the
15 first person she's asked to do this. He's just the
16 first person she could get to.

17 Now one more thing, members of the jury. The burden
18 of proof does lie with us. Our burden is to prove this
19 case to you beyond a reasonable doubt and I am confident
20 that we will, but let's bring it back to our puzzle,
21 okay? We've got the pieces, we've put them together.
22 What do we see? Because, members of the jury, you don't
23 have to have all the pieces of the puzzle at the end of
24 this trial. Rarely in life do we have all the pieces.
25 Kids lose some, the dog eats one. There are few things

1 in life we know with absolute certainty. You're not
2 expected to know this with absolute certainty. The
3 question is do you have enough pieces? When you look at
4 puzzle, there could be a corner piece is missing up here,
5 several scattered throughout the middle that are gone.
6 You might even have a whole row at the bottom that's
7 gone, but if you can look at that puzzle and see the
8 big picture you can fill in those spaces. If you are
9 confident we've presented you with enough evidence to
10 prove the defendant is guilty, then we've met our burden,
11 members of the jury, our burden of beyond a reasonable
12 doubt. Not any and all doubt because the defense,
13 they're going to try and cast doubt, they're going to
14 try to confuse you, present you with crazy theories, but
15 don't let them. Focus on the evidence and if you're
16 confident in her guilt, you must find her guilty, and
17 at the end of this trial we'll ask that you find the
18 defendant guilty. Guilty of attempted armed robbery,
19 guilty of burglary in the first degree, guilty of
20 conspiracy and, members of the jury, guilty of the murder
21 of Mason Hanahan.

22 Thank you.

23 MR. WILLIAMS: May it please the Court?

24 THE COURT: Yes, sir.

25 MR. WILLIAMS: I also am gonna pull my mask off if

1 it's okay, but I'm gonna stand way over here because I'm
2 an old guy and I've had COVID and two shots and God knows
3 what else, so I'm gonna try to protect everybody.

4 The first thing I'd like to tell you is that this
5 is opening argument, it's not closing argument. You
6 haven't seen a bit of evidence, you haven't evaluated a
7 single thing. While everything that has just been said,
8 I guess, in opening argument is interesting, it's not
9 evidence. It's what a solicitor is saying is what it is.

10 You know, when you came yesterday the first thing I
11 thought about, and I know the judge remarked on it, I
12 know the judge thought about it, the way you were selected
13 yesterday is you had two different groups of people who
14 came in here. We did that because of COVID actually
15 because you can't have but so many people in the courtroom
16 and everybody is trying to protect everybody because, you
17 know, we went for a long time where we weren't trying
18 cases and it hurts the system when you don't have that
19 jury system here because justice is not being done when
20 you don't have a jury system in place.

21 So the first group of people came in and there was
22 just a few people. Goodness. I've never seen so few
23 people come in on a jury panel. Then the second time,
24 which is a little bit later on, like 1:00, we had a lot
25 more people come in and the only thing I could think of

1 was I wonder why we had so few people come in the first
2 time and then the second group comes in. Well, that made
3 me think that I am so very proud that you individuals
4 came in because you didn't look for a reason not to come
5 in. You could have said, I don't know, my child's been
6 quarantined or I've been out of work and haven't been
7 working for a period of time or I don't feel good. There
8 probably was a good excuse. If you'd been clever enough,
9 you probably could have sold it to the judge. He would
10 have asked you questions about it and he wouldn't have
11 liked to get you out of here, but you could have done
12 that but you didn't do it, and that's why the jury system
13 is the most important thing we have under the law right
14 now.

15 We look around the courtroom and we see all kind
16 of judges on it. You've got Knox McMahon, George Bell
17 Timmerman, you've got Judge Baggett, you've got Frank
18 Lever, you've got Hubert Long, you've got Frankie Rodgers,
19 and you've got Chewing and you've got Judge Allen, all
20 of them, and Judge Westbrook, who the courthouse is
21 named for. You've got all these judges being honored
22 and they are honored. Judges are honored because they
23 are the ones that give you the law. They're actually
24 the ones that interpret the law to a certain extent and
25 tell you what it is, but, you know, it all -- it's all

1 on your back. It's all on the jury's back. It's all on
2 the jury's back to look at these evidence -- these
3 evidences and determine what you feel to be the truth.

4 And I was sitting down at breakfast, this is my big
5 notes I was sitting down with when I was drinking coffee
6 and eating a sausage biscuit, and I wanted to think about
7 guilt or innocence because that's why we're here. You
8 have to determine whether or not a person is guilty or
9 not. They don't have to prove their innocence. That's
10 always been the linchpin when you talk about criminal
11 cases and when you talk about guilty, then another word
12 springs in my mind and that is responsible. They're two
13 different things. They're completely two different
14 things.

15 You may feel responsible for something, but you're
16 not legally guilty of it. You look over there and
17 you've heard the facts. You know clearly that -- that
18 Austin was in the house and you know that Austin had
19 some marijuana in there and you know that Austin had
20 some money in there. He may feel bad. God knows I bet
21 he does. He does because he is a daddy and he loves
22 his son and he probably says, you know, I feel bad
23 about having that there at that particular point in time
24 because he loves his son. That's a feeling of -- of not
25 doing the right thing maybe, but that's not legally

1 guilty.

2 We all may feel bad about something, feel like there
3 was something better we could have done. When it comes
4 to the associations that my client had with other people,
5 she probably says yeah, probably shouldn't have been with
6 those people because those are not good people. Maybe a
7 lot of people shouldn't be hanging with the people that
8 they hang with, but that is not legal guilt.

9 Legal guilt is something much more than that and
10 that requires the violation of a criminal statute that
11 means that you're guilty of doing something. And then
12 they set forth these things, and they're called
13 indictments, and that's where the grand jury comes
14 together and they look at the facts and they see if
15 there's enough just to -- just to bind it over or just
16 try the case. They're not the final determinators of
17 this by any means, but they set forth what types of
18 charges that y'all are gonna be handling.

19 So you have an indictment for attempted armed
20 robbery. What that means, you try to rob somebody and
21 you don't get away with it, that's what it means, but it
22 references that my client with somebody else, in concert.
23 Uses the words "in concert". It don't mean they're
24 playing an instrument or anything. It means that they
25 do it together. In concert with other co-conspirators,

1 so that's other people. And the one thing that floats
2 throughout this entire case from beginning to end, from
3 beginning to end, and I'll -- I'll just kind of say that
4 for you a little bit, burglary first says that she in
5 concert with co-conspirators did knowingly and willfully
6 enter a dwelling or conspire for the unlawful entry of a
7 dwelling and while the conspirator is there someone is
8 killed. There's no need dressing that word up. Murder.
9 Conspiracy. That Lynette -- I'm sorry, Lynette, I
10 combined the words -- Linda Monette and Rey Romero did
11 combine to commit a crime. Murder. That Linda Monette
12 in concert with somebody else. We've got this young lady
13 here charged with all these indictments. Every one of
14 them and everything is saying that she with somebody
15 else did it. Who? Rey Romero? Is he -- where are they?
16 You don't charge somebody just because you can charge
17 them. You've got to be able to prove -- if you're gonna
18 say there's a conspiracy, then you've got to be able to
19 prove that conspiracy. You've got to have those people.
20 You've heard a list of people. I -- I want you to listen
21 to who all testifies. See if any of those people come up
22 here and testify that they along with Linda Monette did
23 anything because factually, factually, what you will see
24 is that she went to Austin's house, they probably had
25 something to eat and, I don't know, maybe they smoked

1 some marijuana, and then there's a noise, somebody's
2 beating at -- on the -- on the outside of the house or
3 at least they hear something outside, she gets up, she
4 goes to the door and when she's at the door somebody
5 kicks in the door. She recognizes -- I can't recognize
6 it. I know it's a blue color. You know, you've got the
7 Crips and you've got the Bloods and you've got the GD's,
8 and it's a blue -- I think it's blue and black. You
9 know, everybody's got their colors. It's kind of like
10 a football team, but they had that bandana and she
11 recognized that as being a GD, and that's the description
12 she gives. They're asking for descriptions. A tall,
13 skinny, black man with a GD bandana on. He's the one
14 who kicks in the door. He grabs her with his right arm,
15 pulls out a gun and starts yelling. There's bunch of
16 yelling going on. Austin comes out and Austin pulls his
17 gun out and he shoots. And Austin will probably testify.
18 He's here. And in the midst of all this it's like the
19 gunfight at OK Corral.

20 Now either you've got to determine that Linda is the
21 most brilliant, sinister thing in ten years and she came
22 up with this plan or you've got to figure out she's an
23 idiot because nobody is gonna do something like that and
24 allow them to put their arms up there and get involved in
25 a gunfight. That's what we've got.

1 Actually, see, I'm gonna be a whole lot shorter
2 because you haven't heard any testimony. What I'm saying
3 right now doesn't mean squat, it doesn't mean a thing
4 because that's just my opinion. I can make it real
5 dramatic and I can talk about, you know, this child who
6 had baseball practice that day and comes in and then he
7 loses his life. It's not funny, it's not happy. All of
8 this early part is to present a stage wanting you to use
9 your emotions to make your decisions as opposed to using
10 this up here, your brain. That's why I'm so proud of the
11 jury system because that's what you do. You use your
12 brain. You know, in today's world your knowledge is just
13 as good as what has just come out over the Internet. I
14 never know what to say until I check on the Internet and
15 someone tells me what I'm thinking. We don't have that
16 system here. We have a system where you look at the
17 evidence that's presented, you determine truthfulness of
18 that evidence, you apply those facts which you determine
19 to the law that His Honor gives you and you see if it
20 weighs to such a standard that you can convict a person
21 because if it's not there, you can't convict them, and
22 you shouldn't convict them.

23 You talk about puzzles. Puzzles are cute. If the
24 puzzles fit -- it's almost like the glove, isn't it? No,
25 if the puzzles fit, then that shows the whole picture

1 but you might be missing some corners. Well, I always
2 want to look at the puzzle and I want to see if you can
3 see it. If the nose is way up here just because it fits,
4 it doesn't really give me a very good picture, does it?
5 No. And when you look at the picture, and I always look
6 at the pictures, and you can see a -- you can see -- you
7 can see in the woods or you can see something in there
8 that looks like this. Well, I'm always fascinated by
9 these pictures. If I look at it one way, it looks like
10 something. When I look at it another way, it looks
11 like something else. This is not some trick. It's not
12 some carnival trick that's being performed. It's an
13 evaluation. It's a logical, legal evaluation of what
14 is testified to to determine the facts and applying the
15 law.

16 Again, I do thank you for being here. I actually
17 meant it. I'm not just not joking about y'all being
18 here and there was just a few people. It takes a lot
19 sometimes to do what's right. We do that when we serve
20 in the military, we do that when we come up here and do
21 our jury -- do our duty as a juror.

22 Thank you again for your service.

23 THE COURT: Is the State ready to proceed?

24 MS. MAYES: Yes, sir, Your Honor.

25 The State calls Michelle Higgins.

1 THE CLERK: Place your left hand on the Bible and
2 raise your right hand.

3 (Whereupon, Michelle Higgins was duly sworn by the
4 Clerk of Court.)

5 THE CLERK: Once you have a seat in the jury box,
6 you can take your mask off. Please state your name and
7 spell your last name for the record.

8 MICHELLE HIGGINS,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MAYES:

12 Q. Good morning, Ms. Higgins.

13 A. Good morning. I'm Michelle Higgins, H-I-G-G-I-N-S.

14 Q. Okay. Ms. Higgins, I just have a few questions for
15 you this morning.

16 A. I'm good.

17 Q. Mason Hanahan, the eight-year-old you just heard
18 about, how are you related to him?

19 A. I'm his grandmother.

20 Q. Okay. I'm gonna have that microphone pulled a little
21 bit closer to you. You said you're his grandmother?

22 A. Yes.

23 Q. What's the term you use in your family?

24 A. I'm -- I am Baba, B-A-B-A.

25 Q. Do the grandchildren know you as Baba?

1 A. Yes.

2 Q. You're Mason's Baba on his mom's side or on his dad's
3 side?

4 A. That's correct, mother. Mason's mother is my
5 daughter.

6 Q. So I want to ask you a few questions about that.

7 A. Uh-huh.

8 Q. We've heard the name Austin Hanahan. Who was he to
9 Mason?

10 A. It's -- that's Mason's father.

11 Q. All right. And you said that you were Mason's Baba
12 on his mother's side. What is his mother's name?

13 A. Tyler.

14 Q. All right. And Tyler is your daughter?

15 A. Yes.

16 Q. All right. So I want to take you back to May 13,
17 2019. May 13, 2019, who was the primary caregiver and
18 primary custodian for Mason?

19 A. Tyler. That's his mother, my daughter.

20 Q. All right. Where did he normally live back in 2019?

21 A. With -- with his mother.

22 Q. And what was that address, Ms. Higgins? Was it here
23 in Lexington county?

24 A. It was in Lexington, yeah.

25 Q. All right. And Mason was a third grader?

1 A. Yes.

2 Q. Can you tell us about his siblings, his two sisters?

3 A. Yes.

4 Q. Are they also Austin's children?

5 A. Yes.

6 Q. All right. I believe he has an older sister?

7 A. Yes, Riley's fifteen, and Hazel is -- just had a
8 birthday on the 17th. I think she's eleven. I'm not too
9 good with ages and addresses. Please don't ask me
10 anybody's address.

11 Q. Okay. So Mason was in the middle between the two
12 girls?

13 A. Yes.

14 Q. And all three of these were children that your
15 daughter Tyler had with Austin?

16 A. That's correct.

17 Q. Now they were married?

18 A. Yes.

19 Q. And I want to ask you a little bit more about that.
20 On May 13, 2019, what, if anything, occurred on that day
21 regarding the marriage of your daughter Tyler and Austin
22 Hanahan?

23 A. They were divorced that morning.

24 Q. So going back to Monday, May 13, 2019, on this
25 particular day the divorce was finalized?

1 A. That's correct.

2 Q. And that was an actual proceeding that occurred
3 actually here at this courthouse?

4 A. Yes.

5 Q. And I know you mentioned the children, Riley, Mason
6 and Hazel. Was Tyler the primary custodian and caregiver
7 for all three of the children?

8 A. Yes, that's correct.

9 Q. Now what was it going back to this day, if anything,
10 on May 13, 2019, that led to Mason being with his father,
11 Austin Hanahan, on that date?

12 A. Mason was a ballplayer, he -- he loved baseball, and
13 he had been nominated to the All-Stars. I think he'd been
14 playing for, you know, several years, three or four,
15 maybe longer, years, and he loved it. He was gonna be a
16 professional baseball player, but that day I think he had
17 got out of school early and they also had their first
18 baseball practice that day. It was the Monday after
19 Mother's Day. So he just went home with Austin just
20 because after practice, you know, it was sort of just the
21 thing to do.

22 Q. Now with All-Stars practice, can you tell us whether
23 or not Mason spent the rest of that day and evening with
24 his father, Austin Hanahan?

25 A. Yes, he did.

1 Q. I want to take you now to the early morning hours of
2 May 14, 2019. What do you recall about that day?

3 A. I think around 12:30 AM, I -- I was sound asleep, but
4 I think my phone rang or I heard it. I disregarded it.
5 About an hour later, it went off, something happened again,
6 and I looked at it and it was a text from Tyler and it said
7 Mason has been shot. So I got in the car. Flew in the
8 car. I'm in Aiken, so I had to come up here. By the time
9 I got up here, they had already left the hospital and they
10 were back at the apartment, so I got there maybe around
11 3:30 or four something. I'm not sure of the timeframe.

12 Q. You met with Tyler and Riley and Hazel?

13 A. Uh-huh.

14 Q. They were all together?

15 A. Uh-huh. Yes.

16 Q. Did you learn that Mason had been killed?

17 A. Yes.

18 Q. Ms. Higgins, prior to that day had you ever seen Linda
19 Monette?

20 A. Never.

21 Q. You never even met that woman?

22 A. No.

23 Q. I'm gonna show you a photograph, which is State's
24 Exhibit 4, and ask you whether or not you recognize it?

25 A. Yes, that's the house on Cedar Vale.

1 Q. When you say the house on Cedar Vale, you mean the
2 house that who lives in?

3 A. Austin and Tyler and the children.

4 Q. All right. Prior to the divorce?

5 A. Yes.

6 Q. And then after the separation, who stayed in the
7 house?

8 A. Austin.

9 Q. And on May 13th, the day the divorce was finalized,
10 who was residing in the house?

11 A. Austin.

12 Q. And in the early morning hours of May 14th,
13 Ms. Higgins, who was killed in that house?

14 A. Mason.

15 MS. MAYES: Thank you.

16 THE COURT: Any further questions?

17 MS. MAYES: Nothing from the State, Your Honor.

18 THE COURT: Thank you.

19 Cross-examination.

20 MR. WILLIAMS: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. Ms. Higgins, when was the last time -- I'm sorry. On
25 May the 14th of 2019, did you go to the house the -- that

1 morning?

2 A. No. No, I did not.

3 Q. Okay. So when was the last time that you were at that
4 house before that day, before May 14th of 2019?

5 A. I can't really remember. Probably a year or a year
6 and a half.

7 Q. A year or a year and a half?

8 A. Yes, because they had been separated for a period of
9 time.

10 Q. How long were they separated?

11 A. I don't -- I don't remember. A year, maybe longer.

12 Q. Okay. And so you hadn't been in that house over the
13 last year, year and a half?

14 A. That's correct. Yes, sir.

15 Q. You didn't know who was staying there since you hadn't
16 been there?

17 A. You're absolutely right.

18 Q. You didn't know what was in that house, did you?

19 A. Nope.

20 Q. You didn't know who came to that house, did you?

21 A. No. I've seen that video though.

22 Q. Was that video done at that house?

23 A. Yes, it was.

24 Q. You recognize the video from looking at the house?

25 A. I've been told that it was the house and I've been at

1 that house enough times to know it was the swimming pool.
2 It was disgusting.

3 Q. Okay. But I'm just asking whether or not you
4 recognize that or not?

5 A. Yes, I do. I know the house.

6 Q. Do you know when the video was made?

7 A. No, I don't.

8 Q. Now where does Tyler live?

9 A. In Lexington.

10 Q. In the town of Lexington?

11 A. I believe she has a Lexington zip code, yes, sir.

12 Q. You don't know where she lives?

13 A. Yes, I know where she lives.

14 Q. Okay. Is she in the courtroom right now?

15 A. No, sir, she is not.

16 MR. WILLIAMS: That's all the questions. I have,
17 Your Honor.

18 THE COURT: Any redirect?

19 MS. MAYES: Yes, sir, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. Ms. Higgins, is your daughter emotionally capable of
23 being in this courtroom today?

24 A. Absolutely not.

25 MS. MAYES: Nothing further.

1 THE COURT: Any recross?

2 MR. WILLIAMS: I don't think I have any, Your Honor.

3 THE COURT: All right. The witness may step down.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 MS. McMENAMIN: Your Honor, the State's next witness
7 will be Nikki Rodgers.

8 THE CLERK: Place your left hand on the Bible and
9 raise your right.

10 (Whereupon, Nikki Rodgers was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Once you have a seat and take your
13 mask off, state your full name and spell your last
14 name for the record.

15 THE WITNESS: Nikki Rodgers, R-O-D-G-E-R-S.

16 NIKKI RODGERS,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. McMENAMIN:

20 Q. Good morning, Ms. Rodgers. Can you tell the jury
21 where you're currently employed?

22 A. Lexington County 9-1-1.

23 Q. And how long have you worked for Lexington County
24 9-1-1?

25 A. Twenty-seven years.

1 Q. And your current position there, what is that?

2 A. The chief of communications.

3 Q. Actually, Ms. Rodgers, could you pull that microphone
4 a little closer.

5 A. Better?

6 Q. There we go.

7 A. The chief of communications.

8 Q. And as the chief of communications, would you be
9 considered the custodian of the records?

10 A. Yes, ma'am.

11 Q. Okay. As the custodian of records for Lexington
12 County 9-1-1, is one of your duties to keep copies of calls
13 made to 9-1-1?

14 A. Yes, we do.

15 Q. Are those copies kept in the ordinary course of
16 business?

17 A. Yes, they are.

18 Q. What is the process for generating the audio recording
19 for a 9-1-1 call?

20 A. So a 9-1-1 recording is kept for ninety days on a
21 digital recorder, then it's automatically recorded over or
22 erased after that ninety days. It's an automatic process
23 that's kept up with our IT technology, and that's it.

24 Q. So how do you go about preserving calls for longer
25 than ninety days, if needed?

1 A. So they have to be requested before that ninety days
2 is over -- or up and then we record them and put them on
3 CD's or either e-mail them.

4 Q. Okay. And was a call -- was a call related to this
5 case asked to be preserved?

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

7 Q. And your office received a subpoena regarding this
8 case, correct?

9 A. We did.

10 Q. And were you able to retrieve a call regarding this
11 case?

12 A. Yes, ma'am.

13 Q. A record regarding this case?

14 A. Correct.

15 Q. And on May 14, 2019, did 9-1-1 dispatch receive a call
16 from a woman identifying herself as Linda Monette?

17 A. Yes, ma'am.

18 Q. What was the nature of that call?

19 A. It was a stabbing or a gunshot wound case.

20 Q. Okay. And can you tell me what time that call was
21 received on May 14, 2019?

22 A. That call was received on May 14th at 23 minutes after
23 midnight.

24 Q. So 12:23 AM?

25 A. 12:23 AM.

1 MS. McMENAMIN: I beg the Court's indulgence, Your
2 Honor.

3 BY MS. McMENAMIN:

4 Q. What time did you say the 9-1-1 call was received?

5 A. At 12:23 AM.

6 Q. And when were law enforcement first dispatched?

7 A. They were first dispatched at 25 minutes after
8 midnight, so that would be 12:25 AM.

9 Q. And what time did they first arrive on-scene?

10 A. At 12:33 AM.

11 Q. Can you tell if fire or emergency medical services
12 were requested as well?

13 A. Fire and EMS also responded, yes, ma'am.

14 Q. Okay.

15 MS. McMENAMIN: Permission to approach the witness,
16 Your Honor?

17 THE COURT: Proceed.

18 BY MS. McMENAMIN:

19 Q. Ms. Rodgers, I'm now handing you what has previously
20 been marked at State's Exhibit Number 1 for identification.
21 Can you tell me what this is?

22 A. That is a copy of the 9-1-1 call.

23 Q. And how do you know this is copy of that 9-1-1 call?

24 A. Because I have put my initials on it and listened to
25 it.

1 Q. Okay. And has it been edited or altered in any way?

2 A. No, ma'am.

3 Q. Okay. Other than --

4 A. Other than --

5 Q. -- the necessary redactions. Okay. So this is a fair
6 and accurate copy of the call?

7 A. Yes, ma'am.

8 Q. The records that you maintained?

9 A. Yes, ma'am.

10 MS. McMENAMIN: Your Honor, the State offers
11 Exhibit Number 1 into evidence at this time.

12 THE COURT: Very well.

13 MS. WILLIAMS: No objection.

14 THE COURT: All right. So admitted.

15 (State's Exhibit Number 1, a 9-1-1 recording, was
16 admitted into evidence.)

17 (Whereupon, State's Exhibit Number 1 was played.)

18 THE COURT: Start it over.

19 MS. McMENAMIN: May we pause the audio, Your Honor?

20 THE COURT: I had trouble hearing the beginning
21 part.

22 MS. McMENAMIN: Me, too, Your Honor.

23 (Whereupon, State's Exhibit Number 1 was replayed.)

24 BY MS. McMENAMIN:

25 Q. And is that the extent of the 9-1-1 call, Ms. Rodgers?

1 A. Yes, ma'am.

2 MS. McMENAMIN: I have no further questions of
3 this witness at this time, Your Honor.

4 THE COURT: Cross-examination.

5 MS. WILLIAMS: May it please the Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. WILLIAMS:

9 Q. Good morning, Ms. Rodgers.

10 A. Good morning.

11 Q. Just a brief question. You said that law enforcement
12 was dispatched at 12:25 AM; is that correct?

13 A. Yes, ma'am.

14 Q. Who all was included in that dispatch?

15 A. I can give you unit numbers. I can't give you names.

16 Q. How about how many units?

17 A. Let's see. Approximately nine.

18 Q. Nine units?

19 A. (Nods head.) Ten.

20 Q. And who else was dispatched?

21 A. EMS and fire service.

22 Q. And how many units of each of those, just one?

23 A. No, there were multiple EMS units and -- let's see.

24 It looks like one fire unit and then EMS units, it was
25 three -- four EMS units. And then they were switched

1 around.

2 Q. What do you mean by they were switched around?

3 A. So you have supervisors plus ALS and BLS units, which
4 are advanced life support units and basic life support
5 units, so they were sending the closest units possible as
6 soon as one got closer.

7 Q. So in sum, it's ten law enforcement units, one fire
8 unit, four EMS units with some of them being switched
9 around based on who's closer?

10 A. Yes, ma'am.

11 MS. WILLIAMS: Thank you, Ms. Rodgers.

12 No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MS. McMENAMIN: Nothing further for this witness,
15 Your Honor. However, we would request a brief break to
16 discuss the audio.

17 THE COURT: All right. The witness may step down.

18 (Witness excused.)

19 THE COURT: Ladies and gentlemen, we're actually
20 almost time for our midmorning break, so we'll just take
21 five to ten minutes. Go back to the jury room, refresh
22 yourselves. Please don't discuss the case or any of the
23 parties involved in the case. Otherwise, we'll see you
24 back here in approximately ten minutes.

25 Thank you. Please don't discuss the case.

1 Madam Solicitor.

2 MS. MAYES: The State calls Detective Dustin
3 Pollard.

4 (Whereupon, Dustin Pollard was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: Once you have a seat, you can take your
7 mask off. State your name and spell your last for the
8 record.

9 THE WITNESS: My name is Dustin Pollard,
10 P-O-L-L-A-R-D.

11 DUSTIN POLLARD,
12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. Good morning, Detective.

16 A. Good morning.

17 Q. Tell us a little bit about yourself, where you are
18 employed and what in capacity?

19 A. I'm work for the Lexington County Sheriff's
20 Department. I am currently an agent assigned to the
21 Lexington County Multiagency Narc -- Narcotics Enforcement
22 Team.

23 Q. All right. I'm gonna need you to pull that microphone
24 over a little bit and closer to you, please. Can you give
25 us some information, Detective, regarding your background

1 and training that led you to become a law enforcement
2 officer?

3 A. Out of high school I went to the Marine Corps. My
4 grandfather was a law enforcement officer, I always wanted
5 to be a law enforcement officer, so after getting out of
6 the Marine Corps I enrolled with the Columbia PD and went
7 to the academy and became a law enforcement officer and
8 then came over here in 2014.

9 Q. All right. And if you can speak a little bit louder.
10 We are having trouble properly hearing you.

11 A. Yes, ma'am.

12 Q. How long were you a member of the Marines?

13 A. Four years.

14 Q. All right. And you have been with the sheriff's
15 department how many years total?

16 A. I believe seven years now.

17 Q. Now you said that you're a detective. You're
18 currently working with the narcotics unit. Can you tell
19 us a little bit about your appearance today and how that
20 relates to your current role as a narcotics detective?

21 A. Being a narcotics officer, I can grow my hair out and
22 I can have a beard. I don't have to be clean-shaven or
23 clean-cut.

24 Q. All right. And is that routine for narcotics
25 detectives?

1 A. It's a -- if you want.

2 Q. Okay. I want to ask you a little bit more about the
3 role that you were playing with the sheriff's department
4 back in 2019. What was your job description back then?

5 A. I was a field training officer assigned to North
6 Region. I believe it was Charlie Squad.

7 Q. All right. And can you tell us whether or not you
8 also had SWAT training at that period of time?

9 A. I did. I've been on the SWAT team for six years.

10 Q. Tell us about your role not only as a SWAT member and
11 that, but when a call goes out such as this, a call that
12 goes out at 12:23 AM in the early morning hours of May 14,
13 2019, when a call like that goes out, how is it determined
14 which unit responds?

15 A. On that date at that time, I don't believe anybody was
16 really on-call. I had just finished up a call and a tone
17 came out, which is usually an emergency call. It's a
18 priority call. We also have a computer-aided dispatch that
19 as the call comes on the dispatch it actually shows the
20 call prior to that actually being dispatched, I actually
21 saw it pop up, and then, of course, the tone came out right
22 after.

23 Q. What do you mean by that, the tone?

24 A. It's a -- it's a distinct tone that they broadcast
25 over the channel and it pretty much alerts you to let you

1 know to be listening for the priority call coming out, so.

2 Q. And what do you mean by priority call?

3 A. A priority call can go from a shooting to a stabbing
4 to a burglary to a home invasion to a priority medical
5 call. It just all depends.

6 Q. And in this situation with it being a priority call,
7 do all units respond that are close to the area?

8 A. Yes, ma'am. All available units will respond.

9 Q. Detective, who was the first responder at that scene
10 that night for anyone, including EMS or fire or law
11 enforcement?

12 A. I was.

13 Q. And do you have with you any notes regarding the
14 dispatch times that would include the time of your arrival
15 there at the scene?

16 A. Yes, ma'am. I was dispatched at 12:23 and arrived on
17 the scene at 12:28.

18 Q. You're the first unit there at 12:28 AM?

19 A. Yes, ma'am.

20 Q. Take us through, Detective Pollard, what you recall
21 observing when you pulled up there at the residence at
22 [REDACTED] Cedar Vale.

23 A. When I pulled up, the -- the house is actually located
24 in a cul de sac. When I arrived on-scene, I observed
25 Mr. Austin Hanahan standing in the driveway talking on the

1 telephone. As I was getting out of my car, he hung up the
2 phone. There was a BMW parked in the driveway that was
3 running at the time and there were two other vehicles kind
4 of parked on the roadway.

5 Q. So looking here at this particular photograph, you met
6 Austin Hanahan, the father of Mason Hanahan, in what area
7 of this residence?

8 A. Right there at the driveway.

9 Q. And what happened next?

10 A. I had spoke to Austin and asked him what had happened.
11 He said that he had been shot. He gave me a description of
12 a guy that had kicked in his door. I asked him where his
13 son was and he told me that he was inside.

14 Q. All right. So I want to ask you a few more questions
15 about that. At this point in time, Detective, had you
16 learned that a child had been shot?

17 A. I did.

18 Q. And in that situation, do you stop to put on gloves or
19 -- or anything of that nature?

20 A. No, ma'am.

21 Q. Why not?

22 A. It's -- it's a priority. I mean, I've got to get in
23 there to see if I can render aid, provide lifesaving
24 measures, if that's an option.

25 Q. All right. So you go into the home and enter the

1 crime scene without gloves on?

2 A. Yes, ma'am.

3 Q. And looking here, can you tell us which door you would
4 have entered to make way into the home?

5 A. It's between the garage and the --

6 Q. I'm gonna --

7 MS. MAYES: Your Honor, if I may approach the
8 witness?

9 THE COURT: Yes, ma'am.

10 BY MS. MAYES:

11 Q. If you could, looking there.

12 A. It's the door right here.

13 Q. Okay. And when you mentioned previously that Austin
14 Hanahan, Mason's father, met you in the driveway, can you
15 show us the approximate area you remember him meeting you
16 at?

17 A. It was around right here.

18 Q. All right. And then you make entry through that side
19 door that you've just indicated there in the photograph?

20 A. Yes, ma'am.

21 Q. Now during the time that you're in the home and you
22 learn that there's been a home invasion, did you also learn
23 which doorway the intruder entered?

24 A. Yes, ma'am.

25 Q. And which door was that?

1 A. It was the same door I went into.

2 Q. Okay. So that's the door that had been kicked in as
3 well?

4 A. Yes, ma'am.

5 Q. You enter without gloves on. Tell us what happens
6 next.

7 A. When I entered the house, I observed Ms. Monette over
8 across the couch with Mason laying on the couch in the
9 living room. When you first enter, you actually enter into
10 a kitchen, the kitchen opens up into the living room and
11 there's like a little bar up there and on the other side of
12 that is where the couch is up against the wall and Mason
13 was laying there. His head was facing towards the door
14 with his feet facing down toward the hallway and Linda was
15 standing over the -- over Mason applying a towel to his
16 head. I walked up to him. I could see blood on the -- on
17 the ground there. She moved the towel where I could see,
18 you know, a wound and I observed on Mason's head a large
19 hole kind of toward the front of his head which looked to
20 me to be fatal. But I did check for a pulse on Mason's arm
21 at which time he -- I did hear him gasping for a breath.
22 It sounded like kind of like agonal breathing.

23 Q. Are you trained as a first responder as well?

24 A. In CPR and aid, yes, ma'am.

25 Q. Detective Pollard, was there anything that you could

1 do for Mason?

2 A. From what I saw of the wound I don't think there would
3 have been anything to do, not with my training.

4 Q. And you checked for his pulse?

5 A. I did.

6 Q. Now when you arrive here in the driveway and you're
7 meeting Austin Hanahan, did you get an initial description
8 of the intruder?

9 A. Yes, ma'am. He -- he gave me a description of a black
10 male wearing a mask and I believe it was hoodie.

11 Q. All right. Having pulled up here near the driveway to
12 respond to this call, Detective, did you see any signs of
13 the intruder in the yard or in the immediate area?

14 A. No, ma'am. I didn't see an intruder, I didn't see an
15 odd looking vehicle. Nothing like that.

16 Q. All right. I'm gonna ask you a few more questions.
17 You were telling us about the interior of the home --

18 A. Yes, ma'am.

19 Q. -- as well as your observations there in the
20 neighborhood, so I've got a few more questions to ask you
21 about that.

22 MS. MAYES: And, Your Honor, if the witness may
23 step down.

24 THE COURT: That will be fine.

25 BY MS. MAYES:

1 Q. I want to briefly show you these exhibits and ask you
2 whether or not you recognize them. State's 12, State's 13,
3 State's 11. Do those appear to be a fair and accurate
4 reflection of the neighborhood as you recall it?

5 A. Yes, ma'am.

6 Q. And an aerial photograph?

7 A. Yes, ma'am.

8 Q. And then the interior diagram of [REDACTED] Cedar Vale?

9 A. Yes, ma'am.

10 MS. MAYES: Your Honor, this would be State's 12,
11 13 and 11 for evidence.

12 MR. WILLIAMS: No objection to the introduction of
13 those, Your Honor.

14 THE COURT: All right. State's Exhibit 12, 11 and
15 13 will be admitted into evidence.

16 (State's Exhibit Number 11, 12 and 13, photographs,
17 were admitted into evidence.)

18 MR. WILLIAMS: Your Honor, we have no objection
19 to the board if they -- if she wants to put it into
20 evidence.

21 THE COURT: I don't think that will fit on the
22 projector.

23 MR. WILLIAMS: Oh, 4.

24 THE COURT: I don't mean to --

25 MS. MAYES: 4's already in evidence.

1 COURT REPORTER: Hold on. No.

2 THE COURT: I don't recall it either. We'll take
3 it up later.

4 BY MS. MAYES:

5 Q. All right. Detective Pollard, I'm gonna ask you to
6 move forward a little bit and actually stand over here
7 where the court reporter can hear you a little bit better.

8 A. Yes, ma'am.

9 Q. And we're gonna stand about six feet away from the
10 jury. You can -- if you're six feet away, you can pull
11 your mask down to project your voice a little bit better.

12 Looking here at State's Exhibit 13, I want you to
13 take us through what we're looking at in this particular
14 photograph, what area of Lexington County this is, what
15 roadways are depicted in this map, how you entered the
16 neighborhood and I want to start here at the cul de sac,
17  Cedar Vale, and ask you whether or not you're familiar
18 with this home at the end of the cul de sac on Cedar Vale.

19 A. Yes, ma'am. That's the location where the incident
20 occurred.

21 Q. All right. And if you could keep your voice up as --
22 as loud as possible.

23 A. Yes, ma'am.

24 Q. So this here, looking at State's 13, depicts the
25 location of the crime scene at the end of the cul de sac,

1 ■ Cedar Vale?

2 A. Yes, ma'am.

3 Q. Now what road are we looking at here on this map?

4 A. That is Jessamine Road.

5 Q. And this particular road here between Jessamine and
6 Cedar Vale where the crime scene is located?

7 A. Wood Road.

8 Q. All right. And what general area of Lexington County
9 is this?

10 A. It's the Oak Grove, West Columbia area.

11 Q. All right. How close is it, for example, to the White
12 Knoll, Red Bank area?

13 A. I don't know. A good ten minutes. Five, ten minutes
14 away depending on which way you go.

15 Q. All right.

16 A. Yes, ma'am.

17 Q. So you refer to this area of Lexington county as the
18 Oak Grove area?

19 A. Yes, ma'am.

20 Q. Now looking here at this photograph, if you could use
21 your laser pointer and show the direction you came from in
22 responding to the call to arrive at the crime scene.

23 A. Yes, ma'am. I came up Jessamine Road here, I made a
24 left onto Wood Road, a left onto Cedar Vale and a right
25 into the cul de sac directly in front of the house.

1 Q. All right. And, Detective, en route we know from your
2 testimony your arrival time is gonna be roughly 12:28 AM,
3 with the 9-1-1 call going out at 12:23 AM. As you're
4 coming up Jessamine Road, turning onto Wood and arriving
5 there at the crime scene, did you observe any vehicles that
6 were suspicious to you or appeared to be driving at a high
7 rate of speed?

8 A. No, ma'am. I didn't.

9 Q. And once you arrived there in the cul de sac to
10 respond to the crime scene, did you observe any individuals
11 on foot?

12 A. No, ma'am.

13 Q. Anything of a suspicious nature along this area of the
14 cul de sac or along Cedar Vale?

15 A. No, ma'am.

16 Q. And then once you arrived at the residence, you
17 immediately go inside to render aid to Mason?

18 A. After I briefly stopped to talk to Austin, then, yes.

19 Q. Next I want to show you what is State's Exhibit 12
20 already in evidence. Now this is gonna be a closer up view
21 of what area that we just observed in State's Exhibit 13 on
22 the map?

23 A. That's the actual cul de sac.

24 Q. This would be the cul de sac at Cedar Vale?

25 A. Yes, ma'am.

1 Q. And can you show us where on this map the crime scene
2 is located?

3 A. This house right here.

4 Q. And, again, with you responding up, you would have
5 taken Jessamine and then come up Wood road here?

6 A. Yes, ma'am.

7 Q. And come into to the cul de sac from this area?

8 A. Yes, ma'am.

9 Q. Where Austin meets you in the driveway?

10 A. Correct.

11 THE COURT: Madam Solicitor, if you could just
12 turn it a little bit so everyone on the jury can hear --
13 excuse me -- see it over here.

14 BY MS. MAYES:

15 Q. Here. And one more time here for everyone's benefit.
16 You would arrive from this direction being which road?

17 A. Wood Road and Cedar Vale.

18 Q. Into the cul de sac?

19 A. Yes, ma'am.

20 Q. With this being the scene?

21 A. Correct.

22 Q. And here on State's 13, you're arriving from Jessamine
23 in this direction turning left onto Wood?

24 A. Yes, ma'am.

25 Q. Into the cul de sac?

1 A. Yes, ma'am.

2 Q. Now you mentioned being inside the home to respond
3 initially to Mason?

4 A. Yes, ma'am.

5 Q. I want to take a look here at State's Exhibit 11.
6 Once EMS arrived and began assisting Mason, what action,
7 if any, did you take inside the house to make sure that it
8 was secure?

9 A. Myself and Sergeant McCarty, we actually moved from
10 the living room here and moved down this hallway clearing
11 each bedroom and then we moved from the bedrooms and
12 cleared the bedroom in the hall, which ended up being the
13 master bedroom. After that, we went -- we actually
14 returned back here and I realized there was a stairs --
15 stairs going up, so then we actually went upstairs and
16 cleared the rest of the house.

17 Q. And why do you take the action of clearing the house?

18 A. To make sure that the intruder didn't run off
19 somewhere else and could possibly be hiding in the house.

20 Q. All right. Did you see any signs of anything out of
21 the ordinary once you began clearing the house?

22 A. Initially I saw what I know from my experience as a
23 Draco gun sitting here on the ground and then as I went
24 down the hallway I could see blood and shell casings and
25 then when I entered the master bedroom here there was an

1 AR type -- AR-15 type rifle sitting on the floor near the
2 end of the bed.

3 Q. All right. And so to clarify, you observed a firearm
4 here inside the living room that you identified as a Draco?

5 A. Yes, ma'am.

6 Q. And then you saw a blood trail leading into the master
7 bedroom?

8 A. Yes, ma'am.

9 Q. And in the master bedroom you observed an assault
10 rifle?

11 A. Correct.

12 Q. And you mentioned previously that when you met Austin
13 Hanahan in the driveway you observed that he had a gunshot
14 wound?

15 A. Yes, ma'am.

16 Q. Can you tell us what, if anything, you remember about
17 that gunshot wound?

18 A. It was a gunshot wound to his stomach.

19 Q. All right. And you indicated that you did see a blood
20 trail leading into the master bedroom?

21 A. Yes, ma'am.

22 Q. And as you cleared the house, did you see any signs of
23 the intruder there?

24 A. No, ma'am.

25 Q. What, based on your knowledge of this investigation,

1 is the point of entry for the intruder in this case? If
2 you could mark an "X" and show us that point of entry.

3 A. Yes, ma'am. It is this door right here off the
4 kitchen.

5 Q. All right. And then looking at the overhead that I
6 believe we've seen previously, it's gonna be this -- this
7 door already depicted in State's 4?

8 A. Yes, ma'am.

9 Q. And where do you first see Mason when you arrive?

10 A. He was laying right here on the couch.

11 Q. And you said his feet were pointed in which direction?

12 A. His feet were pointed toward the hallway and his head
13 was toward the kitchen.

14 Q. All right. And the defendant, Linda Monette, where
15 did you first observe her?

16 A. She was standing here with a towel on Mason's head.

17 Q. All right. Now as you cleared the house, did you have
18 an opportunity to observe the layout -- or the general
19 layout of this home?

20 A. Yes, ma'am. It kind of moves in a -- it's like a
21 circle. There's ways from each part of the kitchen going
22 into the living room and then you can go into the dining
23 room.

24 Q. And what's this area that we're looking at right here?

25 A. That's the hallway.

1 Q. If one is in the kitchen, Detective, and one wants to
2 get to the hallway and ultimately to the master bedroom,
3 what are the ways in which one can arrive into the hallway?

4 A. You can either go through the living room here or you
5 can go through the dining room here.

6 Q. So while in the kitchen one can take the dining room
7 to the hallway and the bedroom just as one could take the
8 living room?

9 A. Yes, ma'am.

10 Q. Thank you. You may return.

11 And I believe the easel was in the way for the benefit
12 of some of the jurors, but looking here, again, at the
13 point of entry being this side door off the kitchen and the
14 living room, the same door noted here in State's Exhibit 4?

15 A. Yes, ma'am.

16 Q. Now can you tell us whether or not you were wearing a
17 body cam, Detective?

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

19 Q. Looking here at State's 11, being the diagram of the
20 home, did you also get a good view of the kitchen area as
21 well?

22 A. Yes, ma'am.

23 Q. All right. If one is in the living room, can they see
24 into the kitchen?

25 A. Yes, ma'am.

1 Q. If one is standing down the hallway, can they see over
2 this bar at the kitchen?

3 A. Yes, ma'am.

4 Q. Now you mentioned that you were wearing a body cam.
5 Did you have it activated, Detective Pollard, throughout
6 this call?

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

8 Q. Once you made your way inside and began providing
9 assistance to Mason, did you ask further questions in order
10 to determine the possible identity of this intruder that
11 had kicked in the door and fled the scene?

12 A. Yes, ma'am.

13 Q. Who provided that information to you?

14 A. Ms. Monette.

15 Q. I'm gonna show you what is State's 5 and ask you
16 whether or not you recognize this?

17 A. Yes, ma'am. That's a copy of my body cam that I've
18 initialled.

19 Q. Okay. And can you tell us whether or not it's a fair
20 and accurate representation of the events as you recall
21 them that night?

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

23 Q. I'm gonna show you what is State's 6 and 3 for
24 evidence as well. I'm gonna show you what is State's 6
25 and 3. Do you recognize these items?

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

2 Q. Do these photographs accurately -- are these an
3 accurate depiction of the scene as you recall them that
4 night?

5 A. Yes, ma'am.

6 Q. At [REDACTED] Cedar Vale?

7 A. Yes, ma'am.

8 MS. MAYES: State's 6 and 3 for evidence, Your
9 Honor.

10 MR. WILLIAMS: Without objection, Your Honor.

11 THE COURT: All right. State's Exhibits 6 and 3
12 are admitted into evidence.

13 (State's Exhibit Number 3 and 6, photographs, are
14 admitted into evidence.)

15 BY MS. MAYES:

16 Q. What are we looking at here, Detective?

17 A. That's the side door between the garage and the house
18 that I entered into.

19 Q. The same door that's the point of entry?

20 A. Yes, ma'am.

21 Q. Now in addition to this interior door here that
22 appears to be black in color, what are we looking at here
23 to the left?

24 A. There's a glass door.

25 Q. Is that a storm door?

1 A. Yes, ma'am.

2 Q. So the storm door is over the interior door?

3 A. Yes, ma'am.

4 Q. So there are two doors there?

5 A. Yes, ma'am.

6 Q. And State's 3 in evidence. I'm gonna ask you a couple
7 of questions about this. What area of the home are we
8 looking at here?

9 A. That's facing directly into the kitchen from that door
10 of entry.

11 Q. And this particular area here in State's 3 showing a
12 window, again, what area of the home is this that we're
13 looking at?

14 A. That's the kitchen.

15 Q. All right. And then what are we looking at right
16 here?

17 A. There's like a bar right there.

18 Q. And if one is standing in the kitchen, can one see
19 over this bar into the living room and down the hallway?

20 A. Yes, ma'am.

21 MS. MAYES: Request permission to publish at this
22 time, Your Honor, the body cam of Detective Pollard.

23 THE COURT: Very well.

24 MR. WILLIAMS: Your Honor, we have no objection if
25 she wants to introduce it. At least I don't think it's

1 been introduced yet.

2 MS. MAYES: It's been identified, Your Honor.

3 Do you recognize your initials on there?

4 MR. WILLIAMS: I don't have a problem with that,
5 Your Honor. I just want her to introduce it.

6 THE COURT: That's exhibit which?

7 MS. MAYES: 5, Your Honor.

8 THE COURT: All right. State's Exhibit 5 is
9 admitted into evidence.

10 MR. WILLIAMS: Thank you, Your Honor.

11 (State's Exhibit Number 5, body cam video, was
12 admitted into evidence.)

13 THE WITNESS: Yes, ma'am. That's my body came
14 with my initials on it.

15 (Whereupon, State's Exhibit Number 5 was played.)

16 BY MS. MAYES:

17 Q. What's occurring now, Detective?

18 A. We're clearing the rest of the house.

19 Q. Who's the other deputy that we see taking part in
20 clearing the house?

21 A. That's Sergeant McCarty.

22 (State's Exhibit Number 5 continued playing.)

23 Q. Are EMS units now inside the residence?

24 A. Yes, ma'am.

25 Q. To attend to Mason?

1 A. Yes, ma'am.

2 (State's Exhibit Number 5 continued playing.)

3 Q. Now looking here, do you see Austin Hanahan in the
4 body cam?

5 A. Yes, ma'am. In the green shirt.

6 Q. All right. And is that the defendant, Linda Monette,
7 beside him?

8 A. Yes, ma'am.

9 Q. I'm gonna show you some additional photographs and
10 ask you whether or not you recognize them beginning with
11 State's 8, 7, 9, and then also State's 10.

12 Can you tell us whether or not 8, 7, 9, and 10 appear
13 to be accurate still shots directly from your body cam?

14 A. Yes, ma'am, they are.

15 MS. MAYES: This would be State's 10, 9, 7, and 8
16 for evidence, Your Honor.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: All right. State's Exhibit 7, 8, 9,
19 and 10 are admitted into evidence.

20 (State's Exhibit Number 7, 8, 9, and 10, photographs,
21 were admitted into evidence.)

22 BY MS. MAYES:

23 Q. Now this is State's 8. It may appear somewhat blurry.
24 How would you describe the lighting in that residence when
25 you first gained entry, Detective?

1 A. It was very dark in there. It was hard to see.

2 Q. Looking here at State's 11, I want to ask you about
3 the light sources here in the kitchen. Did you observe an
4 overhead light to be on in the kitchen?

5 A. No, ma'am.

6 Q. Did you observe any overhead lighting to be on in the
7 living room?

8 A. No, ma'am.

9 Q. Other than the lamp that's noted at that location, did
10 you have any source of lighting?

11 A. No, ma'am.

12 Q. And what type of light source were you using as a
13 result?

14 A. I had a LED flashlight.

15 Q. So this still shot here in State's 8 as you entered,
16 does it accurately depict the light source when you walked
17 in?

18 A. Yes, ma'am.

19 Q. And who do we see here by the couch?

20 A. That's Ms. Monette.

21 Q. Now looking at State's 10, what, if anything, is
22 different in this photograph, State's 10, as EMS and other
23 first responders arrived?

24 A. Someone actually turned the overhead light on.

25 Q. So that occurred while you were there?

1 A. Yes, ma'am.

2 Q. Also in this photograph, it's not very clear, so I'm
3 gonna give you a chance to look at it with the naked eye.
4 State's 10, can you observe the defendant in this
5 photograph?

6 A. Yes, ma'am. She's over to the left side of the photo.

7 Q. All right. And are first responders also present in
8 the photograph?

9 A. Yes, ma'am. Fire and EMS.

10 Q. Treating Mason?

11 A. Yes, ma'am.

12 Q. Based upon your observations of the body cam, what is
13 the defendant doing in this photograph?

14 A. She's on her phone.

15 Q. What does she appear to be doing on the phone?

16 A. It appears she was texting.

17 Q. Is that depicted here in this portion of the
18 photograph?

19 A. Yes, ma'am.

20 Q. And finally, State's 9. What do we observe in that
21 photograph?

22 A. Ms. Monette on her phone again.

23 Q. This is also directly from your body cam?

24 A. It is.

25 Q. Having observed the body cam footage, as well as

1 Ms. Monette's actions that night, what does it appear she
2 was doing?

3 A. It appears she was texting.

4 Q. You saw her fingers moving about the phone?

5 A. Yes, ma'am.

6 Q. Now I know you mentioned that you went into the crime
7 scene without gloves on in order to render aid to the
8 child --

9 A. Yes, ma'am.

10 Q. -- to Mason, whose been injured?

11 A. Correct.

12 Q. What, if anything, do you recall about your footwear
13 that night?

14 A. I had my standard boots on that I always wear.

15 Q. All right. And when you say standard boots, are those
16 boots consistent with first responder boots?

17 A. Yes, ma'am, they are.

18 Q. The type of boots also worn by EMS?

19 A. Correct.

20 Q. And fire?

21 A. Correct.

22 MS. MAYES: I beg the Court's indulgence.

23 May we approach?

24 THE COURT: Yes, ma'am.

25 (Proceedings held at the bench; not reported.)

1 left off with this witness's testimony.

2 Madam Solicitor.

3 MS. MAYES: Yes, Your Honor. This is State's 5A
4 for publication without objection -- for evidence for
5 publication without objection.

6 THE COURT: So admitted.

7 (State's Exhibit Number 5A, a video clip from
8 body cam, was admitted into evidence.)

9 BY MS. MAYES:

10 Q. Detective Pollard, we previously observed the body
11 cam which you had activated and why is it that you had the
12 defendant, Linda Monette, speak directly into your body cam
13 in order to give the suspect description?

14 A. It was just a lot easier for her to go ahead and give
15 it because she knew it a lot better than I did. I didn't
16 have nothing to write down on anything at the time, so it
17 was just best to let her go ahead and talk through it to
18 get it out to everybody so that if there was a suspect in
19 the area they knew what to look for.

20 Q. All right. And when she responded no idea when you
21 asked who did this or there was a question as to who the
22 suspect was, at any point during your contact with her,
23 other than no idea, did she ever provide a name or possible
24 name for the suspect?

25 A. No, ma'am.

1 Q. And there was a discussion in which she responded
2 those are our guns. What was that in reference to?

3 A. The Draco that was sitting on the floor to the left of
4 the couch.

5 Q. All right. And I believe you mentioned that there was
6 also an assault rifle in the bedroom?

7 A. Yes, ma'am.

8 Q. Is it your understanding that both the Draco located
9 in the living room and that AR located in the master
10 bedroom belonged to the homeowner?

11 A. Yes, ma'am.

12 Q. Now was there a point in the body cam where she,
13 meaning Linda Monette, gives an actual description of the
14 moment when the intruder comes through the door?

15 A. Yes, ma'am.

16 (State's Exhibit Number 5A was played.)

17 Q. The statement he came in and grabbed me up, he waited
18 till I came by the door, who is the person that made that
19 statement?

20 A. Ms. Monette.

21 Q. And in this portion of the body cam that we're looking
22 at right now, who is this individual located here?

23 A. Ms. Monette.

24 Q. And based upon your observations, what was she doing
25 at this moment in time?

1 A. The texting on her phone.

2 Q. That description that she gave you, GD bandana,
3 Detective, you're a narcotics officer, you've been a
4 detective for seven years, a member of law enforcement,
5 what do you understand that description of that bandana to
6 mean, GD bandana?

7 A. It stands for Gangster Disciple. It's one of the
8 gangs that we deal with here in Lexington county.

9 Q. A street gang?

10 A. Yes, ma'am.

11 Q. Other than the physical description, was that the only
12 factor that you had to follow that night, that the suspect
13 was wearing a GD bandana?

14 A. Yes, ma'am.

15 Q. No name or further affiliation?

16 A. No, ma'am.

17 MS. MAYES: Thank you.

18 THE COURT: Cross-examination.

19 MR. WILLIAMS: May it please the Court?

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q. Officer, when you -- when you received the report of
24 the -- you received a report of a home invasion. Is that
25 -- is that how it came out? Because it's like an Amber

1 Alert, if you will. You have different types of alerts
2 that you get?

3 A. The alert all sounds the same for every type of call.

4 Q. Okay.

5 A. But it first came out as a home invasion.

6 Q. All right. And that was all you've got, was home
7 invasion?

8 A. Yes, sir.

9 Q. And that could have be anything where anyone who
10 doesn't belong in that house comes in that house?

11 A. Correct.

12 Q. It doesn't necessarily mean that it's a murder or a
13 robbery or anything like that, it just means someone comes
14 in the house?

15 A. Yes, sir.

16 Q. All right, sir. And you were describing that -- or
17 maybe you weren't describing this, but you were the first
18 responder and you got there within five minutes from the
19 time in which the alert went out, right?

20 A. Yes, sir.

21 Q. And were there approximately ten units that were
22 notified of this?

23 A. I don't know how many people were notified.

24 Q. All right. How long were you at the -- how long were
25 you at the residence?

1 A. Until I was relieved that morning. For -- for a
2 while.

3 Q. How long is that?

4 A. Give me one second. I cleared the scene at 5:24.

5 Q. So what is that, five hours approximately?

6 A. Yes, sir.

7 Q. So aside from being the first responder when you got
8 there, you cleared the house out, you took a -- you had
9 your body mic on so you could -- you took a statement of
10 what was going on when you first got there, right?

11 A. Yes, sir.

12 Q. And I think you said when you first got there
13 Ms. Monette was in the house with the child, the father was
14 outside and he was on the cell phone, correct?

15 A. Correct.

16 Q. Was there still communication going with 9-1-1 at that
17 time?

18 A. I'm -- I'm not sure.

19 Q. I guess what I'm asking you is obviously somebody
20 called 9-1-1. Was it from that phone or was it from Linda
21 Monette's phone? You didn't have communication with 9-1-1
22 obviously when you were there, right? They got off the
23 line once you got there, right?

24 A. I would assume so.

25 Q. Okay. So why did you want him to get off the line?

1 A. For who to get off the line?

2 Q. I'm sorry?

3 A. I don't understand the question.

4 Q. The question is you told him to get off the line,
5 right? Or did you not tell him to get off the line?

6 A. Told?

7 Q. Mr. Austin to get off the line. He was on his cell
8 phone talking when you got there, right?

9 A. He hung the cell phone up as I approached.

10 Q. All right. So you didn't have to say anything to him?

11 A. No, sir.

12 Q. He hung up when you came up there?

13 A. Correct.

14 Q. All right. Did you -- did you get that cell phone at
15 any point in time from him?

16 A. I did not.

17 Q. Okay. Now for that five-hour time span that you were
18 there, what was the rest of your time doing? You kept a
19 log there, right, since you were the first responder? Do
20 you turn that over to somebody or what?

21 A. The crime scene log gets turned over to the CSI
22 that responds.

23 Q. Right. So you were -- did you set the crime scene log
24 up?

25 A. I believe I started it.

1 Q. All right. Since you were the first responder, right?

2 A. Correct.

3 Q. And we saw Scottie Frier in there, too, in that video,
4 didn't we?

5 A. We did.

6 Q. The gray haired guy, that was Scottie? Kind of a --

7 A. Correct.

8 Q. All right. So when do you -- when are you required
9 by your rules to turn over the crime scene? Were you in
10 charge of counting the number of people that come in
11 there and making a list and that kind of thing or did you
12 actually have other duties that you were doing for that
13 five hours?

14 A. I know I was writing the report. I was scene security
15 at first, but it was turned over at some point.

16 Q. I guess what I'm asking is did you go through the
17 house to look -- look for ammunition? You've already said
18 you saw two guns there, right?

19 A. No, sir. I never went back in the house.

20 Q. All right. So you didn't do anything else inside
21 that house, you turned it over to CSI, crime scene
22 investigators, to do the house, right?

23 A. Correct.

24 Q. Because that's what they're trained to do?

25 A. Correct.

1 Q. So you stayed outside during that time span?

2 A. I did.

3 Q. Okay. Did you ever leave the outside of the residence
4 for that five hours for anything else other than to just
5 keep up with the people coming in?

6 A. No, I never left the cul de sac.

7 Q. All right. Did you point out any things such as -- I
8 guess we saw there was a yellow sticker on the -- on the
9 driveway where something was found. Did you put that
10 yellow sticker there or did CSI come out there and put that
11 there?

12 A. I did not.

13 Q. All right. Did you point out anything on the outside
14 to anyone while you were there?

15 A. I don't recall.

16 Q. All right. And there was, I guess, a question or a
17 remark made about the boots that you had.

18 A. Yes, sir.

19 Q. All right. And did you walk about inside the
20 residence? Yes, obviously?

21 A. Yes, sir.

22 Q. And you walked around outside obviously?

23 A. Yes, sir.

24 Q. And you didn't have your gloves on when you first
25 went to the door and the reason you didn't have your gloves

1 on you when you first went in the door is you weren't
2 concerned about leaving fingerprints, you were concerned
3 about getting inside and taking care of those people,
4 right?

5 A. Correct.

6 Q. Did you secure the Draco and the AR-15?

7 A. I never touched either gun.

8 Q. You just -- you just noticed they were there and
9 turned it over to CSI?

10 A. Correct.

11 Q. Did you even touch it at all?

12 A. No.

13 Q. So you didn't do anything else for those five hours
14 other than just stand there and keep up with people coming
15 in and out, right?

16 A. Correct, and write my report.

17 Q. Okay.

18 MR. WILLIAMS: Your Honor, that's all I have for
19 him.

20 THE COURT: Redirect.

21 MS. MAYES: Just briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. Did you remain there at the scene when EMS left with
25 Mason?

1 A. I did.

2 Q. Ultimately was the scene secured by other
3 individuals --

4 A. It was.

5 Q. -- with the sheriff's department?

6 A. Correct.

7 Q. And did that include your crime scene investigation
8 unit?

9 A. Yes, ma'am, when they arrived on-scene.

10 MS. MAYES: Nothing further.

11 THE COURT: Recross?

12 MR. WILLIAMS: No questions on recross, Your Honor.

13 THE COURT: All right. The witness may step down.

14 THE WITNESS: Thank you, Your Honor.

15 (Witness excused.)

16 MS. McMENAMIN: The State calls Jasmine Rankine to
17 the stand, Your Honor.

18 THE COURT: All right.

19 THE CLERK: Place your left hand on the Bible and
20 raise your right hand.

21 (Whereupon, Jasmine Rankine was duly sworn by the
22 Clerk of Court.)

23 THE CLERK: When you have a seat, take your mask
24 off. State your name and spell your last name for the
25 record.

1 THE WITNESS: My name is Jasmine Rankine. Last
2 name spelled R-A-N-K-I-N-E.

3 JASMINE RANKINE,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. McMENAMIN:

7 Q. Ms. Rankine, where are you currently employed?

8 A. I'm a paramedic for the County of Lexington.

9 Q. And what sort of certifications or qualifications do
10 you have to be a paramedic?

11 A. So my first certification is the EMT basic
12 certification and on top of that I have my paramedic
13 certification and within that we also have adult cardiac
14 life support, pediatric cardiac life support, and a bunch
15 of other like trauma specialties, certificates that go
16 along with that as well.

17 Q. And, Ms. Rankine, if you want, you can move that
18 microphone just a little bit. There we go. Thank you.

19 So would it be safe to say you're a high ranking
20 paramedic as far as EMTs and first responders go?

21 A. Yes, ma'am.

22 Q. And how long have you been working with Lexington
23 County as a paramedic?

24 A. I've been with Lexington County as a paramedic for
25 three years, but in total I've been there for five.

1 Q. Now do you recall if you were working on May 14, 2019,
2 specifically the early morning hours of that day?

3 A. Yes, ma'am.

4 Q. Do you remember responding to a call at [REDACTED] Cedar Vale
5 Drive in Lexington county?

6 A. Yes, ma'am.

7 Q. Do you recall the nature or -- the nature of the call?

8 A. The nature of the call was for a gunshot wound.

9 Q. Did you have any information regarding potential
10 patients or victims?

11 A. Initially we didn't have a lot of information. I
12 remember that dispatch was trying to figure out, one, how
13 many patients were on the scene, two, the ages of the
14 patients that were on-scene. Initially all we knew was
15 that it was a GSW and they were trying to get more
16 information.

17 Q. Ultimately who did you treat when you arrived on the
18 scene?

19 A. I treated Mason. He was the eight-year-old that was
20 involved in the shooting.

21 Q. Mason Hanahan?

22 A. Yes.

23 Q. And you said he was an eight-year-old child?

24 A. Yes.

25 Q. And what time did you receive this call regarding the

1 shooting?

2 A. So we received the call at 12:26 AM.

3 Q. And do you know when you arrived on-scene?

4 A. We arrived on-scene at 12:28 AM.

5 Q. That's a quick response time, right?

6 A. Yes, ma'am.

7 Q. Okay. How did you happen to get there so quickly?

8 A. So at the time we were at the Cayce Fire Department
9 and my supervisor has the CAD up so when the calls come
10 in he has access to see what is coming in and what time
11 so before it's dispatched to the unit he can see in
12 advance, so we started heading that direction because we
13 knew that we were the closest unit so by the time we got
14 dispatched we were already closer than we were from when
15 we started.

16 Q. Okay. Thank you for that explanation.

17 If you arrived at 12:28, do you know at what time
18 approximately you were with the patient Mason?

19 A. So I got to Mason about 12:30 AM.

20 Q. And I'm skipping ahead a little here, Ms. Rankine, but
21 at what time after that did you begin transporting Mason to
22 the hospital?

23 A. So we left the scene at 12:47 to transport him, so we
24 were on-scene altogether for about 15 to 20 minutes.

25 Q. Ms. Rankine, how did you first make contact with the

1 patient Mason Hanahan?

2 A. So when I first walked into the residence, my
3 supervisor, the same one that was with us prior to getting
4 the call, was there. He established that there were two
5 patients on-scene and he pointed us into the direction of
6 the most critical patient, which was Mason Hanahan. When
7 I found him, he was unresponsive on the couch. First
8 responders, which was the fire department, had gotten there
9 before we did and started providing basic life support to
10 him. They bandaged his head and were also providing him
11 oxygen because he had agonal respirations, which is
12 ineffective breathing. He had lost a lot of blood. I
13 think I noted in my report one to two liters of blood, so
14 when I found him he was unresponsive and so we continued
15 that, bandaged him up a little bit more to control the
16 bleeding, and packaged him for transport.

17 Q. Do you recall what Mason was wearing when you found
18 him on-scene?

19 A. He was wearing his baseball uniform.

20 Q. And do you recall anything else that you noticed in
21 the vicinity of Mason in that living room when you first
22 made contact with him or when you began taking over the
23 treatment of him?

24 A. So on the couch, I mean, you could see that first
25 responders had already bandaged his head, but bits and

1 pieces of brain matter were on the couch by his head, so
2 he had a pretty significant deformity to the left side of
3 his temple.

4 Q. Any other deformities or injuries that you noticed?

5 A. He had what we call periorbital ecchymosis, which is
6 bruising of the eyes which was due to the injury that he
7 had.

8 Q. Anything to the front of his face? Which you may have
9 already said that. If you could explain in a little more
10 detail.

11 A. So presumably due to the bruising that was on -- or
12 not the bruising, but the deformity that was on the left
13 side of his head, it caused his eyes to have bruising as
14 well. So really what we call in laymen's terms raccoon
15 eyes and that happens whenever you have some type of a
16 blunt force trauma to the head or any type of significant
17 injury. Sometimes you see it in car accidents where
18 patients hit the dashboard or hit the airbag, and in this
19 case with Mason having the GSW, that was a very significant
20 injury that could cause bruising in other areas.

21 Q. Thank you for that explanation, Ms. Rankine.

22 Now do you recall any other individuals outside of
23 law enforcement and first responders being in the home when
24 you arrived?

25 A. Yes. When I first walked in, Mason's father was to

1 the right of us, and I remember Ms. Monette being further
2 into the house, so by the couch. Other than that, those
3 were the two other individuals that we saw.

4 Q. Do you recall anything about her demeanor when you
5 were on the scene?

6 A. So I just remember walking in and she did not seem
7 to be concerned with the injuries that he had. I felt
8 like in the other calls that I've seen with -- involving
9 children or a young patient --

10 MR. WILLIAMS: Your Honor, I'm gonna object
11 to this. She's not qualified to -- to make that
12 determination of being concerned or not concerned.
13 There's been no foundation laid for that. She's just
14 a paramedic as far as I know.

15 THE COURT: The solicitor can try to rephrase her
16 question in response to your objection.

17 BY MS. McMENAMIN:

18 Q. Without going into potential personal emotions of
19 the defendant, did you see her exhibiting any outward
20 emotions, any tears, anything of that nature?

21 A. No, ma'am.

22 Q. Thank you. Now back to Mason, Ms. Rankine, what
23 was his condition when you first observed him? Was he
24 responsive at all?

25 A. He was not responsive at all. He was unresponsive,

1 had ineffective breathing. He still had a weak carotid
2 pulse, but he had lost a lot of blood. But he was not
3 responsive.

4 Q. And you said fire was already on-scene or some other
5 EMS that may have been treating him?

6 A. Yes, ma'am.

7 Q. What did you begin to do once you had care of the
8 patient?

9 A. So once I got there, we more-so stabilized his spine
10 just because the injury that he had was very traumatic in
11 nature, so we put him on a spine board, put a cervical
12 collar around his neck to stabilize his body in case he had
13 any prior injuries. First responders had already bandaged
14 his wound, so the bleeding was controlled in that aspect,
15 but once we got him on the spine board and put him outside
16 up on the stretcher and got him into unit, we started a
17 line, which is an IO. It's a needle that goes into the
18 bone where you can give fluids, medications, so we started
19 giving him fluids, but once we got into the unit Mason lost
20 pulses so he went into cardiac arrest and so we had to
21 change our treatment plan.

22 Q. Okay. And even before getting him to the ambulance,
23 is there a specific word you might would use to describe
24 his condition?

25 A. He was a critical patient.

1 Q. Now you said getting into the ambulance I think what
2 you were describing is his condition worsening. Is that
3 fair to say?

4 A. Yes, ma'am.

5 Q. Was it rapid or --

6 A. It all happened pretty quickly. So from --

7 Q. And you had to change your plan of care?

8 A. Yes, ma'am.

9 Q. Tell us how you changed that.

10 A. So initially with Mason having a pulse, we were
11 planning on transporting to Richland Children's Hospital
12 because they are a Level 1 trauma center and they would
13 have staff there to be able to treat him and all of his
14 injuries appropriately; however, once we got in the unit
15 and the patient lost pulses, you are then required to take
16 your patient to the closest hospital so that he could be
17 stabilized and so instead of going to Richland Hospital,
18 we ended up going to Lexington Medical Center.

19 Q. So instead of going to the Level 1 trauma -- which
20 what does a Level 1 trauma mean?

21 A. A Level 1 trauma unit has criteria to where they meet
22 certain conditions where specialists have to be on-scene
23 at the hospital within a short amount of time to be able
24 to treat injuries. So whether it be cardiology or a
25 neurovascular trauma, they have specific and very strict

1 guidelines on the timeframe they need to be to the
2 hospital, and so typically those physicians are on-call
3 and within that hospital within twenty minutes or less.

4 Q. But you ended up going to Lexington Medical Center;
5 is that correct?

6 A. Yes, ma'am.

7 Q. And how was Mason's condition -- on the way there,
8 was there anything else you had to do that was maybe out
9 of plan in order to try and treat Mason?

10 A. Yes, ma'am. So we had to change our treatment plan
11 to a cardiac arrest protocol, which entails us giving him
12 medication based off of his cardiac rhythm. Mason's rhythm
13 was asystole, so that involved us giving him Epinephrine
14 and performing chest compressions. We had already been
15 assisting in ventilation with a bag valve mask, so just to
16 make sure that we were continuing that we inserted a King
17 tube which is to help ventilate him little bit more
18 appropriately. We also gave him normal saline, which is
19 just a fluid to help resuscitate some of that volume that
20 he'd lost as well.

21 MS. McMENAMIN: Permission to approach the witness,
22 Your Honor?

23 THE COURT: Yes, ma'am.

24 BY MS. McMENAMIN:

25 Q. Ms. Rankine, I'm now showing you what has been marked

1 as State's Exhibit 2. Generally speaking, can you identify
2 this?

3 A. Yes. So this is something --

4 Q. Okay. What is it -- generally what is this a
5 photograph of or where is this a photograph?

6 A. This is in the living room. You can see Mason on the
7 couch. You can see first responders there.

8 Q. Thank you. So it's a photograph at the scene?

9 A. Yes.

10 Q. And how do you know this is a photograph at the scene?

11 A. Just from us being there.

12 Q. Okay. And is it a fair and accurate depiction of the
13 scene at [REDACTED] Cedar Vale Drive as you recall it on that
14 evening?

15 A. Yes, ma'am.

16 MS. McMENAMIN: The State offers Exhibit 2 into
17 evidence at this time.

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: State's Exhibit 2 is admitted into
20 evidence.

21 (State's Exhibit Number 2, a photograph, was
22 admitted into evidence.)

23 MS. McMENAMIN: Permission to publish to the jury?

24 THE COURT: Yes, ma'am.

25 BY MS. McMENAMIN:

1 Q. All right. Ms. Rankine, can you see State's Exhibit 2
2 clearly from there?

3 A. Yes, ma'am.

4 Q. And what is this a picture of?

5 A. This is a picture of the scene. You can see Mason
6 there kind of in the middle of the lower, a first responder
7 is holding his head, which is what we do when we're trying
8 to maintain cervical stabilization, and then you can also
9 see Ms. Monette right there in the corner.

10 Q. Okay. So who am I pointing to right here?

11 A. Mason.

12 Q. Who is this?

13 A. That's a firefighter.

14 Q. Above him?

15 A. Yes, ma'am.

16 Q. Okay. In a kind of beigey colored shirt?

17 A. Yes.

18 Q. And then this right here in that left sort of middle
19 corner, who is that?

20 A. Ms. Monette.

21 Q. Ms. Rankine, I'd like to direct your attention back
22 to the ambulance. When you were transporting Mason
23 originally to Richland and then to LMC, who all was in
24 that ambulance with you and Mason?

25 A. So it was myself, another paramedic, Lauren Griffin,

1 my partner Driggers, and then it ended up also being
2 Ms. Monette as well in the front.

3 Q. What was Driggers doing initially?

4 A. Initially he was in the back with us prior to leaving
5 the scene just helping us to make sure that we had Mason as
6 stabilized as we could prior to leaving the scene, and then
7 he became our driver.

8 Q. And Ms. Monette, you said she was in the ambulance as
9 well. Where was she?

10 A. She was in the front cab with my partner Driggers.

11 Q. Do you remember if she said anything at all while in
12 the ambulance with you?

13 A. Initially she turned around and asked what was going
14 on. At this point it was when Mason had gone into cardiac
15 arrest and we were trying to figure out when his birthday
16 was because we treat by age and not weight, so we wanted
17 to make sure that he was actually eight before we started
18 giving him medications that weren't appropriate for his
19 age. I remember asking her when his birthday was and she
20 said she didn't know. She knows they had a birthday party
21 a few months ago. Later on when we were able to get all
22 his demographics, we found out that his birthday was
23 actually in October.

24 Q. And did she make any other statements?

25 A. No, she did not.

1 Q. Now you described Mason's condition worsening as
2 you were transporting him and that he was unconscious
3 initially. Did Mason ever regain consciousness?

4 A. He did not.

5 Q. Did his pulse ever improve?

6 A. It did not.

7 Q. He had no pulse?

8 A. It never returned. He had no pulse.

9 Q. And at what time did you turn over care of Mason at
10 Lexington Medical Center?

11 A. So we turned over care at 1:09 AM.

12 MS. McMENAMIN: A moment to confer, Your Honor.

13 BY MS. McMENAMIN:

14 Q. Ms. Rankine, do you recall whether or not the
15 defendant had her phone when she was in the front of the
16 ambulance?

17 A. She did have a phone.

18 Q. And was she using it at all that you recall?

19 A. When I looked up to talk to her about Mason's
20 birthday, she was on the phone texting.

21 MS. McMENAMIN: Nothing further from the State at
22 this time, Your Honor.

23 THE COURT: All right. Cross-examination.

24 MR. WILLIAMS: May it please the Court?

25 THE COURT: Yes, sir.

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CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. When you got there and you started -- you took over the care of Mason, did you notice whether or not there had been correct procedures followed for someone -- for a child that had been shot with -- for a gunshot wound? Meaning did everybody prior to you arriving there, had they done exactly what was supposed to have been done for somebody who received -- a child who received a gunshot wound?

A. Once I got there, I mean, he was being ventilated and the hemorrhaging had been controlled.

Q. Right. Was there any evidence that anyone had not done what they were supposed to do before you got there?

A. As far as I know, no, sir.

Q. Did you know that when you got there the first person to street Mason was Linda Monette?

A. I did not know that.

Q. Did you know that she was the one that put the towel on the child and kept the child from hemorrhaging?

A. I did not know that.

Q. Now you said that she appeared to be unconcerned. Did you -- I assume you've had a lot of experience with people who have been in shock and been in drastic situations, correct?

A. Yes, sir.

1 Q. Maybe people with the PTSD and things like that?

2 A. (Nods head.)

3 Q. Is that correct?

4 A. Yes, sir.

5 Q. Do they always cry when they have those shocking
6 episodes?

7 A. No, sir.

8 Q. Sometimes they appear to be what?

9 A. It depends on the person.

10 Q. Unconcerned?

11 A. I wouldn't necessarily say unconcerned.

12 Q. Blank?

13 A. Sometimes.

14 Q. Lack of emotions?

15 A. It really just depends on the person, and the people
16 that I've come into contact with they might be quiet, some
17 of them might be hysterical.

18 Q. So there's no -- there's no particular way that you
19 have to react when you've been around a shooting, correct?

20 A. Yes, sir. Correct.

21 Q. Some people react and are stunned and some people just
22 go to pieces and they're not worth much in terms of taking
23 care of somebody, right?

24 A. Yes, sir.

25 Q. So it's probably more important that somebody there

1 is controlling their emotions and can take care of the
2 episode; isn't that correct?

3 A. Yes, sir.

4 Q. Now the father had gone in another ambulance, correct?

5 A. Yes, sir, he did.

6 Q. And Ms. Monette went with the child in the ambulance
7 to the hospital?

8 A. She did.

9 Q. Did you know that she was not the child's mother?

10 A. I found that out in the ambulance.

11 Q. And she didn't happen to know the birth date of the
12 child?

13 A. She did not.

14 Q. But she was the one that was taking care of that
15 child?

16 A. I did not see her take care of the child.

17 Q. Because you weren't there when she was doing it?

18 A. Correct.

19 MR. WILLIAMS: That's all the questions I have,
20 Your Honor.

21 THE COURT: Any redirect?

22 MS. McMENAMIN: Yes, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. McMENAMIN:

25 Q. Ms. Rankine, since Mr. Williams brought it up, based

1 on your training and experience as a paramedic, did
2 Ms. Monette appear to be in shock?

3 A. She did not appear to be in shock.

4 Q. Additionally, Ms. Rankine, in the ambulance can you
5 tell us whether or not she appeared preoccupied based on
6 your training and experience?

7 A. She did appear preoccupied. Like I said, she was up
8 front texting when I asked what Mason's birth date was.

9 Q. And you mentioned that she got in Mason's ambulance.
10 Do you recall if the defendant indicated whether or not she
11 got into the ambulance with Mason by mistake?

12 A. I do not recall.

13 MS. McMENAMIN: Nothing further, Your Honor.

14 THE COURT: All right. Any recross?

15 RE CROSS EXAMINATION

16 BY MR. WILLIAMS:

17 Q. Did you do any type of blood flusher -- blood flusher
18 -- I can't even say that word three times -- did you check
19 her blood pressure, talking about Linda Monette?

20 A. I did not check her blood pressure.

21 Q. All right. So what was your basis of your
22 determination that she wasn't in shock?

23 A. I mean, she was standing there. I mean, she did not
24 appear to be in any distress.

25 Q. And that is your basis for determining that she was

1 not in shock?

2 A. That was my initial basis.

3 Q. And what is -- what is shock for the edification of
4 the jury?

5 A. So shock could be -- excuse me -- hypovolemia, which
6 is a low blood pressure, it could be tachypnea, which is
7 rapid breathing, somebody could become pale or flushed, and
8 she did not appear to be --

9 Q. How do you determine that?

10 A. You can determine that by assessing their vitals.

11 Q. And did you assess her vitals?

12 A. I did not.

13 MR. WILLIAMS: I don't have any other questions,
14 Your Honor.

15 THE COURT: All right. The witness may step down.
16 (Witness excused.)

17 MR. HUBBARD: Approach, Your Honor?

18 (Proceedings held at the bench; not reported.)

19 THE COURT: All right. Ladies and gentlemen, what
20 we're gonna do at this point is just go ahead and take
21 our lunch break. I'll ask you to take one hour. Be
22 back at 1:30.

23 While you're out and when you're exiting the
24 building, please don't discuss the case with anyone or
25 with one another while you're on your lunch break.

1 MS. MAYES: We're ready, Your Honor.

2 THE COURT: All right. Let's bring the jury up,
3 please.

4 BAILIFF: Are you ready, sir?

5 THE COURT: Yes, sir. Thank you.

6 (Whereupon, the jury return to the courtroom at
7 1:51 PM.)

8 THE COURT: Okay. Mr. Foreman, ladies and gentlemen
9 of the jury, I hope you had a nice lunch. We're gonna
10 pick up where we left off in the testimony of the State's
11 case in chief.

12 MS. MAYES: The State calls Detective Cameron
13 Sherban.

14 (Whereupon, Cameron Sherban was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Once you have your mask off, state your
17 name and spell your last name for the record.

18 THE WITNESS: Detective Cameron Sherban,
19 S-H-E-R-B-A-N.

20 CAMERON SHERBAN,
21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. All right. And, Detective, tell us a little bit about
25 yourself and how you became a detective with the Lexington

1 County Sheriff's Department.

2 A. I've been employed by the sheriff's department for
3 over ten years now. I started on patrol and went over
4 to Cayce High School as resource officer and then had
5 the opportunity to go into investigations as the ICAC
6 investigator, which does Internet crimes against children.

7 Q. All right. I'm gonna ask you to pull the mic up
8 higher and also closer to you.

9 A. (Witness complies.)

10 Q. Yes. Thank you so much.

11 So, Detective Sherban, I want to take you back to the
12 night of May 14, 2019, the early morning hours of that day.
13 Tell us how you became involved in the murder investigation
14 involving Mason Hanahan.

15 A. About that night, my -- my wife really couldn't sleep
16 that night and she heard some sirens coming up the street
17 and she could see out our back window where our master
18 bedroom is, she could see red lights and blue lights, and
19 she woke me up knowing I was on call that night and said
20 hey, there's something going on in the neighborhood behind
21 us and so I got up and got dressed and I went around to
22 meet with who I found out to be Lieutenant Frier was out
23 there, we had other officers out there, EMS and fire, I
24 believe, had been out there as well, and they said that
25 there were two people that had been transported, one was

1 child and another was an adult, to the hospital. I then
2 made contact with then Detective Hart, who was our point
3 of contact for our major crimes team that night, and he
4 asked me to go up to Prisma Health Hospital to try to
5 meet with the adult that had been struck that was Austin
6 Hanahan, but he was not able to be spoken with, he was in
7 surgery at the time, and so he had me redirected over to
8 Lexington Medical Center where the boy, Mason Hanahan, had
9 been transported.

10 Q. All right. Detective Sherban, you made reference to
11 this particular neighborhood shown here in this aerial map,
12 that being the neighborhood which encompasses [REDACTED] Cedar
13 Vale Drive. You're familiar with that neighborhood?

14 A. Yes, ma'am. That's Grayland Forest.

15 Q. And that's a neighborhood that's your neighborhood?

16 A. Yes, ma'am.

17 Q. You said that you were redirected over to LMC,
18 Lexington Medical Center?

19 A. Yes, ma'am.

20 Q. Do you have an approximate time in which you arrived
21 at LMC?

22 A. I believe it was close to 1 AM. I'm trying to tell
23 you exactly what time though.

24 Q. Okay. I'll tell you, we'll move forward and we'll
25 get to the exact time later that you have actual contact

1 with Linda Monette, but I want to begin by asking you,
2 Detective, what was your first responsibility when you
3 arrived at Lexington Medical Center in the early morning
4 hours of May 14th?

5 A. When I first arrived, I went to the emergency room
6 where Mason Hanahan was still on a table there and they
7 asked me to take pictures of him. He had been pronounced
8 deceased. I needed to take pictures of his body with the
9 coroner so we had some of those pictures for our evidence.

10 Q. And what did you observe about Mason?

11 A. Mason had a gunshot wound to his head. He was still
12 wearing a baseball uniform. He apparently had been at
13 baseball practice that night and was still in the same
14 clothes that he had worn to bed that night.

15 Q. You mentioned that a representative of the coroner's
16 office was with you. Do you recall who that was?

17 A. Yes, ma'am. That was Deputy Coroner Grey Gain.

18 Q. All right. You and Coroner Gain then took what action
19 to follow up?

20 A. After we -- yes, ma'am. After we got the pictures, we
21 went to -- the medical staff at the hospital had separated
22 -- I believe that Tyler, his biological mother, was also at
23 the hospital at that time in the family room that they have
24 up there near the emergency room. They had -- there was
25 another lady that had ridden in the ambulance that was

1 Ms. Linda Monette and they had her in another wing of the
2 emergency room, just in one of the extra rooms back there,
3 just waiting until we could come and speak with her, and we
4 went there.

5 Q. All right. So I want to ask you a little bit more
6 about that. You mentioned Tyler. That would be Tyler
7 Hanahan?

8 A. Yes, ma'am.

9 Q. And during the course of the investigation, did you
10 learn that Tyler Hanahan was the primary custodian of
11 Mason?

12 A. Yes, ma'am.

13 Q. And that there had been something unusual on this
14 particular day in which Mason was at [REDACTED] Cedar Vale?

15 A. Yes.

16 Q. What was your understanding of that?

17 A. My understanding is normally Mason would be with his
18 mother, but at this occasion he was at a baseball practice
19 and it went late into the evening and so instead of taking
20 him all the way back to mom's house, just went with dad
21 because dad actually helped coach the baseball team.

22 Q. So, Detective, when you arrive at the hospital can you
23 tell us whether or not Tyler Hanahan, Mason's mom, was
24 there?

25 A. I believe she was there in the family room when I got

1 there.. I know she was there -- I know she either had --
2 arrived right after I got there, but it was very, very soon
3 to that.

4 Q. All right. And do you remember if Mason's sisters
5 were also with his mom?

6 A. Yes. Yeah, she had family with her there.

7 Q. All right. You mentioned that there was another
8 female also present at the hospital. Who was that?

9 A. Yes, ma'am. That was Linda Monette, and she had
10 ridden to the hospital with -- in the ambulance with Mason.

11 Q. And during the course of your contact with her, did
12 you learn whether or not she had intended to be in the
13 ambulance with Mason or with Austin?

14 A. I believe she had wanted to be with --

15 MR. WILLIAMS: Objection to hearsay, Your Honor.

16 MS. MAYES: I can rephrase, Your Honor.

17 THE COURT: Rephrase your question, please.

18 BY MS. MAYES:

19 Q. Had other detectives already received information in
20 this case prior to your involvement?

21 A. Yes, ma'am.

22 Q. And passed that information along to you?

23 A. Yes, ma'am.

24 Q. And with that, is your understanding that --

25 MR. WILLIAMS: Same objection, Your Honor.

1 THE COURT: Let her finish the question, please.

2 MS. MAYES: Yes. I'm -- I'm going to work around
3 this.

4 BY MS. MAYES:

5 Q. So is it your understanding that Linda Monette had
6 arrived at Lexington Medical Center by ambulance?

7 A. Yes, ma'am.

8 Q. And was escorted over to a family room?

9 A. She was escorted to the -- another emergency room.

10 MR. WILLIAMS: I would still object to hearsay.

11 THE COURT: Overruled.

12 MS. MAYES: I'm asking what he has knowledge of,
13 Your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: She was -- yeah, she was escorted
16 -- escorted to an emergency room because from my
17 understanding the family room was already filled with
18 Tyler, so they had her in a different room because of
19 that.

20 BY MS. MAYES:

21 Q. And just to clarify, was there an effort that Linda
22 Monette would be separate and apart from Mason's family?

23 A. Yes.

24 Q. Now looking here at -- at our chart, we know that the
25 9-1-1 call is put out at 12:23 --

1 A. (Nods head.)

2 Q. -- and once you arrived at the hospital you've
3 indicated that you took some photographs of Mason?

4 A. Yes, ma'am.

5 Q. Do you have documented the time that you would have
6 had initial contact with the defendant, Linda Monette, in
7 that separate waiting area at LMC?

8 A. I don't believe I have the exact time that I sat down
9 and spoke with her written down.

10 Q. Would approximately 2:10 AM at the start of the
11 initial contact sound --

12 MR. WILLIAMS: Objection to leading now, Your
13 Honor.

14 MS. MAYES: I can rephrase.

15 THE COURT: Stand by. Let her rephrase the
16 question.

17 BY MS. MAYES:

18 Q. Can you tell us, Detective, whether or not the
19 timeframe of 2 AM would sound accurate?

20 A. Yes, ma'am, it would.

21 Q. All right. Was your contact with Linda Monette
22 recorded in any way?

23 A. Yes, ma'am, it was.

24 Q. Tell us what, if any, purpose there was for you to
25 have contact with this person at LMC.

1 A. She was from what we knew a witness to the crime. She
2 had been -- from what I -- my understanding is she was the
3 one that called it in and she was there at the time of the
4 incident.

5 Q. All right. So to expound on that further, as part
6 of your briefing in this case you were aware that this
7 involved a home invasion?

8 A. Yes, ma'am.

9 Q. Can you tell us whether or not you were aware that a
10 suspect was at large?

11 A. We did not know who the suspect was and in our opinion
12 from what we could tell at the scene we may still have
13 somebody in the neighborhood or at large in the area, yes,
14 ma'am.

15 Q. Under these circumstances, Detective, how important,
16 if at all, is it for you to have contact with a potential
17 witness?

18 A. It's very -- very important in this case for us to get
19 the witness to give us information so we can try to figure
20 out who actually did this.

21 Q. And under these circumstances, who were the two
22 witnesses known to law enforcement at this time?

23 A. The two for law enforcement would have been Austin
24 Hanahan, who was at Prisma -- well, Palmetto Health at the
25 time, now Prisma, but he was in surgery and unable to speak

1 with us, and then Ms. Monette.

2 Q. Okay. So your initial contact with Ms. Monette,
3 just to clarify, at this point in time was she in police
4 custody?

5 A. No, ma'am.

6 Q. Was she free to leave?

7 A. Yes, ma'am.

8 Q. The purpose of your discussion or interview with Linda
9 Monette was what?

10 A. To try to get as much information as we could about
11 this intruder into the house and who shot the gun and who
12 caused the unfortunate untimely death of Aus -- Mason.

13 Q. Okay. When you approached her there at the hospital,
14 did she seem willing to speak with you?

15 A. Yes, ma'am.

16 Q. Was she free to leave at any point in time?

17 A. Yes, she was.

18 Q. Was there any need at that stage to advise her of
19 what's known as her Miranda warnings or her Miranda rights?

20 A. No, ma'am.

21 Q. When speaking with witnesses ordinarily under these
22 circumstances, would you advise them of Miranda warnings or
23 Miranda rights?

24 A. No.

25 Q. And so given your contact with Ms. Monette, did you

1 identify yourself as a law enforcement officer?

2 A. I did.

3 Q. Did you advise the defendant that you were wishing you
4 could speak with her in regards to locating the potential
5 suspect in this case?

6 A. I did.

7 Q. Did she freely and willingly choose to speak with you?

8 A. Yes, she did.

9 Q. Now you mentioned that it was recorded. In what
10 format did you record this contact with her, Detective?

11 A. I used my cell phone and there's a recording device on
12 there.

13 Q. I'm gonna show you what is State's 24, 25, and 26, and
14 ask you whether or not you recognize these items?

15 A. Yes, I do.

16 Q. How so?

17 A. I've listened to them and I -- I was the one that
18 actually recorded the interviews that are -- that are
19 recorded on there.

20 Q. All right. Does it also bear your signature at any
21 location on 24, 25, and 26?

22 A. Yes, on the disk.

23 Q. Are these recordings a true and accurate depiction of
24 your interview with Linda Monette?

25 A. Yes, ma'am.

1 Q. In the early morning hours of May 14, 2019?

2 A. Yes, ma'am.

3 MS. MAYES: Your Honor, the State would request
4 permission -- offer as evidence and request permission
5 to publish 24, 25, and 26.

6 MR. WILLIAMS: Without objection, Your Honor.

7 THE COURT: All right. State's Exhibits 24, 25,
8 and 26 will be admitted into evidence.

9 (State's Exhibit Number 24, 25, and 26, recorded
10 interviews, were admitted into evidence.)

11 THE COURT: You may publish.

12 BY MS. MAYES:

13 Q. Now in addition to your voice and the voice of the
14 defendant, are there any other persons who are present and
15 taking part in this interview?

16 A. Yes, ma'am. That would be Deputy Coroner Grey Gain.

17 Q. And you mentioned he's the same deputy coroner who was
18 with you to photograph Mason?

19 A. That is correct.

20 Q. And also he was with you throughout the duration of
21 this interview with the defendant?

22 A. Yes, ma'am. That's correct.

23 Q. Now at the outset of this interview, how do you go
24 about approaching the defendant in order to obtain
25 information about the intruder?

1 A. When I start an interview like this, I'm just trying
2 to get all of the facts that they can give me. I
3 understand that there may be some things that they're not
4 gonna think of right away so we're gonna go back and follow
5 up on all those things throughout the interview, but we're
6 just trying to find out if she knows -- if that person
7 would know anything about anybody that came in the house,
8 if there's any reason for them to come into the house,
9 anything that would cause somebody to want to come in and
10 do something like that.

11 Q. And just to preface where you are at this stage of the
12 investigation, approximately 2 AM, early morning hours of
13 May 14th, were other members of law enforcement actively
14 searching for the intruder?

15 A. Yes, they were.

16 Q. Can you tell us whether or not other members of law
17 enforcement remained at the scene of [REDACTED] Cedar Vale?

18 A. Yes, they were. There were numerous officers there.
19 I know K-9 was involved and others as well.

20 Q. All right. And in addition to the major crimes unit,
21 do you know whether or not the Lexington County Sheriff's
22 Department was in communication with other law enforcement
23 agencies for assistance?

24 A. I believe so. I know that they -- in a situation like
25 this, they'll reach out to other agencies and let them know

1 what we have, to be on lookout. A BOLO came out for them
2 just to say hey, we have -- whatever information we have,
3 whether it's a vehicle or a suspect, so they can be
4 involved as well.

5 Q. And how -- based upon your recollection, how many
6 members of the major crimes unit were involved in the early
7 morning hours trying to locate a potential suspect or
8 obtain information in this case?

9 A. I know from my team there were four and I know that
10 there was also, I believe, the captain and possibly a
11 lieutenant came out as well, so maybe four, five, six.

12 Q. And you're referring to captain, the captain at the
13 time would have been Captain Jones?

14 A. Captain Taylor.

15 Q. Captain Taylor?

16 A. Yes.

17 Q. And then the lieutenant at the time would have been
18 Lieutenant Laintz?

19 A. Yes.

20 Q. All right. And can you tell us whether or not
21 Sergeant McCann, seated in the courtroom, was also part of
22 this investigation?

23 A. She was part of it. I don't believe she was out there
24 that night, but I know she was part of the investigation
25 because we'll put all hands on deck for an investigation

1 like this in the aftermath of it.

2 Q. Thank you.

3 (Whereupon, State's Exhibit Number 24 was played.)

4 BY MS. MAYES:

5 Q. Okay. Let me stop you right there. At this point
6 there's a reference to heard something at the door?

7 A. Yes, ma'am.

8 Q. Your understanding that is after it was kicked in or
9 before it was kicked in?

10 A. My understanding at this point is before it was kicked
11 in.

12 (Whereupon, State's Exhibit Number 24 continued
13 playing.)

14 (Foreperson whispering to the bailiff.)

15 THE COURT: Hold on. Pause it.

16 Ladies and gentlemen, is anyone having trouble
17 hearing the audio?

18 (Jurors nod.)

19 THE COURT: Okay. All right. We can try turning
20 it up.

21 MS. MAYES: We can, Your Honor. If you can give
22 us just a few more minutes to -- to test, we can -- we
23 have our IT person here and we can go back and start
24 again with Exhibit 24 in just one moment.

25 THE COURT: Okay. And, Madam Solicitor, I do have

1 a -- I do have a podium mic volume switch I could try
2 here, too. I don't know if that would help or not.

3 Do you want to play it now just to see what it
4 sounds like?

5 (Whereupon, State's Exhibit Number 24 was played.)

6 THE COURT: Better?

7 FOREPERSON: (Nods head.)

8 THE COURT: I've got a thumbs up, so we'll try it.

9 (Whereupon, State's Exhibit Number 24 was played.)

10 BY MS. MAYES:

11 Q. So did she discuss with you the period in time in
12 which this occurred while she was at the home at [REDACTED] Cedar
13 Vale, Detective Sherban?

14 A. Yes, ma'am.

15 Q. What, if anything, did she say in that regard?

16 A. She was talking about how she was there that night
17 with Austin and Mason was there that night as well. Mason
18 was sleeping on the coach. Leading up until the person
19 came into the house, they were watching TV back in the
20 back -- in the bedroom and during that time they went out
21 multiple times together to get a snack from the kitchen,
22 and then the last time that she went out by herself that's
23 whenever the intruder came in the house at that time.

24 Q. All right. And there was a reference to two minutes.
25 What, if any, reference did she make to two minutes in

1 time, Detective Sherban?

2 A. She said that the last time that she went, she'd only
3 been there for -- it was like two minutes. That the only
4 time she was by herself in that kitchen was for that two
5 minutes there at the very end when the intruder came in.

6 Q. All right. And then in reference to the statement
7 waited for me to come by the door, what, if anything, was
8 she referring to when she made the statement?

9 A. She said that it was as if the person was waiting for
10 her to go by the door. She went right by that door when
11 she had heard something and that's when the door got kicked
12 in.

13 Q. And that was the only two minutes she had been alone
14 that night?

15 A. That's correct.

16 (Whereupon, State's Exhibit Number 24 continued
17 playing.)

18 Q. And to clarify, for what purpose did she say she had
19 been in the kitchen during this two minutes she was alone?

20 A. To get a snack.

21 (Whereupon, State's Exhibit Number 24 continued
22 playing.)

23 Q. And so just to clarify, what type of weapon did she
24 indicate Austin Hanahan was using to defend the home?

25 A. She's saying that he was using an AK or some kind of

1 rifle.

2 Q. Okay. Is that also known as an assault rifle?

3 A. Yes, ma'am.

4 (Whereupon, State's Exhibit Number 24 continued
5 playing.)

6 Q. Were you in communication with other investigators
7 throughout your interviews?

8 A. Yes. This would be one of those times. Because I was
9 using my phone for the recording, I could still use it also
10 to text to Detective Hart also.

11 Q. Do you recall whether or not the defendant also had a
12 phone with her?

13 A. I couldn't hear you. I'm sorry.

14 Q. Do you recall whether or not the defendant also had a
15 phone with her during this time at the hospital?

16 A. During that time I didn't remember seeing a phone. I
17 didn't see her have it.

18 Q. Okay.

19 (Whereupon, State's Exhibit Number 24 was played.)

20 Q. At this point are you trying to get a further
21 description?

22 A. Yes, ma'am. She had said earlier that it had to be
23 somebody they knew, so I was trying to get at finding if it
24 was somebody that she may have known somehow.

25 Q. All right. I want to take a break for a moment and

1 have you show us where you were referring to in the home as
2 you were reviewing the interior with her.

3 MS. MAYES: And, Your Honor, if we may have
4 permission for the witness to step down?

5 THE COURT: Very well. Step down, please.

6 MS. MAYES: And if you could, Detective, come
7 around here to my side and if you'd keep your voice up.

8 BY MS. MAYES:

9 Q. Now using this, if you could tell us where you were
10 referring to when you're questioning if he ever got past
11 the threshold?

12 A. The threshold that we were talking about was this one
13 right here. This is a -- this is actually like a counter.
14 It's not an actual wall. It's like an actual half-wall
15 with a counter, so you can see into this room from the
16 kitchen.

17 Q. All right. So to clarify, we would be talking about
18 this area roughly right here as being the dividing bar
19 between the kitchen and the living room?

20 A. That's correct.

21 Q. All right. And, again, she's referencing a hallway?

22 A. The hallway that she references is this right here
23 going back to like a laundry room, a small bathroom, that
24 she references there as well.

25 Q. Okay. And when she referenced the threshold, that he

1 never got past the threshold -- I'm gonna move this forward
2 so everyone can see. He never got past the threshold, what
3 area is she referring to?

4 A. This area right here. He never came either this way
5 or this way. He was always right here during this
6 altercation.

7 Q. So all indications to you were that he never actually
8 made it into the living room?

9 A. That's correct.

10 Q. Okay. So with this being the point of entry, he is
11 around this area and then has her behind the bar?

12 A. Yes.

13 Q. All right. Now there's a reference to being at a
14 location where Austin can see him. If this is the master
15 bedroom, can you tell us what we're looking at along here?

16 A. This is the hallway that goes back to the bathroom and
17 bedroom.

18 Q. All right. So if they are standing here behind the
19 bar at the kitchen, can you tell us whether or not they
20 would be visible to anyone else coming out of the master
21 bedroom and peering down the hallway?

22 A. Yes, they would be.

23 Q. And your understanding is that Mason was located
24 where?

25 A. On this couch on that wall of the living room.

1 Q. All right. So that would be between Austin who has
2 come out of the bedroom and is firing down the hallway?

3 A. That's correct.

4 Q. And between where she has indicated the intruder has
5 her behind the bar in the kitchen area?

6 A. That is correct.

7 Q. Thank you. You may return.

8 A. (Witness complies.)

9 Q. Now as she'd given a description to you of the
10 potential intruder, does she ever give a name?

11 A. No, ma'am.

12 (Whereupon, State's Exhibit Number 24 continued
13 playing.)

14 Q. Who is she referring to here when she said I would
15 love to see what he says?

16 A. We were talking about Austin, Austin Hanahan.

17 Q. And you indicated that Austin is at another hospital,
18 Palmetto Health Richland?

19 A. Yes, he was at Palmetto Health Richland at the time in
20 surgery unable to talk.

21 Q. In critical care?

22 A. Yes.

23 (Whereupon, State's Exhibit Number 24 continued
24 playing.)

25 Q. This reference to he's a commercial painter and he

1 makes about 50 grand a week is a reference to who?

2 A. Austin and his painting company, Hanahan Painting.

3 Q. She's indicating she had knowledge of money in the
4 home?

5 A. Yes.

6 (Whereupon, State's Exhibit Number 24 continued
7 playing.)

8 Q. At this point she's referencing a divorce. Whose
9 divorce is she referencing?

10 A. Austin Hanahan and Tyler. I don't know her last name
11 now.

12 Q. All right. Formerly Tyler Hanahan?

13 A. Yes.

14 Q. Based upon this interview, is it your understanding
15 she's referencing that Austin had money he was keeping in
16 the home because of the divorce?

17 A. That's correct.

18 Q. At this point in time, Detective, were you aware that
19 the divorce between Austin and Tyler Hanahan had been
20 finalized earlier that day on May 13, 2019?

21 A. At this point in the evening, no.

22 Q. Okay. And so at this point in your questioning,
23 you're not aware as to how that may affect the amount of
24 money he had in the home?

25 A. That is correct.

1 (Whereupon, State's Exhibit Number 24 continued
2 playing.)

3 Q. Now at this point, Detective Sherban, she has made a
4 statement that the intruder does not look like anyone that
5 we know or any of our friends or anyone that we would know?

6 A. That's correct.

7 Q. At what point in time did you question further about
8 any connection she may have to gang members, including the
9 Gangster Disciples?

10 A. I had made -- the reason why I had ended that
11 interview is I needed to make a phone call to Detective
12 Hart and just give him an update while he was on the scene
13 and he had mentioned something about a party had happened
14 recently, there weren't really any details about that, and
15 so I asked her about that and that conversation was also
16 recorded asking about a party that may have been there
17 and she claimed that there -- there hadn't been in recent
18 weeks.

19 Q. All right. So next we're gonna listen to the audio
20 where you ask her specifically about any recent parties.
21 Would that have included in your mind any -- any contact
22 with any individuals over the course of the last year?

23 A. Speaking about from her?

24 Q. Yes.

25 A. Yes.

1 Q. Specifically at the [REDACTED] Cedar Vale location?

2 A. Yes. That's correct, yes.

3 MS. MAYES: 25 already in evidence we'll publish
4 at this time, Your Honor.

5 THE COURT: Very well.

6 (Whereupon, State's Exhibit Number 25 was played.)

7 Q. All right. So to clarify, has she indicated that she
8 and Austin have been on the outs and that she has recently
9 left the home?

10 A. Yeah, she mentioned that she and Austin had some kind
11 of a verbal argument, I guess, and had separated for about
12 a week and it was just only about a week ago that she had
13 left to stay somewhere else for a little bit, but she still
14 claimed this as her -- as her residence.

15 Q. Did she indicate -- do you recall whether or not she
16 indicated that that day, May 13th, in the early -- earlier
17 that day, is when she had returned back to the residence,
18 to Austin Hanahan?

19 A. Yes, that's correct.

20 Q. That being the day, May 13, 2019, that would be the
21 Monday that preceded this event in the early morning hours
22 of May 14th?

23 A. Yes, ma'am.

24 (Whereupon, State's Exhibit Number 25 continued
25 playing.)

1 Q. Can you tell us whether or not when observing the
2 video it was apparent to you that there were gang
3 affiliations?

4 A. Yes, it was very apparent.

5 Q. All right. And she just made a reference to GD being
6 a gang affiliated with this music video. What is your
7 understanding of the term "GD"?

8 A. That would be Gangster Disciples.

9 Q. Can you tell us whether or not as a detective in major
10 crimes you are familiar with whether the Gangster Disciples
11 are active in Lexington county?

12 A. Yes, I can say that they are. That's from being in
13 major crimes and as an SRO at the high school and working
14 on the road.

15 (Whereupon, State's Exhibit Number 25 continued
16 playing.)

17 Q. At this point in time, Detective, were you aware that
18 she had previously identified the intruder to, in her
19 words, being -- wearing a GD bandana?

20 A. Yes, ma'am.

21 Q. Also your understanding that would be affiliated with
22 the Gangster Disciples?

23 A. Yes, that's correct.

24 Q. Now did you also have an opportunity during the course
25 of this investigation to ask her about her activities that

1 day and her whereabouts earlier in the day?

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

3 Q. And did she provide responses in that regard?

4 A. Yes, she did.

5 Q. I'm gonna show you what is State's Exhibit 49 and
6 ask you whether or not at approximately 2:49 AM there was
7 questioning of the defendant regarding her whereabouts
8 earlier that day?

9 A. Yes, there was.

10 Q. And any activities that may have gone on at the home
11 earlier that day?

12 A. Yes, that's correct.

13 MS. MAYES: The State offers 49 as evidence, also
14 an excerpt from the audio interview.

15 MR. WILLIAMS: Without objection, Your Honor.

16 THE COURT: State's Exhibit 49 will be admitted
17 into evidence without objection.

18 (State's Exhibit Number 49, an audio clip, was
19 admitted into evidence.)

20 MS. MAYES: Permission to publish, Your Honor.

21 THE COURT: Yes, ma'am.

22 (Whereupon, State's Exhibit Number 49 was played.)

23 BY MS. MAYES:

24 Q. She stated Mason's school was Meadow Glen. Are you
25 familiar with what school Mason actually attended?

1 A. He attended Oak Grove Elementary School.

2 Q. Now during your questioning about the activities that
3 day, she mentioned that she went to work earlier in that
4 day as a home healthcare provider?

5 A. That's correct.

6 Q. Then she made reference to I went to the gym?

7 A. Yes.

8 Q. At any point in time did she ever volunteer any
9 information about who she went to the gym with?

10 A. No, she did not.

11 Q. Did you ever hear the name Rey Romero?

12 A. No, she didn't say his name.

13 Q. Then she indicated that after the gym she came to
14 Austin's house?

15 A. That's correct.

16 Q. Did she ever acknowledge or make any admissions about
17 going to the 7 to 11 store in the Red Bank area?

18 A. No, ma'am.

19 Q. Or to being in the company of Rey Romero during the
20 course of events that transpired earlier that day prior to
21 going to Austin's house?

22 A. No, she never said anything about him.

23 Q. Now we heard that you were questioning about a music
24 video. How did you go about actually pulling that music
25 video up and identifying it?

1 A. So as she was telling me about it, she was giving me
2 some of the -- she made comments on YouTube, so I pulled up
3 YouTube and started looking for it based on the keywords
4 she was giving me and as I was pulling it up, I found a
5 video and showed it to her and she said yeah, that's the
6 one, and we started looking at that.

7 Q. And I believe the information that she gave you was
8 that it was published under the group name YCN the Bank
9 Boys?

10 A. That's correct.

11 Q. And we heard some audio taking place during the course
12 of that interview with the defendant. Can you tell us
13 what, if anything, you were observing and looking at during
14 the course of that portion of the interview?

15 A. While we were talking about the video?

16 Q. (Nods head.)

17 A. She seemed a little embarrassed like she didn't want
18 to talk about it. Her tone completely changed from giving
19 me information to not wanting to talk really much about the
20 video at all, even though we were just trying to find any
21 information that we could about any kind of links to people
22 being at the house.

23 MS. MAYES: Your Honor, permission to publish 26
24 already in evidence?

25 THE COURT: Very well.

1 (Whereupon, State's Exhibit Number 26 was played.)

2 BY MS. MAYES:

3 Q. Now in this portion of the audio, Detective, what,
4 if anything, are you asking her to do while you are viewing
5 this music video with her?

6 A. I was asking her to identify anybody that was in it so
7 that we could try to start just talking to people and see
8 if they knew anything about the incident that night.

9 Q. And during this portion of the interview, does she
10 acknowledge that she is in the music video?

11 A. Yes.

12 Q. Does she -- has she already provided information that
13 it was filmed in the backyard of [REDACTED] Cedar Vale?

14 A. Yes, she does.

15 Q. Which is your crime scene location?

16 A. That is correct.

17 Q. Did that make it relevant to you?

18 A. Yes, very much.

19 Q. Is she naming various individuals who appear in the
20 course of the music video?

21 A. She does eventually name some of the people in the
22 video.

23 (Whereupon, State's Exhibit Number 26 continued
24 playing.)

25 Q. So regarding the lead singer in this music video, she

1 identifies a person that she knows by the name Jeremy?

2 A. That's correct.

3 Q. Is that a reference to Jeremy Williams?

4 A. Yes.

5 Q. Also known as Busta?

6 A. Yes.

7 Q. Also known as Bosso?

8 A. Yes.

9 Q. Are you familiar with whether or not Jeremy Williams
10 is a validated Gangster Disciple?

11 A. I personally am not.

12 (Whereupon, State's Exhibit Number 26 continued
13 playing.)

14 Q. All right. So she has identified two additional
15 persons in the video, a Tre and then a Shaq?

16 A. Yes.

17 Q. And she indicates she and Shaq have been friends for a
18 long time?

19 A. Yes, she does.

20 (Whereupon, State's Exhibit Number 26 continued
21 playing.)

22 Q. All right. And to clarify, she has identified another
23 person present in the video shoot as Tyshawn?

24 A. Yes.

25 (Whereupon, State's Exhibit Number 26 continued

1 playing.)

2 Q. All right. So after viewing the music video, she
3 identifies Tyshawn, Shaq, Tre, and Jeremy, that you
4 followed up to determine is Jeremy Williams?

5 A. (Nods head.)

6 Q. Did she ever at any point in time identify Rey Romero
7 being present and participating in that music video?

8 A. No, she did not.

9 Q. Now I'm gonna show you what are State's 23 and 16.
10 Have you had an opportunity since that date and since that
11 interview with the defendant to review that full music
12 video clip from YouTube that you previously identified as
13 being under the production name YCN and Bank Boys?

14 A. Yes, ma'am.

15 Q. In addition to the full music video, have you had an
16 opportunity to review the two clips -- miniclips from that
17 video?

18 A. Yes, ma'am, I have.

19 Q. Can you tell us whether what is depicted in State's 16
20 and State's 23 are the same music video that you reviewed
21 on that date, early morning hours of May 14, 2019, with
22 Linda Monette?

23 A. Yes, they are.

24 Q. And specifically the same music video in which she
25 identified herself, as well as several others?

1 A. Yes.

2 MS. MAYES: This would be State's 23 and 16 for
3 evidence, Your Honor.

4 THE COURT: Any objection, Counsel?

5 MR. WILLIAMS: No, Your Honor.

6 THE COURT: Thank you.

7 State's Exhibit 16 and 23 will be admitted into
8 evidence.

9 (State's Exhibit Number 16 and 23, video miniclips,
10 were admitted into evidence.)

11 THE COURT: And counsel may publish.

12 MS. MAYES: Your Honor, we're gonna publish two
13 miniclips from the YouTube video. This will be
14 State's 16.

15 (Whereupon, State's Exhibit Number 16 was played.)

16 BY MS. MAYES:

17 Q. Do you recognize that area there in the video in the
18 background?

19 A. Yes, ma'am. That's Cedar Vale Drive.

20 Q. That would be the cul de sac there at the entrance of
21 [REDACTED] Cedar Vale?

22 A. It is.

23 Q. And can you tell us whether or not there is a swimming
24 pool in that yard located at [REDACTED] Cedar Vale?

25 A. There is a swimming pool at the house.

1 Q. Can you tell us whether or not the additional portions
2 of the video appear consistent with that location?

3 A. Yes, they do.

4 Q. And then was there a portion of the video where Linda
5 Monette, the defendant, appeared in it as well?

6 A. Yes, ma'am.

7 Q. Was that more than one clip or more than one time she
8 appeared in the video?

9 A. I remember seeing her multiple times.

10 (Whereupon, State's Exhibit Number 16 continued
11 playing.)

12 Q. Now I want to show you some items and ask you whether
13 or not you recognize them.

14 MR. WILLIAMS: Your Honor, I don't have any
15 objection to them.

16 THE COURT: Very well.

17 BY MS. MAYES:

18 Q. I'm gonna show you what is State's 21, 20, 19, 18, and
19 17.

20 A. Yes, ma'am. Those are all from the video.

21 Q. Still shots from the video clip?

22 A. Yes, ma'am, still shots from that video.

23 MS. MAYES: For evidence, Your Honor.

24 THE COURT: State's Exhibit 17, 18, 19, 20, and
25 21 are admitted into evidence without objection.

1 (State's Exhibit Number 17, 18, 19, 20, and 21,
2 photographs, were admitted into evidence.)

3 BY MS. MAYES:

4 Q. Looking here at this still shot, do you recognize this
5 individual shown here?

6 A. Yes, that's Ms. Linda Monette.

7 Q. Also, State's 18.

8 A. Yes, in that same position is Ms. Linda Monette.

9 Q. As she is identifying persons throughout the video in
10 the pool area and other locations, does she ever identify
11 Rey Romero?

12 A. No, she does not.

13 Q. Or mention his name?

14 A. Not at all.

15 Q. State's 19. Who are we looking at in that photograph?

16 A. I -- I do see Ms. Linda Monette right there on the
17 left looking at the camera.

18 Q. State's 20, can you tell us whether or not that is
19 consistent with the same location, being the backyard at
20 Cedar Vale?

21 A. Yes, it is.

22 Q. And, finally, State's 21.

23 A. Yes, that is the backyard once again.

24 Q. And the only individuals that she identified were
25 Tyshawn, a Shaq, a Tre and a Jeremy?

1 A. Yes, ma'am.

2 Q. What evidence if any, Detective, did you recover from
3 Lexington Memorial Hospital -- Lexington Medical Center?

4 A. I recovered the clothing from Mason.

5 MR. WILLIAMS: Your Honor, may we approach a minute?

6 THE COURT: Yes, sir.

7 (Proceedings held at the bench; not reported.)

8 BY MS. MAYES:

9 Q. If you could just take a moment and examine this item
10 yourself.

11 A. These are the baseball pants.

12 Q. Ultimately, what, if any, evidence did you recover
13 from the defendant herself, Linda Monette, following her
14 arrest in this case?

15 A. I didn't recover any evidence, but I did -- I was
16 contacted by Detective Hart to assist with a cell phone
17 extraction when her cell phone was seized from her at the
18 time of arrest.

19 Q. And your understanding is that that cell phone was
20 collected by law enforcement incident to her arrest?

21 A. That is correct.

22 Q. I'm gonna show you this item and ask you whether or
23 not you recognize it. Take a moment.

24 A. Yes, that's her cell phone.

25 Q. This being an iPhone 6S?

1 A. Yes, it is.

2 Q. In a Louis Vuitton case?

3 A. Yes.

4 Q. What, if any, analysis or extraction did you conduct
5 on that item of evidence?

6 A. I performed a UFED Physical Analyzer extraction. It
7 uses Cellebrite UFED technology to extract data from the
8 phone without manipulating it in any way.

9 Q. And that's after this phone was collected as evidence?

10 A. It was after it was seized as evidence. A search
11 warrant was obtained and then we -- we did the extraction
12 pursuant to the search warrant.

13 Q. And in addition to the notation that it is the
14 defendant's phone and a description of an iPhone Model 6S,
15 can you tell us whether or not phones have other
16 identifying information that's recovered during the
17 execution of an extraction -- of a search warrant with a
18 phone extraction?

19 A. Yes. When we -- when we are able to extract the data
20 from the cell phone, it's gonna give us everything from
21 phone numbers to e-mail addresses, text messages, images,
22 videos, all of that kind of information that can show
23 ownership to that person as well.

24 MS. MAYES: Your Honor, at this time the State
25 offers Item 29 as evidence.

1 MR. WILLIAMS: Your Honor, we would object as to
2 the proper laying of a full foundation necessary at this
3 time.

4 THE COURT: Y'all approach, please.

5 (Proceedings held at the bench; not reported.)

6 THE COURT: All right. State's Exhibit 29 --
7 subject to objection?

8 MR. WILLIAMS: That's correct, Your Honor.

9 THE COURT: All right. Subject to the objection,
10 State's Exhibit 29 is admitted into evidence.

11 (State's Exhibit Number 29, a cell phone, was
12 admitted into evidence.)

13 BY MS. MAYES:

14 Q. Now for State's 29, you indicated that you actually
15 conducted a phone extraction. Tell us what is meant by
16 that term, Detective.

17 A. A phone extraction would be taking the data from the
18 phone. It includes any amount of data that is on the phone
19 from the pictures, the videos, phone calls, text messages,
20 applications that are used, e-mail addresses associated
21 with the phone. Really any kind of identifying things that
22 that phone is used for. Sometimes GPS data, if it is
23 available, as well.

24 Q. All right. And what can you tell us, if anything,
25 about the make and model of this particular phone?

1 A. This is an iPhone 6S and the model is A1633. That can
2 actually be seen on the phone on the back, but it's also
3 included in the report.

4 Q. Now what date can you tell us that this phone came
5 into the custody of law enforcement?

6 A. So it came into custody of law enforcement on the --
7 I did the extraction on the 14th of 2019 -- May 14, 2019,
8 at 9:04 PM.

9 Q. All right. By that point in time, can you tell us
10 whether or not she had been detained by members of the
11 Lexington County Sheriff's Department?

12 A. Yes.

13 Q. And when an individual is detained or actually
14 arrested on any charge, can you tell us whether or not
15 items that are personal property are collected pursuant to
16 an arrest, a lawful arrest?

17 A. Yes, items that would be on her person would be.

18 Q. All right. Now you mentioned a search warrant. Can
19 you tell us whether or not a search warrant was obtained
20 prior to the execution of this extraction?

21 A. Yes, it was.

22 Q. And the extraction itself, can you tell us whether or
23 not it confirmed specific information about the phone such
24 as make and model?

25 A. Yes, it does. It includes the model number, the

1 make, the MS -- MSISDN, which is the phone number that's
2 associated with it, the IMEI number, which is like a serial
3 number for it, and then also in this case for an Apple it's
4 an Apple ID that's associated with the phone.

5 Q. All right. And what, if anything, did the phone
6 extraction indicate about the model of phone?

7 A. So it says Model Number MNL -- 1L2.

8 Q. All right. And can you tell us whether or not the
9 extraction was able to confirm the model -- additional
10 model information as an iPhone 6S?

11 A. Yes.

12 Q. I'm gonna show you an item and ask you whether or not
13 you recognize it. State's 14.

14 A. Yes, I do. This is the logical phone extraction of
15 this actual cell phone and I have initialled that.

16 Q. It bears your initials?

17 A. Yes.

18 MS. MAYES: Your Honor, this is State's 14, being
19 the logical phone extraction for evidence to be published
20 at a later time.

21 MR. WILLIAMS: Subject to my prior objection.

22 THE COURT: All right. Subject to prior objection,
23 State's Exhibit 14 is admitted into evidence.

24 (State's Exhibit Number 14, a cell phone extraction,
25 was admitted into evidence.)