

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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

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)**

1 BY MS. MAYES:

2 Q. I want to have you take a look at State's 28 and tell
3 us what, if anything, we're looking at here.

4 A. This is the initial -- initial few pages of the
5 extraction report. The extraction report for this phone
6 was actually about 2,000 pages long and includes all the
7 data that's in this phone, but this initial is gonna be
8 just -- it's gonna tell you the summary, the source
9 extraction, the device information, what kind of contents
10 would be in it, including like the number of calendar
11 entries, chats, texts and that kind of thing. It's just a
12 -- just a general summary of the phone extraction.

13 Q. All right. And I'm gonna ask you to take a look at 27
14 and ask you whether or not you recognize the contents of
15 that report.

16 A. Yes, this is the same type of thing. This would be
17 the initial cover page and then we're looking at additional
18 pages of specific content from the -- from that extraction.

19 Q. All right.

20 MS. MAYES: I beg the Court's indulgence.

21 THE COURT: Okay.

22 BY MS. MAYES:

23 Q. Taking a look at State's 28, does this extraction
24 report reflect an accurate depiction of the phone
25 information and data as you recovered it in May of 2019?

1 A. Yes, ma'am.

2 MS. MAYES: State's 28 for evidence, Your Honor,
3 to be published at a later time.

4 THE COURT: State's 28?

5 MS. MAYES: 28.

6 MR. WILLIAMS: Your Honor, that is subject to
7 agreement by the solicitor's office and myself in
8 regards to which portions are being introduced, which
9 we can place on the record later.

10 THE COURT: All right. So State's 28 will be
11 admitted into evidence for publication at later time?

12 MR. WILLIAMS: Yes, sir.

13 THE COURT: All right.

14 (State's Exhibit Number 28, an extraction report,
15 was admitted into evidence.)

16 BY MS. MAYES:

17 Q. I'm gonna ask you to take a look at 27 and ask you
18 whether or not, without publishing the content, that
19 contains information coming into the phone and coming out
20 of the phone that you have identified as an iPhone 6S
21 belonging to Linda Monette?

22 A. Yes, it does.

23 Q. That includes text messages and phone calls?

24 A. Yes, it does.

25 Q. Coming in and going out?

1 A. Yes.

2 MS. MAYES: This would be State's 27, Your Honor,
3 to be offered as evidence and published through a later
4 witness pursuant to an agreement between the State and
5 the defense.

6 THE COURT: All right. State's Exhibit 27 is
7 admitted subject to previous discussions.

8 MR. WILLIAMS: Yes, Your Honor.

9 THE COURT: Thank you.

10 (State's Exhibit Number 27, phone content, was
11 admitted into evidence.)

12 BY MS. MAYES:

13 Q. Now, Detective Sherban, after you left the hospital
14 that night, the information you obtained regarding the
15 music video and other information, did you make that known
16 to other members of law enforcement?

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

18 Q. Including Lieutenant McCann seated here in the
19 courtroom?

20 A. Yes.

21 Q. Detective Hart also involved in the investigation of
22 this case?

23 A. Yes, ma'am.

24 Q. Captain Laintz also involved in the investigation of
25 this case?

1 A. Yes.

2 Q. During the full time that you met with the defendant,
3 Linda Monette, at Lexington Medical Center, did she ever
4 acknowledge knowing the identity of the intruder at
5 [REDACTED] Cedar Vale?

6 A. No, she did not.

7 Q. Did she ever acknowledge any relationship whatsoever
8 with Rey Romero?

9 A. No, ma'am.

10 Q. Did she ever indicate that she recognized the intruder
11 in any way?

12 A. No, other than lingo.

13 Q. Did she ever acknowledge any direct affiliation with
14 a gang member?

15 A. No.

16 MS. MAYES: Nothing further.

17 THE COURT: Ladies and gentlemen, we're gonna take
18 a short break. Please refresh yourselves. We've been
19 going close to two hours now. So please head back to
20 your jury rooms. Please don't discuss the case and I'll
21 get you up here as soon as possible.

22 Thanks.

23 (Whereupon, the jury retires to the jury room at
24 3:42 PM.)

25 THE COURT: All right, folks. Let's quickly refresh

1 we left off beginning with cross-examination.

2 MR. WILLIAMS: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Good afternoon. How are you -- I'm not gonna ask how
7 you're doing. I know you've got a headache, but it will be
8 better soon.

9 A. Yes, I'm good.

10 Q. I'll be brief. One of the things I wanted to ask you,
11 you know, we were talking about -- let me get over here. I
12 don't want to get too close. We were talking about this
13 music video, and there's been a lot done with that. We've
14 got some pictures over here of various people who were in
15 the music video?

16 A. Yes, sir.

17 Q. And I think you put a little excerpt in about the
18 music video, correct?

19 A. Yes.

20 Q. When was the music video shot?

21 A. Oh, the date for the music video --

22 Q. Yes.

23 A. -- had been -- she was saying it was the summer prior,
24 so probably eight months ago. Eight months before that.

25 Q. So if we're working -- if we're operating underneath

1 the line that this thing occurred in May of 2019 --

2 A. Uh-huh.

3 Q. -- then when would the music video had been shot?

4 A. She was saying somewhere around July or August of
5 2018.

6 Q. Okay. And if you -- are you capable of seeing when it
7 was downloaded, you know, when was it -- when was it put on
8 YouTube or anything like that? I assume it would have a
9 date on it, right?

10 A. Yes, YouTube would show a date, and I don't know the
11 date off the top of my head.

12 Q. Does it show when you -- when you hit the access to
13 YouTube, it doesn't show when it was published or anything
14 like that?

15 A. YouTube usually shows published date underneath the
16 video.

17 Q. So it was -- you had access to that?

18 A. I did.

19 Q. And, in any event, we know at least months before it's
20 2018, right?

21 A. I'm assuming that based on what she -- I did not
22 document that.

23 Q. Well, one of the things you were concerned about --
24 well, two things you were concerned about, correct me if
25 I'm wrong, you were concerned about the music video and

1 its location as being at the -- at the location of where a
2 crime had occurred, correct?

3 A. Yes.

4 Q. And you were concerned about the individuals who had
5 showed up at that location?

6 A. Yes.

7 Q. And you were concerned about my client's knowledge as
8 to the names of those individuals?

9 A. Yes.

10 Q. And when you did this, you learned that one of the
11 persons who was present at the video was the owner of the
12 house, which was Austin, right?

13 A. Yes.

14 Q. So one of the alleged victims in this crime was
15 present with all these people who were there, so possibly
16 knew those individuals who were present, right?

17 A. Yes.

18 Q. And did you send somebody to talk to him about the
19 names of the people who he invited to his house?

20 A. I did not that night. He was in surgery that night,
21 so I -- I couldn't say what was happening afterward, but
22 not that night.

23 Q. But clearly it was Austin's house and he was the host
24 and those people who came to the house were his invitees
25 and since he was present he would have had the knowledge of

1 what was going on at his house and who they were, correct?

2 A. You can assume that, yes.

3 Q. Okay. Now what you're saying is you -- you had no
4 communication with Austin about this?

5 A. I have not spoken with him at all in this case.

6 Q. All right. I think you indicated that you thought my
7 client was, what, hesitant, a little embarrassed about this
8 thing?

9 A. Yeah, when she started talking about the music
10 video, her whole -- her demeanor just changed a little
11 bit, she was kind of talking a little bit differently with
12 it, sounded embarrassed, didn't want to talk about the
13 video.

14 Q. Could it -- could it have anything to do about the --
15 the appearance of those individuals at the pool and their
16 current stage of clothing or lack of clothing or anything
17 like that, the music, the people who were around?

18 A. I don't know.

19 Q. Did you ask her?

20 A. I did not.

21 Q. So you just drew that conclusion, but you didn't ask
22 her, well, you know, are these people you're afraid of,
23 these people where you were in a video, you thought it was
24 bad or --

25 A. I'm not sure how to answer that because of the State

1 v. Washington. I -- I did note there was kind of an
2 implied thing from that.

3 Q. All right. So let me ask you this. Let's go back to
4 the -- to one of the other items that you went through, and
5 I know you hate seeing this chart, but can I get you to
6 step down a second?

7 A. (Witness complies.)

8 Q. And if you'll get on this side so that the court
9 reporter can hear exactly what you're saying, is this a
10 fairly accurate mockup of the inside of the house -- inside
11 of Austin's house as you observed it?

12 A. Yes.

13 Q. And I believe you indicated that this red -- red
14 marks the spot would be the doorway which the intruder came
15 through; is that correct?

16 A. Yes. The driveway is on that side of the house and
17 that's what -- that's where I have known it to be.

18 Q. All right. I note that there is a sofa which has been
19 marked here as being the location of where the child was.
20 His feet were going that way, head going that way; is that
21 correct?

22 A. Yes.

23 Q. And when you looked inside the house, there's more
24 than just one sofa, which is located inside the living
25 room, isn't there?

1 A. Yes, there's other furniture in there.

2 Q. Right. Would there possibly be a sofa on this wall
3 right here?

4 A. I don't recall.

5 Q. Do you recall if there is a La-Z-Boy -- maybe not a
6 La-Z-Boy, but some sort of large chair sitting here and
7 sitting here that would extend out?

8 A. I don't recall the other furniture that was in there.

9 Q. Well, part of the reason I'm asking you is there was
10 some question about visibility and how the shots might have
11 gone and hallways and stuff like that. Do you remember all
12 those questions?

13 A. Yes, sir.

14 Q. Well, clearly all of the other furniture that is in
15 the living room would impact that in regards to what you
16 could see, how you would shoot, things like that, wouldn't
17 it?

18 A. Yes.

19 Q. But you don't recall whether or not there was
20 furniture here, furniture here, furniture here or anything
21 like that, but you know there was some?

22 A. Uh-huh. Yes.

23 Q. And we call it a living room, but in actuality this
24 living room is more like a -- kind of like a den, isn't it?
25 Meaning, isn't there some panelling and stuff like that on

1 the inside of this living room? It's like a living area,
2 if you will. Do you recall?

3 A. I'm not sure I'm following the question. I mean,
4 everybody calls them different things.

5 Q. I got you.

6 A. I mean, it was a room that people would gather in and
7 hang out in in the house.

8 Q. Okay. I got you. So it's not like formal living
9 room --

10 A. No.

11 Q. -- where you've got crown moulding and you've got
12 chair rails and stuff like that, right?

13 A. That's correct.

14 Q. So did you do anything in regard to -- CSI people did
15 all the stuff inside the house, right?

16 A. That's correct.

17 Q. They -- they made locations of all the ammunition and
18 picked it up and compared it to whatever they compared it
19 with and they checked for blood, checked gunshot residue on
20 everybody and stuff in there, right?

21 A. Yes.

22 Q. Checked everything for DNA, if there was DNA, checked
23 everything for fingerprints, if there were fingerprints?

24 A. I believe so, yes.

25 Q. You live in that neighborhood?

1 A. Yes.

2 Q. How close to this house do you live?

3 A. About a hundred yards.

4 Q. Without giving -- giving up your secret location, I
5 feel like a rocket commercial, without giving up that
6 secret location, in which direction and on what type of
7 road would it be on?

8 A. It's not on this road, but it would be in this
9 direction from the house through some trees and past a
10 couple of houses.

11 Q. All right. You know that there is a road in which the
12 first responder got there on, right, and it was --

13 A. Probably Wood Road.

14 Q. Right. And that's because it's a straight shot from
15 Jessamine, right?

16 A. It is.

17 Q. To get into your subdivision from this house or for
18 someone to leave that location, what is the quickest way to
19 leave?

20 A. From this house would be Wood Road.

21 Q. Right. So you would go out the same road that the
22 first responder was coming in? That would be the quickest
23 way out?

24 A. Yes.

25 Q. And at the end of that road there is a 7-Eleven or

1 some sort of -- maybe it's not a 7-Eleven, it's some sort
2 of convenience store along that road?

3 A. Not at the end of Wood Road. It's down at the end of
4 Jessamine.

5 Q. This way?

6 A. No, it would be this way.

7 Q. That way?

8 A. Yeah. Looking -- it's kind of weird looking at this,
9 so it would be south.

10 Q. I got you. Do you -- do you have the ability, and you
11 may not know this, it may be somebody else that would have
12 to testify to this, do you know the way in which the other
13 law enforcement personnel came to this scene, whether it
14 was down this one particular road, Woodbine or whatever
15 it's called, or some other way? Do you know how they came
16 in there?

17 A. I don't know how they came in.

18 Q. But clearly the first responder would have gone --
19 would have been coming down the same road that would have
20 been the best way for whoever this individual was who did
21 all this to leave?

22 A. It could be assumed. I don't know which way they came
23 in at all.

24 Q. Okay. Thank you, sir.

25 A. Yes.

1 Q. Did you say your wife woke you up because she saw all
2 the lights going on?

3 A. Yes, sir.

4 Q. And when you went down there, did you have your --
5 you're plainclothes, right?

6 A. Yes, sir.

7 Q. So you would not have one of those handy-dandy cameras
8 that uniforms carries, right?

9 A. No, I did not.

10 Q. And that's why when you record things you record it on
11 your cell phone versus using the handy-dandy camera that
12 goes on the uniforms?

13 A. Yes.

14 MR. WILLIAMS: Your Honor, that's all the questions
15 I have.

16 THE COURT: Thank you.

17 Redirect.

18 MS. MAYES: Yes, sir, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. Detective, based on your knowledge of this
22 investigation, did any first responder, including first
23 responders with dash cams and body cams, ever capture a
24 getaway car?

25 A. No.

1 Q. Did any first responders, including first responders
2 with a dash cam or body cam, ever capture anyone fleeing
3 the scene on foot?

4 A. No, they did not.

5 Q. Now, Detective, in response to some of the questions
6 you just got on cross-examination, I would like you to
7 relate to us from your own observations how open was the
8 defendant regarding the discussion of gang affiliation?

9 A. Not open at all, didn't want to talk about gang
10 affiliations and actually tried to -- seemed to stay as far
11 away from them as possible.

12 MS. MAYES: Thank you.

13 THE COURT: Recross.

14 MR. WILLIAMS: No recross.

15 THE COURT: All right. The witness may step down.

16 Thank you.

17 (Witness excused.)

18 MS. McMENAMIN: Your Honor, the State calls
19 Brannon Marthers to the stand.

20 THE CLERK: Place your left hand on the Bible and
21 raise your right.

22 (Whereupon, Brannon Marthers was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: Once you have a seat, you can take your
25 mask off. State your full name and spell your last name

1 for the record.

2 THE WITNESS: Brannon Marthers, M-A-R-T-H-E-R-S.

3 BRANNON MARTHERS,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. McMENAMIN:

7 Q. Detective Marthers, where are you currently employed?

8 A. With the Lexington County Sheriff's Department.

9 Q. And how long have you been employed there?

10 A. Since August of 2008.

11 Q. And how long have you been in law enforcement?

12 A. August of 2008.

13 Q. And your current position there is as a detective,
14 correct, or investigator?

15 A. Criminal intelligence analyst, detective. It's kind
16 of a multi role function.

17 Q. It includes some investigation, right?

18 A. Yes, ma'am.

19 Q. Now tell me, Detective Marthers, how did you become
20 involved in the investigation of this case?

21 A. On the morning of May 14, 2019, Sergeant Anderson
22 contacted me and requested I respond to assist.

23 Q. Okay. Respond to assist where?

24 A. [REDACTED] Cedar Vale Drive, which is in the Lexington area
25 of Lexington county.

1 Q. Okay. And were you advised of the general nature of
2 what had occurred?

3 A. I knew there had been a home invasion of some sort
4 with a homicide.

5 Q. And when you arrived at the scene, what were you asked
6 to do from there?

7 A. Initially I met with Detective Sherban to get a brief
8 synopsis of what transpired since I still didn't have any
9 information. Shortly after speaking with him, Sergeant
10 Anderson arrived and then asked me to respond to Prisma
11 Health Richland Hospital to obtain some property that had
12 been left there by Austin Hanahan, the victim.

13 Q. And did you do that?

14 A. Yes, ma'am. We coordinated with Richland County
15 Sheriff's Department to obtain a search warrant to obtain
16 that property since he was not in a state of consciousness.

17 Q. Okay. And how did you go about obtaining that
18 property?

19 A. Detective Nick Burt spoke with another detective at
20 Richland County, Detective Wintzel, and he coordinated
21 the drafting of the search warrant and I met with that
22 detective at the hospital.

23 Q. At Prisma Health Richland?

24 A. Yes.

25 Q. And when you met with him, what items were you able to

1 obtain?

2 A. The property that we obtained was a South Carolina
3 driver's license, a debit card, two gold necklaces, a gold
4 bracelet, an Apple iPhone with multicolored case, and
5 \$1,864 in cash.

6 Q. And these were Austin Hanahan's belongings?

7 A. That's what they were identified as.

8 Q. His cell phone?

9 A. Yes, ma'am.

10 Q. And was there a description of that phone that you
11 could provide?

12 A. The description I had was an Apple iPhone with a
13 multicolored case.

14 Q. Thank you. And what was done with these items to
15 secure them?

16 A. As soon as I obtained them in my possession, I took
17 them immediately to the evidence room at the sheriff's
18 department and I had Nick Burt come and verify the amount
19 of money that was transferred from the hospital to myself,
20 which was verified, and then I submitted them to evidence
21 for storage.

22 Q. So were these items packaged or placed in a container?

23 A. In the evidence room they would have been.

24 Q. Okay. What type of container?

25 A. Without reviewing the actual evidence, I have no

1 idea.

2 Q. Yes, of course, Detective Marthers. And you
3 transferred them into evidence at the Lexington County
4 Sheriff's Department?

5 A. Yes, ma'am.

6 Q. Directly from leaving the hospital?

7 A. Yes, ma'am.

8 Q. One moment.

9 MS. McMENAMIN: Permission to approach, Your Honor?

10 THE COURT: Yes, ma'am.

11 BY MS. McMENAMIN:

12 Q. Detective Marthers, I'm now handing you what has been
13 marked as State's 54 for identification. Can you identify
14 this item?

15 A. May I?

16 Q. Yes.

17 A. This is the cell phone that was recovered from the
18 property of Austin Hanahan.

19 Q. Okay. How do you know that?

20 A. That case stuck out as being in a male's property it
21 kind of -- it looked different. Not what I was expecting.

22 Q. Okay. Anything else identifying?

23 A. That was the main thing for me.

24 Q. Okay.

25 A. Otherwise, it looks like a standard phone, but I

1 specifically remember that case.

2 Q. Okay. So this is the phone that you retrieved
3 belonging to Austin Hanahan?

4 A. Yes, ma'am. It's -- I'm sorry, flip it over one more
5 time. That's my initials where it was sealed.

6 Q. Perfect. And on what date?

7 A. The 14th of May, 2019.

8 MS. McMENAMIN: At this time, Your Honor, the
9 State offers Exhibit 54, Austin Hanahan's cell phone,
10 into evidence.

11 MR. WILLIAMS: Without objection, Your Honor.

12 THE COURT: All right. State's Exhibit 54 is
13 admitted into evidence.

14 (State's Exhibit Number 54, a cell phone, was
15 admitted into evidence.)

16 BY MS. McMENAMIN:

17 Q. Detective Marthers, after retrieving that cell phone
18 belonging to Austin, what did you do next?

19 A. Once it was turned into evidence, Detective Smith and
20 I were instructed by Sergeant McCann to return to the
21 hospital and interview Ms. Monette since we learned that
22 she was there in the waiting room where Mr. Hanahan was.

23 Q. And why would you go to speak with the defendant,
24 Linda Monette?

25 A. At that time she was a witness, potentially even a

1 victim in this case. We were trying to get some more
2 information to further the investigation.

3 Q. And at this time did you have any update on Austin's
4 condition, the other witness or victim in this instance?

5 A. We did go there to check on him, but he appeared to be
6 either be asleep or sedated or intubated with a tube in his
7 throat, so trying to speak to him we didn't even go down
8 that road.

9 Q. You couldn't get any information from him then,
10 correct?

11 A. With his condition we wouldn't have wanted to try.

12 Q. Okay. And so where did you say you met with the
13 defendant?

14 A. She was in the waiting room area of that floor of the
15 hospital.

16 Q. Prisma Health?

17 A. Yes, ma'am.

18 Q. And at this time you said she was a witness; is that
19 correct?

20 A. Witness, potential victim in the case, yes, ma'am.

21 Q. Okay. So when you met with her, she was free to
22 leave, terminate the conversation at any time?

23 A. Absolutely.

24 Q. And you said you met with her in a private room?

25 A. It was in the lobby. The hospital had construction

1 going on, so options as far as where we could sit were very
2 limited.

3 Q. All right. And was anyone else present for this
4 conversation that you had with her?

5 A. Detective Smith was with me and we also -- I believe
6 it was a cousin of Austin's is the way it was described, a
7 James Baughman.

8 Q. Okay. And did you document this interview in any way?

9 A. Yes, ma'am.

10 Q. How did you document the interview?

11 A. A standard supplemental report.

12 Q. Were there any recordings of this video -- I mean,
13 this -- were there any recordings of this conversation?

14 A. Yes, ma'am. It was also recorded audio.

15 Q. Okay. And the quality of that audio, how good was it?

16 A. The construction would give you a headache. That and
17 the movement, just natural changes in posture, there's a
18 noticeable struggle listening and not being irritated.

19 Q. Got you. But you did document this with a
20 supplemental report?

21 A. Yes, ma'am.

22 Q. Okay. And could you just tell us, referring to that
23 report, how did the interview begin?

24 A. Initially whenever Detective Smith started speaking
25 with her, she addressed that she had some concerns about

1 the press release and we explained to her typically why
2 we do the things that we do as far as the amount of
3 information that's disseminated out during an investigation
4 and the interview continued on.

5 Q. And do you recall about what time you met with her by
6 chance?

7 A. The afternoon is all I can tell you. The sun was
8 still up.

9 Q. Okay. And so it's still early on in this
10 investigation?

11 A. Yes, ma'am.

12 Q. Did the defendant ask for any belongings or anything
13 during this interview?

14 A. She did inquire how she could get some of her personal
15 property from the residence.

16 Q. Do you remember what property she asked for
17 specifically?

18 A. I believe she mentioned keys and something else.

19 Q. Okay. And was the defendant, whenever you spoke
20 with her, did she have any knowledge of or any ability to
21 identify the masked intruder?

22 A. She gave me descriptions, but as far as actual
23 physical, I know it to be this specific person, no, ma'am.

24 Q. Okay. What description did she give?

25 A. As far as the person's knowledge in the layout of the

1 house, she didn't believe him to have been there before.
2 She recognized that he was wearing a mask on his face that
3 she described as being associated with like a Gangster
4 Disciples really kind of item and she also noticed that he
5 was wearing a -- some kind of shirt with a hood on it,
6 maybe a hoodie sweatshirt, I'm not sure, but the hood sat
7 flat to his head so she didn't think that he had very long
8 hair, and also a darker complexion.

9 Q. Okay. Did she say if she recognized his voice at all?

10 A. She recognized the dialect, not the voice.

11 Q. And did she make any other statements regarding the
12 identity of the masked intruder or possible people that it
13 might be?

14 A. She mentioned some names of subjects that it could
15 possibly be, but she wasn't certain it was.

16 Q. Did she hesitate in any way about providing additional
17 names or show any concerns about providing additional
18 names?

19 A. She didn't appear to.

20 Q. Okay. Now back to the incident. What did she
21 describe happening that evening in regards to the burglary
22 or the home invasion.

23 A. As far as when we asked her how it unfolded, she
24 recalled Austin and her got up a few times to get snacks
25 from the kitchen and then go back to the bedroom. At one

1 point she got up to go to the kitchen, she noticed the dog
2 was barking weird that was outside in the backyard, and
3 about twenty minutes later when she was leaving the kitchen
4 area the subject made entry into the residence and that's
5 whenever the altercation went to like the washing machine
6 area, I guess the laundry room. I'm not familiar with the
7 layout of the house. From there she recalled that he asked
8 her where -- something to the effect of where her man was
9 or something like that and the altercation transpired --
10 or continued on, and at that point was when we learned of
11 different names that -- suspects or potential involved
12 parties could have been.

13 Q. Did she describe anything that she might have done to
14 fight back with this intruder?

15 A. She did mention that she scratched the subject while
16 they were in the washing machine area to the point where
17 it either broke off -- a nail broke off or fell off.

18 Q. And where was Austin? Did she describe where he was
19 when this was happening?

20 A. I believe he was in the bedroom still, but I'm not
21 positive.

22 Q. Okay. And did she describe Austin coming out of the
23 bedroom at any point?

24 A. I know at one point he came down a hallway.

25 Q. And did she say what he did?

1 A. He had a gun in his hand and gunfire exchanged. I
2 don't remember if she necessarily said he fired first or
3 they fired first. I'd have to look. I take that back.
4 She did describe that she believes Austin fired first
5 because it caught the suspect off guard and he was
6 stumbling around because he dropped the firearm.

7 Q. And then what did the subject do?

8 A. I don't have that information other than maybe picked
9 the gun up and went running out.

10 Q. Got you.

11 MS. McMENAMIN: I beg the Court's indulgence.

12 BY MS. McMENAMIN:

13 Q. Detective Marthers, you said this interview occurred
14 on May 14th?

15 A. Yes, ma'am.

16 Q. In the afternoon?

17 A. Yes, ma'am.

18 Q. And was this after the interview with Detective
19 Sherban?

20 A. Yes, ma'am.

21 Q. Because you said you'd spoken to Detective Sherban
22 prior to this?

23 A. Yes, ma'am.

24 Q. Okay. And did she describe what was over the
25 individual's face that came in? What was the specific

1 wording she used?

2 A. She recognized a bandana over the subject's face that
3 was described to be a Gangster Disciple-related item.

4 Q. So a GD bandana?

5 A. That's the initials for it. Yes, ma'am.

6 Q. And she said she was in the kitchen when this
7 occurred?

8 A. In that area getting -- she was leaving the kitchen
9 area as the door opened.

10 Q. Okay. Now did she provide any names of possible
11 people that may have been in the home that evening?

12 A. As far as in the home that evening or that may have --

13 Q. As the intruder. I apologize.

14 A. Yes, ma'am. She did give several names and nicknames.

15 Q. Can you tell me who she named first or one of the
16 names?

17 A. One of the names was Shaq, Jeremy Williams, which
18 also goes by Busta, if I'm not mistaken.

19 Q. You said he goes by Busta?

20 A. B-U-S-T-A is what I have documented.

21 Q. Who else did she name?

22 A. The Tre B.

23 Q. Okay.

24 A. T.K.

25 Q. T.K.?

- 1 A. Initials is what I have.
- 2 Q. Okay.
- 3 A. Los-key or Lo-skey, L-O-S-K-E-Y.
- 4 Q. L-O-S --
- 5 A. K-E-Y.
- 6 Q. Okay.
- 7 A. Tyshawn.
- 8 Q. Okay.
- 9 A. Rez.
- 10 Q. Anyone else?
- 11 A. 9-0. Like 9 dash 0.
- 12 Q. Okay.
- 13 A. And Christopher Fuller.
- 14 Q. So just to clarify, she named Shaq, Jeremy, Tre, T.K.,
- 15 Loskey, Tyshawn, Rez, 9-0, and Christopher Fuller?
- 16 A. Yes, ma'am.
- 17 Q. As possible people who could have come into the home
- 18 that evening?
- 19 A. Either come into the home or been involved in the act.
- 20 Q. Okay. Did she ever mention a man, Rey Romero?
- 21 A. No, ma'am, she did not.
- 22 Q. And in providing these names, did she provide you with
- 23 any other information or way to potentially identify the
- 24 individual that came into the home?
- 25 A. After she gave us the name, she flipped through

1 Facebook and was showing us images of essentially what
2 people looked like to kind of explain the description she
3 was giving and then she did show me one photograph
4 specifically where she pointed the subject out that was
5 kind of in the background of a photo and dark-skinned and
6 said that the suspect that came in looked like him.

7 Q. Okay. Did she provide a name for that individual?

8 A. No, ma'am.

9 Q. And this photo, you said she provided it from
10 Facebook?

11 A. She had her phone and she was flipping through and
12 found an image and showed me and I pulled it up on my phone
13 as well so I could provide it to the other detectives.

14 Q. So that afternoon, May 14th, she had her phone and she
15 provided you this photo willingly. Did you ask for the
16 photo?

17 A. No, ma'am.

18 Q. Did you make that photo available to other members of
19 law enforcement?

20 A. Yes, ma'am. Once she pulled it up, I did the same on
21 my phone and then provided it to Sergeant Anderson and
22 Detective Hart once I got back to headquarters.

23 Q. Okay.

24 MS. McMENAMIN: Permission to approach the witness,
25 Your Honor?

1 THE COURT: Very well.

2 BY MS. McMENAMIN:

3 Q. I'm now showing you what has been marked as State's
4 Exhibit Number 50. Do you recognize this?

5 A. Yes, ma'am. That's the photograph that was shown.

6 Q. To you by the defendant?

7 A. Yes, ma'am.

8 MS. McMENAMIN: The State offers Exhibit 50 into
9 evidence.

10 MR. WILLIAMS: Without objection, Your Honor.

11 THE COURT: State's Exhibit 50 is admitted into
12 evidence.

13 (State's Exhibit Number 50, a photograph, was
14 admitted into evidence.)

15 MS. McMENAMIN: Permission to publish to the jury?

16 THE COURT: Yes, ma'am.

17 MS. McMENAMIN: Permission to approach the witness?

18 THE COURT: Yes, ma'am.

19 BY MS. McMENAMIN:

20 Q. Detective Marthers, I'm gonna hand you a laser
21 pointer. Could you point out the individual the defendant
22 identified but did not name.

23 Just a moment.

24 Okay. With the laser pointer, can you identify?

25 A. It was this gentlemen right here in the black shirt

1 just to the right of the gentleman in the blue jersey.

2 Q. Okay. To the right of the man in the blue Kansas
3 jersey?

4 A. Yes, ma'am.

5 Q. And he's wearing all black?

6 A. The shirt has some kind of image on it, but it's a
7 black shirt.

8 Q. And she said that man looked like he could be who came
9 into the home?

10 A. Yes, ma'am.

11 Q. And did she identify anyone by the name of Rey Romero
12 in this photograph?

13 A. No, ma'am.

14 Q. And the individual that she pointed to, were you able
15 through investigation by the sheriff's department able to
16 determine the ID of that individual?

17 A. Later on other detectives were able to establish that
18 was Tamare Howell.

19 Q. And to your knowledge do you know whether or not he is
20 a member of the Gangster Disciples?

21 A. I do not know that personally.

22 Q. Okay. The names that she gave, that list that we
23 have, did the defendant explain how she knows these
24 individuals?

25 A. She did mention that in the summer of 2018 there was

1 a video that was recorded at the property. They used it
2 because essentially the backyard had the best backdrop or
3 whatever that they wanted and a bunch of people were
4 involved in that video and ultimately it was uploaded to
5 YouTube.

6 Q. Okay. Did she know any of them through any other
7 means like prior to this video?

8 A. Some of them were friends of Austin, so maybe through
9 contact with them, but as far as that I'm not positive.

10 Q. Did she go to school with any of these individuals?

11 A. I did not ask that.

12 Q. Okay. And did she acknowledge that any of these
13 individuals were gang members?

14 A. To my knowledge, I don't recall that at all.

15 Q. Okay. But she mentioned the music video?

16 A. Yes, ma'am.

17 Q. Said some of the same individuals were in the video
18 that are in this photo?

19 A. I'm not a hundred percent positive on that, but she
20 referred the video to -- referred to suspects in the video
21 as being people that would have known the way out of the
22 house or had been there to possibly be involved as well.

23 Q. And during this interview she never mentioned the name
24 Rey Romero?

25 A. No, ma'am.

1 Ms. McMENAMIN: A moment to confer?

2 Nothing further from this witness at this time.

3 THE COURT: Cross-examination.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. So I want -- I want to make sure I understand how this
7 went down. She -- you asked her the name of anybody that
8 she could think of that might have been involved with this
9 home invasion?

10 A. Essentially who -- who could she think of that could
11 potentially be involved.

12 Q. And she gave you a litany of names, didn't she?

13 A. It's a fair amount.

14 Q. She said Shaq, Jeremy Williams, who's known as Busta,
15 Tre B, T.K., Loskey, Tyshawn, Rez, 9-0, Christopher Fuller,
16 and those are -- did say if these were like the crowd that
17 was out there for the music video that was done at Austin's
18 house?

19 A. That was just a photo she found on Facebook and
20 referenced that that individual looked similar to who came
21 in the residence.

22 Q. Are the individuals I just read to you, are those the
23 individuals who were doing the music video at Austin's
24 house?

25 A. I don't know.

1 Q. But she gave you a list of those names?

2 A. Yes, sir.

3 Q. And she just happened to find on her Facebook -- was
4 it her Facebook or Austin's?

5 A. I didn't document that, so I couldn't say for sure.

6 Q. So it could have been Austin's Facebook?

7 A. Potentially.

8 Q. Because she also mentioned these were Austin's
9 friends, correct?

10 A. Yes, sir.

11 Q. And she pointed to the skinny black dude holding up
12 his hands with -- with the T's and the -- and black on,
13 right?

14 A. I can't make out his physical description, but it's
15 this gentleman right here with the black shirt just to the
16 right of the gentleman with the jersey.

17 Q. Well, that's the only skinny tall guy that's in the
18 picture, right?

19 A. I can't tell if he's heavy or tall. He's kind of in
20 the back.

21 Q. Okay. And that's one that was subsequently named as
22 Tamare Howell, right?

23 A. Yes, sir.

24 Q. And some of these people here were friends with
25 Austin, some of them -- you said nobody said that they went

1 to school with her though, right?

2 A. We didn't ask that and as far as if they were all
3 friends or some friends, I don't have an answer to that
4 either.

5 Q. I got you. Chris Fuller. Do you know if Chris Fuller
6 is white or black?

7 A. He's -- the one that I'm familiar with is a white
8 male.

9 Q. They call him Frontline, don't they?

10 A. That's the one that I know.

11 Q. So he didn't look like any of these guys?

12 A. No, sir.

13 Q. But these are just names of people that may or may
14 not -- that maybe knew Austin, had been to the house or
15 would have some knowledge of the house; isn't that correct?

16 A. That's the interpretation that I took on it, yes, sir.

17 Q. So the question revolved around people who would
18 have knowledge about the house that she thought might be
19 important in regards to the home invasion, not that they
20 had any other relationship other than the fact that they'd
21 been to the house and knew something about the house?

22 A. Correct.

23 Q. Okay. And if Christopher Fuller had been to the
24 house, then he would fit into that category even though he
25 wasn't black?

1 A. Correct.

2 Q. And one other question. The phone. You said you
3 didn't think it was something that Austin would have. Why
4 is that?

5 A. If you look at the case that it's in, the back of it,
6 me personally I would expect to see that on a female's
7 phone just by the color of it.

8 Q. What's the color of it?

9 A. It was brown, red, gold, green. It just -- it looked
10 very flashy, not something that you would expect to be on a
11 male's phone to me.

12 Q. You don't question that it's not Austin's phone
13 though, do you?

14 A. No, sir. I mean, it could be a purple phone and it
15 could be his. I just noticed and that stuck out to me.

16 MR. WILLIAMS: That's all the questions I have,
17 Your Honor.

18 THE COURT: Redirect.

19 MS. McMENAMIN: Briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. McMENAMIN:

22 Q. Detective Marthers, when the defendant pointed to
23 Tamare Howell, the individual in this photo that she
24 provided to you, she said he fit the description of the
25 intruder; is that right?

1 A. Yes, ma'am.

2 Q. Not just that he was someone who had probably been to
3 the house before?

4 A. Correct. She said he looked like the person who did
5 it.

6 MS. McMENAMIN: Nothing further, Your Honor.

7 MR. WILLIAMS: No questions on recross, Your Honor.

8 THE COURT: All right. The witness may step down.

9 (Witness excused.)

10 MS. McMENAMIN: Your Honor, the state calls James
11 Baughman to the stand.

12 (Whereupon, James Baughman was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: Once you have a seat, take your mask
15 off. State your name and spell your last for the record.

16 THE WITNESS: My name's James Baughman,
17 B-A-U-G-H-M-A-N.

18 JAMES BAUGHMAN,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. McMENAMIN:

22 Q. Good afternoon, Mr. Baughman. Can you tell me how you
23 know Austin Hanahan?

24 A. He's my first cousin.

25 Q. Okay. And during May of 2019, where did you live?

1 A. I was living with Austin at the time.

2 MS. McMENAMIN: Permission to approach, Your Honor?

3 THE COURT: The --

4 MS. McMENAMIN: The witness. Yes. Sorry I caught
5 you off guard.

6 If you can pull that down a little and closer to you
7 so we can hear you.

8 BY MS. McMENAMIN:

9 Q. Where did you say you were living?

10 A. I was living with Austin at that time.

11 Q. Okay. I can hear you now. And about how long had you
12 been living there?

13 A. About six or seven months.

14 Q. Okay. And specifically where did you generally stay
15 or sleep while living there?

16 A. I slept in a pool house in the back. It was like a
17 small apartment.

18 Q. Got you. But you did have access to the house?

19 A. Yeah, I had a house key.

20 Q. And in the time that you were staying there with
21 Austin, did you ever get to know the defendant, Linda
22 Monette?

23 A. Yes.

24 Q. Okay. And what is your understanding of her
25 relationship with Austin at the time in May of 2019?

1 A. Somewhat of a boyfriend/girlfriend situation.

2 Q. Maybe on again, off again; is that fair?

3 A. Yes.

4 MR. WILLIAMS: Objection to leading.

5 THE COURT: You -- overruled.

6 MS. McMENAMIN: Thank you, Your Honor.

7 BY MS. McMENAMIN:

8 Q. On again, off again? Fair?

9 A. Yes.

10 Q. Now specifically let's go back to your time living
11 there. In living with Austin, did that give you any idea
12 of his schedule in which he would normally have Mason?

13 A. Oh, yeah. The kids only came on the weekends.

14 Q. Okay. But do you recall Mason being there on May 13,
15 2019?

16 A. Yes.

17 Q. And was that a weekend or a weekday?

18 A. No, that was a Monday, I believe.

19 Q. And were any other individuals at Austin's home that
20 evening in addition to you, Austin and Mason?

21 A. Linda.

22 Q. Okay. And can you tell us what y'all were doing that
23 -- was it in the evening?

24 A. Yeah.

25 Q. What were y'all doing?

1 A. We was really just hanging out. No big plans or
2 anything. Austin was getting up early in the morning.
3 Just standing around in the kitchen smoking a little bit
4 of weed.

5 Q. And where was Linda?

6 A. She was in the living room on the couch with Mason.

7 Q. Okay. And what was she doing?

8 A. She was on her phone.

9 Q. Okay. Was she engaging with you and Austin at all?

10 A. No, not at all.

11 Q. Was that normal behavior for Linda?

12 A. Not at all.

13 Q. Okay. What would have been normal?

14 A. She was usually right up in the midst with a lot to
15 say, you know, always involved in the conversation, what we
16 had going on.

17 Q. But on this night she was quiet?

18 A. Yeah, she was distracted.

19 Q. Okay. Distracted how? What was she doing?

20 A. She was just on her phone.

21 Q. Now were there any pets in this home, Mr. Baughman?

22 A. Yeah, Austin had two dogs.

23 Q. Okay. Can you tell me little more about the dogs?

24 Were they inside or outside dogs?

25 A. They was inside dogs. Only go outside to use the

1 bathroom.

2 Q. Would they stay out very long normally?

3 A. No.

4 Q. So they'd go out and come right back in?

5 A. Yeah.

6 Q. Spoiled dogs maybe?

7 A. Oh, yeah. Scratching on the door.

8 Q. Okay. And this evening when you were hanging out at
9 Austin's, did you end up staying the night there or did you
10 stay somewhere else?

11 A. No, I ended up leaving that night. I went back home
12 where me and my wife and my kids share a home.

13 Q. Okay. And when you left, who all was at Austin's
14 home?

15 A. Austin, Mason and Linda.

16 Q. Okay. And where was Mason?

17 A. He was sleeping on the coach.

18 Q. He was already asleep?

19 A. Yeah, he fell asleep right before I left.

20 Q. Okay. Now what did do the next morning on May 14th?

21 A. I got up, went to work. I was supposed to be going to
22 Charleston as usual.

23 Q. Okay.

24 A. I started going to Charleston and I started receiving
25 some weird text messages from my grandmother.

1 Q. Okay. And is this the point where you learned what
2 had happened to Austin and Mason?

3 A. Yes.

4 Q. Okay. What did you do upon receiving that information
5 about the two of them?

6 A. Actually I called my wife and I told her to go to the
7 hospital and just keep an eye on Linda and Austin and
8 everything.

9 Q. Okay. And why is that?

10 A. I don't know. It just seemed really strange that
11 somebody would come in there and do all that. Austin
12 didn't have that type of people around him really.

13 Q. Okay. And when you got to the hospital, who did you
14 make contact with?

15 A. Linda and my wife were sitting in the hallway.

16 Q. Okay. Did Linda say anything to you when you got
17 there?

18 A. I'm not sure. I believe I started asking her
19 questions first.

20 Q. And how did she respond?

21 A. She was crying and shake -- shaken up. She responded
22 answering all the questions that I asked her.

23 Q. Okay. Did she tell you what had happened or she was
24 there when this happened?

25 A. Yeah, she told me that her and Austin were standing

1 in the kitchen having some snacks and the door was kicked
2 in. Austin ran one way and she ran the other.

3 Q. Do you remember what direction she said Austin ran?

4 A. She said Austin ran through the dining room toward the
5 back bedrooms.

6 Q. Okay. So if this would be the front door to the home,
7 would it be safe to say that she ran -- that Austin ran
8 through this way through the dining room?

9 A. Yes.

10 Q. Can you see that? Sorry.

11 A. Yes.

12 Q. Okay. What way did she say she ran?

13 A. There was only one other way to go and that would be
14 towards the doors.

15 Q. Where this red "X" is?

16 A. Yes, ma'am.

17 Q. And that's on Exhibit 11. So Austin ran through the
18 dining room she said, but she ran through the kitchen?

19 A. Yes.

20 Q. Towards the door that the intruder was coming through?

21 A. Yes.

22 Q. And was that pretty much what she told you initially?

23 A. Yeah. Well, she got up and left and took a phone
24 call and when she came back I asked her to be real specific
25 about what happened, slow down, calm down and explain to

1 me everything that had happened.

2 Q. Okay. Were you concerned about Austin and Mason?

3 A. Very.

4 Q. Because that's your first cousin?

5 A. More like a brother.

6 Q. Do you have any other cousins?

7 A. I don't have any other cousins.

8 Q. Just Austin?

9 A. Just Austin.

10 Q. And so what did she say when you asked her to calm
11 down and tell you again what happened?

12 A. She said me and Austin was hanging out in the bedroom,
13 I went to get some water and as I walked by the front door
14 it was kicked opened.

15 Q. So this time she said she was alone?

16 A. Yes.

17 Q. Okay. And as she walked by the door it was kicked
18 open?

19 A. Yes, ma'am.

20 Q. Okay. Did she say what happened after the door was
21 kicked open?

22 A. She said the guy grabbed her and Austin came down the
23 hallway and proceeded to start shooting at them.

24 Q. Okay. And what did she say happened next?

25 A. She said they fell down behind the half bar and she

1 said he just wouldn't stop shooting at us.

2 Q. At us?

3 A. At us.

4 Q. Who was she referring to when she said at us?

5 A. Her and the masked man.

6 Q. Okay. And what, if anything, else -- what else
7 happened while Austin was shooting at them? Did she say
8 anything else? I understand you weren't there, so that
9 question is probably --

10 A. No. She said and when we stood back up he just
11 started shooting again.

12 Q. Okay.

13 A. And she told me twice James, he just wouldn't stop
14 shooting at us.

15 Q. Okay. Did Linda ever describe any injuries from this
16 incident?

17 A. Yeah, she told me three or four times about her broken
18 fingernail.

19 Q. Okay. Anything else hurt or injured on her?

20 A. She had a tiny scratch on her knee.

21 Q. Okay. And did you notice her on her phone at any
22 other point in time after that phone call?

23 A. Yes, several times she took phone calls and walked
24 away from where we were sitting at.

25 MS. McMENAMIN: I beg the Court's indulgence,

1 Your Honor.

2 BY MS. McMENAMIN:

3 Q. Now, Mr. Baughman, when Ms. Monette was giving you
4 these conflicting stories, did you -- did you ask her about
5 them, the differences in those stories in any way?

6 A. Yeah, I believe I threatened her at one point because
7 it was really aggravating and annoying.

8 Q. And at this time did you know about Mason, that he had
9 passed?

10 A. Yes, ma'am.

11 Q. Okay. And you said Austin's your only cousin, you're
12 like brothers?

13 A. Just like brothers.

14 MS. McMENAMIN: Permission to approach?

15 THE COURT: Proceed.

16 BY MS. McMENAMIN:

17 Q. Now you said you lived at the home for several months
18 leading up to May of 2019, right?

19 A. Yes, ma'am.

20 Q. You were familiar with the home?

21 A. Yes, ma'am.

22 Q. Okay. I'm gonna show you some photographs and if you
23 can just generally tell me if you recognize these. Do you
24 recognize Exhibit 61?

25 A. Yes, ma'am.

1 Q. Okay. Is that from living at Austin's home?

2 A. Yes, ma'am.

3 Q. Okay. Do you recognize Exhibit 52?

4 A. Yes, ma'am.

5 Q. And is that a photograph of Austin's home?

6 A. Yes, ma'am.

7 Q. And what about Exhibit 51? Is this another photograph
8 of his home?

9 A. Yes, ma'am.

10 Q. And Exhibit 15, is this a photograph of his home?

11 A. Yes, ma'am.

12 Q. And does it involve some vehicles that you might be
13 familiar with?

14 A. Yes, ma'am.

15 Q. Okay. And all of these photos, 15, 51, 52, and 61,
16 do they fairly and accurately depict the condition of
17 Austin's home?

18 A. Yes, ma'am.

19 Q. Okay.

20 MS. McMENAMIN: The State offers 15, 51, 52, and
21 61 into evidence.

22 MR. WILLIAMS: Your Honor, we would object. She
23 hasn't laid a foundation for time and location. He's
24 just said that he lived there. There's been no
25 reflection in regards to whether or not the condition

1 of the house was similar as what was located on these
2 photographs at the time that he lived there. He just
3 said he lived there and looks like -- lived there and
4 looks like something from the house. There's been no
5 time on these photographs at all, Your Honor, as to
6 whether or not it's reflective of what he saw when he
7 lived there.

8 THE COURT: I'll let the Solicitor address it.

9 MS. McMENAMIN: I can lay a further foundation,
10 Your Honor.

11 THE COURT: Thank you.

12 BY MS. McMENAMIN:

13 Q. Mr. Baughman, were you still living there at Austin's
14 home on Cedar Vale Drive on May 13, 2019?

15 A. Yes, ma'am.

16 Q. And you were there that evening, right?

17 A. Yes, ma'am.

18 Q. Okay. Do these photos, 15, 51, 52, and 61, fairly
19 and accurately depict the home as you recall it on that
20 day, that evening?

21 A. Yes, ma'am, accept for the one with the door kicked
22 in and stuff all over the place.

23 Q. Okay. So it wasn't kicked in when you left?

24 A. No, it never looked like that.

25 Q. All right. But everything else is reflective of the

1 condition of the home when you left it?

2 A. Oh, yes. Like I said, besides that door right there.

3 MS. McMENAMIN: Your Honor --

4 MR. WILLIAMS: No objection, Your Honor.

5 THE COURT: Very well. State's Exhibits 15, 51,
6 52, and 61 are admitted into evidence.

7 MS. McMENAMIN: Thank you, Your Honor.

8 (State's Exhibit Number 15, 51, 52, and 61,
9 photographs, were admitted into evidence.)

10 MS. McMENAMIN: Permission to publish?

11 THE COURT: Very well.

12 BY MS. McMENAMIN:

13 Q. First, Mr. Baughman, let's start with a photograph of
14 the outside of the home. This is State's 15. Whose home
15 is this in this photograph?

16 A. Austin's.

17 Q. And whose car is this?

18 A. Linda's.

19 Q. This Kia Optima?

20 A. Linda's.

21 Q. Okay. State's 61, can you tell us what this is a
22 photograph of?

23 A. That's the pool house where I was staying at.

24 Q. And where's the pool house located on the property?

25 A. It is directly behind the garage.

1 Q. Okay. So this is in the backyard at Austin's?

2 A. Yes, ma'am.

3 Q. Is that backyard fenced in, if you recall?

4 A. Yes, ma'am.

5 Q. So the dogs can't run away?

6 A. Yes, ma'am.

7 Q. And State's 52, what is this a photograph of?

8 A. That is the kitchen and the side door.

9 Q. Okay. Is that the door that leads to the driveway?

10 A. Yes, ma'am. The walkway, too.

11 Q. Got you. And State's 51, what is that a photograph
12 of?

13 A. That's the side door that everybody used to come in
14 and out of.

15 Q. Okay. And I want to refer back to State's 52
16 actually, Mr. Baughman. What is this here between the
17 window and the door? To the left of the door and the right
18 of that double window.

19 A. That's the light switch for the light above right
20 there and I believe the porch light.

21 Q. Okay. This light, is that what you're referencing?

22 A. Yes, ma'am.

23 Q. The rectangular fluorescent light?

24 A. Yes, ma'am.

25 Q. So to turn off that fluorescent light, the kitchen

1 light, you have to go to that door?

2 A. Yes, ma'am.

3 MS. McMENAMIN: Nothing further from this witness
4 at this time.

5 THE COURT: Cross-examination.

6 MR. WILLIAMS: May it please the Court?

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 Q. How are doing, Mr. Baughman?

11 A. All right. How about you?

12 Q. Doing okay. Doing okay. You had a conversation about
13 Austin and about Frontline -- Chris "Frontline" Fuller when
14 you were giving your statement, didn't you?

15 A. Statement to -- the original statement to the police?

16 Q. Yeah.

17 A. Yeah.

18 Q. And tell the jury what you said how Austin knew Chris
19 "Frontline" Fuller.

20 A. From the club and bars, stuff like that.

21 Q. All right. And that didn't involve -- that didn't
22 involve Linda, it was somebody that Austin had met when he
23 was going to the bars and stuff like that, right?

24 A. Yes, sir.

25 Q. And what is -- Chris "Frontline" Fuller, how did you

1 describe him when you were referring -- what position he
2 had or who he was or what -- or -- or exactly why he was
3 important? What did you say about him? What affiliation
4 did you say he was?

5 A. I said he had a gang affiliation.

6 Q. Right. And what gang affiliation did he have?

7 A. GD's as far as I was concerned.

8 Q. All right. And Chris is not black, is he?

9 A. I don't think so.

10 Q. Well, you've seen him, haven't you?

11 A. Yes, I have.

12 Q. And he doesn't look black, does him?

13 A. Not all black people look black.

14 Q. Okay. Okay. So he was actually a friend of Austin's
15 that he knew from the bar days, right?

16 A. Yes, sir.

17 Q. Fair enough. Now I believe you were saying once you
18 told Linda to calm down, then she did and she started
19 telling you what happened?

20 A. Yes, sir.

21 Q. And what she said happened was that she went to the
22 kitchen to get some water and heard someone messing with
23 the doorknob, correct?

24 A. Yes, sir.

25 Q. And just past the door, it was kicked open and the

1 suspect grabbed her, right?

2 A. Yes, sir.

3 Q. And one thing you asked her was whether or not he went
4 to the -- to the microwave where Austin kept his marijuana,
5 right?

6 A. Yes, sir.

7 Q. Well, you knew where Austin kept all his marijuana,
8 didn't you?

9 A. Not all of it.

10 Q. Well, how were you so familiar with all -- the
11 marijuana which Austin kept in his house?

12 A. I lived there.

13 Q. Okay. And what amounts of marijuana are we talking
14 about?

15 A. Half pound, a pound.

16 Q. And you certainly knew it was there, didn't you?

17 A. Yeah.

18 Q. And how long did you live at your cousin's house?

19 A. Maybe nine months to a year.

20 Q. Did Frontline ever come by the house in reference to
21 that marijuana?

22 A. Not that I can recall. Frontline didn't even smoke
23 marijuana.

24 Q. How much traffic did y'all have at that house?

25 A. Not much.

1 Q. How much is not much?

2 A. Maybe two cars a day.

3 Q. Two cars a day? Did you know those people who were
4 coming there two cars a day?

5 A. Mainly. Mostly.

6 Q. They were coming to the house though, right?

7 A. Sometimes.

8 Q. So would they go inside the house?

9 A. Yeah.

10 Q. So those individuals would have known that marijuana
11 was at that house, wouldn't they, because they're buying it
12 there, right?

13 A. Yes, sir.

14 Q. And how long did you live there?

15 A. Nine months to a year.

16 Q. I'm gonna ask you about State's Exhibit Number 51.
17 Now I think you were identifying there the light switch.
18 Was the floor like that when you left that night?

19 A. No, sir.

20 Q. Do you know what that is all over the floor?

21 A. Fingerprint powder maybe.

22 Q. Fingerprint powder?

23 A. Yeah.

24 Q. Looking for fingerprints on the floor?

25 A. I guess. Maybe.

1 Q. Okay. And that door, is that the side door that
2 people would normally come in? You don't go in the front
3 door, you go in the side door, right?

4 A. Yes, sir.

5 Q. Is that the side door?

6 A. Yes, sir.

7 Q. Is that dead bolt lock still extended?

8 A. Right now?

9 Q. Right. In this picture, in this Exhibit 51, is it --
10 is it still extended?

11 A. Yes.

12 Q. Now -- now a lock on a dead bolt is gonna be in if the
13 door is normally open, wouldn't it?

14 A. If it was unlocked, of course, it would be in.

15 Q. Right. But in this particular case, it's extending
16 out because someone kicked the door in, right?

17 A. Yes, sir.

18 Q. So nobody unlocked the door to allow anyone in there,
19 right? Someone kicked that door open?

20 A. Yeah, unless they turned the knob after it was kicked
21 open.

22 Q. Well, let's look at State's Exhibit Number 52. Well,
23 you can't see that. Yeah, you can. My glasses just
24 cleared up. And that's just a little closer vision --
25 closer shot of it, but you can still see that lock is still

1 extended, can't you?

2 A. Not from where I am sitting, I can't.

3 Q. I'm sorry. Okay. Let me ask you, you were asked to
4 describe something about State's Exhibit Number 61. It
5 looks like a -- it looks like a -- is that a -- what is
6 this stove thing here?

7 A. It's like a little fire pit.

8 Q. All right. Do y'all use that for parties?

9 A. I've never seen that thing used.

10 Q. Okay.

11 A. It was never used while I was there.

12 Q. And you were there for a year, right?

13 A. Yes, sir.

14 Q. So where is it -- you stayed in that little area right
15 there?

16 A. Yes, sir. Right behind that sliding glass.

17 Q. All right. Do you recall when -- in 2018 when they
18 had a big party over there and had all these guys make a
19 music video?

20 A. I was not a part of that.

21 Q. You were not a part of that?

22 A. No, sir.

23 Q. You were not invited?

24 A. No, I missed the invite.

25 Q. All right. You missed -- did you subsequently come

1 over there and see anybody there with -- or you just missed
2 the whole invite? You didn't see anybody there?

3 A. I didn't see none of that.

4 Q. Got you. Now you were asked to identify State's
5 Exhibit Number 15. All right. Who owns all these vehicles
6 here?

7 A. One is Linda and the other two is Austin's.

8 Q. All right. Austin's got the truck and he's got -- is
9 that a BMW?

10 A. Yes, sir.

11 Q. So the Kia is his -- I mean, is her's, is Linda's?

12 A. Yes, sir.

13 Q. When you left that night, do you recall how the cars
14 were located? Didn't you leave the night -- during the
15 nighttime hours before all this stuff happened?

16 A. Yes, sir.

17 Q. What time did you leave?

18 A. Between 10:30 and 11:00.

19 Q. All right. Were these vehicles in the same location
20 when you left that night?

21 A. I really can't remember. I really do not recall. It
22 was either like that -- Linda always parked in front of
23 that truck or she would pull up behind Austin if there
24 wasn't nobody already there.

25 Q. Where were you parked?

1 A. I believe I was parked behind Austin and she was
2 parked just like that.

3 Q. So it could have been like that and when you pulled
4 out that's where it was left?

5 A. Yeah, could have been.

6 Q. Let me ask you about the inside of the living room.
7 The living room was like a living room -- living room like
8 a den, living room, isn't it?

9 A. Yes, sir.

10 Q. And you know where the sofa is there where Mason was
11 sleeping that night --

12 A. Yes, sir.

13 Q. -- don't you?

14 A. Yes, sir.

15 Q. And I'm gonna stand back so you won't have to get up,
16 I guess. Can you see it -- that's where Mason was, right?

17 A. Yes, sir.

18 Q. What other furniture is in that room?

19 A. There was a chair in the left-hand corner.

20 Q. Right here?

21 A. Yes, sir.

22 Q. And was that a big old chair, like a -- I mean, it was
23 a real comfortable chair, isn't it? Padded and everything?

24 A. Yes, sir.

25 Q. It's even brown, isn't it?

1 A. I believe so.

2 Q. And how about on this wall over here, anything there?

3 A. Just the fireplace and I want to say there was another
4 chair over there.

5 Q. Right, another chair right over in this corner maybe?

6 A. Yes, sir.

7 Q. And what's on this wall right here?

8 A. Just the love seat.

9 Q. Right. So there's another like sofa or love seat
10 there? Well, a love seat is smaller, isn't it?

11 A. Yes, sir.

12 Q. Do you know how tall any of -- when I'm talking about
13 tall, I'm talking about off the floor.

14 A. Yeah.

15 Q. You know, the chair's obviously tall, isn't it? It's
16 big. It's a big chair, isn't it?

17 A. Which one?

18 Q. The one over here in the corner. Where was it? Left
19 corner. Over there.

20 A. I mean, it wasn't huge, but it was kind of big.

21 Q. How tall is the sofa here?

22 A. How tall is it?

23 Q. Yeah, from the floor to the top.

24 A. Three and a half, four foot, something like that.

25 Maybe a little taller than that.

1 Q. Like this?

2 A. Yeah.

3 Q. So all these items in this living room -- do you know
4 where the shooting occurred? Do you have a guess? Well,
5 you don't know because you weren't there.

6 A. I knew -- I mean, I could tell from the bullet holes.

7 Q. You could tell from the bullet holes?

8 A. Yeah.

9 Q. Where were the bullet holes?

10 A. There was bullet holes in the windows in the kitchen.

11 Q. Let me ask you to step down here if you don't mind.

12 A. (Witness complies.)

13 Q. You have to turn that way so she can hear you. And
14 I'll hold it. Just stand right over there. The reason I'm
15 telling you that way, your voice is kind of going over here
16 to the court reporter.

17 A. All right. There was windows right here and there
18 was holes in these windows and in the wall right here. Now
19 back -- and that way there was holes low into the walls,
20 low like near the baseboard-type.

21 Q. I got you. Were there any shots going back towards
22 the bedroom? Were there any holes on this side?

23 A. Yeah, the -- not actually in the bedroom, but, you
24 know, in -- this wall right here had holes in it where
25 somebody had been shooting from this way and then these

1 windows right here had holes in them where somebody had
2 been shooting from that way.

3 Q. Got you. Thank you. I'll wait until you get up
4 there. The reason you know this is because you helped him
5 fix the house up a little bit after it was all shot up,
6 right?

7 A. Yes, sir.

8 Q. And y'all have moved out now -- or he's been moved out
9 now, hasn't he?

10 A. Yes, he sold the house.

11 MR. WILLIAMS: Thank you, sir.

12 THE COURT: Redirect.

13 MS. McMENAMIN: Yes, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. McMENAMIN:

16 Q. First, Mr. Baughman, Mr. Williams asked you a lot of
17 questions about the State of the home after the incident
18 on the early morning hours of May 14th. I know you were
19 there, you were at the home and you observed some things,
20 but you're not CSI, right?

21 A. No, ma'am.

22 Q. Okay. You didn't take down notes and document all of
23 this, right?

24 A. No, ma'am.

25 Q. You're working off your memory and your general

1 understanding of things?

2 A. Yes, ma'am.

3 Q. Okay. Now let's go back to the statements that
4 the defendant made to you at the hospital. Would you
5 describe the two stories that she gave as consistent or
6 inconsistent?

7 A. I mean, it was -- it was pretty inconsistent.

8 Q. And then there were some questions about Austin's
9 connections to a Christopher Fuller. You said that he and
10 Austin would hang out at the club?

11 A. Yeah, they met at the club.

12 Q. Okay. Did this include the Platinum West?

13 A. Yes.

14 Q. Okay. And what connection did Linda Monette have to
15 that club, Platinum West?

16 A. She was employed there.

17 Q. Okay. She worked there?

18 A. She was an entertainer there.

19 Q. Okay. And do you know what her connection to
20 Christopher Fuller was?

21 A. Not immediate. I just knew they was close and Austin
22 had met Linda through Christopher.

23 Q. Oh, so Austin met Linda through Christopher?

24 A. Yes, ma'am.

25 Q. She already knew Christopher before Austin?

1 A. Yes, ma'am.

2 Q. Okay. And are you aware that they had a romantic --

3 MR. WILLIAMS: Objection to that, Your Honor.

4 THE COURT: What's your -- well, come up

5 real quick, Mr. Williams. I want to make sure I --

6 (Proceedings held at the bench; not reported.)

7 BY MS. McMENAMIN:

8 Q. Mr. Fuller {sic}, what knowledge did you have of
9 Linda's relationship with Christopher Fuller prior to her
10 beginning to date Austin?

11 A. I just knew that they had dated in the past and they
12 was real good friends. That was really all I knew about
13 that.

14 Q. Okay. Mr. Williams also asked you about the marijuana
15 in the home, right?

16 A. Yes.

17 Q. Okay. You knew that Austin sold marijuana?

18 A. Yes, ma'am.

19 Q. Okay. And did you say you knew where he kept some of
20 it?

21 A. Yes, ma'am.

22 Q. Did Linda have any knowledge of where the marijuana
23 was kept?

24 A. Yes, ma'am.

25 Q. Do you know if Linda ever participated in the sale of

1 marijuana?

2 A. Yes, ma'am.

3 Q. Did she make serves for Austin? Does that sound
4 right?

5 A. She made them for herself with marijuana she would
6 purchase with her own money, but, yeah, you could say
7 that.

8 Q. So she purchased it from Austin and then she'd sell
9 it?

10 A. Yes.

11 Q. So she had access to that marijuana as well?

12 A. Yes, ma'am.

13 Q. And did you say whether or not she stayed there quite
14 often or rarely? How often would you say?

15 A. She was there pretty often. She a had mail coming
16 there, so.

17 Q. Okay. Now Mr. Williams asked you several questions
18 about the State of the home, comparing and contrasting it
19 from prior to the incident and after the incident. This
20 door right here, this is the side door, right?

21 A. Yes, ma'am.

22 Q. Are there any other doors that you have to go through
23 to make entrance at this part of the home?

24 A. No, ma'am.

25 Q. All right. No other doors there?

1 A. I didn't understand the question.

2 Q. So if you're looking from the outside of this house,
3 if you're coming in through that entrance, do you have to
4 open any other doors before you get to that black door?

5 A. Yes, there's a screen door on the outside.

6 Q. Okay. I probably just didn't -- that was a bad
7 question. So there was a glass door or a screen door?

8 A. It's a glass screen door.

9 Q. Okay. And so there's two doors. If someone is
10 standing outside of that door, can you see in through the
11 two?

12 A. No.

13 Q. Okay. And then this towel, is that in the same
14 condition here as it was when you left that evening?

15 A. No, the towel was always covering up the windows.
16 That's the whole reason it was hanging up there.

17 Q. What do you mean the whole reason it was hanging up
18 there?

19 A. It was hanging up there just so nobody could see
20 inside.

21 Q. Okay. Did Austin like to keep the home private?

22 A. Well, I mean, you know, people would just come up and
23 knock on the door, you know, wanting to look in and --

24 Q. Did he cover any other windows in the home?

25 A. Well, I mean, he had blinds on all of them he always

1 kept shut.

2 Q. Okay. The blinds generally stayed shut?

3 A. Yes, ma'am.

4 MS. McMENAMIN: One moment.

5 BY MS. McMENAMIN:

6 Q. So looking at State's Exhibit 3 -- State's Exhibit 3,
7 Mr. Baughman, these blinds over the sink, do those look
8 like how you recall them looking when you left that night?

9 A. No, ma'am.

10 Q. Okay. How did they look when you left that night?

11 A. They was -- normally they was all closed. If
12 anything, maybe the bottom one was popped up a little bit,
13 but not that middle spread open like that.

14 Q. Okay. Could you see out of that middle section, those
15 two blinds that are turned? It might be a little hard to
16 tell. Would you like me to bring this closer?

17 A. Yeah.

18 MS. McMENAMIN: Permission to approach?

19 THE COURT: Very well.

20 BY MS. McMENAMIN:

21 Q. Looking at this up close, with the way the blinds are,
22 could you see to the outside?

23 A. Yes, ma'am.

24 Q. Okay. But could someone outside see in; do you know?

25 A. No, because they'd be too tall.

1 Q. Okay. And you said the blinds were normally
2 completely shut?

3 A. Yes, ma'am.

4 MS. McMENAMIN: Nothing further for this witness,
5 Your Honor.

6 MR. WILLIAMS: Just a couple of questions, Your
7 Honor.

8 RECROSS EXAMINATION

9 BY MR. WILLIAMS:

10 Q. James, I wanted to -- you remember the blinds, but you
11 don't remember how the cars were that night?

12 A. I said the blind, if anything, could have been popped
13 open a little bit at the bottom. I don't remember exactly
14 how the cars was parked that night, but I know Linda always
15 parked long ways in the road like that.

16 Q. And that's just from habit?

17 A. Yeah.

18 Q. Not particularly that night?

19 A. Maybe not.

20 Q. Okay. And what time did you leave that house?

21 A. Between 10:30 and 11:00.

22 Q. And Austin and Linda were still awake when you left,
23 right?

24 A. Yes, sir.

25 Q. So they would have been the last ones to -- to know

1 what the condition of the blinds, the door and everything
2 else was, right?

3 A. Yes, sir.

4 MR. WILLIAMS: Thank you, sir.

5 THE COURT: All right. The witness may step down.

6 (Witness excused.)

7 THE COURT: All right, ladies and gentlemen. We're
8 gonna go ahead and break for the day. Just like you
9 did this morning, we'd like to get started around 9 AM.
10 We'd like for you to be in the jury room between 8:45
11 and 9:00. I understand traffic may be an issue. If you
12 do have a problem, give us a call, but we'll see you
13 tomorrow morning.

14 So have a good evening. Please don't discuss this
15 case with any of your fellow jurors or your family
16 members and do not do any independent research of any
17 of the parties involved in this case.

18 Have a good evening.

19 (Whereupon, the jury was excused for the day at
20 5:21 PM.)

21 THE COURT: All right, folks. Anything else for
22 the record before we break for today?

23 MR. HUBBARD: No, sir.

24 THE COURT: All right. I'll see y'all in the
25 morning.

1 9:19 AM.)

2 THE COURT: Okay. Mr. Foreman and ladies and
3 gentlemen of the jury, welcome back. I hope you had a
4 nice evening. We're gonna pick up where we left off
5 yesterday with the next witness in the State's case in
6 chief.

7 Madam Solicitor.

8 MS. MAYES: The State calls Detective Joe Hart.

9 THE CLERK: Once you have a seat, take your mask
10 off. State your full name and spell your last for the
11 record.

12 (Whereupon, Michael Joe Hart was duly sworn by
13 the Clerk of Court.)

14 THE WITNESS: My name is Michael Joe Hart,
15 H-A-R-T.

16 MS. MAYES: And, Your Honor, for the record the
17 State at this time would offer formally on the record
18 State's Exhibit 4, I believe, without objection.

19 MR. WILLIAMS: Without objection, Your Honor.

20 THE COURT: All right. State's Exhibit 4 is so
21 admitted.

22 (State's Exhibit Number 4, a photograph, was
23 admitted into evidence.)

24 MICHAEL JOE HART,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. Detective, tell us a little bit about yourself. Where
4 are you currently employed?5 A. I'm currently employed at the Lexington County
6 Sheriff's Department as a major crimes investigator.7 Q. And you've been a member of the major crimes division
8 at the Lexington County Sheriff's Department for how long?

9 A. A little over four and a half years.

10 Q. Can you give us some information regarding your
11 educational training and background that led you to be a
12 majors crimes unit detective?13 A. Yes, ma'am. I started at the sheriff's department in
14 2011 after serving four years in the Marine Corps infantry,
15 attending the University of South Carolina and obtaining a
16 bachelor's degree. I started as a road patrol deputy in
17 the south region of the county and then from there I spent
18 -- from 2014 to 2015 I was a field training officer with
19 road patrol and then from 2015 to 2017 I was the resident
20 deputy for the Red Bank area of Lexington county and then
21 in 2017 I was promoted to investigations in the major
22 crimes division.23 Q. All right. And specifically regarding the Red Bank
24 area of Lexington county, you're familiar with that area?

25 A. Yes, ma'am.

1 Q. Are you familiar with gang activity within that area?

2 A. Yes, ma'am.

3 Q. Detective, tell us what led to your involvement in the
4 investigation of the murder of Mason Hanahan in the early
5 morning hours of May 14, 2019.

6 A. Yes, ma'am. I was assigned in the major crimes
7 division the special victims unit at that point in time.
8 My supervisor, Sergeant Adam Creech, was tied up with a
9 murder trial that started -- I believe pretrial motions
10 started that week, so I was answering the phones for our
11 team. I was contacted by the watch command, Lieutenant
12 Scottie Frier, at the time. He advised that there had been
13 a shooting, that a child had been shot and potentially
14 wasn't gonna make it, and he requested that I respond and
15 notify my teammates, which I did.

16 Q. All right. What happened next?

17 A. I responded to the scene, met with Lieutenant Frier
18 and at the time Captain Hampton Taylor, who's now our
19 major. They told me the information that they had
20 received, that it was a home invasion, a potential robbery
21 that occurred, and that during that robbery a -- more or
22 less a shootout occurred and that the eight-year-old child,
23 who was asleep on the couch, was struck in the head and
24 that he had been transported, but they had pronounced him
25 deceased at the hospital.

1 Q. All right. Where did you first respond following that
2 information?

3 A. I responded to the scene, the incident location, which
4 would have been at -- let's see. I believe it was [REDACTED]
5 Cedar Vale in the Lexington area of Lexington county, Oak
6 Drive area, Lexington County, South Carolina, and met with
7 deputies there who were beginning a canvass of the area for
8 witnesses.

9 Q. And that's within the Oak Grove community?

10 A. Yes, ma'am.

11 Q. All right. What happened next?

12 A. I began communicating with other investigators,
13 specifically Detective Sherban who was at the hospital
14 and had met with the defendant, and he was telling me
15 some of the information that he had received, especially
16 something about a rap video that was published on YouTube,
17 so we accessed that video and myself, Lieutenant Frier
18 and Captain Taylor watched the video to see if we could
19 identify anybody in it and we were able to identify
20 Ms. Monette at the time.

21 Q. All right. So just to back up a little bit, you were
22 in communication with Detective Cameron Sherban, who we
23 heard from yesterday, who conducted the interview with the
24 defendant, Linda Monette, at Lexington Medical Center?

25 A. Yes, ma'am.

1 Q. And then from that interview it was learned that there
2 had been a music video filmed at [REDACTED] Cedar Vale?

3 A. Yes, ma'am.

4 Q. And that Linda Monette had taken part in that video?

5 A. Yes, ma'am.

6 Q. I'm gonna show you some still shots and ask you
7 whether or not these are the items you were referring to.
8 State's 17 and State's 19.

9 A. Yes, ma'am.

10 Q. What happened next?

11 A. We -- I contacted Detective Zylstra who worked on
12 getting search warrants for the house so that CSI could get
13 inside the house and process the scene. After spending
14 several hours on-scene, processing the scene, I walked
15 inside and got a good overview of the scene so I could
16 understand what happened and where everything was in the
17 house, and then we were relieved by -- by dayshift
18 investigators who came in. The nightshift investigators
19 went home to get some sleep and we came in several -- I
20 received a phone call several hours later that a large
21 quantity of marijuana had been located inside the residence
22 inside a gift bag and that they believed that there was
23 enough quantity to justify a possession with intent to
24 distribute warrant for the defendant.

25 Q. All right. Let me stop you right there. How apparent

1 was it when officers arrived at the scene -- we'll take a
2 look here at State's 15. How apparent was it that there
3 was marijuana in that residence at [REDACTED] Cedar Vale?

4 A. You could smell it well outside the residence.

5 Q. All right. And once inside it was -- the odor of
6 marijuana was apparent as well?

7 A. Yes, ma'am.

8 Q. And looking here at this photograph, Detective Hart,
9 can you tell us whose vehicle this is that we observe here
10 at the front of the cul de sac, being the Kia Optima sedan?

11 A. That's the defendant's vehicle.

12 Q. That vehicle belongs to Linda Monette?

13 A. Yes, ma'am.

14 Q. Can you tell us whether or not this photograph was
15 taken during the execution of the search warrant at that
16 residence that you just referenced?

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

18 Q. And this photograph would have been taken by crime
19 scene?

20 A. Yes, ma'am.

21 Q. So as a result of the marijuana in the residence,
22 I believe your testimony is that Linda Monette was in
23 custody?

24 A. Yes, ma'am.

25 Q. And can you tell us whether or not this followed the

1 interviews that we've heard of from Detective Sherban and
2 Detective Marthers that took place at both Lexington
3 Medical Center and then later at Prisma Richland Health?

4 A. Yes, ma'am.

5 Q. And so how did you go about making any further contact
6 with Linda Monette once she had been detained due to the
7 marijuana in the home?

8 A. I responded from my residence at that point in time
9 to the Lexington County Sheriff's Department and met with
10 Detective Dykes, who was on our fugitive task force with
11 the U.S. Marshal's task force. He had arrested Linda at
12 Prisma Richland Hospital and transported her to the
13 Lexington County Sheriff's Department, so I met with them
14 at the sheriff's department and walked them into an
15 interview room.

16 Q. All right. I just want to make a record of what date
17 this would be. And, again, we heard that there were
18 voluntary interviews, which occurred at Lexington Medical
19 Center in the early morning hours of May 14th, and then a
20 follow-up interview with Detective Marthers at Prisma
21 Richland Hospital, also on May 14th. What is the date of
22 your initial contact with the defendant, Linda Monette?

23 A. It would have been May 14th.

24 Q. And now you are at what location?

25 A. The Lexington County Sheriff's Department, which is at

1 521 Gibson Road in Lexington.

2 Q. And you said you were with Detective Shannon Dykes as
3 well?

4 A. Yes, ma'am.

5 Q. How do you go about advising someone of their rights
6 that we know as the Miranda warnings or the Miranda rights
7 once they've been detained by law enforcement?

8 A. I have a card that I keep in my wallet that I read to
9 anyone who is due their rights being read to them.

10 Q. Do you have a copy of that card with you today?

11 A. I do. Yes, ma'am.

12 Q. I'm gonna ask you to, for the record, read the rights
13 that Linda Monette would have been advised of on May 14,
14 2019.

15 A. Yes, ma'am. It says you have the right to remain
16 silent. Anything you say can and will be used against
17 you in a court of law. You have the right to talk to a
18 lawyer and have him or her present with you while you're
19 being questioned. If you cannot afford to hire a lawyer,
20 one will be appointed to represent you before any
21 questioning if you wish. You can decide at any time to
22 exercise these rights and not answer any questions or make
23 any statements, and then there's a waiver at the bottom,
24 do you understand each of these rights as I've explained
25 them to you. Having these rights in mind, do you wish to

1 talk to us now. That's just on a card that I keep in my
2 wallet.

3 Q. Now up to this point in time, I believe it's been
4 indicated that while meeting with both Detective Sherban
5 and Detective Marthers Linda Monette advised of multiple
6 members of a group that she identified as the Gangster
7 Disciples or affiliated with the Gangster Disciples?

8 A. Yes, ma'am.

9 Q. And that included persons present in the music video
10 shown here in State's 18?

11 A. Yes, ma'am.

12 Q. As well as the photograph that she pulled up for
13 Detective Marthers, which is State's 50?

14 A. Yes, ma'am.

15 Q. It's your understanding Linda Monette accessed that
16 photo via social media?

17 A. Yes, ma'am.

18 Q. And up until this point in time, law enforcement, had
19 you been advised of the name Shaq?

20 A. When I was talking to -- I'm sorry, up until?

21 Q. Up until this point in time based on the
22 communications with Detective Sherban and Detective
23 Marthers, had names from the music video been provided such
24 as Shaq?

25 A. Yes, ma'am.

1 Q. That would be a reference to who?

2 A. That would be -- I'm sorry. If you'd let me --
3 Shaquille Summers.

4 Q. And Jeremy, also known as Busta?

5 A. Yes, ma'am.

6 Q. A reference to who?

7 A. Jeremy Williams.

8 Q. Jeremy Williams, also known as Busta, also known as
9 Bosso?

10 A. Yes, ma'am.

11 Q. Tre B?

12 A. Yes, ma'am. That would be Treyvon Bonner.

13 Q. And then Tyshawn?

14 A. Yes, ma'am. Tyshawn Howell.

15 Q. And then Rez?

16 A. Yes, ma'am. Torrez Adams.

17 Q. All right. And Christopher Fuller?

18 A. Yes, ma'am. A/k/a, Frontline.

19 Q. Throughout those interactions with Linda Monette and
20 up until this date at the outset of May 14, 2019, had you
21 ever heard the name Rey Romero in connection with this
22 investigation?

23 A. No, ma'am.

24 Q. When she identified individuals in State's 50, had she
25 identified Rey Romero at that point in time?

1 A. My understanding is she had not. No, ma'am.

2 Q. So after being advised of her Miranda rights, was
3 Linda Monette willing to speak with you further?

4 A. Yes, ma'am. She was.

5 Q. Based upon your observations, did her willingness to
6 cooperate with the interview appear free and voluntary?

7 A. Yes, ma'am.

8 Q. Did she understand at that point in time that she was
9 being approached as a witness or a potential witness to the
10 murder of Mason Hanahan?

11 A. Yes, ma'am.

12 Q. And that that was the purpose that you were speaking
13 with her?

14 A. Yes, ma'am.

15 Q. What, if any, format did you go about documenting this
16 interview?

17 A. I typed a supplemental report pursuant to the original
18 report in relation to everything that I did.

19 Q. All right. And was the interview also video and audio
20 recorded?

21 A. Yes, ma'am.

22 Q. Do you have with you a copy of your supplemental
23 report today?

24 A. I do. Yes, ma'am.

25 Q. Is it a fair and accurate reflection of the

1 information provided by Linda Monette during this
2 interview on May 14, 2019?

3 A. Yes, ma'am.

4 Q. I'm gonna ask you to start at the beginning of your
5 supplemental and tell us what, if any, information she
6 provided as a witness to the murder of Mason Hanahan.

7 A. Yes, ma'am. I read Linda her Miranda warnings and
8 hold her that I was not interested in talking -- asking her
9 about the drugs, but asked her if she was willing to speak
10 to me about the incident at the residence. Detective Dykes
11 read Linda her arrest warrant and she stated that she would
12 waive her rights and speak to me and Detective Dykes about
13 the incident. I asked Linda to tell me what happened and
14 she stated that Austin had his son on May 13, 2019, and
15 he brought him back to his house after watching a movie.
16 Linda stated that she believed that it was around 1900
17 hours or 7:00 PM --

18 Q. And if you can just convert these times for lay person
19 times, that would be beneficial. So around 7:00 PM?

20 A. Yes, ma'am. When she got to the house. Mason was
21 asleep around 9:00 PM. Linda stated that me and Austin
22 were in the bedroom. We go into kitchen to grab a snack
23 like we always do in the middle of the night.

24 Q. I need you to just slow down --

25 A. I'm sorry.

1 Q. -- so the court reporter can catch everything.

2 A. Yes, ma'am.

3 Q. Read a little bit slower.

4 A. Sometimes two or three times in the middle of the
5 night 'cause we just like to do that. That's like our
6 thing. So the third time I went by myself and every time
7 we'd turn the kitchen light on, right, and we'd turn it off
8 behind us as we go just like normal.

9 Q. All right. So let me stop you right there. So in
10 this statement she says that she goes alone to the kitchen?

11 A. Yes, ma'am.

12 Q. And then what, if anything, did she say in reference
13 to the kitchen light?

14 A. She said that she -- they -- she turned it off when
15 they left the kitchen.

16 Q. Is she indicating she's alone at this point?

17 A. Yes, ma'am.

18 Q. What, if anything, did she say next?

19 A. Linda stated that she was shutting the refrigerator
20 door. While she was in the kitchen by herself she thought
21 that she heard a jiggle at the handle of the back door.
22 She advised that she did not believe that someone was
23 trying to get in, it just sounded like they just touched
24 it.

25 Q. All right. So she is saying that she hears someone at

1 the door?

2 A. Yes, ma'am.

3 Q. All right. What else?

4 A. Linda stated that when she walked out of the kitchen
5 and turned into the living room this man kicked the door
6 open. Linda advised that when she looked all she saw was
7 black and the design on the bandana. Linda stated that she
8 ran right next to where I was hoping that he wouldn't see
9 me. Linda stated I guess this guy he doesn't know -- he'd
10 never been to our house before, he obviously doesn't know
11 us because he didn't know where our valuables were and he
12 didn't try to take them. Linda stated that the male came
13 into the laundry area after her, used his right arm to grab
14 her around the neck, picked her up and used his left hand
15 to hold a gun to her head.

16 Q. I'm gonna ask you to take a look at State's 51 and 52.

17 A. Yes, ma'am.

18 Q. Is there a light switch in these photos?

19 A. There is.

20 Q. Is there a light switch in relation to the door in
21 which the intruder entered?

22 A. Yes, ma'am.

23 Q. Also reflecting the kitchen light?

24 A. Yes, ma'am.

25 Q. So looking here at these photos, what are we looking

1 at right here?

2 A. That's a light switch next to the door that was kicked
3 in.

4 Q. All right. And this would be the point of entry?

5 A. Yes, ma'am.

6 Q. I want to have you take a look at State's 3. What
7 utility is this here?

8 A. That's the side of the refrigerator.

9 Q. All right. And what are we looking at here?

10 A. That's the kitchen light.

11 Q. All right. The same light that we see here in
12 State's 52?

13 A. Yes, ma'am.

14 Q. So the defendant stated that while she was at the
15 refrigerator she heard a noise that sounded as if someone
16 was at the door?

17 A. Yes, ma'am.

18 Q. But then later states that she cuts out the kitchen
19 light?

20 A. Yes, ma'am.

21 Q. That would put her within what proximity of the door?

22 A. Within inches when she cuts out the light.

23 Q. And that would be after hearing the sound of someone
24 jiggling the door?

25 A. Yes, ma'am.

1 Q. What did she tell you next?

2 A. Linda -- Linda stated that the male was pulling her
3 back toward the door and said where's your mans at, which
4 reminded her of a group of friends that would maybe talk
5 that way that we used to associate with. Linda stated that
6 when she heard the male say those words that it was a red
7 flag to her, along with the bandana on his face. Linda
8 stated that she screamed Austin's name three times and the
9 male pulled her back to see down the hallway. Linda
10 advised that Austin's eyes got really big and she tried to
11 get out of the line of fire. Linda stated that the guy
12 kept trying to pull her up to keep her above the counter
13 for him to shoot.

14 Q. All right. I'm gonna ask you to take a look here at
15 State's 3. She indicated that he pulled her behind the bar
16 to see down the hallway?

17 A. Yes, ma'am.

18 Q. Looking here, Detective Hart, at State's 11, being the
19 diagram of the interior of the home, I'm gonna ask you to
20 show us if you can the location of the hallway into the
21 master bedroom --

22 MS. MAYES: Your Honor, if he may step down?

23 THE COURT: Yes, sir.

24 BY MS. MAYES:

25 Q. -- in relation to that kitchen bar.

1 A. Yes, ma'am. The -- the bar would have been here and
2 then this would have been the hallway into the master
3 bedroom here.

4 Q. All right. So that bar that we're looking at, we see
5 that "H", the "H" symbol on the wall, where is the bar in
6 that photograph, State's Exhibit 3, in relationship to that
7 "H" symbol?

8 A. The "H" symbol would be right there above that end of
9 the bar looking down the hallway.

10 Q. Okay. So if she is pulled behind the bar to look down
11 the hallway, she would be approximately right here?

12 A. Yes, ma'am.

13 Q. And standing here looking down the hallway would be
14 what direction? What's at the end of the hallway?

15 A. The end of the hallway is Austin's bedroom.

16 Q. Please continue.

17 A. Linda then stated the guy tried to pull her up above
18 the counter, but she tried to go down because there were
19 guns going off and she had never been around that before
20 and it scared the hell out of her. Linda stated that
21 whenever they kicked in the door, and then corrected to
22 he kicked in the door, and advised that he kicked the
23 door so hard that he kicked it open, but it shut back
24 so he had to open it again. Linda then stated that she
25 scratched him with her fingernail which broke it off --

1 broke her fingernail. Linda stated that Austin sees the
2 boy, referring to the intruder, run out the door so he
3 goes out of the house after him and cranks up his car.
4 Linda then advised that they did not see a car outside,
5 did not see people on foot, did not see a blood trail or
6 anything. Linda stated that she got her phone to call
7 9-1-1 and held Mason until deputies got to the residence.
8 I asked Linda if she was physically all right and she
9 stated that he, being the home invader, hit her with the
10 gun and I asked her where he hit her and she showed me the
11 right side of her face high on her right cheek.

12 Q. All right. Let me stop you right there. So you're
13 asking her to show you where she had been injured?

14 A. Yes, ma'am.

15 Q. And she demonstrates what part of her body?

16 A. High on her right cheek.

17 Q. Did you see any indication of physical injury?

18 A. No, ma'am.

19 Q. Please continue.

20 A. Linda stated that she did not tell anyone about him
21 hitting her with a gun. I looked at Linda's face and did
22 not see any sign of injury or swelling. Linda stated that
23 she knew that this incident was not revenge motivated and
24 she knew that someone wanted to take money from us. Linda
25 advised whenever they came in they immediately asked where

1 -- where's your man at knowing damn well that when he comes
2 out of his bedroom and sees a gun to my head he's going to,
3 what, give him -- give them his money.

4 Q. All right. I want to stop you right there and ask a
5 little bit more about that. How many times -- was it one
6 time or more than one time that the defendant made a
7 reference to "they" instead of "he"?

8 A. Almost every time she referred to him.

9 Q. And at this point in time she indicates that the
10 person would know that if a gun were held to her head, what
11 were her exact words?

12 A. If he comes out and sees a gun to my head, he's going
13 to, what, give them his money.

14 Q. If he sees a gun to my head, he's going to give them
15 what?

16 A. His money.

17 Q. All right. Who is she referring to when she says if
18 he sees a gun to my head he's going to give them his money?

19 A. Austin.

20 Q. She's referring to Austin Hanahan?

21 A. Yes, ma'am.

22 Q. Please continue.

23 A. Yes, ma'am. Linda advised that the person who came
24 into the house had a GD bandana on their face and I asked
25 Linda what she meant, she stated Gangster Disciple. I

1 asked Linda if the bandana had GD printed on it and she
2 stated that it did not. She recognized it because of the
3 color. I asked Linda what the color was and she stated
4 that it was black or navy blue. I then asked Linda what
5 snack she got from the refrigerator and she stated that
6 she got cheese and apples, some of which were still in the
7 refrigerator.

8 Q. All right. So this is a reference to the trip to the
9 refrigerator, which according to her statement was her
10 third trip to the refrigerator --

11 A. Yes, ma'am.

12 Q. -- and this time alone?

13 A. Yes, ma'am.

14 Q. Please continue.

15 A. Yes, ma'am. I asked Linda where she was when the door
16 crashed open and she stated that she was getting ready to
17 round the bar to enter the living room facing the child on
18 the couch. Linda stated that she had to turn to run into
19 the laundry room in hopes that he, referring to the
20 intruder, could not see her. I confirmed where Linda was
21 hit again and she rubbed -- she, again, rubbed her right
22 cheekbone and Detective Dykes asked her if she had told
23 anyone else about being hit in the -- in the face and she
24 stated that she did not. I confirmed with Linda that she
25 said the intruder grabbed her with his right arm, held her

1 back to his chest while holding the gun in his left hand.

2 Q. So just to clarify, she indicates that she's being
3 held by the right hand of the intruder and that the
4 intruder has the gun in his left hand?

5 A. Yes, ma'am.

6 Q. Please continue.

7 A. I asked Linda at which point she was hit in the face
8 with the gun and she stated when he pulled her into the
9 kitchen facing Austin. Linda stated that Austin had his
10 eyes so wide and just stared and then shot at the guy with
11 me standing right there. I asked Linda about the handgun
12 the intruder had and she stated that it was a small black
13 handgun, small enough to fit into his pocket. Detective
14 Dykes asked Linda if there were any lights on in the house
15 at the time and she stated that the kitchen light was off
16 at the time because she turned it off when she finished
17 getting her snack.

18 Q. Let me stop you right there. So, again, this would be
19 the second time she discusses cutting the light off?

20 A. Yes, ma'am.

21 Q. And her indication is that she had heard something
22 happen to the door while she was at the fridge?

23 A. Yes, ma'am.

24 Q. Inside the kitchen?

25 A. Yes, ma'am.

1 Q. And then reiterates again that she cuts the light off
2 after getting her snack?

3 A. Yes, ma'am.

4 Q. So that would be after she leaves the fridge?

5 A. Yes, ma'am.

6 Q. And, again, that would be a reference to the light
7 that we saw previously in State's 52 --

8 A. Yes, ma'am.

9 Q. -- by the point of entry. Please continue.

10 A. Yes, ma'am. Linda then stated it's crazy the things
11 -- the way things worked out. I asked Linda what she meant
12 and she stated that Mason was not supposed to be there.
13 Linda stated he's never there. He's only there every other
14 weekend and is never there without his siblings. I asked
15 Linda why Mason was there and she stated that they were
16 celebrating him being voted to All-Stars in baseball.
17 Linda stated that Austin got Mason early from school and
18 took him to watch a movie, went to the mall and then went
19 back home. Linda advised that she had not arrived to the
20 house until at least 6:00 PM. I asked Linda where she had
21 been before that and she stated that she had been at Planet
22 Fitness on Bush River Road.

23 Q. All right. And let me stop you right there. Can you
24 tell us in this type of situation if it's routine to ask
25 about the daily activities and earlier activities of any

1 potential witnesses?

2 A. Yes, ma'am.

3 Q. You're trying to develop a timeline in which this
4 crime occurred?

5 A. Yes, ma'am.

6 Q. You're asking about her activities earlier in the day
7 on May 13, 2019?

8 A. Yes, ma'am.

9 Q. So she -- if you could clarify one more time. She
10 indicates she woke up and then went to the gym?

11 A. She stated that she had been at the Planet Fitness on
12 Bush River Road.

13 Q. Did she say what she had done before that?

14 A. Yes, ma'am. She stated that she worked from
15 approximately 8:30 AM until approximately 11:30 AM and
16 then went home to do laundry.

17 Q. And let me back up a little bit more. Were you able
18 to determine what type of work she was doing at that point
19 in time?

20 A. Yes, ma'am.

21 Q. And was there one job or more than one job?

22 A. She had more than one job.

23 Q. All right. And specifically do you know whether or
24 not she was working as a CNA?

25 A. Yes, ma'am, she was.

1 Q. And do you know whether or not that was what she was
2 referencing between 8:30 and 11:30?

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

4 Q. And when she made a reference to going home, what
5 address was she referring to?

6 A. [REDACTED] Smith Pond Road in Lexington.

7 Q. So she's not referencing going to Cedar Vale?

8 A. No, ma'am.

9 Q. All right. And then she mentions Planet Fitness.
10 Where is this Planet Fitness gym located?

11 A. On Bush River Road in Columbia.

12 Q. Does she give any indication that she was with anyone
13 else?

14 A. No, ma'am.

15 Q. What does she tell you after that?

16 A. She advised she put a vanity in her room, organized
17 her room, put up new lights in her room and then went to
18 the gym.

19 Q. Okay.

20 A. Linda stated that after the gym she went straight to
21 Austin's house because he invited her to eat Chinese food
22 that he ordered so that they could make up after being four
23 or so days apart.

24 Q. Okay.

25 A. Then Detective Dykes asked Linda what her jobs were

1 and she --

2 Q. All right. Let me -- let me stop you there.

3 A. Okay.

4 Q. So after the gym she indicated that she went straight
5 to Austin's house, which would be [REDACTED] Cedar Vale?

6 A. Yes, ma'am.

7 Q. Did she indicate the status of their relationship at
8 that point?

9 A. She stated that they had spent at least the past four
10 days apart.

11 Q. Do you have any indication as to whether they were
12 off or on at that stage in their relationship based on her
13 statement?

14 A. You're referring to those four days?

15 Q. Yes.

16 A. She had stated later that they had been on a break.

17 Q. Okay. They were not together during that time?

18 A. Yes, ma'am.

19 Q. Now you asked her about her jobs in addition to the
20 job at Key Choice as a CNA. Did she tell you whether or
21 not she had any other job?

22 A. Yes, ma'am, she did.

23 Q. And what was that job?

24 A. She stated that she was an entertainer. We asked her
25 to clarify entertainer and she stated that she was an

1 independent contractor. Again, we asked her to clarify
2 independent contractor and she stated that she worked at
3 Platinum West.

4 Q. All right. So her jobs would be Key Choice and then
5 Platinum West?

6 A. Yes, ma'am.

7 Q. What else did she tell you after that?

8 A. I asked Linda again if she went straight from the
9 gym to Austin's house and she stated that she did, so I
10 asked how long she worked out, she stated that it was
11 approximately forty-five minutes and then she also went to
12 the massage room at the gym. I asked Linda where she meant
13 when she stated that she had decorated her room and she
14 stated that she rents a room from a friend on Smith Pond
15 Road, which would be that [REDACTED] address.

16 Q. All right.

17 A. I asked what the fight that she and Austin had had
18 when she had left for four days was about and she stated
19 that they did not have a fight, they just took a break. I
20 asked Linda where she stayed while she was on a break from
21 Austin. She stated at the house on Smith Pond Road. She
22 believed that the address was [REDACTED] Smith Pond Road. I asked
23 Linda how long she had been with Austin and she stated it
24 was approximately one year. I asked Linda how she and
25 Austin had met and she stated that they had met through

1 Chris Fuller. I then offered Linda the opportunity to go
2 to the restroom and she stated that she did have to go, so
3 I told her that I would attempt to locate a female deputy
4 to escort her. I went to the rest room and while en route
5 back to the interview room from the restroom I located
6 Detective Livingston and asked her if she'd be willing to
7 escort Linda to the restroom, which she did agree to do.

8 Q. And that's Detective Hayli Livingston?

9 A. Yes, ma'am.

10 Q. All right. Please continue.

11 A. Linda was escorted to the restroom and shortly after
12 her return Detective Dykes and I returned to the interview
13 room to continue the interview.

14 Q. All right. So let me ask you about that. You're at
15 the sheriff's department conducting this interview. With
16 the bathroom break a female takes her to the bathroom.
17 When you return, who is in the interview room with the
18 defendant, Linda Monette?

19 A. Sergeant Brian Anderson.

20 Q. All right. And is that routine for someone else to
21 enter the interview room?

22 A. Yes, ma'am.

23 Q. All right. What was the purpose of him entering the
24 interview room while you were on the bathroom break?

25 A. She was in custody at the time and she had her cell

1 phone in there, so he was just making sure that, you know,
2 nothing happened and she didn't get up and walk out of the
3 sheriff's department or use her cell phone.

4 Q. Okay. And she had been formally detained at this
5 point?

6 A. Yes, ma'am.

7 Q. Having gone back and -- and reviewed that video, does
8 she make spontaneous statements to Sergeant Brian Anderson
9 while he is in the room?

10 A. Yes, ma'am.

11 Q. Can you tell us the general nature of the statements
12 that she spontaneously makes to Sergeant Anderson?

13 MR. WILLIAMS: Your Honor, I'm gonna object to that
14 because he wasn't -- it's hearsay. He wasn't there.

15 MS. MAYES: We'll move on.

16 THE COURT: All right. Very well.

17 BY MS. MAYES:

18 Q. That is all video recorded, correct, Detective Hart?

19 A. Yes, ma'am.

20 Q. When you enter back into the room, what is the topic
21 of conversation about?

22 A. Large -- large amounts of cash inside the residence.

23 Q. All right. And based upon what you were hearing when
24 you entered the room and the statements being made by Linda
25 Monette, is she familiar with large amounts of cash inside

1 the home at [REDACTED] Cedar Vale?

2 A. Yes, ma'am.

3 Q. And these statements are made to you in your presence
4 at this point?

5 A. Yes, ma'am.

6 Q. What, if anything, did you ask Linda after hearing
7 this portion of the conversation?

8 A. I asked Linda if there was a -- there was a large
9 amount of cash normally at the residence and she stated
10 that there was not. Linda stated that Austin runs a
11 family-owned painting business and can easily make a large
12 amount of money weekly. I asked Linda if it was common for
13 Austin to cash a check and take out all of his money out of
14 the bank and she stated that it was not, she was saying
15 that he had just recently cashed a check and was keeping
16 the cash in the house.

17 Q. All right. So let me stop you right there. Does your
18 notes or your supplemental report reflect how much money
19 she's talking about that according to her Austin makes --
20 can make in a week as a commercial painter?

21 A. Yes, ma'am. She stated that he could make between
22 30,000 and \$50,000 a week.

23 Q. All right. And what, if anything, does she state
24 about knowledge that he has money in the home during the
25 timeframe of this event on May 13th and May 14th of 2019?

1 A. She had told us that he had recently cashed a large
2 check somewhere in the range -- she didn't know the exact
3 amount, but somewhere in the range of ten to \$15,000 and
4 that he had kept the cash in the house.

5 Q. Please continue.

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

12 Q. All right. So according to her, the money was being
13 kept at the house because of the divorce?

14 A. Yes, ma'am.

15 Q. And at what point in the investigation did you learn
16 that Austin Hanahan's divorce had been finalized on the
17 morning of May 13, 2019?

18 A. She made mention of it this interview and then after
19 we did an extraction of her cell phone we saw a text from
20 Austin to Linda stating that his divorce was final.

21 Q. All right. So let me stop you right there. But you
22 did learn in the investigation that that was confirmed?

23 A. Yes, ma'am.

24 Q. And she's making references to that being the reason
25 that money was in the house?

1 A. Yes, ma'am.

2 Q. Please continue.

3 A. We made mention of an individual who Linda had been
4 speaking with named Brandon Rodighiero. Linda stated that
5 she had been taking to Brandon via the telephone over the
6 last few days. He was currently incarcerated. I asked
7 Linda if Brandon knew where Austin lives and she stated
8 that he did.

9 Q. All right. I'm gonna stop you right there. I'm
10 gonna show you a photograph and ask you whether or not you
11 recognize it?

12 A. Yes, ma'am. That's Brandon Rodighiero.

13 Q. And also State's 38 for identification only at this
14 time?

15 A. Yes, ma'am. Yes, ma'am, that's --

16 Q. You're familiar with these documents?

17 A. Yes, ma'am, I am.

18 Q. Okay. Do you recognize the person depicted in
19 State's 69?

20 A. Yes, ma'am. That's Brandon Rodighiero.

21 MS. MAYES: Your Honor, this would be State's 69
22 for evidence and State's 38 for ID only at this time.

23 MR. WILLIAMS: No objection to the introduction of
24 the photograph.

25 THE COURT: All right. State's Exhibit 69 is

1 admitted into evidence.

2 (State's Exhibit Number 69, a photograph, was
3 admitted into evidence.)

4 BY MS. MAYES:

5 Q. I believe you identified this person as Brandon
6 Rodighiero?

7 A. Yes, ma'am.

8 Q. And I asked you about State's 38 for ID?

9 A. Yes, ma'am.

10 Q. And you indicated that you were able to identify this
11 item?

12 A. Yes, ma'am.

13 Q. So without getting into the content, let me ask you
14 this. Does the Lexington County Detention Center have a
15 way to trace communications with individuals who are
16 incarcerated?

17 A. Yes, ma'am.

18 Q. And at this point in time was Brandon Rodighiero
19 incarcerated at the Lexington County Detention Center?

20 A. Yes, ma'am, he was.

21 Q. That would have been on May 13, 2019?

22 A. Yes, ma'am.

23 Q. Do you know whether or not he had been incarcerated in
24 the days and weeks leading up to May 13, 2019?

25 A. Yes, ma'am, he was.

1 Q. And in what format did detectives go about tracing
2 communications between Brandon Rodighiero and the
3 defendant, Linda Monette?

4 A. We have a system in -- in the detention center.
5 It's a tablet system. Well, actually a system -- it's a
6 computer terminal system in every pod. It's called Smart
7 Jail Mail. It's basically a text system where they can
8 send texts to cell phones and the cell phones can text
9 back through the same system.

10 Q. All right. And by this stage of the investigation had
11 law enforcement learned that she had been in communication
12 with Brandon Rodighiero, whether it be by Smart Jail texts
13 or by telephone?

14 A. Yes, ma'am, we had.

15 Q. Did you question her about that?

16 A. We did. Yes, ma'am.

17 Q. Please continue.

18 A. I then asked Linda about the bandana that she said
19 the suspect was wearing and asked her how she knew that it
20 would be a GD bandana. She said that -- I asked Linda how
21 she knew anything about gangs and she stated that she had
22 watched several documentaries about gangs and had made
23 assumptions about people she had seen walking around. I
24 asked Linda about a statement that she made earlier stating
25 that Mason was never at the house and that she stated that

1 Mason does not usually spend nights like that. I asked
2 Linda if Austin called her or texted her and told her that
3 he was ordering Chinese food and she stated that she
4 believed that it was a text. Linda stated that Austin
5 texted her and told her that he was ordering Chinese food
6 and stated I would love for you to come by.

7 Q. All right. So at this stage of the interview, she
8 is indicating that who initiated contact with her to come
9 over to Cedar Vale?

10 A. Austin did.

11 Q. That he invited her over?

12 A. Yes, ma'am.

13 Q. At this stage, has she indicated that it was she who
14 initially reached out to hang out with Austin?

15 A. I'm sorry. If you'd repeat it.

16 Q. At this stage of the interview, has she acknowledged
17 that she was the one who initiated contact?

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

19 Q. Please continue.

20 A. Yes, ma'am. I asked Linda what time she arrived at
21 Austin's house and she stated that she arrived about
22 7:00 PM. I asked Linda what time she got to the gym and
23 she stated she did not know. She normally goes to the
24 Planet Fitness in Cayce, but she went to the Planet Fitness
25 on Bush River this time which has a sign-in sheet that

1 records the times. I asked Linda how Mason was laying and
2 she stated that Mason was laying with his head away from
3 the kitchen and he was on his side facing away from the
4 back of the couch. I asked Linda about her and Austin
5 eating snacks throughout the evening and she stated that
6 they went to get snacks a couple of times and she went by
7 herself. Linda then started talking about Austin's cousin,
8 James Baughman, a/k/a Bean making jokes with Mason.

9 Q. All right. So she confirms that James Baughman,
10 previously a witness in this trial, had been there earlier
11 that night as well?

12 A. Yes, ma'am.

13 Q. After she arrived at [REDACTED] Cedar Vale?

14 A. Yes, ma'am.

15 Q. Please continue.

16 A. I asked Linda if Austin's cousin, James Baughman, was
17 at the house when the incident occurred and she stated that
18 he spent the night with his wife, Ty. I then asked Linda
19 if Austin would have anyone that would be angry at him and
20 she stated that he was a God-fearing man and did not owe
21 any money or have any enemies. At this point in time it
22 was getting late in the evening and we -- I told Linda that
23 we would be obtaining a search warrant for her cell phone,
24 which was normal in -- in cases like this. We would do
25 that with anybody present at an incident such as a murder.

1 I asked Linda for the passcode to her cell phone and she
2 had provided the passcode of 070474.

3 Q. So she provided that information to you voluntarily?

4 A. Yes, ma'am.

5 Q. During the course of this interview?

6 A. Yes, ma'am.

7 Q. I want to back up a little bit, and looking here at
8 State's 69, does your supplemental report indicate whether
9 she acknowledged that -- what type of relationship she
10 had with Brandon Rodighiero?

11 MR. WILLIAMS: Your Honor, I'm gonna object
12 to that. Number one, it's hearsay, and it's not in
13 evidence.

14 THE COURT: Well, was the question what did the
15 defendant tell?

16 MS. MAYES: Yes, Your Honor. It would be an
17 exception to hearsay.

18 THE COURT: Very well. Whatever she said in her
19 statement he can testify to.

20 BY MS. MAYES:

21 Q. Specifically page 104, Detective. Did you ask her
22 what her relationship was with Brandon when you learned
23 that she had been in contact with Mr. Rodighiero during
24 this timeframe?

25 A. Yes, ma'am. I'm sorry. I asked Linda what her

1 relationship with Brandon was and she stated that they were
2 friends, but had been more than friends at one point.

3 Q. Now following her providing her passcode information
4 on the phone, I want to move forward and ask you
5 specifically what she stated was occurring in the minutes
6 leading up to her entering the kitchen to get a snack
7 alone.

8 A. Yes, ma'am. She stated I was in the bed sleeping with
9 my man if y'all want to know all the details. Linda stated
10 that she and Austin were having sex together in the bedroom
11 and the dogs barked three times and Austin got onto them
12 for barking. I asked Linda where the dogs were and she
13 stated that one was in the cage and the other was out
14 running around the house. Linda stated that they finished
15 having sex, so they went into the kitchen to have a snack
16 like they always do. Linda advised that the back door was
17 deadlocked and I asked her who locked it and she stated
18 that Austin had. I asked Linda who was looking out the
19 kitchen into the front yard because we could tell that
20 someone had been due to the fact that two of the blinds
21 were manipulated as to be able to see through them.

22 Q. All right. I'm gonna stop you right there and look at
23 State's Exhibit 3. At this point in time you were familiar
24 with the crime scene, Detective Hart?

25 A. Yes, ma'am. I'd been in it.

1 Q. And in addition to being there yourself, you've had
2 a chance to consult with crime scene investigators?

3 A. Yes, ma'am.

4 Q. And so at this stage you're asking specifically -- can
5 you tell us whether or not this is the area that you're
6 asking her about?

7 A. It is. Yes, ma'am.

8 Q. And what was her response to that?

9 A. She stated that Austin always keeps it like that.

10 Q. So her response to this is that Austin always keeps
11 the blinds that way?

12 A. Yes, ma'am.

13 Q. She denied looking out the blinds?

14 A. Yes, ma'am.

15 Q. Please continue.

16 A. I asked Linda if she had told anyone about the cash
17 money in the house and she stated that she had not. I
18 asked Linda if she had told anyone about Austin cashing
19 his check and she stated she had not. Linda stated that
20 she did not know where Austin was keeping his money or how
21 much he had.

22 I walked back into the interview room -- I'm sorry,
23 walked out to talk to my major. I walked back into the
24 interview room and Linda stated that I was right, that
25 she had spoken to Brandon about getting him some money.

1 Q. All right. So I want to go back now to State's 69,
2 Brandon Rodighiero, and when she says to you that you were
3 right, what is she talking about?

4 A. I had confronted her about trying to get Brandon money
5 for his potential bond that was coming up.

6 Q. All right. And that's information you had obtained
7 during the course of the investigation?

8 A. Yes, ma'am.

9 Q. And she acknowledged that that was true?

10 A. Yes, ma'am.

11 Q. Please continue.

12 A. We started talking about the suspect again. Linda
13 stated that all she knew that he was a tall, dark-skinned
14 male. Linda stated that she could show me a picture of the
15 male right now on Facebook because she showed the picture
16 to investigators before. Linda stated that she felt like
17 the male in the house is one who hangs out at the hood
18 store.

19 Q. All right. Let me stop you right there. Now we're
20 back to State's 50. Can you tell us whether or not this
21 is the photograph that she's referring to?

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

23 Q. The photograph that she had shared with Detective
24 Marthers?

25 A. Yes, ma'am.

1 Q. From social media?

2 A. Yes, ma'am.

3 Q. And are you aware of the identity of this person
4 here, State's 50, that she indicated to Detective Marthers
5 appeared to look like the intruder?

6 A. Yes, ma'am.

7 Q. What is the identity of that individual?

8 A. His name is Tamare Howell.

9 Q. Are you familiar as to whether or not Tamare Howell is
10 a validated gang member?

11 A. Yes, ma'am, he is.

12 Q. Are you familiar with whether or not he is a validated
13 Gangster Disciple?

14 A. Yes, ma'am, he is.

15 Q. Please continue.

16 A. I asked Linda what his name -- his street name or his
17 Facebook name was and she stated that she did not know.

18 Q. So you made a reference just momentarily that in
19 addition to her saying she does not know his name or his
20 street name, she indicates that he hangs out at what she
21 calls the hood store?

22 A. Yes, ma'am.

23 Q. And those were her words, the "hood store"?

24 A. Yes, ma'am.

25 Q. During the course of your investigation, were you able

1 to learn what that location actually is?

2 A. Yes, ma'am.

3 Q. What is that location?

4 A. It's a convenience store on Two Notch Road in the
5 Lexington area of the county. I think -- I believe the
6 name of it is 7 to 11 store.

7 Q. So I'm gonna show you State's Exhibit 70 and ask you
8 whether or not you're familiar with this location?

9 A. I am. Yes, ma'am.

10 Q. Does it depict a location that you have identified as
11 the 7 to 11 store?

12 A. Yes, ma'am, it does.

13 Q. And through the course of the investigation in your
14 interviews with Linda Monette, were you able to confirm
15 whether or not that's what she's referring to as the hood
16 store?

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

18 MS. MAYES: This will be 70 for evidence, Your Honor.

19 MR. WILLIAMS: Without objection, Your Honor.

20 THE COURT: All right. State's Exhibit 70 or 74?

21 MS. MAYES: It's 70, Your Honor.

22 THE COURT: All right. State's Exhibit 70 is
23 admitted into evidence.

24 (State's Exhibit Number 70, an aerial photograph
25 blowup, was admitted into evidence.)

1 MS. MAYES: All right. And, Your Honor, if he may
2 step down briefly?

3 THE COURT: Certainly.

4 BY MS. MAYES:

5 Q. I'm gonna hand you this. Looking here at this aerial
6 map, Detective Hart, can you show us what location the
7 7 to 11 store is on this map that was referred to by Linda
8 Monette as the hood store?

9 A. Yes, ma'am. This store right here is the -- the hood
10 store, the 7 to 11:7

11 Q. And what is that main road running along that area?

12 A. This is Two Notch Road with South Lake Drive being
13 back this direction.

14 Q. Are we now within the Red Bank area of Lexington
15 county?

16 A. Yes, ma'am, we are.

17 Q. Now there had been a previous reference during the
18 defendant's interviews to someone named Shaq and you
19 previously identified that person as Shaquille Summers?

20 A. Yes, ma'am.

21 Q. Through the course of your investigation, did you
22 learn the location in which Shaquille Summers was known to
23 reside or hang out during this period of time in 2019?

24 A. Yes, ma'am.

25 Q. Where is that location in proximity to the 7 to 11

1 store?

2 A. It's right here.

3 Q. And what is that address?

4 A. 119 South Hampton.

5 Q. 119 South Hampton?

6 A. Yes, ma'am.

7 Q. Can you tell us whether or not the Jeremy or Jeremy
8 Williams, also known as Busta, also known as Bosso is
9 also affiliated through previous investigations at that
10 location?

11 A. Yes, ma'am, he is.

12 Q. Please continue.

13 (Whereupon, the witness retakes the stand.)

14 MS. MAYES: Your Honor, that -- that 70 for
15 evidence. I realize that we are out of sequential
16 order.

17 BY MS. MAYES:

18 Q. Now after you have confirmed again that she is
19 referencing the individual in this photograph, State's 50,
20 what, if anything, occurred next?

21 A. Yes, ma'am. Detective Dykes and I started talking
22 about it being late in the evening and we wanted to walk
23 her over to the jail so she could get some sleep before her
24 bond hearing the next morning and then she started talking
25 about the male. She said that he had a -- the home

1 invader. Said that he had a bandana on his face like the
2 guys who hang out at the gas station that she hangs out at.

3 Q. And, again, is that a reference to what she called the
4 hood store, the 7 to 11 store that you just identified?

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

6 Q. Please continue.

7 A. We asked Linda when's the last time that she was at
8 that store and she stated that it had been approximately a
9 week ago and she had stopped and bought a bottle of water
10 and I asked Linda if she had spoken to anyone while at the
11 store and she stated that she said hey to her friend Rey.
12 I asked Linda what Rey's last name was and she stated that
13 it was Romero.

14 Q. All right. So at this point in time she stated that
15 she had last been at the store that she called the hood
16 store how long before?

17 A. Two weeks prior.

18 Q. Can you reference directly from your report?

19 A. I'm sorry. She stated that she -- it had been
20 approximately a week ago that she stopped and bought a
21 bottle of water.

22 Q. So she states it had been a week ago since she had
23 been at the hood store?

24 A. Yes, ma'am.

25 Q. And when you went through her activities for that day,

1 May 13, 2019, did she ever acknowledge that she had been
2 to that location, the 7 to 11 store, on the day of May 13,
3 2019?

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

5 Q. So she said it was a week ago and she mentioned what
6 name as being someone she saw at the store a week ago?

7 A. Rey Romero.

8 Q. Detective, is this the first time you have heard the
9 name "Rey Romero" during the course of your interview?

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

11 Q. What does she say next?

12 A. She stated that she and Rey had been friends for a
13 long time and that he had helped her through whenever
14 her boyfriend had passed. At that point we ended the
15 interview. Again, told her that we'd like to speak with
16 her the next morning and she stated that she would be fine
17 with talking with us the next morning and Detective Dykes
18 walked her back the to Lexington County Detention Center
19 and booked her in.

20 Q. When you discussed meeting with her again the
21 following day, did she appear that she was willing to do
22 that?

23 A. Yes, ma'am.

24 Q. And based upon your observations, was that a free and
25 voluntary agreement to meet with you again the following

1 day?

2 A. Yes, ma'am.

3 Q. Tell us what happened next.

4 A. On -- so going into May 15, 2019, approximately
5 10:30 AM, Detective Dykes and I met with the defendant at
6 Lexington County Detention Center and we walked her back
7 over to the sheriff's department into an interview room,
8 read her Miranda warnings again and she, again, agreed to
9 speak with us about the case waiving her -- her Miranda
10 rights.

11 Q. All right. So this is your second formal interview
12 with her?

13 A. Yes, ma'am.

14 Q. Was this also video and audio recorded?

15 A. It was. Yes, ma'am.

16 Q. And were you also making notes that you're referencing
17 now in your supplemental report?

18 A. Yes, ma'am.

19 Q. What, if anything, did you ask her during the course
20 of this interview the following day on May 15th?

21 A. I asked her to go to through her day again before she
22 went to Austin's house. She stated that she got off work
23 at approximately 11:30 AM and then drove to her house where
24 -- where she did laundry and had to move a bunch of stuff
25 that she got from her mother's house. Linda stated that

1 she had gotten a room in the house before she met Austin
2 and she continued to keep belongings there. Linda stated
3 that she installed a window air-conditioning unit in her
4 room and then went to the gym and advised that she wore
5 gym clothes to Austin's house and removed her shirt to put
6 on Austin's shirt.

7 Q. All right. So she's still making a reference to going
8 to the gym?

9 A. Yes, ma'am.

10 Q. Does she indicate anyone else with her?

11 A. No, ma'am.

12 Q. Please continue.

13 A. Linda stated that Mason fell asleep on the couch and
14 James came back for a minute or two. Linda advised that
15 she and Austin had a few snacks and then went to a bedroom
16 and had sex. Linda stated that she got up and went to the
17 kitchen to get another snack. I asked Linda approximately
18 what time they had sex and she stated it was approximately
19 11 to 11:30 PM. I asked Linda if Austin had expected her
20 to come to his house and she stated that he was expecting
21 her, that he told her that he was ordering Chinese food and
22 would love for her to come over. I asked Linda how Austin
23 communicated with her about coming over and she stated that
24 she did not remember if he called or texted her, but she
25 knew that she had texted him and he wanted her to come

1 over. I'm sorry. That she had texted him and asked him if
2 he wanted her to come over and he texted that he would love
3 for her to.

4 Q. All right. So now she has acknowledged that she
5 initiated that text to Austin?

6 A. Yes, ma'am.

7 Q. Please continue.

8 A. Yes, ma'am. I walked out of the room to print Linda's
9 text messages from the phone extraction that we had --
10 Investigator Sherban had completed the evening before. I
11 came back into the room while those were printing and we
12 asked her again why she went to the Bush River Road Planet
13 Fitness and she state that she believed that it was the
14 same distance as the one from Cayce from Austin's house and
15 she stated they allow you to bring a guest because she's a
16 member. I asked Linda if there was a specific -- I asked
17 Linda again if there was a specific reason she went to that
18 gym location and she stated there was not, it was closer to
19 Austin's, and that he had been texting her.

20 Q. Now at this point in time you mentioned that her phone
21 extraction has been done?

22 A. Yes, ma'am.

23 Q. At any point in time had you questioned Linda Monette
24 as to whether her relationship with Austin was exclusive?

25 A. Yes, ma'am. We did ask her if their -- if their

1 relationship was exclusive.

2 Q. And what was her initial response to that question?

3 A. She started that they had been exclusive for the
4 previous six months.

5 Q. Okay. Indicating no other partners?

6 A. Yes, ma'am.

7 Q. And having received her phone extraction, what, if
8 anything, did you confront her about?

9 A. We found out evidence in the phone that she was,
10 indeed, not exclusive with Austin, that she had been having
11 sex with other men.

12 Q. And what, if anything, did she say in that regard?

13 A. She stated -- I told her that -- that she had already
14 told us that she had been exclusive for six months and she
15 stated that she had not. She had also had sex with Brandon
16 in the last six months as well.

17 Q. All right. That would be in reference to Brandon
18 Rodighiero who we saw previously?

19 A. Yes, ma'am.

20 Q. Now did you specifically question her -- did she ever
21 acknowledge the identity of someone else on her phone?

22 A. Yes, ma'am. When we were talking about the -- the
23 evidence that she had been having a relationship with
24 someone else, she responded that she only, quote, fucked
25 with one other man.

1 Q. And those were her words?

2 A. Yes, ma'am. I asked her his name and she stated it
3 was Rey Romero.

4 Q. All right. So at this point in time she has
5 acknowledged that Rey Romero is another individual on her
6 phone?

7 A. Yes, ma'am.

8 Q. And based upon your observations of that information,
9 was it sexually explicit?

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

11 Q. And with that information, what, if anything, did you
12 confront her with?

13 A. Well -- and then that's when I asked her about the
14 statement that she had been exclusive with Austin for the
15 last six months and then she said no, I haven't been
16 exclusive with him for the last six months, I had had sex
17 with Brandon as well.

18 Q. All right. So at this point she acknowledges a
19 relationship about six months ago with Brandon?

20 A. Yes, ma'am.

21 Q. Meaning Brandon Rodighiero. And is it your
22 understanding that the relationship with Rey Romero was
23 current or not current?

24 A. Current.

25 Q. Did you have information from her phone to indicate

1 that that was an on-going relationship?

2 A. Yes, ma'am.

3 Q. What, if any, concerns did you have at this point
4 about communications on the phone via text message with
5 that individual that she acknowledged as Rey Romero?

6 A. We believed that she had deleted text messages with
7 Rey Romero from her cell phone based on the extraction.

8 Q. I'm gonna show you what is State's 67 and ask you
9 whether or not you're familiar with this item.

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

11 Q. Now the extraction conducted by Detective Sherban
12 would have gone to who? Who requested that extraction?

13 A. I requested it. He provided it to me.

14 Q. And that was for what purpose?

15 A. To be able to corroborate the information that she had
16 given us the day before.

17 Q. And examine the contents?

18 A. Yes, ma'am.

19 Q. And having been provided that extraction by Detective
20 Sherban, were you able to do that?

21 A. We were able to examine the contents, yes, ma'am.

22 Q. And does that include State's 67?

23 A. Yes, ma'am.

24 MS. MAYES: Your Honor, having been authenticated
25 by the witness, and that CD previously admitted into

1 evidence, the State offers 67 at this time.

2 THE COURT: Mr. Williams?

3 (Discussion between counsel.)

4 MR. WILLIAMS: Your Honor, if I can have a couple
5 of seconds. We're trying to see if we can negotiate.

6 THE COURT: That's fine.

7 MR. WILLIAMS: Your Honor, if we could approach,
8 I think I can tell you what we're discussing.

9 (Proceedings held at the bench; not reported.)

10 MS. MAYES: State's 67 for evidence, Your Honor.

11 THE COURT: State's Exhibit 67 is admitted into
12 evidence.

13 (State's Exhibit 67, an extraction report, was
14 admitted into evidence.)

15 BY MS. MAYES:

16 Q. Now with Detective Sherban having testified yesterday
17 about the extraction of defendant's iPhone 6, that
18 extraction made its way to you for examination prior to
19 this interview?

20 A. Yes, ma'am.

21 Q. And looking here at State's 67, did yourself as well
22 as other investigators have reason to believe that there
23 had been data deleted from the defendant's iPhone?

24 A. Yes, ma'am, we did.

25 Q. And during the course of this interview, did you

1 question her about what was deleted from her iPhone?

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

3 Q. What, if anything, did she say to you in that regard?

4 A. Initially I told her that we could tell that she had
5 deleted a text message thread from her cell phone. When I
6 asked her which text message thread she deleted, she stated
7 that she deleted messages all the time. She probably
8 deleted messages about selling some marijuana. I told
9 Linda that there were several messages on her phone about
10 selling marijuana.

11 Q. How did you follow up after that?

12 A. Then we went back into the -- the messages and the
13 information involving Rey and Linda stated that she had
14 been having sex with Rey but no one knew that she was
15 having sex with him.

16 Q. Okay. So she acknowledged that her relationship with
17 Rey Romero was secret?

18 A. Yes, ma'am.

19 Q. What else?

20 A. I retrieved a printout of Rey's most recent booking
21 photo, which identified him as Reynerio Romero, and showed
22 it to her and she confirmed that it was the Rey that she
23 was talking about. I again asked Linda where she was
24 before she went to Austin's house and she stated that she
25 was at her house. I asked Linda where she was before she

1 was at her house, she stated that she was at work before
2 her house. I, again, asked Linda why she went to the gym
3 on Bush River Road and she stated that she went there to
4 meet up with Rey. Linda stated that she and Rey left
5 separately from the gym and she went to Austin's house.

6 Q. All right. So now talking again about Planet Fitness,
7 she indicates she had met someone at Planet Fitness?

8 A. Yes, ma'am.

9 Q. Who was that person?

10 A. Reynerio Romero.

11 Q. Did she indicate whether Rey went with her or how she
12 met up with Rey at the gym?

13 A. Yes, ma'am. She stated that a friend in a small
14 silver sedan dropped Rey off at the gym.

15 Q. So she gave explicit details about that?

16 A. Yes, ma'am.

17 Q. The person who allegedly dropped Rey off at the gym?

18 A. Yes, ma'am.

19 Q. Please continue.

20 A. I asked Linda why she did not tell us about meeting up
21 with Rey earlier and she stated -- and she did not answer.
22 I asked Linda if Rey was the male who came into the house
23 and she stated that he was not.

24 Q. You asked her specifically was Rey Romero the intruder
25 at [REDACTED] Cedar Vale?

1 A. Yes, ma'am.

2 Q. And her response?

3 A. He was not.

4 Q. All right. Please continue.

5 A. Linda stated that she was sorry she had not been
6 honest about Rey because she was not a liar. I asked Linda
7 how long she had been with Rey and she stated that she had
8 known him since high school. Linda stated that when she
9 found out that Austin was with another girl, she drove to
10 Topaz, referring to Topaz Court, which is also in the Red
11 Bank area of Lexington county where Jeremy Williams lived,
12 and hung out with Rey. I asked Linda if she had sex with
13 Rey on Monday and she stated that she did not. I asked
14 Linda why she met up with Rey at the gym and she stated
15 that Rey texted her and wanted to go to the gym because he
16 had not been to the gym in a long time and wanted to start
17 working out again.

18 Q. All right. So in reference to that visit to the gym
19 at Planet Fitness, which would have been May 13, 2019, the
20 day of -- the day of this incident, which occurred later in
21 the night, the early morning hours of May 14th, did you see
22 any indication once you had access to her phone of text
23 messages between her and Rey about going to the gym?

24 A. No, ma'am.

25 Q. Was there any indication of text messages between her

1 and Rey at all on May 13th?

2 A. No, ma'am.

3 Q. And based on that, what determination did you make
4 about the existence of text messages or a text message
5 thread between she and Rey Romero on the incident date?

6 A. We determined that it was likely that she had deleted
7 the text message thread between herself and Rey.

8 Q. Please continue.

9 A. Detective Dykes asked Linda if Rey had a vehicle and
10 she stated that he did not and she stated that one of the
11 boys from the hood store drives a small silver car and
12 drives Rey around all the time. Linda advised that the
13 small silver car drove Rey to the gym. Detective Dykes
14 asked Linda if she was sure that Rey was not the person
15 in the house and she stated that she was because the
16 intruder's skin tone was too dark.

17 I asked Linda who was in the house and she stated that
18 she did not know, that she had given us names of all the
19 people that Rey knew. I asked Linda why she met with Rey
20 at the gym and she stated that they just met to work out.

21 Q. So, again, indicating that he got to the gym in a
22 small silver car and they met to work out?

23 A. Yes, ma'am.

24 Q. Please continue.

25 A. I asked Linda if the people in the car that dropped

1 Rey off, whom she described as being a light-skinned taller
2 black male, poofy hair, and his, quote, unquote, mixed
3 girlfriend, stayed outside the gym until Rey left or if
4 they dropped him off and they left. Linda stated that the
5 car was gone when she left. I asked Linda what happened to
6 Rey when she left and she stated that she did not remember.

7 Q. So she's indicating that they left separately?

8 A. Yes, ma'am.

9 Q. Please continue.

10 A. Detective Dykes asked Linda where she took Rey after
11 the gym and she stated that if she had taken him anywhere
12 it would have been the hood store. Linda stated that
13 sometimes she drops Rey off at a friend's house in the Fern
14 Apartments, but she was pretty sure that she took him to
15 the hood store.

16 Q. All right. And now indicating that she believed she
17 took him to the hood store?

18 A. Yes, ma'am.

19 Q. So is that statement consistent or inconsistent with
20 what she had just told you?

21 A. Inconsistent.

22 Q. Please continue.

23 A. Yes, ma'am. I asked Linda what she talked about with
24 Rey while going to the hood store and she stated they did
25 not talk while she was driving. I asked Linda again the

1 boy's name who was in the house and she stated that he was
2 the one person who hangs out at the hood store whom she did
3 not know.

4 Q. All right. And you're referring to the intruder?

5 A. Yes, ma'am. I told Linda that she told Sergeant
6 Anderson the night prior that Austin had just cashed a
7 check for 15 to \$20,000. Linda continued to deny knowing
8 anything about the money in the house or about Rey knowing
9 anything about money in the house. We continued to --
10 Linda stated that she knows that Austin hides money in his
11 room in different places because he has told her before and
12 she has seen him get money out of a baseball cap on the
13 wall. Linda advised that Austin likes to keep his money
14 separated because if someone comes in the house and takes
15 it -- takes any, it is not all together. Linda stated that
16 she did not tell anyone about the money and that she wished
17 that we believed her.

18 Q. All right. So she indicates that Austin Hanahan keeps
19 money in various places throughout the house?

20 A. Yes, ma'am.

21 Q. Please continue.

22 A. Linda stated that people know that Austin sells weed
23 and he has a lot of weed. I asked Linda again what text
24 thread she deleted from her cell phone and she asked if we
25 had the messages between her and Rey.

1 Q. All right.

2 A. Linda then stated that she might have deleted messages
3 about marijuana sales and I informed her that there were
4 several messages regarding marijuana sales and it wouldn't
5 make any sense to leave some but not all. Linda stated
6 that she has sold up to a pound of marijuana for Austin
7 before and Austin is known to buy and sell cocaine. Linda
8 stated that he is -- I'm sorry. I asked Linda how Rey got
9 to the gym and she stated that one of his friends dropped
10 him off in a silver car. Prior to that comment I'd gotten
11 a phone call from Detective Sandy Black and she stated that
12 she was at the Planet Fitness and she was reviewing the
13 video at that time.

14 Q. All right. So let me stop you right there.
15 There's been a lot of talk about that Planet Fitness.
16 Ultimately, during the course of this investigation, did
17 law enforcement recover that video footage?

18 A. Yes, ma'am, it was recovered.

19 Q. And you've had an opportunity to see and review that
20 footage as well?

21 A. Yes, ma'am.

22 Q. And at this point in time you had a detective actually
23 at Planet Fitness recovering this footage?

24 A. Yes, ma'am.

25 Q. I'm gonna show you what is State's 34 and ask whether

1 or not you recognize it?

2 A. Yes, ma'am. That's from that video.

3 Q. All right. This video was seized as evidence?

4 A. Yes, ma'am.

5 Q. And you're familiar with the persons in State's 34?

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

7 Q. Can you tell us who these persons are who are depicted
8 in State's 34?

9 A. Yes, ma'am. It's Linda Monette and Reynerio Romero.

10 Q. And does the video surveillance have a date?

11 A. Yes, ma'am. It's dated May 13, 2019.

12 Q. So that would be earlier that day?

13 A. Yes, ma'am.

14 Q. The day of the murder?

15 A. Yes, ma'am.

16 Q. And the location?

17 A. Yes, ma'am. That's the Bush River Road address.

18 Q. For Planet Fitness?

19 A. For Planet Fitness. Yes, ma'am.

20 MS. MAYES: Your Honor, this would be State's 34
21 for evidence.

22 MR. WILLIAMS: And that's without objection,
23 Your Honor.

24 THE COURT: All right. State's Exhibit 34 is
25 admitted into evidence.

1 (State's Exhibit Number 34, a photograph, was
2 admitted into evidence.)

3 BY MS. MAYES:

4 Q. So looking here at this date stamp that we're talking
5 about, 5-13-2019, earlier that day, May 13th, when she is
6 taking you through her activities --

7 A. Yes, ma'am.

8 Q. -- and this would be approximately 5:47 PM?

9 A. Yes, ma'am.

10 Q. And who is this individual located here?

11 A. It's Reynerio Romero.

12 Q. And this individual?

13 A. That's Linda Monette.

14 Q. Having learned that they were at the gym together, can
15 you tell us whether or not you also were able to determine
16 how they arrived and how they left?

17 A. Yes, ma'am.

18 Q. How -- how did that occur?

19 A. We were able to tell that he arrived and left in
20 Ms. Monette's car.

21 Q. Can you tell us whether or not that's the same black
22 Kia sedan that we see at the crime scene?

23 A. It is. Yes, ma'am.

24 Q. Please continue.

25 A. Yes, ma'am. I told Linda that we had just gotten

1 access to the video that shows her arriving at the gym with
2 Rey in the car and her. Linda shook her head and stated
3 that she did not recall that. I asked Linda why she had
4 deleted her text messages with Rey and she stated that
5 after the male left the house she texted Rey and asked him
6 if he knew who could have been responsible.

7 Q. Let me stop you right there. Has she now acknowledged
8 to deleting text messages specifically between herself and
9 Rey Romero?

10 A. Yes, ma'am, she has.

11 Q. And her statement is that she initiated a text to Rey
12 at what point in time following the home invasion?

13 A. After the -- the intruder left the residence.

14 Q. And she states she texted Rey and said what?

15 A. She asked him if he knew who could have been
16 responsible.

17 Q. Now in addition to reviewing the evidence that we have
18 already discussed, can you tell us whether or not you had
19 had the opportunity to review the body cam footage of
20 Deputy Pollard?

21 A. Yes, ma'am, we had.

22 Q. I'm gonna show you what is State's 9 and 10, already
23 in evidence, and ask you whether or not you're familiar
24 with these items?

25 A. Yes, ma'am. I am familiar with this.

1 Q. And who is depicted here --

2 A. Linda Monette.

3 Q. -- in the body cam still shot? And now State's 9?

4 A. Yes, ma'am.

5 Q. What is going on over here?

6 A. EMS is still currently working on Mason trying to get
7 him to a point that they can transport him.

8 Q. And at this point in your interview Linda Monette has
9 acknowledged that she is texting who?

10 A. Reynerio Romero.

11 Q. And when you reviewed that phone extraction, were you
12 able to find any phone messages or texts to Rey Romero in
13 the time period of 5-14-19 at approximately 12:38 AM?

14 A. No, ma'am, we were not.

15 Q. And looking here at the time, what can you tell us
16 about the time differential between body cams and real
17 time?

18 A. They use standard Zulu, which is during daylight
19 savings time four hours ahead of us, and during fall time,
20 five hours ahead of us.

21 Q. All right. So this Z is a reference to Zulu time?

22 A. Yes, ma'am.

23 Q. Where we subtract four?

24 A. Yes, ma'am.

25 Q. So that would make it approximately what time?

1 A. Midnight 38.

2 Q. Okay. 12:38?

3 A. Yes, ma'am.

4 Q. And, again, going back to that phone extraction, did
5 you see any text messages from the defendant to anyone in
6 that timeframe?

7 A. No, ma'am.

8 Q. Specifically, Rey Romero?

9 A. No, ma'am.

10 Q. All right. So after you confront her about the text
11 messages to Rey Romero, what does she say next?

12 A. I asked Linda why she deleted her text messages with
13 Rey -- I'm sorry. I already read that part. Linda stated
14 that she called Rey because he did not answer her text and
15 she told him that the person who broke into the house had
16 the same color flag as all of his friends.

17 Q. All right. So I want to stop you right there. In
18 addition to sending the text to Rey, does she acknowledge
19 a phone call to Rey?

20 A. Yes, ma'am.

21 Q. And this time she indicates that she speaks with him
22 in person?

23 A. Yes, ma'am, she does.

24 Q. And she makes what statement to him?

25 A. She told him that the person who broke into the house

1 had the same color flag as all of his friends.

2 Q. All right. As a major crimes investigator, what is
3 meant by the term "flag"?

4 A. A bandana.

5 Q. Is that a gang-affiliated item?

6 A. Yes, ma'am. It represents what gang you're affiliated
7 with.

8 Q. Please continue.

9 A. Linda advised that Rey told her to stop talking crazy
10 over the phone. I asked Linda why she deleted all the text
11 messages and she stated that she did not want Austin to
12 see it. Linda advised that she texted Rey after they had
13 already gotten to the hospital. I asked Linda why she
14 deleted the text messages and she stated that she always
15 deleted text messages between her and Rey. Linda advised
16 that a comment that Rey made about Austin made her think
17 that he might have been involved.

18 Q. All right. So is this the first time you have heard
19 her connect Rey to involvement in the home invasion?

20 A. Yes, ma'am.

21 Q. What was her exact statement?

22 A. She stated Rey made a comment about Austin that might
23 -- that made her think he might be involved.

24 Q. Please continue.

25 A. Yes, ma'am. I asked Linda where she picked Rey up

1 from before taking him to the gym and she stated that she
2 picked him up from the hood store. I asked Linda if she
3 had sex with Rey Monday and she stated that she did not,
4 but she did have not long before Monday. I asked Linda
5 why she picked him up from the hood store and carried him
6 to the gym and then returned him to the hood store and she
7 stated that she had been -- they had been talking about
8 going to the gym for a while. Detective Dykes confronted
9 Linda with the lies that we caught her in during the
10 interview room and asked her what we needed to do to get
11 her to --

12 MR. WILLIAMS: Your Honor, I have a matter of law
13 to take up outside the presence of the jury, I think.

14 THE COURT: Madam Solicitor.

15 Ladies and gentlemen, I've got something I want
16 to take up with the attorneys real quick. I'll get you
17 back up here as soon as possible. Actually the timing
18 is about time for our midmorning break. We'll continue
19 testimony shortly.

20 Thank you.

21 (Whereupon, the jury retires to the jury room at
22 10:44 AM.)

23 THE COURT: Ladies and gentlemen -- in fact,
24 ladies and gentlemen, if you'd like to excuse
25 yourselves from the courtroom to take a break, please

1 objection or conference was trying to stricken the
2 report per se, just ensuring that the wording and
3 the characterization of the testimony doesn't run us
4 further afoul -- or run us afoul of Washington.

5 MS. MAYES: I beg the Court's indulgence.

6 We're ready to proceed, Your Honor.

7 THE COURT: Okay. Ready to bring the jury back up?

8 MR. WILLIAMS: The defense is ready, Your Honor.

9 THE COURT: Bring them back up. If they're ready,
10 bring them back up.

11 BAILIFF: Ladies and gentlemen.

12 (Whereupon, the jury return to the courtroom at
13 11:07 AM.)

14 THE COURT: All right. Mr. Foreman, ladies and
15 gentlemen of the jury, welcome back. I hope you had
16 a chance to refresh yourselves. We're gonna continue
17 where we left off with the testimony of this witness.

18 BY MS. MAYES:

19 Q. Detective Hart, I believe that you were on page 115
20 of your supplemental report and indicating that at some
21 point in time according to Linda Monette Rey made a comment
22 about Austin that made her think he might be involved?

23 A. Yes, ma'am.

24 Q. Did your interview go further into the details of
25 that?

1 A. Yes, ma'am. Linda stated that Rey made a comment
2 approximately a month prior that his birthday was coming
3 up and he wanted to hit a lick, which is slang for commit a
4 robbery or burglary.

5 Q. All right. So at this point in time, according to the
6 defendant, Rey, being Rey Romero, states that he wants to
7 hit a lick?

8 A. Yes, ma'am.

9 Q. In order to get money for his birthday?

10 A. Yes, ma'am.

11 Q. Please continue.

12 A. I asked Linda when Rey's birthday was and she stated
13 that it was [REDACTED]. I told Linda that Mason was not
14 supposed to be at the house and she stated that she knew
15 that he was going to be there. I told Linda that I knew
16 that she had just found out about Mason being at the house
17 around lunchtime Monday because of the text messages.

18 Q. All right. So let me stop you right there. You
19 indicated that you had reviewed the phone. Did that
20 include text messages between the defendant and Austin
21 Hanahan?

22 A. Yes, ma'am, it did.

23 Q. Having reviewed the phone, can you tell us whether or
24 not there were indications that Mason would be present at
25 his father's home on the evening of May 13, 2019?

1 A. Yes, ma'am, there were.

2 Q. Please continue.

3 A. Detective Dykes asked Linda where Rey gets his weed
4 from because she had mentioned that he sells marijuana as
5 well. Linda stated that sometimes Rey gets marijuana from
6 her. Detective Dykes confirmed with Linda that Rey would
7 know that Austin has a large quantity of marijuana since
8 she gets it from him and she gives it to Rey.

9 Q. So let me stop you right there. That's a reference
10 to Rey Romero having knowledge of marijuana in the home of
11 Austin Hanahan?

12 A. Yes, ma'am.

13 Q. Now I'm gonna ask you to move forward and whether or
14 not you had an opportunity to listen to any audio files on
15 that phone extraction of Linda Monette's phone being the
16 iPhone 6S?

17 A. Yes, ma'am, we were.

18 Q. What, if anything, do you recall hearing from the
19 defendant herself in an audio file around the timeframe of
20 this event, May 13, 2019?

21 A. There was an audio file that Ms. Monette sent out
22 saying that she needed to get money.

23 Q. All right. So you hear that in her voice?

24 A. Yes, ma'am.

25 Q. And that's on her phone?

1 A. Yes, ma'am.

2 Q. And that's a message to someone that she's sending
3 out?

4 A. Yes, ma'am.

5 Q. Did you question her further in order to determine why
6 she may need money?

7 A. Yes, ma'am.

8 Q. What was her response?

9 A. Linda advised that she needed to get some money
10 together and then she stated that she needed to get money
11 together for Brandon.

12 Q. And, again, that's a reference to Brandon Rodighiero
13 who we saw earlier in State's 69?

14 A. Yes, ma'am.

15 Q. And was -- Brandon Rodighiero, I believe you've
16 already testified that he was incarcerated?

17 A. Yes, ma'am.

18 Q. Being incarcerated, would he need money for bond or
19 bail potentially?

20 A. Yes, ma'am.

21 Q. I'm gonna move forward and ask you whether or not
22 she acknowledged deleting multiple text messages between
23 herself and Rey Romero?

24 A. Yes, ma'am, she did.

25 Q. And did that include on the date of May 13, 2019?

1 A. Yes, ma'am.

2 Q. Can you tell us whether or not she ever made a
3 statement regarding law enforcement having access to the
4 text messages between herself and Rey Romero?

5 A. She did. Yes, ma'am.

6 Q. Was she questioned about the reason -- additional
7 reasons she deleted those text messages?

8 A. She was. Yes, ma'am.

9 Q. What was her response to that?

10 A. We asked Linda again why Rey's texts -- why she had
11 deleted Rey's texts and she stated that she made it a habit
12 to delete Rey's text messages.

13 Q. Was she questioned specifically about law enforcement
14 finding them?

15 A. She was. Yes, ma'am.

16 Q. What was her response to that?

17 A. She stated that she deleted messages from Rey and she
18 did not want anything like that on her phone. I'm sorry.
19 If you'd give me just a second.

20 Q. Specifically as to page 120 of your report.

21 A. Okay. Yes, ma'am. Detective Dykes asked Linda if the
22 reason she'd deleted text messages between Rey and herself
23 was because she did not want law enforcement to see it.
24 She admitted that she did not want to, quote, get in
25 trouble for texting about it.

1 Q. And when she said that she did not want to get in
2 trouble for texting about it, what was she referring to?

3 A. Text messages between herself and Rey Romero.

4 Q. Following the home invasion?

5 A. Yes, ma'am.

6 Q. Now that interview with Linda Monette concludes there
7 on May 15th of 2017 --

8 A. Yes, ma'am.

9 Q. -- '19. Excuse me.

10 A. Yes, ma'am.

11 Q. I want to move forward now to May 17, 2019. This
12 would be day four. This would be day four following the
13 murder of Mason Hanahan?

14 A. Yes, ma'am.

15 Q. Can you tell us whether or not you had contact with
16 the defendant, Linda Monette, on this date?

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

18 Q. Who else was with you?

19 A. Lieutenant, then Sergeant, McCann.

20 Q. Is that Lieutenant McCann present in the courtroom?

21 A. She is. Yes, ma'am.

22 Q. Can you tell us whether or not Linda Monette was
23 advised of her Miranda rights on that date, May 17, 2019,
24 by yourself or Lieutenant McCann?

25 A. Yes, ma'am, she was.

1 Q. Can you tell us whether or not she knowingly and
2 voluntarily waived those rights to participate in an
3 interview on that date?

4 A. Yes, ma'am, she did.

5 Q. Who took action to initiate an interview with you on
6 that date?

7 A. Linda Monette.

8 Q. And were you present for that interview as well?

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

10 Q. Was it also audio and video recorded?

11 A. Yes, ma'am, it was.

12 Q. Can you tell us whether or not a written statement was
13 obtained as a result of that interview?

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

15 Q. Now as to other aspects of the investigation, going
16 back to that initial interview at the hospital before she
17 had been detained that was conducted by Detective Brandon
18 Marthers when she identified this individual in State's 50
19 that you've been informed is Tamare Howell, a validated
20 gang member, also affiliated with the Gangster Disciples,
21 what action, if any, did law enforcement take to follow up
22 on Linda Monette pointing him out in the photograph as the
23 possible intruder?

24 A. He actually had an active warrant, so he was arrested
25 and we interviewed him and then later we conducted a search

1 warrant at his residence in an attempt to recover clothes
2 that matched the description that Linda Monette gave us of
3 the intruder.

4 Q. Were you present for the execution of that search
5 warrant?

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

7 Q. What was his address?

8 A. Give me just a second.

9 Q. I'm gonna show you a document and ask you whether or
10 not you recognize it?

11 A. Yes, ma'am, I do.

12 Q. How so?

13 A. It's a search warrant for the residence at [REDACTED] Cleyera
14 Drive in the Red Bank area of Lexington county.

15 Q. Now following his initial arrest -- and just to
16 clarify, that arrest, was that on unrelated charges?

17 A. Yes, ma'am, unrelated charges.

18 Q. So following his arrest on unrelated charges, did
19 you, as well as other members of law enforcement, take
20 part in the execution of a search warrant at his residence
21 for any potential evidence that could be related to this
22 crime --

23 A. Yes, ma'am.

24 Q. -- the home invasion at [REDACTED] Cedar Vale?

25 A. Yes, ma'am, we did.

1 Q. What was the date in which that search warrant was
2 executed?

3 A. July 5, 2019.

4 Q. And what, if any, items were recovered?

5 A. It looks like six pairs of Nike shoes, four pairs of
6 pants and one zip hoodie were all recovered.

7 Q. And can you tell us if that occurred in an abundance
8 of caution?

9 A. Yes, ma'am, it did.

10 Q. To determine if there may be any evidence of value?

11 A. Yes, ma'am.

12 Q. What, if anything, was done with this evidence that
13 was recovered from the residence of Tamare Howell at
14 [REDACTED] Cleyera Drive?

15 A. All of the evidence was sent to SLED for trace
16 evidence.

17 Q. For forensic analysis?

18 A. Yes, ma'am.

19 Q. And ultimately was there anything of forensic
20 evidentiary value linking Tamare Howell to this crime?

21 A. No, ma'am.

22 Q. And you were present for the execution of that search
23 warrant?

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

25 Q. Can you tell us what, if anything, was noted regarding

1 those clothing items that were recovered from the home at
2 [REDACTED] Cleyera Drive?

3 A. They were all stored together tightly in a storage
4 container in a spare bedroom and from the look of them they
5 had all been laundered.

6 Q. I'm sorry. If you could pull the microphone a little
7 bit closer to you.

8 A. Yes, ma'am. From the apparent -- the appearance of
9 them they had been laundered and they had been all stored
10 tightly together in a -- a Tupperware container, a rubber
11 Tupperware container, in a spare bedroom inside the
12 residence.

13 Q. Okay. There were indications that the clothing had
14 been laundered?

15 A. Yes, ma'am.

16 Q. Now moving forward, in addition to taking clothes from
17 the residence of Tamare Howell, can you tell us what, if
18 any, evidence was recovered from Tamare Howell pursuant to
19 a search warrant?

20 A. Yes, ma'am. We obtained Tamare Howell's cell phone --
21 data location from his cell phone carrier, his complete
22 cell phone records, and we also obtained his DNA. Buccal
23 swabs. They're Q-tip swabs for DNA.

24 Q. I'm gonna show you what is State's 71.

25 A. Yes, ma'am.

1 Q. Who actually obtained these swabs, these buccal swabs,
2 from Tamare Howell?

3 A. I did.

4 Q. Does it bear your initials?

5 A. It does. Yes, ma'am.

6 Q. What was the date they were obtained?

7 A. August 5, 2019.

8 Q. Can you tell us whether or not these buccal swabs are
9 obtained for purposes of potential DNA analysis?

10 A. They were. Yes, ma'am.

11 Q. To be conducted by the State Law Enforcement Division?

12 A. Yes, ma'am.

13 Q. And you collected these yourself directly from the
14 body of Tamare Howell?

15 A. Yes, ma'am.

16 MS. MAYES: Your Honor, this would be State's 71
17 for evidence.

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: State's Exhibit 71 is admitted into
20 evidence.

21 (State's Exhibit Number 71, buccal swabs, was
22 admitted into evidence.)

23 BY MS. MAYES:

24 Q. And you mentioned that in addition to that you also
25 obtained from Tamare Howell his cell phone records?

1 A. Yes, ma'am.

2 Q. And I'm gonna show you State's 72 and 73 for
3 identification and ask you whether or not you recognize
4 these items? You can look in there.

5 A. (Witness complies.)

6 Q. Detective, do you recognize the items that are marked
7 here as State's 72 and State's 73?

8 A. Yes, ma'am. They are both pairs of shoes seized
9 from Tamare Howell's residence pursuant to the search
10 warrant.

11 Q. Can you tell us whether or not these were submitted
12 for analysis?

13 A. Yes, ma'am, they were.

14 MS. MAYES: State's 72 and 73 for evidence, Your
15 Honor.

16 MR. WILLIAMS: Without objection, Your Honor.

17 THE COURT: State's Exhibit 72 and 73 are admitted
18 into evidence.

19 (State's Exhibit Number 72 and 73, shoes, were
20 admitted into evidence.)

21 BY MS. MAYES:

22 Q. If you could just examine the outside of the bag, 76,
23 75, and 74, and tell us whether or not you recognize these
24 items.

25 A. Yes, ma'am, I do.

1 Q. How so?

2 A. They are pants seized from Tamare Howell's residence
3 pursuant to the search warrant.

4 Q. Then, finally, I'm gonna show you what is 77 and 78,
5 and ask you whether or not you recognize these items as
6 well?

7 A. Yes, ma'am, I do. These are blue jeans and a hooded
8 sweatshirt also seized from [REDACTED] Cleyera Drive, Tamare
9 Howell's address.

10 Q. Okay. For what purpose were these clothes with this
11 type of description seized from the residence of Tamare
12 Howell?

13 A. We used the description the defendant provided us
14 during the interviews with her and we seized these clothes
15 because this was the individual who she kept referencing
16 in an attempt to -- attempt to locate forensic evidence on
17 them that would tie him to the crime.

18 Q. Okay. So any clothing that matched the description
19 of the intruder --

20 A. Yes, ma'am.

21 Q. -- provided to you by the defendant, Linda Monette?

22 A. Yes, ma'am.

23 Q. All of these items that we've mentioned, State's 78,
24 State's 74, State's 75, State's 76, were they collected
25 for the purpose of analysis?

1 A. Yes, ma'am. They were.

2 THE COURT: For evidence, Your Honor.

3 MR. WILLIAMS: Without objection, Your Honor.

4 THE COURT: All right. So that's State's Exhibit
5 74, 75, 76, and I heard 78. Is there a 77 in there as
6 well?

7 MS. MAYES: Your Honor, we still have 77.

8 THE COURT: Okay. So 74, 75, 76, and 78 are
9 admitted into evidence.

10 (State's Exhibit Number 74, 75, 76, and 78,
11 clothing items, were admitted into evidence.)

12 MS. MAYES: 77 being the dark navy hooded
13 sweatshirt for evidence, Your Honor.

14 MR. WILLIAMS: Without objection on that.

15 THE COURT: So State's Exhibit 77 admitted in
16 evidence.

17 (State's Exhibit Number 77, clothing items, was
18 admitted into evidence.)

19 BY MS. MAYES:

20 Q. Now in addition to a buccal swab, DNA swab, from
21 Tamare Howell, can you tell us whether or not a DNA swab
22 was collected from the individual that Linda Monette
23 acknowledged having contact with on May 13, 2019, being
24 Rey Romero?

25 A. Yes, ma'am, it was.

1 Q. Who collected that?

2 A. I did.

3 Q. Can you tell us whether or not a buccal swab was
4 collected from the defendant in this case, Linda Monette?

5 A. It was. Yes, ma'am.

6 Q. Can you tell us whether or not a buccal swab was
7 collect from Austin Hanahan being a victim in this case?

8 A. It was. Yes, ma'am.

9 Q. Can you tell us whether or not a blood standard was
10 collected at the autopsy of eight-year-old Mason Hanahan?

11 A. It was. Yes, ma'am.

12 Q. I'm gonna show you these items and ask you whether or
13 not you recognize them. Who actually collected the blood
14 or DNA standard from the defendant, Linda Monette?

15 A. I --

16 Q. Were you present for that?

17 A. I was present. I don't remember if it was myself or
18 CSI Ward, but I was present.

19 Q. That was done in your presence?

20 A. Yes, ma'am.

21 Q. And the standard from Rey Romero, you were present for
22 that?

23 A. I collected that. Yes, ma'am.

24 MS. MAYES: All for evidence, Your Honor,
25 State's 81, 82, 80, being the blood spot standard of

1 Mason Hanahan, and 79.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: All right. State's Exhibit 79, 80,
4 81, and 82 are admitted into evidence.

5 (State's Exhibit Number 79, a blood standard, and
6 State's Exhibit Number 80, 81, and 82, buccal swabs,
7 were admitted into evidence.)

8 BY MS. MAYES:

9 Q. Now after the defendant acknowledged in her interview
10 with you that she had engaged in text messages with Rey
11 Romero and had been present with Rey Romero at the Planet
12 Fitness gym, as well as taking him to what she called the
13 hood store on the day of May 13, 2019, did you learn
14 whether or not Rey Romero was present in this photograph
15 which you had previously provided to Detective Marthers?

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

17 Q. Can you show us where Rey Romero is located in that
18 photograph?

19 A. Right there.

20 Q. Did you determine whether Rey Romero was present in
21 the music video shown here in State's 18?

22 A. We did. Yes, ma'am.

23 Q. Had he ever previously been identified by Linda
24 Monette as present in that social media photograph or in
25 this music video?

1 A. No, ma'am, he had not.

2 Q. Where is he located in this particular photograph?

3 A. Right here.

4 MS. MAYES: I beg the Court's indulgence.

5 BY MS. MAYES:

6 Q. You indicated that your communications with the
7 defendant on both the 14th and the 15th were audio
8 recorded?

9 A. Yes, ma'am.

10 Q. I'm gonna show you what is marked as State's 55 --

11 A. Yes, ma'am.

12 Q. -- and ask you whether or not you recognize that item
13 as being an excerpt from that interview?

14 A. I do.

15 Q. State's 58 --

16 A. Yes, ma'am.

17 Q. -- on the 15th. State's 59 --

18 A. Yes, ma'am.

19 Q. -- also on the 15th. State's 62 also on the 15th?

20 A. Yes, ma'am.

21 Q. State's 64 also on the 15th?

22 A. Yes, ma'am.

23 Q. Are these a fair and accurate reflection of those
24 portions of the interviews that you have previously
25 testified to regarding her whereabouts at the Planet

1 Fitness gym and the hood store and her relationship with
2 Rey Romero?

3 A. Yes, ma'am, they are.

4 MS. MAYES: For evidence, Your Honor, and we would
5 request permission to publish.

6 THE COURT: That's --

7 (Discussion between counsel.)

8 MR. WILLIAMS: Your Honor, as to State's Exhibit 58,
9 the introduction would be subject to the motions that
10 were conducted in reference to Jackson v. Denno.

11 THE COURT: Thank you.

12 Otherwise, what about the others?

13 MR. WILLIAMS: We have to do those one at a time.

14 As to State's Exhibit Number 59, that would be
15 subject to the motions dealing with Jackson v. Denno.

16 THE COURT: 59 or 5?

17 MS. MAYES: 59.

18 THE COURT: Okay.

19 MS. MAYES: State's 64.

20 MR. WILLIAMS: Your Honor, in regards to State's
21 Exhibit 64, subject to the motions made in reference to
22 Jackson v. Denno.

23 THE COURT: All right.

24 MR. WILLIAMS: In regards to State's Exhibit
25 Number 55, that would be, again, subject to the motions

1 that was made in reference to Jackson v. Denno.

2 THE COURT: Okay.

3 MR. WILLIAMS: And as to State's Exhibit 62, that
4 would subject to motions made in reference to Jackson
5 v. Denno.

6 THE COURT: All right. So State's 55, 58, 59, 62,
7 and 64 are admitted into evidence subject to previous
8 objection.

9 (State's Exhibit Number 55, 58, 59, 62, and 64,
10 audio recordings, are admitted into evidence.)

11 MS. MAYES: At this time, Your Honor, the State
12 would publish 55.

13 THE COURT: Very well.

14 BY MS. MAYES:

15 Q. And, again, who was present with you for this
16 particular interview on May 14, 2019?

17 A. It would have been Detective Dykes.

18 Q. Did you question her specifically about when the last
19 time she had been to what she had called the hood store
20 was?

21 A. Yes, ma'am. We did.

22 Q. Did she acknowledge that she had been at the hood
23 store on the day of this event earlier on May 13, 2019?

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

25 (Whereupon, State's Exhibit Number 55 was played.)

1 Q. So on this audio she indicates the last time she had
2 been to the hood store had been a week prior to say hello
3 to her friend Rey?

4 A. Yes, ma'am.

5 Q. And now the following day, on the 15th, at this point
6 in time can you tell us whether or not you had information
7 that she had been at Planet Fitness with Rey Romero as
8 indicated in State's 34?

9 A. Yes, ma'am, we did.

10 Q. Did you confront her with that information?

11 A. We did. Yes, ma'am.

12 (Whereupon, State's 55 continued playing.)

13 Q. Had she then indicated they left separately?

14 A. Yes, ma'am, she did.

15 Q. Eventually can you tell us whether or not she
16 acknowledged that Rey may have left Planet Fitness with
17 her?

18 A. Yes, ma'am, she did.

19 Q. I'm gonna refer you to State's 64, also on May 15,
20 2019.

21 (Whereupon, State's Exhibit Number 64 was played.)

22 Q. State's 58. Did you question her about the nature of
23 her relationship with Rey Romero?

24 A. We did. Yes, ma'am.

25 Q. Also on May 15, 2019?

1 A. Yes, ma'am.

2 (Whereupon, State's Exhibit Number 58 was played.)

3 Q. And, finally, as to State's 62, did you question the
4 defendant as to whether or not her relationship with Rey
5 Romero was on-going during the period of time leading up
6 to May 14, 2019?

7 A. Yes, ma'am, we did.

8 Q. What did she acknowledge in that regard? Did she
9 acknowledge that it was?

10 A. Yes, ma'am, she did.

11 (Whereupon, State's Exhibit Number 62 was played.)

12 Q. And at that point in time, on May 15, 2019, did she
13 maintain that she had no idea who came into the house?

14 A. She did. Yes, ma'am.

15 Q. Now you previously identified some still shots from
16 video footage at the Planet Fitness. I'm gonna show you
17 these items and ask if you recognize them. State's 83
18 and 84.

19 A. Yes, ma'am, I do.

20 Q. You recognize what is depicted in that?

21 A. I do. Yes, ma'am.

22 Q. And what is the date on these particular photographs?

23 A. May 13, 2019.

24 Q. Can you tell us whether or not you have reviewed this
25 video footage as well?

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

2 Q. You have personal knowledge as to its content?

3 A. I do. Yes, ma'am.

4 Q. Can you tell us whether that information was obtained
5 pursuant to a valid search warrant by the Lexington County
6 Sheriff's Department?

7 A. It was. Yes, ma'am.

8 THE COURT: This would be State's 83 and 84 for
9 evidence, Your Honor.

10 MR. WILLIAMS: No objection to 84 or 83, Your
11 Honor, in regards to going into evidence.

12 THE COURT: State's Exhibit 83 and 84 are admitted
13 into evidence.

14 (State's Exhibit Number 83 and 84, photographs,
15 were admitted into evidence.)

16 BY MS. MAYES:

17 Q. Are you familiar with State's 68?

18 A. I am. Yes, ma'am.

19 Q. Who is reflected in that photograph?

20 A. Reynerio Romero.

21 Q. Also known as Rey Romero?

22 A. Yes, ma'am.

23 MS. MAYES: State's 68 for evidence as well,
24 Your Honor.

25 MR. WILLIAMS: No objection to State's Exhibit 68

1 going into evidence.

2 THE COURT: State's Exhibit 68 is admitted into
3 evidence.

4 (State's Exhibit Number 68, a photograph, was
5 admitted into evidence.)

6 BY MS. MAYES:

7 Q. Is that a driver's license photo of Rey Romero?

8 A. It is. Yes, ma'am.

9 Q. Looking at 84, being a photograph, can you tell us,
10 Detective Hart, whether or not you're familiar with this
11 location?

12 A. I am. Yes, ma'am.

13 Q. Are you familiar with the date and time reflected here
14 on the timestamp, specifically the date?

15 A. Yes, ma'am.

16 Q. What is the date?

17 A. The date is May 13, 2019.

18 Q. And having been familiar with this particular video
19 footage, what vehicle do we observe here?

20 A. That's the defendant's Kia sedan.

21 Q. That same Kia Optima sedan that was also depicted in
22 the crime scene photographs at [REDACTED] Cedar Vale?

23 A. Yes, ma'am.

24 Q. This individual here, having been familiar with the
25 video footage, who is that individual?

1 A. Rey Romero.

2 Q. Have you observed whether or not Rey Romero meets the
3 car or gets out of the car?

4 A. Yes, ma'am.

5 Q. What does he do?

6 A. He exited that vehicle.

7 Q. The Kia sedan?

8 A. Yes, ma'am.

9 Q. Looking here at State's 83, which individual is shown
10 here?

11 A. Rey Romero.

12 Q. Also on May 13, 2019?

13 A. Yes, ma'am.

14 Q. Now in addition to the phone records that you've
15 testified were obtained -- preserved and retained regarding
16 Tamare Howell, can you tell us whether there were also
17 phone records preserved and maintained for Tyshawn Howell?

18 A. Yes, ma'am, they were.

19 Q. Can you tell us whether there were phone records
20 preserved and maintained for Rey Romero?

21 A. Yes, ma'am, they were.

22 Q. Can you tell us whether or not law enforcement
23 retrieved those phone records and consulted with other
24 agencies in order to determine the whereabouts of these
25 parties?

1 A. Yes, ma'am.

2 Q. At the time of the incident at 12:23 AM on May 14,
3 2019, at [REDACTED] Cedar Vale, can you tell us whether or not
4 Rey Romero's phone was in Lexington county or Richland
5 county?

6 A. It was in Richland county.

7 Q. And can you tell us what efforts, if any, law
8 enforcement took, you specifically as a detective on this
9 case, to obtain any other unknown phones, any other
10 unknown phone activity, within the area of [REDACTED] Cedar Vale
11 at 12:23 AM on May 14, 2019?

12 A. Yes, ma'am. I obtained actually several search
13 warrants for Google for what's called geo fencing wherein
14 they send them a fence of different GPS locations making a
15 box or a shape and you send them those locations and ask
16 for a certain period of time and what -- what phones using
17 Google data, Google apps that are tracked, are inside that
18 area during that timeframe.

19 Q. All right. So I want to ask you specifically,
20 Detective, about this area here right outside the immediate
21 residence of [REDACTED] Cedar Vale, being the home of Austin
22 Hanahan.

23 A. Yes, ma'am.

24 Q. Can you tell us whether or not that initial Google
25 search warrant obtained any results?

1 A. Outside the residence, no, ma'am.

2 Q. And can you tell us whether or not any unknown or
3 unidentified phones were found inside the residence or
4 activity inside the residence during the timeframe of this
5 event?

6 A. No, ma'am, there were not.

7 Q. What, if any, indications do you have as a detective
8 -- as a lead detective on this case regarding those
9 implications that the Google fencing search warrant
10 returned no unknown phone numbers or activities within this
11 frame?

12 A. Based on my training and experience --

13 MR. WILLIAMS: Objection. Speculation. Not
14 qualified in that area, Your Honor.

15 MS. MAYES: And we'll -- we'll move on, Your Honor.

16 THE COURT: Very well.

17 BY MS. MAYES:

18 Q. You did execute a search warrant for this location?

19 A. Yes, ma'am.

20 Q. Based upon your knowledge of this investigation, were
21 you able to develop any further suspects as a result of
22 those search warrants you executed?

23 A. No, ma'am.

24 Q. Now following that search warrant right there outside
25 of [REDACTED] Cedar Vale, did you also extend the scope of that

1 search warrant at a later date?

2 A. Yes, ma'am.

3 Q. For what areas or locations?

4 A. We did the roadway in front of the residence, the
5 roadway leaving the neighborhood and the roadway in front
6 of the neighborhood.

7 Q. As a result of those search warrants, did you obtain
8 any additional information?

9 A. No, ma'am.

10 Q. And to clarify, Detective Hart, this particular
11 location seen depicted in State's 83 is what location?

12 A. That's the 7 to 11 store on Two Notch Road.

13 Q. Is that also what had been previously referred to as
14 the hood store by the defendant, Linda Monette?

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

16 MS. MAYES: Nothing further.

17 THE COURT: All right. Cross-examination.

18 MR. WILLIAMS: May it please the Court?

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q. Detective Hart, you would be the lead investigator;
23 is that correct?

24 A. Yes, sir.

25 Q. You were in charge of the whole investigation

1 essentially?

2 A. Yes, sir.

3 Q. And by being the lead investigator, I guess you kind
4 of keep up with everything? You keep up with everybody
5 that's investigated, you keep up with the DNA results, you
6 keep up with -- just like we were just talking about, the
7 cell phones, you keep up with all the information about
8 that? You basically keep up with everything that goes on
9 in this case?

10 A. Try to, yes, sir.

11 Q. All right. Now as we were talking earlier, you -- you
12 were going through the information that you had about -- I
13 believe it was -- was it Tamare Howell, and you were asked
14 if there was anything from all of this -- from the search
15 warrant, whether it be the clothing, whether it be the
16 buccal swab, whether it be the shoes, those are basically
17 all of the items that you got off of him, right?

18 A. Yes, sir.

19 Q. Whether it be cell phones, whether it be any
20 communication that he had, where -- whether it would be
21 locating where he was during the time of the alleged crime,
22 you stated that nothing that you had linked him to the
23 crime. That's what you said when you were asked by the
24 solicitor, wasn't it? Nothing that you had, no evidence
25 you had, linked him to the crime?

1 A. Okay. I -- and I might have said that. What I meant
2 was we had nothing to -- further interest in him in the
3 crime. We had what Ms. Monette had provided as far as a
4 description, but we had nothing to further the -- I don't
5 want to mense my words is what I'm saying.

6 Q. I don't want you to. So all you have that links that
7 man to being involved in anything in this particular crime
8 was the fact that Linda said that the guy that came inside
9 the residence looked like him?

10 A. Yes, ma'am -- yes, sir. I'm sorry.

11 Q. That's it?

12 A. Yes, sir.

13 Q. And as a result of that, that man was never charged,
14 was he?

15 A. Never charged in relation to this crime. No, sir.

16 Q. Okay. Now you've done a lot of discussion here about
17 Mr. Rey, Rey Romero.

18 A. Yes, sir.

19 Q. In regards to him, I think you were just talking about
20 cell phones, and you seized his cell phone, right?

21 A. Yes, sir.

22 Q. And you tested his cell phone?

23 A. Not quite. No, sir.

24 Q. You didn't test his cell phone?

25 A. We weren't able to get into it. I think SLED is --

1 or our CSI tech is still working. My understanding is we
2 might get into by 2044 if he doesn't provide us a PIN code.

3 Q. Okay. But you haven't -- so you haven't gotten into
4 his cell phone --

5 A. Correct.

6 Q. -- but you've obviously, I don't know, been able to
7 establish where he went when he went to the -- you call it
8 the hood store?

9 A. Yes, sir.

10 Q. Because you've got a videotape showing him there?

11 A. Yes, sir.

12 Q. Have you tried to track his movements in regards to
13 where he was on the night of May the -- what was it, May
14 the 13th?

15 A. Yes, sir.

16 Q. The early morning hours of May 14th?

17 A. Yes, sir.

18 Q. You've tried to track his movements, haven't you?

19 A. Yes, sir.

20 Q. And you've interviewed a lot of people and stuff,
21 haven't you?

22 A. Yes, sir.

23 Q. Do you have any information that points Rey Romero as
24 being at that incident location on May the 13th or May the
25 14th of 2019?

1 A. No, sir.

2 Q. And as a result you don't have any pending charges
3 against Rey Romero, do you?

4 A. No, sir. No pending charges.

5 Q. All right. Let's go through this list. All right.
6 Shaq is who?

7 A. Shaquille Summers.

8 Q. And Jeremy Williams, also known as Busta, and I don't
9 know what the other name for him is.

10 A. Bosso.

11 Q. Tre B?

12 A. That's Treyon Bonner.

13 Q. T.K.?

14 A. I'm not sure who T.K. is.

15 Q. Loskey?

16 A. Yeah.

17 Q. Tyshawn?

18 A. Tyshawn Howell.

19 Q. Rez?

20 A. Rez would be Torrez Adams.

21 Q. And that's the address whose address is close to the
22 hood store?

23 A. Yes, sir.

24 Q. Christopher Fuller?

25 A. Yes, sir.

1 Q. Frontline?

2 A. Yes, sir.

3 Q. This information was given to you by my client,
4 correct?

5 A. Yes, sir.

6 Q. And these are people that were -- were they pictured
7 in the pictures of these GD's that are reflected that we've
8 been looking at all this time, State's Exhibit Number 50?
9 Are those guys pictured there?

10 A. I don't know all of them by sight. I know that
11 Tyshawn, Jeremy and Tamare are -- are pictured in there for
12 a fact, but the other I don't know from sight, so I can't
13 tell you. But I know some of them are.

14 Q. All right. But we've got this movie that has several
15 of these people shown in there?

16 A. Yes, sir. The rap video, is that what you're
17 referring to?

18 Q. Yeah. I haven't watched the whole thing. I kind of
19 caught episodes of it, but it needs to be in a series. But
20 you have -- you have seen the whole thing? Actually I have
21 looked at it. Did you -- you recognized the names of those
22 persons in that movie, right?

23 A. I recognize a couple of them, yes, sir. Like I said,
24 I don't know all of them by sight.

25 Q. Have you investigated, that is to say have you seized

1 their cell phones, have you attempted to find their
2 locations on the night of May the 13th, the early morning
3 hours of May the 14th?

4 A. Most of them all. Yes, sir, we did.

5 Q. Tell me who all you seized the cell phones of.

6 A. Well, we seized Tamare Howell's cell phones. The rest
7 of them we did search warrants on Torrez Adams's cell phone
8 records. We didn't seize his cell phones. We did Tyshawn
9 Howell's cell phone records. We didn't seize his cell
10 phone. And Jeremy Williams was incarcerated at Lexington
11 County Detention Center at the time, so we had his cell
12 phone records -- or his telephone records. Excuse me.

13 Q. All right. So you didn't seize his cell phone, you
14 took whatever he had -- whatever communication he had off
15 of the sheriff's department's information?

16 A. Jeremy Williams?

17 Q. Jeremy Williams.

18 A. Yes. He doesn't have a cell phone in the jail.

19 Q. Right. And he was in jail at the time this occurred,
20 wasn't he?

21 A. Yes, sir.

22 Q. So you know it wasn't Jeremy Williams who was out
23 there on May the 13th?

24 A. Correct. Yes, sir.

25 Q. Unless he's got a twin, but it wasn't him?

1 A. Yes, sir.

2 Q. And on all of those individuals that you've mentioned,
3 all of these individuals, do you have any clear physical
4 evidence that points to any of these individuals being at
5 that house on May the 13th or the early morning hours of
6 May the 14th?

7 A. No, sir, we don't have any direct evidence that puts
8 any of them there.

9 Q. Let me simplify it. You don't have any evidence of
10 anybody being at that location except for Austin, my
11 client, Ms. Monette, and -- and Mason?

12 A. And Mr. Baughman. Are you talking during the fact?

13 Q. When the event occurred --

14 A. Yes, sir.

15 Q. -- the alleged break-in occurred.

16 A. Yes, sir. It would have been those four.

17 Q. Now I'm gonna kind of take you back to the house a
18 minute. Do you remember talking about -- and it's
19 reflected here on State's Exhibit Number 3. Do you
20 remember talking about -- that's the kitchen, right?

21 A. Yes, sir.

22 Q. And I believe you've got another picture, and that's
23 State's Exhibit Number 52, also shows the kitchen, doesn't
24 it?

25 A. Yes, sir.

1 Q. And I believe there was some information about that
2 light switch right there, that light switch, which is right
3 next to the door, and this was -- this was referenced in
4 terms of discussions about when the light was turned on,
5 when the light was turned off, when Ms. Monette moved
6 around during the -- during these events. That's what it
7 was mentioned in reference to, right?

8 A. Yes, sir.

9 Q. Who told you that -- and I'll point with it down here.
10 Who told you that that light was the light that was on?

11 A. Nobody told me that that was the light that was on.

12 Q. Right. Because when people are in their kitchen they
13 normally use that light, right?

14 A. I don't know. Nobody specifically told me that
15 either.

16 Q. Well, did you look at that light closely?

17 A. When you say closely --

18 Q. When you were at the house, did you look at it
19 closely?

20 A. No, sir, I didn't look at the lights closely. I was
21 more concerned with the -- the projectiles.

22 Q. Do you have those kind of fan lights at your house?

23 A. I have a couple, yes, sir.

24 Q. And do your fan lights have the same thing that mine
25 do, which is a string which hangs down from the light to

1 turn your light on and off?

2 A. Yes, sir.

3 Q. So if you're attempting to turn the lights on and off,
4 you don't necessarily go over here to hit this particular
5 thing to turn the lights on and off, do you?

6 A. If you're asking me, I use the switch with my fan
7 lights, yes, sir.

8 Q. It's quite possible to do it with the string though,
9 isn't it?

10 A. It doesn't cut the power off, no, sir. It just
11 diverts it from the lights.

12 Q. All right. So it does turn the lights on and off,
13 doesn't it?

14 A. It cuts the lights on and off, yes, sir.

15 Q. So if she was cutting the lights on and off, she could
16 have been standing right here turning the lights on and
17 off, couldn't she?

18 A. I assume she could.

19 Q. Now when you were collecting -- but you didn't collect
20 it. I misspoke. The people that actually collect the
21 physical evidence at the house are known as what, CSI,
22 right?

23 A. Yes, sir.

24 Q. And who are the individuals with the Lexington County
25 Sheriff's Department who do the CSI collection?

1 A. You're asking their names?

2 Q. Their names that were involved in this particular
3 case.

4 A. This would have been our CSI tech Thom Smith and he
5 would have been assisted by CSI Cody Weyandt, but he was
6 in training at the time. I think it was primarily Smith,
7 Detective Smith.

8 Q. So Detective Smith would have been the one that would
9 have collected fingerprints?

10 A. Yes, sir.

11 Q. He would have been the one to collect DNA?

12 A. Yes, sir.

13 Q. He would have been the one to collect footprints?

14 A. Yes, sir.

15 Q. Anything else forensically that that particular
16 individual would collect?

17 A. Are you asking or telling me?

18 Q. Huh?

19 A. Are you asking me what --

20 Q. I'm asking. I wasn't there.

21 A. Yeah, anything forensically we would have taken. Yes,
22 sir.

23 Q. What else would he be collecting to be physically --
24 to be scientifically tested to verify who was there or who
25 touched or who did something? Anything else that you would

1 check if you were there?

2 A. Cartridge casings. Look for video. If there was
3 video there, he would be the one collecting that video, but
4 there wasn't.

5 Q. So you've got these cartridge cases which are laying
6 out along on the -- on the floor and, of course, you know,
7 to put a cartridge in a gun you've to touch it, don't you?

8 A. Yes, sir.

9 Q. So he would be the one collecting those items to check
10 those for DNA, for fingerprints. And the cartridge cases
11 that were in the house, they weren't all Austin's cartridge
12 cases, were they?

13 A. No, sir.

14 Q. You had cartridge cases for whoever this individual
15 who came in and did this terrible deed, you had his -- he
16 would have had to left some shells there, too, right?

17 A. Yes, sir. We did collect some we believed were from
18 the suspect.

19 Q. And the reason you believe it came from the suspect is
20 because you've got two different types of weapons that are
21 being used?

22 A. Yes, sir.

23 Q. They had two different types of calibers and you just
24 know. I mean, it was obvious?

25 A. And the area that they were recovered in, yes, sir.

1 Q. It's just obvious that it was --

2 A. Yes, sir.

3 Q. -- somebody else had a gun there and they were
4 shooting?

5 A. Yes, sir.

6 Q. Do you have any test results that point to anybody
7 firing those weapons other than Austin?

8 A. No, sir.

9 Q. And I assume we know that Austin didn't shoot himself
10 or shoot his -- his son, right?

11 A. Yes, sir.

12 Q. So in doing the fingerprint analysis, there was --
13 there was a fingerprint which was on the screen door,
14 wasn't there?

15 A. Yes, sir.

16 Q. And that fingerprint came back to who?

17 A. Deputy Dustin Pollard.

18 Q. Because Deputy Pollard came in there and didn't have
19 his gloves on, which is he was in a hurry --

20 A. Yes, sir.

21 Q. -- and he went in there and reached -- pulled the door
22 open so it had his fingerprints on it?

23 A. (Nods head.)

24 Q. But there was nobody else's fingerprints on the door,
25 was there?

1 A. None that were located.

2 Q. So you can't say there weren't any, you say that
3 there's none that you have information on or that you --

4 A. Correct. Yes, sir.

5 Q. So let me talk to you about the -- about the blinds
6 and I believe you've indicated that the blinds were tilted
7 like that because it's -- so that you can look out to see
8 who's coming in the front -- in the front area?

9 A. Yes, sir.

10 Q. Did you ask Austin if he had left the blind -- if he
11 had tilted the blinds like that?

12 A. I believe I did later. He was in a medically-induced
13 coma for a couple of months after this, so. I believe I
14 did ask him later, but I'd have to look back at my notes to
15 see what he said about that.

16 Q. Well, at this point in time, certainly you know now,
17 that you had at least two groups of people -- at least cars
18 pulling up to the house to purchase marijuana, correct? I
19 mean, you knew about people were buying drugs there, right?

20 A. Yes, sir. She had -- Ms. Monette had mentioned that
21 -- well, she said she never saw anybody buying drugs there.
22 She -- when somebody came, her job was to entertain the
23 kids is what she told us.

24 Q. So she got the kids out of the way?

25 A. That's what she told us, yes, sir.

1 Q. Well, I mean, you had already heard -- you'd already
2 talked to the first cousin, the first -- first cousin, I
3 don't know if you call them the first or the second cousin,
4 his cousin who confirmed that there was drug selling going
5 on there, correct?

6 A. Investigators had. I had not, but I wasn't --

7 Q. But you knew about it?

8 A. Yes, sir. I was aware of that conversation.

9 Q. And knowing about this, did you maybe talk to
10 narcotics investigators at the Lexington County Sheriff's
11 Department about whether or not they had been watching that
12 house?

13 A. Yes, sir, I had.

14 Q. And you did that because you knew it was a drug house?

15 A. I did that because I had learned it was a drug house,
16 yes, sir.

17 Q. That's good. Were you able to provide surveillance or
18 -- or did they have surveillance on that house that would
19 show those individuals that had come to the house?

20 A. I'm not aware of that, no, sir. My understanding is
21 they didn't -- I mean, if you're asking if they put a van
22 in the roadway to watch it, that didn't happen, no, sir.

23 Q. All right. And you don't have any investigative
24 reports that would have given some names to check out in
25 reference to that?

1 A. No, sir, I didn't have any.

2 Q. But you did have names of at least two individuals who
3 -- because you -- you sat down and had a conversation with
4 Linda and maybe with the cousin, maybe you talked to the
5 cousin, too, I don't know, but you remember when you were
6 -- I guess you and Dykes were in there talking to her and
7 Linda had told you that she had sold up to -- do you
8 remember saying that? And I'm gonna refer you to page 114
9 if that helps.

10 A. Are you talking about at the top of the page?

11 Q. I'm talking about the middle of the page where it says
12 that Linda stated that she had sold a pound of marijuana --

13 A. Yes, sir.

14 Q. -- for Austin before, right?

15 A. Yes, sir.

16 Q. All right. And Linda also said that Austin was
17 involved with some Asians. Do you remember that?

18 A. Yes, sir, I do.

19 Q. What were the Asians's names?

20 A. She provided the names of Bobby and T.

21 Q. Did you investigate those two individuals?

22 A. I was never able to determine names other than Bobby
23 and T to further investigate.

24 Q. Did you talk to Austin about Bobby and T?

25 A. I did not. No, sir.

1 Q. Why not?

2 A. Because Austin was in a medically-induced coma at the
3 time.

4 Q. Well, he's not now and he hasn't been for a while, has
5 he?

6 A. No, sir, he hasn't.

7 Q. Have you talked to him about who Bobby and T are?

8 A. So Mr. Hanahan was charged in relation to the drugs in
9 his house and he's retained an attorney and I can't talk to
10 him about the drugs now.

11 Q. Okay. But that's the reason?

12 A. That's part of the reason, yes, sir.

13 Q. Okay. Did you talk to Frontline?

14 A. He was talked to, but it was another investigator.
15 But I didn't talk to him, no, sir.

16 Q. Let me take you back -- I'm not gonna get too deep
17 into this, but do you remember talking to Linda and Linda
18 had told you -- because we've been talking about money,
19 right? Money from the house because supposedly he cashed a
20 check, \$15,000, then you subsequently learned that there
21 was a lot of weed selling going on. More money, right?

22 A. (Nods head.)

23 Q. Do you remember talking to Linda and she says that
24 there's a -- there's a lot of money in there because he
25 has to pay who? On page 114, who does he have to pay that

1 money to?

2 A. The Asians.

3 Q. And how much does he have to pay the Asians? Up to
4 what amounts of money?

5 A. She stated it's upwards of \$20,000.

6 Q. And did she tell you about a robbery that happened
7 with the Asians?

8 A. She did. Yes, sir.

9 Q. Tell the jury about that robbery that happened with
10 the Asians.

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

17 Q. Wearing what?

18 A. Fake gardening gloves.

19 Q. All right. Now is it your testimony that you were
20 unable to determine who these Asians were?

21 A. Yes, sir.

22 Q. And you talked to narcotics about these people?

23 A. I did talk to narcotics about it, yes, sir.

24 Q. Did you talk to Dykes about this?

25 A. To Detective Dykes?

1 Q. Detective Dykes.

2 A. He was in the room when this was going on.

3 Q. Okay. He's the big guy there, right?

4 A. Yes, sir.

5 Q. He's got the pickups and -- if you want to pick up
6 somebody bad you bring him along because he's huge, isn't
7 he?

8 A. He's on our fugitive task force, yes, sir.

9 Q. How big is he?

10 A. 6-9, 350, I think.

11 Q. I got you. And he does a lot of the drug pickup, too,
12 doesn't he?

13 A. All of our fugitive warrants.

14 Q. I got you. Did you ask him about these Asian people?

15 A. He didn't have any -- we talked about it when we
16 stepped out of the room and he didn't have any inside
17 knowledge.

18 Q. All right. How long were these interviews that you
19 conducted?

20 A. The 14th and 15th about three hours apiece with
21 bathroom breaks and snacks and everything else.

22 Q. Three hours apiece?

23 A. Yes, sir.

24 Q. Were you involved in any more interviews of my client?

25 A. I was involved in -- yes, sir, I was.

1 Q. Which interviews were you involved in?

2 A. On the 17th?

3 Q. Yeah. Is that the last one we just went over?

4 A. Yes, sir.

5 Q. All right. None after that, right?

6 A. None after the 17th, no, sir.

7 Q. Were you aware that she had not had access to a phone?

8 A. I was not aware she did not have access to a phone.

9 She would have been in booking for a lot of this and she
10 would have had access to phones in booking.

11 Q. Do you recall where she had a conversation with other
12 detectives, which I'm sure you viewed, which asked how she
13 got an attorney?

14 A. And I may be, but I don't remember specifically that
15 conversation, no, sir.

16 Q. You don't? Did anybody else call the 7-Eleven -- here
17 I say 7-Eleven. Is it 7-Eleven or 7 to 11?

18 A. 7 to 11.

19 Q. Okay. Did anyone comment in reference to that
20 particular location as any -- as the hood store?

21 A. Did anybody else refer to it as that? It's commonly
22 referred to as that.

23 Q. As the hood store?

24 A. Yes, sir. Or the zebra store.

25 Q. Or the zebra store?

1 A. Yes, sir.

2 Q. And that's because all the hoods hang out there? Is
3 that why they call it that?

4 A. Honestly, I don't know. It was called that before I
5 got in law enforcement.

6 Q. Okay. When you did the -- when you did all these
7 search warrants and you subpoenaed cell phone records and
8 you subpoenaed, I don't know, texts and you subpoenaed
9 Facebook and all this other stuff, it would appear that
10 you subpoenaed from May the 1st; is that correct? Is that
11 when you -- is that the time that you subpoenaed, beginning
12 May the 1st of 2019?

13 A. It could be. I'd have to look at them to tell you the
14 truth.

15 Q. If you wanted a more complete picture of things, could
16 you have gone back and subpoenaed before May the 1st?

17 A. Potentially, but we have to argue every timeframe
18 that we give to a -- to a judge when we get -- when we get
19 search warrants issued, so we have to have a reason to be
20 able to argue why we need that specific timeframe.

21 Q. Right.

22 A. Going back two weeks is pretty easy because of
23 communications and obviously planning that went into a
24 robbery like this. Going back any further, you know, it
25 would be tough to be able to argue to a judge that we know

1 that a conversation would have happened prior to that.

2 Q. Well -- and there might have been other information
3 that you could have concluded that could have landed you or
4 could have dealt you in the right direction of who actually
5 did this, right?

6 A. Potentially, I mean, if we were widening --

7 Q. And that's -- you're just doing the best you can with
8 what you've got basically, right?

9 A. We have to deal with the information that we have and
10 what the -- what we're allowed to do.

11 Q. That's right. Let me ask you about the dog. Who
12 handled the dog that was out there?

13 A. After the fact?

14 Q. Yes.

15 A. I know the dogs -- and I wasn't very privy to that.
16 I know the dogs were put -- I believe the dogs were put in
17 the backyard and I think animal control came and picked
18 them up.

19 Q. No, no. I'm talking about the dog that Lexington
20 County Sheriff's Department brought out there to track
21 whoever was at the house.

22 A. They didn't bring a K-9 dog.

23 Q. You did not bring a K-9?

24 A. I'm not a K-9. I wouldn't have brought them, but,
25 no, sir, a K-9 handler would not -- that would have been

1 Lieutenant Scottie Frier as the watch commander, that would
2 have been in his purview to have requested a K-9 to track
3 and make that determination if they were gonna track or
4 not.

5 Q. Well, there was -- there was a lot of discussion, if
6 you will, about which direction they left and how they
7 left, wasn't there?

8 A. There was discussion of a car, potential car, and we
9 didn't -- yes, sir.

10 Q. But you never saw a car, did you?

11 A. No, sir. I wasn't there. I didn't see any of it.

12 Q. And you knew that the guy didn't drive his car inside
13 the house, so he had to leave -- he had to leave that
14 residence and go in a direction, right?

15 A. Yes, sir.

16 Q. A dog would have been helpful, wouldn't it?

17 A. Potentially.

18 Q. Potentially. To show you where the individual ran to,
19 right?

20 A. So the problem with the K-9's -- and I'm not -- I
21 can't speak to -- I'm not an expert on K-9's, but I can
22 tell you in my experience that K-9's with the amount of
23 people that would have been on-scene between fire service,
24 EMS, investigators and initial responding deputies, a K-9
25 can't differentiate bad guy smell and not bad guy smell and

1 there would have been contamination of that, so had a K-9
2 investigator -- or a K-9 officer been called, I can't even
3 promise that they would have tried based on that.

4 Q. But we didn't try?

5 A. I'm sorry?

6 Q. But we didn't try?

7 A. I don't believe so, no, sir.

8 Q. The one thing you did do, which you haven't talked
9 about yet, is you did go throughout the neighborhood,
10 didn't you?

11 A. Investigators did, sir. I did not, but, yes, sir.

12 Q. You had them going out there and they were checking
13 various Ring cameras and stuff like that, weren't they?

14 A. They tried to check Ring cameras that were available,
15 yes, sir.

16 Q. And what you were looking for with the Ring cameras
17 was you were looking for description of cars?

18 A. Anything.

19 Q. Or anything?

20 A. Yes, sir.

21 Q. And you came up with nothing on -- nothing has come up
22 on that either, has there?

23 A. No, sir.

24 Q. So the only person and the only evidence that we have
25 in this particular case is that Linda Monette was somehow

1 involved in this, right? That's what -- that's what we're
2 shooting at, Linda Monette. You have nobody else that
3 you're shooting -- that you have information on that you
4 can charge with anything, right?

5 A. That we can charge, no, sir, we don't.

6 Q. And she was the person who was inside the house when
7 the shooting was going on?

8 A. Yes, sir.

9 MR. WILLIAMS: I don't have any other questions,
10 Your Honor.

11 THE COURT: Redirect.

12 MS. MAYES: Yes, sir, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. And just to clarify, Detective, does this remain an
16 ongoing investigation?

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

18 Q. Does it remain an ongoing investigation in regards
19 to Tamare Howell?

20 A. Yes, sir, it does.

21 Q. Does it remain an ongoing investigation in regards to
22 Tyshawn Howell?

23 A. Yes, ma'am, it does.

24 Q. Does it remain an ongoing investigation in regards to
25 Rey Romero?

1 A. Yes, ma'am, it does.

2 Q. Does it remain an ongoing investigation involving any
3 other potential suspects?

4 A. Yes, ma'am, it does.

5 Q. Now to clarify, in all of your contact with the
6 defendant, Linda Monette, did she ever state that it was
7 Rey Romero who came inside [REDACTED] Cedar Vale?

8 A. No, sir, she -- I'm sorry. No, ma'am, she did not.

9 Q. Did she ever state that Rey Romero was seen outside
10 [REDACTED] Cedar Vale?

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

12 Q. So her statement was always that it was an unknown,
13 separate individual from Rey Romero?

14 A. Yes, ma'am.

15 Q. And then eventually she provides information to law
16 enforcement that Tamare Howell appears to be up until the
17 15th similar to that individual?

18 A. Yes, ma'am.

19 Q. And so up through the 15th all she was stating is that
20 Tamare Howell appeared to be similar?

21 A. Yes, ma'am.

22 Q. But despite that did you obtain his cell phone
23 records?

24 A. Yes, ma'am, we did.

25 Q. Did that include GPS data?

1 A. Yes, ma'am, it does.

2 Q. And Tyshawn Howell. I believe the defense was asking
3 you about Tyshawn Howell?

4 A. Yes, ma'am.

5 Q. Did you also obtain cell tower data for Tyshawn
6 Howell?

7 A. Yes, ma'am, we did.

8 Q. How about Torrez Adams?

9 A. Yes, ma'am, we did.

10 Q. And you indicated that as far as Jeremy Williams was
11 concerned, Bosso, he was incarcerated at the time?

12 A. Yes, ma'am, he was.

13 Q. And you also were able to have access to his jail
14 communications?

15 A. Yes, ma'am, we were.

16 Q. Rey Romero, did you obtain his cell tower GPS data?

17 A. Yes, ma'am, we did.

18 Q. Now the defense was asking you specifically about
19 Rey Romero's cell phone. I know you testified previously
20 that in order to gain access to the defendant's cell phone
21 she was able to provide you with a certain passcode?

22 A. Yes, ma'am.

23 Q. So even for the phone extraction you utilized that
24 passcode or it was helpful in extracting that iPhone 6S?

25 A. Yes, ma'am.

1 Q. As to Rey Romero, has any other law enforcement,
2 including the United States Secret Service, been able to
3 get into the cell phone of Rey Romero?

4 A. No, ma'am.

5 Q. Now the defense was asking you about some of these
6 other individuals. I know we've heard the name Chris
7 Fuller, Frontline.

8 A. Yes, ma'am.

9 Q. Is he a black male or a white male?

10 A. He's a white male.

11 Q. Any reason to believe that he's the individual that
12 went inside?

13 A. No, ma'am.

14 Q. The defense was asking you about connections with
15 Frontline. During the course of your investigation and
16 your contact with Linda Monette, did she acknowledge any
17 type of relationship with Chris Fuller, also known as
18 Frontline?

19 A. Yes, ma'am, she did.

20 Q. What type of relationship did she acknowledge having
21 had with him in the past?

22 A. A sexual relationship.

23 Q. You were questioned about crime scene investigation
24 work.

25 A. Yes, ma'am.

1 Q. That included latent print processing?

2 A. Yes, ma'am.

3 Q. Gel lifts of footwear impressions from the floor?

4 A. Yes, ma'am.

5 Q. Ballistics evidence?

6 A. Yes, ma'am.

7 Q. Was all of that conducted by CSI in this case?

8 A. It was. Yes, ma'am.

9 Q. And I believe you indicated that's Agent Thom Smith?

10 A. Yes, ma'am.

11 Q. Also a potential witness in this case for a later
12 time?

13 A. Yes, ma'am.

14 Q. You were asked about whether any other members of the
15 Lexington County Sheriff's Office reviewed this photograph,
16 as well as social media accounts, as well as other items of
17 interest in this case, including that YouTube music video.
18 Who is Sergeant Brian Zwolack?

19 A. He is the sergeant over our crime reduction unit. We
20 commonly refer to it as our gang unit.

21 Q. Gang task force?

22 A. Yes, ma'am.

23 Q. Can you tell us whether or not Sergeant Brian Zwolack
24 was involved in this investigation along with you and other
25 members of the major crimes unit?

1 A. Yes, ma'am.

2 Q. Are you familiar with whether he reviewed all of these
3 items to determine any potential suspects?

4 A. I am. Yes, ma'am.

5 Q. Finally, as a major crimes investigator, if a phone is
6 turned off are you able to trace its cell tower location?

7 A. No, ma'am.

8 MS. MAYES: Thank you. Nothing further.

9 MR. WILLIAMS: No questions on recross.

10 THE COURT: All right. The witness may step down.

11 (Witness excused.)

12 (Proceedings held at the bench; not reported.)

13 THE COURT: Okay, ladies and gentlemen. We'll go
14 ahead and break for lunch now. We'll do a little bit
15 longer today, an hour and fifteen minutes. I'd like you
16 to be back in your jury room ready to go at 1:45 PM.

17 Please don't discuss the case while you're out.
18 Please don't do any independent research on anything
19 involved in this case. Otherwise, have a nice lunch.

20 (Whereupon, the jury was excused for lunch at
21 12:28 PM.)

22 THE COURT: All right. Anything else before we
23 break?

24 MS. MAYES: Nothing from the State.

25 MR. WILLIAMS: Nothing from the defense, Your

1 THE CLERK: Raise your right hand and place your
2 left hand on the Bible.

3 (Whereupon, David Kunz was duly sworn by the Clerk
4 of Court.)

5 THE CLERK: When you have a seat, you can take
6 your mask off. State your name and spell your last
7 name.

8 THE WITNESS: Okay. My name is David Kunz. My
9 last name is spelled K-U-N-Z.

10 DAVID KUNZ,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. McMENAMIN:

14 Q. Mr. Kunz, where are you currently employed?

15 A. Planet Fitness.

16 Q. And what is your position there?

17 A. General manager.

18 Q. How long have you worked at Planet Fitness?

19 A. Since 2014.

20 Q. And were you working there in May of 2019?

21 A. Yes, I was.

22 Q. As part of your job as the general manager, are you
23 also the custodian of records for Planet Fitness?

24 A. Yes, I am.

25 Q. And is this a specific location of Planet Fitness?

1 A. It's Planet Fitness at Dutch Square Mall, Columbia,
2 South Carolina.

3 Q. Could you provide the address for that business as
4 well?

5 A. 421 Bush River Road, Unit 19, Columbia, South
6 Carolina, 29210.

7 Q. 421 Bush River Road?

8 A. Correct.

9 Q. And you said that's at which mall?

10 A. Dutch Square Mall.

11 Q. Okay. Does your business, Planet Fitness, have
12 security cameras?

13 A. Yes, we do.

14 Q. About how many security cameras do you have?

15 A. Twelve.

16 Q. Are these located inside, outside or both?

17 A. Both.

18 Q. As far as your outside cameras go, do you have any
19 cameras that have an angle showing out into the parking
20 lot in front of your business?

21 A. Yes, we do.

22 Q. And inside of the business, do you have any camera
23 angles that show people entering and exiting the business?

24 A. Yes, we do.

25 Q. Are there other camera angles throughout the business

1 or the gym that show where fitness equipment and things
2 like that are?

3 A. Yes, there is.

4 Q. Are there specifically angles over the abs and core
5 area of your business?

6 A. Yes, there is.

7 Q. Now as the custodian of records for Planet Fitness,
8 is one of your duties to monitor the security system, make
9 sure it's working?

10 A. Yes, it is.

11 Q. Okay. And how do you -- how do you do that?

12 A. I do it daily. I have an app on my phone. My company
13 requires me to check footage every day, look at overnight
14 footage and so forth.

15 Q. Okay. And is part of your job also making sure that
16 that video footage is being maintained or stored in some
17 sort of a system, a computer system?

18 A. Yes, it is.

19 Q. And is this footage kept in the ordinary course of
20 business as records?

21 A. Yes, it is.

22 Q. Why do you keep this footage?

23 A. We -- our company has tremendous liability and so we
24 want to know what's going on in the club at all times.

25 Q. Okay. And if you needed to generate a clip of this

1 putage -- footage or pull this footage from the computer
2 system, how would you go about doing that?

3 A. The floor system that we have allows you to insert a
4 thumb drive and download footage on a thumb drive.

5 Q. So you can select a certain period of time if you want
6 to and put it on the thumb drive?

7 A. Yes, we can.

8 Q. And that would be how you would preserve footage when
9 needed?

10 A. That's correct.

11 Q. Sort of like in this case, did you receive a subpoena
12 or a search warrant asking you to provide records or
13 footage regarding the date of May 13, 2019?

14 A. Yes, I did.

15 Q. And did you provide that footage?

16 A. Yes, I did.

17 Q. And so you were able to obtain records regarding
18 surveillance footage for your business on the date of
19 May 13, 2019?

20 A. Yes, I was.

21 Q. And that's at the Dutch Square Mall location?

22 A. That is correct.

23 Q. Did you review that footage you provided?

24 A. Yes, I did.

25 Q. Based on your review of that footage, can you say if

1 it's a fair and accurate depiction of the business and its
2 patrons on that particular day?

3 A. Absolutely.

4 Q. And is the date and time on that footage accurate? I
5 know some security systems aren't. Is your accurate?

6 A. Yes, it is.

7 Q. The date and the time?

8 A. It is.

9 MR. WILLIAMS: Your Honor, we have no objection
10 to the introduction of these items.

11 MS. McMENAMIN: Your Honor, the State is
12 entering without objection Exhibit 85, Exhibit 31,
13 and Exhibit 33.

14 THE COURT: All right. State's Exhibit 85, 31,
15 and 33 admitted into evidence without objection.

16 Thank you.

17 (State's Exhibit Number 31, a video clip, 33, a
18 photograph, and 85, video footage, are admitted into
19 evidence.)

20 BY MS. McMENAMIN:

21 Q. Now, Mr. Kunz, what is this DVD right here?

22 A. This is a clip of our club on the date in question,
23 May 13, 2019.

24 Q. Okay. And does this DVD contain all of the -- like
25 full video footage, all of your camera angles on it?

1 A. Yes, it does.

2 Q. Okay. And is this the DVD footage you just reviewed?

3 A. Yes, it is.

4 Q. Okay. And you know that that's what this is by how?

5 A. By initial and date.

6 Q. Okay. And then is this DVD specific clips or specific
7 angles of footage?

8 A. Yes, it is.

9 Q. From the business on May 13th?

10 A. That is correct.

11 Q. And you know that that's what it is because of your --
12 it's kind of hard to see on this one.

13 A. And I initialled and dated.

14 Q. Because you initialled and dated it. Perfect. And
15 this is exhibit -- so that was first Exhibit 85, then
16 Exhibit 31. 85 being the full camera angles, 31 being
17 the clips.

18 State's Exhibit 33, Mr. Kunz, what is this?

19 A. This is a picture of our abs and core area.

20 Q. Is that pulled from the security footage?

21 A. Yes, it is.

22 Q. And this is of May 13, 2019?

23 A. Correct.

24 MS. McMENAMIN: Permission to publish, Your Honor.

25 THE COURT: Very well.

1 MS. McMENAMIN: Publishing State's Exhibit 33, 31,
2 and 85 to be published at a later time.

3 BY MS. McMENAMIN:

4 Q. Now in State's Exhibit 33, this photo pulled from your
5 security footage, what do we see here?

6 A. This is an angle looking out into the clue from our
7 core and abs area.

8 Q. The core and abs area?

9 A. Correct.

10 Q. Actually, Mr. Kunz, could you pull that microphone
11 just a little bit closer to you?

12 A. Sure.

13 Q. Thank you. So we can hear you fully. And do you
14 recognize the two people in this photograph?

15 A. Yes, I do.

16 Q. Okay. How do you recognize them?

17 A. Well, one of my jobs is to watch for people that come
18 into -- with personal trainers. Planet Fitness has a
19 personal trainer, so we don't allow outside training, and
20 my manager's computer faces directly into this area right
21 here and when they were there I noticed they were in the
22 abs and core area and they were training together, so I
23 was looking to see if someone had brought in a personal
24 trainer.

25 Q. Okay.

1 A. And then a little bit later, the lady in the picture
2 came up and asked for a hydromassage, and I set her up in a
3 hydromassage.

4 Q. Okay. And did you notice anything about their
5 behavior that led you to believe that this wasn't actually
6 a personal trainer working out with her?

7 A. Yes. They were laughing, seemed flirtatious, seemed
8 more like friends, intimates, than acquaintances, personal
9 trainer.

10 Q. Based on your personal observations?

11 A. Correct.

12 Q. Thank you, Mr. Kunz.

13 Now, Mr. Kunz, in response to the search warrant and
14 subpoena for this case, did you provide any other records
15 regularly kept by your business?

16 A. Yes, I did.

17 Q. Do you recall what those records contained?

18 A. Yes, a page from a member's account and a prospect's
19 account and a guest registry sign-in that we have.

20 Q. Do you recall if the -- so you termed that a guest
21 account or prospect account and what type of account?

22 A. And a member account.

23 Q. Do you remember if the member account was for a Linda
24 Monette?

25 A. It was.

1 MS. McMENAMIN: Your Honor, the State is entering
2 State's Exhibit Number 35 into evidence without
3 objection.

4 MR. WILLIAMS: Without objection, Your Honor.

5 THE COURT: State's Exhibit 35 in evidence without
6 objection.

7 (State's Exhibit Number 35, Planet Fitness
8 records, were admitted into evidence.)

9 MS. McMENAMIN: Permission to approach?

10 THE COURT: Yes, ma'am.

11 MS. McMENAMIN: Thank you, Your Honor.

12 BY MS. McMENAMIN:

13 Q. Okay. Mr. Kunz, are these the records that you were
14 mentioning earlier?

15 A. Yes, they are.

16 Q. So can you sort of take a look at these.

17 A. This is the guest registry I spoke about, this is a
18 record of the prospect account, the guest account being
19 created, and this next page is that prospect account. We
20 look prospects up by their phone number. We call that
21 their barcode. So this was entered in, a prospect account
22 came up. This is the front page of the prospect account,
23 this is the personal page of the prospect account, and
24 then this is where we looked up the member or a record of
25 the member's check-in, actually a member at a different

1 location, different franchise, but the picture is of the
2 member for identification purposes on this page as well.

3 Q. Okay.

4 A. And then this was the same page without the picture
5 pulled up and then --

6 Q. Is this the affidavit certifying that the records are
7 fair and accurate?

8 A. It is.

9 Q. Okay. Thank you. That's the last page.

10 Okay. I just want to point out a few things so that
11 the jury can see what we were talking about, Mr. Kunz.

12 So this Exhibit 35, the first page, is this the guest
13 sign-in?

14 A. It is.

15 Q. And what does this X next to line two indicate?

16 A. I apologize.

17 Q. Who would have signed here?

18 A. Oh, that -- that would be the guest --

19 Q. Okay. And it's kind of hard to read.

20 A. -- or prospect. Guest or prospect.

21 Q. Okay. Got you. And then this is what you were
22 referring to as a prospect account?

23 A. Yes. It shows the date it was created and the date it
24 expires.

25 Q. And what date is that?

- 1 A. It's May 13, 2019.
- 2 Q. Okay. So that would have been the day they came in?
- 3 A. Correct.
- 4 Q. And I believe you said the barcode of the prospect is
- 5 the phone number that they provide?
- 6 A. That's right.
- 7 Q. Can you read that number if I zoom in a little?
- 8 A. I'll do my best.
- 9 Q. What number did this prospect provide?
- 10 A. The number is 803-995-0369.
- 11 Q. Thank you. And did they provide a date of birth as
- 12 well?
- 13 A. Correct.
- 14 Q. What is that?
- 15 A. That's [REDACTED] [REDACTED].
- 16 Q. But this prospect, did they provide a name?
- 17 A. They did not.
- 18 Q. There's a name on the sign-in sheet, but you can't
- 19 read it, right?
- 20 A. Correct.
- 21 Q. Actually I'm gonna Zoom this back in for you,
- 22 Mr. Kunz. So this prospect came in with a guest who was
- 23 Linda Monette?
- 24 A. Correct.
- 25 Q. And they came in Planet Fitness on what day?

1 A. May 13, 2019.

2 Q. And the accountholder was who?

3 A. Linda Monette.

4 Q. And the phone number for the guest, can you read that
5 to me again?

6 A. Yes. It's 803-995-0369.

7 Q. 803-995-0369?

8 A. Correct.

9 Q. Okay. And what date of birth?

10 A. [REDACTED].

11 Q. Now, Mr. Kunz, going back to the documentation that
12 you provided, what is this, further prospect information?

13 A. Yes, that is the prospect account.

14 Q. And do we see the same phone number there?

15 A. We do.

16 Q. Okay. Is this more prospect information?

17 A. It is. That's the personal page of the prospect
18 account.

19 Q. Now what is this?

20 A. This is a record of a check-in for people that belong
21 to a different franchise of Planet Fitness and that we
22 have her picture page pulled up. We have the pictures for
23 identification purposes.

24 Q. So this would be a photo of the accountholder?

25 A. That's correct.

1 Q. And the accountholder is who?

2 A. Linda Monette.

3 Q. And then on the next page we see the accountholder
4 name, Linda Monette, and then we see a date and time. What
5 is that?

6 A. That is May 13, 2019, at 5:45 PM.

7 Q. Okay. And what is this date and time referring to?

8 A. That's referring to the date and time that the member
9 checked into our club.

10 Q. Okay. So they checked in at 5:45 PM?

11 A. Correct.

12 Q. And what is this, the home club? What does that
13 reference?

14 A. That is where the member has their -- the club where
15 that member had their membership originate.

16 Q. So that's where they went and registered and started
17 their account or membership?

18 A. Correct.

19 Q. And that says what location?

20 A. Cayce, South Carolina.

21 Q. Okay. And then the last page, that's just certifying
22 these records are fair and accurate?

23 A. Correct.

24 MS. McMENAMIN: I have no further questions for
25 this witness at this time, Your Honor.

1 THE COURT: All right. Cross-examination.

2 MR. WILLIAMS: If I could just see this one second.

3 I may not have any questions. Two questions.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. That's a feeder business? Meaning if you get the name
7 of the prospect, then you can call the prospect and see if
8 they want to join?

9 A. Not necessarily, but we have to know who's in the club
10 at all times. We do consider them prospects, we'd love
11 them to join. It doesn't mean they're gonna get marketing
12 calls and things like that.

13 Q. Does it normally mean that they would get a marketing
14 call?

15 A. No, it does not.

16 Q. So you really just take the information for liability
17 purposes?

18 A. Correct.

19 Q. To make sure if anybody gets hurt in your club
20 actually got hurt in your club and not jump off a bus or
21 something?

22 A. Correct.

23 MR. WILLIAMS: That's all I have, Your Honor.

24 THE COURT: Any redirect?

25 MS. McMENAMIN: No redirect, Your Honor.

1 THE COURT: All right. The witness may step down.
2 Thank you.

3 (Witness excused.)

4 MS. McMENAMIN: The State calls James Hickey to
5 the stand, Your Honor.

6 (Whereupon, James Hickey was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Once you have a seat, you can take your
9 mask off. State your name and spell your last name for
10 the record.

11 THE WITNESS: Okay. First name James, last name's
12 Hickey, H-I-C-K-E-Y.

13 JAMES HICKEY,
14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. McMENAMIN:

17 Q. Mr. Hickey, how old are you?

18 A. Fifty-one.

19 Q. And do you have any prior service in our U.S.
20 military?

21 A. United States Marine Corps six years.

22 Q. And currently where are you employed?

23 A. 7 to 11.

24 Q. Okay. And how long have you worked at the 7 to 11
25 store?

1 A. Eight, nine years.

2 Q. Okay. And is that sort of like a convenience store?

3 What type of business is that?

4 A. Convenience store.

5 Q. It's a convenience store, Mr. Hickey?

6 A. Yes, ma'am.

7 Q. Okay. And so you said -- how long did you say you
8 were working there? I'm sorry.

9 A. Eight, nine years.

10 Q. So you were working there in May of 2019?

11 A. Yes, ma'am.

12 Q. And what is your position at the 7 to 11 store?

13 A. Employee slash manager.

14 Q. Okay. And as part of your duties as the manager, are
15 you also the custodian of records?

16 A. Yes.

17 Q. Specifically pertaining to the security cameras?

18 A. Security cameras, video, everything like that.

19 Q. Got you. And what is the address of the 7 to 11 store
20 where you work?

21 A. 1302 Two Notch Road, Lexington, South Carolina.

22 Q. Okay. And you said that this business has security
23 cameras?

24 A. Yes, ma'am.

25 Q. In May of 2019, how many cameras did the business

1 have?

2 A. Back then it had thirty-six.

3 Q. Okay. And now how many?

4 A. We upgraded by about sixteen more.

5 Q. Okay. And the cameras, are they located inside or
6 outside of the store?

7 A. Both. Inside and outside.

8 Q. Okay. With the outside cameras, are there any angles
9 that would show the -- the entrance to the store?

10 A. Yes, ma'am.

11 Q. And would it sort of look at the entrance to the store
12 and then out into the parking lot?

13 A. Yes, ma'am.

14 Q. Publishing what's previously been admitted as State's
15 Exhibit 84. Is that the angle that we're talking about,
16 Mr. Hickey?

17 A. That's one of the angles, yes, ma'am.

18 Q. Okay. And is this the same angle or a similar angle?

19 A. Yes, ma'am. That's --

20 Q. For the outside of the store?

21 A. Yes, ma'am.

22 Q. And then inside of the store, do you have angles of
23 security footage in there?

24 A. Yes, ma'am.

25 Q. Do any of the camera angles look down at the cash

1 register?

2 A. Yes, ma'am.

3 Q. Does it show the screen of the cash register?

4 A. Yes, ma'am.

5 Q. Now, Mr. Hickey, as being custodian of records for
6 the 7 to 11 store, is one of your duties to monitor the
7 security system and make sure that it's working?

8 A. Yes, ma'am.

9 Q. And is it your job to make sure that it's recording
10 and keeping those records?

11 A. Yes, ma'am.

12 Q. Okay. And is that security footage kept in the
13 ordinary course of business?

14 A. Yes, ma'am.

15 Q. Okay. Why would you need security footage?

16 A. In case we got held up or robbed, somebody broke into
17 the store, we need to have something like that.

18 Q. So you keep it regularly, particularly for those
19 purposes and maybe some more purposes?

20 A. Exactly. Correct.

21 Q. Okay. And if you needed to pull video footage from
22 your security system and, let's say, put it on a DVD or
23 something, how would you go about doing that?

24 A. Flash drive.

25 Q. Flash drive. You put it on a flash drive?

1 A. Yes, ma'am.

2 Q. So that's how you would preserve footage?

3 A. Yes, ma'am.

4 Q. Because does it stay in the computer system
5 permanently?

6 A. It stays on the hard drive.

7 Q. Okay. But if you wanted to get it off the hard drive
8 you could put it on a flash drive?

9 A. Yes, ma'am.

10 Q. To your knowledge, were the security cameras at the
11 7 to 11 store working on May 13, 2019?

12 A. Yes, ma'am.

13 Q. The inside cameras and the outside cameras?

14 A. Yes, ma'am.

15 Q. And did your business receive a search warrant or
16 subpoena regarding this case?

17 A. Yes, ma'am.

18 Q. And were you able to obtain any records of
19 surveillance footage from that business for the date of
20 May 13, 2019?

21 A. Obtain?

22 Q. Yeah, download onto a DVD.

23 A. Yes, the officer did.

24 Q. Okay. For May 13, 2019?

25 A. Uh-huh.

1 Q. And you gave that to an officer?

2 A. He already had it.

3 Q. Okay. Got you. Got you. And have you reviewed this
4 footage?

5 A. Yes, ma'am.

6 Q. And confirmed that that footage is from your security
7 cameras at the 7 to 11 store?

8 A. Yes, ma'am.

9 Q. And that it's a fair and accurate depiction of the
10 store and the patrons as they were that day on May 13th?

11 A. Yes, ma'am.

12 Q. Now let me ask you, Mr. Hickey. I know sometimes
13 security footage, surveillance footage, the times and
14 stuff can be a little off. In May of 2019, did you have
15 any issues with the -- the timestamp on your security
16 footage?

17 A. The timing was off by one hour.

18 Q. Okay. And what about the date of that security
19 footage?

20 A. The date was accurate.

21 Q. So the date is accurate, the time is not?

22 A. Yes, ma'am.

23 Q. Now the cash registers in your business, do they have
24 a clock on them?

25 A. Yes, ma'am.

1 Q. Is the time on the cash register correct or incorrect?

2 A. That is definitely correct.

3 Q. Okay. How do you know that it's correct?

4 A. Because it's on the Internet, plus it's tied in with
5 my lottery machines and everything like that.

6 Q. Okay. So it's got to be accurate for the lottery is
7 what you're saying?

8 A. Yes.

9 MS. McMENAMIN: I beg the Court's indulgence,
10 Your Honor.

11 MR. WILLIAMS: Your Honor, no objection to any
12 of this going in.

13 MS. McMENAMIN: That's Exhibit 86 and Exhibit 30.

14 THE COURT: State's Exhibit 86 and State's
15 Exhibit 30?

16 MS. McMENAMIN: Yes, Your Honor.

17 Permission to approach?

18 THE COURT: Very well. They're admitted into
19 evidence without objection.

20 MS. McMENAMIN: Thank you, Your Honor.

21 (State's Exhibit Number 30, a DVD, and State's
22 Exhibit Number 86, a photograph, were admitted into
23 evidence.)

24 BY MS. McMENAMIN:

25 Q. Mr. Hickey, do you know what this is?

1 A. That is a DVD that the officer showed me.

2 Q. And what's on that DVD?

3 A. My initials and the date that he brought it to me to
4 sign.

5 Q. Okay. And what did you view on this DVD? What's
6 obtained on it?

7 A. The video of everything that was going on in the
8 store.

9 Q. Okay. So the security footage for May 13th that you
10 were asked to pull is on this DVD?

11 A. Yes, ma'am.

12 Q. And you reviewed it and it's accurate?

13 A. Yes, ma'am.

14 Q. Okay. And that's your initials and the date that you
15 reviewed it?

16 A. Yes, ma'am.

17 Q. And then this -- is this a photo of the cash register
18 or where the cashier would be?

19 A. There are cameras located right there coming down on
20 the cash register.

21 Q. Okay. And can you read the time on the cash register
22 right there?

23 A. 7:29.

24 Q. And that would be an accurate time on the register?

25 A. Precise time.

1 Q. Because of the lottery and the Internet it's connected
2 to?

3 A. Yes, ma'am.

4 MS. McMENAMIN: Publishing 86 to the jury, Your
5 Honor.

6 THE COURT: Very well.

7 BY MS. McMENAMIN:

8 Q. So this is a camera angle inside of the 7 to 11 store,
9 right?

10 A. Yes, ma'am.

11 Q. Looking down at where the cashier would be?

12 A. Yes, ma'am.

13 Q. And is this right here the cashier's register?

14 A. Yes, ma'am.

15 Q. And the screen that they have for that register with a
16 clock?

17 A. Yes, ma'am.

18 Q. And it says what time right there?

19 A. 7:29.

20 Q. Now the date right here that's time stamped on the
21 security footage, what date is that?

22 A. That's gonna be 5-13-2019.

23 Q. And then the timestamp on the security footage is
24 what?

25 A. 6:53:35.

1 Q. But the accurate time is on this you said?

2 A. Yes, ma'am, on the register.

3 Q. 7:29?

4 A. Yes, ma'am.

5 Q. Now this is at the 6:53:35, right, which is actually
6 7:29 looking at the register?

7 A. Yes, ma'am.

8 Q. And then I'm not so great at math, Mr. Hickey, but
9 this is at 6:53:49, so about -- a little over ten seconds
10 later, right?

11 A. Yes, ma'am.

12 Q. Okay. So that would actually be 7:29 or 7:30 on this
13 clip --

14 A. Yes, ma'am.

15 Q. -- Exhibit 84?

16 MS. McMENAMIN: I have no further questions for
17 this witness at this time.

18 THE COURT: Cross-examination.

19 MR. WILLIAMS: Just a couple of questions.

20 THE COURT: Okay.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q. Where's your cashier?

24 A. Excuse me?

25 Q. Where is your cashier?

1 MS. McMENAMIN: Objection, Your Honor. Relevance.

2 THE COURT: Well, he can ask the question.

3 THE WITNESS: She was probably sitting down in the
4 chair or something.

5 BY MR. WILLIAMS:

6 Q. Which chair would she be sitting in?

7 A. She would be sitting at either the reclining chair or
8 the big stool that I have behind the counter.

9 Q. Do you see the chair from where you are?

10 A. No, not from here. Not from that angle you can't.

11 Q. Do you see her at all in the store?

12 A. No, I do not.

13 Q. So what do you do if you have a power shortage? Do
14 you have to reset your -- reset everything if the power
15 goes out or anything like that?

16 A. I haven't had a power outage for a while.

17 Q. Did you have any in 2019?

18 A. No, sir.

19 Q. This is a camera angle from outside the house ---I
20 mean, outside the store, right?

21 A. Yes, sir.

22 Q. Is that young lady maybe the cashier?

23 A. That -- that is the cashier.

24 MR. WILLIAMS: That's all I have, Your Honor.

25 THE COURT: All right. Any redirect?

1 MS. McMENAMIN: No, Your Honor.

2 THE COURT: All right. The witness may step
3 down. Thank you.

4 MS. McMENAMIN: No objection to him being excused,
5 Your Honor.

6 (Witness excused.)

7 MR. HUBBARD: The State calls Sergeant Brian
8 Anderson.

9 THE COURT: All right.

10 (Whereupon, James Brian Anderson was duly sworn
11 by the Clerk of Court.)

12 THE CLERK: If you'll have a seat and you can take
13 your mask off. State your name and spell your last name
14 for the record.

15 THE WITNESS: My name is Sergeant James Brian
16 Anderson. My last name is spelled A-N-D-E-R-S-O-N.

17 JAMES BRIAN ANDERSON,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. HUBBARD:

21 Q. Sergeant, who do you work for?

22 A. I work for Lexington County Sheriff's Department.

23 Q. And how long have you been there?

24 A. Just over twenty-five years.

25 Q. Have you spent your entire law enforcement career with

1 Lexington County?

2 A. Yes, sir.

3 Q. Now you're a sergeant. What are you a sergeant over?

4 A. I'm a sergeant over major crimes investigation unit.

5 Q. That includes murder and other -- other very serious
6 crimes?

7 A. Correct.

8 Q. Now back in May of 2019, were you also a sergeant in
9 this same position?

10 A. I was.

11 Q. During that time, let me ask you this. Are there
12 other sergeants in major crimes as well?

13 A. There are. There's a total of four that run the major
14 crimes unit.

15 Q. Were you covering for another team during this process
16 of investigating this crime that we're here on today?

17 A. I was.

18 Q. Can you explain that?

19 A. We have an on-call schedule where teams are on call
20 for periods of time and handle incidents that occur. At
21 the time that this incident occurred, the on-call sergeant
22 was involved in a major -- another major trial going on
23 here.

24 Q. That was the Tim Jones case up here?

25 A. Correct.

1 Q. So you were covering his team, too?

2 A. I was the dayshift on-call and as that team worked
3 this case during the night, our team took over helping run
4 leads after that.

5 Q. And Detective Hart who we've heard from, was he on
6 that other team?

7 A. Correct.

8 Q. But you were assisting him?

9 A. Correct.

10 Q. Now May 14, 2019, were you asked to do something
11 around seven or so that day by -- by Investigator Hart?

12 A. I was.

13 Q. What were you asked to do?

14 A. I was -- I was asked to step into an interview room to
15 watch over Linda Monette, who had been being interviewed by
16 Detective Hart and Detective Dykes. They were taking a
17 break during the interview and she was in custody at the
18 time and someone needed to stand by with her. We couldn't
19 leave her alone in the interview room.

20 Q. Is that just office policy, law enforcement policy,
21 you don't leave somebody in an interview room by
22 themselves, you have to have an armed deputy or somebody
23 that's employed by y'all to stay with them?

24 A. Correct.

25 Q. Now did you go in there for any purpose, to ask

1 questions, or were you just there to just stand there and
2 secure the -- the person?

3 A. My role at that point was to just make sure she
4 remained in custody until they returned from their break.

5 Q. And because of that you're not there to ask any
6 questions, so you don't ask her or give her Miranda either,
7 do you?

8 A. No.

9 Q. Does she begin to engage with you and ask you
10 questions?

11 A. She did.

12 Q. And did you ask -- answer those questions as best you
13 could with what limited knowledge you had?

14 A. As best I could, yes, sir. She engaged in asking
15 different questions about her status and where she was in
16 custody and -- and other extraneous questions about her
17 circumstance.

18 Q. Did she also zero in on one specific topic?

19 A. She asked about money that had been taken from the
20 house.

21 Q. Let me ask you, when you're standing in this room with
22 her, is it just less than twenty-four hours after Mason has
23 just been murdered on his sofa?

24 MR. WILLIAMS: Objection to the form of the
25 question, Your Honor.

1 MR. HUBBARD: I'll rephrase it.

2 THE COURT: Very well.

3 BY MR. HUBBARD:

4 Q. Is this less than twenty-four hours after an
5 eight-year-old child, Mason Hanahan --

6 MR. WILLIAMS: Objection, Your Honor.

7 Q. -- was shot and killed in his home with his dad?

8 THE COURT: Overruled. It's -- overruled.

9 THE WITNESS: Yes.

10 BY MR. HUBBARD:

11 Q. And while you were standing in there, was this
12 conversation recorded?

13 A. It is. The standard is to record interviews and our
14 interview was still ongoing.

15 Q. Have you had an opportunity look at a CD showing that
16 recording?

17 A. I have.

18 MR. HUBBARD: Your Honor, I believe by agreement
19 a redacted version, State's 66, I'd offer that into
20 evidence.

21 MR. WILLIAMS: That is correct, Your Honor.

22 THE COURT: All right. Very well. State's 66 is
23 admitted into evidence.

24 (State's Exhibit Number 66, a redacted audio clip,
25 was admitted into evidence.)

1 BY MR. HUBBARD:

2 Q. Now, Sergeant, let me ask you something while we're
3 getting this prompted here. Did you have to ask her any
4 questions to get her to talk?

5 A. No. I -- when I walked in, I basically stood there
6 quietly waiting on the other detectives to come in. Linda
7 Monette started engaging conversation with me asking me
8 questions.

9 (State's Exhibit Number 66 was played.)

10 Q. Sergeant, can you hear it?

11 A. Yes.

12 Q. All right. I know the sound system's pretty bad.

13 Let me stop it for just a moment. Now she's asking
14 you about large sums of money. To your knowledge, when
15 law enforcement went into the home owned by Austin Hanahan
16 did they find large sums of money?

17 A. Yes.

18 Q. Did they seize that money?

19 A. Yes.

20 Q. Now she's referring to -- and she's asking if y'all
21 seized all of that, correct?

22 A. Yes.

23 Q. And she said something about even if I had pay stubs
24 to prove it?

25 A. Yes.

1 Q. Based on the conversation right now with this question
2 -- and you weren't involved in the search of that home,
3 were you?

4 A. Not -- I was at the home at one point while crime
5 scene was there, but I didn't -- I wasn't involved in
6 actually conducting the search.

7 Q. What was your impression of who she was saying that
8 money belonged to at this point?

9 A. It sounded to me like she was talking about money that
10 belonged to her.

11 Q. And that she had pay stubs to prove it?

12 A. Yes.

13 (State's Exhibit Number 66 continued playing.)

14 Q. Let me stop it again. So I know the sound system's
15 kind of hard, so I want to make sure you heard this. She's
16 saying that she's concerned about all this money that's
17 taken and she's asking about whether it was with weed or
18 marijuana?

19 A. Yes.

20 Q. And she's saying -- is she saying this money wasn't
21 around any marijuana?

22 A. She -- she was saying that any large sums of cash were
23 not around marijuana.

24 Q. And is she still saying that's her money?

25 A. That's my understanding, yes.

1 (State's Exhibit Number 66 continued playing.)

2 Q. And now she's identified a job as a dancer?

3 A. Right.

4 Q. And is she telling you she makes a lot of money?

5 A. Yes.

6 Q. Was your impression based on what she was saying at
7 this time a lot of the money in that house would be because
8 she was a dancer and had that money in the house?

9 A. Yes, it was.

10 (State's Exhibit Number 66 continued playing.)

11 Q. Again, did she say she hid the money in the house?

12 A. That's what I understood her to say, that she --

13 Q. She didn't want to tell you where it was?

14 A. Correct. She didn't want law enforcement to take her
15 money.

16 (State's Exhibit Number 66 continued playing.)

17 Q. Let me stop there. Again, you're referring to some
18 cash that was found. Was there cash found with marijuana?

19 A. There was.

20 Q. The other cash that she's talking about that's hid
21 around the house, at this point she's still saying what?

22 A. She's still saying it's cash that she had hid --
23 hidden around various areas of the house.

24 Q. And does that change as this conversation is about to
25 pick up right now?

1 A. It does.

2 (State's Exhibit Number 66 continued playing.)

3 Q. Talking about a large sum of money and now she's down
4 to what?

5 A. \$200.00.

6 Q. Two hundred bucks. And what was it found with?

7 A. With marijuana.

8 Q. All right.

9 (State's Exhibit Number 66 continued playing.)

10 Q. I'll stop it again. Were you aware that Austin
11 Hanahan and his wife had just gotten divorced on the 13th,
12 the day before this interview?

13 A. Not until this interview, no, sir.

14 Q. But she informed you of that?

15 A. Yes.

16 Q. And this cash, why would she say that now Austin hid
17 all this cash throughout the house?

18 MR. WILLIAMS: Objection to that question, Your
19 Honor. There's no way -- there's no way he can make
20 a determination in regards to why she did anything.

21 MR. HUBBARD: I'm asking what she said.

22 THE COURT: If the question is -- if the question
23 is what did the witness tell you in the interview, then
24 answer the question.

25 MR. HUBBARD: That's my question.

1 THE WITNESS: So she indicated to me that the
2 money was kept in cash because Austin didn't want it
3 to go into the bank because of the divorce. That was
4 my understanding.

5 BY MR. HUBBARD:

6 Q. And now that she says to you the divorce is now final
7 on the 13th, what did she say was gonna happen with that
8 cash now?

9 A. That it would be going back in the bank.

10 Q. So all that cash hidden throughout that house was
11 gonna go from the house to a bank?

12 A. Into a bank, yes, sir.

13 (State's Exhibit Number 66 continued playing.)

14 Q. So she says who's making a lot of money now? She
15 begins by saying -- at the very beginning when you walk in
16 there, who's she saying has a lot of cash in that house?

17 A. She's saying she had a lot of cash in the house.

18 Q. By the end of this short little video clip, who does
19 all that money belong to?

20 A. By the end of the conversation she's changed that to
21 it belongs to Austin.

22 Q. And Austin Hanahan were you aware had a job as a
23 commercial painter? In your investigation, did that come
24 to light?

25 A. It did later, yes.

1 Q. That he had a legitimate job --

2 A. Yes.

3 Q. -- that made money?

4 A. To my knowledge, yes.

5 Q. All right. Was that pretty much the end of that
6 question and answer session as you sat in there with her?

7 A. As far as my involvement, yes, sir.

8 Q. And, again, she's the one that prompted all of this?

9 A. Correct.

10 Q. Now the next day, May 15th of 2019, did you have an
11 opportunity with another investigator to sit down and
12 actually conduct an interview with Ms. Monette?

13 A. I did.

14 Q. Who was that with? Who was your detective partner?

15 A. I assisted Detective Hayli Livingston.

16 Q. Hayli Livingston?

17 A. Yes.

18 Q. Why was she brought into this case to conduct an
19 interview on Linda Monette?

20 A. So Detective Livingston had at some point during the
21 other interview process, being a female detective, had
22 assisted with escorting Linda to the bathroom for a
23 bathroom break and things like that. During that time she
24 had expressed that she wanted to continue a conversation
25 with Detective Livingston.

1 Q. And because she reached out to Detective Livingston,
2 what role did you take during that interview process?

3 A. As a secondary role and in accordance with standard
4 procedure as law enforcement we usually interview with two
5 of us.

6 Q. Before the questioning process began, what, if
7 anything, did Detective Livingston do?

8 A. She purchased some food for -- for Linda before
9 bringing her over from the jail.

10 Q. All right. I'm gonna ask you to speak up a little
11 bit. I think you're fading on me a little bit.

12 A. Okay.

13 Q. What about did she do anything to let Ms. Monette know
14 about her rights?

15 A. Yes, she -- as we began the interview, Detective
16 Livingston read Linda her Miranda warning from a Miranda
17 card.

18 Q. So that was done?

19 A. Yes.

20 Q. And Ms. Monette still wanted to speak?

21 A. She did.

22 Q. Based on your observations of her and listening to
23 her, did this woman want to speak?

24 A. She was eager to speak to us.

25 Q. Can you describe her manner has she spoke in the

1 interview, how she was?

2 A. So during a majority of the interview Linda was very
3 scattered, it was hard to keep her on track with one topic.
4 We started the interview with asking her to go over the
5 events of her day leading up to the murder and immediately
6 she got off track and throughout the interview it was the
7 same way.

8 Q. Did you ever have any issues where -- or let me ask
9 you this. Would you describe her conversation with you
10 and Detective Livingston as -- as being consistent,
11 constantly consistent or was she ever inconsistent in what
12 she was saying to y'all?

13 A. She was rarely consistent. We had -- we often had
14 to redirect the conversation to the topic that we were
15 discussing, clarify details that were not consistent
16 throughout the interview.

17 Q. How long did this entire interview go?

18 A. It was over four hours.

19 Q. And was this with breaks, bathroom breaks, food
20 breaks?

21 A. Yeah, we took a break somewhere about halfway where
22 Linda was allowed to use the restroom and take a break.
23 There was also a period where we stepped out for a few
24 moments while she was working on a -- on a written
25 statement.

1 Q. Throughout the entire interview, did she appear that
2 she wanted to talk?

3 A. She did.

4 Q. Did she ever say look, I'm done, I don't want to say
5 anything else to you guys?

6 A. Never.

7 Q. She just wanted to keep talking?

8 A. I feel certain we would still be talking.

9 Q. Okay. And, again, the lead in that interview was
10 Detective Livingston?

11 A. She was.

12 MR. HUBBARD: Thank you, Sergeant. Please answer
13 any questions the defense has.

14 THE COURT: Cross-examination.

15 MR. WILLIAMS: May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q. You participated in the investigation, didn't you?

20 A. To an extent, yes, sir.

21 Q. All right. And what was your participation in this
22 investigation?

23 A. A majority of my participation other than the two
24 events -- the two interviews that we talked about was
25 mainly logistical-type matters. Trying to -- just managing

1 the -- just managing the roles that people were gonna take.
2 There were some other activities at the crime scene that I
3 was involved in.

4 Q. And what did you do at the crime scene?

5 A. The first thing I did there was assisted with getting
6 a dog that was in the backyard dealt with, getting animal
7 control out there to pick the dog up, and then after that
8 we were able to -- to conduct a protective sweep of a pool
9 house that was in the backyard.

10 Q. Okay. And that's essentially what you did was do this
11 investigative sweep?

12 A. Yes, sir.

13 Q. Were you there when the money was found?

14 A. I wasn't.

15 Q. So the money was found after you had already left?

16 A. Right.

17 Q. And the money that she was asking you about was \$200
18 that she had that she made dancing?

19 A. She was asking about money. I don't know what money
20 she was talking about initially.

21 Q. Well, didn't she say that she made \$200 dancing and
22 she wanted to make sure that she got her \$200 that she made
23 dancing?

24 A. She did say that, yes.

25 Q. All right. And the lot of money that she referred to

1 -- as you said, she was scattering all over the place. The
2 lot of money that you find out that she was referring to
3 was money that he owned as a result of his commercial
4 painting?

5 A. You're talking about the -- four-minute conversation?

6 Q. Correct.

7 A. Yeah, at the end of that conversation that was her --
8 what she asserted.

9 Q. And that is consistent with her scattered, not staying
10 on line for the four hours that you cross -- that you
11 talked to her later on?

12 A. Yeah.

13 Q. Had she had anything to eat or anything or do you
14 know?

15 A. At -- at which point?

16 Q. When -- when she first talked to you about the -- she
17 had just come in. She was just arrested, right?

18 A. Yeah, she -- to my knowledge she had not been booked
19 in yet, so she had just been brought in.

20 Q. She had just been brought in. She didn't turn herself
21 in, she was picked up and brought in, right?

22 A. I can't say for sure. I believe so.

23 Q. You don't really know what transpired before you
24 actually started talking to her?

25 A. Correct.

1 Q. You don't know whether she'd slept all night, whether
2 or not she had eaten, anything like that?

3 A. I didn't have any of that information.

4 Q. Now in regards to the -- the four hours that you had
5 with her, you were with her the entire four hours?

6 A. There was a few moments where Detective Livingston and
7 I stepped out, just outside the door still in view, while
8 she was working on her statement. As I recall, that was
9 the only time I was out of the interview room.

10 Q. And how long did it take her to write the statement?

11 A. It took a little while. I can't say for sure how long
12 it took. I'd have to go back and review the -- the video
13 to figure out how long exactly it took.

14 Q. What time did this interview or this session begin?

15 A. If I can refer to my notes. So we started that
16 interview at about -- about 4:15 PM.

17 Q. 4:15 in the afternoon?

18 A. Yes, sir.

19 Q. And was that the same day following this interview
20 that you just had with her?

21 A. No, this was the following day. This was on the 15th.

22 Q. All right. And who brought her over from the jail?

23 A. Detective Livingston.

24 Q. All right. And it lasted from 4:15 to 8:15?

25 A. I didn't put the end time on there, but, yeah.

1 Q. So it would have gone through --

2 A. I'd say approximately.

3 Q. So it would have gone through the supper break anyway,
4 right?

5 A. Yes.

6 Q. Do you know whether or not she had lunch that day?

7 A. I don't know.

8 Q. Do you know if she had breakfast that day?

9 A. I don't know.

10 Q. Do you know if she had a phone call that was allotted
11 to her?

12 A. I don't know.

13 MR. WILLIAMS: That's all the questions I have,
14 Your Honor.

15 THE COURT: Any redirect?

16 MR. WILLIAMS: I have one more question. I'm sorry.

17 BY MR. WILLIAMS:

18 Q. Did you subsequently learn or did you -- or did you
19 call someone about a lost fingernail?

20 A. At some point I received a phone call about a lost
21 fingernail.

22 Q. Right.

23 A. That's --

24 Q. And tell the jury why that's important.

25 A. That information was relayed to me from -- honestly,

1 I can't say which detective it was, it could have been
2 Detective Hart or another detective working on the -- on
3 the case, that knew that -- that I was at the crime scene
4 at the time speaking with the CSI's and they advised us
5 that -- that Linda had told them in her statement during
6 an interview that she had lost a fingernail during the
7 struggle with the guy that came into the house.

8 Q. And someone there found a fingernail, didn't they?

9 A. We did.

10 MR. WILLIAMS: That's all I have, Your Honor.

11 MR. HUBBARD: A quick follow-up.

12 THE COURT: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. HUBBARD:

15 Q. This questioning that she had of you about this
16 large quantity of cash, she ends up talking about large
17 quantities of cash being in the house, correct?

18 A. Correct.

19 Q. More -- well more than \$200, correct?

20 A. It -- it was clear to me she was talking about more
21 than \$200.

22 Q. So let's get back to scattered versus to just being
23 absolutely inconsistent in what she is saying since that
24 was brought up. If it's a question of being scattered or
25 inconsistent, when she says I've got a large amount of cash

1 in the house and then it turns into \$200, is that being
2 scattered or inconsistent?

3 A. To me that's inconsistent.

4 Q. When she says I've got a large amount of money in the
5 house and then it turns out it's now Austin's money and
6 all I have is two hundred bucks, is that consistent or
7 inconsistent, scattered or -- or which one is it?

8 A. That's not consistent.

9 Q. Is it being scattered or just being absolutely
10 inconsistent?

11 A. I would say inconsistent.

12 MR. HUBBARD: Thank you.

13 THE COURT: Recross.

14 RE CROSS EXAMINATION

15 BY MR. WILLIAMS:

16 Q. And to a dancer, do you know if \$200 is a lot of money
17 for her?

18 A. I wouldn't have any information on that.

19 MR. WILLIAMS: That's all I have, Your Honor.

20 THE COURT: The witness may step down.

21 (Witness excused.)

22 MS. MAYES: The State calls Detective Hayli
23 Livingston.

24 (Whereupon, Hayli Livingston was duly sworn by
25 the Clerk of Court.)

1 THE CLERK: Once you have a seat, if you'll state
2 your name and spell your last name for the record.

3 THE WITNESS: Hayli, H-A-Y-L-I. Livingston,
4 L-I-V-I-N-G-S-T-O-N.

5 THE COURT: You can remove your mask while you
6 testify.

7 HAYLI LIVINGSTON,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. McMENAMIN:

11 Q. Detective Livingston, where are you currently
12 employed?

13 A. University of South Carolina Children's Wellness
14 Center.

15 Q. What do you do there?

16 A. I'm an investigations trainer for child maltreatment
17 and child death investigations.

18 Q. And before that where were you employed?

19 A. Lexington County Sheriff's Department.

20 Q. How long did you work there?

21 A. Five years.

22 Q. So were you working there in May of 2019?

23 A. Yes.

24 Q. And how long have you been in law enforcement?

25 A. When I left, right at eleven years.

1 Q. Now, Detective Livingston, how did you become involved
2 in this case?

3 A. I believe it was May the 14th of 2019. I'd just come
4 into work on nightshift and Detective Hart stopped me in
5 the hallway and asked if I would escort a female inmate to
6 the restroom, said that she needed a restroom break. I
7 believe they'd just concluded their interview and I was the
8 only female available.

9 Q. I will ask you to look at your report and confirm what
10 date you came into work.

11 A. Yeah, May 15th, '19.

12 Q. And you made contact with the defendant?

13 A. Yes.

14 Q. Okay. And you escorted her to the restroom?

15 A. Yes.

16 Q. At this point when you -- was this the first
17 interaction you had with the defendant?

18 A. Yes.

19 Q. At this point did you know anything about the pending
20 investigation of an attempted robbery, burglary, murder at
21 [REDACTED] Cedar Vale Drive?

22 A. I knew there was a deceased child. That's all I knew.

23 Q. Did you know that she was connected to it at this
24 point?

25 A. Not how, no.

1 Q. What, if anything, did the defendant say to you when
2 you were escorting her to the bathroom?

3 A. She made several statements about them -- they not
4 believing her. She kept referencing they don't believe
5 me, I didn't kill my stepson, and they think that I did.

6 Q. Who is "they"?

7 A. So I deduced later once she got in the restroom that
8 she was referring to detectives Hart and Dykes.

9 Q. Okay. Had they just interviewed her that morning?

10 A. Yes.

11 Q. That's where you were relieving her from? That's what
12 you just said?

13 A. Right. Yeah.

14 Q. Did she ask anything of you?

15 A. She asked for pads or tampons and then she, again,
16 continued -- she pretty much talked the entire time we were
17 in the restroom continuously saying that she didn't kill
18 her stepson and that they didn't believe her and then she
19 said that if they needed anything else from her that she
20 would speak to me.

21 Q. She wanted to speak with you?

22 A. Right.

23 Q. As in regards to maybe another interview?

24 A. Yes.

25 Q. What happened after that? Where did you go?

1 A. I told her that it wasn't procedure for someone to
2 essentially jump on someone else's case and that if she
3 had more to say that I would certainly pass it to the case
4 officer, which in this case was Detective Hart, and that if
5 he needed any additional information from her, then we
6 would pull her back out of LCDC or the detention center and
7 speak to her then.

8 Q. Okay. Where did you go after that?

9 A. I took her back to the detention center and booked her
10 back in.

11 Q. And then where did you go in regards to your job back
12 then?

13 A. Then I went back to the sheriff's department to
14 headquarters and I let them know the things that she had
15 said. They were having a briefing and they developed some
16 new information. I think some of it was coming along and
17 then some of it was regarding one statement that she made
18 to me on the way to the jail and so they asked if I would
19 be willing to pull her back out and talk to her.

20 Q. And did you do that?

21 A. I did.

22 Q. Okay. So you had an interview with her. When was
23 that?

24 A. On May 15th at about 4:15 or 4:30 PM.

25 Q. Okay. You said you interviewed her on what day?

1 A. May the 15th.

2 Q. 2019?

3 A. Yes.

4 Q. At what time?

5 A. I believe it started around 4:15.

6 Q. In the morning or afternoon?

7 A. In the afternoon.

8 Q. And this is after she'd actually said she would be
9 willing to speak with you?

10 A. Yes.

11 Q. Did anyone -- did anyone assist you in this interview?

12 A. Sergeant Anderson.

13 Q. And was anyone else in the room other than you,
14 Sergeant Anderson and the defendant?

15 A. No.

16 Q. And the defendant was in custody at this time?

17 A. Yes.

18 Q. Did you Mirandize her before asking her any questions?

19 A. I did.

20 Q. How did you Mirandized her?

21 A. I used my pocket card and read the rights to her out
22 loud.

23 Q. And did she appear to understand her rights?

24 A. She did.

25 Q. Did she waive those rights?

1 A. She did.

2 Q. Okay. And did she speak with you freely and
3 voluntarily based on your observations?

4 A. Yes.

5 Q. And had she already been advised of her rights earlier
6 that day; do you know?

7 A. She had.

8 Q. Do you know if she waived her rights earlier that day?

9 A. Yes, she did.

10 Q. Now did she readily speak with you? Did you have to
11 ask her any questions first or how did the -- how did the
12 interview start?

13 A. As soon as I walked into the interview room with her,
14 I was getting stuff unpacked. I had actually brought her
15 a food basket to eat because I knew that all she had had
16 was food from the jail and a vending machine at that point,
17 so I got her a food basket for her to eat and while I was
18 trying to unpack it after I Mirandized her, she immediately
19 started asking question after question. I couldn't keep
20 up. I actually had to ask her to hold on a second and let
21 me get situated.

22 Q. Okay. And the food basket, was that in any sort of
23 exchange for her speaking with you or anything like that?

24 A. No, she didn't even ask for the food. It was just
25 kind of a -- like I said, I knew she hadn't eaten anything

1 but junk food, so I was offering up some food.

2 Q. Something of substance?

3 A. Right.

4 Q. Now before we go into the details of what was
5 discussed or what the defendant said in this interview,
6 could you tell me the general nature of this interview?

7 A. Meaning what it regarded?

8 Q. Yeah, who was -- who was leading the conversation, how
9 long approximately, was it a long or short interview, that
10 sort of thing.

11 A. It was a -- it was a very long interview. I believe
12 it was just shy of five hours, four and a half, five hours.

13 Q. Okay.

14 A. Linda did most of the talking. She offered -- she
15 would skip from topic to topic to topic to topic and then
16 we would spend a few minutes listening and then try to
17 redirect her back to the topic we were discussing and so
18 really she led most of the interview, which was kind of
19 unusual. We didn't really get to ask many questions
20 because she kind of just kept talking.

21 Q. Okay. And did the sort of jumping from topic to
22 topic, did that kind of -- is that part of the reason the
23 interview was so long?

24 A. For sure. Yes, ma'am.

25 Q. Okay. Now was this interview recorded in any way?

1 A. It was. Audio and video.

2 Q. But it's a lengthy interview?

3 A. Yes.

4 Q. Was it also documented in any other way?

5 A. Yes, in supplemental reports.

6 Q. Okay. Who wrote supplemental reports?

7 A. I did and Sergeant Anderson did.

8 Q. Have you reviewed those reports?

9 A. Yes.

10 Q. Are those fair and accurate, each report?

11 A. Yes.

12 Q. Okay. So they -- are you confident in the notes as to
13 how they pertained to the interview?

14 A. Yes.

15 Q. Okay. As to how you remember the interview going?

16 A. Right. Yes.

17 Q. And did -- the defendant during this interview, did
18 she provide a written statement?

19 A. She did.

20 MS. McMENAMIN: Permission to approach the witness,
21 Your Honor?

22 THE COURT: Very well.

23 BY MS. McMENAMIN:

24 Q. Detective Livingston, I'm now handing you what has
25 been marked as State's Exhibit 88. Do you recognize this?

1 A. . Yes.

2 Q. What is this?

3 A. The statement that Linda wrote on the 15th of May,
4 2019.

5 Q. Okay. And how do you know that this is her statement?

6 A. It's identified by mine and Sergeant Anderson's name,
7 but also her demographic information and her signature.

8 Q. And her name as well?

9 A. Yes.

10 Q. And this smaller script, whose handwriting is that?

11 A. That's mine.

12 Q. So the date, place, time, that's your handwriting?

13 A. Yes.

14 Q. And then her name, her identifying information,
15 alternate contact, initials, is that her handwriting?

16 A. It is.

17 Q. And then you said this is her signature down here at
18 the bottom?

19 A. Yes.

20 Q. And this document is one, two, three -- four pages in
21 total? Will you confirm that for me?

22 A. Correct.

23 Q. And did she sign each page?

24 A. She did. She did.

25 Q. And did she give this statement freely and

1 voluntarily?

2 A. Yes.

3 Q. Is there any other way to confirm that looking at this
4 statement?

5 A. There's a middle section in our statement forms that
6 have each Miranda right outlined and she read, as well as
7 initialled next to each one.

8 Q. And then what about this last line right here that she
9 initialled next to? What is that?

10 A. The I have read the statement of my rights and I
11 understand what my rights are, so she acknowledging that
12 she understands she's giving the statement freely and
13 voluntarily.

14 Q. Okay.

15 MS. McMENAMIN: The State offers Exhibit 88 into
16 evidence at this time, Your Honor. The defendant's
17 statement.

18 MR. WILLIAMS: That would be subject to motions
19 that were made previously in regards Jackson v. Denno.

20 THE COURT: Subject to previous objection,
21 State's 88 is admitted into evidence.

22 MS. McMENAMIN: Thank you, Your Honor.

23 (State's Exhibit Number 88, a written statement,
24 was admitted into evidence.)

25 MS. McMENAMIN: Permission to approach the witness?

1 THE COURT: Yes, ma'am.

2 BY MS. McMENAMIN:

3 Q. Detective Livingston, is this a copy of that same
4 statement that you just looked at?

5 A. Yes.

6 Q. Fair and accurate?

7 A. Yes.

8 Q. Hasn't been altered in any way?

9 A. No.

10 Q. Okay. Then what I'm gonna do, Detective Livingston,
11 is place the original on this prompter, overhead, and have
12 you read the statement for me. First, I'm gonna go over
13 some things regarding the top that we just reviewed and
14 then I'd like for you to read the statement aloud. Are
15 you comfortable with that?

16 A. Yes.

17 Q. Okay. So this is State's Exhibit 88, page 1 of 4.
18 So whose handwriting is this?

19 A. That's mine.

20 Q. Okay. Whose name and handwriting is this?

21 A. Linda Monette's.

22 Q. Okay. Is this her identifying information?

23 A. Yes.

24 Q. Okay. Whose handwriting is right here and here?

25 A. That's mine.

1 Q. Okay. And so that's your name and Sergeant
2 Anderson's?

3 A. Yes.

4 Q. As we move this up a little bit more, what does this
5 say in this section?

6 A. Those are her Miranda warnings. Her rights.

7 Q. Okay. What is number one?

8 A. I have the right to remain silent.

9 Q. Number 2?

10 A. Anything I say can and will be used against me in a
11 court of law.

12 Q. Number three?

13 A. I have the right to talk to a lawyer for advice before
14 asked any questions and to have him or her present with me
15 during questioning.

16 Q. And Number 4?

17 A. If I have no money for lawyer's fees, the Court will
18 appoint one to represent me without cost to me if I wish.

19 Q. And Number 5?

20 A. If I decide to answer questions now without a lawyer
21 present, I will still have the right to stop answering
22 questions at any time. I also have --

23 Q. And this -- oh, sorry.

24 A. I also have the right to stop answering questions at
25 any time until I speak with a lawyer.

1 Q. And did she acknowledge I have read this statement of
2 my rights, I understand my rights and I make the following
3 statement?

4 A. Yes.

5 Q. And there's initials next to each of these rights?

6 A. Yes.

7 Q. L-M?

8 A. Yes.

9 Q. Okay. Now if you could read what is written on this
10 first page of the statement made by the defendant.

11 A. I got to Austin's Monday about 7:00 PM after leaving
12 a serve's house in Red Bank off of McLee. I came inside
13 and sat on the couch next to Mason, who was about to fall
14 asleep. James left to go home to Ty for the night. Mason
15 was asleep by about 8:30 PM. Sitting on the couch I
16 received a text from Rey asking me where I was at. I told
17 him I was at my house; however, I was actually at Austin's
18 house.

19 Q. Now, Detective Livingston, I'm gonna place page 2
20 of 4 on the overhead. If you could read just a little bit
21 slower.

22 A. Yes. I'm sorry.

23 Q. No, no worries.

24 A. I went and laid down with Austin in -- she scratched
25 out the back and corrected to his bedroom. We had sex and

1 cuddled with each other. We smoked a joint and got hungry.
2 We got up and went to the kitchen to grab a snack. We did
3 so twice together. Thirty minutes or so later I went back
4 to the kitchen for a bite to eat. At the fridge I heard a
5 doorknob move as if someone was seeing if the door was
6 locked. She scratched something out there that I don't --
7 I don't know what it was. I was done in the kitchen,
8 turned out the light and headed back to our bedroom. As
9 I turned to enter the living room, I heard a loud thud
10 behind me. I looked back and saw the -- it says black
11 door hitting the wall. The man came from behind me trying
12 to grab me. I barely made it three steps before he made --
13 before he --

14 Q. Is that made?

15 A. I think so. Made me stand up and put his arm
16 around my neck and pointed -- pointing a gun to me. He
17 immediately asked, quote, where's your mans at, end quote.
18 I screamed Austin's name multiple times. He moved me to
19 where Austin could see me with the gun to my head. Austin
20 immediately came around the corner with a gun. Austin
21 looked at me in fear, not knowing what to do, and shot at
22 the intruder. She marked out "he" and said the intruder
23 then fired back at Austin while trying to hide behind the
24 separator between kitchen area and living room. Austin
25 continued to shoot, as well as the intruder. Austin came

1 towards the opening --

2 Q. So that's the end of page 2?

3 A. Yes.

4 Q. Placing 3 of 4, if you'll read that.

5 A. -- the opening of the hallway, shot another time and
6 the intruder hit the floor, panicking to get out of the
7 house. He grabbed the black doorknob enough to get out the
8 door. Austin ran towards the front door to try and see
9 where the man went. He saw nothing and immediately came
10 back inside very upset. He told me to call 9-1-1. I was
11 on the way to the bedroom already to do so. I called and
12 brought the phone to the couch while trying to apply
13 pressure to Mason's head. Cops arrived and EMS slowly
14 followed. After getting into the ambulance, I sent a text
15 to Rey asking who could have done this. I got no response.
16 I called after arriving at the hospital. He hadn't seen
17 my text about what happened. I informed him of what took
18 place at the house. I told him how familiar the intruder
19 was. Rey said he was at home in bed and at time -- at that
20 time and had no idea what was going on. He asked if I was
21 even serious. I told him how awful the events were that
22 took place. He asked me why I told him that I was at home.
23 I told him that I went to Austin's for bud and that Austin
24 wanted me to come over to spend time with him. He told me
25 everything will get better and I told him I had to go.

1 Q. That's the end of page 3 of 4?

2 A. Yes.

3 Q. Now placing page 4 of 4 on the overhead.

4 A. This is a question and answer page, so typically if
5 there were things that were discussed but not included
6 we'll write out a question and then have them answer it, so
7 that's what this is.

8 Q. And so let me ask you. "Q", what's that stand for?

9 A. Question.

10 Q. And "A"?

11 A. Answer.

12 Q. And whose handwriting is the question in?

13 A. Mine.

14 Q. And whose handwriting is the answer in?

15 A. Linda's.

16 Q. If you could read the questions and answers for me on
17 page 4 of 4.

18 A. Question: Did you recognize the person that broke
19 into the house?

20 Q. And take your time reading.

21 A. Sorry.

22 Q. Thank you, Detective Livingston.

23 A. Answer: Yes. His height, build, eyes and skin color.
24 I've seen him multiple times at the hood store with Rey.

25 Q. Next question.

1 A. Question: Why would he break into Austin's house?

2 Answer: She wrote he, and scratched it out, and said I
3 feel like this happened because I told Rey that we have
4 weed at our house, less than two pounds. Everyone knew
5 Austin was well-off, especially after the music video shoot
6 and being welcomed into his home -- in his home.

7 Q. Next question.

8 A. Question: Has Rey ever mentioned a robbery at
9 Austin's house? He told me that his -- this has a
10 derogatory term.

11 Q. Just skip over the derogatory term.

12 A. Little, derogatory term, wanted to break into Austin's
13 house. He said he wouldn't let that happen after I told
14 him to stop with that idea.

15 Q. Next question.

16 A. Question: Was the shooter the only one at the house
17 during the shooting? Answer: Yes, that I saw. I know
18 that his friends don't do crimes alone and he said in the
19 past about -- he said that in the past about a separate
20 event.

21 Q. Next question.

22 A. Question: Do you know what kind of vehicle Rey
23 usually drives? What about the other guys you referenced?
24 Answer: He doesn't drive. Sometimes he has his friend in
25 a silver car drive him around.

1 Q. And the last question?

2 A. Question: Did you have any involvement whatsoever in
3 this incident? Answer: No, I did not.

4 Q. Okay. And then what do we see here at the bottom of
5 the page? What does this indicate?

6 A. It's something that I do to mark the end of a
7 statement. I had her initial so that nothing could ever be
8 added back into that portion of the statement to show that
9 it was concluded.

10 Q. Okay. And then this is her signature right here?

11 A. Yes.

12 Q. And, Detective Livingston, in this written statement
13 there was mention that she went to Austin's and got bud or
14 that's what she told Rey. What do you know bud to mean
15 based on your training and experience?

16 A. Marijuana.

17 Q. And you still have a copy of her statement up there
18 with you?

19 A. Yes.

20 Q. Detective Livingston, does her written statement say
21 whether or not she received a text from Rey while she was
22 at Austin's house?

23 A. Yes.

24 Q. So what does it say?

25 A. That while she was sitting on the couch she received a

1 text from Rey asking where she was.

2 Q. And she was at Austin's at that time?

3 A. Yes.

4 Q. Now this statement really regards mostly what happened
5 at the home that night; is that fair?

6 A. Yes.

7 Q. Okay. What does she say that she's doing? She's in
8 the kitchen and she hears something?

9 A. Yeah, she said heard the doorknob like it was being
10 turned.

11 Q. So a noise at the door in the kitchen?

12 A. Right.

13 Q. What does she say that she does upon hearing this
14 noise at the door while she's in the kitchen?

15 A. Sorry. I'm trying to find my place. She said after
16 she heard the door -- she doesn't say specifically. She
17 said she was done in the kitchen, she turned out the light
18 and was headed back to the bedroom.

19 Q. In what way was she going to get to the bedroom? What
20 room was she going through?

21 A. The living room.

22 Q. And what happens as she's walking into the living room
23 according to her statement?

24 A. She heard a loud thud behind her.

25 Q. And what did she see that occurred?

1 A. She said she looked back and saw that the door -- the
2 door hitting the wall.

3 Q. What happened after that? She said the intruder came
4 in and what did he do?

5 A. Came up behind her and grabbed her.

6 Q. And then?

7 A. She made it three steps, but he made her stand up, put
8 his arm around her neck and pointed a gun to her head.

9 Q. Did she say he moved her? What's the quote regarding
10 him moving her?

11 A. Moved her to where Austin could see her with the gun
12 to her head.

13 Q. He, he moved her? He moved me to where Austin could
14 see me; is that the quote?

15 A. Oh, yeah. I'm sorry. I didn't know you wanted it
16 directly.

17 Q. He moved me to where Austin could see. That's the
18 quote, right?

19 A. See me with the gun to my head, yes.

20 Q. Okay. And then does she say that she texts Rey and
21 where does she say that she is when she texts him?

22 A. I don't find this quote. Let me look a second. After
23 she got into the ambulance.

24 Q. So she texts Rey in the ambulance. And in her
25 statement does she say if she makes another communication

1 to Rey at the hospital and how she communicates with him?

2 A. She does. She said that he didn't text her back, so
3 when she got to the hospital she called him.

4 Q. Okay. But during your interview with her when she's
5 speaking with you, Detective Livingston, does she say if
6 she does anything with these messages to Rey while she's in
7 the ambulance?

8 A. She said that while in the ambulance she deleted some
9 text messages between her and Rey.

10 Q. And that's while she was in the ambulance?

11 A. Yes.

12 Q. Now in your interview with her, did you actually
13 discuss the events leading up to that night that are not
14 mentioned in her written statement?

15 A. Yes, we did.

16 Q. Okay. Did she say where she went that morning?

17 A. She said she went to work.

18 Q. Where did she go after that? Where was the next place
19 she went after work? Did she say anything about going to
20 the gym?

21 A. Yeah, I'm -- I apologize. It's kind of scattered, so
22 I wanted to make sure that I gave the proper timeline.

23 Q. Yes.

24 A. She did. She said she went to the gym with Rey.

25 Q. And what did she do after that?

1 A. She said that her and Rey made a few stops. They also
2 made a serve and then she dropped him off at the hood store
3 and she went to Austin's.

4 Q. Where did she say she dropped him off at, what store?

5 A. I believe she said the hood store.

6 Q. Do you know what the hood store is, Detective?

7 A. It's the 7 to 11 store on Two Notch Road in Lexington.

8 Q. Now did you ask her any questions about the potential
9 identity of the masked man who came into the home that
10 evening or in those early morning hours on May 14th?

11 A. Yes, we asked her directly if she knew who he was.

12 Q. Okay. And what did she say?

13 A. She never would commit to a straight answer. She gave
14 us -- she really spoke incessantly about the description,
15 but wouldn't commit to who he was. She just kept saying
16 things about his build, his skin tone, the way he talks and
17 she said multiple times it looks just like him referring to
18 what we later found out to be a photograph that she had
19 shown another detective earlier.

20 Q. Would you recognize that photo?

21 A. Yes.

22 Q. State's Exhibit 50, do you recognize this, Detective
23 Livingston?

24 A. I do.

25 Q. What is it?

1 A. I mean, it's my understanding that it was a photograph
2 taken at a party of some sort at Austin's house. I believe
3 they were shooting a rap video. And it's the photograph
4 that she pointed out the intruder to another detective.

5 Q. Are you sure that this was taken at Austin's house?

6 A. I'm not.

7 Q. Okay. Did you obtain this photo from the defendant?

8 A. I did not.

9 Q. This was just passed along to you?

10 A. Right.

11 Q. Okay. So did you ask the defendant about this
12 photograph?

13 A. Yes.

14 Q. And what did she say?

15 A. Sergeant Anderson had the photograph --

16 Q. Okay.

17 A. -- and showed her in front of me while we were sitting
18 at a table if this is the photograph she was talking about,
19 she said yes and pointed to a subject.

20 Q. Do you know which subject?

21 A. To the right of the blue jersey.

22 Q. Okay. Is it this subject that she pointed to?

23 A. Yes, in the back.

24 Q. Do you happen to know his identity?

25 A. Tamare Howell.

1 Q. And so she said that she felt this man matched the
2 physical description of the intruder?

3 A. Among other things, yes.

4 Q. How did she compare them? What did she find similar?

5 A. She referenced height, build, the way that he talked,
6 the way that he was dressed, the colors that he was
7 wearing, his skin tone and the flag is what she said over
8 his face.

9 Q. What do you mean by "flag"? What does that mean?

10 A. It -- the way that she explained it is that Rey is
11 part of the Gangster Disciples gang and that his boys is
12 what she said basically represent the gang by wearing a
13 flag that's navy and/or black.

14 Q. And you said he's part of the Gangster Disciples?

15 A. That's what she told us, yes.

16 Q. So she felt that the intruder was likely a member of
17 the Gangster Disciples?

18 A. Correct.

19 Q. So she said in her written statement, right, that
20 after being with Rey all day she went to Austin's house
21 that evening?

22 A. Yes.

23 Q. Did she happen to mention when the last time she had
24 been at Austin's was?

25 A. She told us it had been several days; four or

1 five days prior.

2 Q. Did she say why she had not been around?

3 A. She said they had a falling out regarding truth issues
4 and infidelity.

5 Q. And did she indicate if there was a particular person
6 that they were arguing about?

7 A. Brandon Rodighiero.

8 Q. Okay. Did you ask about Brandon or did she bring him
9 up; do you recall?

10 A. He came up. I don't recall how. I think she
11 introduced him that way and then from there I can't recall.

12 Q. Okay. And she said Brandon Rodighiero?

13 A. Rodighiero, yes.

14 Q. Did she say anything else about her connection to
15 Brandon Rodighiero?

16 A. I believe she called him a friend.

17 Q. Did she say if she had been communicating with him
18 recently and how?

19 A. She said that he was locked up was her terms and that
20 she had been communicating with him I believe she said
21 through the jail mail system.

22 Q. Okay. And what did you interpret that to mean?

23 A. That she was in contact with this guy while he was
24 incarcerated.

25 Q. Using the Smart Jail Mail?

1 A. Oh, yes.

2 Q. And was Brandon Rodighiero incarcerated at that time?
3 You may not have this information, but --

4 A. I can't say with certainty.

5 Q. Okay. But she said that he was and they were
6 communicating?

7 A. Right.

8 Q. Now you said you discussed the identity of the shooter
9 with her. She said there were physical attributes that
10 made her feel like it was the man in that photo that you
11 identified as Tamare Howell. Did she say she'd ever seen
12 this man before and where?

13 A. She said she's seen him several times hanging out with
14 Rey at the hood store.

15 Q. Okay. And you said she felt like the clothing meant
16 that it was him. Did she extrapolate on that at all?

17 A. She went into some detail about the color of clothing
18 that he's known to wear or, I guess, the way she presented
19 it is that Rey's boys would wear, the dark navy or black.

20 Q. And did she ever advise if she believed Rey Romero
21 could be the shooter, the man who came into the home that
22 night?

23 A. She said he was not.

24 Q. Did she express any concern that he may have been
25 involved in some way?

1 A. Yes.

2 Q. How so?

3 A. That he set it up is what she said.

4 Q. And then going back to the individual she believed
5 might be the intruder or any point in time when she was
6 speaking about the intruder, was there a specific word that
7 she used that stood out to you?

8 A. She kept saying "they" and "they're".

9 Q. Okay. Did you ask her about that for clarification?

10 A. I did.

11 Q. And how did she respond?

12 A. She wouldn't commit to an answer and then she would
13 change the subject and correct herself back to "he" or one
14 person.

15 Q. Okay. And why did that stand out to you, using the
16 word "they"?

17 A. Because from the beginning of the interview she
18 expressed this one person coming into the home, but any
19 time she would kind of ramble about the incident she would
20 always revert back to "they" or "them" leaving, so it stood
21 out that there was possibly more than one person involved
22 that she was aware of.

23 Q. And would that impact your investigation of this case?

24 A. Absolutely.

25 Q. But she would clarify and go back to it was one

1 individual?

2 A. Yes.

3 Q. One moment. She ever give a reason for why she
4 deleted those messages between her and Rey while she was
5 in the ambulance?

6 A. She would not give a reason.

7 Q. And that's while she was in the ambulance with Mason?

8 A. Correct.

9 Q. In her statement about the events of May 14, 2019,
10 she says that an intruder had a gun. Did she provide any
11 details about that gun in your interview?

12 A. She told us that Rey and his crew were known to pass
13 around a gun and she referenced it as a "nine", which we
14 took to mean a nine-millimeter and that she knew that they
15 passed it around amongst each other.

16 Q. And his crew, what did you take that mean based on
17 your conversation with her?

18 A. The members of his gang that committed crimes with
19 him.

20 Q. Okay. And did she mention anything else about Rey and
21 his crew or his fellow gang members that stood out to you
22 in relation to this case while you were interviewing her?

23 A. She did. She referenced several times the door being
24 kicked in was her phrasing and then later in the interview
25 she referenced a trailer on Topaz Court that she said that

25 Q. You don't note that in your notes?

1 A. It does not look like the time was noted, no.

2 Q. Okay. I guess what I want to know is how you know how
3 long something goes if you don't know when it begins?

4 A. Oh, approximately 16:15 hours, so 4:15 PM.

5 Q. All right. So you went and picked her up from the
6 jail, is that correct, and brought her to the interview
7 room?

8 A. Yes, sir.

9 Q. And who went with you?

10 A. I don't recall. I don't recall. Probably Sergeant
11 Anderson since he was who sat in with us.

12 Q. Do you remember somebody did go with you?

13 A. Yes, somebody would have gone.

14 Q. You just don't know who it was?

15 A. Right.

16 Q. And did you discuss earlier that you -- you picked up
17 some items for her?

18 A. Yes.

19 Q. What items did you pick up for her?

20 A. A food basket from Cook-Out. I believe it was a
21 burger --

22 Q. Okay.

23 A. -- and some sanitary napkins per her request.

24 Q. All right. Had you already talked to her about that
25 she needed those items?

1 A. She asked for the -- the pads, yes.

2 Q. When did she ask for those?

3 A. While we were in the restroom.

4 Q. All right. And what was the time that y'all were
5 actually in the restroom?

6 A. I believe it was around 2:30, but I don't have the
7 exact time.

8 Q. So you would have had this conversation when she was
9 -- on the same day?

10 A. Yes, sir.

11 Q. So she went to the restroom, told you you needed those
12 -- that she needed those items, then she went where, to the
13 jail?

14 A. Yes, sir.

15 Q. She went to the jail for what period of time?

16 A. Just under two hours, I believe.

17 Q. All right. That allows you to go out to get some
18 items for her; is that correct?

19 A. Yes, sir.

20 Q. And then you go back and pull her out of her cell,
21 right?

22 A. I don't believe she was in her cell.

23 Q. Where was she?

24 A. I believe she had just come from bond court I want to
25 say.

1 Q. All right. So where was she?

2 A. I can't recall. She would have likely been in the
3 general booking area.

4 Q. So you got her there wherever it was and you, along
5 with somebody else, escorted her back to the interview
6 rooms?

7 A. Correct.

8 Q. All right. They're not in the same location, are
9 they?

10 A. They are not.

11 Q. And there's a long hallway there that you go from, I
12 guess, the jail part back up to the administrative part,
13 right?

14 A. It's a parking lot, it's not a hallway.

15 Q. So you take them out in the parking lot?

16 A. Correct.

17 Q. On the back of the sheriff's department or across the
18 front of the sheriff's department?

19 A. The back backside.

20 Q. The back backside that you come in through where the
21 detectives used to be or are?

22 A. Yes, sir.

23 Q. All right. That's where all the cars are parked and
24 all the trailers are parked and stuff like that?

25 A. Yes, sir.

1 Q. All right. And the reason you take them that way is
2 because it's a secured way of taking them because you've
3 got a fence around the whole area, right?

4 A. Correct.

5 Q. All right. So you take her in and you go into the --
6 past all the detectives and then you come back around into
7 -- there's a hallway which has several interview rooms and
8 that's where you take them?

9 A. Yes, sir.

10 Q. And how many of those interview rooms actually have
11 video capability?

12 A. I believe all of them did at the time.

13 Q. All right. And -- and then what was it, four?

14 A. Yes. No. I -- I haven't worked there in two years.
15 I can't remember.

16 Q. Okay.

17 A. Three or four.

18 Q. I've never worked there. Okay. But maybe three or
19 four?

20 A. Right.

21 Q. So you take her in there and then you give her the
22 food and then she's all over the place asking you
23 questions, talking to you, you're writing down stuff?

24 A. Yes, sir.

25 Q. Kind of scatterbrained, is that what you -- you take

1 it to be?

2 A. Yes, sir.

3 Q. Okay. Don't hold back. So did it concern you in any
4 way the fact that she was kind of scatterbrained?

5 A. What do you mean concern me?

6 Q. Did it concern you that maybe she wasn't fully
7 appreciating what was going on or she had something going
8 on that you needed to be concerned about?

9 A. Not at all.

10 Q. She was just scatterbrained?

11 A. Yes, but also calculated with her answers.

12 Q. So you think she was very clever?

13 A. I -- the only interaction I had with her was in an
14 interview. I can't say.

15 Q. Right. So this began at 6:15 -- I'm sorry, 6:15 --
16 16:15 hours, which is 4:15 PM, correct?

17 A. Yes, sir.

18 Q. And it lasted for approximately five hours, so it
19 would have gotten through sometime around 9:15; is that
20 right?

21 A. It was under five hours, but, yes.

22 Q. All right. And the -- the description of what you --
23 of her -- her written statement that we have, did she write
24 that at the conclusion of this interview?

25 A. I believe she began writing, stopped, reinitiated

1 verbal conversation and then picked up writing near the
2 end.

3 Q. All right. So on the written document that you have,
4 that's dated 5-15 and it says time started 18:12 PM; is
5 that correct?

6 A. Yes, sir.

7 Q. And then as it is drafted, it will have like a page
8 and then on about page 3 then there's a skip in line, so
9 does she write two pages and then stop and then write more
10 or how does she do it?

11 A. I don't recall.

12 Q. Are you in there asking her questions as -- as this
13 goes along?

14 A. More like she would stop writing, talk or ask
15 questions herself, and then start writing again.

16 Q. Well, you said -- a comment you made in response to a
17 question from the solicitor is that she never would give
18 you the name of the person who did it. That's what you
19 said, right?

20 A. I said she wouldn't commit to specifics regarding it,
21 yes.

22 Q. Specifics?

23 A. Uh-huh.

24 Q. What did she tell you about the person who came in the
25 room?

1 A. In the residence?

2 Q. The person who came into the house, the intruder.

3 A. She said that he was a black male. She referenced
4 his skin color, height, build, his eyes, the bridge of his
5 nose, and his clothing, and the way that he talked.

6 Q. Okay. What other specifics were you looking for?

7 A. Who he was. She said she'd met him several times.
8 We were asking for a name, a positive identification.

9 Q. And she didn't know his name?

10 A. She said she did not, yes.

11 Q. Right. And that was hard for Lexington County to
12 accept when -- when you say you don't know his name, but
13 you can describe him, right?

14 A. It's unusual that she's that familiar with him, but
15 can't tell us his name, yes.

16 Q. So out of this whole group of people here she has seen
17 somebody that looked familiar to her?

18 A. Yes.

19 Q. And she's telling you that that's what they look like?

20 A. Right.

21 Q. But she just doesn't know his name?

22 A. She wouldn't commit to it being him 100 percent. She
23 would say things like it looks just like the guy in the
24 picture.

25 Q. And y'all could not accept that. You just thought

1 that she had to know who that was, right?

2 A. I can't speculate to what anybody else thought.

3 Q. And she can't speculate either, can she?

4 A. No, sir.

5 Q. So after five hours, almost five hours, she -- she
6 signs something on the bottom of here on that question did
7 you have any involvement whatsoever in this incident and
8 she says what?

9 A. No, I did not.

10 Q. And she finally signs her name?

11 A. She does.

12 Q. The end?

13 A. Yes, sir.

14 Q. What do you do with her?

15 A. I believe we escorted her back. We may have given her
16 a restroom break. I don't recall.

17 Q. But she got a hamburger out of this, right?

18 A. She actually did not eat the food.

19 Q. She didn't eat the food?

20 A. She did not.

21 Q. Was she ill?

22 A. She said she wasn't. She said she wasn't hungry.

23 Q. Not hungry?

24 A. Uh-huh.

25 Q. But did she tell you if she had eaten anything that

1 day?

2 A. I don't recall.

3 Q. Whose idea was to get her a hamburger?

4 A. Mine.

5 Q. The -- is that the second time you actually met with
6 her, one time in the restroom and then that time?

7 A. Yes, sir.

8 Q. Tell me about the trailer on Topaz. You said that
9 there's a trailer where they practice kicking in doors?

10 A. That's what she told us.

11 Q. Did anybody ever go out to Topaz and see if there
12 actually was a trailer where they kick in doors?

13 A. I did not. I don't -- I can't speak for anybody else
14 involved.

15 Q. So you really don't know if that's just something
16 she's saying or what have you, do you?

17 A. I don't.

18 Q. All right. Would it be important if what the
19 individual was saying is consistent with -- obviously what
20 y'all are concerned about is consistency, we've seen that.
21 Would it be important to you if it wasn't kicked in, if
22 there wasn't a house on Topaz that was kicked in?

23 A. Yeah. I mean, sure.

24 Q. Maybe she's -- because you've indicated she's
25 scatterbrained a little bit?

1 A. Uh-huh.

2 Q. And she talks all over stuff?

3 A. Uh-huh.

4 Q. And she's just trying to tell you stuff, right?

5 A. Yes.

6 Q. And it frustrates you because she doesn't know the
7 name of the person who came in the house?

8 A. I wasn't frustrated. I can't speak for other
9 officers.

10 Q. Oh, I thought you said that that kind of bothered
11 you. It didn't bother you that she didn't -- she wouldn't
12 commit, that she only gave you the description of the
13 person?

14 A. It's her description and the totality of everything
15 and her involvement with these -- these people that she's
16 talking about was unusual, but that's -- I mean, yeah.

17 Q. All right. There was a conversation in there about
18 a nine-millimeter pistol, right? That's a pistol, not a
19 revolver, right?

20 A. Correct.

21 Q. And she said that there was one that they passed
22 around with the gang, with the GD's right?

23 A. Yes.

24 Q. Do you recall if there was -- how -- if she had said
25 something in one of her many previous statements was like a

1 pistol that would fit inside of a pocket?

2 A. I do believe she mentioned it fitting in her pocket.

3 Q. Fitting in a pocket?

4 A. Uh-huh.

5 Q. Do you know how big a nine-millimeter pistol is?

6 A. There are different sizes.

7 Q. Okay. So this might just be a small one, right?

8 A. Correct.

9 Q. Did you have any other involvement with this case?

10 A. I did.

11 Q. Did you ever go to the scene?

12 A. I did not.

13 MR. WILLIAMS: I beg the Court's indulgence one
14 moment, Your Honor.

15 That's all I have, Your Honor.

16 THE COURT: Any redirect?

17 REDIRECT EXAMINATION

18 BY MS. McMENAMIN:

19 Q. Detective Livingston, the length of your interview
20 with the defendant was addressed by Mr. Williams. This was
21 a lengthy interview, correct?

22 A. (Nods head.)

23 Q. But what did you state earlier that impacted the
24 length of this interview?

25 A. Her having to constantly be redirected back on topic.

1 Q. Okay. And did she talk readily with you throughout
2 this interview?

3 A. The entire interview.

4 Q. Okay. Did she appear to have full cognitive abilities
5 throughout the interview?

6 A. Oh, yes.

7 Q. Was she clear and rational?

8 A. Yes.

9 Q. And her responses, were they appropriate to the
10 questions posed?

11 A. Yes.

12 Q. And you had provided food in case she was hungry?

13 A. Uh-huh. Yes.

14 Q. And did she seem tired?

15 A. No.

16 Q. Did she seem disinterested in the conversation?

17 A. Oh, no.

18 Q. And did at any point she make inconsistent statements?

19 A. Yes.

20 Q. Several times, one time?

21 A. Constantly.

22 MS. McMENAMIN: Nothing further, Your Honor.

23 THE COURT: Recross.

24 MR. WILLIAMS: Just a couple of questions.

25 RECROSS EXAMINATION

1 BY MR. WILLIAMS:

2 Q. And there were large gaps and time spans when she
3 didn't respond to things and started a new -- answering
4 different questions, right?

5 A. There were never --

6 Q. You said she was clear and rational. She skipped
7 around, didn't she?

8 A. Yeah, she skipped around.

9 Q. Is that clear and rational when you skip around?

10 A. It is for some people, yes.

11 Q. For those people who have problems with, what,
12 cognitive abilities?

13 A. I'm not a doctor or psychologist. I don't know.

14 MR. WILLIAMS: That's all I have, Your Honor.

15 THE COURT: All right. The witness may step down.

16 (Witness excused.)

17 THE COURT: Ladies and gentlemen, we're gonna take
18 a short break. Go down to the jury room and refresh
19 yourselves. We'll get you back up here as soon as
20 possible. Please don't discuss the case or any of the
21 parties involved.

22 Thank you.

23 (Whereupon, the jury retires to the jury room at
24 3:57 PM.)

25 THE COURT: All right. We'll be in recess for

1 MR. HUBBARD: Thank you, Your Honor.

2 The State calls Dr. Nicholas Batalis.

3 (Whereupon, Nicholas Ike Batalis was duly sworn
4 by the Clerk of Court.)

5 THE CLERK: Once you have a seat, take your mask
6 off. State your name and spell your last name for the
7 record.

8 THE WITNESS: My name is Nicholas Ike Batalis,
9 B-A-T-A-L-I-S.

10 NICHOLAS IKE BATALIS,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HUBBARD:

14 Q. Dr. Batalis, where do you work?

15 A. I work at the Medical University of South Carolina
16 down in Charleston.

17 Q. And in what capacity?

18 A. I'm employed there as a professor in the pathology
19 department and specifically as a forensic pathologist.

20 Q. What is forensic pathology?

21 A. Sure. I'll take one small step back. Pathology is
22 the field of medicine that deals with the study and
23 diagnosis of disease. So a general pathologist would be
24 the one if you have a surgeon or a physician takes a
25 biopsy or takes a tumor out, they would send it to the

1 pathologist, we would look at it and tell them whether
2 it's cancer, what type of cancer, that type of thing. A
3 pathologist would also oversee the clinical laboratory, so
4 any time you have blood drawn there's a pathologist kind of
5 behind the scene that's making sure everything is running
6 right and helping the physicians make a -- the treating
7 physician make the diagnosis. Forensic pathology is in a
8 subspecialty, so a smaller kind of piece of the pie of
9 pathology in general that deals more with the legal aspects
10 of medicine, which is predominately through performing
11 autopsies to identify disease processes and identify the
12 cause and manner of death.

13 Q. And how long have you been a forensic pathologist?

14 A. I've been Board-certified for just over fourteen years
15 now.

16 Q. And where did you go to school to get educated to
17 become a doctor and to do what you do?

18 A. I obtained my undergraduate degree at Butler
19 University in Indianapolis, Indiana. I then went on to
20 get my medical degree at the Indiana University School of
21 Medicine, also in Indiana. Following medical school, I
22 came down to Charleston for four years to MUSC for my
23 pathology residency, so a four-year training program to be
24 a general pathologist. After those four years, I took a
25 test and passed that test to become Board-certified in

1 general pathology. Following those four years, I then went
2 on to another year of training at the Dallas County Medical
3 Examiner's Office in Dallas, Texas for a year of forensic
4 pathology training. And, again, after that year took
5 another examination to become Board-certified, and then I
6 took my current position.

7 Q. About how many autopsies have you performed?

8 A. I don't have an exact list, but at this point it's
9 over 3,000.

10 MR. HUBBARD: Your Honor, at this time I offer
11 Dr. Batalis as an expert in forensic pathology.

12 MS. WILLIAMS: No objection, Your Honor.

13 THE COURT: All right. Ladies and gentlemen,
14 normally a person cannot give opinion testimony, but
15 when a person testifies it must be as to what they
16 either saw, heard or experienced by smell or by sight
17 or something of that nature. However, there is an
18 exception when someone is qualified because of education
19 or experience they are permitted to give their opinion
20 in certain areas if the Court qualifies them that way.
21 This witness will be qualified in the area of forensic
22 pathology and to give testimony in that area. That does
23 not mean you must accept the opinion, but it is evidence
24 for you to use in any way you see fit.

25 MR. HUBBARD: Thank you, Your Honor.

1 BY MR. HUBBARD:

2 Q. Doctor, on May 16th of 2019, did you have an
3 opportunity to do an autopsy on a small child by the name
4 of Mason Hanahan?

5 A. Yes, I did.

6 Q. Can you tell the jury the process you used in
7 conducting that autopsy and -- and was that the same
8 process you generally use in conducting an autopsy?

9 A. Yes, I used the same process in this as I do the other
10 cases. I can just describe that briefly. So initially we
11 will take a call from the coroner, so we perform autopsies
12 for numerous counties across the state. The coroner will
13 call us and give us a little information to kind of frame
14 the case. We then receive the body in our autopsy suite.
15 We take photographs of the body before we touch anything.
16 We then will inventory clothing items, any sort of evidence
17 that's on the outside of the body, medical therapy,
18 anything like that. We then remove that, clean the body
19 up, undress it and then take another set of photographs
20 from head to toe to document identifying features, as well
21 as any possible injuries, and then we move on to our
22 external exam.

23 So the external exam is essentially like going to your
24 doctor to get a physical, so from head to toe. Again, it's
25 height, weight, eye color, hair color, just some basic

1 identifying things, but then also looking for natural
2 disease or trauma. Following the external exam, we then
3 move to the internal exam where we'll make surgical-type
4 incisions into the body to expose the internal organs so
5 that we can examine them one by one, again, to look for
6 evidence of disease or trauma. At the end of the case, we
7 will then put all of our findings into a report that we
8 then issue to the coroners who ordered the autopsy.

9 Q. And did you do a report on this case concluding the
10 autopsy of Mason Hanahan?

11 A. I did.

12 Q. Now referring to that report, when we talk about as
13 you're going over Mason Hanahan, what was the external exam
14 that you did?

15 A. So, again, as described in the past -- or just before
16 now, again, the external exam is, you know, a detailed
17 view of the body from head to toe looking for identifying
18 features and trauma. In this case, there was one major
19 finding, which was a gunshot wound to the head.

20 Q. Okay. And, Doctor, just -- just to jump on ahead,
21 were there any other significant injuries on this -- this
22 child?

23 A. No, there was just one small bruise on his left knee,
24 but the only significant injury was the gunshot wound.

25 Q. In every other respect was this a healthy

1 eight-year-old little boy?

2 A. Yes, externally and internally, again, as we -- as
3 we move forward through the autopsy examining the organs
4 individually he appeared perfectly healthy to me.

5 Q. Now let's focus on that head wound you were talking
6 about. Where precisely was the head wound and can you
7 describe your findings for the jury.

8 A. Sure. The gunshot wound was focused on the left side
9 of the head. The bullet entered just behind the left ear.
10 The bullet then basically transected the ear, going through
11 the ear and briefly exited through the ear and then almost
12 immediately went back into the face just in front the ear.
13 So, again, it came in the skin behind the ear, went through
14 the ear, reentered the face right in front of the ear.
15 Portions of the bullet then continued through the frontal
16 part of the brain and there was an exit wound in the
17 midforehead where portions of bone may have fallen out and
18 possibly portions of the bullet. We did also recover
19 portions -- fragments of a bullet from within the wound
20 track, so pieces of the bullet along -- within the skull
21 and the brain matter inside the head.

22 Q. Doctor, with the Court's permission, would it be
23 helpful in describing the wounds if you used me to stand
24 in front of the jury and show the actual -- where the
25 wounds where and how they moved? I saw -- you used your

1 own head there, but would it be helpful for the jury?

2 A. I think it might be to be able to show the pathway a
3 little bit easier.

4 MR. HUBBARD: With the Court's --

5 THE COURT: All right. The witness may step down.

6 BY MR. HUBBARD:

7 Q. Doctor, I'm gonna stand on this side and have you
8 speak towards the court reporter. And why don't we do this
9 -- I don't know. Maybe if I stand here if everybody can
10 see.

11 A. Sure.

12 Q. Okay.

13 A. So the entrance wound would have been in the skin
14 directly behind the left ear. Again, it perforated through
15 or went through the left ear, briefly exited and then
16 reentered in a large wound right here, continuing in a path
17 that was upward and towards the right side before the exit
18 wound was in the midforehead.

19 Q. As to the ear, and keeping our voices up, did it
20 pretty much just annihilate that ear?

21 A. Yes, the ear was essentially transected or cut in
22 half.

23 Q. And the exit wound, is it typically in these type of
24 cases bigger than the entrance wound?

25 A. The size of the entrance and exit wounds will vary

1 depending on location. In this case because of the bony
2 fragments of the skull oftentimes exit wounds on the head
3 are bigger than the entrance wounds.

4 Q. And using my forehead again, approximately where was
5 that exit wound on Mason Hanahan's head?

6 A. Right near the midportion of the forehead.

7 Q. Okay. Thank you.

8 (Whereupon, the witness returns to the witness stand.)

9 Q. And, Doctor, in describing that exit wound, about how
10 large was the exit wound?

11 A. The exit wound itself was two inches in size in
12 greatest dimension, so about that big.

13 Q. Pretty large on a small child's head?

14 A. Yes.

15 Q. Now I'd like to show you some photographs, which I
16 believe the defense has no objection to.

17 MR. WILLIAMS: Can we see them?

18 MR. HUBBARD: Sure.

19 MS. WILLIAMS: Okay.

20 BY MR. HUBBARD:

21 Q. Doctor, I want to see if you recognize what's been
22 marked State's 42 and 46. Beginning with 46, do you
23 recognize that?

24 A. Yes, I do.

25 Q. What are these?

1 A. State's Exhibit 46 is a photograph or a reproduction
2 of a photograph that I took at autopsy of the bullet
3 fragments next to an envelope with a case sticker unique
4 to this case.

5 Q. In State's 42, is it the same thing but with ruler,
6 an enlarged picture of the fragments?

7 A. Yes. So they're still -- the envelope that I
8 submitted them in is up top and then the fragments are
9 down below, so I presume this is by the firearms or
10 ballistics examiner, but they are the same fragments that
11 I photographed in 46.

12 MR. HUBBARD: Your Honor, without objection I offer
13 State's 42 and 46.

14 MS. WILLIAMS: No objection.

15 THE COURT: All right. State's Exhibit 42 and 46
16 are admitted into evidence.

17 (State's Exhibit Number 42 and 46, photographs,
18 are admitted into evidence.)

19 BY MR. HUBBARD:

20 Q. Doctor, this is 46. Is that the envelope you actually
21 put these fragments in?

22 A. Yes, it is.

23 Q. And we even see a really tiny piece of fragment and
24 all of that -- all that's what you collected from Austin --
25 from Mason Hanahan?

1 A. Yes, that's correct.

2 Q. And looking at State's 42, is this an enlarged -- can
3 you see it here?

4 A. Yes. So this appears to be a little bit more of a
5 zoomed in photograph. Again, this is one that I did not
6 take personally, but, again, the same envelope is up top
7 and the fragments are the same fragments that were shown
8 in the previous exhibit.

9 Q. And I want to point out this piece here, there's some
10 red here, that is not blood or anything from the body, is
11 it? That's wax from the actual bullet?

12 A. Yes, it was not a piece of tissue or blood or anything
13 like that.

14 Q. And, Doctor, I want to show you State's 89. Are these
15 the fragments themselves?

16 A. Yes, they are.

17 MR. HUBBARD: Your Honor, I offer State's 89 in
18 evidence.

19 MS. WILLIAMS: No objection.

20 THE COURT: All right. State's Exhibit 89 is
21 admitted into evidence.

22 (State's Exhibit Number 89, bullet fragments, was
23 admitted into evidence.)

24 BY MR. HUBBARD:

25 Q. Now, Doctor, we're just talking fragments though. It

1 may very well -- there may very well have been more lead
2 that exited the skull?

3 A. Correct. I can only testify as to what we found
4 within the body, but considering there were roughly six
5 fragments there it's definitely possible other pieces could
6 have exited through the wound in the forehead.

7 Q. To a reasonable degree of medical certainty, can you
8 say what the cause of death was?

9 A. Yes, the cause of death in this case was due to a
10 gunshot wound to the head that resulted in not only
11 bleeding, but destruction of the brain.

12 Q. Would Mason Hanahan have lost consciousness almost
13 instantly?

14 A. It would have been very quickly. I can't say whether
15 it was instantly or after a matter of seconds, but it would
16 have been in a very, very short time period.

17 Q. Can you say to a reasonable degree of medical
18 certainty the manner of death?

19 A. Yes, the manner of death in this case would be a
20 homicide, which from our terms is death at the hands of
21 another individual.

22 MR. HUBBARD: Doctor, thank you so much. Please
23 answer any questions the defense has.

24 THE COURT: All right. Cross-examination.

25 CROSS-EXAMINATION

1 BY MS. WILLIAMS:

2 Q. Good afternoon, Doctor.

3 A. Good afternoon.

4 Q. Just briefly, you mentioned that you extracted the
5 bullets from Mason. What did you do with them afterward?

6 A. So after I recovered the bullets and took the
7 photograph that we saw in, I guess, the previous exhibit,
8 I think it was 46, I then placed them into the envelope
9 that was in the picture and sealed it. It was then handed
10 off to a team member who signed it over to the officer that
11 attended the case.

12 Q. And would that officer have been from Lexington County
13 Sheriff's Department?

14 A. Yes, it looks like it was Detective Sam Smith of the
15 Lexington County Sheriff's Office -- sheriff's office or
16 sheriff's department.

17 MS. WILLIAMS: Thank you, Doctor. Nothing further.

18 THE COURT: Any redirect?

19 MR. HUBBARD: No questions, Your Honor.

20 THE COURT: The witness may step down. Thank you.

21 MR. HUBBARD: I ask that the doctor be excused.

22 THE COURT: Any objection?

23 MS. WILLIAMS: No objection, Your Honor.

24 THE COURT: All right. Thank you, Doctor.

25 (Witness excused.)

1 MS. MAYES: The State calls Lieutenant Marlo McCann.
2 (Whereupon, Marlo McCann was duly sworn by the
3 Clerk of Court.)

4 THE CLERK: Have a seat. You can take your mask
5 off. State your name and spell your last name for the
6 record.

7 THE WITNESS: My name is Marlo McCann, M-c-C-A-N-N.

8 MARLO McCANN,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MAYES:

12 Q. Good afternoon. It's late in the day, Lieutenant,
13 so we want to get right to the heart of the matter. Tell
14 us about your job description at the Lexington County
15 Sheriff's Department and how you became a lieutenant of
16 major crimes.

17 A. I've been employed with the sheriff's department since
18 1995. I went to investigations in 2010, became a sergeant
19 in 2017, and a lieutenant in 2019.

20 Q. And throughout that time, have you had the opportunity
21 to conduct numerous homicide investigations?

22 A. Yes, ma'am, I have.

23 Q. Including murders?

24 A. Yes, ma'am.

25 Q. Is that also the case for other members of the

1 Lexington County Sheriff's Department major crimes unit?

2 A. Yes, ma'am.

3 Q. I want to move forward now to May of 2019. How did
4 you become involved in the investigation of the murder of
5 Mason Hanahan?

6 A. I was the senior officer working at the time.
7 Detective Hart, our sergeant, was in court on another case
8 when this case came out, so we just kind of stepped up to
9 help out as supervisors. On this particular date -- oh,
10 I'm sorry. I'm jumping ahead of you.

11 Q. No, please continue.

12 A. Okay.

13 Q. As I said, it's late in the day so we want to get
14 right to the matter at hand.

15 A. Okay. On May 17th, which would have been a Thursday,
16 the fourth day of this investigation, I was asked by
17 Detective Hart to assist him with an interview.

18 Q. All right. Now I want to backtrack a little bit and
19 just ask you if you were aware as were other members of
20 the major crimes division that Linda Monette had already
21 participated in multiple interviews?

22 A. Yes, ma'am.

23 Q. Were you aware of statements she made in the 9-1-1
24 call in the early morning hours of May 14th?

25 A. I was.

1 Q. Were you aware of statements that she had made at
2 Lexington Medical Center to Detective Cameron Sherban?

3 A. Yes, ma'am.

4 Q. Were you aware of statements that had been made at
5 Richland Memorial Hospital, Prisma Health --

6 A. Yes, ma'am.

7 Q. -- to Detective Brannon Marthers?

8 A. Yes, ma'am.

9 Q. Were you aware of an interview that had been
10 conducted by Detective Joe Hart and Detective Shannon
11 Dykes on May 14, 2019, there at the Lexington County
12 Sheriff's Department?

13 A. Yes, ma'am.

14 Q. Can you tell us whether or not you were aware of
15 inconsistencies in her statements regarding whether she
16 was at the gym alone or with another individual?

17 A. I was. Each day after we got to a point where we
18 could -- we would actually brief on the case with all the
19 investigators so we could share information of what had
20 happened in interviews, what evidence we had collected and
21 things like that, so we all kind of knew where each other
22 was since we had people running in so many different
23 directions.

24 Q. And, Lieutenant, going back to those original
25 statements that were made on May 14, 2019, were you aware

1 of statements that she had been alone at the gym and that
2 she then went straight to Austin's house?

3 A. I was.

4 Q. Were you aware of statements that were made on
5 May 15th also to Detective Joe Hart and Shannon Dykes in
6 a follow-up interview where she then mentioned the name of
7 Rey Romero?

8 A. Yes, ma'am.

9 Q. And ultimately when confronted with video evidence
10 that she acknowledged being with Rey Romero that day?

11 A. That's correct.

12 Q. Now were you also made aware of deleted text messages?

13 A. Yes, ma'am.

14 Q. Following your briefing on all of those interviews,
15 were you also brought up to speed that later on the 15th
16 she had participated in yet another interview, a subsequent
17 interview with Detective Hayli Livingston, who previously
18 testified?

19 A. Yes.

20 Q. And Sergeant Brian Anderson?

21 A. Yes.

22 Q. And that it had resulted in this written statement,
23 which is State's Exhibit 88?

24 A. Yes, ma'am.

25 Q. So two days later after this written statement that we

1 just heard about shortly ago, what, if any, contact did you
2 have with the defendant, Linda Monette?

3 A. I assisted Detective Hart with an interview with
4 Ms. Monette after she initiated contact with us.

5 Q. All right. Now you say that she initiated contact
6 with you. I'm gonna ask for a little bit of clarification.
7 On May 17, 2019, two days after all these other interviews
8 that we heard about, who requested the interview?

9 A. Linda Monette.

10 Q. At that point in time were you open to the idea of
11 conducting an interview with her?

12 A. Not really. She had been interviewed multiple times
13 already. Due to those inconsistencies we did not feel that
14 an additional interview with her would be beneficial to the
15 investigation.

16 Q. And did you also have Detective Joe Hart with you in
17 that conversation with Linda Monette?

18 A. Yes, ma'am.

19 Q. Where did that conversation take place?

20 A. In the transport hallway right outside the detention
21 center outside the booking area.

22 Q. Were there frustrations at that point in time?

23 A. There were.

24 Q. Did you express those to the defendant?

25 A. I did.

1 Q. Did Detective Joe Hart also express those frustrations
2 to the defendant?

3 A. Yes, ma'am.

4 Q. And even after you and Detective Hart expressed those
5 frustrations, can you tell us whether or not she agreed to
6 participate in an interview?

7 A. She was fairly adamant that she still wanted to talk
8 to us. At one point in time I was holding the door open
9 trying to get her to go back inside the booking area and
10 she wouldn't go in. She wanted to talk.

11 Q. And so even after you vented and expressed those
12 frustrations, whose idea or request was it to participate
13 in this follow-up interview on the 17th?

14 A. Linda Monette.

15 Q. And as I said, we're gonna get right to the heart of
16 it. Do you have with you a copy of the statement that was
17 obtained from Linda Monette on this date?

18 A. Yes, ma'am.

19 Q. In fact, do you have with you the original?

20 A. I do.

21 Q. This will be State's 90. I'm gonna show you the
22 original here, State's 90, and ask you how you recognize
23 it.

24 A. This is a statement that was taken that day from
25 Ms. Monette and I watched her write it and my handwriting

1 is actually here on the last page.

2 Q. All right. So just to clarify, does it have the date
3 at the top in the left-hand corner?

4 A. It does.

5 Q. What is the date?

6 A. 5-17-19.

7 Q. And what is the time?

8 A. 2:30 PM.

9 Q. Can you tell us when you're talking about the body of
10 that statement whose handwriting it is?

11 A. Linda Monette's.

12 Q. All right. So this is 2:30 PM here on May 17th?

13 A. Correct.

14 Q. Now in addition to this written statement, is this
15 contact with her at 2:30 PM on May 17th also audio and
16 video recorded?

17 A. It is.

18 Q. You mentioned that your handwriting is on that
19 document as well. For what reason or purpose is your
20 handwriting on that document?

21 A. At the end of this statement we did a question and
22 answer session to clarify some things that were in the
23 statement that had also been discussed during the
24 interview.

25 Q. And when you do that, you pose a question in your

1 handwriting, who provides the answer?

2 A. The other person. That would have been Ms. Monette
3 answering in this situation.

4 Q. And was that in her handwriting?

5 A. Yes, ma'am.

6 Q. Do you see her signature on each page of this written
7 statement?

8 A. I do.

9 Q. Can you tell us whether or not she was advised of her
10 Miranda rights inclusive of this written statement?

11 A. She was by Detective Hart.

12 Q. And does she initial each of those Miranda rights?

13 A. She did.

14 Q. Now in addition to that, at the outside of this
15 interview was she, once again, advised of her Miranda
16 rights?

17 A. She was.

18 Q. And who did that?

19 A. Detective Hart.

20 Q. I'm gonna ask you if you'd state for the record the
21 rights that she would have been advised of by Detective Joe
22 Hart, as well as the rights incorporated in that written
23 statement.

24 A. She was advised that she has the right to remain
25 silent. Anything that she said could and would be used

1 against her in a court of law. She had the right to talk
2 to a lawyer for advice before asked any questions and have
3 him or her present with her during questioning. If she had
4 no money for lawyer fees, the Court would appoint one to
5 represent her without cost to her if she wished. If she
6 decided to answer questions now without a lawyer present,
7 she still had the right to stop answering questions at any
8 time. She also had the right to stop answering questions
9 at any time until she could speak with a lawyer.

10 Q. All right. Were each of those rights initialled by
11 Linda Monette?

12 A. They were.

13 Q. And at the outside of the interview after being
14 verbally advised of her Miranda rights, did she waive
15 those rights and agree to participate in this interview
16 with yourself and Detective Hart?

17 A. She did.

18 MS. MAYES: Your Honor, this is State's 90 for
19 evidence.

20 MR. WILLIAMS: Your Honor, that would be subject
21 to motions made in reference to Jackson v. Denno.

22 THE COURT: Very well. State's Exhibit 90,
23 subject to objection, will be admitted into evidence.

24 (State's Exhibit Number 90, a written statement,
25 was admitted into evidence.)

1 BY MS. MAYES:

2 Q. Now, Detective McCann, you said that the interview
3 here on the 17th was actually at the request of Linda
4 Monette and initiated by her. Was there a discussion
5 during the course of this interview as to her change of
6 demeanor as she made certain admissions to you?

7 A. There was.

8 Q. How so?

9 A. After certain things were said during the interview,
10 Linda made the statement to me that she felt better, that
11 she felt like she could eat now.

12 Q. Did you actually observe or witness a change in her
13 demeanor as she made certain admissions in the course of
14 this interview?

15 A. I did.

16 Q. How so?

17 A. She seemed more relaxed. She actually did eat while
18 we were there in the interview room. Her color seemed to
19 come back and she just seemed better all the way around.

20 Q. Prior to obtaining this written statement, did you
21 yourself confront her about your knowledge of the deleted
22 text messages?

23 A. Yes, ma'am.

24 Q. Did you yourself confront her about your knowledge of
25 her relationship with Rey Romero?

1 A. Yes, ma'am.

2 Q. Do you have with you a copy of the statement?

3 A. Yes, ma'am, I do.

4 Q. Can you tell us, Lieutenant, during the course of this
5 interview does she acknowledge planning this robbery with
6 Rey Romero?

7 A. She does.

8 Q. Does she acknowledge knowing in advance that this
9 robbery would take place at Austin's house?

10 A. Yes, ma'am.

11 Q. Does she acknowledge having discussions with Rey
12 Romero about this robbery?

13 A. Yes, ma'am.

14 Q. I want to start here at the top, Lieutenant, and if
15 you could slowly take us through this at a pace where the
16 court reporter can follow starting here at the top.

17 A. It is dated 5-17 of '19. The place is 521 Gibson
18 Road. Time started is 2:30 PM.

19 Q. And to clarify, this is the Lexington County Sheriff's
20 Department?

21 A. Correct.

22 It says I, the undersigned, Linda Monette, age
23 twenty-three years of age, my date and place of birth is
24 the [REDACTED], I can't read the year, it's
25 scratched out, Lexington, South Carolina. My present

1 address is [REDACTED] Cedar Vale Drive. I completed twelve
2 grades in school. I can read and write, which is
3 initialled by her acknowledging that she can read and
4 write.

5 Q. Now let me stop you right there. Throughout your
6 interaction with her on this date, did she appear to be
7 clear and rational?

8 A. She did.

9 Q. Did she appear to understand questions that were posed
10 to her?

11 A. She did.

12 Q. Did she acknowledge that she had completed the twelfth
13 grade in school?

14 A. That's correct, and was enrolled in college at the
15 time.

16 Q. Did her cognitive abilities appear intact based upon
17 your observation?

18 A. Yes, ma'am. Very much so.

19 Q. Please continue.

20 A. She has her contact telephone number.

21 Do you want me to read that out?

22 Q. Yes. And just -- just to clarify, her address, can
23 you tell us whether or not that was the same as the crime
24 scene?

25 A. That is.

1 Q. And, again, who is filling out this portion?

2 A. Linda Monette.

3 Q. All right. Was she able to provide a cell phone
4 number?

5 A. Yes, ma'am.

6 Q. As well as the name of any relatives or contacts?

7 A. Yes, ma'am.

8 Q. And their phone numbers?

9 A. That's correct.

10 Q. Did you identify yourself as a law enforcement
11 officer?

12 A. Yes, ma'am. That's actually Detective Hart's writing.

13 Q. All right. And you were sergeant at the time?

14 A. That's correct.

15 Q. So this portion here is filled out by Detective Hart?

16 A. Those next two lines. Yes, ma'am.

17 Q. Only these two lines?

18 A. Correct.

19 Q. In order to identify yourself as law enforcement
20 officers?

21 A. That's correct.

22 Q. All right. Now regarding the waiver of rights --

23 A. Yes, ma'am.

24 Q. -- these initials here to the right of each one of
25 those Miranda warnings?

1 A. Those are Linda Monette's initials.

2 Q. Now this portion here where she is filling out the
3 body of the statement, were you present as she wrote this
4 statement?

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

6 Q. Can you tell us whether or not based upon your
7 observations she wrote this statement of her own free will?

8 A. She did. I actually offered for her to write it
9 instead of saying it because it's just -- maybe it will be
10 easier if you will write it down instead of saying some of
11 this stuff that you are hesitant to tell us.

12 Q. And can you tell us whether you also advised her that
13 no statement was required at all?

14 A. I did.

15 Q. Including a written statement?

16 A. That's correct. And even said to her at some point if
17 you choose to write this.

18 Q. During the course of providing this statement, can you
19 tell us whether or not she ever made a reference to Austin
20 and how he may react to the admissions that she was making?

21 A. I don't believe so. Not that I can recall. To
22 Austin?

23 Q. Not in the written statement, but during the course of
24 the interview.

25 A. Oh, yes. I'm sorry.

1 Q. How so?

2 A. That he would be mad and hate her when he found out
3 the part that she had played in this.

4 Q. So her words were that Austin is gonna hate me?

5 A. Yes.

6 Q. And what did you tell her in that regard?

7 A. That he probably would, but right now that that wasn't
8 really what we needed to be worried about.

9 Q. So she recognized that --

10 A. Yes.

11 Q. -- as she is writing this statement?

12 A. That's correct.

13 Q. Could you please start here at the beginning of the
14 first page and tell us what Linda Monette has written in
15 her own handwriting on May 17, 2019.

16 A. Yes, ma'am. Monday I was with Rey Romero at my house.
17 He saw where I was still in contact with Austin. He got
18 highly upset when he found out I never stopped sleeping
19 with Austin. He said, quote, I'm gonna rob that N-I-G-G-A,
20 end quote. I told Rey not to lose his temper. I asked
21 would he really do that and he said, quote, my little
22 N-I-G-G-A-S will, end quote. I wasn't sure if it was
23 factual at first. When I was in bed with Austin, I heard
24 something outside that startled the dogs.

25 Q. All right. When she talks about being at her house

1 on Monday with Aus -- with Rey, what residence was she
2 referring to?

3 A. The Smith Pond Road house.

4 Q. Now page 2. Again, whose handwriting?

5 A. This is Linda's. I went to Austin's kitchen. I saw
6 somebody coming up the driveway. At first I thought it was
7 Rey. When the guy kicked in the door, I recognized that it
8 was his friend.

9 Q. All right. Well, let me stop you right there. At
10 this point she's saying that she is in the kitchen at
11 Austin's house?

12 A. Yes, she's at Austin's house now.

13 Q. And what is she saying that she saw in the driveway?

14 A. Somebody running up the driveway or coming up the
15 driveway.

16 Q. And you're familiar with the crime scene?

17 A. That's correct.

18 Q. Being familiar with the crime scene, I want to take a
19 look here at State's 3. Can you tell us whether or not if
20 one is in the kitchen and looking at out this window those
21 would face the driveway?

22 A. Yes, ma'am, it does.

23 Q. So now her statement is that while she is in the
24 kitchen at Austin's she sees someone coming up the driveway
25 and at first she believes it's Rey?

1 A. Correct.

2 Q. Please continue.

3 A. He kicked the door in and started to manhandle me. I
4 immediately knew that Rey meant exactly what he had said
5 earlier. Nobody was supposed to get hurt. Rey was highly
6 pissed that I had been spending all of my time with him
7 just to go back to Austin. The day before Rey said, quote,
8 do you love me, and I said, quote, yes. He said, quote,
9 we'll know how much you F-U-C-K with me by the end of this,
10 end quote.

11 Q. So that is her quoting Rey Romero?

12 A. That's correct.

13 Q. Please continue.

14 A. Rey said this would never happen with me at the house.
15 The intruder saw my car and still proceeded into the house.
16 Immediately I knew that.

17 Q. All right. So let me stop you right there. She's
18 making a reference to her car being outside the residence
19 at [REDACTED] Cedar Vale?

20 A. Yes, ma'am.

21 Q. Please continue.

22 A. So there's actually a break here. There was some
23 discussion and then the written statement was started back.

24 That morning Rey said he wanted to rob Austin's house.
25 He said Austin was too P-U-S-S-Y to defend himself. He

1 said he was going to send his little N-I-G-G-A-S to take
2 his weed.

3 Q. All right. So let me stop you there. She says that
4 this -- that the discussion was that morning?

5 A. Correct.

6 Q. Meaning the morning of May 13, 2019?

7 A. That's correct.

8 Q. Had she indicated during the course of that interview
9 where Rey had spent the night the night before and where
10 Rey had woken up in the early morning of May 13th prior to
11 the home invasion?

12 A. He spent the night with her at the Smith Pond Road
13 house.

14 Q. Please continue.

15 A. We talked about how if somebody put a gun to my head
16 that Austin would give the weed up. He said it was going
17 to be done whether I was there or not.

18 Q. All right. So let me stop you right there. She is
19 acknowledging a specific conversation about if a gun were
20 held to her head Austin would give up his belongings?

21 A. Correct.

22 Q. Please continue.

23 A. I immediately texted Austin and asked to hang out.

24 Q. So at some point after this conversation with Rey,
25 she's acknowledging sending a text to Austin asking to hang

1 out?

2 A. That's correct.

3 Q. You're familiar with the results of that phone
4 extraction?

5 A. Yes, ma'am.

6 Q. Can you tell us whether or not on May 13, 2019,
7 there's an outgoing text from Linda Monette?

8 A. There is.

9 Q. To Austin Hanahan?

10 A. She initiates contact with Austin.

11 Q. And asks to hang out?

12 A. And asks if she can come over.

13 Q. Please continue.

14 A. I was worried something bad was going to happen. I
15 got to Austin's after returning from a serve. We were
16 hanging out in the bedroom and the dogs started barking.
17 This happened many times. I get worried, so I go to the
18 kitchen.

19 MS. MAYES: And, Your Honor, if we could stop for
20 a moment?

21 THE COURT: All right. What is that noise?

22 UNIDENTIFIED VOICE: His hearing aid.

23 THE COURT: Oh, okay.

24 Are you ready to proceed now, Madam Solicitor?

25 (Proceedings held at the bench; not reported.)

1 BY MS. MAYES:

2 Q. All right. I'm gonna ask you to back up here to the
3 start of page 3. We had some sound interference.

4 A. Okay. I was worried something bad was going to
5 happen. I got to Austin's after returning from a serve.
6 We are hanging out in the bedroom and the dogs start
7 barking. This happens many times. I get worried, so I go
8 to the kitchen. I look out the window and see a dark
9 figure running towards the door.

10 Q. All right. So let me stop you right there. Were you
11 aware of whether there had been previous statements to law
12 enforcement that she went to the kitchen to get a snack?

13 A. Yes, ma'am.

14 Q. All right. How, if at all, is this statement
15 different?

16 A. She makes no mention of going to get a snack at all
17 or she and Austin going to get a snack, which had also been
18 stated previously.

19 Q. This time it's that she goes to the kitchen because
20 she hears the dogs?

21 A. Correct.

22 Q. And then she states she is where when she sees someone
23 outside?

24 A. Looking out the kitchen window.

25 Q. And what does she see?

1 A. A dark figure running toward the door.

2 Q. Please continue.

3 A. As I'm turning the corner to head to Austin's bedroom,
4 the door is kicked in and I immediately recognize the
5 intruder.

6 Q. All right. The statement that I immediately recognize
7 the intruder, how, if at all, is that different than the
8 previous statements made in the case?

9 A. Early on it was I don't -- you know, I have no idea
10 who it was, then it went to I recognized him by his skin
11 tone, his build, his voice, words he used, things like
12 that, and now she's telling us she immediately recognized
13 him.

14 Q. Please continue.

15 A. Rey did not do what we had originally talked about.

16 Q. All right. So in this statement is she acknowledging
17 she and -- she and Rey had talked about this prior?

18 A. Correct.

19 Q. And that there was a plan?

20 A. Yes.

21 Q. How, if at all, did this plan differ than what she
22 says she and Rey had talked about?

23 A. Initially --

24 Q. And you can refer directly to the statement, ma'am.

25 A. Okay. Do you want me to just read from it?

1 Q. Yes.

2 A. Okay. Rey did not do what we had originally talked
3 about. Somebody else was sent to Austin's house. Rey
4 wouldn't answer the phone afterwards. I immediately knew
5 this was his idea though we had previously talked of it
6 going a different way than it did. I did not want money.
7 I did not want weed. This was going to happen whether I
8 was present or not. I didn't want anyone to get hurt.
9 Rey showed no emotion after I told him that Mason had been
10 killed. He wouldn't tell me who came into the house, but
11 by recognition I knew.

12 Q. Now the statement "I knew" is in all caps?

13 A. Yes, ma'am.

14 Q. And there is an underscore?

15 A. (Nods head.)

16 Q. Was that done by law enforcement or by the person
17 writing the statement?

18 A. That was done by Linda Monette.

19 Q. Now this next portion we see a "Q" and we see an "A".
20 Whose handwriting is here for this question?

21 A. This particular question was written by Detective
22 Hart.

23 Q. And in your presence?

24 A. Yes, ma'am.

25 Q. And there was an answer. Whose handwriting is the

1 answer in?

2 A. Linda Monette's.

3 Q. Please tell us the question and the answer.

4 A. Question: How did you recognize the intruder?

5 Answer: His skin tone, the words he used, the height, the
6 sound of his voice, and his eyes.

7 Q. Now on page 4.

8 A. These -- these questions are written in my handwriting
9 and the answers are in Linda's handwriting.

10 Q. All right.

11 A. Question: How have you been around this person

12 before? Answer: I saw him many, many times in person and
13 up close at the store.

14 Q. Do you know based on the course of this interview
15 which store she is referring?

16 A. She's talking about the hood store.

17 Q. The hood store being the 7 to 11 store off Two Notch?

18 A. That's correct.

19 Q. In Lexington county?

20 A. Yes, ma'am.

21 Q. Please continue.

22 A. He would come to the passenger window at times to talk
23 to Rey. Many times he is at the store when I pick up or
24 drop off Rey. Next question: Have you ever heard Rey call
25 him by name or a street name? Answer: Yes, but I do not

1 remember. Next question: Why did Rey say he wanted to rob
2 Austin, of what? Answer: To have a good birthday with a
3 successful lick for weed.

4 Q. That reference to "lick", as a lieutenant in major
5 crimes, what, if anything, is that a reference to?

6 A. A robbery.

7 Q. So to have a good birthday with a successful robbery
8 for weed?

9 A. Correct.

10 Q. Now the final two questions, Lieutenant McMahon --
11 McCann, who wrote these questions?

12 A. I did.

13 Q. And who provided the answers?

14 A. Linda.

15 Q. These two questions.

16 A. Question: Rey told you that Monday, which was
17 5-13-19, that it would be done that night?

18 Q. Why, if at all, was it important for you to pose that
19 question?

20 A. Because there had been a lot of discussion about when
21 this was supposed to happen and she he kept telling us that
22 she knew it was gonna happen, but she didn't know when and
23 we were finally able to narrow that down in this interview
24 that she did have knowledge that it was gonna happen that
25 night, they planned it earlier that day for it to happen

1 that night. That was the reason for her going back to
2 Austin's.

3 Q. So when she writes "yes" to this, it's in reference to
4 it happening on Monday, May 13, 2019?

5 A. That's correct.

6 Q. Now were you also made aware in the course of your
7 investigation that she had knowledge of large amounts of
8 cash inside the home?

9 A. She did.

10 Q. Cash belonging to Austin Hanahan?

11 A. That's correct.

12 Q. Cash in various locations across the house?

13 A. That's right.

14 Q. Cash that may no longer be in the house after his
15 divorce on May 13, 2019?

16 A. That's correct.

17 Q. The final question.

18 A. Did you agree to go along with someone putting a gun
19 to your head to help Rey rob Austin? And the answer is
20 yes.

21 Q. So in this statement she acknowledges that the plan
22 was for a gun to be held to her head so that Austin would
23 give up the belongings?

24 A. So she wouldn't get hurt, yes.

25 Q. There was a previous reference in this same statement,

1 a derogatory term regarding Austin, that he wouldn't use a
2 gun and wouldn't fire back?

3 A. That's correct.

4 Q. Based on this interview, is that a conversation she
5 and Rey Romero had had prior to the execution of this
6 robbery?

7 A. Yes, ma'am.

8 Q. Under the belief that Austin Hanahan would not use a
9 weapon in defense of his home?

10 A. That's right.

11 Q. Or his family?

12 A. That's right.

13 Q. I'm gonna show you what is marked as State's
14 Exhibit 87 and ask you whether or not you recognize this?

15 A. Yes, ma'am.

16 Q. How so?

17 A. This is mine and Detective Hart's interview with Linda
18 and my initials and the date are on the side.

19 Q. All right. And can you tell us whether this -- the
20 audio video recording reflects in redacted format portions
21 of the interview in which this written statement was
22 obtained?

23 A. Yes, ma'am.

24 MS. MAYES: Your Honor, this would be State's 87
25 offered pursuant to redactions under State versus

1 Washington and in agreement with defense counsel.

2 THE COURT: Subject to previous objections?

3 MR. WILLIAMS: Subject to previous objections.

4 THE COURT: All right. So admitted.

5 (State's Exhibit Number 87, a recorded interview,
6 was admitted into evidence.)

7 MS. MAYES: This would be State's 87. Your Honor,
8 I believe it is over one hour in length and so based on
9 our previous conversation, we may elect to publish this
10 tomorrow.

11 THE COURT: Okay. Do you have any additional
12 questions you want to do for now?

13 MS. MAYES: Not at this time, Your Honor.

14 THE COURT: Let me speak to y'all real quick.

15 (Proceedings held at the bench; not reported.)

16 THE COURT: All right, ladies and gentlemen.
17 We've reached the point where we're gonna have some
18 more evidence presented that's gonna take some time,
19 so it makes sense to go ahead and break for today now.

20 Now let me give you a little heads-up. I'm gonna
21 try to have an abbreviated lunch tomorrow where I hope
22 I can have it for you.

23 Secondly, I want to start again tomorrow morning
24 at 9:00 AM, and I don't know if we'll have to, but
25 I'm gonna leave it open that we may stay until six

1 Madam Solicitor.

2 CONTINUED DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. Lieutenant McCann, I believe at the close of
5 yesterday's testimony you were addressing State's Number
6 90. Do you have a copy with you today of that written
7 statement --

8 A. Yes, ma'am.

9 Q. -- provided to you and Detective Joe Hart on May the
10 17th, 2019?

11 A. Yes, ma'am.

12 Q. This is the statement wherein on the final page you
13 posed the question "Rey told you that on Monday, May 13,
14 2019, that it would be done that night?"?

15 A. Yes, ma'am.

16 Q. And the defendant responded how?

17 A. Yes.

18 Q. You posed the question, "Did you agree to go along
19 with someone putting a gun to your head to help Rey rob
20 Austin?", and the response of Linda Monette?

21 A. Yes.

22 Q. Now leading up to this, I believe you had testified
23 that you and Detective Hart had become frustrated?

24 A. That's correct.

25 Q. How many days had gone into prior communications with

1 Linda Monette?

2 A. We were on day four. She had been interviewed three
3 of those four days.

4 Q. All right. And can you tell us whether or not you
5 were aware of inconsistencies leading up to this date?

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

7 Q. Was that one or more inconsistencies?

8 A. Several.

9 Q. And did that include her whereabouts on May 13, 2019?

10 A. It did.

11 Q. Did that include the nature of her relationship with
12 Rey Romero?

13 A. Yes, ma'am.

14 Q. So having all of that in mind, what was your approach
15 prior to actually going into the content of the written
16 statement when you and Detective Hart sat down with Linda
17 Monette in the interview room?

18 A. We basically explained to her that we were aware of
19 all of these inconsistencies that had come up in all of
20 these other interviews and that we did not want any more
21 of that to occur.

22 Q. All right. At this point in time was she still freely
23 and voluntarily based on your observations willing to speak
24 with you?

25 A. Yes, ma'am.

1 Q. Did she appear to be of sound mind?

2 A. She did.

3 Q. Did her speech appear coherent?

4 A. Absolutely.

5 Q. Was she provided food and water?

6 A. She was.

7 Q. Bathroom breaks, if needed?

8 A. Yes, ma'am.

9 Q. Did her responses to your questions appear to be
10 appropriate?

11 A. For the most part, yes.

12 Q. Did you have any concerns about her cognitive
13 abilities?

14 A. No, none whatsoever.

15 Q. Or her mental state?

16 A. No.

17 Q. As you approached this interview, and you began to
18 learn more information, how important, if at all, was it
19 for you to obtain that in a written format?

20 A. It just goes to the credence of the statement itself.

21 Q. And she was willing to put it in writing?

22 A. Correct.

23 Q. Was she forced or coerced to put this into writing?

24 A. No, she was told she had a choice. If she did refuse
25 to write, she didn't have to.

1 Q. Okay. Lieutenant; was Linda Monette promised anything
2 in exchange for providing a statement to you, whether in
3 writing or by video or audio?

4 A. No, ma'am.

5 Q. Was she coerced in any way by yourself or Detective
6 Hart?

7 A. No, ma'am.

8 Q. Now I think you had mentioned that leading into this
9 you had expressed some frustration?

10 A. That's correct.

11 Q. Did Detective Hart as well?

12 A. He did.

13 Q. Were all of you venting in your discussions?

14 A. We were.

15 Q. And was Linda Monette a part of that?

16 A. Yes, ma'am.

17 Q. Even throughout that process, was she willing to speak
18 with you?

19 A. She was.

20 Q. And, in fact, who initiated the later contact?

21 A. Ms. Monette.

22 Q. How so?

23 A. She had basically told us that she wanted to talk
24 again.

25 Q. All right. Now the written statement that we saw

1 yesterday and you have testified to is State's 90 already
2 in evidence, and I believe your testimony was that your
3 interactions with Linda Monette were preserved by video
4 and audio?

5 A. That's correct.

6 MS. MAYES: And that is State's 87A, Your Honor,
7 already in evidence. Pursuant to State versus Washington,
8 the State and defense have agreed to certain redactions
9 and this would be State's 87A to be published at this
10 time, Your Honor.

11 THE COURT: All right. 87A is a new exhibit
12 though?

13 MS. MAYES: Yes, Your Honor, based on the
14 conversations at sidebar.

15 THE COURT: Right, and that will be admitted
16 subject to previous discussion?

17 MR. WILLIAMS: Right.

18 THE COURT: Thank you. 87A is in evidence.

19 (State's Exhibit Number 87A, a recorded statement,
20 was admitted into evidence.)

21 BY MS. MAYES:

22 Q. So, Detective -- or Lieutenant McCann, let me ask
23 you, you were aware heading into this interview with Linda
24 Monette that there had been some communications between she
25 and Rey Romero?

1 A. Yes, ma'am.

2 Q. I'm gonna show you what is State's 2 and State's 7.
3 Had you had the opportunity to review the body cam footage
4 of Deputy Dustin Pollard while he was on the scene that
5 night in the living room as EMS was working on Mason?

6 A. Yes, ma'am.

7 Q. What, if anything, did you observe as you watched that
8 body cam footage?

9 A. Ms. Monette was standing next to the couch texting on
10 her phone.

11 Q. As depicted on State's 2?

12 A. That's correct.

13 Q. Now you had also heading into this particular
14 interview on May 17th had access to a phone extraction?

15 A. Yes, ma'am.

16 Q. Being the phone extraction from that iPhone 6S in
17 evidence belonging to Linda Monette?

18 A. That's right.

19 Q. Had you or other detectives in the case been able to
20 locate the text messages that she is observed to be
21 communicating at this point in time, which would be
22 approximately according to the body cam, at 12:39 and
23 12:40 AM?

24 A. It would appear based on the extraction that messages
25 were deleted.

1 Q. All right. I need you to pull that microphone closer
2 to you and speak into it.

3 A. (Witness complies.)

4 Q. So you were not able to recover these text messages or
5 even visually observe them on her cell phone extraction?

6 A. That's correct.

7 Q. And then are you familiar whether the results of that
8 extraction also indicated numerous deleted text messages?

9 A. It did.

10 Q. Is that something you discussed with Linda Monette
11 during the course of this interview on May 17, 2019?

12 A. Yes, ma'am.

13 Q. Do you recall whether or not you addressed
14 specifically her activities as you observed them on
15 Dustin Pollard's body cam?

16 A. I did.

17 Q. Did you also question her about communications with
18 Rey Romero as she was being transported to Lexington
19 Medical Center in the ambulance with Mason?

20 A. Yes, ma'am.

21 Q. As well as any contact she may have had with Rey
22 Romero once she arrived at the hospital?

23 A. Yes, ma'am.

24 Q. Is that contained in this audio video interview?

25 A. It is.

1 (Whereupon, State's 87A was played.)

2 Q. Now according to Linda Monette, did she say whether
3 or not Rey Romero responded to that text message?

4 A. He did not.

5 Q. And her statement or admission to you is that she
6 deleted all communications in that thread?

7 A. Yes, ma'am.

8 Q. Now did you also have an opportunity to speak with
9 Linda Monette regarding her activities that day at Planet
10 Fitness with Rey?

11 A. Yes, ma'am.

12 Q. And you are aware that she had previously indicated
13 that she had been alone at the gym?

14 A. Yes, ma'am.

15 Q. And then once you obtained video footage as depicted
16 here in these still shots, 33 and 34, from Planet Fitness,
17 what, if anything, did she acknowledge regarding being at
18 Planet Fitness that day?

19 A. She admitted that Rey was there with her.

20 Q. All right. What, if anything, did she indicate in the
21 course of this interview according to Linda Monette that
22 occurred while she was at Planet Fitness with Rey?

23 A. That was when the discussion took place of how the
24 robbery would happen.

25 Q. Did she state anything about Rey being angry with her?

1 A. She said that she had received a text from Austin
2 while she was at the gym and Rey got mad when she found out
3 that she and Austin were still in communication because
4 they were supposed to be broke up.

5 Q. And that's according to Linda Monette's version of
6 events on May 17, 2019?

7 A. That's right.

8 Q. And was that discussed during the course of this
9 interview?

10 A. Yes, ma'am.

11 (State's Exhibit Number 87A continued playing.)

12 Q. All right. So she is referring to conversations
13 between she and Rey Romero at Planet Fitness or shortly
14 thereafter?

15 A. That's correct.

16 Q. Now did she ever address specifically what the plan
17 had been in regards to kicking in the door?

18 A. She did. She said that that was Rey's idea. That
19 Rey said the door would be kicked in.

20 Q. Was that discussed during the course of this
21 interview?

22 A. Yes.

23 (State's Exhibit Number 87A continued playing.)

24 Q. Do you recall whether or not she discussed earlier
25 activities or contact with Rey Romero prior to Planet

1 Fitness?

2 A. Yes, she did. They had actually spent the night
3 together the night before.

4 Q. All right. So just to clarify, going back to May 13,
5 2019, in the original version of events that she had given
6 she talked about waking up, going to work and then going to
7 the gym?

8 A. Right.

9 Q. Did you later learn whether or not she had had contact
10 with Rey Romero from the outset of May 13, 2019?

11 A. He had spent the night with her the night of -- I
12 guess it would have been the 12th, woke up at her house
13 over on Smith Pond the morning of the 13th, and she dropped
14 him off before she went to work.

15 Q. All right. And during the course of this interview,
16 did she acknowledge where she had dropped him off prior to
17 her going to work that morning on the morning of the 13th?

18 A. At the 7 to 11 hood store.

19 Q. Okay. That she calls or references as the hood store?

20 A. Correct.

21 Q. And during the course of this interview, do you recall
22 whether or not she stated where Rey went as she dropped him
23 off?

24 A. He walked down to Shaq's house.

25 Q. So looking here, she goes to work at 8:30 to 11:30 AM.

1 This would have occurred prior to her going to work at
2 8:30?

3 A. Yes, ma'am.

4 Q. According to her statement?

5 A. Yes, ma'am.

6 Q. I'm gonna take a look here at this map already in
7 evidence. This is State's 70. Looking here at this map,
8 with the 7 to 11 convenience store just off Two Notch to
9 the far right of this map, she made a reference to Shaq's
10 house. Are you familiar as a major crimes lieutenant with
11 the area around South Hampton?

12 A. Yes, ma'am.

13 Q. And, specifically, an area just houses -- a couple of
14 houses down from the 7 to 11 convenience store?

15 A. That's correct.

16 Q. Are you familiar as to whether or not Shaquille
17 Summers frequents that location?

18 A. He does.

19 Q. Are you familiar with whether or not Jeremy Williams
20 in the past has frequented that location?

21 A. He does.

22 Q. As well as other members of the Gangster Disciples?

23 A. Yes, ma'am.

24 (State's Exhibit Number 87A continued playing.)

25 Q. Based upon your familiarity with that scene,

1 Lieutenant McCann, is that a reference to the area of South
2 Hampton?

3 A. It is.

4 Q. Do you know whether or not that location is known by
5 a certain term among the Gangster Disciples?

6 A. They call it The Hole.

7 Q. Now during the course of this interview as certain
8 admissions have been made, how, if at all, did you observe
9 any change in the demeanor of Linda Monette as this is
10 progressing?

11 A. She seemed to open up a lot more and relax some.
12 Actually made the statement that she felt better, asked for
13 something else to eat, which we provided to her.

14 Q. Now when she made the statement that she felt better,
15 what, if anything, did you observe about her physically in
16 that regard?

17 A. She just seemed to relax more, she -- her color came
18 back. She just looked overall better.

19 Q. Can you tell us whether or not she appeared relieved?

20 A. She actually did and we made that statement to her.

21 Q. In the course of this, what, if anything, did she
22 state about Austin?

23 A. That he was gonna hate her.

24 Q. Because of the admissions that she was making?

25 A. Yes, ma'am.

1 Q. Despite that, was she willing to continue her
2 discussion?

3 A. She did.

4 Q. And acknowledge her role in this crime?

5 A. Yes, ma'am.

6 (State's Exhibit Number 87A continued playing.)

7 Q. All right. What was she referencing as she is making
8 statements there to you?

9 A. She's talking about when Austin found out about the
10 role she played in this whole situation that he was gonna
11 hate her.

12 Q. And what was she referencing when she said that she
13 had been throwing up?

14 A. She had been sick since she had come in and not been
15 able to eat anything.

16 Q. All right. And is she indicating by that that she is
17 feeling physical improvement now?

18 A. She is feeling better. She is feeling relieved now
19 that she has gotten this out of her system, off her chest.

20 Q. Now while at Lexington Medical Center right after
21 Mason was transported, she is interviewed by Detective
22 Sherban?

23 A. Correct.

24 Q. And also Deputy Coroner Grey Gain?

25 A. Yes, ma'am.

1 Q. And during that contact with her there someone else
2 was present at LMC who had come down there to check on
3 Mason. Who was that person?

4 A. His mother, Tyler.

5 Q. Okay. And do you recall whether or not James Baughman
6 was also present?

7 A. I'm not sure if he was at LMC. I know he was at
8 Prisma.

9 Q. And do you recall whether or not James Baughman had
10 contacted Linda Monette at that hospital?

11 A. He did.

12 Q. After he had gone to check --

13 A. On Austin.

14 Q. -- on Austin after learning about Mason's condition?

15 A. Correct.

16 Q. After learning that Mason had been killed?

17 A. Yes, ma'am.

18 Q. And are you aware as to whether or not James Baughman
19 and Linda Monette had contact there at the hospital?

20 A. They did.

21 Q. And during the course of your investigation, did James
22 Baughman provide an initial statement to law enforcement?

23 A. Yes, ma'am.

24 Q. Can you tell us whether or not that included
25 statements made to him by Linda Monette there in the

1 hospital waiting area?

2 A. That's correct.

3 Q. During the course of your investigation, did you learn
4 whether or not James Baughman, Austin's cousin, had made a
5 direct threat to Linda Monette if he found out that she was
6 involved?

7 A. He did.

8 Q. Did she address that during the course of her
9 interview?

10 A. She did.

11 (State's Exhibit Number 87A continued playing.)

12 Q. She's acknowledging that she felt bad when he
13 confronted her with that?

14 A. Yes, ma'am.

15 Q. Do you recall whether or not during the course of this
16 interview she also addressed concerns about Rey Romero?

17 A. She did.

18 Q. And do you recall whether or not she acknowledged that
19 Rey Romero knows her address or her mother's address?

20 A. She did.

21 (State's Exhibit Number 87A continued playing.)

22 Q. So as it's just the two of you sitting there in the
23 interview room, Lieutenant, did she still maintain her
24 willingness to speak to you?

25 A. She did.

1 Q. What, if anything, did you observe her about her body
2 language during this exchange?

3 A. She's much more relaxed, sitting back in the chair,
4 you know, very open. She's not closed off to me.

5 Q. And throughout the course of this conversation, does
6 she begin to acknowledge that she had and Rey had specific
7 discussions about robbing Austin Hanahan?

8 A. Yes, ma'am.

9 Q. At his residence?

10 A. Yes, ma'am.

11 (State's Exhibit Number 87A continued playing.)

12 Q. Okay. She's making a reference to urinating on her
13 herself?

14 A. That's right.

15 Q. And your -- can you tell us whether or not your
16 understanding is that occurred during the exchange of
17 gunfire?

18 A. Yes.

19 Q. And that Austin did, in fact, use his weapon during
20 this home invasion?

21 A. He did.

22 Q. Now at the outset of that exchange, there was a
23 derogatory term about Austin.

24 A. Uh-huh.

25 Q. Can you spell that for us?

1 A. P-U-S-S-Y.

2 Q. And according to Monette, a statement was made by Rey
3 Romero in furtherance of this conspiracy where he made that
4 reference to Austin and that he wouldn't use a weapon?

5 A. Right.

6 Q. Does she acknowledge during the course of the
7 interview that she does feel like she can actually eat now?

8 A. Yes, she said that.

9 (State's Exhibit Number 87A continued playing.)

10 Q. And that she feels better?

11 A. Yes, ma'am.

12 Q. And in that -- in that regard, the statement she
13 makes about Austin hating her and how this would impact her
14 relationship, did she make that statement one time or more
15 than one time?

16 A. More than once.

17 Q. Does she acknowledge at any point that Austin, in her
18 words -- well, let me ask you about this clip first.

19 A. Sure.

20 (State's Exhibit Number 87A continued playing.)

21 Q. All right. Those statements that she just made when
22 she looks down and says I feel so much better, were you
23 doing anything to prompt that response?

24 A. No, I was actually reading her statement.

25 Q. That was made spontaneously by her?

1 A. Yes, ma'am.

2 Q. And as she said I feel so much better, there was a
3 statement that I hate that Austin's gonna hate me forever?

4 A. Right.

5 Q. Again, was that anything prompted by you?

6 A. No, ma'am.

7 Q. The statement he really was the best thing I ever
8 could have had, even though he was a jerk --

9 A. Yes, ma'am.

10 Q. -- was that prompted by you?

11 A. No.

12 Q. Those final questions in State's 90 where you ask her
13 specifically did she agree to go along with someone putting
14 a gun her head, did you say or do anything to coerce her
15 response to that question?

16 A. No, ma'am.

17 (State's Exhibit Number 87A continued playing.)

18 Q. When you say to her this is a hard question, but
19 you've got to do it, what are you referencing?

20 A. To tell what happened. She'd already told us. It was
21 just let's wrap this up.

22 Q. And you look her in the eye --

23 A. (Nods head.)

24 Q. -- and when you say this is a hard question, what are
25 you acknowledging there?

1 A. Her part in this, her part of the planning.

2 Q. Was this her hardest part of the admission?

3 A. Admitting that, yes.

4 Q. But at any point did she resist or retract her role
5 in that?

6 A. No, ma'am.

7 Q. Was there a discussion about the fact that if a gun
8 were held to her head the belief was that Austin would give
9 up his belongings?

10 A. Yes, ma'am.

11 (State's Exhibit Number 87A continued playing.)

12 Q. So right there where she says it was obviously Rey,
13 is she referring to the person inside or the person helping
14 to plan and orchestrate this?

15 A. The person that helped plan it.

16 Q. And when she references "the boy", who was she
17 referring to?

18 A. The intruder.

19 (State's Exhibit Number 87A continued playing.)

20 Q. All right. During this exchange she's referencing
21 earlier communications with Rey, and just to clarify, were
22 any of those texts recovered?

23 A. No.

24 Q. Is there any way to corroborate or substantiate her
25 version of what the text messages contained?

1 A. No, ma'am.

2 Q. And in addition to text messages, do you have evidence
3 that she and Rey had face-to-face contact on May 13th prior
4 to this invasion?

5 A. We do.

6 Q. On multiple -- at multiple locations?

7 A. Multiple locations, yes.

8 Q. You were also familiar with the footage of her
9 dropping Rey off at the hood store around 7:30 PM?

10 A. Yes, ma'am.

11 Q. Which would be approximately thirty minutes before she
12 first heads over to [REDACTED] Cedar Vale?

13 A. That's right.

14 Q. Do you recall as to whether or not she ever made a
15 reference to what she believed would happen if a gun had
16 been held to her head?

17 A. That Austin would give up whatever they wanted so she
18 wouldn't get hurt.

19 (State's Exhibit Number 87A continued playing.)

20 Q. So when she said I imagined that if there was a gun to
21 my head he would not shoot, who was she referencing?

22 A. Austin.

23 Q. Now she makes multiple references to Rey wanting to
24 take weed from the residence.

25 A. That's correct.

1 Q. She made a statement that Rey did not know about the
2 money?

3 A. Right.

4 Q. According to her?

5 A. That's right.

6 Q. Based upon your investigation, did Linda Monette know
7 about the money?

8 A. She did. She talked about it multiple times.

9 Q. Do you recall whether or not she made references to
10 this being a small sum of money or a large sum of money?

11 A. It was over \$10,000.

12 Q. And do you recall whether or not she made references
13 to that money no longer being at the home after the
14 divorce?

15 A. Yes.

16 Q. That the money would go right back in the bank?

17 A. Right. That Austin had taken it out for the duration
18 of the divorce and now that the divorce was final it could
19 go back to the bank.

20 Q. And that's information she had personal knowledge of?

21 A. Yes, ma'am.

22 Q. You're familiar with -- are you familiar with the
23 statements made by Linda Monette to other persons,
24 including that -- that body cam that you watched and the
25 interviews that were done at the hospital to her

1 referencing Mason as her stepson?

2 A. Yes, ma'am.

3 Q. And Austin as her boyfriend?

4 A. That's right.

5 Q. And during the course of these interviews with Linda
6 Monette, did she acknowledge that she was actually
7 romantically involved with other persons?

8 A. Yes, ma'am.

9 Q. Did that include Rey Romero?

10 A. It did.

11 Q. What, if anything, did you learn regarding Brandon
12 Rodighiero?

13 A. They were still in communication and had had a
14 previous relationship before and from the sounds of it
15 were trying to maybe keep that relationship going even
16 though he was incarcerated.

17 Q. You took some action yourself to obtain her
18 communications with Brandon Rodighiero continued up
19 through May 13, 2019?

20 A. They did.

21 Q. Based upon your observations, did it appear to be more
22 than a friendly relationship?

23 MR. WILLIAMS: Objection, Your Honor.

24 MS. MAYES: I can rephrase it.

25 THE COURT: Very well.

1 BY MS. MAYES:

2 Q. You've reviewed those communications yourself?

3 A. Yes, ma'am.

4 Q. And in addition to that, did you also have an
5 opportunity to review any communications beyond the text
6 messages that were being sent to Brandon Rodighiero?
7 Were you able to confirm whether or not there had been
8 communication by phone or video while he was incarcerated
9 at the Lexington County Detention Center?

10 A. Yes, ma'am.

11 Q. And can you tell us whether or not that communication
12 continued up through May 13, 2019?

13 A. It did.

14 Q. Did she acknowledge whether or not she had had a
15 previous romantic relationship, sexual -- sexual
16 relationship, with Brandon Rodighiero in addition to Rey
17 Romero?

18 A. She had.

19 Q. I'm gonna show you a document. As a lieutenant in
20 major crimes, do you supervise and oversee all reports
21 connected to this investigation?

22 A. Yes, ma'am.

23 Q. You're aware of a phone seized pursuant to the lawful
24 arrest of Linda Monette?

25 A. Yes, ma'am.

1 Q. Being an iPhone 6S?

2 A. Yes, ma'am.

3 Q. You're aware of a phone extraction conducted on that
4 phone?

5 A. Yes, ma'am.

6 Q. Lieutenant, how did law enforcement obtain access to
7 that phone?

8 A. Linda gave us the passcode.

9 Q. What was that passcode?

10 A. 070474.

11 Q. Did Linda Monette ever acknowledge how closely she was
12 affiliated with the Gangster Disciples?

13 A. She did.

14 Q. Did she acknowledge that Rey Romero was a member of
15 the Gangster Disciples?

16 A. Yes, ma'am.

17 Q. She'd acknowledged that the bandana or flag as she
18 called it worn by the intruder was an indication to her of
19 a Gangster Disciple?

20 A. She referred to it as a GD bandana, which would be
21 Gangster Disciple bandana.

22 Q. As a lieutenant of major crimes, are you familiar with
23 the implication of the number 7-4 as it relates to Gangster
24 Disciples?

25 A. Yes, ma'am. G is the seventh letter of the alphabet,

1 D is fourth letter of the alphabet. It's a number that
2 they often use to tag or mark.

3 Q. [REDACTED] is not Linda Monette's date of birth?

4 A. No, ma'am.

5 MS. MAYES: Nothing further.

6 THE COURT: You said nothing further?

7 MS. MAYES: (Nods head.)

8 MR. WILLIAMS: May it please the Court?

9 THE COURT: Okay. Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q. Ma'am, you know Linda's mother, don't you?

13 A. Her mother?

14 Q. Shelley Gillis?

15 A. Never met her to my knowledge.

16 Q. But you know that she's listed as being her mother on
17 all of the -- on all of the --

18 A. I have seen that name, yeah.

19 Q. Right.

20 A. Yes, sir.

21 Q. And you want to guess what her birth date is?

22 A. No idea.

23 Q. If her birthday was [REDACTED], would that
24 stun you?

25 A. Not really.

1 Q. Well, but you're trying to indicate that because she's
2 got a passcode that's got seven's and four's in it that
3 has something to do with Gangster Disciple when it's her
4 mother's birthday.

5 A. I'm not implying that that's what that means. I was
6 asked if I knew the relationship between those numbers and
7 the Gangster Disciples.

8 Q. Well, that's what this whole thing has been, hasn't
9 it?

10 A. What's that?

11 Q. Taking -- taking certain facts and manipulating those
12 facts so it looks a certain way. Isn't that what this is?

13 A. I wouldn't agree with that.

14 Q. Well, let's start with -- let's start with all the
15 Gangster Disciple stuff. So who else has friends who are
16 Gangsters -- Gangster Disciples?

17 A. I'm not sure, sir. We were speaking of Linda Monette.

18 Q. How about Austin?

19 A. Austin? Maybe.

20 Q. Maybe?

21 A. I mean, they were all at his house.

22 Q. You knew -- you knew that they had been all out to his
23 pond for -- pond -- his pool for a party, right?

24 A. That's on video.

25 Q. You've seen the video?

1 A. Uh-huh.

2 Q. And you've heard in your discussions or with your --
3 with your investigation you know that -- that he's friends
4 with a Gangster Disciple?

5 A. Chris Fuller.

6 Q. Right. That's a Gangster Disciple.

7 A. He is.

8 Q. So you're taking this clay here and you're taking
9 these dates of her mother's birthday to indicate Gangster
10 Disciples, you're taking the person -- the poor guy who was
11 shot in the -- in the stomach by somebody and you're saying
12 that Linda has affiliation with the Gangster Disciples, but
13 he's got friends who are Gangster Disciples. You don't --
14 you don't see that as some sort of manipulation of fact or
15 are we just kind of giving a different look at it?

16 A. No, sir.

17 Q. Well, let's talk about this. Let's talk about -- this
18 is day four, right?

19 A. That's right.

20 Q. And how many interviews has Linda Monette had?

21 A. At least five.

22 Q. At least five. At least five and some of them have
23 been three and four and five hours, right?

24 A. That's right.

25 Q. You don't -- that doesn't seem to bother you that

1 these long extended periods of time can change a person,
2 could affect their ability to --

3 A. She initiated those interviews.

4 Q. She initiated all these interviews?

5 A. Three of the five.

6 Q. Let's talk about -- do you remember the last words she
7 had with y'all when y'all got ready to leave after you had
8 gotten what you wanted? Do you remember the last thing she
9 asked y'all about?

10 A. How does she get a public defender.

11 Q. How does she get a public off -- defender. And for
12 the education of the jury, that's a lawyer for people who
13 don't have money, right?

14 A. It is.

15 Q. And she -- she indicated to you that she had not had
16 access to a phone?

17 A. That's correct.

18 Q. So you're talking about somebody who's been in jail
19 for five days -- five days?

20 A. Four.

21 Q. Four. And had five or six -- I don't know, five or
22 six interviews, hadn't eaten. She hadn't eaten. She told
23 you she hadn't eaten, didn't she?

24 A. Yeah.

25 Q. And you remarked on how much better you look now?

1 A. I did.

2 Q. Isn't what you do in these deals, isn't it an attempt
3 to, I don't know, get people to say what you want them to
4 say?

5 A. Not necessarily.

6 Q. Didn't she periodically, if not almost constantly, say
7 that she didn't know that anybody was coming that night?
8 Didn't she say that like a million times throughout this
9 whole thing?

10 A. She said it several times.

11 Q. And then at the end of the interview when you're in
12 the question and answer series, you -- you write down well,
13 you knew they were coming that night? Yes.

14 A. She'd actually made that statement herself prior to
15 me asking her that question in writing.

16 Q. You know -- you acknowledge that there are different
17 ways that you can get stories from people who are charged
18 with crimes, meaning you can get them to make certain
19 statements, can't you?

20 A. I can't make them say anything.

21 Q. You can't?

22 A. No.

23 Q. You can control their behavior, can't you?

24 A. No.

25 Q. Well, if that's true, then why wouldn't you give

1 people food to eat, a phone to call somebody and a lawyer?

2 A. I don't have any control over the phones in the
3 detention center. That's handled by detention center
4 staff. And whether she has an attorney or not, she has
5 the right to invoke her -- her rights to not talk to us.
6 That has nothing to do with having an attorney. You don't
7 have to have an attorney to invoke your rights.

8 Q. And if you're isolated and you have something who
9 doesn't accept what you're telling them the first time,
10 then what do you do? Just keep telling --

11 A. Don't initiate another interview.

12 Q. Let me ask you this. Do you recall that you took --
13 you and, I guess, Detective Hart took her to a -- to this
14 last interview, before this last interview, then you didn't
15 have all these facts that you're throwing out here now,
16 right? You didn't have those things that said something
17 about that that wasn't a plan or -- I'm sorry, that there
18 was a plan, that -- that Rey was gonna do all this, right?
19 You didn't have everything you needed to tie this up,
20 right?

21 A. No.

22 Q. No, you didn't or -- are you saying no to say that you
23 didn't have it?

24 A. We obtained additional information in this interview.

25 Q. Right. And you didn't have everything you needed

1 until you got that -- until you got this last interview,
2 right?

3 A. In terms of?

4 Q. What you wanted. Because after this you didn't have
5 another interview with her, right?

6 A. No, we didn't.

7 Q. So what does that mean, you had everything you needed?

8 A. No, because we really didn't want to interview her
9 then either.

10 MR. WILLIAMS: Your Honor, with the solicitor's
11 consent and permission, we would like to play this --
12 this disk, which we would move into evidence.

13 BY MR. WILLIAMS:

14 Q. And you recall this disk from the hallway, right?

15 A. Uh-huh. I do.

16 THE COURT: Okay. This will be Defense Exhibit 1?

17 THE DEFENDANT: Yes.

18 And -- and since I'm not as talented as Sully is,
19 he's gonna play that.

20 THE COURT: All right. Defense Exhibit 1 admitted
21 into evidence.

22 (Defendant's Exhibit Number 1, a recorded
23 interview, was marked and admitted into evidence.)

24 MR. WILLIAMS: May we publish it, Your Honor?

25 THE COURT: As soon as he gets it ready.

1 (Whereupon, Defendant's Exhibit Number 1 was played.)

2 BY MR. WILLIAMS:

3 Q. So this is the education of Linda Monette?

4 A. I'm sorry?

5 Q. This is the education of Linda Monette? Are you and
6 Detective Hart going through those things that she needed
7 to say?

8 A. No, we were actually confronting her with all those
9 inconsistencies that we had gotten prior to this moment.

10 Q. Are you familiar with Helsinki Syndrome?

11 A. No, sir. I've never heard of it.

12 Q. Okay. Well, you have someone that can't control
13 themselves, they're incarcerated, they don't have a lawyer,
14 they don't have anything to eat, you're constantly asking
15 her questions, when she doesn't tell you what you want to
16 do, that doesn't stop y'all from going on, right?

17 A. Mr. Williams, we didn't initiate those interviews.
18 She had the right to invoke counsel any time.

19 Q. Which counsel? With her phone?

20 A. I'm sorry, I misspoke, but Number 5 under Miranda she
21 had the right at any point in time to stop answering our
22 questions until she had the opportunity to speak to a
23 lawyer. At any point in time and she didn't.

24 Q. Do you have that -- do you have that Miranda warning
25 statement, the original one?

1 A. I do.

2 Q. Can I see yours?

3 A. The original, no. I have a copy.

4 MR. WILLIAMS: You've introduced it, haven't you?

5 You've introduced it?

6 MS. MAYES: Yes. Exhibit 90.

7 MR. WILLIAMS: 90.

8 BY MR. WILLIAMS:

9 Q. Is your copy a copy of the original statement?

10 A. It should be.

11 Q. Can I see your copy if it's just a Xeroxed copy of it?

12 A. Let me just make sure it doesn't have anything else
13 marked on it. I'm pretty sure it doesn't.

14 Q. I got you. I got you. I just want to ask you a
15 question. That's all.

16 A. (Handing.)

17 Q. So this is just a Xeroxed copy of the original, right?

18 A. That's right. It should be.

19 Q. Why is it on these statements, these written
20 statements, that there's -- there's an area there for
21 someone to notarize that they're -- that the person has
22 read everything and is swearing before the notary, why is
23 there no notary ever on these things?

24 A. I can't answer that. I don't know.

25 Q. I mean, you've got the blank for it, right?

1 A. Uh-huh.

2 Q. Why is it after you do Number 5, right, where it
3 says if I decide to answer questions now without a lawyer
4 present, I will still have the right to stop answering
5 questions at any time, I also have the right to stop
6 answering questions any time until I talk to a lawyer, and
7 then you say I have read this statement of my rights and
8 understand what my rights are.

9 A. Uh-huh.

10 Q. That's the follow-up. That's the last question that
11 you ask them to make sure they understand what they're
12 entitled to do and what they're entitled to say, right?

13 A. That's right.

14 Q. Why is it not initialled on that form?

15 A. On this particular one, I don't know why it's not
16 initialled.

17 Q. Do you think it's initialled on the original?

18 A. No. This is a photocopy of the original.

19 Q. So it's not initialled on the original?

20 A. It shouldn't be, no.

21 Q. Every blank is initialled except that one.

22 Now what we looked at, the video we looked at, not
23 this one, but the earlier one, is basically a video --
24 this whole thing goes on for how long? You know, from --
25 because she's not writing all this time. You stop

1 periodically.

2 A. No, this particular interview I believe was two hours.

3 Q. Two hours. And you stop at certain times and then she
4 writes more, don't she?

5 A. That's right.

6 Q. And after the whole thing is over, is that when it's
7 initialled?

8 A. When what is initialled?

9 Q. Meaning do you initial -- does she initial that she
10 understands her rights at the conclusion of the statement?

11 A. No, that's done before the statement's given.

12 Q. Let me ask you this. Let me have page 4. Is it your
13 recollection that Investigator Hart doesn't say something
14 about -- well, let me say it this way.

15 A. Uh-huh.

16 Q. Do you remember a conversation which Linda says
17 something about her dad?

18 A. Yes.

19 Q. And she said I need to talk to my dad about getting
20 and she's cut off. Do you remember that? And you say
21 something -- or Hart says I don't know if it will be today
22 because he might have already gone and she says something
23 like okay. This conversation about her dad occurs after
24 she has given the statement, doesn't it?

25 A. Yes.

1 Q. And since it's after her giving her statement, then
2 it says -- Investigator Hart then says -- it says before
3 answering any questions or making any statements Detective
4 Hart and Sergeant Lynn McCann identified and then go on
5 through and initial all this.

6 A. On -- yeah, I'm not sure what he's talking about. I
7 don't recall if the initials were on this form before and
8 which part he's wanting her to initial. I don't recall
9 that part.

10 Q. If you've looked at your -- you look at her statement,
11 is there anything else that she would need to initial --
12 anything that she would need to initial other than her
13 acknowledgment of her rights?

14 A. No, I don't see her initial anything else.

15 Q. So it has to be that, right?

16 A. I'm honestly not sure. I wasn't in the room when he
17 gave her Miranda. I came in at the tail end as he was
18 giving it to her, so I'm not sure.

19 Q. So you don't know whether or not Miranda was read to
20 her at all?

21 A. No, I know it was given. I don't know if she
22 initialled the form at that point or not.

23 Q. Let me ask you out here in the hallway when we saw
24 this going on in the hallway.

25 A. Uh-huh.

1 Q. And obviously y'all are talking about the case, right?

2 A. We were.

3 Q. And you're -- y'all are each kind of yelling at her
4 about, you know, what -- what happened and things like
5 that. Where in the hallway did you give her her Miranda
6 warnings?

7 A. We didn't.

8 Q. You talked about the texting that she was making when
9 she was at the scene after the event occurred --

10 A. Uh-huh.

11 Q. -- and you moved into that by talking about the fact
12 that there was a body camera on one of the officers when he
13 came in.

14 A. Right.

15 Q. And it showed her, showed everything going on at the
16 scene. Do you remember the first officer that showed on
17 the scene, Pollack?

18 A. Pollard.

19 Q. Pollard?

20 A. Yes, sir.

21 Q. Do you remember when he walks up and you can see
22 Austin out there in the driveway and he's walking up on the
23 scene and he tells Austin to get off the phone. Do you
24 remember that?

25 A. I don't remember if he told him to get off the phone

1 or if he said Austin hung up the phone when he approached
2 him, but he did have his phone.

3 Q. Right. Well, Linda called in on her phone, didn't
4 she, to 9-1-1?

5 A. Yes, she did.

6 Q. So whomever Austin was talking to, whomever it was,
7 was not the call where he was hanging on the line because,
8 you know, 9-1-1 keeps you on the line until somebody's
9 there or the -- the -- or problem's over with, don't they?
10 They purposely keep you on the phone?

11 A. Typically, yes.

12 Q. So it wasn't 9-1-1 he was talking to?

13 A. I don't believe so. I'm not sure.

14 Q. Well, then I'll ask you since you don't know, since
15 you're not sure, did you check into that?

16 A. Well, I know Linda called. That's the 9-1-1 recording
17 we have. I don't believe Austin called.

18 Q. Let's go back into that. Let's go into that. Did you
19 check into that to see who he called?

20 A. I personally did not.

21 Q. Did anybody check into that?

22 A. We would have requested any and all 9-1-1
23 communication for this incident.

24 Q. Did you check into who Austin was calling?

25 A. I believe we've extracted his phone. I'm not sure.

1 I have not seen that personally.

2 Q. I guess the point I'm trying to make here is that do
3 y'all just kind of figure out who's involved and then you
4 go to make that square peg fit in the hole or do you check
5 out everything?

6 A. We check out everything we can check out.

7 Q. The amount of money that was in that house, how much
8 -- how much was in the house? How much cash was in that
9 house?

10 A. It was said to be in excess of \$10,000.

11 Q. It was said to be. Who -- who said it was over
12 \$10,000?

13 A. Linda.

14 Q. Linda said it. Well, you're law enforcement. Y'all
15 count the money, you put it -- we've heard enough about the
16 money. Y'all seized the money, right?

17 A. They did.

18 Q. They did. They seized the money, they take possession
19 of the money, so how much money was it really?

20 A. I don't know the exact number. I wasn't involved in
21 the collection of that.

22 Q. But we're just willing to play with those facts of
23 over \$10,000 when we don't really know, right?

24 A. We know. I personally do not know.

25 Q. Well, you were -- you were telling us that that was

1 over \$10,000 and this happened because it was on the date
2 of the divorce and that the magical thing that's gonna
3 happen after this is he's gonna run down to the bank and
4 put the money in the bank?

5 A. Those were the statements that were made.

6 Q. And that's what he was gonna do, right? The divorce
7 had been signed?

8 A. Those were the statements that were made. I don't
9 know if he was gonna do that or not, but those were the
10 statements that were made.

11 Q. Well, you put it out there as being the gospel, right?

12 A. It's just the way I was asked the question is the way
13 I answered it.

14 Q. Did you investigate -- you and Hart are like joint
15 investigators on this case, right?

16 A. No, I only assisted with this interview with him. I
17 wasn't second on this, no.

18 Q. So you had no control over the investigation of this
19 case?

20 A. I was senior -- senior officer over the case. I
21 was kind of overseeing the investigation, not running
22 particularly with Hart.

23 Q. Okay. So you were overseeing the investigation?

24 A. I would have technically, I guess you could say, even
25 though I wasn't his supervisor -- excuse me -- supervising

1 who went where, what we needed to do, coordinating things
2 like that.

3 Q. You're like an executive officer? You're like a first
4 lieutenant in the military. You do all the stuff like --

5 A. Like a sergeant in major crimes.

6 Q. All right. So you're the sergeant major?

7 A. No, sergeant in major crimes.

8 Q. Yeah, but it's kind of true though, isn't it? You
9 were like a sergeant major?

10 A. I don't know. I don't understand military stuff.
11 Wasn't ever in it.

12 Q. So you had to know everything?

13 A. I'm not gonna say I knew every intimate detail, no.
14 Not as they were unfolding.

15 Q. So let me ask you about the two Asian persons who were
16 -- who Austin had dealings with.

17 A. Uh-huh.

18 Q. Did you investigate those two people?

19 A. No, we were never -- they were never identified.

20 Q. Do you remember the story about how they had a robbery
21 that was involved with a police officer? They dressed up
22 like -- somebody dressed up like a police officer?

23 A. I remember hearing that.

24 Q. Do you remember hearing that story?

25 A. I remember hearing that.

1 Q. That didn't pique your interest?

2 A. At this particular point in time, no.

3 Q. Because you had already decided as to how it went
4 down, right?

5 A. No, because we had no report at our agency of any
6 investigation like that or any situation like that.

7 Q. Well, maybe they wouldn't have reported it.

8 A. Maybe not.

9 Q. Well, we don't -- we'll never know.

10 A. I can't say. We don't know who they are to ask them
11 anyway.

12 Q. Did you talk to Austin about them?

13 A. I didn't not. We weren't able to talk to Austin for
14 quite some time after this incident. I think it may have
15 even been maybe a month or better.

16 Q. And when was this incident?

17 A. In May.

18 Q. Of 2019?

19 A. Right.

20 Q. So for the last two years you haven't had a chance to
21 talk to Austin?

22 A. Austin has some pending charges right now and we have
23 not approached him to interview him.

24 Q. Did you talk to whoever the lawyer was that was
25 representing him or the -- to see if he was willing to sit

1 down and talk to you?

2 MS. MAYES: Objection, Your Honor. Getting into
3 right to counsel, attorney/client privilege.

4 THE COURT: Do you want to rephrase that?

5 MR. WILLIAMS: I would, Your Honor.

6 THE COURT: All right.

7 BY MR. WILLIAMS:

8 Q. So you've done nothing in regards to any other
9 individual who might have knowledge about this, who was
10 on the scene? I guess I should say who was on the scene.

11 A. We did speak with Austin and his attorney in regards
12 to this matter.

13 Q. Okay.

14 MR. WILLIAMS: Your Honor, I think that's all --
15 well, wait. I've got one more question. I'm sorry.

16 BY MR. WILLIAMS:

17 Q. Periodically when y'all were talking to her, she would
18 use words like felt like, I felt like this was happening or
19 I felt like we needed to do that. Didn't Hart, didn't he
20 -- didn't he caution her about using words like "felt" as
21 opposed to direct language saying I did this or I didn't do
22 that?

23 A. I believe so.

24 Q. And why is that?

25 A. Because we wanted to know what actually factually

1 happened.

2 Q. Even though she may not have known, maybe she felt
3 like something happened, you wanted her -- you wanted her
4 to give you an answer whether or not she knew the answer or
5 not, right?

6 A. If you don't know, just say you don't know. Don't
7 guess.

8 Q. And when you got through, did you -- did you make the
9 comment to her at the conclusion of the interview it's good
10 stuff, all we wanted, it's what we needed?

11 A. No, sir. I don't recall saying that.

12 Q. Let me ask you to look at this.

13 May I approach the witness, Your Honor?

14 THE COURT: Yes, sir.

15 BY MR. WILLIAMS:

16 Q. And I ask you to look at the transcription that was
17 made of one of the audios and you see the highlighted
18 portion there?

19 A. Taken out of context, but, yes, I did say those words.

20 Q. So you did say those words?

21 A. I said a lot more. That's just a part of what I said.

22 MR. WILLIAMS: Your Honor, that's all the questions
23 I have for her.

24 THE COURT: Redirect.

25 MS. MAYES: May it please the Court?

1 THE COURT: Yes, ma'am.

2 REDIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. Lieutenant McCann, what were you referencing in
5 regards to that exchange that Mr. Williams just asked you
6 about?

7 A. We were talking about that we still had a lot of work
8 to do on this case and even though the information that was
9 provided to us was good and we needed that to move forward
10 with the investigation, that we still weren't where we
11 needed to be.

12 Q. All right. And when you talk about where we needed to
13 be, did the investigation involve more than just Linda
14 Monette?

15 A. It did.

16 Q. Was law enforcement at that point in time still
17 searching for the intruder?

18 A. We were still searching for the intruder and we still
19 had several other folks that we needed to interview.

20 Q. And as of today, is law enforcement still searching
21 for the true identity of who came into [REDACTED] Cedar Vale and
22 killed Mason Hanahan?

23 A. Yes, ma'am.

24 Q. Who conspired with Linda Monette?

25 A. Yes, ma'am.

1 Q. And Rey Romero?

2 A. Yes, ma'am.

3 Q. Now one of the questions that Mr. Williams was just
4 asking you about was about Austin being on the phone as
5 he's standing in the driveway meeting Deputy Pollard there
6 at [REDACTED] Cedar Vale. You've had a chance to review the body
7 cam footage of both Deputy Pollard and Deputy Ricciardi?

8 A. Yes, ma'am.

9 Q. You're familiar with what happens there at the scene
10 when Deputy Ricciardi is met by Tyler Hanahan, Mason's mom?

11 A. Yes, ma'am.

12 Q. Was it apparent from that body cam that Tyler Hanahan
13 had learned of this news?

14 A. Yes, ma'am.

15 Q. And rushed there to the scene?

16 A. That's right.

17 Q. I'm gonna talk about the hallway video that we just
18 saw --

19 A. All right.

20 Q. -- and leading up to that. I would like to clarify
21 exactly how much contact law enforcement had with Linda
22 Monette leading up to this. And I know it been discussed
23 already, but you're familiar with whether or not she would
24 have been advised of her Miranda rights on May 14, 2019,
25 in that initial interview with Hart and Dykes?

1 A. Yes, ma'am.

2 Q. Are you familiar with whether or not she with advised
3 of her Miranda rights again on 5-15-2019 in that interview
4 -- the second interview with Detective Hart and Detective
5 Dykes?

6 A. She was.

7 Q. Are you familiar with whether or not she, again,
8 acknowledged her Miranda rights in the follow-up interview
9 with Detective Hayli Livingston and Sergeant Brian
10 Anderson?

11 A. She did.

12 Q. And that when providing a written statement,
13 State's 88, on the 15th, she, again, would have initialled
14 her waiver of Miranda rights?

15 A. Yes, ma'am.

16 Q. So two times in the course of that interview she
17 acknowledges her Miranda rights?

18 A. That's right.

19 Q. Now leading up to your contact with her on 5-17-2019,
20 I know we see you there in the hallway and we see you with
21 Detective Hart. I'm gonna ask you as to whether or not
22 you're aware if she had been advised of her Miranda rights
23 earlier that morning? That's a yes or no question.

24 A. Yes.

25 Q. Are you familiar with whether or not she had

1 participated in another interview on the morning of May 17,
2 2019?

3 A. Yes.

4 Q. And do you know whether or not that occurred with an
5 agent with the State Law Enforcement Division?

6 A. Yes, it did.

7 Q. And were you a witness to whether or not she was --
8 she was advised of her Miranda warnings or rights on the
9 morning of May 17th by that SLED agent?

10 A. She was.

11 Q. You observed that yourself?

12 A. I did.

13 Q. During the course of that, did she waive her Miranda
14 rights and participate in that interview?

15 A. She did.

16 Q. And then on 5-17-2019, we see you and Detective Hart
17 with her in the hallway?

18 A. That's correct.

19 Q. This is a yes or no question, but can you tell us
20 whether or not you had just returned from the State Law
21 Enforcement Division?

22 A. Yes.

23 Q. Is that why you had contact with her in the hallway?

24 A. Yes.

25 Q. What did you then attempt to do with Linda Monette?

1 A. Take her back to the booking area of the detention
2 center.

3 Q. Was that protocol?

4 A. Yes, ma'am.

5 Q. Do you yourself have any intent to conduct yet another
6 interview with Linda Monette on May 17, 2019?

7 A. We did not.

8 Q. And from what we see there in the hallway, who was
9 asking for another interview?

10 A. Ms. Monette.

11 Q. In that exhibit that we just heard, the defense
12 exhibit, we hear the statement "We need you to tell the
13 truth.". We hear the statement "When you're ready to tell
14 the truth, think about it.".

15 A. That's right.

16 Q. When you made that statement to Linda Monette, whose
17 idea was it to participate in another interview after you
18 made that statement?

19 A. Ms. Monette.

20 Q. When the statement is made to her, "We can't promise
21 you nothing, but we need 100 percent truth" --

22 A. Yes, ma'am.

23 Q. -- whose request was it to participate in an interview
24 after that statement had been made to her?

25 A. Ms. Monette.

1 Q. Your voice, your words, say "One time.". What were
2 you referencing when you made that statement in the
3 hallway, one time?

4 A. One inconsistency and we're done. We're not talking
5 anymore.

6 Q. And at that point had you -- were you personally aware
7 of multiple inconsistencies leading up to this?

8 A. Yes, ma'am.

9 Q. I'm using the term "inconsistencies", but can you tell
10 us whether or not she had outright concealed information
11 from you regarding --

12 MR. WILLIAMS: Objection, Your Honor.

13 MS. MAYES: I haven't finished the question.

14 THE COURT: I'd like to speak with you before.

15 (Proceedings held at the bench; not reported.)

16 BY MS. MAYES:

17 Q. You were aware at this point that text messages had
18 been deleted?

19 A. Yes, ma'am.

20 Q. And there in the hallway you posed a question, "Who
21 were you with all weekend?".

22 A. Yes, ma'am.

23 Q. You got a response. What was that response,
24 Lieutenant?

25 A. Rey.

1 Q. That response?

2 A. Rey.

3 Q. She acknowledged she had been with him in her words
4 all weekend?

5 A. She did.

6 Q. You made a reference in that hallway confrontation to
7 learning of a sexual relationship. Who were you referring
8 to?

9 A. Rey.

10 Q. Now as part of your training, are certain interviewing
11 techniques used?

12 A. Yes, ma'am.

13 Q. There is a statement made in the hallway, "You didn't
14 want anyone to get hurt.".

15 A. That's correct.

16 Q. How, if at all, does that relate to interviewing
17 techniques?

18 A. It's an angle for lack of a better word that you can
19 use. If that is what makes the person you're interviewing
20 feel comfortable, then we'll sometimes use that.

21 Q. And did you make statements in that regard to Linda
22 Monette?

23 A. I did.

24 Q. As a way to encourage her participation?

25 A. Yes, ma'am.

1 Q. And cooperation?

2 A. Yes, ma'am.

3 Q. And ultimately at the close of that statement, did she
4 acknowledge that she didn't want anyone to get hurt?

5 A. She did. She had made that statement multiple times.

6 Q. And then when confronted with the fact that Mason had
7 been killed, her statement was "Austin's going to hate me
8 forever"?

9 A. Yes, ma'am.

10 Q. Now just to clarify, at the Lexington County Detention
11 Center, are inmates provided food?

12 A. They are.

13 Q. And water?

14 A. Yes, ma'am.

15 Q. And during the course of her interviews, was she
16 provided food?

17 A. She was.

18 Q. And water if she needed it?

19 A. Yes, ma'am.

20 Q. In fact, in this particular interview was she provided
21 food?

22 A. Twice.

23 Q. You provided her with fruit?

24 A. Right.

25 Q. As well as some other food that we see her eating

1 during the course of the interview?

2 A. Yes, ma'am.

3 Q. And I believe there was a Coke?

4 A. That's right.

5 Q. The references to her not eating, what references was
6 she making about not eating? Was it because she was being
7 deprived of food?

8 A. It wasn't that meals had not been offered, it was she
9 was not physically able to eat.

10 Q. So when she made references to not being able to eat,
11 what was she referring to exactly?

12 A. She had been throwing up and was ill and couldn't eat.

13 Q. And now that she gave this statement she acknowledged
14 being able to eat?

15 A. I think I can eat again. I feel better is what she
16 said.

17 Q. Those were her words?

18 A. Yes.

19 Q. About the attorney, again, with her being advised of
20 her Miranda rights on multiple occasions, did she have the
21 opportunity to request an attorney and stop questioning at
22 any time?

23 A. She did.

24 Q. Did that ever occur during the course of your contact
25 with her?

1 A. No, ma'am.

2 Q. At the end of this interview, what, if anything, does
3 she inquire about -- about regarding the application
4 process for a public defender?

5 A. The procedure to get a public defender.

6 Q. And at any point did she say that she wanted one with
7 her during the interview?

8 A. No, she just asked about how to go about getting one.

9 Q. For future reference?

10 A. And we explained to her where to -- where to that find
11 that information.

12 Q. And having been at the detention center for four days,
13 did she have the opportunity to use a phone, call a
14 relative if she needed to do that?

15 A. She did.

16 Q. Including her father?

17 A. Yes, ma'am.

18 Q. Would she have had the opportunity to ask any member
19 of the detention center to assist her with the application
20 process for an attorney if she wanted to go through that
21 process?

22 A. Yes, ma'am.

23 Q. And, again, that question to you about the process of
24 a public defender occurs at what stage in this interview?

25 A. It was at the very end.

1 Q. Prior to that had she ever requested an attorney be
2 present?

3 A. No, ma'am.

4 MS. MAYES: Nothing further.

5 THE COURT: Recross.

6 MR. WILLIAMS: Just a few follow-ups.

7 RECROSS EXAMINATION

8 BY MR. WILLIAMS:

9 Q. One thing that the Solicitor asked you in referring to
10 techniques --

11 A. Uh-huh.

12 Q. -- she said you were using techniques to get this
13 information. And when she was referencing your
14 frustrations and that you were venting in the hallway --

15 A. Uh-huh.

16 Q. -- is that frustrations and venting, is that part of a
17 technique that you were using when you were screaming and
18 cursing at her?

19 A. No.

20 Q. And when she says that Austin will hate me because, do
21 you know whether or not she was saying that Austin will
22 hate me because she had sex with Rey?

23 A. No, we were talking about her part in the planning of
24 this situation.

25 Q. Right. And is that kind of like the phone number, the

1 passcode on the phone? .

2 A. No, that's what was said.

3 Q. Let me ask you this. What about the phone? You said
4 she had access to the phone?

5 A. Uh-huh.

6 Q. Didn't you earlier say that the detention center's in
7 charge of all that?

8 A. That's where they use the phone at is back in the
9 detention center, yes.

10 Q. And you can't control that?

11 A. No. I don't know when they're allowed to use the
12 phone and when they're not. That's up the detention
13 center.

14 Q. Right, so you don't know. You don't know. If she
15 said she doesn't have the access to the phone and she
16 couldn't use the phone, you don't know any different, do
17 you?

18 A. I'm going off what she said.

19 MR. WILLIAMS: That's all I have, Your Honor.

20 THE COURT: All right. The witness may step down.

21 (Witness excused.)

22 THE COURT: All right.

23 All right, ladies and gentlemen. We're gonna take
24 our morning break here. Just head down to the jury
25 room, refresh yourselves and let the bailiff know when

1 MS. MAYES: The State calls Thom Smith, detective
2 with the Lexington County Sheriff's Department, CSI.

3 (Whereupon, Thomas Alvin Smith was duly sworn by
4 the Clerk of Court.)

5 THE CLERK: Once you have a seat, you can take
6 your mask off. State your name and spell your last
7 name for the record.

8 THE WITNESS: Thank you.

9 My full name is Thomas Alvin Smith. Smith is
10 S-M-I-T-H.

11 THOMAS ALVIN SMITH,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. All right. Good morning. Tell us a little bit about
16 yourself and how you became involved in crime scene
17 investigation.

18 A. A little bit about myself, I actually started my law
19 enforcement career while I was in the Army. I applied
20 to and was accepted with the U.S. Army Criminal
21 Investigation Division Command. Through them I had an
22 opportunity to conduct criminal investigations pertaining
23 to deaths, sexual assaults, computer crimes. One of the
24 very few agents to ever work a treason slash espionage
25 slash providing aid to the enemy case out of Baghdad.

1 I was in there and did that for about six and a half
2 years. After doing that, I got out of the military. I was
3 employed with the Lexington County Sheriff's Department as
4 a road patrol officer for about two years. After that
5 two years I transferred over to the CID or to the criminal
6 investigations and into the forensic unit there. I had
7 already done six and a half years of crime scenes and I
8 enjoyed it, wanted to keep that up.

9 From there I spent a total of four years with the
10 crime scene unit. I took a break the past year and a half.
11 I went to the academy where I was teaching. One of the
12 things I taught there was crime scenes. I left the academy
13 and came back to Lexington County, again, as a crime scene
14 investigator. I got involved in this case in reference to
15 I was the on-call investigator, so when this incident took
16 place they called me out and I responded appropriately.

17 Q. All right. Now, Detective, I just need you to pull
18 the microphone a little bit closer to you.

19 A. (Witness complies.)

20 Q. How many crime scenes would you estimate you had
21 worked and processed prior to the early morning hours of
22 May 14, 2019?

23 A. Do you want all crime scenes or ones specifically
24 dealing with shooting incidents?

25 Q. Specific to anything of this nature, whether a

1 homicide, whether an attempted murder, whether any other
2 type of major crimes investigations.

3 A. I would say, all in all, between my six and a half
4 years with Army CID, as well as the three years that I had
5 -- three and a half years that I had at this time before
6 being called out, in reference probably close to about
7 three hundred, and that's cases pertaining to a death. And
8 when I say death, I'm talking about where an individual is
9 deceased whether it be a suicide, whether or not it be a
10 homicide and so forth or a natural cause, and then that
11 also includes drive-by shootings and other incidences in
12 which we're dealing with trajectory and firearms and that
13 nature.

14 Q. All right. And speaking specifically about
15 ballistics-type of evidence, leading up to your processing
16 of this scene May 14, 2019, had you been trained in that
17 regard specifically in reference to ballistics?

18 A. So as far as crime scene or shooting incident
19 reconstruction, I've had over eighty hours of specific
20 instruction to that where that was the dedicated. I've
21 had another probably forty to sixty hours piecemeal between
22 other classes where we're talking about ballistics, we're
23 talking about trajectory, we're talking about specific
24 cartridge cases and -- and ammo and other likes.

25 Q. Thank you. Now moving onto this particular crime

1 scene, what time does your report indicate that you first
2 got the call to be dispatched to [REDACTED] Cedar Vale?

3 A. Give me just a second to locate my -- my report. So
4 I received the call fifty-three minutes after midnight.

5 Q. And what time would you have arrived there on the
6 scene?

7 A. And I arrived there on the scene 0215 hours.

8 Q. All right. So 2:15 AM. And you're aware that the
9 9-1-1 call in this case was placed at 12:23 AM regarding
10 injuries to Mason Hanahan?

11 A. I know that it -- that the call came in very shortly
12 after -- or that the call came in and that I was notified
13 fairly quickly after it and that there wasn't much delay
14 as far as when our first officer arrived on-scene.

15 Q. All right. So -- and then with your time of arrival
16 being 2:15 AM, that would be on-scene within two hours
17 -- in less than two hours to start the crime scene
18 investigation?

19 A. Yes, that would be correct.

20 Q. Now let me ask you about a situation like this where
21 there are emergent or exigent circumstances because there
22 was an injured child inside the crime scene. In a
23 situation like that, how, if at all, does it affect the
24 context of the crime scene?

25 A. Well, understand that any time a child's involved, of

1 course, emotions are a little bit higher. That said, any
2 time that we have a shooting incident like this inside of a
3 residence, we -- we have a tendency to have a whole lot of
4 people in and out. We've got EMS arriving on-scene, fire
5 arriving on-scene, our patrol officers are arriving
6 on-scene. Everyone is trying to get there in order to try
7 and provide aid. Understand that fire and EMS is not gonna
8 go in until our officers have gone through and secured the
9 residence or the building to make sure that there's no one
10 else inside because they're unarmed and -- and they don't
11 want to be injured in the process of their duties, so we
12 wind up with a lot of people on-scene in and out. We try
13 to limit that with trying to find an alternative way into
14 the scene instead of our primary entrance and egress, the
15 route that everyone takes. Especially when we know it's
16 the route that our -- that our subject took. In some cases
17 though, that's not possible. This case specifically, in a
18 perfect world, since the subject came through the side door
19 we would have liked to have gotten that front door opened
20 and let people come in and out from there. That said, that
21 lock was a key lock on both sides and we couldn't find the
22 key to get in and out through there, so everyone wound up
23 coming in through that location there on the side.

24 Q. Which was also the point of entry for the intruder?

25 A. Correct.

1 Q. I'm gonna ask you to take a look at State's
2 Exhibit 10, being a still shot from the body camera of
3 the first officer at the scene, Deputy Pollard.

4 A. Yes.

5 Q. You're familiar with the scene as it was when Deputy
6 Pollard first arrived, as well as other first responders?
7 And I know the lighting -- the lighting is poor in this
8 photograph, but can you tell us whether or not there were
9 multiple first responders there inside the residence
10 assisting Mason Hanahan?

11 A. So when you showed me the picture up close, I was
12 able to identify easily five to six individuals inside that
13 scene.

14 Q. All right. Now when you have a fresh crime scene
15 such as this and an intruder has been present inside but
16 then you have other first responders coming into the scene,
17 how, if at all, may that impact certain evidence such as
18 footwear evidence?

19 A. So this is the -- the thing with footwear evidence,
20 DNA evidence and latent print evidence. The more people
21 that walk through your scene, touch your scene, manipulate
22 items within the scene, the more diluted that evidence
23 becomes. Let's say footwear impressions. Well, if
24 everyone's coming through one door, then it makes it very
25 difficult to distinguish footprints, whose footprints is

1 whose. Also understand with all three of those we also
2 can't date it. So I might be able to get a print or a
3 footwear impression off of the floor, but I can't tell you
4 how long that's been on the floor.

5 Q. So I want to start by showing you a photograph that
6 is already in evidence, State's 6. State's Exhibit 6, can
7 you tell us whether or not there was evidence of forced
8 entry at this location being the side door entrance to
9 [REDACTED] Cedar Vale?

10 A. Absolutely. There was no damage to the storm door to
11 the outside. That said, once you've opened up the door
12 it's quite obvious the door frame itself had been busted
13 out. It looked like the -- at the time it took place that
14 both the dead bolt, as well as the lock, were engaged.
15 There was splintered wood and everything on the ground
16 inside the door.

17 Q. I'm gonna show you what's State's 91.

18 A. Yes, ma'am.

19 Q. Does that reflect the damage that you're referring to?

20 A. Yes, ma'am.

21 MS. MAYES: Your Honor, this is State's 91 for
22 evidence without objection, I believe.

23 MR. WILLIAMS: It is without objection, Your Honor.

24 THE COURT: All right. State's 91 will admitted
25 into evidence.

1 (State's Exhibit Number 91, a photograph, was
2 admitted into evidence.)

3 BY MS. MAYES:

4 Q. Looking here at 91, do you have with you a laser?

5 A. I do, ma'am.

6 Q. Can you show us where there are indications that this
7 door has been kicked in?

8 A. Of course. So right through here, that bare wood
9 right there, and then you have the splintered wood here,
10 this all indicates damage to that doorjamb. And I talked
11 earlier about the doors having dead bolts with a key turn
12 on each side. This is what I was referring to. So we
13 couldn't find that key that matched the front door to allow
14 people to come in and out through that entrance.

15 Q. Now in addition to inspecting the door for any damage
16 that might be consistent with forced entry, can you tell
17 us whether or not the door was actually processed both for
18 latent prints --

19 MS. MAYES: This is gonna be 92 without objection,
20 Your Honor.

21 MR. WILLIAMS: Without objection, Your Honor.

22 THE COURT: State's Exhibit 92 is admitted into
23 evidence without objection.

24 (State's Exhibit Number 92, a photograph, was
25 admitted into evidence.)

1 MS. MAYES: And for the record, Your Honor, I
2 believe the entire series of these crime scene
3 investigative photos will be without objection unless
4 noted otherwise.

5 MR. WILLIAMS: That is true, Your Honor.

6 THE COURT: Thank you.

7 BY MS. MAYES:

8 Q. So looking here at 92, Detective Smith, can you tell
9 us what type of CSI work was done with this point of entry
10 both to determine the existence of any latent prints, as
11 well as any foreign DNA such as blood or other matter?

12 A. Of course. So on this door you'll see reddish-brown
13 dots that are consistent with blood. One of those dots was
14 processed. We collected a swab of that to run it through
15 CODIS to determine whose blood that was. We also attempted
16 to use what's called oblique lighting, and oblique lighting
17 just means that we use a very powerful flashlight at a
18 45 degree or less angle to try and find latent prints that
19 works really good on glass and everything like that, so we
20 used that on all the glass there, the door, both inside and
21 outside, and we were unable to find anything there. We did
22 dust the -- dust the frame of the -- what's that called --
23 the storm door on the inside where we were able to develop
24 a latent print. That latent print was collected as -- was
25 photograph and collected as evidence. We subsequently ran

1 that through AFIS, which is the Automated Fingerprint
2 Identification System.

3 Q. I want to follow up and ask you a little bit more
4 about that. So looking here at this door, knowing that the
5 intruder had entered there, you made multiple efforts to
6 recover latent prints?

7 A. Latent prints, as well as we took a DNA swab off of
8 it, yes, ma'am.

9 Q. Okay. And latent prints is a reference to
10 fingerprints on the door?

11 A. Correct.

12 Q. Were you able to find one latent print that was
13 suitable for comparison analysis?

14 A. We were. We -- like I said, we collected that and we
15 ran it through AFIS.

16 Q. All right. Now previously in this case there's been
17 a reference to Deputy Pollard, to his body cam. He was
18 the first responder rushing in there to the living room.
19 Ultimately whose fingerprint did that turn out to be there
20 on the storm door?

21 A. That would be Officer --

22 Q. Dustin Pollard?

23 A. -- Dustin Pollard.

24 Q. And regarding Dustin Pollard again, he's coming
25 into crime scene without gloves due to the emergent

1 circumstances?.

2 A. Correct.

3 Q. Any other latent prints recovered from this doorway,
4 Detective Smith, that were suitable for analysis?

5 A. Negative.

6 Q. All right. And you indicated that there were some
7 swabs there of blood. Let me ask you this. Having been
8 aware of the crime scene, did you have knowledge that two
9 individuals had been shot at that location?

10 A. I did. When I arrived at the scene, I was briefed by
11 Deputy Pollard himself, who advised the father had been
12 shot in the abdomen, and that an eight-year-old child had
13 been shot in the head.

14 Q. All right. And you were aware that there was
15 significant blood loss there at the crime scene?

16 A. Yes, I was.

17 Q. And can you tell us whether or not as part of your
18 review of this case and your investigation you also learned
19 that Austin Hanahan, who had received a gunshot wound, was
20 mobile at the crime scene, both coming outside onto the --
21 into the driveway and out moving about the residence?

22 A. Correct. Dustin Pollard, as far as -- understand, one
23 of the first things that I do when I get out of my truck
24 and start getting ready -- because I go over and I talk to
25 the first officer on the scene. It's very important to me

1 that I speak to him because he's seen that scene in its,
2 quote unquote, perfect condition, so he has knowledge of
3 where things were and how things were placed before fire,
4 EMS and others arrived and start moving stuff around, so
5 it's important that I speak to him.

6 He did advise me that when he arrived on-scene that
7 the -- that the father was outside of the residence beside
8 his vehicle on the telephone, so I know that he was up,
9 mobile, breathing and speaking at the time that our first
10 officer arrived on the scene.

11 Q. All right. So even with the understanding that there
12 are gonna be people at the crime scene who are actively
13 bleeding and that they are being assisted, can you tell us
14 whether or not it's protocol to still collect this blood
15 anyway?

16 A. We still collect it because we don't know who-all's
17 hurt. I mean, it could be first responders coming in
18 and they're not changing their gloves and, therefore,
19 transferring it, it could be the father's blood since he's
20 bleeding, it could be a suspect's blood as they're on their
21 way out because we do know that the suspect egressed out
22 of this -- out of this door as well, in other words, he
23 exited. So that blood could have come from any number of
24 people, so, yes, we did collect blood just to confirm, rule
25 out possibilities as far as donor.

1 Q. All right. And ultimately with knowledge of this
2 case, can you confirm whether or not any foreign DNA such
3 as the suspect or intruder's DNA was recovered from those
4 blood samples?

5 A. No, it was not.

6 Q. It turned out to be related to victims of this crime?

7 A. Correct.

8 Q. Now regarding State's 94, I want to have you take a
9 look at that. Again, on the same subject. Looking here
10 at State's 94, this being the point of entry, we do see a
11 blood trail there that you have placed a placard labeled
12 Number 24. What, if anything, can you tell us regarding
13 that blood trail?

14 A. So that blood trail is a continuation of the trail
15 that we saw outside. It actually ran from the -- a little
16 bit before the end of the driveway all the way through to
17 the living room.

18 Q. All right. So looking here at the photograph of the
19 entryway, State's 94 -- and also we realize these
20 photographs were taken at night, but looking here at 95,
21 you've referenced the driveway. We see placards B and C
22 and then additional placards. What did that indicate?

23 A. That was just me trying to document every few feet of
24 that trail so that we can see in a photo like this exactly
25 how long that trail was. Also, the -- the pattern where we

1 -- where it turns within the scene.

2 Q. All right. And you were aware that in addition to
3 Austin Hanahan exiting the residence, that ultimately Mason
4 Hanahan was brought outside by EMS?

5 A. Correct. When I arrived on-scene, the eight-year-old
6 had already been taken to -- well, they were originally
7 gonna take him to Richland County -- or Richland Memorial
8 Hospital. They diverted to LMC en route.

9 Q. And, again, were those swabs collected for the purpose
10 of submission to SLED for further analysis?

11 A. Correct. The whole idea was, again, whose blood do we
12 have.

13 Q. And ultimately following that submission of those
14 items to the State Law Enforcement Division, was there any
15 indication to foreign DNA or DNA belonging to the suspect
16 or the intruder?

17 A. No, to my knowledge all that DNA came back to was the
18 victims of this incident.

19 Q. The gunshot wound victims?

20 A. (Nods head.)

21 Q. All right. Moving on, I want to ask you now about
22 your work with ballistics. Once you arrive inside, take
23 us through your process for analyzing all of the firearms
24 evidence that was recovered, including evidence recovered
25 related to the home invader, as well as evidence related to

1 the firearm possessed by Austin Hanahan in defense of his
2 home.

3 A. All right. So when I got into his house, and
4 understand getting into the house was -- there was a lot
5 of process that we had to do in order to get there just
6 because that was our only way of ingress and egress, so I
7 made sure to process that to the best of my ability looking
8 for leads. Once I got inside and we started working in
9 the foyer area, I immediately started finding cartridge
10 casings -- expended cartridge casings, excuse me, from a --
11 consistent with a 40-caliber. All cartridge casings have
12 on the base of them what's called a head stamp and that
13 head stamp's required to have on it the caliber of firearm
14 that -- that is in it, as well as the manufacturer's name.
15 So in this case, they were nickel-plated brass cartridges
16 that said Hornady 40 Smith & Wesson. All in all in that
17 area between the -- in the kitchen, as well as that foyer
18 area, we collected six expended cartridge casings all of
19 them bearing the same manufacturing head stamp, as well as
20 consistent with the same nickel-plated brass body.

21 Q. I'm gonna show you what is State's 119 and ask you
22 whether or not you were familiar with the evidence depicted
23 in that photograph?

24 A. Yes. These are the expended cartridge casings that I
25 collected and it shows all of them marked Hornady Smith &

1 Wesson.

2 MS. MAYES: All right. This would be State's 119
3 for evidence.

4 MR. WILLIAMS: No objection, Your Honor.

5 THE COURT: State's 119 is admitted into evidence
6 without objection.

7 (State's Exhibit Number 119, a photograph, was
8 admitted into evidence.)

9 BY MS. MAYES:

10 Q. You referenced a head stamp, Detective. Tell us what,
11 if any, information is contained on the head stamp of these
12 six casings?

13 A. The manufacturer and the caliber.

14 Q. All right.

15 A. 40 Smith & Wesson. And when we say 40 Smith & Wesson,
16 that doesn't come back to a 40-caliber Smith & Wesson gun.
17 In other words, Smith & Wesson doesn't. Smith & Wesson is
18 the original manufacturer of the 40-cal; therefore, they
19 get to name it after themselves.

20 Q. So it's a reference to the ammunition?

21 A. It's a reference to the ammunition, not the gun used.

22 Q. All right. So you termed these Hornady 40-caliber
23 Smith & Wesson. What, if any, other unique factors did you
24 note about this ammunition?

25 A. So once I started getting further into the house and

1 started collecting cartridge cases and everything like
2 that, I noticed that the cartridge casings had a standard
3 copper jacket and that they contained a red polymer filler.
4 Those two things narrows down your Hornady line and you're
5 looking specifically at one or two brands, a Hornady Tact
6 or Hornady Critical Defense. Hornady, what they do, is
7 they put that rubber or that polymer inside the -- inside
8 the hollow point of the ammunition because that -- that
9 hollow point is the number one area which -- of the ammo
10 fails because it gets clogged up. As it goes through
11 clothing and everything, it gets clogged up and it doesn't
12 expand properly. So what they do is they put that polymer
13 center there in the hollow point. That way when it goes
14 through clothes it doesn't pick up that stuff and when it
15 actually hits the body and starts to expand, it expands
16 fully to -- to it's fullest potential, therefore, causing
17 the wound channel. Understand, most people don't die of
18 being shot, they die of exsanguination, which is bleeding
19 out. The larger the wound channel you have, the more
20 you're going to bleed.

21 Q. I'm gonna show you some photographs and ask you
22 whether or not you recognize them.

23 A. So --

24 Q. First, let me just ask you if you do recognize them.

25 A. Of course. Yes, I do.

1 Q. And you were participating in handling this ammunition
2 there at the scene?

3 A. Yes, that's my hand.

4 Q. Okay. You're taking this photograph yourself as
5 you're working this?

6 A. Correct. That's why my hand is extended out was for
7 the camera focal lens.

8 Q. All right. So I want to go ahead and clarify,
9 Detective Smith. You've made reference to the Hornady
10 40-caliber Smith & Wesson ammunition. Were you able to
11 make a determination there at the scene, based on all of
12 the information available to you and the firearms
13 recovered, whether this ammunition was from the shooter
14 or from Austin Hanahan's firearm?

15 A. No, all -- all the 40-caliber ammo came from the home
16 invader that night.

17 Q. Would that be the shooter --

18 A. Yes, ma'am.

19 Q. -- intruder? Now you mentioned the red tip. Is the
20 red tip contained as part of the casing or as part of the
21 actual projectile, the bullet?

22 A. No, it's actually part of the projectile. Understand
23 that when people uses the term "bullet", by definition the
24 term "bullet" is only the projectile that goes downrange
25 outside the end of the barrel, all right? When you're

1 dealing with the entire bullet and cartridge casing, it's
2 called a cartridge or a round. So whenever I talk about
3 projectiles when I talk about bullets, what I'm talking
4 about is what's going downrange out the end of the barrel
5 of the firearm. So, no, that red tip is in the bullet as
6 it travels downrange. That's what is intended to strike an
7 individual or a target.

8 Q. All right. Now you previously identified what is
9 State's 145, 146, and 147 as ammunition recovered at the
10 scene, as well as yourself in this photograph?

11 A. Correct.

12 MS. MAYES: For evidence, Your Honor, would be --
13 I'm gonna go ahead and publish these without objection.

14 MR. WILLIAMS: Without objection, Your Honor.

15 THE COURT: State's 145 admitted into evidence.

16 (State's Exhibit Number 145, 146, 147, photographs,
17 were admitted into evidence.)

18 BY MS. MAYES:

19 Q. We're looking here, Detective, at placard number 11.
20 We're gonna also look at it from this angle. What, if
21 anything, can you tell us regarding this photograph in
22 terms of the red tip, the polymer tip, being visible?

23 A. I'll just point to it. When I talk about a red tip,
24 the polymer is right here. That's a reddish polymer
25 plastic tip that they put inside the hollow point to help

1 it expand so that hollow point cavity isn't filled with
2 clothing and other stuff or other items in the house.

3 Q. Now I'm gonna show you also State's 146 and then
4 State's 147, a closer up view of State's 146. What are we
5 looking at here?

6 A. So items 146 and 147 is a copper jacket off of a
7 projectile, off of a bullet. Understand projectiles,
8 bullets, have copper jackets on them to help hold their
9 form. If it was just a bullet without a copper jacket, it
10 would be made of lead. Lead deforms real easily. Lead
11 doesn't have the tendency to hold itself together after
12 it's been shot and it deforms really bad due the heat and
13 gas and all when it's fired. So they put a copper jacket
14 on it to protect it and kind of hold it together and
15 everything in flight. Copper jackets though, depending on
16 the ammunition, they're bound and unbounded. If it's
17 unbounded ammunition, that copper jacket has a tendency to
18 -- to fall off the bullet once it hits something hard.

19 This copper jacket actually was recovered where the
20 eight-year-old was located where EMS and fire was trying
21 to save his life, so that's where it was taken from.

22 Q. All right. And so to clarify further, looking here at
23 State's 11 {sic}, you uncovered that copper jacket near the
24 couch where?

25 A. Right -- right in this area right in front of the

1 couch.

2 Q. Where Mason Hanahan had been positioned prior to being
3 shot?

4 A. No, no. He was --

5 Q. Where it was recovered?

6 A. Right. That's where he was transferred to by EMS and
7 fire when they started lifesaving measures.

8 Q. All right. Now when we refer to this copper jacket,
9 can you tell us whether or not this copper jacket is
10 consistent with this Hornady 40-caliber ammunition?

11 A. It is. All of Horny -- Hornady Critical Defense and
12 Tact ammunition use a non-coated copper jacket. In other
13 words, it had a copper tint to it. Understand that there's
14 manufacturers and all out there that use a copper jacket,
15 but they'll use some sort of coating like nickel or
16 something to make it look fancier or make it look prettier.

17 Q. All right. Now I want to go through these briefly and
18 in the interest of time just want to go ahead and -- and
19 account for how many casings were recovered from that
20 40-caliber ammunition within this residence.

21 A. We recovered six car -- expended cartridge casings.

22 Q. So all indications are that the shooter fired at least
23 six shots within that residence?

24 A. Correct.

25 Q. So moving now through the evidence recovered here at

1 the scene, I know you mentioned recovery of both
2 projectiles, as well as casings. I want to talk about
3 those. We've already taken a look at what is placard
4 number 11, being a recovered projectile.

5 A. Yes.

6 Q. I want to take a look here at what is 46. First,
7 here looking at the kitchen counter, we see your placard
8 for 46. State's 148 and 149 being a close-up. What is
9 that?

10 A. That would be an expended -- a 40-caliber expended
11 cartridge casing that was located on the ledge there.

12 Q. All right. So the casings -- obviously we're not
13 talking about a revolver. The casings are moving about the
14 kitchen based upon your recovery?

15 A. Correct. So in a semiautomatic weapon, what happens
16 is that slide as it comes out has a hook on it that hooks
17 on the rim of the cartridge casing at the end. That's
18 called the extractor. The extractor pulls that out until
19 it hits the ejector, which is nothing more than a metal pin
20 along the back. Once it hits that ejector, it ejects it
21 out. Depending on where your ejector is, depending on
22 where your extractor is and everything like that, the
23 cartridge casings will go any number of directions, but
24 what we do know is that in scenes like this and everything
25 they have a tendency to bounce around on those hard

1 surfaces and -- and everything.

2 Q. All right. Now we see 45, also what appears to be --
3 well, you tell us what you observe in that photograph.

4 A. So in this one, again, we have a copper jacketed
5 40-caliber projectile. And, again, we have that -- we have
6 that same red polymer here in the front.

7 Q. What, if anything, does that indicate to you about
8 whether that particular projectile came from Austin
9 Hanahan's firearm or from the intruder?

10 A. We know that it came from the intruder because we know
11 that the homeowner used an entirely different caliber of
12 firearm, which has a different projectile to it. Not only
13 is it a different firearm with a different size projectile,
14 but the type of projectile, what that projectile was made
15 out of, was different than what we saw with our home
16 invader's 40-caliber.

17 Q. All right. Now I want to take a look at State's 151.
18 What area of the home are you looking at here in State's
19 151?

20 A. So this is right as you enter that side door and you
21 look to your right. This is like a little bar area and
22 what we have on the bottom of both five and six are
23 expended cartridge casings that were located on the floor.

24 Q. All right. A closer up view. This is gonna be
25 State's 153 of five and six. What caliber casings are we

1 looking at here?

2 A. Again, they were 40-caliber -- 40-caliber Smith &
3 Wesson expended cartridge casings manufactured by Hornady.

4 Q. So based upon what you observe here, we know, again,
5 this is gonna be the shooter's ammunition?

6 A. Correct.

7 Q. I'm gonna move forward now and ask you to take a look
8 at these items. It's gonna be State's 154 and State's 155.
9 Placard seven is located within what area of the residence?

10 A. That is right at the edge of the carpet that's located
11 in the living room just past that little bar area that
12 separates the living room from the -- the foyer, entryway.

13 Q. And a closer up view of that same placard being 154,
14 tell us what, if anything, we're looking at here.

15 A. Again, it's a 40-caliber Smith & Wesson cartridge.
16 Hornady manufactured.

17 Q. All right. What, if anything, does that indicate to
18 you as to who fired that particular round?

19 A. The home invader.

20 Q. Okay. I'm gonna take a look here at 156, 157. 156,
21 being State's 24 {sic}, and ask you what area of the home
22 that is?

23 A. Give me just a second. I'm gonna have to refer to my
24 notes. That's on the foyer floor. Give me just a second.
25 I'm not --

1 Q. Okay.

2 A. The evidence type is not --

3 Q. I'm gonna show you a closer up view of that. Look at
4 State's 157 to see if that may help any further. I know
5 that that was a distant shot that you were reviewing.

6 A. There we go. That is, again, a 40-caliber round. I
7 can tell that due to the -- from this scene specifically
8 due to the color of the jacket on it.

9 Q. So, again, we know that's gonna be the intruder's
10 round?

11 A. Again, that would be an intruder's round.

12 Q. And here looking at State's 159, what area of the home
13 are we looking at here?

14 A. This is the kitchen. If you walk into the foyer and
15 make that immediate right and head into the kitchen, this
16 is the stove area. It's along the wall right there on the
17 right-hand side as you walk past that bar area we saw
18 earlier.

19 Q. I'm gonna show you what is a closer up view of that
20 now, State's 41 {sic}. What are we looking at here?

21 A. Again, that's another 40 -- 40-caliber expended
22 cartridge casing, Hornady manufactured, that would have
23 come out of the home intruder's firearm.

24 Q. All right. Multiple casings and projectiles being
25 recovered there in the home consistent with the shooter's

1 ammunition?

2 A. Yes, ma'am.

3 Q. Tell us what is taking place here in State's 158. You
4 have taken a photograph with a placard numbered 27, but it
5 appears to be a piece of furniture with some personal items
6 damaged by ammunition.

7 A. So at the -- if you're looking at the couch in the
8 living room, at the end of that couch on the left-hand side
9 was an end table that had a drawer in it. One of the
10 projectiles had actually gone into the end table and when
11 we pulled that drawer out looking for the -- for the
12 projectile in there what we found instead was that the
13 projectile had gone in and when it came in, it lost the
14 copper jacket and these are pieces of the copper jacket
15 that got caught into a -- into a leather -- a faux leather
16 binder that had kept it. The interesting part about this
17 one is not only -- so it caught and held the copper jacket,
18 but the projectile actually kept going. We actually found
19 the projectile for this on the floor just in front of the
20 -- just in front of the end table itself. And here's the
21 copper jacket I was referring to here.

22 Q. And that copper jacket indicates whose ammunition this
23 would be?

24 A. That copper jacket was consistent with the copper
25 jackets that we recovered from the intruder's firearm.

1 Q. Now tell us what we're looking in State's 166. What
2 area of the home is this, back up here?

3 A. That is the little foot cabinet that they had just
4 inside the side door there. It looked like they tried to
5 make it to where whenever they came and went they put their
6 shoes there, but it's another 40-caliber Smith & Wesson
7 Hornady manufactured expended cartridge casing that would
8 have come from our home intruder's firearm.

9 Q. All right. And a closer up view of that, 43, there at
10 the base of the seating at the bar. Again, consistent with
11 a 40-caliber?

12 A. Yes, ma'am.

13 Q. I'm gonna ask you to take a look at what is State's 42
14 already in evidence.

15 A. Okay.

16 Q. You're familiar with evidence recovered from the
17 autopsy of Mason Hanahan?

18 A. Yes, there was a fragmented projectile. In other
19 words, that projectile, when it struck, it broke apart.
20 I talked to y'all earlier about that copper jacket that
21 was located on the floor where they attempted to do
22 lifesaving measures. Once it lost that copper jacket, it
23 fragmented, broke up, so this is what the -- this is what
24 the medical examiner took during the autopsy.

25 Q. Okay. So looking here at the fragments directly from

1 Mason's Hanahan's body, directly from -- within his skull
2 as indicated during the autopsy, what are we looking at
3 here, Detective Smith?

4 A. That's a piece of lead and it appears to have a piece
5 of red polymer attached to it.

6 Q. The same red polymer that you referred to before?

7 A. Yes.

8 Q. Consistent with a 40-caliber Hornady red tip?

9 A. Yes, ma'am.

10 Q. What, if anything, does that red tip recovered from
11 Mason Hanahan's body indicate to you?

12 A. That indicates to me that the -- the lethal shot or
13 the shot that hit the eight-year-old specifically came
14 from the home intruder's firearm as opposed to the father's
15 firearm.

16 Q. I'm gonna ask you to also take a look at 168 and 172
17 and ask you if you're familiar with these items?

18 A. Yes, ma'am. I took those photographs.

19 Q. Were you able to determine potentially, looking here
20 at 167 --

21 A. Okay.

22 Q. -- where the shot that killed Mason ended up after it
23 exited -- after fragments exited his head?

24 A. So the round that hit the -- hit him in the head
25 traveled, broke up. Part of it stayed. The other part

1 of it actually exited the head and travelled down the
2 hallway and imbedded itself into the door jam of one of
3 the bedrooms of the residence.

4 Q. All right. I want to take a look here at 167.

5 A. So this is -- this is the -- the house that we're
6 talking about. This is the general location of where we
7 found that empty copper jacket. The projectile that
8 continued down the hall was actually located in the
9 doorjamb right here in the middle of the hall.

10 Q. All right.

11 A. And this is the end table right here that I was
12 talking about on that previous one where the copper jacket
13 was caught in the bookbinding, that's where that end table
14 was located.

15 Q. And so just -- just to clarify, it is this area here
16 in a doorjamb --

17 A. Correct.

18 Q. -- that fragments are found?

19 A. It's not a fragment. It's a big chunk of lead.

20 Q. All right.

21 A. So it did fragment like into multiple pieces, but that
22 one solid piece struck and hit the doorjamb.

23 Q. Take a look here at 168. Is that what you're
24 referring to?

25 A. Correct. That's the -- that's the markings that I put

1 on it prior to collecting it and processing it.

2 Q. All right. So looking here at 168, you were able to
3 recover a lead fragment from that location?

4 A. Correct.

5 Q. And up close, 172, from that same location?

6 A. Correct.

7 Q. Now going back, just looking at the general view in
8 167, Mason is on the couch and there is a fragment located
9 here in the doorway, as well as a fragment located in his
10 head. What, if anything, does that indicate to you about
11 the positioning of Mason Hanahan when he was shot?

12 A. So in order for that projectile to be there and having
13 struck him as he was on that couch, the only way that that
14 takes place is at some point he raises up into the line of
15 fire. I don't -- I can't run trajectory because I only had
16 one point of impact, but had he been laying down on the
17 couch when he was hit, then we would not have pulled the
18 projectile out of the doorjamb further down the hall. The
19 only way that that takes place is if he at some point rises
20 up or sits up during this exchange of gunfire.

21 Q. And you're aware that the -- you're aware that the
22 point of entry for that gunshot wound was behind the left
23 ear?

24 A. I was told it was a head shot. I don't know that I
25 was told specifics as far as where on him, but, yes, I was

1 aware that was a head shot.

2 Q. Okay. And being aware of that, for him to be within
3 the line of fire he could not be laying down flat on the
4 couch?

5 A. No, he was not laying down flat on the couch.

6 Q. So looking here at 167, we see a line running through.
7 What is that line?

8 A. So that's a trajectory line. When we start talking
9 about shooting incident reconstructions and everything,
10 what we do is we look for where a projectile has travelled
11 through. Let's say it travels through two walls. Well,
12 we're able to run a steel rod through there, put laser on
13 that and it will mark the opposite side. We can mark that
14 area and then we can run string between the two. That
15 string indicates the -- the path that the bullet could have
16 -- or the bullet could have taken, all right? Now it has
17 a limit because we know that it wasn't fired from outside
18 because we don't have any holes outside, but the person who
19 shot it could be anywhere along that line. So that's what
20 this is indicating. It's indicating the flight trajectory
21 of a projectile into the end table that I spoke about
22 earlier.

23 Q. All right. So just to clarify, you are doing this
24 demonstration for purposes of the intruder or the shooter's
25 line of fire?

1 A. Correct. This would be the intruder's line of fire.
2 We know that for sure because the bullet ended up there, so
3 we know that that's the end point and we know somewhere
4 between that end point and where our laser hit on the wall,
5 somewhere in there our intruder was standing when he or she
6 was shooting.

7 Q. And to clarify, in State's 167 you previously
8 indicated that a portion of the fatal round regarding
9 Mason Hanahan was found in this area, but this particular
10 demonstration is a different round that's been fired?

11 A. Yeah, that's a -- so that's a total completely
12 different path. We weren't able to run that one, but we
13 know that the round that struck him was much -- was much --
14 I'm trying to think of the correct term for it. We know
15 that it was a more direct line than that. Y'all see how
16 wide of an angle that is to the couch? We know that it was
17 much closer because we know that it went down to hit that
18 doorjamb. We also know that he was laying -- that he was
19 on the couch and due to the injury that he received there's
20 no way that he moved after that, so we know that he was on
21 the couch when he was struck, which means the intruder had
22 to be much more over this way than closer to the door when
23 this shot was done.

24 Q. Okay. And if you could show us again that location
25 where the intruder would have had to be.

1 A. Had to be back over this way. Back towards where the
2 kitchen's located and all, right there at that corner, than
3 closer to the door itself.

4 Q. Okay. In order to -- for the bullet to travel all the
5 way to the --

6 A. For the bullet to strike --

7 Q. -- child's bedroom doorjamb?

8 A. Correct. For the bullet to strike the child and to
9 end up in that doorjamb, yeah, he would have had to have
10 been much closer to this area when he made that shot than
11 to the door itself.

12 Q. All right. And so, again, you were able to do the
13 demonstration as to the line of fire on some of the
14 shooter's shots, but actually not on the fatal round that
15 killed Mason?

16 A. Right. There was two rounds that I believe that we
17 were not able to do that with. The shot that hit the
18 adult victim just simply because I don't have an entrance
19 and exit point to be able to do triangle -- not tri --
20 trajectory. Also the round that struck him. I think the
21 other ones I was able to get, so I think there was four I
22 was able to do trajectory.

23 Q. All right. We'll take a look at some of those now.
24 170. Moving along here looking at 170, again, does this
25 show or indicates the line of fire from the intruder's

1 weapon?

2 A. Yes, it does. We were able to determine that is a --
3 came from our intruder because the projectile travelled
4 through the back of the couch and the stuffing of the
5 couch, they pulled it out, so we know the direction of
6 travel that round took was going towards the hallway and
7 not towards the kitchen, so we were able to definitively
8 determine that that was from our intruder.

9 Q. That is State's 170. And then, finally, here also
10 looking at the demonstration regarding line of fire,
11 State's 169, again, being the shooter's line of fire?

12 A. Correct. We know that here on the wall that that's an
13 entrance. That round actually goes through the front of
14 the couch here, exits the back of the couch and then into
15 the wall. It actually penetrates the wall there and goes
16 into the bathroom. But we know just due to the nature of
17 this entrance -- that is an entrance hole and the only way
18 that that's an entrance hole is that the home invader, the
19 intruder, is the one that's doing the shooting.

20 Q. All right. So altogether, having examined the casings
21 recovered at the scene, as well as the red tip projectiles,
22 you determined that the shooter got at least six rounds
23 fired from within that home?

24 A. Correct.

25 Q. And based upon the location of the casings that you

1 recovered, the location of the projectiles that were
2 recovered, as well as your demonstrations regarding line
3 of fire, what, if anything, did you determine, Detective
4 Smith, regarding the location of the shooter throughout
5 this event?

6 A. So using the diagram here, the first -- if you'll turn
7 it just slightly towards me, the first -- there's about
8 three of the rounds that -- four rounds that were fired
9 from this area and then as the invader is leaving he's
10 firing a couple of additional rounds as he exits out of
11 the house.

12 Q. And looking here at these photographs already in
13 evidence, being State's 3 and State's 52 and State's 167,
14 if this may help further to demonstrate the location of
15 the intruder while he was inside the residence. First
16 State's 3, then State's 167, and finally State's 52.
17 Looking at those, I'm gonna take you back to State's 3
18 and tell us what, if any, indications there are from the
19 photographs as to his location within the home?

20 A. Well, we know that he was on this side of this bar
21 here when he was shooting because this is where we got a
22 good portion of our cartridge casings or expended cartridge
23 casings. One of them taken here, one from near the stove
24 right here and then there was two on the floor just beneath
25 here. One of them came out of a shoe that was on that shoe

1 rack that was there up against that wall as well.

2 Q. All right. Now we have counted four of the six
3 rounds fired by the intruder during -- during this crime.
4 I'm gonna show you now two firearms recovered within the
5 home, State's 131 and 133. And I'm going to start with
6 State's 133. What type of weapon is that and where was it
7 recovered?

8 A. So that is a Romanov Draco. It fires a 7.62-caliber
9 round. 7.62 by 39, which refers to the diameter of the
10 round, and the 39 refers to the length of the cartridge
11 casing itself. It has a thirty round magazine to it. It's
12 a semiautomatic. It was located on the floor next to the
13 couch in front of the end table there in the living room of
14 the residence.

15 Q. And did you based upon your investigation of this
16 scene determine whether or not this firearm belonged to the
17 homeowner?

18 A. During the determination, we -- or during the
19 investigation one of the things that we do is run that
20 through and we were able to verify that, yes, it belonged
21 to the homeowner.

22 Q. All right. Looking here at State's 133.

23 A. 133 is an AR-style -- AR-15-style firearm. AR stands
24 for Armalite. It was located at the foot of the bed in the
25 master bedroom. When it was collected, it was inoperable.

1 The rear -- yeah, the rear takedown pin was out of battery
2 and flipped up. It looked like it was missing a rear
3 detent -- a rear detent spring, so didn't hold the gun
4 together, so it malfunctioned.

5 Q. And this is recovered in what area of the home?

6 A. That was the master bedroom in front of the -- at the
7 foot of the bed.

8 Q. All right. Ultimately, which weapon was it determined
9 was used by Austin Hanahan during the course of this crime?

10 A. So we were able to determine that it was the AR --
11 the AR-15 that was located at the foot of the bed. We
12 were able to determine that because it chambered in 300
13 Blackout, which is a 30-caliber cartridge. It's
14 technically -- it's a -- yeah, it's a 308-caliber round
15 and they take an AR-15 and M-16 round, cut it down, drop
16 the bullet in and neck it down on it, so we were able to
17 determine that all of his rounds came from this firearm.
18 When we collected the firearm, it actually had additional
19 rounds in the magazine that were consistent with the ones
20 we were recovered.

21 Q. All right. So moving forward we're gonna take a look
22 here at State's 134 with placards 14 and 15. State's 135
23 with placard 15, State's 136 with placard 14. Can you tell
24 us whether or not this ammunition was all consistent with
25 being fired from the weapon of Austin Hanahan?

1 A. Yes. These all are 300 Blackout rounds. They're
2 copper -- no, they're brass rounds with a nickel coating.

3 Q. Then I also want to have you take a look at
4 State's 137 with placard 48, State's 139 with placards 16
5 and 18, and ask you whether or not this ammunition was
6 consistent with the 300 Blackout used by Austin Hanahan?

7 A. Yes. Again, this is 300 Blackout chambered
8 cartridges. Again, they're all nickel-plated brass.

9 Q. All right. Taking a look here at State's -- 16 and 18
10 that we just saw, but looking at 140, it tells you exactly
11 where they are in the home. How can you determine that
12 location?

13 A. So that location is the hallway that -- that we looked
14 at earlier with the doorjamb and all in it. It leads from
15 the living room to the master bedroom. It has a bathroom
16 and two bedrooms off to the side, one bedroom on each side,
17 so this is the hallway with a carpet runner in it. The
18 master bedroom is actually this end right here where it's
19 carpeted.

20 Q. All right. And State's 143, if you can take a look at
21 that location, and then State's 144 in addition, and tell
22 us what we're looking at. Is 144 a closer up view of what
23 we just saw in 143?

24 A. Yeah, 143 is my establishing, 144 is my close-up.
25 This is 300 Blackout. That 30-caliber bullet that I was

1 speaking of earlier, this was taken out of a wall directly
2 across from that entrance/exit door where the intruder
3 used. It's a garage. On the back end of that garage is a
4 pool house. That round had gone through the house, through
5 the garage wall and had imbedded itself into the far wall
6 of the pool house, and that's where it was recovered from.

7 MS. MAYES: So, Your Honor, all of these items
8 previously identified by Detective Smith are offered as
9 evidence. That's 137, 135, 139, 143 and 140.

10 BY MS. MAYES:

11 Q. And all of these photographs that we've taken a look
12 at here, Detective, are consistent with the 300 Blackout
13 weapon fired by Austin Hanahan?

14 A. Yes. I would -- if the Court would appease me, the
15 -- one of the significant things that we noticed in this
16 residence with the 300 Blackout cartridges, as opposed to
17 the 40-caliber cartridges, is all of the 300 Blackouts had
18 a nickel coating to them, which set it apart from the
19 copper coating on the 40-caliber Smith & Wesson rounds.

20 MR. WILLIAMS: Without objection as to all those
21 items.

22 THE COURT: That would be 137, 136, 139, 143,
23 and 140, and I know there were other some other numbers
24 that may have been mentioned before. We'll clean that
25 up later.

1 MS. MAYES: Yes, 144 and 148 as well, Your Honor.

2 THE COURT: All right. So admitted.

3 (State's Exhibit Number 136, 137, 139, 140, 143,
4 144, and 148, photographs, were admitted into evidence.

5 BY MS. MAYES:

6 Q. So looking here at 148, again, we know that you
7 previously identified placard 46 as the location that
8 one of the 40-caliber casings were located, being the
9 shooter's ammunition. Was there ever any indication that
10 the 300 Blackout fired past this bar or from behind this
11 bar?

12 A. No, all of the 300 Blackout cartridges that we
13 collected were from the doorway of the living room to
14 the doorway of the master bedroom. In other words, that
15 hallway. All of it was contained as far as expended
16 cartridge cases to that area.

17 Q. And where the shooter is concerned, was there ever
18 an indication that his shots got past the bar or that he
19 was ever shooting from this location past the bar of the
20 kitchen?

21 A. No, we didn't see any indication that our intruder
22 made his way into the living room itself or at least shot
23 from the living room itself. It appeared to us as we were
24 doing our scene and everything that the intruder stayed to
25 that side of that bar and was between the kitchen area

1 specifically and the door that he had made entrance through
2 or she made entrance through.

3 Q. So remaining here on this side, then looking at
4 State's 3, again, this area, and then if one is exiting
5 out the door I'm gonna have you take a look at 51, would
6 that be from the kitchen into this area and then back out
7 the door?

8 A. Correct.

9 Q. All right. There was a report, Detective Smith, of a
10 fingernail of Linda Monette that came off at some point
11 during this incident. Are you aware of that information?

12 A. I was -- I'm aware that we collected a -- what
13 appeared to be a fake nail, acrylic nail.

14 Q. A press-on nail?

15 A. Yeah, that was located on the -- on the backside of
16 the bar right there where the front door area is -- or my
17 bad, not front door, side door area is.

18 Q. So some type of acrylic nail?

19 A. Yes, ma'am.

20 Q. I'm gonna have you look at State's 97 and the placard
21 located here in this photograph being placard 49, and
22 State's 97 for evidence. State's 96, also for evidence,
23 being closer up view.

24 MR. WILLIAMS: Without objection.

25 THE COURT: So admitted.

1 (State's Exhibit Number 96 and 97, photographs,
2 were admitted into evidence.)

3 BY MS. MAYES:

4 Q. What are we looking at here?

5 A. That's just the location and all of that acrylic nail
6 that we collected as evidence.

7 Q. Can you tell us whether or not this fingernail was
8 submitted to the State Law Enforcement Division for
9 analysis?

10 A. Yes, I do know that was sent to SLED for DNA, if I'm
11 not mistaken.

12 Q. All right. And is that routine protocol?

13 A. Right. Just like you would do with an individual
14 that's been in a fight, we would scrape underneath their
15 nails and everything like that to determine -- try and get
16 DNA and everything from our offender, we do the same with
17 press-on nails and everything. We can collect them and
18 send them. It's just as good as scraping up underneath of
19 it.

20 Q. If there's belief to have been any type of contact?

21 A. Correct.

22 Q. Moving on now looking at 98 and 99, without objection,
23 here we are looking at State's 99. What do we see there on
24 that floor?

25 A. So that floor is -- that's nothing more than magnetic

1 dusting powder. We use that on floors a lot, especially
2 this type of floor, in order to make visible footwear
3 impressions that are not visible with the naked eye.

4 Q. All right. And a closer up view being State's 98.
5 Is that a footwear impression?

6 A. Correct, that's a footwear impression.

7 Q. Now there has been earlier notation by you during your
8 testimony about numerous first responders being there at
9 the scene. What type of footwear is most commonly worn by
10 first responders?

11 A. Well, first responders typical wear what's called a
12 lug footwear, something that's gonna give them traction and
13 all, especially when dealing with some water and stuff like
14 that. It's just called a lug -- a lug pattern.

15 Q. And in this case, can you tell us whether or not a
16 certain footwear was recovered from the residence of an
17 individual known by the name of Tamare Howell?

18 A. From this residence?

19 Q. From the residence of Tamare Howell at [REDACTED] Cleyera
20 Drive for your review?

21 A. Yes. During the -- during the investigation, there
22 was a search warrant executed on a residence. I was asked
23 to determine whether or not it would be beneficial to send
24 those -- those shoes for comparison to the lift that I
25 took at the residence. Because -- I've got it photographed

1 here. We also use what's called a gel lift, which is
2 nothing more than a gel material on paper that we're able
3 to lay down, it will actually adhere to the magnetic powder
4 that I pulled off, and collect that for later comparison.
5 So I was asked to look at the four shoes and determine
6 whether or not there was enough what's referred to as class
7 characteristics, all right? All of your shoes -- right
8 now if you look at your shoes, your shoes are gonna be the
9 same for that make, model and year for everyone, all right?
10 All Nike Air Jordans all have the same tread pattern or
11 footwear pattern as anyone made that year. It might be
12 bigger, it might be smaller due to the size and everything
13 like that, but it's all consistent. That's called a class
14 characteristic. All of them have that characteristic. So
15 I was asked to look at the shoes that were -- that were
16 collected and determine whether or not there was enough
17 class characteristics to send for comparison. I looked at
18 all four of the shoes that were collected. The class
19 characteristics were not enough to send them to be looked
20 at by SLED for comparison. They didn't match. There was
21 no way that they were a match just based off of class
22 characteristics.

23 Q. All right. So just to clarify, all of the footwear
24 recovered from the residence of Tamare Howell was subject
25 to examination prior to potential submission to SLED?

1 A. Correct.

2 Q. And all were ruled out as -- as being suitable for
3 comparison to this particular print?

4 A. Correct.

5 Q. Based upon your knowledge of the gel lift, having done
6 the lift yourself and your knowledge of first responder
7 footwear, can you tell us whether or not that appears to
8 be consistent with a first responder?

9 A. It's consistent with a lug pattern, but with this
10 type of stuff I can't tell you how long it's been there
11 or anything like that. We -- first responders could have
12 brought it in, a friend of his that has lug patterned
13 footwear could have brought it in. It's just not
14 consistent with the class characteristics of the shoes
15 that we collected during that search warrant.

16 Q. I'm gonna show you what is State's 106 and 107.
17 State's 107 for evidence and then a closer up view
18 being 106.

19 THE COURT: State's 106 and 107 --

20 MR. WILLIAMS: Without objection, Your Honor.

21 THE COURT: -- admitted into evidence.

22 (State's Exhibit Number 106 and 107, photographs,
23 were admitted into evidence.)

24 BY MS. MAYES:

25 Q. Can you tell us whether or not that green leafy

1 substance was confiscated as evidence?

2 A. Yes, that was collected as evidence.

3 Q. And then we see car keys, money. Can you make out the
4 logo affiliated with this card on the car keys?

5 A. That's for Planet Fitness.

6 Q. Where were these items recovered?

7 A. They were recovered underneath the bed in the master
8 bedroom on the -- if you're looking at the foot of the bed
9 on the left-hand side. They were all inside of a gift bag.
10 I think it might have said happy birthday or something to
11 that effect.

12 Q. Do your notes indicate the amount of money that was
13 recovered there in that photograph --

14 A. Give me just a second.

15 Q. -- from the gift bag with the Planet Fitness car keys
16 and the green leafy substance?

17 A. Yeah, so there was three -- three individual bags of
18 green leafy substance. The currency was counted and it was
19 determined to be \$120.

20 Q. \$120. Now how did that compare with other cash and
21 currency located and recovered throughout the home?

22 A. So throughout -- not throughout the home. In the
23 master bedroom, we wound up collecting roughly \$4,500 out
24 of the master bedroom all in cash. During the search we
25 noticed -- well, didn't notice. During the search we were

1 photographing. We -- there was a dresser across the --
2 on the wall across from the bed. We photographed it and
3 everything and just out of whim picked it up and there was
4 a nice large clump of cash located there. We then started
5 searching underneath -- he had -- the homeowner had
6 multiple hats on the wall, so we started looking on the
7 inside of the hats and started finding more and more cash
8 that was inside the hats, started searching a little bit
9 deeper, and in a corner hamper there was cash just dumped
10 inside that hamper that we located as well.

11 Q. And, Detective, does your report break down the
12 specific amounts of currency located?

13 A. It does.

14 Q. Can you take us through that, please?

15 A. Yes.

16 Q. You've already discussed the \$120 located in the gift
17 bag with the Planet Fitness keys, but if you could please
18 account for other currency found in the home and where it
19 was recovered.

20 A. So Item 28 on my report, Item 28 was \$2,347. 29 --

21 Q. If you could go a little bit slower.

22 A. I apologize.

23 Q. And how much?

24 A. So Item 28 was \$2,347. Item 2.9 was \$5,000.

25 Q. 5,000 even?

1 A. Correct.

2 Q. And that's in cash?

3 A. Correct. Item 30.1 was determined to be \$4,960.

4 Q. \$4,960?

5 A. Right. Item 31 was determined to be \$174. And

6 Item 35 was determined to be \$400.

7 Q. So over \$10,000 in cash?

8 A. Correct.

9 Q. Looking here at State's 100 for evidence, what are we
10 looking at there?

11 A. These are the hats that -- as I said earlier, he
12 had them just pinned to the wall. I think there was a
13 thumbtack on the wall and he had them on hooks, so we
14 started taking the hats off the wall and inside the front
15 part of the hats is where we started locating the currency.

16 Q. And State's 102 and 103 for evidence. Looking here at
17 102?

18 A. So this is evidence 30. We took the hat, as well as
19 the currency as evidence.

20 Q. And State's 103 for evidence being Item 29. Again,
21 money in a hat?

22 A. Yes, ma'am.

23 Q. All right. And your indications are that items 29
24 and 30 accounted for 5,000 in one hat and \$4,960 in another
25 hat?

1 A. Correct.

2 Q. And I believe you also indicated Item Number 31 being
3 State's 104 had money in a laundry basket?

4 A. Correct.

5 Q. Where was that laundry basket located?

6 A. That laundry basket was located in the corner of the
7 bedroom behind the door. So as you walk into the master
8 bedroom, the door opened to the left and it was in the
9 corner right behind the door there.

10 Q. All right. And then in State's 101 for evidence,
11 indicating Item 28, I believe you indicated that was
12 \$2,347. How was this money when you originally began your
13 search of the residence?

14 A. What do you mean by that?

15 Q. How was the money located?

16 A. Again, this is the first set of cash that we located
17 and it was by happenstance. I just lifted up the hat to
18 see what was underneath it and there was a stack of cash
19 there. Once we noticed -- once we said hey, wait a minute,
20 if this hat has cash, is there any other hats that have
21 cash. We started pulling all of them off the wall and
22 checking inside of them for money.

23 Q. All right. So this was concealed if you're in the
24 bedroom --

25 A. Correct.

1 Q. -- from plain view?

2 THE COURT: Mr. Williams, just to confirm, 100
3 through 105 -- through 104, no objection?

4 MR. WILLIAMS: All into evidence, Your Honor.

5 THE COURT: All right. State's Exhibit 100
6 through 104 admitted.

7 (State's Exhibit Number 100 through 104,
8 photographs, were admitted into evidence.)

9 BY MS. MAYES:

10 Q. Now I want to show you what is State's 109 and just
11 ask you in reference to 109 are you familiar with whether
12 other items were also retrieved from the defendant during
13 the course of this investigation?

14 A. I do know in talking with other investigators, as well
15 as the SLED lab, that they did collect the shirt the female
16 was wearing inside the residence.

17 Q. Referring to the defendant, Linda Monette?

18 A. Correct.

19 Q. Is that what's depicted in State's 109 for evidence?

20 A. Correct.

21 MR. WILLIAMS: Without objection, Your Honor.

22 THE COURT: All right. So admitted.

23 (State's Exhibit Number 109, a photograph, was
24 admitted into evidence.)

25 BY MS. MAYES:

1 Q. Now, finally, I want to ask you about this photograph,
2 being a better view here of the defendant's vehicle,
3 State's 108.

4 A. Yes, ma'am.

5 Q. That was also taken while the vehicle was still there
6 at the scene?

7 A. Correct.

8 Q. While it was still there at the crime scene?

9 A. Yes, ma'am.

10 MS. MAYES: State's 108 for evidence.

11 (State's Exhibit Number 108, a photograph, was
12 admitted into evidence.)

13 BY MS. MAYES:

14 Q. As you begin processing the scene, the car was located
15 there in the driveway?

16 A. Yes, ma'am.

17 Q. And as the car is located there in the driveway, would
18 it be visible to anyone approaching the cul de sac?

19 A. Yes. As a matter of fact, you couldn't -- you
20 couldn't get past her car -- you couldn't get to that door
21 without passing by that vehicle.

22 Q. Looking here at State's 15, again, does it indicate
23 that the vehicle would have been present to -- would have
24 been visible to anyone present at the cul de sac?

25 A. Yes.

1 Q. Or approaching the residence?

2 A. Yes.

3 Q. I want to ask you about some of the layout of this
4 home. Looking here at State's 3, looking at that
5 photograph, can you tell us whether or not that's the
6 original condition of the blinds as they would have been
7 when you began processing this crime scene?

8 A. Yes, that's the location that they were. I moved them
9 and everything on the last day that we processed the house
10 in order to do trajectory, but that day, that time, as we
11 first made entry, that's how the blind were positioned.

12 Q. And if one is standing at that location -- based upon
13 your familiarity with the crime scene, if one is standing
14 at that location is the driveway visible?

15 A. The -- yes.

16 Q. All right. So one could stand at this location and
17 see someone in this area?

18 A. Correct.

19 Q. Now also looking here at State's 51, again, with this
20 being the point of entry, did you note whether or not there
21 was a light switch there in that area?

22 A. Yeah, there's a light switch just as you come inside
23 the door right there on the left-hand -- on the right-hand
24 of the entranceway.

25 Q. And looking here at State's 91 in evidence, what do we

1 see here on the other side of this door?

2 A. That's a set of keys that was in the dead bolt lock.

3 Q. So, again, can you tell us whether or not those keys
4 were present when you arrived at the crime scene and began
5 your processing of this scene?

6 A. Yes, those were present when I -- when I arrived and
7 started processing.

8 Q. So there are keys located inside that doorway which
9 was kicked in?

10 A. Correct.

11 Q. I'm gonna ask you to take a moment and just briefly
12 step down.

13 MS. MAYES: If he may, Your Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. MAYES:

16 Q. Looking here at State's 11, if you could just briefly
17 take us through this. State's 11, if one is at the
18 refrigerator area and this being the point of entry, are
19 you aware as to whether or not that photograph that we just
20 observed of the window is in this general vicinity?

21 A. It's approximately centered on this wall with a sink
22 down below it.

23 Q. And that would be the window facing the driveway that
24 we just observed?

25 A. Correct, that would be facing the driveway, and the

1 main entrance to the house was here.

2 Q. Now if one is in this area and wants to arrive to the
3 master bedroom, what are the routes or pathways that one
4 would take to get to the back of the house or the master
5 bedroom from this kitchen area where the fridge is located?

6 A. There's two routes. The first one would be leaving
7 here and going past this across the living room into the
8 master bedroom or through the dining hall. This door
9 looked like it was always propped open through here and
10 into the bedroom.

11 Q. All right. So one may arrive this way through the
12 dining room?

13 A. Correct.

14 Q. To the -- to the back bedroom?

15 A. Correct.

16 Q. The other route that you mentioned would be a route
17 immediately past the point of entry?

18 A. Correct.

19 Q. Thank you. You may return.

20 A. (Witness complies.)

21 Q. So looking here, again, at State's 3, with that in
22 mind, if one is at the fridge and looking out the window,
23 they could then exit the kitchen by either going left
24 through the dining room or coming through this way
25 immediately past the point of entry?

1 A. Correct.

2 Q. And based upon your knowledge of this case, for the
3 defendant to be taken hostage at the doorway, which route
4 would that be?

5 A. It would have to be the route taken through the living
6 room instead of the dining room.

7 Q. Directly past the door?

8 A. Correct.

9 MS. MAYES: Nothing further.

10 MR. WILLIAMS: May it please the Court?

11 THE COURT: Cross-examination. Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. WILLIAMS:

14 Q. Would you repeat what you were just talking about,
15 something about taking a route? What was that in response
16 to, what question?

17 A. I --

18 Q. You said it would be that route that you would use?

19 A. I believe the question was in order for her to be
20 taken hostage, which route would she have had to take.

21 Q. Which route would she have had to take to be taken
22 hostage?

23 A. Or to be grabbed, assaulted.

24 Q. Wow. You can't -- you can't take someone hostage
25 without going that route? Is that what you're saying?

1 A. No, what I'm saying is if an individual is accosted in
2 the timeframe that we have --

3 Q. Okay.

4 A. -- the most likely route would be that past the side
5 door.

6 Q. The most likely route for what?

7 A. To get to the master bedroom. That was the question.

8 Q. Okay. So that would be the quickest route to go to
9 the master bedroom as opposed to going through the living
10 room; is that what you're saying?

11 A. I'm saying foot-wise, if you look at it, and we can
12 run a tape if you want --

13 Q. Okay.

14 A. -- but to leave the refrigerator area and get to the
15 master bedroom, the shortest and fastest route would be
16 through the dining room.

17 Q. Okay.

18 A. That's all I'm saying.

19 Q. Got it. Okay. Now let me ask you a couple of brief
20 questions. We were -- you were talking about the blinds.

21 A. Yes.

22 Q. Did you measure the height of where the blinds were
23 open?

24 A. I did not.

25 Q. Well, your ability to see something would obviously

1 depend on the height of the person that is doing it. If
2 you had some kid there, he might be not able to see. And
3 it depends on where you were looking in the driveway, too,
4 wouldn't it?

5 A. Right.

6 Q. So how tall are you?

7 A. 6-3.

8 Q. You're pretty tall. So if you were like 5-3, it might
9 be a little harder for you to see down here. It might be
10 harder for that person, 5-3, to see down the driveway
11 depending on what you're looking at down the driveway than
12 what you are at 6-4?

13 A. Yeah, absolutely.

14 Q. So the vehicles that -- we've seen the picture of
15 where that Kia vehicle is.

16 A. Correct.

17 Q. And it's your understanding the vehicle had not been
18 moved from that night, correct?

19 A. I know that when I arrived that vehicle was in place
20 and that that picture that was taken the next day and
21 everything. That vehicle had not moved since then.

22 Q. Got you. So we saw some keys and I believe that's
23 over here somewhere. I think it's State's Exhibit
24 Number 106. So you called it car keys, but those aren't
25 really car keys, are they?

1 A. I guess it's more of a -- more of a fob.

2 Q. It's like that. It's a fob.

3 A. Okay.

4 Q. So the item that you would actually use to drive your
5 car, is the little black thing that says Kia, correct?

6 A. Correct.

7 Q. So the thing that says, regrettably, Carolina, on that
8 key, is a key for something, correct?

9 A. Yes.

10 Q. It's not for the car, right?

11 A. No. It looks like a -- like a -- to be honest, it
12 looks like a recut of like a residential key or something.

13 Q. So I may get a cramp doing it, but I got it. I'm
14 agile. So it's a house key, right?

15 A. I'm saying that's what it appears to be, yes.

16 Q. Did you attempt to use that particular key to see if
17 that is the house key for the residence that you were at?
18 Did you check that key to see if it goes to that house, the
19 residence that you were at?

20 A. I don't remember doing it, no.

21 Q. Would that be important in the whole scenario of this
22 case as far as, you know, if she had a key to the house and
23 she could open up the door and come and go if she wanted
24 to?

25 A. Yes. I believe though that we had already determined

1 that they were in a relationship and had been in a
2 relationship --

3 Q. Okay.

4 A. -- so her coming and going wasn't a -- I was more
5 worried about an individual that --

6 Q. That didn't have a key?

7 A. Yeah.

8 Q. I got you. So -- and I am going to be brief. Trust
9 me. I really am. So the guns that were referenced, there
10 were other guns at the residence that you found, right?

11 A. Correct.

12 Q. There was a Glock 23?

13 A. There was a Glock 23, as well as an IMI Jericho, both
14 in 40-caliber.

15 Q. So both of those two particular items fired 40-caliber
16 cartridges --

17 A. Correct.

18 Q. -- bullets -- I'm not gonna say bullets, cartridges, I
19 guess?

20 A. Correct.

21 Q. Could you determine whether or not that they had been
22 fired that night?

23 A. You can't look at a gun and you can't do any tests on
24 a gun to determine whether or not they were fired that
25 night. What we do know is that it was impracticable for

1 both of those guns to fire the 40-caliber rounds that we
2 got and we're able to know that because of bullets
3 themselves that were recovered. Both are -- the first gun
4 that you referenced to --

5 Q. The Glock?

6 A. -- is the Glock 23. A Glock 23 has what is known as
7 a polygonal barrel, all right? The rifling in it that
8 the bullet spins around is polygonal and because it's
9 polygonal, it imprints very, very specific. As a matter
10 of fact, a lot of firearms examiners will tell you that
11 polygonal barrels are the hardest to determine on a crime
12 scene when they're trying to match it up. When you review
13 the bullet, there's obvious grooves and -- lands and
14 grooves in it, so we know that it knocks out that polygonal
15 rifling off the Glock -- from the Glock automatically, so
16 we know that that didn't fire it. And then when you look
17 at the grooves and lands that are located on the actual
18 projectiles themselves, when we start looking at the twist
19 rate, as well as the number of lands and number of grooves
20 that occur on there, as well as the width of the lands and
21 grooves, we were able to determine that the Jericho in and
22 of itself was not fired in this incident as well.

23 Q. Because it -- because the items that you had found in
24 the house didn't -- didn't have the grooves that you would
25 expect on the Jericho or on the Glock 23?

1 A. Correct.

2 Q. And the only bullets that you found -- bullets, I said
3 it, I'm sorry -- the only cartridges that you found was 40
4 -- from a 40-caliber and there were six in number, right?

5 A. Correct.

6 Q. And they were all over the kitchen area?

7 A. Correct.

8 Q. Now did you -- when you secured those items, did you
9 secure those items for possibility of a DNA match?

10 A. Correct. So on all of them when they were collected,
11 they were collected with fresh gloves. Those gloves were
12 -- or with individual sets of gloves each time. They
13 were placed inside of an envelope and then that envelope
14 was sealed inside of something else, so that would have
15 preserved any DNA evidence on them.

16 Q. And why would you do it that way? Why would you take
17 those items and preserve them for DNA?

18 A. For the intent of -- or for the purpose of eventually
19 having them tested at SLED for DNA.

20 Q. Right. So that you could match up whoever fired the
21 weapon to being at least the person who loaded the gun,
22 right? Potentially, yes?

23 A. Yes. Well, so understand DNA is fragile, all right?
24 When you load a gun and everything like that, you've got a
25 whole lot going on as far as, you know, how much surface

1 area you're actually holding and everything. Also when
2 you're loading a gun once it fires, the amount -- that heat
3 and everything, as well as I talked to y'all earlier about
4 the extraction process and all, understand that -- that
5 barrel, that chamber, gets extremely hot and it pulls it
6 out. So DNA's very hard to get off of cartridge casings.
7 That said, they do have techniques. It think it's called
8 -- well, you've got a DNA person coming up here eventually,
9 but it's called batch washing to where they can take a
10 bunch of them and hope to get some, but the fewer that you
11 have the less likely you are to get a DNA hit off of that.

12 Q. Now the black -- here we go. State's Exhibit Number
13 109, and let me show it to you, you seized that and you
14 secured that, didn't you?

15 A. I did not, no.

16 Q. Somebody secured it?

17 A. Yes, sir.

18 Q. And the reason you secured it is because a person had
19 that on the night of the incident, right?

20 A. Correct.

21 Q. And were you able to note who owned the shirt?
22 Ownership, that depends on who's got it on, right?

23 A. The wearer.

24 Q. The wearer. Could you determine who the wearer was
25 that particular night?

1 A. I couldn't answer that because -- well, that night
2 or --

3 Q. That night.

4 A. That night. We know that that was being worn that
5 night by the defendant.

6 Q. All right. So that was Linda's shirt for the night,
7 if you will. It may have been Austin's shirt, but it was
8 her shirt that she was wearing that night, right?

9 A. Correct.

10 Q. And did -- do you know if there was testing done for
11 gunshot residue, for possible DNA, for any number of things
12 that might help determine if anybody else had been in
13 contact with that shirt, maybe there was some identifying
14 information that could be retrieved from that shirt?

15 A. On the shirt itself, no, I'm not aware of. That
16 wasn't my -- my lane. I didn't collect it, I didn't see it
17 through, I didn't ask for any labs to be conducted, so all
18 I know is that it was collected.

19 Q. And the finger -- the fingernail, you knew that was
20 secured, and do you know if there was any analysis for DNA?

21 A. Again, I don't know. Understand when it comes -- when
22 it comes to labs, the investigators and the solicitor's
23 office determines what goes on for what types of labs and
24 stuff like that. My job there is to preserve and collect
25 it and maintain a chain of custody for it, so the whole

1 idea of me on-scene is to make sure that these labs that
2 come on the background can be performed later on. I very
3 rarely hear about the results of a lab or what it is that's
4 taken and given to the lab.

5 Q. So did you check outside? Was there any -- was
6 there any reference, any mention, any determination that a
7 vehicle may have pulled out of the driveway fast and were
8 there any marks that may have been left from a vehicle
9 pulling out?

10 A. So there was indications of a vehicle that left in a
11 hurry, burnout or whatnot. That said, burnout isn't
12 something that you can -- it's there, but you don't know
13 when it was there. I can't time it, but there was presence
14 of that in that. There was no tread wear impressions that
15 could be compared to a tire if we collected it later.

16 Q. Did you take pictures of it?

17 A. Yes.

18 Q. So you were able to see it?

19 A. Yes.

20 Q. And it was an indication of the tires that would have
21 spun out, but you're saying it wasn't good enough to take
22 prints off of?

23 A. So I spoke to y'all earlier about class
24 characteristics. There wasn't enough of those class
25 characteristics for us to go back say it's a Firestone

1 tire from this year to this year for us to be able to
2 start doing a one to one comparison from it.

3 Q. Is there anything significant about State's Exhibit
4 109? Is that Tupac? Do you know who that is?

5 A. I know the name Tupac. As far as the picture, I
6 couldn't tell you. I don't know, sir.

7 MR. WILLIAMS: That's all the questions I have,
8 Your Honor.

9 MS. MAYES: Nothing from the State, Your Honor.

10 THE COURT: All right. The witness may step down.

11 THE WITNESS: Excuse me, Your Honor. Am I
12 permanently released?

13 THE COURT: Any objection?

14 MR. WILLIAMS: No objection, Your Honor.

15 MS. MAYES: (Shakes head.)

16 THE COURT: All right. You're free to go, sir.

17 (Witness excused.)

18 THE COURT: Ladies and gentlemen, your lunch is
19 waiting on you down in the jury room. We're gonna try
20 to make this abbreviated to some extent. I'll just say
21 thirty minutes. If you're ready sooner, let the bailiff
22 know, but thirty, we'll try to stick with that.

23 And please don't discuss the case during your lunch,
24 but refresh yourselves and we'll see you back up here
25 shortly after your lunch.

1 THE COURT: All right. Defense ready to go?

2 MR. WILLIAMS: The defense is ready, Your Honor.

3 THE COURT: Bring them up.

4 (Whereupon, the jury return to the courtroom at
5 1:41 PM.)

6 THE COURT: All right, Mr. Foreman, ladies and
7 gentlemen of the jury. I know it was a quick lunch. I
8 hope your lunch was okay today. We're gonna pick up
9 where we left off with our next witness.

10 Madam Solicitor.

11 MS. MAYES: The State calls Agent Paul Meeh.

12 (Whereupon, Paul Meeh was duly sworn by the Clerk
13 of Court.)

14 THE CLERK: When you have a seat, you can take
15 your mask off. State your name and spell your last
16 name for the record.

17 THE WITNESS: My name is Paul Meeh. That's
18 M-E-E-H.

19 PAUL MEEH,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. And good afternoon.

24 A. Good afternoon.

25 Q. In the interest of time, we want to make this fairly

1 brief, but you were previously employed by the State Law
2 Enforcement Division?

3 A. Correct.

4 Q. As an agent in the DNA crime lab?

5 A. Correct.

6 Q. And how long were you with the SLED crime lab?

7 A. Thirteen years.

8 Q. And I need you to speak little bit closer into the
9 microphone.

10 A. Yes.

11 Q. All right. And during that time, how often or
12 frequently did you testify regarding DNA findings, being
13 the deoxyribonucleic acid?

14 A. Very often. Probably fifty times, maybe more.
15 Probably sixty times in the thirteen years.

16 Q. You've previously been qualified as an expert in the
17 field of DNA analysis?

18 A. Yes.

19 MS. MAYES: Your Honor, at this time the State
20 would offer Agent Paul Meeh as an expert in DNA analysis.

21 MR. WILLIAMS: Without objection, Your Honor.

22 THE COURT: All right, ladies and gentlemen. This
23 witness will be qualified in the area of DNA analysis
24 and to provide expert testimony. That does not mean
25 you must accept the opinion, but it is evidence for

1 you to use in any way you see fit.

2 BY MS. MAYES:

3 Q. And, briefly, what is your educational background and
4 training that led you to become a DNA expert?

5 A. I got my bachelor's in 2001 from the University of
6 South Carolina in biology and I got my master's in 2003 in
7 molecular biology, which was also from the University of
8 South Carolina, and then I did several years of Ph.D. work,
9 three years, but I didn't finished that, I got hired away
10 by SLED, and that was in 2007 or 2008. I did a year and a
11 half of training in DNA and serology at SLED there and was
12 on my own as an analyst after that.

13 Q. All right. And to follow up a little bit more, the
14 State crime lab at the South Carolina Law Enforcement
15 Division in Columbia, they have a lab specific to DNA
16 analysis?

17 A. That is correct, yes.

18 Q. And can you tell us whether or not the -- all of the
19 software and all of the testing procedures used in DNA
20 analysis in our State crime lab is accepted amongst other
21 professionals in the field of DNA testing and analysis?

22 A. Yes, they were. They were held to a very high
23 standard, yes.

24 Q. And does that include FBI?

25 A. Yes, it does.

1 Q. And other agencies?

2 A. Yes, it does.

3 Q. All within the same realm of professional acceptance
4 of this method?

5 A. Correct.

6 Q. Now looking at the evidence submitted in this
7 particular case, do you have a report that reflects all
8 of the items submitted, as well as your findings in that
9 regard?

10 A. Yes, I do.

11 Q. I want to start by asking you about swabs that were
12 submitted specifically from the crime scene with the
13 understanding that you would be conducting analyses to
14 determine whose blood may have been present at the crime
15 scene, both on the storm door and in the driveway area.
16 What can you tell us about swabs submitted to you for
17 analysis directly from the crime scene?

18 A. I've got several different swabs. It would be best
19 if we went by an item number -- a SLED item number, if you
20 can.

21 Q. All right. And please take us through those, through
22 each item number that you have.

23 A. Well, I have several buccal swabs, which are
24 standards, and I also have a dried blood standard from a
25 Mason Hanahan. So my buccal swabs are Item 30, that's

1 Linda Monette. Item 31 is Austin Hanahan. Item 42 is
2 Tamare Howell. Item 43 is Reynerio Rafael Romero.
3 Item 1.1 is a swab from a projectile with a red tip.
4 Item 2.1 is a swab from a fragment from head. Item 3.1 is
5 a swab from a scraping of exterior left shoulder area of a
6 Tupac T-shirt.

7 Q. I'm gonna stop you right there if I can. You
8 mentioned certain DNA standards, which are submitted, and
9 those are known standards of someone's DNA?

10 A. Correct. That's something that's collected to compare
11 to unknown DNA.

12 Q. And does that include a buccal swab or a cheek swab
13 from that individual?

14 A. Yes.

15 Q. You can obtain DNA from that?

16 A. Yes.

17 Q. And then in addition, as to Mason Hanahan, I believe
18 that there was a blood standard obtained at his autopsy?

19 A. Correct.

20 Q. All right. So when we talk about known DNA or known
21 standards, first you have Mason, and then you said you
22 also received a standard or a buccal swab from Austin
23 Hanahan. You mentioned that you also received a buccal
24 swab, previously identified as evidence in this case, from
25 Rey Romero?

1 A. Correct.

2 Q. And then you indicated that you had a buccal swab,
3 previously submitted as evidence in this case, from a
4 Tamare Howell?

5 A. Correct.

6 Q. And I believe you also had a buccal swab, previously
7 submitted as evidence in this case, from the defendant,
8 Linda Monette?

9 A. Correct.

10 Q. So you're able to compare any DNA recovered during the
11 course of this investigation, including items submitted to
12 you for analysis, with each of these individuals?

13 A. Yes, that's the point of this.

14 Q. All right. So moving forward now, what, if any, swabs
15 contained blood, meaning blood from the crime scene?

16 A. Give me one second, please. Item 3.2 was a cutting
17 from the Tupac T-shirt. That presumptive testing for blood
18 was positive on that.

19 Q. All right. I want to stop you right there.

20 A. Yes.

21 Q. So looking here at State's 109, being the Tupac shirt
22 worn by Linda Monette at the scene, can you tell us whether
23 or not you were able to determine the presence of blood?

24 A. Well, the presumptive testing for blood was positive,
25 which just means it's a quick test, it's called the

1 Kastle-Meyer test, and that usually indicates blood, but
2 then when you develop a strong DNA profile you do think
3 that comes from blood, I mean, you pretty much settle the
4 case that it's from blood and not from something else. And
5 in this example, Item 3.2, I did develop a DNA profile
6 suitable for interpretation. It was single source from
7 a single person, and Mason Hanahan was the most likely
8 contributor of that DNA profile.

9 Q. All right. So all indications are that that was
10 Mason's blood on the Tupac shirt?

11 A. Yes, we have very strong evidence of that.

12 Q. Now what, if any, types of swabs or submissions did
13 you receive regarding the storm door area? Any swabs
14 marked as storm door or door?

15 A. One second. It's a large report.

16 Q. Yes.

17 A. All right. Here it is. My Item 44 is referred to
18 as swabs from storm door and I did develop a DNA profile
19 suitable for comparison. It was single source, so it
20 wasn't a mixture of two people, and Mason Hanahan was also
21 the contributor of DNA to that profile.

22 Q. Based upon your understanding and knowledge at the
23 scene, had Mason Hanahan sustained a gunshot wound?

24 A. From what I understand, yes.

25 Q. All right. So the swab of blood from that storm door

1 was a single contributor, meaning that was only Mason's
2 blood?

3 A. Correct.

4 Q. Moving on, there were numerous projectiles and
5 casings recovered from this scene. I want to take a look
6 here at State's 145 showing a projectile with a red tip,
7 State's 149 showing a casing from the crime scene. Can you
8 tell us whether or not multiple casings and projectiles
9 were submitted to the State crime lab for potential DNA
10 analysis?

11 A. They were. We did -- we did multiple casings,
12 projectiles. I did a tremendous amount of testing on
13 casings and one projectile in specific, one of my earliest
14 items.

15 Q. I'm gonna stop you right there.

16 A. Okay.

17 Q. Among the casings and projectiles, the casings,
18 themselves, meaning the expired cartridge cases of the
19 ammunition such as we're looking at here in State's 149,
20 were you ever able to develop any DNA profile from that
21 item?

22 A. Do you have my item number? The item number from
23 my lab report that is associated with that item number,
24 please?

25 Q. Specifically items 29.1, items -- swabs from 24

1 through 29, being expired cartridge cases from a -- that
2 are 40-caliber Smith & Wesson Hornady red tips.

3 A. Got it. No DNA profile was developed from those
4 items, which were items 24 through 29, my Item 29.1.

5 Q. Now do you have information regarding a projectile
6 or part of a projectile which was actually recovered from
7 the doorway of a child's bedroom shown here in State's 168?

8 A. Yes. From memory I did do testing on that portion of
9 a projectile. I'm not sure which number mine was.

10 Q. Take your time.

11 A. It's possibly 8.1.

12 Q. 20.1?

13 A. Okay. Yes, Item 20.1 is swabs from Item 34,
14 projectile from child's bedroom.

15 Q. All right.

16 A. A DNA profile suitable for comparison was developed
17 from that. It was determined to be single source and it
18 was also Mason Hanahan.

19 Q. So let me stop you right there. We're looking at 168.
20 We see there a fragment from a projectile in the doorway
21 of a child's bedroom and now we see a closer viewpoint
22 identifying that as 34 and that is 34 that you're referring
23 to?

24 A. That's correct.

25 Q. And the swab from this projectile did have DNA on it?

1 A. Yes, it did.

2 Q. And I believe you just testified that was Mason's DNA?

3 A. Correct.

4 Q. Can you tell us whether or not that is consistent with
5 that projectile having struck Mason Hanahan?

6 A. It's possible, yes. Most -- I would say it's likely
7 given the state of everything here.

8 Q. Now in addition to these items, let me go back to the
9 Tupac shirt that you already mentioned. The Tupac shirt
10 worn by Linda Monette during the home invasion, you
11 identified that there was blood on the shirt. What other
12 efforts did you take after determining that the blood was
13 Mason's blood to evaluate whether or not there might be any
14 foreign DNA, which is what is known as touch DNA?

15 A. Yeah, we did extensive testing on the shirt. We
16 scraped a large area. From the story that was told, that
17 she -- the victim -- or one of the victims was held across
18 the chest and so theoretically a person could have
19 deposited DNA on one of the shoulders and so we scraped
20 that area and tried to determine if we could develop a
21 mixture of DNA or anything to try to identify foreign --
22 foreign people that could have contributed DNA other than,
23 you know, Linda Monette and Austin and people that you
24 would expect to be on there, like you'd expect people that
25 live in the house to be on there, but we never could

1 determine who the other contributors were. We did find a
2 little bit of extra DNA there, but I couldn't determine who
3 it was.

4 Q. All right. So I want to ask you a little bit more.
5 You mentioned that in the cutting, which is your Item
6 3.2 --

7 A. Yes.

8 Q. -- that cutting indicates that it is Mason Hanahan's
9 DNA?

10 A. Correct.

11 Q. As to Item 3.1, being a swab from the left shoulder
12 area of the Tupac shirt, what, if anything, did you
13 determine as to whether Linda Monette's DNA was present?

14 A. Well, I found a mixture of three individuals. I
15 determined -- or I hypothesized that it was individuals,
16 then I tested different people against it like the standard
17 list that we had on that first page. I just wanted to see
18 who could contribute and who couldn't and then so I tested
19 Linda Monette and so what we do is called proposition sets.
20 The DNA profile was interpreted as a mixture originating
21 from three individuals. Linda Monette and two unidentified
22 unrelated individuals contributed to the mixture is one
23 idea and the other idea would be three unidentified
24 unrelated individuals contributed to the mixture and so
25 this is the way we set up the test and so given those two

1 things we determine which one's more likely. The DNA
2 profile is approximately 540 trillion times more likely if
3 Linda Monette and two unidentified unrelated individuals
4 contributed to the mixture than if three unidentified
5 unrelated individuals contributed to the mixture. So what
6 that result tells me is that there is a mixture and that
7 Linda Monette very -- we have a tremendous amount of
8 evidence that says that she contributed at least part of
9 that DNA mixture.

10 Q. All right. And that was all very wordy and very
11 scientifically phrased, but I just want to break this down
12 a little bit more in laypersons terms for all of us. And,
13 to summarize, you are saying that on the Tupac shirt Linda
14 Monette's DNA is likely to be present?

15 A. Yes.

16 Q. Did you also find indications that Austin Hanahan's
17 DNA was likely to be present?

18 A. Yes, I did. Very strong evidence that Austin
19 Hanahan's DNA was present.

20 Q. And beyond that there is an unidentified person in
21 addition to Austin and Mason and Linda Monette?

22 A. Correct.

23 Q. Were you able to make a determination as to whose DNA
24 that is?

25 A. No.

1 Q. Were you able to rule out Rey Romero and Tamare
2 Howell?

3 A. Yes.

4 Q. So there is unknown DNA on that shirt, but you're
5 unable at this point in time to determine who it belongs
6 to?

7 A. That's correct.

8 Q. Now this particular shirt worn by Linda Monette at
9 the crime scene continues to be worn after she leaves the
10 crime scene. And, for example, when someone is present
11 in an emergency room or hospital setting, what, if any,
12 possibilities are there for transfer DNA or touch DNA?

13 MR. WILLIAMS: Objection to the form of the
14 question, Your Honor.

15 THE COURT: It was a long question. Why don't we
16 try to break that question up, please.

17 MS. MAYES: Yes, Your Honor.

18 BY MS. MAYES:

19 Q. So if this shirt is worn in a hospital setting, for
20 example, in an emergency room or in a waiting area, what,
21 if any, possibilities for touch DNA or transfer DNA may
22 exist?

23 A. There are tremendous amounts of possibilities for
24 that. I mean, even in the grocery store or anywhere you
25 go, you can always pick up touch DNA from anywhere; the

1 bank, elevators, the courtroom. You're always picking up
2 touch DNA on your clothing or on your hands or anywhere
3 else.

4 Q. Just from sitting in a public area, for example?

5 A. Yes.

6 Q. What about an ambulance?

7 A. Absolutely. Yes.

8 Q. What about a sheriff's department?

9 A. Yes.

10 Q. And was just one location of that shirt scraped and
11 swabbed or were there multiple locations that were scraped
12 and swabbed?

13 A. There were multiple locations. We tried the exterior
14 right shoulder area of the Tupac shirt as well, but the
15 DNA profile developed was unsuitable, it was too small.
16 I didn't get enough DNA from that area to determine
17 contributors and things. And we also tried scraping from
18 the exterior back area of that same shirt. We got a
19 mixture of three individuals again. Linda Monette was
20 likely present in that mixture -- or Linda Monette's DNA
21 was likely present in that mixture, as well as Austin
22 Hanahan and that's, again, where it stopped. I wasn't able
23 to determine anyone else.

24 Q. All right. And so there's some type of unknown touch
25 DNA on that shirt?

1 A. Correct.

2 Q. And according to your testimony, touch DNA can occur
3 at any point in time when one is wearing a shirt?

4 A. Correct.

5 Q. Or any article of clothing?

6 A. Correct.

7 Q. I'm gonna look here at State's 96. Now when we talk
8 about touch DNA and the concept of touch DNA, is it always
9 a guarantee that any contact with a person is gonna result
10 in the transfer of DNA?

11 A. No. It's funny. It's very finicky. So different
12 people do different things. Like if you have a pen at a
13 bank, let's say, and three people have touched it, I may
14 pick up one of those people just because they contribute
15 more DNA just that day. They could be sweaty, they could
16 be anything, so it's very finicky and it's very likely one
17 person and one thing a lot of the time. So even if I
18 develop a mixture of three individuals, I may not be able
19 to tell you perfectly which person contributed that and
20 which person didn't. Touch DNA is finicky. It's not like
21 blood or saliva or things like that.

22 Q. So if I walk up now give you a hug and touch your
23 clothing, is there any guarantee that your DNA will be on
24 me?

25 A. There's not a guarantee that it will and there's not a

1 guarantee that it won't.

2 Q. State's 49, being a press-on nail. Can you tell us
3 whether or not this item was submitted to the State crime
4 lab for potential DNA analysis?

5 A. It was. It's my Item 22.

6 Q. And what, if anything, did your analysis of this
7 fingernail determine?

8 A. I was able to get a DNA profile from under the nail
9 or from -- actually it was a swabbing of pretty much the
10 entire nail, I did it myself, and I did developed a DNA
11 profile that was a mixture of four individuals or I
12 hypothesized that it was from four individuals. I was
13 able to determine that Linda Monette donated DNA to that
14 mixture or had very strong evidence that Linda Monette
15 had donated DNA to that mixture, and also Austin Hanahan
16 it looks like, and let's see if I was able to determine
17 anybody else. And that's it. So there were two
18 unaccounted for individuals or two unknown unidentified
19 individuals who also contributed to that.

20 Q. All right. And when we look at a fingernail such as
21 this, is it your opinion this was a human nail or some type
22 of acrylic nail?

23 A. It looked -- it was acrylic, it was plastic, based on
24 when I swabbed it.

25 Q. So there's some type of glue or adhesive that would

1 hold that nail in place?

2 A. Absolutely. Yes.

3 Q. With that being the case, can you tell us what, if
4 any, factors may be in play that would allow one to pick up
5 DNA as you go about your ordinary business?

6 A. You're just constantly picking up DNA has you go about
7 business. Any time you shake hands, any time you pick up
8 your child, for example, that's a really good one, or
9 exchange anything with anyone, you're constantly picking up
10 DNA. Under your nails is one of the main places that it
11 just does itself. It's just a natural crevice that you
12 pick up DNA.

13 Q. So there is unknown DNA on this fingernail, but you
14 have not been able to determine who it belongs to?

15 A. That's correct.

16 Q. And is there any way you can determine that age of
17 that DNA, how long it's been on the fingernail?

18 A. No, DNA doesn't age that way.

19 Q. Can you tell us whether or not DNA can be transferred
20 if one is tending to a patient, for example, as a nurse?

21 A. Yes, she could very well do that checking their pulse.
22 I mean, it's less likely with gloves on obviously, those
23 things are barriers, but it's much less likely -- much more
24 likely if you're in direct contact with someone to exchange
25 DNA, yes.

1 Q. Can you tell us whether or not DNA can be transferred
2 to a fingernail from simple procedures such as handing cash
3 or receiving cash at a cash register?

4 A. Very possible.

5 Q. Purchasing cigarettes?

6 A. Yes.

7 Q. And so as it pertains to State's 96, being this
8 acrylic fingernail, you were not able to identify the
9 intruder's DNA or the name of an intruder from the unknown
10 DNA on this fingernail?

11 A. I attempted to identify the person that contributed to
12 that unknown DNA and never was able to.

13 Q. Next I want to ask you about these swabs on the storm
14 door, which is going to be 44, also at the crime scene.
15 Are you familiar with whether swabs were taken around the
16 area of the door, including the storm door?

17 A. I'm not. From what I understand or from what I'm
18 reading, I have swabs from the storm door, Item 44, but I
19 didn't go to the crime scene and I'm not sure.

20 Q. You have them labeled as swabs from the storm door?

21 A. Correct.

22 Q. What, if anything, can you tell us regarding swabs
23 from the storm door?

24 A. I developed a DNA profile that was single source and
25 that I attributed to Mason Hanahan.

1 Q. Were you able to identify or recover any unknown DNA,
2 such as DNA from a potential intruder, from the area around
3 the door being the point of entry in this case?

4 A. No.

5 MS. MAYES: I beg the Court's indulgence.

6 Nothing further, Your Honor.

7 THE COURT: Cross-examination.

8 MR. WILLIAMS: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q. At the risk of being -- I'm Theo Williams by the way.

13 A. Nice to meet you.

14 Q. At the risk of being somewhat facetious, so what's the
15 point?

16 A. What's the point of what?

17 Q. Of all this. Of DNA. What's the point of DNA, if you
18 -- if you come up with unknown sources and you say, well,
19 you could get it from bumping into somebody, you could get
20 it from handing cash, you could get it from waving your
21 hands. What's the point?

22 A. It's all contextual. It has to be in context.

23 Q. So if you had facts where you had a shirt that an
24 individual was wearing and the facts were that somebody
25 grabbed that individual around the neck and was firing a

1 gun and you had some DNA, which showed some -- you didn't
2 know whose it was, but you had some DNA that you knew was
3 not the individual who was wearing the shirt or the owner
4 of the shirt, what is more likely to have caused that DNA
5 to be on the shirt? The guy grabbing the arm around the
6 neck or, I don't know, getting it at the hospital or
7 picking it up off of the bed or floating in the air? Why
8 wouldn't that be a better and more dependable way of
9 getting DNA?

10 A. That's a good question because it's possible. I don't
11 know all of the scenarios. You're doing a single varied
12 analysis when a multi varied is the thing to do. So we
13 don't know if the person that was holding Ms. Monette
14 at the time was wearing a barrier. Did they have a
15 long-sleeve shirt on or did they have gloves on? So
16 the weighing of what's more likely, you're absolutely
17 fundamentally correct because I don't know all the
18 variables in that scenario. I'm just saying is the
19 possibility -- I was asked about the possibility, not --
20 not how it got there or what was there.

21 Q. But you're here -- you're not here to talk about
22 possibilities, are you? Because we could talk about the
23 possibility of the world ending tomorrow. You're here to
24 indicate probabilities, the most likely thing that happened
25 because that's why we need experts, isn't it, to teach us

1 who are not experts what we don't know? So what is the
2 probability as opposed to all those other variables that
3 you were talking about?

4 A. I can't calculate the probabilities because I don't
5 have all of the resources. I don't have all the variables
6 and their -- and their values.

7 Q. So, again, what's the point? Let me ask you this. So
8 you did come up with DNA off the shirt, right?

9 A. Correct.

10 Q. And it matched Austin and it matched Linda, correct?

11 A. In a way that's correct. I mean, semantically --

12 Q. Semantically I may have overstated it --

13 A. Correct.

14 Q. -- for a scientist, right?

15 A. Yeah, but -- but in a way, yeah, that's -- that's
16 partially what the explanation is.

17 Q. So the DNA which you -- came off of the Tupac shirt --

18 MS. WILLIAMS: Dad?

19 MR. WILLIAMS: Sorry. Thank God I can't write.

20 BY MR. WILLIAMS:

21 Q. So the DNA which came off the Tupac shirt, you know
22 it's DNA, right?

23 A. Yes.

24 Q. And how do you know it's DNA?

25 A. Because it wouldn't amplify if it weren't. The

1 isolation methods that we use are -- are specific to DNA
2 only. There are several reasons why.

3 Q. So when you -- when you look at DNA, there's --
4 there's certain things that pop up that let you know --
5 because that's how you determine who is who, the difference
6 between all of us, right?

7 A. Correct. Yes.

8 Q. So you had something -- you had something that you
9 could look at. Like you could make a determination whether
10 or not the person was black or not, couldn't you, based on
11 that?

12 A. No.

13 Q. How far could you get with the little bit of DNA that
14 you have? Could you make any determination?

15 A. Yeah, so we don't do phenotypic things like that.
16 Phenotypic meaning eye color or anything like that. That's
17 not what SLED does. SLED generates a DNA fingerprint
18 that's specific to you, right, but then when it enters the
19 mixture you have to deconvolute those and then compare each
20 standard. That's the previous thing. Each standard is
21 compared to the mixture of DNA that was generated, so it's
22 really just a matter of each standard being compared to
23 that, the -- what was generated, right? So we can only
24 work with the evidence that we generated. So in this
25 example, yeah, those are the only two people that I could

1 identify that could have contributed to that mixture.

2 Q. So could you have taken that genetic material, that
3 DNA material, and taken it to another lab or to another
4 scientist or somebody else who do studies on the
5 differences between races, the differences between -- I
6 don't know. Like you do if I were gonna trace my roots or
7 something like that.

8 A. That's a really good question. They don't do it when
9 it's a mixture like that. That doesn't happen. If you
10 have a single source sample, you can do that and you can
11 take it and do SMP analysis and do much further testing and
12 even identify relatives of that person that did show up
13 there, but when it's a mixture like this you can't do that
14 so your hands are kind of tied.

15 Q. Why not? Why can't you do it if it's a mixture?

16 A. Because the SMP analysis won't be correct because
17 they will step on each other. The SMP analysis requires
18 single nucleotide differences. So everyone's DNA is
19 99.9 percent the same. Every person in this room has --
20 the vast majority of the DNA is the same. It's those very
21 small differences that delineate us and that's what
22 delineates things like race, eye color, hair type and all
23 those things, so you can't do it when there's a mixture
24 because they confound each other, they overwhelm each
25 other.

1 Q. But you had enough to tell that there was a difference
2 in at least two of the individuals. You had enough to tell
3 if it was Austin and if it was Linda's, right?

4 A. Correct.

5 Q. So it's a matter of quantity, isn't it?

6 A. It's -- yeah. Well, there's several factors actually.

7 Q. Okay.

8 A. Quantity is one. Shared alleles. So the alleles
9 are the fingerprints that I was talking about. They're
10 just numbers and if two people overlap one another, it
11 can confound the DNA analysis that we do a little bit.
12 Quantity definitely is one and then the number of
13 contributors is another factor. Like if you get up to
14 five or six people contributing to a mixture, it ends up
15 being oh, gosh, anybody could have contributed to this,
16 there's just so much here.

17 Q. Tell me about the fingernail. You said you had four
18 individuals. Austin, Linda and two unknown individuals?

19 A. Correct.

20 Q. Is it, again, something that you know there's at least
21 two other -- you know there's at least two other people,
22 but you don't know -- you don't have enough to make that
23 determination?

24 A. Well, we -- yes, that's correct. Yeah, and we -- I
25 can't tell who it is. I've compared all of the standards

1 that were given to me to that and it wasn't any of them
2 other than Austin and Linda.

3 Q. Can you run those samples through CODIS?

4 A. Yes, you can.

5 Q. Did you run all those samples through CODIS?

6 A. We did run one. I'm doing this from memory. Keep in
7 mind I left SLED in May, and it was before then. We did
8 run one sample. I don't remember if it was from the nail,
9 I think it was from the nail, and it didn't bring back a
10 name, it didn't hit anyone, and that was the DNA -- this is
11 important, too. That was the DNA not attributable to Linda
12 and to whoever the other person was on the nail. I mean, I
13 can go back.

14 Q. Austin?

15 A. Was it Austin? I don't remember. It could be either
16 Austin or Mason. I don't remember. I better get that one
17 right though.

18 Q. Yeah, it's Austin.

19 A. Okay.

20 Q. I think.

21 A. Yeah, it is Austin. That's correct. So the DNA
22 foreign to them, the DNA foreign to Linda and to Austin,
23 was searched in a big database of like 14 million people or
24 whatever that's convicted offenders and things like that,
25 and it didn't find any matches in there.

1 Q. And for the jury's edification, that CODIS is when you
2 get arrested you get your DNA taken, right?

3 A. Yeah, it's very nuanced. It's a little bit more than
4 that.

5 Q. All right.

6 A. If you get arrested, if you -- certain levels of
7 felony and everything. I'm not from the CODIS department.
8 I mean, anything other than me just saying the word "CODIS"
9 is out of my depth really.

10 Q. Got you.

11 A. I don't know much about it other than I give them DNA
12 and they give me a name. Or at least that's the way it
13 used to be before I left SLED.

14 Q. But you ran it through CODIS and it didn't come up
15 with anyone?

16 A. Yes, sir.

17 MR. WILLIAMS: Thank you so very much.

18 THE WITNESS: Thank you.

19 THE COURT: Redirect.

20 MS. MAYES: Yes.

21 REDIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. And just to clarify, do you get to just run any item
24 that you want to through CODIS?

25 A. Oh, no, not at all. There's a bunch of rules about

1 that.

2 Q. All right. So when you're talking about that the
3 fingernail was eligible for submission to CODIS, it had to
4 meet certain criteria in order to be submitted into your
5 CODIS database, correct?

6 A. Correct. Many criteria.

7 Q. All right. And in addition to that item, you've
8 already testified about the Tupac shirt. Why -- and you
9 don't have to divulge any SLED secrets here, but regarding
10 109, I believe there was a request for submission of that
11 item into CODIS as well, and can you tell us whether or not
12 it met the criteria?

13 A. I don't believe it did. It's not indicated on my --
14 on my report. I don't believe it met the criteria. I
15 remember -- what I do remember about this case is that
16 there were times when I was attempting to get these things
17 searched because there's so many hurdles that you have to
18 get through to get them into CODIS and the nail actually
19 only got put in because we had gotten a new program called
20 COSTaR and that had come online probably January or
21 February, I was on the way out the door at that time, and
22 once that COSTaR came up it helped you distill DNA profiles
23 down. It helps you take these complex profiles and say,
24 for example, you know, Linda's here and Austin's here, but
25 what about other people? You know, what other DNA profile

1 was there to work with, and that COSTaR program really
2 helped me get that in for searching at all, but as far as
3 the Tupac shirt I don't think it met the criteria. I think
4 there was just not enough DNA for those -- for the other
5 individuals to put in or to the other individual.

6 Q. All right. And just to clarify, you left SLED for
7 what purpose?

8 A. To move onto the private industry.

9 Q. You're employed by a private corporation now?

10 A. Yes.

11 Q. Is that more lucrative?

12 A. Yes.

13 Q. All right. So looking here at State's 96, do you
14 recall, Agent Meeh, a meeting at the State Law Enforcement
15 Division with yourself, with myself, as well as with
16 Lieutenant McCann, Captain Laintz and multiple members of
17 the sheriff's department?

18 A. Yes, I do.

19 Q. Do you remember discussions about submission of items
20 to CODIS or your database?

21 A. Yes, I do.

22 Q. And looking here at State's 109, understanding that
23 the fingernail, being 96, was recovered from the crime
24 scene, if the shirt here is worn in multiple public places
25 following the scene, departing the crime scene, how, if at

1 all, does that affect submission into CODIS?

2 A. Yeah, that limited it because, I mean, the items that
3 go into CODIS, one of the many, many limitations on that is
4 that it has to be -- the DNA profile has to be attributable
5 to the possible perpetrator. It also has to be, you know,
6 connected to the crime scene and it can't be collected from
7 a person. Like I couldn't collect it from the subject's
8 body and say I'm gonna put this into CODIS, no. There are
9 so many limitations. But, yeah, the one that she's
10 explaining is that it had been possibly contaminated, I
11 guess, after the -- I mean, wearing it around. There's no
12 telling as far as that one goes. That one's not a
13 candidate to put into CODIS for sure.

14 Q. Evidence can be compromised?

15 A. Correct.

16 Q. Including any contact with other individuals?

17 A. Correct.

18 Q. Now looking here at State's 49, again, being the
19 fingernail, you indicated I believe on cross-examination
20 that there is unknown DNA there and you submitted that
21 unknown DNA into CODIS, the uniform database, and you did
22 not receive a hit?

23 A. That's correct.

24 Q. And were you able to even make the determination on
25 that unknown DNA as to whether it belongs to a male or a

1 female or is it even enough for you to quantify that?

2 A. No, that gets difficult as well when you have a male
3 contributor like Austin on the nail. That limits your
4 ability to determine if a -- like in this example, we would
5 -- nomenclature-wise, we would say Linda Monette's the
6 owner of the nail and she's female obviously so she
7 wouldn't have a Y chromosome and it would be easier to tell if
8 another male contributed if Austin's DNA wasn't present
9 there, right, because the Y DNA, the chromosome, is what
10 makes a male a male, and it's very -- our kits and things
11 are very sensitive to that, so if there was just Linda
12 Monette with no Y or no other person and then another male
13 contributes, you'd see that little Y come up, the Y
14 chromosome come up, but in this example it just confounds
15 it because you've got Linda and you've got Austin and they
16 both contributed substantial amounts of DNA, so it's
17 difficult to tell who those other two contributors are or
18 anything about them really, I mean, other than their DNA
19 profile.

20 Q. And if there is contact with a person who is fully
21 dressed, long pants, a long-sleeve hoodie, for example, a
22 hoodie covering the head, a bandana covering the face, is
23 there any guarantee that there will be skin to skin contact
24 in order to recover DNA or skin cells?

25 A. Definitely not. No guarantees with touch DNA at all.

1 Q. So looking here at this particular item, being the
2 fingernail, is there any reason to know -- is there any way
3 that you can state with certainty that the intruder's DNA
4 would have ever been deposited on this item?

5 A. No.

6 MS. MAYES: Nothing further.

7 MR. WILLIAMS: Two questions.

8 THE COURT: Yes, sir.

9 RE CROSS EXAMINATION

10 BY MR. WILLIAMS:

11 Q. Could you compare -- could you tell if the unknown's
12 DNA that was reflected on the fingernail, if it matched the
13 unknown on the T-shirt?

14 A. No. That's a -- that's a good question. We're not
15 able to -- like to compare unknowns to unknowns. There
16 hasn't been a program that I've seen yet that could do that
17 and I would have loved for that to have happened while I
18 was there. That's something that I always wanted to work
19 on specifically.

20 Q. And you were just asked about skin to skin. Can you
21 transfer DNA from material to material?

22 A. Yes, you can. Secondary transfer you can.

23 MR. WILLIAMS: That's all I have.

24 THE COURT: All right. The witness may step down.

25 THE WITNESS: Thank you.

1 (Whereupon, Austin Hanahan was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: When you get up there, you can take
4 your mask off. State your name and spell your last for
5 the record.

6 THE WITNESS: Yes, ma'am.

7 My name is Austin Hanahan, H-A-N-A-H-A-N.

8 AUSTIN HANAHAN,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HUBBARD:

12 Q. Austin, who is Mason Hanahan?

13 A. My son and best friend.

14 Q. How old was Mason when he died?

15 A. Eight years old. Eight.

16 Q. How many children do you have, Austin?

17 A. I'm the father of three.

18 Q. Can you please tell this jury and the Court your other
19 children and their ages.

20 A. Riley H. is 14 and Hazel H.

21 is 9.

22 Q. Mason was your only -- only boy?

23 A. Yes, sir. Only son.

24 Q. These children, who is the mother of these children?

25 A. Tyler Hanahan.

1 Q. Y'all were married and had these three children?

2 A. Yes, sir.

3 Q. And is Tyler today in the courtroom with us?

4 A. Yes, sir, she is.

5 Q. How long were you and Tyler married?

6 A. Married for ten. Together sixteen, seventeen years.

7 Q. Most of your life spent with Tyler?

8 A. About half of it, yes, sir.

9 Q. At some point did you and Tyler become separated?

10 A. Yes, sir, we did.

11 Q. About how long were y'all separated before this
12 incident occurred?

13 A. A year plus. A year and some change.

14 Q. And y'all were actually divorced on what day?

15 A. The day that all this happened. May 13, 2019.

16 Q. Now I want to ask you, what type of work do you do
17 right now?

18 A. Commercial paint contractor.

19 Q. How long have you been doing that, Austin?

20 A. I started with my dad. It's been a long, long time
21 ago. Fifteen -- fifteen years.

22 Q. All your adult life you've been doing this work?

23 A. Yes, sir.

24 Q. And your dad, has he since passed?

25 A. Yes, sir. He passed in March of 2020.

1 Q. Even before he passed, who took over that business?

2 A. I did.

3 Q. And that was the business you had while you were
4 married to Tyler, but then you had three children to
5 support?

6 A. And I also worked the midnight shift at UPS.

7 Q. How many hours were you working a day, Austin, while
8 you were married?

9 A. I mean, I'd work all day doing the painting gig and
10 then I'd go to UPS from 11:00 at night until three to four
11 in the morning.

12 Q. How many hours were you sleeping?

13 A. Two to three a day maybe on a good day.

14 Q. Obviously that puts a lot of strain on a marriage.

15 A. It ruined my marriage. Working at UPS ruined my
16 marriage.

17 Q. Austin, prior to marrying Tyler, back when you were
18 young, did you run wild as a young man, got involved with
19 marijuana and been exposed to it anyway?

20 A. Yes, sir.

21 Q. While you were married to Tyler, was your life stable?

22 A. Yes, the best years of my life.

23 Q. And did you have a normal life, what we would call a
24 normal life, as far as you had an honest job?

25 A. Very normal.

1 Q. Were you involved in drugs at all at that time?

2 A. No.

3 Q. When you and Tyler got separated, what happened to
4 you?

5 A. I lost my mind. It tore me up. I went completely
6 crazy.

7 Q. When you say crazy, what type of activities did you
8 start getting into?

9 A. Drinking lots of alcohol, going to the bar, going to
10 clubs, acting like an idiot.

11 Q. Did those clubs involve women?

12 A. Some of them, yes, sir.

13 Q. Did those clubs involve marijuana and other drugs?

14 A. Yes, sir.

15 Q. While all that was happening, were you still seeing
16 your children -- was it every other week?

17 A. Yeah. I kind of lived like a double life. I kind of
18 was an outstanding, upstanding citizen during the day and
19 then when the sun went down I kind of turned into someone
20 else.

21 Q. So your commercial painting job, were you still doing
22 that?

23 A. Yes, sir.

24 Q. Did you -- how many employees did you have back then?

25 A. Three, four max depending on the size of the job, you

1 know.

2 Q. And when you talk about an upstanding citizen, what
3 activities was Mason involved in?

4 A. Baseball.

5 Q. What were you involved in?

6 A. Coaching him.

7 Q. So did you coach not only your son, but other kids as
8 well?

9 A. Yeah, I coached the team.

10 Q. The team?

11 A. Yes, sir. Assistant coach.

12 Q. When you met Linda Monette, was that during living
13 your normal hours or was that during your wild hours after
14 -- after midnight?

15 A. Those were the late hours.

16 Q. During the late hours?

17 A. Yes, sir.

18 Q. Who did you meet Linda Monette through?

19 A. Chris Fuller.

20 Q. What was her relationship to Chris Fuller the night
21 you first met Linda Monette?

22 A. Chris used to keep some dope at her house. I think
23 we went over there to get something or pick something up
24 or something. I don't know. Something to that effect.

25 Q. Did she have a relationship with him or did -- did she

1 used to?

2 A. Yes, sir.

3 Q. And by that relationship, was it more than just
4 friends?

5 A. Yes, sir. They had a sexual relationship.

6 Q. And during the time you met her, that first time you
7 met her, was she still engaged in that relationship with
8 Chris Fuller?

9 A. As far as I know, yes, sir. Actually I don't know if
10 they ever stopped the relationship though.

11 Q. And we've heard a lot about Chris Fuller. What was
12 his nickname?

13 A. Frontline.

14 Q. What gang is he in?

15 A. Gangster Disciples.

16 Q. Now we've heard a lot about Gangster Disciples. Now,
17 Chris Fuller, do you know if he's affiliated with the group
18 that you've been hearing about this week?

19 A. He knows them, but I really don't think they meshed
20 too well. They know of each other. They're -- I wouldn't
21 call them friends.

22 Q. Is there a different group that he's affiliated with?

23 A. Yes, sir. Those -- the guys from Red Bank are black
24 Gangster Disciples. What Chris Fuller is, is considered an
25 IGD, Insane Gangster Disciple.

1 Q. Okay. So they have all these different names and
2 their own different groups?

3 A. Yes, sir.

4 Q. Did you ever belong to any of these groups?

5 A. Oh, no.

6 Q. You just went to their -- to clubs and see these guys?

7 A. Yeah.

8 Q. Use marijuana?

9 A. I never really saw any of the Red Bank guys. I -- I
10 really don't even know them.

11 Q. Okay. And we'll talk a little bit more about that in
12 a minute --

13 A. Yes, sir.

14 Q. -- because -- well, let's go ahead and talk about it.
15 You had the video at your house in 2018.

16 A. Yes, sir.

17 Q. Now who had to give their permission for that to
18 happen?

19 A. I did.

20 Q. Was there somebody you did know that was asking you if
21 they could do it?

22 A. My friend Mayo, Donovan Holman, and Linda as well.

23 Q. Okay. Now Mayo, who is that?

24 A. His name is Donovan Holman.

25 Q. Where does he live?

1 A. It's considered the Hill. It's the area around
2 Lexington County Sheriff's Department.

3 Q. But it's not the Hole down in Red Bank?

4 A. No, sir.

5 Q. Okay. It's right here in town. Right next to the
6 sheriff's department in the town?

7 A. Yes, sir. They call it the Hill.

8 Q. Right. Is he affiliated with any gang that you know
9 of?

10 A. No, sir.

11 Q. So he was asking you about this group, if they could
12 do this video?

13 A. He knew what my backyard looked like. They thought it
14 would look good for the video.

15 Q. Were you familiar with some of these guys?

16 A. Really just one of them.

17 Q. Who's that?

18 A. Just Bosso. Jeremy.

19 Q. All right. Who -- well, let me ask you this. Did
20 Linda know these guys?

21 A. Yes, I believe she went to high school with all of
22 them. They're around her age.

23 Q. So when they came over to your house, she already knew
24 a lot of their names?

25 A. Oh, yeah. She was out there gallivanting around.

1 Q. And did she actually participate in the video?

2 A. Yes, sir.

3 Q. Now I want to show you a photo that's also been talked
4 about, State's 50. I just want to clarify something. Is
5 that photo at your house?

6 A. Move your thumb. No, sir. No.

7 Q. Okay. So State's 50 was not a photograph taken at
8 your house?

9 A. No, sir.

10 Q. You don't know where that was taken?

11 A. I sure don't.

12 Q. And State's 50, just to make it clear, were a lot of
13 these the guys that showed up to your house or do you know?

14 A. I see -- just from looking at it, I see four or five
15 of them, yeah.

16 Q. Did you know Rey --

17 A. Now that might have been taken the day of the video
18 because that guy had that jersey on.

19 Q. But do you -- you don't know for sure?

20 A. No, I don't. I sure don't.

21 Q. Now do you know this gentleman right here?

22 A. I believe that's Rey Romero.

23 Q. Did you know Rey Romero before you met Linda Monette?

24 A. Never met him in my entire life.

25 Q. Did you even have a relationship with him while Linda

1 was seeing you?

2 A. No. All I know is from her saying his name. I never
3 met the guy. Never even seen him in person until that day.

4 Q. What about Tamare Howell?

5 A. Never even heard the name until all this.

6 Q. Nobody that you were in with?

7 A. No, sir.

8 Q. And when that video took place, were any of your
9 children at the house?

10 A. No, sir.

11 Q. Let's talk about Linda Monette. Do you see her in the
12 courtroom?

13 A. Yes, sir.

14 Q. Your relationship with her, from your standpoint was
15 it ever an exclusive relationship?

16 A. No.

17 Q. The entire time she was seeing you, did you feel free
18 to see other women?

19 A. If I wanted to, yeah. I'm not married.

20 Q. All right. And you did?

21 A. Yeah.

22 Q. And did that become a source of tension for her?

23 A. Probably, so. If you had a guilty conscious, you
24 probably would be, too.

25 Q. Did she ever complain to you that you were seeing

1 other women?

2 A. Yes, sir.

3 Q. Were there times she actually lived in the house on
4 Cedar Vale?

5 A. Yeah. Uh-huh.

6 Q. Now did she stay there all the time or was she kind of
7 in and out?

8 A. In and out, but I'd say for the most part she stayed
9 there.

10 Q. How was your relationship?

11 A. Just like any relationship. Ups and downs, you know,
12 in and out.

13 Q. When it was on the down side, would she be staying
14 there?

15 A. Yeah, but she would leave. She would.

16 Q. Did you know of another place that she could go to if
17 she wasn't gonna stay with you?

18 A. Later in the relationship towards when all this
19 happened, I believe she was staying with her ex-boyfriend's
20 mother or something. Rented a room over there.

21 Q. Is that a boyfriend prior to you?

22 A. Yes, sir.

23 Q. A few days before this incident --

24 A. Yes, sir.

25 Q. -- a few days before the 13th of May --

1 A. Uh-huh.

2 Q. -- had y'all broken up or kind of gone separate ways?

3 A. Yes, sir.

4 Q. And prior to that -- let me ask you this about Linda
5 Monette. Was she familiar enough with you about your day
6 job, your commercial painting?

7 A. Yeah. Yeah. Yeah. I believe her dad's a contractor,
8 so she's pretty knowledgeable about things, work stuff.

9 Q. Let's talk about money.

10 A. Yes, sir.

11 Q. Now, Austin, you dealt with marijuana, you smoked it
12 and you sold it?

13 A. Yes, sir.

14 Q. How much marijuana at any given time would you leave
15 in your house?

16 A. When I used to use marijuana, I'd get five pounds at
17 a time.

18 Q. And over what period of time would it take you to sell
19 that or use it?

20 A. You could never use five pounds of marijuana in your
21 lifetime probably, but three weeks, a month. A month.

22 Q. On some occasions would you sell to Linda Monette?

23 A. Oh, yeah.

24 Q. And would she sell the marijuana that you had given
25 her?

1 A. Yes, sir.

2 Q. How much money -- the money in your house, how much of
3 that money was actually drug money?

4 A. Well, I kept all the drug money like on my person in
5 my pocket, so.

6 Q. In fact, the night that you were shot --

7 A. Uh-huh.

8 Q. -- how much money did you have in your pocket?

9 A. I think Suzanne told me it was 1,800, 1,900. Just
10 south of two grand.

11 Q. And that was drug money?

12 A. Yeah.

13 Q. Now all the other cash in that house, what was that
14 related to?

15 A. I'd just went to the bank and withdrew \$10,000. I
16 was -- had a job to do in Charleston. I'd been down there
17 to work before and if I run my card down there, they have
18 cancelled my card because it's not in my local area, so to
19 prevent that from happening I'd get cash and get all the
20 materials with the cash. So I went to the bank, got the
21 \$10,000 out. We'd just got the tax return. Tyler and I
22 went to Wal-Mart and cashed the check. I had that money.
23 I think that was the \$2,300, something like that, and then
24 the two hats had five grand each in them. And just random
25 money. I think like tens, fives and ones. I just always

1 used to keep them, so that was another little...

2 Q. Well, let's talk about your commercial business.

3 A. Yes, sir.

4 Q. Your employees, what did you pay them with? Cash or
5 did you give them a check?

6 A. Cash. Cash.

7 Q. And when you'd go buy supplies for a commercial
8 project like down in Charleston, would you buy your
9 supplies down there?

10 A. Yes, sir.

11 Q. Did you pay cash or check?

12 A. Cash.

13 Q. A commercial project like down in Charleston, about
14 how much would the total project bring in?

15 A. That job I was working on was \$42,000.

16 Q. And how much would you have to put into a job like
17 that?

18 A. Probably 15, 17,000.

19 Q. And you would do that with cash?

20 A. Yes, sir. I mean, everything I could, but -- like the
21 lift rental, I would use my card for that because I could
22 do it from home, you know.

23 Q. Right. So at the time of this incident you had that
24 project going on in Charleston; is that right?

25 A. I was supposed to start the following week.

1 Q. And there was talk about you cashing a check and that
2 Linda Monette knew about you cashing a check.

3 A. I didn't cash a check. I already had that money in my
4 account. I just went and withdrew it, but she was with me
5 when I went to the bank and withdrew the money.

6 Q. Let's talk about when you did that.

7 A. Yes, sir.

8 Q. Was that on May 7th, about a week before this?

9 A. It was exactly May 7th.

10 Q. And what bank were you using?

11 A. Palmetto Citizens Federal Credit Union.

12 Q. So that -- that money's already in your account?

13 A. Yes, sir.

14 Q. There was talk about you hiding money in your house
15 for the divorce.

16 A. Me and Tyler had already worked everything out. She
17 wasn't trying to get any of my money. I paid her lawyer
18 for every -- you know, she was not trying to get any money.
19 It had nothing to do with the divorce.

20 Q. And you had an account?

21 A. A business account, yes, sir.

22 Q. But now did Linda Monette know whether you just
23 withdrew money or whether you had it --

24 A. No, she didn't know the specifics.

25 Q. Okay.

1 A. She didn't know if I was cashing a check or
2 withdrawing. She didn't know.

3 Q. Okay. And when you went in on the 7th, you went in
4 with no money and you came out with how much?

5 A. \$10,000.

6 Q. In cash?

7 A. Yes, sir.

8 Q. That's on the 7th?

9 A. Uh-huh.

10 Q. Now there was money hidden throughout your house.
11 You mentioned baseball caps. What in the world were you
12 doing?

13 A. What do you mean?

14 Q. Well, why did you have money hidden throughout your
15 house?

16 A. What did you want me to do with it? I mean, I needed
17 to hide it.

18 Q. You didn't have a safe at home?

19 A. No, sir.

20 Q. You didn't have like a cash drawer at home?

21 A. No, sir.

22 Q. So --

23 A. I just put it in random, like right under your nose
24 places where no one would ever look.

25 Q. And was there a reason? I just want you to express

1 that reason.

2 A. Well, I mean, I had Linda there. I don't -- I didn't
3 -- at that time I didn't think she would take it, but I
4 just have to take precautions. I worked hard for that
5 money and I sure didn't want nobody to take it.

6 Q. Even Linda, who at times would live in your house, you
7 wouldn't tell her where that money was?

8 A. No.

9 Q. So if somebody wanted to come in that house and find
10 that money, you had to be there?

11 A. Correct.

12 Q. Okay.

13 A. Yes, sir.

14 Q. Going back to the nightlife, the drug life, selling to
15 folks --

16 A. Yes, sir.

17 Q. -- did you just sell to anybody?

18 A. No. No. No. No. No.

19 Q. How did you conduct that part of your life?

20 A. Usually friends, people I knew from work, you know,
21 people I met on the job site, stuff like that. I did not
22 associate with any type of people that are in that picture.
23 Negative.

24 Q. Any of the people you had ever known or associated
25 with, did you see any of them in your kitchen the night

1 this incident occurred?

2 A. No, sir.

3 Q. Now do you remember after y'all -- you and Linda kind
4 of went your separate ways, then there were some texts?

5 A. Uh-huh.

6 Q. Did you let her know that you had gotten divorced?

7 A. Yes, sir, I did. I mean, besides us having a sexual
8 relationship, we were pretty good friends.

9 Q. Okay. I want to go through some things --

10 A. Yes, sir.

11 Q. -- using State's 27A. And, Austin, I've got my mask
12 down if you're all right with that.

13 A. Yeah.

14 Q. I'm gonna have you look at the second page there, and
15 make sure I'm reading it right, but is that a text from
16 Linda Monette to you?

17 A. Yes, sir.

18 Q. Does that text say my room looks super good now, wish
19 you were in my bed?

20 A. Yes, sir.

21 Q. That's on the 12th; is that correct?

22 A. Yes, sir.

23 Q. Does she also say she's got some new lights?

24 A. Yes, sir.

25 Q. Still looking at this State's exhibit, on the 13th is

1 that the day you let her know you're divorced?

2 A. Yes, sir.

3 Q. In fact, do you see where it says I'm divorced?

4 A. Exclamation mark. Exclamation mark. Exclamation
5 mark.

6 Q. State's 27A is Linda Monette's phone records. Do you
7 see what name she had for you in the phone?

8 A. Dick Head.

9 Q. Okay. Now what is her next -- her response when you
10 say I'm divorced?

11 A. Congrats.

12 Q. And then what does she say?

13 A. Hell, yeah. You got your name back too or she kept
14 it.

15 Q. And what did you say?

16 A. Kept it.

17 Q. Y'all go on, nice, laugh out loud?

18 A. Uh-huh.

19 Q. Okay. Now did she ask what you're doing that day?

20 A. She did.

21 Q. And what did you tell her?

22 A. That I was about to go pick up Mason.

23 Q. Did she ask you why?

24 A. She did.

25 Q. What did you say?

- 1 A. It was an early dismissal day.
- 2 Q. All this is early on the 13th?
- 3 A. Yes, sir.
- 4 Q. About 11:13?
- 5 A. Yes, sir.
- 6 Q. And what did she say?
- 7 A. Was gonna see about a lunch date on me, but y'all have
- 8 a great day.
- 9 Q. And what did you let her know?
- 10 A. That Hazel was sick. My youngest daughter.
- 11 Q. Is that another reason why you had Mason?
- 12 A. Yeah, Tyler had a new baby and Hazel was home with
- 13 her. I just figured it would be easier for me to -- school
- 14 was real close to my house.
- 15 Q. Okay.
- 16 A. Just trying to make stuff easier.
- 17 Q. All right. Later that day, using that same exhibit --
- 18 A. Yes, sir.
- 19 Q. -- does she ask you if you're gonna be home?
- 20 A. Yeah. Says hey, are you home.
- 21 Q. And what does she ask?
- 22 A. Do I want to hang out.
- 23 Q. And you said unless you're busy and then you had a
- 24 derogatory word?
- 25 A. Yes, sir.

1 Q. And what was her response when you made this
2 derogatory comment?

3 A. Yes or no, my sweet Austin.

4 Q. And that's to the question do you want to hang out?

5 A. Yes, sir.

6 Q. And what was your response?

7 A. If you're not busy, I'd love to.

8 Q. Now this yes or no, my sweet Austin, had she ever sent
9 you a text like that before?

10 A. To be perfectly honest, that does not really sound
11 like Linda.

12 Q. Particularly after you've said something fairly
13 derogatory?

14 A. Yeah. I figured I would have gotten a mouthful for
15 that, but I got sweet Austin.

16 Q. So she invited herself over?

17 A. Yeah.

18 Q. And you -- you said okay?

19 A. Yeah, come on.

20 Q. All right. Before I go further because I want -- I
21 want to focus now on that other part of your life, the
22 normal part.

23 A. The good part.

24 Q. Let's talk about the part including Mason.

25 A. Yes, sir.

1 Q. You mentioned baseball. Did y'all have -- do a number
2 of things as father and son?

3 A. Yeah.

4 Q. Did you try to during your time with him have a normal
5 father/son relationship?

6 A. Yeah, we had a great relationship.

7 Q. And baseball, what was baseball to Mason?

8 A. Everything. It was really the family's everything.

9 Q. Would Tyler go to those games?

10 A. Oh, yeah.

11 Q. And speaking of Tyler, was she a good mom?

12 A. Damn good.

13 Q. A good mom to Mason?

14 A. Yes, sir.

15 Q. This little boy -- you're gonna get through this.

16 A. Go ahead.

17 Q. All right. We'll take our time, all right? Let's
18 just walk through this.

19 A. (Nods head.)

20 Q. Austin, let me just break the ice a little bit.

21 You've got a tough guy persona, but when it comes to Mason
22 are you a tough guy?

23 A. Not really, no. None of my kids or Tyler.

24 Q. All right. You mentioned coaching on the 13th. What
25 practice was gonna happen that day?

1 A. All-Stars. First practice.

2 Q. Were you coaching?

3 A. Yes, sir, I was.

4 Q. And was Mason a member of that All-Stars team?

5 A. Yes, sir.

6 Q. What position?

7 A. Third base. Hot corner.

8 Q. A good ballplayer?

9 A. He was.

10 Q. Was the plan on the 13th -- well, tell me about the
11 13th. How did you get Austin -- I mean, Mason, that day?

12 A. I just went and picked him up from Oak Grove
13 Elementary. That's where he went to school.

14 Q. Now did he get out at a regular time that day?

15 A. No, it was an early dismissal.

16 Q. Just like you said in the text?

17 A. Yes, sir. I picked him up. We drove out to Harbison.
18 We went to Dick's and got him a new bat, got him a new bat
19 bag and a new helmet for All-Stars, and we were going to
20 leave and I remembered that the new Avengers movie had
21 come out and the movie theater's right there in the same
22 shopping center, so we went over there and watched the new
23 Avengers movie. We went --

24 Q. So let me stop you right there.

25 A. Yes, sir.

1 Q. Does this -- the 13th, does that become a father/son
2 day?

3 A. Turned into one, yeah.

4 Q. Despite all the other stuff going on in your world,
5 was Mason the focus of what was going on in your world
6 May 13, 2019?

7 A. 100 percent, yeah.

8 Q. So you mentioned Dick's. Is that Dick's Sporting
9 Goods?

10 A. Yeah, on Harbison. Bower Parkway.

11 Q. And what did you buy for Mason?

12 A. We got a new bat, a new bat bag and a new helmet.

13 Q. Was Mason excited about what he had just gotten?

14 A. Yeah, superexcited.

15 Q. Whose idea was it to see a movie after that?

16 A. It was mine.

17 Q. And what movie was that?

18 A. The Avengers Endgame.

19 Q. Was he excited to see that movie?

20 A. Oh, yeah. He loved the Avengers.

21 Q. Let me back up a little bit to -- just to talk about
22 you two. When you and Tyler were having issues before you
23 moved out, where would you sometimes sleep?

24 A. In the pool house.

25 Q. In the pool house?

1 A. Uh-huh.

2 Q. And those nights you were there, would sometimes you'd
3 hear a knock?

4 A. Yeah.

5 Q. Who would that be?

6 A. That was Mason.

7 Q. And what would he want?

8 A. To come out there and sleep with me.

9 Q. And on this day, it's just you two guys?

10 A. Yes, sir.

11 Q. After you saw that movie, Austin, what did you guys
12 do?

13 A. Went back to the house, kind of chilled out a little
14 bit before practice because it was hot outside and just
15 waited for practice.

16 Q. About what time did practice start; do you know?

17 A. I think practice started at six, but we always got
18 there super early, so we probably got there at five.

19 Q. Was this the first All-Stars practice?

20 A. First All-Stars practice. Yes, sir.

21 Q. So was he gonna be meeting some people for the first
22 time and --

23 A. There'd probably be a couple of new kids.

24 Q. Was he excited?

25 A. Yeah.

- 1 Q. What time did practice wrap up?
- 2 A. 7:30, 8:00.
- 3 Q. And, again, you're helping coach this team?
- 4 A. Yes, sir. Assistant coach.
- 5 Q. So all these other parents were with their kids,
- 6 you're helping them?
- 7 A. Yes, sir.
- 8 Q. When practice ended, where did you and Mason go?
- 9 A. We went with the head coach. He's also the head coach
- 10 for Mason's team, but he gets elected as the All-Stars head
- 11 coach because we won our division, so it's the guy that I
- 12 coach with all the time. We went with his two kids and his
- 13 wife to San Jose's on Number 1, on Augusta Highway.
- 14 Q. About the team, the team Mason was on, did they ever
- 15 lose?
- 16 A. They didn't lose. They don't -- I don't even think
- 17 they knew how to lose.
- 18 Q. And that was a big deal to Mason playing ball?
- 19 A. Oh, yeah.
- 20 Q. Being competitive?
- 21 A. Breathed it.
- 22 Q. About what time did y'all get home?
- 23 A. We weren't there long, man. 9:00. Maybe before 9:00.
- 24 Q. When you got home, was anybody at the house?
- 25 A. No.

1 Q. What about the pool house?

2 A. I can't remember if my cousin James was there yet or
3 he pulled up shortly thereafter. If he wasn't there when
4 we got there, he pulled up very shortly after.

5 Q. Is that Beans?

6 A. That's Bean, yes, sir.

7 Q. James Bowman -- Baughman.

8 A. Baughman. Y'all have been butchering his name the
9 whole time.

10 Q. I thought we were. That's why I just wanted to get
11 you to say it. Was Linda there? Linda Monette?

12 A. No, but I believe she was on the way, en route.

13 Q. Now there's talk about Chinese food. Who's idea was
14 it to order Chinese food?

15 A. Mason's. The kid just ate three tacos and wanted
16 Chinese food.

17 Q. Was he feeling pretty -- pretty good?

18 A. I guess he was famished. I have no idea.

19 Q. And let me ask you this, Austin.

20 A. Yes, sir.

21 Q. Is he still in his baseball uniform?

22 A. He was.

23 Q. That all black uniform?

24 A. No. That, what I was talking about, that was a
25 younger age.

1 Q. All right.

2 A. And we didn't have All-Stars uniforms yet, so he
3 probably had on -- I mean, he played baseball since he was
4 like three or four years old, so he had plenty of stuff to
5 wear. No telling which one.

6 Q. But he had his baseball gear on?

7 A. Yeah. He'd be wearing that any time.

8 Q. What did y'all do at the house?

9 A. After we got home?

10 Q. Right.

11 A. Sat down. We watched some Fortnite videos and just
12 hung out on the couch just chilling.

13 Q. What did Mason do?

14 A. Ended up falling asleep on the couch, which he never
15 does. He loves his little bed.

16 Q. Well, let's talk about his bed.

17 A. Yes, sir.

18 Q. I want to give you -- this is a little laser pointer.
19 Watch my eyes. There's a little button there. Right here.

20 A. I got you.

21 Q. All right. I want to do this so you don't even have
22 to get up, all right? Because we're gonna talk about that
23 a little bit later. This room -- all right. Let's do this
24 right here. Where was Mason's bedroom?

25 A. Mason's was the first one.

1 Q. All right. What about that bedroom right across from
2 it?

3 A. The bedroom across from it?

4 Q. Yeah.

5 A. This one?

6 Q. Yeah.

7 A. That was Mason's, and Hazel's. The two youngest.

8 Q. All right.

9 A. And Riley's was upstairs.

10 Q. Upstairs over you -- your master?

11 A. Well, it kind of went over the whole house.

12 Q. Okay. And your master's at the very end?

13 A. Yes, sir. Actually Mason's is there. That's Hazel's.

14 Q. Does this -- this layout look like the layout of your
15 house?

16 A. That's it.

17 Q. Okay.

18 A. 100 percent.

19 Q. Okay. So Mason fell asleep on the sofa, but that was
20 unusual?

21 A. Yeah.

22 Q. He liked his bedroom?

23 A. Yeah. Well, when we were there as a family, I mean,
24 that was -- you slept in your bed. We'd read him a book
25 before we put him to sleep, you know, say our prayers.

1 That was it.

2 Q. About what time did you and Linda Monette go back to
3 that master bedroom?

4 A. Very shortly after Mason had fell -- fallen asleep.
5 Before ten I would say.

6 Q. Did you smoke any marijuana that night?

7 A. I did.

8 Q. Was that in the back bedroom?

9 A. Yes, sir.

10 Q. Did Linda Monette smoke marijuana, too?

11 A. Yes, sir.

12 Q. At some point do you remember Linda Monette getting
13 up or did y'all get up during the night to go get snacks?

14 A. I don't recall getting up, but she got up a few times.

15 Q. And one of those occasions -- let me ask you this.
16 There's also -- this is kind of a personal thing. Let's
17 talk about sex. Did y'all have sex that night?

18 A. No, sir. She was having her time of the month.

19 Q. Okay. So that didn't happen?

20 A. No.

21 Q. Okay. But y'all are still back there?

22 A. Yes, sir.

23 Q. She got up several times?

24 A. Uh-huh. She ate like a bird. She would never sit
25 down and eat one meal. She would have to go back, eat a

1 little bit, eat a little bit, so that was perfectly normal.

2 Q. Okay. Do you remember anything about dogs or anything
3 else that night?

4 A. I don't remember the dogs.

5 Q. Did you think anything unusual of her getting up and
6 going to the kitchen?

7 A. Not really because, like I said, she ate so sporadic.

8 Q. At one point when she's up at the kitchen, what, if
9 anything, do you hear?

10 A. I just heard a loud -- a loud thud. Just a thump.

11 Q. Did you hear any screaming?

12 A. I did not.

13 Q. Did anybody say Austin?

14 A. No. As soon as I heard the thud, I jumped up.

15 Q. What did you do?

16 A. I ran to my doorway. From that master bedroom you can
17 see clear down the hallway all the way to the kitchen and
18 there stands a masked man with Linda yanked up with a gun
19 to her head.

20 Q. That hallway down from your master bedroom?

21 A. Uh-huh. That's the hallway right there.

22 Q. All right. Right here?

23 A. Yeah.

24 Q. And when you saw the masked man holding Linda, did you
25 see a gun?

- 1 A. Yeah, he had a gun to her head.
- 2 Q. How was he dressed or do you remember?
- 3 A. Dark clothes, a bandana over his face.
- 4 Q. Did he look familiar?
- 5 A. No. I didn't know him.
- 6 Q. What did you do?
- 7 A. I turned around, went back in my room, grabbed a
- 8 rifle, put one in the head, cocked it back, went down the
- 9 hallway, got as close as I could get to him and fired a
- 10 shot.
- 11 Q. Where did you fire that shot?
- 12 A. High. Very high. I was just trying to fire a shot to
- 13 scare him just so he could run out. I figured if I fired a
- 14 shot he would run out. I shot it high because I remembered
- 15 Mason was on the couch and I didn't want to flirt around
- 16 with any of that.
- 17 Q. Austin, again, I'm gonna look at this.
- 18 A. Yes, sir.
- 19 Q. This is the exhibit, State's 11, the -- the diagram.
- 20 How far down the hall did you come, Mason? Excuse me,
- 21 Austin.
- 22 A. The first time? I mean, when I heard the thud?
- 23 Q. Yes. Right here being the hallway.
- 24 A. Yes. I just came -- I mean, just to the door. When I
- 25 came to the door, I seen him.